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SECOND SESSION

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United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *98th* CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, May 30, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, on these days of memorial we remember those who have given their lives for others. With gratitude we recall how the sacrifices of those who have gone before have allowed us to know the gifts of freedom and enjoy the fruits of that freedom.

Bless all those, O God, who in our day, seek to protect and secure the liberties we enjoy, and the way their sense of duty and honor enable them to be promoters of justice and peace in our world that we may live in harmony and understanding with all Your creation. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **LOTT**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **LOTT**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 25, answered "present" 4, not voting 120, as follows:

[Roll No. 165]

YEAS—284

Ackerman
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Burton (CA)
Byron
Carney
Carper
Carr
Chappell
Clinger
Coats
Coelho
Coleman (TX)
Collins
Conte
Corcoran
Courter
Coyne
Crane, Daniel
Crane, Philip
Daniel
Darden
Daub
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Dreier
Duncan
Dwyer
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fish
Flippo
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frenzel
Fuqua
Gekas
Gephardt
Gilman
Gonzalez
Gradison
Gramm
Gray
Green
Gunderson
Hall (IN)
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Jenkins
Johnson
Jones (NC)
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowry (WA)
Lujan
Luken
Lundine
Lungren
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McKernan
Mica
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Obey
Olin
Ortiz
Panetta
Parris
Pashayan
Patman
Paul
Petri
Pickle
Price
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Sawyer
Scheuer
Seiberling
Sharp
Shaw
Shumway
Shuster
Sisisky
Slattery
Smith (IA)
Smith (NE)
Smith, Robert
Snowe
Snyder
Solarz
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (OH)
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NAYS—25

Chappie
Cheney
Clay
Craig
Dannemeyer
Dickinson
Emerson
Evans (IA)
Gejdenson
Harkin
Jacobs
Lipinski
Mack
Miller (OH)
Mitchell
Penny
Roberts
Sabo
Schaefer
Schroeder
Sikorski
Solomon
Sundquist
Walker
Young (AK)

ANSWERED "PRESENT"—4

Goodling
McKinney
Oberstar
Ottinger

NOT VOTING—120

Addabbo
Akaka
Anthony
Applegate
Bartlett
Bethune
Boggs
Boland
Breaux
Broyhill
Bryant
Burton (IN)
Campbell
Chandler
Clarke
Coleman (MO)
Conable
Conyers
Cooper
Coughlin
Crockett
D'Amours
Daschle
Davis
de la Garza
Dowdy
Durbin
Dymally
Dyson
Edwards (OK)
Erlenborn
Ferraro
Fields
Florio
Ford (MI)
Franklin
Frost
Garcia
Gaydos
Gibbons
Gingrich
Glickman
Gore
Gregg
Guarini
Hall (OH)
Hall, Ralph
Hance
Hansen (ID)
Hefner
Heftel
Huckaby
Ireland
Jeffords
Jones (OK)
Jones (TN)
Kaptur
Kramer
Leath
Lehman (CA)
Leland
Lewis (CA)
Long (LA)
Long (MD)
Lowery (CA)
Marriott
Mavroules
McDade
McGrath
McHugh
McNulty
Michel
Mollohan
Morrison (CT)
O'Brien
Owens
Oxley
Packard
Patterson
Pease
Pepper
Perkins
Porter
Pritchard
Rangel
Richardson
Roemer
Rostenkowski
Rudd
Russo
Savage
Schneider
Schulze
Schumer
Sensenbrenner
Shannon

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Shelby
Siljander
Simon
Skeen
Skelton
Smith (FL)
Smith (NJ)
Smith, Denny
Spence
Spratt
St Germain
Stark
Synar
Tallon
Towns
Udall
Vandergriff
Weaver
Whittaker
Williams (MT)
Wilson
Winn
Wirth
Wolf

☐ 1220

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3075. An act to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes; and

H.R. 3921. An act to establish wilderness areas in New Hampshire.

The message also announced that the Senate disagrees to the amendment of the House to the amendments of the Senate to the bill (H.R. 4170) entitled "An act to provide for tax reform, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints the following Senators to be the conferees on the part of the Senate:

From the Committee on Appropriations, to consider those matters dealing with appropriations: Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. STENNIS, and Mr. BYRD.

From the Committee on Finance, to consider those matters within that committee's jurisdiction: Mr. DOLE, Mr. PACKWOOD, Mr. ROTH, Mr. DANFORTH, Mr. CHAFEE, Mr. LONG, Mr. BENTSEN, Mr. MATSUNAGA, and Mr. BAUCUS.

From the Committee on the Budget, to be general conferees: Mr. DOMENICI, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. TOWER, Mr. CHILES, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. SASSER.

From the Committee on Banking, Housing, and Urban Affairs, to consider those matters within that committee's jurisdiction: Mr. GARN, Mr. TOWER, and Mr. PROXMIRE.

From the Committee on Governmental Affairs, to consider those matters within that committee's jurisdiction and in addition, from the Committee on Armed Services to consider only those sections dealing with competition in contracting: Mr. ROTH, Mr. STEVENS, Mr. MATHIAS, Mr. COHEN, Mr. QUAYLE, Mr. EAGLETON, Mr. BINGAMAN, and Mr. LEVIN.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 416. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System;

S. 1735. An act entitled the "Shoalwater Bay Indian Tribe-Dexter-by-the-Sea Claim Settlement Act";

S. 2069. An act to amend the Small Business Act; and

S.J. Res. 300. Joint resolution expressing the sense of the Congress that the participants in the New Ireland Forum are to be commended for their efforts to bring about genuine progress in the search for a just and peaceful solution to the problems of Northern Ireland.

The message also announced that pursuant to the provisions of House Concurrent Resolution 296, 98th Congress, the majority leader, after consultation with the minority leader, appoints Mr. THURMOND, Mr. WARNER, Mr. SIMPSON, Mr. PRESSLER, Mr. PELL, Mr. MITCHELL, and Mr. BAUCUS as members of the escort committee for the wreath laying ceremony in the Capitol rotunda on Friday, May 25, 1984, at 2:45 p.m., in honor of an unknown soldier killed in Vietnam.

ANNOUNCEMENTS BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills on Friday, May 25, 1984:

H.R. 2174. An act to extend the transition period under the Bankruptcy Reform Act of 1978; and

H.R. 5692. An act to provide for a temporary increase in the public debt limit, and for other purposes.

The Chair would also announce that we will have 1-minute speeches and then take up the rule on the HUD appropriation bill. The gentleman from Massachusetts (Mr. BOLAND) has been delayed, and when his plane arrives we will hope to go forward with the HUD appropriation bill.

Following that we will get back to the Defense Authorization Act, and we hope to work until 11 o'clock tonight. The House will convene, at 10 o'clock tomorrow and will continue with the State-Justice appropriation bill. Then if the Defense authorization has not been completed the House will stay until late tomorrow night to see if it can be finished.

If it is obvious that it cannot be finished tomorrow night, there will be a Friday session.

TAX CREDIT-ELDERLY CARE

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, family bonds have the potential to reflect who we are in terms of both personal stability and interpersonal loyalties.

As a member of the Select Committee on Aging, I am pleased when I have an opportunity to reinforce this valuable commitment to family through legislative activity. That is why I am cosponsoring H.R. 3797. This bill is designed to provide a tax credit to individuals who take care of elderly members of their family at home.

Under the proposed legislation the credit would equal 30 percent of qualified elderly care expenses. That 30-percent figure would be reduced by 1 percentage point for each $2,000 by which the adjusted gross income of the taxpayer exceeds $25,000. Ordinarily, it would be reduced to no less than 20 percent.

The credit would be made refundable for individuals to help offset the costs of taking care of a particular elderly family member.

This legislation is an important step toward helping lower health care costs while, at the same time, promoting the closeness of the family.

For these reasons, I shall continue to support its legislative progress.

THE UNSAFE ARMY?

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, last week the nationally syndicated columnist Jack Anderson wrote two articles discussing problems related to day-to-day safety in the Army in noncombat situations.

Some of the statistics he presented are truly disturbing. Examples:

In September 1982, a CH47C Chinook helicopter crashed in Germany killing 46 persons. The cause of the crash was a transmission failure due to faulty design.

In October 1983, an armored personnel carrier veered off the side of a bridge at Fort Drum. One soldier was killed and two slightly injured.

In the first 4 months of 1983, the Army has experienced a sharp upward trend in drowning accidents. Many of the accidents were caused by inadequate personal flotation devices.

Anderson began with the startling statistic:

> The Army has lost an entire division due to accidental death during the past two decades. According to the files, there have been at least 16,851 accidental deaths in the past 21 years.

This matter is not a new concern to me. In 1982, I called for an investigation and improvements in the design and operation of Army jeeps after I learned from Defense Department figures that between 1979 and 1981 there were more than 2,400 accidents involving Army jeeps resulting in 64 deaths and 1,222 injuries. It was determined that driver error in part caused by inadequate instructions caused a majority of these accidents.

It is time that safety was given a higher priority in the Army.

□ 1230

POLISH-AMERICAN HERITAGE MONTH

(Mr. LEVIN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN of Michigan. Mr. Speaker, last week, Congressman Borski introduced a resolution to establish the month of August as Polish-American Heritage Month. I am a cosponsor of the resolution and want to take this opportunity to urge my colleagues to also become cosponsors. This month will give us a valuable opportunity to honor both the past struggles of Poles for freedom and their present fight against an oppressive regime.

An example of past Polish dedication to freedom was commemorated on May 18, 1984, a day which marked the 40th anniversary of the victory of Polish soldiers over the German Army in the battle for Monte Cassino.

One hundred Detroit area veterans of the Polish Corps joined thousands of Poles throughout the world at Monte Cassino to commemorate their victory there and remember their fallen brethren.

A present-day example of Polish dedication to freedom is seem in the struggle continuing within Poland today against an oppressive regime. Although Lech Walesa and several thousand supporters joined in May Day rallies in a number of Polish cities, government crackdowns have forced most political and cultural opposition underground. The spirit of banned Solidarity lives on, less conspicuously but vibrantly, in the hundreds of underground periodicals now being published more or less regularly, in the scores of new books coming off the underground presses, and in living room theater, underground cabaret, and unofficial art exhibits.

THE FOOTWEAR INDUSTRY

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, this morning serveral members of the Footwear Caucus will be speaking about the problems of the American footwear industry.

Today, across the Nation, factories are closing.

Unemployment in the footwear industry is almost 15 percent.

Profits are suffering.

And foreign competition is rising.

I and some 40 Members of Congress have supported the footwear petition, now before the International Trade Commission.

Clearly the domestic industry is in trouble.

Imports now total about 70 percent of all nonrubber footwear sales in the United States.

That is 70 percent. The obvious result is rising unemployment.

Mr. Speaker, I believe the domestic footwear industry should be commended.

They are modernizing. They are increasing research and development. They are increasing capital expenditures. They are working hard.

The footwear industry supports the concept of free trade but fair trade is essential to its survival.

THE LATE CHAIRMAN, CLEMENT J. ZABLOCKI, HONORED BY THE GEORGETOWN CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, earlier this month the prestigious Georgetown University Center for Strategic and International Studies held its 11th Annual Williamsburg Conference for the detailed discussion of a number of important questions affecting our Nation's international policy. I know that over the years a large number of Members of the House and Senate have had the opportunity to attend these conferences, situated in a very appropriate setting for quiet analysis, and have come away enriched and enlightened by the discussions which have formed the substance of these conferences.

At the 11th Annual Conference one of the highlights was the action of the board of directors of the Georgetown Center in dedicating this particular conference to the memory of our longtime friend, Clement J. Zablocki.

The official program of the conference included a very fine photograph of our late, beloved colleague, and was accompanied by a text setting forth Chairman Zablocki's close relationship with CSIS.

At the Saturday evening dinner of the conference, held in the Virginia room of the Williamsburg Lodge, the U.S. Ambassador to the North Atlantic Treaty Organization and the former president of CSIS, the Honorable David M. Abshire, delivered a moving tribute to Chairman Zablocki pointing out the long-time support that Clem Zablocki had given to the Georgetown Center in his capacity as chairman of the House Committee on Foreign Affairs.

Mr. Speaker, I am honored that the center should have asked me to place the text of this tribute to our late colleague in the Record, and I know that Members of the House and of the Senate will be interested in this well-deserved recognition for a Member who worked long and hard to promote peace and international understanding.

Under leave to extend my remarks, I include the actual text of the tribute rendered to Clement Zablocki by the Georgetown Center for Strategic and International Studies:

> The 11th Annual Williamsburg Conference of the Georgetown University Center for Strategic and International Studies, Dedicated to the Memory of our Long-time Friend, Clement J. Zablocki.
>
> Clement Zablocki was a member of the Board of CSIS from its founding in 1962. He served as a member of our Board longer than any other individual in the Center's histroy.
>
> Among his many contributions to the Center were his seminal hearings and subsequent book, "The Sino-Soviet Rivalry."
>
> It is most appropriate that the Williamsburg Conference be dedicated to his memory inasmuch as he and members of his family have been among the most regular participants in this annual event. His absence from this conference, from the Center Board and family, and from the U.S. House of Representatives will be felt by all for many years to come.

MARKEY AMENDMENT OVERTAKEN BY EVENTS

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, the gentleman from Massachusetts (Mr. Markey) has had printed in the Record an amendment which strikes at the heart of our preparedness effort. His amendment has been overtaken by events, the adoption of the Foley amendment.

It will cancel legislation recently passed by this House, the Broomfield-Murtha amendment.

This amendment ignores the inherent value to the U.S. armed services of getting out and away from our normal training areas. Each year, on an annual cycle, Mr. Speaker, U.S. units go through a very deliberate training schedule. In many cases they are limited to performing the same training in the same, almost memorized, training areas—like a football team running and rerunning the same play in practice.

This gets the teamwork down pat, but it surely does not promote flexibility when you are in the same place, in the same stadium, time after time after time.

Let me give one cogent example of how we can get the benefit of the unexpected by training in areas like Honduras.

During the last joint exercise, a U.S. Navy construction battalion—the Seabees—finished their participation and were waiting for pickup on the beach in Honduras. They and their equipment were to be pulled out on landing craft. During the several-day period before the Seabees could be taken off the beach, the mayor of the little Honduran town of Punta Piedra approached the Seabee commanding officer with a request—he had a new steel prefabricated school building which had been donated to the town by an international charitable organization, along with cement and other supplies for its construction—but no budget for the necessary labor to put up the building literally for years. Could the Seabees help?

You bet they could, Mr. Speaker. At no additional cost to the Navy, totally unexpectedly, the kind of vertical construction they very rarely get a chance to undertake. And generations of schoolchildren in Punta Piedra will remember with gratitude the big American sailors in dungarees who pitched in and made their new school possible.

This amendment would destroy the opportunity for this kind of training and this kind of good will, Mr. Speaker. We cannot afford the loss—either in our readiness, or in the opportunity to promote good will and understanding with our American neighbors. I urge that we do not agree to this amendment.

PRICING OF FEDERALLY GENERATED HYDROPOWER

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, last week the National Wildlife Federation reported that the Interior Department has rejected dozens of cost recovery recommendations by its own Inspector General.

For example, Interior's auditors found that the utilities that draw hydroelectric power from the Federal dams in the Missouri River basin are getting more power than they are paying for. In effect, some 20 percent of the power output of these dams is being given away free.

Three weeks ago, we had a major debate in this House over the pricing of federally generated hydropower. I was among those who sought to begin pricing the power at its fair market value, as determined by competitive bidding. Those who opposed that view said, "No, no. The Government should recover only its own costs, however, low." Now, we find that the Interior Department does not even adhere to this lower standard. The Government's costs are not being recovered, and the Treasury will be shortchanged by billions of dollars.

Mr. Speaker, if we cannot find the political resolve to stop giving away electric power for free, then we have no hope of ever making a dent in the Federal budget deficit.

Mr. Speaker, the hydropower giveaways must stop.

HISTORIC UNITED STATES-JAPAN AGREEMENT

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, where other administrations have failed, the Reagan administration has succeeded in an historic agreement to reduce unfair competition from Japan, level the playing field for American manufacturers, and protect thousands of U.S. jobs.

The agreement, which calls for internationalizing the Japanese yen, means that Japanese cars and other imports will sell in the United States at prices which more accurately reflect their cost. The door will also be opened wider to U.S. firms seeking to do business in Japan.

Those of us from auto-producing States have maintained for years that American workers and technology can compete with the Japanese provided we are permitted to play under the same rules. An overvalued dollar and an undervalued yen made that impossible.

While this agreement will not solve all of our international trade problems overnight, its long-term effect will be to permit freer and fairer trade without the conflict inherent in protective legislation.

Mr. Speaker, all of us concerned about unfair competition from overseas and the jobs it destroys should congratulate the administration for this important breakthrough.

DEVASTATING IMPACT OF IMPORTED FOOTWEAR

(Ms. SNOWE asked and was given permission to address the House of 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, I am pleased to join my colleagues in the House Footwear Caucus to underscore the devastating impact imported footwear is having on our domestic shoe industry, and to pledge our unequivocal support for the import relief petition filed by the industry and its workers. More shoes are made in my home State of Maine than in any other State in the Nation—but the consequences of imports have been shared by all of us. Simply put, our domestic shoe industry is disappearing.

Virtually every other country in the world has stringent trade barriers against footwear imports—except the United States. A 1981 Commerce Department study on tariff and trade regulations governing footwear imports, revealed that 51 of 53 of our Nation's trading partners had import duties.

I have visited the shoe factories in my district. I have seen row after row of empty workbenches and the idle machines. The shoeworkers and manufacturers have impressed upon me their strong concern about their industry's future. And, I have received hundreds of letters from Maine shoe workers asking that the shoe industry be allowed to compete fairly in the international marketplace. All the industry is asking for is relief from the influx of foreign-made footwear and a chance to compete on equal terms with shoes produced in other countries.

The International Trade Commission now has before it an import relief petition. I hope that the petition before the ITC will be approved and that the shoes worn by the majority of Americans will once again say "Made in the USA."

UNCONTROLLED IMPORTS CONTRIBUTE TO DISRUPTION OF STATE'S ECONOMY

(Mr. McKERNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKERNAN. Mr. Speaker, the footwear industry in America is imperiled. It is imperiled not because it is a backward industry—indeed it is in the process of modernizing its plant—but because, since 1981, imported shoes have flooded the domestic market.

In my home State of Maine, footwear manufacturing is our leading industry. Skilled workers have been hand sewing some of America's finest shoes in our State for over 100 years, and this tradition in quality continues. But footwear manufacturing in my State, and around the Nation, is threatened by uncontrolled levels of foreign imports. While America affords other nations low import duties on shoes and a virtually open market, our foreign competitors have duties 10 times ours, and in some cases they practice an absolute embargo of American made shoes. The effects of this situation are grave: In Maine, 13 factories have closed since 1981, with 3,500 jobs lost since 1983 alone, not including the many jobs lost in support industries. Yet while the footwear industry is vital to our State, it is not a big business per se. Most shoe factories in my State are in small towns, where the major employer—if not the sole employer—is the footwear manufacturer. Continuation of uncontrolled imports, and the continuation of decline in the footwear industry it entails, will mean the disruption of our

States economy, and the rending of our traditional social fabric.

I urge my colleagues to support the modest and realistic import relief sought by this beleagured industry. Its commitment to rebuilding itself is worthy of our confidence, its pressing need is worthy of our support.

IMBALANCE IN IMPORTS STRAINS IMPORTANT U.S. INDUSTRIES

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SAWYER. Mr. Speaker. U.S. trade with many foreign countries has become seriously imbalanced and it has placed a tremendous burden on American businesses. Our domestic footwear industry is one of the industries being squeezed out by foreign competition.

In 1983, domestic shoe production declined to the lowest level since the Great Depression and in the last 15 years has dropped almost 50 percent. Last year, only one out of every three pairs of shoes sold in America were made in America. In early 1984, imports captured a record 70 percent of the domestic market; more than 31,000 shoe and allied workers have lost their jobs, bringing the average unemployment rate for 1983 to 18.7 percent; and more than 50 factories, primarily in rural areas, have been shut down.

A major company in my district has been severely impacted by these imports. Wolverine World Wide, Inc. has been manufacturing footwear in the United States for over 100 years. In both 1982 and 1983, sales and profits of some of their principal brands of footwear declined. Last year alone, the number of manufacturing employees was reduced by about 10 percent.

I have joined with the footwear industry and its workers in asking the International Trade Commission to impose quotas for the next 5 years on imported footwear to hold imports to 50 percent of our market. This is the share of the U.S. market that imports held 3 years ago. These quotas will not cause great injury to foreign producers and will give the domestic industry time to make additional investment in research and development to make them competitive with imported footwear.

The jobs of tens of thousands of workers are at stake. Until such a time as other countries begin trading fairly with us and open their markets to our products, we must protect U.S. businesses and provide them every chance to compete fairly in our marketplace.

Mr. Speaker, I would like to include some comments submitted by Wolverine World Wide at the International Trade Commission hearing into the RECORD.

> Wolverine World Wide, Incorporated, has been manufacturing footwear in the United States for over 100 years. It is becoming increasingly difficult to compete with footwear imported from countries where wages are 10 percent of the average paid by the American footwear industry, which are low by U.S. standards. Sales and profits of some of our principal brands of footwear have declined in both 1982 and 1983, the two full years since the expiration of the orderly marketing agreements which limited imports from Korea and Taiwan. Last year alone the number of our manufacturing employees was reduced by approximately 10 percent. We feel we need a period of time to make additional investment in research and cost saving production equipment that will make us competitive with imported footwear. However, without a reasonably secure future, there would be no point, and it would not be a wise business decision to make such an investment. We urge your support to the section 201 relief petition filed by the Footwear Industries of America.

CONSIDERATION OF VOLUNTARY SCHOOL PRAYER, BALANCED BUDGET, LINE-ITEM VETO, AND PRESIDENT'S COMPREHENSIVE CRIME CONTROL ACT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, at this time I would hope to offer unanimous-consent requests calling for consideration of amendments to permit voluntary school prayer, balanced budget and line item veto and legislation calling for the passage of the President's Comprehensive Crime Control Act of 1983, H.R. 2151.

The Chair has ruled that in order to make these requests I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people who stands in the way of these four important issues, the Democratic leadership of the House.

U.S. FOOTWEAR INDUSTRY

(Mr. MARTIN of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of New York. Mr. Speaker, I take the floor today to join my colleagues who are members of the House Footwear Caucus in support of what is left of the domestic nonrubber footwear industry. I salute the statements made by my colleagues here earlier.

We rise in support of the petition that is presently pending before the U.S. International Trade Commission for temporary quotas on nonrubber footwear from all foreign sources.

Mr. Speaker, I point out that our nonrubber footwear industry is a very labor-intensive industry. And while, in our scheme, its workers are not in the upper range of the hourly wage earners of the United States, their wages are still four and five times higher than the wages paid by our international competitors in the world's footwear market. At the same time, those countries refuse to import our products under fair conditions.

I think it is high time that we act to insure that the important footwear industry in the United States endures. We have to act before it is too late.

SHOE IMPORTS

(Mr. BOEHLERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I would like to join with my colleagues who are urging the International Trade Commission to support the reimposition of import quotas on footwear.

Imports have now captured close to 70 percent of the footwear market. This enormous growth of imports has meant unemployment for thousands of workers.

In my own congressional district, the Norwich Shoe Co. has had to reduce its work force by 25 percent since 1981 because of the flood of imports. The unemployment rate for the industry as a whole last year was 19 percent—far above the national average.

I consider myself a supporter of free trade, and I am leery of any kind of quotas. But when we are dealing with an industry that is on the verge of disappearing, an industry that faces trade barriers in other countries, I think we should feel compelled to act. Free trade should also be fair trade.

The footwear industry is not seeking to cut off foreign competition, but merely to limit it to half the market. This is still a healthy level of competition.

I urge my colleagues to support these quotas, which will preserve American jobs while continuing the pressure on the shoe industry to modernize.

CALENDAR WEDNESDAY

The **SPEAKER.** This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

PERMISSION FOR SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation be permitted to sit today during the 5-minute rule.

This matter has been cleared by the minority.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5713, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATION ACT, 1985

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 511 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 511

Resolved, That during the consideration of the bill (H.R. 5713) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, line 8 through page 5, line 11; beginning on page 6, lines 5 through 19; beginning on page 8, line 12 through page 9, line 14; beginning on page 10, line 20 through page 11, line 2; beginning on page 12, line 20 through page 13, line 16; beginning on page 14, line 19 through page 15, line 4; beginning on page 15, line 18 through page 16, line 21; beginning on page 19, line 2 through page 20, line 13; beginning on page 22, line 1 through page 26, line 11; beginning on page 26, line 20 through page 30, line 2; beginning on page 33, line 24 through page 36, line 7; and beginning on page 37, line 3 through page 38, line 24; and all points of order against the following provisions in said bill for failure to comply with the provisions of clause 6, rule XXI are hereby waived: beginning on page 2, line 8 through page 3, line 18; beginning on page 6, lines 5 through 19; beginning on page 10, line 20 through page 11, line 2; beginning on page 22, lines 1 through 25; beginning on page 35, line 14 through page 36, line 7; beginning on page 37, lines 3 through 22; and beginning on page 38, line 3 through 24. It shall be in order to consider an amendment to said bill printed in the Congressional Record of May 30, 1984, by, and if offered by, Representative Dingell of Michigan, and all points of order against said amendment for failure to comply with clause 2 of rule XXI are hereby waived.

□ 1250

The SPEAKER pro tempore (Mr. Kildee). The gentleman from Massachusetts (Mr. Moakley) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes, for debate only, to the gentleman from Tennessee (Mr. Quillen), and pending that I yield myself such time as I may use.

Mr. Speaker, House Resolution 511 is a rule to facilitate consideration of H.R. 5713, the bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies for fiscal year 1985.

Since general appropriation bills are privileged, the rule does not provide any special procedures for consideration of this bill which will be considered under normal process for appropriation bills.

The time devoted to general debate will be determined by unanimous-consent request, and the bill will be open to amendments which do not violate any rule of the House.

The rule waives points of order against certain provisions of the bill which violate clause 2 of rule XXI, which prohibits unauthorized appropriations and legislation in appropriations bills, and clause 6 of rule XXI, which prohibits reappropriations.

Mr. Speaker, the precise page and line numbers identifying provisions for which waivers are recommended are fully stated in the rule. The waivers of clause 2 are necessary because authorizing legislation for the programs involved are under consideration at some stage of the legislative process but have not yet been enacted into law.

In addition, Mr. Speaker, several provisions which violate the prohibition on legislation in an appropriations bill are similar to language routinely included in previous appropriation acts.

The waivers of clause 6, rule XXI, are provided for such programs as the National Aeronautics and Space Administration, research and development, and the Veterans' Administration, to provide for continued availability and use of funds provided in prior appropriations. This could be considered a reappropriation, and thus the waiver was needed.

Finally, Mr. Speaker, the rule provides for consideration of an amendment printed in the May 30 Congressional Record Representative Dingell of Michigan, which relates to the Veterans' Administration replacement hospital in Allen Park, Mich. A waiver of clause 2 of rule XXI is provided to permit consideration of the amendment.

Mr. Speaker, because today is the 30th of May and the Rules Committee anticipated that the rule would be considered tomorrow, following my statement I intend to ask unanimous consent that Representative Dingell be allowed to offer his amendment today without it being printed in the Record of the 30th.

Mr. Speaker, H.R. 5713 appropriates $5.4 billion for HUD and 17 independent agencies for fiscal year 1985. The bill appropriates $9.8 billion for housing programs, including funds for section 8 existing housing programs that the administration now wants to eliminate. However, Mr. Speaker, the amounts provided in this bill are within the targets assumed in the House-passed budget resolution.

Mr. Speaker, I urge adoption of House Resolution 511 so that we may proceed to consideration of this appropriations bill.

Mr. Speaker, at this point I ask unanimous consent that the Dingell amendment be in order in accordance with the rule, notwithstanding that it is not printed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the appropriations bill made in order by this rule is generally consistent with the administration's budget request. The housing provisions, however, have caused some concern in the administration—as have parts of the bills relating to NASA, EPA, and the National Science Foundation.

I want to commend the gentleman from Massachusetts (Mr. Boland), the gentleman from New York (Mr. Green), the gentleman from Tennessee (Mr. Boner), and the other members of the subcommittee for their favorable response to a portion of this bill that is very important to me and to my district. I am referring to the appropriations for the Veterans' Administration, and especially to the funding of a much-needed new construction project at the Mountain Home VA Medical Center in Johnson City.

The VA is moving forward with its plan for a new 457-bed addition to the present hospital. This bill contains the initial $11.3 million to begin the job. The entire project is estimated to cost $85 million, with further construction money requests coming in the fiscal year 1986 budget request.

This project is the first step in a long-range development plan for Mountain Home, I support this project for two main reasons.

One is that Mountain Home is a real asset to our community. Along with East Tennessee State University, the VA Center is host to a college of medicine that was begun with Federal funds.

This medical school is responsible for the development of a regional medical center in upper east Tennessee—one that is elevating the standard of care available to both private citizens and veterans in the area.

The second reason I support this project is because it is sure evidence that the VA is working to meet its responsibilities to the Nation's veterans.

As many of my colleagues know, our World War II veterans are now reaching senior citizen status. The needs of our Korean and Vietnam veterans are expanding. The VA has to be ready to meet this growing need, and this appropriations request is evidence that they are working hard to be ready—not only in my district, but throughout the Nation.

So, I appreciate the support of the subcommittee, and I look forward to working with its members to see that the Mountain Home project is completed as rapidly as possible.

It is appropriate that this bill come to the floor of the House this week, when the Nation has paused on Memorial Day to recognize and appreciate those men and women who have died for their country.

The living veterans' contributions and sacrificies deserve our thanks, too. The best way we can give these thanks is to give quick and positive consideration to this rule, and to this bill, so that the Veterans' Administration can get on with its most commendable mission. Our veterans deserve no less. They responded to our Nation's call for assistance. They have every right to expect us to assist them now.

Mr. Speaker, I have no requests for time. I urge adoption of the rule and the measure when it comes to the floor of the House.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. VOLKMER) for debate only.

Mr. VOLKMER. Mr. Speaker, I wish to thank the gentleman from Massachusetts for yielding this time. I do not wish to address the rule, which I support, but I wish to primarily use this time to bring to the Members' attention that I plan to offer an amendment to the HUD and independent agencies appropriation bill, that part of it applying to the Environmental Protection Agency, to specifically earmark $1 million for fate studies and degradation studies on the dioxin problem that we are having not only in the State of Missouri but all over the United States. I wish to thank the gentleman from Massachusetts for yielding me this time to alert the Members to that amendment.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 296, nays 56, not voting 81, as follows:

[Roll No. 186]

YEAS—296

Ackerman
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Broomfield
Brown (CA)
Burton (CA)
Byron
Carney
Carper
Carr
Chandler
Chappie
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
Coyne
Daniel
Darden
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fish
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gejdenson
Gekas
Gephardt
Gilman
Glickman
Gonzalez
Gradison
Gray
Green
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Hughes
Hunter
Hutto
Jacobs
Jenkins
Johnson
Jones (NC)
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (FL)
Leland
Lent
Levin
Levine
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCurdy
McEwen
McKernan
McKinney
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Pashayan
Patman
Pease
Penny
Perkins
Petri
Pickle
Price
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sharp
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Staggers
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NAYS—56

Archer
Badham
Bateman
Bereuter
Bethune
Bilirakis
Britt
Brown (CO)
Campbell
Cheney
Coats
Conable
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Dickinson
Dreier
Fields
Frenzel
Goodling
Gramm
Gunderson
Hartnett
Hiler
Hyde
Kindness
Levitas
Lewis (FL)
Lungren
Mack
Marlenee
Martin (IL)
Martin (NC)
McCandless
McCollum
Miller (OH)
Paul
Pursell
Roberts
Schaefer
Shaw
Shumway
Shuster
Siljander
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Vucanovich
Walker
Young (FL)

NOT VOTING—81

Addabbo
Anthony
Bartlett
Bonior
Breaux
Broyhill
Bryant
Burton (IN)
Chappell
Clarke
Coleman (MO)
Crockett
D'Amours
Daschle
Davis
Dymally
Dyson
Edwards (OK)
Erlenborn
Feighan
Florio
Franklin
Garcia
Gaydos
Gibbons
Gingrich
Gore
Gregg
Guarini
Hall (OH)
Hance
Hansen (ID)
Hefner
Huckaby
Ireland
Jeffords
Jones (OK)
Jones (TN)
Kaptur
Kemp
Kolter
Kramer
Leath
Lehman (CA)
Lewis (CA)
Lowery (CA)
Marriott
McDade
McGrath
McHugh
McNulty
Michel
Mollohan
Moore
O'Brien
Oxley
Packard
Patterson
Pepper
Porter
Pritchard
Rangel
Roemer
Rostenkowski
Rudd
Russo
Schulze
Sensenbrenner
Shannon
Simon
Skeen
Smith (FL)
Smith, Denny
Spratt
St Germain
Stark
Tallon
Weaver
Weber
Wilson
Wirth

☐ 1320

Mr. PURSELL changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1985

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *May 30, 1984.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from The White House at 4:05 p.m. on Friday, May 25, 1984 and said to contain a message from the President whereby he transmits proposed legislation entitled "Energy Security Reserve Amendments of 1984".

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

ENERGY SECURITY RESERVE AMENDMENTS OF 1984—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-225)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Energy and Commerce, and ordered to be printed:

To the Congress of the United States:

Today I am pleased to transmit to the Congress the "Energy Security Reserve Amendments of 1984," legislation to implement the new synthetic fuels policy that I announced on May 14, 1984.

This legislation reaffirms the Nation's commitment to a long-range program of developing a private-sector synthetic fuels industry while recognizing that improvements in the energy outlook can permit us to achieve a major reduction in Federal spending through prudent realignments in the program.

When the Congress established the Synthetic Fuels Corporation in 1980, making available a total of $19 billion for related activities, oil prices were projected to reach $75 to $125 per barrel by 1990; America was dependent on imported oil for 18 percent of its energy supply; and the memories of gas lines lingered.

Synthetic fuels held promise as an economically competitive alternative to traditional fuel sources. Proponents of the current law argued that the Federal program would have little or no impact on the deficit and established an extremely rapid and ambitious schedule for developing a commercial synthetic fuels industry.

In the intervening years, the energy outlook has improved dramatically. The price of imported crude oil has declined more than 25 percent since I took office, and our oil imports are down 33 percent compared to 1980 levels. The Strategic Petroleum Reserve, at nearly 400 million barrels, provides more than 80 days protection against a total disruption of our imports and over 200 days if OPEC halted supplies—in 1980, it provided less than 17 days protection. The energy conservation efforts of the American people have far exceeded expectations, further enhancing our energy situation.

As a consequence of these major changes, the presumptions that underlie the current synthetic fuels program have proven at variance with the realities of the market place. It is now apparent that developing a commercial synthetic fuels industry at the pace envisioned by the Energy Security Act of 1980 would require enormous direct budget outlays that would not be offset by any economic benefits.

Proceeding down the path set by current law would thus result in the inefficient use of billions of dollars. It would also grossly distort the market place for synthetic fuels, possibly creating an industry that would be permanently dependent on government subsidies, not the commercially viable industry envisioned by Congress in 1980.

The "Energy Security Reserve Amendments of 1984" reflect an effort to strike a balance between avoiding wasteful expenditures and preserving an appropriate national synthetic fuels program. The legislation would rescind $9 billion of the $19 billion originally appropriated. It would also require that projects supported by use of the remaining funds be limited to those that produce fuels whose prices will not be significantly above projected market prices of competing fuels.

At the same time, the legislation leaves completely intact the administrative structure for the synthetic fuels program. By continuing to use the Synthetic Fuels Corporation, we can avoid unnecessary delay and disruption in the national effort of ensuring synthetic fuels commercialization.

Swift passage of this legislation will make a major contribution to reducing the Federal deficit in the years ahead while putting the synthetic fuels program on a sounder footing.

I urge the Congress to act expeditiously in its consideration of this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *May 25, 1984.*

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5713, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1985

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5713) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New York (Mr. GREEN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R 5713, with Mr. LEVITAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentlemen from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from New York (Mr. GREEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the 1985 HUD-independent agencies appropriation bill which we bring to the floor today is, for the most part, noncontroversial. The bill, as it is before the committee, provides $58,436,496,500 in new budget authority for 1985, and that is $3,767,998,500 above the President's request. And virtually all of that increase is for the subsidized housing programs.

While that may sound like a lot of money—and it is—I think that the membership of the committee should keep in mind that under the subsidized housing programs we score budget authority for the entire period of the existing housing contracts. That means that the $9.9 billion in this bill for subsidized housing covers 15 or 20 or even 30 years of costs for each housing unit.

Before I get into the details of this particular bill, Mr. Chairman, I want to pay my respects to the Members who serve on this subcommittee, the gentleman from Michigan (Mr. TRAXLER), the gentleman from Ohio (Mr. STOKES), the gentlewoman from Louisiana (Mrs. BOGGS), the gentleman from Minnesota (Mr. SABO), and the gentleman from Tennessee (Mr. BONER). I want to give particular credit to the ranking minority member of this committee, the gentleman from New York (Mr. GREEN). His leadership has been invaluable in dealing with the full range of the issues we face, and especially those relating to the environment. The country's environmental problems are complex, and the funding decisions and tradeoffs we must make are even tougher. The gentleman from New York has been a tremendous supporter of the environment, and his knowledge, his hard work, and his sound judgment make a great contribution to environmental protection year after year.

That remark, Mr. Chairman, also goes for the two other minority members of the subcommittee, the gentleman from Pennsylvania (Mr. COUGHLIN) and the gentleman from California (Mr. LEWIS).

Let me also make the point, Mr. Chairman, that the $58.4 billion recommended in this bill is approximately—and I think this is important—is approximately $32 million less than the informal section 302(b) allocation made by the subcommittee chairmen.

Pages 3 through 6 of the report describe the committee's rationale concerning subsidized housing. Basically, what we have done is to change the composition of the 100,000 incremental housing units provided in this bill. And by "incremental" let me explain that we mean a net addition of subsidized housing units to the total number of 3.8 million units that are currently under subsidy.

So what the committee did is to change the internal makeup of those 100,000 incremental units. The Department requested 87,500 additional housing voucher units, 2,500 Indian housing units, and 10,000 section 8/section 202 housing for the elderly units. That makes a total of 100,000 incremental units. The Department did not request any section 8 existing units, it did not request any public housing new construction, and it did not request any section 8 moderate rehabilitation units.

☐ 1330

What the committee did was to take those 100,000 incremental units and reduce the number of housing voucher units to 38,500, put in 10,000 new public housing units, reduce the number of Indian housing units from 2,500 to 1,000, add 7,500 section 8 moderate rehabilitation units and add 36,500 section 8 existing units. That totals 100,000 incremental units. But the difference is that we reduced the number of housing voucher units substantially. We did that because that program is to be started in 1984 with a 15,000 unit demonstration effort. Not a single one of those housing voucher units has been reserved or is under contract. We have not had a fair test of the housing voucher program. The committee felt that for the Department to come in and ask for 87,500 additional units, without any evidence of how the housing voucher program is going to work, was moving along a little bit too fast.

So what the committee did was to cut the number of housing voucher units to 38,500 and primarily substitute section 8 existing units as I explained.

Some of the members of the committee might ask, "What is the difference between a section 8 housing voucher unit and a section 8 existing unit?" Well, the fact is there really is not very much difference. Both are based on the concept that the recipient will occupy an apartment and the Government will subsidize a part of each month's rent. The biggest differences between the vouchers and the section 8 existing units are that under the new housing voucher program the recipient has more freedom in looking for an apartment, the subsidy is not quite as deep under the voucher program as it is under the section 8 existing program, and the duration of the voucher subsidy is only for 5 years, whereas the section 8 existing subsidy is for 15 years.

It is precisely because the subsidy is greater under the section 8 existing program and because we added 10,000 public housing, 36,500 section 8 existing and 7,500 section 8 moderate rehabilitation units that the increase in the budget authority is $3.7 million above the President's request. The fact is that new public housing construction costs about $6,300 per unit per year for 30 years, section 8 existing costs $4,659 per unit per year for 15 years, while the section 8 housing vouchers are $3,687 per unit per year for only 5 years.

Before I leave housing, I want to touch on one other point which is made in the report and that concerns housing for the elderly and the handicapped. Last year, the bill included 14,000 section 8/section 202 housing for the elderly units. Every section 202 housing for the elderly unit requires a section 8 subsidy to make it a viable program. We did not restore the 10,000 units requested for section 8/section 202 in the budget to the current level of 14,000, because we know that when we get over to the Senate we will be looking at a higher number for section 202. At the same time we will be looking at a zero figure for new public housing construction. So the committee wants to be able to go over there and say, "Look, if you want additional section 8/section 202 housing for the elderly units, how about giving us some new public housing units?"

The fact is, as the report points out, that in the past 5 years we have built under the new subsidized housing construction program 100,000 units of housing for the elderly and only 40,000 units for low-income families. Fully 40 percent of all section 8 new construction units built are elderly housing and about 45 percent of new public housing units are for the elderly.

The HUD subcommittee kept the section 202 program alive in the mid-1970's. We have been a strong supporter of housing for the elderly, but I do think we have to have some balance within the subsidized housing programs, particularly when you look at the fact that the total funds available for subsidized housing have dropped from about $25 billion in fiscal year 1981 to $9.9 billion made available for the current year.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I will be glad to yield to my friend, the gentleman from Michigan.

Mr. CONYERS. I want to thank the Chairman.

Is there anything in the report or could the gentleman give me any idea of what the need for low income and elderly housing is, as opposed to what we are supplying under the projected figures in the bill?

Mr. BOLAND. My own judgment of the need for housing for the elderly and handicapped is that the need is very great. What we have been trying to do is balance the overall numbers of units that are needed—not just for the elderly and the handicapped, but also for units for public housing. That really is the only program that satisfies the needs of low-income families.

The public housing new construction program—as the gentleman from Michigan well knows since there are a number of units in Detroit and in Michigan, as there are around the Nation—was not included in the budget request. We have added 10,000 units for that program. We decided we needed a tradeoff when we go to conference with the Senate, since the Senate has ordinarily included no units for public housing. We felt that by granting the administration's request for 10,000 units for the section 202 program for housing for the elderly and handicapped and adding 10,000 units for public housing—we would strike a balance and we would be able to succeed in providing units for public housing. In my judgment the need for public housing is much greater than it is for housing for the elderly and handicapped, although the need is great there, too.

Mr. CONYERS. Well, what I was trying to look for is the answer to the question that many public, citizen, and community groups raise with me, the constant request for housing, for maintenance, and for addressing the rising costs that are involved.

I was hoping that somewhere in the committee report there may be something that indicates, if not about public housing, then about low-income housing and elderly housing, because it is really more than just a commodity, it is something that people need to live in.

I would like to be able to address them in terms of how far we have come in satisfying what our national and local needs are.

Mr. BOLAND. Well, I could not agree with the gentleman more. His position is one that this particular gentleman shares with respect to the number of housing units available, not only for the elderly and the handicapped, but also for low- and moderate-income families.

As the gentleman from Michigan knows, we are not the only players. There is another body that considers these programs. I think it can be said for the most part that the House Subcommittee on HUD-Independent Agencies usually wins most of the discussions we have in conference on the number of units that ought to be supplied.

This administration, in my judgment, has come out against new construction for public housing and we do not agree with that. This committee takes a different position from the administration.

This committee also takes a different position with respect to some of the other housing units that we have added and that we have provided in the bill, particularly in regard to section 8 subsidized housing, as opposed to the new voucher system that was recommended by the administration a couple years ago.

It is the desire of this subcommittee, and I know it is the desire of the Members of the entire House, that we provide adequate housing for those in need. We do not always do that, of course, because of the restrictions on the amount of money that is available for spending. The committee is also aware of the excessive cost of housing, with which the gentleman of course is entirely familiar.

Mr. CONYERS. Well, I know that the chairman has worked on this matter for many years and very diligently.

It is my perception, and I guess I will do the research myself, that the Nation is in a very serious housing crunch, not only in the public sector, but in the private sector as well in terms of the affordability of new homes for young people getting started.

Without trying to exaggerate it, it is my view that it is a serious matter. I know the gentleman is doing everything he can, as he has indicated, to get the figures, to keep the figures forthcoming and to keep this program within some kind of appreciation of the importance of having enough housing for people in America to live in.

I am literally besieged by organizations with numerous legitimate problems relating not only to additional housing, but also to housing maintenance.

So I thank the gentleman for a very tough fight. I hope that we are aware of the fact that much of our segregation in America comes from the housing patterns themselves and that the committee has considered that further additional difficult aspect of housing.

□ 1340

Mr. BOLAND. I thank the gentleman and I appreciate his remarks. I understand fully his position with respect to housing, not only for the regular, conventional housing built by the private sector, but his longtime concern for public housing. As the gentleman knows, throughout the United States, there are probably about 1,300,000 units of public housing that shelter more than 4 million people. It is a program that would have been killed a long time ago had it not been for this subcommittee, the full Committee on Appropriations, and also the membership of this House that has supported the position that this chairman and the gentleman from New York (Mr. GREEN), the ranking minority member, took some years ago.

I appreciate the gentleman's remarks.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. BOLAND. I am delighted to yield to my colleague from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. As the gentleman is well aware more than anybody else in the House, the 1981 authorization cut the construction grants for wastewater treatment from $3.8 billion back to $2.4 billion. That is causing a great deal of difficulty in some cities now that were required to go under 208 planning. It took a number of years to get the planning complete, and now they have the planning completed, and now the amount of money has been reduced substantially. There just is not enough money within a State so that these cities that went through 208, or these metropolitan areas, can get what they need to have their wastewater treatment project and have anything left at all for the rest of the State.

Iowa happens to be one of those cases. But I understand that you did put the full $2.4 billion in here this time. Really, I guess it is difficult to get relief from this unless we get a larger authorization and some other kind of help. Is that the case?

Mr. BOLAND. That is the case, and I appreciate the gentleman's remarks.

The gentleman states the case not only for the State of Iowa, but I think he states the case for a lot of other States in the Nation, too, that suffer precisely from these same problems.

All we could do, as the gentleman knows full well, is to provide the amount that was authorized, which was $2,400,000,000 for the construction grants program. I am not sure what the authorizing committees in the House and Senate will ultimately do with reference to increasing that authorization. They might very well increase the level. It is my understanding that it could increase substantially.

I am not sure whether or not anything can be done in this session. But the problem you refer to of cities doing the planning under the section 208 program and now not having sufficient funds to go ahead and start the next phase of construction presents a great deal of difficulty in many States.

Mr. SMITH of Iowa. So if you are appropriating the full amount that is permitted by the authorization, and if earmarking of it were in order, and it might not be, any earmarking would mean that it would just simply reduce the amount that someone else would get. And if we start that, as I understand it, the subcommittee feels that there is no end to it. There is a long list of cities that would be involved.

Mr. BOLAND. A long list of States and a long list of cities. If you started to earmark it, the $2,400,000,000 would be gone before you know it. The gentleman is correct.

As a rule, we never agree to earmarking funds for construction grant projects in any of the States. The problem of setting project priorities we leave to the States anyhow, as the gentleman knows, for the final project funding allocation. Once the money goes to the States under the formula, the distribution to individual projects is done by the States themselves.

Mr. SMITH of Iowa. The authorization we would hope will be on the floor before we leave here in July. But if it is passed it would be possible, or the next possible avenue would be a supplemental?

Mr. BOLAND. We would certainly look at it. I do not want to make any commitment, since I would like to get a look at what the legislative committee does.

But certainly the manner in which this committee has operated is that we have appropriated every dollar that was requested for this program over the years, and I am sure we would do the same thing with any authorization that would increase it.

I thank the gentleman from Iowa for his interest and concern.

Mr. SMITH of Iowa. I thank the gentleman.

Mr. BOLAND. Mr. Chairman, let me rapidly come to a close and just indicate what we have done with some of the other programs.

With respect to the Department of Housing and Urban Development, I know the Members will be interested to know we have provided the budget request of $1,123,500,000 for public housing operating subsidies and we expect a $250 million carryover from 1984. We have also provided the budget request of $3,468,000,000 for community development grants, $440 million for urban development action grants, and we added $25 million for the Solar Energy and Energy Conservation Bank appropriation that a lot of Members in the House are interested in.

Mr. Chairman, under title II of the bill, we have added $1,000,000 to the Consumer Product Safety Commission, and targeted the increase to emerging hazards.

Moving to the EPA, an agency which has been the subject of some controversy, we have added $105 million above the budget request of $1,209,254,000 for what are known as the operating programs. That increase will add approximately 400 additional positions above the budget request. It will add roughly $28 million for State grants under the air, water, and hazardous waste programs. In addition, this bill will add $30 million to the Agency's research and development efforts.

This $105 million increase in the EPA's operating programs represents the second year of rebuilding the EPA. I think it is a very generous and a very defensible recommendation.

We have offset the $105 million addition with a $40 million reduction in the Superfund, and our rationale for making that reduction is explained on pages 23 and 24 of the report. I think it is an excellent rationale and, briefly, it comes down to the fact that we are ready to provide as many dollars as necessary for the Superfund. But the increase requested in the budget from the current 1984 level of $410 million to $640 million is a larger jump than we think the agency can effectively absorb.

The fact is that the Superfund program's progress has been slow. Administrative delays at each step of the planning process are causing actual cleanup schedules to slip. Perhaps the most salient statistic is that only 15 percent of the 1983 and 1984 funds have been spent for the planning and feasibility studies that have to precede cleanup work at each site.

The overall problems to be cleaned up under the Superfund are immense and will require big funding increases in the years to come. But the agency must gear up first and solve the management problems before more money can be well spent. And, as I have said, we will be ready to provide whatever funds are necessary in the future.

Let us turn to the Federal Emergency Management Agency. Once again FEMA is requesting an increase in the budget request for civil defense activities—this year $83 million. Two years ago, you may recall, FEMA proposed what was called the crisis relocation program. That was to be a great new leap forward for civil defense. It was met with a great deal of ridicule and fundamentally the program was unworkable. Last year the agency suggested virtually the same program, but changed the overall program name to "integrated emergency management systems." Now there is nothing wrong with the integrated approach. What you do is provide funds for disasters such as hurricanes, tornadoes, fires, chemical spills—and at the same time you weave in the nuclear protection program. That is the new integrated approach.

What we did last year and what we have done this year is to cut civil defense—by $77 million of the $83 million requested increase in 1985. We have included $6 million of the $83 million increase requested and we have realigned some of the agency priorities within the civil defense program to emphasize the integrated elements of the program.

We have added money—$3 million—to increase emergency management assistance grants—which go directly to the States and are used for the integrated civil defense concept. We have also added money to telecommunications and warning—a total of $10 million above 1984—to provide for communications equipment that can be used in all kinds of disasters—including a nuclear attack.

But what we have not done is to buy the concept of additional money for nuclear population protection—which is, in part, simply the old crisis relocation program under a new name.

Also, under FEMA, we have provided the budget request of $100 million for disaster assistance and the $200,205,000 requested for the flood insurance program.

Let us turn to NASA. We have added $10 million for research and analysis under the physics and astronomy and planetary programs.

We have added $40 million for the advanced communication technology satellite—commonly called ACTS—and the report details our rationale on page 33.

We have added $10 million for advanced work on the shuttle derived expendable launch vehicle to allow NASA to do some advanced development of a new expendable launch concept.

We have added $10 million for the advanced turboprop program.

We have added $40 million for the shuttle's structural spare program—particularly subassembly work at Rockwell's Downey facility.

And, of course, we have included the full $150 million requested for the space station. The report lays out our rationale on the space station mark.

Mr. Chairman, let me talk a bit about the space station program. It is a program that is going to cost a great deal of money in the future, and one, of course, that probably will give rise to a great deal of controversy. As the members of the committee know, this is a program that was recommended by the President. We have had three great recommendations in the course of the space program. President Kennedy recommended the Apollo program—getting a man on the Moon. President Nixon recommended the space shuttle, and President Reagan now recommends the space station program.

This administration proposes to build a space station that consists of three major elements: two unmanned platforms and a permanently manned space station.

The National Aeronautics and Space Administration estimates that it will cost $8 billion to build those three major elements. Frankly, a lot of other experts believe that it would be difficult to do the job for less than $12 billion in current year funds—and it could go as high as $14 or $16 billion.

The major concern that I have is just what will the space station do—and can it do it cheaper than the way we are doing it now? Frankly, I think the answer to that question may be, "50 percent we are not sure, and 50 percent probably not."

□ 1350

So it is important that we understand the rationale for building the space station. That rationale is probably driven largely by what we might describe as the national political need to have a permanently manned American presence in near-Earth orbit.

When you look at the 110 mission model of the space station, it is possible to build the two unmanned platforms and provide for a longer duration orbiter—one that spends 20 to 30 days in orbit—and actually be able to do 80 percent of the space station's missions at only 15 or 20 percent of the cost.

It is true that if we went down that road we would not be able to do long-term life and biological experiments, because man would not be up there continuously. But with just two unmanned platforms and an extended duration orbiter, you could probably accomplish 75 or 80 percent of the space station missions.

One editorial supporting the space station suggested that it should be called Blind Faith No. 1, and in many ways what we will be buying here is a capability to be permanently on orbit with a facility that can do a number of things. I question whether it can do them as cheaply as one or two other approaches, but that is basically what we are buying here.

But once you cross the Rubicon and commit to the space station, we still have two concerns.

First of all, we are, as sure as day follows night, going to face some kind of budget retrenchment in the future. When that retrenchment comes, what we do not want to see is the permanently manned element of the space station as the only survivor. We particularly do not want to see that happen at the expense of other NASA programs.

And second, if you start out and permanently man the space station from the first day of operation the station is going to be defined in such a way that its automated capabilities will be deemphasized in favor of man's capabilities.

To meet both of these problems, what we have done is to ask NASA to go out and define its concept of a permanently manned space station, but at the same time, in the same request for proposal, ask for a definition of what that same station would look like if you did not permanently man it from the first day.

Our recommendation is just about that simple. I think it is reasonable, I think it is fair—and above all, I think it makes eminent sense. I hope you will support it.

The CHAIRMAN. The Chair wishes to advise the gentleman from Massachusetts he has consumed approximately 26 minutes.

Mr. BOLAND. All right. Mr. Chairman, I will quickly conclude my remarks.

For the National Science Foundation, we have essentially provided the budget request—but we have moved the money around a little.

We are adding $20 million for supercomputers.

We are adding $13 million for science education.

We are adding $5 million for the biological, behavioral, and social sciences areas.

We are adding $2,500,000 for the research improvement in minority institutions program.

By way of comparison—the 1985 budget request for the Foundation is the largest operating program increase in the bill—up $180 million or 13 percent above 1984.

The last major agency in the bill is, of course, the Veterans' Administration. We are again enhancing the VA medical care program—this year by $40 million above the budget request. This amount will provide for an additional 800 staff years which we have targeted at the outpatient requirements of VA hospitals.

The fact is, the VA is looking at a freight train coming down the tracks—and that train is, simply put, a veteran population that is rapidly aging. As that population continues to age, and as medicare and other health insurance benefits provide less coverage—the impact on the 172 VA hospitals will be enormous. We see signs of that impact today. The typical 65-year-old veteran is coming to VA for treatment. That is where we have added funds—to help meet that tide of ever-increasing outpatient demand.

But let me make clear to everyone here—that this is just the beginning. In the next 10 years the problem is going to grow with each year. This committee has tried to provide increases to maintain an absolute minimum level of staffing in our VA hospitals. It costs less per patient hospital day in a VA hospital than it does in the private sector. One of the reasons that service is delivered for less is that VA hospitals are staffed at bare minimums. This additional $40 million is not going to make any VA hospital staff rich. But it is the kind of thing we are going to have to continue to be doing in the next 5 or 10 years.

Finally, under the VA, on pages 50 through 52 of the report, we have laid out the committee's recommendation in connection with VA hospital construction next year.

Our philosophy in this area has been to make every effort—every effort possible—to avoid politicizing the construction of VA hospitals.

It has not been an easy struggle. Five years ago we went out on the floor and were defeated in an effort to try and stop the Veterans' Affairs Committees from annually authorizing these VA facilities. Now we are not naive. We know that the OMB has juggled medical priorities and inserted their own political priorities.

But if we give over entirely to turning this appropriation into a pork program—we will live to regret it.

What we have been trying to do is get the VA to establish a rolling 3- to 5-year priority list that nails down where the true needs are. I am not sure in my own mind whether the VA is ever going to be capable of doing that. But we have been trying and we will continue to try to get that done.

Now the principal way that we have attempted to keep the VA construction program out of the political arena—is to provide only for those projects in the budget request. This year, however, we are faced with the fact that the Philadelphia Hospital, which is clearly in need of a major clinical addition, was not included in the request. The Baltimore Hospital was also not included in the request. That funding has been a subject of debate for at least 10 years. Undoubtedly, Baltimore needs attention—as do a dozen other hospitals in the VA system.

For 1985, the VA request to OMB included major new construction in Philadelphia, New York, and Baltimore. Only New York was included in the actual budget request to the Congress. And, I do not have to tell you, we have been under considerable pressure to add funds for Philadelphia, Baltimore, and one or two other projects. But what we did is to provide for the full request and tell the VA to go back, scrub the list and submit a revised list to us by September 1.

Our hope is that they will reexamine the priorities and come forward with a revised request that includes Philadelphia—and possibly Baltimore. That is the approach we have taken—and my fondest hope is that it will preserve our longstanding efforts to avoid politicizing these VA construction projects.

The bill includes the budget estimates for the other VA appropriations, with the exception of minor reductions in administrative expenses.

The committee is aware that it appears that the loan guaranty revolving fund will be exhausted sometime in 1984. Funding for the loan guaranty fund can be provided in a supplemental appropriation when a budget request is submitted.

So that summarizes the major recommendations in the 1985 HUD-independent agencies appropriation bill.

Mr. Chairman, before concluding my remarks, I want to commend an outstanding civil servant. On May 13, Dr. Donald L. Custis, Chief Medical Director of the Veterans' Administration, retired from that position, concluding an outstanding career in Federal medicine and in service to his country.

Dr. Custis joined the VA's Department of Medicine and Surgery in 1976, after completing a medical career in the U.S. Navy where he achieved the Navy Medical Corps' top job, Surgeon General. In 1980, he was appointed to the top VA medical post, thus becoming the only person ever to have headed two major health agencies of the U.S. Government.

As chairman of the HUD-Independent Agencies Subcommittee, I am personally aware of the many accomplishments of Dr. Custis in directing the largest health care system under unified management in the world. During his 4 years of service as Chief Medical Director of the Veterans' Administration's Department of Medicine and Surgery, Dr. Custis launched major innovations in the management of the Nation's largest centrally managed health care system.

A strategic management system encompassing a new grassroots planning process called the medical district initiated planning process, new manpower staffing guidelines, and a new resource allocation methodology all have gotten underway during his tenure, as well as an extensive program to place a decentralized medical computer system in all VA hospitals.

Dr. Custis has been instrumental in encouraging and promoting improved management methods and practices at the medical center, district and regional levels of the Department of Medicine and Surgery. His promotion of new methods to advance the quality of management through improved and enhanced career development will have a dramatic, long-term effect on the system. He has given new impetus to both the process and substance of sharing arrangements with both private sector and other Federal health care delivery institutions. And he had maintained excellent relationships with the veterans service organizations and enhanced the Department's community relations programs. Dr. Custis' extensive relationships within the medical community at large fostered a greater awareness of the position of the Veterans' Administration's health care system as an integral component of American medicine.

We all regret the loss of one of the ablest Chief Medical Directors in the history of the VA and wish Dr. Custis an equivalent degree of success in making his retirement a happy and satisfying one; certainly he has earned it.

Mr. Chairman, I will include a table summarizing the amounts recommended in the bill with comparisons to the 1984 appropriations and the 1985 budget requests at this point.

SUMMARY OF ESTIMATES AND NEW BUDGET (OBLIGATIONAL) AUTHORITY IN BILL

Department or agency	Appropriations 1984	Budget estimates, 1985	Recommended in bill	Bill compared with—	
				Appropriations, 1984	Budget estimates, 1985
American Battle Monuments Commission	$10,462,000	$11,065,000	$11,065,000	+$603,000	
Cemeterial expenses, Army	8,203,000	7,759,000	7,759,000	−444,000	
Consumer Information Center	1,349,000	349,000	1,149,000	−200,000	+$800,000
Consumer Product Safety Commission	35,000,000	35,000,000	36,000,000	+1,000,000	+1,000,000
Council on Environmental Quality	1,300,000	700,000	700,000	−600,000	
Department of Housing and Urban Development	13,456,337,000	10,282,684,000	14,032,374,500	+576,037,500	+3,749,690,500
Environmental Protection Agency	3,998,100,000	4,293,254,000	4,358,275,000	+360,175,000	+65,021,000
Federal Emergency Management Agency	476,594,000	630,072,000	554,909,000	+78,315,000	−75,163,000
Federal Home Loan Bank Board [1]	(67,635,000)	(68,908,000)	(68,908,000)	(+1,273,000)	
National Aeronautics and Space Administration	7,197,500,000	7,491,400,000	7,491,400,000	+293,900,000	
National Credit Union Administration [2]	(600,000,000)	(600,000,000)	(600,000,000)		
National Science Foundation	1,320,300,000	1,501,792,000	1,499,792,000	+179,492,000	−2,000,000
Neighborhood Reinvestment Corporation	15,512,000	15,271,000	15,271,000	−241,000	
Office of Consumer Affairs	2,011,000	2,096,000	2,096,000	+85,000	
Office of Revenue Sharing	4,573,978,000	4,574,641,000	4,574,641,000	+663,000	
Office of Science and Technology Policy	1,950,000	2,194,000	2,194,000	+244,000	
Selective Service System	24,500,000	28,130,000	27,780,000	+3,280,000	−350,000
Veterans Administration	24,988,635,000	25,792,091,000	25,821,091,000	+832,456,000	+29,000,000
Total	56,111,731,000	54,668,498,000	58,436,496,500	+2,324,765,500	+3,767,998,500

[1] Limitation on corporate funds.

[2] Limitation on borrowing authority in 1984 and limitation on direct loans in 1985

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts choose to yield time to the gentleman from California?

Mr. BOLAND. If the gentleman from New York can yield some time I would be delighted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GREEN) for 30 minutes.

Mr. GREEN. I thank the Chairman.

Mr. Chairman, I would be happy to yield 2 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Chairman, I wanted to compliment the gentleman (Mr. BOLAND) on the statement that he has just made and the content of his bill. I do have a couple of minor questions. I suspect the chairman of the Space Subcommittee has similar questions. Let me ask a question with regard to the FEMA operation, if I might.

I think the gentleman is quite correct and his subcommittee is quite correct in the direction they are pursuing for a better integrated emergency management response capability. I note the report refers to the possibility of the construction of a western regional facility for fire and emergency response training.

The original center at Emmitsburg was authorized by the Science and Technology Committee, and I have no recollection that we have authorized any additional facilities of this sort. Is it possible that FEMA may proceed with this? I know you did not fund it in this bill, but can it be funded without additional authorization from the authorizing committee?

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Massachusetts.

Mr. BOLAND. My response would be that it would not be possible for FEMA to go ahead and fund this particular program. The hearings of our committee will show precisely why they will not go ahead with it. We expressed some great concern about establishing it in the report on page 30. Basically, we are concerned that the establishment of another national training center at this time will divert resources from the programs at the Emmitsburg facility.

We have also included language that the Federal Emergency Management Administration cannot go ahead and fund an additional training center in the bill.

Mr. BROWN of California. I appreciate the gentleman's response.

The CHAIRMAN. The time is controlled by the gentleman from New York (Mr. GREEN), who had yielded 2 minutes to the gentleman from California, whose time has now expired.

The Chair recognizes the gentleman from New York.

Mr. GREEN. I yield myself such time as I may consume. I thank the Chair.

Mr. Chairman, I want to thank the distinguished chairman of the Appropriations Subcommittee on HUD and Independent Agencies for his very generous remarks about my service on that committee. It has been a real privilege for me to work with the gentleman from Massachusetts.

His mastery of some very complex budgets, particularly in the HUD area, and of the very diverse work done by the independent agencies for which our subcommittee is responsible reflects great credit on him and on the House as a whole.

Let me say to my colleagues that I have been advised by the Director of the Office of Management and Budget that, to quote him, "the bill is generally consistent with the administration's request."

There are a number of areas, however, where we do vary from what the administration has requested and I should like to emphasize those in my remarks.

First, we have made a substantial increment in the EPA budget. The operating budget at $1.3 billion is $105 million over the administration request and $190 million more than the fiscal year 1984 level.

I think that this represents a very important step in rebuilding this vital agency; it is something we are looking forward to building on in the years ahead.

The distinguished chairman of the subcommittee has spelled out the changes that we have made in the housing funding. I emphasize, however, that we have stuck with the administration's requested level of 100,000 incremental units of subsidized housing.

The bill becomes more expensive primarily because we have allocated those 100,000 units somewhat differently from what the administration requested; principally because we view the voucher demonstration as just that, a demonstration, and we are not prepared to terminate other programs which have been successful in the past until that demonstration shows that it can carry the load all by itself, something of which I must say I am somewhat skeptical.

I should note that we have funded the advanced communications technology satellite in the NASA budget at $40 million as opposed to the $5 million requested. We have provided additional funding for the Veterans' Administration for expansion of outpatient services and the program for readjustment counseling at vet centers; we have provided $20 million of additional funding to the National Science Foundation for increased access by university researchers to supercomputers.

Despite these increases, we are $30 million under the informal section 302(b) ceiling that has been set for our subcommittee.

I would, however, urge my colleagues not to take that announcement as an invitation to be offering expensive amendments to this bill. The fact of the matter is that because the Federal Emergency Management Agency is one of the agencies within our jurisdiction, we are subject to requests for emergency funding during the year if we should have a natural disaster or other matter within the jurisdiction of the Federal Emergency Management Agency that would require more funding than we have provided.

So I think it would be prudent on the part of the House to stay with the committee's recommendations and leave us that little bit of cushion. It is a very small percentage in a very large—over $50 billion—bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE), the distinguished ranking minority member of the full committee.

Mr. CONTE. Mr. Chairman, I am pleased to join Chairman BOLAND and the ranking minority member, Mr. GREEN, in bringing to the House floor today H.R. 5713, making appropriations for the Department of Housing and Urban Development and independent agencies for fiscal year 1985.

I would like to take this opportunity to thank the chairman, the ranking minority member, and each member of the subcommittee for their swift and responsible action in reporting out this measure. This is the second of 13 appropriations bills for fiscal year 1985 to come to the floor. With about 4 months remaining in the fiscal year, it is important that we move as expeditiously as possible in completing the work on this and the other bills so that they may be sent to the Senate.

This bill contains $58.4 billion in fiscal year 1985 new budget authority for HUD and 17 independent agencies. This is $2.3 billion more than was appropriated in fiscal year 1984. It is $3.8 billion more than the budget estimates. The majority of the increase over the President's request, $3.7 billion, occurs in the assisted housing program, where we have recommended increases for section 8 existing housing units, 10,000 new public housing units, and a reduction in the number of section 8 housing vouchers from the request of 91,000 to a level of 38,500.

While the distinguished chairman and ranking minority member of the subcommittee have described some of the important programs and activities funded through this bill, I would like to take a moment to highlight a few of the programs which we have included for fiscal year 1985.

For the Department of Housing and Urban Development, we have recommended $3.5 billion for the community development block grant program, and $440 million for the urban development action grant program. We have provided $25 million for the Solar Energy Conservation Bank, and $1 million for the Housing Assistance Council, the national nonprofit corporation which has been established to increase the availability of decent housing for rural, low-income people.

Out of our $4.4 billion recommendation for the Environmental Protection Agency, the committee has included an increase of $50.3 million over fiscal year 1984 appropriations for research and development. We have provided an increase of $1.5 million over the administration's request for ground water monitoring, modeling, and assessment; and an additional $1.5 million for acid rain research on atmospheric chemical transformation and transport processes. For abatement, control, and compliance, the committee has recommended a $50.3 million increase over last year. We have added $5 million to the administration's request for air program section 105 State grants to assist in developing the technical and institutional foundations for future acid rain control strategies, and provided a total of $5 million for the clean lakes program. For construction grants to assist in financing the planning, design, and construction of wastewater treatment facilities, the committee has recommended $2.4 billion.

For the Federal Emergency Management Agency, the committee is recommending $554.9 million. Included in this total is an increase of $1 million over the administration's request to expand the fire prevention and community-based antiarson program from 10 to 20 communities.

The committee has recommended $7.5 billion for the National Aeronautics and Space Administration, including the $150 million which the President has requested for the space station definition studies and an increase of $10 million over the administration's request for physics and astronomy and planetary research and analysis.

For the National Science Foundation, the committee has recommended an increase of $179.5 million above the fiscal year 1984 levels. Of the $1.3 billion total for fiscal year 1985, the committee has added $5 million to the administration's request for biological, behavioral, and social sciences research.

Mr. Chairman, I am pleased to report that the fiscal year 1985 HUD-Independent Agencies appropriations bill as reported by the committee is generally consistent with the administration's request, and that the amounts recommended in the bill are within the amounts assumed in the House-passed budget resolution pursuant to section 302 of the Budget Act.

Mr. Chairman, I support H.R. 5713, and urge my colleagues to do the same. Thank you.

Mr. GREEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Coughlin), my distinguished colleague on the subcommittee and the former ranking minority member of the subcommittee.

Mr. COUGHLIN. Mr. Chairman, I take this time to ask the distinguished chairman of the subcommittee, Mr. Boland, to engage the distinguished subcommittee chairman in a brief colloquy? He is aware, I know, of my interest in the Philadelphia Veterans Hospital. I know we are not including a specific Veterans' Administration construction project list in this bill, but instead, are having the VA review and reconsider all major construction projects and submit a revised list of such projects to the Appropriations Subcommittee by September 1 of this year; am I correct in that assumption, Mr. Chairman?

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Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

My response is yes.

Mr. COUGHLIN. It is also true, as I understand it, that we are recommending that the VA reexamine the Philadelphia Medical Center renovation and construction project, and include that project in its revised list to be submitted to the Appropriations Committee in September; is that correct?

Mr. BOLAND. My response is yes.

Mr. COUGHLIN. I thank the distinguished chairman and I applaud the committee's recommendation in this regard.

Mr. Chairman, all of the preliminary necessary construction plans for the Philadelphia project have been completed and the Veterans' Administration is ready to proceed. The Philadelphia project has been part of the projected 5-year construction plan and the VA has ranked the existing facility as the third worst of its 172 medical centers in terms of space and function. More than $1 million already has been spent on the Philadelphia project's design and preparation and its cost could significantly escalate if construction is postponed.

In fact, if funding is not forthcoming in fiscal 1985, we run the risk of losing the land on which to build and the whole project may have to be scrapped. The city of Philadelphia donated 12 acres of land for the project but made its availability contingent upon construction by December 1986. City representatives have emphasized to me that they expect construction of the project to be ongoing by December 1986, and not merely an appropriation of Federal moneys for the project by that date. The city of Philadelphia has and continues to lose revenues that could be generated from the sale of this piece of valuable real estate as it waits for VA design and construction funds to be forthcoming from Washington.

Mr. Chairman, aside from my interest in the designation of major repairs at the Philadelphia Veterans Hospital which I discussed with the distinguished chairman of the subcommittee, Mr. Boland, I also want to highlight several other sections of today's bill which I believe warrant specific attention.

For the second year in a row, the subcommittee has made significant add-ons for the operating budget of the Environmental Protection Agency. These add-ons, while not as high as some had hoped, will assist the Agency in fulfilling effectively its broad mandates.

Specific note should be mentioned about the committee's acid rain research and control additions. $1.5 million has been added in the acid rain research function for study on atmospheric chemical transformation and transport processes. Another $5 million was added to develop the technical and institutional foundation for acid rain control strategies.

Like many of my House colleagues, I still hope that we will have the opportunity to vote on effective acid rain controls some time during this session of Congress. While the chances of an acid rain control bill reaching the House floor may not be that likely at this point in time, I nevertheless believe our panel's additions in this field will help us on the way toward eliminating our Nation's acid rain problems.

I urge the Members to support our bill as I contend it represents a fair and fiscally effective proposal in the environmental field as well as others.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I just want to commend the gentleman for his comments and for his leadership on specifically the Philadelphia Veterans Hospital.

As the gentleman knows, the hospital was built early after 1950. It is a hospital that needs major renovation and in light of the fact that several years ago many of us joined in the deletion of the Camden facility, it is absolutely essential that the dollars be available to renovate the existing Philadelphia hospital, to build the 120-bed nursing home facility and to construct the new outpatient clinic in that vicinity.

I just want to commend the gentleman for his help and leadership on that issue.

Mr. COUGHLIN. Well, let me compliment the distinguished chairman of the authorizing subcommittee, who has definitely worked this through in very diligent fashion and has certainly been a leader in getting this accomplished.

Mr. EDGAR. I thank the gentleman.

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Boehlert).

Mr. BOEHLERT. Mr. Chairman, this is a measure of critical importance because of the wide range of essential programs it covers. However, there is one item in this bill that I find particularly encouraging and wish to address.

I am referring to the $440 million appropriation for Urban Development Action Grants (UDAG's). As someone who has fought for this program in every possible forum, I was relieved to see that the battle for UDAG's seems to be over, and the committee has earned special commendation for leading the way.

For several years, there were efforts to slash the funding for this vital program. Last year, for example, the budget proposed cutting $244 million. We did not let it happen. We approved maintaining the funding level at $440 million but it took a fight to do it. This year, finally, everyone seems to agree that the UDAG program must continue at its current level, and, thankfully without a big fight.

That is an important victory for one very simple reason. UDAG's create new, permanent jobs in distressed communities. We still have an unemployment problem in this country, albeit an improving one, and we can ill afford to reduce or eliminate programs that have a proven capability to put Americans to work.

A recent GAO study showed just how effective the UDAG program has been. The GAO looked at 12 representative UDAG projects that have been completed in New York, Ohio, and Illinois. The projects included factories, hotels, and a shopping center. The results were gratifying.

The GAO reported that 92 percent of the new permanent jobs that developers predicted would be created did, in fact, materialize. That held true for the low- and moderate-income job category. The GAO found that 91 percent of all those jobs predicted did come into being.

There were several projects in which the number of jobs created surpassed expectations. I am intimately familiar with one of those projects—the construction of a new Sheraton Inn and Convention Center in downtown Utica, an area I represent. The 162-room inn employs 150 workers—that is 150 new jobs in an area that has been facing a sharp decline in population. And those 150 jobs represent 103 percent of the number predicted on the UDAG application.

But the erection of that inn and convention center has done far more than provide jobs for 150 people, though that alone is a significant achievement. It has infused new life into a downtown district that had been given up for lost. That new life has meant new business, new development possibilities, and, most importantly, new hope for the city of Utica.

The renaissance is underway. The city will soon be receiving another shot in the arm from the reopening of a major department store complex that was once the hub of the downtown area until its closing in 1976. This additional shot in the arm is being made possible by a recently awarded $600,000 UDAG.

The story I am telling about Utica could, as the GAO report proves, be repeated in cities, large and small, across the country. Just two weeks ago, for example, a $6 million UDAG project was approved for Norwich—a city of 8,000—which will lead to 200 temporary construction jobs and 120 new permanent jobs.

And what is particularly promising about this success is that it has been accomplished without excessive involvement from the Federal Government. A successful UDAG application requires cooperation between private developers or industries, local officials and Federal officials, with the Federal officials clearly being the junior partner.

The Norwich project makes possible a $6 million private venture with an approximate $1 million Federal investment through a UDAG. The UDAG program has not replaced private initiative; it has promoted private initiative. The UDAG program has not substituted national planning for local planning; it has thrived on local planning.

In short, the UDAG program has created new jobs without stifling the private and local activity that is needed to maintain our economic vitality.

The GAO report highlighted that as well. The study found that private investment in UDAG projects exceeded initial estimates by almost 29 percent.

The aggregate figures for the UDAG program since its creation in 1977 present the same picture. A Federal investment of $2.5 billion has leveraged nearly $15 billion in private investment. What is more, much of that Federal investment was given in the form of loans, creating a pool for future investment.

Simply put, the UDAG program is a winner. Both its ends and its means have been exemplary. The program has fostered public-private partnerships to create permanent, new jobs in the areas that need them most. What more could we ask for?

We should all point to this program with pride. And we should all be fighting for its continued success. And, let me add, we should direct deserved praise to those dedicated professionals within the Department of Housing and Urban Development who make the program work.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. Mr. Chairman, I first wish to comment briefly to the chairman of the subcommittee, the gentleman from Massachusetts, in regard to the remarks in regard to the space station and its future possibility of the use of those funds would eliminate certain programs in NASA for the space sciences for astronomy and planetary exploration. I just wish to assure the gentleman, as chairman of the Subcommittee on Space Science and Application, that I, and I firmly believe a majority of the members of my subcommittee, can assure him that we are not going to let budget constraints reduce those programs in behalf of the space station. I just wish to assure him on that.

My other concern has to be something a little more practical at the present time as far as my district and the State of Missouri is concerned. As the gentleman from Massachusetts knows, we have had a large problem for several years now with the question of dioxin contamination of our soils in various parts of the State.

A high priority for dioxin research is in the area of fate, transport, and enhanced degradation. In H.R. 2899 I added an amendment to assure that at least $1 million would go for the research in 1985 into fate studies and enhanced degradation.

That bill is now waiting action in the Senate. I plan to offer an amendment later to this bill to earmark $1 million for dioxin research on fate and enhanced degradation for 1985.

Does the gentleman wish to comment on that?

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

First of all, I want to compliment the gentleman for his work as chairman of the Space Science and Applications Subcommittee of the full Committee on Science and Technology.

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This Subcommittee on Appropriations appreciates his remarks with reference to the work that this appropriation bill really accomplishes.

Let me assure the gentleman that the important research that the gentleman describes will be funded under this bill with an estimate of over $1 million in 1985.

I understand from the agency that $1 million is included in the budget for that purpose. In addition, over $5 million has been added for EPA's research and development to be used at the Administrator's discretion. I would urge EPA to assure that dioxin fate and degradation research receives at least $1 million in 1985 of the funds appropriated in this bill.

Mr. VOLKMER. I wish to thank the gentleman from Massachusetts, and with those assurances I will not offer my amendment to the bill. I wish to thank the gentleman very much for his support in this area of dioxin fate studies and enhanced degradation research.

Mr. BOLAND. I thank the gentleman.

Mr. GREEN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. I thank the gentleman for yielding me this time.

I, too, would like to address a few questions to the subcommittee chairman—I know he may have already touched on at least one of these issues just briefly—so that we can emphasize what dollar amounts we are talking about.

Mr. Chairman, what is the total amount of new budget authority in this bill?

Mr. BOLAND. Will the gentleman yield?

Mr. LOTT. I will be glad to yield.

Mr. BOLAND. I thank the gentleman for yielding.

The total amount provided in this bill in new budget authority is $58,436,496,500 for 1985.

Mr. LOTT. Would the gentleman be able to tell me how that compares to last year's bill? What was the amount appropriated last year? I would be glad to yield to him for that information.

Mr. BOLAND. It is $2,324,765,500 above the 1984 level.

Mr. LOTT. $2.3 billion above?

Mr. BOLAND. Yes; that is correct.

Mr. LOTT. All right. I also understand that it is over the President's request, $3.7 billion plus above the President's request; is that correct?

Mr. BOLAND. The gentleman is correct. It is $3,767,998,500 above the President's request.

Mr. LOTT. I understand the gentleman has an explanation as to why there is that discrepancy. Would the gentleman enlighten us on that?

Mr. BOLAND. Virtually the entire increase of $3.7 billion is in the subsidized housing programs. It occurs as a result of the change in the mix of assisted housing units that the subcommittee has recommended with reference to the large subsidized housing programs. The number of incremental units is the same as the President's budget request.

I might say to the distinguished gentleman that the $58.4 billion recommended in this bill is $30 million less than the informal section 302(b) allocation which was established by the subcommittee chairmen of the Committee on Appropriations.

Mr. LOTT. I certainly appreciate that information. That was going to be my next question. And that in itself scares me to death, because we know that the sky is the limit when it comes to what was authorized under the budget resolution we passed here in the House. When you get that close to what the ceiling is, then we know how much money we are talking about.

I thank the chairman for that information. We all have various parts of this particular appropriation bill that we are very much interested in, that we would like to support. The gentleman from New York just a moment ago gave a glowing endorsement and quoted a GAO report on the UDAG grants, for instance. Well, we have all benefited, probably, from UDAG grants in our congressional districts, and they are all wonderful. I have been able to get some in my district. And what are they doing? Among other things, they are building downtown parking garages in cities across America. Sure, the mayors love them, including in my district. All the while, they are snickering up their sleeves and saying, "Yeah, keep sending us that Federal money down here, we love it."

I wanted to ask these questions and make this point, Mr. Chairman. I know the gentleman is working very hard, as chairman, trying to get a good bill and trying to hold down the spending. I know the distinguished gentleman from New York tries to do that. But the fact of the matter is, this bill is significantly over what we spent in last year's appropriations bill. It is $3.7 billion above what the President asked for. And, yes, there are some explanations and some disagreement about how you would fund these housing programs. But the fact remains, this is the beginning. Every appropriations bill that will be coming along now day after day, week after week, for the next month and right up until we go home for the election will be higher than last year's bill. So we can go ahead and vote for it, because we support this particular part or that particular part of the bill, but if we are ever going to be able to get deficits under control and reduce Federal spending, this is one of the places we are going to have to begin.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I will be glad to yield to the gentleman.

Mr. BOLAND. I appreciate the gentleman's yielding.

I might say that the Office of Management and Budget generally supports the funding recommendations made by this subcommittee in this bill.

May I also say that with respect to the subsidized housing programs, back in 1981 the budget authority for the subsidized housing was about $25 billion. In 1980 it was approximately $26.7 billion. This bill provides $9.9 billion in budget authority for the subsidized housing programs in 1985, the same amount as appropriated in 1984.

So in a very real sense, in a very dramatic sense, I think that these funding levels have been coming down substantially. That has been due, of course, to the positions taken by the gentleman who is now on his feet and a lot of other Members in this House.

Mr. LOTT. I understand that. We had testimony before the Rules Committee on this bill last week.

I thank the gentleman for providing me with that information, and I just wanted to raise my reservations about this bill.

Mr. GREEN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I simply wanted to ask the ranking minority member to confirm something that he alluded to during his presentation of the contents of this legislation.

In the FEMA disaster relief portion, the report mentions, on page 29, that the bill includes the budget request of $100,000,000 for fiscal year 1985, and this is what puzzles me and I would ask for an explanation. It says:

> In addition, an estimated unobligated balance of $368,494,000 will be available at the end of fiscal year 1984.

Does that mean that we did not have as many emergencies as we thought we would need to fund for this particular year and it carries over? Is that the intent?

Mr. GREEN. If the gentleman would yield, it is always a guess as to what the level of emergencies is going to be, so we try to keep this fund at a reasonable level. This $100 million will bring it back up to just under the $500 million level in available funds.

But as I warned in my remarks in brief, there is always the possibility of having a Mount Saint Helens kind of disaster which calls for more spending than that.

Mr. GEKAS. That is exactly what I wanted to confirm. I thank the gentleman very much.

Mr. GREEN. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I take this time because I have some of the same reservations expressed by the gentleman from Mississippi (Mr. LOTT).

In the first place, we do not have a budget yet, so everything we do here is literally being done in the dark.

Second, we are not aware of what the Appropriations Committee's subcommittee allocations were other than what we have just heard the distinguished chairman from Massachusetts say to us just in the last few minutes.

Also, it seems to me, as I look at this bill, that the first HUD appropriation of fiscal year 1984 was $55.8 billion. This year we will increase to $58.4 billion. That is an increase of about 4.7 percent.

I am not counting here either the supplemental passed last year nor the pending supplemental, which I guess is over in the Senate now, for another billion and a half. But that increase, discounting supplementals, is 4.7 percent.

As I understood the budget when we passed it, we pledged to spend not more than a 3.5-percent increase for this kind of expenditure. But here we are, spending more as usual.

Every bill that we get from the Appropriations Committee carries with it assurances that we are well under the budget, and yet we never are well under the budget.

When we passed the water bill last week, or maybe it was the week before last, we were told that the bill was under the budget too. But our budget called for no more than a 3.5-percent increase, and it was a 6.7-percent increase from last year. The assurances that we are under budget seem to have no basis in fact.

Every one of these bills that is coming out of the Appropriations Committee with mysterious numbers and mysterious blessings which say we are within the budget are not, in fact, within the budget that this House has passed.

Worse, our budget is going to be reduced somewhat in domestic spending, just as the Senate's defense spending is going to have to come down a little, when the budget is finally compromised. Actually, when our final budget is adopted we will have even lower ceilings than the ones which I believe have already been broached by this bill, and by the bill that was passed last week.

I have high regard for the people involved in creating and bringing this bill to the floor. I realize that they have been under enormous pressures in the last couple of years, and have made substantial reductions from 1981.

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Nevertheless, in my judgment, this bill is over our budget as passed by the House, and will be more over when the final budget is passed.

In addition, I fear that we will have another, or could have, another voucher supplemental which will put a third level of extra expenditure onto this cost center. Our actions simply tells the public that we cannot manage our own fiscal discipline.

Mr. BOLAND. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. McNULTY).

Mr. McNULTY. Mr. Speaker, I rise to engage the chairman in a very brief colloquy.

Mr. Chairman, on the border of Mexico and the United States near my hometown of Bisbee, Ariz., there is a triangle of copper smelters that can contribute up to 80 percent of all the sulfur dioxide emissions of the West. Two of them are in Mexico; one with a capacity next spring, on line, of 1,370 tons of sulfur dioxide per day.

To understand the scope of that situation, I believe the EPA needs to conduct a monitoring study of the sulfur dioxide emissions and the related acid deposition. If the chairman would care to respond to that, I would be most grateful.

I yield to the chairman of the committee.

Mr. BOLAND. My understanding is that the Environmental Protection Agency has developed a model for the situation that the gentleman refers to and an appropriate next step would be an emissions inventory and deposition data collection study to validate that model.

I understand that this effort can be completed at a relatively modest cost and I certainly would urge the EPA to go ahead and do precisely that.

Mr. McNULTY. Mr. Chairman, I am most grateful to you, and I appreciate your support.

Mr. BOLAND. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Veterans' Affairs, the distinguished gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I want to commend the Chairman of the Subcommittee on HUD-Independent Agencies, Mr. BOLAND, along with the gentleman from New York (Mr. GREEN) for reporting H.R. 5713 in such a prompt manner. This measure is always one of the first appropriation bills to be considered by the House and the distinguished gentleman from Massachusetts, the distinguished gentleman from New York, Mr. TRAXLER, Mr. BOGGS, Mr. SABO deserve the appreciation of the House for their outstanding work.

This bill includes $25.8 billion in budget authority for the Veterans' Administration, an increase of 3.3 percent over the amount appropriated to the VA in 1984. I should add, however, that the appropriation for medical care is up 9.1 percent over the 1984 level, which reflects a real commitment to meeting the health care needs of our Nation's veterans. I should also point out that the budget for repairing and replacing medical facilities is up slightly when compared with the 1984 levels, including funds appropriated in late fiscal year 1983 for the replacement medical center in Minneapolis.

I am very pleased, Mr. Chairman, that the committee seriously examined some of the recommendations we made to the Budget Committee earlier this year, and included $40 million and 800 FTEE to expand staffing for outpatient treatment and an additional 220 FTEE to expand the vet center program. The former Chief Medical Director of the VA has testified on several occasions that the VA medical system is seriously understaffed across the board, and I think the committee's addition of 1,020 FTEE for this account is very commendable. I also appreciate the language in the committee's report indicating that the average employment of 194,341 in the medical care account is a minimum level. I know the chairman of the subcommittee, Mr. BOLAND, shares my conviction that we ought to encourage the directors of medical centers to manage their programs in a manner that is responsive to the needs of veterans as seen by the local manager. I hope that officials in the VA's Department of Medicine and Surgery will heed the Committee on Appropriations' words and not treat this as a ceiling on employment if more health care employees are needed. I think this is particularly true in light of the increasing demands being placed on the VA medical health care system by aging veterans.

I also note that the committee has generally recommended appropriations in accord with the administration's request for compensation and pensions, readjustment benefits, medical and prosthetic research and grants for construction of State extended care facilities. Minor reductions have been made to reflect the committee's concern with the manner in which the VA's central office handles certain management tasks. Again, the committee is encouraging the VA to let good managers manage without undue interference.

While I know of the committee's concern with the solvency of the VA's loan guaranty revolving fund, I was somewhat surprised that the committee did not make any provision for an appropriation to this account, since it appears that this fund will be exhausted sometime this year. I also want to note that a supplemental appropriation for this account has been languishing at the Office of Management and Budget for several months. The program will go out of business unless the administration honors the commitment we have made to our Nation's veterans by requesting the funding necessary to keep this program fiscally sound.

Mr. Chairman, it should be noted that section 5004 of title 38, United States Code, provides that no appropriations may be made for construction or acquisition of any VA medical facility estimated to cost $2 million or more unless the project is authorized by both Committees on Veterans' Affairs. In the past, the Committee on Veterans' Affairs has not objected to appropriations measures which do not technically comply with this requirement, although we had a right to do so. Members will readily observe that the rule set forth in clause 2 of rule XXI is similarly intended. The Committee on Veterans' Affairs has not objected in the past to the technical failure to comply with the proper procedure because the Committee on Appropriations always provided in its report on the bill a list of projects for which it was providing appropriations. This year, the committee did not provide such a list, and I want to voice my dismay and very real disappointment at the committee's action. Mr. Chairman, I was at the Rules Committee hearing last Friday when the rule for this measure was being considered, but I arrived too late to hear the Appropriations Committee's explanation of the unusual procedure which it is adopting this year. I should explain that the only reason I was able to appear at all was because of the diligence of another member, who advised me of the Rules Committee hearing. The Rules Committee did not notify me of the hearing on the rule. I have written to the chairman of the Rules Committee to ask that I be advised when matters affecting subject matter under the Committee on Veterans' Affairs are taken up, so that I can be heard on such matters. I am very hopeful that an accommodation can be reached on this request, as a matter of courtesy and as a means of preserving the jurisdictional integrity of the committee system. I very much admire and respect the fine work which usually emerges from the Appropriations Committee, but I must point out that in this instance, the House could justifiably be accused of abdicating its responsibility to decide whether funds should be appropriated for a particular purpose.

Mr. Chairman, I know that a point of order was waived against this measure in order to insure that the measure is promptly considered by the House. However, I do not think it makes good sense for the House to appropriate funds with the understanding that the Veterans' Administration will come back later in the year with a plan as to how it will spend the money. Yet, that is precisely what the committee is asking this House to do today. It is a strange, strange way of doing business, and I would hope that we will not see this type of procedure again. Let me make it clear that this is an exceptional, "one-time only" deviation from the usual procedure, in order to allow the VA to rethink its priorities and come back with a list that includes both the Philadelphia and Baltimore projects which our committee has authorized because they are demonstrably needed. If there is some speculation that this marks a change in the role of the Committee on Veterans' Affairs in authorizing major construction projects, let me put it to rest by saying that I will take a very hard attitude and insist that Congress abide by its own rules if this procedure reoccurs at a future time. Quite frankly, Mr. Chairman, there is no way a Member can know for certain that any particular project will be constructed with the funds we are appropriating today.

The committee report language seems to indicate that the authorizing committees may be attempting to politicize the VA medical facilities construction process. For the record, let me relate a short history of the Committee on Veterans' Affairs actions with regard to authorizing funds requested by the Veterans' Administration for major medical facility construction projects. Since the committee began exercising its authorization responsibilities by reviewing the VA's list of project requests for which appropriations are sought, we authorized every project, and only those projects, requested by the VA. This year, we did take exception to two projects in the President's budget. I will speak in more detail about these two projects later.

Each year, pursuant to title 38 United States Code, section 5007, the VA submits a 5-year plan for construction of VA medical facilities. This is done some 7 or 8 months before the budget is submitted in order to permit the Congress to thoroughly examine and question the VA's priorities. The latest VA plan, entitled "FY 1984-1988 Five Year Medical Facility Construction Needs Assessment" was submitted in June 1983. It projected a request for funds for seven large replacement/modernization projects at the following locations:

	Millions
Design funds for Allen Park, Mich	$25
Design funds for Augusta, Ga. (Uptown)	13.9
Baltimore, Md	111
Design funds for Houston, Tex	31
Design funds for Mountain Home, Tenn	8.5
New York, N.Y	98.4
Design funds for Philadelphia, Pa	18.4

When the VA's budget was submitted to OMB for approval, it is my understanding that it requested funds in accordance with this list. However, the budget submitted to Congress did not include the design funds for the Philadelphia project. For reasons unknown to any of us, these funds were diverted from the Philadelphia project and applied to a project scheduled to be funded in fiscal year 1988. Our committee authorization restored these funds in accordance with the VA's original plan because it is the closest thing we have to an objective needs assessment.

The other change which the Committee on Veterans' Affairs made to the VA's authorizing request was the deletion of funds for site acquisition for the Allen Park, MI, project. Mr. Chairman, the VA told us in its request for authorization that it had not made a decision on which of four options it was going to choose for the replacement hospital. As soon as the agency makes up its mind, we expect the plan to be submitted for the Congress review and approval. The $8 million requested for site acquisition is premature. That is the reason the committee did not authorize it. I might add that in many other cities where the VA proposes to construct or renovate a major medical facility, such as the one in Philadelphia, a grateful city donates any land needed by the United States for the project. I want to emphasize that the Committee on Veterans' Affairs has taken no position on the site of the Allen Park replacement hospital. When the VA chooses what it considers to be the best plan, we will examine its choice as we do every other major construction decision and we will be quick to act to authorize the project if it is warranted. That is what proper oversight is all about.

It should be clear from the history of the Committee on Veterans' Affairs authorizations that we are not involved in politicizing the process or choosing a site for a particular project. On the other hand, I should point out that in the report accompanying the VA's fiscal year 1979 appropriation, the Committee on Appropriations directly involved itself in the selection of a particular site of a VA facility in Portland, OR, and then stated:

> If the Veterans' Administration chooses to disregard the committee's site recommendation, no additional funds . . . will be approved.

Mr. Chairman, I will not belabor the issue as to whether the process of deciding where a medical facility should be located, when it should be built, or if it should be built at all, has become politicized. The Committee on Veterans' Affairs insists that such decisions be based on an objective needs assessment. I must point out, however, that certain locations have been singled out by the Committee on Appropriations for VA facilities despite the absence of any objective study by the VA or anyone else as to whether there was a real need for a VA facility. Communities such as Daytona Beach, FL, Broward County, FL, Bradford County, PA, Savannah, GA, and Duluth, MN, have all been identified by the Appropriations Committee, not the VA, as being in need of VA outpatient clinics. Further, the committee has appropriated funds not requested by the VA for several other construction projects.

Mr. Chairman, those concerned with veterans' matters recognize how very important it is to insure that the scarce resources available are applied to locations where there is the greatest need. It is sometimes difficult to assess that need objectively, but the VA's 5-year plan is a starting point. When there is a deviation from that plan, we can accept it if there is a good explanation, but we are not going to be placed in a situation where the only persons who can make a decision about whether a project should be undertaken are those who work at the Office of Management and Budget. Last year, the Committee on Veterans' Affairs' Subcommittee on Hospitals and Health Care held hearings in the VA's six medical regions to assess the manner in which VA health care is being provided. This year, the committee is again making visits to selected sites to oversee the administration and management of the VA's health care delivery system. Mr. Chairman, I value very much the information gathered during these field hearings. I rely on the members of this subcommittee and others who are very familiar with the care being provided at a particular facility to guide our committee in its authorization process. I think that we would all agree that an observer who has seen and heard what actually goes into a VA medical facility is a better judge of what is needed than some person here in Washington who seldom ventures outside the fence surrounding the Executive Office Building. If it is because I listen with a keen ear to the former and sometimes cannot understand the latter that I am accused of politicizing the construction process, then, Mr. Chairman, I plead guilty as charged.

For the record, I would like to list those facilities which the Committee on Veterans' Affairs has authorized for major construction projects in fiscal year 1985. They are:

MAJOR CONSTRUCTION

[In thousands of dollars]

Location and project description	Authorization for fiscal year 1984	Authorization fiscal year 1985/future	Total full funding authorization
Albany, N.Y., modify wards		4,300	4,300
Alexandria, La., clinical improvements		26,900	26,900
Alexandria, La., 120-bed nursing home care unit		5,400	5,400
Amarillo, Tex., additional and renovation of clinical support [1]	44,000	22,000	22,000
American Lake, Wash., laundry replacement		4,400	4,400
Augusta (Lenwood), Ga., replacement medical center		102,400	102,400
Big Springs, Tex., electrical distribution system		2,200	2,200
Boise, Idaho, geothermal conversion		4,500	4,500
Boston, Mass., fire and safety improvements, sprinklers		4,300	4,300
Brockton, Mass., renovate building 8 for patient privacy, fire and safety, and seismic		4,400	4,400
Brockton (West Roxbury), Mass., outpatient addition, research and education, administration		42,800	42,800
Buffalo, N.Y., research building and clinical expansion		16,300	16,300
Cheyenne, Wyo., expand and renovate building 1 for clinical functions		14,600	14,600
Chillicothe, Ohio, renovate building 1 (modernization phase III)		4,300	4,300
Clarksburg, W. Va., clinical addition and alterations [1]	25,000	21,600	21,600
Coatesville, Pa., fire and safety improvements		11,700	11,700
Dallas, Tex., upgrade primary electrical distribution system		3,200	3,200
Danville, Ill., renovate building 14 for administration		2,800	2,800
Durham, N.C., clinical addition		29,400	29,400
Durham, N.C., 120-bed nursing home care unit, research administration and geriatric research education and clinical center		8,800	8,800
Fresno, Calif., clinical addition		6,300	6,300
Grand Island, Nebr., fire and safety improvements, air conditioning, patient privacy and support systems		5,900	5,900
Grand Junction, Colo., outpatient and clinical addition		12,100	12,100
Hampton, Va., fire and safety improvements		5,700	5,700
Hines, Ill., 40-bed long term spinal cord injury building		5,800	5,800
Houston, Tex., replacement and modernization		286,000	286,000
Iowa City, Iowa, ambulatory care and clinical addition		20,800	20,800
Lexington (Cooper Drive), Ky., clinical addition		32,000	32,000
Long Beach, Calif., 160-bed spinal cord injury unit and spinal cord injury outpatient clinic		23,000	23,000
Long Beach, Calif., construction supply warehouse		3,800	3,800
Los Angeles, Calif., outpatient clinic building [1]	40,000	41,100	50,800
Louisville, Ky., clinical and education addition		12,500	12,500
Lyons, N.J., fire and safety improvements		13,300	13,300
Lyons, N.J., renovate building 4 for intermediate care		3,900	3,900
Marion, Ill., seismic corrections		5,700	5,700
Mountain Home, Tenn., bed towers and renovation		70,300	70,300
Murfreesboro, Tenn., 120-bed nursing home care unit		5,600	5,600
New York, N.Y., outpatient and clinical addition and alterations		93,300	93,300
Omaha, Nebr., electrical, fire and safety corrections		5,500	5,500
Palo Alto (Palo Alto Division), Calif., spinal cord injury addition		15,200	15,200
Philadelphia, Pa., modernization and clinical addition, 120-bed nursing home care unit, and additional parking facilities [1]	184,000	139,000	139,000
Pittsburgh (Highland Drive), Pa., modernize HVAC, fire and smoke detectors, secondary electrical systems		32,200	32,200
Prescott, Ariz., 120-bed nursing home care unit		8,300	8,300
San Francisco, Calif., 120-bed nursing home care unit and parking garage [1]	14,700	3,000	17,700
San Juan, Puerto Rico, 120-bed nursing home care unit and 10-bed blind rehabilitation center		9,000	9,000
Sheridan, Wyo., outpatient clinic addition		10,400	10,400
Shreveport, La., ambulatory care addition and linear accelerator		6,200	6,200
Shreveport, La., upgrade primary distribution systems and elevators		4,300	4,300
St. Louis (Jefferson Barracks), Mo., laundry replacement		3,800	3,800
Tampa, Fla., radiation therapy		4,200	4,200
Topeka, Kans., electrical corrections, primary and secondary		8,200	8,200
West Los Angeles, Calif., 117-bed nursing home care conversion		5,500	5,500
West Los Angeles, Calif., renovate buildings for domiciliary		11,700	11,700

[1] Reauthorization

AUTHORIZATION TO DEVELOP WORKING DRAWINGS BY VETERANS' ADMINISTRATION

Location and project description	Authorization for fiscal year
Durham, N.C., boiler plant replacement	$3,200 to 3,600.
Knoxville, Iowa, fire and safety improvements	$12,300 to 14,400.

LEASES

[In thousands of dollars]

Location and project description	Annual estimated cost
Pensacola, Fla., establish outpatient clinic, including parking facilities	$590.

This authorization resolution was approved by the Committee on Veterans' Affairs unanimously at its scheduled May 10 markup. I want to add that we will carefully examine the list which the VA submits in response to the Committee on Appropriations' requirement. I can also say that the Veterans' Administration would do well to examine the authorization approved by our committee, and that it avoid submitting a list that includes any project not authorized by the Committees on Veterans' Affairs.

Mr. Chairman, I am very concerned about the way the Appropriations Subcommittee handled the VA construction program this year, but we can get together and work out our differences that have developed.

Thank you, Mr. BOLAND, for your help for the veterans.

Mr. BOLAND. If the gentleman will yield, I would say that we will try to work out all the differences that we have. I would be delighted to work with you, as all the members of the subcommittee have worked with the Veterans' Affairs Committee.

Mr. MONTGOMERY. The gentleman certainly has; thank you.

Mr. GREEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. I thank the gentleman for yielding me this time.

I would like to take the time to ask the chairman if he can give me the assurance that we have included in this bill, in the Environmental Protection Agency funding, the money to assist the States of Maryland, Pennsylvania, and Virginia in the cleanup of the Chesapeake Bay. I yield to the gentleman for his response.

Mr. BOLAND. I do not know of a delegation more concerned about the Chesapeake Bay than the entire delegation of the State of Maryland. I must indicate to the gentlewoman that there is $10 million recommended in this bill for the Chesapeake Bay, and if they need more, you can be sure we will consider it.

Mrs. HOLT. I thank the chairman very much.

Mr. GREEN. Mr. Chairman I yield myself my remaining time.

Mr. Chairman, I take this occasion to respond to the gentleman from Mississippi and the gentleman from Minnesota. Inevitably this bill is going to be bigger this year than last year, and it is going to be bigger next year. That is true for two reasons. One of those was alluded to just a moment ago by the distinguished chairman of the Veterans' Affairs Committee: The veteran population is aging and will need more health care. The other is that as we bring additional units under subsidy, we are not yet at a point in time when many units are dropping out at the other end. The more units we place under subsidy, as recommended by the administration, the more units we are going to have to subsidize each year, and the more it is going to cost us.

So I think that what everyone should understand is that the administration is generally supportive of this bill and that it is the administration that recommended placing 100,000 additional units under subsidy, and we are consistent with that recommendation.

● Mr. EDGAR. Mr. Chairman, I rise in support of the Department of Housing and Urban Development-independent agencies appropriation bill for fiscal year 1985.

One of the important, though in comparison very small, efforts that support for this bill would provide for is in the National Science Foundation's engineering-related research activities. More specifically, the effort involves funding for basic research in civil engineering, a key and yet seemingly overlooked component in addressing our Nation's infrastructure problem.

We hear continually that something must be done about our Nation's crumbling bridges, roads, and water systems; yet virtually nothing is said about the level of research needed in areas, such as "construction engineering systems," which underpin this problem.

Official published sources reveal that the Federal Government spent $193 million in fiscal year 1983 in research in civil engineering, the research area most related to problems involving infrastructure. To this we might add another $30 million from the States spent on highway research. Private companies spend a small amount of money also. When we add it, however, we see that it still represents a little over two-tenths of 1 percent of the approximately $100 billion spent annually on infrastructure activities in this country.

Two-tenths of 1 percent. Any industrial organization that spent such a miniscule amount of its effort on research on its product would see this as an egregious error in underfunding. And yet this research is critical. For unless our infrastructure efforts are underpinned by a comprehensive, balanced, and well-funded research program, we cannot be sure that the practitioners who actually have to construct, reconstruct, and operate the infrastructure can do the job efficiently.

I am heartened that the Federal Government still undertakes civil engineering research and there are efforts in such areas as construction engineering systems. Yet two-tenths of 1 percent for an effort that is so critical? Certainly this Nation deserves better.●

● Mrs. SCHNEIDER. Mr. Chairman, I rise today in support of the fiscal year 1985 appropriations bill for HUD-independent agencies. In particular, I would like to call attention to an amendment added by the Appropriations Committee, at my request, to provide funding for the second year of a 3-year study to monitor the growing problem of indoor air pollution in this country.

Over the last decade, it has become increasingly clear to a small number of scientists that the air we breathe indoors may contain more dangerous pollutants than the air we breathe outdoors. Concentrations of many pollutants, including radon, nitrogen dioxide, organic chemicals, benzene, formaldehyde, and plain old cigarette smoke have been found in our homes and office buildings.

How does exposure to these pollutants affect human health? In an issue of Science magazine published last summer, Dr. John Spengler of Harvard estimated that some 10,000 lung cancer deaths a year are caused by overexposure to polluted indoor air. Other scientists estimate that about 1.7 million American homes have concentrations of the pollutant radon which are higher than the concentrations allowed in occupational settings. As homeowners and business owners across the country tighten up their homes to reduce utility bills, they may be inadvertently increasing the level of pollutants to which they are exposed every day, and making it much more likely that they will incur some type of cancer on other health effects.

What can we do about this emerging environmental problem? It is far too early to panic, the scientific data available concerning indoor air pollution's cause and cures is sketchy at best. We lack a data base on the types, sources, and effects of indoor air pollutants, and knowledge of the most cost-effective strategies for reducing our exposure to these substances. Until we acquire this knowledge, it would be imprudent and wasteful to devote precious resources toward an indoor-air cleanup program.

Instead, it is up to Congress to obtain the facts and data which will serve as the basis for a cost-effective strategy to take care of this problem. The amendment contained in this bill today provides $3.5 million for the second year of a 3-year study presently being conducted by the Environmental Protection Agency in conjunction with the Consumer Product Safety Commission and the Department of Energy. The interagency task force is designing a long-term plan to mitigate health problems from exposure to indoor air pollution, and is preparing specific, practical information on the subject for distribution to health officials, consumers, and building contractors.

Mr. Chairman, over the last decade, crises involving formaldehyde, asbestos, and hazardous waste have each caught Congress napping. Let us learn from the past and make sure the Federal Government is prepared to deal this time with a pollutant which some have labeled the "environmental problem of the 1980's." I would like to thank all of my colleagues for the farsightedness they have shown in approving this cost-effective investment. In particular, I would like to thank Congressman EDWARD BOLAND, the chairman of the HUD-Independent Agencies Subcommittee, and Congressman BILL GREEN, the ranking Republican. Without the leadership of these two fine legislators, this amendment would not have reached the floor today.●

● Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 5713, the HUD-independent agencies appropriations for fiscal year 1985. I congratulate the chairman of the subcommittee, Mr. BOLAND, and the ranking member, Mr. GREEN, for their diligent work on this important piece of legislation.

There are several agency programs I would like to single out in particular to discuss: Environmental Protection Agency—EPA, Federal Emergency Management Agency, National Science Foundation, and National Aeronautics and Space Administration—NASA, programs.

Although I am disappointed that the Appropriations Committee chose to reduce the administration's request for Superfund by $40 million, I do understand the reasons for this action. The overall funding levels for the EPA begin to restore the Agency's programs to previous levels. I am particularly pleased with the committee's increased funding for ground water monitoring and assessment. A press report from my district today disclosed that the ground water at the Stringfellow acid pits, a Superfund hazardous waste site in Glen Avon, CA, is radioactive. The tests of the ground water at the site this week for radioactivity were the first such tests conducted since the site came into existence in the fifties. This is despite the fact that the Stringfellow acid pits were designated California's priority site for cleanup under the Superfund program. Increased funding alone cannot solve these kinds of problems, but the Agency needs sufficient funding to perform important monitoring activities.

I am especially pleased that the committee provided the full funding for NASA's work on the space station. In the early stages of a major undertaking like the space station, it is important to provide adequate funding. Inadequate funding now could mean unanticipated problems and cost overruns in the future. I congratulate the committee for funding the advanced communications technology satellite (ACTS) program so important for insuring our international standing in communications technology. I agree with the committee's assessment that it would not be prudent for the United States to risk losing its preeminence in the advanced communications technology field. Although a private company has proposed building a communications satellite at the 30/20 gigahertz experimental frequency, the proposal would not address all the high-risk technology development goals of the ACTS program. Finally, although I believe that the space science and physics and astronomy programs are still underfunded, the committee has taken a step in the right direction by increasing these programs.

With regard to action on the Federal Emergency Management Agency (FEMA), I believe the committee took the correct action in prohibiting the use of funds for the establishment of a western emergency management training center. Although I have supported a western emergency training center for some time, such a proposal should be thoroughly reviewed by the authorizing committee before a new center is established. More experience should be gained with the recently established National Emergency Training Center in Emmitsburg before we commit ourselves to a new center. The selection process for a new site should also be open and aboveboard so that all qualified sites could be thoroughly reviewed and evaluated.

Finally, with regard to the National Science Foundation, I commend the committee for funding the graduate fellowship program up to the authorized level. This will allow NSF to increase both the number and annual stipend of graduate fellowship grants. I am pleased to have offered the amendment in the Science and Technology Committee which increased the graduate fellowship program.

Mr. Chairman, I urge adoption of the bill.●

● Mr. OBERSTAR. Mr. Chairman, I rise to commend the Appropriations Committee for its fine work in bringing to the floor this carefully crafted legislation. As cochairman of the Northeast-Midwest Congressional Coalition, I would like to take this opportunity to point out a number of provisions that will be of tremendous benefit to the region and to thank the committee for its sensitivity to these issues.

The committee report contains language that should improve the operation of the public housing program in two ways. The report calls for the prompt allocation of all modernization funds. During the past 2 years the Department of Housing and Urban Development (HUD) has withheld substantial modernization moneys. This has undercut comprehensive modernization planning, the primary goal of the program, and has forced public housing authorities to emphasize smaller, quick-fix proposals. The committee's directive to HUD will help insure that modernization projects will be approved which most fully promote the long-term viability of the public housing stock.

In addition, the committee urges HUD to implement an appeals process to review inequitable operating subsidy allocations to PHA's. This will be particularly beneficial to large urban authorities operating in distressed communities. Many of these PHA's are located in the Northeast and Midwest. HUD research has revealed that most of these authorities were underfunded when the current subsidy system was implemented in 1975. An appeals process will strengthen the public housing system by providing a mechanism through which HUD may modify inequitable base year allocations and adjust subsidy levels to reflect changes in operating circumstances during the past 9 years. As a result of the committee's action, public housing will continue to be a source of decent and affordable housing opportunities for low-income families in the region.

I would also like to express my appreciation to the subcommittee, on behalf of the Northeast-Midwest Coalition, for increasing funding of the Environmental Protection Agency's Great Lakes programs. With 95 percent of the Nation's surface fresh water, the Great Lakes have long been recognized as a critical economic and environmental resource for the Nation. Thanks to the Clean Water Act and the wastewater treatment program, we have begun to see hopeful signs of improvement in the Lakes, but critical water quality problems remain.

A 1982 General Accounting Office report took the Environmental Protection Agency to task for not committing adequate resources to the Great Lakes program, and for falling short of the goals established by the United States-Canadian Water Quality Agreement. The added funding will strengthen the EPA's valuable work with respect to open lake monitoring, the air deposition network, connecting channel studies, and fish sampling in the Great Lakes. All of these activities in turn support progress toward the United States-Canadian Water Quality Agreement. The subcommittee deserves our gratitude for its farsighted support for the small, but critical, Great Lakes program.●

● Mr. SYNAR. Mr. Chairman, I would like to commend the Appropriations Committee for providing critical additional funding in the EPA budget for the protection of our Nation's ground water resources.

Ground water is one of our most valuable natural resources. More than 100 million Americans, half of our population, depend on it as their primary source of drinking water. About 35 percent of our public water supplies come from ground water and 75 percent of American cities derive at least part of their supplies from ground water, including 34 of the 100 largest cities.

Yet there is mounting evidence that a significant portion of this precious resource is being damaged or destroyed through manmade contamination from toxic chemical and other industrial wastes, surface impoundments and municipal landfills, pesticides and other agricultural chemicals, defective septic and animal waste disposal systems, leaking underground storage tanks for petroleum and other products, acid mine drainage, and oil field brines.

Despite our great dependence on ground water and its extreme vulnerability to contamination, we still do not have a comprehensive, unified, national ground water protection strategy. Instead we have a collection of Federal, State, and local laws and programs dealing with bits and pieces of the problem, and no effective coordinating mechanism to marshall our combined resources in the most efficient manner.

The Environment, Energy and Natural Resources Subcommittee, which I chair, has been examining this problem for several years and first recommended the development of a national ground water strategy in 1980. The Environmental Protection Agency has made several attempts to draft such a document, most recently in January of this year.

The current EPA draft strategy proposes much greater reliance on State and local governments for day-to-day protection of ground water quality. However, the administration's fiscal year 1985 budget request made no provision for additional assistance to States to carry out these additional responsibilities. This omission was universally criticized at our recent hearings on EPA's proposed strategy, as was the lack of emphasis on ground water research and training activities.

I was therefore most gratified to find that the committee recognized these problems, as well, and specifically rejected the administration's approach of funding ground water protection programs through set-asides from existing State grants and added $11,285,000 to the EPA appropriation for such grants. I was also pleased to note that the committee added $5 million for ground water strategy development and underground injection control plans, $1.5 million for ground water monitoring, modeling and assessment, $5 million for technical assistance to States, $5 million for exploratory research grants and centers, $2.1 million for the Rural Water Association, and $5 million for research and development activities to be allocated at the Administrator's discretion, some of which, hopefully will be used for ground water research.

I would like to commend the committee for its foresight in making these additions to cope with what undoubtedly will be one of the most serious environmental problems of the next decade and beyond. I would also like to compliment my colleague from Oklahoma, Mr. WATKINS, for his leadership on this issue within the Committee on Appropriations, as well as subcommittee Chairman BOLAND and the ranking minority member, Mr. GREEN.●

● Mr. UDALL. Mr. Chairman, in the 97th and 98th Congress, the Interior Committee held hearings on and considered legislation to establish an Indian housing program in the Department of the Interior. On May 16 of last year, the committee reported H.R. 1928 which would have done so.

However, under an informal understanding with the Banking Committee, we agreed not to push for further action on that bill if the existing HUD public housing program, including the Indian program, was reauthorized. Of course, the program was reauthorized and 2,500 units of Indian housing were included in the fiscal year 1984 HUD Appropriation Act.

During consideration of H.R. 1928, we found that Indian housing is the most deplorable in the Nation. All Indian families live in 36 percent substandard housing. Over 43 percent of all Indian housing is in a substandard condition as opposed to 12 percent for the rest of the Nation.

Yet, despite this situation, there has been a steady, steep decline in the number of Indian housing units authorized in HUD Appropriation Acts for the last 3 fiscal years.

In the last Carter budget, fiscal year 1981, there were 6,000 units of Indian housing. In fiscal year 1982, there were 4,000 units; in fiscal year 1983, 3,000 units; and in fiscal year 1984, 2,500 units. This is about a 60-percent cut in Indian housing assistance in 3 years.

Yet, in this bill, the Appropriations Committee is only requesting 2,000 units of Indian housing. This is a 60-percent cut from last year and an 83-percent cut from fiscal year 1981. When 60,000 units of Indian housing, 43 percent of all Indian housing, are in a substandard condition, this can only be viewed as a token effort to assist the American Indians. This is very disappointing.

I know that the gentleman from Massachusetts, the chairman of the HUD Appropriation Subcommittee, has always been a friend to the Indians in past years with respect to Indian housing. I wonder if he could advise the House as to the reason for this further devastating cut in Indian housing assistance.●

Mr. BOLAND. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time has expired; the Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and heretofore approved in appropriation Acts, is increased by $834,963,123: *Provided*, That $11,215,073 of such contract authority shall be available only for contracts using contract authority released by Acts of Congress prior to 1976: *Provided further*, That the budget authority obligated under contracts for annual contributions shall be increased above amounts heretofore provided in appropriation Acts by $9,969,127,500: *Provided further*, That of the budget authority provided herein, $156,380,000 shall be for assistance in financing the development or acquisition cost of public housing for Indian families; $1,890,000,000 shall be for public housing new construction or acquisition with or without rehabilitation other than for low-income housing for Indian families; $1,550,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437l); $1,360,000,000 shall be for assistance for projects developed for the elderly or handicapped under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); $2,550,802,500 shall be for assistance under the section 8 existing housing program and $628,875,000 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f); and $709,695,000 shall be for assistance payments in the housing voucher program under section 8(a) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f): *Provided further*, That any balances of authorities made available prior to the enactment of this Act which are or become available for obligation in fiscal year 1985 shall be added to and merged with the authority approved herein, and such merged amounts shall be made subject only to terms and conditions of law applicable to authorizations becoming available in fiscal year 1985.

Mr. EDGAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to speak in favor of this bill, and I apologize to my colleagues for striking the last word, but the time had run out under general debate.

Mr. Chairman, as chairman of the Subcommittee on Hospitals and Health Care of the Committee on Veterans' Affairs, I am very pleased with the provisions in the HUD-independent agencies appropriations bill which adds $40 million and 1,020 staff (FTEE) to the Veterans' Administration outpatient clinic and vet center programs.

These significant additions to the medical care account were part of the recommendations our committee made to the Budget Committee earlier this year. The recommendations were made based upon information gathered during our subcommittee field visits last year to the six VA medical regions which comprise the national VA health care system. Congressman JOHN PAUL HAMMERSCHMIDT, the ranking minority member, and I with our subcommittee were able to learn firsthand a number of useful facts concerning the status of the veterans' hospital system and the quality of health care delivered to our Nation's veterans. Using the knowledge gained during these visits, we developed the committee's recommendations to Chairman JONES of the Budget Committee and, by letter, to Chairman BOLAND of the Subcommittee on HUD-Independent Agencies of the Appropriations Committee.

We are grateful to Chairman BOLAND and Chairman WHITTEN of the full committee for adding $40 million to the medical account for expansion of the staffs of the outpatient clinics and the Vietnam veterans readjustment counseling program. During our field visits, we found that outpatient treatment demand has far exceeded the capability of the staff for the past 10 years. The level of outpatient visits has been constant at approximately 18 million per year.

Mr. Chairman, as you know, nationwide, the VA has estimated the increasing numbers of aging veterans will triple in the next 10 years. The rapidly advancing age of veterans not only places an increased demand on the VA for nursing home care, but also inpatient and outpatient acute care. Outpatient care is more often the cost effective alternative to hospital treatment. We found in the Sun Belt States, such as Florida and Arizona, that many eligible veterans are being turned away at VA outpatient clinics due to a shortage of staff to treat them. This $40 million add-on will provide 800 staff to help with this significant program.

The addition of 220 staff (FTEE) for expansion and improvement of the Vietnam veterans readjustment counseling, or vet center, program will provide the VA with resources to establish new centers or satellites in various parts of the country where this valuable treatment modality can be available to help certain troubled veterans of this unpopular conflict. Testimony we received indicates that inhouse vet center treatment is the most effective treatment for this service, as well as the most cost effective.

Additionally, I must say I am pleased with this bill's provision of $619 million for the VA's medical construction program, and the committee's intent to insure the design funds for the major construction project at Philadelphia be included. The VA space and functional deficiency identification system has identified this hospital in Philadelphia as the third worst medical center in the VA's national medical system regarding space and function. This hospital consists of some very old buildings, including the ambulatory care clinic which is in a building over 80 years old. This major construction project will remedy this deficiency.

Mr. Chairman, I also have experienced the same confusion and lack of understanding that Chairman Montgomery addressed in his remarks with the bill's report language regarding listing of the major construction projects funded in this bill. It is not possible, with the present form of the report, to ascertain which projects are included in the fiscal year 1985 appropriation, which is important to all Members, or to know if these projects conform to the authorization law. I sincerely believe that the authorization authority provided our committee in section 5004 of title 38, United States Code, has been exercised very carefully and judiciously, and reflects our committee's best estimates of the needs and priorities of the VA construction process. We have expended many hours of effort in committee hearings in the field and here in Washington learning of these requirements in order to provide the most responsible authorization possible.

□ 1430

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(By unanimous consent, Mr. Edgar was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. Mr. Chairman, I urge Chairman Whitten and Chairman Boland to adhere to their past practices and include the major construction project list in their report as soon as possible. I thank them for their favorable consideration of our veterans' health care recommendations. I would like to commend them for their work on this particular bill, and with these very minor reservations, I support passage of H.R. 5713.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Chairman, I bring greetings and expressions of gratitude from the Vietnam veterans of my district, with whom I was meeting on Memorial Day during services, to the gentleman from Pennsylvania, the gentleman from Massachusetts and the gentleman from New York for the inclusion of the $40 million extra funding particularly for the vet centers that are very, very important to the veterans of our area. They asked me especially to bring their expressions of gratitude and their hope that this is a great recognition for the living Vietnam veterans commiserate with that which was so beautifully expressed to our unknown veteran interred in Arlington Cemetery over the Memorial Day recess.

Mr. EDGAR. I thank the gentlewoman for her comments.

Mr. BONER of Tennessee. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 5713, the HUD-independent agencies appropriations bill for fiscal year 1985.

Before I make a few comments on some of the provisions of the bill which I believe are noteworthy, I would first like to thank our chairman, Mr. Boland, for his outstanding leadership in shepherding this measure through the committee to the floor today.

Mr. Chairman, the bill before the House today includes funding for several major programs which I ask my colleagues to support.

First, I commend to my colleagues' attention the committee's recommended shift in the administration's HUD budget request. The committee closely reviewed the request for 91,000 housing voucher units and concluded that such an increase was unjustified at this time.

While the administration contended that the voucher program will be a great benefit to families utilizing the vouchers, it is important to note that not a single voucher housing unit has been placed under contract. As such, the voucher program's effectiveness is unknown and untested. Until results from the voucher demonstration project authorized last year are known, additional voucher units should not be funded.

Rather than increase funding for the voucher program, the committee agreed to increase funding for the section 8 existing housing program and the public housing program. Both of these programs provide shelter for low-income families and have been strongly supported by the Congress. I urge my colleagues to support the committee's housing recommendations.

I also bring to my colleagues' attention the recommendations made in the NASA budget. Earlier this year, the President announced his decision to have NASA go forward with a manned space station for the 1990's. I am pleased that the committee has agreed to fully support the $150 million request for this important effort.

I believe that a manned space station is a key to reaping the benefits of space-manufactured products and future space exploration. The funding provided in the bill is the first step in the expansion of the U.S. manned space effort since our decision to build the space shuttle in 1972. It is a step which I urge my colleagues to support.

The committee also recommended funding for the advanced communication technology satellite (ACTS). NASA initially proposed funding the ACTS program at $5 million for fiscal year 1985, thus effectively eliminating the flight demonstration portion of this important experimental program.

NASA justified the $5 million funding level for ACTS on a recent FCC filing by Hughes Aircraft Co. for a 30/20 gigahertz frequency satellite. In response to my questions, however, NASA Administrator James Beggs admitted that the proposed Hughes satellite is only a state of the art while the ACTS proposal will be a more advanced state of the art. In addition, a NASA-commissioned study done by ITT and Western Union concluded that the ACTS-type technology would be required by the mid-1990's because of the expected saturation of existing satellite systems.

Based on the testimony presented before the committee, we concluded that the ACTS proposal involves an innovative and important step forward in advanced communications satellite research and that the funding level should be increased by $40 million. The level of funding recommended by the committee should continue to assure that the United States will not risk losing its preeminence in communications satellite technology.

Last, Mr. Chairman, I would like to comment on the committee's recommended funding for the Veterans' Administration. In particular, I would like to point out to my colleagues the $40 million increase the committee recommends for VA medical care.

As my colleagues know, the number of veterans over the age of 65 is increasing and, as a result, the demand of VA medical services is increasing. The Congress must provide adequate funding for these services, as well as increase the number of hospital, and outpatient facilities. I am pleased that the bill provides such funding and recognizes the medical needs of our Nation's veterans. In addition, I am thankful that the committee has endorsed the VA's proposed construction of two medical facilities in Tennessee—at Murfreesboro and Mountain Home. These two facilities will provide much needed care to the veterans of Tennessee and the surrounding States and are, I believe, reflective of the continuing support the HUD-Independent Agencies Appropriations Subcommittee has shown for the Veterans' Administration's programs.

Mr. Chairman, the bill before the House provides funding for many other important progams in addition to the few I have just described. I urge my colleagues to support the committee's recommendations.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was not my intention to participate in debate on this excellent legislation. However, the last speaker, in describing many of the issues, touched on one that I am particularly interested in, the ACTS program in NASA, which the authorizing committee, the Committee on Science and Technology, struggled with for quite some period of time.

I would just like to state my own full concurrence with the remarks made by the previous speaker in endorsing the recommendations of the appropriations subcommittee to fund this program at the $40 million level.

□ 1440

That is the figure which the authorizing committee recommended as a compromise in order to move this very important advanced communications technology program along in the way that it should be moved. We have been down this path once before of having NASA withdraw from advanced communication technology research, to our great disadvantage. We are piling up a host of problems, not only in the decreasing international competitiveness of our own advanced high-technology industries, but in connection with the increasing lack of orbital slots for communications satellites, particularly those to be launched by other countries, which hopefully can be solved with the successful pursuit of this advanced communication technology program.

This will enable us to negotiate on much more reasonable terms with many of the other countries of the world which are presently coming to us and saying, "You and the other advanced countries are monopolizing all of these orbital slots. We are as much entitled to them as you are. What can you do to satisfy our needs?"

This ACTS program will help to satisfy those needs and will reduce the pressure on our negotiators at the various international telecommunications conferences which are scheduled during this decade. It would be a serious mistake for us not to proceed forward with this advanced technology, which is different from that which has been advanced by the Hughes organization. Hughes is to be commended for their initiatives, but we do need to pursue as vigorously as possible the ACTS program.

So, Mr. Chairman, I want to commend the subcommittee for recognizing this and for providing the funding at the level authorized by the authorizing committee. I think this will benefit the national interest.

Mr. CARR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to associate myself with the remarks of the gentlewoman from Maryland (Mrs. Holt) in her congratulations of the committee on the appropriation for cleaning up the Chesapeake Bay. Certainly we all listened with great enthusiasm to the President's State of the Union Message wherein he made it a national priority to help the Chesapeake Bay cleanup.

Unfortunately, the President turned his back this year, as he has in the last 3 years, on the cleanup of the Great Lakes, and I want to congratulate the committee for including a restoration of the funds for the EPA Great Lakes program along with what my subcommittee is going to be able to do to restore the funds for the sea grant program, the coastal zone management program, and the NOAA Great Lakes laboratories. These are laboratories that are very important to the Great Lakes. The Great Lakes is our fourth seacoast, and even greater than that, it is an international boundary, something the Chesapeake Bay cannot even claim.

Mr. Chairman, it is very important to our region of the country, and I want to thank the subcommittee chairman, the gentleman from Massachusetts (Mr. Boland), the gentleman from New York (Mr. Green), and the other members of the committee, including my colleague, the gentleman from Michigan (Mr. Traxler), for the restoration of these very important and needed funds.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. CARR. I am glad to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I want to express my appreciation and thanks to the gentleman from Michigan (Mr. Carr) for bringing to the subcommittee's attention the inadequate funding for the Great Lakes national program. The committee, at the gentleman's request, restored some $3 million to those programs, and that will be used for the open lake monitoring, the air deposition network, and the connecting channels studies and the fish sampling studies. That is very important.

The Canadian Ambassador to the United States had sent a letter to me indicating his nation's displeasure with the level of funding that this administration had recommended in their budget submissions for the Great Lakes program. We have a Great Lakes Water Treaty with the Canadians, as the gentleman well knows, and that treaty pledges our Nation to a cooperative effort with the Canadians for the preservation and cleanup of the Great Lakes waters. This is the largest freshwater body in the world. It is very vital to our Nation's economic and health well-being.

Mr. Chairman, Mr. Carr's interest in this area is deeply appreciated by me, as I am sure it is by all Americans who border on the Great Lakes. Again I extend my thanks to him.

Mr. CARR. Mr. Chairman, I thank the gentleman from Michigan (Mr. Traxler), and once again I extend my appreciation to the subcommittee.

Mr. BATEMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to also commend the chairman of the subcommittee and its distinguished ranking member as well for having brought this bill to the floor at a relatively early time in our session. It has many, many significant aspects to it; too many, of course, for me to be able to deal with here.

As a member of the Committee on Science and Technology, I have focused upon a particular concern and have discussed this concern with the distinguished chairman of the subcommittee and the distinguished ranking member. That concern relates to the research and technology base for aeronautics under the NASA appropriation.

I have a concern that the bill, as it comes to the floor, may be treating, in a more draconian way than might be best advised, the aeronautics research and technology base of NASA. As I understand the intent of the bill from the committee report, it is that $10 million be cut from the aeronautics research and technology base and an additional $37,500,000 be cut from the overall research and development programs of NASA.

Bearing in mind that in the Committee on Science and Technology, the authorizing committee, there was already a $5 million reduction in the R&T base for aeronautics, it would seem that it would be better advised in the ultimate final action on this bill to give to NASA greater discretion as to where to effectuate the total reduction of $47,500,000, rather than zeroing in on the R&T base for aeronautics.

Mr. Chairman, I would appreciate it very much if the distinguished chairman of the subcommittee would be willing to answer a question and enter into a colloquy as to what his views are on this matter.

Mr. BOLAND. Mr. Chairman, I will be very pleased to do so, if the gentleman will yield.

Mr. BATEMAN. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, let me just say that the $10 million reduction that was taken from the aeronautics research and technology base was not an additional $10 million reduction beyond what the Committee on Science and Technology did.

As the gentleman has indicated, there was a reduction of $5 million in this particular function by the legislative committee. What this subcommittee of the Committee on Appropriations did was to add $5 million to that for a total reduction of $10 million in that particular base.

I would say to the gentleman, who is, as I understand it, an authority on aeronautics and has been a long-time friend of aeronautics, that this subcommittee has been, over the years, a strong supporter of this program. In fact, where reductions have been requested by NASA in past years, this subcommittee has responded by increasing the amounts for aeronautics.

I might indicate that it is an issue that, because of the gentleman's concern and the concern of others, we would be glad to take a look at in conference and determine whether or not this is an area where we would be willing to increase the amount for the aeronautics R&T base and try to apply that increase with an offsetting decrease in some other area.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from Massachusetts.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I am happy to yield to the distinguished gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the gentleman for yielding, and I want to commend him for the attention he has devoted to this bill, and particularly the funding for aeronautics research.

I think in the NASA budget there is always a temptation to look at the glamorous part, the space part, and forget the many great contributions to our country that the aeronautics side of NASA, which was, of course, the origin of the Agency, has made.

So, Mr. Chairman, I commend the gentleman for calling this matter to the attention of the committee.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from New York (Mr. GREEN).

Let me say, Mr. Chairman, that I think we should all be mindful of the fact that it is in aeronautics that the United States does almost better than anything else except in agriculture to redress its unfavorable balance of trade, and it is vital that we not lose our competitive advantages in that area. I certainly would commend and thank the committee for its willingness to revisit this area in order to see that the aeronautics technology base of the United States is preserved.

□ 1450

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

"(10) to make payments required under contracts under sections 235 and 236, respectively, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1).".

Mr. SOLOMON. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I had planned to offer an amendment to this legislation that would have imposed a buy American provision on the urban development action grant, or UDAG, program.

However, since the House Rules prohibit legislating within appropriations bills, I will not be permitted to offer my amendment.

This is indeed unfortunate, because I believe a buy American provision would have made the UDAG program truer to its stated purpose, namely, to revitalize America's cities.

In my own congressional districts, and undoubtedly in the districts of many of my colleagues as well, UDAG grant recipients have used the funds to purchase foreign materials and equipment, even though American goods and services were available at virtually the same cost.

This is contrary to the purpose of UDAG, which seeks to revitalize neighborhoods and promote commercial and industrial development.

H.R. 5713 appropriates a large sum of tax money, $440 million, to achieve the objectives of urban development.

Does it make sense at the same time to undercut those development initiatives by permitting UDAG recipients to purchase goods made by foreign workers?

My buy American amendment would have eliminated this counterproductive inconsistency.

I wish also to point out, Mr. Chairman, that buy American clauses have become an increasingly important method to spur domestic economic development.

Since the 95th Congress began, no fewer than 45 other buy American amendments and laws have been enacted by the Congress.

These provisions have been offered by Members of both Houses and of both political parties.

Buy American is a philosophy upon which liberals and conservatives can readily agree.

Unfortunately, however, as I said earlier, we are denied the opportunity today to add buy American provisions to the UDAG program.

And since UDAG is operating under a 2-year authorization passed last year, buy American supporters will not have the opportunity to correct this situation anytime in the foreseeable future.

However, Mr. Chairman, I did not want today's debate to conclude without alerting my colleagues to this problem within the UDAG program, along with informing them of my desire to correct it as soon as possible.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses; $672,275,000: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is with a great deal of respect for my good friend, the chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND) that I rise.

There is some language here in the legislation with regard to acid rain control programs, which is described at pages 22 and 23 of the report and which would appear at page 16 in the bill, lines 12 through 22.

The committee report at page 22 says as follows:

+$5,000,000 for air program section 105 state grants to develop the technical and institutional foundations for future acid rain control strategies. This addition is intended to fund state activities such as emissions inventories, deposition data collection, and evaluation of potential control actions. Up to $1,000,000 may be used at the Administrator's discretion for development of model state acid rain plans.

That language refers, I observe, to language which appears at page 16 in the bill, lines 12 through 21.

I would like to ask my good friend, the chairman of the subcommittee, whether this authorizes new or additional programs in the area of acid rain.

I would be glad to yield to my good friend.

Mr. BOLAND. Mr. Chairman, if my friend, the gentleman from Michigan will yield, the $5 million quoted on page 22 of the report is for the State grant air program. My understanding is that that $5 million is really to be used for data collection and building the management capabilities within the States. Any funds that are used within each State for those particular purposes would be used within each State and would not affect any of the other States.

As the gentleman knows, and I think it is indicated here, there is no money provided in the bill or no recommendation in the report for an acid rain control program. The administration is not getting into that. As the gentleman knows, some $55 million in research funds was requested in the budget for research in acid rain and the committee recommends an additional $1.5 million on page 21 of the report. But none of these funds would be used to establish a control program.

Mr. DINGELL. If I could direct a further question to the gentleman, I detect then that the language affords no change in the legislative authorities at EPA to deal with the subject of acid rain. Is that correct?

Mr. BOLAND. That is my understanding.

Mr. DINGELL. Now, regarding the language referring to the $1 million for development of model State acid rain plans, I would observe that these funds are probably for work entirely within the boundaries of each State, as opposed to development of acid rain strategies for the country as a whole.

Mr. BOLAND. The gentleman is correct. I share the gentleman's concern and those funds are to be used within the boundaries of each State. My answer would be "Yes."

□ 1500

Mr. DINGELL. The gentleman is always so very courteous. I thank the gentleman and yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $155,500,000 for a space station; (2) $195,000,000 for space telescope development; (3) $120,200,000 for the gamma ray observatory; (4) $92,400,000 for upper stages; (5) $92,500,000 for the Venus radar mapper mission; and (6) $56,100,000 for Galileo; without the approval of the Committees on Appropriations; $2,422,600,000, to remain available until September 30, 1986; including $155,500,000 for a space station, of which $5,500,000 shall be made available from prior year appropriations: *Provided*, That of this amount, $63,800,000 is available for space station systems definition and integration studies, including not less than $15,000,000 for complementary space station studies to define an alternative concept employing an initial "man-tended" capability rather than a "permanently manned" capability.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 22, line 22, strike the comma after the word studies, insert a period in lieu thereof, and strike all that follows through line 25, on page 22.

Mr. WALKER. Mr. Chairman, this amendment strikes language that was put into the bill by the committee for reasons explained very well by the gentleman from Massachusetts (Mr. BOLAND), the chairman.

I just happen to have a difference with his approach on it. But it is really a question of the definition of this space station, whether or not we are really going out to design a permanently manned space station or whether or not we are going to be willing to settle for a man-tended space station as a possible alternative.

What the language put in by the committee does is says that we are going to devote $15 million or about 10 percent of the total funding in the budget for the space station for a man-tended study.

While I congratulate the committee for going ahead with the space station, I think the committee is to be congratulated for taking this major step into our future and recognizing the need for the future I think there is a question here of definition, a question of that vision of the future.

From my perspective I think that we need a firm commitment to a permanently manned station in outer space. I do not think we ought to be negotiating on that point. I think that that commitment is absolutely essential.

I say that because I believe thoroughly that there is a need for a commercial presence in outer space that will be the kind of high-tech presence that will replace the jobs that this country is in the process of losing in a transitional economy.

I talk with people all of the time who tell me that the potential is there over the next few years to develop a half a trillion dollar economy in outer space. That is the 1983 equivalent of 15 million jobs that we could create using a space-based component.

Of course that does not mean just jobs in outer space. That is all of the jobs on Earth related to what we would be doing in outer space.

But we cannot do that, we cannot do that without a lot of investment money up front. And those investors coming up front have to have certain assurances in mind. If you are going to create a factory in outer space you have to have an assurance that we are going to have men there on a permanent basis.

The people who want to put these kinds of factory options together, the people who are going out and look for private money, that are looking to sell stock in companies right now that will build the space factories, need to be assured that we are going to have a permanently manned presence in outer space. The space station is one step, it is one relay on the way to a brandnew economy that this Nation has a chance of dominating for the future.

But not if we send mixed signals to those investors. I am afraid that what the committee has put in this bill is a mixed signal. It says to investors right now that we may not have a permanently manned presence. We may opt for something else.

I would submit that the something else, the unmanned alternative for a part of the time is not something which investors can look lightly upon.

Let me go through some of the technical reasons why I do not think that can be done.

The human presence on a space station offers capability and flexibility not equaled by current or foreseeable future automated systems. Men and machines will complement each other in a space station, especially given the radically different orientation of a permanent space station as opposed to previous NASA mission and project objectives.

The lack of flexibility in automated systems makes it essential for the space station to be manned. Automated systems can handle only emergencies they are programmed for, cannot readily switch from one function to another, and each component has significant research and development costs.

For a small group of well defined tasks, automation might be less expensive and more efficient, but for the array of myriad functions expected to take place on a space station the personnel cost, as opposed to the automation cost, is lessened considerably.

There are a whole series of incidents in our space program already where men being on the scene have made the difference between the success of the mission and the lack of success for a mission.

For people who have billions of dollars to be invested in outer space, they cannot take a chance on the automated system not being programed for a problem that confronts their factory at some point when a man is not around. And so what we need here are factories that do in fact respond with men.

The essential point is that man and machine complement each other and are not in an antagonistic relationship. In fact, the automated element is essential to the ability of man to even consider the space station project.

On the other hand, machines are designed, built, and programed by man; therefore, they are prone to break down problems and unanticipated glitches. A fully automated, unmanned space station—particularly over the long-term lifespan under consideration—would require frequent service calls because equipment would have to be replaced as certain functions were no longer required, new ones were needed, or the machine itself was outmoded by technical improvements.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

(By unanimous consent Mr. WALKER was allowed to proceed for 3 additional minutes.)

Mr. WALKER. The costs of the automated station, while possibly less at the early stage of development, would soar in the not too far future, especially when given the rate at which technology has been evolving.

The technical arguments, it seems to me, are clear. You have to have men there if in fact you are going to have industry in space.

The people who are talking initially about putting up the kinds of money necessary for this to move forward are saying exactly the same thing.

McDonnell Douglas has been one of the companies on the leading edge of making some of the experiments that will lead to industrialization and will lead to new products coming from outer space. Among those new products is a new drug created by a process called electrophoresis. In a letter to the chairman of the subcommittee the president of McDonnell Douglas wrote:

> Our electrophoresis project has utilized the space shuttle's astronauts for reliable, manual operations. We have successfully accomplished all of our objectives in the four flights of EOS. This was possible because

> crew attendance was immediately available to adjust a sensitive process and modify preset conditions that worked well on earth but were destabilized in weightless operation. Only manned presence allowed the successful demonstration of continuous flow electrophoresis to process high density material for increased quantities and purity factors unseen in earth operation.

In other words, those people recognized man was an essential component to the success of that experiment. Those experiments are one of the main early factory opportunities that we have.

Those who claim no advantage for a space station make the tacit assumption that unless we can define completely the use of a new enterprise we should not build it. This is akin to having the Wright brothers define today's airline industry in order to qualify for that two-page contract they ultimately got for their airplane.

It has to be remembered that the U.S. Army Signal Corps gave the Wright brothers' biplane a contract based upon the argument that they accepted that it would be good for hauling hay.

It seems to me that we do not want to be put in a position of making that kind of a technical judgment at the present time.

Finally, one of our colleagues, the gentleman from Hawaii Mr. AKAKA, chairman of the Space Caucus, has given us perhaps the best reason for committing ourselves now to a permanently manned space station.

He says:

> Reasons given for an unmanned station vary from the absurd to the arcane, but a common thread runs throught all arguments in support of a manned station: in order to drive the program and to achieve full return on our investment, we need man's presence in the loop. A good example of man's efficiency in space can be found in the recent repair of the solar maximum satellite. Without the physical presence of man, that repair would have been impossible.

That is the key element that runs through the whole question now of what that space station needs to be all about.

What my language would do is strike that language that is now in the bill which would say that we have some other alternative perhaps in mind.

□ 1510

A $15 million alternative other than a permanently manned station. I would ask acceptance of my amendment for a permanently manned station.

Mr. BOLAND. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

The amendment of the gentleman from Pennsylvania would strike out the earmarking of $15 million for complementary space station studies to define an alternative concept employing an initial man-tended capability rather than a permanently manned capability.

Mr. Chairman, let me read from the report:

> The committee has recommended language which will provide for the complementary definition of an initial man-tended option. It is expected that this option would involve the same space station elements with the exception of the habitat. It is also suggested that this option may suggest alternative module capabilities and construction sequences than that envisioned for a permanently manned space station.
>
> The committee wants to make clear that the limitation in the bill language does not envision two distinct definition studies. Rather, it is expected that there will be a single request for proposal for both variations. What the committee requires is that the complementary effort to define how the various elements of the station would change if the station was initially man-tended rather than permanently manned.
>
> For example, it is likely that the energy module and the berthing adaptor may be identical or nearly identical to that under the permanently manned station definition.

I believe that lays out very clearly what we are talking about.

Mr. Chairman, we are not intending that our complementary definition will address the merits, the pros or cons for a permanently manned space station as the gentleman from Pennsylvania knows. Nowhere in this bill are we suggesting an unmanned station.

All we are doing is telling NASA, "Look, as a part of the RFP for a permanently manned station also define what the station would look like with a man-tended approach." That means when we come to the 1987 funding request for actual development of the space station, we will at least have a chance to look at the two options.

It is that simple. We are not asking for a study to determine which option is better. All we want is to have both options defined. Another reason we took this approach deals with the potential problem of a budget retrenchment.

Now let me try and expand a little on what I mean by a budget problem. NASA has been, more or less, guaranteed a 1-percent above inflation growth in its annual budgets for the next 5 years. I am not sure that guarantee is worth much—and I would not be surprised if in the fiscal year 1986 budget all domestic nondefense discretionary programs are either frozen at the 1985 levels—or are allowed only an incremental amount for inflation.

But what concerns me is that when we ask NASA about this question of down the road budget squeezes—its answer is that the space station is different from other development programs because there is no magic deadline. In other words, if you get into a funding crunch, you can stretch out the program—and complete the station in 1994 or 1995 or whenever.

But that is what concerns me. The way NASA wants to put this station together is to concentrate the initial development resources on activating the habitat. What that means is that if we run out of money in the middle of the development program—or if we have to slow that money down dramatically—are we going to end up with a hotel in space? That's what worries me—and I think it is a very legitimate problem.

In the last analysis, I think all of us recognize that this will be a very expensive proposition. No one really knows whether it is going to be $8 billion, $10 billion, $12 billion or whatever. Because of that, I believe our language is a wise recommendation.

I have been informally advised that NASA does not object to the language or the limitation we have in this particular bill.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I would be delighted to yield to the chairman of the Committee on Science and Technology.

Mr. FUQUA. I thank the gentleman.

Mr. Chairman, let me say I concur with the language that the Committee on Appropriations has included in the bill. I think when you are in the study phase that all of these aspects, manned or unmanned, must be reviewed at that time and not at some later time after we get committed to some program.

I might point out in the fiscal year 1984 authorization bill which was passed and reported in April 1983, that the Committee on Science and Technology recommended some $2 million which could identify maybe alternative approaches for this station.

I commend the gentleman for including the language. I have talked with my friend from Pennsylvania and he is a member of our committee and a very active member of the committee as well as the subcommittee that considers this, and I know he is well intended and a strong supporter of the space station.

I think, though, that it is prudent to consider all the alternatives while we are in the study phase.

In my opinion, even if we go ahead with an unmanned, and I am committed to an unmanned, I have a bias in that respect.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(On request of Mr. FUQUA and by unanimous consent, Mr. BOLAND was allowed to proceed for 2 additional minutes.)

Mr. FUQUA. If the gentleman would yield further.

Mr. BOLAND. I yield to the gentleman.

Mr. FUQUA. I think it is important that while we are under the evaluation of all facets of a station that we consider the unmanned along with the manned. As I stated earlier, I am biased toward the manned, I think that is the ultimate way to go.

But certainly we must answer a lot of questions about this; which would be necessary at this time of investigation. And I hope that the amendment of my friend from Pennsylvania (Mr. WALKER) is not agreed to.

I appreciate the gentleman yielding.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I would be delighted to yield to the chairman of the Subcommittee on Space Sciences and Applications.

Mr. VOLKMER. I thank the gentleman for yielding.

I just wish to echo the remarks of the chairman of the full committee and also your remarks (Mr. BOLAND) as to the need for this language in the bill. I think that it is very noteworthy to have it remain in there so that we can have these studies during the phase B period and not have it come up 2 or 3 years hence.

I would have to oppose the amendment of the gentleman from Pennsylvania (Mr. WALKER) even though I do have a very high respect for him and for his efforts in our committee and subcommittee, and his strong feeling on the space station, I still would have to oppose the amendment.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I would be delighted to yield to my friend from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I would simply say, whether 10 percent of the amount is a proper amount, I do not know. I personally, as a member of that subcommittee, have no objection to setting aside some money for study of an unmanned station. There is no question in my mind that NASA is going to have to study that anyway. That is one of the alternatives they will have to look at.

I do not see that the language in the bill does any harm at all to the program. My only concern would be that perhaps 10 percent is not the figure; maybe it ought to be 5 percent or 15 percent; I do not know. But I do not think the language in the bill does any harm to the program.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Let me state at the outset that I think I can represent to the committee that the HUD and Independent Agencies Appropriations Subcommittee would strongly like to proceed with a manned station.

We had extensive discussion on the language to which the gentleman's amendment is addressed and I think if there is anything clear, it is that the subcommittee would like to go ahead with the manned station.

However, during the course of our hearings and our discussion of the appropriations bill, it became clear that at the present time the fiscal planning for the manned space station is based on two assumptions; and I think the committee should understand what those assumptions are.

They are, first, that it would be possible for the NASA budget to grow at 1 percent in excess of the rate of inflation during the period when the space station is under development, and, second, that the space station can be developed for approximately $8 billion.

Now, as to the first of those assumptions I think it is highly unreal. We all know that the amount that has been done in terms of the downpayment on the budget deficit this year is very small. We all know when we come back here next year we are going to have to do a lot more. And it is hard for me to see how in that climate we can assume that there is going to be 1 percent real growth in the NASA budget, 1 percent in excess of inflation.

As for the $8 billion figure, while it is certainly true that a manned space station does not involve any extraordinary technological advances, it is also true that that $8 billion figure is really a very vague one and that in fact it will require the completion of the study for which this money is intended before we will have a reasonable, firm figure as to what a space station, manned or unmanned, will cost.

Now, there has been an allusion to the fact earlier in the debate on this bill by my good friend from Minnesota (Mr. FRENZEL) and by the distinguished minority whip, Mr. LOTT, that this appropriation bill seems to grow every year and that that is a problem, and I suppose it will be more of a problem if we are going to have a budget crunch next year or the year after.

□ 1520

I would suggest to Members who are concerned about that, that the fiscally prudent thing to do is to vote "no" on this amendment, because essentially what the language does that this amendment seeks to strike is to insure that this House and this Congress will have some choices next year or the year after when we get into a financial bind. We can then make prudent decisions on the basis of studies which will tell us what the options are and on the basis of the economic circumstances that are facing us at that time.

That is all we are trying to do here. As I said at the outset, I believe this subcommittee, which brought you this bill, strongly favors a manned station. All we are saying is exercise a little fiscal prudence so that we shall have some choices down the road when, as and if times get tough.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The gentleman says it will be fiscally prudent to have choices. Could the gentleman define for us what kind of choices we are likely to have out of this amendment?

Mr. GREEN. Yes, the choice is very simple. We shall be told some alternate ways to proceed with a space station. We shall then have some choices as to the sequences by which to proceed.

Mr. WALKER. If the gentleman would yield further, choices to do what? For instance, the only economic justification I can see for building this space station, it cannot be justified on research and development grounds, it cannot be justified on defense grounds, it cannot be justified on anything except commercial grounds, that it is one of the elements in order to have factories in outer space. There is no one, no one in the commercial community who will tell you that they can have anything other than a permanently manned station in order to carry on the work that they need for industrialization of space.

Now, the question would be: What are these alternatives other than a permanently manned station that would be fiscally prudent if that is the only possible justification for a space station in the first place?

Mr. GREEN. Well, I think the gentleman goes further than some in this House would in terms of saying how useless the space station is for many purposes for which others support it.

But I would suggest to the gentleman that we shall know better in 1 year or 2 years, as we see what commercial interest there is in the shuttle, whether, in fact, the commercial interests——

The CHAIRMAN. The time of the gentleman from New York (Mr. GREEN) has again expired.

(At the request of Mr. WALKER and by unanimous consent, Mr. GREEN was allowed to proceed for 2 additional minutes.)

Mr. GREEN. To be frank in responding to the gentleman, the commercial interest that we expected to see in the space shuttle has not been all that we would have hoped.

So those assumptions as to commercial interest on which the space shuttle program were based have not turned out to offer us a great deal of encouragement up to this point.

Again, we are simply seeking to keep the options open if we run into a budget crunch so that we shall have more facts a year down the line as to commercial interest and as to costs.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

I agree with many of the arguments the gentleman has made. I believe that we ought to study the station as an unmanned station.

I said earlier that I did not know whether 10 percent was the figure. How did we arrive at that $15 million? Is there some formula that we used?

It would seem to me the way to approach it would be to mandate a unmanned platform rather than just proceed with a manned platform because I do not know if that $15 million is the correct figure. I would ask the gentleman if he has any better understanding of it than I do.

Mr. GREEN. Well, if I may respond to the gentleman, I think like the $8 billion figure, this number is a soft number.

Our subcommittee has always been willing to listen to requests from the agencies for which we are responsible for reprograming when events during the year indicate that they are necessary.

Mr. LUJAN. Does that mean, for example, that maybe NASA at some point said that of the $150 million that we are putting in for this study that maybe $15 million would be about the proper figure for that portion of the study of the unmanned platform?

Mr. GREEN. I am not sure that that figure was derived from NASA. I would not want to represent that to the gentleman.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Does the gentleman know any fiscally prudent study that indicates that other than commercialization that this space station has financial feasibility?

Mr. GREEN. Well, I am not sure what the gentleman means by financial feasibility.

The CHAIRMAN. The time of the gentleman from New York (Mr. GREEN) has again expired.

(By unanimous consent, Mr. GREEN was allowed to proceed for 2 additional minutes.)

Mr. GREEN. It has not been represented to us by anyone that the $8 billion or $12 billion or $16 billion is going to be paid for by anyone but the taxpayers of the United States. This program has a fiscal feasibility only insofar as the Congress is prepared to appropriate money for it.

We certainly have had no representations that commerical interests are about to pay that money.

Mr. WALKER. If the gentleman will yield further, much the same thing was true when we build railroads across the country, too.

But the gentleman alluded to the fact that the space shuttle has not proved as commercially useful as was originally perceived. Of course, the space shuttle, being the manned program that it is, is partially predicated on the fact that we were going to be doing some things in outer space in space factories, that we have, in fact, planned prudently for the future.

If those factories never go ahead because we do not build the space habitat with which to support the factories, in fact, we probably will have built lemon in terms of launching space satellites into space. The space shuttle's worth is in the fact that it can serve industry in outer space.

Now, if we in fact, through this kind of movement, are seeking to back off from the permanently manned space station, I would suggest to the gentleman that what you are doing is assuring yourself that we are simply going to spend more taxpayers money for something that cannot be commercially used to the extent that he would like.

Mr GREEN. If I may reclaim my time, I will represent to the gentleman again that I think the subcommittee would strongly prefer to go ahead with a manned space station. There is no question about that.

But I would say again to the gentleman that I think it is fiscally prudent to find out what it is going to cost and what the alternatives are, and we shall know better in a year what the budget situation is going to be like, and we shall even know better in a year what the commercial opportunities are in space than we know today.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentlewoman from California.

Ms. FIEDLER. I thank the gentleman for yielding.

Mr. Chairman, I just would simply like to express my concern about the possibility that we will be investing the amount of money that we not only have invested, but will invest in the future, without the possibility of a manned station.

The CHAIRMAN. The time of the gentleman from New York (Mr. GREEN) has again expired.

At the request of Ms. FIEDLER and by unanimous consent, Mr. GREEN was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. If the gentleman will yield further, because in discussions that I had recently with one of the most renown experts on space, he indicated to me that most of the experimentation in space is dependent upon human beings and that the alternative to that in order to fully understand the potential utilization of space, whether it be in the area of medicine or for other purposes, that it would be necessary as an alternative to use robotics and there obviously is a very clear limitation on what can be done when you lose the benefit of the brain power of either a man or woman who is involved in the experimentation to date. Most of those experiments, which have been carried out, with the exception of a few, have been directly dependent upon the assessment and analysis of those people directly involved.

So I would just hope that——

Mr. GREEN. If I may reclaim my time, that assessment and judgment has often been of the human beings on the ground running the program and they, of course, would be able to continue to do that with an unmanned station.

But to get to the premise of the gentlewoman's remarks, we are certainly not coming to this House suggesting that there will be no possibility of building a manned station. Ninety percent of the money in this item is designed to scope a manned station. And we shall have the opportunity when this report comes in to determine just how to proceed at that point and through what stages.

Again, I would represent to the gentlewoman that I think our subcommittee, as it stands now, would strongly prefer a manned station. But we do feel it is fiscally prudent to leave ourselves some options when we get back this report, so we know what our choices are, particularly if we are heading into some very difficult budget times.

□ 1530

Ms. FIEDLER. May I ask the gentleman just one additional question, please, for my own information?

Is there gong to be an effort on the part of the committee, in the event that the gentleman's amendment is not adopted, to work directly with industry to find out whether or not they are interested in various areas, to make certain that they are brought into a partnership in terms of decisionmaking so that there can be a full understanding on the part of the committee and Members of the Congress as to what the potentials are?

Mr. GREEN. Yes; all we really seek by this language and why we ask that this amendment be defeated is that we be able to find out what the choices are, what the costs are, and then make rational decisions of precisely the sort that the gentlewoman wants us to make.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $150,000,000, to remain available until September 30, 1987: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations, if he determines that deferral of such action until the enactment of the next appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities.

Mr. DYSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of H.R. 5713, the HUD-Independent Agencies appropriations bill for fiscal year 1985. I want to commend the chairman of the subcommittee, Representative EDWARD BOLAND, for his excellent work in helping to protect the many important programs which this bill funds.

I have a particular interest in this bill, because it contains funding for a cause that has become central to my second term in Congress. I am speaking of the Chesapeake Bay, one of this country's greatest natural resources.

H.R. 5713 includes a $10 million appropriation for the Chesapeake Bay cleanup campaign. Mr. BOLAND has consistently recognized the Chesapeake Bay as a resource in trouble, and these funds will begin the long overdue process of preserving the bay for future generations of Americans.

The $10 million appropriation before us today represents a first installment in the 4-year cleanup program created by legislation I have introduced in the House. I believe that program will mark a turning point in the history of this great resource. In that sense, today's vote on H.R. 5713 is really a landmark vote for those of us in Maryland who have waited so long for Federal recognition of the bay's problems.

I think it is important that all of us realize that any money spent on protecting the resources of the Chesapeake Bay is really an investment in the future. My own hope—one that I have held ever since I came to office—is that the cleanup of the Chesapeake Bay will become a model for cleaning up polluted estuaries all across the country.

We need that kind of model, and with today's vote we can make a first, all-important step in that direction.

Mr. Chairman, I again want to extend my sincere thanks to Chairman BOLAND and to all the members of his subcommittee who have been among the first in this body to recognize the bay's singular contributions to this country. I see evidence every day that the level of that recognition in Congress is increasing. I am very encouraged by that and I plan to do everything I can to build on that base of support.

The Chesapeake Bay needs a commitment from all of us. Without that commitment, the millions of dollars that have already been spent on studying the bay's slow but steady decline will have been wasted. Let us make sure that money is not wasted. Those studies began a process that we can continue today by appropriating these funds and getting on with the bay cleanup. I hope I can impress upon all of my colleagues how important it is that the bay not be kept waiting any longer.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. DYSON. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for his remarks, and I want to say that I know of no one in this Chamber who has been more devoted to improving the Chesapeake Bay than the gentleman has been over the years. The fact that there is money in the bill this year and that there was money in the bill last year testifies to the successful fight that the gentleman has waged, together with some of his colleagues in the Maryland delegation. I think their efforts have been significant, and this committee has been delighted to support that particular program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 per centum of any appropriation for 1985 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans' Administration for 1985 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans' Administration (except the appropriations for "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans' Affairs.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 38, after line 18, insert the following:

No part of any sum appropriated or otherwise made available in this Act for the Veterans' Administration may be obligated or expended for the purchase of any site for, or toward the construction of, any new hospital to replace the Allen Park Veterans' Administration Hospital, prior to the receipt and consideration by the Administrator of Veterans' Affairs of the ongoing General Accounting Office study of such replacement project, except that such funds may be obligated or expended for design and engineering studies for such replacement project without regard to the limitation under this paragraph.

Mr. DINGELL. Mr. Chairman, the function of this amendment is a very simple one, and that is to insure that a large number of unanswered questions with regard to the quality of care and the cost of care related to the proposed relocation of the Veterans' hospital from Allen Park to downtown Detroit are answered. The amendment will prohibit expenditure of funds by the Veterans' Administration to purchase property for a replacement hospital for the Allen Park VA Hospital until the completion of an ongoing General Accounting Office study of the project. It does not otherwise restrict funding for this or any other project, nor does it supersede any decisionmaking process of the legislature or the Veterans' Administration. The amendment specifically provides for unrestricted design and engineering studies.

This amendment will allow the GAO to complete an impartial study of the project so that the Administrator of VA and the Congress can be sure that the siting decision is based on accurate, unprejudiced cost and service information.

The replacement project for the Allen Park Veterans' Hospital predates the MEDIPP planning processes and therefore is not subject to site acquisition policies currently applied to hospital relocation. As a result the Veterans' Administration has been unable to satisfactorily respond to specific questions raised about the site determination process.

Preliminary findings of the General Accounting Office demonstrate the need for an independent review. The GAO, using the Veterans' Administration's own information, indicates that the relocation to Detroit will cost $52.9 million more than an equivalent reconstruction at the present site. The move to Detroit also will increase operational costs and create staff shortages in nursing and medical support personnel. It will also require a relocation of many Detroit residents and the destruction of their homes or apartment buildings. A VA study found that some of these homes are of significant historic value. Since Detroit is already suffering from a severe depletion of housing stock, the condemnation and acquisition of this property may be more difficult than currently projected.

The intention of the amendment is not to prevent improvement of the quality of veterans' service in the Detroit metropolitan area but rather to be assured that the best quality of service under the best conditions is made available at the earliest time with the least cost.

As the Member of Congress who represents the particular district in question, I am much troubled that, unless this move is conducted properly and wisely, the result may be a diminution of care for non-service-connected cases inside Veterans' Administration facilities in the Detroit metropolitan area.

There are currently only two plans being considered for a replacement hospital: A new construction near the Wayne State Medical School or a new construction on the present site in Allen Park. The two plans purport to be identical in number of beds and services and equipment to be provided. The first alternative could result in the loss of some 37 acres of land which were deeded to the Federal Government with a reversionary clause which would return the property to the Ford estate should the land cease to be used as a Veterans' Administration hospital.

I am joined in my concerns on this by my special and dear friend, Congressman William Ford, who represented the area long before I did, and who has traded back and forth with me over the years. We have consulted extensively with the Administrator of the Veterans' Administration downstairs during the time that the first part of the reading of this bill was going forward. At that time, we discussed with the Administrator the fact that ordinary practices with regard to the establishment of VA medical care facilities have not been properly carried forward and proper consultation with community leaders, veterans' groups, Members of Congress, and others has not taken place.

Administrator Walters has informed Mr. Ford and I that he will inquire into having this matter move forward in conformity with existing and customary practices within the Veterans' Administration. He also stated that the public comment period on the environmental impact study will not even begin to run until July. The Administrator will not have the issue of relocation before him until September. This means that no decision on the final location can be expected before January 1985.

I believe that the amendment is one which is friendly to the legislation, friendly to the veterans, and one which will procure from the GAO the necessary answers to questions which must be resolved before the construction of a veterans' hospital takes place.

One of the concerns which we have with regard to this project is the possibility that the cost of the facility is both fixed arbitrarily too low and does not include a number of necessary ancillary services and buildings such as a power station, incinerator, and the necessary parking facilities.

□ 1540

It is for this reason that the amendment is crafted not to prevent the necessary design and engineering studies, which as of this moment have not yet been completed, but simply to assure that no property is acquired until significant questions, including service delivery and cost, have been resolved.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my dear friend from Massachusetts.

Mr. BOLAND. I appreciate the gentleman yielding.

Mr. Chairman, as the gentleman has indicated, there are a number of unanswered questions that have been raised with respect to this critical project, and I think all unanswered questions ought to be answered.

I have no disagreement at all with the intent of the gentleman's amendment. I am willing to accept the amendment. I do want to make clear that in no way do I want the amendment to delay the project, and I am sure the gentleman from Michigan and those who support this amendment from Michigan would indicate that they would not want a delay in the project too.

This project, as the gentleman knows, ranks third on the priority list of the construction projects in the VA's latest 5-year assessment plan. It has been in the list of the top 10 for, I guess, 5 years—ever since the VA began the 5-year plan.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. Dingell) has expired.

(By unanimous consent, Mr. Dingell was allowed to proceed for 4 additional minutes.)

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I continue to yield to my good friend from Massachusetts.

Mr. BOLAND. So, the project should go ahead, and I would hope it could go ahead in this fiscal year. But in any event, I am willing to accept the gentleman's amendment.

Mr. DINGELL. I thank my dear friend and I reiterate to the gentleman it is not my intention in any fashion to delay the project. That is why the amendment was crafted as it was, and I will assure the gentleman that we will try and see to it that the studies that are conducted by GAO are both responsive in terms of producing facts that concern us, and also in terms of moving expeditiously.

I yield to my dear friend from New York (Mr. Green).

Mr. GREEN. I thank the gentleman for yielding to me, and we have no objection on this side.

Mr. DINGELL. I thank the gentleman.

Mr. Chairman, I yield to my distinguished friend from Michigan (Mr. Ford).

Mr. FORD of Michigan. I thank the gentleman for yielding to me.

Mr. Chairman, I rise to support the amendment of my good friend, Congressman John Dingell. Funds in this appropriations bill should not be used to purchase any site for, or toward the construction of, any new hospital to replace the Allen Park Veterans' Administration Hospital until the Veterans' Administration and the GAO complete the extensive studies they have promised.

My concern at this time is that the Veterans' Administration does not appear to have an adequate policy to deal with the issue of relocation. Although Congressman Dingell and I have been assured that adequate studies have been completed, we have been appalled by the quality of the answers we have received to relatively simple questions.

Congressman Dingell and I are interested in only one issue—that is the proper placement of the new VA hospital. This amendment will in no way jeopardize the proper placement. All design and engineering plans can go forward. But let us hold off on acquiring a new piece of property until we are better sure of all the costs involved and until we have responsive answers to the questions we have presented to the VA and the GAO. We need a new VA facility as quickly as possible. Our veterans deserve this most certainly.

Let us just be darn sure we put it in the right place

I urge that this amendment be adopted.

Mr. TRAXLER. Mr. Chairman, I want to take this opportunity during the debate on the Dingell amendment to express my persistent and strong support for efforts to replace the current Veterans' Administration Medical Center at Allen Park, MI.

The veterans of Michigan, through their various organizations including the Veterans of Foreign Wars, Disabled American Veterans, American Legion, the Paralyzed Veterans of America, the Michigan Marine Corps League, and other veteran groups, have worked for the past 12 years to get a replacement facility for the current Allen Park Hospital.

Allen Park was originally constructed in 1939 with major additions in 1947 and 1960. While it was good for its time, the Veterans' Administration now describes it as one with services or functions that are "significantly deficient in space, configuration, and accreditation requirements." The VA goes on to say that "many departments and services are fragmented and dispersed," and that "traveltime and distances for patients, staff, visitors, and materials distribution are excessive."

Mr. Chairman, the VA obviously knows what problems veterans are facing. They run many hospitals and have experts in the field on its staff. As the Appropriations Committee report points out, no committee of Congress should second-guess the professionals regarding where these hospitals should go. The decision regarding the placement of hospitals should be based upon a careful assessment of need, with the chief issue being what option will provide the best medical care possible for the veterans who will use the facility.

The VA requested funds in its fiscal 1985 request to begin work on the actual replacement for Allen Park, anticipating that a decision regarding which of several options it would choose early in fiscal 1985. The VA thought that this project was so critical—it is No. 3 on its priority list of facilities in need of replacement—that it requested funds as part of its fiscal 1985 request to begin its work.

Mr. Chairman, I urge all of our colleagues to support the VA's request for getting a replacement for Allen Park as soon as possible.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of the bill.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of the bill?

The Chair hears none.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment to title 4.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 48, after line 20, insert the following new section: SEC. 416. Notwithstanding any other provision of law or any provision of this Act, the President may reduce any appropriation in this Act by not more than ten percent.

Mr. BOLAND. Mr. Chairman, I reserve a point of order against the amendment.

Mr. WALKER. Mr. Chairman, what this amendment seeks to do is to effect a 10-percent cut in the appropriation levels in this bill, but to do so in a way that would give the President discretionary authority as to where those cuts should be made.

Very often when an across-the-board cut amendment is offered, what we hear is the fact that the problem is that we are cutting very valuable programs by too much money. Well, a 10-percent cut is a significant cut. I will be the first to admit that. But under this provision, what I am seeking to do is to give the President some kind of discretionary authority in which to act on this matter of the massive deficit that we face.

It seems to me that the budget process has all but been abandoned on this floor. We adopted a rule just before we went home for recess which essentially said that the Budget Act no longer applies to appropriation bills; we are going to bring the appropriation bills regardless of what we had in the Budget Act. Therefore, it seems to me, that if we are going to do something about deficits, put aside the Budget Act, put aside all the political shenanigans that have been included in the Budget Act. Where we can act on deficits is right here in appropriation bills.

Now, if we are going to act on appropriation bills, and we have got to act in all of them, if we can, and it seems to me we have got to take a look at all of the things we are spending money on and decide whether or not we want to do something about deficits. If, in fact, we would take the appropriation bills that come to this floor and reduce them by the 10 percent that I have in this particular bill, we could save some $50 billion in the various appropriation bills that we have had before us.

That $5.8 billion of that would come out of this bill under this provision. But overall $50 billion would contribute mightily toward bringing down the overall deficit problem that we have got in the country. Most importantly, Chairman Volcker has testified on a couple of occasions on the Hill, that a $50 billion reduction in the deficits at the Federal level would result in about a 1-percent reduction in interest rates.

At the present time when we see interest rates going up and we see the prime rate headed upward, the stock market reacting negatively to those increases in interest rates, should we not, as a Congress, be doing something to stop it? Should we not be doing something to reduce deficits in real terms. The place where we can do that is on appropriation bills. Instead of, as I say, playing games with the Budget Act; doing all the things around here that do not seem to ever result in any real reductions in spending, here is a place you can start. You can start here with the appropriations bill; you can start right here on this bill with a 10-percent reduction in what we are doing. A $5.8 billion reduction in this $58 billion bill.

That is what this amendment seeks to do; that is what this particular amendment seeks to do in a way that would give the President discretionary authority to do it in a way that was as humane as possible, that would do it in a way that would save the money in the right places.

I would hope that the House would see fit to adopt this particular amendment.

The CHAIRMAN. Does the gentleman from Massachusetts (Mr. BOLAND) insist on his point of order?

Mr. BOLAND. No, Mr. Chairman, I do not insist on the point of order.

Mr. Chairman, I rise in opposition to the amendment.

This is a 10-percent across-the-board reduction amendment and the gentleman from Pennsylvania leaves it to the discretion of the President to make the decreases in the particular areas that he selects.

One of those areas, of course, would be the housing area, which is terribly important to the people of the United States, including those in the housing industry. Also, it is vitally important to the elderly and the handicapped and to low- and moderate-income families.

It is difficult to say in what area the President might use his discretion to cut a particular program by 10 percent. This committee has worked over the last few months to structure a bill that reflects the opinions of the members of the subcommittee, the full committee, and the Members of the Congress of the United States. I think we have done that.

I might say to the gentleman from Pennsylvania, even though this bill represents a $3,767,998,500 increase above the request of the President, that increase comes almost solely in the subsidized housing programs.

□ 1550

So, Mr. Chairman, again, this is the typical 10-percent across-the-board reduction, with the President using his discretion where the cuts are to be made. I think those of us who are familiar with this administration recognize where the reductions would be made. So, Mr. Chairman, I ask that the amendment be defeated.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the distinguished gentleman from California.

Mr. PANETTA. I thank the chairman for yielding.

Mr. Chairman, I think for the information of the Members, they ought to understand how this bill fits with the budget resolution that was adopted by the House of Representatives. After all, it is the budget resolution adopted by a majority of this House which, at the present time, provides some of the guidelines that are provided to the Committee on Appropriations.

The reality was that once the House passed the resolution, the other body took a month to pass any kind of final budget resolution, and that is now at the point of going to conference to try to resolve those numbers. In the interim, we had to present some allocation targets to the Committee on Appropriations.

Under the allocation targets presented to the HUD Appropriations Subcommittee, they are $32 million below the target established in the budget resolution and Members ought to understand that. That is where they are at.

In addition to that, the committee is below what would be the current policy figure by $2.5 billion in budget authority if we were to operate on current policy numbers.

So this subcommittee has done an excellent job in trying to keep their numbers below the budget resolution and in trying to provide a disciplined approach to an area that is of concern to all Members.

Mr. GREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, too, rise in opposition to this amendment, but I think it is not really the ordinary 10-percent cut; in fact, it is a very extraordinary amendment.

For example, the representation is made to us that we can save $5.8 billion in this bill if we just get 10 percent cuts. I should like to point out what some of the spending is to which these 10-percent cuts are being addressed. For example, of the money in this bill, $13,992,900,000 is for veterans' compensation and pensions. Are we really going to cut 10 percent what we owe our veterans for compensation and pensions?

I think when we are told that we are going to balance the budget off this bill, and others like it, by saving 10 percent of what is in this bill, we had better look at what we are cutting.

The actual outlays that are going to come in the housing field are, of course, generally going to be liquidation of past commitments by the United States, full faith and credit obligations, some $11,663,000,000 of them. Are we really going to authorize the President of the United States to repudiate full faith and credit obligations of the United States in order to save $1,166,000,000? I do not think so.

So I think people ought to understand this is not an ordinary 10-percent across-the-board amendment. It is a very extraordinary one, and I think Members ought to think long and hard before authorizing the President to cut veterans' configuration and pensions 10 percent, or before authorizing the President to repudiate 10 percent of full faith and credit obligations of the United States.

Mr. FRENZEL. Mr. Chairman, I rise in support of the amendment

Mr. Chairman, I understand that a 10-percent cut is thought to be devastating to those who put together, with a great deal of effort, what they thought was a very tight bill. They have tried to serve important needs that they found in our country.

Nevertheless, I believe that some sort of cut is necessary in every appropriations bill that goes through this Congress. It is not the ordinary 10-percent cut, but as the gentleman has described it, he does not specify a cut in any particular area but leaves the decision, as I understand it, to the Chief Executive, who can also decide to make no cuts at all.

I think what bothers me was the statement of the gentleman from California, and I do not see him on the floor at the moment, about whether we are above budget or below budget. When we passed our budget in this House, we said that we were going to limit expenditures to increases of 3½ percent except in certain specified low-income areas. This bill is 4.7 percent above a comparable bill last year.

In addition, we have passed one supplemental already this fiscal year on top of last year's budget. We have another supplemental of $1½ billion pending. And it would not surprise anyone in this House, or anyone anywhere, if we pass a couple of supplementals after this appropriation is completed.

The blunt fact is that this is over the budget we agreed to. We can play with all the budget numbers we want. Or we can say, "Well, the Committee on Appropriations says it is under budget, so it must be so."

But, no such dreammaking can conceal the fact that we are exceeding, in each one of these appropriations bills, the amount that we were pledged to spend under the budget that this House passed.

What happens finally is not known yet, because we have not passed our final budget resolution. But if anyone here is happy with a $180 billion or a $170 billion deficit, I would like that person to stand up and defend it.

We are supposed to be trying to reduce the deficit. We are struggling to achieve a downpayment. Every place that we can save a nickel is the place where we ought to save a nickel. Every Member ought to be counted in the nickel-saving process.

I am exceedingly disappointed that we continue to bring out bills which are above what we said we would permit when all the House heroes voted for our budget. I know the gentleman from Pennsylvania (Mr. WALKER) is not going to have votes enough to pass his amendment. I only hope that some day we will be able to pass such an amendment.

Mr. LUNGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we discuss on this floor on a regular basis the budget woes that face this Nation. We are constantly concerned about whether a particular bill is above or below the budget. But, of course, as we know, last week in voting the rule on another appropriation bill, we waived the points of order with respect to the Budget Act for all appropriation bills. So in some ways we have declared the budget process null and void with respect to our consideration of appropriation bills this year.

Second, it might be pointed out that no one was happy with the budget that we passed in this House. We all talked about the deficit being exceedingly high, but this was the best document that we could pass getting a majority of Members of this House to vote for it.

So to say that it is at budget or below budget really does not say too much. It says that all we are going to burden the American people with this year as the product of our accumulated appropriation bills is something in the neighborhood of $180 billion to $200 billion.

Third, I would say that some in this Chamber have argued for a long period of time that we ought to give the President the responsibility that 43 Governors of the States of the Union have, and that is the line-item veto. We know that this takes a constitutional amendment. We know that that procedure is not contained in our Constitution, although it is contained in 43 State constitutions. We also know that we will not get an opportunity to vote on a line-item veto constitutional amendment in this Congress unless something catastrophic happens, unless in fact we change the committee process here, or unless suddenly there is going a conversion something like Saul on his conversion into Paul a number of centuries ago with respect to either the chairman of the Committee on the Judiciary or the Speaker of the House of Representatives.

Therefore, the only opportunity we have to do anything is to try to construct amendments that may appear to be something like a line-item veto with respect to separate appropriation bills. It is not as fancy and as clean, of course, as having a constitutional amendment, but frankly, this House is denying the Members of this House the opportunity to do what our constituents would want us to do; that is, at least vote up or down a line-item veto.

It is time to stop hiding behind all the rules, all the committees, all the processes that we have here. It is time to stop hiding behind the Budget Act, which we already said last week does not apply to this bill. It is time to stop saying, "Well, this is within the budget, even though the budget will give us a nearly $200 billion deficit." It is time to say we are concerned. If we are not concerned about these types of bills, which have some worthy programs in them, we will not be concerned about any bill. There is a strange fact of life that exists here in Washington which we like to hide from our constituents, and that is, there is not a single program that we will vote on this year that was created for bad intentions. There is not a single program that we will maintain this year that we are maintaining because we want to ruin the economy of this country. There is not a single program that we will have this year that does not have sincere advocates behind it. There is not a single program that cannot find some people who will tell us there is some good in it. But the problem is, we cannot spend on everything we want to spend on. If we are going to make some hard decisions, we have to make them even on popular programs.

This is not a 10-percent across-the-board cut.

□ 1600

This gives the President the ability—because it uses the word, "may," not "shall"—to reduce any appropriation in this act by not more than 10 percent. We cap it at 10 percent. Within that he can exercise a line-term veto of sorts.

As a matter of fact, for those who oppose the President or those who criticize this President constantly on this floor for his spending policies, this might be their way out. Give the President the responsibility for making the tough decisions on the cuts that we do not have the guts to make, and then go ahead and criticize him; criticize him from now until November for the cuts he makes in these popular programs. But if we are not going to give him the ability to exercise that veto, then let us not be making speeches on the floor on a daily basis about how these are the Reagan deficits. These are congressional deficits. This is one downpayment on the congressional deficit, and if we do not want to exercise the ability to give the President the opportunity to make these cuts, let us not hear the hollow sounds of those words of criticism in the future.

Mr. Chairman, it is a very mild approach to trying to deal with the deficit situation this year. It might be politically easier to try to put this over until after the election, but why not be fair and honest with the American people and do it now?

Mr. GREGG. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I want to commend the gentleman from Pennsylvania (Mr. Walker) for offering this amendment, which at last brings some fiscal sanity to the issue of balancing and addressing our deficits here in the House and our budget process. There is no question that the committee has worked hard to bring in what it felt was a streamlined bill with this appropriation bill for HUD. But the fact is that when we are facing $170 and $180 billion deficits, I think it is totally impossible for us to claim that we do not have areas in which we can make further reductions. Yet as a body it is clear that we are unable to make those reductions. That is why this amendment is before us today.

Thus I think it is appropriate that we give the executive branch of this Government the opportunity to take the aggressive steps necessary to make the reductions that are essential to bring about some sort of fiscal responsibility to this budget process and specifically to this piece of legislation.

Obviously all of us have to run for reelection, and it is very difficult for us to address the tough decissions. It seems to be generally impossible for this House to make the cuts in specific areas, and it is clearly impossible for us to do it across the board. Therefore, this language gives us a little bit of insulation in that it turns over to the executive at least a 10-percent area where it can make some changes in the budget process and hopefully bring about some fiscal responsibility.

Thus, where we have failed, hopefully the executive can make the strong decisions. I would have hoped that we could have made this decision, but clearly we are unable to do it. Therefore, it seems to me that it is appropriate that we give the executive branch the opportunity to exercise this sort of flexibility and to bring about this sort of fiscal responsibility.

It is time that we made some tough decisions here in the House, but short of our making specific tough decisions, let us at least make this one difficult decision, which is to allow for some flexibility in the area of the executive branch so that they can make the difficult decisions.

So, Mr. Chairman, I strongly support this language. I think it is a very original and very forthright approach to bringing about controls in our budgeting process.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding because I think he helps clarify some of the language in my amendment, and I want to make certain that everybody does understand that this is not a 10-percent, across-the-board cut.

It simply allows the President to cut up to 10 percent of any appropriation within the bill. He can go as high as 10 percent; he does not have to cut 10 percent. The overall savings that could be achieved would be $5.8 billion, but the President does not have to go that far.

It is also clear that if there were areas such as veterans' pensions that the President chose not to reduce, then under the provisions of this amendment he would not have to reduce those at all. So this is a discretionary use of power, and it is discretionary between zero and 10 percent.

Mr. Chairman, I think the gentleman has helped me point that out, and I thank him very much.

Mr. GREGG. Mr. Chairman, I thank the gentleman for bringing this amendment forward.

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think if this amendment passes, it will be a lesson for the House: "Don't be responsible, don't be frugal, and don't try to meet the President's and other people's mandates." Because if any committee has tried to live within the budget resolution, if any committee has had success in getting the President to sign its appropriation, it is this subcommittee.

The chairman of the subcommittee, the gentleman from Massachusetts (Mr. Boland), has often told us, those who are on the House authorizing committees, "You can't have this, you can't have that, and you can't have this. We must pass legislation that is acceptable to the President."

So we have chafed at the bit, but we have tried to be responsible.

Housing, an area in which I have great interest, has been cut to smithereens over the last 3 years. It has been cut more than any other area. It has been cut more than any other type of program, and yet the authors of this amendment come to us and say, "Well, you didn't do enough."

Mr. Chairman, we have done more than enough. We have done plenty here, and if this amendment is to pass, it is a lesson to every other Member of this House, to every other subcommittee chairman: Don't be responsible, don't live within the budget guidelines, because the Members or some of the Members who are introducing this amendment will still propose that we cut even more on top of that.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, I guess my question to the gentleman would be this: Have we done enough really when we have a $176 billion deficit or a $180 billion deficit? With that deficit level, does the gentleman consider this Congress to have done enough to address that deficit level?

Mr. SCHUMER. Mr. Chairman, If I might answer the gentleman, I do not think that this Congress or certainly this President has done enough to reduce that deficit. But let me say, with regard to this particular amendment and this particular area, the subcommittee of the Committee on Appropriations and the various authorizing committees have done more than their share. They are not accounting for this budget deficit.

I would suggest to the gentleman that I have voted for 10-percent amendments, for instance, on defense, which is going up and up and up. But if we are going to be fair, if we are not going to grandstand, if we are going to say that cuts must be even and go across the board, then we would not vote for this amendment, as strongly as we want deficit reductions.

If this amendment passes, it says to me, "Do not be responsible because we are still going to cut you even further given the political vicissitudes."

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, I would be happy to join the gentleman if such an amendment were to be added to the Defense appropriations bill, and I would hope the gentleman would vote for this under the same theory, that we have the opportunity here to take an initial step toward getting a reduction in the deficit.

Mr. SCHUMER. Mr. Chairman, if I may reclaim my time, the committees, unlike the committees on defense, have done their job before the gentleman even offered this amendment. That is the point. It is not to say that whatever committee comes in, we will then cut 10 percent, but, rather, to say that if a committee has done a good job and has been responsible, we are not going to kneejerk and rise up and say we are going to cut another 10 percent.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 12, noes 18.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 133, noes 258, not voting 42, as follows:

[Roll No. 187]

AYES—133

Archer
AuCoin
Badham
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Billey
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Chandler
Chappie
Cheney
Clinger
Coats
Conable
Corcoran
Coughlin
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Frenzel
Gekas
Gingrich
Gramm
Gregg
Hall, Ralph
Hall, Sam
Hamilton
Hansen (UT)
Hartnett
Hiler
Holt
Hopkins
Hubbard
Huckaby
Hunter
Hyde
Ireland
Jenkins
Kasich
Kemp
Kindness
Lagomarsino
Latta
Leach
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McEwen
Michel
Miller (OH)
Moore
Moorhead
Nichols
Nielson
Oxley
Parris
Pashayan
Patman
Paul
Porter
Pursell
Quillen
Ray
Ritter
Roberts
Robinson
Roemer
Roth
Rudd
Sawyer
Schaefer
Schroeder
Schulze
Sharp
Shaw
Shumway
Shuster
Siljander
Smith (NE)
Smith, Robert
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wylie
Young (FL)
Zschau

NOES—258

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Burton (CA)
Byron
Carney
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Courter
Coyne
Darden
de la Garza
Dellums
Derrick
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Guarini
Gunderson
Hall (IN)
Hammerschmidt
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hillis
Horton
Howard
Hoyer
Hughes
Hutto
Jacobs
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lantos
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Pease
Penny
Perkins
Petri
Pickle
Price
Pritchard
Rahall
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schumer
Seiberling
Shannon
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (IA)
Smith (NJ)
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stokes
Stratton
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)

NOT VOTING—42

Anthony
Barnard
Breaux
Bryant
Coleman (MO)
Crockett
D'Amours
Daschle
Dixon
Dymally
Edwards (OK)
Franklin
Garcia
Gaydos
Gibbons
Gore
Hall (OH)
Hance
Hansen (ID)
Hefner
Jeffords
Kramer
Leath
Lehman (CA)
Lewis (CA)
Marriott
McDade
O'Brien
Packard
Patterson
Pepper
Rangel
Sensenbrenner
Simon
Skeen
Smith (FL)
Smith, Denny
Stark
Tallon
Weaver
Wilson
Wirth

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Hance for, with Mr. Patterson, against.

Mr. Breaux for, with Mr. Pepper, against.

Messrs. SNYDER, REID, ENGLISH, VENTO, and ANDREWS of Texas changed their votes from "aye" to "no."

Messrs. MACK, CRAIG, and ZSCHAU changed their votes from "no" to "aye."

Mr. GONZALEZ changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1630

Mr. FLORIO. Mr. Chairman, I move to strike the last word.

If I could have the chairman's attention, I rise today to ask for clarification of the intention of the Appropriations Committee in providing for funding for the Superfund program for fiscal year 1985 at a level $40 million below the administration's budget request. The total level recommended for this vital program by the committee is therefore $600 million.

As I understand the action of the committee, the decision to reduce the funding level for the program by this relatively small amount—approximately 7 percent of the total amount appropriated—arose out of the committee's concern that management problems are limiting EPA's ability to absorb and spend effectively the total amounts it has requested.

Mr. BOLAND. Yes, that is correct. It is clear that EPA has made some important policy changes in the past year to set the stage for real progress on cleanups. But it is equally clear that a number of basic management problems still remain—and that many cleanup schedules will meet delays in 1985. For example, the Superfund program is not yet staffed at full strength due to problems in finding and hiring qualified people. You cannot run a big program well without the necessary people on board.

Mr. FLORIO. While I believe we must clean up these hazardous waste sites as quickly as possible, I understand the judgment of the Appropriations Committee that the program has experienced such significant problems in its early years that only now is EPA undertaking the basic groundwork necessary to launch the full-scale cleanup effort we expected when Superfund was first passed in 1980. And I am not convinced that they are moving quickly enough today.

I would like to ask the chairman of the subcommittee if he agrees that it will take substantial, increased funding to get about the business of cleaning up abandoned hazardous waste sites.

Mr. BOLAND. If the gentleman will yield, my answer is "Yes."

I want to make clear that the reduction recommended in the 1985 appropriation in no way prejudices future years' funding. Beyond a doubt, the magnitude of the Superfund program is immense—the estimates range from $8 billion to $20 billion. So clearly, future funding levels will have to be increased. But I want to emphasize that the rate of growth cannot outrun EPA's management capacity, otherwise you guarantee waste and abuse.

The levels recommended in our bill provide for the Superfund program almost a doubling of people and a tripling of funding in just 2 years. That is a very fast growth rate. And additional increases will certainly be needed in the future as more sites start actual cleanup.

Mr. FLORIO. As the gentleman from Massachusetts is aware, I, and several other Members have introduced a bill to reauthorize the Superfund program with substantially more funding and reforms of the program. It is my belief that it is necessary to move quickly on this legislation—and I might add that the Speaker has said it will be considered by the House before the August recess—to give EPA the time to gear up for the additional funding and other changes. If we can act this year, I believe it will result in a more effective Superfund program and the Agency will be ready to spend the money necessary to clean up these sites.

Mr. BOLAND. If the gentleman will yield further, I think the sooner that EPA comes to grips with the vast dimensions of the Superfund problem, the better. And I believe a reauthorization bill this year would clearly define the scope of the long-term problem. What is absolutely essential is to give EPA as much time as possible to plan for and manage this growing program.

I cannot support unrealistic statutory deadlines, but I very definitely believe the program must be accelerated as fast as EPA's management capacity allows.

Mr. GREEN. Mr. Chairman, will the gentleman from New Jersey yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman from New Jersey.

Mr. Chairman, I just want to say for this side of the aisle we certainly want EPA to move just as rapidly as possible, to use the Superfund effectively to clean up these sites and the little bit of restraint we have imposed certainly is not to be interpreted as any signal to EPA to slow down.

On the contrary, I think everyone on the subcommittee wants EPA to move as rapidly as possible to deal with this problem.

Mr. FLORIO. I would just respond and thank the gentleman for his remarks and respond that this action by the subcommittee is evidence, I think, of the fact of the need to reauthorize Superfund this year so that as we expand the fund which everyone agrees has to be expanded, we will be able to give to EPA the advance notice that it requires so as to gear up to utilize the money in a cost-effective way rather than wait until the end of next year to have this transition when EPA would not be prepared to use the money.

Mr. GREEN. If the gentleman would yield further, I concur 100 percent. I had, in fact, filed a bill some time ago for extending the Superfund and providing additional moneys for it. So I share the gentleman's position.

Mr. FLORIO. I yield back the balance of my time.

Mr. DAUB. Mr. Chairman, in explanation of my vote against H.R. 5713, the Housing and Urban Development and Independent Agencies Appropriation bill for 1985, I want to reiterate my support for such respected and time-honored programs as those included in this bill for the Veterans' Administration, NASA, EPA, and the revenue sharing office within the Treasury Department. Unfortunately, the majority has purposefully "Christmas-treed" this appropriations bill. Some might call this process just good election year politicking. Instead, it puts those of us advocating fiscal responsibility and Federal austerity in a tough position in having to vote against a lot of good programs because the majority refuses to deal with deficits and seek only modest increases. It is for this reason that I felt compelled to offer a separate statement in explanation of my vote today. I hope the other body and the conference on this important legislation will resolve the overspending contained in this House version.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of H.R. 5713, the HUD-independent agencies appropriation bill for fiscal year 1985. I am, however, concerned that the committee bill significantly reduces the number of units funded for the housing voucher program. The committee's failure to support funding for the $1.6 billion requested by the administration for housing vouchers has resulted in $3.7 billion in additional funding for more expensive housing units—namely, 11,000 in public housing new construction units.

Mr. Chairman, the voucher program is a very important step toward aiding low-income renters in New Jersey and elsewhere. While the voucher system may not be a panacea, it certainly promises to provide a method of looking at an old housing problem in a fresh, new way. A hallmark of the voucher system is its flexibility and responsiveness to local needs and markets.

While the committee correctly points out that "not a single housing voucher unit has been placed under contract," this is not due to any deficiency in the voucher program. In fact, in March this body approved $314 million for a 15,000-unit pilot program. The House has gone on record as supporting the voucher program concept. The fact that not a single contract has been signed yet is because the other body has failed to act on that measure.

The merits of the housing voucher program are numerous. It can be financed through much shorter subsidy contracts than those governing current housing assistance programs, because there is no need to assure property owners of long-term rental income in order to induce them to undertake the costly construction and rehabilitation often associated with traditional housing assistance programs.

Furthermore, because vouchers are much less costly than current new construction programs, a greater number of low-income families can be assisted for fewer dollars than is possible through existing or new section 8 or public housing programs. By way of illustration, if all the 1982 new construction/substantial rehabilitation funds had been reprogramed for vouchers with 5-year assistance terms, approximately 90,000 more households could have been aided in that year at about the same annual expense at a potential reduction of $8 billion in long-term Federal obligations—CBO May 1982: Federal Housing Assistance—Alternative Approaches.

In addition to the increased number of families who could benefit, the budget implications and the potential for reductions in burdensome regulations, the families particpating in the voucher program would have a greater freedom of choice in housing. It implies greater trust of households and a less interventionist role for Government while still offering deserving low-income families the help they need to live in decent housing.

I believe that the housing voucher program is sensible, does the job as cost effectively as possible, and serves both taxpayers and low-income housing aid recipients well. It is an idea whose time for implementation has clearly come.

Mr. BOLAND. Mr. Chairman, I move the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LEVITAS, Chairman of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5713) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 282, nays 110, not voting 41, as follows:

[Roll No. 188]

YEAS—282

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Burton (CA)
Byron
Carney
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Emerson
English
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gray
Green
Guarini
Hall (IN)
Hamilton
Hammerschmidt
Harkin
Harrison
Hatcher
Hawkins
Hayes
Heftel
Hertel
Hightower
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hughes
Hunter
Hutto
Ireland
Jacobs
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (FL)
Leland
Levin
Levine
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Pease
Perkins
Price
Pritchard
Quillen
Rahall
Rangel
Ratchford
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sikorski
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NAYS—110

Archer
AuCoin
Badham
Bartlett
Bethune
Billey
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Chappie
Cheney
Coats
Conable
Corcoran
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daub
DeWine
Dickinson
Dorgan
Dreier
Erlenborn
Evans (IA)
Feighan
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hansen (UT)
Hartnett
Hiler
Hubbard
Huckaby
Hyde
Jenkins
Jones (OK)
Kemp
Kindness
Latta
Levitas
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McEwen
Michel
Miller (OH)
Moody
Moorhead
Myers
Nielson
Oxley
Pashayan
Patman
Paul
Penny
Petri
Pickle
Porter
Pursell
Ritter
Roberts
Robinson
Roemer
Russo
Schaefer
Schulze
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Slattery
Solomon
Stenholm
Stump
Tauke
Taylor
Thomas (CA)
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Zschau

NOT VOTING—41

Anthony
Barnard
Breaux
Bryant
Coleman (MO)
Crockett

D'Amours
Daschle
Dixon
Dymally
Edwards (AL)
Edwards (OK)
Franklin
Garcia
Gaydos
Gibbons
Gore
Hall (OH)
Hance
Hansen (ID)
Hefner
Jeffords
Kramer
Leath
Lehman (CA)
Lent
Marriott
O'Brien
Packard
Patterson
Pepper
Ray
Sensenbrenner
Simon
Skeen
Smith, Denny
Stark
Tallon
Weaver
Wilson
Wirth

☐ 1650

The Clerk announced the following pair:

On this vote:

Mr. Patterson for, with Mr. Hance against.

Mr. KEMP changed his vote from "yea" to "nay."

Mr. KASICH, Mr. BEREUTER, and Mrs. LLOYD changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL STATEMENT

Ms. OAKAR. Mr. Speaker, I rise in support of the HUD appropriation bill. This bill provides housing for our people and further provides funding for NASA including Lewis Research Center. We are still insisting that Lewis get the lead for the electrical power of the space station. This vote is supportive of that purpose.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

The SPEAKER. Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5167.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 24, 1984, titles IV, V, VI, VII, VIII, and IX were open to amendment at any point.

Are there further amendments to these titles?

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from Wisconsin (Mr. ASPIN), the distinguished chairman of the Subcommittee on Military Personnel and Compensation, and with the gentleman from Virginia (Mr. WHITEHURST) regarding the health care privileges for former spouses of military retirees.

Mr. ASPIN. I will be happy to participate.

Mrs. SCHROEDER. As the gentleman from Wisconsin is aware, he and I have discussed the need for further legislation authorizing health care, as well as commissary and exchange privileges, for the long-term former spouses who contributed to our country alongside their military husbands. I think we both recognize that the Uniformed Services Former Spouses' Protection Act was a critical first step, but that it does not cover all the deserving spouses.

Mr. ASPIN. If the gentlewoman will yield, Mr. Chairman, the gentlewoman is correct that the Former Spouses' Protection Act authorized medical, exchange, and commissary privileges for a limited number of long-term former spouses. There are, however, many other former spouses of long-term military marriages who do not meet the present criteria spelled out in that law.

Mrs. SCHROEDER. During full committee consideration of the 1985 Defense authorization bill, you stated that you would hold hearings on the health care issue, including discussion of H.R. 2715, introduced by the gentleman from Virginia (Mr. WHITEHURST). You added that you did not want to put off this issue until next year's authorization—that it needs to be addressed now.

Mr. ASPIN. Yes, I agree. I consider this an important issue, but there also are a number of questions that should be addressed, particularly the cost. I would hope that we could hold early hearings. As the gentlewoman can appreciate, the actual timing of hearings will depend on the progress of the Defense authorization bill, which we are considering today, and on our schedule for conference with the Senate. It is my intention, however, to address the former spouse medical issue expeditiously and, if it proves to be noncontroversial, to attempt to bring it before the House under suspension of the rules as the gentlewoman has requested.

Mrs. SCHROEDER. I thank the gentleman. I appreciate your concern for this issue and will be happy to help in any way to expedite this matter. Also, I wish to compliment the distinguished gentleman from Virginia (Mr. WHITEHURST) who has worked so hard on behalf of the military spouses.

Mr. WHITEHURST. Mr. Chairman, if the gentlewoman will yield, I commend my colleagues from Wisconsin and Colorado for their concern for the needs of former spouses. This is a very deserving group. I hope we can move rapidly on this issue, preferably before the Senate completes action on the Defense authorization bill. It is my understanding that expanded medical, commissary, and exchange benefits for former spouses may be considered as a part of Senate deliberations on the authorization bill. Early action in the House would be helpful in facilitating an agreement between the House and Senate on this legislation. My bill now has 82 cosponsors, and I appreciate the high priority the distinguished chairman is attaching to this issue.

Mr. ASPIN. Let me assure the gentleman from Virginia that I plan to move rapidly on this matter, and I appreciate his leadership on this issue.

☐ 1700

AMENDMENT OFFERED BY MR. NICHOLS

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 131, after line 2, insert the following new title (and redesignate the succeeding titles and sections accordingly):

TITLE VIII—PROCUREMENT REFORM

SHORT TITLE

SEC. 801. This title may be cited as the "Defense Spare Parts Procurement Reform Act".

CONGRESSIONAL FINDINGS AND POLICY DIRECTION

SEC. 802. The Congress finds that recent disclosures of excessive payments by the Department of Defense for replenishment parts have undermined confidence by the public and Congress in the defense procurement system. The Secretary of Defense should make every effort to reform procurement practices relating to replenishment parts. Such efforts should, among other matters, be directed to elimination of excessive pricing or replenishment spare parts and the recovery of unjustified payments. Specifically, the Secretary should—

(1) direct that officials in the Department of Defense refuse to enter into contracts unless the proposed prices are fair and reasonable;

(2) continue and accelerate ongoing efforts to improve defense contracting procedures in order to encourage effective competition and assure fair and reasonable prices;

(3) direct that replenishment parts be acquired in economic order quantities and on a multiyear basis whenever feasible, practicable, and cost effective;

(4) direct that standard or commercial parts be used whenever such use is technically acceptable and cost effective; and

(5) vigorously continue reexamination of policies relating to acquisition, pricing, and management of replenishment parts and of technical data related to such parts.

PERSONNEL EVALUATIONS TO INCLUDE EMPHASIS ON COMPETITION AND COST SAVINGS

SEC. 803. (a) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2317. Encouragement of competition and cost savings

"The Secretary of Defense shall establish procedures to ensure that personnel appraisal systems of the Department of Defense give appropriate recognition to efforts to increase competition and achieve cost savings in areas relating to contracts coverd by this chapter.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2317. Encouragement of competition and cost savings.".

IDENTIFICATION OF SOURCES OF SUPPLIES

Sec. 804. (a) Section 2384 of title 10, United States Code, is amended to read as follows:

"§ 2384. Supplies: identification of supplier and sources

"(a) The Secretary of Defense shall require that the contractor under a contract with the Department of Defense for the furnishing of supplies to the United States shall mark or otherwise identify supplies furnished under the contract with the identity of the contractor, the national stock number for the supplies furnished, and the contractor's identification number for the supplies.

"(b) The Secretary of Defense shall prescribe regulations requiring that, whenever practicable, each contract for supplies require that the contractor identify—

"(1) the name of the actual manufacturer or producer of the item or of all sources of supply of the contractor for that item;

"(2) the national stock number of the item or, if there is no such number, the identification number of the actual manufacturer or producer or of each source; and

"(3) the source of any technical data delivered under the contract.

"(c) Identification of supplies and technical data under this section shall be made in the manner and with respect to the supplies prescribed by the Secretary of Defense.".

(b) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2384. Supplies: identification of supplier and sources.".

PROHIBITION OF LIMITING DIRECT SALES BY SUBCONTRACTORS TO THE UNITED STATES

Sec. 805. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2402. Prohibition of contractors limiting subcontractor sales directly to the United States

"(a) Except as provided in subsection (b), each contract for the purchase of supplies or services made by the Department of Defense shall provide that the contractor will not—

"(1) enter into any agreement with a subcontractor under the contract that has the effect of unreasonably restricting sales by the subcontractor directly to the United States of any item or process (including computer software) like those made, or services like those furnished, by the subcontractor under the contract (or any follow-on production contract); or

"(2) otherwise act to restrict unreasonably the ability of a subcontractor to make sales to the United States described in clause (1).

"(b) This section does not prohibit a contractor from asserting rights it otherwise has under law.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2402. Prohibition of contractors limiting subcontractor sales directly to the United States.".

DEFINITIONS

Sec. 806. Section 2302 of title 10, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(4) 'Technical data' means recorded information (regardless of the form or method of the recording) of a scientific or technical nature. It does not include computer software.

"(5) 'Unlimited rights' means, with respect to technical data required to be delivered to the United States under a contract, legal authority of the United States to use, duplicate, and disclose the technical data for any purpose and the legal authority to have or permit others to do so.

"(6) 'Developed at private expense' means, with respect to an item (or technical data relating to an item) delivered to the United States under a contract, developed without direct payment by the United States under a provision of the contract which requires the performance of the development effort.".

PLANNING FOR PROCUREMENT OF SUPPLIES

Sec. 807. Section 2304 of title 10, United States Code, is amended by adding at the end thereof the following new subsections:

"(j) The Secretary of Defense shall ensure that before a contract for the delivery of supplies to the Department of Defense is entered into—

"(1) when the appropriate officials of the Department are making an assessment of the most advantageous procedure for acquisition of the supplies (considering quality, price, delivery, and other factors), there is a review of the availability and cost of each item of supply—

"(A) through the supply system of the Department of Defense; and

"(B) under standard Government supply contracts, if the item is in a category of supplies defined under regulations of the Secretary of Defense as being potentially available under a standard Government supply contract; and

"(2) there is a review of both the procurement history of the item and a description of the item, including, when necessary for an adequate description of the item, a picture, drawing, diagram, or other graphic representation of the item.

"(k)(1) The Secretary of Defense shall prescribe regulations requiring that, whenever practicable, an offeror submitting a proposal for a contract shall furnish information in the proposal identifying—

"(A) with respect to all items that will be delivered to the United States under the contract (other than items to which paragraph (2) applies), those items for which technical data will not be provided to the United States; and

"(B) with respect to technical data that will be delivered to the United States under the contract, any of such technical data that will not be provided with unlimited rights.

"(2) With respect to items that will be delivered to the United States under a contract described in paragraph (1) with respect to which it would be impracticable to ascertain, at the time the contract is entered into, the information required to be furnished under that paragraph, the contract shall require that the contractor provide identifying information similar to that required to be furnished under that paragraph at a time to be specified in the contract.

"(3) The Secretary of Defense shall ensure that information furnished under paragraph (1) is considered in selecting the contracting for the contract.".

RIGHTS IN TECHNICAL DATA AND COMPUTER SOFTWARE

Sec. 808. (a)(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2386 the following new section:

"§ 2386a. Rights in technical data and computer software

"(a) A contract for supplies entered into by the Department of Defense which provides for delivery of technical data or computer software to the United States shall provide that the United States shall have unlimited rights in—

"(1) technical data and computer software resulting directly from performance of experimental, developmental, or research work which was specified as an element of performance in a Government contract or subcontract;

"(2) computer software required to be originated or developed under a Government contract or generated as a n*** BAD MAG TAPE ***ecessary part of performing a contract;

"(3) computer data bases prepared under a Government contract consisting of information supplied by the Government, information in which the Government has unlimited rights, or information which is in the public domain;

"(4) technical data necessary to enable manufacture of end-items, components, and modifications, or to enable the performance of processes, when the end-items, components, modifications or processes have been, or are being, developed under a Government contract or subcontract in which experimental, developmental, or research work is or was specified as an element of contract performance, except technical data pertaining to items, components, processes, or computer software developed at private expense;

"(5) technical data and computer software prepared or required to be delivered under a Government contract or subcontract and constituting corrections or changes to Government-furnished data or computer software;

"(6) technical data pertaining to end-items, components, or processes prepared or required to be delivered under a Government contract or subcontract for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics, and performance requirements;

"(7) manuals or instructional materials prepared or required to be delivered under the contract or any subcontract of the contract for installation, operation, maintenance, or training purposes;

"(8) technical data or computer software which is in the public domain or which has been or is normally released or disclosed by the contractor or subcontractor without restriction on further disclosure; and

"(9) technical data or computer software for which unlimited rights in such data or software are otherwise provided for under the contract.

"(b)(1) Each contract fo the acquisition of supplies which includes a requirement for the contractor to furnish technical data or computer software to the United States shall provide—

"(A) that the ckntractkr agrees to have a data management system approved by the Department of Defense in operation before the United States accepts delivery of any data required to be delivered to the United States under the contract; and

"(B) that the United States may ignore, correct, or cancel any restriction on the release of technical data or computer software that is not authorized by the contract if the contractor fails to substantiate, within 60 days after receiving a written request from the United States for such substantiation, the propriety of the restriction.

"(2) Each contract described in paragraph (1) shall provide that if—

"(A) the contractor asserts that the United States is not entitled to unlimited rights in technical data relating to an item, component, or process; and

"(B) the assertion is not sustained and it is determined that the assertion was not substantially justified,

the contractor shall be required to pay to the United States the costs to the United States of contesting the assertion.

"(3) Rights of the United States under paragraphs (1)(B) and (2) may not be asserted after the end of the three year period beginning on the date of final payment by the United States under the contract, unless the contract provides for a different period of time.

"(4) Notwithstanding the inspection and acceptance by the United States of technical data furnished under a contract and notwithstanding any provision of the contract concerning the conclusiveness of such inspection and acceptance, the contractor shall warrant in the contract that all technical data delivered under the contract will at the time of delivery to the United States conform with the specifications and all other requirements of the contract or the contractor will correct the technical data to so conform. The period of such a warranty shall be as provided for in the contract.

"(c) The Secretary of Defense shall prescribe by regulation standards for determining whether a contract entered into by the Department of Defense shall provide that, after a time to be specified in the contract, the United States shall have the right to use (or have used) for any purpose of the United States all technical data (including technical data of subcontractors at any tier) required to be delivered to the United States under the contract. The time specified in a contract with respect to such a right of the United States in any such data may not exceed seven years from the date the data was required to be delivered to the United States or the date an item to which such data relates was required to be delivered to the United States, whichever is earlier.

"(d) Nothing in this section shall be construed as affecting rights of the United States or of any contractor or subcontractor with respect to patents, copyrights, or any other law establishing particular rights in technical data.

"(e) In this section, 'technical data', 'unlimited rights', and 'developed at private expense' have the meaning given those terms in section 2302 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2386 the following new item:

"2386a. Rights in technical data and computer software."

(b)(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for a system for the acquisition and management of technical data appropriate for the acquisition of supplies under the jurisdiction of that department. The plan shall address the possibility of a uniform system that would allow exchange of information among the military departments and the Defense Logistics Agency. The plan shall also address the possibility of a centralized system to identify the respository location of technical data relating to any item and the types of data on file in that repository.

(2) The Secretary of Defense shall ensure that the plan developed under paragraph (1) is implemented no later than five years after the date of the enactment of this Act.

COMPETITION ADVOCATES

SEC. 809. (a) Chapter 137 of title 10, United States Code, is amended by inserting after section 2306 the following new section:

"§ 2306a. Competition advocates

"(a) The head of each agency shall designate a person within that agency to be the competition advocate for the agency and shall designate a competition advocate for each procuring activity of the agency. The competition advocates shall promote the use of competitive methods of procurement.

"(b) The head of each agency shall prescribe by regulation the functions of competition advocates. Such regulations shall provide that each competition advocate shall—

"(1) advocate changes to policies and procedures to encourage maximum consideration of opportunities for competition during the acquisition process (including the supply process); and

"(2) challenge practices and procedures that inhibit competition, including unnecessarily restrictive statements of agency needs, unnecessarily detailed or restrictive specifications, use of procurement method codes, and other actions that could result in an inappropriate noncompetitive procurement.

"(c) The head of each agency shall ensure that—

"(1) programs designed to increase competitive procurement of supplies are maintained and periodically reassessed;

"(2) there is a system within the agency for review of noncompetitive acquisitions; and

"(3) each competition advocate within the agency has access to personnel within the agency who can advise the competition advocate in specialized areas relating to competition, including persons who are specialists in engineering, technical operations, contract administration, financial management, supply management, and utilization of small and disadvantaged business concerns.

"(d) This section does not apply to the Coast Guard or the National Aeronautics and Space Administration.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306 the following new item:

"2306a. Competition advocates.".

ANNUAL REPORT

SEC. 810. Chapter 137 of title 10, United States Code, is amended by adding after section 2317 (as added by section 803) the following new section:

"§ 2318. Annual report on competition for supplies.

"(a) The Secretary of Defense shall submit to Congress, not later than December 15 of each year, a report on the management by that department of the acquisition of supplies during the preceding fiscal year.

"(b) Each report under this section shall include—

"(1) a report on the activities of the competition advocates of the Department of Defense during the preceding fiscal year; and

"(2) the rate of competition for contracts for supplies entered into by the Department during the preceding fiscal year, shown (A) by the number of contracts awarded competitively as a percentage of the total number of contracts awarded, and (B) by the dollar value of contracts awarded competitively as a percentage of the total dollar value of contracts awarded.

"(c) All information in reports under this section shall be shown for the Department as a whole and for each of the military departments and the Defense Logistics Agency.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2317 (as added by section 803) the following new item:

"2318. Annual report on competition for supplies.".

PUBLICATION OF PROPOSED REGULATIONS

SEC. 811. Section 2303 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) A regulation prescribed under this chapter by the Secretary of Defense or the Secretary of a military department that would have an effect beyond the internal operating procedures of the Department of Defense or that would have a cost or administrative impact on contractors may not take effect until 30 days after such regulation has been published in the Federal Register for public comment.".

EFFECTIVE DATE

SEC. 812. (a) Except as provided in subsection (b), this title and the amendments made by this title shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act and shall apply with respect to contracts for which bids or proposals are solicited after the end of such period.

(b)(1) Sections 802 and 808(d) and the amendments made by sections 810 and 811 shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 803 and 809 shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

Mr. NICHOLS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding to me.

Mr. Chairman, I wish to commend my distinguished colleague from Wisconsin, Mr. ASPIN, and Mr. HILLIS, the ranking Republican member, on the action that they and the members of the Armed Services Committee have taken to remedy the problems created by artificially imposed civilian manpower ceilings within the Department of Defense.

As you know, the Appropriations Committee in the fiscal year 1983 Defense appropriations bill lifted this ceiling for industrially funded activities. At that time, it was recommended that the authorizing committee review this experiment after 1 year to determine if such a policy should be continued and possibly expanded to cover all civilian employees.

After 1 year it was shown that managers did not engage in unwarranted hiring—the fear of which had led to the initial imposition of the ceilings a number of years ago. In fact, the results of the 1-year test were so positive that the Armed Services Committee has now approved an across-the-board waiver on personnel ceilings for fiscal year 1985.

Thus, managers can now hire according to need as long as they are within their budgetary limits. This will eliminate the wasteful practice of dropping temporary workers from the rolls for a short period of time in order to meet end-of-year ceilings. An estimated $7 million will be saved this way. Greater management flexibility and a more efficient accomplishment of workload will undoubtedly result.

As the Representative of California's Fourth Congressional District, home of the Sacramento Air Logistics Center at McClellan Air Force Base, I am very aware of the adverse effects that result from artificially imposed ceilings. I have over the past 2 years worked with the members of the Defense Subcommittee of Appropriations and the Personnel Subcommittee of the Armed Services Committee to implement this waiver.

I, along with my colleague Mr. GONZALEZ of Texas whose district is equally sensitive to this issue, again commend our good friend for his efforts to eliminate the outdated policy of manpower ceilings.

Mr. NICHOLS. Mr. Chairman, the amendment that I offer contains the text of H.R. 5064, the spare parts procurement reform bill. Let me say that a little over a year ago, the Investigations Subcommittee began an examination on the whole issue of spare parts procurement by the Department of Defense. We held eight hearings during the course of the year, and I want to thank my colleagues who were so diligent to attend these hearings which turned out to be a very complex issue.

We found that the principal reason the Department of Defense was paying excessive prices was the lack of competition in spare parts procurement. Thus, the thrust of my amendment is to expand competition. The amendment encourages competition first, by requiring Government procurement personnel be evaluated on their efforts to increase competition to achieve cost savings.

We found that in the past the Government buyers were graded primarily on the number of their procurements, and on the speed with which they were executed, rather than on their efficiency and exercise of initiative. As a result, buyers tended to take the easy route of sole-source procurement. Of going back to the earlier supplier without any effort to determine whether a better price might be obtained from another supplier.

The amendment will encourage procurement personnel to seek suppliers who will provide the Government with better values and will insure that they are recognized for such efficiency in their personnel evaluation and, of course, ultimately, in their pay.

Mr. Chairman, the amendment also broadens competition by prohibiting prime contractors from unreasonably restricting their subcontractors in direct sales of their products to the Government. It would require the identification of the actual manufacturer of the item by name and by address supplied to the Government. It would require the national stock number to be on this item, and any technical data related to it. This identifying information would, of course, make it easier to procure the item competitively.

Agency heads would be required, before contracting, to purchase an item to identify every other possible source of supply. Such as the supply system of the Department of Defense and General Services Administration, and to review the procurement history of the item. When the Government wishes to have the ability to reprocure an item then it can require the supplier to state whether technical data will be furnished.

The amendment identifies some nine categories in which the United States shall have unlimited rights in technical data. It requires contractors to maintain a data management system approved by the Department of Defense. It also provides a framework for the Government to challenge a contractor's restriction on the release of technical data.

The amendment would also direct the Secretary of Defense to prescribe, by regulation, standards for determining whether a contract shall include a time limit not to exceed 7 years on the duration of any restriction on the Government's use of technical data. This provision is considered necessary to insure that the Government's data rights are not abused, and to insure that the Government will be able to buy replenishment parts at fair and reasonable prices during the lifetime of its major systems.

In addition, the Government should not be locked into using only one source for its procurement or repair or replenishment items where the technology is not the state of the art. Mr. Chairman, the amendment recognizes that commercial licensing practice often serve to increase the number of available suppliers and enhances the quality of products available. It is not the intent of this amendment that license agreements should be discouraged or rendered unenforceable or otherwise affected by any regulations or contract provision imposing a time limit on restriction of the Government's ability to disclose data.

By allowing the Secretary of Defense certain latitudes to determine by regulation which contracts should include the time limit, and what that time limit might be, as long as it does not exceed 7 years, the provision allows considerable flexibility.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. NICHOLS) has expired.

(By unanimous consent, Mr. NICHOLS was allowed to proceed for 3 additional minutes.)

Mr. NICHOLS. The Secretary may provide for procedures to waive the time limit if a contractor can show that he has a valid trade secret which should not be disclosed to his competitors, or if the cost to the Government to acquire technical data is inordinate. With the flexibility inherent in this provision, I believe the Secretary of Defense will be able to strike the appropriate balance between a contractor's right to maintain his competitive position of his trade secrets and the Government's need to be able to buy spare parts competitively.

□ 1710

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I would be glad to yield to my distinguished chairman, the gentleman from Illinois.

Mr. PRICE. I thank the gentleman for yielding.

Mr. Chairman, this language appears to be very similar to the language we have previously considered in the committee and which met with the approval of most members of the committee. The committee will accept the amendment.

Mr. NICHOLS. I thank the gentleman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to my distinguished colleague, the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, let me say that during the course of the consideration of this bill, I can think of no subject that has created more heat and perhaps generated less light than the subject of the procurement of spare parts.

I want to commend the gentleman for his diligence in pursuing this in subcommittee. This is an area that absolutely must be addressed. The American public, demands it. I think that the House feels very strongly that this should be addressed, and the amendment offered by the gentleman from Alabama is the best solution that the committee has come up with. Certainly we would support it on this side.

Mr. NICHOLS. I thank the gentleman from Alabama.

I yield to my ranking minority member, the gentleman from Kentucky (Mr. HOPKINS).

Mr. HOPKINS. I thank the gentleman for yielding.

Mr. Chairman, I want to recognize the efforts of the leadership of our chairman of the Subcommittee on Investigations, the gentleman from Alabama, who started these hearings in April of last year who has certainly shown great tenacity and patience with all of the different organizations and companies that have come before our subcommittee. It was because of his leadership, and the assistance of the gentleman from Ohio (Mr. KASICH), who has thrown his capable intelligence and thoughtfulness behind this legislation that has brought us this far.

Mr. Chairman, I rise in support of the amendment offered by Mr. NICHOLS.

The Investigations Subcommittee of the Armed Services Committee began a series of hearings on April 19 and 20, 1983, and continuing through this past month. During this time we heard testimony from numerous Air Force, Navy, DLA, and DOD representatives responsible for contracting and acquisition policy, and several auditors, as well as a competition advocate and breakout procurement center representative.

In each case we heard testimony about extraordinary prices charged by a contractor or enormous price increases from 1 year to the next. For example, in a recent audit by the Department of Defense Inspector General, of 15,000 aircraft engine parts reviewed, 4,000 had increased in price more than 500 percent and some by more than 1,000 percent. We heard from Navy and DOD auditors that the Government paid $100 to $110 for parts which were in the DOD supply system for $0.04 and $0.05.

Why did these increases or extraordinary payments occur? Were they isolated incidents? We heard numerous reasons from the DOD including lack of personnel to fill out the forms to requisition parts through the supply system; lack of technical data to compete acquisitions; inability to compete because the item was proprietary; and quality control problems if the Government buys a part from other than the known supplier. Ordering of parts and negotiating prices after the order is placed is justified because they do not have time to negotiate prices and still submit the order in time to account for the usual 18- to 24-month leadtime. But the problems uncovered and responses I just read are only the tip of the iceberg. The problem of spare part price increases, inventory management, and long leadtimes is a 20-year-old problem that resurfaces every few years. However, in that time there has never been an adequate solution proposed. I believe that has not occurred in part because this is a management problem which cannot be resolved by simply issuing new regulations or enacting legislation. The statutes and regulations which would prohibit many of the practices which led to these abuses are already in existence—they were simply not followed. The only way we will resolve these issues and insure that the taxpayers' money is not wasted is to focus attention to the problem. I think that has occurred as a result of the various hearings in both the House and the Senate, as well as the abundance of publicity which has been generated. However, the Armed Services Committee wants to insure that the attention and resources dedicated to resolving these issues in the Department of Defense do not wane once the publicity stops.

This amendment will accomplish that objective by imposing a management discipline on the system and by making it clear that Congress will not tolerate excessive spare parts prices. The committee worked long and hard to insure that this bill would attack the root causes and not just the symptoms of the problem. For these reasons I commend this amendment to my fellow colleagues and urge your support.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. NICHOLS) has expired.

(On request of Mr. KASICH and by unanimous consent, Mr. NICHOLS was allowed to proceed for 4 additional minutes.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to my colleague on the committee, the gentleman from Ohio.

Mr. KASICH. I appreciate the gentleman yielding.

Mr. Chairman, let me say to the House that I could not agree more with the statements of the gentleman from Kentucky (Mr. HOPKINS). The House of Representatives, and I do not think it would be an overstatement to say that also the taxpayers of this country, owe a great debt of service to the chairman of the Subcommittee on Investigations. The chairman, under what was at many times intense pressure, called hearings time and time again to bring forward those people who, at the Government level, are in charge of procurement, a very complicated issue that took great deal of time to understand.

The chairman also saw fit to bring contractors before the subcommittee in an attempt to receive their side of the story and then put together a piece of spare parts legislation that was balanced.

Let us get to basics. The basics are that there were spare parts that were being sold by contractors to the Government for prices that were 200, 300, 400, even 500 percent in excess of what the Government should have paid for them. The public is frustrated. In fact, I even think that the majority party in this House has a commercial on television right now where we see a man hold up a wrench and say, "That is what we should be paying for this."

Everyone knows what we are talking about when we talk about the problems of inflated prices on spare parts. This legislation, the Nichols bill, which has been intensely studied and put together over a period in excess of 1 year, is going to go farther than any legislation in this Congress toward solving this problem.

I will give my colleagues a couple examples. The chairman has in his legislation the establishment of competition advocates. Those are people who will work in the services, and whose sole job will be to spur an increase in competition. We have already seen competition advocates successfully increase competition within the Navy. We are going to see it happen in other areas of the Armed Forces because of the language in this bill.

Another important item requires contractors to identify the manufacturers of items. What had been happening is that contractors were stamping their names on parts that had been manufactured by subcontractors, and dramatically increasing the price that was being charged to the Government. The Nichols bill requires manufacturers to identify who actually made the part, and to eliminate all interference in the selling of those spare parts by the firm that manufactured it. If we go directly to the manufacturers, and bypass the prime contractor, we are going to get it for a much cheaper price.

The bill requires the Department of Defense to check its own system supply inventory when ordering spare parts. In our investigation, the chairman found examples of the Government buying parts at excessive rates, even though those same parts were available through the Government's own inventory. We literally threw money away on parts that were sitting on our own shelves.

It also goes far in the data rights section. Let me say this: The data rights section is a vital [illegible] of this bill.

The chairman was good enough to accept an amendment from a freshman Republican that would provide a 7-year limit on proprietary rights. Under the current law, if a company receives proprietary rights on a product, that means for the next 200 years that company has the exclusive or monopoly right to sell that part to the Government. As the Air Force itself says, when you do not have competition in the procurement of spare parts, the cost of those items will increase dramatically.

This bill provides for significant reform in the data rights area. It states that the Government will receive all data needed to procure the part. It states that when Government funds are used to research and develop an item, it will not be proprietary. And it provides a 7-year cutoff period, stating that after a period of 7 years or less, a company shall not have exclusive or monopoly rights to sell the part to the Government.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. Nichols) has again expired.

(By unanimous consent, Mr. Nichols was allowed to proceed for 3 additional minutes.)

Mr. KASICH. If the gentleman will yield further, what it essentially will do is to permit the Government to bring more contractors into the process of bidding on spare parts. As we get more contractors, and as we have more competition, we are going to see a solution to this problem.

I want to compliment the gentleman from Alabama (Mr. Nichols) for standing up in what were very difficult times, coming forward with a bill that I think will go a long way toward solving the spare parts problem. It is not going to be totally solved under this, but we go a long way toward, that end, and I want to compliment the chairman for his leadership in the subcommittee.

Mr. NICHOLS. I thank the gentleman from Ohio.

Mr COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Texas, a member of the committee.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, I rise to express my strong support for the amendment offered today by Mr. Nichols, chairman of the House Armed Services Subcommittee on Investigations, to the Department of Defense authorization bill in the area of spare parts. I commend him and the members of his subcommittee for their hard work and leadership in this reform movement.

I am proud to be a cosponsor of the legislation, H.R. 5064, which is the basis of this amendment, as reported by the House Armed Services Committee. It represents a year of careful examination by the Investigations Subcommittee in response to the much publicized spare parts procurement process by the Defense Department. The amendment provides for more cost effective and efficient purchases of spare parts.

A great number of my constituents have contacted me to express their deep concern over the matter of excessive prices for spare parts by the military. This amendment helps alleviate some of those concerns. It directs that the Department of Defense should refuse to pay prices that are not fair and reasonable, should make purchases in quantities that offer the best price for the number of units needed, and use standard or commercial parts whenever technically acceptable or cost effective.

In addition, the amendment encourages competition by requiring that Government personnel evaluation systems recognize efforts to increase competition and other cost savings and mandates review of noncompetitive acquisitions. It requires contractors to identify manufacturers and producers of items so as to avoid the middleman where practical. The amendment also requires planning in the Department of Defense acquisitions to insure that the Department check its inventory and records before ordering from a contractor.

With respect to concerns about technical data, the amendment defines categories in which the Government shall have unlimited rights in technical data and requires contractors to warrant that data they provide be in conformance with the contract. It also mandates the Department to develop a plan for improving its data management system to allow for easier access to technical data which the Government possesses, and restricts certain limitations on the Government's use of technical data.

I think the amendment includes well-reasoned moves in the direction of much needed reform. I urge my colleagues to support it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from California.

Mr. HUNTER. I appreciate the gentleman yieding.

Mr. Chairman, I simply want to say in the area of proprietary rights, data rights, in my experience with the Navy and with contractors that is one of the biggest problems we have and the biggest generator of cost overruns, where you have a company which makes an original part and thereafter for the next several hundred years has the right to repair that part, and there are other companies who could repair the part if they had the proprietary rights, if they had the data or the blueprints essentially that were available. They could do it for maybe half the price but they cannot because the company that originally manufactured the part has the rights to that data.

I commend the committee for putting that very important element into this package. I think that this bill, in fact, will operate to greatly reduce the cost of defense to the American taxpayers.

Mr. NICHOLS. I thank the gentleman from California.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Maryland, the distinguished chairman of the Small Business Committee.

□ 1720

Mr. MITCHELL. I thank the gentleman for yielding. I want to commend him for his effort.

But I have a series of serious concerns about the nature of this amendment. I am appreciative of the fact that we are going to encourage agency personnel to do things through an evaluation system, the identification of items and so forth, encourage the establishment of data management systems. But you have to lay that against the background of what this Congress has been trying to do since 1969.

Since 1969, various committees of the Congress have looked at this issue and have suggested certain things that ought to be done. But they were never really done.

Essentially it got to be a jawboning process with DOD, and which was blithely ignored. The record will show that when the dialog first got started 50 percent of the spare parts were sole source, noncompetitive in DOD. Despite 1969 and the ensuing years, that figure has risen to 77 percent.

I guess what I am saying, though, is I commend the gentleman for all of the work he has done, and particularly my colleague for his very good amendment. It comes almost down to, except in the case of your amendment, it comes down to jawboning again.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. Nichols) has again expired.

(By unanimous consent Mr. Nichols was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL. That is my only concern. I would like to see an amendment that was a little bit tougher. Yours is all right, no question about that.

But the rest of it, it certainly seems to me to encourage, to encourage to identify, to encourage the agency to identify every other source, that is what we have been telling them since 1969, and that is what they have ignored.

Mr. NICHOLS. Let me respond to the gentleman, my friend from Maryland, and tell him he is exactly correct. This has been an ongoing problem ever since I have been in Congress, ever since you have been in Congress.

But let me remind the gentleman we have never put this into the law. We have always done it by regulations, and the Secretary of Defense, and admirals and generals, they come and they go. For that reason, that is why we are putting it into the law. We feel like it has sufficient teeth in it to do the job.

Mr. MITCHELL. I thank the gentleman for his explanation.

I am not yet satisfied, but I do commend you for these first forward steps you have taken.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the distinguished gentleman from Alabama for yielding. I endorse his amendment.

I support the very careful work which the gentleman has done. I commend him for the leadership which he has brought to the House, and I urge my colleagues to adopt his amendment.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I would like to commend Mr. Nichols for preparing this legislation which shows that Members of Congress are truly concerned about eliminating waste, correcting system failures, and improving management deficiencies in the Government.

The Democratic freshmen have been concentrating their efforts on identifying ways to control the high Federal deficits. When the President's Private Sector Survey on Cost Control, the Grace Commission, published its findings earlier this year, we were naturally interested in applying those recommendations that had been adequately investigated and reviewed.

Nearly 2,500 recommendations were submitted, with claims that substantial savings could be achieved over a 3-year period. The logistics of fully evaluating each recommendation, and each cost estimate necessarily takes more effort than a few months would allow. However, CBO and GAO pulled through with a joint analysis of the Grace Commission's recommendations in February, and identified areas where $98 billion could be saved over 3 years.

Many Members of Congress have expressed their concern about the use of appropriated funds by the Department of Defense. Often times, DOD seems to function like a black hole: Its gravitational force pulls in funds which disappear in a fashion which is nearly impossible to trace. So, it does not seem at all surprising that the primary recommendations made by the Grace Commission for the DOD and each branch of our military services are to improve the weapons systems acquisition process and update inventory control. The trick is to translate these proposals into actions which are workable and effective.

On this account, I would like to thank Mr. Nichols and the efforts of his subcommittee in fully investigating the procurement of spare parts, and, in cooperation with our military services, pulling together measures which would be most cost effective. The Grace Commission did its job of comparing and evaluating general alternatives for improving the acquisition process, and the Armed Services Committee turned some of these suggestions into workable solutions. This measure not only incorporates the objectives of the Grace Commission, it goes beyond the generalized recommendations of that report to identify specific and applicable forms.

The armed services measure takes several direct steps to increase competition in the procurement of spare parts. It reflects the committee's findings that one of the major causes of absurdly high prices charged for spare parts is the lack of effective competition in the procurement process.

Some of the steps incorporated in this amendment to increase competition seem almost like commonsense to someone not familiar with the procurement process. For example, in the area of acquisition planning, the amendment requires that the Department of Defense check its own supply system inventory to see if the part it seeks is available, and at what price, before ordering it from a contractor. It also requires buyers to look at the record to see what prices were paid previously for the same item and to look at a picture and description of the part so they know what they are buying. While it does seem that DOD buyers would already be taking these steps, I think it is also easy to understand how they could be left aside, especially in the rush to get things done, or after many years of doing the same thing. Mr. Nichols' amendment recognizes this in incorporating these steps into law and in establishing competition advocates at each step in the procurement process to make sure they are enforced.

Mr. Nichols' amendment makes several other effective changes in the procurement process, reflecting his subcommittee's careful review of the problems involved with DOD's procurement of space parts. I have heard countless expressions of outrage from my constituents about their tax dollars paying $1,118.26 for a plastic stool cap that they could have bought in their local hardware store for pennies. I share their outrage, and I believe that Mr. Nichols' amendment changes that process so that many abuses will be eliminated.

Once again, I commend Mr. Nichols and his subcommittee for preparing this amendment, and I urge my colleagues to support it as an effective step toward eliminating waste in the procurement practices of the Department of Defense.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Missouri (Mr. Skelton).

Mr. SKELTON. I wish to join in support of this very, very important amendment. You have done your Nation a great service.

People, the taxpaying public, are very concerned about this issue. I think you are on track.

I think not just this year but in years to come this will pay dividends for the American taxpayer, and I compliment you and wish you well on it.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment offered by the gentleman from Alabama (Mr. Nichols). The Government Operations Committee, in hearings held over a year ago, uncovered widespread abuses in DOD's spare parts procurement program. While numerous factors contributed to this problem, we found that the primary causes were a failure to use competition and the absence of incentives to reduce costs. Unless these basic management problems are resolved, we can expect to see DOD buy more claw hammers and other items at exorbitant prices.

In my view, the amendment addresses the primary factors that are found plaguing DOD's spare parts procurements. While critics may say that it goes too far or that it does not go far enough, I believe it strikes a fair balance between competing interests. Granted, this amendment does not solve all of DOD's procurement problems, but it is a good first step toward resolving the spare parts abuses.

Notwithstanding, I want to take this opportunity to express my concerns regarding the inclusion of computer software and related items in this amendment. The question of technical data rights, particularly in the high technology area, is a complex issue and I am not convinced that it should be included in legislation dealing primarily with spare parts. Another major concern is whether enough protection is provided in this amendment to avoid the Government's infringement on the proprietary data rights developed solely at private expense.

While I support the overall amendment, I also want to make it clear that the Government Operations Committee will be looking very closely at DOD's implementation of this provision.

Finally, while this amendment is specifically directed at the procurement of spare parts, other broader reform measures are now pending before Congress. In this regard, H.R. 5184, the Competition in Contracting Act of 1984, recently passed out of our committee, requires the use of competition on a governmentwide basis. I firmly believe that H.R. 5184, coupled with this amendment, will go a long way in cleaning up the Government's procurement process—once and for all.

I urge all Members to support this amendment.

AMENDMENT OFFERED BY MR. BEDELL TO THE AMENDMENT OFFERED BY MR. NICHOLS

Mr. BEDELL. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BEDELL to the amendment offered by Mr. NICHOLS: After section 811 of the title proposed to be inserted by the amendment, insert the following new section:

COMPETITION AND COST SAVINGS FOR SPARE PARTS

SEC. 812. (a) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new sections:

"§ 2319. Competition for spare parts

"(a) A person may not be denied the opportunity to submit and have considered an offer for a contract to be made by the Department of Defense solely because the person—

"(1) is not on a list of qualified bidders prescribed or maintained by the Department of Defense; or

"(2) in the case of a contract for the purchase of a product, does not have its product or products on a list of qualified products prescribed or maintained by the Department of Defense.

"(b)(1) The head of an agency may not solicit an offer from only one source, or negotiate with only one source, for the purchase of spare or replacement parts unless the head of the activity of that agency that made the contract certifies, for each such purchase, that—

"(A) the parts are available from only one source and no other source is capable of producing the same or like parts which are consistent with the legitimate needs of the agency;

"(B) the agency's need for the parts is of such urgency that the mission of the agency would be seriously injured if it did not solicit from or negotiate with only one source;

"(C) the disclosure of the agency's needs to more than one source would compromise the national security;

"(D) the source to be used has a legitimate proprietary interest (as specified in regulations prescribed under subsection (c)(1)) in the parts or their manufacture and the agency would be legally liable to such source if it purchased the same or like parts from another source; or

"(E) a statute requires or authorizes that the parts be purchased through another agency or from a specific source.

"(2) Paragraph (1) does not apply to a contract for less than $25,000.

"(3) For the purposes of paragraph (1), the head of an activity is the senior commissioned officer or civilian official of the Department of Defense who is assigned to, or employed by, that activity, whose duty station is at or near the same site as the duty station of the officer or official who has authority to enter into the contract on behalf of the United States, and who is a supervisor of that officer or official with respect to the performance of procurement functions.

"(c)(1) Within 180 days after the date of the enactment of this section, the Secretary of Defense shall prescribe by regulations what constitutes a legitimate proprietary interest of contractors in technical or other data. Such regulations shall be prescribed as a part of the single system of Government-wide procurement regulations prescribed under subsections (a) and (b) of section 6 of the Office of Federal Procurement Policy Act (commonly referred to as the 'Federal Acquisition Regulations') (41 U.S.C. 405). In prescribing such regulations, the Secretary of Defense shall give consideration to the following:

"(A) The statement of congressional policy and objectives in section 200 of title 35, the statement of purposes in section 2(b) of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note), and the statement of the policy of Business Act (15 U.S.C. 637).

"(B) The interest of the United States in increasing competition and lowering costs by developing and locating alternative sources of supply and manufacture.

"(C) The rights of the United States to any technical or other data which is developed in whole or in part with Federal funds.

"(D) The placement of a time limit on rights of a business concern to technical or other data developed substantially with Federal funds if such data is needed to ensure the use of competitive procurement methods for the future acquisition of parts to which such data pertains.

"(2) Regulations prescribed under paragraph (1) shall—

"(A) direct appropriate agencies of the Department of Defense to establish reverse engineering programs which provide domestic business concerns an opportunity to purchase or borrow spare or replacement parts from the United States for the purpose of design replication or modification to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the United States, but nothing in this clause shall limit the authority of the head of an agency to impose restrictions on such a program related to national security considerations, inventory needs of the United States, the improbability of future purchases of the same or like parts, or any additional restrictions otherwise required by law;

"(B) require that the procuring agency, with respect to each major system acquisition, negotiate with the contractor, and include in the initial development contract and each subsequent production contract, provisions pertaining to technical or other data developed in whole or in part with Federal funds that specify the right of the United States to own, license, use, or otherwise have access to the data and the extent, if any, of the proprietary interest maintained by the contractor in the data; and

"(C) provide for the imposition of appropriate remedial measures against contractors which improperly designate technical or other data as proprietary.

"(3) The Secretary of Defense shall—

"(A) consult with representatives of associations representing small business concerns before prescribing regulations under paragraph (1); and

"(B) after such regulations are prescribed, submit to Congress a report detailing how such regulations give consideration to the factors described in clauses (A) through (D) of paragraph (1) and implement the requirements of paragraph (2).

"(d) The Secretary of Defense shall provide that manufacturing data, technical data, or other data that is the property of the United States and under the jurisdiction of the Department of Defense shall be catalogued, stored, and inventoried in a manner allowing for its ready and timely access by any domestic business concern upon the request of the business concern.

"(e) This section does not apply to the National Aeronautics and Space Administration or to the Coast Guard.

"§ 2320. Commercial pricing for spare parts

"(a) Except as provided in subsection (b), a contract made by the Department of Defense for the purchase of spare or replacement parts having commercial application that is made by negotiation may not result in a cost to the United States that exceeds the lowest price at which such parts are made available by the contractor to commercial buyers.

"(b) Subsection (a) does not apply to a contract if the head of the activity within the Department of Defense that administers payments under the contract certifies that the use of the price otherwise required by subsection (a) is not appropriate because of—

"(1) National security considerations; or

"(2) differences in quantities, quality, delivery, or other terms and conditions of the contract from commercial contract terms.

"(c) A person who submits an offer to the Department of Defense for the supply of spare or replacement parts having commercial application shall certify in its offer that the price offered is its lowest commercial price for the parts or shall submit with the offer a written statement specifying the amount of the excess above the lowest commercial price of the offeror for the products, providing a justification for that excess, and requesting a waiver under subsection (b)(2).

"(d) For the purposes of subsection (b), the head of an activity is the senior commissioned officer or civilian official of the Department of Defense who is assigned to, or employed by, that activity, whose duty station is at or near the same site as the duty station of the officer or official who has authority to administer the contract on behalf of the United States, and who is a supervisor of that officer or official with respect to the performance of contract administration functions.

"§ 2321. Fair distribution of overhead charges for spare parts

"(a) A contract made by the Department of Defense for the purchase of spare or replacement parts may not result in a cost to the United States that exceeds the sum of—

"(1) the direct costs incurred by the contractor for such parts,

"(2) a share of the contractor's overhead that is directly attributable to such parts, and

"(3) a reasonable profit.

"(b) Overhead that may be allowed under subsection (a) shall be limited to those amounts that are actually incurred by the contractor and that are properly attributable to—

"(1) the manufacture of the parts covered by the contract;

"(2) changes or modifications made to such parts;

"(3) the testing and evaluation of such parts;

"(4) any value otherwise by the contractor to such parts; or

"(5) any other activity required as an element of performance under the contract.

"(c) Nothing in this section shall require the submission of cost or pricing data.

"(d) This section does not apply to a contract for the purchase of spare or replacement parts from a contractor who is a regular dealer in such parts within the meaning of the Act of June 30, 1936 (commonly referred to as the 'Walsh Healey Act') (41 U.S.C. 35-45).".

(b) The table of such chapter is amended by adding at the end thereof the following new items:

"2319. Competition for spare parts.
"2320. Commercial pricing for spare parts.
"2321. Fair distribution of overhead changes for spare parts.".

Redesignate section 812 of the title proposed to be inserted by the amendment as section 813 and in subsection (b)(10) of that section strike out "sections 810 and 811" and insert in lieu thereof "sections 810, 811, and 812".

Mr. BEDELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

(By unanimous consent Mr. BEDELL was allowed to proceed for 10 additional minutes.)

Mr. BEDELL. Mr. Chairman, this amendment does not delete any part of the Nichols amendment. It simply strengthens the amendment and addresses some areas not addressed in the Nichols amendment.

Let me explain the major parts of what my amendment would do.

It provides that anyone can bid on a Government contract for spare parts without having to be on a qualified bidders or products list. Under Government regulations the Government does not have to accept the low bid unless the low bidder has been found to meet adequate criteria and the product has been tested and proven satisfactory.

Nor is it required that the contract go to the low bidder if time requirements preclude adequate testing of parts to be supplied.

Two, my amendment limits sole source contracting of spare parts except for five specific exceptions.

Three, it strengthens the Nichols bill on proprietary rights by requiring the Secretary of Defense to issue regulations that require up front negotiations on proprietary rights to enable potential suppliers to obtain sample parts for purposes of reverse engineering and to set forth penalties for violating regulations on proprietary rights. It does not remove any part of the Nichols bill in regard to proprietary rights, and those parts of the Nichols bill that are in the amendment, will continue to be in the amendment and will continue to be part of this legislation if my amendment is added.

Four, it requires contractors to supply parts at their lowest commercial price or justify reasons for any higher charge.

Five, it requires that only overhead applicable to the part can be charged to the Government. This will eliminate the ways the contractor justified $435 for a $7 hammer.

I had planned to include in this amendment a provision that costs would be a secondary consideration in the selection of architects and engineers with qualifications of the firm and the quality of the proposal receiving primary consideration.

Since this is different from the spare parts issue I have not included it in the amendment. But I will offer such an amendment later in this bill.

Mr. Chairman, the problem of Government procurement came to my attention when the Small Business Subcommittee which I chair held hearings on legislation that was referred to my subcommittee.

As a former businessman, I was shocked to find some of the problems that exist in Government procurement practices. My subcommittee held two full days of hearings on this matter in Washington. We also had a field hearing in North Carolina. My subcommittee investigation included a visit to a Government purchasing department in New York State, and I visited a procurement office in the Washington area.

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In addition to this, my committee visited a Navy base in Florida to further investigate this matter. Time is limited. But as an example, I would like to tell the committee about one of my experiences. When the Army, Navy, and Air Force were testifying before us, I asked them "who is responsible for paying $430-some for a hammer."

The admiral from the Navy said, "I am responsible for that. It was the Navy that did that."

"How did that happen?" I asked him.

"We needed a repair kit for flight simulators," he said, "and when the quote came in from this supplier since it came within our guidelines and seemed reasonable to the buyer, he did not check the prices on the individual items."

"How much did the repair kit cost?" I asked him.

"I don't know, but I can find out for you," he replied.

"I wish you would get for us the cost of the kit and also the cost of the individual items in the kit" I requested.

Well, we finally received the information from the Navy. The repair kit cost the taxpayers $847,000. The hammer was one of the better buys; it cost only 62 times the normal retail price.

I purchased this tool kit from a local retail store for $92.44 for some 21 items. Those are common items that include such items as pliers, thickness gages, hammers, socket drive. This ⅝-inch socket was $1.49; the Government paid $456 for it, for example.

On and on with the various items. This is the list of the 21 items I bought for a total of $92.44.

The Government paid over $10,000 for those identical items, over 100 times the retail price in total for those items. I also have a list of how the supplier justified charging $436 for a hammer. Here are the figures that he gave us.

The hammer cost $7, the material packaging $1, material handling, $2; spares-repair department, 1 hour; program support administration, 0.4 of an hour; program management; 1 hour; secretarial, 0.2 of an hour; 2.6 hours of engineering support, $37; overhead, 110 percent, $41; mechanical subassembly on a hammer, 0.3 of an hour; quality control, 0.9 of an hour; operation program management, 1.5 hours, program planning to buy a hammer, 4 hours; management projection, 1 hour; quality control, 1 hour; total 7.8 hours, $93; manufacturing overhead, 110 percent, $102; G&A, $90; fee, $56; total of $436 for a $7 hammer.

Mr. Chairman, we must bring some sense to this waste of taxpayers money. The Nichols amendment goes part way in addressing this problem.

My amendment does not dilute the Nichols amendment, it strengthens the Nichols amendment and legislates some further considerations in military spending.

Mr. Chairman, we cannot sit idly by and let this waste of taxpayers money continue. We must let our constituents know we mean business.

I urge support of my amendment and the support of the Nichols amendment including my strengthening amendment.

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman. I commend him for supporting the Nichols amendment. I think it should be said here that the testimony we received in the Armed Services Committee was to the effect that this administration, through Mr. Carlucci's efforts, had brought all of this to light; that these are things that were written into contracts in the past and that now we are trying to change that.

I think it brought it to the press's attention, to the public's attention, and certainly should be commended and we are trying to change those contracts.

Many vendors have been willing to rewrite the contracts so that these spare parts and these tools are not included in the total overhead. I think it is really time that we all set about trying to correct that. But the administration does deserve credit for bringing this to light; bringing it out in the open and making the press and the public aware of it.

I thank the gentleman.

Mr. BEDELL. If I may reclaim my time, I think it is correct the administration is making some efforts. But I would tell the gentlewoman from Maryland that the only way we found this out was by the pursuit of our subcommittee of demanding that we get the information.

I would tell the gentlewoman first that I have had the Navy in my office and the Navy seems to think this method of procurement is still perfectly satisfactory. So that I would hope that the gentlewoman would understand that in this particular case we had to demand from the Navy the information as to what they had paid and it took a large number of phone calls to get it.

Mrs. HOLT. If the gentleman would yield further, certainly in the Armed Services Committee it was brought to the attention of the subcommittee. We were making every effort to try to correct legislation or prepare legislation that would force the Defense Department to look at it further.

But the initial bringing this to light was done by Mr. Carlucci and the people in the Defense Department. When the press began to talk about it then all the committees became concerned and the people became concerned.

But I do think they deserve credit for pointing out the way that these contracts had been written in the past and that it should be corrected.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank my colleague for yielding. Let me make sure I understand the purpose of your presentation. No. 1, do you support the Nichols amendment?

Mr. BEDELL. I support the Nichols amendment and my amendment does not delete anything that is in the Nichols amendment.

If my amendment is passed and we then pass the Nichols amendment as amended by Bedell, it would include everything that is already in the Nichols amendment.

Mr. ROEMER. I see. So your amendment would be in addition to?

Mr. BEDELL. That is absolutely correct.

Mr. ROEMER. Is it true your amendment would be directed toward competition and adding to the number of firms that might bid on these parts or individual assemblies thereof, is that true?

Mr. BEDELL. That is absolutely correct.

Mr. ROEMER. I have a feeling and it is unofficial; informal, that there is some objection to your amendment. Have you had that same feeling?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ROEMER and by unanimous consent, Mr. BEDELL was allowed to proceed for 2 additional minutes.)

Mr. BEDELL. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman from Iowa for yielding.

Does the gentleman have the same feeling that some object, and could you help us, those of us who have not been either on your subcommittee or theirs, as to why they might object to increasing competition or increasing the number of bidders on these spare parts?

Mr. BEDELL. I will do what I can. One of the provisions of my amendment says that anybody can bid on a Government contract. There are those who say that they do not want anybody to bid unless they are qualified bidders or qualified products list.

In my opinion this is a restriction of competition and this indeed is a way of keeping people from being able to bid. Some people object to that. But it should be clearly understood that if my amendment is passed and is added to the Nichols amendment, that anybody will be able to bid but the Government will not be required to take the low bidder until they have satisfied themselves that both the product and the bidder meet the adequate criteria to meet their requirements and if there is not time to do that they are not required to take the low bid.

Mr. ROEMER. I thank the gentleman.

Mr. OTTINGER. Mr. Chairman, will the gentleman from Iowa yield?

Mr. BEDELL. I yield to the gentleman from New York.

Mr. OTTINGER. I just would like to congratulate the gentleman for the fine job he has done in his subcommittee in bringing out these horrendous situations to public scrutiny, and for his amendment which really adds to and puts teeth into the Nichols amendment which I join him in supporting.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from New York.

Mr. ADDABBO. I thank the gentleman for yielding.

I sit on the subcommittee with the gentleman. I wish to commend him on this amendment. I think it is very important. I think we have proven in the past through our hearings with the Small Business Committee that where there is competition you not only get lower prices but you also get better quality; especially when there is small business involved.

I ask the House to support the gentleman's amendment.

Mr. Chairman, I rise in strong support of the Bedell amendments to H.R. 5167.

Recently a considerable amount of publicity has been given to DOD's purchasing procedures in the area of spare and replacement parts. For example, press reports revealed instances where DOD paid $1,118 for a plastic stool cap, $104 for an electric diode and $435 for an ordinary claw hammer. These outrageous procurement practices are by no means novel to the Congress. The Defense Appropriations Subcommittee has repeatedly directed DOD to improve its record with regard to spare part purchases.

I would like to point out what action has been taken by the Congress and why we are here now in 1984 to legislate some solutions.

In 1968 the Defense Appropriations Subcommittee found that "no procedures to coordinate procurement of this type had been established."

In 1969 the committee report stated that DOD "was not making sufficient and realistic attempts to obtain competition in the procurement of spare parts." The report found that 50 percent was negotiated without price competition.

In 1979 the committee report stated that procurement personnel were not really familiar with the items they were procuring and managing and that this made it easy to pass through the system items which were grossly overpriced. The committee directed DOD to establish remedial policies.

In 1980 the committee directed the establishment of component breakout programs to correct overpricing.

In 1981 the committee report highlighted the area of procurement of spares as needing additional manpower and encouraged DOD to find alternate sources.

In 1982 the committee report stated that "direct purchase of spares from subcontractors (rather than from the prime) should be pursued."

In spite of all these congressional directives dating back some 15 years, noncompetitive purchases of spare parts have actually increased from 50 percent in 1969 to 77 percent in 1982.

Finally in 1983, the fraud and abuse of the taxpayer's dollars was highlighted by the press. Only as a result of unfavorable publicity did DOD decide to make major changes in their procedures for purchasing spare parts.

Unfortunately, the 10-point memorandum issued by the Secretary of Defense in July, 1983 lacks specificity and fails to offer an adequate solution to the spare parts problem. For instance, there is clearly a need for DOD to specifically set forth what constitutes an adequate sole source justification. However, the memo merely states that DOD should "* * * accelerate reform of our basic contract procedures to encourage competition and preclude overpricing." I assure you that within DOD this will only be interpreted as a best efforts missive rather than a mandate to get the job done. This is not the proper approach. Instead, specific restrictions should be placed upon the use of noncompetitive sole source contracts for spare parts. The Bedell amendment to H.R. 5167 accomplishes this by enumerating only five specific instances where a noncompetitive sole source contract for spare parts may be awarded.

Other anticompetitive practices are eliminated by the Bedell amendments. The qualified products list and qualified bidders list have been used by DOD to screen out potential offerors. All business concerns should be afforded the opportunity to offer their product or service to the Government. This will effectively increase competition and cost savings without any reduction in the quality of products furnished to the Government.

I urge all my colleagues to support the Bedell amendments to H.R. 5167 as a logical approach to promote competition, reduce, acquisition costs and maintain the Nation's full productive capacity.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the Chairman.

Mr. MITCHELL. I, too, congratulate the gentleman. This is the issue I was speaking to earlier in my colloquy with the gentleman from Alabama.

This puts some teeth into the thing and that is what is needed.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. MITCHELL and by unanimous consent, Mr. BEDELL was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL. If your amendment did nothing else than to limit the use of the present qualification criteria, such as qualified products and bidders lists, if it did nothing else than that, that would be a major blow against this kind of rooking of the American public in terms of the way the agencies procure.

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The argument will be raised that somehow or another this affects competition.

How in the name of God when you open up a bid to everybody can that affect competition adversely? Particularly when the gentleman insists that the military will have the final say so. The argument on competition is a specious argument. It does not belong here.

I would urge the House to support the gentleman's amendment.

Mr. SCHAEFER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, I rise in support of this amendment, and I would like to thank the gentleman from Iowa for yielding a moment of his time to me to speak to this issue. This is an especially appropriate time for the House to consider solutions to the problems we have with our procurement system. The Department of Defense accounts for the vast majority of Federal purchase dollars and has faced heavy criticism for the inefficiencies in its procurement practices.

I am a member of the Small Business Subcommittee on oversight that held hearings on the procurement system. The findings were shocking—stories of waste and abuse are, tragically, numerous. Of course, there has been no lack of attention to these incredible stories, and I know that you are all well aware of the problems.

Since our oversight hearings we have made a concerted effort to find solutions. Earlier this week, the House approved a related measure, H.R. 4209, which will save the Federal Government millions of dollars—an important first step. The gentleman from Iowa's amendment offers us another opportunity to make significant progress. By increasing competition and amending current policies, this amendment may save billions of taxpayers' dollars and increase the ability of the Department of Defense to provide for the Nation's defenses.

As you read through this amendment you might be surprised that the remedy it recommends is not already practiced—frankly, the amendments just make commonsense.

For example, the Department of Defense would be prohibited from the arbitrary use of sole source noncompetitive contracts for the purchase of spare and replacement parts, which the General Accounting Office estimates could save 30-40 percent on these purchases; contractors would have to make their products available to the military at prices no higher than their lowest comparable commercial charge; though quality would remain the primary criterion. I think these initiatives make commonsense.

I encourage my colleagues to approve this amendment. It isn't the final solution, and we must continue our efforts to oversee and improve the procurement system, but we must begin today to put a halt to the terrible waste that is occurring. When deficit spending is threatening the Nation's well-being waste like this is both tragic and embarrassing. The Nation cannot afford it, and you and I, in keeping with our public trust, cannot allow it to continue.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. BEDELL) has expired.

(At the request of Mr. MINETA and by unanimous consent, Mr. BEDELL was allowed to proceed for 3 additional minutes).

Mr. MINETA. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from California.

Mr. MINETA. I thank the gentleman for yielding.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with our distinguished colleague from Iowa about his amendment.

In requiring the Secretary of Defense to promulgate regulations as the gentleman does in section 2317(C)(1)(d), would I be correct in stating that it is not the gentleman's intention to instruct or even permit the Secretary to require a transfer to the Government of proprietary technical data relating to products developed wholly at private expense and offered for sale to the general public such as the goods and services often developed by high tech industries?

Mr. BEDELL. Yes; the gentleman from California has correctly stated my position.

Mr. MINETA. And if the gentleman would yield further, are there procedures of note to assure us that the congressional intent in this very complex and important area be carried out by the Department of Defense?

Mr. BEDELL. Yes; as a matter of fact, I have included in my amendment a provision which requires that the Secretary shall after promulgating these regulations submit to the Congress a report detailing how such rules and regulations give due consideration to each of the objectives set forth in this section and discussed here tonight.

Mr. MINETA. I thank the gentleman for his answers. I congratulate him for his leadership in this very important issue and strongly support his amendment.

Mr. BILIRAKIS. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Florida.

Mr. BILIRAKIS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Bedell amendment adding section 1010, and ask permission to revise and extend my remarks.

I will attempt to be brief here, but I wanted to make mention of the fact that when I first arrived in Congress, I was determined to oppose wasteful and excessive Federal spending.

This was part of the commitment I made to the residents who are greatly concerned of the Ninth Congressional District in Florida, and it was, and is, a commitment I take very seriously. At a time when we face large deficit spending, it is evident that we cannot tolerate waste in the Federal budget—from whatever the source.

In this regard, I have supported legislation in the past which would act to restore competition in DOD spare parts procurement. Within the normal committee process, I have backed legislation which would remove existing barriers to competition and open up the procurement process.

This support was part of my general commitment to efficiency in Government spending, but it was also a reaction to continuing, specific reports of contract overcharges in spare parts procurement.

By now, many of the examples of this flagrant waste in spare parts procurement are well known to the public. But I think at least a few examples are worth mentioning. It has, for example, been documented that over $1,100 was paid for a plastic stool cap worth barely a quarter, that $430 was paid for a claw hammer, and that $110 of taxpayer money was used to purchase a 4-cent diode.

In fact, I had first hand experience with these conditions. During an official visit to a defense procurement center in Florida, I borrowed a paper decal that was worth, at best, a few cents. It cost the Government and the American taxpayer approximately $50. I know. I lost the decal and was faced with the discouraging probability of having to reimburse the Government for this expense.

The amendment before us would produce at least four major reforms in the spare parts procurement system. The amendment would: First, end the discriminatory use of qualified bidder's lists, which can act to exclude potential bidders from certain contracts; second, prohibit the arbitrary use of sole source contracts by imposing new criteria for their use; third, require the Department of Defense issue new rules and regulations concerning the definition of legitimate proprietary rights for purposes of DOD contracting, and fourth the amendment will require the Government to catalog, store, and inventory the manufacturing data it already owns so that this information will be more accessible to potential offerors.

Each of these reforms will allow more effective competition for DOD spare and replacement parts. As Mr. BEDELL has noted, we have been "jawboning" this issue for 15 years and during this time the percentage of sole source awards in spare parts procurement has risen from 50 percent in 1969 to an incredible 77 percent in 1982.

It strains credulity to suggest that we can have anything approaching the best buy when 77 percent of spare part contracts are let to one predetermined contractor. It strains the credibility of this institution to let this practice go on, to let spare parts, a $13 billion a year expenditure, be purchased without effective competition.

I think it is time that we took some action and I believe the pending amendment will help to restore competition and result in lower end prices to the Government, and, of course, the American taxpayer. I urge my colleagues to join me in supporting this important alteration of DOD procurement law.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. BEDELL) has again expired.

(By unanimous consent, Mr. BEDELL was allowed to proceed for 1 additional minute.)

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Illinois.

Mr. DURBIN. I thank the gentleman for yielding.

Mr. Chairman, it is my understanding that the impact of the gentleman's amendment is to actually remove the list of qualified bidders and to allow a person or company to bid.

Mr. BEDELL. That is part of my amendment, yes.

Mr. DURBIN. Could I ask the gentleman to consider this worst case example and tell me how his amendment might apply.

What if a company was barred from bidding on Government work because that company had been found to have provided shoddy equipment or perhaps to have been guilty of criminal conduct, would this amendment now say that that company would have the right to bid, regardless of that moral turpitude?

Mr. BEDELL. But the Government would not accept the bid, nor be required to accept the bid. So it would be a useless procedure for him to go through.

Mr. DURBIN. So there is no requirement herein that the lowest bid be accepted?

Mr. BEDELL. No, there is no such requirement.

Mr. DURBIN. I thank the gentleman.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment to the Nichols amendment while I support the effort to correct the abuses that DOD has been experiencing in the procurement of spare parts.

Now the gentleman's amendment to the Nichols amendment goes considerably beyond the purpose of spare parts.

In doing so, it threatens to disrupt the legitimate procurement activities of the Department of Defense in a wide range of products and services.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Did I understand the gentleman to say that he opposes the Nichols amendment?

Mr. BROOKS. No; the gentleman is not correct in that.

Mr. KAZEN. I wanted to get the record straight.

Mr. BROOKS. The amendment by Mr. BEDELL to the Nichols amendment is the one which I find particularly objectionable.

I say that that amendment goes beyond the purchase of spare parts. It threatens to disrupt the legitimate procurement procedures of the Department in a pretty wide range of products and services.

The language contained in that amendment is similar to the portions of H.R. 2133, a bill to amend the Small Business Act which was scheduled to be voted upon by the House on May 15. But Chairman MITCHELL removed this bill from the calendar in part, I guess, because of the strong opposition by many Members of Congress and a large segment of private industry.

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Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend, the gentleman from Maryland.

Mr. MITCHELL. That was not the reason for pulling the bill.

Mr. BROOKS. What was the reason?

Mr. MITCHELL. I am going to tell the gentleman, if he will continue to yield to me.

Mr. BROOKS. I yield to my friend.

Mr. MITCHELL. There were some members of a subcommittee who thought that they would come up with a substitute which would have eroded the intent of H.R. 2133. And rather than come up with a half bill substitute, I wanted the strongest possible bill.

We are going to meet and we are going to come back with a bill as soon as I can get my Small Business Committee together.

That is essentially what Bedell is doing with his amendment, making it stronger, because there is no way in the world that you can say that this amendment would disrupt the whole procurement system. But even if it did, my own basic gut feeling is that the only way you are going to get a fair shot with DOD in particular is to restructure the entire procurement process. It is not going to work without a complete restructuring.

I thank the gentleman for yielding.

Mr. BROOKS. Let me just comment and say that, in short, the bill which the gentleman described and which I call H.R. 2133 is, in my judgment, seriously flawed and is no less deficient when presented in a piecemeal fashion such as this little bit that they want to tack on Mr. Nichols' amendment.

Clearly, this amendment, while seeking to cure the illness, may kill the patient. It contains a provision which will have the effect of eliminating qualified bidders or products lists. These lists are used to insure that the Department receives thoroughly tested and proven products such as those used in the military and the space systems. And I am certain that the DOD has abused its use of these lists by keeping some qualified firms and products out of the Federal marketplace. But I will say this: If we killed every program that experienced some abuse, some bad little horror story, we would not have a Department of Defense.

Another major area of deep concern is that the amendment seeks to empower the Secretary of Defense to define "legitimate proprietary interest" regarding technical and other data rights. Further, all Federal agencies, all of them, would have to adhere to the Secretary's determination in this matter. There are several serious problems related to this provision.

First, it is totally inappropriate for the Department of Defense to be issuing governmentwide regulations. Under current law, such regulations are issued by a council composed of DOD, NASA, and GSA under the leadership of the Office of Federal Procurement Policy. This procedure insures that the views of the major procuring agencies, as well as the public, are considered prior to the issuance of substantive changes in regulations. The amendment, however, requires only that associations representing small business concerns be consulted.

The CHAIRMAN. The time of the gentleman from Texas (Mr. Brooks) has expired.

(By unanimous consent, Mr. Brooks was allowed to proceed for 5 additional minutes.)

Mr. BROOKS. Second this provision is not limited to spare parts and in fact affects a wide range of products and services such as computer software, scientific and medical devices, and other high technology items. Since there is no exemption for commercial products and other items developed at private expense, the provision will encourage the violation of proprietary data rights of small and large companies alike. Once again, just because there are data rights abuses in the spare parts area, there is no reason to apply a remedy which will adversely affect a wide range of Government suppliers.

Despite the concerns that I have outlined, many of my colleagues may find it a little bit difficult to vote against an amendment which purports to solve the problem of the $435 clawhammer. But I would like to point out that we have been faced before with many so-called reform measures that cause much more harm than good.

I would urge all Members to look at this proposal for what it is and to vote against it and support the Nichols amendment without this decoration.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Wisconsin, and then I will yield to the gentleman from Kentucky (Mr. Hopkins).

Mr. ROTH. I thank the gentleman from Texas for yielding. I know he has given this legislation a good deal of thought and much consideration. The gentleman said that this amendment, the Bedell amendment, would disrupt the procurement procedures. Well, we certainly would not want to do anything like that, would we. After all, GAO said that if we make the connections called for in this area over a period of time, we could have saved $25 billion. The Grace Commission report said that within 1 year with competitive bidding, as the Bedell amendment calls for, we would save $9.3 billion.

Now, we realize that our deficit is close to $200 billion and this is not going to solve our deficit problems entirely. But certainly $9.3 billion, my friend, is not chickenfeed. If anything, the Nichols amendment, which I support, and the Bedell amendment, which I support, do not go far enough, and I am going to tell the gentleman why I feel that way. There is no onus, no burden put on anyone in DOD because of these unconscionable cost overruns.

Mr. BROOKS. May I say to my friend that I am going to have to regain my time, because I promised also to yield to the gentleman from Kentucky (Mr. Hopkins).

Mr. HOPKINS. I thank the gentleman for yielding.

Let me remind my colleagues that the gentleman in the well is the chairman of the Government Operations Committee and has spent many, many hours and has vast knowledge on this subject.

I would agree with my colleague from Maryland, perhaps this does not go far enough. But it is eons ahead of where we were.

And if I may ask the gentleman in the well, in his opinion, based on his knowledge and experience, if the amendment of the gentleman from Iowa were to pass, would it not open up bidding by all vendors and thereby open up the possibility that a vendor, well intended as he may be, might not be qualified to supply either the quality or the quantity that might be needed by the armed services?

Mr. BROOKS. I believe the gentleman states the situation accurately. I think it would endanger the procurement of properly tested equipment, services and facilities that many areas of our Defense establishment need in the worst way if we are going to have a good defense system.

Mr. HOPKINS. If the gentleman will yield further, would it not, then, if that were the case, based on the gentleman's experience, cost more, if that were the case, if that should happen?

Mr. BROOKS. I think that is correct. This will ultimately result in higher cost of spare parts. They are not facing the problem. They are trying to destroy the whole situation. They do not understand the entire procurement process. They are trying, with an aborting amendment, to set aside just what the Defense Department is supposed to do. What we need is general legislation. We need general legislation on competition. That is the heart of good pricing—competition.

Mr. HOPKINS. So the Nichols amendment then is a step in the right direction?

Mr. BROOKS. That is what I said and that is what I believe. It is not perfect. We are not going to cure the world, not the whole world, this week. But we can make a step forward, and the Nichols amendment does that.

Mr. HOPKINS. I thank the gentleman.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from Louisiana.

The CHAIRMAN. The time of the gentleman from Texas (Mr. Brooks) has again expired.

(On request of Mr. Roemer and by unanimous consent, Mr. Brooks was allowed to proceed for 1 additional minute.)

Mr. ROEMER. I thank my distinguished colleague for yielding.

Let me make sure I understand what the gentleman just said in answer to our colleague from Kentucky.

Is the gentleman making the case that if the Bedell amendment is adopted by this committee, the price of clawhammers is going to go up from $435?

Mr. BROOKS. It could.

Mr. ROEMER. Does the gentleman really believe that?

Mr. BROOKS. I am not going to buy any of that. I did not buy this Allen wrench they offered for $9,000. But the cost could go up. This allen wrench was offered at $9,000 to the Air Force, and it cost more than that whole stack of television gismos that we had already on here.

Mr. ROEMER. The gentleman has made a serious charge about the amendment of the gentleman from Iowa, that the price of already inflated spare parts could go higher.

Mr. BROOKS. Yes; I think it could.

Mr. ROEMER. Could the gentleman explain his charge?

Mr. BROOKS. Sure, it could go higher, certainly.

Mr. ROEMER. How?

Mr. BROOKS. Would anybody in their right mind believe that you would sell an allen wrench like this one for more than 45 cents? But they offered it to the Government for $9,000. I do not think you could go much higher than $9,000 on an allen wrench.

Mr. NICHOLS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I must oppose the amendment offered by my friend from Iowa (Mr. BEDELL). In so doing, let me say that I commend my colleague for his persistence in bringing the problems associated with spare parts to the attention of the Members. We differ in the approach in solving these problems. After more than a year-long investigation and eight hearings on the subject, the Armed Services Committee has reported a rather comprehensive bill.

□ 1800

We believe that the provisions in the amendment just offered which have been accepted by my chairman and by my ranking minority Member, address the real issues in a much more comprehensive and effective manner.

Many of the provisions in my amendment encompass, and in fact are more stringent, are more demanding than those in the amendment offered by Mr. BEDELL. In addition, I am opposed to the substance of Mr. BEDELL's amendment and let me explain to the Members why.

The amendment would, in my judgment, preclude the Department of Defense's use of a qualified products list which are necessary to insure qualified products are offered to the Government. Let me explain the qualified products list, if I may.

It is much like getting the Underwriter's Laboratory seal of approval, which all consumers rely on as an indication that the products have met certain safety standards.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman.

Mr. OTTINGER. Why on Earth would you have to be on a qualified bidders list to supply a claw hammer or an allen wrench?

Mr. NICHOLS. Let me tell the gentleman that I am not talking about claw hammers. We have about 100,000 items a year that are bought out of the 4 million items that we buy on the qualified bidders list. Let me tell the gentleman why that is necessary that we not abandon the qualified bidders list, if I may.

We think it is necessary that DOD must test products ahead of time before we buy them. Because the Defense Department is obliged to buy from the lowest bidder, it does not have the option of going out and picking the best product and buying it. Those of you who read Jack Anderson's column, and I do not usually quote from Jack Anderson's column, but on May 17, he gave a clear example why qualified bidder's lists are needed.

In that column he cited the loss of about 16,000 American servicemen in the last 21 years due to accidental death. And he stated, and I will quote:

> Often our soldiers paid with their lives for penny-pinching practices that led to accidents. One such instance has been the increase in drowning accidents due to faulty and inadequate life jackets.

It is obvious then why lifejackets are on a qualified bidders list.

The same thing would apply for brake components on our aircraft. If that brake system fails or wears out prematurely, we do not only lose a $25 or $30 million aircraft, but we lost a human life as well.

I think it would be a very bad mistake to do away with qualified bidders lists. Bids ought to be evaluated ahead of time to determine if the product he offers meets Defense Department specifications. We need to ascertain the qualities of the product he is offering ahead of schedule and not after his bid has been offered.

I strongly object to the amendment offered by Mr. BEDELL.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman.

Mr. MAVROULES. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has hit the nail right on the head with talking about screws and everything else here this afternoon.

The qualitative edge is one thing that we take pride in, because we do have that qualitative edge when we start talking and comparing with other nations. I think both amendments are pretty good. I am in support of the Nichols amendment and against the Bedell amendment, as much as I do that reluctantly. Let me give you my reasons why.

Although I personally, from the Armed Services point of view, have many differences with the Pentagon and the Defense Department, let us give credit where it is due. As for the Secretary of Defense, who has put into use at the present time his new auditing procedures; internal auditing, which again is attacking some of the problems that were referred to here this afternoon.

We have to take one step at a time, Mr. Chairman, one step at a time, and I think we have taken that initial step. We have sanitized our bill; I think it is a bill that could be approved by the Members of Congress, and we have put people on notice by stating this in our committee hearings. That, if indeed it does not work; if indeed it does not work, we are going to take a second look at it down the road.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. NICHOLS) has expired.

(By unanimous consent, Mr. NICHOLS was allowed to proceed for 2 additional minutes.)

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman.

Mr. MAVROULES. The other point that we must make crystal clear: All of those who testified before our committee, all of them, were asked one question when they were investigating the so-called fraudulence procedures, is that, "Do we have any proof of any fraud taking place among the contractors and the defense industry?"

Not once, not once did someone come forth, at least through our internal auditing group, stating that there was no fraud committed. That is a very, very important point. So the point that we have to make here this afternoon is this: We have a good piece of legislation; we have had days and days of testimony on it. I think after listening to the Chairman here this afternoon, I think we have an obligation to go with those who took the testimony and came out with a decision.

Therefore, Mr. Chairman, I support your bill, and I am against the other amendment.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Ohio.

Mr. KASICH. You know, there are different ways of looking at things sometimes. In this instance, I must disagree with the argument of the distinguished chairman of the Government Operations Committee.

I would make the argument that if people in this Chamber are concerned about the spare parts problem, then they ought to read the amendment. Because in this amendment, as a colloquy between the sponsor of this amendment and another gentleman on the floor showed we have language that says that the Secretary of Defense ought to consider whether there should be a limit on proprietary rights if the data was developed substantially with Federal funds.

Under the current law, if Federal funds, if just one dime of Federal funds is used to develop a part, the data reverts to the Government. This amendment weakens the law that is now in effect.

Now, the gentleman has a toolbox up there, and he wants to solve the toolbox problem.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. NICHOLS) has again expired.

(By unanimous consent, Mr. NICHOLS was allowed to proceed for 1 additional minute.)

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Ohio.

Mr. KASICH. I happen to have some spare parts of my own. I have got a spring here that should cost 60 cents, but the Government paid $15.27 for it. Under this amendment if that part was developed by a private company, that part could remain proprietary forever. The abuse would continue.

If the gentleman from Maryland is sincere in his efforts to try to solve this problem, then he cannot support any amendment that goes in the direction of watering down the 7-year limit on proprietary rights, which he complimented me for just 10 minutes ago.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. KASICH. If the gentleman would let me finish my statement, I would be more than happy to yield.

Mr. MITCHELL. I would ask that the gentleman not question my sincerity under any occasion.

Mr. KASICH. That is not what I am attempting to do.

Mr. MITCHELL. That is the way it came out.

Mr. KASICH. I want to apologize.

The CHAIRMAN. The Chair would insist on regular order. The gentleman from Alabama (Mr. NICHOLS) has the time.

Mr. KASICH. I want to say to the gentleman from Maryland that I do not in any way, shape, or form question his sincerity. What I am suggesting to the gentleman is that if he is serious about the 7-year limit that is placed on proprietary rights, which he argued is the most serious provision in the Nichols bill, then he cannot support this amendment.

Mr. NICHOLS. Mr. Chairman, I must ask that the amendment be defeated.

Mr. KASICH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise to oppose the amendment for one basic reason: The gentleman who offers this amendment says it is designed to strengthen the Nichols bill. But the gentleman's amendment weakens the 7-year provision that is contained in the present Nichols bill, which now puts a limit on proprietary rights for those firms that develop parts with the use of Government funds, as well as those that develop parts at their own expense. I am paticularly concerned about proprietary rights for items like a washer that the Government is paying 76 cents for, but could buy for 12 cents, or again, the spring, which the Government is paying $15.27 for, but ought to be buying for 60 cents.

□ 1810

In a colloquy, the question was asked that if somebody should develop an item at their own expense, does that mean that their rights should be protected forever? The answer given to that question was yes, but I do not agree with that. If such practices are allowed to continue, companies that produce those simple parts will be allowed to be the sole supplier for these parts for as long as they wish, which means that company would operate forever in a monopoly situation with the Government.

That is a very, very important point, and I want the gentleman from Maryland, who complimented me on my provision, to understand my argument here. I certainly would never question the integrity or the sincerity of the gentleman from Maryland on this. In fact, I commend him for his work, but I want him to understand this very crucial argument.

The other point I tried to make is that language in this amendment weakens the present Federal law as it applies to proprietary rights. Under current Federal law, if the Government puts one dime into the development of that part, the data on that part reverts back to the Government. But the Bedell amendment states that if data is developed partially at Government expense, proprietary rights may be granted to the contractor. That is without question a weakening of current Federal law.

So if this House is sincere, if this House wants to make a strong effort to try to take a major step forward, Members will oppose this amendment.

Let me state one more thing that was not pointed out in the Nichols bill. There are two provisions in the Nichols bill, one that says a contractor cannot prevent a small contractor from selling to the Government. That has been one of the major problems that we have had, because major contractors have gone to their subcontractors and said, "You do not tell the Government you are making this part for us." The teeth in the Nichols bill says that that shall not occur.

And there is another significant feature in the Nichols bill, requiring contractors to identify the subcontractors who produce the part. That would allow the Government to go directly to the manufacturer of this spring or of this washer and buy that part directly from the subcontractors. There are, without question, teeth in the bill, in the provision I just mentioned and the limitation on proprietary rights. Ladies and gentlemen, we do not want to water down the 7-year provision that says that the Government ought to be able to collect data and allow other companies to use it to compete for parts, because it is competition that brings down the prices.

So when an argument is made on one side that we have expensive items, but then on the other side we weaken or suggest that we weaken current Federal law that is designed to get us the cheapest possible prices, I say that is not correct. I say we ought to review this amendment and we ought not to weaken the 7-year limit on proprietary rights, and we ought to continue to support the Nichols bill as now written.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Bedell amendment. We all agree that the overcharges for spare parts is inexcusable. What we disagree on is how to meet the problem.

The approach proposed by the gentleman from Alabama, (Mr. NICHOLS) is more comprehensive than that proposed by the gentleman from Iowa (Mr. BEDELL) and provides the best solution, in my opinion, to this unfortunate problem that has damaged the credibility of the defense procurement process.

Mr. Chairman, I oppose the amendment offered by the gentleman from Iowa (Mr. BEDELL).

Mr. FUQUA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Bedell amendment and in support of the Nichols amendment, and I do it with great reluctance for my friend, the gentleman from Iowa, who I know, and my good friend, the gentleman from Maryland, who I know worked very hard in trying to perfect this amendment, but it does raise some very serious problems about some of the policy changes in the Federal procurement process which I think would be brought about if the amendment were adopted.

The Bedell amendment would provide that no small business could be denied the opportunity to have its offer considered by a Federal agency if it is not on a qualified bidders list or its products are not on a qualified products list. However, prequalification techniques are a standard and accepted practice in the Federal Procurement process.

These techniques, as used today, are neither designed to, nor do, to my knowledge, discriminate against small business or anybody else who desires to do business with the Federal Government. Rather, these procedures promote efficiency and economy to the Government, and are particularly important safeguards in areas requiring special skill, for instance in new technologies developed in the space program and a lot of the programs that come under the jurisdiction of the Committee on Science and Technology. My concern is that these goals would be impeded, rather than promoted, by such a provision of this kind.

If you were trying to buy a microscope, it is a lot different than someone building a clawhammer or an allen wrench. Some of the sophisticated equipment that you need you must make sure that the people are qualified to produce not only quality but also that they can produce the product. If you get into a program and suddenly they default, as they may do, then the Government is back in the pickle again of trying to get out.

In addition, the amendment directs the Secretary of Defense to promulgate rules and regulations defining "legitimate proprietary interest," as has already been mentioned, in an attempt to restrict a perceived abuse of such designations to impede competition.

Although the amendment states that the Secretary shall give due consideration to the statements of policy contained in the uniform patent bill for universities, small business, and not-for-profits—the thrust of the amendment is to look at the rights to technical data developed with Federal funds, a time limit on rights to technical data and requiring a contract clause specifying the Government's rights to own or use.

This part of the amendment runs contrary to the whole effort to encourage high technology expansion and innovation from these companies that work with the Federal Government.

For those reasons, I urge rejection of the amendment offered by the gentleman from Iowa.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I would be happy to yield to my friend, the gentleman from Oregon.

Mr. AuCOIN. I appreciate the gentleman yielding.

Mr. Chairman, the gentleman in the well knows the respect that this gentleman has for him. I do disagree with the statement that he has made and the position he has taken on the Bedell amendment, however, because in my judgment, Mr. BEDELL has laid out for us an alternative that has real teeth in it and offers a real chance for taxpayers to get the best deal they possibly can.

I think really that is what our job ought to be. One of the strengths of the Bedell amendment, it seems to me, is the reforms it offers in terms of sole-source procurement. I have not heard anything that the gentleman has said, and I am not picking on him because I have not heard anything in the whole discussion this afternoon about the reforms in sole-source procurement that the Bedell amendment offers.

I found out, to my astonishment, that in fiscal year 1982 the military spent $13 billion on spares and replacement parts, and 77 percent of those purchases were on a sole-source, noncompetitive basis. The GAO report estimates that 30 to 40 percent savings could be found if we simply reformed that. Bedell does it. I cannot understand why the gentleman is opposed to that.

Mr. FUQUA. Let me say to my friend from Oregon that I am not condoning some of the previous practices that have gone on. I think the gentleman from Alabama is attempting to correct that, but in the process of doing this, let us not destroy the whole concept of competitive bidding by opening to unqualified bidders. Certainly everybody can do it and the present procedure of qualified bidders does not discriminate against anyone.

Mr. AuCOIN. I ask the gentleman, what is competition if it is not opening the doors and letting people in to bid?

Mr. FUQUA. We have open competition today. We need more.

Mr. LEVIN of Michigan. Mr. Chairman, as a cosponsor of H.R. 5064, the Defense Spare Parts Procurement Reform Act, I rise in support of the Nichols amendment on spare parts procurement.

The last 3 years have been marked by the most rapid and expensive military buildup in U.S. peacetime history. For many of us in Congress, the administration's sharp increases in the level of defense spending beyond levels necessary for an effective defense, especially during a time of serious economic stress, have been a source of major concern. This is why it is particularly distressing to many of us in Congress and the public to read every day of million-dollar cost overruns in weapons programs, and the unfathomable prices our Government has paid for simple spare parts that can be purchased at hardware stores for a mere fraction of the cost we pay to contractors.

Last year, Congress took several important steps to promote accountability in military procurement by the creation of an independent Office of Operational Test and Evaluation to manage the weapons testing process; requiring weapons manufacturers to provide warranties on the weapons they sell to the government; and requiring the DOD to report to Congress on its efforts to solve the spare parts problem.

Mr. Chairman, this amendment takes direct steps to make necessary reforms in the defense acquisition process by getting at the heart of the spare parts problem: accountability and management incentive. This amendment is the culmination of almost a year of study by Chairman NICHOLS and his Investigations Subcommittee. The amendment will provide better planning in the procurement of spare parts by requiring DOD buyers to check existing inventories before ordering, in addition to checking the prior procurement history of the same item. It will allow the DOD to purchase directly from subcontractors, thereby eliminating the added expense of the contractor-as-middleman relationship. Additionally, it clears the uncertainty about technical rights by requiring contractors to stand behind any data they provide to the Government. The amendment also will allow for recognition of individual efforts to increase competition and achieve cost savings during personnel evaluations, and requires the assignment of a competition advocate to each contracting activity.

Mr. Chairman, as we embark on consideration of a spending measure to commit $98 billion for military procurement, it is imperative that we act now to curb the waste and abuse in defense purchasing practices. I urge adoption of the Nichols amendment.

● Mr. HARKIN. Mr. Chairman, it is time that American taxpayers stopped being played for suckers. We are all scandalized at the thought of the taxpayers shelling out $436 for a $7 hammer or $938 for a $5 plastic stool leg cap, and so forth.

The question is whether we are going to do anything about it. Congressman BEDELL's amendment will really have an effect. We should all support it.

The amendment increases the ability of small businesses to bid on these spare parts contracts. It opens up the system to competition. It is a scandal that the Department of Defense overpays by dozens and hundreds of times on some spare parts. A large part of the reason is that the Department buys 77 percent of their spare parts through sole-source contracts where there is only one supplier. Back in 1969, a congressional report took the Department to task over spare parts. And, then, 50 percent of the purchases were negotiated without price competition. Now, 15 years later, things have gotten a lot worse.

Mr. Chairman, we need to do more than simply codify the Defense Department's regulations. The Bedell amendment has real teeth. It would prohibit arbitrary sole source bidding.

It also requires contractors to supply parts at the lowest commercial price. Any deviation would have to be specificly explained. If there is some reason for a very high price, if the national security or some very special circumstance exists, it should be explained. This provision is completely logical.

You hear all kinds of screams of anguish from the defense contractors. You hear about all kinds of technicalities. But, the question is: Are we here to serve the contractors or the taxpayers?

I urge a "yes" vote on the Bedell amendment.●

☐ 1820

Mr. DICKINSON. Mr. Chairman, we have been on this amendment now for an hour and 20 minutes. I ask unanimous consent that all debate on this amendment terminate at 6:30, 10 minutes from now.

The CHAIRMAN. On this amendment and all amendments thereto?

Mr. DICKINSON. On this amendment and all amendments thereto, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN. Members standing at the time the time for limitation of debate was set will be recognized for 45 seconds each.

(By unanimous consent, Mr. MITCHELL yielded his time to Mr. BEDELL.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in strong support of the Bedell amendment.

I think some of the arguments that have been made here are spurious. There has clearly been a cozy relationship over the years among the Defense Department, the contractors, and the committee, and this qualified bidders' list is a key part of that, keeping people from being able to bid on particular products. The gentleman from Iowa made clear that the Defense Department, in selecting the bidder, has a right to look at the qualifications of that bidder. So the idea of having to purchase from people who cannot produce adequate brakes or lifejackets is just spurious.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. Mr. Chairman, I would like to address a quick question to the author of the amendment, the gentleman from Iowa (Mr. BEDELL).

In his amendment it indicates that the Department of Defense should establish reverse engineering programs. Does that mean that if a company, for example, develops a printed circuit board like the one I have here, the Department of Defense would then be authorized at taxpayer expense to pay for reverse engineering of this in order to enable other people to develop it or to offer it for sale to the Government?

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Iowa.

Mr. BEDELL. No; the Department of Defense does not go to any expense in this regard. It simply opens it up so that other firms, if they wish to do so, would be able to obtain parts in order to be in a position to bid on those products.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. HOPKINS).

Mr. HOPKINS. Mr. Chairman, the point I would like to make is that no one, to my knowledge, who has worked on this legislation now for over a year on the subcommittee is on the side of the contractors. Nobody is trying to shelter them. The fact is that anybody can bid who wants to and who is qualified.

The point is, if they are not qualified to produce, then it could end up costing the taxpayers more money, and I know of no member of this committee, I say to the gentleman from Iowa (Mr. BEDELL), who is well intentioned in his amendment, that wants that. I think this is a right step in the right direction.

The CHAIRMAN. The Chair recognizes the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Chairman, I would like to say that I think the Bedell amendment strengthens the Nichols amendment, and I think both amendments are really good for the taxpayers, so I support both amendments.

I think the gentleman from Florida said in opposition to the Bedell amendment: "Don't destroy competitive bidding by opening it up to everybody."

I simply cannot agree with that statement. We should open it up to everybody to lower prices on these military spare parts. That is what competitive bidding is all about, and I hope we will support both of these amendments before us.

(By unanimous consent, Mr. STRATTON and Mr. DICKINSON yielded their time to Mr. NICHOLS).

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL. Mr. Chairman, I ask the gentleman from Iowa (Mr. BEDELL) if he would respond to a question.

Is it my understanding that the gentleman's amendment in no way affects the procurement policy, practices, or regulations of the military commissaries?

Mr. BEDELL. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. DANIEL. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I rise in support of the Nichols amendment and of the Bedell amendment. They fit together. They make stronger a process which is inherently weak.

I hear the objections from the other side that the dividing line is the qualified bid list. What the Bedell amendment does is open it up. In a strange free-enterprise system, he lets more companies bid on these products.

What is wrong with that?

He allows the military the right, having chosen the low bidder, to select the quality that meets their standards.

Mr. Chairman, the Bedell amendment is right here, and we as the Congress ought to follow it.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I support the Bedell amendment.

This amendment which is being considered will be, I think, another major step in bringing the word "competition" into the vocabulary of Government procurement. Once we limit the reasons that the Department of Defense can purchase spare parts under a sole-source process, we will create price competition and bring these prices down. Members of Congress will be very, very proud if we pass this amendment.

As a corollary benefit, this competition will involve more businesses in the defense procurement process, and this will strengthen and broaden the industrial base.

Mr. Chairman, in answer to the questions of the gentleman from Louisiana (Mr. ROEMER) to the——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

The Chair recognizes the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, may I be permitted to close debate? It is my amendment. May I be permittd the opportunity to close debate?

Mr. CHAIRMAN. The Chair will state that that may be done only by unanimous consent.

Mr. BEDELL. Mr. Chairman, I ask unanimous consent that I be permitted to close debate.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I rise to respond to the suggestion of the gentleman from Oregon that he had heard no discussion related to sole-source procurement. Let me say to the gentleman from Oregon that the figures he quoted are well known to our committee. They are of much concern to our committee, and we intend to do something about them.

For that reason, we have established competition advocates by law for every contracting office in the military in this country. These people are there with engineering and technical backgrounds and are able to challenge any claims that just one company can provide sole-source procurement for a part.

In addition, Mr. Chairman, there are presently pending three separate bills to establish by statute the exceptions for sole source on all contracts. The issue is better addressed in those bills, H.R. 2545, H.R. 5184, and S. 338.

Mr. Chairman, I appreciate the attention which the gentleman from Iowa has given this subject. I hate to have to oppose him, but I hope we will not do away with the qualified bidders list that is very, very important, and for that reason I urge the Members to vote down the Bedell amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. BEDELL).

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I rise in support of the gentleman's excellent amendment.

It has been said during the debate that this will disrupt the whole procurement process, particularly the procurement of items the defense establishment needs in the worst way.

The problem is that in too many instances the defense establishment is procuring those items in the worst way.

Mr. Chairman, I commend the gentleman from Alabama (Mr. NICHOLS) for his excellent amendment, and I support the amendment offered by the gentleman from Iowa (Mr. BEDELL) to that amendment. Something good and needed has been made better and is most definitely needed.

Mr. BEDELL. Mr. Chairman, I thank the gentleman from New York (Mr. BOEHLERT).

Mr. Chairman, the reason I requested to be last is that I wanted to find out if there were any other arguments against this amendment. As nearly as I can tell, the argument against the amendment is that it will open up competition and permit anyone to bid.

If Members are against anyone having an opportunity to bid, then they ought to vote against my amendment. But I hope we are concerned enough about taxpayers' dollars that we are going to say right now that we are going to stop some of these practices.

Mr. Chairman, I want it understood clearly that my amendment does not delete any part of the Nichols amendment, and I urge a vote for this amendment.

The CHAIRMAN. All the time has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. BEDELL) to the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. NICHOLS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 75, not voting 34, as follows:

[Roll No. 189]

AYES--324

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Applegate
Archer
AuCoin
Barnes
Bartlett
Bates
Bedell
Beilenson
Bereuter
Berman
Bethune
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chappie
Clarke
Clay
Coats
Coelho
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Dicks
Donnelly
Dorgan
Dowdy
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edgar
Edwards (CA)
Emerson
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frenzel
Frost
Garcia
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hyde
Ireland
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kemp
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leland
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Loeffler
Long (MD)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NC)
Martinez
Matsui
Mazzoli
McCandless
McCollum
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Michel
Miller (CA)
Miller (OH)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Pritchard
Pursell
Rahall
Rangel
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—75

Alexander
Annunzio
Aspin
Badham
Bateman
Bennett
Bevill
Brooks
Byron
Chandler
Chappell
Cheney
Clinger
Daniel
Darden
DeWine
Dickinson
Dingell
Duncan
Dyson
Edwards (AL)
English
Flippo
Ford (MI)
Fuqua
Gejdenson
Hansen (UT)
Hartnett
Hatcher
Hillis
Hopkins
Horton
Hunter
Hutto
Johnson
Kasich
Kazen
Kennelly
Lehman (FL)
Lewis (CA)
Lloyd
Long (LA)
Lott
Mavroules
McCain
McCloskey
McCurdy
McEwen
Mica
Mikulski
Montgomery
Morrison (CT)
Morrison (WA)
Myers
Nichols
Oakar
Oxley
Price
Quillen
Ratchford
Ray
Robinson
Rowland
Rudd
Shuster
Skelton
Smith, Denny
Spence
Stratton
Stump
Thomas (CA)
Whitehurst
Wright
Young (MO)
Zschau

NOT VOTING—34

Anthony
Barnard
Breaux
Bryant
Coleman (MO)
Crockett
D'Amours
Dixon
Dymally
Edwards (OK)
Franklin
Gaydos
Gibbons
Gore
Hall (OH)
Hance
Hansen (ID)
Hawkins
Holt
Jeffords
Leath
Lehman (CA)
Lent
Marriott
Martin (NY)
Minish
Packard
Pepper
Sensenbrenner
Simon
Stark
Tallon
Wilson
Wirth

□ 1850

The Clerk announced the following pairs:

On this vote:

Mr. Lehman of California for, with Mr. Franklin against.

Mr. Crockett for, with Mrs. Holt against.

Messrs. SAWYER, BURTON of Indiana, COLEMAN of Texas, LIVINGSTON, ORTIZ, BLILEY, DOWDY of Mississippi, LUJAN, HEFNER, NELSON of Florida, KRAMER, PASHAYAN, and ROSE and Mrs. BOGGS changed their votes from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. NICHOLS), as amended.

RECORDED VOTE

Mr. NICHOLS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 396, noes 0, not voting 37, as follows:

[Roll No. 190]

AYES—396

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—0

NOT VOTING—37

Anthony
Barnard
Breaux
Bryant
Byron
Coleman (MO)
Conyers
Crockett
D'Amours
Dixon
Dymally
Edwards (OK)
Franklin
Gaydos
Gibbons
Gore
Hall (OH)
Hance
Hansen (ID)
Hawkins
Holt
Jeffords
Leath
Lehman (CA)
Lent
Marriott
Minish
Packard
Pepper
Pritchard
Rodino
Sensenbrenner
Simon
Stark
Tallon
Wilson
Wirth

□ 1900

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 131, after line 2, insert the following new title (and redesignate the succeeding titles and sections accordingly):

TITLE IX—NUCLEAR WINTER STUDY

GOVERNMENT-SPONSORED STUDIES OF NUCLEAR WINTER

SEC. 901. (a) If any Government agency undertakes a study of the phenomenon referred to as "nuclear winter" pursuant to proper authorization, the Secretary of Defense may participate in such study to the extent (and only to the extent) that the participation of the Secretary in the study is directly relevant to defense related aspects of the nuclear-winter phenomenon.

(b) The Secretary of Defense may not spend more than $1,500,000 for participation in a study in accordance with subsection (a).

Mr. STRATTON. Mr. Chairman, there has been some discussion in connection with this legislation with regard to the so-called nuclear winter phenomenon. A report in the Boston Globe, indicates that there is already underway within the administration a study of the nuclear winter idea.

My amendment would provide that if such a study is underway by any agency of the Government, pursuant to proper authorization, the Secretary of Defense may participate in such a study to the extent, and only to the extent, that his participation is directly relevant to defense-related aspects of the nuclear winter phenomenon. Since this is a highly complicated and not too well understood phenomenon, we limit the amount of money that the Secretary of Defense can spend in connection with that participation to $1.5 million.

It is my understanding, Mr. Chairman, that scientific studies dealing with climatic, environmental, and biological matters are not subjects that are addressed by this bill, nor are they matters under the jurisdiction and control of the Secretary of Defense.

□ 1910

These matters fall instead under other Government agencies such as NOAA, the atmospheric agency, EPA, the protection agency. Nuclear weapons policy and arms control policy also are functions that do not reside in the Department of Defense; they reside in the Department of State, Arms Control and Disarmament Agency, and the National Security Council.

This amendment would, therefore, make certain that the energies and the funds of the Department of Defense would only be involved in such studies when there was something that bore directly on the responsibilities of that department.

I realize that obviously everybody is interested in knowing what the effects of nuclear war are likely to be. I think most of us who were alive back in 1945 have long been well aware of the effects of nuclear blasts and nuclear war. But the Department of Defense is not the agency that ought to be investigating this phenomenon.

It is my understanding that in August 1983 a seminar on nuclear war was held in Erice, in Sicily, in connection with an appeal from the Pope. That seminar included a number of Nobel Prize-winning scientists. Dr. Teller represented the United States, as well as a member of our own committee staff. Dr. Eugene Wigner, of the United States, also attended, also Dr. Eugeny Velhikov of the Soviet Academy of Sciences.

These people established that the problem was, indeed, tremendously complex and would probably take years to solve and would require the best scientific minds available.

Certainly the Department of Defense should do its part, and the purpose of this amendment is to make certain that if the Department of Defense does have some involvement in these studies it should cooperate. But it is certainly not the agency that ought to undertake this whole study.

I urge the adoption of the amendment.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I would be happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, if the Department of Defense is not interested in this, I wonder what department would be? Are they not more interested than anybody else in the consequences of a particular type of warfare?

Mr. STRATTON. I am not an expert in nuclear winters or nuclear summers either, for that matter, but the proposals that have been circulating here in the last few days have dealt with climatic, environmental, and biological matters, not military matters.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I could ask the gentleman a further question. I suppose that $1½ million might be adequate for the Department of Defense for 1 year to contribute to learning something about this problem, but suppose the amount turns out to be inadequate? Then what?

Mr. STRATTON. If the gentleman would yield, I would say in reply to the gentleman that the items that have been circulating around here, as I said previously, deal not with defense matters, but with climatic matters, environmental matters, and biological matters. These are not the kinds of responsibilities that the Department of Defense is equipped to handle.

We have other agencies like NOAA. We have the EPA. We have the nuclear weapons policy. We have the Arms Control and Disarmament Agency. For some of these items, the Department of Defense is certainly not specifically seized with these particular items. It would be a mistake to suggest that the Secretary of Defense, who has big enough authority as it is, to try to maintain the security of our country, should not be required to undertake matters dealing with the proper sphere of other departments.

Mr. SEIBERLING. I would certainly agree that the Department of Defense should not be the lead agency, probably the National Science Foundation should, but I do hope that the gentleman believes, and I think his amendment concedes, that the Department of Defense might be called upon to contribute to a multiagency study if it is to be a truly realistic and meaningful study.

Mr. STRATTON. If the gentleman will yield further, that is exactly the purpose of the amendment, I will say to my friend from Ohio, to authorize the Secretary, so that he has that authorization, and if he would feel that more than $1½ million would be necessary for his participation, it is conceivable that we might reconsider that figure.

Mr. SEIBERLING. I thank the gentleman, and I would like to say that I have been to two briefings, by Dr. Carl Sagan and Dr. Paul Ehrlich and other scientists, and it does seem to me that this is a subject which should require a really maximum effort by the Government to try to nail down as much as possible the consequences which, if it turns out are as horrendous as the scientists who briefed us believe, would be the ultimate in human disasters. They indicated that a nuclear exchange involving as small an amount as 100 megatons could bring on a nuclear winter and plunge the world into a year-long period in which temperatures would be well below freezing for an entire year, wipe out agriculture, animal life, and possibly the entire human race.

So that is no small subject, and I would think the Department of Defense, as well as every other agency of the Government, and indeed every other human being, would want to get the answer to the extent that is humanly possible.

Mr. STRATTON. This is precisely what my amendment would do.

Mr. SEIBERLING. I congratulate the gentleman for recognizing that the Department of Defense has a responsibility.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Chairman, I am not at all sure what the purpose of the gentleman's amendment is, but in listening to this debate, I would like to ask if the gentleman is aware that the Department of Defense is spending substantially more than $1½ million to determine the traumatic effect of weapons fire on dogs.

Does the gentleman feel that the problems are similar, the effect of weapons fire on dogs and a nuclear disaster to the whole globe?

Mr. STRATTON. If the gentleman will yield, I am not familiar with how much is being spent. But I certainly think that if we mean to protect our soldiers in combat and to provide them the top medical assistance on the battlefield, we are going to have to spend some money to understand what happens when particular weapons impact on individual bodies.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. If the gentleman will yield further, the gentleman cannot extend his reasoning to include the effect of nuclear weapons on the entire human race? Does the gentleman not see any incongruity between spending that amount on dogs and a similar amount on the fate of the whole human race as a result of nuclear weapons?

Mr. SEIBERLING. I forget precisely how much is this bill, but it is over $200 billion, and we are talking about a possible consequence of a nuclear war which would not merely wipe out the servicemen and women of the United States, but the entire human race. So it does seem to me that our sense of proportion would tell us that we should spend what ever it takes to find out the facts, to the extent they are ascertainable.

☐ 1920

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, I think the gentleman has agreed that the Department of Defense is not the only department that ought to be involved. But this particular piece of legislation which we are amending is one that is restricted totally to the functions of the Department of Defense. If we are going to learn these nuclear phenomena, as the gentleman has indicated, it is going to take some time. It is going to take a good deal of expertise.

As I indicated, the staff member from the Committee on Armed Services who attended the convention or the seminar in Sicily reported that Dr.

Edward Teller had agreed it would be a vast undertaking and one that would take many years.

This is simply the beginning, and to suggest that Caspar Weinberger has all of the knowledge on this subject is simply misleading.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

Mr. LEVIN of Michigan. Mr. Chairman, I move to strike the last word.

Perhaps I missed it, Mr. Chairman, and I would just like to ask the distinguished gentleman to spell out whether certain amounts are being spent out of the Defense budget now in this area.

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, my understanding is that nothing is being expended for that particular project in the Defense budget. It is not a function or a responsibility which has been turned over to the Department of Defense.

Mr. LEVIN of Michigan. So what this amendment says is that if the Defense Department begins to embark on a program in this area, it would be limited to the dollar figure in his amendment?

Mr. STRATTON. Well, I think the gentleman would agree with me on this.

Mr. LEVIN of Michigan. Is that the import of the amendment?

Mr. STRATTON. I am sure the gentleman would agree that in anything connected with the Department of Defense we want to start out slowly so that we do not find ourselves involved in commitments that are far greater than what we had realized.

The Boston Globe, as I said earlier in my remarks, reports that the Reagan administration has directed a study of the nuclear winter idea, and there are those who have suggested that that study should be performed by the Department of Defense.

My amendment would point out that the Department of Defense is certainly not the most likely area to get that kind of expertise. But insofar as its responsibilities are connected with the studies involving the so-called nuclear winter, the Department is authorized to participate, and the initial figure is $1.5 million, which at least to this Member is not "peanuts."

Mr. LEVIN of Michigan. Mr. Chairman, I thank the gentleman very much.

Mr. DICKS. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVIN of Michigan. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, as I understand it, NOAA is going to be the lead agency on this study, which seems to me to be totally appropriate. I understand also that the Defense Nuclear Agency, which has tremendous experience and background, might be involved somewhat.

Would this allow that financially?

Mr. STRATTON. Mr. Chairman, if the gentleman will yield, this would allow that to be done very, very definitely.

Mr. DICKS. It seems to me that NOAA would be a good agency to be the head agency on this.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. LEVIN) has expired.

Mr. CRAIG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the subcommittee chairman, the gentleman from Florida (Mr. BENNETT), in a colloquy.

Mr. BENNETT. Mr. Chairman, if the gentleman will yield, do I understand that the gentleman has something he wants to inquire about?

Mr. CRAIG. Yes. Mr. Chairman, I would like to address the issue in title IX, section 901. The Armed Services Committee has authorized the disposal of 10 million ounces of silver from the national defense stockpile. In reading the committee report, it is evident that the subcommittee chairman exercised caution and took steps to assure the domestic mining industry that undue market disturbance will be guarded against.

Mr. BENNETT. Mr. Chairman, if the gentleman will yield, the committee has no intention of taking action that would unduly disrupt the marketplace.

Mr. CRAIG. Mr. Chairman, what I would like to point out is that within the committee report it implies that the domestic mining industry would complain to Federal officials when silver is identified for disposal.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, has the amendment that I offered been agreed to?

The CHAIRMAN. The gentleman's amendment has not been agreed to.

Mr. STRATTON. This Member offered an amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Idaho (Mr. CRAIG) moved to strike the last word, and the gentleman's amendment is still pending.

Mr. STRATTON. I apologize, and I thank the Chair.

Mr. BENNETT. And, Mr. Chairman, I am just responding to the gentleman's inquiry.

The CHAIRMAN. The gentleman from Idaho (Mr. CRAIG) may proceed.

Mr. CRAIG. I thank the Chair.

Mr. Chairman, what I want to do is clarify the industry's stand on this issue.

The mining industry does not become upset with the disposal of silver but with the method of disposal.

Mr. BENNETT. Mr. Chairman, if the gentleman will yield, is he saying that a method of disposal, like weekly Government auctions, is disruptive or is a disruptive force that upsets the domestic mining industry?

Mr. CRAIG. Yes, Mr. Chairman, that is what I am saying.

The domestic mining industry feels very strongly and would like it to be made clear that they do not object to the disposal but to the method of disposal of silver from the stockpile. It is their belief and my belief that there are a number of options available that will accomplish the desired goals of the Armed Services Committee and satisfactorily meet the needs of the domestic mining industry.

I am willing to explore these options with the subcommittee chairman at his earliest convenience.

Mr. BENNETT. Mr. Chairman, I would hope that the General Services Administration would explore disposal alternatives which would provide maximum revenues to the national defense stockpile transaction fund with minimum impact on commercial and industrial markets. I should point out that the only funds currently available for the procurement of strategic and critical materials for the national defense stockpile are derived from the sale of excess materials from the stockpile. The only real moneymakers in the list of excess materials are: diamonds, silver, tin, and tungsten.

Even if we could dispose of all of the excess materials in the stockpile tomorrow, we would still need an additional $6 billion to meet the stockpile goals that have been established for some time by the executive branch.

Mr. CRAIG. Let me thank the subcommittee chairman for his cooperation and his understanding of this issue. I look forward to working with him as it relates to sales from the stockpile.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was agreed to.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the last word.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding, and if I might, I would like to ask him a question in his dual capacity as a member of the Committee on Armed Services and his chairmanship of the Committee on Veterans' Affairs.

One of the issues that has come to my attention in my congressional service is the plight of some of our veterans who, having left the service in due course with honorable discharges, entered various vocational or higher vocational programs in pursuance of some career goal. In some cases, as we all know, there were delays with some of the Vietnam veterans. They encountered in some cases greater psychological stress, and they had more problems partly, I think, caused by society's unfeeling response to them.

Some of these young people, some not so young, find themselves now in school, and I should add that some of them were not able to get in school right away. Many of them who started school had, by the time they started educational programs, wives and children so they were able to go only half-time. A 4-year program would thus take 8 years.

What that would mean is that if a veteran, because of the various factors with which we are all familiar, did not decide to go to school for 3 or 4 years and then found himself in a program that was a half-time program and it was going to take 8 years, some veterans who are now in school have found, as that 10-year delimiting date approaches, that they are still in school, they have been working hard, they have been meeting the requirements of the program, and they find themselves unable to continue because the benefits have lapsed.

I notice, for instance, in a study prepared for the Veterans' Administration pursuant to Public Law 95-202 that was submitted to the Committee on Veterans' Affairs, that on page xlviii, they specifically recommend extending the period of eligibility for educational and training benefits.

I would like to ask the chairman of the Committee on Veterans' Affairs if he thinks that we could inquire into this and do something for those young people, particularly those who have in good faith started their educational programs already, so we are not talking about an open-ended thing, and find that in various circumstances they are going to be cut off in the middle of their educational program.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for bringing up this issue, I also want to thank the gentleman for his cooperation. I know he was thinking about offering an amendment, and he said he would not offer the amendment. I gave the gentleman the assurance earlier, and I give it now to him in the House well, that I think the gentleman has an interesting point that we should have hearings on in the Committee on Veterans' Affairs, the Oversight Committee which I chair, to look into the matter and see how many veterans are in school now that would be cut off by this delimiting date and to find out how many there are, what the cost of the program would be, and I would ask the gentleman to testify before our subcommittee pertaining to this important point that he brings up.

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Mr. FRANK. Mr. Chairman, will the gentleman yield further?

Mr. MONTGOMERY. I certainly will.

Mr. FRANK. I appreciate the gentleman's remarks. As he knows, I had thought about offering an amendment because I feel very strongly that these people that start a program and are working at it and were not just doing it for lack of anything else to do, but find themselves faced with this potential cutoff, that they do deserve our help.

I am encouraged by what the gentleman says. We are not talking about vast amounts of money. We are not talking about an open ended invitation.

I would hope we would confine this to people who had already begun a program. I would hope if it turns out to be a moderate amount of money, we would be able to continue some of these young people at school. I think the last thing some of the Vietnam veterans need is the bitterness that might come if they finally decided what they wanted to do, got themselves organized, were working, going to school, supporting a wife and family and then with a year or a year and a half or two to go in the program, find themselves thrown out.

I thank the gentleman. I know that is something we would all like to avoid.

Mr. MONTGOMERY. I thank the gentleman. We will do what we talked about here in the well today.

AMENDMENT OFFERED BY MR. ROTH

Mr. ROTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROTH: At the end of title V page 61 after line 13 add the following new section:

AUTHORITY TO TERMINATE SERVICES OF PERSONNEL SIGNING DEFENSE CONTRACTS THAT RESULT IN EXCESSIVE COST OVERRUNS

SEC. . Notwithstanding any other provision of law, the Secretary of a military department may terminate the commission of an officer of the Armed Forces under the jurisdiction of the Secretary who signs a defense contract that results in an excessive cost overrun, as determined under regulations prescribed by the Secretary of Defense.

Mr. ROTH. Mr. Chairman, we have made some progress this afternoon with the Nichols and the Bedell amendments. It is about time. For years the Government's cost overruns have been a national scandal. To correct the problem some progress has been made. But, quite frankly, much remains to be done.

While we have hit around the nail with our $435 hammer, we have not hit the nail on the head. For years the gouging has been going on and nothing has happened. The taxpayers of our country are demanding that some action be taken.

The Grace Commission, who we all give verbal assent to, has mentioned that with the proper legislation we could save $9.3 billion.

The amendment that I have introduced, I am convinced will address this problem. This amendment places an onus, a responsibility on a particular person, that is, a procurement officer.

There are people in our Government who have had enough courage to report the fleecing of the American taxpayer, yet no action has been taken. The courageous person who has gumption and a gnawing conscience is fired. The unscrupulous contractor is awarded with more and more contracts and the military procurement officer is rewarded with a promotion. This is basically the history of the procurement connection in our Government.

A case in point: In the late 1960's, Mr. Anderson, DOD, reported the fleecing of the American taxpayers of a $2 billion cost overrun on the C-5A air transport. Mr. Anderson told of horrendous cost overruns on the C-5A, the Minuteman and the F-111. For his integrity, Mr. Anderson was terminated from his position, but the procurement officer kept his position and the defense contractor was awarded more and more contracts and the American taxpayer kept paying and paying and paying.

Recently, another gentleman, Mr. Spanton, reported that the Defense Department auditors are rewarded for timidity and punished for exposing waste and fraud. The testimony came after Mr. Spanton exposed the Department for cost overruns of some $50 billion in labor costs and in numerous other programs.

It is time for this Congress, I believe, to exercise its responsibility and in that way keep faith with the American taxpayer.

A master sergeant at Tinker Air Force Base exposed cost overruns related to spare parts. This sergeant complained to his superiors about the $9,100 allen wrench the Air Force was purchasing. This incident led to a public outcry and each and every one of us have experienced this through our constituent mail and have heard about it from visits back home to our districts.

Clearly, something must be done. I think the onus and the burden to guard against these overruns must be placed on the person signing the contract. Merely to pass laws without teeth is not going to solve the problem. This House must remedy the gross misuse of procurement discretion by mandating to the military procurement officer a decree that he or she begin to perform their duties in a responsible way.

We cannot tolerate anything less.

My amendment gives the Secretaries of the Army, Navy, and Air Force, the authority to terminate the commission of any officer who signs a contract that results in excessive cost overruns.

This is a must if the procurement reform is to have any meaning. To destroy a poisonous plant, you do not pick off a leaf. You strike at the root. Today we can strike at the root of the procurement problem. To do any less would be merely to blow public relations smoke and allow the problem to fester. Subsequently, no relief to the taxpayer. In private enterprise, the purchasing agent would be fired. Why do we do any less when we are using the taxpayers' dollars?

When a close examination of the DOD procurement policy is taken, one begins to realize that much of the buying of goods and services is not done on the basis of analytical review, but rather out of convenience. I mean to say by taking the easy way out. It is much more convenient for a procurement officer to lean back in his or her chair and just rubberstamp a contract, rather than to give it a careful reading and to give it a careful review.

I was shocked, but only mildly so, when a person who was helping me do some research was told by a procurement officer, and I quote, "Well, if everyone who has to sign a contract had to review that contract, we would get nothing done up here."

We clearly cannot condone this type of conduct. The taxpayers of America have placed their trust and confidence in us and I think we must return that trust and confidence by passing legislation that is meaningful and has teeth in it.

This amendment in my opinion is really a Department of Defense amendment.

Abraham Lincoln said that with public opinion you can do everything. Without public opinion, you can do nothing.

The American public is not going to tolerate $300 billion defense budgets when we have cost overruns like those recited during the debate on this bill. We must meaningfully address this issue, it has been ignored too long. That is why it is imperative for us to tell the American taxpayers that we are concerned; that we are going to address the problem in a substantive manner. Just to give lip service, to blow a lot of smoke, is not going to solve the problem. This amendment is a must if the American people are going to continue to support the defense spending at its present level. I cannot overemphasize to the Members of this House, that this is a very serious problem and we must address it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. ROTH was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from Maryland.

Mr. MITCHELL. Mr. Chairman, I rise in support of the amendment. I can see everybody in the room looking and saying, "What does Mitchell know about the military and all that procurement?"

Well, I do. For more than 2 years I served on the Joint Defense Production Committee with the Senate and one of the great tragedies was that when good public servants came in and blew the whistle, they were the ones who were punished, they were the ones who were demoted. They were the ones who were put on the side and the guy who did the damage got promoted, or at least he was not punished in any way.

The gentleman's amendment makes good sense. Three years on that committee was a horrendous experience for me to see the honest, good people come forth and say, "This is what is going wrong," and they were the ones who were the victims of the punishment.

I frankly think the committee ought just to accept this amendment. It is logical. It makes good sense and I thank the gentleman for yielding.

Mr. ROTH. Mr. Chairman, I thank the gentleman from Maryland for his astute remarks.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me say that I admire the gentleman very much who offers the amendment and I certainly support the purpose for which he offered the amendment.

I think he is seeking to address some wrongs that need to be righted. The problem is, however, he is shooting the wrong guy. If you will read the amendment, and this is the important part, you get the wrong fellow with the punishment meted out here. The gentleman's amendment would terminate the commission of an officer of the Armed Forces who signs a defense contract that results in excessive cost overruns.

Well, we will get into the semantics later of what is an excessive cost overrun, but the fact is, Mr. Chairman, and I do not think most people that are not familiar with Government contracting realize this, the amendment does not attack the root cause of cost overruns and unfairly penalizes those who are not responsible for the management of the contract.

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The average major weapons system takes about 12 years from conception to the first IOC or initial operation capability, 12 years. The individual who signs the contract is usually the purchasing contracting officer or the PCO. He does not have anything to do with the managing of the contract or the managing of the production or the oversight. He is a functionary who is a contracting officer, that when all of the legal beagles get together, and they finally negotiate the contract, he is the one who is in a position to sign it as representing the Government.

He is not the program manager. The program manager has the responsibility for the oversight of the total program. He might in turn, if he does not turn out to be competent, be replaced and somebody else brought in as program manager. This happens a number of times over a 12-year plan or production program, and sometimes they could run 20 years, and any number of people could come in and try to address the problem.

So to say that the guy that signs the contract is going to get fired because the fellow who manages the program does not do a good job is attacking the problem from the wrong direction. The PCO is a contract specialist and usually works for the program manager but the program manager has overall responsibility for the cost, schedule, and performance control during the weapons system development and production.

However, the program manager does not sign the contract. He has the responsibility, but he does not sign the contract.

A previous speaker alluded to the C-5A. That is a great example.

The C-5A had a $2 billion overrun. Everybody denied it initially. A fellow named Ernie Fitzgerald blew the whistle. I have looked into it. Lockheed built the C-5A while Harold Brown was the Secretary of the Air Force at the time. They signed the contract, and they subsequently denied there was an overrun. Mr. Fitzgerald said there was and it finally came out he was correct.

Do you know that the only fellow that was penalized in the entire system, either from Lockheed or the Department of Defense, was Ernie Fitzgerald, who blew the whistle?

This is wrong. He was ultimately restored, and is still working for the Department of Defense now.

But this is the type of thing that I think the amendment is trying to address, but it just does not do the job because you are penalizing the wrong person.

The contracting officer is a functionary. He signs a contract on behalf of the Government, on the part of the Department of Defense, after the Department of Defense has studied the matter and there is agreement that, this is the way to proceed.

Then the Department designates a program manager who has contract responsibility. If he has not done his or her job and if there is an overrun, then he or she is not the one being penalized. Under the proposed amendment it is the poor guy that signed the contract who is penalized. He or she might be out in Albuquerque or have been transferred to Seattle. He has nothing to do with it.

So I am in sympathy with what the gentleman is trying to do. But I am saying this is the wrong way to go about it and I would certainly hope that we would vote this amendment down.

Mr. STRATTON. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. STRATTON. I think the gentleman has made a very good point. Actually, military contracts within the Defense Department are not the only ones that have overruns.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(On request of Mr. STRATTON and by unanimous consent, Mr. DICKINSON was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. For example, in my State of New York, in the administration of Governor Rockefeller, they constructed the great extravaganza called the South Mall. Governor Rockefeller indicated that the mall was only going to cost a few hundred thousand dollars. When it was completed, it cost over $1 billion.

Under the gentleman's amendment, perhaps we should have taken the Governors' job away from him. But the auditors probably were more at fault, as the gentleman has pointed out, than the individual who actually signed the contract.

Mr. DICKINSON. The same would hold true for the Rayburn Building.

That was built with a tremendous cost overrun. Who are you going to fire there?

The FBI building is the highest cost per foot of any Government building ever built with tremendous overruns, and the person that signed the contract did not have anything to do with it. So I think it would be unfair.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am pleased to yield to my colleague from Indiana.

Mr. HILLIS. I, too, rise and join with my colleague in opposing the amendment, although I certainly, as my colleague said, salute the intentions of the proponent of the amendment.

I think the current situation ought to be discussed for a minute because, as I understand it, military officers are statutorily accountable for the performance of their duties. Chapter 47 of title 10 authorizes dismissal for dereliction of duty. Chapter 60 of title 10 authorizes discharge for substandard performance on duty.

So there are steps that can be taken right now to deal with offending contracting officers.

Mr. DICKINSON. The gentleman is correct.

Mr. HILLIS. The other point I wanted to make, this amendment sounds of absolute liability. There would not be any measure or taking into account outside circumstances that might produce an overrun, such as the oil crisis or any other phenomena.

I wonder if there is any requirement of some connection between the overrun and the conduct of the contracting officer?

Mr. DICKINSON. No, not in the amendment. It does not say that. It makes no difference whether it is something out of his control, as you say, such as the oil shortage, or whatever. It just makes him the absolute insurer of something he has no control over, does not manage, is not responsible for, and you are just shooting at the wrong guy.

Mr. HILLIS. Also I would like to make one final comment or question. In essence it appears to me the measure would require the contracting officer to personally warrant the costs and therefore he is going to see to it that there is not going to be any overrun: the price will be high enough so that unknown contingencies will be covered and allowed for to begin with; is that not a correct assumption?

Mr. DICKINSON. According to the language of the amendment. It is unworkable, but it is commendable in its intent and purpose. This just cannot work.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

It seems to me we have had a lot of confusion thrown into the process here in the last few moments. My understanding of the amendment, and I thought the amendment was pretty clear, is that first of all it is a discretionary authority for the Secretary under regulations prescribed by the Secretary of Defense, so that all of this talk about the fact that somehow it could be applied irresponsibly just does not fit with the language of the amendment.

Second, it seems to me all it is saying is that if someone acts irresponsibly with taxpayer money that the secretaries of the various departments can fire that person.

If we have a contracting officer out there signing contracts that say we are going to pay $435 for a hammer, or $9,100 for an allen wrench, or this kind of thing, they are signing those contracts, and it has nothing to do with the playing out of the contract, the cost overrun later on. I think as taxpayers and supposedly stewards of the taxpayers we ought to at least require that those people who are signing these contracts are signing contracts where they know what is in it and are signing responsible contracts.

That is all the gentleman is asking for. And if, along the line, somebody signs an irresponsible contract that spends the taxpayers' money in a wrongful way, than the secretary ought to have a chance to get rid of that person as quickly as possible.

It looks to me as though that is all the gentleman is trying to do, and that seems to me to be very sensible, regardless of all of the smoke blown on other things.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Wisconsin.

Mr. ROTH. I appreciate the gentleman yielding. You have analyzed the amendment correctly.

If I can just quote from the amendment: "The Secretary may terminate." It does not say the Secretary shall terminate.

We can readily see why we have cost overruns year after year after year. Why? When someone comes to the floor with an amendment that has some teeth in it, that is, provisions that are going to correct the problem, then we hear the status quo proponents clamor your amendment is going in the wrong direction or this person is just a functionary. The result is always either pap or do nothing.

What surprises me is that we have people at the Pentagon signing contracts with no responsibility for their actions and the Armed Services Committee allows this irresponsibility to go on year after year after year. I would think that that committee would long ago have made the proper correction.

The opponents tell us we have sympathy for your amendment; that is all; that is what the taxpayers have been getting, sympathy. But let me tell this House, the American public is in an uproar over our Federal deficits. They are very upset with what we are spending on the military and public opinion is not going to continue to support $305 billion for the Pentagon. The people that are in favor of defense spending, like I am in many instances, because we need a strong defense, are not going to continue to support DOD legislation unless the cost overruns are addressed forthrightly and honestly.

Every survey in this country, every survey says that the American people are of the opinion we are spending too much on the military. Public opinion I think has been incensed by the waste in DOD spending.

The bottom line is when someone signs a contract, that person should be responsible.

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In private enterprise, when I signed the contract, I was responsible. Do you mean to tell me we have people in Government that sign contracts and are not responsible? If that is the case, we had better change the situation. I think one does not have to be a soothsayer to see what is coming. The American people are demanding that before we spend another cent for increase in defense spending, we make the proper corrections. I think American public opinion is right.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman and I think the gentleman makes the point clearly as to why the American public is outraged. In most jobs across this country, if in fact you are in a position where you have to take responsibility for signing something, you are in fact held responsible by your employer.

All your amendment, it seems to me, says is that the Federal Government, as the employer of the people who are signing contracts on their behalf, should hold those people responsible.

I yield back the balance of my time.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me address an important, a very, very important aspect of this amendment and this problem.

One is that we have to be very careful about the kind of amendments and the kind of changes that we bring to the procurement processes. To a very, very great extent the problems that we have in the procurement processes are problems created by ad hoc changes brought about by previous scandals.

So we see something wrong, we move to make the necessary correction, and it turns out that the correction which seems so simple and seems so obvious at the time actually makes the situation worse.

I think there is a real danger with this amendment along that line.

If you say to those contracting officers, at any time that there is a cost overrun on your contract you are going to lose your job, what does that signal to the contracting officer? The contracting officer, as the gentleman from Alabama has pointed out, does not really control all of the factors as to how this thing comes in under cost. He cannot control whether there is inflation; he cannot control whether there is a strike; he cannot control other factors that influence it.

He can control some. He leaves the job, other people come in and take over the contract, managing the contract. He has left for another job and somebody else is left managing the contract, but he is somehow held responsible.

What signal are we sending to that guy? What we are saying to him is: "Be sure you get that price high enough so there is no cost overrun." A cost overrun can only occur if it is higher than the contract signed. "Add a good fat percentage to whatever you know is going to be the real price and there will not be a cost overrun."

Mr. ROTH. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. ASPIN. I would be happy to yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman from Wisconsin for yielding.

In the case of a procurement officer, and I am not on your committee, it would seem to me commonsense would dictate that if a light bulb is costing $435 or the allen wrench that the gentleman from Texas talked about is costing $9,100, or the $1.35 plastic cap inventoried at $1,200, that a cost, flagrant cost overrun is occurring.

Mr. ASPIN. If the gentleman would yield.

Mr. ROTH. If I can just finish my question.

It would seem to me that the gentleman could very easily see there are some problems here. And this is not a new problem. You see if there were a problem——

Mr. ASPIN. Let me take back the time before the gentleman goes into his speech about the problem, because we all agree about the speech or about the problem. The question is what do you do about the problem? And what you are doing here is you are saying that the contracting officer, the person who signs the contract—remember, we are not talking about the allen wrenches case here; we are talking about the person who signs the contract for the F-15, the C-5A, or some of these big procurement items; it is not the allen wrench problem.

We were dealing with the allen wrench with the Nicholas amendment, with the Dellums amendment to the Nichols amendment; what we are dealing with here is the contracts, the contracts signed by the people who are managing the program.

Now they sign the contract on the big ticket items, for the F-15, the C-5, F-14, or whatever. The incentive for those people is to make sure there is no cost overruns by making sure that the price of the things is so high in the first place that there cannot be a cost overrun.

Mr. ROTH. Mr Chairman, will the gentleman yield?

Mr. ASPIN. Be happy to.

Mr. ROTH. Thank you.

You will notice the amendment says that the Secretary may terminate, the amendment does not say shall. The other point is this, in all due deference, this problem is not a new problem, we have had this problem for years.

Mr. ASPIN. I understand it is not a new-type problem, but the gentleman is not correcting it with his amendment. Let us talk about the amendment, let us not talk about the problem. We will stipulate the problem. The question is, what should we do about the problem?

Now we had a debate about what we do about the problem with the Nicholas amendment and the Bedell amendment to the Nichols amendment. That is one thing we can do about it.

The question is whether threatening the contracting officer, the person who signs the contract, with a loss of his job if there is a cost overrun, whether that will really help to bring down cost overruns. I would say no.

Mr. MITCHELL. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. ASPIN. I yield to the gentleman from Maryland.

Mr. MITCHELL. I thank the gentleman from Wisconsin for yielding.

The gentleman has indicated that the contracting officer, in order to protect his job, is going to jack the price up on the contract, it may do that.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. MITCHELL and by unanimous consent, Mr. ASPIN was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL. If the gentleman would yield further, would that be irresponsible conduct on the part of that person?

Mr. ASPIN. No question.

Mr. MITCHELL. Then he is going to lose his job anyway, because it says that the Secretary has the power to deal with irresponsible performance.

Mr. ASPIN. The problem is, as the gentleman from Maryland knows, he knows more about that contract than anybody, so he is not going to say: "Aha, everybody, I jacked the price 150 percent;" he is just going to say: "This is the price," he is going to know, he is going to know that he jacked the price. You and I are not going to know.

Mr. MITCHELL. I know the mysteries and vagaries of procurement in defense. But we know what a pretty standard contract is for a fighter plane.

Mr. ASPIN. No, we do not.

Mr. MITCHELL. Do we have a general range?

Mr. ASPIN. No.

Mr. MITCHELL. If this guy jacks it up, then he is going to lose his job.

Mr. ASPIN. Sir, it does not work that way. Every time we build a new fighter plane, the cost goes up because the technology is so different and everything is different. You cannot. And pricing these things is a very, very difficult job.

I am saying that you want to create a system in the procurement system, you want to create incentives for people to behave in the way in which you would want them to behave. In other words, you wanted to create incentives.

I am not arguing with the problem; I am not arguing with the need to do things. I am just arguing that this particular approach creates the wrong incentives rather than the right incentives.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. Happy to.

Mr. MITCHELL. I am not arguing the problem. The problem has been very clearly stated succinctly, over and over again.

Mr. ASPIN. We can stipulate the problem.

Mr. MITCHELL. I am saying one way to address this issue is by the gentleman's amendment.

Mr. ASPIN. No.

Mr. MITCHELL. There is no doubt, there should not be any doubt in anyone's mind, that we have had contracting officers sign off on contracts with full knowledge that down the line there is going to be a cost overrun, that is no great secret.

And the way to deal with it is to nail that guy's hide to the wall. I thank the gentleman for yielding, but the gentleman just cannot persuade me on this one.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. Roth and by unanimous consent, Mr. Aspin was allowed to proceed for 1 additional minute.)

Mr. ROTH. If the gentleman from Wisconsin will yield, the question I wanted to ask and I appreciate the gentleman letting me follow up, is that if the gentleman does not like this amendment, being that this is not a new problem, it has been with us for years and it is incumbent we do something; either I would ask the gentleman to support this amendment or come in with an amendment that is going to solve the problem.

There is no pride of authorship in this amendment. You come with an amendment that solves the problem, that is all I ask.

Mr. ASPIN. Let me ask if the gentleman will withdraw his amendment and let me see if I can work out something in the meantime and see if we cannot come up with an amendment, because I think there is a possibility that we might be able to come up with something that would put the monkey on the right people's back.

Mr. ROTH. No, I would not like to withdraw my amendment. The gentleman has been on the committee for a number of years. Always we hear the same scenario: "Yes, we have sympathy for the amendment, but we can't put the responsibility on this person." It is always this, that, or the other thing. We never address the problem. The House always dances around the problem.

Mr. ASPIN. I am trying to help the gentleman and tell him that I think there is a possibility of writing an amendment that would be useful and that would do the right thing.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. Aspin was allowed to proceed for 1 additional minute.)

Mr. ASPIN. I think that there is a possibility of writing an amendment that would do something in this area, that would build in the right incentives, that would create the right incentives to put the onus on the people responsible for the programs and make something of it, make some kind of a language that their future promotions and others would be dependent upon how well they manage these programs; because it is not just the person who signs the contract, it is the person who manages the contract after that person moves on and other people are in.

The gentleman is on the verge of an amendment that might make some sense. I do not think that this amendment builds in the right incentives and I am trying to be accommodating and help the gentleman with his amendment.

Mr. ROTH. I appreciate that. I thank the gentleman for yielding.

☐ 2000

PARLIAMENTARY INQUIRY

Mr. MITCHELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MITCHELL. Mr. Chairman, we are trying to arrive at an accommodation, and the gentleman from Wisconsin has said, "Oh, no, I am not telling you to withdraw your amendment."

The gentleman has said that if you can come up with something, maybe we can get ourselves together. Will there be another opportunity for such an amendment to be offered under this bill?

The CHAIRMAN pro tempore. The Chair cannot respond to a hypothetical question.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that before we vote, we ought not to overlook the fact that the Armed Services Committee Procurement Subcommittee, under the leadership of the gentleman from Oklahoma (Mr. McCurdy), came up 2 years ago with a detailed series of proposals and another series of proposals from the other body. The Senator from Georgia, Senator Nunn, came up with several very helpful guidelines to prevent overruns by close monitoring.

The fact of the matter is that today in our arsenal there are many fewer overruns than there were 2 or 3 years ago. I think it is unfortunate that the gentleman from Oklahoma (Mr. McCurdy) is not on the floor, because he can express this and detail it far better than I can. But there were incorporated into what were known as the Carlucci Initiatives in the Department of Defense, and the suggestion that the gentleman from Wisconsin has advanced, that the Armed Services Committee has been sitting on its duff and not doing anything year after year, is simply not true. I would refer him to the work that Mr. McCurdy did and the very elaborate report that he presented to the committee.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Roth).

The question was taken; and on a division (demanded by Mr. Roth) there were—ayes 7, noes 18.

Mr. ROTH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 2010

QUORUM CALL VACATED

The CHAIRMAN pro tempore (Mr. Durbin). One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

Mr. ROTH. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ROTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with my colleague, the gentleman from Wisconsin.

I have withdrawn this amendment with the understanding that we are going to draft an amendment which will be palatable to all, and this amendment is going to be debated and voted on before this bill receives its final vote.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I would be happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, The gentleman is absolutely correct. We are going to work on an amendment and see if we can come up with a better drafted amendment that I think will do what the gentleman wants it to do and will be a better amendment and will have the right incentives in it.

Mr. ROTH. I thank the gentleman.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: Page 131, line 5, insert "(a)" after "SEC. 801."

Page 131, after line 8, insert the following new subsection:

(b) None of the funds appropriated pursuant to the authorization of appropriations in subsection (a) may be used for civil defense programs to prepare for, or respond to, nuclear war.

Mr. OTTINGER. Mr. Chairman, this amendment strikes at what I think is one of the most pernicious innovations of the Reagan administration, and that is its defense guidance policy to prepare to fight and survive a nuclear war. What this amendment seeks to do is to strike the use of funds in the civil defense program to prepare for or respond to such a nuclear war.

Two years ago the Reagan administration introduced such a civil defense program. At that time, the estimated cost of such a program was $4.2 billion, although some estimates put the final cost closer to $10 billion. The plan was typified by ludicrous predictions from T.K. Jones, the Deputy Under Secretary of Defense, that "Everybody is going to make it if there are enough shovels to go around. Just dig a hole, cover it with a couple of doors, and then throw 3 feet of dirt on top. It is the dirt that does it."

Although the public furor over such an inane reasoning has died down, the administration's program unfortunately is in place, and despite the overwhelming evidence that no one can win or survive a nuclear war, title VIII of this bill authorizes $190 million for fiscal year 1985 civil defense to prepare to do just that.

My amendment would prohibit the use of appropriated funds for programs designed to respond to nuclear attack, while leaving in place the legitimate functions of the civil defense programs against national emergencies, against even nuclear terrorist kinds of attacks. It is dangerous and misguided policy to spend millions on the false hope that we can survive a catastrophe which every ounce of our energy should be used to prevent.

President Reagan's civil defense proposal is a natural complement to the nuclear war-fighting strategy of the United States.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I would be glad to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to ask one question, and that is: Does the Soviet Union have a very extensive civil defense program underway right now?

Mr. OTTINGER. It does, and as Paul Warnke, our former head of the Arms Control and Disarmament Agency pointed out, just because they are stupid does not mean that we have to be stupid. Just because they waste money does not mean that we have to waste money. I think that adequately answers the Soviet expenditure. I think it is just as ridiculous for them as it is for us.

As I said, Reagan's defense proposal is a natural complement to the nuclear war-fighting strategy of the United States. It completely rejects the possibility that a nuclear war could result in the mutual destruction of both societies, not to mention the probable destruction of most life on Earth.

The recent findings of Dr. Carl Sagan and his colleagues, outlined in the so-called TAPPS report, indicate that probable climatic and environmental effects of even a limited nuclear attack would be so devastating that human life could not be supported for years after the attack.

□ 2020

And indeed, if we take a look at what happened at the Bikini Atoll, which was the subject of our nuclear experiments, we find that island atoll has been uninhabitable for the last 25 years, and it is estimated to continue to be uninhabitable for the foreseeable future.

The fact of the matter is, as far as the scientists can tell us, that after a nuclear attack, the atmosphere would be radically changed; sunlight would not be able to penetrate the spreading cloud of dust and particles; the temperature of the Earth would fall several degrees, preventing the production of basic food supplies; the air would be permeated with toxic gases from burning cities; insects and disease would proliferate with limited or nonexistent medical treatment.

There are those who argue that because the Russians do it, as the gentleman just indicated, so must we. According to a report published in 1978 by the CIA, the Soviet civil defense program has an extensive one.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from New York (Mr. OTTINGER) has expired.

(By unanimous consent, Mr. OTTINGER was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. Mr. Chairman, the administration and proponents of our upgraded civil defense program argue that in a crisis, the Soviet Union could get a jump on the United States by implementing their evacuation plans, putting our nuclear strategy somehow at a disadvantage. This "window of vulnerability" in civil defense helped spur the President's 1982 directive and serves as an argument for why we must upgrade our own civil defense plans.

As former Arms Control Director Paul Warnke stated, and as I indicated before, just because they are wasting money is not any reason for our wasting money. Adm. Noel Gayler (retired) echoed this sentiment in testimony before the Senate Foreign Relations Committee in 1982. He said,

> There is no need to match the Russians * * * they make mistakes, too * * * there are not only enough nuclear warheads for direct hits on every military target, every city or village but also for every relocations area in the United States or the U.S.S.R. Qualified Soviet observers concede that Russian civil defense is a phony, a Potemkin village.

Proponents of civil defense planning also claim we will be sacrificing necessary natural disaster programs if we cut funds for nuclear preparedness. This amendment specifically states that only funds for programs designed to prepare for or respond to nuclear war would be eliminated. I fully support the programs for natural disaster relief. Just recently, my district in Westchester was a beneficiary of these sums. I believe we should maintain a substantial commitment to this kind of relief.

The civil defense program should be organized to provide disaster relief—alone. To justify the expenditure of millions of dollars for ill-conceived nuclear war preparation by saying we need natural disaster programs is sheer sophistry.

I urge my colleagues to ask themselves what message they would like to send to their constituents concerning nuclear war. Should we join with the administration and tell them that nuclear war is a viable option? Do we want them to stockpile shovels and believe that, as is demonstrated in one of FEMA's training films, they can shield themselves from a nuclear blast behind a tree and then put out the firestorm with buckets of water? Do we want to vote to spend tax dollars on a plan to deliver mail to the devastated and dying after a nuclear attack?

The message we can send instead is that surviving a nuclear war is not a possibility, and so must never be faced. Instead of preparing our citizens with costly plans reflective of the 1950's cold war naivete and false hope, we can commit ourselves to arms control and the prevention of unacceptable scenarios.

By eliminating funds for nuclear preparedness, we turn the argument away from preparing for nuclear war to the more crucial business of preventing it. I urge my colleagues to support this amendment.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment basically because the amendment is unworkable. It would be in direct conflict with the policy intent of the Congress, as set forth in the Federal Civil Defense Act of 1950, as amended, to provide a system of civil defense of the protection of life and property in the United States from attack and war and from natural disasters. And in 1980 we reaffirmed this position by saying in the act that natural disasters would be covered, and also any type of attack. So we really cannot separate the two.

In the gentleman's amendment, he says that we would not spend funds for nuclear war. I might say that most of the projects we have in civil defense work together.

As to the possibility of nuclear war, when we plan for that, we also ask local and State governments to deal with tornadoes, toxic chemical releases, hurricanes, and other peacetime disasters which occur all too often. It follows that reducing the request for civil defense reduces the ability of local and State governments to save lives in peacetime disasters.

What I am saying, Mr. Chairman, is that there is no way we can separate the two. As to natural disasters and also attack, whether it is by nuclear or other types of attacks, the two work together. So the amendment is not workable.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I know the gentleman from New York (Mr. Ottinger) has good intentions in offering the amendment, but I agree with the gentleman from Mississippi that it would not be workable.

Also I think the Members might need to know that we have already reduced the civil defense from $252 million down to $190 million, and the Members would also like to know, I am sure, that this includes 58 percent of it for fiscal year 1985 that will be returned to the State and local governments, and it is inseparable under the action that the Congress has taken earlier.

It could not be separated out, so it would hurt our whole civil defense effort. So I urge the Members to vote against this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, instead of striking money, what I did was to say that the nuclear defense preparedness portion of this ought to be prohibited specifically to address the problem which the gentleman articulates. I have no desire to reduce the disaster emergency efforts of the Government. But the Department of Defense has said and indeed the Secretary of Defense in testifying has stated directly that he is trying to fight a prolonged nuclear war and he is trying to survive or identify conditions under which we can survive a nuclear war, and it is those efforts of the civil defense program that I am trying to excise.

Clearly there are some of those efforts that are being made. So that is the direction in which I have sought to go. None of the funds for disaster relief are touched. Those funds which are devoted to truly disaster relief functions would continue.

What we are saying is that no money could be used directly to try to make nuclear war credible or survivable.

Mr. MONTGOMERY. Mr. Chairman, if I may reclaim my time, I know what the gentleman is trying to do, but it does not work like that. The two are tied too closely together. We should come back and instruct the Congress by amendment to separate the two; 58 percent of the money goes to the States, and they can use it either in natural disasters or they can use it in an attack. We just cannot break up the two.

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield, that is what this amendment would require. It would require a separating out of genuine civil defense functions and this just absolutely insane function of trying to prepare for survival in a nuclear war.

Mr. MONTGOMERY. Mr. Chairman, I appreciate the gentleman's offering the amendment, but it is not workable. The gentleman should have amended another section of the law.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if I might, I would like to impose upon the gentleman from New York (Mr. Ottinger) and ask him a couple of questions during my time. I appreciate his statement that he does not believe that nuclear war is winnable and, quite frankly, I share that view.

But I am concerned that for us to not have any civil defense deterrent capability and for the Soviets to have that capability puts in the Soviets' hands and minds a temptation to perhaps exploit that differential and use it against us. I would hope that that never, never would be the case and I know that is not the gentleman's thinking, but I would like to pose a few questions to the gentleman, if I might, on this subject.

Is the gentleman aware of how much the Soviet Union spends on civil defense annually?

Mr. OTTINGER. Mr. Chairman, if the gentleman will yield, I do not have the figures handy, but I understand it is many millions of dollars. However, the statements of the Soviet leaders indicate that they do not think a nuclear war is survivable either.

Mr. KRAMER. Well, would the gentleman believe it is $3 billion that the Soviets expend? That is the figure that I have.

□ 2030

Mr. OTTINGER. I think the gentleman is in the right ball park of what they have spent in the past.

I think that it is as silly for them as it is for us, and too often we find ourselves directing our defense policy to the tune of the Soviets, which I do not think the gentleman wants to do or the committee wants to do.

Mr. KRAMER. Well, let me, if I might, would the gentleman agree that the Soviets have a significant civil defense program, would the gentleman grant us that?

Mr. OTTINGER. Yes; I would. I indicated that in my statement.

Mr. KRAMER. There are 150,000 full-time Soviet employees working compared to our 6,000.

Let me ask a question, if I might. Assume this scenario. Assume a situation, and hopefully this is only hypothetical and will never come to pass, but assume a situation in which a Soviet leader consciously makes a decision to put into place a Soviet relocation plan. This is a plan that within 4 or 5 days, much of the Soviet urban population could be moved from Soviet cities to rural areas.

Keep in mind also that it really does not matter what the actual facts are in terms of a nuclear exchange. It is what the Soviets perceive those facts to be.

If the gentleman's amendment were to pass and be adopted and the Soviet leader was putting into place a crisis relocation plan in the Soviet Union, which if completed and a nuclear exchange thus then took place with the Soviets having put into place this relocation plan and the United States having no plan and no capability whatsoever, which the gentleman's amendment would in fact require and call for, at that point if a nuclear exchange took place, experts predict that the loss ratio between the Soviets and the United States would be 10 to 1; in other words, 150 million American lives lost versus 10 million lost, which is obviously a lot of people, half of what the Soviets lost during World War II.

Given that scenario and this relocation plan being put into effect, what does an American President do?

Mr. OTTINGER. Would the gentleman yield?

Mr. KRAMER. Certainly.

Mr. OTTINGER. It is a ridiculous scenario, because obviously with the evacuation of major Soviet cities, we would be able to detect that. The Admiral that I quoted stated that we could just re-aim our bombs at wherever they relocated and have the exact same devastation that we would have had before.

Mr. KRAMER. Now, remember, 150,000 full time civil employees in the Soviet system and the gentleman admittedly agrees that the Soviets have a significant system and that the real test, the real issue for deterrence is not what in fact may or may not be the case, but what the Soviets perceive to be the case. What does an American President thus do facing a loss ratio like that? It seems to me he has only two choices.

Mr. OTTINGER. He simply remains the bombs where the people have been relocated assuming, of course, that this nuclear exchange was not over 100 kilotons so you did not create this nuclear whatever it is that destroys everything on Earth, which is the most likely scenario.

Mr. KRAMER. Well, if I might for just a minute, what I would submit to the gentleman is this. The American President under such a situation would have two miserable unenviable, absolutely in my judgment impossible choices. One would be to stop the Soviet Union before they were successfully able to implement that civil defense plan, which of course would be the unthinkable.

The second option would be to allow the Soviets to complete the implementation of that plan, sit back on our hind legs and do nothing and then face loss ratios of the type that we were talking about.

I would not want to leave it up to conjecture about re-aiming weapons that potentially may or may not threaten the Soviet Union population.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Colorado has expired.

Mr. KRAMER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. DICKINSON. Reserving the right to object, Mr. Chairman, I would just like to find out how many more people would like to speak on this amendment. We can harangue this thing until midnight. We are not even going to pass the bill. We might as well debate how many angels can dance on the head of a pin. It does not amount to—well, anyway, how many people want to speak on this?

I would like to move a time limitation.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto end in 10 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. OTTINGER. Mr. Chairman, there are at least four people who want to speak. Would the gentleman make it 15 minutes?

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. KRAMER. Mr. Chairman, in the spirit of the gentleman's motion, I ask unanimous consent for 2 additional minutes, rather than 3 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

POINT OF ORDER

Mr. MONTGOMERY. Mr. Chairman, a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. MONTGOMERY. Well, the Chair has not recognized the gentleman for 3 additional minutes, so the gentleman would come under the time that is now being allotted under the 15 minutes. That is my point.

The CHAIRMAN pro tempore. That is correct.

Is there objection to the request of the gentleman from Colorado (Mr. KRAMER) to proceed for 2 additional minutes?

There was no objection.

The CHAIRMAN pro tempore. The Chair will allocate the remaining time.

The gentleman from Colorado (Mr. KRAMER) is recognized for 2 minutes.

Mr. KRAMER. Mr. Chairman, I would submit to the gentleman from New York that what makes for stability in the world is equivalence of capability. That is what deters.

I would submit that to unilaterally give up any civil defense capability is to invite exactly what the gentleman and none of us in this room want to happen, a temptation on the part of the Soviet Union to exploit that differential. In my judgment, that is not deterrence.

Mr. Chairman, does the gentlewoman from Louisiana want me to yield to her? I yield to the gentlewoman.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman for yielding. I would hope that I would have my own time as well.

The CHAIRMAN pro tempore. The gentlewoman is on the list of those to be recognized under the 15-minute limitation. The Chair will announce after the time of the gentleman from Colorado has expired how much each Member will be allotted.

Mrs. BOGGS. I will not take the gentleman's time then. I thank the gentleman very much.

Mr. KRAMER. Mr. Chairman, I yield whatever remaining time I have to the gentleman from New York (Mr. OTTINGER) if he cares to do so.

Mr. OTTINGER. Mr. Chairman, I just think it is ludicrous, first of all, to contemplate winning a nuclear war.

Second of all, to contemplate that the Russians will evacuate their cities and we will not know about it and be able to make adjustments to our offensive posture accordingly.

The whole thing about this fighting of prolonged wars, planning to fight prolonged wars is this ludicrousness and the deception of the American people and it is part of the whole justification for accepting the huge nuclear buildup that we are engaged in that I think is creating ever greater dangers every day to the entire world.

I urge adoption of the amendment.

The CHAIRMAN pro tempore. Members requesting recognition at the time of the limitation of debate will each be recognized for 2 minutes.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent to yield my time to the gentlewoman from California (Mrs. BOXER).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. EDWARDS of Alabama. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The Chair recognizes the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. Mr. Chairman, I want to tell my colleagues about an experience that I had when I was in local government. On a nonpartisan board of supervisors in California where we had on that body three Republicans and two Democrats, and the word came down from the Federal Government, they said, "You people plan to evacuate your county because in case of nuclear war you can't stay there."

So we looked at what this would mean. We realized we would have to go to another county in the north. That county would be called a host county. It kind of sounds like a party, does it not? We all get in our cars.

As a matter of fact, the Federal Government told the local board of supervisors, "Tell your people not to bring credit cards with them when they try to get gas. Bring cash, because it will be very crowded at the gas stations."

Another big surprise. You can imagine, 200,000 people running into their cars to escape to a host country for some kind of a party.

I can tell you, Mr. Chairman, what my colleagues and I decided on a unanimous vote. We decided the only way to prepare for nuclear war is to prevent nuclear war, that to make the people believe that they can escape the radiation and the burns and the torture that they would feel would be ludicrous, so we decided, Mr. Chairman, on this bipartisan vote that instead of spending this money, we would print up a booklet and send it to each and every individual in our county, telling them to write the people in the Congress and tell the people in the Congress that we know we cannot survive a nuclear war. We do not want to plan for it because you cannot plan for it.

□ 2040

Therefore, I am very proud to be supportive of the gentleman of New York today and would urge my colleagues to cast a vote for sanity and vote for this amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, the discussions about what a nuclear war would mean seem to have escaped some of the Members of this body. It has been suggested that an all-out nuclear exchange would probably kill totally, on all sides, immediately somewhere in the vicinity of 2¼ billion people.

It has been suggested beyond that that another 2 billion plus people would be so severely hurt, injured, that they probably could not survive, given the lack of medical, hospital facilities.

It has been suggested further, and there was reference to it in the study that was agreed to earlier, that it is quite likely that even if there were a one-sided attack, given the atmospheric consequences of a nuclear attack, that all of humanity might perish, even if there was never a strike back, a return strike.

Given those facts, it seems to me that we only delude ourselves when we think that civil defense measures really provide some additional protection to our people or to anyone else. Far better it seems to me that we follow the lead of the board of supervisors that the gentlewomen from San Francisco just referred to and level with our people and tell ourselves and tell them that the only way to survive a nuclear war is not to have one.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I will not get into the nuclear war part of the issue. But I would like to repeat what I said earlier, that this Congress, by enacting, extending the 1950 Civil Defense Act, said that natural disasters would be included. We lumped the two together. We lumped the attacks on this country and natural disasters together.

There is no way you can separate them. The gentleman's amendment does not do anything. It just confuses the issue.

I would certainly hope our colleagues would vote against the amendment. It will accomplish nothing.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding. I would like to also join the gentleman in opposing this amendment.

It seems that those that would fight for the very rights of individuals seem to be giving up the right of individuals to learn of warnings, to learn how to protect themselves, and to live. I think it is rather ironic that we find ourselves in that situation.

Mr. MONTGOMERY. The two are tied in together. When you are trained for a nuclear attack you are also trained for natural disasters. You cannot separate the two.

Mr. SKELTON. And we cannot legislate this in the Soviet Union, can we?

Mr. MONTGOMERY. That is exactly right.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Chairman, I agree wholeheartedly with the people who are concerned about nuclear attacks and about the small response that we really could have perhaps in these hazards.

But I also agree with the gentleman from Mississippi. There is no way of separating the integrated emergency response system that has been very thoughtfully set up for the natural disasters, for all types of natural disasters and for manmade disasters as well.

We have a system going in a pilot program in my district and the adjacent parishes, counties where we have tried to integrate all of the programs at the State, the local, and the corporate level, the nonprofit organization level, the transportation level in order to be able to have an emergency response with communications intact, with our medical services intact, and, yes, with evacuation routes in times of hurricanes, in times of tornadoes, in times of oilspills, and of hazardous material spills and accidents. Indeed, it is an integrated system and everyone in these nine different counties, parishes has come together to work so that the people can be protected.

You cannot separate the training. You cannot separate the communications. You cannot separate the disaster relief.

So I would hope that with all its good intentions that the amendment of the gentleman from New York is defeated.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, about 3 weeks ago we had a series of tornadoes hit my hometown of Montgomergy. They wiped out about 40 homes and injured twice that many more. Only one person was killed.

This was due primarily to a system of warning that we have, sirens throughout the metropolitan area and the suburban area. These warning systems were put up under the civil defense program.

How can you separate this? I do not know. Many things are provided for under the so-called civil defense or natural disaster under FEMA. They can be used for either. You cannot separate them, as the gentleman from Mississippi has pointed out. The capabilities that exist under FEMA can be used for incoming nuclear missiles and for a tornado.

Some people on the floor would deny money to build strategic weapons. They would also deny money to build conventional weapons. And even deny money to build or dig a hole so that you could escape either one.

I think it is a shortsighted amendment and I would hope that we would vote it down.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 87, noes 301, not voting 45, as follows:

[Roll No. 191]

AYES—87

Ackerman
Albosta
AuCoin
Bates
Bedell
Beilenson
Berman
Biaggi
Bonior
Bonker
Borski
Boxer
Brown (CA)
Burton (CA)
Clarke
Clay
Collins
Conyers
Coyne
Dellums
Early
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Foglietta
Foley
Ford (MI)
Frank
Garcia
Gray
Green
Harkin
Hawkins
Hayes
Kastenmeier
Kleczka
Leach
Lehman (FL)
Leland
Levine
Lipinski
Lowry (WA)
Lundine
Markey
McHugh
McKernan
Mitchell
Moody
Nowak
Oakar
Oberstar
Obey
Ottinger
Owens
Petri
Porter
Rahall
Rangel
Reid
Roybal
Sabo
Savage
Scheuer
Schroeder
Seiberling
Shannon
Sikorski
Smith (IA)
Snowe
Solarz
Stokes
Studds
Synar
Tauke

Torres
Towns
Vento
Walgren
Waxman
Weaver
Weiss
Wheat
Wolpe
Wyden
Yates
Zschau

NOES—301

Addabbo
Akaka
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Badham
Barnes
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bosco
Boucher
Britt
Brooks
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (AL)
Emerson
English
Erdreich
Erlenborn
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Ford (TN)
Fowler
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Hatcher
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kildee
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Levin
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Olin
Ortiz
Oxley
Panetta
Pashayan
Patman
Patterson
Pease
Penny
Perkins
Pickle
Price
Pritchard
Pursell
Quillen
Ratchford
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Rudd
Russo
Sawyer
Schaefer
Schneider
Schulze
Schumer
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Swift
Tauzin
Taylor
Thomas (GA)
Torricelli
Traxler
Udall
Valentine
Vandergriff
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Winn
Wise
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—45

Alexander
Anthony
Barnard
Breaux
Bryant
Byron
Chappell
Crockett
D'Amours
Dixon
Dymally
Edgar
Edwards (OK)
Franklin
Gibbons
Gore
Gramm
Hall (OH)
Hance
Hansen (ID)
Holt
Horton
Jeffords
Kindness
Leath
Lehman (CA)
Lent
Marriott
McCurdy
Minish
Mrazek
Packard
Parris
Paul
Pepper
Sensenbrenner
Simon
Stark
Tallon
Thomas (CA)
Vander Jagt
Williams (OH)
Wilson
Wirth
Wright

□ 2100

The Clerk announced the following pair:

On this vote:

Mr. Crockett for, with Mr. Hance against.

Ms. KAPTUR and Mr. LEVIN of Michigan changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to titles V through IX?

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: At the end of title IV (page 40, after line 24) insert the following new section:

REPORT ON SAFETY IN THE ARMY

SEC. 424. Not later than the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary of the Army shall submit a report to the Committees on Armed Services of the Senate and House of Representatives describing current and planned programs related to safety of personnel in the Army. The report shall include safety involving training exercises and safety in the operation of Army equipment.

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BIAGGI. Mr. Chairman, I rise to offer what I hope to be a noncontroversial and complementary amendment to H.R. 5167. It has been discussed with the chairman and ranking minority member and I understand they have no objection. It simply calls upon the Secretary of the Army to submit a report to the Committees on Armed Services of the House and Senate describing current and planned programs related to safety of personnel in the Army.

I would point out to my colleagues that I am not seeking to impose any new responsibilities on the Secretary of the Army, but rather to have him give greater priority to issues related to safety of Army personnel in day-to-day Army operations and procedures in noncombat situations. It would serve to reempower the existing Army safety center at Fort Rucker to provide our Committees on Armed Services with information on those programs ongoing and planned that promote safety of Army personnel.

I am compelled to offer this amendment from two perspectives. The first is an ongoing concern of mine relative to safety of Army jeeps and a specific helicopter, the OH-58. The second reason for offering this amendment is in response to two columns published last week by the nationally syndicated columnist, Jack Anderson, dealing with safety in the Army. The first article which I read in the May 17 Washington Post was entitled, "Army Faulted on Death Toll From Accidents." The article began with a rather startling statistic.

> The Army has lost an entire division due to accidents during the past two decades. According to the files (described later as internal Army safety files) there have been at least 16,851 accidental deaths in the last 21 years.

The article does note that the number has decreased since the U.S. withdrawal from Vietnam, but that is to be expected since the number of accidents is more prevalent in wartime. However, the article does point to a serious, if not disturbing, number of incidents of accidents involving personnel, and caused in part by lax safety measures and procedures.

Some of the examples presented in the Anderson column:

> A September 20, 1982 accident involving a CH-47C Chinook helicopter which went down in Germany, killing 46 persons. According to the article, "The cause of the crash was a transmission failure due to faulty design. During one meeting of safety experts, a representative of the Army safety center privately said 22 cases of similar transmission failure had been reported in the previous 18 months."
>
> In October of 1983, an armored personnel carrier veered off the side of a bridge at Fort Drum, New York. One soldier was killed and two slightly injured.
>
> On March 30, 1982, high winds which were acknowledged in advance, brought death to six paratroopers and injury to 150 others during an exercise at Fort Irwin, California.

In another portion of this same article, Anderson indicated that in the first 4 months of 1983, the Army has experienced "a sharp upward trend in drowning accidents."

As I mentioned earlier, my interest and concern in this area dates back several years and includes my own inquiries into two specific items of Army equipment used by Army personnel. One of these is the OH-58 helicopter, which was the featured part of the May 18 Anderson column entitled, "Army Priorities Sending Safety Into a Tailspin." When I began to investigate the procurement history of this helicopter, I learned that it was purchased around 1972 but without any real testing to determine its capacity to perform its assigned purpose, namely, to be an observation or reconnaissance helicopter. At the time the Army purchased this helicopter from Bell Helicopter Textron, the OH-58, also known as the Kiowa, cost an average unit cost of $110,835 per helicopter. From the outset, this helicopter was plagued by design problems, most notably a loss of power in the tail rotor which renders it impossible to hover. In the words of an April 5, 1982, letter to me, the Department of the Army admitted then, "The OH-58-A does have engine power and tail rotor authority limitations which restrict its utility to that of an observation helicopter."

The May 18 Anderson column goes further and discusses the OH-58's "alarming tendency to lose power in the tail rotor while operating at low speeds and low altitudes. This is most likely to happen during takeoffs and landings. When the tail rotor's power goes, the OH-58 spins out of control and crashes." The statistics show that between the years 1980 and 1982, Army OH-58 helicopters were involved in 47 accidents, resulting in 4 deaths and 11 major injuries. Of the 47 accidents, 34 began at altitudes lower than 100 feet.

The Army as of April 1982, had 2,000 OH-58's in their inventory. Programs are ongoing to provide these helicopters with new engines and better rotor equipment. Yet, this will take until at least 1989 and the entire OH-58 fleet will not be fully phased out until the year 2000. It is imperative that more explicit safety guidelines be developed and implemented for all Army personnel who must use this helicopter.

My final area of concern relative to safety of Army personnel relates to Army jeeps. For the past several years, I have been investigating this problem, also with an eye toward safety reforms. In August 1982, when I called upon the Defense Department to make improvements, both in the design of jeeps as well as the instructions they provided to those operating said jeeps, it was done in response to accident data which I had compiled. For all branches of the military, the Defense Department reported that between the years 1979 and 1981, there were more than 2,800 accidents involving jeeps which resulted in 64 servicemen deaths and more than 1,300 injuries.

The accident rate involving Army jeeps shows dramatically that the overwhelming majority of these accidents occur in the Army. Of the 2,800 accidents, more than 2,400 were in Army Jeeps, resulting in 54 deaths and more than 1,200 injuries.

The Defense Department indicated that in their judgment, most of the accidents could be blamed on the drivers as compared to the Jeep vehicle itself. They said that more than 2,300 of the accidents involved human error.

The point I raised then and do again now, is rather than assessing blame, it should be the responsibility of the Army to take steps to prevent future accidents. If better safety instructions are needed to be given to those operating Jeeps, so be it. If better safety equipment such as roll bars, which were rejected by the Army once before, are needed to make the Jeep safer, so be it. What we cannot and should not do is accept the status quo in this area.

I hope with this amendment that we make a new commitment to the safety of our personnel who serve in the Army. We want to see this concern elevated by having the Secretary report to Congress on those programs ongoing and planned, which have as their express purpose, to promote safety for Army personnel. My amendment covers not only training exercises, but also the operation of Army equipment. The study I propose will not cost any funds beyond those authorized, but could produce a sound investment, for if we lower the accident rate in the Army, we will be saving costs associated with injuries and lost worktime. I urge support for the amendment and wish to insert into the Record the two Jack Anderson columns in their entirety, as well as articles related to my aforementioned investigation into Army Jeeps. The articles follow:

[From the Washington Post, May 18, 1984]

Army Priorities Sending Safety Into a Tailspin

(By Jack Anderson)

I've cited evidence in the past that the Army would rather spend money on fancy new hardware than on making its existing equipment safe. Hundreds of GIs have died in accidents that might have been prevented.

An example in the Army's workhorse helicopter, the venerable OH58. My associate, Donald Goldberg, has seen the Army's internal safety records on the chopper. They are disturbing. While the brass hats bicker over what to do about the OH58, accidents—often fatal—keep happening.

According to Army experts, the problem with the helicopter is that it has an alarming tendency to lose power in the tail rotor while operating at low speeds and low altitudes. This is most likely to happen during takeoffs and landings.

When the tail rotor's power goes, the OH58 spins out of control and crashes.

This fatal drawback should have been no surprise to the Army. "The marginal effectiveness of the OH58 tail rotor was documented through developmental testing prior to acceptance of the helicopter by the Army," one internal document states.

But apparently no one regarded this as a serious problem at the time.

From 1980 through 1982, the Army's OH58 choppers were involved in 47 accidents, resulting in four deaths and 11 major injuries. Of the 47 accidents 34 began at altitudes lower than 100 feet. Twenty-five of these were due to either tail rotor or engine problems.

But the brass delayed spending the several hundred million dollars that were needed to correct the problem.

Safety experts, in an "eyes only" cable, expressed dismay: "Such a delay would unnecessarily continue to expose our air crews and aircraft to a proven safety hazard."

This warning brought an "eyes only" response that cleared up the mystery, if not the problem. Allocating funds to make the OH58 safe, the cable said, would be "contrary to the aviation community's conscious decision to buy new assets at the expense of product-improving our current fleet."

In other words, the "aviation community" would rather buy new helicopters than make the old OH58s safe. If the Army stalled long enough, maybe Congress would give it money for new ones.

Understandably, this candid admission was not supposed to be spread around. The cable warned: "No reference should be made to this message in other . . . channels."

Evidently in hopes of justifying the delay in making the helicopters safe, the cable said, "A careful review of OH58 accidents . . . shows that pilot error was the primary cause 78 percent of the time. Admittedly, loss of tail rotor effectiveness was a contributing cause in 38 percent of the . . . accidents."

Blaming the pilot was easy, since the Army admits that there is little or no margin for error in the OH58. Anything short of perfection can lead to disaster. But the Pentagon Pollyannas suggested that such superhuman pilot performance was simply "a matter of training, discipline and leadership."

Instructions were wired to all commands using the OH58 that the helicopter should not be flown at less than 35 knots when at altitudes below 500 feet unless absolutely necessary.

As several commands were quick to point out, pilots were painfully aware of this.

Belatedly, the Army has embarked on a $2 billion effort to give the aging OH58s new engines, rotor systems and electronic gear. The program is to be completed in 1989. The OH58 is supposed to be phased out by the year 2000.

[From the Atlanta Constitution, Aug. 26, 1982]

Congressman Calls for Probe of Army Jeep's Safety Record

Washington.—Rep. Mario Biaggi, D-N.Y., Wednesday called for a congressional investigation into the safety of U.S. military jeeps, sayings some servicemen may have been killed as a result of faulty design.

Biaggi said a Defense Department report prepared at his request shows that between 1979 and 1981 there were more than 2,800 accidents involving jeeps used by all three branches of the military.

The report said 54 servicemen were killed and more than 1,300 people were injured in these accidents.

"A number of military experts contend the problem has resulted from jeep design, a claim supported by an Army report that says significantly more jeeps overturned (25 percent) in their accidents than the average Army motor vehicle (9 percent)," Biaggi said.

The Defense Department report said "jeep-type vehicles are designed for off the road tactical operations, but are frequently used on the road where they do not handle as well as commercial vehicles. As a consequence, jeeps are involved in significantly more overturning type accidents."

[From the Army Times, Sept. 6, 1982]

BIAGGI URGES HEARINGS ON JEEP SAFETY DESIGN

WASHINGTON.—Military jeep-type vehicles flipping over caused about 700 accidents between 1979 and 1981, Rep. Mario Biaggi (D-N.Y.) has revealed in calling for hearings into the design and operation of the vehicles.

Bob Blancato, an aide to Biaggi, said a report Defense Department officials had given his office indicated there were about 2800 accidents involving jeep-type vehicles in the four DoD armed services in 1979, 1980 and 1981. The report said 25 percent of the accidents were caused by vehicles flipping over, Blancato said.

A Defense Department spokesman said the report provided to Biaggi consisted of raw data and warned that conclusions based on it could be misleading.

The DoD report blamed virtually all the accidents on driver error, Blancato said, but Biaggi believes the vehicles' design also may be at fault.

In the Army alone, 1900 jeep-type accidents resulted in 54 deaths and 1300 injuries during the three years, the report said. Blancato said some of the injuries involve permanent paralysis.

Blancato said some current and former service members told Biaggi's office that jeep-type vehicles flipped over while they were driven around obstacles. Biaggi became interested in the problem when a constituent who is a member of the National Guard contacted the congressman's staff.

[From the New York News, Sept. 28, 1984]

UNSAFE JEEP: ARMY KNEW IT

(By Joseph Volz)

WASHINGTON.—Army officials discovered that the Jeep was unsafe six years ago but decided against installing roll bars and seat belts because that would "interfere with the combat mission" of the vehicle, the Daily News learned yesterday.

Rep. Mario Biaggi (D-Bronx), a consistent critic of the Jeep, said that partly as a result of that 1976 decision 54 soldiers have been killed and 1,222 have been injured in the Army alone in the last three years. Defense Department officials say that in as many as one third of the accidents the Jeeps flipped over, mainly because of design problems.

A new Defense Department report, obtained by The News, disclosed that Army officials also rejected installing roll bars and seat belts because "excess difficulties would have been encountered with the body construction of the Jeep."

The unpublished report said that "major modification" of the Jeep would have been needed to make the vehicle safer, and since the vehicle was supposed to have a life span of only eight years it was thought more efficient to merely phase out the Jeep.

Yet the new Army vehicle, the HMMWV (for High Mobility Multi-Purpose Wheeled Vehicle), which will be bought in the mid-1980s and is supposed to succeed the Jeep, will take a decade to phase in. Meantime, the unsafe Jeeps just keep rolling along.

Army officials contend that "corrective" measures have been taken to meet the problem by improving driver selection and testing. But they do concede that the Jeep was "erroneously expected to operate as if it were a commercial vehicle. The high undercarriage and short wheelbase were design features for cross-country mobility and made the Jeep susceptible to rollover during abrupt steering."

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the chairman of the committee, the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, I thank the gentleman for yielding.

I have had an opportunity to examine the amendment, and I have discussed it with other Members on this side who have examined the gentleman's amendment. I certainly see no objection to it and would accept such an amendment.

Mr. BIAGGI. I thank the committee chairman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment. While I feel it might be a little vague and not as specific as the gentleman might desire, there is certainly nothing wrong with the amendment. We certainly accept it on this side.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The amendment was agreed to.

The CHAIRMAN. Are there any further amendments to titles V through IX?

If not, the Clerk will designate title X.

The text of title X is as follows:

TITLE X—GENERAL PROVISIONS

TRANSFER AUTHORITY

SEC. 1001. (a)(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

(d) Transfers between paragraphs of a subsection of section 301 may be made without regard to the requirements of this section.

REVISION OF REQUIREMENTS FOR SELECTED ACQUISITION REPORTS AND UNIT COST REPORTS

SEC. 1002. (a) Section 139a of title 10, United States Code is amended—

(1) in subsection (a)(3)—

(A) by striking out "procurement funds appropriated" and inserting in lieu thereof "funds programmed to be available for obligation for procurement"; and

(B) by striking out "of funds appropriated" and inserting in lieu thereof "of funds programmed to be available for obligation";

(2) by inserting "and that is in excess of $2,000,000" after "dollar amount" in subsection (a)(4);

(3) in subsection (b)(2), by striking out "there has been no" and all that follows and inserting in lieu thereof "during the period since that report there has been—

"(A) less than a five percent change in total program cost; and

"(B) less than a three-month delay in any program schedule milestone shown in the Selected Acquisition Report.";

(4) in subsection (f)—

(A) by striking out "30" the first place it appears and inserting in lieu thereof "60";

(B) by striking out "30" the second place it appears and inserting in lieu thereof "45"; and

(C) by striking out the second sentence and inserting in lieu thereof the following: "A preliminary report shall be submitted for each annual Selected Acquisition Report within 30 days of the date on which the President submits the Budget to Congress."; and

(5) by adding at the end thereof the following new subsection:

"(g) The requirements of this section with respect to a major defense acquisition program shall cease to apply after 90 percent of the items to be delivered to the United States under the program (shown as the total quantity of items to be purchased under the program in the most recent Selected Acquisition Report) have been delivered or 90 percent of planned expenditures under the program have been made.".

(b)(1) Subsection (a) of section 139b of title 10, United States Code is amended by adding at the end thereof the following new paragraph:

"(4) 'Baseline Report', with respect to a unit cost report that is submitted under this section to the Secretary concerned on a major defense acquisition program, means—

"(A) the most recent unit cost report submitted under subsection (e)(2)(B)(ii) with respect to the program, if that report was submitted for the second, third, or fourth quarter of the preceding fiscal year;

"(B) if no report was submitted under subsection (e)(2)(B)(ii) with respect to the program during that three-quarter period, the most recent unit cost report submitted under subsection (e)(1) with respect to the program, if that report was submitted during that three-quarter period; and

"(C) if no report was submitted with respect to the program under subsection (e)(1) or (e)(2)(B)(ii) during that three-quarter period, the baseline Selected Acquisition Report.".

(2) Subsection (b) of such section is amended—

(A) by striking out "not more than 7 days";

(B) by inserting after the first sentence the following new sentence: "Each report for the first quarter of a fiscal year shall be submitted not more than 7 days after the date on which the President transmits the Budget to Congress for the following fiscal year, and each report for other quarters shall be submitted not more than 7 days after the end of that quarter."; and

(C) by striking out "baseline Selected Acquisition Report" in paragraph (3) and inserting in lieu thereof "Baseline Report".

(3) Clauses (A) and (B) of subsection (c)(1) of such section are amended by striking out "baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Report".

(4)(A) Paragraphs (1) and (2) of subsection (d) of such section are amended by striking out "baseline Selected Acquisition Report" and inserting in lieu thereof "Baseline Report".

(B) Paragraph (3)(B) of such subsection is amended—

(i) by striking out "additional funds may not be obligated in connection with such program" and inserting in lieu thereof "funds appropriated for military construction, for research, development, test, and evaluation, and for procurement may not be obligated for a major contract under the program"; and

(ii) by striking out "but less than 25 percent" in subclause (i).

(5) Subsection (e) of such section is amended—

(A) in paragraph (1)—

(i) by striking out "subsection (d)(3)(B)" and inserting in lieu thereof "subsection (d)(3)(B)(i)"; and

(ii) by inserting "more than" before "15 percent";

(B) in paragraph (2)—

(i) by striking out "subsection (d)(3)(B)" and inserting in lieu thereof "subsection (d)(3)(B)(ii)";

(ii) by inserting "more than" before "25 percent";

(iii) by inserting in clause (A) "and the Secretary concerned submits to Congress, before the end of the 30-day period referred to in subsection (d)(3)(B)(i), a report containing the information described in subsection (g)" after "acquisition program"; and

(iv) by striking out "such subsection" in clause (B) and inserting in lieu thereof "subsection (d)(3)(B)(ii)"; and

(C) by striking out "in the case of" in paragraph (3) and all that follows and inserting in lieu thereof "at the end of the 30-day period beginning on the date—

"(A) on which Congress receives the report of the Secretary concerned under paragraph (1) or (2)(B)(ii) with respect to that program, in the case of a determination of a more than 15 percent increase (as determined in subsection (d)); or

"(B) on which Congress has received both the report of the the Secretary concerned under paragraph (1) or (2)(B)(ii) and the certification of the Secretary of Defense under paragraph (2)(B)(i) with respect to that program, in the case of a more than 25 percent increase (as determined under subsection (d)).".

(6) Subsection (g)(1) of such section is amended—

(A) by striking out clause (I) and inserting in lieu thereof the following:

"(I) The type of the Baseline Report (under subsection (a)(4)) and the date of the Baseline Report."; and

(B) in clause (K), by inserting "and the procurement unit cost for the succeeding fiscal year expressed in constant base-year dollars and in current year dollars" after "current dollars".

(c) The amendments made by this section shall take effect on January 1, 1985, and shall apply beginning with respect to reports for the first quarter of fiscal year 1985.

LIMITATION ON THE ADVANCE PROCUREMENT OF COMPONENTS AND THE ESTABLISHMENT OF A PRODUCTION BASE FOR BINARY CHEMICAL MUNITIONS

Sec. 1003. (a) Funds appropriated pursuant to authorizations of appropriations made by this Act may not be obligated or expended for the final assembly or production of 155-millimeter binary chemical artillery projectiles, Bigeye binary chemical bombs, or any other chemical munition. Such funds may only be used for advance procurement of long-lead components for and the establishment of a production base for binary chemical munitions after the President submits to Congress in accordance with subsection (b)(2) the report of the Chemical Warfare Review Commission established under subsection (b)(1).

(b)(1) The President shall establish a bipartisan commission to be known as the "Chemical Warfare Review Commission". The Commission shall study the question of whether the United States should produce binary chemical munitions and shall report its recommendations to the President not later than January 1, 1985. In developing its recommendations, the Commission shall consider—

(A) the role of chemical munitions in meeting the established United States national security objective of eliminating or reducing the possibility of chemical warfare;

(B) the present and future adequacy of the existing United States stockpile of unitary chemical munitions;

(C) whether the chemical warfare modernization program of the Department of Defense is consistent with national security objectives; and

(D) the adequacy of current and planned funding for the chemical warfare protective program of the Department of Defense.

(2) The President shall submit to Congress the report of the Commission, together with the President's comments on the report, not later than January 1, 1985.

(c) The Secretary of Defense may not carry out the final assembly or the production of any binary chemical munition unless such assembly or production is specifically authorized by law after the date of the enactment of this Act.

IMPLEMENTATION OF CERTAIN PERSONNEL POLICIES

Sec. 1004. (a) No funds appropriated to the Department of Defense may be used to comply with the regulation of the Office of Personnel Management referred to as Basic Installment 311 of the Federal Personnel Manual (issued by the Office of Personnel Management on January 6, 1984), concerning personnel suitability, personnel security, personnel investigations, and suitability disqualification actions.

(b) For purposes of employees of the Department of Defense, the authorities assigned to the Office of Personnel Management under section 5.2(a) of Executive Order Number 10577, as amended (relating to investigation of the suitability of applicants), and the authorities assigned to the Office of Personnel Management under Executive Order Number 10450 (relating to security requirements for Government employees) shall be exercised by the Secretary of Defense.

PROHIBITION OF MANAGING CIVILIAN PERSONNEL BY END STRENGTHS

Sec. 1005. Section 140b of title 10, United States Code, is amended—

(1) by inserting "and" before "(2)",

(2) by striking out ", and (3)" and all that follows through "such fiscal year"; and

(3) by striking out the period at the end of the second sentence and inserting in lieu thereof "or any constraint or limitation (known as an 'end-strength') on the number of such personnel who may be employed on the last day of such fiscal year.".

IMPROVED READINESS AND TRAINING OF THE CIVIL AIR PATROL THROUGH PROVISION OF CERTAIN ADDITIONAL FEDERAL SERVICES

Sec. 1006. (a) Subsection (b) of section 9441 of title 10, United States Code, relating to support of the Civil Air Patrol by the Air Force, is amended—

(1) by striking out "and" at the end of clause (7);

(2) by striking out the period at the end of clause (8) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clauses:

"(9) authorize the payment of expenses of placing into serviceable condition a major item of equipment furnished to the Civil Air Patrol under clause (1);

"(10) authorize the purchase with funds appropriated to the Air Force of such major items of equipment as the Secretary considers needed by the Civil Air Patrol to carry out its missions; and

"(11) furnish articles of the Air Force uniform to Civil Air Patrol cadets without cost to such cadets.".

(b)(1) Chapter 909 of such title is amended by adding at the end thereof the following new section:

"§ 9442. Assistance by other agencies

"The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission. Any such arrangement shall be made under regulations prescribed by the Secretary of the Air Force with the approval of the Secretary of Defense and shall be subject to the agreement of the other military department or other department or agency of the United States furnishing the facilities or services.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"9442. Assistance by other agencies.".

(c) The amendments made by this section shall take effect on October 1, 1984.

CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

Sec. 1007. Title 10, United States Code, is amended as follows:

(1) Section 125(a) is amended by striking out "section 401 of title 50" and inserting in lieu thereof "section 2 of the National Security Act of 1947 (50 U.S.C. 401)".

(2) Section 138(g) is amended by inserting "(22 U.S.C. 2795 et seq.)" after "chapter 5 of the Arms Export Control Act".

(3) Section 139 is amended—

(A) by striking out "thirty" both places it appears and inserting in lieu thereof "30"; and

(B) by striking out "ninety" and inserting in lieu thereof "90".

(4) Section 175(c) is amended by inserting a comma after "Reserve Affairs".

(5) Section 191(a) is amended by striking out "such use in" and inserting in lieu thereof "such use is".

(6)(A) Section 264 is amended by striking out "Reserve components" in subsection (b) and inserting in lieu thereof "reserve components".

(B) The heading of such section is amended to read as follows:

"§ 264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves".

(C) The item relating to such section in the table of sections at the beginning of chapter 11 is amended to read as follows:

"264. Reserve affairs: designation of general or flag officer of each armed force; personnel and logistic support for Reserves.".

(7) Section 280 is amended by striking out "5597,".

(8) Section 374(a)(3) is amended by striking out "(19 U.S.C. 1202)".

(9) Section 378 is amended by striking out "prior to the enactment of this chapter" and inserting in lieu thereof "before December 1, 1981".

(10) Section 630(2) is amended by striking out "eighteen-month" and inserting in lieu thereof "18-month".

(11) Section 633 is amended by striking out "twenty-eight" and inserting in lieu thereof "28".

(12) Sections 634 and 635 are amended by striking out "thirty" and inserting in lieu thereof "30".

(13) Section 636 is amended by striking out "thirty-five" and inserting in lieu thereof "35".

(14) Section 637(a) is amended—

(A) by striking out "twenty" in paragraph (2) and inserting in lieu thereof "20"; and

(B) by striking out "twenty-four" in paragraph (3) and inserting in lieu thereof "24".

(15) Section 673c(b)(1) is amended by inserting "of this title" after "or 673b".

(16) Section 680(a)(2)(D) is amended by striking out "Reserve Officer" and inserting in lieu thereof "reserve officer".

(17) Section 701(g) is amended—

(A) by striking out "sixty-day" and inserting in lieu thereof "60-day";

(B) by striking out "ninety-day" and inserting in lieu thereof "90-day"; and

(C) by striking out "one hundred and fifty" both places it appears and inserting in lieu thereof "150".

(18)(A) Section 1034 is amended by striking out "member of Congress" and inserting in lieu thereof "Member of Congress".

(B)(i) The heading of such section is amended to read as follows:

"§ 1034. Communicating with a Member of Congress".

(ii) The item relating to such section in the table of sections at the beginning of chapter 53 is amended to read as follows:

"1034. Communicating with a Member of Congress.".

(19) Section 1035(b) is amended—

(A) by striking out "per centum" and inserting in lieu thereof "percent";

(B) by striking out "Act" and inserting in lieu thereof "subsection"; and

(C) by striking out "ninety" and inserting in lieu thereof "90".

(20) Section 1040(a) is amended by striking out "thirty" and inserting in lieu thereof "30".

(21) The heading of section 1077 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(22) Section 1079(e) is amended by striking out the period at the end of the matter preceding clause (1) and inserting in lieu thereof "as follows:".

(23) Section 1216(b) is amended by striking out "of this section".

(24) Section 1464(c) is amended by striking out "section 1466" and inserting in lieu thereof "section 1465(c)".

(25) Section 1465(c)(1) is amended by striking out "(A)".

(26) Section 1586 is amended—

(A) in subsection (b)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "of this section" after "subsection (c)"; and

(iii) by striking out "of this subsection";

(B) in subsection (c)—

(i) by striking out "thirty" and inserting in lieu thereof "30";

(ii) by striking out "ninety days" both places it appears and inserting in lieu thereof "90 days";

(iii) by striking out "ninety-day" in paragraph (5) and inserting in lieu thereof "90-day";

(iv) by striking out "of this subsection" each place it appears; and

(v) by striking out "such" in paragraph (5);

(C) by striking out "of this section" in subsections (d), (e)(1), and (g)(1); and

(D) by striking out "of this subsection" in subsection (e)(2).

(27) Section 2002(b) is amended by striking out "For the purposes of this section, the word" and inserting in lieu thereof "In this section,".

(28) The item relating to section 2003 in the table of sections at the beginning of chapter 101 is amended by striking out the semicolon and inserting in lieu thereof a colon.

(29) Section 2233 is amended—

(A) by striking out "subsection (c) of this section" in subsection (a) and inserting in lieu thereof "to subsection (c)"; and

(B) by striking out "or Territory, Puerto Rico, or the District of Columbia" both places it appears in the second sentence of subsection (b).

(30) Section 2381(c) is amended—

(A) by striking out "section 486 of title 40" and inserting in lieu thereof "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)"; and

(B) by striking out "section 481 of that title" and inserting in lieu thereof "section 201 of that Act (40 U.S.C. 481)".

(31) The heading of section 2394a is amended to read as follows:

"§ 2394a. Procurement of energy systems using renewable forms of energy".

(32) Section 2577(a)(1) is amended by striking out "puposes" and inserting in lieu thereof "purposes".

(33) Section 2668(a)(10) is amended by striking out "section 961 of title 43" and inserting in lieu thereof "the Act of March 4, 1911 (43 U.S.C. 961)".

(34) Section 2672a is amended—

(A) by designating the first sentence as subsection (a);

(B) by striking out "operation" in such sentence and inserting in lieu thereof "operational";

(C) by designating the second sentence as subsection (b); and

(D) in the fourth sentence—

(i) by striking out "provision will" and inserting in lieu thereof "section shall"; and

(ii) by striking out "Armed Services Committees" and inserting in lieu thereof "Committees on Armed Services".

(35) Section 2675(b) is amended by striking out "thirty" and inserting in lieu thereof "30".

(36) Section 2687 is amended—

(A) by inserting "(42 U.S.C. 4321 et seq.)" in subsection (b)(2) after "National Environmental Policy Act of 1969";

(B) by striking out "sixty" in subsection (b)(4) and inserting in lieu thereof "60"; and

(C) by striking out "three hundred" in subsection (d)(1)(B) and inserting in lieu thereof "300".

(37)(A) The heading of section 2734a is amended to read as follows:

"§ 2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements".

(B) The item relating to such section in the table of sections at the beginning of chapter 163 is amended to read as follows:

"2734a. Property loss; personal injury or death: incident to noncombat activities of armed forces in foreign countries; international agreements.".

(38) Section 2777(c) is amended by striking out "of this section".

(39) Section 2822(b)(3) is amended by striking out "section 2833" and inserting in lieu thereof "section 2832".

(40) Section 3579(a) is amended by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)".

(41) Section 5897(b)(5) is amended by striking out the semicolon at the end and inserting in lieu thereof a period.

(42) Section 7227(a) is amended—

(A) by striking out "routine" both places it appears and inserting in lieu thereof "Routine";

(B) by striking out "miscellaneous" and inserting in lieu thereof "Miscellaneous";

(C) by striking out the semicolons at the end of clauses (1) and (2) and inserting in lieu thereof periods; and

(D) by striking out "; and" at the end of clause (3) and inserting in lieu thereof a period.

(43) Section 7421(b) is amended by striking out "naval petroleum reserves numbered 1 and 2" and inserting in lieu thereof "Naval Petroleum Reserves Numbered 1 and 2".

(44) Section 7422(b) is amended by striking out "of this section".

(45) Sections 7426(a), 7431(b)(1), and 7431(c) are amended by inserting "of this title" after "section 7422(c)".

(46) Section 7430(l)(4) is amended by striking out "of this section" both places it appears.

(47) Section 7572(b)(1)(B) is amended by striking out "onboard" and inserting in lieu thereof "on board".

(48) Section 8851(c) is amended by striking out "of this section".

(49)(A) Sections 2127(b), 2388(c), and 6154 are amended by striking out "section 3324(a) and (b)" and inserting in lieu thereof "subsections (a) and (b) of section 3324".

(B) Section 7522(b) is amended by striking out "Section 3324(a) and (b)" and inserting in lieu thereof "Subsections (a) and (b) of section 3324".

REPORT ON STRATEGIC NUCLEAR SUBMARINE FORCE

SEC. 1008. Not later than January 19, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the survivability of the United States strategic nuclear ballistic missile submarine force. The report shall address whether there are grounds for adjusting, in short or long-range terms, strategic force plans of the United States based on any vulnerability or potential vulnerability of such force and the survivability of command, control, and communications systems with respect to submarines in such force. The report shall also examine the feasibility and desirability of enhancing the survivability of such force through measures that would affect antisubmarine warfare, including the nature of the patrols and the rules of engagement of attack submarines and the nature of the patrols and the rules of engagement of ballistic missile submarines.

ANNUAL REPORT ON STRATEGIC DEFENSE PROGRAMS

SEC. 1009. (a) The Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives, concurrently with the submission of the budget request of the Department of Defense for each fiscal year from fiscal year 1986 through 1990, a detailed report on the funding of programs constituting the Strategic Defense Initiative program of the Department of Defense, other programs of the Department of Defense relating to the strategic defense of the United States, and (with the concurrence of the Secretary of Energy) programs of the Department of Energy relating to the strategic defense of the United States. Each such report—

(1) shall set forth—

(A) the amounts obligated and expended for each such program during the previous fiscal year;

(B) the amounts expected to be obligated and expended for each such program during the fiscal year during which the report is submitted;

(C) the amounts requested to be appropriated for such programs for the fiscal year for which the budget is submitted and expected to be obligated and expended for such programs during such fiscal year; and

(D) the amounts programmed to be requested to be appropriated for the following fiscal year for such programs and expected to be expended for such programs during such fiscal year;

(2) shall include a narrative description of program objectives for each such program; and

(3) shall include detailed information on expenditures for any directed energy or laser program that could be used for destructive anti-satellite purposes.

(b) The information required to be included in a report under subsection (a) for any fiscal year shall be provided in separate budget justification books in both a classified and unclassified version.

Mr. PRICE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am aware that over 30 amendments are pending to the general provisions. In an effort to expedite proceedings of the House, I am offering a block of amendments which would have been offered separately by members of the Committee on Armed Services.

These provisions are basically noncontroversial. They involve reporting requirements, no cost adjustments to authorization levels and a provision already passed by the House. Let me briefly outline each of the provisions.

The first provision that would have been offered by the gentleman from New York (Mr. STRATTON) is a modification to the procurement authorizations which makes use of certain prior year funds recently determined to be available by the Department to fund some additional needed procurement. The additional items include training devices, ammunition, Guard and Reserve equipment, and other readiness-related items. These additions will be made with no increase in the amounts authorized in the bill.

The second provision was also to be offered by Mr. STRATTON and it provides authority for the Department to acquire petroleum in an emergency. The purpose of this provision is to provide the Secretary of Defense with the operational flexibility necessary to procure needed petroleum during periods of shortages or anticipated shortages on a competitive basis with other purchasers without causing disruption or dislocation of the marketplace.

The third provision is language of the gentleman from Alabama (Mr. NICHOLS) that incorporates the provisions of H.R. 3718 that would reorganize the Joint Chiefs of Staff. That bill has already passed the House.

The gentleman from Mississippi (Mr. MONTGOMERY) has proposed language that would authorize foreign military officers to be admitted to the military's medical school.

The gentleman from Wisconsin (Mr. ASPIN) has three provisions. The first would require a study on the necessity of buy America provisions and their relationship to U.S. industrial preparedness. A second provision would require a report on theater nuclear weapons focusing on approaches to replacing short-range delivery systems with longer range systems. The third provision would require a report to Congress on the details of the decision to withdraw some tactical nuclear weapons from Europe and how the decision will be carried out.

The gentleman from California (Mr. DELLUMS) has two provisions. The first would require a report on the feasibility of establishing an Office of Conversion in the Department of Defense to provide relief for areas in the country where weapons systems contracts are canceled. The second provision also requires an assessment of the feasibility of establishing a reporting requirement on the employment impact by area of strategic and tactical nuclear weapons systems contracts.

Another provision in this package is an initiative of the gentleman from Indiana (Mr. MCCLOSKEY) that would require a report on implementation of two recommendations by the Grace commission concerning the use of progress payments in defense procurement and enhanced use of automated data processing equipment for inventory control.

The final provision is an amendment that would have been offered by Mr. HANSEN of Utah that would allow delegation of the authority of the head of a procuring activity to approve certain sole-source contracts.

Mr. Chairman, as I have said, in my judgment, each of these provisions is essentially noncontroversial and would have been accepted by our committee. In the interest of expediting consideration of the bill today, I am offering these amendments as a package.

□ 2110

AMENDMENTS OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer amendments.

The CHAIRMAN. Does the gentleman from Illinois (Mr. PRICE) wish to offer these amendments en bloc?

Mr. PRICE. Mr. Chairman, I offer the amendments en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. PRICE: At the end of the bill add the following new sections:

MODIFICATION OF CERTAIN PROCUREMENT AUTHORIZATIONS; TRANSFER OF PRIOR YEAR FUNDS

SEC. 1010. (a)(1) The amounts authorized in section 101 to be appropriated for fiscal year 1985 for the Army are hereby adjusted as follows:

(A) The amount authorized for procurement of aircraft is reduced by $12,000,000.

(B) The amount authorized for procurement of missiles is increased by $7,000,000.

(C) The amount authorized for procurement of weapons and tracked combat vehicles is increased by $26,400,000.

(D) The amount authorized for procurement of ammunition is reduced by $31,100,000.

(E) The amount authorized for other procurement is increased by $9,700,000.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Army for fiscal year 1985 pursuant to the authorization of appropriations in section 101 (as adjusted by paragraph (1)), to the extent provided in appropriation Acts—

(A) $30,000,000 for procurement of aircraft to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Army remaining available for obligation;

(B) $13,000,000 for procurement of missiles to be derived from amounts appropriated for fiscal year 1984 for procurement of missiles for the Army remaining available for obligation;

(C) $44,000,000 for procurement of ammunition to be derived from amounts appropriated for fiscal year 1984 for procurement of ammunition for the Army remaining available for obligation; and

(D) $18,000,000 for other procurement to be derived from amounts appropriated for fiscal year 1984 for other procurement for

the Army remaining available for obligation, such amount to be in addition to the amount authorized by section 101(a)(2)(B).

(b)(1) The amounts authorized in section 102 to be appropriated for fiscal year 1985 for the Navy are hereby adjusted as follows:

(A) The amount authorized for procurement of aircraft is increased by $40,000,000.

(B) The amount authorized for procurement of weapons is increased by $5,000,000.

(C) The amount authorized for other procurement is reduced by $45,000,000.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Navy for fiscal year 1985 pursuant to the authorization of appropriations in section 102 (as adjusted by paragraph (1)), to the extent provided in appropriation Acts—

(A) $20,000,000 for procurement of aircraft to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Navy remaining available for obligation, such amount to be in addtion to the amount authorized by section 102(a)(2);

(B) $20,000,000 for procurement of weapons to be derived from amounts appropriated for fiscal year 1984 for procurement of weapons for the Navy remaining available for obligation; and

(C) $85,000,000 for other procurement to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Navy remaining available for obligation.

(c)(1) The amounts authorized in section 103 to be appropriated for fiscal year 1985 for the Air Force are hereby adjusted as follows:

(A) The amount authorized for procurement of aircraft is increased by $29,500,000.

(B) The amount authorized for procurement of missiles is reduced by $15,000,000.

(C) The amount authorized for other procurement is reduced by $14,500,000.

(2) There are hereby authorized to be transferred to, and merged with, amounts appropriated for procurement for the Air Force for fiscal year 1985 pursuant to the authorization of appropriations in section 103 (as adjusted by paragraph (1)), to the extent provided in appropriation Acts—

(A) $120,500,000 for procurement of aircraft to be derived from amounts appropriated for fiscal year 1984 for procurement of aircraft for the Air Force remaining available for obligaton, such amount to be in addition to the amount authorized by section 103(a)(2);

(B) $15,000,000 for procurement of missiles to be derived from amounts appropriated for fiscal year 1984 for procurement of missiles for the Air Force remaining available for obligation; and

(C) $14,500,000 for other procurement to be derived from amounts appropriated for fiscal year 1984 for other procurement for the Air Force remaining available for obligation.

ACQUISITION OF PETROLEUM

Sec. 1011. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2402. Acquisition of petroleum: authority to waive contract procedures

"(a) The Secretary of Defense may, for any purchase of petroleum, waive the application of any provision of law prescribing procedures to be followed in the formation of contracts, prescribing terms and condition to be included in contracts, or regulating the performance of contracts if the Secretary determines—

"(1) that petroleum market conditions have adversely affected (or will in the near future adversely affect) the acquisition of petroleum by the Department of Defense; and

"(2) the waiver will expedite or facilitate the acquisition of petroleum for Government needs.

"(b) A waiver under subsection (a) may be made with respect to a particular contract or with respect to classes of contracts. Such a waiver that is applicable to a contract for the purchase of petroleum may also be made applicable to a subcontract under that contract.

"(c) The Secretary of Defense may acquire petroleum by exchange of petroleum petroleum derivatives.

"(d) In this section, 'petroleum' means natural or synthetic crude, blends of natural or synthetic crude, and products refined or derived from natural or synthetic crude or from such blends.".

(b) The table of sections at the beginning of such section is amended by adding at the end thereof the following new item:

"2402. Acquisition of petroleum: authority to waive contract procedures.".

JOINT CHIEFS OF STAFF REORGANIZATION

Sec. 1012. (a)(1) Subsection (a) of section 124 of title 10, United States Code, is amended by striking out "shall" in clause (2).

(2) Subsection (c) of such section is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end thereof the following new paragraphs:

"(2) The national military chain of command runs from the President to the Secretary and through the Chairman of the Joint Chiefs of Staff to the combatant commands. Orders to combatant commands shall be issued by the President or the Secretary through the Chairman of the Joint Chiefs of Staff.

"(3) Subject to the authority, direction, and control of the secretary, the Chairman supervises the commanders of the combatant commands and acts as their spokesman on operational requirements.".

(b)(1) Subsection (b) of section 142 of title 10, United States Code, is amended—

(A) in clause (2)—

(i) by striking out "and assist" and inserting in lieu thereof ", assist"; and

(ii) by striking out "practicable; and" and inserting in lieu thereof "practicable, and determine when issues under consideration shall be decided;"; and

(B) by adding at the end thereof the following new clauses:

"(4) provide military advice in his own right to the President, the National Security Council, and the Secretary of Defense;

"(5) serve in the national military chain of command pursuant to section 124(c) of this title; and

"(6) serve as a member of the National Security Council.".

(2) Subsection (c) of such section is amended by inserting ", except as provided by section 124(c) of this title, over" after "or" in the second sentence.

(c)(1) Subsection (a) of section 143 of title 10, United States Code, is amended to read as follows:

"(a)(1) There is under the Joint Chiefs of Staff a Joint Staff consisting of officers selected by the Chairman of the Joint Chiefs of Staff. The Joint Staff shall be selected in approximately equal numbers from—

"(A) the Army;

"(B) the Navy and the Marine Corps; and

"(C) the Air Force.

"(2) Selection of officers of an armed force to serve on the Joint Staff shall be made by the Chairman from a list of officers submitted by that armed force. Each officer whose name is submitted shall be among those officers considered to be the most outstanding officers of that armed force. The Chairman may specify the number of officers to be included on any such list.

"(3) The tenure of the members of the Joint Staff is subject to the approval of the Chairman of the Joint Chiefs of Staff.".

(2) Subsection (b) of such section is amended by striking out the second and third sentences.

(3) Subsection (c) of such section is amended by striking out ", on behalf of the Joint Chiefs of Staff" and inserting in lieu thereof "in the performance of those duties".

(4) Subsection (d) of such section is amended by inserting "and the Chairman" after "Joint Chiefs of Staff".

(5) Such section is further amended by adding at the end thereof the following new subsections:

"(e) An officer who is assigned or detailed to duty on the Joint Staff may not serve for a tour of duty of more than four years. However, such a tour of duty may be extended with the approval of the Secretary of Defense. An officer completing a tour of duty with the Joint Staff may not be assigned or detailed to duty on the Joint Staff within two years after relief from that duty except with the approval of the Secretary. This subsection does not apply in time of war declared by Congress or in time of national emergency declared by the President.

"(f)(1) Subject to guidelines established by the Secretary of Defense, each officer serving as a chief of service or as the commander of a unified or specified command may have an opportunity to provide formal comments on any report or recommendation of the Joint Staff prepared for submittal to the Joint Chiefs of Staff before such report or recommendation is submitted to the Joint Chiefs of Staff. A copy of any such comment shall, at the discretion of the officer submitting the comment, be included as an appendix in the submittal of such report or recommendation to the Joint Chiefs of Staff. For purposes of this paragraph, the chiefs of service are the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps.

"(2) The Secretary of Defense shall ensure that the Joint Staff is independently organized and operated so that the Joint Staff, and the members of the Joint Staff, support the Chairman of the Joint Chiefs of Staff and the Joint Chiefs of Staff in meeting the congressional purpose set forth in the last clause of section 2 of the National Security Act of 1947 (50 U.S.C. 401) to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces.".

(a)(1)(A) Chapter 36 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 646. Consideration of performance as a member of the Joint Staff

"The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall ensure that officer personnel policies of the armed forces concerning promotion, retention, and assignment give appropriate consideration to the performance of an officer as a member of the Joint Staff.".

(B) The table of sections at the beginning of subchapter V of such chapter is amended by adding at the end thereof the following new item:

"646. Consideration of performance as a member of the Joint Staff.".

(2) Section 601 of such title is amended by adding at the end thereof the following new subsection:

"(d) In the case of an officer who is selected for recommendation to the President for an initial appointment to a grade above major general or rear admiral, the Chairman of the Joint Chiefs of Staff shall submit to the President, at the same time as the recommendation for such appointment is submitted, the evaluation of the Chairman of the performance of that officer as a member of the Joint Staff and in other assignments involving joint military experience.".

(E) Section 101(a)(5) of the National Security Act of 1947 (50 U.S.C. 402) is amended by striking out "the Director for Mutual Security" and inserting in lieu thereof "the Chairman of the Joint Chiefs of Staff."

AUTHORIZATION FOR PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEC. 1013. Section 2114 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) The Board, upon approval of the Secretary of Defense, may enter into agreements with foreign military medical schools for reciprocal education programs under which students at the University receive specialized military medical instruction at the foreign military medical school and military medical personnel of the country of such medical school receive specialized military medical instruction at the University. Any such agreement may be made on a reimbursable basis or a nonreimbursable basis.

"(2) Not more than 40 persons at any one time may receive instruction at the University under this subsection. Attendance of such persons at the University may not result in a decrease in the number of students enrolled in the University. Subsection (b) does not apply to students receiving instruction under this subsection.

"(3) The Dean of the University, with the approval of the Secretary of Defense, shall determine the countries from which persons may be selected to receive instruction under this subsection and the number of persons that may be selected from each country. The Dean may establish qualifications and methods of selection and shall select those persons who will be permitted to receive instruction at the University. The qualifications establishing shall be comparable to those required of United States citizens.

"(4) Each foreign country from which a student is permitted to receive instructions at the University under this subsection shall reimburse the United States for the cost of providing such instruction, unless such reimbursement is waived by the Secretary of Defense. The Secretary of Defense shall prescribe the rates for reimbursement under this paragraph.

"(5) Except as the Dean determines, a person receiving instruction at the University under this subsection is subject to the same regulations governing attendance, discipline, discharge, and dismissal as a student enrolled in the University. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection that differ from the regulations that apply to a student enrolled in the University.".

STUDY OF FOREIGN SALES AND PROCUREMENT OF DEFENSE ARTICLES

SEC. 1014. (a)(1) The Secretary of Defense, in consultation with the Secretary of Commerce, shall carry out a study to assess the adequacy of the industrial base of the United States in the event of a war or national emergency. The study shall evaluate how such industrial base is affected—

(A) by procurement by the Department of Defense of defense articles that are produced outside the United States or that are assembled from components, or fabricated from materials, produced outside the United States; and

(B) by sales by the Department of Defense or commerical manufacturers of defense articles manufactured in the United States to purchasers outside the United States.

(2) For the purposes of this section, the term "foreign-component defense article" means a defense article—

(A) that was produced outside the United States;

(B) that was assembled from over 50 percent components, or fabricated from over 50 percent materials, produced outside the United States; or

(C) that contains a major component that was produced outside the United States.

(b) The study under subsection (a) shall—

(1) identify the types and quantities of defense articles purchased by the Department of Defense that are foreign-component defense articles and the types and quantities of defenses articles manufactured in the United States for foreign sale;

(2) identify the types and quantities of defense articles that would be required during a war or national emergency and the domestic industrial base necessary to produce such articles in those quantities;

(3) assess the effects during times of peace of procurement of foreign-component defense articles, and of sales of United States-produced defense articles to foreign governments or manufacturers, on the maintenance of a domestic production base for defense articles that would be required to be produced by the United States during a time of war or a national emergency;

(4) assess the effects on the maintenance of a domestic technology base adequate for the national defense of procurement of foreign-component defense articles and of sales of defense articles to foreign governments or manufacturers; and

(5) assess the effects of restrictions on the procurement of foreign-component defense articles on the overall United States balance of trade, on the balance of trade in defense articles, on treaties currently in effect, on the budgetary cost of national defense, on existing memoranda of understanding, on United States military alliances, and on efforts to increase the rationalization, standardization, and interoperability of articles used by North Atlantic Treaty Organization forces.

(c) Restrictions to be considered for the purposes of subsection (b)(5) shall include—

(1) a prohibition on procurement of foreign-component defense articles;

(2) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source unless there is also a domestic producer of the article;

(3) a prohibition on procurement of defense articles (and major components of defense articles) from a country with which the United States has an unfavorable balance of trade in defense articles; and

(4) a prohibition on procurement of a defense article (or a major component of a defense article) from a foreign source of more than 50 percent of the total quantity of the defense article (or major component) to be procured.

(d) The study under subsection (a) shall consider circumstances and requirements under a war or national emergency of both a brief duration and a long duration.

(e) A report of the study under subsection (a) shall be submitted to the committees on Armed Services of the Senate and House of Representatives not later than March 15, 1985.

REPORT ON THEATER NUCLEAR WEAPONS AND FORCE STRUCTURE

SEC. 1015. Not later than January 19, 1985, the President shall submit to Congress a report setting forth reasons why the United States should or should not initiate a long-term program for the renovation of the North Atlantic Treaty Organization (NATO) nuclear deterrent in a manner designed to reduce pressures for early first use of tactical nuclear weapons and to substantially reduce the theater nuclear arsenal to types and numbers of weapons whose characteristics make for a more stable and credible force. The report (in addition to any other matter covered) should specifically address the following issues:

(1) Whether NATO should not eliminate its reliance on short-range battlefield nuclear weapons (such as the atomic demolition bomb and 155-millimeter and 8-inch nuclear artillery rounds), the exposure of which to early loss from enemy action promotes pressures for early use.

(2) Whether NATO should not refurbish its nuclear deterrent by designing and deploying specific dedicated nuclear launchers of a range which permits the coverage of all potential targets from locations in the rear of the European NATO territory in the territory of the Warsaw Pact short of the territory of the Soviet Union, thereby reducing pressure from enemy action for early first use of nuclear weapons.

(3) Whether NATO should not, as a consequence of a change in policy described in paragraph (2), eliminate its inventory of dual-capable nuclear/conventional weapons in order to allow early use of artillery, aircraft, and surface-to-surface missiles for conventional missions rather than causing them to be withheld for possible nuclear use.

(4) Whether NATO should not place control and operation of tactical nuclear weapons in a single specialized command established for that purpose so that all other NATO force elements could be free to concentrate on pursuing conventional military missions with maximum efficiency.

REPORT ON WITHDRAWAL OF TACTICAL NUCLEAR WARHEADS FROM EUROPE

SEC. 1016. The President shall submit a report to Congress not later than 90 days after the final decision is made (based upon the recommendations of the Supreme Allied Commander, Europe) regarding the net reduction to be made by the United States in the number of tactical nuclear warheads in the territory of North Atlantic Treaty Organization European member nations pursuant to the decision of the Nuclear Planning Group of the North Atlantic Treaty Organisation of October 17, 1983. The report shall—

(1) specify the types of warheads to be withdrawn in accordance with that decision, the number of each such warhead to be withdrawn, the schedule for the withdrawal, and the rationale for the selection of the particular warheads to be withdrawn; and

(2) any changes in force structure to be made resulting from the changes in the tactical nuclear warheads positions in Europe.

REPORT ON THE FEASIBILITY OF AN ANNUAL REPORT ON EMPLOYMENT IMPACT OF NUCLEAR PROGRAMS

SEC. 1017. The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than April 30, 1985, a report analyzing the feasibility of an annual reporting requirement on employment impact and its distribution by congressional districts of the tactical and strategic nuclear programs authorized under this Act. The report to be considered shall include the name and location, disaggregated to the congressional district level, of all contracts in excess of $5,000,000 and the type and number of jobs created, and the duration of employment for these jobs, resulting from the following programs: (1) the MX missile program; (2) the B-1 bomber program; (3) the Pershing II missile program; (4) the ground-launched, sea-launched, and air-launched cruise missile programs; (5) the Trident I missile program; (6) the Trident II missile program; and (7) the Trident submarine program; and (8) Strategic Defense Initiative Programs included in the report to be provided under section 1009.

REPORT ON THE FEASIBILITY OF CREATING OFFICE OF ECONOMIC CONVERSION IN THE DEPARTMENT OF DEFENSE

SEC. 1018. The President shall submit to the Committees on Armed Services of the Senate and House of Representatives, not later than April 30, 1985, a report indicating the feasibility of creating an Office of Conversion in the Department of Defense to provide economic readjustment assistance to communities and workers effected by the subsequent elimination of strategic and tactical nuclear weapons systems provided for under this Act. Such readjustment assistance programs would provide the means to promote orderly economic adjustment which would (1) minimize the dislocation of workers, communities, and industries, (2) encourage conversion of technologies and managerial and worker skills developed in nuclear systems production to programs which serve the civilian sector, and (3) provide economic and social service assistance to persons affected by the readjustment.

REPORT ON IMPLEMENTATION OF CERTAIN RECOMMENDATIONS OF THE GRACE COMMISSION

SEC. 1019. Not later than January 31, 1985, the Secretary of Defense shall submit a report to Congress on the implementation by the Department of Defense of the recommendations of the President's Private Sector Survey on Cost Control (commonly referred to as the "Grace Commission") concerning—

(1) the system of making progress payments to defense contractors to offset high interest rates and inflation; and

(2) modernization of automated data processing systems in order to achieve more effective control of Department of Defense supply inventories.

DELEGATION OF CERTAIN PROCUREMENT FUNCTIONS

SEC. 1020. Section 2311 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "The head of an agency"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The head of a procuring activity of an agency named in section 2303 of this title may delegate, subject to his direction, to any general or flag officer or to any civilian officer or employee not below Senior Executive Service rank any authority of the head of the procuring activity to enter into a contract (or to approve the authority to enter into a contract) that is a sole-source contract or that results from an unsolicited proposal.

"(2) Any report required to be submitted by the head of an agency to Congress concerning contracts (or negotiations for contracts) above a certain dollar threshold that are sole-source contracts or that result from unsolicited proposals and that are entered into without the approval of certain officials of the procuring activity concerned need not specify a contract or negotiation above the stated amount if the head of the procuring activity, his deputy, or a person to whom authority was delegated under paragraph (1) approved the authority to enter into the contract.".

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Does the gentleman from Illinois (Mr. PRICE) wish 5 minutes now to speak on the amendments?

Mr. PRICE. No, Mr. Chairman.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I might have the attention of the Members, in an effort to expedite the proceedings this evening, the chairman has agreed, and we have consulted, to submit the amendments as just offered because they are not controversial, so far as we know. I think it would be in the best interest of the House to expedite the proceedings by adopting those that have just been offered.

Let me point out for the edification of the Members that there are 10 titles in the bill. We have finished the first nine. We are in the last title of the bill now, which is general provisions. It is anticipated that there will be an additional amendment dealing with the prohibition of the MX. There are some other not too controversial amendments.

I mention that to point out that if we do not prolong the proceedings this evening and have protracted debate it is quite likely that we can conclude deliberations on this bill by 11 o'clock, the announced hour; so I thought the Members might be interested in knowing that this is the last title. It is possible to see the light at the end of the tunnel. I would hope that the membership would go along with the recommendation of the chairman of the committee and accept these amendments en bloc.

Mr. McCLOSKEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from Illinois (Mr. PRICE) the esteemed chairman, for his support of the McCloskey amendment which encourages the Department of Defense to begin implementing two major cost-cutting proposals of the President's private sector survey on cost control.

This group, popularly know as the Grace Commission, has said that about $20 billion could be saved over 3 years if certain recommendations are implemented in the areas of contract and inventory management.

Specifically, the Grace Commission has noted that progress payments made to defense contractors in 1981 were increased from 80 percent and 85 percent to 90 percent and 95 percent for large and small companies, respectively. At that time, the prime interest rate averaged 18.87 percent and inflation, measured by the GNP deflator, increased 9.4 percent. These economic realities were the reasons behind the acceleration of progress payments to defense contractors. However, in 1983, when the prime rate averaged 10.80 percent an inflation was 4.3 percent, the progress payment rate was not decreased. Since the logic for accelerating progress payments in 1981 was to offset high interest and inflation, now that the rates have decreased, it is only reasonable to adjust the progress payments accordingly. In so doing, we can decrease the amount of money the Federal Government must borrow.

Regarding improved automated inventory management, the Grace Commission has recommended a one-time investment of $1.4 billion to modernize the ADP management of Department of Defense inventories. This investment is estimated to produce savings of $6.1 billion over 3 years and could increase weapons availability by 5 to 15 percent. As these estimates indicate, an in-depth Department of Defense report to the Congress on ADP management is very much warranted from both the standpoints of cost-savings and force readiness.

Although some have disputed the savings figure of $20 billion, it should be noted that the February 1984 joint evaluation by the Congressional Budget Office and the General Accounting Office concluded that some $6.2 billion could be saved over 5 years in implementing the progress payment reform program.

The CBO has not estimated the savings on automated data processing improvements but, no doubt, again, here the savings could be substantial.

I would hope that the committee supports my amendment in that it obviously will result in cost-savings under a program initiated by the national administration.

Although the Grace Commission report has been a subject of some controversy and various of its recommendations may be problematical, those of high promise that can be implemented without significant disfunction should be implemented immediately.

This amendment is rendered in that spirit.

I thank the distinguished chairman for his cooperation.

Mr. **BENNETT**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened very attentively to the things that went by in that amendment, and I must say I do not have any great objection to all of them going to conference. But to say they are noncontroversial—there are some very controversial, particularly the one that has to do with the Joint Chiefs of Staff. There are real changes made in that which are very much opposed by the Department of Defense.

So I am not going to prolong things here tonight, but I do not want anybody to think that I think that all these amendments are entirely noncontroversial.

Mr. Chairman, I had planned to oppose the amendment on the Joint Chiefs of Staff and to ask that it be defeated because I feel that there are serious objections to the contents of H.R. 3718, part of this amendment. However, this procurement bill has been delayed long enough by protracted arguments. So, I feel that perhaps the objections to this Joint Staff legislation, as outlined to me by the Department of Defense, can be considered and handled in conference between the House and Senate. I quote herewith some objections that have been passed on to me by the General Counsel for the Department of Defense concerning this legislation. They do not object to all provisions of this amendment but by letter dated September 20, 1983, made the following comments, objecting to specific provisions of this amendment:

> . . . In general the Department of Defense's position is that the existing provisions of title 10 pertaining to functions, powers and responsibilites of the Chairman, the Joint Chiefs of Staff and the Joint Staff provide a satisfactory framework for their effective support of our national command authorities. Because of risks involved in experimenting with current institutional arrangements that have served the nation well over an extended period and because of the sensitivity of changing procedures that might adversely affect the fundamental principle of civilian control of the armed forces, it is our belief that whatever changes are appropriate can be achieved primarily through management initiatives rather than through more radical legislation.
>
> . . . The provision of H.R. 3718 that would authorize the Chairman to "supervise" the combatant commands (and to act as their "spokesman") is not clear. To the extent that this provision would set aside or qualify the existing prohibition in subsection 142(c) of title 10 that forbids the Chairman from exercising command over any of the armed forces, the Department is opposed.
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> . . . The Chairman, as authoritative as his voice rightfully is at the highest levels of the military hierarchy and as infuential as he may be in determining national military policy, should not be cast in the role of supreme military commander even if that projected new role would be subordinate to the President as commander in chief. It is one thing to place the Chairman in the national chain of command; it is quite another to vest him with supreme military command in his own right.
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> . . . The scope and imnplications of the provision that would authorize the Chairman to determine when issues considered by the Joint Chiefs shall be decided are not clear. Under current law the Chairman presides over the Joint Chiefs' meetings and prepares an agenda. He is also expressly authorized to "assist them in carrying on their business as promptly as practicable." 10 U.S.C. § 142(b). This existing authority would seem to be sufficient to permit the Chairman to perform effectively this part of his responsibilities. Further, there is no indication that the Chairman needs the peremptory authority apparently contemplated by the subject provision of the bill.
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> . . . The Department does not favor the provision that would give the Chairman exclusive right to select members of the Joint Staff. Nor does it favor the companion provision that would empower the Chairman to specify the number of officers to be included in lists of candidates submitted by the services for prospective assignment to the Joint Staff. The current provisions of subsection 143(a), which provide for section by the Joint Chiefs collectively with approval of the Chairman, constitute an arrangement that is preferable to the changes proposed by H.R. 3718. The several members of the Joint Chiefs as well as the Chairman, should have a voice in determining assignments to the Joint Staff. This prerogative should be a shared responsibility. Not only do the individual service chiefs share responsibility in their role as JCS members for the effective performance of the Joint Staff but they are more likely than the Chairman to have some personal knowledge of the qualifications of officers of their own service and their potential for assignment to the Joint Staff duty. Further, the fact that under the existing statute, 10 U.S.C. § 143(a), the tenure of members of the Joint Staff is subject to the approval of the Chairman gives the latter all the authority he reasonably needs to insure effective performance by individual Joint Staff members.
>
> . . . The Department does not favor that provision of the bill making the Chairman of the Joint Chiefs of Staff a member of the National Security Council. Subsection 141(b) of title 10, United States Code, designates the Joint Chiefs of Staff as the principal military advisors to the National Security Council. The JCS Chairman attends all meetings of the National Security Council and the Joint Staff is a working member of those groups and committees which prepare papers for National Security Council deliberation and decision. Existing provisions of title 10 assure that adequate and complete military advice is brought before the National Security Council. Additionally, the Chairman of the Joint Chiefs of Staff as a full member of the National Security Council would blur the distinction of the basic precept of civilian control over military activities.
>
> . . . The Department does not support the provision of the bill that would require the Chairman to submit to the President the Chairman's personal evaluation of the Joint Staff (or other joint assignment) performance of officers when those officers are thereafter initially nominated for advancement to a grade higher than major general or rear admiral. Such a requirement would unduly burden the Chairman with a responsibility that would be unwelcome from the standpoint of his personal work load and unproductive in the terms of providing the President with any meaningful guidance. In the first place, performance in a joint staff assignment is only one of a number of experiences that qualify an officer for promotion to three (or four) star grade.
>
> . . . the Department is opposed to that provision for the bill which would authorize the service chiefs individually and combatant command commanders to comment formally on reports and recommendations of the Joint Staff before those staff products are submitted to the Joint Chiefs. Giving the individual chiefs and senior field commanders an opportunity to review proposed Joint Staff work products in advance of their submission to the Joint Chiefs would inevitably delay the submissions and thus impede the timely dispatch of business by the Joint Chiefs. This result would be particularly onerous in emergencies and undesirable even in the case of normal schedules.
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> . . . In any event, the Chairman and Joint Chiefs should initially have the benefit of the untrammeled advice and assistance of their own staff. Moreover they must retain the freedom to require this staff advice and assistance on an expedited basis and, when necessary, to act without delay and distractions that mandatory outside prior review would entail. If enacted, this provision would weaken the role of the Joint Chiefs in the national defense system. Therefore, the Department strongly opposes this provision.

Mr. Chairman, I include at this point in the RECORD a letter received by the committee on May 24, 1984, from Chapman B. Cox, General Counsel of the Department of Defense:

> GENERAL COUNSEL OF
> THE DEPARTMENT OF DEFENSE,
> *Washington, DC, May 24, 1984.*
>
> Hon. MELVIN PRICE,
> *Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*
>
> DEAR MR. CHAIRMAN: It has come to my attention that an amendment has been introduced to the FY 85 DOD Authorization Bill (H.R. 5167), which substantially changes the function of the Joint Chiefs of Staff (H.R. 3718). As outlined in our letter to Chairman Nichols on 20 September 1983, the Department of Defense opposes passage of that amendment.
>
> In particular the Department opposes those elements of the amendment which:
>
> Give control of the Joint Staff to the Chairman;
>
> Give the Chairman exclusive right to select members of the Joint Staff;

Make the Chairman a member of the National Security Council;

Require the Chairman to give his personal evaluation of nominations for pay grades 0-9 and above;

Allow combatant command commanders and Service Chiefs to comment formally on reports before they are submitted to the Joint Chiefs; and

Add related provisions not necessary to law but which can be achieved by management initiatives.

Aside from the grave reservations on the amendment (H.R. 3718), it appears unnecessary to attach such important and substantial legislation to the DOD Authorization Act and thus overburden an already important piece of legislation. No hearings have been held this year on H.R. 3718, yet significant events such as our experiences in Lebanon and Grenada have occurred which would undoubtedly reflect on the context of that bill. In summary, for reasons outlined in our letter of 20 September, the Department of Defense opposes adding this provision to the DOD Authorization Bill and requests your support for withdrawing this amendment.

Sincerely.

CHAPMAN B. COX.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendments.

Mr. Chairman, the gentleman from Florida raised the issue of the Joint Chiefs of Staff. I wish to very briefly point out that this issue has been before this body on two different occasions. We have had two separate series of hearings, and this bill, H.R. 3718, passed in 1983. It was passed on suspension. Many people have worked on it. Many people have been in favor of it. It streamlines the Joint Chiefs of Staff operation; it makes the Chairman of the Joint Chiefs a full member of the National Security Council; it makes the Chairman responsible for determining the issues in a timely manner; it creates a continuity. It is something that I think is a step in the right direction in causing the business in the Pentagon to be done better, more expeditiously, and with a cost savings, and it should be passed unanimously.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to my friend, the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, the amendment I am offering would permit the Uniformed Services University of the Health Sciences to train a limited number of foreign military medical students.

The Uniformed Services University of the Health Sciences was established by Congress in 1972 to train medical officers for the uniformed services and to provide programs in continuing medical education for military members of the health professions. The university's primary objective is to provide comprehensive, high quality education for students motivated to medical careers with the uniformed services.

To expand the educational opportunities available to its students, the Uniformed Services University of the Health Sciences would like to set up reciprocal training programs with other countries, such as the British and French military medical schools. Each medical school has areas of particular expertise. The French, for example, have tropical medicine training courses that provide additional training in an area of great importance to U.S. military medical officers.

Similarly, the Uniformed Services University of the Health Sciences would like to provide training to physicians and students of friendly countries and allies in areas where the university has special expertise.

Foreign students could be trained at the Uniformed Services University of the Health Sciences and in programs in which the university participates throughout the country without affecting the number of students currently enrolled. Generally, they would be involved in clinical courses where the addition of a few extra students would not require additional personnel.

Currently, the three service academies are permitted to train foreign students. The proposed amendment would provide similar authority for the university. Providing authority for selective training of future military doctors in foreign military medical schools and similar authority to accept foreign students at the Uniformed Services University of the Health Sciences will work to everyone's advantage. The valuable expertise gained could save many lives in a future military emergency or conflict. Although there would be little cost involved, the benefits of this training could prove beyond measure.

I urge my colleagues' approval of this amendment.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to my friend, the gentleman from Connecticut.

Mr. GEJDENSON. I thank the gentleman for yielding, and I would just like to briefly speak on another provision of this group of amendments.

I want to commend the gentleman from California for his wisdom in offering the amendment to study the feasibility of establishing an office of conversion.

The need for economic conversion planning is clear. The Department of Defense is the Nation's largest employer. This has, over the past 30 years, given the Pentagon substantial influence over the shape and health of regional economies—nowhere more so than in my own State of Connecticut. Given this kind of influence, the impact of canceled contracts can be devastating to a community unless economic conversion is planned for.

I also feel that we do not serve the greater good by treating weapons programs as jobs programs. The inflationary impact and the diversion of resources from the national economy is unhealthy. Moreover, dollar for dollar, defense industries may end up employing fewer people as they become more capital intensive, and more technologically advanced.

Responsible decisionmaking demands that we debate weapons on their merits and their contribution to the national security, not on how many people they will put to work.

It is said that the B-1 bomber survives not because it is a good weapon, but because it is built in more congressional districts than any other weapon.

By the same token, we have to take some responsibility for our actions when we cut back on multimillion dollars weapons systems. No matter how justified we may be in ending production of a bad weapon, the people who once built that weapon have real needs and deserve our consideration.

Economic conversion is a workable idea, but one that requires foresight and planning. We have seen it work in Connecticut: Kaman Aerospace has converted much of its helicopter production facilities to making guitars.

The Pentagon's Office of Economic Adjustment and the Cabinet level Economic Adjustment Committee have dealt with some of the issues involved in helping communities convert former military bases into industrial parks and educational facilities. But much more has to be done and many more questions have to be answered.

● Mr. WEISS. Mr. Chairman, I am in strong support of the amendments offered by the gentleman from California (Mr. DELLUMS).

Last week, as we debated the MX missile, some Members of the House were approached on the floor and informed as to how much money would be spent in their districts on the MX missile and how many jobs would be affected They were told that they had better support the MX missile or those jobs would be in jeopardy.

This event revealed that jobs blackmail over military spending programs is not a figment of anyone's imagination, but is alive and kicking in the House of Representatives. The MX missile and many of the other weapons systems we have debated in recent days are destabilizing weapons that inch us closer and closer to the extinction of the human race. But the debate over military spending does not always focus on the paramount concern of preventing nuclear war. Rather, it degenerates into a game of who will get what. And when the debate descends to that level, we are perilously close to acquiescing to our own destruction.

How can we prevent this from happening? How can we insure that military spending programs are assessed on the basis of their contributions to our national security, rather than on the basis of preserving or creating jobs?

The answer is economic conversion. Economic conversion provides workers in military industries with civilian alternatives that will preserve their jobs in the event that military contracts are cut back or canceled. Economic conversion frees us from the tyranny of jobs blackmail and inches us away from the precipice of nuclear war. It is a powerful idea whose time has come.

Not only will economic conversion encourage the process of meaningful arms control, but it will also contribute to a much-needed national economic renewal. There is a growing body of evidence demonstrating that increased military spending is severely impairing our prospects for economic growth. The swollen military budget contributes to high deficits and deprives the civilian sector of the resources desperately needed for the revitalization of industries and the modernization of our infrastructure.

Military spending also creates significantly fewer jobs than comparable spending in the civilian sphere. For instance, total employment per $1 billion spent is estimated at 20,715 for guided missile and space vehicle production. This compares with 30,394 jobs created in the motor vehicle industry and 71,550 jobs created in educational services, according to the Bureau of Labor statistics. By promoting a transition to civilian production, economic conversion would create jobs and encourage long-term economic growth. It is a crucial element of a comprehensive industrial strategy for the future.

I have introduced legislation on economic conversion since I arrived in Congress in 1976. My current bill, H.R. 425, has been refined over the years into the most comprehensive approach to conversion from military to civilian projects yet proposed. It contains four important provisions. First, it would mandate 1 year's advance notification of plans to cut back or terminate a defense contract or military base. Second, it would create ongoing alternative use committees in military-related facilities to develop detailed conversion plans. Third, it would provide planning assistance, income support, and retraining programs for communities and workers while a conversion is underway. And finally, it would create a Federal Defense Economic Adjustment Council to provide conversion guidelines, resources, and overall coordination.

We need this kind of legislation, and we need it soon. The amendments offered by the gentleman from California speak to this need and represent a first step toward creating comprehensive conversion planning on a national scale.

The first of these amendments requires a study of the employment impact by congressional district of current tactical and strategic nuclear programs. Apparently a document of this nature already exists with respect to the MX, since it was used to sway votes on the floor of the House last week. It should not be difficult to expand that document to include other nuclear programs.

Such a document will fulfill the purpose of the second amendment, which would require a study of the feasibility of creating an Office of Conversion to provide readjustment assistance to workers and communities affected by the elimination of nuclear weapons systems.

While I am concerned about vesting the authority for such an Office of Conversion in the Department of Defense, which has no experience in administering these kind of programs, the purpose of this amendment is to establish that the burden of eliminating or reducing weapons systems should not be concentrated in particular localities, but should be a shared national responsibility. This goal is highly laudable and is worthy of our strong support.

The amendments of the gentleman from California will start us down the path toward increased security and increased prosperity. We should approve these amendments today and continue to work for the creation of a comprehensive plan for economic conversion in the future. Such a plan could mean the difference between economic decline and economic growth. It could also mean the difference between war and peace. I urge my colleagues to join me in support of these economic conversion amendments.●

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. Price).

The amendments were agreed to.

☐ 2120

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Skelton: At the end of the bill add the following new section:

REPORT ON SIZE OF SERVICE SECRETARIATS

Sec. . The Secretary of Defense shall submit a report to Congress not later than December 15, 1984 on the reasons for the disparity in size among the offices of the Secretaries of the military departments and particularly on the reasons for the size of the Office of the Secretary of the Navy compared to the size of the Office of the Secretary of the Army and of the Secretary of the Air Force. For the purposes of this section, the Office of the Secretary of a military department includes the Secretary, the Under Secretary, the Assistant Secretaries of the military department, their staffs, and other elements of the executive parts of the military department.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, it was brought to my attention just recently of the great disparity in the size of the various staffs of the secretariats in the Pentagon. If my memory serves me correctly, the Secretary of the Army has a staff of 222. The Secretary of the Air Force has a staff of the size of 289, and the Secretary of the Navy has a staff of the size of 802.

Now, my first thought, Mr. Chairman, was to bring the Secretary of the Navy's staff down to size. I think in all fairness, the Secretary of Defense should have the opportunity to look at the secretariat situation and to report to Congress no later than the 15th day of December this year as to the disparity of size between the various departments and explain to us why the Secretary of the Navy, who has less people, including the Marine Corps, than the U.S. Army and yet has a secretariat size of nearly four times that of the U.S. Army.

With this in mind, I offer this amendment, hoping that there can be light shed by the Secretary of Defense as to the disparity of size regarding the Navy Secretary's staff.

Mr. PRICE. Mr. Chairman, if the gentleman will yield, I have examined the amendment offered by the gentleman from Missouri. On behalf of the committee, I accept the amendment.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, we have also examined the amendment and in the interest of brevity, we will accept it, too.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. Skelton).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LLOYD

Mrs. LLOYD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lloyd: On page 157, after line 18, add the following new section:

COMPETITIVE PROCUREMENT OF REACTOR COMPONENTS FOR THE NEW ATTACK SUBMARINE DESIGN

Sec. 1010. The Secretary of Defense shall enter into a competitive procurement or procurements for design, analyses, and fabrication of reactor components for the new SSNX prototype and lead submarine, and shall seek bids in such competitive procurement or procurements from at least three vendors.

Mrs. LLOYD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

Mrs. LLOYD. Mr. Chairman, the House Armed Services Committee received strong testimony from the Chief of Naval Operations, Admiral Watkins, emphasizing the Navy's interest in competitive procurements. Secretary Lehman is a strong supporter of this approach as evidenced by Assistant Secretary for Research and Engineering Systems, Mr. Paisley's testimony that: "* * * in such new start programs as the new SSN design, competition is not only encouraged in the design phase, but a key requirement to insure that productivity considerations remain at the forefront." The committee concurred with this approach in report language contained in 98-691 by stipulating its intention that competition would extend to and include design and fabrication of reactor components for the lead submarine.

This amendment simply spells out the committee's serious interest in this issue by underscoring its intentions in statutory language. The committee understands that there are three capable vendors who can bid on these component procurements, namely, Combustion-Engineering, Babcock & Wilcox, and Precision Equipment Corp. The committee further intends that the Navy should take steps to insure that all three capable vendors are qualified to bid on these procurements for design, analyses, and fabrication of reactor components.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. LLOYD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows

Amendment offered by Mr. JONES of North Carolina: At the end of the bill add the following new section:

COMMISSION ON MERCHANT MARINE AND DEFENSE

SEC. . (a) There is hereby established a commission to be known as the Commission on Merchant Marine and Defense (hereinafter in this section referred to as the "Commission").

(b) The Commission shall study problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the United States merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States. Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements. The recommendations of the Commission shall be provided in the second report of the Commission under subsection (g).

(c)(1) The Commission shall be composed of nine members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Seven members appointed by the President, by and with the advice and consent of the Senate, from among individuals of recognized stature and distinction who by reason of their background, experience, and knowledge in the fields of merchant ship operations, shipbuilding, maritime labor, and defense matters are particularly suited to serve on the Commission.

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members appointed under such subsection shall be appointed for the life of the Commission.

(3) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the chairman.

(d) Members of the Commission appointed under subsection (c)(1)(C) may each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including traveltime) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f)(1) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

(2) The Secretary of the Navy and the Administrator of the Maritime Administration may provide to the Commission such administrative support services as the Commission may require.

(g) Not later than June 30, 1985, the Commission shall submit to the President and to Congress a report containing its findings of fact and its conclusions. Not later than September 30, 1985, the Commission, based upon those findings and conclusions, shall prepare a report containing the recommendations of the Commission as specified in subsection (b) and shall submit the report to the President and Congress. Each such report shall be prepared without any prior review or approval by any official of the Executive branch (other than the members and staff of the Commission).

(h) The Commission shall cease to exist 90 days after the date on which the second report of the Commission under subsection (g) is submitted to the President and the Congress.

(i) There is authorized to be appropriated for fiscal years 1985 and 1986 a total of $1,500,000 to carry out this section. Any amount appropriated under this subsection shall remain available until September 30, 1986.

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, my amendment would establish a Commission on Merchant Marine and Defense. The amendment is identical to H.R. 3289 as reported by the Committee on Merchant Marine and Fisheries and is very similar to H.R. 3289 as reported by the Committee on Armed Services.

The Commission would be charged to study the ocean transportation services our Nation would require in time of war or national emergency, the capability of the U.S. merchant marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base of the United States. Based on the results of the study, the Commission would be directed to make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considered appropriate to foster and maintain a U.S. merchant marine capable of meeting national security requirements.

The Commission would be composed of nine members, including the Secretary of the Navy, the Administrator of the Maritime Administration, and seven members appointed by the President from among individuals of recognized stature and distinction who by reason of their background, experience, and knowledge in the fields of merchant-ship operations, shipbuilding, maritime labor, and defense matters are particularly suited to serve on the Commission.

Mr. Chairman, the ability of the U.S.-flag merchant marine to serve as an auxiliary for defense purposes has time and again been put into question. The capability of our shipyards to provide the bottoms needed to move men and materiel has, likewise, been subject to severe attack. A broad-based group, unburdened by parochial interests, may be the only device capable of assessing the problem and making realistic recommendations. While the policy decisions are for Congress to make, the work of a group such as the Commission on Merchant Marine and Defense can shorten the process, and time is a luxury we cannot afford when dealing with the very basis of our defense policy.

I urge my colleagues to support the amendment.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I am happy to yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I have observed that this matter came through the Armed Services Committee and was then referred to the Merchant Marine Committee, which made very substantial improvements, no great changes, but substantial improvements to it and our committee has observed it and gone into it in depth and agreed to it.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, we have had an opportunity to discuss and examine the amendment. We accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PEASE

Mr. PEASE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEASE: At the end of the bill add the following new section:

SENSE OF CONGRESS CONCERNING DEFENSE EXPENDITURES BY U.S. ALLIES

SEC. . It is the sense of Congress that the President should call on the pertinent member nations of the North Atlantic Treaty Organization to meet or exceed their pledges for an annual increase in defense spending during fiscal years 1984 and 1985 of at least three percent real growth and should call on Japan to further increase its defense spending during fiscal years 1984 and 1985 in furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

Mr. PEASE. Mr. Chairman, it has become quite apparent that the Reagan administration is allowing our allies to neglect their fair share of the common defense burden. From Denmark to Japan to the White House, pleas from the Congress for greater allied exertions in military preparedness are getting little response. A 1983 Defense Department report on allied commitments to defense spending shows that the total defense burden of NATO and Japan is not equitably distributed. In both regions, the United States has contributed more than its fair share, while others have continued to decrease their contributions. The 1983 Pentagon report states that in 1982, nine members of NATO failed to achieve their commitment to a 3-percent real increase in defense spending. The defense spending report also indicates that Japan's burden-sharing performance remains extremely disappointing. The continuation of such inequitable burden-sharing arrangements holds severe implications for international security, while it serves to weaken the allies' collective resolve.

I recognize that there are great complexities in measuring the contributions to the common defense. The very selection of measuring devices depends heavily on subjective considerations that can vary according to differing national historical experiences, threat perceptions, world roles, ideological assumptions, and defense strategies. But when all is said and done, it is important that we arrive at some general understanding of comparative burden-sharing contributions. My conclusion is that we are acting too much like a patsy. Our country is altogether too ready to accept a seemingly endless list of excuses from our allies about why they cannot be held to their defense-spending commitments.

The North Atlantic Treaty established a collective security partnership. The purpose of the partnership is to insure the members' security and to facilitate European economic development by spreading the total defense burden among member nations. In 1978, the NATO partnership committed itself to annually increase defense spending by 3 percent after inflation. Since 1978, only two countries, the United States and Luxembourg, consistently have kept their promise. The Pentagon's 1983 report on allied defense contributions indicates that nine countries—Belgium, Denmark, Germany, Greece, Italy, The Netherlands, Norway, Portugal, and Turkey—failed to achieve the 3-percent increase, depriving the common defense of $1.6 billion in 1982. Moreover, the weighted average increases for all NATO nations combined, excluding the United States, has steadily declined. These disturbing trends speak to our allies' lack of resolve in defense commitments.

Parenthetically, Japan's burden-sharing performance has been very troubling to me. Despite apparently impressive annual defense expenditures in recent years, Japan started from a low base and she really has never appeared ready to fully address her actual defense needs.

In 1981, Japan agreed to defend the air/sea line of communications out to 1,000 miles from its home islands under the Treaty of Mutual Cooperation and Security between our two countries. Japan's failure to fully address her military requirements decreases the likelihood that this commitment will be maintained.

In fairness, I acknowledge that our allies have not totally neglected their responsibilities and commitments. Many have contributed positively in several capacities. Germany provides significant host-nation support such as security of U.S. facilities, transport, and supply services. Belgium and The Netherlands provide general support for storage, procurement of supplies and equipment, and maintenance and utility functions. However, the essential fact remains that the United States bears a disproportionate share of the defense burden.

Our allies contend that their budgets cannot bear increased defense burdens. They cite severe economic distress and high U.S. interest rates as the primary reasons for their defense reductions. But since interest rates moderated in 1983, that argument holds less weight. As for economic hardship, the United States has faced the same economic difficulties, but we have exceeded our commitments. Moreover, Europe and Japan failed to shoulder an equitable share of the defense burden in more prosperous times; thus their current poor performance is nothing new.

To sum up, defense arrangements that unite our allies and us represent commitments developed to insure our collective security. They necessarily require an equitable sacrifice relative to each nation's capability. Each nation must contribute its share during prosperity as well as hardship. There is room for disagreement and difference, but not for selective commitment. It is imperative that our allies be reminded of their unkept promises. It is crucial that the foundation of our agreements with our allies be rooted in the equitable distribution of the total defense burden.

I urge my colleagues to support this amendment.

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Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I am happy to yield to the distinguished committee chairman.

Mr. PRICE. Mr. Chairman, we on this side have had an opportunity to examine this amendment, and we accept it on this side.

Mr. PEASE. I appreciate the support of the committee chairman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Alabama.

Mr. DICKINSON. I have no objection to the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. PEASE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MATSUI

Mr. MATSUI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUI: At the end of the bill add the following new section:

LIMITATION ON DEFENSE REORGANIZATIONS

SEC. . (a) Section 125 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Notwithstanding subsection (a), the Secretary of Defense—

"(A) may not test the transfer, reassignment, or consolidation of a function, power, or duty of a military department to a component of the Department of Defense outside a military department unless the test has been specifically authorized by law; and

"(B) may not carry out the transfer, reassignment, or consolidation of a function, power, or duty of a military department to a component of the Department of Defense outside a military department unless the transfer, reassignment, or consolidation has been specifically authorized by law after the completion of the study of such transfer, reassignment, or consolidation.

"(2)(A) Paragraph (1) does not apply to a transfer, or a test of a transfer, of a function, power, or duty of a military department if the transfer (or the ultimate transfer contemplated under the test)—

"(i) would involve reallocation of fewer than a total of 200 military and civilian personnel positions (including temporary civilian positions) from the military departments to the component of the Department of Defense outside a military department; and

"(ii) would not result in a change of expenditures by Department of Defense entities of more than $10,000,000 in any fiscal year.

"(B) For the purpose of subparagraph (A), a personnel position shall be considered to be reallocated if the entity of the Department of Defense providing policy direction for that position is changed under the transfer involved.".

(b)(1) Clause (A) of section 125(e)(1) of title 10, United States Code, as added by subsection (a), shall apply to tests begun on or after the date of the enactment of this Act.

(2) Clause (B) of section 125(e)(1) of title 10, United States Code, as added by subsection (d) shall apply to transfers, reassignments, and consolidations after January 1, 1983.

Mr. MATSUI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUI. Mr. Chairman, the gentleman from Utah (Mr. HANSEN) and I offer an amendment to title 10 of the defense authorization bill to change title 10 of the United States Code, section 125, which deals with the authority to make consolidations of functions in the Defense Department.

Our amendment deals with very critical but not very attention-grabbing problems of the management structure of the Defense Department. Even the harshest critics of the Pentagon and the severest cutters of the defense budget recognize that it is a double waste of the taxpayers dollars to spend all we do on the Defense Establishment and then permit it to be operated in a way that keeps it from responding when needed.

Let me first set the framework for our amendment. Many people, including many Members of Congress, perceive the Department of Defense as the Secretary of Defense and the three military departments: Air Force, Army, and Navy. That in fact is not far from what the Congress intended when the DOD was created in 1947.

Few people realize that under the Secretary of Defense, and completely separate from the uniformed services, are more than a dozen so-called defense agencies. They include the Defense Audiovisual Agency, the Defense Communications Agency, the Defense Intelligence Agency, the Defense Logistics Agency, and the Defense Mapping Agency. Prior to 1962, these agencies were practically nonexistent; they now have almost 100,000 civilian employees.

Some of these agencies make eminent good sense, like the Defense Mapping Agency, for eliminating duplication of functions. As we have pursued this issue, some people have suggested to us that some other agencies, such as the Defense Intelligence Agency, are themselves duplications and of questionable utility. I am not in a position to judge these suggestions. And, in any event, our amendment does not affect them.

Our concern is with the defense agencies which are ripe for expansion and those which are still only a twinkle in some bureaucrat's eye.

Under the first category is the Defense Fuel Supply Agency, which proved its utility during the 1973 war in the Middle East when it told the commander of our Mediterranean Fleet that it could not supply him with additional fuel.

Also of great concern to us has been the Defense Logistics Agency. We have no complaint with the DLA per se or with its employees, most of whom are very competent and dedicated people. Our worry is about the structure which puts the functions of DLA outside the hands of the uniformed services, and our beef is most especially with the permanent staff between the DLA and the appointed officials under the Secretary of Defense. They set the policy for DLA and set performance criteria which only give a passing nod to the priority of military readiness.

They also justify their centralization moves with claims of economies which are dubious at best. We will say more about the effects of management in the wrong hands later.

Under the category of "agencies-yet-to-be," there are proposals in one stage or another which will ultimately produce a Defense Health Agency, a Defense Real Property Management Agency, and a Defense Aircraft Repair and Maintenance Agency. I do not see this list coming to an end naturally until the permanent OSD officials who control these agencies award themselves field marshalls' batons.

We have two basic problems with these persistent expansions of power at the expense of the uniformed services:

The first is that these agencies have no military missions; they have no ultimate incentive to be responsive to the people who do have military missions. If military aircraft are stuck on the ground, if tanks are stuck in a shop, if ships are stuck in port because of problems with supply of repair parts from a nonmilitary agency, the consequences are not suffered by that agency. If the senior officials who supervise those agencies decide to be obstructive, it is very difficult to move them.

The other problem we have with these centralizations of authority is that the same permanent officials whose empires are expanded are also the ones who decide whether the consolidations should occur in the first place. In practice, they are able to get the signatures of appointed officials for what look like minor and innocuous reorganizations and then present Congress with faits accomplis. It is like having one team on the field being owned by the referees. We need to have a disinterested judge determine whether these centralizations should take place; as we have examined the issue, we find no good alternative to having the Congress itself be that judge.

Navy Secretary Lehman had the following observations last year about the OSD staff:

> Without question, this building could be run at a 20 percent savings if we could get rid of the 6,000 bureaucrats in OSD who are accountable, essentially, to nobody. They masquerade (as agents) to pull power to the Secretary of Defense, but it's exactly the opposite. They take power away from the Secretary and appointed officials.
>
> Elected officials can't see inside DLA—you can't hire, you can't fire and you can't make any budget decisions.
>
> The permanent bureaucrats do not care who is Defense Secretary; they just don't want the Secretary telling them what to do.

I could not agree more with the Secretary's assessment. This amendment will provide an invaluable tool to insure authorization control over hiring, firing and budget. It will not only give Congress, but strangely even the appointed officials in the Pentagon, a lever to curb the insatiable growth of these agencies.

I recently read the book, "In Search of Excellence." It occurred to me when I finished that the book could almost be opened to any page at random to produce a conclusive argument against the OSD plans for expansion. It is clear that you cannot get a responsive operation by separating authority from responsibility; the people who have the task of carrying out military missions must have control over the functions vital to that task. It is also clear that no agency, organization, association or other group can be an adequate judge of its own success.

To solve these problems, Mr. Chairman, our amendment will require that major transfers of functions from the uniformed services to the defense agencies would have to be authorized by Congress before they could be implemented.

This amendment will not affect the creation or expansion of joint functions between the services, which is almost always a good idea. Nor will it affect the day-to-day movement of people in the Defense Department that are necessary for minor changes in their operations; our purpose is not to micromanage the Department from Congress.

For those major realignments which so disturb us, however, we would have an unevadable opportunity to verify the economies claimed for them and to insure that they do not impair military readiness.

Now, Mr. Chairman, I believe several of our colleagues would like to address some of the specific consolidation proposals which we have dealt with over the past several years.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California to limit Department of Defense reorganizations. The gentleman's amendment would have the same effect as H.R. 3950, a bill he introduced in 1983. That bill was referred to the Investigations Subcommittee of the Committee on Armed Services. As chairman of the subcommittee, I have become very familiar with the issues posed by the gentleman's amendment.

Section 125 of title 10 grants authority to the Secretary of Defense to realine Department of Defense functions. It requires him to report proposed realinements to Congress and includes a provision for a legislative veto in case either the House or Senate Armed Services Committee disagrees with the proposal.

Because the legislative veto provision of section 125 has probably been invalidated as a result of the Supreme Court decision in immigration and Naturalization Service (INS) against Chadha, the Secretary of Defense's authority in 10 U.S.C. 125 at present exceeds what was originally intended by the framers of that section. In essence, the Matsui amendment would limit the authority presently enjoyed by the Secretary of Defense under 10 U.S.C. 125. It would cause the Secretary of Defense to seek separate legislative authority for any realinement actions involving functions assigned to the military departments.

Frankly, after studying this issue, I would have preferred an agreement between the Congress and the Secretary of Defense establishing a working arrangement similar to those we now use for reprograming and military construction. Under such an arrangement, the Department would notify the House and Senate Armed Services Committees of all proposed realinement actions and would not proceed with a major action until it received prior approval from both committees. For lesser realinement actions, the Department would not proceed until 60 days after the committees were notified.

This type of arrangement, which has worked very well for years in facilitating military construction funding changes as well as reprogramings, would have regained for Congress the oversight of 10 U.S.C. 125 lost in the Chadha decision without encumbering the Secretary of Defense with more restrictive legislation. Unfortunately, despite lengthly discussions with DOD officials, it was not possible to work out an agreement.

Because Members believe it is important for the Congress to reassert its oversight of the Secretary of Defense's realinement authority, the Committee on Armed Services has decided to support the Matsui amendment.

Mr. HANSEN of Utah. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I yield to the gentleman from Utah.

Mr. HANSEN of Utah. Mr. Chairman, I rise in support of the amendment offered by my colleague from California which requires congressional authorization of major transfers of functions from the actual military services to civilian defense agencies.

Our amendment in no way prohibits consolidations of functions to civilian defense agencies. It only provides that major changes in the organization of the Defense Department would require congressional scrutiny to assure that these changes actually improve efficiency and do not impede military readiness.

My colleague from California and I do not oppose consolidations that encourage economy and efficiency and do not affect military readiness. What we do oppose, however, are those consolidations that waste taxpayer dollars and adversely affect the ability of the services to preform their missions. Unfortunately, in the last several years, we have observed several consolidation efforts by civilian entities within DOD that were neither cost effective or efficient. Mr. MATSUI has offered several examples of attempts by civilian bureaucracies within DOD to interfere with military operations. I would like to give you one other.

A situation occurred during the Camp David agreement which clearly demonstrates that the management and control of missions should remain with the military services rather than splintering control with civilian DOD officials.

The Camp David agreement was nearly undercut because of a Defense Logistics Agency official who decided not to comply with a request for spare parts. The Camp David agreement included a promise to supply 16 F-4 aircraft to Egypt within 120 days. In response to the agreement, the Air Force squeezed its own command and even the Air National Guard to make these planes available on time. They had everything ready to go except for the 1,017 simple nuts and bolts parts for the F-4 which were managed by the DLA. A senior official within that agency ordered the DLA not to comply. The parts were finally released, but only after a great deal of pressure was exerted on the DLA by a number of four-star generals.

Our base commanders must be prepared for any type of an emergency and must be able to act accordingly. Civilian agencies within DOD are of a different frame of mind than our military forces. While one is policy oriented, the other is mission and readiness oriented.

When intrusion and encroachment of civilian bureaucracies occur in the operation of our military services, than I suggest that Congress should be responsible for reviewing such actions. That is what our amendment address—nothing more. Let us be certain that future consolidation of major functions serve both the taxpayer as well as the goals of force readiness by supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MATSUI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON: At the end of the bill add the following new section:

DEPARTMENT OF DEFENSE AIR TRAFFIC CONTROLLERS

SEC. . (a) Section 4109(c) of title 5, United States Code, is amended by inserting "and the Secretary of Defense may pay an individual training to be an air traffic controller of the Department of Defense," after "of such Administration,".

(b) Section 5532(f) of such title is amended—

(1) in paragraph (1) by inserting "or of the Secretary of Defense" after "Administrator, Federal Aviation Administration,"; and

(2) in paragraph (2)—

(A) by inserting "or the Secretary of Defense" after "Administrator, Federal Aviation Administration,"; and

(B) by inserting "or such Secretary, respectively" before the period.

(c)(1) Subsection (a) of section 5546a of such title is amended—

(A) by inserting "and the Secretary of Defense (hereafter in this section referred to as the 'Secretary')" after "referred to as the 'Administrator')";

(B) in paragraph (1) by inserting "or the Department of Defense" after "Federal Aviation Administration" and by inserting "or the Secretary" after "by the Administrator"; and

(C) in paragraph (2) by inserting "or the Department of Defense" after "Federal Aviation Administration" and by inserting "or the Secretary" after "determined by the Administrator".

(2) Subsection (c)(1) of such section is amended—

(A) by inserting "or the Secretary" after "Administrator" both places it appears; and

(B) by inserting "or the Department of Defense" after "Federal Aviation Administration";

(3) Subsection (d) of such section is amended—

(A) in paragraph (1) by inserting "or the Secretary" after "Administrator" both places it appears and inserting "or the Department of Defense" after "Federal Aviation Administration"; and

(B) in paragraph (2) by inserting "or the Department of Defense" after "Federal Aviation Administration".

(4) Subsection (e)(1) of such section is amended—

(A) by inserting "or the Secretary" after "Administrator"; and

(B) by inserting "or the Department of Defense" after "Federal Aviation Administration".

(5) Subsection (f) of such section is amended—

(A) in paragraph (1) by inserting "or the Secretary" after "Administrator" and by inserting "or the Department of Defense" after "Federal Aviation Administration"; and

(B) in paragraph (2) by inserting "and the Secretary" after "Administrator".

(6)(A) The heading of such section is amended by inserting at the end thereof "and the Department of Defense".

(B) The item relating to section 5546a in the analysis of chapter 55 of such title is amended by inserting "and the Department of Defense" before the period.

(d) Section 5547 of such title is amended by inserting "or the Department of Defense" after "Federal Aviation Administration".

(e) Section 8344(h)(1) of such title is amended by inserting "or the Secretary of Defense" after "Administrator, Federal Aviation Administration,".

(f) The amendments made by this section shall take effect on October 1, 1984.

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Chairman, I have discussed this with the gentleman from Wisconsin (Mr. ASPIN) who chairs the Personnel Subcommittee.

Stated very briefly, there are two types of air traffic controllers. That is, they are under two different agencies. One is the Department of Defense and the other is the FAA.

It was the FAA air traffic controllers, under PATCO, that went out on strike a few years ago and that received so much notoriety. There is no difference in the training required or the duties required between DOD air traffic controllers and the FAA air traffic controllers, but there is a disparity in the pay due to recent events which happened as a result of the strike.

My amendment simply puts them back on the same equality rating, same parity so that the DOD, Department of Defense air traffic controllers, doing the same job as the FAA traffic controllers, are treated the same.

I think it is just a matter of equity and I would urge the support of the amendment.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I have discussed the matter with the gentleman from Alabama and the committee finds the amendment perfectly acceptable, and we are willing to accept the amendment.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Would either of the gentlemen please explain precisely what this amendment does?

Mr. DICKINSON. Will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Alabama.

Mr. DICKINSON. Maybe the gentleman was out of the Chamber and did not hear.

Mr. WEISS. I listened. I heard the gentleman say that they are going to be treated the same. I do not know what that means.

Is there an increase in salary? To what extent? What are we talking about?

Mr. DICKINSON. As I attempted to explain, as a result of the strike, those who did not go out on strike, the PATCO members, were given an increase in salary, as had been negotiated prior to the strike, 5 to 10 percent. Those who did not go out on strike were given that raise.

Those who went out on strike lost their jobs.

The DOD air traffic controllers were not involved in this. They stayed on the job. They were pressed into service just like the FAA loyal employees, if I may use that term.

But because of the FAA air traffic controllers who did not go out on strike, they were given a pay raise of between 5 and 10 percent.

DOD, Department of Defense air traffic controllers were not given a pay raise, and they did not go out on strike either.

This simply puts them in the same pay grade as the FAA controllers, puts the DOD and the FAA controllers on the same level, which they had been prior to the PATCO strike. So it just simply restores them to a position of parity which they enjoyed prior to the strike. And it is unfortunate that we have two lines of authority and two sets of air traffic controllers, one under DOD and one under FAA. They require the same training, they do the same job. Their jobs interchange. They pass off traffic from one place to the other, but one is hired by the Department of Defense and the other is by the civilian airlines.

So this simply says that the Department of Defense air traffic controllers will be paid the same as the FAA air traffic controllers, just as they were prior to the PATCO strike. It restores them to a position of parity.

Mr. WEISS. What I do not understand is why, if this is a matter of such critical importance, was it not reported out as a part of the DOD authorization legislation and is now being offered on the floor as an amendment at this point?

Mr. DICKINSON. All I can say is that some of the employees of the school that turns out the DOD air traffic controllers, which are in my district, contacted me after the bill was written saying we have got an inequitable situation there and can you help us with it. I said I would try, and that is what I am attempting to do now.

It came to my attention after we had finished our bill and I have discussed it with the gentleman from Wisconsin who deals with personnel matters. We are attempting to simply put them back in the same position they were prior to the strike insofar as being equal in pay. That is all.

Mr. WEISS. Have there been any hearings on this legislation at all?

Mr. DICKINSON. No; there have never been any hearings.

The gentleman can go on and on and object if he wants to. I am just trying to put these guys back and make them whole. They did not go out on strike and they deserve the same pay as those who did not go out on strike with the FAA.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Alabama (Mr. Dickinson).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dicks: At the end of the bill add the following new section:

REPORT ON UNITED STATES COUNTERFORCE CAPABILITY

Sec. . (a) Not later than January 19, 1985, the President shall submit to Congress a report discussing the required strategic counterforce capability consistent with existing United States policy as expressed by the President in his letter of May 11, 1983, to Representatives Norman Dicks, Albert Gore, Junior, and others, (printed in the Congressional Record of May 12, 1983, at pages E 2229-30) in which the President—

(1) explained his understanding of the report of the President's Commission on Strategic Forces ("the Scowcroft Commission") dated April 11, 1983; and

(2) agreed with the recommendation in that report that the United States not develop a first-strike capability against the Soviet Union.

(b) The report under subsection (a) shall be developed taking into consideration current and proposed United States intercontinental ballistic missiles having an accuracy of the order of the MX missile (including specifically the MX missile, the D5 Trident missile, and the small single-warhead missile) intended to be procured for United States strategic force modernization and the rationale for the overall counterforce capability that would be attained as a cumulative result of those procurements. The President shall include in the report a specific definition of what United States counterforce capability would constitute a so-called "first-strike capability" against the Soviet Union.

□ 2140

Mr. DICKS. Mr. Chairman, I am happy to join my colleague from Tennessee, Mr. Gore, in presenting this amendment to the House.

The debate over the MX missile has prominently featured arguments back and forth about whether the missile constitutes a first-strike capability.

In my view, there is no question that 100 MX's, by themselves do not constitute a first-strike capability in any scenario. But the question of whether the United States could acquire such a capability when one considers the combination of planned D-5 Trident missiles and the single warhead ICBM in conjunction with MX. How highly accurate systems, such as Pershing II and the nuclear land attack Tomahawk cruise missile, which are not normally included in strategic forces enter into any first-strike scenario is also a factor that has to be considered.

The question of obtaining a perceived first-strike capability is critical to strategic stability. We must not develop forces so threatening as to encourage the Soviets to believe that their best option is a preemptive nuclear strike.

Assessing first-strike capabilities also cannot view offensive forces in isolation. The impact of proposed defensive systems, such as the strategic defense initiative are also a factor. Perhaps the most dangerous situation would be for the United States to be moving toward a perceived first-strike capability at the same time we were seeking to implement a leak proof defensive system that could lead the Soviets to believe we would strike first and not take unacceptable damage in return.

The President pledged in his letter of May 11, 1983, to several Members of the House not to seek a first-strike capability. However, there are many who are skeptical of this pledge, especially in light of the continued rhetoric on nuclear warfighting and the problems with arms control coming from a wide range of administration officials.

Efforts to foster an informed debate on this issue are complicated by the fact that many key elements of the administration's strategic modernization plan remain undefined. We still have no definitive statement on the number of Trident submarines we will eventually deploy. There is not even an official range of possibilities on the number of single warhead missiles. These all could dictate that we should proceed with fewer than 100 MX's.

A theoretical first-strike capability is, of course, subject to differences in interpretation about what one believes would motivate a Soviet leader to reach such a conclusion. But one can construct a notional basis and assess a given force structure on that basis. In doing this, we can determine not only whether in our judgment a first-strike capability is being developed, but also how gray the situation is, and what that would do to increase uncertainties on both sides.

It is also important to know how the administration views this question, and whether this is consistent or at odds with the general calculation of two accurate warheads per Soviet missile silo.

This report will not definitely answer to everyone's satisfaction what would constitute a first-strike capability from U.S. forces. But it will better define our overall plans, and will make informed judgments easier.

Today, the debate over first-strike systems, and precisely what the President meant in his statement in the May 11, 1983, letter to Congressman Gore, myself, and others, must be conducted in a fog of assumptions without hard information. With this report we will know what the President means on a very specific basis, and can argue the merits or demerits of that assessment with some foundation. It will make his commitment not to seek a first-strike capability more credible both to domestic critics and the Soviets, or it will show us where strategic modernization plans need to be restrained to preserve stability.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the distinguished chairman of the committee.

Mr. PRICE. Mr. Chairman, we have examined the amendment on this side, and I see no reason why we could not accept the amendment.

Mr. DICKS. I thank the gentleman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, there is no objection to the amendment from this side.

● Mr. GORE. Mr. Chairman, for the last 2 years, Members of this House have endured an enormous struggle of conscience, matched by an intense political struggle, over a single strategic weapon—the MX missile. At the core of this struggle has been the perception that the MX would put the United States on the road toward acquiring a first-strike capability against the Soviet Union.

The fact is that even 100 MX's would not clearly provide a first-strike capability, though it would surely establish what we do not now have—a substantial counterforce, able to put numbers of Soviet silos at risk. No one can doubt, however, that if the United States acquires increasing numbers of warheads that have high accuracy and yield, we will at some point begin to cross the first-strike threshold.

The Trident II D-5 missile, which is scheduled to begin deployment in late years of this decade, will also be a counterforce weapon, by virtue of its accuracy and yield. The Midgetmen ICBM, which should be available sometime in the midnineties, will also have very high accuracy.

What this means is that the argument we have been having over the MX was the right argument, over the wrong system. What we need to be looking at is the overall, or aggregate, hard-target capability that our country may acquire—especially if an arms-control agreement with the Soviet Union fails to materialize and we are left entirely on our own to decide how far to go.

Almost unnoticed in the struggle over the MX, however, something important and constructive happened. The Scowcroft Commission report specifically said that, with or without arms control, the United States—though it ought to have hard-target weapons—should not acquire a first-strike capability. That statement was subsequently repeated in writing by the President in a letter sent to me and to my colleagues Norm Dicks and Les Aspin, and which we have published in the Congressional Record.

It is a sensible statement of policy about the procurement of weapons, and must now be translated from words to numbers: to numbers of missiles, numbers of warheads, and, ultimately, to numbers of dollars that the Congress will have to vote for the acquisition of these weapons.

For a change, we have an important strategic problem, the core of which is still reasonably in the future, rather than looming directly overhead. But now is the time to get underway a dialog between the administration and Congress on the issue of how much counterforce capability is too much.

I am, therefore, offering an amendment which interferes with no weapons program: which simply mandates the administration to think clearly and analytically about the definition of a first-strike capability, about the numbers of U.S. weapons that would comprise one, and about ways to keep those numbers below the threshold of a first-strike force, as the President has said he intends to do. This report would become the basis for discussion in the coming legislative year: a discussion which, hopefully, can be managed as a true debate on the needs of national policy, wherein we can debate and resolve the true extent of our needs, and the true requirements of a prudent approach to nuclear weapons.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The amendment was agreed to.

● Mr. McCURDY. Mr. Chairman, I have expressed concern on several occasions about the escalating cost of weapon systems. In this regard, I want to call attention to the committee's decision to reduce DOD's request for the advanced medium-range air-to-air missile [AMRAAM] from $431 million to $231 million, and from 174 missiles to 75. Indeed, the cuts were charitable, given the very poor record compiled by the Department of Defense in the contracting and management of this critically needed high-value weapons system.

AMRAAM is designed to be an all-weather, radar-guided, all-environment missile that will give our first-line fighter aircraft a marked advantage over Soviet aircraft in air-to-air combat, because of its launch-and-leave multiple-target capability at ranges beyond the armament of Soviet aircraft. However, a study by committee staff concluded that due to poor management, schedule slippage, and cost overruns, the AMRAAM program will not be ready for production in fiscal year 1985. Partly as a result of this study, the Air Force recently delayed its production decision on AMRAAM by 3 months.

In all fairness, the performance requirements specified for AMRAAM had never before been attempted for an air-to-air tactical missile system of its size. It was obvious that development of AMRAAM would be a high-risk venture in state-of-the-art missile technology. Yet the Air Force—in a shortsighted attempt to transfer the cost risk to the contractor—chose to use a fixed price development contract. This strategy backfired because the Air Force agreed to pay penalties to the contractor of up to $93 million if production did not proceed on a set schedule, regardless of whether or not the formidable technical difficulties of making the missile work had been solved or not.

Furthermore, the cost of designing and fabricating the missile was underestimated by 50 percent, and of the systems necessary to test it by over 100 percent. There is now significant doubt that the missile can be produced for the budgeted amount. Additionally, second-source production—so necessary to hold down costs—is now in serious jeopardy because the overall program has slipped by 4 to 6 months. I urge the Department of Defense to get the AMRAAM program back under control quickly. AMRAAM is desperately needed, but there is simply no way we can commit to produce it without knowing what it will actually cost.

At a time of enormous deficits and increased emphasis on controlling defense procurements costs, it is extremely disturbing that the Department of Defense has so mismanaged this vital program. If action is not taken to turn this program around by fiscal year 1986, I will seek to terminate it.●

AMENDMENT OFFERED BY MR. ROSE

Mr. ROSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSE: At the end of the bill add the following new section:

PROHIBITION OF CONDUCTING WOUND-TREATMENT TRAINING ON ANIMALS

SEC. . (a) Chapter 101 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2006. Wound-treatment training using animals: prohibition

"No funds available to the Department of Defense may be used to carry out any training in the treatment of ballistics wounds that involves the use of live animals as subjects.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2006. Wound-treatment training using animals: prohibition.".

Mr. ROSE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Thank you, Mr. Chairman.

Members of the Committee, this is a matter that was, I thought, dispensed with last year in the appropriations bill. The language in the full committee bill last year stated very clearly that the Defense Department was not to use live animals as subjects in ballistic wound tests.

I think you have all received today a copy of a very thoughtful letter from the Humane Society of the United States.

I am the last person in this body that would say that military doctors should not have the kind of training and practice that they need and deserve to meet any situation that they might be confronted with.

I talked today in my office to an Assistant Secretary of Defense who is in charge of this area, and he told me that the practice was to anesthetize animals, mainly goats in hospitals in Texas and in North Carolina, put them in a sling, shoot them with a high-powered projectile, provide some kind of training and then kill the animal.

Now, I submit to you, and I have talked to several doctors who have confirmed this, the best training for a doctor to receive is to get actual practice dealing with a human subject that has been shot. One of the recommendations that the Humane Society made was that subjects that had been killed had been used for the ballistic test.

I have a letter from the Royal College of Surgeons of England and it concludes by saying: "It is certainly true to say that the use of animals to gain surgical dexterity is prohibited under our laws and that this has not proved an obstacle to the effective training of young surgeons in the United Kingdom." Signed by Dr. Robert Sharp, the Secretary of the Royal College of Surgeons of England.

If we look at the record of what has been learned, I think we will see that the military has been following a path of least resistance in an effort to expediently provide a certain level of bare-bones experience for training medics and doctors.

I submit to you that the better training and clearly the more humanitarian path that we could tell the Defense Department to follow would be to rotate these medics and to rotate these doctors through big city hospitals in this country where all kinds of experiences of ballistic damage, far greater than that which is achieved by dissecting the blown up hind quarter of a goat, could be achieved.

The other possibilities would clearly be to offer, offer as teams, the medics that need this training, to the armed services of foreign governments, such as Israel, such as Lebanon, such as anywhere in the world where combat situations exist today so that these men could receive firsthand training.

I submit that you would want a doctor working on your son, or your grandson, or your daughter to receive the best possible training that they could receive and it would be an actual, physical damage to a human, it would not be on the hind quarter of a helpless goat.

I submit we ought to solve this matter once and for all. We ought to tell the Defense Department, they cannot use live animals as subjects for their ballistic tests and we ought to move on to a more humane way of providing this training for our doctors, and do it at a higher level of competency than we are doing right now.

☐ 2150

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I feel a lot like Vice President Bush felt last year when he received a call from his mother. His mother asked the Vice President, she said: "The only time that the Senate lets you vote is when you vote on nerve gas." And that is kind of the way I feel tonight. The chairman has asked me to handle this amendment.

But I do rise in opposition to the amendment. I would like to point out that dogs and cats by law were restricted last year to be used by the Defense Department for medical training. It does affect goats, as the gentleman from North Carolina said.

The Defense Department got the word loud and clear last year that Congress wanted them to move away from testing on animals. They have tried. They have tried to use soaps, they have tried to use jellies, plastics, but it does not work.

So we have two Army posts that now do take action on live goats that have been put to sleep. There is no pain to these goats. But for training there is no other way unless the gentleman from North Carolina wants us to train on human beings. I do not know whether he wants to pick out a certain segment or not. But there is no other way but to train on animals.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

I do not know how the gentleman is trying to characterize this debate, but one of the suggestions has been that dead subjects might be a proper object of this kind of thing.

Using live animals, I say to my friend, is the main problem here and it is one that does not provide that much advantage to anybody who is getting this training. We owe our doctors a better level of training in a more humane way.

Mr. MONTGOMERY. I thank the gentleman.

The gentleman mentioned about going into big city hospitals. That is not workable. They do not carry AK-47's, M-16's around in cities. The small guns that do damage are not good training for high-velocity combat weapons. Our doctors just cannot train on hospital patients. They have to use these animals.

Let me quote from a letter that was received from the Harvard Medical School from a Dr. Moore. It stated that:

> This type of training is necessary unless we are to send green surgeons into combat for on-the-job training.

So we do not want to send our personnel overseas and train on live people. We do not have any answer. I know it is a rather unique debate to be talking about animals, but there is no other way that these surgeons can learn unless they train on animals. The animals are put to sleep. There is no pain to the animals. If we had years ago eliminated training, testing, and research on animals, we certainly would not have advanced very far in medical areas, especially in cancer and other diseases.

So I would hope that this amendment would be defeated.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at first blush this amendment would seem to be unassailable. It appears to pit animal lovers against those who do not like animals. Since we are all animal lovers, who could oppose such a proposition?

Well, all of us should oppose this amendment because in fact is pits animals against the lives of young men, and possibly young women, who have been mortally wounded in service to our country. Military physicians simply cannot receive the training in treatment of high-velocity wounds any other way than by using laboratory animals.

Rather than take my word on this, I want to share with Members a letter from Capt. Kevin Keenan, a young Army doctor serving in Honduras who graduated from the Uniformed Services University of the Health Sciences School of Medicine. I will read an excerpt from the letter and include the entire text in my extension of remarks.

Captain Keenan begins by stating "emphatically" that animals used in the training are well cared for.

He continues:

> The major issue at point is the need for live wounded tissue training of those most likely to face future combat medical challenges. There can be no reasonable scientific doubt that the nature of high velocity (assault rifle) bullet wounding is dramatically different from low velocity (pistol, light rifle) wounding. The squared increase of force with respect to velocity produces wounds of devastating effect. This difference is substantial and significant and definitely not easily understood or treated without prior exposure to the local and remote effects of wounding . . .
>
> Anecdotal medical history provides examples of this fact being rediscovered by each generation of physicians involved in armed conflict, usually after having unsuccessfully and inappropriately treated wounded young soldiers with techniques more applicable to low velocity (civilian) wounds.
>
> It must be recognized that anything less than high velocity wound experience for medical care providers represents a compromise in the quality of care to be provided on the battlefield.

Finally, Dr. Keenan asks:

> Should the first live wounded tissue a medic or young physician sees be that of an American soldier, in the woods, in the dark, in the rain? Our lack of foresight and preparedness in the training of medical personnel may diminish the chances of that young American's survival, to the greater loss of our society.

Dr. Keenan answers his question with regard to his own experience in Honduras:

> In my present duty, I have treated only two gunshot wounded Central American soldiers, but would have hated to tell either of these patients to "bleed a bit more slowly, I'm learning as I go along."

Mr. Chairman, in closing I want to remind Members that this Congress has already prohibited the use of dogs and cats for this type of medical training. The amendment before you, by prohibiting the use of any animals, would eliminate such training completely. If we accept the amendment, you can count on this: The sons and daughters of this country who we call upon to carry the ultimate burden of freedom in any period of hostilities in the future cannot be assured of experienced military medical care when they pay the price of that burden. I urge this body to defeat this amendment.

[From the Army Times, Apr. 9, 1984]

NO SUBSTITUTE EXISTS FOR LIVE WOUND TRAINING

(By Capt. Kevin N. Keenan)

As a 1981 graduate of the Uniformed Services University of the Health Sciences School of Medicine (USUHS) serving in Honduras with U.S. Army Special Forces, I feel entitled (in fact, obligated) to hold an opinion on the controversy regarding live animal wounding in combat wound training.

Having been an instructor and student for live animal training, let me preface any discussion of the issue by stating emphatically that animals are well cared for before wounding. They are fully and competently anesthetized during wounding and, if reawakened after wounding, receive attentive care in proper sterile medical fashion from students who are highly concerned and motivated. In those courses not requiring postoperative wound care, animals are chemically euthanized before ever regaining conciousness. Several difficult and highly instructive procedures are usually performed to gain maximum teaching benefit from the sacrifice of an animal.

The major issue at point is the need for live wounded tissue training of those most likely to face future combat medical challenges. There can be no reasonable scientific doubt that the nature of high velocity (assault rifle) bullet wounding is dramatically different from low velocity (pistol, light rifle) wounding. The squared increase of force with respect to velocity produces wounds of devastating effect. This difference is substantial and significant and definitely not easily understood or treated without prior exposure to the local and remote effects of wounding and their sequelae.

Anecdotal medical history provides examples of this fact being rediscovered by each generation of physicians involved in armed conflict, usually after having unsuccessfully and inappropriately treated wounded young soldiers with techniques more applicable to low velocity (civilian) wounds. Training and practice in the care of high velocity wounds is essential to provide an experienced supply of physicians, physician's assistants and Ranger and Special Forces medics who are competent, capable and confident in the treatment of such casualties in situations where large numbers of casualties may occur rapidly.

The need for live wound training has long been recognized; even in today's modern laboratory no satisfactory substitute has been found. In the early 20th century, the basic groundwork of scientific wound ballistics was laid. The wounding of cadavers (human and animal), the use of soap blocks or gelatin, and other methods were tried in Europe and America and found grossly unsuitable. Live animal training provides the surest safeguard of the American soldier's life if wounded. It must be recognized that anything less than high velocity wound experience for medical care providers represents a compromise in the quality of care to be provided on the battlefield.

In a basic, though perhaps unfairly emotional, view: should the first live wounded tissue a medic or young physician sees be that of an American soldier, in the woods, in the dark, in the rain? Our lack of foresight and preaparedness in the training of medical personnel may diminish the chances of that young American's survival, to the greater loss of our society. The academic sacrifice of animals is not to be taken lightly and should not pass without question, but in a society where we stress the undesirability of war, let us not forget, to our greater loss, the possibility of future conflicts.

As to the suggestion that American medical personnel be sent to the world trouble spots for wound training, I can only hope that this was advanced in tongue-in-cheek fashion. In my present duty, I have treated only two gunshot-wounded Central American soldiers, but would have hated to tell either of these patients to "bleed a bit more slowly, I'm learning as I go along."

High velocity bullet wound training is an essential and integral part of military medical training. The disagreements between intelligent and sensitive persons on both sides of the issue may be correctly resolved if we remember the lifesaving responsibilities of the medical personnel to be trained.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, we could perhaps make light or make jocular remarks about it because it does give rise to some funny remarks, I suppose. But this is really serious. And it is sort of ludicrous, in my opinion, to ask here in the Congress to tell the medical doctors, who have treat wounds of the serviceman, that he cannot practice his profession and learn how to best treat the wounds by using animals. They use cadavers in medical school, both animal and human.

This is not unreasonable. To say that you can put somebody in the emergency ward and let them treat bullet wounds, that is fine except that what the doctors have to learn, within the military in particular, is how to treat high velocity wounds. By that I mean a bullet from an M-16 rifle or something higher.

We do not know the full impact of the high velocity. They have got to learn. They cannot learn on people. I, for one, if I were in the service as I have been and thought that the doctor was going to be denied the training necessary to treat a potential wound of mine by working on a goat, I would want him to work on a goat. I would want him to work on a goat or a pig or whatever before he got his opportunity to practice on me.

So what is the choice? Are you going to let him learn by working on live tissue or else deny him the opportunity of learning through the medical profession. I just do not think it is our place here in the Congress to tell the doctors that they cannot learn how to treat bullet wounds of our servicemen by working on live tissue. If you go to any pound, or any abattoir or slaughter house you see animals killed every day. Nobody is worried about that and nobody learns anything from it.

But here when we are trying to save the life of the American serviceman by learning how to treat high velocity wounds on an animal or a goat that is anesthetized and not cruelly treated, other than taking his life, what is the alternative? There is no alternative.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

I submit that there is an alternative. Nobody wants to save the life of American soldiers any more than I do.

Mr. DICKINSON. What is the alternative?

Mr. ROSE. The English say that they have gotten along very well in training their surgeons without the use of live animals. The gentleman talked about cadavers, the cadaver is not a living animal. It has passed on to its reward.

Mr. DICKINSON. I understand that. But I am talking about live tissue that serves to train our doctors as to how to treat these weapon wounds.

Mr. ROSE. The live tissue of a small goat is not comparable to the tissue of a human being.

Mr. DICKINSON. Well, it is the nearest thing to which we can come. What else would the gentleman have? There are no volunteers from people. So you have got to use something to train on.

I would say it is certainly not the realm of the House to tell the medical doctors how they can learn to treat wounds.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. Rose).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. ROSE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count; 100 Members are present, a quorum.

The pending business is the demand of the gentleman from North Carolina (Mr. Rose) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Biaggi: On page 157, line 18, add the following section:

"SEALIFT MOBILITY"

"Sec. 1010. (a) In recognition of the projected shortfall of our national sealift capacity and the critical role in supporting our sealift mobility played by the U.S. merchant marine in transporting troops and supplies during the times of national emergency and war, and in recognition of the immediate need for auxiliary sealift capacity pending the results of the recommendations of the Commission on Merchant Marine and Defense, compliance with sections 12106 and 12107 of title 46, United States Code, and section 27 of the Act of June 5, 1920, Ch. 250 (46 App. U.S.C. 883) shall be waived for national security purposes for not more than two passenger vessels that the Secretary of Transportation in consultation with the Secretary of Defense determines, within one year of the date of enactment of this Act, meet the following criteria. The vessel:

(1) has a passenger capacity in excess of 750;

(2) has a draft of less than 20 feet;

(3) is capable of being converted to a troopship; and

(4) entered passenger cruise service after 1974.

(b) In order to insure its availability and utility for national defense purposes, each vessel qualifying under this section -

(1) shall have all alterations, repairs, and rebuilding of that vessel that are necessary to bring the vessel into compliance with

part B of Subtitle II of title 46, United States Code, done in the United States, and shall comply with all other requirements of law;

(2) shall have all non-emergency alterations, repairs, or rebuilding of that vessel done in the United States;

(3) shall operate on routes that benefit its defense utility purpose and shall not operate on routes presently being served by other comparable, similarly qualified passenger vessels; and

(4) shall be manned by a crew whose licensed officers have naval reserve commissions.".

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FIELDS. Mr. Chairman, I reserve a point of order against the amendment.

Mr. BATEMAN. Mr. Chairman, I would also like to reserve a point of order unless it be the same one being reserved by the gentleman from Texas.

The CHAIRMAN. The Chair will protect the gentleman from Virginia.

POINT OF ORDER

The Chair recognizes the gentleman from Texas (Mr. FIELDS) on his point of order.

Mr. FIELDS. Mr. Chairman, I make a point of order that the amendment before the House is out of order because it is nongermane and because it is a private bill.

It is not germane because it has no legitimate defense rationale and because it has tax and revenue dimensions. No vessel need also have coastwise privileges with its tax advantages in order to fly the U.S. flag.

It is a private bill because it is actually H.R. 4333, the effect of which would be to admit to American registry and to coastwise privileges two British steamship vessels, the Cunard *Countess* and the Cunard *Princess*, and which the Parliamentarian advised would be subject to objection as a private bill. That was because H.R. 4333 is merely an attempted public version of H.R. 2883 which was introduced as a private bill and which was returned to committee by unanimous consent because it was subject to objection.

Mr. Chairman, it was no accident that the Cunard legislation was originally drafted as a private bill. Even a cursory review of the precedents of the House establishes that "a bill granting an American register to a foreign built vessel is classed as a private bill." That is the exact case here.

But, private legislation presented as an amendment to a public bill is out of order in accordance with the precedents of the House. Even a casual reading of the precedents establishes that "it is not in order to amend a private bill by adding provisions general and public in character." A directly applicable precedent occurred during the 1st session of the 52d Congress on July 20, 1982, when a proposal then before the House to grant American registry to the steamship *China* could not be amended or transformed into a public bill. On that occasion the Speaker said, and I quote:

> In the 39th Congress a decision was made, and since then, so far as the Chair is advised has uniformly adhered to that an amendment proposing to engraft a general provision of law upon a private bill is against order. The proposition . . . is to make the provision general and grant American registry to any steamship of a certain class or burden. Therefore, the Chair thinks that it is general in character and is not in order.

Private legislation is defined as legislation "for the interest of individuals, public companies, or corporations, a parish, city or county or other locality." If there was ever a bill which satisfied that definition it is the one presented to us in the form of the so-called Troop Transport or Sealift Mobility amendment, which is the Cunard bill disguised. The amendment would permit a single British steamship company to convey to an American shell corporation two modern steamship vessels and it would qualify those vessels for use in our coastwise trade. Since qualification for coastwise trade under the terms of this amendment will make these passenger vessels eligible for special tax treatment under section 274(h)(2) of the Internal Revenue Code, which permits the costs of business conventions conducted on the vessels to be conducted, and since the operators of the vessels will not pay any ad valorem duty on the vessels as would a competing American company which sought foreign repair and since this legislation is limited to two vessels and tracks in content and intent the Cunard legislation, only a private party will benefit. Thus, I suggest that the bill is not in order.

Mr. Chairman, if the distinction between public and private legislation is to mean anything it requires that we denominate special or private legislation as such because to do otherwise would fool no one and reduce the private calendar to procedural meaninglessness.

This bill is clearly not in order.

□ 2200

The CHAIRMAN. Does the gentleman from New York (Mr. BIAGGI) wish to be heard on the point of order?

Mr. BIAGGI. Yes, I do, Mr. Chairman.

To begin with, nowhere in this bill are two vessels named. The fact of the matter is, the two vessels selected will be done by the Secretary of Defense, together with the Secretary of Transportation.

The vessels that are available so far for consideration are at least a minimum of five, and perhaps even greater. One would be the *Visby* from Sweden, the other would be the *Princess Ragnhild of* Norway, the other would be the *Viking Sally* of Finland, and the two Cunard vessels, the *Countess* of Great Britain and the *Princess* of the Bahamas.

So clearly the argument whether this is a private bill does not hold water.

The amendment specifies two vessels, and those vessels will be designated, as I said before, by the Secretary of Defense and Secretary of Transportation.

The gentleman also raises the question of taxes. He would have you believe that this is the first time that this event ever took place. The fact of the matter is, it happens often. But the circumstances are individually considered by the Committee on Merchant Marine and Fisheries. There has never been that question raised before.

I believe my amendment is germane. To assess the germaneness of an amendment to this defense bill, we have to first look at the very close relationship between the merchant marine and national defense.

A principal basis of our current defense policy is the ability of our armed forces to deploy men and supplies from the United States to overseas locations. Upward of 95 percent of all movements required in an overseas emergency will be by sealift.

There is a demonstrated shortfall of sealift capacity. The Jones amendment, which was just passed within the last hour establishing a Commission on Merchant Marine and defense has already been accepted and is directed at assessing the Nation's sealift requirements for cargo and personnel. The Commission measure was considered—as H.R. 3289—by the Armed Services and Merchant Marine Committees.

A merchant marine for national defense covers three elements:

The capability of U.S. shipyards to construct vessels necessary for U.S. normal commerce and war needs;

The ownership and operation of those vessels by U.S. citizens so the vessels are readily available to our military in the event of war or emergency; and

Sufficient numbers of trained officers and seamen of U.S. citizenship to man the vessels.

This amendment mandates that these trained officers be on those vessels. The Commission will be looking at these essential elements when conducting the study.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. BIAGGI. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, is the gentleman speaking to the point of order, or is he explaining his amendment?

The CHAIRMAN. In the opinion of the Chair, the gentleman from New York (Mr. BIAGGI) is speaking to the point of order.

Mr. DICKINSON. I thank the Chair.

Mr. BIAGGI. Mr. Chairman, the linkage between defense policy and maritime policy is clearest in the area of domestic waterborne commerce. The Merchant Marine Act of 1920 states:

> It is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a Merchant Marine of the best equipped and most suitable types of vessels sufficient to carry the greater portion of its commerce and serve as a naval or military auxiliary in time of war or national emergency. . . .

Only vessels of the United States may operate in the domestic commerce. With rare exceptions those vessels must be constructed in the United States. The ability to operate in the coastwise market—a protected market—provides economic viability to a commercial operation that is essential if the operator's vessels are to be available for sealift purposes. By having our fleet close by our shores our military will have at hand useful vessels to transport men and supplies to the theatre of action should the need arise. While U.S. flagships in the foreign commerce are also important, it is much more difficult to be assured of their immediate availability because so much of their time is spent on the high seas or in foreign ports.

The exceptions to the requirement that vessels be built in the United States are predominantly those based on national defense needs.

In one instance, Congress provided that, where required for national defense, the Secretary of Defense could order waiver of compliance with those laws that would otherwise restrain certain vessels from operating as vessels of the United States.

Another example of this waiver authority can be found in title 50 of the United States Code—the war and national defense title. That law authorizes the Secretary of Transportation to requisition, purchase, or charter foreign vessels lying idle in the jurisdiction of the United States when those vessels are necessary to the national defense.

The substance of my amendment is to implement the portion of the defense authorization bill relating to sealist capacity. The national defense aspect of these vessels has been recognized by the Office of the Chief of Naval Operations, which supports initiatives that would add passenger ships to the U.S. flag fleet. The letter of support was directly addressing H.R. 4333, a bill very similar to my amendment.

Since the creation of impediments to the documentation of vessels has always been directly connected with national security and since the amendment directly affects the troopship sealist aspects of our defense establishment, we believe the amendment is germane.

Finally, the amendment meets the several tests that are employed to judge whether an amendment is germane. It meets the subject matter test. The subject matter of H.R. 5167 is broad. It has been further broadened by the Jones amendment establishing a commission on merchant marine and defense.

My amendment meets the committee jurisdiction test. If introduced separately my amendment would have been referred to the Merchant Marine Services Committee. Adoption of the Jones amendment causes the bill to overlap the jurisdiction of the two committees as well.

This amendment meets the fundamental purposes test. The adoption of the Jones Commission amendment has broadened the fundamental purpose of H.R. 5167. One of its purposes is to study and examine the capability of the merchant marine to meet national defense needs during an emergency including transportation of cargo and personnel. My amendment provides support to the national defense by commercial merchant vessels—vessels that could be used to transport personnel during wartime.

The germaneness rule does not require an amendment to amend the same title of the code as the bill proper.

I believe my amendment is germane. It meets the three tests for determining germaneness. And finally, the amendment is not required to amend the same section of the code as H.R 5167.

The CHAIRMAN. The Chair is ready to rule, unless the gentleman from Virginia (Mr. BATEMAN) would like to further elaborate on the point of order.

Mr. BATEMAN. Mr. Chairman, I would like to comment very briefly on the germaneness aspect. I believe the question of the private versus public bill has been expounded. I am sure the Chair will be prepared to rule on it.

□ 2210

With reference to the germaneness question, Mr. Chairman, I think it is a very serious one. May I say, and very briefly, but for the fact that there is a Jones Act in title 46, an act and a provision of law falling under the jurisdiction of the Merchant Marine Committee, there would be absolutely no purpose for this bill being on the floor.

This bill is here; needs to be here, and has as its only real purpose the granting of an exemption under the provisions of the Jones Act. That is a matter for the jurisdiction of the Merchant Marine Committee; not a matter of jurisdiction for the Armed Services Committee.

I suggest that the matter before us is not germane to the purposes of the Defense Department authorization bill.

Mr. FIELDS. Mr. Chairman, I would like to speak further on my point of order.

Mr. Chairman, it is my understanding that there are only six ships that are applicable to this particular amendment. One is the *Cunard Countess*, the other is the *Cunard Princess*, one is the *Silja Star*. It is under the Finland flag. Another is the *Okaswara Maru* under the Japan flag. *Takasiho Maru* under the Japan flag, and the *Casa Stann* under the Soviet flag. There has only been two ships that are offered for sale at this particular point. There are only two ships that have been debated before our particular committee, being asked to come in under some type of waiver under the Jones Act.

Second, Mr. Chairman, this measure is neither requested nor endorsed nor supported by any U.S. defense agency speaking toward the point that this is not germane. In fact, there is a letter on February 1, 1983.

Mr. SHAW. Mr. Chairman, I raise a point of order. The argument being made by the gentleman from Texas has nothing to do with this point of order.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair is ready to rule on the gentleman's point of order, and germaneness is the only relevant point of order.

Whether or not an amendment is germane should be judged from the provisions of its text rather than from the motives which the circumstances may suggest. The burden of proof is on the proponent of an amendment to establish its germaneness.

The Chair will observe that title X, basically a broad general provisions title of the bill, has been, as the gentleman from New York has pointed out, further broadened by the adoption of numerous other amendments. The subject matter of title X has also been broadened within the jurisdiction of another committee, and it has been added by an amendment.

The Jones amendment establishing a commission has introduced the subject of sealift capacity. The Chair feels that the pending amendment is drafted to emphasize only that the waivers of law have defense-related ramifications, and the Chair does not feel that he looks behind the language of an amendment to the intent or motive of its author. Therefore, the Chair overrules the point of order and recognizes the gentleman from New York to explain his amendment.

The point of order is overruled.

Mr. BIAGGI. Mr. Chairman, this amendment has been discussed with the majority and minority leaders of the Armed Services Committee, and it is substantially the same as two bills reported favorably by the Merchant Marine and Fisheries Committee by a 3-to-1 margin.

The major difference between this amendment and those two bills is that the criteria for selection of eligible vessels have been broadened. Based on initial inquiries, there are more than five ships currently in operation that could meet these criteria. Clearly there are more, because the gentleman from Texas, Mr. FIELDS, just annunciated some that were not on my original list.

The amendment directs the Secretary of Transportation in consultation with the Secretary of Defense to admit not more than two foreign-built passenger vessels into the Jones Act trade. There are four criteria that the Secretary is to consider in making determination about the eligible vessels.

These criteria were selected primarily because we want to use these ships as troop transports in national emergencies. The four requirements assure that the vessel is large enough to transport military troops in time of national crisis or war.

Two, that it is maneuverable. Three, whether it is capable of being converted into a troopship, and less than 10 years old to insure that we get new ships with modern machinery. The amendment further requires that all alterations, all alterations necessary to meet U.S. safety standards and any subsequent repairs to the vessels must be done in a U.S. shipyard. This requirement is even more stringent than exists in present law, and is intended to provide work for our ailing shipyards.

Under the present law, they are only required to use our shipyards for hull and superstructure. Under this bill, annual repairs will be required.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. HUTTO. I rise in support of the gentleman's amendment and would like to let the gentleman verify further that the Merchant Marine and Fisheries Committee has held numerous hearings in the last few years on sealift capability as well as the general condition of our merchant fleet and so on, and the Armed Services Committee also has recognized the need for sealift.

I think that this is a good amendment; I believe that the House ought to support, and of course, while we are dealing with it from the defense standpoint, and certainly that is needed for our sealift capability, it also will be good commercially. It will bring in tax dollars; it will employ people.

I think the gentleman has a good amendment, and I rise in support of the amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, as chairman of the Readiness Subcommittee, I want to strongly support the amendment of the gentleman from New York. I think it does enhance our sealift capability and our overall readiness, and we certainly hope it will pass.

Mrs. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentlewoman.

Mrs. LLOYD. I would also like to commend the gentleman for bringing this to the floor, and I will support the gentleman.

Mr. BIAGGI. I thank the gentlewoman.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. WHITEHURST. I want to commend the gentleman for his amendment, and I want to strongly support it.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. KAZEN. I want to associate myself with the gentleman's remarks, and rise in support of his amendment.

Mr. BIAGGI. I thank the gentleman.

Why is this amendment necessary? Our cabotage laws require ships that transport passengers between U.S. ports to fly the U.S. flag, be built in U.S. shipyards and carry U.S. seamen. Requirements such as these have been part of our laws since our country was founded. I continue to believe in the importance in these laws.

However, there comes a time when the realities of a situation must be considered and exceptions must be made. Now is that time. Here are the facts: The oceangoing cruise fleet of this country is comprised of two ships. They are over 33 years old. We had to pass special legislation so these vessels could enter our domestic trade notwithstanding the objection of some of the very same people who have objected to the enactment of this amendment.

The last time a luxury cruise ship was built in the United States was 1958; 26 years ago. I might add those two vessels that were accepted and permitted into the trade are in Hawaii employing 800 or 900 people a year, and providing tax dollars. I think the facts speak for themselves; we must do something to change the situation, and this amendment will help.

The unfortunate state of affairs in our passenger fleet has national defense and sea lift readiness implications. I do not think that it is a secret that we have shortfall in our troop ship capacity. If we are going to become involved in even the smallest conflict, like the Falkland Islands, our military would have only two fully operational vessels to call into service. Both of these ships are in Hawaii.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 5 additional minutes.)

Mr. BIAGGI. The British used at least four liners in the Falklands. In Grenada, when our Government was considering ways to evacuate medical students from the island, we had to go to a British company to ask if we could use one of their vessels. This, in my judgment, is sad commentary. The greatest nation in the world has to borrow militarily useful vessels.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. SKELTON. I wish to associate myself with the gentleman's remarks in favor of your amendment, and also point out not just the fact that this deals with readiness, but that the Joint Chiefs have talked time and again about the sustainability of any problem that we might have on any contingent basis.

So, this would help solve that problem. I agree with the gentleman's amendment, and I think that is all there is to be said.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman.

Mr. BADHAM. The gentleman who proposes the amendment said that it has been 26 years since a cruise ship keel was laid in a ship built in an American shipyard?

Mr. BIAGGI. That is correct.

□ 2220

Mr. BADHAM. Would the defeat of this amendment in any way cause cruise ships to be built in our ports, in our harbors?

Mr. BIAGGI. I am glad the gentleman asked that question because the fact is as clear as this: Until we introduced this legislation in the committee which, by the way, was reported out on two occasions, by 30 to 8 and 28 to 11, in the Merchant Marine Subcommittee, which I chair, there was not one evidence of interest by anyone.

There was one individual who did express an interest and it was brought to my attention by the gentleman from Texas, and we extended the hearings for that purpose. That individual never had his financial package in place and he is out there hustling, if you will, trying to put a package together.

It is clear, in my judgment, that all of the other so-called efforts are purely dilatory in nature and devised.

Mr. **BADHAM.** If the gentleman would yield further, if this amendment were adopted, we would have more economic viability in our cruise ships industry, which would bring in revenues, and the ship would be operated and repaired out of our ports; is that correct?

Mr. **BIAGGI.** Clearly.

Mr. **BADHAM.** I thank the gentleman.

Mr. **BIAGGI.** Let me expand on that. We do not have a coastwise passenger cruise industry. We do not have an industry along the coast in America, not a single passenger ship on the outside. We have some inland, but not one outside.

These two vessels could come in place and they would require clearly an investment to develop a market, and if the market is there, the statistics indicate the market would be there in abundance, and American ships can come on board. There will be an extensive cruise industry. We have an industry now leaving America and going to foreign shores, spending foreign money, and no money coming back here, all on foreign vessels. We are losing jobs. The unemployment situation among the seafarers is 50 percent.

Mr. **RAY.** Mr. Chairman, will the gentleman yield?

Mr. **BIAGGI.** I would be delighted to yield to the gentleman from Georgia.

Mr. **RAY.** I thank the gentleman for yielding.

Mr. Chairman, I wonder if the distinguished gentleman will tell us if this will cost the Government any money?

Mr. **BIAGGI.** Not a solitary cent. The fact of the matter is, it will make money for the Government. It will employ 1,000 people. It will provide taxes. It will put people on the payroll instead of having them on the welfare rolls.

Let me tell my colleagues the type of jobs we get here is the threshold type, where the minorities and the poor have an opportunity to come on board and go to work. Of course, we will have highly skilled. This amendment requires that the officers be military trained and in the Reserve.

Mr. **RAY.** I thank the gentleman.

Mr. **MILLER** of California. Mr. Chairman, will the gentleman yield?

Mr. **BIAGGI.** I would be delighted to yield to the gentleman from California.

Mr. **MILLER** of California. I thank the gentleman for yielding.

Mr. Chairman, is there anything in this legislation that states where these ships are going to be home ported?

Mr. **BIAGGI.** It does not, but we do not know which vessels will be determined.

Mr. **MILLER** of California. In the 2 that have been brought up here, in talking to Members, it appears that there have been assurances given that these ships are going to be home ported in a number of different ports, and I do not understand. We are told they are going to be home ported in San Francisco, some people said Long Beach, and other people said, "Oh, no, they are going to be over in Florida."

I just wondered where, in fact, the plans are to home port these, since that relates to jobs. I just wondered. Has that been spelled out to anybody?

Mr. **BIAGGI.** If the gentleman is talking about the original legislation, I could tell him they would be home ported in Miami or Fort Lauderdale, but we are not talking about the original legislation because the original legislation identified the two ships. We do not know if those will be the two ships selected by the Secretaries of Defense or Transportation. Now we are up to about nine vessels that could easily be chosen. It may well be that the 2 ships will be chosen.

The **CHAIRMAN.** The time of the gentleman from New York (Mr. BIAGGI) has expired.

(On request of Mr. MILLER of California and by unanimous consent, Mr. BIAGGI was allowed to proceed for 3 additional minutes.)

Mr. **MILLER** of California. If the gentleman will yield further, if it were those two original ships, that would have been come port in Florida at some point.

Mr. **BIAGGI.** Agreed.

Mr. **MILLER** of California. If the gentleman will yield on another point, the gentleman raised the issue that all work on these bottoms that would be required to bring them into compliance with, I guess, American Coast Guard standards for safety and health and what have you, would be required under this amendment to be done in American yards. Is that correct?

Mr. **BIAGGI.** The existing law requires that the hull and superstructure be done in American yards. This amendment requires annual repairs to be done here. The present law does not require annual repairs, so we are talking about $5 million or $10 million worth of work.

Mr. **MILLER** of California. I understand that. Let me ask the gentleman if I am correct. I have been told and been led to believe that, in fact, at least on two ships, most of that work has already been completed in foreign yards to bring them up to standards, and that work, in terms of bringing them up to specifications, has in fact already been done and is not going to be done in American yards because the renovations and the changes that were necessary have in fact been recently done on these two ships.

Mr. **BIAGGI.** That is a hypothetical, and we are not dealing with hypotheticals. In talking about those two ships, I do not know whether that is true or not. I have heard that, but I do not know if it is true or not.

The fact is all annual repairs and that would be far in excess of what the hull and superstructure would require.

Mr. **SHAW.** Mr. Chairman, will the gentleman yield?

Mr. **BIAGGI.** I would be glad to yield to the gentleman from Florida.

Mr. **SHAW.** I thank the gentleman for yielding.

Mr. Chairman, I would like to follow up on the question the gentleman from California raised with regard to the original bill, as I was the original sponsor of the original bill. It was contemplated by the original bill that one of the ships would have operated on the west coast of the United States, and one on the east coast.

I think, as the gentleman very aptly pointed out, we have no trade going now from coast to coast between American ports on the mainland of the United States. Under the Jones Act we cannot have it without American-flag vessels. This is going to open up a brandnew industry, and I think it is a most important bill and I compliment the gentleman for bringing it to us.

Mr. **FIELDS.** Mr. Chairman, will the gentleman yield?

Mr. **BIAGGI.** I would be glad to yield to the gentleman from Texas.

Mr. **FIELDS.** I thank the gentleman for yielding.

Mr. Chairman, in response to Mr. MILLER of California, and this comes from a magazine article, Fair Play, August 18, 1983, on May 4, 1983, the *Cunard Countess* arrived at Malta, and apart from the removal of military features installed for the ships in the Falkland Islands campaign, preparations were made in the major modification areas, including the pool deck, extension of the nightclub, a new gymnasium, an al fresco cafeteria area was completely renovated, the swimming pool was completely redesigned.

The **CHAIRMAN.** The time of the gentleman from New York (Mr. BIAGGI) has again expired.

(On request of Mr. FIELDS and by unanimous consent, Mr. BIAGGI was allowed to proceed for 2 additional minutes.)

Mr. **FIELDS.** If the gentleman will yield further, going further about the *Cunard Countess*, the deck, the deckhead, the bulkhead coverings throughout the ship were extensively upgraded, over 200 cabins were completely redecorated, 3 tons of new stainless steel, not American steel, to conform with U.S. port health regulations, were fitted in the cold rooms. The *Cunard Countess*, replacement of her diesel alternators by four new sets of generators, other equipment such as two large hot water kettles, associated heat exchanger and pump units.

So in essence, there has been a lot of retrofitting prior to being introduced into this particular coastwise trade.

The CHAIRMAN. The time of the gentleman from New York (Mr. BIAGGI) has again expired.

(By unanimous consent, Mr. BIAGGI was allowed to proceed for 1 additional minute.)

Mr. BIAGGI. Let me close my remarks, unless I must, of necessity, respond further.

We are talking about the Merchant Marine Subcommittee. Our purpose is to increase the maritime fleet. Our purpose is to increase the sealift capacity. It is a disgrace, for a Nation of this size and this importance, to be found in a condition where we are required to borrow a vessel to evacuate medical students from Grenada, from another country. I would be ashamed to have to tell that to people.

Let us talk about the question of jobs. Just reflect back. Before we had the two vessels in Hawaii, we did not have a single passenger vessel going, not a single one. Yes, there was opposition then. Let me tell my colleagues where the opposition comes from. I am sure Members know it by now. It is a question of two labor leaders fighting. They are both good friends of mine and they put a lot of us in an embarrassing position, but they are fighting. They are fighting each other, and in the end they are adversely affecting the maritime industry and they are costing jobs. There are 1,000 jobs that can be made here without costing the U.S. Government one dime.

How much would it cost to produce a program that would give jobs to 1,000 people, meaningful jobs, jobs that pay well, jobs that provide a threshold to go on and enjoy a better quality of life, permanent jobs, and perhaps be the incentive for developing an industry that is nonexistent and has not been existent for 26 years. No American vessel has plied the seas for 26 years and none have been built in 26 years. If we responded to those opponents when we permitted those other two vessels to come in, we still would not have those two vessels going and we would have 800 or 900 people not working each year.

It becomes an obligation. I know it is difficult sometimes. We say talk to the merits, Do not be parochial, do not concern yourself with outside interests and conflicts. Talk about the Nation's interest and the people's interest.

□ 2230

Mr. FIELDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I do not want to belabor my colleagues, but I am afraid that this amendment is being glossed over as something that is not controversial and in the best interests of this country.

First of all, let me take the defense argument. There is a letter dated February 1, 1983, from Andrew Prince, who is Deputy Assistant Secretary of the Navy. It is to Mr. Robert Lambert, who is the principal in regard to these two Cunard ships.

The letter is as follows:

DEPARTMENT OF THE NAVY,
Washington, DC, February 1, 1983.

Mr. ROBERT L. LAMBERT,
President, Cruise America Lines, Inc., Fort Lauderdale, FL.

DEAR MR. LAMBERT: I have been asked to reply to your recent letter to the Secretary of Defense petitioning the Secretary to recommend waiver of certain restrictions of the Merchant Marine Act of 1920, and the Vessel Documentation Act to permit entry of the passenger motor ship Cunard Princess to operate in the United States Coastwise trade. The basis for this petition is that a waiver of these restrictions would enhance our nation's military prepardness by strengthening the available sealift capacity under the United States flag for national defense purposes.

Under the provisions of the act of December 27, 1950, P.L. 81-891, 64 Stat. 1120 (1950-1951) such a waiver can be requested by the Secretary of Defense when deemed necessary in the interest of national defense. Your petition has been carefully reviewed and while the Department of Defense (DOD) is supportive of commerical inititives to stimulate the U.S. maritime industry, it is not apparent that permitting the Cunard Princess to operate in the U.S. Coastwise trades would provide a clear and direct benefit to the Department. Consequently, I am unable to support your request for a waiver in the interest of National Defense and defer to the views of the Department of Transportation and other Federal Agencies as their interests may appear.

ANDREW S. PRINCE,
Deputy Assistant Secretary of the Navy.

The chairman also talked about jobs. Well, I also want to talk about jobs, because there have been some contracts signed to build some ships in American shipyards. These ships will not be built if we waive the Jones Act in this particular interest, because the American shipbuilders will not have the opportunity to get the accelerated depreciation provisions that were passed in 1981; second, will not get the benefit of the "Love Boat" deductions that were passed in the last Congress.

Several of the contracts, American Flagships, Inc., New York, NY, a $700 million contract with Bethlehem Steel Corp., Sparrow Point Shipyards, signed November 1983, for two 800-foot luxury passenger ships, $700 million for the Baltimore economy.

The Gulf Pacific Cruise Lines, Houston, TX, $110 million contract signed May 4, 1984, with the Tacoma Boat Building Corp. for one 550-foot, 800-passenger cruise ship, a legal binding contract.

Also, negotiations are continuing for a second contract to be signed within 2 to 3 weeks to restore the *Monterey*.

Another contract, the U.S. Cruises, Richard Hadley of Seattle, WA, the contract will be signed within the next 30 days to rebuild the SS *United States*. The likely shipyard is the Norfolk Shipyard and Drydock Corp. in Norfolk, VA. Approximate amount of work, between $50 to $100 million.

Hadley's financing package in place. He will not need title 11 money.

These ships will not be built if this particular amendment is passed.

One last thing, and then I have some questions for the chairman.

The chairman said that there were two labor leaders who were feuding over this particular amendment.

Well, there is a telegram from the presidents of 11 major unions in this country, and the letter says:

MAY 15, 1984.

DEAR REPRESENTATIVE: We, the undersigned, representing over two million American workers, urge you, in the strongest possible terms, to oppose any amendments which would permit foreign-built cruise ships to be reflagged U.S. and operate in the domestic Jones Act trades. Such a proposal providing for the reflagging of up to four—

Now we find out it is six—

foreign-built cruise ships for the purpose of increasing our naval troop carrying capacity, may be offered this week to H.R. 5167, the Defense Authorizations bill. We strongly oppose this effort.

This unprecedented proposal, which would grant exclusive privileges to foreign-built ships in violation of long-honored Jones Act rules, will kill the rebirth of the U.S.-built, U.S.-flag cruise ship industry. Three contracts have recently been signed to build in Seattle, Tacoma and Baltimore five luxury cruise ships for our coastal trade. These contracts will mean the use of over 53,000 tons of American steel and new jobs for more than 7,000 workers in shipbuilding industries. There are also plans on which millions have been spent—to bring back the S.S. *United States*, the *Monterey*, and the *Santa Rosa* for this cruise trade. Because foreign-built ships carry far lower debt burdens, such a proposal will effectively destroy this new U.S. cruise industry before it even gets started and cost thousands of jobs in industries vital to the security of our nation.

Please oppose any such special interest amendments. It is bad for the industry, bad for jobs, and bad for our country.

LIST OF SIGNATORIES

Thomas W. Gleason, President, International Longshoremen's Association.

Robert J. Lowen, President, International Organization of Masters, Mates and Pilots.

Paul Burnsky, President, AFL-CIO Metal Trades Department.

Charles Jones, President, International Brotherhood of Boilermakers, Iron Shipbuilders Blacksmith Forgers and Helpers.

Paul Dempster, President, Sailors Union of the Pacific.

Charles Calhoun, President, Radio Officers Union.

Jesse M. Calhoun, President, National Marine Engineers' Beneficial Association.

Shannon Wall, President, National Maritime Union.

Lynn Williams, President, United Steel Workers of America.

Arthur E. Batson, President, Industrial Union of Marine and Shipbuilding Workers of America.

James Herman, President, International Longshoremen's and Warehousemen's Union.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. FIELDS was allowed to proceed for 5 additional minutes.)

Mr. FIELDS. So to think that this is only opposed by two unions, or there are only two unions in conflict, is ridiculous.

Mr. Chairman, I would like to ask some questions of the author of this amendment.

Mr. Chairman, can the gentleman advise me, and I think I know the answer to this, under the gentleman's particular amendment, whether or not the two Cunard vessels, the *Countess* and the *Princess*, which have been the subject of this particular amendment would be brought into coastwise trade?

I yield to the gentleman.

Mr. BIAGGI. I would say the *Cunard Countess* and the *Princess*, like seven or eight other ships, would be those being considered by the Secretary of Defense and the Secretary of Transportation to be brought into the sealift capacity, clearly.

Mr. FIELDS. Mr. Chairman, have we had hearings on any of these other ships, ships other than the *Cunard Countess* and the *Cunard Princess*?

Mr. BIAGGI. No, we have not. We are talking about sealift capacity and this is an opportunity to deal with that, because it is the Armed Services bill and clearly the amendment that was passed, offered by the chairman, the gentleman from North Carolina (Mr. WALTER JONES) which was authored by the gentleman from Florida (Mr. BENNETT) was passed and gave us the broad perspective, creating a special focus on sealift and this is an opportunity we took to enhance that.

Mr. FIELDS. Mr. Chairman, it is not clear to me on the face of the amendment which laws are involved here. Could the gentleman clarify whether this is an amendment to the Vessel Documentation Act, and second, if the defense authorizations bill has been the vehicle for amending the Vessel Documentation Act in the past?

Mr. BIAGGI. If the gentleman will yield, I could not hear the gentleman.

Mr. FIELDS. Mr. Chairman, the question I asked, it is not clear on the face of the amendment which laws are being amended. Could the gentleman clarify for me whether or not this is an amendment to the Vessel Documentation Act, and second, if the defense authorization bill has been the vehicle for amending the Vessel Documentation Act in the past.

Mr. BIAGGI. This amendment is to title 46.

Mr. FIELDS. Of the Vessel Documentation Act?

Mr. BIAGGI. Title 46 of the Jones Act.

I would like to get back to something. As long as the gentleman is yielding time to me, I would like to respond to the gentleman. I would prefer to have cut the conversation short, but as long as the gentleman is offering time, I would like to respond.

Mr. FIELDS. I am going to reclaim my time, because I have limited time. I have probably taken too much already. I have been advised that the British——

Mr. BIAGGI. If the gentleman will——

The CHAIRMAN. The gentleman from Texas (Mr. FIELDS) controls the time.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I will be glad to yield to the gentleman from Washington.

Mr. PRITCHARD. Mr. Chairman, let me just say this. Let us remember what we just did about 20 or 30 minutes ago. We passed, whether it was at the request of the gentleman from Florida (Mr. BENNETT) or the gentleman from North Carolina (Mr. JONES) here as an amendment which said that we are going to have the Defense Department make a study and come back in here and tell us what they need.

Now, this is what has been going on in the committee. We have asked the Defense Department to come back and tell us exactly what they need in these categories.

Now, it was proper to pass this one amendment which asked the department to come back and tell us, but the reason this bill has not come out is because we are in controversy in the committee.

I think we are getting the cart before the horse to go ahead with this second amendment, when we have not gotten the word back from the department.

Now, what is really happening here, we have a legitimate bill, a legitimate discussion in the committee, trying to sort this thing out as to what makes sense and now we are coming around, we are really acting a little like Senators here and we are attaching this bill as this bill goes through, when it should not be hooked on to this major piece of legislation.

So I think we ought to go back, not pass this amendment, and let the process work in the committee so we can see whether it is in the best interests of our country to go this way and go around the Jones Act or whether there is a chance to get eight other vessels built through the shipyards of America.

□ 2240

We do not really know this. But I think we would not find it out by passing the amendment at this time.

I yield back.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. FIELDS. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

I would simply say that the industrial base of this Nation is in danger right now. Navy work is the only game in town.

The gentleman from Texas has laid out some contracts that apparently have been signed. We have a chance, albeit a slim chance, of revitalizing the commercial building industry in this country, and I think that it is too great a risk for us to move ahead at this time and essentially surrender that chance by going with the gentleman's amendment.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close by 11 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. FIELDS. Mr. Chairman, I would hesitate, but I am afraid I am going to have to object because this is a very important debate. It may be the very most important maritime vote we have in this Congress, and I think to cut off debate with as many speakers standing as at this particular point would be the wrong thing to do. So I will object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. PRICE. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close by 11 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

The CHAIRMAN. Members standing at the time the motion was agreed to will be recognized for 1 minute each.

The Chair recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Chairman, I rise in opposition to the Biaggi amendment. I think that we should recognize at least three points related to this amendment.

First, it does not belong in the Defense authorization bill and I do not think you could assume that allowing passenger vessels to come in that that could somehow be related to our national security needs.

Second, it violates a sacred principle so long supported by this Congress, and that is the Jones Act. We are making possible here a large exemption or loophole, if you will, to allow foreign-built vessels to come in and compete in American ports.

Third, it threatens the revival of our own domestic shipbuilding industry. The chairman of the committee said there are no viable contracts but in my State alone there are three contracts in place to build these passenger lines.

If this legislation passes it will signal the demise of that shipbuilding capability. If we are going to keep our maritime industry strong and healthy we have got to oppose this legislation and revive America's shipbuilding capability.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. McKERNAN).

Mr. McKERNAN. Mr. Chairman, I just wanted to try to summarize what I guess has now taken place. But first I want to commend the chairman of the Merchant Marine Committee for his mastery of parliamentary procedure.

But it seems to me what we have here is a private bill that has been turned into a general amendment to waive the American position in the Jones Act at a time when we have a 71-percent reduction in shipyard workforce in the name of national security, after the Navy has ruled such a waiver would not be necessary in the interest of our national defense.

I think we ought to go with the Commission, as the gentleman from Washington (Mr. PRITCHARD) suggested, and do this in the proper course and find out exactly what is necessary for our national defense.

(By unanimous consent Mr. BONIOR of Michigan yielded his time to Mr. HERTEL of Michigan.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. HERTEL).

Mr. HERTEL of Michigan. Mr. Chairman, I thank the gentleman from Michigan (Mr. BONIOR), my colleague, who has been a strong fighter in favor of expanding our passenger fleet for the American Nation.

The fact is we only have two ships, the greatest nation in the world has only two American passenger ships. And if this exemption would pass in the Defense bill we would double the American passenger fleet.

Do my colleagues know we spend over $300 billion on defense this year? Yet I am on the Merchant Marine and Fisheries Committee and on the Armed Services Committee, and what we have heard in our hearings very clearly is that we could not move our own service people, our own wounded, our own oil, our own supplies, because we do not have the passenger ships. We do not have the freight ships in our American fleet.

Instead, we would have to ask, and in some cases beg our allies, our allies around the world, other nations around the world, for that kind of assistance that would be vital to our armed services in times of war. All of the Members in this House know in recent history and past history how some of our greatest friends and some of our greatest allies in many nations around the world do not always agree with our foreign policy or our military policy.

I do not think we should leave our fighting men and women defenseless for supplies, for hospital ships, for aid, for troop ships, at the whim of other nations that might differ with our policies.

We have not had a new passenger ship for 26 years. The ships you see advertised as far as passenger ships in the newspapers and on TV are foreign ships. The money they earn goes to foreign nations. For the most part they have foreign employees.

This bill would lead to American jobs, but, more importantly, the greater enhancement of the defense of our Nation.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Chairman, I stand in support of the amendment. And I would like to talk right now to the issue of employment.

By flagging these with a U.S.-flag we can look forward to something like 900 to 1,100 people employed in the maritime industry which are presently not employed. I think this becomes a significant factor.

As the gentleman from Michigan pointed out, we only have two American vessels that are flagged passenger vessels in the trade now, and they are a product of the same type of activity.

We, this Congress of the United States, made a waiver of the Jones Act to get those two vessels flagged. We would hope we could do this here.

It has been clearly demonstrated that the U.S. naval capacity is quite limited when it comes to evacuating the wounded and when it comes to bringing troops to an area of conflict. These types of vessels can fill that gap.

We are talking about a very expensive budget here today and right now we, this Congress, are faced with the proposition where we could add two vessels, passenger-carrying vessels to our fleet at no cost to the American taxpayer.

I think that is a significant point that must be brought out.

In addition to that, if we look at the history of the shipbuilding industry as it relates to passenger ships, we will see that there has not been a ship built in a U.S. shipyard for 27 years. The economy simply does not allow it.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I would hope we would reject this amendment. I think this is a test of whether or not if you wrap anything in the Defense Department it will pass this Congress.

What you have here is an amendment that will undermine efforts and investments that have been made to construct vessels in American shipyards using American steel and American labor.

This House has under consideration quota bills to protect the auto industry. This House has under consideration a quota bill to protect the steel industry. And we come along with a measure like this to undermine those industries in terms of production of steel, in terms of the workers in these shipyards.

These contracts are signed. If these contracts turn out to be a subterfuge, then we ought to consider this amendment. But when people are prepared to make that investment in these yards and put people back to work in an industry that has been ailing for a number of years, this is a ridiculous attempt to undermine that and to bring these ships in under a procedure that we would not recognize.

We should not let the fact that we have ignored the merchant marine for 26 years to cause us to adopt this amendment tonight.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I would like to speak to each one of the Members about something that we do each and every year. Each of us makes appointments to the Merchant Marine Academy. How many of you have followed up to find out what kind of jobs these people are getting when they get out?

There are not merchant marine jobs out there to absorb these graduates.

□ 2250

We are graduating some of the finest seamen in the entire world and they do not have jobs. Let us not kid ourselves; our merchant marine industry is drying up. We have only two cruise ships that are over 30 years old; we have heard about all of the jobs that the American shipyards are going to lose if we approve this bill.

We have not built a ship of this category in this country for over 27 years. What kind of jobs are we talking about? We are talking about jobs that are going to be in the shipyards that are going to repair these ships; those are real jobs because they are required.

We are talking about jobs of American seamen, they are real jobs. We are talking about having free enterprise doing it for us.

Mr. Chairman, I rise in strong support of the Biaggi troop transport amendment. And I do so for several reasons. During times of national emergencies, passenger ships can serve to transport troops, as offshore dormitories, and as offshore hospitals. I ask you what would the United States have to rely on in terms of our U.S.-flag passenger fleet in the case of a national emergency? Right now there are only 2 large commerical U.S.-flag passenger vessels currently operating and available to the Defense Department in a national emergency. And these vesssels are not new. They were each built over 30 years ago. Most importantly, both of these ships currently cruise in the Hawaiian Islands area.

Therefore, should we have a national incident, such as we had with Grenada, and should we need a large passenger ship to to evacuate American citizens, as might have happened during the Grenada incident, the United States would need to borrow a ship from a friendly nation because neither of our two ships could reach the critical area in time. And that is exactly what the United States had to do. We borrowed a ship from Britain to use on standby to evacuate stranded American medical students if that need arose.

I think that it is vital that in times of international crisis, the United States should be able to rely upon its own ships, manned by trained U.S. merchant seamen, for transporting troops and vital supplies.

The Biaggi amendment would allow up to two more ships to join the U.S.-flag passenger vessel fleet. Under the criteria specified in the amendment, these ships would be modern, shallow-draft vessels which are less than 10 years old. They could be quickly converted for use evacuating U.S. citizens from hostile areas, shuttling troops and supplies, or as offshore dormitories and hospitals. In fact, ships of this type were recently utilized during the Falklands crisis.

The doubling of our U.S.-flag passenger fleet could be accomplished simply. The Biaggi amendment would waive, for no more than two ships, the requirement that Jones Act vessels be built in the United States. No other Jones Act requirements would be waived. The ships would be required to be manned by U.S. crewmen and be maintained in U.S. shipyards thereby providing American jobs. And the boats would still have to meet very tough Coast Guard standards.

In addition to strengthening and supporting our national sealift mobility, the amendment promotes the development of a U.S.-flag passenger cruise ship industry. Now, from the way people have been talking, you would think that was a bad thing. But, in fact, it is our hope and expectation that this amendment will encourage operators to enter and develop a market for cruises on U.S.-flag ships, owned, operated, and crewed by Americans. Operation of these ships will generate revenue and create jobs in the maritime, ship repair, tourism, entertainment, and hotel industries.

In conclusion, let me sum up the benefits of this amendment.

First, by adopting this amendment, we double our U.S.-flag passenger fleet thereby doubling our capacity for providing auxiliary troop and supply transports, offshore dormitories, and floating hospitals during national emergencies.

Second, this can be accomplished at no cost to the American taxpayer. I ask you how many amendments that have been before us during the past several days would have done so much at so little cost?

Third, not only would this amendment not cost anything, but this amendment would actually generate revenues for the United States and create jobs for American citizens.

Therefore because this amendment supports a strong national defense, and because it has so many positive side effects, I encourage your support of the Biaggi amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise in opposition to this amendment. As a person who represents a city which had a shipyard until a year ago, now 1,500 people are without jobs. We encourage an American shipbuilding industry by not only the Jones Act but also by two tax provisions.

One tax provision which requires companies which get their ship repairs and modifications outside of the United States to pay a 50-percent ad valorem tariff on the cost of those repairs.

Another provision which gives the right of American-flag ships to host conventions and make them tax deductible.

In this case we would be granting to two foreign-built ships both of those tax privileges; both of them and there is no reason to do that. It can only be to the detriment of our U.S. domestic shipbuilding industry.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. I rise in opposition to the amendment. As I said, there is a legitimate argument here. It should be thrashed out in the committee. We should get the results back, the information we have requested from the Defense Department.

So I would ask you not to vote this amendment through at this time. I think it is a mistake.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Thank you, Mr. Chairman.

Mr. Chairman and Members of the House, I rise in opposition to the amendment. I rise in opposition to it because in the wisdom of our predecessors in the Congress we have had laws which required that vessels engaged in the coastwise trade of the United States be both built and manned by American labor, by American operations we invite this gigantic departure from that policy at our peril.

If you care in the long run for whether or not this Nation is going to have a shipyard capability for our mobilization purposes in time of war, if we going to continue; if we are ever going to revitalize an American merchant marine, we must not abandon the very foundation of what has served as the national merchant marine policy of the United States.

In the name of a merchant marine it needs augmentation, not being denied, not being destroyed and undermined as this amendment will truly and surely undermine it.

Mr. QUILLEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

This amendment would support our available sealift capacity by adding up to two modern passenger vessels to the U.S.-flag fleet. Since the Defense Department is currently projecting a shortfall between its requirements for sealift and the available capacity, the need is critical for merchant ships to supplement Defense Department assets in time of war or national emergency is critical.

The national security benefits of a strong U.S.-flag commercial passenger fleet are many. During wartime or national emergency, civilian commercial vessels can be appropriated by the military for use in transporting troops and supplies, or as hospital and dormitory ships where onshore facilities are limited or unsafe. Commercial vessels can be converted to receive airlift planes delivering troops and supplies. Also important is the availability of trained American crews on these ships as reserves to our Armed Forces.

The war in the Falkland Islands provides a valuable lesson regarding the potential military contribution of civilian passenger vessels. In less than a week, the United Kingdom converted several British-flag cruise passenger ships to assist in shuttling troops and supplies between Ascension and the Falkland Islands. Cruise ships also provided offshore housing and food support facilities to the British Navy during the months following the hostilities.

In Grenada, immediately following the change in government and prior to the decision to send in the U.S. Marines, the State Department contemplated borrowing a foreign-flag cruise ship operating in the Caribbean to evacuate American citizens from Grenada. The delay was created because the captain had to request permission first from its mother country. To avoid such delays during a crisis, we need U.S.-flag vessels crewed by Americans at our disposal for use on very short notice.

The Grenada example points out the deficiencies in the U.S.-flag passenger fleet. There are presently only two U.S.-flag commercial passenger vessels which could serve the military in the capacity of troops and supply transports or offshore hospitals and dormitories. Both vessels are over 30 years old and operate in the Hawaiian Islands. In contrast, the Soviet Union apparently maintains 64 passenger vessels which can be converted for military use.

The troop transport amendment offered by the gentleman from New York would remedy this appalling situation by adding up to two large, modern shallow draft vessels to the U.S.-flag fleet. And most significant, this addition to our sealift capacity would be accomplished at no cost to the taxpayer. Given current budgetary constraints and other limits on the procurement of new naval vessels, I believe we cannot pass up this opportunity to enhance our sealift capacity with commercial passenger vessels. I urge the members to vote "yes" to this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I would simply say that I think it is more important to have the capability to build ships than to have ships and I think we are moving—we are going to have to move one way or the other.

Essentially, the Navy is providing all the shipbuilding work that is done in the United States right now. We have a slim chance, albeit a slim chance, Mr. FIELDS referred to, we have some contracts which have been executed.

We have a chance of bringing back our shipbuilding industrial base in the commercial dimension. And if we go ahead with this waiver on the Jones Act on these several ships we are going to kill, I think, for a substantial period of time, the chance of extending that capability.

So we have to move one way or the other. I think it is a mistake to go with this amendment. I would urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FIELDS).

AMENDMENT OFFERED BY MR. FIELDS TO THE AMENDMENT OFFERED BY MR. BIAGGI

Mr. FIELDS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS to the amendment offered by Mr. BIAGGI: At section 1010(a): delete the words "sections 12106 and 12107 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883)" and insert the following: "section 12102."

Mr. FIELDS. Mr. Chairman, my amendment is simple and straightforward. It would permit the two Cunard Lines' vessels that are covered by the so-called troop transport or sealift mobility amendment to come under the American flag and be available to the United States in wartime or in time of national emergency and be American manned but it would not allow them also to enjoy the coastwise privileges of the Jones Act and its lucrative tax awards.

I do not question that the United States could use sealift. I do not question that passenger shipping is an integral part of the American merchant marine. But I and many others of question the proposition that we ought to waive unilaterally the requirements of long-standing maritime law in order to give a single corporation an unnecessary exception to the law to the substantial disadvantage of U.S. investors, U.S. companies, and U.S. labor. I particularly question this when there is no serious defense rationale for doing so. These vessels do not need to have coastwise privileges in order to fly the U.S. flag.

Make no mistake about it. If an American passenger ship for which financing for an American-flag venture was being sought were to be placed overseas for less costly hull and superstructure repair and reconditioning, and other repairs, it would be subjected to a 50-percent ad valorem duty upon return. And, its Jones Act privileges would be jeopardized. Finally, passenger eligibility for the tax benefits associated with the deduction of the cost of business meetings which is limited to Jones Act passenger vessels, which is a substantial marketing advantage, would be jeopardized. But, it would still be permitted to fly the U.S. flag.

This amendment would put the Cunard vessels on an equal footing. It would not grant them an inequitable windfall.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I have heard the debate and I really listened attentively. This is a bill that should be in the Merchant Marine and Fisheries Committee. It is a barnacle we do not need on this bill.

I would hope we would deal with it in Marine and Fisheries and not as part of the defense bill. For that reason, I would oppose it.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment to the amendment. There is no need for the amendment as offered by the gentleman from Texas.

Currently the vessels can be reflagged. He is missing the entire point. Clearly it is important, critical. I thought I made it clear in my comments from the floor, that we have coastwise vessels that would be immediately and readily available rather than being from foreign ports.

This frankly is dilatory in nature and confusing. There is no need for it. We can reflag at any time a shipowner would like to.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. FIELDS) to the amendment offered by the gentleman from New York (Mr. BIAGGI).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BIAGGI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 159, not voting 37, as follows:

[Roll No. 192]

AYES—237

Ackerman
Addabbo
Albosta
Anderson
Andrews (TX)
Annunzio
Badham
Bedell
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Boehlert
Boland
Bonior
Borski
Bosco
Boucher
Britt
Brooks
Brown (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coleman (TX)
Collins
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Davis
Derrick
Dingell
Donnelly
Downey
Dreier
Duncan
Durbin
Dwyer
Eckart
Edwards (AL)
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gradison
Gray
Green
Guarini
Hall (IN)
Hall, Ralph
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hillis
Horton
Howard
Huckaby
Hughes
Hutto
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kazen
Kennelly
Kildee
Kolter
Kostmayer
Kramer

LaFalce
Lantos
Lehman (FL)
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Lowry (WA)
Luken
Lundine
Lungren
MacKay
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCollum
McCurdy
McGrath
McHugh
McKinney
McNulty
Mica
Mineta
Moakley
Molinari
Mollohan
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Patman
Penny
Perkins
Pickle
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Rinaldo
Rodino
Roe
Rogers
Rose
Rowland
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Shannon
Shaw
Shelby
Shumway
Sikorski
Siljander
Sisisky
Skelton
Smith (FL)
Solarz
Solomon
Spence
Spratt
St Germain
Stangeland
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Taylor
Thomas (GA)
Torres
Towns
Traxler
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (OH)
Wolpe
Wortley
Wright
Yatron
Young (AK)
Young (FL)
Young (MO)

NOES—159

Akaka
Applegate
Archer
Aspin
AuCoin
Barnes
Bartlett
Bateman
Bates
Beilenson
Bethune
Bliley
Bonker
Boxer
Broomfield
Brown (CO)
Broyhill
Burton (CA)
Chandler
Coats
Coleman (MO)
Conable
Conte
Conyers
Cooper
Coughlin
Coyne
Daschle
Daub
de la Garza
Dellums
DeWine
Dickinson
Dicks
Dorgan
Dowdy
Dyson
Early
Edgar
Edwards (CA)
Emerson
Erlenborn
Fiedler
Fields
Foley
Ford (MI)
Frenzel
Gekas
Gingrich
Glickman
Gregg
Gunderson
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Hightower
Hiler
Holt
Hopkins
Hoyer
Hubbard
Hunter
Hyde
Jacobs
Kasich
Kastenmeier
Kemp
Kindness
Kleczka
Kogovsek
Lagomarsino
Latta
Leach
Leland
Loeffler
Long (MD)
Lott
Lowery (CA)
Lujan
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
Mavroules
McCain
McCandless
McCloskey
McDade
McEwen
McKernan
Michel
Mikulski
Miller (CA)
Miller (OH)
Mitchell
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Myers
Nielson
O'Brien
Oxley
Panetta
Parris
Pashayan
Patterson
Pease
Petri
Porter
Pritchard
Pursell
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rostenkowski
Roth
Roukema
Roybal
Rudd
Schaefer
Seiberling
Sharp
Shuster
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Staggers
Stump
Tauke
Tauzin
Thomas (CA)
Torricelli
Udall
Vandergriff
Vucanovich
Walker
Weaver
Whittaker
Winn
Wirth
Wise
Wolf
Wyden
Wylie
Yates
Zschau

NOT VOTING—37

Alexander
Andrews (NC)
Anthony
Barnard
Boggs
Boner
Breaux
Bryant
Coelho
Crockett
D'Amours
Dixon
Dymally
Edwards (OK)
Franklin
Gibbons
Gore
Gramm
Hall (OH)
Hance
Hansen (ID)
Jeffords
Leath
Lehman (CA)
Lent
Marriott
Minish
Packard
Paul
Pepper
Sensenbrenner
Simon
Stark
Tallon
Vander Jagt
Williams (MT)
Wilson

□ 2310

The Clerk announced the following pairs:

On this vote:

Mr. Pepper for, with Mr. Gore against.

Mr. Minish for, with Mr. Hance against.

Mr. Alexander for, with Mr. Crockett against.

Mr. COYNE changed his vote from "aye" to "no."

Mr. DUNCAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. LEATH of Texas. Mr. Chairman, I rise in support of the bill. As you know, I have the privilege of being a member of both the Armed Services and the Veterans' Affairs Committees which has provided me with a unique opportunity to have been closely involved in legislation which is generally referred to as a GI bill for the All-Volunteer Force. Since the legislation will be beneficial to both veterans and members of the active duty military and the Reserves, the legislation (H.R. 1400) was jointly referred to both the committees on which I serve. After continuously reviewing this legislation for more than 3 years, it is my conviction that the concept of an educational assistance program for the All-Volunteer Force is a good one and it is imperative that title VII of H.R. 5167 be enacted in order to establish that program. As a member and then as chairman of the Subcommittee on Education, Training, and Employment of the Veterans' Affairs Committee, I have attended and chaired several hearings on this issue. I can state unequivocably that there is no doubt in my mind that it is in the best interest of our Nation to quickly establish a peacetime GI bill.

Hundreds of witnesses have testified in support of this issue. The Department of Defense has consistently opposed the concept of this education assistance program. Frankly, this administration's opposition baffles me. First, DOD spokesmen insist that a GI bill is not needed as a recruitment and retention tool now; and second, that such a program would be too costly. I would like to take a minute to address both of these issues.

The administration reminds us that current recruiting and reenlistment success rates are proof that a GI bill is not needed. This view does not take into consideration the future and the changes it will bring. The manpower pool from which the Armed Forces will have to attract recruits is already declining dramatically. The 18-year-old population will decline 20 percent—by 1.3 million—between fiscal years 1982 and 1987, and decline still further in the 1990's. By 1991, 52.2 percent of eligible noncollege males will have to be recruited in order to maintain the current force level.

Compounding the problem of the declining pool of eligible recruits is the current steady decrease in the unemployment rate. Recruiters are already feeling the negative impact of the improving economy. All agree that as the economic recovery continues, fewer and fewer young people will choose to go into the military after high school graduation.

Additionally, I am not convinced that the quality of the current force is what we want it to be. The Army points with great pride to the large numbers of recruits in mental categories I through III. What they fail to point out, however, is that, according to a 1983 General Accounting Office report, 50 percent of these recruits are in category III which is the grade level equivalent of the 5th month of the 7th grade through the 1st month of the 10th grade. Less than 29 percent are in mental categories I and II, whose grade level equivalents are the 1st month of 10th grade and up.

We have also heard a great deal about the large numbers of high school graduates being recruited. However, while over 76 percent of the nonprior service recruits in the first 3 months of 1982 were high school graduates, 54 percent of these recruits scored below the ninth grade level in mathematics and reading on the screening tests. The sophisticated weaponry and hardware that are an integral part of our Nation's arsenal require high-aptitude personnel manning them. A ninth grade reading level is simply not adequate.

The administration also cites the cost of a new GI bill as reason to oppose it. Besides being a valuable recruitment and retention tool, the GI bill is a cost-effective program. There will be cost savings and offsets that are not reflected in official cost estimates. According to the Veterans' Administration, participating veterans return to the Federal Treasury several times the amount spent on VA educational benefits. Additional taxes are paid from higher income because of better education and training. Using 1981 census data, the Census Bureau estimates a typical high school graduate's lifetime income at $954,000 while a typical college graduate's income soars to $1,329,000. Increased taxes paid on additional earnings will more than repay the cost of further education. The administration seems to forget this aspect of the legislation.

The tunnel vision of the opponents of this legislation allows them to focus on only a single area of the cost issue to the exclusion of other significant considerations. I think it is important that some of the cost savings that will result from the enactment of this educational assistance program be pointed out. For example, in 1985, the Department of Defense estimated outlays for enlistment and reenlistment bonuses will be $535 million. This staggering amount can be significantly reduced if the Armed Forces are given the option of offering high quality recruits and critical active duty servicemembers significant educational benefits in return for military service. A survey conducted by the Army Research Institute in 1982 clearly indicated that education incentives are the only effective means of recruiting the high-aptitude young people the military needs the most. Among recruits in the two highest mental categories, money for college was the most important reason for enlistment. The promise of a college education was 10 times more attractive to these high-quality recruits than military pay or bonuses. I also want to point out that total recruiting costs in 1985 will be $1.4 billion. It is incredible to me that we will spend this enormous sum to recruit a significant number of young people who may not be capable of reading above a ninth grade level.

The termination of the ineffective and unpopular VEAP program will provide $286 million in cost savings by 2001, according to the Congressional Budget Office. Also, the DOD tuition assistance program may be absorbed by the new GI bill, resulting in a savings of over $70 million per year.

Another large area in which countervailing savings are likely to occur is in the area of attrition. In 1980, the GAO estimated that each servicemember who attrites costs taxpayers $12,000. High-quality recruits attrite at less than half the rate of nonhigh school graduates. It is clear that every time a potential attrite is replaced by a GI bill-motivated recruit, the taxpayers of this country are saving money. It is estimated by Dr. Charles Moskos, the noted military sociologist, that savings resulting from a reduced attrition rate could exceed $500 annually.

In terms of the VA budget, this new educational assistance program will not inflate the budget. The Vietnam-era GI bill will terminate for all purposes in 1989 and the cost of this program goes down every year as more veterans move past their delimiting date, thus losing eligibility for the program. Estimates indicate that the cost of enactment of the peacetime GI bill, proposed in title VII, will not exceed the cost of the current GI bill. Consequently, the VA education account will not have to be increased above the current level to accommodate this new program.

The enactment of a new GI bill will benefit the armed services and American society in many ways. Some who now serve in this House were able to pursue higher education because of a GI bill. Americans have the highest regard for previous GI bills and a new one will present a highly positive image to most Americans. A GI bill appeals to those who see military service as more than just an occupation. We need our Armed Forces to be structured in such a way that all segments of American society are represented, and young people view the military not as an employer of last resort, but as a place where they can learn the skills and earn educational benefits they or their families need to become more productive, successful citizens. A GI bill is an investment in our Armed Forces for the short run, and in the future of the United States in the long run.

Mr. Chairman, title VII will provide an effective program to enhance the capability of the military to recruit and retain more quality personnel. It is a good, sound proposal which will help both veterans and members of the Armed Forces.●

● Mr. OTTINGER. Mr. Chairman, I would like to include in today's RECORD an important article by an international group of scientists outlining the long-term biological and climatic effects of nuclear war.

I believe this information is crucial reading for all those who continue to believe that nuclear war is something for which we can adequately prepare, or an event from which the world can recover. I commend it to the attention of my colleagues:

LONG-TERM BIOLOGICAL CONSEQUENCES OF NUCLEAR WAR

(By Paul R. Ehrlich, John Harte, Mark A. Harwell, Peter H. Raven, Carl Sagan, George M. Woodwell, Joseph Berry, Edward S. Ayensu, Anne H. Ehrlich, Thomas Eisner, Stephen J. Gould, Herbert D. Grover, Rafael Herrera, Robert M. May, Ernst Mayr, Christopher P. McKay, Harold A. Mooney, Norman Myers, David Pimentel, and John M. Teal)

(This article was prepared following a meeting of biologists on the Long-Term Worldwide Biological Consequences of Nuclear War (Cambridge, Massachusetts, 25 and 26 April 1983). The consensus of the 40 scientists at the meeting is presented here, assembled by a committee consisting of: Paul R. Ehrlich, Stanford University; John Harte, University of California, Berkeley; Mark A. Harwell, Cornell University; Peter H. Raven, Missouri Botanical Garden; Carl Sagan, Cornell University; George M. Woodwell, Marine Biological Laboratory, Woods Hole; Joseph Berry, Carnegie Institute of Washington; Edward S. Ayensu, Smithsonian Institution; Anne H. Ehrlich, Stanford University; Thomas Eisner, Cornell University; Stephen J. Gould, Harvard University; Herbert D. Grover, University of New Mexico; Rafael Herrera, IVIC, Venezuela; Robert M. May, Princeton University; Ernst Mayr, Harvard University; Christopher P. McKay, National Research Council Associate; Harold A. Mooney, Stanford University; Norman Myers, England; David Pimentel, Cornell University; and John M. Teal, Woods Hole Oceanographic Institution. The findings in this article were presented at the Conference on the World after Nuclear War, Washington, D.C., 31 October and 1 November 1983. Reprint requests should be sent to the Conference on the Long-Term Worldwide Biological Consequences of Nuclear War, 1735 New York Avenue, NW, Washington, D.C. 20006.)

SUMMARY

Subfreezing temperatures, low light levels, and high doses of ionizing and ultraviolet radiation extending for many months after a large-scale nuclear war could destroy the biological support systems of civilization, at least in the Northern Hemisphere. Productivity in natural and agricultural ecosystems could be severely restricted for a year or more. Postwar survivors would face starvation as well as freezing conditions in the dark and be exposed to near-lethal doses of radiation. If, as now seems possible, the Southern Hemisphere were affected also, global disruption of the biosphere could ensue. In any event, there would be severe consequences, even in the areas not affected directly, because of the interdependence of the world economy. In either case the extinction of a large fraction of the Earth's animals, plants, and microorganisms seems possible. The population size of Homo sapiens conceivably could be reduced to prehistoric levels or below, and extinction of the human species itself cannot be excluded.

Recent studies of large-scale nuclear war (5,000- to 10,000-MT yields) have estimated that there would be 750 million immediate deaths from blast alone; a total of about 1.1 billion deaths from the combined effects of blast, fire, and radiation; and approximately an additional 1.1 billion injuries requiring medical attention. Thus, 30 to 50 percent of the total human population could be immediate casualties of a nuclear war. The vast majority of the casualties would be in the Northern Hemisphere, especially in the United States, the U.S.S.R., Europe, and Japan. These enormous numbers have typically been taken to define the full potential catastrophe of such a war. New evidence presented here, however, suggests that the longer term biological effects resulting from climatic changes may be at least as serious as the immediate ones. Our concern in this article is with the 2 billion to 3 billion people not killed immediately, including those in nations far removed from the nuclear conflict.

We consider primarily the results of a nuclear war in which sufficient dust and soot are injected into the atmosphere to attenuate most incident solar radiation, a possibility first suggested by Ehrlich et al., and first shown quantitatively and brought to wide attention by Crutzen and Birks. In a wide range of nuclear exchange scenarios, with yields from 100 MT up to 10,000 MT, we now know that enough sunlight could be absorbed and scattered to cause widespread cold and darkness [these papers are also collectively referred to as TTAPS]. In each of these cases the computations indicate very serious biological consequences. This is so even though all the scenarios are well within current capabilities and do not seem to be strategically implausible. Furthermore, the probability of nuclear wars of very high yield may have been generally underestimated. We also examine the consequences of the spread of atmospheric effects from the Northern to the Southern Hemisphere.

As a reference case, we consider case 17 of the nuclear war scenarios discussed in TTAPS. This is a 10,000-MT exchange in which parameters describing the properties of dust and soot aerosols are assigned adverse but not implausible values and in which 30 percent of the soot is carried by fire storms to stratospheric altitudes. The resulting environmental perturbations, with their ranges of uncertainty, are listed for the Northern Hemisphere and the Southern Hemisphere in Table 1, A and B.

As an average over the Northern Hemisphere, independent of the season of the year, calculated fluxes of visible light would be reduced to approximately 1 percent of ambient, and surface temperatures in continental interiors could fall to approximately −40°C. At least a year would be required for light and temperature values to recover to their normal conditions. In target zones, it might initially be too dark to see, even at midday. An estimated 30 percent of Northern Hemisphere mid-latitude land areas would receive a dose ≳ 500 R immediately after the explosions. This dose, from external gamma-emitters in radioactive fallout, would be comparable to or more than the acute mean lethal dose (LD50) for healthy adults. Over the next few days and weeks, fallout would contribute an additional external dose of ≳ 100 R over 50 percent of northern mid-latitudes. Internal doses would contribute another ≳ 100 R concentrated in specific body systems, such as thyroid, bones, the gastrointestinal tract, and the milk of lactating mothers. After settling of the dust and smoke, the surface flux of near-ultraviolet solar radiation (UV-B, 320 to 290 nm) would be increased severalfold for some years, because of the depletion of the ozonosphere by fireball-generated NO_x. Southern Hemisphere effects would involve minimum light levels < 10 percent of ambient, minimum land surface temperatures < −18°C, and UV-B increments of tens of percent for years. The potential impacts from the climatic changes that would be induced by nuclear war are outlined in Table 2.

Table 1: Long-term stresses on the biosphere in (A) the Northern Hemisphere and (B) the Southern Hemisphere following a 10,000-MT severe Northern Hemisphere exchange. Stresses occur simultaneously. Their geographic extent and severity would depend on many factors, including the number, distribution, and yield of the weapons detonated; height above the surface of the explosions and scale of the subsequent fires; degree of atmospheric transport of soot and dust (especially from the Northern to the Southern Hemisphere); and rate of washout of soot and dust, which determines their atomspheric residence times. Stresses in (B) are estimated effects which arise from 100-MT total detonations in the Southern Hemisphere plus particulates transported from the Northern Hemisphere primarily in the stratosphere. Data are from the "baseline 5000-MT" and "100-MT city attack" cases. The Southern Hemisphere effects could be more severe if a heavy stratospheric soot burden resulted.

TABLE 1.—LONG-TERM STRESSES ON THE BIOSPHERE

Physical parameter	Perturbed value*	Duration	Area affected †	Possible range
		A Northern Hemisphere		
Sunlight intensity	× 0.01	1.5 months	NML	× 0.003 to 0.03
	× 0.05	3 months	NML	× 0.01 to 0.15
	× 0.25	5 months	NH	× 0.1 to 0.7
	× 0.50	8 months	NH	× 0.3 to 1.0
Land surface temperature‡	−43°C	4 months	NML land	−53° to −23°C
	−23°C	9 months	NH land	−33° to −3°C
	−3°C	1 year	NH land	−13° to +7°C
UV-B radiation	× 4	1 year	NH	× 2 to 8
	× 3	3 years	NH	× 1 to 5
Radioactive fallout exposure‖	≳500 R	1 hour to 1 day	30 percent NML land	
	≳100 R	1 day to 1 month	50 percent NML	Factor of 3
	≳10 R	≳1 month	50 percent NH	
Fallout burdens¶	^{131}I, 4 × 10^5 MCi	8 days#	NML	
	^{106}Ru, 1 × 10^4 MCi	1 year	NH	
	^{90}Sr, 400 MCi	30 years	NH	
	^{137}Cs, 650 MCi	30 years	NH	
		B Southern Hemisphere		
Sunlight intensity	× 0.1	1 month	SH tropics	0.03 to 0.3
	× 0.5	2 months	SH tropics and SML	0.1 to 0.9
	× 0.8	4 months	SH	0.3 to 1.0
Land surface temperature ‡	−18°C	1 month	SML land	−33° to −3°C
	−3°C	2 months	SML land	−23° to +7°C
	+7°C	10 months	SML land	−13° to +13°C
UV-B radiation	× 1.5	1 year	SH	× 1.2 to 2.0
	× 1.2	3 years	SH	× 1.0 to 1.5
Radioactive fallout exposure‖	≳500 R	1 hour to 1 day	Near detonation sites	
	10 to 100 R	1 day to 1 month	SH land	Factor of 3
Fallout burdens¶	^{90}Sr, 300 MCi	30 years	SH	
	^{137}Cs, 330 MCi	30 years	SH	

* The following definitions apply: ×, multiplicative factor; R, rad ≃ rem; MCi, megacurie.

† Abbreviations: NH, Northern Hemisphere; NML, northern mid-latitudes; SH, Southern Hemisphere; SML, southern mid-latitudes.

‡ Average surface temperatures should be compared to the normal ambient value of 13°C.

‖ These figures are rough estimates of whole-body gamma-ray doses and apply only to exposed organisms, particularly near or downwind of the 10^4 explosions sites. Exposures are due to fallout on "prompt" and "intermediate" time scale; ingestion of biologically active radionuclides is not taken into account but could double the dose in body organs (for instance, the thyroid for ^{131}I), where these radionuclides tend to accumulate. Doses are larger than in some conventional models which scale from high-yield atmospheric tests; such models assume much more radioactivity carried into the stratosphere and decaying before falling out than is appropriate for a war with a wide mix of yields.

¶ The principal modes of deposition are fallout and washout. In airbursts, the radionuclides settle out slowly over several years. In surface bursts, ~ 60 percent falls out promptly, ~ 40 percent over 1 to 2 years. In subsurface water bursts, ~ 100 percent is deposited in the water. During the atmospheric nuclear tests of the 1950's and 1960's, ~ 200 MT of fission yield produced an average ^{90}Sr deposition ~ 50 millicuries per square kilometer.

These are essentially the radionuclide lifetimes. Other radionuclides contribute mainly to the prompt fallout exposure.

TABLE 2.—POTENTIAL IMPACTS ON HUMANS AND ECOSYSTEMS FROM CLIMATIC CHANGES INDUCED BY A MAJOR NUCLEAR WAR AT VARIOUS TIME PERIODS AFTER THE WAR

First few months	End of first year	Next decade
	Natural ecosystems: Terrestrial	
Extreme cold, independent of season and widespread over the Earth, would severely damage plants, particularly in mid-latitudes in the Northern Hemisphere and in the tropics. Particulates obscuring sunlight would severely curtail photosynthesis, essentially eliminating plant productivity. Extreme cold, unavailability of fresh water, and near darkness would severely stress most animals, with widespread mortality. Storm events of unprecedented intensity would devastate ecosystems, especially at margins of continents.	Many hardy perennial plants and most seeds of temperate plants would survive, but plant productivity would continue to be depressed significantly. As the atmosphere clears, increased UV-B would damage plants and impair vision systems of many animal species. Limited primary productivity would cause intense competition for resources among animals. Many tropical species would continue to suffer fatalities or reduced productivity from temperature stress. Widespread extinction of vertebrates.	Basic potential for primary and secondary productivity would gradually recover; however, extensive irreversible damage to ecosystems would have occurred. Ecosystem structure and processes would continue to respond unstably to perturbations and a long period of time might follow before functional redundancies would reestablish ecosystem homeostasis. Massive loss of species, especially in tropical areas, would lead to reduced genetic and species diversity.
	Natural ecosystems: Aquatic	
Temperature extremes would result in widespread ice formation on most freshwater bodies, particularly in the Northern Hemisphere and in mid-latitude continental areas. Marine ecosystems would be largely buffered from extreme temperatures, with effects limited to coastal and shallow tropical areas. Light reductions would essentially terminate phytoplankton productivity, eliminating the support base for many marine and freshwater animal species. Storms at continental margins would stress shallow-water ecosystems and add to sediment loadings. Potential food sources would not be accessible to humans or would be contaminated by radionuclides and toxic substances.	Early loss of phytoplankton would continue to be felt in population collapses in many herbivore and carnivore species in marine ecosystems; benthic communities would not be as disrupted. Freshwater ecosystems would begin to thaw, but many species would have been lost. Organisms in temperate marine and freshwater systems adapted to seasonal temperature fluctuations would recover more quickly and extensively than in tropical regions.	Recovery would proceed more rapidly than for terrestrial ecosystems. Species extinctions would be more likely in tropical areas. Coastal marine ecosystems would begin to contain harvestable food sources, although contamination could continue.

TABLE 2.—POTENTIAL IMPACTS ON HUMANS AND ECOSYSTEMS FROM CLIMATIC CHANGES INDUCED BY A MAJOR NUCLEAR WAR AT VARIOUS TIME PERIODS AFTER THE WAR—Continued

First few months	End of first year	Next decade
	Agroecosystems	
Extreme temperatures and low light levels could preclude virtually any net productivity in crops anywhere on Earth. Supplies of food in targeted areas would be destroyed, contaminated, remote, or quickly depleted. Nontargeted importing countries would lose subsidies from North America and other food exporters.	Potential crop productivity would remain low because of continued, though much less extreme, temperature depressions. Sunlight would not be limiting but would be enriched with UV-B. Reduced precipitation and loss of soil from storm events would reduce potential productivity. Organized agriculture would be unlikely, and modern subsidies of energy, fertilizers, pesticides, and so on, would not be available. Stored food would be essentially depleted, and potential draught animals would have suffered extensive fatalities and consumption by humans.	Biotic potential for crop production would largely be restored. Limiting factors for reestablishment of agriculture would be related to human support for water, energy, fertilizers pest and disease protection, and so on.
	Human-societal systems	
Survivors of immediate effects (from blast, fire, and initial ionizing radiation) would include perhaps 50 to 75 percent of the Earth's population. Extreme temperatures, near darkness, violent storms, and loss of shelter and fuel supplies would result in widespread fatalities from exposure, starvation, lack of drinking water, and synergisms with other impacts such as radiation exposure, malnutrition, lack of medical systems, and psychological stress. Societal support systems for food, energy, transportation, medical care, communications, and so on, would cease to function.	Climatic impacts would be considerably reduced, but exposure would remain a stress on humans. Loss of agricultural support would dominate adverse human health impacts. Societal systems could not be expected to function and support humans. With the return of sunlight and UV-B, widespread eye damage could occur. Psychological stresses, radiation exposures, and many synergistic stresses would continue to affect humans adversely. Epidemics and pandemics would be likely.	Climatic stresses would not be the primary limiting factors for human recovery. Rates of reestablishment of societal order and human support systems would limit rates of human population growth. Human carrying capacities could remain severely depressed from prewar conditions for a very long period of time, at best.

Thermonuclear wars that would be less adverse to the environment are clearly possible, but climatic effects similar to those just outlined could well result from much more limited exchanges, down to several hundred megatons, if cities were targeted. Even if there were no global climatic effects, the regional consequences of nuclear war might be serious (Table 3). We believe, however, that decision-makers should be fully apprised of the potential consequences of the scenarios most likely to trigger long-term effects. For this reason we have concentrated in this article on the 10,000-MT severe case rather than the 5,000-MT nominal baseline case of TTAPS. Because of synergisms, however, the consequences of any particular nuclear war scenario are likely to be still more severe than discussed below.

We still have too incomplete an understanding of the detailed workings of global ecosystems to evaluate all the interactions, and thus the cumulative effects, of the many stresses to which people and ecosystems would be subjected. Every unassessed synergism is likely to have an incremental negative effect.

TEMPERATURE

The impact of dramatically reduced temperatures on plants would depend on the time of year at which they occurred, their duration, and the tolerance limits of the plants. The abrupt onset of cold is of particular importance. Winter wheat, for example, can tolerate temperatures as low as −15° to −20°C when preconditioned to cold temperatures (as occurs naturally in fall and winter months), but the same plants may be killed by −5°C if exposed during active summer growth. Even plants from alpine regions, Pinus cembra for example, may tolerate temperatures as low as −50°C in midwinter but may be killed by temperatures of −5° to −10° C occurring in summer. In the TTAPS calculations, temperatures are expected to fall rapidly to their lowest levels (Table 1); it is unlikely under these circumstances that normally cold-tolerant plants could "harden" (develop freezing tolerance) before lethal temperatures were reached. Other stresses to plants from radiation, air pollutants, and low light levels immediately after the war would compound the damage caused by freezing. In addition, diseased or damaged plants have a reduced capacity to harden to freezing conditions.

TABLE 3.—POTENTIAL ECOLOGICAL CONSEQUENCES OF THE REFERENCE NUCLEAR WAR, OTHER THAN THOSE INDUCED BY TEMPERATURE AND LIGHT REDUCTIONS

Stress	Intensity or extent	Mechanisms of effects	Ecosystem consequences
Local, global radioactive fallout from nuclear detonation*.	≥ 100 rem average background, ≥ 200 rem over large area in Northern Hemisphere*	Direct health effects, immune system depression, differential radiosensitivities of species, genetic effects	Alteration in trophic structures, pest outbreaks, replacement by opportunistic species; genetic and ontogenetic anomalies.
Enhanced UV-B	Fourfold increases over Northern Hemisphere*	Suppression of photosynthesis, direct health effects, differential sensitivities of species, damage to vision systems, immune system depression	Reduction in primary productivity, alteration in marine trophic structures, blindness in terrestrial animals, behavioral effects in insects including essential pollinators
Fire	Secondary fires widespread over Northern Hemisphere, ≥ 5 percent of terrestrial ecosystems affected	Direct loss of plants, damage to seed stores, changes in albedo, habitat destruction	Deforestation and decertification, which continues through positive feedback (39), local climatic changes, large-scale erosion and siltation, nutrient dumping, species extinction.
Chemical pollution of surface waters	Pyrotoxins, release from chemical storage areas	Direct health effects, differential sensitivities of species, bioconcentration	Loss of organisms, continued contamination of surface and ground water systems, loss of water for human consumption
Chemical pollution of atmospheres	Major releases of NO, O_3 and pyrogenic pollutants from detonations; major releases of toxic organics from secondary fires in urban areas and chemical storage facilities.	Direct health effects, differential sensitivities of species, acid precipitation	Widespread smog, freshwater acidification, nutrient dumping.

* See Table 1A

Even temperatures considerably above freezing can be damaging to some plants. For example, exposure of rice or sorghum to a temperature of only 13°C at the critical time can inhibit grain formation because the pollen produced is sterile. Corn (Zea mays) and soybeans (Glycine max), two important crops in North America, are quite sensitive to temperatures below about 10°C.

While a nuclear war in the fall or winter would probably have a lesser effect on plants in temperate regions than one in the spring or summer, tropical vegetation is vulnerable to low temperatures throughout the year. The only areas in which terrestrial plants might not be devastated by severe cold would be immediately along the coasts and on islands, where the temperatures would be moderated by the thermal inertia of the oceans. These areas, however, would experience particularly violent weather because of the large lateral temperature gradient between oceans and continental interiors.

VISIBLE LIGHT

The disruption of photosynthesis by the attenuation of incident sunlight would have consequences that cascade through food chains, many of which include people as consumers. Primary productivity would be reduced roughly in proportion to the degree of light attenuation, even making the unrealistic assumption that the vegetation would remain otherwise undamaged.

Many studies have examined the effects of shading on the rate of photosynthesis, plant growth, and crop yield. Although individual leaves may be saturated by light levels below one-half of unattenuated sunlight, entire plants that have several layers of leaves oriented at different angles to the sun and partially shading each other are usually not light-saturated. Thus, while only a 10 percent reduction in light might not reduce photosynthesis in a fully exposed leaf, it might well reduce it in the entire plant because of the presence of unsaturated leaves within the canopy. Because plants also respire, most would, in fact, be unlikely to maintain any net growth if the light level fell below about 5 percent of the normal ambient levels in their habitats (the compensation point). At the levels expected in the early months following a substantial nuclear exchange, plants would be severely affected and many would die because of the substantial reductions in their net productivity caused by reduced light alone.

IONIZING RADIATION

Exposures to ionizing radiation in a nuclear exchange would result directly from the gamma and neutron flux of the fireball, from the radioactive debris deposited downwind of the burst, and from the component of the debris that becomes airborne and circulates globally.

The degree of injury to organisms would depend on the rate and magnitude of the exposure, with higher rates and larger total exposures producing more severe effects. The mean lethal exposure for human beings is commonly thought to be 350 to 500 R received in the whole body in less than 48 hours. Most other mammals and some plants have mean lethal exposures of less than 1000 R. If the rate of exposure is lower, the mean lethal dose rises.

The area subject to intense radiation from the fireball would also be affected directly by blast and heat. The radius within which the pressure from the blast exceeds 5 pounds per square inch has been defined as the lethal zone for blast, and the area within which the thermal flux exceeds 10 cal/cm^2 as the lethal zone for heat. The radius within which ionizing radiation from the fireball would be expected to be lethal for human beings is less than the radii for mortality defined by pressure or heat. No special further consideration has been given here to the effects of ionizing radiation from the fireballs.

One estimate, based on the Ambio scenario and similar to the TTAPS baseline case, involves an exchange of 5742 MT and about 11,600 detonations without overlapping fallout fields; it suggests that about 5×10^6 km^2 would be exposed to 1000 R or more in downwind areas. About 85 percent of this total exposure would be received within 48 hours. Such an exposure is lethal to all exposed people and cause the death of sensitive plant species such as most conifers—trees that form extensive forests over most of the cooler parts of the Northern Hemisphere. If nuclear reactors, radioactive waste storage facilities, and fuel reprocessing plants are damaged during an exchange, the area affected and the levels of ionizing radiation could be even greater.

If we assume that approximately half of this area affected by fallout radiation in the range 1000 to 10,000 R is forested there would be about 2.5×10^6 km^2 within which extensive mortality of trees and many other plants would occur. This would create the potential for extensive fires. Most conifers would die over an area amounting to about 2.5 percent of the entire land surface of the Northern Hemisphere.

The possibility that as much as 30 percent of the mid-latitude land area would be exposed to 500 R or more from gamma radiation emphasizes the scale and severity of the hazard (Table 1A). While 500 R of total exposure would have minor effects on most plant populations, it would cause widespread mortality among all mammals, including human beings. The unprotected survivors would be ill for weeks and more prone to cancer for the remainder of their lives. The total number of people afflicted would exceed 1 billion.

UV-B RADIATION

In the weeks following the exchange, tropospheric and stratospheric dust and soot would absorb the UV-B flux that would otherwise be transmitted by the partially destroyed ozonosphere. But when the dust and soot cleared a few months later, the effects of O_3 depletion would be felt at the surface. In the Northern Hemisphere, the flux of UV-B would be enhanced for about a year by a factor of about 2 for the baseline TTAPS exchange and by a factor of 4 for the 10,000 MT war-treated in Table 1A. As is the case for an undepleted ozonosphere, the UV-B dose would be significantly greater at equatorial than at temperate latitudes.

Even much smaller O_3 depletions are considered dangerous to ecosystems and to people. If the entire UV-B band is enhanced by about 50 percent, the amount of UV-B at the higher energy end of the band, near 295 nm, would be increased by a factor of about 50. This region has particular biological significance because of the strong absorption of energy at these wavelengths by nucleic acids, aromatic amino acids, and the peptide bond. In large doses, UV-B is very destructive to plant leaves, weakening the plants and decreasing their productivity. Near-surface productivity of marine plankton is known to be depressed significantly by contemporary ambient UV-B levels; even small increases in UV-B could have "profound consequences" for the structure of marine food chains.

There are at least four additional ways in which increased levels of UV-B are known to be harmful to biological systems: (i) the immune systems of Homo sapiens and other mammals are known to be suppressed even by relatively low doses of UV-B. Especially under conditions of increased ionizing radiation and other physiological stress, such suppression of the immune systems leads to an increase in the incidence of disease. (ii) Plant leaves that reach maturity under low light intensities are two to three times more sensitive to UV-B than leaves that develop under high light intensities. (iii) Bacterial UV-B sensitivity is enhanced by low temperatures, which suppress the normal process of DNA repair, a process that is dependent on visible light. (iv) Protracted exposure to increased UV-B may induce corneal damage and cataracts, leading to blindness in human beings and terrestrial mammals. Thus the effects of increased UV-B may be among the most serious unanticipated consequences of nuclear war.

ATMOSPHERIC EFFECTS

In a nuclear war, large quantities of air pollutants, including CO, O_3, NO_x, cyanides, vinyl chlorides, dioxins, and furans would be released near the surface. Smog and acid precipitation would be widespread in the aftermath of the nuclear exchange. These toxins might not have significant immediate effects on the vegetation that was already devastated, although, depending upon their persistence, they could certainly hinder its recovery. Their atmospheric transport by winds more distant, initially unaffected ecosystems, on the other hand, might be an important additional effect. Large-scale fires coupled with an interruption of photosynthetic CO_2 uptake would produce a short-term increase in the atmospheric CO_2 concentration. The quantity of CO_2 now in the atmosphere is equivalent to that used by several years of photosynthesis and is further buffered by the inorganic carbon reserves of the ocean. Therefore, if the global climate and photosynthetic productivity of ecosystems recovered to near-normal levels within a few years, it is unlikely that any significant long-term change in the composition of the atmosphere would occur. It is not beyond the realm of possibility, however, that an event encompassing both hemispheres, with the ensuing damage to photosynthetic organisms, could cause a sudden increase in CO_2 concentration and thus long-term climatic changes. For comparison, the time scale for recycling of O_2 through the biosphere is about 2000 years.

AGRICULTURAL SYSTEMS

There is little storage of staple foods in human population centers, and most meat and fresh produce are supplied directly from farms. Only cereal grains are stored in significant quantities, but the sites at which they are stored often are located in areas remote from population centers. Following a spring or early summer war, the current year's crops would almost certainly be lost. Cereal crops would be harvested before a fall or winter war, but since the climate would remain unusually cold for many months, the following growing season would also be unfavorable for crop growth.

After a nuclear war, in short, the available potential supplies of food in the Northern Hemisphere would be destroyed or contaminated, located in inaccessible areas, or rapidly depleted. For nations experiencing the nuclear war directly, food resources would become scarce in a very short time. Further, nations that now require large imports of foods, including those untouched by nuclear detonations, would suffer an immediate interruption of the flow of food, forcing them to rely solely on their local agricultural and natural ecosystems. This would be very serious for many less-developed countries, especially those in the tropics.

Most major crops are annuals that are highly dependent on substantial energy and nutrient subsidies from human societies. Further, the fraction of their yields available for human consumption requires excess energy fixation beyond the respiratory needs of the plants, depending on full sunlight, on minimization of environmental stress from pests, water insufficiency, particulates, and air pollution, and so on. Providing these conditions would be far more difficult, if not all, of the Earth following a nuclear exchange. Agriculture as we know it would then, for all practical purposes, have come to an end.

Since the seeds for most North American, European, and Soviet crops are harvested and stored not in individual farms but predominantly in or near target areas, seed stocks for subsequent years would almost certainly be depleted severely, and the already limited genetic variability of those crops would probably be reduced drastically. Furthermore, the potential crop-growing areas would experience local climatic changes, high levels of radioactive contamination, and impoverished or eroded soils. Recovery of agricultural production would have to occur in the absence of the massive energy subsidies (especially in the form of tractor fuel and fertilizers) to which agriculture in developed countries has become adapted.

Except along the coasts, continental precipitation would be reduced substantially for some time after a nuclear exchange. Even now, rainfall is the major factor limiting crop growth in many areas, and irrigation, with requirements for energy and human support systems for pumping ground water, would not be available after a war. Moreover, in the months after the war, most of the available water would be frozen, and temperatures would recover slowly to normal values.

TEMPERATE TERRESTRIAL ECOSYSTEMS

The 2 billion to 3 billion survivors of the immediate effects of the war would be forced to turn to natural ecosystems as organized agriculture failed. Just at the time when these natural ecosystems would be asked to support a human population well beyond their carrying capacities, the normal functioning of the ecosystems themselves would be severely curtailed by the effects of nuclear war.

Subjecting these ecosystems to low temperature, fire, radiation, storm, and other physical stresses (many occurring simultaneously) would result in their increased vulnerability to disease and pest outbreaks, which might be prolonged. Primary productivity would be dramatically reduced at the prevailing low light levels; and, because of UV-B, smog, insects, radiation, and other damage to plants, it is unlikely that it would recover quickly to normal levels, even after light and temperature values had recovered. At the same time that their plant foods were being limited severely, most, if not all, of the vertebrates not killed outright by blast and ionizing radiation would either freeze or face a dark world where they would starve or die of thirst because surface waters would be frozen and thus unavailable. Many of the survivors would be widely scattered and often sick, leading to the slightly delayed extinction of many additional species.

Natural ecosystems provide civilization with a variety of crucial services in addition to food and shelter. These include regulation of atmospheric composition, moderation of climate and weather, regulation of the hydrologic cycle, generation and preservation of soils, degradation of wastes, and recycling of nutrients. From the human perspective, among the most important roles of ecosystems are their direct role in providing food and their maintenance of a vast library of species from which Homosapiens has already drawn the basis of civilization. Accelerated loss of these genetic resources through extinction would be one of the most serious potential consequences of nuclear war.

Wildfires would be an important effect in north temperate ecosystems, their scale and distribution depending on such factors as the nuclear war scenario and the season. Another major uncertainty is the extent of fire storms, which might heat the lower levels of the soil enough to damage or destroy seed banks, especially in vegetation types not adapted to periodic fires. Multiple airbursts over seasonally dry areas such as California in the late summer or early fall could burn off much of the state's forest and brush areas, leading to catastrophic flooding and erosion during the next rainy season. Silting, toxic runoff, and rainout of radionuclides could kill much of the fauna of fresh and coastal waters, and concentrated radioactivity levels in surviving filter-feeding shellfish populations could make them dangerous to consume for long periods of time.

Other major consequences for terrestrial ecosystems resulting from nuclear war would include: (i) slower detoxification of air and water as a secondary result of damage to plants that now are important metabolic sinks for toxins; (ii) reduced evapotranspiration by plants contributing to a lower rate of entry of water into the atmosphere especially over continental regions, and therefore a more sluggish hydrologic cycle; and (iii) great disturbance of the soil surface, leading to accelerated erosion and, probably, major dust storms.

Revegetation might superficially resemble that which follows local fires. Stresses from radiation, smog, erosion, fugitive dust, and toxic rains, however, would be superimposed on those of cold and darkness, thus delaying and modifying postwar succession in ways that would retard the restoration of ecosystem services. It is likely that most ecosystem changes would be short term. Some structural and functional changes, however, could be longer term, and perhaps irreversible, as ecosystems undergo qualitative changes to alternative stable states. Soil losses from erosion would be serious in areas experiencing widespread fires, plant death, and extremes of climate. Much would depend on the wind and precipitation patterns that would develop during the first postwar year. The diversity of many natural communities would almost certainly be substantially reduced, and numerous species of plants, animals, and microorganisms would become extinct.

TROPICAL TERRESTRIAL ECOSYSTEMS

The degree to which the tropics would be subjected to the sorts of conditions described above depends on factors such as the targeting pattern, the prevalence of fire storms, the breakdown of the distinction between troposphere and stratosphere, and the rate of interhemispheric mixing as a function of altitude. The spread of dense clouds of dust and soot and subfreezing temperatures to the northern tropics is highly likely, and to the Southern Hemisphere at least possible, so that it is appropriate to discuss the probable consequences of such a spread (Table 1B).

For example, the seeds of trees in tropical forests tend to be much more short-lived than those of temperate zones. If darkness or cold temperatures, or both, were to become widespread in the tropics, the tropical forests could largely disappear. This would lead to extinction of most of the species of plants, animals, and microorganisms on the Earth, with long-term consequences of the greatest importance for the adaptability of human populations.

If darkness were widespread in the tropics, vast areas of tropical vegetation, which are considered very near the compensation point, would begin to respire away. In addition, many plants in tropical and subtropical regions do not have dormancy mechanisms that enable them to tolerate cold seasons, even at temperatures well above freezing. Even if the darkness and cold were confined mainly to temperate regions, pulses of cold air and soot could carry quick freezes well into the tropics. This would amount to an enhanced case of the phenomenon known as "friagem," which is used to describe the effects of cool temperatures spreading from temperate South America and entering the equatorial Amazon Basin, where they kill large numbers of birds and fish. One can predict from existing evidence on cooling effects during the Pleistocene and their consequences that continental low-latitude areas would be severely affected by low air temperatures and decreased precipitation.

The dependence of tropical peoples on imported food and fertilizer would lead to severe effects, even if the tropics were not affected directly by the war. Large numbers of people would be forced to leave the cities and attempt to cultivate the remaining areas of forest, accelerating their destruction and the consequent rate of extinction. These activities would also greatly increase the amount of soot in the atmosphere, owing to improvised slash-and-burn agriculture on a vast scale. Regardless of the exact distribution of the immediate effects of the war, everyone of the Earth would ultimately be affected profoundly.

AQUATIC ECOSYSTEMS

Aquatic organisms tend to be buffered against dramatic fluctuations in air temperature by the thermal inertia of water. Nevertheless, many freshwater systems would freeze to considerable depths or completely because of the climatic changes after a nuclear war. The effect of prolonged darkness on marine organisms has been estimated. Primary producers at the base of the marine food chain are particularly sensitive to prolonged low light levels; higher trophic levels are subject to lesser, delayed propagated effects. Moreover, the near-surface productivity of marine plankton is depressed significantly by present UV-B levels; even small increases in UV-B could have profound consequences for the structure of marine food chains. It is often thought that the ocean margins would be a major source of sustenance of survivors of a nuclear war; the combined effects of darkess, UV-B, coastal storms, destruction of ships in the war, and concentration of radionuclides in shallow marine systems, however, cast strong doubt on this.

CONCLUSIONS

The predictions of climatic changes are quite robust, so that qualitatively the same types of stresses would ensue from a limited war of 500 MT or less in which cities were targeted as from a larger scale nuclear war of 10,000 MT. Essentially, all ecosystem support services would be severely impaired (Tables 2 and 3). We emphasize that survivors, at least in the Northern Hemisphere, would face extreme cold, water shortages, lack of food and fuel, heavy burdens of radiation and pollutants, disease, and severe psychological stress—all in twilight or darkness.

The possibility exists that the darkened skies and low temperatures would spread over the entire planet. Should this occur, a severe extinction event could ensue, leaving a highly modified and biologically depauperate Earth. Species extinction could be expected for most tropical plants and animals, and for most terrestrial vertebrates of north temperate regions, a large number of plants, and numerous freshwater and some marine organisms.

It seems unlikely, however, that even in these circumstances Homo sapiens would be forced to extinction immediately. Whether any people would be able to persist for long in the face of highly modified biological communities; novel climates; high levels of radiation; shattered agricultural, social, and economic systems; extraordinary psychological stresses; and a host of other difficulties is open to question. It is clear that the ecosystem effects alone resulting from a large-scale thermonuclear war could be enough to destroy the current civilization in at least the Northern Hemisphere. Coupled with the direct casualties of over 1 billion people, the combined intermediate and long-term effects of nuclear war suggest that eventually there might be no human survivors in the Northern Hemisphere. Furthermore, the scenario described here is by no means the most severe that could be imagined with present world nuclear arsenals and those contemplated for the near future. In any large-scale nuclear exchange between the superpowers, global environmental changes sufficient to cause the extinction of a major fraction of the plant and animal species on the Earth are likely. In that event, the possibility of the extinction of Homo sapiens cannot be excluded.●

● Ms. KAPTUR. Mr. Chairman, I rise in support of the Pease amendment to the Department of Defense authorization bill, which expresses the sense of the Congress that members of the North Atlantic Treaty Organization and Japan should increase their defense spending levels by at least 3 percent over the rate of inflation in 1984 and 1985. Europe and Japan must begin to shoulder an equitable share of the defense burden.

The thrust of this amendment is very similar to a resolution which I introduced on September 20, 1983. My resolution states that it is the sense of the Congress that Japan should increase its defense expenditures to insure a more equitable defense burden-sharing arrangement with the United States than presently exists. The defense of Japan and the western Pacific region has been a vital part of the U.S. defense posture since World War II. The United States has contributed a significant portion of its defense expenditures for the protection of this area, and it is time for Japan to make a more substantial commitment to our common defense.

Times have changed since the adoption of our immediate postwar policy seeking a competely disarmed and demilitarized Japan. Unfortunately, Japan's military expenditures have not risen accordingly. American attitudes toward Japan's defense spending began changing in the Nixon years. The implication of the Nixon doctrine, for example, was that Japan would have to assume more of the burden of securing Western interests in Asia. However, neither the Nixon administration nor the Ford administration made Japanese defense efforts a central focus of U.S. policy. The Carter administration, in its initial plans, included a continuation of the reduction of the U.S. presence in Asia and a reduction of the cost of supporting U.S. forces in Japan. After the events in Afghanistan and Iran, the Carter administration began putting even more pressure on the Japanese to increase defense spending. The Carter administration had hoped that the pressure would result in at least a 9.7-percent increase in the fiscal year 1981 defense budget, but it resulted in only a 7.6-percent increase.

We all know that defense spending is a very sensitive political topic in Japan, and that Japanese leaders create a good deal of grief for themselves by mentioning the possibility of increasing defense expenditures. While I believe that the United States should not meddle in the political affairs of other countries, I do believe that it is quite reasonable for the United States to encourage Japan, at the minimum to implement the modest defense spending goals it has set for itself. But Japan has not realized the goals in its second 5-year plan—fiscal year 1983 to fiscal year 1987—in either 1983 or 1984.

With Japan's trade surplus with the United States increasing each year, it is time for the Congress to send Japan a signal that we must develop a more equitable defense burden-sharing arrangement. In 1982, Japan's trade surplus with the United States hit $16.8 billion, and in 1983 it reached $19.3 billion. Meanwhile, we are not seeing much change in Japan's defense-spending levels. Even with a historical perspective on the causes for Japan's low defense spending and the internal Japanese political problems associated with increasing defense expenditures, it seems wise, in these times, to express the sense of the Congress that Japan should increase its defense expenditures to insure a more equitable defense burden-sharing arrangement with the United States than presently exists.

I urge my colleagues to join with me in support of the Pease amendment. It is time that our allies begin to assume their fair share of the common defense burden.●

● Mr. WON PAT. Mr. Chairman, I rise to join my colleagues in support of the measure before us—H.R. 5167, the defense authorization bill approved by the committee.

As a member of the Armed Services Committee I know that this measure represents untold hours of debate and deliberation by the committee. It is the best bill possible and I urge that it be approved. This measure authorizes $208.1 billion for military procurement, research and development, operations and maintenance, and civil defense in fiscal year 1985 During our consideration of H.R 5167, let me assure all present that a great deal of thought went into how this measure would impact on our economy.

We are aware of the need to make every dollar count. That this measure keeps real spending growth for the Pentagon down to 6 percent rather than the 13 percent requested by the White House is a tribute to the bipartisan nature of this measure. Credit for this fact must go both to the chairman, Representatives PRICE and the ranking Republican on the committee, Representative BILL DICKINSON, for producing a bill which keeps spending down while meeting the legitimate defense needs of this Nation.

There are two special provisions in H.R. 5167 that are of particular concern to my constituents on Guam and I want to make brief comments about these at this time to clarify their intent.

The first provision in title VI addresses the current Pentagon policy of permitting U.S. military personnel stationed in Japan and Okinawa to purchase new cars on Guam and have these vehicles shipped to stateside ports as part of their personal belongings. Earlier this year, Secretary Weinberger stated his support for this program saying it was of direct financial benefit to U.S. service personnel since they are not permitted to bring American-certified cars to Japan or Okinawa.

Some have suggested that this policy is harmful to the U.S. auto industry since the vehicles being purchased are made in Japan. Secretary Weinberger says that this is not true since the service personnel are only exercising their right to buy the car of their choice. I agree and add that this program has saved our poorly paid military personnel several thousand dollars. The actual number of cars involved is very small—about 2,000 annually. This figure represents less than one-tenth of 1 percent of all the Japanese cars sold to Americans last year. Hardly a number that should create concern here.

I must also add that this tiny number of cars sold to American military personnel has generated an estimated 500 jobs in Guam for other Americans. The committee has wisely adopted a proposal I offered which would call on the Pentagon to review this policy and its impact on the military and the Island of Guam and report back to Congress by January 15, 1985. At that time Congress will have additional information needed to determine the real impact of this program.

I add that several weeks ago, Mr. Brock, the U.S. trade negotiator, called for an end to the voluntary limitation on the number of Japanese cars brought into this Nation. He stated, and many have agreed, that the artificial limitation has cost American consumers hundreds of millions of dollars. A great deal of misinformation has been generated about this policy and I urge my colleagues to support my provision so the real facts can be presented to Congress in an orderly fashion without throwing Americans on Guam out of work or taking needed dollars out of the pockets of those who serve us abroad.

The second provision, which I proposed, also in title VI provides authorization for the Pentagon to pay for the transportation of U.S. territorial residents stationed in CONUS to their island homes while on emergency leave. This would place them on an equal status with other American military personnel who enjoy this benefit when they return from overseas posts to their mainland homes while on emergency leave. My good friend, Congressman LES ASPIN, chairman of the Personnel Subcommittee is directly responsible for inserting this provision in the bill at my request and I am deeply grateful for his steadfast support and concern for our people in uniform. Thank you.●

● Mr. DURBIN. Mr. Chairman, I would like to commend my colleague for submitting this amendment which asks the Secretary of the Department of Defense to report to Congress on two of the recommendations made by the Grace Commission.

As a means for reducing program waste, correcting system failures, improving personnel management, and attacking structural deficits, the Grace Commission submitted nearly

2,500 recommendations to the President. Although there are disagreements about the feasibility of implementing these recommendations and the actual cost savings, I think most of us agree that, as in any business, there are ways to improve administration of Federal programs.

Most of the Grace Commission recommendations could be implemented administratively. However, for these proposals, as well as those which will require legislative action, we need to closely scrutinize the policies and programs which would be affected. The elimination of waste and inefficiency is one goal, but a much larger objective is to change public policy in a way that could help reduce mounting Federal deficits.

Four task forces were assigned to conduct reviews of the Defense Department by the Grace Commission. Over 400 recommendations were made relating to this agency. Two most important measures, which the CBO and GAO also believe have considerable merit, are those included in my colleague's amendment.

First, adjustment of progress payments to reflect current interest rates and inflation, and second, improving the automated inventory management systems, could produce 3-year savings of over $19 billion. CBO agreed that these proposals may have measurable budgetary effects.

I would like to stress that neither of these provisions deal directly with military readiness or decisions on procurement. Rather, they are management control systems which could enhance the readiness of our forces.

I would also like to stress that this amendment only calls for a report by the Secretary: It does not mandate that any particular system be adopted by the Department of the Defense.

I believe this is a reasonable and practical approach to achieving what so many of us talk about: Controlling Federal spending and reducing the deficits. Again, I would like to commend my colleague for introducing this measure and I would like to ask for your support of the McCloskey amendment.●

● Mr. McCURDY. Mr. Chairman, in 1981 I had the privilege, as a freshman Congressman, to chair a special Armed Services Committee panel on defense procurement procedures. The panel was charged with identifying Defense Department policies which tended to contribute to cost growth in weapons systems procurement.

The result of the panel's investigation led to the Nunn/McCurdy provision contained in the fiscal year 1983 Defense Authorization Act. The provision established a unit-cost report, which requires each service Secretary to report to the Congress if he determines that there has been a greater than 15 percent increase in program unit cost of a major weapons system. Furthermore, the provision requires the Secretary of Defense to certify to the Congress that adequate cost-control procedures and management systems have been implemented to control such costs when the cost growth reaches 25 percent in any 1 year.

If the required reports and certifications are not received by the Congress within the time period specified, obligated funds for the program in question are to be withheld by Congress and the program halted until the reports are received. The objective of the unit-cost report is to create better and more frequent communications between program managers and their respective service Secretaries in the management of major weapons programs.

Another important cost management tool is the selected acquisition report (SAR) which has been in existence for some time. It requires the Defense Department to identify negative major weapons systems funding trends as early as possible in the acquisition process. The committee recommended certain changes to the SAR, including a requirement for DOD to define a major weapons system as any weapons system that crosses a cost threshold of $200 million in research and development, or $1 billion in procurement. This change contributed significantly to the overall effectiveness of the SAR itself and its support of the unit-cost report. The committee has continued to refine the SAR in the fiscal year 1985 authorization bill with technical changes that will make it even more responsive.

I am pleased to report that the implementation of the unit-cost report, along with the modifications made to the selected acquisition report, are contributing significantly to the identification and restraint of cost growth in Defense weapons acquisition programs at a much earlier point in time than ever before.

For example, upon its implementation in the fall of 1982, 24 major weapons systems, then in acquisition, breached the 15-percent cost increase reporting threshold of the unit-cost report. In 1983, the number of systems breaching the threshold was down to nine, and this year, to date, only two have exceeded the threshold.

The dramatic decline in these breaches clearly demonstrates that the system is performing as envisioned. Program managers have become much more alert for early identification of cost increases. Consequently, they are doing a much better job of managing the costs of their acquisition programs, and that was our objective.●

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include extraneous matter, on the bill, H.R. 5167.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TIME IS NOW FOR A CONSTITUTIONAL AMENDMENT TO LIMIT FEDERAL SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, we have made remarkable progress in economic recovery in the last 3 years. Inflation is down; unemployment is down; interest rates are down, although not far enough. Yet, we are confronted by a menace that threatens the fiscal stability of the Government and the economic well-being of every family in the Nation.

The danger that we face, the massive projected $180 billion Federal budget deficit, threatens to undermine our recovery. More than 20 years of uncontrolled Federal spending must be halted, and fiscal discipline must be restored to our Nation.

We cannot be confident of economic growth and prosperity until the malaise caused by exorbitant taxes and counterproductive tax policies, unrestrained Federal spending, and dangerously high Federal demand upon the credit market is eliminated. We cannot make these problems go away by ignoring them. It is time for this House and the Congress to address the issue honestly and forthrightly.

It is time for the leadership of this House to permit debate on a constitutional amendment to limit Federal spending. Adoption of a spending limitation amendment would not be a panacea for fiscal folly, but it would be an important step in the battle against destructive economic forces.

The Congress should be leading in this battle, and it is not. While our House leadership has refused to act, the American people have taken the issue to the State legislatures in the fight to reform Federal spending programs. In the last 9 years, 32 States have passed petitions calling for a constitutional convention to pass a balanced budget amendment. If we do not act on the issue of a spending limit, we will soon find that the States have forced a constitutional convention.

It is time for the Congress to assume its responsibility. Moving realistically toward a balanced budget through a constitutional limit on spending is all too apparently necessary. Congress, as currently led, seems institutionally incapable of saying no, no, I am sorry, this is a worthy program, but we have spending limitations to respect.

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 60 minutes.

● **Mr. STARK.** Mr. Speaker, the economic recovery is leaving millions of unemployed workers behind in a quagmire or inertia and hopelessness, because they have not got the skills and resources to find work in today's fast changing economy.

Last June, I introduced legislation to help jobless Americans obtain the skills and assistance they need to compete for jobs under today's economic conditions. H.R. 3501 was a good idea then, and it still is. However, I have made some needed improvements. Today, I am reintroducing legislation to help alleviate the spectre of chronic joblessness for millions of Americans—without adding to the enormous problem of the Federal deficit or putting increased pressures on State budgets.

The Unemployment Insurance and Adjustment Assistance Act of 1984, which I will also refer to as UI-AA, draws extensively from H.R. 3501. This new bill improves the operation of the unemployment insurance program by allowing workers the option to draw on the cash value of certain benefits to fund retraining, education, and relocation assistance.

Essentially, I am introducing a 3-year demonstration project in two States. I am committed to the concept of nationwide implementation of UI-AA, because people all across the country can truly benefit from this type of personally tailored and selected assistance, I believe there would be merit in testing it in just a few States before requiring nationwide implementation. Thus, the bill I am proposing would allow the program to start in two States which would volunteer to participate. The 3-year test would give us time to make changes and improvements before expanding the program.

Too many of us have been lulled into thinking that the unemployment problem has gone away in the past few months. Well, the truth is that almost 8.8 million Americans are unemployed—right now—and many forecasters expect the jobless rate to stay about the same or even increase in the months ahead. Depending on how you count the unemployed, the real figure may be much higher.

These people are victims of not only the economy, but also the programs we have in place for dealing with their plight. The legislation I am introducing today offers a potential solution by turning a passive governmental assistance program that barely pays people enough to get by on, while they are unemployed, into a program that also offers real active assistance to help get people employed again.

HOW SERIOUS IS UNEMPLOYMENT CURRENTLY?

The latest official unemployment figures tell us that the unemployment rate has declined to 7.8 percent. Of course, this helps feed the notion that the recovery is taking care of the unemployed and that there is no need for any new answers or solutions for the estimated 8.8 million jobless Americans.

First of all, it is a terrible idea to think that we can just write off almost 9 million people. If the recovery were really the miracle it has been touted to be, then most of these people would have jobs. Worse yet, many economists predict that unemployment is going to hover about this level for some months to come. That is a lot of out-of-work Americans.

On top of this, the extent of joblessness may be badly understated by the official statistics. The Government agency responsible for keeping track of unemployment, the Bureau of Labor Statistics (BLS), has pegged the unemployment rate at 7.8 percent for last month. However, BLS also reports that 5.5 million Americans were forced to work part time because they could not find full-time work. Now, I have added some figures together and I get 14.3 million people who are either totally or partly unemployed. That is 13.8 percent of the labor force—not 7.8 percent.

There is also the issue of the discouraged worker, the person who has stopped looking for a job because he does not think he can find one. A number of economists are suggesting that large numbers of discouraged workers may be artificially forcing down the unemployment rate because BLS does not count them in the official figures. According to Jerry Jasinowski, chief economist for the National Association of Manufacturers.

> There may simply be some workers who are not yet convinced that there is a job available for them.

BLS does collect some statistics on discouraged workers. If these figures are added to the 14.6 million people who are fully or partly unemployed, then we may be talking about 15.6 million people who are currently being affected by unemployment, or 15 percent of the labor force—not the official 7.8 percent.

THE NEED FOR RETRAINING, EDUCATION, AND RELOCATION ASSISTANCE

Many of the unemployed can count on finding new jobs with a reasonable expenditure of effort and within a reasonable period of time. However, many cannot. The latest available estimates show that 1 in 5 unemployed persons have been out-of-work for more than 26 weeks—certainly long enough, in most cases, to use up all available jobless benefits. Many of these individuals are, undeniably, dislocated workers. In other words, these are workers whose jobs have perished permanently with factory cutbacks, plant closings, and industrial relocations, particularly in the older smokestack industries.

How many dislocated workers are there? Depending on whose definitions and figures you use, the estimates range anywhere from 100,000 workers all the way to 3 million. The Congressional Budget Office puts the figure at about 2 million. Any way you get your estimates, though, there is a good bet that they account for a significant percentage of today's unemployed and a greater number of persons than at any time in the post World War II era.

In a world beset by sweeping technological changes, international trade problems, and rapidly changing consumer spending habits, many industries' abilities to compete have suffered a dramatic, and in many instances, irreversible erosion. Many of these industries, like steel, autos, machinery and fabricated metals, seem to be experiencing a more or less permanent state of decline. And since recessions tend to accelerate the permanent loss of jobs in declining industries, millions of jobs have been lost since 1981. Millions of workers have been dislocated; millions need to be retrained.

Manufacturing industries, in general, have been and will continue to be losers. Of the more than 2 million manufacturing jobs that were lost during the last recession, only about half of them have been regained. This is in striking contrast to previous recoveries when manufacturing has always made a strong comeback. Dr. Marvin Cetron, president of Forecasting International, says that manufacturing currently accounts for about 26 percent of all jobs, but that the share of manufacturing jobs will decline to about 11 percent by the year 2000. "High technology is taking the place of repetitive jobs," he said recently, and it is drastically increasing the need for worker retraining. According to Dr. Cetron, we are fast approaching the day when workers will have to go back to school every 10 years to be reeducated for new jobs and new skills.

Skills are not the only problem. Most dislocated workers can be found in the old industrial areas of the Northeast and Midwest. In fact, if the problem can be measured by what States have borrowed the most to pay for unemployment benefits, then Michigan, Pennsylvania, Ohio, and Illinois are certainly among the areas hardest hit. Unemployed workers in these areas might be encouraged to relocate, rather than being left to languish on their unemployment benefits until there is nothing left.

Workers who are dislocated by changes in the economy represent an incredible drain on the public's purse strings. Pat Choate, a senior policy analyst with TRW, Inc., has attributed about a third of the Nation's $30 billion a year expense for unemployment insurance to dislocated workers. But what kind of resources are we devoting to getting these people employed again? In the current fiscal year, through June 30, we are spending $94 million for training dislocated workers under title III of the Job Training Partnership Act. Frankly, this is just a drop in the bucket and does not begin to touch the magnitude of the problem.

WHAT IS UI-AA AND HOW DOES IT WORK?

My original proposal for a UI-AA plan is contained in H.R. 3501 (see CONGRESSIONAL RECORD of June 30, p. H4878 for a detailed explanation of the bill). My current UI-AA proposal, contained in the bill I am introducing today, follows along the same idea. Basically, the legislation seeks to improve the operation of the established unemployment insurance programs by providing to the unemployed, during the time that they are receiving regular UI payments, the option of receiving retraining, education, and relocation assistance in lieu of addtional UI compensation to which they are entitled.

The idea is really very simple. Under UI-AA, unemployed workers will be allowed to trade in and obtain 100 percent of the cash value of the various types of extended or supplemental UI benefits available to them if they had remained unemployed throughout their eligibility for UI benefits. In return, three different types of adjustment assistance will be made available to them, either singly or combined. Adjustment assistance may consist of retraining assistance, education assistance, and job search and relocation assistance.

The legislation does not allow workers to trade their 26 weeks of regular unemployment benefits. The option only exits on getting a lump-sum equivalent equal to the various forms of extended assistance available to the worker's State at the time of his unemployment claim. The worker may use this sum of resources to choose a mix of retraining, education, and relocation aids which meet his needs.

UI-AA will be completely optional. There will be no obligation on the part of the UI recipient to accept this kind of aid. UI-AA is designed solely to provide an option for the jobless worker—primarily, the dislocated worker—who feels uncertain about his prospects for immediate reemployment.

Like the regular UI programs, UI-AA will be administered by the State employment security agencies (SESA's). The unemployed individual will apply directly to the SESA in his home State, as he would for regular UI benefits, and he may do so at any time within 30 days of establishing eligibility for regular UI benefits.

Depending on the State, UI-AA will be able to provide up to a few thousand dollars to pay for adjustment assistance for the jobless individual. This is enough to insure that the money spent on UI-AA will be substantial enough to really help those who need it.

COMPARISON OF THIS BILL TO MY ORIGINAL UI-AA PROPOSAL, H.R. 3501

I have supplemented my original legislation with improvements designed to prevent any misuse of UI-AA.

I have added an enforcement provision that levies hard-hitting penalties against anyone who might try to abuse the program or engage in any type of fraud while participating in the program, whether they be UI recipients, employers, or those who are providing assistance. This should insure that there is no room whatsoever for the abuse of UI-AA. Also, employers are prevented from laying off or firing current workers to make room for newer workers whose training costs are being met by UI-AA. This provision will insure that UI-AA is used for retraining dislocated workers and not for dislocating workers who have jobs.

TIME FOR A NEW KIND OF ASSISTANCE STRATEGY—A FLEXIBLE ONE

UI-AA is a new kind of unemployment assistance program, and it deserves a fair hearing. UI-AA provides a flexible strategy that lets each unemployed individual choose the type of assistance that they want based on what their individual needs are. Conventional unemployment benefits assume one thing: that given enough time and a little bit of money to help meet living expenses, everyone can find a suitable job. But not everyone can, and that is proven by the unemployment statistics. Also, the money always eventually runs out and, right now, millions have been unemployed long enough to have used up all their benefits. Maybe these people could have been helped by UI-AA. If we give people the option to trade part of their fixed-option benefits for other types of assistance, maybe we can get them off the unemployment rolls.

I want to emphasize that this legislation will benefit the unemployed by allowing them the option to retrain or relocate if they are not likely to find jobs in their occupation or area. It will not add burdensome new costs to the Federal or State budgets, or the UI system, because the people who are likely to use this assistance are the same people who are using up all of their extended benefits without finding jobs anyway. Costs are simply transferred from paying for dead-end subsistence without promise of a job, to paying for retraining or relocation and new found hope for a job.

It is time to wake up to the unemployment problem and realize that it is not going to go away by itself. Rather than just nodding our heads and continuing to pay lip service to our jobless fellow citizens with piecemeal and ill-thought-out solutions, rather than just ignoring them, let us give the unemployed a fair shake. Let us give unemployed Americans a fighting chance in a rapidly changing world. Let us give them a chance to learn new work skills, to improve their basic education, to get to where they will find jobs. UI-AA is that kind of assistance program, the right kind.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SHARP) is recognized for 5 minutes.

● Mr. SHARP. Mr. Speaker, during the period of May 17-24, I was absent due to hospitalization. Following is a list of votes I missed and how I would have voted:

MAY 17

Rollcall vote No. 151, "yes."
Rollcall vote No. 153, "no."
Rollcall vote No. 155, "no."

MAY 22

Rollcall vote No. 156, "yes."
Rollcall vote No. 157, "yes."
Rollcall vote No. 158, "no."
Rollcall vote No. 159, "yes."
Rollcall vote No. 160, "yes."
Rollcall vote No. 161, "no."
Rollcall vote No. 162, "yes."
Rollcall vote No. 163, "yes."

MAY 23

Rollcall vote No. 164, "yes."
Rollcall vote No. 166, "no."
Rollcall vote No. 167, "yes."
Rollcall vote No. 168, "no."
Rollcall vote No. 169, "yes."
Rollcall vote No. 170, "yes."
Rollcall vote No. 171, "yes."
Rollcall vote No. 172, "no."
Rollcall vote No. 173, "no."
Rollcall vote No. 174, "no."
Rollcall vote No. 175, "yes."
Rollcall vote No. 176, "no."

MAY 24

Rollcall vote No. 178, "yes."
Rollcall vote No. 179, "yes."

Thank you Mr. Speaker.●

JOBS AND TRAINING: KEYS TO REBUILDING THE AMERICAN ECONOMY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● **Mr. ST GERMAIN.** Mr. Speaker, Congresswoman MARY ROSE OAKAR recently testified before the Democratic National Convention Platform Committee in her home city of Cleveland. She focused on the major issue facing our country—jobs—and the need for new approaches to job creation and job training.

Representative OAKAR is a leading spokeswoman on this critical issue. She serves as cochair of the Northeast-Midwest Congressional Coalition's Task Force on Employment and Training and is providing leadership on the major legislative initiative to address long-term retraining needs—the National Individual Training Account Act of 1984. Moreover, she plays a critical role on the House Banking Committee in working for the adoption of policies to revitalize American industry and create jobs.

I commend Ms. OAKAR's incisive testimony to my colleagues:

TESTIMONY OF CONGRESSWOMAN MARY ROSE OAKAR, BEFORE THE DEMOCRATIC NATIONAL CONVENTION PLATFORM COMMITTEE, MAY 21, 1984

MADAM CHAIR AND COMMITTEE MEMBERS: It is a pleasure to welcome the Platform Committee of the Democratic National Convention to our great city. Your coming today to hear from the people is a clear demonstration of our party's concern and sensitivity for the needs and aspirations of greater Cleveland, Ohio and the Midwest.

I want to speak today about the one issue that stands above all others in Ohio—Jobs. Very simply, we need an industrial strategy to create the new jobs not only to put our people back to work but to make the American dream a reality once again.

One has only to look at Ohio's unemployment rate to see why job creation and job training are Ohio's number one need. The legacy of the past four years has been double-digit unemployment. Today, Ohio's unemployment rate is almost one-third higher than the rest of the Nation. The State's unemployment rate for April, the latest figure available, stands at 10% compared to the national rate of 7.8%. That means that over 500,000 of our fellow citizens are out of work. Countless others are working at part-time jobs that provide them with no benefits or at dead-end jobs that have no future. These numbers make clear that the much-heralded economic recovery is passing by many of our neighbors.

However, I do not want to dwell on the past. I want to address the future. The future can mean hope and opportunity. I want to address how we can rejuvenate Ohio's economy and the Nation's economy, how we can create jobs, and how we can adapt to change.

Jobs and training are the keys to rebuilding the Ohio economy and the American economy. If enough good jobs can be created in a timely manner and if American workers can be prepared for those jobs, then America and Ohio can make the economic changes they must with speed, grace and confidence.

What I wish to focus on are the actions that will be necessary to insure that American and Ohio workers are equipped with appropriate skills.

The Democratic Party must assure that Ohio and our Nation are never caught short again. A recent report by Cleveland Ameritrust Corporation on the Midwest's economic outlook put its finger on our most critical need: Keeping our workers up-to-date.

As this committee drafts the Democratic Party's 1984 platform, it must remember that workers will have several job changes throughout their lifetime. Training and retraining are thus absolutely essential. Our party's platform must propose concrete, well-thought-out industrial strategy programs to give workers the means to get this retraining. It must include programs that provide workers with the security to adapt to change and with the programs that make the future no longer frightening.

I have first-hand experience with this problem. As co-chair of the Northeast-Midwest Congressional Coalition's Task Force on Employment and Training, I have visited factories and training facilities and have met with people on the frontline of job training in Ohio. In suburban Middleburg Heights, I visited the Polaris Joint Vocational Center, one of our State's outstanding vocational training facilities. I spoke with many unemployed workers who were unable to received needed retraining simply because they could not afford the $1,000 tuition.

What we need is a program that will make sure that workers will be able to pay for the training to allow them to get the new skills that their new jobs will require.

I call on this Platform Committee to endorse the National Individual Training Account Act of 1984. This bill would allow workers to set up a savings account to pay for needed retraining. It is the type of innovative, result-oriented program that will make retraining available to workers. It is the type of cooperative, long-term approach that the times call for. It is the type of program that provides the security to adapt to change. It is the type of people and jobs program that is in the tradition of the Democratic Party.

Let me take a moment to explain the individual training account. The I.T.A. would be a flexible, simple system aimed at helping displaced workers by providing funds for retraining and, if necessary, limited relocation expenses. It would build upon two successful experiences, one in training and one in savings. The program would be administered along the lines of the G.I. bill, a great Democratic program that fostered maximum individual choice. The program would operate like the individual retirement account that encourages people to save and plan for their future.

The I.T.A. would be self-financing and would be paid for by the worker and the employer who would make equal annual contributions of 0.8% or $250, whichever is less. Payments would stop when the account reached $4,000.

Contributions to the I.T.A. would be tax deductible and taxes would be deferred on interest earned. I.T.A. funds used for retraining or relocation would not be taxed.

Workers with an I.T.A. who are laid off would be able to receive tax free $4,000 plus accumulated interest to pay for their retraining or for selected relocation expenses. Workers whose employer certifies that they will be displaced within the next six months would be eligible to use their I.T.A.'s. The choice and location of training would be left to the workers but job counselling would be encouraged.

The I.T.A. bill addresses an important facet of the job problem. Other steps are needed. The Democratic platform should call for the creation of a National Jobs Bank that would help workers find jobs. It is critical that this bank be used by the business community and that all types of jobs be included.

The problem we face today is that only 21 States have automated jobs banks and that there is not standardized method identifying new occupations or eliminating obsolete ones. Moreover, there is no method for anticipation changing labor needs within and between industries.

The platform must also call for the removal of obstacles in the unemployment insurance system to workers reveiving retraining. Today, many States prohibit or make it very difficult for displaced workers to participate in training programs at the same time they are receiving unemployment benefits. This is counter-productive. Unemployment insurance should not be a barrier to an individaul getting retraining that will give him or her a new job with a future. We must do everything possible to get people permanently back into the work force.

These are but several specific actions in the jobs and training area that the Democratic Party platform should call for. The long-term health of our national economy, it is critical that the horrendous budget deficits be brought under control and reduced. These deficits—that will come close to $200 billion this year—are directly responsible for the steady rise in interest rates we have witnessed in recent months. The prime rate now stands at 12½%. Several eminent economists predict it could be at 15% or more before the end of the year. If we do not change the course, choking interest rates will once again plunge us into another deep recession and put more people out of work.

Today's high interest rates are disastrous for America's international trade position. They are keeping the U.S. dollar overvalued in relation to other currencies, thus making U.S. goods more costly overseas and foreign goods less expensive in the American market. This has led directly to the highest trade deficit in U.S. history that may reach $120 billion this year. This has devastated export-oriented industries and industries that must compete with imports. American industries hurt by these policies include machine tools and agriculture.

As Democrats, we must make the commitment to bring down interest rates and keep them stable. We can do this by committing our party to a prudent Federal budget that provides for human needs and national security needs and to a realistic fiscal program that balances revenues and expenditures. Only with these policies will we be able to stimulate the long-term, steady economic expansion that will create needed new jobs and opportunity.

To promote economic growth and job creation at home, we need fairness in the trade policies we follow. Greater Cleveland, northeast Ohio, and the Midwest have been devastated by the unfair trade practices of some of our trading partners. This must end. American goods must have equal access throughout the world. American workers must be able to compete with foreign workers on equal terms.

Moreover, American security demands trade policies sensitive to American interests. Strategic industries like Cleveland's steel, machine tool, ferroalloy and metal fastener industries must be protected to safeguard our defense industrial base and our defense capabilities.

The Democratic Party must commit itself to a fairness-in-trade plank that recognizes the needs of American workers and companies and our national security interests.

As this committee tackles the important task of framing an industrial strategy plank for the Democratic platform, I urge you to make jobs and training the top priority. The Democratic Party must be identified with long-term, flexible, forward-looking solutions. Our party historically has been the party of jobs and the party of opportunity. We must reaffirm that tradition today. In the final analysis, how well and at what pace we create these jobs and prepare our workers for them will determine how well and at what pace we rebuild the American economy.

Thank you.●

MARITIME POLICY AND NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. Boggs) is recognized for 15 minutes

● Mrs. BOGGS. Mr. Speaker, a week ago I attended the Maritime dinner hosted by the Propeller Club of the Port of New Orleans. The featured speaker at the dinner was Lee Rice, president of the Shipbuilders Council of America. Mr. Rice discussed the omission of any realistic maritime planning from our national defense policy and the need to develop such a policy in order to fulfill our national security objectives.

The issues raised by Mr. Rice are appropriate to the legislation before the House today, to Defense authorization bill. His speech makes interesting reading in the context of the adequacy of preparedness to meet the needs of the military.

Speech by M. Lee Rice

I continue to argue vigorously the need for the Reagan Administration to develop a positive and effective maritime policy. It is demonstrable that present policy is producing rapid decline and atrophy of both sealift and shipbuilding assets and capability. Granted that we must be concerned with the issue of the budget; we must not allow, however, budgetary constraints to cause deficiencies in national security assets. My concern is directed to finding a solution to the "so-called maritime problem", for unless we attack and solve the problem our future in indeed bleak.

What is the problem to be solved? It is best defined by a paired summary conclusion and problem statement.

SUMMARY CONCLUSION

Due to dramatic shifts both in commercial markets and government policies, here and abroad, commercial markets which have previously been relied upon to provide sealift, shipbuilding and ship repair assets required to fulfill national security objectives can no longer be relied upon to provide these assets.

PROBLEM STATEMENT

Faced with this conclusion, how should the nation provide: (1) sealift assets in sufficient quantity and possessing operational characteristics as determined by national security demand, and (2) shipbuilding and ship repair capability and capacity defined as essential to meet national security needs both at lowest cost in toto?

It should be noted that in this statement of the problem we use national security demand as the primary definitional phrase rather than defense or military demand. This distinction is highly important. To date, nearly all consideration of the issue of defining sealift and shipyard capability has been undertaken by the Department of Defense and as is appropriate to their charter and responsibilities, the defined need for sealift is that required to carry out military missions. Except for some small set aside of tonnage, fixed, at best, by obscure methodology, it is assumed that the problem of providing shipping to support the national economy during a war is addressed by others. This, in fact, is not the case. It is simply assumed as true, a reliance of faith which should elicit deep thought.

It is clear to knowledgeable maritime industry observers that a problem exists. Yet, the government bureaucracy does not agree nor is it prepared to address the problem. I believe that the Reagan Administration will extend beyond 1984 and that the ideologues within it will place even greater stress on achieving their particular free trade and market control concepts as they function during the second and last term. The national security will be placed at great risk—in spite of spending for the military budget.

A metamorphosis by the Administration in its attitude toward maritime policy is highly unlikely. Indeed, a major national performance failure may be required to cause needed change. Observation of the functioning of the federal bureaucracy causes me to be gravely concerned that we face such a failure.

The February 27 edition of U.S. News & World Report contained an article titled "Can't Anybody Here Run A War?" The article focuses on whether or not the present military bureaucracy and, more importantly, its extensive civilian component can do just that. The article argues that the ability to succeed in our present military system and defense organization is not necessarily consistent with the development of military leaders and industrial planners who are needed to manage and fight a real war. The question has merit and deserves an answer.

A broader question is whether or not our government, on whom we rely for security, has the capability to provide it. The question is not simply the question of the competence of our military and their available arms, but of our system for providing national security assets—including the required industrial base for mobilization and war.

The Reagan Administration's defense strategy is that we can avoid war, both conventional and nuclear, by having in place the capability and capacity to win a conventional war and to possess such great capability to inflict mass destruction on any potential enemy with nuclear weapons that such weapons will never be required to be used. This is dogma.

The strategy is restated as—preserve peace by deterring war!

Fundamental to the theory of deterrence is the fact the enemies must believe, beyond the doubt of acceptable risk, that if we choose to use our military capability and a mobilized indistrial base that we can prevail. We, of course, have a free society and in our free society potential adversaries can easily gain access to information whereby they can measure with high accuracy the real potential of our military power and the ability of our industrial base to mobilize to effectively use our military capability and sustain its use to a victory.

Now to the problem I wish to address.

One of the important points made in the U.S. News & World Report article, to which I referred, is the peculiar fact that assumptions of planning and management competence abound throughout our military system and in the supporting industrial base. For example, the Army assumes and relies on the Air Force, the Navy and the Department of Transportation to provide the planes and the ships to deploy forces. The Marines rely on the Navy for transport and supply. The Air Force relies on the Navy and the DOT for resupply of both armaments and fuel. The Army relies on the Air Force for air to ground support. The Navy relies on the DOT for shipping assets and shipbuilding support for mobilization and supply. The Administration relies on commercial forces and "faith" to provide assets and capability to support the nation's industry and economy.

We have created a self-fulfilling circle of reliance. The circle goes around and around and no one pauses to ask the question, can I really rely on the supply of services promised and on which my mission depends? The question is not asked for a very good reason. If the answer is no, it is universally presumed that the party requiring the service or support will be told to pay for it from his budget. This is a deadly plague and questions which would test the availability of service through the system of reliance go unasked and unanswered.

Quite simply, in our overall defense system, we rely on the existence of assets and capabilities which may not exist or even be planned to exist in the future. With the continuing reduction in capability of our heavy industrial base, and its interlocking relationship with the supply of much of the capability assumed to exist, our security risks grow.

My thesis is well supported by study of our nation's capabilities and those of the military. Recently, I testified before the Senate Budget Committee in a hearing where options for reducing the defense budget were under examination. I was an unpopular witness because my theme was that the issue was not the need to cut expenditures blindly but to insure that our claimed capabilities were real—and that deficiencies must be corrected even at a cost if we were to continue to rely on the strategy of deterrence. The other witness was Dr. Epstein of Brookings Institute who argued for elimination of numerous systems—two carrier groups, the MX, the B1 and others. His thesis was that the real trouble spots in our unstable world, in order of greatest instability, were Southwest Asia and Central America and that these systems were superfluous to the requirements of these theaters. He argued for increasing the capability of our Rapid Deployment Force on the basis that if our military forces were not in place very quickly, we could not succeed in the military undertaking necessary to protect our interests. His argument makes sense;

however, his whole thesis ignored the question, after you got there with the RDF, how did you remain in business and sustain forces in a shooting war? In fact, he admitted that he had never considered the question of resupply and the logistics of sustaining our troops in action nor the question of how we will provide shipping support to sustain a mobilized industrial base and economy. He was relying on the misguided belief that someone was considering and providing a solution to this problem. In reality, no one is.

There are many examples of reliance on capabilities which may not exist, but maritime assets are a prime example.

Form a circle of maritime reliance and examine how strong it really is. The Army, Air Force and Marines rely on the Navy to provide sealift. The Navy relies on the Department of Transportation to fulfill its responsibilities under Merchant Marine law to provide ships, men and shipyards necessary for the national welfare in an emergency. The DOT relies on the Administration to define policy under which they can perform these required tasks and the Administration relies on the Navy, Army, Air Force and Marines to provide the nation's security. The circle goes around and around. I will ask the unasked question—Can you perform? I will also answer the question, using information available to those in the circle of reliance.

First, we will examine measured demand for sealift assets and shipbuilding and ship repair which are determined by the requirements of achievement of effective deterrence.

Studies of requirements imposed by demands for sealift under the basic Defense Guidance plan have been determined by direction of the Defense Resources Board, not well, but determined. In addition, the Department of the Navy, working with the Maritime Administration, has studied shipbuilding and ship repair requirements which would be required by mobilization before and during a major global war. The original conclusions of the shipyard study were very unpopular in DOT and therefore the shipyard study is being redone to achieve a papering over of the problem. From these studies, valuable conclusions can be drawn. However, two conclusions are profound and directly relate to the issue before us:

First: Sealift assets are inadequate to meet needs.

Second: Significant commercial shipbuilding and ship repair industries must be maintained because construction and repair of naval vessels alone will not sustain capabilities required to mobilize for and fight a global war.

The first conclusion is reached on the basis of analysis of commercial and reserve fleet availability in 1988 and is likely optimistic. Commercial forces which will cause the replacement of our operating fleet simply will not sustain the vessels assumed to be provided by commerce. Further, as commercial vessels disappear, greater numbers of ships enter the reserve fleets to achieve some hope of preserving vital assets. With increased reliance on reserve vessels, the demand created for shipyard assets which must be in place, functional and manned at the time of mobilization rises dramatically. The study of dry cargo lift has been done twice, available lift was reduced dramatically using January 1984 data as compared with October 1982 data. The analysis of tanker availability and requirements is being redone because numerous errors in assumptions and vessel counts were made in the original study. Major reduction is occurring in the size and composition of our tanker fleet. Changes occur more rapidly, it seems, than studies can be completed.

The conclusion as to shipyard capability stands, but is explained away by the statement that Defense Guidance is too demanding and that productivity is really greater than the assummed productivity used in the study. I can show, however, that the demands under Defense Guidance for both sealift and shipyard capability are fixed by the demands of a single theatre engagement in Southwest Asia and that the stated conclusion that we must maintain a commercial shipbuilding industry is without doubt correct.

Probe the circle for its weak points. First, maritime policy at DOT is based on removing, as quickly as possible, *all* government financial support from the industry which requires expenditures. Policy is based on putting in place rules which can be argued as deregulation or even better can increase flow of funds to the treasury in the near term or reduce government spending in the future. There is no test applied to policy development at DOT as to whether or not it has a negative effect on the national security. Nor is any required by the President nor the Cabinet Council of Commerce and Trade which approves the development of maritime policy.

Specifically, as to shipbuilding and ship repair, the Navy will support that part of the industry it needs to build and repair its current requirements—and no more. The DOT's shipbuilding policy is that the industry must provide for its own survival as best it can in competition in world markets. The DOT does not accept any responsibility to provide fixed shipping or shipbuilding demand. The DOT is, of course, operating under policy and spending plans directed by the Office of Management and Budget and presumably agreed to by the White House.

Our conclusion is that not only do the Executive Offices lack understanding of the basic problem, they have failed to even focus on the portent of the industry's current status and trend. The difficulty and the problems which will be encountered in any attempt to carry out the instructions of Defense Guidance are not understood or appreciated.

For example, a recent exchange between Congresswoman Lindy Boggs and David A. Stockman, Director, Office of Management and Budget, which occurred in a recent hearing before the Appropriations Committee, is illuminating and indicates very clearly that Mr. Stockman:

(1) Does not believe that there is a maritime problem of importance yet to be solved,

(2) Can be expected to view a DOD position urging that the problem must be addressed and solved as simply a request to add contingency assets,

(3) Fails to perceive the fallacy that the naval shipbuilding program provides adequate support to the shipbuilding and ship repair industries, and

(4) Does not understand the innate linkage between the merchant marine, the shipbuilding mobilization base and the military's ability to perform in accord with the directions issued under Defense Guidance.

Further, he likely does not agree with the instructions of Defense Guidance. Consequently, it is not surprising that agencies having responsibility for the execution of existing maritime legislation are instructed to follow a course generally adverse to and which ignore national security implications. In very simple terms, Mr. Stockman cannot perceive that the present military and national security budget is not entirely sufficient to provide all national security assets required. Thus, an argument that the DOT budget must provide national security assets is rejected.

As a consequence, the DOT follows a set of policies which not only allows but encourage sealift and shipbuilding assets to atrophy and decline.

In my judgement, it can be shown that present and assuredly future sealift and shipyard assets and capabilities will be far below those on which the circle of reliance is based. If the strength of the circle is, as I judge it to be, well below the required level, and the ability to deter war by having a demonstrable capability to wage it fails; should we not expect that our adversaries will take full advantage of this identifiable weakness at a time of their choosing?

Who is responsible? Who can assess the correctness of my analysis and correct deficiencies? My conclusion is that only the President can do this But, an even graver question is, does he even know about or will he address the problem? Based on our success to date in attempting to force White House focus on the problem, the answer is—not likely. The White House has two attitudes:

(1) They would like, for political reasons alone, to be able to claim that the President had fulfilled the promises he made during the 1980 campaign regarding the requirement to provide an adequate maritime industrial base—but without spending money, and

(2) The national security problem cannot be significant for if it were, the Navy, Army, Air Force and Marines would surely say so.

Thus, my circle has come around again, and the evident deficiencies in martime and shipyard capabilities and capacities will grow and the national security risk will increase.

Is there an answer? In truth, I'm not sure. We in the shipbuilding industry are dedicated to continue our campaign of education and will argue that a grave national security problem exists, at the White House, the Congress, the Armed Services and the Department of Defense. Very recently, and as a consequence of study of requirements and capability of dry cargo lift capability alone, Secretary Weinberger has written to Secretary of Transportation Elizabeth Dole urging that the DOT and the DOD study the problem and make recommendations to the National Security Council by July of this year as to how to solve this limited but important problem. Frankly, I doubt that the DOT will reply to the letter within that time frame. Are we at last being heard? Future events will give evidence. In the meantime we will continue our course with skepticism.

In the overall, acceptance that my thesis and arguments are correct is reduced, in large measure, to a single issue in the end—money. I can invent no way to solve the problem without cost. Someone has to pay the bill for national security. To date, acceptance of this truth is avoided and I have found no volunteers ready to say "give me the check, please" and the circle goes around and around and around.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. MICHEL), for today and the balance of the week, on account of hospitalization.

Mr. HEFNER (at the request of Mr. WRIGHT), for today from 12 p.m. until 6 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEWINE) to revise and extend their remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. WALKER, for 60 minutes, on June 4.

Mr. GINGRICH, for 60 minutes, on June 4.

Mr. WEBER, for 60 minutes, on June 4.

Mr. WALKER, for 60 minutes, on June 5.

Mr. GINGRICH, for 60 minutes, on June 5.

Mr. WEBER, for 60 minutes, on June 5.

Mr. WALKER, for 60 minutes, on June 6.

Mr. GINGRICH, for 60 minutes, on June 6.

Mr. WEBER, for 60 minutes, on June 6.

Mr. BOEHLERT, for 60 minutes, on August 7.

(The following Members (at the request of Mr. WYDEN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 60 minutes, today.

Mr. SHARP, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mrs. BOGGS, for 15 minutes, today.

Mr. GAYDOS, for 60 minutes, June 7.

Mr. MURTHA, for 60 minutes, June 7.

Mr. HEFTEL of Hawaii, for 60 minutes, June 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TRAXLER, immediately preceding the vote on the Dingell amendment today.

Ms. OAKAR, immediately following the passage of H.R. 5713.

Mr. QUILLEN, prior to the vote on the Biaggi amendment to H.R. 5167 in the Committee of the Whole today.

(The following Members (at the request of Mr. DEWINE) and to include extraneous matter:)

Mr. GINGRICH.

Mr. CONTE.

Mr. BROWN of Colorado.

Mr. FISH in two instances.

Mr. ERLENBORN.

Mr. BEREUTER.

Mr. WILLIAMS of Ohio.

Mr. SCHULZE.

Mr. HAMMERSCHMIDT.

Mr. DICKINSON.

Mr. CORCORAN.

Mr. PORTER.

Mr. GEKAS.

Mr. GOODLING.

Mr. LEWIS of California.

Mr. MARTIN of North Carolina.

Mr. MICHEL.

Mr. HARTNETT.

(The following Members (at the request of Mr. WYDEN) and to include extraneous matter:)

Mr. MATSUI.

Mr. EDGAR in two instances.

Mr. FLORIO in two instances.

Mr. RAHALL in two instances.

Mr. WISE in two instances.

Mr. OTTINGER.

Mr. COELHO.

Mr. HAMILTON.

Mr. LEHMAN of California.

Mr. LEHMAN of Florida.

Mr. WEISS.

Mr. FRANK in two instances.

Mr. ACKERMAN in two instances.

Mr. BOLAND.

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. BONER of Tennessee in five instances.

Mr. MAVROULES.

Mr. SAM B. HALL, JR.

Mr. LONG of Maryland.

Mr. TRAXLER.

Mr. VENTO.

Mr. DYMALLY.

Mr. STARK.

Mr. SHARP in two instances.

Mr. WILLIAMS of Montana.

Mr. FORD of Michigan in three instances.

Mrs. BOXER.

Mr. OBERSTAR.

Mr. PEASE.

Mr. HOYER.

Mr. BEILENSON.

Mr. LEVINE of California.

Mr. ADDABBO.

Mr. FEIGHAN.

Mr. MAZZOLI.

Ms. FERRARO in two instances.

Mr. DINGELL.

Mr. CONYERS.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table, and, under the rule, referred as follows:

S. 416. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Illinois River in Oregon and the Owyhee River in Oregon as components of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

S. 1735. An act entitled the "Shoalwater Bay Indian Tribe-Dexter-by-the-Sea Claim Settlement Act"; to the Committee on Interior and Insular Affairs.

S. 2069. An act to amend the Small Business Act; to the Committee on Small Business.

S.J. Res. 300. Joint resolution expressing the sense of the Congress that the participants in the New Ireland Forum are to be commended for their efforts to bring about genuine progress in the search for a just and peaceful solution to the problems of Northern Ireland; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2174. An act to extend the transition period under the Bankruptcy Reform Act of 1978;

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans;

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia;

H.R. 5692. An act to provide for a temporary increase in the public debt limit, and for other purposes; and

H.J. Res. 487. Joint Resolution to designate June 6, 1984, as "D-day National Remembrance."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 518. An act to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on May 24, 1984, present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.J. Res. 526. Joint resolution designating the week of May 27, 1984, through June 2, 1984, as "National Animal Health Week";

H.J. Res. 451. Joint resolution designating the month of November 1984 as "National Alzheimer's Disease Month";

H.R. 5692. An act to provide for a temporary increase in the public debt limit, and for other purposes; and

H.R. 2174. An act to extend the transition period under the Bankruptcy Reform Act of 1978.

ADJOURNMENT

Mr. DONNELLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.) the House adjourned until Thursday, May 31, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXVI, executive communications were taken from the Speaker's table and referred as follows:

3424. A letter from the Acting General Counsel, General Accounting Office, transmitting a report advising that the proposed rescission of budget authority (immigrant education assistance program) has been apportioned by the Office of Management and Budget to the Department of Education for grants to schools with substantial numbers of immigrants; to the Committee on Appropriations.

3425. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Annual Audit of the Washington Convention Center for Fiscal Year 1983," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3426. A letter from the Administrator, Energy Information Administration, transmitting a report entitled, "Annual Energy Outlook 1983," pursuant to FEAA, section 57(a)(2) (90 Stat. 1139; 91 Stat. 572); to the Committee on Energy and Commerce.

3427. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of transmittal No. 84-52, concerning the Department of the Army's proposed letter of offer to Saudi Arabia for defense articles and services estimated to cost $40 million, pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3124; 95 Stat. 1520); to the Committee on Foreign Affairs.

3428. A letter from the Secretary of the Interior, transmitting a report containing operating, statistical, and financial information about the helium program for the fiscal year ending September 30, 1983, pursuant to the act of March 3, 1925, chapter 426, section 16 (74 Stat. 923); to the Committee on Interior and Insular Affairs.

3429. A letter from the Secretary of Health and Human Services, transmitting information on the Social Security Advisory Committee that served during calendar year 1983, pursuant to SSA, section 1114(f) (76 Stat. 190); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3401. A bill to designate that hereafter the U.S. Post Office and Courthouse at 245 East Capital Street in Jackson, Miss., will be known as the James O. Eastland Federal Court Building; with an amendment (Rept. No. 98-807). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3402. A bill to designate that hereafter the Federal building at 100 West Capital Street in Jackson, Miss., will be known as the Dr. A. H. McCoy Federal Building; with an amendment (Rept. No. 98-808). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 5743. A bill making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-809). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 5743. A bill making appropriations for Agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. ASPIN (for himself, Mr. Gore, Mr. Dicks, Mr. AuCoin, Mr. Beilenson, Mr. Chandler, Mr. Downey of New York, Mr. Frenzel, Mr. Leach of Iowa, Mr. Leland, Mr. McKernan, Mr. Mollohan, Mr. Pritchard, Ms. Snowe, and Mr. Stark):

H.R. 5744. A bill to promote international stability through certain modifications and limitations on U.S. nuclear weapons systems production and deployment, and for other purposes; to the Committee on Armed Services.

By Mr. GREEN (for himself, Mr. Fazio, Mr. Ackerman, Mr. AuCoin, Mr. Bates, Mr. Berman, Mr. Beilenson, Mrs. Boxer, Mrs. Burton of California, Mrs. Collins, Mr. Crockett, Mr. Dellums, Mr. Dixon, Mr. Downey of New York, Mr. Dymally, Mr. Edwards of California, Ms. Ferraro, Mr. Hawkins, Mr. Hayes, Mr. Lehman of Florida, Mr. Leland, Mr. Levine of California, Mr. Lowry of Washington, Mr. Lundine, Mr. McKernan, Mr. Markey, Mr. Martinez, Mr. Matsui, Ms. Mikulski, Mr. Miller of California, Mr. Mineta, Mr. Moody, Mr. Morrison of Connecticut, Mr. Ottinger, Mr. Owens, Mr. Pritchard, Mr. Rangel, Mr. Scheuer, Mrs. Schroeder, Mr. Schumer, Mr. Seiberling, Mr. Solarz, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Towns, Mr. Udall, Mr. Waxman, Mr. Weaver, Mr. Wheat, and Mr. Yates):

H.R. 5745. A bill to amend various provisions of law to insure that services related to abortion are made available in the same manner as are all other pregnancy-related services under federally funded programs; jointly, to the Committees on Energy and Commerce, Post Office and Civil Service, Armed Services, Interior and Insular Affairs, Foreign Affairs, and the District of Columbia.

By Mr. HARTNETT:

H.R. 5746. A bill to deauthorize the project to construct an annex to the U.S. Post Office and Court House Building in Charleston, S.C.; to the Committee on Public Works and Transportation.

By Mrs. LLOYD (for herself, Mr. Boner of Tennessee, Mr. Cooper, Mr. Duncan, Mr. Ford of Tennessee, Mr. Gore, Mr. Jones of Tennessee, Mr. Quillen, and Mr. Sundquist):

H.R. 5747. A bill to designate the Federal building in Oak Ridge, Tenn., as the "Joe L. Evins Federal Building"; to the Committee on Public Works and Transportation.

By Mr. STARK:

H.R. 5748. A bill to provide for 3-year demonstration projects in two States of provisions under which unemployed individuals will receive retraining, education, and relocation assistance in lieu of certain extended or other additional unemployment compensation benefits; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. WILLIAMS of Montana (for himself, Mr. Florio, Mr. Perkins, Mr. Wirth, Mr. Simon, Mr. Hawkins, Mr. Andrews of North Carolina, Mr. Ford of Michigan, Mr. Ackerman, Mr. Waxman, Mr. Markey, Mr. Dymally, Mr. Berman, Mr. Torricelli, Mr. Weaver, Ms. Mikulski, Mr. Rangel, Mr. Hayes, Mr. Murphy, Mr. Minish, Mr. Roe, Mrs. Burton of California, Mr. Seiberling, Mr. Matsui, Mr. Owens, Mr. Corrada, Mr. Crockett, Mr. Eckart, Mr. Harrison, Mr. Kildee, Mr. Weiss, Mr. Smith of New Jersey, Mr. Richardson, Mr. Rodino, Mr. Towns, Mr. Hoyer, and Mr. Mineta):

H.R. 5749. A bill to provide a program of grants to assist local educational agencies to improve the basic skills of economically disadvantaged secondary school students, and for other purposes; to the Committee on Education and Labor.

By Mr. BEDELL (for himself and Mr. Conte):

H.R. 5750. A bill to amend the Petroleum Marketing Practices Act with respect to cases involving withdrawals of branded marketing and withdrawals due to mergers; to the Committee on Energy and Commerce.

By Mr. GEJDENSON:

H.R. 5751. A bill to extend for 2 additional years the suspension of duty on uncompounded allyl resins; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 5752. A bill to require the Secretary of Housing and Urban Development to administer a demonstration program to determine the feasibility of assisting nonprofit organizations in providing housing and supportive services for homeless persons; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KAZEN (for himself, Mr. Rahall, Mr. Mollohan, Mr. Murphy, Mr. Murtha, Mr. Fascell, Mr. Kildee, and Ms. Oakar):

H.J. Res. 580. Joint resolution to authorize the Kahlil Gibran Centennial Foundation of Washington, D.C., to erect a memorial in the District of Columbia; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 425: Mr. Ottinger, Mr. Dellums, Mr. Fauntroy, Mr. Leland, and Mr. Mitchell.

H.R. 494: Mr. Long of Maryland.

H.R. 578: Mr. Lagomarsino.

H.R. 965: Mr. Neal.

H.R. 1250: Mr. Boehlert, Mr. Ridge, Ms. Mikulski, Mr. Hartnett, Mr. Tallon, Mr. Carper, Mr. Schaefer, and Mr. Spratt.

H.R. 1881: Mr. Derrick, Mr. Hutto, Mr. Kostmayer, Mr. Levitas, Mr. Marlenee, Mr. Spratt, Mr. Tallon, Mr. Volkmer, and Mr. Williams of Montana.

H.R. 2125: Mr. Hayes.

H.R. 2151: Mr. Badham and Mr. Latta.

H.R. 3282: Mr. Aspin.

H.R. 3361: Mr. Kemp, Mr. Britt, Mr. Clinger, and Mr. Dicks.

H.R. 3482: Mr. Carper.

H.R. 3967: Ms. Oakar.

H.R. 4020: Mr. Rinaldo.

H.R. 4121: Mr. Albosta.

H.R. 4126: Mr. Rangel, Mr. Bates, Mr. Weiss, Mr. Stark, Mr. Green, and Mrs. Boxer.

H.R. 4402: Mr. Carney.

H.R. 4444: Mr. Lewis of California.

H.R. 4459: Mr. Nelson of Florida, Mr. Owens, Mr. Murtha, and Mr. Lowry of Washington.

H.R. 4501: Ms. Ferraro, and Ms. Mikulski.

H.R. 4629: Mr. Pease.

H.R. 4642: Mr. Coelho, Mrs. Boxer, Mrs. Schroeder, and Mr. Wise.

H.R. 4659: Mr. Wirth, Mr. Edgar, and Mr. Guarini.

H.R. 4663: Mr. Biaggi.

H.R. 4772: Mr. Roberts, Mr. Owens, Mr. Bates, Mr. Mavroules, and Ms. Ferraro.

H.R. 4791: Mr. Frost, Mr. Patman, Mr. Fuqua, Mr. Oxley, Mr. Lagomarsino, Mr. Hoyer, Mr. Ottinger, Mr. Robinson, Mr. Dowdy of Mississippi, Mr. Daub, Mr. Rahall, Mr. Bateman, and Mr. Frenzel.

H.R. 4988: Mr. Siljander.

H.R. 5011: Mr. McCain.

H.R. 5043: Mr. McHugh, Mr. Goodling, and Mr. Ackerman.

H.R. 5139: Mr. Emerson.

H.R. 5166: Mr. Murphy, Mr. Rahall, Mr. Stokes, Mrs. Boxer, Mr. Bonior of Michigan, Mr. Conte, Mr. Dwyer of New Jersey, Mr. Boland, and Mr. Martinez.

H.R. 5272: Mr. Ritter, Mr. Kindness, and Mr. Walker.

H.R. 5288: Mr. Petri, Mr. Zschau, Mr. Kasich, Mr. Williams of Ohio, Mr. Brown of Colorado, and Mr. Daniel.

H.R. 5377: Mr. Heftel of Hawaii, Mr. Broomfield, Mr. Waxman, Ms. Ferraro, Mr. Richardson, and Mr. Harrison.

H.R. 5381: Ms. Ferraro and Ms. Snowe.

H.R. 5396: Mr. Spratt.

H.R. 5486: Mr. Luken and Mr. Siljander.

H.R. 5511: Mrs. Boxer, Mr. Yates, Mr. Hall of Indiana, and Mr. Heftel of Hawaii.

H.R. 5533: Mr. Corcoran, Mr. McKernan, and Mr. DeWine.

H.R 5569: Mr. McGrath, Mr. Seiberling, Mr. Lagomarsino, Mr. Bateman, Mr. Reid, Mr. Won Pat, Mr. Slattery, Mr. Clinger, and Mr. Andrews of Texas.

H.R. 5571: Mr. Mrazek, Mr. McHugh, Mr. Mazzoli, Mr. Swift, Mr. Patterson, and Mr. Jacobs.

H.R. 5582: Mr. Carper.

H.R. 5583: Mr. Beilenson, Mr. Carper, Mr. Conyers, Mr. Edwards of California, Mr. Frank, and Mr. Waxman.

H.R. 5614: Mr. Vento and Mr. Studds.

H.R. 5638: Mr. Lent, Mr. Whitley, Mr. St Germain, Ms. Oakar, Mr. Dowdy of Mississippi, Mr. Gregg, and Mr. McKernan.

H.R. 5640: Mr. Vander Jagt, Mr. Dannemeyer, Mr. Whittaker, Mr. Hillis, Mr. Gilman, Mr. Bates, Mr. Conyers, Mr. Levine of California, Ms. Snowe, Mr. Feighan, and Mr. Stokes.

H.R. 5678: Mr. Ackerman, Mr. Gonzalez, Mr. Leath of Texas, Mr. Lagomarsino, Mr. Montgomery, Mr. Rose, Mr. Burton of Indiana, Mrs. Schneider, Mr. Corrada, Mr. Martinez, Mr. Wilson, and Mr. Rogers.

H.R. 5680: Mr. de Lugo, Mr. Lehman of California, Mr. Wheat, Mr. Dymally, Mr. Frank, Mrs. Boxer, Mrs. Burton of California, Mr. Dellums, Mr. Yates, Ms. Snowe, Mr. Leland, Ms. Kaptur, Mr. Ackerman, Mr. Markey, Mr. Edwards of California, and Mr. Owens.

H.J. Res. 174: Mr. Breaux, Mr. Pursell, Mr. Rodino, Mr. Patterson, Mr. Reid, Mr. Slattery, Mr. Young of Alaska.

H.J. Res. 205: Mrs. Boxer.

H.J. Res. 332: Mr. Alexander, Mr. Carr, Mr. Biaggi, Mr. Dixon, Ms. Ferraro, Ms. Fiedler, Mrs. Johnson, Mr. Lehman of California, Mr. Lewis of Florida, Mr. McCandless, Mr. Owens, Mr. Ratchford, Mr. Rogers, Mr. Rose, Mr. Rudd, Mr. Shaw, Mr. Smith of New Jersey, Mr. Stark, Mr. Sunia, Mr. Towns, Mr. Weber, Mr. Whittaker, Mr. Winn, Mr. Carper, Mr. Yatron, Mr. Hartnett, and Mr. Wise.

H.J. Res. 441: Mr. Addabbo, Mr. Feighan, Mr. Gregg, Mr. McKinney, Mr. Wirth, Mr. Markey, and Mr. Edgar.

H.J. Res. 485: Mr. Richardson, Mr. MacKay, Mr. Hansen of Utah, Mr. Clinger, and Mr. Martin of North Carolina.

H.J. Res. 491: Mr. Guarini.

H.J. Res. 504: Mr. Kildee.

H.J. Res. 539: Mr. Martinez.

H.J. Res. 541: Mr. Young of Alaska, Mr. Moody, Mrs. Schneider, Mr. Smith of New Jersey, Mr. MacKay, Ms. Kaptur, Mr. Lewis of Florida, Mr. Young of Missouri, Mr. Roe, Mr. Wortley, Mr. Lagomarsino, Mr. Stenholm, Mr. Kleczka, Mr. Akaka, Mr. Frost, Mr. Crockett, Mr. Fuqua, Mr. McGrath, Mr. Towns, Ms. Mikulski, Mr. Dwyer of New Jersey, Mr. Bates, Mr. Ratchford, Mr. Frenzel, Mr. Won Pat, Mr. Minish, Mr. Britt, Mr. Solarz, Mr. Weiss, Mr. Hoyer, Mr. Barnes, Mr. Hertel of Michigan, Mr. Horton, Mr. Edgar, Mr. Rangel, Mr. Coleman of Texas, Mr. Roybal, Mr. Fazio, Mr. Thomas of Georgia, Mr. Simon, Mr. Owens, Mr. Ford of Tennessee, Mr. Tallon, Mr. Carr, Mr. de la Garza, Mr. Young of Florida, Mr. Daub, Mr. Wise, Mr. Hughes, Mr. LaFalce, Mr. Richardson, Mr. Bryant, Mr. Green, Mr. Waxman, Mr. Luken, Ms. Oakar, Mr. Ritter, Mr. Snyder, Mr. Reid, Mr. Ireland, and Mr. Hayes.

H.J. Res. 543: Ms. Kaptur, Mr. Gekas, Mr. Gibbons, Ms. Snowe, Mr. Gunderson, Mr. Darden, Mr. Thomas of California, Mr. Waxman, Mr. Moore, Mr. Jones of Tennessee, Mr. Staggers, Mr. Philip M. Crane, and Mr. Rose.

H.J. Res. 563: Mr. Guarini and Mr. Torricelli.

H.J. Res. 566: Mr. Donnelly, Mr. Dixon, Mr. Edgar, Mr. Guarini, Mr. Erdreich, Mr. Ratchford, Mr. Stokes, Mr. Owens, Mr. Wortley, Mr. Wheat, Mr. Jacobs, Mr. Young of Florida, Mr. Kogovsek, Mr. Leland, Mr. Berman, Mr. Towns, Mr. Wyden, Mrs. Holt, Mr. Kildee, Mr. Levin of Michigan, Mr. Hawkins, Mr. Lundine, Mr. Bateman, Mr. Matsui, Mr. Rangel, Mr. Hughes, Mr. Roe, Mr. Frost, Ms. Kaptur, Mr. Frenzel, Mr. Hayes, Mr. Reid, Mr. Green, Mrs. Boxer, Mr. Morrison of Connecticut, Mr. Waxman, Mr. Leach of Iowa, Mr. Dymally, Mr. Corrada, and Mr. Martin of North Carolina.

H.J. Res. 567: Mr. Dowdy of Mississippi, Mr. Howard, Mr. Fish, Mr. Roth, Mr. Guarini, Mrs. Schneider, Mr. Vandergriff, Mr. Hall of Ohio, Mr. Towns, Mr. Ackerman, Mr. McCloskey, Mrs. Hall of Indiana, Mr. Murphy, Mr. Murtha, Mr. Reid, Mr. Flippo, Mr. Edwards of Alabama, Mr. Lundine, Mr. Markey, Mr. Yatron, Mrs. Boxer, and Mr. Carney.

H.J. Res. 571: Mr. Conte, Mr. Boland, Mr. Mavroules, Mr. Donnelly, and Mr. Studds.

H.J. Res. 572: Ms. Snowe, Mr. Rahall, Mr. Green, Mr. Spratt, Mr. Richardson, Mr. Waxman, Mr. Breaux, and Mr. Roth.

H. Con. Res. 260: Mr. Young of Florida and Mr. Roe.

H. Con. Res. 268: Mr. Pashayan, Mr. Barnes, Mr. Yatron, Mr. Breaux, Mr. Moore, and Mr. Long of Louisiana.

H. Con. Res. 286: Mr. Bilirakis and Mr. Solomon.

H. Con. Res. 301: Mr. McGrath and Mr. Wyden.

H. Con. Res. 312: Mr. Young of Alaska, Mr. Daniel B. Crane, Mr. Barnes, Mr. DeWine, Mr. Lewis of Florida, Mr. Wyden, Mr. Rahall, Mr. Kindness, and Mr. Carney.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3678

By Mr. MacKay:

—Page 247, after line 25, insert the following:

Sec. 1006. (a)(1) The high-level lock barge canal from the St. Johns River across Florida to the Gulf of Mexico authorized by the Act of July 23, 1942 (56 Stat. 703), is not authorized after the date this section becomes effective.

(2) Subject to the provisions of section 3 of this Act, the Secretary is authorized to operate and maintain the existing facilities (and lands appurtenant thereto) of the Cross-Florida Barge Canal project referred to in paragraph (1) of this subsection in such manner as the Secretary determines to be necessary, pending further disposition by Federal law of the project, its facilities, and lands or interests in lands owned by the United States.

(b)(1) The boundaries of the Ocala National Forest, Florida, are extended to include the lands and interests in lands acquired by the State of Florida in Putnam County, Florida, for the Cross-Florida Barge Canal project referred to in subsection (a) of this section.

(2) Within the boundaries of the Ocala National Forest as extended by paragraph (1) of this subsection, lands or interests in lands and improvements owned by the United States and administered by the Corps of Engineers, Department of the Army, shall be transferred to the Secretary of Agriculture to be administered and made a part of the Ocala National Forest, Florida, at such time as the Secretary deems such action to be appropriate, but not later than one year after the date this subsection becomes effective. The Secretary may operate and maintain the existing facilities of the Cross-Florida Barge Canal project referred to in subsection (a) of this section, including

facilities within the extended boundaries of the Ocala National Forest, pending further disposition of such facilities by Federal law; except that the Secretary shall not operate the Eureka Lock and Dam in a manner which would create a reservoir on lands not flooded on January 1, 1984.

(3) The Secretary of Agriculture shall acquire those lands and interests in lands held by the State of Florida within the boundaries of the Ocala National Forest, as extended by paragraph (1) of this subsection, with donated or appropriated funds, by purchase or exchange. For acquisition of such lands or interests in lands, the Secretary of Agriculture—

(A) shall pay the State of Florida an amount, or

(B) in the case of an exchange, give the State of Florida lands or interests in lands with a fair market value.

which is not less than the fair market value of the lands or interests in lands to be acquired from the State of Florida.

(c)(1) The Lake Ocklawaha Federal Recreation District is hereby established as a part of the Ocala National Forest. Such District shall include the Rodman Dam authorized by the Act of July 23, 1942 (56 Stat. 703), those portions of the reservoir created by the dam which lie within the boundaries of the Ocala National Forest, as expanded by subsection (b) of this section, and those portions of the reservoir which are created pursuant to the easements granted and transferred to the United States by the State of Florida pursuant to subsection (d) of this section. The Secretary is directed to operate the Rodman Dam in a manner consistent with maintaining the recreational values of the reservoir and with applicable water management policies of the State of Florida, pending further disposition of the Rodman Dam and Lake Ocklawaha by Federal law. In operating the Rodman Dam, the Secretary shall consult the St. Johns River Water Management District Board.

(2) The Secretary of Agriculture shall receive and administer each easement granted or transferred to the Department of Agriculture pursuant to subsection (d) of this section to further the purposes of the District established by paragraph (1) of this subsection.

(d) Subsections (a), (b), and (c) of this section shall not become effective until—

(1) the State of Florida enacts a law which assures that all valid public uses of the lands and interests in lands acquired by the State of Florida for the Cross-Florida Barge Canal project referred to in subsection (a) of this section are protected by providing that, before the State transfers any such lands or interests in lands to any other person (except the Federal Government), the county in which such lands are located shall have the first right to purchase, at fair market value, such lands or interests in lands;

(2) the State of Florida enacts a law which assures that the State of Florida will never transfer to any person (except the Federal Government) any lands owned by the State and contained within the expanded boundary of the Ocala National Forest as proposed and shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia;

(3) the State of Florida has granted to the Department of Agriculture a perpetual easement to flood such lands; and

(4) the State of Florida has transferred without consideration to the Department of Agriculture any easements held by the State to flood lands associated with the cross-Florida Barge Canal project referred to in subsection (a) of this section from the Eureka Lock and Dam to the St. Johns River.

(e) There are authorized to be appropriated for fiscal years beginning after September 30, 1984, such sums as may be necessary to carry out the provisions of this section.

H.R. 5712

By Mr. BROWN of Colorado:

—On page 54, line 25, strike "$31,300,000" and insert in lieu thereof "$21,300,000".

—In title VI, add the following new section:

"SEC. 611. None of the funds appropriated or otherwise made available by this Act to the National Endowment for Democracy shall be granted or otherwise be made available to the National Democratic Institute for International Affairs, the National Republican Institute for International Affairs, or any other entity affiliated or associated with a political party.".

EXTENSIONS OF REMARKS

THE UNITED METHODIST CHURCH VOICES CONCERN FOR HUMAN RIGHTS IN CENTRAL AMERICA

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. EDGAR. Mr. Speaker, U.S. policy toward Central America was once a subject that interested only a small group of American citizens and Members of Congress with responsibility for foreign affairs issues. It was assumed that the public's general understanding and knowledge of these supposedly esoteric affairs were obscured by the complexities of the situation. Clearly, however, times have changed and the public is rapidly becoming involved in the heated debate. In fact, having just returned from Dublin, Ireland, where I addressed a forum on Central America, I know that interest in this matter extends throughout the world. As Congress continues in the coming months to shape and define the role of the United States in Central America, I urge my colleagues to carefully listen to the increasingly vocal calls for a U.S. approach to the problems that plague this troubled area that insists upon guaranteed basic human rights, freedoms, and fair participation by all parties in the political process.

I would like to bring to the attention of the House of Representatives a statement reflective of the growing public interest in Central American affairs: A resolution unanimously adopted by the General Conference of the United Methodist Church while meeting in Baltimore, Md., on May 6, 1984. The resolution expresses the concern of the United Methodist Church for human rights in Central America and details a new course for American policy in that region. I applaud the effort of the general conference both on its own merit and as representative of the increasingly expressed views of much of the American public.

I have inserted the text of the resolution as follows in the RECORD for the consideration of my colleagues:

[From the Daily Christian Advocate, May 8, 1984]

CONCERN FOR HUMAN RIGHTS IN CENTRAL AMERICA

"All persons and groups are of equal worth in the sight of God. We, therefore, work toward societies in which each person's or group's worth is recognized, maintained, and strengthened. We deplore all political and economic ideologies that lead to repression or totalitarianism, that pit persons against each other, that seek to enhance privilege and power of the few at the expense of the well-being of the many. We condemn violations of human rights in all political and economic structures. The church, while proclaiming the gospel message of God of love and justice, must be wary lest it compromise its own witness and unwittingly becomes uncritical ally of repressive power and privilege in society around it." (Human Rights Resolution, The Book of Resolutions, 1980)

As members of the Body of Christ we affirm:

". . . that there may be no discard in the body but that the members may have the same care for one another; if one member is honored, all rejoice together" (I Corinthians 12: 25-26)

In the last few years we have been pained by the suffering of our sisters and brothers in Central America. We have witnessed the unending persecutions, kidnappings, rapes, and assassinations of the people in most countries in Central America, while natural disasters, diseases, and grinding poverty continue to aggravate the sharp social stratification which divides their societies. We have witnessed the plight of Indian Communities in Central America and in some instances genocidal practices against them. In addition, the countries and people of the region have been plagued with a history of relationships characterized by economic, political, military, and religious domination by Europe and the United States. We have been shocked by the testimonies coming from the people in each of the countries where human rights are grossly violated.

In Nicaragua, in 1983, the Evangelical Committee for Relief and Development (CEPAD) pleaded with Christians in the United States with the following statement:

"As Christians, committed to justice and to love, we can no less than denounce before all of you and before the world; the atrocities committed by the counterrevolutionaries attacking our country, of which our brethren are victims.

"These groups are clearly trained and financed by the government of the United States, which the press of the United States has on various occasions exposed, and as they invade our country they are planting death, panic, and desperation among our people."

In El Salvador, in 1983, Archbishop Rivera y Damas of San Salvador, noting that 30,000 Salvadoran noncombatants had been murdered in the past four years, declared:

"Curiously, in the case of (the deaths of) North American Citizens, elements belonging to the security forces have been detained, while in the case of thousands of assassinated Salvadorans, very rarely has justice been done. Where are the perpetrators of these crimes . . .? Those murders continue, in many cases with victims pulled from their houses in the middle of the night."

Archbishop Rivera y Damas also framed an eloquent Christian response to the violence in Central America in his November 13, 1983 homily. He said the violence against clerics in Guatemala, El Salvador, and Nicaragua "makes us understand that the Church is and will continue to be a hindrance and an object of persecution when it does not accommodate the whims of a totalitarian system of government, be it of the right or of the left . . ."

In the case of Guatemala, the Inter-Church Committee on Human Rights in Latin America (ICCHRLA) reported, in the latter part of 1982:

". . . that human rights violations including torture, disappearance, assassinations, and massacres have not only continued but, in many areas, have increased since the March 1982 coup which brought General Jose Efrain Rios Montt to power."

In the wake of the coup in the summer of 1983 any hope for peace with justice dimmed since the new leader (Chief of Staff) General Oscar Umberto Mejia Victores, was the Minister of Defense under General Montt.

In Honduras, in 1983, Honduran Christians voiced their apprehensions to United Methodists from the United States. Dissent is repressed. Violence in the countryside is on the increase. Refugees from Nicaragua, El Salvador, and Guatemala pose enormous burdens on the people of Honduras. And, Hondurans are confused by a U.S. policy, which, while claiming support of the civilian government, has greatly reinforced the power of the military through its increased aid in arms and training. A strengthened military is seen by some as a threat to civilian leadership.

In the last three years Christian councils in Latin America have appealed to Christians in the United States. Representatives from the Council of Evangelical Methodist Churches in Latin America came to the United States in 1982 and were itinerated throughout the United Methodist Church. They urged their brothers and sisters in that country to pressure the United States government to change its policies toward the countries of Central America. And in 1983, the Executive Council of Latin America Council of Churches voiced the same concern:

". . . in the name of millions of indigenous farmers of Central America, who have been thrown off their lands, whose rights to life and personal safety has been taken away; in the name of the malnourished and sick children who die each day with no hope in their countries; in the name of political, student, union, and religious leaders who have been killed, or disappeared, or put in jail in the prolonged and growing struggle which seems to have no end; in the name of the innumerable refugees going through a dark night of exile and desolation; in the name of thousands of Christian martyrs (among them several Protestant ministers) who, especially in the life offering of Monsenor Romero, plead to heaven and earth for justice and for full and genuine liberation, and peace for our nations; but, above all, in the name of Jesus Christ, the faithful witness, the first-born of the dead' (Revelation 1:5) and He who is present in the lives and sufferings of those our lesser brethren (Matthew 25:31-46) we beg you to take our plea

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

upon your hearts and consciences, and to act now, before it is too late."

And most recently, following the announcement of elections by the Nicaraguan government, and the increasing aggression, overt and covert, by the government of the United States through the Central Intelligence Agency, the same council authorities sent in April, 1984 the following cable to the churches in the United States:

"The mining of Nicaraguan ports and the constant aggression aimed against that nation by the United States government, is a cynical violation of the human rights of the Nicaraguan people and a threat to the future of Latin America.

"In the name of the God of Truth and of History, in the name of the more than one hundred Churches of the Latin American Council, we condemn these colonialist actions, and call for firm reaction from and the solidarity of all genuine Christian and democratic forces of the North American people and of the entire world."

I. Because of the cries for justice and liberation of our brothers and sisters in Central America:

Because of our conviction that injustice and war do not lead to peace;

And because of the participation of the government of the United States in this suffering.

We call upon the Government of the United States to:

a. recognize the conflicts in Central America as struggles for human rights and self-determination rather than confrontations between the super-powers of East and West

b. actively support the Contadora group (Venezuela, Mexico, Colombia, and Panama) in efforts to find a peaceful, nonmilitary solution to conflict in the region

c. refrain from any activity, military, economic, or of any other nature, covert or overt, directed against any sovereign state in Central America designed to destabilize existing governments;

d. refrain from granting external economic aid without the . . .

e. apply human rights certification based upon data from Amnesty International and the United Nations Human Rights Commission as a criterion for military and economic assistance to governments in the region;

f. respect and recognize each nation's sovereignty and rights to self-determination and cease imposing its own political and economic system on the countries of Central America;

g. grant "extended voluntary departure status" for persons fleeing repression and war in Central America.

II. Because we believe that a political solution must be found on an international level we call upon the United Nations to press for an end of all military intervention, overt and covert, in all of the countries of Central America.

III. Because of our commitment as United Methodist Christians to peace, justice, and liberty we will begin a massive effort in education, mission, and witness concerning the plight of Central America. To carry out this endeavor we will:

a. strengthen our ties of solidarity with the people of Central America by deepening our understanding of the history and cultures of the region;

b. provide, through the General Boards and agencies, curriculum materials, study guides, and other resources prepared in consultation with Latin American Christians for local church usage;

c. encourage Annual Conferences and Central American churches to take advantage of opportunities for mutual travel and dialogue;

d. continue to be supportive of Christians (Roman Catholic, Orthodox, and Protestant) who are participating in the struggle for liberation and self-determination, including freedom of association, freedom of expression, freedom of religion, and open and competitive elections, free from outside interference by any nation, institution or corporation, and against dictatorships of the right and left;

e. encourage and enable the United Methodist Church to increase its efforts to assist Central American victims and refugees;

f. advocate and support policies and programs by the United Methodist Church directed to the protection, defense, and promotion of the indigenous (Indian) communities in Central America;

g. be supportive of and encourage churches in the United States that provide sanctuary;

h. pray that justice and peace prevail in Central America.●

PEACE EDUCATION: AN IDEA WHOSE TIME HAS COME

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, as illustrated by the approximately 40 major and minor conflicts currently being fought out throughout the world, warfare is all too often accepted as a solution for international conflicts. Military operations are a top priority of our own Federal Government; the President's fiscal year 1985 defense budget request of $313.4 billion accounts for nearly 30 percent of the total Federal budget and is more than twice that of fiscal year 1980. Clearly, we need to develop nonmilitary approaches to international conflicts. While Federal policies have thus far failed to respond to this need, many of our citizens have risen to this challenge. One such person is Fran Schmidt. Ms. Schmidt is a public schoolteacher and president of the Miami-based Grace Contrino Abrams Peace Education Foundation.

Last month, Ms. Schmidt delivered the keynote address at the University of Cincinnati's Conference "Peace Education in the 80's." Her speech stressed the fact that peace education and research can be—and will hopefully become—as much of a science as military operations are today. At the conference sponsored by the university's college of education, Ms. Schmidt also conducted a workshop on how to initiate peace studies programs in educational institutions.

Mr. Speaker, legislation to establish the U.S. Academy of Peace and Conflict resolution which would coordinate and expand research on ways to resolve conflict without the use of military force, is presently pending before the Committee on Education and Labor and the Committee on Foreign Affairs. Because Ms. Schmidt's speech so eloquently describes the great need for a national academy of peace, I ask that her remarks be made part of the RECORD at this time.

The speech follows.

Today's times remind me of what Charles Dickens wrote in *The Tale of Two Cities.* "It was the best of times, it was the worst of times, it was the age of wisdom, it was the epoch of incredulity, it was the season of light, it was the season of darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us."

Things may look bleak, but there is hope. Since I tend to be an optimist, I believe we have everthing before us.

Why the optimism? While the peace activists have been busy trying to save us from nuclear annihilation and to make us more aware of the present dangers, there has been a quiet revolution going on for the last ten to fifteen years. There is a new type of scientist and educator on the world scene. These dynamic, farsighted individuals are daring enough to challenge old assumptions about conflict, violence and war. What are some of these old assumptions? "You can't teach peace. As long as there are people, there will always be war. War is part of man's nature, and you can't change human nature." Well, they used to say "the world is flat. Man will never fly." And, "Man on the Moon?" We now know that some assumptions prove to be false. Old assumptions about man and war need to be put to rest.

While most of the world does not know it, and most politicians ignore it—researchers at hundreds of colleges around the world are scientifically studying and analyzing conflict, violence, and war just like a scientist would study a disease in search of a cure. They study war from every perspective—sociological, political, historical, economical, and anthropological. They share their findings at international conferences, such as the one Ralph and I attended last summer in Canada, which was sponsored by the International Peace Research Association. Some governments actually finance peace research.

Another group of educators are teaching peace studies at more than thirty colleges here in the United States. Just think, it is now possible for students to get a degree in peace studies.

Educators are translating the findings into workable curricula which could be taught to students from pre-school to college levels.

Another group—theorists—have been busy constructing workable security systems that could help nations deal with international conflict without resorting to war. All these individuals and groups have joined forces in a Consortium—called COPRED—which our foundation belongs to.

Conflict resolution skills are being refined for use by individuals and groups. A Peace University is opening in Costa Rica—and here in the United States, a National Peace Academy has been proposed—and will probably become a reality.

Why do we need peace education? Because life is precious and we want to live—and we want our children to live and their children to live. We want to live in a more humane world. We want more control over our lives. We want to learn more nonviolent ways to deal with conflicts we encounter from living in this highly computerized, mechanized, technological, complex society. We want to reduce the violence around us—because it is destroying us physically, emotionally and morally.

We need peace education because violence and war preparation are costly. No only in terms of money and resources, but also in human terms. Every child we lose to crime and every scientist we lose to making war machinery makes all of us losers. I don't even want to deal with the monetary, physical and emotional losses incurred by a war. It is too heavy for this occasion.

Peace education is seeking to help students learn problem solving skills and to design strategies of action which can contribute to the shaping of a peaceful and just world. To do this, a more realistic curriculum is needed that is more suited to today's world. This curriculum should include an understanding of conflict, violence, war, injustice, oppression and poverty viewed from a global perspective. We also need to include multi-cultural understanding.

We need to help children become capable people. Capable not only in the "Three R's" but the fourth "R". Capable of resolving conflicts without the use of violence and without them feeling frustrated, hurt, impotent and victimized. Being capable will help children feel good about themselves—and they will develop a more positive self-image—thus becoming a better learner. It is not fair to expect children to handle their anger and conflicts in a functional manner, if we don't teach them the skills. We don't expect kids to read or do math without formal training. Therefore, we teach those skills for many years—reinforcing and expanding them at each grade level. It is important that we do the same with conflict resolution skills.

The challenge of our times is to reduce violence that pervades our lives. If we want to live in a humanistic society, then we must begin somewhere. There is no recipe for peace and we do not claim to have all the answers. However, much knowledge is available. Our task is to find the ways that can make the difference, whether we are educators or lay people. As Martin Luther King, Jr. said, "Mankind's choice is not between violence and nonviolence—but between nonviolence and non-existence." I believe that peace education is an idea whose time has come.●

FRESNO RESIDENTS TAKE RATINGS IN STRIDE

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. COELHO. Mr. Speaker, I recently commented on the absurdity of a study which concluded that Fresno, Calif., is the Nation's worst city in which to live.

As a followup to my earlier remarks, I would like to insert a May 29, 1984, article from the Washington Post which I think my colleagues will find of interest. Of particular interest is the constructive and good-humored approach the residents of Fresno are taking to refute their unjust label. That positive spirit is one of the characteristics which makes the city of Fresno so outstanding.

The article follows:

[From the Washington Post, May 29, 1984]

Fresno: No. 277 and Trying Harder

(By Elizabeth Kastor)

Les Dabritz and Gerald Tahajian really like their hometown. So they were understandably upset when they opened a newspaper and read what geographer Robert Pierce had been saying about Fresno, Calif. Why, they were wondering, did Pierce tell a gathering of geographers that Fresno is the worst metropolitan area in the United States? Why did he rate Fresno—sunny, fruitful Fresno—277th out of 277?

"It was just astounding to me that any professional would say that Fresno was one of the least desirable places to live in the country," Tahajian said. He and Dabritz, president and executive president, respectively, of the Fresno Chamber of Commerce, were in Washington to attend a national gathering of Chamber of Commerce executives, but even the conferences and the dinners with congressmen couldn't drive the number 277 from their thoughts.

"I guess until this happens to you, you don't think about what it's like," said Tahajian.

Fresno County, they said, is the number one agricultural county in the world. It's hot—there is what Tahajian calls "the occasional 110-degree day"—but that's good for the crops. Crime's up, but with the recent rise in population the number of criminal acts per 1,000 people is down.

"If we're considered as being so terrible, why did the city grow 32 percent between 1970 and 1980?" asked Dabritz. "Our chamber is averaging 400 to 500 letters a month from people interested in moving there. I'd like to run them through a computer and see how many of them came from those cities that were rated so high."

But despite the shock, Tahajian insists that Fresnans aren't bitter. In fact, they find a lot of humor in the ratings.

"We understand Newark, N.J., is rated very high," he said, smiling and shaking his head. "Detroit was also rated very high, as opposed to some cities which are considered resort cities.

"Everyone has their own ideas about where they like to live. I can't imagine living in Chicago, with the snow and the inclement weather . . ."

Then he pulled four small bags from his pocket and offered them proudly.

"California raisins?"

Pierce, a professor at the State University of New York at Cortland and chairman of the geography department, didn't expect Fresnans to take the whole thing so personally. As a serious academic, he just wanted to correct what he saw as the inaccurate findings of Rand McNally's 1981 Places Rated Almanac.

The almanac rated the nation's 277 largest urban areas on the basis of governmental statistics in nine categories. Atlanta emerged as No. 1, and Elmire, N.Y., No. 277.

But Pierce suspected that people do not consider all the categories of equal importance when deciding where to live, and, indeed, the 1,122 New York state residents he polled said that economics, climate, crime and housing were more significant to them than other categories, such as transportation, recreation and the arts. Pierce used the same government statistics that the almanac's authors did, but because he weighted each category according to its perceived importance, he came up with a new list. Washington, for example, dropped from 2 to 19. And Fresno lost.

Pierce insists he has nothing against Fresno.

"There's a big misconception on the part of the public about this," he said, "that this is Bob Pierce's personal opinion on Washington, D.C., or Fresno."

And Pierce has paid for the public's misunderstanding. Since the ratings were released, he has received more than 1,100 phone calls. One hundred letters arrived in one day's morning mail alone. One mayor has threatened to sue.

"I have a letter from the governor of Connecticut, who pretty much said, 'I noticed four cities in Connecticut came out at the end of the scale. What do you have against Connecticut?' All of these letters—it's an overly defensive response. It's responding to it on a personal level. The politicans are very cute. It's attention-getting, and it's also an attempt to ignore the social significance of what I found.

"Social indicators, government statistics don't measure the intangibles," Pierce explained. "They don't measure the sense of place, the extent of social interaction, that on the individual level decide how you feel about a place."

Other geographers, too, insist that this is a question of science, not taste.

"We use the word 'rating' with caution, as [Pierce] does in the paper," said Salvatore Natoli, acting executive director of the Association of American Geographers, the organization that first heard Pierce's findings. "The minute something is ranked, people think this is sort of fixed in stone. Once something comes out in print, people do not necessarily examine the scientific basis of how it was done."

Pierce says politicians should not take offense at his paper, but should use it as a tool in examining their cities' strengths and weaknesses.

"I'm not the first person to say that the old industrial centers of the Northeast are in need of physical refurbishment and industrial reorganization," he said. "It's just a case of the bearer of bad tidings being hated."

"But I'm struck with the fact that Fresno hasn't gotten up-tight about this at all. They've taken it with good humor, but also with seriousness."

Pierce should know, because he recently returned from Fresno. Fresno TV station KSFN flew him out for a day, not to show off the city but to talk to him about what his findings mean. The station also sent a team to check out Greensboro, N.C.—which tied with Knoxville, Tenn., for first place—and will run a five-part series on the differences between the two cities next week.

Politicians in Elmira, N.Y., who know what it's like to be last, pride themselves in responding positively to their rating three years ago. It wasn't easy.

"It hurts your pride," said John Gridley, city manager of Elmira. "I mean, if you're stupid enough to live in a bad place . . . it reflects on you as a person.

"But I don't feel that way about Elmira," he insisted. "It's a delightful place to be."

Some Fresnans are so good-humored that they even find encouragement in their city's fall from 272 in the Places Rated Almanac to Pierce's 277.

"I tell you, this is doing more good for us than harm," said Fresno city council member Karen Humphrey. "We've never had so much publicity.

"My basic theory is, it's better to be dead last than several places away from last. Then at least people will take a look at you and decide whether it means anything."

And there is, some Fresnans insist, a moral to the story.

"What it shows you is, home is where the heart is," said KSFN's executive producer David Roberts, who once lived in Greensboro. "I'm from Detroit, Mich., and I'd take Detroit over Fresno or Greensboro."●

REPORT SAYS "TRADE IN" OF WESTWAY REMAINS A VIABLE OPTION

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● **Mr. WEISS.** Mr. Speaker, earlier this month I released a report refuting the recent conclusions of the New York State Office of Federal Affairs otherwise known as the Governor's office in Washington that "trade in" of Westway, a proposed interstate highway project in my district, is a poor option.

Prepared by the New York City Clean Air Campaign, Inc., at my request, the report is titled "Response to October 11, 1983, Westway Trade-in Report to Governor Cuomo from Brad Johnson, Director of the New York State Office of Federal Affairs."

Mr. Johnson's report contended that New York would receive only half as much Federal money if it opted to trade-in rather than build Westway. It also asserted that sufficient Federal interstate highway construction funds would be available to complete the project.

The Clean Air Campaign's response, however, documents that New York is "virtually certain to get at least double the amount claimed in the report for mass transit and a substitute highway—an average of at least $220 million a year" and highlights a number of factors which cast into doubt whether adequate Federal funding for the entire Westway project would be forthcoming.

Mr. Speaker, trade-in remains a viable and wise choice today. New York has within its grasp the option of abandoning this $2 to $4 billion boondoggle and using the trade-in funds for a more modest replacement highway and much needed improvements in its mass transit system.

A summary of the Clean Air Campaign's nine-page report is reprinted below. Copies of the complete text are available from my office.

EXECUTIVE SUMMARY

An October 11, 1983 report to Governor Cuomo by Brad Johnson, Director of the New York State office in Washington under both Governor Cuomo and former Governor Carey, purports to show that New York would get only half as much money for trade-in as for Westway. The report also asserts that sufficient Federal Interstate highway construction funds should be available to complete Westway.

Both conclusions are wrong. These are the facts:

If Westway is traded in, New York is virtually certain to get at least double the amount claimed in the report for mass transit and a substitute highway—an average of at least $220 million a year.

The same total amount of Federal funds is available for trade-in as for Westway under current law—$1.5-1.7 billion.

The entire $1.5-1.7 billion owed for the trade-in will be paid out in 6-7 years.

This year alone, NY is losing hundreds of millions of trade-in dollars that could be used for mass transit. The money is certain to start coming in in the Federal fiscal year beginning this October 1st provided the trade-in request is made before then, as a consequence of recent statutory changes providing for distribution of 50-75 percent of all trade-in funds according to a fixed formula.

The State report shrinks the $220-million/year or more NY could receive from a Westway trade-in to $110 million by using the following misleading assumptions and inaccurate facts.

1. The report assumes NY will not receive any discretionary trade-in funds. In other words, of the $323 milllion in discretionary funds which Mr. Johnson acknowledges to be available annually, he predicts that the collective weight of New York's Congressional delegation and political leadership and his office will be unable to produce a single dollar for New York.

2. The report assumes that neither authorizations nor appropriations will be increased if Westway is traded in, despite evidence to the contrary.

3. The report assumes only $295 million in trade-in funds will be appropriated for substitute transit projects in fiscal year 1985, rather than the $390 million authorized in the STAA—or even more. ($295 million is the initial appropriations for fiscal year 1984, not 1985.)

4. The report reduces NY's percentage of formula funds for fiscal year 1985 from 50.7 percent or more for substitute transit projects and 9.6 percent for substitute highway projects to 44 percent and 8.5 percent respectively by using the nationwide trade-in entitlements for fiscal year 1984 in the formula, instead of the appropriate fiscal year 1985 figures.

Mr. Johnson's report is one in a long series of efforts by the State government to discredit trade-in. Regrettably, the arguments concerning the feasibility of trade-in are complicated and technical. Objective analysis requires full understanding of the substantive law and procedures involved. While Mr. Johnson's report and its predecessors have been sufficient to convince some opinion-makers and editorial boards, they are not grounded in the realities of the trade-in program as it has functioned over the last 10 years and as it can reasonably be predicted to function as a consequence of existing law.

Over the decade New York officials have spent issuing these misleading reports, Boston has received more than $1.3 billion in trade-in funds and Chicago $960 million. Washington, D.C. has used $2 billion in trade-in funds to build much of its beautiful new Metro subway and 35 cities in 21 states have chosen the trade-in option.

WESTWAY FINANCIAL RISKS

The report does not even mention, much less address, the following immense uncertainties in Westway's funding:

Federal funds for the intensely controversial Westway are unlikely to come in for years, if ever. Westway's dredge and fill permit may be denied, or overturned again in Federal court.

Funding for new Interstate highway construction will end in 1990 under current law. The State has made much of this 1990 funding deadine in Federal curt, where they argued in the fall of 1983 against assuming it would be extended.

A 1981 "no frills" highway bill made some Westway costs ineligible for Interstate funding (some park costs; possibly the landfill).

Official Westway cost estimates, which range from $1.4 billion (in 1979 dollars) to $2.3 billion, do not include all Westway costs and have not been subjected to detailed scrutiny. Such massive, complex and untried public works projects as Westway are normally subject to substantial cost overruns, and knowledgeable officials have suggested $5-6 billion is a more probable total cost over Westway's minimum 10-year construction period.

Claims that the Federal government will pay 90 percent of Westway's cost are false. The Interstate construction funds available for Westway are limited by NY's share ("apportionment") of the national total. NY's fiscal year 1984 apportionment is $170 million. If it rose to an average of $250 million in each of the years fiscal year 1985-90, and the entire 6-year State total were spent on Westway, only $1.5 billion would be available. That would cover only 25-38 percent of Westway's probable $4-6 billion cost, leaving a $2.5-4.5 billion shortfall. While some additional discretionary funds would be available, they would by no means cover a $2-4 billion shortfall.

INFLATION ADJUSTMENT

Claims that Westway funding would be adjusted for inflation while the trade-in entitlement would not be are misleading.●

UNITED STATES-JAPANESE COAL TALKS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● **Mr. RAHALL.** Mr. Speaker, on May 14 and 15, a delegation of senior Japanese coal buyers met with interested U.S. parties to discuss the United States-Japan coal trade.

There is a great deal of concern in the United States over the dramatic decline in this trading relationship. The United States has been losing its share of the Japanese coal market to other exporting nations such as Australia, Canada, South Africa, the Soviet Union, and China.

On May 15, the Congressional Coal Group held a meeting with the Japanese coal buyers. A number of our colleagues participated in this meeting and I would like to recognize them: JOHN MURTHA, TOM BEVILL, MIKE SYNAR, BOB WISE, HARLEY STAGGERS, Jr., Hal Rogers, William Whitehurst, Rick Boucher, Norman Sisisky, Howard Nielson, Herb Bateman, Marilyn Lloyd, Bob Livingston, and Glen Anderson. From the other body, Senators Randolph and Warner were in attendance. I would like to extend my appreciation to John Murtha and Tom Bevill for chairing the meeting.

The coal group's basic message to the Japanese was that we view the United States-Japan coal trade within a broader context. We are keenly aware of the large trade imbalance between our two nations and we are also aware that our trading partners often enjoy their military protection at our expense. Coal is the one commodity that Japan can import from the United States without causing problems to Japanese domestic industries. As such, we view the coal trade as a vehicle for reaching a more equitable trading relationship between our countries.

Mr. Speaker, following is the joint statement agreed to by the Japanese and United States parties as a result of their meetings:

Japan-United States Coal Mission

Major Japanese coal users came to Washington, D.C. for a meeting with representatives of U.S. coal and related industries on May 14, and 15, 1984. The purpose of the Mission, consistent with the "Joint Policy Statement on Energy Cooperation" recommended by the U.S.-Japan Energy Working Group and acknowledged by Prime Minister Nakasone and President Reagan on November 11, 1983, was to explore the possibility of expanding coal trade between the two countries and the possibility of conducting a major study of the opportunities for reducing the delivered price in Japan of U.S. coal as a first step toward developing U.S.-Japan coal trade from a mid- to long-term perspective.

Japanese and American delegations included senior representatives of the coal using, coal producing and other coal related industries—including inland transportation, and ports.

The Japanese delegation was headed and co-chaired by Mr. Hiroshi Saito, Executive Vice President, Nippon Steel Corp. and Mr. Minoru Masuda, Managing Director of the Tokyo Electric Power Co., Inc. Government observers from the Ministry of International Trade and Industry (MITI), the Ministry of Foreign Affairs (MOFA) and from the Embassy of Japan in Washington, D.C. attended the meeting. The United States delegation was headed and co-chaired by Mr. Mark Joseph, Chairman of the Coal Exporters Association (CEA) and Mr. C. R. Moore, President of the Western Coal Export Council (WCEC). Observers from the Departments of State, Commerce, and Energy, and from the National Security Council attended the meeting.

The U.S. industry expressed its appreciation for the visit to the United States by the representatives of Japan's major coal users.

At the meeting, frank and earnest discussions were held between the Japanese and the U.S. industry representatives on issues that affect the possibility of expanding coal trade between the two countries.

With regard to the discussions on these issues, the Japanese and U.S. industry representatives achieved an understanding on the following eight points:

1. Both the Japanese and the U.S. representatives are mindful of the fact that current Japanese commitments for the purchase of coal limit the flexibility of Japanese coal users.
2. Representatives on both sides, however, shared the view that Japanese industries would eventually emerge from the current difficult situation. In the meantime, the parties agreed to continue to explore the possibility of expanding coal trade between the United States and Japan.
3. Both sides also agreed to work within the spirit of the Joint Policy Statement on Energy Cooperation to explore ways of increasing coal trade in the interest of overall Japan-U.S. relations.
4. The U.S. coal industry was encouraged to learn that, as a result of an improving market for Japanese steel products, the volume of imported U.S. coking coal in fiscal year 1984 would not fall to the originally estimated levels. Both sides also agreed to explore the possibility of improving the competitiveness of and expanding trade in metallurgical coal in future years.
5. Both the Japanese and the U.S. representatives recognized the necessity to continue the disucssions held at this meeting. Accordingly, Japanese and U.S. industries agreed to establish a Standing Technical Committee (STC) in association with the U.S.-Japan Coal Conference.
6. The purpose of the STC is to implement the Joint Policy Statement of Energy Cooperation and to consider issues and opportunities that arise from time to time regarding U.S.-Japan coal trade.
7. The STC shall include representatives of private industry on both the Japanese and U.S. sides. Observers from the governments of both sides may be invited to attend working sessions of the STC.
8. The STC shall meet at the earliest possible date but no later than September 15, 1984 and shall meet thereafter as required. The agenda for the first meeting of the STC shall be established no later than May 23, 1984. This agenda will incorporate all coal related issues delineated in the Joint Energy Policy Statement of November 11, 1983.●

DON'T RAILROAD THE CONRAIL SALE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FLORIO. Mr. Speaker, the Secretary of Transportation is currently in the process of attempting to sell Conrail. I have been especially concerned that the Department of Transportation is in a rush to sell Conrail before the election. A hasty sale could jeopardize rail service to the Northeast and Midwest, along with the large Federal investment—over $7½ billion—in rail service in the region.

Distribution magazine recently editorialized on this subject. According to the editorial, "It seems clear the administration wants to sell off Conrail close to election time for maximum political advantage." The editorial points out the dangers to shippers of a hasty sale and notes, "We can't let this happen to Conrail."

The editorial follows:

[From Distribution magazine, May 1984]

The Conrail Sale Is Being Railroaded

(By Thomas Foster)

Conrail has to be one of the success stories of the century. In less than 10 years, the Northeast rail system that is now Conrail has risen from the ashes of apparently hopeless bankruptcy to record profitability and exemplary service.

The kudos belong to Stanley Crane, the managers, the workers, and the customers who supported the railroad during the tough years. Needless to say, everyone wants to take a few bows. The Administration and its Department of Transportation have pushed themselves to the head of the line. It seems clear the Administration wants to sell off Conrail close to election time for maximum political advantage.

We could write this off to harmless politicking if it weren't for the reckless way that the DOT is pushing the sale. Secretary Dole has made it clear that the sale is going to occur soon. June 18 has just been set up as the cutoff for bids, even though only two weak offers, one from an employee group and one from Alleghany Corp., have been made. Offers are still expected from Norfolk Southern, CSX and perhaps the Santa Fe.

In our view, the Alleghany offer has serious deficiencies. It looks more like Wall Street speculation than a investment in railroading.

First of all, the $2 billion Alleghany offer is not $2 billion at all. At best, it is $700 million. Depending on what provisions of the Alleghany offer would be accepted, the offer could amount to only $550 million, $350 million or even less. Half of Alleghany's offer is completely illusory. It consists of a $1 billion "sacrifice" of Conrail tax loss carryovers from previous periods, which no investor will be allowed to use.

In our view, the remaining $1 billion of the offer also is not what it seems. Alleghany would immediately get to use Conrail's cash, about $300 million. Alleghany would also get $500 million worth of employee-owned stock at the time of settlement, which really should be deducted from the offer price.

Alleghany also wants to be allowed to use a tax deduction of up to $150 million it would gain for stock it would sell to buy the railroad. The real cost to Alleghany is really impossible to determine at this time, but it is not anywhere close to $1 billion. It should also be pointed out that if Alleghany chose, it wouldn't even have to spend its own money for the purchase price. It could probably borrow all the money using Conrail assets as collateral.

Even if Alleghany didn't leverage its investment in Conrail, it could quite possibly earn back the entire investment with Conrail's 1984 profits, which most certainly will exceed $500 million. Thus, Alleghany could possibly get 100 percent return on investment in 1984.

As a point of comparison, the rest of the railroad industry works very hard to achieve a little more than a three percent return because of constant reinvestment in track, equipment, etc. Conrail's reinvestment has been equally substantial, but Alleghany won't have to pay for it. The taxpayer already has. Alleghany will get the benefit of the billions of dollars of government investment for about 10 to 25 cents on the dollar.

Perhaps we as shippers shouldn't gripe about the financial details of the Alleghany offer, even if it does smack of outright speculation. From Alleghany's point of view, this deal is just good business. There is certainly nothing underhanded about its offer, and any other company that wants to can make a slightly better offer if it wants Conrail, too.

But from the shipper's point of view, there is a legitimate concern about how well Alleghany would run Conrail. Would Alleghany keep the railroad in the excellent condition that present management has worked hard to establish? Or would Alleghany do minimum maintenance and reinvestment so maximum revenue would find its way to the parent company's bottom line? Lest we forget, this exactly what happened with the Penn Central when Alleghany's present chairman was a director on that ill-fated railroad.

There are clauses in Alleghany's offer that should cause a red flag to wave in front of the shipper. For instance, Alleghany promises to spend over $225 million in capital improvements this year. Conrail, however, has already announced that it will spend over $520 million. Does this mean that Alleghany will pocket the other $300 million?

The Alleghany bid also alludes to contingency arrangements if the railroad is resold or merged in the next four years. Does this suggest it intends to cash in on its Conrail investment within four years? Maybe or maybe not. But it makes a shipper wonder if Alleghany is seriously interested in railroading, or whether it just wants to make a fast buck.

To put it mildly, there are many more questions that have to be answered before a shipper would feel comfortable about turning Conrail over to Alleghany.

There is a real danger that Alleghany, or any other buyer, could wreck Conrail. Indeed, the recent history of railroading is full of examples of how greedy or incept managers have crippled railroads by milking them of revenues, burdening them with debt and letting the system and the staff deteriorate.

We can't let this happen to Conrail. The Department of Transportation has an obligation to make sure a truly qualified and sincerely interested company buys Conrail. The cutoff date of June 18 set by Secretary Dole for new offers is too arbitrary and seems totally based on making political hay out of the sale. We can only hope that for once the slowness of Congress, which must approve any sale, will work to the shipper's advantage and force a more thoughtful sale of Conrail.●

ELEANOR ROOSEVELT: FIRST LADY OF THE WORLD

HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BATES. Mr. Speaker, October 11, 1984 marks the centennial of the birth of Eleanor Roosevelt. I am pleased to note that the conference on "Eleanor Roosevelt: First Lady of the World" to be held October 26-27, 1984, at San Diego State University has been designated as the major west coast official event of the centennial year by the Eleanor Roosevelt Centennial Commission.

Among all of the women who have held the title, "First Lady," Eleanor Roosevelt has attained a singular place of honor and respect by virture of her independent pursuit of the concerns of human rights in our Nation and in the world. Her career went well beyond the ancillary role normally ascribed to the wives of Presidents. The special significance of Mrs. Roosevelt's life has been recognized by the U.S. Congress which established the Eleanor Roosevelt Centennial Commission so as to insure appropriate recognition of her centennial.

Activities at San Diego State University will include an exhibit of photographs and memorabilia secured from the Roosevelt Library and a symposium that will illuminate Mrs. Roosevelt's life, her influence in efforts to advance the status of women and ethnic minorities, and her attempts to advance the cause of international understanding.

This celebration is not intended to be simply a conference by and for scholars. The planning committee, composed of members of the Departments of Afro-American Studies, History, Political Science and Women's Studies, has created a civic committee to guarantee wide publicity for the event within the San Diego community. More than 125 local organizations, representing a broad sepctrum of interest groups, have been invited to participate.●

MASSACHUSETTS STUDIES THE PROBLEMS OF VIETNAM VETERANS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FRANK. Mr. Speaker, I would like to commend to our colleagues the following news article which describes the results of a 2-year study carried out in Massachusetts on the problems of Vietnam veterans. The findings are disconcerting, to say the least.

Mr. Speaker, it has been the appropriate tradition of our country to grant veterans certain advantages in employment, education, and health care as a recognition of the special contribution they make to our national security. In appreciation for the particular sacrifices veterans are called on to make during war time, these advantages are generally greater for those who serve during times when we are engaged in armed conflict. In light of these efforts, this study indicates to me a failure of policy with regard to Vietnam veterans.

The study indicates that Vietnam veterans, as a group, are in fact at a disadvantage in many areas when compared to their peers. Like past wartime veterans, Vietnam veterans have made great sacrifices for their country. But the sacrifices of the Vietnam veterans were complicated by the political controversies that surrounded that war. As a consequence of these controversies, Vietnam veterans have yet to receive the acclaim or the material benefits that have been granted to veterans in the past.

I urge my colleagues to consider the particular problems faced by Vietnam veterans. And consider the fact that these problems are a direct consequence of their service to their country. We, in the Congress, can act to alleviate many of these difficulties. We should do so.

The article follows:

[From the Providence (MA.) Journal, Mar. 31, 1984]

MASSACHUSETTS STUDY: VIETNAM VETS NEED HELP WITH JOBS, HEALTH, HOUSING

BOSTON.—The chairman of a two-year legislative study on the problems of Vietnam veterans delivered a grim finding yesterday: Five of the vets who testified before the panel became so distraught that they later killed themselves.

State Sen. Francis Doris said the suicides dramatized the problems that many of the estimated 300,000 Vietnam-era vets in Massachusetts still face in jobs, housing and personal health—11 years after the United States pulled out of the war.

The Doris panel's final report, completed last December and released yesterday, praised the "outreach" programs of the state and federal government, but said more must be done to help veterans integrate with society.

"We heard of Vietnam veterans coming home to Massachusetts and still, 10 to 15 years later, still are not home," said Doris, D-Revere, whose panel included medical specialists and several war veterans.

Many of the vets said they worried about the effect of their exposure to Agent Orange, a defoliant linked to cancer.

Others complained of the lack of affordable housing in Massachusetts and their problems in obtaining jobs.

"We saw many young men who came before us who, in a short period of time, ended up taking their own lives," said Doris.

After the panel's first hearing in Fall River, "about 90 minutes later we learned that one of the vets who testified had gone out and done himself in," Doris said later.

The Study was based on the hearings held around the state, plus responses from 21,000 veterans to a questionnaire.

The findings included:

The U.S. Veterans Administration is not screening vets properly for Agent Orange contamination and is not prepared to treat the many soldiers who may develop cancer from the defoliant.

Increased visibility is needed to remind Massachusetts residents of prisoners of war and soldiers still missing in action from Vietnam. Some communities could follow the example of Lynn and "adopt" a missing Massachusetts POW-MIA.

Mental health specialists should become more aware of posttraumatic stress syndrome, which some vets have used in court to explain their irrational behavior.

Funding for the state's "outreach" programs in Boston and Fitchburg should continue and new offices should be built in Cape Cod, the Merrimack Valley and Berkshire County.

Veterans should be given information and startup capital from the state and federal government to begin their own small businesses and receive priority in subsidized housing programs.●

DR. BENJAMIN MAYS: AN INSPIRATION FOR HIGHER EDUCATION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. GINGRICH. Mr. Speaker, our Nation has lost a great black educator and leader. Dr. Benjamin E. Mays, who served as president of Morehouse College in Atlanta, GA, for 27 years, has recently passed away. Dr. Mays also served as president of the Atlanta Board of Education. He devoted his life to improving the educational and career opportunities of young blacks. Under Dr. Mays, Morehouse's reputation flourished and produced some of the outstanding leaders in America, including Dr. Martin Luther King, Jr.

In his autobiography, "Born to Rebel," Dr. Mays told how he yearned to attend Dartmouth College. However, his financial situation would not permit him to attend such an expensive school and he feared that he could not meet Dartmouth's academic standards. After graduating from Bates College, he realized that he could have competed anywhere academically, and he dedicated himself to helping others realize their full potential.

Having been president emeritus of Morehouse College, Dr. Mays had plenty to be proud of, but he still yearned for that opportunity to be a part of Dartmouth College. Not until the age of 80 did Dr. Mays get this wish.

A young fellow Atlantan, Michael Hollis, who had been persuaded by Dr. Mays to attend Dartmouth, was graduating from Dartmouth in June 1975. Mr. Hollis was able to arrange for Dr. Mays to receive an honorary doctorate from the school he had wanted so much to attend.

As he was to so many other young students, Dr. Mays was an inspiration to Mr. Hollis and encouraged the young student to strive for a higher education. Upon Dr. Mays' death, Mr. Hollis wrote a column in the Atlanta Constitution, April 10, 1984, which I would like to present to my colleagues. It points out how well the people of Atlanta, the State of Georgia, and the United States, have all been served by the distinguished and dedicated work of Dr. Benjamin Mays. He will certainly be missed by all of us who respected and admired such a leader in the field of education. The text of the column follows:

[From the Atlanta Constitution, Apr. 10, 1984]

THE DAY A STUDENT AND HIS TEACHER GRADUATED

(By Michael R. Hollis)

My hero, Dr. Benjamin E. Mays, has passed away. As I looked across the sea of sad faces at the Martin Luther King Jr. Chapel at Morehouse College during his memorial services. I realized how much this great man improved the lives of those around him.

I first met Dr. Mays when I was 15 and a student at Booker T. Washington High School in Atlanta. What I remembered the most during that first meeting was not so much what Dr. Mays said, but how intently he listened. He respected my views and my right to express them despite my youth. I learned early from Dr. Mays that everyone has some insight and wisdom because each of us has a unique pool of experiences from which to synthesize ideas.

By listening to others and keeping an open mind, it is possible to snatch creative thoughts from the unlikeliest of sources.

When it was time for me to go to college, it was Dr. Mays who perhaps best understood my desire to go to Dartmouth. He encouraged me, and stated that I would have to compete academically, and otherwise, at the top. He insisted that I finish with honors.

He came to the Dartmouth campus for the first time, at the age of 77, during my freshman year. He spoke briefly of an earlier yearning to attend what he called "Daniel Webster's college." He began his remarks by saying, "If it takes me as long to make it back, then I shan't return." I was moved, and determined that he would come back one day.

While a sophomore at Dartmouth, Dr. Mays encouraged me to seek the coveted position of student assistant to John G. Kemeny, the president of Dartmouth, a position to which I was appointed. I remember Dr. Mays telling me that I had a rare opportunity to be close to and "pick the brain" of Dr. Kemeny, who had been a protege of Albert Einstein. To Dr. Mays, this one-on-one interaction between elder and youth was education in its purest form.

In his book, Born to Rebel, Dr. Mays tells how as a high-school senior he had wanted to go to Dartmouth College but was unable to do so. Hearing his earlier comments during my freshman year, reading his autobiography, having grown up in Atlanta and seeing the results of his years of great work, I took it upon myself to make certain that Dr. Mays would become a member of the Dartmouth family.

Nothing has given me greater honor and sense of pride than to have nominated Dr. Mays for an honorary doctorate degree from Dartmouth, and to witness his degree being conferred at the same commencement where I received my own degree—with honors.

I shall never forget the two days that Dr. Mays and I spent at Daniel Webster's college. In his own way, then and later, he bragged about us being "classmates," and took great pride in being a member of the Class of 1975. It was a great day for both of us, a rare and precious moment.

Dr. Mays set intellectual patterns for his many students, including me. When it was time for me to apply to law school, I did not even have to consult my mentor. I knew his advice would be "don't take the easy way out"—so I applied, was accepted and was graduated from the University of Virginia School of Law.

When I had an idea in 1979 of starting a regional jet airline in Atlanta, I shared my thoughts with Dr. Mays. Just as he had listened to me as a young man years earlier, he listened again. I set out my grand design for him. He smiled and said, "Well, I've always said to reach for the moon, and beyond. I have no doubt your plans will succeed if you persevere, despite the opposition of those who will tell you it cannot be done."

Dr. Mays always said that each man and woman is put on this Earth to do one thing unique or special, and if that person fails to do it—it will not be done. Only during the past two years, have I come to understand fully the significance of what Dr. Mays was saying.

For these reflections are penned as I sit in an airborne Air Atlanta Boeing 727 jet. As I look out on a glorious spring and blue horizon, it occurs to me that my hero, Dr. Benjamin E. Mays is not really gone. The man with the wise eyes and soft smile is watching us from the other side of yonder clouds.●

TRIBUTE TO U.S. SERVICEMEN WHO DIED IN EUROPE DURING WORLD WAR II

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BIAGGI. Mr. Speaker, as we celebrate the 40th anniversary of the D-day invasion and Allied liberation of Europe, I feel it is only fitting to pay tribute to the more than 60,000 young Americans who gave their lives in Europe during World War II.

In honor of these brave young men, many commemorative ceremonies have been planned beginning the week of June 6, the 40th anniversary of D-day. A special campaign is underway to place a wreath at each cemetery of U.S. servicemen killed in Europe during World War II in separate commemorative ceremonies from June 6 through October of this year. This noble campaign is being spearheaded by the World Wars Commemorative Society, a nonprofit organization headed by retired U.S. Army Col. Julian Phillips. The campaign is being run by Mr. Russell A. Hartley, who is the executive director of the organization.

The freedoms we enjoy today are due to a large extent to the heroic efforts of those who fought in Europe during World War II. These brave Americans joined with our Allies to liberate Europe from the tyranny and brutality of Nazism. By commemorating those who sacrificed their lives in this courageous struggle, we express our eternal gratitude and we demonstrate our deep appreciation for their superb effort on behalf of freedom and democracy.

At this time, I would like to recognize the fine efforts of the World Wars Commemorative Society on behalf of fallen U.S. servicemen and the cause of world peace. Their campaign to place a wreath at every U.S. gravesite in Europe is indicative of the type of work this organization does. These wreath-laying dedications at various cemeteries throughout Europe are an appropriate tie-in with the other commemorative events planned this year in honor of the 40th anniversary of the Allied liberation of Europe.

The World Wars Commemorative Society was created to promote knowledge of the political, economic, military, and humanistic aspects of the worldwide conflicts, in the belief that this knowledge, disseminated to future generations, will create a greater understanding of how to maintain world peace. Some of the major goals of the World Wars Commemorative Society include: Honoring those individuals who have sacrificed their lives in worldwide conflicts, and in assisting in the development of appropriate memorials and recognition ceremonies throughout the world. Their most recent campaign on behalf of the American soldiers who died in Europe during World War II will add greatly to the significance and pagentry of the commemorative events planned for this year in Europe.

The efforts of the World Wars Commemorative Society to promote world peace and to honor our fallen war heroes have added greatly to our appreciation of the many sacrifices American servicemen have made for their country. I applaud the fine efforts of the World Wars Commemorative Society to promote world peace and to commemorate the sacrifices of American servicemen. The memory of our fallen soldiers must never be forgotten, and I am honored to pay tribute to those U.S. servicemen who so bravely lost their lives in Europe during World War II.●

ENDOWMENT UNDERMINES DEMOCRACY

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BROWN of Colorado. Mr. Speaker, the House will shortly be considering fiscal year 1985 appropriations for the National Endowment for Democracy, contained in the Commerce-State-Justice appropriations bill. The endowment received $18 million this year. The appropriations bill recommends an increase to $31.3 million.

Before Congress decides whether to continue funding the endowment, we should look at its record to date. Its record so far is not very reassuring.

How is the endowment going about the task of promoting democracy? For starters, by interfering with Panama's national elections, the endowment—or some of its grantees—seems to think that the way to help other people hold free and open elections is for the United States to intervene in the election process.

This fact came to light because of a cable sent to the State Department by the American Ambassador in Panama, expressing concern about the use of endowment funds to support one side in Panama's presidential election.

Is the Congress going to continue funding a $31 billion loose cannon to meddle in the local politics of other countries? If the aim of the endowment were to lose friends and alienate people, it could hardly do it better than by trying to tell people in other countries who to vote for. Imagine how Americans would react if the Soviet Union or some other foreign power contributed funds to one of the candidates in this country.

I would like to introduce into the RECORD an article that describes the events in Panama as well as other concerns about the endowment. The article is "Project Democracy Takes Wing," by Ben A. Franklin, and appeared in the New York Times on May 29, 1984.

The article follows:

[From the New York Times, May 29, 1984]

PROJECT DEMOCRACY TAKES WING

(By Ben A. Franklin)

WASHINGTON, May 28.—Carl Gershman, a former aide to Jeane J. Kirkpatrick, the chief United States delegate to the United Nations, is setting up shop here these days in a difficult new job.

He is head of the new National Endowment for Democracy, a federally financed foundation designed to compete in the worldwide struggle for people's minds by financing "democratic institution-building" in foreign lands. The designated spenders of this public money are the American Federation of Labor and Congress of Industrial Organizations, the Chamber of Commerce of the United States, the Democratic National Committee and the Republican National Committee.

Despite confrontational positions here at home, the four groups are now bound together in a commitment to a foreign mission: the encouragement of American-style pluralistic societies abroad. They are also bound together, of course, by the Federal money, about $[illegible]2 million over the next two years, that has already begun to flow from the offices of "Ned," as Washington's acronym mania has already named the new endowment.

But among the Congressional sponsors of this so-called Project Democracy—foremost among them Representative Dante B. Fascell of Florida, chairman of the House Foreign Affairs Committee—there is a strong belief that private citizens, operating in the open, can be more effective than secret agents in spreading the seeds of democratic ideas.

The notion of a Project Democracy first gained attention when President Reagan mentioned it in a speech to the British Parliament two years ago. As later presented in a proposal to Congress, it would have been operated by the United States Information Agency. But controversies surrounding the U.S.I.A. director, Charles Z. Wick, inspired House Democrats, led by Mr. Fascell, to the alternative of an independent National Endowment for Democracy.

In the private sector's promotion of American values abroad, until now only the American labor movement, through the Free Trade Union Institute it formed in 1978, has gone much beyond rhetoric. Largely with money from the State Department's Agency for International Development, the A.F.L.-C.I.O. has run programs overseas under its African American Free Labor Council, Asian American Free Labor Institute and American Institute for Free Labor Development.

Through these groups, American labor's emissaries tried, for example, to organize South Vietnamese workers during the war there, sought to unionize farm workers in Grenada before the American-led invasion last year and have been active in Brazil, Chile, the Dominican Republic, Guyana and El Salvador.

SUSPECTED OF CIA TIES

Although the connection has been denied, they were sometimes accused or suspected of involvement with the Central Intelligence Agency. In El Salvador in 1981, two American employees of the American Institute for Free Labor Development who had been accused of links with the C.I.A. were shot to death in the coffee shop of the San Salvador Sheraton.

But because it has gained long experience in its programs abroad, the labor movement is to get nearly a quarter of the democracy endowment's largesse, or $13.8 million a year.

By comparison, the newly created "international institute" of both the Democratic and Republican National Committees each is to get $5 million a year, and the Chamber of Commerce gets $2.5 million for its new Center for International Private Enterprise. The Democratic and Republican institutes are modeled after the long-established practice in several European countries, particularly West Germany, where the main political parties now divide about $150 million a year in government grants for overseas encouragement of democratic institutions and ideas.

CRITICISM FROM PANAMA

Representative Hank Brown, Republican of Colorado, a critic of the democracy endowment concept, said today that Ned-financed activities in Central America has already drawn criticism from James E. Briggs, the Ambassador to Panama.

Mr. Brown said he had obtained from the U.S.I.A. a paraphrased copy of a cable that Ambassador Briggs sent to Washington in April complaining that the American Institute for Free Labor Development, one of the A.F.L.-C.I.O. affiliates, had been given funds by Ned to cover the expenses of "activists" supporting the Presidential campaign of Nicolás Ardito Barletta. Mr. Barletta, the candidate backed by the Panamanian military, narrowly defeated former President Arnulfo Arias Madrid in the May 6 election.

Ambassador Briggs was quoted as saying in the cable: "It would be embarrassing to the United States if the labor institute's use of endowment funds to support one side in Panama's elections became public knowledge. The Ambassador requests that this project be discontinued before the U.S. Government is further compromised in Panama."

Mr. Gershman, reached in New York today, said the Panamanian issue "came up before I got the endowment." He confirmed that about $20,000 in Government funds had been used by the labor institute in Panama to support the Barletta campaign, but said: "I am not sure it was Ned money, and in any case it is my understanding that this has all been worked out to everybody's satisfaction—the Ambassador's, the State Department's and the institute's."

THE CIA OBSTACLE

One of the obstacles that Mr. Gershman must overcome is the C.I.A.'s reputed secret involvement in the past in a lot of what the Endowment for Democracy hopes to do in the open: encouragement of political parties compatible with United States interests, of vigorous labor unions and democratic press and church groups and the publication of writings by pro-Western dissidents. As one of its first actions the Ned board voted to forbid any employment of C.I.A. personnel or covert C.I.A. agenda in its programs.

When Congress considered the creation of the National Endowment for Democracy last fall, the prospect of a C.I.A. presence so worried Senator William Proxmire, Democrat of Wisconsin, that he persuaded the Senate to bar from Ned anyone who had worked for the C.I.A. for the last 20 years. This, in turn, so affronted William J. Casey, the Director of Central Intelligence, that he negotiated a compromise with Senator Proxmire before final adoption of the bill.

"On behalf of the intelligence community, I have agreed with Senator Proxmire that the National Endowment for Democracy will not be used to conduct intelligence activities," Mr. Casey said at the time. "In addition, I have reached a general understanding that intelligence community personnel shall not be permitted employment by the National Endowment for Democracy except as jointly agreed in future negotiations with Senator Proxmire."

Congressional qualms were evident, too, about the concept of committing public funds to the political poles of America's two-party system. Representative Brown tried in vain to bar the new Democratic and Repubican international institutes as recipients of Project Democracy money.

In addition, Mr. Brown is now trying to gather support for legislation that would specificially include Ned under the Freedom of Information Act. The endowment, because it was set up as a private organization, is not covered by the Act, which requires Government agencies to disclose, on request, nonsecurity information to citizens and the press.

OF HIGH AND LOW PROFILES

Mr. Gershman, who was educated at Yale and Harvard, is a former chairman of the Young People's Socialist League and former executive director of Social Democrats, U.S.A., in effect the right wing of American socialism. At the United Nations, he often castigated the United States' critics from the Communist bloc and third world.

In his new job in Washington, where he will be spending millions of public dollars, and perhaps corporate donations later, Mr. Gershman says he plans to keep a lower profile than he had at the United Nations.

In fact, the turnabout for the 40-year-old Mr. Gershman may alter his personal life as much as his career.

He now commutes on weekends to his home on Upper Broadway in Manhattan. In July, though, with his $75,000 Project Democracy salary, he plans to move his wife and three children to an upscale subdivision in North Bethesda, Md.

With a mixed expression of anticipation and guilt, he described the house as "too nice." Reflecting, perhaps on his anti-Communist Socialist past, he then observed, self-critically: "In order to have an appropriate sense of the world one must live with a certain sense of hardship."●

PERSONAL EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. WISE. Mr. Speaker, last Thursday, May 24, I missed rollcall Nos. 177—approval of the Journal—and 178—temporary debt limit increase. This absence was due to the fact that I was testifying before the Senate Commerce Committee in favor of the Fair Practices in Automotive Products Act—Domestic Content—H.R. 1234/S. 707.

Had I been present and voting, I would have voted "aye" on rollcall No. 177, and "nay" on rollcall No. 178.●

COLUMBIA JOURNALISM AWARD TO FRANK McCULLOCH

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. MATSUI. Mr. Speaker, on May 15 the prestigious Columbia Journalism Award for 1984 was presented to Frank McCulloch for his outstanding contributions to the field of journalism. Frank has epitomized the highest degree of professionalism in journalism and has set an admirable example for younger reporters.

Established in 1958, the award is not given every year, but only upon occasion of singular journalistic performance. Selection of the recipient is made by a joint faculty-student committee.

Frank graduated from the University of Nevada, Reno, and went to work in the San Francisco bureau of United Press before joining the Marines during World War II. In 1953 he began a 16-year association with Time magazine, ultimately working his way up to serve as bureau chief in Hong Kong, Saigon, and New York. Throughout this period with Time, Frank was in great demand and intermittently took jobs with the Los Angeles Times and Life magazine in Palo Alto, Calif., and later joined McClatchy Newspapers, eventually to be appointed executive editor, his current position.

I am especially pleased to note that many of Frank's great achievements have taken place in my home district where Frank has worked for the last 9 years. Mr. Speaker, I know you join me in congratulating Frank on his exemplary performance as a journalist serving the public interest.●

A TRIBUTE TO FRANNY REESE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FISH. Mr. Speaker, I would like to pay tribute today to a very special woman: Franny Reese. She has been praised and heralded by many different organizations including the U.S. Environmental Protection Agency for her dedication to our beautiful Hudson Valley, by the Garden Club of America for her relentless fight to preserve all that is truly meaningful in nature, and by the State of New York for her work in keeping our heritage alive through historic preservation.

I have worked with Franny all through my 16 years in Congress on environmental issues of vital importance to our Hudson Valley. I have never met anyone with as much energy and devotion to a cause than Franny Reese. When Consolidated Edison was planning to build a powerplant across the river from Cold Spring on Storm King Mountain, they did not realize that another powerhouse was working just as hard to make sure that this setting would not be ruined by haphazard construction.

I salute Franny Reese and all of the good that she has done for our community which, to this day, bears the fruits of her labors in the establishment of scenic Hudson and other organizations that constantly remind us of the importance of our environment. She has made an indelible mark on our lives and we owe her our thanks.

I can think of no more fitting tribute to this wonderful lady than the planting of beautiful trees to live and prosper in the natural setting she has worked to preserve.●

SHORTCHANGING THE TREASURY

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. ERLENBORN. Mr. Speaker, we talk a good deal about curbing waste, fraud, and abuse in Government. Regrettably, all our discussion does not lead to enough action.

This problem is especially acute with regard to the recovery of the billions of dollars which taxpayers have invested in water projects of the Bureau of Reclamation. Although the unbusinesslike practices of the Bureau have been amply documented, little has been done about them.

Two years ago, I offered an amendment to a reclamation bill, directing the Secretary of the Interior to increase user fees for irrigation water, as recommended by his Department's Inspector General, or advise Congress why action is not being taken. The amendment was accepted by the House, but dropped in conference.

Now the National Wildlife Federation has issued a comprehensive report on the subject entitled, "Shortchanging the Treasury: The Failure of the Department of the Interior to Comply With the Inspector General's Audit Recommendations to Recover the Costs of Federal Water Projects." This report contains an excellent analysis of the problem and some sensible recommendations for solving it.

I attach a letter from the Federation summarizing the report, as well as the recommendations which the study makes for congressional action.

The letter follows:

NATIONAL WILDLIFE FEDERATION,
Washington, DC, May 21, 1984.

Hon. JOHN N. ERLENBORN,
Washington, DC.

DEAR MR. ERLENBORN: This report traces the failure of the Department of the Interior to achieve the timely recovery of billions of dollars invested in six major water projects of the Bureau of Reclamation. We believe that this problem is a serious one and that corrective action should be undertaken immediately.

For year, conservationists have been trying to reform the "pork-barrel" approach to Federal water resources development—dams, harbors, canals, and the like. Since the landmark report of the National Water Commission in 1973, a major thrust of this reform effort has been to seek greater financial participation from the beneficiaries of the program—the "user pays" principle. By reducing subsidies for water development projects, we hope to conserve natural resources as well as Federal tax dollars.

The price of water and hydroelectric power provided by the Bureau of Reclamation's dams is heavily subsidized by the Federal government. The result of this subsidized pricing policy is the excessive use of water and energy resources, and constant political pressure for the construction of new dams with similarly lucrative pricing arrangements. The recommendations made by the Inspector General for greater cost recovery will not eliminate this subsidized pricing policy. But their adoption would begin to move the Reclamation program in the right direction, ending some of the least defensible repayment practices that blatantly shortchange the Treasury.

At a time when the U.S. is saddled with enormous Federal deficits, it is utterly incongruous for the Department of the Interior to fail to secure the fullest return permitted on the taxpayers' investment in costly water projects. The unbusinesslike practices condoned by the Department should be a cause of concern to the Congress, the Secretary of the Interior, the private sector, and the general public. Recommendations for the Congress are included.

BENJAMIN C. BYSART,
President.
JAY D. HAIR,
Executive Vice President.

RECOMMENDATIONS FOR THE CONGRESS

We recommend that the Congress respond to the demonstrated mismanagement of water project repayment requirements in the following manner:

The House Government Operations Committee and the Senate Government Affairs Committee should hold oversight hearings on the disposition of the seven Reclamation project audits, including both the administrative response of the Department of the Interior and the follow-up activities of the Office of the Inspector General.

The House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources should hold oversight hearings on Reclamation repayment policy, including cost allocation, contract negotiation, interest rate selection, and ability to pay criteria, and should report legislation necessary to correct past abuses.

In the absence of additional contractual commitments by non-Federal interests to repay all reimbursable costs, the Congress should withhold further appropriations for the Bonneville Unit of the Central Utah Project and the San Felipe Division of the Central Valley Project, and reallocate such funds to those projects where local interests have demonstrated a greater willingness to meet all repayment obligations in a timely manner.

To insure greater consistency and improved financial management, the Congress should require that the most acceptable methods of cost allocation for Reclamation projects should be determined through a formal agency rulemaking, with opportunity for public notice and comment as provided by the Administrative Procedures Act.

Congress should lift the responsibility for the negotiation of repayment contracts from Bureau of Reclamation personnel, and direct the Department of Justice to perform this task unfettered by a vested interest in maintaining an influential constituency for underpriced water and power.

Congress should reject any efforts to sanction hydropower giveaways on the pretext of repayment in the future by unauthorized irrigation projects such as that contained in Sec. 310 of S. 1739, the Omnibus Water Resources Development bill now pending before the Senate.●

COMMEMORATING HANFORD COMMUNITY HOSPITAL'S 75TH YEAR OF SERVICE

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. PASHAYAN. Mr. Speaker, I should like to call the attention of my colleagues to a community hospital in the 17th District of California that will be celebrating its 75th year of service to the residents of Hanford and Kings County, CA, in June 1984. It is during this momentous year that the hospital will continue to grow and to expand its services. The hospital is planning a major construction project and will acquire more modern equipment so that it can continue to provide the best available health care.

Hanford Community Hospital was established in 1908 as the Hanford Sanitarium and was initially owned and operated by a family of long-time residents of the community, the Rossons. Since then it has undergone a series of changes in its ownership and administration, ranging from a proprietary hospital run by a group of doctors that owned stock in the hospital to a nonprofit hospital operated by another group of doctors that reorganized it into a community hospital. It is now owned by the Seventh-Day Adventist Church, which modernized its facilities and services in 1962, as 1 of 78 hospitals around the country that are owned and operated by the Adventist Health Systems.

Hanford Community Hospital throughout the years has remained committed to meeting the changing and increasing needs of Kings County. A hospital is comprised of more than just a building with specialized equipment. It is only through the individual attention given by the doctors, nurses, and the staff that enables a hospital to serve a community. It is with this sense of history and dedication that the directors, physicians, nurses, and all the other staff look forward to the next landmark of service to their community.●

TRIBUTE TO VICTOR E. PANGIA

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding citizen of Camden County, NJ, Victor E. Pangia. Mr. Pangia, the first State vice president of the Order of the Sons of Italy, will be honored on June 1, 1984, at the 67th Annual Convention of the New Jersey Grand Lodge of the Order of the Sons of Italy.

Mr. Pangia and his wife Josephine are residents of Atco, NJ, and parents of two sons, John and Victor E., Jr., and a daughter, JoAnne A. Henshaw. They have six grandchildren.

A lifelong resident of Atco, Vic attended Haddonfield Memorial High School and Banks Business College. In 1941, he joined his father's construction business and continues to work in the construction industry as the president of Vic Pangia, Inc., a firm responsible for the construction of many of New Jersey's major highways.

Vic's tremendous accomplishments within the Order of the Sons of Italy and the Grand Lodge of New Jersey are to be commended. For several years, he served as president of his own filial lodge and since 1981, he has served as first vice president of the grand lodge. In December 1980, Vic was appointed to chair the earthquake relief drive which raised more than $53,000 in less than 6 weeks. Vic Pangia is currently in charge of all fundraising activities and since he assumed this position, the success of the charitable efforts of the grand lodge has been unparalleled. It is because of this success that we honor Vic Pangia's diligent efforts.

Vic Pangia's charitable efforts extend to other organizations as well. He has been an active member of the Atco Business Association, the Associated General Contractors of America, the National Asphalt Paving Association, the Professsional Engineers Society, the Atco Lions Club, and the Nativity Council of the Knights of Columbus.

Mr. Speaker, I am certain that my colleagues will join me in paying tribute to First State Vice President Victor E. Pangia. I extend my best wishes and congratulations to Vic, his wife Josephine and the entire Pangia family.●

PERSONAL EXPLANATION

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. RAHALL. Mr. Speaker, due to pressing matters in my district, I was unable to make a number of votes on the House floor last week. Had I been here, I would have voted as follows:

Rollcall No. 156, "yea"; rollcall No. 157, "yea"; rollcall No. 158, "yea"; rollcall No. 159, "yea"; rollcall No. 160, "yea"; rollcall No. 161, "yea"; rollcall No. 162, "no"; rollcall No. 163, "yea"; rollcall No. 164, "yea"; rollcall No. 166, "aye"; rollcall No. 167, "aye"; rollcall No. 183, "no"; and rollcall No. 184, "yea".●

NATIONALIST SELF-ASSERTION IS TRIGGER IN CENTRAL AMERICA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. OTTINGER. Mr. Speaker, I am including in today's RECORD an article from the May 21 Wall Street Journal by Mr. Arthur Schlesinger, Jr. Mr. Schlesinger points out what I believe to be the crucial flaws in the way this administration and this Congress continue to treat the problem in Central America.

Regardless of Mr. Duarte's good intentions or the President's exhortations about not introducing American combat troops in Central America, the fact remains that we continue to build substantial military bases in Honduras which could easily be used to launch an offensive, and we continue to provide millions of dollars in military and covert funds which contribute to the continuation of civil strife and harsh dictatorship. I commend Mr. Schlesinger's comments to the attention of my colleagues:

MR. REAGAN'S WAR DOWN SOUTH

Let us stipulate that the spread of Soviet-dominated regimes in the Americas is a threat to the vital interests of the U.S. The question then is: What is the best way to keep the Soviet Union out of the Western Hemisphere?

President Reagan has delivered his answer to that question. His summons to the nation on May 9 amounts to a personal declaration of war. The way to stop the expansion of Soviet power in the hemisphere, Mr. Reagan tells us, is to give more guns and money to the people on our side down there—to the regime in El Salvador and to the "freedom fighters" trying to overthrow the regime in Nicaragua. Military victory is the prerequisite for political and social reform.

Since Oct. 1 Congress has approved $64 million in military aid to El Salvador. Last month, the president provided an additional $32 million in stopgap military assistance. What has this nearly $100 million achieved? It has not defeated the rebels. Indeed, according to Fred Ikle, undersecretary of defense for policy and a stout champion of the military solution, about half the arms used by the guerrillas are supplied by the U.S.—"those they've been able to take away, capture or acquire by other means from the Salvadoran armed forces." Our military assistance, in short, has thus far been arming both sides in the Salvadoran civil war—a triumph of nonpartisanship, but hardly a strong argument for further military assistance.

GUNS AND MONEY

Now El Salvador has elected a new and better government, and the administration proposes to spend an additional $300 million in military aid over the next 18 months. Mr. Duarte deserves support. But should the support aim at a military solution? What if guns and money do not avail? Mr. Reagan denies any "plans to send American troops into combat in Central America." I am sure the denial is sincere in the sense that the president earnestly hopes that aid short of war will do the job. So Franklin Roosevelt was sincere when he told the mothers and fathers of America in 1940. "Your boys are not going to be sent into any foreign wars." But, once you start down a road, events may drive you on to the bitter end.

Suppose the insurgents in El Salvador continue to gain strength. Suppose that in six months they have the government on the ropes. By this time, the Reagan policy of seeking a military solution may well have irretrievably committed the prestige of the U.S. to the survival of the regime. Does anyone believe that President Reagan, after defining the insurgency as a mortal threat to our national security, after saying that "America's economy and well-being are at stake," would now stand aside and let the Commies win? Does anyone believe that, if reelected, he would not regard reelection as a national mandate for unilateral military intervention in Central America?

The premise for such unilateral intervention is that American power would be able to snuff out revolution in Central America in a matter of weeks or months; in and out, like Lyndon Johnson's intervention in the Dominican Republic in 1965. But even the Pentagon is unwilling to promise that intervention would be short and sweet. The probability is, rather, that it would lead to a miserable, messy and protracted war. Such a war would be increasingly unpopular in the U.S. Unilateral U.S. military intervention would gain little or no support from South American governments and would set off a wave of anti-U.S. rage throughout Latin America. It would alarm our European allies, including such staunch friends as Prime Minister Thatcher and President Mitterrand, and intensify alliance doubts about American leadership. It would isolate the U.S. more than ever from the Third World. It would hand the Soviet Union a political and propaganda windfall. We would have contrived our own Afghanistan.

Conceivably unilateral military intervention might in the end crush the insurgency in El Salvador and depose the government in Nicaragua. But the aftermath could well entrench in power in these countries the people least eager to carry through political and social reform. Such an outcome would only guarantee new revolutions a little farther down the road.

In short, the course of unilateral military intervention would very likely strain our alliances, weaken our world influence and accelerate rather than check the spread of Soviet influence in Latin America and elsewhere.

The question remains whether there is a better way to keep the Soviet Union out of the Western Hemisphere. Conceivably there is, but the Reagan administration would seem incapable of finding it, because its first impulse in every complex situation is to go at once for the military remedy. It is ironic that our most bellicose modern president should be the one president of the World War II generation who never saw overseas service during the war. Perhaps presidents who experience war at first hand are less insouciant about sending new generations of young men out to kill and to die.

An alternative course would begin by trying to understand the Latin American situation in Latin American terms instead of imposing our global obsessions on a region with history, consciousness and pride of its own. It would understand that the motive power behind the trouble in Central America is not Soviet deviltry, though Moscow will do what it can at low risk and cost to exploit the trouble, nor is it poverty, though poverty creates emotions susceptible to revolutionary appeals. The trigger is the passion for nationalist self-assertion on the part of the historically humiliated and now radicalized sons and daughters of the frustrated middle class.

Now there is simply no permanent way to stop the spread of left-nationalist passions in Latin America. But there may be ways to stop nationalist revolution from concluding in pro-Soviet regimes. The Kissinger Commission allowed that hemispheric revolutions are OK in principle so long as they show no Marxist influence. But the communists can be expected to try to climb on board any nationalist revolution; they tried that even with Peronismo in Argentina. In practice, the Reagan administration defines radical revolution anywhere in the hemisphere as a threat to the U.S. and, by so defining it, makes it so; for Washington thereby leaves the revolutionaries no alternative but to turn to the Soviet bloc.

It has been some time since any U.S. administration has much knowledge of or sympathy for Latin America. But ignorance has never stopped us from blundering into other people's problems. We are as untutored about the history and inner meaning of Latin America today as we were a generation ago about Vietnam or a year ago about Lebanon, and with even less excuse. A prudent administration might try to learn from the errors of the past. But the Reagan administration is not distinguished by its sense of history and is always sure that it understands the interests of other countries better than they understand their own interests.

President Reagan's speech was eloquent in its studied disregard of the attitudes of leading Latin American countries toward a problem that threatens them rather more intensively than it threatens us. After all, Mexico, Venezuela, Colombia, Brazil and Argentina are proud nations with some stake in the future of the hemisphere. They know the history, the language, the terrain, the motives, the sensibilities, the dreams a good deal better than we do. Some in the U.S. feel that these countries will not act until it is too late. This attitude implies that Latin Americans lack any normal instinct for self-preservation, a view that is both condescending and false. Prudence would enjoin a course of consulting with the Latin American democracies, listening to them and concerting out action with theirs. This is not likely to happen, however, until we have a new administration in Washington.

ERA OF DOMINATION IS OVER

Clark Clifford often tells the story of how the scales fell from his eyes with regard to Vietnam. In 1967, President Johnson sent him on a mission to persuade the SEATO countries to increase their military contribution to the Vietnam War. As Mr. Clifford traveled from one country to another, he came to realize that these countries, though much closer to Vietnam, did not take the possiblity of communist victory as apocalyptically as we did. Perhaps, he thought, they might be right, and Washington wrong.

The Reagan administration may not accept the fact, but the era of U.S. domination of the Western Hemisphere is over. When Secretary of State Richard Olney said in 1895, "The United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interposition," it may have been true then. It is no longer true today. We have no choice but to learn to live with Latin American nationalism and to accept Latin American nations as equal partners in shaping the future of the hemisphere.

No doubt some of them would prefer for us to take the lead and the onus in unpopular acts; but wise statesmanship on our part would call the nationalist bluff. It is their problem as well as ours. If they should reach the point of thinking that the Soviet threat to the hemipshere requires military intervention, then let us be ready to intervene with them. But not by ourselves, against their wishes.●

U.S. MILITARY CONSTRUCTION IN CENTRAL AMERICA AND THE CARIBBEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. HAMILTON. Mr. Speaker, in the CONGRESSIONAL RECORD of May 17 and May 21, 1984, I included part of an exchange of correspondence between myself and the Department of Defense concerning the disposition of U.S. forces in Central America.

I would like to bring to the attention of my colleagues the remainder of the Defense Department's reply, the second part of enclosure 5, which describes present and projected U.S. military construction activities in Central America and the Caribbean. This summary was last revised by the Defense Department on May 9, 1984.

CURRENTLY PLANNED FY 1986 MILITARY CONSTRUCTION PROGRAM

Project description	Fund source			Justification
	Micon	O&M	FMS	
CUBA				
Guantanamo Bay:				
Communication Facility 9,690 sf	FY 1986 (N) [3] $1.9 Mil			Base mission is to (1) support peacetime training of Atlantic Fleet operating forces, using shore facilities and surrounding sea areas, and (2) peacetime and wartime protection of Caribbean and Gulf of Mexico sealines of communications. These projects provide the necessary facility support to assigned equipment and personnel, providing adequate working and recreational spaces.
Unaccompanied Enlisted Housing Improvements, 215 personnel.	FY 1986 (N) [3] $2.4 Mil			Do.
Unaccompanied Enlisted Housing 96 personnel	FY 1986 (N) [3] $8.4 Mil			Do.
PANAMA				
Fort Davis: Alter Building No. 17	FY 1986 (A) [3] $2.7 Mil			Army mission is to provide for defense of Canal and support for U.S. personnel at the School of the Americas. These projects provide improvements to existing buildings and systems to provide necessary living and working spaces and efficient utilities.
Fort Kobbe: Dining Facility Modernization	FY 1986 (A) [3] $.7 Mil			Do.
Various Locations, Army: Family housing improvements Air conditioning, Phase II 779 units.	FY 1986 (A) [3] $3.9 Mil			This project provides improvements to existing military family housing units to conserve energy and improve habitability.
Howard:				
Aircraft Parking Apron	FY 1986 (AF) [3] $21.0 Mil			Aircraft parking capability is inadequate to support projected aircraft requirements for U.S. assistance to Central or South American countries in a crisis situation. In addition, Howard AFB provides support to Air Force units tasked with defense of the Canal and is the only U.S. airbase in Central or South America.
ECIP, A/C Plant-Values-Windows	FY 1986 (AF) [3] $4.2 Mil			This project provides improvements to existing facilities to reduce unnecessary energy consumption. Payback period for this project is 9 years.
ECIP, Install High Efficiency Air Conditioners in Family Housing.	FY 1986 (AF) [3] $.9 Mil			This project provides improvements to existing military family housing units to conserve energy and improve livability of older absolesent family housing units. This project has a 1.1 year payback period.
ECIP, Install 3,272 High Pressure Sodium Vapor street lights.	FY 1986 (AF) [3] $.2 Mil			This project provides improvements to existing street lighting system to conserve energy. This project has a 6.5 year payback period.
PUERTO RICO				
Roosevelt roads: Unaccompanied Enlisted Housing 562 personnel.	FY 1986 (N) [3] $10.5 Mil			This complex, encompassing the airfield and harbor, plus ocean range areas, training facilities on Vieques island and control sites on St. Thomas and St. Croix Islands, is the primary training activity for the Atlantic Fleet. All Fleet aircraft and surface ships exercise on the large ocean ranges. The underwater tacking range off St. Croix is used extensively by the Fleet for ASW training. All aspects of Fleet training are supported from this complex. These projects provide the facility support for the equipment and personnel required to accomplish these assigned tasks.
St. Croix: Range Operations Center Addition 14,000 sf	FY 1986 (N) [3] $4.1 Mil			Do.
Vieques: Range Operations Center 8,950 sf	FY 1986 (N) [3] $3.5 Mil			Do.

CURRENTLY PLANNED FY 1987 MILITARY CONSTRUCTION PROGRAM

Project description	Fund source			Justification
	Milcon	O&M	FMS	
CUBA				
Guantanamo Bay:				
Generator Plant	FY 1987 (N) * $3.6 Mil.			Base mission is to (1) support peacetime training of Atlantic Fleet operating forces using shore facilities and surrounding sea areas, and (2) peacetime and wartime protection of Caribbean and Gulf of Mexico sealines of communications. These projects provide the necessary facility support to provide reliable utilities and support facilities at this remote location.
Tank Truck Loading Stand	FY 1987 (N) * $.2 Mil.			Do.
PANAMA				
Various locations, Army: ECIP, Chiller Controls, $.2 Mil.; FM Switches, $.3 Mil., HVAC Controls, $.5 Mil.	FY 1987 (A) * $1.0 Mil.			Support of existing mission; reduces energy consumption.
PUERTO RICO				
Sabana Seca: Unaccompanied Enlisted Housing Improvements	FY 1987 (N) * $.8 Mil.			To provide adequate living spaces for U.S. Navy personnel assigned to this location.

CURRENTLY PLANNED FY 1988 MILITARY CONSTRUCTION PROGRAM

Project description	Fund source			Justification
	Milcon	O&M	FMS	
CUBA				
Guantanamo Bay:				
Water Storage	FY 1988 (N) * $7.2 Mil.			Base mission is to (1) support peacetime training of Atlantic Fleet operating forces, using shore facilities and surrounding sea areas, and (2) peacetime and wartime protection of Caribbean and Gulf of Mexico sealines of communications. These projects provide the necessary facility support to assigned equipment and personnel, providing adequate working, living and recreational facilities.
Unaccompanied Enlisted Housing Improvements	FY 1988 (N) * $.5 Mil.			Do.
Gymnasium	FY 1988 (N) * $3.0 Mil.			Do.
Waterfront Operations Facility	FY 1988 (N) * $1.5 Mil.			Do.
Sprinkler System	FY 1988 (N) * $.6 Mil.			Do.
Civilian Barracks	FY 1988 (N) * $2.0 Mil.			Do.
PANAMA				
Fort Sherman: Barracks/Dining Modifications	FY 1988 (A) * $1.7 Mil.			Army mission is to provide for defense of Canal and support for U.S. personnel at the School of the Americas. This project improves living and dining spaces.
PUERTO RICO				
Roosevelt Roads:				
Flammable Warehouse	FY 1988 (N) * $.6 Mil.			This complex, encompassing the airfield and harbor, plus ocean range areas, training facilities on Vieques Island and control sites on St. Thomas and St. Croix Islands, is the primary training activity for the Atlantic Fleet. All Fleet Aircraft and surface ships exercise on the large ocean ranges. The underwater range off of St. Croix is used extensively by the Fleet for ASW training. All aspects of Fleet training are supported from this location. These projects enhance the capability of the ranges and improve the facilities supporting Fleet units on training deployments.
Unaccompanied Officer Housing 20 personnel	FY 1988 (N) * $1.3 Mil.			Do.
Water Distribution	FY 1988 (N) * $.9 Mil.			Do.
Land Acquisition (for runway approach lighting)	FY 1988 (N) * $.3 Mil.			Do.
Range Operations Center Addition	FY 1988 (N) * $2.8 Mil.			Do.
Communications Center	FY 1988 (N) * $1.2 Mil.			Do.
Sabana Seca: Warehouse	FY 1988 (N) * $.3 Mil.			Do.
HONDURAS				
Puerto Lempira: Dirt Airstrip Improvements: Dirt apron and minor road work by Seabee Det. (AHUAS TARA I).		FY 1983 (N) $.060 Mil.		Exercise requirement; existing dirt airstrip could only handle one aircraft at a time; exercise required multiple use by C-130s.
Cerro la Mole: Radar Installation: Red Horse unit installed living trailers and assisted Hondurans with power/water connections—Host Nation prepared site and provides security.		FY 1983 (AF) $.110 Mil.		Flight safety; operational in May of 1983; deployed for up to two-year period; no flight-following radar existed in Honduras.
Aguacate:				
Dirt Airstrip Improvements: Troop extension of dirt runway to be used a aircraft parking area.		FY 1983/4 (A) * $.165 Mil.		Exercise requirement; existing dirt airstrip could only handle one C-130 at a time; exercise required multiple C-130s on the ground. Troop unit accomplished training in preparing temporary dirt airfield surfaces.
Temporary Camp: Wooden admin and dining structures and camp site preparations including dirt roads by Engineer troops.		FY 1983/4 (A) $.034 Mil.		Exercise requirement; administrative and dining facilities for Engineer troops working on airstrip.
Palmerola: Temporary Camp: 132 wooden CAT (Central American Tropical) huts, barracks, $.379 Mil.; Modified CAT huts for admin/dining, $.047 Mil.; Other vertical item including security provisions, $.072 Mil. Dirt roads, POL berms, etc., $.206 Mil.; By Engineer and Line troops.		FY 1983/4 (A) $.704 Mil.		Exercise requirement; housing, administrative, dining, latrine, and supporting facilities, including roads and security provisions.
San Lorenzo:				
Temporary Dirt Airstrip: Dirt airstrip approximately 3,000 ft. by Engineer troops.		FY 1983/4 (A) $.106 Mil.		Exercise requirement; existing dirt cropdusting strip could not support planned C-130 exercise operations.
Terrain Reinforcement: Anti-tank ditch by Engineer troops.		FY 1983/4 (A) $.120 Mil.*		Exercise requirement; training in construction of tank barrier and use of barrier in anti-armor field exercise.
Temporary Camp: Wooden housing, admin, dining, and support structures (84 Cat huts) by Engineer troops.		FY 1983/4 (A) $.300 Mil.*		Exercise requirement; housing, administrative, dining, and supporting facilities, including dirt roads for Engineer troops working in area.
Tiger Island: Temporary Radar Site: Landing site, access track to hill top, leveling of site and other earth work by Engineer troops.		FY 1983/4 (A) $ Mil.*		Exercise requirement; site preparation for USMC deployed radar.
Trujillo:				
Temporary Camp (Sea Eagle): 40 SEA (South East Asia) huts for housing, admin, and support functions by Seabee Det.		FY 1983/4 (A) $.142 Mil.		Exercise requirement; housing for Army artillery unit (3-319) conducting exercise operations in area.
Temporary Camp (USMC): 27 CAT huts for housing and support functions.		FY 1983/4 (A) $.054 Mil.*		Exercise requirement; 3-319 required to move due to flooding of original camp.
Airstrip: Temporary improvements 800 ft. addition for flight safety by Seabee Det. Note.—existing pavement will not support continous C-130 operations—includes Seabee Det. temporary camp (16 SEA huts).		FY 1983/4 (N) $.260 Mil.		Exercise requirement; existing C-47 capable asphalt strip was too short for planned C-130 exercise operations.

CURRENTLY PLANNED FY 1988 MILITARY CONSTRUCTION PROGRAM—Continued

Project description	Fund source			Justification
	MilCon	O&M	FMS	
Cucuyagua:				
Dirt Airstrip, Temporary Improvements: Improve existing dirt runway and provide dirt taxitrack and parking area.		FY 1984 (A) $.148 Mil.[7]		Exercise requirement; existing dirt airstrip cannot support planned C-130 exercise operations; provides realistic training for U.S. Engineer troops.
Temporary Camp: Includes wood frames for tents, wooden showers and messhall, and security.		FY 1984 (A) $.065 Mil.[7]		Exercise requirement; living and working spaces for Engineer troops working on airstrip.
Jamastran:				
Dirt Airstrip, Temporary Improvements: Improve existing dirt runway and provide dirt taxitrack and parking area.		FY 1984 (A) $.101 Mil.[7]		Exercise requirement; existing dirt airstrip cannot support planned C-130 exercise operations; provides realistic training for U.S. Engineer troops.
Temporary Camp: Includes wood frames for tents, wooden showers and messhall, and security.		FY 1984 (A) $.065 Mil.[7]		Exercise requirement; living and working spaces for Engineer troops working on airstrip.
PANAMA				
Azuero Peninsula: Road Upgrade, expedient road construction of approximately 15 KM.		Panama funded materials and POL.		Training exercise for National Guard units from Puerto Rico, Florida and Louisiana. Units rotated every two weeks. Personnel were Active Duty Training (ADT). Project started 25 February and will be completed 25 May 1984.
COSTA RICA				
Limon/Barra Colorado/Los Chiles: Pre-cut materials for 37 CAT huts.			FY 1983 $.1 Mil.	Support of Office of Defense Cooperation, Costa Rica; orginally charged to O&M Army to be reimbursed by FMS case.
HONDURAS				
Trujillo:				
Regional Military Training Center: Tent Camp with water and power with associated ranges—Contract by Corps of Engineers—FMS case.			FY 1983 $5.30 Mil.	To establish and operate a military training center for Salvadoran and Honduran units.
Temporary facilities upgrade			FY 1984 $.89 Mil.	Conversion of tent camp to temporary wooden structures.
Permanent facilities, Phase I			FY 1984S $14.00 Mil.	Convert temporary training center into permanent facility; preliminary programming estimate.
Permanent facilities, Phase II			FY 1985 $8.00 Mil.	Complete planned facilities; preliminary programming estimate.
PUNTA PIEDRA: AID Project: Wooden school structure 20′ × 80′ with metal roof.	AID funded material cost of project.			Civic action project; accomplished by troop unit on as available basis, Seabee det. built while awaiting transportation back to U.S.

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[1] (N)—Navy; (A)—Army; (AF)—Air Force; (NG)—Army National Guard; (DLA)—Defense Logistics Agency.

[2] Costs indicated are appropriated/requested amounts for MILCON and FMS projects unless project is complete; final costs are given for completed MILCON/FMS projects; O&M costs for troop accomplished items are preliminary and include material and identifiable POL costs, but do not include statistical labor/equipment use costs.

[3] Projects indicated for FY 1986, 1987 and 1988 are currently included in Service outyear plan, but are not directed programs and are still subject to additional Service and OSD review prior to being included in future budget requests.

[4] O&M funds used were from both FY 1983 and FY 1984; an individual year breakdown is not available.

[5] Cost includes all POL costs in San Lorenzo identified by Engineer troops used in horizontal work items; terrain reinforcement, camp site preparation and Tiger Island, $.116 Mil. Breakdown of costs is not available. Camp site preparation and Tiger Island items not considered significant in relationship to terrain reinforcement effort.

[6] FMS Case to reimburse U.S. for materials due to huts being incorporated into RMTC following exercise use.

[7] Granadero I related; cost is an estimate of materials and POL to be used in temporary airstrip improvements and camp. This estimate is based on a site visit and comparison of work effort that was necessary to develop the temporary C-130 assault strip at San Lorenzo.●

PROJECT GRADUATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. GOODLING. Mr. Speaker, I am continually plagued by reports from the U.S. Surgeon General that teenagers are the only age group for whom life expectancy in this country has declined, because drunk driving is the No. 1 killer and crippler of teens today. While they comprise only 10 percent of the driving population, teenaged drivers are involved in more than 20 percent of all alcohol-related traffic deaths, resulting in an average of 5,000 deaths and 130,000 injuries annually.

This problem is particularly critical at high school prom and commencement season, causing the American School Board Journal to feature on its May 1984 cover: "Prom Night: Make Sure Your Kids Live To Tell About It."

My personal experience with the heartbreak that can accompany the high school graduation season stems from my many years as superintendent of Spring Grove schools, principal at West York Area Senior High School, and before that, as teacher and counselor at Kennard-Dale High in Pennsylvania's 19th District. All too often, some of my students crossed the border into Maryland, which then had a lower minimum drinking age, to celebrate—and met their deaths in senseless and tragic automobile crashes.

I will never forget those Mays and Junes gone by, when my closing messages to departing students were words of caution and warning; when my nights following such speeches were filled with endless worry, ear tuned to the radio for news reports of any tragedy which might have befallen these young people.

The U.S. Department of Transportation is promoting an idea started in Maine, called Project Graduation, which I have introduced to principals at all high schools in my district. Project Graduation is a wonderful way to celebrate one of the most important occasions in a teenager's life while staying safe—in other words, "chemically free."

For the benefit of my colleagues who may wish to learn more about Project Graduation and what it can offer graduating seniors across the country, I am inserting in the RECORD the following letters which I recently received from Transportation Secretary Elizabeth Dole, National Highway Traffic Safety Administrator Diane K. Steed, Carlisle Senior High School Principal Alfred J. Marcello, and Spring Grove Area Senior High School Principal Jack C. Noll.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, May 17, 1984.

Hon. BILL GOODLING,
House of Representatives,
Washington, DC.

DEAR BILL: I want to personally acknowledge your hard work and commitment to seeking solutions and alternatives to the teenage drunk driving problem.

I share your concern. As commencement season approaches, the accompanying increase in the number of young lives lost on our highways reminds me that the festivities surrounding graduation too often include the combination of drinking and driving. We all know that this combination can bring the celebration to an abrupt and tragic conclusion.

You are to be congratulated on your special effort to dramatize the dangers of drinking and driving for the high school students in your district.

I am especially pleased that you have identified "Project Graduation" as a positive and effective strategy for increasing community awareness and reducing the incidence of alcohol-related fatalities. If chemical-free graduation activities can become the accepted way to celebrate throughout the country, real progress will have been made in extending this concept to other occasions for all age groups.

I am sure you will agree with me that "Project Graduation" is one idea we can all live with.

With best wishes.

Sincerely,

ELIZABETH HANFORD DOLE.

NATIONAL HIGHWAY
TRAFFIC SAFETY ADMINISTRATION,
Washington, DC, May 8, 1984.

Hon. BILL GOODLING,
House of Representatives,
Washington, DC.

DEAR MR. GOODLING: I want to thank you for your letter concerning the activities you're sponsoring to discourage high school students from drinking and driving.

You are to be congratulated on your willingness to seek solutions to this very serious problem.

I am delighted that you will be using the "Project Graduation" materials that were prepared by the State of Maine in cooperation with the National Highway Traffic Safety Administration. We look forward to establishing a new tradition of celebrating special occasions without alcohol, drug, or accidents. With the help of committed individuals such as yourself, we're that much closer to accomplishing our goal.

If I or my staff can be of further assistance to you, please do not hesitate to contact me.

Sincerely,

DIANE K. STEED.

MAY 10, 1984.

Hon. BILL GOODLING,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN GOODLING: I would like to express the sincere thanks and appreciation to you on behalf of Carlisle Senior High School for arranging to have Curt Warner speak to our student body during an assembly period. Unfortunately, because I had made prior arrangements I was not able to attend the program. However, I heard many favorable comments regarding Curt's presentation.

I would also like to thank you for sending me the information entitled "Project Graduation—Friends for Life." The Parent Advisory Committee of Carlisle Senior High School is making final plans to have a post-prom party which goes along with the information outlined in the Project Graduation booklet.

For your information, I am enclosing copies of the post-prom party materials. As always, I appreciate your interest and concern with the education of our young folks and I wish you continued success as you pursue your endeavors for us in Washington, DC.

Sincerely,

ALFRED J. MARCELLO,
Principal, Carlisle Senior High School.

SPRING GROVE AREA SCHOOL DISTRICT,
Spring Grove, PA, May 11, 1984.

Congressman WILLIAM F. GOODLING,
House of Representatives,
Washington, DC.

DEAR BILL: Thank you for providing me with the book entitled "Project Graduation." I did review it and am pleased to report that many of the ideas contained have been implemented for some time by our school district. You will recall that while you were still Superintendent of Spring Grove Area School District that we began the concept of an all night party sponsored by the school. We transport our seniors and their guests to the Gettysburg College Student Center where a variety of activities are available for their enjoyment. We return them to the senior high school at about 4:00 a.m., after which they go home, and they are a tried lot indeed.

It does follow, of course, that there is a prohibition against any chemical for the people involved in this program. You assisted in our writing of the rules that we distribute to our seniors at the beginning of the school year. If they are in violation of good reasonable conduct, suspended from school, assigned to the Alternate Education program, etc., they would lose this privilege, and we find this to have a limiting affect on the behavior of our seniors.

We still work hard at controls for our prom as well. Of course, we do not permit any chemicals and that includes tobacco at this party. Additionally, we provide a closing hour with sufficient time for our students to be home before their junior license rights expire. We encourage parents to use good judgment on post prom parties and have implemented the contract whereby parents agree to not provide alcholic beverages or chemicals and further agree not to permit students to drive and drink. The local Chemical People organization and our high school SADD organization both work hard toward this end.

We are always open to good ideas and the booklet from Maine is one. Again, thank you for sharing it with me.

Sincerely,

JACK C. NOLL,
Principal, Spring Grove Area
Senior High School.●

IN SUPPORT OF A MANNED SPACE STATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. LEWIS of California. Mr. Speaker, with the passage today of the HUD-Independent Agencies appropriations bill, we have taken a major step in the development of our capability in space. I am very proud to be involved with the formation of the space station. During debate on the station, much concern was expressed over the scientific community and their share of NASA's funding. A group of vocal scientists have expressed their opposition to the manned space station charging that it would eventually eat up the research money. They have received a fair amount of attention. But I think it only fair to point out that this view is by no means unanimous among the scientific community, I have a letter from eight prominent scientists who are strong supporters of the manned space station. They are:

James R. Arnold, Director, California Space Institute and Harold C. Urey, Professor of Chemistry, University of California at La Jolla; Charles A. Barth, Director, Laboratory for Atmospheric and Space Physics, Professor Astrophysics and Professor Planetary and Atmospheric Sciences, University of Colorado; Paul Coleman, President, Universities Space Research Association, Professor of Geophysics and Space Physics, University of California at Los Angeles, and Assistant Director, Los Alamos National Laboratory; Robert Jastrow, Founder and Director (retired), Goddard Institute for Space Studies and Professor of Earth Sciences, Dartmouth College; Eugene Shoemaker, Professor of Geology and Planetary Sciences, California Institute of Techology, and Research Geologist, U.S. Geological Survey' Bradford A Smith, Professor of Astronomy and Professor of Planetary Sciences, University of Arizona; Harlan Smith, Director of McDonald Observatory, Professor of Astronomy, University of Texas, and former Chairman of the Committee on Space Astronomy and Astrophysics of the Space Science Board, National Academy of Sciences; Laura Wilkening, Vice Provost and Professor of Planetary Sciences, University of Arizona.

These scientists are dedicated professionals who hold the future of our Nation and our world in the highest regard.

Many of their arguments are included in an issue brief published by the American Space Foundation. I commend this paper to the attention of my colleagues:

ISSUE BRIEF: WHY THE SPACE STATION SHOULD BE MANNED

INTRODUCTION

During Congress' consideration of NASA's request for $150 million in fiscal year 1985 for research and development funding for a permanent U.S. space station, opposition has been voiced—particularly from a segment of the nation's scientific community.

Members of this community, and other opponents, are calling for a reduced appropriation, or restrictive language to transform the space station into an unmanned, automated platform.

The American Space Foundation, the nation's largest pro-space citizens lobby with over 22,000 members, believes a manned space station is essential. It should be designed and constructed with human habitation in mind.

Eminent space scientist Dr. Robert Jastrow of Dartmouth College provides a clear perspective on the manned vs. unmanned debate. "The move of man off the face of the planet is the most important step in the evolution of life on Earth . . . major scientific gains have accompanied the move, but science is not the space station's only purpose or even its main purpose." (*Science Digest*, May 1984.)

EXECUTIVE SUMMARY

There are cultural, political and technical reasons to support a manned space station. Culturally, the manned exploration of space is the next logical step in the long history of man's exploration of his environment and opens the gateway to an exciting future. Politically, the space station would be a highly visible symbol of U.S. leadership in high technology ventures that would inspire the American people and provide international prestige. Technically, the human factor will always offer capabilities which are not equalled by machines.

CULTURAL REASONS

The manned exploration of space is the logical outgrowth of a long tradition in Western Civilization of exploration and development of the Earth. Just as our remote ancestors learned to live and work in environments as diverse as parched desert, towering mountains and frigid arctic regions, we must learn to live in space.

Now, as then, there are doubters, skeptics and those who, for whatever reasons, fear progress and seek to hold it back. They scoffed at small Spanish ships departing Barcelona to cross the Atlantic Ocean; denounced the work of the Wright brothers on barren North Carolina sand dunes; and laughed at the possibility men would walk on the lunar surface.

Where do these cynics and skeptics now stand in the eyes of history?

The manned space station is the first step in a long process which, ultimately, may lead to the emigration of human beings to habitats within or beyond our planetary system. There is little doubt that progress is the final result of struggle, and the challenge presented by the conquest of space dwarfs the struggle of the American people to tame the North American continent.

POLITICAL REASONS

A manned space station is a visible symbol of the commitment of the American people and government to leadership in the field of technology, the peaceful development of space, international cooperation and a statement that there is a positive future ahead of us.

Additionally, it would serve as a source of inspiration to our youth, stimulate our economy and lead to benefits as unimaginable to us as portable calculators would have been less than 20 years ago to the average citizen.

An unmanned space station, or any unmanned space vehicle, despite the level of success it may achieve, does not seize the imagination and generate broad support from the public. Witness the resurgence of interest in space flight since the launch of the first shuttle. Note that in excess of one million people annually visit the Smithsonian Air and Space Museum to view the Spirit of St. Louis, Friendship 7 and Skylab. Think back to the time when public support for NASA shrank drastically between the last manned Apollo missions and the new dawn of the space shuttle.

Finally, there is value to the long-term study of men in space that may have future ramifications. The U.S. needs to learn more about endurance of human beings in a zero-gravity environment and the manned space station is the best way of garnering this information. It can also serve, at some future time, as an inexpensive starting point for voyages within our solar system.

TECHNICAL REASONS

The human presence on a space station offers capability and flexibility not equalled by current or foreseeable-future automated systems. Men and machines will complement each other in a space station, especially given the radically different orientation of a permanent space station as opposed to previous NASA mission and project objectives.

The lack of flexibility in automated systems makes it essential for the space station to be manned. Automated systems can handle only emergencies they are programmed for, cannot readily switch from one function to another, and each component has significant research and development costs. For a small group of well defined tasks automation might be less expensive and more efficient, but for the array of myriad functions expected to take place on a space station the personnel cost, as opposed to the automation cost, is lessened considerably.

The importance of the human factor cannot be emphasized enough and the examples which follow merely skim the surface:

On Apollo XI, astronaut Neil Armstrong had to manually alter his craft's landing site because of unforeseen rough terrain on the lunar surface that would have toppled the lunar module.

The crew of the historic Apollo XIII mission averted disaster only because of their ability to maneuver the craft to take advantage of the moon's gravitational pull after they suffered grave problems with the craft's electrical system.

On Apollo XVII, trained geologist Harrison Schmitt, using a motorized vehicle, was able to cover 33 Km on the moon in three days to collect samples. It took an unmanned Soviet probe designed to perform similar tasks ten months to cover 10 Km.

In Skylab the crew performed more than 50 tasks during unplanned extravehicular activity (EVA), including vital deployment of the damaged solar array and the erection of a sun shade which allowed Skylab to operate as a useful laboratory.

On the fourth flight of the space shuttle, an electrophoresis device required 55 operator keyboard entries, 14 of them unscheduled and involving operator judgment beyond the capability of the computer.

On the most recent shuttle flight, the astronauts managed to grapple onto the Solar Max satellite only through an unanticipated pilot maneuver of the shuttle, thereby accomplishing the primary goal of the mission.

NASA is now studying plans to partition tasks between men and machines on the space station. One example involves manually folding and unfolding elements of the space platform. An unmanned automated device would involve some 15 separate devices costing $2.4 million compared to $0.2 million for a manned EVA approach.

In every one of the first six cited examples missions and lives would have been at risk if a human being was not able to analyze a situation, improvise a solution and then cope with the new circumstances.

The essential point is that man and machine complement each other and are not in an antagonistic relationship. In fact, the automated element is essential to the ability of man to even consider the space station project.

On the other hand, machines are designed, built and programmed by man; therefore they are prone to breakdowns, problems and unanticipated glitches. A fully automated, unmanned space station—particularly over the long-term life span under consideration—would require frequent "service calls" because equipment would have to be replaced as certain functions were no longer required, new ones were needed or the machine itself was outmoded by technical improvements. The costs of the automated station, while possibly less at the early stage of development, would soar in the not-too-far future, especially when given the rate at which technology has been evolving.

Finally, the permanent space station, for maximum effectiveness, must possess maximum flexibility. It will not be used solely for scientific experiments; it will serve as an astronomical observatory, manufacturing facility, living quarters and for other purposes as yet undreamt.

This complete flexibility is vital. Should a future Congress decide a manned station is necessary, what will become of the unmanned, fully automated space platform? Will it be scrapped after billions of dollars have been spent on it? Will billions more be appropriated to alter it into a jerry-rigged habitat for astronauts? Costs would be phenomenal and results inadequate. It must be done right the first time.

OBJECTIONS TO A MANNED SPACE STATION

There are two principal objections from a portion of the scientific community to a human presence in space: financial and philosophical.

Some scientists are concerned that a major project such as the space station will use funds which would otherwise go into "pure" (i.e., non-human contact) space science research. The fact is they're laboring under a misimpression that the size of the space "pie" is finite. It is not. NASA has in the past, and continues in the present, to support both manned and unmanned space missions. In fact, the size of the pie has recently been getting larger, which means while there will never be enough to satisfy everyone completely, there is enough to make all content.

The philosophical objection is easily summarized by Dr. Carl Sagan of Cornell University: "machines are more reliable than people." A refutation of this argument is contained in the Technical Reasons portion of this issue brief.

PROPONENTS OF A MANNED SPACE STATION

Fortunately, many members of the scientific community share a positive attitude toward human participation in space exploration and development. Over 50 prominent space scientists, including some Nobel prize winners, support the space station project and view it as essential to our commitment to technological excellence and vision of the future that it be constructed "as an essential first effort" toward "a bold new venture in space."

A partial list of these far-sighted members of the scientific community follows: Professor Paul Coleman, President, Universities Space Research Association, Earth & Space Sciences Department, UCLA; Dr. James Crowley, Director of Research Sciences, Robotics Institute, Carnegie-Mellon Institute; Dr. Robert Jastrow, Former Director, Goddard Institute for Space Studies, Dartmouth College; Professor Marvin Minsky, Former Director, Artificial Intelligence Laboratory, Massachusetts Institute of Technology.

CONCLUSION

Given these cultural, political and technical benefits which will result from the construction of a manned space station, the American Space Foundation and its more than 22,000 members support full funding of the NASA budget request. We urge the Congress to make this relatively modest—but highly symbolic—investment, because space is the foundation of America's future.●

THE EFFECTS OF SLAVERY ON NEGRO FAMILIES IN BOTH AFRICA AND THE UNITED STATES IN THE EARLY 1800'S

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. HARTNETT. Mr. Speaker, it is with great pleasure that I share an essay written by Miss Elizabeth McKelvey of Summerville, SC. The paper studies the effects of slavery on Negro families in both Africa and the United States in the early 1800's. As this paper won the South Carolina State History Day Contest, I am sure that it will prove to be most interesting and informative.

The essay follows:

THE EFFECTS OF SLAVERY ON NEGRO FAMILIES IN BOTH AFRICA AND THE UNITED STATES IN THE EARLY 1800'S

(By Elizabeth W. McKelvey)

As a general rule, those people who were slaves on America's Southern plantations

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Footnotes at end of article.

were slaves in their native tribes in Africa. Slave traders on the West African coast sold large numbers of men and women to the shippers who brought them to America. A good place to begin a discussion of the family life of a Negro slave would be in Africa, where the life of a slave began.

African people became slaves as a result of many different things. The wealthy bought small children as slaves. They bought orphans who otherwise might die, or children whose superstitious parents abandoned them because they considered that child supernaturally dangerous. These owners brought up the children to render lifelong service.

In times of famine, a tribe bartered children and some adults in exchange for grain. The idea was to sacrifice a few for the good of the kin. Men sometimes voluntarily sold themselves into slavery because of hunger or to avoid punishment for a crime they had committed.

Victorious tribes often sold prisoners of war into slavery. If a conquered tribe was unable to meet the monetary demands of the victors, they sold as many members of that tribe as necessary to raise the money.

By far, the largest source of slaves came from kidnapping.[1] In Africa, one of the worst problems was that of people being taken hostage. If tribes could not redeem the hostage, his kidnappers sold him as a slave.

A ready market existed for slaves. Africans wanted slaves for many different reasons. A man whose tribe was small often purchased a woman for a wife because of his desire to increase his family. Since the Africans had no state to grant divorces, a woman's tribe protected her or took her back if her marriage failed. Since a slave woman was usually far from her own tribe, she depended totally on her husband. A man desired such a wife because she was completely under his control.[2]

Africans also desired slaves as field workers in times of peace and as soldiers in times of war. People needed slaves as paddlers for trading and war canoes. Businessmen desired slaves as trading agents and as servants for the courts. A slave's greatest appeal was his versatility, mobility, and capacity to both support and reproduce himself.[3] The tribes incorporated their slaves into their kin, either as a part of the family, such as a wife, or allowed them to have their own families.

The position of the slave varied, depending on the position of the master. In a small society that had a limited variety of occupations for the master, the slave had little chance of improving his status. A slave had a chance to better himself in a tribe with a vast hierarchy. Slaves in a ruler's palace sometimes had a military or administrative position, or if the master was a merchant, the slaves often became trade agents.[4]

The treatment of slaves depended on the personality of both the master and the slave. The worst treatment went to those captured or bought for resale. Traders often killed male slaves who did not sell easily. Slaves used for human sacrifices were the disobedient or new slaves.[5] Treatment of slaves also depended on the size of the establishment where they worked, and whether they were field workers or house slaves. The best treatment went to the descendants of slaves incorporated into the tribe. No matter what his treatment was, a slave had no legal redress, since the laws treated him as a permanent minor.

The most useful form of rebellion open to slaves was escape. Escape was simple, not very dangerous, and hard to prevent. The area an individual master controlled was small, and most could not get back a runaway once he left that area. This was one reason why women and children from far away were the slaves most in demand, because they were less likely to try and run away.[6]

Since the tribe incorporated most slaves into the family, the family life of the slave was not much different from a free family. Emphasis in African society was more on the tribe than on the individual family. The main object of the family was to increase the size of the tribe. Many times a man bought female slaves for the express purpose of increasing the number of his offspring. The relationship was purely physical. Much jealousy arose between wives as they each tried to better the standing and position of their own children. The father often had as little to do with his children as possible.

Although the slave's family structure seemed loose, several factors existed to bind it together. One factor was that the families did not fear separation by sale, for it was unseemly to sell a parent without also selling his children or vice-versa. Although it might have happened, separation was rare.

Also, unwritten family rules existed in most societies. Children had to show respect for their parents and elders. Grandparents had the right to interfere between a parent and child. Great-grandparents tended to leave their great-grandchildren alone. A prevalent belief at that time was that if the child touched the ear of a great-grandparent, the great-grandparent would die. In addition, some believed that the great-grandchild was the reincarnation of the great-grandparent.[7]

Other influences on the family came from the different religions. Some tribes believed in supreme being or the 'Great Ancestor' who existed from the beginning and was the author of life. This god was omnipotent and all powerful, but not immanent.[8] Other tribes worshipped gods of nature, such as sun, moon, and sky gods. No matter what particular gods a tribe worshipped, a common theme existed. This was that these gods rewarded the good and punished the bad. To keep the gods happy, one had to do certain rituals, ranging from prayers and dancing to human sacrifice.[9] This influenced the family because it was the disobedient or bad children that the tribe sacrificed.

One other important influence of religion on slavery and slave families was the belief that a master owned the body of a slave, but not the soul.[10] This encouraged owners to teach their slaves to read and write so that they could study religion and other topics to improve themselves.

Slave traders discovered that it was very profitable to bring blacks from Africa to the United States to sell them. The trip by ship from Africa to this country had a great impact on the Negro family. A slave often watched family members die from diseases or abuse on board the ship. Many who could not stand the conditions committed suicide by jumping overboard. The Negroes struggled to survive the trip, not knowing they would be separated from their families once they reached the United States.

A ready market waited for the slaves in the United States. Most first-generation slaves ended up as field workers. Some, and later the children, became nurses, cooks, maids, butlers, and other skilled workers. Unlike slavery in Africa, the slave did not become incorporated into the family of his master. People with small numbers of slaves might treat their slaves as part of the family, but they did not become family. The dividing line of color was always visible.

A slave's position depended upon the position of his master. Those slaves on a large plantation had a reasonable chance of bettering their position. In the fields, a slave could work his way up to head driver of a gang of workers, but no higher. A house slave could rise only to being the personal slave of a family member. If the master was generous, a slave might hope his master would one day free him, but there was little room for a freedman to rise in this country's society. Most freedmen led worse lives than the slaves.

House slaves and slaves on small farms received better treatment than those on large plantations. Slaves on large plantations were generally on the level of poor whites. Masters bought slaves to make a profit, so they got as much work out of them as possible, while giving them as little as possible in return.[11]

Housing for the slave families was poor, to say the least. Each family had one room for themselves, equipped with only a fireplace.[12] Food for the slaves was of the poorest quality. Masters usually allowed only a peck of corn meal a week, of which about fifteen percent was inedible.[13]

Slaves did not have much in the way of clothing. On a plantation, masters usually allowed two suits of clothing a year: a shirt and pants (or skirt) for summer, and a shirt, pants (or skirt), shoes, and a jacket for winter. Masters allowed only shirts for small children.[14]

Even though a master provided his slaves with only the bare necessities, he fully expected his slaves to work hard. Slaves had to work from as soon as it was light enough to see until it was too dark to see.[15] During harvesting time, the slaves worked far into the night with the aid of pine torches. All the while a white overseer stayed with them to make sure they worked. The overseer's salary depended upon how much the slaves produced, so he drove them as hard as possible to increase his salary.[16] Once the work for the master was done, the women still had the family's washing and cleaning to do.

Not all the negroes submitted to slavery. Some feigned illness, while others resorted to self-mutilation or suicide.[17] Suicide was most common among first-generation slaves. Large numbers tried to run away. Escape was not as simple as it was in Africa. In the United States, no matter where he went, a slave was easily distinguished by his color. If a slave managed to escape, anyone who captured him could easily sell him back into slavery, usually further from his family than before.

The treatment of the slaves made them desire to have a strong family unit. The majority of slave women usually gave birth to at least one child out of wedlock, but this did not prevent later marriage. Slave marriages usually lasted until death or a forced separation. The two parent family structure was a strong pattern in slave family life, when possible.[18] A slave did not have much, so he clung to his family, but just because a master allowed his slaves to marry did not mean they would always be together. A good example of this was in a North Carolina ruling in 1858 that said:

"The relation between slaves is essentially different from that of man and wife joined in lawful wedlock. With the slaves it may be dissolved at the pleasure of either party, or by the caprice or necessity of the owners."[19]

The slave codes did not in general recognise the sacrament of marriage for the negro, since such a recognition would have undermined the property rights of the master.[20] The ease of the separation of families, the tenuous nature of their marriage, and the prevalence of interbreeding worked to destroy the traditional basis of the family unit. Since the children belonged to the master and their value exceeded the cost of raising them, masters encouraged their female slaves to have children. Many masters promised fertile women their freedom after they gave birth to ten or twelve children.[21] A fertile woman was an economic asset to the master since each child she had added between one and two hundred dollars to her value.[22]

Religion played an important part in the life of the slave and his family. Masters worked hard and converted most of the slaves to Christianity. Slaves clung to their religion in the hope of an afterlife where they could rest and be with their families in peace. Most slaves soon tired of the modified religion taught by their masters and slipped away and held their own meetings. By doing this, they risked terrible punishment if they were caught. If they had a Bible, they were in trouble for reading in addition to holding secret meetings. Many slaves risked both, because religion was so important to them that they did not pay much attention to the risks involved.[23]

In summary, the slave trade had tremendous effects on the black family. American slavery was much harder than African. Traders took the slaves from their families, culture, and traditional religions and beliefs. Many slaves watched members of their families die on the ships or during the seasoning process. If they survived to reach the United States, they then saw their families sold away from them. The slaves might later re-establish families, but masters often sold these families apart again. The basic family unit changed a great deal. It went from a strong tribal influence to weak individual families. The slave trade forced them to function as a self-sufficient family unit rather than as a tribe.

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[3] Ibid., p. 15.

[4] Ibid., p. 39.

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[6] Ibid., p. 53.

[7] Radcliffe Brown and Daryll Forde, *African Systems of Kinship and Marriage*, (London, Oxford University Press, 1950), p. 21.

[8] Geoffrey Rarrinder, *African Traditional Religion*, (Connecticut, Greenwood Press, 1970), p. 31.

[9] Newell S. Booth, Jr., *African Religions: A Symposium*, (New York, NOK Publishers Limited, 1977), p. 3.

[10] Ibid., p. 4.

[11] Theodore D. Weld, *Slavery and the Internal Slave Trade in the United States*, (New York, Arno Press and The New York Times, 1969), p. 76.

[12] John White and Ralph Willett, *Slavery in the American South*, (Great Britain, Western Printing Services, Limited, 1970), p. 107.

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[15] Ibid., p. 77.

[16] Tony Gilmore, *The Slave Community*, (Connecticut, Greenwood Press, 1978), p. 63.

[17] White and Willett, p. 36.

[18] Herbert G. Gutman, *The Black Family in Slavery and Freedom, 1750-1925*, (New York, Pantheon Books, 1976), p. 115.

[19] White and Willett, p. 104.

[20] Ibid., p. 18.

[21] Frederic Bancroft, *Slave Trading in the Old South*, (New York, Frederick Unger Publishing Company, 1959), p. 68.

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[23] Albert J. Raboteau, *Slave Religion*, (New York, Oxford University Press, 1978), p. 213.●

INTRODUCING THE SECONDARY SCHOOLS BASIC SKILLS ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. WILLIAMS of Montana. Mr. Speaker, today, along with several dozen of my colleagues, I am introducing the Secondary Schools Basic Skills Act.

This act provides assistance to secondary schools which have large numbers of economically disadvantaged students; its purpose is to help local schools provide our youngsters with the quality basic skills instruction they need to meet the very real challenges of the future.

During the past year Americans have been exposed to a series of reports describing education's successes and problems. Americans, as seldom before, are focusing their attention on the schools.

In large measure, the center of this concern is the secondary school. It is those schools, junior high and high schools, that are experiencing difficulty.

In contrast to the problems facing these secondary schools, the Nation's elementary schools are enjoying some real successes, especially in schools that receive chapter 1 funds. Department of Education analyses and data cite chapter I as a very successful education effort. However, the large majority of chapter 1 funds go to provide services to children in preschool and lower elementary grades.

The higher grades receive very little extra instructional support and in grades 7 through 12, the percentages of participants in chapter 1 activities are 8, 6, 5, 3, 2, and 1 respectively. In other words, very few of our students attending secondary schools receive any supplemental instructional services.

The data provided us by the National Assessment of Education Process attests to the results: achievement of high school students has fallen steadily since the early 1970's. In contrast, where chapter 1 moneys are concentrated, in the lower grades, student achievement has shown impressive gains over time.

Our bill would provide local secondary schools with funds to improve their basic skills instruction. The funds would be on a competitive basis. According to estimates, to fully meet the current needs of all secondary schools would require nearly $2 billion. In this difficult economy, it is not reasonable to expect that appropriation. However, we surely ought to invest one-half of the necessary amount. We have asked for only $800 million in our bill. It is not enough, obviously, but it will make a good beginning. If it shows as much promise as chapter 1 has at the elementary grades, the Congress can reconsider the funding level.

After the first 2 years, funding would only be continued on the basis of a secondary school's showing evidence of progress in raising students' basic skills achievement. This is an important and needed quality control feature of this legislation.

An educated citizenry is our strength. We must act to insure that America's strength is sufficent. I hope all of my colleagues will join with me and our other sponsors in helping to pass this bill.

The language of the bill follows:

H.R. 5749

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Secondary School Basic Skills Act".

STATEMENT OF PURPOSE

Sec. 2. It is the purpose of this Act to furnish financial assistance to local educational agencies having especially high concentrations of children from low-income families to enable such agencies to provide more effective instruction in basic skills for economically disadvantaged secondary school students.

DEFINITIONS

Sec. 3. As used in this Act—

(1) the term "basic skills" includes reading, writing, mathematics computational proficiency as well as comprehension and reasoning;

(2) the term "economically disadvantaged secondary school students" means students, aged twelve to seventeen, inclusive, who are counted under section III(c) of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(5) the term "Panel" means the National Secondary School Basic Skills Panel of the National Institute of Education of the Department of Education established under section 12;

(6) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(7) the term "Secretary" means the Secretary of Education; and

(8) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

AUTHORIZATION OF APPROPRIATIONS

Sec. 4. There are authorized to be appropriated to carry out the provisions of this Act—

(1) $900,000,000 for the fiscal year 1985 of which—

(A) $1,000,000 shall be available for the activities of the Panel under section 10;

(B) $3,000,000 shall be available for the technical assistance and national evaluation under section 11 (a) and (c); and

(C) the remainder shall be available for grants under section 7;

(2) $900,000,000 for the fiscal year 1986 of which—

(A) $1,000,000 shall be available for activities of the Panel under section 10;

(B) $3,000,000 shall be available for the technical assistance and the national evaluation under section 11 (a) and (c); and

(C) the remainder shall be available for demonstration grants under section 7;

(3) $900,000,000 for the fiscal year 1987 of which—

(A) $4,000,000 shall be available for the provision of technical assistance and national evaluation under section 11 (a) and (c);

(B) $6,000,000 shall be available for the dissemination activities described in section 11(b); and

(C) the remainder shall be available for program grants pursuant to section 7; and

(4) $900,000,000 for each of the fiscal years 1988, 1989, and 1990 of which—

(A) $4,000,000 shall be available for provision of technical assistance and for the national evaluation to be conducted under section 10 (a) and (c); and

(B) $6,000,000 shall be available for dissemination activities described in section 10(b); and

(C) the remainder shall be available for program grants under section 7.

ELIGIBILITY

Sec. 5. A secondary school is eligible to receive assistance under this Act for program grants only if 20 per centum or more children aged twelve to seventeen, inclusive, who are enrolled in such school and are counted under section 111(c) of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981.

USES OF FUNDS

Sec. 6. Funds made available under this Act for program grants shall be used for the development of new approaches to, and for carrying out educational services and activities designed specifically to raise the basic skills of low achieving students attending eligible secondary schools.

PROGRAM GRANTS

Sec. 7. (a)(1) From the amounts appropriated for program grants pursuant to section 4 for fiscal years 1985 through 1990, the Secretary is authorized, in accordance with the provisions of this section, to make grants to enable eligible secondary schools to develop, implement, and carry out new approaches to achieving improved basic skills instruction of low-achieving students attending eligible secondary schools.

(2) The Secretary shall carry out the functions of this section through the National Institute of Education and shall utilize the National Secondary School Basic Skills Panel described in section 10.

(b) No grant may be made under this section unless—

(1) an application is submitted at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary;

(2) the application is made—

(A) by the local educational agency on behalf of an eligible secondary school, or

(B) by an institution of higher education acting in concert with the local education agency or, where clearly appropriate, a public agency or private nonprofit organization acting in concert with the local education agency, on behalf of an eligible secondary school if the institution, agency, or organization will provide educational services or will conduct educational activities for students enrolled in eligible secondary schools subject to the proposal for which the assistance is sought;

(3) the application contains assurances that the applicant will participate in the national evaluation required by section 11(a);

(4) the proposal described in the application was prepared with the participation of administrators, teachers, and parents in the eligible secondary school; and

(5) the application was submitted to the appropriate State educational agency for review and comment prior to submittal to the Secretary under this subsection.

(c) In approving applications under this section the Secretary shall assure that—

(1) eligible applicants represent various geographic regions of the country, including both rural and urban secondary schools within these various geographic regions; and

(2) at least one program grant is made in each State in each fiscal year, unless no applications are received from a State.

ASSURANCES

Sec. 8. Each local educational agency which desires to receive program grants under this Act shall file with the Secretary an application containing assurances that—

(1) the local educational agency will be designated as the agency responsible for the administration and supervision of programs assisted under this Act; and

(2) the local educational agency will use program grants made under this Act—

(A) so as to supplement the level of funds that would, in the absence of such grants, be made available from non-Federal sources for the purposes of the program for which assistance is sought; and

(B) in no case to supplant such funds from non-Federal sources.

APPLICATIONS

Sec. 9. (a) Each local educational agency and each institution of higher education, public agency, and private nonprofit organization applying on behalf of an eligible secondary school may receive payments for any fiscal year in which it files with the State educational agency an application. Each such application shall—

(1) describe the eligible secondary school and the program to be conducted at the eligible secondary school for carrying out the purposes of section 6;

(2) provide assurances that the program for which assistance is sought is of sufficient size, scope, and quality as to give reasonable promise of substantial progress toward improving the basic skills of low-achieving students in eligible secondary schools;

(3) provide assurances that the program for which assistance is sought was designed and will be implemented in consultation with parents, teachers, and administrators of low-achieving students in eligible secondary schools;

(4) describe, in the case of a local educational agency, the procedures which the local educational agency will follow with respect to subcontracting to any private nonprofit organization, any program or activity to be conducted in an eligible secondary school for low-achieving secondary school students if the agency determines that the alternative education program to be offered by such organization will best serve the interests of such students;

(5) provide assurances that the agency will cooperate with Federal efforts to evaluate the effectiveness of the programs assisted under this Act; and

(6) provide such assurances as the State educational agency may require.

(b) An application filed under subsection (a) of this section may be amended annually as may be necessary to reflect changes without filing a new application.

NATIONAL SECONDARY SCHOOL BASIC SKILLS PANEL

Sec. 10. (a) There is established in the National Institute of Education of the Department of Education a National Secondary School Basic Skills Panel of fourteen members appointed by the Secretary. The Panel shall be composed of—

(1) at least two secondary school teachers,

(2) two individuals who serve as principals, guidance counselors, and similar personnel in secondary schools,

(3) one individual representative of the National Diffusion Network, and

(4) the remaining members shall be representative of educational researchers who have established reputations in the area of basic skills education at the secondary school level.

(b) The Panel shall meet as soon as practicable after the appointment by the Secretary.

(c) The Panel shall—

(1) identify specific models throughout the United States which show promise of being effective in teaching basic skills to low-achieving secondary school students

and identify the individuals associated with the successful models identified under this clause;

(2) after reviewing the recommendations from peer review panels called together by the National Institute of Education for the purpose of reviewing applications and proposals for program grants described under section 7, advise the Secretary with respect to—

(A) the feasibility of the proposal;

(B) the promise for effectiveness in raising achievement levels of students lacking basic skills;

(C) the level of concentration of economically disadvantaged secondary school students;

(D) support from teachers, administrators, and parents; and

(E) the cost effectiveness of the proposal.

(d) The provisions of part D of the General Education Provisions Act, relating to secretarial advisory councils, shall apply to the Panel authorized by this section.

ADMINISTRATION

SEC. 11. (a) The Secretary shall, through the National Institute of Education, annually conduct a national evaluation of the effectiveness and the implementation of the grants made under section 7.

(b) The Secretary shall submit to the Congress and dissiminate to State and local educational agencies, State legislatures, and Governors the results of the assessment made under subsection (a) of this section.

(c) The Secretary, through the National Institute of Education, shall monitor grants made under this Act and shall carry out procedures for the coordination of activities assisted under this Act with other research activities conducted by the National Institute of Education and through the Office of Educational Research and Improvement in the Department.

(d) The National Institute of Education, once program grants are awarded, is authorized to provide eligible recipients with technical assistance, including assistance designed to facility program evaluation, to ensure the successful implementation and carrying out of the proposed program of basic skills instruction.

(e) The Secretary shall not disapprove the application filed by the local education agency without affording notice and opportunity for a hearing.

PAYMENTS; RESTRICTIONS

SEC. 12. (a) The Secretary shall make payments as expeditiously as possible after the approval of applications under section 7.

(b)(1) No grant may be made with respect to any eligible secondary school for more than two fiscal years to any local educational agency or to any institution of higher education, public agency, or private nonprofit organization unless there is an improved performance of the targeted secondary school students at the school on a State approved basic skills test or there is a decrease in the drop out rate at such a school.

(2) The Secretary shall prescribe regulations to carry out the provisions of paragraph (1) of this subsection.●

VIETNAM VETERANS HONORED

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FEIGHAN. Mr. Speaker, this Memorial Day weekend in Washington has been one of emotion and of consequence. We have made common witness to the selfless valor of men and women who have made the supreme sacrifice for their country and its causes. Moreover, this Memorial Day will be remembered for another reason. An Unknown Soldier, known but to God, killed during the war in Vietnam, was laid to rest in the Tomb of the Unknowns in Arlington National Cemetery. All who witnessed the events, either in person or on television, are aware that the occasion was filled with subdued ceremony and dignity.

It has been 11 years since the last American combat troops left Southeast Asia. Over 2,400 of our men are still listed as unknown or missing in action. One of them now represents the others in the Nation's oldest military cemetery and in our hearts.

On Friday, amid all the solemn dignity of a military and state service, the Vietnam Unknown Soldier was brought to lay in state in the rotunda of the U.S. Capitol. Beneath the majestic dome that represents the survival and the freedom of this Republic, his fellow Americans came to pay him tribute for his sacrifice.

There, on the catafalque that has borne the bodies of Lincoln, Kennedy, Pershing, MacArthur, and others who have lived and died with dedication to liberty, the remains of the Vietnam Unknown lay until Memorial Day. Above him, in the fresco on the canopy of the dome, the painted banner in Burmidi's "Apotheosis of Washington," took on new meaning: "E Pluribus Unum—Out of many, one."

Many were surprised by the outpouring of people so long after the conflagration of Vietnam has passed. But even late into the nights, the doors of this building remained open and the American people came to honor the many who fought and died so far from our shores.

On Friday night, at 12:30 a.m., several hundred people could be found, standing six deep behind the honor guard. Among them were a U.S. Senator and staff who work in this building. But more importantly, one could see faces of ordinary Americans—teachers, business people, shopowners, students, laborers, farmers—who had taken time to insure that the Vietnam Unknown Soldier was welcomed home by more than just the honor guard—even in the early hours of the morning.

One could also see many Vietnam veterans, many standing still, echoing the rigid tribute of the honor guard for their fallen comrade.

As this Memorial Day has passed, it is those other unknowns, the Vietnam veterans, to whom we must address our attention; 1 million suffer from the lasting effects of posttraumatic stress disorder (PTSD), a debilitating personality disorder that can lead to drug and alcohol abuse, divorce, and crime. Only 10 VA hospitals are prepared to treat PTSD sufferers on an in-patient basis. Thousands of other veterans face years of illness and fear as a result of contact with agent orange. Many more face problems of unemployment and lack of work skills.

Each of these concerns of the Vietnam veteran should be our concern as well. We must tackle the difficult questions of funding for PTSD treatment, for agent orange restitution and treatment for its effects, and for adequate employment programs for veterans.

For too long, too many veterans of the Vietnam war have suffered from our Nation's inability to meet its national responsibility. These problems have to be addressed. Congress and the American people cannot allow another 11 years to pass before we meet that responsibility. The time has come for us to act for our veterans as they acted for us in time of war. We must, in Lincoln's words, "care for him who shall have borne the battle." As we honor Vietnam's Unknown Soldier, let us never forget the many Vietnam veterans who still bear the scars and anxiety of battle.●

SENATOR YARBOROUGH SPEAKS ON HIGHER EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FORD of Michigan. Mr. Speaker, our distinguished former colleague, Senator Ralph W. Yarborough of Texas, recently delivered a major address at Rice University, Houston, TX, entitled "The Congress, the President, and the Federal Role in Higher Education."

He traces the development of the American higher education system from Colonial days through the enactment of the Morrill Land Grant College Act in 1862, to the National Defense Education Act of 1958, and to the enactment of current laws dealing with higher education and student assistance in the 1960's and 1970's.

As a member, and later as chairman of the Senate Labor and Public Welfare Committee, Senator Yarborough was a leading Senate sponsor of every major educational measure enacted into law for well over a decade. It was the most productive period in our history for governmental support of our Nation's priceless resource—the education and development of our children and young people.

It was my pleasure to have cosponsored many of these landmark educational measures with Senator Yarborough after my arrival in Congress in 1965. His outstanding record of public service in the field of education, as well as in other endeavors, is a model for all of us serving here.

Mr. Speaker, I include the text of former Senator Yarborough's address:

THE CONGRESS, THE PRESIDENT, AND THE FEDERAL ROLE IN HIGHER EDUCATION

Mr. Chairman, distinguished guests and faculty, fellow students: In the Colonial Era, education was largely by individual families, or by religious institutions, or township schools in the case of New England, and most of that was at the elementary level. Most colleges, though not all, many called seminaries, taught at about modern high school level. Harvard was the first university, founded in 1636 by the Massachusetts General Court, the Legislature, which continued to furnish support by State appropriations until 1823. William and Mary in Virginia was chartered in 1693 by the King and Queen of England, while Yale College was chartered in 1702 by the General Court of Connecticut. Though Yale was begun with private and religious financing, the State General Court, the Legislature, voted 500 pounds in 1716 to build the first college building.

Princeton was founded in 1746, as The College of New Jersey at Princeton, while the government supported university was founded as Queen's College at Rutgers in 1766—later changed to Rutgers—now the State University. The present University of Pennsylvania was opened in 1751 as an academy largely through the efforts of Benjamin Franklin, while Kings College, now Columbia University in New York received a grant directly from King George II in 1754. St. John's at Annapolis, Maryland, was chartered in 1696, and on and on, until, at the outbreak of the American Revolution there were more universities in the thinly populated American colonies than in all of England.

Today, it is often thought that Harvard, Princeton and Yale are at the peak of University standing partly because they are privately endowed and not subject to the whims or greed for power of either Church or State. If this be true, it results from a change by a state of educational evolution, because Harvard was formed primarily to train ministers for the Congregational faith, while Princeton was erected to train ministers for the "New Presbyterianism", and state appropriations for Harvard were only discontinued nearly 200 years after its charter. That present Triumvirate of Great Private Universities grew into their present state over centuries of time, they were not originally founded as true non-sectarian, privately endowed universities, free from domination of either Church or State, as Rice and Stanford Universities were.

Though Harvard was the first American University, it was not the only or the greatest American educational achievement of the early colonists. By 1647 it was estimated that the population of Massachusetts was only 21,000, but by that year 135 graduates of Cambridge, Oxford and Dublin had immigrated to New England, estimated to be the highest proportion of university graduates to population of any jurisdiction in the world. Those colonists were impoverished in goods, and housing, even clothing and food. The great sea trade, manufacturing, and advancement of Boston as a commercial center was yet to come, but in their poverty a spark of political genius caught fire, a great ideal was born, and in 1647 the School Law of Massachusetts was passed providing for a free public school in every town "that learning may not be buried in the graves of our fathers in the Church and Commonwealth". This law creating a system of free public education for every child in the Commonwealth was the first such enlightened act in the whole history of mankind.

With all of my praise of Massachusetts' educational leadership, I would not have you think I give Massachusetts perfection among the colonies, because Church and State and education were riveted together, creating the most religiously bigoted colony in America, hanging many women for witchcraft, and Anne Hutchinson in 1643 because she was a Quaker, and cutting off ears and noses of others for being Quakers. Massachusetts gives cause for self-analysis today in our modern society because its universal free public education existed hand in hand with a Khomeini style religious bigotry.

But Massachusetts' place in history is secure as the first government in the world to decree universal public free schools. Unfortunately, religious freedom did not accompany that educational advance, because the Congregational Church and the government of Massachusetts were bound together with cords stronger than steel.

Horace Mann wrote two centuries later in 1846: "It is impossible for us adequately to conceive the boldness of the measure which aimed at universal education through the establishment of free schools. It had no precedent in the world's history—two centuries of successful operation now proclaim it to be as wise as it was courageous; every community in the civilized world awards it the meed of praise".

At the time of the Revolution, such public schools, free to all, were still a New England innovation; the Middle Atlantic States educated their youth mainly in small schools run by the Churches, and the South generally had no system of universal public free school education until after the Civil War. Some colonies had little legislation on the subject. The American Revolution was not fought because of educational issues. Massachusetts had set an example, the example was known throughout the colonies, but most of the richer colonies did better with founding universities than they did with founding universal school systems.

Neither the Declaration of Independence, the Articles of Confederation of the American States of 1778, the Constitution of 1787, nor the Bill of Rights of 1789, mention education of any type or form. But the ideal was there, and it was growing. With Independence declared, the State governments of the Colonies fell apart, they were no longer governed by a Royal Governor and his appointed Council. To fill this void, the Continental Congress sent an appeal to all the Colonies to organize their own State governments and write their own Constitutions under which they should operate. Most states did so promptly, nine within two years.

North Carolina was one of the first States to write its own Constitution, under the recommendation of the Continental Congress, adopted by the Congress of North Carolina December 18, 1776, the most governmentally advanced of all American Constitutions up to that time. It provided for absolute freedom of religious worship (Church and State were tied together in ten of the colonies). Likewise, it was the first to constitutionally mandate education, though not free education, its educational Section reading as follows:

"That a school or schools shall be established by the Legislature for the convenient instruction of youth, with such salaries by the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged, and promoted in one or more universities."

Following that mandate, North Carolina mandated the first free State University in America in 1789.

The Massachusetts Constitution of 1780, in the midst of the Revolution, also addressed the subject of education in its Constitution, and included Harvard in special clauses, guaranteeing Harvard College all their rights and privileges, and included a landmark Section of education, as follows:

"Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislators and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns . . . to countenance and inculcate the general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people."

Great as that Massachusetts Constitution was, with its free public schools and its Bill of Rights, it welded its government and the Congregational Church tighter together.

A British historian, writing of the American Revolution, said that it was only a Rebellian against British rule, not a true Revolution for change. But the Revolution became a true Revolution for change, though by slower and peaceable means at first, not by violence and blood-shed over these changes. And so it was not not only with education, but also separation of Church and State, trial by jury, writ of habeas corpus, an independent judiciary, freedom of speech and of the press, and other reforms in the direction of personal liberty and the rights of individuals.

Jefferson had a profound faith in Democracy; he believed people to be virtuous; but if unenlightened, incapable of self-government—that they must be both virtuous and enlightened for Democracy to succeed and he believed that education would provide the enlightenment. In his "Notes on Virginia" in 1982, Jefferson laid out his grand plan for education, first the local schools (our elementary schools), then the grammar schools (our high schools), then to the university, the third and last stage. The ideas of Jefferson, the Author of the Declaration of Independence, were read all over the States.

Nor was Jefferson alone in building this ideal between the end of the War, and the adoption of the Constitution of 1787. Dr.

Benjamin Rush of Philadelphia, the most distinguished and influential American surgeon, Signer of the Declaration of Independence, Surgeon-General of the Revolutionary Army, had studied in Edinburg and London, was as familiar with schools in Europe as Jefferson, was a humanitarian reformer and educator. During the same period in which Thomas Jefferson was calling for education to sustain the people's role as a real force in government. Benjamin Rush was doing the same. His influence was great—Philadelphia was the second largest English speaking city in the world, second only to London, in those Revolutionary days. In his influential call in 1786 for a system of free schools in every township in Pennsylvania, he advocated a uniform system saying: "By this plan the whole state will be held together by one system of education." Education for Democracy was on the march in America during and after the Revolution. It was moving faster after Cornwallis was defeated, and Americans knew their war was won. The Americans were very much concerned that the Freedoms and Self-Government that they had won be preserved, and their wisest and best were telling them that education was the surest safeguard of those hard fought treasures. Liberty, Freedom, and Self-Government would be preserved only by education.

Though our three great Constitutional documents were silent on the topic of education, a national direction was moving in other directions. Thomas Jefferson in writing proposed Articles for the government of the Northwest Territory in 1784 (the 5 present states of Ohio, Indiana, Illinois, Michigan, and Wisconsin), introduced education into these proposals. His proposals were largely written into law by the Continental Congress in 1785 when it provided for the surveying of the Northwest Territories by townships of 36 square miles, with one of each 36 square miles set aside "'for the maintenance of public schools within the said township."

The Continental Congress followed with the Northwest Ordinance of 1787 for governing the five states, carrying Jefferson's ideas of complete religious liberty, prohibiting slavery, and providing that: "Religion, morality, and knowledge being necessary for good government and the hope of mankind, schools and the means of education shall forever be encouraged."

George Washington was sworn in as the first President in April of 1789; and though the Constitution was silent on the subject of education, in his first State of the Union address in January, 1790, George Washington said:

"Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every county the surest basis of public happiness. . . . To the security of a free Constitution—whether this desirable object will be best promoted by affording aid to seminaries of learning already established, by the institution of a National University, or by any other expedients will be well worthy of a place in your deliberacy."

However, Washington's recommendation about education was never carried out, because the Bill of Rights became a part of the Constitution on December 15th, 1791, and Article X of the Bill of Rights provided:

"ARTICLE X

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This Article was treated as reserving general legislative authority to the States, and prohibiting the Federal government from dealing therewith.

This ended United States aid to education in the states for seventy-one years. In 1859, Congress passed the Morrill Land Grant College Act, primarily to stimulate education in agriculture and the mechanical arts, but it was vetoed by President Buchanan on Constitutional grounds. Repassed by the Congress in 1862, it was signed by Abraham Lincoln, the first major National Educational Act by the Congress under the Constitution. It granted land to establish these land-grant colleges, to stress the need for education in agricultural and mechanical arts and sciences. Texas A & M opened it doors in 1871, with the aid of this Congressional Act, and became the first tax-supported institution of higher learning in Texas to open it doors to students.

In vetoing the Land Grant College Act of 1859, President Buchanan used some of the same arguments that President Reagan uses in his drastic cuts of educational funds today: "This bill has been passed at a period when we can with great difficulty raise sufficient revenue to sustain the expenses of the government—should it become law—etc., etc."

Thereafter, virtually until World War I, education remained largely the province of the States, except for the Land Grant College Act of 1862, with its later amendments, and an Act in 1867 creating a Department of Education, changed to the U.S. Office of Education in 1929.

Passage of the Smith-Hughes Act came in 1917, in World War I, set up to promote the first Federal Grants-in-Aid program to promote vocational education in public schools below college level.

There were additional emergency programs in the Great Depression of the 1930's, to build school buildings, to create jobs, and the Federal Emergency Relief Administration made grants to develop adult education and nursery schools, all part of the effort to alleviate the suffering from the Depression.

These were but small droplets in a sea of educational advance in the intervening century and a half in the States since the adoption of the Tenth Amendment. Most of these Federal actions were congressionally innovated, inspired and passed. They were expanded by the Lanham Act of 1940, authorizing Federal Aid for many facilities, including schools, due to population shifts as World War II loomed. And it grew into impacted aid to school districts with population swollen by increased military personnel and defense workers. The largest of the World War II measures was the GI Bill of World War II (1944) with its educational benefits unlimited in scope by the Federal government, under which more than eight (8) million veterans went to college.

In all of these educational actions for the general public since the Tenth Amendment in 1791, the Executive and Legislative Departments of the Federal Government seem not to have grasped the full meaning of the Civil War, with the Constitutional Revolution that followed it, with its vast transfer of authority from State to Federal Government, dramatized and speeded up by the Fourteenth Amendment, which changed the relationship of the citizen to the Federal Government, and extended the power of the Federal Government and its guarantees to the individual citizen, extending the rights guaranteed to U.S. Citizens by the Bill Rights insofar as the U.S. Government was concerned, to actions by State Legislatures as well. The Executive and Legislative Departments seemed to feel that it took a War or a Depression to use such power, in order to aid education

But recognition of a new concern by the Federal Government for the education of the people of the United States followed World War II, with the School Lunch Program of 1946, the School Milk Program of 1954, and the two Impacted Aid Laws of 1950. The Congress was generally out in front of the President in this expanded school aid, but even the Congress was timid in its extensions of aid to education. Even the progressive President John F. Kennedy, in 1961, recommended a phasing out of impacted aid to school districts. I was one of the Senators who said No, and we extended it.

In 1950, Congress passed a Housing Act provision funding 50 year low interest loans for dormitories at public and private colleges, and in 1950 created the National Science Foundation.

Near this point in time in this brief outline of legislative history of Federal Aid to Education, I was elected to the United States Senate in April 1957. It gave me an opportunity to engage in work for education which had long been a major interest in my life. At the expense of boring you, I will give a brief outline of my work in this field.

At the age of seventeen, I taught a one teacher rural school in Henderson County, of about thirty pupils whose ages ranged from six to twenty-five years in grades from the primer through the eighth grade. In all, I taught three years in the rural schools of Henderson County, briefly in the University of Texas Law School and, in three years and nine months that I served as Assistant Attorney General under James V. Allred, I was in charge of representing the legal educational interests of the state. At that time, no state institution of higher learning had its own attorney, not even the University of Texas, and occasionally I met with the Regents of the University of Texas when some legal problem was being considered by them.

At that time, Texas rated about thirty-eighth among the States in the Union in the standing of its school system, by the National Educational Association.

In growing up in a small rural town in East Texas, of about five hundred people situated on the railroad, we had seven months schooling per year. Prior to World War I, rural schools about three miles removed from the railroad there had some three to four months schooling a year, while those upon the railroad, as my hometown was, could tax the railroad and had a six or seven months school term. One was almost forced to go to a county seat town in East Texas to find a school with adequate resources for a nine months school year. As a consequence, all those schools with shorter terms were not accredited and students from them had difficulties obtaining college admittance without some sort of dispensation being granted. I became acutely aware of these and many other educational deficiencies in the three years and nine months I was an Assistant Attorney General of Texas, and was a candidate once for Attorney General and three times for Governor of Texas on a major platform of strengthening and improving the educational system of Texas. During this interim, I had served for four years on the Texas State Board of

Legal Examiners and four years as counsel for the Texas State Teachers' Association, in each of which positions I obtained further knowledge of the educational needs of Texas.

When elected to the U.S. Senate in April of 1957, it was with considerable regret that I left Texas, because I feared that the opportunity to be of assistance to the schools of Texas might be lost. On the contrary, it furnished me the opportunity of my life. In the fall of that year, the Russians put Sputnik I in orbit, the first satellite from Earth in space to orbit the planet, and the people of the United States became greatly concerned with educational shortages. On March 28th, 1956, the Joint Atomic Committee reported that the atomic energy program was "in serious danger of lagging unless something drastic was done immediately to expand the education of engineers and scientists." The Committee reported that the United States was wasting 80% of its potential scientific and engineering manpower to the failure of qualified high school graduates to go on to college, and of college students to finish their education. The Presidential Committee on Education Beyond the High Schools on August 10th, 1957, recommended that the Government institute a work-study program to subsidize work projects for college students, while the President's twenty-man committee on Scientists and Engineers on November 26th, 1957, urged a step-up in U.S. scientific training to place the nation's scientists on a par with Russian scientists and technologists.

In the meantime, the great senior Senator from Wyoming, Joseph C. O'Mahoney, passed away, leaving a vacancy on the Labor and Public Welfare Committee and the Education Sub-Committee. In January of 1958, my name was submitted with others for that vacancy as a moderate, neither a radical conservative nor a radical liberal. I was placed on the committee. I had not, up to that point, discussed my aims in education.

The first big opportunity came with the National Educational Act of 1958, which opportunity came because of Russia's action in the launching of Sputnik I in October 1957, and a fear that Russia was getting ahead of us in science and engineering.

Once on the Labor and Public Welfare Committee, I sought and obtained an appointment to the Education Sub-Committee. Of course, the senior Senators' names were on the National Education Act ahead of me, but we circularized the Senate, hoping to get thirty or forty or fifty sponsors, as that would pave the way for its passage. Only ten Senators out of the then ninety-six would co-sponsor the National Educational Act of 1958, with its seven major titles authorizing:

I. Grants (changed to loans by vote of the Senate) to college and university students, to enable needy students to continue their education, preference being given to superior students intending to teach and those with abilities in science, mathematics, engineering or modern foreign languages.

II. Providing matching grants to the states for public schools, and continue loans to private schools, for the purchase of equipment used in teaching science, mathematics, and foreign languages.

III. Authorizing 5,500 three-year graduate fellowships with preference to those interested in college teaching.

IV. Authorizing $15 millions a year for four fiscal years to state educational agencies to assist them in establishing and maintaining programs of testing and guidance and counseling in secondary schools.

V. Authorizing millions a year for colleges to establish advanced institutes for teaching modern foreign languages and to train public school teachers to teach and some aid to students taking advanced foreign language training for the same purpose.

VI. Grants to conduct research into modern teaching aids, such as television and radio and motion pictures. (This type of grant was later called the Carey-Yarborough Amendment, as Congressman Carey of New York, later Governor of New York, and I were the respective House and Senate sponsors of a bill later called the Use of Electronic Aids in teaching.)

VII. Authorizing the National Science Foundation to establish a science information service to disseminate scientific information and to develop new programs for making the information available.

The provision for student loans had originally been for outright student grants recommended by President Eisenhower, that there be twenty thousand such scholarships a year for such purposes. We lost that on the floor of the Senate by about two votes, and it was changed into a loan program. Senator Lyndon Johnson, majority leader, came to me and stated that it was wholly unnecessary that the government make these student loans, that the banks were willing to lend that money to students if the Federal Government would guarantee to insure the loans as they did on housing, that you could not put the Federal Government in the business. I declined to assist in changing it, but insisted on it remaining a government loan to students. I believed that the government would be a more considerate lender than private financial institutions.

As the hearings stretched into the weeks, and months, and dragged on, Senator Lister Hill of Alabama, Chairman of the entire committee, a great supporter of the bill privately, called about five or six of us in who were doing most of the work on the bill, and said: "Now Boys, I have been around here twenty-five years. You call a bill "Education" and you can't pass anything by this Congress, but you call it "Defense" and you can just put billions in there and it will roll right through. Now, Boys, I recommend that you take your pencil and write in that title the word "Defense," and call it the National Defense Education Act, and I believe it will roll." We did so, and the bill began to roll.

The National Defense Education Act of 1958 was considered to be the first great massive Federal aid to education bill to pass and be signed into law. It was not the last educational bill. It broke the log jam: it opened the door for a flood of educational legislation which was to be passed in the ensuing ten years. That was in the first of my thirteen years on the Education Subcommittee, giving it the main effort of my Senate tenure. At the time we passed the National Defense Education Act, there were only three million students in college in America, including senior and junior colleges, graduate schools, professional schools, everything above high school level. Shortly after its passage, a number of us who had worked longest and hardest on the bill (I had attended practically every one of the months' long hearings and sat on every conference committee between the House and the Senate on education for the ensuing thirteen years), four or five of us met and discussed the situation and all were dissatisfied that only three million young Americans were having an opportunity to attend college each year. We resolved that we would double college enrollment within ten years. To do that, it was necessary that we pass a number of bills providing direct financial aid to students (which we passed) and other bills to furnish money to the colleges to build classrooms, libraries, and laboratories to accommodate the influx of students. That we did also by a multitude of bills. As the end of the ten-year period was approaching, the President of Encyclopedia Brittanica, knowing that the decennial of the passage of NDEA was approaching, suggested that we have a review session to reach some idea of what had been accomplished in those ten years. We held that session. We found that the college enrollment ten years later was more than double the 1958 figure of three million; there were eight million students in college in America in 1968. I had the satisfaction of seeing eleven million in college in this country at the time I left the Senate at the end of December, 1970. To me a college education opened more doors of opportunity for graduates than any other controllable factor in their lives.

To raise college enrollment in America from three million to eleven million in twelve years required money in the students' pockets, most of whom could not attend college without outside aid. We passed five (5) major bills during those twelve years to aid students financially:

(1) Student loans from the U.S. Government, through college loan officers, with the college putting up 10 percent of the loan.

(2) Work-study programs, with the student working part time to earn enough money to go to school part time.

(3) Guaranteed loans for students from middle income families, borrowed from private financial institutions, with payment of the loan insured by the government.

(4) Poverty grants—outright grants to students from poverty-stricken families.

(5) Cold War GI Bill—grants from V.A. for servicemen of Cold War Period—pre-Viet Nam; Viet Nam, and post Viet Nam.

In addition, Social Security Funding where supporting parent died young, support for student up to 22 years of age. National Science Foundation Grants: started at $15,000,000.00 a year in 1950, were up to $420 million a year by 1965 for students in science, mathematics and engineering and above.

Special Aid to Medical and Dental Schools—also Adult Basic Education under the Manpower Development and Training Act.

In addition, Headstart Programs under Poverty Programs, for small children, impoverished in language and money.

Many of these programs of college aid had been recommended by the Presidents Eisenhower, Kennedy or Johnson. Some of them were not, but were very vigorously opposed by the President, an example being my Cold War GI Bill, which I first introduced in 1958. It went through a hearing before the Senate Veterans Sub-Committee, of which I was Chairman, every two years, and passed the Senate three times, fought down to the wire by each of the three named Presidents, and I was not able to pass it until 1966, and then only because of Johnson's growing unpopularity because of the War in Viet Nam. From the last figures I have been able to obtain, about the mid-1970's, I have the satisfaction of knowing that 8,000,000 veterans had an education under my Cold War GI Bill; this, to me, is ample reward for all the sacrifices I had made to achieve and hold the office.

Another example is my Bilingual Educational Bill, introduced by me in January, 1967. But by this time I had acquired more expertise in passing bills, and I had it on the books in one year, with President Johnson fighting it every inch of the way. There was a memo over in the L.B.J. Library from Barefoot Sanders, White House Staffer to the President which said: "Do you think we ought to keep on fighting Yarborough on his Bilingual Education Bill, when we came out so poorly on his Cold War GI Bill?"

In another phase, we knew back in the early 1960's, that to double or triple college enrollment, we had to build classrooms for the students to attend classes in. The Congress had rejected such a bill several times in the 1950's, but by 1963, with our educational bills rolling, we passed a higher educational facilities act, with over a billion dollars the first year for grants and loans for construction or improvements of higher education academic facilities—with more billions to follow.

We bolstered all of this with Library Services Acts, for public libraries, college libraries, medical school libraries, high school libraries, and elementary school libraries.

In 1965, I was able to win a seat on the Appropriations Committee, three times previously denied by Lyndon Johnson. The White House in those years was generally talking big on education, but urging their cohorts in Congress to keep the costs down. In my vantage point being on both the authorizing committee and the Appropriations Committee to appropriate the money, I aided in holding the money up to meaningful levels, and prevented the White House from bragging about an empty bucket.

My defeat in 1970 was an unpleasant happening to me, but I left the Senate with a great deal of satisfaction, thinking of my educational laws and the appropriations to support them, and my staff's study showing that my work, including the Cold War GI Bill, had resulted in approximately fifteen million more people attending college in America than could have gone without my service in the Senate, I thought: "I've got the laws on the books, they can't get them off." . . . But I reckoned without Ronald Reagan's destroying crew. They are cutting the heart and soul out of many of the best educational bills.

All new government loans funded under the landmark National Defense Educational Act of 1958 for college education will be phased out and ended completely within two more years. More than 250,000 students attending college under Social Security allotments because of the death of the supporting parent have been terminated, and the other 360,000 have had their allowances cut 50% and will be terminated after fiscal year 1985. That's a total of 610,000 less students of the future, whose hopes for a fair opportunity in life have been destroyed by a Class B movie actor.

Although the expiration of these laws will cut off, within two years, all Social Security supported college students and all National Defense Education Act loans to college students, you do not see the Reagan crowd doing anything to reinstate them.

If Reaganomics is not speedily reversed, future generations of Americans will look back at the 1960's and 1970's as the Golden Age of American education.

About two years ago, the wreckers who were trying to undo all the great educational legislation of the Kennedy-Johnson years, claiming that it had failed, had a National Commission formed to report on it. The Commission met for months and disappointed the sponsors by reporting that the basic education measures of the Sixties as formulated by its sponsors was sound, was accomplishing the purpose intended, that the main fault was with succeeding Congresses who had tampered with it, in their efforts to change it, that the measures should be continued, with some minor clarifications and guide lines for a more efficient administration.

This finding was in effect a finding by its severest critics that the greatest programs of the 1960's, Federal aid to higher education was a success and should be continued. Those programs have strengthened this country immeasureably, and have brought many families into that circle of families whose lives have been enriched by higher education. Despite this, these federal educational programs will be cut by about 25 percent by the end of 1985.

In that decade we exercised the Federal power latent since the Fourteenth Amendment was adopted, and what the states had done for elementary and secondary education, we did for higher education. When the Review Session of the Senate Sub-Committee on Education was held in 1968, the President of Encylopedia Brittanica said that we were engaged in the greatest explosion of learning in human history, not in the schools alone, but in the libraries and homes as well, that a higher percentage of adults in America were seeking learning than ever before anywhere. When I asked him: "When did all this begin?", he said: "That is somewhat difficult to say, some might say in World War II, with eight million Americans under arms overseas," but if I, as an historian, had to pick one date over all others, I would say "With the National Defense Education Act of 1958."

We do not have to permit these great programs to perish. Most of them expire within the next two years. Today is the time to begin saving them. Write your Congressmen and Senators now that you know the score and want the educational programs extended. Keep on writing until you receive pledges of support. If they do not pledge that support, vote them out, both in the primaries and in the General Elections. Texas now has the worst boll weevil infestation in forty years; don't poison them, just retire them. Nearly all of the Texas ones are running. There are enough people in this room to turn Texas around—on many of the worst reactionary bills of 1981, Texas boll weevils in the House of Representatives furnished the margin of victory for the destroyers. If they don't repent and admit the errors of their ways, replace them. The people elected what we are seeing in Washington today. The people have the power to change it, and you here have the leadership and intelligence to do it. Let this week see your work begin.

I have quoted the statement of an informed author that the greatest explosion of learning in human history was triggered by the NDEA in 1958. I am grateful beyond the power of words to express my gratitude to the people of Texas for granting me a place in the United States Senate where I could help light the fires of that explosion.

As long as I was in the Senate, I could keep those fires of student aid stoked. I am no longer there, I have no power to do it now; but you, the people, the ultimate source of power in this nation, can save these programs if you want these young people to have the opportunities offered others in the 1960's and 1970's. There wasn't much encouragement from Texas for what I was doing for higher education while I was in the Senate. I beg you, fellow Texans, put your shoulders to the wheel—do not depend on the votes of other states to give this opportunity to our Texas youth. Thomas Jefferson, in a letter to a friend in 1819, even before Austin's colony was planted in Texas, said, "The Spanish Province of Texas will some day be the brightest star in our constellation." Let us make Texas that brightest star that Thomas Jefferson envisioned.●

THE PRESIDENT'S REAL 1985 FARM POLICY

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. TRAXLER. Mr. Speaker, those of us who care about rural America knew it, but we couldn't prove it. We knew that the President and his ax-wielding sidekick, David Stockman, were getting ready to whack our farm programs to pieces in the 1985 farm bill.

Now we have the proof. The Wall Street Journal reported on Friday, May 25, that: "Reaganites prepare plans to remove much support for farming" as they push for low prices for U.S. farm products using our ability to compete in world markets as an excuse.

I urge all of our colleagues, particularly those who care about our ability to maintain the most plentiful and dependable food supply of any nation on Earth, to read the article which I insert in the RECORD at this point:

[From the Wall Street Journal, Friday, May 25, 1984]

Reaganites prepare plans to remove much support for farming.

They will push a free-market policy in 1985 legislation, if Reagan is reelected. Budget Chief Stockman gets ready to lead the drive to cut farm aid; Agriculture Secretary Block goes along. Federal officials say a free market and low prices are needed so U.S. farmers can compete in world markets.

No decisions will be made until after the elections. But one Agriculture Department offical suggests that there may be no crop-reduction program, and accompanying payments to farmers, next year. A Senate aide predicts that Reagan, at a minimum, would veto any bill continuing current multibillion-dollar farm aid.

But the aide figures the administration would have to swallow some sweeteners, like continued aid to small farmers, to win support for a new policy.●

PLANT CLOSINGS

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. EDGAR. Mr. Speaker, in communities throughout the Nation, economic adjustment has become the overriding concern of development practitioners faced with the threat of plant closings involving hundreds, sometimes thousands of jobs. The Northeast-Midwest region of the United States has been particularly hard hit by such closings and my State, Pennsylvania, holds the dubious honor of ranking third in the Nation in 1982 in the number of workers displaced by plant closings.

And yet there seems to be so little being done in a concerted way to marshal public and private resources to stem the tide of these dislocations. This seems like an unfeeling, not to mention totally wasteful, way to treat our stock of human resource capital. These dislocated workers are experienced, skilled members of the labor force with steady work histories. They deserve better.

This is of immediate concern to me since the Westinghouse Corp. of Lester, PA, has apparently signaled that it will undertake significant layoffs. These layoffs are prompted by management's decision to manufacture, under foreign license, steam turbine generators currently produced at Lester. Over the past 10 years Westinghouse has reduced its labor force at Lester from about 6,000 to the current number, 1,200. A substantial number of these remaining employees would be affected by this most recent action.

The United Electrical, Radio & Machine Workers of America, local 107, Essington, PA, whose members would be affected by the Westinghouse action, are taking steps to stem this tide of dislocations. They have expressed their concerns to Federal, State, and local officials about the impending layoffs and their recommendations could well form the basis of efforts by other communities facing similar situations. Local 107 is to be commended for putting together such a plan of action.

I urge my colleagues to review local 107's concerns and recommendations set forth in the following letter to Delaware County officials; we could learn much from it:

United Electrical, Radio &
Machine Workers of America,
Essington, PA, May 22, 1984.

Dear Sirs: A mood of depression and despair inflicts all workers losing their jobs to a runaway plant. For many, the way the economy is today, it means jobless future.

Conglomerates such as Westinghouse should be made accountable to the people and the communities they live in. Unions alone cannot do the full job.

Communities are no less affected by plant closings and product line moving. As the counties of Delaware and Philadelphia can well attest, losses in taxes threaten the quality and quantity of public services. There is a need for legislation and political action to curb misused corporate power and we urge the people and officials of the communities to pursue getting such legislation, as the unions are doing.

Last year at Westinghouse a large product line employing many workers, the "251" model Gas Turbine was moved to Canada.

Now this year Westinghouse wants to move another large product line employing hundreds of workers and threatening the future of the Lester Plant. Where to? Japan. Planning of the movement of other product lines is going on now.

Whenever we have brought our case to the people and leaders of the communities in the past we have been met with understanding and helpful responses.

We call on the leaders and the community to support the following points:

1. Request a meeting with Westinghouse corporate leaders for an accurate appraisal of the situation at the Lester Plant and future plans regarding it.
2. Solicit suggestions from Westinghouse management as to political community or legislative action which would encourage them to continue operations at Lester.
3. Request information of the types of work considered feasible to continue employment at Lester.
4. Seek out and press for government contracts and other types of work to prolong employment at Lester.
5. Encourage and pressure utility companies in the tri-state area to purchase needed new apparatus or service existing apparatus at Lester.
6. Work to revise corporate tax structures that benefit from product movements or plant closings.
7. Support tax laws which would encourage the continued operation of the Lester Plant.
8. Censure the movement of work out of the immediate area or nation.
9. Encourage programs from all levels of government to provide unemployed residents with the necessities of life, job training and eventual employment.
10. Contact Local, County, State and Federal representatives and encourage their support for this resolution.

Executive Committee,
UE Local 107.●

"THE BIG SHOW," AN INNOVATIVE BUSINESS TOOL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FRANK. Mr. Speaker, I would like to take a moment to express my admiration for the work Robert T. Slater, of Needham, MA, has done for the construction industry in New England. Mr. Slater is president of Slater Publications, which puts out the "Big Book" every year: a definitive, 1,000-page guide and directory to the industry. This year Slater Publications will sponsor the second annual "Big Show," the Northeast Construction Expo and Conference, in Boston, June 12-14.

Mr. Slater deserves a lot of cerdit for this, Mr. Speaker. His "Big Book" saves estimators time and money when putting together construction bids; his "Big Show" brings buyers and sellers together providing a forum both for sales and for education.

The Commonwealth of Massachusetts recently issued a proclamation on the occasion of this year's "Big Show." The proclamation follows:

The Commonwealth of Massachusetts by His Excellency Michael S. Dukakis, Governor, a Proclamation, 1984

Whereas: Slater Publications, Inc., publisher of a nationally-recognized construction industry directory focusing on Massachusetts and New England firms, has chosen to sponsor and organize a regional all-construction trade show for the second year; and

Whereas: Slater Publications, Inc. has elected to present this event, The Northeast Construction Expo & Conference—The Big Show—within the State of Massachusetts at Boston's Bayside Exposition Center; and

Whereas: The Northeast Construction Expo & Conference—The Big Show—with nearly 700 exhibition spaces will be the largest regional all-construction trade show in North America; and

Whereas: The Northeast Construction Expo & Conference—The Big Show—will concurrently present over 30 educational seminars, several in cooperation with the Northeastern University Center for Continuing Education Building Technology Program, dealing with all aspects of the construction industry; and

Whereas: The Northeast Construction Expo & Conference—The Big Show—will attract over 10 thousand businessmen and women to visit the many exhibits, and to participate in the educational programs; and

Whereas: These many visitors and the representatives of the more than 450 exhibiting firms from throughout the United States and Canada will make meaningful economic contributions to the Commonwealth of Massachusetts during this event and throughout the year;

Now, therefore, I, Michael S. Dukakis, Governor of the Commonwealth of Massachusetts, do hereby proclaim June 12-14, 1984, as 1984 Northeast Construction Expo and Conference—The Big Show—Days. Given at the Executive Chamber in Boston, this tenth day of May, one thousand nine hundred and eighty-four, and of the Independence of the United States of America, the two hundred and eighth.

By His Excellency the Governor.●

THE FEDERAL GOVERNMENT TO BE A DEADBEAT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. PEASE. Mr. Speaker, the House of Representatives went through one of its periodic debt ceiling increase charades last week.

Some Members of Congress view each vote on increasing the debt ceiling as a test of fiscal conservatism. They always vote against such bills and then go home to tell their constituents how they voted to hold down Federal spending. What such Members are really voting for, in my view, is for the Federal Government to be a deadbeat with a reputation for not paying its bills.

This is the topic of my most recent weekly newspaper column. It follows:

[For the week of Wednesday, May 30, 1984]

WASHINGTON REPORT

(By Don J. Pease)

The U.S. House of Representatives went through one of its periodic debt ceiling increase charades last week.

The House first rejected a bill to increase by $30 billion the amount of money the U.S. Department of Treasury can borrow to finance the federal debt. Two days later, a virtually identical bill was passed.

Such legislation is needed because there is a statutory ceiling on federal borrowing. Until last week, it was $1,490,000,000,000. Now it is $1,520,000,000,000.

The extra $30 billion will suffice for perhaps 30 days. Then Congress will have to increase the statutory debt ceiling once more.

Some members of Congress view each vote on increasing the debt ceiling as a test of fiscal conservatism. They always vote against such bills and then go home to tell constituents how they voted to hold down federal spending.

What such members are really voting for, in my view, is for the federal government to be a deadbeat with a reputation for not paying its bills.

It's like the person who charges $2,000 worth of new clothes to a credit card and says, when the monthly statement comes in, "We've got to start economizing. I'm not going to pay this bill."

For individuals and for the federal government, the time to economize is when decisions are made to spend money—not after money is spent and the bills begin to arrive.

Thus, my "economy" votes come on congressional budget resolutions when I vote for alternatives designed to reduce federal ink in a responsible fashion. On debt ceiling increase legislation, I generally vote yes.

So long as federal deficits are tolerated from year to year, the U.S. Treasury will have to borrow more money to make up the difference between revenue and expenditures. And the statutory debt ceiling will have to be increased to accommodate the new borrowing.

Without the new borrowing authority, the U.S. Treasury would be unable to pay its bills, mail out Social Security checks, etc. For that reason, there was no doubt but that the debt ceiling increase would be approved last week. But would it be the first time, or would it take two, three or four attempts?

When the vote first came up on Tuesday, partisanship reared its ugly head. Ordinarily, a majority of Democrats support debt ceiling increases, but on Tuesday the vast majority (115 to 46) of Republican congressmen opposed President Reagan's request for the $30 billion increase in the debt limit. That angered some Democrats who then voted no in an effort to pressure at least a bare majority of Republicans to support President Reagan.

By Thursday, cooler heads had prevailed and the White House had had a chance to do a little lobbying. An additional 23 Republicans voted yes and so did an additional 38 Democrats. The bill passed 211 to 198.●

IMPACT ON WAGES BY UNDOCUMENTED IMMIGRANTS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. LEVINE of California. Mr. Speaker, with the Simpson-Mazzoli bill due for floor consideration in the near future, I would like to commend to my colleagues the following article on illegal immigrants which recently appeared in Business Week.

Many are under the false impression that the Simpson-Mazzoli bill is a jobs bill and much support is based on the misguided assumption that control of undocumented immigrants will somehow create more jobs for Americans.

However, as this article indicates, the amount of job displacement by undocumented workers is grossly overstated. In fact, immigrants, whether documented or undocumented, tend to stimulate the economy of our country and create jobs.

There is evidence to suggest that undocumented immigration negatively impacts the wages and working conditions of American workers. However, the article also points out that the extent of the impact undocumented immigrants have on American wages and working conditions is also overstated.

Morever, the way to resolve such a problem is to deal with it directly through the enforcement of existing wage, hour, and working condition laws, thereby removing the economic incentive to hire undocumented aliens while safeguarding the rights of American workers. The text is as follows:

[From Business Week, May 14, 1984]

ILLEGAL IMMIGRANTS: THE UNITED STATES MAY GAIN MORE THAN IT LOSES

Deep down in their hearts, Americans may believe that the nation's doors should be open to anyone who wants to come here and work. After all, most U.S. citizens are descended from immigrants. But a flood of illegal aliens, especially from Mexico, has ignited fears that more and more Americans will lose their jobs or at the very least see their wages depressed as a result of immigration. Congress is considering a bill, sponsored by Senator Alan K. Simpson (R-Wyo.) and Representative Romano Mazzoli (D-Ky.), that would legalize the status of illegals already here while clamping down on future illegal entry. The bill has a good chance of passing.

Unquestionably, there are social and economic costs to illegal immigration. But new economic evidence suggests that, on balance, the nation benefits more from the increased economic growth and lower inflation stemming from illegal immigration than it loses in jobs, lower wages, and welfare costs.

Hard data on illegals are, of course, difficult to come by. Based on the recent surge in arrests of aliens, however, their numbers are growing (chart). The Census Bureau estimates that there are now 5 million to 7.5 million illegal residents, who may be holding between 4 million and 6 million jobs.

While this seems like a huge number, many are jobs for which Americans do not compete. Some illegals are employed in agriculture, picking strawberries and tomatoes in 100° heat. Others hold such urban jobs as dishwashers, busboys, maids, and sewing-machine operators—unattractive to many Americans and therefore difficult for employers to fill. Michael J. Piore of the Massachusetts Institute of Technology argues that there is in effect a "two-tier" labor market in which low-skilled immigrants take unwanted jobs so that little displacement of American workers occurs.

Most experts, however, agree that illegals compete for some jobs that Americans want. The Immigration and Naturalization Service has found illegal aliens working in the garment and food-processing industries in California, casinos in Atlantic City, and electronics companies in Silicon Valley. Indeed, a 1979 government study estimated that one in five jobs held by an alien—in total, as many as 1.2 million jobs—could be filled by unemployed Americans. Those who are especially hurt by competition from illegals are low-skilled workers, primarily minorities and young people.

SELECTIVE SAMPLES

However, even 1.2 million jobs represents less than 1% of the total number in the economy. Moreover, that figure is calculated by looking only at the kinds of jobs where immigrants and Americans are most likely to compete. It fails to consider the spur to economic growth that immigration has generated over a long period of time. Illegal immigration, say most economists, has added to the nation's output. This increase in goods and services has created other jobs that have in good part offset the job loss to Americans from direct competition with illegals.

Indeed, many economists view immigration as they do international trade. While the nation as a whole benefits from free trade, uncompetitive industries and their employees can be hurt. Similarly, says Morgan O. Reynolds of Texas A&M University, "open immigration provides net gains for the economy by expanding output and lowering prices, but some people lose."

At the current pace of illegal immigration, which the Census Bureau estimates adds 500,000 people per year, the impact on future unemployment is likely to be quite small. Even if all of those are workers, Data Resources Inc. calculates that it would add only one-tenth of a percentage point to the unemployment rate. The impact on specific regions, such as the Southwest and Florida, would also be modest, says senior economist Elisabeth Allison. The DRI regional models show that higher immigration in these regions will drive up the unemployment rate, but only briefly. Allison explains that people in other states respond to increased immigration by deciding not to move there. This limits the labor force and curbs unemployment.

Such findings do not refute the contention that illegal immigrants drive down wages. Many illegals, for example, are paid less than the minimum: Sheldong L. Maram of Califorina State University found that 21.8% of the illegal restaurant workers he studied were paid less than the minimum wage, compared with 8.4% of the legal workers. Since employers can threaten to report illegals to the authorities, illegals are more likely than others to work for less than the legal minimum wage and put up with sweatshop conditions.

Yet a study by Barton A. Smith of the University of Houston and Robert Newman of the University of British Columbia shows that the effect of lower wages paid to illegals may not be as severe as it seems at first, at least in certain areas. Smith and Newman compared the wages in towns in Texas near the Mexican border, where many illegals live, with towns farther from the border. The average wages in the border cities were 30% to 40% lower than in the more distant areas. But Smith and Newman found that real wages—wages adjusted for the cost of living in each area—were at most only 8% lower. Says Smith: "From the worker's point of view, what he's concerned about is the real wage." Smith believes that lower wages explain part, but not all, of the lower cost of living in the border areas.

SAVED FROM EXTINCTION

Lower wage costs can have other beneficial effects. For one thing, they tend to keep overall prices low. Lower-paid illegal aliens in agriculture help hold down the prices of fresh fruits and vegetables. More important, low wages allow industries facing severe foreign competition to survive. Without lower wages, some industries—such as the garment industry and consumer electronics—would have to go overseas to compete. Says Yale economist Jennifer Roback: "As long as we have international trade, American industry will compete with low-wage workers. It may be better to employ them here than overseas."

Despite the benefits of lower prices and the bolstering of otherwise endangered domestic industries, lower wages may lower U.S. productivity. Dale W. Jorgenson of Harvard believes that low-wage labor slows down the growth of capital spending and thus dampens productivity growth. More cheap labor from Latin America "could undermine to a certain extent the capital spending boom we anticipate in the 1980's," he says. Jorgenson points to similar slowdown in productivity in the 1970's, which he attributes in part to the swollen labor force that reflected the baby boom and new female workers. Indeed, former Labor Secretary Ray Marshall notes that when child labor was abolished in the late 19th century, the garment industry invested in labor-saving equipment. This ultimately increased productivity in the industry and lowered prices. And Philip L. Martin of the University of California at Davis contends that the use of aliens in agriculture is holding back important mechanization.

To some extent, however, the substitution of cheap labor for capital will also be moderated by an expanding economy. Michael L. Wachter of the University of Pennsylvania notes that low-skilled workers may be substitutes for capital, but the increased output they produce also spurs capital investment.

WELFARE WORRIES

Even those who recognize that the economic benefits of illegal immigrants outweigh the negatives worry that legalizing their status could be costly. They fear that illegals who currently are afraid to seek welfare and jobless benefits will demand them once they gain amnesty, as the Simpson-Mazzoli bill provides. The Office of Management and Budget estimates that welfare costs could go up by as much as $10 billion over a three-year period. Concern over this steep increase helps explain the Reagan Administration's failure to endorse the bill.

But this problem, too, may be less severe than OMB expects. It appears that illegals already use welfare programs to a greater degree than previously thought. David Heer of the University of Southern California compared families of workers in Los Angeles County. He found that about the same percentage of families of illegal Mexican workers obtained food stamps and aid to dependent children as did families of Mexican legal immigrants and American citizens of Mexico descent.

Similarly, David S. North of the New TransCentury Foundation in Washington, D.C., found that aliens do receive unemployment benefits. Of 147 illegals arrested by federal authorities in 1975 who re-entered the labor force, 35% received unemployment benefits at some time over the next five years.

Thus, if illegal immigrants are legalized, the number demanding more social services could be far less than expected. In general, fears that a tide of immigrant aliens will wreak economic havoc seem overstated.●

A WELCOME SIGN FROM OUR ALLIES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BEREUTER. Mr. Speaker, a recent article in the Omaha World Herald (May 21, 1984) struck a responsive chord with this Member. I have maintained for years that, although this country might be the leader of the Atlantic alliance, the Europeans and the Japanese could and should do more to fund their own defense and thus decrease the defense burden of the United States. Currently one sees this problem in the Persian Gulf. I can only hope that any military actions prepared for by the Pentagon in defense of the free seas include substantial European help in those plans. After all, Mr. Speaker, it is Europe and Japan that receive most of their oil from this area—not us.

The World Herald has pointed out that the British have recently embarked on increasing their military capabilities. This is welcome news for the United States and, in the end, for the United Kingdom itself. Italy's recent willingness to actively participate in the Lebanese multinational force and the Sinai peacekeeping force was also a sign that the tide might be turning in Europe. I only hope, as the World Herald says, that "the Thatcher government's move will encourage other members of the NATO alliance to assume more responsibility for Europe's defenses."

[From the Omaha World-Herald, May 21, 1984]

BRITISH SET GOOD EXAMPLE IN BOOSTING DEFENSE ROLE

The British lion is showing some of its teeth.

The Thatcher government's plan to strengthen the United Kingdom's armed forces and increase the British military commitment to the North Atlantic Treaty Organization should be an example to other NATO countries.

"Faced with the objective fact of growing Soviet military power, the West cannot responsibly fail to take the precaution of ensuring that its own defenses are adequate to meet the threat," the British government said in an explanation of its policies.

Britain's armed forces have been drained for decades by ill-conceived adventures in socialism. This has contributed to a decline in British influence.

Military capability had sunk so low that the outcome of the Falkland Islands War may have been in doubt without the sideline assistance provided by the United States.

Britain was forced to commit almost its entire navy to that campaign.

Under the new plan, advanced by Defense Secretary Michael Heseltine, the Royal Air Force will increase its number of aircraft by 15 percent in the next 10 years. Eight warships that were to have been mothballed after 1986 will remain in the active fleet.

In addition, Britain expects to station 4,000 more combat troops in West Germany and make more warships and warplanes available to NATO.

"Indeed, the army's fighting capability will be strengthened to an extent not seen in the past three decades," the government said.

The United States has for years provided a disproportionate share of the defense system for Western Europe.

The British statement acknowledged the U.S. contribution as "predominant" and "crucial." It said there is no substitute for the 330,000 U.S. servicemen now stationed in Europe or for the "American nuclear guarantee."

But the statement also showed a commendable willingness to shoulder more of the burden.

It is to be hoped that the Thatcher government's move will encourage other members of the NATO alliance to assume more responsibility for Europe's defenses.●

INTERNATIONAL TRADE COMMISSION

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. PERKINS. Mr. Speaker, this opportunity to submit my views to you on the necessity to limit shoe imports is appreciated. Since I am sure that the Commission has unlimited access to statistical information on shoe imports, I intend to focus my comments on my personal knowledge about the effects of uncontrolled shoe imports in the area of Kentucky that I am privileged to represent. It is mainly Appalachian, and has many counties which are very short of industrial jobs.

The effects are very fresh in my mind, because just a few weeks ago, on April 17, U.S. Shoe Co. announced that it is closing its plant in West Liberty, a small city and the county seat of Morgan County, for good. This was not a complete surprise. Earlier in the month, the company had disclosed that it would not reopen for this manufacturing season. But knowing that the closing announcement was probably coming did not alleviate any of the pain for the hundreds and hundreds of people who—directly and indirectly—had earned a livelihood from the shoe plant in this extremely job-short area.

For the 375 people laid off since last November, it meant the continuation of economic disaster, and the loss of hope. For the others who had worked there since U.S. Shoe started operations 7 years ago, and were waiting for the chance to get back on the payroll, it was also the loss of hope.

What did the company tell the people—both its employees and the concerned business and civic leaders of Morgan County?

It told them the plain and simple truth.

And the plain and simple truth is that overseas shoe production, at lower costs, often because of subsidies by foreign governments, has made it economically impossible for American manufacturers to make shoes here competitively.

When the West Liberty plant closed, it was the largest one in the United States making women's fashion boots. To show how much this factory, originally built for the Lycoming Shoe Co., meant to the local people, and to the economy, you have to know that West Liberty sold $350,000 in revenue bonds to build the plant, on a site purchased for $44,000 in contributions by local citizens and businesses. The site was graded by volunteered heavy equipment and labor.

I look at the unemployment figures for the Seventh Kentucky Congressional District so much that I practically have them memorized, but I checked the last ones available, and the preliminary February figures show Morgan County with a 25-percent unemployment rate. Now there is something that must be taken into account when rural area unemployment figures are discussed.

It is that the discouraged unemployed factor is greatly undercounted. In rural areas, with very few opportunities for industrial employment, the people just give up looking for a job after their unemployment compensation runs out. They do this for very good reasons. First of all, there are not any jobs. Second, they do not have the money, and/or the transportation, to go outside the area looking for jobs.

So, when I say the unemployment rate for Morgan County was 25 percent in February, more likely it was 35 to 40 percent.

The figure for the number of unemployed in the county is given as 1,541, but I can guarantee you this: if the International Trade Commission does what it should do, and limits imports at some legitimate level, and the plant reopens, there will be several times 1,541 people lined up for jobs.

And they will be good, qualified, hardworking people, who will give a day's work and more for that paycheck, which we all know is not big by many standards.

This closing recently is not the only one eastern Kentucky has suffered through. In 1977, U.S. Shoe closed its Prestonburg plant. In 1979, there was another U.S. Shoe closing in Prestonburg. In 1980, U.S. Shoe closed its Maysville plant.

Back in January, this Commission was asked to help these people who want to work—who want jobs and not welfare and food stamps—by controlling imports of shoes. We all are aware of the fact that the incumbent administration dropped import limitations in 1981, but I hope that the Commission will not let the administration's neglect of American workers and industry guide it.

I hope you will make a decision to recommend limiting imports that lets American working people be working people, and not force them to become welfare people.●

THE EXPERIMENT PLOY TO AVOID HEALTH STANDARDS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. VENTO. Mr. Speaker, a recent article in the Washington Post (May 24, 1984) noted that an official of the Occupational Safety and Health Administration (OSHA) who prepared the only written review of a proposed brown lung research experiment at Dan River Textile Mills in Danville, VA, was highly critical of this proposed experiment. Dr. Susan Harwood stated, "I am concerned about approval for human experimentation" of an experiment which waives the OSHA cotton dust standard for selected workers at the Dan River Mills and allows this company to further delay installation of air ventilation equipment. Two other experts who reviewed the proposed experiment gave it only cursory review according to the Post article.

Dr. Harwood stated that this experiment "should not be used as a vehicle for escaping the compliance deadlines for the cotton dust standard." Unfortunately, despite Dr. Harwood's well-grounded fears about subjecting the workers at the Dan River Mills to human experimentation and allowing Dan River to further delay complying with the OSHA cotton dust standard, OSHA chose to ignore Dr. Harwood's warnings and sent a letter to the Virginia Department of Labor endorsing this experiment.

This incident should cause grave concern within our Government where a Government agency has expressly endorsed a scientific experiment which uses human beings as the subjects. OSHA has apparently given little or no consideration to the ethical and legal consequences of its endorsement. Instead of doing its job and insisting that Dan River Mills comply with Federal cotton dust standards, OSHA has become an accomplice in assisting Dan River in its search for a way around the law.

I want to commend my colleague, Representative DAVID OBEY of Wisconsin, for expressing his opposition this past week to this proposed experiment. The gentleman from Wisconsin has been a leader on this issue and has voiced his concern as well about this experiment which jeopardizes the health of American workers.

[From the Washington Post, Thursday, May 24, 1984]

RESEARCH PLAN ON BROWN LUNG DREW CRITICISM

(By Molly Moore)

Two experts gave only cursory review and a third gave a severely critical opinion of a brown lung research experiment at Dan River Inc., Virginia's largest textile firm, before federal authorities recommended approval of the proposal, according to government reports and interviews with the experts.

The review process strongly contradicts assurances from the federal Department of Labor to Virginia officials that the proposal, which allowed Dan River to exceed federal and state cotton dust standards as part of the experiment, had undergone a thorough examination.

Dr. Susan Harwood, an official at the federal Occupational Safety and Health Administration, issued the only written report on the proposal, a harsh review that warned, "I am concerned about approval for human experimentation." She also noted, "This should not be used as a vehicle for escaping the compliance deadlines for the cotton dust standard."

Virginia Department of Labor and Industry officials, who granted an interim order allowing the experiment to begin, said the agency was never informed of the dissenting opinion issued by Harwood.

"If a letter from federal OSHA said there were serious problems with the project, we would certainly have taken a look at that," said Eva S. Teig, commissioner of the department. She said Virginia health and safety officials conducted their own five-month review of the program, independent of the federal OSHA study, and concluded that workers at the factories would be "fully protected" during the project.

But according to a report prepared by a top OSHA official, one expert consulted on the experiment made only "marginal comments." The third reviewer "informally reviewed the proposed study." The official said neither submitted a written report to OSHA.

The experiment being conducted by Dan River, which employs 633 textile workers at 10 locations in Danville, Va., allows the company to delay compliance with OSHA cotton dust standards while it tries to determine whether the sometimes-fatal brown lung disease is caused by bacteria. The exact cause of the disease, byssinosis, is not known, but textile workers suspect it is caused by inhalation of microscopic fibers in cotton dust.

The deadline for meeting those standards, which required firms to install expensive new equipment, was March 27. A few months before that deadline, Dan River asked Virginia to waive the requirement for six months in order to test its theories. Dan River filed its request for the extension, as well as for money to carry out the project, with the federal OSHA office, even though it had no jurisdiction in the case.

The Amalgamated Clothing and Textile Workers Union Tuesday asked federal OSHA officials to stop the proposed research, charging, "It is simply unconscionable to allow hundreds of cotton mill workers to continue to face a high risk of developing brown lung disease."

Rep. David R. Obey (D-Wis.) this week also voiced opposition to the proposed experiment. "It appears from documents provided by the Labor Department that OSHA was . . . less than careful in assessing fundamental problems involving worker experimentation," he said.

OSHA officials yesterday defended their review process as thorough and said it is not unusual for the agency to conduct reviews without requiring experts to file written reports.

Dan River attorney J. Marshall Coleman, former Virginia attorney general, said he considered the OSHA review of the proposal "pretty thorough." Coleman also said that the state, which has jurisdiction over the experiment, conducted its own review.

In November 1983 letter to Virginia officials charged with overseeing the project, Thorne G. Auchter, then assistant secretary for OSHA, wrote, "The research proposal . . . has been reviewed by Dr. Leonard Vance, OSHA's director of Health Standards, members of his staff and an outside peer reviewer. This review resulted in the submission of an improved, still stronger proposal."

The outside review, Dr. Hans Weill, as researcher at the Brookings Institution, said Vance showed him the proposal last year but that he remembered few details of the conversation. "I remember him very informally asking me what I thought about it . . . I looked at it informally."

But a top OSHA official, Patrick R. Tyson, said yesterday, "We did a fair amount of review. A number of folks had a chance to look at it." He said the fact that only one reviewer submitted a written report "was not an indication of the thoroughness of the review."

Tyson said that since the investigation of the review process began, he has learned that "other people in the policy office were involved in preliminary discussions" on the project.

OSHA's Vance was a key supporter of the proposal and helped draft the recommendation that state officials accept the project. Vance, who could not be reached for comment, was employed by Coleman while he was attorney general and before he was retained by Dan River.

Obey said earlier this week that he found the relationship "intriguing."

Coleman, a 1981 gubernatorial candidate in Virginia, dismissed allegations that his previous relationship with Vance had an effect on Dan River's proposal.

"My experience with him [Vance] is that he does things on the basis of merit and substance," he said.

The Dan River experiment is the latest chapter in a long-running controversy over the cause of brown lung disease. Textile unions have fought for tougher regulations to ensure the safety of workers, while the textile industry has contended that there is no proof that new equipment and ventilation requirements will prevent workers from contracting the disease.

Dan River officials argue that their experiment, which will be conducted by two medical specialists, could help end that debate by finding the exact cause of the disease. They say that although new ventilation will not be installed in their plants, workers will continue to wear safety equipment during the experiment.●

TRIBUTE TO ROBERT McWHIRTER

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, one of the most respected citizens of east Texas, Mr. Robert McWhirter, passed away recently in Paris, TX. Bob McWhirter was a close friend and valued adviser. He was a community leader who gave unceasingly of his time to help others. As a special agent of the Federal Bureau of Investigation, Bob McWhirter played a successful role in law enforcement during those early, dark days of World War II. He had a great knowledge of the law and was honored by his contemporaries as an outstanding member of the Texas bar.

In the passing of Bob McWhirter the State of Texas and, indeed, the Nation has lost a distinguished citizen. I commend the following newspaper article from the Paris News concerning his life to the attention of my colleagues as follows:

[From the Paris News, May 9, 1984]

ROBERT MCWHIRTER DIES

Paris attorney Robert McWhirter, 2314 Cleveland, died at 5 a.m. Wednesday, May 9, at St. Joseph's Hospital in Paris. He was president of the Paris, Texas Industrial Foundation Inc. and was a former mayor of Paris.

Funeral services will be held at 11 a.m. Friday, May 11, at Fry and Gibbs Funeral Home Chapel with the Rev. Dick Atkinson and the Rev. Ray Starnes of the First United Methodist Church officiating. Burial will be in Evergreen Cemetery.

McWhirter had served as president of the Paris, Texas Industrial Foundation Inc. since 1953. During his tenure with the foundation he was instrumental in the decisions of Agpro, Inc., Superior Switchboard and Devices, Flex-O-Lite, Dixie Cap Rubber Co. Hollywood-Vassarette, UARCO, Ford Southwestern Training Center, Campbell Soup, Merico Cake and Box Plants, Southwestern Foundry and Kimberly-Clark to locate operations in Paris. He was honored by the Chamber of Commerce on April 2, 1979, for the industrial expansion of Paris and Lamar County and for his leadership.

He was elected to the city council in 1955 and served until 1959. He was mayor in 1958-59. He served as president of the Chamber of Commerce Board of Directors in 1953-54 and had served on the chamber's industrial committee since 1953.

Born Sept. 1, 1916, in Greenville, a son of S.R. and Ethel Patterson McWhirter, he was a 1933 honor graduate of Greenville High School. He attended Wesley College in Greenville and received his bachelor's degree from East Texas State College and his law degree cum laude from Southern Methodist University in 1939. He served as assistant county attorney in Greenville from 1939 until 1941. He joined the Federal Bureau of Investigation in 1941 and served as a special agent in San Antonio, New Orleans and Baton Rouge, La. and Tyler and Paris. He left the bureau in 1952 and returned to Paris to make his home.

He was associated with First National Bank here until 1958 when he resigned to enter the practice of law. He served as vice president and trust officer and president of the bank.

McWhirter was a 32nd Degree Mason, a member of the Paris IOOF Lodge and served on committees for the Community Chest and other civic committees. He was a director of First Federal Savings and Loan Association for more then 25 years and was a member of the association's executive committee. He was honored by First Federal for outstanding service during his tenure on the board.

He was a member of the First United Methodist Church and served as adult Sunday school teacher for 18 years, teaching in every city where the McWhirters lived beginning in Greenville in 1940.

A member of the Lamar County Bar Association, he served as its president in 1961-62. He was a member of the Northeast Texas Bar Association and State Bar of Texas. In Sept. 1982, he received a certificate of appreciation awarded by the Northeast Texas Bar Association for more than 40 years of outstanding service.

Members of the Lamar County Bar Association and officers and directors of First Federal Savings and Loan Association will serve as honorary bearers.

Survivors include his wife, the former Jean Conger whom he married on June 15, 1940, in Greenville; two daughters, Linda Conger McWhirter of Paris and Mrs. Bill (Alice Jean) Mathews of Carrollton; two granddaughters, Allison Michelle Mathews and Meredith Diane Mathews, both of Carrollton; one sister, Mrs. Ethelda Poole of Greenville; two nephews and one niece.

If memorials are preferred, the family requests they be made to St. Joseph's Hospital or First United Methodist Church.●

MISSIGMAN TO PARTICIPATE IN CEREMONIES MARKING 40TH ANNIVERSARY OF D-DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. GEKAS. Mr. Speaker, today's leaders of the old Alliance will assemble in Europe next week to participate in the international ceremonies marking the 40th anniversary of D-day. They will come to celebrate the victory as well as mourn the dead.

One American, a gentleman from my district, saw close up the horrors associated with that war as a sergeant-major supervising a corps of 18 embalmers who followed the advancing Allies in their sweep from Normandy, France, to Germany, beginning on June 6, 1944. Charles Missigman of Williamsport, PA, was responsible for collecting and burying the dead or returning the corpses to the United States for interment here.

Mr. Missigman will also be returning to Europe next week for the first time in more than three decades to participate in the ceremonies. His June 2-18 itinerary will take him to London, Liverpool, Le Havre, Normandy, Paris, the Brest Peninsula, Brussels, Bastogne, and Luxembourg, where 38 years ago he attended a funeral for Gen. George Patton, who was killed in a traffic accident after the war.

I would like to include in my remarks excerpts taken from an article which appeared in the May 13, 1984, Grit detailing Mr. Missigman's experiences of the events surrounding the Normandy invasion.

EX-EMBALMER RETURNING TO NORMANDY

(By Mike Cummings)

Missigman, a graduate of the former St. Mary's High School and Eckels College of Mortuary Science in Philadelphia, was assigned to Brookwood Cemetery in Woking, England, for nine months prior to joining allied forces during their June 1944 invasion of Europe.

"We held funerals three times a week," Missigman recalled, "and buried hundreds a day, including Germans. The worst thing about it was seeing all those people in the prime of their life getting killed. Burying them one at a time, you didn't realize what was involved. But seeing all those graves, it was just incomprehensible."

In all, more than 150,000 Americans were buried in Europe, and Missigman was involved in some way in supervising operations at all the cemeteries.

"After a battle, the engineers would come through first to clear the mines," he said. "Then we would follow. We did everything in our power to identify the bodies."

Sometimes he and his men slept in foxholes and tents or at the end of landing strips within range of enemy gunfire.

Missigman recalls an incident which typified the gruesomeness of the tasks he daily faced:

"After a plane crash, the only thing left of the pilot was a piece of the tongue, which we had to send back to his family in a casket. A courier accompanying the casket advised the family not to open it, because there were unusual circumstances involved, but it was up to them whether or not they would actually open it."

Missigman returned to the United States in 1946 but went back to Europe within a year as a civilian War Department employee and remained there until 1950.

"After the war, you see, everyone had to be disinterred, processed, casketed and reburied in the U.S. or Europe."

Missigman decided not to open a mortuary when he returned to the United States to stay.

"I had enough of that when I was in Europe," he said.

Instead, he went into the insurance business and in recent years operated the News Center in the Loyal Plaza.●

TRIBUTE TO JULIUS AXELROD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. HOYER. Mr. Speaker, this year one of our Nation's most distinguished scientists, Nobel Laureate Dr. Julius Axelrod, retired from Federal service on March 31 after having served with the National Institutes of Health since 1949 and the National Institute of Mental Health since 1955.

Dr. Axelrod's reputation in the field of neuropharmocology is exceptional. In 1970, the international scientific community, in recognition of his outstanding research, awarded him the coveted Nobel Prize for his discovery of the process by which noradrenaline is metabolized. This research has led to a new understanding of how the brain works and has had far-reaching effects on the treatment of mental illness.

Unlike many of his contemporaries who completed their academic schooling and then entered the research field, Dr. Axelrod did not follow the traditional scientist career path. Because of Jewish quotas which existed at the time he graduated from college in 1933, his application to medical school was denied. Instead of immediately pursuing alternative higher education, he worked as a biochemist for a New York company for 15 years before accepting a position with NIH in 1949. It was not until 22 years after he received his undergraduate degree that Dr. Axelrod completed the requirements for his doctorate in pharmacology from George Washington University.

Dr. Axelrod has been an invaluable mentor of young neuroscientists, many of whom have trained in his laboratory. He has received numerous accolades for his contributions to science, including the Gairdner Award for Distinguished Research in 1967, the Alumni Distinguished Achievement Award from George Washington University in 1968, and the Albert Einstein Award from Yeshiva University in 1971.

He is an unpretentious man who deals with complex scientific research, much of which has yielded tremendous physiological and psychological benefits for people throughout the world. He is responsible for the discovery of acetaminophen, a nonaspirin pain reliever, and currently he is researching the behavior of hormones which are involved in stress.

Mr. Speaker, I urge my colleagues to join me in congratulating Dr. Axelrod for his exceptional accomplishments during his career with the National Institutes of Health. Although Dr. Axelrod is retiring from Federal service, he will continue his challenging work. We are all indebted to Dr. Axelrod for his ground-breaking research and immeasurable contributions to the scientific and medical communities. We congratulate him and wish him much success in his future endeavors.●

ROMULUS JUNIOR HIGH SCHOOL BAND PROGRAM RECEIVES HIGH HONORS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FORD of Michigan. Mr. Speaker, I would like to call your attention to the recent accomplishments of the Romulus Junior High School Concert and Symphonic Bands. Romulus Junior High School is located in the 15th District of Michigan, which I represent.

Both the Romulus Concert and Symphonic Bands performed at the State band festival on May 5 and received first division superior ratings. The concert band was in the class "C" Junior high band category and the symphonic band was in the class "A" Junior high school band classification.

Earlier, on March 17, the Romulus groups received first division ratings at the district band festival held at the Romulus Senior High School. This qualified the young musicians for the State festival.

The bands were graded by three judges in the prepared music section, which includes a required composition, a march and a selected number, and then by another judge in the sight reading section, where two numbers are performed without practice. The State band festival is administered by the Michigan School Band and Orchestra Association which this year celebrated its 50th year anniversary.

The Romulus Junior High School Band program, under the leadership of band director Richard Kruse, was the only junior high school of the 264 junior high schools in the Metropolitan Detroit area (Wayne, Oakland and Macomb Counties) to have two groups earn the coveted first division ratings this year. Only 12 other schools of the 264 earned single first ratings at the 1984 State festival. Statewide, the Romulus Junior High School Band program was among 5 schools out of 624 Michigan junior high schools to earn two first division ratings at the State festival. The symphonic band also performed for the Mid-Western Conference on School Vocal and Instrumental Music in Hill Auditorium on the campus of the University of Michigan in Ann Arbor on January 20, 1984.

The Romulus Junior High School Bands have achieved these high performance goals despite the difficult economic times which have forced school consolidations, program cutbacks, and a very uncertain fiscal environment. They have been able to do this because of the concern, sacrifice, and outstanding support from the Romulus Board of Education. These members are: Daniel R. Bales, president; Kenneth E. Berlinn, vice president; Sandra F. Langley, secretary; Jo Ann Marvicsin, treasurer; Richard Campbell, trustee; Mary King, trustee; and Edward Wilkerson, trustee.

The band has also received the help and special support provided by Superintendent Dr. William Bedell. Additional encouragement and expertise has been forthcoming from Dr. Terrel LeCesne, assistant superintendent for administrative services; Joel Carr, business manager; Nich Tottis, principal; and William McDonald, assistant principal.

Mr. Speaker, I want to take this opportunity to express my congratulations to the Romulus community and to these fine bands. The members of these bands who have made us all so proud are:

CONCERT BAND

Flute: Kim Picciano, Belinda Scott, Stacie Fisher, Wendy Pivacek, Julie Leja, Sonia Austin, Kim Johnson, Heather Sparagowski and Julie Washburn.

Clarinet: James Wadsworth, Tracey Hetzel, Lisa McClure, Wendi McCombs, Ellen Wilkerson, Anita Goree, Sharon Panek, Cherrie Eastman, Pam King, Amy Harriff, Angela Parise, Denise Feliciano, Lee Ann Miller, Tonya Rutledge, Mike Hansen, Amy Knight and Yolanda Marion.

Bass clarinet: Ron Hammac.

Alto saxophone: Jamie Hicks, Alice Ozog and Laura Biro.

Tenor saxophone: Cathy Easterling.

Baritone saxophone: Atrolya Jones.

Cornet: Paul Pyenta, Stacey Watts, Sandy Kushner, Laurie Berlinn, JoAnn Druyor, Wayne Herren, Chad Blackburn, Chris Barks, John Wadsworth, Carrie Corpe and Billy Hudson.

French horn: Marc McAlister.

Trombone: Tracy Allen, Modesty Nelson, David Boback, Tina Nelson and Jeffery Martinez.

Baritone: David Dudley, Alex Bossory, David Ditsch and Maurice Windham.

Tuba: Raquel Boler and Barbara Ferguson.

Percussion: Tina Trent, Mark Gonzales, Mike Maull, Mickey Kreutzer and Deanna Dague.

SYMPHONIC BAND

Flute: Renee Hardt, Lisa Kreutzer, Jennifer Blaszczak, Susan Nash, Julie Dingman, Michele Duprey, Carol Chafins, Tammy Michniewicz, Pamm Jefferies and Nancy Bozelak.

Oboe: Lori McLean

Bassoon: Angela Spierling.

Clarinet: Melisa Shellenbarger, Kelly Slaughter, Martie Casmer, Amy McDonald, Debbie Graham, Mia Kennedy, Sherri McFall, Crystal Markowski, Rory Creith, Laura Robbins, Julie Jones and Wendy Mezza.

Alto clarinet: Charlotte Wallen.

Bass clarinet: Kim Wehrmeister and Teracita Pitchford.

Alto saxophone: Kim Lyles, Joey Zurawski, Faith Hammers and Charles Crosby.

Tenor saxophone: Sandy Plonka.

Baritone saxophone: Marty Jones.

Cornet: Jeanette Debellefeuille, Lisa Haines, Lara Gutierrez, Michele Good, Holly O'Connor, Laurie Stewart, Lisa Roy, Mario Waldrup, Roberto Austria, Tony Alongi, Kelly Donathan, Mark Wehrmister, Vincent Winer, Ed Wilkerson, Salina VanAmeyde, Denna Galarowic and Carmen Reed.

French horn: Al French, Jovita Imielowski, Wendy King, Pam Breeding and Laurie Montroy.

Trombone: Steve Bagwell, Leonard Barr, Steve Hoinka, Paul White, Matthew Ozog and John Otrompke.

Baritone: Alex Good, Wayne Gomez, Tracy Schmidt and Susan Roddy.

Tuba: Yolanda Bentley, Delanor Drumgo, Matthew Molenda and Dasein Coleman.

Percussion: Charlene Gaffka, Joe Long, Msichana Higgins, Debbie Enlow, Chris Murray and Charletta Hasan.●

FOOTWEAR INDUSTRY NEEDS OUR HELP

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FISH. Mr. Speaker, I would like to bring my colleagues' attention to an issue which I believe is of great concern to many of their constituents. The footwear industry has been suffering from substantial import penetration since 1968. As a result of this import penetration, the industry has experienced declines in production and employment and a majority of the firms in the industry have been unable to sustain a reasonable level of profitability.

In 1984 import penetration in the footwear industry is up to 70 percent. In this year alone, 16 factories in the United States have closed and over 2,000 jobs have been lost.

The average footwear employee earns an hourly wage which is 40 percent lower than the average hourly wage for all U.S. manufacturing. As a direct result of escalating imports, the unemployment rate in the industry stands at 18.7 percent as opposed to 11-percent unemployment for all U.S. manufacturing. More than 31,000 workers have lost their jobs since 1976. The toll in personal sacrifice and hardship is staggering. Moreover, small firms in small towns constitute the bulk of the nonrubber footwear industry. The labor-intensive nature of the industry means that a plant closing can have a devastating effect on the entire town.

Despite overwhelming foreign competition and low profits, the industry has been spending money on research development in modernization. Efforts have been made to compete with the foreign imports, but the industry will not make a full recovery without relief under section 201 of the Trade Act of 1974. This law provides the opportunity to petition the International Trade Commission (ITC) for import relief. The petitioners must prove that imports are a substantial cause of serious injury or threat of serious injury. This comprehensive solution is being sought because a piecemeal approach of countervailing duty and antidumping cases will not solve the global problem.

Labor and management are united in their support of the section 201 petition. Each has already made sacrifices in pay and benefits, and seeks to limit annual imports and establish quantitative restrictions in order to allow time for the U.S. footwear industry to become fully competitive. The footwear industry is of vital importance to the economic health of many small communities in the United States. Our constituents who work in the footwear industry deserve the chance to gain an equitable share of the domestic market.

I urge my colleagues to review the evidence submitted in support of the section 201 petition. I believe that your concern will match mine. I have already written to the ITC in support of the petition, and urge my colleagues to join me on behalf of an important American industry.●

A TRIBUTE TO BERNHARD KIEWE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. LONG of Maryland. Mr. Speaker, it gives me great pleasure today to honor a most unique individual. Mr. Bernhard Kiewe. Mr. Kiewe has been named "man of the year" for 1984 by the officers and members of the Abraham Schreter Lodge 2514, B'nai B'rith for his outstanding service not only to the Jewish community on both the national and local levels, but to the Greater Baltimore community as well.

Bernie's hard work and dedication to the ideals of the B'nai B'rith and his great love for the Jewish people is well known. After serving 16 years as the executive director of the Jewish National Fund of Maryland, he was recently named national development officer for the Jewish War Veterans National Shrine and Museum here in Washington. However, his commitment and leadership in the Jewish community does not stop there. Bernie has given of himself in many volunteer capacities. He was the director of community relations for the State of Israel bonds organization, the executive director of the Israel Histadrut Council of Baltimore, and the post commander of the Maryland Free State Post, Jewish War Veterans, where he served with distinction and devotion, and was named JWV commander of the year. Formerly president of the Adas Yeshurun Mogen Abraham congregation, he is currently chaplain for the JWV, Department of Maryland, and a member of the Abraham Schreter Lodge of B'nai B'rith, the Yedz Grotto Masonic Order, and the Zionist Organization of America.

In addition to this tireless list of accomplishments, Bernie has been a model community service for the Baltimore area. A member of the mayor's Baltimore Crime Commission, and a recipient of the Governor's Citizen's Award, he has also served as director of the Old Court Savings & Loan Association.

Bernhard Kiewe is an individual who has my deepest admiration for his exemplary service to his community. He is an inspiration to us all. It is a great honor to bring these accomplishments to the attention of my colleagues, and I congratulate Bernie on his award as "man of the year."●

WOMEN'S PENSION EQUITY ACT SPEECH

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. RAY. Mr. Speaker, I am pleased that the Congress, in a unanimous vote, passed the Women's Pension Equity Act, H.R. 4280. For too long, the particular needs and life patterns of some members of our society have been overlooked. This oversight resulted in many people, particularly women, growing older with no retirement plan or very limited benefits.

The Women's Pension Equity Act, amending the Employment Retirement Income Security Act (ERISA) of 1974, encourages varied pension plans for all workers to participate in and does not preclude full participation by women because of their different lifestyles, career choices, or marital decisions. For example, State courts are now authorized to divide up pension benefits in divorce cases where there are no laws allowing for spousal assumption.

In the past a man's decision to forgo joint and survivor benefits can rob his widow of a future. It is a decision that both partners in a marriage should participate in. Congress passed legislation which makes that joint participation mandatory.

Women have also suffered because the law ignored their needs for maternity leave time. The bill now allows wage earners to take off as many as 5 years for employer-approved maternity or paternity leave before returning to work.

All today's women need is an equal chance. We owe that chance to them. But more importantly, we owe it to our country which has been deprived for too long of the full benefit of their talents. I will continue to work toward abolishing these laws and standards which hamper women in their search for equality.●

LESSONS TO BE LEARNED FROM INVOLVEMENT IN LEBANON

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. SHARP. Mr. Speaker, I am pleased to share with my colleagues the thoughts of John E. Rouse, Jr., associate professor of political science at Ball State University in Muncie, IN. His scholarly analysis on the lessons to be learned from the U.S. involvement in Lebanon provides an interesting insight into U.S. foreign policy. Dr. Rouse's editorial first appeared in the Louisville Courier-Journal on April 15, 1984.

[From the Courier-Journal, (Louisville, KY), Apr. 15, 1984]

LEBANON FAILURE OFFERS U.S. LEADERS A LESSON

(By John E. Rouse, Jr., Associate Professor of Political Science at Ball State University)

The pain of failing offers opportunities for insight that the joy of success doesn't bring. What are the national lessons to be learned from U.S. failures in Lebanon, failures that have brought such bitter words between the White House and Congress?

MEDIATOR VS. PROTAGONIST

The most immediate lesson our national leaders should examine is our role as mediator, as opposed to protagonist or advocate, in Middle East crises. In Lebanon, the United States ventured into the role of protagonist.

That was documented, in a formal sense, in the ill-fated May 17, 1983, agreement with Israel and the Gemayel government in Lebanon. The history of post-World War II politics in the Middle East indicates that this country serves its interests best with a more pluralistic, even-handed approach to the factionalism of that region.

MILITARY FORCE VS. POLITICAL ECONOMY

The United States is a diverse, pluralistic society which, in this crisis, dealt with national and factional interests in absolutist ways. Lebanon's reality is that the Shiites, Druse, Sunni Moselms, Syrians, Palestinian guerrillas, Christians and Lebanese army strive to dominate this small land that is geographically, economically and ethnically diverse. The Reagan administration chose an absolute alternative in recognizing the legitimacy of the Gemayel regime, a minority government.

President Reagan's diplomatic leadership promoted an incremental, muddling-through, ad-libbing military option. The Pentagon is like any bureaucracy; the military establishment must take its war where the brass can find one. Promotions in the military bureaucracy do not come from sitting behind a desk at Camp Lejeune; advancement comes on the battlefield. If there is one overwhelming lesson in the military sphere, it is that our military force should be employed with * * *

Americans in Vietnam and Soviets in Afghanistan illustrate the price paid for utilizing incrementalism over more precisely implemented violent force accompanied by economic carrots. One does not have to witness the success of a Marshall Plan to realize that economic activities generate "win-win" options and not "lose-lose" results.

GOOD GUYS VS. BAD SYSTEMS

The "rebels" of Lebanon, in the estimation of U.S. foreign-policy makers, may be products of bad systems, but they constitute the majority in that war-torn nation. The Shiites, Islamic Amal, Druse, Sunni Moslems, Syrians and Palestinians are what the U.S. media label "rebels".

Whatever we want to call the majority of people residing in Lebanon does not really matter. We should acknowledge that the rebels' perspectives have merit, if for no other reason that these views are the opinions of the Lebanese majority. Those same U.S. foreign-policy makers should come to similar realizations concerning our dilemmas in Central America.

The Soviets recognize that governments are capable of yielding bad things; the

United States idealistically talked economic goodness and yielded military destruction via the battleship New Jersey et al. When America comes to grips with its own capacity to inflict "badness," then it may begin to come out ahead in the international game.

THE VICTIM THEORY

The old adage is that one time a victim, it's the fault of the perpetrator of evil doings. But the United States is now victim of poor foreign-policy making in Vietnam, Iran and Lebanon. If America continues its propensity for becoming an international political victim, it becomes its own neurotic problem. When are we going to accept the world in its difficult, yet oft-changing, cultural context?

In Vietnam, we found out that we really did not know how or why we got ourselves into that mess. In Iran, we again exhibited our cultural insensitivities. In our entry into the Middle East, we again became the victim of an incremental, muddling-through, adlibbing policy-making process.

One failure of a victim is that the trusting soul does not recognize the serious nature of a changing cultural context. Arabs are often offended if one asks for an agreement in writing. It seems that various Arab states are willing to recognize Israel "in reality," but not "in writing".

Why did Secretary of State George Shultz insist that in the May 17 agreement among Gemayel's Lebanon, the United States and Israel every "i" be dotted" and every "t" be "crossed"? Because of such cultural insensitivity, the "rebels" were driven into the outstretched arms of the Soviets and their clients.

LABOR-MANAGEMENT NONNEGOTIATION CONCEPT

In the American culture of workers and managers, negotiated settlements prove beneficial to all parties. In U.S. labor-management relations, all sides usually want to reach agreement. Such was not the case in Vietnam, Iran and Lebanon.

If President Johnson could have persuaded North Vietnam's Ho Chi Minh to come to the political-economy bargaining table, the standard of living in Vietnam would be higher. If Jimmy Carter could have somehow convinced Ayatollah Khomeini that negotiation would be useful to the Islamic republic, Iran's citizens would, again, be trading economic goods instead of military weapons.

Likewise, if Reagan could have persuaded the Christians, Shiites, Islamic Amal, Druse, Sunni Moslems, Syrians, Palestinian guerrillas, related troops and militias in Lebanon that the cultural assumptions of U.S. labor-management negotiation processes constitute the only viable method of realizing a winning environment in place of a losing morass, the people of the Middle East and world would have been the victors.

U.S. leaders must grasp the positive aspects of a mediator's role, recognize the great potential of economic development, the "badness" in the good guys and the "goodness" in people living under bad systems and overcome their inability to see clearly because of cultural ignorance. If this isn't done, the United States will continue to stumble and fumble and let otherwise noble values drown in the sea of future international relations.

There should be some advantage to be gained from the pain of failing.●

MEMORIAL DAY: A TIME FOR REMEMBRANCE AND REDEDICATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BROWN of California. Mr. Speaker, last Monday, May 28, the American people once again paid tribute to those who have given their lives in service of our Nation. It is appropriate that each of us should pause and reflect upon the sacrifices of generations of brave men and women. It is also appropriate to reflect upon how we can repay their sacrifices.

The first national Memorial Day was in 1868—an occasion of more than 100 exercises honoring those who had died in the Civil War. The commander in chief of the Grand Army of the Republic issued a general order setting aside a day "for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country." The number of our comrades who have died, of graves to decorate, of tears to shed, has multiplied greatly since then.

The Tomb of the Unknowns is considered by many to be the greatest national monument to those who served, fought, and died during our wars. Four percent of those killed in Vietnam remain unidentified, as do 22 percent killed in Korea and World War II. These fine Americans who placed duty to their country above all else deserve the highest recognition we can offer. We are now able to honor our Vietnam veterans, those returned and those still missing, by placing one of their fallen comrades-in-arms alongside the national heroes of previous wars.

This Memorial Day, after more than 10 years, the remains of an unknown American serviceman who was killed in the Vietnam war have been selected to be interred at the Tomb of the Unknowns at Arlington National Cemetery. He laid in the Capitol rotunda from May 25-28. On Memorial Day a procession took the body to Arlington for interment at the Tomb of the Unknowns, where one group of this Nation's sons is remembered not by name, but by undying respect, love, and honor.

I understand that Vietnam was unlike any other war the United States has fought. Nearly 3 million service men and women were sent to Vietnam during the 16 years of U.S. military involvement there. Reentry into the American mainstream lacked the victory parades and hero status provided to veterans of prior wars, and the scarcity of jobs made readjustment and reintegration into American society especially difficult. Many members of our youngest corps of veterans suffer still from emotional and mental trauma.

During my service on the House Veterans' Affairs Committee in the 1970's, I came to understand the problems and challenges of our Nation's veterans. Maintaining and improving a responsible program of veterans benefits and services helps them to readjust. In this, the 98th Congress, we have met our responsibility to veterans with concern and sensitivity. Over 200 pieces of legislation dealing with veteran benefits and services have been introduced in the 98th Congress on behalf of our veteran population.

The major bill pending in the House in this area is H.R. 4711, the Vietnam Veterans Posttraumatic Stress Disorder Compensation Act. This bill would provide a presumption of service connection for the occurrence of posttraumatic stress disorders (PTSD) in veterans who served in Southeast Asia during the Vietnam era. (I am a cosponsor of this bill.) Since veterans are finding inconsistencies within the Veterans Administration in trying to obtain treatment for PTSD, this legislation would simply mandate a consistent VA policy. Congress has already required the VA to study its effectiveness in meeting the readjustment needs of veterans.

A related bill, House Resolution 360, asks the VA to provide a policy statement about the treatment options for PTSD victims and to establish a central office to provide advice and assistance to PTSD wards and treatment programs. I am a cosponsor of this bill, as well as legislation introduced by my California colleague, LEON PANETTA. Mr. PANETTA's bill would provide Federal matching funds to States who set up local veteran services offices. California leads the Nation in outreach programs to advise veterans and dependents about available benefits and to assist them in preparing claims forms.

Some Vietnam veterans were not able to utilize their GI bill education benefits during the first 10 years after discharge because of readjustment problems. I am a cosponsor of H.R. 2204, which would allow veterans 20 years (instead of the present 10) to take advantage of these benefits. Perhaps the best news for some Vietnam veterans is the agent orange legislation recently passed by Congress. I cosponsored this bill, which provides a presumption of service connection for the occurrence of certain diseases related to exposure to herbicides or other environmental hazards in Vietnam veterans. The limited compensation now allowed is in effect until the Federal Centers for Disease Control completes a definitive study on the effects of chemicals used in Southeast Asia.

As you can see, Congress has not been idle in providing for our veterans. They were the ones who interrupted their jobs, their educations, their lifestyles, to fight political oppression, tyranny, and social injustice. They accepted their responsibilities with a commitment to high ideals and devotion to country. Each fought and served with a true measure of heroism. They fought fear, homesickness, and other unseen enemies because their country asked. They saw carnage, and experienced deprivation, insult, and torture as prisoners of war. Our veterans deserve to be honored every day for their devoted efforts to the preservation of freedom through service to this country and its allies. We owe them, and we owe those who died while serving this noble cause.

It is simply not enough to pause in remembrance on Memorial Day. Just as important as paying tribute to those who died in the service of their country, Memorial Day should also be a day when we honor and rededicate ourselves to those many millions who have served their country and lived. Our gratitude should be expressed daily in our actions. Abraham Lincoln wrote during the Civil War, "Let us care for him who shall have borne the battle, and for his widow, and his orphan." This saying, which relates so much, now adorns the VA Building in Washington, DC.

America can never fully repay her veterans, and we will never be able to express our feelings to our fallen soldiers. On Memorial Day 1984, I urge all Americans to join me in honoring those who made the ultimate sacrifice in defense of basic human rights and the democratic ideals of the United States. Over 1,081,000 people gave their lives in service for this Nation. Their sacrifices must not be in vain. We must now rededicate ourselves to working for a better, saner, more peaceful world.

On Memorial Day we acknowledge that death can be meaningful. In the words of Robert Kennedy,

> Each time a man stands up for an ideal or acts to improve the lots of others, or strikes out against injustice, he sends forth a tiny ripple of hope . . . and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

Perhaps the day draws nearer when the walls of oppression shall fall for good.●

PERSONAL EXPLANATION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. PORTER. Mr. Speaker, I was unavoidably detained this afternoon and did not vote on rollcall No. 185 or on rollcall No. 186. Had I been present and voting, I would have voted "yes" on rollcall No. 185, and "no" on rollcall No. 186.●

LT. THOMAS A. BIGELOW, OUTSTANDING POLICEMAN HONORED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. DYMALLY. Mr. Speaker, being a policeman is a tough job. It requires great emotional strength and maturity to protect the citizens of our cities day after day from those who choose not to abide by the rules that bring order and stability to our society. It is a wearing experience. And it is dangerous. Lt. Thomas A. Bigelow has been doing it for the citizens of Hawthorne, CA, for 31 years. That is dedication. And I am honored to acknowledge here in the Congress of the United States the debt of gratitude which the citizens of the 31st Congressional District of California, and I among them, owe to Thomas Bigelow for his service in our behalf.

Lieutenant Bigelow retired from the force on April 30, 1984, and I want to take this occasion to point out to my colleagues in the Congress some of the ways in which Lieutenant Bigelow has worked for his community because I think that work serves as a model of civic mindedness for all of us. I am struck by the concern for young people the lieutenant has demonstrated throughout his career. In fact, in his first post as a policeman, Lieutenant Bigelow served in the juvenile bureau. To be more precise, he was the juvenile bureau from 1957 to 1961. It was a one-man operation then. He served also as a member of the board of directors of the Southern California Juvenile Officers Association. Those early experiences made a deep impression on the lieutenant, as may be seen from his later activities.

To promote the safety of children within their own neighborhoods, Tom created the block parent program. Like neighborhood watch, the block parent program teaches the residents of a neighborhood to recognize and watch for those who belong in the neighborhood. Through this awareness, the children of a neighborhood are protected by all the adults in the neighborhood. I have nothing but praise for programs like this because in a world where individuals seem easily to become isolated, programs of this sort promote social interaction and contribute greatly to the cohesive spirit of each community. In addition to his work in the block parent program, Tom served for many years as adviser to the auxiliary police youth program. That program evolved into Hawthorne's explorer scout program.

His concern for youth is not limited to on the job activities. Tom has been a member of the Wiseburn Elementary School District Board of Trustees since 1967, serving three terms as clerk of the board and three terms as president. He has been a member and president of the Centinela Child Guidance Clinic and was instrumental in the purchasing of facilities which now house the clinic. If one were to ask Tom about his proudest accomplishment in the field of youth development, however, I have a feeling he would point to his son Brett who is now a sophomore engineering major at Loyola Marymount University.

When a person of Lt. Tom Bigelow's caliber retires in the city of Hawthorne, we look on it not as retirement but as a transition to new forms of service. The city needs people with Tom's expert experience and his sense of devotion to the community. I join with my fellow citizens of the 31st Congressional District in looking forward to many more years of civic leadership from Tom Bigelow.●

A PERSONAL EXPLANATION

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BEILENSON. Mr. Speaker, it is with deep regret that I found myself compelled to vote against H.R. 5119, the foreign aid authorization bill for fiscal year 1985. Our colleague, Congressman DANTE FASCELL, did an excellent job of crafting a bill that maintained adequate levels of assistance for a number of worthwhile programs, a difficult feat in an election year. As a strong supporter of foreign aid, I was saddened to have to vote against a measure containing aid to the Governments of Israel and Egypt, economic development assistance targeted toward some of the world's poverty areas, and funding for the food-for-peace program.

However, the House of Representatives' decision to accept the Broomfield amendment, which may one day be seen as a Gulf of Tonkin resolution for Central America, led me—with reluctance—to vote against H.R. 5119. I found it untenable to support legislation which, by removing effective human rights conditions from U.S. military aid to El Salvador, could encourage those who perpetrate death squad violence upon innocent civilians.

In addition, by striking the prohibition placed by the Foreign Affairs Committee on further U.S. military exercises in Honduras, the House of Representatives has paved the way for

President Reagan to enmesh us still deeper in Central America, an area where our ability to influence regional conflicts is limited but our potential for wasting our resources and endangering our military personnel is boundless.

Mr. Chairman, had H.R. 5119 been defeated, we could have sent the measure back to the Foreign Affairs Committee to be stripped of its controversial El Salvador provisions while still maintaining funding for programs important to out friends and allies. It was necessary, however, first to take the step of defeating the foreign aid bill with its attached Broomfield amendment, which gives U.S. policy a focus that may ultimately serve to escalate the level of violence in Central America and prove harmful to our own national interest. I hope that our friends abroad will appreciate our motives for voting against H.R. 5119, and recognize that the support of myself and other traditional supporters of foreign assistance has not wavered.●

NUCLEAR POWER: ARE THERE ANY ANSWERS?

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. VENTO. Mr. Speaker, commercial nuclear power has been under development for 30 years, yet basic questions remain on its safety, reliability, and overall economy. What should be a mature industry is instead one that can barely stand. Through my work on the Interior and Insular Affairs Committee, which has jurisdiction over domestic nuclear power regulation, I have seen and questioned the shortfalls in plant design and engineering standards, the lack of effective regulatory oversight, the favorable accident liability limits bestowed on the nuclear power industry, and the scope and direction of nuclear power research.

The legion of problems facing the nuclear power industry have been a topic of continuing discussion among government officials, business interests, and the general public. Design, safety, and management problems, cost overruns, and the resulting plant cancellations and bond defaults have raised basic questions on whether the nuclear power industry can continue to survive. The once-touted panacea to our electrical generation needs has degenerated into a matter of finger pointing into what went wrong and why. While much has been written on the industry's problems, the time has come to focus on possible answers and solutions. Even with its problems and drawbacks, nuclear power provides over 10 percent of our present energy needs, with approximately 70 reactors in operation across the country and several more coming online. Clearly, hard decisions have to be made on where nuclear power generation will lead us.

Recently, an article appeared in the St. Paul Sunday Pioneer Press by editorial writer Tom Majeski that offers what I believe is a thoughtful insight into the range of solutions needed to address this vexing issue. The article focuses on the significant changes needed to be made in the management and technology of nuclear power generation. Without these changes the critical factor of public confidence will continue to wane. How we address the continued use and development of nuclear power today will determine what role, if any, it will play in our energy future.

I commend the article to the attention of my colleagues.

[From the St. Paul Sunday Pioneer Press, May 27, 1984]

Troubles Don't Negate Nuclear Power's Role

(By Tom Majeski)

In the early 1950's, scientists touting nuclear energy's potential said that the electricity it would generate would be too cheap to meter. Today, the nuclear power industry is being buried under the growing debris of safety fears and financial failure.

What went wrong? Is nuclear power a bold experiment that failed, or is it suffering severe but nonfatal growing pains?

America needs a steady, reliable source of power. Because of uncertainty in the Mideast, crude oil supplies are volatile. While domestic natural gas supplies are plentiful, it makes more economic sense to use it as a source of heat rather than as a power-plant fuel. Although the nation is blessed with an abundant supply of coal, acid rain problems linked to coal-fired generating plants have raised serious doubts about the wisdom of fully exploiting this resource. Wind and solar power are exciting, "clean" options, but even some of their most ardent supporters admit that their full potential lies somewhere in the distant future.

Those energy shortcomings tend to cast the deeply troubled but once-promising nuclear industry in the role of tainted savior. Can it rise from the ashes of apparent failure to meet this noble challenge?

It can—provided industry experts and Washington officials are willing to correct myriad past mistakes.

The first occurred when the industry's future was turned over to individual utilities rather than to a trained management board. As a result, every U.S. nuclear plant operating or under construction today is a custom-designed facility.

EXPENSIVE, WASTEFUL

This is an extremely expensive and wasteful method of building highly complex, delicately balanced generating systems. Not only must each unit be painstakingly designed from the ground up, but nearly every component also must be custom manufactured.

In too many instances, contracting firms discover that pipes they are hooking up do not line up with fittings installed earlier by other contractors. In other cases, crucial components have failed because of design and manufacturing flaws common to custom-built equipment.

Before the Three Mile Island fiasco in March 1979, when the industry became besieged with continuous waves of fear, such failures created a minimum of concern. Today, each failure has prompted federal regulators to rewrite and toughen the rules. Such caution is admirable, but the costs associated with this reactive process have become intolerable.

Moreover, while a few utility management teams are capable of overseeing the complex construction of a nuclear plant, others are woefully underprepared. Unnoticed mistakes during early stages of construction by poorly supervised contractors have later forced expensive design changes.

Resulting cost overruns have become catastrophic. Soaring interest rates during the late 1970s and early 1980s compounded the problem. Some classic examples:

The Shoreham nuclear plant on New York's Long Island was to cost $241 million. A decade behind schedule, it now will cost $4 billion to complete, 15 times the estimate.

New Hampshire's two-unit Seabrook plant was to cost $973 million. One unit is expected to be finished in July 1985; no predictions are being made for the second. The last estimate for both units was $5.8 billion.

CAN BE SOLVED

Problems plaguing nuclear power, though legion, can be solved.

First, supervisory authority must be transferred from individual utilities to an independent body trained in overseeing construction.

Second, the industry should standardize one or two basic designs. In Europe, standardization vastly improved construction efficiency and plant reliability; it also helped to hold down costs.

Third, an industry that adopted the light water reactor more out of accident than purpose should be directed toward studying safer designs, such as the high-temperature, gas-cooled (HTGR) reactor. Although operations of such plants have more time to respond to emegencies than operators of light water reactors, thus making them safer, only one HTGR reactor has been built in the nation (in Fort St. Vrain, Colo.). Possibilities under HTGR techology should be fully explored.

Fourth, studies of such "fail-safe" designs as immersing the reactor in a giant pool of water—a Swedish suggestion to eliminate threat of meltdown—also should be conducted.

Fifth, the United States should completely abandon breeder reactor technology and begin serious research in fission technology. Although Congress rejected the Clinch River breeder reactor last spring, the Department of Energy continues to emphasize breeder reactor research.

Sixth, the federal government must fulfill its commitment to locate and construct a permanent facility to safely store spent nuclear fuel rods. The problem here is more political than technical: Experts can design and build a safe storage facility, but politicians can't find a mutually acceptable backyard in which to site it.

Electricity generated by nuclear power may never be penny cheap. Nevertheless, its future role in powering the nation's homes and factories should not be severely limited because of safety, financial and political problems that are more a product of mismanagement and misunderstanding than of faulty technology.●

AGENT ORANGE: VIEW OF AN EXPOSED VETERAN

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. HAMMERSCHMIDT. Mr. Speaker, a number of disabilities of Vietnam veterans and their children have been attributed to exposure to agent orange. A number of scientific studies are underway to arrive at appropriate scientific conclusions as to the facts. A man named Tom Carhart, who is director of the Vietnam veterans leadership program in Connecticut, has done his own research and has written about his personal experiences. His story appears in today's edition of the Washington Times. I commend it to the House as an interesting article.

[From the Washington Times, May 30, 1984]

AGENT ORANGE: VIEW OF AN EXPOSED VETERAN

(By Tom Carhart)

The recent settlement of a class-action suit filed by a group of Vietnam veterans against the chemical companies who produced Agent Orange was of more than passing interest to me. In 1967 and '68, I was an infantry platoon leader in the 101st Airborne Division in Vietnam, and we often moved through or operated in areas that had been defoliated by aerially sprayed Agent Orange.

We hated that, not because we feared the defoliant itself, but rather because we just didn't like to be out in the open. The first time I was wounded, I was shot through the leg while crossing a strip of defoliated jungle.

I left the Army in 1969, and in 1970, I went to see a doctor about a sore on my shoulder that wouldn't heal. It turned out to be a malignant cancer that was surgically removed. In 1971, my wife delivered a stillborn child, and after a few more years and no more children, that marriage ended in divorce. In 1980, I remarried, and in 1981, my second wife, at 28 years of age, gave birth to a baby boy who has "Down's syndrome."

By this time, the scare stories about Agent Orange were making the rounds, and although I had ignored them in the past, this set of three unusual life experiences after my service in Vietnam caused me some concern. I began a careful review of the available literature on Agent Orange and its effects. I should add here that in February 1984 many of my fears were allayed when my wife had our second child, a perfectly healthy boy without any apparent birth defects.

Agent Orange is a 50-50 combination of two herbicides known as 2,4-D and 2,4,5-T, whose effectiveness in weed and brush control were discoverd after World War II. In the manufacture of 2,4,5-T, an unwanted contaminant dioxin compound, 2,3,7,8- tetrachlorodibenzopara-dioxin, or TCDD, is produced at trace levels, and this is the source of all the concern over Agent Orange. TCDD is one of the most toxic dioxin compounds, and it has been shown to cause a number of serious conditions in some laboratory animals, including birth defects, cancer, and death. But the same is just not true for human beings. Numerous independent scientific studies have shown that the only health problems documented in human beings, even in the cases of severe overexposure to TCDD, have been a temporary and a few other reversible signs of toxicity.

The concentration of TCDD in Agent Orange was about one-half part per million. Between 1965 and 1971, some 10.6 million gallons of Agent Orange were sprayed over parts of South Vietnam, mostly in unpopulated, heavily jungled areas. The coverage was such that one 55-gallon drum would be sprayed over an area roughly the size of 14 football fields, and some 94 percent of the TCDD would degrade to harmless components on the leaves and branches of the trees before it reached the ground. This means that the soil concentration of TCDD were an American soldier might to exposed to it was something on the order of 5 parts per trillion.

Over the last 30 years, a number of major industrial accident have given scientists first-hand experience with human exposure to TCDD in doses far exceeding those experienced in Vietnam. Perhaps the exposures to dioxin best known to the American public were those in Times Beach, Mo., and in Seveso, Italy.

During the early 1970s, in order to control dust, roads in Times Beach were sprayed with oil that had been contaminated with TCDD. In the spring of 1983, floods spread much of the TCDD from the roadbeds. The federal Environmental Protection Agency was confronted with a situation where soil concentrations of nearly one part per million were found around Times Beach, and on the basis of animal studies of toxicity, they bought the town and evacuated the residents. The Center for Disease Control has closely monitored the residents, many of whom were living for more than 10 years with a far higher concentration of TCDD in their soil than anything found in Vietnam. To date, no harmful health effects have been found, but continued health surveillance is planned.

On July 10, 1976, a chemical plant in Seveso, Italy, accidentally released a cloud of chemicals, including TCDD, that spread over seven square miles and exposed as many as 30,000 people. The heaviest exposure was in an area of 180 acres occupied by 736 people, where soil concentration of TCDD was measured at 5.5 parts per million, and quite a few animals died.

No humans died, but some 200 cases of chloracne were reported in the immediate area. Nausea, itching, and headache were also reported, as well as slight peripheral nerve impairment and tentative signs of liver toxicity. All these medical problems disappeared over time. In 1978, twelve researchers involved in the study of reproductive effects at Seveso concluded that no "major event" had occurred with respect to birth defects, miscarriages, and deaths. The 70 births in 1977 to women who had been in the most susceptible early months of their pregnancies at the time of their exposure showed no birth defects. Although the residents of the area were also exposed to many chemicals other than TCDD, the medical effects on humans of this exposure seem to have been minimal and transitory. A long-term epidemological study will follow the 220,000 residents of the Seveso area.

These human exposures were to soil concentrations of TCDD many thousands of times greater than those found in Vietnam. That does not mean, however, that the claims of those who charge damage from Agent Orange exposure in Vietnam are entirely without merit, because we still know so little about dioxin compounds and the effects they might have on human life over time.

But consider the recent Ranch Hand study. The Air Force personnel who, from 1965 to 1971, sprayed Agent Orange from C-123 cargo aircraft were part of "Operation Ranch Hand." There were more than 1,200 men flying or working with Agent Orange on the ground for periods of 10 or 12 hours a day, five or six days a week. Often these men would be literally drenched with Agent Orange at the end of the day, and the Air Force considers them by far the most heavily exposed individuals who served in Vietnam.

In a 1983 epidemiologic study, the health and mortality status of Ranch Hand members was compared with that of other members of the Air Force not exposed to Agent Orange, as well as with that of three other control groups in the United States. The study found that there was no increased mortality or unusual patterns of death or dying in time or by cause. If anything, Ranch Handers were slightly healthier than their civilian counterparts. There was no incidence among them of chloracne, in spite of their heavy exposure to Agent Orange. The American Medical Association, in a 1981 report, said that chloracne is the "clincal marker" for exposure to TCDD, and that "systemic disorders in man from exposure to TCDD are unlikely to occur in the absence of chloracne." There has been no soft tissue sarcoma (a rare form of cancer) or porphyria cutanea tarda (a liver disorder), both of which have been claimed on the basis of questionable evidence to be products of TCDD exposure.

Vietnam veterans have been through a lot, and the lack of any real "welcome home" still hurts. There is no doubt that many of us are dying from cancer and other painful diseases, and that many of us are burdened by the hardships borne by the imperfect offspring. But that is statistically predictable for any large class of men, all the more so as we grow older. The unfortunate reality is that burdens occur randomly in life.

There may be some individuals who are truly suffering as a result of Agent Orange exposure in Vietnam, but I would think, from the evidence, that it's a very small number. No deaths are scientifically attributable to TCDD exposure, and as for birth defects, there is no scientific evidence that a male's exposure to any compound can result in structural malformations in his offspring.

The chemical companies made a tactical decision to settle this class-action suit in order to avoid years of expensive litigation and damage to their public image. But this may have been a very poor strategic decision. As part of the settlement, the parties agreed that no fault was to be attributed to the chemical companies. But some Vietnam veterans are now loudly proclaiming that this settlement is, indeed, proof of the damage done by Agent Orange, and that their next target will be Uncle Sam.

The unfortunate aspect of this payoff is that Vietnam veterans are, once again, being defined as broken victims of a wicked war.

Personally, I want no part of this $180 million pool funded by the chemical companies as part of the settlement. I am proud of my service to my country, and I will not shake the money tree of corporations whose supplies of materials to the government resulted in no damage to my health. I once felt that I was genetically cursed because of my exposure to Agent Orange in Vietnam, but my subsequent research has convinced me that such is not the case. As for my earlier cancer, the stillbirth of my first child, and the birth defects in my second, I have no explanations—but then, neither does anyone else who suffers similar hardships but never served in Vietnam.

If the government or the chemical companies want to hand out charity on the basis of compassion for honorable service to America during an unpopular war, that's fine, but let's not call it anything else.●

A TRIBUTE TO FRANK BLUNTSON

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. DOWDY of Mississippi. Mr. Speaker, it gives me great pleasure to call to the attention of my esteemed colleagues the contributions of a fine man from my congressional district. Frank Bluntson, Jr., is a man who has played an integral role in the growth and development of our community by initiating several projects for youths and the elderly.

When I think of Frank Bluntson, I think of the many times that he has befriended those in need in the Jackson area. I can recall the times that he assisted one family in obtaining corrective surgery for their child and helped another when a fire claimed the lives of their four children.

Since 1969, Frank has tirelessly given of himself as an instructor, companion, and confidante to numerous youths through his work as a probation officer with the Jackson youth court. He now serves as director of the youth court detention center. In addition, he is actively involved as a football and baseball official at the high school and college level.

He has combined his creative talent to build his weekly talk show, "Straight Talk," a radio spot in which he interviews various figures and moderates discussions between the listening audience on a variety of topics, into one of the most popular radio spots. Using the show as a vehicle to explore other avenues of interest to him, he annually spearheads a fundraising drive to purchase food for the elderly at Christmas for the senior citizens' program.

Last year, the city of Jackson recognized him for his many years of service by naming Sunday, July 31, Frank Bluntson Appreciation Day. The Honorable Dale Danks, mayor of Jackson, and several other officials rose to the occasion to honor this man who, in our eyes, has brought pride and distinction to our community.

I can think of no one more deserving of our recognition than Frank Bluntson, for he epitomizes that of a truly compassionate person who I am pleased to call my friend.●

MOTHERS AGAINST DRUNK DRIVING

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, I rise to pay tribute to a group of American citizens who have been working and who continue to work to make our Nation's highways safer for all Americans.

I speak of those individuals who are part of Mothers Against Drunk Driving, or MADD, as the group is sometimes called. These people unselfishly labor to rid our highways and byways of potential killers: drunk drivers. MADD members lobby State and Federal legislators. In addition, they serve as the eyes and ears of all Americans by keeping an eye on court proceedings involving drunken drivers to make certain the courts are not too lenient with such offenders.

These Americans, these citizens, these MADD members, working without pay for the benefit of all of us. They also work without much recognition of their efforts and sacrifices to help make our highways safer for us and our families.

It is for that reason that I make these remarks today. I want to recognize MADD for its efforts and to praise its members for giving of their own time, time they could spend with their families or in recreational activities, to help us all by ridding the roads of drunk drivers.

And ridding the roads of drunk drivers is a very important project. Each year, approximately 26,000 persons die in traffic accidents involving drunk drivers. The younger members of our population are especially affected. Approximately 44 percent of all alcohol related accidents involve persons aged 16 to 24. So, MADD's goal is one that should be supported by all of us.

In my district of Ohio, MADD has been very active and brought to the attention of all citizens there the dangers of drunk driving. MADD members in the 17th District of Ohio and throughout the United States should be commended for their dedication and hard work toward the goal of relegating the drunk driver to history and to removing him from our highways now and in the future.●

IRVING M. LIPETZ, SENIOR CITIZEN INTERN

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. MAZZOLI. Mr. Speaker, recently Irving M. Lipetz of the Third District, Kentucky, was here in Washington as my senior citizen intern. Irv is a delightful young man of 71 years who remains active and involved and enthusiastic even though he is well into his retirement years.

Irv has always been active in the community and he is well acquainted with the problems of the elderly. He worked with the Social Security Administration for 39 years and served as a delegate to the 1981 White House Conference on Aging. He is the president of the Kentucky Association for Older People.

Irv has also been very active in the Jewish community and on May 14 he received the Hannah G. Solomon Award, a recognition given in my district by the National Council of Jewish Women in recognition of the exceptional contributions of an individual to the community.

I was proud and happy to have Irving Lipetz in Washington as my 1984 senior citizen intern, and I congratulate him on receiving the Hannah G. Solomon Award. He is a most worthy recipient.●

VALLEY FORGE CHORUS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. SCHULZE. Mr. Speaker, I wish to take this opportunity to bring to the attention of my colleagues the talents of the Valley Forge Chorus, a chapter of the nationally recognized Sweet Adelines.

The Valley Forge Chorus is 100 female voices strong, with a barbershop-quartet style that is dynamic and highly entertaining. The group appeals to anyone who is a lover of music, comedy or dance. They do it all—have won a myriad of awards for their talents, including the International Chorus Championship in 1983, a highly prized recognition in the world of music.

Many of us are aware of the Sweet Adelines who have chapters throughout the United States and around the world. They know what a terrific public service organization it is and they probably have heard one of its 750 chapter choruses at one time or another. None, however, is as sweet as the Adelines of the Valley Forge

Chorus. I invited you to visit and enjoy the beauty of Pennsylvania's Fifth District. Your visit, of course, will not be complete without seeing and hearing the 1983 International Chorus Champions, Pennsylvania's own Valley Forge Chorus.●

FRANCIS X. SMITH—JUDGE OF THE YEAR

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. ACKERMAN. Mr. Speaker, this Thursday, May 31, the Criminal Court Bar Association of New York City will honor the esteemed jurist, Francis X. Smith, as "Judge of the Year," during the organization's annual dinner-dance at panoramic Terrace on the Park in Flushing Meadows-Corona Park, Queens County, N.Y.

This privileged award is but the latest of many honors that have been deservedly bestowed on Frank Smith in his 62 years.

Mr. Speaker, Judge Smith assumed the bench in 1971, when he was elected by the voters of Queens County as a justice of the Supreme Court of the State of New York. After distinguishing himself in that position, Justice Smith was in 1977 appointed chief administrative judge of the Civil Court of New York City. Exceptional service advanced his career again in February 1982, when he was named to the position he still holds, administrative judge of the 11th Judicial District, Queens County, by the State's highest jurist, Lawrence H. Cook, the chief judge of the court of appeals.

Prior to his career on the bench, Judge Smith played an important and valuable role in New York City government. He was a city councilman from western Queens between 1966 and 1968, and served as president of the City Council of New York in 1969.

Mr. Speaker, Frank Smith's exemplary public service is matched only by his courageous efforts in defense of freedom during World War II. He served gallantly in the U.S. Marine Corps from 1944 to 1946, rising to the high rank of major before his discharge. His bravery was frequently rewarded during that service career—he received a Silver Star, three Purple Hearts, and a Presidential Citation.

Judge Smith first achieved fame when his exploits and those of the 29th Marines, 6th Marine Division, were featured on the front page of the New York Herald-Tribune and in the frontline dispatches of Homer Bigart, the Pulitzer Prize-winning war correspondent; 3,000 marines were killed or injured trying to take Sugarloaf Hill in Okinawa, but Frank Smith and his platoon took that land on May 18, 1945, in the 11th Allied assault.

It was in the Marine Corps. Mr. Speaker, that then-Lt. Frank Smith became friends with another brave serviceman, Bob Crosby, brother of the legendary crooner. Smith's injuries in Okinawa forced him out of action and into a California military hospital. But although away from the front, he was not forgotten by his service buddies. A call from brother Bob sent Bing Crosby to Frank's bedside, and thus began a friendship between the public servant and the entertainer that lasted more than 30 years.

Since that time, Mr. Speaker, Frank Smith has nurtured an appreciation of the unique voice, enormous talent and many works of Bing Crosby. In fact, Judge Smith possesses one of the largest collections anywhere of Bing Crosby recordings, photographs, and memorabilia. Frank Smith has approached his fascination with Der Bingle the way he approached his love of the law: With boundless zest, wide-eyed rapture, and an unquenchable thirst to expand his knowledge. During a New York stop on a 1976 concert tour, Bing and Frank were inseparable. And when the city hall tree was lit that winter, Smith was again accompanied by Crosby, who thrilled the crowd with his incomparable rendition of "White Christmas."

Mr. Speaker, Frank Smith is a gifted jurist, a dedicated public servant, and a warm and compassionate human being, whom I am proud to count among my friends. I know that every Member of the Congress of the United States joins me in extending our sincere congratulations and best wishes to Judge Smith for a job well done and a life well lived, upon his selection as "Judge of the Year."●

ADDRESS BY LEE A. IACOCCA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. FORD of Michigan. Mr. Speaker, last Sunday the Detroit News ran excerpts from a speech by Lee A. Iacocca, the imaginative and intrepid chairman of the board of Chrysler Corp.

In his address Mr. Iacocca perceptively pointed out that Japanese auto manufacturers enjoy a big advantage in U.S. markets not because of industrial efficiency or worker dedication—but because of tax and currency policies.

That advantage, Mr. Iacocca noted, amounts to $1,600 per car because the Japanese yen is undervalued and because the Japanese Government rebates auto manufacturers for every Japanese car that is exported.

For the edification of my colleagues, I insert Mr. Iacocca's remarks in the RECORD:

AMERICA ALREADY SPORTS A (BAD) INDUSTRIAL POLICY

(The following is an excerpt of remarks by Lee A. Iacocca, Chairman of the Board, Chrysler Corp., at the May 15 League of Women Voters Meeting, Westin Hotel, Detroit.)

Let me be specific with this group about that unfair competition in the car business. It's the result of an industrial policy. In this case, somebody else's industrial policy.

It amounts to $1,600 a car on every Japanese car sold in this country. That $1,600 advantage is not because of greater Japanese efficiency. It's not Japanese workers doing calisthenics and then marching to the factory singing the national anthem. It's not even Japanese cheap labor. That's largely a myth anyway. No, that $1,600 advantage is just two things—currency and taxes.

First, the Japanese yen is undervalued by at least 15 percent and everybody in Washington agrees on that. That alone gives every Japanese car—and I might say everything else that's imported—an automatic cost advantage, and on a car that's at least $900.

Second, when a Japanese car is put on the boat for the United States, the Japanese government rebates the commodity tax to the manufacturer. That's another $700 advantage for every car. That means, simply, a Tokyo housewife pays $700 more for her Toyota than a San Francisco housewife—for the same car. Its price drops like magic as soon as it hits the dock. Now all of this adds up to a lot of money. During the period of so-called restraints, the Japanese auto companies made—will you believe this?—$9 billion. By the way, the U.S. auto companies in total lost $6 billion during that same period.

But forget that. Do you know how much of that Japanese auto profit came from the U.S. market? Exactly $9 billion, or 100 percent of it. Do you know how much of it came from the funny yen-dollar relationship and the commodity tax rebates? Nine point four billion dollars, or more than 100 percent. Some restraint, huh? Talk about picking a chicken clean.

Last month, the Japanese Minister of Agriculture said he could not expand U.S. beef and citrus exports to Japan. He said (quote) "The Japanese beef and citrus industry is vital to this country's food supply and (get this) vital to our national security." He said that as a matter of national policy they were going to protect their farmers. They just weren't going to allow them to go bankrupt because of unfair American competition. If I got started this morning on the subject of who's paying for their defense, we would be here all morning and all afternoon.

All I've said . . . all I've ever said for the past three years, is 'Get rid of the $1,600 per car unfair Japanese advantage . . . what I called . . . we coined this phrase and everybody uses it now . . . the unlevel playing field in Japanese-American trade, and we'll play 'em straight up.' I can compete with Mr. Toyota or Mr. Honda one on one. But Mr. Reagan has got to handle Mr. Nakasone for me. And, simply stated, that would be an industrial policy to neutralize Japanese industrial policy, and it wouldn't be our first one.

Anyone who's familiar with Washington—I'm sure a lot of you people are—knows that Washington is subsidy city. And each subsidy adds up to an industrial policy. We've got literally hundreds of them—starting with the Federal Loan Guarantees. And I'm sort of the expert in this area. We weren't the first. When we went for ours, there were $409 billion in loans—guaranteed—before I even got to Washington to ask for my lousy $1.5 billion. And now under a conservative Republican, we're up to over $500 billion in guarantees—all in the balance sheets, not in the deficit—just four years later. That's an industrial policy.

Defense, the military—I used to be in this business—military contracts are a 100-percent protected industry. They're the only ones left, by the way. The Japanese can't play in this game—by law! No bids from foreign countries accepted. Profits? Lots of profits, even big spare parts profits. Guaranteed. Hell, I sold my protected battle tank business and I kept cars. I should have sold the car business and kept the tanks. It was easier. Sixty million in profits like clockwork, guaranteed. That's an industrial policy. President Eisenhower even warned us about that one. Remember he called it the military-industrial complex. He said, "Beware, they will spend you blind." And he was a general yet.

Then take agriculture. This has always been one of my favorites. Taxpayers pay now a mere $50 billion a year to help private farmers, many of whom are large rich corporations, I might add. In the '30s, United States agriculture was, let's face it an unmitigated disaster. Now it's the marvel of the world. In fact, we feed much of the world. Ask yourself, "What made the difference?" It wasn't just good climate and good soil and hardworking farmers, although God did bless us. Hell, we had all of those in the '30s and we still had Oakies and Dust Bowls. No, it was the government's conscious decision to make agriculture a winner at whatever the cost. It was rural electrification and irrigation and the Granddaddy of 'em all, the TVA, and county agents and agricultural schools and land banks and credit programs and now PIK payments—Payment In Kind. Ten billion bucks last year just for that program to pay you not to plant. But, man, did all these programs work.

We don't want to admit it, but we do have industrial policies. We have them all over the map. We have them for farmers and bankers and defense and even for housing. What we don't have is an industrial industrial policy and like it or not, that's where most of our jobs are. As a result, we're moving too fast to write off smokestack America without any conception of the human and social consequences. There are 155,000 laid-off auto workers outside this building who haven't been called back and probably never will be and 60,000 more rubber workers in towns like Akron and 266,000 more steel workers in places like Lackawana, N.Y. and Johnstown, Pa. All in the same boat.

We've had enough rhetoric and enough finger-pointing. It's time for some action. To get some, I'm prepared to bring some specific proposals to the party. Let me tick 'em off for you.

I'll start with prices and executive compensation, since Mr. Brock chose to make this the centerpiece of his industrial policy for the auto industry. First, prices. I'll freeze Chrysler's U.S.-build small car prices—now—for as long as it takes if the administration will commit to a level playing field. And that means really attacking the currency and tax inequities once and for all.

Second, compensation. That's really not an issue with me. We don't even have a bonus plan yet. In fact, Chrysler management hasn't had a bonus in seven years. But if our stockholders do approve a plan next month, I'll commit to restraint. What's restraint? I don't know precisely in our system. Maybe about 50 percent at most of what GM and Ford pay their top managers. I think that's a pretty responsible solution given the fact that our management worked so hard to generate almost a billion dollars in operating profit last year and, in addition, I think our guys are twice as good as their guys.

Now let me throw out a third challenge, because it's not just consumers who need a little protection in all of this, but workers, jobs. To compete, we contend we have to buy lots and lots of parts overseas. And in doing this, we are sending jobs off shore like there's no tomorrow. Well, I'm prepared to say to our union, "If you'll show some restraint in your demands, I'll freeze the buying I do outside of North America at the current level. Right now." I would expect, in return, that the UAW agree to modify some of its work rules that keep us from being more competitive. I would expect it to agree to tie wage increases only to productivity and quality improvements. I would expect it to get serious about trimming medical costs that are now averaging $600 a car at Chrysler. Now I'm not talking about concessions or roll-backs. I just want to know what labor will take to this party.

And then comes the biggest challenge of all—and that's the one I would make to our beloved government. "Are you willing to address the unfair playing field? Answer in one syllable. Yes or No. Are you willing to take on the $1,600 yen tax disadvantage as the price for eliminating quotas, moderating prices to the consumer, and preserving American jobs?"

I'd like to find out. I'd like to find out where the administration and the leaders of both parties really stand on jobs, prices, and fair trade and where GM, Ford, and the UAW stand and what they're willing to contribute. Maybe we should just all get together and talk it over. I'm ready if they are.●

SALUTE TO SMALL BUSINESS AND THE ACCOUNTANT ADVOCATE OF 1984

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. CORCORAN. Mr. Speaker, the month of May each year brings hundreds of small business owners and their families to Washington, DC, to celebrate "Small Business Week." During this period, recognition is given to outstanding individuals for their contributions to the growth and vitality of our Nation's small businesses.

In this era of rapid change, it has become clear that if small business is to be preserved, we will need leadership with vision in both the public and private sectors. I am proud to pay tribute to just such a leader, the late William D. Barth of St. Charles, IL, who was chosen Accountant Advocate of the Year for his lifelong achievements as an advocate of the small business cause.

Bill Barth lived all his life in Illinois. He was born in Washburn, in the southern part of the State. His education was at Illinois Wesleyan and then at the University of Illinois where he earned a master of science in accounting.

In 1948 he joined the accounting firm of Arthur Andersen & Co., in Chicago as a part of its fledgling small business division. He rose to be director of Arthur Andersen's small business practice from 1973 to 1982. Thereafter, he was appointed director of Legislative Liaison for Small Business for the firm, and began to have an increasing impact on the national small business scene.

Bill Barth testified on all of the critical tax and capital formation legislation between 1978 and 1983, giving small business a wise, knowledgeable, and credible voice in the development of the landmark tax bills of 1978, 1981, and 1982.

He had a key role in a series of innovative proposals to improve small business capital formation generally, such as: Small business participating debenture, which he designed and proposed in 1978; withdrawal of the section 385 debt-equity regulations, to which he made an important contribution; a procedure for a small pension loan class exemption, which he coauthored in 1983; legislation to improve the secondary marketing of SBA loans, now pending before this Congress, was developed by the SBA National Advisory Council with his assistance; and the Small Business National Issues Conference, scheduled to take place in June 1984, stemmed directly from his work with the Small Business Committee of the American Institute of Certified Public Accountants.

This effort also led to the proposal for the second White House Conference on Small Business for 1986, which President Ronald Reagan just signed and announced during Small Business Week.

Within his community, Bill Barth served actively on the boards of the St. Charles school system, the tri-city youth program, the Chicago Economic Development Corporation, the Norris Cultural Arts Commission and the President's Council for Illinois Wesleyan University, making St. Charles and the State of Illinois better places to live.

He will also be remembered as a man who was never too busy with national affairs to help his wife and daughter contend with the paperwork of their small retail business in Geneva, IL, or to help a friend or neighbor complete a tax return.

Bill Barth was a participating member of the Baker Memorial

United Methodist Church in St. Charles. As one of its musical ensemble, he played the trumpet in the sanctuary a month before his death last November.

The St. Charles Chronicle reported Mayor Fred Norris' comment that Bill Barth was "among the top 10" in service to his city over the past 20 years. In my opinion, Bill Barth was one of the top 10 leaders of small business nationally.

Because Bill Barth was such a model citizen, he was the outstanding choice for Accountant Advocate of 1984. His selection has pleased all segments of the small business community throughout the country.

I would like to add my congratulations to Mrs. Mary Barth; to his daughter, Karen Copeland and her husband, Wayne; to his son Douglas Barth and his wife, Linda, for this award which is so well deserved.●

UNDERSTANDING THE MEANING OF SECURITY IN ISRAEL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. GEJDENSON. Mr. Speaker, I recently had the pleasure of reading a speech given by my good friend and colleague from Connecticut, Mr. MORRISON, at the Temple Beth Shalom, in Hamden, Conn., about the deepened understanding that he gained about our relationship with Israel during his first visit there.

I think Mr. MORRISON's comments are most insightful, and I would like to share them with my colleagues today.

REMARKS OF HON. BRUCE A. MORRISON

My wife Jane and I were very grateful to the greater New Haven Jewish community for making possible the fact-finding trip to Israel that we were able to take last April as the guests of the New Haven Jewish Federation on an interfaith mission led by Joe Adler.

Within those 10 days, we were able to gain an invaluable new perspective on Israel. Things that we had known and understood intellectually were brought home much more graphically to us by experiencing them first-hand. The most notable was an understanding of Israel's precarious security. Coming from an American experience, I had never felt the geographical vunerability that one experiences in Israel.

This was immediately brought home to us during the time we spent in Jerusalem, where we began our visit. We visited a unified and pacified Jerusalem, but everywhere we saw things which testified to the situation when Israel was divided.

We met with Teddy Kollek, who many of you know from his trips to New Haven. It was a shock to sit in his office and to realize that across the street had been Jordanian-occupied Jerusalem. From across that street his office had been shelled by Jordanian soldiers stationed on the walls of the Old City. The pockmarks remain on the walls of the building which houses his office. That is something outside my experience. When I sit in Mayor DiLieto or Mayor Villano's office, nothing like that is even conceivable! The mayor of a major city and the capital of Israel is in that kind of vulnerability. That is what the question of security has meant to Israel.

What has happened since Jerusalem has been liberated from that occupation and has been reunified is truly amazing and exciting. The rebuilding of the Jewish quarter that is going on is spectacular, and the way it is being done in keeping with the traditions and the architecture of the Old City was really impressive. It was a joy to behold.

Our visit brought home to us in a very dramatic way the central importance of Jerusalem remaining free and open, never to be divided. I hope that the United States will end its somewhat presumptuous behavior with respect to the status of Jerusalem as the capital of Israel. I hope that we will soon come to accept—as we accept for every other nation in the world—Israel's determination of its own capital.

Traveling north out of Jerusalem along the roads that lead through the mountain passes gave us a dramatic illustration of the importance of who controls a few feet of real estate. Israel is a montainous country in which access to different areas depends on control of mountain passes and mountain ranges. Physical security once again was brought home to us—the necessity of having a sufficient space and controlling the space so that you cannot be subjected to an invasion from those hostile forces that have divided and occupied that territory for the full 35 years of life of the State of Israel. It was another very graphic demonstration of what is at stake, of what "Security" means to Israel.

We then traveled north to the Golan Heights. The northeast area of Israel which lies under the Golan Heights was unproductive swampland when Israel was formed. People labored long and hard to turn that swampland into productive agricultural land. Now, it is a jewel, full of productive farms and fields. Yet the Syrians in the Golan subjected the residents to rifle fire, mortar fire, and rockets raining down on that territory, disrupting a remarkably peaceful and wonderful kind of enterprise.

It is a terrible irony that this land which was unwanted, unused, and undeveloped then became something that the Syrians want to fight for, when they have never made any constructive use of that land. Going up into the Golan, seeing those emplacements and looking down, once again we understood why it has been so necessary for Israel to find ways to secure its borders.

Israel has had to function for 35 years within these insecure borders. This has meant life and death for people trying to develop Israel's future. That is why it is obvious that any negotiated peace ultimately bringing a reconciliation among the nations of the Middle East must include an understanding that Israel has a right to exist within a secure environment. There must be recognition of the necessary buffers against terrorist activity and military forces surrounding Israel.

I am grateful for having had the chance to learn this first hand. I had talked about it on an intellectual level before I went. I was certainly committed to the long-term commitment of the United States to Israel. But being there and seeing these things, seeing graphically both what had been done in Israel and what its geographical vulnerability has meant, seeing what was involved in providing security, has made me appreciate it on an emotional level.

Let me talk about one other thing which I think is particularly important for Americans to understand. We had the pleasure of traveling to a kibbutz. Now the kibbutz movement was a central activity of the Labor Party, in many ways the most left wing part of Israel. These people were the ones most likely to be in disagreement with the Begin government, and they were in fact in disagreement with the Begin government in many ways.

But when we hear about those disagreements in the American press and when they are discussed here, there is a cynical exploitation of those differences of opinion, as if Israel was divided on the fundamentals.

This is not the case. In this country when we have political disagreements with the President, Congress, or different factions in the country about how to achieve our nation's goals, we still share some very fundamental beliefs and values about what our country is and what it is about.

The same thing came through in talking to these very committed Labor Party people at the kibbutz. They had strong disagreements with some of the things the Begin government had done, but they shared the common underlying understanding that the security of Israel had long been at risk and that there had to be strong actions taken in order to defend against those risks.

Talk as you might about the various options that people would like to see, for instance with regard to the West Bank, the fundamental problem was that there were no one to negotiate with. This was due to the Arabs' adamant refusal to recognize Israel's sovereignty and its right to exist. This refusal hinders a dialogue that could lead in a constructive direction. This is a fundamental understanding that transcends all the political differences within Israel and the differences about approach and strategy.

And let us not forget that it is this very ability to dissent, the ability to function as a democracy, which makes the ties between Israel and the United States so important. Israel is a democratic island in a Middle East full of tyrannies and ancient monarchies that do not hold democratic values. It was a good experience for me to relate dissent in Israel to my own understanding about what dissent means here, and to realize that there is fundamental agreement about the basic issue of security.

Let me move to what we learned with respect to Israel's understanding of the situation in Lebanon. We were in Jerusalem at the time of the American Embassy bombing in Beruit. We met with Mr. Draper, the U.S. Ambassador, and Mr. Habib, who was in the process of negotiations. It was shortly thereafter that the agreement was reached with respect to Lebanon and Israel and the potential withdrawal of Israeli troops subject to an agreement with the Syrians. It was a time of hope for progress, but among the people in Israel who have lived through this for decades there was a cynicism that has been unfortunately borne out.

Lebanon's problems—its instabilities—go far beyond the questions of Israel's northern border and the presence or absence of the PLO. There are fundamental historical divisions in that country and they are not going to be solved by any external force. They can be manipulated, as they have been over the centuries, by other forces, but we ought not be deluded in thinking that foreign troops are going to remove the competition among all of those vying forces—the

Moslem factions, the Christian community and the Druze—or change quickly Syria's historical relationship to Lebanon, by which it claims a sphere of influence.

Those things are not going away over night. There was a mistaken sense at that time that this could be worked out and packaged in an agreement causing he problems of centuries and decades to vanish. This is untrue, but it is important to understand when we assess the American involvement in Lebanon.

It is against Israel's interest to have the United States become mired in a fruitless attempt to solve that Lebanese problem. I think our energy could be more constructively used pressing for Saudi Arabia to withdraw its financial support for Syria's rearmament. The Saudis must also be pressed to move the Jordanians toward negotiations with Israel. In contrast, our strategic approach appears foolish—arming the Jordanians with new and sophisticated armaments will not contribute to Israel's security.

I am very distressed about the direction of the current Administration's Middle East policy. I do not think people in charge of this policy have a commitment to Israel. They speak in those terms, but act in different ways. The most graphic and disgusting example is the decision made after the bombing of the Marine barracks. We turned down an Israeli offer of a hospital experienced in these injuries. We turned it down to fly our Marines to Cyprus and West Germany. Some died on that journey. Why? Apparently, because we did not want to anger the Arabs.

We are in a very difficult period. I do not see the kind of leadership coming out of the Administration that is needed to move forward in the peace process. The one great breakthrough that was made in the Middle East—the Camp David Accords—was made because President Carter, Prime Minister Begin, President Anwar Sadat made a commitment to give diplomacy a chance and to do the very hard work in diplomacy that could lead down the road to peace.

They did not try to answer every question and they left some ambiguous issues unresolved, but they all took a risk to give diplomacy a chance. They tried to set up a framework to make diplomacy work.

I think that is a lesson to be remembered. I do not think the problems of the Middle East in the end can be solved militarily. There will be military action and there must be military security, but ultimately, diplomacy over a long period of time is what is necessary.

We need national leadership that focuses in this direction, understands the limit of force and sees the creative necessity for sensible, sensitive diplomatic negotiations. I hope that we will soon see such leadership. Thank you very much.●

TRIBUTE TO MARY AND JOE WEBER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. ACKERMAN. Mr. Speaker, I am delighted to pay tribute to Mary and Joe Weber, who on May 26, 1984, were honored by the congregation of Electchester Jewish Center, in Flushing, in celebration of their 50th wedding anniversary. Mary and Joe, who were married on March 3, 1934, were both praised for their years of service to their temple and community. Joe was thanked for the many hours he dedicated to the temple as a former president and member of the temple's brotherhood organization, and Mary was likewise thanked for all her efforts with the sisterhood. Mary and Joe were praised by many speakers at the Saturday morning service, but perhaps the greatest tribute was paid by the attendance of the dozens of relatives and friends who gathered to worship with them for all their years of warmth and friendship. I wish them all the best of health and happiness in the future, and I am certain that my colleagues in Congress join in extending congratulations and best wishes to them.●

HONORING MR. WALTER MELNICK

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. CONTE. Mr. Speaker, let me take this opportunity to recognize the hard work and dedication of a gentleman from the First District of Massachusetts. Mr. Walter Melnick is one of my constituents and I am very proud to represent such a fine man.

Mr. Melnick has recently announced plans to retire from his post as the administrator of the Pioneer Valley-Berkshire Region Cooperative Extension Service. Mr. Melnick has headed the Cooperative Extension Service for the past 12 years and his term there has proven to be a very productive one. He has dedicated his career to economic and agricultural improvement and has been a very effective agricultural specialist for both Hampden and Hampshire Counties.

Few men are lucky enough to find talents within themselves which are so desperately needed by the public. Mr. Melnick, however, is one of the fortunate few and I am sure that it must be very gratifying for him to do work which is of such obvious benefit to his fellow man. His vocation is a truly honorable one, committed to fulfilling our most basic need to efficiently and amply provide for our people.

America's agricultural outlook has undergone some stunning advancements during the past 40 years and Mr. Melnick has witnessed and even initiated a great many. Mr. Melnick's involvement in agricultural education started in 1938 when he began his studies at the University of Massachusetts. His bachelor's and master's degrees in agricultural economics and farm management were followed by further study in Colorado and Wisconsin, and a never-ending commitment to enriching his education. In 1946, Mr. Melnick joined the University of Massachusetts Department of Agricultural Economics, thereby beginning a long and fruitful association with the two branches of our cooperative extension service—the University of Massachusetts and the U.S. Department of Agriculture.

Mr. Melnick's background in his field is thorough and he is a well-respected authority on agricultural policy. His 38 years of service have presented him with a variety of challenges which he has been able to meet with unequaled competence. Mr. Melnick spearheaded the establishment of a greenhouse tomato industry and the pickling cucumber growing enterprises in the Pioneer Valley during the 1960's. Additionally, as regional administrator from 1972-84, he successfully guided the four county budgets through trying fiscal times. In 1983-84, his leadership in the transition of extension funding from county to the University of Massachusetts was outstanding.

Congratulations to Mr. Melnick for a job well done. I hope that Mr. Melnick, as a resident of Amherst, Mass., will look forward to an enjoyable and productive retirement in the Pioneer Valley.●

DEATH OF WILLIAM J. MACNELIS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. DICKINSON. Mr. Speaker, I would like to call to the attention of the House the death Tuesday evening of a man who loyally and effectively served our Nation and the U.S. House of Representatives for the past two decades.

William J. MacNelis served faithfully as my special assistant until his death on May 29.

A native of Wilkes-Barre, PA, Bill MacNelis was born on March 24, 1921.

He attended Georgetown University and served in the U.S. Armed Forces during World War II.

Following World War II, he worked as a manufacturer's representative in the Washington area until 1957, when he was named president of Petroleum Machinery Corp. in New York City, a major international exporting firm.

Bill served as president of the firm until 1964 when he returned to Washington to work in the Presidential campaign that year on the staff of the Republican National Committee. In 1965, he became the administrative assistant to Representative Burt Talcott of California, and served in that position until Congressman Talcott left

Congress in 1977. He joined my staff in 1978.

During World War II, Bill MacNelis served our Nation with the U.S. Army Air Corps from 1943-45.

He is survived by his uncle, Thomas B. Sweeny of Leesburg, VA, and his fiance, Lynda Clancy of Arlington, VA.

Bill MacNelis' passing is a great loss to the Nation, the U.S. House of Representatives and to me personally. I want to convey my sympathies to his loved ones at their great loss.●

MANNED SPACE STATION CAUTIONARY NOTES

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. PEASE. Mr. Speaker, in March of this year when the authorization bill for the National Aeronautics and Space Administration was before us, I rose to express my concern over the projected cost of the permanent manned space station, estimates of which range up to $20 billion.

At a time of $200 billion budget deficits, I questoned whether there would ever be a return sufficient to justify such an investment.

Now that we have the appropriation for this program up for consideration, I applaud the Appropriations Committee for responsibly addressing many of the concerns that I and many in the scientific community have had regarding this venture.

Specifically, I am pleased that $15 million of the funds for systems definition have been earmarked for study of an initial man-tended option for the space station. This option could considerably lessen the eventual cost of the program without sacrificing its expected benefits.

This flexibility, along with the protection the bill offers NASA's other programs in the event of future budget reductions, will help to insure that space science programs will not be sacrificed and that appropriate congressional oversight will be maintained.

With the caveats contained in this appropriation, I am pleased to be able to offer my support.●

A TRIBUTE TO PATRICIA K. FLEMING

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. LONG of Maryland. Mr. Speaker, today I wish to bring to the attention of my colleagues a constituent of mine, Patricia K. Fleming, who has the distinction and honor of being elected the 50th president of the National Association of Educational Office Personnel.

Patricia has been a longtime leader in the National Association of Educational Office Personnel, having served as its vice president, director, and annual meeting chairman. She was the past president of both the Maryland and Baltimore County Association of Educational Office Personnel, and is a member of many women's business organizations, such as the Business & Professsional Women's Club, the National Association of Female Executives, and the American Society of Professional & Executive Women. In addition, she is an honorary member of 10 other business associations. It is obvious from her dedication and experience why her professional peers saw fit to elevate her to the position of president.

After 23 years in education, Patricia is presently executive assistant in the division of administration for the Baltimore County Public Schools. She has earned the title of Certified Educational Office Employee and also holds an associate professional certificate. The many awards that she has received is an indication of the fine work that she has done in Baltimore County Educational Secretaries Association, and "Educational Office Employee of the Year," from the Maryland Association of Educational Office Personnel.

It gives me great pleasure to pay tribute to Patricia K. Fleming for the excellent job that she has done in the field of education, America's lifeblood and future. I congratulate her on her election as president and wish her many more years of continued success.●

NEW TAX REFORM PROPOSALS UNDER CONSIDERATION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. STARK. Mr. Speaker, I call my colleagues' attention to an article that the New York Times published last month summarizing many of the tax reform proposals now under consideration.

Tax reform could be the grassroots issue of 1985. Politicians who, in the past, avoided the mere mention of taxes, must now be conversant in the intricacies of VAT, FAST, Flat, and Bradley-Gephardt, and so forth.

Mr. Speaker, there is little doubt that our Tax Code needs to be overhauled. But it behooves us all to study the tax reform options with care; we are seeking not just change, but improvement. We need to restore fairness to the Tax Code. We need to reassure the majority of taxpayers who dutifully pay their taxes each year that their neighbors are also paying a fair share.

The article follows:

Whoever Wins in November, a Tax Overhaul Is Coming

(By Robert D. Hershey, Jr.)

Washington.—As the income tax season reaches its climax—midnight tomorrow is the deadline for filing 1983 returns—sentiment is building for a thorough overhaul of the nation's tax system. By this time next year, the newly inaugurated President, no matter who he is, will quite likely have sent Congress the most far-reaching restructuring plan in the 70-year history of the Federal income tax.

When legislation finally emerges later in the year, America's traditional income tax system is likely to be substantially altered and simplified as well.

And the tax bill paid by the nation's 95 million taxpayers will swell by some $100 billion a year, with the added burden inevitably falling mainly on middle-income citizens.

The key reason for the great tax initiative of 1985 is the Federal deficit—a budget shortfall so awesome that it will inevitably force the nation's next President, Democrat or Republican, into an urgent search for a major new sources of revenue. Even President Reagan has an acknowledged that the deficit cannot be closed by economic growth alone and has been forced to give up his goal of relentless tax cutting.

Virtually nobody today, including the President's key economic advisers, believes that further spending cuts—necessarily involving major middle-class entitlement programs—are a politically viable way to narrow budget gaps of $150 billion to $200 billion a year that loom for the foreseeable future.

Alongside the deficit, however, is another force driving Congress to overhaul taxes: a growing disenchantment with the personal income tax, still the main provider of Federal revenues. Its marginal rates capped at 50 percent are still so high, many say, that they discourage work and savings. So much income escapes taxes, legally or illegally, that ordinary citizens increasingly ask why they should pick up the tab for finaglers, shelter promoters and outright thieves.

"The necessity to raise $100 billion is a crisis—but it is also an opportunity," said Charls E. Walker, a former high Treasury Department official in the Nixon Administration who is now a major Washington lobbyist. "Most tax experts," he added, "agree with me that you're not going to get that kind of money out of the income tax. It's in too much trouble, economically and politically."

So far the inevitability of a tax increase ahead has been muted in the Presidential campaign. Last week in Texas, President Reagan told voters somewhat mysteriously that an "entirely different form of taxation" might be needed and refused to "disavow" flatly the possibility of reducing the mortgage interest deduction.

"It's obvious the President has recognized that comprehensive tax reform is in the cards," said Representative Jack F. Kemp, Republican of New York, who is a leading supply-sider and an architect of the three-year cut in income tax rates that was the centerpiece of President Reagan's first year in Washington.

The three Democratic candidates have zeroed in on the deficit as a major campaign theme and, according to aides, they are all persuaded that a major tax increase is inevitable after the next President takes office. But they, too, are not parading this commitment before the voters.

Behind the scenes, however, the stage is clearly being set for a major tax move in 1985. The President has instructed the Treasury to come up with a plan for a simpler and fairer system to be unveiled after Election Day. He has also suggested that he might appoint a bipartisan commission on deficit reduction, similar to the 1983 effort on Social Security. Mr. Walker, a Washington superlobbyist on tax matters, is barnstorming the country to drum up support for major new initiatives. A number of tax bills are in various stages of readiness on Capitol Hill. And in the House, the Ways and Means Committee is planning tax-reform hearings.

From all this activity, two lines of tax action have emerged as the most likely options:

A simpler, somewhat less progressive income tax system that would eliminate some of today's deductions in order to drop marginal tax rates and provide greater incentives for working and saving rather than consuming. These plans—aimed at reforming the tax system, not raising new revenues—are generally known as "flat" taxes or "giant-step" taxes and have stirred considerable interest in Congress.

A pure revenue-raising plan, which could be enacted separately from the reform plan, involving a new, broad-based sales tax, like the European-style value added tax, or VAT. Even at low rates, such a tax—applied to the value added at various stages of production and distribution—could become a major revenue generator for Washington.

Simplifying the tax system has, of course, long been the dream of tax reformers. A generation of them has waited in frustration for its day to dawn, all the while watching the 2,000-page tax code become evermore complex and ridden with special-interest exemptions and deductions. There are no guarantees yet that 1985 will be the reformers' year.

But even grim realists on tax policy say that changes are likely to be legislated next year that will move in the direction of reform. "I don't think we're going to throw out the present tax system," said John J. Salmon, chief counsel to the House Ways and Means Committee and long-time confidant of the committee's chairman, Dan Rostenkowski, Democrat of Illinois and a key tax legislator. "What you're going to see," Mr. Salmon said, "is Congress using the principles of consumption and base-broadening to make incremental changes in the existing system."

Polls confirm the fact that voters want new principles asserted. For instance, more than half the nation's taxpayers, polled last April, said the income tax system was unfair. And, according to another survey, only about a quarter of the American people would favor using higher income taxes to raise more Federal revenues. Somewhat more than half would prefer a sales-tax increase to shrink the deficit.

According to Barry P. Bosworth, a former top Government economist in Democratic Administrations and now at the Brookings Institution, the income tax has been discredited because it has "no underlying principles. It's just become a mess."

The drive to simplify the mess, said Bruce Bartlett, former executive director of the Joint Economic Committee of Congress, is probably the most potent grassroots force today for tax changes—even though, he added, "raising revenue will ultimately be an important consideration."

Mr. Bartlett, who recently left Government to join the supply-side oriented consulting firm Polyconomics Inc., said the tax system has become "so complex as to be incomprehensible." People, he said, are weary of paying others to prepare their returns and of having to make nearly every financial decision, from renting a safe-deposit box to buying a vacation home, with an eye on the tax code.

According to those pressing for tax changes, a drive for fairness—not just simplicity—will also be critical in next year's debate, particularly in the movement to flatten income tax rates. Even the well-established principle of progressivity is under challenge today, said Mr. Walker. Progressivity assumes that people with higher incomes can and should pay taxes at a higher rate because they have a greater ability to pay.

The typical $60,000-a-year family, for example, now pays 10 times the taxes that the $15,000-a-year family pays, according to Mr. Walker. "People don't realize how progressive our system is," he declared. "We never really intended when we set it up to hit the middle class that way."

By far the best known of the plans for basic restructuring of the system is one that would operate to lower the rate differentials from today's 11- to 50-percent range to a range of 14 to 30 percent. It is being promoted by Representative Richard A. Gephardt of Missouri and Senator Bill Bradley of New Jersey, both Democrats, and has stirred mild enthusiasm from one Democratic Presidential candidate, the Rev. Jesse Jackson, and the endorsement of the two others, former Vice President Walter F. Mondale and Senator Gary Hart. The current system, they say, is unfair, overly complex and reduces the nation's ability to compete internationally because of the way it distorts investment decisions.

The Bradley-Gephardt proposal calls for a simple, progressive tax with three "giant-step" tax rates. Most itemized deductions would be repealed, including the oil depletion allowance and tax credits for investment, energy-saving expenditures and child-care costs. This sort of broadening of the tax base would hit middle-income taxpayers hardest.

Remaining would be such big-ticket items as the deductions for dependents; home mortgage interest; charitable contributions; state and local income and real property taxes; payments to retirement accounts and interest from general obligation bonds. These deductions, however, would be applied only against the 14 percent tax rate—even by taxpayers whose incomes put them at the 30 percent marginal rate.

Personal exemptions and standard deductions would rise sharply under Bradley-Gephardt and a family of four could earn up to $11,200 before being subject to any tax.

For corporations, there would be a 30 percent rate, down from 46 percent now, with most deductions that distort investment decisions repealed, while a new six-class depreciation system would be introduced.

What could become the main rival of Bradley-Gephardt in Congress is a roughly similar Republican plan sponsored by Representative Kemp and Senator Robert E. Kasten of Wisconsin.

This plan, expected to be formally introduced later this month, would lower the top tax rate on individuals and businesses to 25 percent, after allowances. A special provision for wage earners would limit their rate to 20 percent at incomes under the $40,000 level.

The plan would handle exemptions and deductions much the way Bradley-Gephardt proposes, but unlike the Democratic bill, Kemp-Kasten would retain a commitment to index the tax system so that inflation would not push taxpayers into higher brackets.

Supporters of Kemp-Kasten complain the Democrats' plan would raise capital gains taxes for many people and that over all, it is still too complex.

The only pure form of flat tax is that proposed by two of the movement's leaders, Stanford University economists Robert E. Hall and Alvin Rabushka. Their plan would tax all income in excess of personal allowances at a uniform 19 percent rate—and fit on a postcard-sized form. For corporations, profits would be virtually tax-free because outlays for investment and inventories would be immediately deductible from gross receipts. A bill introduced by Senator Dennis DeConcini, an Arizona Democrat, embodies the idea.

Other variations on the modified flat-tax theme are embodied in slightly different proposals by Senator Dan Quayle, an Indiana Republican, and Representative Leon E. Panetta, a California Democrat.

Although a modified flat tax seems the front-runner for reform, another idea is likely to surface prominently in next year's debate. That is the consumption tax, or consumed income tax, in which only spent income is taxed with savings and investment income exempted. This idea, popular with some leading tax academicians, was the subject of a favorable Treasury study ordered by Secretary William E. Simon in the mid-1970's.

A consumption tax would not do much for simplification, but it would take advantage of a widespread belief that investment in the United States should be further encouraged by the tax system. Indeed, the recent development of tax breaks to encourage savings, such as individual retirement accounts, amounts to partial adoption of a consumption tax.

But when it comes to raising $100 billion in new revenue, neither the consumption tax nor a giant-step tax is likely to be the answer. A national sales tax might be. The simplest variety to engineer would be a new Federal tax levied on retail sales. But retail sales taxes have historically been the province of state and local governments and might be strongly resisted as Federal poaching.

A variation of the sales tax, the VAT, is Europe's most popular levy and is increasingly common in the developing world, too. Although a new collection mechanism would be needed—and some think it would take as much as two years to put in place—it is a tax that is fairly easy to compute, difficult to dodge and powerful. A 10 percent VAT, for example, could raise as much as $250 billion in Federal revenues per year, Mr. Walker estimates.

That's too much power for many conservatives, who fear a VAT would open the door to new Federal spending. Liberals, too, have in the past resisted the idea, regarding it as a regressive sales tax. But that might be counted, proponents say, with a refundable tax credit to pump money back into the pockets of poorer Americans.

Another objection to the VAT is its impact on prices: upward.

Mr. Walker favors a variation of the VAT, dubbed the TBT, or Tax on Business Transactions, which would exempt sales at retail.

Nobody yet knows how these proposals and the budgetary politics of Washington will interact next year. But unlike battles of old, when tax reform—consisting mainly of loophole closings—was sugared by cuts in tax rates, this time the idea of reform itself has considerable momentum. And, because of the deficit, the need to raise revenues is clear to virtually everyone—even some hard-nosed supply-siders who generally cling to the idea that most of the deficit looming ahead will be wiped out by a sustained recovery.

President Reagan has remained mum on his thoughts for 1985—reluctantly accepting a minor tax increase now working its way through Congress and waiting for the Treasury to guide him on major new initiative. But Barry Bosworth, of Brookings, said that it is widely assumed in Washington that within a few months of inauguration a second Reagan Administration would propose a VAT to raise revenues, along with a base-broadening, tax simplification plan.

That way the President could raise large new revenues without being forced to raise marginal rates in the income tax. Raising rates presumably would be a taboo for a President who early in his first Administration led the charge in Washington to lower tax rates as a way to revive the flagging economy.●

U.N. SECURITY COUNCIL DENOUNCES SECESSIONIST TURKISH-CYPRIOT STATE

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Ms. FERRARO. Mr. Speaker, on May 11 the United Nations Security Council adopted by 13 to 1, with one member abstaining, a resolution condemning the secessionist actions of the Turkish-Cypriot community and its sponsors in Ankara. The resolution called on all parties to agree to the prompt implementation of its previous resolutions on Cyprus and reaffirmed its call for all states to respect the sovereignty, independence, territorial integrity, and unity of the Republic of Cyprus.

The continuing occupation by Turkish Armed Forces and the settlement by citizens of Turkey of parts of Northern Cyprus are the major stumbling blocks to achieving a resolution of the decade-old crisis. The unilateral declaration of independence by the Turkish Cypriots, which was immediately supported by the Turkish Government, has been followed now by new plans to settle the Varosha area. Each new move by the Turkish authorities, both on Cyprus and in Ankara, serves to make ultimate reunification of the island more remote.

The U.S. Government should take every action possible to resolve this crisis. It was very disappointing to those of us who are concerned about the people of Cyprus who have been made refugees in their own homeland that the Reagan administration chose to abstain on the Security Council vote. Because of our strong relations with both Turkey and Greece, we are in a special position to move the parties toward agreement. Bailing out on the issue, as we did in abstaining on the U.N. vote, is no way to exercise our influence.

This House, during consideration of the foreign aid bill, took an important step toward putting U.S. influence on the side of a peaceful resolution of the situation. By an overwhelming vote of 376 to 27, the House approved an amendment offered by my colleague from Ohio, Mr. FEIGHAN, to reduce military aid to Turkey. More significant than the slight reduction in U.S. military assistance, though, was that the amendment provided that $250 million in economic assistance would be made available to Cyprus if progress were made toward a settlement.

Mr. Speaker, for the benefit of all my colleagues, I would like the text of the U.N. Security Council resolution to be reprinted in the RECORD at this point.

The Security Council:

Having considered the situation in Cyprus at the request of the Government of the Republic of Cyprus,

Having heard the statement made by the President of the Republic of Cyprus,

Taking note of the report of the Secretary-General (S/16519),

Recalling its Resolutions 365 (1974), 367 (1975), 541 (1983) and 544 (1983),

Deeply regretting the non-implementation of its resolutions, in particular Resolution 541 (1983),

Gravely concerned by the further secessionist acts in the occupied part of the Republic of Cyprus which are in violation of Resolution 541 (1983), namely, the purported "exchange of ambassadors" between Turkey and the legally invalid "Turkish Republic of Northern Cyprus" and contemplated holding of a "constitutional referendum" and "elections", as well as by other actions or threats of actions aimed at further consolidating the purported independent state and the division of Cyprus,

Deeply concerned by recent threats for settlement of Varosha by people other than its inhabitants,

Reaffirming its continuing support for the United Nations peacekeeping force in Cyprus,

1. Reaffirms its Resolution (1983) and calls for its urgent and effective implementation.

2. Condemns all secessionist actions, including the purported exchange of ambassadors between Turkey and the Turkish Cypriot leadership, declares them illegal and invalid and calls for their immediate withdrawal.

3. Reiterates the call upon all states not to recognize the purported state of the "Turkish Republic of Northern Cyprus" set up by the secessionist acts and calls upon them not to facilitate or in any way assist the aforesaid secessionist entity.

4. Calls upon all states to respect the sovereignty, independence, territorial integrity, unity and nonalignment of the Republic of Cyprus.

5. Considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of this area to the administration of the United Nations.

6. Considers any attempts to interfere with the status or the deployment of the United Nations peace-keeping force in Cyprus as contrary to the resolutions of the United Nations.

7. Requests the Secretary-General to promote the urgent implementation of Security Council Resolution 541 (1983).

8. Reaffirms its mandate or good offices given to the Secretary-General and requests him to undertake new efforts to attain an overall solution to the Cyprus problem in conformity with the principles of the Charter of the United Nations and the provisions for such a settlement laid down in the pertinent United Nations resolutions, including Security Council Resolution 541 (1983) and the present resolution.

9. Calls upon all parties to co-operate with the Secretary-General in his mission of good offices.

10. Decides to remain seized of the situation with a view to taking, in the event of non-implementation of its Resolution 541 (1983) and the present resolution, urgent and appropriate measures.

11. Requests the Secretary-General to promote the implementation of the present resolution and to report thereon to the Security Council as developments require.●

MEMORIAL DAY

HON. HARRY M. REID

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. REID. Mr. Speaker, honoring the dead has been a practice of virtually every culture and nation in history. Whether it be the ancient Druids or the modern Greeks, mankind has always taken time to pay tribute in appropriate, meaningful ways.

In our country, the dead have been honored on Memorial Day or Decoration Day since the Civil War.

We have ceremonies and observances across the Nation, but some of the most important "memorials" we provide are not in the form of physical shrines, statues, or landmarks. Rather, they are inherent to the work we do daily not only to preserve the memory of those we have lost, but also to build the future for those who continue to serve this Nation.

Memorial Day is a time to remember those who died for this Nation. It is also an appropriate time to share the reflections of those who did survive the wars, those people who can communicate history to us through their memories and experiences.

That is why it is my privilege to include a Memorial Day column, written by Las Vegas Sun newspaper veteran columnist, Bill Morris.

[From Las Vegas Sun, May 30, 1984]

MEMORIAL DAY—1984

(By Bill Morris)

Today is Wednesday, May 30, 1984. Memorial Day. The word memorial comes from the Latin word "memor" meaning memory. It is defined in Webster's as: (1) the power or act of remembering; (2) commemerate; (3) something remembered.

Each year, Memorial Day is marked in countless different ways by countless different Americans, across the nation and around the world. From the battleship Arizona's Memorial in Pearl Harbor to Flanders Field in France, from the Vietnam Veterans Memorial in Washington, D.C., to a centuries old cemetery in Winsted, Conn., from the Tomb of the Unknown Soldier in Arlington, Va., to the Vegas Wash in Las Vegas.

For some, it's a day of mourning. Today, so many mothers and fathers will recall the shock of the telegram they received years ago, notifying them that their sons or daughters had sacrificed their lives for America on the battlefield.

Today, many brothers, sisters, widows and orphans will sadly remember standing by the flag-draped casket of one of our country's heroes or heroines.

For many Americans, Memorial Day is a time for thanksgiving. Their loved ones fought honorably and well in Europe, the Pacific, Korea and Vietnam, and returned home.

For others, today is a day of curiosity. Their lives and the lives of their loved ones have never been touched by war. They were never threatened by an enemy's bombs and bullets. They've never experienced the struggle to preserve our nation's values and freedoms.

While Memorial Day may mean many things to many Americans, it's still a day that somehow touches all of our souls, regardless of how we commemorate those who served.

Today, all Americans are asked to remember, and think about the sacrifices made by some 30 million citizens who have worn the uniforms of our nation since its founding. This is good.

Even if those thoughts are only momentary, the result of an evening news story about some Memorial Day observance, it is good. We must be reminded that America's liberty was purchased by blood, sacrifice and, all too often, by life itself.

Today more than 28 million Americans, men and women, young and old, proudly call themselves veterans. And they salute the courage and commitment shown by their fellow veterans.

For those who served in uniform, it is a deeply emotional experience. Veterans recall the enemies of this land of ours, enemies who sought to destroy and dominate the world's mightiest fortress of democracy.

They remember the great acts of courage and the singular dedication they saw when they were young Soldiers, Sailors, Airmen, or Marines. In short, they recall what it took to keep America free.

On a more personal level, veterans remember the friends who were killed or wounded on the field of battle and those who contracted debilitating illnesses while defending our country. Many recall the final words of a buddy who died in their arms.

Thoughts of pain and rehabilitation come back as well. The racking cough that one man brought back from the gas-choked trenches in France is still with him seven and a half decades after the smoke of World War I has cleared. The arm lost four decades ago on Iwo Jima is gone forever.

The muscle tissue shredded by a Chinese rocket in Korea is still scar tissue today. The sight lost to a Viet Cong bullet in the Mekong Delta will never return.

The sacrifices made during war are still being made today . . . 365 days a year, every year.

But veterans are proud people, proud of the sacrifices they made for their country. They believe they have a right to their pride. War has no glory, but what America's veterans have done has the greatest dignity.

Thoughts on this day also include a prayer. They prayer that, never again, will this nation be forced into war. Never again, will America's sons and daughters be asked to sacrifice their blood and their lives to save the life of their nation.

Never again, will the pain, the bloodshed and the terror of the battlefield be thrust upon the world's freedom loving people.

The prayer is also a prayer of rededication. America's veterans know, better than anyone else, that freedom can exact a terrible price.

They know that freedom is too precious a value to ignore, too dear a principle to relinquish. They know that freedom must be carefully nourished, faithfully tended and zealously guarded if it is to survive.

The hope that all Americans will recall the debt owed to those who have defended each and every one of us, and those who continue to pay the price of freedom even today.

On this Memorial Day, we recall too, that peace leads a fragile existence. U.S. troops on the demilitarized zone in Korea, our naval forces in the Mediterranean, and our advisors in Latin America are among those Americans who are facing the constant threat of combat right now.

And we must remember the courageous sacrifices being made today by American Marines in Lebanon. And those made by American forces in Grenada. Just a decade after the end of our most recent war, American blood has been spilled on foreign soil again.

Our military men and women are away from their homes, their loved ones, and their families on this Memorial Day. Many still will not be home by July 4, or Veterans Day, or Thanksgiving. Many will never see the green grass of home again.

We must remember these young Americans with our thanks and prayers for their safety. They are serving as their forefathers served—with pride and the understanding that safeguarding America's freedom is a costly and never ending job.

Memorial Day is their day too, just as surely as it belongs to all who have worn America's uniforms before them.

It's a day to recall the horrors of war and armed conflict. It's a day to honor those who endured that horror for the country they loved. It's a day to remember those who face that horror today.●

STUNNING ECONOMIC SURGE IN PIEDMONT NORTH CAROLINA

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. MARTIN of North Carolina. Mr. Speaker, the economic recovery that has been in progress since the 1980-82 recession has been a strong one. On that, all must agree even if all do not agree on anything else.

I would like to submit for our colleagues' review the latest data from Charlotte, NC, showing record job creation in the first quarter of 1984. The economic recovery, in just those 3 months in a city of about 400,000, has created 1,572 new jobs for the citizens of that city and the surrounding areas, such as my home county of Iredell and commuters from two adjoining congressional districts of our State. The following article is from the May 16 Charlotte News:

CHARLOTTE BUSINESS BOOMING; FIRST QUARTER SETS RECORD FOR JOBS

Charlotte's booming economy recorded a surge in new and expanded businesses in January, February and March, creating more jobs than in any first quarter since the Greater Charlotte Chamber of Commerce started keeping records in 1946.

The quarterly report, presented to chamber directors today, shows 1,572 new jobs were created by 81 firms, occupying 1.8 million square feet of space and investing $96.3 million. The space-occupied figure also was a record.

The major projects included in the chamber's report are Outlet Festival, a shopping center planned adjacent to Carowinds theme park; Westchase, an office building off I-77 South; Shoppes at University Place, a shopping center near UNCC; Charter Pines Hospital, a psychiatric hospital; and Color Dynamics, a new printing firm.

However, chamber research director Tony Crumbley noted that the largest employment gains came from expansions of existing firms—400 new jobs at General Tire and Rubber Co.'s Arrowood tire plant and 200 new jobs at IBM's bank machinery facility at University Research Park.

The new first-quarter jobs figure was not only a 113 percent increase over the 739 new jobs reported in the first quarter last year, but it also surpassed the figures for Charlotte's prerecession boom—1,272 in 1978, 1,032 in 1979 and 1,419 in 1980. New and expanded business in the fourth quarter of 1983 created 662 jobs.

"After three years of mixed indicators," the chamber report says, "1984 appears well on the way to a record year."●

RACIAL OVERTONES IN FLORIDA'S EXECUTIONS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. CONYERS. Mr. Speaker, the two most recent instances in which the State of Florida has sought to implement the death penalty are illustrative of the larger racial issues surrounding the application of capital punishment, particularly in the State of Florida.

I would like to share with Members a letter to the editor of the New York Times and include the following organizations who have endorsed the initiatives contained therein:

National Organizations that support this effort include: American Civil Liberties Union, Amnesty International USA, American Friends Service Committee, National Lawyers Guild, National Conference of Black Lawyers, National Association for the Advancement of Colored People, National Urban League, National Committee Against Repressive Legislation, National Association of Blacks in Criminal Justice, National Moratorium on Prison Construction, National Coalition Against the Death Penalty, The Synagogue Council of America, Union of United American Hebrew Congregations, The Fellowship of Reconciliation, Unitarian Universalist Association, Unitarian Universalist Service Committee, United Church of Christ, Commission for Racial Justice, United Church of Christ, Office for Church and Society, Mennonite Central Committee U.S., United Methodist Church, Board of Church and Society, and National Interreligious Task Force on Criminal Justice.

[From the New York Times, May 30, 1984]

RACIAL OVERTONES IN FLORIDA'S EXECUTIONS

(By John Conyers, Jr., U.S. Representative, First Congressional District, Michigan, and chairman, House Judiciary Subcommittee on Criminal Justice)

On May 10, a black man named James Adams, convicted by a majority white jury on highly circumstantial evidence of murdering a wealthy white rancher, was executed in Florida.

Much of the evidence, which I reviewed carefully, raised serious questions regarding Adams' guilt—questions that were never resolved. The Governor of Florida denied my plea for clemency, which I conveyed to him by telephone the evening before the execution.

On May 31, another black man, Alvin Bernard Ford, is scheduled for execution in Florida. While there is no doubt as to his guilt—he did shoot a police officer in a state of panic after his friends fled the scene of a robbery—the issue is that of his mental competency for execution.

Both Federal and Florida state law, as well as the law of the other 49 states, forbid the execution of a person if that person is judged to be insane or "mentally incapable of understanding the nature of his or her fate."

Four of five psychiatrists who have evaluated Ford in the past three years, three of whom were appointed by the state, have determined that Ford is psychotic. One of the psychiatrists appointed by his attorney determined Ford to be clinically and legally insane. Recorded correspondence and conversations over the past three years, which I have evaluated, clearly indicate that he is excessively delusional.

The questionable circumstances surrounding these two cases are illustrative of the larger racial questions concerning the application of the death penalty, particularly in the state of Florida.

According to the several authoritative studies (the most recent one by Prof. Samuel Gross of Stanford University School of Law), in Florida a person is eight times more likely to be executed for killing a white person than for killing a black person. Most of the 220 people on Florida's death row are there for having killed whites. Blacks, on the other hand, are much more likely than whites to be murder victims. Yet Florida has never executed anyone for the murder of a black person.

In 1972, the Supreme Court determined the "arbitrary and capricious" application of the death penalty to be unconstitutional, yet by all available evidence this is precisely the situation today in Florida.

Accordingly, I and other members of the Congressional Black Caucus have formally appealed to the Governor of Florida to:

Issue a stay for Alvin Ford until his "mental competency for execution" can be determined by a full and fair hearing with due process.

Appoint a blue-ribbon commission to study the effect of race on the imposition of the death penalty in Florida and to agree to a moratorium on executions until the race issue is resolved.

Such a gesture on the part of the Governor would indicate sensitivity to the prevalent role that race continues to play in the application of the death penalty and would demonstrate respect for the 1972 Supreme Court mandate.●

PROPOSED RULES WOULD DAMAGE COMBINED FEDERAL CAMPAIGN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. WEISS. Mr. Speaker, I am taking this opportunity to vehemently protest new rules that the administration has proposed for the Combined Federal Campaign, the annual drive to solicit charitable contributions from Federal employees.

Implementation of these rules would significantly reduce the level of charitable giving among Federal employees. In addition, the rules would blatantly discriminate against a great many small but worthy charities in favor of a few well-funded organizations.

This proposal is an extremely irrational action for an administration that extols the virtues of private charity. According to the President, private contributions are supposed to help compensate for the gigantic slashes in Federal social services that we have endured over the past several years. Yet, the same administration seeks to impair and cut back the very charities that receive those contributions.

Office of Personnel Management Director Donald Devine testified at a hearing last week that the proposed open pledge card system, under which donors would write in the name of their preferred charity, offers Federal employees a greater choice.

That alleged advantage is in reality a liability to the campaign, however, for the new rules would eliminate the listing of eligible charities as well as the brochure describing them that has been provided to Federal employees during the campaign. The increase in the number and diversity of charities listed as well as the background information provided in the brochure have played a key role in increasing total CFC contributions during the past 2 years. People like to know something about where their donations are going, and they tend to give more when they have a broad range of options.

Under the proposed changes, donors will actually be less likely to designate a specific charity. If they do, they are likely to name one of the large, wealthy organizations that can afford extensive self-promotion. The ban on advertising would be listed under the proposed rules, a policy that would hurt smaller charities and waste the resources of the larger ones. How many people would continue to contribute to a charity if they knew a large proportion of their money was going to promotional campaigns rather than desperately needed human services?

All undesignated funds will be distributed by the Principal Combined Fund Organization, which is almost always the United Way, the best funded charity in the country. In the past, the United Way has distributed none of that money to national service organizations and relatively little to international agencies or health agencies.

These rules are clearly another misguided effort to do away with the small nonprofit organizations that this administration views as politically incorrect, even though many of these groups have no political affiliation at all. The rules represent an unfocused attack in which the damage to hundreds of charities and the Combined Federal Campaign as a whole would overwhelmingly outweigh the petty political motives that inspired the proposal.

I strongly urge my colleagues to register their opposition to the proposal with the Office of Personnel Management and the White House and, if the rules are implemented, to support a congressional review of the entire system of conducting the Combined Federal Campaign.●

FEDERAL EMPLOYEES' PAY EQUITY ACT

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Ms. FERRARO. Mr. Speaker, tomorrow the Post Office and Civil Service Committee will be marking up a piece of legislation which is of the utmost significance to all Americans who believe people should be paid fairly and equitably for the work they do.

This legislation is the Federal Employees' Pay Equity Act and I commend my colleague from Ohio, MARY

ROSE OAKAR, for her leadership on this issue.

The purpose of this legislation is simple. It directs the Office of Personnel Management to conduct a study of wage-setting practices and job classification techniques used by the Federal Government. That these practices and techniques are discriminatory is clear—women workers, who comprise a third of the Federal work force, average $16,000 a year. Men who work for the Federal Government average $28,000 a year.

Events of recent days have given us cause to doubt the ability of OPM to conduct a fair, unbiased study of pay equity in the Federal work force. It seems that high-ranking officials in the Federal personnel agency see pay equity not as a chance to rectify age-old discrimination against women workers but as chance to sow discord between groups of Federal workers.

It is clearly not the intention of this legislation to lower anyone's pay—but to evaluate the true worth of the work men and women do for our U.S. Government. Despite OPM's mischiefmaking, I am convinced that a fair and equitable analysis of the Federal pay and classification system can—and must—be done.

On June 15 in New York City the Subcommittee on Compensation and Employee Benefits will hold a hearing on pay equity as it affects both the public and private sectors. It will be yet another step forward in a long and difficult process which was given new impetus in 1982 when I joined with my colleague from Ohio and the Congresswoman from Colorado, PAT SCHROEDER, in conducting a series of hearings on pay equity.

We heard the same arguments about pay equity that we heard in earlier years about abolishing child labor and establishing equal pay for equal work—that it will cost billions of dollars, bankrupt American industry and governments and hurt those it aims to help.

The opponents of child labor laws and the Equal Pay Act were wrong. The opponents of pay equity—both inside and outside this administration—are wrong. There is no better place than within our own Federal work force to begin to establish fairness and equity for all American workers.●

DEFENSE SPENDING IN PERSPECTIVE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. PEASE. Mr. Speaker, since President Reagan took office, the President has requested and the Congress has approved record-high defense budgets. It is generally accepted that real increases in defense spending have been necessary to offset serious neglect of our Armed Forces in the 1970's—a period when the Soviets dramatically increased their defense spending. But the President and some of his more zealous supporters in the Congress often go farther. They imply it is patriotic, tough-minded people like themselves who have rescued our Nation from fuzzy-headed, namby-pamby Democrats who are incapable of protecting our national interests.

The facts about trends in defense spending over the last 15 years have not yet caught up with such saber-rattling rhetoric in this election year. Defense spending in constant dollars declined steadily throughout President Nixon's "watch" from $214.3 billion in fiscal year 1970 to $165.6 billion in fiscal year 1975. President Ford halted the decline during his brief tenure in office. But it was President Carter who secured the first real increases in defense spending in recent years and who set in motion the rebuilding of our national defense. During President Carter's "watch," defense spending increased in real terms from $179.7 billion in fiscal year 1977 to $202.2 billion in fiscal year 1981.

There is no partisan monopoly on patriotism or support for a strong national defense. Again, recent history shows how important it is to watch carefully what is said by President Reagan and his supporters.●

DENNIS LYNCH RESCUES LOCAL CITIZEN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today to recognize Mr. Dennis Lynch, a constituent of mine from Redondo Beach, CA, who recently made a very brave and skillful rescue which resulted in saving the life of another citizen.

Mr. Lynch, who is employed as a bartender at the Cattlemens Steak House on the Horseshoe Pier in Redondo Beach, noticed a man, Andre Lockhart, clinging to a piling in surf below the pier. After spotting Lockhart, Lynch immediately left his duties and jumped into the water where he successfully retrieved Lockhart and brought him safely to shore.

It is my pleasure to share Dennis Lynch's courageous and successful rescue with my colleagues, and I ask that they join me in commending him for a job well done.●

THE NATIONAL ACADEMY OF SCIENCES SYMPOSIUM ON DISTRICT HEATING AND COOLING

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. OBERSTAR. Mr. Speaker, with oil tankers under attack in the Persian Gulf, Congress must once again focus on the precarious energy outlook for the United States. It is a good time for Congress to take a look at the one major underutilized technology which can dramatically reduce America's foreign oil dependence—district heating and cooling.

Next week, the National Academy of Sciences will welcome dignitaries from around the world to discuss the enormous potential for district heating and cooling in the United States. Over 500 national and international experts will attend an International Symposium on District Heating and Cooling in Washington, DC, June 4-6. The symposium is sponsored by the Department of Energy, the Department of Housing and Urban Development, the Royal Swedish Academy of Engineering Sciences, the Danish Ministry of Energy and the French Agency for Energy Management.

I salute the Academy and the other sponsors of this event for their leadership in developing district heating in the United States and I would urge my colleagues to consider today the many advantages of district heating and cooling.

In building district heating facilities, the United States could provide new urban jobs and inexpensive thermal energy to depressed urban centers. With DHC systems in place, we could take full advantage of the clean use of coal, peat, wood wastes, and municipal refuse. District heating can also put to use wasted heat generated in the electric production process and wasted industrial heat from mills and industrial processes. Finally, district heating can dramatically slow the need to import oil, a benefit not to be dismissed during these times of tension in the Persian Gulf.

The United States has a long way to go before its district heating systems can match those found in many European cities. Today, for example, almost half of the population of countries like Denmark are served by such systems which may burn coal, peat, straw, or trash. Germany, France, Italy, and the Netherlands have all initiated major DHC facilities.

Successful installation of new district heating and cooling systems in our cities will take collaboration and cooperation from all levels of government—the type of cooperation which we witnessed in European nations after the Arab oil embargo in 1973. At that time, our Western European allies changed their tax laws to make district heating economically viable. Today, as we send arms to Saudi Arabia to protect oil tankers, we, too, must consider altering our Tax Codes and providing financial incentives to encourage district heating and cooling in the United States.

To accomplish these goals, I have authored H.R. 2105, the District Heating and Cooling Tax Incentives to clarify the tax treatment of new DHC facilities. In addition, I have introduced with our colleague, Representative CLAUDINE SCHNEIDER, legislation to require the Synthetic Fuels Corporation to fund district heating and cooling projects. Passage of these two bills would be important steps in stimulating the use of district heating. For example, tax incentives provided in H.R. 2105, could stimulate the development of district heating systems providing 1.5 quads of thermal energy by the year 2000—representing a savings of 500 million barrels of oil through the year 2000.

The Symposium on District Heating and Cooling of the National Academy of Sciences presents us an opportunity to reassess both the needs and potential for district heating in the United States. I applaud the work of the Academy and the participants in the upcoming symposium to identify the institutional and financial barriers which limit the development of district heating and to conceive a comprehensive strategy to eliminate those barriers. I look forward to the findings of this symposium.●

MERGER RELATED AMENDMENTS TO THE PETROLEUM MARKETING PRACTICES ACT

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BEDELL. Mr. Speaker, I am today introducing H.R. 3750, merger related amendments to the Petroleum Marketing Practices Act. And I am pleased to note that the gentleman from Massachusetts (Mr. CONTE) joins me in proposing this legislation.

This bill comes in direct response to testimony heard by the Small Business Committee last month. In hearings which were jointly chaired by Ike Skelton and myself, we reviewed the impact of oil company mergers on small business.

While we can speculate about the macroeconomic effects of various mergers on the oil industry as a whole or on the economy at large, there is no need to theorize about whether the recent space of mergers affects small businesses. The testimony we heard on April 11 shows that thousands of independent businesses, franchised gasoline dealers, and jobbers, are directly affected.

When a refiner is acquired by another company, its distribution network becomes part of the deal. That network includes thousands of marketers who represent the company in their local communities. The interests of these marketers frequently do not coincide with those of their parent company in the case of a merger, but their problems have been ignored to date.

We heard about the Texaco takeover of Getty, for instance, wherein hundreds of Getty service station dealers in the Northeast would be turned over to a regional marketer, PowerTest, despite the dealers' objections. And we heard about the Federal Trade Commission's requirement that all Getty outlets in the Midwest and Great Plains be sold off in a package, even though Texaco had withdrawn completely from that market several years ago.

In the case of the pending Chevron-Gulf merger, thousands of outlets in the Southeast must be divested because of the marketing overlap between those two companies. It could be a full year before the details of the divestiture are worked out.

While all this is going on, thousands of small business operators who have invested their life's work in marketing gasoline are being jerked around like yo-yo's on a string. One witness said they are being pushed around like plastic pieces on a Monopoly board.

This is not how it should be. These independent, branded service station dealers and jobbers are supposed to be protected by the Petroleum Marketing Practices Act. That law, enacted in 1978, was supposed to prevent the arbitrary termination or nonrenewal of leases and franchise agreements, and it was supposed to give the marketer some rights in the case of a voluntary market withdrawal by a refiner.

We have found, though, that mergers and merger related divestitures or market withdrawals fall through loopholes in PMPA. Apparently, when that law was written, nobody could foresee the day when the giant oil companies would be buying each other up.

Mr. CONTE and I are proposing a set of changes in PMPA which would close the merger loophole. We believe this is necessary because analysts predict there will be more mergers among the oil companies and because the Federal Trade Commission, which oversees those mergers, has shown absolutely no ability or inclination to look after the interests of the small businesses affected by oil company mergers. Moreover PMPA is the only Federal statute that would appear to give the gasoline marketers any redress and we find that that statute currently does not reach the problem.

Generally, PMPA requires that service station dealers be given a right of first refusal to purchase the locations they operate—most dealers lease their stations from the oil companies—if the franchisor plans to sell that property. The law now provides a major exception, though, if the refiner is withdrawing from an area and arranges to sell that station in a package with other properties to another person, subject to certain restrictions. The dealer has no say in this situation and must go along with the deal or lose his place of business.

We believe this is wrong. The incumbent small businessman should have a right to purchase that location before it is sold out from under him. The rationale inherent in PMPA, that the dealer helped build the value of that location and has a vested interest in the goodwill value of the ongoing business concern, seems to us to be as relevant in the case of a merger as in a unilateral marketing realinement.

Likewise, we believe a refiner who is withdrawing from a marketing area, either voluntarily or as a result of a merger, ought to negotiate the terms of that withdrawal with the wholesale distributors who have represented it in that market. After all, these are the people whose livelihood is immediately affected by the refiner's unilateral decision.

The problem with market withdrawal is exacerbated when the distributor sees his supplier withdraw its company trademark from an area but continue to sell unbranded gasoline in the same region. In that case, the distributor not only loses all PMPA protections, but sees this former supplier provide products in competition with the distributor.

As much as possible, we have taken the existing language of PMPA and merely extended it to apply in cases of mergers or limited market withdrawals. We believe our proposal is consistent with the original intent of the statute and helps assure its continued relevance. We are aware of other proposals to amend PMPA, particularly H.R. 5023 which was authored by MIKE SYNAR and TOM TAUKE, and feel our bill is compatible with their efforts.

The following is a brief summary of the provisions of H.R. 3750, merger related amendments to the Petroleum Marketing Practices Act and the bill itself:

SUMMARY OF H.R. 3750

The Petroleum Marketing Practices Act currently allows an oil company to abrogate lease and franchise agreements it has with independent marketers if the refiner withdraws its franchised trademark from a given market area. This bill would change that provision of PMPA in the case of a refiner who withdraws from marketing under its primary brand name but continues to sell unbranded products in that same market.

In such cases, the refiner would be required to provide 180 days notice, prior to its withdrawal from branded marketing, to all franchisees in the affected area. It would be required, during that 180 day period, to seek an agreement in writing with each franchisee concerning the termination of the franchise agreement.

If an agreement cannot be reached with a lessee dealer, then that dealer must be given a 90 day option of purchase the premises he occupies. If an agreement cannot be reached with a franchised distributor, then the refiner must offer to continue supplying that jobber with unbranded motor fuel on nondiscriminatory terms.

In the case of franchised trademark changing hands or disappearing as a result of a merger, it is unclear what rights a franchisee has today under PMPA. This legislation would clarify that.

In all such cases, it would require 180 days notice prior to withdrawal of the trademark and termination of attendant franchise agreements between an oil company and its affiliated independent marketers.

In the case of a service station dealer who would lose his franchise with that refiner as a result of the merger, the oil company must obtain an agreement in writing concerning termination or nonrenewal of the franchise or else it is required to offer the dealer a 90 day option to purchase his location.

In the case of a wholesale distributor whose supplier is leaving a market because of a merger, the refiner must obtain an agreement in writing concerning the termination or nonrenewal of any outstanding contract.

PMPA also governs the relations between a wholesale distributor and local service station dealers to whom the wholesaler has passed along the right to use a refiner's trademark. If the jobber loses the right to use that trademark as a result of negotiations stemming from the provisions outlined above, the jobber could not be held responsible for that by his franchisees. This is clarifying provision which would not change the substance of current law.

H.R. 3750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MERGER RELATED AMENDMENTS TO THE PETROLEUM MARKETING PRACTICES ACT

SECTION 1. (a) Section 102(b)(2) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(b)(2)) is amended by inserting the following new subparagraphs at the end thereof:

"(F) In the case of any franchise entered into prior to the date of the enactment of this subparagraph and in any case of any franchise entered into or renewed on or after such date (the term of which is 3 years or longer, or with respect to which the franchise was offered a term of 3 years or longer), a determination made by the franchisor in good faith and in the normal course of business to withdraw the use of its trademark by distributors and retail outlets in the relevant geographic market area in which the marketing premises are located, but continue to sell, consign, or distribute motor fuel in such area without the use of that trademark, if—

"(i) such determination—

"(I) was made after the date such franchise was entered into or renewed, and

"(II) was based upon the occurrence of changes in relevant facts and circumstances after such date;

"(ii) the termination or nonrenewal is not for the purpose of converting the premises, which are the subject of the franchise, to operation by employees or agents of the franchisor for such franchisor's own account;

"(iii) in the case of leased marketing premises, the franchisor, during the 180-day period after notification was given pursuant to section 104, either—

"(I) made a bona fide offer of at least 90 days duration to sell, transfer, or assign to the franchisee such franchisor's interests in such premises, or

"(II) reached an agreement in writing with such franchisee concerning the termination or nonrenewal; and

"(iv) in the case of any contract between a refiner and distributor, the refiner, during the 180-day period after notification was given pursuant to section 104, either—

"(I) offered, in good faith, to continue to sell motor fuel to such distributor, without use of such trademark, on terms and conditions which are not discriminatory to the distributor as compared to the terms and conditions then currently being offered with respect to the sale of motor fuel by such refiner in similar markets; or

"(II) reached an agreement in writing with such distributor concerning the termination or nonrenewal.

"(G) In the case of any franchise entered into prior to the date of the enactment of this subparagraph and in the case of any franchise entered into or renewed on or after such date (the term of which is 3 years or longer, or with respect to which the franchisee was offered a term of 3 years or longer), a withdrawal of the trademark of the franchisor, in connection with a merger involving the franchisor and resulting in the franchisor's transferring or abandoning its trademark or divesting marketing assets, from the marketing of motor fuel in the relevant geographic market area in which the marketing premises are located, if—

"(i) the termination or nonrenewal is not for the purpose of converting the premises, which are the subject of the franchise, to operation by employees or agents of the franchisor for such franchisor's own account or to operation by employees or agents of the entity resulting from such merger for such entity's own account;

"(ii) in the case of leased marketing premises, the franchisor, during the 180-day period after notification was given pursuant to section 104, either—

"(I) made a bona fide offer of at least 90 days duration to sell, transfer, or assign to the franchisee such franchisor's interests in such premises, or

"(II) reached an agreement in writing with such franchisee concerning the termination or nonrenewal; and

"(iii) in the case of any contract between a refiner and distributor, the refiner, during the 180-day period after notification was given pursuant to section 104, reached an agreement in writing with such distributor concerning the termination of nonrenewal.".

(b) Section 102(b)(2)(E) of such Act (15 U.S.C. 2802(b)(2)(E)) is amended by inserting ", other than withdrawals described in subparagraph (G)," after "withdraw".

(c) Section 102(b)(3)(D)(i) of such Act (15 U.S.C. 2802(b)(3)(D)(i)) is amended by inserting "and" at the end of subclause (IV) and by adding the following new subclause at the end thereof:

"(V) not made in connection with any determination described in subparagraph (F) or any withdrawal described in subparagraph (G) of paragraph (2);".

(d) Section 102(c) of such Act (15 U.S.C. 2802(c)) is amended by inserting the following new sentence at the end thereof "Such term shall not include (A) any determination by a refiner to withdraw its trademark from an area but continue to sell, consign, or distribute motor fuel in such area, or (B) any withdrawal of the trademark of a franchiser in connection with a merger of the franchiser with another entity."

(e) Section 103 of such Act (15 U.S.C. 2803) is amended—

(1) in subsection (b)(3)(C), by inserting "or (G)" after "(E)" in clauses (i) and (ii);

(2) in subsection (c)(2)(A), by inserting "or (G)" after "(E)"; and

(3) in subsection (c)(2)(B), by inserting "or section 102(b)(2)(G)(ii) and (iii), as the case may be," after "and (iii)".

(f) Section 104 of such Act (15 U.S.C. 2804) is amended—

(1) in subsection (b)(2), by inserting "(F), or (G)" after "(E)"; and

(2) in subsection (d), by adding the following new paragraph at the end thereof:

"(3) Not later than 30 days after the date of enactment of this paragraph, the Secretary shall prepare and publish in the Federal Register a simple and concise updated summary of the provisions of this title, including the statement described in paragraph (1)."

CERTAIN CASES IN WHICH THE DISTRIBUTOR LOSES RIGHT TO DISTRIBUTE UNDER A TRADEMARK

SEC. 2. Section 102(c) of the Petroleum Marketing Practices Act (15 U.S.C. 2802(c)) is amended by inserting the following after the semicolon at the end of paragraph (6): "and any agreement reached by a distributor, as described in subparagraph (F)(iv)(II) or (G)(iii) of subsection (b)(2), shall not be construed as any fault or negligence by the distributor under this paragraph;".●

SUPPORT FOR THE FOOTWEAR INDUSTRY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. ADDABBO. Mr. Speaker, in America it is increasingly harder each year to say: "If the shoe fits, wear it," not only because we have difficulty finding a suitable national posture on imports, but literally because we can no longer easily find American-made shoes to wear.

Our footwear industry today is only able to sell shoes to 3 out of every 10 Americans; 70 percent of the footwear market has been penetrated by foreign imports.

The expiration of import agreements with Korea and Taiwan in 1981 is one cause for the fall off in the production of American shoes. Before that agreement expired, American companies produced 598.2 million pairs of shoes. By 1983, however, their production level fell to 341 million pairs of shoes. This illustration of the fall off in domestic shoe production has some very real consequences. It means a reduction in the footwear work force, and a severe blow to the economies that had been created as a result of this industry.

Currently, the International Trade Commission is considering the 201 petition filed by the footwear industry. On behalf of millions of Americans; workers in the industry and consumers of the product, I urge the Commission to present an agreeable solution. Their decision will affect the wages of workers, who along with the manufacturers have suffered because of these imports.

A decision by the ITC will offer some adjustments and allow us to once again look down at our feet and say with pride: "the shoe that fits is American made."●

IN HONOR OF CHAIRMAN WILLIAM TURNER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Mr. William Turner, the outgoing chairman of the board of the Western Los Angeles Regional Chamber of Commerce, who has devoted a year of service and commitment to both the chamber and the West Los Angeles community.

Under Chairman Turner's leadership several new activities were initiated during the 53d year of the chamber including:

The development of a chairman's committee designed to broaden the chamber's leadership base.

The retainment of a professional marketing company which increased the chamber's membership base throughout the city of Los Angeles.

The implementation of a crime survey taken in Westwood Village which resulted in the chamber's Business Watch program to aid retail merchants.

The development of an internship program with University High School and UCLA which placed students in business settings for an extended period of time, enabling both the business and the student to profit from the relationship.

The formation of an Olympic task force to provide Olympic information to member businesses.

The expansion of the chamber's trade show which was moved to an outdoor site by the third busiest intersection in Los Angeles.

The formation of the West Los Angeles for Metrorail Committee to secure Federal funding for mass transit.

The completion of the Westwood Village clean-up campaign which succeeded in placing 25 new concrete trash containers on Los Angeles sidewalks.

The completion of two long range planning retreats which were held to focus the chamber board on problems, plans and goals for the organization.

The successful Westwood arts show which continued to be the largest show of its kind west of the Mississippi.

The successful gold medal salute to the Mayor Bradley installation dinner which proved to be the chamber's largest event ever.

The institution of the chamber of commerce television show, "Inside Westside," with Dori Pye as the host and Chairman Turner as the first guest.

It is a pleasure to bring William Turner's accomplishments to the attention of my colleagues and I ask that they join me in commending him for a job well done.●

FOOTWEAR INDUSTRY—AN INDUSTRY IN DISTRESS

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. BOLAND. Mr. Speaker, the stability of the nonrubber footwear industry is in serious jeopardy. For decades, the shoe industry has had a prominent place in our Nation's economy. Now, however, foreign imports capture more than 60 percent of the market share and unemployment within the industry is at a record high.

Forty-one States can claim to have at least one nonrubber shoe factory. Of the 700-manufacturers nationwide, 24 percent are in the New England region, and 6 are in my district in Massachusetts. I can attest that the impact of foreign imports on the footwear industry is significant. Since 1968, imports have increased 232 percent and 402 domestic plants have closed. Over 100,000 employees have lost their jobs in direct manufacturing alone.

Mr. Speaker, something must be done to rescue our nonrubber footwear industry from unfair foreign competition. The petition for relief from imports now pending before the International Trade Commission, filed by the Footwear Industries of America, the Amalgamated Clothing & Textile Workers Union, and the United Food & Commercial Workers International is the needed remedy to the foreign import problem. I hope the International Trade Commission will recognize the severity of the import problem by granting the petition and providing import relief to the footwear industry thereby allowing it to regain its position in the American economy.●

CONGRATULATIONS TO TZIVOS HASHEM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. ACKERMAN. Mr. Speaker, on behalf of hundreds of schoolchildren from throughout my district, I rise today to pay tribute to the youngest and fastest growing volunteer youth movement within the American Jewish community, Tzivos Hashem.

The following true story encapsulates the spirit of this organization:

Last year, a 6-year-old boy, suffering from leukemia, lay despondent in a hospital. His distraught father wrote a letter to his son's Jewish youth organization, and suggested that some members of the club drop a line to the child.

Within days, hundreds of letters began to pour in from children all over America. These were followed by books and presents. Groups of youngsters came to visit the boy, to let him know that he was not alone, and that they were all pulling for him to have a speedy recovery. This display of love has done wonders for the young patient, and continues to give him strength and hope.

The organization that elicited this tremendous response is Tzivos Hashem, a Hebrew term meaning "The Army of God." The members of this army are 120,000 Jewish children under the age of Bar Mitzva and Bat Mitzvah who belong to the third-largest national Jewish youth organization in this country. Its activities are designed to motivate children to live up to the highest levels of morality, to instill in them a deep sensitivity for mankind, and to imbue them with pride in their heritage and identity.

Mr. Speaker, on Sunday, June 10, Tzivos Hashem will hold its second annual testimonial dinner, honoring the spiritual leader of Young Israel of Ocean Parkway, NY, Rabbi Herbert W. Bomzer.

I, therefore, call on my colleagues in the House of Representatives of the United States to join me in saluting Tzivos Hashem on this occasion, and in congratulating Rabbi Bomzer and the other honorees who have contributed time and energy to this outstanding organization: Alvin M. Berstone, Paul R. Messing, Stanley Goldstein, Sterna Griesman, Sharon Hagler, and Dr. Alan Broner.

Mr. Speaker, these honorees have supported an organization which was established only 3½ years ago by Rabbi Menachem M. Schneerson, and which has already demonstrated an unparalleled vitality in rallying Jewish youth under the banner of the Torah. Through a popular radio show, the only one of its kind for Jewish children, as well as through an innovative Dial-a-Jewish-Story telephone service, which has been syndicated in 52 cities since it began in New York, Tzivos Hashem has succeeded in conveying the message to every American Jew that Judaism has a unique meaning for each of them.

For all this, Mr. Speaker, I urge my colleagues to join me in recognizing the manifold contributions which this organization is making to our American society, and to laud its leadership on the occasion of its second annual testimonial dinner.●

IMPORT PENETRATION HURTS FOOTWEAR INDUSTRY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. CLAY. Mr. Speaker, several of my colleagues have spoken about the concern we feel for the massive import penetration that the domestic nonrubber footwear industry is experiencing. I join them in this expression of concern. Missouri is the second largest footwear-producing State in the United States. It accounted for nearly 11 percent of the total footwear produced in the United States in 1981. It ranks third in jobs among all manufacturing industries.

The footwear industry in Missouri, like the industry in most of the United States, is located in smaller communities. In 25 of the counties where it ranks first in jobs, six of these counties have a population of under 15,000; 13 have a population of under 25,000; and all have a population of under 50,000. When a footwear plant closes in these areas, the economic and emotional toll is absolutely devastating. For many of these employees, it is the only employment they have ever known. Many times they have no alternative employment and they drop out of the work force.

Because of the devastating impact of import penetration on the domestic market, Missouri has lost two more plants this year, in addition to the 11 it has lost since 1980. Import penetration is at a record level of 70 percent. I do not believe this is the end of imports' intrusion into the domestic market. Further penetration, and further plant closures, are inevitable if we do not give the domestic nonrubber footwear industry meaningful import relief. The footwear industry has submitted a petition for relief from imports under section 201 of the Trade Act of 1974. In the petition the industry and the unions are requesting 5 years of a comprehensive import relief program which would hold imports to 50 percent of the domestic market. Without this import relief, the footwear industry could be facing a final, fatal battle. I join my collegues in urging that the International Trade Commission carefully review the information submitted in support of the footwear industry's petition. I believe that with a comprehensive, effective import program in place, the industry will regain a competitive posture.●

DEMONSTRATION PROGRAM FOR SECOND-STAGE HOUSING FOR HOMELESS DEINSTITUTIONALIZED PEOPLE

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Ms. OAKAR. Mr. Speaker, I am today introducing a bill to establish a demonstration program to address in a more permanent manner the housing needs of homeless people, particularly homeless deinstitutionalized women who are tragically living in the streets of our cities in increasing numbers. The decade old policy of deinstitutionalizing people suffering from emotional and mental disabilities from many of our State institutions without any careful planning and followup programs has, together with economic forces and lack of new housing for poor people, caused the streets of our cities and towns to be populated with these people in ever-increasing numbers. There are hundreds of thousands of people suffering from emotional and mental disabilities on the streets of our communities unable to cope with life and its responsibilities. For many of these people, life outside the walls of our public institutions is trauma enough. But living on the streets without any permanent residence is enough to disrupt life for the most emotionally and mentally secure person.

The bill that I am introducing today attempts to take the next step in addressing the housing needs of homeless Americans. This bill provides for a demonstration program for what is called second-stage housing for homeless people, particularly those who have been deinstitutionalized and are suffering from emotional and mental disabilities. My proposal seeks to provide direct Federal assistance to nonprofit sponsors in the form of advances from the Department of Housing and Urban Development to be repayable only if the nonprofit sponsor does not continue to provide housing and other services for these people. The financing concept involved in my bill was developed last year by my colleague from New York, Mr. LUNDINE, in his effort to revise the manner in which section 202 housing for the elderly program is financed. In addition, my bill would also provide up to 80 percent of the administrative and operational cost of running the types of housing that is being provided under this bill.

Since this proposal is being developed on a demonstration basis, I am proposing that types of residence to be financed and assisted would be limited to residences housing not more than 12 individuals. In addition, each residence would have a live-in supervisor-counselor who would provide with other resources available from Federal, State, local governments and nonprofit sources the necessary medical, psychological, pharmaceutical counseling and the necessary assistance to help the residents cope with the demands of everyday life.

My bill would amend the section 202 housing for the elderly and handicapped program by authorizing $62 million in new contract authority to be made available to nonprofit groups in the form of advances which would be repayable at the end of a 10-year period only if low income, homeless and handicapped individuals are no longer being served. My proposal would provide this assistance only to those groups who have experience in providing shelter and assistance to homeless, particularly the deinstitutionalized and homeless women. In discussions that occurred in developing this legislation I have talked with church groups who have attempted to provide such assistance to our homeless citizens. I believe that these church-related groups would be the best groups to begin to test this type of second-stage housing for our homeless deinstitutionalized people based on their interest in serving others and not for the fast buck profit.

Mr. Speaker, the funding for both the acquisition, rehabilitation, and the administrative costs of developing this type of second-stage housing for our deinstitutionalized homeless would come from the $62 million in new contract authority under the section 202 elderly and handicapped housing program. This level of funding is modest and only represents the amounts that this Congress has so casually approved for the continued funding of the Salvadoran military assistance. The President has claimed that his request of $62 million for military aid to El Salvador is mere peanuts. I would certainly hope that when the time comes for this bill to be considered by the Congress that he would consider $62 million for this program a mere peanuts, considering the great need. After all, Mr. Speaker, these funds would be used only to provide housing and services to our homeless handicapped citizens not for creating the homeless population that our aid to El Salvador is currently doing.

The bill introduced today provides $62 million per year for 3 years to establish a demonstration program to address in a more permanent manner the housing needs of homeless people, particularly homeless deinstitutionalized women. This is the first time this has been done—providing housing for for deinstitutionalized mentally ill. The money will be used to build, repair or renovate housing to contain up to 12 people. It will provide in addition, the salary for a counselor-supervisor who will oversee the tenants. If the nonprofit institution—only nonprofit institutions can be recipients of this grant—maintains this facility with the original purpose intact for 10 years, their debt is canceled. If not, they must pay back the loan with interest. The tenants will pay 30 percent of their SSI as do other public housing tenants. In large cities, many homeless fall into this category, deinstitutionalized mentally ill, who have been given medication to sustain normal behavior. However, when they are released, because of lack of supervision, they discontinue their medication because of lack of supervision, and regress to their former state, with the added burden of making their own way in the cities. This adds to their stress, confusion, and psychosis.●

ENDING RANCOR IN THE HOUSE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1984

● Mr. MICHEL. Mr. Speaker, our colleague, Larry Winn of Kansas, has written an article published in the Christian Science Monitor concerning recent events in the House. I find his viewpoint not only refreshing in its candor but persuasive as a guide we all might use to restore civility and comity in the House.

At this point, I wish to insert in the Record, "Ending Rancor in the House," by Larry Winn, Jr. of Kansas.

[From the Christian Science Monitor, Wednesday, May 30, 1984]

Ending Rancor in the House

(By Larry Winn, Jr.)

The growing rancor between Republicans and Democrats in the House of Representatives is deeply worrisome. The recent acrimony over the use of the camera on the House floor is an example of the level of tension. Perhaps it is tied to the presidential election year, when political emotions run high. But many House members, including me, fear that this may be an ongoing trend rather than a temporary phenomenon.

It is important now for both Republicans and Democrats to recognize that a continuation of this rancor will undercut the legislative process. Most Americans are neither Republicans nor Democrats but are independents. This expresses a desire for pragmatism over ideology. Members of the House, without abandoning their individual philosophical approaches, should also approach problems pragmatically.

The undermining of bipartisanship in Congress is due to many factors. Members today do not know each other as well as they once did. Social contact has been limited by the increased demands of public service, campaigning, and fund raising. Moreover, the turnover in Congress since the 1970s has been high, which makes it more difficult to know other members well.

Therefore, the deep personal ties which once existed among members are more difficult to establish today. These ties have often cut across party lines and philosophies and helped establish a sense of comity in the House. Friends in the House may differ with each other on a bill or issue, but they do it without the vitriolic personal attacks we have been having in recent days.

There have also been institutional changes in the House which, I believe, have contributed to the harsh debate of recent days. It is not the House as a whole but the majority—the Democratic Party—which sets the rules for the House. This has produced some rules which the Republicans have regarded as patently unfair.

In the 1980 elections, Republicans made major gains which they thought would translate into greater consideration for their views when the House began the new session in 1981. Yet, despite the 5:4 ratio of House Democrats to Republicans, Speaker O'Neill and the Democratic Caucus insisted on retaining a 3:2 ratio on the Appropriations and Budget Committees, a more than 2:1 ratio on the Rules Committee, and a ratio of slightly less than 2:1 on the Ways and Means Committee.

Moreover, further rule changes imposed by the Democratic majority of individual committees permitted proxy votes on amendments to bills under consideration. As a result, members no longer need to be present at committee markup legislation and often are not. The chairman collects proxies on each amendment and the outcome is certain. The intended and actual effect of this rule change was to inhibit the ability of the Republican minority to get amendments through committee. A side effect has been the undermining of the committees themselves.

It is generally acknowledged that the best debate occurs in the smaller forum of the committee rather than in the whole House. Committee members know their issues and each other better. Therefore debates focus on issues and are friendlier. But given the cumulative impact of rule changes, Republicans despair of proposing significant initiatives in committee. They tend to await floor action to make their move. And it is on the floor that the sense of comity has broken down. For even here, the Republicans feel increasingly stymied by discriminatory rules, and frustration has turned to anger.

I would like to recommend a more bipartisan approach to setting the rules of the House. Ideally, a bipartisan commission should meet at the beginning of each session to recommend rule changes. At the very least, I would like to see the Democratic majority consult the members of the Republican minority on rule changes. And I would like to see the majority party impose a little self-restraint and not take full advantage of its position to squeeze every last advantage out of the rules. In particular, I would like to see the ratios and philosophical makeup of the committees reflect the balance of the House as a whole. I believe that these recommendations would help strengthen the committee system and restore a businesslike and friendly atmosphere to the House.

It would also help if President Reagan and Speaker O'Neill would bury the hatchet. The growing personal animosity between these two men is setting the tone for debate among Republicans and Democrats in the House. Perhaps this is impossible prior to November. But after November, President Reagan should invite Tip O'Neill to Camp David for a long weekend, during which these two should try to reestablish positive and friendly relations. Each would probably discover that the other is one of the nicest men in Washington. They should not be saying such bad things about each other. And the younger members of each party should follow suit.

No doubt my colleagues in the Democratic Party have some suggestions of their own. It is my firm belief that the majority of members on both sides of the aisle would like to reduce the level of tension and partisan clashes and get on with the business of the country. It is up to all of us to cool off, to sit down and talk and come up with some suggestions for restoring greater civility, tolerance, and pragmatism in our procedures. If not, not only members of the House but the country will suffer.

U.S. Rep. Larry Winn Jr. (R) of Kansas is retiring at the end of this term after serving 18 years in the House of Representatives.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings Scheduled

JUNE 1

9:30 a.m.
Joint Economic
To hold hearings on the employment/unemployment situation for May.
SD-106

JUNE 5

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on the nominations of John P. McTague, of California, and Bernadine H. Bulkley, of Maryland, each to be an Associate Director of the Office of Science and Technology Policy, and Clyde A. Bragdon, Jr., of California, to be Administrator, U.S. Fire Administration, Federal Emergency Management Administration.
SR-253

Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

10:00 a.m.

Joint Economic
To resume hearings on monetary reform and economic stability.
SD-562

JUNE 6

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on drug and alcohol use on railroads.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the transfer of information by the Internal Revenue Service and the Social Security Administration to other Federal and State government agencies and the examination of the collection of data by the Internal Revenue Service from private sector sources to identify cases of nonfiling or underreporting of income.
SD-342

Small Business
To hold oversight hearings on the impact of Government competition on small business.
SR-428A

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to resume markup of S. 2527, to authorize funds for the Federal aid highway program of the Department of Transportation.
SD-406

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans Administration.
SR-418

JUNE 7

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of James H. Quello, of Virginia, to be a Member of the Federal Communications Commission.
SR-253

Labor and Human Resources
To hold hearings on S. 2504, to establish a private nonprofit Institute for Health Care Technology Assessment.
SD-562

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for environmental restoration programs of the Department of Defense.
SD-192

Energy and Natural Resources
To hold hearings on the nominations of Charles G. Stalon, of Illinois, to be a member of the Federal Energy Regulatory Commission, and Robert N. Broadbent, of Nevada, to be an Assistant Secretary of the Interior.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 978, to provide financial assistance to States for wetlands conservation, focusing on committee amendment No. 2807, proposed Wildlife and the Parks Act.
SD-406

Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SR-428A

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on Senate Joint Resolution 138, to establish a National Commission on Teacher Education.
SD-430

JUNE 8

9:30 a.m.

Finance
International Trade Subcommittee
To hold hearings to examine the current state and future prospects of the U.S. steel industry.
SD-215

10:00 a.m.

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 2650, to revise certain procedures of the Consumer Product Safety Commission to allow for a more expeditious recall of toys and other articles intended for use by children that present a substantial risk of injury.
SR-253

JUNE 12

10:00 a.m.

Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the District of Columbia court system.
SD-138

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on S. 2127, proposed Federal Advisory Committee Act Amendments of 1983.
SD-342

JUNE 13

9:30 a.m.

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 2205, to eliminate the provision of the Federal criminal code allowing for one-party-consent to certain interceptions of wire and oral communications by requiring consent by all the parties.
SD-106

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to explore the scope of drug abuse among women.
SR-325

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on proposals to broaden the Federal tax base and reduce tax rates.
Room to be announced

JUNE 14

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review government and community programs to combat drunk driving.
SR-253

10:00 a.m.

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 2370, to provide for the distribution of certain funds collected by the Department of Energy in settlement of overcharges resulting from alleged pricing and allocation violations under the Emergency Petroleum Allocation Act of 1973, to establish the Petroleum Overcharge Restitution Fund for those funds in excess of direct restitution, and to authorize funds for fiscal years 1985-89 for certain energy conservation and assistance programs; to be followed by oversight hearings on the implementation of the weatherization program of the Department of Energy.
SD-366

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To continue hearings on proposals to broaden the Federal tax base and reduce tax rates.
Room to be announced

JUNE 18

9:30 a.m.
Finance
Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the impact of the Federal tax system on basic industry, investment industry, and service industries.
SD-215

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agency ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Finance
To hold hearings on S. 1915, to repeal the capital gains tax on disposition of investment in U.S. real property by foreign citizens.
SD-215

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on congressional access to reliable agency information.
SD-226

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the proposed sale of Conrail by the Department of Transportation.
SR-253

Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agency ability to protect rank and file employees and the general public during labor disputes.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation.
SR-418

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet on pending business matters.
EF-100, Capitol

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2501, the substance of S. 2502, and S. 2503, bills to provide for greater use of competitive medical plans and preferred provider arrangements.
SD-430

JUNE 26

10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on Outer Continental Shelf leasing activities.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Lacey Act amendments (P.L. 97-79), to control international trade in wildlife.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.
SD-430

JUNE 27

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings on congressional access to reliable agency information.
SD-562

JULY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.
SD-430

SEPTEMBER 18

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

SENATE—*Thursday, May 31, 1984*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

RECESS UNTIL MONDAY, JUNE 4, 1984

Mr. GARN. Mr. President, I move that the Senate stand in recess until the hour of 12 noon on Monday, June 4, 1984.

The motion was agreed to; and the Senate, at 11:00:16 a.m. recessed until Monday, June 4, 1984, at 12 noon.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

HOUSE OF REPRESENTATIVES—*Thursday, May 31, 1984*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we seek to serve our neighbor by making choices for good, we pray, O God, that You will purify our intentions that we will say what we believe and we will act consistent with our speech. Help us to be honest with ourselves that we will not only be concerned with how our words and deeds are weighed by others, but also how our words and deeds effect the good fortune of the lives of those in need and those who look to us for support and strength. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GUNDERSON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GUNDERSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 26, answered "present" 3, not voting 60, as follows:

[Roll No. 193]

YEAS—344

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Archer
Aspin
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Daniel
Darden
Daschle
Daub
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Frost
Garcia
Gaydos
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Hartnett
Hatcher
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hyde
Ireland
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (FL)
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
MacKay
Markey
Marlenee
Martin (IL)
Martin (NC)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Schneider
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Staggers
Stangeland
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Zschau

NAYS—26

Chappie
Clay
Coughlin
Dickinson
Durbin
Emerson
Evans (IA)
Fields
Frenzel
Gejdenson
Gekas
Harkin
Jacobs
Mack
Miller (OH)
Mitchell
Penny
Roberts
Roemer
Sabo
Schroeder
Sikorski
Solomon
Whittaker
Yates
Young (AK)

ANSWERED "PRESENT"—3

Ottinger
Ridge
St Germain

NOT VOTING—60

Anthony
Applegate
Barnard
Breaux
Bryant
Chandler
Chappell
Conyers
Cooper
Crockett
D'Amours
Dannemeyer
Davis
Dixon
Dymally
Edwards (OK)
Ford (MI)
Franklin
Fuqua
Gibbons
Goodling
Gramm
Hance
Hansen (ID)
Harrison
Hawkins
Heftel
Hoyer
Hunter
Hutto
Jeffords
Jenkins
Kleczka
Leath
Lehman (CA)
Leland
Lent
Lowry (WA)
Madigan
Marriott
Martin (NY)
Miller (CA)
Minish
Moody
Neal
Oberstar
Packard
Patterson
Pritchard
Scheuer
Sensenbrenner
Simon
Slattery
Smith (NJ)
Spratt
Stark
Walker
Wilson
Young (FL)
Young (MO)

☐ 1020

Mr. SMITH of Florida changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1149. An act to designate certain national forest system and other lands in the State of Oregon for inclusion in the Nation-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

al Wilderness Preservation System, and for other purposes;

H.R. 3578. An act to establish the wilderness areas in Wisconsin;

H.R. 3960. An act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System; and

H.R. 4198. An act to designate certain national forest system lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 540. An act to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes;

S. 837. An act to designate certain National Forest System lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes; and

S. 2603. An act to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make the following announcement: there will be no 1-minutes at this time today. We will go right to the State-Justice appropriation bill.

Upon completion of the State-Justice appropriation bill the House will go back to the Defense authorization.

In talking with members of the Defense Authorization Committee, they hope that we can finish the bill today. It is intended to go until 11 o'clock tonight if necessary to finish the bill. If we do not finish it tonight there will be a Friday session. The Chair just wants to serve notice on the Members that unless the schedule of the day is completed and the schedule of the week is completed there will be a Friday session.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, 1985

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5712) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Illinois (Mr. O'BRIEN) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5712, with Mr. BROWN of California in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Iowa (Mr. SMITH) will be recognized for 30 mintues and the gentleman from Illinois (Mr. O'BRIEN) will be recognized for 30 mintues.

The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I yield myself such time as I may consume. I will insert a prepared statement in the RECORD and make a few brief summary remarks at this time.

First, Mr. Chairman, I want to thank the members of the subcommittee and the staff for the work on this bill. Most of us belong to two or three subcommittees, and I am a member of another committee as well, and we share responsibilities. I think we have held good hearings and brought a decent bill to the floor.

I do not propose to read the entire report. There is a 94-page report. Members have had it for many days, as well as the hearings.

But I will highlight a few matters.

For these departments and agencies, the administration requested a total of $11,130,943,000. For those particular items the committee is recommending $10,850,943,000. That is a cut of $280 million below the administration's request.

However, the administration did not request money for a number of agencies and offices which the Congress has indicated year after year that it believes should continue to be funded. So we added the money for them, which was $1,040,000,000. We have recommended a total of $11,890,266,000.

As the Members know, after the budget is passed in the House the Appropriations Committee gets together and figures out how we are going to fit our total subcommittee recommendations from all of the subcommittee within that budget limitation.

We have done that and the limit given to this subcommittee was $11,900,000,000. This bill is below the tentative 302 allocation.

To do that, of course, there was some shifting. Some was taken out of the military budget, some out of foreign aid, some out of other things, and shifted around. But we are below the tentative 302 allocation in accordance with the House-passed budget resolution in this bill.

□ 1030

Now, what are the increases? Now, the Legal Services Corporation, under the law that was authorized the last time it was authorized, makes its request directly to the Congress. They requested $325 million and that is what we included in the bill.

Some people wanted $347 million; it was pointed out that last year they only had $275 million. That is true. However, 4 years ago they had $321 million. So, for all practical purposes, there has been a reduction in the program level in legal services during a period of time when we have had recession and increased demands for their services.

For the Economic Development Administration, we include $250 million; the administration did not ask money for any program funds under EDA, but the Congress last year provided $240 million and we felt that that was the amount that the Members would like to have.

For trade adjustment assistance, we included $30 million; it was not requested by the President. That has been shown time and again to be a popular program. Just the amount of money, the minimum amount of money that is needed really to help those industries which are trying to make an adjustment due to an influx of imports, that we would need, the $30 million.

There is $10 million for support of U.S. prisoners. Some of the jails in the country that we put U.S. prisoners in are in terrible shape and the courts are ordering they not be held there unless they are improved.

For NOAA we added a total of $270 million, and they are listed in the report on pages 13, 14, and 15. You can look at the list there and see what they are. They are made up of a number of programs of rather relatively small amounts.

There is $30 million for the Small Business Development Center program instead of the $22 million requested. And that is within a $236 million increase in Small Business Administration. Most of that comes about in order to provide the same program level for loans that they had last year.

The fact is that, just like banks, they are not collecting as promptly payments on the old loans. So they need a little more money this year in order to keep up the same program level in their loan program.

For the public telecommunications facilities grants, we added $25 million. For the Office of Justice Assistance, we added $25 million, as requested a number of times before.

I think on the whole we have brought a very balanced bill; we are within the tentative 302 allocation given to us as a result of the Budget Act.

I ask the House to support the committee proposal.

The prepared statement of Mr. SMITH of Iowa follows:

DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS BILL FOR FISCAL YEAR 1985 (H.R. 5712)

Mr. Chairman, the total amount of new budget authority in H.R. 5712 bill recommended by the Committee is $11,890,266,000. The following details explain how we got to that number:

The total amount of new budget authority requested and considered by the Committee for the departments and agencies funded in this bill was $11,130,943,000.

The amount recommended in the bill for these items is $10,850,943,000, a reduction of $280,000,000 from the Administration's request. In addition, the Committee provided funds totalling approximately $1,040,000,000 to restore ongoing programs of high priority which were proposed for elimination or significant reduction in the President's request, and to provide for a number of program enhancements, which many individual Members and Committees of the House support and view as necessary at this time. The major items in this category include the following programs:

Economic Development Administration (+$256,000,000);

Trade Adjustment Assistance Program (+$30,000,000);

National Oceanic and Atmospheric Administration (NOAA) programs (+$327,400,000);

Science Programs of the National Bureau of Standards (+$11,511,000);

Public Telecommunications Facilities Grants (+$25,000,000);

Department of Justice programs (+$125,585,000); and

Small Business Administration direct loans and other programs (+$285,000,000).

A total of $2,191,961,000 is provided in title I of the bill, for the Department of Commerce. The Committee restored funding, at least in part, for several programs in the Department that Members were interested in, for which there were no budget requests or which were targeted for substantial reductions. These programs include the Economic Development Administration for which the bill includes $278,600,000 for EDA programs and administrative costs, compared with only $22,476,000 requested by the Administration, and the trade adjustment assistance program in the International Trade Administration, for which the bill includes $30,000,000. The President's budget did not include any request for this program. In addition, title I of the bill provides $327,400,000 above the Administration's request for several programs of the National Oceanic and Atmospheric Administration, which are of vital interest to many Members, and which were not included in the President's budget or were targeted for substantial reductions. These include the Great Lakes Environmental Laboratory, Fisheries Loan Fund, Sea Grant, the polar orbiting satellite program, fisheries grants to States, Coastal Zone Management and specialized agricultural weather programs. Also, title I of the bill includes $25,000,000 for Public Telecommunications Facilities Grants, for which there was no budget request. This amount is within the amount contained in the proposed authorization for this program for FY 1985 as reported by the Energy and Commerce Committee. The amount provided for the current fiscal year was $11,880,000.

The bill provides a total of $3,738,763,000 in title II for the Department of Justice. This amount includes funding for several critical programs for which there were either no budget requests or for which significant reductions were proposed. The most significant of these is the Juvenile Justice and Delinquency Prevention Program for which $70,240,000, including administrative costs, is provided in the bill. In addition, the bill includes $9,353,000 for the U.S. Trustees Program under United States Attorneys and Marshals. This program was again proposed for elimination in 1985, and the amount recommended will permit this experimental program to continue in all 18 pilot districts. The bill also includes $9,900,000 for the State and local drug grants program which was proposed for termination in the President's budget.

Title II also includes $20,626,000 for the Immigration and Naturalization Service above the President's request for enhanced enforcement and service to the public. This increase is consistent with the FY 1985 Authorization Bill for the Department of Justice, as reported by the House Judiciary Committee. In addition, the bill provides $15,000,000 for the Cooperative Agreement Program, compared with $5,000,000 requested by the Administration. This program provides for upgrading and expansion of state and local jail facilities that house Federal prisoners, and for which detention space is not available currently in several areas of the country. Title II of the bill also includes a total of $10,000,000 above the budget request to improve security, and relieve overcrowding in Federal Prison System facilities through the hiring of 200 additional correctional officers and through the confinement of more inmates in community treatment centers.

The bill provides a total of $2,311,111,000 in title III for the Department of State. This amount includes funds requested for all administrative cost increases requested, payment of assessed contributions to international organizations and selected program increases requested. These program increases include all funds requested for strengthening reputing and analysis, communications and information systems and security installations at overseas posts. With respect to assessed contributions to international organizations, the bill includes $25,403,000 for payment of the calendar year 1984 assessment to the United Nations Educational, Scientific and Cultural Organization, from which the United States has given notice of its intent to withdraw as of December 31, 1984. Since the funds needed to pay assessments for membership after December 31, 1984, would not be appropriated until the fiscal year 1986 budget is considered, the amount in this budget does not include funds for that purpose and is in no way inconsistent with the notice to withdraw. The Committee also approved most of the funds requested for the State Department's foreign buildings program. However, the Committee has directed the State Department, in the report, to submit a reprogramming proposal before funds are obligated for certain staff housing projects because of our concern over the extremely high cost estimates for such housing.

The Committee recommendation for the State Department also includes a total of $13,000,000 for Protection of Foreign Missions and Officials. The recommendation will provide for reimbursement of State and local governments in cases of extraordinary need for protection of foreign missions and officials throughout the United States ($6,000,000) and protection of foreign missions and officials accredited to the United Nations and to other international organizations ($7,000,000). The Committee has added $3,500,000 to the budget request for this program in accordance with the authorization which provides for an annual reimbursement of up to $7,000,000 to the City of New York for specified expenses that are subject to approval by the Department of State. The Committee intends that these funds be used strictly in accordance with the authorizing legislation and the administrative regulations of the Department of State governing these programs and has therefore included language in the bill to provide that these funds are available for carrying out these programs only in accordance with the provisions of the specific authorizations.

The bill includes a total of $985,097,000 in title IV for the Judiciary. This amount is a decrease of $38,424,000 from the total amount requested for the judiciary for fiscal year 1985 but is an increase of $102,057,000 over the amounts appropriated to date for the current fiscal year. The reduction from the budget request is associated primarily with additional positions requested but not allowed, as well as space and furniture and other support items related to those positions. The increase over the current year level will provide for certain administrative cost increases as well as additional positions related primarily to increased caseloads.

Title V of the bill provides for a total of seventeen related agencies and commissions. Included in this amount is $94,111,000 for the Federal Communications Commission. Title V also provides a total of $65,211,000 for the Federal Trade Commission and $106,737,000 for the Securities and Exchange Commission. The bill also provides $83,837,000 in new budget authority for the Maritime Administration, including $5,000,000 to assist in the rehabilitation of the Bay State's replacement for the Massachusetts Maritime Academy and $3,000,000 for fuel oil assistance for the six state marine schools.

In addition, the bill provides funding for the Commission on Civil Rights at the level of the President's request ($12,737,000). The bill specifically earmarks funds for certain purposes, and this action, we are told, is satisfactory and acceptable to the Commission as well as to those groups and Members who had previously recommended that the Commission be defunded. The earmarking of funds in the bill for the Civil Rights Commission is entirely consistent with the distribution of funding presented in the President's budget, so we are not asking the Commission to do anything they did not originally intend to accomplish in fiscal year 1985.

The Committee recommends $325,253,000 in Title V for the Legal Services Corporation for fiscal year 1985. This amount is the full budget request submitted by the Corporation for fiscal year 1985, and is $50,253,000 more than was appropriated for the Corporation for fiscal year 1984. However, the amount recommended is only $3,953,000 more than the funding level for fiscal year

1981 and represents a decrease in program levels compared to fiscal year 1981 when inflation is considered. The law provides that the Corporation shall submit its request directly to the Congress. No funding was requested for the Legal Services Corporation in the President's budget for fiscal year 1985.

The Committee intends that the funds provided in the accompanying bill be used strictly in accordance with the terms of the Fiscal Year 1984 Appropriation Act applicable to the Corporation (Public Law 98-166). In order to achieve this objective, the Committee has inserted language in the bill which would require that the funds in the bill be expended strictly in accordance with the provisions of the appropriating paragraph for the Legal Services Corporation contained in Public Law 98-166 except for certain necessary technical changes. This provision will ensure that funds provided in the bill for the Corporation will be available only in accordance with the existing limitations, restrictions, and other provisions governing the Corporation's activities, enacted by the Congress.

Title V of the bill also includes a total of $805,297,000 for the Small Business Administration. This sum will provide sufficient funds to maintain the current program level of $242,000,000 for direct loans in the Business Loan and Investment Fund, compared with only $41,000,000 requested by the President. The Committee has also included $30,000,000 in the bill for small Business Development Centers, compared with $22,000,000 requested by the Administration.

The bill includes a total of $834,709,000 for the United States Information Agency. This amount includes funds for certain administrative cost increases as well as selected program increases. Included in the recommendation are funds that will permit USIA to develop Worldnet, its world-wide direct television program link-up between Washington and important capitals abroad, expand Voice of America Broadcasts, strengthen English teaching in Africa, enhance binational center and English teaching activities in the American republics area, continue improvements in wireless file reception abroad, and expand the President's youth exchange into the Third World. Also included in the Committee recommendation is $100,966,000 for the Radio Construction account. This amount together with carryover balances, should provide sufficient resources for the Agency to act vigorously to modernize the Voice of America. In addition, the Committee recommendation included $8,500,000 for Radio Broadcasting to Cuba. While this amount is $2,703,000 below the request and $1,500,000 less than the amount appropriated to date for fiscal year 1984, this allowance together with carryover funds, provides the full amount requested for funding the program in fiscal year 1985. The Committee recommendation also provides a total of $129,800,000 for the educational and cultural exchange programs of the USIA. The Committee wishes to emphasize that these funds are provided for the regular exchange programs of USIA and that the Agency should submit a reprogramming proposal to the Committee for any new undergraduate educational exchange program for Central America. In addition, the Committee recommendation provides $31,300,000, the full amount authorized, for the National Endowment for Democracy.

Finally, the bill reflects reductions in the various budget requests as appropriate so that no department or agency funded in the bill can pay more than a seven percent increase to GSA for space and services provided in Government-owned buildings. These reductions total $39,200,000. The Committee explored this matter in considerable detail during the appropriation hearings and is extremely concerned about the excessive increases requested for payments to GSA for space and services. Some of the amounts requested reflect increases in excess of 100 percent over comparable amounts provided for fiscal year 1984 for the same space and services. Much if not most of this space is owned by the Federal Government and has been paid for by the Taxpayers. In addition, most of the amounts requested for such payments reflect increases in excess of the current inflation rate. By placing a seven percent cap on such increases for Government-owned buildings, the Committee intends that payments from the departments and agencies to GSA more closely approximate the estimate cost of the space or services to be provided. Accordingly, the Committee intends that there shall be no arbitrary reductions in space or curtailment of services provided by GSA for fiscal year 1985.

Mr. Chairman, I believe that I have discussed the highlights of the bill. Further details on each item are included in the report.

In closing, I would like to thank all the Members of our Subcommittee for their support and dedication in helping to carry out the work of the Subcommittee this year, and especially in helping to put this bill and report together.

Mr. O'BRIEN. Mr. Chairman, I yield myself such time as I may consume. My compliments to NEAL SMITH of Iowa and the other members of the committee for working extraordinarily hard and long on a very difficult bill.

It is hard to please everybody. I imagine if 10 of us had views on it, there would be 11 different opinions I would also like to compliment specifically John Osthaus and Terry Bevels for immensely supportive work within the staff.

It is, like every other bill, not a perfect bill. There are some we have passed that are worse. I think there are areas where we ought to have made cuts and we have not made them. I am also of the opinion that some of our programs have been increased in areas where we should have increased them.

We present this bill for your consideration despite objections from one or the other of us which reflect differences of attitude, philosophy and opinion, and by and large on balance, I think it is a pretty good bill and I trust my colleagues will favorably consider it.

Let me just touch on a couple of areas that I think are significant.

On the side that I consider problems, let us look at EDA; we have recommended $278.6 million for 1985, which is an increase of 11.1 over the 1984 level. I think this increase was not wisely approved. I think there is a loan delinquency rate of around 34 percent and there are a lot of failed projects. I would have done this one differently.

With respect to SBA which is a good program; again, I think there is just too much sugar in this department. We are dealing with a fiscal year appropriation for 1965 which is $209 million over that appropriated in 1984, for a total of $805.2 million.

Finally, with respect to Legal Services, which I think most of us favor here, the department came in, the agency came in with a request for an additional $50 million which would give it a total that the committee recommended of $325.2 million.

The Committee chose not to earmark in the area in which the corporation itself wished earmarking to take place. Instead, they elected to allocate the funds more or less in accordance with the provisions of the 1984 act.

Let me pick out one point which I think bears scrutiny. Under the request made by Legal Services for additional funding was a request for $20 million which would involve contracting out for legal services. It sounds like a strange proposition, but it is really not.

It is one thing to be in need of legal services and to be in a fairly urban area; somehow, some way you can get them. But if you are a poor person, in need of legal services, it does not make any difference whether you live in town or you live far out in the rural areas.

Now what this particular provision would do, it would permit the agency to make a contract with, say a legal firm, in my territory, in a small town in, Illinois; and that firm would take care of the legal services cases that came in. We would not have to rent space; we would not have to hire stenographers, we would not have to pay for equipment, but we would get the legal services through a competent firm in an area where the services were needed.

In this area I think we made a mistake; instead of seeking outreach in this good program, we are concentrating our money and attention in areas that are already served.

By and large I think what we have done with respect to Sea Grant, Patent and Trademark, FBI, Drug Enforcement, Immigration and Naturalization, Office of Juvenile Justice, International Trade, Voice of America, International Endowment for Democracy, has been pretty good.

So I suggest, with some misgivings to my friends that this is not a bad bill. It may be a little bit too much of a good thing, but it is better to fail and flaw in that direction than to give this particular area too little.

Mr. GEKAS. Mr. Chairman, will the gentleman from Illinois yield?

Mr. O'BRIEN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the remarks of the ranking member with respect to the appropriations for the Legal Services Corporation. I, too, am disappointed that we did not accommodate in the committee report and in the committee bill the idea of branching out and broadening the base of service by allowing the contracts with the private bar.

It seemed to me that that kind of project would allow the backlogs of the existing centers to be diminished and at the same time to make sure that the moneys are used most efficiently.

I was intending, and had a conversation with the chairman of the subcommittee, I was intending to offer an amendment that would veer back toward that concept; to allow the private bar to enter into it, so that we could get a cost-efficient project going.

But it appears that my amendment is not going to be able to be presented because a point of order may be made against the whole authorization.

So I do appreciate the ranking member's remarks. I join with him in registering the disappointment in that facet of the appropriations.

□ 1040

Mr. O'BRIEN. I thank the gentleman for his comments.

While comparisons are generally odious, let me suggest that the medical professions, some years ago, decided to contract out in hospital situations for a firm of physicians to handle emergency room cases. It proved to be far more successful than they ever dreamed, and it is probably a uniform practice in most hospitals.

That is literally what we are trying to do here.

Mr. GEKAS. Yes; in a word, we should not be becoming immune to free enterprise.

I thank the gentleman.

Mr. MORRISON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. O'BRIEN. I yield to the gentleman from Connecticut.

Mr. MORRISON of Connecticut. I thank the gentleman for yielding.

I think that it is important that the committee recognize that under the existing program of the Legal Services Corporation the contracting out to members of the private bar for service is already a standard practice of the local programs. In fact, under the regulations of the Legal Services Corporation approximately 10 percent of the funds of every local program a national total of approximately $25 million, must be used for involving the private bar in the delivery of services. In fact, at the direction of this Congress, the Legal Services Corporation carried on an extensive multiyear experiment which involved both the delivery of services by staff attorneys and the contracting out to members of the private bar.

I think it is incorrect to characterize the allocation that the committee has made as discriminating against the use of private lawyers in the delivery of these services.

In fact, the real choice is whether the earmarking should occur at a centralized national level by the Corporation or whether it should be left to the choice of each local program as to what is appropriate for its locale.

Each local program has a board that is composed of lawyers in that community, with 60 percent of the board of every local program composed of local lawyers.

So it seems to me that the real choice we are talking about here is whether to let those local attorneys make the judgment about whether contracting out makes sense for the service area or whether that choice should be mandated on a national basis out of Washington. I think local control of this judgment is the best choice and that the committee has made the correct choice.

Mr. O'BRIEN. If the gentleman will permit me to reclaim my time, I do not dispute the notion that local associations are involved; indeed, that is literally what my remarks were all about.

My notion is that Legal Services Corporation, doing the job it is, knows very well what it needs. And Legal Services asks for this money to bring more outreach to more people who need legal services.

That is the only point I make. It is just as necessary to the man or the woman who lives out in the country, who cannot go to a Legal Services location, as it is to someone who is in an urban area. I do not think we are in dispute on the value of the service. We just seem to have a slightly different view on how you get it out there.

My notion is that this contracting technique is one we ought to embellish and we ought to carry out, because less is spent on overhead and more is spent on services.

Mr. MORRISON of Connecticut. If the gentleman would yield further, we do not disagree about the special usefulness in rural areas of the contracting out process.

There is currently in every county in this country a program with service responsibility, in rural areas as well as urban. In fact, if you look across the country at the programs that exist, it is the programs in rural areas that already have made use of the contracting out most extensively.

The need is not really there to earmark in Washington. The American Bar Association does not favor this national earmarking. They have favored the local earmarking which has gone on in the past in accordance with the 10-percent guideline.

So I think we take a wrong turn if we begin with national earmarking rather than the local control.

With all respect to the gentleman's view, I think that this is what the $20 million earmarking would do.

Mr. O'BRIEN. The earmarking, while in a general way subject to some criticism, nevertheless, is going to the Legal Service for particular allocation as the situation requires it. There may very well be programs out in the area that the gentleman and I are not familiar with that need the program, and this is the area where Legal Services can spend its money best.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I rise in support of the bill before us providing fiscal year 1985 funding for the Departments of Commerce, Justice, and State, the Judiciary and 17 related agencies, boards, commissions, and offices.

Our subcommittee worked long and hard, under very difficult and all too familiar circumstances, to formulate recommendations which—when adopted—will respond to urgent and continuing needs of our people. These recommendations address the needs of our people for job opportunities, the needs of our businesses and industries for a fair and reasonable chance to generate jobs for American workers, and the needs of all Americans for protection of their rights, the just resolution of their disputes, and for peace, cooperation, and understanding within the community of nations.

I want to express my appreciation to our chairman, the gentleman from Iowa (Mr. SMITH) for his leadership in this effort and to our staff for the care, dedication, and diligence they have given the task of assisting us in accomplishing our work on this bill.

As I indicated, our subcommittee worked under difficult, but familiar, conditions in shaping this bill we bring to you. We worked with a sensitivity of the conflict between the needs of our people and the urgent need for budget constraint. And, we labored with a knowledge of the difficulties which face our legislative committees in their efforts to bring to passage authorizations for many of the programs covered by this bill. I am sure they share our disappointment over the fact that we are having to bring this bill to the floor in the absence of authorizations enacted via the normal legislative process. I urge the involved legislative committees to redouble their efforts to accomplish enactment of authorizing legislation at the earliest possible date so that it will not be necessary for future appropriations bills to serve double duty as funding and authorization bills.

Mr. Chairman, we have heard from the administration, optimistic reports about how well our Nation's economy is recovering from the disastrous, year and a half long Reagan recession. We are grateful that there is some improvement, but many of us are very concerned about what may be a new gathering of economic storm clouds on our economic horizons.

We are concerned that the most recently available data on national, State, and local unemployment shows that 750,000 more people are jobless than were unemployed when President Reagan took office. We are concerned that the economic recovery is not shared equally by all regions. Based on the data for March, there were 18 States with unemployment rates in the double digit range. In at least 92 of the Nation's metropolitan areas—41 percent of our metropolitan areas—the unemployment rate was higher than the national average.

In my home State of Arkansas our unemployment rate was higher than the national average jobless rate. And, in the 24-county district I represent not only was the unemployment rate for 21 of these counties higher than the national average—in 19 of these counties it ranged from 11.8 to 20.6 percent.

Thus, it is very clear that the economic recovery that has generated an 8.1-percent national unemployment rate is a very uneven recovery. There are thousands of communities, towns, and cities across the Nation that deserve a chance to benefit from the job generation accompanying a recovery—that have not done so, or have done so only to a limited extent.

It is jobless problems of these kinds that persuaded our subcommittee and the full Committee on Appropriations to recommend funding two important job generation and security programs the Reagan administration proposed to kill. Programs that the Reagan administration has repeatedly tried to zero out of the budget. Both have proven their worth to working Americans time and time again.

The first are the economic development assistance programs of the Economic Development Administration. These programs have generated more than 1.5 million private sector jobs for Americans, leveraged private investment in job generating projects, and resulted in revenues flowing into the Federal Treasury equal to many more times the Federal investment. In Arkansas alone, more than 70,000 private sector jobs have been generated with an annual payroll of $546 million.

Our recommendation is that these programs be funded for the coming year at a level of $250 million. EDA's programs provide seed money for economic development and America has been reaping a harvest of new job opportunities.

The second program to which I referred is the trade adjustment assistance program operated by the International Trade Administration to help import-damaged American businesses and industries survive, recover and continue to employ American workers. Again, this year, the Reagan administration proposed terminating this program.

This program-killing action was proposed despite the fact that ITA certified 89 percent more businesses and industries as eligible for assistance in 1983 than in 1982. The proposal to end the program was made despite the fact that 2,000 firms employing more than 250,000 Americans have been recognized as eligible for trade adjustment assistance, and the 40 industries employing 7 million Americans have needed technical adjustment assistance in developing strategies for competing successfully against imports. Fully 80 percent of the first, which have received assistance from the regional trade adjustment assistance centers are still operating, still producing, and most important of all, still employing American workers.

In this bill, we are recommending continued funding, at a $30 million level, for the trade adjustment assistance program

These are just two of the programs in our bill. But, I assure you that the bill we have brought to you is a balanced bill. It is a good bill. It is a bill well worthy of the support of this House, and I urge that you give it that support with your votes for passage.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I would like to applaud the committee for its commitment to economic development. If one were to look at the budget presented to us in February, we would find from the administration a recommendation that there be zero funding for economic development.

And yet the committee, in its wisdom, in a bipartisan fashion now recommends to us $250 million for grants and loans in this area.

Mr. Chairman, no program has been more significant in the development of long-term private sector jobs in my State than the economic development program. It has been the door of opportunity for older cities.

Many of my cities have struggled with the decline of such basic industries as copper, brass, steel, rubber, and footwear. This program has provided the leverage, not only the leverage to bring in new industry, but the leverage to diversify and to rehabilitate existing industry.

It has produced in Connecticut countless long-term private sector jobs. How has it been used? For the development of industrial parks which have opened up total opportunity to space age, high-tech industries. It has been used also for the rehabilitation of older industries such as some of the mills in copper, brass, and steel.

Without a doubt, Mr. Chairman, again this program, more than any other, has produced more jobs in the private sector than any other Federal program. It is a good use of Federal dollars. It has been used extensively to bring in private capital. Out of it, Connecticut, especially its older cities, have diversified, have broadened their base, have moved into a new economic future. It could not have occurred without economic development.

So it is a good program, a renewal of a commitment from this committee, and hopefully from the Congress itself. This is an excellent use of Federal dollars.

Mr. O'BRIEN. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I would like to briefly speak about a concern that I have, which is shared by the gentleman from Georgia (Mr. LEVITAS) and others here, regarding the fact that this bill would provide appropriations for the Federal Trade Commission. We are concerned that the authorization bill for the Federal Trade Commission has not been enacted in law. In fact, an authorization bill has not been enacted in law for some years.

We are again faced with the unfortunate situation where this important agency, that has such very broad jurisdiction over the economic life of our country, is operating without an authorization. There are a lot of Members who have expressed concerns, and want to offer amendments to the Federal Trade Commission Act. We are prohibited from doing so because the authorizing committee has yet to bring a bill to the floor of the House.

□ 1050

In my judgment, the time has come for the Congress to act on an authorization bill.

Let me explain what my concerns are. There are many critical provisions that should be put into the Federal Trade Commission Act. For example, one such provision would be a definition of the FTC's authority over unfair acts or practices. Presently, the act merely says that the agency has jurisdiction over unfair acts or practices. To date, there has been no statutory definition of this term. What constitutes an unfair act or practice could be subject to limitless interpretation by the Commission.

The intent that those of us who are concerned about this issue is to incorporate a reasonable definition of an unfair act or practice into law.

A second provision that is included in the FTC authorization bill is one that would require the Commission to make an affirmative finding that a particular practice, that might be engaged in by a business, or an entire industry for that matter, is prevalent in an industry before the FTC can proceed with a rulemaking proceeding—that is, to use their lawmaking power to write regulations that have the effect of law.

I want to back up a minute to remind Members that the authority of the FTC to write law is very broad. It is very expansive. It covers entire industries. These regulations can cover practices of entire industries across the board, all the way from small businesses to huge conglomerates. This very sweeping authority can intrude even into areas of State concern and override State laws and court decisions that have been rendered with respect to those laws. And now we find the FTC attempting to override decisions that have been made by cities of this country.

We feel very strongly that a finding of prevalency, as included in the authorization bill pending before this House and which has yet to make its way through the Rules Committee, should be included in the legislation. We have not had an opportunity to work our will on an amendment like that.

The gentleman from Georgia (Mr. Levitas) and I are asking today that the appropriations for the Federal Trade Commission that are included in this appropriation bill prohibit the Commission from promulgating any final rule until a congressional review mechanism can be put into the law. We are not trying to cut out any of the funding for the agency. All we are saying is that no final rules would be permitted to go into effect until we have had a chance to work on the authorization bill and let this body work its will with respect to that bill. We are proposing in the authorization bill a two-House legislative veto that would comply with the Chadha decision.

I am getting ahead of myself. We are not proposing that on this bill. All we are saying is that the funds that are provided herein would not permit the agency to go ahead with final promulgation of rules until such time as we have had final action on the authorization bill. Our argument is that this amendment would provide a strong incentive for the leadership to bring the FTC authorization bill to the floor.

The fact that an independent regulatory agency such as this is without authorization is inexcusable.

Mr. O'BRIEN. Mr. Chairman, I yield 8 minutes to the gentleman from Illinois (Mr. Porter).

Mr. PORTER. Mr. Chairman, I want to commend the respected gentleman from Iowa (Mr. Smith), our committee chairman, my colleague, the gentleman from Illinois, (Mr. O'Brien), the ranking minority member, my colleagues on the committee and the staff for the leadership they have exhibited in bringing this bill to the House floor in a very timely manner.

As you have heard, there remain certain differences of opinion regarding the contents of this bill, especially in the areas of funding for the Economic Development Administration and the Small Business Administration direct loan and loan guarantee program.

I rise today to voice the same reservations expressed by my colleague, the gentleman from Illinois (Mr. O'Brien), and to criticize one portion of the bill and praise another.

In addition to the bill being $6.8 billion greater than the President's request (much of which will likely to be removed by points of order), the bill also includes a limitation which deals with antitrust immunity for municipalities. This amendment to the bill was offered and accepted by the full Appropriations Committee without any consideration by the subcommittee or the respective authorizing committees.

I represent the County of Lake in Illinois, which was recently determined in Federal Court to be liable for an antitrust violation and was assessed $28.5 million in a treble damage suit. That is obviously an extreme burden upon any municipality or any county. Yesterday the distinguished gentleman from New Jersey, Chairman Rodino, listened attentively to testimony by Fred Foreman, the State's attorney of Lake County. In my opinion, Chairman Rodino fully understands the very complex problems faced by municipalities and other units of local government on this question and his subcommittee is going to take action soon to correct the situation.

I think it is inappropriate to attempt to deal with these problems in an appropriations bill without the complete consideration of the authorizing committees. I am hopeful that this language will be striken from the bill and that Chairman Rodino will be able to respond to the concerns of the various municipalities in the very near future. I urge my colleagues to reject this language for these reasons.

Mr. Chairman, this bill also contains funding for some of the most important activities conducted by the Federal Government. One of those functions is international broadcasting and the work of the Voice of America and Radio Free Europe/Radio Liberty.

Our subcommittee has recognized the tremendous value of the Voice of America modernization program and has accordingly provided over $100 million for the acquisition and construction of VOA radio facilities around the world. The committee also has provided full funding for the Board for International Broadcasting, which manages Radio Free Europe and Radio Liberty.

President Reagan has placed a high priority on rebuilding of VOA and RFE. I support these very significant components of the bill and urge my colleagues to exercise the same good judgment exhibited by Members of the subcommittee in providing strong funding support.

To highlight the value of VOA as an effective communications tool, I want to share with my colleagues in the House today an article written and sent to me by a Polish-American woman named Eva Jastrebski. Ms. Jastrebski is a member of an organization called POMOST, which is a socio-political group organized to help change conditions inside Poland.

The article reads as follows:

The people of this country—

And she means our country—

along with their elected representatives have ignored the importance of a weapon that the United States utilizes to combat Soviet oppression of the captive nations of Eastern Europe. While enormous outlays of capital are used for the nuclear and conventional armaments necessary to keep one step ahead of Russia, this weapon has been minimally budgeted from its inception, being granted funds that barely cover the day-to-day needs and that do not allow for the necessary modernization and expansion. This consistently ignored asset is the broadcasting of truthful, objective information through the Voice of America and Radio Free Europe to the nations of Eastern Europe.

Americans who revel in free speech throughout their lifetime cannot imagine what it is like to be denied that freedom or what it is like to be force fed false propaganda day and night, cradle to grave, most of it genuine Orwellian Newspeak. We also do not realize how much Russia fears, with a horror much exceeding the pique exhibited over installation of the Pershings in Western Europe, the truth as broadcast by VOA and RFE. This anxiety stems from their inability to contravene the facts.

These great gifts, VOA and RFE, which cost the USA so little to export, sustain hope for the citizens of Poland, Czechoslovakia, Hungary, and Rumania. They offer some solace to those who have lost the most, those who don't even have a vestige of independence—the Lithuanians, Latvians, Estonians and Ukrainians. Because of the programs broadcast, inhabitants of Eastern Europe are informed of actual events occurring in their countries and throughout the world. They are able, at least spiritually, to join the free world.

Compared to funds earmarked for military hardware, the budgets of RFA and VOA are meager indeed. Yet the eventual dividends which accrue in terms of perception and cognizance of global affairs among the targeted populations have enormous implications for the free West. Our support for these networks comes not only from a concern for millions of people who have been deprived of self-determination through no fault of their own, but also because the broadcasts further our own vital interests.

> People in Eastern Europe and the Soviet Bloc arise in the middle of the night, sacrificing some of their sleep, to listen to RFE and VOA because jamming is slightly lighter at night. The only Soviet response to increased or improved broadcasts is to budget even larger amounts of money for jamming equipment. In spite of their efforts they have not succeeded in keeping from the captive peoples of the world the tiny measure of personal freedom represented by being able to absorb and evaluate information broadcast from the free West.
>
> A Polish lady, taking advantage of a friend's visit to Western Germany, sent a letter to the director of the Polish section of Radio Free Europe containing these worlds. "Can't something be done to minimize the increased jamming? Are Americans abandoning us again? We lose our patience and our sleep, but we still listen because you provide us with news of what is important in Poland and in the world. Please keep it up because you are the only source of truth for us. You open our eyes. For God's sake, please continue."

□ 1100

These remarks are typical of the many letters received by VOA and RFE in response to their broadcasts. The funding for these programs contained in this bill is intended to satisfy the continued hunger for truth and democracy by the people of the Soviet bloc and Eastern Europe.

Through the support of my colleagues and the passage of this bill we will insure a renewed and positive response to the pleas of captive nations and captive people throughout the world.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the chairman for yielding time to me.

Mr. Chairman, I would like to briefly discuss an important problem that was cited by several witnesses who testified at the EEOC oversight hearings of the Employment Opportunities Subcommittee in October. The problem is that EEOC has not provided adequate resources to the systemic program, which is the program that handles "pattern or practice" discrimination cases, including but not limited to class action suits. Systemic discrimination cases are those where employers have demonstrated a pattern of discrimination based on race, religion, sex, age, handicap, color, or national origin. The systemic program has the potential to help large numbers of employees, and these cases serve as an example to employers that the Federal Government will not tolerate employment discrimination.

Although resources have been limited, the five systemic lawsuits of fiscal year 1982 resulted in $7,980,000 of monetary relief to employees. The three systemic lawsuits of fiscal year 1983 resulted in $2,650,000. Many of these cases are 8 to 12 years old. So that the impact of recent budget cuts in this program will be severe in the next few years, unless something is done to prevent the further erosion of the systemic program.

In his testimony at the oversight hearings, Herbert Hill, a professor at the University of Wisconsin, briefly described the rise and fall of the systemic program, which was a pilot project until the middle of fiscal year 1979. He cited the number of section 707 (systemic cases) from 1978 through 1983. Mr. Hill stated:

> During fiscal year 1978 the model offices generated three section 707 commissioner's charges. In fiscal year 1979, forty-two section 707 commissioner's charges were initiated. Sixty-two such charges were signed by commissioners in fiscal year 1980. This number dropped to 25 in 1981, during 1982 none were signed and in 1983 the total was ten. Of these 142 authorized cases, exactly six were actually litigated. A total of six section 707 lawsuits in five years and a grand total of nine such suits in eleven years were litigated. This is the sorry record of EEOC initiated litigation against systemic patterns of employment discrimination since 1972.
>
> The conclusion is inescapable. Before 1978 there was no program for systemic litigation. In 1978 a program was announced, but it never became operational. It remains to this day an abstract idea because the EEOC never gave it the high priority it deserves and because the agency never developed a litigation strategy with priorities and specific targets. In consequence, the commission failed to allocate adequate resources to conduct a program of "pattern and practice" litigation under section 707, and it is evident that through the years there was no plan, no strategy, just a series of public relations announcements.

Since the EEOC handles less than 5 percent of the discrimination lawsuits in this country, it makes sense that the Commission should focus on the systemic cases, which have implications for millions of Americans. I believe that Congress should encourage the EEOC to shift its priorities in order to give more attention to these cases of systematic discrimination. A $2 million increase in fiscal year 1985, in addition to the approximately $8.5 million that is currently spent on the systemic program and staff, would help to restore the functioning of the systemic program to its 1981 level. This increase should be used primarily to increase and upgrade staff, which were cut between 1981 and 1984, and for other purposes as necessary. This would not require additional appropriations for the EEOC. The increase in the funds for the systemic program could be shifted from other EEOC funds, but should not be taken from funding for administrative case processing program or staff, or from the litigation program or staff.

I have been concerned about the EEOC systemic program since the oversight hearings, but the EEOC was slow in responding to my requests for specific information. The committee action moved so quickly that I was unable to fully share my concerns with my distinguished colleague (NEAL SMITH) and the members of the subcommittee before the markup. However, I have now discussed my idea with most of the members of the subcommittee and with several of our colleagues who have particular concerns with employment discrimination in our Nation, and they share my concerns regarding the lack of adequate funding for the systemic program.

I am hopeful that this important matter will be fully considered and addressed during this legislation's course through the process.

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. I thank the Chairman for yielding me this time.

Mr. Chairman, I rise to voice my objection, as I have for the past 8 years, to the money allocated for Legal Services. I live in an area of Texas, the First Congressional District, where the Legal Services Corporation has by and large upset nearly every legal entity in all 20 counties of that area. It also amazes me to see the increased funding that is being given to Legal Services.

Now, 7 or 8 years ago we had $500 million allocated for Legal Services. I notice today that we are giving $50 million more for fiscal 1985 than we had in fiscal 1984, to the tune of $325 million. The administration proposed termination of Legal Services; we know that is not going to happen. Consider for a moment what we are doing—$250 million in additional funds for the Economic Development Administration, the EDA programs.

Two hundred fifty-three million dollars for Small Business direct loans. Two hundred sixty-nine million dollars additional for the National Oceanic and Atmospheric Administration programs. It is difficult for me to understand why we should give more additional money to Legal Services, than we do to EDA. We know that EDA has done constructive work throughout the United States. It has caused jobs to be implemented and added. Recently, I talked to a county judge from Texas who said in effect, that the Legal Services Corporation is an absolute farce. He related to me that there have been many instances where people have gone to Legal Services for assistance and have been told we cannot see you for 6 or 7 months.

We have been told here today that Legal Services people intend to contract out work to local attorneys. How far afield can we go?

If the people who write these budgets would go into the field and talk to the people on the line, like county judges, city managers, and city and county commissioners, they would see what is being done by Legal Services.

In my opinion, this Corporation is not worthy of a $325 million budget.

There have been many statements made, some by administrative law judges who in their opinions, have stated that Legal Services personnel have done more to clutter up the claims of clients than they have to better the claims of these people.

Now why should we—when we owe over $200 billion—continue to expend funds when we have a good place here to cut. Why do we continue to firm up this organization and give additional money. It should be stopped.

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. I thank the gentleman for yielding me this time, and I compliment the gentleman from Iowa and the members of the subcommittee and the staff for doing really a very good job.

The work that they did, insofar as it relates to the responsibilities of the subcommittee that I chair of Judiciary, is especially good. The FBI provisions are something that the staff of Mr. SMITH's subcommittee worked with my staff, and worked out very well. The Civil Rights Division of the Department of Justice provisions are certainly appropriate, and I am especially pleased with the provisions for the Civil Rights Commission.

It is certainly very clear that there must be congressional direction in the day-to-day operations of the Civil Rights Commission. This bill recommends a correct appropriation, but also specifies the amount of funds to be allocated among the various areas of responsibility of the Commission. For example, almost $3 million for reports, studies, and program monitoring; over $1.6 million for hearings, legal analysis, and legal services; nearly $5 million for field operations; over $1.2 million for Federal evaluation and over $2.5 million for publications, liaison, and information dissemination.

□ 1110

If the subcommittee had not made this direction, we really do not know what the Civil Rights Commission would have done, because when it was reconstituted by the President, the new chairman immediately announced that there would not be any hearings and we did not know if they were going to comply with their responsibilities under the existing law.

I suggest that what the subcommittee did is necessary and entirely appropriate.

Last, I would like to assure the committee that the Subcommittee on Monopolies and Antitrust of the House Committee on the Judiciary is taking very seriously the problem of cities and counties relating to antitrust. There will be a bill. I am not the chairman of that subcommittee, but I have attended all the hearings and I am the author of one of the bills. I assure my colleagues that Chairman RODINO and the ranking Republican, the gentleman from New York (Mr. FISH) and all the members of the committee are going to get out a bill that will respond to the problems, the very real problems, that cities and counties have.

Therefore, I think it is unnecessary to have the provision that the amendment offered by the gentleman from Massachusetts (Mr. CONTE) will take care of, and I urge support for his amendment.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have a question that I would like to propound.

Line 11 on page 44 of the bill, H.R. 5712, prohibits the Maritime Administration (MarAd) from using any of its funds to promulgate or enforce any regulations concerning the repayment of construction differential subsidies (CDS). Am I correct in my understanding that the Appropriations Committee, in adopting this particular provision, did not intend to affect MarAd's pending administrative proceeding concerning the vessel *Bay Ridge*?

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield, I say to the gentleman, the chairman of the Committee on Merchant Marine and Fisheries, that the gentleman is correct.

When the Appropriations Committee adopted this provision prohibiting so-called CDS payback, it did not intend to affect that MarAd administrative proceeding concerning the *Bay Ridge*.

Mr. JONES of North Carolina. I thank the gentleman very much.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, since one of the facilities of the Federal prison system is located in my district in Bastrop, Tex., I am well aware of the serious burden of overcrowding that all of our correctional facilities are experiencing.

I understand that the Federal prison system inmate population is presently about 25 percent over its capacity. This is an issue of great concern to the people in my district who live near and work in the Bastrop Federal Correctional Institution.

Employees from the Bastrop Institution were among those who testified earlier this year about the potentially hazardous conditions that have been created by this overcrowding. In talking with those prison employees, I have become convinced that additional action must be taken to insure the safety of employees and inmates in the Federal prison system.

I want to express my gratitude to the gentleman from Iowa (Mr. SMITH) and all of the members of the committee for providing some relief in this bill to increase the capacity of the Federal prison system and to provide additional funding for more correctional officer positions.

I was disappointed by the administration's request for only 50 additional correctional officer positions in fiscal year 1985. But I am glad that the committee had the wisdom to add another $4 million to provide an additional 200 positions.

I hope that this additional funding will be approved by Congress and the President to provide additional staffing at the Bastrop facility and others to handle the overcrowded conditions.

Again, I thank the members of the committee for addressing this serious problem.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman very much for his comments.

Mr. O'BRIEN. Could the Chair advise as to how we stand with respect to time consumed?

The CHAIRMAN. The gentleman from Illinois (Mr. O'BRIEN) has 8 minutes remaining and the gentleman from Iowa (Mr. SMITH) has 10 minutes remaining.

Mr. O'BRIEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. I thank the gentleman for yielding this time to me.

Mr. Chairman, we have in my area, and I am sure I speak for other members of the Michigan delegation, a real crisis as far as obtaining passports. It affects not only the Detroit area, but the entire State of Michigan.

I would like to let the committee know that since they have closed the Detroit office about 3 years ago, over the objections of the Michigan congressional delegation, the situation has gone from bad to worse. Originally, after they closed the office, they had our passport applications going to Chicago. They have closed that down now, and they are going into Miami. In the last several months, that situation has become intolerable because they have lost passports down there, they are delayed, they are overburdened.

Really, what I would like to do is ask the two Michigan members of the Committee on Appropriations if they would ascertain if what I am saying is correct, and whether or not there is any possibility that the committee might consider providing a passport office in Detroit once again because of the tremendous requests for passports.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Michigan.

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Chairman, I, too, want to support this recommendation on behalf of the gentleman from Michigan (Mr. BROOMFIELD). Six passport offices are located on the east coast, four are situated in the Far West, and two are in the South, in New Orleans and Houston. This leaves only Chicago to represent the entire Midwest, the north central area.

My passport caseload has gone up 500 percent, so I, too, on behalf of Mr. BROOMFIELD and other members of the Michigan delegation, would ask the committee to consider this recommendation possibly soon this year, or at least next year, on behalf of reopening that Detroit, Mich., office.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman who represents the district adjacent to mine, the gentleman from Michigan (Mr. CARR).

Mr. CARR. I thank the gentleman for yielding.

Mr. Chairman, what the gentleman says is absolutely true. We understand that the Chicago passport office is undergoing automatic data processing revision and hopefully the shutdown or slowdown will be of a temporary nature.

In the meantime, however, the people of the State of Michigan, as I think all Members of Congress from Michigan of both parties readily acknowledge, are not being served in the manner in which they are entitled under law. This bill does contain sufficient funds so that the conversion to automatic data processing in the Chicago office can proceed on schedule, and I join with my friend and neighbor from Oakland County, Mich., and and my good friend from the Second District of Michigan, in affirming that what we really need to do is reopen the Detroit office.

Mr. O'BRIEN. Mr. Chairman, I yield 3 minutes to another distinguished gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, included in H.R. 5712 is $3.8 million for the Great Lakes Environmental Research Laboratory, located in Ann Arbor, Mich. I would like to thank the Subcommittee on Commerce, Justice, State and Judiciary, Chairman NEAL SMITH and minority chairman GEORGE O'BRIEN and I urge my colleagues to support the bill.

The Great Lakes are a vital natural resource that we cannot afford to ignore.

The Great Lakes contain 95 percent of our Nation's freshwater supply. Not only do they provide drinking water but they also support numerous industries in the region.

Manufacturers, shippers, farmers, and commercial fishermen depend heavily on the Great Lakes. In addition, the Great Lakes attract a large tourist industry to surrounding States.

We must continue to protect the Great Lakes and make sure that they will continue to support these industries now and well into the future.

The Great Lakes Environmental Research Laboratory located in Ann Arbor, Mich., my congressional district, conducts research to help better understand the environmental forces in the Great Lakes and their watersheds. In addition, the laboratory focuses on solving problems in research management and environmental services in these waters.

In the past, Congress has noted that the work performed at the laboratory is essential to the health of the Great Lakes. We cannot afford to let this valuable research center go unfunded, leaving the Great Lakes to die. The Great Lakes Environmental Research Laboratory needs congressional support if it is to continue to protect these waters.

☐ 1120

Mr. Chairman, I want to thank this subcommittee again this year, as I have each year since I have been here, for supporting this great project and worthwhile program.

Mr. O'BRIEN. Mr. Chairman, if I recall correctly, there remains to the minority 2 minutes.

The CHAIRMAN. There remains a little over 2 minutes.

Mr. O'BRIEN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, after some brief comments I would like to engage the distinguished subcommittee chairman, the gentleman from Iowa (Mr. SMITH), in a colloquy. My remarks will focus on the National Endowment for Democracy.

In considering appropriations for the National Endowment for Democracy, I would like to express my support for the participation of cooperatives in its programs. For 20 years, U.S. cooperatives have worked through national trade associations and other organizations to help sponsor overseas cooperative activity. Their support is based on the belief that these democratically based businesses, with their nongovernmental approach, can greatly strengthen democratic values and institutions abroad.

This Member believes that cooperative development organizations have an important role in helping to build democratic, broadly participatory institutions in free market economies. Cooperatives exist in virtually every country. In some cases, they are more acceptable than stock-owned companies or multinational corporations. Thus, the experience and existing network of the cooperative community can be a major vehicle in achieving greater democratic as well as economic development around the world.

U.S. cooperative development organizations, such as the National Rural Electric Cooperative Association, Cooperative League of the U.S.A., and Agricultural Cooperative Development International, have been active in U.S. foreign assistance programs in over 50 countries. But, these AID funds are directed at technical assistance, not efforts to work with cooperatives overseas for political democracy.

The study which led to the creation of the National Endowment for Democracy, notes the need to engage U.S. cooperatives in the "political corollaries of democracy," (p. 40) beyond their current activities directed at economic development.

Title IX of the Foreign Assistance Act directs AID to promote democracy through grassroots development. However, the failure of AID to achieve the goals of title IX is one of the primary reasons for the creation of the National Endowment for Democracy. AID-funded cooperative programs abroad have done well plugging into the bureaucracy, but not so well in terms of political development. This is reasonable given the technical nature of AID activities.

Technical assistance for economic programs, working with the host government, needs to be separated from more politically oriented programs. This is why U.S. cooperatives need a separate program under the National Endowment for Democracy for these types of activities in AID recipient countries.

Furthermore, many countries where cooperatives can play a constructive role in bringing about democracy no longer receive foreign aid. The National Endowment for Democracy is a way to continue collaborative style programs in AID graduate countries for strengthening democratic institutions.

There are many positive parallels in promoting democracy and cooperatives. In both political democracy and cooperatives, decisionmaking is moved from the few to the many. This is a key to stability in a society. When people are involved in their government and economic life, they are less lively to advocate or support more violent change.

Cooperatives build a familiarity with democracy. They are laboratories for democracy in that people have the opportunity to elect their boards of directors and have a stake in businesses which they own in the conduct of cooperative activities. Usually, cooperative elections are far more fair than those in the political arena. It is a positive experience at the grassroots.

Cooperatives, like democratic forces in a society, confront vested interests. Cooperatives provide a basis for group action, for example, to overcome village moneylenders who charge exorbitant rates or merchants who overcharge for farm supplies such as fertilizer or control the marketing of the farmers' produce. Success with democratic cooperatives, thus, is empowering.

Strong grassroots farm organizations empowered U.S. farmers at the same time they promoted cooperatives. The same linkages exist overseas where the majority of the population is still rural and usually left out of the political processes.

U.S. cooperatives are powerful political voices in the United States at the local, State, and national level. They are a growing political force in many developing countries. The same organizing skills and leadership in building participatory cooperatives applies to political parties.

It is for these reasons that cooperatives can be an extremely useful component of the efforts of the National Endowment for Democracy and deserve consideration as a major element of the endowment's programs.

Mr. Chairman, lately I have been concerned that the staff of the endowment is not giving the attention to the cooperatives involvement that I think was the intention of the framers of the report and this institution, the Congress of the United States. I believe that is a mistake, and I would like to yield to the distinguished chairman of the subcommittee for any comments he would like to put forth in that respect.

Mr. SMITH of Iowa. Mr. Chairman, as the gentleman knows, oversight is primarily for the authorizing committee, and we did not attempt to do that. However, we did ask them about how much money they are getting out and who it is going to, and my understanding was this: That during this first year or part of the year they have given the money out to those that were most ready to accept it and use it properly at the time, and we were told that there was no intention that the same kind of a mix would continue, not to exclude anybody, but they felt some people were ready and able to use it effectively sooner than others.

I agree with the gentleman that coops are certainly in a position to render some service in this area.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his comments.

While I do not judge the readiness of the cooperatives to participate in light of perhaps the endowment staff, I assume then it would be likely that we would receive greater attention for the cooperatives involvement in endowment programs?

Mr. SMITH of Iowa. I would think so, Mr. Chairman.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from Iowa (Mr. Smith).

Mr. SMITH of Iowa. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. Kastenmeier).

Mr. KASTENMEIER. Mr. Chairman, I rise in support of H.R. 5712, and I thank the gentleman from Iowa for yielding time to me. I also want to take this occasion to thank the gentleman from Iowa and his subcommittee and staff for their responsiveness to recommendations made by us in several areas treated by his committee.

I just want to say a word about Legal Services. I think the one issue in debate has already been adequately discussed by the gentleman from Illinois (Mr. O'Brien) and the gentleman from Connecticut (Mr. Morrison) in their colloquy with respect to the $20 million earmarking in terms of spending for private attorney contracting by the national corporation. I regret that my colleague, the gentleman from Texas (Mr. Sam B. Hall, Jr.), having had in years past apparently a vicariously poor experience with Legal Services, still takes the position he does. He is a friend of mine and we serve on the Judiciary Committee together, but the fact is that the House and the Congress have supported Legal Services over the years.

Legal Services, by its very character, is adversarial. That is part of our legal system. People do not like to be sued, and sometimes it produces untoward results as far as parties are concerned. But we do need this, and the program, even at $325 million, is underfunded in terms of the outreach formula authorized several years ago. We still have not attained that level.

I would point out, too, that the recommendations are those of this Corporation and its Board of Directors and president who are the products of this administration. In any event, I regret that the section may be vulnerable to a point of order. There are reasons, of course, that go beyond this chamber as to why we do not have authorizing legislation fully in hand which would have protected this item.

Mr. Chairman, I rise in support of H.R. 5712, which makes appropriations for the Judiciary and for several agencies including the Department of Justice and the Legal Services Corporation. I thank the gentleman from Iowa (Mr. Smith), his subcommittee and staff, for their responsiveness to my recommendations in several of these areas.

I am particularly pleased that the committee has added more funds ($4 million) to allow 250 additional correctional officer positions in the Federal Bureau of Prisons facilities, many of which are 25 percent or more overcrowded. Violence against staff and inmates can be reduced by improved staffing patterns. The Judiciary Subcommittee which I chair received testimony on March 29 about the increased need for such positions. Some of the testimony related to understaffing which might have contributed to the deaths of one or more correctional officials, including Mr. Boyd Spikerman at F.C.I. Oxford, Wis. The committee has also noted additional funds ($6 million) to reduce overcrowding in Federal prisons by raising the daily contract community treatment facilities from 2,400 to at least 2,900. It is cost effective to have prisoners in less restrictive facilities where appropriate. Additional funds ($250,000) also have been added to assist inmates with their civil legal problems. Such legal assistance programs, as that managed by the University of Wisconsin School of Law, are very helpful in reducing tensions and insuring that Federal inmates, who are often at great distances from their families, have access to courts as required by the U.S. Supreme Court.

H.R. 5712 allows a modest amount for the National Institute of Corrections, including an increase of $258,000 for training. I am disappointed in the small amount and supported a substantially larger amount for training and technical assistance to State and local correctional facilities.

The committee recommendation for the Marshals Service includes an increase of $5,000,000 above the budget request in order for the Service to improve its capacity to arrest fugitives who have already been indicted. In addition, this increase will facilitate the family unification plans of the Service concerning protected witnesses who have satisfied their commitment to the Government by testifying during criminal trials. I am pleased with this increase and this increase will assure implementation of parental visitation rights found in the House passed bill, H.R. 4249 (H. Rept. 98-767).

I am pleased that the Legal Services Corporation will be funded at $325 million, which is only approximately $4 million more than the Corporation received in fiscal year 1981. Funding cutbacks of 25 percent in fiscal years 1982 and 1983 (to $241 million), inflation, and the increase in the poverty population have affected the ability of programs to serve the 34 million persons living at the poverty level. Funding during fiscal year 1984 at $275 million was a modest increase in the right direction. H.R. 5712 retains the restrictions contained in the fiscal year 1984 Appropriations Act (Public Law 98-166). I differ with the Corporation's interpretation of some of these limitations—particularly as they relate to the ability of programs to comment on proposed Federal regulations and to undertake appropriate legislative activities. I understand the committee's approach of continuing the limitations at this time, and urge the Corporation to follow the intent of this body. I support the efforts to stabilize existing programs through a funding formula, as was done this year.

In relation to funds for the judiciary, I seriously question the addition of a staff position in the Administrative Office of the U.S. Courts for a court reporter/specialist/electronic recording specialist. I have grave doubts about the position of the Administrative Office that electronic recording would save money.

In sum, I commend the committee for H.R. 5712 and support it.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. Mazzoli).

Mr. MAZZOLI. Mr. Chairman, I take the well to rise in support of the bill before us today, H.R. 5712.

Mr. Chairman, I wish to commend the gentleman from Iowa, the subcommittee chairman and his colleagues on the Appropriations Committee for their action in approving a $16.1 million increase in appropriations for the Immigration and Naturalization Service for fiscal year 1985. I also wish to thank him for his cooperation and understanding demonstrated this year, as well as in past years, in providing the necessary personnel and funding resources for the Service. I particularly appreciate his committee's responsiveness to the authorization recommendations made by my Subcommittee on Immigration, Refugees, and International Law and the full Judiciary Committee over the years.

The Judiciary Committee in H.R. 5468, the authorization bill for the Department of Justice recommends $595,165,000 for INS for fiscal year 1985. This represents an increase of $20 million over the budget request. My subcommittee was gratified to see that after many years of discussions and proposals for increases, the administration submitted a budget which called for a substantial increase in border enforcement resources. We applaud this initiative.

It is evidence of a long overdue recognition and appreciation of the INS mission by the Department of Justice. It is also a concrete indication that at long last INS is overcoming its unfortunate reputation as an unreliable and ineffective government agency frequently described as a stepchild within the Department.

However, the subcommittee which I chair concluded that the administration's fiscal year 1985 budget for the Immigration and Naturalization Service failed to achieve a proper balance between its two major responsibilities, enforcement and service to the public functions. Furthermore, it also failed to achieve suitable balance among the enforcement activities of the agency—inspection, investigations, border patrol, antismuggling and the like.

Therefore, the Judiciary Committee authorized 447 additional positions and some $20.6 million to effect the necessary balance.

The Appropriations Committee also recognized the imbalance inherent in the budget submission adopted the recommendations contained in the authorization bill and approved 447 new positions and $16.5 million additional funding. The $4.1 million difference in the two bills is a result of a disallowance by the Appropriations Committee of an increase for space and services payments to GSA in excess of 7 percent for Government-owned buildings.

This appropriations bill will provide much needed resources in service to the public activities and enforcement enhancement in inspections, antismuggling and investigations.

On behalf of my Immigration Subcommittee, I wish to thank Chairman Neal Smith and his colleagues for their positive actions taken now and in the past on behalf of the Immigration and Naturalization Service. This kind of attitude has helped revitalize the Service.

I wholeheartedly support the Appropriations Committee's action regarding the Immigration and Naturalization Service for fiscal year 1985. My only hope is that the other body will follow the lead of the authorizing and appropriating committees of the House.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. Mazzoli) has expired.

Mr. SMITH of Iowa. Mr. Chairman, I yield 1 additional minute to the gentleman from Kentucky (Mr. Mazzoli).

Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the subcommittee chairman.

Mr. SMITH of Iowa. Mr. Chairman, I want to say that I appreciate the work that the gentleman is doing. This is a very difficult area. We have tried our best to cooperate, as the gentleman understands, with the Judiciary Committee in this area. We are hoping that some additional legislation will be passed.

Money alone will not solve these problems, but we have still tried to provide the financing that will get us through this interim period. I want to say that the committee appreciates the problems that the Judiciary Committee has been tackling, and I hope that together we can improve this situation.

Mr. MAZZOLI. Mr. Chairman, I want to thank the gentleman for what he has said.

It is true that we have an immigration reform bill which is pending and which I hope the House does take up and which, along with the continuing efforts of the gentleman from Iowa, will give this Nation an immigration policy which is sensitive and genuine and at the same time effective. I want to thank the gentleman, and I appreciate his work.

□ 1130

Mr. SMITH of Iowa. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Coleman).

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in support of this legislation and ask that my colleagues join me in supporting its passage. I support the provision which deals with the funding for the Small Business Administration, specifically, the committee approval of funding for the Peso impact loan program. In the committee report it is suggested that should the funding for this program run out, which is being carried over from last year, that the administration should "submit a supplemental budget request as soon as possible so that additional requirements can be met expeditiously."

Mr. Chairman, as I have served this last year as the chairman of the congressional border caucus I feel that the world "expeditiously" should be emphasized with respect to the Peso impact loan program. It has been longer than 2 years since the Peso devaluation in Mexico sent an economic shockwave down our Nation's border with that country, a shockwave from which few have been able to recover. The administration, while quick to promise help, has done little, while business failures and unemployment have continued to rise. On April 18, the President finally signed the bill which authorized the reinstatment of the nonphysical disaster program. Still, we have seen no assistance along the Nation's border areas. I hope, Mr. Chairman, that the passage of this legislation will further insure that it is the intent of the Congress that the Peso impact loan program is law, and that the Government of this Nation is willing to come to the aid of small businesses along the border who have suffered economic disaster through no fault of their own.

Mr. SMITH of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. Levitas).

Mr. LEVITAS. Mr. Chairman, one of the provisions of the bill before us is funding for the Federal Trade Commission. I would like to point out a very unfortunate circumstances that on September 30 this year it will be 2 years since the Federal Trade Commission has had any congressional authorization. There has been no FTC authorization legislation passed in 2 years.

In the ongoing need for us to curb bureacracy, it is hard enough for the Congress to curb authorized agencies.

But when we are dealing with unauthorized bureaucratic actions, that ability to control and curb the unelected officials who run so much—too much—of our lives, becomes a near-impossible task. Nevertheless we must strive to do so to protect the American people.

The gentleman from North Carolina (Mr. BROYHILL) and I have proposed an amendment to this bill that would preclude an unauthorized agency; namely, the Federal Trade Commisson, from issuing any new rulemaking, that is, bureaucratic laws until authorization of the FTC is passed by Congress.

We think there are some important issued that need to be addressed in the Federal Trade Commission legislation, not the least of which is repairing the damage of the Chadha decision by bringing forth a new congressional rulemaking procedure, the "son of the legislative veto."

Thus far, we have not been able to vote on the FTC authorization. The gentleman from North Carolina and I would very much like to see this House work its will under an open rule or a rule that would permit the necessary consideration of the important issues. It is not us. It is not the proponents of legislative veto who are blocking this bill. It is the opponents of legislative veto who will not let it be voted on.

I understand in conversation with my good friend, the distinguished gentleman from New Jersey (Mr. FLORIO), that he intends to make a point of order against the FTC funding provision in the bill because there is no authorization. I understand that. I simply will represent to the gentleman that I am prepared to work with him to bring forth an authorization bill so that the House can work its will; but I personally feel that it is unfair to the Appropriations Committee to require it to do the work of the authorizing committees.

I would certainly hope there would be no funding for this agency until there is an authorization for it to continue its work.

Two years is long enough for the American people to fund an agency that is not even authorized and that is going about its business as though it were an agency that has received authorization.

● Mr. REID. Mr. Chairman, I would like to add my full support for the passage of H.R. 5712, the State, Justice, Commerce, and Judiciary appropriations bill for fiscal year 1985. I am particularly pleased that title I of H.R. 5712 includes adequate funding for the precipitation augmentation for crops experiment (PACE) program. This Federal-State cooperative program in weather modification research provides an invaluable service, not only to my State of Nevada, but to the entire Nation.

The research being conducted at sites located in Nevada, Utah, North Dakota, and Illinois represents four diverse climatic regions of the United States. This is of particular national significance when we address areas of high agricultural productivity and areas with large, rapid population growth and limited water supplies.

The programs have been designed to avoid scientific duplication. Yet there is close cooperation among scientists and administrators of the four programs and coordination with the National Oceanic and Atmospheric Administration.

Examples of the type of research being performed by PACE are: Midwestern summer rainfall enhancement for corn and soybean production, Great Plains rain enhancement and hail investigation for wheat and small grains, intermountain snowfall enhancement for irrigation and energy use, impact of Western winter seeding programs on water supplies in water-sensitive populated regions.

I urge my colleagues to favorably consider the merits of this important weather modification program. Thank you.●

● Mrs. SCHROEDER. Mr. Chairman, I would like to commend the chairman of the subcommittee for working so closely with the Black, Hispanic, and Women's Caucuses, in respect to language on the U.S. Commission on Civil Rights.

The three caucuses testified before his subcommittee in favor of defunding the Commission because the current Commission had forgotten its rule as an independent agency and ignored procedures that had been so crucial to its success.

Our specific concerns were: First, abuse of procedure through abandonment of factfinding; second, cancellation of public hearings; third, interference with functions of State advisory committees; and fourth, lack of attention to major developments in civil rights.

The chairman of the subcommittee, who shares our concern for an independent U.S. Commission on Civil Rights, worked with the Black, Hispanic, and Women's Caucuses to come up with language in the bill and in the committee report that adequately addresses these concerns.

The current U.S. Commission on Civil Rights has clearly distorted and gone against the spirit of the law which created an independent commission 27 years ago. I congratulate the committee for helping Congress to preserve that independence.●

● Mr. RANGEL. Mr. Chairman, I rise in support of H.R. 5712, the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriation Act for fiscal year 1985. As chairman of the Select Committee on Narcotics Abuse and Control, I particularly want to note a few of the bill's provisions that will help strengthen our Nation's efforts to control illicit drug trafficking.

The bill includes $333,258,000 for the Drug Enforcement Administration (DEA), approximately $47.1 million more than appropriated for 1984. For the FBI, the bill provides $1,147,358,000, an increase of more than $100 million over the 1984 level. The amounts provided for both agencies are sufficient to fund all requested program increases.

In addition to continuing support for the original 12 organized crime drug enforcement (OCDE) task forces, the bill includes funding to establish a new, 13th OCDE task force. This new task force will be based in Miami and will cover Florida, the Virgin Islands, and Puerto Rico. For DEA, the bill provides an additional $2.4 million and 35 positions for the new task force. A slightly larger increase and 35 positions are included for FBI's participation in the new task force. The bill also includes additional resources for this new task force in the funding for the U.S. attorneys and marshals.

The Select Committee on Narcotics Abuse and Control recently held a conference of Federal, State, and local law enforcement officials in south Florida. The purpose of the conference was to try to improve cooperation between Federal drug enforcement agencies on the one hand and State and local drug enforcement officials on the other.

The committee learned that administration initiatives, such as the South Florida Task Force on Crime and NNBIS (the National Narcotics Border Interdiction System) have confused coordination and disrupted the established relationship between State and local drug enforcement agencies and the DEA, FBI, and other Federal agencies with drug enforcement responsibilities. To remedy the problems that have arisen and to improve communications, a coordinating body of Federal, State, and local representatives was established.

I strongly support the additional resources for the new OCDE task force in Florida. The select committee's experience in south Florida, however, shows that establishing and maintaining good communication is critical to effective cooperation among Federal, State, and local drug enforcement agencies. I urge the administration to take whatever steps are needed to assure that the new task force will coordinate its efforts with the appropriate State and local agencies.

Other program increases provided in the bill include: $2.2 million to enable DEA to conduct 10 additional foreign and 5 additional Caribbean special enforcement operations and to establish 23 special field intelligence programs; $12.3 million and 315 positions for the FBI's organized crime program to handle the increased workload associated with the FBI's efforts against organized crime and high level drug traffickers; and $9.9 million to restore funding for State and local drug grants which the administration proposed to eliminate. These grants support the exchange of drug intelligence among State and local law enforcement agencies.

I commend the gentleman from Iowa (Mr. SMITH), the members of his subcommittee, and the full Appropriations Committee for providing increased levels of support for our drug enforcement efforts. I urge my colleagues in the House to support H.R. 5712.●

● Mr. WALGREN. Mr. Chairman, I rise in support of the bill, H.R. 5712, the appropriations bill for the Departments of Commerce, Justice, State, and related agencies for the fiscal year 1985. I want, in particular, to congratulate our colleague from Iowa, the chairman of the subcommittee, for bringing out a balanced bill which redresses several unfortunate proposals contained in the administration's proposals of last January.

The main concern of the Subcommittee on Science, Research, and Technology, which I am privileged to chair, was the proposal to eliminate entirely the funding for two small but important programs of the National Bureau of Standards, an agency within the Department of Commerce.

The Center for Fire Research and the Center for Building Technology both perform research activities which ultimately affect every American through the development of standards used by the building industry. As we confirmed in hearings held by my subcommittee over the last several years, there is no substitute in the private sector for these research activities. The authorization bill which the House passed several weeks ago therefore restored these two programs funded respectively at $5.1 million and $3.1 million, and I want to express my appreciation to the gentleman from Iowa and his committee for supporting this restoration in their bill.

The bill similarly restores funds for research on computer interface standards. Here the administration's budget would have reduced funds for the Bureau's Institute for Computer Sciences and Technology from $10 million to $5 million. As was noted recently, the chairman of the Committee on Government Operations (Mr. BROOKS), who is the author of the legislative framework for the Computer Institute at the National Bureau of Standards, even the $10 million funding level is hardly adequate to enable the United States to maintain a presence in the international marketplace for American industry. I therefore want to express my support for the restoration contained in this bill for the Computer Institute.

The Bureau of Standard's effort over several years to update its aging central computer has had the support of the Science and Technology Committee. Although we could not support the full funding of this activity in fiscal year 1984, we recommended partial funding for this purchase, and again the bill before us would provide those funds, although at a slightly lower level. I would hope that the Appropriations Committee will agree with me that next year it will be appropriate to provide the balance of the required funds for this important procurement.

Several new initiatives did not survive the review conducted by the committees of the House this year. The Bureau's proposal to initiate a $3 million effort in the field of biotechnology and a $2.5 million initiative in industrial processes was not approved.

The initiative by the Science and Technology Committee, included in our authorization bill, H.R. 5172, to have the Office of Productivity, Technology and Innovation begin a modest, half-million-dollar effort in translating the Japanese science and engineering literature was not included in this appropriations bill. In all these cases, I want to assure the chairman of the Appropriations Subcommittee that we will carefully review these initiatives next year, and that I look forward to working with him and his committee in the same cooperative fashion that we have in the past.

We appreciate the committees bringing to the floor a bill which reflects that cooperation. I urge a favorable vote on H.R. 5712.●

● Ms. SNOWE. Mr. Chairman, today we will vote on H.R. 5712 which includes appropriations for the Departments of State, Justice, Commerce, and Judiciary. Included in this appropriations package are proposed funding levels for the Legal Services Corporation (LSC), an organization which provides legal assistance to poor Americans, including many elderly and disabled persons.

I understand that inasmuch as there is not a LSC authorizing bill approved by Congress at this time, a point of order will be made to restrict LSC appropriations from H.R. 5712. I am sorry this action will be taken because I believe there is a greater issue at stake.

Last year, despite congressional objections, the LSC Board adopted certain eligibility requirements which are more restrictive than those used for all other social assistance programs. As a result of the new eligibility guidelines, as many as two-thirds of our Nation's elderly poor could be prevented from using LSC assistance. This action is contrary to congressional intent when it originally created LSC.

For example, local assets tests are now required which include equity in one's home over $15,000. Mr. Speaker, it is a sorry home, indeed, which is worth only $15,000 today. Many of those who are now over 65 paid for their homes over a lifetime of work. Many of those homes were worth a modest sum by today's standard, but because of inflation over the years, the same home has increased in value many times over the original price. Yet, such a modest equity could result in denying legal services to these same retirees.

When the eligibility changes were proposed last year by the LSC Board—a Board, by the way, composed of four recess appointees, none of whom were confirmed by the Senate—Congressman BIAGGI and I conducted hearings as chairman and ranking minority member of the Subcommittee on Human Services, Select Committee on Aging. Over 18 witnesses representing several aging and disability organizations were unanimous in their opposition to the changes. Nevertheless, the LSC Board only made minor revisions and published the final regulations on November 30.

Chairman BIAGGI and I then introduced two bills: One to repeal the regulations in the LSC authorizing bill and a second to disallow the dispersal of LSC appropriations unless the eligibility requirements of January 1983 were reinstated. It was this latter bill that we had hoped to introduce today as an amendment to H.R. 5712.

Mr. Chairman, over 85 Members of the House have already indicated their strong support for the repeal of these new guidelines. I urge immediate action on the LSC authorizing bill, H.R. 2909, which has been reported out of the Judiciary Committee so that Congress can again exert its role in formulating the direction of LSC activities—both by extending appropriate funds and by repealing these new eligibility guidelines which are so adversely affecting our poor elderly population.●

● Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 5712, the appropriations bill for the Departments of State, Commerce, Justice, and related agencies for fiscal year 1985. I congratulate the chairman, Mr. SMITH of Iowa, and the ranking member, Mr. O'BRIEN, for their work on this bill.

I am particularly pleased that two programs slated for termination by the administration in the National Bureau of Standards (NBS) were restored by the committee. The Fire Research Center and the Center for Building Research are small but important NBS programs which have been strongly supported by the Science and Technology Committee, on which I serve. Both centers perform research activities which are critical to the development of design standards used by the building industry and other industrial sectors. These design standards, including design of fire and earthquake resistant structures, directly affect the safety and lives of all Americans. I thank the chairman of the committee, the gentleman from Iowa, and his colleagues for restoring these two programs to their current levels. The administration has been extremely shortsighted in proposing termination of these programs. As the chairman of the authorizing subcommittee, Mr. WALGREN, pointed out, there is no comparable fire and building standards research in the private sector.

I also congratulate the committee for restoring funds for the Institute for Computer Sciences and Technology (ICST) within NBS. The mission of ICST is essential to the development and implementation of a coherent national information policy and to the management of Federal information resources. Investment in the development of standards and guidelines leading to economic and efficient purchases within the Federal Government is well worth it, considering the billions of dollars the Government spends on computers. ICST is also equipped to address the serious issue of computer security which has received so much attention in the press recently. We are only beginning to realize the privacy and security implications of our increasing dependence on and use of computers. I hope to see ICST's budget grow in the future—the demands on it will only increase. I am grateful, however, that the committee has allowed ICST to maintain its operation.

Finally, Mr. Chairman, the committee acted with wisdom in restoring funds for the agricultural weather services program, the fruit frost advisory program, and the fire weather services program conducted by the National Oceanic and Atmospheric Administration. These services are important, not only to farmers, but to others whose livelihoods depend on the weather. It is a mystery to me why the administration has consistently proposed termination of these vital programs.

Mr. Chairman, I urge adoption of the bill.●

Mr. SMITH of Iowa. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I just take this time to explain what I intend to follow as a procedure to facilitate the handling of this bill. It is not the intent to cut anybody off whatever, but in order to not waste time that is not necessary, I will from time to time ask unanimous consent to consider the bill as read from one point to another certain point.

Now, if anybody in the Chamber has an amendment that they intend to offer and they have not already let us know where it will be, I wish they would do that now so that I will not skip past where the amendment would be offered. That is all I am doing.

We just intend to facilitate the handling of the bill, but at the same time not cut off anybody's rights unduly.

With that, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $84,214,000, to remain available until expended. None of the funds made available to the Bureau of the Census under this Act may be expended for prosecution of any person for the failure to return 1978 Agricultural Census forms 78-A40A or 78-A40B, or 78-A40C or 78-A40D, or form 79-A9A, or form 79-A9B, or for the preparation of similar forms for any future agricultural census.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I know of no amendment until the National Bureau of Standards.

Therefore, I ask unanimous consent that the remainder of the bill through page 9, line 18, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. BROWN of Colorado. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order against a section of this particular paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, on page 3, from line 4 beginning "None of" through line 10 I have a point of order that this is a violation of clause 3, rule XXI, that it consists of legislation on an apropriation bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. The point of order is good, Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and the Chair sustains the point of order.

PARLIAMENTARY INQUIRY

Mr. SMITH of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Iowa. The point of order started with the word "None" on page 3, line 4; is that correct?

The CHAIRMAN. That is correct.

Mr. WALKER. That is correct.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and Public Law 91-304, and such laws that were in effect immediately before September 30, 1982, $250,000,000: *Provided*, That during fiscal year 1985 total commitments to guarantee loans shall not exceed $150,000,000 of contingent liability for loan principal. Of the total amount appropriated under this heading, $50,000,000 shall be made available under the criteria and conditions of assistance described in section 101(a) of Public Law 98-8.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $28,600,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1985, and such positions shall be maintained in the various states within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

POINT OF ORDER

Mr. WALKER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, I have a point of order with the section of the bill beginning with line 16 on page 3 through line 20 of page 4, that this is unauthorized appropriations in violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. It is not authorized, Mr. Chairman.

The CHAIRMAN. Does the gentleman concede the point of order against the following paragraph also?

Mr. SMITH of Iowa. The Chair is talking about through line 20 page 4?

The CHAIRMAN. Correct.

Mr. SMITH of Iowa. I do, right, Mr. Chairman.

The CHAIRMAN. The point of order is conceded. The Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; 399 commissioned officers on the active list; construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; $1,114,551,000, to remain available until expended; and in addition, $27,000,000 shall be derived from the Airport and Airways Trust Fund, and in addition, $13,600,000 shall be transferred to this appropriation from the fund entitled "Promote and develop fishery products and research pertaining to American fisheries" and $9,300,000 from repayments of principal and interest on outstanding loans in the "Coastal Energy Impact Fund": *Provided*, That unobligated balances in the account "Coastal Zone Management" are merged with this account of October 1, 1984.

POINTS OF ORDER

Mr. WALKER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. Mr. Chairman, I have a point of order against sections of this particular paragraph of the bill. On page 7, line 19, the 399 commissioned officers on the active list is unauthorized and I make a point of order against that as a violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded, and the Chair sustains the point of order.

Mr. WALKER. Mr. Chairman, I have a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WALKER. I have a further point of order, Mr. Chairman, which rests against the language beginning on line 24, page 7, going through line 6 on page 8, as being unauthorized funding in violation of clause 2 of rule XXI, and also as legislation on an appropriation bill in violation of clause 3 of rule XXI.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order. We were trying to comply with the request of the administration trying to merge a couple of accounts, but I concede the point of order.

The CHAIRMAN. The point of order is conceded, and the Chair sustains the point of order with regard to the language cited.

The Clerk will read.

The Clerk read as follows:

NATIONAL BUREAU OF STANDARDS

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, $127,229,000, to remain available until expended, of which not to exceed $5,229,000 may be transferred to the "Working Capital Fund".

AMENDMENT OFFERED BY MR. GREGG

Mr. GREGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREGG: On page 9, line 22, strike "$127,229,000" and insert in lieu thereof the following "$125,545,000".

Mr. GREGG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

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Mr. GREGG. This amendment simply brings this section in line with the authorization bill which has not been totally passed yet because the other body has not passed it. It was passed by the House, however.

The language of the appropriations bill is about $1.6 million over the House-authorized level. I understand the chairman of the committee is agreeable to this amendment.

Mr. SMITH of Iowa. Will the gentleman yield?

Mr. GREGG. I yield to the Chairman.

Mr. SMITH of Iowa. As the gentleman knows, at the time we prepared to mark up this bill we did not realize we were over, but shortly before the subcommittee markup the amendments were adopted on the floor. These reduced the amount from the committee bill to a lower level in the House-passed bill. So this would be an excessive amount that the House authorized and therefore I think that since the National Bureau of Standards is not authorized anyway, that it would be better to accept the amendment at this point.

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. GREGG. I yield to the gentleman from Illinois.

Mr. O'BRIEN. Mr. Chairman, for the minority we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. GREGG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I, that is, through page 11, line 8, be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. WALKER. Mr. Chairman, reserving the right to object, I do so just to inquire whether or not I will have an opportunity to raise a point of order.

The CHAIRMAN. The Chair will protect the gentleman's rights.

Mr. WALKER. I thank the Chair, and, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against the sections cited?

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order.

The portion of the bill to which the point of order relates is as follows:

SEC. 103. No funds in this title shall be used to sell to private interests, except with the consent of the borrower, or contract with private interests to sell or administer, any loans made under the Public Works and Economic Development Act of 1965 or any loans made under section 254 of the Trade Act of 1974.

Mr. WALKER. Mr. Chairman, on page 11, beginning with line 1, section 103, I raise a point of order against that section that it is legislation on an appropriation bill and, therefore, is a violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded.

The Chair upholds the point of order. That section is stricken.

The Clerk will read.

The Clerk proceeded to read the bill.

Mr. SMITH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that title II, through line 7, page 28, be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

If not, are there any amendments to title II?

The Clerk will read.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that title III which ends on page 36 at line 11 be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order.

The portion of the bill to which the point of order relates is as follows:

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts (including obligations assumed in Germany on or after June 5, 1945) and notwithstanding section 602 of this Act for administering the contribution to the United States India Fund for Cultural, Educational, and Scientific Cooperation; expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and section 2 of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); telecommunications; expenses necessary to provide maximum physical security in Government-owned and leased properties and vehicles abroad; permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress; expenses of the United States-Japan Advisory Commission; acquisition by exchange or purchase of vehicles as authorized by law, except that special requirement vehicles may be purchased without regard to any price limitation otherwise established by law; $1,281,032,000, of which $26,459,000 shall remain available until September 30, 1986.

Mr. WALKER. Mr. Chairman, I have a point of order beginning on page 28 with line 16 going through line 18 that this section constitutes unauthorized legislation on an appropriation bill and therefore is a violation of clause 2 of rule XXI.

The CHAIRMAN. Would the gentleman cite specifically the language which he finds in violation of the rules?

Mr. WALKER. The section which says "and notwithstanding section 602 of this act for administering the contribution to the United States India Fund for Cultural, Education, and Scientific Cooperation."

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. Mr. Chairman, yes, I would. I had thought that since it only refers to a section of this act, it would not be subject to a point of order. It says "notwithstanding section 602 of this act."

On that basis I did not think it was subject to a point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. WALKER) desire to be heard further on a point of order?

Mr. WALKER. Mr. Chairman, I refer to the committee report in which this particular section is listed as a change in the application of existing law. Therefore, that would be in violation of rule XXI and therefore I think my point of order should be sustained.

The CHAIRMAN. Does the gentleman from Iowa wish to be heard any further?

Mr. SMITH of Iowa. No, Mr. Chairman.

The CHAIRMAN. It is the opinion of the Chair that since the committee report concedes that this is a change in existing law, the point of order should be upheld, and the point of order is upheld.

Does the gentleman have any additional points or order?

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WALKER. The gentleman has asked unanimous consent through what page of the bill at this point?

The CHAIRMAN. Through all of title III.

Mr. WALKER. I thank the Chair.

The CHAIRMAN. Are there additional points of order at this point?

Are there any amendments to title III?

If not, the Clerk will read.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that title IV, through page 42, line 14, be considered as read, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Are there any points of order to title IV?

Are there any amendments to title IV?

If not, the Clerk will read.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 48, to the bottom through page 48, be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. FLORIO. Mr. Chairman, reserving the right to object, I do so only to insure that points of order will be protected.

The CHAIRMAN. The gentleman will be protected.

Mr. FLORIO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. OTTINGER. Mr. Chairman, reserving the right to object, I have an amendment in title V but it is at page 54. Is title V being considered as read?

The CHAIRMAN. The request of the gentleman from Iowa extends only through page 48. The gentleman's amendment would not be covered.

Mr. OTTINGER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Are there any points of order against the pages cited?

POINT OF ORDER

Mr. FLORIO. Mr. Chairman, I raise a point of order.

The portion of the bill to which the point of order relates is as follows:

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; the sum of $65,211,000.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FLORIO. Mr. Chairman, the point of order is to the Federal Trade Commission authorization as contained on page 47 beginning at line 22 and continuing on to page 48 to line 4 on the ground that the authorization bill has not been approved.

Therefore, this appropriation is in violation of rule XXI, clause 2 of the rules of the House.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. SMITH of Iowa. Regrettably, Mr. Chairman, I have to concede the point of order because I think this is the third year since the Federal Trade Commission has been authorized, and we have been trying to keep it alive through appropriation bills. But I certainly hope that the authorization legislation will be passed in time so that we can properly appropriate for it by next year.

The CHAIRMAN. The gentleman concedes the point of order, and the Chair sustains the point of order.

Are there any additional points of order?

Are there any amendments?

Mr. DASCHLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it was my intention today to offer an amendment, which I have already prepared, to increase the appropriation for the U.S. Travel and Tourism Administration contained in this bill back up to its 1984 level of $12 million. The committee, following the recommendations of the administration, has reduced that funding to $8.6 million. While I can understand the action of the committee in adhering to the administration request, it is my strong conviction that both the administration and the committee are making a serious error in judgment in reducing this funding.

I say this because one has only to look at the raw figures to see that we should be increasing, rather than decreasing, the funding for this national tourism policy coordinating organization. Last year, the average budget for developed nation's tourism organizations worldwide was $2.32 per capita. The U.S. commitment was less than 3½ cents. The average developed nation's commitment was over 70 times as much as our own.

In raw dollar figures, the story is much the same. In 1983, the average funding among all competitive countries of the world was nearly $32 million, over four times as much as USTTA's funding. Our two immediate neighbors, Mexico and Canada, far outspent us, Mexico by over 7 to 1 and Canada by nearly 6 to 1 in real dollar terms. In per capita spending, the gap is even wider; for Mexico, it is over 80 to 1, for Canada, nearly 50 to 1. Per capita, we are outspent by such nations as Bangladesh, Togo, Zambia, Zimbabwe, Tonga, and Iceland.

The result of this penny-wise, pound-foolish policy is becoming rapidly apparent. In 1982, the number of inbound tourists decreased for the first time in over 20 years, down 2 million from 1981. Incomplete figures for 1983 indicate that this trend is continuing.

The monetary impact of this loss of foreign tourists is tremendous. Had the United States maintained its 1976 market share of international tourism receipts at 13 percent, we would have accumulated over the intervening period nearly $17 billion more in business receipts which are classified as export earnings. Had this same scenario held true, the Federal Government would have collected an additional $1 billion in revenues in those years, States would have added $736 million, and local governments would have netted an additional $165 million. In just 1981 and 1982, 313,000 jobs were lost because of the reduction in foreign tourists.

The reasons for our reduction in market share of the world tourism dollar are not all that simple. The worldwide recession in 1981 and 1982 certainly had some impact. The continuing artificially high U.S. dollar in world exchange markets certainly had an impact. But to my mind, an even more important reason is that we are simply being outcompeted for the tourism dollar by aggressive marketing efforts from other governments. While the private sector does an excellent job in promoting United States attraction to potential foreign travelers, until 1981 there was no central agency to coordinate these efforts, do basic research, and aggressively pursue the idea, in foreign nations, of the United States as a desirable tourist destination. The creation of the USTTA filled that void.

In 1983, we appropriated $7.6 million for this agency. In 1984, the figure was $12 million, an amount which allowed some very necessary market research and development to be pursued. However, rather than continuing the progress that this agency is making, especially in the light of increasingly aggressive foreign competition, we are proposing this year to follow the administration request and cut that figure from $12 million to $8.6 million. To me, such an action is shortsighted in the extreme.

As I indicated earlier, I had prepared an amendment to adjust that figure back to the level of the 1984 appropriation, although, frankly, I would prefer an even higher level of funding to allow us to effectively compete for the world market and reduce our foreign trade deficit, which is now at atmospheric levels. However, for both procedural and tactical reasons, I have decided not to offer this amendment at this time. Still, I would like to take this opportunity to state my strong disagreement over the shortsighted action taken in this appropriation and my hope that a more realistic figure can be achieved before this appropriation bill is finally signed into law. At this time I also insert, following my remarks, several tables which substantiate the figures I have cited above:

X. SELECTED COUNTRIES THAT HAVE AGGRESSIVELY PROMOTED TOURISM IN THE PAST FIVE YEARS [1]

Germany has increased its tourism promotion budget by $7 million (24 percent budget increase) in the last 5 years. During this same period their international tourism receipts increased $3.4 billion (106 percent increase). (1981).

Sri Lanka has increased its tourism promotion budget by $992 thousand (177 percent budget increase) in the last 5 years. During this same period their international tourism receipts increased $69 million (245 percent increase). (1981).

France has increased its tourism promotion budget by $4.7 million (156 percent budget increase) in the last 5 years. During this same period their international tourism receipts increased $5.1 billion (164 percent increase). (1981).

Spain has increased its tourism promotion budget by $9.9 million (83 percent budget increase) in the last 5 years. During this same period their international tourism receipts increased $3.9 billion (126 percent increase). (1981).

Singapore has increased its tourism promotion budget by $1.3 million (28 percent budget increase) in the last 5 years. During this same period their international tourism receipts increased $602 million (213 percent increase). (1981).

Canada has increased its tourism promotion budget by $3.8 million (23 percent budget increase) in the last 5 years. During this same period their international tourism receipts increased $643 million (38 percent increase). (1981).

TRAVEL AND TOURISM GOVERNMENT AFFAIRS COUNCIL—AN AFFILIATE OF THE TRAVEL INDUSTRY ASSOCIATION OF AMERICA

FIGURE 1.—*Per capita spending by national government tourism organizations*

[The average among all countries of the world is over 100 times as much as USTTA's funding on a per capita basis. The average budget for national tourism organizations worldwide is $3.64 per capita compared to the U.S. at less than 3½ cents per capita]

National government funding of USTTA's counterparts worldwide on a per capita basis (1983):

1. Bahamas	118.64
2. Curacao	24.17
3. Guam	15.12
4. Jamaica	13.32
5. Singapore	10.72
6. Trinidad and Tobago	9.83
7. Czechoslovakia	8.88
8. Malta	8.77
9. Switzerland	7.48
10. Greece	7.32
11. New Caledonia	6.58
12. Cyprus	4.91
13. Macao	4.32
14. Costa Rica	3.98
15. Israel	3.25
16. Tunisia	3.10
17. Mexico	2.62
18. Hong Kong	2.61
19. Belgium	2.61
20. Finland	1.96
21. Tonga	1.96
22. St. Vincent and the Grenadines	1.92
23. Dominica	1.83
24. Iceland	1.77
25. Venezuela	1.67
26. Luxembourg	1.63
27. Spain	1.62
28. Canada	1.62
29. Syria	1.61
30. Zimbabwe	1.55
31. New Zealand	1.54
32. Chile	1.50
33. Korea	1.46
34. Turkey	1.33
35. Hungary	1.19
36. Peru	1.11
37. Norway	.99
38. Rwanda	.87
39. Netherlands	.86
40. Maldives	.84
41. Equador	.75
42. Australia	.71
43. Italy	.64
44. Brazil	.63
45. Malaysia	.59
46. El Salvador	.58
47. Jordan	.57
48. Colombia	.55
49. Yemen	.55
50. Ghana	.53
51. France	.47
52. Guatemala	.44
53. Equatorial Guinea	.41
54. Algeria	.40
55. Kenya	.40
56. Austria	.38
57. Egypt	.36
58. Cameroon	.33
59. Paraguay	.31
60. Libya	.30
61. Argentina	.27
62. Yugoslavia	.27
63. Lesotho	.25
64. Senegal	.23
65. Sri Lanka	.23
66. Germany	.22
67. Honduras	.21

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[1] Source: Travel and Tourism Government Affairs Council and the World Tourism Organization.

68. Tanzania	.21
69. United Kingdom	.20
70. Zambia	.20
71. Sierra Leone	.19
72. Philippines	.17
73. Bolivia	.15
74. Papua New Guinea	.15
75. Mauritius	.13
76. Thailand	.12
77. Malawi	.12
78. Japan	.08
79. Togo	.07
80. Nepal	.049
81. Bangladesh	.038
82. India	.034
83. United States	.033

Note.—Figures in U.S. Dollars. Reporting countries did not include Denmark, Sweden, Ireland, and Portugal . . . all expected to rank higher than the United States.

Source: World Tourism Organization, Organization for Economic Cooperation and Development, and Travel and Tourism Government Affairs Council.

FIGURE 2.—*Per capita spending by developed nations' tourism organizations*

[The average budget for developed nations' tourism organizations worldwide is $2.32 per capita compared to the U.S. at less than 3½ cents per capita. The average among developed nations of the world is over 70 times as much as USTTA]

Developed nations' government funding of USTTA's counterpart worldwide on a per capita basis (1983):

1. Czechoslovakia	8.88
2. Malta	8.77
3. Switzerland	7.48
4. Greece	7.32
5. Belgium	2.60
6. Finland	1.96
7. Iceland	1.77
8. Luxembourg	1.63
9. Spain	1.62
10. Canada	1.62
11. New Zealand	1.54
12. Hungary	1.19
13. Norway	.99
14. Netherlands	.86
15. Australia	.71
16. Italy	.64
17. France	.47
18. Austria	.38
19. Germany	.22
20. United Kingdom	.20
21. Japan	.08
22. United States	.033

Note.—Figures in U.S. dollars. Reporting countries did not include Denmark, Sweden, Ireland, and Portugal . . . all expected to rank higher than the United States.

Source: World Tourism Organization, Organization for Economic Cooperation and Development and Travel and Tourism Government Affairs Council.

FIGURE 3.—*Total spending by national government tourism organizations*

[The average funding among all competitive countries of the world was nearly $32 million in 1983 . . . over 4 times as much as USTTA's funding]

National government funding of USTAA's worldwide (1983):

1. Mexico	182.1
2. Czechoslovakia	134.8
3. Brazil	78.6
4. Greece	69.1
5. Turkey	62.1
6. Spain	[1] 61.1
7. Korea	59.0
8. Switzerland	[1] 47.4
9. Canada	39.3
10. Italy	36.5
11. Venezuela	30.0
12. Jamaica	29.5
13. Bahamas	28.0
14. Belgium	25.6
15. France	25.2
16. Singapore	24.3
17. India	24.3
18. Peru	20.1
19. Tunisia	19.9
20. Egypt	15.7
21. Colombia	13.8
22. Syria	13.8
23. Germany	13.5
24. Hungary	12.8
25. Burmuda	12.3
26. Israel	12.3
27. Netherlands	12.3
28. Trinidad and Tobago	11.3
29. United Kingdom	[1] 11.2
30. Hong Kong	10.6
31. Australia	10.6
32. Finland	9.3
33. Japan	9.2
34. Costa Rica	8.7
35. Malaysia	8.4
36. Philippines	8.4
37. Algeria	7.8
38. United States	[2] 7.6

[1] Estimated.

[2] Excludes $500,000 earmarked for Hawaii disaster relief.

Notes.—Figures in millions of U.S. Dollars. Reporting countries did not include Austria, Denmark, Sweden, Ireland and Portugal . . . all expected to rank higher than the United States.

Source: World Tourism Organization and Travel and Tourism Government Affairs Council.

FIGURE 4.—*Total spending by developed nations' tourism organizations*

[The average funding among developed nations of the world was nearly $33 million in 1983 . . . over 4 times as much as USTTA's funding]

Developed nations' government funding of USSTA's counterpart worldwide (1983):

1. Czechoslovakia	134.8
2. Greece	69.1
3. Spain	[1] 61.1
4. Switzerland	[1] 47.4
5. Canada	39.3
6. Italy	36.5
7. Belgium	25.6
8. France	25.2
9. Germany	13.5
10. Hungary	12.8
11. Netherlands	12.3
12. United Kingdom	[1] 11.2
13. Australia	10.6
14. Finland	9.3
15. Japan	9.2
16. United States	[2] 7.6

[1] Estimated.

[2] Excludes $500,000 earmarked for Hawaii disaster relief.

Note.—Figures in millions of U.S. Dollars. Reporting countries did not include Austria, Denmark, Sweden, Ireland, and Portugal . . . all expected to rank higher than the United States.

Source: World Tourism Organization and Travel and Tourism Government Affairs Council.

FIGURE 5.—*Government overseas tourism offices*

[Of the 97 countries on which information is available, 79 maintain foreign offices, 74 have overseas public relations programs, and 75 conduct overseas advertising programs]

National government tourism promotion offices overseas (1981):

1. Spain	[1] 30
2. Italy	[1] 18
3. Greece	[1] 15
4. Morocco	[1] 15
5. Malaysia	[2] 14
6. Germany	[3] 14
7. Yugoslavia	[1] 13
8. Kenya	[4] 13
9. Finland	[5] 10
10. Sri Lanka	[6] 10
11. Macao	[1] 9
12. Korea	[1] 8
13. Norway	[1] 7
14. Hong Kong	[1] 7
15. Thailand	[1] 7
16. Singapore	[1] 6
17. United States	[1] 6

[1] National government tourism promotion offices overseas.

[2] 8 national government tourism promotion offices overseas. 3 national government tourism promotion offices managed by national airlines. 3 national government tourism promotion offices managed by marketing firms and other agents.

[3] 5 national government tourism promotion offices overseas. 9 national government tourism promotion offices managed by national airlines.

[4] 8 national government tourism promotion offices overseas. 2 national government tourism promotion offices managed by national airlines. 3 national government tourism promotion offices managed by marketing firms and other agents.

[5] 9 national government tourism promotion offices overseas. 1 national government tourism promotion offices managed by national airlines.

[6] 3 national government tourism promotion offices overseas. 1 national government tourism promotion offices managed by national airlines. 6 national government tourism promotion offices managed by marketing firms and other agents.

Note.—Overseas promotion functions assigned to diplomatic missions are not included.

Source: World Tourism Organization and Travel and Tourism Government Affairs Council.

□ 1150

The **CHAIRMAN**. The Clerk will read.

The Clerk read as follows:

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $325,253,000: *Provided*, That the funds appropriated in this paragraph shall be expended in accordance with the provisions under the heading, "Legal Services Corporation, Payment to the Legal Services Corporation", contained in Public Law 98-166 except that "fiscal year 1984", wherever it appears in such provisions shall be construed as "fiscal year 1985"; "fiscal year 1983", wherever it appears in such provisions shall be construed as "fiscal year 1984"; "January 1, 1984" shall be construed as "January 1, 1985"; "$6.50", shall be construed as "$7.61"; and "$13.00", shall be construed as "$13.57".

POINT OF ORDER

Mr. **WALKER**. Mr. Chairman, I have a point of order.

The **CHAIRMAN**. The gentleman will state it.

Mr. **WALKER**. Mr. Chairman, I make a point of order against this paragraph of the bill beginning with line 1, page 49 through line 15 of page 49, that this is unauthorized appropriation in violation of clause 2, rule XXI.

The **CHAIRMAN**. Does the gentleman from Iowa desire to be heard?

Mr. **SMITH** of Iowa. Yes, Mr. Chairman.

I think this is the third or fourth year since the Legal Services Corporation has been authorized and we have had to act as both an authorizing and appropriations committee. I do wish that we did not have the point of order because now we will go to conference without any guidelines from the House as to the level of funding.

I feel that if there were no point of order, then there could be, for example, an amendment to reduce it and if it passed, we would be compelled to follow that level. But if there is nothing in the bill when we go to conference, why, I feel compelled to try to uphold the subcommittee and the committee.

So that is the situation we are in. But I have to concede the point of order.

The CHAIRMAN. The gentleman concedes the point of order.

The Chair sustains the point of order.

The Clerk will read.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the remainder of the bill, through page 54, line 20, be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against the pages cited?

Are there any amendments to the pages cited?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $31,300,000.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: Page 54, strike from the bill lines 21 through 25.

Mr. OTTINGER. Mr. Chairman, this amendment strikes from the bill $31,300,000 earmarked for the National Endowment for Democracy as authorized by the National Endowment for Democracy Act.

I consider this one of the most wasteful and mischievous expenditures of funds in the foreign policy field that we have ever seen.

It hands over in large blocks to the Chamber of Commerce; the AFL-CIO; and to the political parties, contrary to the expression of the will of this House, moneys to be used without any accountability whatsoever.

There are no adequate mechanisms for tracing the use of the public funds and indeed the use of those funds is not even subject to the Freedom of Information Act so that the public can find out how their money is being used.

There is a great danger that the CIA will become involved in the expenditure of these funds and that those expenditures will cause mischief.

And indeed, those dangers have been realized. In a New York Times article of May 28, it recites that some of the funds of the Endowment trusted to the AFL-CIO were in fact used to influence an election in Panama on behalf of a military-supported candidate, in a very, very close election. Our U.S. Ambassador was quoted as saying, in a cable, and I quote from the New York Times:

> It would be embarrassing to the United States if the labor institute's use of endowment funds to support one side in Panama's elections became public knowledge. The Ambassador requests that this project be discontinued before the U.S. Government is further compromised in Panama.

This is the kind of mischief we are going to get into over and over again where the U.S. interests will not be well served but in fact we will be embarrassed through the overzealous use of these funds to combat what one group or another may think is a hostile political movement in other countries.

□ 1200

I think we would be well off to save the $31.3 million in a time of great budget stringency. I strongly advocate cultural exchanges and support of useful projects in the Third World. But it seems to me that we have an adequate mechanism for that through the USIA, AID and other Government agencies that fund private groups and information programs and cultural exchanges, subject to proper controls and subject to proper oversight by Congress and access to the public.

It is for these reasons that I am moving to strike these funds.

The gentleman from Colorado (Mr. BROWN), the gentleman from California (Mr. MILLER), and the gentleman from Iowa (Mr. LEACH) have a less extensive amendment to reenforce the position of the House that no money should be spent through the Endowment by political parties. I warmly support that amendment and I also congratulate the gentleman from Colorado (Mr. BROWN) for the really fine work that he has done on this subject. He has been very much on his toes and has brought to the attention of the House many of the problems with the use of this foundation money. In fact, brought to my attention the New York Times article which I just quoted.

But I think the opportunity for mischief is great. There are proper vehicles for expending money for these purposes, subject to proper accountability, and this mischievous appropriation of funds without accountability ought to be ended.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment caught me a little bit off guard. I would like to point out a couple of points which Members should bear in mind.

First, there are several pages in the law providing for congressional oversight, auditing, and reports. Also the GAO is able to look into the issue. All of the congressional controls are in place for this program.

Also, I would point out that we are in the middle of several days of debate on the Defense Department budget. We have been talking about military expenditures. During the debates on DOD appropriations. The gentleman who just spoke was concerned about the fact that we would even consider a nuclear war. He felt that we should not even think about it. Now he says that we should not fund a program that has nothing to do with military programs, but rather is an attempt to try to bring about understanding.

In this body we have said no to the aid to Contra. We have said no to CIA covert action. We have said no to military aid in El Salvador. Here we have a program that has nothing to do with the military. We have a program where we are talking about private sector, where we are talking about Americans trying to encourage in a peaceful way, the better understanding of this Nation.

I will tell the Members now that you either pay now or you pay later. If we do not spend the money for nonmilitary aid now, we are going to have to spend money for the military later. Now we are cutting and trying to pare down the military budget—and you are looking at a Member who has said that perhaps we are spending too much. We must take some additional action to try to let the rest of the nations of the world know what this society, this Government, and our freedom is all about. That is the issue I think we are talking about here today.

We have learned this lesson in Florida, in the Southeastern United States; 100,000 aliens from Nicaragua, 100,000 from El Salvador, 50,000 from Guatemala, 50,000 from Honduras—all these people fleeing their homelands and coming to the United States because of problems at home.

I suggest that we start to meet the problem now. This House passed the Caribbean Basic Initiative because the administration said let us do a little bit to get more understanding, more exchange, and more contact to avoid some of the area's economic and political problems in the future.

What we are saying in supporting the National Endowment for Democracy is yes, there should be a government role and a private sector role which will allow us to become a part of this international chess game for people's minds. That is what we are talking about now.

I just left a group of Fulbright executive directors down on the Mall. These representatives of commissions in Western Europe and Israel were talking about the need for more exchange programs. What do you want us to do: Put up fences on our shores and say this is our country and nobody else is going to bother us? Are we saying that we are not concerned?

What I am saying is that in the middle of a defense bill with all of this debate and concern for spending so heavily in the military direction, that this is a really small expenditure. We are talking about trying to explain a little bit about the American way.

I believe it was the gentleman who raised the New York Times article. In my understanding the money that was mentioned that was used in Panama has not been definitely linked to this foundation. And the director has said that he had nothing to do with it. He has come on board to try to straighten this out. The foundation is just getting started. They would like to have a good organization, and every organization has startup problems.

I say to my colleagues to give it a chance.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. I thank the gentleman for yielding and for his thoughtful comments.

Mr. Chairman, I might inquire as to one point the gentleman made because certainly his admonition of developing peaceful alternatives is one we all share.

But the gentleman mentioned this was the proper way. I just wonder if the gentleman considers it the proper way to go about this to interfere in the internal elections of other countries; is that the proper way that the gentleman had in mind, because that is apparently what has been done with this money.

Mr. MICA. That is exactly the charge that I was referring to. And there are some questions about that. Absolutely no.

What I am saying is we want to stand up a little bit and say we are proud of America, that we are proud of what we are doing.

The CHAIRMAN. The time of the gentleman from Florida (Mr. Mica) has expired.

(At the request of Mr. Brown of Colorado and by unanimous consent, Mr. Mica was allowed to proceed for 3 additional minutes.)

Mr. O'BRIEN. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the gentleman's remarks. It has seemed to me in the past that all these other systems of living have a very effective propaganda system going.

Whenever we try to tell another nation that we have a pretty good thing here, when our Government gets involved, it always comes out second best.

It seems to me when we take American labor, take the American Chambers of Commerce the American Democratic Party and the American Republican Party, and try to tell people what we have, that is our best foot forward. I think the amendment should be defeated. I subscribe to the gentleman's remarks.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

Mr. Chairman, I just want to compliment the gentleman for what he has said. It would be a tragedy to kill this program. I urge my colleagues to defeat this amendment.

Mr. Chairman, I associate myself with the gentleman's remarks.

Mr. MICA. Let me tell you how I view this. We have affirmative action programs in this country for our society. There is nothing wrong with an affirmative action program for America. It is time to start mentioning a little bit of what is good about this country around the world.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. I thank the gentleman for yielding.

Mr. Chairman, I would like to follow up on the gentleman's statement about this is the proper way.

As the gentleman knows, this act exempts the expenditures of funds from the Freedom of Information Act. Does the gentleman consider that the proper method to go about this?

Mr. MICA. Let me tell the gentleman we have two pages of congressional controls. If the gentleman thinks that we need to make a change specifically and narrowly on the Freedom of Information Act, we would be happy to discuss it. My committee, if we are allowed to continue, will be holding hearings. We will make sure that every type of scrutiny is in place as we move forward.

But I say again, in the middle of a defense appropriations bill of some $220 billion which we are trying to cut every way we can, this type of approach allows each of us to go home and say that at least while we are discussing military expenditures, we are also looking at some peaceful ways to solve some problems and to say we are proud to be Americans.

The CHAIRMAN. The time of the gentleman from Florida (Mr. Mica) has expired.

(At the request of Mr. Ottinger and by unanimous consent, Mr. Mica was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

I agree wholeheartedly with the need for constructive efforts in the foreign policy field. Indeed, I think that certainly one of my principal criticisms of the Reagan administration is that the entire foreign policy is military action or military threats of action and there is very little constructive that is being done to help free societies to be able to survive and to offer their people a decent way of life.

My concern is with this method of doing it, to hand over blocks of money to groups not experienced in foreign affairs, the Chamber of Commerce, the AFL-CIO and worse yet, the two political parties, just does not seem to me to be the responsible way to do it.

Mr. MICA. That would be the answer that somebody could say when you are elected, that we should not hand over money to a brand new Congressman with no experience to take control of the budget. This is a brand new organization, this is a brand new approach.

□ 1210

I have come to the conclusion that we need to have a little less military spending in this country. We need to try some new initiatives. I happen to be a brand new chairman of the subcommittee. I can give you my assurance that if we let this thing start and become an entity that we will do all we can to make sure there are appropriate controls. But to say because it is new it cannot do the job is not a viable argument.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the words that have just been spoken on this floor are eloquent ones. All of our colleagues share the sincere desire to see peace and better understanding brought to this world.

I invite your attention to how this measure works, because the issue is not whether we should communicate with our neighbors or help them understand democracy or advance democracy. The issue of this institute is far narrower and I think merits your consideration.

The functions that are performed by the National Endowment for Democracy are not new. They are ones that have been funded in the past through our State Department, through the Central Intelligence Agency, and through other agencies. What is unique about the measure that is before us is not the function and the goal that we share. What is unique is the way it is done.

One of the reasons this was set up is to avoid the Freedom of Information Act. In other words, if you want these activities done, they can be accomplished in a number of ways. But if you want it done through the measure that is now in the bill, you are voting to support an abstinence of the Freedom of Information Act.

The second question that was discussed was in terms of the proper way to do things. Some of the money has been used to interfere in local elections. Each one of us can understand how someone feels when another Member comes into their own district and campaign against them. There is a natural feeling of resistance to an outsider coming in and interfering, no matter how good his or her motives may be.

What this does and has done already is have American dollars spent in campaigns in foreign countries. If there are any gentleman or gentlewomen who are interested in that, I have a copy of a cable from the Ambassador to Panama that addresses the incident in Panama. I would be happy to share that cable with any Member who would like to come to see it. For others, I invite their attention to an article in the New York Times where the head of the institute admits to the $20,000 in funds, at least admits to the New York Times reporter that the $20,000 in government funds were used. The point is this: Not that we do not want to represent America, not that we do not want our viewpoint voiced, not that we do not want to promote democracy, we do. The point is, do you want it done in secrecy, without the Freedom of Information Act? Do you want to set up an international political action committee that has us interfere with elections? I would suggest to the Members that this is not the proper way to do it. If you share these good goals, then let us apply the Freedom of Information Act and let us do it without interfering in the internal politics.

What an irony. An institute to promote democracy, an open, free election, has done the opposite. It has been an institute against democracy, not for it.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Missouri.

Mr. EMERSON. I would like to associate myself with the remarks of the gentleman from Colorado and to say that what he has just said gives me cause for great concern that this may be called the Taxpayer Funding of Foreign Elections Act. If we have got four instances where these funds are being used to influence foreign elections, I think the House ought to have some concern about that.

I thank the gentleman for yielding.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Let me just stress the point that was just made. It is interesting that U.S. law restricts foreign involvement in our political campaigns. It is also interesting to note that U.S. law does not provide public financing of U.S. elections. So what we are saying here is that we will do abroad what we are precluded from allowing here in this country; we are proposing something that does not reflect our own values or our own law.

The issue is not one simply of secrecy. There are other problems that I think also should be addressed. Let us take the situation in El Salvador. We had a recent election in which allegedly—and I do not know if it is the case or not, but allegedly—the United States might have put some support on one side. What happens if the other side wins the election? What happens if the President's political party supports in any country a candidate that does not prevail? We would be putting the President of the United States in an unprecedented position of having to deal with a foreign country whose elected leader he himself actually opposed through the political party which he heads.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(On request of Mr. LEACH of Iowa and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 5 additional minutes.)

Mr. LEACH of Iowa. In addition, we have a situation that we all understand, that from time to time, when there is criticism in foreign policy, especially when Congress has a little different perspective, or some Members of Congress, it is alleged that we have 535 Secretaries of State and there are problems that sometimes are attendant to that. But what we do with this approach, particularly with the involvement of the political parties, is add 2 more Secretaries of State, the chairmen of the Republican and the Democratic Parties, and 100 new Assistant Secretaries of State; that is, the chairmen of the State Republican and Democratic political parties. More and more people become involved in foreign affairs without particular background for that involvement.

Now, it is said by advocates of this approach that these people will closely consult the Department of State. Well, if they closely consult the Department of State, that implies that they are running a U.S. Government enterprise. If they run a U.S. Government enterprise, then they get away from the principle that Project Democracy was supposed to reflect.

Finally, let me just stress that Project Democracy has some high minded implications but clearly it is also being presented as a substitute for a more activist human rights policy. I think there are many of us who would suspect that we would be more properly attuned to running activist human rights than we would simply trying to interfere with political affairs of other States.

If this is such a terrifically good idea, why do not the political parties and the labor unions involved simply ask their membership for funds and let them go to their membership and suggest that these activities are to be funded through their membership, in which case the idea can stand on its own merit. But to go to taxpayers implies that maybe the merit is not so strong and maybe we ought to reassess this process itself.

I thank the gentleman for yielding.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MICA. I thank the gentleman for yielding.

I would just disagree with those who say, "Continue to leave it all up to the State Department," or "turn back the clock and do all of this through the CIA, the way we have done it."

The third point I would disagree with, I have read the New York Times article. I would state again there is no proof that the $20,000 that was in question, other than the New York Times article, actual proof was funds from this institution.

I would indicate again that there are several pages of controls in the language. And let me just read. It says: The endowment shall be audited annually in accordance with generally accepted auditing standards. Each fiscal year, may be audited by the GAO, and report to Congress. In another section, they must fully disclose the amount and disposition of each recipient, proceeds of such assistance, total cost of the project, the undertaking in connection with which said assistance is given and used, and there are pages and pages of oversight and requirements and reporting that are in this.

I would say to the gentleman if he has specific concerns about some lack of freedom of information coverage, we would be happy to look at this and try to make an appropriate judgment on it.

I simply come back to this. To say to leave it up to the way it was always done in the past, while the world situation is changing, there is so much conflict—and there is a battle for minds—to just say we are not going to try something new, try a better approach, I think is closing our eyes to reality.

Mr. BROWN of Colorado. I thank the gentleman.

I might mention that I have introduced a bill to have the Freedom of Information Act apply, and I welcome the gentleman's consideration of that issue.

I might also say in the New York Times article the gentleman who is the head of the National Endowment for Democracy is quoted as saying—and I quote from the article:

> He confirmed that about $20,000 in Government funds had been used by the Labor Institute in Panama to support the Barletta campaign.

Mr. MICA. I have that article. I believe he says he confirmed it but he does not know if it was money from this fund. It could have been CIA money.

Mr. BROWN of Colorado. I might mention to the gentleman I do not have a copy of the cable from the Ambassador concerning the incident. While it is classified to the point I am not permitted to put it in the Record, I would be happy to share it with the gentleman.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. Brown) has again expired.

(On request of Mr. Ottinger and by unanimous consent, Mr. Brown of Colorado was allowed to proceed for 2 additional minutes.)

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Kentucky.

□ 1220

Mr. ROGERS. Do I understand the gentleman correctly that moneys for this program were actually, as far as we can tell, used by this agency to finance a partisan campaign in Panama?

Mr. BROWN of Colorado. That is precisely correct.

Mr. ROGERS. And, further, that we are precluded from finding that information out because this money is exempt from the Freedom of Information Act?

Mr. BROWN of Colorado. The Freedom of Information Act does not apply, and my concern is that a number of these instances could have taken place. Because of the absence of the Freedom of Information Act, we simply would not know about them.

Mr. ROGERS. But the essential fact is, if the gentleman yields further, that taxpayer dollars, in this program, were used in a foreign country to finance one candidate over another? Is that correct?

Mr. BROWN of Colorado. That is my understanding.

Mr. ROGERS. Well, I want to associate myself with the gentleman's position and his remarks, and I urge the adoption of this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman.

Mr. OTTINGER. I think a key question here is accountability of public funds. All these regulations that the gentleman from Florida referred to require only an accounting for the funds that are given and to what groups they are given. But there is no accountability of how those groups are going to use this money. It is public money. If it is used improperly, as indeed it apparently was in Panama to influence an election, there is no way to control against the improper use of that money.

Yes, let us have this kind of function performed for sure. Let us have it performed by accountable and responsible and knowledgeable people within the Government. Once you have this kind of accountability as you do with the cultural exchange, Fulbright Scholarships, and in many other areas, then I think we can assure the taxpayers that their money is at least under proper controls, but just to turn it over to groups and say do what you want with it, I think is a big mistake.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. Brown) has expired.

(On request of Mr. Leach of Iowa and by unanimous consent, Mr. Brown of Colorado was allowed to proceed for 2 additional minutes.)

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from New York.

Mr. GILMAN. I thank the gentleman for yielding.

I would like to call to the gentleman's attention, and as he is probably fully aware, this is a brand new organization and it is just getting off the ground. I think the gentleman has made some very constructive suggestions along the way about the proper utilization of some of the funding for this new program, and they should probably be taken into proper consideration by the committee, and if the gentleman would yield further, I would like to address an inquiry to the chairman of the Subcommittee on International Operations.

Would the subcommittee entertain a full-scale hearing on the utilization of these funds in order to properly address the questions raised by the gentleman with regard to the manner in which these funds are utilized and with regard to the appropriation of the funds?

Mr. BROWN of Colorado. I yield to the gentleman from Florida (Mr. Mica) for his response.

Mr. MICA. I would like to assure the distinguished gentleman from New York that that is the full intent of the subcommittee. We are just getting started on this program.

There are a number of concerns in any new program, but I would restate again what we said earlier. When you try new, nonmilitary approaches to be helpful to this Nation and its future, there is always going to be a question raised. Some only want to use military approaches. This is a new program; it is just starting. I just have to raise this one point again: If indeed it is confirmed, absolutely without a doubt that this was funds from this agency, it was wrong, it should not be done, the way I interpret it.

We have the New York Times article and we have some exchanges that indicate that about $20,000 of some Government money was used. We do not know exactly. The committee could look into this; we would be happy to. We have full oversight responsibility. I only read a portion of the types of audit and oversight that we have to go through on this program.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. Brown) has again expired.

(On request of Mr. Mica and by unanimous consent, Mr Brown of Colorado was allowed to proceed for 1 additional minute.)

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield further to the gentleman.

Mr. MICA. We have already planned to have hearings and we have discussed them. To have hearings on the very establishment of this agency and how to proceed.

I give the gentleman my total assurance on that.

Mr. GILMAN. With those assurances, I would like to urge both gentlemen, the gentleman from New York and the gentleman in the well, if they would withdraw their proposed amendments and to give this organization an opportunity to demonstrate that it can be a proper working organization and provide a sound benefit for democracy as we are trying to establish a sound educational program throughout the world in this national endowment.

In the alternative, if the gentlemen are unwilling to withdraw, then I would urge my colleagues to oppose the amendment.

Mr. BROWN of Colorado. I thank the gentleman for his very fair attitude in looking into this situation.

I might take issue with one part. These are not new programs. These programs have been conducted in the past on a regular basis by the State Department, by the CIA, and by other agencies. The only thing that is new and unique is it is now done in the absence of the Freedom of Information Act.

Mr. LAGOMARSINO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment and to the amendment that will follow if this amendment is defeated. It seems to me that the assurances of the subcommittee chairman, Mr. MICA, should take care of the small concerns that exist with regard to the point that apparently, as the law is presently written, these expenditures are not subject to the Freedom of Information Act. They are subject to full oversight by the committee, and my understanding that the gentleman and the subcommittee chairman, will use that authority to completely review all of the expenditures of these agencies.

I might just ask the gentleman if he will, could I ask the subcommittee chairman a question? You have gone over this many times; I just want to nail it down.

Is it the gentleman's understanding that you have the authority as the chairman of the subcommittee to inquire into the expenditures of this organization?

I yield to the gentleman for his response.

Mr. MICA. There is absolutely no question. As a matter of fact, before this amendment was ever heard of, we had already planned initial hearings to have oversight over the startup of this program.

Mr. LAGOMARSINO. I thank the gentleman.

Mr. KINDNESS. Mr. Chairman, would the gentleman yield on that point?

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. KINDNESS. The question has been dealt with here several times without hitting right on the point, I am afraid. I just wonder if the inquiry might be expanded or enlarged to determine how far that oversight authority apparently extends.

Does it extend to the foundations established by the two parties to be recipients of funds from the National Endowment, and does it extend to the party organizations that establish the foundations?

Mr. LAGOMARSINO. I yield to the gentleman for his response.

Mr. MICA. Well, it is my understanding, and somebody correct me if I am wrong, here on the floor, when we have oversight, we follow the dollar. When we have a program, any program, and we see amendments right here on the floor of the House to strike program after program when you see something you do not like, we can change this, we can follow the dollar. We have an excellent subcommittee, and I might say good cooperation from minority and majority on this, to try to work this out.

If we see something that is inappropriate, we can change the legislation to stop it. There is no concern and there is no language that I see in this oversight provision any different from any other oversight that you have on any committee in the Congress.

This freedom of information was not a cry and hue from the Congress, but from the newspaper, and if there is a concern there, and if it is not appropriately reported, we will certainly correct it. But, again I would just say that at this point, they are just starting; it is a new approach. It is innovative, and if we do not pay now, this way, we will pay later in a lot of other ways.

I just ask everyone to give it a chance. I happen to be a new subcommittee chairman on this issue, but I can assure this body and my colleagues that we do have cooperation on the subcommittee, and if there are some of the problems that are raised, and there are concerns that I have, we will straighten them out.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman.

Mr. FASCELL. I thank the gentleman for yielding.

In direct answer to the gentleman's question, the Congress can follow the dollar as far as it goes. The problem with respect to the Freedom of Information Act, as the gentleman knows, is not the restriction on the U.S. Government, it is the restriction on third parties, and that is something that we will have to consider.

All other requirements under the law, that are met now by other grantees, except third-party requests, will have to be met by this foundation. That is the answer to the gentleman. It is no different than any other U.S. Government grantee except with that one statement.

□ 1230

Mr. LAGOMARSINO. Mr. Chairman, if I may reclaim my time, the National Endowment for Democracy has been the product of a historic bipartisan recognition that the United States has in many cases neglected its role in promoting and supporting democratic institutions abroad. Sure, we have done it apparently by the CIA and other official Government organizations, but that is not the right way to do it.

Since the Congress authorized the National Endowment last year, the two political party institutes, business, and labor have begun to develop a series of assistance programs with their counterpart groups in foreign nations.

The CHAIRMAN. The time of the gentleman from California (Mr. LAGOMARSINO) has expired.

(By unanimous consent, Mr. LAGOMARSINO was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. The Republican Institute, for example, has already committed nearly $600,000, or over half of its fiscal year 1984 budget, to programs designed to strengthen moderate and conservative political parties in Latin America. Key programs to be undertaken over the next 2 months, for example, involve an assistance package to a struggling political center in Grenada, a program to create and then institutionalize a hemispheric organization of moderate and conservative political parties, and an initial assistance and training program with the newly elected conservative coalition in Ecuador, and support for a nonpartisan school for democracy in South America for the training of political leaders from nondemocratic nations.

Although this program has been in existence for only 2 months now, the Republican Institute has already held discussions with political party leaders from every Latin American nation with the exception of Cuba, Surinam, and Paraguay.

The nature of these discussions and requests for assistance presented, and I am sure the same is true of the Democratic program, suggest clearly that the Republican Institute and the entire NED structure are deserving of their full appropriation for fiscal year 1985, and I would ask my colleagues to defeat this amendment.

Mr. LEACH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it should be stressed that the statement that was just given really underscores the problem that we have before us. There is a problem of oversight and that is something that I consider serious but not overwhelming.

But the real problem is the problem of purpose. The groups that the Republican Party intends to support, in my judgment, if I lived in those countries, I would probably support. But the fact of the matter is, what is the Republican Party of the United States of America doing with taxpayer money supporting one side or another in a political situation in a foreign country? I would argue that it would be violative of the laws of the United States if a foreign government attempted to influence our politics. The potential of such activities being profoundly counterproductive is overwhelming.

For example, I would stress this again: What happens if one of those parties does not get elected and we have Ronald Reagan as President of the United States? We have a situation where the President's political party attempted to defeat a government that might arise from a different political party. The reverse could happen on the Democratic side of the ledger.

I just think that it is a use of elephantine power that will be very, very much opposed in foreign societies. It will leave a terrible mark on the candidates that come to receive American support of this nature. It is one thing to have European political parties like the West Germans relate to foreign parties in this hemisphere, but it is quite another for the United States of America to think that we have the capacity to do this in a very proper or responsible way.

So I would just suggest that even if we solve the oversight problem, it is the purpose problem that is the overriding one and the one that this body should be very concerned with.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to oppose the amendment offered by the gentleman from New York (Mr. OTTINGER).

We just received the assurances of the gentleman from Florida (Mr. MICA), the distinguished chairman of our Subcommittee on International Operations, for an extensive oversight review of the National Endowment's startup undertakings. Our Nation has a democratic process that we can be justly proud of and which other nations can learn from, and that is the purpose of this program—to foster the democratic process in less fortunate nations.

If there are problems in the program, then let us look to provide a cure and let us not throw the baby out with the bath water, abolishing such a worthy program.

Accordingly, I urge my colleagues to vote in opposition to the Ottinger amendment, which eliminated all funding for the National Endowment for Democracy.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I could oppose this on the merits. I do not think it is necessary. That has been pretty well done. I would point this out, though: Who better could represent the individual segments in this country in our free society than people from those segments? When you go to a foreign country, they do not want to hear some bureaucrat tell them how the Republican Party works. I have been in politics all my life, and for the life of me I could not tell you how the Republican Party works. I do not know how they have hung together all this time.

Who better explains it than somebody from within the Republican Party? Who better could tell them about the free labor movement than somebody from within the labor movement? We have kids in high school in this country who do not understand the importance of a free society and the difference between our Government and the kind of governments we have in other countries. We are belatedly spending a little bit of money—a little bit of money—on what we call law-related education so we can get lawyers and judges and other people to go into the classroom and explain the difference between our Government and other governments.

On the merits, there are a number of arguments to be made for this program, but I do not think it is necessary. After all, we heard all those arguments for 3 or 4 or 5 days just last year. We thought that was about enough debate in this Congress. We went up the hill and down the hill, and up the hill and down the hill, and so the authorization of $31.3 million for this program was passed.

The administration requested an appropriation of $34.3 million. That was more than the authorization, but we recommended an appropriation at exactly the authorized level of $31.3 million. Now, it seems to me we have had enough debate. Those who lost are coming in now and saying, "We want another chance at it," but after all, in this same Congress, we authorized this program after days and hours and hours of deliberation. All the arguments we are hearing today were brought out. We approved an authorization for $31.3 million and that is the amount we are recommending be appropriated in this bill. So I ask my colleagues to defeat this amendment and approve this appropriation.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, the reason we are back is that many of us felt that this program had a potential for mischief. Now it appears that potential has been realized and that there are funds given to the labor portion of this—as the gentleman knows, I am a very prolabor person—that have been in fact used to influence an election in Panama to the extent that the Ambassador wrote up and said, "Get this thing stopped before it embarrasses the United States."

Mr. SMITH of Iowa. I would say that if it is true that $20,000 out of a total appropriation of $18 million that is available this year for this program was used in the wrong way, that would be the smallest amount in any new program that was misused before Congress got it straightened out.

Mr. OTTINGER. But I think it is exemplary of the kind of problem we are going to have, and that is why I think the amendment should be adopted.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been quite interested in this topic last year and this year, and I do not think it is a topic about which we ought to jump to conclusions very rapidly. But there is an inherent problem in it that has not been fully explored, and I think it ought to be at least brought out for all of us to focus on for just a moment.

The oversight responsibility and authority that has been discussed here today so much is an authority that has within it the seeds of great trouble. If indeed there is as much oversight authority as the gentleman from Florida has indicated to look into the funds and their use, and to follow those funds into the foundations established by the two political parties, and to the extent that those are controlled by the two national political parties; that is, that those foundations receiving funds are controlled by the two national parties, it then can go into the two national parties and question exactly how they are operating and how they cause control to be exercised over the foundations that receive these funds, we have trouble, trouble we do not want.

□ 1240

We do not want to have that kind of trouble. I think this has been inherent in what has been developing over the last year in this program. We do not have a lot of facts before us at this point because we have not had that kind of oversight exercise, but we will have this inherent conflict between this body and one of the two major political parties at some point down the road if we do not stop this right now.

The gentleman from Colorado in his amendment pinpoints the one area actually, the two political parties, where the restraint ought to be exercised in the funding of this program. The gentleman is quite correct. We ought not to go further down this road with the involvement of the two political parties without knowing exactly what it is we are undertaking. And what we are undertaking is to allow the exercise or to authorize the exercise of oversight by whatever party happens to have the majority in whichever House of the legislative branch at the particular time that chooses to go after the opposite political party in relation to the operation of this program.

No, thank you. I do not think we need it. We do not have to set it up that way in the first place. We did it last year. We are not that far along. It is a very young program. It need not be continued in that form. It can be continued without the participation of the parties.

Mr. Chairman, I urge the adoption of the gentleman's amendment.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is an important point that has been missed thus far by some of the previous speakers.

Giving money to political parties participating in the internal politics of foreign countries—that is, setting up an international political action committee—is proper under the legislation as it is now framed. The amendment offered by the gentleman from New York is appropriate, because the activities we are concerned about are not improper under the act. Proper oversight will not show that this is not inconsistent with the statute. The statute, the way it is framed right now, does not prohibit you from donating Federal money in foreign campaigns.

The problem is not oversight. All the oversight in the world will not correct this situation. The problem is with the program itself.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for his clarification.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, I just wish to underscore the same point. What we are talking about is not a misuse of the taxpayers' funds but a misjudgment of the Congress in terms of what taxpayer funds should be used for. These funds were used properly under the law. They just happened to be used foolishly.

Mr. KEMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. OTTINGER) and, from what I hear, the possible amendment of my friend, the gentleman from Colorado, whose sincerity on this issue is quite profound. He is someone for whom I have high regard, but I think it would be, as the gentleman from New York pointed out, throwing the baby out with the bath water if we just accepted the amendment offered by the gentleman from New York (Mr. OTTINGER).

Why is everyone so afraid of controversy, the very nature of democracy is controversy. There will be controversy over political elections in Latin America, in Africa, or in Asia in perpetuity. That is the nature of the very democratic fabric which has been developed in this country and which is beginning to flower in Central America and other parts of the world. In fact, I would hasten to add that if there is any more important project in the world today, than to rally democratic governments to bring out the center of the political spectrum, I would like to know what it is. And I say, "center," meaning center left and center right, because the nature of the real debate going on in the world is not over the authoritarianism or totalitarianism of the right or the left; it is how we in the free world and in this country can build up the democratic center of the political process and the democratic experience in the developing world and in those countries so important to the future of the free world.

This rallying of democracy is something that I think this country should stand for. As Morton Kondracke wrote, "the democracies (need) rallying and America needs an upgrading of its overt programs to promote freedom and combat freedom's enemies." I agree with Mr. Kondracke, and I applaud his support for the President's democracy initiative. I think this project, while flawed, will be subject to appropriate oversight. The gentleman from Iowa made an eloquent plea for recognizing some of the internal contradictions, but there are internal contradictions to any project as far-reaching as trying to encourage democracy in the rest of the world.

The gentleman from New York (Mr. GILMAN), made the key point, which is: Do we want to take away from this country at this critical juncture in history a chance to foster the democratic process throughout the world?

I say no, and I think it would be a big mistake to cut out the two political parties from participating in this great undertaking.

The gentleman from Iowa was talking about the Republican Party. I could say the same thing, I guess, in friendly fashion about the Democratic Party, or we both could say the same thing about the Chamber of Commerce or the AFL-CIO and their free labor movement in Central America or throughout the world.

So there are going to be some contradictions, there is going to be conflict, there is going to be competition, and there are going to be statements made by opposition leaders that they were defeated by the CIA or the American Congress or the President's party, as my friend, the gentleman from Iowa (Mr. LEACH), pointed out, those are legitimate concerns. But I would point out that such disinformation and propaganda are hardly unknown already. We must not censor our every initiative for fear of this kind of pernicious exploitation. Again I beg, ask, and urge my colleagues not to fall prey to the idea that we can just turn our backs on what is happening in the world with regard to trying to build free institutions and build up the fabric of democracy.

Another point I would like to make is this: I spent a part of a recent trip to Central America in Panama right before the elections were beginning. Our two political parties are going to have seminars, they are going to have conventions, and they are going to have training centers in Latin America to explain, as the gentleman from Iowa pointed out, what political parties are all about.

One cannot believe the hunger in Latin America for a better understanding of how our two-party system works and how we can build up the whole experience within the mutual framework of political parties.

Yes, the Republican Party will get criticized, and the Democratic Party will be criticized, just as America is not immune from criticism, both fair and unfair; but I think it would be a big mistake to cut out the funding on that basis. There is the availability of proper oversight, and we should exercise that oversight, but I just urge that we not, as the gentleman from New York pointed out, throw the baby out with the bath water.

This is the time in which we should be trying to rally the free world on behalf of democracy. We are going to have criticism, but those criticisms can be overcome with the type of oversight that I think is available.

This is a project that is just beginning. Carl Gershman has been both praised and criticized on the floor of the House, but I want to say, as someone who has watched his fine career in the United Nations, along with our great Ambassador Jeane Kirkpatrick, that I think he is going to make an outstanding and dedicated head of Project Democracy. And I think the involvement of the AFL-CIO, the Chamber of Commerce, the Democratic Party, and the Republican Party is a healthy thing, again given the reality that we in the Congress need to exercise the proper oversight and restraint on some of the political aspects of NED.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(On request of Mr. GREGG, and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my friend, the great "Democrat" from New Hampshire.

Mr. GREGG. Mr. Chairman, that is going to come as a surprise to New Hampshire.

Mr. Chairman, I understand the gentleman's viewpoint and happen to agree that we must do all we can to promote democracy. But I do believe we are missing the basic philosophical point here if we oppose the Ottinger amendment. I happen to support it.

The point is that we should not be using the private sector, whether it is the labor movement or whether it is our political parties, with Federal funds in order to underwrite a federally promoted democratization internationally. If we are going to do that internationally, if we are going to have a Project Democracy, then let us do that in the Federal Government. Let us not take those moneys and in a sub rosa way put them out into the private sector and then allow the private sector to expend that money, first, because we have no control over how those moneys are spent, and, second, because the money becomes tainted automatically; it becomes suspect in the Third World or in any area in which it is going to be expended.

□ 1250

It seems to me that we as a Government, if we wish to promote democracy internationally, should do it as a Government agency and should not in a sub rosa fashion put that money out.

Mr. KEMP. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute with which to answer my good colleague, the gentleman from New Hampshire.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KEMP. Mr. Chairman, I want to say to my friend, the gentleman from New Hampshire, for whom I have the highest regard, that I personally believe as someone who is philosophically in tune with the gentleman from New Hampshire on his issue, I think it is exactly the private sector that could do it better than the two political parties.

Mr. GREGG. Mr. Chairman, will the gentleman yield to me at that point?

Mr. KEMP. Let me take my time just long enough to answer the gentleman's thoughtful criticism, because that is a legitimate criticism coming from the right of the center of this political body, and I am on the right, too.

But I want to say: (a) that the private sector is the place to do it. (b) We do have oversight. (c) It seems to me that if you turn it over to the Federal Government, the essential character of the program would change. Instead of private individuals working with other private individuals to develop democratic ideals and processes, you would have just another government-to-government assistance project, with all the limitations that implies.

The AFL-CIO probably is more responsible for building democracy in El Salvador than any other single organization. If you really want democratic competition in El Salvador or Panama or Latin America, it seems to me the way to bring it about is to have the AFL-CIO, the Chamber, the Democratic Party, and the Republican Party trying to advance partisan competition in those countries.

We ought not to be afraid of that competition or that criticism. We ought to welcome it, because that is the nature of a democracy.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. Gregg, and by unanimous consent, Mr. Kemp was allowed to proceed for 2 additional minutes.)

Mr. GREGG. Mr. Chairman, will the gentleman yield on that point?

Mr. KEMP. Yes.

Mr. GREGG. If the private sector is the proper place to do this, then it should be private sector funds that do it. That is the traditional role I believe that the private sector assumes. It is not appropriate for us to be underwriting this effort, any more than it is appropriate for us to be subsidizing other political activities in the private sector.

Mr. KEMP. We subsidize Radio Free Europe, we subsidize Radio Liberty, we subsidize Radio Marti. We are subsidizing organizations that can help spread the truth about democracy a lot better than the alternative.

Mr. GREGG. Mr. Chairman, if the gentleman will yield, those are not private sector activities. Those are quasi-public sector activities.

Mr. KEMP. And this is quasi-public.

Mr. O'BRIEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we have a chance here to do something we have never done before, never had a chance to. It seems to me when we try to express ourselves as democracy loving people, we do it through our Federal Government. We do it through the State Department. Many of us disagree from one administration to another with its particular views, and the professionals come on the scene, sometimes with a rather stiff, stilted, patronizing way, trying to sell democracy.

This is a chance for the amateurs, and they are not going to be out there in the cold night air all alone with no controls. Mica and Gilman and their committee members are going to hold them accountable and, candidly, if it does not work we can cancel the program; but all the harbingers of doom here leave me unimpressed. I would be delighted to have the gentleman from Iowa (Mr. Leach) and the gentleman from New York (Mr. Ottinger) travel the circuit and spread the word about Democrats and Republicans. I would like to have those people get a look at us the way we really are and without the inhibiting trappings of government. Project Democracy is the best way to sell democracy and I wholeheartedly oppose the amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been in my office being edified by this debate. My judgment, after listening to a number of the participants, is that the only thing good about this feature in the bill is that the appropriation is small, only because, however, it is a new program.

Now, $10 or $30 million, of what seems to many of us to be sort of a political slush fund is a bad thing. A slush fund from which the prying eyes of most of us ordinary Members of Congress are prohibited is something that is contrary to our traditions, and contrary to our purposes.

I think the gentleman from Colorado has given us an important chance to get rid of something which does not belong in this appropriation bill, and of which we may at some point wake up to find ourselves very embarrassed.

I would say parenthetically here that I have great confidence in the subcommittee and its chairman, but I know something about congressional oversight.

Those who believe that the oversight will protect us are the people who tell us, "Don't worry. The check is in the mail."

"Don't worry, the Senate will take care of it."

"Don't worry, it will never be funded by the Appropriations Committee."

Or, "Don't worry, the President will veto it."

Well, Mr. Chairman, I worry. I think this is an inappropriate expenditure of the taxpayer's money. I think private agencies should spend private money in a way that appeals to them.

I hope the amendment of the gentleman from Colorado will be swiftly agreed to.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman.

I just wanted to make an added point because it has been referred to in the debate.

The USIA and AID, when they fund an activity on a particular project, go by a project-by-project basis. In other words, each project is evaluated before the money goes to it.

I think those of you, who know me, know that I am not a particular fan of some of the projects they have gotten into.

So I present that to you, not as a sterling example of what ought to happen, but to point out the difference in the way those programs are run. It is important here because the endowment right now gives block funds without the specific projects being evaluated beforehand.

Now, that may change, but the point is what we have done in setting up the endowment is go from a system where you at least evaluated each project and reviewed it and had the Freedom of Information Act applied to it, to a system where you do not have that individual analysis and do not have the Freedom of Information Act apply. That is a very distinct difference.

The amendment of the gentleman from New York straightens that problem out.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman from Colorado and the gentleman from New York. They have given us a splendid chance to rid this bill of unneeded baggage.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment.

I would hope that we would support this amendment to strike the money. I think the gentleman from New York (Mr. KEMP) makes a compelling case about what we ought to be doing in making an attempt to spread the good word about democracy, if you will, and support of democratic institutions; but those of you who travel to these countries have been hosted at breakfast or dinner by the American Chamber of Commerce in those countries or by their counterparts in those countries. Those institutions represent one of the things that I think many people who support this effort are trying to promote and that is a healthy private sector and the promotion of democratic institutions.

I do not think we ought to take that away from them by making it a federally funded project. The Chamber of Commerce in the United States of American raises millions of dollars. The AFL-CIO raises millions of dollars every year. The political parties in this country raise millions of dollars and if they want to carry out this function, which I think in many ways is quite proper, they ought to do it out of the support of their own institutions. They ought not to cloak it in the misgivings, in the cynicism of many of these countries, by having Federal funds involved in it.

I would just hope—very often we hear from the other side of the aisle and elsewhere about why does the Federal Government have to get involved in this? Why is it that we believe everything has to start in Washington? Why do we have to take over a good program?

The AFL-CIO has been down in El Salvador trying to promote land reform and trying to promote democratic institutions and I dare say at great risk including the murder of a couple of their members who were down there doing that.

The chamber of commerce is down there trying to promote the private sector. The chamber of commerce is raising the roof about the situation in Nicaragua and the Nicaraguan Chamber of Commerce has made an appeal.

Those are the institutions and their counterparts that work with one another, but to come along now and throw down $31 million of taxpayers' money and think that it is going to get that much better or that much stronger, I think is a fallacy. those institutions ought to walk on their own two feet. They ought to walk into those countries and represent themselves as what they are. They are part of an open and free society in the United States of America. Some of them represent working people. Some of them represent the corporate sector and they represent the political parties and they ought to go free and unshackled from the idea they also represent a particular administration or the Federal Government.

We have agencies that handle that, as was pointed out—Radio Free Europe and Radio Marti and all that. We have governmental agencies that handle that. We have embassies. We have ambassadors. We have the whole Foreign Service that is there to represent us.

Why do we have to absorb this initiative and suggest that it be federally run, federally mandated now with Federal oversight? Pretty soon we will be back here on the floor debating the projects that they have undertaken, whether or not they reflect this administration's view or a liberal view.

Somebody read off a couple of projects and said they are supporting conservative political parties. What about liberal political parties? Why do we not leave them alone? Why do we not leave them alone and let the AFL go out and support people who they think would enhance democratic institutions? Let the chamber of commerce go out and support people who they think will enhance democratic institutions. And let our political parties alone.

Our political parties have enough trouble explaining the two-party system to the American public. If you want to spend $31 million, give it to the parties to tell them what is going to be going on in San Francisco and Dallas.

I do not think they can explain it for $100 million.

But in any case, I think what is important is to let these people go free. They represent pillars of the American democratic institutions, and we ought not to absorb them instead in the Federal Government, quasi or not quasi.

In fact, what they come up for is an annual appropriation and a review on an oversight, and I can just see that this will make the old fights over the National Science Foundation grants kids' play. We do not like the title or we do not like this organization and we will fight each other.

Let them go out and leave them alone. They represent the so-called private sector. Let us keep it private.

They really do not need this money. We know that. The coffers are overflowing. In each one of these organizations they really do not need $31 million.

I suspect there are other organizations in the United States or overseas or elsewhere that could use this $31 million, and if these people really have the best interests of democracy, of promoting the United States of America, promoting our way of life, our diversity, our controversy, then they ought to take it upon themselves as good citizens, not because the Federal Government gave them the money to do it.

I say let us just see how it goes. Let us see how interested they are in doing it. They can go out there. They are free to do it. They have been doing it for years.

If you go to the most remote little village in Latin America, somebody is there waving at you when you come and they have a Rotary Club flag, or a Kiwanis Club flag, and they have visitors coming back and forth.

That is how we can promote it from the United States of America, not from Washington, D.C.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. We have had this argument with respect to this entire program before. It has been authorized and partially appropriated, and now the attack is on the appropriation.

I suppose it is too much to ask that this debate be deferred until the program gets firmly established. But I have been around long enough to know that this is the case with nearly every new idea around here.

I am a little bit surprised, frankly, to have heard more strawmen arguments put up here, although with good conscience and sincere conviction.

But let me just say this: As a matter of national policy, we have, as a Congress and as administration after administration has done, spent several hundred million dollars in an effort to let the people of the world know what the United States is all about. And we have a national policy for that because we think it is important.

We not only have exchange programs which have been alluded to, radio programs, publications, information centers of one kind or another which every government in the world uses as a means to explain their cultures and their systems to other people of the world. If you think we are spending a lot of money, just think what the other side is spending in this area. This is a competition of ideas, my friends. They are spending billions of dollars every year while we are trying to compete with much less than that in the $800 million budget for the U.S. Information Agency of which this particular program is a small drop, $3.3 million.

What does that represent? It represents a new initiative in the sense that we are calling upon four major elements of our society to take on a special task. Not that they have not been doing this before on their own, I will say to the gentleman who preceded me. They have, and they have been doing a good job.

We are suggesting that they do a little bit more and get directly involved in the effort to encourage, enhance, and describe democratic values. They are not alone. There are also private, voluntary organizations; there are individuals, all of whom are grantees of the U.S. Government.

If we do not tell our own story, who in the world is going to tell it for us? With two-thirds of the people of the world hungry, sick, uneducated, ill clothed, not participating in the mainstream of their societies politically, socially, economically, or otherwise, it is absolute folly to think that all of those people out there understand how good Americans are and what freedoms we have: freedom of religion, freedom of speech, freedom of political parties, freedom to participate, freedom to criticize.

We have to go out and explain to these people the best we know how, with the best segments of our society. And we are asking people who are potential grantees of this very small program to help the United States do that job.

What in the world is wrong with that? The answer is nothing, unless you are afraid to try it. I am not afraid to try it.

I think we have relied too long simply on military capability, and on economic assistance to try to get our message across to the other peoples of the world. Here is a small program that gives the private sector, private voluntary organizations, and four major segments of our society an opportunity to participate in this effort. To do what? To explain to people what it is to have political freedom, to explain to people what it means to have a free enterprise system, to explain to people what it means to have free labor unions, to explain to people what it means to have organizations that can come together and meet with other people in other lands to describe what we have in this country, and to do it on a 1-on-1 basis.

I urge you to defeat this amendment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to follow, and commend the distinguished chairman of our Foreign Affairs Committee for his remarks.

I have a statement, a little example that I use back home when I am speaking to high school groups trying to explain to them the difficulties we have in foreign policy in this country.

I say, "Let us assume that the United States is going into some foreign land, Latin America, Africa, wherever. We say to this country, yes, we will help you; we will give you some aid that you are seeking.

"But you have to understand we have certain principles in our country. You happen to have a lifelong tradition in this country where you are king or dictator and when you die your son becomes king or dictator and you are going to continue your dictatorship, kingship, or whatever the situation might be. You have to understand we do not like that in America. We want you to allow the people to decide. We want you to be willing to risk the power and the prestige that you have always had to let them choose their governmental leaders."

At the same time the Soviet Union comes in and visits the same country and they say, "Yes, we want to help you. We want to give you the same economic assistance that the United States has talked about to solve some of your problems. You know the United States tells you you have to have all of these elections, you have to give up your power and let the people decide and all of this kind of stuff. We do not believe in all of that junk. If you want to keep your dictatorship in your country, go right ahead."

Assume you are in one of those countries and you are a part of that government, you are the government of that country and you want to preserve your power, because, frankly, it is human natural instinct in every one of us, and especially people who have had that as a tradition. In that kind of a scenario where do you think those people are going to go?

I do not think there is any question where they are going to go. All odds at the beginning are that they are going to side with the Soviet Union.

As I was sitting and listening to this debate, reading my mail, a lady in my district wrote about her experiences in Panama a few years ago. She has corresponded with a lady who was her maid while she and her husband were working for the U.S. Government in Panama. The lady goes on to tell about how this maid has written and expressed a great deal of distress because of the fact that her son has just received a 3-year scholarship to Moscow.

The principal program we are talking about today, folks, does not provide scholarships to Moscow or to the United States or anywhere else. I am not going to suggest that it does. But as the chairman of our Foreign Affairs Committee just said, let us understand, ladies and gentlemen, that what we are living in is a real world, not an idealistic world; there is out there a competition for ideas.

□ 1310

And that is what we are facing today, if you do not want to do it with war and if you do not want to do it with arms; understand the cost and the difficulty of doing it with the freedom of choice, the freedom of ideas.

I have made the statement that frankly, each and every Member of this Congress happens to be very lucky. We are educated enough to know how to participate in the political system. I would suggest that many Americans are disenfranchised from even participating in the American system because they do not know the processes of joining a political party, circulating nomination papers, putting together a brochure and pamphlets, raising money, and otherwise participating in the American political system. If we have that problem here in the United States with the 200-year history and tradition of democracy, think of the difficulty in another country.

To think of the difficulty in that country. Let us just use El Salvador or Panama as an example; the difficulty of putting together political parties and telling the people what needs to be done in organizing those political parties. The difficulty of telling the various landowners and business services of El Salvador, Panama, what it means to legally participate in the system without going in there and trying to dictate through big bucks the decisions of that electoral process; the difficulty of unions going in and getting the common worker, the blue-collar worker to participate in the system and to believe there is a worthwhile motive in doing so.

All we are talking about here is an experiment in the right of people to participate in the system. I always use the example of a young fellow in my district who came to me and talked about our needs in Poland, El Salvador, et cetera, to which I offered these thoughts; there is no such thing as an American dream. There is no such thing as an American dream, my friend, rather it is a universal dream in the hearts, in the minds of people all over the world who simply want the chance to be free and the opportunity to chart their own destiny.

I cannot guarantee you this program is going to work but I do believe we ought to give it a chance. That is what we are doing today.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. GUNDERSON was allowed to proceed for 1 additional minute.)

Mr. GUNDERSON. Mr. Chairman, I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I agree with the gentleman's wonderful ideals and my good friend from Florida's eloquent speech, but that is not what this money is being used for; it is not being used in an accountable way and it is not being used to feed the hungry or to educate people in the democratic process.

What you have had is an instance that is going to be repeated time and time again; it has been used to hire campaign workers for a political party in a foreign country that is embarrassing to the United States to the extent that the Ambassador has to write and say, "Stop this because it is hurting the interests of the United States."

That is the kind of mischief you are going to get into, when an inexperienced, uncontrolled, unaccountable agency is given a pot of money.

Mr. GUNDERSON. I think we have alluded to the fact that one possible $20,000 mistake in a $31 million program does not destroy the entire program. We have talked about oversight here. What is the role of oversight? The role of oversight is to find out if there is a need for change in the law; if there is a need for change in the law in the future, then we can change it.

That is the purpose of the committee. Everyone has expressed confidence in the chairman of that subcommittee. Let us give him a chance.

Mr. LEVIN of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am opposed to the amendment of the gentleman from New York. I think it goes too far.

I am in favor of efforts by private institutions in the United States to spread the word, not only to tell our story but for the private sector to help institutions, private institutions in other countries develop in a democratic fashion.

So it is not, again, just to tell our story, but it is to assist them to assist groups in the private sector that also want to develop democratically.

I am also opposed to the Ottinger amendment for this reason: I think it is a mistake to draw a rigid line between public and private and to say in this country there should be no public assistance to private sector efforts overseas in the political sector or related sectors.

That is not reality. There has been reference, for example, to the efforts of the labor movement overseas. They are receiving moneys in addition to those that come through this source. They are receiving money through the Agency for International Development. That is public money.

And there is no use of our standing here and saying that we should draw an absolutely rigid wall between private sector activities overseas and the U.S. Public Treasury.

Public Law 480 money is provided to private groups and they are doing more than providing food; they are working in a large number of projects.

So in a word to now say, as to the endowment, we are going to eliminate every cent, in my judgment, is a mistake. But I want to express something that I feel strongly about and I am sorry that the other gentleman from New York is not on the floor.

I heard his words and I hope he will take this seriously: I was deeply concerned when I heard the list of projects read by the other gentleman from California, as to what we are funding in the way of political party-to-political party relationships overseas.

I think we have to be very, very careful. An experiment is one thing and I support it. But an open-ended appropriation that gives either U.S. political party the power to do whatever it wants in developing countries, I think, is extremely dangerous. From the list that was read here I think it is pretty clear that there is a danger that U.S. funds are going to be used to develop, not institutes to train people in the democratic way, but to build alliances between the Republican and Democratic Parties in the United States and political parties overseas, on a continuing basis.

That we very much need to look at. That I do not think was the intent of the endowment when I voted for it, that we create international alliances on a continuing basis between the Democratic Party and political parties overseas or the Republican Party and political parties overseas; but that is the trend of the projects as read by the gentleman from California earlier.

So, in a word, I hope that we will defeat the amendment of the gentleman from New York. We will then have the amendment, if the Ottinger amendment is defeated, of the gentleman from Colorado, and I hope we will use that occasion for a thorough discussion. I know we are anxious to go on to other bills but this is an important issue. I hope we will use that occasion, if it arises, to discuss what is the real purpose of our funding political parties in this country to work overseas.

I say to help democratic institutions there, yet. But to create continuing, entangling alliances between parties here and parties overseas, that I say, at best, is dubious, and at worst is very, very dangerous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 173, not voting 34, as follows:

[Roll No. 194]

AYES—226

Ackerman
Akaka
Albosta
Andrews (NC)
Andrews (TX)
Applegate
Archer
Bartlett
Bateman
Bates
Bedell
Beilenson
Bethune
Bevill
Bliley
Boland
Boner
Bonior
Bonker
Boxer
Brown (CO)
Broyhill
Campbell
Carney
Carper
Chappie
Cheney
Clarke
Clay
Coats
Collins
Conable
Conyers
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Darden
Daschle
Daub
Davis
Dellums
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dyson
Eckart
Edgar
Edwards (CA)
Emerson
English
Evans (IA)
Evans (IL)
Fazio
Feighan
Fields
Florio
Ford (MI)
Frank
Frenzel
Frost
Gekas
Glickman
Gore
Gradison
Gregg
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hartnett
Hayes
Hefner
Hightower
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kennelly
Kindness
Kleczka
Kogovsek
Kramer
Leach
Lehman (CA)
Leland
Loeffler
Long (MD)
Lowry (WA)
Luken
Lungren
Markey
Marlenee
Martin (IL)
Martin (NC)
Martinez
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McGrath
McHugh
McKernan
McNulty
Mikulski
Miller (CA)
Miller (OH)
Moakley
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Mrazek
Neal
Nelson
Nielson
Oakar
Oberstar
Olin
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Patman
Paul
Pease
Penny
Rahall
Ratchford
Ray
Roberts
Robinson
Roemer
Rogers
Roukema
Rowland
Roybal
Rudd
Savage
Schaefer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Spence
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Towns
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolpe
Wortley
Wyden
Yates
Young (AK)
Zschau

NOES—173

Addabbo
Alexander
Anderson
Annunzio
Aspin
AuCoin
Badham
Barnes
Bennett
Bereuter
Berman
Biaggi
Bilirakis
Boehlert
Boggs
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Burton (CA)
Burton (IN)
Carr
Chandler
Chappell
Coelho
Coleman (MO)
Coleman (TX)
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
de la Garza
Derrick
DeWine
Dwyer
Early
Edwards (AL)
Erlenborn
Fascell
Ferraro
Fiedler
Fish
Flippo
Foglietta
Foley
Ford (TN)
Fowler
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Gingrich
Gonzalez
Goodling
Gray
Green
Gunderson
Hall, Sam
Hatcher
Hawkins
Heftel
Hertel
Holt
Horton
Howard
Hoyer
Hunter
Hyde
Ireland
Kasich
Kazen
Kemp
Kildee
Kolter
Kostmayer
Lagomarsino
Lantos
Latta
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Lott
Lowery (CA)
Lujan
Mack
Madigan
Matsui
McDade
McEwen
McKinney
Mica
Michel
Mineta
Molinari
Mollohan
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nichols
Nowak
O'Brien
Obey
Ortiz
Pashayan
Patterson
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Rostenkowski
Roth
Russo
Sabo
Scheuer
Schulze
Shelby
Siljander
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Solomon
Spratt
St Germain
Staggers
Swift
Tauzin
Thomas (CA)
Torres
Torricelli
Traxler
Udall
Vander Jagt
Waxman
Whitten
Wolf
Wright
Wylie
Yatron
Young (MO)

NOT VOTING—34

Anthony
Barnard
Bryant
Byron
Clinger
Crockett
Dannemeyer
Dixon
Dymally
Edwards (OK)
Erdreich
Franklin
Gibbons
Gramm
Hance
Hansen (ID)
Jeffords
Jenkins
LaFalce
Leath
Lundine
MacKay
Marriott
Martin (NY)
McCurdy
Minish
Mitchell
Rangel
Rose
Sawyer
Sensenbrenner
Simon
Wilson
Young (FL)

□ 1330

The Clerk announced the following pair:

On this vote:

Mr. LaFalce for, with Mr. Anthony against.

Messrs. THOMAS of California, TORRES, FOGLIETTA, BRITT, and McEWEN changed their votes from "aye" to "no."

Messrs. DREIER of California, WYDEN, HILLIS, ENGLISH, CLARKE, WORTLEY, BEVILL, MOAKLEY, and KOGOVSEK changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. PORTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PORTER. Mr. Chairman, at what point in the bill are we?

The CHAIRMAN. We are at the bottom of page 54.

Mr. PORTER. The bottom of page 54. We have not proceeded past that point in the bill for amendments?

The CHAIRMAN. No, we have not.

Mr. PORTER. I thank the Chair.

□ 1340

Mr. WIRTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the legislation before us, H.R. 5712. I would like to commend the gentleman from Iowa (Mr. SMITH) for the time he and his committee have spent making this legislation reflect the wishes of the whole House. This Commerce-Justice-State-judiciary appropriation contains several items which are of great concern to the Subcommittee on Telecommunications, Consumer Protection, and Finance, which I chair. It includes $91.4 million for the Federal Communications Commission, which has the task of coping with the divestiture of AT&T, and the transition to a more competitive environment.

The legislation also appropriates $106.7 million for the Securities and Exchange Commission, which is essential to preserve confidence in the stock market for investors.

The committee has appropriated $25 million for the public telecommunications facilities program at the Department of Commerce. While this level is only half of what has been authorized by the Energy and Commerce Committee, it represents a healthy increase for this important program. While I have some concerns about the level of funding for the National Telecommunications and Information Administration, I have discussed these with the gentleman from Iowa and I am hopeful that we will be able to deal with them at a later date.

Mr. Chairman, I know that the gentleman from Iowa is familiar with a program known as the U.S. Telecommunications Training Institute. This is an institute—funded primarily by the private sector—that is enormously beneficial to the United States. Under its auspices, foreign telecommunications managers are brought to the United States for an intensive learning experience in managing the spectrum and as telecommunications network managers. This is a program that is funded primarily by the private sector. While there may be some funding provided for travel in the future, at this juncture the USTTI is a private sector venture.

The Government also provides in-kind support, by permitting expertise at the FCC and NTIA to serve as instructors at the institute.

Mr. Chairman, I believe that this program serves the national interest. The training made available to foreign nationals by USTTI will increase their capabilities in frequency management. Since the spectrum is a scarce international resource, efficiencies in other countries benefit U.S. users as well.

In addition, the institute program serves to familiarize participants with U.S. technology and equipment. This familiarity can only benefit U.S. manufacturers in the future, when graduates of the institute return to their home countries and resume their careers as telecommunications managers. It will most certainly increase the exports of U.S. telecommunications equipment.

Approximately 12,000 dollars' worth of time is used each year. While we may consider legislation that would specifically authorize this activity later this year, it seems to me that this is a commendable activity that pays enormous dividends, and ought to be encouraged. It is my understanding that it is the intent of the committee that the FCC and NTIA would continue to support the activities of USTTI.

Mr. SMITH of Iowa. The gentleman from Colorado is correct.

Mr. CONTE. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Chair would inquire, what section of the bill is the gentleman's amendment to?

Mr. CONTE. Section 610.

The CHAIRMAN. The Chair will state that we have not reached that point in the bill yet.

The Clerk will read.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the bill be considered as read through line 22, page 56.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any points of order against those particular sections of the bill?

If not, are there any amendments?

Mr. CONTE. Mr. Chairman, I offer an amendment.

PARLIAMENTARY INQUIRY

Mr. PORTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PORTER. Mr. Chairman, we are not past line 22, page 56?

The CHAIRMAN. We are not.

Mr. PORTER. I think the amendment goes subsequent to line 22, does it not?

The CHAIRMAN. The gentleman is correct. We have not yet reached that point.

Are there any amendments up to line 22 on page 56?

The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman I should have been making these remarks in the scheduled debate. I am opposed to H.R. 5712, appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies, for fiscal year 1985.

The bill calls for $11,890,266,000 in new spending. That is $1.39 billion, or 13.2 percent, more than last year. It is $759 million, or 6.8 percent, more than the President's request.

Mr. Chairman, when reading this bill, one might conclude that there is no deficit problem, and that our economy can sustain a large increase in Federal spending. Perhaps the committee was laboring under the delusion that there is a huge surplus in our Treasury which must be spent. Virtually every agency and function in this bill gets a substantial increase in spending. It is hard to find any real decrease in spending in this bill.

In this bill, Commerce receives $223 million, or 11.3 percent, more than last year. Justice gets $366 million, a 10.8-percent increase. State Department funding increases $241 million, or 11.6 percent more. The Judiciary receives $102 million, or 11.6 percent, more than last year.

Several other related agencies also receive noteworthy increases. Spending on Legal Services Corporation increases $50 million, or 18.3 percent. The Small Business Administration increases $209 million, or 35 percent. The U.S. Information Agency increases $175 million, or 26.5 percent.

These increases are completely unacceptable. They are insane under our current deficit conditions. We are facing a serious deficit problem. Everybody believes that spending must be reduced. This bill should be a prime target for some of those savings. Most of the spending in the bill is for general operations of the Federal Government. If we cannot begin to control the cost of our bureaucracy, there is nowhere else we can expect to make any savings.

I am also terribly concerned about the procedure being used this year to justify these sorts of large increases. Of course, we have still not passed our budget yet. We are about to go to conference on the budget. The House-passed version, though, calls for a 3.5-percent increase for all domestic discretionary spending, which contain certain exceptions for some low-income programs. When the budget conference is completed, it is likely that our spending targets will be even lower.

None of the appropriations bills yet passed contain any of those designated low-income programs. This bill, and the others that preceded it, should be held to a 3.5-percent increase if they are to be under the House-passed budget. But this bill is up over 13 percent; the HUD bill was up 4.7 percent; the water and energy bill was up 6.7 percent.

We are told by the Appropriations Committee that the first three appropriations bills passed this year, energy and water, HUD-independent agencies, and this bill, are all under budget, even though they contain increases of 6.7 percent, 4.1 percent, and 13.2 percent, respectively.

When we pass our budget, we divide spending by functional purpose. We allocate spending for defense, and health, and education, and so on. Sometimes those spending functions correspond to committee jurisdictions, but usually they do not.

The Appropriations Committee is avoiding the limits of the House-passed budget resolution by combining into one lump all of the spending assigned to it, regardless of spending function, and then subdividing it by committee whim. It may be possible that the committee will report the 13 regular appropriations, which when combined will add to the total allocation assigned to the committee to carry out the provisions of the budget resolution. It may be possible, but it is unlikely.

Based on our record so far, the Appropriations Committee bills will have only coincidental similarity to the spending functions in the budget resolution. If we spend more than the budget resolution target on this bill, then we will have to make up the difference on one of the other appropriations bills. As usual, the committee will ask us to make up the difference by underfunding mandatory, or automatic spending. Then we will come back later for urgent supplementals which bust the budget completely. This Appropriations Committee two-step, also known as the double dip, is not a mystery. It only works because this House lets it work.

The Budget Act did not contemplate authority for the Appropriations Committee to alter spending functions as it is doing this year. Moreover, when we passed our budget this year, I believe that most of us felt that we were directing the Appropriations Committee to report domestic discretionary spending bills with a 3.5-percent limit. Few of us felt that we were going to allow the Appropriations Committee to realine spending priorities as they choose.

Mr. Chairman, we should restore the intent of the House-passed budget by rejecting this bill and the poor procedure under which it is brought to the House. More important, we ought to reject this bill because it is extraordinarily expensive, at a time when we should be looking at austere spending bills.

Those heroes who voted to freeze budgets, and those super heroes who voted against the debt extension, have been noticeably less courageous on appropriations. Those tigers on budget and debt extensions have been lillies on spending bills. I have the feeling that such conduct will not always escape notice. This budget buster is a perfect opportunity on which the profligates among us may begin to mend their ways.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I heard with great interest the eloquent words of one of the most distinguished Members of this body, the gentleman from Minnesota. It is interesting, for example, that he made reference to the President's budget request. My recollection is that when the President's budget came to a vote in the House, only one Member of this body voted for it, and that Member was not the gentleman from Minnesota. The overwhelming bipartisan rejection of the President's budget is clear. So, I do not know what relevancy there is in referring to the President's budget proposal.

I think it is also interesting to note that we had opportunities to vote for several budgets that were much below the ones that were submitted by the President. The level of spending in the House budget was billions of dollars less than the President's spending request. There were other budget proposals, such as the budget freeze that were even lower. Yet, Members on that side as well as Members on this side, refused to vote for a budget that would have brought the deficit down to a point where it would not play havoc in the financial markets as the President's budget proposals have done. Neither the House budget nor the budget passed by the other body are adequate and are mostly cosmetic window dressing.

But this House did adopt a budget, and the only reason we do not have a binding budget resolution today is because of the failure of the other body in a timely fashion to adopt one. Now, if we are going to seriously talk about the reality of appropriations, and if we are going to seriously talk about budgets, then I think it would do us well to leave aside, just for a little while, some of the partisan poppycock that we are hearing as we approach these issues. The budget deficit problem is so vast and dangerous that partisan bickering can only interfere with the serious effort we must make as Americans rising above partisanship. The House leadership does not seem to want to do much about the budget deficit and the President wants to do even less. We must do better and partisan bickering is not the way to do it.

We have got to make hard decisions, and it does not serve our interests at all, as a nation, to make reference to the irrelevancies of the President's budget, which only garnered one vote when it came to a vote in this House.

☐ 1350

I think that this particular subcommittee has done a commendable job under the circumstances to keep our prison systems open, to run our courts, to operate the most fundamental law enforcement in this Nation, and people who are going to be voting against this particular appropriations bill are going to be voting against our criminal justice system, against our prison systems, against the FBI and drug enforcement, and against our law enforcement funding. If the functions covered by this bill are not funded, we will be taking a step toward anarchy.

I suggest that particularly for the reasons given, that is not a very responsible thing to do.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I am sorry that I referred to the President's budget because in light of our actions I think it is almost irrelevant, but it is fair to say that this bill violates our own budget twice as badly as it violates the President's budget.

Mr. LEVITAS. I thank the gentleman for his contribution, and I would hope that he would use whatever considerable influence he has because of his longevity in this House and the respect that he is held in to persuade some of those who share his views in the other body to help us get a budget so that we can have the constraint that we need, and I hope that can be done in very short order.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding, and I thank the gentleman for his comments.

Mr. Chairman, just so that no one is under a mistaken idea here, this is not in violation of the budget resolution as it passed the House of Representatives. The amounts recommended in this bill are within the amounts assumed in the House-passed budget resolution pursuant to section 302 of the Budget Act.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from California, a member of the Committee on the Budget.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, again with regard to this particular proposal and the allocations that have been provided in the Committee on Appropriations, it should be made clear that this $10 million below that informal allocation.

Admittedly, we do not have a budget resolution in place. That whole issue is currently in the process of going to conference, but they are abiding by the guidelines that have been indicated and passed on by the House in the budget resolution, and that ought to be clear to the Members.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I would be happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding, and I would ask the gentleman from California if the gentleman from Georgia would yield to him later, we in the minority in the Committee on the Budget have asked to see the guidelines either of the Committee on Appropriations or of the tentative House Committee on the Budget. We have a letter from Mr. JONES received in the mail today which describes the HUD appropriation and this one and it indicates tentative budget allocation, which I assume is the Committee on Appropriations.

We have asked for that, we have not been given it, we have not had the House Budget Committee's tentative allocation. How can the House begin to consider these elements when you are forcing us to work in the dark?

Mr. PANETTA. If the gentleman will yield further, what is clear is that the House has voted on a budget resolution and adopted that budget resolution, which lays out an amount that is forwarded to the Committee on Appropriations. That was voted on by the House.

The Committee on Appropriations has always, on its own, then allocated those subdivisions to the various subcommittees of the Committee on Appropriations. What we are saying is that pursuant to that breakdown in the Committee on Appropriations, they are $10 million below that allocation.

Mr. FRENZEL. How do we know?

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(By unanimous consent, Mr. LEVITAS was allowed to proceed for 1 additional minute.)

Mr. LEVITAS. I simply conclude my remarks by saying that I do not disagree with the objective that the gentleman from Minnesota is trying to achieve. I think that many of us in this House would like to see much lower spending levels. There are some of us in the House including myself and the gentleman from Minnesota, who even favor and have voted for a balanced budget, strange as that may seem these days.

But the fact of the matter is that as we are going through the process of appropriation, and we are considering these very difficult issues, I think it would serve us well to focus attention on what we are about, and that is the perfection of appropriation bills within the budget limits which were established by the House-passed budget resolution, and I am informed that this particular appropriation bill is well within those limits.

Mr. PANETTA. If the gentleman will yield further, not only in addition to the bill as it came to the floor is it $10 million below, but as a result of the points of order that have been made on the floor of the House, this bill has now lost about $669 million in addition to that.

So I do not think there is any question about the fiscal discipline that is involved with regard to this piece of legislation.

Mr. LOTT. Mr. Chairman, I move to strike the last word.

First, Mr. Chairman, I want to say that I recognize that the gentleman from Iowa and the gentleman from Illinois are dealing with a very tough set of departments and agencies that they must try to provide the appropriations for, and it is not easy. I grant that to them.

But I am speaking now on my own behalf, not in a partisan way, because some of the areas where we have raised spending a little bit could be very useful, such as the SBA and NOAA, the administration does not agree. Conversely, the State Department wants the increased spending as does the Justice Department, and I disagree vigorously with them.

My point is that we all talk about deficits, we are concerned about the national debt, and yet we go right along here in every one of these appropriation bills that we are beginning to deal with and they are over last year's level. I want my colleagues just to think a little bit now about what we are about to vote on.

This provides $2.2 billion for Commerce, $3.7 billion for the Department of Justice, $2.3 billion for the Department of State, including $588 million for contributions to international organizations. Some of those international organizations include the International Natural Rubber Organization, the International Office of Epizootics, the International Organization for Legal Metrology, International Rubber Study Group, the International Seed Testing Association, the Interparliamentary Union, and the

Lead and Zinc Study Group, and many others.

I just have to say again as we look at the overall cost of this appropriation bill, I feel that we should be looking for more ways to reduce the spending, including the Department of State and the Department of Justice, which apparently our own administration does not agree with. If we cannot cut State, Justice, and Commerce, where are we ever going to begin to get some of the Federal spending reduced.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I would be glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I want to go into this point again, and I am sorry to have to repeat it, but I must again say that we are working against limitations which have not been revealed to this House. It has not been because we have not asked. We have asked the Committee on the Budget again and again to provide us with these appropriations 302(b) limits. We have asked the Committee on the Budget majority. They have not provided us with that. We are told again and again that this is within the budget, this is within the budget.

Mr. Chairman, we have no way of knowing whether it is within the budget. We do know that the budget said we will spend 3½ percent more than we spent last year. We had a bill that was brought to us over 13 percent more than last year. If the gentleman from California's arithmetic is correct and we have excised nearly $700 million from the bill, then it is only 6½ percent more than last year, literally twice as large an increase as we said we would make.

I must concur with the gentleman from Mississippi who says if we cannot cut in the bureaucracy, where are we going to be able to cut? We know that we cannot cut the juicy programs that take care of our constituents, but can we not at least try to reduce some of the overhead and administrative drag? I think we can. I think we will, because if we do not, we are going to get a chance to sustain a veto, in my judgment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 610. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to issue, implement, administer, conduct or enforce any antitrust action against a municipality or other unit of local government, except that this limitation shall not apply to private antitrust actions.

Mr. CONTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk proceeded to read the amendment.

Mr. PORTER (during the reading). Mr. Chairman, is the Chair not going to ask for points of order on this segment?

The CHAIRMAN. The Clerk had completed reading the section, so the Chair did not ask for points of order.

Mr. PORTER. I thought the Chair recognized a Member for an amendment. I am sorry.

The CHAIRMAN. The Chair did attempt to recognize a Member.

Mr. CONTE. The Chair certainly did.

POINT OF ORDER

The CHAIRMAN. The Chair will recognize the gentleman from Illinois (Mr. Porter) for his point of order at this point.

Mr. PORTER. Mr. Chairman, I raise a point of order against section 610, which would be lines 23 to 25 on page 56, and lines 1 to 3 on page 57 as being legislation on an appropriations bill under clause 2 of rule XXI.

I would note to the Chair two points. First, the wording of section 610 would apply to all funds under the act. That would include funds for the Federal judiciary and the operations of Federal courts. If, in fact, the language of section 610 were to apply to the Federal courts, it would limit Federal jurisdiction in cases involving antitrust suits against municipalities. If, in fact, it would limit Federal jurisdiction in that way, it seems to me, Mr. Chairman, that what it is is direct legislation both in terms of the basic law and in terms of the laws under which the courts operate.

Second, I would point out to the Chair that if, in fact, it does not apply to the Federal judiciary, under a ruling in 1959 of the Chair, indicated in Deschler's Procedure, chapter 26, section A, paragraph 1, subparagraph 1.5, there the Chair held that where there was a provision that was previously stricken on a point of order that limiting language to that provision was itself legislating.

□ 1400

And previously this afternoon the Chair has stricken on a point of order all authorizing language respecting the FTC, which agency would have jurisdiction over the subject matter.

So, Mr. Chairman, in either case it seems to me that this section 610 is in fact legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order, or does any other Member desire to be heard?

Mr. SABO. Mr. Chairman, may I be heard?

The CHAIRMAN. The gentleman from Minnesota (Mr. Sabo) is recognized on the point of order.

Mr. SABO. Mr. Chairman, if I might speak on the point of order, I think clearly the point of order is not well taken.

Section 610 of this bill is simply a limitation on the expenditure of Federal funds. It does not provide for any new power. It is simply a limitation on the expenditure of funds, which clearly is well within the rules of the House.

The CHAIRMAN. Does any Member desire to be heard on the point of order?

Mr. FISH. Yes, Mr. Chairman. May I be heard?

The CHAIRMAN. The gentleman from New York (Mr. Fish) is recognized on the point of order.

Mr. FISH. Mr. Chairman, as we look at section 610, the last clause reads: "except that this limitation shall not apply to private antitrust actions." So the word, "limitation," refers to the entire limitation in section 610 and does not affect the right to bring an action or the right to enforce a judgment.

It is my judgment, therefore, that the language of the bill allows private parties to bring actions under antitrust laws. It also allows the enforcement of outstanding judgments in favor of private parties, and as there is no limitation on the judicial powers, we do not reach the question of courts being affected by this limitation, as was stated in one of the arguments propounded on this point of order.

The CHAIRMAN (Mr. Brown of California). The Chair is prepared to rule.

The gentleman from Illinois (Mr. Porter) makes a point of order against section 610 on the ground that it constitutes legislation on an appropriation bill and would limit the power of the courts.

It is the Chair's opinion that the fact that the powers of the courts might be limited by the restrictions on the funds or that the FTC appropriation has been stricken on a point of order, does not in itself constitute legislation, and that the section is indeed only a limitation on expenditure of funds on the bill and as such is proper in this section.

Mr. PORTER. Mr. Chairman, does the Chair's ruling indicate, therefore, that the language in section 610 does not affect Federal court jurisdiction over the type of suits described in that section, not including private suits?

Mr. DINGELL. Mr. Chairman, as I recall, the point of order was in two parts. The Chair has ruled on the first part. I await with some interest the ruling of the Chair on the second part.

The CHAIRMAN. The Chair had felt that he ruled on both parts. The Chair feels that it is not something for the Chair to rule on the effect of the negative limitation on the jurisdiction of the courts. That is a matter for the House and the courts to determine. From a parliamentary standpoint, the limitation is a valid limitation and falls within the rules of the House.

Mr. PORTER. I thank the Chair for its ruling.

AMENDMENT OFFERED BY MR. CONTE

The CHAIRMAN. The Chair understands that the gentleman from Massachusetts (Mr. CONTE) offers an amendment, and the Chair will inquire, does the gentleman ask unanimous consent that further reading of his amendment be waived, and that it be printed in the record?

Mr. CONTE. Yes, I do, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the amendment is as follows:

> Amendment offered by Mr. CONTE: On page 56, strike lines 23 through line 3 on page 57.

(By unanimous consent, Mr. CONTE was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes in support of his amendment.

Mr. CONTE. Mr. Chairman, this amendment strikes from the bill language which would prohibit any agency, department or court funded in this bill from initiating any antitrust action against any municipality or other local unit of government.

This anticompetitive and anticonsumer language was added by a divided vote in full committee. The stated purpose of the language is to prevent the Federal Trade Commission from enforcing Federal antitrust laws in two deregulatory cases involving the taxicab industries in Minneapolis, Minn., and New Orleans, La. The actual effect of the language goes far deeper and is shocking in its potential impact on the poor, the elderly, and minorities.

What this language I am attempting to strike would do is to lock into place a number of sweetheart deals between local government agencies and local taxicab companies which keep taxi prices high, bar new entrants, usually minorities, into the local taxi business, and prevent competition which could improve overall taxi services to those most dependent on such transportation.

An editorial in the New York Times yesterday pointed out that the FIC's target in this case is local regulation:

> Which like private cartel agreements maintains high prices and profits by preventing outsiders from competing for the business.

That editorial continued:

> New York City's system is a blatant example. To operate a yellow taxi there one must buy a license, or medallion, from another taxi owner. Medallions are so prized that the going rate exceeds $60,000—money that purchasers expect to recoup from inflated fares.

And who will pay these inflated fares caused by this locally protected monopoly? According to the taxi industry itself, 60 percent of all taxi services are used by the "transportation disadvantaged," primarily the elderly, the handicapped, and people with low incomes who do not own or cannot drive cars and for whom public transportation is not a viable option.

These are the people you are hurting with this language—the elderly, the handicapped, and the poor. For shame, for shame.

Who are the people who are being blocked from entering the local taxi business by these sweetheart deals—the poor and the minorities. More shame.

I am surprised and shocked at the supporters of this language, colleagues who usually are identified with efforts to help the poor, the elderly, the handicapped, and minorities. They will argue that this is a question of "cities' rights," I suppose, much like the old arguments about States' rights when we were considering the major social policies in the 1960's.

But this is not a question of Federal versus local authority. This is a question of good or bad public policy. A number of other cities have voluntarily removed restrictions on entering the taxi business or have permitted discounting of taxi fares. Instead of spending their efforts protecting taxi monopolies, these cities are concentrating on improving vehicle safety, driver competence, financial responsibility, and the appearance of vehicles. None of these efforts would be inhibited by the FTC. These cities include Milwaukee and Madison, Wis.; Jacksonville, Fla.; Charlotte, N.C.; Seattle and Spokane, Wash.; San Diego and Sacramento, Calif.; and Phoenix and Tucson, Ariz.

These cities are not being hindered as they improve their taxi services. Their service to their citizens is being improved through competition.

We must not send a signal to slower or less-enlightened cities that they are free under this language to continue policies which discriminate against the elderly, poor, handicapped, and minority transportation disadvantaged among their citizens.

Support my amendment to strike this anticonsumer language.

☐ 1410

Mr. Chairman, at this point I am glad to yield to my good friend, the gentleman from New Jersey (Mr. RODINO), the very able and distinguished chairman of the Judiciary Committee.

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding.

I want to applaud the gentleman from Massachusetts for posing this amendment. I rise in support of the amendment of the gentleman from Massachusetts to strike this limiting language from the appropriations bill.

The issue of antitrust immunity for cities and local governments is a difficult one for which a solution must be found. At stake are the vital interests of local governments, of businesses that deal with those governments, and of consumers who pay the tab both as taxpayers ultimately liable for damage awards and as purchasers of goods and services.

The Subcommittee on Monopolies has held 3 days of hearings on this subject. We expect to mark up this legislation in June. So I would not for a moment question the need for a legislative solution to the dilemma confronting local governments. To the contrary, I strongly support appropriately drawn legislation and commit my energies to that end. But, regrettably, a one-sentence prohibition in an appropriations bill is not the proper way to address this issue. It is a circumvention of the authority of the two committees with oversight jurisidiction over the courts and enforcement agencies.

The language before us is too broad; it shuts down all past, present, and future cases, regardless of their merit. And, because it may prevent the Federal courts from enforcing existing antitrust orders that affect local governments, it could be an unconstitutional restraint on a coequal branch of our Government.

Based on what I know now of the cases, I would not have supported bringing these two antitrust suits against the cities of Minneapolis and New Orleans. This country has experienced an unprecedented wave of mergers and acquisitions involving our very largest corporations. Instead of committing its limited enforcement resources to problems that could be handled by local and State authorities, the Commission should be addressing these larger issues of enormous impact on the industrial structure of this Nation.

But appropriations legislation is not the proper vehicle for dealing with the enforcement discretion of the Federal Trade Commission.

The record compiled by the Committee on the Judiciary suggests that careful and at times subtle distinctions will have to be made between appropriate action by local governments and private activity for commercial gain disguised as conduct approved by local governments. The legislative process and the reputation of the U.S. Congress are not well served by adding a single sentence of prohibition to an appropriations bill that undercuts the careful legislative deliberations of the responsible oversight committees.

I urge my colleagues to support the amendment of the gentleman from Massachusetts.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

(By unanimous consent, Mr. CONTE was allowed to proceed for 5 additional minutes.)

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

I want to say that I commend the gentleman for this amendment. I think it is very much in our interest to pass it. I want to point out the gentleman, as I read this language in the bill—which says that none of the funds appropriated or otherwise made available by this act may be obligated or expended to issue, administer, conduct, or enforce any antitrust action against a municipality—that the reach of this language may be much broader than simply impacting a couple of cases involving some taxicab franchises.

This language as I read it would forbid the use of funds in any action against a municipality brought by the Department of Justice, as well as the Federal Trade Commission, and in any antitrust action whatsoever. Does the gentleman agree with my interpretation?

Mr. CONTE. I could not agree with the gentleman more. It goes way beyond the taxicab issue.

Mr. LENT. If the gentleman will yield further, I have one other question. Is there any precedent that the gentleman is aware of for the House passing legislation that would interfere with an ongoing enforcement proceeding by an agency of this Government?

Mr. CONTE. Not that I know of.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield for a question?

Mr. CONTE. Yes; I am glad to yield.

Mr. BIAGGI. Mr. Chairman, I want to commend the gentleman for the thrust of his amendment, but I have a question.

In the city of New York we have medallion cabs and they are purchased and they have a value and there are many people working them and paying them off.

Would the gentleman tell me what effect this amendment would have on those medallions that are limited presently but are supplemented, by the way, by thousands of so-called gypsy taxis that are out there in the field providing transportation; so in effect no one is being denied the opportunity to operate as a taxi, but those that are medallions, if you will, and that have a proprietary interest and have a substantial interest, I am concerned about those that have that investment and many of those people that have them are minorities.

Mr. CONTE. New York State immunizes its cities from suit for anticompetitive taxi regulation, so New York City would not be affected. However, that New York Times editorial I read earlier would indicate that something ought to be done there to increase competition.

I might mention here that I have a letter from the young slasher—that is David Stockman, in case you do not know. He says:

> This provision would preclude use of appropriated funds for any antitrust action against a municipality or other unit of local government.

He says further:

> While prompted by the FTC action, the appropriations rider is very broad and goes far beyond the facts of the pending proceedings. Such sweeping language should not be enacted without thorough investigation of its utility and necessity, or without careful concentration with the other concerned committees including the FTC's Authorization Committee and the Judiciary Committee.
>
> We believe the FTC action should not be summarily precluded, and urge you to oppose adoption of this amendment.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me give some background on this issue. It is always difficult to follow the distinguished gentleman from Massachusetts. I have great respect for him, but he has the ability to emotionalize issues that we have before us.

□ 1420

Let me try and give some of the factual background on what has happened.

For years it was assumed the local municipalities of Government were exempt from antitrust suits. States are. We are. It was assumed that cities with broad-based-home-rule powers were also immune from antitrust suits, just as State government is.

The 1982 Boulder decision came down which removed the exemption for certain municipalities in this country from antitrust suits. This has thrown into utter turmoil local government in terms of what their capacity is to adopt regulations and do the things that traditionally municipal governments do in this country.

That issue is now before the House Judiciary Committee and I commend the chairman for his hearings on that issue and the whole question of private suits versus local municipalities. Clearly it is an issue that calls for a solution.

This bill, this rider does not impact the entire question of private suits versus municipalities. In my judgment it should be dealt with, and I look forward anxiously to vote for a bill that comes from the Judiciary Committee to restore basic immunity to local units of government.

However, we now have a new entrant into the field filing antitrust suits against local units of government, namely the Federal Trade Commission. And it is the role of the Federal Trade Commission, in part, that we regulate by this amendment.

It says, and I would remind you this is not permanent law but it is a rider for the 1985 appropriation bill so it would have impact for 1 year:

> None of the funds appropriated or otherwise made available by this Act may be obligated or expended to issue, implement, administer, conduct or enforce any antitrust action against a municipality or other unit of local government, except that this limitation shall not apply to private antitrust actions.

To the best of my knowledge, this is the first time in history that we have had the Federal Government filing suit against another unit of government on the basis of antitrust.

Our amendment simply says let us stop where we are while the House Judiciary Committee works. And they are a very deliberative body, and I now support them and their great deliberations. We simply say that for the course of this bill the Federal Government is not going to get into the business of suing local units of government.

To me it makes sense. It is not a blunderbust, as it was called. It is, rather, a very selective, very precise amendment and in my judgment would be good policy for this body to adopt.

I think it takes us into an incredible new world of relationships between the Federal Government and local communities if we are going to have competing antitrust suits, or not even competing antitrust suits, but simply having the Federal Government suing local units of government for exercising their basic regulatory power.

I have to tell you that this was what brought this to my attention, was the suit brought by the FTC against the city of Minneapolis and the city of New Orleans as it relates to our taxicab regulations. In the city of Minneapolis those regulations had existed since the 1920's, and I think in current form since 1948.

The FTC was adopted by a 3-to-2 vote. Commissioner Pertschuk in his dissent indicated that in his judgment this was a new area in which the FTC should be very cautious before they should proceed, and I share that judgment.

He also indicated that most of the economic studies on the value of deregulation really were of a questionable nature.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Sabo) has expired.

(By unanimous consent Mr. Sabo was allowed to proceed for 2 additional minutes.)

Mr. SABO. I might say that I suppose there might have been a simpler form for some of us to pursue an amendment that simply dealt with the particular problems of our two cities. I did not think that was appropriate. I thought this was a good time where we could raise a basic, fundamental policy issue on what we want the FTC to be doing in relation to local units of government for the next year while the House Judiciary Committee hopefully resolves the issue for the future.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I reluctantly rise in opposition to the amendment put forth by my friend and colleague, the gentleman from Massachusetts, and rise to echo the comments of the gentleman from Minnesota.

The fact of the matter is that we have done very well throughout these 80 to 100 years in our cities without tampering with the taxicab regulatory laws, under which the municipalities can regulate taxicabs without interference from the Federal Government. It was only as a result of the case of the city of Boulder that the Supreme Court a couple of years ago enabled the FTC to tamper with an issue that they had been looking at and toying with for some 10 years.

They played with the idea of interfering with the city's right to regulate its own taxicabs, and after that decision, they decided to move.

I am told that there are many members of the FTC that have mixed feelings about this effort. But the judgment was, of course, to go ahead and take on the municipalities, particularly in Minneapolis and New Orleans.

I do not have strong feelings for taxicab companies and their restrictive covenants, but it does seem to me that the cities and municipalities have a legitimate right to control their own affairs.

But most importantly, with respect to the city of New Orleans, I have to point out that this ruling by the FTC comes at a distinctly inopportune time for my native city. We in New Orleans have the World's Fair, which has only been going on for about the last 3 weeks. We expect that some 12 million visitors will visit the city between now and the end of the World's Fair. And all of a sudden, we find that the FTC has decided to get in and mess up the taxicab business at a time when we can least afford it.

Mr. Chairman, the fact of the matter is that if a private person wants to overturn the taxicab regulatory control business in the city of New Orleans, all they have to do is file suit. They do not have to rely on the FTC to do the job. Private litigation is not barred by the provisions in this bill, and a private, individual suit, a private citizen's suit is permissible and would lie in the courts.

But this FTC action, it seems to me, is inopportune. In addition, the law permits a State legislature to bestow a limited grant of taxicab antitrust immunity upon a municipality right now.

In just the last few days, in fact on May 23, the Louisiana House voted 93 to zip to give antitrust immunity to the city of New Orleans for this specific issue. And, the Senate committee is meeting today on this very issue in the Louisiana Legislature.

So whether or not the city of New Orleans has too few taxicabs may be of legitimate interest for discussion, or it may be a legitimate issue for litigation in the future. My point is that the FTC should not engage in that discussion without letting the municipalities or the States make such a determination on their own.

The city of New Orleans has 1,640 taxicabs currently, and has had that number for a number of years.

The city of Minneapolis has 248.

The FTC has said that 248 in Minneapolis is too few. They have said that 1,640 in the city of New Orleans is too few.

Why should the FTC be engaging in that sort of inquiry? It seems to me that they are out of place and that their attention should be directed elsewhere.

□ 1430

Mr. SHAW. Mr. Chairman, will the gentleman from Louisiana yield?

Mr. LIVINGSTON. I would be happy to yield to the gentleman from Florida.

Mr. SHAW. I thank the gentleman.

I would like to compliment the gentleman as well as the gentleman from Minnesota (Mr. Sabo) for two very fine statements. Before coming to the Congress for three terms I was mayor of the city of Fort Lauderdale, Fla.

In looking at the 1982 Boulder case which concerned itself with cable television franchises, I shudder at what the full impact would be if it went across all of the things that cities do on a day-to-day basis.

Under the Boulder case and with the possible litigation that could be inspired by the Federal Government should this amendment pass, we are looking at challenges to all of the things that we once figured were absolutely correct for a city to engage in.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Shaw and by unanimous consent, Mr. Livingston was allowed to proceed for 5 additional minutes.)

Mr. SHAW. Mr. Chairman will the gentleman continue to yield?

Mr. LIVINGSTON. Happy to yield further.

Mr. SHAW. You are not only talking about taxicab franchises, you are talking about the franchises on cable television. You are going to have to go back and reexamine your utilities, whether they be electric utilities, telephone, or private water system; you are going to look at the ability of cities to be able to regulate who is collecting garbage within the city, and all of the other things. If you sit down and make a list it becomes endless.

Our cities have grown up with the assumption they are immune from this. I think it was quite properly pointed out this is not a permanent situation that will ever ban the judiciary from coming in; it is simply giving us another year to examine the issue.

I am a member of the Judiciary Committee and I am looking forward to the hearing once this legislation is worked out. The chairman of the Judiciary Committee talked about Mayor Gibson from Newark. I served with him on the executive committee of the U.S. Conference of Mayors.

I know the majors all across this country are quite concerned about this particular bill and what we are trying to do here in the House is simply give them a year of relief while we try to figure out through the proper method of hearing exactly where we are going to go with this particular issue.

I would suggest to all of the Members of Congress before they vote on this particular amendment, call home, check with your mayors, check with your county commissioners, you will find out, as I am telling you and I have found out, that they will be very much opposed to this amendment and quite frankly will be very grateful to the Congress for putting the delay in this bill that we so vitally need so that the Judiciary Committee can work its will.

I strongly urge that this committee defeat this amendment that is before us.

Mr. LIVINGSTON. I thank the gentleman for his comments. And if anything is a blunderbuss as described earlier, it seems to me it is the current FTC ruling which will be undertaken unless the full committee adopts the bill as it is written.

With respect to whether or not certain cities are happy with deregulated taxi industries, it should be pointed out that over the last few years some eight cities have experienced unsatisfactory records of progress in deregulating their taxi cabs; Seattle, San Diego, Fresno, Atlanta, Indianapolis, and Tucson have all indicated that they have not prospered under a deregulated taxi system.

Mr. KINDNESS. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman from Louisiana for yielding.

The gentleman has I think very well stated the case with respect to the regulation of taxicabs and the gentleman from Florida (Mr. SHAW), as a former mayor, as this gentleman is also, has probably shared with others involved in municipal service a great deal of discomfort over the last 2 years since the city of Boulder decision.

But let me emphasize that it is just about 2 years. Let me emphasize that I would like to be able to make a case, a strong case for why this language should be stricken from appropriations bill because the Judiciary Committee has been forthcoming with an answer to a really serious problem, but it has not been forthcoming yet and it has been almost 2 years.

It is not as though this has been jumped right on by the committee and hearings have been held and it has been mulled over all this time. We just had the first hearing, apparently. I was unaware of that until this debate took place today; it just somehow escaped my attention, it got so much notice; I suppose.

But at any rate, the problem is a serious one; people involved in municipal services are not taking this Boulder case lightly. But let us take, for example, the mayor of Celina, Ohio, who contacted me about this. He is retired; it is a small city, it is volunteer services.

He is worried about the potential liability that he might personally incur in connection with antitrust cases, either one brought by an individual or a company in that municipality or surrounding area; he cannot afford to undertake this kind of liability and he cannot protect himself against it.

We should have acted long before now on this complicated problem; but at least the language that is in the bill today seeks to answer a part of the problem, let us hold off until the matter is dealt with a little more fully and not have the Federal Government adding to the problem through the Federal Trade Commission, which as we all know has had a tendency over the years toward excess.

It does not seem to matter who appoints the members of the Federal Trade Commission or the chairman of it; they still go to excess and involve themselves into local matters, as is certainly done in this case, I think the gentleman's statement is important.

Mr. SMITH of Iowa. Mr. Chairman, we have been on this amendment 25 minutes and the leadership is very anxious to move on to the defense bill. I wonder how many Members want to speak on this amendment.

Mr. Chairman, I ask unanimous consent that debate on this amendment end at 3 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. FISH. Mr. Chairman, reserving the right to object, how many Members did the Chairman find standing?

Mr. SMITH of Iowa. I noticed 10, Mr. Chairman.

Mr. FISH. Mr. Chairman, I am constrained to object because 2 minutes each is not ample time.

The CHAIRMAN. Objection is heard.

Mr. SMITH of Iowa. Mr. Chairman, let us say 10 after 3. That is surely plenty of time to discuss this amendment; that will be an hour that we will be on it.

Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 3:10.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Accordingly, the request is agreed to.

All debate will terminate at 10 minutes after 3.

Accordingly, each Member will be recognized for 2 minutes and 15 seconds.

The Chair recognizes the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. I thank the Chairman.

It seems to me, as bad as we are around here, one of the extraordinary things we have is the committee system, and the committee system seems to work.

Now, I respect the notion that was raised by my colleague from Massachusetts that taxi systems relate particularly to people who are infirm, who are aged, who have no transportation of their own and that is getting into the merits of the case.

But let me just address the issue of how we find ourselves.

I think the notion that we would attach certain types of legislative riders on the appropriations bills is, perhaps, another exhibition of the checks and balances in our system. But let me remind you that this is an extraordinary remedy; it is not a remedy that we should be using lightly.

In this instance this committee is asked to come to the floor and face this type of restraint; there were no witnesses, there was no testimony pro or con; there was no cross-examination; there was no fair hearing; and in my judgment this is bad legislation and the motion and the amendment offered by the gentleman from Massachusetts should prevail.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I have listened to the debate on the amendment. The debate discusses the Federal Trade Commission and the taxi case. If that were all that is involved in this amendment, then perhaps the amendment might be justified in being rejected. But that is not all that is involved.

The courts and the Department of Justice are involved. Section 610 of the bill provides that no funds would be available for any of them for implementation, administration, conduct, or enforcement of a criminal case or a federally initiated case. It would prevent courts from enforcing outstanding judicial antitrust orders against local governments. But, perversely, private antitrust suits are specifically preserved which leaves the cities vulnerable to treble-damage suits by other parties who otherwise would defer to FTC injunctive litigation. This is terrible legislation and the exact opposite of the relief that the cities requested before the House Judiciary Committee.

☐ 1440

The cities are going to be hurt because private antitrust suits will begin.

Appeals may not be heard by courts of appeal. Cases may not be heard by districts courts. Appeals to the Supreme Court will be stopped. This raises distinct questions about dubious constitutionality based on article III of the Constitution and the doctrine of separation of powers. The provision is constitutionally suspect and overly broad.

Participation by the Department of Justice and the Federal Trade Commission in litigation initiated by private litigants will be foreclosed by the language of section 610. That includes participation as amicus curiae and assistance in supplying information and assistance to the courts in consideration of private antitrust suits.

This is an enormously sweeping provision. It goes far beyond anything that its authors have indicated that it in fact does. It is extremely mischievous in its consequences not only to private litigants, not only to Government, not only to consumers, but also to the cities.

If this House wants to deal with the problem of the Boulder case, and I think the matter should be dealt with, then it should be dealt with through legislation which is carefully crafted by the committees of jurisdiction.

Now what is a municipality? A municipality is anything which is created by State law as a municipality. A drainage district, a school district. It is the Port Authority of New York. It is a city acting in its capacity to regulate trash haulers, to regulate cable television entities, and to regulate any activity which is regulated within the city borders.

This provision is enormously sweeping and has a massive potential for preventing the protection not only of consumers, not only of State and local government entities, but of the cities themselves by preventing a proper review of God knows how many lawsuits not pending in the Federal courts, including cases where the cities may need the assistance of Government in protecting themselves from anticompetitive actions by other cities.

Most ludicrous of all, though, and I remind all my colleagues railing against the FTC, is that the FTC is not funded by this bill. Its appropriations were stricken earlier by a point of order raised by the gentleman from New Jersey. The reason for section 610 of the bill is no longer a part of the bill.

I urge my colleagues to support the amendment to strike this language.

The CHAIRMAN. The Chair recognizes the gentlewoman from Louisiana (Mrs. Boggs).

Mrs. BOGGS. Mr. Chairman, I rise in opposition to the gentleman's amendment.

My home city, New Orleans, is one of the municipalities sued by the FTC relative to the city's regulation of its taxicab industry. The city of New Orleans believes this action, if successful, would undermine and subvert the comprehensive regulatory scheme enacted by the city to protect the health, safety, and welfare of its citizens and of millions of tourists who visit our city annually.

Historically, cities and towns in this country have regulated their taxi service because cabs, by their nature, are very close to being a public utility. They should be regulated by the city.

Mr. Chairman, I cannot understand why the Commission has taken this action against New Orleans. I know of no complaint by anyone in New Orleans about the manner in which our taxis are regulated. The problem cannot be with the number of cabs or the rates they charge. According to the FTC's own statistics New Orleans, with 2.9 cabs per thousand residents, has a higher average then New York, Los Angeles, Chicago, Boston, Fort Worth, and a host of other major cities. The Commission's statistics show that 16 cities out of 32 sampled had higher fares than New Orleans for a 3-mile taxi trip while 12 had lower fares. So it cannot be the end product of the city's regulation that has earned the Commission's criticism.

On the merits, the Commission was split 3 to 2 on whether to bring this action. One of the Commissioners issued a strong dissent saying that he was "troubled with the idea (of the Commission's case) that a city's adoption of taxi regulations after consultation with the industry—when consultation is a necessary element of responsible government—transforms the city's regulations into an illegal conspiracy." He also questioned the Commission's willingness to replace a municipality's regulatory scheme with its concept of a Federal regulatory standard.

There are two ironies here. First, at a time when we are talking about getting rid of "big" government, we see a willingness to interject Federal regulatory supervision into a purely local matter.

Let us talk about the good and responsible government referred to by the gentleman from Massachusetts.

The second irony is the ranking of priorities the Commission has set for itself. Not one major antitrust action has been instituted by the Commission or the Justice Department since January 1981. This is most unusual given the profound readjustments going on within our national business community. Yet the Commission in this instance is attempting to use its budget in a relatively insignificant area rather than coming to grips with the real issues of competition that are before us today.

Mr. Chairman, as the gentleman from New Jersey has advised us the issue of the relation of Federal antitrust statutes to municipal regulatory authority is one that is currently before Congress. Several bills are under active consideration by the Judiciary Committee that would grant cities antitrust immunity similar to that allowed to States. Recently, the Assistant Attorney General in charge of the antitrust division has testified in favor of this legislation. I hope that the committee will expeditiously consider these proposals and bring a bill to the floor.

In the meantime, this provision simply protects the cities that have taken lawful actions in the interest of their citizens from an unreasonable example of Federal intrusion into a purely local matter. The provision should be retained and I urge defeat of the gentleman's amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. Florio).

Mr. FLORIO. Mr. Chairman, I will vote for the amendment to delete the restriction on Justice Department and FTC antitrust authority.

However, I think it is important to point out the irony of the present situation.

The majority at the FTC now says it is eager to enforce the law, to preserve competition and maintain free markets and fair markets by initiating actions against our Nation's cities.

But this raises the question: Where have they been while the biggest oil mergers in American history have been going on, threatening competition, consumers, and even our energy independence?

Where have they been as the first and third largest auto companies in the world get together to export jobs and help turn the American auto industry into a colonial dependency?

Where have they been as a wave of resale price fixing is squeezing the discount stores that consumers rely on for bargains?

Where have they been in addressing dubious campaigns of national advertisers that may take advantage of consumers?

The answer is very sad. By administrative fiat this Commission majority is dismantling the protections for consumers and the free market that consumers have fought for.

They have abandoned merger enforcement, ignored Supreme Court decisions on resale price fixing, and issued a radically weakened new policy on false advertising.

Now they come in from left field to demonstrate their zeal through an unorthodox prosecution of cities.

I simply wish to point out the irony of this sudden zeal.

The fact is that it is time for the FTC to return to real, traditional enforcement.

It will be time enough to consider exotic enforcement possibilities when the Commission returns to doing what the public expects.

I oppose the restriction because such sweeping change in the antitrust laws should never be undertaken on an appropriations bill. This is particularly so when the legislative committees are diligently considering this very issue.

But I also hope the public and the House will take this chance to note the inverted priorities at this Commission, and urge that these priorities be corrected. The consumer is footing the bill for the current charade.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Schumer).

Mr. SCHUMER. Mr. Chairman, I rise in strong opposition to the amendment. I think we have to look at the substance here. What are we doing? What is the FTC attempting to do?

What the FTC is doing is to tell localities that they cannot regulate in the way that they see fit. That locality is not after additional profit the way a private sector player would be. That locality is using regulation to protect its citizens the way it sees fit.

In fact, Mr. Chairman, if this amendment passes and the proposed legislation of the chairman of the Judiciary Committee does not pass the House or the Senate or vetoed by the President, we will return to the throwback days of economic royalism. The effort by the FTC is reminiscent of court cases in the 1900's, many courts including the Supreme Court interpreted the commerce clause to prevent minimum wage and work safety and health rules. The FTC's attempted action is very similar to the Supreme Court decision in the thirties that threw out the NRA on the grounds of some kind of nebulous antitrust determinism.

Mr. Chairman, I greatly respect my chairman of the Judiciary Committee, but what the gentleman from Minnesota (Mr. SABO) has not crafted a long-term rule. His amendment expires next year. The gentleman from Minnesota is saying let us prevent the FTC from dragging us back to the days of economic royalism until the Judiciary Committee can act, if, and when it does.

I, for one, Mr. Chairman, would much rather let stand the presumption against allowing the FTC to act until the Judiciary Committee does, rather than allowing the FTC to go forward until the Judiciary Committee might act.

I strongly urge a vote against this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I rise in support of the amendment.

I think there may be some misunderstanding as to what the language in the bill does. The language in the bill goes far beyond the pending case that the FTC has initiated against two cities of our country.

What this section of the bill does is to forbid the expenditure of any funds in any antitrust action against a municipality. It goes far beyond restricting the activities of the FTC. It also would restrict any activities of the Department of Justice as well.

It also goes far beyond what the mayors have actually asked for. Reference has been made to the testimony of the mayor of Newark, N.J., Kenneth Gibson. He testified before the Judiciary Committee this week in which he asked for amendments.

Let me read to my colleagues what Mayor Gibson said and I quote:

> It would seem, Mr. Chairman, that the best solution on the remedy side would be to eliminate damages altogether, . . .

Now listen to this, and I continue the quote:

> . . . and to allow governmental plaintiffs such as the FTC, the attorney general, and State Attorneys General to bring injunctive actions to deter unfair or egregious actions by local governments.

In other words, it seems to me in reading the testimony that the mayor, in testifying on behalf of the other cities, is concerned about the problems of liability, but at the same time recognizes that there may be times where the FTC and other consumer agencies should have the right to bring injunctive action to deter any unfair actions by local governments.

Now, what this amendment would do would be to take away any protection of that kind. I think the provision in the bill should be stricken, and let the Judiciary Committee craft the kind of language needed in order to take care of any problems that we may have.

□ 1450

(By unanimous consent, Mr. FRENZEL yielded his time to Mr. FISH).

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I prefer those times when I rise on the same side of an issue as the gentleman from Massachusetts and the chairman of the Committee on the Judiciary, but now I rise in opposition to the pending amendment.

Until 1978, local units of government presumed that they were exempt from the antitrust laws in the same manner that States were under the so-called State action doctrine. *Parker* v. *Brown*, 317 U.S. 341 (1943). Then, in the case of *City of Lafayette* v. *Louisiana Power & Light Co.*, 435 U.S. 389 (1978), the Supreme Court held that cities were "persons" within the meaning of the antitrust laws and therefore their actions could be subject to antitrust suits. 435 U.S. 413 (1978).

The confusion and apprehension prompted by the Lafayette decision was even further compounded in 1982 in the decision of *Community Communications Company, Inc.* v. *City of Boulder*. 455 U.S. 40 (1982). There the Court held that a broad grant of home rule power by a State to a locality was not sufficient to cloak a locality in antitrust immunity.

Under Boulder, no immunity attaches unless: First, the action is in reality the act of the State itself in its sovereign capacity; or second, the municipal action is "in furtherance or implementation of a clearly articulated and affirmatively expressed State policy . . ." 455 U.S. at 52.

Since these two Supreme Court decisions, units of local government have been rightfully troubled about their confused status under the Federal antitrust laws. This concern has very recently been heightened into confirmed fear by the decision of a U.S. district court involving Lake County, Ill. On January 12 of this year, a jury awarded a developer $9.5 million in damages in an antitrust suit against a county, a village, and three local officials. This damage award was automatically trebled to $28.5 million by the district court judge. (*Unity Ventures* v. *County of Lake and Village of Grayslake*, No. 81-C-2475.) If allowed to stand, this is the largest Federal antitrust award ever made against a municipality or municipal officials. The judgment is 6,000 percent of the property tax collected last year by Grayslake Village and 150 percent of the amount collected by Lake County. What the stunning size of this award demonstrates is that Congress cannot continue to leave the Boulder decision to stand unclarified. The disastrous impact on the legitimacy of local government decisionmaking and on local government budgets is obvious.

Because of the serious implications for both financial stability and governmental legitimacy at the municipal level, last year I introduced H.R. 3361.

The Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee is currently in the process of holding hearings on my bill and companion measures introduced by the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. EDWARDS), and the gentleman from Arizona (Mr. STUMP). I remain extremely hopeful that a comprehensive legislative response in the form of an amendment to the antitrust laws is still very possible this year.

Unfortunately, the Federal Trade Commission has further complicated this matter by choosing this time to serve notice that it intends to bring antitrust enforcement actions against two city governments—Minneapolis and New Orleans. The Federal Trade Commission's complaints focus on taxicab ordinances and taxicab regulations in both cities. While I certainly do not want to prejudge these particular actions, they are symbolically important in that they are the first major civil actions brought by a Federal antitrust enforcement agency against city governments. Up until now, the suits brought against local units of government—and they are numerous—have resulted from actions by private, nongovernmental plaintiffs.

Mr. Chairman, again, it is important to emphasize that this is the first time the FTC has ever brought a direct enforcement action against cities. Without the Boulder decision, it is highly unlikely these actions would have been brought. But it is precisely Boulder which the Judiciary Committee is considering overturning.

While we are working on legislation to reverse or at least modify the Lafayette and Boulder decisions, I think striking the language in section 610 of this bill would send the wrong signal. We would, in effect, be encouraging the FTC and Justice Department to pursue antitrust enforcement actions against localities. I question that this is good public policy at this time.

The limitation language contained in H.R. 5712 is symbolic. It is intended to provide partial temporary assurance to local governments that, at least, the Federal antitrust enforcement agencies will not add to their current plight. While Congress drafts and refines general immunity legislation in this area, this language makes it clear that suits such as those brought by the Federal Trade Commission are not a harbinger of more things to come from the Federal Government.

Again, I remain hopeful that Congress will come to grips with this serious national problem before we finally adjourn this year. Local units of government need the assurance that when they are making legitimate local government decisions in areas such as zoning, licensing, franchising, solid waste disposal, and mass transportation, that they can do so without undue fear of liability of the antitrust laws. To delete the language contained in section 610 of this act would send a confusing signal to municipalities and counties all across this Nation. We cannot appear to be insensitive to their plight. Admittedly, the remedy in section 610 is temporary and partial. Hopefully, before the 98th Congress has completed its business, the full scope of this problem will be addressed.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. Shaw).

Mr. SHAW. Mr. Chairman, I yield to the gentleman from Illinois (Mr. Hyde).

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I, too, oppose the amendment, not because I am for restricting taxicab medallions. I think that is something that is in restraint of trade. But the Boulder case is a time bomb ticking away, and municipal government, people who serve on village boards, town boards, city hall, are virtually terrorized by the prospect that they will be held personally liable in triple damages for an antitrust violation.

Now, we have got to do something about that. The Boulder case has put all local government in jeopardy.

Now, the Judiciary Committee has legislation before it to adjust the immunities that ought to be there. It has taken us 2 years to deal with it. We are still looking at it.

The Bildisco decision, where the controversy about the status of labor contracts in bankruptcy cases got resolved without hearings, we went right through with that. But in this situation we are still wrestling with it.

Now, I suggest to the Members that the Federal Trade Commission picked a most inopportune time to leap into this controversy. It is the first action by the Federal Government under the antitrust laws against a municipality and it sends a very dour signal to local government. It tells them, yes, Boulder is good law, yes, we are going to act under it; it reinforces the Boulder decision, which makes serving in local government the least desirable occupation for anybody desiring a career in public service.

So do not do this to municipal government. Tell them that, yes, the Judiciary Committee of the House of Representatives will deal with the legislation pending before it sooner or later and meanwhile maintain the status quo.

A fear of triple damages levied against local government is not the way to get good people to serve in local government.

Mr. SHAW. Mr. Chairman, I would like to again say that I am very much opposed to this.

The gentleman from Michigan (Mr. Dingell) made a point earlier, and I think a very good point, that perhaps we should question how far this is really going to go. But I question, and what I am most concerned about, is how far is the Boulder decision of 1982 going to go. It is less than 2 years old at this time. We see that the Federal Government is expanding its power. I am very worried for the cities of this country if this amendment would pass.

I urge that this amendment be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, I ask every Member of this body: When was the Federal Trade Commission last elected?

I commend the gentleman from Minnesota on his amendment. I have disapproved of nearly every act of the FTC. I think it is a terrible anticonsumer agency. But here is a chance where you have an opportunity to vote for elected local officials, people who can be recalled by a vote every year or 2 or 3 or 4, and you get a chance to vote against the bureaucrats who are sticking their noses into the operations of local government in a way that the law never conceived. We have a case of the FTC writing law again.

I urge the defeat of the amendment of the gentleman from Massachusetts and support of the excellent work of my colleague from Minneapolis, the distinguished gentleman (Mr. Sabo).

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. Conte).

Mr. CONTE. Mr. Chairman, the gentlewoman, my beloved friend from New Orleans, says, "Why New Orleans?"

Well, the FTC undertook a systematic look at the taxi regulation in the largest cities in the United States, and the inquiry focused on those cities where taxi regulations were having an anticompetitive effect. Minneapolis and New Orleans satisfied each of the three criteria which I will put in the Record. For example, both have fares substantially higher, with fewer cabs per person than such deregulated cities as Washington, D.C. Moreover, the FTC staff believed in both cities city officials had conspired with taxicab companies to eliminate competition, for example, by eliminating the ability of suburban cab companies to compete with those in the city.

Now, my good friend Congressman Sabo says that Commissioner Pertchuk opposed the complaint and the ruling. I have here a letter from Mr. James Miller III, the chairman, who said:

> Although we were divided regarding the advisability of issuing complaints against the cities of New Orleans and Minneapolis and expressed no opinion on the ultimate legal issues involved in these cases, we are united in our opposition to the Sabo amendment.

□ 1500

They further say:

> By prohibiting the expenditure of funds—

And Dingell was right on target—

> For two proceedings that are presently in adjudication, the appropriations rider undercuts the independent adjudicative function of the Commission. Congress has traditionally respected our independent adjudicatory role. We strongly believe that Congressional intervention to halt ongoing matters in litigation is bad policy.
>
> Finally, we note that to the extent that cities are concerned with treble damages and with the strong incentive they create to bring private antitrust cases, which cities fear will cost them a great deal of time, money, and effort, the Sabo rider does not prevent private treble damages. What it does prevent are injunctive orders, which can protect the consumers from anticompetitive conduct without subjecting municipalities to monetary damages.

If you want to vote for the consumer, vote for my amendment. If you want to vote against the consumer, higher taxicab fares, against the minorities, handicapped, elderly in this country, vote against my amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Kindness).

Mr. KINDNESS. Mr. Chairman, we have seen the self-destructive urge of the Federal Trade Commission at work again today, have we not? Ably represented by the gentleman from Massachusetts leading the charge. If anything could convince a lot of us that we ought to do away with the Federal Trade Commission, it is their action against the city of New Orleans and the city of Minneapolis in these two cases, right? Right.

Well, maybe we ought to fool them. Maybe we ought to stick with the language of the gentleman from Minnesota that is in the bill. Calm the thing down; hold it off for a year. It only has to do with a part of the problem, but that part of the problem is subject to the control of this Congress. It can be done. It can be done easily. We can establish our part of it right here today. Vote no on this amendment. Leave the language that is in the bill that limits the use of these funds. It is certainly the only thing that we have available to us at the present time to bring about reason and reasonable action.

The gentleman from Minnesota (Mr. Sabo) has indeed provided the only answer we have to stick with right now that makes sense. Let us certainly reject the amendment offered by the gentleman from Massachusetts. Stay with the language of the bill and I would certainly hope that the restriction on the use of these funds would stay all the way through the legislative process, and we would hope that somehow we will come out of this with both a continuing Federal Trade Commission, which hopefully, will lose its self-destructive urge, and also with a reasoned approach to the broader problem coming out of the Committee on the Judiciary at some point.

It will take time; it does take some careful processing. But we could have started a little earlier on this problem, I think. The fact is, the processes are not working all that well here, that is why we have limitations on appropriations coming up in bill after bill, as appropriations measures come past us.

I am sorry it is not the best way to deal with these matters, but it is the only way in some cases. Therefore, I would urge that the amendment that is offered by the gentleman from Massachusetts be rejected.

Mr. SMITH of Iowa. Mr. Chairman, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in support of the Conte amendment.

Mr. SMITH of Iowa. Mr. Chairman, I think that if the FTC were to permanently go out of business that some people would surely be disappointed; they would not have an agency to beat around every year.

There is not any money in this bill at this point for the FTC, but we are still arguing over whether or not they can spend any of that. This money they do not have provision was added to the bill in the committee by a split vote. The FTC was stricken from the bill on the floor because it is not authorized.

Before the Rules Committee for several months, has been a bill on the FTC. That bill is the proper place to make the arguments and to limit the power of the FTC if you want, or whatever you want to do. But the FTC is not in this bill now, so the provision is now going to apply to the Justice Department and to the courts, and it would prevent them from bringing or providing for injunctive relief or from bringing criminal actions. Unfortunately, the fact is that there are a few city councilmen in this country, and there always have been, who are on the take. There are always a few of them. They like to set up a monopoly or an oligopoly and share in it in some way. What this provision says is that nobody in the Government at the Federal level can bring a suit to provide injunctive relief or criminal relief or the kind of protection that is needed.

Anyway, I do not think this provision ought to be in this bill. Every year somebody wants to put some curb on the FTC or write some authorizing legislation for the FTC in this bill. This is not the proper way to do it. The proper way to do that is in the authorizing legislation, and I hope that before we come to the floor next year, that the authorizing legislation will finally have been passed, and we will settle, once and for all, what we want the FTC to do and not to do.

I beg the Members of the Committee: Do not leave this provision in this bill; vote yes on the motion to eliminate it. It was put in the bill by a split vote in the full committee, and I do not think this is the proper place for that kind of provision. Vote yes on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 18, noes 24.

RECORDED VOTE

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device.

□ 1530

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair desires to make an announcement. Because of a technical malfunction, obvious to all of us, it will be necessary to repeat this vote by a rollcall of the Members. The Chair therefore requests all Members to take their seats, and the Clerk will call the roll.

For what purpose does the gentleman from Massachusetts (Mr. CONTE) seek recognition?

Mr. CONTE. Mr. Chairman, in view of all that has happened here, I ask unanimous consent to vacate the proceedings and to withdraw my request for a rollcall vote.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Chair will announce that the amendment offered by the gentleman from Massachusetts (Mr. CONTE) was rejected on a division vote.

PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LOTT. Mr. Chairman, do we have any information about the condition of the voting device? Will we be able to use the recording machines later on for votes?

The CHAIRMAN. The Chair will provide that information as soon as it is available. It is not immediately available.

We are at or very close to conclusion of this bill. If the Committee would be in order, it would be possible to move expeditiously at this point.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage my colleague from New York, the ranking minority member of the Judiciary Committee, Mr. FISH, in a brief colloquy about remarks made in the committee report accompanying this legislation over the absence of authorization legislation for a new justice assistance program.

Mr. FISH. I would be pleased to answer any questions my friend from New York might have.

Mr. GILMAN. The committee report states quite succinctly that because the other body has to date failed to consider the Justice Assistance Act, that the level of appropriations for that program has been adjusted downward. Sustaining points of order, these funds have now been deleted. The committee stated further that "it sees no reason to recommend funds for this program in future appropriation bills unless an authorization is enacted." I would like to inquire of the gentleman whether he has any knowledge of action by the other body, particularly since that legislation contains important emergency provisions to aid local governments with unusual costs associated with the prosecution of defendants.

Mr. FISH. My understanding is that the other body will be acting in the near future on legislation of this nature. I agree with my colleague that the part L provisions of S. 53 are vital to the continued partnership between our Federal and State and local governments, and would hope that at this time next year we would see a full appropriation implementing the authorization of that measure.

Mr. GILMAN. I appreciate knowing of the gentleman's support for this particular section of the bill, and I am further appreciative of his support and guidance in fashioning a measure I am introducing today that would reimburse Rockland County, N.Y., for all reasonable costs associated with the prosecution of the now infamous Brinks trial. As our colleagues may be aware, this trial has become one of the most expensive in history, costing millions of dollars. Because the State penalties are more stringent than the Federal, an agreement was reached between the Rockland County attorneys and the Justice Department that prosecution would be undertaken at the local level.

The expensive nature of this trial stems from the many security measures that have been undertaken to protect the local citizenry from possible retaliation by members of the Weather Underground, and from the several changes of venue that have already occurred. New York State law stipulates that all costs must be borne by the county where the crime occurred, yet Rockland County continues to owe millions of dollars to neighboring Orange and Westchester Counties. The legislation I am introducing today, with the support of Mr. FISH and the rest of the Westchester delegation, would authorize the necessary appropriations for the reimbursement of Rockland County.

Clearly there is a Federal interest in this matter, and a Federal responsibility to this pursuit of justice. By passage of emergency provisions of S. 53, as well as an appropriation by the Congress for the Justice Assistance Act, we can see to it that justice is served on two fronts, first, to the prosecution and incarceration of known terrorists, and second, to the people of Rockland County.

Mr. FISH. I thank the gentleman for his leadership on this issue. I and the other members representing Westchester County realize that in fairness, Rockland County should be reimbursed so that Westchester and Orange Counties will be paid. He can be certain that I support and endorse his fine measure and will work diligently with him to resolve this serious problem.

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. GILMAN. I would be pleased to yield to the gentleman from New Jersey, the distinguished chairman of the Crime Subcommittee.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for yielding.

I share the gentleman's concern about the lack of movement of the Justice Assistance Act of 1983. As my colleague well knows because he is one of the major supporters of the bill, we passed the Justice Assistance Act in the last Congress. We passed the Justice Assistance Act in this Congress and it has been sitting on the Senate side in the other body since May of last year.

If you ask any law enforcement agency around the country, their No. 1 priority, whether it be the National District Attorneys Association or the National Association of Attorney Generals, their No. 1 priority is the Justice Assistance Act, which as the gentleman well knows will provide money for all kinds of anticrime programs.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. HUGHES, and by unanimous consent, Mr. GILMAN was allowed to proceed for 2 additional minutes.)

Mr. HUGHES. Mr. Chairman, will the gentleman yield further?

Mr. GILMAN. I would be pleased to yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, it is interesting that we in the House of Representatives take a lot of flack these days because we have not passed crime legislation, which is just a lot of bunk. We have moved a number of measures. The President just signed the child pornography bill last week. We have about six other measures moving through the Congress; but I think more significantly, one of the most important anticrime measures, the Justice Assistance Act, has been sitting in the other body since May 1983 and we are still waiting for movement.

The reason we do not have the funds appropriated in this particular Justice and independent agencies appropriation is because the authorization has not been passed and it is because the other body has not acted on it.

I thank the gentleman for yielding.

☐ 1540

Mr. GILMAN. I thank the gentleman for his remarks and for his leadership and commitment to this important issue.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. OTTINGER. I would just like to congratulate the gentleman on his effort in this regard and to say while I represent Westchester County, I think it is grossly unfair for the tremendous expenses of this trial to be loaded entirely on the very small County of Rockland. I am glad to assist the gentleman in his effort and to get some relief in that respect.

Mr. GILMAN. I thank the gentleman for his supporting remarks and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 57, after line 3, insert the following new section:

SEC. 611. Notwithstanding any other provision of this Act, the President may reduce any appropriation in this Act by not more than ten percent.

POINT OF ORDER

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SMITH of Iowa. Mr. Chairman, it proposes to change existing law and constitutes legislation on an appropriation bill, and therefore it violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. WALKER) desire to be heard?

Mr. WALKER. Yes, Mr. Chairman.

Mr. Chairman, this is the same language that I offered yesterday which was debated in the House and which we did consider in the House.

It does provide a mini-line item veto for the President. This would end up reducing the amount of money in the bill by $1.1 billion.

But the gentleman from Iowa is correct that this does constitute a violation of rule XXI, clause 2, and I concede the point of order.

The CHAIRMAN. The point of order is conceded, and the Chair sustains the point of order.

The Clerk will read.

The Clerk completed the reading of the bill.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

If I could have the attention of the Members, I am going to move to rise in just a minute. I want the Members to be fully aware of what such a motion involves.

If the motion does not carry then the bill is open for all kinds of limitations. We might be here for a long, long time. So I am going to urge the Members to vote, as you did last year, for the motion to rise.

Mr. Chairman, with that, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROWN of California, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5712) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. I am, Mr. Speaker, in its present form.

The **SPEAKER**. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit H.R. 5712 to the Committee on Appropriations, with instructions to that committee to report the bill back to the House forthwith with the following amendment:

On page 57, after line 3, add the following new section:

SEC. . Except as otherwise provided in this section, each dollar amount contained in this Act is hereby reduced by 4 per centum. This section shall not apply to amounts on page 14 line 16, page 14 line 17, page 18 line 3, page 25 line 6, page 27 line 22, page 27 line 25, page 31 line 4, page 38 line 9, page 42 line 22, and page 35 line 5.

Mr. MILLER of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. MILLER of Ohio. Mr. Speaker, I have frequently offered amendments to appropriation bills to reduce spending.

This motion to recommit would reduce 4 percent of the discretionary funds. Mandatory spending would be exempt from the cut.

This recommittal motion would reduce the approximately $11,000,000,000 bill that we have before us by $438,653,000, 4 percent of discretionary spending. Here is an opportunity to reduce the deficit.

I do not intend to take the full 5 minutes. Most people are familiar with percentage cut amendments. This motion will require a 4-percent reduction on spending that is not mandatory; it is just that simple.

I would like a yes vote on the motion.

Mr. SMITH of Iowa. Mr. Speaker, I am opposed to the amendment and I point out what the gentleman from Ohio has said is true. But there are a great number of items in the bill that are not exempt from the 4-percent reduction, and I point out what some of them are. The Drug Enforcement Administration would be reduced by 4 percent. The FBI would be reduced by 4 percent. A number of you are very interested in the International Trade Administration and their trade adjustment assistance grants and have written to the committee about that. That would be reduced. The Federal Prison Systems and the Immigration Service, those would be reduced. A number of Members thought we ought to increase these items, and they would be reduced under this motion.

The sea grant program, Fisheries grants programs, the National Weather Service, Radio Free Europe, Radio Liberty, Radio Broadcasting to Cuba, they all would be reduced. If this last item were the only program affected, I would probably agree to it, but it is not. Then we have the State and local drug grants program and many other items that would be cut 4 percent.

I think the committee has done a reasonably good job, and I think we ought to go to conference with the bill as it is and work these things out in conference. So I am opposed to the motion to recommit, Mr. Speaker.

The **SPEAKER**. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The **SPEAKER**. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

☐ 1550

The yeas and nays were refused.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Pursuant to the provisions of clause 5, rule XV, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage. Members will record their votes by electronic device.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 208, nays 194, not voting 31, as follows:

[Roll No. 195]

YEAS—208

Albosta
Anderson
Andrews (NC)
Andrews (TX)
Applegate
Archer
Badham
Bartlett
Bateman
Bates
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Boner
Bosco
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chappie
Cheney
Coats
Coleman (MO)
Conable
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
Derrick
DeWine
Dickinson
Dreier
Duncan
Durbin
Edwards (AL)
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Fish
Flippo
Fowler
Franklin
Frenzel
Gekas
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Hartnett
Heftel
Hightower
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hutto
Hyde
Ireland
Jacobs
Johnson
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kemp
Kindness
Kleczka
Kramer
Lagomarsino
Latta
Leach
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McKernan
Michel
Miller (OH)
Molinari
Montgomery
Moody
Moore
Moorhead
Murphy
Myers
Neal
Nelson
Nichols
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Patman
Paul
Petri
Porter
Quillen
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland
Rudd
Russo
Schaefer
Schroeder
Schulze
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Weaver
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Young (MO)
Zschau

NAYS—194

Ackerman
Addabbo
Akaka
Alexander
Annunzio
Aspin
AuCoin
Barnes
Bedell
Beilenson
Berman
Bevill
Biaggi
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Boxer
Breaux
Brooks
Brown (CA)
Burton (CA)
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
de la Garza
Dellums
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gonzalez
Gray
Green
Guarini
Hall (IN)
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Holt
Horton
Howard
Hoyer
Hughes
Hunter
Jones (NC)
Kastenmeier
Kazen
Kennelly
Kildee
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Lundine
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Natcher
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roybal
Savage
Scheuer
Schneider
Schumer
Seiberling
Shannon
Sikorski
Sisisky
Skelton
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Torres
Torricelli
Towns

Traxler
Udall
Vento
Watkins
Waxman
Weiss
Wheat
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (AK)

NOT VOTING—31

Anthony
Barnard
Bryant
Clinger
Crockett
Dixon
Dymally
Edwards (OK)
English
Erdreich
Gibbons
Gramm
Hance
Hansen (ID)
Jeffords
Jenkins
Kogovsek
Kolter
Leath
Marlenee
Marriott
McCurdy
McKinney
Mollohan
Sabo
Sawyer
Sensenbrenner
Simon
Vander Jagt
Wilson
Young (FL)

□ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Vander Jagt for, with Mr. Dixon against.

Mr. Young of Florida for, with Mr. Crockett against.

Mr. JONES of Tennessee changed his vote from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. SMITH of Iowa. Mr. Speaker, acting under the instructions of the House and on behalf of the Committee on Appropriations, I report the bill back to the House with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 57, after line 3, add the following new section:

SEC. . Except as otherwise provided in this section, each dollar amount contained in this Act is hereby reduced by 4 per centum. This section shall not apply to amounts on page 14 line 16, page 14 line 17, page 18 line 3, page 25 line 6, page 27 line 22, page 27 line 25, page 31 line 4, page 38 line 9, page 42 line 22, and page 35 line 5.

□ 1610

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WEAVER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair reminds the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 303, nays 98, not voting 32, as follows:

[Roll No. 196]

YEAS—303

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
Badham
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Berman
Bethune
Bevill
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Clarke
Clay
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
Coyne
D'Amours
Daniel
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Donnelly
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gore
Gradison
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hightower
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Lundine
MacKay
Madigan
Markey
Marlenee
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Ortiz
Ottinger
Owens
Parris
Patman
Patterson
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Scheuer
Schroeder
Schulze
Schumer
Seiberling
Shannon
Shaw
Sikorski
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NAYS—98

Archer
AuCoin
Bartlett
Bereuter
Bilirakis
Brown (CO)
Broyhill
Burton (IN)
Cheney
Coats
Conable
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
DeWine
Dorgan
Dreier
Erlenborn
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gekas
Gingrich
Glickman
Gregg
Gunderson
Hansen (UT)
Hartnett
Hertel
Hiler
Hubbard
Hughes
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Martin (IL)
McCain
McCandless
McCollum
McEwen
Michel
Montgomery
Moorhead
Nielson
Obey
Olin
Oxley
Packard
Panetta
Pashayan
Paul
Penny
Quillen
Ritter
Roberts
Roemer
Schaefer
Schneider
Sharp
Shelby
Shumway
Shuster
Siljander
Skeen
Slattery
Smith, Denny
Smith, Robert
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Vandergriff
Vucanovich
Walker
Weaver
Weber
Whittaker
Winn
Wylie

NOT VOTING—32

Anthony
Barnard
Bryant
Clinger
Crockett
Dixon
Dymally
Edwards (OK)
English
Erdreich
Gaydos
Gibbons
Gramm
Hance
Hansen (ID)
Harkin
Jeffords
Jenkins
Kolter
Leath
Marriott
McCurdy
McKinney
Mollohan
Rodino
Sabo
Sawyer
Sensenbrenner
Simon
Vander Jagt
Wilson
Young (FL)

Mr. ROEMER changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5712, and that I be permitted to include tables, charts, and other extraneous materials.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORT ON H.R. 5753, LEGISLATIVE BRANCH APPROPRIATION BILL, 1985

Mr. FAZIO, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-811) on the bill

(H.R. 5753) making appropriations for the legislative branch for the fiscal year 1985, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. LEWIS of California reserved all points of order on the bill.

PERSONAL EXPLANATION

Mr. MINISH. Mr. Speaker, I was necessarily absent from Washington last night and therefore missed the votes on the Bedell and Nichols amendments regarding reform of the spare parts acquisition process. Had I been present, I would have voted "aye" on both of these initiatives.

As the chairman of the Subcommittee on General Oversight and Renegotiation, I have been involved for many years in investigating some of the contract procedures of the Department of Defense. My legislation to reinstate the Renegotiation Board would prevent defense contractors from receiving excess profits. My bill, like these amendments, would go a long way toward providing financial accountability to the public.

We have all been shocked by the stories of scandalous overpricing on simple parts or tools commonly purchased by the Pentagon. In March of this year, I arranged a private meeting with the well-known "whistle-blower," Ernest Fitzgerald. Mr. Fitzgerald lost his job for a period of time and was once precluded from testifying before a Senate panel investigating military costs, when it was known that he could expose abuses in the system.

I applaud my colleagues, Mr. Nichols and Mr. Bedell, for their fine efforts of promoting efficiency and economy in the defense procurement process.

Mr. Speaker, I ask unanimous consent that my statement pertaining to rollcall votes 189 and 190 appear in the permanent Record.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

A POINT OF PERSONAL PRIVILEGE

Mr. WALKER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, in this morning's Washington Times newspaper, an article appears which, if accurate, constitutes a personalized attack, calls into question possible associations this Member may have and, therefore, it seems to me is subject to a point of personal privilege.

I quote from the newspaper article:

> Mr. O'Neill, meanwhile, shrugged off the ads but launched his own attack on the conservative Republicans with whom he has become increasingly irritated.
>
> "I understand the young fellows, the regressives, the John Bircher types, absolutely insisted they run the ads on me," the speaker said.
>
> In making the statement, Mr. O'Neill specifically named Reps. Newt Gingrich, R-Ga., and Robert S. Walker, R-Pa., and said "they want to turn back the clock to the days when there were only the rich and the poor in America."
>
> He said the conservatives oppose him because he is "fighting for the middle man and the poor man."

The SPEAKER. May the Chair say I may have compared the gentleman's philosophy with those who belong to the Birch Society. I never said that the gentleman belonged to the Birch Society.

But nevertheless there is a point of personal privilege because of the fact that the newspaper printed an article. The point of personal privilege is against the newspaper.

The Chair recognizes the gentleman from Pennsylvania (Mr. Walker) for 1 hour.

Mr. WALKER. Mr. Speaker, I would hope that I would not have to take the entire hour. I, like other people, am hopeful that we can get out of here this evening, too.

But I think that the offense here is serious enough that it does demand the House's attention, and I would hope that Members would be as concerned as I am about the kind of language that I just stated.

□ 1620

Mr. Speaker, this incident yesterday is but one incident in a pattern that has developed that has become most disturbing to this Member. For one thing, the insinuations in the article that I quoted are absolutely wrong; they have no basis in fact.

Mr. Speaker, you said, and I quote: "That we absolutely insisted that the campaign committee run ads featuring you." I, for one, made no insistence whatsoever of the campaign committee; that is absolutely incorrect. You claim, which is your privilege, that we are regressives. I would suggest, Mr. Speaker, that there are many of us who think that the status quo in this body is unacceptable and want to change that status quo. I regard that as progress, not regressive.

The Speaker, has just referred to the fact that in the article he said that we were John Bircher types. I for one am familiar with the organization, but I have never had any association with it whatsoever. So that is absolutely wrong.

In other words, Mr. Speaker, the charges made in your press conference yesterday were just that: Absolutely wrong. It seems to me that that causes some real problems when that kind of name calling is engaged in. You also insist, Mr. Speaker, that we want to roll back the clock; that you are fighting for the middle man and the poor man. I submit, Mr. Speaker, that we believe we are fighting for those very same people. Our question is why not debate the differences in our philosophies? Why not debate our varying programs? Why not debate your adherence to a liberal welfare state concept versus our belief in a conservative opportunity society?

We think that middle America and low-income America are concerned about things like a balanced budget; are concerned about things like honest money; are concerned about the fact that their children fall prey to drug dealers, and are concerned because this House will not move crime-control bills. Are concerned about the fact that the President of the United States, while blamed for massive deficits, is not given a line-item veto by which he could control them.

Are concerned about the fact that this House, that this House cannot even have its own official document be an accurate representation of what goes on there. That one of the least things we ought to have is an accurate Congressional Record. That what we ought to have around here is an open process; that we ought to get rid of ghost voting in committees. That the proxy voting system ought to be abandoned. That we need to have major institutional reforms. We think of that not as rolling back the clock, Mr. Speaker, we think of that as rolling back legislative tyranny.

We think that middle America understands those issues, and we think that they deserve debate on this floor. We think that it is a crime that that kind of debate is not being engaged in.

Mr. Speaker, I would say to you that you are wrong on all counts. But, as I pointed out earlier, this is part of a pattern. Not long ago, another newspaper article appeared. I have headlines here in which the Speaker refers to some of us as the "Three Stooges." That is all fine; that is all good fun. But I would suggest that that is not what the Speaker of the House ought to be doing. That is not the way that the Speaker of the House ought to be engaged in running this particular institution.

I would also submit, Mr. Speaker, that you have been wrong in a number of instances where you have laid charges against other Members of this body. An Evans and Novak column showed conclusively that the statements that you made on the floor with regard to Congressman Gingrich were absolutely wrong. Those two columnists went back and researched the charges that you made, and they found that they were wrong. By the time they finished the article, when they went back and checked with the aides again, then the aides said: "Well, no, it was not really Gingrich, even though he was the one that was charged, it was WALKER that they were referring to."

Well, it seems to me that we have to get some stories straight here because you have been wrong, wrong on every count. Mr. Speaker, if you cannot bring yourself to personally apologize to those you have wronged, at least we should be able to have you see yourself clear, it seems to me, on behalf of your office, to apologize to this institution you serve, and that we all serve.

Name calling does not befit or benefit this institution. Wrongful accusations do not befit or benefit substantive debate in this institution. I believe we are raising legitimate and important issues in the only forums available to us within this body. I believe those issues should be debated and can be debated without resorting to calling names.

I stand here this afternoon in disappointment. Disappointment that a great political party, the Democratic Party, finds itself so unable to debate some key issues, that it attempts to cover its tracks by calling people names instead of debating those people.

My mother once told me that you could always tell when the bully on the block had been defeated, because he stops fighting and begins calling names.

I hope, I hope that a once-great party has not been reduced to that kind of a situation.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman from Pennsylvania for yielding, and I do not intend to take a long time either.

I think the gentleman makes a particularly important point, and I would just like to confine my remarks to one phrase that the Speaker used. There is a lot of what the Speaker said I do not think any of us would have any argument with in terms of propriety. Obviously we disagree with it, but in terms of propriety, there is nothing wrong with it.

I object particularly to the use of the phrase "John Bircher types." I ask my friends on the other side of the aisle how they would feel if we were to identify them as Communist types, or anything of that type. We would have an outcry from the liberal side of the aisle, from the Democratic side of the aisle, because we would identify you with an organization or a party to which you have no affiliation and which means a whole lot more than just that name.

In fact, the word that would probably come to people's minds would be the term "McCarthyism." If I can continue, the dictionary in the well of the House defines McCarthyism as follows: "The use of tactics involving personal attacks on individuals by means of widely publicized, indiscriminate allegations on a basis of unsubstantiated charges."

Now, it seems to me that that is a precise definition of what the Speaker engaged in when he referred to a bunch of us on this side of the aisle as "John Bircher types." I thank the gentleman for yielding.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. FRANK. Yes, I wanted to respond to the question of the gentleman from Minnesota. He asked how some of us on this side of the aisle would feel. I think some of us on this side of the aisle have felt for some time that some of the characterizations of radicalism and lack of concern for the security of the country are similar. There is a difference.

None of us on this side of the aisle have thought it appropriate to interrupt the business of the House to complain because their feelings were hurt. People have a right to be thinskinned. People have a right to be subcutaneous if they wish; it is in the first amendment. They have a right to take comfort in their maternal counsel when people have called them names.

But it does seem to me a bit much to interrupt the consideration of the business of the House because one political figure has called another adult political figure names. I would recommend to the gentleman this is a perfectly legitimate and robust kind of debate, but I must question the wisdom of interrupting the legislative business because someone has called someone else a name and has hurt his or her feelings.

If every elected official, every time someone said something that he or she found rude took an hour of the House's time potentially, or 15 or 20 minutes, and brought everything to a halt while we talked about it, we would get nothing done whatsoever. People might think that was occasionally preferable, but I would say, it seems to me an inappropriate forum because someone in a newspaper has called someone else a name.

The gentleman from Minnesota was quoted in the newspapers as having said some rude things about the Speaker. My own view is that the gentleman from Minnesota has a right under the Constitution to fill newspaper column after newspaper column with rudeness about the Speaker, and if the Speaker's feelings are hurt, he can write a letter to the editor.

□ 1630

But, guys, let us leave the House alone and do our business and not show what seems to me an excessive sensitivity to a rude word or two here on the floor of the House.

Mr. WALKER. I thank the gentleman and those applauding the gentleman for indicating that they feel as though the office of the Speaker is an appropriate place to use to launch into personal name-calling attacks. After all, it seems to me that the office of the Speaker is there to serve us all; that the office of the Speaker is not a partisan office. It is an office that is there to serve the whole House. But when the Speaker decides to engage in name calling, he is calling names on behalf of not only himself but on behalf of the institution.

Therefore, it seems to me totally appropriate that the institution might want to consider that as a part of our business and I take this time—as I say, I hope not to take all of the time—but I do take the time to raise some concerns about the fact that that is what we now have engaged in.

I am somewhat of a student of history, and I do not know very many times in that history when we have had the office of the Speakership used for this kind of personal, name-calling, systematic attacks. This was not just one incident, I would say to the gentleman. This is a series of incidents now going back over a week or two in which the Speaker's press conference is daily used for this kind of activity.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Massachusetts.

Mr. FRANK. First, I think that the gentleman is suffering from a confusion. He has described the Speaker of the House of Commons, not the Speaker of the U.S. House of Representatives. There are parliamentary bodies where the tradition is that the Speaker is a neutral figure. The Speaker of the U.S. House has never been historically, whether it was Henry Clay, or Thomas Reed, or Joseph Cannon, or John McCormack, or Sam Rayburn, or anybody on either side, a neutral figure. The Speaker is the policy leader of his or her party in the House.

So I would reject the gentleman's, I think, ahistorical characterization, but I would not ask that any of those former Speakers, on their behalf, take out points of personal privilege.

Mr. WALKER. The gentleman is certainly entitled to his characterization. I think that most of the American people, though, believe that the Speaker, as presiding officer of the House, should be a fair person, that he should have the institution at stake. I think that the question here is whether or not, when engaged in name-calling kinds of tactics, that the Speaker can indeed be the fair presiding officer that most of the American people would wish him to be.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I just want to respond, if I could, to my colleague from Massachusetts' comments.

First of all, because there is a qualitative difference between the remarks attributed to me and the remarks attributed to the Speaker. First of all, the remarks attributed to me were leaked out of a private conference. I do not think anybody argues that what you say in a private conference is your own business. I fully expect that there are worse things than that said about all Members in private conferences.

The point is, the Speaker made this comment at a public press conference for the record. He knew he was consciously saying something on the public record.

Second of all, there is quite a difference between using an adjective and ascribing to a Member the characteristics of a particular organization, in this case the John Birch Society. That is McCarthyism. If that had happened 30 years ago we would have called that McCarthyism.

Mr. FRANK. Mr. Speaker, will the gentleman yield so that I may respond? The gentleman will not yield, so I may not respond?

Mr. WALKER. I will be very glad to yield. I have been very good about yielding, and I will be very glad to yield to the gentleman from Massachusetts.

Mr. FRANK. Oh, thank you. I apologize.

I just want to say to the gentleman from Minnesota, I am a little bit surprised at what he appears to be saying, which is, assuming that the remarks were of equal offense, and let me say I think everybody ought to feel free to talk about everybody, I think it is a little bit unbecoming for Members of this body who are prepared to be critical of almost everybody else in the world to act as if there is somehow something shocking about us being critical of each other.

But the notion that it is better to make personal attacks privately in the caucus than it is to make them publicly seems to be a reversal. I think if people have criticisms to make, they are better off making them publicly and defending them than making them privately in a caucus. So I would think the gentleman has got it reversed.

Mr. WALKER. Again, I thank the gentleman for his characterization. I just would refer the gentleman to the rules of the House. Under rule I of clause 2, one of the duties of the Speaker is to preserve order and decorum. I would suggest that engaging in partisan name calling is hardly preserving the decorum of the House.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, the gentleman said he thought the American people viewed the responsibility of the Speaker as being fair and impartial as the presiding officer. I think that is right, and I think this Speaker has been fair and impartial as a presiding officer.

As a matter of fact, going back over the last decade it is absolutely rare, probably to the point of being able to count the times on one hand, where we have had an appeal from a ruling of the Chair, whether it is being occupied by the Speaker personally, or by someone acting in his behalf. This cannot be said of the other body or of most State legislatures.

The reason that has been true of the House is that Members on both sides, regardless of their philosophy or party, have learned to respect the rulings of this Speaker as fair and impartial to all Members. I think the gentleman misstates his complaint if he suggests that this presiding officer is unfair.

Mr. WALKER. I thank the gentleman for his defense of the Speaker, but I would suggest to the gentleman that this gentleman is simply raising the point that when the Speaker engages in name calling as part of his regular duties as Speaker, as part of the press conference that he holds as Speaker each day, that that is not fair, that that is not impartial, that that is not the kind of behavior that the American people think that the Speaker should be engaged in.

The gentleman can disagree with that, but I happen to think that a majority of Americans will not appreciate the fact that this Speaker has become unfair.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be very glad to yield to the gentleman from Minnesota.

Mr. WEBER. I would just say to my colleague from Washington, the fact that there have not been appeals of the rulings of the chair, I believe it is a lot more than a decade, I think it is over several speakerships, is indicative of the respect that all Members hold for the institution of the Speaker. The point that we are making is that an individual Speaker can conduct himself in a manner that damages that respect.

Mr. FOLEY. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I would be glad to yield to the gentleman from Washington.

Mr. FOLEY. The point I was trying to make, I will tell the gentleman, is that this Speaker as well as other Speakers in both parties, going back to the last generation or more, have had the confidence of the House in their rulings as presiding officers because they have been fair. They have had respect not simply because of the office they hold, but because the actual conduct of the Speaker, including THOMAS P. O'NEILL, JR., has been absolutely fair and impartial when he presides over the House or someone presides in his place.

The fact of the matter is that that is reflected in the respect that has been given to his rulings on both sides.

I only make this comment because it is one thing for the gentleman to suggest that some action of the Speaker off the floor and not presiding over the floor is something he wants to criticize; it is another thing to imply that there is unfairness, partiality or partisanship in the way this Speaker has conducted himself in this Chamber.

Mr. WALKER. I would say to the gentleman that the Speaker of the House is the Speaker of the House full time. He is the symbol of this body when he is on the floor and when he is off the floor. What he says and does as Speaker of the House reflects on us all, all of the time. I am suggesting that in what he is saying in his press conference is, in fact, a reflection of his opinion of at least some Members in this body. That is not, it seems to me, in the tradition of fairness that we have come to expect of the Speakers of the House with regard to elected Members of this institution.

That is the question that I raise here. Again, I would expect a member of the leadership of the Democratic side to come to the defense of their Speaker, but I do believe that there is a need to air what I regard as a serious problem.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Minnesota.

Mr. WEBER. I thank the gentleman for yielding.

What we have just heard from our colleague from Washington is a definition of fairness of the chair being that that Speaker's rulings are not appealed. Well, I will say to you on this side of the aisle we do not think that this Speaker has been fair. We do not think it is fair that legislation is bottled up in committee and not brought to the floor for votes, we do not think it is fair that constitutional amendments are scheduled for action on the Suspension Calendar, we do not think it is fair that we are not given proportional representation on any committees of the House of Representatives, and I could go on and on and on.

All the gentleman is telling me, though, is that none of that matters and that the only way you can demonstrate your feeling about the unfairness of the Speaker is by appealing his rulings. If that is what the gentleman is saying to us, then he is giving us instruction on what should be our future behavior.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentlewoman from Ohio.

Ms. OAKAR. I am, frankly, a little surprised that you raised the issue of McCarthyism. You three gentlemen have been, in my judgment, engaging in that every evening. You take the liberty of not only engaging in that kind of rhetoric, but mentioning names. What I was astounded at in one of your discourses is that you mentioned 35 different Members, I was one of them, and you are so ignorant of the truth that you got me mixed up, I think, with Congresswoman Schroeder, my good friend from Colorado, and you have never corrected the Record.

You indicated that I had an 18-year-old son who did not want to be drafted, or something like that. I do not have an 18-year-old son.

You are so ignorant of the truth and you try to dissuade the American public by your rhetoric in your attacks on the Speaker that, frankly, this Member is a little fed up with it. I think the American people are, too.

□ 1640

Mr. WALKER. The gentlewoman, of course, does make a point. There was an inaccurate reference to her, not to the statement that she made, but to the fact that she referred—but that she referred——

Mr. MYERS. Regular order, Mr. Speaker.

Mr. WALKER. I was just about to apologize to the gentlewoman, which is more than the Speaker has given me. I would say to the gentlewoman she is owed an apology. It was her nephew that she referred to in the speech and not her son. And, in fact, the statement was correct. But she is owed an apology. That statement was a misstatement on the Record and so I do apologize to the gentlewoman for that particular——

Ms. OAKAR. Will you yield?

Mr. WALKER. I was trying to apologize to you. If you want me to stop, I will be very glad to yield to the gentlewoman.

Ms. OAKAR. I gave a 1-minute speech about 3 weeks ago in which I mentioned that, and it is a little belated, your apology, and I am really surprised that you had not done so before this. But then I do not think you fellows are very interested in the truth. You want to only ruin people's reputations and that includes the Speaker, who is one of the fairest people in this Congress. You know it and we know it, and Members on your side would agree.

Mr. WALKER. Of course, the gentlewoman is entitled to her opinion.

The SPEAKER pro tempore. The Chair would like to have order.

Let the Chair remind the Members to confine their remarks to the issue of personal privilege which is the newspaper article which was brought up in the first place.

Mr. WALKER. I thank the Chair.

Mr. GINGRICH. Will the gentleman yield?

Mr. WALKER. I will be very glad to yield to the gentleman from Georgia.

Mr. GINGRICH. I talked with the gentlewoman and as she knows, I told her at the time I apologized. We called her and she and we talked on the floor, and she is correct. It was her nephew, not her son.

But let me——

Ms. OAKAR. If you will yield, you did not raise the issue with me. I raised it with you.

Mr. WALKER. Regular order, Mr. Speaker.

Ms. OAKAR. You never called me in my office.

Mr. WALKER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania controls the time.

Mr. WALKER. I thank the Speaker and I wish the Speaker might make certain of my control of the time. I have been very good, I think, about yielding to Members from the other side. I would hope that they would respect the decorum of the House.

Mr. GINGRICH. Will the gentleman yield further?

Mr. WALKER. I will be very glad to yield to the gentleman.

Mr. GINGRICH. You know, it does not surprise me that some Democrats get up and tell us how fair the Speaker is. I expect if we were all Democrats we might think he is fair, too.

It does surprise me that a number of you who are very concerned because we put in the Record, with the singular exception of mistaking a nephew for a son, for which we apologize, we put in the Record quotes that were yours. Now, the Speaker did not put in the Record quotes that were ours.

If any of you had been smeared, if anything comparable on the right had been done, calling you a Bircher, you would be really, really outraged, you would be really, really offended. You would not think it was fun and games. You would not be rollicking and applauding. You would be really upset.

Now let me just continue for 1 minute. We have been through a cycle in which the President has been called heartless. It has been said he has ice water in his veins. It has been said he ought to go back to California where his wife can be queen of Beverly Hills.

The distinguished majority leader managed to describe the President as a liar 10 times in a 1-minute speech.

The SPEAKER pro tempore. Let the Chair remind the participants in this debate to stick to the issue of the gentleman from Pennsylvania's personal privilege, which is not what the gentleman from Georgia was just debating.

Mr. GINGRICH. I apoligize. If I might continue for just one moment.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. Walker) controls the time.

Mr. WALKER. I will be very glad to continue to yield.

Mr. GINGRICH. I apologize.

But in setting the framework for today's comment all three of us, frankly, thought it was funny last week, the Speaker was legitimately characterizing us as the three stooges. It is his right to play political games like that. We expect a certain amount of partisan fun.

Let me tell you, you think about how you would feel if whatever the comparable slur on the right was were used directly by you, if our leader were to get up and describe you with the equivalent of being called a Bircher.

I would simply say that the evidence recently, and again I suggest all of you look at the evidence of the Novak column because they went and watched the videotape, and I would simply say that we have a legitimate grievance. This is obviously going to be a tough political year. We are obviously going to disagree very aggressively. We are willing to come to the floor after hours in terms of regular business so that we do not offend some who want to get on with the votes.

But I think at a minimum it ought to be direct and hard hitting, and this kind of distortion and smear I think is very, very unbecoming, not only of the House, but of the whole process.

Mr. HUNTER. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

You know we have a book here that we put out to thousands of people who visit the Capitol each year describing the duties of the Speaker that were laid out by Henry Clay in 1823. He said it was up to the Speaker to be prompt and inpartial in deciding questions of order, to display patience, good temper, and courtesy to every Member, and to make the best arrangement and distribution of the talent of the House.

I would suggest that the Speaker is right, that the issue is a statement that was made regarding Mr. Walker, and in fact, I think an apology is in order from the Speaker.

You know, the question was put during the last debate that touched on this issue as to whether the rules of the House applied to the Speaker of the House. In fact, they do apply. And even after the Speaker was ruled to have been out of order in regards to his statement, he has not apologized. He did not apologize to the gentleman from Georgia. He has not apologized to the gentleman from Pennsylvania.

That is the issue, and I think it is incumbent on the Speaker to come down here, to be the Speaker of the House, and to apologize to the gentleman from Pennsylvania.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Kansas.

Mr. GLICKMAN. I have been one of those Democrats that has come down here and spoken with Mr. Walker, and Mr. Gingrich, and Mr. Weber on substantive issues. But I must tell you there are very few times that I feel embarrassed at being a Member of this institution, and right now I feel embarrassed.

It is outrageous that we should be taking time, valuable and expensive time from the most important piece of legislation that we deal with every year, the Defense authorization bill, to deal with this subject that can be dealt with either on the outside or after the session is over. And I want the American people to know that I think that this time is being spent in a nonsensical way.

Mr. WALKER. I understand the gentleman's point, and I understand why the gentleman makes that point.

The gentleman, of course, has made the point over and over again that he does not think that many of the things we want to discuss should be discussed. And he has come and participated in the special order time. We appreciate that.

But I would say to the gentleman that he, of course, has not been wronged. And so someone who has been wronged might feel a little bit differently than the gentleman from Kansas.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am very glad to yield.

PARLIAMENTARY INQUIRY

Mr. FRANK. Mr. Speaker, I have a parliamentary inquiry.

The **SPEAKER** pro tempore. Will the gentleman from Pennsylvania (Mr. Walker) yield for the purpose of a parliamentary inquiry?

Mr. WALKER. I yield to the gentleman from Massachusetts. I thought he had a question or a statement.

Mr. FRANK. I have a parliamentary inquiry.

Mr. WALKER. I yield for a parliamentary inquiry.

The **SPEAKER** pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK. The parliamentary inquiry is dealing with the question of propriety. Is the term "crybaby" an appropriate phrase to be used in a debate in the House?

The **SPEAKER** pro tempore. The Chair would hope that the phrase would not be used.

Mr. FRANK. I thank the Speaker.

Mr. WALKER. I thank the gentleman and I am sure he was going to refer to the gentleman from Kansas (Mr. Glickman), so I am glad the Chair ruled the way he did.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be very glad to yield.

Mr. WEBER. I was just going to say that it is really unfortunate that at least part of the debate has been ridiculed. If we were to stand up here and say of our colleague from Massachusetts or anybody else you are a Communist Party type, that is the equivalent of what the Speaker said about us on the right, the John Birch type. You would not think that was very funny, and you would not be laughing about it.

It is unfortunate that that part of the discussion has been obscured. There are some things that ought to be out of the bounds of discussion, and I think that is one of them.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I think we need to get back to the subject again.

The subject is the fact that the Speaker has said something that is not in order about a Member of this House. He has not apologized. And the last time he made a statement about a Member of the House, instead of apologizing he said, "Actually, I was thinking much worse."

Now, if he is going to be the Seaker, he is subject to the rules, and must abide by the rules. And it is only appropriate that he come up here and apologize to the gentleman from Pennsylvania.

I thank the gentleman.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman.

Mr. McCLOSKEY. I agree with the basic idea that all of this is a waste of time and it is very unfortunate that this much time and energy is going into all of this.

But there is a lot of talk, a lot of public and political talk, particularly on the other side of the aisle about religion, religious values, civility. At some point those of us who are Christian believers, from time to time, have to answer for the sin of hypocrisy. And I would respectfully suggest that hypocrisy is lying on the other side of the aisle when people like Newt Gingrich get up every day, 5 days a week, repeating one speech after another, and say, "My friends on the left," you know, "my travelers, my fellow travelers with the Communists, those of us who do not care about freedom and security."

This is hypocrisy.

Mr. WALKER. I wish the gentleman could show us one place in the Record where Mr. Gingrich has said something like that. Of course the gentleman cannot, so the gentleman has just made a totally irreponsible statement, which was a waste of time of the House.

☐ 1650

My point of order, Mr. Speaker, is very simple: You were wrong in what you said, factually and institutionally.

Being wrong is not a crime; but it does demand an appropriate apology.

I yield back the balance of my time.

The **SPEAKER** pro tempore. The gentleman yields back the balance of his time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4785, OLDER AMERICANS ACT AMENDMENTS OF 1984

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-812) on the resolution (H. Res. 514) providing for the consideration of the bill (H.R. 4785) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3678, WATER RESOURCES, CONSERVATION, DEVELOPMENT, AND INFRASTRUCTURE IMPROVEMENT AND REHABILITATION ACT OF 1983

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 98-813) on the resolution (H. Res. 515) providing for the consideration of the bill (H.R. 3678) to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

The SPEAKER. Pursuant to House Resolution 494 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5167.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 30, 1984, title X was open for amendment at any point.

Are there further amendments to title X?

AMENDMENT OFFERED BY MR. HERTEL OF MICHIGAN

Mr. HERTEL of Michigan. I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HERTEL of Michigan: At the end of the bill add the following new section:

AUTHORITY OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE WITH RESPECT TO CERTAIN CONTRACTS

SEC. . Chapter 137 of title 10, United States Code, is amended by inserting after section 2312 the following new section:

"§ 2312a. Inspector General: authority with regard to contract payments

"(a) In the case of a contract of the Department of Defense with respect to which the Inspector General of the Department of Defense determines—

"(1) based upon audits of the Department of Defense, that there have been excessive charges to the United States by the contractor; and

"(2) that other remedies available to the United States by law and under the contract are insufficient to eliminate promptly waste, fraud, and abuse with respect to the contract;

the Inspector General may immediately suspend payments under the contract or revise the schedule for such payments in order to protect the interests of the United States.

"(b) The Secretary of Defense may, in the interest of national security, overrule any action of the Inspector General under subsection (a). Not later than 30 days after any action by the Secretary under this subsection, the Secretary shall submit a report to the Committees on Armed Services and Governmental Affairs of the Senate and the Committees on Armed Services and Government Operations of the House of Representatives describing the action of the Inspector General that is being overruled, the reason for the decision of the Secretary, and the actions being undertaken by the Secretary to eliminate waste, fraud, and abuse in connection with the contract concerned.".

(b) The table of sections at the beginning of such chapter in amended by inserting after the item relating to section 2312 the following new item:

"2312a. Inspector General: authority with regard to contract payments.".

Mr. HERTEL of Michigan (during the reading). I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HERTEL of Michigan. Mr. Chairman, my amendment authorizes the Inspector General of the Department of Defense to suspend or revise payment immediately where audit has determined there have been excessive charges and other legal or contractual remedies are insufficient to eliminate waste, fraud or abuse promptly.

At the present time, the DOD contracting officers who negotiated the contracts in which overcharges have been found are supposed to police or correct the overcharges. This is a genuine problem in the system. There are outrageous examples of contract overcharges being tipped off to investigations. Auditors have been threatened with grade reassignment and dismissal, and frequently reports have simply languished.

My amendment is based on H.R. 5256 and incorporates important revisions at the suggestion of the Inspector General. Furthermore, there is an additional safeguard: The Secretary of Defense may override the Inspector General's decision for national security reasons. However, the Secretary must report within 30 days to the House Committee on Armed Services and Government Operations and their Senate counterparts and must state the reason for that decision. Finally, the Secretary must explain the actions that are undertaken to eliminate waste, fraud, and abuse in connection with the contract concerned.

I think this amendment would be an important tool to control contract abuses, and I urge your support.

From 1981 to 1983, the backlog of unspent funding awaiting selection of a contractor rose by 79 percent from $24 to $43 billion. This creates management and budget problems which all of the proposed spare part legislation does not address.

Senior military officials have expressed concern over whether there are enough qualified people to "guarantee the best deal for the taxpayer." As the Inspector General's office pointed out, the system as it now exists has the contracting officer negotiating the original contract. "They have a stake in that contract. And the contract auditor, who is the most likely person to report fraud in effect works for and 'advises' the contracting officer. And he—the contract officer—is free to accept or reject the advice he is getting from the contract officer." That contract auditor is required by regulation to report that item to his higher regional headquarters, "but there is no requirement to report it to the Inspector General or the Secretary of Defense."

The Inspector General reports:

Officials in some regional offices have tipped off Pentagon employees and others at contractor plants that they are under investigation. In two cases, the resident auditor at one plant was ordered by his superiors to tell the Pentagon employees of his critical report and detail his allegations before the supervisors would forward it for a criminal investigation.

Indications that some auditors are threatened with reassignment, reduction grade or dismissal on the basis of reports that are too critical of weapons contractors.

Regional DCAA supervisors often sit on cases of alleged corruption uncovered by auditors working in weapons plants. A sampling of investigative reports showed that regional bureaucrats delayed for up to a year one of every four cases where auditors proposed a probe by Department of Defense criminal investigators or the FBI.

In a case involving $7.2 million in misallocated costs, the Chicago regional office killed an auditor's request for an FBI investigation on grounds the Justice Department would not bother with the case.

Despite Defense Department regulations requiring contractors to open their books to qualified auditors, there were at least three instances last year in which Pentagon auditors were denied full access to contractor records. But rather than stopping payments to the contractor until the audits were completed, local auditors were attempting to resolve the often lengthy delays through negotiations.

□ 1700

Mr. NICHOLS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Michigan. This amendment would authorize the Inspector General of the Department of Defense to suspend payments, or revise the schedule of payments, on contracts of the Department of Defense, if audits disclosed excessive charges by the contractor, and other remedies are insufficient to eliminate waste, fraud, and abuse.

I oppose the amendment for two reasons: (1) It would give the Department of Defense Inspector General a power not possessed by his counterparts in any of the other executive departments, and (2) it would place the Department of Defense Inspector General in the area of responsibility of the contracting officer.

The Inspector General Act of 1978, Public Law 95-452, established the position of Inspector General in 12 executive branch activities. The purpose in establishing the Inspector General was to conduct and supervise audits; to promote economy, efficiently and effectiveness; to prevent and detect fraud and abuse; and to keep the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of programs and operations. The Inspectors General was not vested with any program or operational responsibilities.

Two years ago the act which established an Inspector General for the Department of Defense specified his duties and responsibilities to initiate and conduct audits and investigations; to investigate fraud, waste and abuse; to evaluate program performance; to evaluate the adherence of Department auditors to internal audit, central audit, and internal review principles and policies. In essence, his responsibility is to audit, investigate, and report on the programs and operations of the Department. He has no responsibility for conducting programs and operations of the Department.

The amendment would dilute the effectiveness of the Inspector General by bringing him into an area in which it was never intended that he should be involved. He would no longer be an independent evaluator and appraiser of DOD activities.

The contracting officer is the individual responsible for the interpretation and application of the contract terms and conditions. It is he who is responsible for the proper execution of the contract. When he learns of improper or illegal activities of the contractor, it is his responsibility to take action. If he fails to take action to correct deficiencies, he is subject to disciplinary action by his superiors in the contract administration organization.

Mr. Chairman, this amendment is similar to a bill, H.R. 5256, introduced by the gentleman from Michigan, on which our subcommittee held hearings. The bill differed in that it would also authorize the Inspector General to unilaterally reform contracts to protect the interest of the United States. The Deputy Inspector General for the Department of Defense testified at our hearings. He said the Inspector General did not favor the bill, nor did he feel that it was necessary to give him any additional statutory authority. He testified:

> The Government already has a large number of administrative remedies available that have impacts very similar to H.R. 5256. We do not feel that we need this additional authority at this point in time. When we find a fraudulent situation, a situation of obvious gross mispricing on a contract, we would then be in a position to go to the appropriate contracting officials and recommend that they take the proper remedies to rectify the situation.

The Assistant Deputy Under Secretary of Defense for Acquisition Management also testified in opposition to the bill. He testified that the Department already has authority to stop a contract, to delay progress payments, to terminate a contract, and to suspend or bar a contractor. He said:

> We have no problem with promulgating regulations where we identify perceived or real abuses, and to prescribe administrative remedies. But to place that in the hands of a third party who would be acting unilaterally, who does not directly interface with the contractor, where there is no opportunity to resolve it through negotiation or the adjudication process that is provided for by the contract terms and conditions is really, in my opinion, to bestow on an organization authority that is not even found in the courts today, to preemptorily make a unilateral determination as to one's guilt or innocence.

Those statements of the responsible Department of Defense officials clearly demonstrate why this amendment should be defeated. The responsibility of the Inspector General is audit and investigation. Contract supervision is the responsibility of the contracting officer. The present division of those responsibilities should be maintained. The combination of auditing and contractor responsibilities proposed by the amendment is going to confuse the contracting process and possibly discourage suppliers from dealing with the Government.

Mr. Chairman, the expanded authority for the Inspector General proposed by this amendment is unwise, unneeded and unwanted. For all these reasons, I urge the Members to vote to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HERTEL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN: At the end of the bill and the following new section:

IMPLEMENTATION OF LAW TO ESTABLISH INDEPENDENT DIRECTOR OF OPERATIONAL TEST AND EVALUATION

SEC. . None of the funds appropriated for the activities of the Director of Operational Test and Evaluation of the Department of Defense pursuant to the authorization of appropriations in section 201 may be obligated or expended until—

(1) the President has nominated an individual to be Director of Operational Test and Evaluation of the Department of Defense; and

(2) the Secretary of Defense has established within the Department the organizational structure for the Office of the Director of Operational Test and Evaluation, as provided for under section 136a of title 10, United States Code.

Mr. WYDEN. Mr. Chairman, I want to thank the chairman and the ranking minority Member for their courtesy in assisting in the development of this amendment.

Mr. Chairman, I am offering this amendment on behalf of the gentleman from New Jersey (Mr. COURTER) and myself.

The Office of Test and Evaluation was mandated in last year's authorization act which took effect in October 1983. The Department of Defense has yet to implement the provisions of this important legislation.

The establishment of this independent office was mandated to review weapons tests before deciding whether to invest in a system. This office could substantially cut the cost of weapons by finding mistakes before production begins and rooting out faulty and flawed weapons. This office would review, rather than conduct, the tests and produce independent reports.

In the past, the operational testing of weapons and other hardware has been conducted by their manufacturers in conjunction with the particular armed service interested in the weapon. This conflict of interest creates a costly and dangerous situation. If the particular weapon system is faulty, it leaves a hefty bill for the taxpayer and poses a clear danger for the troops that rely upon this hardware.

As we stare down a huge deficit, we must strive to spend every penny as wisely as possible. Proper testing and evaluation of multimillion dollar tanks, airplanes, and large weapons systems, is mandatory, cost effective, and just plain smart.

This bipartisan amendment requires that certain basic steps be implemented to make functional the Office of Operational Test and Evaluation established pursuant to section 136(A) of title 10 of the United States Code. No funds may be obligated or expended until the President has nominated an individual to be the Director; and the Secretary of Defense has established within the Department the organizational structure for the Office of the Director of Operational Test and Evaluation.

This simple amendment will insure that weapons and hardware purchased by the Department of Defense are in tip-top condition and are a cost-effective investment.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the Chairman.

Mr. PRICE. I thank the gentleman for yielding.

We have had an opportunity to study the gentleman's amendment and there is no reason why we could not acept it.

Mr. WYDEN. I thank the distinguished chairman.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I congratulate the gentleman for this initiative.

As the gentleman pointed out the legislation was passed by this Congress about September of last year. The office, we think, should have been operational by January/February of this year 1984. It is not yet operational.

It is my understanding that the President of the United States just recently, in the past 4 or 5 days, submitted an appointment, a Director of the Office of Operational Testing, which appointment, of course, has to go through the full hearing process, FBI clearances, and, of course, confirmation by the Senate.

But it is the thrust of the amendment to keep the Pentagon's feet to the fire, let them recognize and know that we were very serious when we set up the Office of Operational Testing. It was our feeling last year that one of the major problems was the fact that weapons systems were not adequately, realistically tested under battlefield conditions, that there was either weather simulation problems or sometimes the people who performed the test were overtrained or enemy countermeasures were not realistically simulated.

Therefore, we wanted to set the office up as quickly as possible. It is incumbent, I think, upon the Pentagon and the Department of Defense to actually start the office as quickly as possible and make sure that we have a person on board who will help write the charter.

□ 1710

Thus starting next fiscal year, we can have operational testing with direct reports on the adequacy of the testing being sent to the Congress so we have an overview of the entire process.

I support the amendment. It is a modest one. I congratulate the gentleman from Oregon for introducing it.

Mr. WYDEN. I thank the gentleman. It has been a pleasure to work with him. I also want to thank the ranking minority member.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. Wyden).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Aspin: At the end of the bill add the following new section:

SEA-LAUNCHED CRUISE MISSILES

Sec. . (a) The Secretary of Defense may not provide for the deployment of any cruise missile designed to carry a nuclear warhead and to be launched from a naval vessel or for the assembly of nuclear warheads onto such a cruise missile until—

(1) the President submits to Congress a report describing a method—

(a) by which it is possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed or by which it is possible to verify a limitation on the number of cruise missiles armed with nuclear warheads and deployed on naval vessels; and

(b) which the Joint Chiefs of Staff and the Director of Central Intelligence have certified in writing is a high-confidence method as applied by the United States to cruise missiles of another nation and is an acceptable method for use when applied by another nation to cruise missiles of the United States; and

(2) Congress specifically authorizes such deployment or assembly in legislation enacted after such a report is received by Congress.

(b) Nothing in this section affects the authority to carry out deployment of conventionally armed sea-launched cruise missiles.

Mr. ASPIN. Mr. Chairman, the amendment that I am offering here is the amendment which is known as the Bedell amendment.

I yield to the gentleman from Iowa (Mr. Bedell).

Mr. DICKINSON. Mr. Chairman, will the gentleman yield to me for an inquiry before he yields to the gentleman from Iowa?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we have a number of amendments at the desk. We were very hopeful that we might be able to conclude all deliberation on this bill this evening. I was wondering if the gentleman could give us some idea as to how much debate might be required on this so that we can come to some reasonable limitation of debate on this one. Would half an hour be reasonable? I am asking the gentleman from Iowa (Mr. Bedell).

Mr. BEDELL. Mr. Chairman, if the gentleman will yield, I would prefer that we not limit debate until we find out. There is, apparently, an amendment to my amendment, and I would feel somewhat uncomfortable until we knew what was happening in regard to the amendment.

Mr. DICKINSON. These things have a way of breeding as we go along.

Mr. CHAIRMAN. I thank the gentleman.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Iowa (Mr. Bedell).

Mr. BEDELL. I thank the gentleman for yielding.

Before I do discuss this amendment, I would like to mention those who are joining in this effort. They are Mr. Gore, Mr. Aspin, Mr. Leach of Iowa, Mr. Dicks, Mr. AuCoin, Mr. Downey of New York, Mr. Stark, Mr. Pritchard, Mr. Frank, Ms. Snowe, and Mr. Edwards of California. I thank all of those people for their involvement in this very, very important issue.

Mr. Chairman, I have a statement which I had certainly proposed to read, but in order to try to save time I will simply summarize as much as I can the issue herein.

The issue, pure and simple, is that if we move forward with nuclear arms, sea-launched cruise missiles, it is very difficult to distinguish between nuclear arms sea-launched cruise missiles and conventionally armed sea-launch cruise missiles. Therefore, what this amendment says, in essence, is that before the President will move forward with such nuclear-armed Tomahawk land attack missiles that he will first of all certify to the Congress that he has a method of verification so that we will not in effect destroy all opportunity in the future for moving forward with some types of arms control

Many of us have serious concerns if we are to move into an area which would be a tremendous deterrent toward some type of arms control, and I believe this is a simple amendment which addresses that issue. I thank those who have been involved with me.

Mr. Chairman, we have discussed several important arms control issues in the course of our debate on this bill. Indeed, last week we approved an amendment offered by Mr. Brown of California that should serve to prevent an arms race in space. I consider our amendment to be equally important to the purposes of arms control, as well as the long-term national security interests of the United States.

The purpose of the amendment is straightforward. In the absence of a strict verification regime on the deployment of nuclear-armed sea-launched cruise missiles, future arms control agreements could become nonverifiable. In this regard, the amendment endeavors to establish such a regime by prohibiting the Secretary of Defense from providing the $240 million requested for the procurement of 75 nuclear-armed sea-launched cruise missiles until such time that the President submits a report to Congress describing the method through which it is possible to determine whether a sea-launched cruise missile is conventionally or nuclear armed or by which it is possible to establish an upper limit on the number of such missiles that are nuclear armed. The amendment goes on to specify that both the Joint Chiefs of Staff and the Director of the Central Intelligence Agency certify in writing a high degree of confidence in this verification regime. Further, the amendment in no way restricts Navy procurement of conventionally armed sea-launched cruise missile systems. Finally, it should be noted that once such a regime is established the Navy would be at liberty to begin procurement of nuclear-armed versions of this weapons systems.

The importance of this amendment cannot and should not be discounted. In my view, cruise missiles are not necessarily destabilizing weapons systems. They are, after all, subsonic in speed and retain practically no first-strike potential. Nevertheless, in terms of verification, sea-launched cruise missiles are an arms controller's nightmare because of the inherent design similarities between the nuclear-armed and conventional versions of this weapons system.

The Navy Department has informed this Congress of its intention in the years ahead to deploy some 7,000 to 8,000 launch tubes for a variety of weapons on a variety of ships. These tubes will be capable of firing both nuclear and conventional loads. Under such conditions it is entirely possible that the Soviet Union would demand that every one of these ships be counted as a MIRV'ed nuclear weapons launcher. We, of course, would never accept such a demand which in my view, will result in similar Soviet deployments. Would such an occurrence be in the best national security interests of our Nation? I think not and a brief glance at a world map bears me out. Our sea-launched cruise missiles will be limited in their abilities to hit Soviet targets by the simple fact that the Soviet Union is a landlocked country. On the other hand, most of our cities, industrial centers and indeed, as much as 75 percent of our population would be targetable by Soviet sea-launched cruise missiles. I see little value in our being instrument to the creation of a situation in which every Soviet ship lying off of our Nation's shores is a potential Cuban missile crisis.

Mr. Chairman, our reported purposes in deploying nuclear-armed sea-launched cruise missiles are to enhance the national strategic deterrent and the Navy's war-fighting capability. I question those goals. First, we already retain sufficient nuclear forces to withstand a Soviet attack and still remain able to destroy the Soviet Union as a functioning society. Indeed, we each possess the capability to destroy the world. Why then do we need additional overkill capacity. Second, in my mind, the deployment of nuclear-armed sea-launched cruise missiles by the United States complicates rather than enhances the Navy's war-fighting capability. The missions of all of our naval combatants will have to be redefined. Will our attack submarines be held in reserve in the event of hostilities between the United States and the Soviet Union, or will they perform their primary mission—to hunt and destroy enemy shipping? Will our surface combatants be used to protect the fleet and provide support for the Marines or will they be perceived of as strategic missile launchers. Further, we must consider in what manner our allies, our adversaries and other nations of the world community will view this deployment. I see two possible outcomes. First, a solidification of the growing perception that we have no intention to negotiate a serious arms control treaty regime. Second, that we are endeavoring to acquire a possible limited nuclear war-fighting capacity for use in regions of the world that we believe to be vital to our national security interests.

Mr. Chairman, the issue here is not one of unilateral disarmament. The issue here is the long-term national security interests of the United States. This amendment does not preclude the eventual deployment of nuclear-armed sea-launched cruise missiles by the United States. However, it does require that before that deployment can take place a strict regime on the verification of those systems be established. Any such regime must meet both the military and political requirements for verifiability. The military requirement is that the limits be sufficiently verifiable to enable the United States to detect militarily significant clandestine deployments. This can be accomplished through counting rules such as those that were developed and applied to nuclear-armed air-launched cruise missiles in the SALT II Treaty agreement and through vigilant monitoring using presently available national technical means. Although cruise missiles are easier to conceal than ballistic missile systems, they are no more so than other weapons systems—antiaircraft missiles, tanks, and so forth—that we presently count with a great deal of precision. The political requirements represents the national will to accomplish this task. We did this in the case of nuclear-armed air-launched cruise missiles. Why should we do any less in the case of the sea-launched version of this system. This amendment improves the climate for future arms control efforts and enhances the national security interests of the United States. I urge my colleagues to join with those of us who are sponsoring this effort in support of its passage.

[Arms Control and Foreign Policy Caucus]

FACTSHEET—NUCLEAR ARMED SEA-LAUNCHED CRUISE MISSILES: AN OVERLOOKED WEAPON WITH UNDERESTIMATED IMPLICATIONS

INTRODUCTION

The continuing controversy surrounding big-ticket weapons systems such as the MX has obscured the importance of the cruise missile, which many consider the technological innovation that will most affect offensive military firepower in the 1980's. Current Administration plans call for the procurement of 4,000 cruise missiles over the next decade, about 800 of which will be armed with a 200 kiloton nuclear warhead—some 14 times as powerful as the bomb which destroyed Hiroshima. The inconspicuous arrival of these nuclear-armed SLCMs has met with little public resistance to date, though many believe that their deployment encourages adoption of destabilizing nuclear warfighting strategies, has little real military value, and threatens future prospects for verifiable arms control agreements.

Given the Administration's opposition to a moratorium on the deployment of nuclear-armed SLCMs, and to their inclusion in arms control proposals, Congressional action would be needed to halt the impending deployment of these weapons and allow an opportunity for the negotiation of a mutual and verifiable ban.

Of the $670 million requested this year for the entire Tomahawk SLCM program, $255 million is for the procurement of nuclear SLCMs. The remainder is for procurement of conventional SLCMs.

Senators Mathias and Durenberger have introduced a resolution calling for a mutual and verifiable moratorium on the deployment of nuclear-armed SLCMs, along with bilateral negotiations aimed at eliminating these weapons from U.S. and Soviet arsenals. They have also indicated their intention to offer an amendment based on this resolution to the DOD Authorization Bill.

In the House, Representatives Bedell and Leach have introduced an indentical resolution, and will be offering an amendment on nuclear armed SLCMs during consideration of the defense bill. This amendment is likely to fence funding for nuclear SLCM assembly or deployment until the Administration settles upon a method of distinguishing conventional from nuclear versions for treaty verification purposes.

This Fact Sheet explains the background of these weapons; describes both the conventional and nuclear variations; recounts past Senate concerns and Congressional action on SLCMs; and summarizes the arguments for and against their deployment.

BACKGROUND

Cruise missiles—essentially small, unmanned jet aircraft armed with either conventional or nuclear warheads—have been part of U.S. and Soviet arsenals throughout the postwar period.

The Soviets placed greater emphasis on cruise missile systems at first, due to a lack of carrier-based aircraft capable of attacking U.S. warships, but throughout the '60's and '70's, the range of their weapons remained short, and their accuracy fairly poor.

Early U.S. cruise missiles were large, unreliable, and notoriously inaccurate until the early '70's. At that time, a combination of political calculations and technological innovations converged to heighten U.S. interest in cruise missiles—a desire for "bargaining chips" for use in arms control negotiations, a need to appease critics of both SALT I and SALT II by showing our willingness to pursue new technologies not covered by the treaties, and a fascination with the military potential and relatively low cost of the cruise missile. Ironically, each of the military services originally opposed development of this new weapon.

The services opposed cruise missiles for a variety of specific reasons, the common thread of which was fear that the cruise missile would threaten and/or compete for scarce funds and weapons systems they preferred. The Air Force was concerned that development of a long-range air-launched cruise missile (ALCM) would undermine its rationale for a new manned penetrating bomber (the B-1); the Navy feared that SLCMs would compete with big aircraft carriers, since they could be placed on any ship and be used against targets at sea or on land; and the Army worried that ground-launched cruise missiles (GLCMs) would compete with artillery on the battlefield and with the other services' existing "tactical" and "strategic" weaponry, thus draining resources from desired improvements in conventional forces.

In spite of the reservations of the military, Defense Secretary Melvin Laird, Secretary of State Henry Kissinger, and, later, Defense Secretary Harold Brown all found the cruise missile option attractive, for the reasons cited briefly above.

Between 1970 and 1980, under the stewardship of these men, the cruise missile program moved from the drawing board to engineering development to actual flight-testing, while remaining largely outside the purview of ongoing arms control negotiations. As work on the new missiles progressed, interest in the military potential of cruise systems and protecting the growing U.S. lead in the field overcame original political desires to use the cruise missile as a bargaining chip. In fact, during SALT II the U.S. resisted Soviet efforts to ban deployment of long-range nuclear-armed cruise missiles. While it accepted inclusion of ALCMs into the overall SALT II ceilings, it resisted attempts to prevent the deployment of new GLCMs and SLCMs, finally agreeing to a 3-year ban on deployment that would not interfere with research and development efforts or alter the Pentagon's timetable for cruise missile deployment.

The Reagan Administration, while continuing informally to abide by the unratified SALT II Treaty, considers the limitations on GLCMs and SLCMs to have lapsed—since they are contained in a Protocol to the Treaty that was set to expire in December 1981. It began deploying GLCMs in Europe last fall. The Administration opposes including SLCMs in its START position, and plans to begin deploying these missiles in June of this year.

DESCRIPTION AND ANALYSIS

The "Tomahawk" Sea-Launched Cruise Missile Program is made up of three parts: the Tomahawk Anti-Ship Missile (TASM), the Tomahawk Conventional Land-Attack Missile (TLAM-C), and the Tomahawk Nuclear Land-Attack Missile (TLAM-N).

Of a total program budget of some $13 billion (in '77 dollars, the year the program began), two-thirds is reserved for the procurement of conventionally armed SLCMs (some 2600 "land-attack" missiles and 600 "anti-ship" missiles), while $1.8 billion is reserved for the nuclear-tipped version (about 800 nuclear land-attack missiles.) An additional classified account is earmarked for R&D on an advanced "Stealth" SLCM which will eventually serve as a follow-on to the Tomahawk. While the conventional missiles are less controversial, a description of all three components of the Tomahawk program follows:

(A) The conventional anti-ship missile (TASM)

The TASM is a conventional missile which would be used to destroy enemy navies and keep open the sea lanes in time of war. With a range of about 300 miles and a 900-pound high-explosive conventional warhead, the TASM could potentially threaten any surface ship within an area of 200,000 square miles of U.S. fleets, and prevent the movement of enemy ships through channels less than 500 miles wide. Similar anti-ship cruise missiles have been used since 1967, when an Egyptian patrol boat used a Soviet made SLCM to sink the Israeli destroyer Elath. TASM supporters hope that procurement of these missiles will provide U.S. surface warship with similar capabilities, which previously have been limited to carriers and their bomb-laden aircraft.

The total program acquisition cost of the TASM is currently estimated at $1.9 billion. To date, about $900 million has been spent, to procure 286 TASMs, The FY85 request is for about $245 million, to procure 75 TASMs.

(B) The conventional land-attack missile (TLAM-C)

Like the TASM, the TLAM-C is a conventional missile deployed on ships; unlike TASM, the TLAM-C is for use against land-based targets such as airfields, communications centers or industrial complexes. Already deployed on the Battleship New Jersey, it seeks to give ships the ability to project power ashore, at distances which would previously have required carrier-based aircraft.

The TLAM-C has a range of some 700 miles, and an accuracy approaching 30 feet. While it would be suited for use against the Soviet Union, whose sophisticated air defense system makes manned bomber attacks very costly, it would also be adaptable for use in the Third World. For example, the conventional Tomahawk could easily have been used against Syrian anti-aircraft sites in Lebanon last year, rather than using A-6 planes—which resulted in the lost life of one U.S. pilot and the capture of Lt. Robert Goodman.

While the TLAM-C has been troubled by difficulties in its flight-testing program and design changes, current plans call for deployment of the TLAM-C to resume in late 1985.

The total program acquisition costs for the missile are estimated at 6.7 billion. Only $165 million of that has been spent to date. $101 million in procurement funding, for 30 conventional missiles, has been requested for FY85.

(C) The nuclear land-attack missile (TLAM-N)

The TLAM-N, the sole nuclear-tipped SLCM, is by far the most controversial of the various SLCMs, due to its potential for use in multiple situations, ranging from a limited nuclear conflict to a prolonged nuclear war (see below, p. 12, for arguments for and against its development.)

The TLAM-N was developed to provide the Navy with both a limited nuclear war-fighting capability and a "strategic reserve" that would add additional survivable warheads to the U.S. arsenal by dispersing U.S. nuclear capabilities to a much wider range of naval vessels—thus complicating Soviet naval targeting strategies.

It has a range of 1,500 miles, and can carry a 200 kiloton nuclear warhead to within 100-300 feet of its target—which is roughly comparable to the high accuracy of the planned Trident II (D-5) SLBM. Unlike the Trident II, however, the nuclear Tomahawk travels at a slow subsonic speed of about 550 miles per hour, making it poorly suited for use against targets such as ICBM silos or command and control bunkers which would have to be destroyed quickly in a "counterforce" strike. For this reason, it is more likely that the nuclear Tomahawk would be used either in a more "limited" nuclear war against Soviet land targets such as military bases, or in a follow-up strike against targets which survived an initial U.S. nuclear attack.

Deployment of the TLAM-N is scheduled to begin in June of this year.

Total program acquisition costs for the nuclear Tomahawk are estimated at $1.8 billion (excluding a classified amount for nuclear warheads.) Only $288 million has been spent to date. For FY85, $240 million has been requested, to procure 75 nuclear SLCMs.

SUMMARY CHART: FUNDING FOR SLCM PROCUREMENT [1]

	Estimated procurement to date		Fiscal year 1985 request		Estimated total	
	Amount (millions)	Number	Amount (millions)	Number	Amount (billions)	Number
TASM	$491	140	$245	75	$1.9	593
TLAM-C	165	44	101	30	6.7	2,643
TLAM-N	288	108	240	75	1.8	793

[1] Figures do not include $2.1 billion in R&D and Military construction that cannot be broken down by variant, or DOE costs for nuclear warheads, which are classified.

CONTRACTOR INFORMATION

About three-quarters of the contracts for the Tomahawk program are split among the following five contractors:

Convair Division, General Dynamics (San Diego, CA).—System manager and prime contractor, responsible for assembly of the guidance system and airframe, as well as torpedo tube cannisters, weapons control systems, and launchers. To date, it has received contracts totaling $1.6 billion.

McDonnell Douglas (St. Louis, MO).—Second source for airframe assembly, also responsible for guidance system components and guidance system assembly, weapons control systems. To date, it has received contracts totaling $950 million.

William International (Walled Lake, MI, and Ogden, UT).—Construction of Tomahawk engine. To date, it has received contracts totaling $719 million.

Vitro Labs (Silver Spring, MD).—Command and control systems. To date, it has received contracts totaling $173 million.

Lockheed Corporation (Sunnyvale, CA to 1983; now Austin, TX).—Command and control systems. To date, it has received contracts totaling $90 million.

The remaining quarter of Tomahawk contracts—all for much smaller amounts—have been split among the following companies:

Atlantic Research Corporation (Alexandria, VA).—Boosters for launching the SLCM.

United Technologies-Chemical Systems Division (Sunnyvale, CA).—Second source for SLCM booster.

Texas Instruments (Dallas, TX).—Sole source for guidance system "seeker".

Litton G&C (Woodland Hills, CA).—Guidance system components.

Litton System Limited (Toronto, Canada).—Guidance system components.

Honeywell (Minneapolis, MN).—Guidance system components.

IBM (Oswego, NY).—Guidance system components for TASM.

Teledyne (Toledo, OH).—Second source for Tomahawk engines.

Westinghouse (Sunnyvale, CA).—Capsules and containers for Tomahawk.

Unidynamics (St. Louis, MO).—Armored box launchers.

SOVIET CRUISE MISSILE CAPABILITY

As noted, the Soviets began developing their cruise missile capabilities in the late 1940's—and through the '50's and the '60's had air, ground and sea-launched cruise missiles with nuclear warheads—though of a fairly primitive nature and designed for use against sea- rather than land-based targets.

In 1981, the Soviets began flight-testing a new and more capable SLCM—this one a land-attack missile. Known as the SS-NX-21, this new nuclear-capable SLCM is very similar to our Tomahawk: like ours, it carries a 200 kiloton nuclear warhead; has a range of about 1,500 miles; has about the same speed; and can be fired from regular torpedo tubes. However, neither its estimated accuracy (about 600 feet as opposed to 100-300 feet) nor its guidance system is believed to be as sophisticated as the Tomahawk's.

The missile has already been test-fired from a Soviet submarine, and is expected to be deployed sometime this year.

Recent DOD reports indicate that the Soviets have also begun developing a second new nuclear SLCM, which they are now preparing to test at sea. This new missile, which is physically much larger than the SS-NX-21, has a greater range and may be capable of reaching supersonic speeds, is expected to be deployed "within the next three years" on a new Soviet submarine.

In describing the mission of these SLCMs, Navy Intelligence Chief Adm. Butts recently testified:

"Though the jury is still out on precisely what role the Soviets intend for these new missiles, the primary application for the SS-NX-21 will probably be for theater strikes. The other new missile, however, likely is intended to cover targets such as major industrial centers, key military facilities, and vital C^3 sites in the U.S. Deployment of these long-range, land-attack missiles aboard submarines off our coasts could well be one of the analagous measures the Soviet leadership has been promising in response to NATO's INF modernization initiatives."

CONGRESSIONAL ACTION TO DATE

While Congress has generally supported cruise missile development, last year the nuclear-armed SLCM was challenged in the Senate and was sustained by only a narrow margin. The challenge to this missile is likely to grow this year—before it is deployed and while there is still time to avert a nuclear arms race at sea. The debate has attracted not only traditional arms control advocates, but also others such as Senators Domenici, Nunn and Simpson who strongly endorse the deployment of conventional SLCMs but question the military utility of nuclear SLCMs. Increasingly, the debate has been joined by those who believe that any "limited" nuclear war is unfightable and unwinnable, and who challenge the nuclear SLCM as a prime symbol of a nuclear warfighting weapon.

As early as 1976, Congress, while ordering DOD to accelerate work on the conventional SLCM, reduced R&D funding for the nuclear version, and demanded a clarification of its rather ambiguous mission. Throughout the late '70's, the Senate Armed Services Committee took the lead in criticizing the nuclear Tomahawk, while the House Armed Services usually restored its funding. Recently, both House and Senate Appropriations Committees have shown a willingness to reduce funding for the nuclear Tomahawk, cutting procurement funds by nine percent last year.

As recently as last July, the Senate Armed Services Committee cut the request by 50 percent: while it saw some merit in stationing nuclear SLCMs on submarines "as a secure strategic reserve force," it expressed concern that "the Navy has not clearly formulated and articulated its strategic planning concept of operations for TLAM-Ns which it plans to station aboard surface ships." Although the conference version restored the funds, it requested a report on the "Navy's Tactical Nuclear War at Sea Doctrine," which was belatedly submitted this past January 30—some two months after its statutory due date, and in a classified form.

Last year's challenge on the Senate Floor to the nuclear Tomahawk was led by Senator Mathias, who urged that nuclear SLCMs be included in the START negotiations, and that pending their negotiation, a moratorium on their deployment be declared. The vote on Senator Tower's motion to table the Mathias Amendment was suprisingly close, and showed surprising bipartisan support for a limitation on nuclear SLCMs (for vote breakdown, see next page.)

Two months later, when Senator Mathias offered a similar amendment in the Foreign Relations Committee, it was rejected by an even narrower margin (for vote breakdown, see next page.)

SENATE VOTE: MOTION TO TABLE MATHIAS AMENDMENT LIMITING DEPLOYMENT OF NUCLEAR SLCMS

Yeas: 47

Abdnor, Baker, Baucus, Bentsen, Byrd, Cochran, Cohen, D'Amato, DeConcini, Denton, Dixon, Dole, East, Exon, Garn, Glenn, and Gorton.

Grassley, Hatch, Hecht, Heflin, Helms, Jackson, Jepsen, Johnston, Kasten, Stennis, Stevens, Thurmond, Tower, Trible, Wallop, Warner, and Wilson.

Noes: 40

Biden, Bingaman, Boschwitz, Bradley, Burdick, Chafee, Chiles, Danforth, Dodd, Domenici, Durenberger, Ford, and Hart.

Hatfield, Hawkins, Heinz, Huddleston, Inouye, Kassebaum, Lautenberg, Leahy, Levin, Mathias, Matsunaga, Melcher, and Metzenbaum.

Moynihan, Nunn, Pell, Pressler, Proxmire, Pryor, Riegle, Sarbanes, Sasser, Simpson, Specter, Stafford, Tsongas, and Weicker.

Not voting: 13

Andrews, Armstrong, Boren, Bumpers, Cranston, Eagleton, Goldwater, Hollings, Humphrey, Kennedy, Percy, Symms, and Zorinsky.

SENATE FOREIGN RELATIONS COMMITTEE VOTE: MATHIAS SLCM AMENDMENT TO ARMS CONTROL RESOLUTION, SEPTEMBER 20, 1983

Yeas: 7

Biden, Cranston, Mathias, Pell, Pressler, Sarbanes, and Tsongas.

Nays: 10

Baker, Boschwitz, Dodd, Glenn, Helms, Kassenbaum, Lugar, Murkowski, Percy, and Zorinsky.

ARGUMENTS FOR AND AGAINST: THE CASE FOR THE NUCLEAR SLCM

In the debate over deployment of the nuclear Tomahawk, supporters of the weapon have argued that acquisition of a nuclear-armed SLCM is a low-cost and highly effective way of enhancing deterrence, by upgrading our Navy's ability to attack Soviet targets on shore and by providing us with an additional "strategic reserve." Deployment of these weapons on ships, they assert, vastly upgrades the Navy's ability to deter Soviet attacks by threatening retaliation. They also argue that the nuclear Tomahawk is not inherently destabilizing because its slow speed prevents it from being perceived as a first-strike weapon. Major arguments for the nuclear SLCM can be categorized as follows:

(a) Increased flexibility and effectiveness

Supporters of the nuclear Tomahawk encourage its deployment primarily to improve the flexibility and effectiveness of the Navy in projecting power ashore. With the deployment of the nuclear Tomahawk, they note, the Navy will move from a fleet centered on 14 nuclear-capable aircraft carriers to a fleet with potentially over 140 nuclear strike platforms. This force will be able to threaten areas of the Soviet Union not now targetable by naval forces—and thus will stretch their air defenses beyond their capabilities. The new SLCM force will also provide flexibility, supporters contend, in Third World areas facing a Soviet threat: in the Persian Gulf, for instance, SLCM supporters assert we should have the flexibility to respond to a Soviet incursion with forces more effective than our present conventional weapons and troops, but less provocative or destructive than a strategic nuclear strike.

(b) Improved survivability

Supporters of the nuclear Tomahawk further argue that its deployment would greatly increase the survivability of the U.S. naval deterrent, by dispersing our fleet's nuclear capabilities beyond aircraft carriers to cruisers, destroyers and battleships which previously had no nuclear strike capability. By deploying these missiles, they argue, we disperse our nuclear retaliatory threat so widely that any Soviet attempt to attack our sea-based deterrent would be virtually doomed.

(c) Strategic reserve

Proponents also argue that nuclear-armed SLCMs, especially when deployed on submarines, will serve as an additional secure strategic reserve, providing a credible and survivable nuclear arsenal that could be used in a limited nuclear conflict against targets of naval interest (such as ports or naval airbases) or in a strike against military of industrial targets, in Eastern Europe, the Soviet Union, or elsewhere.

(d) Low cost

Supporters of the nuclear SLCMs point out that they are the least expensive nuclear deterrent we have ever developed. They assert that the $3 million/missile pricetag for the Tomahawk program is virtually nothing to pay for a weapon that secures our second strike capability and augments our strategic reserve—especially when compared to other strategic programs such as the MX, which will cost over $70 million/missile.

(e) Soviet SLCM threat

Finally, supporters of the nuclear Tomahawk argue that the impending Soviet deployment of new nuclear SLCMs (the SS-NX-21 and a yet undesignated follow-on missile) makes it essential for the U.S. to move ahead with our own nuclear SLCM program.

While the Soviets have admittedly long had nuclear SLCMs, their new missiles pose a much greater threat to the U.S. than any previously deployed. The greater range, speed and accuracy of the new SLCMs makes these weapons particularly threatening to the United States—since they allow the Soviet Navy to target vital tactical and strategic assets at a safe "stand-off" distance from our coasts. To deter the Soviets from ever using these weapons, proponents assert, the U.S. must be able to pose a similar threat to the Soviet Union: if the Soviets know that any use of their nuclear SLCMs will provoke a U.S. response in kind, they will have few incentives to initiate such an exchange.

While proponents concede that it might have been preferable if both sides had chosen not to deploy these new weapons, they note that the Soviets—and not the U.S.—"started" the SLCM race, and assert it is now too late to put the nuclear SLCM genie back in the bottle. They hold that the pace of Soviet SLCM development indicates a clear commitment to exploiting the potential of cruise missile technologies, and claim it would be naive to expect that a unilateral U.S. halt of the nuclear Tomahawk program would lead the Russians to abandon their programs.

THE CASE AGAINST THE NUCLEAR SLCM

Opposition to nuclear SLCMs has so far been driven by questions over the arms control implications of their deployment, and by doubts over the weapons' actual military utility. Underlying these arguments, but to date little emphasized, is a more fundamental concern—that deployment of this weapon represents a major step away from mutual deterrence, and a major step toward the adoption of highly destabilizing "warfighting" and "first-strike" strategies.

(a) First strike capability

Opponents of nuclear SLCMs argue that perhaps the most dangerous implication of the new weapon is a little discussed one: that, by existing SLBMs from their present second-strike retaliatory mission, and make them available to become a first-strike force against "hard" Soviet military targets.

Opponents note that as SLBMs (such as the Trident II's D-5) become more accurate, the Soviets will view SLCM developments as part of a larger U.S. attempt to attain a counterforce capability, and will thus be encouraged to accelerate their efforts for similar capabilities—resulting, in the long run, in decreased security for both sides.

(b) Limited nuclear war fighting weapon

Critics of the nuclear Tomahawk question the necessity of deploying the missile to fight a "tactical" nuclear war at sea. They argue that the U.S. does not need additional warheads to threaten targets of "naval interest" such as ports or naval airbases, and assert that it is far from certain that a tactical nuclear war could be kept limited for long—since it involves attacks on Soviet territory that would be difficult to distinguish from "strategic" strikes, and would inevitably result in substantial damage to Soviet society. Deploying nuclear SLCMs in support of a warfighting strategy, critics hold, will only further contribute to the mistaken belief that a nuclear war can be controlled or won, when in actuality, any use of nuclear weapons is much more likely to result in a massive and mutually devastating exchange.

(c) Arms control: Verification problems

Critics also emphasize that the nuclear SLCM seriously threatens future prospects for verifiable arms control agreements. Noting that the nuclear Tomahawk is externally indistinguishable from the conventional version of the missile, these critics assert that their presence cannot be easily detected through the usual "national technical means" of verification.

If national technical means are insufficient, critics believe, any limits on nuclear SLCMs would end up having to rely on intrusive on-site warhead inspections—which would probably be unacceptable to either side, and may not even be fully effective—or on "counting rules" which treat each SLCM carrier as a nuclear weapons platform. (Such rules, by assuming that each carrier holds the maximum number of SLCMs, would greatly inflate the number permitted in any agreement.)

While SLCM opponents concede that any SLCM negotiations will be complex, they assert that a total ban on SLCM deployment will in the end be far easier to verify than some future numerical ceiling. Even if such a ban would probably have to provide for at least some cooperative measures for verification, such as limited on-site inspection or the emplacement of "black boxes" to detect nuclear radiation, arms control advocates believe that a deployment ban, under which the deployment of even one nuclear SLCM would be a treaty violation, will be verifiable.

(d) Military utility

The actual military utility of the nuclear SLCM has been called into doubt by some critics, especially Senator Durenberger, who suspect that the missile will never be able to perform its warfighting mission, and who argue against the desirability of transforming the entire U.S. fleet into a strategic target.

These critics point out that while the proliferation of nuclear weapons at sea may indeed complicate Soviet planning, it will also greatly increase Soviet incentives to target the entire Navy for immediate destruction in any future conflict—accelerating Soviet anti-submarine and anti-ship warfare efforts and thereby reducing the survivability of our warships.

(e) Response to Soviet capabilities

Opponents of the nuclear Tomahawk question whether Soviet SLCM development justifies U.S. development.

They point out, first, that the Soviet threat is far from new: the Russians have had nuclear armed anti-ship SLCMs since the '50's, and nuclear land-attack SLCMs since the '60's—none of which concerned our strategic planners, in large part because the U.S. had, and has, carrier-based nuclear-capable aircraft available to deter the use of Soviet SLCMs.

While opponents concede that the new Soviet SLCMs have greatly improved, with increased range, accuracy and speed, they assert that their deployment—far from providing a rationale for the nuclear Tomahawk—shows the need for arms control covering this type of weapon.

Finally, they argue that the U.S.—even with technologically superior SLCMs—would ultimately be the loser of a SLCM arms race, in large part because the U.S., unlike the Soviet Union, has its major targets (its capitol, important industrial centers and key military installations) near its coastline and within range of a SLCM. In this sense, they hold, the U.S.—and not the U.S.S.R.—is the most vulnerable to SLCMs, and should therefore lead the fight for a ban on deployment.

(f) Heightens nuclear tensions

Some opponents of nuclear SLCMs, who believe nonetheless in a strong and visible Navy, fear that the potential deployment of nuclear SLCMs on any ship of the U.S. Navy will ultimately undercut the use of the U.S. Navy to "show the flag" abroad, and could transform all naval shows of force into exercise in "nuclear saber-rattling."

These critics point out that there are many instances in which the U.S. wants to use the Navy to support diplomatic objectives, but in which a signal of nuclear capacity might be provocative. For example, had the Battleship New Jersey—when deployed off Lebanon—been armed with the nuclear SLCMs it is eventually slated to receive, its presence there might have been viewed as further escalating our involvement there. It also might have offered an attractive target to the factional rivals in the region, who would have gained immediate recognition if they had attacked a strategic nuclear platform. By blurring the distinctions between nuclear and conventional naval power, critics fear, a SLCM-armed U.S. Navy could become handicapped in new ways.

(g) Complicates relations with allies

Finally, critics note that nuclear SLCMs could complicate U.S.-Allied relations in some delicate negotiations relating to both Naval visits and homeporting arrangements. Some of our Allies, it is noted, have legal prohibitions on the stationing of nuclear weapons on their territory. Even more of our Allies have public constituencies which respond to the visits of nuclear-capable Navy vessels with large protests and anti-American demonstrations (already a coalition of citizens organizations in Japan has rallied against Tomahawk deployment.) If every U.S. warship becomes a potential nuclear weapons platform, opponents fear, future visits to "friendly" ports will become much more complex and contentious issues.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, I would just like to compliment the gentleman from Iowa for this effort and also not take any great length of time to stress that this is perhaps the single most important amendment related to arms control that this body will be considering at this time. The fact of the matter is that if we go willy-nilly down the path of authorizing nuclear tipped sea launched cruise missiles in the way we currently are, verification of many future arms control agreements will become next to impossible.

So what we are dealing with is the issue of verification, and in dealing with it it is absolutely important that this Congress understand what is happening. I personally would like to compliment again the gentleman for his initiative.

Mr. ASPIN. I thank the gentleman.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment is on its surface perhaps a very modest amendment; namely, that we will not permit the deployment of the sea-launched cruise missile (SLCM) unless and until it is possible to determine the difference between one armed with a nuclear warhead and one armed with a conventional warhead. I am not sure whether the author of the amendment has determined exactly how that distinction might be made, whether he would suggest that perhaps on the outside of the submarine there would be a listing of exactly how many nukes were on board and how many nonnukes were on board; but that would hardly appear to be an appropriate way to proceed. And, in fact, as soon as this amendment was offered, the Vice Chief of Naval Operations got in touch with me and said that there was absolutely no way in which this distinction could be made.

The cruise missile in question, the Tomahawk, is the item which is at issue here. And the Tomahawk, as far as the basic configuration is concerned, is precisely the same, regardless of what the warhead is. And we are not going to paint the outside of our submarines, and we are not going to paint the outside of the Tomahawk batteries that the Armed Services Committee saw on board the *New Jersey* when we visited Beirut. The 5-inch gun that was one of the standbys in the armament of naval ships in World War II, including battleships, of which the *New Jersey* was, of course one, already have that Tomahawk missile as their basic armament, replacing the 5-inch gun.

So what this is going to mean, if the amendment is adopted, is that we are going to unilaterally give up one more part of our deterrent nuclear arsenal, particularly at sea.

The 16-inch guns of the *New Jersey* are ferocious instruments, but we found out in Beirut that, while they made a lot of noise, they did not do a great deal of damage and did very little in terms of military damage. But the basic SLCM developed by the Navy, after a long try and a good deal of research and development, the Tomahawk missile, is the weapon that is more likely to be effective in sea combat, either ship to ship or ship to shore. If the purpose is to give up the Navy, if we want to put it back into mothballs, that is one good way to do it.

The Secretary of Defense has also been concerned about this amendment. He says that no one should be under any illusion that such an approach will advance our national security interest although that apparently is the illusion held by the gentleman from Iowa (Mr. BEDELL) and the other gentleman from Iowa (Mr. LEACH), who further supports this amendment.

□ 1720

"We have no reason to expect" Secretary Weinberger goes on in a letter to Chairman PRICE, "that there will be unilateral restraint of this kind reciprocated by the Soviet Union. Instead, we can only assume by way of response that the Soviet Union will maintain its current, substantial arsenal of nuclear submarine-launched cruise missiles."

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

(By unanimous consent, Mr. STRATTON was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. I thank my colleagues because this is a very important issue, and I do not think that anybody wants to feel that his vote has diarmed the United States. The fact is, the Soviet Union does have sea-launched cruise missiles. And they are nuclear missiles; they have had them for a long time. If you have been following the papers, you may have noticed that the Defense Minister of the Soviet Union Comrade Ustinov, has boasted about the presence of additional missile submarines that have been brought in off the Atlantic shore to try to frighten us in return for our successful deployment of the Pershing II.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. GORE. The gentleman says that the Soviet Union has sea-launched cruise missiles that are nuclear tipped, which is quite true. But it is also true that they do not have any long-range sea-launched cruise missiles. They do not have any land attack sea-launched cruise missiles. They do not have any sea-launched cruise missiles with terminal guidance against land targets. What they do have are older systems, very large, with easily recognizable launchers, and with a range of approximately 500 kilometers or less.

What we are talking about with the TLAM/N or the nuclear-armed Tomahawk, is a very different category of system. One that is comparable to the oncoming Soviet SS-NX-21, which is scheduled to be deployed by them sometime in the fall. Is that all essentially accurate?

Mr. STRATTON. I have not been able to examine the Soviet arsenal personally on site with regard to exactly what they carry on their submarines, and I do not believe that gentleman from Tennessee has had that opportunity either.

Unfortunately our leaders have consistently taken the position over the years that the Soviets were not nearly as good in accuracy in their missiles. We have been assuming that they were way behind us. This is one of the reasons that Secretary Brown went ahead with the MX in the Carter administration because he found out that a study made by the Armed Services Committee that our whole Minuteman nuclear force was vulnerable to a first-strike attack by the Soviet Union because the accuracy that Mr. Brown had assumed turned out to have been about 2 years off the mark. The Soviets were much more accurate in their missiles, it turned out.

I do not believe the gentleman's statements are correct. If the gentleman got this from the Center for Defense Information, which has always opposed everything the Pentagon has wanted to field, I would not rely too much on those statistics.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. GORE. I appreciate the gentleman's courtesy.

I think the gentleman knows that I have tried to be very diligent on these matters and not use any biased information. The gentleman has had access to the same classified briefings that I have heard. But just looking at the unclassified data, the authoritative Jane's fighting systems, which the gentleman is very familiar with, that unclassified data is not contradicted by anything that the gentleman has heard in classified sessions, and what it states is that the Soviet Union has some older sea-launched cruise missiles that have a range of under 500 kilometers, but they do not have a single operational land attack sea-launched cruise missile, nor do they have one with the terminal guidance of the kind that we are talking about with the Tomahawk.

Mr. STRATTON. Well, I would not expect the Defense Minister of the Soviet Union to consider it a threat to the United States if the submarines he has stationed off of the gentleman's district in the Atlantic Ocean, were unless they were clearly capable of launching their missiles on land. The gentleman concedes that they have got a nuclear warhead, it makes absolutely no sense to suggest they do not represent a threat to U.S. land areas.

The information that the gentleman has gotten, I am sure, is outdated. For us to risk our defense and our security and the capability of our Navy on such statistics would be most unfortunate indeed.

Mr. BENNETT. Mr. Chairman, I rise in opposition to this amendment. Ships and particularly submarines, are uniquely suitable platforms on which to deploy deterrent weapons systems. The mobility of a ship platform gives a missile based at sea high survivability. Over the past three decades, the

House has recognized that capability and supported the Polaris, Poseidon, and the Trident ballistic missile systems deployed in submarines.

The amendment would permanently prohibit the deployment of nuclear-tipped cruise missiles on submarines and surface ships of the U.S. Navy. In so doing, it would unilaterally deprive the United States of an effective and survivable sea-based cruise missile deterrent. The amendment would do this notwithstanding the fact that the Soviets have had nuclear-tipped cruise missiles deployed on ships for a number of years.

Mr. Chairman, some may suggest that deployment of cruise missiles at sea by the United States is a new step in an escalating arms race. That is not the case. I would point out that the United States had nuclear-tipped cruise missiles deployed on Navy vessels in the 1950's.

The missile was called the Regulus missile and it carried a nuclear warhead considerably larger than that that would be carried by the Tomahawk missile the amendment seeks to stop. The Regulus system was retired in favor of the Polaris system in the 1960's.

In a "Dear Colleague" dated May 16, 1983, signed by Mr. Bedell and others, it was argued that "SLCM's are an arms control nightmare because of the inherent design similarities between the conventionally and nuclear-armed versions of SLCM's. As a result of these similarities, the Soviets could demand that every SLCM be counted as nuclear for the purposes of verifying any future arms control agreement. For this reason, we wonder whether nuclear-armed SLCM's make any sense at all for us to deploy."

This argument totally ignores the extensive Soviet deployment of both nuclear and conventionally equipped cruise missiles.

This hardly seems to be an argument against U.S. deployment of SLCM's.

Mr. Chairman, the Bedell amendment should be defeated. It would unilaterally restrict the United States from deploying an effective and modern sea-based cruise missile system. At the same time it would do nothing to limit further Soviet deployments of sea-based cruise missiles and would do nothing to reduce existing Soviet deployments of SLCM's.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman.

Mr. BEDELL. Mr. Chairman, the gentleman made the statement that this amendment would permanently prohibit the installation of Tomahawk land attack cruise missiles.

The amendment which the gentleman has offered simply requires that there by a method of verification, or by which it is possible to verify a limitation on the number of cruise armed with nuclear warheads and deployed on naval vessels.

We have done that with the air-launched cruise missiles by simply limiting the number and putting them only on a certain number of B-52's.

Mr. BENNETT. Well, I am getting copy of the amendment now, but I would not have said what I said if I had not concluded that you had said that.

□ 1730

It seems to mean that you are stopping all the deployment.

Mr. BEDELL. No. It simply means that the President has to submit to the Congress a method by which they can be verified.

Mr. BENNETT. That is not what it says, as I read it. You may imagine that, but that is not what the language of the amendment says to me. The language of the amendment says you stop all deployment, and that it would take another act of Congress to do anything about it.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, what I cannot understand is that we are requiring verification. Verification from whom? They are ours. We know what they consist of. So who are we going to verify and who are we going to be responsible to?

Mr. BENNETT. There is no chance to verify theirs.

Mr. KAZEN. If the gentleman will yield further, they are ours; why should we verify what we already know?

Mr. COURTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would yield to the gentleman from Iowa (Mr. Bedell) if he would like me to under my 5 minutes.

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, the point I wanted to make is that if we are concerned about verification, and if we are concerned about arms control, the fact is that in the MX missile proposals, where we were going to run them around on race tracks, a great deal of effort was made in order to make it possible for them to be verified as to what was there.

That is all we are asking in this amendment; that we do something so that we have an opportunity for verification so there can be some type of arms control in the future.

Mr. COURTER. I understand the gentleman's thrust.

Mr. Chairman, I rise in opposition, to the amendment for a number of reasons, and I believe there are a couple of misstatements as to the Soviet Union's capabilities in this area.

The Soviet Union, ever since the early 1960's, has been deploying cruise missiles. They have approximately seven in their arsenal now, of which all save one have nuclear capabilities. Two of the cruise missiles that they have already deployed do have land-attack capabilities. The statement was made that they are crude; that they do not have much range. But I think it is important to note that the Soviet Union is developing four new sea-launched cruise missiles with a range of approximately 3,000 kilometers, that is 1,860 miles, which is significantly longer than the operational range of the Tomahawk missile.

In addition thereto, it seems to me it is important to point out a number of other things as well. It was by design that the cruise missiles that we are deploying in the United States, the Tomahawk cruise missiles, be indistinguishable between those that carry nuclear warheads and those that carry conventional warheads.

To at this late date come forward and say we should not be deploying cruise missiles until we can somehow change their shape, go back to the drawing board, waste hundreds of millions of dollars, seems to be the height of folly. I do not see any reason as to why we should change the policy that we set in motion a number of years ago when we made them indistinguishable.

If this amendment passed we would not be able to deploy any of the land-attack Tomahawk cruise missiles that have nuclear capabilities, but at the very same time we would not be able to deploy conventional cruise missiles, Tomahawk, antiship missiles, which have a range of approximately 250 miles because the amendment says we cannot deploy any of them until we can verify that we can distinguish them.

Mr. BEDELL. Mr. Chairman, will the gentleman yield? He has made a misstatement.

Mr. COURTER. In a minute I will; in fact, I yielded in the very beginning. I will be happy to yield when I finish my statement.

The amendment says that we cannot deploy any of the Tomahawk missiles until we can distinguish between those that have conventional capabilities and nuclear capabilities. Since obviously that is a condition that is impossible to fulfill at the present time, by the creation of the similarity between the two types, what we are unilaterally doing, without requesting any type of delay or curtailment or termination by the Soviet Union in their cruise missile program, is terminating not only those cruise missiles that have nuclear capability, but also the conventional capability.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I will be happy to yield to the gentleman from Iowa.

Mr. BEDELL. I am sure the gentleman wants to explain the amendment properly.

Mr. COURTER. I am trying to do that.

Mr. BEDELL. Let me read the amendment.

> Nothing in this section affects the authority to carry out deployment of conventionally armed sea-launched Cruise missiles.

That is part of the amendment. We cannot say it any straighter than that. This has to do with the nuclear-armed cruise missiles.

Mr. COURTER. The gentleman is wrong, because the overriding statement in his amendment is the fact that we cannot deploy Tomahawk missiles until we can distinguish the difference between the two types. They are indistinguishable.

Mr. BEDELL. No; it does not.

If the gentleman will yield further, I am sure the gentleman wants people to understand what the amendment says. It reads as follows:

> The Secretary of Defense may not provide for the deployment of any cruise missile designed to carry a nuclear warhead.

That is what this affects, and it says further:

> Nothing in this section affects the authority for deployment of conventionally armed sea-launched cruise missiles.

It is just as clear as anything could be in the amendment.

Mr. COURTER. Because, the Tomahawk land-attack cruise missiles that have conventional and nuclear capability, indistinguishable, it is impossible to comply with the amendment that the gentleman is introducing.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 5 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield to me?

Mr. COURTER. I would be happy to yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has missed the amendment because it is very artfully drawn. It is designed specifically to confuse the Soviet Union. It says:

> The Secretary of Defense may not provide for the deployment of any cruise missile designed to carry a nuclear warhead and to be launched from a naval vessel—Et cetera, et cetera.

We know that these are designed for either conventional or nuclear, so the beginning of the amendment, the first thing that hits you, says that we may not provide for the deployment of any cruise missile designed to carry a nuclear warhead. But if you go all the way through and you get to the bottom, it says:

> Nothing in this section affects the authority to carry out deployment of conventionally armed sea-launched cruise missiles.

So if you are confused, just imagine how the Russians are, who do not read English very well.

Let me ask the gentleman a question, if I may. What are we getting for this?

Mr. COURTER. Nothing.

Mr. HYDE. As I have followed the travail of this bill through the House, I see we have given away the MX, except that if they will just come back and talk to us they might let us build 15, by hand I suppose, because of the economics of the thing. We have given away unilaterally our capability to have a modern chemical warfare. Our antisatellite capability is shot down. We did not even get a case of vodka for that. What are we going to get for this now?

Mr. COURTER. I think the gentleman's point is right on target. In some of the other amendments that were offered, the ASAT amendment, the MX amendment, we did not get much, but we attempted to, in a small degree, moderate Soviet behavior. In this particular amendment we are not even asking for them to moderate their behavior. This is a totally unilateral, one-sided imposition of the termination of a strategic program.

Mr. HYDE. If the gentleman will yield further, you get the feeling that there are some people so enamored of arms control negotiations, in and of themselves, that if the Russians walk away we will negotiate with ourselves. The Russians are winning. They are doing terrific, are they not? We got rid of about four weapons systems and they are back in Moscow.

I suspect there may be a hidden agenda here. We get them laughing so much that they cannot possibly operate their tanks and we pounce on them. Do you suspect that is the hidden agenda?

Mr. COURTER. I am not sure whether that is the hidden agenda, but they may do so.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I would be happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, it jumps out at anybody reading the amendment that actually we are going to do something under this amendment which would motivate the U.S.S.R. to conceal and to hide their cruise missiles to a much greater degree than they presently do because we cannot deploy or provide for deployment until the President submits to Congress a report describing a method by which it is possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed, and it goes on to say that the Joint Chiefs have to certify in writing that we have obtained a high-competence method as applied by the United States for cruise missiles of another nation. In other words, if we do not come up with a method while the Soviets continue to build and to deploy, if we do not come up with a method whereby we can figure out whether or not their missiles are nuclear armed or conventionally armed, then we cannot deploy.

□ 1740

So, it is to the Soviets' interest to confuse us as much as possible. It is to the Soviets' interest, to, in fact, hide and camouflage their cruise missiles, because until we satisfy Congress or the President satisfies Congress that we have obtained a method whereby we can determine whether they have conventional missiles or cruise missiles, we do nothing and they continue to build. I think the amendment is fatally flawed.

Mr. COURTER. Mr. Chairman, I thank the gentleman.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. Let me make one point first, and I will yield.

I think the point that is extremely important is the fact that this, unlike most of the other amendments that are against weapons systems, is truly unilateral. It is not asking, not requesting, not demanding that the Soviet Union do anything, give up any system, or stop the deployment of like systems.

Also I think it is interesting to point out that cruise missiles, by virtue of their slowness and by virtue of the fact that they are highly survivable, placed in different platforms, (submarines, ships, cruisers, destroyers, battleships, et cetera) are extremely survivable. Therefore, cruise missiles enjoy two properties that the Members on your side of the aisle are always pointing out when they are arguing against strategic weapons. They are, first, not first strike by their very nature, they are not quick, and they are not putting the Soviet Union on 18-minute notice.

And, second, by virtue of their platforms, they are invulnerable. Therefore, they improve stability. So cruise missiles maintain two of the very best qualities of all strategic weapons.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I promised I would yield to the gentleman from Tennessee.

Mr. GORE. Mr. Chairman, I appreciate that very much.

As soon as I have the opportunity, I plan to offer an amendment to the amendment to remove the conditionality if the Soviet Union goes ahead with deployment of a new type missile system, the SSNX-21, which is comparable to the Tomahawk in range. But first, let me respond to the point that the gentleman just made.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(On request of Mr. GORE, and by unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. GORE. Mr. Chairman, if the gentleman will yield further, what makes these weapons so dangerous to the future of the arms race is that they cannot be detected and they cannot be monitored and verified, and when you have thousands of them deployed that are similar, thousands of conventional missiles deployed that are very, very similar to the nuclear-tipped weapons, then that could be the same kind of threat to arms control that the MIRV's turned out to be in the last decade. Although they are not time-urgent in the classical sense, you cannot tell how many of them there are going to be, you cannot detect them, and if we cross this threshold and the Soviets follow us, the day will come when folks like Richard Perle and others will charge that every Soviet fishing vessel is armed with those missiles.

Mr. COURTER. Mr. Chairman, if the gentleman will permit me to reclaim my time, he is stating a classic case, as far as I am concerned, why we should have the same capability as the Soviet Union.

Mr. GORE. But they do not have it yet. They do not have it yet.

Mr. COURTER. If the gentleman will permit me to proceed, the Soviet Union has been deploying cruise missiles since the early 1960's.

Mr. GORE. Mr. Chairman, will the gentleman yield on that point?

Mr. COURTER. They have approximately seven types of missiles, some antiship, some land attack.

Mr. GORE. No, no.

Mr. COURTER. They do.

Mr. GORE. None. Will the gentleman yield further?

Mr. COURTER. If the gentleman will permit me, let me just conclude.

Mr. GORE. Can you name one?

Mr. COURTER. If the gentleman will permit me to conclude, at least six of the seven that they have, have nuclear capabilities. That is something that bothers me. That is the capability that I think the United States should have. That is not something that I want to give up. That is not something I want the Soviet Union to have and not the United States. That bothers me a great deal.

Mr. GORE. Mr. Chairman, will the gentleman yield again?

Mr. COURTER. I yield to the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has again expired.

(On request of Mr. GORE, and by unanimous consent, Mr. COURTER was allowed to proceed for 2 additional minutes.)

Mr. COURTER. I yield to the gentleman from Tennessee.

Mr. GORE. Mr. Chairman, I thank the gentleman for yielding again, because this issue is so important that it is absolutely essential that this body debate a matter of this importance with the facts right before us on the table. We cannot be fuzzy about them, we cannot be confused about them. We have got to agree on the facts and proceed.

Mr. COURTER. Mr. Chairman, the gentleman may continue, but I want 60 seconds of the 2 minutes remaining.

Mr. GORE. All right. But the fact is that they have no operational land-attack, sea-launched cruise missiles; none. All of the sea-launched cruise missiles they have are antiship weapons of extremely limited range and utility.

Mr. COURTER. No.

Mr. GORE. We are preparing to go forward with one, not with a range of 500 kilometers but with a range of 3,000 kilometers, with extremely accurate terminal guidance capable of knocking out silos and command and control facilities on land. If we cross that threshold, they have systems comparable to that that are ready to come on line in the fall. We have an opportunity here to stop short of that——

Mr. COURTER. Mr. Chairman, let me suggest that the gentleman get his own time.

Mr. GORE. Can the gentleman name me one land-attack, sea-launched cruise missile that they have?

Mr. COURTER. Mr. Chairman, the gentleman is wrong in his facts. The Soviet Union does have nuclear-tipped cruise missiles that have land-attack capabilities.

As a matter of fact, because of the demographic imbalance between the United States and the Soviet Union, I would not be surprised if there are more people in the United States that are under the hazard of a cruise missile attack by the Soviet Union using the capabilities that they now have than they would have with Tomahawk.

Mr. GORE. Mr. Chairman, will the gentleman yield again?

Mr. COURTER. The Soviets' cruise missiles have a range of 250 miles. You can easily be 100 miles from the borders of the United States and target most of the population centers in America.

Mr. GORE. That is not accurate. That is just not accurate, if the gentleman will yield again. Honestly, there just is not one.

Can the gentleman name me a single Soviet weapons system that is a sea-launched cruise missile with land-attack capability?

Mr. COURTER. Yes; the SSN-3 and SSN-12.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

AMENDMENT OFFERED BY MR. STRATTON TO THE AMENDMENT OFFERED BY MR. ASPIN

Mr. STRATTON. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON to the amendment offered by Mr. ASPIN: At the end of the section proposed to be inserted by the amendment, add the following:

(c)(1) Subsection (a) shall not apply after September 30, 1985, or if (and after the date on which) the President submits to Congress a report setting forth findings of the President that—

(A) the Soviet Union has deployed a type of sea-launched cruise missile comparable to the Tomahawk missile that had not been deployed as of January 1, 1983; and

(B) it is technically impossible for the United States to verify effectively and limit on the numbers of such missiles that are deployed or whether such missiles are nuclear armed or conventionally armed through the use of current national technical means of verification.

(2) Not later than January 19, 1985, the President shall submit to Congress a report—

(A) describing an arms control method by which it would be possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed and by which would be possible to effectively verify an arms control limitation on the number of cruise missiles armed with nuclear warheads and deployed on naval vessels; and

(B) stating whether the Joint Chiefs of Staff and the Director of Central Intelligence have agreed that the method described would be a high-confidence method as applied by the United States to cruise missiles of another nation and would be an acceptable method for use when applied by another nation to cruise missiles of the United States.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) is recognized for 5 minutes in support of his amendment.

Mr. STRATTON. Mr. Chairman, does the gentleman from Missouri (Mr. SKELTON) desire me to yield to him?

Mr. SKELTON. I am sorry, Mr. Chairman, but I did not understand the gentleman.

Mr. STRATTON. Does the gentleman desire me to yield to him so that he can cite the missiles which the

Soviet Union has which are capable of landing on land?

Mr. SKELTON. Mr. Chairman, I will have that in just a moment. I do not have it at this time.

Mr. STRATTON. Mr. Chairman, this amendment is an attempt to try to provide some limitation but not to wipe out the entire missile force or the submarine force that will be using these missiles.

It indicates at the end of the gentleman's amendment that the prohibition against production shall not apply after September 30, 1985 or if—and after the date on which—the President submits a report setting forth the findings of the President that: the Soviet Union has deployed a type of sea-launched cruise missile comparable to the Tomahawk missile that had not been deployed as of January 1, 1983; and

It is technically impossible for the United States to verify effectively any limit on the numbers of such missiles that are deployed or whether such missiles are nuclear armed or conventionally armed through the use of current national technical means of verification.

And the President, not later than January 19, 1985, shall submit to Congress a report describing an arms control method by which it would be possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed and by which it would be possible to effectively verify an arms control limitation on the number of cruise missiles armed with nuclear warheads and deployed on naval vessels; and

Stating whether the Joint Chiefs of Staff and the Director of Central Intelligence have agreed that the method described would be a high-confidence method as applied by the United States to cruise missiles of another nation and would be an acceptable method for use when applied by another nation to cruise missiles of the United States.

□ 1750

Mr. SKELTON. Mr. Chairman, will the gentleman yield on that point?

Mr. STRATTON. I would be glad to yield to the gentleman from Missouri.

Mr. SKELTON. At the present time I wish to point out to the gentleman that the Soviet Union has right now several hundred SSN-19's, which as we know are nuclear armed, which have a range of approximately 1,500 kilometers, which are presently deployed and there are plans, we understand, for there to be the SSN-21 to be deployed, which of course will have a number of nuclear warheads, and also this will be a long-range-type cruise missile.

You see, it is not only an SSN-19, it is not only antiship, it is also antiland. It has a dual purpose and dual role. I think we should not overlook that.

Right now, they already have that capability. I am not sure what we gain by adopting the amendment of the gentleman from Iowa.

Mr. GORE. Mr. Chairman, will the gentleman yield on that point?

Mr. STRATTON. I will be glad to yield to the gentleman.

Mr. GORE. Mr. Chairman, I thank my colleague very much.

First of all, the communication sent to Members of this body by Secretary Weinberger on this issue said:

> In the last 22 years the Soviets have deployed eight different classes of nuclear sea launched cruise missiles with ranges of up to about 500 kilometers.

So I think the 1,500 range on that, I think the information is faulty.

Now, second——

Mr. STRATTON. Well, Mr. Chairman, I reclaim my time. The gentleman from Missouri is one member of the committee who does not supply false information.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. SKELTON. The best information we have is from the Navy and we got that this morning, that there is a 1,500-kilometer capability for this SSN-19. If the Navy supplies it to us, we can certainly believe it.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. HUNTER, and by unanimous consent, Mr. STRATTON was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Let me say to my friend, the gentleman from Tennessee, who speaks so authoritatively on this subject, that the only difference basically between the ship-directed cruise missiles and cruise missiles which are designed for land attack is the guidance system. Just as we could take our Harpoon and put on an imaging infrared front end and direct it at a hot target, for example a powerplant, the Soviets could do exactly the same thing. There is no way whereby you can distinguish between a missile which is directed at land and a missile which is directed at a ship.

I would submit to the gentleman that such a missile is not going to turn back because it is directed at a land target. The only essential difference is the guidance system and the guidance system can be changed very easily, just as we can change a guidance system for our Harpoon.

Mr. GORE. Mr. Chairman, will the gentleman yield on this point?

Mr. STRATTON. On which point?

Mr. GORE. On the same one, on this one, and the gentleman made the same point whether or not the SSN-19 is a land-attack sea-launched cruise missile. Will the gentleman yield?

Mr. STRATTON. I will be glad to yield, if the gentleman has any proof. We have got classified documents here that the committee has been relying on and the gentleman has not produced anything, as far as I can see.

Mr. GORE. I appreciate the gentleman's courtesy in yielding.

I have seen all the classified documents that the gentleman in the well has seen.

The point just made is critical to understanding this issue. It is technically true that you can screw off the guidance system and put a new guidance sytem on and somehow come up with the capability for land attack.

It is not possible to do that, however, without testing that sea-launched cruise missile against a land target. The verification of that test is a firebreak which we must preserve, because if both cross that firebreak, then there is no possible way to contain this sea-launched cruise missile race; so it is not presently a land-attack missile and we can verify the point at which they make it a land-attack cruise missile, just as we could with our own missiles.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, let me ask the gentleman, what is the purpose of this type of amendment?

Mr. STRATTON. The purpose of the amendment, quite clearly, is to eliminate another part of our arsenal. The gentleman from Illinois (Mr. HYDE) listed some of the weapons in our arsenal that have already been canceled out by action of this body in this particular bill.

This is an attempt to try to give us once again an inferior capability toward the Soviet Union and to discourage our producing any kind of submarine-launched cruise missile.

It is quite obvious that was the purpose of the gentleman from Iowa and the gentleman from Tennessee seems to have embraced the same purpose.

Mr. GORE. Mr. Chairman, will the gentleman yield on that point? The gentleman has made a charge.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, is it also the purpose to try to get some type of arms control agreement somewhere down the line?

Mr. STRATTON. Well, I think it would be good to be able to achieve some kind of arms control, but the gentleman is well aware of the fact that we have made repeated efforts to try to get the Soviet Union to engage in arms control negotiations and the gentleman will have to go to Moscow to find out why they have been reluctant to engage in these discussions. It takes two to get arms control, at least.

Mr. KAZEN. If that is one of the purposes of offering this type of amendment, how in the world are we going to achieve disarmament by legislation unilaterally? Now, if somebody can answer that question for me and convince me that it can be done legislatively, unilaterally, I will be for it.

Mr. STRATTON. Well, the gentleman is absolutely correct, but there are those who somehow think that we can shame the Soviet Union into disarmament because we ourselves have been disarming. But that does not make any sense.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I will be glad to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I would say simply that we are looking at one of the few systems in which the United States still has an edge, albeit a slight edge. Since 1972 the Soviets have built and emplaced 758 ICBM's. We have built and implaced nothing.

They have built 200 strategic bombers. We have built none.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. HUNTER, and by unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, will the gentleman continue to yield?

Mr. STRATTON. I will be glad to yield.

Mr. HUNTER. The Soviets have built and launched 38 ballistic missile submarines. We have launched three.

We have one area in which we still maintain an advantage. I would submit that this amendment would reduce that lead that we have, which is presently 5 to 10 years over the Soviet Union, to something considerably less.

I would urge defeat of the amendment and the adoption of the Stratton amendment.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. GORE. Mr. Chairman, I thank my colleague for yielding once again.

These debates get heated here at times on the floor. I have worked with the gentleman on many occasions and on many other occasions we have seen fit to disagree.

□ 1800

But I hope that the gentleman would not have the view that when we disagree on a matter like this, that the intention of the gentleman from Iowa, or others who have similar views, that that intention is to purposefully give the United States an inferior military force. That is not the intention.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. STRATTON) has expired.

Mr. GORE. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. STRATTON) may have 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I cannot help but be concerned by the signal we are sending to the Soviets by such amendments.

Our defense posture is founded on the concept of deterrence—that is we must make our adversaries behave we have the will to defend ourselves.

In such amendments we advertise our confusion about our intent.

I hope the Members of the House will refrain from attempting to write our policy on every weapon system in our inventory on the House floor.

For this reason, I oppose the amendment offered by the gentleman from Wisconsin.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. BEDELL to stop deployment of the cruise missile on naval vessels.

The cruise missile in question is a ship or submarine based Tomahawk cruise missile designed to provide the Navy with a highly survivable, worldwide theater nuclear capability to strike selected targets ashore. It also is designed to form part of our nuclear reserve force in support of national policy objectives. The Tomahawk cruise missile is sized to fit submarine torpedo tubes and is capable of being launched from surface ships.

The greatest issue before this Congress is strategic stability and how to control nuclear weapons. We have heard speech after speech raising concerns about land-based intercontinental ballistic missile (ICBM's) and their possible vulnerabilities. We have heard how these ICBM's could only be conceived of as first strike weapons. I am now hearing from this same group that the cruise missile, based at sea, is also detrimental to strategic stability.

This is clearly wrong. The inherent nature of a cruise missile is that it is a retaliatory weapon, not one that is of the first use variety. It is slow, thereby clearly giving the enemy ample opportunity to launch his nuclear weapons many hours before these cruise missiles reach their targets.

The biggest asset of a cruise missile, at sea, is its ability to survive. The more survivable a nuclear weapon is the less likely that it will be used; for sure it would not be used first.

This amendment is clearly ill-conceived. It makes no sense. We have been living in a world of weapon systems for years that have both nuclear and conventional options. The B-52 was used in Vietnam to drop conventional weapons. The biggest user of this procedure is the Soviet Union. Today, they have nuclear, chemical, and conventional weapon options on many of their short and medium range ballistic missiles. Both the Soviets and ourselves have nuclear and conventional artillery shells capable of being fired from the same gun.

This is clearly a bad amendment. One that can only leave the United States once more in an inferior position while allowing the Soviets to do whatever they want.

I urge a "no" vote on this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BADHAM) has expired.

(By unanimous consent, Mr. BADHAM was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think that the amendment is well intended, but I think the real fatal defect of it is that it puts a burden on the administration, on the United States, that can only be achieved, this discovering of some verification process, can only be achieved with the cooperation of the Soviet Union.

And as long as our deployment is conditioned on that achievement, there is no reason for the Soviets to want to assist us and cooperate with us. Why should they want to do that? Does the gentleman have any response to that?

Mr. BADHAM. In the briefings which I have attended and at which the gentleman has been present, I have never yet heard one iota of information develop that the Soviets have any desire to cooperate with us in the area of verification.

I thank the gentleman for his contribution.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

The gentleman from Tennessee a while ago was talking about the Soviet Union not having any long-range SLBM's. And I would like to ask those on the other side if they have read this book. I have mentioned it several times.

On page 24 and 25, I would like to read some excerpts from that.

> 1. The Soviets maintain the world's largest ballistic missile submarine force for strategic attack. As of March 1984, the force numbered 64 submarines fitted with some 936 nuclear-tipped missiles.
>
> 2. The Soviets have begun flight-tests of a new, large, liquid-propelled, long-range SLBM—the SS-NX-23. This system is likely to be deployed as a replacement for the SS-N-18 SLBM carried by the DELTA III SSBN. The new SS-NX-23 will have greater throwweight, carry more warheads and be more accurate than the SS-N-18.
>
> 3. Two-thirds of the ballistic missile submarines, including those equipped with MIRV-capable missiles are fitted with long range SLBMs. Moreover, the long range missiles allow the Soviets to fire from home ports, if necessary, and still strike targets in the United States.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BADHAM) has again expired.

(At the request of Mr. BURTON of Indiana and by unanimous consent, Mr. BADHAM was allowed to proceed for 3 additional minutes.)

Mr. BURTON of Indiana. If the gentleman will yield further, there is evidently some disagreement on whether or not this is accurate.

This I think is a pretty accurate case that is being made against the Soviet Union and their weapons systems.

□ 1810

I really do not believe many of the Members on the other side have read this book. Perhaps you have and you disagree with it. But nevertheless, I would submit to you it is very good reading. It is not going to make you sleep too well, but it is something that everybody ought to read.

I would just like to end up by saying that the Soviets continue to build. Once again the Members from the other side feel the way to negotiate any disarmament treaty is for us to stop while the Soviets continue to build. And what I would like to ask is: Why do they not send a copy of this amendment to Mr. Chernenko of the Soviet Union and ask him to present it to the Politburo?

I thank the gentleman for yielding.

Mr. BADHAM. I thank the gentleman.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to yield some time to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. Mr. Chairman, I appreciate the gentleman's yielding, and I apologize to my colleague, the gentleman from California, if he thought I was asking others to yield too frequently before. I feel strongly about the issue, and I was trying to jump into the debate.

The reason I asked the last speaker to yield was because there was a simple misunderstanding that occurred here. The systems the gentleman was referring to from the report, which I have read, are submarine-launched ballistic missiles. The subject of this debate is sea-launched cruise missiles. And what I had said earlier was that they do not have operational long-range sea-launched cruise missiles capable of land attack.

There is an important distinction between the two. Submarine-launched ballistic missiles can be monitored. We have agreed-upon methods with the Soviet Union for keeping track with an acceptable degree of reliability and confidence of how many systems each side has. The real problem with these long-range land-attack, sea-launched cruise missiles, is that once they start being deployed by both sides, neither side will be capable of monitoring them.

In our own case, we are proposing to deploy between 4,000 and 7,000 sea-launched cruise missiles. Only 758 of them are presently intended to be nuclear capable. But the critical point is, there is absolutely no way to verify the distinction between a conventional sea-launched cruise missile and a nuclear-tipped sea-launched cruise missile. There is a good possibility—it is not as good as it should be, but there is a possibility—that if neither side deployed any nuclear-tipped long-range sea-launched cruise missiles, there is a possibility for verifying zero, whereas there is no possibility whatsoever of verifying a limited number that is above zero. This is the same principle of verification that led us in part to propose the zero option in the INF talks.

But I want to get to another point, with the continued indulgence of my colleague and friend, and that is that I have looked very carefully at the substitute amendment that has been offered by the gentleman from New York (Mr. STRATTON), and it is very different from the bill as currently written. It does have some similarity, although the gentleman may not intend this, to the amendment offered by the gentleman from Iowa. And it has a great deal of similarity to the amendment that I had intended to offer to the Bedell amendment. My amendment was intended to say that the limitation in the Bedell amendment would be removed if the Soviet Union deployed the SSNX-21 or any other missile system that is comparable to the Tomahawk system. The Soviets have these very large old systems. They have a short range, and they are not land-attack missiles. We can talk further about trying to clear up that point, I know there is some disagreement about it, but there are no operational land-attack sea-launched cruise missiles in the Soviet fleet today.

Now, they do have three weapons that are under development that are very comparable to the Tomahawk, the TLAM/N, so to speak, the nuclear-tipped Tomahawk missile, that we are prepared to start deploying next month. The chart perfectly illustrates how comparable the systems are.

Now, it may be that if this substitute amendment passes or my amendment to the Bedell amendment passes that the Soviet Union would go ahead and deploy the SSNX-21 in the fall, in any event. If they do, then the conditions would be removed and we would go forward.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman from Wisconsin (Mr. ASPIN) has expired.

(On request of Mr. GORE and by unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. GORE. I want to ask the gentleman from New York—and I know my colleagues from Wisconsin and Washington want to join in this colloquy—does the gentleman have in mind, in the language of his substitute, the SSNX-21? And does the gentleman intend that the deployment of the TLAM/N would be held up unless the President submits a report certifying that the Soviets have gone ahead and deployed the SSNX-21?

Mr. ASPIN. Before I yield to the gentleman from New York to answer the question, let me say that I agree with what the gentleman from Tennessee is saying. It is not at all clear that we ought to reject out of hand the amendment of the gentleman from New York. It has got a few things that I think we would like to ask some questions of the gentleman from New York, but perhaps he has got something here we could work with.

I yield to the gentleman from New York (Mr. STRATTON) to answer the question of the gentleman from Tennessee (Mr. GORE).

Mr. STRATTON. The amendment that I offered says that the subsection, the previous amendment, which is the Bedell amendment, shall not apply if the President submits to the Congress a report setting forth that the Soviet Union has deployed a type of sea-launched cruise missile comparable to the Tomahawk missile that had not been deployed as of January 1, 1983.

That has already been done in the deployment of the SS-19.

In fact, the gentleman from Tennessee sounded very knowledgeable on this whole subject, but I would read to him what the Navy has given to us; namely, that there are seven Soviet SLCM systems currently operational, six are dual capable; that is, both nuclear armed and conventionally armed, are deployed at sea today. Only one of those contains conventional warheads, the SSN-2. We have got SSN-3, SSN-7, SSN-9, SSN-11, SSN-19, and SSN-22. And they point out that of these dual capable systems, at least two, SSN-3, and SSN-12, are capable of attacking land targets, and others may have that capability with ranges in excess of 400 kilometers. Either of these SLCM's is capable of threatening a large and strategically significant portion of the United States from launch positions on our Atlantic, Pacific, and gulf coasts, and they point out that a Soviet Echo 2 submarine was reported to be deployed off Bermuda, presumably armed with SSN-3 or SSN-12.

Let me point out that the gentleman is knowledgeable, apparently, on this subject, but does the gentleman realize that back in 1964 or 1965, when Luci Johnson was being married to her former husband, at the Shrine of the Immaculate Conception, there was a major alert in the city of Washington because a Soviet submarine off the coast of North Carolina had moved dangerously in to shore, and they certainly were not concerned about that submarine shooting a submarine-launched missile at another submarine; they were specifically concerned about a land attack from that submarine.

Mr. ASPIN. Before we get to that, is it the position of the gentleman from New York that as of now, the President could certify that the findings in section (c) here, in other words, that none of this would apply? Is that what the gentleman from New York is saying?

Mr. STRATTON. That is correct.

Mr. ASPIN. Why does the gentleman say that the SSN-19 complies with section (A) when it says it has not been deployed as of January 1, 1983, when the SSN-918 was deployed in 1980?

Mr. STRATTON. Well, I think the gentleman is probably getting his information from the same source that the gentleman from Tennessee did when he said that none of these were able to attack land targets, when obviously they can attack land targets.

□ 1820

Mr. ASPIN. The source for my information is "Jane's Weapons Systems," part of "Jane's Fighting Ships."

Mr. STRATTON. Well, I do not think that Janes is regarded as being more knowledgeable than the Navy which is in the process of testing these systems.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. ASPIN) has expired.

(On request of Mr. GORE and by unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. If it turned out that the SSN-19 was deployed before January 1, 1983, then the gentleman would agree that the conditions do not provide; is that correct?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. DICKS. I do not know whether the gentleman from New York will answer or not, but obviously, as I understand it, the SSN-19 has a range of only 550 kilometers. It is certainly not a long-range attack cruise missile comparable to the Tomahawk or the SSNX-21. The SSNX-21 would be comparable to the Tomahawk, but clearly not the SS-19.

Mr. DOWNEY of New York. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. DOWNEY of New York. I thank the gentleman for yielding. I can see why my colleagues over here feel more threatened by the Russians, I think it is the lighting.

Let me ask the gentleman for a moment how he views the future of unrestrained development of sea-launched cruise missiles on both sides, because it seems to me that is what we are discussing.

If we do not provide ourselves the option at some point in the future of trying to restrain the growth of sea-launched cruise missiles, what we will see happen inevitably is every Russian trawler, every Russian submarine being considered a strategic platform for cruise missiles, is that not correct?

Mr. ASPIN. I agree.

Mr. DOWNEY of New York. On the other side you face the fact that the United States, having many of its important military as well as economic assets located near the coast present itself as a much more attractive target, does it not, to Soviet sea-launched cruise missiles than does the Soviet Union from attack by the United States on cruise missiles?

Mr. ASPIN. Absolutely correct.

Mr. DOWNEY of New York. So we have a choice here. My colleagues on this side who are basically the weapons firsters, believe that under no circumstances, even if you have a small lead, do you take the chance of losing that lead, you continue to deploy regardless of the inevitable consequences that you will have thousands of cruise missiles on the side of the Soviet Union arrayed at targets against the United States.

What we are saying, and I think it is quite simple, is that whether or not you believe the technical arguments of whether the Soviets have a land-based capability or not, that we have a short period of time that we want to test to see whether or not the Soviets and ourselves would be interested in providing some limitation on this technology.

It seems to me to be an eminently sensible and fair way to proceed.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. GORE. I want to thank my colleague from New York for his earlier statements. I have tried to keep current on this stuff; I do not pretend to know it all at all. I am trying to learn, though, because I think it is the most important subject there is before this Congress.

But on the specific question of the SS-19, the International Institute for Strategic Studies, which is generally recognized as one of the most authoritative institutes of its kind. Richard Burt was over there helping run it, so it is not leftist in orientation. They give the date of deployment for the SS-19 as 1980, and the total deployed as of July 1983 as 44 and the maximum range, 460 kilometers, which in itself, might raise questions about its comparability.

But given the language of the amendment, at this point I would recommend to my colleague from Iowa that the substitute be accepted.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. BEDELL. Mr. Chairman, this debate has gone on for a long, long time. We have a great deal of work to do. I would like to, people want us to finish things up. As far as I am concerned, the amendment by the gentleman from New York does not do what many of us would like to have seen. The amendment does go part way, and as far as this gentleman is concerned, I would be in favor of accepting the amendment and that we could go ahead and settle this issue promptly so that we could go on to other matters.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. BADHAM. I thank the gentleman for yielding.

The gentleman from New York made a point that what we do and what they do and we have thousands and they might have. I think the thing we should keep in mind really is that no matter what we do, and no matter what we have ever done when it comes to weapons restraint and weapons development, not matter what we have done in this country, in the interest of limiting the race, no matter what we have done, the Soviets have relentlessly developed, produced, and deployed.

I say that with the Bedell amendment, it will make no difference what we do; whether we stop or go ahead. The Soviets will relentlessly produce and deploy. Our main interest, therefore, should be the defense of the United States of America and its interests. If we have a technological advantage which will give us a few years more of defense at a reasonable cost, I say we should do it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. DICKS. I think as I look at the amendment offered by the gentleman from New York.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin (Mr. Aspin) has expired.

(On request of Mr. Dicks and by unanimous consent, Mr. Aspin was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. I yield to the gentleman from Washington.

Mr. DICKS. First of all, the gentleman from Wisconsin is one of those who brought this amendment to all of our attention originally, and one of the key points was we were going to try and get a report. Now, as I read the Stratton amendment, it does call for a report by January 19, 1985, on this whole question of verification.

Is there any way to verify, so that is a positive step. Second, I think because of the date of January 1, 1983, really ties this issue to the SSNX-21. If the Soviets deploy it, then we can go ahead and deploy the Tomahawk missile. Is that the gentleman's understanding?

Mr. ASPIN. That is my understanding.

Mr. DICKS. As I understand it, the Soviets are expected to deploy by September of this year, so this is very time-critical, and if they go ahead and deploy, then under this amendment to the Bedell amendment, we could deploy and go ahead with these cruise missiles?

Mr. ASPIN. I agree; yes.

Mr. DICKS. I would say that this is probably an acceptable amendment.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. COURTER. I thank the gentleman for yielding, and I guess we are going to come to a consensus. I would like, however, to make two points.

One is the fact that there was a great statement about the fact that the Soviet Union's present inventory of cruise missiles does not have land attack capability, that they are primitive, they are not accurate, and that they do not have terminal guidance systems.

I once again checked with the Navy just a few moments ago, and without even changing the guidance system, it is perfectly feasible and possible for the Soviet Union to target the existing cruise missiles that they have on land targets; that is No. 1.

The range that they have, approximately slightly less than 600 kilometers or above 250 miles, would put at risk by the cruise missiles, nuclear-tipped cruise missiles that the Soviet Union now has in the inventory, 50 percent of our population. The point I was trying to make before was the fact that much of our population is indeed on the coast, the two coasts. Fifty percent of our population is at risk, and 90 percent of our critical inventory with regard to industries.

Second, I think the amendment, as originally proposed by Mr. Bedell, is flawed because it does say it does permit, I think it says, nothing should be construed to the extent that long-range conventional land attack missiles cannot be produced. Well, it seems to me that the amendment is going to permit the Soviet Union to produce long-range land attack missiles with terminal guidance capability. All they simply have to do is exchange warheads and then we have a significant problem.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. GORE. First of all on that last point let me read the language of the amendment again. It says, "Nothing in this section affects the authority to carry out deployment of conventionally armed, sea-launched cruise missiles."

Mr. COURTER. That is my point.

Mr. GORE. That ought to clarify it.

Mr. ASPIN. I yield to the gentleman from Tennessee (Mr. Gore).

☐ 1830

Mr. GORE. Let me respond to the other point. This really is a critical point of information, the difference between antiship and land attack. It is technically true that you can take any kind of missile and point it at a coastline and it is going to hit somewhere on land. That is true.

The difference is, in the Tomahawk and the oncoming SSNX-21, you have not only the long range, but the terminal guidance and extremely high accuracies where the margin of error is measured not in thousands of feet, but in tens of feet. This is the critical difference.

What they have now are antiship sea-launched cruise missiles.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from New York which I believe strikes a proper balance.

This substitute amendment will insure that the effort to restrain the introduction of thousands of nuclear cruise missiles capable of land attack on both sides while we seek answers to difficult arms control questions can be pursued without any unilateral penalties on our side.

Quite simply the substitute amendment provides that if the President reports that the Soviets have deployed a new type of cruise missile, comparable to Tomahawk and it is impossible to verify any limits on such missiles or to determine whether they are conventionally or nuclear armed then funds could be released. Thus if the Soviets show similiar restraint with their SSNX-21 the Bedell amendment sought on the nuclear land attack Tomahawk, then funds will remain frozen while we the administration prepares its report on verification questions on these weapons. If the Soviets go ahead, we can as well.

While we fervently debate the MX missile and a few other highly visible strategic nuclear systems, there is a development underway that has significant nuclear policy and arms control implications which has not received the focus it deserves. This amendment brings the issue of nuclear land attack Tomahawk cruise missiles before this body, and by doing this alone is serving an important function for informed policy debate.

The Navy plans to begin deployment this summer of a nuclear armed, land attack, sea launched, Tomahawk cruise missile. The overall plan is for purchase of some 800 missiles, each with a 200 kiloton nuclear warhead, some 14 times as powerful as the bomb which destroyed Hiroshima. Clearly this is a significant force that cannot, and will not, be ignored by the Soviets. The overall cost of the program is just under $2 billion.

Based on simple cost analysis, this appears to be a very "cheap" addition to our nuclear deterrent. But it remains unclear just what mission they would perform, although they would have hard target accuracies and a range of 1,500 miles. The Navy provided an explanation in classified form to the Senate Armed Services Committee last year on the role for TLAM/N. I have read it and frankly it raises more questions in my mind than it answers.

The Navy plans to deploy these missiles on a wide range of surface ships and submarines, making each one of them a potential nuclear strike force. Some argue that this is beneficial because it adds to the target base for the Soviets and thus complicates their plans. I would counter that it also increases the chances that any future naval conflict will rapidly escalate to nuclear levels, without any confidence that escalation could be stopped. A nuclear naval war would settle very quickly the question of carrier survivability.

The TLAM/N has particular arms control implications and problems. At present, it is not included in either the INF discussions or the START negotiations. Thus, if it remains outside the arms control environment both sides will be tempted to offset controls on covered systems with proliferation of these systems. Because ships and submarines can move very closely to the opponents homeland, the traditional consideration of the slow speed of cruise missiles would be offset for at least those targets close to the shore. And for the United States this is far more dangerous, because many more of our important military and industrial targets are close to our shores.

The Soviets have begun flight testing of their version, the SSNX-21. It has a similar range and speed to the TLAM/N, but is not nearly as accurate and it is believed its guidance system is less sophisticated. Thus far it has been developed only for deployment on submarines. At the same time, the Soviets are developing a new missile which would have greater range and perhaps be supersonic. It might be deployed in as little as 3 years. The implications of such a system for U.S. security would be grave.

Clearly, if an arms control agreement either eliminating or limiting such systems could be reached it would be in our interests. The problem, however, is that the nuclear land attack Tomahawk looks exactly like the conventional land attack and conventional antiship missile. The only way to distinguish between the two land attack versions is to see if a mushroom emerges from its blast.

Verification will be a major problem for any agreement on these systems. Until we can determine what verification methods might be possible, it makes sense to pause in deployment plans. Because once deployment begins it may well be too late for a solution to be devised.

In my view, we must couple this action with a call to the Soviets to demonstrate similar restraint in their program as a test of their willingness to eliminate or control these weapons, and that is what the substitute amendment does.

This amendment, in my judgment, has as important strategic implications over the long term as any we will consider on this bill and I strongly urge its adoption.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, on the last point, it seems to me that if your amendment is going to permit the production of long range, land attack, conventional cruise missiles by the Soviet Union, which it clearly does, those types of missiles, it seems to me, will be indeed more accurate than nuclear missiles because the blast is less. It seems to me if your amendment permits that type of a missile with the terminal guidance system that is indeed more accurate than those cruise missiles with nuclear capability, all you have to do is change the warhead. So it seems to me to be a tragic flaw in the amendment as written.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. Aspin) has expired.

Mr. GORE. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, we have been an hour and a half on this amendment and we are trying to terminate the discussion on the bill tonight. There has got to be some limit on how long we are going to beat this dead horse. Two minutes. I will not object to that.

Mr. Chairman, I withdraw my reservation of objection.

Mr. GORE. I ask unanimous consent that the gentleman from Wisconsin be allowed to proceed for 2 additional minutes?

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Aspin) for 2 additional minutes.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Tennessee.

Mr. GORE. I thank the gentleman for yielding.

Mr. Chairman, the conventional, long range, sea launched cruise missiles can do a lot of damage. There is no question about that. The gentleman is absolutely correct on that.

This amendment is important because it preserves that firebreak between a conventional and nuclear. I hope my colleague will agree that there is a tremendous distinction between a conventional explosion and a nuclear explosion.

It is also technically true that it may be difficult to distinguish between the conventional SLCM and the nuclear SLCM. That is very true. However, it probably can be done if there are zero nuclear sea launched cruise missiles, if there are zero in that category. It will be difficult, but the experts believe it can be done. If we have some, it is impossible by any means imaginable to verify that there are only 758 out of 7,000, to take an example, or that the Soviets only have a couple of hundred nuclear and the rest are conventional.

So that firebreak of having zero long-range nuclear SLCM's is the one that we ought to preserve with this amendment, and I think the Stratton amendment does it.

Mr. SKELTON. Mr. Chairman, will the gentleman yield at that point?

Mr. ASPIN. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

Mr. Chairman, I think we are going to find that there is much ado about nothing on this conversation today because if the facts that we have are true, the SS-19 is truly a land or dual-role type of sea launched cruise missile, then this whole issue is moot.

Mr. ASPIN. That is absolutely true.

Mr. SKELTON. So I think we should pass the amendment offered by the gentleman from New York (Mr. Stratton) and go on to the next issue.

● Mr. BROWN of California. Mr. Chairman, I rise in support of the Bedell-Gore-Leach amendment regarding nuclear-armed sea-launched cruise missiles (SLCM's).

Much has been said recently about the importance of verification to arms control agreements. We have an opportunity with this amendment to contribute to the possibility of reaching verifiable arms control agreements regarding sea-launched cruise missiles. The amendment, by setting verification criteria for the deployment of nuclear-armed SLCM's would allow nuclear-armed SLCM's to be distinguished from conventional SLCM's.

A U.S. commitment to nonverifiable nuclear-armed SLCM deployment could spell doom for future arms control agreements. This is because the Soviet Union, unable to distinguish between U.S. nuclear-armed and conventional SLCM's, would be prompted to demand that all SLCM's be counted as nuclear-armed under a future treaty. Counting several thousand SLCM launchers as nuclear would virtually eliminate all of our other strategic weapons under an arms control agreement. This would obviously be unacceptable to the United States, and would likely lead to an impasse in negotiations. Thus, we run the risk of dealing ourselves out of an arms control future by not adopting the Bedell amendment.

The debate on this amendment has made perfectly clear that the threat of nuclear-armed SLCM's to the United States is inherently greater than the threat posed to the Soviet Union by U.S. SLCM's. This is a simple fact of geography—the United States has been buffered from attack by the sea. This natural protection would be diminished by Soviet deployment of great numbers of SLCM's off U.S. shores. Approximately 75 percent of the U.S. population and industrial capacity lies within the present range of [illegible] SLCM'S; at present ranges, U.S. SLCM's can reach only a few high asset targets in the Soviet Union. It is in the U.S. interest, therefore, to seek verifiable limits on these weapons.

Mr. Chairman, I strongly urge my colleagues to support the Bedell-Gore-Leach amendment.●

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON) to the amendment offered by the gentleman from Wisconsin (Mr. ASPIN).

The amendment to the amendment was agreed to.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ASPIN) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. HERTEL OF MICHIGAN

Mr. HERTEL of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HERTEL of Michigan: At the end of the bill add the following new section:

CONTINUATION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIALS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. . (a) Effective on October 1, 1984, section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended—

(1) by striking out "fiscal years 1983 and 1984" each place it appears and inserting in lieu thereof "fiscal years 1983, 1984, and 1985"; and

(2) by striking out "and April 15, 1984," and inserting in lieu thereof ", April 15, 1984, and April 15, 1985".

(b) Effective as of October 1, 1982, such section is amended by striking out "section 2892" and inserting in lieu thereof "section 2392".

Mr. HERTEL of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HERTEL of Michigan. Mr. Chairman, I rise to offer an amendment to the defense authorization bill that I believe will help to strengthen our national defense preparedness while at the same time promoting our national economic health. My amendment would continue for another year a proven and effective program that has been conducted by the Defense Logistics Agency for the last 4 years. This very successful program targets nonstrategic procurement contracts to areas of high unemployment.

In 1980 Congress modified the Maybank amendment and directed the Pentagon's supply branch—the Defense Logistics Agency (DLA)—to establish a test program to purchase $3.4 billion worth of nonstrategic goods and services from businesses in labor surplus areas (LSA's). DLA was authorized to pay a price differential of up to 5 percent to target these contracts.

In 1981, 1982, and 1983, the Reagan administration recognized the worthiness of targeting nonstrategic procurement contracts to distressed areas and supported the continuation of the program. As a result, the DLA program has been extended through fiscal 1984, with its limit increased to $4 billion and the maximum price differential lowered to 2.2 percent.

Mr. Chairman, very few Government programs work the way they were intended, but this program does. There can be no doubt that because of this program, jobs are being created in our Nation's most economically distressed areas at little cost to the Government.

Through December 1982—the period for which results are available—DLA paid a price differential on only 956 of the 35,770 contracts awarded through this program—less than 3 percent of all contracts. While the value of the 956 contracts was over $88 million, the total price differential paid amounted to only $1.7 million. Thus, the Federal Government paid an average cost differential of only 2 percent—considerably less than the 5 percent allowed by the bill passed by this Congress.

Mr. Chairman, this tells us that given an incentive to compete for Government contracts, firms in economically distressed areas can participate successfully in supplying the nonstrategic goods needed by our Armed Forces.

The DLA report also shows that as a result of the payment of the price differential on the 956 contracts, 3,207 jobs were created in labor surplus areas. Thus the cost per job under this program—even after DLA's administrative costs were included—was only $559.89, considerably less than for any Federal program specifically designed to create jobs. In addition, the real cost to the Federal Government may have been less. First, these 3,207 workers who gained employment because of this program, if left unemployed, might well have been collecting income maintenance payments and other Government benefits. Second, the 3,207 jobs created do not include the number of jobs that were maintained because of the placement of the contracts.

Mr. Chairman, the amendment I have submitted would extend the program for 1 more year in its current form. This is the only sensible thing to do. There is no reason to change the program or our support for it. This is a program that, according to all available data, is working successfully to create jobs in areas where they are needed most. However, because the data supplied to us by the Pentagon is 17 months old and does not even reflect changes that the Congress has made in the law, it is illogical, unreasonable, and inappropriate to make any changes to this program other than to extend it in its current form for an additional year. In fact, the only information about the performance of this program available to us now is the information we had last year when the House supported an amendment similar to this.

Passage of this amendment will provide the Defense Department with the necessary time to submit to Congress more relevant and timely data upon which we can base decisions about the future structure of this program.

This program strengthens our defense capability, diversifies out supply sources, and promotes our national economic health. It encourages greater competition and creates jobs in areas with idle workers and machinery. It does all this without increasing the Federal budget or creating a new agency, and it does it with a very small amount of money. I urge my colleagues to support this initiative.

Mr. RAY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan (Mr. HERTEL) which extends the Defense Logistics Agency program allowing waiver of the Maybank amendment which provides for a payment of a price differential on certain contracts in order to place those contracts with companies which are located in labor surplus areas. As noted by my distinguished colleague, this test program has been in being since 1981. To date, we have yet to see any conclusive data that would support a conclusion regarding benefits of the program.

We do know that it cost the Government a total of almost $4.2 million in less than 3 years of the test program, and that the only benefit has been to create jobs in labor surplus areas at the expense of jobs in other areas.

Mr. HERTEL's amendment would require the Department of Defense to establish a program in the Defense Logistics Agency to exempt certain contract from the provisions of section 2392 of title 10, the Maybank amendment. Thus, the Defense Logistics Agency would be allowed to pay up to a 2.2-percent price differential in order to award a contract to a firm who will provide a product manufactured or produced in a labor surplus area.

I want to explain how the price differential works. Suppose a contractor from your district, whose manufacturing plant is not in a county or city considered a labor surplus area, bid a price of $500,000 to deliver to the Government a number of aircraft engine spare parts. In evaluating its bid, the Defense Logistics Agency would add on another 2.2 percent to its price, resulting in an evaluated price of $511,000. If a company whose manufacturing plant is in a labor surplus area bid $510,000, the Defense Logistics Agency would award the contract to that company. The Government ends up paying an additional $10,000 in order to give the contract to the labor surplus area firm. The company in your district, even though it offered the lowest price to the Government would not get the contract. It seems only logical that the losing company will have to lay off employees because it did not get that Government contract, just as the winning contractor may be able to hire additional employees to perform the additional work. Thus, there is no overall employment increase.

The only effect the payment of the differential has is to take the contract away from the low bidder and award it to a company solely because it will perform at least 50 percent of the work in a labor surplus area. Not only is the low bidder penalized, but the taxpayer ends up footing the bill for a more costly item for no reason. Labor surplus companies, competing on the same terms as every other company, already receive 34 percent of the Department of Defense contract awards.

I submit that it is an outrage to the taxpayer to continue to pay more for defense items than necessary. This is exactly what this amendment proposes, and urge my colleagues to reject outright any continuation of the Defense Logistics Agency program.

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Mr. EDGAR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. Mr. Chairman, I thank the gentleman for yielding.

I want to be very clear on this. Congress has supported this, and there is no reason to change the program because it has worked.

I submit for the record that we have a letter from the President of the United States also saying that it is good for areas of high unemployment and it is very effective.

It is not a set-aside program whatsoever. The bidder from the high unemployment area must still make his best competitive bid. The price differential is awarded at the end of the competitive bid process. This is why the data shows that the full differential is only 2.2 percent that is used rather than the 5 percent that is allowed under the bill.

The exact analogy in hiring preferences for veterans can be made. The veterans still must be able to do the job as well or better than other applicants. It is just an additional plus that we give people.

We have got to look overall to what it means to the full economy. What we have done is, we have saved jobs. While we have created 3,207 jobs, as I cited before, we have maintained other jobs because these companies got contracts in these areas of high unemployment and did not go under. So further jobs were not lost.

We talk about subsidies for farming, and we talk about other programs that subsidize, for instance, people who live in rural areas. This is one that cuts across rural, urban, and suburban in areas of high unemployment.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments.

I would like to make just a couple of quick points on this issue. First of all, the President of the United States, in his review of the Maybank amendment on May 23, clearly states in the final sentence of his letter: "Therefore, I would support continuation of the test for another year at the levels authorized in the Department of Defense Authorization Act of 1984."

That is really the bottom line. The bottom line is that we put in place the particular provisions of the Maybank amendment as a test, and we have some results. They are inadequate at this point, and everyone supports on a bipartisan, across-the-board basis, the action of the gentleman from Michigan to continue for 1 additional year the targeting in nonstrategic areas to areas of high unemployment and labor surplus a few dollars of this giant defense bill.

Over the last couple of years, we have had extensive argument on the House floor—and I do not think we need to continue that argument—and overwhelming votes in support of a partial repeal of the Maybank amendment. I think the gentleman's amendment is important today. The Hertel amendment to the Defense Authorization Act will continue a program that allows the Department of Defense to target some—not all but some—of its nonstrategic procurement contracts to firms located in high-unemployment areas.

I shared some of the background of this amendment. The Defense Manpower No. 4—DMP 4—was announced in 1952, and from 1952 until just recently, the Defense Department simply gave all of its bids to the lowest bidder. But we discovered recently that in some cases, there are legitimate companies who do good work in areas of labor surplus and high-unemployment places like Chester, Pa., Newark, N.J., and Johnstown and Pittsburgh, where there is long-term high unemployment, and they want to compete adequately with other firms.

So we took a look at the Maybank provisions, and we altered them slightly to allow for that kind of competition. In 1980, Congress modified this restriction, and section 724 of the 1981 Defense Appropriation Act established a 1-year test program that directed the Pentagon Supply Branch, the Defense Logistics Agency, to purchase up to $3.4 billion in nonstrategic goods and services from businesses located in these high-unemployment areas. Under this test, businesses located in labor surplus areas would be given preference when bidding on DLA contracts.

With administration support, the test program was extended in 1981, 1982, and 1983. For the past 2 years, the authorized level has been set at $4 billion, and the allowable price differential is a small 2.2 percent.

Mr. Chairman, I urge my colleagues to support the Hertel amendment.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think I heard someone say that there were about 3,600 jobs created but none eliminated. The figures I have show that there were 3,604 jobs created and 3,463 jobs eliminated.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

(On request of Mr. NEAL, and by unanimous consent, Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Mr. Chairman, will the gentleman continue to yield?

Mr. EDGAR. I yield to the gentleman from North Carolina.

Mr. NEAL. So the point, Mr. Chairman, is that it cost $4.2 million for a net gain of 144 jobs over 3 years.

Mr. EDGAR. Mr. Chairman, let me take back my time.

I am not sure where the gentleman gets the figures that he is stating, but I sat down, along with the gentleman from Michigan and others, with the Defense Logistics people, and the figures that they have given us do not reflect the figures that the gentleman is sharing with us.

This program has in fact helped in several specific locations where, in areas of high unemployment, we have been able, with just a very small differential, to target jobs to areas of stress.

If we had taken that same $4 billion and set up a CETA program or a jobs program, it would not have been as effective. It has taken just that small amount of money, allowing for just a slight differential, targeting those dollars in and hiring people in areas of labor surplus.

I think it is difficult for the gentleman to argue his figures because it is like mixing apples and oranges. Our figures indicate that there has been a net job creation, and that job creation has been in those areas of highest unemployment.

Mr. NEAL. Mr. Chairman, if the gentleman will yield further, he is forgetting the point that the jobs have just been moved from one place to another place. And at a cost of $4.2 million, at a time when we have just approved bills to stop the Government from buying $9,000 wrenches and $500 hammers, and so on, why would we want to add an amendment that will then require the Defense Department to become a welfare agency and not get the best buy for the taxpayers' dollar in the areas of defense but move jobs from one place to another?

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Mr. EDGAR. Let me just respond to the gentleman if I can under my own time.

Since 1950, we have systematically moved defense installations out of the Northeast-Midwest region of the country to the South and West. We have moved them to the so-called warm weather areas.

We have also moved with that decision a lot of the small subcontractors out of areas of high skill and high labor.

What we are attempting to do here is simply to say, let us try to target this massive defense budget, most of which goes either into personnel or into strategic weapons systems, but there is a portion of it that goes into areas of nonstrategic buying.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 2 additional minutes.)

Mr. EDGAR. There is a portion of it that goes to areas of nonstrategic buying. It is that money that we are asking to target in to help employ people in areas of high unemployment. We do the same thing on the civilian side. There is an identical provision that works on civilian buying. We are simply saying here on the military side, let us continue the effort.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding.

This is an excellent amendment. I think it is one that we should all be very supportive of, because despite the fact that the economic recovery is well under way, let me point out that the number of labor surplus areas in the country nationwide, coast to coast, has increased since we first approved this amendment.

In 1982, the first year we voted to extend the program, there were 1,200 labor surplus areas, coast to coast.

Today, in 1984, in May, there are 1,430 labor surplus areas.

I would also like to point out that one of the reasons the administration is for the continuation of this program is that they can see that the figures supplied by the Department of Defense are flawed. We have had some contractors suggesting that because they lost a $100,000 contract, they would have to put 250 people out of work. That is just not so. We know it, the gentleman knows it.

It makes sense to have part of our national policy earmarked, part of that huge defense procurement dollar, to areas where the jobs are needed most.

Let us have a sustained economic recovery affecting all areas of the Nation.

Mr. EDGAR. Mr. Chairman, I think the gentleman has helped the debate.

Let us be clear; 956 contracts out of 35,770 contracts have been targeted in this way, less than 3 percent of the total contracts.

The price differential for the 956 contracts amounted to only $1,763,173, or 2 percent of the overall value of these contracts.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield further?

Mr. EDGAR. I yield to the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MONTGOMERY. Mr. Chairman, I will not object this time, but I will object to additional time requested by anybody else.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, if the gentleman will yield further, the figures that we have, and the figures are not in dispute, are that with this test program, on those 956 contracts, 3,207 additional jobs were created at a cost to the U.S. Government of $599.89 per job.

Talk to any agency, EDA, HUD, they would love to have a program like that. They allow $10,000 for the creation of a job.

It is a small price to pay to continue this program which has bipartisan support and which the administration concedes deserves further testing.

Mr. LEVIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

There was a reference here to this program being a welfare program. Let me just react quickly to that.

In the State of Michigan it is a well-known fact and often repeated that we now receive about 60 cents of every dollar that we send to Washington. We receive 60 cents back. It has gotten worse in the last 10 years. Fifty percent of the differential is because of the way defense expenditures, including military establishments, are spread throughout this country.

This is a minimal effort and the opposite of a welfare program. It is a work program and it is a program, a small effort to make sure that work in this country is distributed with some semblance of equity; so I congratulate the sponsor of this amendment and those who have spoken for it.

I strongly urge that those from other parts of this country not arise and point the finger of welfare. The finger is one of equity and asking for a small piece of equity in this case.

I strongly urge that we join together from all the regions of this country to vote in favor of this amendment.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his comments.

I yield to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I thank the gentleman for yielding.

As the original sponsor of a similar amendment 4 years ago, which was overwhelmingly passed, I fully support this amendment.

When we hear of waste, that is ridiculous. We have held extensive hearings in our Small Business Committee which have proven that because of this amendment, we have had greater competition. The spare parts, the waste we have read about, was not from companies that were helped by this amendment. That comes from elsewhere. These companies have given us better quality at lower cost.

There has been a greater tax savings and we have developed over 3,000 jobs—3,000 jobs in the last 4 years since we passed the amendment the first time.

I ask the House again to reinstate, keeping this slight variation of the Maybank language in effect.

Mr. Chairman, I am happy to lend my support to the amendment offered by Mr. HERTEL. Four years ago I sponsored the original measure that modified the Maybank amendment and resulted in the establishment of the Defense Logistics Agency test program.

The House voted for this change because it believed that military procurement, if targeted correctly, held the potential for significantly increasing employment in economically distressed areas. The preliminary data shows that this belief was well founded.

When our Nation entered into a period of excessive unemployment several years ago, the importance of using scarce Federal resources wisely became a crucial issue. It remains so today. Our constituents tell us time and time again that they want to see the Government spend its money efficiently and effectively. What more efficient and effective way could we devise to purchase needed nonstrategic military supplies than to channel these contracts to the Nation's most economically troubled areas?

The Department of Defense accounts for between two-thirds and three-quarters of all Federal Government procurement. Given this fact, and that military spending is scheduled to increase significantly in the next few years, we bear a special responsibility to insure that these funds are spent in such a way that inflation is not stimulated and areas of high unemployment receive special consideration in the assignment of contracts.

Mr. Chairman, this is a program that works. In the latest report on the program, covering February 1981 through December 1982, DLA states that 3,207 employees were added and many more maintained at firms in labor surplus areas. Yet the administrative cost of this program to DLA came to only $599.98 per job—a remarkable figure when we look at other programs that cost thousands of dollars to create a job.

One of the best features of the program is that it is not creating jobs in specialized military production fields that expand or shrink with changes in the defense budget or fashions in military technology. Rather, it is building capacity for production of goods that also can be sold to consumers—frequently goods that otherwise might be produced overseas. And as military procurement of these goods helps to build this capacity, it also provides a financial base that will help make these companies more competitive in the domestic economy. This competitiveness improves the quality of goods available to the military and the likelihood of on-time delivery at lower costs from these companies.

Mr. Chairman, I urge my colleagues once again to support this amendment and continue a program that is building domestic employment and industrial capacity as well as a strong national defense.

Mr. EDGAR. I thank the chairman of the Appropriations Committee that relates to defense for his excellent statement.

This particular amendment will strengthen the national defense. It will create and preserve jobs without increasing the Federal budget or establishing a new Government program. It will benefit every region of the country. One thousand four hundred thirty-two labor surplus jurisdictions are distributed evenly throughout the country and it will ease demand on income maintenance programs; but probably most of all it will preserve competition in the defense contracting area in areas of high employment.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I am only going to take about a minute and a half.

The CHAIRMAN. The gentleman is recognized for 5 minutes in opposition to the amendment.

Mr. MONTGOMERY. Mr. Chairman, I do not care, we will never finish this bill if we take all this time.

Mr. RUSSO. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Illinois.

Mr. RUSSO. Mr. Chairman, I thank the gentleman from Mississippi for yielding.

I would just like to point out to my colleagues that we have been debating this bill for over 40 hours. There have been a few Members who like to monopolize time on this bill, so I just want to serve notice to my colleagues that I plan to sit on the floor and object to an future extension of time.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, the Maybank provision in our defense procurement law has served this country well for more than 30 years. It requires, quite simply, that the Defense Department buy all of its goods and services at the lowest available price.

This pending amendment, though well intended, would do both the Defense Department and the taxpayer a disservice by requiring that we ignore the Maybank amendment for a fifth straight year to permit a so-called test designed to divert defense contracts to companies in areas that have high rates of unemployment.

There is little point in conducting a test unless we intend to learn something from the results. Let us see what we have learned from this experiment. Just a while ago, I received some new Defense Department figures tracking this program from its beginning in February 1981, through September 1983. During that time, 1,087 defense contracts were diverted to labor surplus areas. The Government had to pay $1.9 million more for the goods acquired than it would have paid under the normal procurement process. In addition, the Defense Department had to spend an extra $2.3 million to conduct and monitor the test. That adds up to a total extra cost to the taxpayers of $4.2 million.

Job creation? The Defense Department report shows that the program created 3,604 new jobs in labor surplus areas, but eliminated 3,463 jobs in other parts of the country—a gain of 144 jobs at an extra cost of $4.2 million. That is over $29,000 per job. That was a slight improvement over previous years, perhaps because so many parts of the country now qualify as labor surplus areas. During the first 2 years, this program resulted in a net loss of 128 jobs nationwide.

Mr. Chairman, by any kind of analysis, this is an extremely costly experiment.

Defense procurement is a huge and critically important part of our national budget. At a time when we are confronting horrendous budget deficits and struggling to cut spending, how can we possibly justify the continuation of this kind of procurement test? How can we spend an extra, unnecessary $4.2 million for a program that eliminates almost as many jobs as it creates?

How can our colleagues who complain so readily about defense costs or about social programs turn right around and support this kind of wasteful experiment every year?

Mr. Chairman, it is time to write off an experiment that has not worked. I urge my colleagues to oppose the Hertel amendment.

Mr. MONTGOMERY. Mr. Chairman, the gentleman has made the point I wanted to make. There were only a little over 400 jobs created after a 4-year test and it cost over $4 million. It just does not work.

I have counties with labor surplus. Half my counties are labor surplus and half of them are nonlabor surplus.

People come from different counties to work in these plants. If you transfer the work to another county it does not solve the problem. We have had a test for 4 years. It has not worked. It has cost $4 million and only 144 jobs were created.

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Georgia and then I am going to take back my time.

Mr. RAY. Mr. Chairman, I thank the gentleman for yielding.

I would just like to confirm the figures that the gentleman from North Carolina presented to us. As I understand, the administrative cost was $2,311,356.

The price differential was $1,904,988.

The total, as the gentleman says, was $4,216,344 for 144 jobs, or $29,000 per job.

Now, I just would like to point out, Mr. Chairman, that this is in addition to the salaries paid on those jobs.

We have, as has been ably pointed out here, combated the price of spare parts and had to deal with those. I think it would be kind of an outrageous situation to pass this amendment

□ 1900

Mr. MONTGOMERY. The gentleman makes a fine point.

I yield back the balance of my time.

Mr. MAVROULES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. EDGAR. Mr. Chairman, reserving the right to object, could we make that 20 minutes?

Mr. PRICE. Mr. Chairman, I move that we close debate on this amendment and all amendments thereto in 10 minutes

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. Price).

The motion was agreed to.

The CHAIRMAN. The gentleman from Massachusetts (Mr. Mavroules) is recognized for 5 minutes.

Mr. MAVROULES. Mr. Chairman, I commend the gentleman from Michigan for offering his amendment to continue the program in the Defense Logistics Agency which targets contracts to firms in labor surplus areas. This would be done by extending for another year the waiver of the Maybank amendment (section 2392, title 10. The Maybank amendment prohibits the Department of Defense from paying more for an item or service in order to get that item or service from a company which would perform in a labor surplus area. The test program, which has been in being since February 1981, has produced positive results at a very modest cost. The average additional cost was only 1.8 percent of the overall value of the 1,087 targeted contracts awarded in the first 3 years of the test program.

As was the case under the Appropriation and Authorization Acts which established the test program, the amendment excludes contracts for purchases of fuel. In addition, the Department of Defense, under the test program, also excluded items for commissary resale, perishable subsistence items and purchases in an amount $25,000 and below. The amendment would continue to allow the Department of Defense to make such restrictions in the program as are reasonable and necessary.

Furthermore, the amendment allows payment of a price differential only if: The award will not adversely affect the national security of the United States; a sufficient number of bids are expected to be received so that the award will be made at a reasonable price; and the price differential does not exceed 2.2 percent. With all of these safeguards and restrictions, I find it difficult to image on what basis one would oppose such an amendment.

In return for a small administrative cost and payment of a minor price differential, we can stimulate economic activity in areas of concentrated high employment. This is an example, in my opinion, of an effective use of a very small portion of the enormous sums of money expended by the Department of Defense funds.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to my dear friend, the gentleman from Ohio.

Mr. PEASE. I appreciate the gentleman yielding. I rise in support of this amendment.

I would just like to make my plea on the basis of equity. For years and years the Midwest and the Northeast were prosperous parts of this country. My district in Ohio had full employment, was rocking right along, and we from Ohio and elsewhere in the Midwest and the Northeast gladly supported efforts to help the economic development of other sections of the Nation.

Now we are in trouble. We are in big trouble. Until recently almost my entire congressional district was a labor surplus area. Still about 65 percent of my district is a labor surplus area, and it makes a great deal of difference whether a company gets a contract to provide a few jobs in a district which has an unemployment rate still in this stage of recovery from the recession of 12, 14 percent, or whether that job or that contract and those few jobs go where the unemployment rate is 4 percent or 5 percent. It makes a great deal of difference psychologically to the people of that district.

We are in trouble. We need the little extra boost that this amendment will give us, and we hope that our colleagues from around the Nation will show us the same kind of understanding that we have shown them in the past.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I am happy to yield to my friend, the gentleman from New York.

Mr. STRATTON. I rise in support of your amendment. It so happens that my district no longer includes any surplus area because I have been getting so many contracts from the Defense Department and because of the effectiveness of the Maybank amendment, we have been able to restore our employment picture.

But I think this is legislation that is vitally needed in those other areas that do not have as effective a Member in the House.

Mr. MAVROULES. I appreciate the gentleman's remarks.

The CHAIRMAN. Members standing at the time the motion offered by the gentleman from Illinois (Mr. Price) was agreed to will be recognized for 1 minute and 20 seconds each.

The Chair recognizes the gentleman from Michigan (Mr. Hertel).

Mr. HERTEL of Michigan. Mr. Chairman, as I pointed out before, the President himself, President Reagan, in a letter dated May 23 to the chairman of the Armed Services Committee said that he supports the continuation of this temporary 1-year extension of the program because the test results of the gentleman from Mississippi and other gentlemen have been citing are wrong. They are inconclusive.

The President stated:

> However, in view of the fact that the test has been conducted at two different levels of premiums, I believe the test results are still inconclusive.

Why does he say that?

We have a study from the CRS, the Library of Congress, which said:

> If the purpose of the DLA test was to evaluate the effectiveness of the LSA program, however, the DLA criterion is questionable since the primary intent of the set-aside program is to have firms in LSA's win contracts over firms in non-LSAs.
>
> If the intent of the LSA program is to give preference, comparing jobs actually generated or retained in LSAs as opposed to potential jobs not created in non-LSAs does not mean the "success" of the program.

So it is not a fair level of testing.

They also started in a bad year, as was pointed out by the gentleman from Massachusetts.

What we have said over and over is the facts show clearly that over 3,027 jobs have been created in areas of high unemployment.

Let me conclude by saying we are a nation together. We see areas that are depressed economically, and we see areas that have natural disasters. We all should work together to help those people.

The worm could turn. Areas that now have a good rate of employment could change and have problems in the future.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Boehlert).

Mr. BOEHLERT. Mr. Chairman, I would like to make two points that should not be overlooked when we vote to continue this program. The first point is that there are still many communities in the country that are suffering from high unemployment and economic distress, and this program is one that can help them. The second point I wish to make is that this program is designed to benefit labor surplus areas in all parts of the country. I think that a program addressing both of these points is well-worth extending.

Currently much attention is being given to the economic revival of the country and rightly so. But we should not lose sight of the fact that this recovery has not reached all parts of the country equally. In fact, the number of labor surplus areas in the country has increased since last year. In 1982, the first year we voted to extend the program, there were just over 1,200 labor surplus areas. Last year when we voted, there were about 1,350. Right now, as of May 1, there are 1,432. That means that there are well over 1,400 areas in this country with unemployment more than 20 percent above the national average. Let us not forget them.

It is also important to look at where the 1,430 labor suplus areas targeted by the program are located. They are widely distributed throughout the country. This program has a national scope. This program allows firms and industries in economically disadvantaged areas throughout the country to participate successfully in supplying nonstrategic goods for America's Armed Forces.

Mr. Chairman, the amendment offered by Mr. HERTEL will continue a proven program that can expand the defense industrial base of America; that recognizes that economically disadvantaged areas of the country still exist and need help; and that targets areas spread throughout the country. This amendment deserves approval of the Congress.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I am glad to yield.

Mr. EDGAR. I would like to yield my time to the gentleman. I think the gentleman makes a good point.

I think if people would take the time to look at all of the programs we have eliminated that were targeted programs to try to help those who have areas of not only high unemployment but long-term unemployment, as the gentleman knows, we have done away with a lot of that because of the cost-cutting measures.

This gives us a way to simply take a few dollars and target them.

I think the gentleman's statistics are well stated in terms of the factual amounts of cost per job, and I think that has to be underscored.

(By unanimous consent, Mr. EDGAR yielded his time to Mr. BOEHLERT.)

Mr. BOEHLERT. As the gentleman in the well knows full well, when we met with the Secretary of Defense he went over our report, our statistics. He did not challenge our figures on the jobs created because we could document those jobs created.

When we challenged the figures the Department of Defense came up with in terms of jobs lost, they admitted, they conceded they could not stand by the figures. In one instance it was suggested that a contractor losing a $100,000 contract had to lay off 250 employees. They knew they could not stand by that figure and we knew it, too.

The Secretary of Defense, the people at the highest level in this administration, people on both sides of the aisle are not politicizing this issue. We are trying to bring jobs to areas where they are needed most with a pilot, experimental program that costs the American taxpayers at most $599.89 per job. Every single Member of this House would vote a billion dollars tomorrow if we could create jobs at the rate of $599.89.

I would say to my colleagues this is a workable program. It deserves 1 more year of tests, and you will all be back here by unanimous consent next year saying we did something good for the employment in America.

Mr. EDGAR. I urge my colleagues to support the Hertel amendment.

□ 1910

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to this unworkable amendment and I want to commend the gentleman from New York (Mr. STRATTON) for having a nonlabor surplus district. I think he cannot give the Maybank amendment any credit for it; it is because of his strong leadership on this committee and defense contractors like the way he handles things back in his own district.

Sixty-one percent of Mississippi is a labor-surplus State and the Maybank amendment has been on a test program for 4 years. It certainly has not helped my State one bit. Half of my counties as I mentioned earlier, are nonlabor surplus and half are labor-surplus, and if you take a military contract out of a nonlabor surplus and put it into labor surplus, then that shifts the employment.

So it is totally unworkable. I hope that we will vote down this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise in strong support of the Hertel amendment to the fiscal year 1985 defense authorization bill. It will continue a much-needed program that allows the Pentagon to target some of its nonstrategic procurement contracts to companies located in high unemployment areas.

It would be unthinkable for the Congress to abandon this effort now. These days we are spending more money for defense in constant dollars than we did at the height of the Vietnam war. Surely, we ought to take steps to insure that some of these defense dollars go for jobs where they are needed the most.

Unemployment remains a scourge throughout Ohio. In April, the unemployment rate was 9.8 percent. The situation is even worse in my own district where the unemployment rate in April was as high as 14.7 percent in Huron County and 12.1 percent in Lorain County. Justifiably, some of my constituents question spending so much on defense when inadequate funds are being provided for job training and employment opportunities. Passage of this amendment is the least we ought to do.

Last July, the Defense Logistics Agency (DLA) submitted a report to the Congress that confirms the value of this test program for the period from February 1981 through December 1982.

A price differential was paid on only 956 of the 35,770 contracts awarded under the program—less than 3 percent of the total contracts.

The price differential on those 956 contracts amounted to $1,763,173 or 2 percent of the overall value of the contracts.

As a result of payment of a price differential on these 956 contracts, 3,207 jobs were created and many more were maintained. The cost of creating a job under this program was only $599.89, even after DLA's administrative expenses were added.

In fact, reductions in income maintenance costs actually may have reduced this cost further.

From all indications, this program is working as intended from when it was first started in 1980. At least some jobs are being created in economically distressed areas at little cost to the Government. But unless the Congress acts now, this program will expire at the end of September.

Among the reasons for supporting this amendment are that it will—strengthen our national defense by maintaining our industrial base; create and preserve jobs without adding to the deficit; benefit every region of the country; ease demand for income maintenance benefits such as unemployment compensation, welfare, food stamps, housing subsidies; and maintain competition in the awarding of defense contracts.

I urge approval of the Hertel amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, we have tried this in 1981, 1982, 1983, 1984. It has not worked. I have a labor surplus State, one of the highest in the Nation.

What we are proposing to do is just to continue swapping one job in one area for jobs in another area. It does not make sense; it is expensive, I will vote against it.

The CHAIRMAN. The Chair recognizes, to close debate, the gentleman from Illinois (Mr. Price), the chairman of the committee.

Mr. PRICE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Hertel).

The question was taken, and on a division (demanded by Mr. Hertel of Michigan) there were—ayes 20, noes 16.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dickinson: At the end of this bill insert the following new section:

Sec. (a). (1) Notwithstanding any other provision of this Act, the amount authorized to be appropriated for fiscal year 1985 for the Air Force for missiles is $7,756,600,000.

(2) It is the policy of the Congress not to take an action that would reward the Soviet Union through the unilateral cancellation by the United States of the MX strategic nuclear missile weapon system for which funds are authorized in this Act while the Soviet Union continues to act in a manner indicating that it is unwilling to take actions to further the control and limitation of similar types of strategic nuclear missile weapon systems.

(b)(1) Notwithstanding any other provision of this Act but subject to paragraph (3), funds appropriated pursuant to the authorization appropriations in this Act for procurement of missiles for the Air Force may be used to acquire not more than 15 additional operational MX missiles, but no funds may be obligated for the acquisition of such missiles until April 1, 1985.

(2) Immediately after April 1, 1985, the President shall determine whether the Soviet Union is acting, as of April 1, 1985, in a manner indicating that it is willing to take actions to further the control and limitation of types of strategic nuclear missile weapon systems similar to the MX strategic missile weapons system authorized for the Air Force by this Act and shall immediately transmit written notification of that determination to Congress.

(3)(A) If the President's determination under paragraph (2) is that the Soviet Union is not acting in such a manner, the amount appropriated pursuant to the authorization of appropriations in this Act for the acquisition of 15 additional MX missiles may be obligated, but only if the President also determines, and includes in the written notification to Congress under paragraph (2) that—

(i) the obligation of such funds is in the national interest; and

(ii) as of April 1, 1985, the United States is willing to act to further the control and limitation on the MX strategic nuclear missile weapon system authorised for the Air Force by this Act.

(B) If the President's determination under paragraph (2) is that the Soviet Union is acting in such a manner, none of the amount appropriated pursuant to the authorization of appropriations in this Act for the acquisition of 15 additional MX missiles may be obligated. However, if after the determination under paragraph (2) the President makes a further determination that the Soviet Union is not acting in good faith with respect to its willingness to take actions described in paragraph (2) and transmits written notification of that determination to Congress, such funds may be obligated after the end of the 30-day period beginning on the date of the receipt of that notification by Congress unless, before the end of such 30-day period, a joint resolution is enacted disapproving the obligation of such funds.

(C) Obligation for the MX missile program of funds appropriated pursuant to the authorization of appropriations in this Act is subject to section 1231 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 693).

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. PRICE. Mr. Chairman, will the gentleman yield to me?

Mr. DICKINSON. I am very pleased to yield to the chairman of the committee.

Mr. PRICE. Mr. Chairman, I would like to offer a perfecting amendment to the amendment offered by the gentleman from Alabama. The amendment is at the desk.

The CHAIRMAN. The Chair will make the observation that the gentleman has not yet discussed his amendment. At the conclusion of that discussion, it will then be in order for the gentleman to offer an amendment.

Mr. DICKINSON. Mr. Chairman, ladies and gentlemen of the House. This is a restatement of the amendment on the MX missile that was passed on April 15.

We had a very long, full debate. I think everybody who had a position had an opportunity to be here to recapitulate what was done on that occasion; an amendment was offered to reduce the number of MX missiles approved by the authorizing committee by one-half.

As the membership will recall, the administration asked for funds to complete 40 MX missiles. Our committee, in its wisdom, decided that it would be prudent, even though we would support the concept for 40, it would be prudent to authorize, which we did, 30 missiles.

In the debate on the floor because of the strong feeling pro and con, we offered an amendment to cut the committee position from 30, in one-half, cut it to 15 and with the proviso that we would go until April 1 next before any of the funds would be released to give an opportunity to the Soviets to return to the negotiating table to get down to serious negotiations on arms control and disarmament.

Now that is what the final action of the House was.

We are reoffering that in this title with a small modification; but that is the substance of what is being offered here. It is a restatement of what the House did. We are asking for the approval of funds for 15 missiles; the sum could not be spent until April 1 next.

At that time the President would certify either that the Soviets were negotiating in good faith or were not. If they were not, they would go forward with the release of the funds and the procurement of the missiles.

Now there is one other important fact here that will be debated but I do not want anyone to misunderstand the facts.

There are also funds here for the basing of last year's 21 missiles that were approved. So if you think that you are only affecting the missiles that will be procured in the future and not affecting what we did last year, you are mistaken.

There are funds here that efforts were made to effect on April 15 and before, that all funds would be deleted. If you do that you take out the basing money for the 21 missiles approved last year.

So we are faced with either a warehousing problem or else we have got to build them and lay them on the ground. So do not be misled by thinking that you are not undoing what we did last year.

☐ 1920

So, gentlemen and ladies, very simply we are, in effect, restating what we did last week. We understand the arguments; we have been through all of this ad infinitum. We are simply restating what we did last week by this amendment authorizing 15 missiles. Keeping the money in for the basing for the ones we approved last year. Fencing money to April 1, until the President can certify either that the Soviets are negotiating, in which case the funds will continue to be fences; or that they are not negotiating in good faith, at which time the funds will be released and we will go forward with the production.

Let me urge the support of the House because I think it would be foolish to do otherwise.

AMENDMENT OFFERED BY MR. PRICE TO THE AMENDMENT OFFERED BY MR. DICKINSON

Mr. PRICE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Price to the amendment offered by Mr. Dickinson: In the section proposed to be inserted by the amendment, strike out all after "Sec." and insert in lieu thereof the following: "Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 1985 for the MX missile program shall be as provided under section 103(a) and such program shall be carried out in accordance with section 110.".

Mr. PRICE. Mr. Chairman, my amendment simply reaffirms the policy the Committee has already supported concerning the MX missile system. The amendment requires the authorizations contained in this bill to be carried out in accordance with the provisions already adopted approving 15 missiles to be procured if the Soviets fail to act in a manner to control similar missile systems to the MX.

The amendment reasserts our position that the Soviets should not be rewarded for leaving the bargaining table. Mr. Chairman, the House has already voted twice to support this system, the MX missile system. Unfortunately, it appears the opponents of the program seek another vote on the MX. My amendment will give the House such an opportunity and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE) to the amendment offered by the gentleman from Alabama (Mr. DICKINSON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 203, noes 182, answered "present" 2, not voting 46, as follows:

[Roll No. 197]

AYES—203

Anderson
Andrews (NC)
Andrews (TX)
Archer
Aspin
Bartlett
Bateman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Coats
Coleman (MO)
Coleman (TX)
Conable
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dreier
Duncan
Edwards (AL)
Emerson
Erlenborn
Fazio
Fiedler
Fields
Flippo
Ford (TN)
Franklin
Frenzel
Frost
Fuqua
Gekas
Gilman
Gingrich
Goodling
Gore
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McNulty
Mica
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Paul
Pepper
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Ray
Regula
Reid
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Schaefer
Schulze
Shelby
Shumway
Siljander
Skeen
Skelton
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vandergriff
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Williams (MT)
Williams (OH)
Winn
Wolf
Wortley
Wylie
Yatron
Young (AK)

NOES—182

Addabbo
Akaka
Albosta
Annunzio
Applegate
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Burton (CA)
Carper
Carr
Clarke
Clay
Coelho
Collins
Conte
Conyers
Coughlin
Coyne
D'Amours
Daschle
Dellums
Derrick
Dingell
Donnelly
Dorgan
Downey
Durbin
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hayes
Heftel
Hertel
Jacobs
Johnson
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
Luken
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Pease
Penny
Perkins
Petri
Rahall
Rangel
Ratchford
Richardson
Ridge
Rose
Rostenkowski
Roukema
Roybal
Russo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitten
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (MO)
Zschau

ANSWERED "PRESENT"—2

Leland
Neal

NOT VOTING—46

Ackerman
Alexander
Anthony
Badham
Barnard
Bryant
Clinger
Crockett
Dixon
Dowdy
Dwyer
Dymally
Edwards (OK)
English
Erdreich
Fish
Gibbons
Guarini
Hance
Hansen (ID)
Hatcher
Hawkins
Howard
Hughes
Jeffords
Jenkins
Jones (NC)
Kolter
Leath
Lundine
Marriott
McCurdy
McKinney
Mollohan
Murphy
Rodino
Roe
Sabo
Sawyer
Sensenbrenner
Shaw
Shuster
Simon
Vander Jagt
Wilson
Young (FL)

☐ 1940

The Clerk announced the following pairs:

On this vote:

Mr. Wilson for, with Mr. Leland against.

Mr. Leath of Texas for, with Mr. Sabo against.

Mr. Hance for, with Mr. Ackerman against.

Mr. Vander Jagt for, with Mr. Rodino against.

Mr. Young of Florida for, with Mr. Howard against.

Mr. McKinney for, with Mr. Dixon against.

Mr. Shuster for, with Mr. Crockett against.

Mr. Badham for, with Mr. Murphy against.

Mr. Shaw for, with Mr. Jeffords against.

Mr. GONZALEZ changed his vote from "aye" to "no."

Mr. LELAND. Mr. Chairman, I have a live pair with the gentleman from Texas (Mr. WILSON). If he were present, he would have voted "aye." I voted "no." I withdraw my vote and vote "present."

Mr. LELAND changed his vote from "no" to "present."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BENNETT TO THE AMENDMENT OFFERED BY MR. DICKINSON, AS AMENDED

Mr. BENNETT. Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. BENNETT to the amendment offered by Mr. DICKINSON, as amended: At the end of the amendment, insert the following:

"Notwithstanding the previous sentence, no funds appropriated pursuant to authorizations of appropriations in this Act may be obligated for acquisition of MX missiles unless the Congress approves the obligation of such funds by joint resolution after April 1, 1985.

"It is the intent of Congress that the suspension of funds for procurement of MX missiles for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of the program."

Mr. BENNETT. Mr. Chairman, the main purpose of this amendment is to put in the hands of Congress, as distinguished from the President, the decision as to whether we will go ahead with the MX. There is a moratorium involved in the Aspin amendment. The same moratorium is involved in this amendment.

It is not my purpose to take much time, and I do not think others will either. The purpose of this amendment is to leave in the hands of Congress, where it should be, the decision as to whether we should go ahead with the MX. Otherwise this is very similar to the Aspin amendment.

Realizing that most people felt that we ought to have some sort of a moratorium, this provides for the same moratorium, but it provides at the end of it that the decision should be made by the Congress as to whether we should go ahead with the MX missile.

I myself am very much opposed to the MX missile, for the very simple reason that most of the authorities on our national defense say it is idiotic to build the MX. Caspar Weinberger said on October 5, 1981:

> We have examined literally hundreds of possible options. We have reached the conclusion that there isn't any ground-based system that is survivable.

That is the Secretary of Defense.

And then Gen. Lew Allen, Chief of Staff, U.S. Air Force, said in that same year:

> An essential feature of the MX deployment is that the basing mode be survivable. One does not obtain that through placing it in Minuteman silos. Therefore, I do not favor such a deployment.

So it is a very, very vulnerable system. It is a very expensive system. The national defense of our country needs good weapons. It does not need bad weapons; it needs good weapons.

Now, some people say that this has something to do with a chip. Both the President and the head of the defense in Russia, our President and the man who is the same position as the Secretary of Defense in Russia, have said that it is not a chip, but for different reasons. The President says it is not a chip because he wants to keep it. The Russians say it is not a chip because they do not want it. There are so many other things which they would be very much more interested in as chips than a weapon that is going to cost us $30 billion or thereabouts and would be of practically no defense value to us. So it would be kind of foolish for Russia to want it as a chip because it would be to their advantage if we built it and threw away $30 billion for a highly vulnerable weapon.

So my purpose here tonight, as it has always been, is not in the sense of being a dove. I am being a hawk. If we want to take this money and put it in strategic weapons, then let us put it in a strategic weapon that is meaningful, like a Trident submarine or like cruise missiles or like bombers, somewhere where it is going to do the enemy some harm. The purpose of a weapon is to do injury to an enemy. This is not going to do injury to the enemy; it is going to do injury to us. It is going to cost us 30 billion bucks, and it is not going to hurt them a bit. It is all going to be wiped out on the first strike.

If we do not want to put it in strategic weapons, then we can put it in conventional weapons. Our policy today is that we are going to have to fight a nuclear war—of course, we are going to call it a tactical nuclear war—in Europe within 10 days or 2 weeks at the very tops. General Rogers, who is head of our NATO force, has said that we cannot hold out for more than 2 weeks and we will have to go to nuclear weapons.

Why do we have to go to nuclear weapons? The only reason we have to go to nuclear weapons, absolutely the only reason we have to go to nuclear weapons is because we are not willing to spend the money to have a conventional force in Europe that can win. We have the men, we have the equipment, we have the technology. We just have not produced the equipment in sufficient numbers.

So here we are heading our country and the world down the road to nuclear war. And this is not a dovish statement; this is a statement having to do with commonsense, because we could evade it. Neither the Russians nor ourselves really want a nuclear war, but we have said we have to fight one within 10 days or 2 weeks.

This amendment will allow the Congress to make the decision as to whether we will ever build this nuclear weapon, and this is the major difference between this and the Aspin amendment. It is not just a tactical procedure thing; it is not a strategic thing; it is a thing that really gets to the merits. This is my belief and the belief of most of the people who love the U.S. Constitution; and this Congress, which is given the responsibility under the Constitution to provide for the national defense of our country.

So I hope very, very much that the majority of the Members of Congress will vote for this amendment, which does not thoroughly throw aside the Aspin amendment, because it provides for the same type of moratorium, the same period of time, but at the end of it Congress would be the one that is making the decision as to whether or not we will have the weapon.

So, Mr. Chairman, I would very much appreciate it if the Members would give thought to this issue and vote for my amendment.

□ 1950

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to a very large extent what we are doing here tonight is almost a total repetition of what we did previously. Members have cast their votes on two occasions and now once again on this question of the MX. Although we are doing almost the same thing that we did previously last week, there is one very fundamental difference which I think Members ought to be aware of. The proposal offered by the gentleman from Florida says this, that notwithstanding any other provision of this act, no funds appropriated pursuant to authorization or appropriations in this act may be obligated "for the acquisition of MX missiles," unless the Congress approves the obligation of such funds by joint resolution after April 1, 1985.

Now, the words "acquisition of MX missiles" I am advised by out legal advisers, actually means not only the 15 missiles which the House agreed to last week, it also includes the 21 missiles that were authorized in 1984, as well as the basing mode for that 1984 deployment.

I think a number of Members during these arguments have come up and said, "Well, I don't like an additional amount of missiles, but I don't want to vote against wiping out the MX altogether and I don't want to wipe out those 21 missiles that we voted in fiscal year 1984."

Well, this wording would mean that if you support the Bennett amendment, you are wiping out not only the 15 that we approved earlier, but you are wiping out the 21 that was authorized in 1984 and also you are knocking out the money for the basing of those missiles. I think that is a very important point.

I cannot yield at this point until I get through this rather complicated explanation.

Incidentally, the wording in the original proposal which is included in the amendment that was just supported by a margin of 20 votes, what was authorized was 15 additional operational MX missiles. If those words were in that, it would be a different thing.

The second basic difference is that the Aspin-Price amendment provided that we would fence off the money for the 15 missiles until April 1, 1985, and if the Soviets then came back to the bargaining table, we would continue to keep it fenced off, but if the Soviets did not come back to the bargaining table, we would spend that money.

This has no connection with any incentive for the Soviets to come back to the bargaining table. That has been left out and that is a very basic difference between this third attempt to get the bill through and I think we ought to be aware of it.

Not only that, but there is one third difference and that is that it is necessary after the first of April of 1985, it is necessary for the House to vote once again on providing the money. That was not in the original proposal.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NEAL. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. RUSSO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MAVROULES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Bennett perfecting language.

I want to set the record straight here on something that the chairman has just stated. This amendment is no different than the Aspin language, absolutely no difference between this amendment and the Aspin language. The only difference is this, that Congress will make the decision rather than others in April of 1985. That is the only difference.

We do not touch the 15 missiles. We do not reduce it by one dime, not one penny is taken out. The only difference is Congress will make that decision in 1985. That is the only difference. Let us set the record straight.

Our purpose today is not to debate the MX missile. We did that 2 weeks ago. The issues on both sides are well known and this program has already been discussed in great detail.

Mr. Chairman, we feel it is essential that we correct a flaw. Those of you who voted for the Aspin amendment last time, we want to correct it. We want to perfect it. The problem in the Price-Aspin language is that many Members after reviewing Price-Aspin have expressed concern over that provision in the amendment which allows the Soviets in effect to decide the fate of the MX missile. The Soviets under the Aspin language decide the fate of the MX missile. Under the provisions of the Price-Aspin amendment adopted by this body, MX funds for 15 missiles cannot be obligated until after April 1.

Further, after April 1 these funds may not be obligated if the Soviets return to the arms talks and proceed to negotiate in good faith.

Mr. Chairman, all we ask in this perfecting language is to allow Congress and not the Soviet Union to make that decision. After April 1, allow Congress to release the funds by joint resolution. That is all we ask. Our amendment is very simple.

To my colleagues and specifically to my dear friend, the gentleman from Wisconsin, my friend, the gentleman from Tennessee, my friend, the gentleman from Washington, I believe our language makes your position stronger because it takes the decision away from the Soviet Union.

It also makes your position stronger in conference with the other body because it is widely reported that the Armed Services Committee on the other side has recommended the procurement of 21 missiles without language or restriction.

Those of you who voted for the language, hear this carefully, they have taken the language out and they have raised the missiles to 21.

It should also be clear that the administration may regard the other body's position as a better deal and work to defeat the Price-Aspin bill in conference.

Whether you support Aspin-Price or Bennett-Mavroules or whatever you want, our goal is to create a more stable environment for arms control.

This evening I ask you to join us in improving the climate for arms control by adopting our perfecting amendment and preserving congressional input in this Congress. That is all that we ask.

Mr. Chairman, I rise in support of the Bennett-Mavroules-Neal perfecting language.

Our purpose today is not to debate MX.

The issue on both sides is well known, and this program has already been discussed in great detail.

However, we do feel it essential that we correct a flaw, a problem in the original Price-Aspin language. Many Members, after reviewing Price-Aspin expressed concern over that provision in the amendment which allows the Soviets to, in effect, decide the fate of MX.

Under provisions of the Price-Aspin amendment, adopted by this body, MX funds for 15 missiles cannot be obligated until after April 1.

And, further, after April 1, these funds may not be obligated if the Soviets return to the arms talks and are perceived to be negotiating in good faith.

Mr. Chairman, all we ask in this perfecting language is to allow Congress, and not the Soviet Union, to make that decision.

After April 1, allow Congress to release the funds by joint resolution. That is all we ask. Our amendment is very simple.

To my colleagues, and specifically the gentleman from Wisconsin, the gentleman from Tennessee, and the gentleman from Washington, I believe our language makes your position stronger because it takes the decision away from the Soviet Union.

It also makes your position stronger in conference with the other body. It is widely reported that the Armed Services Committee of the other body has recommended the procurement of 21 missiles without language or restriction.

And, it should also be clear that the administration may regard the other body's position as a better deal, and work to defeat Price-Aspin in conference.

Whether you support Aspin-Price or Bennett-Mavroules, our goal is creating a more stable environment for arms control.

This afternoon, I ask you to join us in improving the climate for arms control by adopting our perfecting amendment and preserving congressional input in that process.

□ 2000

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I commend the gentleman from Massachusetts and the gentleman from Florida for their amendment. I think that it has a great deal to recommend it over the original Bennett-Mavroules amendment. I see that we are beginning to come together on a number of important points.

As I understand it, the amendment still is 15 missiles. It requires a 6-month delay.

If the Soviet Union is back at the bargaining table, then the moratorium stays in effect. But if the Soviets are not at the bargaining table, then it requires not only a finding by the President, but also a vote by Congress. And if the President finds that the Soviet Union is not bargaining in good faith, it also requires a vote by Congress as well as a vote by the President.

The second part we have in our amendment in a slightly different form.

Let me say that the gentleman's amendment has a lot to recommend it, but there is one very fundamental difference which I think is still important, and important enough to vote no on even this Bennett-Mavroules amendment which is a great deal of improvement over the original Bennett-Mavroules amendment. It is an important issue and it is an issue which I think goes to the heart of the amendment.

Remember what we are trying to do. We are trying to encourage the Soviet Union to return to the bargaining table. That is the purpose of the original amendment.

We have a 6-month delay and we say we will see whether the Soviets come back to the bargaining table.

In order for that to really bring the Soviets back to the bargaining table that ought to take place automatically, that if they are not at the bargaining table and are not bargaining, then it ought to be that we are going to have 15 missiles built.

The trouble with the Bennett-Mavroules amendment is that it says after 6 months, if the Soviets are not at the bargaining table and bargaining, we will have another vote in Congress on the issue. That is not much of an inducement to the Soviets to return to the bargaining table.

The purpose of this amendment, the purpose of the original amendment, the purpose I think of this exercise is to get the bargaining going again, to get everybody back to the table, to get all of the parties back discussing the issue.

In order to do that I do not think that the possibility of another vote in Congress is much of an inducement. They think they are going to be able to stall and not come back to the table. I think you need to have an automatic beginning of the 15 missiles if they do not come back to the bargaining table.

Mr. DICKS. Will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Washington.

Mr. DICKS. If you were the Soviet arms controller you would just recommend let us wait for 6 months. This has been a very close vote and maybe the House will solve this problem for us. Therefore, there is no incentive for them to come back to the table.

Mr. ASPIN. I agree. I think that the core issue here is whether you are going to get the Soviets back to the table. And the Bennett amendment, this formulation is a much weaker, much weaker draw to getting the Soviets back to the table.

Mr. MAVROULES. Will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I thank the gentleman for yielding.

I think we have narrowed our differences to quite a degree. We are not talking about missiles. We are not talking about taking money out.

There is a basic difference between your amendment and your language and the language offered by the gentleman from Florida (Mr. BENNETT), just a few minutes ago. Under your language the Soviet Union determines what we are going to do with the MX missile.

Mr. ASPIN. Correct.

Mr. MAVROULES. Under our language the U.S. Congress determines what we are going to do about it. In effect, would you agree, that is the difference?

Mr. ASPIN. No. No.

Mr. MAVROULES. That is what we should be voting on here today.

Mr. ASPIN. Not entirely. The gentleman from Massachusetts, of course, forgets that the President is involved in both aspects, in his amendment and in our amendment, too.

Mr. MAVROULES. That is correct.

Mr. ASPIN. But the point of the amendment is to encourage the Soviets to come back. What is the inducement to the Soviets to come back if it turns out that all we are going to have, if they fail to come back, is another vote in Congress?

Mr. COURTER. Will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding, because I have heard the gentleman from Massachusetts a few times say that if your language is adopted then we are granting to the Soviet Union the right to determine. That is absolutely false, because today, as a matter of fact a couple of weeks ago, this Congress made the determination.

We are not granting the Soviet Union a determining factor as to whether we are going to go ahead and procure and deploy 15 MX missiles. That decision is made by Congress. It can be made next year or made this year. It was already made this year, about 2 or 3 weeks ago, and it was made just a few moments ago and probably will be made again.

So that decision is not being given to the Soviet Union. It is our decision. It was made by us and will continue to be made by us.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, normally in this body after people had been here many years and labored for many different things they name public buildings after them. I almost think as hard as some Members have labored to save this missile system, we should move to name it after them because we tend to get all sorts of distortions about what all of this is about.

Now we have gotten it narrowed down to a very, very few differences, and the difference really is whether or not this body is going to take any responsibility for anything at a time when we are talking about runaway debts and all sorts of things.

We spend so much time in this House with special orders, with commemorative days, throwing pieces of paper at the world, continually sending out get well cards, doing everything, but we refuse to take real medicine.

What this amendment says, and I think the gentleman from Florida is right on what the amendment says, is the Congress will look at the situation and determine. It does not give the Russians any choice at all. It says they can go to the table; they cannot go to the table. Neither one of those triggers a reaction by the Congress.

It says the Congress then looks at the situation.

Why is this reasonable? Why is this reasonable? Because what is going on in this country right now is a phenomenal political debate on the Presidency and all sorts of things. So it is at a time when we doubt that there is going to be any serious arms control going on by any parties at the moment because this whole Presidential thing is underway.

Mr. COURTER. Will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield.

Mr. COURTER. I thank the gentlewoman from Colorado for yielding.

The point I would like to make is that the Congress is not going to go away in 1985. The first MX missile is not going to be deployed until late 1986.

Mrs. SCHROEDER. Then let me ask the gentleman a question.

Mr. COURTER. We have ample opportunity to vote on this issue two, three, or four more times.

Mrs. SCHROEDER. If the gentleman will let me reclaim my time, then what is the matter with endorsing the Bennett amendment that makes all of the sense in the world?

Mr. COURTER. Because of what the gentleman from Wisconsin (Mr. ASPIN) said. Because of what the gentleman from Wisconsin (Mr. ASPIN) said.

Mrs. SCHROEDER. I think the gentleman is making my point, that we certainly should vote for the Bennett amendment, because otherwise what we are trying to do is lock this House into perpetuity, and what we are really doing is letting the Russian planner decide whether or not we are going to build the missiles, because it says if the Russians come back to the table, not necessarily in good faith, doing a wink-wink act, then we are kind of locked into which way we are going to go.

This says we are not going to be locked into that, that the Congress is going to keep its options open, and I think continue to look at other weapons systems that are maybe much better, much more viable and so forth and so on.

I think there are many of us who think this is not a viable weapons system and we are spending a lot of money on it. But we are saying we are keeping it open and we are going to keep looking at it. It does not totally close the door, but it says we are going to stay in there under our constitutional mandate and pay attention to what we have to do, that we have time to do this, and not just do commemorative days and public buildings and dog clippings and all the other such things that we tend to engage in.

This is the real world. This is probably one of the most important issues this Congress has. To give it away, to give it away and allow the Soviet Union to determine whether or not we are going to do this or whether or not we are going to proceed, which is how I really view the Aspin amendment, and I think that is how they will, does not make any sense.

So I remind you that this is a tough time to expect anything to happen much in arms control because of the Presidential race that is going on. We all know that. Next spring will be a much better time. Things should be more mellow. And then it is get serious time and see what really happens.

But in the interim, this Congress needs to send a message to the taxpayers that we are being paid to sit here and test judgments and continue to monitor this and to continue to monitor the good faith on both sides, and that we are not going to try to lock ourselves into any certain thing. That is what the Bennett amendment says.

I think there is no Member in this body who has been more conscientious over the years in looking at every single weapons system than the gentleman from Florida, Congressman Bennett. I think he has been sterling. He is not what you might want to label any kind of a dove or a leftwinger or anything else. But he has taken that constitutional prerogative very seriously, and this body should also.

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Mr. CHENEY. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment.

No one is more tired of debating the MX than is this gentleman from Wyoming whose district may or may not receive it if it is ever deployed.

I am concerned, though, in the debate here tonight, two points made on it need to be pursued a little bit. I do not think anybody can accuse this body of not having paid due attention to the issue of the MX. We voted on the MX more times in my 5 years in the House of Representatives than I think any other issue except possibly the debt ceiling.

We have looked at it extensively and we will again, because we all know the defense appropriations bill will be up on the floor in a month or two and when it comes up we will have the opportunity yet again to go through all the debate about the MX, whether it is needed or not: its role in the negotiations with the Soviet Union.

To suggest here tonight that the new amendment offered by the gentleman from Florida (Mr. Bennett) somehow has to be adopted in order for this body to carry out its constitutional responsibilities, it seems to me misses the point and ignores several years of history.

I am concerned about a point made by the gentleman from New York (Mr. Stratton). As I read the amendment of the gentleman from Florida (Mr. Bennett), and perhaps Mr. Bennett or Mr. Mavroules could respond; it says that none of the funds authorized in this act may be obligated for acquisition of MX missiles unless Congress approves the obligation of such funds by joint resolution.

The gentleman from New York, the chairman of the subcommittee, Mr. Stratton, indicated that it is his understanding that this language would prohibit the acquisition as well of those 15 missiles, those 21 missiles that were approved in connection with the fiscal year 1984 budget, is that not correct?

Mr. STRATTON. That is the interpretation of the program manager and that was his interpretation of that particular language.

Mr. BENNETT. That language is not in the hands of program management; it is in the hands of the legislature.

Mr. CHENEY. I think this is a crucial point. I will yield further.

Mr. BENNETT. I will try not to talk too long, but you did ask a question. Maybe I talked too long introducing it. I was advised by the people that helped me draft this legislation, the legislative counsel, that it did not preclude those previous missiles. All it does is do the same thing the Aspin amendment did, except it leaves in the hand of Congress the ultimate decision rather than in the hands of the President.

That is its intention and that is my intention in introducing it. I introduced the amendment and legislative counsel tells me that is what it does and this legislative debate here makes it crystal clear.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. That is the way I interpret it also. It is exactly the same language as the Aspin amendment. By the way, if there is a concern about the 1984 funding, as of 2 weeks ago, and I think it is important to note this; as of 2 weeks ago, only 22 percent of the funds put in the budget for the purposes of the procurement of the 21 missiles have been contracted for, only 22 percent.

So there is plenty of money in the fiscal 1984 funds. The important thing here is though, our language is the same as the Aspin language, the only difference is Congress decides rather than the President.

Mr. CHENEY. I reclaim my time, Mr. Chairman.

I know time is short, we are all eager to vote. But I think to restate the matter in its clearest possible circumstances: The Congress will vote again on the MX within a matter of weeks when the appropriations bill comes up; we have ample control over whether or not the program goes forward, Lord knows we voted on it often enough in the past.

The issue that is before us tonight is once again whether or not you are going to support the MX or oppose the MX. The issue is whether or not we are going to go forward and display that we do in fact have the will and the determination to carry on with the decision that has been made repeatedly by administrations and Congresses over the course of the last 15 years or whether we now are going to waffle yet once again.

So I would urge my colleagues who last week voted for the Aspin-Pritchard amendment and voted a few minutes ago for the Price-Dickinson to again vote down the Bennett-Mavroules amendment, that is yet one more attempt to delay, defer, and stall. Let us get on with the program of the MX.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Ohio.

Mr. KASICH. I think there is one important distinction needs to be made by the Bennett-Mavroules amendment, and Mr. Aspin's amendment. Mr. Aspin touched on it briefly.

The Aspin amendment we essentially approve the system. The debate over whether we should have it or whether we should not, whether this country should have the will and resolve to go forward with the system is essentially decided and the issue of whether it is a proper deployment of the system is decided under Aspin amendment.

However, under Bennett-Mavroules, we have to come back and we are going to debate again not only whether the Soviets have negotiated but the value of the system.

So there is a fundamental difference; in the Aspin amendment we have decided to go forward with MX; under Bennett-Mavroules we have not. We are back to the same place where we are. So there is a gigantic difference between Bennett-Mavroules and the decisions that we make on Aspin.

I appreciate the gentleman yielding.

Mr. DYSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from North Carolina, Mr. Neal.

Mr. NEAL. I thank the gentleman from Maryland for yielding.

I rise in support of the amendment.

Mr. Chairman, this amendment, introduced by the gentleman from Florida on behalf of me, himself, and several other of our colleagues, is intended to correct a serious flaw in the Price/Aspin MX amendment adopted earlier. The amendment would change the Price-Aspin amendment in one way, and one way only. It would alter the mechanism for continuing the moratorium on MX production after April 1985. The amendment would not unilaterally determine the MX program, nor would it affect funding for MX missiles previously authorized.

Mr. Chairman, the Price-Aspin amendment was characterized by its authors as a moratorium intended to entice the Soviets into resuming serious arms-control negotiations. If the Soviets returned to the bargaining table by April 1985 the moratorium on MX missile production would continue. Unfortunately, the enticement likely would be seen as only a mirage by the Soviets, since even the authors of the amendment cannot guarantee that Congress could keep its end of the bargain. The amendment, as adopted, gave the President effective control over MX production after April 1985 by requiring Congress to pass a resolution to continue the moratorium.

In other words, Mr. Chairman, should the President intend to resume MX production—irrespective of the Soviet response to the moratorium—it would take a two-thirds majority in Congress to prevent the release of MX procurement funds. In all likelihood, the Soviets will regard the Price-Aspin amendment as an empty gesture, and its 6 months delay in production would accomplish nothing more than increasing the cost of the missile system.

Mr. Chairman, although the Price-Aspin is seriously flawed, it is surprisingly simple to correct it. By requiring a congressional resolution to end the moratorium, instead of continuing it, my amendment would give the Price-Aspin moratorium the credibility it currently lacks. It would remove any doubt that the moratorium is genuine, and not simply a political ploy enacted during an election year.

This moratorium, Mr. Chairman, represents an opportunity to open a new chapter in the quest of true arms control and a reduced threat of nuclear war. But it is critical that Congress send a clear message to the Soviet Union. That message is that we are willing to take the first step in restraining the growth in nuclear weapons. It would then be the Soviet Union's responsibility to respond appropriately and make mutual arms control a reality.

Mr. Chairman, I want to make it perfectly clear that this amendment is a new amendment and should not be equated with the original Bennett-Mavroules amendment to rescind all production money for the MX for fiscal year 1985. Our amendment is not intended to address the merits of the MX missile system and it does not propose to unilaterally cancel the program. In fact, Mr. Chairman, I have supported the MX in the past, and I continue to oppose unilaterally canceling this weapons system without getting something in return from the Soviet Union. Our purpose in proposing the amendment is to challenge the Soviet Union to demonstrate its commitment to arms control by restraining its nuclear-weapons program in a manner clearly understood by the American people, and especially by the 99th Congress.

Mr. Chairman, the preeminent issue of our time—moral, economic, defensive, political, and environmental—is how to avoid nuclear war. While it might be argued that arms agreements of the past have restrained both sides from taking a fatal step, those agreements have been little more than a checkrein. Over the years, each side has multiplied its nuclear arsenals with bigger and more accurate weapons. Each side now has capability to strike the other with its land-based missile within 30 minutes, and from submarines within 10 minutes. Each warhead on these missiles has the capacity to annihilate a major city and all of its inhabitants. Moreover, nuclear confrontation could come through a conscious act, miscalculation, or mistake. The short warning time leaves little room for a thoroughly calculated response. It is unlikely that even a limited nuclear attack—either by design or mistake—could be contained. The first warning of incoming missiles, even if in error, could trigger a full-scale counterattack.

This hair-trigger situation has intensified, rather than diminished, over the last 3½ years. Progress in arms control has been nonexistent during the Reagan administration. After waiting 18 months to go to the negotiating table, the administration made its first serious proposal only 1 year ago. When the Soviets demanded that we withdraw Pershing and cruise missiles from Europe, the talks broke down and the Soviets walked out. The two sides are not even talking and the arms race continues. Future prospects appear dim.

Mr. Chairman, Albert Einstein, once warned that:

> The release of atom power has changed everthing except our way of thinking, and thus we are being driven unarmed toward a catastrophe.

Unfortunately, Mr. Chairman, we have yet to yield to Dr. Einstein's logic. A new way of thinking about the arms race and how to contain it is demanded. I believe that our amendment to declare a moratorium on MX production represents an attempt to rethink the traditional approach to arms control. Reducing the number of MX missiles for fiscal year 1985 from 30 to zero—or another way of looking at it would be reducing warhead production by 300—would be an enormously important and significant signal to the Soviets that we want to deescalate the arms race. It would be an unequivocal gesture, Mr. Chairman, impossible to misunderstand on the part of the Soviets, that the U.S. Congress wants to avoid nuclear holocaust. Instead of another ominous threat, as has been Mr. Reagan's approach, our amendment represents an olive branch overture that could become the first step reversing the trend in the arms race.

When the House voted for the Aspin compromise as contained in the Price amendment, many Members believed that the amendment offered a true middle ground between current policies and unilateral cancellation of the MX missile. In reality, Mr. Chairman, the Aspin approach is but a continuation, in modified form, of current policies. Instead of authorizing the 30 missiles included in the committee report, we settled for 15 MX missiles. As for the highly touted postponement of production if the Soviets return to the bargaining table, it should be remembered that the President effectively controls that decision. It would require a two-thirds majority of both Houses to overturn the President's decision to produce the missiles, no matter what concessions were being made by the Soviets.

Our amendment, however, offers a distinctly different approach. It would send an unmistakable signal to the Soviets that the United States wants to control nuclear weapons. It says we are willing to take the first concrete step toward ending this disastrous race and invites the Soviet Union to respond, not with talk, but with action. This approach is not based on trust or on an accurate reading of the Soviet mind, and it would not involve unilateral disarmament. It merely postpones production of this missile as a gesture to the Soviets. If they respond appropriately, we will have the opportunity to reverse the momentum in this race toward destruction.

Mr. Chairman, if there is a risk in this approach, and frankly I see none, is is inconsequential when compared to the potential gain. It is not as if we were without nuclear weapons. Our strategic nuclear arsenals are formidable. Our invulnerable submarine forces represent roughly two-thirds of our entire nuclear arsenal. And one submarine alone has devastating power that could destroy every major city in the Soviet Union. The MX under any circumstances represents but a small fraction of our entire nuclear arsenal. Under our amendment, research and development and testing of MX missiles is untouched. Should the Soviets not respond to the moratorium in an appropriate manner, the 21 missiles already in production assure that production lines remain open and available to continue missile construction. We could speed up that production line very rapidly should the Congress decide on a greater number of MX missiles were required to meet a Soviet buildup.

I have great respect for the gentleman of Wisconsin, Mr. Aspin, and I supported his efforts to try to motivate the Reagan administration into negotiating seriously with the Soviet Union. However, my concern is the Reagan administration, for numerous reasons, is so lacking in credibility in the area of arms control—vis-a-vis the Soviet Union—that it cannot succeed; that the Soviet Union may have decided not to negotiate with a Reagan administration—not just for the remainder of the election year, but even extending into the next term, should Mr. Reagan be reelected.

Mr. Chairman, arms control is vital to our existence and we simply cannot afford to wait another 4 to 5 years for progress. It is time, now, for Congress to take the initiative to try to change the course of the arms race and prevent the catastrophe about which Einstein warned. A congressional moratorium, in fact, and not in name only, can represent the first step toward that change in direction.

☐ 2020

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that I am the last speaker on this subject this evening. I would certainly urge all of the supporters of my amendment on this side to let this be the conclusion. And I would hope the same would apply on this side.

We have had a good fight. I would just like to pay my compliments to my colleague and friends on the Armed Services Committee, Chairman PRICE, and NICK MAVROULES, and the great guys. They fight fair, they fight hard.

I think it has been a worthy exercise. I think we have ventilated the subject about all it could be ventilated. I think we have brought out all the nuances and sides and we understand what we are voting on here. In fact, we voted for the MX in May of 1983, in July of 1983, in November of 1983, and May 15 of this year, and then again just a few moments ago. So I think it is time to put the issue to bed, to put it to rest. We do not need to come back next April 1 or after and go through the whole exercise again. That is what they are asking us to do.

I think we understand the issues. I think now is the time to cast a final vote, if this is possible. I would certainly urge the Members to support the President, support the administration, to reaffirm what we did 30 minutes ago and what we have done five times previously. Vote down the amendment that was offered by my colleague from Florida (Mr. BENNETT) and support my amendment and the committee position, the Department of Defense position, and the position of the President of the United States and I am convinced a majority of the people of the United States.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Tennessee.

Mr. GORE. I thank the gentleman for yielding.

Very briefly, it seems to me the central point remains, whether or not we are going to try to convince the Soviet Union to come back to the table at the START talks or whether we are going to send them the message that they can wait until April 1 of 1985 and anticipate another vote by the Congress.

Mr. DICKINSON. Let me reclaim my time by restating something I said here before.

We talked to the Germans, when they came over for the North Atlantic Assembly. And in a meeting we were asked, "Why don't you negotiate?"

Pete Peterson, a member of the Bundestag said, "Let me tell you, Congressman," talking to my good friend and colleague from California, "in 1977 we negotiated and they deployed. In 1978 we negotiated and they deployed. And in 1979 and 1980 and now they have over 370 SS-20's in place and are still putting them in place, and we are still negotiating."

That is what we hear you asking us to do. I think it is the wrong thing to do.

Mr. WRIGHT. Mr. Chairman, I rise in support of the amendment. I do not find too much wrong with the Aspin amendment. I think it is an improvement over what we have been doing. It is an inducement, an attempted inducement, to bring the Soviet Union to the bargaining table. I think this is a better one.

Let us get a few things in perspective, if we can at this late hour.

For 40 years we have been leapfrogging each other, the Soviet Union and the United States, each building weapons of greater and more awesome destructive capacity.

For 40 years we have gotten no closer to peace. We have maintained a shakey truce. We have not had an outbreak of world war, but we really have not created peace. And peace is something that has to be waged, just as war must be waged.

Forty years ago in the shadow of World War II, Gen. Dwight D. Eisenhower, who understood some of the brutish economics of displacement, said: "Every gun that is made, every warship launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed."

What General Eisenhower decried at the time as a temporary necessity of war, in these 40 years has become an institutionalized drain upon the wealth of our Nation and the resources of the Earth. Every minute 30 children die of malnutrition or of diseases that could have been prevented by vaccines, and every minute the world spends some $1,300,000 on weapons of destruction.

Let me show you just how rapidly we have escalated this situation. Today the world's military powers have at our fingertips more than 40,000 nuclear warheads. It is a dangerous world. It is a world in which, God knows, both we and the Soviet Union have enough weapons to destroy one another three or four times over. We do not need any more weapons, and they do not need any more weapons.

But we have kept building it up, and building it up. The more we do, the more they do. The more they do, the more we do. Never in the history of this or any other nation, has there been such a rapid peacetime escalation in our spending on military weaponry as the United States has experienced in the last 3½ years.

In 1980 we were spending $146 billion on all of our military defense needs. And there is not a person here who would leave us at the mercy of those who have no mercy. All of us want and insist upon an adequate defense. But $146 billion was our total appropriation for defense in 1980, and that was more than we had ever expended before in a single year, except for 1 year in World War II.

The President asked for next year $313 billion, then later reduced it to a request for $305 billion. And it looks like we are in the process of appropriating maybe $289 billion—twice as much, twice as much for weapons of destruction as we were spending just 4 years ago.

The President has asked us in the next 3 years to appropriate a total of slightly in excess of $1 trillion for the programs of the Pentagon. How much money is that? Well, if we had begun at the time of the birth of Christ, at the beginning of the Christian era, and spent $1 million every day, we still would not have spent $1 trillion. That is how much it is. He wants to spend that much just on the military in just 3 years.

This MX is about the last bargaining chip that we have. We ought to use it in the most effective way possible to try to bring about a step toward peace. We have been escalating the steps toward war.

The Soviet Union installed those intermediate range missiles in Central Europe. We put in the Pershing missiles aimed at them. Then they circled us, announced they would surround us with more missiles from their submarines. What are we going to do next? We are going to put in these MX missiles. They build up; we build up; they build up; we build up.

Are those steps toward peace? No, they are not. They are steps in the escalation of more and more terror, more and more uncertainty, a more and more tenuous balance of fear in the world.

Somebody has to take a step at some point in the other direction. If we ever were in a position where we could afford to take that step, now is the time. With all these bristling armaments that we have, all of these new weapons that this bill advances—the Trident, the Pershing, the Cruise, the B-1 bomber—and we are voting for all of them, this MX missile is about the only one left that we have not fully committed ourselves to put into accelerated production.

Can we wait 6 months? Can we hold out an olive branch for 6 months? Is this not something that is worthy of our consideration tonight?

By this vote, the Congress of the United States might say to the Soviet Union, "We are ready for a mutual and verifiable deescalation. We will offer this as an olive branch. We will wait for 6 months, and then we will decide if you have accepted our overture for peace."

Mr. DANIEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Texas quoted President Eisenhower.

I think he was here in 1958 when President Eisenhower said in a speech to this Congress:

> Military power serves the cause of peace by holding up a shield behind which the patient, constructive work of peace can go on.

☐ 2030

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT) to the amendment offered by the gentleman from Alabama (Mr. DICKINSON), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 197, answered "present" 2, not voting 36, as follows:

[Roll No. 198]

AYES—199

Addabbo
Akaka
Albosta
Andrews (NC)
Annunzio
Applegate
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Burton (CA)
Carper
Carr
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Coyne
D'Amours
Daschle
Dellums
Derrick
Dingell
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hayes
Heftel
Hertel
Hoyer
Hubbard
Jacobs
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
Luken
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Natcher
Neal
Nowak
O'Neill
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Paul
Pease
Penny
Perkins
Petri
Pickle
Rahall
Rangel
Ratchford
Richardson
Ridge
Rose
Rostenkowski
Roukema
Roybal
Russo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (MO)
Zschau

NOES—197

Anderson
Andrews (TX)
Archer
Aspin
Badham
Bartlett
Bateman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dreier
Duncan
Edwards (AL)
Emerson
Erlenborn
Fazio
Fiedler
Fields
Fish
Flippo
Franklin
Frenzel
Fuqua
Gekas
Gilman
Gingrich
Gore
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Pepper
Porter
Price
Pritchard
Pursell
Quillen
Ray
Regula
Reid
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Schaefer
Schulze
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vandergriff
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Frost
Leland

NOT VOTING—36

Ackerman
Alexander
Anthony
Barnard
Bonker
Bryant
Crockett
Dixon
Dowdy
Dymally
Edwards (OK)
English
Erdreich
Gibbons
Guarini
Hance
Hansen (ID)
Hatcher
Hawkins
Howard
Jeffords
Jenkins
Kolter
Leath
Lundine
Marriott
McCurdy
McKinney
Rodino
Roe
Sabo
Sawyer
Sensenbrenner
Simon
Vander Jagt
Wilson

☐ 2040

The Clerk announced the following pairs:

On this vote:

Mr. Bryant for, with Mr. Frost against.

Mr. Leland for, with Mr. Wilson against.

Mr. Ackerman for, with Mr. Hance against.

Mr. Sabo for, with Mr. Leath of Texas against.

Mr. Jeffords for, with Mr. Edwards of Oklahoma against.

Mr. McKinney for, with Mr. Vander Jagt against.

Mr. Rodino for, with Mr. Sawyer against.

Mr. Dixon for, with Mr. Marriott against.

Mr. FRENZEL changed his vote from "aye" to "no."

Mr. AKAKA changed his vote from "no" to "aye."

Mr. FROST. Mr. Chairman, I wish to state that I am paired with the gentleman from Texas (Mr. BRYANT), who is not here. If Mr. BRYANT were here, he would have voted "aye," and I would have voted "no." I voted "present" and am paired with Mr. BRYANT.

Mr. LELAND. Mr. Chairman, I have a live pair with the gentleman from Texas (Mr. WILSON). If he were present, he would have voted "no." I voted "aye." I withdraw my vote and vote "present."

Mr. LELAND changed his vote from "aye" to "present."

So the amendment to the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

☐ 2050

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. DICKINSON), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COURTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 197, answered "present" 1, not voting 38, as follows:

[Roll No. 199]

AYES—198

Addabbo
Akaka
Albosta
Andrews (NC)
Annunzio
Applegate
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Burton (CA)
Carper
Carr
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Coyne
D'Amours
Daschle
Dellums
Derrick
Dingell
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hayes
Heftel
Hertel
Hoyer
Hubbard
Jacobs
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Natcher
Neal
Nowak
O'Neill
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Paul
Pease
Penny
Perkins
Petri
Pickle
Rahall
Rangel
Ratchford
Richardson
Ridge
Rostenkowski
Roukema
Roybal
Russo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traxler
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (MO)
Zschau

NOES—197

Anderson
Andrews (TX)
Archer
Aspin
Badham
Bartlett
Bateman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dreier
Duncan
Edwards (AL)
Emerson
Erlenborn
Fazio
Fiedler
Fields
Fish
Flippo
Franklin
Frenzel
Fuqua
Gekas
Gilman
Gingrich
Gore
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Pepper
Porter
Price
Pritchard
Pursell
Quillen
Ray
Regula
Reid
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Schaefer
Schulze
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vandergriff
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Frost

NOT VOTING—38

Ackerman
Alexander
Anthony
Barnard
Bryant
Crockett
Dixon
Dowdy
Dymally
Edwards (OK)
English
Erdreich
Gibbons
Guarini
Hance
Hansen (ID)
Hatcher
Hawkins
Howard
Jeffords
Jenkins
Kolter
Leath
Luken
Lundine
Marriott
McCurdy
McKinney
Rodino
Roe
Rose
Sabo
Sawyer
Sensenbrenner
Simon
Udall
Vander Jagt
Wilson

□ 2100

The Clerk announced the following pairs:

On this vote:

Mr. Ackerman for, with Mr. Hance against.

Mr. Bryant for, with Mr. Frost against.

Mr. Sabo for, with Mr. Leath of Texas against.

Mr. McKinney for, with Mr. Wilson against.

Mr. Jeffords for, with Mr. Edwards of Oklahoma against.

Mr. Dixon for, with Mr. Marriott against.

Mr. Crockett for, with Mr. Sawyer against.

Mr. Rodino for, with Mr. Vander Jagt against.

Mr. FROST. Mr. Chairman, I again want to announce that I am in a live pair with the gentleman from Texas (Mr. BRYANT), who, had he been present, would have voted "aye" and I would have voted "no." However, I voted "present."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto be completed in 1 hour.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. CAMPBELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

□ 2110

Mr. PRICE. Mr. Chairman, I move that all debate on the bill and amendments thereto be completed in 1 hour.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

PARLIAMENTARY INQUIRY

Mr. BEDELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BEDELL. Is it correct that Members having amendments that are printed in the RECORD will have 10 minutes?

The CHAIRMAN. If they came after the limitation is imposed, yes, the gentleman is correct.

Mr. BEDELL. I thank the Chair.

Mr. WIRTH. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COURTER. The inquiry is what the amendment was or what the motion was.

The CHAIRMAN. The motion was that the gentleman from Illinois moved that all debate on the bill and all amendments thereto conclude in 1 hour.

Mr. COURTER. Mr. Chairman, I object.

The CHAIRMAN. The Chair will state that this is a motion.

The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The question was taken, and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COURTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. The gentleman will protect the Membership. Does the gentleman demand a recorded vote?

Mr. COURTER. Yes, I do, Mr. Chairman.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 174, not voting 46, as follows:

[Roll No. 200]

AYES—213

Ackerman
Addabbo
Akaka
Albosta
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Aspin
AuCoin
Badham
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Boucher
Britt
Brooks
Brown (CA)
Burton (CA)
Byron
Carper
Chappell
Clarke
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coyne
D'Amours
Daniel
Darden
Daschle
de la Garza
Derrick
Dickinson
Dingell
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (AL)
Evans (IL)
Fascell
Fazio
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gonzalez
Goodling
Gore
Gradison
Hall (IN)
Hall (OH)
Hall, Sam
Hamilton
Harkin
Harrison
Hayes
Hefner
Heftel
Hertel
Hightower
Hillis
Hopkins
Hoyer
Hubbard
Hughes
Hutto
Ireland
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McNulty
Mica
Mikulski
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murtha
Natcher
Neal
Nichols
Nowak
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Penny
Pepper
Perkins
Price
Quillen
Ratchford
Ray
Reid
Richardson
Robinson
Rostenkowski
Rowland
Roybal
Rudd
Russo
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Sikorski
Skelton
Smith (IA)
Smith, Robert
Snyder
Solarz
St Germain
Staggers
Stark
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Volkmer
Watkins
Waxman
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Wise
Wolpe
Wright
Wyden
Wylie
Yates
Yatron
Young (MO)

NOES—174

Anderson
Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Boxer
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carr
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conyers
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
Dellums
DeWine
Dicks
Dreier
Duncan
Edgar
Edwards (CA)
Emerson
Erlenborn
Evans (IA)
Feighan
Fiedler
Fields
Fowler
Frank
Franklin
Frenzel
Gekas
Gilman
Gingrich
Glickman
Gramm
Gray
Green
Gregg
Gunderson
Hall, Ralph
Hammerschmidt
Hansen (UT)
Hartnett
Hiler
Holt
Horton
Huckaby
Hunter
Hyde
Jacobs
Kasich
Kastenmeier
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McEwen
McGrath
McKernan
Michel
Miller (CA)
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nielson
O'Brien
Oberstar
Oxley
Packard
Pashayan
Patman
Patterson
Paul
Pease
Petri
Pickle
Porter
Pritchard
Pursell
Rahall
Regula
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rogers
Roth
Roukema
Savage
Schaefer
Scheuer
Schneider
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Snowe
Solomon
Spence
Spratt
Stangeland
Stenholm
Stokes
Stump
Tauke
Tauzin
Thomas (CA)
Towns
Vandergriff
Vucanovich
Walgren
Walker
Weber
Whittaker
Williams (MT)
Williams (OH)
Winn
Wirth
Wolf
Wortley
Young (AK)
Young (FL)
Zschau

NOT VOTING—46

Alexander
Anthony
Barnard
Borski
Bosco
Bryant
Clay
Crockett
Dixon
Dowdy
Dymally
Edwards (OK)
English
Erdreich
Gibbons
Guarini
Hance
Hansen (ID)
Hatcher
Hawkins
Howard
Jeffords
Jenkins
Kolter
Leath
Lent
Lewis (CA)
Luken
Lundine
Marriott
McCurdy
McKinney
Murphy
Rangel
Rodino
Roe
Rose
Sabo
Sawyer
Sensenbrenner
Shelby
Simon
Sisisky
Vander Jagt
Vento
Wilson

☐ 2120

Messrs. WORTLEY, HILER, and OBERSTAR changed their votes from "aye" to "no".

So the motion was agreed to.

The result of the vote was announced as above recorded.

☐ 2130

PARLIAMENTARY INQUIRY

Mr. WEBER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WEBER. Mr. Chairman, I was not on the floor at the time the arrangement regarding the debate time was announced. Will the Chair please inform me of what the agreement is and what the vote was just cast agreed to?

The CHAIRMAN. The agreement was reached that all debate on the bill and amendments thereto would be limited to 1 hour; that voting time will certainly not be taken out of that limitation. It is only debate time that is limited to 1 hour.

Mr. WEBER. I have a further parliamentary inquiry, Mr. Chairman.

I understand, then, that all voting time on any amendment is not included in the 1 hour that commences when debate time begins.

The CHAIRMAN. The gentleman is correct.

Mr. WEBER. I thank the Chair.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment relating to the deployment of Pershing cruise missiles in Europe.

The CHAIRMAN. The Clerk will report the amendment.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, I understood from the announcement of the Chair that there is also pending a proposed substitute for the bill. Now, would that be in addition to the time? And what time limit would there be on the substitute if it is offered?

Mr. DELLUMS. If I might reclaim my time, Mr. Chairman, the gentleman does not plan to offer that amendment.

Mr. DICKINSON. Mr. Chairman, I withdraw my inquiry. The gentleman says he is not going to offer it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS:

LIMITATION ON DEPLOYMENT IN EUROPE OF PERSHING II AND GROUND-LAUNCHED CRUISE MISSILES

SEC. . During fiscal year 1985, no additional Pershing II missiles or ground-launched cruise missiles may be deployed in Europe unless the North Atlantic Treaty Organization (NATO) notifies the United States that there is a NATO consensus that further deployment of such missiles should be made.

Mr. DELLUMS. Mr. Chairman, this amendment is a very straightforward amendment. It calls for no further deployment of Pershing and cruise missiles after September 30 of this year. The practical effect is to delay deployment of any Pershing and cruise missiles in Europe for 1 year unless NATO countries communicate with the United States by a consensus that they want the deployment to go forward.

Now, in support of the amendment, Mr. Chairman and members of the Committee, I would like to make several remarks.

First of all, as many of you recall, as a result of the 1979 two-track decision, this country made a political decision, a political decision to go forward with the deployment of the Pershing and cruise missiles in various sites in Europe.

What this gentleman seeks to point out to my colleagues is that while a political decision was made to deploy these weapons, we have now created a military situation of enormous objective danger.

No. 1, Mr. Chairman, by virtue of our deployment of Pershing and cruise missiles in Europe, we are now, as I have stated on a number of occasions, going beyond the concept of nuclear deterrent, because we are now deploying war fighting weapons.

The distinction this gentleman makes is that as we improve the accuracy, as we improve the range, as we in some instances improve the yield of weapons, and by virtue of our deployment of weapons in closer proximity to our so-called adversary, we are now going beyond the concept of nuclear deterrent; we are now in a posture of nuclear war fighting. I think that has enormous and frightening and dangerous implications.

No. 2, with respect to the deployment of cruise missiles, we are deploying a weapon that creates enormous problems of verifiability. Even experts in the Pentagon point out that that is one factor they have not been able to erase. For those of my colleagues in this Chamber who believe very strongly and sincerely in the concept of arms control, I am saying to deploy the cruise missile is to deploy a very sophisticated and exotic level of nuclear technology that creates enormous problems of verification.

A number of my colleagues have spoken to the fact that the Soviet Union tracked a Korean plane for 2 hours and then shot it down. I would remind my colleagues that the cruise missile is a very sophisticated level of nuclear technology that can hit a target without warning. I would ask the rhetorical question: Does the deployment of this weapon create greater stability, or does it create greater paranoia and instability? I think the later, as opposed to the former.

The third danger that I see is by virtue of the nature of deployment—and here I want to focus exclusively on the issue of the Pershing missile. As I have stated before, we are deploying the Pershing missile in West Germany aimed at the Soviet Union 6 to 10 minutes from the Soviet Union. It is a highly accurate weapon. It can travel perhaps beyond 1,200 to 1,500 nautical miles. We now believe that this weapon can even hit the Soviet Union. So it is not a weapon that can just strike into the Soviet Union; it can strike deeply into the Soviet Union. It can strike within 6 to 10 minutes.

Now, the argument that I have made on a number of occasions is this: Once you deploy an ICBM that can hit the Soviet target within 6 to 10 minutes, they have no time to evaluate. So you make the issue of nuclear war by accident, by mistake, by miscalculation that much more imminent.

I am saying that you take the world in a quantum fashion closer to the brink of a thermonuclear war if you deploy weapons 6 to 10 minutes from the Soviet Union.

I would remind my colleagues, particularly the new Members of Congress, many of you recall that we awakened in the morning reading newspapers that indicated that the United States scrambled into the air, put the United States on alert, because our computers mistakenly communicated that the United States was under nuclear attack from the Soviet Union. You may recall that it takes a nuclear weapon traveling 25 to 40 minutes between the United States and the Soviet Union, and vice versa, and in that——

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will make an announcement.

There is a limitation of time. In pursuit of being fair to all Members who wish to debate, the Chair will not entertain any unanimous consent requests to extend time.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

First of all, the Pershing missile and the cruise missile are both missiles that were agreed to under the NATO organization as part of NATO two-track agreement. The Government of Germany supported that agreement; the German people of Great Britain, and the Government of Great Britain also supported the placement of the ground launch cruise missiles and the Pershing in an election the people and the Government of Italy supported the GLCM. Certainly we here in this body tonight cannot wipe out those missiles for which installations have already been constructed in Great Britain and in Sicily and in the West German Government.

The gentleman from California talks about how dangerous a missile this is, alleging that it could reach into the heart of the Soviet Union in 8 or 9 minutes.

I would point out that the SS-20's that have been placed in the Soviet Union and the additional SS-20's that have lately been placed in Eastern Europe are also less than 8 minutes away in terms of the people of Western Germany, the people of the Netherlands, the people of Belgium. Does it make any sense to suggest that there is something OK about the Soviet Union refusing to remove its SS-20's, and in fact putting in another batch of SS-20 missiles in Czechoslovakia and East Germany where even the people in the Soviet bloc have been frightened by this action. And then yet it is somehow destabilizing and improper for us to carry out a NATO decision that we have been carrying out in their behalf, this strikes us as turning the truth upside down.

I urge defeat of the Dellums amendment.

Mr. FRANK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Chairman, I just might say to my distinguished colleagues on the Armed Services Committee this is one of the reasons why I voted against the time limitation. We are talking about nuclear weapons that have the potential to destroy all life on this planet, and for us to think that we can expeditiously pass this bill without significant and important discussion and debate on the critical issues that we are here to discuss is something that appalls me mentally. I voted against that motion that was offered here because I think we have a profound responsibility to debate the critical issues of our time.

☐ 2140

With the remainder of the time that my colleague yielded to me, I would simply try to point out that what I was trying to suggest was that in the time that we have made mistakes, our computers have malfunctioned indicating that we were under nuclear attack, we had 10 or 15 minutes to play around with trying to determine whether those computers had broken down, made a mistake, whether the wrong tape was in the machine, whatever.

But I ask this question: What happens if the Soviet Union's computer malfunctions, and we have got missiles 6 to 10 minutes from them? How much time do they have to evaluate whether their computers have malfunctioned or made a mistake or an inappropriate tape in the machine?

The point that I make is very serious. That once you deploy a weapon 6 to 10 minutes from the Soviet Union, they have no alternative but to place their weapons in a launch-on-warning situation. Once the world places nuclear weapons in a launch-on-warning situation, then it is only a matter of time before we destroy ourselves.

I would ask this rhetorical question: Does it make you feel comfortable that the destiny of the world, your children and your children's children, our entire futures, may rest on the credibility and the integrity of the Soviet's computer system at the very same time that political leaders in this country will say, "Let us not export sophisticated nuclear technology to the Soviet Union."

The point of it is, they are a fourth-rate nuclear power, and we are placing weapons 6 to 10 minutes from them that will bring extreme pressure on their computer system.

The second point that I want to make is about the whole concept of use them or lose them. We are deploying this weapon in a very vulnerable mode in Europe. In a crisis, the Soviet Union has to hit that weapon because they know it is close. We know they have to hit the weapon, so the pressure is on us to use the weapon before it gets hit.

The point I make is to continue this political decision has now generated a number of military problems that are objectively quite dangerous and we cannot ignore them with political talk.

The third point that I want to make, is that what my amendment seeks to do is to try in some humble way to create or establish an environment conducive to negotiation. In that regard, let me read to you a couple of lines of a speech from Paul Warnke that he just made this month dealing with the impasse that we are in, the United States and the Soviet Union.

He said:

> There is enough blame to go around. Some U.S. officials made the amateurish mistake of predicting publicly that the deployment of the first Pershing ground-launched cruise missile would compel the Soviets to become more responsive to U.S. negotiating proposals. The implication was that Soviet leadership would yield to pressure and allow the United States to negotiate from an improved position of strength. One of the cardinal rules of negotiation is to never embarrass your negotiating partner. But we did.
>
> The suggestion that the Soviet side would be cowed into capitulation and talks virtually guaranteed that the initial deployment would bring about a Soviet walkout.

What we have done is reached a stalemate, and it does exist. I do not believe that the Soviets can come back to the table, and I do not believe we can come back to the table. I think the reality is that INF talks are, for all practical purposes, dead. So the real issue is, how do we bring these parties back to the table? How do both parties save face? Both the United States and the Soviet Union as we go forward trying to preserve the integrity of human life on this planet.

I think it lies in merging the two talks. They were artificial in the first place. We ought to bring INF and the strategic talks together, so that we are talking about all nuclear weapons around one table. What this amendment seeks to do is to send a very gentle message saying, "We understand the dangers, and let us hope that we can sit down," the President of the United States and the President of the Soviet Union and establish a Vladivostok-type framework within which broader talks can go forward.

We need to try to save face so that we can come to the table to save the world. What this amendment does is to say let us stop further deployment. One, because it is dangerous.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not agree with the gentleman from California, but I think he deserves the right to be heard, and I yield to the gentleman.

Mr. DELLUMS. I thank my distinguished colleague and I deeply appreciate it. I would just take a few seconds to try to summarize. I appreciate it because we do come together around the question of the fact that we ought to be debating ideas here.

To summarize, what this gentleman is saying with the amendment is let us stop going forward with further deployment of Pershing and cruise missiles. We have already made the political statement to the Soviet Union. They know that we are prepared to go forward with deployment because we actually have deployed both Pershing and cruise missiles.

I am simply saying, let us not add to that danger, let us try to send a message hopefully creating an environment conducive to arms control and arms negotiation. I do not think we lose anything because when you go back and read the minutes of all of the debate, we have never tried, no one, even the proponents of deployment, ever tried to argue this on military grounds. They said this is a political gesture. So we do not lose anything militarily.

I think that what we have got to do is to make a political gesture, and that political gesture is to create an environment within which talks and negotiation can go forward.

Mr. Chairman, I thank my colleague from Massachusetts for his generous gesture, and I thank my distinguished colleague from Pennsylvania. He and I are often on the opposite end of tumultuous struggles and battles on this floor, but we certainly come together around our commitment to democratic principles and democratic ideals. I thank both gentlemen.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. DANIEL. Mr. Dellums, if we adopt your amendment, are we not delegating our responsibilities to NATO?

Mr. DELLUMS. No; because if, let me read the amendment:

> During fiscal 1985, no additional Pershing II missiles or ground-launched cruise missiles may be deployed in Europe unless the North Atlantic Treaty Organization, euphemistically referred to as NATO, notifies the United States that there is a NATO consensus that further deployment of such missiles should be made.

This is not unilateral; it gives NATO the opportunity to join in the decision.

Mr. DANIEL. That is precisely the point. If we are going to leave it up to NATO to decide whether we deploy or not, then we are abdicating our responsibilities.

Mr. DELLUMS. If the gentleman would yield further to me, you cannot walk both sides of the street. Those who argued in favor of deployment of the missile said we are not doing it, the United States, we are responding to NATO. What I am saying here is that this gives NATO an opportunity to make another decision as to whether they really want to go forward with further deployment.

Mr. WALKER. I am glad to yield further to the gentleman from Virginia.

Mr. DANIEL. That is precisely, Mr. Dellums, why I raise the question. Because the same point was made with respect to the MX. The argument on the MX was that we were abdicating our responsibilities to the Soviet Union; we were letting them decide whether or not we are going to deploy.

Now, what the gentleman is saying, as I read it, we are going to leave it up to NATO to say whether we are going to deploy cruise missiles when the NATO countries have already agreed.

Mr. WALKER. I yield to the gentleman from California.

Mr. DELLUMS. Let us go back to the 1979 two-track decision. My colleagues on the Armed Services Committee argued strongly and strenuously and diligently that the only reason why we are going forward with deployment is because our NATO allies asked for it. What this amendment says is, let us stop additional deployment because they are dangerous here. But let us provide a mechanism whereby NATO allies, if they want to go forward with it, they can engage in a consensus to tell us they want to go forward with additional deployment. This gives them a second opportunity.

Mr. WALKER. I yield to the gentleman from Virginia.

Mr. DANIEL. I believe, Mr. Dellums, that the NATO members have already made that decision. All except one so far as I know have made the decision, that they desire that we deploy those weapons.

Mr. DELLUMS. If the gentleman would yield, No. 1, the Social Democratic Party in West Germany has now clearly rethought their position, Mr. Craxi in Italy is now rethinking Italy's position. The Netherlands has not taken a position. Belgium has not taken a position, and I would dare say that even in West Germany and in

England where the two governments have made decisions, that the overwhelming majority of the population in those two countries oppose the deployment, and certainly oppose any further deployment.

So we are a long ways from any real consensus in NATO with respect to this issue.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. SKELTON. I am not sure I understand the gentleman's amendment. For in truth and fact I am going to follow on the question of the gentleman from Virginia. Has NATO actually already not done what your amendment wants to be done?

Mr. DELLUMS. All of the countries have not addressed this issue. As my colleague certainly well knows, that the Government in the Netherlands is at this point discussing this matter. Decisions have not been made all over NATO countries.

Mr. HILER. Mr. Chairman, in the issue of fairness, if debate still wants to take place on this amendment, I would ask unanimous consent that debate on this amendment and all amendments thereto cease in 5 minutes.

The CHAIRMAN. The Chair is constrained by a motion that limited time.

☐ 2150

PARLIAMENTARY INQUIRY

Mr. HILER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HILER. Mr. Chairman, there is a time limit on all debate for the rest of the evening.

The CHAIRMAN. Does the gentleman wish to limit time on this amendment?

Mr. HILER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his unanimous-consent request.

Mr. HILER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. HARRISON. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. HILER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto be limited to 5 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Indiana (Mr. HILER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HILER. Mr. Chairman, I demand a recorded vote and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

☐ 2200

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana (Mr. HILER) for a recorded vote on the motion to limit debate on this amendment and all amendments thereto to 5 minutes.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 55, nays 321, not voting 57, as follows:

[Roll No. 201]

AYES—55

Archer
Bates
Bereuter
Broyhill
Coats
Courter
Daniel
Dannemeyer
Dickinson
Duncan
Dyson
Fields
Gradison
Gunderson
Hansen (UT)
Hartnett
Hefner
Hightower
Hiler
Hillis
Holt
Hunter
Kindness
Lehman (FL)
Levitas
Lipinski
Lloyd
Long (MD)
McDade
McEwen
McNulty
Montgomery
Murphy
Nelson
Nichols
O'Brien
Parris
Pritchard
Quillen
Rogers
Schaefer
Shaw
Smith (IA)
Snyder
Stangeland
Stratton
Stump
Sundquist
Tauke
Taylor
Valentine
Whitehurst
Whitley
Wylie
Zschau

NOES—321

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Aspin
AuCoin
Barnes
Bartlett
Bateman
Bedell
Beilenson
Bennett
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dreier
Durbin
Dwyer
Early
Eckart
Edgar
Emerson
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gramm
Gray
Green
Gregg
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Heftel
Hertel
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
Jacobs
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (CA)
Leland
Lent
Levin
Levine
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McGrath
McHugh
McKernan
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Shannon
Sharp
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stenholm
Studds
Synar
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOT VOTING—57

Alexander
Anthony
Applegate
Badham
Barnard
Borski
Bosco
Bryant
Byron
Chappell
Clay
Crockett
Dixon
Dowdy
Downey
Dymally
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Ford (MI)
Gibbons
Guarini
Hance
Hansen (ID)
Hatcher
Hawkins
Hayes
Howard
Jeffords
Jenkins
Kolter

Leath
Lowry (WA)
Luken
Lundine
Marriott
McCurdy
McKinney
Mineta
Paul
Rangel
Rodino
Roe
Rose
Sabo
Sawyer
Sensenbrenner
Simon
Stark
Stokes
Swift
Vander Jagt
Wilson
Wortley
Wright

☐ 2210

Messrs. DANIEL B. CRANE, WYDEN, SAVAGE, ROWLAND, FISH, and BEDELL changed their votes from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. WEBER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. WEBER. I have two parliamentary inquiries, Mr. Chairman. Is the Dellums amendment now pending?

The CHAIRMAN. The Dellums amendment is now pending.

Mr. WEBER. How much time is remaining for debate under the limitation agreed to previously by the House?

The CHAIRMAN. There is a total of 41 minutes remaining for debate, not exclusively on the Dellums amendment; there is 41 minutes remaining.

Mr. WEBER. There is 41 minutes of total debate time, not including voting time on any amendment?

The CHAIRMAN. The gentleman is correct.

AMENDMENT OFFERED BY MR. GLICKMAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DELLUMS

Mr. GLICKMAN. Mr. Chairman, I offered an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN as a substitute for the amendment offered by Mr. DELLUMS:

LIMITATION ON DEPLOYMENT IN EUROPE OF PERSHING II AND GROUND-LAUNCHED CRUISE MISSILES

SEC. . During fiscal year 1985, no additional Pershing II missiles or ground-launched cruise missiles may be deployed in Europe unless the North Atlantic Treaty Organization (NATO) notifies the United States that there is a NATO consensus that further deployment of such missiles should be made, and unless the President determines that the Soviet Union has taken comparable action demonstrating restraint in the deployment of intermediate range nuclear missiles and the Congress does not by joint resolution reject such Presidential determination.

☐ 2220

Mr. GLICKMAN. Mr. Chairman, the purpose of this amendment is to take the base Dellums amendment, which I think is constructive; which puts a limit on deployment in Europe of Pershing II's and ground-launched cruise missiles, but adds an additional sentence which requires some reciprocal action on the part of the Soviets as well.

I want to read the amendment again. It is the Dellums amendment which said no additional Pershings or ground-launched cruise missiles may be deployed in Europe unless NATO gives its consensus and unless the President determines that the Soviet Union has taken comparable action demonstrating restraint in the deployment of intermediate range nuclear missiles and the Congress does not by joint resolution reject some Presidential determination.

What we are trying to say here is that we think Mr. DELLUMS has the right approach. We believe there needs to be some reciprocal action by the Soviet Union and we provide that the Congress may by joint resolution reject the Presidental determination.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I will be glad to yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman. I will be very pleased to accept the gentleman's substitute amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman from Kansas yield?

Mr. GLICKMAN. I would be glad to yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Could the gentleman define what a consensus is? Does that mean 100-percent agreement? Does it mean 51-percent agreement?

Mr. GLICKMAN. The language is the gentleman's from California and I would be glad to yield to him to answer that.

Mr. DELLUMS. Clearly the term "consensus" is an artful term; one would assume that it would be above 50 percent and below unanimity. I would think however NATO arrives at its policy decisions at this point would be applicable in this situation.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I ask the gentleman from Kansas a question.

Mr. GLICKMAN. Mr. Chairman, would the gentleman yield for just one moment?

Mr. SKELTON. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I omitted when I just wrote this amendment to add a "not" in the language. And I would—the language should read, at the end of the typed word, there should be a comma and unless the President determines that the Soviet Union has "not" taken comparable action demonstrating restraint in the deployment of intermediate range nuclear missiles and the Congress does not by joint resolution reject such Presidential determination.

Otherwise, it does not make any sense.

I would ask unanimous consent that my amendment be amended by adding the word "not" after the word "has", after the words "Soviet Union has".

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SKELTON. I am not sure I understand what the gentleman is trying to do.

Mr. GLICKMAN. Well, since the gentleman from New York objected to my amendment, let me state the purpose of the amendment.

Mr. SKELTON. Let me go back to the gentleman's initial amendment, if I may. I am not sure that the gentleman is after anything new other than what the gentleman from California (Mr. DELLUMS) has already offered.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

The gentleman from Kansas' amendment does nothing to eliminate the dangers of the amendment offered by the gentleman from California.

Mr. SKELTON. That is what I am saying. I do not see where it adds or detracts from it whatsoever.

Mr. LEVITAS. If the gentleman will yield further.

Mr. SKELTON. I yield to the gentleman.

Mr. LEVITAS. I cannot think of anything that would be more destructive to the North Atlantic Alliance than for its leader at the 11th or 12th hour to show a lack of resolve. This is not the Dutch Parliament. This is the Congress of the United States.

We have a commitment to the free world, to the defense of Western Europe and the United States. And I think either of these amendments, either in its original form or as amended by the gentleman from Kansas, will demonstrate the lack of resolve, that is all it is going to take to see those people in the NATO nations who stood up and joined together for our mutual defense, to come apart.

And I think that it is important that we reject both of these approaches.

Mr. DELLUMS. Will the gentleman yield to me?

Mr. SKELTON. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding. I would like to respond to the statement of my distinguished colleague—the latter statements of my distinguished colleague.

First of all, we have already deployed the weapons. Remember, the argument was that we must make this political statement. The political statement has already been made. What I am simply doing in this amendment is saying, let us now pause, give the opportunity for the NATO countries to reconsider whether they want to go forward additionally.

We have already made the political statement; we have already showed the resolve. So to suggest in any way that this amendment precludes that statement is an absurdity.

We have already shown our resolve by virtue of the deployment that has already gone forward in a number of sites in NATO countries already.

Mr. SKELTON. I would have to, Mr. Chairman, disagree with my friend from California. The political decision and statement has been made, but the decision has been made; we cannot go back and swim upstream. Let us stick by what has been done.

The meeting of the NATO people was here today. I think we should move forward and show our resolve and reject both of these amendments.

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. GLICKMAN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. DELLUMS

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. GLICKMAN as a substitute for the amendment offered by Mr. DELLUMS: On line 6 after the word "has" add the word "not".

Mr. OBEY. Mr. Chairman, I offer this amendment simply to try to accomplish what the gentleman from Kansas is trying to accomplish with his amendment.

As he indicated, the amendment inadvertently leaves out one word. I do not think that you want the House of Representatives to be voting on language which would produce exactly the opposite effect intended.

It seems to me that we owe the gentleman from Kansas an opportunity to have this amendment voted on in a straightforward fashion. That can be accomplished simply by adding the word that I have suggested here.

Mr. McHUGH. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. McHUGH. I appreciate the gentleman yielding. I know it is late, but it seems to me that what we are talking about here is really a very critical issue. Many of us have voted against amendments offered by the gentleman from California and others which would delay the deployment of Pershing, because we were concerned about two things.

First of all, it is important to keep NATO alliance together. If the Soviet Union perceives that the United States or any other significant country in the alliance is unilaterally withdrawing from the alliance position, the Soviet Union will have very little incentive to respond constructively and with restraints on its side.

None of the prior amendments that have been offered in the House have dealt with the issue of the NATO alliance. Some of us have rejected those amendments to delay deployment because they proposed unilateral action by the United States in contradiction of the alliance position.

The second and related problem inherent in prior amendments has been their failure to expressly require Soviet reciprocity if NATO demonstrated restraint in deployment. Thus, if we are to support a delaying deployment, a goal well worth pursuing, two conditions should be met: One, the NATO alliance should be united on the decision; and two, the the Soviet Union must know that reciprocity from it is a quid pro quo for NATO restraint.

This amendment offered by the gentleman from Kansas, as amended by the gentleman from Wisconsin, meets those conditions. Therefore, I think it is a meritorious and extremely important amendment and I hope that the Members will support it. Finally, I want to commend the gentleman from California (Mr. DELLUMS) who has led the discussion on this issue for a number of years and has made some very important substantive arguments, but in my judgment the prior amendments did not meet those two problems. I also would apologize to the gentleman for the fact that this amendment to his amendment has been offered with such short notice.

□ 2230

Mr. OBEY. I wish to make just one point. It seems to me that what these two amendments together would do, with the Dellums amendment, would be to put the United States in a position where we are not doing something on a unilateral basis, we are doing it in connection with action by our NATO allies. We are requiring an additional concurrent action of equal proportion on the part of the Soviet Union.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

I just wanted to say to the gentleman from New York that one could construe from his comments that the substitute corrected both problems.

I would like the RECORD to indicate that the amendment this gentleman offered dealt with the issue of NATO in the previous amendment. So the gentleman from Kansas is only correcting one of the two issues the gentleman raised. I just wanted the RECORD to show that.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, I happen to believe that the gentleman has just misstated history. The fact of the matter is that in 1977 the Soviets started to deploy their SS-20's. In 1979——

Mr. OBEY. I grant that. I did not say anything about history. I did not make reference whatsoever to history. The gentleman misstated what I said and I would like to correct the RECORD.

Mr. LEVITAS. The gentleman did not hear what I said.

Mr. OBEY. What I said was very simple, that we did not want to vote for an amendment which caused the United States to take a unilateral action. That unilateral action being the ceasing of the deployment of the Pershing missile.

What we are saying is that we want two things to happen. If the United States does make a determination not to proceed with the Pershing, we want it to be in concert with our NATO allies, No. 1. And second, we want in return for that a concurrent action on the part of the Soviet Union as verified by the President of the United States.

Mr. LEVITAS. If the gentleman will yield, in 1979 there was concurrent action. The NATO nations called for the deployment in response to the Soviet deployment. That decision was made in consensus, in unanimity in 1979.

Mr. OBEY. I grant that. What is the argument?

Mr. LEVITAS. If we back off of that decision, we will be acting unilaterally.

Mr. OBEY. We are not backing off of any decision unless the Soviets create that situation.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words.

Will the author of the amendment to the amendment, the gentleman from Kansas yield for a question or two?

Mr. GLICKMAN. Yes; I would be glad to.

Mr. SOLARZ. I am trying to understand the impact of the amendment the gentleman offered on the amendment what was offered by the gentleman from California.

If I read it correctly, I believe that it completely undoes the thrust of the gentleman's original amendment. The thrust of his amendment was that we would not proceed in 1985 with the deployment of the Pershing II's and the cruise missiles unless there was a

NATO consensus that we should proceed with the deployment, which made it clear that this was supposed to be an alliance decision.

If the NATO alliance decided we should proceed, we would proceed.

Now, if I understand the gentleman's amendment correctly, the language the gentleman is adding provides that even if the NATO alliance decides we should proceed with the deployment in 1985 if the Soviet Union has demonstrated restraint during that period of time, we are not permitted to proceed with the deployment; is that correct?

Mr. GLICKMAN. It is and, and, and. The fact of the matter is that we are not going to make that determination about the demonstration of restraint unless we make it with our allies.

Mr. SOLARZ. Is it not true that under the terms of the gentleman's amendment that even if the NATO alliance determines through a consensus that the deployment should proceed, we would be legally prohibited from proceeding if the President determines that the Soviet Union has not demonstrated restraint during that period of time?

Mr. GLICKMAN. The only way I can answer—I do not think so—and the only other way I can answer that is that there would be no consensus on the deployment of the missiles without the joint arrangement with the President of the United States to make a determination on the Soviet behavior.

Mr. SOLARZ. Let me say that I think the gentleman from California performs very useful service in reformulating the amendment that he has presented in the past because in the past, under the terms of the gentleman's amendment, the United States would have unilaterally refused to deploy the missiles even though there was an alliance decision to proceed and that could have resulted in the unraveling of the NATO alliance, which was the key to the preservation of peace in Europe and maybe the world.

Under the terms of the amendment he offered this evening, there would only be in effect a termination or a moratorium on the deployment if NATO, as an alliance, decided it did not want to deploy.

But under the amendment offered by the gentleman from Kansas even if there was a NATO consensus that we should continue to deploy, we might be prohibited from deploying if the Soviet Union demonstrated restraint.

Therefore, I think we are back—if the gentleman's amendment is adopted—to where we were a year ago. We could be in a position where the United States unilaterally refuses to deploy even if there is a consensus of the alliance that we should deploy. I think that would be completely counterproductive and destructive to the alliance.

Therefore, I urge the rejection of the amendment by the gentleman from Kansas and then the adoption of the amendment, unamended, by the gentleman from California, which preserves the principle that whatever we do, we should do as an alliance rather than unilaterally.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

I think my colleague from New York has stated the case very well. I might say to my colleague from Kansas that when I accepted the gentleman's amendment it was in the form of the initial language. And the gentleman has now changed that language which substantively changes the impact of the amendment on this gentleman's original amendment.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Kansas.

Mr. GLICKMAN. The point of the amendment is to try to bring in some reciprocity for the Soviet Union in the process.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope that I will not use this 5 minutes, but I think there is a point which very badly needs to be made and one which I am sure could better be made by someone other than a freshman Member of this body.

But if my memory serves me correctly as to what I have heard in the last 15 or 20 minutes on the floor of this House, we had a pending amendment to which there was offered spontaneously on this floor an amendment thereto, which immediately like that was accepted by the patron of the original pending amendment. Now we have a perfection of the perfecting amendment and now we have an argument about whether it did or did not perfect.

The point I wish to make and I would like to make so strongly to this House is what a wretched, miserable, potentially tragic way for us to try to conduct the foreign policy and the national security policy of the United States of America. That is what we are about and we are doing it very poorly and we are not the body to do it well in any event.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Georgia.

Mr. LEVITAS. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct. The decision to deploy the modern theater weapons was made in response to a Soviet deployment. There were 5 to 6 years given to enter into negotiations not to deploy. The last administration and this administration were together on this subject. NATO has been the bulwark of freedom, it has kept peace in the world for the last 39 years.

For us tonight, in the Congress of the United States, to say we have doubts, that we wonder whether we made the right decision, that we have got to rethink this whole thing, while the Soviets were deploying a new SS-20 every single week while we were negotiating in Geneva, is outrageous.

I think it is important not only to defeat both of these amendments, but to defeat them overwhelmingly, because if not, all you are going to have to do is pick up the European newspapers tomorrow morning to find out what damage we have done to NATO. It may be irremediable.

□ 2240

Mr. BATEMAN. I commend the gentleman for his statement. If I have any time remaining, I would simply add to it this comment: The amendment speaks in terms of if the Soviets make some commensurate act on their part.

In the context of this amendment, that would mean only they do not deploy any more of those SS-20's. They already have more than 300. We have nothing like that number. A commensurate act on their part is nothing. Leaving them with that preponderance, I think the proposition is a preposterous one.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. If I have any time left to yield, I yield to the gentleman from Washington.

Mr. DICKS. I wanted to say I think the amendment, even as it was originally drafted, would require bringing this entire issue back of whether there exists a consensus on this deployment. And therefore I think the amendment is flawed, I think it is dangerous, and I hope we will reject it. We have made the decision to deploy, and I think we ought to stick with it.

Mr. BATEMAN. The gentleman's conclusion is sound.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Chairman, let me respond to the last comment by my colleague, the gentleman from Washington (Mr. DICKS).

Let us go back in history. The 1979 decision was called a two-track decision: Deploy, negotiate.

There is no negotiation going on at this moment. The situation has now radically changed.

What this amendment does provide our NATO allies with is an opportunity to reconsider the decision. They may not want to go forward with continued deployment. There is no total unanimity at this particular moment. INF talks have now totally collapsed. No negotiation is going on. Only one track is taking place. That track is deployment.

I am saying history has now changed, the situation is now different. I am simply saying that this is now a very different situation, and our NATO allies have the right to reconsider what this amendment does. It provides them with the opportunity to reconsider any different atmosphere. That is all we are trying to say.

Mr. SEIBERLING. Mr. Chairman, I think the Congress and our country are greatly indebted to our colleague, the gentleman from California, for raising one of the most serious issues that this country is facing.

The NATO decision was indeed a two-track decision. The decision was to deploy and to negotiate.

Now, it is the Soviet Union that withdrew from the negotiations, and they are to be blamed for that. Nevertheless, the fact is that the negotiations have come to a halt, and it is in everyone's interest to somehow come up with a means of reconstituting the negotiations. And a pause for everyone to reflect, including NATO, is a well-thought-out tactic.

I would like to say not only is the gentleman's approach correct historically, but the gentleman from New York (Mr. Solarz) is absolutely right in his analysis of the Glickman substitute. It was unfortunately drawn and imposes an additional condition on top of NATO, namely, that even if NATO decides they want to go ahead with deployment, the President still has to make an additional finding. So it is more complex and imposes more obstacles than the gentleman's original amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. KAZEN. I do not understand this business of giving them another opportunity to rethink. What keeps them from doing that now without this law?

Mr. SEIBERLING. Well, there are such things as false pride in this world.

Mr. KAZEN. So we are going to correct their pride?

Mr. SEIBERLING. And I am not referring to ours. I am referring to the Soviet Union. But if we are going to solve a problem, then we must give the other side every possible opportunity to withdraw from its untenable position, and one of the ways is for NATO to come up with a new approach and to do it collectively instead of the United States acting unilaterally, and give the Soviets an opportunity to save face and come back to the negotiation table, at the same time not impair our position.

Mr. KAZEN. Let me just tell the gentleman that, in my opinion, nothing that we do in this Congress is going to have one bit of effect on the Russians. It never has and it never will.

Mr. SEIBERLING. Well, then, on that basis we should not do anything.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Georgia.

Mr. LEVITAS. I think the gentleman made a point about the two-track decision. But the two-track decision was that we would negotiate and not deploy if an agreement was reached. An agreement was not reached because the Soviet Union withdrew. And it was part of the two-track decision from the beginning that if an agreement was not reached by December of last year, the deployment would go forward on schedule. The schedule was agreed to in advance. We better stick to it.

Mr. SEIBERLING. All I can say is that if the NATO ministers meeting in Europe decide they want to continue, this amendment gives them that option.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Wisconsin.

Mr. OBEY. If you adopt the Glickman amendment——

The CHAIRMAN. The time of the gentleman from Ohio (Mr. Seiberling) has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. Obey) to the amendment offered by the gentleman from Kansas (Mr. Glickman) as a substitute for the amendment offered by the gentleman from California (Mr. Dellums).

The amendment to the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. Glickman) as a substitute for the amendment offered by the gentleman from California (Mr. Dellums).

The amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Dellums).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 291, not voting 38, as follows:

[Roll No. 202]

AYES—104

Ackerman
Addabbo
AuCoin
Bates
Bedell
Beilenson
Berman
Bonior
Bonker
Boxer
Brown (CA)
Burton (CA)
Clay
Collins
Conte
Conyers
Coyne
Daschle
Dellums
Dorgan
Downey
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Feighan
Ferraro
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Gonzalez
Gray
Hall (IN)
Harkin
Hayes
Jacobs
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Kostmayer
LaFalce
Leach
Lehman (CA)
Lehman (FL)
Leland
Levine
Lowry (WA)
Markey
Martinez
Matsui
Mavroules
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Nowak
Oakar
Oberstar
Ottinger
Owens
Panetta
Pease
Penny
Rahall
Rangel
Ratchford
Roybal
Russo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sikorski
Solarz
Staggers
Stokes
Studds
Swift
Torres
Torricelli
Towns
Traxler
Vento
Waxman
Weaver
Weiss
Wheat
Williams (MT)
Wirth
Wolpe
Wyden
Yates

NOES—291

Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
Badham
Barnes
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Borski
Bosco
Boucher
Breaux
Britt
Brooks
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dreier
Duncan
Durbin
Dwyer
Dyson
Edwards (AL)
Emerson
Erlenborn
Evans (IA)
Fascell
Fazio
Fiedler
Fields
Fish
Flippo
Florio
Foley
Fowler
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Green
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Hefner
Heftel
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Lewis (CA)
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Lipinski
Livingston

Lloyd
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NOT VOTING—38

Alexander
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McCurdy
McKinney
Paul
Ridge
Rodino
Roe
Rose
Sabo
Sawyer
Sensenbrenner
Simon
Stark
Vander Jagt
Wilson

□ 2300

The Clerk announced the following pairs:

On this vote:

Mr. Dixon for, with Mr. Hance against.

Mr. Crockett for, with Mr. Anthony against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: At the end of the bill add the following new section:

TRANSMITTAL TO CONGRESS OF REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL AGREEMENTS

SEC. . (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress the text of the report by the General Advisory Committee on Arms Control of the Arms Control and Disarmament Agency entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 (U)", dated November 1983. If the President determines that that report contains material the release of which to Congress would compromise United States intelligence sources, methods of intelligence gathering, or the national security of the United States, the President may furnish the text of such report after deleting or modifying such compromising material.

(b) Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress an unclassified version of the report described in subsection (a).

Mr. COURTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Chairman, I will not prolong the matter. This is a full-disclosure amendment. It is a sunshine-type amendment. It is agreed to by both the majority and the minority.

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me?

Mr. COURTER. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has been good enough to show us his amendment and on behalf of the committee we accept the amendment.

Mr. COURTER. I thank the gentleman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we have examined the amendment and we have no objection to it.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to ask the gentleman from New Jersey (Mr. COURTER) if he could describe the amendment to us, please.

Mr. COURTER. If the gentleman will yield, I would be happy to describe the amendment.

Mr. Chairman, there is a report that was filed and prepared by the General Advisory Committee on Arms Control. That report recited the Soviet compliance practices during the past 25 years in arms control.

The amendment directs that the administration supply an unclassified version of a chronological history of Soviet compliance practices to this body. It does so also stating that if there is a problem with national security, then the report could be changed. It also says if there is a problem with compromising intelligence-gathering capabilities, if sources and methods of intelligence would be compromised, then the report could be altered to satisfy those problems that the administration may have.

Therefore, the amendment simply requests an altered copy of this particular report, which has been completed probably a year ago.

Mr. DICKS. Is the trust of this report to point out a variety of Soviet compliance problems that the gentleman wants to use in order to undercut existing arms control agreements?

Mr. COURTER. No; not at all. The purpose is simply to inform this body of the entire chronological period of the last 25 years with regard to Soviet compliance practices. I think if the gentleman and we have a chance to look at it, it may show and probably will show that the Soviet Union has indeed complied with some agreements. There might be problems with others but it is very difficult to debate strategic systems without having a working understanding of compliance practices during the last 25 years.

Mr. DICKS. Why has this report not been released to the Congress before?

Mr. COURTER. I am not sure why it has not been released before. Administration after administration have been for whatever reasons somewhat reluctant to talk about compliance practices.

Mr. DICKS. But we do have a standing consultative commission in which these compliance issues are supposed to be worked out in secret, and that has been the way we have dealt with these issues over the past.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to enter the discussion because I know my friend from Washington is extremely interested in compliance by the Soviet Union, and I am a strong supporter of what the gentleman from New Jersey is attempting to do.

One reason that would broaden the study is the fact that this study takes a broader look at all of those areas of negotiation into which the United States and the Soviet Union have entered. It is not just strategic arms talks, I would say to my friend from Washington. It takes chemical and biological weapons, the nuclear threshold test ban treaty, the Helsinki treaty, and looks at them.

As the gentleman from New Jersey points out, some of the treaties have been agreed to by the Soviet Union have not, but it is information that is critical to the formulation of public policy and the gentleman from New

Jersey has been one of those who has been trying to get it released.

□ 2110

I have heard the briefing. I think it is the type of information that the Congress should require. I would urge my colleagues to support the gentleman from New Jersey in his very logical and legitimate request for more information.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Courter).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DYSON

Mr. DYSON. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dyson: At the end of the bill add the following new section:

NATIONAL SECURITY CONSIDERATIONS RELATING TO MERCHANT SHIPPING

Sec. . No merchant vessel which is committed to the foreign trade of the United States and the plans and specifications of which have been approved by the Secretary of the Navy as suitable for economical and speedy conversion into a naval or military auxiliary, or otherwise suitable for use by the United States Government in time of war or national emergency, shall be released from any commitments entered into with the United States Government unless the Secretary of the Navy determines that such release shall not reduce the number of militarily useful liquid bulk carriers readily available to the United States in time of war or national emergency.

Mr. DYSON. Mr. Chairman, I would like to offer an amendment to H.R. 5167, the Defense Authorization Act, which would give the Secretary of the Navy an effective veto over the transfer of a vessel built with Government subsidy into the domestic trade.

I am offering this amendment because of my concern for our domestic merchant marine fleet. As noted in the committee's report to H.R. 5167, the Maritime Administration has stopped new domestic construction and maintenance of our shipbuilding base by eliminating the construction differential subsidy (CDS) program and permitting construction of U.S.-flag vessels in foreign yards.

Today the domestic merchant marine faces yet another and equally serious threat. The Secretary of Transportation is in the process of adopting a rule to allow all tankers built with subsidy to enter the domestic trade upon repayment of the subsidy. The Department of Defense has said that the adoption of the rule would drive small- and medium-size tankers out of business, the tankers which the Department considers to be the most important for military use. The adoption of the DOT rule would transfer to the Department of Defense the additional expense of trying to buy up these tankers to save them for the national defense.

The U.S.-flag fleet is sharply divided into two sectors: An unsubsidized fleet which has the privilege of operating in the coastwise trade, and a subsidized fleet which is limited to the foreign trade of the United States. Section 506 of the 1936 Merchant Marine Act, as amended, is the pivot of this statutory scheme. It permits the Secretary of Transportation to pay subsidies for the construction of vessels to compete in the foreign trade of the United States. The subsidy is designed to allow those vessels to compete with foreign-flag vessels built at lower cost in foreign yards. By the same token, subsidized vessels are not allowed to compete with the unsubsidized operators in the domestic trade, who shoulder virtually the entire capital costs of construction.

The proposed policy of unrestricted admission of subsidized vessels upon repayment of CDS would permit 4 million additional tons of tankers to enter a domestic trade of approximately 7 million tons. The adverse effect on rates would be profound, leading to extensive layups and scrapping of vessels, especially the independent tankers. In addition to driving out modern large tonnage, the admission of large subsidized tankers would require the scrapping of small- and medium-size tankers, some new and some old. The Navy has made it clear that these handy-size tankers are precisely the best suited for military transportation purposes in the event of an outbreak of hostilities. By contrast, the larger and less maneuverable subsidized tankers are not suited for military purposes.

My amendment would bar the transfer of CDS vessels to the coastwide trade unless the Secretary of the Navy determines that the transfer will not adversely affect the national security. Under my amendment, the Secretary of the Navy's approval would be necessary before any vessel could be transferred where it might drive out a vessel important for defense. This is consistent with existing law, which requires the approval of the Secretary of the Navy for the construction of any vessel with a Government subsidy. It is, in my judgment, appropriate that the Secretary of the Navy have an effective veto over a decision with such implications for national defense.

I urge my colleagues to support this amendment. Thank you.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DYSON. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, the committee has had an opportunity to examine this amendment and the committee would accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. Dyson).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Aspin: At the end of the bill add the following new section:

PROCEDURES TO PREVENT EXCESSIVE COST OVERRUNS

Sec. . (a) The Secretary of Defense shall provide that the normal duration of the duty assignment of a commissioned officer or civilian officer or employee of the Department of Defense assigned after the date of the enactment of this Act to a position as a program manager of a major defense acquisition program shall be 4 years.

(b) If a major defense acquisition program has an excessive cost overrun, the Secretary of the military department concerned shall convene a board to determine the cause of the cost overrun (including a determination of whether an act or failure to act by a commissioned officer or a civilian officer or employee under the jurisdiction of a military department was responsible for the cost overrun) and to make recommendations to the Secretary for appropriate action.

(c) For the purposes of this section—

(1) the term "major defense acquisition program" has the same meaning as provided in section 139a(a)(1) of title 10, United States Code; and

(2) an increase in the total current program acquisition cost (in constant dollars) of 15 percent or more above the total program acquisition cost of that program as reported in the most recent comprehensive annual Selected Acquisition Report under section 139a of title 10, United States Code, shall be presumed to be an excessive cost overrun.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Chairman, let me yield in a minute to the gentleman from Wisconsin (Mr. Roth).

We had a discussion yesterday and the gentleman offered an amendment and I agreed to try to work out compromise language. We have worked out compromise language. I think it has the approval of the people over on the minority.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. Roth).

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we debated this amendment at length last evening. During the debate Mr. Aspin, our colleague from Wisconsin, stated that he and other Members could improve on my amendment. After a good deal of negotiation and aid from a very capable staff, we have achieved our goal.

A key problem with the defense procurement system is that it is often difficult to figure out who is accountable for the cost growth in major programs. The system lacks accountability. For example, it is not uncommon for the manager of a major defense system to serve a mere 2 years before being transferred to a new assignment. That barely gives the program manager time to learn what his program is all about. The manager's chief goal in such a short tour cannot be to run the program; it is simply to avoid any disaster on his watch. Wrong decisions will come home to roost on the watch of a succeeding program manager. Remember, it commonly takes 12 years to develop a major weapon. Six program managers can go through the mill in that time.

This problem has long been documented. David Packard, when he served as Deputy Secretary of Defense in the Nixon administration, ordered that program managers serve longer tours. But as the years have progressed, the military personnel system has eroded that Packard reform until program managers are again serving short tours, punching their tickets on the way to higher rank. Frank Carlucci, when he served as Deputy Secretary earlier in this administration, also recognized the problem.

Mr. Chairman, I am introducing an amendment today designed to remedy this persistent problem. My amendment has two parts.

First, it would take the Packard reform and mandate it in the statutes by requiring that program managers be assigned for a tour of at least 4 years.

Second, it focuses on weapons systems that have serious cost overruns by requiring that the board be convened to investigate instances of excessive cost overruns—excessive being defined to mean a growth of 15 percent in the cost of the program. If this provision had been in effect since the start of calendar year 1983, four major programs would have come under board investigation in the last 17 months.

The requirement that the normal tour for a program manager must be 4 years does not preclude a shorter tour. For example, if a program manager proves to be incompetent, he could clearly be removed. If he proves to be outstanding, it might be reasonable to shift him to a larger and more troublesome weapon program. If he gains promotion to a rank above that authorized for his position, he could also gain a new assignment. The point here is not inflexibly to assign a man or woman to a job for 4 years, but to make the 4-year tour the norm and to put an end to the practice of assigning program managers with full expectation that they will be going elsewhere after a brief tenure. That practice must end.

I do not suggest that this is a cure for all that ails the defense procurement mechanism—by no means. But it is a major step toward increasing accountability in the acquisition process. Program managers would serve long enough to actually understand and manage their programs. They would serve long enough for mismanagement to haunt them while they are still serving as program managers—thus giving them good reason to pursue good management. Finally, the probe by a board—a board specifically directed to find the cause of overruns and to name names—will further heighten the sense of responsibility that is the core of good management.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Chairman, I was a part of that discussion yesterday. I have not seen the compromise. If the gentleman would take just 1 minute, I do not like to work in the dark. I did have an intense interest in supporting the gentleman's amendment yesterday.

Can someone take 30 seconds or so to let me know what is in this thing?

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I appreciate the gentleman yielding.

Yesterday when this amendment was offered, if the Members recall, I said that we are penalizing the wrong person. The amendment yesterday said that the contracting officer that signed the contract, if there was a substantial overrun, could be summarily dismissed or discharged from the service.

I said, "You've got the wrong guy." He does not have any responsibility for oversight of program management.

There has been a change now and we have got the right guy. This says not the contracting officer that signs it, but the program manager, a 4-year tour would be a normal tour for him to manage a program, and holding him responsible and if there is a substantial overrun, which means 15 percent over the SAR, then they can convene a board and go into the reason why and hold him accountable.

So we are doing what the gentleman attempted to do yesterday, but I think we have the right guy today and not the contracting officer. That is the reason we accept it.

Mr. MITCHELL. Fine. I still insist, and I know people are pushing me, but it can fall on both sides. You can have a scurrilous contracting officer and you can have a bad program manager. It does not address both of those issues, but in the spirit of collegiality, fine, let it sail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ASPIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LEACH OF IOWA

Mr. LEACH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEACH of Iowa: At the end of the bill add the following new section:

REPORTS ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS

SEC. (a) Notwithstanding any limitation in any other provision of this Act, the Secretary of Defense shall participate in any comprehensive interagency study conducted on the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b)(1) Not later than March 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), containing the following:

(A) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(B) A thorough evaluation of the implications that such findings have on (i) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment, (ii) the nuclear arms control policy of the United States, and (iii) the civil defense policy of the United States.

(C) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(D) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

(2) Not later than March 1st of 1986 and of 1987, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), containing—

(A) an update of the items contained in the report described in paragraph (1), taking into account any scientific studies and findings made by other agencies or interagency taskforces within the Federal Government, and

(B) the results of any study in which the Secretary has been participating under subsection (a).

(c) Each report under subsection (b) shall include separate discussions of (1) the effects of nuclear war on the particular nations or geographic territories that are the targets of nuclear weapons, and (2) the overall global effects of nuclear war.

(d) To the extent practicable and not inconsistent with national security considerations, the Secretary of Defense, in preparing the reports described in subsection (b), shall consult with, and seek the views and assistance of, experts on the effects of nuclear war from other countries, including experts from the other nuclear powers.

(e) The authority of the Secretary to participate in any study undertaken by any Government agency concerning the phenomenon referred to as "nuclear winter", and the extent of that participation, shall not be subject to any limitation in any other provision of this Act, including any limitation on the total amount that may be spent by the Secretary for participation in any such study. The amount available for participation by the Secretary in any such study in any fiscal year shall be provided under annual authorization and appropriation Acts.

Mr. LEACH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk continued the reading of the amendment.

Mr. LEACH of Iowa (during the reading). Mr. Chairman, this is a lengthy amendment. It would be easier to explain than listen to.

I will repeat my unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will continue to read.

The Clerk continued the reading of the amendment.

Mr. WIRTH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue to read.

The Clerk continued the reading of the amendment.

Mr. ROEMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LEACH of Iowa. Mr. Chairman, this amendment is introduced by the gentleman from Colorado (Mr. WIRTH) as the principal sponsor, in connection with the gentleman from Georgia (Mr. GINGRICH), the gentleman from Louisiana (Mr. ROEMER), the gentleman from Tennessee (Mr. GORE) and myself.

Mr. Chairman, at this time I yield to the gentleman from Colorado (Mr. WIRTH) to describe the amendment in greater detail.

Mr. WIRTH. Mr. Chairman, I thank the gentleman for yielding.

As the gentleman points out, there is a broad coalition of people supporting this, including Messrs. LEACH, GORE, GINGRICH, ROEMER, and myself.

Mr. Chairman, in the last few days we, in this House, have been voting on tactical and strategic nuclear programs which will amount to billions of dollars in procurement funding. The impact these programs will have on the budget is large and relatively clear. Their implications for national security are even larger and frequently less well understood.

It is vital that as Members of Congress making informed decisions that will affect the long-term security of our Nation, we understand as fully as possible the implications of nuclear armaments and nuclear war. To further this end I am today introducing an amendment to the defense authorization bill that would require the Secretary of Defense to report to Congress annually on progress on research into the long-term climatic implications of nuclear war, and how such implications affect our nuclear weapons strategy and civil defense policy.

The impetus for this amendment is based on the work of more than 100 international scientists, including Dr. Carl Sagan, who set out to study the global climatic effects that would result in the aftermath of a nuclear exchange. The disturbing findings, developed through the use of computer models, involved the impact of the injection of dust, smoke, radioactive isotopes, and other materials into the atmosphere. A large number of conservative assumptions were included such as the fraction of detonations causing widespread fires, the size of the fires, duration of burning, the height of smoke plumes, optical properties of dust and soot, and the quantity of dust swept into the atmosphere. Such assumptions were fed into computers and combined with various patterns of nuclear wars.

The results of this study are extremely sobering. The findings indicate that the use of just a fraction of the world's arsenals—possibly no more than 500 to 2,000 nuclear warheads—could cause a climatic catastrophe. Results of a protracted nuclear war would produce a blanketing of the Northern Hemisphere by soot and dust for most of a year with temperatures dropping below freezing in the continental interior for many months. Such temperatures, combined with the toxic smog that would envelope the Northern Hemisphere, would destroy plant life sensitive to both cold and darkness. The world's major agricultural region, North America, would be crippled. The ecological tragedy that would result would be unprecedented. Quoting from Dr. Paul Ehrlich's article, "The Nuclear Winter" in the Amicus Journal:

> So severe were the projected effects in the Northern Hemisphere that they (biologists) were certain that, even if they were overpessimistic by a considerable factor, the outcome still would be an environmental disaster that in all likelihood would destroy civilization in the north temperate zone and wipe out a significant proportion of the populations and species of other organisms on the planet.

Today Congressmen JIM LEACH, NEWT GINGRICH, BUDDY ROEMER, and AL GORE have joined me in introducing this amendment whose purpose is to require DOD to participate in an interagency study now being developed by the administration. The implications for our nuclear weapons and civil defense policies are no less important. Although a National Academy of Sciences study will soon be completed, there has been to date no serious examination of the policy implications of nuclear winter.

Because the review and analysis of policy implications which is called for in our amendment is well underway, the March 1, 1985, deadline is reasonable. Both the National Academy of Sciences and the Defense Nuclear Agency are presently involved in evaluations of the technical issues. Our amendment would call upon the Department of Defense to survey the scientific work available on the subject, identify areas of continuing technical dispute, if any, and the preparation of working assumptions for the purposes of an analysis of policy implications. The proposed study would mandate a synthesis of these efforts which could reasonably be accomplished within 9 months.

Our amendment is not only a logical and practical complement to our national security, it is, I believe, a moral imperative. If the findings to date are accurate, there must be a major restructuring of our key presumptions concerning nuclear war. The question of a successful first strike would be moot, as either side tempted to such a strategy would be committing a form of national suicide.

To deal with the awesome power and responsibility that we possess, it is vital that we understand fully the potential ramifications of our actions. Clearly, the real and imminent threats posed by the continued nuclear buildup of both superpowers underscores the need for a comprehensive review of the nuclear winter findings.

I urge my colleagues to authorize this report.

□ 2320

This is an amendment, if the gentleman will continue to yield, upon which we have worked with both poles of the scientific community. We have worked in the development of this amendment with Dr. Teller, on perhaps the right, and Dr. Sagan on the left, both of whom agree with the process of the amendment and the approach that we are taking.

This is also an amendment supported not only by a broad coalition here, but the same in the other body in an amendment introduced by Senator COHEN, supported by Senator TOWER and Senator WARNER.

I yield back to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for his explanation.

Before yielding to the gentleman from Louisiana (Mr. ROEMER) let me stress that there was an amendment passed yesterday.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. STRATTON. It is my understanding that the proposer of the amendment has 5 minutes and the committee has 5 minutes.

The CHAIRMAN. The gentleman is correct with respect to the gentleman from Iowa.

Mr. STRATTON. Could the Chair advise me as to how many minutes are remaining to the gentleman from Iowa?

The CHAIRMAN. The gentleman from Iowa has 2½ minutes remaining.

Mr. STRATTON. I thank the Chair.

Mr. LEACH of Iowa. To further explain, I think it should be stressed that yesterday an amendment was passed by the gentleman from New York (Mr. STRATTON). In the judgment of the group that had looked at this, the Stratton amendment represents more a limitation than an authorization of a nuclear winter study. It has many implications precluding the Department of Defense from either studying the long-term effects of nuclear winter on the civilian population or its implications for arms control.

The Stratton amendment of yesterday also implies there will be monetary limitations on the study, and in our judgment it is, though perhaps extremist, accurate to describe it as a "know-nothing" amendment.

What we intend to do today is both to seek passage of the Wirth amendment and at the close of the committee consideration to seek defeat of the Stratton amendment as it was passed without a recorded vote yesterday.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding. I am proud to join with my colleagues in sponsoring this amendment and to let our colleagues know, who were not here a couple of weeks ago when the gentleman from Colorado and the gentleman from Georgia (Mr. GINGRICH) were good enough to have Dr. Carl Sagan and Dr. Teller in the same room at the same time to talk about the issue of nuclear winter. And you do not have to be a liberal or a conservative or a hawk or a dove to hear loudly their message.

It is important enough to study. It is important enough to study now. It is important enough to be part of the policy considerations of our defense system.

This is a good amendment. It should be supported by both sides of the aisle, and I hope all Members of this body.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Tennessee.

Mr. GORE. Mr. Chairman, the Investigations and Oversight Subcommittee of the Science and Technology Committee held intensive hearings on this a year ago at which Dr. Sagan testified.

I strongly support this amendment and urge my colleagues to vote for it because the issue is very simple. Scientific studies indicate a very good possibility that an exchange, a nuclear exchange of a magnitude that made up only a small percentage of the total arsenals could lead to a dramatic decline in worldwide temperature, and could threaten the continued existence of life on Earth.

This amendment says let us study it and find out. It should be supported.

Mr. Chairman, the term "nuclear winter" applies to a whole set of environmental consequences of nuclear war. These consequences, recently laid out by a distinguished group of scientists, have troubled all of us by pointing toward an ultimate catastrophe beyond any that had been understood, as the outcome of a nuclear war. Namely, that beyond the immediate devastation, might come disruptions of the Earth's environment on a scale, and to a degree of severity, which may threaten the continuation of human life anywhere on the globe.

No one knows for sure whether the computations that went into these findings are correct: but it is generally accepted that this research effort is scientifically credible. We are not in the presence of a phony scare story, but rather in the presence of a fearful and genuine warning that the damage of nuclear war could be total and irreversible.

It seems a self-evident matter that what has been started by emminent nongovernment specialists, should now be subjected to the exacting scrutiny and to analysis by the best experts our Government can muster who—unlike their outside colleagues—have full access to much information that is highly classified.

We need to know what these experts make of the threat of nuclear winter; and we need to know what—to the extent they find the case for these environmental catastrophies to be credible—they think the consequences are for nuclear policy.

That is the simple objective and mandate of the amendment we are discussing. It is a requirement for the urgent, reasoned examination of a message that touches on nothing less than the survival of humankind.

● **Mr. LEVINE of California.** Mr. Chairman, I rise in support of this amendment which requires the Secretary of Defense to submit a report to Congress on the long-term climatic implications of a nuclear war. This measure signals Congress' bipartisan effort to draw careful attention to the effects of history's most threatening and frightening prospect. A similar amendment has already been approved by the Senate Armed Services Committee.

Recent scientific studies have indicated that the environmental and biological consequences of a nuclear exchange would be far more devastating than any of us had previously realized or imagined. As part of his pioneering research on this subject, Dr. Carl Sagan has found that a nuclear winter would result from the use of only a fraction of the world's nuclear arsenal.

We cannot and should not avoid discussing or studying the very horrible but clear consequences of engaging in any kind of nuclear confrontation. The more we learn about the consequences of nuclear war, the more we appreciate our role in working to avoid any such confrontation, whose devastating and irreversible impact would eliminate our generation and make this planet uninhabitable for future generations.

This amendment sensibly directs the Defense Department to study the atmospheric, climatic, environmental, and biological consequences of nuclear war. More significantly, this amendment takes a necessary step further by requiring the Defense Department to report to Congress on the strategic policy implications of its scientific findings and conclusions. I understand that the present administration has already begun to study the nuclear winter issue. However, while several of the administration's scientific officials are focusing on this issue, its defense planners are not. This amendment ensures that the Defense Department will pay close attention to the most current and accurate evidence available on the atmospheric efforts of a nuclear exchange.

Mr. Chairman, there is no point to collating and collecting data on the nuclear winter phenomenon unless we are prepared to learn and benefit from our findings. By correlating scientific study to strategic planning, this amendment requires that our policymakers approach issues of arms control, civil defense, and overall nuclear policy from a more enlightened perspective. Unless we fully appreciate the consequences of our strategic decisions, we cannot make thoughtful and realistic policy decisions.

As the world's most powerful nuclear power, we must recognize that the fate of the Earth rests in our minds and hands. In the most practical and scientific terms, this amendment forces us to confront our grave and urgent responsibility.●

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) is recognized for 2 minutes.

Mr. STRATTON. Two minutes? I thought it was 5 on each side, Mr. Chairman.

The CHAIRMAN. Under the constraints of the previous orders, there are only 2 minutes remaining.

Mr. STRATTON. The reason I objected to dispensing with reading of the amendment was that the amendment the committee was given some days is totally different from what the gentleman from Iowa presented.

The question of what happens with regard to nuclear warfare is of concern to all of us. But this is not something that should be assigned as the original study amendment assigned, and presumably as the one that the gentleman has cooked up today would require the Secretary of Defense to conduct studies on atmospheric items, climatic items, environmental items, biological items, arms control, and civil defense policy.

None of this is within the purview of the Department of Defense.

The amendment that was accepted by the committee yesterday was an amendment which specifically limited the activities of the Secretary of Defense to those items that were within his purview. And it put a nominal amount of money available to carry out that participation.

The gentleman from Tennessee (Mr. GORE) says that hearings were held on this subject. If hearings were held, why did not the gentleman from Tennessee draft the legislation in his committee, which presumably would not have conducted the hearings unless they had the responsibility for it?

Mr. GORE. If the gentleman would yield, I will be glad to explain.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. LEACH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BEDELL

Mr. BEDELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEDELL: At the end of the bill add the following new section:

Section 2855 of title 10, United States Code, is amended to read as follows:

"Sec. 2855. Law applicable to contracts for architectural and engineering services and construction design.

"(a) Contracts for architectural and engineering services and construction design in connection with a military construction project or a military housing project shall be awarded in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S. 541 et seq.). In determining the most highly qualified firms under such Act, consideration shall be given to the schedule of fees which shall be submitted by each offeror as part of its original proposal to the government: *Provided*, That primary consideration in source selection shall be based upon an evaluation of relative design proposal and qualifications among all offering firms.

"(b) For any contract to be let by any agency subject to the provisions of this Chapter, a small business set-aside pursuant to section 15 of the Small Business Act, as amended (15 U.S.C. sec. 644), or an award pursuant to section 8(a) of such Act (15 U.S.C. sec. 637), shall not be precluded solely because of the anticipated or actual dollar value of the contract to be let .".

Mr. BEDELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. BADHAM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk continued the reading of the amendment.

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. BADHAM. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue the reading of the amendment.

The Clerk completed the reading of the amendment.

Mr. BEDELL. Mr. Chairman, when I offered my amendment on spare parts procurement I removed from my amendment the provisions with regard to architects and engineers as I felt this should be brought up as a separate issue.

As my Small Business Committee investigated Government procurement, I was shocked to find that all laws in effect prohibit price as one of the considerations in the selection of architect and engineering firms with which the Government will negotiate.

□ 2330

Mr. Chairman, I fully agree that price should not be the primary consideration in the selection of architects and engineering firms. For us to require that the Government hire the low bidder to design a building would in my opinion be a mistake.

But for us to say that price is not to be one of the factors considered is beyond my comprehension. This amendment is a simple amendment. It simply provides that in the selection of architects and engineering firms primary consideration in source selection should be based upon an evaluation of the relative design proposals and qualifications among all offering firms, with secondary consideration given to price.

Second, my amendment provides that the Department of Defense shall not be precluded from setting aside a contract for small business competition because of anticipated or actual value of the contract.

Up until December 1983 the Department of Defense had complete freedom to set aside whatever contracts it wished to set aside for small business. In the 1984 defense appropriations conference report language was added which prohibited such set-asides on any contract that would exceed $85,000.

Let me quote from a report forwarded in a letter from Secretary Weinberger. The implementation of that provision is causing problems of significant magnitude for the A and E procurement community as well as small A and E firms that are subject to its restrictions.

Mr. Chairman, yesterday we moved to do something for the taxpayers in the military purchase of spare parts. Now we have a chance to do something about the procurement of architect and engineering services. It is understandable that architects and engineers would want to be exempt from our free enterprise system of competition to include price as one of the factors in this selection process.

The taxpayers are starting to demand that we operate the Government in a businesslike manner. This gives us an opportunity to say to the people of America we are going to do so. I urge support of my amendment.

Mr. MITCHELL. Mr. Chairman, will the gentleman from Iowa yield briefly?

Mr. BEDELL. I yield to the gentleman from Maryland.

Mr. MITCHELL. Of course I support the gentleman's amendment.

Mr. Chairman, the harsh reality is that 1 percent of all the large architect and engineering firms, 1 percent of them got 33 percent of all the architectural and engineering contracts under DOD. That is just wrong.

The harsh reality is that this is the only area where there is no pricing required; none. Again, if you talk free enterprise, how in the world can you support a free enterprise concept when you let some firm come in and say "you can bid, but we are not concerned about the price right now, we will deal with that later."

The way to begin to cut away at the waste in the military is to attack not only the weapon systems but these flaws in the procurement systems. And I hope that the gentleman's amendment will be overwhelmingly supported.

Mr. ROEMER. Mr. Chairman, will the gentleman from Iowa yield?

Mr. BEDELL. I yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

The gentleman from Iowa is at it again. He did it yesterday to the House of Representatives when he required us to open bidding on products for the military; very radical. And if the gentleman from Iowa continues this approach, he might make sense out of this budget request.

What he is trying to do is to add the factor of cost to the other requirements of architectural selection. How about that for a strange idea in America?

Good amendment. I support the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

This amendment would jeopardize the efficiency of Federal buildings and projects, needlessly endanger the safety of thousands of people that use those facilities, and threaten even further the high tech developments the Defense Department utilizes to protect the security of this country.

Under current law, architect and engineering services for the Department of Defense are procured in the same manner in which they are procured by the civilian agencies pursuant to the Federal Property Act. Under this procedure, the Federal Government selects the firm best qualified to perform the particular architectural and engineering service required. The selection is made on the basis of an evaluation of the design proposals and the qualifications of all the offerors. Price competition is not a factor in the selection, although the law does require that a price that is fair and reasonable to the Government be negotiated with the most qualified firm. If the agency is unable to negotiate a contract at a fair and reasonable price, it is required to negotiate a contract with the next most qualified firm. In any event, such price is limited to no more than 6 percent of the estimated cost of the project, as determined by the contracting agency.

The principle behind this modified competitive practice is simple: The quality of the up-front design work by the architects and engineers has a major impact on the total long-term cost of the project. It is penny-wise and pound-foolish to try to save a few dollars on the design phase of a contract and risk increasing by many millions of dollars the overall life cycle costs of such projects. In many cases, such as the design of dams and bridges, it is not just dollars but, more importantly, the safety of thousands of people that are at stake.

Architects and engineers do not provide standard, off-the-shelf, routine services. The benefits of their expertise and experience are reflected in the overall efficiency of the ultimate product.

I am a strong supporter of competition in Government contracting and have introduced legislation in this Congress to greatly strengthen requirements that the Government use competition in procuring most of its goods and services. However, there are a few extraordinary circumstances in which competitive factors other than price—such as capacity and proven ability to perform—should prevail. The procurement of architectural and engineering services is one of these circumstances.

The provision in the Bedell amendment that would remove the dollar cap on small business set-asides will simply return us to the grossly unfair practice where the Defense Department can set aside 100 percent of A-E contracts for a "select" group of vendors. We all like small business, but reason and fair play also have to be considered.

Last year, Congress decided it was unfair to set aside all these contracts for a particular group and exclude all other A-E firms entirely from the DOD marketplace; 100 percent set-asides are not in the best interest of the Government, the taxpayers, or the industry. We should not allow 100-percent set-asides in any industry. The $85,000 cap is an effort to stop this misguided practice. Instead of repealing this effort to establish reasonable allocation for small business set-asides of architect-engineering contracts, we should be extending the concept to other industries that are also being hit with 100 percent or near 100 percent set-aides.

The present policy governing the procurement of architectural and engineering services for the Federal Government has been followed for many years in both the Defense Department and the civilian agencies. I know of no evidence that demonstrates that it has resulted in either excessive costs or inferior services. I urge you to oppose this amendment.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my distinguished friend from Florida.

Mr. FUQUA. I appreciate the gentleman from Texas yielding.

Mr. Chairman, the gentleman has made a very good point. One of the things that you cannot do is economize in engineering services where you go for the lowest price not based on qualifications. I point out a hearing and a report that was compiled by the distinguished gentleman from Tennessee on the Committee on Science and Technology, and he chairs the Investigations and Oversight Committee, and I would ask our Members to look at the report.

It is replete where people tried to economize on engineering and it wound up not only costing lives, where buildings collapsed; other people lost their lives, and I would like to quote the main recommendation that they made:

> Federal procurement practices that lead to or promote the selection of architects and engineers on a low bid basis should be changed to required prequalification of bidders with greater consideration given to prior related experience, past performance on the part of those seeking the contract award.

Mr. Chairman, I think that speaks for what we have before us and I urge the defeat of the amendment and I appreciate the gentleman yielding.

Mr. BROOKS. Mr. Chairman, I yield to the distinguished chairman, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank the gentleman from Texas for yielding.

Mr. Chairman, the gentleman from Texas is making perhaps one of the most important points made tonight: if you want good engineering, get good engineering. If you want to deal on price and engineering you may get cheap engineering, but you may get a fantastically costly, dangerous, ineffective, and inefficient product.

Mr. Chairman, I urge my colleagues listen to the gentleman (Mr. BROOKS) and reject the amendment.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend from Tennessee (Mr. GORE).

I am sorry. I heard you earlier.

Mr. GORE. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from Texas, and urge defeat of the amendment.

I think the gentleman's statements are right on point and I urge the defeat of the amendment.

Mr. BROOKS. I yield to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I am inclined to agree with the gentleman from Texas and I join him in opposition to the amendment.

Mr. BROOKS. Mr. Chairman, I yield to my friend from New York (Mr. HORTON) ranking minority member on the Committee on Government Operations.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the amendment.

My long study of Government procurement, as a member of the Government Operations and Small Business Committees and the Commission on Government Procurement, has convinced me that we must keep in mind one fundamental principle when we consider this subject: The Government must insure that it purchases the best appropriate products and services at the lowest available cost. If we follow that principle, taxpayers, Government agencies, and contractor will all benefit.

The amendment before us has two parts. Unfortunately, both of them violate the essential principle of Government procurement.

The first part of the amendment says that defense agencies must give greater consideration to price when evaluating proposals for architectural or engineering services. Current law requires that agencies conduct competition on the basis of quality of these services, and then negotiate a price with the best interested contractor. Mr. Chairman, I do not know about you, but I sure would not want to have my office on an upper floor of a building designed by the low bidder. I would not want to drive over a bridge built by the cheapest engineer. The cost of the services of architects and engineers is only a small part of the total cost of the projects involved, but the quality of those services has a significant effect on the total quality and cost. Even if the best services cost a bit more than inferior alternatives, they are well worth the money because they give us better results, at more cost-effective prices.

The second part of the amendment would have the effect of removing the current ceiling on the value of architect or engineer contracts which may be set aside for small businesses. If this provision were to become law, all architect and engineer contracts could be set aside for small firms. The result of this massive kind of set aside is that defense agencies could not take advantage of the skills and experience which larger companies can provide. I am not a booster of big business, but it seems to be that if a larger firm can give the Government a better product at an acceptable price, we would be foolish to forbid the Government from accepting the offer.

Mr. Chairman, this amendment would prevent Government agencies from taking best advantage of the architectural and engineering services available in the private sector. I urge its rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BEDELL).

The amendment was rejected.

□ 1140

AMENDMENT OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY: At the end of the bill add the following new section:

SALE OF AMMUNITION FOR AVALANCHE-CONTROL PURPOSES

SEC. . (a)(1) Chapter 441 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 4657. Sale of ammunition for avalanche-control purposes

"Subject to the needs of the Army, the Secretary of the Army may sell ammunition for military weapons which are used for avalanche-control purposes to any State (or entity of a State) or to any other non-Federal entity that has been authorized by a State to use those weapons in that State for avalanche-control purposes. Sales of ammunition under this section shall be on a reimbursable basis and shall be subject to the condition that the ammunition be used only for avalanche-control purposes.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"4657. Sale of ammunition of avalanche-control purposes.".

(b) Section 4657 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

Mr. DICKINSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, we on this side have had an opportunity to examine the amendment and we would accept it on this side.

Mr. SHUMWAY. I thank the gentleman. I appreciate that.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we have had an opportunity to examine it also. It makes sense for the sale of ammunition for avalanche control for snow and so forth be allowed. We certainly accept it on this side.

Mr. SHUMWAY. I appreciate that.

Mr. Chairman, this amendment simply embodies the language of H.R. 1054, a bill "To authorize the Secretary of the Army to sell ammunition for use for avalanche-control purposes." An identical Senate version of this bill was approved by voice vote on May 8, 1984.

Currently, the various Mountain States may obtain ammunition for use in avalanche control through the defense property disposal service. Only surplus ammunition such as that used in World War II and the Korean war can be provided. Unfortunately, the supply of usable rounds is diminishing rapidly. Most importantly, the fuses on these surplus shells are very old and were designed to detonate the shell on hard impact. When used on soft snow banks, the shells too often fail to explode—creating an obvious public safety hazard.

California, for example, had 58 duds out of approximately 2,100 rounds used in the winter of 1983. Then, in the fall, two young boys in my congressional district returned from a hike in the Sierra Nevada Mountains with four unexploded 75-millimeter recoilless cannon shells. Fortunately, an Army demolition team successfully removed the dangerous rounds without incident.

This amendment will permit the Army to sell more reliable, reconditioned, and nonsurplus ammunition which will reduce the likelihood of unexploded rounds remaining in the potential avalanche area. The Department of the Army has formally supported the original legislation in a letter to the House Armed Services Committee, and the bill has been endorsed by a number of State transportation agencies.

The ammunition will be sold to the States on a reimbursable basis—there will be no Federal budgetary impact.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SHUMWAY).

The amendment was agreed to.

Mr. AKAKA. Mr. Chairman, I rise in support of H.R. 5167, the Department of Defense authorization bill for 1985. I am concerned, however, over section 602 of the bill relating to the housing allowance program for military personnel. Section 602 would eliminate the rent-plus system currently operating in my State and the State of Alaska and replace it with the variable housing allowance program (VHA).

Hawaii and Alaska have traditionally been recognized as overseas points for military entitlement purposes. The high cost of living in both Hawaii and Alaska as well as the large expense of travel impose a unique hardship upon armed service personnel assigned in these areas.

In 1982, the rent-plus program was implemented for both Hawaii and Alaska to respond to the high cost of housing in these two States. The prior housing allowance program proved to be grossly inadequate in meeting the housing needs of military personnel. Surveys showed that the previous program was not flexible enough to keep pace with rising housing costs. With the implementation of rent-plus, this problem has been greatly relieved.

In January of this year, I was advised that the Department of Defense would be conducting a formal audit of rent-plus in Hawaii and Alaska to determine whether adjustments to the program are required. This audit is expected to be completed in August of this year, and it will establish whether this program effectively responds to the housing needs of military families in these high-cost areas.

I am extremely troubled that the elimination of rent-plus without the benefit of review of the Defense Department's audit will result in the termination of a program which should have been maintained. Many in the military have contacted me to communicate not only their strong support for this program but also their fear that the elimination of rent-plus will place them in a terrible financial squeeze. Some of this concern will be relieved by "grandfathering in" military personnel already under rent-plus as of December 31, 1984.

Nonetheless, I am still very much concerned about whether VHA will provide an adequate housing allowance for military personnel assigned to Alaska and Hawaii after the December cut-off date. I know for a fact that in Hawaii, there is insufficient on-base housing. I question whether military families relying on VHA will be able to find suitable housing in Hawaii's competitive private housing market. Indications are that under VHA a greater number of these families will be forced to absorb a larger portion of their housing cost.

The DOD audit should provide answers to the questions surrounding rent-plus. More importantly, I believe this audit should play a role in any determination of whether rent-plus should be terminated in favor of VHA. Despite my objections to section 602 of this bill, I intend to support H.R. 5167. This bill provides authority for all major defense procurement, research, operations and maintenance programs. This legislation must be enacted in the interest of our national security.

Mr. PENNY. Mr. Chairman, I rise to express my praise for the new GI educational assistance program, title VII of the fiscal year 1985 defense authorization bill. I strongly support this initiative to solve recruitment and retention problems. I believe that this is a wise investment in a strong defense.

In addition, I would like to express my support for the amendments to eliminate the inefficiencies in the military spare parts procurement system and to require warranties on major weapons. These amendments are part of a commonsense approach to military procurement. Promoting private sector competition so that the price paid for spare parts will be the market rate, as well as insuring that the systems we buy actually work, means budget savings and a lower Federal deficit.

However, in total, this authorization bill spends more than we can afford. This past April, we passed a budget resolution that established a level of 3.5-percent real growth in defense spending. Yet, H.R. 5167 even as amended calls for 5.5 percent real growth. What little spending restraints we did impose were forced upon the wrong areas: personnel and readiness accounts. Hard choices must be made when considering the defense budget. When it comes to matters of defense spending, Congress must choose what we can afford and what we need. We need to maintain and strengthen personnel, conventional forces, and readiness. We do not need nor can we afford all of these new nuclear weapons systems.

We did not choose to eliminate any major weapon system from this bill. Consequently, this bill busts the budget. When we here in Congress exhibit our ability to make hard but necessary choices in military spending and stay within our budget guidelines—I will vote "yes." Today I must vote "no."

● Mr. STARK. Mr. Chairman, I rise in support of the gentleman from Wisconsin's amendment.

I will let my colleagues make the technical arguments in favor of this amendment, as they are far better versed in that area than I. What I want to address is a broader point concerning this adminstration's policy toward arms control.

This administration's plans to deploy nuclear armed sea-launched cruise missiles illustrate what I consider to be the central flaw in the President's approach toward arms control.

The President is more concerned with not limiting and controlling American nuclear weapons than he is with preventing the deployment of new Soviet arms targeted on our country, our people.

The issue before us demonstrates this point. Soviet deployment of hundreds, perhaps thousands, of these weapons off our shores will far more gravely threaten our security than our deployment will threaten the Soviets. Geography dictates this. The size of the Soviet submarine fleet dictates this. The potential for supersonic Soviet weapons dictates this. I cannot for the life of me understand why the Navy, the Pentagon, or the President and his advisers wish to see this threat realized.

But apparently they do. The President did not seek specific limitations on sea-launched cruise missiles in his former arms talks with the Soviets. The Pentagon has not tried to avoid the verification problems that would arise from our weapon's dual capability, were the President to seek such limitations. The administration's actions regarding sea-launched cruise missiles have virtually guaranteed that we will soon be faced with a qualitatively new threat to our security: Soviet deployment of these missiles. That represents to me a criminal neglect of their responsibilities concerning the security of this country, our country.

I do not think that Congress is well suited to the job of managing and controlling the nuclear weapons policy of the United States. But I have to urge my colleagues to do just that by voting for this amendment, because I do not consider the President capable of performing his duties in this area. Vote "yes" with the gentlemen from Iowa, Tennessee, Wisconsin, and I, and express some concern for limiting Soviet weapons as well as our own.●

● Mr. NICHOLS. Mr. Chairman, I rose in opposition to the amendment offered by the gentleman from Wisconsin (Mr. ASPIN) restricting deployment of nuclear sea-launched cruise missiles. The sea-launched cruise missile (SLCM) is the cornerstone of the U.S. Navy's effort to increase and diversify the striking power of the fleet. SLCM will be based aboard large numbers of surface ships and submarines, giving them a capability to strike at long-range enemy ships with conventional warheads, and land targets with conventional or nuclear warheads. SLCM will allow the Navy to prosecute strikes in areas where defenses make it prohibitively expensive to use naval air initially, and it will allow naval forces not accompanied by an aircraft carrier to launch effective strikes.

Specifically dealing with the nuclear land attack version of SLCM and its impact on arms control, let me begin by saying that arms control is an important issue to all of us. Unfortunately, progress in arms control over the years has been painfully slow and the results very limited. Worse, there is no evidence that progress will be achieved any more quickly in the future. Indeed, arms control is surely one of mankind's more elusive goals, and while we must continue negotiating meaningful steps, we must not forget the issues which are equally important in the interim. Those issues are deterrence and stabilization.

Deterrence, preventing a nuclear war, is everything; it is the name of the game, short of nuclear disarmament, which someday may be possible. The Soviet Union understandably dreads the deployment of nuclear SLCM's aboard virtually every major attack submarine and ship in our Navy. That widespread deployment will tremendously stress the Soviet's ability to deny our naval forces the capability to prosecute powerful retaliatory strikes. By deploying SLCM the United States will, at modest cost, significantly increase its ability to deter nuclear war.

Stabilization, minimizing the temptation of a first strike, is a characteristic our future weapon systems should emphasize. It is really an essential factor of deterrence and SLCM will contribute to it greatly. Because of its worldwide deployment under and on the seas, SLCM is a highly survivable weapon. There is no possibility of a first strike against it being successful. Conversely, like our air- and ground-launched cruise missiles, SCLM's subsonic speed means that it has no strategic first strike potential for us. So we see that the introduction of SCLM does not tempt either side to launch a first strike. Its role would be that of a nuclear reserve force to guarantee that an aggressor could not win.

Given then that we must have nuclear weapons, SLCM is the right kind of new system to have. It is a deterrent. It is stabilizing. It is affordable.

We should recognize that by deploying SLCM, the United States will not be creating the issue of dual-capable sea-launched cruise missiles. The Soviet Union did that years ago, and, I might add, they did not concern themselves with the attendant arms control issues. Right now the Soviets have cruise missiles on their ships and submarines capable of delivering conventional or nuclear warheads against our ships and our cities. Indeed, we should have been alarmed about this situation years ago. The Soviets do have in effect a first-strike capability here. Many of our military, industrial, and population centers lie near our coasts. Sea-launched cruise missiles could strike these targets in a matter of minutes. The situation does not exist the other way around, however, since the Soviet Union is 1,000 miles inland from deep water.

That brings us to the question of how best to attempt to bring the Soviets to the negotiating table on this issue. Our not deploying nuclear SLCM's certainly will not do it. The Soviets never give up anything unilaterally. As always in the past, we can only negotiate from a position of strength, with the bird in hand. We should deploy nuclear SLCM's. If appropriate at some future time, they can be eliminated from our and the Soviet fleets with at least as good a verification scheme as is possible now. Alternately, if control instead of elimination is agreed upon, the counting of launch platforms, that is, submarines and ships, instead of launcher tubes, may be satisfactory.

I submit then that we should begin deployment of nuclear sea-launched cruise missiles as scheduled to stand with our air- and ground-launched cruise missiles, and thereby complete the establishment of this new stabilizing deterrent. Mr. Speaker, I urge my colleagues to reject this amendment.

BGM-109 Sea-Launched Cruise Missile (Tomahawk)

The budget request contained $589.0 million for BGM-109 Tomahawk sea launched cruise missile (SLCM) procurement in fiscal year 1985, including $532.1 million for procurement of 180 missiles in fiscal year 1984, $28.0 million for advance procurement of 180 missiles in fiscal year 1986 and $28.9 million for initial spares. The committee recommends authorization of the amounts requested.

The Tomahawk cruise missile is designed as a long range nuclear or conventionally armed land attack weapon and as a conventionally armed stand-off anti-ship weapon. The Tomahawk is sized to be fired from torpedo tubes and is capable of being deployed from a variety of air, surface ship, submarine and land platforms. The fiscal year 1985 authorization would support procurement of 75 anti-ship and 105 land attack missiles. A competitive buy involving two contractors is planned in fiscal year 1985.

The Navy's sea launched cruise missile shares a production line with the Air Force ground launched cruise missile (GLCM). With 180 Navy missiles and 120 Air Force missiles, the committee recommends a total of 300 Tomahawk production units for fiscal year 1985. This production rate (25 per month) is the minimum rate that will sustain competition within the program to contain costs and, hopefully, to reduce unit costs. Because the Tomahawk program is among the highest priorities of both the Navy and the Air Force, and competition will be possible only with a relatively stable annual production program, no change in the program is recommended.

Amendment to H.R. 5167

(Department of Defense Aurhorization Act, 1985)

At the end of the bill add the following new section:

SEA-LAUNCHED CRUISE MISSILES

Sec. — (a) The Secretary of Defense may not provide for the deployment of any cruise missile designed to carry a nuclear warhead and to be launched from a naval vessel or for the assembly of nuclear warheads onto such a cruise missile until—

(1) the President submits to Congress a report describing a method—

(A) by which it is possible to determine whether a cruise missile designed to be launched from a naval vessel is conventionally armed or nuclear armed and by which it is possible to verify a limitation on the number of cruise missiles armed with nuclear warheads and deployed on naval vessels; and

(B) which the Joint Chiefs of Staff and the Director of Central Intelligence have certified in writing is a high-confidence method as applied by the United States to cruise missiles of another nation and is an acceptable method for use when applied by another nation to cruise missiles of the United States; and

(2) Congress specifically authorizes such deployment or assembly in legislaton enacted after such report is received by Congress.

(b) Nothing in this section affects the authority to carry out deployment of conventionally armed sea-launched cruise missiles.●

● Mr. FOGLIETTA. Mr. Chairman, I would like to take just a few minutes to express my support for this amendment offered by the distinguished chairman of the Subcommittee on Merchant Marine, the gentleman from New York.

Serving on both the Armed Services Committee and the Merchant Marine and Fisheries Committee, I think I am in a good position to comment on the relationship between the health of our merchant marine and our national defense capabilities. Let me be brief.

I am committed to insuring the adequacy of our Nation's military sealift capability. I am also dedicated to maintaining the facilities and labor force necessary for our shipyard mobilization base.

Currently, our sealift capability is woefully inadequate. The addition of two U.S.-flag passenger vessels capable of being converted to troop or hospital ships in time of military need is a good idea. This issue has been the subject of hearings in the Merchant Marine and Fisheries Committee.

Additionally, it is clear that we are quickly losing both the shipyard facilities and the trained, working labor force necessary to quickly and efficiently convert and service vessels in time of national emergency. It is this aspect of the issue and has led segments of the maritime community to oppose this amendment. They see the amendment as a wholesale attack on the Jones Act, and claim it will have a chilling effect on domestic passenger shipbuilding. That is just not the case.

I believe very strongly in the protections the Jones Act provides to the domestic shipping industry. As far as I am concerned, this amendment does not represent a change of policy regarding domestic waterborne trade, nor should it. Rather, the amendment makes a specific exemption to provisions of the Jones Act in this particular instance.

Unfortunately, it has been quite some time since cruise ships of the size we are discussing here—750-plus passengers—were built in America. Interestingly, in addressing this issue in the Merchant Marine and Fisheries Committee, we seem to have stimulated the domestic passenger shipbuilding industry, because I am now hearing about several plans that are in the works for American-built cruise ships. I sincerely hope that these plans come to fruition, but they do not obviate the need for this amendment, nor is their success threatened by the amendment's passage.

Mr. Chairman, this amendment is limited in scope. It does not address the myriad difficulties that beset our maritime industries, nor does it singlehandedly revitalize our sealift capability. Unfortunately, this amendment is but a Band-Aid for a seriously ill patient. As such, it is no substitute for the long-term, comprehensive response that we so desperately need. We must revitalize all facets of the American maritime industries if we are to encourage domestic shipbuilding, which is the only way to ultimately meet our national defense needs.

I am pleased to support this amendment of the gentleman from New York, and I urge my colleagues to do the same.

Thank you.●

● Mr. DREIER of California. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. McCLOSKEY). There seems to be a common belief in this body that we must choose between a balanced budget and a strong national defense. I reject that line of thinking and believe that this amendment goes a long way toward reconciling these two goals.

This amendment directs the Defense Department to report on the possibilities of implementing two specific Grace Commission recommendations. The first deals with the system of making progress payments to defense contractors to offset high interest rates and inflation. The second is to update and modify an automated data processing system in order to achieve more cost-effective control of Defense Department inventories. Both programs will need an initial investment of time and money. But the payoffs down the line are great.

Because this amendment only requires a report, it allows plenty of time for the Defense Department to outline their opposition—if any. According to the Grace Commission, reforms in these two areas alone could achieve a savings of almost $20 billion in the next 3 years.

I am a member of the House Republican Grace Commission Task Force. This report set out to put Government finances and spending on a sound businesslike, cost-effective basis. This amendment is a first step. I would encourage my colleagues to support it and all future efforts to implement the various recommendations of this report.●

● Mr. DYSON. Mr. Chairman, I rise today in support of H.R. 5167, the Defense Authorization Act for fiscal year 1985. It is a carefully weighed bill. The Armed Services Committee, of which I am a member, worked diligently to strike a judicious balance between fiscal conservatism and the urgent need to improve our military readiness. While the bill contains many controversial items, I wish to take this opportunity to address an extremely important provision that may be overlooked in the heat of congressional debate.

H.R. 5167 would remove the so-called end-strength regulation that now limits the number of personnel employed for defense-related service functions. Perhaps the most serious side effect of the end-strength restriction is that it virtually forces operations officers to make decisions regarding contracting out that would not be made if personnel ceilings were not in effect. Consider the case of a manager of an installation that is nearing its personnel ceiling. The manager must contract out jobs that he may wish to retain, before the installation can undertake new functions or even accelerate work in progress. This forces the commanders to step up the pace of contracting out without considering the long-term effects of their actions.

As we all know, a great many service functions cannot and should not be contracted out. Some functions are inherently governmental. Responsibility for these functions rightfully lies with the installation's dedicated, career civil servants. Still other functions cannot be performed as expertly or as cost-effectively by private contractors as by experienced civil servants already on the job. Personnel ceilings often force managers to ignore these facts. Managers are forced into contracting out functions that ought to be retained, and this seriously undercuts our military readiness.

Frankly, Mr. Chairman, contracting out might be costing us more than it saves. It is penny-wise and pound-foolish to sacrifice long-term economy for short-term budget savings. I support the removal of the personnel ceiling because it discourages the Department of Defense from its reckless push to contract out civilian jobs. But removing the personnel ceilings is not enough. We must take stronger action to control and police the contracting out policy.

Last year, I authorized to the fiscal year 1984 Defense Authorization Act requiring the DOD to report on the cumulative cost effects of contracting out. Congress adopted my amendment. The Department of Defense submitted its first report. That report should be carefully studied. But it covers only the first 2 years of the administration's attempt to eliminate as many as 20,000 civilian jobs from executive agencies.

To date, according to the DOD report, the administration has saved $250 million by contracting out 9,600 jobs. Savings, however, are easy to show in the first few years of a contract. The hidden costs of contracting out will become clear in the later years of the program. And during this time, workers will suffer the brunt of this policy's effects. Consider the 9,600 individuals already affected by contracting out. Thousands of these workers took lower grade jobs rather than face unemployment. More than 300 workers were pushed into premature retirement or simply forced out of work altogether.

This is only the tip of the iceberg. In the last 2 years, the administration has accelerated contracting out. Highly complicated operations, crucial to our readiness, are now being cut from the Defense Department. This means that even more workers will have to choose between unemployment, premature retirement, or switching to lower grade positions.

Mr. Chairman, I have heard from civil servants throughout Maryland's First Congressional District. Their firsthand accounts and personal experience with several individual contracting out incidences convince me that we must take firm action to prevent abuses of the A-76 policy. The removal of personnel ceilings is a good first step, but it is only a beginning.●

● Mr. HANSEN of Utah. Mr. Chairman, the amendment I have offered will correct a problem encountered by the Air Force, and in particular, the Air Logistics centers, one of which is in my district.

Because of a law passed last year which requires approval of sole source contracts by the head of the procuring activity if they are over a certain dollar threshold, a relative handful of people have had to review thousands of contract files which are shipped from the buying activity to the major command, where the head of the procuring activity is located.

For example, contracts signed in Minot, N. Dak., must be sent, with all accompanying documents, to Strategic Air Command Headquarters in Omaha. Contracts from George Air Force Base in California are sent to Tactical Air Command Headquarters in Langley, Va., and contracts from Yakota Air Force Base in Japan must be sent to Pacific Air Command Headquarters in Hawaii.

During the past year since this provision has been in effect, lead times to allow the shipping of contract files back and forth have increased at least 15 days, causing the Air Force to enlarge its inventory to cover this added leadtime, and resulting in additional costs of approximately $42 million.

The amendment I have offered simply allows the delegation of this approval authority to a general or flag officer or senior executive service civilian employee at the local buying activity. Thus, the approval must still be made at a very high level, but without sending contracts back and forth across the country or around the world. I believe this will result in more effective management, and I encourage my colleagues to vote in favor of the amendment.●

● Mr. RAY. Mr. Chairman, I commend my colleague for offering this amendment. Sometimes in our efforts to insure that the procurement process is improved, we do not realize the impact of the changes we make.

The Warner Robbins Air Logistics Center in my district has encountered serious delays in complying with that provision. Since the head of the procuring activity for Warner Robbins is at Headquarters Air Force Logistics Command in Ohio, the delays associated with getting someone there to sign off on the procurement is significant.

Since the headquarters is so far removed from those making the initial decision to award the sole source contract, the approval becomes somewhat mechanical. I believe the approach we adopted in H.R. 5064 of having a competition advocate at the actual buying activity makes more sense.

The amendment offered by the gentleman from Utah would allow delegation of the authority to approve sole source contracts but still requires the approving authority to be a senior executive service civilian or general or flag officer. I certainly believe this is in keeping with the intent of Congress that sole source contracts only be approved by a senior official.

I urge my colleagues to vote in favor of the amendment.●

● Mr. FEIGHAN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan (Mr. HERTEL).

Passage of the Hertel amendment to permit targeting a small portion of the Federal Government's procurement contracts to companies in distressed areas makes good military and good economic sense:

It will diversity and expand the industrial base needed for rapid mobilization in the event of war or national emergency;

It will create jobs without increasing the Federal deficit or establishing a new Government program;

It will ease demand for income maintenance programs—like foods stamps, unemployment benefits, and welfare—in areas hard hit by the recession; and

It will preserve competition for defense contracts—the contracts can be targeted to labor surplus areas only if bids are submitted to assure adequate competition and a reasonable price.

It should also be noted that the portion of the Pentagon budget affected by this amendment involves purchases made by the Defense Logistics Agency—the branch of the Defense Department responsible for nonstrategic goods and services that are used by all sections of the military. This combined budget represents roughly $15 billion to $20 billion for the purchase of such common items as food, clothing, medical supplies, hardware, handtools, and other such items. Most of the available suppliers for these goods are small businesses eager for Government contracts, so the program is likely to result in better quality and performance as well as reasonable and competitive prices.

Mr. Chairman, this amendment will help those communities strapped by the Reagan recession, and it will decrease unemployment and the deficit at the same time. I urge its adoption.●

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, pursuant to House Resolution 494, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. DICKINSON. Mr. Speaker, I demand a separate vote on the Dickinson amendment relating to the MX missile procurement in the General Provisions title.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. STRATTON. Mr. Speaker, I demand a separate vote on the Leach amendment for nuclear winter.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. LEACH of Iowa. Mr. Speaker, I was not prepared to ask for a vote, but I do now demand a separate vote on the Stratton amendment on nuclear winter.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 131, after line 2, insert the following new title (and redesignate the succeeding titles and sections accordingly):

TITLE IX—NUCLEAR WINTER STUDY

GOVERNMENT-SPONSORED STUDIES OF NUCLEAR WINTER

SEC. 901. (a) If any Government agency undertakes a study of the phenomenon referred to as "nuclear winter" pursuant to proper authorization, the Secretary of Defense may participate in such study to the extent (and only to the extent) that the participation of the Secretary in the study is directly relevant to defense related aspects of the nuclear-winter phenomenon.

(b) The Secretary of Defense may not spend more than $1,500,000 for participation in a study in accordance with subsection (a).

PARLIAMENTARY INQUIRY

Mr. SMITH of Florida. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Florida will state his parliamentary inquiry.

Mr. SMITH of Florida. Mr. Speaker, might I inquire of the Chair if this amendment just read by the Clerk would be commonly known as the Stratton amendment on nuclear winter?

The SPEAKER pro tempore. The Chair will advise the gentleman that that is not a parliamentary inquiry.

The question is on the amendment.

The amendment was rejected.

The SPEAKER pro tempore. The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the bill, insert the following new section:

Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 1985 for the MX missile program shall be as provided under section 103(a) and such program shall be carried out in accordance with section 110.

At the end of the amendment, insert the following:

"Notwithstanding the previous sentence, no funds appropriated pursuant to authorizations of appropriations in this Act may be obligated for acquisition of MX missiles unless the Congress approves the obligation of such funds by joint resolution after April 1, 1985.

"It is the intent of Congress that the suspension of funds for procurement of MX missiles for fiscal year 1985 constitutes a moratorium on procurement of missiles under such program but does not constitute a unilateral termination of the program."

PARLIAMENTARY INQUIRY

Mr. STRATTON (during the reading). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. STRATTON. Mr. Speaker, there was a demand for a separate vote on the Leach amendment.

The SPEAKER pro tempore. The Chair would advise the gentleman that the amendments are voted on in the order in which they appear in the bill. The Leach amendment will be called after this one.

The Clerk will continue to read.

The Clerk continued the reading of the amendment.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 196, answered "present" 1, not voting 37, as follows:

[Roll No. 203]

AYES—199

Ackerman
Addabbo
Akaka
Albosta
Annunzio
Applegate
AuCoin
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Burton (CA)
Carper
Carr
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Coyne
D'Amours
Daschle
Dellums
Derrick
Dingell
Donnelly
Dorgan
Downey
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Hall (IN)
Hall (OH)
Hamilton
Harkin
Harrison
Hayes
Heftel
Hertel
Hoyer
Hubbard
Jacobs
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Long (LA)
Long (MD)
Lowry (WA)
Luken
MacKay
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Moody
Morrison (CT)
Mrazek
Murphy
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Panetta
Paul
Pease
Penny
Perkins
Petri
Pickle
Rahall
Rangel
Ratchford
Richardson
Ridge
Rostenkowski
Roukema
Roybal
Russo
Savage
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shannon
Sharp
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Torres
Torricelli
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Young (MO)
Zschau

NOES—196

Anderson
Andrews (TX)
Archer
Aspin
Badham
Bartlett
Bateman
Bethune
Bevill
Bilirakis
Bliley
Boehlert
Boner
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carney
Chandler
Chappell
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Cooper
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
DeWine
Dickinson
Dicks
Dreier
Duncan
Edwards (AL)
Emerson
Erlenborn
Fiedler
Fields
Fish
Flippo
Franklin
Frenzel
Fuqua
Gekas
Gilman
Gingrich
Gore
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Hefner
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jones (TN)
Kasich
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
O'Brien
Ortiz
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Porter
Price
Pritchard
Pursell
Quillen
Ray
Regula
Reid
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Rowland
Rudd
Schaefer
Schulze
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Wylie
Yatron
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Frost

NOT VOTING—37

Alexander
Andrews (NC)
Anthony
Barnard
Bryant
Crockett
Dixon
Dowdy
Dymally
Edwards (OK)
English
Erdreich
Fazio
Gibbons
Guarini
Hance
Hansen (ID)
Hatcher
Hawkins
Howard
Jeffords
Jenkins
Kolter
Leath
Lundine
Marriott
McCurdy
McKinney
Pepper
Rodino
Roe
Rose
Sabo
Sawyer
Sensenbrenner
Simon
Wilson

□ 2400

The Clerk announced the following pairs:

On this vote:

Mr. Bryant for, with Mr. Frost against.

Mr. Sabo for, with Mr. Leath of Texas against.

Mr. Rodino for, with Mr. Erdreich against.

Mr. Dixon for, with Mr. Hance against.

Mr. Jeffords for, with Mr. Sawyer against.

Mr. McKinney for, with Mr. Marriott against.

Mr. FROST. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. Bryant). If he were here, he would have voted "yea" and I would have voted "nay." He is not here, and I have voted "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will report the final amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: At the end of the bill add the following new section:

REPORTS ON NUCLEAR WINTER FINDINGS AND POLICY IMPLICATIONS

SEC. . (a) Notwithstanding any limitation in any other provision of this Act, the Secretary of Defense shall participate in any comprehensive interagency study conducted on the atmospheric, climatic, environmental, and biological consequences of nuclear war and the implications that such consequences have for the nuclear weapons strategy and policy, the arms control policy, and the civil defense policy of the United States.

(b)(1) Not later than March 1, 1985, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), containing the following:

(A) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, environmental, and biological consequences of nuclear explosions and nuclear exchanges.

(B) A thorough evaluation of the implications that such findings have on (i) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment, (ii) the nuclear arms control policy of the United States, and (iii) the civil defense policy of the United States.

(C) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(D) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

(2) Not later than March 1st of 1986 and of 1987, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an unclassified report suitable for release to the public, together with classified addenda (if required), containing—

(A) an update of the items contained in the report described in paragraph (1), taking into account any scientific studies and findings made by other agencies or interagency taskforces within the Federal Government, and

(B) the results of any study in which the Secretary has been participating under subsection (a).

(c) Each report under subsection (b) shall include separate discussions of (1) the effects of nuclear war on the particular nations or geographic territories that are the targets of nuclear weapons and (2) the overall global effects of nuclear war.

(d) To the extent practicable and not inconsistent with national security considerations, the Secretary of Defense, in preparing the reports described in subsection (b), shall consult with, and seek the views and assistance of, experts on the effects of nuclear war from other countries, including experts from the other nuclear powers.

(e) The authority of the Secretary to participate in any study undertaken by any Government agency concerning the phenomenon referred to as "nuclear winter", and the extent of that participation, shall not be subject to any limitation in any other provision of this Act, including any limitation on the total amount that may be spent by the Secretary for participation in any such study. The amount available for participation by the Secretary in any such study in any fiscal year shall be provided under annual authorization and appropriation Acts.

Mr. WIRTH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. STRATTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued the reading of the amendment.

Mr. MINETA (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. STRATTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued the reading of the amendment.

Mr. COURTER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. STRATTON. Mr. Speaker, I object.

□ 0010

The SPEAKER pro tempore. Objection is still heard.

The Clerk will continue to read.

The Clerk continued the reading of the amendment.

Mr. KOSTMAYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVITAS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. LEVITAS. Mr. Speaker, I demand a recorded vote, and I ask unanimous consent that the vote be reduced to 5 minutes.

A recorded vote was refused.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. COURTER. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. COURTER moves to recommit the bill, H.R. 5167, to the Committee on Armed Services.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 298, noes 98, not voting 37, as follows:

[Roll No. 204]

AYES—298

Addabbo
Akaka
Albosta
Andrews (NC)
Andrews (TX)
Annunzio
Archer
Aspin
Badham
Barnes
Bartlett
Bateman
Bates
Bennett
Bethune
Bevill
Biaggi
Bilirakis
Billey
Boehlert
Boggs
Boland
Boner
Borski
Boucher
Breaux
Britt
Brooks
Brown (CA)
Broyhill
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conte
Cooper
Corcoran
Coughlin
Coyne
Craig
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Eckart
Edwards (AL)
Emerson
Erlenborn
Evans (IL)
Fascell
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frost
Fuqua
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Green
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harrison
Hartnett
Hefner
Heftel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Ireland
Jacobs
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kazen
Kemp
Kennelly
Kildee
Kleczka
Kogovsek
Lagomarsino
Lantos
Latta
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Luken
Lungren
Mack
MacKay
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Myers
Natcher
Neal
Nelson
Nichols
Nielson
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Robinson
Rogers
Rostenkowski
Roth
Roukema
Rowland
Rudd
Scheuer
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shuster
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stark
Stenholm
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—98

Ackerman
Anderson
Applegate
AuCoin
Bedell
Beilenson

Bereuter
Berman
Bonior
Bonker
Bosco
Boxer
Broomfield
Brown (CO)
Burton (CA)
Burton (IN)
Clay
Collins
Conable
Conyers
Courter
Crane, Daniel
Crane, Philip
Davis
Dellums
Donnelly
Dorgan
Early
Edgar
Edwards (CA)
Evans (IA)
Feighan
Frank
Frenzel
Garcia
Gray
Gregg
Gunderson
Hansen (UT)
Harkin
Hayes
Hertel
Hughes
Hyde
Kaptur
Kastenmeier
Kindness
Kostmayer
Kramer
LaFalce
Leach
Lehman (CA)
Lehman (FL)
Leland
Lujan
Madigan
Markey
Marlenee
McCain
Mitchell
Moody
Murphy
Nowak
Oberstar
Ottinger
Packard
Paul
Penny
Rangel
Ritter
Roberts
Roemer
Roybal
Russo
Savage
Schaefer
Schneider
Schroeder
Shannon
Shumway
Sikorski
Smith (IA)
Smith, Denny
Stangeland
Stokes
Studds
Tauke
Thomas (CA)
Towns
Vandergriff
Vento
Waxman
Weaver
Weiss
Wheat
Whittaker
Wyden
Wylie

NOT VOTING—37

Alexander
Anthony
Barnard
Bryant
Crockett
Dixon
Dowdy
Dymally
Edwards (OK)
English
Erdreich
Fazio
Gibbons
Guarini
Hance
Hansen (ID)
Hatcher
Hawkins
Howard
Jeffords
Jenkins
Kolter
Leath
Lundine
Marriott
McCurdy
McKinney
Murtha
Pepper
Rodino
Roe
Rose
Sabo
Sawyer
Sensenbrenner
Simon
Wilson

□ 0020

The Clerk announced the following pairs:

On this vote:

Mr. Leath of Texas for, with Mr. Sabo against.

Mr. Erdreich for, with Mr. Dixon against.

Mr. Anthony for, with Mr. Crockett against.

Mr. Pepper for, with Mr. Lundine against.

Mr. HARKIN changed his vote from "aye" to "no."

Mrs. MARTIN of Illinois changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes."

A motion to reconsider was laid on the table.

□ 0030

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include extraneous matter, on H.R. 5167, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5167

Mr. PRICE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5167, the Clerk be authorized to make necessary technical corrections, including title and section numbers, punctuation, and cross-references as may be necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 4, 1984

Mr. PRICE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, June 4, 1984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMUNICATIONS FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communications from the chairman of the Committee on Public Works and Transportation; which were read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 21, 1984.

Hon. THOMAS P. O'NEILL,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects March 6, 1984:

LEASES

Clark Building, 633 W. Wisconsin Avenue, Milwaukee, Wisconsin.

Carr-Gottstein Building, 310 K Street, Anchorage, Alaska.

Federal Bureau of Investigation, Los Angeles, California.

1333 Broadway, Oakland, California.

2221 Northern Lights Boulevard, Anchorage, Alaska.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 21, 1984.

Hon. THOMAS P. O'NEILL,
The Speaker, U.S. house of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following project March 13, 1984:

LEASE

Department of Housing and Urban Development and Food and Nutrition Service, One Embarcadero Center, San Francisco, California.

The original and one copy of the authorizing resolution is enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., May 22, 1984.

Hon. THOMAS P. O'NEILL,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects March 13, 1984:

LEASES

211 Main Street, San Francisco, CA.

Food and Drug Administration, Atlanta, GA.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

ANNUAL REPORT ON OPERATION OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

I transmit herewith the 1983 Annual Report on the operation of the Alaska Railroad, as required by the Alaska Railroad Enabling Act of March 12, 1914, as amended (43 U.S.C. 975g). This report covers the period from October 1, 1982, through September 30, 1983.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

EXTENSION OF WAIVER AUTHORITY UNDER TRADE ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 98-226)

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the documents referred to in subsection 402(d)(5) of the Trade Act of 1974 with respect to a further 12-month extension of the authority to waive subsection (a) and (b) of section 402 of the Act. These documents constitute my decision to continue in effect this waiver authority for a further 12-month period.

I include as part of these documents my determination that further extension of the waiver authority will substantially promote the objectives of section 402. I also include my determination that continuation of the waivers applicable to the Hungarian People's Republic, the People's Republic of China and the Socialist Republic of Romania will substantially promote the objectives of section 402. The attached documents also include my reasons for extension of the waiver authority; and for my determination that continuation of the waivers currently in effect for the Hungarian People's Republic, the People's Republic of China and the Socialist Republic of Romania will substantially promote the objectives of section 402.

Ronald Reagan.

The White House, *May 31, 1984.*

ANNUAL REPORT OF CORPORATION FOR PUBLIC BROADCASTING, FISCAL YEAR 1983—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1983.

Ronald Reagan.

The White House, *May 31, 1984.*

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

To the Congress of the United States:

I am pleased to send you the annual report of the National Science Foundation for fiscal year 1983. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and information sciences; in engineering; and in education for those fields.

The National Science Foundation is a key part of the national effort to revitalize our capabilities in research, innovation, and production. Achievements such as those described here underlie much of this Nation's strength—its economic growth, military security, and the general well-being of our people.

I hope you will share my enthusiasm for this fine work.

Ronald Reagan.

The White House, *May 31, 1984.*

COMPREHENSIVE REVIEW ON THE STATUS OF THE DOMESTIC URANIUM MINING AND MILLING INDUSTRY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce:

To the Congress of the United States:

Pursuant to the requirements set forth in Section 23(a) of P.L. 97-415, the Nuclear Regulatory Commission Authorization Act of 1983, the "Comprehensive Review on the Status of the Domestic Uranium Mining and Milling Industry" is provided to the Congress.

The report presents information on the current and projected status of the domestic uranium mining and milling industry including uranium requirements and inventories, domestic production, import penetration, domestic and foreign ore reserves, exploration expenditures, employment, and capital investment. In addition to presenting projections of industry behavior under current policy, the report provides projections under alternative policy scenarios in the event that foreign import restrictions were enacted by Congress. The anticipated effect of spent nuclear fuel reprocessing on the demand for uranium is also addressed.

Ronald Reagan.

The White House, *May 31, 1984.*

IT IS TIME TO END THE SYNFUELS CORPORATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Broyhill) is recognized for 30 minutes.

● Mr. **BROYHILL**. Mr. Speaker, the President has proposed reducing the funding available to the Synthetic Fuels Corporation by $9 billion. The SFC would be able to commit the $5 billion remaining to it only for projects that produce synfuels at a price roughly competitive with conventional fuels. Legislation to implement the President's proposal will be introduced soon in both Houses.

Although the President's proposal is a step in the right direction, we should not stop there. The Synfuels Corporation is a flawed concept made worse by incompetent management. The SFC would work no better with competent management than would the *Titanic* have survived with new deck chairs. We should do away with the SFC entirely and allow the Department of Energy to assume the responsibility for existing projects and for future synfuels research and development. Today, I am introducing legislation to do precisely this.

I am not alone in my opinion of the SFC. The New York Times, in an editorial published yesterday, concluded that the Synthetic Fuels Corporation "has been a waste of money" and that the synfuel program should be moved into the Energy Department. The Times makes a strong case for the legislation I am introducing today. I invite my colleagues to review the editorial and to join me in closing down the SFC.

I include in the Record at this point the text of the bill that I am introducing today and the editorial from the New York Times.

H.R. 5761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Synthetic Fuels Corporation (hereafter in this Act referred to as the "Corporation") shall be abolished 90 days after the date of enactment of this Act.

Sec. 2. (a) During the period between the date of enactment of this Act and the abolition of the Corporation under the first section of this Act the Board of Directors of the Corporation shall diligently pursue all necessary steps to achieve the orderly termination of the Corporation's affairs on or before the end of such 90-day period.

(b) During the 90-day period described in subsection (a) of this section the Corporation shall not enter into any legally binding commitment whose duration extends past the end of such 90-day period.

Sec. 3. (a)(1) Upon the abolition of the Corporation under the first section of this Act the responsibility for administering any remaining legally binding commitments of the Corporation shall transfer to the Secretary of Energy, who for such purposes shall succeed to all the powers, duties, rights, and obligations of the Corporation under title I of the Energy Security Act.

(2) For the purposes of this Act, the term "legally binding commitment" shall not include any nonbinding pledges of assistance or letters of intent.

(b) In administering the legally binding commitments of the Corporation entered into before the date of enactment of this Act under the authority of title I of the Energy Security Act, the Secretary of Energy shall not enter into any additional legally binding commitments or any extensions of such existing commitments.

Sec. 4. (a) Upon the date of enactment of this Act, all funds, except those described in subsection (b), which have been appropriated to the Energy Security Reserve in the United States Treasury for the purposes of the Corporation shall be deposited into the general fund of the Treasury as miscellaneous receipts.

(b) There shall be retained in the Energy Security Reserve until expended or clearly no longer required—

(1) $740,000,000 for projects with respect to which the Corporation has, before the date of enactment of this Act, entered into legally binding commitments;

(2) $30,000,000 for administrative expenses of the Corporation during the 90-day period immediately following the date of enactment of this Act, and for administrative expenses of the Secretary of Energy after such 90-day period with respect to responsibilities transferred to such Secretary under this Act; and

(3) such sums as are necessary to fulfill obligations made before February 8, 1982, by the Secretary of Energy with respect to projects funded under the Defense Production Act of 1950 or under the Federal Nonnuclear Energy Research and Development Act of 1974.

Sec. 5. (a) The United States Synthetic Fuels Corporation Act of 1980 is repealed.

(b) This section shall take effect 90 days after the date of enactment of this Act.

[From the New York Times, May 30, 1984]

THE SIN IN SYNFUELS

Does America need subsidized synthetic fuels? In 1980 Congress was sure it did, and created the Synthetic Fuels Corporation to hurry along production of substitutes for scarce oil and natural gas. Four years later scarcity has turned to glut, and the corporation has little to show for its efforts beyond a record of bad management and a whiff of scandal.

The Reagan Administration is pressing, with bipartisan support, to narrow the corporation's mission and cut its funding by half. Mr. Reagan is on the right track Congress might even be tempted to go a step further, dumping the corporation altogether and shifting control of its projects to the Energy Department.

The right answer to potential energy crises like the present turmoil in the Persian Gulf is natural fuel, stored in the strategic petroleum reserve, not synthetic. But there's still a solid case to be made for synthetic fuel development and it would be a pity if the rationale for subsidizing it were discredited along with the subsidizers.

Congress gave the Synthetic Fuels Corporation $15 billion with little guidance other than a goal of producing 500,000 barrels of liquid and gas fuel a day by 1987. Perhaps no managers could have spent so much wisely and quickly. But the second-raters appointed by the Reagan Administration clearly had little idea of how to do it—and even less about the propriety of handing out cash to companies in which they had an interest.

The corporation's defensible investments, in developing medium-scale coal gasification and shale oil plants, were inherited from Energy Department planners. There seems to have been no particular logic to the corporation's subsequent investments in virtually useless or technologically redundant facilities—except the bureaucratic urge to commit $15 billion before Congress had second thoughts. Mr. Reagan now wants to reduce the corporations spending authority to about $7 billion and limit subsidies to projects that could produce synthetic fuel at competitive prices.

It makes sense to stop scattering subsidies for the development of technologies already well understood, like heavy oil extraction. There's also no point in investing in obviously uneconomic technologies, like conversion of peat to alcohol. And it makes little sense to subsidize the construction of facilities to produce synfuels in large volume. No standby capacity can conceivably make enough fuel to offset oil lost in a short-term emergency. That's the job of the strategic petroleum reserve.

But there could be a big payoff in modest research and development of efficient coal gasification and oil shale extraction technologies. With synfuel technologies perfected, ready to go at any time of longer-term shortage, private industry could respond rapidly and minimize the dislocations in the economy.

At most, the effort can be conducted by a trimmed-down corporation with new management and senior staff. Better still, the synfuel program could be moved into the Energy Department, which has had experience and some success in R & D. The Synthetic Fuels Corporation has been a waste of money. Synthetic fuels aren't.●

IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, during the year that this body has failed to take action on immigration reform, it is estimated that almost one-half million more illegal aliens have poured across our borders. We must update our immigration law. It is time for the House to act. It is well past time to bring this bill to the floor.

Illegal immigration is a problem now and for the future. It endangers our economy and strains local and State educational systems in many parts of the country. And it is potentially unfair to the myriad of people who are waiting in line for legal immigration and unfair to legitimate refugees.

In a very real sense we are almost all immigrants or their descendants. It is the mix of people from all cultures and all lands that has made this country great. We draw our strength from this diversity, and we have a certain moral responsibility to continue to welcome immigrants to our shores. There is a limit, however, to how rapidly we can assimilate these newcomers into our economic system at a time when unemployment is high.

Clearly, no bill can solve all of our immigration problems. This is both a practical and emotional issue. It affects not only our economy and our public services, but also the destinies of hundreds of thousands of people. The Simpson-Mazzoli bill has some elements that should be changed, but the House should have an opportunity to address those elements. It is time to let the legislative process work.

Thousands of aliens have waited for years to gain legal entry to this country. Many still wait. Yet illegal aliens continue to pour across our borders. They make a mockery of our immigration laws. For us to continue to ignore this problem is unjust and damaging the American future for both those here and those who hope to come to America.

Mr. Speaker, it is time to put partisan politics aside and bring to the floor of this House a bill to be debated and amended so that America can again control the entry of illegal aliens.

ANNIVERSARY OF THE FOUNDING OF THE ITALIAN REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I am pleased to call to the attention of my colleagues that on June 2, the Republic of Italy celebrates the 38th anniversary of its founding as a free domocratic government.

It was on this date 38 years ago in 1946 that the Italian people ended their constitutional monarchy and voted to establish a political democracy. By replacing the Italian monarchy with a republican form of government, Italy began her return to the cultural and political prominence she had once long enjoyed.

During the last almost four decades, the laying of the technological and economic foundation of Italian industry has been unprecedented, and the Italian Government's commitment to the social welfare and education of its people has been comprehensive and impressive. As a member of the North Atlantic Treaty Organization, Italy has been and continues to be a stalwart and loyal Western ally, adding to the strength of the countries of the free world.

The beautiful land of Italy, washed by the blue waves of the Mediterranean and cradled within the Alps, has boasted of an advanced civilization for thousands upon thousands of years. It may be truly said that Italy constitutes a mosaic of human history. As a major source of Western culture, her legal system is a model for the West, her language is the tongue of music and her Renaissance stands as one of mankind's greatest achievements.

Italian artists from Giotto and Cimabue in the 13th century through Da Vinci, Raphael, and Michelangelo, are second to none. Palestrina, Monteverdi, Corelli, and Vivaldi left a renowned musical legacy, and the musical staff was established by Guido d'Arezzo.

The musical works of Verdi, Paganini, and Donizetti helped to make the 19th century the great age of opera. More recent operatic composers, like Puccini and Leoncavallo, helped to assure that the language of music was Italian. Italian operatic singer Enrico Caruso was a legend in his time, and Arturo Toscanini was generally regarded as the greatest operatic and orchestral conductor among his contemporaries. Today Luciano Pavarotti continues in this grand tradition of Italian contribution to opera. Antonio Stradivari and Giuseppe Guarneri have left us with the beauty of their musical instruments, and the Italian Bartolomeo was the inventor of the piano forte.

Italian writers, like Dante and Petrarch, have ranked among the world's greats, and Nobel Prize winner, Luigi Pirandello, wrote plays that still serve as models for budding playwrights. The novels of Ignazio Silone and Alberto Moravia are widely read and have inspired successful motion pictures. Italian filmmaker, Michelangelo Antonioni, has directly influenced the films Americans see today, and Federico Fellini and Vittorio de Sica have produced movies that remain classics of the cinema.

Italy has produced many renowned figures in the field of philosophy and statesmanship as well, such as Lorenzo de Medici and Giuseppe Mazzini, statesmen Camillo de Cavour and Giuseppe Garibaldi. Ranking Italian scientists include Galileo, Guglielmo Marconi, and Enrico Fermi, and our Nation can never repay its debt to Christopher Columbus and Amerigo Vespucci.

The contributions of Italians have made our world a better place to live, and the emergence of modern Western thought would not have had as much impact or influence, if it were not for the Italian presence.

In light of all that the great nation of Italy has offered to the world, it is most fitting that we pay tribute to the important anniversary of its birth as a Republic, since throughout its glorious history, few more stirring events have occurred than on June 2, 1946, when the Italian people chose a democratic form of government.

Mr. Speaker, as we commemorate June 2, 1946, a proud day in Italian history, I take this opportunity to extend my warmest best wishes to the people of Italy, and to our many friends of Italian descent in the 11th Congressional District of Illinois which I am honored to represent, and throughout the United States, who are joining in the observance of this 38th anniversary of the Italian Republic. May the people of Italy continue in their important contributions to the culture and freedom of the West, to the vitality of democracy, and to democracy's precious ideals.●

REGIONAL CONSERVATION AND ELECTRIC POWER PLANNING AND REGULATORY COORDINATION ACT OF 1984

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OTTINGER) is recognized for 60 minutes.

● **Mr. OTTINGER.** Mr. Speaker, today, with my colleagues Mr. SWIFT, and Mr. WYDEN, I am introducing the "Regional Conservation and Electric Power Planning and Regulatory Coordination Act of 1984." This bill effectively is the product of efforts undertaken by the National Governor's Association and myself to develop a legislative proposal to deal with one of the most vexing energy issues of our time: How to provide for reliable supplies of electricity over the long run at the lowest possible cost without wasting enormous amounts of capital and other resources.

The legislation authorizes two or more States to enter into multistate compacts to assess conservation, loan management, central station powerplant and other resources to meet the demand for electric energy services cost effectively; to develop a plan for the acquisition of resources by electric utilities, their customers and others; and, to develop rate incentives, conservation programs and other initiatives to encourage utilities, their customers and others to acquire resources according to the plan.

The Subcommittee on Energy Conservation and Power, of which I am chairman, will hold a hearing on this bill on June 26, 1984.

Before I set forth the provisions of the bill, I want to explain its origin.

THE NATIONAL GOVERNORS' ASSOCIATION TASK FORCE

In June 1982, the National Governors' Association formed an Electric Utility Task Force, chaired by West Virginia Governor, Jay Rockefeller. The task force consisted of Governor Rockefeller and the Governors of Florida, Idaho, Illinois, Indiana, Maine, Massachusetts, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, and Utah.

The task force was charged with studying electric utilities regulation, developing proposals for changes in such regulation where warranted and for developing consensus solutions to the problems being experienced by the electric utility industry and its ratepayers. The task force held numerous hearings and consulted extensively with State utility regulators and with officials of the National Association of Regulatory Utility Commissioners (NARUC). A report, "An Analysis of Options for Structural Reform in Electric Utility Regulation," was published by the task force in January 1983. The report indicates that the task force examined seven options for changes in utilities regulation, ranging from Federal preemption of State regulation to deregulation, and including the regionalization of certain regulatory functions. The report concluded that the regionalization of certain functions, particularly planning, showed promise because of the fact that in many parts of the United States, electric utilities had become multistate entities.

The task force report served as the basis of a resolution passed unanimously by the Governors at their 1983 winter meeting. I quote from the resolution adopted by the Governors:

> FINDINGS:
>
> 1. Today's electrical supply system has become increasingly multi-state in nature while primary regulatory responsibilities have been retained by the states and have been limited by the boundaries of state regulatory jurisdiction and by federal regulatory agencies. This jurisdictional mismatch has led to a series of multi-state conflicts in ratemaking, facility siting and certification of need.
>
> 2. Planning of our electric energy future should be guided by a balanced program aimed at providing reliable service at the lowest possible cost, especially over the long term. This approach requires that conservation, other demand-side policies and new supply additions be pursued with equal vigor.
>
> 3. Opportunities may be available for additional cost savings through increased power pooling, inter-connections between transmission systems, joint projects, power wheeling, and possible other consolidations within the industry. In some instances, the current regulatory structure may not permit the full realization of these cost savings.
>
> RECOMMENDATIONS:
>
> The existing structure of regulation of electricity has been in place for many years. The primacy of state regulation has been a desirable aspect of that traditional system, and the Governors vigorously oppose any preemption of state authority in this field. We do believe that changes in three areas—regional power planning and regulation, sorting out of federal and state responsibilities, and benefit-sharing approaches to rate-making—would be desirable to reduce multi-state conflicts and increase the oppor-

tunity for regulation which insures system reliability at the lowest possible long-term costs.

REGIONAL POWER PLANNING AND REGULATION

The Governors support:

Passage of permissive federal legislation allowing states to enter voluntarily into multi-state agreements for regional power planning and regional regulation. States should be able to choose to limit regional activities to planning only. Effective regional power planning is a necessary prerequisite for any effort toward regional regulation. The federal legislation should define the regional power planning option to include authority for the development of any or all of the following: electricity demand and supply forecasts, reliability and reserve requirements, increased power pooling and interconnections, and electricity import and export agreements. The regional regulation option should include the authority to set regional standards for ratemaking, to site new power plants and transmission lines, to certify the need for plants, and/or to set wholesale and retail rates. It is likely that regional power planning and regional regulation will be conducted by separate agencies.

The inclusion in federal legislation of discretion for states to choose any or all of the possible authorities and to decide if the supply plans shall be binding on state regulatory commissions and utilities.

The inclusion in federal legislation of a provision making clear that any compacts or agreements entered into by states shall not require additional Congressional approval.

The inclusion in federal legislation of an assessment of electric suppliers to be utilized at the option of the participating states. The assessment would be collected only in those states which join the multistate planning agreements and would be used in the region to finance the regional power planning and regulatory activities.

The inclusion in federal legislation of provisions to insure public participation in regional power planning and regulatory activities.

Such regional agreements will likely be evolutionary in nature, perhaps beginning simply as planning efforts and gradually developing into more extensive agreements where interest and conditions merit. The Northwest Power Planning Council and the New England Power Planning Committee represent different stages in the development of regional power planning entities. Where such entities now exist, it is intended that any new federal legislation will not change the current situation except to allow the affected states to take advantage of the options provided in the new legislation.

SORTING OUT OF FEDERAL/STATE REGULATORY ROLES

The Governors recommend that state and regional electric regulatory authority be increased and the current authority of the Federal Energy Regulatory Commission be reduced. Specifically:

FERC jurisdiction over intrastate wholesale transactions should be shifted to individual states or to regional regulatory bodies, at the option of the state or states involved;

FERC jurisdiction over interstate wholesale transactions should be shifted to regional regulatory bodies where they exist and desire such authority.

I agreed to consider the contents of this resolution, once reduced to legislative form, in my subcommittee.

SUBCOMMITTEE ANALYSIS

The Subcommittee on Energy Conservation and Power has also spent considerable time and many days of hearings looking into the problems and issues surrounding the electric utility industry. Our focus has been on how this country can meet the demand for the energy services, such as heat, light, comfort, mechanical energy, and other services which consumption of electricity enables or can provide at the least possible cost and with adequate reliability.

Among other things, what I have concluded from the subcommittee review is that, right now, electric utilities and their ratepayers face a long-run planning problem of considerable national significance.

There presently exists sufficient surplus electrical generating capacity in all regions of the United States such that there is no present shortage of supplies. In fact, it appears that sufficiency of supplies is relatively assured in the foreseeable future. In other words, the country enjoys a kind of grace period with respect to the sufficiency of supplies of electricity to meet demand.

I call this period of time a grace period because, while there is no need for concern about the present or short-term future, it is likely, in the not too distant future, that utilities, their ratepayers and others will have to make significant additional investments in new resources to meet demand for the energy services which consumption of electricity can help meet. A major question now facing electric utilities and their ratepayers is how to take advantage of this present grace period to plan for the acquisition of resources that will most likely turn out to be cost-effective.

Some strident voices feel they already know what resources utilities should build. They are calling upon utilities to initiate a new round of construction of nuclear and coal-fired powerplants as soon as possible. The argument is that, since these powerplants take a long time to build and since the country conceivably could need considerable additional generating capacity in the 1990's, we better start to build a bunch of these powerplants right now.

Fortunately, most electric utilities are not responding to this call. They have been burned by cost overruns and reduced load growth in the last 10 years and presently are reluctant to initiate a new round of construction of such powerplants. Generally, I believe that this has been and presently continues to be a healthy development in the industry, even though I understand the concern of those who worry about the sufficiency of electric power generation to meet demand over the long run.

The major reason, from a public policy perspective, why a crash program to build new, large central station powerplants in this country is unwise is that these powerplants often appear not to be cost-effective resources when compared with consumption efficiency improvements—conservation, load management—cogeneration, small power production and other alternatives. In fact, the evidence is simply overwhelming that conservation and load management, in particular, are usually cheaper and less risky ways to meet demand for the energy services presently provided by electric energy.

Conservation investments across the board compare favorably with investments in new powerplants. For example, use of highly efficient refrigerators could save the country up to 25,000 megawatts of capacity, or 25 large coal or nuclear powerplants at a fraction of the cost. Superinsulation of residential buildings can save up to 90 percent of the space heat that is otherwise required to meet the demand for comfort. New lightbulbs now on the market use 25 percent the power at the same illumination and last 10 times as long as standard light bulbs. It is possible to double the efficiency of electrical motors for less than a penny per kilowatt-hour. Doubling the efficiency of electrical motors at this cost would save about 70 large powerplants at one-fifth the cost. And so on. And, as if this were not enough, there may be as much as 50 new large powerplants' worth of cogeneration capacity the cost to ratepayers of which compare favorably or are not higher than those of new powerplants.

Any electric utility that ignores the large and relatively untapped potential of efficiency improvements such as the above and many others does so at its peril, as a report prepared by the Congressional Research Service [CRS] for the Subcommittee on Energy Conservation and Power last implied. The subcommittee asked the Congressional Research Service to estimate the number of new powerplants that would be needed by 2000 if the country conserved electricity when to do so was less expensive than building a powerplant. Answer: under conservative assumptions, the CRS found that the country would need to build only a relative handful of new powerplants beyond those under construction now by the turn of the century if only about 50 percent of the consumption efficiency improvement resource that was cost effective reached the marketplace. The savings to the country of avoiding the construction of powerplants by investing in cost-effective conservation? About $450 billion. In the face of these numbers any utility that builds a new powerplant in the absence of a very careful assessment of the potential for conservation and other alternatives in its own backyard is courting financial problems for itself and its ratepayers.

Finally, investment in other than large new powerplants makes sense from another perspective. On February 7, 1984, the subcommittee held a marathon hearing on the relative role that conservation, load management, new powerplants and other resources might fill in a national future in which electric energy services were met at least cost. While there was much debate between advocates of conservation and those of new powerplants, practically everyone agreed that the level and pattern of demand for electricity through the next 15 years or so was highly unpredictable. In fact, there is probably greater unpredictability in the demand for electricity right now than there ever has been. Certainly, it is unlikely that demand will return to the 7 percent per annum growth rate of the 1960's. But will it be zero percent, 2 percent or maybe 4 percent per annum? No one really knows for sure, although many have considerable faith that it will be one number or the other. However, the penalty of being wrong in forecasting electricity demand, even by one decimal point, is extremely high. Many utilities struggling to finish uncompleted nuclear powerplants which may not presently be needed, or having abandoned such facilities, are finding this out. In this environment of unpredictability, there is a premium in investing in short leadtime, fast payback resources rather than making enormous new commitments to large powerplants. This premium tends to favor conservation, load management, cogeneration, and other alternatives to large powerplants because they can be developed in smaller increments, with greater flexibility and faster paybacks.

If conservation is such a good investment, why do utilities not invest in it? The answer is that some do. However, most of the actual investment in conservation by investor-owned electric utilities is concentrated among a dozen electric utilities. The others seem to believe that actual investment in conservation, as opposed to public relations, is not their business but the business of their customers. For many utilities investment in conservation may not appear consistent with the long-term interests of their shareholders or with all of their customers and, thus, they are reluctant to invest in it even though failure to do so may result in the eventual need to build a powerplant costing four times as much as an equal amount of conservation. In addition, many electric utilities are hampered by very poor data regarding the quantity of cost-effective conservation and other alternatives to new powerplants on which they can rely. As a general matter, this country still knows next to nothing about the actual resource value of these alternatives, as opposed to their potential, in specific utility service territories although, of course, there are exceptions, such as in the Pacific Northwest, the Tennessee Valley, and California.

Why do not customers invest in conservation? The answer is that almost all electric utility customers have learned to conserve to a degree, but most long-term investment in energy efficiency improvements, particularly in the residential sector, have just not been made, as another CRS study conducted for the subcommittee showed. The reasons for this are many. A principal reason is that most residential customers, if they can afford investment at all, require a payback measured in months or a very few years on any investment they make. Even conservation investments cannot always meet such a requirement. In contrast, electric utilities with no such payback requirement make investments in powerplants that may not be paid back for a decade or even much longer. Thus, the market in energy services is biased against conservation.

For these and other reasons, despite the great potential of conservation investments and other promising alternatives to new large powerplants, no one really nows how much conservation will reach the marketplace in the United States. The answer will certainly vary regionally and locally and with economic growth. The problem is that electric utilities cannot afford to sit still and wait to see if conservation and the other alternatives live up to their promise. Most electric utilities have an obligation to serve customers willing to pay the costs of serving them and, thus, may feel that soon they will have to build new powerplants even when, from society's perspective, they may not make economic sense.

I believe that we can, and should, do something about the dilemma I have just described during the present grace period of sufficient electricity supplies. As much as $450 billion of utility customers' dollars may hang in the balance.

These are some of the concerns that have motivated me to take up the Governor's resolution through a legislative proposal developed by NGA and subcommittee staff. In the section that follows, the thrust of the bill and its major provisions are explained.

The bill is a proposal reflecting my concerns and those expressed by the NGA set forth above. The main thrust of the bill is to permit regional longrun planning to the extent the States in any region agree.

Congressional approval of the regionalization of such functions is required under the compact clause of article 1 of the U.S. Constitution.

I agree with the NGA's concern that, as utilities have become regional entities in many areas of the country, it makes sense for States to enter into compacts authorized under this legislation to conduct planning and other functions on a regional basis.

First, the cost-effectiveness of conservation, load management and powerplants often vary regionally rather than on a strict State-by-State basis. Thus, particularly for planning purposes, it may, depending on the area of the country involved, make good sense to plan on a regional basis. Utilities do. Why shouldn't regulators also plan on that basis and implement some regulatory functions regionally if they so desire?

Second, the subcommittee as a result of a thorough study found that many States are unable to assess the potential of conservation and other similar resources or require their utilities to carry out these functions because of financial, staff, technical, and other shortages at the State level. There would appear to be considerable regulatory economies of scale in having some regulatory functions carried out in one place on behalf of all the States in a particular region.

Some may inquire: why should regulators at any level plan for resource acquisition? Do not utilities already carry out such planning functions? The answer is that practically all utilities plan for resource acquisition to meet their obligations to serve. However, the orientation of many utilities is to constrict their planning to powerplants to meet projected demand. They simply have not historically had and often do not presently have the knowledge or skills required to plan for consumer efficiencies to reduce demand. Often, conservation, cogeneration or other important data are not easy to obtain or an electric utility just does not have the staff, know-how or incentive to get the data or to acquire conservation resources even where they are cost effective. This is where regional planning agencies can play a major role. They can assess alternative resources, develop public consensus behind a plan to acquire resources cost-effectively and encourage utilities, their ratepayers and others to acquire resources according to such a plan.

In sum, I think the process envisioned by this bill will: First, increase the quality of data regarding the resource value of alternatives to new powerplants on a geographic basis that makes economic and regulatory sense; second, develop public consensus behind longrun resource plans that will not only make acquisition of conservation easier, but also make easier acquisition of new powerplants and other traditional resources that are shown to be needed; and third, encourage actors other than utilities to get involved in conservation markets if utilities are not disposed to do so.

There follows a section-by-section summary of the major provisions of the legislation.

Section 1. This section states the title of the bill, "The Regional Conservation and Electric Power Planning and Regulatory Coordination Act of 1984".

Section 2. This section consists of findings that explain the assumptions underlying the legislation.

Section 3. This section states the purpose of the legislation, namely, to permit and encourage two or more States to form compacts for the purpose of conservation and electric power planning and for other purposes and to delegate the authority to regulate certain wholesale electric rates from the Federal Energy Regulatory Commission [Commission], where they are presently regulated, to the States, upon the approval of a State plan for such regulation by the Commission.

Section 4. This section consists of definitions.

TITLE I

Section 101. Section 101 grants the consent of Congress to any two or more states to enter into multi-state compacts for the purposes, and under the conditions, set forth in Title I.

Section 102. Section 102 summarizes the purposes for which states may enter into multi-state compacts under the bill as described in detail in sections 104-106.

Section 103. This section describes the formation of the compacts and the manner of implementation of functions authorized under the legislation. The major provisions of this section are:

Any two or more states may form compacts authorized under the legislation, but membership in any compact must be by unanimous agreement of all states forming the compact;

Once formed, a compact may not be terminated for five years;

Each compact must form a compact governing agency (agency) to implement any of the functions permitted under the bill;

Each state shall have the same number of members of any such agency as any other member state;

The federal laws that apply to the Federal Energy Regulatory Commission respecting disclosure of information, administrative procedure, meetings, contracts and other similar matters shall apply to these agencies unless the compact in which an agency is established determines that such application is inappropriate. In such an instance, the compact would be required to come up with other procedures to adequately protect the public interests protected by such federal laws;

Each agency is authorized to levy a fee not to exceed .1 mills per kilowatt hour on retail sales of electricity within the region covered by the compact in which the agency is established to fund its operations.

Section 104. Section 104 sets forth certain functions which a compact agency may implement prior to the adoption of a regional energy services plan. These functions are:

The development and implementation of rate standards to govern the ratemaking for certain costs incurred by electric utilities that are unrelated to conservation or electricity supply resources, including the recovery or amortization of the costs of finally abandoned powerplants;

The development and implementation of methodologies to evaluate the cost-effectiveness of resources, including conservation, load management, and central station powerplants;

Emergency outage and shortage plans for the compact region.

Full public involvement is required in the development of any standards, methodologies or plans authorized under this section.

In addition, this section spells out that the agency is not permitted to implement or require the implementation of any standard, methodology or plan except as agreed to by the compact in which the agency is established and except as consistent with law. Section 104 also specifies that the agencies authorized under this bill are not, by the terms of this section, authorized to directly regulate either wholesale or retail electric rates.

These requirements are intended to assure that regional agencies do not use the authority granted them under the legislation to directly regulate the rates for wholesale electricity sales regulated by the Federal Energy Regulatory Commission or to directly regulate retail electricity rates, unless the agency otherwise would have the authority to directly regulate such retail rates without the consent of Congress. However, this section is intended to authorize the establishment of ratemaking standards for costs unrelated to resource acquisition.

In addition, these requirements are intended to avoid inconsistent directives by the agency and the Commission with respect to outage and shortage plans. Under section 202(g) of the Federal Power Act, the Commission is given certain, limited authority to impose requirements on electric utilities respecting power shortages. Regional agencies are required to exercise the authority granted them under section 104 of the bill I am introducing today in a manner consistent with the authority of the Commission under section 202(g).

Finally, section 104 authorizes compact agencies to intervene before the Commission to advocate positions consistent with any standards, methodologies or plans developed under this section. Intervention is the way in which a regional agency could advocate and thereby influence the adoption of ratemaking standards in rates regulated by the Commission.

Section 105. This section is the heart of the bill. It authorizes the development by any compact agency of long-run plans to meet the total demand for electric energy services in the region covered by the compact. The agency is directed to assess the potential for conservation, load management, central station powerplants and other resources to meet such demand cost-effectively and to develop a plan to acquire resources on a cost-effective basis. Full public involvement is required in the development of the plan. The plan is required to be reviewed once every five years.

Section 106. Section 106 permits any regional compact agency to encourage electric utilities, customers and others in the region to acquire resources in accordance with the plan by a variety of means. The agency would be authorized to encourage such acquisition by:

Certifying the need for conservation programs, load management, powerplant and other resources;

Developing and implementing regional conservation programs including building codes, conservation standards, conservation financing, appliance and other rebate programs and any other programs to encourage acquisition of consumer conservation and consumer direct use of renewable resources;

Developing and implementing rate incentives to encourage utilities and others to acquire resources;

Developing and implementing programs and policies to encourage increased power pooling, transmission services and other inter-utility coordination and coordination between utilities and qualifying cogeneration and small power production facilities under Title II of the Public Utility Regulatory Policies Act of 1978, both within the region covered by the compact and between such region and utilities outside the region;

Developing programs and policies to encourage increased power imports and exports;

Developing and implementing a system of rate and other disincentives to discourage resource acquisition inconsistent with the plan.

Full public involvement is also specified in this section in the development of any of the means to encourage resource acquisition according to the plan.

Under Section 106 no compact agency would be permitted to implement or require the implementation of any means described in section 106 except as established in the compact and except as consistent with law. And no state or state regulatory authority is required to implement any such means unless it has agreed to do so by the compact. Section 106 also establishes that the agencies authorized under this bill are not, by the terms of this section, authorized to directly regulate wholesale electric rates regulated by the Commission or to directly regulate retail rates unless an agency otherwise would have the authority to directly regulate such retail rates without the consent of Congress.

This section is intended to enable an agency established under this Title to have the tools to encourage acquisition in accordance with a plan adopted under Section 105, if the states that have formed the compact so agree. These tools may extend to the development of region-wide conservation programs to energize building and other markets affecting energy conservation so that more cost-effective conservation resources are acquired. The tools may include regionwide rate base treatment for resources that are part of a plan and regionwide rate structures designed to communicate the cost to utilities of building new resources that can be saved if consumers and customers conserve energy. They also include the development of programs to enable the transmission of power generated by cogeneration and small power production facilities to markets that may be more advantageous to these facilities. They include agency certification of need for conservation programs, powerplants and other resources.

Subsection (d) of Section 106 authorizes compact agencies to intervene in Commission proceedings to advocate positions consistent with a resource plan or means developed in Section 106. As under section 104, intervention is the way in which a regional agency could advocate and thereby influence the adoption of rate incentives and disincentives designed to encourage acquisition of resources consistent with a plan adopted under section 105.

Subsection (e) permits an agency to apply for an order from the Commission to compel the rendering of transmission services consistent with a plan by an electric utility. Any application for such transmission services significantly affecting an electric utility within the United States but outside the area covered by such plan shall be accompanied by a statement of concurrence with the provision of such transmission services by the Governor of a state or, where it exists, compact agency established pursuant to Section 103, in which such electric utility operates. Such application shall also be accompanied by a proposed arrangement for the recovery of costs which would be incurred by an electric utility in the implementation of any such order. Upon receipt of an application under this subsection, and after public notice and notice to each affected electric utility and opportunity for an evidentiary hearing, the Commission shall issue such order unless the Commission finds that the order would unreasonably impair the reliability of an electric utility affected by the order or would impair the ability of such an electric utility to render adequate service to its customers or consumers.

Section 107. This section consists of provisions establishing the judicial review of final compact agency actions and other matters.

Section 108. This section states that nothing in Title I of the legislation shall be construed to amend, modify or otherwise affect the provisions of the Pacific Northwest Electric Power Planning Act of 1980 or other Act of Congress in which Congress has given its consent to the formation of multi-state compacts, and to abridge or otherwise limit the authority granted to the Pacific Northwest Electric Power Planning Council by the 1980 Act.

TITLE II

Section 201. This section is a delegation to the states to regulate the rates for certain wholesale sales of electricity subject to the conditions established under this Title.

Section 202. This section permits any state regulatory authority to file a plan with the Federal Energy Regulatory Commission under which a state could regulate some or all of the rates for the sale of electricity from one electric utility to another, provided that the retail sales of electricity of the purchasing utility are completely within the boundaries of such state.

Section 203. This section establishes certain requirements for the plan that states may file under Section 202.

Section 204. This section requires the Commission to approve any plan filed under Section 202, within 180 days of its filing, unless the Commission finds that—

The state regulatory authority lacks the authority to regulate the wholesale rates proposed to be regulated by such authority in the plan submitted;

The state regulatory authority is not required by law to regulate such wholesale rates in a manner to avoid undue discrimination between such wholesale rates and retail rates that it regulates; or

The wholesale rate regulation proposed in the plan would likely have a significant, adverse impact on—

(1) competition in electricity supply markets or

(2) benefits to consumers resulting from the operation of power pools and other interutility coordination subject to the Commission's jurisdiction.

Section 205. This section specifies that a state regulatory authority may file amendments to the plan submitted under Section 202.

Section 206. This section establishes the method of Commission review of a state's implementation of a plan submitted under Section 202.

Section 207. This section specifies that rehearing and court review of a Commission approval or disapproval of a plan shall be governed by Section 313 of the Federal Power Act.

Section 208. This section specifies that, for purposes of this Title, the term "electric utility" does not include the Tennessee Valley Authority or any of the Federal Power Marketing administrations. It also defines "state regulatory authority", for this title, to exclude municipalities.

TITLE III

Section 301. Section 301 is an amendment to the Federal Power Act to assure that Sections 211 and 212 of that Act do not apply to applications by a regional agency for an order for transmission services under Section 106(e) of this bill.

One subject that this legislation does not treat is the development of comprehensive water resource development plans by the states and regions. The Subcommittee has heard from an increasing crescendo of voices that there needs to be action in this area to add some order to the permitting, licensing, and exempting of small hydo projects by the Federal Energy Regulatory Commission. The problem is not development as such. I support small hydro development generally. The problem is that such development is being proposed to take place in some areas where superior environmental amenities dictate that no such development should take place. This has spurred opposition to the entire small hydro program, threatening the viability of many projects that most would agree should go forward.

At the center of the controversy is the Federal Energy Regulatory Commission which, in my view, may not have the proper statutory direction to make small hydro decisions in a balanced manner. Recently, Senator MITCHELL introduced a bill authored by Maine Governor Joseph Brennan, who has exercised considerable leadership in this area, that would increase the authority of the states to develop comprehensive plans for water development and protection that would assist the Commission in its decisions regarding small hydro projects. I had wanted to integrate this proposal into the bill I introduce today but found that the issue was too complicated to handle in this manner in this legislation. However, I plan to look at small hydro issues separately in a Subcommittee hearing on these issues now scheduled for September.●

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. FRENZEL, for 60 minutes, June 11.

Mr. FRENZEL, for 60 minutes, June 12.

Mr. FRENZEL, for 60 minutes, June 13.

Mr. FRENZEL, for 60 minutes, June 14.

Mr. LUNGREN, for 60 minutes, June 7.

Mr. LOTT, for 15 minutes, today.

Mr. CRAIG, for 60 minutes, June 6.

Mr. BROYHILL, for 30 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. DANNEMEYER, for 60 minutes, June 4.

Mr. BROWN of Colorado, for 60 minutes, June 5.

Mr. LUNGREN, for 60 minutes, June 6.

Mr. GINGRICH, for 60 minutes, June 7.

Mr. WALKER, for 60 minutes, June 7.

Mr. WEBER, for 60 minutes, June 7.

Mr. MACK, for 60 minutes, June 7.

(The following Members (at the request of Mr. TAUZIN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ACKERMAN, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. OTTINGER, for 60 minutes, today.

Mr. GEPHARDT, for 60 minutes, on June 5.

Mr. GEPHARDT, for 60 minutes, on June 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AKAKA to revise and extend in support of H.R. 5167.

Mr. PENNY to revise and extend in opposition to H.R. 5167, his remarks to precede final passage.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. MOORHEAD.

Mr. KRAMER.

Mrs. JOHNSON.

Mr. LUNGREN.

Mr. CONTE.

Mr. WOLF.

Mr. GOODLING.

Mr. GEKAS.

Mr. BROOMFIELD.

Mr. LAGOMARSINO in two instances.

Mr. SKEEN.

Mr. GREGG.

Mr. KEMP in two instances.

Mr. VANDER JAGT.

Mr. MCGRATH.

Mr. MICHEL.

Mr. HYDE in two instances.

Mr. GILMAN in two instances.

Mr. FIELDS.

(The following Members (at the request of Mr. TAUZIN) and to include extraneous matter:)

Mr. SAM B. HALL, JR.

Mrs. KENNELLY.

Mr. MAVROULES.
Mr. FRANK in two instances.
Mr. SKELTON.
Mr. D'AMOURS.
Mr. FORD of Michigan.
Mr. RODINO.
Mr. RATCHFORD.
Mr. WAXMAN in two instances.
Mr. HAMILTON.
Mr. ECKART.
Mr. WHEAT.
Mr. LANTOS in two instances.
Mr. MCHUGH in two instances.
Mr. CLAY.
Mr. OTTINGER.
Mr. CARR.
Mr. GUARINI.
Mrs. BYRON.
Mr. STARK.
Mrs. BOXER.
Mr. FLORIO.
Mr. FORD of Tennessee
Mr. WIRTH.
Mr. LUNDINE in two instances.
Mr. JACOBS.
Mr. BRYANT.
Mr. DYMALLY.
Mr. AKAKA.
Mr. OBERSTAR.
Mr. WEISS.
Mr. BONKER.
Mr. KOSTMAYER.
Mr. BERMAN.
Mr. DERRICK.
Mr. LEVINE of California.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 837. An act to designate certain national forest system lands in the State of Washington for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committees on Interior and Insular Affairs and Agriculture.

ADJOURNMENT

Mr. TAUZIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 43 minutes a.m.), under its previous order the House adjourned until Monday, June 4, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3430. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3431. A letter from the Secretary of Agriculture, transmitting the semiannual report of the Inspector General from October 1, 1983, through March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3432. A letter from the Inspector General, Department of Energy, transmitting his semiannual report, October 1, 1983 to March 31, 1984, pursuant to Public Law 95-91, section 208(c); to the Committee on Government Operations.

3433. A letter from the Secretary of Labor, transmitting the semiannual report of the Inspector General covering the period October 1, 1983, through March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3434. A letter from the Secretary of Transportation, transmitting the semiannual report of the Inspector General for the period ended March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3435. A letter from the Acting Administrator, General Services Administration, transmitting the semiannual report of the Inspector General for the period ending March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3436. A letter from the Acting Secretary of the Interior, transmitting a report on the Department's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3437. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Inspector General from October 1. 1983, to March 31. 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3438. Chairman, Council on Environmental Quality, transmitting a report on the Council's compliance with the laws relating to open meetings of agencies of the Government (Government in the Sunshine Act during 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3439. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in Outer Continental Shelf areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

3440. A letter from the Deputy Associate Director for Royalty Management Operations, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in Outer Continental Shelf areas, pursuant to the act of August 7, 1953, chapter 345, section 10(b); to the Committee on Interior and Insular Affairs.

3441. A letter from the Secretary of the Interior, transmitting the 1983 annual report of the National Park Foundation, pursuant to Public Law 97-433, section 5(f); to the Committee on Interior and Insular Affairs.

3442. A letter from the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, Department of Justice, transmitting a draft of proposed legislation to provide for comprehensive reforms and to achieve greater equity in the compensation of attorneys pursuant to Federal statute in civil, criminal, and administrative proceedings in which the United States is a party, and in civil proceedings involving State and local governments; to the Committee on the Judiciary.

3443. A letter from the Secretary of Transportation, transmitting the fiscal year 1983 report on the operations of the national airways system, pursuant to Public Law 97-248, section 504(b)(2); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on the District of Columbia. H.R. 5565. A bill to direct the Architect of the Capitol and the District of Columbia to enter into an agreement for the conveyance of certain real property, to direct the Secretary of the Interior to permit the District of Columbia and the Washington Metropolitan Area Transit Authority to construct, maintain, and operate certain transportation improvements on Federal property, and to direct the Architect of the Capitol to provide the Washington Metropolitan Area Transit Authority access to certain real property (Rept. No. 98-810, Pt. I). Ordered to be printed.

Mr. FAZIO: Committee on Appropriations. H.R. 5753. A bill making appropriations for the legislative branch for the fiscal year ending September 30. 1985, and for other purposes (Rept. No. 98-811). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 514. Resolution providing for the consideration of H.R. 4785, a bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1985, 1986, and 1987, and for other purposes (Rept. No. 98-812). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules. House Resolution 515. Resolution providing for the consideration of H.R. 3678, a bill to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure. (Rept. No. 98-813). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4277. A bill to amend the Natural Gas Policy Act of 1978 to provide consumer price relief, to facilitate the transition of the natural gas industry to a more competitive market, and for other purposes; with an amendment (Rept. No. 98-814). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 4620. A bill to prohibit the recording of conversations made on the Federal telecommunications system, and for other purposes; with amendments (Rept. No. 98-815, Pt. I). Ordered to be printed.

Mr. FUQUA: Committee on Science and Technology. H.R. 3942. A bill to provide for commercialization of expendable launch vehicles and associated services; with amendments (Rept. No. 98-816). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FAZIO:

H.R. 5753. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1985 and for other purposes.

By Mr. BONER of Tennessee:

H.R. 5754. A bill to amend the Tariff Schedules of the United States to provide for rates of duty on imported bicycles and bicycle parts consistent with those rates of duty maintained by the principle exporting nations of bicycles and bicycle parts to the United States; to the Committee on Ways and Means.

By Mr. BREAUX (for himself and Mr. Young of Alaska):

H.R. 5755. A bill to amend the Fish and Wildlife Coordination Act; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMPBELL:

H.R. 5756. A bill to amend title 39, United States Code, to prohibit the U.S. Postal Service from acquiring neighborhood delivery and collection box units and apartment house mail receptacles for public use; to the Committee on Post Office and Civil Service.

By Mr. FISH (by request):

H.R. 5757. A bill to provide for comprehensive reforms and to achieve greater equity in the compensation of attorneys pursuant to Federal statute in civil, criminal, and administrative proceedings in which the United States is a party, and in civil proceedings involving State and local governments; to the Committee on the Judiciary.

By Mr. FORD of Tennessee:

H.R. 5758. A bill to make permanent certain provisions (presently scheduled to expire in 1984) relating to foster care assistance under part E of title IV of the Social Security Act, and to require the establishment or continuation of regional child welfare resource centers to assist in the implementation of child welfare, foster care, and adoption assistance programs; to the Committee on Ways and Means.

By Mr. SOLARZ (for himself, Mr. Barnes, Mr. Gilman, and Mr. Siljander):

H.R. 5759. A bill to amend the Arms Export Control Act to provide for congressional participation in certain arms transfer decisions; jointly, to the Committees on Foreign Affairs and Rules.

By Mr. UDALL:

H.R. 5760. A bill to declare that the United States holds in trust for the Cocopah Indian Tribe of Arizona certain land in Yuma County, Ariz.; to the Committee on Interior and Insular Affairs.

By Mr. BROYHILL:

H.R. 5761. A bill to abolish the U.S. Synthetic Fuels Corporation, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. FISH (for himself, Mr. Coyne, Mr. Hawkins, Mr. Frenzel, Mr. Swift, Mr. Thomas of California, Ms. Oakar, Mr. Coelho, Mr. Bates, and Mrs. Vucanovich:

H.R. 5762. A bill to improve access for handicapped and elderly individuals to registration and polling facilities for Federal elections; to the Committee on House Administration.

By Mr. GILMAN (for himself, Mr. Fish, Mr. Ottinger, and Mr. Biaggi):

H.R. 5763. A bill to authorize Federal financial assistance to the government of Rockland County, N.Y., or all reasonable expenses incurred in connection with the Brinks robbery trial; to the Committee on the Judiciary.

By Mr. HARKIN:

H.R. 5764. A bill to designate a bridge on the Interstate System near Le Claire, Iowa, as the "Fred Schwengel Bridge"; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR:

H.R. 5765. A bill to establish a Federal program to assist State and local governments in addressing the urgent need to repair and rehabilitate aging public facilities and to encourage the establishment of capital improvement programs that include life-cycle management of capital improvements, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. OTTINGER (for himself, Mr. Swift, and Mr. Wyden):

H.R. 5766. A bill to grant the consent of Congress to two or more States to enter into compacts for the purpose of developing conservation and electric power plants and for other purposes and to delegate the authority to regulate certain rates for the sale of electricity at wholesale to the States; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 5767. A bill to amend the Small Business Act to require that 10 percent of the amounts appropriated for the acquisition of goods and services by contract be set aside for small business concerns owned and controlled by socially and economically disadvantaged individuals; to the Committee on Small Business.

By Mr. DASCHLE:

H.R. 5768. A bill to limit the maximum interest rate applicable to loans made under the Consolidated Farm and Rural Development Act and the Small Business Act; jointly, to the Committees on Agriculture and Small Business.

By Mr. LUNGREN (for himself, Mr. Horton, Mr. Vandergriff, Mr. Lantos, Mr. Torricelli, Mrs. Holt, Mrs. Boxer, Mr. Badham, Mr. Martin of North Carolina, Mr. Barnard, Mr. Reid, Mr. Molinari, Mr. Roe, Mr. Daniel, Mr. Carney, Mr. Kindness, Mr. Downey of New York, Mr. Martinez, Mr. Minish, Mr. Neal, Mr. Broyhill, Mr. Bennett, Mr. Darden, Mr. Kemp, Mr. Coelho, Mr. Lagomarsino, Mr. Addabbo, Mr. Green, Mr. Fazio, and Mr. Mineta):

H.J. Res. 581. Joint resolution designating July 17, 1984, as "Spanish-American War Veterans Day"; to the Committee on Post Office and Civil Service.

By Mr. SPENCE (for himself, Mrs. Holt, Mr. Wolf, and Mr. Parris):

H.J. Res. 582. Joint resolution to authorize the Armored Force Monument Committee, the United States Armor Association, the World Wars Tank Corps Association, the Veterans of the Battle of the Bulge, and the 1st, 4th, 8th, 9th, 11th, 14th, and 16th Armored Division Associations jointly to erect a memorial to the "American Armored Force" on U.S. Government property in Arlington, Va., and for other purposes; to the Committee on House Administration.

By Mr. LANTOS:

H. Con. Res. 315. Concurrent resolution expressing the sense of the Congress that the television and radio networks and stations broadcasting coverage of the XXIII Olympiad include announcements or other informational programing to discourage drug and alcohol abuse by young people; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

416. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Federal loans and grants for rural residents; to the Committee on Agriculture.

417. Also, memorial of the House of Representatives of the State of Iowa, relative to an annual day of recognition for female veterans; to the Committee on Post Office and Civil Service.

418. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the Fair Trade in Steel Act; to the Committee on Ways and Means.

419. Also, memorial of the General Assembly of the State of Colorado, relative to the synthetic fuels program; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARKE:

H.R. 5769. A bill for the relief of Stencel Aero Engineering Corp.; to the committee on the Judiciary.

By Mr. DERRICK:

H.R. 5770. A bill for the relief of Dr. Rajko Medenica; to the committee on the Judiciary.

By Mr. GAYDOS:

H.R. 5771. A bill to extend patent numbered 3327138 for a period of 10 years; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 897: Mr. Porter.

H.R. 1570: Mr. Ralph M. Hall and Mr. Hansen of Utah.

H.R. 1617: Mr. Stangeland, Mr. Oberstar, Ms. Kaptur, and Mr. Durbin.

H.R. 1706: Mr. Badham and Mr. Tauke.

H.R. 1797: Mr. Britt.

H.R. 2474: Mr. Moody and Mr. McNulty.

H.R. 2766: Mr. Bethune.

H.R. 2981: Mr. Daniel B. Crane.

H.R. 3028: Mr. Emerson.

H.R. 3735: Mr. Evans of Iowa, Mr. Ortiz, and Mr. Traxler.

H.R. 4028. Mr. Hamilton.

H.R. 4074. Mr. Guarini and Mr. Siljander.

H.R. 4094: Mr. Albosta, Mr. Shannon, Mr. Sabo, and Mr. Richardson.

H.R. 4098: Mr. Ford of Tennessee.

H.R. 4447: Mr. Schneider, Mr. Kolter, and Mr. St Germain.

H.R. 4485: Mr. Torricelli.

H.R. 4590. Mr. Spence and Mr. Britt.

H.R. 4659: Mr. Torricelli.

H.R. 4698: Mr. Hamilton.

H.R. 4731: Mr. Williams of Montana, Mr. Eckart, and Mrs. Schroeder.

H.R. 4772: Mr. Simon.

H.R. 4895: Mr. Levine of California, Mr. Won Pat, Mr. Lantos, and Mr. Barnes.

H.R. 4901: Mr. Guarini.

H.R. 4966: Mr. Chappell.

H.R. 5053: Mr. Huckaby; Mr. Morrison of Washington, and Mr. Whittaker.

H.R. 5140: Mr. Gore and Ms. Mikulski.

H.R. 5232: Mr. Fauntroy, Mr. Garcia, Mr. Studds, Mr. Coyne, Mr. Brown of California, Mr. Conyers, Mr. Downey of New York, Mr. Bosco, Mr. Foglietta, and Mrs. Holt.

H.R. 5310: Mr. Owens, Mr. Sawyer, Mr. Richardson, Ms. Mikulski, Mr. Conte, and Mr. McCain.

H.R. 5341: Mr. Richardson, Mr. Wise, Ms. Ferraro, and Mr. Leland.

H.R. 5377: Mr. Petri.

H.R. 5383: Mr. Coats, Mr. Rogers, and Mr. Frost.

H.R. 5391: Mr. Britt, Mr. Durbin, Mr. Fields, Mr. Howard, Mr. Kramer, Mr. McKinney, and Mr. Russo.

H.R. 5410: Mr. Heftel of Hawaii.

H.R. 5490: Mr. Torricelli, Mr. Moakley, Mr. Lujan, Mr. Kolter, Mr. Harkin, Mr. Roe, Mr. Lagomarsino, Mr. Luken, Ms. Mikulski, and Mr. Conte.

H.R. 5511: Mr. Martinez and Mr. Reid.

H.R. 5615: Mr. Horton.

H.R. 5640: Ms. Kaptur, Mr. Smith of New Jersey, Mr. Fish, and Mr. Berman.

H.R. 5656: Mr. Hamilton.

H.J. Res. 120: Mr. McHugh.

H.J. Res. 243: Mr. McCandless and Ms. Snowe.

H.J. Res. 309: Mr. Andrews of North Carolina, Mr. Borski, Mr. Biaggi, Mr. Foglietta, Mr. Gramm, Mr. Hatcher, Mr. Ralph M. Hall, Mr. Martin of New York, Mr. Mollohan, Mr. Martin of North Carolina, Mr. Natcher, Mr. Pritchard, Mr. Rowland, Mr. Spratt, Mr. Snyder, Mr. Thomas of Georgia, and Mr. Whitten.

H.J. Res. 319: Mr. Barnes, Mr. Quillen, and Mr. Skeen.

H.J. Res. 360: Mrs. Boggs, Mr. Hartnett, and Mr. Corrada.

H.J. Res. 435: Mr. Denny Smith.

H.J. Res. 472: Mr. Richardson.

H.J. Res. 482: Mr. Levin of Michigan, Mr. Lantos, Mr. Bateman, Mrs. Schneider, Mr. Emerson, Mrs. Boxer, Mr. Skeen, Mr. Corrada, Mr. Fish, Mr. Barnes, and Mr. Scheuer.

H.J. Res. 497: Mr. Porter, Mr. Lujan, Mr. Bethune, Mr. Kolter, Mr. Corrada, Mr. Ford of Michigan, Mr. Stratton, Mr. Ford of Tennessee, Mr. Fish, and Mr. Mavroules.

H.J. Res. 504: Mr. Craig, Mr. Levitas, and Mr. Shumway.

H.J. Res. 508: Mrs. Boxer, Mrs. Holt, Mr. Martinez, Mr. Wilson, and Mr. Coats.

H.J. Res. 509: Mrs. Boxer.

H.J. Res. 542: Mr. McHugh, Mr. Lundine, Mr. Bereuter, Mr. Bethune, Mr. Brown of Colorado, Mr. Chappie, Mr. Cheney, Mr. Courter, Mr. Craig, Mr. Duncan, Mr. Emerson, Ms. Fiedler, Mr. Fields, Mr. Gradison, Mr. Hiler, Mr. Hopkins, Mr. Hunter, Mr. Leach of Iowa, Mr. Lewis of California, Mr. Livingston, Mr. Loeffler, Mr. Lott, Mr. McCain, Mr. McCandless, Mr. Mack, Mr. Martin of North Carolina, Mr. Morrison of Washington, Mr. O'Brien, Mr. Pritchard, Mr. Pursell, Mr. Roberts, Mr. Roth, Mr. Rudd, Mr. Skeen, Mr. Denny Smith, Mr. Robert F. Smith, Mrs. Smith of Nebraska, Mr. Snyder, Mr. Stump, Mr. Walker, Mr. Weber, Mr. Whittaker, and Mr. Young of Florida.

H.J. Res. 546: Mr. Martinez, Mr. Durbin, Mr. Solarz, Mr. Frank, Mr. Addabbo, Mr. Wilson, Mr. Kindness, Mr. Sabo, Mr. Jeffords, Mr. Dyson, Mr. Sisisky, Mr. Sunia, Mr. Bonior of Michigan, Mr. Spence, Mr. Reid, Mr. Hatcher, Mr. Waxman, Mr. Young of Missouri, and Mr. Conte.

H.J. Res. 567: Mr. Kostmayer, Mr. Vento, and Mr. Livingston.

H.J. Res. 573: Mr. Daub, Mr. Martinez, Mr. McGrath, Mrs. Boxer, Mr. Lagomarsino, and Mr. Courter.

H.J. Res. 577: Mr. Ackerman, Mrs. Boxer, Mr. Martinez, and Mr. Waxman.

H. Con. Res. 294: Mr. Ackerman, Mr. Andrews of Texas, Mr. Archer, Mr. Brown of California, Mr. Bereuter, Mr. Beilenson, Mr. Barnes, Mr. Broomfield, Mr. Boner of Tennessee, Mrs. Burton of California, Mr. Conte, Mr. Derrick, Mr. Dwyer of New Jersey, Mr. Edgar, Mr. Eckart, Mr. Fauntroy, Mr. Feighan, Mr. Green, Mr. Hartnett, Mr. Hoyer, Ms. Kaptur, Mr. Levine of California, Mr. Luken, Mr. Lantos, Mr. Lowery of California, Mr. Molinari, Mr. Mavroules, Ms. Mikulski, Mr. Morrison of Connecticut, Mr. Moakley, Mr. Mrazek, Mr. Madigan, Mr. McGrath, Mr. Owens, Mr. Ottinger, Mr. Pease, Mr. Porter, Mr. Pepper, Mr. Rinaldo, Mr. Richardson, Mr. Schumer, Mr. Sisisky, Mr. Scheuer, Mr. Torricelli, Mr. Tallon, Mr. Weaver, and Mr. Waxman.

H. Con. Res. 301: Mr. Frank.

H. Con. Res. 312: Mr. Schulze, Mr. MacKay, Ms. Mikulski, Mr. Corrada Mrs. Holt, Mr. Downey of New York, Mr. Luken, Mr. Denny Smith Mr. Scheuer, Mr. Young of Florida, Mr. Wolf, and Mr. McGrath.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

377. By the SPEAKER: Petition of the Township Council of Piscataway, N.J., relative to cable legislation; to the Committee on Energy and Commerce.

378. Also, petition of the Manchester Township Committee, Lakehurst, N.J., relative to cable legislation; to the Committee on Energy and Commerce.

379. Also, petition of Mabel Cook, Northridge, Calif., relative to private mail agencies; to the Committee on Post Office and Civil Service.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3678

By Mr. ROE:

—Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983".

Sec. 2. In order to insure against cost overruns, each estimated cost set forth in this Act for a project shall be the maximum amount authorized for that project, except that such maximum amount shall be automatically increased for—

(1) changes in construction costs (including real property acquisitions, preconstruction studies, planning, engineering, and design) as indicated by engineering and other appropriate cost indexes;

(2) modifications which do not materially alter the scope or functions of the project as authorized; and

(3) additional studies, modifications, and actions (including mitigation and other environmental actions) authorized by this Act or required by changes in Federal law.

Sec. 3. For purposes of this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

Sec. 4. Sections 201 and 202 and the fourth sentence of section 203 of the Flood Control Act of 1968 shall apply to all projects authorized by this Act.

TITLE I—PORT DEVELOPMENT

Sec. 101. The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

NORFOLK HARBOR AND CHANNELS, VIRGINIA

The project for navigation, Norfolk Harbor and Channels, Virginia: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of $248,700,000 including such modifications as may be recommended by the Secretary in the report or reports transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of each segment of the proposed project will have on fish and wildlife resources and the need for mitigation of any damage to such resources resulting from such construction, operation, and maintenance. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study with respect to the project or separate reports on the results of such study with respect to each segment of the project, along with recommendations for modifications in any such segment which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such segment if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

MOBILE HARBOR, ALABAMA

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at an estimated cost of $386,700,000; except that if non-Federal interests construct a bulk material transshipment facility in lower Mobile Bay, the Secretary, upon request of such non-Federal interests, may limit construction of such project from the Gulf of Mexico to such facility and except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. Notwithstanding any other provision of law, no dredged or fill material shall be disposed of in the Brookley disposal area, referred to in such report of the Chief of Engineers.

MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA

The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana: Report of the Chief of Engineers, dated April 9, 1983, at an estimated cost of $333,400,000. Nothing in this paragraph and such report shall be construed to affect the requirements of Public Law 89-669, as amended.

TEXAS CITY CHANNEL, TEXAS

The project for navigation, Texas City Channel, Texas: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $117,990,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for deepening of the Ambrose Channel feature of the navigation project, New York Harbor and Adjacent Channels, to a depth of 55 feet and widening such channel to 770 feet, and for deepening of the Anchorage channel feature of such navigation project to a depth of 55 feet and widening such channel to 560 feet, at an estimated cost of $175,000,000. Any ocean disposal of dredged material (other than rock, beach quality sand, or other suitable fill material) from construction, operation, and maintenance of such features of such project shall take place at a site at least 25 miles from the shoreline unless the Secretary determines, for reasons of environmental quality and in accordance with all applicable provisions of Federal law, that an ocean site less than 25 miles from the shoreline is more suitable. Disposal of beach quality sand from construction, operation, and maintenance of such features of such project shall take place at the ocean front on Staten Island, New York, and Sea Bright and Monmouth Beach, New Jersey, at full Federal expense. The Secretary in consultation with appropriate Federal, State, and local agencies, shall study sites for disposal of such dredged material under this paragraph and the technical, environmental, and economic feasibility of each such site. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for an appropriate disposal site under this paragraph. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA

The project for deepening of the entry channel to the harbor of Los Angeles, California, to a depth of 65 feet and for deepening of the entry channel to the harbor of Long Beach, California, to a depth of 76 feet, including the creation of 800 acres of land with the dredged material from the project, as Phase I of the San Pedro Bay development, at an estimated cost of $230,000,000.

SEC. 102. The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NEW HAMPSHIRE

The project for navigation, Portsmouth Harbor and Piscataqua River, New Hampshire: Report of the Division Engineer, New England Division, dated April 1983, at an estimated cost of $21,200,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph or with respect to such project under section 103. The Secretary, in consultation with Federal, State, and local agencies, shall study the adequacy of potential disposal sites necessary for construction, operation, and maintenance of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate disposal sites are available for construction, operation, and maintenance of such project. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

NEW HAVEN HARBOR, CONNECTICUT

The project for navigation, New Haven Harbor, Connecticut: Report of the Chief of Engineers, dated July 26, 1982, with such modifications as may be recommended by the Secretary in the report submitted under this paragraph, at an estimated cost of $23,000,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on oyster beds and the production of oysters in New Haven Harbor. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate adverse effects of such construction, operation, and maintenance on such beds and production. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such acquisition and actual construction have been approved by resolution adopted by each such committee.

COWANUS CREEK CHANNEL, NEW YORK

The project for navigation, Gowanus Creek Channel, New York: Report of the Chief of Engineers, dated September 14, 1982, at an estimated cost of $2,000,000.

KILL VAN KULL, NEW YORK AND NEW JERSEY

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $182,665,000, including any modifications in the project recommended by the Secretary in the report transmitted under this paragraph. Any ocean disposal of dredged material (other than rock, beach quality sand, or other suitable fill material) from construction, operation, and maintenance of such project shall take place at a site at least 25 miles from the shoreline unless the Secretary determines, for reasons of environmental quality and in accordance with all applicable provisions of Federal law, that an ocean site less than 25 miles from the shoreline is more suitable. The Secretary in consultation with appropriate Federal, State, and local agencies, shall study sites for disposal of such dredged material under this paragraph and the technical, environmental, and economic feasibility of each such site. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for an appropriate disposal site under this paragraph. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

ARTHUR KILL, NEW YORK AND NEW JERSEY

The project for navigation, Arthur Kill, New York and New Jersey: Draft report of the District Engineer for New York, dated May 1983, at an estimated cost of $55,000,000, including any modifications that may be recommended by the Secretary with respect to that project under section 103 of this Act.

NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for (1) an access channel 45 feet deep below mean low water and generally 450 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel, New York Harbor, westward approximately 12,000 feet along the southern boundary of the Port Jersey peninsula to the head of navigation in Jersey City, New Jersey, at an estimated cost of $25,000,000; and (2) for a channel 42 feet deep below mean low water and generally 300 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel westward approximately 11,000 feet to the head of navigation in Claremont Terminal Channel, at an estimated cost of $14,000,000. Any ocean disposal of dredged material (other than rock, beach quality sand, or other suitable fill material) from construction, operation, and maintenance of such project shall take place at a site at least 25 miles from the shoreline unless the Secretary determines, for reasons of environmental quality and in accordance with all applicable provisions of Federal law, that an ocean site less than 25 miles from the shoreline is more suitable. The Secretary in consultation with appropriate Federal, State, and local agencies, shall study sites for disposal of such dredged material under this paragraph and the technical, environmental, and economic feasibility of each such site. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for an appropriate disposal site under this paragraph. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of $8,078,000.

CHARLESTON HARBOR, SOUTH CAROLINA

The project for navigation, Charleston Harbor, South Carolina: Report of the Chief of Engineers, dated August 27, 1981, including construction of a two-mile extension of the harbor navigation channel in the Wando River to the State port authority's Wando River terminal, at an estimated cost of $79,055,000.

SAVANNAH HARBOR, GEORGIA

The project for navigation, Savannah Harbor, Georgia: Report of the Chief of Engineers, dated December 19, 1978, at an estimated cost of $12,701,000, except that non-Federal interests shall be reimbursed by the Secretary for moving or modifying docks, bulkheads, warehouses, towers, and railroad facilities necessary for project construction, at an estimated cost of $2,960,000. Such reimbursement at total Federal expense shall be based on the replacement costs, exclusive of betterment, minus the fair market value of the existing structures.

MANATEE HARBOR, FLORIDA

The project for navigation, Manatee Harbor, Florida: Report of the Chief of Engineers, dated May 12, 1980, at an estimated cost of $12,158,500, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation and maintenance of the proposed project will have on the benthic environment of the area to be dredged. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such benthic environment. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on the benthic environment of the dredged area.

TAMPA HARBOR, EAST BAY CHANNEL, FLORIDA

The project for navigation, Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers, dated January 25, 1979, at an estimated initial cost of $2,717,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

SAN JUAN HARBOR, PUERTO RICO

The project for navigation, San Juan Harbor, Puerto Rico: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $72,791,000, including the acquisition of 22 acres of land for mitigation of the loss of algal beds associated with the project, as recommended in the report of the District Engineer, Jacksonville, Florida, entitled "Phase I: General Design Memorandum on San Juan Harbor, Puerto Rico".

CROWN BAY CHANNEL—ST. THOMAS HARBOR, VIRGIN ISLANDS

The project for navigation, Crown Bay Channel—St. Thomas Harbor, Virgin Islands: Report of the Chief of Engineers, dated April 9, 1982, at an estimated cost of $3,499,000. The Secretary shall monitor the turbidity associated with construction, operation, and maintenance of the project and establish a program to maintain, to the extent feasible, such turbidity at a level which will not damage adjacent ecosystems. In selecting a configuration for the disposal area for dredged material from the project, the Secretary shall consider configurations which will minimize, to the extent feasible, the loss of shallow water habitat.

GULFPORT HARBOR, MISSISSIPPI

The project for navigation, Gulfport Harbor, Mississippi: Report of the Chief of Engineers, House Document Numbered 96-18, at an estimated cost of $73,678,000; except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For the purpose of economic evaluation of this project the benefits from such open water disposal shall be deemed to be at least equal to the costs of such disposal. If the Secretary determines, after competitive bidding and pursuant to the provisions of Public Law 95-269, that transportation and disposal of dredged material cannot be carried out by contract at reasonable prices and in a timely manner, the Secretary is authorized to acquire any dredged material transport equipment necessary for prosecution of the project.

CLEVELAND HARBOR, OHIO

The project for harbor modification, Cleveland Harbor, Ohio (deepening and widening the east harbor entrance): Stage 2 Report for Reformulation (Phase 1 General Design Memorandum) of the District Engineer for Buffalo, New York, July 1982, at an estimated cost of $6,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. The existing dredged material containment site known as site 14 may be used for the containment of excavated material from construction of the project.

LORAIN HARBOR, OHIO

The project for navigation, Lorain Harbor, Ohio: Draft report of the District Engineer for Buffalo, New York, dated May 1983, at an estimated cost of $32,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

GRAND HAVEN HARBOR, MICHIGAN

The project for navigation, modifications to Grand Haven Harbor, Michigan: Report of the Chief of Engineers, dated October 9, 1979, at an estimated cost of $12,879,000.

MONROE HARBOR, MICHIGAN

The project for navigation, Monroe Harbor, Michigan: Report of the Chief of Engineers, dated November 25, 1981, at an estimated cost of $145,280,000, including, for reasons of environmental quality, the formation of a 700 acre marsh in Plum Creek Bay, as described in the report of the District Engineer, Detroit District, dated February 1980, as revised December 15, 1980. The formation of such marsh shall be a Federal responsibility.

BRAZOS ISLAND HARBOR, TEXAS—BROWNSVILLE CHANNEL

The project for navigation, Brazos Island Harbor, Texas—Brownsville Channel: Report of the Chief of Engineers, dated December 20, 1979, at an estimated cost of $27,075,000. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for additional measures to mitigate losses of estuarine habitat and productivity associated with the project. The Secretary is authorized to undertake any measures which he determines to be necessary and appropriate to mitigate such losses.

DULUTH-SUPERIOR, MINNESOTA AND WISCONSIN

The project for navigation, Duluth-Superior, Minnesota and Wisconsin: Report of the Board of Engineers for Rivers and Harbors, dated April 4, 1983, at an estimated cost of $7,215,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph or with respect to such project under section 103. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for measures to mitigate losses of fish and wildlife habitat and productivity. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate such losses. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

SAN FRANCISCO HARBOR, CALIFORNIA—FISHERMAN'S WHARF AREA

The project for navigation, San Francisco Harbor, California—Fisherman's Wharf Area: Report of the Chief of Engineers, dated February 3, 1978, as amended by the supplemental report of the Chief of Engineers dated June 7, 1979, at an estimated cost of $14,370,000. Any relocation of historic ships required for construction of the project shall be a Federal responsibility.

OAKLAND OUTER HARBOR, CALIFORNIA

The project for navigation, Oakland Outer Harbor, California: Report of the Chief of Engineers, dated January 7, 1980, at an estimated cost of $36,040,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study alternative dredged material disposal plans, including but not limited to plans which include marsh formation. The Secretary is authorized to undertake and monitor the effects of such dredged material disposal measures, including but not limited to such measures as will result in fish and wildlife habitat enhancement, as the Secretary determines are necessary and appropriate.

RICHMOND HARBOR, CALIFORNIA

The project for navigation, Richmond Harbor, California: Report of the Chief of Engineers, dated August 8, 1982, at an estimated cost of $48,443,000.

SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

The project for navigation, Sacramento Deep Water Ship Channel, California: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of $77,000,000.

HILO HARBOR, HAWAII

The project for navigation, Hilo Harbor, Hawaii: Report of the Division Engineer, dated February 26, 1982, at an estimated cost of $4,086,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON

The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-26, at an estimated cost of $31,756,000; except that a permanent bypass road for the Blair Waterway may be constructed in lieu of construction of the East 11th Street bridge replacement recommended in such report if (1) the Secretary determines that construction of the bypass road is economically and environmentally feasible, and (2) construction of the bypass road is approved by the Governor of the State of Washington. If the bypass road is constructed in lieu of the bridge replacement project, the Federal share of the cost of construction of the bypass road shall not exceed an amount equal to the amount which would have been the Federal share of the cost of the bridge replacement project if the bridge replacement project had been carried out in accordance with such report.

GRAYS HARBOR, WASHINGTON

The project for navigation, Grays Harbor, Washington: Report of the Board of Engineers for Rivers and Harbors, dated January 17, 1983, at an estimated cost of $86,281,000 including such modifications as may be recommended by the Secretary with respect to such project under section 103.

EAST, WEST, AND DUWAMISH WATERWAYS, WASHINGTON

The project for navigation, East, West, and Duwamish Waterways, Navigation Improvement Study, Seattle Harbor, Washington: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of $48,745,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

SEC. 103. (a) In the case of any project authorized by this title for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by such committees.

(b) If any provision in any report designated by this title recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 104. (a)(1) A non-Federal interest may plan and design any navigation project for a port not authorized by Federal law and submit such plan and design to the Secretary for review under paragraph (2).

(2) The Secretary shall review each plan and design submitted under paragraph (1) for the purpose of determining whether or not such plan and design and the process under which such plan and design were developed comply with Federal laws and regulations applicable to the planning and designing by the Secretary of navigation projects for ports. Not later than one hundred and eighty days after receiving any plan and design submitted under paragraph (1), the Secretary shall transmit to the Congress, in writing, the results of such review and any recommendations the Secretary may have concerning the project described in such plan and design.

(3) Subject to appropriation of funds, the Secretary shall reimburse any non-Federal interest for the cost of developing any plan and design submitted under paragraph (1) for any navigation project for a port authorized by any provision of Federal law enacted after the date of such submission; except that in the case of a navigation project for a deep-draft port which is to be constructed by the Secretary, in lieu of such reimbursement, the amount of such cost shall be credited towards the non-Federal share of the cost of construction of such project.

(b)(1) A non-Federal interest may (A) construct, in whole or in part, any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title, and for which appropriations may be made for acquisition of interests in real property and actual construction, and (B) acquire lands for disposal of dredged material, and make relocations of utilities, structures, and other improvements, necessary for such construction, if the Secretary first approves the plans for construction of such project by the non-Federal interest and if the non-Federal interest enters into an agreement to pay the non-Federal share (if any) of the cost of operation and maintenance of such project.

(2) The Secretary shall regularly monitor and audit any project for a port being constructed under this subsection by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary.

(3) Subject to appropriation of funds, the Secretary shall reimburse any non-Federal interest for the Federal share of the cost of any port project carried out substantially in accordance with the plans approved by the Secretary under this section.

(c)(1) The Secretary, on request from an appropriate non-Federal interest in the form of a written notice of intent to construct a navigation project for a port, shall initiate procedures to establish a schedule for consolidating Federal, State, and local agency environmental assessments, project reviews, and issuance of all permits for the construction of the project, including associated access channels and berthing areas, and on-shore improvements, before the initiation of construction.

(2) Within fifteen days of the receipt of notice under paragraph (1) of this subsection, the Secretary shall publish that notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under paragraph (1) of this subsection to all State and local agencies that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in paragraph (3) of this subsection. Within thirty days after publication of the notice in the Federal Register, State and local agencies that intend to enter into the memorandum of agreement shall notify the Secretary of their intent in writing.

(3) Within ninety days of receipt of notice under paragraph (1) of this subsection, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and any State or local agencies that have notified the Secretary under paragraph (2) of this subsection shall enter into an agreement with the Secretary establishing a schedule of decision making for approval of the project and permits associated with it and with related activities. The schedule of compliance may not exceed two and one-half years from the date of the agreement.

(4) The agreement entered into under paragraph (3) of this subsection, to the maximum extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency.

(5) The agreement shall include a date by which the Secretary, taking into consideration the views of all affected Federal agencies, shall provide to the non-Federal interest in writing a preliminary determination whether the project and Federal permits associated with it are reasonably likely to receive approval. The Secretary may revise the agreement once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency which is a party to the agreement.

(6) Six months before the final date of the schedule, the Secretary shall provide to Congress a written progress report for each navigation project for a port subject to this section. The Secretary shall transmit the report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall summarize all work completed under the agreement and shall include a detailed work program that will assure completion of all remaining work under the agreement.

(7) Not later than the final day of the schedule, the Secretary shall notify the non-Federal interest of the final decision on the approval of the project and related permits.

(8) Not later than one year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, and local permits for the construction of navigation projects for ports and associated activities. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

(d) This section does not apply to any port project for that portion of the Saint Lawrence Seaway administered by the Saint Lawrence Seaway Development Corporation.

Sec. 105. (a) The Federal share of the cost of planning, designing, engineering, and surveying which is necessary to carry out a navigation project for a port shall be—

(1) in the case of a general cargo port, 100 per centum;

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 100 per centum of the cost which the Secretary determines would be incurred for planning, designing, engineering, and surveying if such project had a depth of 45 feet, and (B) an amount equal to 50 per centum of the cost of planning, designing, engineering, and surveying for such project over the cost which the Secretary determines would be incurred for planning, designing, engineering, and surveying if such project had a depth of 45 feet.

(b)(1) The Federal share of the cost of construction of general navigation features, including but not limited to navigation channels and turning basins, for a navigation project for a port shall be—

(A) in the case of a general cargo port, 100 per centum; and

(B) in the case of a deep-draft port, 100 per centum of the cost of construction of the portion of the project to a depth of 45 feet and 50 per centum of the cost of construction of the portion of the project which is deeper than 45 feet.

(2) An amount equal to the excess of—

(A) the value and costs of lands, easements, rights-of-way, reasonable mitigation measures, and disposal sites for dredged or fill material which are provided by non-Federal interests for a navigation project for a deep-draft port, over

(B) the value and costs of lands, easements, rights-of-way, reasonable mitigation measures, and disposal sites for dredged or fill material which the Secretary determines would be required for such project if such project had a depth of 45 feet,

shall be credited toward the non-Federal share of the cost of construction of such project.

(c) The Federal share of the cost of operation and maintenance of each navigation project for a port shall be—

(1) in the case of a general cargo port, 100 per centum; and

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 100 per centum of the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet, and (B) an amount equal to 50 per centum of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet.

(d) The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line the relocation of which is necessary for construction, operation, and maintenance of each navigation project for a port and which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be—

(1) in the case of a general cargo port, 50 per centum; and

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 50 per centum of the cost the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet, and (B) an amount equal to 25 per centum of the excess of the cost of such relocations over the cost which the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet.

In the case of any relocation to which the Federal share established by this subsection applies, the non-Federal share shall be paid by the owner of the facility being relocated; except that in the case of a deep-draft port, two-thirds of the non-Federal share shall be paid by such owner and one-third of the non-Federal share shall be paid by the non-Federal interest.

(e) The Federal share of any cost of a navigation project for a port, for which cost a Federal share is not provided in subsection (a), (b), (c), or (d) of this section, shall be the share of such cost otherwise provided by law.

(f) This section shall apply to any navigation project for a port authorized by this title (except as provided in subsection (g)) or any other provision of Federal law enacted before, on, or after the date of enactment of this title, except that subsections (a), (b), and (d) shall not apply to any project for which Federal funds have been obligated for actual construction before July 1, 1983.

(g) Subsections (a), (b), (c), and (d) of this section shall not apply to the project for Gowanus Creek Channel, Brooklyn, New York, authorized by section 102 of this title.

Sec. 106. The amount of any non-Federal share of the cost of any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title shall be paid to the Secretary and shall, in the case of the non-Federal share of the cost of construction, be paid on an annual basis during the period of construction, beginning not later than one year after construction is initiated.

Sec. 107. (a) On application by the appropriate non-Federal interest, the Secretary may guarantee, and enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation issued by a non-Federal interest to finance a navigation project authorized for a port by this title or another law of the United States enacted after the date of enactment of this Act, that is subject to a requirement for non-Federal contribution to the cost of project construction, operation, and maintenance under section 105 of this Act and with respect to which the non-Federal interest elects to construct the project with the approval of the Secretary under section 104 of this Act.

(b) The Secretary may guarantee the payment of any obligation in the amount of ninety per centum of the principal of that obligation.

(c) The full faith and credit of the United States Government is pledged to the payment of a guarantee made under this section, including interest as provided for in the guarantee accruing between the date of default on a guaranteed obligation and the payment in full of the amount guaranteed.

(d) The Secretary, to the extent provided for in appropriations laws, may reimburse a non-Federal interest for not to exceed one-half of the interest cost incurred by the non-Federal interest on any obligation which is guaranteed under subsection (a) of this section and the interest on which is subject to Federal income taxes, during the period of project construction and until the level of project-derived revenues equals those amounts necessary to make payments of principal and interest on such obligations for the project.

(e) A guarantee, or commitment to guarantee, made by the Secretary under this section is conclusive evidence of the eligibility of the obligation for that guarantee, and the validity of any guarantee, or commitment to guarantee, so made is incontestable.

(f) The unpaid principal amount of the obligations which are guaranteed, or for which commitments to guarantee have been entered into, under this section and which are outstanding at any time may not exceed $1,000,000,000.

(g) The Secretary shall assess a guarantee fee of not less than one-quarter of one per centum per annum of the average principal amount of a guaranteed obligation outstanding under this section. All amounts received by the Secretary shall be deposited in the Federal Port Navigation Project Financing Fund established by subsection (h) of this section.

(h) There is established in the Treasury of the United States a fund to be known as the "Federal Port Navigation Project Financing Fund" (hereinafter in this section referred to as the "Fund"), consisting of such amounts as may be deposited in the Fund under subsection (g). Amounts in the Fund shall be available to the Secretary, as provided by appropriation Acts, for making payments under subsection (i) of this section. Amounts in the Fund which are not needed for current withdrawals shall be invested in bonds or other obligations of, or guaranteed as to principal and interest by, the Federal Government.

(i)(1) For a default that has continued for thirty days in a payment by the obligor of principal or interest due under an obligation guaranteed under this title—

(A) the Secretary may assume the obligor's rights and duties under the guarantee or agreement related to the guarantee before a demand is made under clause (B) of this paragraph; or

(B) the obligee or the obligee's agent, not later than the period specified in the guarantee or related agreement (but not later than ninety days from the date of the default), may demand payment by the Secretary of the unpaid principal amount of that obligation and the unpaid interest on the obligation to the date of payment, except when the Secretary—

(i) has assumed the obligor's rights under clause (A) of this paragraph and the Secretary has made the payments in default;

(ii) finds there was not a default by the obligor in the payment of principal or interest; or

(iii) finds that the default has been remedied before the demand.

(2) Any amount required to be paid by the Secretary under his section shall be paid in cash from the Fund established in subsection (h) of this section. If the amounts in the Fund are not sufficient to pay any amount the Secretary is required to pay under this subsection, the Secretary may issue to the Secretary of the Treasury notes or other obligations in any form and denomination, bearing any maturities and subject to any terms and conditions that are prescribed by the Secretary, with the approval of the Secretary of the Treasury. Those notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the Federal Government of comparable maturities during the month preceding the issuance of those notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations to be issued under this paragraph. For that purpose the Secretary may use as a public debt transaction the proceeds from any securities issued under chapter 31 of title 31, United States Code. The purposes for which securities may be issued under that chapter include purchase of those notes and obligations. The Secretary of the Treasury may sell the notes or other obligations acquired by the Secretary under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of those notes or other obligations shall be treated as public debt transactions of the Federal Government. Amounts borrowed under this section shall be deposited in the Fund, and redemptions of those notes and obligations shall be made by the Secretary from the Fund.

(3) For a default under a guaranteed obligation or a related agreement, the Secretary shall take any action against the obligor or any other liable parties that the Secretary believes is required to protect the interests of the Federal Government. A suit may be brought in the name of the Federal Government or in the name of the obligee, and the obligee shall make available to the Federal Government all records and evidence necessary to prosecute that suit. The Secretary may accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary, and may purchase the property for an amount not to exceed the unpaid principal amount of the obligation and interest thereon. If the Secretary receives, through the sale of property, money in excess of any payment made to an obligee under this section and the expenses of collection of those amounts, the Secretary shall pay that excess to the obligor.

SEC. 108. Any navigation project for a port authorized by this title or any other provision of law enacted before, on, or after the date of enactment of this title may be constructed in usable increments.

SEC. 109. Notwithstanding any other provision of law, if any non-Federal interest required to pay any share of the cost of any navigation project for a deep-draft port authorized by section 101 of this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title levies and collects fees on vessels for the purpose of paying such share (including the retirement of any bonds issued to pay such share), such fees may only be levied and collected on vessels which require a channel with a depth of more than 45 feet and, in the case of vessels owned and operated by the United States, any other nation or political subdivision thereof, or any State or political subdivision thereof, only when such vessels are engaged in commercial service.

SEC. 110. Any non-Federal interest shall provide the United States the information necessary for military readiness planning and port and national security, including information necessary to obtain national security clearances for individuals employed in critical port positions.

SEC. 111. There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1983, such sums as may be necessary to make reimbursements under section 104 and to pay the Federal share of the cost of projects authorized by sections 101 and 102 and of navigation projects for ports authorized by any other provision of Federal law enacted before the date of enactment of this title.

SEC. 112. For purposes of this title—

(1) the term "deep-draft port" means a port which is authorized to be constructed to a depth of more than 45 feet (other than a port for which a project is authorized by section 102 of this title);

(2) the term "general cargo port" means a port for which a project is authorized by section 102 of this title and any other port which is authorized to be constructed to a depth of 45 feet or less;

(3) the term "non-Federal interest" has the meaning such term has under section 221 of the Flood Control Act of 1970;

(4) the term "port" means (A) any port or channel in the United States with a depth authorized by law of more than fourteen feet, including any channel administered by the Saint Lawrence Seaway Development Corporation and any channel connecting the Great Lakes, and (B) any lock or other improvement on any such channel; except that such term does not include an entrance channel providing access solely to a harbor with an authorized depth of fourteen feet or less and does not include the Bonneville Lock and Dam project on the Columbia River; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

SEC. 113. This title may be cited as the "Port Development and Navigation Improvement Act of 1984."

TITLE II—INLAND WATERWAY TRANSPORTATION SYSTEM

SEC. 201. (a) The following works of improvement for the benefit of navigation are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated. The Secretary shall complete each such work of improvement not later than seven years after the date on which funds are first appropriated for such project.

OLIVER LOCK AND DAM, BLACK WARRIOR-TOMBIGBEE RIVER, ALABAMA

Construction of a lock and dam to replace the William Bacon Oliver Lock and Dam, Black Warrior-Tombigbee River, Alabama, including facilities for generating hydroelectric power, at an estimated cost of $120,000,000. The Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

GALLIPOLIS LOCKS AND DAM REPLACEMENT, OHIO RIVER, OHIO AND WEST VIRGINIA

The project for navigation, Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers, dated April 8, 1982, at an estimated cost of $260,000,000.

WINFIELD LOCKS AND DAM, KANAWHA RIVER, WEST VIRGINIA

Construction of improvements to, and an additional lock in the vicinity of, the Winfield Locks and Dam, Kanawha River, West Virginia, and acquisition of lands for fish and wildlife mitigation in such vicinity, at an estimated cost of $134,000,000. The Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

LOCK AND DAM 7 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated May 5, 1972, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of $95,000,000.

LOCK AND DAM 8 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA

The project for navigation, Lock and Dam 8 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated May 5, 1972, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of $63,300,000.

LOCK AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI

Construction of a second lock having a length of 600 feet at lock and dam 26, Mississippi River, Alton, Illinois, and Missouri at an estimated cost of $245,000,000.

BONNEVILLE LOCK AND DAM, OREGON AND WASHINGTON—COLUMBIA RIVER AND TRIBUTARIES, WASHINGTON

The project for navigation, Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries, Interim Report: Report of the Chief of Engineers, dated March 14, 1980, at an estimated cost of $177,000,000. Dredged material from the project shall be disposed of at Ross Island to the extent necessary to prevent damage to the Blue Heron rookery on Pierce and Ives Islands. No construction shall take place on Pierce and Ives Islands during the heron nesting period. The Secretary shall establish a bioengineering committee to review plans for the project, recommend measures to minimize adverse affects of the project, and develop a mitigation plan for the project. Such committee shall include representatives of the Corps of Engineers, the contractor for construction of the project, and appropriate State and Federal agencies.

(b) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

Sec. 202. (a) Two-thirds of the cost of construction of the general navigation features, including but not limited to, channels, locks, dams, and turning basins, of each project authorized by this title shall be paid only from amounts appropriated from the general fund of the Treasury. One-third of such cost shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term "construction" shall include planning, designing, engineering, and surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations (other than relocations described in subsection (b)) necessary for the

(b) One-third of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of a project authorized by this title, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be paid only from amounts appropriated from the general fund of the Treasury. One-sixth of such cost shall be paid only from the Inland Waterways Trust Fund. The remainder of such cost shall be paid by the owner of the facility being relocated.

(c) Any Federal responsibility with respect to a project authorized by this title which responsibility is not provided for in subsection (a) or (b) of this section shall be paid only from amounts appropriated from the general fund of the Treasury.

Sec. 203. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, such sums as may be necessary from the general fund of the Treasury and from the Inland Waterways Trust Fund to pay the costs specified in section 202.

TITLE III—FLOOD CONTROL

Sec. 301. (a) The following works of improvement for the control of destructive floodwaters are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

QUINCY COASTAL STREAMS, MASSACHUSETTS

The project for flood control, Quincy Coastal Streams, Massachusetts (Town Brook Interim): Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $25,100,000.

ROUGHANS POINT, MASSACHUSETTS

The project for flood control, Roughans Point, Revere, Massachusetts: Report of the Division Engineer, dated January 3, 1983, at an estimated cost of $10,040,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

CAZENOVIA CREEK, NEW YORK

The project for flood control, Cazenovia Creek Watershed, New York: Report of the Chief of Engineers, dated September 8, 1977, House Document Numbered 96-126, at an estimated cost of $1,800,000. Such project shall include features necessary to enable the project to serve as a part of a streamside trail system if the Secretary determines such features are compatible with the project purposes.

MAMARONECK, SHELDRAKE, AND BYRAM RIVERS, NEW YORK AND CONNECTICUT

The project for flood control, Mamaroneck and Sheldrake River Basins, New York and Connecticut, and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers dated April 4, 1979, at an estimated cost of $45,600,000. Such project shall include flood protection for the town of Mamaroneck as recommended in the report of the Division Engineer, North Atlantic Division, dated March 28, 1978.

RAHWAY RIVER AND VAN WINKLES BROOK, NEW JERSEY

The project for flood control, Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers, dated October 24, 1975, House Document Numbered 96-20, at an estimated cost of $12,300,000.

ROBINSON'S BRANCH—RAHWAY RIVER, NEW JERSEY

The project for flood control, Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers, dated October 10, 1975, House Document Numbered 96-21, at an estimated cost of $13,500,000.

GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY

The project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $155,900,000. Such project shall include flood protection for the upper Green Brook Sub-basin and the Stony Brook tributary, as described in plan A in the report of the District Engineer, New York District, dated August 1980.

JAMES RIVER BASIN, VIRGINIA

The project for flood control, James River Basin, Richmond, Virginia: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $92,960,000. Such project shall include flood protection for the Richmond municipal wastewater treatment facility, as recommended in the report of the District Engineer, Norfolk District, dated September 1980.

OATES CREEK, GEORGIA

The project for flood control, Oates Creek, Georgia: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $8,800,000. Such project shall include (1) measures determined by the Secretary to be necessary and appropriate to minimize pollution of shallow ground and surface waters which may result from construction of the project, and (2) planting of vegetation along the channel for purposes of enhancing wildlife habitat.

VILLAGE CREEK, ALABAMA

The project for flood control, Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $20,700,000.

THREEMILE CREEK, ALABAMA

The project for flood control, Threemile Creek, Mobile, Alabama: Report of the Division Engineer, dated February 7, 1983, at an estimated cost of $12,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1982, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BUSHLEY BAYOU, LOUISIANA

The project for flood control, Bushley Bayou, Louisiana: Report of the Chief of Engineers, dated April 30, 1980, at an estimated cost of $42,800,000.

LOUISIANA STATE PENITENTIARY LEVEE

The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana: Report of the Chief of Engineers, dated December 10, 1982, at an estimated cost of $20,512,000. No acquisition of land for or actual construction of the project may be commenced until appropriate non-Federal interests shall agree to undertake measures to minimize the loss of fish and wildlife habitat lands in the project area.

SOWASHEE CREEK, MERIDIAN, MISSISSIPPI

The project for flood control, Sowashee Creek, Meridian, Mississippi: Report of the District Engineer for Mobile, Alabama, dated July 1983, at an estimated cost of $10,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI

The project for flood control, Nonconnah Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of $19,200,000. The project shall include an evaluation of fish and wildlife losses which may result from construction of the project and such additional measures as the Secretary deems necessary and appropriate to mitigate such losses. The Secretary shall adopt and implement guidelines in connection with clearing and snagging as the Secretary determines necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

The project for flood control, Horn Lake Creek and Tributaries, including Cow Pen Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of $2,500,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall (1) reexamine the adequacy and feasibility of the recommended measures for fish and wildlife habitat, and (2) reexamine upland dredged disposal alternatives. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The Secretary shall also adopt and implement such guidelines in connection with channel clearing and drift removal for the project as the Secretary, in consultation with the Fish and Wildlife Service, determines are necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

MUSKINGUM RIVER, KILLBUCK, OHIO

The project for flood control, Muskingum River, Killbuck, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at an estimated cost of $6,420,000.

MUSKINGUM RIVER, MANSFIELD, OHIO

The project for flood control, Muskingum River, Mansfield, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at an estimated cost of $3,500,000.

HOCKING RIVER, LOGAN, OHIO

The project for flood control, Hocking River at Logan, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of $6,244,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

HOCKING RIVER, NELSONVILLE, OHIO

The project for flood control, Hocking River at Nelsonville, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of $6,760,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

SCIOTO RIVER, OHIO

The project for flood control, Scioto River at North Chillicothe, Ohio: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $9,100,000.

LITTLE MIAMI RIVER, OHIO

The project for flood control, Miami River, Little Miami River, Interim Report Number 2, West Carrollton-Holes Creek, Ohio: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $6,000,000.

MIAMI RIVER, FAIRFIELD, OHIO

The project for flood control, Miami River, Fairfield, Ohio: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of $9,200,000. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include additional measures for mitigation of losses of fish and wildlife habitat, including seeding and planting in disturbed areas, limiting removal of riparian vegetation to the minimum amount necessary for project objectives, performing work along the north streambank where construction is planned on only one side of the channel, limiting construction activities to the right streambank in the reach of Pleasant Run extending from mile 2.75 to mile 3.10, the use of gabions and riprap for bank protection in lieu of concrete, and the inclusion of pool-riffle complexes at bridges.

HARRISBURG, PENNSYLVANIA

The project for flood control, Harrisburg, Pennsylvania: Report of the Chief of Engineers, dated May 16, 1979, at an estimated cost of $101,900,000, including such modifications and additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include (1) a low-flow channel or fishway in both the improved earth channel and the concrete channel portion of the project, (2) utilization of sloping side sections in the concrete channel, and (3) modifications to bridges crossing Paxton Creek to prevent damming of the creek. The project shall include the cost of any relocation required for geodetic control survey monuments. The Secretary shall study the feasibility of providing a floodway along Paxton Creek between Wildwood Lake and Maclay Street as an alternative to the recommended plan and shall reexamine fish and wildlife habitat mitigation measures recommended in the report of the Chief of Engineers. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study and reexamination, along with recommendations for any modifications in the project which the Secretary determines to be feasible and appropriate to construct such floodway and for any additional measures which the Secretary determines to be necessary and appropriate to reduce fish and wildlife habitat losses in the project area. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

LOCK HAVEN, PENNSYLVANIA

The project for flood control, Lock Haven, Pennsylvania: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of $65,500,000. The project shall be constructed to provide protection against the standard project flood as recommended by the District Engineer, Baltimore District, in his report dated July 1980, in order to prevent potential catastrophic losses in human life and property.

SCHUYLKILL RIVER BASIN, POTTSTOWN, PENNSYLVANIA

The project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pennsylvania: Report of the Chief of Engineers, House Document Numbered 93-321, at an estimated cost of $5,138,000. The Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 result in the benefits from flood control measures authorized by this paragraph exceeding their economic costs.

SAW MILL RUN, PENNSYLVANIA

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers, dated January 30, 1978, House Document Numbered 96-25, at an estimated cost of $7,020,000.

WYOMING VALLEY, PENNSYLVANIA

The project for flood control, Wyoming Valley, Pennsylvania: Report of the Board of Engineers for Rivers and Harbors, dated November 1, 1982, at an estimated cost of $212,900,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

EIGHT MILE CREEK, PARAGOULD, ARKANSAS

The project for flood control, Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers, dated August 10, 1979, including improvement of Fifteen Mile Bayou and tributaries as recommended by the District Engineer and the Mississippi River Commission in reports dated February 1978 and May 24, 1977, respectively, at an estimated cost of $21,600,000.

FOURCHE BAYOU BASIN, ARKANSAS

The project for flood control, Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $20,200,000.

HELENA AND VICINITY, ARKANSAS

The project for flood control, Helena and Vicinity, Arkansas: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of $11,600,000.

WEST MEMPHIS AND VICINITY, ARKANSAS

The project for flood control, West Memphis and Vicinity, Arkansas: Report of the Mississippi River Commission, dated April 25, 1983, at an estimated cost of $19,881,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

MINGO CREEK, OKLAHOMA

The project for flood control, Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $82,100,000. The project shall include measures determined appropriate by the Secretary, after consultation with the city of Tulsa, to minimize adverse effects associated with the use of flood water detention sites for the project.

FRY CREEKS, OKLAHOMA

The project for flood control, Fry Creeks, Oklahoma: Report of the Board of Engineers for Rivers and Harbors, dated January 18, 1983, at an estimated cost of $8,500,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section, except that the Secretary shall acquire a total of 20 acres of land for mitigation of fish and wildlife losses and such lands, to the extent feasible, shall be contiguous and shall be in a corridor not less than 50 feet wide.

MALINE CREEK, MISSOURI

The project for flood control, Maline Creek, Missouri: Report of the Chief of Engineers, dated November 2, 1982, at an estimated cost of $39,330,000.

ST. JOHN'S BAYOU AND NEW MADRID FLOODWAY, MISSOURI

The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of $75,600,000, except that the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act.

BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

The project for flood control, Brush Creek and Tributaries, Missouri and Kansas: Report of the Chief of Engineers, dated January 3, 1983, at an estimated cost of $12,100,000. The project shall include replacement of the Kansas City Public Service Railway Bridge recommended for removal as part of the project if the Secretary determines, before the acquisition of any land for or the actual construction of the project, that appropriate non-Federal interests will use the bridge as part of a regional public transportation system in the ten-year period following initiation of the project.

CAPE GIRARDEAU, MISSOURI

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri: Report of the Division Engineer, dated January 3, 1983, at an estimated cost of $24,700,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

HALSTEAD, KANSAS

The project for flood control, Halstead, Kansas: Report of the Chief of Engineers, dated May 8, 1979, at an estimated cost of $6,130,000, including the acquisition of such additional lands and access points as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the need for additional lands for mitigation of fish and wildlife losses caused by the project and the need for additional access points to the Little Arkansas River. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

UPPER LITTLE ARKANSAS RIVER, KANSAS

The project for flood control, Upper Little Arkansas River Watershed, Kansas: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $8,190,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

ROCK RIVER, ILLINOIS

The project for flood control, Rock River, Rockford and Vicinity, Illinois (Loves Park Interim): Report of the Chief of Engineers, dated September 15, 1980, at an estimated cost of $25,000,000. The project shall include flood protection measures along Small Unnamed Creek, as described in the Interim Report of the District Engineer, Rock Island, dated February 1979. Before the acquisition of land for or the actual construction of the project the Secretary shall study the probable affects of the project on existing recreational resources in the project area and, as part of the project, shall undertake such measures as he determines necessary and appropriate to mitigate any adverse effects on such recreation resources.

GREEN BAY LEVEE AND DRAINAGE DISTRICT NUMBER 2, IOWA

The project for flood control, Mississippi River, Coon Rapids Dam to Ohio River, Green Bay Levee and Drainage District Number 2, Iowa: Report of the Chief of Engineers, dated October 21, 1981, except that borrow material for the project shall be obtained from the island source as recommended by the District Engineer, Rock Island District, in his report dated November 1978, and revised November 1979, at an estimated cost of $5,500,000.

SOUTH QUINCY DRAINAGE AND LEVEE DISTRICT, ILLINOIS

The project for flood control, South Quincy Drainage and Levee District, Illinois: Report of the Board of Engineers for Rivers and Harbors, dated March 25, 1983, at an estimated cost of $10,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary shall, to the extent feasible, obtain borrow material from sites in the main channel of the Mississippi River and place fill material on the landward side of the existing levee in order to protect wildlife habitat.

NORTH BRANCH OF CHICAGO RIVER, ILLINOIS

The project for flood protection for the North Branch of the Chicago River, Illinois: Draft Report of the District Engineer, Chicago District (Phase I General Design Memorandum), dated June 1983, at an estimated cost of $11,209,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. In recognition of the flood damage prevention benefits provided in the North Branch of the Chicago River, Illinois Basin, by the Techny Reservoirs constructed by non-Federal interests on the West Fork of the North Branch of the Chicago River, the Secretary shall, subject to such amounts as are provided in appropriation Acts, reimburse non-Federal interests for an amount equal to 75 per centum of the costs of planning and construction of such reservoirs.

LITTLE CALUMET RIVER, INDIANA

The project for flood control, Little Calumet River, Indiana: Report of the Division Engineer, dated October 12, 1982, at an estimated cost of $56,800,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

PERRY CREEK, IOWA

The project for flood control, Perry Creek, Iowa: Report of the Chief of Engineers, dated February 4, 1982, at an estimated cost of $28,630,000.

MUSCATINE ISLAND, IOWA

The project for flood control, Muscatine Island Levee District and Muscatine-Louisa County Drainage District No. 13, Iowa: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of $12,500,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall reexamine the drainage system recommended in the report of the Chief of Engineers and the feasibility of obtaining material for the levee from upland rather than aquatic sources in order to minimize adverse effects on fish and wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize adverse effects of the project on Spring Lake and on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

DES MOINES RIVER BASIN, IOWA AND MINNESOTA

The project for flood control, Des Moines River Basin, Iowa and Minnesota: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of $11,200,000. Before the acquisition of any interest in real property for or the actual construction of the project, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, study the feasibility of minimizing increased flood stages along Jordon Creek in the vicinity of the Chicago, Rock Island and Pacific Railroad Bridge and the implementation of nonstructural and structural flood plain management techniques along the reach of Walnut Creek, including the improvement of channel capacity in the vicinity of Grand Avenue. In addition, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, review the location of river access points and boat ramps. The Secretary is authorized to undertake such additional measures as he determines necessary and appropriate to carry out the results of such study and review.

REDWOOD RIVER, MINNESOTA

The project for flood control, Redwood River at Marshall, Minnesota: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of $3,130,000.

ROOT RIVER BASIN, MINNESOTA

The project for flood control, Root River Basin, Minnesota: Report of the Chief of Engineers, dated May 13, 1977, House Document Numbered 96-17, at an estimated cost of $8,150,000.

SOUTH FORK ZUMBRO RIVER, MINNESOTA

The project for flood control, South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers, dated February 23, 1979, House Document Numbered 96-115, at an estimated cost of $82,200,000. Notwithstanding such report and any other provision of law (including section 302 of this title), the Federal share of the cost of the project shall be determined in accordance with such section, except that non-Federal interests shall not be required before and during construction of the project to provide lands, easements, and rights-of-way necessary for changes to highway bridges and foot bridges and approaches to such bridges, and to make relocations of utilities, structures, and other improvements necessary for such changes.

MISSISSIPPI RIVER AT ST. PAUL, MINNESOTA

The project for flood control, Mississippi River at St. Paul, Minnesota: Report of the Chief of Engineers, dated June 16, 1983, at an estimated cost of $7,230,000.

PARK RIVER, GRAFTON, NORTH DAKOTA

The project for flood control, Park River, Grafton, North Dakota: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost $15,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

FOUNTAIN CREEK, COLORADO

The project for flood control, Fountain Creek, Pueblo, Colorado: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $6,600,000.

METROPOLITAN DENVER, COLORADO

The project for flood control, Metropolitan Denver and South Platte River and Tributaries, Colorado, Wyoming, and Nebraska: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $12,000,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests after January 1, 1978, and before the date of enactment of this Act for upstream drainage improvements and downstream channelization which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BOGGY CREEK, TEXAS

The project for flood control, Boggy Creek, Austin, Texas: Report of the Chief of Engineers, dated January 19, 1981, at an estimated cost of $13,830,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests on bridges after September 30, 1979, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

BUFFALO BAYOU AND TRIBUTARIES, TEXAS

The project for flood control, Buffalo Bayou and Tributaries (Upper White Oak Bayou), Texas: Report of the Chief of Engineers, dated June 13, 1978, House Document Numbered 96-182, at an estimated cost of $75,000,000.

LAKE WICHITA, HOLLIDAY CREEK, TEXAS

The project for flood control, Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers, dated July 9, 1979, at an estimated cost of $19,500,000. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

LOWER RIO GRANDE, TEXAS

The project for flood control, Lower Rio Grande Basin, Texas: Report of the Board of Engineers for Rivers and Harbors, dated April 29, 1983, at an estimated cost of $120,430,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study adverse effects of discharges of sediments and pollutants from the project on fish and wildlife. The Secretary is authorized to undertake such measures as he determines necessary and appropriate to minimize such adverse effects and to mitigate the adverse effects of the project on fish and wildlife habitat. Before the acquisition by the Secretary of any interest in real property for the project or the actual construction of the project, the Secretary, after consultation with the Secretary of Agriculture, shall determine that Phases II and III of the project (as set forth in such report) will be undertaken by the Secretary of Agriculture. The Secretary and the Secretary of Agriculture, in consultation with appropriate Federal, State, and local agencies, shall develop an overall mitigation plan for Phases I, II, and III of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of such plan, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SIMS BAYOU, TEXAS

The project for flood control, Sims Bayou, Texas: Report of the Division Engineer, dated March 18, 1983, at an estimated cost of $114,900,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

MIDDLE RIO GRANDE, NEW MEXICO

The project for flood control, Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers, dated June 23, 1981, at an estimated cost of $39,850,000. The project shall include the establishment of 75 acres of wetlands for fish and wildlife habitat and the acquisition of 200 acres of land for mitigation of fish and wildlife losses, as recommended by the District Engineer, Albuquerque, District, in his report dated June 13, 1979.

PUERCO RIVER AND TRIBUTARIES, NEW MEXICO

The project for flood control, Puerco River and Tributaries, Gallup, New Mexico: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of $3,220,000.

LITTLE COLORADO RIVER, ARIZONA

The project for flood control, Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of $7,730,000.

CACHE CREEK BASIN, CALIFORNIA

The project for flood control, Cache Creek Basin, California: Report of the Chief of Engineers, dated April 27, 1981, at an estimated cost of $21,060,000. The Secretary shall reexamine, in consultation with interested Federal and State agencies and affected Indian tribes, the design of the bypass channel with a view to minimizing adverse effects on archeological resources and shall make such changes in the design as he deems necessary and appropriate to minimize such adverse effects.

REDBANK AND FANCHER CREEKS, CALIFORNIA

The project for flood control, Redbank and Fancher Creeks, California: Report of the Chief of Engineers, dated May 7, 1981, at an estimated cost of $57,200,000. The project shall include measures determined appropriate by the Secretary to minimize adverse effects on groundwater and to maximize benefits to groundwater, including ground water recharge.

SANTA ANA RIVER MAINSTEM, CALIFORNIA

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, at an estimated cost of $1,178,000,000 except that acquisition of any interest in real property for, and the actual construction of, such project shall be restricted to the following elements of the project: improvements at Prado Dam which limit the reservoir taking line to no greater than elevation 566 feet; Santa Ana River channel improvements in Orange County; improvements along Santiago Creek; improvements of the Oak Street drain; improvement of the Mill Creek levees; features for mitigation of project effects on and preservation of endangered species; and recreation features as identified in the report of the Chief of Engineers for these project elements. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for acquisition of any interest in real property for or the actual construction of other elements of the project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. No acquisition of any interest in real property for or actual construction of other elements of the project shall be undertaken unless such acquisition and actual construction have been agreed to by resolutions of the non-Federal sponsoring agencies.

ALENAIO STREAM, HAWAII

The project for flood control, Alenaio Stream, Hawaii: Report of the Board of Engineers for Rivers and Harbors, dated January 18, 1983, at an estimated cost of $5,600,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

AGANA RIVER, GUAM

The project for flood control, Agana River, Guam: Report of the Chief of Engineers, dated March 14, 1977, House Document Numbered 96-16, at an estimated cost of $6,300,000.

LITTLE WOOD RIVER, IDAHO

The project for flood control, Little Wood River, vicinity of Gooding and Shoshone, Idaho: Report of the Chief of Engineers, dated November 2, 1977, House Document Numbered 96-9, at an estimated cost of $3,750,000. After completion of the project, the Secretary shall evaluate and monitor the extent of any fish losses that are attributable to the project and undertake such additional mitigation measures as he determines appropriate.

YAKIMA-UNION GAP, WASHINGTON

The project for flood control, Yakima-Union Gap, Washington: Report of the Chief of Engineers, dated May 7, 1980, at an estimated cost of $8,640,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall review the probable effects of the project on fish and wildlife resources and the feasibility of including recreation as a project purpose. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such review, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat.

CHEHALIS RIVER, WASHINGTON

The project for flood control, Chehalis River at South Aberdeen and Cosmopolis, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-27, at an estimated cost of $19,300,000. Before beginning the actual construction of the project, the Secretary shall perform additional studies relating to foundation materials in the project area and with regard to dredged spoil disposal sites and make such modifications as he determines appropriate.

CENTRALIA, WASHINGTON

The project for flood control, Centralia-Chehalis Flood Damage Reduction Study, Chehalis River and Tributaries, Washington: Report of the District Engineer, Seattle District, dated December 1982, at an estimated cost of $18,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

(b) The Secretary is authorized and directed to construct, at full Federal expense, a project for the purposes of flood damage reduction and recreation in the vicinity of Falmouth, Kentucky, at an estimated cost of $189,000,000, and to design and construct, at full Federal expense, such flood control measures at or in the vicinity of Salyersville, Kentucky, on Licking River as the Secretary determines necessary and appropriate to afford the city of Salyersville, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in December 1978, at an estimated cost of $7,000,000. With respect to each such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

(c) The Secretary is authorized to construct a project for flood damage prevention in the community of Gold Gulch, near Felton, Santa Cruz County, California, at an estimated cost of $6,000,000. The provisions of section 302 of this title shall apply to such project.

(d)(1)(A) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to communities in the Pearl River Basin, St. Tammany Parish, Louisiana, at an estimated cost of $25,000,000.

(B) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Pearl River Basin, Mississippi and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this paragraph.

(2) The Secretary is authorized and directed to design, construct, and undertake such measures as the Secretary determines are necessary to provide a level of protection sufficient to prevent recurring flood damages along the following rivers:

(A) Amite River, Louisiana;
(B) Comite River, Louisiana;
(C) Tangipahoa River, Louisiana;
(D) Tchefuncte River, Louisiana;
(E) Tickfaw River, Louisiana;
(F) Bogue Chitto River, Louisiana; and
(G) Natalbany River, Louisiana;

at an estimated cost of $25,000,000.

(e) The Secretary is authorized and directed to purchase such land along Highway 75 in Minnesota as may be required for the construction of the International Levee segment of the Emerson, Manitoba, flood control project and to upgrade existing flood control levees in the vicinity of Noyes, Minnesota, at an estimated cost of $200,000.

(f) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(g) The Secretary is authorized to undertake flood control works along the lower portion of Calleguas Creek, Conejo Creek to the Pacific Ocean, California, at an estimated cost of $40,000,000. The provisions of section 302 of this title shall apply to such project.

(h) The Secretary is authorized to undertake appropriate local flood control protection measures along the lower portions of Coyote Creek adjacent to and in the vicinity of Alviso, California, and along the Guadalupe River in the vicinity of San Jose, California. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with such measures. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of such measures. The provisions of section 302 of this title shall apply to such project.

(i)(1) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to the cities of Monroe and West Monroe, Louisiana, and Ouachita Parish, Louisiana, at an estimated cost of $20,000,000.

(2) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Monroe-West Monroe Interim Study of the Ouachita Basin Study, Ouachita River Basin, Arkansas and Louisiana, the Secretary shall take into account the costs and

benefits of measures undertaken pursuant to this subsection.

(j) If any provision in any report designated by subsection (a) of this section recommends that a State contribute in cash 5 per centum of the construction costs allocated to nonvendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

Sec. 302. (a)(1) Except as provided in paragraph (2) of this subsection, the non-Federal share of the cost of any project for flood control (A) which is authorized by section 301(a) of this title, or (B) which is authorized by any other law enacted before the date of enactment of this Act and for which a contract for construction has not been entered into before such date of enactment, shall be 25 per centum. For purposes of this section, each element of the project for flood control, Mississippi River and tributaries, shall be considered as a separate project.

(2) If the sum (as determined by the Secretary upon completion of the project) of (A) the value of all lands, easements, and rights-of-way required for a project for flood control to which paragraph (1) applies (other than a nonstructural project), plus (B) the cost of all necessary relocations of utilities, structures, and other improvements for such project is a percentage of the cost of such project which is greater than 25 per centum, the non-Federal share of the cost of such project shall be such percentage, except that in no event shall the non-Federal share determined under this paragraph exceed 30 per centum of the cost of the project.

(b) If the Secretary estimates before the beginning of construction of any project for flood control to which subsection (a) applies that the sum of (1) the value of all lands, easements, and rights-of-way required for such project, plus (2) the cost of all necessary relocations of utilities, structures, and other improvements for such project will be a percentage of the cost of such project which is greater than 30 per centum (or which is greater than 25 per centum in the case of a nonstructural project), the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way and make such relocations, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary and the cost of necessary relocations made by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 30 per centum of the estimated cost of the project (or an amount equal to 25 per centum of the estimated cost of a nonstructural project).

(c) If the Secretary determines after completion of a project for flood control to which subsection (a) applies that the sum of (1) the value of lands, easements, and rights-of-way provided by the non-Federal interests, plus (2) the cost of relocations of utilities, structures, and other improvements made by the non-Federal interests is less than the non-Federal share of the cost of the project, the non-Federal interests shall pay to the Secretary the amount necessary to meet the non-Federal share, plus interest from the date of such determination (as computed under subsection (e)), over a period of fifteen years from the date of such determination or such shorter period as the non-Federal interests may request. If such sum exceeds the non-Federal share of the cost of the project (as so determined), the Secretary shall pay to the non-Federal interests an amount equal to such excess, plus interest from the date of such determination, subject to the general availability of appropriations for that purpose.

(d) After completion of any project to which subsection (a) applies, the Secretary shall transfer, without consideration, to the non-Federal interests any lands, easements, and rights-of-way acquired by the Secretary under subsection (b).

(e) The interest rate used for purposes of computing interest under subsection (c) shall be determined by the Secretary of the Treasury as of the date on which the project is substantially completed and provides the flood protection benefits for which such project is designed, as determined by the Secretary. Such interest rate shall be determined on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

(f)(1) For purposes of this section, the cost of a project includes, but is not limited to, the value of lands, easements, and rights-of-way, and the cost of relocations of utilities, structures, and other improvements, necessary to carry out the project.

(2) For purposes of this section, the value of lands, easements, and rights-of-way (other than lands, easements, and rights-of-way acquired by purchase for the project by the Secretary for any non-Federal interest) shall be determined by the Secretary as of the date on which actual construction of such project is begun.

(g)(1) For purposes of analyzing the costs and benefits of a proposed project for flood control in any study of such project, the Secretary shall take into account the costs incurred in and the benefits produced by any local flood protection work carried out by non-Federal interests after the later of (A) the first day of the five-year period ending on the date of enactment of this Act, or (B) the first day of the five-year period ending on the date on which funds are first obligated for such study, if the Secretary determines that such work can reasonably be expected to be compatible with the project being considered by the Secretary. This paragraph shall not apply to any study for a project which project is authorized by this Act or any Act enacted before the date of enactment of this Act.

(2) The Secretary shall include as part of the non-Federal contribution of any authorized project for flood control the cost of any local flood protection work which is part of such project and which is carried out by the non-Federal interests after the date of such authorization or after the date of enactment of this Act, whichever is later. With respect to any local flood protection work carried out by non-Federal interests after the first obligation of funds for a study of a project for flood control (but not before the first day of the five-year period ending on the date of enactment of this Act), the Secretary shall recommend in any report submitted to Congress relating to such project that the cost of such work be included as part of the non-Federal contribution of such project if the Secretary determines that such work is reasonably compatible with the proposed project.

Sec. 303. Before construction of any project for local flood protection, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

TITLE IV—SHORELINE PROTECTION

Sec. 401. (a) The following works of improvement for the benefit of shoreline protection are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

ROCKAWAY INLET TO NORTON POINT, NEW YORK

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point: Report of the Chief of Engineers, dated August 18, 1976, House Document Numbered 96-23, including beach fill up to 250 feet beyond the historical shoreline as described in the report of the District Engineer, New York District, dated August 1973, at an estimated cost of $9,700,000. The non-Federal share of the cost of construction and nourishment of the additional beach fill shall be 50 per centum.

CAPE MAY INLET TO LOWER TOWNSHIP, NEW JERSEY

The project for shoreline protection, Cape May Inlet to Lower Township, New Jersey: Report of the Chief of Engineers, dated December 23, 1981, including construction of beach erosion mitigation measures from Cape May Inlet to Lehigh Avenue in Cape May Point Borough substantially in accordance with Plan A of the Phase I General Design Memorandum, titled "Cape May Inlet to Lower Township, New Jersey", dated August 1980, at an estimated cost of $40,000,000.

ATLANTIC COAST OF MARYLAND (OCEAN CITY)

The project for shoreline protection, Atlantic Coast of Maryland (Ocean City) and Assateague Island, Virginia: Report of the Chief of Engineers, dated September 29, 1981, at an estimated cost of $20,000,000.

WILLOUGHBY SPIT, VIRGINIA

The project for shoreline protection, Willoughby Spit and Vicinity, Norfolk, Virginia: Report of the District Engineer, Norfolk District, dated January 1983, at an estimated cost of $1,558,600, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

WRIGHTSVILLE BEACH, NORTH CAROLINA

The project for shore and hurricane wave protection, Wrightsville Beach, North Carolina: Report of the Board of Engineers for Rivers and Harbors, dated March 23, 1983, at an estimated annual cost of $260,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

FOLLY BEACH, SOUTH CAROLINA

The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at an estimated cost of $1,107,000.

PANAMA CITY BEACHES, FLORIDA

The project for shoreline protection, Panama City Beaches, Florida: Report of the Chief of Engineers, dated July 8, 1977, House Document Numbered 96-65, at an estimated cost of $26,220,000.

ST. JOHNS COUNTY, FLORIDA

The project for shoreline protection, St. Johns County, Florida: Report of the Chief of Engineers, dated February 26, 1980, at an estimated cost of $7,660,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

CHARLOTTE COUNTY, FLORIDA

The project for shoreline protection, Charlotte County, Florida: Report of the Chief of Engineers, dated April 2, 1982, at an estimated cost of $1,440,000. To the maximum extent feasible, the Secretary shall construct such project so as to minimize the harm to marine borrow areas and reefs.

INDIAN RIVER COUNTY, FLORIDA

The project for shoreline protection, Indian River County, Florida: Report of the Chief of Engineers, dated December 21, 1981, at an estimated cost of $2,300,000, except that the non-Federal share of the cost of the Sebastian Inlet State Park segment shall be 30 per centum. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

DADE COUNTY, FLORIDA

The project for shoreline protection, Dade County, north of Haulover Beach Park, Florida: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $3,990,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. To the maximum extent feasible, the Secretary shall construct the project so as to minimize adverse effects on coral reefs.

MONROE COUNTY, FLORIDA

The project for shoreline protection, Monroe County, Florida: Report of the Division Engineer, dated February 25, 1982, at an estimated cost of $1,650,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph and including such modification as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project may have on the seagrass community in the project area. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize the adverse effects of such construction, operation, and maintenance on such seagrass community. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such acquisition and actual construction have been approved by resolution adopted by each such committee.

PRESQUE ISLE PENINSULA, ERIE, PENNSYLVANIA

The project for shoreline protection, Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers, dated October 2, 1981, at an estimated cost of $18,550,000.

INDIANA SHORELINE, INDIANA

The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Board of Engineers for Rivers and Harbors, dated January 28, 1983, at an estimated cost of $7,390,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

MAUMEE BAY, LAKE ERIE, OHIO

The project for shoreline protection for the southeast shore of Maumee Bay State Park, Ohio: Report of the District Engineer, Buffalo District, dated June 1983, at an estimated cost of $10,396,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91-611) shall not apply to any agreements between the Federal Government and the State of Ohio for local cooperation as a condition for the construction of such project. The Secretary is authorized to contract with the State of Ohio on the items of local cooperation for such project, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.

(b) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) The Secretary is authorized and directed to design and construct an erosion control structure approximately 8,200 feet in length on the western shore of Tangier Island, Virginia, adequate to protect such island from further erosion, at an estimated cost of $3,500,000. Such project shall be carried out on an emergency basis, in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in public facilities.

(d) The project for shore protection and beach erosion control at Monmouth Beach and Sea Bright, New Jersey, including repair and restoration of the existing seawall, placement of sand and periodic beach nourishment, and construction of new groins and repair of existing groins is hereby authorized to be carried out by the Secretary, at an estimated cost of $23,000,000. Construction and periodic nourishment of the project shall be a Federal responsibility. Prior to initiation of construction of the project, non-Federal interests shall agree to provide public access to the beach for which such project is authorized in accordance with all requirements of State law.

(e) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 402. (a) The Secretary shall undertake demonstration projects for shoreline erosion control at the following communities in New Jersey: Fort Elsinboro, Sea Breeze, Gandys Beach, Reeds Beach, Pierces Point, and Fortescue.

(b) Such demonstration projects shall be carried out in cooperation with Federal, State, and local agencies, and private organizations.

(c) Such demonstration projects may be carried out on private or public lands except that privately owned lands shall not be acquired under authority of this section. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with non-Federal interests who shall pay 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) The Secretary shall prepare and submit to Congress a report on each site during the fiscal year following completion of construction at that site. Such report shall include an analysis of the technique or techniques used and an evaluation of their functioning to that point.

(e) There is authorized to be appropriated not to exceed $12,500,000 to carry out this section for fiscal years beginning after September 30, 1983.

TITLE V—WATER RESOURCES CONSERVATION AND DEVELOPMENT

SEC. 501. (a) The following works of improvement for water resources development and conservation and for other purposes are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

NEPONSET RIVER, MILTON TOWN LANDING TO PORT NORFOLK, MASSACHUSETTS

The project for dredging, Neponset River, Milton Town Landing to Port Norfolk, Massachusetts, including the disposal of the dredged material at sea, at an estimated cost of $3,000,000.

BIG RIVER RESERVOIR, RHODE ISLAND

The project for flood control, Big River Reservoir, Rhode Island: Report of the Chief of Engineers, dated March 9, 1983, at an estimated cost of $40,900,000, including the acquisition of such additional lands as the Secretary recommends in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall reevaluate the acquisition of mitigation lands recommended in the report of the Chief of Engineers for purposes of determining the need for additional lands for mitigation of fish and wildlife losses. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such reevaluation, including a description of any additional lands determined by the Secretary to be necessary and appropriate for mitigation of fish and wildlife losses. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

OLCOTT HARBOR, NEW YORK

The project for navigation, Olcott Harbor, New York: Report of the Chief of Engineers, dated June 11, 1980, at an estimated cost of $5,780,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall conduct additional studies of the effects of the project on fish and wildlife resources. Such studies shall include the development and testing of a physical model of the proposed plan. The Secretary is authorized to undertake any additional measures which he determines necessary and appropriate to minimize any adverse effects of the project on fish and wildlife production and habitat.

HAMPTON ROADS DEBRIS REMOVAL, VIRGINIA

The project for the removal of debris from Hampton Roads and Vicinity, Virginia: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of $2,133,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

RUDEE INLET, VIRGINIA

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia: Report of the Division Engineer, dated February 4, 1983, at an estimated cost of $1,124,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

ATLANTIC INTRACOASTAL WATERWAY BRIDGES, NORTH CAROLINA

The project for replacement of Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers, dated October 1, 1975, House Document Numbered 94-597, at an estimated cost of $32,036,000.

RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA

The project for mitigation of fish and wildlife losses at Richard B. Russell Dam and Lake Project, Savannah River, Georgia and South Carolina: Report of the Chief of Engineers, dated May 11, 1982, House Document Numbered 97-244, at an estimated cost of $18,700,000, including utilization for purposes of fish and wildlife habitat mitigation of such Federal lands as may be described by the Secretary in the report transmitted under this paragraph. The Secretary and the State of South Carolina, in consultation with the United States Fish and Wildlife Service, shall identify those Federal lands at Clarks Hill Lake to be utilized for purposes of fish and wildlife habitat mitigation. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the lands so identified. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

METROPOLITAN ATLANTA AREA, GEORGIA

The project for water supply, Metropolitan Atlanta Area, Georgia: Report of the Chief of Engineers, dated June 1, 1982, at an estimated cost of $24,500,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall further evaluate the possible effects of the proposed project on fish and wildlife habitat and related resources. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat and related resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

JACKSONVILLE HARBOR (MILL COVE), FLORIDA

The project for navigation, Jacksonville Harbor (Mill Cove), Florida: Report of the Chief of Engineers, dated February 12, 1982, at an estimated cost of $5,700,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with the State of Florida, shall study the adequacy of available dredged material disposal areas for construction, operation, and maintenance of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate dredged material disposal areas are available for construction, operation, and maintenance of the project. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee. After completion of the project, the Secretary shall monitor and evaluate the effectiveness of the project in reducing shoaling.

YAZOO BACKWATER AREA, MISSISSIPPI

The project for mitigation of fish and wildlife losses at the Yazoo Backwater Project, Mississippi: Report of the Mississippi River Commission, dated December 16, 1982, at an estimated cost of $17,610,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional measures. The project shall include acquisition of 40,000 acres for mitigation of project-induced fish and wildlife losses as recommended in the report of the District Engineer, Vicksburg District, dated July 1982.

GREENVILLE HARBOR, MISSISSIPPI

The project for navigation, Greenville Harbor, Mississippi: Report of the Chief of Engineers, dated November 15, 1977, as amended by the supplemental report of the Chief of Engineers dated February 22, 1982, at an estimated cost of $28,800,000, except that initial construction of the project shall be to the full project dimensions, including a channel width of 500 feet and a depth of 12 feet.

VICKSBURG HARBOR, MISSISSIPPI

The project for navigation, Vicksburg Harbor, Mississippi: Report of the Chief of Engineers, dated August 13, 1979, at an estimated cost of $54,700,000, except that initial construction of the project shall be to the full project dimensions.

MEMPHIS HARBOR, MEMPHIS, TENNESSEE

The project for navigation, Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers, dated February 25, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $42,010,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands, but not to exceed 500 acres, for mitigation of losses of bottomland hardwood habitat as may be recommended by the Secretary in such report. The Secretary shall reevaluate, in consultation with the Fish and Wildlife Service, the need for mitigation of project-induced losses of bottomland hardwood habitat. The Secretary, in consultation with the Environmental Protection Agency, shall conduct further studies of the quality of the water in the project area and the need for measures to prevent adverse effects on the quality of the water. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reevaluation and study, along with recommendations for additional lands which the Secretary determines to be necessary and appropriate to mitigate project-induced losses of bottomland hardwood habitat and for additional measures which the Secretary determines necessary and appropriate to prevent adverse effects on water quality. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

LAKE PONTCHARTRAIN NORTH SHORE, LOUISIANA

The project for navigation, Lake Pontchartrain North Shore, Louisiana: Report of the Chief of Engineers, dated February 14, 1979, at an estimated cost of $850,000.

ATCHAFALAYA BASIN, LOUISIANA

The project for flood control, Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers, dated February 28, 1983, at an estimated cost of $195,000,000.

CABIN CREEK, WEST VIRGINIA

The project for flood damage prevention features, Cabin Creek, West Virginia: Report of the Chief of Engineers, dated March 1, 1979, at an estimated cost of $4,000,000, including channel improvement for 10.5 miles on Cabin Creek, establishment of flood plain management guidelines, and supplemental flood proofing. The construction of such features shall be coordinated with any construction by other Federal agencies of other features described in such report under applicable Federal laws.

OBION CREEK, KENTUCKY

The project for mitigation of fish and wildlife losses, West Kentucky Tributaries Project, Obion Creek, Kentucky: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of $4,650,000, except that (1) the Secretary, in consultation with the United States Fish and Wildlife Service, shall acquire and preserve not less than 6,000 nor more than 9,000 acres of woodland for mitigation of project-induced woodland and wetland habitat losses, and (2) the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act.

MUDDY BOGGY CREEK, PARKER LAKE, OKLAHOMA

The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers, dated May 30, 1980, at an estimated cost of $40,200,000.

FORT GIBSON LAKE, OKLAHOMA

The project for Fort Gibson Lake, Oklahoma: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of $23,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

HARRY S TRUMAN DAM AND RESERVOIR, MISSOURI

The project for modification of the Harry S Truman Dam and Reservoir Project, Missouri: Report of the Chief of Engineers, dated December 21, 1981, at an estimated cost of $2,000,000. The Secretary, in consultation with the State of Missouri and the United States Fish and Wildlife Service, shall acquire lands, or designate project joint-use lans, for mitigation of fish and wildlife losses in addition to those lands recommended for such purposes by such report; except that the total acreage of all mitigation lands shall not exceed 1,000 acres.

TRIMBLE WILDLIFE AREA, SMITHVILLE LAKE, LITTLE PLATTE RIVER, MISSOURI

The project for replacement of the Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri: Report of the Chief of Engineers, dated September 22, 1977, House Document Numbered 95-389, at an estimated cost of $7,769,000.

ST. LOUIS HARBOR, MISSOURI AND ILLINOIS

The project for navigation, St. Louis Harbor, Missouri and Illinois: Report of the Board of Engineers for Rivers and Harbors, dated April 6, 1983, at an estimated cost of $10,440,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section, and except that initial construction of the project shall be to the full project dimensions.

MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA

The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Board of Engineers for Rivers and Harbors, dated September 30, 1982, at an estimated cost of $48,400,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses.

DAVENPORT, IOWA (NAHANT MARSH)

The Davenport, Iowa Local Protection Project—Fish and Wildlife Mitigation Plan: Report of the Chief of Engineers, dated July 9, 1979, at an estimated cost of $387,000.

HELENA HARBOR, PHILLIPS COUNTY, ARKANSAS

The project for navigation, Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers, dated October 17, 1980, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $37,100,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands as may be recommended by the Secretary in such report. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the adequacy of the recommended measures for mitigation of losses of wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional lands which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

WHITE RIVER NAVIGATION TO BATESVILLE, ARKANSAS

The project for navigation, White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers, dated December 23, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of $22,900,000, except that the project shall include 1,865 acres of habitat mitigation lands. The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of the project, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be 50 per centum. The non-Federal share of such cost shall be paid by the owner of the facility being relocated. The acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, shall be at full Federal expense. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the effect of the project on the Fat Pocketbook Pearly Mussel. The Secretary shall also evaluate, in consultation with the Fish and Wildlife Service, the feasibility of including weirs in tributary areas to benefit aquatic habitat and is authorized to include them as he determines appropriate. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluations, along with recommendations (A) for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on the Fat Pocketbook Pearly Mussel, and (B) for weirs in tributary areas which the Secretary determines to be necessary and appropriate to benefit aquatic habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. Nothing in this paragraph shall be construed to effect the requirements of Public Law 89-669, as amended.

TRINITY RIVER, TEXAS

The project for the mitigation of fish and wildlife losses, Trinity River, Texas: Report of the Board of Engineers for Rivers and Harbors, dated October 4, 1982, at an estimated cost of $9,310,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures.

COOPER LAKE AND CHANNELS, TEXAS

The project for the mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas: Report of the Chief of Engineers, dated May 21, 1982, at an estimated cost of $7,570,000.

SACRAMENTO RIVER BANK PROTECTION, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sacramento River Bank Protection Project, California: Report of the Chief of Engineers, dated September 1, 1981, at an estimated cost of $1,867,000.

SWEETWATER RIVER, CALIFORNIA

The project for mitigation of fish and wildlife losses, Sweetwater River channel improvement project, California: Report of the Division Engineer, dated July 15, 1982, at an estimated cost of $3,477,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures.

LAVA FLOW CONTROL, HAWAII

The project for lava flow control, Island of Hawaii: Report of the Chief of Engineers, dated July 21, 1981, at an estimated cost of $3,949,000.

CITY WATERWAY, TACOMA, WASHINGTON

The project for the relocation of the boundaries of the City Waterway, Tacoma Harbor, Washington: Report of the Division Engineer, dated January 28, 1982, at an estimated cost of $5,000. Subsection (b) of this section shall not apply to the project.

MC NARY LOCK AND DAM, WASHINGTON AND OREGON

The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, Phase I, General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981, at an estimated cost of $600,000,000.

BETHEL BANK STABILIZATION, ALASKA

The project for bank stabilization, Bethel, Alaska: Report of the Board of Engineers for Rivers and Harbors, dated January 26, 1983, at an estimated cost of $13,780,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

KODIAK HARBOR, ALASKA

The project for navigation, Kodiak Harbor, Alaska: Report of the Chief of Engineers, dated September 7, 1976, Senate Document Numbered 96-6, at an estimated cost of $13,440,000.

ST. PAUL ISLAND, ALASKA

The project for navigation, St. Paul Island Harbor, Alaska: Report of the Board of Engineers for Rivers and Harbors, dated January 24, 1983, at an estimated cost of $11,986,800, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The cost sharing for the project shall be determined in accordance with section 105 of this Act.

(b) In the case of any project authorized by this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 502. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Albert Lea Lake, Freeborn County, Minnesota, at full Federal expense and at an estimated cost of $4,270,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 503. (a) The Secretary shall, after consultation with the advisory committee established under subsection (b), carry out a demonstration project for the development, operation, and maintenance of a recreation and greenbelt area on, and along the Des Moines River, Iowa, between the point at which the Des Moines River is intersected by United States Highway 20 to the point downstream at which relocated United States Highway 92 intersects the Des Moines River. Subject to subsections (b) and (c) of this section, such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities and streambank stabilization structures;

(2) the operation and maintenance of all structures constructed before the date of enactment of this Act (other than any such structure operated and maintained by any person under a permit or agreement with the Secretary) within the area described in the Des Moines Recreational River and Greenbelt Map and on file with the Committee on Public Works and Transportation of the House of Representatives; and

(3) such tree plantings, trails, vegetation, and wildlife protection and development and other activities as will enhance the natural environment for recreational purposes.

(b)(1) The advisory committee referred to in subsection (a) shall be constituted as follows:

(A) five persons shall be appointed by the Governor of Iowa;

(B) two persons shall be appointed by their respective board of supervisors to represent each of Manaska, Marion, Warren, Jasper, Polk, Dallas, Boone, and Webster Counties;

(C) one person shall be appointed by the mayor of the city of Des Moines and one additional person shall be appointed by the mayor of each other incorporated municipality within whose boundaries a portion of such recreation area lies; and

(D) three employees or officials of the Corps of Engineers shall be appointed by the Secretary.

(2) Each member of the advisory committee shall serve at the pleasures of the authority which appointed such member.

(3) No member of the advisory committee who is not an officer or employee of the United States shall receive compensation on account of his service on the committee or travel expenses or per diem in lieu of subsistence with respect to the performance of services for the committee. Members of such advisory committee who are officers or employees of the United States shall not receive additional compensation on account of their service on the committee.

(4) The advisory committee may elect such officers and spokesmen as it deems appropriate and may appoint such ad hoc committees of interested citizens as it deems appropriate to assist the committee in advising the Secretary.

(c) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the United States of the land or interests therein necessary for such purposes.

(d) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise land and interests therein, as the Secretary determines are necessary to carry out such project. If the Secretary purchases any land or interest therein from any State or local agency, he shall not pay more than the original cost paid by such State or local agency for such land or interest therein. No land or interest therein may be acquired by the United States to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any land or any interest therein which is not owned by the United States.

(e) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 per centum of the cost of the project.

(f) There is authorized to be appropriated to carry out this section $6,000,000, for fiscal years beginning after September 30, 1983.

SEC. 504. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Hereford Inlet to the Delaware Bay entrance to the Cape May Canal, New Jersey, substantially in accordance with the report of the Chief of Engineers, dated September 30, 1975, at an estimated cost of $40,000,000. The Secretary may construct the beach erosion control, navigation, or storm protection features of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 505. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Barnegat Inlet to Longport, New Jersey, substantially in accordance with the report of the Chief of Engineers dated October 24, 1975, at an estimated cost of $35,800,000. The Secretary may construct the beach erosion control, navigation, or storm protection feature of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 506. The Secretary shall carry out a demonstration project for the removal of silt, aquatic growth, and other material in Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, and to construct silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River, at full Federal expense and at an estimated cost of $4,360,000.

SEC. 507. (a) The Secretary is authorized and directed to establish and conduct for a period of five years at multiple sites on the Ohio River and its tributaries a streambank erosion prevention and control demonstration program. The program shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately

predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slopes and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized mattings for vegetation seeding, and patterned schemes using manufactured blocks in loose, matted, or interconnected configurations;

(5) develop and evaluate engineering techniques to control overbank drainage;

(6) identify and quantify economic losses occurring along the Ohio River and its tributaries due to streambank erosion; and

(7) construct demonstration projects, including bank protection works.

(b) For each demonstration project and streambank measure undertaken under subsection (a) of this section, the Secretary shall evaluate the environmental impacts of such project or measure with respect to both riverine and adjacent land-use values, with the view of minimizing environmental losses.

(c) Demonstration projects authorized by this section shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, demonstration projects shall be conducted at sites on—

(1) that reach of the Ohio River between the Captain Anthony Meldahl Locks and Dam and the McAlpine Locks and Dam; and

(2) the Licking River.

(d) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

(e) The Secretary shall report to Congress each year on work undertaken pursuant to this section.

SEC. 508. The Secretary is authorized to construct, at full Federal expense, an elevated walkway on the Bird Island pier, located at the confluence of the Niagara River and Lake Erie, Buffalo, New York, in order to provide safe pedestrian access and prevent the loss of life, at an estimated cost of $4,500,000.

SEC. 509. The Secretary is authorized and directed to implement at full Federal cost snagging and clearing and channel rectification measures along the Passaic and Pequannock Rivers, New Jersey, from Beatties Dam in Little Falls on the Passaic River upstream to the confluence of the Pequannock River at Two Bridges, along the Pequannock River upstream to Pompton Plains Feeder Dam, and along tributaries of such rivers (including Singac Brook and Weasel Brook), including the modification of such structures, flood proofing, and flood warning measures as determined necessary by the Chief of Engineers, at an estimated cost of $25,000,000. None of the work authorized by this section shall affect the analysis of costs and benefits for projects presently being studied by the Secretary.

SEC. 510. The Secretary is authorized to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at an estimated cost of $6,140,000.

SEC. 511. The Secretary is authorized and directed to take such measures as may be necessary to correct erosion problems along the banks of the Red Lake River, Minnesota, approximately one and one-half miles west of Gentilly, Minnesota, adequate to protect the nearby highway and bridge, at an estimated cost $300,000.

SEC. 512. The Secretary is authorized to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood south, to remove natural shoals as they occur, at an annual average cost of $200,000, so as to allow commerce to continue. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

SEC. 513. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and stumps from Greenwood Lake and Belcher Creek, New Jersey, at full Federal expense and at an estimated cost of $10,000,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 514. (a) The Secretary shall take such action as may be necessary to remedy slope failures and erosion problems (1) along the banks of the Coosa River, Alabama, in order to protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in Elmore County, Alabama, at an estimated cost of $29,000,000, and (2) along the banks of the Black Warrior River, Alabama, in order to protect the Mound State Monument National Historic Landmark near Moundville, Alabama, at an estimated cost of $4,620,000. Such actions shall be coordinated with the Secretary of the Interior and the State of Alabama.

(b) Prior to initiation of construction of the project authorized by subsection (a), appropriate non-Federal interests shall agree—

(1) to provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and operation of the project;

(2) to hold and save the United States free from damage due to construction, operation, and maintenance of the project, not including damages due to the fault or negligence of the United States or its contractors;

(3) to accomplish without cost to the United States all modifications or relocations of existing sewerage and drainage facilities, buildings, utilities, and highways made necessary by construction of the project; and

(4) to maintain and operate all features of the project after completion, in accordance with regulations prescribed by the Secretary.

SEC. 515. The Secretary is authorized to undertake such measures as may be necessary to maintain the Larkspur Ferry Channel, Larkspur, California, at a depth sufficient for ferry boat service between Marin County and San Francisco, California, at an estimated cost of $500,000.

SEC. 516. The Secretary is authorized to perform dredging in Weeks Bay, Vermilion Bay, and Southwest Pass, Louisiana, to a depth of 13 feet, as necessary to provide a water access route to the Gulf of Mexico from the Port of Iberia Commercial Canal through Weeks Bay, Vermilion Bay, and Southwest Pass, at an estimated cost of $3,000,000.

SEC. 517. The Secretary is authorized to undertake in La Conner, Washington, such bank erosion control measures along the Swinomish Channel as the Secretary determines necessary to prevent damage to structures in the La Conner Historical District, at an estimated cost of $1,177,000.

SEC. 518. The Secretary is authorized to acquire from willing sellers in a timely manner at fair market value 67,000 acres of land for mitigation of wildlife losses resulting from construction and operation of the project for the Tennessee-Tombigbee Waterway, Alabama and Mississippi. Such lands shall be in addition to, and not in lieu of, lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Of the lands acquired under this section, not less than 20,000 acres shall be acquired in the area of the Mobile-Tensaw River delta, Alabama, and not less than 25,000 acres shall be acquired in the areas of the Pascagoula River, the Pearl River, and the Mississippi River delta, Mississippi. Other lands acquired under this section may be acquired anywhere in the States of Alabama and Mississippi. The Secretary shall select lands to be acquired under this section in consultation with appropriate State and Federal officials. Emphasis shall be placed on acquisition of lands which are predominantly flood plain forest. The States of Alabama and Mississippi shall provide for the management for wildlife purposes of lands acquired under this section and lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Subject to such amounts as are provided in appropriation Acts, the Secretary shall reimburse such States for such management and initial development costs as specified in a plan for management of mitigation lands to be developed by the Secretary, the United States Fish and Wildlife Service, and the States of Alabama and Mississippi.

SEC. 519. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from the southern portion of Sauk Lake in the vicinity of Sauk Centre, Stearns County, Minnesota, at full Federal expense and at an estimated cost of $1,400,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

TITLE VI—WATER RESOURCES STUDIES

SEC. 601. The Secretary is authorized and directed to prepare and submit to Congress feasibility reports on the following water resources projects at the following locations:

Illinois River in the vicinity of Hardin, Illinois, to recommend remedial measures for bank stabilization.

Kinnickinnic River, Milwaukee County, Wisconsin, for flood control and allied purposes.

SEC. 602. The Secretary is authorized and directed to undertake the detailed engineering and design for a flood control project at Milton, Pennsylvania, including, but not limited to, final construction plans at a cost not to exceed $2,500,000.

SEC. 603. The Secretary is hereby authorized and directed to make studies in cooperation with the Secretary of the Interior and the governments of Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the purposes of providing plans for the development, utilization, and conservation of water and related land resources of such jurisdiction, at an estimated cost of $2,000,000 for each of the four studies. Such studies shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development. Such studies shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

SEC. 604. (a) The Secretary shall make a study of the possibility of rehabilitating the hydroelectric potential at former industrial sites, millraces, and similar types of facilities already constructed and of the possibility of converting such sites for use as new, small hydroelectric projects. The Secretary shall also provide technical assistance to local public agencies and cooperatives in any such rehabilitation at sites studied or qualified for study under this section.

(b) There is authorized to be appropriated to carry out this section, $5,000,000 per fiscal year for the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

SEC. 605. (a) The Secretary shall investigate and study the feasibility of utilizing the capabilities of the United States Army Corps of Engineers to conserve fish and wildlife (including their habitats) where such fish and wildlife are indigenous to the United States, its possessions, or its territories. The scope of such study shall include the use of engineering or construction capabilities to create alternative habitats, or to improve, enlarge, develop, or otherwise beneficially modify existing habitats of such fish and wildlife. The study shall be conducted in consultation with the Director of the Fish and Wildlife Service of the Department of the Interior, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, and shall be transmitted, within the 30-month period beginning on the date of enactment of this Act, by the Secretary to Congress, together with the findings, conclusions, and recommendations of the Chief of Engineers. The Secretary, in consultation with the Federal officers referred to in the preceding sentence, shall undertake a continuing review of the matters covered in the study and shall transmit to Congress, on a biennial basis, any revisions to the study that may be required as a result of the review, together with the findings, conclusions, and recommendations of the Chief of Engineers.

(b) The Secretary is further authorized to conduct demonstration projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed $10,000,000 to carry out such demonstration projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. One of such demonstration projects shall be the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York.

SEC. 606. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to make a nationwide study and appraisal of the nature and scope of the Nation's flood problems and the effectiveness of existing programs, both structural and nonstructural, in reducing losses from floods, at an estimated cost of $5,000,000, and to report thereon to Congress within three years with recommendations on proposed modifications to existing laws and policies to improve the overall effectiveness of the nationwide efforts to reduce such losses. In the conduct of this study particular attention should be given to flood problems existing in highly developed urban watersheds and their relationships to local storm drainage and pollution control measures.

SEC. 607. Section 142 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by inserting immediately after "Napa," the following: "San Francisco, Marin,".

SEC. 608. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall determine the extent of shoreline erosion damage in the United States causally related to the regulation of the waters of Lake Superior by the International Joint Commission--United States and Canada, in response to an emergency application by the United States made on January 26, 1973. The Secretary shall report to Congress, not later than the end of the fiscal year following the fiscal year for which the initial appropriation is made to carry out this section, the results of such survey, together with recommendations of a methodology for, and a determination of, the costs of indemnifying individual shoreline property owners, and a recommended schedule for such indemnification. There is authorized to be appropriated to carry out this section not to exceed $2,130,000.

SEC. 609. The Secretary shall study the feasibility of requiring, in the interest of safety, each boat loading facility which is or has been built only after authorization by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), to display sufficient lighting from sunset to sunrise to make such facility's presence known within a reasonable distance. The Secretary shall transmit a report of such study, including recommendations to the Congress not later than September 30, 1984.

SEC. 610. (a) Not later than two years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an estimate of the long-range capital investment needs for water resources programs under the jurisdiction of the Secretary, including, but not limited to, deep-draft ports, inland waterway transportation, flood control, municipal and industrial water supply, and hydroelectric power and recreation and fish and wildlife conservation and enhancement associated with such programs.

(b) The estimate prepared under this section shall include, but not be limited to—

(1) an estimate of the current service levels of public capital investments and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(2) capital investment needs in each major program area over a period of ten years;

(3) an identification and analysis of the principal policy issues that affect estimated capital investment needs;

(4) an identification and analysis of factors that affect estimated capital investment needs including but not limited to the following factors:

(A) economic assumptions;

(B) engineering standards;

(C) estimates of spending for operation and maintenance;

(D) estimates of expenditures for similar investments by State and local governments;

(E) estimates of demand and need for public services derived from such capital investments and estimates of the service capacity of such investments; and

(F) the effects of delays in planning and implementation of water resources projects on the capital investment costs of water resources programs, including increased costs associated with interest rates and inflation; and

(5) a description of the economic, social, and environmental benefits realized from past investments and expected to be realized from future investments, including the protection of life and property.

SEC. 611. The Secretary is directed to expedite completion of the study of New York Harbor and Adjacent Channels, New York and New Jersey, authorized by a resolution of the Committee on Environment and Public Works of the Senate, dated December 15, 1980, and to submit a report to Congress on the results of such study not later than October 1, 1985.

SEC. 612. The Secretary is authorized to study the feasibility of identifying the amounts, types, and locations of flood control benefits produced by reservoir projects and of requiring non-Federal participation in such projects in proportion to the benefits received from such projects. The Secretary shall transmit a report on the results of such study together with recommendations to Congress not later than two years after the date of enactment of this Act.

SEC. 613. (a) The Secretary shall study and monitor the extent and adverse environmental effects of dioxin contamination in the Passaic River-Newark Bay navigation system.

(b) Not later than one year after the date of enactment of this Act, the Secretary shall transmit a report on the results of such study and monitoring along with any recommendations of the Secretary concerning methods of reducing the effects of such contamination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

SEC. 614. Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a list of water resources studies which have been authorized before the date of enactment of this Act and for which no report has been transmitted to the Congress. For each such study the Secretary shall include the following information:

(1) the date of authorization and the manner in which the study was authorized;

(2) a description of the purposes of the study;

(3) a description of funding that has been made available for the study;

(4) a description of any work that has been performed in carrying out the study; and

(5) a description of any work that remains to be done in carrying out the study and the time necessary for and estimated cost of completing such work.

For each such study the Secretary shall make a recommendation as to whether the study should continue to be authorized.

Sec. 615. (a) The Secretary shall prepare and submit the annual report required by section 8 of the Act of August 11, 1888, in two volumes. Volume I shall consist of a summary and highlights of Corps of Engineers' activities, authorities and accomplishments. Volume II shall consist of detailed information and field reports on Corps of Engineers' activities.

(b) The Secretary shall prepare biennially for public information a report for each State containing a description of each water resources project under the jurisdiction of the Secretary in such State and the status of each such project. The report for each State shall be prepared in a separate volume.

Sec. 616. The Secretary is authorized and directed to undertake a study of the feasibility of navigation improvements at Saginaw Bay and Saginaw River, Michigan, including channel widening and deepening. The Secretary shall submit the feasibility report on such study to the Congress not later than September 30, 1985.

Sec. 617. The Secretary is authorized to study the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos Verdes coastline, California, for the purpose of providing additional stabilization for the Portuguese Bend landslide area. The Secretary shall submit the feasibility report on such study to the Congress not later than two years after the date of enactment of this Act.

Sec. 618. The Secretary is directed to expedite completion of the study of the navigation project for Sunset Harbor, California, at an estimated cost of $820,000, and to submit a report to the Congress on the results of such study not later than October 1, 1984. The study shall include a determination of the feasibility of recovery of Federal project costs through Federal participation in the local economic benefits created by the construction and operation of the project.

Sec. 619. In order to determine the advisability of specific measures to diminish shoreline erosion, marsh deterioration, salt water intrusion, hurricane vulnerability, and barrier island destruction and to carry out reasonable planning efforts that require suitable sediment for nourishment, the Secretary is authorized to conduct a nearshore sediment inventory to determine availability of suitable sediment in the offshore waters of Louisiana between Southwest Pass and Sabine Pass and in Lake Pontchartrain and in Lake Borgne, at a cost not to exceed $2,000,000.

TITLE VII—PROJECT MODIFICATIONS

Sec. 701. The navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173, 1174) is hereby modified to provide that the United States shall pay for the remedial work to Long Creek Canal which the city of Virginia Beach, Virginia, was required to carry out as a result of such navigation project, at a cost not to exceed $1,660,000.

Sec. 702. The project for navigation on the Southern Branch of Elizabeth River, Virginia, authorized by resolutions of the Senate and House Public Works Committees, dated October 1, 1976, and September 23, 1976, respectively, under the provisions of section 201 of Public Law 89-298, is hereby modified to delete the requirement that local interests contribute in cash for land enhancement benefits 2.4 per centum of the construction cost, including engineering and design and supervision and administration thereof, of all work to be provided by the Corps of Engineers.

Sec. 703. The general comprehensive plan for flood control and other purposes in the Ohio River Basin authorized by the Flood Control Act approved June 28, 1938, is hereby modified to authorize the Secretary to reconstruct and repair the Cherry Street bridge and the Walnut Street bridge, Massillon, Ohio, at an estimated cost of $2,100,000. Non-Federal interests shall own, operate, and, upon completion of the work authorized by this section, maintain such bridges in accordance with the requirements of the Flood Control Act approved June 28, 1938.

Sec. 704. The navigation project at Mamaroneck Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1038), the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), and section 101 of the Rivers and Harbors Act of 1960 (74 Stat. 480) is hereby modified to provide that the Federal share of the additional cost of disposing in ocean waters dredged material resulting from dredging necessary to maintain the project, above the cost of disposing of such dredged material on land, shall be 80 per centum.

Sec. 705. The hurricane-flood protection project for Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298) is hereby modified to provide that the Secretary is authorized to construct features, such as a flood wall with sluice gates or other means, at an estimated cost of $3,500,000, to insure that, by the most economical means, the level of protection within Jefferson Parish provided by the hurricane-flood protection project will be unimpaired as the result of any pumping station constructed by local interests. Requirements for non-Federal cooperation for the additional work authorized by this section shall be on the same basis as levee improvements for hurricane-flood protection on this project.

Sec. 706. The project for Reelfoot Lake, Lake numbered 9, Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that operation of the pumping plant feature of such project shall be the responsibility of the United States.

Sec. 707. The Yaquina Bay and Harbor project, Oregon, authorized by the River and Harbor Act approved March 2, 1919, is modified to authorize the Secretary to raise the south jetty to protect vehicular access which was provided at non-Federal cost and to protect public use areas on accreted land adjacent to the south jetty, from damaging effects of overtopping of the jetty, on condition that local interests provide the necessary lands, easements, and rights-of-way for such modification. The estimated Federal construction cost of this modification is $2,200,000.

Sec. 708. The project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175) is hereby modified to authorize the Secretary, upon request of and in coordination with the Colorado Department of Natural Resources and upon the Chief of Engineers' finding of feasibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-Federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Chief of Engineers determines appropriate.

Sec. 709. The project for flood protection on the Sacramento River, California, authorized by the Flood Control Act approved March 1, 1917, as amended, is hereby further modified to authorize the Secretary to construct bank protection works along the reach of the Sacramento River and its tributaries from Red Bluff to Shasta Dam, and from Chico Landing downstream along each bank to the head of the Sacramento River flood control project levees, subject to the same requirements of non-Federal cooperation applicable to other similar elements of the project, and to include mitigation of fish and wildlife losses induced by the project. The evaluation and justification of the project shall be based on the overall benefits and costs of all project elements. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $25,000,000 to carry out the purposes of this section.

Sec. 710. The project for King Harbor, Redondo Beach, California, authorized in the River and Harbor Act of 1950, is hereby modified to provide that all costs of the dredging and maintenance of such project shall be borne by the United States and that the Secretary shall restore the breakwaters to a height of 22 feet and maintain the breakwaters at such height. The Secretary is authorized to study the need for and feasibility of raising the breakwater to a height greater than 22 feet. Not later than two years after the date of enactment of this Act, the Secretary shall make a report of such study with recommendations to the Congress.

Sec. 711. The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is hereby modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 per centum of the estimated first cost of the general navigation facilities for the project, ascribed to land enhancement through disposition of dredged material.

Sec. 712. The navigation project for Santa Cruz Harbor, Santa Cruz, California, authorized in section 101 of the River and Harbor Act of 1958 (Public Law 85-500) is hereby modified to provide that 100 per centum of the cost of operating and maintaining the sand bypassing facility authorized as part of such project shall be paid by the United States. In addition, such project is further modified to authorize the Secretary to undertake such maintenance dredging outside the boundaries of the authorized project as may be necessary to prevent or mitigate shoaling, surge, and related problems in the harbor.

Sec. 713. The project for the mouth of the Colorado River, Texas, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the diversion channel authorized as a part of such project to divert Colorado River flows into Matagorda Bay shall be constructed and maintained entirely at Federal expense and for the purpose of fish and wildlife enhancement, at an estimated additional construction cost of $425,000. The benefits attributable to the diversion channel shall be deemed to at least equal its costs.

Sec. 714. The project for the town of Niobrara, Nebraska, authorized by section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby modified to authorize and direct the Secretary to relocate existing Nebraska Highway Numbered 12 through the relocated town of Niobrara, Nebraska, with necessary connections to Nebraska Highway Numbered 14, at an estimated cost of $1,600,000.

Sec. 715. The comprehensive plan for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 10), as modified by Public Law 83-436, approved June 29, 1954 (68 Stat. 302), is further modified as follows: the plan for the Coosa River segment of the waterway between Montgomery and Gadsden, Alabama, is hereby modified generally in accordance with the plans contained in the report of the District Engineer, Mobile District, entitled "Montgomery to Gadsden, Coosa River Channel, Alabama, Design Memorandum No. 1, General Design", dated May 1982, subject to such modification thereof from time to time as the Secretary may deem advisable. The interest rate to be used in determining benefits and costs of the modified project shall continue to be that rate which is applicable to the project as originally authorized.

Sec. 716. (a) The LaFarge Dam project for flood control and allied purposes for the Kickapoo River, Wisconsin, authorized by the Flood Control Act of 1962, is hereby modified to authorize and direct the Secretary to construct as soon as possible and with available funds, the flood control levee, channel improvement, and interior drainage facilities for Gays Mills, Wisconsin, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 450, Eighty-seventh Congress, at an estimated cost of $4,000,000. The project features authorized by this section may be funded under section 205 of the Flood Control Act of 1948, as amended. Benefits and costs resulting from construction of such project features shall continue to be included for purposes of determining the economic feasibility of completing the partially constructed LaFarge Dam.

(b) The Secretary is authorized and directed to complete as soon as possible a reconnaissance study under section 205 of the Flood Control Act of 1948 with respect to such structural and nonstructural measures as the Secretary determines are necessary and appropriate to prevent flood damage in the vicinity of Viola, Wisconsin.

Sec. 717. The project for flood control in East Saint Louis and vicinity, Illinois, authorized by section 204 of the Flood Control Act of 1965, is hereby modified to authorize the Secretary to provide drainage channels in conjunction with the pumping plant to improve project effectiveness and the local environment, substantially in accordance with the report of the District Engineer, Saint Louis district, entitled "Reevaluation Report, Bluewaters Ditch area", dated September 1976, at an estimated additional cost of $1,130,000.

Sec. 718. The project for flood protection at Winona, Minnesota, authorized under the provisions of section 201 of the Flood Control Act of 1965, is hereby modified to provide that changes to two bridges within the limits of the city of Winona, Minnesota, made necessary by the project and its present plan of protection, shall be accomplished entirely at Federal expense, at an estimated cost of $630,000.

Sec. 719. The project for flood control, Wenatchee, Washington, Canyons 1 and 2, authorized by resolution of the Committees on Public Works of the House of Representatives and Senate on December 15 and 17, 1970, respectively, is hereby modified, notwithstanding any other provision of law (including section 302 of this Act), to authorize the Secretary to acquire lands, easements, and rights-of-way and to make relocations for such project on condition that local interests enter into a legally binding agreement before construction to reimburse the United States for the non-Federal share of the cost of such project, including interest on the unpaid balance, in not more than fifty equal annual installments. The non-Federal share of the cost of such project shall be determined under such section 302. The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85-500).

Sec. 720. The project for replacement of locks and dam 26, Mississippi River, Alton, Illinois and Missouri, authorized by section 102 of the Act of October 21, 1978 (Public Law 95-502), is modified to provide for the repair of the Red School House County Road, St. Charles County, Missouri, to such standard as the Secretary determines reasonable, but in no event to a standard less than the minimum standard required by such county.

Sec. 721. (a) Subsection (a) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and thereafter to maintain such channel free of such trees, roots, silt, debris, and objects.".

(b) Subsection (b) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at end thereof the following new sentence: "Non-Federal interests shall pay 25 per centum of the cost of maintaining the channel free of such trees, roots, silt, debris, and objects.".

Sec. 722. Subsection (a) of section 92 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in the third sentence thereof, by striking out "Each installment" and inserting in lieu thereof "Except as provided in paragraph (2) of this subsection, each installment"; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary of the Army, acting through the Chief of Engineers, shall, upon the request of Saint Bernard Parish, Louisiana, modify the agreement entered into between the Secretary and Saint Bernard Parish pursuant to this section so that each installment to be paid by Saint Bernard Parish as its part of the non-Federal share of the cost of the hurricane-flood protection project on Lake Pontchartrain, Louisiana, shall be one-fiftieth of the remaining unpaid balance as set forth in such agreement plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment of such balance, plus interest, within fifty years of the initiation of project construction.".

Sec. 723. The second sentence of subsection (b) of section 116 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended to read as follows: "The Secretary of the Army, acting through the Chief of Engineers, shall, before beginning any operation to maintain the channel authorized by this section, enter into a separate agreement with the appropriate non-Federal interests which is applicable only to that operation and which requires such non-Federal interests to pay 25 per centum of the cost of such maintenance operation.".

Sec. 724. The second paragraph under the center heading "Brazos River Basin" in section 10 of the Flood Control Act of 1946 (60 Stat. 649), is amended by inserting "or water supply" after "irrigation".

Sec. 725. The project for navigation at Houston Ship Channel (Greens Bayou), Texas, authorized under section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is hereby modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a forty-foot project depth in that section of Greens Bayou from mile 0 to mile 0.34 as described in House Document Numbered 257, Eighty-ninth Congress.

Sec. 726. The Secretary is authorized to modify any water resources development project for mitigation of damages to fish and wildlife if the estimated cost of such modification does not exceed 10 per centum of the estimated total cost of such project or $7,500,000, whichever is the lesser. No appropriation shall be made for any such modification of a project if such modification has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration of such approval, the Secretary shall transmit to Congress a report of such modification, including all relevant data and all costs.

Sec. 727. (a) Bank protection activities conducted under the Rio Grande bank protection project pursuant to the First Deficiency Appropriation Act, 1945, approved April 25, 1945 (59 Stat. 89), may be undertaken in Starr County, Texas, notwithstanding any provision of such Act establishing the counties in which such bank protection activities may be undertaken, at an estimated cost of $700,000.

(b) Any bank protection activity undertaken in Starr County, Texas, pursuant to subsection (a) of this section shall be—

(1) in accordance with such specifications as may be prepared for such purpose by the International Boundary and Water Commission, United States and Mexico; and

(2) except as provided in subsection (a), subject to the terms and conditions general-

ly applicable to activities conducted under the Rio Grande bank protection project.

Sec. 728. The project for the Anacostia River and tributaries, District of Columbia and Maryland, approved under authority of section 205 of the Flood Control Act of 1948, is hereby modified to authorize the Secretary to prevent damage to the project caused by the one hundred-year flood, including, but not limited to, replacing riprap, removing sediment deposits, shaping and sodding slopes, and seeding, at an estimated cost of $4,400,000.

Sec. 729. The Richard B. Russell Dam and Lake Project, authorized by the Flood Control Act of 1966 (80 Stat. 1420), is hereby modified to authorize the Secretary to provide such power to the city of Abbeville, South Carolina, as the Secretary determines to be necessary to mitigate the reduction in hydroelectric power produced at the city-owned hydroelectric plant at Lake Secession caused by the construction and operation of such project. Such power shall be provided to the city of Abbeville for a period not to exceed the remaining service life of such hydroelectric plant as part of the operational requirements and costs of the project, under such terms and conditions as the Secretary determines to be appropriate.

Sec. 730. The navigation project for Yazoo River, Mississippi, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the cost of the alteration of the Shepardstown Bridge (mile 147.8) shall be entirely borne by the United States, at an estimated cost of $3,600,000.

Sec. 731. The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is hereby modified to authorize and direct the Secretary to construct the project for unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake Boulevard, substantially in accordance with the plan, dated February 1977, on file in the office of the San Francisco district engineer. The plan is hereby further modified to authorize and direct the Secretary to construct such flood proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. The non-Federal share of the costs of such measures shall be in accordance with the cost-sharing provisions contained in section 73(b) of the Water Resources Development Act of 1974. The project is hereby further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard.

Sec. 732. The project for improvement of the Mississippi River below Cape Girardeau with respect to the Teche-Vermilion Basins, Louisiana, authorized in the Flood Control Act of 1966, is hereby modified to require the Secretary to relocate at Federal expense the Highway 71 bridge required to be relocated by this project or, at his discretion, to reimburse local interests for such relocation carried out by them at an estimated cost of $1,200,000.

Sec. 733. The Granger Dam project, San Gabriel River, Texas, is modified to require the Secretary to elevate, relocate, or make such other changes as may be necessary to insure that county roads numbered 361 and 428, including bridges, Williamson County, Texas, be upgraded to conform to the same standards as relocated FM Road numbered 971 at a cost not to exceed $3,800,000. The work authorized by this section shall not be commenced until appropriate non-Federal interests agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance.

Sec. 734. The project for Lewisville Lake, Texas, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to insure that approximately four thousand feet, including bridges and approaches, of the road crossing Cottonwood Branch of Lewisville Lake, Texas, formerly designated State Highway 24T, will be above elevation five hundred and thirty-two feet above mean sea level, at an estimated cost of $3,200,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to accept all such work thereafter for operation and maintenance.

Sec. 735. The project for Dardanelle lock and dam, Arkansas, authorized by the River and Harbor Act approved July 24, 1946, is hereby modified to authorize and direct the Secretary to take such action as may be necessary to replace the existing bridge across Cane Creek, Logan County, Arkansas, with a new bridge at an estimated cost of $1,800,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance and no other requirements shall be imposed on non-Federal interests in connection with this work.

Sec. 736. The project for flood protection on the Susquehanna River at Sunbury, Pennsylvania, authorized by the Flood Control Act of 1936, as modified by the Flood Control Act of 1941, is hereby modified to authorize and direct the Secretary to permanently seal the closure structure at the abandoned Reading Railroad site, at an estimated cost of $75,000.

Sec. 737. The project for the Hudson River, New York; New York City to Waterford authorized by the Act of June 25, 1910 (Public Law 318, Sixty-first Congress), as amended, is modified to authorize the Secretary to remove shoals between the mouth of Roeliff Jansen Kill, Columbia County, New York, and the present navigation channel and to place such removed material at an appropriate site designated by the State of New York, at an estimated cost of $150,000.

Sec. 738. The flood control project for the San Lorenzo River, Santa Cruz County, California, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary to dredge the San Lorenzo River to provide flood protection to Santa Cruz, California, and surrounding areas, entirely at Federal expense, at an estimated cost of $3,500,000. No dredging of such river (other than that authorized by the preceding sentence) shall be accomplished by the Secretary, except as provided in a law enacted after the date of enactment of this Act.

Sec. 739. The project for flood protection along the Sacramento River and its tributaries, California, authorized by the Flood Control Act of 1917, as amended, is hereby modified to authorize and direct the Secretary to accomplish remedial construction necessary to restore the project flood control levees along the Colusa Trough Drainage Canal and the Knights Landing Ridge Cut, at an estimated cost of $10,400,000.

Sec. 740. The project for New Melones Dam and Reservoir, California, authorized by the Flood Control Act of 1962 is hereby modified to authorize the following roads to be upgraded to Federal-aid secondary system standards: (1) 5.1 miles of the Parrotts Ferry Road, from north of the Parrotts Ferry Bridge to State Route 4 at Vallecito, Calaveras County, California, and (2) 5.4 miles of Parrotts Ferry Road from south of the Parrotts Ferry Bridge to State Route 49 near Sonora, Tuolumne County, California, at an estimated Federal cost of $15,000,000. The cost of the work authorized by this section shall be paid entirely by the United States.

Sec. 741. After the date of the enactment of this section, the Secretary of the Army shall have all of the authority which the Secretary of the Air Force has immediately prior to such date over the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona. The Secretary is authorized to take necessary remedial measures to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona, constructed under authority of section 304 of Public Law 209 of the Eighty-third Congress, at an estimated cost of $7,500,000.

Sec. 742. The Secretary is authorized to acquire real property by condemnation, purchase, donation, exchange, or otherwise, as a part of any water resources development project for use for public park and recreation purposes, including but not limited to, real property not contiguous to the principal part of the project.

Sec. 743. The following water resources development projects are modified to authorize the Secretary to construct the beach erosion control, storm protection, or navigation feature of the project separately or in combination with the other such features:

(1) Great Egg Harbor Inlet and Peck Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965 (79 Stat. 1073, 1074).

(2) Corson Inlet and Ludlam Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(3) Townsend Inlet and Seven Mile Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

Sec. 744. The project for the Apalachicola-Chattahoochee-Flint Rivers, Georgia and Florida, authorized in section 2 of the River and Harbor Act of 1945 (Public Law 79-14; 59 Stat. 10) is hereby modified to authorize the Secretary—

(1) in the course of routine maintenance dredging, to restore and maintain access (in the interest of navigation and ecological restoration) to bendways and interconnecting waterways, including the upper and lower inlets to Poloway cutoff, isolated during construction and maintenance activities by the Federal Government; and

(2) to acquire lands for and to construct, operate, and maintain water-related public

use and access facilities along and adjacent to the Apalachicola River downstream of Jim Woodruff lock and dam to Apalachicola, Florida, except that the Secretary shall proceed with the acquisition of lands for the construction of water-related public use and access facilities and the operation and maintenance of such facilities at not more than one area within each county bordering the Apalachicola River.

The Federal and non-Federal share of activities authorized by paragraph (2) of this subsection shall be determined in accordance with the provisions of the Federal Water Project Recreation Act of 1965 (Public Law 89-72; 79 Stat. 213).

Sec. 745. In order to assure adequate flood protection for developed areas in the vicinity of the Cowlitz and Toutle Rivers, Washington, and to improve navigation in the Columbia River, the navigation project on the Cowlitz River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 665), is hereby modified to authorize the Secretary to implement and maintain interim flood control measures on the Cowlitz and Toutle Rivers by dredging or other means determined by the Secretary to be necessary to assure flood protection for developed areas in the vicinity of such rivers against a one-hundred-year flood on the lower Cowlitz River and to reduce sedimentation flow and the chance of blockage on the Columbia River.

Sec. 746. The project on Milk River for local flood protection at Havre, Montana, authorized by section 10 of the Flood Control Act approved December 22, 1944 (58 Stat. 897), is hereby modified to authorize the Secretary to reconstruct or replace, whichever the Chief of Engineers determines necessary and appropriate, the water supply intake weir of the city of Havre, Montana, at an estimated cost of $1,400,000.

Sec. 747. The Lower Granite lock and dam feature of the project for navigation, Snake River, Oregon, Washington, and Idaho, authorized by the first section of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is hereby modified to authorize the Secretary to construct an all-weather surface road in Whitman County, Washington, from Whitman County Road 9000 in Wawawai Canyon to Lower Granite Dam and the Port of Almota, at an estimated cost of $7,870,000.

Sec. 748. The project for Curwensville Lake, Pennsylvania, authorized by the Flood Control Act of 1954 is hereby modified to authorize the Secretary to construct, at full Federal expense, a water line with pumps from the Pike Township Water Authority to the Bloomington holding tank in order to provide water for municipal use to the town of Bloomington, Pennsylvania, at an estimated cost of $300,000.

Sec. 749. The project for flood protection, Waterloo, Iowa, authorized by section 204 of the Flood Control Act of 1965 is hereby modified to provide that the reconstruction of the bridge on United States Highway 20 and the Lafayette Street bridge which are required as a result of the Blowers Creek phase of the project shall be carried out at full Federal expense, at an estimated cost of $1,700,000.

Sec. 750. The Mud Lake feature of the project for the western Tennessee tributaries, Tennessee and Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that the requirements of local cooperation shall be (1) to hold and save the United States free from damages due to the construction works, and (2) to maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary.

Sec. 751. The project for flood control on the Kawkawlin River, Michigan, authorized under the authority of section 205 of the Flood Control Act of 1948, as amended, is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary, at an estimated annual cost of $70,000.

Sec. 752. The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938 (52 Stat. 1219), as amended, is hereby modified to provide that the Secretary is authorized to reallocate from hydropower storage to water supply storage, in increments as needed, up to an additional 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Texas and up to 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Oklahoma. For that portion of the water storage reserved for users in the State of Oklahoma, the Secretary may contract, in increments as needed, with qualified individuals, entities, or water utility systems for use within the Red River Basin; except that for any portion of that water to be utilized outside the Red River Basin, the Secretary shall contract with the RedArk Development Authority. For the portion of the water storage reserved for users in the State of Texas, the Secretary shall contract, in increments as needed, for 75,000 acre-feet with the Greater Texoma Utility Authority, and for the remaining 75,000 acre-feet with the Texoma Regional Planning Commission; except that if either body lacks the authority to so contract, a reasonable length of time will be extended for the required legislative or statutory authority to be granted. All contracts entered into by the Secretary under this section shall be under terms in accordance with section 301(b) of the Water Supply Act of 1958 (Public Law 85-500). Nothing in this section shall be construed as amending or altering in any way the Red River Compact. In consideration of benefits in connection with such reallocation and usage of municipal, industrial, and agricultural water, all benefits that can be assigned to the Arkansas-Red River chloride control project, Texas and Oklahoma, or the Red River and tributaries multipurpose study, Oklahoma, Texas, Arkansas, and Louisiana, and any individual projects arising from such study, shall be reserved for such projects. Nothing in this section shall affect water rights under the laws of the States of Texas and Oklahoma.

Sec. 753. The navigation project for Buffalo Ship Canal, Buffalo, New York, authorized by the River and Harbor Act of March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to ensure that a lift span bridge at South Michigan Avenue over the ship canal shall be restored and the cost shall be entirely borne by the United States, at an estimated cost of $18,000,000.

Sec. 754. The project for Jackson Hole, Snake River, local protection and levee, Wyoming, authorized by the River and Harbor Act of 1950, is hereby modified to provide that the operation and maintenance of the project and additions and modifications thereto constructed by non-Federal interests shall be the responsibility of the Secretary, except that the non-Federal interests shall pay the first $35,000, in cash or materials, of the cost of any such operation and maintenance in any one year.

Sec. 755. The project for navigation for Newport Bay Harbor, Orange County, California, authorized by the River and Harbor Act approved August 26, 1937 (50 Stat. 849), and section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is modified to authorize the Secretary to dredge and maintain the upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth consistent with the depth in the existing project for lower Newport Bay, at an estimated cost of $2,500,000.

Sec. 756. The project for flood control and other purposes in the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is modified to provide that the Chatfield Dam and any other authorized Federal improvements in the South Platte River Basin shall be operated in a manner that achieves the authorized level of flood protection, as determined by the Secretary, for the area beginning at the Chatfield Dam and ending at a point 82 miles downstream.

Sec. 757. The multipurpose project at Beaver Lake, Arkansas, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and in consultation with appropriate State and local agencies, to conduct a one-year comprehensive study of the Beaver Lake reservoir to identify measures which will optimize achievement of the project's purposes while preserving and enhancing the quality of the reservoir's water. Upon completion of the study the Secretary shall undertake a demonstration project at Beaver Lake to determine the effectiveness of measures identified in such study for preserving and enhancing the quality of the reservoir's water for current and future users, at full Federal expense and at an estimated cost of $5,000,000.

Sec. 758. (a) The Mississippi River-Gulf outlet feature of the project for Mississippi River, Baton Rouge to Gulf of Mexico, authorized by the Act of March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65), is modified to provide that the replacement and expansion of the existing industrial canal lock and connecting channels or the construction of an additional lock and connecting channels shall be in the area of the existing lock. The Federal share of the cost of such modification shall be paid from the Port Infrastructure Development and Improvement Trust Fund. The conditions of local cooperation specified in House Document Numbered 245, Eighty-second Congress, shall apply to the construction of the replacement or additional lock and connecting channels, except that the additional costs, as determined by the Chief of Engineers, of lands, easements, and rights-of-way acquisition and relocations of residences, industries, and utilities beyond those costs at the Meraux site (Violet), including such costs attributable to the relocation, replacement, modification, or construction of bridges, shall be borne by the United States. All other costs of relocation, replacement, modification, or construction of bridges (at a cost not to exceed $94,500,000), required as a result of the construction of the replacement or additional lock and connecting channels shall be borne by the United States; and before construction of bridges may be initiated the non-Federal public bodies involved shall agree (1) to hold and save the United States free from damages resulting from construction of the bridges and their approaches, (2) upon completion of construction, to accept title to such bridges and approaches and thereafter to operate and maintain the bridges and their approaches as free facilities.

(b) The Secretary is directed to make a maximum effort to assure the full participation of members of minority groups, living in the affected areas, in the construction of the replacement or additional lock and connecting channels authorized by subsection (a) of this section, including actions to encourage the use, wherever possible, of minority-owned firms. The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

Sec. 759. The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85-500), is modified (1) to provide that the Secretary shall first construct the Flint and Shiawassee Rivers portion of the Shiawassee Flats unit of such project and that such construction shall begin, with available funds, during fiscal year 1984, and (2) to authorize the Secretary to reconstruct or relocate, whichever the Secretary determines is necessary, the Curtis Road Bridge, at full Federal expense and at an estimated cost of $350,000. Such project is also modified to include necessary measures to alleviate project-induced flood damages to areas outside the project area and to include such channelization measures in the Shiawassee Flats unit as the Secretary determines necessary for flood control purposes. For the purpose of determining the non-Federal share of the cost of the project, as modified, the cost of reconstruction or relocation of the Curtis Road Bridge, as the case may be, shall not be included in the cost of the project.

Sec. 760. The navigation project for Brunswick Harbor, Georgia, authorized by the River and Harbor Act of 1950, is hereby modified to incorporate the Georgia Ports Authority's 30-foot-deep by 300-foot-wide by 8,000-foot-long channel in the South Brunswick River serving Colonel's Island terminal facilities.

Sec. 761. The project for navigation at Houston Ship Channel (Barbour Terminal Channel), Texas, authorized by section 107 of the River and Harbor Act of 1960 (74 Stat. 486), is modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a 40-foot project depth in the Barbour Terminal Channel.

TITLE VIII—WATER SUPPLY

Subtitle A—Loan Program

Sec. 801. This subtitle may be cited as the "Water Supply Rehabilitation and Conservation Act of 1983".

Sec. 802. The Congress hereby finds that—

(1) many water supply systems are in deterioration and that authority has not been granted to any Federal water development agency to assist many existing municipal and industrial water supply systems;

(2) certain regions of the Nation are facing serious water supply problems and large quantities of water are being wasted as a result of aging and deteriorating water supply and distribution facilities;

(3) modernizing existing water supply systems is an important part of any effort to rejuvenate the Nation's older cities and remove impediments to economic growth;

(4) many water supply systems have experienced difficulty in obtaining capital necessary to accomplish repairs, rehabilitations, expansions, and improvements required for efficient and reliable operation;

(5) in light of historic and continuing Federal involvement in meeting many other water supply needs, there is a national need to rehabilitate and upgrade existing water supply systems;

(6) in all regions of the country and in all circumstances in which the Federal Government is involved in providing water supply, it is essential to promote water conservation; and

(7) encouraging the use of low-flow devices in new construction, improving metering and rate schedules and leak detection programs, and adopting other water conservation methods saves water and energy.

Sec. 803. For purposes of this subtitle—

(1) The term "expansion", as used with respect to a water supply system, means the installation of water supply facilities necessary to increase the service capability or efficiency of the water supply system.

(2) The term "improvement", as used with respect to a water supply system, means any activity other than rehabilitation designed to improve service reliability or efficiency of the water supply system.

(3) The term "rehabilitation", as used with respect to a water supply system, means the repair or replacement of components or facilities required to restore service reliability or efficiency of the water supply system.

(4) The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(5) The term "water supply system" means the facilities used in the production and pumping of water for consumption (including, but not limited to, water storage, desalination, and other collection and purification techniques), water treatment facilities (other than sewage treatment facilities), and the water distribution and conveyance facilities used to provide water for municipal and industrial purposes.

Sec. 804. (a) Subject to the provisions of this subtitle, the Secretary may make loans to—

(1) any department, agency, or instrumentality of one or more State or local governments which operates a water supply system, and

(2) any person who operates a water supply system the rates and services of which are subject to regulation by a department, agency, or instrumentality of a State government,

for the purpose of repair, rehabilitation, expansion, or improvement of such system.

(b)(1) Subject to the provisions of section 810, the amount of any loan under this subtitle shall not exceed 80 per centum of the cost of the project for which the loan is made. Such costs shall include, but not be limited to, the costs of (A) engineering, (B) design, and (C) acquisition of water rights, lands, easements, and rights-of-way, necessary to carry out the project.

(2) The Secretary may not lend under this subtitle in any fiscal year (A) more than $40,000,000 to any operator of a water supply system, and (B) more than $80,000,000 for water supply projects in any State.

(c) No loan may be made under this subtitle for any purpose not related to water supply or water conservation.

(d) No loan may be made under this subtitle for the purpose of acquisition by a supplier of water of any other supplier of water serving a population of more than 1,000 persons.

(e) No loan may be made under this subtitle for any project which is intended solely to increase the number of persons served by a water supply system.

(f)(1) For the purpose of securing consideration and approval of loans under this subtitle, not later than 180 days after the date of enactment of this Act, and not later than January 15 of each year thereafter, the Secretary shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate (hereinafter in this subsection referred to as "the committees") a list of any applications for loans fulfilling all requirements for loans under this subtitle, a detailed summary of all such applications, and a recommendation of approval or disapproval for a loan for each such application. Not later than 270 days after the date of enactment of this Act, and not later than May 15 of each year thereafter, the committees shall adopt a resolution listing those loans, if any, approved under this subtitle. Except for loans authorized by section 813 of this Act, no appropriation shall be made for any loan under this subtitle if the application for such loan has not been approved by such resolution adopted by the committees.

(2) Any loan approved and authorized for appropriations pursuant to the provisions of paragraph (1) of this subsection shall not be authorized after the 5-year period beginning on the date of approval of such loan by the committees unless during such period funds have been obligated for such loan under this subtitle.

Sec. 805. (a) Any operator of a water supply system seeking a loan under this subtitle shall submit an application to the Secretary for such loan in such form and manner as the Secretary may require by regulation. Each such application shall be accompanied by a payment of one percent of the amount of the loan requested in such application (but in no event more than $10,000).

(b) Any application for a loan under this subtitle shall include, among other things (1) a detailed plan and estimated cost of the project for which the loan is applied, (2) a showing (A) that the applicant holds or can acquire all lands and interests in land (except public and other lands and interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by the Secretary) and rights to the use of water pursuant to applicable State law necessary for the successful completion, operation, and maintenance of the project, and (B) that the applicant is ready, willing, and able to finance the portion of the cost of the project which will not be covered by the loan, and (3) a showing of the improvements the proposed project will make in supplying water for domestic, commercial, and industrial purposes, as well as public purposes including fire protection and recreation.

(c) The Secretary may only make loans under this subtitle with respect to projects which the Secretary determines are technologically feasible and which constitute a reasonable financial risk.

(d) In making loans under this subtitle, the Secretary shall give priority to those water supply systems which are polluted, contaminated, or threatened with pollution or contamination, to such an extent that they present a potential danger to human health.

Sec. 806. Upon approval or disapproval of a loan application under this subtitle by the Secretary, the Secretary shall pay the applicant the amount by which the payment made by such applicant under section 805(a) with respect to such application exceeds the cost incurred by the Secretary in processing such application.

Sec. 807. (a) The Secretary may only make loans under this subtitle to an operator of a water supply system if the Secretary determines that, before completion of the proposed project, the operator will, to the best of the operator's ability, implement a model water conservation program or a water conservation program, suitable to local conditions, which is equivalent to a model water conservation program.

(b) For purposes of this section, the term "model water conservation program" includes the following:

(1) Encouraging each community served by the water supply system to establish plumbing codes which promote water conservation in new construction.

(2) To the extent feasible and appropriate, utilizing water meters which promote water conservation.

(3) Establishing water rate schedules which encourage water conservation.

(4) Providing a comprehensive leak detection and repair program for water supply systems.

(5) Making public information available on home and business water conservation techniques and benefits.

(6) Developing a drought contingency plan.

Sec. 808. The Secretary shall enter into an agreement with each person to whom a loan is to be made under this subtitle. Subject to the provisions of section 810, such agreement shall include the following terms, among others:

(1) The maximum amount of the loan to be made and the time and method of making funds available under the loan.

(2) An interest rate for the loan determined in accordance with section 301(b) of the Water Supply Act of 1958 (72 Stat. 319; Public Law 85-500).

(3) Computation of interest in accordance with such section 301(b).

(4) A repayment period and a plan of repayment of the sums lent and interest determined in accordance with such section 301(b).

(5) Such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan and interest, including a provision that the operator of the water supply system shall maintain adequate rates in order to be reasonably expected to meet its obligations under the agreement and to maintain, repair, and rehabilitate the project for which the loan is made.

Sec. 809. Amounts paid with submission of loan applications under section 805(a) and amounts of loans (including interest accruing on such loans) repaid under this subtitle shall be deposited in the general fund of the Treasury.

Sec. 810. The Secretary may increase the maximum percentage of the cost of a project for which a loan may be made under this subtitle if the project for which the loan is made will serve a remote rural area or if the Secretary determines that such increase is appropriate for economic reasons.

Sec. 811. The Secretary shall issue such regulations and carry out such actions as may be necessary to carry out the objectives of this subtitle.

Sec. 812. There is authorized to be appropriated to carry out this subtitle $600,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, and September 30, 1987, and such sums as may be necessary for each fiscal year thereafter.

Sec. 813. The following water supply projects are authorized to receive loans under this subtitle:

(1) Treatment, conveyance, distribution, and pumping facilities for Buffalo, New York, at an estimated cost of $20,000,000.

(2) Treatment, conveyance, distribution, and pumping facilities for Berlin, New Hampshire, at an estimated cost of $10,000,000.

(3) Treatment, conveyance, distribution, and pumping facilities for Rochester, New Hampshire, at an estimated cost of $10,000,000.

(4) Treatment, conveyance, distribution, pumping, and storage facilities for the Islands of Saint Thomas, Saint Croix, and Saint John, Virgin Islands, at an estimated cost of $35,000,000.

(5) Conveyance, distribution, pumping, and storage facilities for Dupage County, Illinois (Dupage County Commission), at an estimated cost of $280,000,000.

(6) Conveyance facilities (Third Water Tunnel, First Stage) for New York City, at an estimated cost of $220,000,000.

(7) Treatment, conveyance, distribution, pumping, and storage facilities for Fort Smith and Van Buren, Arkansas, at an estimated cost of $25,000,000.

(8) Treatment, conveyance, distribution, production, pumping, and storage facilities for American Samoa, at an estimated cost of $20,000,000.

(9) Treatment, pumping, and conveyance facilities for William H. Harsha Lake, Ohio River Basin, Ohio, at an estimated cost of $18,400,000.

(10) Treatment, conveyance, distribution, and pumping facilities for Totowa, New Jersey (Passaic Valley Water Commission), at an estimated cost of $25,000,000.

(11) Conveyance, pumping, and distribution facilities for Jersey City, New Jersey, at an estimated cost of $15,000,000.

(12) Treatment, conveyance, pumping, distribution, production, and storage facilities for Rockaway Township, New Jersey, at an estimated cost of $10,000,000.

(13) Treatment, conveyance, pumping, distribution, production, and storage facilities for Falmouth, Kentucky, at an estimated cost of $2,500,000.

(14) Treatment, distribution, pumping, and storage facilities for the Borough of Ford City, Pennsylvania, at an estimated cost of $1,600,000.

(15) Treatment, conveyance, distribution, pumping, and storage facilities for Tucson, Arizona, at an estimated cost of $50,000,000.

(16) Conveyance, pumping, and distribution facilities for Boston, Massachusetts, at an estimated cost of $86,000,000.

Subtitle B—Water Supply Projects

Sec. 851. (a) The Congress declares that there is a national interest in the conservation of existing water supplies and in the development of new water supplies, on an economical basis, for domestic, municipal, industrial, and other public purposes through Federal participation in the repair, rehabilitation, and improvement of water supply systems and through Federal construction of single and multiple purpose water supply projects.

(b) In carrying out a policy to encourage a more efficient use and adequate supply of water as a way to benefit municipal and industrial development, wetland preservation, fish and wildlife protection, and other national purposes, the Secretary is authorized and directed to survey, plan, and recommend to the Congress (1) projects for the repair, rehabilitation, expansion, and improvement of water supply systems (including, but not limited to, demand-reducing techniques), and (2) projects for the construction of single and multiple purpose water supply systems (including, but not limited to, storage, treatment, conveyance, and distribution facilities) needed to meet existing and anticipated future demand, consistent with the policies set forth in this section. No appropriation shall be made for any such survey if such appropriation has not been approved by resolution adopted by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(c)(1) Except as provided in paragraph (2), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any project carried out pursuant to a survey undertaken under subsection (b). If the value of the lands, easements, and rights-of-way so provided is less than 20 per centum of the cost of the project allocable to municipal and industrial water supply (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary before construction of the project an amount equal to the excess of (A) the amount equal to 20 per centum of such cost, over (B) the value of such lands, easements, and rights-of-way.

(2) If the Secretary estimates before the beginning of construction of any project to which paragraph (1) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project allocable to municipal and industrial water supply which is greater than 20 per centum, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 20 per centum of the estimated cost of the project allocable to municipal and industrial water supply.

(3) An amount equal to the cost of the project allocable to municipal and industrial water supply less the value of lands, easements, and rights-of-way provided and any amount paid to the Secretary under paragraph (1) by the non-Federal interests shall be repaid to the United States over a period not to exceed fifty years, with interest de-

termined in accordance with section 301(b) of the Water Supply Act of 1958.

(4) The Secretary may reduce the amount required to be paid under paragraph (1), and the value of lands, easements, and rights-of-way required to be provided under paragraph (2), by non-Federal interests for any project to which paragraph (1) applies if the project will serve a remote rural area or if the Secretary determines that such reduction is appropriate for economic reasons.

Sec. 852. The Secretary is authorized to provide technical assistance to operators of public water supply systems for the purpose of identifying water supply problems and developing measures for repair, rehabilitation, expansion, and improvement of public water supply systems.

Sec. 853. The Secretary shall study existing water resources projects under the jurisdiction of the Secretary to determine the feasibility of utilizing such projects for water supply on an interim or permanent basis. The Secretary shall transmit a report of the results of such study, along with recommendations for the utilization of such projects for water supply, not later than two years after the date of enactment of this Act.

Sec. 854. The Secretary is authorized to design and construct a treatment plant and a regional conveyance system of water from Lake Arcadia to Edmund, Oklahoma, at an estimated cost of $12,000,000. The Secretary shall acquire and provide to the non-Federal interests the necessary lands, easements, and rights-of-way for the project. The non-Federal interests shall pay to the Secretary, before construction of the project, an amount equal to 20 per centum of the cost of such project (including the value of such lands, easements, and rights-of-way). The non-Federal interests shall repay the remainder of the costs of the project to the Secretary in accordance with the Water Supply Act of 1958, except that the interest rate shall be the applicable rate under the existing water supply contract, signed by the Secretary on November 13, 1979, and numbered DACW 56-79-C-0072.

Sec. 855. The Secretary is authorized and directed to construct treatment facilities and conveyance facilities to treat and convey water from Parker Lake to municipalities and rural water systems within the jurisdiction of the RedArk Development Authority in the State of Oklahoma, at a cost not to exceed $88,636,000. Subsection (c) of section 851 shall apply to such project.

Sec. 856. (a) The project for the Caesar Creek, Ohio River Basin, Ohio, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), is hereby modified to authorize and direct the Secretary to construct a public water supply system in accordance with the document entitled "Southwest Ohio Water Plan", prepared by the Ohio Department of Natural Resources (April 1976), with such modifications as the Chief of Engineers deems advisable, at an estimated cost of $66,000,000.

(b) Prior to the construction of the water supply system pursuant to subsection (a) of this section, the Secretary shall enter into an agreement with appropriate non-Federal interests which provides that (1) such non-Federal interests will provide the Secretary with the lands, easements, and rights-of-way necessary for the Secretary to construct such water supply system, (2) after such construction is completed, all right, title, and interest of the United States, in such water supply system shall be conveyed to such non-Federal interests who shall thereafter operate and maintain such water supply system, and (3) the costs of construction shall be repaid to the Federal Government over a period of fifty years after completion of construction of the water supply system. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such fifty-year period at the rate specified in section 301(b) of the Water Supply Act of 1958).

Sec. 857. The Secretary, in cooperation with the States and political subdivisions thereof, shall make a detailed estimate of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in all of the States and of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in each of the States. The Secretary shall not include in this estimate any needed repair, rehabilitation, and construction of water supply and distribution facilities constructed in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory and supplementary thereto). In preparing such detailed estimate, the Secretary shall utilize information provided by the States. The Secretary shall transmit such detailed estimate to Congress not later than two years after the date of enactment of this Act.

TITLE IX—NAMINGS

Sec. 901. The reservoir created by dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Winthrop Rockefeller Reservoir". Any law, regulation, document, or record of the United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Winthrop Rockefeller Reservoir".

Sec. 902. Lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Emmett Sanders Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Emmett Sanders Lock and Dam".

Sec. 903. Lock and dam numbered 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Joe Hardin Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Joe Hardin Lock and Dam".

Sec. 904. Lock and dam numbered 13 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "James W. Trimble Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "James W. Trimble Lock and Dam".

Sec. 905. Lock and dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Arthur Ormond Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Arthur Ormond Lock and Dam".

Sec. 906. The harbor located in Elmwood Township, Leelanau County, Michigan, and authorized as the Grand Traverse Bay by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173) shall hereafter be known and designated as the "Greilickville Harbor". Any reference in a law, map, regulation, document, record, or other paper of the United States to that harbor shall be deemed to be a reference to the "Greilickville Harbor".

Sec. 907. The harbor of the Port of Hickman on the Mississippi River at Hickman, Kentucky, shall hereafter be known and designated as the "Elvis Stahr Harbor, Port of Hickman". Any law, regulation, document, or record of the United States in which such harbor is referred to shall be held to refer to such harbor as the "Elvis Stahr Harbor, Port of Hickman".

Sec. 908. Dam numbered 2 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Wilbur D. Mills Dam". Any law, regulation, document, or record of the United States in which such dam is referred to shall be held to refer to such dam as the "Wilbur D. Mills Dam".

Sec. 909. The China Bluff access area which is being constructed by the Army Corps of Engineers as part of the Gainesville lock and dam portion of the Tennessee-Tombigbee Waterway project and which is located near Warsaw in Sumter County, Alabama, shall hereafter be known as the "S. W. Taylor Memorial Park". Any reference in any law, map, regulation, document, or other record of the United States to the China Bluff access area shall be held to be a reference to the "S. W. Taylor Memorial Park".

Sec. 910. The main channel of the project for San Leandro Marina, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, shall hereafter be known and designated as the "Jack D. Maltester Channel". Any law, regulation, document, or record of the United States in which such channel is referred to shall be held to refer to such channel as the "Jack D. Maltester Channel".

TITLE X—PROJECT DEAUTHORIZATIONS

Sec. 1001. The following projects, with a total estimated authorized cost of $11.1 billion, are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

ALABAMA

The project for flood control, Alabama River, Montgomery, Alabama, authorized by the Flood Control Act of 1958.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Wills Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Crooked Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Hatchet Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Little River Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Mill Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Terrapin Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Waxahatchee Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Weogufka Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Yellowleaf Creek, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Canoe Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

ALASKA

The project for navigation, Myers Chuck Harbor, Alaska, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The jetty extension feature of the project for navigation, Nome Harbor, Alaska, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

The project for navigation, Skagway River, Alaska, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, and section 10 of the Flood Control Act of 1946, except the 6,700 foot training dike and the 1,800-foot breakwater.

ARKANSAS

The project for flood control, Bayou Barthlomew, Arkansas and Louisiana, authorized by the Flood Control Act of 1966.

The project for flood control, Crooked Creek Lake Levee, Arkansas, authorized by the Flood Control Act of 1968.

The Gillette New Levee feature of the project for flood control, Lower Arkansas River, North Bank, Arkansas, authorized by the Flood Control Act of May 15, 1928, Public Law 391, Seventieth Congress; the Flood Control Act of June 22, 1936, Public Law 738, Seventh-fourth Congress; and the Flood Control Act of 1946.

The project for flood control, Murfreesboro Reservoir, Pike County, Arkansas, authorized by the Flood Control Act of 1950.

CALIFORNIA

The project for flood control, Alhambra Creek, California, authorized by the Flood Control Act of 1968.

The Aliso Creek Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Bear River, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works and Transportation of the House of Representatives, dated September 23, 1976, and resolution of the Committee on Environment and Public Works of the Senate, dated October 1, 1976.

The project for flood control, Butler Valley Dam, Mad River, California, authorized by the Flood Control Act of 1968.

The project for flood control, Eel River, California, authorized by the Flood Control Act of 1965, except for the completed levees on the right bank of the Eel River in the Sandy Prairie area.

The Sierra Madre Wash feature of the project for flood control, Los Angeles County Drain Area, California, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The barrier groin and sandtrap feature of the project for navigation, Monterey Harbor, California, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Napa River Basin, California, authorized by the Flood Control Act of 1965.

The features of the project for navigation, Napa River, California, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress, which features consist of construction of dikes and revetments.

That portion of the project for navigation, Old River, San Joaquin County, California, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, consisting of a side channel at Orwood and completion of the project channels from the mouth of Old River to Lammers Ferry road and from Crocker Cut to the Holly Sugar Factory.

The San Juan Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The Trabuco Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, University Wash and Spring Brook, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971.

The project for flood control, Lakeport Lake, California, authorized by the Flood Control Act of 1965.

The shallow-draft channel, Calusa to Red Bluff, feature of the project for navigation, Sacramento River, California, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

Those features of the project for navigation, San Joaquin River, Stockton Deepwater Ship Channel, California, authorized by the River and Harbor Act of 1950, which features consist of construction of a new turning basin near Rough and Ready Island; enlargement of Upper Stockton Channel; construction of a 30-foot depth Burns Cut-off Channel around Rough and Ready Island, including construction of a combination rail and highway bridge; and construction of a new settling basin on San Joaquin River upstream from its confluence with Stockton Channel.

COLORADO

The project for flood control, Boulder, Colorado, authorized by the Flood Control Act of 1950.

The project for flood control, Castlewood Lake, Douglas County, Colorado, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

CONNECTICUT

The features of the project for navigation, Bridgeport Harbor-Black Rock Harbor, Connecticut, authorized by the River and Harbor Act of 1958, which features provide for construction of two rubble-mound breakwaters at the entrance to Black Rock Harbor and dredging a 28-acre anchorage 6 feet deep in Burr and Cedar Creeks at the head of Black Rock Harbor.

The project for navigation, Connecticut River below Hartford, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Mystic River, New London County Channel, Connecticut, authorized by the River and Harbor Act of March 4, 1913, Public Law 429, Sixty-second Congress, which provides for the widening of the channel extending 4,700 feet from the United States Route 1 drawbridge to the Mystic Seaport site from its constructed width of 80 to 90 feet to a width of 100 feet.

The Walnut Beach and impermeable groins features of the project for beach erosion control, Silver Beach to Cedar Beach, Connecticut, authorized by the River and Harbor Act of 1954.

The six-foot anchorage at northeast end of Stonington Harbor feature of the project for navigation, Stonington Harbor, New London County, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Thames River, New London County, Connecticut, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which provides for an increased channel width in the bend at Long Reach Upper Light (river mile 6.8).

DISTRICT OF COLUMBIA

The project for flood control, Washington, D.C., and vicinity, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

FLORIDA

The Cross Bank to Key West portion of the project for navigation, Atlantic Intracoastal Waterway, Miami to Key West, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Biscayne Bay, Dade County, Florida, (Hurricane Barrier) authorized by the Act of June 15, 1955, Public Law 71, Eighty-fourth Congress.

That portion of the project for navigation, Cedar Keys Harbor, Levy County, Florida, authorized by the River and Harbor Act of July 5, 1884, consisting of the excavation of 1,500 cubic yards from an area known as the "middle ground" within the alignment of the main ship channel.

The navigation features of the Broward County and Hillsboro Inlet, Florida, beach erosion control and navigation project, authorized by section 301 of the River and Harbor Act of 1965.

The Sebastian Channel feature of the project for navigation, Intracoastal Waterway, Jacksonville to Miami, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

Those portions of the project for navigation, Jacksonville Harbor Mooring Basin, Naval, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consisting of a channel 28 feet deep by 590 feet wide extending from Laura Street to Saint Elmo W., Acosta Bridge; a channel and floodway along the south side of Commodore Point; and an approach and mooring basin at the Naval Reserve Armory near the Main Street bridge.

That portion of the project for navigation, Key West Harbor, Monroe County, Florida, authorized by the River and Harbor Act of September 19, 1890, consisting of two uncompleted jetties at the entrance to the northwest channel.

The uncompleted portions of the project for navigation, Miami Harbor, Miami River, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consist of widening the mouth of the Miami River; providing a channel 8 feet by 20 feet from the mouth of the river to the Intracoastal Waterway, thence 100 feet wide to Government Cut; and providing a channel 12 feet by 100 feet from Miami to a harbor of refuge in Palmer Lake.

The Stuart turning basin feature of the project for navigation, Okeechobee Waterway, Martin County, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Oklawaha River, Florida, authorized by the River and Harbor Act of March 2, 1907, consisting of a channel 6 feet deep from the mouth of the river to the head of Silver Springs Run.

That portion of the project for navigation, Palm Beach Harbor, Florida, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, consisting of a channel 16 feet deep and 150 feet wide from the Palm Beach Harbor Channel to an anchorage basin 16 feet deep, 750 feet wide, and 2,000 feet long in Lake Worth opposite Tangier Avenue.

The project for beach erosion control, Lake Worth Inlet to South Lake Worth Inlet, Palm Beach County, Florida, authorized by the River and Harbor Act of 1958, except the transfer plant.

The Carrabelle to St. Marks portion of the Gulf Intracoastal Waterway, Apalachicola Bay to Saint Marks River, Florida, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress; the Act of July 23, 1942 (Public Law 675, Seventy-seventh Congress); and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The modification of the project for navigation, Pensacola Harbor, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Saint Augustine Harbor, Florida, authorized by the River and Harbor Act of 1950, which portion consists of the uncompleted future landward extension of the groin and jetty on the northside of the inlet.

That portion of the project for navigation, Tampa Harbor, Florida, authorized by the Flood Control Act of 1970, which portion consists of the last incremental one-foot depth for underkeel clearance.

GEORGIA

The project for hydroelectric power, Alabama-Coosa River Basin, Canton Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Cartecay Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Gilmer Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Kingston Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Lazer Creek Lake, Georgia, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Lower Auchumpkee Creek Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

The project for hydroelectric power, Spewrell Bluff Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

HAWAII

The project for navigation, Ala Wai Harbor, Oahu, Hawaii, authorized by the River and Harbor Act of 1968.

The project for beach erosion control, Hanapepe Bay Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

The project for navigation, Kaunakakai Deep Draft Harbor, Molokai, Hawaii, (modification) authorized by the River and Harbor Act of 1962.

The project for beach erosion control, Waimea Beach Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

IDAHO

The project for flood control, Mud Lake Area, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, South Fork, Clearwater River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Teton River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Blackfoot Reservoir, Idaho, authorized by Flood Control Act of 1962.

The project for flood control, Boise Valley, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Cottonwood Creek Dam, Idaho, authorized by Flood Control Act of 1966.

The project for flood control, Heise-Roberts Levee Extension, Idaho, authorized by Flood Control Act of 1950, except for constructed levees along the left bank of the Snake River downstream from the mouth of Henry's Fork.

The project for flood control, Weiser River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Whitebird Creek, Idaho, authorized by Flood Control Act of 1950.

ILLINOIS

The project for navigation, Chicago River, Cook County, Illinois, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The improvements to the beartraps feature of the project for navigation, Dam 43, Ohio River, Illinois, authorized by the River and Harbor Act of March 3, 1909, Public Law 317, Sixtieth Congress.

The project for flood control, Farmers Drainage and Levee District, Illinois, authorized by Flood Control Act of 1962.

The project for flood control, Freeport, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The feature of the Illinois Waterway Navigation project, Illinois, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of straightening a curve in the channel in the vicinity of Pekin, Illinois.

That portion of the project for shore protection, Kenilworth, Illinois, Shore of Lake Michigan, Illinois, authorized by the River and Harbor Act of 1954, which portion consists of protection of the Mahoney Park 200-foot long beach frontage located at the extreme south end of the village limits by constructing a steel sheet piling impermeable groin, about 200 feet long near the south lines of Mahoney Park.

The project for flood control, Levee Unit 1, Wabash River, Gallatin County, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Levees District Numbered 21, Vandalia, Illinois, authorized by the Flood Control Act of 1958.

The project for flood control, Little Calumet River, Illinois, authorized by the Flood Control Act of 1954.

The project for flood control, Metropolis, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

That portion of the project for navigation, Mississippi River between Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress, which portion consists of construction of about 600 feet of guidewall extensions each at locks numbered 4, 5, 5A, 7, 8, 9, and 10.

The project for navigation, Ohio River Open Channel, Louis District, Illinois, authorized by the River and Harbor Act of March 2, 1827.

The project for navigation, Ohio River Open Channel, Ice Pier, Illinois, authorized by the River and Harbor Act of January 21, 1927.

The project for navigation, Ohio River Open Channel, Illinois, authorized by the River and Harbor Act of July 3, 1930.

The project for flood control, Peoria, Peoria County Levees, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Shawneetown, Gallatin County Levee Enlargement, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Scott County Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, South Beloit, Illinois, authorized by the Flood Control Act of 1948.

The project for navigation, Waukegan Harbor, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 17, 1970, and resolution of the Committee on Public Works of the Senate, dated December 8, 1970.

The project for flood control, William L. Springer Lake, Illinois, authorized by the Flood Control Act of 1962.

The project for navigation, Alton Commercial Harbor, Illinois, authorized by the River and Harbor Act of 1958.

The project for flood control, Keach Drainage and Levee District, Green County, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Big Swan Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Fort Chartres and Ivy Landing Drainage District Numbered 5, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated December 17, 1970.

INDIANA

The project for flood control, Anderson, Madison County, Indiana, Earth Levee, authorized by the Flood Control Act of June 22, 1936, Public Law 738, 74th Congress.

The project for navigation, Illinois Waterway, Cal-Sag Channel, Part 2, Indiana, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, and the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Levees between Shelby Bridge & Baums Bridge, Indiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Marion, Indiana, authorized by the Flood Control Act of 1968.

That portion of the project for flood control, Vincennes, Indiana, authorized by the Flood Control Act of 1946, which portion consists of the uncompleted downstream levee to connect with high ground southeast of the city.

IOWA

The project for flood control, Davids Creek Lake, Iowa, authorized by the Flood Control Act of 1968.

The project for navigation, Fort Madison Harbor, Iowa, authorized by the River and Harbor Act of 1968.

The project for navigation, Keokuk Small Boat Harbor, Iowa, authorized by the River and Harbor Act of 1962.

The project for flood control, Missouri Levee System (units L-753, L-747, L-739, L-733, L-729, L-728, L-715, L-700, L-691, L-670, L-651, L-650, L-643, L-637, L-528), Iowa, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KANSAS

The project for flood control, El Dorado, West Branch, Walnut River, Butler County, Kansas, authorized by the Flood Control Act of 1965.

The project for flood control, Garnett Lake, Pottawatomie Creek, Kansas, authorized by the Flood Control Act of 1954.

The project for flood control, Grove Lake, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Indian Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for navigation, Kansas River Navigation, Kansas, authorized by the River and Harbor Act of 1965.

The project for flood control, Missouri River Levee System, Kansas, (units R402 and R395-393) authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Neodesha Lake, Wilson County, Verdigris River, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Tomahawk Lake, Blue River, Johnson County, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Towanda Lake, Kansas, authorized by the Flood Control Act of 1965.

The modification to the project for flood control, Tuttle Creek Lake, Kansas, authorized by section 18 of the Water Resources Development Act of 1974, which modification consists of relocation of a portion of FAS 1208.

The project for flood control, Wolf-Coffee Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Cedar Point Lake, Kansas, authorized by the Flood Control Act of 1950.

The project for flood control, Cow Creek-Hutchison, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Missouri River Levee System Levee R414, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

KENTUCKY

The project for flood control, Caseyville, Union County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Cloverport, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Concordia, Meade County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The section A-A portion of the floodwall of the project for flood control, Louisville, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Middlesboro, Yellow Creek, Bell County, Kentucky, authorized by the Flood Control Act of December 22, 1944, Public Law 534, Seventy-eighth Congress.

The project for flood control, Tolu, Crittenden County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

LOUISIANA

The project for flood control, Bayou Bartholomew, Louisiana, authorized by the Flood Control Act of 1950.

The project for flood control, Black Bayou, Reservoir, Caddo Parish, Louisiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Overton-Red River Waterway above Mile 31, Louisiana, authorized by the River and Harbor Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The uncompleted portions of the project for navigation, Bayou La Fourche and La Fourche Jump, Louisiana, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, and the River and Harbor Act of 1960.

A portion of the project for navigation, Bayou La Fourche, Louisiana, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which portion consists of a 6-foot deep by 60-foot wide channel, 22 miles in length from Thibodaux to Lockport, Louisiana.

The project for navigation, Bayou Segnette, Jefferson Parish, Louisiana, authorized by the River and Harbor Act of 1954.

MAINE

That portion of the project for navigation, Bar Harbor, Maine, authorized by the River and Harbor Act of August 11, 1888, and the River and Harbor Act of September 19, 1890, which portion consists of completing the breakwater to its fully authorized cross-section.

The Dickey-Lincoln School project, Saint John River, Maine, authorized by section 204 of the Flood Control Act of 1965.

That portion of the project for navigation, Kennebec River, Maine, authorized by the River and Harbor Act of June 13, 1902, which portion consists of the 27-foot channel above the bridge at Bath, Maine.

That portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 29, 1956, Public Law 630, Eighty-fourth Congress, which portion consists of an 18-foot access channel, 100 feet wide and 900 feet long to the shipyard along southern waterfront, and uncompleted portions of the outer limits of three branch channels along the central waterfront.

MARYLAND

The feature of the project for navigation, Baltimore Harbor and channels, Maryland, authorized by the River and Harbor Acts of August 8, 1917, January 21, 1927, July 3, 1930, October 17, 1940, March 2, 1945, July 3, 1958, and December 31, 1970, which feature consists of a navigation channel 150 feet wide to Ferry Bar and thence 27 feet deep and 150 feet wide to the Hanover Street Bridge.

MASSACHUSETTS

The project for navigation, Edgartown Harbor, Massachusetts, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on December 15, 1970, and by the Committee on Public Works of the Senate on December 19, 1970.

The feature of the project for navigation, Fall River Harbor Channel, Massachusetts, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of rock removal to a depth of 30 feet at the lower end of Hog Island Shoal at the north side of the entrance to Mount Hope Bay.

The project for navigation, Ipswich River, Massachusetts, authorized by the Flood Control Act of 1968.

The feature of the project for navigation, Nantucket Harbor of Refuge Anchorage, Massachusetts, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of 15-foot deep anchorage, 2,800 feet long by 300 to 1,100 feet wide near the west side of the inner harbor, and a 15-foot deep fairway 200 feet wide between the anchorage and the main waterfront.

The project for navigation, New Bedford and Fairhaven Harbor, Bristol County, Massachusetts, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress.

The feature of the project for navigation, Newburyport Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening the entrance channel from 12 to 15 feet and deepening the turning basin along the Newburyport waterfront from 9 to 12 feet.

The Nookagee Lake feature of the project for flood control, North Nashua River, Massachusetts, authorized by the Flood Control Act of 1968, which feature consists of a multiple-purpose earthfill dam and reservoir on the North Nashua River in Westminister, Massachusetts.

The project for navigation, Pleasant Bay, Massachusetts, authorized by the Flood Control Act of 1970.

The feature of the project for navigation, Salem Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening to 10 feet a channel from deep water in the central part of Salem Harbor to Pickering Wharf near the South River.

The uncompleted groin feature of the project for beach erosion control, Winthrop Beach, Massachusetts, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of 1954, which feature consists of enlarging the turning basin to include the easterly 300 feet of the municipal channel.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of deepening from 22 to 25 feet a 2.7-mile channel from Bass Point to and including a turning basin at the head of Lynn Harbor.

The project for flood control, Monoosnoc Brook, Massachusetts, authorized by the River and Harbor Act of 1966.

The project for flood control, Monoosnoc Lake, Worcester County, Massachusetts, authorized by the River and Harbor Act of November 7, 1966.

The feature of the project for beach erosion control, Cape Cod Canal to Provincetown, Massachusetts (Town Neck Beach), authorized by the River and Harbor Act of 1960 which feature consists of widening approximately 6,500 feet of beach east of the eastern entrance to Cape Cod Canal to 125 feet and raising the inshore end of the existing east jetty at the east entrance to such Canal.

MICHIGAN

The project for navigation, Black River Harbor, Alcona County, Michigan, authorized by section 201 of the Flood Control Act 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on December 15, 1970, and by the Committee on Public Works of the Senate on December 17, 1970.

The project for navigation, Forestville Harbor, Michigan, authorized by the River and Harbor Act of 1968.

The project for navigation, Middle Channel, Saint Clair River, Michigan, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Red Run Drain, Lower Clinton River, Michigan, authorized by the Flood Control Act of 1970.

The uncompleted portion of the project for navigation, Grand Marais Harbor, Michigan, authorized by the River and Harbor Act of June 14, 1880, which portion consists of widening the inner portion of the channel from 250 to 300 feet.

The uncompleted portion of the project for navigation, Keweenaw Waterway, Houghton County, Michigan, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress, which portion consists of extending the lower entrance breakwater by 2,000 feet, including the necessary alteration or replacement of structures due to channel deepening.

The turning basin feature of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by the River and Harbor Act of 1962.

The Sanilac Flats feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for major drainage improvements on Middle Branch and South Branch, Cross River, and a short reach of East Branch.

The Corunna feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for flood protection by channel improvement, levee construction, and related work including construction of a 1,500 foot levee on the right bank; widening of two constrictive reaches of the Saginaw River at, and downstream of, the mill dam; enlargement of the spillway capacity of the mill dam; and removal of the remains of an abandoned railway bridge at the tile plant.

The Owosso feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides flood protection by enlarging the river channel from the Ann Arbor Railroad Bridge to the city sewage treatment plant, removal of a portion of a building which encroaches on the river channel, removal of four dams and underpinning of the Main Street Bridge, and the provision of scour protection of four bridges.

The project for beach erosion control, Berrien County, Michigan (Saint Joseph Shore), authorized by the Flood Control Act of 1958.

MINNESOTA

The project for flood control, Warroad River and Bull Dog Creek, Minnesota, authorized by the Flood Control Act of 1962.

The feature of the navigation project for the Mississippi River between the Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, which feature consists of extension of the upper guidewall about 600 feet in length at lock numbered 3.

The project for navigation, Harriet Island Harbor, Minnesota, authorized by section 101 of the River and Harbor Act of 1962.

MISSISSIPPI

The project for navigation, Biloxi Harbor, Old Fort Bayou, Mississippi, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Buffalo River, Mississippi, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Pascagoula Harbor, Main Channel, Mississippi, authorized by the the River and Harbor Act of March 2, 1827.

MISSOURI

The project for recreation, Angler Use Sites, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Braymer Lake Shoal Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Brookfield Lake, Yellow Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, East Muddy Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mercer Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mississippi River Agricultural Area 12, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Pattonsburg Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Pomme de Terre Lake (Power Project), Missouri, authorized by the Flood Control Act of 1954.

The project for navigation, Sandy Slough Remedial Measures, Missouri, authorized by the River and Harbor Act of 1962.

The project for flood control, Trenton Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Upper Grand River, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mill Creek Lake, Missouri, authorized by the Flood Control Act of 1970.

NEBRASKA

The project for flood control, Little Nemaha River, Nemaha County, Nebraska, authorized by the Flood Control Act of 1965.

NEVADA

The project for flood control, Gleason Creek Dam, Nevada, authorized by the Flood Control Act of 1960.

The project for flood control, Humboldt River and Tributaries, Nevada, authorized by the Flood Control Act of 1950.

NEW JERSEY

The feature of the project for navigation, Newark Bay, Hackensack and Passaic Rivers, New Jersey, authorized by the River and Harbor Act of 1954 and by the River and Harbor Act of 1966 which feature consists of deepening of portions of the Hackensack River to 32 and 15 feet.

NEW MEXICO

The project for flood control, Rio Grande Floodway, New Mexico, San Acacia to Bosque, del Apache Unit, authorized by the Flood Control Act of June 30, 1948, Public Law 858, Eightieth Congress, and the Flood Control Act of 1950.

The project for flood control, Rio Grande Floodway, New Mexico, Espanola Valley Unit, authorized by the Flood Control Act of June 30, 1948, Public Law 858, Eightieth Congress, and the Flood Control Act of 1950.

NEW YORK

The project for flood control, Allegany, New York, Unit 2, Five Mile Creek, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for flood control, Allegany, New York, Unit 1, Allegheny River, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for navigation, Hudson River, New York City to Albany (12-foot harbors), New York, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The project for navigation, Hudson River, New York City to Albany (27-foot channel), New York, authorized by the Act of March 3, 1925, Public Law 585, Sixty-eighth Congress.

The project for navigation, Ogdensburg Harbor, New York, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress.

The uncompleted portion of the project for navigation, Oswego Harbor, deepen East Outer Harbor, New York, authorized by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The project for flood control, Red Creek, New York, authorized by the Flood Control Act of 1966.

The uncompleted portion of the project for navigation, Ticonderoga River, Essex County, New York, authorized by the River and Harbor Act of March 3, 1881.

The project for navigation, Cape Vincent Harbor, New York, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950.

The project for hurricane protection, East Rockaway Inlet to Rockaway Inlet, Part 2, New York, authorized by the Flood Control Act of 1965.

The project for flood protection, Hammondsport, Glen Brook (Glen Brook Flume), New York, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

NORTH CAROLINA

The feature of the project for navigation, Atlantic Intracoastal Waterway—Peltier Creek, Carteret County, North Carolina, authorized by the River and Harbor Act of 1954, which feature includes a 12-foot channel. Maintenance of the existing 6-foot deep by 50-foot wide channel shall remain authorized.

The project for navigation, Atlantic Intracoastal Waterway Tidal Lock in Snows Cut, North Carolina, authorized by the River and Harbor Act of January 21, 1927, Public Law 560, Seventieth Congress.

The unconstructed portion of the project for flood control, Carolina Beach and Vicinity, South Area, North Carolina, authorized by the Flood Control Act of 1962, which portion extends south of the town limits of Carolina Beach.

The feature of the project for beach erosion control, Fort Macon State Park, North Carolina, authorized by the River and Harbor Act of 1962 and the Flood Control Act of 1962, which feature includes placing of capstone and remaining portions of beach fill and replenishment thereof.

The feature of the project for navigation, Morehead City Harbor, North Carolina, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

The project for beach stabilization and hurricane protection, Ocracoke Island, North Carolina, authorized by the Flood Control Act of 1965.

The project for beach stabilization and hurricane protection, Ocracoke Island-Village Shore, North Carolina, authorized by the Flood Control Act of 1965.

The feature of the project for navigation, Ocracoke Inlet Jetty, Hyde County, North Carolina, authorized by the River and Harbor Act of 1960, which feature consists of a single jetty extending from Ocracoke Island to the 20-foot depth in the Atlantic Ocean.

The portion of the project for navigation, Roanoke River, Halifax County, North Carolina, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, which portion consists of constructing a 50-mile-long channel above Palmyra Landing to Weldon, North Carolina, 5 feet deep and 50 feet wide by dredging, snagging, and regulating.

OHIO

The additional beartraps, guardwalls, and extension of guidewalls features of the project for navigation, Ohio River, Ohio, authorized by the Flood Control Act of 1937.

The project for flood control, Burlington, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Chesapeake, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Empire-Stratton, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Martins Ferry, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Powhatan Point, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Proctorville, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, South Point, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

OREGON

The project for flood control, Columbia Drainage District No. 1, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Deer Island Drainage District, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Shelton Ditch, Marion County, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Umpqua River-Scholfield River, Oregon, authorized by the Flood Control Act of September 22, 1922, Public Law 362, Sixty-seventh Congress, and the Flood Control Act of 1954.

The project for flood control, Cascadia Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Gate Creek Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Grande Ronde Lake, Oregon, authorized by the Flood Control Act of 1965.

The project for flood control, Grande Ronde Valley, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Holley Lake, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Pendleton Levees, Riverside Area, Oregon, authorized by the Flood Control Act of 1950.

The uncompleted portions of the project for navigation, Willamette River above Portland and Yamill River, Oregon, authorized by the River and Harbor Act of June 3, 1896, as modified by the River and Harbor Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Willamette River at Willamette Falls, Oregon, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

PENNSYLVANIA

The project for flood control, Brackenridge, Tarentum, and Natrona, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Chester River, Delaware County (8-ft. channel), Pennsylvania, authorized by the River and Harbor Act of March 2, 1919, Public Law 323, Sixty-fifth Congress.

The project for flood control, Leetsdale, Allegheny County, Levee and Drainage Facility, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Muddy Creek Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Neville Island, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, New Kensington and Parnassus, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rochester, Beaver County, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifty Congress.

The project for flood control, Trexler Dam and Lake, Lehigh County, Pennsylvania, authorized as part of the Delaware River Basin project pursuant to section 203 of the Flood Control Act of 1962.

The project for navigation, Youghiogheny River Canalization, Pennsylvania, authorized by the River and Harbor Act of 1930, Public Law 395, Seventy-first Congress.

The project for flood control, Aquashicola Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Maiden Creek Lake Earth Dam, Pennsylvania, authorized by the Flood Control Act of 1962.

PUERTO RICO

The project for navigation, Fajardo Harbor (28 foot Channel and Tidal Basin), Puerto Rico, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Guayanes Harbor (23 foot channel and anchorage), Puerto Rico, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

RHODE ISLAND

The features of the project for navigation, Great Salt Pond, Newport County, Rhode Island, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which features include a 1,200-foot long north jetty at the entrance to Great Salt Pond and a 12-foot access channel and basin in the inner harbor (Trim Pond).

The features of the project for navigation, Harbor of Refuge, Block Island, Rhode Island, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress, which features include two 15-foot anchorages in the outer harbor.

The portions of the project for navigation, Pawcatuck River, Washington County, Rhode Island, authorized by the River and Harbor Act of June 3, 1896, which portions include widening the middle section of the Little Narraganset Bay channel by an additional 100 feet to 200 feet, widening a 5,000 foot section of the river channel at Avondale by an additional 100 feet to 200 feet, and by deepening a 2,000 foot section of the upper river channel by an additional 3 feet to 10 feet.

The portion of the project for navigation, Providence River and Harbor, Rhode Island, authorized by the River and Harbor Act of 1965, which portion consists of the branch channel along the India Point waterfront, 30 feet deep, 150 feet wide, and about 1,000 feet long.

The project for flood control, Westerly Hurricane Protection, Rhode Island, authorized by the Flood Control Act of 1965.

SOUTH CAROLINA

The project for navigation, Charleston Harbor, Ft. Moultrie Anchorage Area, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Myrtle Beach, Anchorage Basin, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Reedy River, Greenville, South Carolina, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 1970, and resolution of the Committee on Public Works of the Senate, dated December 1970.

TENNESSEE

The project for navigation, Cumberland River above Nashville, Tennessee, authorized by the River and Harbor Act of August 5, 1886.

The project for navigation, Hiwassee River, Polk and Bradley Counties, Tennessee, authorized by the River and Harbor Act of August 14, 1876.

The project for flood control, Rossview Lake, Tennessee and Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Jacks River Lake, Tennessee, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

TEXAS

The project for flood control, Alpine, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated April 11, 1974, and resolution of the Committee on Public Works of the Senate, dated May 31, 1974.

The project for navigation, Brazos Island Harbor, Texas, authorized by the River and Harbor Act of 1960.

The project for navigation, Brazos River, Velasco to Old Washington, Texas, authorized by the River and Harbor Act of June 13, 1902.

The project for navigation, Cedar Bayou (mile 3.0 to mile 11.0), Harris, Texas, authorized by the River and Harbor Act of September 19, 1890, as amended by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the navigation project for the Channel to Port Bolivar, Texas, authorized by the River and Harbor Act of March 2, 1907, Public Law 168, Fifty-ninth Congress, as amended by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1919, which feature consists of a turning basin of 750 wide by 1,600 feet long and 30 feet deep.

The project for flood control, Duck Creek Channel Improvement, Texas, authorized by the Flood Control Act of 1965.

The portion of the project for navigation, Gulf Intracoastal Waterway Channel to Harlingen, Texas, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portion consists of a channel from mile 25.8 to mile 31.0 on the Arroyo Colorado, upstream of the turning basin between Rio Hondo and Harlingen, Texas.

The feature of the project for navigation, Gulf Intracoastal Waterway-Chocolate Bayou, Texas, authorized by the River and Harbor Act of 1965, which feature consists of channel enlargement to 9 by 100 feet from channel mile 8.2 to channel mile 13.2 and construction of a turning basin 600 feet wide and 9 feet deep at channel mile 13.2 on Chocolate Bayou.

The project for navigation, Gulf Intracoastal Waterway Harbor of Refuge at Seadrift, Texas, authorized by the River and Harbor Act of 1954.

The portion of the project for navigation, Houston Ship Channel, Greens Bayou, Texas, authorized by the River and Harbor Act of 1965, which portion consists of the upper 1.1 mile increment of the project channel on Greens Bayou.

The portion of the project for navigation, Gulf Intracoastal Waterway, Texas, Channel Relocation in Matagorda Bay, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, as amended by the River and Harbor Act of 1925, Public Law 585, Sixty-eighth Congress, the River and Harbor Act of January 21, 1927, Public Law 560, Sixty-ninth Congress, the River and Harbor Act of July 23, 1942, Public Law 675, Seventy-seventh Congress, and the River and Harbor Act of 1962, which portion consists of the relocation of a segment of the Gulf Intracoastal Waterway in Matagorda Bay between miles 454.3 and 471.3.

The project for flood control, Lake Brownwood, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Lake Fork Lake-Lake Fork Creek, Texas, authorized by the Flood Control Act of 1970.

The project for flood control, Mill Creek Brazos River, Austin County, Texas, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Navasota Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Navidad and Lavaca Rivers, Jackson and Lavaca Counties, Texas, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Pecan Bayou Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Peyton Creek, Matagorda County, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolutions of the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate, dated October 12, 1972.

The project for flood control, Plainview, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and the Committee on Public Works of the Senate, dated December 17, 1970.

The project for flood control, Roanoke Lake, Texas, authorized by the River and Harbor Act of 1965.

The portion of the project for navigation, Sabine Neches Waterway Channel to Echo, Texas, authorized by the River and Harbor Act of 1962, which portion consists of the unconstructed channel in the Sabine River between Orange and Echo, Texas.

The project for navigation, Sabine River, Echo to Morgan Bluff, Texas, authorized by the Flood Control Act of 1970.

UTAH

The project for flood control, Weber River and Tributaries, Morgan County, Utah, authorized by section 206 of the River and Harbor Act of 1968.

VERMONT

The project for flood control, Bennington, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Otter Creek, Addison County, Vermont, authorized by the River and Harbor Act of June 10, 1872.

The project for flood control, Rutland Otter Creek, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress, as amended by the Flood Control Act of July 31, 1947, Public Law 296, Eightieth Congress.

VIRGINIA

The project for navigation, Thimble Shoal Channel, Virginia, authorized by the River and Harbor Act of 1954 consisting of side channels 32 feet deep and 450 feet wide on both sides of the 1,000-foot channel.

The navigation project for Neabasco Creek, Virginia, authorized by the River and Harbor Act of March 3, 1881.

The project for flood control, water quality control, recreation, fish and wildlife enhancement, and hydroelectric power generation, Moore's Ferry Lake, Virginia and North Carolina, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The feature of the project for navigation, Pamunkey River, Hanover and King Counties, Virginia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of a channel 5 feet deep and 50 feet wide between Bassett Ferry and Manquin Bridge.

VIRGIN ISLANDS

The uncompleted portion of the project for navigation, Christiansted Harbor-St. Croix, Virgin Islands, authorized by the River and Harbor Act of 1950, which portion consists of an approach channel 25 feet and 300 feet wide from the Caribbean Sea to and including a turning basin 25 feet deep, approximately 600 feet wide, and 900 feet long.

The portion of the project for navigation, St. Thomas Harbor, Virgin Islands, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portion consists of construction of an entrance channel 36 feet deep and 600 feet wide, an anchorage area 33 feet deep, a breakwater 700 feet long between Rupert Rock and the mainland, and removal of Scorpion Rock to a depth of 36 feet.

WAKE ISLAND

The project for navigation, Wake Island Harbor, Wake Island, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

WASHINGTON

The project for flood control, Entiat River, Chelan County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Lower Walla Walla River, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Methow River, Okanogan County, Washington, authorized by the Flood Control Act of 1950.

The uncompleted portion of the project for flood control, Okanogan River, Okanogan, Washington, authorized by the Flood Control Act of 1950.

The unconstructed groin feature of the project for navigation, Quillayute River, Clallam County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the project for navigation, Seattle Harbor, King County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of a settling basin located at the upper end of the existing Duwamish waterway navigation project about 1.4 miles above the 14th Avenue South Bridge.

The project for flood control, Spokane River, Spokane, Washington, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Yakima River at Ellensburg, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Palouse River, Whitman County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Pullman Palouse River, Washington, authorized by the Flood Control Act of 1944.

The project for navigation, Stillaquamish River, Washington, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

WEST VIRGINIA

The project for flood control, Moundsville, Marshall County, Levees, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Panther Creek Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Proctor, Wetzel County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Ravenswood, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rowlesburg Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Warwood, Ohio County, Wall and Drainage, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, North Wheeling, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling, Ohio County, Levees, Walls and Pumping Plant, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling Island, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Birch Lake, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Woodlands, Marshall County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

WISCONSIN

The project for navigation, Hudson Small Boat Harbor, Wisconsin, authorized by the Flood Control Act of 1950.

The project for navigation, Cassville Small Boat Harbor, Grant County, Wisconsin, authorized by the River and Harbor Act of 1962.

WYOMING

The project for flood control, Buffalo, Johnson County, Diversion Channel, Wyoming, authorized by the Flood Control Act of 1950.

SEC. 1002. (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

SEC. 1003. (a) The Kalihi Channel portion of the project for navigation for Honolulu Harbor, Hawaii, authorized by section 101 of the River and Harbor Act of 1954, is not authorized after the date of enactment of this Act.

(b) The consent of Congress is hereby given to the State of Hawaii to construct, operate, and maintain a fixed-span bridge in and over the water of the Kalihi Channel, Honolulu Harbor, Hawaii.

SEC. 1004. (a) The Onaga Lake project, Vermillion Creek, Kansas, authorized by the Flood Control Act of 1962 (Public Law 87-874), is not authorized after the date of enactment of this Act.

(b) The Secretary shall expedite the current study under section 216 of the Flood Control Act of 1970 with respect to the addition of water supply storage at Tuttle Creek Lake, Kansas.

SEC. 1005. (a) The portion of the flood control project for the Illinois River and tributaries, Illinois, Wisconsin, and Indiana, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189) which is to be located on the Sangamon River, Illinois, about 1 mile upstream from Decatur, Illinois, and which is known as the William L. Springer Lake project is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, before any lands acquired by the United States for the William L. Springer Lake project referred to in subsection (a) of this section are sold or otherwise disposed of or used for any purpose other than to carry out such project, such lands shall first be made available for purchase by the city of Decatur, Illinois, at the price at which such lands were acquired by the United States.

TITLE XI—GENERAL PROVISIONS

SEC. 1101. The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, and national economic development shall be the objectives to be included in water resources projects carried out by the Secretary, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of such projects.

SEC. 1102. (a) In the case of any water resources study authorized to be undertaken by the Secretary, the Secretary shall prepare a feasibility report. Such feasibility report shall describe, with reasonable certainty, the environmental benefits and detriments, the costs and benefits attributable to each of the objectives set forth in section 1101 of this title, the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. The feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a nonstructural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project which project is authorized by this Act, and (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33

U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(b) Before preparing any feasibility report under subsection (a), the Secretary shall first perform, at full Federal expense, a reconnaissance survey of the potential water resources project for the purpose of defining water resources problems and needs to be addressed by such project and identifying potential solutions to such problems in sufficient detail to enable the Secretary to determine whether or not planning of such project should proceed to the preparation of such feasibility report. Such survey shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project and an estimate of the costs of preparing the feasibility report.

(c)(1) Non-Federal interests shall contribute 25 per centum of the cost of any feasibility report for any water resources study prepared by the Secretary. Not less than one-half of such non-Federal contribution shall be made by payments, and not more than one-half of such contribution may be made by the provision of services, materials, or supplies necessary to prepare the feasibility report. Any amount contributed by non-Federal interests under this paragraph shall be credited toward the non-Federal share, if any, of the cost of construction of the project for which such report is prepared.

(2) This subsection shall only apply to any water resources study for which no Federal funds have been obligated before the date of enactment of this Act. This subsection shall not apply to any water resources study for any navigation improvement to the inland waterway system.

SEC. 1103. In the evaluation by the Secretary of benefits and costs of a water resources project, the benefits attributable to measures included in a project for the purpose of environmental quality, including protection and improvement of the environment, mitigation of project-caused fish and wildlife losses (including habitat), and fish and wildlife enhancement shall be deemed to be at least equal to the costs of such measures.

SEC. 1104. There is established an Environmental Protection and Mitigation Fund. There is authorized to be appropriated to such fund $35,000,000 for fiscal years beginning after September 30, 1983. Amounts in the fund shall be available for undertaking, in advance of construction of any water resources project authorized to be constructed by the Secretary, such measures authorized as part of such project, including the acquisition of lands and interests therein, as may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated. The Secretary shall reimburse the Fund for any amounts expended under this section for a water resources project from the first appropriations made for construction, including planning and designing, of such project.

SEC. 1105. (a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1987.

(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

SEC. 1106. (a) The Secretary may establish and develop separate campgrounds for individuals sixty-two years of age or older at any lake or reservoir under the jurisdiction of the Secretary where camping is permitted.

(b) The Secretary may prescribe regulations to control the use of and the access to any separate campground established and developed under subsection (a) of this section.

(c) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1983, to carry out subsection (a) of this section.

(d) The Secretary shall establish and develop the parcel of land (located in the State of Texas at the Sam Rayburn Dam and Reservoir) described in subsection (g) of this section as a separate campground for individuals sixty-two years of age or older.

(e) The Secretary shall prescribe regulations to control the use of and the access to the separate campground established and developed pursuant to subsection (d) of this section.

(f) There are authorized to be appropriated for fiscal years beginning after September 30, 1983, $600,000 to carry out subsection (d) of this section.

(g) The parcel of land to be established and developed as a separate campground pursuant to subsection (d) of this section is a tract of land of approximately 50 acres which is located in the county of Angelina in the State of Texas and which is part of the Thomas Hanks survey. The boundary of the parcel begins at a point at the corner furthest west of tract numbered 3420 of the Sam Rayburn Dam and Reservoir:

thence north 81 degrees 30 minutes east, approximately 2,800 feet to a point at the edge of the water;

thence south along the edge of the water approximately 2,600 feet;

thence north 80 degrees 30 minutes west, approximately 1,960 feet to a point at the reentrant corner of tract numbered 3419 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3419 north 46 degrees 15 minutes west, 220 feet to a point at the center line of a road at the corner common to tract numbered 3419 and tract numbered 3420;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 230 feet to a point at the corner furthest east of tract numbered 3424 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3424 south 32 degrees 4 minutes west, 420 feet to a point;

thence along the boundary line of tract numbered 3424 north 28 degrees 34 minutes west, 170 feet to a point;

thence along the boundary line of tract numbered 3424 north 38 degrees 15 minutes east, 248 feet to a point;

thence along the boundary line of tract numbered 3424 north 32 degrees 44 minutes east, 120 feet to a point at the corner furthest north of tract numbered 3424;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 460 feet to the beginning point.

SEC. 1107. Section 2(h) of the Act entitled "An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers" (Public Law 97-128) is amended to read as follows:

"(h) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake such structural and nonstructural measures as he determines to be economically and engineeringly feasible to prevent flood damage to communities along the route of the Meramec River and its tributaries in Saint Louis, Jefferson, and Franklin Counties, Missouri, at an estimated cost of $100,000,000.".

SEC. 1108. Section 111 of the River and Harbor Act of 1968 is amended by inserting after "construct projects" the following: "(both structural and nonstructural)".

SEC. 1109. (a) Section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (Public Law 92-367; 33 U.S.C. 467c), is amended by inserting "(a)" immediately after "SEC. 4.", and by adding at the end thereof the following new subsection:

"(b) In any case where the Secretary determines that a dam inspected under this Act which is owned by a State, a political subdivision thereof, or any other such public agency or instrumentality is in such a hazardous condition that it is a danger to human life or property, the Secretary is authorized to restore such dam to a safe condition if the State, political subdivision, or other public agency or instrumentality owning such dam agrees prior to any such restoration (1) to repay to the United States, over a period not to exceed fifty years from the date of completion of the restoration, all costs of such restoration, together with interest, at a rate computed in accordance with section 301(b) of the Water Supply Act of 1958, and (2) to maintain such dam upon completion of such restoration in a safe condition. The Secretary is not authorized to carry out any of the work described in this subsection unless the State in which the work is to be accomplished has in existence and is maintaining a dam safety program for non-Federal dams which insures that non-Federal dams are built in accordance with sound engineering practice, protect the safety of the public, and are maintained in safe condition.".

(b) Section 3 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams" (Public Law 92-367; 33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense.".

(c) The Secretary, in accordance with section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972, as amended by subsection (a) of this section, shall repair the spillway and undertake such other measures as the Secretary determines are necessary to restore the safety of the dam used to supply water to Schuyler County Public Water Supply District Number 1, Missouri.

(d) Section 5 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (86 Stat. 507), is amended by inserting "(a)" after "SEC. 5." and by adding at the end thereof the following new subsection:

"(b) The Secretary shall annually update the inventory of dams required to be prepared under subsection (a) and submit a report to the Congress on the results of such update.".

SEC. 1110. (a) Section 202(f) of the Water Resources Development Act of 1976 is amended to read as follows:

"(f) There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years beginning after September 30, 1983.".

(b) The Secretary shall develop, implement, and maintain a project under section 202 of the Water Resources Development Act of 1976 for removal of drift and debris from Buffalo Harbor, New York, and removal of dilapidated structures from the adjacent shoreline.

SEC. 1111. Lake Pend Oreille, Idaho, is hereby declared to be not a navigable water of the United States for purposes of section 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 403).

SEC. 1112. Section 104(b) of the River and Harbor Act of 1958, as amended, is amended by striking out "$10,000,000" and inserting in lieu thereof "$12,000,000".

SEC. 1113. Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable, at Federal expense, to such State or local government for its use in carrying out projects for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof.

SEC. 1114. (a) The Secretary shall undertake a program to increase his capability to control river ice and harbor ice, and to assist communities in breaking up such ice that would otherwise be likely to cause or aggravate flood or other damage or severe streambank erosion.

(b) The Secretary is further authorized to provide technical assistance to units of local government to implement local plans to control or break up river ice and harbor ice. As part of such authority, the Secretary is authorized to purchase, utilize, and, if requested by units of local government, loan any necessary ice-control or ice-break equipment to such units of local government.

(c) The sum of $5,000,000 is authorized to be appropriated to the Secretary for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, to implement this section.

SEC. 1115. The laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resource development enacted after November 8, 1966, and before January 1, 1984, shall be compiled under the direction of the Secretary of the Army and the Chief of Engineers and printed for the use of the Department of the Army.

SEC. 1116. The Secretary is authorized to preserve, restore, interpret, and maintain those historic properties located on water resource development projects under the jurisdiction of the Department of the Army if such properties have been entered into the National Register of Historic Places.

SEC. 1117. Subsection (b) of section 120 of the Water Resources Development Act of 1976 is amended to read as follows:

"(b) There is authorized to be appropriated $10,000,000 per fiscal year for each fiscal year beginning after September 30, 1983, to carry out this section.".

SEC. 1118. (a) The Secretary shall, notwithstanding any other provision of law, convey to the Metropolitan Park District of Columbus and Franklin County, Ohio, all right, title, and interest of the United States in and to all or any part of the eight hundred thirty-four and nine one-hundredths acres of land which were acquired for the Big Darby Lake flood control project and which have been determined to be surplus property. The Secretary shall convey any such right, title, and interest for consideration in an amount equal to the consideration paid by the Secretary for acquisition of such right, title, and interest for such project.

(b) The conveyance of land under subsection (a) of this section shall be made on the condition that such Park District administer such land for park purposes. If, at any time after such conveyance, such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 1119. Section 16(b) of the Water Resources Development Act of 1974 is amended by striking out "$1,342,000" and all that follows through the period at the end of such section and inserting in lieu thereof "$1,700,000.".

SEC. 1120. The Secretary shall maintain the navigation project for the Delaware River, Philadelphia to the sea, and the navigation project for the Delaware River, Trenton to Philadelphia, to their authorized dimensions.

SEC. 1121. (a) Downstream recreation on the Gauley River is declared to be an additional project purpose of the Summersville Project, West Virginia. During the fall flood control drawdown period for the project, the Secretary shall provide releases from the Summersville Dam for whitewater recreation in the 26 mile tailwater segment of the Gauley River commencing at the base of such dam. Releases at times and levels (minimum 2,400 cubic feet per second) suitable for such recreation shall commence on the first weekend after Labor Day of each year and continue during each weekend thereafter (and during such weekday periods as the Secretary finds appropriate) for approximately five weeks or until commencement of the traditional West Virginia Department of Natural Resources fish stocking program in the tailwaters area (during hunting season), whichever comes first.

(b)(1) To the extent feasible, whitewater recreation releases in addition to those referred to in subsection (a) may be scheduled by the Secretary during Spring and Summer. Such releases shall not be injurious to fish in the tailwaters of the Summersville Dam or to recreation, including fishing, in the Summersville Lake, as determined by the Secretary, in consultation with the West Virginia Department of Natural Resources and shall be compatible with other project purposes of the Summersville Project.

(2) For purposes of scheduling releases under this subsection, the Secretary may provide for daily increments of water storage during weekdays (until lake levels reach not more than 12 inches above summer pool level) to be released on weekends at time and levels (minimum 2400 cubic feet per second) suitable for whitewater recreation. Such releases shall be scheduled only during periods after the lake is filled to summer level and when inflow into the lake during the previous week is adequate. A scheduled release may be cancelled at any time if the release would reduce lake levels below the summer pool level.

(c) The Secretary may temporarily suspend (for such period as may be necessary) or modify any release required under subsection (a) or scheduled under subsection (b) when necessary for purposes of flood control or any other project purpose, or for reasons of public health and safety.

(d) The Secretary shall schedule the whitewater recreation releases under subsection (b) as early as adequate hydrological data is available and shall, to the maximum extent feasible, provide early advance public notice of all such releases, of all whitewater recreation releases to be provided under subsection (a), and of all suspensions, modification, or cancellations of such releases.

SEC. 1122. (a) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the terms "Upper Mississippi River system" and "system" mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois;

(2) the term "master plan" means the comprehensive master plan for the management of the Upper Mississippi River system dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95-502; and

(3) the term "GREAT I, GREAT II, and GRRM studies" means the studies entitled "GREAT River Environmental Action Team—GREAT I—A Study of the Upper Mississippi River", dated September 1980, "GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River", dated December 1980, and "GREAT River Resource Management Study", dated September 1982.

(c)(1) Congress hereby approves the master plan as a guide for future water policy on the Upper Mississippi River system.

(2) Subsection (i) of section 101 of Public Law 95-502 is repealed. Section 101(b) of such Public Law is amended by striking out the parenthetical clause in the last sentence.

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an existing multi-State entity, as they may deem desirable for making effective such agreements.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation

in the river system management, development, and protection.

(3) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such agency or association may make such comments with respect to such recommendations as such agency or association deems appropriate and shall transmit such comments to the Secretary. The Secretary shall transmit such recommendations along with the comments of such agency or association to the Congress for approval.

(e)(1) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake, as identified in the master plan—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement;

(B) implementation of a long-term resource monitoring program; and

(C) implementation of a computerized inventory and analysis system.

(2) Each program referred to in paragraph (1) shall be carried out over a ten-year period beginning on the date of enactment of this Act. Before the last day of such ten-year period, the Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall conduct an evaluation of such programs and submit a report on the results of such evaluation to Congress. Such evaluation shall determine each such program's effectiveness, strengths, and weaknesses and contain recommendations for the modification and continuance or termination of such program.

(3) For purposes of carrying out paragraph (1)(A) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $8,200,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $12,400,000 for the second fiscal year beginning after the date of enactment of this Act, and not to exceed $13,000,000 per fiscal year for each of the succeeding eight fiscal years.

(4) For purposes of carrying out paragraph (1)(B) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $7,680,000 for the first fiscal year beginning after the date of enactment of this Act and not to exceed $5,080,000 per fiscal year for each of the succeeding nine fiscal years.

(5) For purposes of carrying out paragraph (1)(C) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $40,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed $280,000 for the second fiscal year beginning after the date of enactment of this Act, not to exceed $1,220,000 for the third fiscal year beginning after the date of enactment of this Act, and not to exceed $975,000 per fiscal year for each of the succeeding seven fiscal years.

(6) The Secretary shall determine if the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin are adequately participating in the planning, construction, evaluation, and implementation of those programs authorized by paragraph (1) of this subsection during the third fiscal year after the first appropriation of funds to carry out such paragraph. If participation of the States is not adequate to allow the Secretary to carry out such paragraph, the Secretary shall submit a report to Congress asking for termination of the program's funding.

(7) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary shall conduct an assessment of the economic benefits generated by recreational activities in the system.

(2) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $500,000 per fiscal year for each of the first ten fiscal years beginning after the effective date of this Act and, for purposes of carrying out the assessment of the economic benefits of recreational activities as authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed $300,000 per fiscal year for the first and second of such fiscal years and $150,000 for the third of such fiscal years.

(g) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall submit to Congress annual recommendations to be undertaken to increase the capacity of specific locks throughout the system by employing nonstructural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

(3) There is authorized to be appropriated to the Secretary for each of the ten fiscal years beginning after the date of the enactment of this Act such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their boundaries, any part of the system to identify potential users of dredged material.

(j)(1) Notwithstanding another provision of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior, with respect to projects and programs in the master plan for which the Department of the Interior (or any agency or bureau of the Department) is designated in the plan as the lead agency, under which the Secretary of the Interior will carry out all functions that the Secretary, but for this subsection, would carry out regarding those projects and programs.

(2) For purposes of carrying out the functions set forth in the agreement under paragraph (1) of this subsection, there is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior for each of the first ten fiscal years beginning after the date of enactment of this Act. Amounts appropriated for any fiscal year under this paragraph shall be in lieu of, and shall not be in addition to, amounts authorized to be appropriated to the Secretary of the Army, acting through the Chief of Engineers, under this section for such fiscal year.

SEC. 1123. (a) To ensure the coordinated economic revitalization and environmental enhancement of the Great Lakes and their connecting channels and the Saint Lawrence Seaway (hereinafter in this section referred to as the "Great Lakes"), known as the "Fourth Seacoast" of the United States, it is hereby declared to be the intent of Congress to recognize the importance of the economic vitality of the Great Lakes region, the importance of exports from the region in the United States balance of trade, and the need to assure an environmentally and socially responsible navigation system for the Great Lakes. Congress finds that the Great Lakes provide a diversity of agricultural, commercial, environmental, recreational, and related opportunities based on their extensive water resources and water transportation systems.

(b)(1) There is hereby established a Board to be known as the Great Lakes Commodities Marketing Board (hereinafter in this subsection referred to as the "Board").

(2)(A) The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes.

(B) The strategy shall address, among other things, environmental issues relating to transportation on the Great Lakes and marketing difficulties experienced due to late harvest seasons in the Great Lakes region. The strategy shall include, as appropriate alternative storage, sales, marketing, multimodal transportation systems, and other systems, to assure optimal economic benefits to the region from agricultural and other commercial activities. The strategy shall develop—

(i) methods to improve and promote both bulk and general cargo trade through Great Lakes ports;

(ii) methods to accelerate the movement of grains and other agricultural commodities through the Great Lakes;

(iii) methods to provide needed flexibility to farmers in the Great Lakes region to market grains and other agricultural commodities; and

(iv) methods and materials to promote trade from the Great Lakes region and through Great Lakes ports, particularly with European, Mediterranean, African, Caribbean, Central American, and South American nations.

(C) In developing the strategy, the Board shall conduct and consider the results of—

(i) an analysis of the feasibility and costs of using iron ore vessels which are not being utilized to move grain and other agricultural commodities on the Great Lakes;

(ii) an economic analysis of transshipping such commodities through Montreal, Canada, and other ports;

(iii) an analysis of the economic feasibility of storing such commodities during the nonnavigation season of the Great Lakes and the feasibility of and need for construction of new storage facilities for such commodities;

(iv) an analysis of the constraints on the flexibility of farmers in the Great Lakes region to market grains and other agricultural commodities, including harvest dates for such commodities and the availability of transport and storage facilities for such commodities; and

(v) an analysis of the amount of grain and other agricultural commodities produced in the United States which are being diverted to Canada by rail but which could be shipped on the Great Lakes if vessels were available for shipping such products during the navigation season.

(D) In developing the strategy, the Board shall consider weather problems and related costs and marketing problems resulting from the late harvest of agricultural commodities (including wheat and sunflower seeds) in the Great Lakes region.

(E) In developing the strategy, the Board shall consult United States ports on the Great Lakes and their users, including farm organizations (such as wheat growers and soybean growers), port authorities, water carrier organizations, and other interested persons.

(3) The Board shall be composed of seven members as follows:

(A) the chairman of the Great Lakes Commission or his or her delegate,

(B) the Secretary or his or her delegate,

(C) the Secretary of Transportation or his or her delegate,

(D) the Secretary of Commerce or his or her delegate,

(E) the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate,

(F) the Secretary of Agriculture or his or her delegate, and

(G) the Administrator of the Environmental Protection Agency or his or her delegate.

(4)(A) Members of the Board shall serve for the life of the Board.

(B) Members of the Board shall serve without pay and those members who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the Board, except that members of the Board shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business and engaged in the actual performance of duties vested in the Board.

(C) Four members of the Board shall constitute a quorum but a lesser number may hold hearings.

(D) The co-chairmen of the Board shall be the Secretary or his or her delegate and the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate.

(E) The Board shall meet at the call of the co-chairmen or a majority of its members.

(5)(A) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director, who shall be appointed by the Board and shall be paid at a rate which the Board considers appropriate.

(B) Subject to such rules as may be prescribed by the Board, without regard to 5311(b) of title 5, United States Code, the Board may appoint and fix the pay of such additional personnel as the Board considers appropriate.

(C) Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this subsection.

(6)(A) The Board may, for purposes of carrying out this subsection, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate.

(B) Any member or agent of the Board may, if so authorized by the Board, take any action which the Board is authorized to take by this paragraph.

(C) The Board may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon request of the co-chairmen of the Board, the head of such department or agency shall furnish such information to the Board.

(D) The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(E) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(7) Not later than September 30, 1987, the Board shall transmit to the President and to each House of the Congress a report stating the strategy developed under this subsection and the results of each analysis conducted under this subsection. Such report shall contain a detailed statement of the findings and conclusions of the Board together with its recommendations for such legislative and administrative actions as it considers appropriate to carry out such strategy and to assure maximum economic benefits to the users of the Great Lakes and to the Great Lakes region.

(8) The Board shall cease to exist 180 days after submitting its report pursuant to this subsection.

(9) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection for fiscal years beginning after September 30, 1984, and ending before October 1, 1988.

(c)(1) The President shall invite the Government of Canada to join in the formation of an international advisory group whose duty it shall be (A) to develop a bilateral program for improving navigation, through a coordinated strategy, on the Great Lakes, and (B) to conduct investigations on a continuing basis and make recommendations for a system-wide navigation improvement program to facilitate optimum use of the Great Lakes. The advisory group shall be composed of five members representing the United States, five members representing Canada, and two members from the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448). The five members representing the United States shall include the Secretary of State, one member of the Great Lakes Commodities Marketing Board (as designated by the Board), and three individuals appointed by the President representing commercial, shipping, and environmental interests, respectively.

(2) The United States representatives to the international advisory group shall serve without pay and the United States representatives to the advisory group who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the advisory group, except that the United States representatives shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business and engaged in the actual performance of duties vested in the advisory group.

(3) The international advisory group established by this subsection shall report to Congress and to the Canadian Parliament on its progress in carrying out the duties set forth in this subsection not later than one year after the formation of such group and biennially thereafter.

(d) The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1986, and a final report of such review along with recommendations not later than September 30, 1988.

Sec. 1124. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for the mitigation of fish and wildlife losses attributable to the project or for fish and wildlife enhancement, such lands or interests (1) shall be acquired before any construction of the project (other than such acquisition) commences, or (2) shall be acquired along with the acquisition of lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses or enhancement of fish and wildlife), whichever the Secretary determines is appropriate.

Sec. 1125. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for recreation purposes, such lands or interests shall be acquired along with the acquisition of lands and interests in lands for other project purposes.

Sec. 1126. The Secretary shall not require, under section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889), and the Federal Water Project Recreation Act, non-Federal interests to assume operation and maintenance of any recreational facility operated by the Secretary at any water resources project as a condition to the construction of new recreational facilities at such project or any other water resources project.

SEC. 1127. The Secretary shall establish in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Environmental Policy. Such Office shall be responsible for the formulation, coordination, and implementation of all matters concerning environmental quality and policy as they relate to the water resources program of the United States Army Corps of Engineers. Such Office shall, among other things, develop, and monitor compliance with, guidelines for the consideration of environmental quality in formulation and planning of water resources projects carried out by the Secretary, the preparation and coordination of environmental impact statements for such projects, and the coordination with Federal, State, and local agencies of environmental aspects of such projects and regulatory responsibilities of the Secretary.

SEC. 1128. (a) Section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 4, 1915 (38 Stat. 1053; 33 U.S.C. 560), is amended by adding at the end thereof the following: "No funds may be accepted or expended under this section unless such acceptance and expenditure has been specifically authorized for that project by law.".

(b) The proviso in section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved June 22, 1936 (33 U.S.C. 701h), is amended by inserting after "as advantageous in the public interest," the following: "except that no such funds may be accepted or expended unless such acceptance and expenditure has been specifically authorized for that project by law,".

SEC. 1129. In addition to amounts authorized to be appropriated to carry out agreements entered into with the State of Illinois pursuant to section 110 of the River and Harbor Act of 1958 relating to the repair and modification of the Illinois and Mississippi Canal, there is authorized to be appropriated to the Secretary not to exceed $15,000,000 to carry out such agreements.

SEC. 1130. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Pearl River Basin, Mississippi and Louisiana, authorized by resolution of the Committee on Environment and Public Works of the Senate, or the Committee on Public Works and Transportation of the House of Representatives, adopted before the date of enactment of this Act, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to any provision of law (other than any provision of this Act) enacted after July 1, 1983, and before December 31, 1984, in the interest of preventing flood damages along the Pearl River in the vicinity of Jackson, Mississippi.

SEC. 1131. The prohibitions and provisions for review and approval of activities in waters of the United States as set forth in sections 9, 10, and 13 of the Act of March 3, 1899 (30 Stat. 1151), the first section of the Act of June 13, 1902 (32 Stat. 371), and section 404 of the Federal Water Pollution Control Act shall not apply to any works or improvements constructed or maintained now or in the future in the Great Miami River Basin, the Great Miami River, and the tributaries of the Great Miami River above river mile 7.5, by any political subdivision established pursuant to chapter 6101, Ohio Revised Code, as in effect on July 1, 1983.

SEC. 1132. Any project authorized for construction by this Act shall not be authorized after the last day of the five-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

SEC. 1133. (a) On and after January 1, 1990, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on January 1, 1990, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease.

(b)(1) On and after January 1, 1990, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

(2) On and after January 1, 1990, the Secretary may terminate a lease to which this section applies only if—

(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

(B) the leaseholder violates a provision of such lease.

(c) This section applies to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on January 1, 1990, and (2) any assignment of such a lease.

SEC. 1134. In the construction of any water resources project, the Secretary is authorized to make only such modifications—

(1) as reflect changes in construction costs (including costs of real property acquisitions, preconstruction studies, planning, and engineering and design), as are indicated by engineering and other appropriate cost indexes;

(2) as do not materially alter the scope or functions of the project; or

(3) as are the result of additional studies, modifications, or other actions (including mitigation and other environmental actions) authorized by this Act or any other law enacted before, on, or after the date of enactment of this Act.

SEC. 1135. (a) The Secretary is authorized to review the operation of water resources projects constructed by the Secretary before the date of enactment of this Act to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest.

(b) The Secretary is authorized to carry out a demonstration program in the two-year period beginning on the date of enactment of this Act for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary before the date of enactment of this Act which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest.

(c) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.

(e) There is authorized to be appropriated not to exceed $25,000,000 to carry out this section.

SEC. 1136. (a) The Secretary is authorized to reconstruct, rehabilitate, and maintain the New York State Barge Canal for commercial, recreational, historic, and environmental purposes in accordance with the recommendations of the Secretary in the report transmitted under subsection (b). Before performing any such work, the Secretary shall enter into an agreement with the State of New York which provides that the State of New York shall pay to the Secretary an amount equal to 50 per centum of the costs of reconstruction and rehabilitation of such canal and 50 per centum of the annual costs of maintaining such canal. The State of New York shall continue to own and operate such canal.

(b) The Secretary shall study the need for reconstruction and rehabilitation of the New York State Barge Canal for commercial, recreational, historic, and environmental purposes. Not later than two years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study, along with recommendations of the Secretary for reconstruction and rehabilitation of such canal. No appropriation shall be made for any rehabilitation and reconstruction authorized by subsection (a), if such reconstruction and rehabilitation have not been approved by resolution adopted by each such committee.

(c) For purposes of this section, the term "New York State Barge Canal" means—

(1) the Erie Canal, which connects the Hudson River at Waterford with the Niagara River at Tonawanda;

(2) the Oswego Canal, which connects the Erie Canal at Three Rivers with Lake Ontario at Oswego;

(3) the Champlain Canal, which connects the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall; and

(4) the Cayuga and Seneca Canals, which connect the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Ithaca and through Seneca Lake with Montour Falls.

SEC. 1137. (a) The Secretary is hereby authorized to develop and implement a flood warning system for the Whitewater River, San Bernardino and Riverside Counties, California, at an estimated cost of $300,000.

(b) Prior to installation, local interest shall agree to operate and maintain the system authorized by subsection (a), and develop, maintain, and implement emergency evacuation plans satisfactory to the Secretary.

SEC. 1138. (a) In constructing any water resources project in a labor market area which has a high unemployment rate, the Secretary shall, to the extent he determines feasible, provide for the employment of residents of such labor market area.

(b) Not later than ninety days after the President or any other official of the executive branch requests the appropriation of initial funds for any water resources project, the Secretary shall transmit to Congress current information on the potential benefits of the project which are attributable to the employment of unemployed residents of the labor market area in which the project is located.

(c) For purposes of this section—

(1) The term "labor market area" shall have the meaning given such term by the Secretary of Labor.

(2) A labor market area has a high rate of unemployment if the average rate of unemployment for such area, as determined by the Secretary of Labor, over the most recent twelve-month period for which satistics are available is higher than the national average rate of unemployment, as determined by the Secretary of Labor, over such twelve-month period.

SEC. 1139. Notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for uniformed civilian employees of the United States Army Corps of Engineers may be up to $400 annually.

SEC. 1140. Section 145 of the Water Resources Development Act of 1976 is amended by inserting "by such State of 50 per centum" after "upon payment".

SEC. 1141. The Secretary shall amend the contract between the State of Illinois and the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois to relieve the State of Illinois of the requirement to make annual payments for that portion of the maintenance and operation costs applicable to future water supply storage as is consistent with the Water Supply Act of 1958 (Public Law 85-500), until such time and in such proportion as the storage is used for water supply purposes.

SEC. 1142. After an agreement for the sale by the Southern California Water Company to the city of Hawaiian Gardens, California, of the water supply system which serves such city is entered into, the Secretary shall make a loan to such city to pay the cost of acquisition and rehabilitation of such system at an estimated cost of $8,500,000. Such city shall repay the cost of such acquisition and rehabilitation to the Secretary in accordance with the Water Supply Act of 1958.

SEC. 1143. The Secretary shall procure by contract not less than 30 per centum of architectural and engineering services required for the design and construction of water resources projects undertaken by the Secretary.

SEC. 1144. Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

SEC. 1145. (a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary.

(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures.

SEC. 1146. Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "drinking" each place it appears in the second sentence and by inserting immediately after the first sentence the following new sentence: "In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the affected State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief Act of 1974, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services.".

SEC. 1147. Section 156 of the Water Resources Development Act of 1976 (90 Stat. 2933) is amended by striking out "fifteenth" and inserting in lieu thereof "fiftieth".

SEC. 1148. (a) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "$30,000,000" in the first sentence and inserting in lieu thereof "$50,000,000" and by striking out "$4,000,000" in the third sentence and inserting in lieu thereof "$7,500,000". Such section is further amended by adding at the end thereof the following new sentence: "Section 302 of the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983, relating to non-Federal share, acquisition of lands, easements, and rights-of-way, and relocations of utilities, structures, and other improvements, shall apply to projects under this section.".

(b) Section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g) is amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000" and by striking out "$250,000" and inserting in lieu thereof "$750,000".

(c) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking out "$10,000,000" and inserting in lieu thereof "$15,000,000" and by striking out "$250,000" and inserting in lieu thereof "$750,000".

(d) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "$25,000,000" and inserting in lieu thereof "$50,000,000". Subsection (b) of such section is amended by striking out "$2,000,000" and inserting in lieu thereof "$4,000,000".

(e) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended (1) by striking out "$25,000,000" and inserting in lieu thereof "$30,000,000", and (2) by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

(f) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended by striking out "$1,000,000" and inserting in lieu thereof "$3,000,000".

(g) Section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works or rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is amended by striking out "$300,000" and inserting in lieu thereof "$4,000,000".

(h) The Secretary is authorized to use the authority contained in section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) in the Trust Territory of the Pacific Islands.

(i) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

SEC. 1149. The Secretary shall expedite completion of the study of a new lock parallel to the existing Poe Lock being undertaken as part of the study of additional locks on the Saint Lawrence Seaway and shall submit to the Congress a report on such additional lock not later than September 30, 1985.

SEC. 1150. (a) After the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary of the Army for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, and before authorization for construction of such project, the Chief of Engineers is authorized to undertake continued planning and engineering (other than preparation of plans and specifications) for such project if the Chief of Engineers finds that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations and the Chief of Engineers transmits to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a statement of such findings. In the two-year period after authorization for construction of such project, the Chief of Engineers is authorized to undertake planning, engineering, and design for such project.

(b) Not later than January 15, 1985, and each January 15 thereafter, the Secretary shall prepare and transmit a report on the activities undertaken under this section in the preceding fiscal year to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) There is authorized to carry out this section not to exceed $20,000,000 per fiscal year for each of the fiscal years 1984 and 1985.

(d) The authorizations made by this section shall be in addition to any other authorizations for planning, engineering, and design of water resources development projects and shall not be construed as a limitation on any such other authorization.

Sec. 1151. The Secretary shall reevaluate the feasibility of the Elk Creek Lake feature of the project for the Rogue River, Oregon and California, authorized by the Flood Control Act of 1962 (76 Stat. 1192), including an evaluation of the feasibility of adding hydroelectric power as a project purpose. The evaluation and justification of the Elk Creek Lake feature shall be based on the benefits and costs of all features of the project for the Rogue River. Hydroelectric power shall be added as a project purpose if the Secretary determines that such addition will increase the amount by which total economic benefits of the project exceed total economic costs. In reviewing the economic feasibility of such project, the Secretary shall use the rate of interest that applied at the time such project was authorized.

Sec. 1152. In recommending funding for construction of water resources projects, the Secretary shall not give priority to any project for which the non-Federal interests agree to provide a greater non-Federal share than is required by the law authorizing such project.

Sec. 1153. The Secretary shall study and evaluate the measures necessary to increase the capabilities of the United States Army Corps of Engineers to undertake the planning and construction of water resources projects on an expedited basis and to adequately comply with all requirements of law applicable to the water resources program of the Corps of Engineers. The Secretary shall implement such measures as may be necessary to improve such capabilities, including the establishment of increased levels of personnel, changes in project planning and construction procedures designed to lessen the time required for such planning and construction, and procedures for expediting the coordination of water resources projects with Federal, State, and local agencies.

Sec. 1154. Not later than January 15, 1985, and each January 15 thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which—

(1) specifies the amount of electricity generated by each water resource project constructed by the Secretary which generated electricity in the preceding fiscal year;

(2) specifies the revenues received by the United States from the sale of electricity generated by such project; and

(3) specifies the costs of construction, operation, and maintenance of such project allocated to the generation of electricity.

The first report submitted under this section shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project before October 1, 1984, on a fiscal year basis. Each report thereafter shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project for the preceding fiscal year.

Sec. 1155. Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at the end thereof the following:

"(c) For the purposes of this section, the term 'State' means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.".

Sec. 1156. (a) The President may appoint a regular officer of any of the Armed Forces who is serving on active duty as the Federal Commissioner of the Red River Compact Commission.

(b) Notwithstanding any other provision of law, acceptance by a regular officer of any of the Armed Forces of an appointment as the Federal Commissioner of the Red River Compact Commission, or the exercise of the functions of the Federal Commissioner and chairman of such Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer.

Sec. 1157. The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

Sec. 1158. The first proviso of section 4 of the River and Harbor Act approved July 5, 1884 (23 Stat. 147), as amended by section 6 of the River and Harbor Act, approved March 3, 1909 (33 U.S.C. 5), is amended to read as follows: "*Provided*, That whenever, as determined by the Secretary, the condition of any of the aforesaid works is such that its reconstruction is essential to its efficient and economical maintenance and operation, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for navigation. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such reconstruction if such acquisition and actual construction have not been approved by resolution of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives:".

Sec. 1159. (a) In the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary shall consider and evaluate measures to reduce or eliminate damages from flooding without regard to frequency of flooding, drainage area, and amount of runoff.

(b) The provisions of section 302 of this Act shall apply to all measures authorized after the date of enactment of this Act to reduce or eliminate damages from flooding in urban and rural areas.

Sec. 1160. The Secretary is authorized to construct and improve facilities at the Niagara Frontier Transportation Authority, Port of Buffalo, including the construction of bulkheading in a total length of 1,000 feet, sufficient to facilitate a 1,000-foot class X vessel or a 730-foot class VII vessel, at an estimated cost of $6,450,000.

Sec. 1161. The Secretary is authorized to construct and maintain a navigation channel 9 feet deep and 100 feet wide from the mouth of the Beaver River at Bridgewater, Pennsylvania, a distance of approximately three miles upriver, to the dam at New Brighton, at an estimated cost of $700,000. Prior to initiation of construction of the project, non-Federal interests shall agree to pay one-half of the costs of construction of the project attributable to recreational boating.

Sec. 1162. Section 1114 of title 18, United States Code, is amended by inserting "or any uniformed civilian official or uniformed civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, or law or regulatory enforcement functions in connection with civil activities of the Department of the Army," immediately after "Foreign Service,".

Sec. 1163. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to plan, design, and construct a demonstration project for the recharge of groundwater in the drainage basin of the Tucson, Arizona, metropolitan area, at an estimated cost of $2,500,000.

Sec. 1164. (a) The Secretary is authorized, with the concurrence of the Director of the National Park Service and the South Florida Water Management District, to modify the schedule for delivery of water from the central and southern Florida project to the Everglades National Park required by section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970 (Public Law 91-282) and to conduct an experimental program for the delivery of water to the Everglades National Park from such project for the purpose of determining an improved schedule for such delivery.

(b) The Secretary shall, as soon as practicable, make such modifications in the comprehensive plan for flood control and other purposes, central and southern Florida, authorized by the Flood Control Act of 1948 and subsequent Acts of Congress, as may be necessary to restore the natural flow of water to the Everglades National Park. The Secretary is further authorized to acquire such interests in lands as are necessary to permit the natural flow of water to the Everglades National Park, at an estimated cost of $75,000,000. The Secretary shall acquire any interest in land under this subsection at the fair market value of such interest based on conditions existing after the construction of the project described in subsection (a) of this section and before any modification is made to the schedule for delivery of water to the Everglades National Park under such subsection and before the restoration of such natural flow. The Secretary is also authorized to construct necessary flood protection measures for protection of homes in the area affected by any modification of such delivery schedule or by the restoration of such natural flow.

Sec. 1165. The Secretary is authorized and directed to undertake such emergency bank stabilization measures as are necessary to protect bridges on Elm Creek in the vicinity of Decatur, Nebraska, at an estimated cost of $500,000.

Sec. 1166. Section 221(a) of the Flood Control Act of 1970 is amended by adding at the end thereof the following: "In any such agreement entered into by a State, such State may make the furnishing of all or any portion of its required cooperation contingent upon the appropriation by the State of necessary funds for that purpose.".

Sec. 1167. The Secretary is authorized and directed to improve public access to, and lessen a health and safety hazard at, Pearson-Skubitz Big Hill Lake, Kansas, by upgrading existing roads to the extent feasible and acquiring additional rights-of-way and constructing new roads as required, at an estimated cost of $1,200,000.

Sec. 1168. The Secretary is authorized to contract with existing, nonprofit economic development organizations to assist in the preparation of projects as provided in sections 804(a) and 851(b) and to undertake such actions as may be necessary to identify and stimulate the long-term economic development envisioned as the result of projects which serve remote rural areas or in areas where such are justified because of economic reasons.

Sec. 1169. (a) Section 201 of the Flood Control Act of 1970, as amended by section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence of the paragraph under the center heading "ARKANSAS-RED RIVER BASIN".

(b) The first sentence of the paragraph under the center heading "ARKANSAS AND RED RIVERS" in section 203 of the Flood Control Act of 1966, as amended, is amended by striking out "$46,400,000" and inserting in lieu thereof "$177,600,000".

Sec. 1170. In order to assure the most economical and cost-saving construction of water resources projects authorized before, on, or after the date of enactment of this Act, the Secretary shall require a value engineering review during design for each water resources project authorized before, on, or after such date of enactment which has an estimated cost in excess of $10,000,000. For purposes of this section, the term "value engineering review" means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high costs in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

Sec. 1171. (a) Except as provided in subsection (b), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any water resources demonstration project authorized by this Act or by any Act enacted after the date of enactment of this Act. If the value of the lands, easements, and rights-of-way so provided is less than 10 percent of the cost of the project (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary over a 15-year period an amount equal to the excess of (1) the amount equal to 10 percent of such cost, over (2) the value of such lands, easements, and rights-of-way.

(b) If the Secretary estimates before the beginning of construction of any project to which subsection (a) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project which is greater than 10 percent, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated value exceeds 10 percent of the estimated cost of the project.

Sec. 1172. (a) Beginning October 1, 1983, the Secretary, in cooperation with the State of Illinois, shall carry out measurements and make necessary computations required by the decree of the United States Supreme Court (388 U.S. 426) relating to the diversion of water from Lake Michigan and shall coordinate the results with downstate interests. The measurements and computations shall consist of all flow measurements, gauge records, hydraulic and hydrologic computations, including periodic field investigations and measuring device calibrations, necessary to compute the amount of water diverted from Lake Michigan by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities, not including water diverted or used by Federal installations.

(b) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1983, to carry out this section, including those funds necessary to maintain the measurements and computations, as well as necessary capital construction costs associated with the installation of new flow measurement devices or structures declared necessary and appropriate by the Secretary.

Sec. 1173. Notwithstanding any other provision of this Act and any other provision of law, the total amount which may be appropriated from the general fund of the Treasury for construction of water resources projects by the Secretary shall not exceed $1,500,000,000 per fiscal year for each of the fiscal years ending September 30, 1984, and September 30, 1985, and $1,600,000,000 per fiscal year for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988.

TITLE XII—WATER RESOURCES POLICY ACT

Subtitle A—Short Title

Sec. 1201. This title may be cited as the "Water Resources Policy Act of 1983".

Sec. 1202. Nothing in this title shall be construed to expand or diminish either Federal or State jurisdiction, responsibility, or rights in the field of water or related land resources planning, development, or control; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects.

Subtitle B—National Board

Sec. 1221. There is hereby established a National Board on Water Resources Policy (hereinafter in this title referred to as the "Board") which shall be composed of seven members as follows: (1) the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Administrator of the Environmental Protection Agency, or their respective designees, (2) two members who shall be appointed by the President with the advice and consent of the Senate, one from among nominations made by the Speaker of the House of Representatives, and one from among nominations made by the President pro tempore of the Senate; and (3) a Chairman who shall be appointed by the President by and with the advice and consent of the Senate. Any person designated a member by a Secretary or Administrator must be designated from among persons who are officers of the United States appointed by the President with the advice and consent of the Senate. The Chairman shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The two additional members appointed by the President shall be compensated on a daily basis for each day of service at the daily rate applicable to level IV of the Executive Schedule under section 5313 of title 5, United States Code, and shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Board. During the period of his service on the Board, the Chairman and the members appointed by the President shall not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the Federal Government. No retired officer or employee shall receive from the Federal Government for retirement benefits and service to the Board total compensation which exceeds the applicable rate for level III or IV of the Executive Schedule, as the case may be. The Chairman of the Board shall request the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Energy and the heads of such other Federal agencies as may be appropriate to participate without a vote with the Board when matters affecting their responsibilities are considered by the Board. The Board shall meet at least once during each quarter of the year. Any action of the Board shall require a quorum to be present and a majority vote of those members present and voting.

Sec. 1222. The Board shall—

(1) perform studies and prepare assessments at such intervals as the Board may determine, of the adequacy of supplies of water (both quality and quantity) necessary to meet the water requirements in each water resource region in the United States and the national interest therein, taking into consideration the special needs of rural areas due to increasing demands for water to provide sustained economic development and agricultural productivity; and

(2) perform studies and prepare assessments of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; appraise the adequacy of existing and proposed policies and programs to meet such requirements; and make recommendations to the President and to Congress with respect to Federal policies and programs.

For purposes of this section, policies and programs shall include, but not be limited to, water and related land resources planning, development, management, and conservation; integration of water quantity and water quality planning and management; and enhancement of State and local capabilities with respect to water and related land resources planning, development, management, and conservation.

SEC. 1223. (a) The Board shall assist in interagency coordination of Federal water resources research. Such coordination shall include, but not be limited to, (1) continuing review of the adequacy of Federal programs in water resources research and identification of technical needs in various water resources research categories, (2) identification of duplication and overlapping between two or more Federal water resources research programs and elimination of such duplication and overlapping to the extent that this may be accomplished under existing law, (3) recommendations to the Federal agencies involved in Federal water resources research with respect to allocation of technical efforts among such agencies, (4) recommendations to such Federal agencies concerning management policies to improve the quality of Federal research efforts, and (5) actions to facilitate interagency communication at management levels.

(b) The Board shall report annually to Congress concerning actions taken to implement this section and include in such report any recommendations for changes in legislation that it deems appropriate to meet the objectives of this section.

(c) For the purposes of this section, the Board shall make use of the Water Resources Scientific Information Center, established under section 302 of the Water Research and Development Act of 1978 (Public Law 95-467), or any successor agency.

SEC. 1224. (a) The Board shall establish by rule, after such consultation with other interested entities, both Federal and non-Federal, as the Board may find appropriate, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, and national economic development shall be the objectives to be included in each such project, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of each such project. Such principles, standards, and procedures shall require that every report relating to any such water or related land resources project include specific information on the benefits and costs attributable to each of such objectives. Such principles, standards, and procedures shall also define the objective of water conservation as including projects, programs, or features thereof, designed to (1) improve efficiency in use and reduce losses and waste of water (including by storage), (2) reduce the demand for water, or (3) improve land management practices to conserve water.

(b) The Board shall establish separate principles, standards, and procedures as described in subsection (a) for small Federal water or related land resources projects administered by the United States Department of Agriculture.

(c) The principles, standards, and procedures promulgated under the Water Resources Planning Act by the Water Resources Council, as contained in sections 711.1 through 716.309 of title 18 of the Code of Federal Regulations as those sections were in effect on March 9, 1983, shall be in effect until such time as principles, standards, and procedures established under this section take effect.

SEC. 1225. (a) For the purpose of carrying out the provisions of this subtitle, the Board may (1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable; (5) procure services as authorized by section 3109(b) of title 5, United States Code, at rates not in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants; (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this subtitle.

(b) Any member of the Board is authorized to administer oaths when it is determined by a majority of the Board that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Board may be made available for public inspection during ordinary office hours.

(d) Upon request of the Board, the head of any Federal department or agency is authorized (1) to furnish to the Board such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such Board on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The Board shall be responsible for (1) the appointment and supervision of personnel, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds.

SEC. 1226. (a) There is hereby established a regional-State water resources advisory committee (hereinafter referred to as the "committee").

(b) The Board shall appoint one member from each of the major water resources regions described in the document entitled "Second National Water Assessment", dated December 1978, and transmitted to the President on January 25, 1979. The Board shall give consideration to recommendations of the Governors of the States which lie wholly or partially within such a region when appointing a member from such region. Each member of the committee shall be selected on the basis of knowledge of water resources management and water resources needs of the region that he or she represents. The chairman of the committee shall be selected by the members from among the members of the committee.

(c) The committee is authorized to submit to the Board the recommendations of the committee on any matter which is before the Board, and the recommendations of the committee shall be included in any recommendations of the Board reported to the President and Congress under section 1022(2) of this subtitle, with respect to such matter.

SEC. 1227. (a) Simultaneously with promulgation or repromulgation of any rule by the Board, under authority of any law of the United States relating to principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation, evaluation, and review of Federal water and related land resources projects, the Board shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Such rule shall not take effect before 90 calendar days of continuous session of Congress following the date of such transmission.

(b) For purposes of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of 90 calendar days of continuous session of Congress.

(c) For purposes of this section, the term "rule" includes, but is not limited to, any rule, regulation, principle, standard, or procedure, or any part thereof.

SEC. 1228. No later than fifteen days following the transmission of the President's budget submittal to the Congress the Board shall transmit to the Speaker of the House of Representatives and the President pro tem of the Senate reports on, as appropriate, Bureau of Reclamation, Army Corps of Engineers, and Department of Agriculture water resource studies or projects (1) which are not included in the President's budget submittal; (2) for which feasibility studies or construction have previously been authorized; and (3) the construction of which have not been completed. Such reports shall include a detailed description of each project, the President's explanation for not including the projects in his budget submittal, and information on the compliance of each project with any relevant principles, standards, and procedures.

SEC. 1229. There is authorized to be appropriated to carry out the provisions of this subtitle, the sum of $3,000,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 of which no more than $50,000 is authorized each such fiscal year to carry out section 1226.

SUBTITLE C—ASSISTANCE FOR STATE WATER PLANNING AND MANAGEMENT

SEC. 1241. (a) In recognition of the controlling role of the States in State and regional water and related land resources planning and management and a national need for—

(1) water conservation;

(2) State integration of water quantity and water quality planning and management;

(3) State integration of ground and surface water planning and management;

(4) protection and management by the States of ground water supplies;

(5) protection and management by the States of instream values; and

(6) enhanced cooperation and coordination between Federal, State, and local units of government to achieve these goals;

the Congress hereby authorizes the Board to make grants to the States to assist them in the development, implementation, and modification of comprehensive programs and plans for the use, development, conservation, and management of State and regional water and related land resources.

(b) The Board shall, after consultation with the States, prescribe guidelines by rule, no later than one hundred and eighty days after enactment of this title, to carry out its functions and responsibilities under this subtitle.

SEC. 1242. (a) From the sums appropriated for any fiscal year pursuant to section 1244 and upon application of a State, the Board shall make grants to States in accordance with the guidelines prescribed pursuant to section 1241(b) on the basis of population, land area, financial need and the need for water and related land resources planning and management assistance, except that each State shall receive not less than the sum of $100,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988.

(b) The sums allocated under this section shall be matched on the basis of not less than one non-Federal dollar for every Federal dollar. Contributions by the States to fulfill the matching requirements of this subsection may be in cash or in kind.

(c) No funds under this section may be withheld in an effort to force States to alter their water policies to comply with Federal policies or policies of the Board.

SEC. 1243. The assistance provided for State water planning and the programs established pursuant to this subtitle shall be consistent with the provisions contained in section 1202 of this title.

SEC. 1244. There are authorized to be appropriated to carry out the provisions of this subtitle $20,000,000 per fiscal year for each of the fiscal years 1984, 1985, 1986, 1987, and 1988 all of which is to remain available until expended.

SEC. 1245. For the purposes of this subtitle, "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

SUBTITLE D—GENERAL PROVISIONS

SEC. 1261. The Water Resources Planning Act (42 U.S.C. 1962 et seq.) is repealed.

SEC. 1262. Notwithstanding any other provision of this title, no payment under this title shall be effective except to such extent or in such amounts as are provided in appropriation Acts.

TITLE XIII—PORT INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENT TRUST FUND

SEC. 1301. (a) There is established in the Treasury of the United States a trust fund to be known as the "Port Infrastructure Development and Improvement Trust Fund" (hereinafter in this title referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in subsection (b) or section 1303(b).

(b) There is hereby appropriated to the Trust Fund for each fiscal year beginning after September 30, 1983, an amount equal to the custom duties collected during the preceding fiscal year, but not to exceed $2,000,000,000 for each such year.

(c)(1) Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures (A) for feasibility studies for, and construction, operation, and maintenance of, projects for ports by the Secretary, (B) for feasibility studies for, and construction, rehabilitation, and maintenance of, projects for ports for the Saint Lawrence Seaway by the Saint Lawrence Seaway Development Corporation, (C) for relocations of utilities, structures, and other improvements, necessary for construction, operation, and maintenance of such projects, and (D) for making payments to any non-Federal interest which has planned and designed or planned, designed, and constructed a port in accordance with section 104 of this Act. No amount may be appropriated out of the Trust Fund unless the law authorizing the expenditure for which the amount is appropriated explicitly provides that the appropriation is to be made out of the Trust Fund.

(2) Nothing in this section shall be deemed to authorize any program, project, or other activity not otherwise authorized by law.

SEC. 1302. The amounts appropriated by section 1301(b) to the Trust Fund shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in section 1301(b). Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 1303. (a) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(b)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or

(B) by purchase of outstanding obligations at the market price.

(2) Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

SEC. 1304. For purposes of this title—

(1) the term "construction" includes any planning, designing, engineering, and surveying which is necessary to carry out a project for a port and which is performed after authorization of the project; and

(2) the terms "port" and "United States" have the meanings given such terms in section 110 of this Act.

TITLE XIV—BRIDGES OVER NAVIGABLE WATERS

SEC. 1401. (a) The Secretary shall reimburse, from sums appropriated under this section—

(1) the owner of the Port of Houston of Houston Authority bridge over Greens Bayou, Texas, approximately two and eight-tenths miles upstream of the confluence of Greens Bayou and the Houston Ship Channel, and

(2) the owner of the pipeline bridge over Greens Bayou, Texas, immediately adjacent to the Port of Houston Authority bridge over Greens Bayou,

for work done before the date of enactment of this Act for alterations to each such bridge which were reasonably necessary for the purpose of navigation.

(b) There is authorized to be appropriated not to exceed $450,000 to carry out paragraph (1) of subsection (a) and not to exceed $250,000 to carry out paragraph (2) of subsection (a).

SEC. 1402. The Secretary of Transportation, in consultation with the Secretary, is authorized and directed to transmit to Congress a list of those bridges over navigable waters of the United States which have Federal permits and which were constructed, reconstructed, or removed during the period January 1, 1948, to January 1, 1984.

TITLE XV—REPORTS

ADDITIONAL SUBMISSIONS

SEC. 1501. If any report required to be transmitted under this Act to the Committee on Environment and Public Works of the Senate pertains in whole or in part to fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, the Federal officer required to prepare or transmit that report also shall transmit a copy of the report to the Committee on Merchant Marine and Fisheries of the House of Representatives.

H.R. 5504

By Mr. SNYDER:

—Page 74, strike out lines 20 and 21 and insert in lieu thereof "year, unless such grant is—".

Page 74, line 22, strike out "(i)" and insert in lieu thereof "(A)".

Page 74, line 24, strike out "(ii)" and insert in lieu thereof "(B)".

Page 75, line 3, strike out "(iii)" and insert in lieu thereof "(C)".

Page 75, line 8, strike out "; or" and insert in lieu thereof a period, closing quotation marks, and a second period.

Page 75, strike out lines 9 through 20.

Page 75, line 23, strike out "paragraphs" and insert in lieu thereof "paragraph".

Page 75, lines 24 and 25, strike out "Except as provided in paragraph (8) of this subsection, any" and insert in lieu thereof "Any".

Page 76, line 18, after the period, insert closing quotation marks and a second period.

Page 76, strike out line 19 and all that follows through line 8 on page 77.

EXTENSIONS OF REMARKS

COMMENCEMENT ADDRESS OF JAMES C. FINLAY, S.J. AT FORDHAM UNIVERSITY'S 139TH COMMENCEMENT AND IN TRIBUTE TO LECH WALESA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. BIAGGI. Mr. Speaker, for the benefit of my colleagues I would like to place into the RECORD the recent commencement address given by Father James C. Finlay at Fordham University's commencement earlier this month. This address was unique in the sense that it represents the reflections of a dedicated leader and president of this institution as Father Finlay steps down this year in his capacity as president of Fordham.

While I had the distinct honor and priviledge to be awarded an honorary doctor of laws from Fordham this year, it is both fitting and appropriate that this honor was bestowed, in part, by Father Finlay. In tribute to his own work on behalf of our Fordham community in the Bronx, I want to share his parting words to those of us who were assembled at the ceremony. They reflect the man and his vision for higher education in this Nation as well as Fordham's role in making that vision a reality.

In addition to Father Finlay's address, I also wish to include the "Citation for Honorary Degree" that was awarded by Fordham to Lech Walesa. More touching is the letter that he sent to Father Finlay and the university in appreciation for the honor of being awarded an honorary doctor of laws. I believe that the words of Lech Walesa are as applicable to the situation in Poland as they are to any other place in the world which is faced with oppression and denial of civil liberties and human justice—Central America—Afghanistan—Northern Ireland, to name a few. We should never forget that universities have an important role in assuring that man's struggle for a better life can continue. Schools of higher learning provide not only the knowledge to their students—but also recognition to those goals and values that must remain an integral part of a free and civilized world.

The article follows:

COMMENCEMENT ADDRESS GIVEN BY JAMES C. FINLAY, S.J. AT FORDHAM UNIVERSITY ON SATURDAY, MAY 19, 1984

Your Excellency, Bishop Ahern.

Mr. Richard Bennett, Chairman of our Board of Trustees, together with all those trustees assembled here; my faculty colleagues and members of the administration; devoted members of the University Staff; members of the graduating classes of 1984, their families and friends; our very distinguished honorary alumni.

The Honorable Mario Biaggi, Member of Congress from New York's 10th District for the past 16 years, and an articulate advocate of diversity in higher education, and federal aid to needy students.

Rev. Robert I. Burns, S.J., Medieval History scholar at the University of California at Los Angeles and alumnus of Fordham's Graduate School of Arts and Sciences.

Willard A. Genrich, Chancellor of the New York State Board of Regents, which is celebrating its 200th anniversary this year, and a pioneer in advocating guaranteed student loans.

Rita Webb Smith, Director of Administrative Consultation Services at the Family Systems for Living Center in New York City, community activist and medical social worker, alumna of Fordham's College at Lincoln Center and Graduate School of Social Service.

Frank E. Taplin, President of the Metropolitan Opera, which is observing its 100th anniversary, successful lawyer and entrepreneur, amateur pianist and fund-raiser extraordinaire.

Peter K. Warren, Executive Vice President of Pepsico, Inc. and Chairman of the Council of Governing Boards, a statewide organization of some 3,000 trustees of independent colleges and universities in New York State; and, Lech Walesa whose faith, courage and wisdom inspires free men and women everywhere.

Greetings to you one and all. Hail and farewell.

I entered Fordham University as a member of the Class of 1944. I hope to depart today as a member of the Class of 1984—if you will allow me the privilege of honorary membership in your graduating class. I would count it a privilege and a source of personal pride if I could call each of you women and men of Fordham my classmates.

I congratulate each one of you, your parents, your spouses, your families and your friends.

What message do I have for you on this great moment in your lives? My first message will be a reassuring one. If there is one lesson I have learned in the twelve years that I have had the honor of presiding over Fordham commencements it is this: the shorter the speech the better.

My second message will have to do with an issue that has concerned me for many years and that should concern all of you both as citizens and taxpayers. I speak of the policy that governs the public funding of higher education.

Last September I attended a meeting of higher education executives here in New York City. The issue being discussed was support of higher education by the State of New York. A colleague and good friend of mine, the president of a public institution, at one point in our conversation, exclaimed with a considerable degree of emotion: "I don't want to subsidize the education of rich kids." With equal emotion I responded: "That is precisely my point of view."

Today I want to talk to you about the use of public dollars to support students who seek a college education. We live in an era of scarce resources. Our staggering national debt looms as a terrifying symbol of the pressures on the public purse. Yet the demands for a share of our State and nation's economic pie are increasing on a geometric scale. The overriding issue of public policy in our times may well be: how do we assess this array of human needs and allocate resources to them in a prudent and responsible fashion? How much for housing? How much for missiles? How much for health care? How much for foreign aid? Would a dollar spent to support economic development of high technology pay more social dividends than a dollar spent on our schools? How do we assign priorities to all of these compelling needs?

In my personal list of priorities, education, at every level, ranks very high. I suspect I am not too different from other Americans because, as a nation, we have insisted that an enlightened citizenry forms the foundation of our republic. We believe, as a people and as a nation, that knowledge is an absolute requirement for an enlightened citizenry. Historically, we have sought, with a success unmatched by any other nation, to provide for the education of all those seeking to learn, irrespective of their religion, race, sex or economic status. But we are now just beginning to learn that maybe—just maybe—we may not have the resources to achieve that goal.

I have been, as some of you may know, a spokesman for independent higher education here in the State of New York, but I do not wish to argue the case of the independent sector today. My remarks will be addressed to all sectors of higher education across the board. I will advocate a general policy not a special case.

Neither will I advocate treating students in independent institutions in the same way, financially, as the State treats students attending public institutions. There is a price to be paid for independence. Both students and parents should be willing to pay that price. My only concern is that the price not be so high as to make the choice of an independent university prohibitive.

My point is simple: public funds in support of students seeking higher education should be allocated according to a student's need or his family's capacity to pay.

Federal grants for college students—the so-called Pell Grants—are based on an individual's capacity to pay. The College Scholarship Service has been in operation now for 30 years. Working on the tax forms submitted by families, the CSS determines how much of college costs a family can be expected to pay for its son or daughter's college education. Several thousand Colleges, across this vast country, public and private, use the reports of the College Scholarship Service to help distribute financial aid.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

The principle of "aid according to need" is established. Earlier protests against the supposed "indignity" of a needs test have yielded to the acceptance of tests over a range of public programs from Medicaid to Food Stamps.

Education is no different nor should it be in the contest for scarce dollars.

The technique for establishing need is available. Indeed there are several devices in addition to the College Scholarship Service.

Am I alone in advocating that the public investment in a student's college education should be in proportion to the need that student has for assistance?

By no means. Some very eminent and reflective people have stated the case better than I can. Let me cite one example, a statement by the Honorable Mario Cuomo, Governor of the State of New York, and I quote:

"Should my child pay the same as a child of a $20,000-a-year family? My daughter Madeline is now going to Albany State. She transferred up there from St. John's. I'm delighted I've got her in the house again where I can watch her.

"I make $100,000—it's not as much as the Mayor—but it's a pretty good salary. She pays the same as a kid from the family that makes $20,000 and in all cases they're heavily subsidized by the state.

"People talk about fairness, but what's fair? It's impossible to define. Everybody has a different interpretation of the word. I perfer to talk about need. Need should be the basis for entitlements . . . this is the direction we should be heading in."

These words are taken from a news story dated September 15, 1983 and published in the New York Post. It was a story that attracted very little attention.

I applaud the Governor for recognizing that his daughter, a student in the State University, is the recipient of a very substantial subsidy paid, without any reference to need, by New York State taxpayers.

I am sure the Governor's sensitivity is enhanced by the knowledge that 80 percent of New York State's taxpayers have net taxable incomes below $25,000 while about 100,000 of his daughter's fellow students at SUNY come from families with income above that figure—some very far above.

The Governor is absolutely right when he says: "Need should be the basis for entitlements. This is the direction we should be heading in."

It would seem to me that there are obvious advantages to linking public funds to proven need. Are there other advantages that might flow from a more equitable distribution of state dollars in support of college students?

Let me mention one advantage that might not seem so obvious.

Access would be improved, especially for minorities and low-come families. The City University of New York is an extraordinary institution that has courageously, imaginatively and effectively opened the doors of educational opportunity to the poor in this City and it is doing this with ever increasing success. In 1982, 49.8% of CUNY's full-time undergraduate student body were blacks or hispanics. In that same year 13.8% of the full-time undergraduates at independent institutions were blacks and hispanics. At the State University the comparable figure was 7.8%.

In absolute numbers again for 1982, 49,875 black and hispanic students were enrolled at CUNY. In the independent sector there were 30,119 blacks and hispanics and at SUNY 17,683.

Were there to be a serious attempt to link funding to need, then the policy of subsidizing one segment of the student population by more than $6,000 per year, without any reference to need or capacity to pay, would end, and a reservoir of funds could be made available to enhance the access of minority students and the poor to insitutions other than those of the City University alone. And this could be achieved without any increase in the tax burden for our citizens.

I have no intention of entering into a description or discussion of the various ways a need-based funding system for higher education in New York State or other states might be established. Specific proposals have already been made for graduated tuition and other techniques to achieve the same goal.

My purpose today is to raise the issue, to ask the question: should a student's or his family capacity to pay be a determining factor in the allocation of public funds for a college education?

I hope this issue will be raised by the taxpayers, by the business community and by our legislators as it has been by Governor Cuomo. Unless need becomes the basis for entitlements, to use the Governor's words, I predict that the public institutions in New York State will become increasingly segregated by race and social class while rising tuition costs in independent institutions will place such colleges out of the reach of working-class and middle-class families.

The time to act is now. In this year of 1984 New York State is celebrating the two hundredth anniversary of the founding of that unique institution to which all schools and colleges belong, the University of the State of New York which most of you know as "The Regents." This afternoon we honored Mr. Genrich, the Chancellor of the University of the State of New York. No greater good, in my opinion, could emerge from this bicentennial celebration than a serious rethinking of the financing of all higher education in the State of New York, leading to the elimination of subsidies unrelated to need, and a distribution of financial aid that will be more equitable and more effective.

And with this I say goodbye to you and to Fordham. May the Lord's blessing be upon you in all your endeavors and upon Fordham in all its efforts to seek truth, and thus to serve the People of God. And say a prayer for me that I may never forget the men and women, at all levels of this University's life, who have assisted me and inspired me these last twelve years.

God bless you all and farewell!

CITATION FOR HONORARY DEGREE—LECH WALESA

DOCTOR OF LAWS

Son of a carpenter. Child of the Holocaust. Master electrician. Devoted father and loving husband. Devout Catholic. Nobel laureate. Imprisoned labor leader. Man of the year. Voice of the Polish people and working people everywhere.

History may make men, but Lech Walesa has made history. He has indelibly reshaped the spirit of his own time and his own people. While Poland has been the arena of his struggle, he has fought for the rights of all people. He has proclaimed that men are creatures of God, not of the State, and that man's allegiance to God is foremost. He has not denied the State, but he has challenged its assault on human dignity.

Lech Walesa has pushed, but not too far. He believes that dialogue rather than confrontation will ultimately ensure the rights and dignity of the Polish people. He speaks for all who want to be free—free to live and enjoy the fullness of life. In the face of a repressive ideology, he has dared to give hope to his fellow countrymen. If that is a crime, then by such logic all free men are guilty.

So to you, Pan Walesa, sto lat! May you live for a hundred years. And may the ideals you cherish live for a thousand years in a free Poland and a free world.

Fordham acclaims a man—more than a man—we acclaim the unquenchable quest for freedom that he and his comrades in Solidarnosc have so valiantly embraced. It is, therefore, for Fordham an honor and a privilege to confer today on Lech Walesa, this son of Poland, the degree of Doctor of Laws.

Fordham University, New York City, May 19, 1984.

GDANSK, POLAND,
April 4, 1984.

JAMES C. FINLAY, S.J.,
President, Fordham University.

DEAR PRESIDENT, FACULTY, AND ALL THOSE GATHERED HERE TODAY: I deeply regret not being able to be with you today at Fordham University to thank you personally for awarding me this honorary degree.

I am proud that such an eminent and distinguished university has bestowed this honor upon me. I hope that the time will come when I shall be able to thank you in person and sit, at least once, in a university classroom as a worker who has been singled out for this distinction. At the present time, however, when my friends and comrades are sitting in prisons and undertaking hunger strikes to achieve humane living conditions, I am unable to leave the country. I regard the doctorate which I have the privilege of receiving as due not so much to my personal merits, but rather as a gesture of support for the ideals of NSZZ "Solidarnosc" and its peaceful struggle on behalf of mankind's right to a better life, an aspiration shared by many peoples. I hope that they, too—all those anonymous fighters who defend these ideals—may one day receive their reward.

For these people—workers, farmers or intellectuals who have renounced the use of violence—the word "fighter" has a different meaning. Even though they have chosen to fight for peace inconspicuously, they have nevertheless done much for peace and dialogue. Although violence persists in my country, many remain convinced that dialogue is essential, and that it will ultimately lead to results. We cannot forsake this dialogue without risking confrontation.

The need to come to an understanding is not only a political position born of common sense, but is also evidence of our attachment to Christian values. In Poland today, the search for values that are more lasting than ideological doctrines—which have not materialized and which hinder social development—is universal. Working people find these values in Christianity and in the teachings of John Paul II.

In conclusion, allow me to express my belief that this honorary doctorate, though awarded to me, has wider implications, for it reinforces our conviction that the road we have chosen is the right one. It reinforces our hope.

And for this, I thank you.

LECH WALESA.●

LET THEM GO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. FRANK. Mr. Speaker, as we meet, the lives of Andrei Sakharov and Yelena Bonner are in danger because of the brutal, inhumane, and wholly unjustified repression they are suffering in the Soviet Union. We must continue to insist that the Soviet Union allow to Sakharov and Bonner—and to other victims of oppression—the basic freedoms that ought to be the right of all people, In Tuesday's New York Times, Sydney Schanberg eloquently restated the case for our continued speaking out on this question, and I ask that his forceful and cogent column be reprinted here.

The article follows:

[From the New York Times, May 29, 1984]

LET THEM GO

(By Sydney H. Schanberg)

Memorial Day is for remembering acts of courage and sacrifice in defense of personal freedoms, so it is fitting on such an occasion to consider Andrei Sakharov and his wife, Yelena Bonner.

This is an American holiday and they are Soviet citizens, but they—by risking, and receiving, grave punishment for championing civil rights and free expression in a society where such activities are anathema—have become the kin of humanists everywhere. It is why their fate is so important to all of us.

The Sakharovs are now confined in internal exile in the closed city of Gorky. When the distinguished theoretical physicist went on a hunger strike earlier this month—in an attempt to pressure the Kremlin into allowing his ailing wife to go abroad for medical treatment for her damaged heart—Soviet authorities responded by tightening their confinement. No contact with friends or relatives in the outside world has been permitted since.

In his early years of protest against repression in the Soviet Union, the scientist—who was one of the fathers of the Soviet hydrogen bomb and was of the stature of Oppenheimer and Teller—was somewhat protected from the system's worst punishments by the great prestige he enjoyed at home and abroad. He lost his considerable privileges and his job, and he and his family were persistently harassed, but other less well-known dissidents were suffering trials, imprisonment, hard labor, confinement in mental institutions.

But now the authorities have moved to break the Sakharovs as well—which must mean they feel free to do it to anyone. They apparently no longer believe that Western public opinion will rise to a pitch that could cause damage to their interests abroad.

It is, therefore, difficult to know what might possibly influence the Kremlin to release this brave couple. But certainly silence will not.

Dr. Sakharov himself—though he has never entertained false hopes about changing the system by sudden strokes—has nevertheless always believed in the usefulness and necessity of publicity.

Yes, publicity is crucial now. There must be a chorus of speaking-out that is impassioned enough and convincing enough to persuade governments and multinational corporations and individuals who have dealings with the Soviet Union that they have to do something. Not later, now. For the Sakharovs are both very ill—and could die if feet are dragged and efforts are postponed.

There is, in fact, a ready-made vehicle for focusing a current of protest and appeal—a just-finished film produced for Home Box Office, the television movie channel. It is titled, simply, "Sakharov," and it stars Jason Robards and Glenda Jackson. I attended a screening of the film last week, and it is very powerful.

The timing of its completion is fortuitous, but there's a hitch in getting it on television right away. The executives at H.B.O. deserve credit for taking on this project, but they are concerned now that rushing the film onto the air immediately—instead of following their original plan to present it in September, with several months of advance publicity to attract new subscribers—could cost them financially.

To their credit again, they are giving serious thought to an early release. They are listening to arguments from members of the Sakharov family and others that the attention presently directed at the plight of Dr. Sakharov and his wife is the strongest publicity the film will ever have. I agree, and add my voice to this appeal.

Meanwhile, nothing has been heard from Dr. Sakharov since the start of his hunger strike. The Kremlin will seek to keep it that way.

But communications blackouts will never obscure the character of this man they have tried to silence—a man who so galls them for having won the Nobel Peace Prize in 1975.

In a superb magazine piece written before the scientist's exile in Gorky, The Times' Hedrick Smith described him this way: "Private, reticent, soft-spoken and kindly as he is, Sakharov wears his heart on his sleeve. When moved, he has a vibrant sense of outrage at injustice, a quick and deep compassion for the suffering of others, a naïve directness in action and speech, almost heedless of the consequences for himself."

The Smith article also described an exchange in which Dr. Sakharov was asked by someone why he kept going this way. He replied: "You always need to make ideals clear to yourself. You always have to be aware of them, even if there is no direct path to their realization. Were there no ideals, there would be no hope whatsoever. Then everything would be hopelessness, darkness—a blind alley."

There can be no question that the Sakharovs represent everyone who cares about humaneness and human rights. They are braver than nearly all of us, but they are not symbols. They are human beings—and they must be saved.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. CONTE. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies' auxiliary conduct a Voice of Democracy contest. This year more than 300,000 secondary school students participated in the contest, competing for five national scholarships which are awarded as top prizes. First prize is a $14,000 scholarship, second prize is $7,000, third prize is $4,500, fourth prize is $3,500, and fifth prize is $2,500. The contest theme this year was "My Role in Upholding Our Constitution."

This year's winner from the Commonwealth of Massachusetts is William Wilhelm, Jr., of 33 Leroi Drive in Pittsfield, Mass., a city which I represent. Mr. Wilhelm has written an outstanding composition describing why he believes it is so important to become actively engaged in upholding the tenets of the Constitution.

I am very proud to represent this fine young man, who has such a clear idea of his responsibility for citizenship under our Constitution. Therefore, I insert the text of his entry in this most important national contest into the RECORD.

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By William Wilhelm, Jr.)

The Constitution of the United States is not just the basic principles and laws of our nation, determining the powers and duties of our government, but also a written instrument guaranteeing certain rights to its citizens.

As with all rights and privileges, there are responsibilities.

As a citizen of this great country, I have a responsibility to support the Constitution, and through this commitment, become keenly aware of my many privileges.

By active participation in my school, church, family, neighborhood, and community, I am not only supporting the Constitution, but nourishing it, for if the freedom we now enjoy is to prevail, it must either be nourished by the individual efforts of its citizens, or die of starvation by our indifference. We cannot become parasites, taking from our country and returning nothing, for to do so would eventually deplete its resources. And we are the most valuable asset our country possesses.

I must learn all that I can from the teachers and schools that my country's laws provide for me, and use this knowledge to contribute, not only for my personal growth, but to the betterment of this nation, and the people it serves. This I can achieve only through active participation in the classroom and through activities provided me from my school. I must also comply with my school's rules so that each member in it may co-exist peacefully and retain the most fundamental value of the Constitution, human dignity.

I must actively practice my faith, for in doing so, I become a living example of God's love for mankind. Fortified with this knowledge, I feel compassion for my fellow man, respect for their individual differences, and a strong feeling of brotherhood. The same emotions our forefathers conveyed in the Constitution.

Ever since man, woman and child set foot upon this country, the family has become a symbol of the diligence and strength of the American people. From the days when Pilgrim families fought the harsh New England winters, through the trials and tribulations of the pioneers up through today, families have endured, and struggled for their lives and rights. As a young individual I feel myself bound to continue this great tradition with pride. As a member of an American family, I notice that those inevitable circumstances that try to tear the family apart, most often bring it closer together. As these ties grow stronger, I have, and will continue to become aware of mutual respect, unselfishness, democracy, and the highly praised American ability to allow majority rule and maintain minority rights. With this knowledge I am prepared to help a neighbor, to participate in my community, and to become a friend.

With all of these tools, that I have had the privilege to receive, I can become an active participant in my community. For, as in a family, the problems and interests of each member affects us all, and we must work together. I can learn and obey the rules of my city, learn how it operates and keep myself informed on political issues.

For, as each drop of water helps create a stream, and each stream create a river, what I actively contribute not only represents my school, church, family, neighborhood and community, but also my country, and in actively supporting these individual endeavors I am fully supporting the Constitution.

As Adlai Stevenson once said, "It seems to me that government is a pump, and what it pumps up is just what we are, a fair sample of the intellect, ethics, and the morals of the people, no better, no worse."●

VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. SKEEN. Mr. Speaker, I would like to take this opportunity to commend New Mexico's winner in this year's Voice of Democracy contest. He is Raymond Niblock, a student at the New Mexico Military Institute in Roswell. I would also like to praise the VFW for sponsoring this contest and for promoting patriotism among our young people. Raymond Niblock's winning speech follows:

My Role in Upholding Our Constitution

As a citizen of the United States of America, it is my moral duty to do the things that I believe would best uphold the Constitution of the United States. We as Americans should never forget the words laid down in the Preamble of the Constitution that, "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America." We as individuals share the moral obligation to uphold the United States Constitution in the best manner that we see fit. Why is it the duty of each American to do his part in upholding the constitution? It is our duty because that document belongs to each and every one of us. We must see that it survives the test of time.

The United States Constitution is the most important document that belongs to the American people. It is important because the constitution is the basis by which this country exists. It is designed for the primary goal of assuring the survival of this great free nation. It enforces the God given freedoms that we Americans enjoy today.

In upholding the constitution, we must remember the philosophies that this country was based on contained in the Declaration of Independence. This country was founded upon the ideals set that, "We hold these truths to be self-evident: That all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." We must see that these ideals survive by our individual help in upholding the United States Constitution either by military service or participation in the American political processes.

I believe that military service is the most direct manner in which one can serve toward the constitution, for we as Americans must "provide for the common defense" of this great nation. I would find great satisfaction in serving as a military officer in the armed forces to help with leadership on the battlefield against the enemies of democracy. However, there are many other ways that others can serve as well. Such as service behind the lines with supplies for the fighting forces or those serving in the medical corps. On the home front, one can serve in factories helping to turn out the equipment and ammunition that are required overseas. And, even in lesser direct manner, one could participate in the selling of bonds if so needed to help pay for the great debts in times of direct conflict. We must realize that the price of liberty and democracy is high, and to secure those rights bestowed upon us by our God, we must be willing to sacrifice and serve the common cause. Americans have been willing to serve that cause since the days of the colonial minutemen to those of the modern-day soldier serving in the armed forces throughout the world. The military has always been the forceful arm of American justice and democracy.

Political service is one other way in which we as Americans can help in strengthening the integrity of the constitution. Degrees of political service can range from aid in local campaigns to running for political office at the state or national level. A good example of local political service would be rallying for people to register and vote in the upcoming elections. Some people would deem it worthy of them to run for a political office such as a governorship or senatorial seat. Within my own personal goals, I want to go to law school after I graduate from college and become an attorney. In later years, if it is within my capacity, I want to run for political office in the national congress such as a representative or a senator. I feel that by holding either of those positions, I would best be able to serve the constitution by equitable representation for my constituents. Americans must realize that equitable representation in our federal system is one of the goals of our constitution by the assurance that each American's rights are not taken away by allowing one faction of our government to gain too much power. We must cherish the freedoms that we enjoy, and be thankful that we have a constitution that enforces those freedoms. In turn, we must uphold the constitution in the best ways that we know how.

I love this country very much because I believe in the freedoms and human rights of all peoples. Serving this country by doing my part to uphold the constitution is serving democracy, which is the manifestation of free-mens will and the devotion of honor to his fellow citizen.

This country has long survived as a sovereign free nation in the world because its legal constitution has been upheld for two centures that it has been in existence. However, its upholding has required the dedication and the brave sacrifice from the great Americans who have given their lives to assure that this nation, its constitution, and freedoms survive. I intend to be one of those great Americans for there is nothing greater than service toward the freedom of a society, which in the United States, is guaranteed by our constitution.●

HENRY LAURENS, RIGHT MAN FOR THE JOB

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. SKELTON. Mr. Speaker, I bring to the attention of this body an essay written by Laura Croston of Independence, Mo. The essay is titled "Henry Laurens, Right Man for the Job." This essay recently won the National Sixth Grade DAR History Essay Contest and I wish to further honor this fine historical essay and its author by having it printed in the CONGRESSIONAL RECORD. I ask my colleagues to join me in commending this fine piece of writing.

The essay follows:

Henry Laurens, Right Man for the Job

The Treaty of Paris of 1783 was one of the most important stepping stones in the history of our nation. It dictated that the United States was truly free and responsible for its own actions and fate. The future of the new nation was now and forevermore in the hands of true Americans.

Congress selected Benjamin Franklin, John Jay, John Adams, Henry Laurens, and Thomas Jefferson to represent our country in the negotiations. Thomas Jefferson never participated, due to his wife's grave illness. Although Jefferson was missing, the remaining four carried out their task well.

Three of these negotiators are fairly well-know, while the fourth one's name has been lost in the mists of time, not for the lack of participation, but for the lack of a signature. Henry Laurens participated in, and contributed to the writing of the treaty. He signed the preliminary agreement in November of 1782. This document was then sent to the British Parliament and the United States Congress to be approved. Their approval was not received in Paris until late 1783. Only then could the negotiators make a few changes and re-copy the document, which was formally signed on September 3, 1783.

Because he was not present for the signing of the formal document, history has forgotten Henry Laurens. Some people have called him "The Neglected Negotiator".

Although not well-known today, Henry Laurens was recognized as a statesman and patriot during his own lifetime. Despite his tragic personal life, which included the loss of all but four of his children in their early childhood, and later, the loss of his wife.

Henry Laurens served his country in many ways and for many years.

After a successful career as a merchant, trader, and plantation owner, Henry Laurens began his career in politics. He served on many important committees in the colonial government, including a term as vice-president of the colony of South Carolina. In 1777, he was elected to the Continental Congress, and later was unanimously elected president of the Continental Congress when John Hancock resigned. Mr. Laurens later resigned the presidency over a matter of principle, but remained as a delegate.

In 1779, he was appointed minister to Holland and was sent there to make a treaty with the Dutch. On his way to Holland, he was captured by the British and imprisoned in the Tower of London under accusation of treason. He was offered King's Pardon if he would renounce his allegiance to America. He refused. After nearly four years of semi-starvation and mal-treatment, he was exchanged for General Cornwallis.

Mr. Laurens arrived in Paris just in time to add two important items to the treaty: boundaries for fishing rights, and a provision preventing the British from carrying off American property.

Mr. Laurens did not sign the final treaty of 1783 because he was carrying out other duties for his country. At the time of the formal signing, Henry Laurens was in London, meeting with Prime Minister Fox, discussing the possibility of an American ambassador to England. After completing his final mission, Mr. Laurens returned home to live the remaining seven years of his life in retirement. He continued to receive honors even after he returned from Europe. A county in South Carolina is named for him.

While Henry Laurens may have been in the wrong place at the wrong time to be remembered in history, we are lucky that he and his fellow delegates were the right men with the "right stuff" to do the right job protecting the freedom of our country.●

SALUTE TO MAXCINE GUFFEY

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, the National 4-H is unexcelled as a program dedicated to our youth and the future of American agriculture. I am especially proud that one of the top 4-H volunteer leaders, Maxcine Guffey, is from my congressional district in Texas.

Just recently Maxcine Guffey was one of 52 men and women from each State selected for a 5-day program at the National 4-H Center in Chevy Chase, Md., designed to expand 4-H and its role in educating America's youth.

A very interesting article about Maxcine Guffey appeared in the Texarkana Gazette and I commend it to the attention of my colleagues as follows:

[From the Texarkana Gazette, Mar. 31, 1984]

MAXCINE GUFFEY HONORED AT "SALUTE TO EXCELLENCE"

(By Herschel Fincher)

"Drat!" said Maxcine Guffey after returning to Texarkana from Washington, D.C., late this week. "I missed a free flight to Havana."

Mrs. Guffey, who lives in the Liberty-Eylau community, changed from a Piedmont flight in Charlotte, N.C., only hours before a highjacker took a Piedmont jet and its passengers to Cuba.

"It would have been exciting," she said, "but I've had a lot of excitement already this week."

She was honored at the second 4-H Salute to Excellence program at the National 4-H Center in Washington.

"We participated in a reception for French President Francois Mitterand on the White House lawn," she said. "It was hosted by President Reagan, and the First Lady was absolutely stunning. So was Mrs. Mitterand. You should have seen their dresses!"

Mrs. Guffey was one of 52 outstanding 4-H volunteer leaders selected from each state, the District of Columbia and Puerto Rico to attend the recognition and training program supported by R. J. Reynolds Industries Inc. and arranged by the National 4-H Council.

The "Salute to Excellence" congressional banquet in their honor was held in the Caucus Room of the Russell Senate Office Building.

"There is no way to estimate the value of your leadership," U.S. Sen. Jesse Helms, D-N.C., told the volunteers in his keynote address at the banquet.

"You are the central core of a great program that has the effect of an ever-widening ripple that will last for generations."

While in Washington, she also was treated to a tour of the U.S. Capitol Building and a visit to the Smithsonian Institution.

Mrs. Guffey has served as leader of the Liberty-Eylau 4-H club for 15 years, and has been member of the Bowie County Adult Leader Association for 12 years. She also has been a member of the Community Education Council the past four years, and worked with the Bowie County Building Program for 10 years.

"I was very impressed with Washington," she said, "even though security went through our purses after we lunched in the Madison Building where the Library of Congress is housed."●

THE DECLINE OF THE DOMESTIC FOOTWEAR INDUSTRY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. MAVROULES. Mr. Speaker, today I am joining my colleagues in the Footwear Caucus in urging that immediate action be taken before our domestic shoe industry goes completely under in the face of rising imports.

In January, a petition was filed with the International Trade Commission on behalf of the industry for relief from imports of nonrubber footwear. This petition pointed out that conditions facing the U.S. shoe industry and its workers today are far worse than in 1976 and 1977 when the International Trade Commission found that imports were seriously injuring the domestic industry. The International Trade Commission has since completed its hearing on the petition.

I had joined with my colleagues in the Massachusetts delegation in writing a letter to the ITC in support of the footwear petition. We had asked that section 201 of the Trade Act of 1974 be implemented to save the footwear industry of New England and the footwear industry throughout the country. A copy of our letter can be found at the end of my statement.

The statistics show why immediate action is so vital. Unemployment in the shoe industry now stands at 14.9 percent, while production has dropped to 52 percent of 1968 levels.

For 100 years, my own State of Massachusetts has stood No. 1 in the ranking for the most important footwear-producing State; it now ranks fifth. Production in 1982 alone fell from the 1968 levels of 85.2 million pairs to a mere 23.5 million pairs.

A city in my district, Haverhill, Mass., stands as a prime example of this steady decline. Once known as the Queen Shoe City of the World, with more than 10,000 workers in 300 factories, Haverhill now has less than 500 workers in only three shoeshops. And there are other grim examples across this great Nation.

But rather than continuing on, citing statistics, let me include a letter from the mayor of the city of Haverhill to the President of the United States. This letter is a poignant statement of the devastating toll declining domestic footwear production has taken on our cities.

The letter follows:

CITY OF HAVERHILL, MASS.,
OFFICE OF THE MAYOR,
March 14, 1984.

The President,
Mr. RONALD REAGAN,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: As a State Legislator, and now Mayor of the City of Haverhill, Massachusetts, I have watched the slow decline of the shoe industry in both our city and throughout the nation. It is grievous to me and many others that this decline has continued, mainly because of foreign imports.

Haverhill stands as a prime example of this decline. In the 1920s, it was known as the "Queen Shoe City of the World" with more than 10,000 workers in over 300 factories. Following the sharp decline in the 1950s and 1960s, because of imports, the city suffered 15 percent unemployment and now has only three shoe shops with less than 500 workers. The city is only now recovering from this disaster.

Statistics compiled throughout the nation during the past decade support the contention that a similar situation is developing in other parts of the country where the shoe industry was surviving. Between 1968 and 1982, imports of shoes increased 174%.

An $8.5 billion industry employing 135,000 people is being threatened unless the federal government can take action to slow the rise of imports.

I urge your support for any efforts to curtail the rise of shoe imports and also urge you to take the initiative in this cause. I believe this would greatly enhance your commitment to the cause of domestic economic growth—a commitment which I share with you.

My personal thanks for your consideration of this matter.

Yours truly,

WILLIAM H. RYAN,
Mayor.

HOUSE OF REPRESENTATIVES,
Washington, D.C. January 27, 1984.

Hon. ALFRED ECKES,
Chairman, U.S. International Trade Commission, Washington, D.C.

DEAR CHAIRMAN ECKES: We are writing to urge the U.S. International Trade Commission to give full and complete consideration to the petition presented Monday by the Footwear Industries of America, the Amalgamated Clothing and Textile Workers Union, and the United Food and Commercial Workers International.

Section 201 of the Trade Act of 1974 provides for import relief under an "escape clause." We join the petitioners in asking that the provisions of Section 201 be implemented to save the Footwear Industry of New England, and the Footwear Industry throughout the United States.

It is essential that the Commission provide this immediate relief to our domestic industry. Statistics show why this action is vital. For instance, while the average unemployment for U.S. manufacturing is 8.3 percent, shoe industry unemployment stands at 14.9 percent. At least 4,000 shoe workers lost their jobs in 1983 alone.

In 1968, nearly 350,000 people worked in the nonrubber footwear and allied industries. More than 230,000 were in direct manufacturing, and another 115,000 worked for the supplier industries. Today, the industry has shrunk to only 133,000 manufacturing and 90,000 supplier workers.

On an overall industry basis, profits have fallen substantially. In 1982, the industry-wide pre-tax net profit rate was 6.1 percent, down from 3.8 percent in 1981. For firms producing fewer than 4 million pairs of shoes a year, profit levels were only 3.2 percent. One out of six companies actually suffered net losses during 1982.

Yet, while American footwear companies reduced their production, imported shoes made astonishing inroads into the U.S. market. In 1968, 21.5 percent of all shoes sold in the U.S. were made in other countries; by 1983, imported shoes comprised almost 65 percent of the U.S. market.

American companies will not be in a position to regain their economic vitality if this flood of imports continues to saturate our markets.

We ask for your fair consideration of the petition presented by the Footwear Industries and the interested labor organizations. Their request is both appropriate and necessary if this American industry is to regain its economic health.

Very sincerely,

Nicholas Mavroules, Edward P. Boland, Silvio O. Conte, James M. Shannon, Brian Donnelly, Joseph D. Early, Paul E. Tsongas, U.S.S., Edward J. Markey, Joe Moakley, Edward M. Kennedy, U.S.S., Thomas P. O'Neill, Jr., Gerry E. Studds.●

JUVENILE DIABETES FOUNDATION INTERNATIONAL CONFERENCE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WOLF. Mr. Speaker, I am pleased to advise my colleagues that the Juvenile Diabetes Foundation International is holding its 14th Annual International Conference, May 29 to June 3, in Washington, D.C.

Over 500 delegates from the United States, Brazil, Canada, Italy, Israel, and France, and leading medical scientists involved in diabetes research and treatment will convene at the Hyatt Regency Hotel here on Capitol Hill and will be hosted by the two Washington area chapters, the Northern Virginia Chapter and the Washington Metro Chapter of JDF.

The conference will focus on training sessions to help each of the delegates with their fundraising efforts, public education, and special events preparation. Highlighting the conference will be the introduction of the foundation's new public service "cure" campaign by JDF international chairperson, Mary Tyler Moore. In addition, the foundation will announce its 1983–84 funding awards to research of some $2.8 million.

The Juvenile Diabetes Foundation International, a voluntary, not-for-profit health organization, is dedicated to finding the cause, cure, treatment, and prevention of diabetes and its many complications through research. Diabetes afflicts some 12 million Americans and is the third leading cause of death by disease. In 10 years of active fundraising by 165 JDF chapters worldwide, the foundation now has contributed over $21 million to diabetes research.

Locally, two JDF chapters have been serving the urgent needs of the Washington metropolitan area's diabetic population for the past 12 years, and their numbers have grown in volunteers committed to finding the cure for his dreaded disease and all of its complications, such as blindness, kidney failure, heart attack, nerve damage, and gangrene.

As one Member of Congress who has worked closely with JDF'ers at the local level, I have observed firsthand the effectiveness of their many successful fundraising projects to help find a cure which many of us believe now may be within the very grasp of the biomedical scientists who just a few years ago despaired in the belief that there simply was no hope for a cure in the foreseeable future for the diabetic patient.

I am proud to report that the Northern Virginia Chapter and the Washington Metro Chapter of JDF, working together jointly out of a donated office in Georgetown, have raised more than $200,000 in the past year alone. That is quite an accomplishment for the many volunteers from our community, including Washington and its suburbs in Maryland and northern Virgina, supported only by one paid person to coordinate their activities.

This kind of dedication and hard work is a credit to these many volunteers and complements that U.S. Government effort whch JDF also has made to support congressionally mandated funding for diabetes research conducted by the National Institutes of Health out of the Department of Health and Human Services budget.

The record of the Juvenile Diabetes Foundation International is an enviable one, indeed. In just 14 years this national health agency has grown from one group of parents of diabetics in the Philadelphia area to a worldwide organization, recognized by the medical science community as a reliable provider of research funds and a responsible supporter of research projects which may have otherwise failed for lack of that support.

The success of this organization is based on the energetic and dedicated individual efforts of its volunteers in all of its local chapters. The record of the two national capital chapters in the Washington area speaks for itself. I am deeply gratified that so many of these wonderful volunteers are residents of the 10th Congressional District of Virginia which I have the honor to represent in this House.●

HANDGUN ANTICRIME LEGISLATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. RODINO. Mr. Speaker, in 1968, stunned by the murders of Dr. Martin Luther King, Jr., and Senator Robert Kennedy, the Congress enacted legislation designed to keep guns out of the hands of the criminal, the addict, the deranged, the would-be assassin. We soon sadly learned, however, that defects in the law rendered it woefully ineffective. This ineffectiveness was dramatized by the history of the handgun used in the attempt to kill President Reagan.

For years, I have worked to remedy those defects. Now, virtually on the very eve of the 16th anniversary of the assassination of Robert Kennedy, the Senate Judiciary Committee is prepared to report a bill not to close the loopholes but to create new ones and open old ones wider.

While keeping existing, inadequate restrictions on snubnosed guns, this bill would allow interstate sales of other weapons for the first time since 1968. It would allow unlicensed persons to sell handguns interstate with no recordkeeping requirements. It would narrow the definition of a gun dealer, so that pawnbrokers would be exempt from dealer requirements and from Federal inspection. It would impede such inspection by requiring that dealers be notified in advance that Federal agents were about to visit them.

In sum, this legislation would make it easier for criminals to get handguns and make it harder for police to trace weapons and capture criminals.

The debate in the other body is not over. What the final outcome will be remains to be seen. For my part, I will continue to work to curb handgun violence.

My legislation has these main features: It would totally ban snub-nosed guns, the favorite weapon of the criminal; it would provide for a mandatory minimum prison sentence for anyone using or carrying a handgun in the commission of a felony; it would establish a 21-day waiting period before a handgun could be purchased, to allow time to verify the eligibility of the buyer.

In addition, it would ban the sale of handguns by pawnbrokers; raise the license fees for the handgun industry; require better recordkeeping; require that the theft or loss of a handgun be reported; require that guns be transferred through a dealer; and control multiple purchases of handguns.

In sum, what my bill would do is make it harder for criminals to get handguns and easier for police to trace guns and catch criminals.

What it would not do is deny a handgun to sportsmen or to those law-abiding citizens who believe they need and have a right to a weapon to protect themselves.

Mr. Speaker, there have been a lot of speeches in this body lately about anticrime legislation. I think my handgun bill is real anticrime legislation. Unlike some who call for controversial changes in the Federal Criminal Code, I make no sweeping claim that my bill will stop crime. But I do believe it would help curb criminal violence by restricting the flow of new handguns into the lethal pool of 50 million or more that now exist. It would not outlaw handguns, but it would keep them out of the hands of some outlaws.

In communities across the country, public officials are enacting sensible handgun reforms. But handgun crime is a national problem. It requires a national response if we can ever hope to control the criminal violence that snuffs out thousands of innocent lives each year.●

EQUAL ACCESS: A BURDEN OF LOCAL SCHOOLS

HON. WILLIAM. D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. FORD of Michigan. Mr. Speaker, when the House debated the so-called Equal Access Act, H.R. 5345, on May 15, supporters of this legislation vigorously maintained that it would not intrude on local school districts; it would not be disruptive of the operations of local schools and that it would not be a burden on local schools. In the May 23 issue of Education Week, Mr. Ira J. Singer, the superintendent of the Herricks Public Schools in New Hyde Park, N.Y., contradicts these easy assurances about the impact of this legislation, in an essay titled "Equal Access Means Promoting Religion." Mr. Herricks notes,

> Omitted from any part of H.R. 5345 are ways to contend with the nightmarish problems of providing for the orderly operation of the schoolhouse, the education and welfare of the students, and the costs to the taxpayer brought on by such a change.

I commend Mr. Singer's article, which follows, to my colleagues. I think that his articulate views, from one working directly in the schools, demonstrate the wisdom of the House in defeating the Equal Access Act on May 15.

The article follows:

EQUAL ACCESS MEANS PROMOTING RELIGION

(By Ira J. Singer)

Each and every year, the public schools are confronted by new campaigns, strategies, and loopholes designed to advance religion in the schools. The motivation behind the type of "equal access" legislation defeated last week in the House of Representatives is no different: to probe and break through the separation of church and state embodied in our Constitution.

H.R. 5345, a bill endorsed in this newspaper by Representative Don Bonker, Democrat of Washington State, is the latest knock on the schoolhouse door by advocates of prayer in the classroom. Only this one is bizarre. (See "Are the Freedoms of Speech and Religion Meant To Be Mutually Exclusive?" Education Week, May 9, 1984.)

Although this particular bill was defeated last week, the debate on the subject of "equal access" is far from over; therefore it's necessary to look very carefully at what such a bill would do.

The bill says, in effect, that a board of education must allow entry to the Rev. Sun Myung Moon or suffer a cutoff of all federal aid. Say "no" to any religious cult seeking to use public-school classrooms and your gifted, poor, and handicapped will suffer the loss of federal assistance. Representative Bonker says this is the only way to be fair to religious groups. He points out that since boards of education say "yes" to student-initiated requests for stamp clubs, computer clubs, or cheerleading clubs, they must also admit religious groups.

There is a crucial difference, however. The consequence of saying "no" to a student-initiated request for a hockey team are some disappointed hockey players. Say "no" to Jews for Jesus and the roof falls in. The dissimilar consequences of denying two such requests makes very clear the preferential treatment bestowed upon religious groups by bills like H.R. 5345. Basically, the bill strips local school boards of the right to say "yes" or "no" to any group seeking to use public schoolhouses and substitutes a form of federal "guidance" that no one asked for or needs.

Many of the groups certain to seek entry into classrooms have made no secret that proselytizing young people is their highest priority. H.R. 5345 would, at taxpayer expense, provide both a home base and a fertile stalking ground for any such group able to satisfy the bill's criteria. In New York City and many suburban districts with sizable Jewish populations, for example, H.R. 5345 would require that space be provided for Jews for Jesus, a group known for its proselytizing efforts among Jewish youths. It would be ironic for the taxpayers of these communities to be forced to pay for space, a teacher, and other related costs to support the recruiting efforts of a religious group out to recruit their own children.

Furthermore, New York and other major cities are filled with Pentecostal churches of all sorts, operating out of storefronts and cramped tenement spaces. But according to H.R. 5345, hard-pressed public schools of major cities will be threatened with the loss of significant federal aid if they fail to provide classroom space for each and every religious group that seeks entry.

Sponsors of H.R. 5345 assume that all requests for religious use of noninstructional time will be student-initiated. But one must be truly naive to assume that requests from students, already recruited by or interested in various religious cults, sects, and denominations, will be "student-initiated." In fact, it is more likely that such requests will originate in religious planning offices, and students, acting as middlemen, will convey them to school authorities. Boards of education currently respond to such requests for use of the schools by making decisions based upon what is best for the children, the schools, and the community, and they should be permitted to continue this exercise free from federal threats.

Furthermore, school districts in my region now release thousands of students for "release-time" activities, sponsored primarily by Protestant, Catholic, and Jewish denominations. This bill could lead these groups to request that their students remain in public-school classrooms in order to pursue the same activities currently offered in church or synagogue facilities.

Omitted from any part of H.R. 5345 are ways to contend with the nightmarish problems of providing for the orderly operation of the schoolhouse, the education and welfare of the students, and the costs to the taxpayer brought on by such a change. On this latter point H.R. 5345 is quite vague.

The bill provides only for the expenditure of public funds to provide space for approved meetings. However, it also requires that an employee of the district be present. It is likely that the cost of the employee will exceed that of the space. Since school districts will be required to assign such employees, they will have to pay them. Given the number of religious groups likely to apply for space, a whole new department of religous counselors might be established, probably represented by a union and subject to contractually agreed-upon salary and benefits. The possibility of significant new costs is high.

According to H.R. 5345, use of school classrooms on "noninstructional" time can occur before, after, or even during school [illegible] the bill has been interpreted to mean [illegible]ned" student time. In the Lubbock, Texas, equal-access decision (a case not mentioned by Representative Bonker), the U.S. Court of Appeals for the Fifth Circuit, reversing a lower-court ruling, stated:

". . . The articulated policy of allowing religious meetings at a time closely associated with the beginning or end of the school day implies recognition of religious activities and meetings as an integral part of the district's extracurricular program and carries with it an implicit approval by school officials of these programs. This, in combination with the impressionability of secondary- and primary-age schoolchildren and the possibility that they would misapprehend the involvement of the district in these meetings, renders the primary effect of the policy impermissible advancement of religion."

The Lubbock decision gets to the heart of the problem. Church-related activities, such as those occurring immediately before, during, or after school, would soon be perceived as an integral part of the school's extracurricular and cocurricular programs. Although attendance would be voluntary, it would become apparent to all students in the school that religious activity had been authorized and sanctioned by the board of education. This likelihood, coupled with language in the bill threatening school districts with penalties if they ". . . discriminate on the basis of religious content of the subject at such meetings . . ." would raise the specter of prayer being established in the classroom under government auspices.

Once again, the establishment clause of the First Amendment would be violated through this latest effort to advance religious practice in public schoolhouses.

In summary, H.R. 5345 is another way to introduce religion and prayer into the classroom. Not only does it suggest the same constitutional problems that all such attempts have generated in the past, but it does so in a way that uses the schools as puppets and playthings. It would inject religious cults, denominations, and sects with new economic vitality and tie them inextricably to the public schools.●

HEALTH CARE COSTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 30, 1984, into the CONGRESSIONAL RECORD:

HEALTH CARE COSTS

Everyone agrees that we must curb health care costs. The question of how to do it comes up at almost every public meeting I hold. It is clear why. Total U.S. expenditures for health care have increased from $129/person in 1960 to an expected $1500/person this year. The major factor in that rise has been hospital costs, which have increased 700 percent since 1965. Currently, America spends 11 percent of its income for health care, a sum much larger than our expenditures for national defense. If the present trends continue, the medicare trust fund will be bankrupt by the early 1990s, and $1 out of every $7 of GNP will be spent on health care by the turn of the century.

Coupled with these concerns is the growing feeling that we may be reaching the point of diminishing returns, and that our vastly increased health care expenditures have not produced proportionate gains in our nation's health. Before 1960, our lower-priced vaccination, public health, and hygiene efforts added more to the average American's life expectancy than did the post-1960 shift toward medical high technology, increased surgery, and higher costs. Moreover, Japan, Great Britain, and several other countries are spending a fraction of our expenditure per person on health care with equal, if not better, effect.

Several steps must be taken to trim the projected increases in health care:

Increase Competition: Competition helps keep costs down. Hospitals are facing stiff competition from rapidly growing Health Maintenance Organizations (HMOs), in which members prepay a basic, fixed premium in return for future care and hospitalization. In addition, private, free-standing surgical clinics, home health care programs, home birth centers, and hospices for the terminally ill increasingly compete with hospitals. Doctors also face increased competition, from less costly paramedics, physician extenders, and midwives, and also because of the projected surplus of doctors.

Make Individuals More Cost-Conscious: Much of the increase can be traced to the shielding of patients from the direct cost of their care. In recent years, private insurers and federal and state governments have paid almost ¾ of all health care costs. As a result, individuals often seek more health care than they need. To discourage overuse, some public and private health care plans require patients to pay higher deductibles. Others pay a smaller portion of the bill if the patient fails to get a second opinion or stays too long at the hospital.

Emphasize Preventive Care: We need to give as much attention to preventing illness as we do to funding expensive treatments once illness occurs. Preventive measures range from screening and vaccination programs to anti-drunk driving and anti-smoking campaigns. A recent survey of health professionals indicated that only about 10% of the improvement in mortality rates resulted from increased medical care, while changes in lifestyle, improved nutrition, and socioeconomic conditions accounted for more than 50% of the improvement. Japan and other countries with a strong emphasis on preventive care have better health records then we do.

Develop New Approaches to Treating Terminally Ill: Extraordinary treatment for a relatively few, terminally ill patients accounts for a large portion of federal health care spending. About 30% of medicare costs are for patients in their last year of life. This share could sharply increase as new life-sustaining technology becomes available and as the elderly increase in number. There is a growing belief that the terminally ill could often be treated just as well and more humanely in settings less costly than the hospital, such as nursing homes, hospices, or their own homes.

Revise Hospital Payment Systems: Major medicare prospective payment reforms are being introduced for hospitals, and may be expanded to other areas. Medicare will pay hospitals a predetermined figure for each diagnosed illness rather than reimbursing hospitals for incurred costs, which provides little incentive to cut costs. In addition, more employers are using Preferred Provider Organizations (PPOs), negotiating directly with doctors and hospitals to handle their employees' needs at discounts.

Redirect Medical Research Efforts: An estimated 25 percent of health care cost increases in recent years have been attributed to advances in medical technology, such as new scanners and artificial joints. In the future, we must direct more of our high-tech capabilities toward developing a new medical technology that can reduce the costs of health care, such as the computerized record-keeping systems recently marketed. In addition, there is a growing feeling that we ought to concentrate effort on biomedical research benefiting vast numbers of individuals, rather than on exotic machinery and techniques (such as heart transplants) which benefit few. New drugs and vaccines often bring the greatest and cheapest medical advances. Research in genetic engineering aimed at developing cheaper and safer vaccines, anti-cancer agents, and hormones to protect against infection is especially promising.

It is clear that it will take more than minor tinkering with the present health care system to bring costs down. Increased pressure from several fronts (including the federal government, state governments, business, and private insurers) is provoking fundamental structural reform in the health care sector. In the years ahead, we may see most health care contractually arranged (through HMOs and PPOs), more cost-saving computer technology for hospitals, new approaches to treating the terminally ill, more care provided outside the traditional hospital setting, drug therapy for more ailments, less shielding of individuals from the cost of their treatment, and more preventive care. A major sorting-out process determining how future health care will be provided in America is underway, driven by the realization that health care costs cannot continue to rise unchecked.●

SUBMINIMUM WAGE SOLUTION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial that appeared in the Oxnard Press-Courier on May 15 in support of the administration's proposal for a subminimum wage. This proposal was introduced as H.R. 5721 on May 23 by Representative RON PACKARD, myself, and several other colleagues. I believe the merits of this legislation deserve serious consideration by Congress this year.

The editorial follows:

SUBMINIMUM WAGE SOLUTION

Six years ago, Ronald Reagan said the minimum wage had "caused more misery and unemployment than anything since the Great Depression." His charge continues to be especially true for black teen-agers.

In 1948, the total teen-age unemployment rate was nearly 10 percent. Today, about 22 percent of white teens are unemployed, and the corresponding rate for blacks is almost 50 percent. This disparity is reason enough for the National Conference of Black Mayors to endorse the Reagan administration's proposal for a summer subminimum wage.

The measure would lower the minimum wage from $3.35 to $2.50 an hour for those 16 to 21 years of age with afterschool or summer jobs from May 1 to Sept. 30 each year. A similar proposal was ambushed on Capitol Hill last year, but there is growing concern in Congress that something must be done soon to alleviate the unemployment rate among black youths.

The Reagan proposal would achieve that objective faster than most other federal jobs programs "at no cost to the government." That is the conclusion of U.S. Labor Secretary Raymond Donovan, who contends the subminimum wage would create 500,000 new jobs. This, coincidentally, is approximately the number of black teen-agers currently seeking work.

Many of these youngsters lack jobs because they lack rudimentary job skills. Yet, they are caught in a vicious cycle because, whenever the minimum wage rises, employment opportunities are reduced for those with the fewest skills. This Catch-22 situation comes full circle by the time they reach their early 20s. Lacking either job experience of skills, many of these young adults turn to crime or become wards of the state.

The Reagan proposal would break this cycle by recognizing a basic law of economics—that the demand for labor is inversely related to wage rates.

Big Labor, which adamantly opposes the bill, argues that the subminimum wage would harm adult workers. Not likely. The Labor Department has promised to impose sanctions on any employer who sacrifices an older worker for a subminimum wage employee. Moreover, the unions' assumption conveniently forgets that lower wages would create service-related jobs, such as delivery boys, ushers and elevator operators, that businesses cannot afford to offer at the prevailing wage rate.

The subminimum wage proposal is not a panacea that will solve the problems of black teen-age unemployment. Nor is it a Trojan Horse to displace adult workers with teens who are then consigned to sweatshops. Simply stated, the measure would give black youngsters an opportunity to get on a private payroll and gain job skills and experience, instead of staying on the federal dole.

Those congressmen who constantly inveigh against social and economic injustice can do something about both by promptly approving the president's prudent proposal.●

WILLOUGHBY O'CONNELL, POSTMASTER OF NEVADA, MO.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. SKELTON. Mr. Speaker, our country is blessed with an abundance of individuals who believe in service to the country and its people. It has been my privilege to know an individual who exemplified the spirit of community service through years of involvement in community activities.

Willoughby O'Connell was postmaster of Nevada, Mo. I came to learn through the years that he was also active in a variety of organizations in that community and worked hard to provide service to senior citizens and to disadvantaged young people through his community involvement. On many occasions when I would visit Nevada, he would want to arrange for me to visit projects in the area.

Mr. O'Connell passed away recently. His spirit and hard work in behalf of his community will be missed.●

DON'T DESTROY OUR DOMESTIC FOOTWEAR INDUSTRY

HON. NORMAN E. D'AMOURS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. D'AMOURS. Mr. Speaker, over the next few weeks the International Trade Commission will make an extremely important decision in the lives of thousands of American shoe workers and their families. The ITC will decide whether or not a proud old American industry will continue to meet the needs of the American people, or whether it will be condemned to death as a result of foreign subsidies and cheap labor.

In my home State of New Hampshire there have been 61 plant closings over the last 12 years. More than 10,000 workers have lost their jobs in small towns and cities like Manchester, Nashua, and Somersworth. Layoffs at Bass Shoe in Berlin have been devastating to a community that was already reeling from an unemployment rate far above the national average.

Nationwide, unemployment in the shoe industry remains about twice the national average. Production capacity is disappearing and import penetration has risen to 70 percent.

I urge all my colleagues to join me in writing to the ITC to demand relief, and hope, for American workers and their families. We simply cannot allow the ITC to give American workers "the boot."●

CHABAD YESHIVA HONORS THE GARDNERS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WAXMAN. Mr. Speaker, Yeshiva Ohr Elchonon Chabad will, on June 11, 1984, pay tribute to Andrew and Yvette Gardner for their outstanding efforts on behalf of both the Yeshiva and the entire Los Angeles Jewish community.

The gala dinner honoring the Gardners is an especially important event in the history of Jewish education on the west coast. It is the first annual banquet of the Yeshiva Ohr Elchonon Chabad. It is also a celebration of the successful development of an orthodox educational institution with services reaching all the way from preschool toddlers to senior citizens.

The Gardners were among the first families to recognize the potential of the Yeshiva both as an educational institution and as a center of compassion and spirituality. They have brought to the Yeshiva an abundance of creativity, imagination, energy, and optimism. When others said, "no," "not yet," "It won't work," "It can't be done," the Gardners led the way toward success.

True, Yeshiva Ohr Elchonon Chabad had to meet awesome financial and organizational challenges. Perhaps Andrew Gardner was undaunted because he lived through the hell of the Holocaust. He survived the terrible conditions of a Nazi labor camp and lived through the unspeakable horrors of the Mauthausen Concentration Camp. During the years of World War II, Andrew Gardner lost almost his entire family. The Gardners—once a large, well-to-do, pious and prominent family in Hungary—were reduced to a few, broken survivors.

In their support for Jewish institutions, Andrew and Yvette have endeavored to support those values of Judaism which were the very life and breath of pre-War Eastern European Jewry. They have worked not only for Yeshiva Ohr Elchonon Chabad, but also for numerous educational and charitable institutions both in the United States and in Israel.

The success of the Yeshiva in developing a large, modern campus and an extensive educational program in a few short years reflects the force and genius of the worldwide leader of the Chabad-Lubavitch movement, the Labavitcher Rebbe, Rabbi Menachem M. Schneersohn. Following in the footsteps of his sainted predecessor, Rabbi Joseph Isaac Schneersohn, the present Chabad leader has worked tirelessly for the extension of Jewish education into every segment of the population.

Yeshiva Ohr Elchonon Chabad, in addition to its formal curriculum, features a wide range of outreach programs bringing religious education and spiritual uplift to senior citizens, newly arrived Soviet and Iranian refugees, housewives, busy professionals, and troubled individuals hitherto relegated to the outer fringes of the community.

On June 11, 1984, not only students, faculty and supporters of Yeshiva Ohr Elchonon Chabad, but also a deeply appreciative community will join in saluting Andrew and Yvette Gardner and in wishing them long life and good health.●

ENVIRONMENTAL RELATED DISEASES

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. KRAMER. Mr. Speaker, It has been said that politics is a dirty business, but rarely is that made so obvious as it was yesterday when Walter Mondale tried to use victims of asbestos-related diseases and maligned a reputable company to enhance his own political fortunes. While on the campaign trail in New Jersey, Mr. Mondale called efforts to compensate victims a bail-out of a guilty corporation, and implied that those seeking to solve the issue were acting against the interests of the victims.

The concerned parties in the asbestos compensation issue, particularly the victims, deserve far more than to be used as pawns in a campaign. And, they deserve more than the cheap shots and grandstanding which characterized Mr. Mondale's remarks.

Yes, Mr. Speaker, Congress must address this vital issue. But compensation does not mean impuning a reputable company or seeking to drive it out of business throwing over 20,000 Americans out of work. It does not mean paying one victim $1 million and another zero. It does not mean making lawyers wealthy. And, it does not mean giving all the compensation to current victims and leaving nothing for future victims. What compensation means is establishing an equitable and efficient system that will compensate victims from the first to the last, and one that requires all liable parties to share in the burden, including the U.S. Government.

I urge my colleagues to learn the facts about asbestos-related diseases and their causes and to work for a proper solution to the problem. Soapbox rhetoric is not part of the solution.●

A TRIBUTE TO JOHN GRECO FOR HIS 50 YEARS AS A LAY APOSTLE AND FOUNDER OF HOLY-LAND U.S.A., WATERBURY, CONN.

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. RATCHFORD. Mr. Speaker, I rise today to pay tribute to Mr. John Greco who has recently celebrated his 89 birthday and his golden anniversary as a lay apostle and founder of the Campaigners for Christ and Holy-Land U.S.A. in Waterbury, Conn. I know Mr. Greco. He is a remarkable man whose work has also been recognized in an official citation issued by the General Assembly of the State of Connecticut. In the citation the entire membership of the Connecticut General Assembly offered Mr. Greco its sincerest congratulations and best wishes on this memorable occasion.

Mr. Greco's apostolate is remarkable for both its duration and commitment. During the past 50 years, he has worked in prisons, prepared and given Christian radio broadcasts, taught in many classrooms and helped the poor and needy in countless ways. One of his special missions has been minority groups, and be began his work with them long before most of the rest of the country recognized the need. He has done much charitable work for minority groups, and lives a life reminiscent of that of Saint Francis of Assisi. A chronicle of Mr. Greco's exceptional life has been prepared by Sister Josephine Valenti of the Holy-Land Convent.

It is a privilege to have Mr. Greco as a citizen of Connecticut and the United States and I would like to extend to him the very best wishes and congratulations.●

SPANISH AMERICAN WAR VETERANS DAY

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LUNGREN. Mr. Speaker, I rise today to offer a resolution requesting the President to recognize July 17, 1984 as "Spanish American War Veterans Day."

The Spanish American War, often forgotten as one of our shortest wars, marked a significant turning point in U.S. history. Although the Spanish American War lasted only 4 months, this conflict culminated in the emergence of our Nation as a world power. This war, between America and Spain, began in April 1898 over the liberation of Cuba as a Spanish colony. Our victory in July 1898 assured the Cubans their freedom from Spain and gave the United States possession of Guam, Puerto Rico, and the Philippine Islands.

Motivated by ideals of freedom and democracy, more than 392,000 Americans courageously volunteered to fight in the Spanish American War. Today, just 26 of these proud, brave war veterans survive. The average age of these men is over 100 years old, with all 26 ranging in age from 98 to 108.

As July 17, 1984 marks the 86th anniversary of the surrender of Santiago, Cuba, this is a fitting day to honor those few war veterans still surviving. This day, July 17, unofficially named "Santiago Day" by the soldiers fighting in Cuba, has been celebrated for years by both the Spanish American war veterans and their families.

For these reasons, I feel it is important for us to recognize and honor the 26 living veterans from the Spanish American War, who fought for the freedom of Cuba and for the promotion of democratic ideals. These ideals and these men should not be forgotten. I urge my colleagues to join with me in cosponsoring this resolution.●

AFFIRMATION OF THE ARMENIAN GENOCIDE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mrs. JOHNSON. Mr. Speaker, the Republic of Turkey claims that the Armenian Genocide of 1915-23 is a myth perpetrated by Armenian extremist organizations. Our own Department of State has attempted to dissuade this body from recognition of this terrible event on the claim that the record is ambiguous. Notwithstanding the extensive documentation in the archives of Turkey's World War I friends and foes attesting to the fact of the Armenian Genocide, I should like to share with this body a contemporary affirmation of this crime against humanity.

From April 13-16, 1984, the Members of the Permanent People's Tribunal convened in Paris to review the question of the Armenian Genocide. The Tribunal is an international body of leading scholars, intellects, and public officials. Those in attendance for the special session on the Armenian Genocide were:

Madjid Benchikh (Algeria), professor of international law at the University of Algiers;

Georges Casalis (France), theologian, professor emeritus at the Institut Protestant de Theologie, Paris;

Harald Edelstam (Sweden), former ambassador to Chile and Algeria;

Richard Falk (United States), professor of international law at Princeton University;

Ken Fry (Australia), Member of Parliament;

Andrea Giardina (Italy), professor of international law at the University of Rome;

Sean Mac Bride (Ireland), jurist, President of the International Peace Bureau, Nobel and Lenin Laureate, and American Medal for Justice;

Leo Matarasso (France), lawyer, Paris;

Adolfo Perez Esquivel (Argentina), Nobel Peace Laureate, General Coordinator of the "Servicio Paz y Justicia en America Latina";

James Petras (United States), professor of sociology at the State University of New York;

Francois Rigaux (Belgium), professor at the Faculte de Droit, Universite Catholique, Louvain;

Ajit Roy (India), economist and journalist; and

George Wald (United States), professor emeritus of biology, Harvard University, Nobel Laureate in Physiology or Medicine, 1967.

The Tribunal's verdict was announced on April 16, 1984, as follows:

> The Armenian populations did and do constitute a people whose fundamental rights, both individual and collective, should have been and should be respected in accordance with international law;
>
> The extermination of the Armenian populations through deportation and massacre constitutes a crime of genocide, not subject to statutory limitations within the Convention of 9 December 1948 on the Prevention and Punishment of the Crime of Genocide. With respect to the condemnation of this crime, the aforesaid Convention is declaratory of existing law in that it takes note of rules which were already in force at the time of the incriminated acts;
>
> The Young Turk government is guilty of this genocide, with regard to the acts perpetrated between 1915 and 1917;
>
> The Armenian Genocide is also an "international crime" for which the Turkish state must assume responsibility, without using the pretext of any discontinuity in the existence of the state to shun that responsibility;
>
> This responsibility mainly implies the obligation to recognize officially the reality of this genocide and the consequent damages suffered by the Armenian people; and
>
> The United Nations Organization and each of its members have the right to demand this recognition and to assist the Armenian people to that end.

Mr. Speaker, denial of the Armenian Genocide by the Republic of Turkey serves no constructive purpose. Falsification of the historical record is something which the Department of State must assiduously avoid. Our great Nation cannot prevent future genocides if we cannot openly recognize the first such tragedy of this century.●

TRIBUTE TO LT. CARL O. HANSEN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to extend recognition to one of my constituents on the occasion of his retirement from the Ventura Police Department.

Lt. Carl O. Hansen joined the Ventura Police Department on March 30, 1964, and has served in assignments as patrol officer, motor officer, detective, traffic investigator, and administration officer. He achieved the rank of sergeant in 1972 and lieutenant in 1979.

During the time he has worked as a police officer, he earned a B.A. degree in criminal justice from Laverne College as well as becoming involved in numerous community groups, including Boy Scouts, Big Brothers, Masonic Lodge, Tri-Counties Sports Car Club, and Peace Makers, a law enforcement motorcycle club.

I ask my colleagues to join me in wishing Lt. Carl Hansen and his wife Shirley a very happy retirement.●

THE 4-YEAR STRUGGLE TO INTER AN UNKNOWN SERVICEMAN FROM THE VIETNAM WAR

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. GOODLING. Mr. Speaker, my involvement in the Vietnam unknown soldier issue began with a letter from my constituent, Mike Wherley, in October 1980. In his letter, Mike noted the absence of a Vietnam unknown at the Tomb of the Unknown Soldier at Arlington National Cemetery and the fact that there was not even a marker to indicate why. His letter was duly "bucked" or referred to the Department of the Army Legislative Liaison for a response. From the initial reponse from the Army, we learned that the same strict criteria standards for selection of an unknown from World War I, World War II, and the Korean conflict were being used for Vietnam, and that at the time, there were only three partial remains at the Army Central Identification Laboratory in Hawaii. None of these partial remains met with the standards for selection of an unknown; there was an 80-percent-remains criteria which they did not meet. All other remains that had been returned from Vietnam had been identified. Following this response, an exchange of letters between Mr. GOODLING and the Veterans Affairs Committee Chairman SONNY MONTGOMERY, and Secretary of the Army John Marsh ensued, but with no resolution of the issue.

This led to the meeting on July 7, 1981, of Mike Wherley, Harold Redding, a Vietnam veteran, and my staffer Kimberly Burns with Lt. Col. James P. King of the Army's Civil Works Office in the Pentagon. Mike and Harold understood three promises to have been made at that meeting:

First, that the guards at the Tomb of the Unknown Soldier be informed of the situation of an unknown for Vietnam and be instructed to inform visitors who might ask about Public Law 93-43 which authorizes the interment of an unknown from Vietnam, and that an investigation was being pursued for the selection of such an unknown:

Second, that a temporary plaque citing Public Law 93-43 be placed next to the permanent bronze plaque explaining the selection process; and

Third, that the 80 percent remains criteria be waived, and only the requirements of the aforementioned public law be used in the selection of an unknown from Vietnam; namely, that an unidentified U.S. serviceman who died in Southeast Asia during the years of our involvment in the Vietnam conflict be interred at the Tomb of the Unknown Soldier at Arlington Cemetery.

A second meeting at the Pentagon with Lt. Col. King's replacement Maj., now Lt. Col Dave Peixotto took place on October 6. Major Peixotto was unaware of the promises that Mike and Harold understood to have been made, which had not been carried out. Again, the waiving of the 80 percent criteria was urged with the plea that a temporary plaque be installed until an unknown could be interred. Another letter exchange between myself and Secretary Marsh ensued; Marsh apologized for the "misunderstanding" about the plaque and stated that he would speak with Secretary of Defense Weinberger about waiving the 80 percent criteria.

In November 1981, two sets of letters to Secretary Marsh and Weinberger with a total of 71 signatures of Members of Congress were sent urging that the 80 percent criteria be waived. Also at the end of the month, Mike Wherley, and I met with Mrs. Ann Mills Griffiths of the National League of Families of Missing in Southeast Asia to discuss and try to resolve the league's oppositon to the interment of an unknown soldier from Vietnam. Fearing that such an action would close the book on the Vietnam era and that all serious attempts to gain an accounting for our missing in Vietnam would then halt, the league opposed and continued to opposed interment.

Throughout the first half of 1982, a letter exchange between the Secretaries of Defense and the Army and myself continued with no resolution. That spring, Mike was able to speak to Secretary Weinberger when he came to York, Pa., to give the commencement speech at York College. In July there were indications that Secretary March was about to make a decision on interment, but no definite action was taken.

On September 28, 1982, I introduced House Concurrent Resolution 413 urging the President to provide as expeditiously as possible for the interment on an unknown from Vietnam at Arlington Cemetery. There were 70 cosponsors within 2 months, but no action was taken on the resolution.

In December 1982, Jack Anderson wrote a column in which he claimed that I introduced this resolution at the urging of Secretary Marsh and that the stalling over interment was because of infighting at the Department of Defense. Mike Wherley refuted this charge in the York Sunday News, explaining that he was responsible for having aroused my interest and concern on this issue.

On February 3, 1983, Mike Wherley and I met with Comdr. Stewart Ring, Al Barry, and Dick Childress from the administration in my Washington office. The next day in a letter to Secretary Weinberger, I reiterated my desire to see a temporary plaque installed at the Tomb of the Unknown Soldier and that the Department of Defense present a folder on the partial remains they had to the Vietnamese at their next meeting to discuss an accounting of American missing to make a final good-faith effort to identify those remains and if they proved to be unidentifiable at this point to inter them at the tomb.

Secretary Weinberger approved of the idea of a temporary plaque, and after yet another meeting with his representatives in my office, plans were made for the installation of two plaques at the tomb, one next to the permanent bronze plaque, and a moveable one actually where the Vietnam unknown would be interred. The plaques were installed on May 30, 1983.

Previously, in April, I reintroduced my resolution urging the President to allow for the interment of a Vietnam unknown. When no further progress to such an end was made by Veterans Day 1983, I met with Assistant Secretary of the Army William Gianelli and Lt. Col. Dave Peixotto at my Washington office on December 15. While Mr. Gianelli assured me that the 80-percent criteria was no longer a stumbling block, he continued to cite the paucity of the remains at hand as the reason for holding off on interment. This meeting was followed by yet another letter to Secretary Weinberger, urging that Public Law 93-43 be used as the only criteria for interment.

On April 12, almost a year after the introduction of my second resolution, I called Secretary Gianelli's office for a definite response and was informed that a decision had indeed been made to inter the partial remains. An official announcement followed on April 13.●

CENTRAL AMERICA AND THE WAR POWERS ACT: AN EMERGING CONSTITUTIONAL CRISIS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. BROOMFIELD. Mr. Speaker, I had the honor and privilege of serving on the National Bipartisan Commission on Central America with Dr. John R. Silber, the distinguished president of Boston University. Among the many highly respected Americans who served on the Commission chaired by Dr. Henry Kissinger, Dr. Silber was one of the most diligent and best informed. As a result of his experience, he has written a paper entitled: "Central American and the War Powers Act: An Emerging Constitutional Crisis," which details the foreign policy mistakes provoked during the last dozen years by congressional constraints on Presidential prerogatives.

Dr. Silber concludes that:

> We have, through the War Powers Act and through the Amendments that have followed in its wake, institutionalized Neville Chamberlain as the preferred model for American presidents.

Mr. Speaker, I commend the following excerpts from Dr. Silber's thoughful paper to every Member of this body concerned about putting a halt to the "dangerous whipsaw which has rendered American foreign policy ineffective and erratic."

CENTRAL AMERICA AND THE WAR POWERS ACT: AN EMERGING CONSTITUTIONAL CRISIS

(By John R. Silber)

The United States stands alone in the world as a nation in which foreign policy is a matter of constant and often embittered public controversy, not merely between the party in office and its opponents, but within the parties themselves, and even within the party controlling the executive branch. One reason for this is doubtless the lack of party discipline, a lack characteristic of presidential government structured by the doctrine of separated powers.

No President—Democratic or Republican—however farsighted, however decisive he may be, can formulate or maintain an effective and consistent foreign policy in the present circumstances. These circumstances comprise an increasing external challenge and a series of congressionally mandated restraints on the executive branch. Together they provide a dangerous whipsaw which has rendered American foreign policy ineffective and erratic. The situation in Central America provides a current and critical example.

The Kissinger Commission concluded that Nicaragua, recipient of more than 15,000 tons of war material from the Soviet Union and Eastern Bloc in 1983 alone, "serves as a base of subversion through overland infiltration of people and supplies that can affect" all of Central America.

Nicaragua provides a safe haven for Salvadoran terrorists and their leaders, it provides radio facilities to help them coordinate their attacks, and it participates in the Soviet-Cuban spy network that now blankets all of Central America and the Caribbean. Nicaragua is training an army that is five times larger than any other army in Central America, an army which threatens peaceful countries such as Costa Rica, a democracy without an army, and Panama, soon to be responsible for the defense and security of the Panama Canal. The leaders of both Panama and Costa Rica told the Kissinger Commission that they believe they will be attacked in a matter of a few years, perhaps as few as one or two, perhaps as many as three or four, if the kind of build-up that is going on now in Nicaragua is allowed to continue.

Addressing the Kissinger Commission, President Suazo Cordova of Honduras said:

"The regime established in Nicaragua poses a threat to the rest of Central America in two ways: first, because of its constant harassment and sponsorship of violence and terror in the area and second, because of the disproportionate size of its military establishment, which has upset the balance of power. This balance must now be restored. Our neighbors have become a serious problem, and for that reason we need a substantial increase in our internal defenses to protect our sovereignty and our historical and cultural heritage."

Yet extraordinarily, it is the United States, not Nicaragua, not Cuba, not the Soviet Union, which stands condemned by the World Court for violating international law. The flagrant violations of international law by the Soviet Union and its surrogates are well known and documented—the Soviet invasion of Afghanistan, the Cuban and Nicaraguan supply of the Leninist insurgents in El Salvador are merely two obvious examples. But ironically, it is the United States, acting in the defense of democracy which must publicly reject the jurisdiction of a court which it has long supported. And we become more and more divided against ourselves in a welter of accusations and counter-accusations. Not just the President, but our country as a whole is being whipsawed. And if half of the impetus for the whipsaw is the increasing strategic and military and propaganda power of our enemies, the other half comes from within, and is traceable to the violations of a fundamental principle of the U.S. Constitution.

The framers of our Constitution wrestled for a long time with the problem of how to restrain power without negating it. Their answer was a system of checks and balances, in which the Constitution assigns the power to conduct foreign policy, and, deriving from this, the role of Commander-in-Chief, to the executive branch of the government. Congress, as a deliberative and legislative body, is to share in the determination of foreign policy, but the President is to be responsible for its conduct. There is no more remarkable example of this in our history than the fact that the Fort Sumter crisis occurred with Congress out of session. President Lincoln conducted the opening stages of the Civil War as a purely executive act, and immediately after Fort Sumter, he called Congress into special session on July 4th, allowing the Congress 80 days in which to assemble. During the interim, he called up the militia, initiated the blockade of southern ports, raised an army of 300,000 volunteers and authorized the suspension of habeas corpus. It is doubtful that he could have gotten most of these actions through Congress in the form of legislation, although when the Congress finally met on July 4, 1861, it tacitly approved his faits accomplis.

This separation of powers continued essentially unaltered until about a decade ago. But beginning with the War Powers Act of 1973, we have arrived at a situation where the separation of powers has been dangerously compromised. The provisions of the War Powers Act deprive the President of the power to back his diplomacy with military action short of an all-out, declared war. Confronting challenges of the sort posed by Nicaragua and El Salvador, the President has only three choices, all of them bad: he can do nothing; he can declare war; or he can try to find his way through a thicket of legal restraints that impede his decisions and that almost inevitably give rise to accusations of illegal conduct. These are clearly unsatisfactory alternatives.

To understand why any president—Republican or Democratic—will be ineffective in the conduct of foreign policy, we must examine how the President's hands have been tied by a group of laws, amendments, and continuing resolutions which place too much responsibility for the conduct of foreign policy, especially the military aspects of it, in the hands of a deliberative rather than an executive body. The constitutionality of many of these measures has yet to be thoroughly tested: it is high time that they were. It is my hope that either Congress or the Executive Branch will create a situation in which these can be given a decisive constitutional test.

The War Powers Act of 1973 was a drastic response to the Vietnam war. It was passed over the veto of the President, and to many it seemed a good idea at the time. President Johnson had tried to conduct a full-scale and protracted war as if it were a simple police action. Congress was complicit in this error, but by the end of the war, the overwhelming majority of Americans were convinced that at least the conduct of the war had been a serious mistake, albeit they had diverse and contradictory reasons for the conclusion they held in common. However, by limiting the President's ability to deploy U.S. forces the War Powers Act essentially put control of crucial U.S. military actions into the hands of the Congress. The effects of this, perhaps unforeseeable in 1973, are all too clear now. In a world in which subversion, terrorism, and constantly changing geostrategic pressures are the rule, the U.S. Congress must now be consulted, "in every possible instance," in advance, on the deployment of our military forces. Troops may not be introduced anywhere outside the United States without full reports being made to Congress within 48 hours. The President may not have troops for more than 90 days in any area where hostilities are ongoing or imminent without explicit approval from Congress. The difficulty in deciding whether hostilities are imminent or whether they are ongoing—the examples in Lebanon and examples in Central America abound in the ambiguities of just this question—is readily apparent. Without a specific act of Congress, the President is always open to the accusation that he is not abiding by this law.

This means that, simply by doing nothing, Congress can force the President to withdraw U.S. troops within 90 days. There's no ambiguity about that. It means that, short of declaring war, Congress must pass a bill announcing exactly how long and on what terms U.S. Troops will be allowed to remain somewhere. This means that, in an area of foreign policy and military action in which secrecy is often essential, publicity is mandatory.

But the War Powers Act also has its effect on Congress itself, as a consequence of its allowing Congress a role in the conduct of foreign policy. Rarely, if ever, in the history of the United States, has there been more divisiveness, more striking of inconsistent poses, and more downright confusion about foreign policy than there is right now. In this election year, not only the determination, but the conduct, of foreign policy has become a political football.

The War Powers Act has now been joined by a host of general and ad hoc restrictions on the President's power to act effectively.

These issues involve national survival. To limit the President to a foreign policy choice of either doing nothing or declaring war denies him adequate tools for the conduct of diplomacy. Yet this is precisely the choice now imposed upon him if he wants to avoid any accusations, however unfounded, of taking illegal action. The result of this is that there is not a power in the world, from Upper Volta to the Soviet Union, that does not use clandestine force except the United States. The consequence of this policy may well be national suicide, as we reach the point where we signal to our enemies the message that we cannot draw a line until they land on our beaches and that there is consequently almost no limit as to how far they can go.

There is a clear historical parallel in the rise of Nazi Germany, in which Hitler, through a series of small increments made himself master of Europe.

The Soviets operate in just such a fashion, extending their power wherever they can, probing to see where or whether we will draw the line. The shooting down of the Korean airliner over Kamchatka is one example. They have discovered that we will tolerate a Soviet client state in Cuba and a major Soviet offensive capability on that island. We tolerate squadrons of MiG-21 and MiG-23 bombers, a well-equipped combat brigade of Russian soldiers, and an intelligence network in Cuba. All of this is in direct violation of the understanding between Kennedy and Khrushchev of 1962.

We have shown the greatest reluctance to proceed militarily against Soviet proxies in our hemisphere, although the presence of such proxies clearly violates both the Monroe Doctrine and the OAS charter.

If we do not remove the restrictions on the effective management of foreign policy that now hinder the President, we may some day face a Soviet Union willing and able to wage war on its own terms in our territory, or in Central America at such a level of intensity that the refugee problem in the United States becomes catastrophic.

This is not an inevitable outcome. The Soviet Union, although imperialistic, is cautiously so. Its leadership is composed, for the most part, of realists in the use of power. They are accustomed to the use of power, and they recognize clearly drawn lines. This is true also of their proxies and their surrogates. We should be instructed by the caution with which Castro responded to our liberation of Grenada. By our action, we made patent to the world that Castro cannot protect his clients against determined and rapid action by the United States. The lesson was not lost on the government of Suriname, which immediately expelled its Cuban advisers.

But can anyone doubt that if the administration had filed a bill for the invasion of Grenada, Congress would still be debating it? And it is entirely likely that if we were still dithering about what to do in Grenada, the Cubans with Soviet support would have so drastically and substantially reinforced their military presence on that island that it would have taken a major military action to remove them, one that would have been very costly in lives of Americans, Cubans, and Grenadans.

In pursuing a more rational and flexible policy in Central America, we will be making a terrible mistake if we fail to support the revolution for democracy throughout the region, including the betrayed revolution in Nicaragua. Our commitment to the democratic revolution that is sweeping the region rightly puts us in support of the rebel forces in Nicaragua, most of whom were active opponents of Somoza. One of them, Eden Pastora, was the most effective military leader in the movement that brought Somoza down.

Our commitment to this democratic revolution also justifies and compels our support of the government of El Salvador. We should continue, and increase, if possible, the pressure on the Sandinistas to force them in the direction of democracy. And we should give sufficient support to El Salvador in order to ensure its survival as a democratic country.

We cannot achieve either of these goals—the introduction of democracy in Nicaragua, or the preservation of democracy in El Salvador—without strong bipartisan support for a rational foreign policy. We cannot develop such support if the Congress continues on its course of breaking down the wall separating itself from the executive branch, arrogating to itself not merely the making of foreign policy, but its detailed implementation.

Not the least of the bad legacies of the Vietnam war is the extent to which Lyndon Johnson's compromised attempt to defend the imperfect democracy in Saigon against a perfect totalitarianism in Hanoi has come to be regarded as the model of what happens when the executive is free to implement foreign policy. This catastrophic event has purged the national memory of other, far more relevant examples, not the least of them the resolute actions by which Johnson himself in 1965, in concert with the Organization of American States, restored democracy to the Dominican Republic. By that intervention we established democracy so firmly that there has been 19 consecutive years in which power has changed hands in the Dominican Republic without violence. The other great examples are Abraham Lincoln's decision to treat secession as the genuinely national crisis that it was, rather than allowing a deeply divided Congress to tie his hands, and Harry S. Truman's prompt and courageous support of South Korea.

Korea, we should remember, was the last time the communists engaged in an overt invasion of one of our allies. Truman forced them into adopting a policy of covert subversion and the use of proxies. But we have not yet developed an adequate response to the more sophisticated Soviet approach that has been developed as a consequence of Korea. As we confront the situation raised by their more recent policy, our options are more complex and the way by no means so clear. But one thing is clear: the president should be free to be as resolute as Lincoln and Truman. We have, through the War Powers Act and through the amendments that have followed in its wake, institutionalized Neville Chamberlain as the preferred model for American presidents. If we remember what Chamberlain's policies led to, we may yet decide that it is time to reverse this disastrous trend.

The hour, however, is late.●

HONOR HARRY HOWARD HOOK & LADDER CO., NO. 1, OF PORT CHESTER, N.Y.

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. OTTINGER. Mr. Speaker, I rise today to pay tribute to the Harry Howard Hook & Ladder Co., No. 1, of Port Chester, N.Y., in my home, Westchester County, on the occasion of its 125th year of service to its community and Nation.

Harry Howard Hook & Ladder Co. No. 1—125th Year of Service

In the spring of 1858, a group of young men felt the rapid growth of the Village of Port Chester necessitated the formation of a hook and ladder company. A temporary organization was formed and after many meetings, these men started a campaign to raise funds to purchase a ladder truck and other equipment necessary to fight fires. A document dated September 20, 1858, lists one hundred names of individuals and the amounts of money they gave to "purchase hooks, ladders and other implements necessary to form a hook and ladder company". Negotiations were entered into with the famed Chief Engineer of the New York City Fire Department, Harry Howard, to purchase a surplus ladder. For the sum of $90, Harry Howard sold these men a hand drawn ladder truck and included a large platform ladder, hooks, poles and other pieces of equipment to start a fire company. The first regular meeting of the newly formed fire company was held on October 13, 1858. It was this meeting that the first members and fire officers were elected and a company name chosen.

The following month, the stockholders of the truck met and agreed to petition the board of trustees of the Fire Department for the acceptance of their property and convey it into becoming part of the Port Chester Fire Department. The board of trustees, at their meeting of December 3, 1858, received the communication from the stockholders and voted to accept the fire equipment. At the same time the board voted to confirm the name of this new organization to be the Harry Howard Hook and Ladder Company No. 1, making the organization and its name a permanent part of the Port Chester Fire Department.

As the new fire company grew, so did its association with Chief Harry Howard. It is recorded that in 1868, as a token of his appreciation for the naming of the fire company after himself, the famed Chief presented the company with an oil portrait of himself, posed in the uniform of the Chief Engineer of the City of New York Fire Department. The members graciously accepted this fine gift and elected Harry Howard an honorary member of the fire company. The oil painting was one of many in a long line of gifts that "Uncle Harry", as he was affectionately known to the boys, brought to the gallant volunteers that bore his name.

A long parade of Harry Howard men have not only battled fires but have proudly served our great country in all wars and conflicts from the Civil War to Viet Nam. During the 125 years of service to the community, 10 men of Harry Howard have enriched the company by serving as Chiefs of the Port Chester Fire Department. Today the company holds proud several members who have heroically earned medals of valor, citations and distinguished service awards while in the line of duty. Through these 125 years, 579 men of Harry Howard have volunteered their time, efforts and expertise to provide the Village of Port Chester, the Village of Rye Brook and surrounding communities.

I ask my distinguished colleagues to join me in honoring the long line of firefighters who have served the Harry Howard Hook & Ladder Co. and our Nation so valiantly for a century and a quarter for a job well done.●

MOVING THE U.S. EMBASSY TO JERUSALEM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WAXMAN. Mr. Speaker, the refusal of the President to locate the U.S. Embassy in Jerusalem, the capital of Israel, has led to a curious situation whereby the American Consulate Offices in Jerusalem appear to operate as an independent entity reporting directly to the State Department in Washington rather than to our Ambassador to Israel, who is in Tel Aviv.

The anomalous situation and the potential perils and pitfalls this could create for U.S. foreign policy were discussed recently by David Clayman, director of the Israel office of the American Jewish Congress, and Peretz Levine, a research intern in the office, in an article in the April 1 issue of the Jerusalem Post. The Washington Post, in an April 5 article, reported on the Clayman-Peretz article and offered comments by American officials defending the situation. On April 4, the American Jewish Congress Convention adopted a resolution urging the United States to correct the situation regarding the status of the Consulate Offices in Jerusalem.

I commend to my colleagues the three items I have mentioned and ask that they be reprinted. The articles follow:

[From the Washington Post, Apr. 5, 1984]

U.S., Jewish Group Trade Charges Over Consulate

(By Edward Walsh)

Jerusalem, April 4.—A major American Jewish organization meeting here has attacked as "intolerable" the U.S. Consulate's independent dealings with the Israeli-occupied West Bank and said the Jerusalem mission's status undermines U.S. policy in the Middle East.

But U.S. officials today termed the criticism "ridiculous" and potentially dangerous for U.S. diplomats in this emotion-charged city.

In an article published in the Jerusalem Post on Sunday and statements today, leaders of the American Jewish Congress charged that the consulate's status as an independent diplomatic mission gave the appearance of "the would-be embassy to a PLO-Palestinian state."

While most American consulates are under the direction of the embassy in the country in which they are situated, the consulate in Jerusalem, with offices in both the Jewish western part of the city and the Arab east, reports directly to Washington.

The Jewish organization said that if legislation before Congress to require the transfer of the U.S. Embassy from Tel Aviv to Jerusalem is not enacted, the Reagan administration should at least put the Jerusalem consulate under the control of the embassy, ending the independent status it has had since Israel became a state in 1948.

Now, according to the article, written by David Clayman, director of the Israel office of the American Jewish Congress, and Peretz Levine, a research intern for the organization, the consulate "conducts its affairs in ways that are inimical to Israeli and American interests."

In response, Wat T. Cluverius, the U.S. consul general here, said today, "Accusations that the consulate pursues anything but U.S. foreign policy in the Middle East are ridiculous."

A U.S. official in Israel, who spoke later to reporters on condition he not be named, said the charges that the consulate "is somehow anti-Israel or pro-PLO (Palestine Liberation Organization) are not only ridiculous on the face of it given U.S.-Israel relations, but in some ways a bit irresponsible. For anyone to label a U.S. government institution or its personnel as anti-Israel could be taken as license by irresponsible people."

An official said there have been no threats against the consulate or its employees, but that "if you point at that place and say, 'It is against us,' who knows what some crazy might do?"

Terrorist actions by extremist Jewish groups are a subject of increased concern here. In recent months, there have been a number of attacks on Moslem and Christian targets here by an underground Jewish group called Terror Against Terror.

After the U.S. response, Theodore R. Mann, the newly elected president of the American Jewish Congress, said at a press conference that it was "highly unlikely" that the charges against the consulate by his organization would encourage violence by Jewish extremists.

But he said that U.S. policy toward Jerusalem, as symbolized by the consulate, "appears to be saying that Jerusalem is an appropriate capital for whatever emerges in the West Bank. I find that gross."

Clayman said in an interview that he does not consider the consulate "pro-PLO" but he said that is the "perception" of many Israelis. He said his dispute was not with Cluverius or other consulate officials, whom he praised, but with the U.S. policy of not recognizing Jerusalem as Israel's capital and of operating an independent diplomatic mission here that has no formal ties with the Israeli government.

Between 1948 and 1967, when Jordan controlled East Jerusalem and the West Bank, the United States had independent consulates in both Arab East Jerusalem and Jewish West Jerusalem. Following the war, in which Israel captured East Jerusalem and the West Bank, the consulate became a single administrative entity.

The consul general has continued to live in West Jerusalem while consular services such as the processing of visa applications were done, after the war, in East Jerusalem. The consulate also was made responsible for reporting to the State Department on activities in the West Bank, a task that has of necessity led it to develop contacts with strongly nationalistic Palestinians who support the PLO.

Cluverius reports directly to Washington and is not under the jurisdiction of U.S. Ambassador Samuel W. Lewis in Tel Aviv. The only other similarly independent U.S. consulate is in Hong Kong.

The Jerusalem Post article complained that consular services are provided "in an overwhelmingly Arab environment" in East Jerusalem and that as a result "the feeling is reinforced that the consulate serves Arabs and not Jews." It said that by meeting regularly with "pro-PLO Arabs" and other activities, consulate officials have "overstepped the bounds of diplomatic decency."

Until today, U.S. officials in Israel had refused to discuss the issue, saying the dispute would be settled in Washington. But it was clear that Lewis, Cluverius and other senior American diplomats in Israel strongly oppose any change in the status or operations of the embassy or the consulate.

The issue of the consulate's status is tied to the emotional question of Jerusalem, which the Israeli government has declared its "eternal capital" but which is also a holy city to Moslems and Christians.

The United States has never recognized Jerusalem as Israel's capital, maintaining that the city is a separate entity whose status is to be decided by negotiations. Of the nations that have diplomatic relations with Israel, only Costa Rica has its embassy here. The others, like the United States, maintain their embassies in Tel Aviv.

Israeli officials have tried to steer clear of the dispute over the embassy's location lest they be accused of interfering in domestic U.S. politics. At times they have seemed almost embarrassed by the furor over the bill by Sen. Daniel Patrick Moynihan (D-N.Y.) which they clearly believe is doomed to defeat or a veto by President Reagan.

Israeli Cabinet secretary Dan Meridor on Sunday called the embassy controversy "an internal American debate."

He denied that the Israeli Embassy in Washington was attempting to bring about a compromise. "It has not been initiated by us," he said. "We are not involved and therefore there has been no need to approach us regarding a compromise on the matter."

Meridor repeated Israel's longstanding policy on Jerusalem as the country's capital and said that the city, "being our capital, and a united city, is the normal place for the embassy, not the consulate. And everybody knows that there is this consulate, we had our reservations and remarks about this, and everybody knows them."

"There is an awful lot of symbolism involved," a U.S. official said of the dispute. "This is a unique city. There are people all over the world who would be very upset by any implication of a change in western policy toward this city, especially by the U.S."

The tug of war over the status of Jerusalem and the U.S. Consulate's often uncomfortable role in it was most recently exemplified by the fate of Brandon H. Grove, Cluverius' predecessor here.

Grove was a frequent target of Israeli criticism, but when he was nominated to be U.S. ambassador to Kuwait last year the nomination was rejected by the government of Kuwait because he had served in Jerusalem.

STATEMENT ON THE U.S. CONSULATE IN JERUSALEM

Since 1948, when Israel became a state, American policy has designated Jerusalem a *corpus separatum*, that is, neither a part of Israel, nor a part of any other country or territory. In fact, in the years following 1967 this policy has been quietly violated by the assignment of responsibility for the Administered Territories to the Consulate in Jerusalem. Thus, Jerusalem, since 1967, has been treated in U.S. diplomatic practice as the de facto center, or capital, of what is usually called the West Bank—the site of a potential PLO/Palestinian state.

While the Consulate develops contacts and develops its political links with pro-PLO and nationalist Arabs in the Territories, it refuses to meet with Arab moderates such as those who represent the Village Leagues and others. The Consulate reports directly to Washington, bypassing the Embassy in Tel Aviv. Regarding Israel and the Israeli government, the Consulate follows a careful policy of isolation. The Consul General is not accredited to the Israeli authorities, and the Consulate maintains no official ties or relations on the national level with representatives of Israel.

We therefore call upon the United States to remedy this anomalous situation: the U.S. Consulate General—the representative of the American people and the U.S. government—should conform to normal diplomatic practice regarding accreditation to and relations with the host country. It is ironic and intolerable that the only diplomatic representatives of the U.S. in Jerusalem should be allowed to disregard the interests and concerns of the nation of which that city is the capital.

[From the Jerusalem Post, Apr. 1, 1984]

CONSULAR CONTRAVENTION

(By David Clayman and Peretz Levene)

American embassies are located in the capital city of every country with which the U.S. enjoys full diplomatic relations—except one. The exception is Israel, an ally of the U.S. and a sister democracy. Even in the case of communist East Germany, where the U.S. does not recognize Berlin as the capital, the U.S. nevertheless maintains its embassy there. Only in Israel is the official representative of the U.S. government and the American people located elsewhere than in the capital.

The Moynihan Bill (S. 2031), which would mandate the transfer of the embassy to Jerusalem, has attracted considerable support and media coverage. Despite this, the secretary of state and the president have come out strongly against the bill, and, even if passed, it may well be vetoed.

Even more disturbing, and, in the long run, more serious in its implications, is the role of the United States consulate general in Jerusalem. The activities of the consul general and his staff are little known and receive practically no attention in the American press, while the fact is that the consulate conducts its affairs in ways that are inimical to Israeli and to American interests.

Generally, a consulate functions as a branch or a sub-agency of an embassy, providing services—such as visas, affidavits, registration of births and deaths, commercial services and cultural programmes. Not so the consulate in Jerusalem. Here the consul general is not accredited to the government of Israel. The consulate maintains no formal ties or relations with Israeli officials. Other than security arrangements and municipal services, which the consulate coordinates with the mayor's office, the Israel police and the consular department of the Foreign Ministry, the consulate does not do business with Israel. The consulate does not even report to Washington through the embassy in Tel Aviv; rather it has its own direct reporting system to Washington.

The historical background to this abnormal role of the consulate explains why many people sense that the Jerusalem consulate is the would-be embassy to a PLO-Palestine state. U.S. policy in Jerusalem going back to the United Nations Partition Resolution of 1947 designated Jerusalem a corpus separatum—that is, not part of any state. Since 1967, when the city of Jerusalem was reunified, the U.S. has continued to withhold recognition of Jerusalem as part of Israel.

From 1948 until 1967 there was an independent American consulate in Jerusalem with a facility in Arab East Jerusalem and another in Jewish West Jerusalem. During that time, the consulate restricted its activities to Jerusalem, reporting directly to Washington. The consulate was accredited neither to Jordan nor to Israel, thereby maintaining American policy that Jerusalem was a corpus separatum.

After the Six Day War in 1967 a change was effected. This change ostensibly reflected an administrative decision but has had serious and far-reaching political implications. The Jerusalem consulate was assigned the responsibility for providing consular services in the administered territories of the West Bank.

Although U.S. policy never recognized Jordan's occupation of the West Bank in 1948, consular services from 1948 to 1967 were provided out of its embassy in Amman. After the Six Day War it was decided that these services could not or should not be provided out of the U.S. embassy in Tel Aviv. Rather, it was decided to contravene declared U.S. policy regarding Jerusalem as a corpus separatum and to assign responsibility for the West Bank to the Jerusalem consulate. (The Gaza Strip received consular services from 1948 to 1967 from the embassy in Cairo. Since 1967 such services have been provided by the U.S. embassy in Tel Aviv.) This administrative decision, explained away as a matter of convenience by consular officials, contradicts American policy in Jerusalem and has produced a hybrid, independent U.S. legation to Jerusalem and the West Bank.

It is as though the U.S. has decided that Israel's capital is Tel Aviv and the West Bank's capital is Jerusalem. In addition to regular consular services, the Jerusalem consulate maintains a political section to survey and report on political activities, situations and incidents that occur in the West Bank. It maintains close contact with Arab leaders, personalities, institutions and organizations throughout the West Bank.

Thus, the Jerusalem consulate, officially isolated and cut off from Israel but charged with maintaining contact and providing services to and coverage of the West Bank, creates what can only be regarded as an intolerable situation. This imbalance leads to the consulate being the target of official and unofficial complaints as to its pro-Arab and even pro-PLO activities.

In 1979 a vice consul forwarded to Washington unsubstantiated allegations of systematic Israeli torture of Arab detainees. Somehow, her charges reached the press and received headline treatment. The fact that this consular official was engaged to one of the Palestinians who accused Israel of torture, and to whom she had issued a visa, was reported only in the last paragraph of the story.

In 1980 a consular political officer gave a pro-PLO briefing to visiting congressmen which resulted in a rebuke from the U.S. ambassador (who was present at the briefing). This incident made U.S. headlines of a "bitter feud" between the consulate and the embassy.

Anti-Israel demonstrations have occurred within the consular compound under the umbrella of the "humanitarian right to present a petition."

Between 1980 and 1982 the U.S. Youth Council, which runs an educational programme for future leaders in foreign countries, rejected all 50 candidates suggested by the consulate. The Youth Council gave as their reason the known pro-PLO position of those picked by the consulate.

In 1980 the consulate sponsored a public interfaith service of thanksgiving for the U.S. hostages freed in Teheran. Although a Catholic priest and a Protestant minister participated in the service, a rabbi was not invited to take part so as not to offend the sensibilities of the Arab constituency

In addition to such specific incidents, the day-to-day policies and activities of the consulate are also an irritant and source of concern:

As mentioned above, the consulate is located in two buildings, one in East Jerusalem and one in West Jerusalem. However, consular services are provided to the public out of East Jerusalem—in an overwhelmingly Arab environment. Perhaps, this is due to the assumption, on the part of the consulate, that Jews would find it easier to go to East Jerusalem than Arabs would to West Jerusalem for consular services. Nevertheless, the feeling is reinforced that the consulate serves Arabs and not Jews.

A decided majority of the local residents employed by the consulate are Arabs.

The consulate's political section has Arabic-speaking experts who cover the West Bank. It would seem that there is no need for Hebrew-speaking Israel experts.

Language training in Arabic and Hebrew is available to consular staff. The staff members choose which language to study. At present, several of the staff are learning Arabic; no one is studying Hebrew.

Most of the consular staff live in East Jerusalem, because, as the explanation goes, large comfortable houses are available in the East, while only apartments are available in West Jerusalem.

Consular officials meet regularly with pro-PLO Arabs, to the exclusion of moderates such as the representatives of the Village Leagues and others.

Until last year, the consulate held segregated, "separate but equal" July 4th celebrations—one for Arabs and one for Jews. The mayor of Jerusalem has consistently boycotted these gatherings and American Jews in Israel have protested against this segregation.

Official visitors to Israel, including U.S. senators and congressmen as well as American Jewish leaders, are graciously hosted by the consul-general. They are offered in-depth briefings about the situation on the West Bank—unaware that their hosts are officially isolated from the Israeli mainstream.

On the personal and informal levels the consul-general and his staff, together with American Jewish organizations in Israel and individual Israelis, have made efforts to further dialogue, outreach and understanding. Sadly, these activities have not and cannot succeed in changing the perception that the U.S. consulate in Jerusalem has overstepped the bounds of diplomatic decency by the de facto recognition of a Jerusalem-West Bank entity while ignoring Jerusalem as the capital of Israel.

One can only wonder whether this strange arrangement would continue if and when the U.S. embassy moves from Tel Aviv to Jerusalem, as the Moynihan Bill requires. On the other hand, if the Moynihan Bill is withdrawn, defeated or vetoed, Americans concerned for Israel should request that the administration at least change the status of its consulate in Jerusalem. The consulate-general in Jerusalem should be under the embassy in Tel Aviv and conform to normal diplomatic practice regarding accreditation to and relations with the host country.●

A TRIBUTE TO ANTHONY A. VARSALONE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. GUARINI. Mr. Speaker, on Tuesday evening, June 5, 1984, several hundred friends and fellow workers of Anthony A. Varsalone, of Jersey City, will gather to honor him at his retirement dinner.

Anthony, who is now director of plant operations at the Jersey City Medical Center, is retiring after almost 40 years of continuous service. He started as an iron worker in October 1945 and has worked his way up to the top level position of director of plant operations. The Jersey City Medical Center is a large municipal hospital with a 600-bed capacity.

Varsalone is known also for his outstanding work in the community and his involvement in all endeavors which have been good and just. I know him best for his involvement with veterans' organizations. As past commander of the Downtown Memorial Catholic War Veterans Post 1536, he has provided distinguished service at a city, county, State and National level. He now is chairman of the National Department of the MIA/POW committee.

Two years ago I had the pleasure of working with Anthony and the Catholic War Veterans as honorary chairperson of their POW/MIA red ribbon campaign aiding in the distribution of 5,000 remembrances for those who are unaccounted for.

Just 2 weeks ago Anthony served with me on a committee which paid tribute to Sgt. Decatur Dorsey, a Civil War veteran who was awarded the Congressional Medal of Honor. The ceremony was held on Saturday morning, May 19, at Flower Hill Cemetery, North Bergen, N.J., with about 250 veterans and friends joining with us in paying tribute to Sergeant Dorsey, whose grave was rediscovered last November, after being neglected since his death in 1891.

Last week Anthony again joined me in an informal ceremony at my office remembering June 6, 1944, the D-day invasion of World War II, which was the beginning of the end of Hitler's quest to dominate the world.

Varsalone, as a private in the U.S. Army, 35th Infantry Division, was there on D-day, and he was joined by Sgt. Walter Garrett, of the 29th Signal Company, 29th Infantry Division, and Walter Mould, first lieutenant of the U.S. Army Air Force, and all of us reminisced about our military careers. At that time I presented the trio with a replica of Gen. Dwight D. Eisenhower's famous letter to the troops which he made on the eve of the great invasion.

His veterans' activities have seen him serve as past Hudson County Chapter commander of the Catholic War Veterans and 20 years as a member of the State Board Department of New Jersey where he is now a trustee.

On a national level he served two terms as a national officer of the day.

For his many valuable services in the community and with his veteran groups he has received the following distinguished service awards:

Post, county, State, and national level of the Catholic War Veterans;

Distinguished service award from the medical-dental staff, Jersey City Medical Center, the first time this award was given to someone other than the medical-dental staff;

City of Jersey City is declaring a special citation from the city council for distinguished service as a civil servant;

Board of Managers of the Jersey City Medical Center will be presenting a special resolution for outstanding service for the 40 years at the medical center;

Anthony volunteered for the Army in 1938 and was discharged in October 1945. He was in the thick of battle and earned the following citations: Purple Heart, Bronze Star, European Operations Ribbon, Combat Infantry Badge, and Good Conduct Medal.

Throughout his entire career he constantly schooled himself at Brooklyn Trade School, Rutgers University, in order for him to perform his important tasks as director of plant operations at the medical center in a more efficient manner.

His professional memberships are: National Association of Power House Engineers of United States of America and Industrial Fire Chief Associations of New Jersey.

Anthony has had a lifetime of work for God, for man, and his community. He and his wife, Betty, and family reside on Princeton Avenue, Jersey City.

In Anthony Varsalone we have an individual of excellent character who has accepted the challenge of working for brotherhood every day in many ways. His lifetime has echoed the words: "To be needed in human lives—is there anything greater or more beautiful in this world."

He daily reiterates the theme set by Henrik Willem Van Loon, when he wrote:

> We are all of us fellow-passengers on the same planet and we are all of us equally responsible for the happiness and the well-being of the world in which we happen to live.

It is my sincere hope that while Anthony will retire from his vocation he will not retire his interest and efforts working for community gain. He has a record of volunteerism long before the term became popular. His character certainly includes the four important cornerstones on which our beloved America is built; namely, initiative, ambition, independence, and service to others.

Anthony Varsalone can indeed look forward to his retirement from work, but at the same time not retiring from his lifelong thrust in helping others.

Oscar Wilde had to be thinking of individuals like Anthony Varsalone when he wrote:

> Contentment lies not in the enjoyment of ease—a life of luxury—
> But comes only to him that labors and overcomes--
> To him that performs the task in hand and reaps the satisfaction of work well done.

Anthony Varsalone's life work is a challenge to all of us as outlined in the immortal words of John F. Kennedy, who said:

> For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . .? Second, were we truly men of judgment . . .? Third, were we truly men of integrity . . .? Finally, were we truly men of dedication . . .?

I am sure that my colleagues here in the House of Representatives wish to join me in this well-deserved salute to Jersey City's Anthony A. Varsalone, true servant of God and man.●

DEBUNKING SUBMINIMUM MYTHS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. CLAY. Mr. Speaker, I would like to bring the following article by Ellen Goodman to the attention of my colleagues. The article, which was syndicated by the Boston Globe, appeared in the Washington Post on May 22, 1984.

In the article, Ms. Goodman does a superb job of debunking the myths the Reagan administration is attempting to spread concerning the consequences of a youth subminimum wage. As Ms. Goodman points out, a youth subminimum codifies discrimination based on age, arbitrarily denies youth fair compensation for their services, and jeopardizes the jobs of older minimum wage workers.

While a subminimum wage may certainly improve McDonald's profits, we will not create jobs by undermining the wages of American workers. If this administration is serious about addressing the problem of youth unemployment, a problem that has grown to catastrophic proportions under this administration, I urge the President to demonstrate that commitment by endorsing the Youth Incentive Employment Act, a bill introduced by the gentleman from California (Mr. HAWKINS).

The article follows:

SON OF MINIMUM WAGE

BOSTON.—In the spirit of full disclosure, I must confess that the youngest member of our family is about to begin her work life this summer scooping ice cream. So it was not with complete disinterest that I read the Reagan administration's proposal to lower the minimum wage for teen-agers from $3.35 to $2.50 an hour for the summer months.

It was hard enough explaning take-home pay and Social Security. The notion that this new worker's paycheck could be cut by congressional fiat before she even starts isn't one that cheers her.

This bill, however, is supposed to help the unemployed. The President says that it will create 400,000 new jobs. Even our aspiring ice cream worker can see the value in cutting wages if, in fact, that means more jobs for those who need them.

But the picture isn't as clear in the marketplace as it is in the Reagan administration's creative mind. The assertion that cutting wages would add 400,000 summer jobs is pure conjecture. The notion that we can give employers a powerful incentive to hire those under 20 without encouraging them to avoid those over 20 is pure fantasy. The penalty in the bill for firing older workers has more loopholes than a pretzel.

At the moment there are 5 million minimum-wage workers in this country. Seventy percent of them are adults. Two-thirds of them are female. There is a high turnover rate in minimum-wage jobs; there is a high degree of seasonal work. You need more ice cream scoopers in the summer.

Employers not only could—but would—turn over or pass up older workers for younger workers they could get cheaper. The union leaders who complain that a subminimum wage "would replace dad with junior" are a little wrong (it would replace mom with junior), but the idea is right.

The sponsors also maintain that this bill is aimed at the 45 percent of minority teen-agers who are unemployed. It is this claim that won support for the bill from the Conference of Black Mayors, who understandably are willing to try anything.

But there is little evidence this bill would help poorer communities. It might harm them. In March 1984, 500,000 black teen-agers were listed as unemployed. Most are in school looking for part-time and summer jobs.

What we know about teen-age employment is that most teens get jobs through parents, friends or neighborhood contacts. They get jobs in areas where they live. As Wellesely College economist Carolyn Shaw Bell says, "If by lowering the wage you could get McDonald's to open up lots of new restaurants all over Harlem and Roxbury for five months, it would work." Bell also notes that if you cut wages, you make it harder for black teen-agers to commute to those jobs.

Today the adults who work for minimum wage come largely from low-income families. This is not true for teen-agers. The subminimum wage might well encourage employers to replace poorer white adults with more affluent white suburban teen-agers. Our young ice cream scooper is not exactly the worker that Reagan was targeting.

Beyond all that, there is also the matter of creating a two-tier wage structure. Even economists who favor getting rid of the minimum wage or exempting parts of the economy question the value of this. Asks Michael Wachter, a University of Pennsylvania economist who served on the Minimum Wage Study Commission, "Do you really want to have jobs that youths can hold and adults can't?"

This bill would mean that it is legal to discriminate on the basis of age. It would effectively bar unemployed older workers from competition for those jobs. It would allow young people to be paid less.

We know who the losers would be: the 7 million working teen-agers who might find their paychecks cut, adults working for minimum wage and those willing to work for minimum wage.

Who wins? The big winner is the minimum-wage employer. It's not for nothing they call this the McDonald's Bill. The investment firm Dean Witter once estimated that a subminimum wage would make McDonald's stock jump 31 cents. It may be the unemployed who deserve a break today, but if this bill passes, it's the employers who'll get the break.●

FREE ENTERPRISE AND DEMOCRACY: TAIWAN'S ACHIEVEMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. KEMP. Mr. Speaker, most of our colleagues are aware of the "economic miracle" which has been

achieved by the Republic of China. This nation has stood for almost 40 years as a symbol of the superiority of democratic capitalism over the communism of the People's Republic of China.

But economic expansion does not take place independently of other social, political, and judicial institutions. These institutions and the ideas on which they are based are interdependent and together determine the fate of a people. Steve Lohr, in a special report to the New York Times, highlights the development of these institutions amid the economic achievements of Taiwan. He points out that alone among the nations of Asia, the Republic of China has made improvements in its treatment of prisoners including the right of immediate representation by an attorney. The progressive adoption of Jeffersonian principles of democracy stands in marked contrast to events in the People's Republic of China where, according to many reports, as many as 60 million people have been killed in recent years and a program of forced abortion continues.

I ask that the full text of Mr. Lohr's article be included in the RECORD.

[From the New York Times, May 30, 1984]

NEW TIMES ON TAIWAN AS OLD GUARD EASES GRIP

(By Steve Lohr)

TAIPEI, Taiwan.—A foreign diplomat who was first posted to Taiwan a decade ago recently remarked on the changes he noticed when he returned last year. He was struck most of all, he said, by the easing of censorship, especially of opposition magazines, which now regularly carry spirited criticism of the ruling Kuomintang, or Nationalist Party, and its leaders.

"Years ago, those magazines would never have seen the light of day," the diplomat said. "And once the Government security forces got hold of them, the people who wrote and published these articles wouldn't be seeing much daylight either."

The jailing has stopped in recent years, though some censorship remains. Antonio Chiang, editor of the Eighties, a leading opposition journal, noted that his magazine had been banned by the Government 20 times for varying periods in the last three years.

But even Mr. Chiang says, "There is increasing freedom of the press in Taiwan, and political repression is greatly reduced."

Taiwan, whose strong economic growth has made it a model for some developing countries, appears to be undergoing a process of political modernization as well, diplomats and others here say. In recent months there have been indications that the pace of Taiwan's political evolution, which has lagged behind its economic development is quickening.

ONE OF ASIA'S "NEW JAPANS"

The loosening of political reins and economic modernization are viewed here as interrelated. Taiwan's rapid economic ascent has given it a per capita income of roughly $3,000 and the distinction of being labeled one of East Asia's "new Japans," along with Singapore, Hong Kong and South Korea. Taiwan is now straining to move into the ranks of the industrialized nations, moving out of cheap-labor industries and into fields such as computers and semiconductors.

The growth has expanded the ranks of the middle class, whose sphere of interest goes well beyond the acquisition of daily necessities. More and more people own cars and houses and travel abroad.

Accordingly, Taiwan's economic achievements are creating a more pluralistic society, people here say, and the political arena has to adjust to changing circumstances. "The economic progress leads to political progress and modernization," said Chin Sheng-pao, an associate professor at National Chengchi University.

More native Taiwanese, who make up 85 percent of the island's 18.5 million people, are being brought into positions of responsibility in the Government—a process known as Taiwanization—and democratic freedoms are gradually but steadily increasing. But the top echelons of the Kuomintang are still dominated by former mainlanders who, led by Chiang Kai-shek, went to Taiwan in 1949 and forcibly took over the island after the Communists took control of China.

In February, President Chiang Ching-kuo named Lee Teng-hui, a native Taiwanese, as his Vice President for the six-year term that began May 20. He is considered to be the first "real Taiwanese" to attain such a high office.

"Lee is a symbol of Taiwanization," an opposition politician said.

The selection of Mr. Lee, which surprised many political experts here, takes on added significance because Mr. Chiang, the son of Chiang Kai-shek, is 74 years old and his health is failing. He has diabetes, has had two eye operations in the last three years and has trouble walking.

Thus, should Mr. Chiang be unable to complete the six-year term, Mr. Lee would be in line to succeed him. When Mr. Chiang passes from the scene, Taiwan is likely to enter a period of collective leadership, according to analysts here, with power shared by the Kuomintang, bureaucrats, the military, security forces and native Taiwanese.

Today, more than 70 percent of the Kuomintang's two million members are native Taiwanese. In elections last December, Kuomintang candidates won 62 of the 71 "supplementary" seats in the national legislature, and most of them were native Taiwanese. But a majority of the seats in the 371-member legislature are held by lifetime members elected on the mainland in 1947. They nominally claim to represent districts in China.

A report this year by Amnesty International, the human rights organization, noted that Taiwan, alone among Asian nations, had made improvements in the treatment of prisoners.

A CHANGE IN THE LAW

The organization observed that in 1982, Taiwan's laws were amended to allow suspects in custody to retain a defense lawyer immediately after arrest. Such a change is considered important, according to Amnesty International, because most torture occurs right after arrest. Later in 1982, the report said, a few Government officials were, for the first time, convicted of mistreating suspects.

Opposition politicians estimate the number of political prisoners at fewer than 200, and the number has been dwindling in the last few years.

The opposition contends that the liberalization of Taiwan's political life is proceeding too slowly. But with the gradual passing of the older former mainlanders, the pace will probably pick up.

On international issues, most opposition politicians and the Government share common ground. Some opposition figures, generally people living abroad, do argue that Taiwan should declare its independence, giving up the Kuomintang's long-standing claim that it will one day "regain the mainland." Yet most opposition politicians here agree that such a position would be "suicide," as one put it.

Peking has made several reunification overtures to Taiwan, all of which have been rejected. Still, the Kuomintang's stance that the separation of Taiwan and China is a temporary condition is one shared by Peking's leaders.

But any genuine independence movement in Taiwan would be something Peking would not watch idly, people here agree. "It would be an invitation for Peking's army to come across the Taiwan Strait," a foreign diplomat said. "And everyone here recognizes that."●

INSPIRING SPEECH DELIVERED BY CRAIG TRUAX

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. GEKAS. Mr. Speaker, just this week we honored the men and women who sacrificed their lives so the citizens of our country, and those of many other nations around the world, could remain free. We are forever in the debt of those brave persons who insured that democracy and basic human rights flourish in the United States today.

Many ceremonies were conducted across the country on Monday to commemorate Memorial Day, and no doubt many fine speeches were given at those events. One in particular that I found inspiring was delivered by Craig Truax at Independence Hall in Philadelphia. Craig is a member of the House of Representatives in the Commonwealth of Pennsylvania, and I would like to share his remarks at this time by inserting them in the RECORD for the review of my colleagues.

Craig Truax's Memorial Day address for "Sons of Union Veterans of the Civil War" at Independence Hall, Philadelphia, Pa., follows:

WITH PEACE ON EARTH, GOOD WILL TO MEN

We meet on the hallowed soil of Independence Hall to Praise God, and to honor ancestors from whose vision, faith, courage and sacrifice is derived the American birthright.

Please sense my gratefulness to you for this privilege of offering the 1984 Memorial Day address for the Sons of Union Veterans of the Civil War. It is an honor of great magnitude, and imposes a special duty.

From this hallowed soil was proclaimed our Country's Declaration of Independence. Here was rooted the costly struggle for recognition as a free Nation. Here was born the

Constitution of the United States of America.

Above this soil, the Liberty Bell rang in protest against arbitrary government and tyranny. It rang with the defiance of war . . . and pealed in celebrating the birth of the Nation.

It rang in tribute to generations of fallen leaders, until its voice was stilled after expressing the people's love for the Father of their Country, George Washington, in 1846.

To this hallowed soil of Independence Hall, on February 22, 1861, came a saddened and burdened Abraham Lincoln. He was enroute to assume the Presidency of this divided Republic. The violent winds of civil war were on their way.

Lincoln here removed his coat to raise the Nation's flag. He prayerfully honored our Nation's founders, and humbly re-committed himself to the preservation of America.

In service to that covenant, Abraham Lincoln entered the realm of spiritual greatness for all people, for all ages.

Lincoln viewed the birthright of freedom to be sacred. He revered his Country's heritage. In his first inaugural address, he invoked the dead by speaking of what he called: "the mystic chord of memory, stretching from every battlefield and patriot grave, to every living heart, and hearthstone."

We, of 1984, have joined in listening again to the immortal words Lincoln spoke in dedicating the Cemetery at Gettysburg. Those words were directed, with equal devotion, to the fallen sons of both North and South; and ought to be heard today wherever Americans gather; and be carried in every heart.

The words and meaning of that address were used in the sermon of Philadelphia's Church of The Holy Trinity given while the slain President lay in state here on April 23, 1865—enroute home to his beloved Springfield.

Respect for America's heritage was ever-present within Lincoln. He was a student of history. As President, he expressed the strong desire to someday learn of his own family's role in the making of his nation.

Lincoln, as a boy, had been told only that his grandfather, for whom he was named, had served as a soldier in the Revolution, and had died at the hands of an Indian in Kentucky.

Wartime duties of office, and an assassin's bullet, precluded Lincoln from learning of his family's American heritage. Had he learned, he would have spoken with additional emotion—if such were possible—here at Independence Hall . . . and on the Pennsylvania soil of Gettysburg.

He would have held further appreciation, if such were possible, for the sons of Pennsylvania who went to war to support him; at the cost of 33,283 deaths, and legions of crippled and ill.

Abraham Lincoln's first American ancestor was Samuel Lincoln . . . a 1639 immigrant tailor of Hingham, Massachusetts. A descendant, Mordacai Lincoln, moved southward to Monmouth County, New Jersey in the early 1700's to join a community of Baptists, Presbyterians and Quakers. Mordacai was a blacksmith. He married . . . began his family . . . and moved onward to the Pennsylvania frontier to present day Berks County.

Mordacai Lincoln's Pennsylvania frontier neighbor was the family which produced Daniel Boone. When Mordacai died, Daniel Boone's grandfather served as trustee of the estate.

The Boone family and a portion of the Lincoln family moved southward down the Shenandoah Valley to accept Virginia's offer of land. It was there that President Lincoln's grandfather grew to manhood, and served in the Revolution.

The portion of Abraham Lincoln's family which continued its roots in Pennsylvania likewise met its duty. It also produced an Abraham Lincoln, who served as a Patriot officer in the Revolution . . . and as a member of the wartime Pennsylvania Assembly in Independence Hall . . . and as a member of the Pennsylvania Constitutional Ratification Convention of 1787.

President Lincoln would have acquired a special glow, had he learned that this Pennsylvania Abraham Lincoln stood with that lonely band of civil righters, who refused to approve the proposed Constitution because it did not then contain a Bill of Rights for the people.

It was in tribute to the fallen President, and to all who had made the supreme sacrifice in the Union cause, that Memorial Day was established in 1868. It was with that same high motive and resolve that your Anna M. Ross Camp Number One, Sons of Union Veterans of the Civil War, was founded on September 29, 1879.

With faithful allegiance, you have continued this Memorial Day observance at Independence Hall for 95 consecutive years. Through five wars—and through the ebbing of patriotic fervor which too often marks peacetime—you have kept faith with your organization's mission.

That mission, adopted 105 years ago, is this: "To inculcate patriotism and love of country . . . among all the people of our land, and to spread and sustain the doctrine of equal rights, universal liberty, and justice to all."

Memorial Day has become a day of tribute to the dead of all wars; and to the families who produced those warriors; who were so often visited by that wrenching grief so large as to be accommodated, not through human sympathy, but only through the silent comfort of God.

Our land is blessed this Memorial Day with over 30 million citizens who gave a portion of their lives to military service; submitting themselves to whatever risk fate might extend to them in meeting that responsibility.

Many veterans are crippled and in failing health . . . many are in their twilight hour when, with continuing courage and faith, they approach their appointed time of joining beloved ancestors . . . and will become another revered link in the chain of everlasting life which is eternal, and binds us all as one in God.

The eyes of these aging warriors have seen the generations of their children, and grandchildren, and great-grandchildren give their boys to war.

Their fading vision was once that of boyhood, glowing with zeal, and shining with pride in having served in a war to end all wars, and to make the world safe for democracy.

Their eyes have been often misted by tears, and clouded by worry; yet illuminated by faith, and the flickering light of their boyhood dreams.

There is hardly an extended family in America . . . and, certainly, no community . . . which does not contain such citizens, to whom, in life, is owed our Country's expression of devotion for their having given.

They are owed assurance that they will go to rest, having given their birthright into good and loving hands; and to hearts which shall never break faith with them.

For those aged veterans of the Mexican Border War, and of World War I . . . and of World War II—and for all others—whose appointed time draws near, we recall the words of Dr. John McCrae written on the European battlefield before his death seven decades ago, in a war which saw 10 million killed, and left 27 million casualties in its wake.

In Flanders Fields

In Flanders fields the poppies blow,
Between the crosses, row on row,
That mark our Place;
And in the sky the larks, still bravely singing,
Fly scarce heard amid the guns below.
We are the dead, short days ago
We lived, knelt down, saw sunset glow,
Loved and were loved, and now we lie,
In Flanders fields.
Take up our quarrel with the foe;
To you from fallen hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

There is none among us who would not hope that Divine Providence will make the dead we honor, today, aware that we have sought to commune with them;

And, that our living patroits of dimming eye . . . will know that we have remembered and revered them this day, on the hallowed soil of Independence Hall.

May Americans, through all time, meet in such memorial assembly.

And, may their prayers forever include the sentiments of Oliver Wendell Holmes' Memorial to Abraham Lincoln, in whose service his own son was thrice wounded.

Holmes wrote:

"Hear us, O Father, while we raise
With trembling lips our song of praise,
And bless Thy Name forever."

So shall one Nation's song ascend
To Thee, our Ruler, Father, Friend,
While Heaven's wide arch resounds again
With Peace on earth, good-will to men.●

NONBANK BANKS

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LUNDINE. Mr. Speaker, last week an article appeared in the Wall Street Journal which I believe provides valuable insights into the controversial and confusing issue of nonbank banks. As many of you know, a nonbank bank is a legal classification used by financial institutions which enables them to expand into markets from which they would be precluded if they were classified as traditional banks. In light of the fact that legislation designed to close the nonbank bank loophole was introduced last week by House Banking Committee Chairman Fernand St Germain and Congressman Chalmers Wylie, I think that this article is particularly timely.

The issue of nonbank banks is a very important one, and one that needs to

be addressed soon. But it is not the only issue that must be addressed in the broad area of deregulation of the financial services industries. I think that the recent events surrounding the near failure of the Continental Illinois Bank, the Third World debt crises, and the growing lack of confidence in our Nation's larger banking institutions point out, in a most dramatic fashion, the urgent need to address the problems inherent in the structures governing our financial services industries. The nonbank bank loophole may be the place where the House Banking Committee will start our efforts to solve these problems. But it should only be the beginning of the process.

The article follows:

NON-BANKS ARE NON-STARTERS

(By Martin Mayer)

Congressmen on the House Banking Committee have been getting themselves into something of a lather about the danger that the giant money-center banks, with the connivance of the Comptroller of the Currency, are about to make an end run around the rules forbidding interstate banking. But the play the banks have chosen for this purpose is virtually guaranteed to leave them at the line of scrimmage (if not behind it). Ideally, the congressmen should calm down—and the banks should forget it. We should be so lucky, on either side.

"The commercial banks went into the consumer business for the cheap money," John Heimann said when he was Comptroller of the Currency a few years ago. "Now that the cheap money is gone, they will go into other businesses."

NON-BANK BANKS

That made sense: The most casual look at annual reports demonstrated that there was no longer any reason for the New York and Chicago banks to envy the Bank of America and North Carolina National Bank because they had branches all over their states and funded their loans from people's checking accounts. Inflation and the market interest rates it created had persuaded lots of ordinary middle-class people to economize on cash and keep money in interest-bearing accounts even if they planned to spend it fairly soon. If the banks were going to have to buy the money they lent, branches were a very expensive way to make the purchases. Indeed, many of the big banks have been confirming this analysis during the past few years by closing long-established branches—some noisily with public pronouncements, some stealthily to avoid stirring up the animals among the consumer-activist groups.

Now, quite suddenly, the big banks have filed requests with the Comptroller for charters that would allow them to operate 300 new branches in other states. These would not even be real, full-service branches, for the McFadden act and the Douglas Amendment to the Bank Holding Company Act still forbid banks to open branches or subsidiary banks in states other than their home state, unless the state that is being invaded has given its approval. The charters being requested are for what the trade calls "non-bank banks," a Dr. Seuss creature born of the cleverness of the late Charles Bluhdorn's Gulf & Western in exploiting the definition of the word "bank" written into the 1970 amendments to the Bank Holding Company Act.

Under those amendments, a bank is a bank only if it both accepts demand deposits subject to withdrawal by check and makes commercial loans. It is fashionable these days to describe this definition as a "loophole," but in fact there was considerable discussion in the Senate (where the language originated) about the need to protect finance companies, trust companies, savings and loan associations, and credit unions from the stifling regulatory embrace of the Federal Reserve. Moreover, the definition is reasonable: A bank that cannot take demand deposits is out of the loop of money creation (what goes out of the bank via the lending or withdrawal doors does not come back in automatically in the flow of people's payments for goods and services), and a bank that does not make commercial loans clearly isn't a "commercial bank," which is the kind of bank people mean when they use the word.

The holding companies that have bought or started non-bank banks have all had legitimate purposes that do not in fact impinge upon the central commercial work of the banking system. Gulf & Western wanted a non-bank bank charter mostly to handle Keogh/IRA and other trust business that is most conveniently managed from a bank. Merrill Lynch started a non-bank bank to give itself the option of inhouse processing of checks and credit cards in its "cash management accounts" and to offer its own insured deposits to money market fund customers who want insurance. Dreyfus pushed into banking to apply its mass-marketing techniques to the solicitation of consumer deposits and the offering of mortgage and auto loans. Fidelity Funds wanted membership in a credit-card association and an automated teller machine network. Sears wants all of this and more, and can use its long-established California S&L (an S&L these days is just a non-bank bank) as part of its complete consumer financial-services package.

But why on earth would a bank want a non-bank charter? Nearly all of those who have announced their plans have said they expect to use these new establishments to make commercial loans, and would qualify under the definitions by not taking demand deposits. That means every penny they lend on this chassis would have to go right out of the bank, because businesses can't have NOW accounts. It also means that the blended cost of funds at the new non-bank would be higher than that in existing branches and subsidiaries, because there wouldn't be any interest-free demand deposits in the mix.

There's no need to have a local bank charter to make commercial loans anywhere in the U.S.—indeed, the big banks already have "loan production offices" all over the country. A bank that is closing its fully depreciated, relatively cheap branch in Queens, N.Y., or Stockton, Calif., and starting a new, expensive, restricted subsidiary bank in Memphis, Tenn., looks suspiciously like a decapitated chicken in the farmyard.

If the Comptroller will OK these charters—and he has threatened to do so, because he wants Congress to change some banking laws and this looks like a good weapon—no doubt the banks will run in circles. We are dealing here with a deep-seated, atavistic impulse from before the days of computers and satellite communications: The men now running the giant banks were brought up with the idea that if the whole country were a level playing field for them, they could score endless touchdowns. Even the major New York banks have been filing for charters, despite their bitter experience in the late 1970s, when they were released from their previous cage in the city and freed to run upstate—whence most of them returned a few years later with their tails between their legs, whipped by the medium-sized banks of Rochester, Buffalo, Syracuse and especially (of all places) Albany. The parish priest still knows his parish better than the pope can.

Still, the local and regional banks are scared. Ernest Deal, who ran Houston's very successful half-billion dollar Fannin Bank, explained his decision to sell out to InterFirst with the argument that "Interstate banking is coming. A Citibank or a Chase will come in here and put in an operation across the street. They'll start a loss-leader operation, and they'll get away with it. We feared Houston would be a place where dumb people would come in and do dumb things and wreck the house." And because their constituents are scared, the congressmen are scared: Even in this do-nothing year, legislation to "preserve community banks" may very well pass.

But dumb people doing dumb things are not the sort of competition a businessman or a banker has to fear. The regulators and Congress should stop fretting over the sudden emergence of real competition in the financial-services business, and should let the public get its free toasters and cash gifts and cut-rate loans.

WILL HAVE HAD TO SHAPE UP

When the dust clears, the community banks will still be there, offering better services because they've had to shape up. The money-center giants, having added the non-bank bank to their collection of fashionable disasters (they can hang the trophy on the wall next to the REIT, the syndicated Latin American jumbo loan, the farmland investment, the energy gamble and the leverage buyout caper), will be back at their accustomed stand in the big city, railing at the government but dependent on it for the credibility that sells their paper.

Maybe then the bankers and the congressmen will both—finally—turn their attention to the changes that will be necessary if the information system we call banking is to function efficiently, effectively and safely in an era when anybody with spare computer time can do the sort of information gathering, processing and communicating that was once the exclusive preserve of the banks.●

CONGRESSIONAL SENIOR CITIZEN INTERN PROGRAM

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● **Mr. BRYANT. Mr. Speaker, if there were ever any doubt about the value of the congressional senior citizen intern program, it should be dismissed immediately.**

I was recently privileged to have as interns from the Fifth Congressional District of Dallas County two residents of Mesquite, Tex.—Ralph and Jean Wisenbaker—who are active, involved, concerned citizens.

The story of their internship week in Washington, D.C., which clearly gave them a better and more complete perspective on how their Government operates as well as a wealth of facts and figures, was well told in a recent article by reporter Janet Mardis in the Mesquite News.

I commend the article, which follows, to the attention of my colleagues.

Interns Learn How System Works

(By Janet Mardis)

Two area residents recently returned from Washington, D.C., where they were participants in the Congressional Senior Citizen Intern Program. Jean And Ralph Wisenbaker were selected by Congressman John Bryant (D-5th Dist.) to represent his district during the May 7-11 week-long activities.

The Wisenbakers, both retired, have long been politically active and feel that involvement led to the Washington trip.

"It was probably because we were active in the political process," said Mrs. Wisenbaker, "at least that is what we have assumed. Ralph is the precinct chairman of Precinct No. 2288 and has been for the last four years. We go to the senatorial convention every two years and we have both been state delegates twice.

"We had done a lot of volunteer work for the different candidates around and Ralph is on the executive board of the Dallas County Democratic Party, although we were not selected because of the party we belong to. This program is non-partisan."

Since the Congressional Senior Citizen Intern Program was begun by Senator Roth, Congressman Hillis and former Congressman Biester in 1973, nearly 1,000 active older Americans from across the country have gone to Washington for the annual event in May.

The first year, nine interns were sponsored by four members of Congress. In 1983, more than 250 interns were sponsored by approximately 175 House and Senate offices. Each House and Senate office may sponsor no more than two interns. The Wisenbakers were two of the 280 participants at this year's event.

Legislation to formalize the program has been introduced repeatedly during the years since 1973, but nothing substantial has been enacted to date. The Senate did pass S. Res. 219 several years ago, which allows the participating intern to be paid for the trip prior to leaving Washington.

"The purpose of the program," said Mrs. Wisenbaker, "is to keep the senior population informed on what is going on in Washington on their behalf. By having two people from each Congressional district there, they can go home and tell what is going on in Washington that affects them."

"It is to keep up with what the legislature is doing and what Congress is doing past and present," added Wisenbaker.

Participants are active individuals who, once they return from the internship in Washington, apply what they learned within the senior community.

Some of the issues that were discussed at this year's meeting were housing and urban development for the elderly, social security, medical costs, long-term patient health care and the employment of senior citizens.

"We had a speaker on crime and the elderly," said Mrs. Wisenbaker, "and one on fitness for seniors. Medicine and Social Security was wrangled over several times, but we were told several times that the Social Security program was very sound. The Kennedy-Gephardt bill is the big thing there now."

"This is a bill before Congress now that deals with the senior citizens' program," said Wisenbaker, "and it has to do with the control of doctor bills and medical costs. Doctor bills are so exorbitant that Medicare is complaining and this bill is supposed to solve that, although this will probably not come up until next year."

"I think it is going to be better," said Mrs. Wisenbaker, "and hopefully it will become more efficient. Right now they are trying to get the doctors and hospitals to hold costs down for everyone."

"Medical and hospital bills have far exceeded the cost of living increases," said Wisenbaker, "We never knew how Medicare decided how much they would pay on a bill, but we know now. It is based on the cost of living index for 1972 and has never been updated."

Both the Wisenbakers said they were concerned about medical expenses for the elderly because after age 65, any private policy automatically becomes supplemental.

"After you get to be Medicare age at 65," said Mrs. Wisenbaker, "your private policy becomes supplemental and they don't ask you, they just do it. All insurance companies drop you to a supplemental level."

The Wisenbakers said since Medicare bases its payouts on 1972 figures, that is all the supplemental policies will pay on as well.

"For instance," said Mrs. Wisenbaker, "if you got a doctor bill that was $800, but Medicare said his charges should only have been $500 (based on 1972 figures), that is all they will pay on. Then the supplemental policies pay the other 20 percent of the $500. The older patient is stuck with the other $300 of the doctor bill."

Wisenbaker said one woman who spoke at one of the meetings said she had sold her house and everything to pay for her husband's medical bills. He had recently died from Alzheimer's disease. This type of inequity is what the Kennedy-Gephart bill is trying to eliminate.

Although, the Wisenbakers went as a couple, it was not a pre-requisite. The only requirement for participation was that they be senior citizens. The selection process is left entirely up to the sponsoring office, in this case, Congressman Bryant's.

The Wisenbakers stayed at the Capitol Holiday Inn located near Capitol Hill and all their expenses were paid from Congressman Bryant's budget. The one day they got for sightseeing was rainy, so they didn't get to see as much as they wanted to and they are planning a return visit. The other days were filled with meetings and activities pertaining to their internship.

"The days were real full," said Wisenbaker, "but I think the highlight of the whole thing was a talk Friday afternoon by Senator Claude Pepper. He's 83 years old and his interest and forte all through the years has been health care and programs for the aged. He said there are 28 million Americans over the age of 65."

They were both enthusiastic about the experience.

"I have a better knowledge of how the system works," said Mrs. Wisenbaker, "and I found out there were a lot of committees and help available for senior citizens that I wasn't aware of before."

"I have learned a lot about the legislative process for one thing," said Wisenbaker, "plus the information we gathered to pass along."

"I think the whole group was very nice and very congenial and we met a lot of people from all over the U.S.," said Mrs. Wisenbaker. "It didn't matter what party they belonged to or where they were from. We found we all had the same problems."

Although the Wisenbakers said they didn't get to see President Reagan, they did get to see most of the members of the House and Senate. They were surprised at how relatively small the rooms were in the White House and the assembly rooms of the House and Senate.

"Security is extremely tight everywhere," said Mrs. Wisenbaker. "In all the federal buildings, there are the metal detectors like in airports and they checked my purse every time."

Wisenbaker said he has never seen so much brass and marble and most of the people they saw on Capitol Hill were between 20 to 40 years old, but they encouraged everyone to become involved in politics.

"Get involved!" said Mrs. Wisenbaker. "This is your country and your government so get actively involved. If you think one voice doesn't count, you're mistaken and if you think your congressman or senator doesn't listen, you're wrong. They do listen."

"Everything you do is political," said Wisenbaker. "Register to vote and voice your opinion."

"Another benefit of getting involved," said Mrs. Wisenbaker, "is you get to meet all the candidates and talk to them. When they come to town, we go and get our 10 cents worth in. It is interesting and you don't really realize until you see it the way the whole system works."●

TAX REFORM FOR SMALL BUSINESSES

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LUNDINE. Mr. Speaker, there is a hue and cry all around us for tax reform. The demand is for simplification of the Internal Revenue Code. At the same time we must not forget that tax policy is a powerful tool to be used to achieve national goals, both economic and social.

In our quest for tax reform we must remember how important it is to create and maintain incentives for small businesses. They are among our most vital economic resources. The contributions made by small businesses to the creation of jobs and to badly needed innovation is well known. Equally well known is the problem small businesses have in their early years with capital formation and cash flow.

With that in mind I submit for the Record an editorial written by John B. Lloyd, entitled "Tax Code Is Impeding Small Business Growth," Jamestown, N.Y., Post Journal, May 7, 1984. He presents an interesting idea which pro-

poses to deal with the capital formation problems of small businesses. Because of the Federal deficit problem, I do not think we can adopt many revenue-reducing measures, but I do nevertheless think this idea deserves further study.

The editorial follows:

[From the Jamestown, N.Y., Post Journal, May 7, 1984]

TAX CODE IS IMPEDING SMALL BUSINESS GROWTH

(By John B. Lloyd)

Small business means jobs. That's the Small Business Administration's theme for Small Business Week, May 6 through 12. And it's a fitting theme. Small business created more than 2.6 million new jobs in the past two years. Large companies lost more than 1.6 million jobs in the same period.

But small business means more than jobs. It means innovation. Small companies carve out market niches too small for large companies, offering vital goods and services that large companies cannot, or will not, provide. Small companies generate 24 times more technological advances per dollar spent than do large companies. And countless legislators have called small business the driving force for the nation's economy.

But before they can make such impressive contributions to our economy, small companies must overcome serious challenges just to get established. Many of them can't. Once established and poised for expansion and growth, they frequently discover that they still cannot find any sources of capital other than their own income: They haven't developed the track record necessary to obtain borrowed capital.

The recent recession forced many small businesses to curtail expansion, voluntarily dissolve, or go bankrupt. Small companies fail for many reasons, including the inability to finance business operations, or to keep up with exorbitant finance charges.

Capital for investment in small companies, whether through equity or loans, has traditionally been in short supply. Many small companies find that their only source of equity capital is the personal savings of owners and their relatives and friends. This is rarely enough to meet most companies' needs.

So companies borrow to raise capital. But they do so at an extremely high cost, sometimes as high as seven percentage points above what large companies pay. The present tax code actually encourages companies to borrow to finance their businesses by allowing a tax deduction for interest paid.

Recent incentives designed to offer tax relief have benefited primarily larger companies. Small companies received only a 2.8 percent tax reduction from the 1981 and 1982 cuts. And the law drains what little source of capital formation a small company may have by taxing its income as it is earned.

Tax relief that recognizes small companies' unique capital requirements is clearly needed. Seidman & Seidman believes that the federal Internal Revenue Code must encompass a new tax system that improves small business' ability to retain and generate capital.

To accomplish this, we have proposed an alternative to the corporate income tax on small business income, calling for a phased integration of federal corporate and individual taxes on that income. Such an integration would result in what tax people call a consumed income tax. We have submitted our proposal for consideration to members of the House and Senate, to the president, and to other federal authorities.

Under our proposed system, no federal corporate income tax would be assessed against the income of small business corporations meeting specific definitions. Qualifying companies choosing to operate under our system would be protected from tax on their income for 10 years, and would then revert to regular taxable status. To minimize the impact on federal revenues, the income exclusion would be phased over four years. In the first year 25 percent, in the second year 50 percent, and in the third year 75 percent of a small company's income would be excluded from tax. In the fourth and sebsequent years all the income would be excluded from corporate income tax. During all years the excluded income would be taxed to shareholders, but only when it is distributed to them.

In this manner, a company could retain its capital as long as it needs it. When the company distributes the income to individuals as a return on investment, a sign that it no longer needs the income to fund operations, the government then takes its fair share.

While initially it may appear that our proposal would reduce federal revenues significantly, a close look reveals that this simply isn't the case. Federal revenues last year amounted to $601 billion, of which 83 percent was raised through individual income taxes and social security taxes. Only 6 percent, or about $37 billion was generated by the corporate income tax.

Of this $37 billion, only about 16 percent came from small companies. Implementing our proposal would therefore result in a maximum revenue drain of $6 billion when completely phased in, or a mere 1 percent of total federal revenues.

But other factors would reduce this revenue drain. Companies would continue paying dividends, and therefore would be taxed on their distributed income. In addition, our system would enable small companies to expand and create more jobs, translating into additional federal revenues from individual taxes.

While neither of these factors is immediately quantifiable, it is difficult to conceive that federal revenues would decline by more than $1.5 to 2 billion per year in the first few years our proposal is in place. Thereafter, the drain may disappear altogether because companies would revert to taxable status, healthier, stronger, more profitable, and employing more people.

Implementing our proposal would represent a concrete first step toward assuring small business capital retention and formation. Under our system, companies would retain their life blood, their capital, allowing them to finance expansion, equipment, employment and growth. The companies themselves would prosper, as would their new employees. And the increased economic activity resulting from this growth would benefit the federal government and the general economy.

Small business means jobs. But for small companies to provide the jobs needed to restore economic prosperity, they must retain the means to grow, expand and hire new employees. Tax relief that eliminates the double tax and provides this needed capital is long overdue.●

TAXES AND POPULISM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. KEMP. Mr. Speaker, every so often a voice is heard again, suggesting that only the wealthy should have the right to vote, because the poor an middle income earners would impose heavy taxes on those at the upper end of the income scale.

Whenever we hear this idea, it is worth reminding ourselves that the Founders of our Constitution were more populist than we often give them credit for. They rejected this argument, knowing that the right to vote and the hope to improve our standard of living are closely connected.

Today, it is not primarily the very rich, it is the poor and middle income people who are demanding lower tax rates, a fairer and simpler Tax Code, and control over excessive Federal expenditures. They are the best friends the American economy, as well as the American Constitution, has.

THE VIRTUE AND SPIRIT OF OUR COMMON PEOPLE

(By Ralph Benko)

Should the right to vote be based on income or wealth?

Columnist Joseph Sobran some months ago published a sydicated essay posing this question, warning of the danger that in a democracy the indolent will abuse their vote to unjustly tax; to tax and steal for themselves the fruits of the labor of workers and productive members of society, and thus the right to vote must be limited to those with wealth.

Mr. Sobran's argument was raised, debated and rejected by the men who wrote our Constitution.

In 1787, the wisest statesmen in America gathered together to write the U.S. Constitution, the supreme law of the land. The record of their debates and votes proves that, while they respected the danger Mr. Sobran poses, they judged the risk worth taking.

Delaware's John Dickinson stated the argument for restricting the vote to those with property ("freeholders") in elegant simplicity: "The freeholders of the Country are . . . the best guardians of liberty; and the restriction of the right to them as a necessary defence against the dangerous influence of those multitudes without property & without principle with which our Country like all others, will in time abound."

Gouverneur Morris continued the argument: "Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them. The ignorant & the dependent can be as little trusted (as children) with the public interest."

But the champions of the common people (as the "little guy" was called in the 18th century) carried the day; beautifully presented by one of our great benefactors, senior delegate to the Convention, Ben Franklin: "It is of great consequence that we should not depress the virtue and public spirit of our common people; of which they displayed a great deal during the war, and which contributed principally to the favorable issue of it."

And the debate was closed by South Carolina's John Rutledge: "It would create division among the people and make enemies of all those who should be excluded."

The convention then voted, seven to one (and one divided, one absent) against restricting the right to vote.

Since then, the political force has been with those committed to broadening the right to vote. Of the 16 Amendments to the constitution passed since the Bill of Rights, six have broadened the right to vote: No. 15, prohibited the denial of the vote on account of race, color, or previous condition of servitude; No. 17, providing that people, not the legislatures, of the states should vote for U.S. Senator; No. 19, extending the vote to women: No. 23, giving the residents of Washington, D.C., the right to vote for president; No. 24, prohibited the denial of the vote in federal elections to one who had failed to pay any poll or other tax; and No. 26, extending the vote to 18-year olds.

In 1966, the U.S. Supreme Court held that "wealth, or free paying status has, in our view, no relation to voting qualifications; the right to vote is too precious, too fundamental to be so burdened or conditioned." (*Harper* v. *Virginia Board of Elections.*)

The risk of unfair taxation has indeed come to pass. Secretaries and blue-collar workers are now paying taxes at rates once reserved for the very rich. But it is the common person, the "little guy," who is bearing the brunt. And it is they who, in many regions, are supporting a revolt against too-high income and property taxes.

Let us take a spark from the torch of inspiration lit by Benjamin Franklin in 1787. Let us commit ourselves to the virtue and spirit of the common people, who are—and repeatedly prove themselves to be—among the worthiest members of our body politic. Let our political leaders listen closely to the suffering of the common people, and lift the heavy hand of taxation from one and all.●

THE GRACE COMMISSION—IMPROVING GOVERNMENT: CUTTING SPENDING IS ONLY PART OF THE ANSWER

HON. JUDD GREGG

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. GREGG. Mr. Speaker, the findings of the Grace Commission show that there is a tremendous potential for saving tax dollars by improving the efficiency of the bureaucracy without reducing services. The Commission concluded its work in January and included over 160 managers from private business and other organizations. More than 850 companies and individuals donated people, financial support, services, and equipment to the 36 task forces that delved into nearly every aspect of the Federal bureaucracy. The table summarizes the savings identified by the Commission that would be possible by improving Government efficiency.

Without these reforms, the losses in taxes to the average citizen would continue to grow. The Commission found that one-third of all collected taxes are consumed by waste and inefficiency in the Federal Government. Another one-third of tax liability escapes collection through the underground, or unreported, economy. With two-thirds of the tax liability wasted or not collected, the balance of taxes raised are absorbed [illegible]ely by interest on the Federal debt and by transfer payments. In other words, all individual income tax revenues are gone before anything is spent on many of the services that citizens expect from their Government.

The Grace Commission provided the Congress with a list of 2,478 cost-cutting, revenue-enhancing recommendations that could save $424 billion over a 3-year period. System failures—$160.9 billion and personal mismanagement—$90.9 billion, together comprised well over one-half of the total efficiency savings. Program waste—$151.3 billion—accounts for 37.9 percent of savings recommendations and this waste could be substantially eliminated if reforms were instituted.

A sample of proposed savings over a 3-year period would include the following programs:

Mailing lists maintained by the Federal Government can repeat the same address dozens of times. Elimination of these needless errors could save nearly $100 million—a significant fraction of the entire budget of the State of New Hampshire.

Prohibitions on competitive bidding on the movement of servicemen's goods to and from Alaska and Hawaii cost taxpayers nearly $70 million.

Improved management of government property, according to the Commission, could save taxpayers over $60 million. The Grace Commission found that compared to a private-sector company managing similar space, the General Services Administration employs 17 times as many people and spends 14 times as much on total management costs.

Improved handling of cash seized from criminal could save $50 million. Currently, cash taken from criminals is held rather than deposited in interest-bearing accounts.

The Commission also found that computer and data processing activities are disorganized and inefficient, and that numerous functions and services performed by the bureaucracy could be more efficiently performed in the private sector. Furthermore, the Commission suggested that Government agencies with functions similar to commercial businesses should apply user charges and business methods rather than favoring special interest groups.

Bringing efficiency to the management of Government activities will be a difficult task. Every program and procedure has a group of supporters that will surely protest cost-saving efficiencies. About a quarter of the recommendations of the Commission can be implemented by Presidential authority, while the remainder of them require congressional approval. If the Congress refuses to address these reforms, we will have passed up a significant opportunity to reduce the deficit and improve our economic outlook.●

UNITY AND GREAT MERIT IN FOOTWEAR INDUSTRIES CASE

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. VANDER JAGT. Mr. Speaker, trade issues—imports and exports—impact on our domestic economy; all continue to mount and all continue to attract greater importance and need for appropriate, decisive action. Certainly among the foremost domestic industries hit by imports has been the Footwear Industries of America and its thousands of workers.

As ranking minority member of the House Ways and Means Committee's Trade Subcommittee, I closely followed many of the import relief cases that come before the Commission. In recent months, I have had the opportunity to review a great deal of material discussing the petition filed under section 201 of the Trade Act of 1974 by Footwear Industries of America, Amalgamated Clothing & Textile Workers Union, AFL-CIO, and the United Food & Commercial Workers International Union, AFL-CIO.

No other major industry in this country comes close to the record import penetration rates that confront the footwear industry. The rising import penetration since 1981 is mind boggling. In 1983, imports captured 63.5 percent of the market. In early 1984, the import penetration was up to 70 percent. Employment has dropped to 132,700, the lowest level in the history of the U.S. footwear industry, including the period of the Great Depression. Imports of nonrubber footwear were 3.7 billion of the record total of the U.S. trade deficit in 1983. Domestic production has declined by almost 13 percent in just 2 years.

Our domestic firms ask only the chance to become fully competitive for a fair share of the domestic market. The industry has made every effort to compete with imports despite the strong effect imports has had on capital investment. The domestic industry has made an extensive commitment to research, development, and modernization during the period of the marketing agreements between Korea and Taiwan, which lasted from 1977 to 1980. During this time, research and development expenditures rose steadily from $5.4 to $7 million according to the International Trade Commission data. Capital expenditures also rose from $80.1 to $115.6 million in 1981. The results were just beginning to show when the orderly marketing agreements were terminated.

I admire and respect the determination of the domestic nonrubber footwear industry to survive. The footwear industry has played a vital role in the American economy for over 200 years. I am confident that they will continue to remain a competitive part of the U.S. market if they are given the opportunity for a respite from the unremitting import penetration. I urge my colleagues from the Congress and administration officials to carefully review the conditions of this important industry and to give every possible consideration to relief.●

MENTAL STANDSTILL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. JACOBS. Mr. Speaker, I insert a letter to the editor of the Indianapolis Star sent by Indianapolis attorney Judson F. Haggerty.

It is said that the only thing we learn from history is that we do not learn from history. Would not it be nice if, at long last, we could disprove what they say:

Blackstone Professional Center,
Indianapolis, Ind., May 25, 1984.

Indianapolis Star,
307 North Pennsylvania Street,
Indianapolis, Ind.

To the Editor: In her book, *The March of Folly,* Barbara W. Tuchman defines mental standstill:

"In its first stage, mental standstill fixes the principles and boundaries governing a political problem. In the second stage, when dissonances and failing function begin to appear, the initial principles rigidify. This is the period when, if wisdom were operative, re-examination and rethinking and a change of course are possible, but they are rare as rubies in a backyard. Rigidifying leads to increase of investment and the need to protect egos; policy founded upon error multiplies, never retreats. The greater the investment and the more involved in it the sponsor's ego, the more unacceptable is disengagement. In the third stage, pursuit of failure enlarges the damages until it causes the fall of Troy, the defection from the Papacy, the loss of a trans-Atlantic empire, the classic humiliation in Vietnam."

Yours very truly,

Judson F. Haggerty.●

EXCLUSIONS ON IDEOLOGICAL GROUNDS ARE AN AFFRONT TO FREE SPEECH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. FRANK. Mr. Speaker, Jeri Laber, the executive director of the U.S. Helsinki Watch Committee, wrote an article in the New York Times Book Review, April 29, 1984, which criticized the policy of denying foreign writers entry into the United States because of their political beliefs. I agree with Ms. Laber: The section of our immigration law which excludes people for ideological reasons is a last vestige of the McCarthy era. It is offensive and should be repealed. I have introduced a bill that would revise this portion of the law.

It is truly inconsistent for this country to advocate the freedom of travel and the free flow of information and ideas, and at the same time to keep out individuals based on the content of speeches they intend to give in this country. It is fitting that the Helsinki Watch Committee has chosen to speak out on this issue. This is not to say that the U.S. violations of the Helsinki Agreement even approach the blatant and outrageous violations of the Soviet bloc. However, if we are to criticize these countries, we must hold ourselves to a very strict standard.

I insert Ms. Laber's excellent article here:

Why Some Writers Aren't Welcome Here

(By Jeri Laber)

On the evening of April 9, 1984, more than a hundred people gathered in a SoHo loft to hear a discussion of United States policies in Central America. One of the key speakers was to be Gabriel Garciá Márquez, the Nobel Prize-winning author of "One Hundred Years of Solitude."

But Mr. Garciá Márquez never showed up. Instead, he sent a telex from Bogotá that said: "Because of my political beliefs, the U.S. Government has once again denied me the unconditional visa that I have repeatedly requested for the past 13 years and has offered me only provisional permission." Mr. Garciá Márquez refused that offer, "for reasons of principle and personal dignity."

To many at the SoHo gathering, Mr. Garciá Márquez's message came as a shock. They had not known that the world-famous Colombian author has had difficulties entering the United States since 1963 because he has been accused of having Communist ties. Except for a two-year period in the early 1970's when he possessed a multiple-entry visa, he has not been allowed to visit here except when officially invited, and even then with specific limitations.

His case in not unique. For the last 30 years, visas to enter the United States have been denied, or issued with restrictions after long delays, to thousands of individuals whose presumed political beliefs or associations make them "suspect." Among the diverse political and intellectual figures who at times have been affected are writers, such as Julio Cortázar, Marcelo Covián, Mahmoud Darwish, Régis Debray, Dario Fo, Michel Foucault, Carlos Fuentes, José Luis González, Yotara Konaka, Carlo Levi, Czeslaw Milosz, Alberto Moravia, Pablo Neruda, Cosmo Pietarse, Angel Rama, Ernesto Sábato, and Marta Traba.

Public protest in the United States is now gaining some momentum. On April 30, for example, in St. Peter's Church in New York City, some well-known American writers—E. L. Doctorow, Carolyn Forché, John Irving, Arthur Miller, Susan Sontag and William Styron—will dramatize the situation by reading from the works of some "excludable" foreign writers—Messrs, Cortázar, Darwish, Fo, Garciá Márquez, Neruda and Rama. This event, one of a series of activities in a campaign against ideological exclusions, is sponsored by the international writers' association PEN and the Fund for Free Expression, two of the more than 30 organizations now cooperating with the American Civil Liberties Union in preparing for a major national conference on the subject to be held in Washington on Sept. 18. The goal of the campaign is the repeal of the ideological exclusion provisions of the 1952 Immigration and Naturalization Act. Known as the McCarran-Walter Act, this anachronistic legacy from the McCarthy era provides the legal grounds for the United States to exclude aliens on the basis of their political beliefs.

Under the McCarran-Walter Act, visas may be denied to aliens who are Communists, anarchists or subversives, or whose activities are deemed "prejudicial to the public interest" or "subversive to national security." The 1977 McGovern Amendment to the Act attempted to ease the situation somewhat for people who are excludable because of "membership in a proscribed organization," but it has been of limited use. Under the Reagan Administration, ways have been found to circumvent it altogether.

The Administration has used the ideological exclusion provisions of the McCarran-Walter Act indiscriminately in order to muzzle foreign critics of its policies, especially those policies affecting Central America and the deployment of nuclear weapons. It has applied the "prejudicial to the public interest" provision of the Act to an individual's beliefs and associations, not just to activities. To make matters worse, in October 1983 the State Department proposed an amendment to Congress that would permit consideration of "foreign policy factors" in deciding who receives permission to enter the United States.

As the procedure now stands, a foreigner who wishes to enter the country must seek a visa from United States consular officials in his or her country. These officials have the right to refuse visas or to issue restrictive visas that limit where a visitor may travel, how long he or she may stay and in some cases even dictate what may be said. An alien who has been refused a visa cannot challenge this decision in a court of law, but American citizens who wish to meet with him can file suit. A number of such suits are now pending.

The Secretary of State or a consular official may recommend to the Attorney General that a visa denial be waived, and this has been done in a substantial number of cases. The need for such waivers, however, is demeaning to applicants. Many withdraw their applications in anger or humiliation, frustrated over bureaucratic delays or because the original reason for the visit has long since passed. Carlos Fuentes's landing card was once torn up by an immigration official when he sought to disembark from a cruise ship for a few hours in Puerto Rico. He must apply for a waiver each time he wishes to come to the United States, and appear in person at the United States Consulate in Mexico City to obtain his visa. Cortázar once reported that each time he applied to the consulate for a visa he was told that he was persona non grata because of "Communist activities" and was forced to wait for more than a month to receive a restricted visa valid only for the number of days necessary for his work.

Many people who have been subjected to these procedures in the past now refuse to come to the United States as a matter of principle. They point out that the United States is the only Western democracy that imposes a political test for visas for visitors and that American citizens would be justifiably outraged if they were forced to submit to questioning about their beliefs and associations every time they wished to visit Paris or London. They marvel at the hypocrisy of American leaders whenever they criticize other governments for violating their commitments under the Helsinki accords, an agreement dedicated to encouraging the free exchange of ideas and the free movement of citizens across national borders.

American visa policies are shameful and embarrassing. They give the world the impression that the Government is so fearful and defensive that it will not give foreigners who are critical of its policies an opportunity to express their views.●

AMENDMENTS TO THE FISH AND WILDLIFE COORDINATION ACT

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. BREAUX. Mr. Speaker, today I have introduced legislation to amend the Fish and Wildlife Coordination Act to address a need for improved interagency coordination regarding the protection of fish and wildlife resources.

The Fish and Wildlife Coordination Act, enacted by Congress in 1932, was one of the earliest attempts to integrate fish and wildlife conservation measures into the Federal Government's water resources planning activities. As amended in 1946, the act requires Federal agencies that administer projects modifying water resources to consult with State and Federal fish and wildlife agencies and to take fish and wildlife resources into consideration before proceeding. The act is not intended to affect each agency's discretion in making final decisions, but rather to highlight the effects of proposed water projects and offer recommendations for mitigation measures to compensate for possible or anticipated fish and wildlife resource damage.

In recent years, several concerns have surfaced regarding the consultation process required by the act. One of the most frequently raised complaints about the Fish and Wildlife Service and the National Marine Fisheries Service concerns their recommendations for mitigation on Federal projects and Federal permits and licenses. Project sponsors and applicants for licenses often cite a lack of certainty in dealing with projects that require long-term planning. Applicants are often faced with the problem of negotiating each individual action within the larger project when, in fact, all parties would benefit from an overall review, with mitigation, if necessary, planned for the whole project. The use of long-term agreements which are entered into by all affected parties offers a concept which may be useful in general negotiation of mitigaton requirements for long-term, large-scale projects.

A second concept, mitigation banking, has been utilized on a limited basis. Mitigation banking is the setting aside of a relatively large area of valuable habitat from which credits will be allowed for future projects. The legislation I have introduced today will allow the commenting agencies to recommend mitigation measures at either onsight or offsight locations and will serve as a vehicle for reviewing other innovative measures for providing environmental protection and certainty in the planning of development projects.

A second concern is that the Coordination Act authorizes, but does not require, the transfer of funds from a Federal agency planning construction to the commenting agencies to conduct the studies necessary and required under the provisions of the act. This transfer of funds has not always proceeded in a consistent and reliable fashion. In order for the Fish and Wildlife Service to adequately plan for the commitment or resources necessary to offer consultation required under the act, such funds must be available on a regular and consistent basis. The legislation I have introduced today requires and agency planning the construction of a water resource development project to transfer sufficient funds to the commenting agency to allow them to carry out their responsibilities under the act.

Finally, a recent study by the National Marine Fisheries Service in the Southeast region illustrated a reoccurring problem that the legislation addresses. While recommendations for alternative actions or mitigation measures may be incorporated as terms in permits, the rate of noncompliance with those terms was found to be as high as 25 percent. Inquiries to the agencies involved revealed a complete lack of followup on the effectiveness of the incorporated recommendations, as well as a lack of monitoring of the permits to ensure compliance by the permittee.

In other words, it is not possible to estimate, on a national basis, how many recommendations are included in project requirements, and in fact, are complied with; nor is it possible to estimate that these recommendations which were implemented have the desired effect on fish and wildlife resources. Indeed, it is impossible to tell whether they were necessary or effective at all.

The legislation I have introduced today requires the Fish and Wildlife Service and the National Marine Fisheries Service to compile an inventory of water projects for which recommendations were made under the act. Following the inventory, an evaluation is required of a representative sample of projects to determine the extent to which recommendations are incorporated as conditions of the project, the extent those recommendations were complied with, and the result and effectiveness of such compliance.

Mr. Speaker, I believe this legislation will enhance our ability to plan water projects and to conserve our fish and wildlife resources, and I commend it to my fellow Members' attention.●

FIRE DEPARTMENT OF MAMARONECK AND RYE NECK, N.Y. CELEBRATE 100TH YEAR

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. OTTINGER. Mr. Speaker, I rise today to pay tribute to the Union No. 1 of Mamaroneck and Rye Neck Hook & Ladder Co. of Mamaroneck, N.Y., my hometown.

On June 5, 1884, a group of men interested in protecting our community from the ravages of fire, banded together to organize a hook and ladder company, an event which marked the beginning of the Mamaroneck Village Fire Department.

Hook and ladder started with a hand-drawn, handmade truck built in Mamaroneck. This truck remained in service until 1901.

That year, a horse-drawn truck with tiller was purchased. Membership increased until it reached the maximum of 65.

In 1916, the members of hook and ladder formed a land company and built the first floor of the present truck house. A second story was added in 1916.

Today, Union No. 1 of Mamaroneck and Rye Neck Hook & Ladder has two 100-foot ladder trucks in service.

The main mission of hook and ladder is rescue, and we stand ready as a volunteer company with 100 years of service—to protect the lives or property of the people who live and work in the village of Mamaroneck.

I ask my distinguished colleagues to join me in honoring the Union No. 1 of

Mamaroneck and Rye Neck Hook & Ladder Co. on the occasion of this, its 100th year of outstanding service to the people of its community.●

URGING NETWORKS TO BROADCAST DRUG AWARENESS ANNOUNCEMENTS DURING COVERAGE OF THE SUMMER OLYMPICS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LANTOS. Mr. Speaker, I am pleased today to join my respected colleague from New York (Mr. KEMP) in introducing a resolution which seeks to merge a strong national interest in Olympic competition with the power of the electronic media in the continuing campaign to inform our Nation's youth about the dangers associated with drug and alcohol abuse.

Despite the political pall cast over the Los Angeles Summer Olympics by the Soviet bloc boycott, the games will still represent the pinnacle of international athletic competition. Millions of Americans will closely follow the Olympiad from the dramatic opening ceremonies to the final moments when the Olympic flag is furled. Most Americans will enjoy the myriad events and pageantry through the comprehensive broadcast coverage provided by national media concerns. If previous Olympic games are any indication, a majority of Americans will view at least a portion of the action through network broadcast coverage.

Included in this large broadcast audience will be a substantial number of young Americans. The action, competition, and excitement of Olympic athletics has traditionally captured the attention and imagination of boys and girls throughout the world. The combination of rigorous training, spirited and honest rivalry, and international sportsmanship produce an excellent influence on youth. It also affords an excellent opportunity to educate the young men and women of America to the dangers associated with the misuse of drugs and alcohol.

This resolution expresses the sense of Congress that a great service can be performed by broadcast companies involved in extended coverage of the XXIII Summer Olympiad by their voluntary dedication of appropriate air time to public service announcements. Such announcements would explain the dangers associated with alcohol and drug abuse, or the benefits of living a drug-free lifestyle. National broadcasting interests have displayed an admirable commitment in the past to contributing the powerful means of television and radio to educating our young people on a variety of issues. Sporting events and competitors have figured significantly in such campaigns. Our resolution encourages the networks to take advantage of the special opportunity provided by the Los Angeles Summer Olympics to inform a large segment of our Nation's youth of the benefits that can be enjoyed by saying "no" to alcohol and drug use.

Congress has achieved a solid awareness in recent years of the very real dangers posed to our young people by alcohol and drug abuse. Utilizing a variety of options, we have attempted to act in the best interests of young Americans to stem a near-epidemic of substance abuse that plagues a disturbingly large number of young lives. I encourage you to support this cooperative step toward stamping out the plague of alcohol and drug abuse that has proven all too seductive to a young generation.●

DYMALLY EXPRESSES GRATITUDE TO DOD CONGRESSIONAL FELLOW JANELLE ORRICO

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. DYMALLY. Mr. Speaker, I am pleased to call to the attention of my colleagues an outstanding and unique program which brings highly trained, professional secretaries to Congress from executive branch agencies for a year of service as fellows on the staff of the Congressional Caucus for Science and Technology. Mrs. Janelle M. Orrico will soon conclude her fellowship at the caucus, and I wish to take this opportunity to commend her for the excellent service she has given and to recommend this fellowship concept to other Members of the Congress. The program assists outstanding executive branch secretaries in acquiring education and training in the legislative processes of the Congress.

Mrs. Orrico came to the caucus from the Office of the Secretary of Defense, Office of the General Counsel, where she served as secretary and office administrator to the Assisant General Counsel. She has brought to the Congress superior skills attained during almost 10 years of service in the Defense Department. Her poise, her experience, and her unquestionable ability to get the job done have been welcome assets to the caucus. Having travelled extensively abroad, Mrs. Orrico has been generous in availing the caucus of her vast knowledge and experience in those instances where scientific and international affairs interact.

The Congress is fortunate to have such a professional civil servant as Mrs. Orrico serving a fellowship here. This year again, civil servants are the target of Congress and the administration to shoulder a disproportionate share of budget cuts. It is with pride that I can commend to you a civil servant such as Mrs. Orrico in the face of this disservice we do to the concept of public service. The Government would not function very effectively without the dedication and skills of employees such as Mrs. Orrico.

I have been particularly pleased with the accomplishments of Mrs. Orrico during her tenure in the caucus. Foremost of these is a very successful breakfast symposium on artificial intelligence which she planned and organized for members of the caucus and their staffs. The symposium topic is highly germane to congressional Members in this day of rapidly expanding technology. She followed this event with a White House briefing by Dr. George Keyworth, the President's Science Adviser, for members of the Caucus Advisory Council.

Added to her organizational accomplishments are her superb administrative and research skills which were used daily in carrying out the business of the caucus. Janelle's departure will mean a great loss to us not only because we will no longer have the advantage of her skills but also because a good friend will be absent from our office. We will miss Janelle. And I know I speak for all caucus members when I extend to her our appreciation and our sincere wish for a long and distinguished career in the service of this country.●

BROADCASTERS MUST SHOW RESTRAINT IN ELECTION NIGHT REPORTING

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WIRTH. Mr. Speaker, I call your attention to the following editorial which was broadcast March 19 and 20 on WCCO television in Minneapolis by Mr. Ron Handberg.

Mr. Handberg expresses his thoughts on the critical need for the electronic media to exercise voluntary restraint in projecting the early results of elections before the polls have closed.

Network projections, based on exit polls and other techniques, prior to the time all polls have closed tend to reduce voter turnout. Studies have shown that voters are discouraged from participating in the electoral process when they are told that their votes will not affect the outcome of an election. As Mr. Handberg points out:

> The networks attempting to simply forge ahead with their polling projections in the face of adverse political and public opinion

will serve neither the networks' long-term interests, nor the greater good.

I wholeheartedly agree with Mr. Handberg that the best resolution of this issue lies with the industry itself—in self-regulation on the part of the television networks and everyone in the election reporting business.

This editorial comes from an interesting perspective—that of a broadcaster. I urge my colleagues to read it.

A WCCO editorial on TV election coverage. Here's Ron Handberg:

> To people in the news media, there's nothing like getting the news first, beating the competition. Sometimes, no matter what the cost.
>
> It's the right stuff of American journalism—a tradition, an instinct so strong, so deep that nobody in the news business has questioned it. Until now.
>
> Now, news organizations have the techniques and the technology to accurately predict election results long before the polls have closed—to be first with the news of who has won and who has lost. Before many voters have even had time to cast a ballot.
>
> Members of Congress are upset. State officials are upset. Voters are upset. And, understandably so.
>
> At stake here are two fundamental freedoms: the right of news organizations to be unfettered in how and when they report the news. And, the right of each American voter to make an election choice uninfluenced by news of what earlier voters have done.
>
> The right, in other words, to believe that every vote truly does count.
>
> Trying to restrict the TV networks by passing laws probably won't work, and most likely would not be constitutional anyway. Changing State election procedures—such as experimenting with 24-hour balloting—would have little impact on the media. And the networks attempting to simply forge ahead with their polling projections in the face of adverse political and public opinion will serve neither the networks' long-term interests, nor the greater public good.
>
> The only answer, it seems to us, is real self-control—self-regulation on the part of the networks and all of us in the election reporting business.
>
> At Channel Four we're committed to voluntary restraint. We won't call an election in our coverage area before the polls have closed.
>
> We understand and believe that in this one very special area of reporting, being first is not necessarily being best.
>
> I'm Ron Handberg.●

SEVENTIETH WEDDING ANNIVERSARY OF STEPHEN AND RUTH BONE

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. CARR. Mr. Speaker, I want to bring to my colleagues' attention the 70th wedding anniversary of Mr. and Mrs. Stephen Bone of Pontiac, Mich. Stephen and Ruth Bone are true pillars of the community. They have been residents of Pontiac for some 56 years and have contributed much of their time and energy to the improvement of the lives of others in the community.

Mr. Bone was among the original organizers of local 594 at General Motors' Pontiac truck and coach where he worked for nearly 24 years. He then served as a crossing guard for some 14 years. Mrs. Bone was a leader in the establishment of the Pontiac Boys Club.

Mr. and Mrs. Bone have a commitment to make the world a better place for their children and all others. Their 70th wedding anniversary will be recognized on June 3, at the First United Methodist Church in Pontiac. Expected to attend will be many of the 28 grandchildren and 29 great grandchildren of this extraordinary couple. It is certain to be a remarkable celebration of the lives of two people who have persevered from many trials in the past to make an indelible mark on the lives of many who have known them.●

DECLINE OF DOMESTIC FOOTWEAR INDUSTRY

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mrs. BYRON. Mr. Speaker, I would like to address an issue of vital concern to me and Maryland's Sixth District. Today I wish to discuss the distressing plight of America's domestic nonrubber footwear industry.

In the period between 1968 and 1983, imports of nonrubber footwear have risen a remarkable 232 percent. American production of nonrubber shoes, on the other hand, is only 53 percent of the 1968 levels. As a result, over 120,000 American workers have lost their jobs in this industry over the past 15 years. And, as of 1983, imports of nonrubber footwear composed approximately 6 percent, or $3.7 billion of the U.S. trade deficit.

I believe this is a problem that demands our immediate attention. Import penetration of the U.S. shoe market is hovering near a record 65 percent. No other major domestic industry has been hit as hard recently by the onslaught of foreign competition. Currently, the International Trade Commission is investigating a petition filed by the members of the shoe industry for relief under section 201 of the 1974 Trade Act. I, and the other members of the House Footwear Caucus, urge the ITC to propose a viable means for protecting this vital domestic industry.●

TRIBUTE TO ANNE BELISLE DALEY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mrs. BOXER. Mr. Speaker, I rise today to share with my colleagues the civic contributions made by one of my constituents, Ms. Anne Belisle Daley.

On the occasion of Anne's 77th birthday, she will be honored by fellow Democrats and San Francisco activists. Anne was a founding member of San Francisco Tomorrow and Friends of San Francisco Deputies and Inmates. As a member of the San Francisco County Democratic Central Committee, she has been a solid supporter of progressive issues and candidates for the last several decades.

Anne has demonstrated her commitment to many social and political arenas: Criminal justice—as director of the Victim Witness Assistance program and former personal secretary to the San Francisco sheriff; women's rights—as past president of the Democratic Women's Forum, member of the National Women's Political Caucus, National Organization for Women; and Feminist Democrats; and human rights—as a member of the Harvey Milk Lesbian and Gay Democratic Club, the Alice B. Toklas Lesbian and Gay Democratic Club, Chinese American Democratic Club, Stonewall and countless others. It can truly be said that Anne Daley is a legend in her own time.

Congratulations and happy birthday.●

THE SECONDARY SCHOOLS BASIC SKILLS ACT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. FLORIO. Mr. Speaker, a little over a year ago the President's Commission on Excellence in Education challenged us all to take a closer look at our Nation's education system.

As you know, the "Nation at Risk" report and other educational studies have shown that proficiency in the basic skills has seriously faltered over the past 20 years. At this time, it is estimated that 23 million Americans, and approximately 13 percent of all 17-year-olds, do not have adequate reading, writing, and comprehension skills to function in everyday life. Last year, in my own State of New Jersey, over 50,000 entering freshmen took the New Jersey college basic skills test. Less than a third proved proficient in verbal skills, and only 12 percent were proficient in elementary algebra.

Without question, there is an urgent need in this country to revive our basic skills, to instill in our children the knowledge and know-how they will need to survive in the workplace tomorrow.

Yesterday, along with my colleague Pat Williams of Montana and several other colleagues, I introduced the Secondary Schools Basic Skills Act. This bill would provide local secondary schools with large numbers of economically disadvantaged students with $900 million annually to upgrade their basic skills programs. After the first 2 years, continued funding would be contingent upon a school's improvement in the number of students passing a State-approved basic skills test, or a decrease in the school's dropout rate.

Department of Education analyses indicate that, although chapter I has significantly strengthened our Nation's elementary schools, our secondary schools receive very little supplemental moneys through this program. Seventy-seven percent of the participants in chapter I are enrolled in preschool and elementary school programs.

Our bill would provide high schools with abour one-half of the moneys required to meet the needs of all eligible students in all eligible secondary schools. It is estimated that approximately $2 billion would be required to fully meet the needs of these secondary schools.

Our country is on the brink of a new, high-technology revolution. The importance of the mastery of basic skills, as well as advanced skills, is obvious. We must begin now to prepare our students for the future, because quite simply, they are our future.

I ask for your support in this effort.●

RECOGNIZING THE 50TH ANNIVERSARY OF THE PROGRESSIVE SLOVENE WOMEN OF AMERICA

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. ECKART. Mr. Speaker, I would like to take this opportunity to pay special tribute to the Progressive Slovene Women of America upon the celebration of their 50th anniversary of service. As a member of Slovenian descent, I am proud to take this moment to honor those who have contributed so much to America's cultural heritage.

This service-oriented organization, comprised of active, progressive women of Slovenian heritage, has a commendable history of promoting educational, social, and welfare services to numerous communities not only across our Nation, but throughout the world. For the past five decades, the Progressive Slovene Women of America have contributed countless hours of selfless devotion to providing financial and moral support in many varied directions.

The Progressive Slovene Women of America have contributed to organizations and provided support for the American Red Cross; the United Nations Relief Committee; the March of Dimes; the American Museum of Immigration; the Restoration and Preservation of Cultural Gardens; and many others.

If a need existed, this group found the means to assist people in all parts of the world. After a half century of activity, the devotion and strength of this organization stands as a model for all of us to emulate.●

HEALTH TASK FORCE HEARINGS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. McGRATH. Mr. Speaker, on Tuesday, June 5, the Republican Research Committee's Task Force on Health and Environment, which I chair, will hold a hearing on private sector activities to reduce employee health care costs.

The hearing will commence at 9:30 a.m. in room 2203, Rayburn House Office Building. Witnesses will include leaders of business groups and coalitions, and executives of companies that have successfully implemented health care cost management programs: The U.S. Chamber of Commerce, NFIB, the Business Roundtable, Washington Business Groups on Health, Richmond Area Health Care Coalition, ARCO, ALCOA, Ryder System, Quaker Oats, Mobil, Sun Co., Inc., Owens-Illinois, IBM, and United Technologies.

While considerable attention has been focused on the sharply rising cost of the medicare program, private sector contributions to employee health insurance plans have risen from $78 million in 1950 to $70 billion in 1983. As a result, many businesses have taken action to better control these costs, without sacrificing the quality of care to their employees. It is reasonable to believe the impact of these various actions on health care providers and the health care delivery system can result in reduced health care costs across the board.

Many of these efforts have been undertaken generally by individual firms, local area groups or coalitions, so unfortunately there is no way of knowing the cumulative effect of these efforts. The hearing will focus on three aspects of private sector plans: the type of activity being undertaken or planned; actual or projected benefits; and the applicability of such activities to Federal Government programs.●

A SALUTE TO REV. WILFRED HODGKIN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. STARK. Mr. Speaker, on June 14, 1984, a civic dinner will be held to honor one of the leading citizens in Alameda, Calif., the Reverend Wilfred Hodgkin. Few people have contributed as much to the community as Reverend Hodgkin over the past several decades. Now that he is retiring, I want to express my gratitude, on behalf of the community, for all he has done for the people of Alameda.

Reverend Hodgkin has been active in countless organizations and causes. For example, he has spent over 50 years in Scouting, and has served as the president of the Alameda County Boy Scouts of America. He is a longstanding member of Rotary International and has served as president of the Alameda Rotary Club. In addition, he has been a member of the Heart Association, the Red Cross, the Mental Health Association, four citizens committees for the Alameda School District, and the Alameda City Community Relations Commission.

His contributions extend well beyond Alameda. He served his country in World War II and thereafter, including heroic action in New Guinea and the Philippines. After being ordained, he remained active in the reserves as a member of the Chaplain's Corps until his retirement in 1953. More recently, he has been a member of the Navy League.

Reverend Hodgkin's efforts have not gone unnoticed. He has received several awards and honors for his tireless work. For example, he is a recipient of the St. George Episcopal Award for Scouting, the Bronze Star with Oak Leaf Cluster, and the Coast Guard Meritorious Operational Award for Life Saving. He also has been honored as a Paul Harris fellow.

Reverend Hodgkin is an outstanding citizen. I am proud to wish him all the best as he moves into retirement. He will not be forgotten.●

THE 150TH ANNIVERSARY OF THE PUBLICATION OF "JOURNEY IN NORTH AMERICA" BY SANDOR BOLONI FARKAS—THE HUNGARIAN DE TOCQUEVILLE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LANTOS. Mr. Speaker, 150 years ago, Sandor Boloni Farkas (1795-1842) published his excellent book "Utazas Eszak-Amerikaban—Journey in North America." The volume, published in the Transylvanian city of Kolosvar (Cluj) in 1834, is an excellent study of 19th century American democracy, which he termed "the new miracle in world history." I wish to note, Mr. Speaker, that Farkas' book was published 1 year before French author Alexis de Tocqueville's "Democracy in America" appeared.

Farkas toured the United States as secretary and companion of his friend Count Ferenc Beldy, a reform-minded Hungarian from Transylvania. The two left Europe in July 1831. During their stay in America they met with many of our country's intellectual and political leaders, including President Andrew Jackson. They also had the opportunity to meet de Tocqueville and the other French commissioner studying the American penal system at the time.

When Farkas' volume was published upon his return to Transylvania, it was so popular that the first edition sold out quickly and a second edition was printed soon after the appearance of the first. The work's admiring statements about the democratic institutions and the great achievements of the United States were overlooked initially by the Austrian censors, copies of the later printing were ordered confiscated by Prince Metternich. Some copies, however, escaped confiscation. The Library of Congress has one of the copies that has survived.

Although plans for publication of a German language edition of the book came to naught because of Metternich's opposition, the Hungarian work did exert great influence upon the political leaders of Hungary. It was awarded the grand prize of the Hungarian Academy of Sciences in Budapest and many of Hungary's reformist leaders—including Count Stephen Szecheny, founder of the Academy, and Louis Kossuth, leader of the Hungarian struggle for independence in 1848-49—became admirers of the United States in part thanks to this volume.

Mr. Speaker, in commemoration of the publication of this important volume, the special display in the European Reading Room of the Library of Congress has been prepared and will be open through September of this year.●

ADMINISTRATOR JIM EMERY LEADS THE WAY FOR A REBIRTH OF THE ST. LAWRENCE SEAWAY IN ITS SILVER ANNIVERSARY YEAR

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. KEMP. Mr. Speaker, the St. Lawrence Seaway is undergoing a major revitalization in trade and traffic, and I believe that a great deal of the credit must go to its excellent administrator, and my very good friend, Jim Emery. Jim represented part of my congressional district in the State Assembly for many years, and his talent and dedication led him to the important post of minority leader. After a very close race for the post of Lieutenant Governor of New York, Jim sought the post of St. Lawrence Seaway Administrator, where he could continue to work for the people of New York State, yet expand his role to serve the entire Great Lakes region. This region has become America's fourth coastline thanks to the St. Lawrence Seaway, and Jim is leading the way in revitalizing the commerce and trade that is such an integral part of the Great Lakes region's economy. In this 25th anniversary of the St. Lawrence Seaway, I commend Jim Emery on his fine job, and commend this important article to my colleagues who are interested in what can be done to foster increased trade and traffic on the St. Lawrence Seaway and throughout the Great Lakes.

The article follows:

[From the Journal of Commerce, May 21, 1984]

U.S. ECONOMIC COMEBACK BRIGHTENS PROSPECTS FOR SEAWAY TRAFFIC

(By James L. Emery)

President Ronald Reagan has led the United States on a robust and remarkable economic recovery.

When President Reagan assumed office in January of 1981, he inherited an economic swampland. Inflation in 1980 had roared out of control at a 12.4 percent annual pace. Interest rates at the start of 1981 were sky-high at 21 percent. Stymied by the double whammy of high inflation and high interest rates, the national economy suffered negative growth in 1980. By every indication, the American economy had lost its "will to win."

In the three years since, President Reagan has captained an economic comeback that many had written-off as impossible.

The inflation rate for 1983 was a mere 3.8 percent; less than a third of what it was when President Reagan took office.

Interest rates by the end of 1983 had fallen to half of what they were when the President took over.

Spurred along by lower inflation and interest rates, the American economy surged ahead at a healthy 6 percent clip last year. What is better, these trends are projected to continue through 1984 and 1985.

The improved national economy has had a positive impact on the St. Lawrence Seaway as well.

The 45 million metric tons of cargo that passed through the Seaway last year represented a 5.25 percent annual gain; right in line with the national rate of economic growth.

Equally significant, 1983 Seaway cargo generated an estimated $3 billion of direct and indirect economic activity at Great Lakes ports located in Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, western Pennsylvania and western New York. There also were substantial economic benefits to Canadian Great Lakes ports in Ontario and Quebec.

The 1983 upswing in Seaway tonnage levels was a major factor in the Reagan Administration decision not to increase tolls for the current shipping season.

In announcing this decision last fall, Transportation Secretary Elizabeth Hanford Dole explained that a "continuation of the present toll schedule would contribute to a resurgence of maritime commerce" on the Great Lakes/Seaway system.

By reviving the national economy and holding the line on tolls, the Reagan administration has created a climate of promise for the Seaway's future. To capitalize on that climate, the Seaway Corporation has embarked on a number of initiatives aimed at developing increased trade and traffic for our system. Briefly, some of the initiatives are:

An intensive effort to strengthen Seaway Corporation management and cost controls to keep pressure off the need for future toll increases. The Seaway Corporation budget I recently submitted to Congress for fiscal year 1985 is predicted on no toll increases;

Sponsorship of "Seaway Listen-Ins" at American port cities on the Great Lakes. These Listen-Ins have given me an invaluable opportunity to hear the ideas of port directors, community leaders and local government officials on ways to make our system more competitive and economically attractive;

Creation of a special Trade and Traffic Development Office to focus Seaway Corporation efforts on this important and formerly overlooked function;

Start-up of a new customer service called "Seaway Nightcast" designed to furnish industry with up-to-date information on the outbound cargo needs of ocean vessels as they enter the system through Seaway Corporation locks at Massena, N.Y. Matching cargoes and vessels more efficiently will help the shipping industry, ports and the Seaway.

Called for the formation of a Great Lakes/Seaway Working Group composed of the numerous and diverse federal agencies now serving the maritime industry. This Working Group will be an action-oriented forum to improve communication across departments and create a unified federal presence on the Great Lakes.

During 1984, the St. Lawrence Seaway will celebrate its 25th anniversary year of service to America and the world. As a result of the on-going Reagan recovery, we are now poised to make the second 25 years even better than the first.●

A BUSINESSMAN'S VIEW OF INTERNATIONAL TRADE AND ECONOMIC ISSUES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. MICHEL. Mr. Speaker, in a short while, leaders of the major industrial nations will gather in London for the annual economic summit. President Reagan will, of course, play a major role at these meetings.

Recently, Lee Morgan, chairman of the Caterpillar Tractor Co., made a major address on trade and economic issues which I believe has much to contribute to an understanding of the problems—and possible solutions—faced by the major industrial democracies as they meet.

It is my hope our colleagues will get a chance to read the text of this speech, for it truly represents the kind of clear, commonsense thinking American industry was once universally known for. Lee Morgan has made an outstanding contribution to the understanding of economic and trade problems, and I commend his remarks to your attention.

At this point I wish to insert in the RECORD, "Toward the Summit: An American Businessman's View of International Trade and Economic Issues," a speech delivered before the American International Club and Swiss-American Chamber of Commerce in Geneva, Switzerland, May 16, 1984.

TOWARD THE SUMMIT: AN AMERICAN BUSINESSMAN'S VIEW OF INTERNATIONAL TRADE AND ECONOMIC ISSUES

It's always a pleasure to return to this beautiful city, especially in the spring.

Caterpillar has maintained its headquarters for Europe, Africa, and the Middle East in Geneva since 1960. That's almost a quarter of a century * * * not long in the history of this city, but long enough in modern times to affirm our intention to stay. Last October our offices moved from the rue du Rhone to a new headquarters next to the Stade Richmond, just behind the Parc des Eaux Vives. If you haven't seen the new building yet, you should drive by. I think the architects did an excellent job of blending a superb new structure into the Geneva landscape.

The building was completed during the most difficult period Caterpillar has ever endured. In the third quarter of 1982, we suffered a loss for the first time in 50 years—and we haven't turned a quarterly profit since. We've had seven consecutive quarters of losses, mounting to $686 million. This wasn't the most opportune time to construct a new building—and, frankly, in hindsight, we probably would have delayed a year or two. Nonetheless, the fact that we did open new headquarters * * * in the middle of this period of losses * * * is strong evidence of our commitment to Geneva. We like it here.

Let me add, too, that we intend to return to profitability this year. Results in the last half of the year should be markedly better than in the first half.

First-quarter economic momentum in the United States, Canada, Japan, the Federal Republic of Germany, and the United Kingdom appears to be sustainable through 1984. Also, our order rates in developing countries are strong enough to suggest that business has bottomed out.

It's been an unhappy period, but we feel we're turning the corner.

Many of our economic difficulties these past two years can be attributed to the general worldwide recession. It affected every industry we serve—road building, energy, housing, logging, and all the others.

And it was a major cause of the general downturn in international trade—a significant reversal from postwar history. Following World War II, the world benefited from dramatic progress in international trade for more than 30 years. Growth rates in trade far outdistanced the growth rates of individual countries.

The Kennedy and Tokyo rounds of trade talks through GATT—the General Agreement on Trade and Tariffs—made outstanding contributions to trade growth. Over the years, tariffs were gradually reduced, and international agreements helped hold the line on non-tariff barriers. But today, the spirit of these agreements is being undermined by governments all around the world.

Even in the United States, protectionist thinking is growing dangerously. As many of you know, the United States last year had a $69 billion merchandise trade deficit—by far the largest in its history. This year our country's first-quarter deficit has topped $30 billion and we appear headed for a $100 billion plus deficit for the year.

The Congress, some businessmen, and most labor unions in the United States are talking protectionism. I worry about new protectionist legislation that can develop into trade wars and further decline in international trade. That will lead inevitably to strained political relations, just as it did in the 1930s.

Two prominent protectionist problems we're dealing with in the United States are so-called "domestic content" legislation and a steel quota proposal. These are designed to minimize U.S. imports of autos and steel products.

These sectors—autos and steel—are critically important to the United States. But in my view, neither these industries nor the U.S. can afford the inevitable results of protectionism.

Caterpillar's a good example of the problems protectionism breeds. For example, if the present protection afforded our auto sector (through its quotas) reduces wage restraint in the industry, Caterpillar—which also has contracts with the United Auto Workers Union—will have its costs adversely affected. Similarly, if proposed steel quotas lead to higher priced steel from U.S. manufacturers, those higher prices would be reflected in the cost of our equipment and would diminish our competitiveness.

Caterpillar remains a strong opponent of protectionism in the United States and wherever else in the world it might appear. We advocate open trade, with no unfair advantages for any country.

But free and open trade can't be a one-way street. I believe the U.S. has been the world's leader in advocating fair, open trade. That leadership has caused consternation in some sectors of American industry.

The reason? The perceived lack of reciprocity in the world's trading relationships. Many Americans believe—with some justification—that Europeans, Japanese, Canadians, Latin Americans, and others have better access to U.S. markets than Americans have to theirs.

Others may criticize the United States for its auto quotas, for example, but so may we note, for example, Japanese restraints on tobacco imports and the investment policies of Canada, Mexico, and numerous developing countries, which restrict the free flow of trade and investment.

Protectionism is not only growing . . . it's becoming more sophisticated and harder to deal with. GATT has largely succeeded in knocking down high tariff walls. But now such factors as investment-oriented performance requirements, capital-flow-generated exchange rate relationships, and massive LDC debt have formed a new set of barriers. They need to be addressed.

Fortunately, if we all have the will, we're in the midst of some opportunities to start the process.

Last week, the United States Trade Representative, Bill Brock, hosted trade ministers from 15 nations to discuss some of these issues. They'll be on the agenda when the OECD ministers meet in Paris tomorrow and Friday.

And most important, in just a few weeks leaders of the major industrialized nations will gather in London for the annual Economic Summit. I—and other U.S. businessmen—have urged the United States to make restraint of protectionism a top priority in London. Today I'd like to urge our European friends to put this topic at the top of your agenda as well.

Our heads of state must strongly reconfirm their commitment to a free and open trade and investment climate.

Some "trial balloons" have been floated in recent months about the possible need for a new round of trade negotiations. In my view, this initiative is timely. I hope the Economic Summit will give it a "green light."

Clearly, there's some unfinished business from past negotiating rounds. More work needs to be done on the subsidies code, and in the area of safeguards. Also, the proliferation of bilateral quota arrangements is worrisome.

But beyond these traditional trade problems, there are some new (or at least newly important) kinds of restraints that need attention.

One is restraints on trade in services. Services trade now accounts for over 20% of all international commerce. Yet there is really no meaningful international understanding or agreement on how to deal with the services explosion. It needs to be addressed.

Similarly, on the question of investment policy. The trade-distorting effects of national investment policies are increasing. U.S. interests are significantly affected by developing country investment requirements. I'm sure the same is true of European interests. Yet we've seen little evidence of any momentum toward establishing a meaningful international dialogue on these kinds of investment issues. A forum must be formed for that multilateral debate. The Economic Summit could provide some impetus for that.

Out-of-balance currencies are another fair-trade impediment that should receive close attention at the London Summit. Countries with overvalued currencies get hurt when competing in the international marketplace * * * those with undervalued currencies gain an artificial advantage.

Some economists like to point out that there can be no such thing as an "undervalued" or "overvalued" currency. They argue that the market determines the value of the currency.

In a strict economic sense they're correct because supply and demand are always supposed to balance. But the system isn't working as intended because too many other factors—like capital flows—influence exchange rates. The rate don't reflect competitive differences because they're obscured by these other factors.

From my perspective, there are two principal components of the exchange rate problem that need action. First, excessive U.S. federal spending is leading to mounting budget deficits. The federal government soaks up available funding, thus driving interest rates high. American keep their money at home to take advantage of the high interest rates. Outsiders invest in the United States to take advantage of the interest rates. Demand for the dollar is strengthened.

That may benefit me if I go to France for dinner. With the French franc at eight to the dollar, I can get a good meal at a good price.

But the impact on American exporters is catastrophic. Caterpillar's exports dropped from $3.5 billion in 1981 to $1.6 billion in 1983. Purchasers in Europe had to come up with more and more francs, deutschemarks, and other European currencies to buy American products. If the price for an American product is $100,000, it would cost the French 810,000 francs today. Two years ago he could have bought it for 650,000 francs—and we're assuming there's been no inflation. That's a pretty hefty price increase, caused not by the productivity of the manufacturer or the cost of the factors of production, but by the change in the exchange rate.

The second part of the exchange rate problem relates to the Japanese yen. Japan is operating with enormous trade surpluses, while most of its trading partners are building higher and higher deficits.

European countries still run big trade deficits with Japan, even though the yen has strengthened against most European currencies. We believe Europeans should be worried about the underlying economic factors in Japan that keep the yen relatively weak, and thus enhance Japan's trade advantage. Those factors include:

The fact the yen is not a truly internationalized currency;

The fact Japanese capital markets continue to have restraints; and

The fact non-Japanese access to the Japanese financial sector is very limited.

It's in your interest—and ours—to support the U.S. efforts aimed at dealing with the yen undervaluation problem.

Many American and Japanese businessmen have been recommending action on these issues for some time now. Caterpillar has spoken out whenever and wherever we can. I've met with both President Reagan and Prime Minister Nakasone on the issue * * * testified before U.S. congressional committees on numerous occasions—and attended countless meetings with both American and Japanese officials. Many other businessmen have been doing the same, including Dave Packard in his role as U.S. chairman of the Japan-U.S. Advisory Council; Phil Caldwell of Ford; Ed Spencer of Honeywell and chairman of the Advisory Council on Japan-U.S. Economic Relations; Rube Mettler, chairman of the Business Roundtable; and Lee Iacocca of Chrysler.

Since November, when President Reagan and Prime Minister Nakasone agreed to work to resolve the yen/dollar problem, bilateral discussions have been going forward. But they've not moved quickly enough, apparently because of Japanese resistance.

I believe there are a couple of critical points in these thoughts on exchange rates. The world's leading nations need to sustain the pressure on Japan to internationalize their currency and to liberalize their capital and financial market access. Also, there's a need for a more serious, sustained international dialogue on the role exchange rates play in determining trade flows. The Economic Summit would be a good place to kick off that dialogue.

There's a third item the London Summit must address—a situation that has had devastating impact on the flow of goods around the world. I'm referring to the debt problems of many developing nations.

The U.S. trade relationship with Latin America dramatically illustrates the problem. In the last three years, U.S. exports to Latin America have fallen 40 percent. The 1981 U.S. trade surplus of $7 billion with Latin America turned into a $13 billion trade deficit in 1983. One cost associated with this decline is hundreds of thousands of U.S. jobs.

I'm not talking about jobs lost to European or Japanese competitors. I'm talking about needed work, that's just not getting done because of the continuing debt situation.

I'd like to borrow a theme recently developed by Bob Hormats, now with the investment firm of Goldman Sachs and formerly a high-ranking U.S. trade official. Bob points out that most solutions to the debt problems of LDCs have been short- to medium-term rescue plans designed to provide relief on interest payments. But longer-term solutions haven't been developed, or even debated very much. I agree with his conclusion that the London Economic Summit should focus some attention on this problem in an effort to stimulate longer-term thinking about the implications of the debt problem.

Attending the London Economic Summit will be the leaders of the United Kingdom, France, Italy, the Federal Republic of Germany, Canada, the United States, and Japan, and the president of the European Economic Community. They'll be discussing a wide range of economic issues, and each leader undoubtedly has his own private agenda.

No matter what else they do, though, it seems to be the three matters I've reviewed today surely must be at the top of their lists * * * and this fair city seems a most appropriate place to suggest this. As you know far better than I, here are located the key international organizations that provide a forum for world discussion. Perhaps out of Geneva, in the final years of this decade, can come the thoughts and the processes that will propel the world into a new era of prosperity. It can be so, if we want it badly enough.●

RCRA MUST BE PASSED

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. RICHARDSON. Mr. Speaker, last year the House passed an important extension of the Resource Conservation and Recovery Act, the law that regulates the disposal of hazardous and solid waste.

It has been almost 1 year since the companion bill was reported from the Senate Environment and Public Works Committee. Passage of this legislation this year is vital to efforts nationally to deal with this major environmental problem.

As a member of the subcommittee that authorized RCRA I was pleased to note that our panel's chairman, Congressman JIM FLORIO of New Jersey, recently joined his State's senators in a press conference to urge the Senate to schedule RCRA for floor action.

An article in Chemical Marketing Reporter described that press conference, and I believe that our colleagues will find it a helpful update on this issue.

The article follows:

[From the Chemical Marketing Reporter, May 28, 1984]

RCRA SENATE DELAY TROUBLES NEW JERSEY LAWMAKERS AND THEY LAUNCH DRIVE

Three lawmakers from New Jersey, miffed by what they see as the Senate leadership's failure to move expeditiously on a bill substantially stiffening the Resource Conservation & Recovery Act, have launched a drive to place that bill on the Senate schedule immediately following the Memorial Day recess, which ends June 4.

Sens. Bill Bradley and Frank Lautenberg, Rep. James Florio, representatives from various environmental organizations, state officials and the Hazardous Waste Treatment Council, a trade group which advocates high-technology methods of hazardous waste disposal, met with reporters last Tuesday to talk up their new push for Senate action.

Rep. Florio, who shepherded a stringent RCRA bill through the House last Fall (CMR. 11/7/83, pg. 3), decried the lack of floor action in the Senate, saying that while RCRA loopholes remain unclosed, new sites which will have to be someday dealt with under superfund "are probably being created." The Senate Environment and Public Works Committee approved S 757, the bill now awaiting floor debate, by a 15 to one margin last July.

Last Thursday, an aide to Sen. Lautenberg said that the letter to be sent Senate Majority Leader Howard Baker (R-Tenn.) had been signed by 14 members of the Senate environment panel, including committee chairman Robert Stafford (R-Ver.) and environmental pollution subcommittee chairman John Chafee (R-R.I.).

The letter to Sen. Baker, which will be sent this week after being circulated among the remaining members of the Senate for their signatures, states that "final Congressional approval of a reauthorization of the hazardous waste regulatory program is a top legislative priority this year." The letter also states that enacting the bill would help prevent dioxin-related "tragedies such as those that have occurred at Times Beach, Missouri, and Newark, New Jersey."

Sen. Bradley said that "there is no more basic responsibility of government than protecting the health and safety of the public." Reauthorizing and strengthening RCRA is part of that responsibility, he said, because "it is clear that the public health is endangered by toxic wastes that threaten our public water supplies and can contaminate our children's schools and our homes." Sen. Bradley said that he has had his own New Jersey well water tested for contaminants.

The two RCRA bills, S 757 and the one approved by the House last year, differ in their specifics but would both lower the current exemption from hazardous waste rules enjoyed by small generators, stiffen the enforcement powers as of Environmental Protection Agency by imposing stricter penalties on polluters, place tighter restrictions on the disposal of wastes on land, and, among other provisions, require EPA to meet certain deadlines in promulgating RCRA rules like those specifying which wastes are deemed hazardous.

The House bill would require retrofitting with impermeable liners all existing on land waste disposal or storage facilities.

Chemical Manufacturers Association criticized the House measure upon its passage last year, describing it as another instance where Congress has gone beyond enacting legislation and is effectively indulging in rulewriting, an activity the trade group believes should be the province of EPA professionals.

Both Rep. Florio and the Hazardous Waste Treatment Council called attention at last Tuesday's briefing to the currently permissible practice under RCRA of claiming an exemption from regulation for recycled wastes, a category which includes toxic-tainted materials to be burned for their energy value.

Such wastes, according to EPA and other reports, are being disposed of in boilers not specifically designed for waste disposal, a practice Rep. Florio said makes for an "abusing" of the term recycling. Pending RCRA legislation would make recycling exemptions harder to come by.

Environmental advocate James Florio (D-N.J.) last Thursday made some remarks of his own in response to Environmental Protection Agency administrator William Ruckelshaus's "dump stumping remarks in his speech to the National Press Club on Tuesday.

The congressman said that while EPA was in 'reverse' under former administrator Anne Gorsuch Burford, under Mr. Ruckelshaus it is a "vehicle in neutral."●

IBM CHAIRMAN ON AMERICA'S ECONOMY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. McHUGH. Mr. Speaker, earlier this year the chairman of the board of the International Business Machines Corp., John R. Opel, gave a speech before the Wharton Finance Club of the University of Pennsylvania's Wharton School of Finance and Commerce.

Mr. Opel's talk, delivered on February 15 and entitled "Remarks on a National Industrial Policy," focuses with eloquence and candor on the economic problems America faces today. I am pleased to direct it to the attention of my colleagues by including it in the RECORD.

REMARKS ON A NATIONAL INDUSTRIAL POLICY

(By John R. Opel)

In this political season, we are hearing a lot of arguments about something called a national industrial policy. Its advocates start out with the undeniable fact that America's international competitiveness is eroding. They point out that our share of world exports has dropped from about 18 percent in 1960 to 12 percent in 1982; our trade balance has gone from a $9 billion surplus in 1975 to nearly a $70 billion deficit last year, and a possible $100 billion deficit this year.

Nobody can disagree with those figures. We are slipping in international trade.

But the industrial policy advocates make some further assertions:

The United States, they say, is deindustrializing; our manufacturing industries are declining and are producing less and less of our GNP;

Our market system, they say, cannot meet world competition that is subsidized and protected by state planning;

Our deindustrialization, they say, is causing massive unemployment, the worst since the 1940's, and

Our technological revolution, they say, will do two things to our labor force—increasingly throw massive numbers out of work and divide the rest into electronic wizards or drones.

From these assertions the advocates jump to their conclusion: To solve all these problems the United States needs a national industrial policy.

That phrase means different things to different people, but it nearly always comes down to "We need an institutional change." Specifically, industrial policy advocates urge the establishment in the executive branch of two new, potentially powerful organizations:

A tripartite national industrial policy board, with members from government, labor and business, which would conduct studies, recommend new industrial policies to the President and the Congress, and have specific powers to intervene in the economy, and

A national development bank, modeled on the old Reconstruction Finance Corporation of depression days. This bank would make loans and subsidies to private companies and local governments extracting concessions from affected constituents so that some remedial plan would protect selected declining industries, boost selected growth industries by subsidizing such elements as their R&D, help individuals and communities adjust to the demand of market competition and technological change, and thereby restore our ability to compete in the international marketplace.

The political proponents of a new national industrial policy are mainly Democrats and the opponents mainly Republicans. But you also find Republican proponents and Democratic dissenters including, for example, Charles Schultze, chairman of the Council of Economic Advisers under President Jimmy Carter.

I am not a political partisan but as chairman of a Business Roundtable task force to study industrial policy proposals, I have some suggestions on how we should tackle the subject.

First, we should not get tangled in political rhetoric. For example, when advocates of a national industrial policy claim that we have been deindustrializing and that our economy in the past decade has been "slowly unravelling," we ought to look at few facts.

Between 1970 and 1980, our real GNP increased at an annual average rate of 3 percent, a rate almost identical with the historic rate since 1930. Our real per capita GNP increased at 2 percent.

Between 1960 and 1980, the percentage of our GNP produced by manufacturing industries remained virtually unchanged at about 23 percent. During those years, manufacturing employment actually increased from about 17 million to 20 million.

In recent years we have gone through the longest and deepest recession since the 1930's. But we should not take a few figures from that trough, extrapolate them off the chart, and thus create a false problem. What we should do is look at some real problems which bear on our international competitiveness.

First, huge budget deficits—$200 billion a year or more, stretching out into the future as far as we can see. Deficits that one leading economist has called daggers pointed straight at the heart of our economic growth; deficits that in future years may well mean high interest rates, high inflation, a new recession, unprecedented trade deficits, or all four.

Second, high residual unemployment, even as our economic growth resumes. Unemployment that, at the peaks of our postwar economic recoveries, has grown steadily by some estimates from less than 3 percent in 1953, to nearly 5 percent in 1973, to more than 7½ percent in 1981.

Third, a rate of productivity growth which trails far behind that of our competitors. Between 1960 and 1973 Japan's productivity growth averaged about 10 percent, West Germany's 6 percent, ours 3 percent. And since 1973, when all the productivity increases of all major industrialized countries fell, ours still lagged; Japan's and Germany's came to 4 percent, ours to 1 percent.

This lag reflects, among other things, a lag in the percentage of our GNP we put into net fixed capital. Japan in the past decade invested nearly 20 percent, Germany nearly 12 percent, and the U.S less than 7 percent. It also reflects the fact that our competitors devote far more of their personal income to savings than we do; Japan 18 percent, Germany 13 percent, the U.S. less that 6 percent. And this shortfall, in part, reflects the bias in our tax laws which still encourages consumption instead of investment in the tools of production.

Finally, an educational underpinning for our work force, which has become a national disgrace: Declining student proficiency in mathematics and English; desperate shortage of science and mathematics teachers; falling SAT scores among young men and women headed for public school teaching, and thousands of vacancies in our engineering faculties.

So there are four problems crucial to our economic health and competitiveness—deficits, hard core unemployment, inadequate productivity growth, and a deterioration in our educational system.

The argument for a national industrial policy not only originates in an assertion of a problem we do not have—the problem of massive deindustrialization—it also fails to confront the genuine problems we do have.

The proposal for a new planning board and development bank in Washington doesn't even attempt to come to grips with deficits or tax reform or the revitalization of our schools.

National industrial policy proposals do purport to attack unemployment. They do so by offering to help industries in distress by providing income maintenance for individuals who lose their jobs as a result of international competition and technological change, and by requiring extensive pre-notification before plant closings.

But these kinds of remedies fall far short of solving our unemployment problem. Most of the hard-core unemployed are not workers with many years of experience who lose their jobs because of Japanese or South Korean competition. Most of the hard-core unemployed—at least four times as many—are the disadvantaged. Men and women—usually young, usually black or Hispanic—who never had the education or the training to hold a job in the first place.

So what can we conclude from all this?

First, we should stop looking for some kind of magic solution. Particularly, we must abandon hope in the ultimate wisdom of some new government bureau. As Professor Paul McCracken of Michigan has observed, the government that built a subway line out to the Washington National Airport and then located the subway station beyond walking distance of the terminal probably lacks the omniscience to chart the future of the whole American economy.

I don't think we want to emulate the U.S. synfuels program or the French Concorde, and I don't think we should romanticize the RFC.

The RFC did work during two crises. In the early depression it helped to stabilize the economy and in World War II it helped move the U.S. from a peacetime to a wartime footing. But when it tried to provide commercial loans during the latter half of the depression and after World War II, it had a most uneven track record. It became riddled with corruption and in 1953 ended in disrepute.

Even if the new proposed bank could be kept free of scandal, it undoubtedly could not be kept free from politics—from pulling and hauling its favors by every industry, company, and geographic region in America.

Moreover, in our desire for better communication among labor, government and management, we must not romanticize the efficacy of tripartite boards. We have had more than 20 of them over the past 65 years, and with rare exception they have turned in an uninspiring performance. They seem congenitally unable to reach consensus on polarizing issues. And they have worked only in crisis—during the two World Wars, for example, and in the darkest days of Chrysler and New York City when the only alternative to concessions was bankruptcy. Today, we have neither a financial nor a military crisis.

At best the bank and board proposals are placebos. At worst, in the words of Charles Schultze, they are "a dangerous solution for an imaginery problem." But once we have given up these impossible dreams, we cannot take refuge in business as usual. We have real and present problems and we have to do many things to overcome these.

First and foremost, we need long-term, stable economic growth. Without that, every other remedy will fail. But growth alone will not suffice. With it we need policies to address specific problems.

We must cut that deficit. I agree with Federal Reserve Chairman Paul Volcker that we should not wait another year to make a start. And we cannot tax ourselves back into solvency. We have got to cut federal spending across the board in every area, from defense to entitlements.

Reducing the deficit and lowering interest rates will do much to reduce the overvaluation of the dollar and thus restore the international price competitiveness of U.S. products. But if we expect to compete internationally, we also must insist that our trading partners further open their markets.

And we must continually strive to be the low-cost producer by doing more for less, increasing our productivity, getting our costs down. That means holding down wage increases that outstrip productivity gains. It means doing better on investment in new plants and equipment. And that, in turn, means further tax reform to encourage more saving and capital investment.

On unemployment we have to distinguish the displaced from the disadvantaged. The problem of the displaced is the easier of the two. They are fewer in number—perhaps a half million to a million in any given year. Most of them have held jobs, some for a long time. American industry today is already spending some $40 billion dollars every year, unsubsidized by government, to retrain its workers and keep them up with changing technology. The problem is to integrate the displaced workers into this process.

To this end I believe both workers and industry need government incentives which will help move workers to where the jobs are and jobs to where the workers are. State and local governments can do a lot to help through innovative efforts to attract emerging industries into hard-hit regions. Pennsylvania already has such an effort underway. Many states can learn from the Ben Franklin partnerships.

On the unemployment of the disadvantaged I wish I had a simple answer. I know we have tried a lot of things over the years, thrown a lot of money at the problem, and that nothing has seemed to work. Unemployment among teenagers in Harlem, for example, still ranges up near 50 percent.

I believe that the first step is to help disadvantaged men and women become functionally literate. The next step is to help them acquire a marketable skill. Both are essential. Neither will be instantaneous.

Finally, we must overhaul our obsolescent school system and restore its capacity to produce graduates who can, at a minimum, do math and read and write English.

So there are some observations on national industrial policy. You need not accept my conclusions, but I urge you to look carefully at our current problems and at the proposed answers.

And I urge you also to look at a wider question of which the national industrial policy debate is only part—the question of whether our present democratic process lacks the capacity to resolve the toughest national issues before us.

We have, as everyone knows, a contentious, litigious advocacy society. And in the conflict among various contending groups it often seems we are getting nowhere—immobilized. That fact has been gnawing at many people. And it contributes, I believe, to their willingness to try new institutional answers:

A tripartite board of wise men, insulated from everyday politics, to hammer out the compromises the Senate and the House and the Executive Branch find impossible;

A one-term bipartisan presidential administration, as proposed by Theodore Sorensen, with a cabinet and White House staff half Republican and half Democratic to help do the same thing;

A constitutional amendment to require a balanced budget, or

A rewriting of the Constitution itself to give the President greater discipline over his fellow party members on the hill.

You have all heard these suggestions and others. I believe we should give them a thoughful hearing. But I view with skepticism any hope that through some kind of institutional fix we can relieve ourselves forever of the need for leadership—for leaders, as George Will has said, with the courage to do simple arithmetic in public.

And whatever the right answer to our present national impasse, this I do know: we'll arrive at it only by doing what you are learning to do here—get the facts, avoid empty rhetoric and accept no solutions that aim at problems we don't have or that create new problems themselves.●

H.R. 5119, THE FOREIGN ASSISTANCE AUTHORIZATION BILL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WEISS. Mr. Speaker, on May 10, the House of Representatives voted to approve H.R. 5119, the foreign aid authorization bill. I voted against final passage of H.R. 5119 because of the inclusion of the so-called Broomfield amendment regarding Central America.

The Broomfield amendment is nothing short of a blanket endorsement of President Reagan's policies in Central America. These policies are based on military force and covert action, not negotiations and peace. The administration's policies pay lipservice to the goals of the Contadora nations, while steadily increasing the numbers of U.S. military trainers, troops, and arms in the region.

The bill as amended by Broomfield not only provides an additional $300 million in military aid to El Salvador, but also refuses to condition any of that assistance on the achievement of basic human rights conditions in that country. The Broomfield amendment also removes restrictions on military maneuvers in Honduras and limitations on the number of U.S. military advisers in El Salvador.

To have voted for the bill with the Broomfield amendment would have been unconscionable. It would have been a disservice to the people of the United States as well as to the people of Central America.

The Broomfield amendment ratifies policies that draw us deeper and deeper into war in Central America. Instead, we should use our power, leverage, and persuasion to advance the cause of human rights and bring the contending factions in Central America to the negotiating table, while there is still time to do so.

While opposing H.R. 5119 for the reasons I have stated, I take note of the many excellent provisions of the bill including, specifically, aid for

Israel. I cast my vote with the clear knowledge and assurance that Congress would have additional opportunities to vote for Israel as the appropriations process reached the floor. It is important to stress that H.R. 5119 is an authorization bill not an appropriation bill. As such it does not appropriate a single dollar.

Mr. Speaker, on March 15, I joined my colleagues on the House Foreign Affairs Committee in approving the Committee's version of the foreign aid bill, which included $2.5 billion in economic and military assistance for Israel and which earmarked $250 million for production of the Lavi aircraft in Israel. This version increased the administration request for economic assistance to Israel from $850 million $1.1 billion, and provided $1.4 billion in military aid. The aid bill approved by the committee, however, did not include the Broomfield amendment on Central America.

A review of the floor debate on H.R. 5119 demonstrates that I opposed efforts to delete authorization for the production of the Lavi aircraft in Israel. My commitment and concern for Israel's security and survival have been and remain firm. It is because I am confident that both the American people and the Congress share my commitment and concern that I feel it would be improper and unwise to vote for a measure so badly flawed.

It is because of Israel's commitment to human rights and democratic values the American people have strongly supported it throughout its existence That support will not be diminished because we refuse to hold aid for Israel hostage to military aid for Central American nations which have failed to provide basic human rights for their own people.

If the Broomfield amendment had been defeated, I would have voted for the foreign aid bill; with its adoption, it would have been wrong for me to have done so.●

FLOOR STATEMENT BY THE HONORABLE MARIO BIAGGI DURING CONSIDERATION OF H.R. 5167, DEFENSE AUTHORIZATIONS ON AN AMENDMENT TO ADMIT TWO FOREIGN-BUILT PASSENGER VESSELS INTO THE JONES ACT TRADE, WEDNESDAY, MAY 30, 1984

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. BIAGGI. Mr. Speaker, late Wednesday night, the House of Representatives adopted my troopship amendment to the Department of Defense authorization bill by a vote of 237-159. The lateness of the hour and the fact that many Members wanted to speak about the amendment prevented me from offering the full text of my remarks. I would like my entire speech included here for the RECORD.

STATEMENT OF HON. MARIO BIAGGI

This amendment has been cleared with the majority and minorty members of the Armed Services Committee. It is substantially the same as two bills reported favorably by the Merchant Marine and Fisheries Committee by three-to-one margins. The major difference between this amendment and those two bills is that the criteria for selection of eligible vessels have been broadened. Based on initial inquiries, there are more than five ships currently in operation that could meet these criteria.

The amendment directs the Secretary of Transportation—in consultation with the Secretary of Defense—to admit not more than two foreign-built passenger vessels into the Jones Act trade.

There are four criteria that the Secretary is to consider in making the determination about eligible vessels. These criteria were selected primarily because we want to use these ships as troop transports in a national emergency. The four requirements assure that the vessels are:

Large enough to transport military troops in time of national crisis or war; maneuverable; capable of being converted to a troopship; and less than 10 years old to insure we get new ships with modern machinery.

The amendment further requires that all alterations necessary to meet U.S. safety standards—and any subsequent repairs to the vessels—must be done in U.S. shipyards. This requirement is even more stringent than exists in present law and is intended to provide work for our ailing shipyards.

Why is this amendment necessary? Our sabotage laws require ships that transport passengers between U.S. ports to: Fly the U.S. flag; be built in U.S. shipyards; and carry U.S. seamen.

Requirements such as these have been a part of our laws since our country was founded. I continue to believe in the importance of these laws. However, there comes a time when the realities of a situation must be considered and exceptions must be made. Now is that time.

Here are the facts: The oceangoing cruise ship fleet of this country is comprised of two ships; they are over 33 years old; Congress had to pass special legislation so those vessels could enter our domestic trade; and the last time a luxury cruise ship was built in the U.S. was 1958—26 years ago.

I think the facts speak for themselves. We must do something to change the situation, and this amendment will help.

The unfortunate state of affairs in our passenger fleet has national defense and sealift readiness implications. I don't think it's a secret that we have a shortfall in our troopship capacity. If we were to become involved in even the smallest conflict like the Falkland Islands, our military would have only two fully operational vessels to call into service. Both of those ships are in Hawaii. The British used at least four luxury liners in the Falklands.

In Grenada, when our Government was considering ways to evacuate medical students from the island, we had to go to a British company to ask if we could use one of their vessels. This, in my judgment, is a sad commentary. The greatest nation in the world has to borrow militarily useful vessels.

At the same time that our passenger-carrying fleet consists of two ships, the Soviet Union and its satellites are increasing their tonnage. At the present time, Soviet bloc nations account for 80 cruise ships—one-third of all the world's large cruise vessels in operation.

One of the opponents of the amendment has asserted that passenger ships are not valuable to the national defense. He bases this statement on the fact that the Secretary of Defense declined to grant a waiver of the coastwise laws to a foreign-flag cruise ship because the Secretary said that allowing the vessel into the coastwise trade would not provide "a clear and direct benefit to the department."

In checking over the list of DOD waivers since 1950, I selected a few examples:

In 1951, DOD allowed a waiver to permit a Honduran vessel to transport equipment from Florida to Puerto Rico. The waiver lasted 9 months.

In 1962, DOD permitted foreign vessels to transport military cargo and personnel coastwise. That waiver lasted 90 days.

In 1972, DOD waived the coastwise laws to permit a foreign vessel to transport cable between U.S. ports. The waiver lasted 3 months.

In 1981, DOD waived the coastwise laws to permit a foreign vessel to transport LNG from Savannah to Boston. The waiver was for one voyage.

These examples show clearly that DOD waives the coastwise laws in special circumstances—for a limited duration—and to meet a specific need or crisis. The arguments of the opponent of the amendment that passenger ships are not militarily useful does not hold water. The British proved during the Falkland Islands crisis that these vessels are useful.

Why is our fleet in such a state? The reasons are complex, but the small size of the fleet has nothing to do with lack of business. The American appetite for vacation cruising has exploded over the last decade. The port of Miami is expanding its cruise ship terminal, and Miami officials predict that 2.3 million passengers will pass through their port this year. Things are good in Miami, but experts believe that Los Angeles is growing even faster. Business is booming!

These are just two U.S. ports enjoying the benefits of the growth in the cruise industry. The potential is even more promising because less than 5 percent of Americans have ever taken a cruise.

How much of that booming business is serviced by U.S.-flag ships? Only two U.S. oceangoing cruise ships are in operation. You will not see a U.S.-flag luxury cruise vessel in Miami, the Caribbean, Mexico, Alaska, or the Gulf of Mexico. Who is taking Americans on cruise vacations? Over 50 ships flying the flags of Italy, Britain, Norway, Greece, and others depart U.S. ports every year. We can do better.

In addition to increasing our troopship capacity—and to giving American operators a share of the lucrative cruise industry now monopolized by other countries, this amendment would have other beneficial effects:

All annual repairs on these ships will have to be done in U.S. shipyards. This could mean $5 million worth of repairs per ship per year;

Thousands of American seamen will be employed. In an industry suffering a 50 percent unemployment rate, this is significant;

Shipyard jobs will be preserved; and

The operators and owners of the vessels will be U.S. citizens who will be paying tax dollars to the U.S. Treasury—money that is currently being deposited in the treasuries of foreign countries.

Many of those who oppose this amendment also opposed earlier bills that allowed the two U.S.-flag ships now in operation to enter the domestic trade. When those bills were considered in 1979 and 1982, the same opponents came forward with objections. They urged us to wait. They said we were on the verge of a revitalization of the industry. I listened at first and heeded their cautionary words.

It has been five years since I first heard those pleas. How many luxury cruise ships have been built in U.S. yards? None. If the Congress had listened to those skeptics, we would not have one oceangoing cruise ship flying the U.S. flag today.

The opponents of this amendment have stated that contracts have been signed to build five ships in various yards in this country. I would like to discuss those contracts.

Last year the Subcommittee on Merchant Marine held hearings on a very similar bill. Testimony was received from individuals who said that they were "on the verge" of building or reconstructing ships in U.S. yards. Not one of those ships has been built; not one has been reconstructed; not one of those individuals who testified has managed to secure financing for those efforts. Not one of those individuals has an approved guaranteed loan from the Maritime Administration—something that is essential if they are to proceed with their plans to build or reconstruct.

In fact, some of the same individuals who testified last year had opposed two bills considered by the Merchant Marine Committee in 1979 and 1982 that allowed the only two ships we have in operation to be reflagged as U.S. vessels.

Last fall when the legislation was being considered in markup two companies signed letters of intent with two shipyards, one in Maryland and one in the State of Washington. No construction has begun. Neither of the companies has secured financing for their ventures. One of the companies announced in March, just as it had last June, that shipbuilding would begin within months. No construction has started.

The latest company to enter the growing list of those who have signed "contracts" does not yet have their financing together. According to the Seattle Times, "the cruise line expects to raise about 25 percent of the ship's cost by selling partnerships through Merrill Lynch capital markets group." The president of the company "estimated that it would be six to eight weeks before the capital can be raised and loan-guarantee application submitted to the Maritime Administration." Construction is expected to begin in late 1985 or early 1986.

While I wish this latest entry well, I find it a bit unusual that a company would sign a contract to build a ship without having the money in place to do it. I suggest that perhaps it is not a contract so much as another "letter of intent." Secondly, even if the company is successfull, and I certainly wish them well, construction would not begin until late 1985—that's one and a half years before construction would begin. It will probably take three years to build a ship of that size.

This means that we would not have a vessel in the water until late 1988 or early 1989—at the earliest. I do not think this is acceptable. In the meantime, we would have lost 1,000 jobs per year—and $5 million dollars in repair per ship per year. That's over 4,000 jobs lost and at least $40 million dollars of ship repair work lost. Of course, in the meantime, our cruise ship fleet would remain at the present level—two ships that are now 33 years old. Can we really afford to wait?

I firmly believe that allowing these ships to enter our domestic trade will show potential investors that there is a remarkably profitable business out there ready to be tapped. Experts have said that our domestic market could support up to 10 ships. If these vessels are allowed to test the waters and prove there is a domestic cruise ship market, American operators will jump at the chance to get a piece of the action. Then, we will see the creation of a new domestic cruise ship industry.

This proposal has much merit:

We will be augmenting our troopship capacity—at no cost to the government;

We will be stimulating the economy and creating jobs; and

We will, at last, get a fair share of the vacation cruise market.

I urge adoption of this amendment.●

CHILD WELFARE LEGISLATION

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. FORD of Tennessee. Mr. Speaker, I am introducing legislation today (H.R. 5758) which provides for the permanent extension of two provisions of the Adoption Assistance and Child Welfare Amendments of 1980 (P.L. 96-272) which expire on September 30, 1984. In addition the bill will provide for a specific authorization for the child welfare resource centers which have been so important to the implementation of the 1980 amendments.

As chairman of the Subcommittee on Public Assistance and Unemployment Compensation of the Committee on Ways and Means which has jurisdiction over the child welfare, foster care, and adoption assistance provisions of the Social Security Act, I intend to take action on this legislation in the very near future.

The first section of the bill provides for the permanent extension of the authority for States to claim Federal matching funds for children who are placed in foster care under a voluntary placement agreement between the agency and a child's parents. Prior to the enactment of Public Law 96-272, eligibility for Federal foster care matching funds provided to States was limited to the cost of care for children removed from their home as a result of a judicial determination that continuance in the home would be contrary to the child's welfare.

In the development of Public Law 96-272 it was found that in some cases the parents have specifically asked that their child be placed in foster care. This may involve handicapped children or where, because of severe emotional problems of the child, the parents have requested assistance and agree to placement of the child in foster care so that the child can receive treatment services. Current law, as would be extended under this legislation, requires that for Federal matching funds to continue beyond 6 months there would have to be a judicial determination before the end of the 6-month period that continued placement outside the home is in the best interest of the child.

The second provision which expires on September 30 this year and which would be extended under the bill provides States the flexibility to transfer funds allocated to them for foster care under title IV-E to use for child welfare services under title IV-B of the Social Security Act. The intent of this option for the States is to encourage States to redirect their efforts toward lessening dependence on foster care as a means of protecting children and to encourage the use of Federal funds for preventive services and family reunification services.

As under present law, the authority for a State to transfer funds from its foster care allocation is dependent on there being either a mandatory State-by-State ceiling for Federal foster care which results from a certain level of appropriation for child welfare services under title IV-B or a State accepts a voluntary foster care ceiling which limits the entitlement to the State for foster care matching funds. In fiscal year 1984, approximately $40 million will be transferred by States from their foster care allocation to use for child welfare services. Therefore, this has become a significant source of funding for child welfare services for the States.

These two provisions also are a part of the financial incentives included in the 1980 child welfare and foster care legislation which was intended to assist and encourage States to implement a comprehensive set of services, procedures, and safeguards designed to improve services to children and families. Under current law, and as it would be continued under the legislation I am introducing today, a State could only claim matching funds for children placed in foster care under voluntary placement agreements or transfer title IV-E foster care funds to child welfare services if that State had implemented these required services and procedures. The following is a summary of those requirements:

> As a part of the initial effort to improve the situation for children currently in foster care, shortly after enactment of P.L. 96-272, States were required to conduct an inventory of all children who had been in foster care for over 6 months to determine whether current placement is appropriate and the services needed are being provided. In addition, each State is to have a foster care in-

formation system to insure that information on the foster children's characteristics and the goals of the placement of each child is readily available to caseworkers and administrators.

The law provides that a case plan is to be developed for each foster care child describing the services that will be provided to the family and child while in foster care. It also requires that there be an independent administrative review of the case every 6 months to determine the continuing necessity for placement in care, and to set a date by which the child can be returned home, freed for adoption or otherwise permanently placed. There must also be a mandatory dispositional hearing within 18 months of the original placement of the child in foster care. This hearing must be held in a family or juvenile court, or other court of competent jurisdiction or by an administrative body appointed by a court.

In cases where preventive services cannot alleviate the need for out of home placement of child, the new case plan and case review system is to ensure that a child is to be placed in the least restrictive setting, and in reasonable proximity to his family to increase the chance of the child being returned to his home.

States are to provide family reunification services for foster care children and their families to alleviate the conditions necessitating placement and to enable the child to return home as quickly as possible.

State and local governments are also to provide such preventive services as family counseling, 24-hour crisis intervention for families, and emergency caretakers to provide emergency child care in the home as means to prevent the unnecessary removal of children or extended placement out of the home.

The third provision in the legislation I am introducing today would provide specific authorization for the current network of 11 child welfare resource centers which are currently providing assistance to States and other organizations and agencies in implementing the provisions of the Adoption Assistance and Child Welfare Amendments of 1980.

These centers are currently funded by the Department of Health and Human Services under general authority related to child welfare. The Reagan administration has proposed to eliminate funding for the 10 regional and one national child welfare resource centers for fiscal year 1985. I believe that this would be a mistake. I am therefore introducing this legislation to indicate my support for the continued funding of these centers.

The basic idea behind the establishment and function of the centers is that there should be in each region of the country a staff of experts, usually based at a university, that can provide state-of-the-art information and technical assistance to the various child welfare programs in the States.

The amendment which I am introducing in the legislation today describes some of the functions which I foresee for the centers. One of those functions is to provide assistance in the development and adoption by the States of uniform systems for the collection of data concerning child welfare, foster care and adoption assistance.

Another current activity of the centers is the development and sharing between States of training curriculum—both for professional child welfare staff and for the training of such groups as foster parents. This currently is a project of the Child Welfare Resource Center in Tennessee serving the States in the Atlanta region. It is based at the University of Tennessee School of Social Work at the University of Tennessee in Knoxville.

Another example of the work of the centers is the work being done by the Child Welfare Resource Center serving the New England area. The center is supporting efforts by a network of juvenile judges in the New England States who are identifying and attempting to eliminate problems in the court system which interfere with improvements in child welfare programs.

On June 1 the subcommittee will hold a field hearing in Hartford, Conn., on child welfare and foster care issues. Earlier a hearing was held in Oakland, Calif., on this topic.

From the hearings already held and from other information available to the subcommittee, it is becoming clear that a combination of factors over the past years has hampered implementation of Public Law 96-272. Those factors include: reductions in the title XX social services funds available to States because of the Reagan budget cuts; lack of sufficient increases in funds for child welfare services under title IV-B of the Social Security Act which are needed to implement the legislation; and the sharp increase in reported cases of child abuse and neglect throughout the country.

For example, at the California hearing, the subcommittee heard from local child welfare agency directors that the increases in the reports of child abuse and neglect have resulted in more staff resources being required just to investigate such reports and therefore less staff is available to provide intensive services to families to prevent the need to remove children from their homes and place them in foster care.

It is my intent that in addition to the field hearings being held that the subcommittee will also be holding a hearing in Washington, D.C., to hear from other parts of the country and to gain a national perspective on the implementation of the 1980 law.●

THE LONDON TIMES LOOKS SOUTH OF THE BORDER

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. HYDE. Mr. Speaker, some elements of the British press frequently shows more insight into the Central American issue than much of the American media does. I am pleased to share with my colleagues a perceptive editorial from the London Times of May 11 commenting on the President's speech on Central America, Communist subversion in that region, and the likely impact on the United States and our NATO Allies of hundreds of thousands of refugees fleeing Communist oppression by heading for our borders.

The following commentary is worth reading:

[From the London Times, May 11, 1984]

South of the Border

By most accounts President Reagan's televised address on the subject of Central America was a considerable political triumph. It was skillfully presented, dramatic in detail and forceful in the simple message it conveyed about the dangers to American security posed by Soviet, Cuban and Nicaraguan subversion in Central America. On the political level it seems likely to have achieved a more solid bi-partisan approach to Central American issues than the President might have expected in election year, certainly to judge from the tenuous bi-partisanship evident when the Kissinger recommendations were published earlier this year. Beyond creating an atmosphere of bi-partisanship, however, it also appears from Speaker O'Neill's initial response to the broadcast that the President will now secure some Congressional movement in support of those recommendations. There will thus be further aid for Salvador, though not for the Nicaraguan groups who are fighting the revolutionary government in Managua. Support for them will not have been made any easier by yesterday's preliminary decision of the International Court at the Hague which called on the United States to cease its assistance for military activity against the Sandinista government.

In electoral terms the President's advisers will have cause to be happy with such a bipartisan result. They have been troubled by the evidence that the Central America issue causes concern among voters. That is partly because voters do not understand what the issue is about and partly because they fear that, whatever the issue is, it could lead to an unwelcome entanglement of American forces.

The President did not mince his words about the issue. He portrayed it as one in which Soviet, then Cuban and now Nicaraguan efforts are directed to subverting Central America and undermining the security of the United States. Why should the presence of communist revolutionary regimes in Cuba and Nicaragua necessarily do that? It is because they are quite open about their intention to export their revolution.

However, beyond that potential interference with supplies (which poses the same threat to Europe since much of Nato's replenishment in a crisis would travel the same route) there is another spectre, briefly but significantly mentioned by the President. He referred to the fact that subversion in Salvador had caused 400,000 refugees. There are another 800,000 refugees all over Central America.

"Concerns about the prospect of hundreds of thousands of refugees fleeing communist oppression to seek entry into our country are well founded", Mr. Reagan said. Compared to the private misgivings in the Administration that was an understatement. Officials fear that continuing subversion of the 100 million people who live between the Panama Canal and the US/Mexican border could provoke a massive domestic upheaval within the United States itself. They think that it is only a matter of time before Central American stability creates an influx of refugees traveling north through Mexico which could amount to millions if the instability had by then also infected Mexico. Such an influx could not be tolerated within the United States, but since the border with Mexico is currently manned by only 600 customs officials, how could it be prevented? The Administration calculates that it would take at least eight divisions to police such a border properly in conditions of major social disturbance.

America's allies in Nato might ponder seriously on the fact that there is only one place those divisions could come from: Europe. Such a strategic prize as the American detachment from Europe would be well worth the 5 billion dollar annual subsidy which the Soviet Union currently extends to Cuba.●

NEW FDA RULES AND THE STRIPED BASS

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mrs. SCHNEIDER. Mr. Speaker, last week the Food and Drug Administration (FDA) released new requirements for acceptable levels of polychlorinated biphenyls (PCB's) in fish and shellfish to be sold for human consumption. The FDA lowered the allowable PCB level from five parts per million (ppm) to two parts per million (ppm). In doing so, the FDA added further evidence to the case for an immediate, federally enforced moratorium on the taking and possession of Atlantic striped bass.

For the past 10 years, the striped bass population has experienced a precipitous decline. Since 1976, commercial fishermen in the Hudson River have been prohibited from catching the bass because the fish did not meet the old FDA limitations. This FDA-imposed commercial moratorium has led fishermen in New York and Connecticut to argue that the institution of a coastwide moratorium at this time would be inequitable, because the Hudson River population has been protected by the moratorium in place over the last 8 years. Last week's FDA action makes this argument moot. No fish in the Hudson will meet the new FDA requirement in the foreseeable future. Therefore, a federally enforced, coastwide moratorium can be instituted without unfairly punishing fishermen in New York and Connecticut.

Many scientists speculate that the Hudson is not alone in its population of stripers with high PCB levels. Some have even suggested that not one striper along the entire east coast can meet the 2-ppm standard. In light of the FDA's action, I call on the scientific community to provide detailed evidence of the PCB levels of fish in the Roanoke River, Chesapeake Bay, and Narragansett Bay. If the fish in these rivers do not meet the new standard, then a coastwide, commercial moratorium will go into effect without congressional action.

Pity the plight of the striped bass. The fish is being polluted to death on one hand, and overfished on the other. It is time for the Federal Government to act. I hope that my distinguished colleagues on the House Merchant Marine Committee will soon report my Federal moratorium proposal to the floor, so that the entire Congress can have the opportunity to save this magnificent fish before it is too late.●

OMINOUS ECONOMIC SIGNS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. BONKER. Mr. Speaker, this morning's Washington Post business section carried four articles that ought to concern all Members of the House. They provide ominous signs that the economy is feeling the strains of the administration's large budget deficits and that the Nation's banking system, to quote one source, is in a state of "deterioration."

The first article, by Merrill Brown, tells us that Wall Street is pointing the finger at Washington as the principal culprit in the continuing weak state of the financial markets. It makes reference to the "delicate, potentially dangerous" condition of virtually all of the Nation's money center banks.

A second article quoted David Taylor of Continental Illinois National Bank & Trust that more Federal aid is needed to salvage his bank and carry out a possible merger. The FDIC has already given $1.5 billion as part of a $7.5 billion package.

A third article informs us that Bolivia has suspended payments on its $1.05 billion debt to foreign commercial banks, mostly American, and is limiting payments to international lending agencies. We have already gone through this with Mexico and Argentina. Other lessor developed countries are sure to follow.

Last, and most disturbingly, are the latest statistics on our "other deficit"—the U.S. trade imbalance. The Commerce Department reports the U.S. merchandise trade deficit reached $12.2 billion last month. The annual deficit for 1984 is now projected at a staggering $130 billion. Today's headline read: "Trade Deficit Mounting at Twice 1983 Pace."

Mr. Speaker, these may be separate developments, but they are all related and they add up to one alarming fact. The world economy is on a collision course. The vehicle for this disaster ride is the Federal budget. Unless Congress and the White House take positive action, the impending credit crunch may well precipitate a collapse of the Nation's money center banks. At that point it may be too late for corrective action.

Time is running out for the President and this Congress to act.●

IN HONOR OF JOSEPH H. WEISMAN

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Joseph H. Weisman, a beloved friend of mine and of my family, who will be honored on the occasion of his 75th birthday at the Jewish Homes for the Aging of Greater Los Angeles' Diamond Jubilee Ball on June 10, 1984.

As Joe Weisman turns 75, it is an honor and a privilege for me to share a few of his many accomplishments with my colleagues.

Born in Denver, Colo., on June 10, 1909, Joe moved to Los Angeles with his family when he was 14 years old. He attended Los Angeles High School and the University of Southern California where he earned an A.B., LL. B., and a J.D. Joe practiced law in Los Angeles from 1932 to 1938 and then decided to join his father in the carpet distribution and manufacturing business. Together they formed Century Carpet Mills, Inc., where Joe served as president until his retirement in 1978. Joe was active in organizing the industry on the west coast and was founding president of the Carpet Manufacturers Association of the West.

In addition to Joe's success in business, he has long been active in worthwhile causes and organizations including: B'nai B'rith, Masonic Lodge No. 335, Westgate Lodge, Scottish Rite and Shrine in Los Angeles, Jewish Family Service, Legion Lex and University of Southern California Alumni Association, and numerous civic affairs in Beverly Hills including the campaigns for bond issues.

Joe served on the first board of directors of Jewish Federation Council and has served on the boards of Wilshire Boulevard Temple and Hillcrest Country Club.

His current passion, however, is the Jewish Homes for the Aging of Greater Los Angeles (JHA) where he currently serves as president, a position held by his father years ago. Joe served on the board back in 1946 through 1949, but it was after his retirement from the business world that he was able to devote his full attention to the homes. Today, JHA is recognized as one of the finest retirement facilities in the Nation and is used as a training facility for professionals in the field of geriatrics. JHA houses more than 750 seniors on two campuses, Menorah Village and Victory which are both in Reseda, Calif. JHA occupies 14 acres of beautifully landscaped grounds which include residential housing; nursing and hospital facilities; arts and crafts workshops; synagogues; and a highly trained staff of doctors, nurses, nutritionists and therapists. Joe oversees the entire operation and has done a fabulous job fundraising, reorganizing the structure of the homes and bringing fresh people into the operation.

I must confess that I also have a unique family interest in the home. When it was originated many years ago, as the Hebrew Sheltering Home for the Aged, its original founders included my own beloved grandparents, Hyman and Emma Levine.

Joe has also been blessed with a wonderful family. His lovely wife Etta is president of Helping Hand, the largest fundraising group for the Cedars-Sinai Medical Center, and his three children are all outstanding in their given fields. His son Michael is a rheumatologist and associate professor of medicine at the School of Medicine at the University of California at San Diego; his son Steven is a White House correspondent for the New York Times; and his daughter Lynn is an attorney and the director of music licensing at 20th Century Fox. Michael's wife Betsy is senior project manager for New Horizon Planning in San Diego and Steven's wife Elisabeth Bumiller is a reporter for the Washington Post. Joe and Etta are also blessed with three grandchildren.

I am delighted to bring some of Joe and Etta's accomplishments to the attention of my colleagues. ●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. BERMAN. Mr. Speaker, I rise today as I did 1 year ago to speak about a grave situation—a situation that has, in fact, deteriorated since last year's congressional call to conscience vigil for Soviet Jews.

Last year I spoke of two Soviet Jewish families in particular whose cases I have been following. Both the Byaly and the Yakir families have made requests for emigration visas and have been repeatedly denied. Today, a year later, I am distraught by their condition. In November 1983 Mrs. Judith Byaly was refused a temporary visa in order to visit her mother in Israel. The same month her husband Leonard, suffered a second heart attack. The previous April members of the family had been called before the KBG. This past year has brought them only further and continued harassment by the Soviet Government with no hopes for emigration in sight for the future.

Statistics on emigration reflect the increasing rigidity of the Soviet Government over the past few years; a trend that calls for drastic improvement. March 1984 brought devastatingly low emigration numbers. Only 51 Soviet Jews were allowed to emigrate. The number of emigrants in 1983 (1,315) was a 98-percent reduction from the number that emigrated in 1979 (51,320). These numbers reflect the increased human rights violations being committed in the U.S.S.R. There is also evidence of state-sponsored anti-Semitic propaganda which has worsened recently. Active discrimination is evident in education along with heightened cultural repression of Soviet Jews in the first few months of 1984.

The Anti-Zionist Committee of the Soviet Public claims that the Soviet Jews who wish to emigrate have already been granted visas to leave the country. But as we know and as Elliot Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs, has announced, there are hundreds of thousands of Soviet Jews anxious to emigrate if given any opportunity.

It is clear that we cannot stand by silently as the U.S.S.R. continues and indeed increases instances of human rights violations. Continued pressure by the United States, particularly by Members of Congress, is of the utmost importance at this time when conditions are gravely oppressive for Jews in the U.S.S.R. The Soviet Union continues to violate agreements made to promote humanitarian causes in the final act of the Helsinki accords.

We have pledged, and it is our duty and our obligation to denounce these gross violations and continue to work toward basic freedom of religion and fundamental human rights for all Soviet Jews. ●

SUPPORT FOR TALENTED TEACHERS ACT GROWING

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WYDEN. Mr. Speaker, I would like to bring to the attention of my colleagues two endorsements that the Talented Teachers Act of 1983, H.R. 4477, recently received from the Portland School Board and the Oregon School Boards Association.

The talented teachers bill, which I introduced along with Congressmen Paul Simon, William Goodling, and E. Thomas Coleman, currently has 52 cosponsors of our political parties. Those cosponsors include: Mr. Simon, Mr. Goodling, Mr. Coleman of Missouri, Mr. Weaver, Mr. Rangel, Mr. Morrison of Connecticut, Mr. Clinger, Mr. Ratchford, Mr. Markey, Mr. Porter, Mr. Horton, Mr. Williams of Montana, Mr. McKinney, Mr. Ford of Tennessee, Mr. Frost, Mr. Evans of Illinois, Mr. Barnes, Mr. Dymally, Mr. Young of Missouri, Mr. Won Pat, Mr. Berman, Mrs. Martin of Illinois, Mr. Sunia, Mr. Skelton, Mr. Gejdenson, Mr. Vento, Mr. Wirth, Mr. Dwyer, Mr. Richardson, Mr. DeWine, Mr. Gingrich, Mr. Mitchell, Mr. Kostmayer, Mr. Corrada, Mr. Lehman of Florida, Mr. Weiss, Mr. LaFalce, Ms. Kaptur, Mr. Durbin, Mr. Eckart, Mr. Howard, Mr. Florio, Mr. Guarini, Mr. McHugh, Mr. Fazio, Mr. Seiberling, Mr. Boehlert, Ms. Oakar, Mrs. Boxer, and Mrs. Kennelly.

H.R. 4477 has received overwhelming support from groups and individuals across the Nation, and I am hopeful for its being successfully considered by this Congress.

I submit for the Record the letters I received from the Oregon School Boards Association and the Portland School Board:

Portland Public Schools,
Portland, Oreg., May 14, 1984.

Congressman Ron Wyden,
Longworth House Office Building,
Washington, D.C.

Dear Ron: This is to inform you that during our meeting of Thursday, May 10, 1984 the Portland Board of Education by a unanimous vote of 7-0 endorsed your Talented Teachers Bill, H.R. 4477. The resolution was introduced by Joe Rieke who serves as our legislative chairman. A copy of the Board's adopted resolution is attached.

Many positive comments were made by board members as we reviewed this bill. In addition to our endorsement, you may be pleased to hear that the Portland Association of Teachers, through its representative Len Anderson, also expressed support for the bill.

We thank you for your continued support for public education and look forward to future good working relationships. Please do not hesitate to call on us if we can be of assistance.

Sincerely,

DEAN GISVOLD,
Chairperson, Board of Education.

H.R. 4477, TALENTED TEACHERS ACT

Whereas, H.R. 4477, The Talented Teachers Act, has been introduced into the U.S. House of Representatives by Congressman Ron Wyden; and

Whereas, H.R. 4477 is designed in response to recent national concern on the effectiveness of our Nation's public school system; and

Whereas, H.R. 4477 specifically supports the establishment of programs aimed at rewarding outstanding teachers through a fellowship program and encouraging outstanding high school seniors to enter the education profession; and

Whereas, the Portland Board of Education supports these activities which are aimed at promoting quality education: now therefore be it

Resolved, That the Chairman, Board of Education, be authorized to notify Congressman Ron Wyden of the Portland School Board's endorsement of H.R. 4477.

OREGON SCHOOL BOARDS ASSOCIATION,
Salem, Oreg., May 25, 1984.

Hon. RON WYDEN,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. WYDEN: At its meeting in Salem on May 19, the Legislative Committee of the Oregon School Boards Association voted unanimously to support H.R. 4477, The Talented Teachers Act of 1983. OSBA's Legislative Committee consists of 45 local school board members from around the state.

This legislation, by proposing to recognize and assist talented individuals in the teaching profession, seeks to improve public education at the point where the learning process actually occurs—in the classroom between student and teacher. That process can be enhanced by recognizing and rewarding quality teaching staff, as well as providing the opportunity for professional growth and development.

The bill also recognizes an important, and appropriated, federal role in public education—providing the necessary resources to meet a national need while at the same time respecting and maintaining local control and flexibility by locally-elected officials in meeting the educational needs of their community.

Thank you for your efforts on behalf of public education. If we can be of further assistance to you, please let us know.

Sincerely yours,

CHRISTOPHER L. DUDLEY,
Director of Legislative Services. ●

NYSUT HONORS OUTSTANDING LONG ISLAND EDUCATORS FOR POLITICAL INVOLVEMENT

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. MRAZEK. Mr. Speaker, I rise on this day to pay tribute to three outstanding Long Island educators, Lynn Costello, David Israel, and Mel Stern, who are being honored on June 7 at the Woodbury Country Club by the New York State Union of Teachers for their exemplary achievements on the political level. It is my privilege to bring the accomplishments of these gentlemen to the attention of my colleagues in the U.S. Congress.

Since the early 1960's, Lynn Costello has been a teacher in the East Islip public school system. Over the years, he has become actively involved in his local teacher's association and in fact, served as president of the East Islip Teachers Association for 2 years. Lynn's interest in the American political process is most worthy of recognition. He has coordinated political action activities on Long Island on behalf of many causes and individual candidates and is currently the statewide coordinator of NYSUT Vote/Cope, the political arm of New York's teachers associations.

David Israel, an English teacher at the Wheatley School in East Williston, N.Y., has been in education for over 25 years. He has dedicated himself not only to his career in the field of education, but firmly believes that political action on all levels is essential to the cause of democracy. During his 4-year tenure as president of the East Williston Teachers Association, the organization has gone from nominal participation in political campaigns to a situation where one out of every four members is now involved in campaign-related activities. This is largely due to David's tireless and dynamic leadership.

Mel Stern, a sixth grade teacher at the Sunquam Elementary School, has contributed greatly over the years to raising the political consciousness within the ranks of Long Island's teachers. As Vote/Cope chairperson, 1982-84, a member of the NYSUT Committee of 100, and a NYSUT AFT delegate, Mel has inspired those around him to become a part of the political process. He has also found the time in his busy schedule to serve as vice president of his local civic association and commissioner of little league baseball. Mel has served with distinction as chairman of the Third Congressional District's Education Advisory Committee as well.

Mr. Speaker, I am very pleased to have this opportunity to salute Mel Stern, David Israel, and Lynn Costello for bringing great distinction to the New York State Union of Teachers and to all of Long Island. The American political process today is extremely important to all of us. These three men have proven beyond doubt that individuals participating in the political system can truly make a difference. I hope their fine example will inspire others in my district and throughout the Nation. ●

A TRIBUTE TO TAKAMIYAMA

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. AKAKA. Mr. Speaker, I would like to bring to the attention of this body the most unusual story of a young man from Hawaii who is little known in the continental United States, but revered as a modern legend throughout Japan and the Aloha State.

He was born Jesse James Walani Kuhaulua in the quiet community of Happy Valley on the Hawaiian island of Maui in 1944. He grew up, as most would say, like any other local boy. Yet, Jesse's life, that of a typical Hawaiian youth, took an extraordinary turn in 1964. It was at that time that he made what nearly everyone who knew deemed to be a most daring and unique decision. Jesse Kuhaulua, an American of Hawaiian ancestry, journeyed to Japan to pursue a career in sumo wrestling, a 2,000-year-old form of competition which has now become that country's national sport. Even the most optimistic of supporters never envisioned what would transpire over the next 20 years.

At first, Jesse was an interesting oddity to the oriental fans. However, as time went by, he proved his true dedication to the art, and he honed his skills finely. In 1972, Jesse became the first foreigner in sumo history to win a tournament championship, a distinction he holds till this very day.

The boy from Hawaii developed from a curiosity to a cult hero to a national idol. Officially and in the hearts of the Japanese people, Jesse Kuhaulua became Takamiyama, "Mountain of the Lofty View."

Now, after 20 years, Takamiyama will bid farewell to active, personal participation in professional sumo wrestling. However, when he does so before family, friends and fans in his native Hawaii, he will leave behind a singular legacy for an American who sought fame and fortune in a distant land.

Takamiyama holds virtually every all-time individual record of the ironman variety, including most consecutive bouts—1,232 plus, and greatest number of tournaments—82 plus, in sumo's top-rated Makunouchi category—a division presently comprised of only 36 of the world's 700 plus active sumotori. These and numerous other distinguished accomplishments have led even the editor of Japan's Sumo World magazine to characterize Takamiyama as a "living legend in this centuries-old sport."

To be certain, no one in Pocatello, New York, Baton Rouge, Albuquerque or the like would probably stir in recognition at the mention of the name Takamiyama. Yet, here we have an American-born son who was truly cut from a special mold. He had the courage to attempt something that others would not even begin to dream about. He had the ability and dedication to achieve goals that none had ever reached. And he possesses the kind of dignity and humility that adds that extra measure of luster to all he has done with his life.

The people of the United States, not just those of Hawaii, have reason to be proud of Jesse Kuhaulua "Takamiyama." In a way in which most Americans are unaware, he has brought great honor to our country.●

RETIREMENT OF DR. SPURGEON EURE

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. FORD of Tennessee. Mr. Speaker, it is with great pleasure that I have an opportunity today, upon the occasion of the retirement of Dr. Spurgeon Eure, president of the Southern College of Optometry, Memphis, Tenn., to recognize his outstanding contribution to the optometry profession he has made over the past 25 years.

To say Dr. Eure has played a major role in the development of modern optometric education is not an overstatement. Many of the advances the profession has made in the last 20 years are a direct result of Dr. Eure's tireless efforts. From 1967 to 1971 Dr. Eure served on the Optometric Review Committee of the Department of Health, Education, and Welfare's Bureau of Health Professions. Dr. Eure's work on the committee helped expand resources for the education of optometry, improvement in curriculum and upgrading of school facilities. Construction grants were awarded to the University of Houston College of Optometry, Southern California College of Optometry, and Illinois College of Optometry, thanks to Dr. Eure's hard work and influence. In addition, it was Dr. Eure's efforts that obtained the construction grant for the establishment of the University of Alabama School of Optometry.

Dr. Eure was instrumental in the establishing of State funding for students in States where there are no optometric schools, thus helping to improve the geographic distribution of students. He has also served the profession as a prolific fund raiser in various capacities, including president of the American Optometric Foundation.

As an innovator in the modern practice of optometry and optometric education, Dr. Eure has few peers. He was instrumental in the establishment of optometric referral clinic, the so-called Atlanta project, and the development of technicians programs in the schools of optometry.

Dr. Eure has contributed greatly to optometric literature for over 25 years, as shown by the attached list. The many honors and awards he has received span a period of four decades.

Dr. Eure has truly played a major role in raising the level of optometric education and the profession itself. Without question, Dr. Eure's efforts have contributed greatly to the respect and recognition optometry enjoys today.

I would like to ask my colleagues in the House to join with me in saluting the life's work of Dr. Eure and wish him a very pleasurable and rewarding retirement.●

GILMAN AGAIN SEEKS RELIEF FOR BRINK'S TRIAL COSTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. GILMAN. Mr. Speaker, once again I bring before my colleagues the plight of the people of Rockland, Orange, and Westchester Counties. For several years now, owing to the Brink's robbery trial, these fine constituents have been suffering the immense costs associated with a trial of national proportions. Due to the terrorist background of the defendants, high-level security precautions have been undertaken in order to protect the local citizens from possible retaliation. The trial began in Rockland County, and since has had two changes of venue; first to neighboring Orange County, and then to neighboring Westchester County. As a result of the extensive length of these trials, as well as the added security precautions that have been taken in each locale, the interim price tag of the Brink's trial is now estimated at more than $6 million. Final costs are as yet unknown, since prosecution continues to this very day.

New York State law proscribes that all costs associated with a criminal prosecution must be borne by the county in which the crime was committed. This means that Rockland citizens must reimburse both Orange and Westchester Counties for their shares of the trial. The extreme burden that rests with Rockland County has escalated to the point where they have become appropriate candidates for disaster assistance. It is for these reasons that today I am introducing a measure, with my colleagues from the Westchester delegation, Messrs. Fish, Ottinger, and Biaggi, that would reimburse Rockland County for all reasonable expenses incurred in connection with the Brink's robbery trial. The Federal Government has a clear interest in seeing this case prosecuted to the fullest extent of the law, and in fact conferred with Rockland County attorneys in this matter. It was agreed that because State penalties were more stringent than the Federal, Rockland County should prosecute these terrorists. The Federal Government now bears the responsibility of seeing to it that justice is achieved on two fronts: the successful prosecution of members of the Weather Underground, and the reimbursement of Rockland County residents, who have shouldered these enormous and unending costs.

Mr. Speaker, I insert the full text of this legislation at this point in the Record, and I urge my colleagues to support [illegible] in this endeavor:

H.R. 5763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General of the United States (hereinafter referred to as the "Attorney General") shall reimburse the Government of Rockland County, New York, for all reasonable expenses incurred in connection with the transfer and trial of the criminal actions entitled People of the State of New York v. Katherine Boudin, David Gilbert, Judith Clark, Samuel Brown, and Donald Weems (Rockland County Indictment Nos. 81-285; 82-6; transferred to Orange County) and People of the State of New York v. Katherine Boudin and Samuel Brown (Rockland County Indictment Nos. 81-285; 82-6, transferred to Westchester County). Reimbursement under this Act shall be made to Rockland County for all reasonable expenses directly incurred as a result of these criminal action, as well as for those reasonable expenses indirectly incurred as a result of the changes of venue in these actions to other locations within New York State. Reimbursable items include, but are not limited to:

(1) the cost of prosecuting the defendants;

(2) the cost of providing and maintaining courtroom security in these criminal actions; and

(3) the cost of ensuring and maintaining the safety and security of the defendants and the residents of the State of New York in connection with these criminal actions.

Sec. 2. The Government of Rockland County shall keep accurate and detailed records pertaining to all reasonable expenses incurred in connection with these trials. Such records shall remain subject to audit and examination by the Attorney General and Comptroller General of the United States for three years after the date of enactment of this Act. Following the completion of each criminal action described in Section 1, the Government of Rockland County shall submit to the Attorney General a final and detailed report disclosing all reasonable expenses incurred in connection with these criminal actions. The Attorney General shall examine each report and determine the amount of reimbursement for which Rockland County is eligible under this Act.

SEC. 3. There are hereby authorized to be appropriated for any fiscal year beginning on or after October 1, 1984, such sums as may be necessary to carry out the purposes of this Act.●

FOOTWEAR INDUSTRY

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WALKER. Mr. Speaker, I would like to take a minute this morning to talk about the importance of our domestic footwear industry. I believe one of the most important facts which should be emphasized today is that the domestic footwear industry is absolutely vital to the economic health of many of the smaller communities in the United States. Approximately 132,700 workers in 41 States are employed by the footwear industry. An estimated 40 percent of these firms are located in towns with less than 10,000 people, and 25 percent are located in towns with less than 5,000 people.

The industry is highly labor intensive, and footwear firms often constitute a major source of employment for these areas. My foremost concern with regard to the plight of the footwear industry is jobs. With unemployment at a somewhat stable but unacceptable level right now, we can ill afford to ignore the devastating impact that footwear imports are having on domestic manufacturers of footwear and their suppliers.

In 1983, almost two-thirds of all shoes sold in the United States were made abroad. So far in 1984, import penetration is up to 70 percent. Sixteen factories have closed and 2,000 jobs in direct manufacturing have been lost. I have over a dozen shoe manufacturers in my district, and I have seen the impact of the recent surge of imports in my district as I am sure many of you have as well. In order to combat the serious injury to the industry's economic health, I take this opportunity to urge the International Trade Commission to carefully examine the evidence submitted in support of the nonrubber footwear industry's 201 petition.●

A PLEA TO THE SOVIET GOVERNMENT

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WHEAT. Mr. Speaker, I am proud to join my colleagues by participating in the "Congressional Vigil for Soviet Jewry." The Congressional Vigil is a bipartisan program that allows Members of Congress to join in a concerted protest against the gross violations of human rights in the Soviet Union.

Last summer I shared with you the plight of a Russian Jew, Aleksandr Gelman. He first applied for an exit visa in February of 1977. His request was promptly refused. He, his wife Valentina, and their two children have been systematically harassed and intimidated because they have opted to seek freedom to practice their religion.

The Gelman family is not alone in its suffering. A new nadir was reached last year, when only 1,314 of the nearly 400,000 Jews requesting exit visas were allowed to leave the Soviet Union. During the decade of the Soviet Jewry movement there has never been a year that less Jews were allowed to leave.

The Soviet Union is suppressing a basic human right, the right to practice the religion of choice, openly and without threat. There is a new and frightening wave of anti-Semitism in the Soviet Union. The Soviet state-sponsored anti-Zionist committee is attacking Jewish cultural efforts with a new vengeance. Mail, which is the lifeline to the free world for Soviet Jews, is not being delivered. The harsh treatment of "Prisoners of Conscience" and the increased harassment of long-term refuseniks further illustrate that the Soviet regime seeks to eliminate any vestige of Jewish culture within its borders.

While our Government readily accepts the freedom of its citizens to practice the religion they choose, the Soviet Union must use fear of reprisal to keep its citizens from praying as they wish. America has long been a symbol of freedom for the oppressed peoples of the world. It is important that we reaffirm our commitment to this basic principle.

I strongly urge the Soviet Government to end its attempts to destroy the Jewish religion and culture in their country. With the recent change in power in the Soviet Union, it is an appropriate time to renew our efforts. And I ask my colleagues to join in a renewed united front to assist the brave men and women who because of their courage are suffering from increased Soviet oppression.●

PLUGGING LEAKS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. HYDE. Mr. Speaker, in October 1982, one of the intelligence community's most respected alumni, Adm. Bobby Inman (retired) resigned as a consultant to the House's Permanent Select Committee on Intelligence because he felt that panel had become politically partisan. Inman, a former Director of the National Security Agency and Deputy Director of Central Intelligence, also indicated in his resignation announcement that the congressional intelligence committees' oversight of the intelligence agencies must be nonpolitical in order to earn public credibility. He went on to add that "if the country does not establish a bipartisan approach to intelligence, we are not going to face the problems of the next 50 years." Admiral Inman also offered some sage advice on avoiding leaks by recommending that "none of the staff should have any personal relations with the media."

Inman's remarks were pertinent then and even more so today as in recent months we have witnessed the increased politicization of the congressional committees overseeing intelligence activities. This is especially true with respect to the President's Central American policy, and there have been a number of well-timed leaks that have seriously jeopardized the President's ability to accomplish his objectives in that troubled region of the world.

Mr. Speaker, something must be done on an urgent basis to eliminate these damaging breaches of security, and in this regard, I commend to everyone's reading a thoughtful editorial on this subject by columnist Cord Meyer which appeared in the May 25, 1984 edition of the Washington Times.

The article follows:

[From the Washington Times, May 25, 1984]

HILL CAN'T STOP LEAKING?

(By Cord Meyer)

Under the polarizing pressure of differences over U.S. policy toward Central America, the congressional oversight designed to keep the intelligence agencies honest is coming apart at the seams.

Reagan officials and the CIA leadership place primary responsibility for a series of damaging leaks on covert-action operations on the congressional watchdog committees and particularly on their staffs. For their part, the Senate and House Intelligence Committees claim they have not been kept "fully and currently" informed. They maintain they would have opposed the covert mining operation successfully if advised promptly, as the law requires.

Whoever may be to blame, there is unanimous agreement that relations between the legislative and executive branches never have been worse on the question of how to ensure effective congressional review of secret intelligence operations. Both administration and CIA officials are bitterly resentful of deliberate leaks to the press they think can only come from individual members and staffers of the two intelligence committees.

A single authoritative news leak often can be enough to destroy or terminate even the best-planned covert action. The congressional staffer, who chooses to reveal anonymously to the press details of such an operation, wields the destructive power of a secret personal veto over national security policy.

The confirmation by Sen. Jesse Helms R-N.C. of CIA involvement in the Salvadoran election is only the most publicized of many such damaging disclosures, and there has been no sign yet of any effective punishment to discourage the practice. As one of the intelligence chiefs remarked, "Congressional oversight has become a device through which to impose massive losses on ourselves."

Understandable fear of policy sabotage by calculated lead has led in turn to CIA officials becoming reluctant to supply staffers with advance detail on operations. This has fed the fires of congressional suspicion that their access to essential information is being deliberately obstructed.

CIA Director William Casey has written a tough letter to the committees complaining of excessive legislative intrusion. In reaction, congressional staffers are busily drafting new procedural rules that will define in debilitating detail when and how the CIA must inform the Congress in advance of any covert action.

The executive and legislative branches seem to be on a collision course in their attempt to solve the oversight dilemma. In the process, the U.S. government could lose the capacity to respond effectively to the Soviet threat that is most immediate and menacing.

In the absence of a covert-action capability, the United States would have no means of giving discreet and timely assistance to its democratic allies in the Third World when they are threatened by Soviet and Cuban proxies. Once a small country has been allowed to be transformed into a hardening police state, its escape from the Soviet orbit is rarely possible.

Hoping to avoid continuing confrontation is this vital area of foreign policy decisionmaking, cooler heads in the administration and moderates of both parties in Congress are beginning to think through the reforms in procedures and institutions that might enable the United States to conduct covert operations both responsibly and securely.

There is, for example, growing senatorial support for periodic lie detector tests as a condition for continuing employment on the staffs of the intelligence committees. These staffers carry in their heads more sensitive information than most CIA employees, who all are required to take the tests. Administrated by the FBI in this case, these periodic polygraph checks would not be a total guarantee of security but they would act as a powerful deterrent to the temptation to leak.

Also, there is growing awareness among the elected members of both committees that they have allowed too much of the responsibility for oversight to fall into the hands of assistants. Too much authority has been delegated to too many unelected staffers who have their own axes to grind. By limiting the number of other assignments they can hold, the members of the intelligence committees can find the time to exercise personal responsibility, and, on sensitive issues, a case can be made for excluding the staff entirely.

For his part, the CIA director has to be willing to meet this reform movement halfway. Mr. Casey has to be ready to spend more time on the Hill and to be more forthcoming in his briefings when there is evidence of a serious commitment to improve security.

In the American democracy, some form of congressional oversight of the secret power of intelligence is inevitable and necessary.

The problem is to prevent Congress from destroying what it seeks to oversee.●

BUCKS COUNTY VIETNAM VETERANS HONORED

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. KOSTMAYER. Mr. Speaker, 3 days ago on Memorial Day, the United States interred the Unknown Soldier of the Vietnam war at Arlington National Cemetery. This American serviceman, known only to God, represents those who gave their lives for this country and for those things for which it stands.

The recognition of those lost in Vietnam, both known and unknown, serves as a reminder to us of the 30,000 Bucks Countians who served in Vietnam.

Mr. Speaker, 133 were killed and 3 are still missing from Bucks County, Pa. On June 16, 1984, the Bucks County Vietnam War Memorial will be dedicated in Doylestown, Pa., and will record the names of the 136 courageous citizens who have not returned from Vietnam.

Mr. Speaker, this memorial is a reality only because of the dedication and hard work of the Bucks County Vietnam War Memorial Committee which is chaired by Vietnam veteran Daniel Fraley. This memorial will continue to remind us of those 136 Bucks Countians who died for us or are still missing. This memorial will further serve as an expression of the love, honor, and commitment we in Bucks County accord to our Vietnam veterans, both living and dead.

It is with great honor that I place in the CONGRESSIONAL RECORD the names and hometowns of the 136 Vietnam veterans which will be inscribed on the Bucks County Vietnam War Memorial:

Name	Rank	Service	Date of—		City
			Birth	Casualty	
1963:					
Liebmanis, Atis Karlis	1LT	AF	2 Jan 39	24 Nov 63	Quakertown
1965:					
Baggett, Joseph Bradshaw	MAJ	AF	18 Apr 30	16 Dec 65	Doylestown
Jeremicz, Gregory	LCPL	MC	8 Oct 45	18 Dec 65	Line Lexington
Tice, Fred Rost	CAPT	AF	16 Dec 31	18 Sep 65	Line Lexington
Yatsko, Joseph Paul Jr	1LT	AR	3 Mar 42	18 Dec 65	Levittown
1966:					
Adams, Robert Lee Jr	2LT	AR	15 Oct 43	4 Nov 66	Levittown
Cope, Stanley Smith Jr	PFC	MC	2 Oct 45	27 Oct 66	Sellersville
Daiola, John Francis III	PFC	AR	1 Oct 47	7 Oct 66	Penndel
Detrixhe, James B. W	CAPT	AR	25 Nov 40	24 Feb 66	Fairless Hills
Elmore, Hugh William	CPL	AR	6 Apr 47	25 Mar 66	Eddington
Fell, Carl Eugene	SP4	AR	11 Apr 43	28 Jun 66	Bristol
Hennessy, Daniel A	1LT	AR	4 Jun 43	28 Dec 66	Newtown
Manning, Lee Edward	BT2	NA	23 Sept 28	Jan 66	Bristol
Moore, Randall Whit	PFC	AR	26 Mar 47	8 Nov 66	Sellersville
Morris, Robert Joseph	PFC	AR	27 Dec 47	3 Jul 66	Oakford
Pye, Safford Smith	SGT	AR	11 May 34	11 Feb 66	Levittown
Raney, Lawrence F	2LT	AR	21 Sep 41	28 Jun 66	Bristol
Sanford, John Francis	1LT	AR	19 Feb 42	7 Feb 66	Coopersburg
Shipley, Walter W. Jr	SSGT	AR	14 Dec 36	25 Aug 66	Bristol
Thomas, John William	SP4	AR	22 Feb 42	10 Jan 66	Levittown
Thornton, Rodney Gardner	SGT	MC	19 Jan 41	5 Oct 66	Croydon
Wellings, Edward Alfred	PFC	MC	14 Dec 43	21 Sep 66	Warrington
1967:					
Bauer, Karol Raymond	SSGT	MC	26 Jun 38	30 Apr 67	Wrightstown
Beerman, James Edward	SGT	AR	11 Aug 46	27 Apr 67	Hulmeville
Cantu, Ernesto Soliz	SP4	AR	28 Feb 47	20 Nov 67	Bristol
Covington, Hopson	PFC	AR	20 Oct 43	29 Dec 67	Bristol
Davis, Theodore H	SSGT	AR	27 Mar 34	26 Feb 67	Neshaminy
Decker, David John	CAPT	AR	30 Aug 37	19 Nov 67	Yardley
Dougherty, Theodore Aloyes	SGT	AR	11 Nov 26	24 Nov 67	Cornwells Heights

Name	Rank	Service	Date of—		City
			Birth	Casualty	
Downey, Clay Edward	SGT	AR	16 Aug 46	12 Feb 67	Bristol
Griffin, Alan George	PFC	AR	10 Dec 43	22 Feb 67	New Hope
Ham, Geoffrey Lawrence	1LT	AR	30 Jan 43	28 Jun 67	Ivyland
Haworth, William Harry	SGT	AR	30 Jul 46	25 May 67	Bristol
Holland, David Herman	PFC	MC	27 May 48	21 May 67	Springtown
Igoe, William John	PFC	AR	15 Oct 46	11 Jul 67	Warrington
Johnson, George Harry	CPL	MC	28 Aug 48	3 Jun 67	Croydon
Moss, Robert Warren Jr	CPL	MC	11 Jan 46	20 May 67	Yardley
Morris, Walter F	CWO	AR	27 Jun 43	26 Apr 67	Feasterville
Newby, Frederick Albert Jr	LCPL	MC	12 Jul 46	6 Aug 67	Feasterville
Peel, Douglas Arthur	NA	NA	27 Dec 45	29 Jul 67	Richboro
Roy, Patrick Robert	PFC	AR	24 May 47	16 Dec 67	Levittown
Scholtz, Alan Robert	LCPL	MC	4 Mar 47	11 Aug 67	Levittown
Scott, Robert L	WO	AR	20 Sep 47	25 Aug 67	Churchville
Sienga, Ronald James	2LT	AR	17 Jan 46	25 Dec 67	Cornwells Heights
Simmons, Harry Jennings Jr	LCPL	MC	21 Dec 46	8 Apr 67	Langhorne
Smith, Ralph Wentz	GSGT	MC	14 Nov 49	2 Jun 67	New Britain
Smith, Robert Harold	SP4	AR	27 Oct 46	24 Jan 67	Warminster
Thomas, Frank Herbert Jr	PFC	MC	18 Jan 47	30 Mar 67	Levittown
Williams, John Kirby	SW3	NA	21 Jun 43	9 Aug 67	New Britain
Wilson, Harry Conrad II	SP4	AR	23 Dec 46	18 Nov 67	Richboro
Worman, Kenneth Glen	PFC	AR	21 Apr 47	22 May 67	Perkasie
1968:					
Barr, William James	HN	NA	22 Sep 48	16 Jul 68	Warminster
Beaumont, Warren Martin	PFC	AR	24 Nov 48	12 Apr 68	Langhorne
Biers, Edward Nelson	PFC	MC	25 Nov 47	23 May 68	Fairless Hills
Brzewski, Steven Michael	SP5	AR	25 Oct 45	26 Mar 68	Levittown
Breece, William Warren, Jr	WO	AR	3 May 48	5 Dec 68	Morrisville
Brett, Robert Raymond	LT	NA	3 Jan 36	22 Feb 68	Penndel
Campbell, Donald Bruce	MAJ	MC	31 May 36	28 Jul 68	Richboro
Candy, John Elton	PFC	MC	15 Nov 47	11 Oct 68	Langhorne
C[illegible]ka, Michael J., Jr	1LT	AR	23 Jan 48	9 Dec 68	Eddington
Clampffer, Robert Lee	CPL	AR	26 Sep 47	6 May 68	Cornwells Heights
Cunnane, Dennis Thomas	PFC	MC	19 Jun 48	31 Jan 68	Levittown
D'Amico, Philip Anthony, Jr	PFC	MC	28 Sep 49	18 Aug 68	Morrisville
Deasy, Michael Francis III	PFC	AR	3 Dec 49	21 May 68	Levittown
Dennis, Paul Leslie	LCPL	MC	5 Apr 49	25 Apr 68	Cornwell Heights
Dunlap, John Turner III	2LT	AR	16 Feb 46	29 Apr 68	Feasterville
Guest, James Walker	PFC	AR	7 Apr 46	20 Feb 68	Levittown
Hamilton, George W., Jr	SGT	AR	28 Jan 47	11 Jul 68	Warminster
Hanks, Joseph Henry III	LCPL	MC	18 Nov 48	14 Dec 68	Croydon
Hille, Frank Elton	SSGT	AR	10 Apr 30	9 Feb 68	Danboro
Holland, Gary David	PFC	AR	5 Sep 44	9 Feb 68	Quakertown
Kalchbrin, Theodore K., Jr	SGT	AR	31 May 45	18 Jan 68	Levittown
Lyons, John Michael	CPL	AR	12 Jan 48	16 Sep 68	Andalusia
Meyers, Charles Carter	PFC	AR	21 Dec 47	31 Aug 68	Warminster
Miller, Philip Daniel	LCPL	MC	4 Mar 49	28 May 68	Quakertown
Millikan, John Russell	SGT	AR	23 Jul 47	18 Aug 68	Quakertown
Neill, Terry Thomas Patrick	CPL	AR	25 Oct 48	23 Jun 68	Bristol
Porter, James Frank	PFC	AR	15 Jun 46	31 Jan 68	Warrington
Radecki, Philip Henry	A1C	AF	16 Apr 47	7 May 68	Andalusia
Reeves, M. Raymond	SP4	AR	12 Aug 48	3 Mar 68	Bristol
Rowlett, Gary Paul	PFC	MC	18 Nov 49	17 Jul 68	Feasterville
Schramm, Christopher Joseph	SP4	AR	10 Oct 46	13 May 68	Fairless Hills
Skowiecki, Leonard F., Jr	SGT	MC	6 Nov 47	21 Sep 68	Gardenville
Stancil, Reginald Alfonso	1LT	AR	23 May 43	26 Jan 68	Bristol
Stellmach, Stanley R., Jr	SGT	AR	18 Oct 48	14 Apr 68	Levittown
Van Artsdalen, Clifford D. A	SP4	AR	25 Dec 49	9 May 68	Plumsteadville
Weaver, Ronald Lee	PFC	AR	9 May 46	23 Feb 68	Quakertown
Weintraub, Neil William	PFC	MC	26 Dec 49	22 Jun 68	Cornwells Heights
York, Larry Lee	CPL	AR	16 Dec 47	1 Jun 68	Trumbauersville
1969:					
Adams, Dennis Michael	PFC	AR	15 Aug 47	28 Feb 69	Andalusia
Clickner, Lee Fulton	1LT	AR	18 May 45	25 Oct 69	Langhorne
Connolly, Terrence Charles	CPL	AR	26 Jul 43	28 Oct 69	Levittown
Day, Arthur Michael	SP5	AR	18 Jul 48	8 May 69	Levittown
De Milio, Lawrence	PFC	MC	11 Aug 50	17 May 69	Levittown
Elliott, Donald Lyle	PFC	MC	7 Aug 50	10 Aug 69	Doylestown
Hallow, Donald William	SP5	AR	22 Dec 48	23 Feb 69	Bristol
Hawryshko, David William	RM2	NA	8 Jun 48	27 Feb 69	Bristol
Huntzinger, George Raymond	PFC	AR	5 Jul 49	29 Oct 69	Langhorne
Katzer, Frederick Robert	SGT	AR	23 Apr 41	26 Mar 69	Croydon
Lavezzoli, Paul Richard	2LT	AR	26 Mar 44	25 Nov 69	Levittown
McDonnell, William Herber	WO	AR	16 Mar 49	24 Jan 69	Newtown
McDowell, Lawrence Thomas	CPL	AR	21 Jun 50	29 Sep 69	Levittown
McGinnis, Michael Brian	PFC	MC	11 Aug 49	17 Sep 49	Levittown
Pastorino, Michael Anthony	SP4	AR	23 Apr 49	17 Nov 69	Southhampton
Patton, David Alan	PFC	MC	24 May 49	7 Jun 69	Bristol
Wunsch, Michael Charles	CAPT	MC	16 Mar 44	28 Jul 69	Feasterville
1970:					
Bluchichak, John Rodman	LCPL	MC	23 Aug 51	19 Jun 70	Levittown
Booth, William Douglas	CAPT	AR	13 Nov 41	12 May 70	Ivyland
Brennan, James Francis, Jr	AO3	NA	22 Nov 49	5 Jan 70	Levittown
Cavezzi, Steven Richard	PFC	AR	15 Sep 49	5 Aug 70	Fairless Hills
DeWitt, Victor Monroe	LCPL	MC	11 Sep 49	10 Nov 70	Revere
English, Glenn Harry, Jr	SSGT	AR	23 Apr 40	7 Sep 70	Cornwells Heights
Erbes, William James, Jr	2LT	AR	24 Nov 49	7 Jan 70	Upper Black Eddy
Hampton, Robert Post, Jr	SGT	AR	7 Sep 51	29 Jun 70	Levittown
Hill, Robert Oren, Jr	CWO	AR	10 Feb 48	27 Sep 70	Churchville
Lowman, Charles David	PFC	AR	27 Dec 49	1 May 70	Newtown
Luther, Nelson Charles	SSGT	AR	29 Aug 41	9 May 70	Warminster
Marsh, Paul F. C	SGT	AR	7 Mar 40	17 Apr 70	Bristol
Mebs, Frank Martin	SP5	AR	13 Sep 49	27 May 70	Newtown
Ortals, David John	CPL	MC	6 Feb 48	22 May 70	Levittown
Rickert, Glenn Dale	CAPT	AR	23 Aug 45	29 May 70	Souderton
Sheek, Boyd Leroy	CPL	AR	10 Apr 52	28 Jul 70	Yardley
Weidle, Robert James	PFC	AR	6 Sep 50	2 Sep 70	Cornwells Heights
Williams, Richard C	PFC	AR	18 Jan 46	4 Jan 70	Levittown
Williams, Thomas John	SP4	AR	31 May 47	28 Mar 70	Bristol
1971:					
Afflerbach, Mark	CAPT	AR	8 Jul 45	7 Mar 71	Levittown
Breslin, Patrick John	SP4	AR	11 Sep 52	18 Oct 71	Sellersville
Meggs, Robert Howard	PFC	AR	9 Aug 48	1 Oct 71	Lahaska
Markey, James Paul Jr	PFC	AR	4 Jun 47	26 Jan 71	Warminster
Montross, Charles Paul	SGT	AR	6 Feb 50	11 Feb 71	Warminster

Name	Rank	Service	Date of— Birth	Date of— Casualty	City
McDonald, Martin Terrance	SGT	AR	15 Dec 50	10 Apr 71	Langhorne.
Vasey, William Charles	LT	MA	2 Nov 44	7 Jan 71	Doylestown.
1972:					
Longfellow, Ronald Anthony	SP4	AR	22 Sep 51	19 Jan 72	Chalfont.
MIA:[1]					
Kemmerer, Donald Richard—Country of incident: North Vietnam	MAJ	AF	20 May 41	8 Aug 67	Quakertown.
Parker, Frank C. III—Country of incident: North Vietnam	MAJ	AF	2 Mar 40	29 Dec 67	Quakertown.
Sigafoos, Walter Harri III—Country of incident: Laos	CAPT	AF	29 Aug 46	25 Apr 71	Richboro.

[1] Taken from records of U.S. Archives, March 11, 1982 ●

FOOTWEAR IMPORTS

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. ANTHONY. Mr. Speaker, imports have severely injured the domestic footwear industry in the United States, and a serious effort must be made to institute a comprehensive import control program.

I am a member of the footwear caucus and am cognizant of the various problems that this industry has been experiencing during the last one and a half decades. The footwear industry is extremely important to the economic well-being of small town America. In my district and throughout the State of Arkansas, many workers have become permanently unemployed. In the first 2 months of 1984, 16 additional plants have closed in the United States, and at least 2,000 jobs in manufacturing have been lost.

This industry has made a Herculean effort to modernize in order to more effectively compete with foreign firms. Despite these efforts, the imported products have taken increasingly larger portions of the market.

Recently, the Footwear Industries of America, the Amalgamated Clothing & Textile Workers, AFL-CIO, and the United Food & Commercial Workers International Union, AFL-CIO filed a petition under section 201 of the Trade Act of 1974, before the International Trade Commission. I support the industry and the unions in their efforts to obtain import relief by establishing quantitative restrictions on nonrubber footwear imports for a 5-year period.●

PUBLIC PRODUCTIVITY ACT: A SPECIFIC INFRASTRUCTURE PROPOSAL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. OBERSTAR. Mr. Speaker, it has been 3 years since the book "America in Ruins," by Pat Choate and Susan Walters, first raised to national consciousness the deteriorating condition of our Nation's public capital resources, and made "infrastructure" a fitting item for the front cover of Newsweek, and feature of U.S. News & World Report and Time magazine.

Since those halcyon days of a year or two ago, infrastructure has slipped from the front pages—except when a bridge collapses, or a road turns into a bombscape of potholes. But the problem has not disappeared with the headlines, and while my colleagues on the Public Works and Transportation Committee have reported two major bills with loan provisions for water supply and waste water treatment systems, we still do not have before the Congress a comprehensive program to rehabilitate, repair and renovate our portfolio of public capital resources.

The legislation I propose today would provide the seeds of that overall program, as a companion to the National Public Works Corporation, H.R. 2419, introduced by my colleague, Mr. Clinger, and other proposals being considered by the Public Works Committee.

As the initial multitrillion-dollar cost estimates were announced, I asked the U.S. Conference of Mayors and the League of Cities to survey their members, to determine, first, how cities handle their infrastructure decisionmaking and financing and, second, the condition of municipal public facilities around the country.

The results were heartening. The survey, "Capital Budgeting and Infrastructure in American Cities: an Initial Assessment," indicated that over 90 percent of those 800 cities responding do use some sort of capital budgeting or some similar orderly decisionmaking process. Further, the survey indicated that infrastructure is a national issue, which is important in all regions of the country, not just the older ones. It also revealed that cities' infrastructure needs vary widely, although priorities cluster in a relatively few general categories such as streets and roads, waste water treatment, storm water collection and sewers. Cities vary greatly in their ability to finance infrastructure needs, and these needs cannot be met in many cases without Federal and State assistance.

Most important, however, the survey showed that while infrastructure needs are great, we should not be paralyzed by their magnitude. We can break the task down into manageable proportions.

The bill I introduce today will not solve the entire multitrillion-dollar infrastructure problem in this country. Nor can Federal grants do the job alone. I expect that the bill which ultimately comes to the House floor will have a loan provision as well as grants, but we will need to explore all forms of financing, including the private bond market, and many other innovative means of financing.

I am convinced, however, that a grant program to help distressed areas repair and improve their infrastructure is a necessary component of a more comprehensive approach to the overall problem.

The importance of maintaining our public capital portfolio goes beyond eradication of potholes and patching of pipe. The future economic well-being of our country depends on sound, adequate public capital facilities, the underpinning for all our private endeavors. Private productivity, which is the quintessential element in keeping our Nation preeminent as an economic force in the world, depends ultimately on public productivity. Industry and business cannot expand, and certainly would not locate, in communities where water and sewer capacity are not adequate, and where raw materials and finished products cannot be easily or competitively transported.

Today, as many as half to three-quarters of our communities cannot expand because their infrastructure is inadequate to accommodate new growth.

The bill I introduce today has two purposes: One, to protect our priceless existing investment in public capital, which American citizens have built with their tax dollars over the entire life of this country, by reversing the neglect and declining investment of the last several decades; and two, to prevent future neglect, by assisting owners and operators of public facilities to establish long-term capital improvement programs to assure maintenance and upkeep of this great resource.

The Infrastructure Improvement and Public Productivity Act of 1984 is a multiyear, one-shot catchup program to assist owners and operators of public capital in restoring private productivity by upgrading local public facilities and making them more productive. This bill would provide $2 billion per year in grants, on a 50-50 matching basis, to distressed areas to repair, renovate, reconstruct or construct public facilities which contribute to that area's economic growth and development.

Eligible recipients would be owners and operators of economic development-related public facilities: States, counties, townships, municipalities, and special districts such as water and sewer districts and port authorities.

Funds would be apportioned to reward States and other levels of government which are making the greatest effort to preserve their own public facilities; and to target areas where the needs are the greatest.

The bill looks to the future in its establishment of a pattern of capital budgeting and capital improvement programing, so that, once an area has caught up with its deferred infrastructure needs, it will not go back to its old ways of doing business, and allow its newly refurbished facilities to deteriorate again.

This is an ambitious bill, and I do not pretend that it is the final product. Rather, I introduce it as the subject of what I anticipate will be an extensive and lively debate. I will welcome comment from all sides on it, and will deal with these comments both during the hearing process of the Subcommittee on Economic Development, which I chair, and in any other forum.

The formula, I expect, will elicit the most comment. The State-by-State allocations are made on a four-part formula which reflects population, fiscal capacity, tax effort and capital expenditures.

Fiscal capacity would be determined by means of the representative tax system to be developed by the Secretary of Commerce on consultation with the Secretaries of Treasury and Interior, the Comptroller General and the Advisory Commission on Intergovernmental Relations. It would be similar to the RTS described in the March 1982, report by the ACIR entitled "Tax Capacity of the Fifty States: Methodology and Estimates."

The RTS method defines "tax capacity" as the amount of revenue that each State would raise if every State applied identical tax rates to each of 26 commonly used tax bases, including sales taxes, license taxes, individual income and corporate income taxes, property taxes, estate and gift taxes, and severance taxes.

I realize that the RTS does not include user fees and other equally valid measures of tax effort, and recommend that these be included in the RTS as well. Until the final RTS is developed by the agencies, the bill would use the ACIR's most recent version.

Tax effort, which measures the overall tax burden a State places on its tax base—tax capacity—would be similarly derived. The capacity measure pertains only to the level of economic resources in any State, resources that are potentially taxable, whether or not the particular State actually taxes those resources. Tax effort is the ratio of a State's actual tax collections to its tax capacity.

Therefore, my formula would make capacity in inverse proportion to the other factors.

The final fraction in the formula would be capital expenditures, as determined by the Secretary of Commerce, based on the 3 most recent years by State and local government, from non-Federal funding sources. Capital expenditures are defined as the average general expenditures for capital outlays. The data on expenditures are collected by the Bureau of the Census for publication in "Governmental Finances."

Each of these four factors would be expressed as ratios of each State's share to the national total.

A set-aside would be taken off the top of the appropriation, prior to allocation, of one-fourth of 1 percent for Puerto Rico, and another one-fourth of 1 percent for the territories, to be apportioned by population.

At the substate level, funds would be divided roughly on the basis of each level of government's proportionate share of capital spending within the State; that is, by the State itself, counties, townships, municipalities, and special districts. Data on such expenditures, by State and local governments, are gathered by the Census Bureau for the publication "Governmental Finances."

Projects would have to be located in, or substantially benefit, an area which is eligible for assistance under the urban development action grant program in the Department of Housing and Urban Development. Small cities currently eligible for UDAG assistance were published in the Federal Register on February 13, 1984. A list of eligible large cities and urban counties was published on February 9, 1984. More than 10,000, or about 56 percent, of smaller communities and over 400, or roughly 51 percent, of municipalities meet the distress standards using the UDAG criteria. The UDAG formula also includes so-called pockets of poverty in wealthy and therefore otherwise ineligible communities. I used the UDAG formula because, in addition to traditional indicators of economic distress, it contains an age of housing criterion, which would seem a good surrogate for age of infrastructure.

Funds could be used for the construction, renovation, reconstruction, and repair of public facilities; however, new construction would be permitted only where no similar facilities already exist. Funds could also be used to supplement a grant for a similar project made under another Federal program as long as the total Federal share did not exceed 80 percent.

Further, to assure that facilities repaired under this program are not allowed to deteriorate, the bill requires that the project and all its costs, including operating and maintenance costs, have been included in the capital improvement program which this bill requires as a prerequisite to funding.

I also have targeted projects which will expand the economic base of a community, promote economic diversity, or enhance economic development opportunities of its area, and will substantially contribute to the economic development of the area.

The bill further requires that funds be apportioned fairly between urban and rural areas.

The second major innovative feature of this bill is the capital budgeting and capital improvement program requirements I referred to above. This is an extremely important element of the program, in that it is the means to assure that owners and operators will establish and maintain an orderly schedule for protecting their capital plant.

Once funds have been allocated to the States, the Governor is required to set aside 1 percent of that allocation for capital budgeting and capital improvement programs. The State itself, and any local governments, could receive a grant on a one-time basis to develop a capital improvement program.

The National Council on Governmental Accounting has defined the capital improvements program as:

> A plan for capital expenditures to be incurred each year over a fixed period of years to meet capital needs arising from the long-term work program or otherwise. It sets forth each project or other contemplated expenditure in which the local government is to have a part and specifies the full resources estimated to be available to finance the projected expenditures.

Capital improvement programs vary from the simple to the extremely complex, depending on the size of the governmental unit and the sophistication of the participants. The CIP is usually for 5 to 6 years. Capital improvements programing is the multiyear scheduling of capital improvements for a community based on agreed-upon priorities, available funding sources, and local financing capabilities. The capital improvements program includes a list of all proposed capital improvements ranked in order of priority, an identification of all possible funding sources, an analysis of the financing capability of the local government, and a schedule or timetable for development.

In many cases, the first year of the CIP is called the capital budget, which refers to those capital improvements that are programed for the next fiscal year. A capital budget can generally be thought of as the link between the longer term capital improvements program and the current annual budget and appropriation process used by most governmental units. Most governmental units update the CIP annually.

An important distinction between the capital budget and the capital improvements program is that the 1-year capital budget is a part of the legally adopted annual operating budget, while the longer term capital improvements program does not have legally binding significance.

A capital improvements program for all of the owner-operator's public facilities would be a condition for receiving funding under this program for repair or improvement of a single project or element in that overall program.

I want to note also that this bill will dovetail nicely with the National Development Investment Act, H.R. 10, which passed the House last summer by a margin of 306 to 113. H.R. 10 requires communities to design development investment strategies as a prerequisite for individual projects. These strategies will be important components of the capital improvement programs developed under this legislation.

I put this bill forward to initiate debate on a concrete proposal, and look forward to full discussion of all the issues this legislation raises.●

REVITALIZING THE WATER QUALITY RENEWAL ACT

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. CARPER. Mr. Speaker, as a cosponsor of the original Water Quality Renewal Act, I am extremely disappointed with the bill that emerged from the Public Works Committee. Public opinion polls consistently demonstrate a strong interest in cleaner waterways and safe drinking water, but this bill would reverse a decade of progress in controlling water pollution. The bill reported by the committee would weaken current law in a number of critical respects.

I am particularly concerned with one weakening provision in the bill that has the potential to hinder the ability of public sewage treatment plant to comply with the act's requirements. This provision removes EPA's authority to require industries to implement additional pretreatment of conventional pollutants when municipal treatment plants are unable to comply with the conditions in their permits—often because of excessive industrial inputs.

According to a General Accounting Office study, 31 percent of the treatment plants it surveyed were in "significant noncompliance" with their permit requirements. Moreover, treatment plant overloading—particularly from industrial sources—was a major cause of this noncompliance. Eliminating the EPA's authority to require additional pretreatment as an enforcement tool will exacerbate municipal noncompliance problems and increase pollution caused by discharges of municipal wastes.

A continued Federal role is needed since many municipalities have neither the will nor the economic resources to require major local industries to provide additional pretreatment of their wastes.

Over $40 billion have been invested in municipal sewage treatment plants over the past decade. As a result, much progress has been made in correcting water pollution problems. But because many of these plants are not operating correctly, our investment has not yielded the expected clean water dividends. I feel strongly that the few enforcement tools available to assist municipalities in meeting the law's requirements must be preserved. I cannot, therefore, condone a weakening of the Clean Water Act in the fashion proposed in the bill passed by the Public Works Committee.●

A BILL FOR THE RELIEF OF DR. RAJKO MEDENICA

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. DERRICK. Mr. Speaker, today I am introducing a private bill to permit entry into the United States, under permanent resident status, a renowned cancer specialist and native of Yugoslavia, Dr. Rajko Medenica. I am pleased to note all of my colleagues in the South Carolina House delegation are original cosponsors of this bill, and I would note that Senator HOLLINGS has introduced this measure in the Senate for himself and Senator THURMOND.

Mr. Speaker, the plight of Dr. Medenica was first brought to my attention by the former Governor of South Carolina, and former Ambassador to Saudi Arabia, the Honorable John West. Governor West has had personal and direct knowledge of the work of Dr. Medenica, and is presently spearheading an effort to insure permanent resident status for Dr. Medenica.

Rajko D. Medenica, M.D., Ph. D., age 45, was born in Montenegro, Yugoslavia, and has lived and practiced medicine in Switzerland for the past 16 years. He is a highly acclaimed pioneer in the use of interferon along with other therapies in the treatment of cancer, and is presently in the United States seeking citizenship.

Dr. Medenica was appointed by the World Health Organization to serve as a member of its Panel of Experts in Cancer. Most recently, he has been appointed scientific consultant at Roswell Park Memorial Institute, the Nation's oldest and one of its most prestigious cancer research facilities, by Dr. Gerald P. Murphy, president of the American Cancer Society and institute director. Dr. Murphy is activity supporting Dr. Medenica's effort to gain U.S. citizenship.

This short recitation of Dr. Medenica's background, however, does not even begin to do justice to the countless professional accomplishments, diagnostic and treatment successes he has achieved.

Mr. Speaker, Dr. Medenica has been in the United States since February 4, 1984, under parole granted by the U.S. Immigration and Naturalization Service and is currently residing in South Carolina. The Immigration and Naturalization Service has recently reparoled Dr. Medenica for humanitarian reasons because of the critical nature of his consultations in the treatment of a particular cancer patient whose life expectancy was measured in days prior to meeting Dr. Medenica in February. This particular patient has realized a complete remission of a tumor that was deemed inoperable, as well as a cessation of pain that necessitated his taking medication every 2 hours.

Licensed U.S. physicians have achieved near miraculous results in several other case studies utilizing the treatment protocol recommended by Dr. Medenica. Because he is not licensed to practice here, Dr. Medenica cannot actually prescribe and supervise the administration of medication. However, his treatment protocol has been successfully administered, and in his capacity as a consultant to Roswell Park Memorial Institute at Buffalo, Dr. Medenica has already been put in charge of a research program at that institution.

Mr. Speaker, I have always approached private immigration bills with some degree of skepticism. However, I honestly believe Dr. Medenica's experience and expertise holds the promise of providing a true national asset to the United States in its war on cancer. Dr. Medenica has already established a record of success in the United States, and I urge my colleagues on the House Judiciary Committee to expeditiously consider the admission of Dr. Medenica to the United States under permanent resident status.●

H.R. 3282: A GOOD BILL CAN BE MADE BETTER

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● **Mr. OBERSTAR.** Mr. Speaker, the House will in the very near future consider H.R. 3282, the Water Quality Renewal Act of 1984.

The bill has many good features, with strong and needed support for many important programs, such as construction grants, clean lakes, the Chesapeake Bay, estuary protection, and my nonpoint source control provisions. I commend the bill's authors and the Public Works and Transportation Committee for their very fine work on these and many other sections.

Regrettably, however, in certain specific sections, the bill weakens provisions of the existing Clean Water Act, and undoes the carefully crafted pollution control strategies worked out by previous Congresses and now being implemented by the Environmental Protection Agency.

A number of colleagues and I intend to offer amendments on the floor to restore the integrity of the Clean Water Act, and make H.R. 3282 a bill in which we all can take pride.

As a member of the Public Works and Transportation Committee, which developed this bill, I do not offer these changes lightly. I do hope that my committee colleagues, as well as the other Members of this body, will be able to support our amendments, which will be available to all before the bill comes to the floor. However, since neither the committee report nor the final version of the bill as amended in full committee is available yet, I will limit my remarks today to highlighting the provisions of concern.

TEN-YEAR PERMITS

Under current law, water pollution discharge permits are issued for 5 years. H.R. 3282 would extend this to 10 years, making permits immune, for a full decade, to modifications needed to reflect upgraded water quality standards, or changes in many important pollution control requirements. While EPA and the States currently have a considerable backlog of permits, this backlog can be expected to disappear once EPA issues all of its long-awaited industrial toxic regulations.

ONE-YEAR EXTENSION FOR ELECTROPLATERS UNWARRANTED

Electroplaters, the first major industry facing pretreatment controls, have had 5 years to comply with pretreatment standards. They are the largest industrial dischargers of toxic metals into sewage treatment plants, discharging 50 million pounds of highly toxic cadmium, lead, other metals and organic chemicals per year. EPA has finally issued an enforcement strategy to bring electroplaters into compliance.

H.R. 3282, which grants them up to a 1-year extension of the current deadline, negates EPA's enforcement strategy, and rewards a category of industry which has dragged its feet, and spent its allotted compliance time in court rather than in implementing cleanup. Rewarding the footdraggers here penalizes the competition within the industry which has installed controls, and sends a signal to other industries that delay is the best strategy as well.

INTEGRATED FACILITIES

Those which combine wastes from various industrial processes into one waste stream, discharge large amounts of such toxic pollutants as lead, chromium, cyanide, copper and zinc into sewage treatment plants. Their current compliance deadline is June 1984. H.R. 3282 would postpone compliance with the first standard for those facilities for up to a year, and give electroplaters an extra year and a half to comply. Again, the need for this measure has not been proven to outweigh the environmental damage this additional release of toxics into the environment will cause.

REOPENED MINES

H.R. 3282 contains a provision which would weaken the Surface Mining Act as well as the Clean Water Act by allowing coal mining companies that want to remine old surface mines to treat only the wastes created by the new operation and not any discharges from the old site, as required under current law. No need for this type of relief has been demonstrated, and it would wreak havoc with the streams and rivers adjacent to coal mining operations.

INCREASED FUNDS FOR SPRAWL-CAUSING COLLECTOR SEWERS

H.R. 3282 restores funding eligibility for collector sewers, the lines which run from individual homes to the central system. Funding for these sewers was curtailed in the 1981 amendments, to assure that scarce dollars were directed to pollution control, to the treatment plants themselves, rather than to very costly pipes which have little or no bang for the buck. The Clean Water Act already permits a State to use up to 20 percent of its construction grant allotment for these sewers where they are absolutely necessary. We need to concentrate our resources on pollution control rather than on encouraging urban sprawl and the destruction of agricultural lands.

PRETREATMENT FOR CONVENTIONAL POLLUTANTS

Some industries discharge large amounts of conventional pollutants into public sewer systems. Currently, EPA can require additional pretreatment of these pollutants by the discharging industry if the treatment plant is having difficulty meeting its permit limits. H.R. 3282 would limit enforcement of pretreatment requirements to the municipality, and prohibit enforcement against industrial dischargers where the design or operation of the treatment plant are inadequate. This precludes enforcement flexibility and would encourage endless lawsuits over whether the plant or industry was at fault, and hopelessly exacerbate sewage treatment noncompliance.

STORMWATER RUNOFF FROM CERTAIN FACILITIES EXEMPTED

Currently, stormwater runoff from mining sites and refineries must have a permit if it is collected and discharged through pipes. H.R. 3282 would eliminate permits for these discharges if the stormwater does not contain toxic pollutants above background levels. Unregulating a regulated activity would remove the only means of monitoring these discharges—the permit—and put the burden of proof on EPA, not on the polluter, in cases where it is very difficult, if not impossible, to determine background levels of pollutants.

ALASKA PULPMILLS

Pulpmills in the lower 48 States have complied with water discharge requirements, at added production costs. H.R. 3282 would give two mills in Alaska a variance which EPA has already tentatively denied, and give these same mills not only the right to pollute but an unfair commercial advantage over their good citizen competition.

GROUND WATER PROTECTION

Nonpoint source pollution is a major cause of ground water contamination. In many areas of the country, EDB, other pesticides, and fertilizers have leached into drinking water supplies. The nonpoint source control provisions of H.R. 3282 currently apply only to surface waters. The authority of this bill should be broadened to include protection of ground water.

Mr. Speaker, as I said at the outset, there are many good and sound provisions in H.R. 3282, which deserve to be supported by the Congress. But at the same time, there are provisions which undo sections of existing law which have not been proven faulty. My hope at this point is that the House will have the time necessary to read the final version of the bill, the report, and to let us make our case for the amendments we will offer. I am convinced that we can make this good bill a better and indeed the best bill possible.●

THE IMPORTANCE OF COAL RESEARCH

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. WALGREN. Mr. Speaker, the following excerpt from a speech by Secretary of Energy Donald Hodel appears as the May 28 editorial in Chemical and Engineering News and is evidence of a changing attitude toward coal research within the Department of Energy.

According to the Secretary, great strides have been made in research into finding ways to burn coal cleanly. Much of this research is being done at the Pittsburgh Energy Technology Center, located in my district near South Park, Pa., which is one of two remaining federally operated research laboratories in the country.

For many of these technologies, the necessary bridge to the commercial marketplace would be demonstration or semiworks projects which illustrate the cost effectiveness and maturity of the technologies. Several bills currently pending, including my bill, H.R. 5044, the National Coal Science, Technology, and Engineering Development Act of 1984, would set programs to meet this need.

I was further heartened a month ago when Secretary Hodel phoned me in response to my work in this area to express the administration's recognition of an unmet need in the area of coal technology demonstrations.

I commend Secretary Hodel's speech to my colleagues as a lucid explanation of part of the great promise of our coal research program.

COAL RESEARCH

(By Donald P. Hodel)

[The Administration's] fiscal year 1985 budget request for coal research—at $178 million—represents a 75 percent increase over our budget request last year. And, this comes at a time when we continue to try to restrain federal budgets. We recognize that these requested amounts are still somewhat below the levels appropriated by Congress, but they represent a great increase in our commitment to this area.

The budget request increases are directed principally at technologies to permit coal to be burned with minimal environmental impact, such as flue gas cleanup, gas stream cleanup, coal preparation, and other coal-cleaning technologies.

Promising things are happening in the research area:

In coal combustion—where fluidized-bed combustion is capable of removing 90 percent of sulfur dioxide and holding nitrogen oxide release to below the limits. Technology is now commercially available and economically competitive for mid-size industrial boiler applications. At last count, at least 60 fluidized-bed systems were operating in this country and as many more are on order. This is the classic example of success where the federal government performed the basic research and the private sector is developing the technology on an industrial scale. Nearly every boiler manufacturer in this country today either offers or is developing a fluidized-bed combustor.

In coal preparation—where new opportunities are being found to remove sulfur and mineral matter at or near the mine through fine grinding, physical cleaning, and chemical cleaning where we hope to remove organic sulfur. We've made quantum leaps in our understanding of coal chemistry, and that makes it likely that a new chemical cleaning concept will cross the commercial threshold in the early 1990s.

In scrubbers—where opportunities exist to improve today's scrubbers, both for new power plants and for retrofitting existing plants. At the Department of Energy, our research focus in to develop scrubber systems that remove 90 percent of sulfur dioxides and nitrogen oxides—hoping for commercial potential in the 1990s.

This Administration increasingly has emphasized the importance of research across the entire frontier of energy issues, in an effort to push back technological and scientific boundaries. We seek to make opportunities available for the innovation and imagination of the private sector to move forward with whatever appears to be appropriate and promising technologies.

I believe that in my lifetime we will see what a layman would call a scientific or technological "breakthrough" which will change the way in which energy is produced, consumed, and priced. The world's and [the U.S.'s] energy potential is enormous. It is the science of conversion that is difficult. It is on that aspect of the problem that we are determined to place emphasis. We have increased our expenditures in scientific research in the hope that we can move closer to such a breakthrough. When we succeed, whether in the public or private sector, development and commercialization fall to the private sector.

We all recognize that if we don't improve the way coal is burned, both economically and environmentally, intensified pressures to control emissions may create obstacles to the use of this vital resource.

But we are making real progress in research. Tremendous opportunities exist for coal to play an increasing role in our energy mix without compromising our environmental objectives.●

GILMAN APPLAUDS APPROPRIATION OF FUNDS FOR MAHWAH/SUFFERN FLOOD CONTROL PROJECT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. GILMAN. Mr. Speaker, I rise to applaud the recent actions of the Appropriations Committee and the Energy and Water Development Subcommittee in appropriating $250,000 for the continuation of planning and engineering of the Mahwah/Suffern flood control project.

The area under consideration for flood mitigtion measures is located in Mahwah, N.J. and Suffern, N.Y. along the Ramapo River from the Route 17 bridge upstream to the New Jersey-New York line, a distance of approximately 4,200 feet and along the Mahwah River from its confluence with the Ramapo River. The principal problem along the Ramapo and Mahwah Rivers is flooding caused by overtopping of the channel banks.

In November 1977, a flood resulting from the overflow of these two rivers caused in excess of $3,891,000 in damages to both private and public property. More recently, in April 1984, flooding which occurred in Rockland County prompted a Presidential disaster declaration. Among the areas that were particularly hard hit were the Village of Suffern and surrounding communities. The damage which occurred as a result of the flooding, directly attributable to the overflow of the Ramapo River, was both widespread and extensive, effecting both business and residential property.

The current project being considered, which would alleviate the recurrent destructive flooding in Mahwah/Suffern area, is being studied as part of the Passaic River basin (PRB) phase I advanced engineering and design study which was authorized by the Water Resources Development Act of 1976 (Public Law 94-587) dated October 22, 1976). The current study, which separates the review of the Mahwah and Ramapo Rivers from the mainstem of the Passaic River basin, was initiated in June 1979. This severance was undertaken so as to expedite the review of the Ramapo and Mahwah Rivers. The study area was approved for interim study in April 1982 and the draft interim report was approved in March 1983. The final interim report was approved on March 21, 1984 by the board of engineers.

With the recent appropriation of $250,000, the area engineer will be able to initiate the drafting of the General Design Memorandum as the Army Corps of Engineers enters phase II of the project. It is clear that area residents have suffered far too long from the continuous flooding of their homes and businesses. I believe that this most recent appropriation is an indication of commitment by my colleagues and by the Army Corps of Engineers to see it through to fruition with all due speed.●

GALENA PARK HIGH SCHOOL GRADUATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1984

● Mr. FIELDS. Mr. Speaker, I was to be the graduation speaker at the Galena Park High School commencement exercise tonight, May 31, 1984. Because of important votes relating to our country's national defense, I had to remain in Washington to discharge my congressional duties and missed the honor of being with the 1984 graduating class of Galena Park High School in person.

I have submitted for the RECORD the remarks that I had planned to give at the commencement exercise:

THE MOST IMPORTANT DECISIONS IN ONE'S LIFE

It is a real honor for me to address the 1984 graduating class of Galena Park High School. I think that I would be remiss if I did not begin by saying "Congratulations!" to you on this night of accomplishment.

I, also, want to congratulate your parents, your brothers and sisters, and other relatives—because tonight is a shared accomplishment—an accomplishment of which all who care about you should be proud.

When I was preparing this speech, I thought back to my graduation from Humble High School 14 years ago. It was humid, as it is tonight, my graduation robe was hot as I'm sure yours must be, and I was filled with mixed emotions. I was scared because of uncertainty, I was sad because I realized that I was seeing some life-long friends for the last time (which has proven to be the case), and I was excited about the future, the challenge of things to come. And, you know, the purpose of a graduation speaker is to congratulate you on this accomplishment, to be brief, and to challenge and advise as to your future.

And remembering those thoughts, I have a few thoughts to "share"—and I want to emphasize the word "share"—because when I was your age, I didn't mind someone sharing something with me if that person was sincerely interested in me, but I never liked someone "preaching" to me or at me from some pillar or soapbox.

So, tonight I have a few thoughts that pertain to the most important decisions that you ever have to make in your life. In fact, the text of my remarks comes from a sermon that I heard about 20 years ago—a sermon that I have never forgotten—a sermon where the pastor talked about the most important decisions in our life. And, as I have grown older I have found that the pastor was absolutely correct.

He said that one of the most important decisions that a person ever has to make is the choice of a marital partner—a husband or wife. And, to be honest, this is one decision that I can be of little help with. I will only say that I think God has someone for each of us—and we should be patient until that person is presented. Roni Sue and I have been married for 5 years, and I will say that there is no relationship that compares with a good marriage and hope that all of you are prayerful as you make that decision.

The second major decision that the pastor talked about was choosing a vocation—what you plan to do to make a living and contribute to this society. And this decision does have a double edge—not only are you deciding what you want to do to make a living, you are also a contributor to this system of ours. And, I think, too many times nowadays, too many people focus only on themselves—a "me" philosophy thinking that somebody, usually the federal government owes them something.

Well, I think that the only thing that we are owed is equal opportunity to compete in a country free from outside aggression. And, there is nothing wrong with competition—it makes all of us more productive, more efficient and allows us to aspire to limitless heights.

But to compete effectively, you must do several things.

Always take time to set goals—even if the goals may seem impossible at the time. The common element in all successful people is not their looks, their intelligence, nor their wealth. It is their ability to set and achieve goals. Without goals, your hours, your days, your lives, to a huge extent will be wasted.

If you don't set goals, you'll be like Farmer Jones. One of Farmer Jones' days was recently recorded in his journal—it went something like this:

"Decided to cut the hay. Started to harness the mules, and found that a harness was broken; took the harness to the barn, and noticed some empty sacks; the sacks were a reminder that some potatoes in the cellar needed the sprouts removed; went to the cellar to do the job, and noticed the room needed sweeping; went to the house to get the broom and noticed the woodbox was empty; went to the woodpile, and noticed some ailing chickens; decided to get some medicine; but was out of medicine; so jumped in the car and headed for the veterinarian's on the way, ran out of gas."

Don't be a Farmer Jones—set goals.

Also, to compete effectively and successfully I have found that perspiration is an essential ingredient. I'm sure that you have gotten a lot of advice from your parents—and I'm here to say that my parents grow smarter each day that I grow older—but I would imagine that your parents have said "that you never get anything of value for nothing". And usually that translates into hard work and making sacrifice—and I've certainly found that true in my life.

When I was 8 years old, I began working in our family business, Rosewood Cemetery at 25 cents an hour—and, I got all of the jobs that nobody else wanted—and believe me there are a lot of jobs that nobody wants in a cemetery.

Then, I worked my way through undergraduate and law school at Baylor University selling cemetery property door-to-door.

Then when I got out of law school, I opened up my law practice in Humble working 6 days a week, 14 hours a day.

When I ran for Congress, I knocked on 25,000 doors.

As your Congressman, I have held 150 town meetings in 3½ years, and come home just about every weekend.

And in my lifetime, I have never found that anything that is worth something has come without hard work—whether its selling cemetary property or representing 525,000 people in the United States Congress.

And also to compete successfully one must be prepared—and the most important element in preparation is education. Tonight, we are celebrating one aspect of your education—but your thirst for learning should never be quenched. In fact, I think we only begin to approach intelligence when we realize how little we actually know.

When I was sitting where you are sitting 14 years ago, I thought that I was pretty smart—had made good grades, was an academic hot-shot. Then I went to Baylor and found that there were a host of other academic hot shots and the competition became pretty keen.

But I made good grades, went to law school and then found that the competition became even more difficult. Got out of law school, set up my practice and found out that my clients wanted to know if I could represent them effectively.

You are going to be asked that question someday—whether you go immediately into the workforce or go on to college—someone is going to ask, "What can you do for me?, What can you do for my business?"

And that person is not going to care if you were the most popular, dated the most, were the best football player, was all-state in band?

And if you are not prepared to answer that question—you are not going to be given the opportunity to go back and learn and make-up what you blew off.

So, please seize your educational opportunities and prepare yourself for your future vocation.

The third decision that the pastor talked about was the relationship that we have with our country. We live in the greatest country that has ever existed—but our country is only great if we participate because through participation our collective will and judgment is expressed in Washington, Austin, and here locally. If we don't participate, we cannot complain if government, at whatever level, does not represent you.

I recently went to West Germany (example of East-West Border).

Regardless of your level of participation your involvement keeps the United States a participative and representative democracy—we all have a duty and obligation to preserve the freedoms for which our forefathers fought, bled, and died.

And the fourth decision that the pastor talked about—and the most important—was the decision that we must all make as to our relationship with God. I am convinced that there is a God, that he sent his son, Jesus Christ, who died a horrible death for our sins, who rose on the third day, and whose resurrection and belief in Him gives us the key to everlasting salvation.

And you might ask whether it is appropriate to talk about God and Jesus Christ at a public gathering and I think it is for several reasons.

First, when our forefathers wrote our constitution with the Bill of Rights they meant for us to have freedom of religion not freedom from religion. Their purpose in creating the doctrine of separation of church and state was to prohibit the creation of a national religion as had existed in England—not to prohibit religious expressions which many in this country now want to prohibit.

Secondly, I think it is appropriate to talk about God, Jesus, and the Bible tonight because I've been asked to give advice to you as you graduate and enter a new phase of your life.

And, in your new life, your future, you are going to be faced with many tough decisions. I urge you when faced with tough decisions to always turn to your heavenly father and the greatest textbook, the Bible.

When I'm faced with pressures or tough decisions, I turn to the Bible. For example, the issue of abortion is very emotional—people saying that there should be a choice. Well, the Bible doesn't talk about choice—the Bible talks about the sanctity of Human life. And when medical science defines life as beginning at conception, "choice" is in conflict with the Bible.

Or take homosexuality—there are those who say that homosexuality is an "alternate lifestyle". But the Bible in Leviticus says that it is an abomination.

Or take the issue of prayer—the Bible is constantly referring to communication with our heavenly father—the Bible says nothing about the Supreme Court prohibiting prayer in public places.

So, I urge you when faced with problems great or small—turn to your Bible and communicate with your heavenly father.

To me, these are the major decisions that you must make in life—your marital partner, your vocation, your relationship with your country and God—

There will be times in your life when you may feel depressed and a little down. Just remember to dust off your dreams and re-

HOUSE OF REPRESENTATIVES—*Monday, June 4, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *June 1, 1984.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 4, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, in this new day, we pray that the brightness of Your grace and the beauty of Your creation will fill our hearts with every blessing. With so many tensions and disappointments in the world and so many fears in the future, may Your comforting spirit ever give us hope. Encourage us to use our abilities to heal the hurts between people and lessen the dangers of confrontation and conflict. Give us and all Your people, O gracious God, the spirit of love and conciliation and may Your benediction be with us all our days. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the consideration of bills under motions to suspend the rules.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 6, 1984.

The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

JUVENILE JUSTICE, RUNAWAY YOUTH, AND MISSING CHILDREN'S ACT AMENDMENTS OF 1984

Mr. WILLIAMS of Montana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4971) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984".

FINDINGS

SEC. 102. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "account" and inserting in lieu thereof "accounted", and

(B) by striking out "today" and inserting in lieu thereof "in 1974 and for less than one-third of such arrests in 1983",

(2) in paragraph (2) by inserting "and inadequately trained staff in such courts, services, and facilities" after "facilities",

(3) in paragraph (3) by striking out "the countless, abandoned, and dependent", and

(4) in paragraph (5) by striking out "prevented" and inserting in lieu thereof "reduced".

PURPOSE

SEC. 103. Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (1) by striking out "prompt" and inserting in lieu thereof "ongoing",

(2) in paragraph (4) by striking out "an information clearinghouse to disseminate" and inserting in lieu thereof "the dissemination of", and

(3) in paragraph (7) by inserting "and homeless" after "runaway".

DEFINITIONS

SEC. 104. Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3)—

(A) by striking out "control,",

(B) by striking out "for neglected, abandoned, or dependent youth and other youth", and

(C) by inserting "juvenile" after "prevent",

(2) in paragraph (6) strike out "services," and insert in lieu thereof "services),",

(3) in paragraph (14) by striking out "and" at the end thereof,

(4) in paragraph (15) by striking out the period at the end thereof and inserting in lieu thereof "; and", and

(5) by adding at the end thereof the following new paragraph:

"(16) the term 'valid court order' means a court order given by a juvenile court judge to a juvenile who has been brought into court. In order to be in violation of a valid court order, the juvenile must first have been brought into the court and made subject to a court order. The juvenile in question would have to have received adequate and fair warning of the consequences of violation of the order at the time it was issued. The use of the word 'valid' permits the incarceration of juveniles for violation of a valid court order only if they received their full due process rights as specifically enumerated by the United States Supreme Court.".

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 201. Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611) is amended—

(1) striking out subsection (e),

(2) by amending subsection (f) to read as follows:

"(e) There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General and whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established by section 241 of this Act. The Deputy Administrator shall also perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.", and

(3) by striking out subsection (g)

TECHNICAL AMENDMENTS

SEC. 202. (a) Section 202(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(a)) is amended by striking out "him" and inserting in lieu thereof "the Administrator".

(b) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 203. (a) Section 204(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(a)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

(b) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Administrator",

(2) in paragraph (4) by striking out "he" and inserting in lieu thereof "the Administrator",

(3) in paragraph (5) by striking out "and",

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

(4) in paragraph (6) by striking out the period and inserting in lieu thereof "; and", and

(5) by inserting after paragraph (6) the following new paragraph:

"(7) provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of such systems.".

(c) Section 204(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(e)) is amended by striking out "subsection ('l')" and inserting in lieu thereof "subsection (l)".

(d) Section 204(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(f)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "he" and inserting in lieu thereof "the Administrator".

(e) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Administrator".

(f) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended—

(1) by striking out "title" and inserting in lieu thereof "section", and

(2) by striking out "he" and inserting in lieu thereof "the Administrator".

(g) Section 204(l) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)) is amended—

(1) in paragraph (1)—

(A) by striking out "section 204(d)(1)" and inserting in lieu thereof "subsection (d)(1)", and

(B) by striking out "section 204(f)" and inserting in lieu thereof "subsection (f)",

(2) in paragraph (2)—

(A) by striking out "subsection ('l')" and inserting in lieu thereof "paragraph (1)", and

(B) by striking out "section 204(e)" each place it appears and inserting in lieu thereof "subsection (e)", and

(3) in paragraph (3)—

(A) by striking out "him" and inserting in lieu thereof "the Administrator", and

(B) by striking out "subsection ('l')" and inserting in lieu thereof "paragraph (1)".

(h) Section 204(m) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(m)) is amended by striking out "7.5 percent" and inserting in lieu thereof "4 per centum".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 204. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended by striking out "Community Services Administration" and inserting in lieu thereof "Office of Community Services".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended by striking out "deliquency programs" and inserting in lieu thereof "delinquency programs and, in consultation with the Advisory Board on Missing Children, all Federal programs relating to missing and exploited children".

(c) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(d) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by striking out "$500,000" and insert in lieu thereof "$200,000".

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 205. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617(a)) is repealed.

TECHNICAL AMENDMENTS

SEC. 206. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for subpart I of part B of title II the following new heading for section 221:

"AUTHORITY TO MAKE GRANTS".

(b) Section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended—

(1) by striking out "and the Trust Territory" and inserting in lieu thereof "the Trust Territory", and

(2) by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

STATE PLANS

SEC. 207. (a) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended—

(1) paragraph (3)—

(A) by amending subparagraph (C) to read as follows:

"(C) which shall include (i) representatives of private organizations, including those with a special focus on maintaining and strengthening the family unit, those representing parents or parent groups, those concerned with delinquency prevention and treatment and with neglected or dependent children, and those concerned with the quality of juvenile justice, education, or social services for children; (ii) representatives of organizations which utilize volunteers to work with delinquents or potential delinquents; (iii) representatives of community based delinquency prevention or treatment programs; (iv) representatives of business groups or businesses employing youth; (v) youth workers involved with alternative youth programs; and (vi) persons with special experience and competence in addressing the problems of the family, school violence and vandalism, and learning disabilities,", and

(B) in subparagraph (F)—

(i) in clause (ii) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraphs (12), (13), and (14)", and

(ii) in clause (iv) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraphs (12), (13), and (14)",

(2) in paragraph (9) by inserting "special education," after "education,",

(3) in paragraph (10)—

(A) in subparagraph (E) by inserting ", including programs to counsel delinquent youth and other youth regarding the opportunities which education provides" before the semicolon at the end thereof,

(B) in subparagraph (F) by inserting "and their families" before the semicolon at the end thereof,

(C) in subparagraph (H)—

(i) in clause (iii) by striking out "or" at the end thereof,

(ii) in clause (iv) by inserting "or" at the end thereof, and

(iii) by adding at the end thereof the following new clause:

"(v) involve parents and other family members in addressing the delinquency-related problems of juveniles;",

(D) in subparagraph (I) by striking out "and" at the end thereof,

(E) in subparagraph (J) by inserting "and" at the end thereof, and

(F) by adding at the end thereof the following new subparagraph:

"(K) programs and projects designed to provide for the treatment of juveniles' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;",

(4) by amending paragraph (12) to read as follows:

"(12)(A) provide within three years after submission of the initial plan that juveniles who—

"(i) are charged with or have committed offenses that would not be criminal if committed by an adult;

"(ii) have committed offenses which are not found to constitute violations of valid court orders; or

"(iii) are such nonoffenders as dependent or neglected children;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which—

"(i) are the least restrictive alternatives appropriate to the needs of the child and the community involved;

"(ii) are in reasonable proximity to the family and the home communities of such juveniles, and

"(iii) provide the services described in section 103(1);",

(5) by amending paragraph (14) to read as follows:

"(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1989, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours of custody (excluding weekends and holidays) provided that such exceptions are limited to areas which—

"(i) are outside a Standard Metropolitan Statistical Area,

"(ii) have no existing acceptable alternative placement available, and

"(iii) are in compliance with the provisions of paragraph (13).",

(6) in paragraph (18)—

(A) by striking out "arrangements are made" and inserting in lieu thereof "arrangements shall be made",

(B) by striking out "Act. Such" and inserting in lieu thereof "Act and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such",

(C) in subparagraph (D) by inserting "and" at the end thereof,

(D) in subparagraph (E) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and

(E) by striking out the last sentence of such paragraph,

(7) by striking out the last sentence thereof,

(8) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (20), (21), (22), and (23), respectively, and

(9) by inserting after paragraph (16) the following new paragraph:

"(17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen and maintain the family units of delinquent and other youth to prevent juvenile delinquency. Such approaches should include the involvement of grandparents or other extended family members when possible and appropriate;".

GRANTS AND CONTRACTS

SEC. 208. Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended to read as follows:

"AUTHORITY TO MAKE GRANTS AND CONTRACTS

"SEC. 224. (a) From not less than 15 per centum, but not more than 25 per centum, of the funds appropriated to carry out this part, the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals to do each of the following during each fiscal year:

"(1) develop and maintain community based alternatives to traditional forms of institutionalization of juvenile offenders;

"(2) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

"(3) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within each State involved;

"(4) develop and support programs to encourage the improvement of due process available to juveniles in the juvenile justice system;

"(5) develop and implement model programs, relating to the special education needs of delinquent and other youth, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies; and

"(6) develop model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

"(b) From any special emphasis funds remaining available after grants and contracts are made under subsection (a), but not to exceed 10 per centum of the funds appropriated to carry out this part, the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, or individuals, to develop and implement new approaches, techniques, and methods designed to—

"(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent juvenile delinquency;

"(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(3) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

"(4) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

"(5) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this title, both by amending State laws if necessary, and devoting greater resources to those purposes;

"(6) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and

"(7) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes.

"(c) Not less than 30 per centum of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, or institutions which have had experience in dealing with youth.

"(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged youth, including mentally, emotionally, or physically handicapped youth.

"(e) Not less than 5 per centum of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

APPROVAL OF APPLICATIONS

SEC. 209. (a) Section 225(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635(b)) is amended—

(1) in paragraph (2) by inserting "(such purpose or purposes shall be specifically identified in such application)" before the semicolon,

(2) in paragraph (5) by striking out ", when appropriate" and inserting in lieu thereof "(if such local agency exists)", and

(3) in paragraph (8) by striking out "indicate" and inserting in lieu thereof "attach a copy of".

(b) Section 225(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635(c)) is amended—

(1) by inserting "and for contracts" after "for grants", and

(2) in paragraph (4) by striking out "delinquents and other youth to help prevent delinquency" and inserting in lieu thereof "address juvenile delinquency and juvenile delinquency prevention".

(c) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5635) is amended—

(1) by redesignating subsection (d) as subsection (e), and

(2) inserting after subsection (c) the following new subsection:

"(d) New programs selected after the effective date of the Juvenile Justice and Delinquency Prevention Act Amendments of 1984 for assistance under section 224 shall be selected through a competitive process to be established by the Administrator. As part of such process, the Administrator shall announce publicly the availability of funds for such assistance, the general criteria applicable to the selection of applicants to receive such assistance, and a description of the processes applicable to submitting and reviewing applications for such assistance.".

(d) Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5035) is amended by adding at the end thereof the following new subsection:

"(f) Notification of grants and contracts made under section 224 (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the Administrator, to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.".

USE OF FUNDS

SEC. 210. Section 227(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637(c)) is amended by striking out "section 224(a)(7)" each place it appears and inserting in lieu thereof "section 224(b)(3)".

PAYMENTS

SEC. 211. (a) Section 228(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(a)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(b) Section 228(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(d)) is amended by striking out "he" and inserting in lieu thereof "the Administrator".

(c) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638(e)) is amended—

(1) by striking out "him" and inserting in lieu thereof "the Administrator", and

(2) by striking out "section 224(a)(5)" and inserting in lieu thereof "section 224(a)(3)".

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 212. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for part C of title II the following new heading for section 241:

"ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION".

(b) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "section 201(f)" and inserting in lieu thereof "section 201(e)".

(c) Section 241(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(d)) is amended to read as follows:

"(d) It shall be the purpose of the Institute to provide—

"(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention and treatment of juvenile delinquency; and

"(2) appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.".

(d) Section 241 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651) is amended—

(1) by redesignating subsection (f) as subsection (g),

(2) by inserting after subsection (e) the following new subsection:

"(f) The Administrator, acting through the Institute, shall provide, not less frequently than once every two years, for a national conference of member representatives from State advisory groups for the purpose of—

"(1) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 224 of this title;

"(2) reviewing Federal policies regarding juvenile justice and delinquency prevention;

"(3) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

"(4) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal legislation pertaining to juvenile justice and delinquency prevention.", and

(3) by adding at the end thereof the following new subsection:

"(h) Any grant or contract made under this part after the effective date of the Juvenile Justice and Delinquency Prevention Act Amendments of 1984 shall be selected through a competitive process to be established by the Administrator. As part of such process, the Administrator shall announce publicly the availability of funds for such grant or contract, the general criteria applicable to the selection of applicants to receive such grant or contract, and a description of the processes applicable to submitting and reviewing applications for such grant or contract.".

SEC. 213. Section 243 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5653) is amended to read as follows:

"EVALUATION FUNCTIONS

"SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

"(1) conduct, encourage, and coordinate evaluation of new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency, particularly with regard to those seeking to strengthen and maintain the family unit;

"(2) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and effectiveness of such programs;

"(3) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Administrator; and

"(4) disseminate the results of such evaluation activities particularly to persons actively working in the field of juvenile delinquency.".

TRAINING FUNCTIONS

SEC. 214. Section 244 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654) is amended—

(1) in paragraph (1)—

(A) by striking out "or who are" and inserting in lieu thereof "working with or", and

(B) by striking out "and juvenile offenders" and inserting in lieu thereof ", juvenile offenders, and their families",

(2) in paragraph (2) by striking out "workshop" and inserting in lieu thereof "workshops", and

(3) in paragraph (3) by striking out "teachers" and all that follows through the end thereof and inserting in lieu thereof the following: "teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and organizations with specific experience in the prevention and treatment of juvenile delinquency; and".

REPEALER

SEC. 215. Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is repealed.

ANNUAL REPORT

SEC. 216. Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended—

(1) by striking out "SEC. 246." and inserting in lieu thereof "SEC. 245.", and

(2) by striking out "research, demonstration, training, and" each place it appears and inserting in lieu thereof "training and".

REPEALER

SEC. 217. Section 247 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5657) is repealed.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 218. (a) Section 248 of the Juvenile Justice and Delinquency Act of 1974 (42 U.S.C. 5659) is amended by striking out "SEC. 248." and inserting in lieu thereof "SEC. 246.".

(b) Section 248(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5659(b)) is amended to read as follows:

"(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.".

TECHNICAL AMENDMENT

SEC. 219. Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "SEC. 249." and inserting in lieu thereof "SEC. 247.".

TRAINING PROGRAM

SEC. 220. (a) The heading for section 250 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended to read as follows:

"PARTICIPATION IN TRAINING PROGRAM AND STATE ADVISORY GROUP CONFERENCES".

(b) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended to read as follows:

"(c) While participating as a trainee in the program established under section 246 or while participating in any conference held under section 241(f), and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code. No consultation fee may be paid to such person for such participation.".

(c) Section 250 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661) is amended by striking out "SEC. 250." and inserting in lieu thereof "SEC. 248.".

ESTABLISHMENT OF LAW-RELATED EDUCATION RESOURCE CENTER

SEC. 221. The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after section 248 the following new section:

"LAW-RELATED EDUCATION RESOURCE CENTER

"SEC. 249. (a) There is hereby established within the Institute a Law-Related Education Resource Center (referred to in this part as the 'Center').

"(b) The Administrator, through the Center, is authorized to provide, either directly or through grants or contracts, for—

"(1) technical assistance at the Federal, State, and local levels to public and private educational agencies and institutions to implement and replicate law-related education delinquency prevention programs;

"(2) delinquency prevention training programs and materials for persons who are responsible for the implementation of law-related education programs in elementary and secondary schools;

"(3) research, demonstration, and evaluation programs designed to determine the most effective means of implementing and replicating law-related education programs in order to maximize their potential for delinquency prevention; and

"(4) dissemination of information concerning the findings of such research, demonstration, and evaluation programs.

"(c) For purposes of this section the term 'law-related education' means education which provides nonlawyers, especially students, with knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values upon which these are based.

"(d) Not less than 25 per centum, but not more than 30 per centum, of the funds available to carry out this part, shall be available to carry out the purposes of this section.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 222. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting after the heading for part D of title II the following new heading for section 261:

"AUTHORIZATION OF APPROPRIATIONS".

(b) The first sentence of section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "ending September 30, 1981" and all that follows through "1983, and September 30,", and

(2) by inserting before the period the following: ", 1985, 1986, 1987, 1988, and 1989".

(c) Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(b)) is amended by striking out "section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974" and inserting in lieu thereof "subsection (a)".

(d) Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by inserting after subsection (b) the following new subsection:

"(c) Of such sums as are appropriated to carry out the purposes of this title—

"(1) not to exceed 3 per centum shall be available to carry out part A;

"(2) not less that 90 per centum shall be available to carry out part B; and

"(3) 7 per centum shall be available to carry out part C.", and

(3) by adding at the end thereof the following new subsection:

"(e) No funds appropriated to carry out the purposes of this title may be used for any biomedical or behavior control experimentation on individuals or any research involving such experimentation.".

TITLE III—RUNAWAY AND HOMELESS YOUTH

RULES

Sec. 301. Section 303 of the Runaway and Homeless Youth Act (42 U.S.C. 5702) is amended to read as follows:

"RULES

"Sec. 303. The Secretary of Health and Human Services (hereinafter in this title referred to as the 'Secretary') may issue such rules as the Secretary considers necessary or appropriate to carry out the purposes of this title.".

PURPOSES OF GRANT PROGRAM

Sec. 302. (a) Section 311(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(a)) is amended by inserting "and their families" before the period at the end thereof.

(b) Section 311(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5711(b)) is amended by inserting "and to the families of such juveniles" before the period at the end thereof.

ELIGIBILITY

Sec. 303. Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in paragraph (2) by striking out "portion" and inserting in lieu thereof "proportion",

(2) in paragraph (3) by striking out "(if such action is required by State law)",

(3) in paragraph (5) by striking out "parents" and inserting in lieu thereof "families", and

(4) in paragraph (6) by striking out "parents" and inserting in lieu thereof "family members".

GRANTS TO PRIVATE AGENCIES, STAFFING

Sec. 304. Section 314 of the Runaway and Homeless Youth Act (42 U.S.C. 5714) is amended by striking out "house" and inserting in lieu thereof "center".

ADDITIONAL ASSISTANCE

Sec. 305. The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating sections 315 and 316 as sections 317 and 318, respectively, and

(2) by inserting after section 314 the following new sections:

"ASSISTANCE TO POTENTIAL GRANTEES

"Sec. 315. The Secretary shall provide assistance to potential grantees interested in establishing runaway and homeless youth centers. Such assistance shall consist of—

"(1) information on steps necessary to establish a runaway and homeless youth center, including information on securing space for such center, obtaining insurance, staffing, and establishing operating procedures;

"(2) information and assistance in securing local private or public financial support for the operation of such center, including information on procedures utilized by grantees under this title; and

"(3) information on the need for the establishment of additional runaway youth centers in the geographical area identified by the potential grantee involved.

"LEASE OF SURPLUS FEDERAL FACILITIES FOR USE AS RUNAWAY AND HOMELESS YOUTH CENTERS

"Sec. 316. (a) The Secretary shall enter into cooperative lease arrangements with States, localities, and nonprofit private agencies to provide for the use of surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers if the Secretary determines that—

"(1) the applicant involved has suitable financial support necessary to operate a runaway and homeless youth center;

"(2) the applicant is able to demonstrate the program expertise required to operate such center in compliance with this title, whether or not the applicant is receiving a grant under this part; and

"(3) the applicant has consulted with and obtained the approval of the chief executive officer of the unit of general local government in which the facility is located.

"(b)(1) Each facility made available under this section shall be made available for a period of not less than two years, and no rent or fee shall be charged to the applicant in connection with use of such facility.

"(2) Any structural modifications or additions to facilities made available under this section shall become the property of the United States. All such modifications or additions may be made only after receiving the prior written consent of the Secretary or other appropriate officer of the Department of Health and Human Services.".

REORGANIZATION

Sec. 306. Part C of the Runaway and Homeless Youth Act (42 U.S.C. 5741) is repealed.

AUTHORIZATION OF APPROPRIATIONS

Sec. 307. (a) Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is redesignated as part C.

(b) The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after the heading for part D the following new heading for section 341:

"AUTHORIZATION OF APPROPRIATIONS".

(c) Section 341(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended by striking out "each of the fiscal years" and all that follows through the period at the end thereof and inserting in lieu thereof "$25,000,000 for fiscal year 1984; $26,250,000 for fiscal year 1985; $27,600,000 for fiscal year 1986; $28,950,000 for fiscal year 1987; $30,400,000 for fiscal year 1988; and $31,900,000 for fiscal year 1989.".

(d) Section 341(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(b)) is amended by striking out "Associate".

(e) Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5651) is amended by adding at the end thereof the following new subsection:

"(c) No funds appropriated to carry out the purposes of this title—

"(1) may be used for any program or activity which is not specifically authorized by this title; or

"(2) may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant or a single discretionary payment.".

(f) Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5757) is redesignated as section 331.

TITLE IV—MISSING CHILDREN'S ASSISTANCE

ASSISTANCE RELATING TO MISSING CHILDREN

Sec. 400. The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.), is amended by adding at the end thereof the following new title:

"TITLE IV—MISSING CHILDREN

"SHORT TITLE

"Sec. 401. This title may be cited as the 'Missing Children's Assistance Act'.

"FINDINGS

"Sec. 402. The Congress hereby finds that—

"(1) each year thousands of children are abducted or removed from the control of a parent having legal custody without such parent's consent, under circumstances which immediately place them in grave danger;

"(2) many of these children are never reunited with their families;

"(3) often there are no clues as to the whereabouts of these children;

"(4) many missing children are at great risk of both physical harm and sexual exploitation;

"(5) in many cases, parents and local law enforcement officials have neither the resources nor the expertise to mount expanded search efforts;

"(6) abducted children are frequently moved from one locality to another requiring the cooperation and coordination of local, State, and Federal law enforcement efforts;

"(7) on frequent occasions, law enforcement authorities and others searching for children quickly exhaust all leads in missing children cases and require assistance from distant communities where the children may be located; and

"(8) Federal assistance is urgently needed to coordinate and assist in efforts to address this interstate problem.

"DEFINITIONS

"Sec. 403. For the purposes of this title—

"(1) the term 'missing child' means any individual less than 18 years of age who disappears if the circumstances surrounding such individual's disappearance indicate that such individual may possibly have been abducted or that such individual may possibly have been removed from the control of a parent having legal custody of such individual without such parent's consent; and

"(2) the term 'Administrator' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

"DUTIES AND FUNCTIONS OF THE ADMINISTRATOR

"Sec. 404. (a) The Administrator shall—

"(1) issue such rules as the Administrator considers necessary or appropriate to carry out this title;

"(2) make such arrangements as may be necessary and appropriate to ensure that there is effective coordination among all federally funded programs relating to missing children (including the preparation of an annual comprehensive plan for assuring such coordination);

"(3) allocate staff and resources which are adequate to properly carry out the responsi-

bilities of the Administrator pursuant to this title;

"(4) compile, publish, and disseminate an annual summary describing and evaluating recently completed Federal, State, and local research and demonstration projects relating to missing children with particular emphasis on—

"(A) effective models of local, State, and Federal coordination and cooperation in locating missing children;

"(B) effective programs designed to promote community awareness of the problem of missing children;

"(C) effective programs to prevent the abduction and exploitation of children (including parent, child, and community education); and

"(D) effective program models which provide treatment, counseling, or other aid to parents of missing children or to children who have been the victims of abduction or exploitation; and

"(5) assist the Advisory Board to prepare an annual comprehensive plan for facilitating cooperation among all agencies and organizations with responsibilities related to missing children.

"(b) The Administrator, either by making grants or entering into contracts with public agencies or nonprofit private agencies, shall—

"(1) establish and operate a national toll-free telephone line by which individuals may report and receive information regarding the disappearance or location of any missing child and pertaining to procedures necessary to reunite such child with such child's family, parent having legal custody, or legal guardian;

"(2) establish and operate a national resource center and clearinghouse designed to—

"(A) provide technical assistance to local and State governments, public and private nonprofit agencies, and individuals in locating and recovering missing children;

"(B) coordinate public and private efforts to locate missing children and reunite them with their families, parents having legal custody, or legal guardians;

"(C) disseminate information nationally on innovative and model programs, services, and legislation relating to missing and exploited children; and

"(3) periodically conduct national incidence studies to determine for a given year the number of children reported missing, the number of such children who are victims of abductions by strangers, the number of such children who are removed from the control of parents having legal custody of such children without the respective parent's consent by a person known to such parent, and the number of such children who are located in such year.

"ADVISORY BOARD

"SEC. 405. (a) There is hereby established the Advisory Board on Missing Children (hereinafter in this title referred to as the 'Advisory Board') which shall be composed of fifteen members

"(1) a law enforcement officer;

"(2) an individual whose official duty is to prosecute violations of the criminal laws of a State;

"(3) the chief executive officer of a unit of local government within a State;

"(4) the chief executive officer of a State;

"(5) the Director of the Federal Bureau of Investigation; and

"(6) members of the public who have experience or expertise relating to missing children (including members representing parent groups).

The Attorney General shall make the initial appointments to the Advisory Board not later than ninety days after the effective date of this section. The Advisory Board shall meet periodically and at the call of the Attorney General, but not less frequently than annually. The Chairman of the Advisory Board shall be appointed by the Attorney General.

"(b) The Advisory Board shall—

"(1) advise the Administrator and the Attorney General in coordinating programs and activities related to missing children which are planned, administered, or assisted by any Federal agency;

"(2) advise the Administrator with regard to the establishment of priorities for making grants of contracts under section 406; and

"(3) prepare an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children and submit the first such annual plan to the President and the Congress not later than eighteen months after the effective date of this section.

"(c) Members of the Advisory Board, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Code, for persons in the Federal Government service employed intermittently.

"GRANTS

"SEC. 406. (a) The Administrator is authorized to make grants and to enter into contracts with public agencies and private nonprofit agencies for research, demonstration projects, and service programs designed—

"(1) to educate parents, children, and community agencies and organizations in ways to prevent the abduction and exploitation of children;

"(2) to provide public information to assist in the locating and return of missing children;

"(3) to aid communities in the collection of materials which will be useful to parents in assisting others to identify such children;

"(4) to increase knowledge of and develop effective treatment pertaining to the psychological consequences to both parents and children resulting from a child's abduction, both during the period of disappearance and after the child is returned; and

"(5) to collect data from selected States or localities on the investigative practices used by law enforcement agencies in cases involving missing children.

"(b) In considering applications for assistance under this title, the Administrator shall give priority to applicants who have demonstrated experience in—

"(1) providing services to missing children or the families of missing children;

"(2) conducting research relating to missing children; or

"(3) locating missing children and reuniting them with their families.

"(c) The Administrator shall encourage the substantial utilization of volunteers in such demonstration projects and service programs as the Administrator deems appropriate.

"CRITERIA FOR GRANTS

"SEC. 407. The Administrator, in consultation with the Advisory Board on Missing Children, shall establish priorities for making grants or contracts under section 406 and, not less than sixty days before establishing such priorities, shall publish in the Federal Register for public comment a statement specifying such priorities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 408. To carry out this title, there are authorized to be appropriated $2,000,000 for fiscal year 1984, $10,000,000 for fiscal year 1985, $10,500,000 for fiscal year 1986, $11,000,000 for fiscal year 1987, $11,600,000 for fiscal year 1988, and $12,250,000 for fiscal year 1989.".

TITLE V—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 501. (a) Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act or October 1, 1984, whichever occurs later.

(b) Paragraph (2) of section 341(c) of the Runaway and Homeless Youth Act, as added by section 306(e) of this Act, shall not apply with respect to any grant or payment made before the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Montana (Mr. WILLIAMS) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. PETRI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the Committee on Education and Labor presents H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984. Its purpose is to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes.

The Juvenile Justice and Delinquency Prevention Act of 1974 represents congressional attempt to continue the Federal leadership and assistance to States, local governments, and private agencies that together we may develop and implement effective programs for the prevention and treatment of juvenile delinquency. It has traditionally enjoyed broad support from both sides of the aisle and I am pleased to report that you will again find that H.R. 4971, as reported by the committee, has a strong bipartisan flavor.

There are some 70 cosponsors of the bill and a significant number of those are Republican. Congressman TOM PETRI, my colleague from Wisconsin, who is the ranking minority member of our Subcommittee on Human Resources, is not only an original cosponsor but is, as well, coauthor along with Congressman IKE ANDREWS of North Carolina, who is subcommittee chairman.

It is cosponsored by the chairman and ranking minority member of the Select Committee on Children, Youth, and Families, as well as the distinguished chairman of this committee, CARL PERKINS. Congressman PAUL SIMON, whose work on behalf of missing children resulted in his bill, H.R. 4300, being incorporated into H.R. 4971 as a new title IV is an original cosponsor and deserves particular appreciation, along with Congresswoman OLYMPIA SNOWE of Maine. In short, H.R. 4971 is truly bipartisan. That has been the history of this program's support since its inception in 1974 and remains the nature of our consideration today.

As reported by the Committee on Education and Labor by unanimous voice vote, H.R. 4971 would extend the Juvenile Justice Act for 5 additional years and add a new title pertaining to missing children's assistance. Title II, which provides for State and local assistance, would be extended at its currently authorized level. Title III, the Runaway and Homeless Youth Act, would be extended with slight increases each year in order to account for inflation and allow for programs to be continued at their current service level. Very important, new authority is added for a new title IV, the Missing Children's Assistance Act, to begin addressing the needs of missing and abducted children and their parents.

Title II of the Juvenile Justice Act provides for an Office of Juvenile Justice and Delinquency Prevention within the Department of Justice. This title has established a Federal-State-local partnership to develop ways to reduce and prevent delinquency. Given the nature of the problem, it has been remarkably successful.

Americans, it seems to me, seem convinced that juvenile crime is on the increase and Federal efforts have done no good. That is not so. In 1974, nearly half of all serious crime in the United States was committed by juveniles. Today, according to the latest available FBI "Uniform Crime Report," the proportion is less than a third. In fact, the proportion of serious crime committed by juveniles today is at its lowest point since at least 1965.

Moreover, for most offenses, rates of juvenile crime—that is, arrests per 100,000 juveniles—have also fallen. Since 1974, according to an American Justice Institute analysis of FBI and census data, robbery is down by 11 percent; car theft down by 40 percent; arson by 7 percent; burglary by 17 percent; larceny-theft by 19 percent; vandalism down by 22 percent; sex offenses down by 17 percent; drug abuse down by 42 percent; disorderly conduct down by 24 percent; and curfew and loitering violations down by 7 percent. The rates for juvenile murder and rape have been held to the same level. The committee does not contend that the juvenile justice and delinquency prevention program is solely responsible, but certainly the assistance it has given to States and localities has been of considerable assistance. While the problem remains, the committee believes these statistics indicate that the legislation is directed on the right course.

That tells the story from the Federal perspective, but let me tell you what the program means at the State level. Let me tell you what it means to my State—Montana.

In the last 5 years in Montana, there has been a 26.4 percent decrease in the detention rate for crimes against persons; a 43.5 percent decrease for crimes against property; a 60.5 percent decrease for drug offenses; a 55.8 percent decrease for offenses against the public order—such as disturbance of the peace, traffic crimes, driving under the influence of intoxicants—and a 58.7 percent decrease for status offenders.

In all categories the number of youth in Montana detained in jails has decreased 51 percent in the last 5 years. Shelter care has made the difference. Montana has met the mandate to deinstitutionalize 100 percent of status offenders. We are proud of this. And it is this legislation that has created the statistics I have just quoted.

H.R. 497 makes only modest changes in title II, intended to improve the administrative implementation of these programs. Administrative functions would be streamlined, enabling a larger proportion of funds to be allocated to State and local programs. At least 90 percent of the funds appropriated would be available for those programs as compared to about 80 percent under existing law. Federal discretionary grants and contracts would be required to be made on a competitive basis and additional emphasis would be, added, encouraging approaches which seek to strengthen and maintain the family unit. In addition, States would be further authorized to undertake programs designed to provide for the treatment of juveniles' dependence or abuse of alcohol or other addictive or nonaddictive drugs.

The committee has determined that the competitive requirement for discretionary grants and contracts is necessary because of the fact that approximately 80 percent of the awards granted through the discretionary program have been noncompetitive, despite the fact that regulations within the Department of Justice require competition except in exceptional circumstances. Awards were made in areas which do not address the goals of the Juvenile Justice Act. A prime example is the grant awarded for the creation of a national school safety center. That grant was awarded, without competition, despite a continuing dialog here in the Congress about the advisability of putting Federal authority in the classroom to attack assumed school crime and violence. We have scant if any evidence of an increase in school violence. In fact we have significant indications that the trend is down.

Theft in our schools has declined from 12 percent a decade ago to 8 percent today. About two-tenths of 1 percent of the student population is affected by assaults in our schools; about one-tenth of 1 percent of the student population is affected by robbery. Students are between 4 to 8 times safer in our schools than they are in their own homes.

Because of the award of such grants to study an area where there is no evidence of a national problem, the committee has determined that competition must be in place with the discretionary grants and contracts.

Last year, the Runaway and Homeless Youth Act, title III, provided more than 200 shelter facilities nationwide. More than 50,000 youngsters received shelter and another 150,000 who had not yet run received crisis counseling. A national toll-free telephone line was also provided which handled over 200,000 calls from youth and parents seeking help. Perhaps, then, it is not so surprising that since 1974, the arrest rate for runaways has decreased by 32 percent. The Federal effort is working.

H.R. 4971 would make only a few modifications to this important program. During committee consideration, my colleague, Congressman BILL GOODLING made an important improvement which would authorize the Secretary of Health and Human Services to provide additional informational assistance to those seeking to establish runaway centers and authorize the lease of surplus Federal facilities for use by runaway and homeless youth centers.

The committee is particularly proud of the new title IV, the Missing Children's Assistance Act, which was developed through the incorporation of H.R. 4300, the Missing Children's Assistance Act of 1983, introduced by Congressman PAUL SIMON and cosponsored by more than 150 others. The new title has been included in order to provide Federal leadership and assistance in dealing with the large number of children who are removed from the control of parents having legal custody and who may subsequently be placed in grave danger. Administered through the Office of Juvenile Justice and Delinquency Prevention, this program will seek to provide for the coordination of Federal policy and private programs pertaining to missing children and would establish a national toll-free line specifically to address the needs parents of missing or abducted children. It would establish a national clearinghouse and provide State and local assistance aimed at developing ways to better locate missing children and prevent their abduction.

Mr. Speaker, the committee is proud of H.R. 4971 and the cooperative work from which it has resulted. In closing, let me briefly list a few national, State, and local groups which have voiced support for the reauthorization of this program:

National Governor's Association.
American Bar Association.
National PTA.
American Legion.
Adam Walsh Child Resource Center.
National Association of Counties.
Association for Children with Learning Disabilities.
Camp Fire, Incorporated.
Boys Clubs of America.
National Network of Runaway and Youth Services.
National Youth Work Alliance.
National Criminal Justice Association.
Consortium of Social Science Associations.
Coalition for Law-Related Education.
Illinois Juvenile Justice Commission.
The National YMCA.
National Council of Juvenile and Family Court Judges.
The State Bar of California.
National Steering Committee of State Juvenile Justice Advisory Groups.
Juvenile Services Commission (Salem, Oregon).
Georgetown University Law Center Juvenile Justice Clinic.
Find the Child, Inc.
Child Stealing Research Center (Los Angeles).
Department of Human Services for the City of Chicago.
National Institute for Citizen Education in the Law.
National Coalition for Jail Reform.
Constitutional Rights Foundation.

Mr. Speaker, the committee believes H.R. 4971 deserves the continued support of Congress as well.

□ 1210

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a coauthor of the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984, I am delighted to see this bill reach the House floor for consideration. We have worked hard on this legislation in my subcommittee. Throughout the process, I have appreciated the good will and cooperative spirit of the gentleman from North Carolina, the chairman of our subcommittee.

As suggested by its title, H.R. 4971 has three main components—all addressing the needs of youth in trouble. One component of this bill, the Missing Children's Assistance Act, merits special attention here because it is entirely new. Let me address that first.

The disappearance of a child is the most traumatic thing that can happen to a family. I have gained a new appreciation for this by working with John Walsh in the drafting of this measure. The kidnaping and murder of Mr. Walsh's son, Adam, which has become known to millions due to media coverage of that tragedy, shows us that this horror could strike any of our families. Indeed, each year over 50,000 children disappear from their homes. Between 4,000 and 8,000 of these children are later found dead. Very often they have been tortured and murdered like Adam.

The Federal Government can play an invaluable role in safely recovering missing children by assisting local law enforcement agencies. Too many of those agencies are simply ill-equipped and undertrained in dealing with this very special type of problem. This legislation establishes a national resource center and clearinghouse to provide just such technical assistance and to coordinate public and private efforts in locating missing children.

Our children are our future. When they are stolen from us, we must do everything possible to find them. This new initiative is long overdue.

H.R. 4971 also reauthorizes the Juvenile Justice and Delinquency Prevention Act. That act has played an important role in separating youthful offenders from adults in jails. It has also funded research and demonstration projects fo treating juvenile delinquency and controlling juvenile delinquents. This legislation continues these efforts while making a variety of administrative and substantive changes, two of which I would like to discuss briefly.

One change focuses attention on addressing the problem of juvenile delinquency in the context of the family. When dealing with delinquent youth, the family can often be the source of either the problem or the solution. In many cases, grandparents can be especially valuable resources in correcting a troubled young person. By supporting local projects designed to tap these resources, this legislation should help rebuild broken families. Experimental projects in Colorado, Alabama, Pennsylvania, and North Dakota show the potential of this approach for combatting juvenile delinquency. Mr. Speaker, with unanimous consent, I will submit for the RECORD a brief, descriptive summary of these projects at the end of my statement.

Another change of particular interest clarifies the jail removal provisions in this act by providing an explicit, limited exception for rural areas. I hope that this change, along with sensitive administrative interpretations of related provisions, allows this act to address realistically the twin problems of separating youth from adults within jails and, wherever possible, providing separate jails for youth and adults, recognizing that those separate jails may well be in the same building.

The final component of this legislation continues Federal funding for a nationwide network of shelters for runaway youth. While none of these shelters exist in my district, I appreciate that they serve a valuable service in many areas providing safe refuge for vulnerable and troubled runaway children. These shelters provide a bridge toward restoring runaways to their families before they are lured or taken away forever.

This legislation is not perfect, but it is a step in the right direction. The juvenile justice and runaway youth programs have demonstrated their worth and should be reauthorized. The new missing children's initiative should be adopted. I urge all my colleagues to vote for H.R. 4971.

Projects Involving Family-Based Treatment for Juvenile Delinquents: For Use on H.R. 4971

NEW PRIDE, DENVER, CO

New Pride is a program which treats juvenile mutiple offenders who are on probation—and one step from being institutionalized—within the context of their family. The primary goal is to preserve the family and treat the youth in a holistic manner during the course of one year. New Pride, which has operated in the Denver area for 11 years, counsels approximately 120 clients per year on a daily basis. The juvenile and the family undergo diagnostic analysis and needs analysis before entering into a treatment program. The ages of New Pride clients range from 14 to 18 years.

Mr. Tom James, Director of New Pride, estimates that 50% of New Pride completers are never re-arrested, 30% are picked up for questioning and 20% are re-arrested, usually for minor offenses. The project has been so successful, that OJJDP has negotiated with New Pride's private contractor to duplicate this model program in other cities. The cost per client, or family, $4,000.

THE PARENT TRAINING PROGRAM, MOBILE, AL

The Parent Training Program has been in operation for 10 years in the city of Mobile, initially started as a training program for parents to learn behavior modification techniques. The program evolved into a family counseling service. According to Mr. Robert Martin, Director of the program, no federal, state, county or city money has even been used to fund this service. Mr. Martin started the program with existing members of the court staff, and provided training for them in theory and practice. Each family is charged a fee of $30, which is earmarked for future staff training funds. The program would like to conduct a formal evaluation study and model report, which would require receiving federal assistance.

The services of the Parent Training Program are available to all families in the Mobile area. All families who file petitions in the juvenile court of Mobile must participate in the program with their child or else lose the services of the court entirely. Clients also come to the program on their own or from private referrals, i.e. therapists in private practice, or community agencies. The families participate in a 6 week counseling period, and can be referred to private counseling services after completion. All families can repeat the program whenever necessary.

The Parent Training Program staff believe that the significant decrease of status offenders being placed in the detention center is a direct result of their counseling services. In 1975 a study found that the number of status offenders remanded to the detention center accounted for nearly 60 percent of the population of the center. A recent study just concluded that now only 10 percent of the population at the detention facility are status offenders.

FAMILY COUNSELING UNIT, JUVENILE COURT, MONTGOMERY COUNTY, PA

The Family Counseling Unit, a division of the juvenile court in Montgomery County, Pennsylvania, provides a family counseling service to 50-80 families every year. The juveniles referred to this service are classified as "hard-core delinquents" who would be institutionalized if this program did not exist. The juvenile and their family receive weekly counseling for six to nine months. The probation officers believe that the family counseling approach is the most successful for treating hard-core delinquency.

Officer Tony Guarna, Chief Juvenile Probation Officer, cited one study that compared the results of the first year of operation (1980) with the previous year when no counseling services were available (1979) had the following results: (1) the program reduced the number of institutionalized juveniles charged with delinquency by 23 percent; and (2) the program reported a savings to Montgomery County of $1 million during the first year of the program by providing an alternative to institutionalization for 48 youths. The family counseling service is funded at an annual level of $69,000 by the county.

THE FAMILY THERAPY INSTITUTE, RUGBY, ND, 1975-78

The Family Therapy Institute (FTI) brought status offenders and their families to Rugby from all over the state of North Dakota for short-term, intensive family therapy. The facilities were designed in a typical retreat setting with "dorms"—converted houses for the families—and a Human Services Center which had offices for staff and therapy rooms. Families stayed no less than three days and received approximately 12-14 hours of actual therapy, equivalent to about three months worth of additional weekly sessions. Families were given therapy assignments and isolated from normal daily pressures that allowed them to focus on working together as a family to understand the problem that brought them to FTI. The grant for this project expired and, despite an extensive search for alternative funding, the program had to modify its services: FTI now operates as an outpatient service at the Good Samaritan Hospital in Rugby. The philosophy of the program has always been to maintain the family unit and provide counseling to the youth and family to enable them to cope and work through their shared problem(s). FTI also sought to deinstitutionalize status offenders.

FTI handled 126 families with a total of 138 youth in a period of 339 service days who had been referred. In reviewing client evaluations of the program, it was found that 75 percent of the adults who were counseled made positive comments about the therapy, such as having come away from the program with a "closer family". The staff of FTI still feels that they could, with the appropriate resources, use their program to deal with other youth-related problems, such as delinquency and/or child abuse and neglect.

☐ 1220

Mr. WILLIAMS of Montana. Mr. Speaker, I first want to thank our colleague, the gentleman from Wisconsin, Mr. PETRI, for his diligence and good work on the subcommittee which led to the writing of this bill.

I now yield 4 minutes to our colleague, the gentleman from Illinois, who has played such a critical and major part in the attention that this Congress has now focused upon, the difficulty which missing children and their parents in America are faced with.

It is from the gentleman's work that we have added the missing children title to this legislation, and the committee thanks and commends him.

Mr. SIMON. I thank my colleague from Montana and my colleague from Wisconsin both for their leadership in this as well as the chairman of the subcommittee, Mr. ANDREWS of North Carolina.

I might mention to the Members of the House how I got involved in this missing children problem. I read in the newspaper that a little boy in the State of New York, Eton Patz, went to catch a schoolbus and his parents never heard from him again.

And they were quoted as saying the Federal Government was not doing anything in the way of assistance. And I called the parents and said, "what would you like the Federal Government to do?" And they told me, among other things, that the FBI computer keeps track of missing automobiles but not missing children.

Well, I was sure they were wrong, and I checked into it and found out to my amazement that they were right. I had breakfast with Judge Webster, head of the FBI, and the result was the first Missing Children's Act that plugged a loophole in the law. Now this bill before us includes a second step forward.

Let me add that that first step forward and the second step forward are possible in particular because of the incredible courage of Mr. and Mrs. John Walsh, the parents of little Adam, that a lot of people saw on television.

John Walsh and his wife had not simply grieved; they have come out and said "we are going to do something to protect other children" and I am grateful to them. This bill takes two steps that are significant:

One is, it establishes a center so we will have a place where people can gather information; where they can see if there are patterns developing of missing children in some areas; so we can have intensive police work; and, where parents who do not know where to turn right now; we all think it is something that is never going to happen to us and all of a sudden, it can happen and parents do not know what to do.

How do you get your phones traced, what should you expect from the local police, should you hire a private detective agency? All these practical problems, that is a place that can handle that.

Second, as was pointed out by my colleagues from Montana and Wisconsin, it has an 800 number. So that if people see something they think is a little strange, they can call and report it.

For example, something that came to our office. Where a couple, an older couple saw some people move into the neighborhood and the child, the only child there was told not to speak to anyone else. Now, chances are 9 out of 10 it is just some people with some unusual habits; but maybe it is something more. And these local people would not want to call the local police but they might call an 800 number and provide that information. That information comes together.

So I think we are taking some steps forward here that are of significance.

The first bill plugged this glaring defect. What we are doing now is taking a second step forward, a second step that can ease the problem of unbelievable heartache and tragedy in the lives of children and parents that can happen in your neighborhood or my neighborhood, in your home or my home.

I applaud my colleagues for moving ahead and I hope this House will pass this legislation overwhelmingly.

Mr. WILLIAMS of Montana. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SMITH) who, as a State legislator in the Florida House of Representatives, was perhaps the first, if not, certainly among the first, legislators, State legislators, in the Nation to realize this problem of missing children and to begin to develop a legislative solution.

☐ 1230

Mr. SMITH of Florida. Mr. Speaker, today, we are going to consider the Juvenile Justice, Runaway Youth, and Missing Children's Amendments Act of 1984. Among its provisions, the bill will establish a National Missing Children Resource Center with a national toll-free hotline through a $3.3 million grant from the Office of Juvenile Justice and Delinquency Prevention.

Parents want to protect their children from harm. We teach our children the simple rules of safety—do not talk to strangers, do not accept candy or ice cream from strangers, do not let a stranger take you anywhere without a parent's permission. But today, with nearly 2 million children disappearing from their homes annually without a trace, we must take extra precautions—voluntary fingerprinting of children, making children, and parents to be aware of potential dangers, and general rules to follow. Central to the efforts to protect children will be the creation of the National Missing Children Center.

This bill, which addresses our Nation's need to protect our children, provides for the establishment of a toll-free missing children hotline which would be similar to the toll-free runaway hotline. Individuals can report information regarding the location of missing children. The toll-free hotline will be functioning by the end of the summer.

Through this center, Federal, State, and local law enforcement agencies will be able to coordinate their efforts and collect, store, and disseminate information on missing children. It will enable State and local police to conduct programs to increase public awareness about the vulnerability of our children and how to protect them from abduction.

This legislation will make grant funds available to selected public agencies and nonprofit organizations to make education and prevention programs available to parents, children, and their communities. Also, it would provide technical assistance to State and local law enforcement agencies and enhance the procedures of recovering missing children, such as a required waiting period of 24 to 48 hours before State and local law enforcement agencies become involved. Many of the groups currently working to solve this problem will be eligible to receive this funding.

This bill addresses critical services that are not addressed by any State, local, or Federal agency. It is time that the Federal Government and its resources become fully involved in solving this problem. The Office of Juvenile Justice and Delinquency Prevention will guarantee that a coordinated, comprehensive program will exist and assist in solving this problem.

I urge my colleagues to bring the resources and assets of the Federal Government to bear on this important issue. In Florida we did much of this 2 years ago in response to the tragedy of Adam Walsh—the Walshes are my constituents and friends. The success has been gratifying and we are thankful for helping children. Now it is the Federal Government's turn. Let us help save our children.

Mr. PETRI. Mr. Speaker, I have no further requests for time.

Mr. WILLIAMS of Montana. Mr. Speaker, I again would like to thank the Members of the minority, particularly who worked so well with us and we with them in the drafting of this bill.

I want to again tell my colleagues that this act is now one decade old. We are today here reauthorizing it. It is a demonstration that a Federal effort, properly applied, and focused, can make a difference. Juvenile crime, is, despite what many believe, on the decrease not on the increase.

The entire reason for that cannot be laid solely at this legislation, but the last decade of this legislation has demonstrated, in my judgment, that the Federal Government can provide the States and localities with the leadership necessary to help combat what was seen as an almost irresolvable problem, that of significant crime being created by juveniles. That crime rate is now on the decrease and with the reauthorization of this legislation we hope it shall continue to decrease.

● Mr. PERKINS. Mr. Speaker, we are here today to consider H.R. 4971, the reauthorization of the Juvenile Justice Act of 1974 and the Missing Children's Amendments of 1984. I would first of all like to commend my colleague, Congressman IKE ANDREWS, chairman of the Subcommittee on Human Resources for all of his work and dedication to this program. He has done an outstanding job on this bill. I would also like to thank all of my colleagues on both sides of the aisle who have worked on this bill, including Congressman TOM PETRI, ranking Republican member of the subcommittee, for their significant contributions to H.R. 4971.

H.R. 4971 reauthorizes the juvenile justice programs for 5 years with an authorization level of $200,000 for each of these fiscal years. The bill also provides a new definition concerning the term "valid court order." The term "valid court order" means a court order given by a juvenile court judge to a juvenile who has been brought into court. In order to be in violation of a valid court order, the juvenile must first have been brought into court and made subject to a court order. The juvenile in question would have to have received adequate and fair warning of the consequence of violation of the order at the time it was issued. The use of the word "valid" permits the incarceration of juveniles for violation of a valid court order only if they have received their full due process rights as enumerated by the Supreme Court in the re Gault case.

H.R. 4971 requires competition in the awarding of special emphasis grants under the act. In addition, the bill clarifies the provision concerning the removal of status offenders from adult jails. The bill provides that within 3 years after submission of the initial plan that juveniles who are charged with or have committed offenses that would not be criminal if committed by an adult; have committed offenses which are not found to constitute violations of valid court orders; or are such nonoffenders as dependent or neglected children—shall not be placed in secure detention facilities or secure correctional facilities. The bill also provides that beginning after the 5-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lock up for adults, except that the administrator shall promulgate regulations which make exceptions with regard to the confinement of juveniles accused of serious crimes against persons for areas which:

First, are characterized low population density;

Second, have no existing acceptable alternative placement available;

Third, have such low rates of juvenile incarceration characterized by less than two such incarcerations during any given month so as to render compliance within the specified time frame economically infeasible;

Fourth, are in compliance with the provisions of paragraph 13 of this section of the act.

H.R. 4971 also extends the runaway youth programs under the act for an additional 5 years at the following authorization levels; $25,000,000 for fiscal year 1984, $26,250,000 for fiscal year 1985, $27,600,000 for fiscal year 1986, $28,950,000 for fiscal year 1987, $30,400,000 for fiscal year 1988, and $31,900,000 for fiscal year 1989.

The bill requires the Secretary to provide assistance to potential grantees interested in establishing runaway and homeless youth centers. Such assistance shall include information on steps necessary to establish a runaway and homeless youth center, securing space for such center; obtaining insurance, staffing and operating procedures; information on securing local private and public financial support for the operation of such center; and information on the need for the establishment of additional runaway youth centers in the geographical area identified by the potential grantee involved.

In addition, the bill requires the Secretary to enter into cooperative lease agreements with States, localities, and nonprofit private agencies to provide for the use of surplus Federal facilities transferred by the General Services Administration to the Department of Health and Human Services for use as runaway and homeless youth centers under certain conditions.

Finally, H.R. 4971 amends the Juvenile Justice Act by adding a new title IV, Missing Children's Assistance Act. This act would require the Administrator of the Office of Juvenile Justice and Delinquency Prevention to make such arrangements as may be necessary to insure that there is effective coordination among all federally funded programs relating to missing children; allocate staff resources which are adequate to properly carry out the responsibilities of the Administrator under this title; compile, publish, and disseminate an annual summary describing and evaluating Federal, State, and local research relating to missing children with emphasis on effective models of local, State, and Federal coordination and cooperation in locating missing children, effective programs designed to promote community awareness of the problem of missing children, effective programs to prevent the abduction of children, and effective programs which provide treatment and counseling to parents of missing children or to children who have been the victims of abduction.

This act would also require the Administrator to make grants or enter into contracts with public agencies or nonprofit private agencies to establish and operate a national toll-free telephone line by which individuals may report and receive information regarding the disappearance or location or any missing children. In addition, the Administrator would establish and operate a national resource center and clearinghouse to provide technical assistance to local and State governments and agencies, disseminate efforts to locate missing children and reunite them with their families.

Finally, the Administrator is authorized to make grants and to enter into contracts with public or private nonprofit agencies for research, demonstration and service programs designed to educate parents, children and the community in ways to prevent the abduction of children, provide public information to assist in the locating and return of missing children, aid communities in the collection of materials which will be useful to parents in assisting others to identify such children, increase knowledge of and develop effective treatment pertaining to the psychological consequences to both parents and children resulting from the child's abduction, and collect data from selected States or localities on the investigative practices used by law enforcement agencies in cases involving missing children.

This bill authorizes to be appropriated $2,000,000 for fiscal year 1984, $10,000,000 for fiscal year 1985, $10,500,000 for fiscal year 1986, $11,000,000 for fiscal year 1987, $11,600,000 for fiscal year 1988, and $12,250,000 for fiscal year 1989.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to vote for this bill. The Juvenile Justice Act has for 10 years now provided leadership and assistance to States, local governments, and private agencies in developing and implementing effective programs for the prevention and treatment of juvenile delinquency. It has been an extremely successful program. In addition, the need for assistance to deal with the large number of children who are missing is apparent to all of us. This legislation provides a vital step in solving this problem. I urge you again to move swiftly to pass H.R. 4971.●

● Mr. ERLENBORN. Mr. Speaker, I must oppose H.R. 4971.

The legislation before us was reported by the Committee on Education and Labor with several major shortcomings. I believe this legislation should have been considered under an open rule to provide us with the opportunity to consider amendments addressing these shortcomings. For this reason, I urge defeat of H.R. 4971 today, in order to require the proponents of this legislation to bring the bill before the House again in a manner permitting amendments.

I have several concerns regarding the Juvenile Justice and Delinquency Prevention Act program. Let me mention a few.

First, the bill eliminates one of two deputy administrator positions from the Office of Juvenile Justice and Delinquency Prevention. The Department of Justice has informed us of its strong opposition to this provision. Officials there believe that this organizational change will undermine their ability to effectively administer the program. I agree with them. Decisions on the organizational structure of the Department should be left to the Attorney General.

A second concern relates to new restrictions placed on the special emphasis grant program. H.R. 4971 would place certain activities into a "priority" status which would virtually require funding. Some of these activities, such as the development and implementation of model programs relating to the special education needs of delinquent and other youth, to help develop coordinated services in this area locally, are somewhat out of the Department's expertise. Some other areas of grantmaking which currently stand on an equal basis with those now in the "priority" category are placed in a "lower priority" category. Two of the most promising initiatives of the Office of Juvenile Justice and Delinquency Prevention are placed in this category—programs to curtail violence in our schools and programs addressing the problems of violent juvenile offenders. I believe that the restrictions placed on the special emphasis grant program will curtail the ability of the office to make grants where they can be most effective in addressing the needs of juveniles.

A third concern is the repeal of the National Advisory Committee for Juvenile Justice and Delinquency Prevention and the transfer of many of its reporting and advisory functions to a national conference to be held annually consisting of the representatives of the State advisory groups. This change in the act would give a non-Presidentially appointed advisory board the responsibilities which should be performed only by Federal advisory committees.

In addition to listing my concerns with regard to H.R. 4971, I would also like to mention my support for several of the provisions in the legislation.

The legislation authorizes the establishment of a missing children's program within the Office of Juvenile Justice and Delinquency Prevention. This new activity will make a significant contribution in addressing the problem of missing children. This year, more than 2 million American children will be reported missing. Of this number, more than 50,000 are either abducted by strangers or wander off by themselves. This new program, which is strongly supported by the administration, will assist the parents of these children in their efforts to locate them.

I would like particularly to note that the Department of Justice recently announced an initiative in this area at the Office of Juvenile Justice. The provisions in H.R. 4971 would allow the continuation of the activities already underway.

Second, H.R. 4971 places an increased emphasis on involving the families of juveniles, including grandparents, in programs designed to combat juvenile delinquency. This emphasis will result in more effective counseling and services for troubled youth that will strengthen families rather than undermine them. I would like to congratulate the gentleman from Wisconsin (Mr. PETRI), the ranking Republican on the Subcommittee on Human Resources for his work on several amendments made to the act in this regard.

Third, and finally, H.R. 4971 amends the runaway and homeless youth program to provide for special assistance to groups wanting to establish runaway and homeless youth centers in surplus Federal facilities. Under the amendment, the Department of Health and Human Services would make surplus facilities under the control of the Department available to eligible groups desiring to establish shelters for runaway youth.

The gentleman from Pennsylvania (Mr. GOODLING) sponsored this amendment in the committee. I would like to compliment him for developing a constructive approach to making more shelter space available for runaways through the use of unused Federal properties.

In closing, Mr. Speaker, I would again like to express my regret that this bill is being unnecessarily considered on the Suspension Calendar. I think it is very much in need for some amendment and that adoption of a few changes could significantly increase the chances of the President signing this bill later this year.

I urge a "nay" vote on H.R. 4971.●

● Mr. McEWEN. Mr. Speaker, let me express my strong support for H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984. This legislation reauthorizes Federal programs essential to solving the problems that afflict the youth of our Nation. In addition, H.R. 4971 strengthens Federal efforts to address the very serious and tragic problem of missing children. It shows the American people that the Federal Government is prepared to do all in its power to address this national problem with speed and impact.

Under this act, parents of missing children will have access to new resources on the Federal level. A national toll-free telephone line and a national resource center and clearinghouse will provide valuable information to parents, law enforcement officers, and local agencies. State and local efforts to recover missing children will have a helping hand here in Washington. Funds will be allocated for projects to prevent abductions, to recover missing children, and to deal effectively with the problems related to kidnapping and the exploitation of children.

Mr. Speaker, let me urge my colleagues to join this effort to help bring our Nation's missing children safely back home and to help alleviate the pain and suffering of those families involved. H.R. 4971 provides meaningful solutions to a problem that has the potential to affect each one of us and I urge the Congress to act swiftly to pass this legislation.

I have confirmed with the proper officials on the Committee on Education and Labor that a program to treat and prevent juvenile delinquency is eligible for a special emphasis grant from the Office of Juvenile Justice and Delinquency Prevention. This particular program trains graduate students to go into the homes of adjudicated delinquents and teach parents how to be more effective parents. At first, the trainees use specific techniques to gain the trust of the family and establish an atmosphere conducive to positive change. Then these graduates teach specific skills the familes lack, such as communication, problem solving, consistent discipline, reinforcement, contracting, et cetera. The teaching is done in the home and is short.

The program is exceptionally effective in my view. In one area where it has been tested, the recidivism rate for juveniles whose families participated dropped from 57 to 14 percent. The treated group has shown a sixfold drop in felonies, while the probation group showed a sixfold increase in felonies. Out-of-home placements are virtually eliminated, leading to a cost differential of $900 per family in the treated group versus over $5,000 per family per year in the probation group. The treatment cost is a one-time cost, while the $5,000 cost for the probation group is repeated every year.

After initial Federal support to start training, local counties can pay for any future training of new employees with the substantial savings they would realize from reduced out-of-home placements. Thus, the cost effectiveness of this approach guarantees that the program could quickly wean itself from Federal support. I urge my colleagues to support H.R. 4971 which enables programs such as this to address the problems facing our Nation's youth.●

● Mr. ANDREWS of North Carolina. Mr. Speaker, as author and primary cosponsor of H.R. 4971, it will come as no surprise that I support it strongly and urge my colleagues to do so as well. It is an important program and for rather modest Federal investment, when compared with other Federal, State, and local action. Indeed, our early debates with the administration who has opposed the bill, were not on whether the program was working but rather whether it has worked so well that it was no longer needed. I assure you it is still needed, although it has accomplished a great deal.

What has been particularly singularly gratifying about working on this piece of legislation has been the bipartisan, and frankly nonpartisan, cooperation which has accompanied its development. From the staff level up, there has been a concern about youth at risk which exemplifies, in my mind, the best that the legislative process offers the American people. I am proud to have been involved with the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984.●

● Mr. CORRADA. Mr. Speaker, I rise in strong support of the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984. The measure reauthorizes through fiscal year 1989 the Juvenile Justice and Delinquency Act (JJDA) and adds title IV to it regarding missing children.

The programs authorized under the JJDA have been extremely successful in furthering our efforts to protect our troubled youth and help them lead a productive life. Rejection, adult penalties, and the like have proven counterproductive in dealing with our disoriented youngsters. The funds provided to States under the programs have helped finance more enlightened approaches in handling juvenile delinquency. We must continue to foster initiatives like these that are predicated in avoiding placing directly or indirectly long-lasting marks in our juvenile offenders which hamper any possibility of them becoming productive, law-abiding citizens. A 5-year extension of the programs administered by the Office of Juvenile Justice and Delinquency Prevention would reflect our commitment to rescuing our troubled youngsters and understanding that there are no quick fixes or easy solutions to juvenile delinquency. Consistency and dedication must be ever present to secure our success in this quest and should guide the decisions we made on this matter.

Puerto Rico has made great studies in the area of juvenile delinquency thanks to OJJDP funds. Five major programs have been created in this area: Community-based services with alternatives to deinstitutionalization; alternatives to institutionalization; improvement of court services for juveniles; improvement of institutional services for juveniles, and the development, research, training, and evaluation program. A centralized data system on juvenile offenders has also been created to provide the information needed to craft new initiatives to deal with juvenile delinquency. These programs specifically designed to orient and help juveniles who are first offenders have also been established in Puerto Rico through OJJDP funds. Over 1,500 youngsters have received guidance under these programs who otherwise would receive little or no special attention. In addition, we were successful in completely removing juvenile offenders from correctional facilities which is the cornerstone of our juvenile justice and delinquency prevention efforts.

The Missing Children's Assistance Act also warrants our full support. It is long overdue for us to establish an aggressive and coherent national effort to trace missing children and prevent their abduction. The free mobility between States calls for new channels of communication with communities nationwide, a national clearinghouse, and better coordination of nationwide search efforts, all of which would become available if this bill is enacted.

Mr. Chairman, in this overly complicated world in which we are living, the pressure on our youngsters is enormous and cop-outs are on the rise. I, therefore, strongly believe we must continue to sponsor programs crafted to provide guidance and stimulate our young to use their energies and creativity in a positive fashion. In addition, we must carefully address the needs of our troubled youth who have already committed an offense to sidetrack him or her from a life in crime.

The bill before us addresses these concerns in a very constructive fashion. I urge to vote for its passage.●

● Mr. MARRIOTT. Mr. Speaker, I rise in support of H.R. 4971, amendments to the Juvenile Justice and Delinquency Prevention Act of 1974. I am particularly pleased to support two important sections of the bill: Reauthorization of title III, Runaway and Homeless Youth, and title IV—Missing Children's Assistance Act.

As ranking minority member of the Select Committee on Children, Youth, and Families, I have heard how important Federal funds have been used to help start runaway shelters. I also know that in my own State of Utah these, and other funds appropriated by the act, have helped a great number of troubled youth. These funds have not only helped to provide shelter and services for these children, but more importantly have gone to programs that work to reunite the youth with their families. I applaud my colleagues, Representatives ANDREWS and PETRI, for their efforts to make sure these amendments make an even stronger statement about the importance of working to reunite youth and their families.

Long an advocate for improvement in the available Federal resources to locate missing children, I stand in strong support of the last title of this measure before us today—the Missing Children's Assistance Act. My own constitutents have personally told me of their individual tragedies, of their own children who are missing. Due to my work in the 97th Congress and my position on the Select Committee on Children, Youth, and Families, I have also heard from other families and groups who are concerned about the plight of missing children and their families.

Each hour 205 children will be reported missing throughout the United States. While many of the 2 million missing children each year return to their homes or are found; 50,000 simply vanish annually; 100,000 are victims of parental abduction; 2,500 found slain, 10 percent sexually assaulted (and this figure is rising), thousands of the children are used for prostitution, child pornography or other purposes, and 80 percent of those abducted by strangers die within 2 days. Hundreds of bodies are found each year, but never identified. It is estimated that 20,000 to 50,000 missing children cases remain unsolved annually in our country.

This legislation will bring together experts and professionals on the Federal, State, and local levels to conduct a comprehensive study on the problem of missing children. This bill would bring a national hotline and other coordinated efforts to bear on a tragedy that strikes thousands of children each year.

During the 97th Congress, the first Missing Children's Act was passed by the Congress and signed into law on October 12, 1982. This law allows State and local law enforcement entities to use the FBI's central crime computer in searches for lost children. It also provided for a new file to centralize information on the unidentified bodies of children and adults. As we all saw, so dramatically, in the film depiction of the abduction of Adam Walsh, the computer had been widely and successfully used by police departments across the United States for years to track stolen cars and property, but only sparingly to log information about stolen children.

Today's legislation is the next step, Mr. Speaker. As child searches are often launched too late and lack interagency coordination, they are often doomed. This title initiates an "early-warning" system for missing children and, most importantly, establishes a national policy on this national tragedy.

With approximately $10 million authorized each year in seed money enactment of this bill will:

Set up a national toll-free hotline to gather tips about missing children.

Establish a national resource center giving technical help to State and local governments while spreading the work about successful new approaches in child searches;

Help public and nonprofit agencies launch research, demonstration or service programs such as stranger awareness instruction for youngsters or voluntary fingerprinting efforts.

I feel very strongly, Mr. Speaker, that this is one area where Federal involvement is not only important, but essential if we are to effectively combat this national problem. Coordination of efforts from the Federal level and use of Federal resources will greatly aid the individual States. Most importantly, the States are asking for our aid. They are sympathetic to the plight of the families of missing children—they want to be able to do more. Passage of this legislation will allow them the ability to expand and improve their searches; passage of this legislation will not take the search away from the local level.

It is important that we in Congress not only spend time talking about the difficulties the families of missing children face and the horror stories involving children of all ages, but that we demonstrate that we are willing to do something to help these families in preventing and locating missing children.

Mr. Speaker, I must applaud the efforts of Representative PAUL SIMON who has without a doubt been one of the leaders in this body in our fight to assist missing children. Passage of this legislation today culminates years of work. I hope that this body, not only passes this bill, but passes it unanimously.●

● Mr. ANDREWS of North Carolina. Mr. Speaker, as author and primary cosponsor of H.R. 4971, it will come as no surprise that I support it strongly and urge my colleagues to do so as well. It is an important program and for rather modest Federal investment, when compared with other Federal programs, it has paid remarkable dividends in Federal, State, and local accomplishment. Indeed, our early debates with the administration when they opposed reauthorization (I understand they now support reauthorization), were not about whether the program was working but rather whether it had worked so well that it was no longer needed. Although it has accomplished much, I assure you that it is still needed.

What has been singularly gratifying about working on this legislation has been the bipartisan, and frankly nonpartisan, cooperation which has accompanied its development. From the staff level up, there has been a concern about youth at risk which exemplifies, in my mind, the best that the legislative process offers the American people. I am proud to have been involved with the Juvenile Justice, Runaway Youth, and Missing Children's Amendments of 1984.

In light of such cooperation, it is difficult if not impossible to thank everyone to whom appreciation should be expressed. However, let me particularly mention our committee chairman, Congressman CARL PERKINS, and the ranking minority member of the Subcommittee on Human Resources, Congressman TOM PETRI, of Wisconsin. Both were closely involved in the drafting of the bill and shared their knowledge and experience generously. Also, Congressman PAUL SIMON was most important to our deliberations as we fashioned a separate title on missing children's assistance. Other subcommittee members, particularly Congressman PAT WILLIAMS of Montana, have contributed heavily.

Let me clarify a few points if I may with regard to this legislation and its consideration. As of this morning, I was informed for the first time that the administration, while now supporting reauthorization, was opposing the committee bill because they wanted certain amendments made. Among these amendments were a total reorganization of the Office of Juvenile Justice into a small bureau to be incorporated into a larger crime control superstructure; a two-thirds reduction in the authority for assistance; a 60-percent reduction in authority for runaway and homeless youth programs which could well result in the closing of more than 100 shelter facilities; a provision making missing children's assistance discretionary.

I want to assure my colleagues that these are last minute suggestions and are dilatory, in my opinion, not only to the program but to the legislative process as well. One reason the Congressional Budget Act requires the administration to alert Congress to their requests with regard to reauthorizing programs a year in advance is so that Congress and the public can have a period of review. While the committee has held several public hearings on H.R. 4971, there has been no opportunity for public comment on these suggestions by the administration and I fear that they are only intended as obstacles to our consideration. I ask all the more that you support H.R. 4971 ●

● Mr. TOWNS. Mr. Speaker, for many years, numerous State and local governments have sought direction and assistance in developing more effective juvenile justice and delinquency programs. I support H.R. 4971, because it addresses these concerns and attempts to establish a system which would begin to remedy the many problems of the present system.

The primary concern of H.R. 4971 is implementation. Although the bill extends the Juvenile Justice and Delinquency Prevention Act of 1974 for 5 years, it reemphasizes efforts to curtail and prevent juvenile delinquency. One such measure is the increased emphasis placed on programs which seek to address the problem of delinquency and its prevention, by strengthening and maintaining the family unit. This is accomplished by stressing the importance of the role of parents and other family members and their relationship to their children.

Counseling programs and projects designed to treat alcohol and drug dependency and abuse are also addressed in H.R. 4971. As a member of the Select Committee on Narcotics Abuse and Control, this effort by the committee is an attempt to begin to solve this gross problem which plagues our Nation.

Title III, the Runaway and Homeless Youth Act, is strengthened by the placing of additional emphasis on family involvement in counseling related to family reunification.

Title IV speaks to an issue about which all of us have been concerned, that is missing children. Each year the numbers of children who are reported missing increases. This fact warrants action and the proposed measures are such that they begin to establish the necessary steps needed to alleviate the concerns of States, local governments and parents.

I urge you to support this bill, because it is a positive move toward the solution of some of the problems which make up our juvenile justice system.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children Amendments of 1984. This bill would reauthorize through 1984 the Juvenile Justice and Delinquency Prevention Act of 1974, and provides us with an opportunity to make a solid investment in this country's future—its youth.

Title II of the Juvenile Justice Act created a Federal-State-local partnership to combat juvenile crime and, more importantly, to reduce and prevent delinquency. The latest FBI uniform crime report indicates that the program is achieving results. Today, approximately one-third of all serious crime in the United States is committed by juveniles. This contrasts markedly with the figures for 1974, which showed that nearly half of all serious crime was committed by juveniles. An analysis conducted by the American Justice Institute reveals that juvenile crime rates are down across the board: Robbery is down by 11 percent; car theft down by 40 percent; arson by 7 percent; burglacy by 17 percent; larceny by 19 percent; vandalism by 22 percent; sex offenses by 17 percent; drug abuse by 42 percent; disorderly conduct by 24 percent; curfew and loitering violations by 7 percent; and rates for murder and rape have not risen. I think it is especially important to note that these decreases have occurred in spite of the fact that youth unemployment has risen steadily over that same period.

Title II of the act specifically attacks one of the major contributing factors to juvenile crime and delinquency—runaway and homeless youth. Last year, over 200 shelter facilities were provided nationwide under this title. Over 50,000 youth received shelter and another 150,000 received crisis counseling. A national toll-free hotline handled over 200,000 calls from youths and parents seeking help. Like title II, statistics seem to indicate that results are being achieved; since 1974, the arrest rate for runaways has dropped by a dramatic 32 percent.

In my own State of Massachusetts, juvenile justice funding has been used over the past 10 years in a number of ways to improve the State juvenile justice system. It has helped, for example, in separating juveniles from adults in secure facilities. It has made possible innovative programs like inschool alcohol and drug abuse programs, the success of which are reflected in the fact that the funding for many of these programs has been picked up directly by cities and towns. Under the current funding cycle, more of the same is underway, including six drug and alcohol education and prevention projects, a tourniquent sentencing and treatment program for serious and violent juvenile offenders, five inschool suspension and dropout prevention programs, a project for the mediation of family conflicts employing trained community volunteers, and five specialized family service programs. A comprehensive review of the State's 70-year-old junvenile code has also been undertaken.

H.R. 4971 also adds a new title to the Junvenile Justice Act to address one of our true national tragedies—missing children. Title IV would be added to the act to create a National Bureau of Missing Children, which will serve as a national clearinghouse for information and research.

The statistics speak for themselves as poignant testament to the urgent need for this Bureau. More than 150,000 children are taken annually by estranged parents, and thousands more are abducted by strangers who use the chilren for their own savage purposes. Some 4,000 children are found dead each year, and hundreds of other bodies are discovered but cannot be identified. It is estimated that 20,000 to 50,000 missing children cases remain unsolved each year in the United States.

We are all familiar with the fact that the FBI's central crime computer was used for years to track stolen cars and property, but was inaccessible to efforts aimed at finding missing children. That bureaucratic malfunction was corrected by the Missing Children Act of 1982, and the time is now to press forward with phase II of the battle to reverse the tragedly of missing children.

H.R. 4971 will continue us on the road to diminishing and hopefully ultimately eliminating that percentage of our youth which has in the past been a counterproductive force in our country, and will also help find those children who otherwise may never get a chance to be contributing members of our society. H.R. 4971 is a valuable safeguard protecting our most treasured resource—our youth—and I hope my colleagues will join me in supporting this legislation.●

GENERAL LEAVE

Mr. WILLIAMS of Montana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4971, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Montana (Mr. WILLIAMS) that the House suspend the rules and pass the bill, H.R. 4971, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RURAL HOUSING ASSISTANCE ACT OF 1984

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5327) to amend the Housing Act of 1949 to insure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low-income families or persons does not delay the provision of assistance under such section to other families or persons, as amended.

The Clerk read as follows:

H.R. 5327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rural Housing Assistance Act of 1984".

SEC. 2. Section 502(d) of the Housing Act of 1949 is amended to read as follows:

"(d)(1) For fiscal year 1985 and each succeeding fiscal year (and for fiscal year 1984, to the maximum extent practicable), not less than 40 percent of the dwelling units financed under this section shall be available only for occupancy by very low-income families or persons.

"(2) The Secretary shall establish procedures to carry out paragraph (1) that ensure that—

"(A) the percentage requirement established in such paragraph is complied with by the end of each fiscal year after fiscal year 1984; and

"(B) the provision of assistance under this section to families and persons who are not very low-income families or persons is not delayed by reason of such percentage requirement, unless such delay is necessary to comply with subparagraph (A).

"(3) In accordance with the requirements of section 532, the Secretary shall, in making assistance available under this section, give a priority to processing applications submitted by very low-income families or persons.".

SEC. 3. Section 501(b)(4) of the Housing Act of 1949 is amended by inserting before the period at the end thereof the following: ", except that the Secretary of Agriculture may establish higher or lower income levels for purposes of such terms if the Secretary of Agriculture determines such adjustment to be necessary because of prevailing levels of construction costs, unusually high or low family incomes, or other factors".

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. GONZALEZ) will be recognized for 20 minutes and the gentleman from Indiana (Mr. HILER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5327, as amended, will clarify several provisions contained in the Housing and Urban Rural Recovery Act of 1983 to permit the Farmers Home Administration section 502 low-income homeownership loan program to proceed as Congress intended without further delay. The bill provides that the requirement calling for 40 percent of the units financed with these loans be met on a national basis only to the maximum extent practicable in fiscal year 1984. It eliminates any targeting requirement from being applied on a State-by-State basis. It restates the processing priority included in the 1983 act to assure that section 502 applications from very low-income families will be expedited as Congress intended. And, it makes clear that the Secretary of Agriculture may adjust upward or downward the family income data for rural areas provided by the Department of Housing and Urban Development, in order to take into account very high or low income and unusually high construction costs when establishing the income eligibility limits for low- and very low-income families.

H.R. 5327, as amended, is intended to insure that section 502 loans will be made in the amount approved by the Congress for fiscal year 1984. At this late point in the fiscal year, almost two-thirds of the funds remain unspent. However, applications are on hand in many FmHA county offices from eligible borrowers who have been waiting for funding of their homeownership loan applications for as much as a year or more. Congress never intended that these persons should be delayed or denied approval of their loan in order to meet the very low income target. FmHA is directed to make special efforts to fund these loans as quickly as possible. This directive does not conflict with the priority given to processing applications from very low income borrowers. This priority would be expected to apply to applications received after November 30, 1983.

The national target requirement is maintained without qualification for fiscal year 1985 and thereafter, because there is evidence that it may realistically be met after a transition period. In fact, many States have approached, and in some cases exceeded, the 40 percent very low income target. Twenty-eight percent of the loans made so far in fiscal year 1984 have been to very low income persons, up from 23 percent in the past fiscal year.

There is some question, however, as to whether FmHA can monitor any strict percentage requirement and in what areas and under what conditions such a percentage requirements is economically feasible. Therefore, the Congressional Budget Office is requested to study the affordability issue and the Government Accounting Office to study the FmHA administrative capacity issue and report to the Congress sufficiently in advance of fiscal year 1985 to permit further changes to be made if necessary on the basis of the findings of these studies. This should avoid any delay in obligating these much needed loans in the amounts made available by the Congress for fiscal year 1985.

The need for this bill is crucial in rural areas. The subcommittee has learned this from its hearing on March 28, 1984, and in its joint hearing with the Manpower and Housing Subcommittee of the Government Operations Committee on April 23, 1984, in Maine. In addition to the hearings, a substantial amount of correspondence was received from realtors, home builders, and borrowers. A large number of Members of the House also contacted the subcommittee and 28 cosponsored the bill. I urge that it be adopted by the House.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the minority has no objection on H.R. 5327. This bill simply instructs the Farmers Home Administration to administer the section 502 homeownership program in such a way that those who are most in need of assistance receive that assistance but that others who also qualify for assistance can receive help if funds are available.

I should point out Mr. Speaker that the administration is not in favor of H.R. 5327. Their opposition, however, is not to the objective of the bill. They agree with that. They simply prefer the language contained in House Joint Resolution 492, the urgent supplemental appropriations. Both bills accomplish the same thing. Because this is a matter of legislating, I believe an authorization bill is a better vehicle than an appropriation bill.

Last year Congress made the determination we should target 40 percent of the funds for the section 502 Farmers Home Administration program to those who are designated very low income. This means those individuals or families must be at 50 percent or below of area median income.

Such a decision is in line with the administration's overall policy of concentrating our resources on the "truly needy."

Mr. Speaker, I realize legitimate questions can be raised as to whether we should be utilizing Government funds in a subsidized home-ownership program.

Scarce subsidized housing funds perhaps could be better utilized in rental housing assistance programs or in public housing. No one denies that. The fact of the matter is that in many rural areas we have no viable programs of that nature so we are forced to go the homeownership route.

The somewhat imperfect solution then—of targeting these funds—made sense. Unfortunately, last year's legislation has not achieved the results intended.

Whether through lack of available low-cost housing or because the ceiling of 50 percent is simply too low to actually qualify a homeowner, the Farmers Home Administration is having a difficult time meeting the 40 percent target.

At the same time, Farmers Home is maintaining they cannot spend all of the 60 percent of the remaining funds. They can release this portion of the funds, they say, only in proportion to the 40 percent of the funds they have released to qualified very-low-income purchasers.

The result has been a slowdown, and in some States a virtual stoppage, in the utilization of 502 funds. In my home State of Indiana only 32 percent of their allocation has been obligated although we are almost two-thirds of the way through the fiscal year. This was not the intent of last year's legislation.

Let me emphasize one point. Rural individuals or families who qualify for the 60 percent of the funds are low income. They are between 50 and 80 percent of area median income. They are not wealthy. They are in need of Government assistance and that assistance should not be held hostage to what happens to the funds for the very low income.

H.R. 5327 would make it clear these funds are not held hostage. It also removes a State-by-State qualifying requirement.

H.R. 5327 also relaxes the 40-percent requirement for this fiscal year. This provision was added in the Housing Subcommittee after several Members from our side of the aisle had expressed reservations as to whether we should be encouraging—indeed mandating—the administration to make loans that may turn out to be questionable. Hopefully, this situation will not exist in future years as the supply of low-cost manufactured housing becomes more plentiful.

At this point, I might add, Mr. Speaker, that, in my estimation, manufactured housing ultimately offers the main potential for meeting goals such as we had in the original bill.

Mr. Speaker, I urge my colleagues to support H.R. 5327, and I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a distinguished and very able member of this subcommittee.

Mr. FRANK. I thank the gentleman from Texas for yielding, and I want to thank him, as well, for the leadership he has shown in his chairmanship of the Housing Subcommittee in very promptly bringing before the House a sensible legislative solution to an inadvertent problem that was created legislatively last year.

I and many other Members had called to my attention and to our attention the fact that this effort to help the very low income through the rural housing program was partly because of improper drafting initially, but partly also, I think it has to be said, by excessive rigidity at the Farmers Home Administration. We were causing some problems for some of the low-income people as opposed to the very low-income people to whom this was aimed.

So I support the legislation, and I am glad that we bring this forward on a bipartisan basis. I think it represents the best compromise possible in trying to meet several goals: providing houses for those at the low end of the scale while not having that interfere with our ability to help people a little bit above it.

There are a couple of points that ought to be made. First of all, the broad support that exists for this bill is indicative of the broad support that exists for this program. We should be clear, we are talking about a Government housing subsidy program. We hear a lot these days about Government programs that do not work well, and there are some that have not worked well, some that ought to have been abolished, and have been, and some that ought to be cleaned up. This is a program where the Government makes funds available to help low-income individuals purchase housing that they would not otherwise be able to purchase. The hearings that were held by the Housing Subcommittee, the hearings that were held by the Housing and Manpower Subcommittee of the Committee on Government Operations, which I chair—we had one in Maine, at the request of the ranking minority Member—and other information that we got made it very clear that we have here an example of a very successful Government housing program. In fact, the major criticism that we have heard in our hearings on this program is that it is far too small. We ought to be clear that there is a certain irony for many of us in the fact that this became a fight between the low income and the very low income.

It is, to me, a matter of some national embarrassment that last week we debated a military spending bill in the billions, and we billioned here and we billioned there, and we quibbled over issues. Some subsidiary issues last week cost the Government far more than this entire program. It is a program which has shown an ability to provide leverage, to build on the hard work and the initiative of individuals who may have some income problems but who are willing to work hard, willing to invest, willing to take on the responsibility of homeownership, and the broad support that exists for this bill ought to be taken not just as support that the gentleman from Texas has done for the subcommittee in clearing up the specific problem, it ought to be recognized that this is an affirmation that Government programs play an important and necessary role in society as a whole, particularly in the housing area. I hope that the kind of support we are getting for correcting this glitch so that this important program for bringing housing to lower income people at a relatively small amount of money can go forward but the people will understand the broader implications of that.

● Mr. CORRADA. Mr. Speaker, I rise in strong support of H.R. 5327, the Rural Housing Assistance Act of 1984. This bill will correct an erroneous interpretation given to the Rural Housing Amendments of 1983 by the Farmers Home Administration of the sections establishing spending goals for the section 502 program which has caused severe and crucial delays in the utilization of desperately needed housing construction funds throughout the Nation.

The bill, once enacted, will specify that the percentage of funds which are earmarked for very low income families shall be committed by the end of each fiscal year. Further, the bill specifies that funds for families which are not very low income shall not be delayed by reason of the percentage set-aside for very low income families.

With this clarification, we hope to avoid the problems which many counties now face of withholding of all program funds until the very low income percentage spending goal has been met. In Puerto Rico, we confront the dire prospect of losing close to $50 million of housing construction funds because of this situation.

I have been in contact with officials of the Farmers Home Administration; these conversations lead me to believe that the changes we enact today will be greeted with open arms because of that Agency's commitment to the housing industry and to providing decent shelter for rural America.

Unfortunately for Puerto Rico, we will continue to have problems with this program because of the minimum property standard imposed by FmHA. Again, I have been discussing with agency officials regarding the MPS problem in Puerto Rico and the possibility of utilizing, as the Department of Housing and Urban Development does, the local minimum property standards.

I reiterate my support for this bill, as a first step in making the section 502 program as successful as it once was, and once again, a light of hope for the many low and very low income families across the country who would like to make the American dream of owning their home come true.

However, I urge my colleagues to continue their efforts to improve this program. In particular, I hope we may allow the Agency more flexibility in dealing with particular problems in different areas of the country. Such flexibility would allow better utilization of the resources available to meet the specific needs of the low and very low income families in rural America.●

● **Mr. CARPER.** Mr. Speaker, I rise in support of the Rural Housing Assistance Act.

In town meetings across my State this spring I heard dozens of stories of families who were being denied homes because of delays in granting mortgage assistance under the Farmers Home Administration's rural low-income homeownership loan program.

Further investigation revealed that the Farmers Home Administration was not approving loans to low-income families because of a well-intentioned requirement Congress included in authorizing the program which requires 40 percent of all housing financed under the rural low-income homeownership loan program to very-low-income families in need of this assistance. Unfortunately, an insufficient number of very-low-income families who applied for 502 assistance could qualify for the program and the Farmers Home Administration refused to release funds to assist low-income families until the 40 percent very-low-income goal was achieved.

This resulted in thousands of families across the Nation being denied 502 assistance and being denied homes.

The Rural Housing Assistance Act which we are considering makes clear that the Farmers Home Administration must make available 502 funds in order to insure that all of those who qualify for assistance receive it. The bill requires that 40 percent of the units financed go to very-low-income families to the maximum extent possible, but release of FmHA funds may not be delayed pending approval of applications from very-low-income families.

Section 502 applications from low-income families across Delaware and across the United States sit in FmHA offices awaiting approval while almost two-thirds of the rural low-income homeownership loan program funds remain unspent. This measure retains the goal of targeting assistance to very-low-income families, but it frees up rural low-income home ownership funds to allow all eligible applicants to gain the American dream of owning their own home.

I strongly urge its passage.●

Mr. HILLIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with this debate on the bill under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GONZALEZ) that the House suspend the rules and pass the bill, H.R. 5327 as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Housing Act of 1949 to ensure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low-income families or persons does not delay the provision of assistance under such section to other families or persons.".

A motion to reconsider was laid on the table.

NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2889) to amend section 306 of the National Historic Preservation Act, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 306 of the National Historic Preservation Act (16 U.S.C. 470w-5) is amended—

(1) by adding at the end thereof the following new subsection:

"(g) Within twelve months after the date of the enactment of this subsection, the executive director of the National Building Museum shall prepare and submit to the Congress a report concerning the activities of the museum. The report shall include—

"(1) recommendations for the long-term management, staffing, and funding of the museum and alternative approaches for its permanent administration, including an analysis of whether the museum should continue in its present organizational and operational status; and

"(2) recommendations for administrative and legislative actions which may be necessary to further the purposes of the museum.";

(2) by striking out "(c)" in subsection (c) and inserting in lieu thereof "(c)(1)";

(3) by adding at the end of subsection (c) the following new paragraph:

"(2)(A) The Secretary is authorized to provide nonmatching grants-in-aid to the Board of Directors of the National Building Museum in amounts not to exceed $1,500,000 for each of the fiscal years 1985 through 1988, for the purposes of maintaining the operations of the National Building Museum during the time the building in which it is located is being renovated and prepared for museum use.

"(B) For the purposes of carrying out this paragraph there is authorized to be appropriated not more than $1,500,000 for each of the fiscal years 1985 through 1988. Appropriations made pursuant to this paragraph may be made without fiscal year limitation, and shall remain available until expended.

"(C) Authority to enter into contracts or make payments under this paragraph shall be effective for any fiscal year only to the extent that appropriations are available for that purpose."; and

(4) by striking out "National Museum for the Building Arts" in subsection (a) and inserting in lieu thereof "National Building Museum".

SEC. 2. Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t.(a)) is amended by striking out the second and third sentences and inserting in lieu thereof "To carry out the provisions of this title, there is authorized to be appropriated not more than $2,500,000 for each of the fiscal years 1985 through 1989.".

SEC. 3. The National Historic Preservation Act is amended by adding at the end thereof the following new section:

"SEC. 308. (a) The Congress recognizes—

"(1) the unique and significant role of The National Learning Center (a private nonprofit institution organized and existing under the laws of the District of Columbia, hereinafter in this section referred to as the 'Center'), and its two operating entities, the Capital Children's Museum, and the Learning Opportunity Center, in meeting the educational and esthetic needs of people of all ages in Washington, District of Columbia, and from throughout the United States and other countries, by providing opportunities for experimental learning and cultural and esthetic awareness through participatory activities;

"(2) the success of the Center in attracting increasing numbers of visitors and support from the private sector; and

"(3) that Federal technical and financial assistance is needed to help provide a basis for the future development of the Center, to help assure adequate maintenance of its physical facilities, and to help encourage increased support from other public and private sources.

"(b)(1) Within eighteen months after the date of enactment of this section, the President of the Center, in consultation with the Secretary of the Interior, the Secretary of Education, the Administrator of the General Services Administration, and the Secretary of the Smithsonian Institution, shall prepare and transmit to the Congress a comprehensive management plan for the Center. The Center management plan shall include—

"(A) recommendations for the development, use, security, and maintenance of the buildings and grounds of the Center, including alternatives for the adaptive use of any structures which have historical significance;

"(B) recommendations for the long-term management, staffing, and funding of the Center and alternative approaches for its permanent administration, including an analysis of whether the Center should continue its present organizational and operational status; and

"(C) recommendations concerning exhibits and collections (including their acquisition, curation, conservation and interpretation), educational and esthetic programs and related recreational activities, research and training, fund raising, publications and other forms of communications, and cooperative activities with other institutions and public and private agencies.

"(2) The management plan shall take into account both the short-term needs and the long-term growth of the Center. The plan shall be divided into five year increments over a twenty year period, and should include recommendations for additional administrative and legislative actions which may be necessary to further the purposes of the Center.

"(c)(1) The Secretary is authorized to make grants-in-aid to the Center of not more than $500,000 for each of the fiscal years 1985 through 1988, for the maintenance and security of the buildings, grounds, and contents of the Center.

"(2) For the purposes of carrying out the provisions of this subsection there is authorized to be appropriated not more than $500,000 for each of the fiscal years 1985 through 1988.

"(3) Authority to enter into contracts or make payments under this subsection shall be effective for any fiscal year only to the extent that appropriations are available for that purpose.".

SEC. 4. Nothing in this Act shall be construed to prevent the National Buildings Museum, described in section 306 of the National Historic Preservation Act, or The National Learning Center, described in section 308 of such Act, from obtaining Federal funds from any other source.

SEC. 5. Any provision of this Act which, directly or indirectly, authorizes the enactment of new budget authority described in section 402(a) of the Congressional Budget Act of 1974 shall be effective only for fiscal years beginning after September 30, 1984.

□ 1250

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2889, as reported by the Committee on Interior and Insular Affairs, would amend the National Historic Preservation Act to provide assistance for the National Building Museum and the National Learning Center, and to reauthorize funding for the Advisory Council on Historic Preservation.

Specifically, the reported bill would amend section 306 of the National Historic Preservation Act to add new provisions providing certain financial assistance to the National Building Museum and directing the preparation of a report to Congress on the activities of the museum, located in the Pension Building in Washington, DC. The report would include recommendations for the long-term management, staffing, and funding of the museum, and for further administrative and legislative actions which may be needed.

The bill would also amend section 212(A) of the National Historic Preservation Act to continue the authorizations for appropriations for the Advisory Council on Historic Preservation at its current level ($2,500,000 annually) for fiscal years 1985 through 1989.

The bill also amends the National Historic Preservation Act to add a new section 308 to provide assistance to National Learning Center, the parent entity of the Capital Children's Museum in Washington, DC. The bill directs preparation of a report to the Congress, within 18 months of enactment, of a detailed comprehensive management plan for the Center. It also authorizes the Secretary of the Interior to make grants-in-aid of up to $500,000 for each of fiscal years 1985 through 1988 for the maintenance and security of the Center.

With regard to the Center, I would like to emphasize that this facility, although only a few years old, has attracted many thousands of young visitors not only from the metropolitan area but from throughout the Nation and from other countries as well. It is rapidly becoming an international as well as national treasure.

With regard to the National Building Museum, I would simply point out that, under a cooperative agreement, the General Services Administration is currently renovating the Pension Building. The Museum, itself through volunteer efforts and donated funds, has begun a wide variety of activities—including exhibits, educational forums and tours—that have attracted increasing attention. The purpose of the bill is to provide Federal seed money for the startup costs for the Museum's programs while the Pension Building is being renovated.

In the case of the Advisory Council on Historic Preservation, at the committee's hearings on the administration's fiscal 1985 budget request, it was pointed out that the authorization for the advisory council will expire in 1984. The reported version of H.R. 2889 therefore includes language that would provide the necessary authorization. The committee also determined that no other legislative changes in the advisory council's authorities are needed at this time.

Before closing, I would like to thank a number of people who have worked so hard on this legislation, particularly Mr. Clinger, who introduced the original bill. I would also like to thank Mr. Clinger's staff person, Mr. James Tapper, and also Ms. Loretta Neumann of the staff of the Subcommittee on Public Lands and National Parks and Mr. Michael DeBord of the Legislative Council's office.

In addition, I would like to recognize Mr. David Childs, chairman of the board, and Mr. Bates Lowry, executive director, of the National Building Museum; Mrs. Esther Coopersmith, chairman of the board, and Mrs. Ann Lewin, president, of the National Learning Center; and Mr. Sam Aldridge, chairman, and Mr. Robert Garvey, executive director, of the Advisory Council on Historic Preservation.

I urge Members to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2889. I would also at this time like to inform the body, and especially on this side of the aisle, that the administration does oppose this legislation. But again, I believe that the chairman has voiced the intent of the bill, and I do support the bill.

Mr. MOODY. Mr. Speaker, I rise today in support of H.R. 2889, the National Historic Preservation Act amendments, which would provide assistance for the National Building Museum and the National Learning Center and would reauthorize the Advisory Council on Historic Preservation. It is a particularly important bill, as it will reinforce the national program to protect our cultural heritage.

H.R. 2889 would authorize $1.5 million in each fiscal year, 1985 through 1988, for grants-in-aid to the National Building Museum in the Pension Building in Washington, DC. Such funds would assist with the start-up cost for the museum's programs while the Pension Building is being renovated. The National Building Museum has already begun a variety of activities that have attracted favorable reviews from the public at large.

The National Learning Center (NLC) has two operating entities: The Capital Children's Museum, well-known and beloved to residents of Metropolitan Washington, DC, and tourists, and the Learning Opportunity Center, a new school opened on March 5 of this year for drop-out youth, age 16 to 21.

The NLC has 250,000 visitors a year at the museum, and is quickly building to 150 students in the school. Both school and museum are innovative models of cultural/educational/recreational programs that supplement, enhance, and offer alternatives to traditional programs. The museum, which is celebrating its fifth year in 1984, has rapidly become known as a leader in its field. It has had requests for technical assistance from educators and cultural leaders in 45 States who want to emulate its programs; and, the U.S. Department of State has sent official parties, including Queens, First Ladies, and heads of State, to see the museum from more than 32 foreign countries.

In a nation that prides itself on being child-centered, it is of the utmost importance that the Capital City have a showcase for programs for children and youth like the programs run by the NLC. For the sake of our national pride, and for the purpose of stimulating innovative thinking in those who run educational, cultural, and recreational facilities, the NLC must be helped through Federal support for its maintenance costs.

At a time when excellence of our educational system has been called into question, and when our national competitive edge hangs on the caliber of the education of our youth, a model like NLC is an essential spur to the educational models of the 21st century. Over time, we will only be as strong a nation as the children of our Nation are educated and enlightened. Support for the NLC is an investment in our future by providing for our children today.

The funds called for in H.R. 2889, $500,000 a year for each of the next 4 years, is a small price to pay for the sakes of new models in education like those created and run at the NLC. I urge my colleagues to join those who are strongly in favor of supporting this exceptionally fine institution, and to be sure to visit if you have not already done so.

Finally, during the Interior Committee's consideration of the provisions relating to the Advisory Council on Historic Preservation, we carefully reviewed questions that have been raised about the Council's authority to administer the protective process of section 106. It is important to note that our thorough review of the legal issues confirmed our initial judgment that the Council has acted in full accord with the intent of Congress, expressed in 1976 and 1980, when it issued the regulations which currently govern section 106. I trust that our reauthorization of the Council's program, with the attendant expressions of legislative intent, will be sufficient to dispel any doubts that may have been raised on this question.

● Mr. CLINGER. Mr. Speaker, I am delighted to rise in support of H.R. 2889, a bill to amend the National Historic Preservation Act. I will address those sections of the legislation dealing with the National Building Museum, which reflect the bill as introduced, and shall leave comment on the committee amendments to the very able members of the committee.

The sections of H.R. 2889 dealing with the National Building Museum were designed with a dual purpose. First, the bill authorizes an appropriation of not more than $1,500,000 for each of the fiscal years 1984 through 1987, for the purpose of maintaining the operations of the National Building Museum during the time that its new home, the old Pension Building, is being renovated for museum use. The second purpose is to change the name of the museum from the "National Museum of the Building Arts" to the "National Building Museum" as it is popularly called.

During the next 4 years the National Building Museum will be entering a critical period of its development as a new national institution devoted to improving our country's built environment by better educating our citizens. Already the museum has made giant strides in exhibition and data collection as well as publication of an award winning quarterly magazine. That the museum is ready to enter this critical development stage only 4 years after the House of Representatives along with the President and the other body gave the museum its mandate of existence, is due to the extraordinarily enthusiastic reception the general public has given to the idea of such an institution and to the determination of a group of dedicated, mostly volunteer workers. Today they can take pride, Mr. Speaker, in having laid the foundations for an institution that will be truly national in scope and that will do credit to the impressive architectural showcase—the old pension building—that the Congress has entrusted to it.

For the National Building Museum to properly fulfill the mandate Congress has dictated, some additional assistance from the Federal Government is essential. The operating funds authorized in H.R. 2889 for the museum will provide the Federal seed money which has always been considered vital for the realization of the museum. Over the next 4 years, the life of the authorization period in this bill, the museum will be witnessing the repair and renovation of the Pension Building. Consequently, it will be most difficult for the museum to operate as fully or visibly as it will upon completion. This period of physical renovation and institutional development of the museum is one that is especially demanding on the museum and is a period that deserves our care and understanding.

Mr. Speaker, I want to stress to my colleagues that the moneys authorized here will serve as important seed money for the already aggressive efforts to secure funds from the private sector. Indeed, the museum's board of directors is currently committed to raising $1.5 million from among its own members for the museum's support. As I have indicated, the Building Museum has enjoyed the continued support of the public—from the building trades unions to the construction industry and the professional architects. It is now up to us to insure this modest Federal downpayment for a worthy program of nationwide public and private import. I urge all my colleagues to join in this effort in support of our built environment and vote to pass H.R. 2889.●

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill, H.R. 2889, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the National Historic Preservation Act, and for other purposes."

A motion to reconsider was laid on the table.

OREGON WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1149) to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

That this Act may be referred to as the "Oregon Wilderness Act of 1984".

SEC. 2. (a) The Congress finds that—

(1) many areas of undeveloped national forest system land in the State of Oregon possess outstanding natural characteristics which give them high value as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second roadless area review and evaluation (RARE II) of national forest system lands in the State of Oregon and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the national forest system's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review and evaluation of national forest system lands in the State of Oregon and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this Act are to—

(1) designate certain national forest system lands and certain public lands in the State of Oregon as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve

the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other national forest system lands in the State of Oregon be available for nonwilderness multiple use.

SEC. 3. In furtherance of the purpose of the Wilderness Act the following lands in the State of Oregon comprising approximately eight hundred fifty-nine thousand six hundred acres and as generally depicted on maps appropriately referenced, dated May 1984; are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Mount Hood National Forest, which comprise approximately thirty-nine thousand acres, are generally depicted on a map entitled "Columbia Wilderness—Proposed", and which shall be known as the Columbia Wilderness;

(2) certain lands in the Mount Hood National Forest, which comprise approximately forty-four thousand six hundred acres, are generally depicted on a map entitled "Salmon-Huckleberry Wilderness—Proposed", and which shall be known as the Salmon-Huckleberry Wilderness;

(3) certain lands in the Mount Hood National Forest, which comprise approximately twenty-four thousand acres, are generally depicted in a map entitled "Badger Creek Wilderness—Proposed", and which shall be known as the Badger Creek Wilderness;

(4) certain lands in the Mount Hood National Forest and the Willamette National Forest, which comprise approximately thirty-four thousand nine hundred acres, are generally depicted on a map entitled "Bull of the Woods Wilderness—Proposed", and which shall be known as the Bull of the Woods Wilderness;

(5) certain lands in the Siuslaw National Forest, which comprise approximately five thousand eight hundred acres, are generally depicted on a map entitled "Drift Creek Wilderness—Proposed", and which shall be known as the Drift Creek Wilderness;

(6) certain lands in the Siuslaw National Forest, which comprise approximately seven thousand four hundred acres, are generally depicted on a map entitled "Rock Creek Wilderness—Proposed", and which shall be known as the Rock Creek Wilderness;

(7) certain lands in the Siuslaw National Forest, which comprise approximately nine thousand three hundred acres, are generally depicted on a map entitled "Cummins Creek Wilderness—Proposed", and which shall be known as the Cummins Creek Wilderness;

(8) certain lands in the Umpqua National Forest, which comprise approximately nineteen thousand one hundred acres, are generally depicted on a map entitled "Boulder Creek Wilderness—Proposed", and which shall be known as the Boulder Creek Wilderness;

(9) certain lands in the Umpqua and Rogue River National Forests, which comprise approximately thirty-three thousand two hundred acres, are generally depicted on a map entitled "Rogue-Umpqua Divide Wilderness—Proposed", and which shall be known as the Rogue-Umpqua Divide Wilderness;

(10) certain lands in the Willamette National Forest, which comprise approximately thirty-nine thousand two hundred acres, are generally depicted on a map entitled "Waldo Lake Wilderness—Proposed", and which shall be known as the Waldo Lake Wilderness;

(11) certain lands in the Willamette National Forest, which comprise approximately four thousand eight hundred acres, are generally depicted on a map entitled "Menagerie Wilderness—Proposed", and which shall be known as the Menagerie Wilderness;

(12) certain lands in the Willamette National Forest, which comprise approximately seven thousand five hundred acres, are generally depicted on a map entitled "Middle Santiam Wilderness—Proposed", and which shall be known as the Middle Santiam Wilderness;

(13) certain lands in and adjacent to the Siskiyou National Forest which comprise approximately seventeen thousand two hundred acres, are generally depicted on a map entitled "Grassy Knob Wilderness—Proposed", and which shall be known as the Grassy Knob Wilderness;

(14) certain lands in the Siskiyou National Forest, which comprise approximately three thousand four hundred acres, are generally depicted on a map entitled "Red Buttes Wilderness—Proposed", and which shall be known as the Red Buttes Wilderness;

(15) certain lands in the Rogue River and Winema National Forests, which comprise approximately one hundred sixteen thousand three hundred acres, are generally depicted on a map entitled "Sky Lake Wilderness—Proposed", and which shall be known as the Sky Lakes Wilderness;

(16) certain lands in the Ochoco National Forest, which comprise approximately five thousand four hundred acres, are generally depicted on a map entitled "Bridge Creek Wilderness—Proposed", and which shall be known as the Bridge Creek Wilderness;

(17) certain lands in the Ochoco National Forest, which comprise approximately seventeen thousand four hundred acres, are generally depicted on a map entitled "Mill Creek Wilderness—Proposed", and which shall be known as the Mill Creek Wilderness;

(18) certain lands in the Ochoco National Forest which comprise approximately thirteen thousand four hundred acres, are generally depicted on a map entitled "Black Canyon Wilderness—Proposed", and which shall be known as the Black Canyon Wilderness;

(19) certain lands in the Wallowa-Whitman and Umatilla National Forests, which comprise approximately one hundred twenty-one thousand four hundred acres, are generally depicted on a map entitled "North Fork John Day Wilderness—Proposed", and which shall be known as the North Fork John Day Wilderness;

(20) certain lands in the Umatilla National Forest, which comprise approximately twenty thousand two hundred acres, are generally depicted on a map entitled "North Fork Umatilla Wilderness—Proposed", and which shall be known as the North Fork Umatilla Wilderness;

(21) certain lands in the Malheur and Wallowa-Whitman National Forest, which comprise approximately nineteen thousand eight hundred acres, are generally depicted on a map entitled "Monument Rock Wilderness—Proposed", and which shall be known as the Glacier Wilderness;

(22) certain lands located in the Salem District of the Bureau of Land Management, Oregon, which comprise approximately five thousand five hundred acres, as generally depicted on a map entitled "Table Rock Wilderness—Proposed", and which shall be known as the Table Rock Wilderness;

(23) certain lands in the Willamette and Mount Hood National Forests, which comprise approximately six thousand eight hundred acres, are generally depicted on a map entitled "Mount Jefferson Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Mount Jefferson Wilderness as designated by Public Law 88-577;

(24) certain lands in the Willamette and Deschutes National Forests, which comprise approximately six thousand four hundred acres, are generally depicted on a map entitled "Mount Washington Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of, the Mount Washington Wilderness as designated by Public Law 88-577;

(25) certain lands in the Willamette and Deschutes National Forests which comprise approximately thirty-eight thousand one hundred acres, are generally depicted on a map entitled "Three Sisters Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Three Sisters Wilderness as designated by Public Laws 88-577 and 95-237;

(26) certain lands in the Fremont National Forest which comprise approximately four thousand one hundred acres, are generally depicted on a map entitled "Gearhart Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Gearhart Mountain Wilderness as designated by Public Law 88-577;

(27) certain lands in the Malheur National Forest which comprise approximately thirty-five thousand three hundred acres, are generally depicted on a map entitled "Strawberry Mountain Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed a part of, the Strawberry Mountain Wilderness as designated by Public Law 88-577;

(28) certain lands in the Wallowa-Whitman National Forest which comprise approximately sixty-six thousand five hundred acres, are generally depicted on a map entitled "Eagle Cap Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Eagle Cap Wilderness as designated by Public Laws 88-577 and 92-521;

(29) certain lands in the Wallowa-Whitman National Forest, which comprise approximately twenty-two thousand seven hundred acres, are generally depicted on a map entitled "Hells Canyon Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be part of, the Hells Canyon Wilderness as designated in Public Law 94-199;

SEC. 4. (a) In order to conserve, protect, and manage, in a substantially undeveloped condition, certain national forest system lands in the State of Oregon having unique geographic, topographic, biological, ecological features and possessing significant scenic, wildlife, dispersed recreation, and watershed values, there is hereby established, within the Umpqua, Willamette, Winema and Deschutes National Forests, the Oregon Cascades Recreation Area (hereinafter referred to in the Act as the "recreation area").

(b) The recreation area shall comprise approximately one hundred fifty six thousand nine hundred acres as generally depicted on a map entitled "Oregon Cascades Recreation Area" dated March 1984. Except as oth-

erwise provided in this section, the Secretary of Agriculture (hereinafter referred to as the "Secretary") shall administer and manage the recreation area in accordance with the laws and regulations applicable to the National Forest System so as to enhance scenic and watershed values, wildlife habitat, and dispersed recreation.

(c) The recreation area shall be managed in accordance with plans prepared in subsection (g) to:

(1) provide a range of recreation opportunities from primitive to full service developed campgrounds;

(2) provide access for use by the public;

(3) to the extent practicable, maintain the natural and scenic character of the area; and

(4) provide for the use of motorized recreation vehicles.

(d)(1) Subject to valid existing rights, all mining claims located within the recreation area shall be subject to such reasonable regulations as the Secretary may prescribe to insure that mining activities will, to the maximum extent practicable, be consistent with the purposes for which the recreation area is established. Any patent issued after the date of enactment of this act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary shall prescribe.

(2) Effective January 1, 1989, and subject to valid existing rights, the lands located within the recreation area are hereby withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to the mineral leasing and geothermal leasing and all amendments thereto.

(e) Within the recreation area, the Secretary may permit, under appropriate regulations those limited activities and facilities which he determines necessary for resource protection and management and for visitor safety and comfort, including—

(1) those necessary to prevent and control wildfire, insects, diseases, soil erosion, and other damaging agents including timber harvesting activities necessary to prevent catastrophic mortality from insects, diseases or fire;

(2) those necessary to maintain or improve wildlife habitat, water yield and quality, forage production, and dispersed outdoor recreation opportunities;

(3) livestock grazing, to the extent that such use will not significantly adversely affect the resources of the recreation area;

(4) salvage of major timber mortality caused by fire, insects, disease, blowdown, or other causes when the scenic characteristics of the recreation area are significantly affected, or the health and safety of the public is threatened, or the overall protection of the forested area inside or outside the recreation area might be adversely affected by failure to remove the dead or damaged timber;

(5) those developments or facilities necessary for the public enjoyment and use of the recreation area, when such development or facilities do not detract from the purposes of the recreation area; and

(6) public service land occupancies, including power transmission lines, provided there is no feasible alternative location, and, the Secretary finds that it is in the public interest to locate such facilities within the recreation area.

(f) The following lands within the recreation area are hereby designated as wilderness and therefore as components on the National Wilderness Preservation System, and shall, notwithstanding any other provisions of this section, be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act: Certain lands in the Umpqua, Willamette, and Winema National Forests which comprise approximately fifty-five thousand one hundred acres, are generally depicted on a map dated March 1984, entitled "Mount Thielsen Wilderness—Proposed", and which shall be known as the Mount Thielsen Wilderness; and certain lands in the Willamette and Deschutes National Forests, which comprise approximately fifteen thousand seven hundred acres, are generally depicted on a map dated March, 1984, entitled "Diamond Peak Wilderness additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of, the Diamond Peak Wilderness as designated in Public Law 88-577.

(g) Management direction for the recreation area shall be developed in either the forest plans developed for the Umpqua, Winema, Deschutes and Willamette Forests in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, or in an integrated management plan that shall be prepared within three years from the date of enactment of this Act and revised in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. Any plan developed by the Secretary for the recreation area shall identify and designate specific and appropriate areas and routes for the use of motorized recreation vehicles within the recreation area.

Sec. 5. (a) As soon as practicable after this Act takes effect, the appropriate Secretary shall file the maps referred to in sections 3 and 4 of this Act and legal descriptions of each wilderness area designated by sections 3 and 4 of this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture; and the Director, Bureau of Land Management, Department of the Interior.

(b) Subject to valid existing rights, each wilderness area designated by sections 3 and 4 of this Act shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that, with respect to any areas designated in sections 3 and 4 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

Sec. 6. Congress does not intend that designation of wilderness areas in the State of Oregon lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from the areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

Sec. 7. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Oregon and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to national forest lands in States other than Oregon, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Oregon;

(2) with respect to the national forest system lands in the State of Oregon which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), and those lands referred to in subsection (d), except those lands remaining in further planning or special management pursuant to section 4 of this Act upon enactment of this Act, that review and evaluation or reference shall be deemed for the purpose of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans, but shall review the wilderness options when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Oregon reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management pursuant to section 4 of this Act or remaining in further planning upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: Provided, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the land management plans;

(4) in the event that revised land management plans in the State of Oregon are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation, need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Oregon for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) those national forest system roadless lands which were evaluated in the Mount Hood, Siskiyou, Umatilla, Umpqua, Wallowa-Whitman, Willamette, and Winema National Forests in the State of Oregon which were evaluated in the Eagle Creek; Roaring River; Mount Butler-Dry Creek; Oregon Butte; Cougar Bluff-Williams Creek; Grand Ronde; Wallowa Valley; Willamette; or Chemult unit plans; and

(2) national forest system roadless lands in the State of Oregon which are less than five thousand acres in size.

SEC. 8. Subject to valid existing rights, the Federal lands within the Mill Creek watershed roadless area identified in the Oregon Butte Unit Plan, which is located in Wallowa and Umatilla Counties in Oregon, are hereby withdrawn from all forms of location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes and the gentleman from Alaska (Mr. YOUNG) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1149 as amended by the Senate. Although the bill designates some 280,000 acres less wilderness or other conservation system land than the House-passed measure did, I support it as an adequate compromise. I am gratified that Senators HATFIELD and PACKWOOD substantially agreed with the House concerns and proposals on such key areas as Salmon-Huckleberry, Menagerie, Rogue-Umpqua Divide, Table Rock, Grassy Knob, Monument Rock, and Waldo. Their efforts to meet our concerns are appreciated, and I would especially commend Senator HATFIELD for his prominent role in responding to our suggestions vis-a-vis those areas. It is our further understanding that the Senator will work with the California Senators to make a minor boundary adjustment in the Red Buttes wilderness proposal when the California bill is considered in the Senate so that the Oregon and California portions of Red Buttes area will be contiguous.

I would further express my appreciation that the Senate committee report instructs the Forest Service to exercise special care in planning for the future of several roadless areas not included as wilderness in the bill before us, but which were proposed for wilderness in the House-passed bill. These include Joseph Canyon and areas adjacent to the proposed Rouge-Umpqua Divide and North Fork John Day Wildernesses. The North Fork John Day Area is of particular concern because of its paramount fisheries values. I personally visited the area in 1981 and can attest to its superlative fisheries and wildlife values. I personally visited the area in 1981 and can attest to its superlative fisheries and wildlife values. As was stated in the House committee report on the bill—

> The undisturbed nature of these watersheds provides the highest quality water possible. The areas act like a giant sponge to hold and release the cold, clean water slowly, thereby maintaining substantial late season flows for fish and irrigation needs for a large part of northeastern Oregon. * * * the North Fork John Day River System is the most productive salmon and steelhead drainage left in Oregon; 90 percent of the Chinook and 70 percent summer steelhead in the entire John Day systems are produced in the North Fork Drainage. The river's sport and commercial fisheries values alone are estimated at over $500 million annually.

Thus, as the measure before us today includes only 121,000 of some 350,000 acres of roadless resource in the North Fork area in wilderness, I would add my strong endorsement of the Senate report language covering the rest of the area.

In short, like many other ecosystems in our Nation, the North Fork John Day watershed has been developed to the point where any future disruption could prove disastrous to the fishery and wildlife resource. Thus, even if future timber harvest is limited to helicopter logging only, the forest Service will have to carefully assess the impact that removal of the timber cover would have on stream temperatures. Road construction will have to be even more carefully limited so as to avoid increased stream siltation, landslides, and so forth.

In summary, Mr. Speaker, we are concurring in the Senate's North Fork proposal because it protects the core of the watershed as wilderness and because we are willing to give the Forest Service a chance to demonstrate that it can protect the fisheries values through careful land management planning. However, if future evidence indicates that the watershed is continuing to deteriorate, Congress may revisit the issue.

In conclusion, I urge my colleagues' support of H.R. 1149, as amended, and yield to the gentleman from Oregon to further elaborate on the legislation.

Mr. WEAVER. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to thank the chairman of the subcommittee, and to say that all the wilderness legislation that has passed this body in the past few years is a remarkable tribute to the efforts, the diligence, the painstaking work of the gentleman from Ohio. He has made so many field trips that have taken of his time and energy to go throughout the country to examine personally the areas in this country that have come into legislation that has been enacted or is about to be enacted into wilderness.

I think we all owe him a great debt of thanks and I know I have my personal, deep personal appreciation of his great efforts.

Mr. Speaker, I support this compromise bill that has been agreed upon between the Members of the other body from Oregon, and the Members that have agreed to it; my colleagues, Mr. AUCOIN, Mr. WYDEN, and myself. It is, I think, a great achievement to now finally be passing the Oregon RARE II wilderness bill. I would like to say though, that deep in my heart still lies the feeling that I would like to have had every acre in the House bill. I feel that these areas that were lodged in the House bill are of great importance to our fisheries, to wildlife habitat, to science, as well as to scenic beauty.

But it was not to be; there are other values and other political components, and the compromise we made is still one that we can agree on, and rest with. I would like to say, however, and I would like also to mention that with the passage of this bill, that the areas outside of the wilderness preservation areas will now be released from any consideration for wilderness by language in the bill.

I would like to point out to the U.S. Forest Service, as well as other land managers, that they, the Forest Service, recognize the superior values of all the areas originally in the House bill, and manage them carefully. Keep in mind that Oregon fisheries and wildlife are dependent on how they manage these forests, and these in particular, the areas in the House bill that did not make it into the final version, be most carefully managed for the values that reside in them as not just commercial timber harvest.

If multiple use is to mean anything other than just logging, the forest plans for the areas not included in this bill, we should focus special management to protect the scenic recreation fisheries and wildlife values. This is especially the case in areas like the North Fork of the John Day, that we had hoped would have several hundred thousand acres, and in areas on the coastal region that are so susceptible to soil erosion, such as Washington Creek, that I had hoped to place in this bill, whose fish streams are in jeopardy from gigantic slides.

I conclude, Mr. Speaker, by saying that the achievement is here; we are glad the day has come, and we are proud that the Oregon Wilderness bill is about to become law.

□ 1300

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to the Oregon wilderness bill as passed by the Senate.

The argument will be made today that this bill is a "compromise which will end the wilderness debate in Oregon." If you believe that, you are not paying attention to what is already happening in our committee and in those States that supposedly resolved their wilderness issue years ago. It comes back at you! And you can rest assured that this bill is only the beginning for Oregon.

BLM now has under study 2.3 million acres for wilderness in Oregon.

The Park Service is looking at 127,000 acres for wilderness; and

Even the Fish and Wildlife Service has a wilderness area proposed in Oregon.

The second point that needs to be brought out is that two of the Members in whose districts a large portion of the areas are located are opposed to the bill. The gentleman from Oregon (BOB SMITH) has approximately 565,000 acres in his district, or roughly 65 percent of the bill. He is not in support of all the areas and is not being afforded an opportunity to alter this proposal. The gentleman from Oregon (DENNY SMITH) has roughly 10 percent of the bill and he opposes it. It is difficult for me to believe this is truly a compromise without opposition.

The acreage in the bill is reportedly a compromise. But let us look at how we reached this figure. In 1979, RARE II recommended 415,000 acres for wilderness. The other body reported a bill out of committee that year proposing 506,000 acres for wilderness. It went nowhere in the House in that Congress. In December 1982, during the lameduck session, an attempt was made to hastily pass a 1,006,375-acre Oregon wilderness bill. It was defeated under suspension of the rules. Three months later, the House passed the same bill. This Congress, the House added to it and passed a bill totaling 1.2 million acres.

Now, we are considering a bill at 858,000 acres which we are told is reasonable and is being called a "compromise." It is more than double the RARE II recommendation. It is 352,000 acres larger than the original Senate bill and only slightly smaller than the 97th Congress' House-passed bill. They don't get smaller; they just lose their "shock effect" as we repeat the process.

It is like the guy testing the microphone at the budget hearings who says: "Testing * * * 1 billion * * * 2 billion * * * 3 billion." Pretty soon, it is just numbers.

We are also told that the impact on the timber industry is slight. The bill will reduce the annual programed harvest of timber by approximately 143 million board feet of timber.

This may seem small to some people when compared to the entire sales program in Oregon; but if it costs one job, it is too much. These areas already have severe unemployment problems and do not need more.

I urge my colleagues to listen to the Members whose districts are affected, and reject this bill. If you want an Oregon wilderness bill, let us really have a compromise. Let us cut out the areas they oppose, the areas the people they represent oppose, and let us come forth with a bill that would be truly a compromise and not one that is three times as large as the one originally proposed.

At this time, Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DENNY SMITH).

Mr. DENNY SMITH. Mr. Speaker and Members of the House: Today is a sad day, in my estimation. I am a lifetime Oregonian. I have lived in eastern Oregon in a number of communities. I no longer am the representative of the Second Congressional District as I was in 1981 and 1982 when I was able to defeat the attempt by the majority to thrust a wilderness bill on us in 1982 during the lameduck session.

We again have this bill on the suspension calendar without an opportunity to allows us, as a minority, to work through the process of the House in trying to modify this proposal. This is not a great compromise, it is not a great achievement; it is an achievement only by the forces who would like to lock up the opportunity of our children.

I do not care how long we argue about this bill, and we obviously are not going to argue about it very long since I believe we have 40 minutes, 20 minutes to the minority and 20 minutes to the majority. This legislation is going to do away with a number of jobs. It might not do away with jobs particularly right now, but this affects the future of our children, the future of my State, and the future of Oregonians.

Today, we have some 9.1-percent unemployment in the State of Oregon. This is just a number, as the gentleman from Alaska (Mr. YOUNG) said earlier. Numbers sometimes do not really take into effect and into account the people involved. We have some 130,000 Oregonians who are unemployed. Many of those who are unemployed are in the timber industry or have tried to make their living in the timber industry.

I think this is a travesty, that we would, at this time, lock up something that is an Oregon heritage, something we could protect through proper management. I defy those people who are not Oregonians to look at what we have done with our State and say that we have done anything but a good job of protecting our environment. We have not chopped down all the trees in my State. We have done a very good job of managing very skillfully, even with the Federal Government involved in owning some 55 percent of the land area of our State.

I think it is extremely important that we skillfully manage these Federal lands. However, with 1.2 million acres in wilderness, we have difficulty here in managing our land, our heritage, our future. We see efforts now to exceed the original RARE II recommendations of 416,000 acres, which now consists of about 360,000 acres. The RARE II recommendations were very skillfully drawn. There were reasons why lands were included. There were reasons that the RARE II recommendations were no larger. The lands did not meet the wilderness criteria.

So what do we have? We have a proposed wilderness acreage now of some 950,000 acres of which only 363,000 acres met the requirements for wilderness. RARE II findings were established with millions of dollars of taxpayers' funds expended trying to figure out what we were going to do with those lands.

I just do not see this as a compromise. Why are we always putting more land into wilderness? What is going to happen here in the future? We have another potential wilderness bill out there. BLM has 2.3 million acres under protection as "wilderness study areas." The National Park Service has 127,000 acres of proposed wilderness, and the Fish and Wildlife Service has some 46,500 acres proposed.

What is the price we are going to pay to get sufficiency and release language? This bill will solve it for the moment, but we have some 3.4 million acres that the wilderness advocates have told me in public meetings that they still want designated as wilderness. I would just say that with Oregon's net outflow of population in the last year or so of some 60,000 and the lack of inflow of some 120,000, I think this is the wrong thing to be doing at this time, and yet I support a responsible environment.

Mr. AUCOIN. Mr. Speaker, will the gentleman yield?

Mr. DENNY SMITH. I yield to my colleague, the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. I appreciate the gentleman yielding.

Mr. Speaker, the gentleman makes a statement about the good job that the Government is doing in managing these Forest Service lands. I would have to tell the gentleman I think in many instances they are doing a good job. But I find it strange that the gentleman would use that as an argument against the wilderness bill that is before us inasmuch as he has voted against the Department of the Interior appropriations bill which puts up the money for that management each and every year since he has come to the Congress.

Mr. DENNY SMITH. As my colleague knows, since he is on the Committee on Appropriations, almost always the appropriations process delivers to us a bill that is either over last year's spending or is greater than the administration has requested.

Mr. AuCOIN. If the gentleman will yield further, I would say to the gentleman that this bill has come in under the administration's request and the gentleman has still voted against them. So I do not know how the gentleman can use the Forest Service management as an argument against the bill.

Mr. DENNY SMITH. I think we should level spending and freeze the budget right across the board.

□ 1310

Mr. WEAVER. Mr. Speaker, will the gentleman yield?

Mr. DENNY SMITH. I am happy to yield to my colleague, the gentleman from Oregon.

Mr. WEAVER. Mr. Speaker, I thank the gentleman for yielding.

I am appalled by the things he is saying. He talks about jobs when there is only 150 million board feet of allowable cut in this wilderness area, and most of that in the high reaches where it is difficult to get to, when we export 3 billion board feet, 3,000 million board feet, a year, and the gentleman refuses to oppose the export of our logs, the export of our richness. And that is what? That is 50 times as much timber as in this wilderness bill, and the gentleman says nothing about that.

Mr. DENNY SMITH. I think the gentleman has——

Mr. WEAVER. Mr. Speaker, if I may have 1 more second, we have 18 billion board feet right now in region 6 that is under contract and unharvested because the markets will not take it. That is 18 billion board feet, something like 50 times the timber.

Mr. DENNY SMITH. Mr. Speaker, if I may reclaim my time, I think this legislation is not a great achievement and it is not a great compromise; it is an additional lockup of resources that our children should be able to take advantage of the opportunity and incentive that this society started with.

So my disagreement is that we should not be approving this kind of a lockup of our resources at this time. I do resent this bill being brought through on the Suspension Calendar. I think it should be brought back and dealt with in the committee.

Mr. Speaker, I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield myself 1 minute.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) is recognized for 1 minute.

Mr. SEIBERLING. Mr. Speaker, I would simply point out that the bill that we are dealing with has already been considered by the House under an open rule, and it was passed by a vote of 252 to 93. And this bill as it comes back from the other body has 280,000 acres less than the House-passed bill, and it also has the compromise release language in it that is supported by the Forest Service and was worked out by the chairman of the Senate Energy and Natural Resources Committee.

So any idea that there is some great imposition by not taking it up under a rule again seems to me to be absurd. I just think the record ought to show that.

Mr. Speaker, I now yield 5 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, I hope that my colleagues will again support the passage of the bill that does represent a consensus, a bipartisan consensus, on the part of the entire Oregon delegation.

Both Republican Senators support this bill that is before us today, make no mistake about it. The Republican Governor of Oregon does not want to see this bill defeated. He may find it perfect. I do not find it perfect. Neither does the gentleman from the Fourth District find it perfect, nor does the gentleman from the Third District find it perfect, but he does not want to see the bill defeated.

The point is that we have before us a bill that does represent a compromise. Do not give me a bunch of bunk about this bill locking up resources that are going to make Oregonians jobless. The fact of the matter is that we have a court suit that has been imposed on all of the roadless areas of Oregon in which all 3 million acres are frozen from any developmental activity unless Congress passes a bill that releases some and preserves the rest for wilderness.

This bill does that. It releases 2 million acres for commercial use, bringing that total in the State of Oregon, counting Federal and State lands, to 15 million acres open for commercial development, and that means jobs.

What the bill also does is to take approximately 1 million acres and add it to the existing 1 million acres, giving us a total of 2 million acres for our wilderness system. That is 15 million acres for commercial use and 2 million for the wild and scenic lands that deserve to be protected as the highest and best use of the land.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. Some have said—I will be happy to yield to the gentleman because he yielded to me, but I want to complete my point first. I would say to the gentleman, though, that I am surprised that he would make the argument—and I will yield to him after making this statement—I am surprised the gentleman would make the argument that this somehow steals jobs from Oregonians.

I know the gentleman does not suggest that either of the two Republican Senators are trying to hurt jobs or kill jobs in Oregon. I know that he will not go home and make that argument to Oregonians. I cannot understand why he would suggest that this bill does that now because this bill represents the Senate version of the bill, in which both Senator HATFIELD and Senator PACKWOOD crafted a compromise that the three of us on the Democratic side in the House have willingly supported.

Now, does the gentleman think Senator HATFIELD is trying to kill jobs?

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. I will yield to the gentleman to answer my question.

Mr. DENNY SMITH. Yes, I think that——

Mr. AuCOIN. The gentleman's answer is yes?

Mr. DENNY SMITH. Yes, I think that the Responsible Coalition for a Responsible Oregon Wilderness bill said that there were going to be approximately 5,500 jobs——

Mr. AuCOIN. Does the gentleman believe Senator HATFIELD is trying to kill jobs in the State of Oregon?

Mr. DENNY SMITH. I believe that the senior Senator said that this was going to have the least effect on jobs on the economy.

The SPEAKER pro tempore. The Chair will caution Members to restrain their references to Members of the other body.

Mr. AuCOIN. I will yield to the gentleman.

Mr. DENNY SMITH. Yes. I am glad the gentleman would yield to me.

I believe that the Responsible Oregon Wilderness Coalition said there were going to be about 5,500 jobs lost by this bill.

Mr. AuCOIN. Mr. Speaker, I will ask the gentleman this question:

How many jobs are going to be created by the 2 million acres that this bill releases?

Mr. DENNY SMITH. Well, unless the interest rates come down, I do not think we are going to see any created.

Mr. AuCOIN. That argument works on both sides. So the gentleman knows that if we are releasing 2 and preserving 1, 1 million acres of the greatest wild lands in the State of Oregon, on a ratio of 2 to 1, 2 for commercial, 1 for preservation, obviously more jobs are going to be created than any that are somehow not created.

Mr. DENNY SMITH. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. So the gentleman's argument does not hold.

Mr. DENNY SMITH. We are going to lose some jobs; right?

Mr. AuCOIN. I beg the gentleman's pardon?

Mr. DENNY SMITH. We are going to lose some jobs; is that correct?

Mr. AuCOIN. No. I will tell the gentleman—and this will be the last time I will yield to him—that his argument does not hold unless somehow he thinks that all 3 million acres should be released, which is an impossibility. As the gentleman well knows, somehow responsible people have to make a distinction between that which is going to be preserved and that which is going to be released.

If the gentleman thinks we can release all 3 million acres, we have got a recipe for a failure of this Congress to address the court suit that is freezing all development activity in the 3 million acres of the roadless areas. A compromise is needed.

The gentleman does not seem to understand that, but it is absolutely the case. We cannot solve that problem, the problem of the court case, without preserving some in wilderness and releasing the rest for commercial use.

Mr. DENNY SMITH. You tell that to the unemployed loggers in the districts that we represent.

Mr. WYDEN. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. I will yield in 1 minute now.

Mr. Speaker, I would like the gentleman to tell the Members of the House which timber associations and trade associations oppose this bill that is before us and want this House to defeat this bill before us today.

Mr. DENNY SMITH. I do not know that it is important for timber associations. I represent individual people, not timber associations.

Mr. AuCOIN. I will answer the question. I will tell the gentleman that the Oregon Loggers Association supports this bill, not because they think it is perfect but because they think it is a compromise.

I will tell the gentleman that every major environmental organization supports this bill, not because they think it is perfect but because they think it is a compromise.

I am not aware of any national or regional trade association that is asking the House to defeat this bill. Why? Because they understand that the price for release of some of the 3 million acres of roadless areas in Oregon requires a certain designation of wilderness lands.

The gentleman has been incapable of accepting the need for that kind of a compromise from the beginning. I wish that he would not have taken that position, but that is the position that he has taken, and I am sorry for that.

Mr. Speaker, I yield to my friend, the gentleman from the Second District of Oregon.

Mr. WYDEN. Mr. Speaker, I appreciate my friend's yielding.

I think what we need to understand here is that what we have is a textbook case, literally a textbook case of compromise and of accommodation in the legislative process.

We have an instance where the Association of Oregon Loggers and the major environmental groups in our State have said that is a balanced bill that reflects the sense of proportion that Oregonians want, and I think our colleagues on the other side of the aisle, if they want to argue that this is not a compromise, have to show how in some way that textbook case of compromise was not reached, because I think it is clear that it has been.

Mr. AuCOIN. Mr. Speaker, I appreciate the gentleman's comments. I want to say that I appreciate his efforts in this fight and also the efforts of our colleague, the gentleman from Oregon (Mr. WEAVER), as well as the chairman of the subcommittee, who had diligently seen this effort through. I would be remiss if I did not congratulate and compliment both Senators from the State of Oregon.

This is not a gag situation where Members are gagged or prevented from exercising their will. We had an open rule on this question when the bill first came through the House, and we had votes on this question. The gentlemen on this side of the aisle who have differences with the bill offered amendments.

□ 1320

I remember the gentleman from Oregon offered an amendment. He had a chance to offer an amendment when the bill came through. His amendment was defeated 292 to 58.

The gentleman from Alaska offered an amendment. His amendment was defeated 249 to 91.

The House has had its opportunity to work its will. The only thing that would be gained now by not voting for this bill as it is would be to delay a final resolution, pushing it off further down the road, further down the calendar, running this issue up against all the other issues that the Congress is going to be dealing with in its rush toward adjournment and that will guarantee the doom of this bill.

Obviously, no responsible person on either side of this issue wants such a thing to happen.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YOUNG of Alaska. Mr. Speaker, I would like to suggest that the gentleman not use the term "no responsible person."

Both Members from Oregon are very responsible members of the committee that I am ranking member of, and I consider my responsibility very seriously and to say that we are not responsible because we are in opposition to this bill is incorrect.

I would respectfully suggest that the gentleman reconsider his words.

Mr. AuCOIN. Mr. Speaker, this gentleman said that no responsible person wants to see a resolution of this bill delayed to such a date in which no passage of the bill dealing with the Oregon RARE II problem would be possible.

Mr. YOUNG of Alaska. Mr. Speaker, I would suggest again to the gentleman from Oregon that he choose his words very carefully.

Mr. AuCOIN. I assume it applies to the gentleman from Alaska. I think he is responsible. I do not think he wants to see a resolution of this bill delayed.

Mr. YOUNG of Alaska. The bill is basically wrong. I rose against the bill and to allude to the fact that we are irresponsible does not become the gentleman at all. That disturbs me a great deal.

I understand the gentleman is 1 percent AuCoin, but it makes me very resentful now that the gentleman is calling my position irresponsible and the position of the two Members from Congress, that in fact have 75 percent of this bill in their districts.

So I would suggest again to the gentleman to choose his words very carefully.

Mr. AuCOIN. Mr. Speaker, what is the regular order?

The SPEAKER pro tempore. The gentleman may proceed. The gentleman has not asked the words be taken down. The gentleman may proceed.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. AuCOIN. Well, I would be delighted to yield to my friend, the gentleman from California. I did not see the gentleman sitting there. I would be delighted to yield to him.

Mr. DANNEMEYER. Well, I was standing, I think.

I thank the gentleman for yielding. I am a Californian and I am a native

Californian. We are always interested in people having places to visit, namely, to Oregon to the north of us.

Mr. AuCOIN. We welcome Californians visiting the State or Oregon.

Mr. DANNEMEYER. I sometimes get the sense that the gentleman is interested in us coming to visit, but not necessarily to stay.

Mr. AuCOIN. We will take people coming to stay as well.

Mr. DANNEMEYER. Emigrate and stay?

Mr. AuCOIN. Absolutely. What is the gentleman's point about the Oregonians?

Mr. DANNEMEYER. I am not on the Interior Committee and I have not followed these wilderness bills in detail.

Mr. AuCOIN. I am sure that will not limit the gentleman's ability or willingness to offer a point of view on this bill.

Mr. DANNEMEYER. But I think the gentleman in the well is on the Interior Committee, is that correct?

Mr. AuCOIN. The gentleman serves on the Interior Appropriations Committee.

Mr. DANNEMEYER. Well, then even more so does the gentleman have the perspective of appropriations on the Interior Committee, but would the gentleman from his memory be able to familiarize the House with what was contemplated when the idea of wilderness came along to begin with in the early seventies, I think, that is, the quantity of acres nationwide that would be set aside as wilderness and the quantity of acres that have been set aside to date?

The reason I ask the question is that I read recently that we have now reached a factor of 10 times setting aside wilderness areas.

Mr. AuCOIN. Let me reclaim my time. I understand the thrust of the gentleman's question.

The issue simply is how does the Congress as presently constituted reflecting their constituencies and the attitudes of those they represent strike that critical balance between commercial development and multiple use and sustained yield practices and preserving pristine wildlife habitat and wild lands that deserve protection at the highest and best use of the land.

Reasonable people, and I would say to the gentleman from Alaska, responsible people, will disagree and draw the line in different ways. You see the line drawn in different ways in this case. Two people out of the six people that represent Oregon in the Congress disagree with this bill, but both Republican Senators support it; all three Democratic Members of the House support it. The Republican Governor of Oregon is not asking for the defeat of this bill. In fact, the Republican Governor of the State of Oregon wanted additional land included in this bill which ended up not being included. I can only conclude that he is disappointed from that standpoint.

So the gentleman's point is that it does not matter what someone thought back when the Wilderness Act was first created. Each generation, each Congress, looks at these assets from the standpoint of that which can be beneficial from a commercial point of view and that which can be beneficial from a practical point of view.

The SPEAKER pro tempore. The gentleman will suspend for a moment. The Chair will indicate to the gentleman from Ohio that he has 1 minute remaining.

Mr. SEIBERLING. Mr. Speaker, I am a little surprised because I yielded 5 minutes to the gentleman from Oregon and 5 minutes to the other gentleman from Oregon. I used up about 3 minutes myself, which should mean that we had about 15 minutes.

The SPEAKER pro tempore. The gentleman did not indicate the amount of time that he yielded to the gentleman from Oregon.

The gentleman from Alaska (Mr. YOUNG) has 9 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, it would be the first time we have been in the majority in many times.

Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. ROBERT F. SMITH).

Mr. ROBERT F. SMITH. Mr. Speaker, I thank the gentleman from Alaska for yielding to me.

I stood before the House a year ago and spoke against the bill which passed, as we well know, and has been identified as H.R. 1149, and contained 1.2 million acres of wilderness.

I want to suggest that the impact of this issue is upon this Member's district. There are five Members of the House from Oregon. This Member shoulders 60 percent of the "compromise wilderness bill" in my district; 551,000 acres, which is going to have an insidious economic impact upon jobs in the future and the cost of lumber products, in our Nation and in Oregon.

The Constitution tells us that the House of Representatives represents people. We all swore to uphold the Constitution, and I am here representing my people. The people I represent are in Oregon, 73 percent of whom say we do not need or want any more wilderness in our area.

Some will say there ought to be a Federal response to that because local people are somehow jaded and they somehow have a parochial interest and therefore cannot be trusted.

Well, I am a Federal representative. I think I am as capable of having a balanced opinion about wilderness or any other issue as any other Member from Ohio, or Arkansas, or Arizona, or New York, or Alaska. I think my value in this debate is one that does not have a jaded opinion, but a balanced one.

It has been reported that this is a compromise bill. May I suggest that in exchange for the soft release language of 2 million acres, we are being asked to set aside an additional 900,000 acres of wilderness in the State of Oregon and that is a sword of Damocles, hanging over the heads of the people I represent in Oregon.

Now, what is a compromise? I always thought a compromise was finally settled between opponents and proponents of an issue. This compromise is being settled between the environmentalists, the environmentalists here and the environmentalists there. I have not been a part of the compromise nor has anybody been a part of the compromise that is opposed to this bill, in the beginning or even now.

The compromise is 900,000 acres. I had proposed, by the way, that the bill be reduced by a mere 81,000 acres. That would have saved future jobs for not just Oregonians, but others. Who are they? Most people do not really care, but let me tell you who they are. They are people from little towns that I represent, little towns like John Day and Prairie City and Pilot Rock, Maupin, and Tygh Valley. These little towns are going to be insidiously affected by this bill. The soft release language leaves us nowhere. It is so far out of the areas of the small communities that it might as well be 10 million acres of release, or located in Costa Rica. It has no impact upon these affected areas of my State of Oregon.

Well, after months of my own study, I came up with a compromise proposal. It came from local people. It came from farmers and businessmen and local government officials and industry people and labor unions.

What happened? There was no compromise. We offered to reduce wilderness in this bill by only 81,000 acres, leaving almost 900,000 acres in the bill. But there was no compromise.

□ 1330

Let me give you an example. In the north fork of the John Day River, an area of real debate in this issue, there are roughly 121,000 acres of land proposed to be set aside; 40,000 acres are in dead lodgepole pine.

Now we are being asked to pass a wilderness bill to make sure that 40,000 acres of dead lodgepole pine remain untouched, and prevent the mill at Pilot Rock, which employes 128 employees, from taking out the dead lodgepole pine. Does that make a lot of sense?

In some cases I suggest to you that man manages better than nature. Certainly designating wilderness closes the door to management and creates waste in this situation.

Is it going to be the choice of Congress to actually dedicate new wilderness to death? In this situation you already have the death of 40,000 acres of still-usable lodgepole pine out. It could have been of some use. We could have reforested the area.

I want you, and I welcome all of you, to come to this lovely, pristine area in Oregon, full of dead and beetle-ridden lodgepole pine.

The new wilderness area is not pristine. It includes mines that have been in place and that are valuable, valuable precious metals, gold, silver, chromite. There are roads within the wilderness area.

This is not a free environmental vote. It is going to cost jobs and business and heartaches. This is not a compromise. This is a theft of the future from the people of Oregon. I urge you to vote against H.R. 1149.

I yield back the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I wonder if I could ask the gentleman from Alaska to yield 4 minutes to the gentleman from Oregon (Mr. Wyden) because there was a misunderstanding. I had only yielded 5 minutes to the gentleman from Oregon (Mr. AuCoin) and the timekeeper allowed him to run over that time.

The SPEAKER pro tempore. The Chair will announce that the gentleman from Alaska (Mr. Young) has only 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. YOUNG of Alaska. Is it feasible to ask unanimous consent that the gentleman from Ohio (Mr. Seiberling) have an additional 4 minutes?

The SPEAKER pro tempore. It is reasonable.

Mr. YOUNG of Alaska. I move the gentleman from Ohio have 4 additional minutes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. Young).

The motion was agreed to.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman, and I yield 4 minutes to the gentleman from Oregon (Mr. Wyden).

Mr. WYDEN. I thank the distinguished chairman of the subcommittee. I also want to thank our colleague from Alaska (Mr. Young) for his courtesy in extending me this extra time.

Mr. Speaker, in my view this is a bill for all of Oregon. I think it strikes a reasonable balance. I called it a textbook case of compromising through the legislative process, and you see one example after another of that kind of compromise throughout this bill.

For example, Mr. Chairman, we have a bill that protects critical fish and wildlife habitats, but at the same time allows mining endeavors to continue.

We have a bill that preserves some wilderness lands, very special, scenic, precious treasures in Oregon, but these are wilderness lands of extremely low productivity. For example, the Congressional Research Service states that the areas designated as wilderness by this bill are well below normal and I quote: "* * * well below normal" in terms of timber productivity. Over 80 percent of the wilderness is designated "uneconomic for timber production."

Managing these lands for timber production is going to cost more than they are actually going to return in timber receipts.

This is the view, this is the evidence presented by the Congressional Research Service.

Again, as another example of the kind of compromise that has gone into the development of this legislation, we saw that after the House passed the Oregon Wilderness bill Senator Hatfield held hearings and asked for all members of the Oregon House delegation to send comments as he put forth his own wilderness proposal.

All of us sent Senator Hatfield comments. Some of them he included; some of them he did not. I was particularly pleased that he included some of my suggestions to put in the bill some of the treasures, some of the special scenic treasures that are close to the Portland metropolitan area.

Now the million plus residents of the Portland area have access to over 100,000 pristine acres all within 1½ hours drive of their homes. There are a few if any metropolitan areas in the United States that can make this claim.

I think it is evidence of how serious Oregonians feel about wilderness that we got letters from all over the State, from the district represented by the gentleman, Mr. Bob Smith, from all over the State, saying make these areas close to Portland, close to the areas where most of our citizens live, make them part of the wilderness legislation.

Mr. Speaker, I want to wrap up by saying we are obviously at the end of a long road. It is a road that probably is not laid out as anybody would exactly want it. The environmental community did not get all that they wanted. The timber and mining interests wanted a somewhat smaller bill, for instance, but as we have stressed today, the Associated Oregon Loggers have come out in favor of the bill.

It is my view that we ought to get on with it. This is a bill for all of Oregon. It deserves the support of Members on both sides of the aisle.

I thank the chairman of the subcommittee again.

Mr. ROBERT F. SMITH. Will the gentleman yield?

Mr. WYDEN. I will be happy to yield.

Mr. ROBERT F. SMITH. The gentleman mentioned my name. I want to point out that I am sure that everybody in my district would unanimously agree to put 700,000 acres of wilderness near Portland. I know they did that. I support that.

The problem here is——

Mr. WYDEN. If I might reclaim my time, I think it would be helpful if the people in your district understood that the Congressional Research Service has stated formally that the acres, most of them in your district, designated as wilderness by this bill are well below normal in terms of timber production.

Mr. ROBERT F. SMITH. I heard the gentleman say that and I take issue with that. It is likely that 40 percent are. I will give you the 40 percent, leaving me 60 percent to reduce this bill by, very gladly, and that will revive the communities that I have been talking about that are injured when you take away the very good timber that surrounds them in the small communities in eastern Oregon.

So I would suggest that a fair compromise would have been to distribute evenly between our five districts in the State of Oregon this wilderness. But we have not done that. This Member and the people I represent and their futures are at the behest of those in other parts of our State, and that has been our problem for a very long time.

The gentleman knows of which I speak.

The SPEAKER pro tempore. The time of the gentleman from Oregon (Mr. Wyden) has expired.

The gentleman from Ohio (Mr. Seiberling) has 1 minute remaining and the gentleman from Alaska (Mr. Young) has 3 minutes remaining.

Mr. ROBERT F. SMITH. Mr. Speaker, I ask unanimous consent of the House that I may have 1 additional minute to speak.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There were no objection.

Mr. ROBERT F. SMITH. I thank the gentleman.

The only point I was trying to make is here we have a confrontational problem within our State, and this is a little turf battle. But it is a problem that exists because there are those of us who make a living on the land and from the land in the eastern and southern parts of the State, and there are those within the cities who look upon that land as theirs as well. It is Federal land, but as a recreational, vacational kind of atmosphere.

There is no doubt that the gentleman represents exactly the situation. But we have gone confrontationally for a long time about that issue, and here we are again. It is the same issue all over again.

Mr. WYDEN. Will the gentleman yield?

Mr. ROBERT F. SMITH. I yield to the gentleman.

Mr. WYDEN. I disagree with the gentleman most strongly that this is a confrontation between different areas of Oregon. I, for example, know we have worked together on legislation that is good for both regions. We may have a difference of opinion on what is good for Oregon.

I think this bill is good for all Oregon. Certainly no Member wants to pit one region against another. We understand that what happens in your district, for example, with respect to timber production, it is my constituents who are going to sell you the services.

It is a good bill and it is good for all Oregon. It does not pit one region of the State against another.

Mr. ROBERT F. SMITH. That is what this issue is about.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada (Mrs. Vucanovich).

Mrs. VUCANOVICH. Mr. Speaker, I rise in strong opposition to the Oregon wilderness bill.

It was just about a month ago that I joined the gentleman from Missouri (Mr. Emerson) in an attempt to prevent passage of the conference report on the Irish Wilderness. At that time I stressed the importance of balancing resource and wilderness values and of respecting the position of the Congressman whose district is affected by wilderness legislation. We worked out a compromise in Interior Committee which removed many of the areas of resource conflict but the conference added much of that acreage back in the bill. Mr. Emerson, whose district was the only one affected, opposed the conference but it was passed anyway. We find ourselves in a similar situation today.

The Oregon wilderness bill would affect almost 950,000 acres. Of that total, about 72 percent of the lands are in districts whose Representatives oppose enactment of this bill. I fully recognize the delicate nature of the negotiations and compromise that are needed to reach consensus on the wilderness issue. My concern is that the deck is being stacked in favor of wilderness because local interests, as voiced by their congressional Representatives, are being ignored. I understand that there are even cases where an entire delegation has introduced a bill only to find that the consensus they have worked hard to achieve is ignored here in Washington.

There are already more than 1.2 million acres of wilderness in Oregon, about the same amount of land that you have in the State of Delaware. It is important to recognize that despite the existing acreage, and that included in this bill, the wilderness issue in Oregon will still not be resolved. The BLM has some 2.3 million acres under study and other agencies such as the Fish and Wildlife Service will be making wilderness proposals. I can only hope that future legislation will better recognize local interests and economies.

I urge my colleagues to join me in opposing the Oregon wilderness bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Dannemeyer).

Mr. DANNEMEYER. I thank the gentleman for yielding. I rise in opposition to this bill and to continue my dialog with the gentleman from Oregon (Mr. AuCoin).

The date is that when this wilderness legislation came into law in 1964 it was contemplated that we would use about 10 million acres for that purpose. Today, some 20 years later, we have 80 million acres designated wilderness existing. We have recommended wilderness total of some 20 million. That is under study.

□ 1340

Under wilderness study totals another 128 million acres; we have moved then, if all of these would come into existence, they would total 228 million acres. My reason for rising and speaking at this time is that at a time when this Nation is dependent on outside sources for its minerals, when we are importing close to 5 million barrels of oil per day, about a third of our usage at a cost to the economy of about $70 billion a year, is it good policy for this House of Representatives to be putting more wilderness areas in that category? I think the answer is no. We should be very careful about pursuing these objectives.

The SPEAKER pro tempore. The gentleman from Alaska (Mr. Young) has 2 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I want to compliment Bob Smith and Denny Smith for bringing this information to the floor. If I thought for a moment that we would not have any other wilderness legislation concerning Oregon, I would be a little more relaxed about this legislation.

But I am confident that "You ain't seen nothing." You have 2 million acres in Oregon being proposed by BLM, some by the Park Service. As the gentleman from California mentioned we will have when it is finally done, because each Congress has a Congressman that wants to put another area into wilderness that does not affect his State, we will have approximately 248 million acres of land, possibly, in wilderness by the year 2000. That is more than 1 acre per person in the United States in wilderness.

That sounds kind of attractive to somebody in Akron, OH, or New York, or Portland, or one of the other larger cities in the United States. But the facts of the matter, each one of these areas designated has a higher value than wilderness, a higher value.

I would support a wilderness that had only wilderness. But the environmental groups of this Nation, the well-organized henchmen, the direct-hire gunmen have picked out the areas that have mining capability, as the gentleman from California mentioned, oil and gas capability, fibers such as timber, hydropower and, yes, food capability on public lands, thus making the U.S. Government the owner of the most valuable resources for the future generations and probably the developer of under a socialized nationalized system as other countries have followed, taking away the private sector, disregarding the individuals and giving it to the Government.

Because I have talked to these groups and they tell me and even my good friend from Ohio will say, "When we need them we will go get those resources, we will go get those resources." We in fact being the Congress and the Government will be the developers of the remaining natural resources which we must have.

In the meantime, disregard the gentleman from Oregon and people that need the work, the little person. This Congress has forgotten the little person. All they think is these large environmental groups and how right it is for the future to save the environment for the future. They are forgetting the little individual today, the small worker, the small towns that the gentleman mentioned.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENNY SMITH. Mr. Speaker, I ask unanimous consent to have 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DENNY SMITH. I thank the Speaker.

The important factor here and you were just making that point, Mr. Young, that is that Bob Smith and I represent people. I do not care which organizations are supporting or not supporting this.

I think that the important factor here is, what does this mean to the future of the citizens of the State of Oregon? I think that is extremely important to us.

I thank the gentleman.

Mr. YOUNG of Alaska. One further thing on that note. As far as the

Forest Products Association supporting this legislation, they just gave up. They are tired of fighting this battle; they want the immediate egg and they are not willing to fight it right down to the bottom line.

Anytime that the experts propose 435 acres of orginal RARE II recommendations, now we have a research group in the Library of Congress that never saw a tree, or if they did, it was out here in the park somewhere; they do not understand timber practice; they come down with a recommendation that does not even hold water; but the recommendation of the experts that know and study these areas and recognize it does not fit the wilderness classification because there are roads, mines.

We fought this battle on this floor time after time and next week is going to be the Washington Wilderness; then we have the Nevada Wilderness—hopefully not because we have a fine representation from there—next week we are going to have the California Wilderness and then the Tennessee Wilderness, New Hampshire Wilderness, Wisconsin Wilderness, and Minnesota Wilderness.

The only matter I would like to bring forth to this Congress, we support wilderness but why pick the area where there is direct conflict? I can tell you, for example in the Irish Wilderness there was not a wilderness because they found lead.

As the gentleman from Oregon said there were mines there; all of a sudden this is a wilderness area.

In my State of Alaska, they have a proposal for 76 million more acres being under study for wilderness by BLM being proposed by an environmental group, when we put 147 million acres in as recently as 1980, 147 million acres into wilderness classification, which is bigger than the States of Washington, bigger than the States of Oregon and California combined. Yet they are coming back for more. Each one of those has a conflict.

I have said along we should inventory and then we decide what we are doing, deciding not to inventory.

The **SPEAKER** pro tempore. The gentleman from Ohio (Mr. SEIBERLING) has 1 minute remaining.

Mr. **SEIBERLING**. Mr. Speaker, the north fork of John Day Area was mentioned by the gentleman from Oregon (Mr. ROBERT F. SMITH). I would simply point out for the record that of the 250,000 acres of road resources in that area, 121,000 were placed in wilderness and one of the reasons was to protect the very important fisheries resource.

I ask unanimous consent at this point to include a letter from the district fish biologist of the Department of Fish and Wildlife of Oregon at this point.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The letter follows:

DEPARTMENT OF FISH AND WILDLIFE,
January 13, 1984.

Mr. JOHN ANDREWS,
Fish Biologist, Umatilla National Forest, Pendleton, OR.

DEAR JOHN: In response to your request for the latest update on ODFW research results related to stream temperature and chinook salmon production, I submit the following.

Based on the past five years of study on the life history and environmental requirements for spring chinook in the John Day River system, a definite correlation between stream temperature and juvenile chinook rearing exists. The data shows that when mean weekly stream temperatures exceed 20° C (68° F) young chinook disappear from the system. If suitable could water in adjacent tributaries is not available, these fish are lost to mortality since they cannot escape the unacceptable conditions caused by the high temperatures. This is the case in the North Fork John Day River and the Middle Fork. It must be made clear that 20° C is an upper threshold temperature and not an optimum rearing temperature. The data suggests that in the upper John Day Basin (North Fork, Middle Fork and Upper John Day River), optimum stream temperatures for chinook salmon rearing and survival range from 12°-17° C (54° F to 63° F) with a mean of 14.5° C (58° F) being about ideal.

To put this in perspective, in 1980 the lower limit of chinook distribution in the North Fork during mid-August was RM 55. The mean weekly river temperature at RM 44 was 22° C (72° F) and at RM 60 (Desolation Creek) was 20° C (68° F). From this data you can conclude that a 1° C rise in temperature at RM 60 would preclude chinook rearing to that point resulting in a loss of four-five miles of chinook rearing habitat. Based on this we can estimate that a 4° C rise in stream temperature at Desolation Creek would result in 16-20 miles of chinook rearing lost on critical years of high temperature and low flow.

Research temperature data collected the past four years throughout the upper John Day Basin has revealed that summer temperatures are presently at threshold levels for salmon survival in the lower reaches of the North Fork, Middle Fork and John Day River during critical periods forcing rearing further up stream. This means that any additional stream temperature increases in the headwaters will further limit salmon distribution to the degree water temperatures exceed threshold limits. This could mean loss of the entire John Day wild salmon resource if management trends do not provide significant protection of water quality and habitat.

I should also mention that the salmon research data also shows that when mean weekly stream temperatures exceed 17° C (63° F) Juvenile chinook growth is reduced which could result in limited freshwater and ocean survival.

I should also mention that the salmon research data also shows that when mean weekly stream temperatures exceed 17° C (63° F) juvenile chinook growth is reduced which could result in limited freshwater and ocean survival.

In addition to temperature considerations, logging and road building under present standards will silt spawning gravels and reduce spawning effectiveness thus further compounding the problem.

Maintaining this salmon resource is also imperative to save the habitat improvement investment that has been made for salmon and steelhead. As you know, by the end of 1985 this investment will exceed one million dollars, a large portion of the dollars being BPA money. What do we gain if we improve the salmon habitat and lose the water quality to produce the fish?

The final report on this research effort will not be out for another year or so. If you have further questions, contact myself or Brad Smith. You should also review the annual progress reports which contain the data from which my comments are based.

Keep up the good work.

Sincerely,

ERROL W. CLAIRE,
District Fish Biologist.

Mr. **SEIBERLING**. Mr. Speaker, I would simply say that this is a resource protection and a resource development bill.

Two-thirds of all of the roadless areas reviewed are being released by this bill. So I feel that it is a very balanced bill.

Mr. **SPEAKER** pro tempore. The time of the gentleman has expired. All time has expired.

Mr. **ROBERT F. SMITH**. Mr. Speaker, I ask unanimous consent for 1 additional minute.

The gentleman mentioned my named and mentioned part of my debate, so I believe I should have a chance to clear the record.

Is there objection to 1 minute?

Mr. **SPEAKER** pro tempore. The time is controlled.

Is there objection to the request of the gentleman from Oregon for 1 additional minute?

There was no objection.

Mr. **ROBERT F. SMITH**. I thank the Speaker and I thank the chairman.

I want to reiterate the point, and I do not think the chairman knows about this situation; there are 40,000 acres of dead lodgepole pine in the north unit in the North Fork of the John Day. That impedes the fishery, impedes management of big game and I am sure that the gentleman is not familiar with that.

It is a fact; it is there; it is a loss; it is waste; it is gone with wilderness designation.

● Mr. DE LA **GARZA**. Mr. Speaker, H.R. 1149 and other bills to be brought up today designating wilderness areas in various States, contain compromise language on so-called release provisions dealing with areas not designated as wilderness. This language, which had been developed through the cooperation of the Committee on Interior and Insular Affairs and the Committee on Agriculture on the part of the House, and the committees of jurisdiction of the Senate, reflects an agreement which has permitted numerous wilderness bills to be acted upon by the House and the Senate. These matters, which are of significant jurisdictional interest to the Committee on Agriculture inasmuch as they pertain to management of the national forests, have been resolved in a satisfactory manner. I am pleased with this development because it permits wilderness legislation to move through the Congress to the benefit not only of all of the citizens of this country, but those who are intimately involved with management, including management of timber resources, of our national forests.●

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1149.

The question was taken; and on a division (demanded by Mr. YOUNG of Alaska) there were—yeas 4, nays 5.

Mr. **WEAVER**. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The **SPEAKER** pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1350

GENERAL LEAVE

Mr. **SEIBERLING**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There were no objection.

WISCONSIN WILDERNESS ACT OF 1984

Mr. **SEIBERLING**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3578) to establish the wilderness areas in Wisconsin, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Wisconsin Wilderness Act of 1984".

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Chequamegon National Forest, Wisconsin, which comprise approximately four thousand two hundred and thirty-five acres, as generally depicted on a map entitled "Porcupine Lake", dated November 1983; and

(2) certain lands in the Nicolet National Forest, Wisconsin, which are generally known as the "Headwaters Wilderness", as generally depicted on a map dated November 1983, and which are known as—

(A) "Kimball Creek", comprising approximately seven thousand five hundred and twenty-seven acres;

(B) "Headwaters of the Pine", comprising approximately eight thousand eight hundred and seventy-two acres; and

(C) "Shelp Lake", comprising approximately three thousand seven hundred and five acres.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

EFFECT OF RARE II

SEC. 5(a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Wisconsin and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Wisconsin, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Wisconsin;

(2) with respect to the National Forest System lands in the State of Wisconsin which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Wisconsin reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Wisconsin are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas, not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Wisconsin for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Wisconsin which are less than five thousand acres in size.

Amend the title so as to read: "An Act to establish wilderness areas in Wisconsin.".

Mr. **SEIBERLING** (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The **SPEAKER** pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. **YOUNG** of Alaska. Mr. Speaker, reserving the right to object, I would like an explanation of the bill. I probably will not object.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3578 as amended by the Senate. With the exception of some minor technical changes and the substitution of the new "release" language compromise recently worked out with the Senate, H.R. 3578 is the same bill which passed the House by a vote of 402 to 17 last November. As was the case last fall, the bill is supported by the entire Wisconsin delegation in the House and by both Senators.

Briefly, H.R. 3578 would add four areas in Wisconsin to the National Wilderness Preservation System, bringing the percentage of national forest lands in the State designated as wilderness to a very modest 3 percent. All four proposed wildernesses have been recommended for wilderness by the administration, and I am aware of no opposition to the bill. I, therefore, urge that we send this meritorious measure to the President for signature. In so doing, I would like to thank the entire Wisconsin delegation, and especially Messrs. MOODY and OBEY, for their interest and dedication in securing passage of the bill.

Mr. YOUNG of Alaska. Mr. Speaker, further reserving the right to object, how many acres are involved here?

Mr. SEIBERLING. Well, it is not very large. I will have to get the committee report to verify it. It is a comparatively small wilderness bill—approximately 24,339 acres.

Mr. YOUNG of Alaska. Mr. Speaker, with that explanation, I will not object. May I say it is just a small amount compared to what we just worked on.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

VERMONT WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4198) to designate certain national forest system lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area, with Senate amendment thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Vermont Wilderness Act of 1984".

TITLE I—NEW WILDERNESS AREAS

FINDINGS AND POLICY

SEC. 101. (a) Congress finds that—

(1) in the vicinity of major population centers and in the more populous eastern half of the United States there is an urgent need to identify, designate, and preserve areas of wilderness by including suitable lands within the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain suitable lands in the National Forest System in Vermont were designated by Congress as wilderness in 1975;

(3) there exist in the National Forest System in the vicinity of major population centers and in Vermont additional areas of undeveloped land which meet the definition of wilderness in section 2(c) of the Wilderness Act;

(4) lands in Vermont which are suitable for designation as wilderness are increasingly threatened by the pressures of a growing and concentrated population, expanding settlement, spreading mechanization, and development and uses inconsistent with the protection, maintenance, and enhancement of their wilderness character; and

(5) the Wilderness Act establishes that an area is qualified and suitable for designation as wilderness which (i) though man's works may have been present in the past, has been or may be so restored by natural influences as to generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable, and (ii) may, upon designation as wilderness, contain certain preexisting, nonconforming uses, improvements, structures, or installations; and Congress has reaffirmed these established policies in the designation of additional areas since enactment of the Wilderness Act, exercising its sole authority to determine the suitability of such areas for designation as wilderness.

(b) The purpose of this title is to designate certain National Forest System lands in the State of Vermont as components of the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to perpetuate and protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all Americans to a greater extent than is possible in the absence of wilderness designation.

DESIGNATION OF WILDERNESS AREAS

SEC. 102. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands in the State of Vermont are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately twenty-one thousand four hundred and eighty acres, as generally depicted on a map entitled "Breadload Wilderness—Proposed," dated September 1983, and which shall be known as the Breadloaf Wilderness;

(2) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand seven hundred and twenty acres, as generally depicted on a map entitled "Big Branch Wilderness—Proposed," dated September 1983, and which shall be known as the Big Branch Wilderness;

(3) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately six thousand nine hundred and twenty acres, as generally depicted on a map entitled "Peru Peak Wilderness—Proposed," dated September 1983, and which shall be known as the Peru Peak Wilderness;

(4) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately one thousand and eighty acres, as generally depicted on a map entitled "Lye Brook Additions—Proposed," dated September 1983, and which are hereby incorporated in, and shall be deemed to be a part of, the Lye Brook Wilderness as designated by Public Law 93-622; and

(5) certain lands in the Green Mountain National Forest, Vermont, which comprise approximately five thousand and sixty acres, as generally depicted on a map entitled "George D. Aiken Wilderness—Proposed," dated September 1983, and which shall be known as the George D. Aiken Wilderness.

MAPS AND DESCRIPTIONS

SEC. 103. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this title with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this title, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 104. (a) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this title.

(b) As provided in section 4(d)(8) of the Wilderness Act, nothing in this title shall be construed as affecting the jurisdiction or responsibilities of the State of Vermont with respect to wildlife and fish in the national forest in the State of Vermont.

(c) Notwithstanding any provision of the Wilderness Act or any other provision of law, the Appalachian Trail and related structures, the Long Trail and related structures, and the associated trails of the Appalachian Trail and the Long Trail in Vermont may be maintained.

EFFECT OF RARE II

SEC. 105. (a) Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) Congress has made its own review and examination of National Forest System roadless areas in the State of Vermont and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than Vermont, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Vermont;

(2) with respect to the National Forest System lands in the State of Vermont which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of Vermont reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for special management pursuant to section 204 of this Act upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans; and

(4) in the event that revised land management plans in the State of Vermont are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an amendment" to a plan.

(d) The provisions of this section shall also apply to National Forest System roadless lands in the State of Vermont which are less than five thousand acres in size.

TITLE II—WHITE ROCKS NATIONAL RECREATION AREA

FINDINGS AND POLICY

SEC. 201. (a) Congress finds that—

(1) Vermont is a beautiful but small and rural State, situated near four large cities with combined metropolitan populations of over fifteen million;

(2) geographic and topographic characteristics of Vermont provide opportunities for large numbers of people to experience the beauty of primitive areas, but also place unusual pressure to provide options to maximize the availability of such lands for a variety of forms of recreation;

(3) certain lands designated at the Big Branch and Peru Peak Wilderness Areas by title I of this Act are suitable for inclusion as part of the national recreation area; and

(4) certain other lands in the Green Mountain National Forest not designated as wilderness by this Act are of a predominantly roadless nature and possess outstanding wild values that are important for primitive and semiprimitive recreation, watershed protection, wildlife habitat, ecological study, education, and historic and archeological resources, and are deemed suitable for preservation and protection as part of a national recreation area.

(b) The purpose of this title is to designate certain National Forest System lands in the State of Vermont as the White Rocks National Recreation Area in order to preserve and protect their existing wilderness and wild values and to promote wild forest and aquatic habitat for wildlife, watershed protection, opportunities for primitive and semiprimitive recreation, and scenic, ecological, and scientific values.

DESIGNATION OF WHITE ROCKS NATIONAL RECREATION AREA

SEC. 202. In furtherance of the findings and purposes of this title, certain lands in the Green Mountain National Forest, Vermont, which comprise approximately thirty-six thousand four hundred acres, as generally depicted on a map entitled "White Rocks National Recreation Area—Proposed", dated September 1983, are hereby designated as the White Rocks National Recreation Area.

MAP AND DESCRIPTION

SEC. 203. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the national recreation area designated by this title with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Such map and description shall have the same force and effect as if included in this title, except that correction of clerical and typographical errors in such map and description may be made by the Secretary. Such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF THE NATIONAL RECREATION AREA

SEC. 204. (a) Subject to valid existing rights, the White Rocks National Recreation Area designated by this title shall be administered by the Secretary of Agriculture in accordance with the findings and purpose of this title and the laws, rules, and regulations applicable to the national forests in a manner compatible with the following objectives:

(1) the continuation of existing primitive and semiprimitive recreational use in a natural environment;

(2) utilization of natural resources shall be permitted only if consistent with the findings and purposes in this title;

(3) preservation and protection of forest and aquatic habitat for fish and wildlife; and

(4) protection and conservation of special areas having uncommon or outstanding wilderness, biological, geological, recreational, cultural, historical or archeological, and scientific, or other values contributing to the public benefit.

(b) Notwithstanding any other provision of law, federally-owned lands within the White Rocks National Recreation Area as designated by this title are hereby withdrawn from all forms of appropriation under the mineral leasing laws, including all laws pertaining to geothermal leasing, and all amendments thereto.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under the Secretary's jurisdiction within the boundaries of the national recreation area designated by this title in accordance with applicable laws of the United States and the State of Vermont.

(d) Within eighteen months after the date of enactment of this Act, the Secretary shall develop and submit to the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the United States Senate a comprehensive management plan for the national recreation area designated by this title.

(e) In conducting the reviews and preparing the comprehensive management plan required by subsection (d), the Secretary shall provide for full public participation, shall consider the views of all interested agencies, organizations, and individuals, and shall particularly emphasize the values enumerated in section 201(a)(4) of this title.

Amend the title so as to read: "An Act to designate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The **SPEAKER** pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. JEFFORDS. Mr. Speaker, reserving the right to object, and I shall not object, but I do want to take this opportunity to briefly comment on this important legislation. Before I begin, I want to commend and thank my colleagues from Ohio and Alaska, Mr. Seiberling and Mr. Young, the chairman and ranking Republican of the Public Lands Subcommittee.

Mr. Young's cooperation has been critical in gaining the timely consideration of this legislation. I sincerely appreciate his support. Mr. Seiberling has been equally supportive. Not only did he travel to Vermont to look at these lands first hand, but he listened to and questioned the more than 120 Vermonters who appeared at a hearing on the wilderness bill held in Manchester, VT, last summer.

I rise in strong support of the Vermont Wilderness bill, H.R. 4198. This bill is the result of years of hard work, and represents a solid and equitable compromise on a most difficult issue.

As my colleagues know, and as we have seen and heard today, the issue of wilderness is an emotional one. This has been as true in Vermont as anywhere else. In fact, I think the people of a small, beautiful, and rural State like Vermont care more about their land than the people in most States.

As a result, there has been a tremendous interest in this issue for the past several years. Since the introduction of a draft proposal in March of last year, thousands of Vermonters have contacted the Vermont delegation to let us know their thoughts on this question.

Our delegation may not be large, nor will our State make or break candidates for national office. But we are able to work closely. Although many Vermonters have been extremely helpful in the crafting of this legislation, I would single out two for special praise, Senators Stafford and Leahy. It has been a pleasure to work with them on this legislation, and I am pleased that as a result the bill before us today has the full and unanimous support of the Vermont delegation.

This legislation is a compromise in the truest sense of the word. Many Vermonters wanted even more wilderness, some less. There was a good deal of controversy over the best management of the national recreation area created by this bill. Hunters, hikers, loggers, and skiers were all concerned about the impact of the bill on their lives and livelihoods.

To the best of our ability, the members of the Vermont delegation have attempted to address each and every one of their concerns. Needless to say, we were not entirely successful. But we were able to meet a great many of the concerns raised during this process. We have tried to accommodate local needs and uses to the greatest extent possible. Boundaries have been adjusted as a result, and the national recreation area was created to provide greater flexibility in management and usage.

One of the most difficult questions surrounded proper administration of the national recreation area. Given the multiple current uses of the area, we were forced to try to balance these uses in a way that was fair to all concerned. In particular, we tried to make it clear that timber cutting would be permitted in the recreation area, but that it would be for wildlife management purposes only.

During our work on this issue, there was a good deal of disagreement as to what had and had not been agreed to during our discussions with various parties. I think some of this confusion may have resulted from the fact that one of the terms of the bill, specifically "semiprimitive recreation," was identical to a term used in a study of management options developed for the Green Mountain National Forest (GMNF) in the summer of 1983. In the Forest Service's study "Management Options," one option described was to emphasize "semiprimitive recreation." By using this same term in our discussions and drafting of the Vermont wilderness bill, I think we may have inadvertently left the impression in some people's minds that this term connoted the same meaning as was found in the Forest Service's study.

This is clearly not the case, and I am sorry for any confusion that may have resulted. I do, however, want to make certain that there is no remaining uncertainty. The meaning of the term "semiprimitive recreation" as used in this legislation and its report is most definitely not that of the Forest Service's study, but is that of the Senate committee's report.

Even aside from this issue, translating our intent with respect to timber cutting into legislative language was no easy task, as we did not want to permit "business-as-usual" under the guise of wildlife management. In legislation introduced in both the House and the other body last fall, the delegation tried to do so by limiting timber cutting to the maintenance of existing wildlife habitat and recreational uses.

The House Interior Committee chose to include this language in the committee's report rather than in the legislation itself. As a result, the House bill as passed in November contained broader language with specifics outlined in the report.

During further debate on the issue, the Senate has adopted report language to provide clarification of these provisions and others affecting snowmobiling and wheeled vehicle use. My staff and I have been involved in the negotiations leading to the adoption of this language, and I find it a reasonable response to this issue. It is, of course, necessarily only a partial solution, as the details of the administraton of the recreation area will be the subject of a management plan to be developed over the next 18 months.

I know my colleagues in the delegation share my commitment to seeing that the guidelines we have adopted for the management of the recreation area will be followed during the development of this plan. Once again, I applaud them and the many Vermonters on all sides of this issue who contributed to the process and final product. I think Vermonters can take pride in both.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4198, the Vermont Wilderness Act of 1984, as amended by the Senate. With the exception of some minor technical amendments and a change in the bill's release language to reflect the recent compromise we worked out with the Senate, the bill is identical to the one which passed the House last November.

Briefly, H.R. 4198 designates approximately 41,260 acres of new wilderness and establishes a 36,400-acre White Rocks National Recreation Area encompassing some 14,000 acres of the new wilderness.

In order to become more familiar with this area and to give Vermonters the opportunity to be heard on the issue, the Subcommittee on Public Lands and National Parks conducted a field inspection on July 8 of last year, followed by a public hearing on July 9 in Manchester, VT, at which some 123 witnesses appeared. Subsequent to the hearing, the Vermont delegation staged a series of negotiating sessions attended by representatives of key interest groups, and in early September a near consensus agreement was reached. I and my subcommittee staff have since conferred with Congressman Jeffords and the two Senators and their staff in order to fine tune the proposal embodied in the bill before us today. In this regard, I would particularly like to commend Congressman Jim Jeffords and his staffers, David Wilson and Mark Powden, for the long hours devoted to this legislation. As those who have worked on this bill are keenly aware, the issues involved were extremely complex and the emotions on both sides of the wilderness issue ran very high. It is a tribute to the extraordinary leadership of Congressman Jeffords and Senators Leahy and Stafford that we were able to work things out to the point where little controversy remains.

In summary, Mr. Speaker, I believe H.R. 4198, as amended, is extremely meritorious legislation which deserves our support.

Mr. JEFFORDS. Mr. Speaker, I again commend both the ranking member and the chairman of the subcommittee for their help on this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, and I shall not object, this again is a case where I believe that the total 100-percent congressional delegation supports this legislation.

The gentleman from Vermont (Mr. JEFFORDS) had done an excellent job. I again have some reservations about some of the areas because they have not been properly inventoried, but probably better inventoried than other areas in the wilderness proposals before this body.

Again, though, these are small numbers in a State that is well served as far as the participants from other States according to its borders. It has been worked closely together with the complete Vermont delegation. I want to compliment the gentleman from Vermont (Mr. JEFFORDS) in his work.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

A motion to reconsider was laid on the table.

NORTH CAROLINA WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3960) to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "North Carolina Wilderness Act of 1984".

DESIGNATION OF WILDERNESS AREAS

SEC. 2. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the Uwharrie National Forest, North Carolina, which comprise approximately four thousand seven hundred and ninety acres, as generally depicted on a map entitled "Birkhead Mountains Wilderness—Proposed", dated July 1983, and which shall be known as the Birkhead Mountains Wilderness;

(2) certain lands in the Croatan National Forest, North Carolina, which comprise approximately seven thousand six hundred acres, as generally depicted on a map entitled "Catfish Lake South Wilderness—Proposed", dated July 1983, and which shall be known as the Catfish Lake South Wilderness;

(3) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately three thousand six hundred and eighty acres, as generally depicted on a map entitled "Ellicott Rock Wilderness Addition—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Ellicott Rock Wilderness as designated by Public Law 93-622;

(4) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately two thousand nine hundred and eighty acres, as generally depicted on a map entitled "Joyce Kilmer-Slickrock Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Joyce Kilmer Wilderness as designated by Public Law 93-622;

(5) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately three thousand four hundred acres, as generally depicted on a map entitled "Linville Gorge Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Linville Gorge Wilderness as designated by the Wilderness Act;

(6) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately seven thousand nine hundred acres, as generally depicted on a map entitled "Middle Prong Wilderness—Proposed", dated July 1983, and which shall be known as the Middle Prong Wilderness;

(7) certain lands in the Croatan National Forest, North Carolina, which comprise approximately eleven thousand acres, as generally depicted on a map entitled "Pocosin Wilderness—Proposed", dated July 1983, and which shall be known as the Pocosin Wilderness;

(8) certain lands in the Croatan National Forest, North Carolina, which comprise approximately one thousand eight hundred and sixty acres, as generally depicted on a map entitled "Pond Pine Wilderness—Proposed", dated July 1983, and which shall be known as the Pond Pine Wilderness;

(9) certain lands in the Croatan National Forest, North Carolina, which comprise approximately nine thousand five hundred and forty acres, as generally depicted on a map entitled "Sheep Ridge Wilderness—Proposed", dated October 1983, and which shall be known as the Sheep Ridge Wilderness;

(10) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately five thousand one hundred acres, as generally depicted on a map entitled "Shining Rock Wilderness Addition—Proposed", dated July 1983, and which are hereby incorporated in, and shall be deemed to be part of, the Shining Rock Wilderness as designated by the Wilderness Act; and

(11) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately ten thousand nine hundred acres, as generally depicted on a map entitled "Southern Nantahala Wilderness—Proposed", dated July 1983, and which shall be known as the Southern Nantahala Wilderness.

MAPS AND DESCRIPTIONS

SEC. 3. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

EFFECT OF RARE II

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of North Carolina and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than North Carolina, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of North Carolina;

(2) with respect to the National Forest System lands in the State of North Carolina which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), except those lands designated by wilderness study upon enactment of this Act, that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of North Carolina reviewed in such final environmental statement or referenced in subsection (d) and not designated as wilderness or for wilderness study upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided*, That such areas

need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of North Carolina are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of North Carolina for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisons of this section shall also apply to National Forest System roadless lands in the State of North Carolina which are less than five thousand acres in size.

DESIGNATION OF WILDERNESS STUDY AREAS

SEC. 6. (a) In furtherance of the purposes of the Wilderness Act, the following lands shall be reviewed by the Secretary of Agriculture as to their suitability for preservation as wilderness during preparation of the initial land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended—

(1) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately seven thousand one hundred and thirty-eight acres, as generally depicted on a map entitled "Harper Creek Wilderness Study Area", dated July 1983, and which shall be known as the Harper Creek Wilderness Study Area;

(2) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately five thousand seven hundred and eight acres, as generally depicted on a map entitled "Lost Cove Wilderness Study Area", dated July 1983, and which shall be known as the Lost Cove Wilderness Study Area;

(3) Certain lands in the Nantahala National Forest, North Carolina, which comprise approximately three thousand two hundred acres, as generally depicted on a map entitled "Overflow Wilderness Study Area," dated July 1983, and which shall be known as the Overflow Wilderness Study Area;

(4) certain lands in the Nantahala National Forest, North Carolina, which comprise approximately eight thousand four hundred and ninety acres, as generally depicted on a map entitled "Snowbird Wilderness Study Area," dated July 1983, and which shall be known as the Snowbird Wilderness Study Area; and

(5) certain lands in the Pisgah National Forest, North Carolina, which comprise approximately one thousand two hundred and eighty acres, as generally depicted on map entitled "Craggy Mountain Wilderness Study Area Extension", dated July 1983, and which are hereby incorporated in the Craggy Mountain Wilderness Study Area as designated by Public Law 93-622.

(b) The Secretary shall submit a report and findings to the President regarding the review required under this section, and the President shall submit his recommendations regarding the areas specified in paragraphs (1) through (5) of subsection (a) to Congress no later than three years after the date of enactment of this Act.

(c) Subject to valid existing rights, the wilderness study areas designated by this section shall, until Congress determines otherwise, be administered by the Secretary so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. The entire Craggy Mountain Wilderness Study Area, including the study area designated by Public Law 93-622, shall be administered in accordance with this subsection until Congress determines otherwise.

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I shall not object.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 3960, the North Carolina Wilderness Act of 1984, as amended by the Senate. With the exception of certain minor technical amendments and the substitution of the new release language compromise which Congressman UDALL and I recently worked out with the Senate, H.R. 3960 is identical to the measure which passed the House by a vote of 398 to 21 last November.

Very briefly, the bill would designate approximately 68,750 acres of national forest roadless land in North Carolina as additions to the national wilderness preservation system. This acreage has been recommended for wilderness by the Forest Service, and comprises interesting terrain ranging from the scenic mountains in the extreme western part of the State to swamp-like ecosystems—pocosins—in the Coastal Plains southwest of Cape Hatteras. The bill also designates an additional 25,816 acres for further wilderness study.

I am aware of no significant opposition to these designations, and believe the fact that the bill's passage in the House and Senate was supported by the entire North Carolina delegation is proof of the fact that this is a consensus product. In closing, I would like to extend my sincere appreciation and thanks to Congressman JAMES CLARKE for his leadership and diligence in pursuing this meritorious legislation. The bulk of the land involved in H.R. 3960 lies in Congressman CLARKE's congressional district and I am certain that it would have been nearly impossible to piece together this delicate compromise bill without his tireless efforts and gracious diplomacy on its behalf.

Mr. YOUNG of Alaska. Mr. Speaker, I again believe that the total North Carolina delegation is in unanimous agreement on this legislation. Again I do not believe the areas have been properly inventoried, but better than the extent in some other areas.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING).

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4198 and H.R. 3960.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMPETITIVE GRANTS FOR BIOTECHNOLOGICAL RESEARCH IN AGRICULTURE APPROPRIATIONS CUT

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, on Wednesday the House will take up the Agriculture rural development related agencies appropriations bill for 1985, H.R. 5743. I have before me the House Report No. 98-809 on that bill.

As usual, the Appropriations Committee and its distinguished chairman have produced an excellent bill with which I am in 99 percent agreement. I almost hesitate to mention such a modest difference as I may have dealing with possibly 1 percent of the bill.

But I do so because I think it is a matter of considerable importance. I was reminded of its importance by a story on the AP ticker which I just read a few moments ago.

I would like to quote briefly from that story. This is dateline Washington and it says as follows:

> Genetic engineering, which already has raised the possibility of plants resistance to frost now appears ready to break a path to plants that can resist drought and salt water. Much further work is needed but to reach the goal of genetic enhancement against drought, the emerging technology must be closely integrated with established procedures of plant improvement.

Now, Mr. Speaker, this bill deals with precisely that subject in its research components and it was with great regret that I noticed that the committee, in its wisdom, had reduced the administration's recommendation for competitive grants for biotechnological research from $50 million down to $32,518,000.

Now this might not seem a large sum. It is not a large sum. But also, in addition to the reduction that has been here, a number of research programs that had been previously financed or funded under special research grants, programs which are valuable, which deal with specific problems such as soybeans, animal health, aquaculture, and so on have been moved from the special research section of the bill over to the competitive grants basic research section of the bill.

□ 1400

I know that the distinguished chairman of the full committee and the Agriculture Subcommittee must have many good reasons for acting as he has here, but I would like to tell the House that the Agriculture Committee and the subcommittee which I chair has been studying this subject now for several years. We agree with the administration on the importance of this area of research. We think that this is vitally important to the future of agriculture in this country. I hesitate to think that the distinguished chairman of the full committee might have inadvertently acted in such a way as to impair the future health of agricultural research in this country.

It is my hope that we can make some modest changes in the amounts which this bill recommends in order to correct what may be merely on oversight on the part of the Appropriations Committee.

THE NATIONAL DEBT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, in a little less than 3 weeks, Congress will once again be faced with a task it detests, raising the national debt limit, and once again we will go through what has become a grim ritual, wringing our hands over what we have wrought and then rationalizing why it should continue.

The rationalization will go something like this:

If we do not increase the debt limit still further, the Government will cease to function, millions of people will not get their social security checks, Federal employees will not get paid and essential services will be compromised, all of which will be terribly irresponsible.

Conveniently forgotten for a little while, at least, is the thought that we might really be evading our responsibilities by accepting that rationale, not meeting them.

Also overlooked is the possibility that there are other alternatives, that the choice is not limited to short-term calamity on the one hand versus long-term calamity on the other.

Mr. Speaker, my purpose in taking out this special order today is to point out that it is high time we stopped talking about the most obvious and effective of the alternatives, cutting the Federal budget deficit, and it is high time that we started doing it. For months now, the last 2 years, in fact, we have been hearing about how the majority party in this House wants to cut deficits. We have listened as they have accused the current administration of being responsible for the advent of $200 billion deficits.

We have objected as they have voted up budget resolutions and other budget measures designed to reduce the deficit by raising taxes not by cutting spending, and as they have voted down substitutes and amendments that would have done just the reverse. We have been amazed by the fact that the only segment of the budget they seem to be willing to cut is neither the biggest nor the fastest growing segment. That segment, better known as domestic spending, appears to be sacrosanct.

Let us look at a few figures and a bit of history. Just a few weeks ago we increased the public debt limit in this Nation to $1.52 trillion or approximately $6,000 for every man, woman, and child in the United States. The net interest on that debt is expected to amount to roughly $108 billion in fiscal year 1984 or approximately 59 percent of the estimated Federal budget deficit.

By contrast, just 10 years ago the national debt was only $544.1 billion and interest on that debt cost us only $23.2 billion.

From these figures it does not take much of a genius to figure out what is happening. The cumulative effect of past Federal budget deficits will make it increasingly difficult to balance future budgets unless dramatic remedial action is taken soon. The longer we put off the day of reckoning, the harder the task will be.

In tackling the task, it is necessary to put to rest some of the arguments for inaction that have been offered by some of my colleagues on the other side of the aisle. This being an election year, they like to point out that roughly $500 billion of the national debt has been accumulated during the past 4 years.

That may be true, just as it is true that roughly $300 billion was added the previous 4 years. But it obscures the key point, which is: Whose fault is that?

Is it not ours, in conjunction with the other body? Is it not Congress that under the Constitution has the final say as to how much will be spent and on what? And what about the fact that the current administration has spent most of the last 4 years trying to cut the rate of growth of spending, while the current Congress has been trying to increase it?

Indeed ever since Gramm-Latta 1 was passed in 1981, the Congress, led by this House, has been engaged in a piece-by-piece repeal of that legislation which had as its noble purpose the reduction in the growth of Federal spending. Just since the beginning of 1983, for example, this House has passed several bills unraveling parts of Gramm-Latta, including an emergency school assistance measure, a measure providing social services for low-income children, and, most recently, a measure calling for additional foreign language training for interested students and teachers.

Lest any of my colleagues who are listening think that these examples do not a pattern make, let me remind them that in 1983 alone, at least 15 amendments were offered to cut Federal spending and, even though there were rollcall votes, only three of them prevailed. Moreover, several other amendments were offered and adopted that actually increased spending, much in the fashion of the reconciliation measure that passed the House earlier this year.

Furthermore, there is every reason to believe that a number of other measures, either increasing the growth of spending or repealing parts of Gramm-Latta, or both, will continue.

For instance, the Energy and Commerce Committee on which I am privileged to serve just finished marking up a number of health and broadcasting bills which will be making their way to the House floor in the next few weeks and, almost without exception, these bills fit the mold just described. Of course, the House may choose to reduce the spending levels called for, and it is true that some appear to represent spending reductions when compared to 1984 authorization levels, but the first is not very likely, and the second is deceptive. So where does that leave us? Well, it leaves us with

H.R. 5603, an alcohol, drug abuse, and developmental disabilities bill which contains an 11.9-percent increase over what was appropriated in fiscal year 1984 for the National Institute on Alcohol Abuse and Alcoholism, a 17-percent increase over fiscal year 1984 appropriations for the National Institute on Drug Abuse, and a 16-percent increase over what was spent in 1984 for developmental disabilities.

□ 1410

Similarly, the family planning bill, H.R. 5600, contains a 16.3-percent increase over what was spent in 1984 for family planning programs, and a 104-percent increase over what was appropriated for the adolescent family life program.

Then there is the health manpower bill, H.R. 5602, in which the authorization levels for health professions, education, and nurse training are almost half again as high as 1984 appropriation levels, not to mention sizable increases for community and migrant health centers.

Similarly, H.R. 5496, the health care technology assessment bill, contains a sizable funding increase for the health statistics program—1984 appropriations notwithstanding, it calls for $11 million in excess of what was authorized last year. Let us not overlook either the Indian health care bill, H.R. 4567, or the bill providing forward funding for the Corporation for Public Broadcasting (CPB).

The former appears to project a major spending cut, but in reality, it authorizes such sums as are necessary or shifts the spending to other Indian health programs, while the latter calls for either a 47- or 67-percent increase in spending starting in fiscal 1987 over what was authorized previously.

As you may recall, in 1981, Congress established a funding level of $130 million through fiscal 1986 for CPB, only to change it last year to $145 million in fiscal year 1984; $153 million in fiscal year 1985, and $162 million in fiscal year 1986. Now the Energy and Commerce Committee is proposing to raise it to $238 million in fiscal year 1987; $253 million in fiscal year 1988, and $270 million in fiscal year 1989.

So much for cutting the deficit. Of course, the Energy and Commerce Committee is but one committee, but I rather suspect when we look at the other committees and what they are reporting, things are not all that much different. Except for national defense, which only constitutes roughly 28 percent of Federal spending, and has only gone up 25 percent in the past 22 years when measured in constant dollars, compared to 350 percent for social spending, the prevailing sentiment in this House seems to be keeping on increasing spending as usual. Maybe try and hide it a little, but certainly not anything that could remotely be construed as cutting spending.

Indeed, the modus operandi of the past quarter-century, tax, spend, and elect, is very much on track. We are taxing and spending like never before. The only question is, Will the people keep on electing those responsible? Does it have to be this way? Of course not. This Congress could avoid the necessity of increasing the debt limit or shutting down Government by substantially cutting spending.

There are a number of ways that could be done. Freezing spending at 1984 appropriation levels would reduce spending by $35 to $45 billion, depending on whose figures you believe. Adopting the recommendations of the Grace Commission could save us $98 billion to $424 billion over the next 3 years, again, depending on whose analysis you accept. Similarly effecting a percentage reduction in authorization levels of 4 or 5 percent could save us billions. If we do not want to specify the means by which the goal of a balanced budget should be accomplished, but still insure that such a goal is realized, we can pass a constitutional amendment calling for a balanced budget.

In fact, that may be the best means of all, for it insures against a relapse of the current condition provided of course that the States ratify such an amendment. Given the fact that 32 States have already called for a Constitutional Convention to adopt a balance budget amendment, I think that such ratification would be speedily forthcoming.

Mr. Speaker, the alternatives are there. All that is lacking is the will, and it is up to Congress to develop that. But develop it we must, for if we keep going down the road of deficit spending, all we can look forward to is higher interest rates, higher inflation, higher employment, recession, and perhaps, even depression. No nation can keep on spending beyond its means indefinitely without paying the price, and the longer we delay paying the price, the stiffer it will be.

I made reference earlier in my remarks to States of the Union that have adopted a balanced budget amendment request of the Congress, and I would like make reference to those States now.

Our Founding Fathers, when they organized our current Constitution back in 1787 in Philadelphia, contemplated the day when perhaps Congress, as it is organized today, would refuse to respond to the will of the people of this country. Today by poll after poll, 65 to 70 percent of the people of America, Democrat, Republican, and Independent, want the Congress of the United States to balance the budget, and they want it done through the medium of cutting spending, not raising taxes.

We are taxing Americans today at the rate of about 19 percent of GNP, which is close to a historic high. The problem is we are spending at the rate of about 24 percent of GNP. That 5-percent difference amounts in this current fiscal year to about $185 billion. In the face of this belligerence on the part of Congress to rein in this runaway spending, our Founding Fathers inserted a provision in the Constitution whereby the State legislatures of our country can petition the Congress to perform action in a certain area. In this instance, so far to date, 32 States of the Union have called upon the Congress of the United States to call a convention on the subject of consideration of an amendment to the Constitution which would require a balanced budget.

This movement bagan back in the mid-1970's when it became apparent that deficits in America—that is, on the part of the Federal Government—were approaching levels that the people of our country just could not bring themselves to accept.

So, under the leadership of one organization, the National Taxpayers Union of America, this effort began among the State legislatures of the country. In 1975, the States of Maryland, Mississippi, and North Dakota passed such a resolution. In 1976 the following States also passed such a resolution: Alabama, Delaware, Florida, Georgia, Nebraska, New Mexico, Oklahoma, Pennsylvania, and Virginia.

In 1977, Oregon, Tennessee, and Wyoming added their names to the list. In 1978, four States, Colorado, Kansas, South Carolina, and Texas, added their names to the list. In 1979, Arizona, Arkansas, Idaho, Indiana, Iowa, Louisiana, Nevada, New Hampshire, North Carolina, South Dakota, and Utah were added to the list.

In 1982, the State of Alaska; in 1983, the State of Missouri. These total 32; when the number gets to 34, our Constitution says that the Congress is required to call a Constitutional Convention on the subject. Where will those other two States come from?

In my home State of California, an initiative measure has qualified for the ballot, and there will be on the ballot in November of this year for voters in California, an initiative measure to determine if California will add its name to the list of States in this Union calling for the convention to come into existence on the subject of consideration of a balanced budget amendment.

There is an initiative effort currently underway in the State of Montana. The deadline for gathering of signatures, I am told, is June 29. If sufficient number of signatures can be obtained. Montanans will also have the opportunity in November of voting on such an amendment. If the initiative qualifies there, and if it is approved by the voters of the State of Montana and California, and polls indicate that such a probability is a very good reality, then in that instance, we would have the 34 States required to call a Constitutional Convention.

It is my sincere hope that we do not have to go the route of calling for a Constitutional Convention or indeed calling a Constitutional Convention. I do not particularly want the Constitutional Convention to come into existence, and I do not think it is necessary that it actually be called. I would hope that we in the House, this House, and in the other body, before too much more time takes place, will have the courage to consider and propose a constitutional amendment to the States of this Union for the sake of determining whether or not the people of the States want to amend the Constitution with a requirement that we have a provision within it calling for a balanced budget for our Federal Government.

□ 1420

Here in the House the Members may be interested to know that a week ago, Thursday, a petition was filed, a rule was filed, with the Clerk of the House laying the foundation for a discharge petition which can be circulated for consideration by Members of the House 7 legislative days after that fact. We believe that the 7th legislative day will occur on this Friday, which means that under the rules of this House, we will be in a position to have the Members come to the well of the House here and sign a discharge petition in order to bring up for consideration on the floor of the House, House Joint Resolution 243, which is a proposed constitutional amendment calling for a balanced budget at the level of the Federal Government.

This measure needs 218 signatures on a discharge petition in order to be brought to the floor of the House for a vote. We are aware that in order to have a vote in this, the 98th Congress, on this issue we probably must resort to the discharge petition because House Joint Resolution 243, although it has been introduced some months ago and it has been reposing in the Committee on the Judiciary of this House, is not in friendly hands. In fact, that proposed constitutional amendment is in the burial ground of the House of Representatives in this democratically controlled House, in this instance that the leadership of this House, controlled by the Democrats, do not want that proposed constitutional amendment to see the light of day, and it is buried in that Committee on the Judiciary where, in order to bring it to the floor of the House for a vote, we must obtain what in effect is a stick of dynamite to blow it out of that committee and bring it to the floor of the House.

That is what that discharge petition is all about. We had to go this same route in 1982, and we were successful in getting the bare minimum of 218 votes so that we forced the House to give us a rollcall vote on House Joint Resolution 350 on October 1, 1982. The measure received on that occasion 236 votes, which is more than a majority but less than the two-thirds that is required in the Constitution for adoption of a constitutional amendment.

When discussions come from time to time, as they will, by any of us or among ourselves before our constituents in townhall forums or here in the House, questions often arise as to who really is accountable for this runaway spending that is going on in the Congress of the United States. Democrats blame Republicans, Republicans blame Democrats, the House Member blames the Senate, the Senate blames the House, the House and the Senate combined blame the White House.

What can a citizen believe with respect to accountability in our system? Who do you believe, when the question is raised as to who is responsible for this level of spending? Who can you believe, really? You can talk to your own Member, one of the 435 of this House, and you will get all kinds of answers as to why that Member is doing the right thing by his or her constituency.

I raise this question because I think it is appropriate for us to admit that there are different organizations here in Washington and around the country that annually conduct a survey to determine what we, the Members of the House, have been doing with the stewardship of power. I have not taken a count as to how many organizations rate Members of Congress. I would guess there are at least 25; maybe there are twice that many.

But there is one organization that I referred to earlier in my remarks that, on the issue of spending, does I think one of the most credible jobs, and that is the National Taxpayers Union. It has been in existence for some 12 years or so. It was organized, as its name implies, to represent taxpayers in America—taxpayers. We are all taxpayers, but our problem in terms of this runaway spending is that special interest groups come to Washington seeking relief for this or that cause which, narrowly, on the surface of it sounds so laudable and so merit worthy that a majority of us are hard pressed to not accept it. We could name them. They are in the hundreds of thousands and they formulate the special spending programs of the U.S. Government.

Our problem is, you put them all together and we have chaos such as we have today with spending outstripping the income by $180 billion.

But getting back to the point of accountability, how can the taxpayers, the voters of America, evaluate Members of the House so that they can determine in this election season who they want to come back here to represent them come January of next year when we organized the 99th Congress?

That is very significant, profound question. Why make reference to the National Taxpayers Union? That organization recently published and analysis of the spending records of Members of the House and Members of the Senate. It is a nonpartisan organization. It does not pretend to have a partisan or a ring to it. It consists of volunteer members around the country and they depend for their existence on persons who subscribe to their organization and the things for which it stands, namely, reigning in runaway spending in this country. It is the organization that I referenced earlier, back in the mid-1970's, which began the current effort to have the States of our Union adopt a provision through State legislatures calling on Congress to propose a constitutional amendment to the States calling for a balanced budget.

I think the Members have seen the recent publication for 1983 votes, and every Member of the House is identified in this list. The methodology of the National Taxpayers Union was to select 202 votes of all those that were taken in 1983 and the 202 that were selected involve spending excluding none. I want to make reference to the fact that they particularly did not exclude defense spending. In others words, any measure that the House voted on in 1983 that involved the issue of spending, 202 of them in the analysis of NTU, was evaluated in terms of how the Members of the House voted on that specific issue, and we Members of the House were rated with respect to those 202 votes.

The NTU, the National Taxpayers Union, divided all Members of the House into four categories: Good, 67 percent or more; fair, 40 to 66 percent; average, 21 to 39 percent; and big spenders, 20 percent or less.

The percentage score, the lower, indicated that the Member was more sympathetic to taxpayers interested in conserving spending and reducing spending than they were in increasing spending. The lower the score, the more concerned with taxpayers; the higher the score, the more concerned with special interests.

In case any Member or any person who reads the record or views these proceedings, anyplace in this country, wants a copy of this they can write to the National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, DC 20003, and they can obtain a copy of it and they can see how their Member equates on this list, which is the most objective, in the opinion of this Member from California, in determining the issue of spending by Members of Congress.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I would be happy to yield to my colleague, the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, I wonder if the gentleman could give me that address again so that I could obtain one of those copies?

Mr. DANNEMEYER. That is the National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, DC 20003. If you write them, they will be happy to send you one. I think there is a nominal charge for it. You can correspond there with them and find out what that is, and obtain a copy of this analysis of every Member of the House for 1983.

□ 1430

They produce it once a year. For instance, they have an analysis for 1982. It is blue in color. The one for 1983 is green.

The advantage of the one for 1982 is that it also has a category as to how the Members of Congress in 1982 voted on the issue of a proposed constitutional amendment to require a balanced budget, and that vote was taken October 1, 1982.

Mr. MACK. Mr. Speaker, I wonder if I might ask the gentleman to yield again?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I had the opportunity just a few minutes ago to listen to some of the comments the gentleman was making as I was back in my office, and I thought to myself, first of all, how he ought to be complimented, he and the gentleman from Idaho (Mr. CRAIG), for really taking on this effort.

Here we have a situation where in 1983 we had the opportunity in the Budget Committee hearings to hear that we were going to have a $184 billion deficit in the year 1984, and it was projected out to $200 billion or maybe even more in the years beyond. And one would think that there would be some kind of a real ground swell of activity here on the floor of the House to try to bring to the floor of the House at least a discussion.

As far as the gentleman and I are concerned, it is pretty obvious what our position is, that we would like to see a balanced-budget amendment passed on the floor of the House, but at least we ought to have the opportunity to discuss and debate the issue here on the floor of the House, and it is interesting to see what you have to go through in order to represent the will of the American people to try to get that issue debated on the floor of the House. You have to go around, No. 1, and try to get additional States to call for a Constitutional Convention to place the pressure on Congress, as if $200 billion deficits were not enough, to place the pressure on Congress to debate the issue. Hopefully, it would pass, but at least that is just to debate it.

Let me ask the gentleman this question: Have there been any hearings so far this year on the balanced-budget constitutional amendment?

Mr. DANNEMEYER. To my knowledge, there have been none. The chairman of the Judiciary Committee, the gentleman from New Jersey, whom we all know, has not seen fit to hold any hearings.

Does the gentleman have knowledge of any hearing being set or contemplated?

Mr. MACK. The last time I raised the question I was told that there were no hearings, which I think is an indication of the apparent lack of concern on the part of some Members about the need to discuss and debate a balanced-budget amendment.

Now, having said that, it is interesting also that earlier this year some of us discovered that three was a technique to bring legislation to the floor of the House in essence to circumvent the power of the Speaker, and it is what is called Calendar Wednesday. As far as I know, it has been some 18 years or so since Calendar Wednesday has been used to bring legislation to the floor of the House.

Basically, what Calendar Wednesday says is this: If a piece of legislation has been passed out of a committee, that committee chairman then has the ability to brings that legislation directly to the floor of the House. Well, it is interesting in this case that not only do we have the opportunities not there under Calendar Wednesday to bring that legislation to the floor of the House, because there have been no hearings on it in the particular committees, but, as the gentleman mentioned, there is one final way to try to get that legislation to the floor of the House, and that is through a discharge petition. And I understand that that was filed, a rule was filed on that just several days ago?

Mr. DANNEMEYER. That is correct.

Mr. MACK. My point is this: Here is an issue—and one of the polls I saw recently indicated that 83 percent of the American people supported a balanced-budget amendment to the Constitution—where we have to go through the process of trying to get States to call for a constitutional amendment to talk about it. We cannot even get the Judiciary Committee to hold hearings on it. Therefore, we cannot use Calendar Wednesday to get it to the floor, and then we have to resort to a discharge petition in order to try to force the leadership of this House to bring this particular amendment to the floor of the House for discussion.

Mr. DANNEMEYER. Mr. Speaker, the gentleman makes a very good point.

I do not think there is any secret about the fact that we have two great political parties in this country, and this issue of spending and of wanting to rectify this imbalance divides the two great parties in this country as no issue could.

As proof of that I want to relate an assessment of the National Taxpayers Union in evaluating all Members of the House in 1983 on spending issues, because they mention the nomenclature and the use that I have previously described, but then they went on in a single category in this listing and they said, the best and the worst.

Now, the best, from their assessment, are Members who voted to cut spending, and the worst are the ones who are responsible for this irresponsible level of spending.

In the House they had 38 Members who were listed as best, that is, the ones that were, in their analysis, the ones who were truly trying to protect the taxpayers of this country, and they identify them by name. It is interesting to go down here in the list of 38 and see that there are 2 Members of the Democratic Party in that list of 38, and there are 36 Republicans.

On the other hand, they put in a list of the 40 worst, the 40 with the most big spending attitudes in the House of Representatives in 1983. And it is interesting, by way of contrast, to notice that there is not one Republican in the list of 40 worst: they are all Democrats.

So when the gentleman says, as he has just pointed out, that the Democrats control the House, the Democrats control the Judiciary Committee where the constitutional amendment is reposing, the Democrats refuse to bring that issue for a hearing before the committee, and the Democrats refuse to bring it to the floor of the House, is there any wonder why they are resisting that effort? They are the ones, by this record, who are responsible for this irresponsible level of spending, and they do not want that record brought out.

Mr. MACK. Mr. Speaker, will the gentleman yield further?

Mr. DANNEMEYER. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I was going to ask the gentleman if he would read the names of the 40 Members at the bottom of that list, but I think that, after some of the discussions we have had around here in the last several weeks about reading the names of

Members without giving them advance warning——

Mr. DANNEMEYER. Mr. Speaker, the gentleman makes a good point. I think we should read their names, but before we read their names, under good procedures and practice in the House, we should send these Members of the House a letter and tell them we are going to mention their names on the floor of the House on a particular day in this context, and maybe they would like to come here and debate this issue of how they happen to find themselves on this list of big spenders.

I would not want to mention their names today, but I am glad the gentleman mentioned that because I think we ought to send them a letter advising them that we are going to mention them.

Mr. MACK. Maybe what we ought to do is get—did the gentleman say there were 38 Members in the best?

Mr. DANNEMEYER. Yes, the best.

Mr. MACK. Maybe we ought to get those 38 Members to come down here and debate those 40 Members on the bottom and see where the discussion goes.

Mr. DANNEMEYER. I think that would be one of the most interesting discussions we could have in the House.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to my friend, the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I just wanted to inquire of the gentleman if my name happened to be in the list of 40.

Mr. DANNEMEYER. Well, let me read it here and see.

Mr. GONZALEZ. Because if it is, I will give the gentleman full clearance to mention my name all he wants to, provided he spells it right with a "z" at the end, because I think that is kind of a badge of honor to be on that kind of list, in the Tax Dodgers Defense League, which is what I call that organization.

Mr. DANNEMEYER. Let me see. Well, I will say to my friend, the gentleman from Texas (Mr. GONZALEZ), that he just missed the cut. The biggest spender starts at six.

Mr. GONZALEZ. I just wanted to advise the gentleman that as far as this Member is concerned—of course, I am a Democrat—if I am on that list, he does not have to write me a letter; he can mention it and also say that in my opinion that is a badge of honor to be on what I call the Tax Dodgers Defense League, because that is what it is.

We have a local Tax Dodgers League, too, and I have had ratings from that ever since I was on the city council. So I do not want the gentleman to think that I consider libelous or anything like that any mention of my name in connection thereto.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DANNEMEYER. Mr. Speaker, I will just elaborate to this extent: The lowest score was 6 of the 40, and then it went to 13, being the highest score in the cut, and the gentleman from Texas had 14. So he just missed the cut.

Mr. GONZALEZ. That is pretty good. I have done something wrong somewhere if I am that high.

Mr. DANNEMEYER. It all depends on your point of view, and I think the taxpayers of your district would like to know this.

Mr. GONZALEZ. That is right.

Mr. DANNEMEYER. They would like to know how you are conducting your affairs here, and if a majority of the people——

Mr. GONZALEZ. Oh, I do not worry about the taxpayers. I have had to defend every 2 years on an average, with the exception of when I served 5 years in the State senate, and I have had to go back before the electorate and the taxpayers of my area. I do not worry about that. I have worried about the tax dodgers. That is my worry.

Mr. DANNEMEYER. I join the gentleman in worrying about the tax dodgers, and if he has some constructive way to get after the tax dodgers, I will join him in that. I want him to know that.

Mr. GONZALEZ. All right, that is a promise.

Mr. DANNEMEYER. Mr. Speaker, I thank the gentleman very much.

Let me make the point that I would like to conclude on in this special order. First, I thank my colleague, the gentleman from Florida (Mr. MACK), and my colleague, the gentleman from Texas (Mr. GONZALEZ), for their comments in response to what we have raised on the point of this discussion today. My final point is this: beginning early next week we will have a discharge petition in the well of the House, and I would hope that my colleagues, those of us who share the philosophical point of view that we should put into our Constitution a requirement that we have a balanced budget in America, will help us in doing so.

□ 1440

I think it is appropriate for us to recognize that some of our Founding Fathers had tremendous wisdom when they drafted the document known as the Constitution of the United States. Thomas Jefferson is responsible for drafting the Declaration of Independence.

History tells us that when the Constitutional Convention of 1787 was held in Philadelphia, Mr. Jefferson was in Paris, France, representing this country to the Government of France. While there he wrote a letter to James Madison, who was in Philadelphia, advising Mr. Madison as to some thoughts Mr. Jefferson had as to what should be in the document that came to be known as the Constitution of the United States, now reposing over here on Constitution Avenue in our Archives.

Mr. Jefferson said that he, Jefferson, thought that a provision belonged in the Constitution which would prohibit the U.S. Government from going into debt, because on his analysis of the history he believed that if the politicians of the country could place the country in debt without limitation, the public pressure to do so would soon be forthcoming because special interests who would be interested in spending would bring pressure to bear on Congress to vote programs for special interest groups without regard of the impact on taxpayers.

Unfortunately, the advice of Mr. Jefferson to Mr. Madison was not followed in the sense that it did not get into the U.S. Constitution.

We have today, almost over 200 years later, really the responsibility for in effect replacing that oversight that our constitutional founders put into the U.S. Constitution; namely, a provision limiting the Congress in its ability to go further into debt.

My colleagues know that we have had a law in this House which we adopted as Members of Congress, a statutory law calling for a balanced budget at least since 1979, 5 years ago.

What do we do? Each year a provision relating to the annual budget consideration comes up, we blithely waive that requirement and go about the business of adopting budgets year after year which are heavily in deficit.

It is appropriate at this time for a provision to be placed into our Constitution which will put limits on the ability of this Congress to spend and transfer debt to future generations. I believe in this context it is fitting that we sign the discharge petition, bring it to the floor for a vote by Members. That will establish accountability around this country as to who is responsible for voting it up or bringing it forward, and on that basis and on that issue of accountability we could determine who should come back here in January 1985 and be a part of the organization of the 99th Congress.

Mr. Speaker, I yield back the balance of my time.

RELIEF FOR FACILITY OF THE AMERICAN UNIVERSITY OF BEIRUT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● **Mr. FISH.** Mr. Speaker, recently I introduced legislation (H.R. 5728) to provide relief to lawful permanent residents of the United States employed by the American University of Beirut.

Under current law, lawful permanent residents of the United States risk losing their immigration status by engaging in an activity which is very much in the interests of the United States—teaching at the American University of Beirut. This university, an American institution chartered in the State of New York, performs a vital educational role in a troubled area of the world. The threat of possible loss of lawful permanent resident status in the United States is a strong disincentive to teaching at the American University of Beirut—particularly in view of current conditions in Lebanon. Dr. Malcom Kerr, the university's late president, discussed this immigration matter with me last year. The tragic events since that time have included the murder of Dr. Kerr.

My bill provides that lawful permanent residents of the United States will be considered to be visiting abroad temporarily during periods of employment by the American University of Beirut. The legislation will provide protection, when they return to the United States, to the approximately 12 percent of the faculty with U.S. lawful permanent resident status. Immigration officers no longer will be able to challenge this small group of returning U.S. residents on the ground that they allegedly have given up their immigration status in our country.

The interest of Members of Congress in finding a solution to this problem has encouraged faculty members to remain at the university for the time being. Legislative action, however, is urgently needed to remove a serious impediment to the future of a critically important educational institution in the Middle East.

The contributions of permanent U.S. residents to the educational efforts of this great university promote international understanding. We must now do our part to help these faculty members with ties to the United States so they can continue their important work.●

CRISIS IN THE AMERICAN BANKING SYSTEM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. **GONZALEZ**) is recognized for 60 minutes.

Mr. **GONZALEZ**. Mr. Speaker, I rise impelled by what I consider two immediate and transcendent issues with a very troubled mind and heart. The first has to do with what I mentioned not too much in detail, but referred to it last week, and that was the occasion of the demise of the Continental Illinois Bank, with a bailout required of over $7 billion, of which, of course, every bit directly and indirectly is a guarantee from the taxpayers.

We were talking about spenders and taxpayers and their defense. I think it is interesting to note that at no time is this kind of a bailout looked at from that point of view; but that is not in itself really what is bothersome. It is the fact that after 18 years of speaking out, warning, failing to arouse what my colleagues described as an inertia and penetrating the level of consciousness of the overwhelming preponderant Members of Congress since 1966, the occasion being then the first credit crunch, as the name was devised them.

I think my colleagues ought to be aware of the fact that the issue now is immediate. It is a crisis, and as I said also earlier this year, it is too late to do anything about the warnings that some of us have been raising since 1966 and even before, but with particularly insistency since 1966, but it is time to consider getting what I have called the pincers to get this hot potato and handle it as best we can when the crisis gets to the proportion of an emergency and, therefore, the kind of frenetic overreaction that is typical of all crisis reactions. That is one thing, because the Continental Bank merely reflects the very bad state of affairs in our banking system.

It was incredible to me and therefore impelled by the same motive that impels me to speak today, I rose first in 1978 and for the second time in 1979 and spoke of the tremendous incremental increase of overhang, as I labeled it, of the American banking system in lending to nations that were not in a position to pay back.

It was a case of very, very careless neglect, incredibly irresponsible bankers loaning to rather unprincipled borrowers, in both cases I think the lack of basic principle is extent, unbelievable.

This had been assumed, but never happened since the depression, so that in 1979 I brought out in those remarks that I made to the Members that for the first time since the depression era, or more precisely since 1932 and particularly in the basic Banking Act of 1935, which literally was done away with substantially, if not completely, in the so-called amendments that we imposed 2 years ago in October, it will be 2 years in October, and homogenized our Federal institutions and incredibly reverted to the predepression era financial institutional framework of reference, all this being reflected in separate but rather isolated crises, such as housing, the homeownership crisis or several generations of Americans having been or being deprived of the great dream, the ownership of a home.

All of these are interrelated, as I tried to bring out, but in 1979 I pointed out in mathematical terms why incredibly all of the variables were in place in the equation that provided us the crash or the economic crisis of 1929, the Black Friday of 1929 and the consequence.

Now we are speaking in a day and time in which I represent a smaller segment of the survivors of that period of time and being blessed or otherwise by a good memory, I have researched constantly that period of time.

So in 1979, there was no question about it. For the first time the possibility of not national, but worldwide catastrophe was quite obvious, and I mentioned that.

It would have been, I guess, overlooked completely, like the remarks that may be, except by people interested out in the various States that have continued all along with me. The fact is that the Chairman of the Federal Reserve Board did take note.

□ 1450

He thought it was important enough to call me the very next day and invite me to have breakfast, which I did, the following day. In other words, 2 days after making the speech.

In the course of the breakfast, the Chairman said that the reason he had me there was because he had read the remarks I had made, that he wanted me to know that I was correct when I had stated that in less than 1½ years the rate of growth of this type of lending by private institutions had grown from about $2.5 billion to $3 billion to over $47 billion.

At the same time, our banking system was being literally flooded to the point of 25 percent or better by the so-called recycling of the Arab oil money which made our system very vulnerable to pressures and the floating nature of this money that otherwise has been defined as hot money.

We had gone through that in 1970 when just a mere transfer of hot money, of a little less than $8 billion, created a crisis then, a dollar crisis in 1970. So that all of these common events had cast their shadow before, but mathematically there was no question about it because bankers throughout the world and throughout history have had a rule of thumb of what they called the 22-to-1 ratio. I pointed out that this had been reached at least by the third, fourth quarter of 1979.

The Chairman said that is correct. And he said, "I want you to know that I tried to do something with the bankers. I happened to have been their guest at their convention in Honolulu, and I referred to this. I met with them in private and I said, 'Look, this is dangerous and you must restrain yourselves.' They became incensed and literally would have none of it and chased me out."

I could not believe what I was hearing. I said, "Mr. Chairman, what are you going to do about it?"

I could not believe it when he said, "Well, I really cannot do much other than what I have already done." And I pointed out the section in the Federal Reserve Board Act which certainly he could have invoked in which he could have done more than just moral suasion, more than arm twisting or more than touching the flesh, as he had indicated.

But he did not seem to be aware of the fact that much could be done under that or any other section. But, of course, the truth is that it could and it can.

But this is the reason that I have addressed what I consider to be the fundamental problem: the reason why our country now is being flaggellated very much domestically like some of the countries we call the lesser developing countries or even the developing countries. In my district the situation has reached the point that I think is very explosive.

I pointed this out. I predicted to the Chairman of the Federal Reserve Board and I pointed out that the Congress had created the Board because he seemed to indicate to me the common notion that this is an independent, autonomous body. And the truth is that it is not really a Federal agency.

It is known as the Federal Reserve Board. Indeed and in fact it was created by the Congress. It was not struck from the brow of Jove, the Greek god. It is an institution that is the creature of Congress. Congress is the body most directly amenable to the source of our power, which is the people.

But when I mention this some Members look at me askance as if I had said I am a Socialist or a Communist, you know, because the Socialists and the Communists have taken over those words. They call themselves the People's Republic of China. They call themselves the People's Democracy of the Union of Soviet Socialist Republics. Everything is done in the name of the people.

But they do not have a constitution like we do. The first words in the Constitution are exactly the fact that the sovereignty, the power is emanating from the people. The first words of the Constitution say "We, the people of the United States." It does not say "we the Congress," it does not say "I the President" and it does not say "we the judges." These are the three basic organs of our Government, each separate, coequal, and independent.

How many Americans today think the President is not supreme and omniscient, even in the Congress? It is the same with the Federal Reserve Board. It has reached a point where it is not amenable on accountability to anybody.

Yet they have shaped what we call in technical jargon the monetary and the fiscal policy of our country. They are the ones that are determining even our domestic priorities.

What is going to be the priority: housing for Americans, food stamps for the poor and hungry? No. The priorities shall be high, usurial, extortionate rates of interest that all through the history of mankind have gone hand in hand with the decline and the destruction of civilization. No civilization in the history of mankind's history, written and otherwise, from as near and far back as we can read to the times of Hammurabi, 7,000 years before Christ, indeed and in fact as the Lord Jesus Christ was preaching and living there were laws against usury, even then, harsh, strong laws.

But today in America, everybody shrugs. If a little businessman, in order to try to acquire an inventory, has to borrow money and has to borrow it at a rate of almost if not 20 percent right now, there is no way that man is going to stay alive and earn a profit. Our Government, nobody, all of the redeemers of the taxpayers, all of the holy redeemers about a balanced budget do not mention that this year's charge for interest to the taxpayers will be over $150 billion.

Interest by definition is the most inflationary thing in the economic life of mankind. It is something for nothing.

The taxpayer right now in the management of the debt, which, incidentally, is conditioned and has been completely forged by the Federal Reserve Board and its policies, the Federal Reserve Board has usurped its function. It is out of control. And when they spread the doctrine that high interest rates are an act of God, and depending on what serves the purpose of their policy, for instance, just a few years ago they said if inflation goes down, interest rates will go down. Now they say no, it is the debt, this huge debt which the very same policies, fundamentally, that the Federal Reserve Board has dictated are the main cause, the main cause.

These are manmade problems. God did not ordain it. They are susceptible to manmade solutions.

But in order to do that now, in time, it is impossible. So, therefore, we must address what can be done at this point.

I think the only thing that we can do, and I have suggested in specific terms those things that are possible, yet only to stem the impact of the fall.

The house of cards has to crumble. It is inevitable now.

In 1979, yes, it could have been prevented. Not now. And when we see Continental, yes, $1 billion that created $1.3 billion, that created the immediate prices for Continental Illinois was the downfall of the Penn Square Bank in Oklahoma.

□ 1500

Now, I have been on the Banking Committee since I came to the Congress 22½ years ago. I have served for 5 years in the State Senate of Texas and had the honor, in my last session, of presiding over the Senate of Texas' Committee on Banking. It is a field in which I feel I have developed a special knowledge and preparation.

But now what is happening, and the American public and the Congress have not been as such informed, is the reason I am impelled to speak at this time even though I have made reference, maybe perhaps tangentially or by corollary, but nevertheless quite specifically, and I mention the visit with the Federal Reserve Board only because I want the record to show that there have been voices in the Congress which have spoken out; which have at least put it on the record. The record is there.

What I say today is no more than a reflection of what has been said for the record; not in private, not on the political stump but here in the forum where properly it is my duty to report and speak.

In fact, as I have said, those are the only two powers that any Member of the Congress has; the right and the duty to vote and to register his voice for his district. That is it. Other than that, the rest is something that has happened incidentally to discharge the obligation of representation from a given district.

But it does not mean that because of fear of offending the great and those in power today, overweaning power, the power now to dictate monetary fiscal policies. What does that mean? Those are big words. What they mean is, how much interest you shall pay if you want to purchase a mortgage to own a home.

And, of course, that power is the power to destroy. And that power has been exercised by persons not elected by the people, not amenable and accountable to the people that the people have chosen to represent them and be accountable to them.

The Federal Reserve accounts neither to the President nor to the Congress, yet the Congress created it. But all along that has been the struggle. I brought that out in remarks I made for the last 6 years; the history of this and the struggle that has been identified from the formation of this Nation as a nation.

The First, the Second Continental Congresses, then that was the issue. Thomas Jefferson spoke eloquently then. It was the issue later with Andrew Jackson. It was the issue uppermost in mind on Abraham Lincoln's mind before the time he was murdered. It was the uppermost thing in the mind of President Wilson at the time of the outbreak of World War I and certainly it was not until the creation, for instance, of the Open Market Committee.

Now, there is no provision in the Federal Reserve Board Act that created that. And that was created about 1923. And that was the fatal turning point. That was the turning point at which the policies that today also dictate the very all-important question of war or peace, for there is an interrelationship on what is happening just south of the border.

Also, what is happening now in the Middle East? I believe that not enough has been reported about our Government's acceptance of a responsibility such as guarding, with our Navy and Navy ships and airplanes, those oil ships belonging to countries such as Turkey and others that find themselves exposed to the war raging between Iraq and Iran.

It is this war that has overshadowed everything else, as I tried to bring out when we were trying to break through the level of consciousness of our decisionmakers from the White House on down about the presence of the marines in Beirut.

I was the first to ask the President: What is their mission? That never was defined; with the fatal consequences that we all deplore.

The same thing is happening now, except this time on the shores there in the strait; we have Navy ships but we are not there other than as sort of enforcers for what is left of the neocolonial powers. They are using our navies to protect their oil shipments.

Is our national interest involved? Yes. I know President Carter said and he drew the lines, he said the Strait of Hormuz, that we will fight. But why? We are really dependent for less than 6 percent of our oil from there.

Not so the other countries, and particularly the other former Middle East colonial oil employers.

Now, if we were neutral it would be fine, but just as in the case of the marines in Beirut, when the President later tried to say that they were peacekeepers, which of course is a shocking contradiction; marines are not politicians; marines are not diplomats; marines are fighting men; they are warriors.

And when you do not define a warrior's mission that means you are exposing him to murder, you are exposing him to defeat. And in the Iranian-Iraqi war we are not neutral. We are sharing with Iraq on a daily basis our military intelligence with the military intelligence of Iraq. This is hardly being a neutral.

So I foresee great peril; great involvement, for it is not difficult to imagine, you do not have to be a prophet to know that if you are escorting a ship that is going to be torpedoed or bombed and the warship, whatever one it is, is in between; it is exposed to attack, too. Then who is the enemy? Who do we fight back?

Just as in the case of the marines in Beirut when we ordered our planes to bomb the hills up above, who were we bombing? Were we bombing the tribes, various contending tribes there that were part of it? Or were we bombing the Syrians? Nobody ever found out.

The thing is that that course was disastrous. We are following an equally disastrous, inevitably, policy immediately to the south of the border.

In the smallest nation in this Western Hemisphere we have involved ourselves and our warriors in a way that cannot be conducive to eventual victory.

In the case of Nicaragua, where we must face it, and it sounds harsh but it is true, and world opinion is solid, solid on the other side, solid; the Western Hemisphere, Europe, everyone else.

We are surrounding Nicaragua with over 30,000 of our soldiers, sailors, and marines. We have been at war with a regime that we send an Ambassador, fully accredited, so that in the world a diplomat at once sent and accepted by the host country means that that Government is recognized as one that is at peace with us and whose regime and its ligitimacy we recognize.

□ 1510

Otherwise, why do we have an Ambassador, but we do in Nicaragua.

At the same time, we are adding, abetting, and funding a group that is attempting to knock down the present so-called Sandinista regime. And through the CIA have attempted to murder their leaders. We have mined their harbors.

I was here during the so-called debate on the War Powers Resolution and nobody seemed to ask the question, how would we feel if Nicaragua mined the Chesapeake Bay. What would be our feeling.

So that what I see now and I think it is too late to reverse because the President, even today in Ireland, is reaffirming his justification for those acts. Those are acts of war. The World Court unanimously had held us in defiance of international law.

Now, this is wrong. I know it hurts to say so, but if we deceive ourselves, as we have in the past, I see nothing but tragedy and tragedy for our children and our children's children and their children because we are setting them in a irretrievable course of hostility, enmity, and war with the very neighboors destiny says we must share the future forever and a day.

If we have no better means than we have devised now mostly because of the misconceptions of our leaders, the world has changed down there as it has everwhere else, but not our policy. This administration's policy is a reversal to 1929. I cannot believe it even now, never would have dreamed it. Just a few years ago I would have sworn that would have been impossible. But we are, we are sending the marines again.

The CIA and its operating methods have changed none. Obviously in Nicaragua the CIA, whatever segment is in control, because unfortunately like the case of the Federal Reserve Board where you have any organization, and governmental agency, such as the CIA or the Federal Reserve Board not accountable to anybody, there is nobody that I know can tell me the exact amount of money that is given the CIA. So when you have that situation history shows that unaccountability unfailingly, unceasingly leads to abuse. So we have had it actually compromising our country and our children in their assassination of foreign leaders, in the attempting assassination on many others. This is wrong. There cannot be any justification. There is nothing that America can do wrong once it maintains its loyalty to its basic history and its institutions and the Constitution, nothing.

This is what the world is crying for. Even the Nicaraguan populace in the main still cannot hate Americans, but they will. As I see it it will be inevitable before our soliders in the name of fighting communism, putting down a threat, which will become real because of the very policies that we have insisted on. After all, if the King of England, in 1776, 1774, and 1775, had had that complete power over the colonies, which he attempted and we had not had the help of those foreigners, according to the English, the French, the Spanish, and they were indispensable to our victory, George Washington would have never have had Cornwallis handing over his sword if the French fleet had not blockaded our shores.

So let us face it. If we do everything we know how through I think the means that we associate with totalitarian regimes, to kill their leaders, to put down an indigenous civil war, the civil war that dethroned Somoza, who incidentally we imposed on the Nicaraguan people and kept up. When the Nicaraguans arose they did not do it because they had the Cubans, or the Castroites, or the Russians, or the Communists, this was an indigenous civil war, native, native to the terrain.

So let us assume that we through CIA and its tactics and through direct assault somehow or other dismember the Sandinista government. Who can provide the government to rule Nicaragua other than at the point of American bayonets? As in the case of Cuba even. If the Bay of Pigs invasion had succeeded, nobody has bothered to ask what then? Obviously if the group putting the invasion together, so-called Cuban refugees in Florida and other places, had won, they would have never been able to have governed Cuba, because they could not even govern themselves. They could not even find harmony among the desperate groups, unless the United States had been willing to come in, take over, physically station itself in Cuba and govern it.

We do not have the resources to do this in even Central America, much less what we call Latin America. We can impress every able-bodied man and woman in this country and we will not have enough. What we are doing we are going to impel our soldiers in the attempt because eventually that is what it is going to take. Just last week—there is no question in my mind who did it—one of the leaders of the so-called rebel groups trying to knock over the Sandinista regime, Commandante Serro Pastora was bombed when he was having a press conference in the jungle, killing an American correspondent and several others. Miraculously he escaped. He had been standing up to the CIA and saying, "Hey, look you are helping Somozistas that I helped to knock out. Yes; I am against this regime because I believe that they have subverted the principles of the revolution, but I am not going to join you with this group."

And he was giving the CIA trouble because the CIA mandated unity 2 weeks ago. So who tried to eliminate him? Well, at the point where it happened it could hardly have been the Sandinistas. I will assure my colleagues of that.

The point is not what we think, but what is it that is the general impression there, even in occupied Honduras where we have now way over 10,000, 15,000 troops. What I am saying is we will not isolate any more than we did in Southeast Asia if we reach that point, whether it is Salvador, or whether it is Nicaragua, particularly Nicaragua, without our soldiers having to go in and do the same thing as in South Vietnam and that is to kill children, women, old men, and kill them by the thousands.

□ 1520

And then what will we have? We will have proscribed our children, our grandchildren, our great-grandchildren and their children to an eternal animosity and hatred, because up to now we have taken the side of the murderers, the oppressors, the tyrants in the part of the world that today exceeds in population for the first time in the last 10 years—the population south of our borders is greater than ours by over 50 million, and they are not going to take what they have taken for 200 or 300 years any longer. And whether we identify with those aspirations or identify with the oppressors is the issue. And up to now, in the name of fighting communism—well, communism per se can never be bombed out of existence any more than any other idea.

But what is it we are seeking? The President says that the presence of Cubans and Russians in El Salvador and in Nicaragua is of such a nature that it is a threat to our national security.

There is not one observer anywhere in the world who has been there that agrees with that interpretation. But we will fast make them seek and obtain the aid then, because, after all, self-preservation is the basic law of life. But it will not be because the revolutions and the civil wars were imposed by external forces but because we will have imposed by force of arms our will in overcoming those indigenous outbreaks, those native civil wars.

At no time in history—and we should have learned that since 1918 when we invaded Russia with the French and the English, to try to put down their then revolution. We did not succeed. We have not succeeded at any other time when the same principle is involved.

Our diplomacy is so inadequate and such a failure that we have not even developed a policy to distinguish between the native, the indigenous, from that which truly might have been overwhelmingly influenced by external forces, Communists, if you please.

And so with that in mind, and with what is happening in Guatemala completely unreported now, yes, maybe, just maybe, we can muddle through this year in Salvador, maybe even in Nicaragua, maybe; but we will not in Guatemala. And when Guatemala really blows up—and it is going to, just like the financial house of cards—and I will go back to that because there is a correlation.

Bolivia last week announced that it would have to postpone its payment on what? Interest on interest. Again, you see, the American people are very docile. But I say to all of these panjandrums of power: Beware, beware when the patient loses his or her patience.

But down there they have already lost their patience. And so this week the four leading debtors are meeting, meeting to see how they are going to stand up to our bill collectors.

Down there we are interpreted in our armed invasion of that area. Never in the history of this part of the world has there been that kind of military presence such as President Reagan has ordered for the last 2 years on both sides of the isthmus and clear down to South America.

And these four countries, the principal debtors, are meeting. The bankers here are shaking. Continental Illinois Trust is just the first little boil. The $1.3 billion that they lost in bad energy loans through the Oklahoma Penn Square Bank was not the issue. The issue was considerably more billions that the bank had and has down in Latin America. And let me assure these bankers the way they have fixed it now, even Chairman Volcker, of all people, was suggesting last week that they reduce, that they stretch out and reduce at least the payments of interest.

And as one of the leading Brazilians said, well, even that is too late, because that still would be no less than 12½ percent. It is too late.

The bankers refused even Chairman Volcker's attempt to help bail out, even though Chairman Volcker is a creature—he is not independent—he is a creature, certainly the creature of the Chase Manhattan where he comes from and when he is through as Chairman he will go back to, he will be back on their payroll. They are not going to be independent of those bankers. That is why I introduced not only my impeachment resolution but three bills for 18 years to restructure and redefine in conformity with the intent of the original Federal Reserve Board Act of 1913.

But what is the problem right now? The Continental and these other banks which are so refusing to do so because they cannot afford to do so, because they have loaned out more money just in these so-called subdeveloping and developing nations south of the border than their entire capitalization structure.

Now, no bank in our little cities, no so-called small bank, would ever do that without the board of directors kicking out the president of the bank. But today these presidents became so all powerful they could dictate to the Federal Reserve Board just what they wanted done.

They did things that I know were wrong—and I was a lone voice trying to find out if we could get an audit. You know, the Federal Reserve Board does not even have an Inspector General. But I latched on to some information about 10 years ago in which there had been a leak from this so-called open market committee which resulted in two of these big banks making a big windfall of millions of dollars.

And the particular member at that time involved, when I raised the issue, went back to the city of Philadelphia, and then died. But when the chairman of the board first came after that to the committee, I was the one who raised the issue, and the then chairman of the committee said, "Well, you know, we cannot avoid that, how do you answer it?"

And he said, "Well, I tell you what, we will have an investigation."

What kind of an investigation? An in-house investigation.

One year later, we could not get the report. It took 2 years before I finally got it. And what was it? They retained a law firm, which also happened to be the law firm of the principal bank involved, and they came back and said it was not a leak, it was malinformation the board put out.

And there it was. I printed that report for the record about 2 years ago. So we will not go into that. All I am saying is that at this point I am urging my colleagues to consider the fact that if the crisis hits all at once and you have a conjunction of events, you have the events deteriorating in the Middle East, you have the events as they inevitably are—I can assure you this. In Guatemala, we have had the equivalent—you talk about holocausts, we have had genocide. There has been one Mayan tribe that has been exterminated the poorest of the poor. They were so poor that they were even outcasts of the poorest in Guatemala. You have over 50,000 refugees into Mexico where there has been a traditional hostility. But our politics ever since General Haig was Secretary of State has been to revive these ancient animosities between these countries. It is ironic that what this administration—Secretary of State Haig, President Reagan—consider it below the dignity of the United States to do, which is to join in concert with these other four or five nations to obtain a peaceful solution, which certainly can be obtained. We rejected that in preference to unilateral military intervention, forever destroying our leadership capability in a collective way in the New World. We have destroyed it. It is gone. It is just so hurtful, that it takes very special effort to even report it. But I do so out of a clear responsibility of conscience, regardless of consequences. After all, I think that through the career, the people have demonstrated that given the facts, no matter how controversial, and no matter how temporarily upset, in course of time they make the right decision, and they do the right thing. But they have got to be informed, and this is the reason I am impelled to speak, because these are things that are not said during debate. You cannot get time, to begin with, on general debate on such things as the War Powers Resolution and the like.

□ 1530

I urge my colleagues to study some of the recommendations I have made and that I have introduced. I will be glad to supply that information to any of my colleagues who are interested enough to seek it.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Ackerman) is recognized for 5 minutes.

● Mr. ACKERMAN. Mr. Speaker, I was unavoidably detained at a meeting in New York during a part of the consideration of H.R. 5167.

Had I been here, I would have voted—

"No" on rollcall 197, the Price amendment to the Dickinson amendment to H.R. 5167, the Defense Department authorization for fiscal year 1985;

"Yes" on rollcall 198, the Bennett amendment to the Dickinson amendment to H.R. 5167; and

"Yes" on rollcall 199, the Dickinson amendment, as amended, to H.R. 5167.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SENSENBRENNER (at the request of Mr. Michel), for today and the balance of the week, on account of hospitalization.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Dannemeyer) to revise and extend their remarks and include extraneous material:)

Mr. Campbell, for 15 minutes, on June 6.

Mr. Fish, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

Mr. Weaver, for 30 minutes, today.

Mr. Weaver, for 60 minutes, on June 15.

Mr. Weaver, for 60 minutes, on June 18.

Mr. Ackerman, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Moody, preceding the vote on H.R. 2889 today.

(The following Members (at the request of Mr. Dannemeyer) and to include extraneous matter:)

Mr. Kemp.

Mr. Frenzel.

Mr. Young of Alaska.

Mr. McEwen.

Mr. Courter in four instances.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Garcia.

Mrs. Burton of California.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mrs. Lloyd in five instances.

Mr. Hamilton in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in 10 instances.

Mr. Udall.

Mr. Bonior of Michigan.

Mr. Kildee.

Ms. Kaptur.

Mr. Vento.

Mr. Pepper.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 31 minutes p.m.) the House adjourned until tomorrow, Tuesday, June 5, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3444. A communication from the President of the United States, transmitting a report on the survivability, cost effectiveness, and combat effectiveness of each ship for combatant forces for which authorization is requested for fiscal years 1985 and 1986, along with recommendations whether the ships should be nuclear or conventionally powered, pursuant to 10 U.S.C. 7310(b); to the Committee on Armed Services.

3445. A letter from the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, transmitting a report on the progress in encouraging governments, central banks, and regulatory authorities of major banking countries to work toward maintaining and strengthening the capital bases of banking institutions involved in international lending and the actions taken to implement the program of enhanced supervision of international lending, pursuant to Public Law 98-181, sections 913 (2) and (3); to the Committee on Banking, Finance and Urban Affairs.

3446. A letter from the Secretary of Education, transmitting proposed final regulations for the Indian Education Act program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat., 2231; 95 Stat. 453); to the Committee on Education and Labor.

3447. A letter from the Secretary of Education, transmitting proposed final regulations for the law-related education program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3448. A letter from the Secretary of Education, transmitting the National Center for Education Statistics' report entitled, "The

Condition of Education," 1984 edition, pursuant to GEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3349. A letter from the Secretary of Energy, transmitting the quarterly report on the strategic petroleum reserve, pursuant to EPCA, section 165(b) (95 Stat. 620); to the Committee on Energy and Commerce.

3450. A letter from the Secretary of Education, transmitting the semiannual report of the Inspector General for the period ending March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3451. A letter from the Inspector General, Department of Health and Human Services, transmitting the semiannual report on the activities of his office from October 1, 1983 through March 31, 1984, pursuant to Public Law 94-505, section 204(a) (96 Stat. 1824); to the Committee on Government Operations.

3452. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report of the Inspector General for the period ending March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3453. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report of the Inspector General for the period ending March 31, 1984, pursuant to Public Law 95-452, section 5(b); to the Committee on Government Operations.

3454. A letter from the Secretary of Defense, transmitting the semiannual report of the Inspector General, October 1, 1983 to March 31, 1983, pursuant to Public Law 95-452, section 5(b) (96 Stat. 750); to the Committee on Government Operations.

3455. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report on aliens whose deportation has been suspended, pursuant to INA, section 244(c) (66 Stat. 214, 76 Stat. 1247); to the Committee on the Judiciary.

3456. A letter from the Chairman, Federal Trade Commission, transmitting the seventh annual report on the operation of the premerger notification provisions of the Clayton Act, pursuant to the act of October 15, 1914, chapter 323, section 7A(j) (90 Stat. 1394); to the Committee on the Judiciary.

3457. A letter from the Secretary of the Treasury, transmitting a report on the net receipts from the windfall profit tax and their disposition for fiscal year 1983, pursuant to Public Law 96-223, section 102(e); to the Committee on Ways and Means.

3458. A letter from the Secretary of the Navy, transmitting a report on the potential effect on naval operations of proposed leases by the Interior Department of offshore lands for oil or gas drilling, pursuant to Publilc Law 98-94, section 1260(a); jointly, to the Committees on Armed Services and Interior and Insular Affairs.

3459. A letter from the Secretary of Transportation, transmitting a report on the recommendations she has received from the National Transportation Safety Board and her responses thereto, pursuant to Public Law 93-633, section 307(b) (95 Stat. 1066); jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL. Committee on Energy and Commerce. H.R. 5602. A bill to amend titles VII and VIII of the Public Health Service Act to extend the programs of assistance for the training of health professions personnel, to revise and extend the National Health Service Corps program under that Act, and to revise and extend the programs of assistance under that Act for health maintenance organizations and migrant and community health centers, with amendments (Rep. No. 98-817). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL. Committee on Energy and Commerce. H.R. 5496. A bill to amend the Public Health Service Act to rename the National Center for Health Services Research as the National Center for Health Services Research and Medical Technology Assessment, and for other purposes; with amendments (Rep. No. 98-818). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 5772. A bill to rescind funds appropriated to the energy security reserve by the 1980 Department of Interior and Related Agencies Appropriations Act, and for other purposes; jointly, to the Committees on Appropriations; Banking, Finance and Urban Affairs; and Energy and Commerce.

By Mr. FISH (for himself and Mr. Gekas):

H.R. 5773. A bill to reform Federal criminal sentencing procedures, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2996: Mr. Hansen of Idaho, Mrs. Boxer, Mr. Clay, Mr. DeWine, Mr. Davis, Mr. Molinari, and Mr. McKinney.

H.R. 4110: Mr. Luken.

H.R. 4559: Mr. Udall, Mr. Dorgan, Mr. McNulty, Mr. deLugo, Mr. Stokes, Mr. Bevill, Mr. Vento, and Mr. Leland.

H.R. 4639: Mr. Morrison of Connecticut, Mr. Borski, Mr. Coyne, Mr. Donnelly, Mr. Mineta, Mr. O'Brien, Mr. Siljander, Mr. Addabbo, Mr. Moakley, Mr. Foglietta, Mr. Simon, Ms. Oakar, Mr. Fish, Mr. Davis, Mr. Solarz, and Ms. Ferraro.

H.R. 4805: Mr. Crockett, Mr. Moakley, Mr. Kleczka, Mr. Dellums, Mr. Edgar, Mr. Edwards of California, Mr. Miller of California, Mr. Kildee, Mr. Pease, and Mr. Studds.

H.R. 5081: Mr. Alexander, Mr. Andrews of North Carolina, Mr. AuCoin, Mrs. Boggs, Mr. Breaux, Mr. Chappell, Mr. Daniel B. Crane, Mr. Dowdy of Mississippi, Mr. Fazio, Mr. Florio, Mr. Garcia, Mr. Hefner, Mr. Hopkins, Mr. Hoyer, Mr. Hubbard, Mr. Jones of North Carolina, Mr. Levin of Michigan, Mr. Markey, Mr. Moakley, Mr. Myers, Mr. Patman, Mr. Ratchford, Mr. Rose, Mr. Roybal, Mr. Skelton, Mr. Torricelli, Mr. Udall, Mr. Walker, Mr. Whitley, Mr. Wolpe and Mr. Young of Alaska.

H.R. 5438: Mr. Spratt, Mr. Hance, Mr. Mollohan, Mrs. Kennelly, Mr. Archer, Mr. Rahall, Mr. Ratchford, and Mr. Derrick.

H.R. 5529: Mr. Skelton, Mr. Rose, Mr. Emerson, and Mr. Slattery.

H.R. 5603: Mr. Owens.

H.R. 5724: Mr. Oxley.

H.J. Res. 209: Mr. Flippo, Mr. Hamilton, and Mr. Stump.

H.J. Res. 528: Mr. Paul, Mr. Ratchford, Mr. Roemer, Mrs. Boxer, Mr. Martinez, and Mr. Schumer.

H.J. Res. 544: Mr. Tauke, Mr. Stokes, Mr. Kostmayer, Mr. Stark, Mr. Frost, Mr. Gunderson, Mr. Wirth, Mr. Wyden, Mr. Waxman, Mr. Foglietta, Mr. Hunter, Mr. Dellums, Mr. Dixon, Mr. Kasich, Mr. Vander Jagt, Mr. Biaggi, Mr. Neal, Mr. Panetta, Mrs. Boggs, Mr. de la Garza, Mr. Robinson, Mr. Levine of California, Mr. Schulze, Mr. Wheat, Mr. Perkins, Mr. Kastenmeier, Mr. McGrath, Mr. Tallon, Mr. Morrison of Washington, Mr. Mack, Mr. Carney, Mr. Leach of Iowa, Mr. Rogers, Mr. Hillis, Mr. Pursell, Mr. Siljander, and Mr. Sundquist.

H.J. Res. 563: Mr. Kramer and Mr. Lungren.

PETITIONS, ETC.

Under clause 1 of rule XXII:

380. The SPEAKER presented a petition of the City Council of Cambridge, Mass., relative to the Americans who are still listed as missing in Southeast Asia; which was referred to the Committee on Foreign Affairs.

SENATE—*Monday, June 4, 1984*

(Legislative day of Thursday, May 31, 1984)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable SLADE GORTON, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

The kings of the earth set themselves, and the rulers take counsel together, against the Lord, and against his anointed, saying, "Let us break their bands asunder, and cast away their cords from us."—Psalm 2: 2,3 (KJV).

Lord God of history, the psalmist asks a penetrating question. Why do people, nations, and rulers resist Thee and Thy law? Since the Tower of Babel mankind has been organizing God out of his life individually and institutionally. Even the church organizes God out of its life.

Dear God, let that not be true of the leadership of our Nation. As our Founding Fathers looked to Thee for protection and guidance, so may we today. As they depended upon Thee to set our Nation on a course honoring to God and dedicated to the common good, so may we. Grant, O God, that these sacred precincts may be a place of divine approval and blessing to all peoples. In the name of the Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 4, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SLADE GORTON, a Senator from the State of Washington, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. GORTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, Members should be on notice that a rollcall vote is anticipated today. I expect this week will be a very full week. The Senate will be in session on Friday, and I anticipate votes on Friday as well. I hope Senators will make their plans accordingly.

Mr. President, after the time for the two leaders under the standing order, and the special order in favor of Senator PROXMIRE, there will be a time for the transaction of routine morning business for 30 minutes, after which the Senate will resume the consideration of the unfinished business, which is the bankruptcy bill, H.R. 5174, at which time the Packwood amendment, No. 3112, will be the pending question. I hope that useful debate on that matter can be and will be conducted today. However, it is possible that the leadership on this side will ask the Senate to go into executive session for the purpose of continuing the consideration of the Wilkinson nomination.

I do not expect today to be a late day. However, Senators should also take notice of the fact that it is likely, I think virtually certain, that the Senate will be asked to turn to the consideration of the defense authorization bill during this week, and given our previous precedent in considering the defense authorization bills, it is possible that we will have late sessions this week on that matter. In any event, I expect that we will have votes on that bill this week, and I am afraid next week as well.

Mr. President, I have consulted with the chairman of the Appropriations Committee who indicates to me that perhaps three appropriations bills will be available to us from the House of Representatives, and at least one of them, perhaps two of them, are likely to be reported to the Senate and reach our calendar this week. I will consult with the minority leader on the scheduling of those matters, but it would be a great pleasure to the leadership on this side if we could get at least one of the regular appropriations bills out of the way this week.

It may be necessary to consider waiving all or part of the 3-day rule and the 1-day rule, as the case may be, to reach these matters. But, as I say, I will consult with the minority leader on that point later in the day.

The calendar shows that the energy-water bill was received by the Senate on May 24. The chairman of the committee indicates to me that he hopes that the energy-water bill will be reported by his committee by tomorrow or Wednesday.

So, Mr. President, the schedule this week will include a resumption of debate on the bankruptcy bill. In all candor, I must say that I do not anticipate that we will finish the bankruptcy bill today, or perhaps this week. We will resume debate on the matter as soon as morning business is closed.

There will be the resumption of debate in executive session of the Wilkinson nomination to the circuit court of appeals.

The defense authorization bill, which has been reported, will qualify, I believe, during the afternoon or tomorrow under the 3-day rule, and the leadership on this side will take steps, after conferring with the minority leader, to qualify it under the 1-day rule as well, and the possibility of taking up at least one of the appropriations bills, most likely the energy-water bill.

That is a busy week, Mr. President, but this is a relatively short period of time between now, the 4th of June, and the 29th of June when the Senate is scheduled to adjourn for the July 4 recess.

Once again, Mr. President, I do expect rollcall votes today. I do not expect today will be a late day. I anticipate that we will have votes throughout this week. The Senate will be in session on Friday with votes anticipated.

I do not anticipate a Saturday session this week. I do expect that we may have late sessions any night this week after the Senate turns to the defense authorization bill.

I believe that about summarizes the schedule as I see it at this moment.

Mr. President, I am happy to be back and to report that I am refreshed from the week's break. I yield now so that the minority leader may claim his time under the standing order.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I listened with interest to the outlining of the program by the distinguished majority leader. I should like to ask the majority leader again with reference to the math-science legislation when he anticipates that the Senate may be taking that measure up.

Mr. BAKER. Mr. President, I thank the minority leader for his inquiry. Until I have an opportunity to meet with the chairman of this side tomorrow and in the Republican Caucus, I am afraid I cannot give a definitive answer to that. It is still the intention of the leadership on this side, however, to return to that bill at some point. I cannot respond more thoroughly than that at this moment.

Mr. BYRD. I thank the majority leader.

I also ask the distinguished majority leader what actions we might anticipate with reference to the matters being held at the desk for further action. That appears on page 52 of the General Calendar.

Mr. BAKER. Mr. President, the Senator is asking a most appropriate question. In all candor, I had not realized that the matter on the calendar had reached such proportions. There are, just guessing, I would say 20 items on that page. I shall ask the staff on this side to review those matters and, if the minority leader will permit, to confer with their counterparts on the other side of the aisle to see if we cannot figure out what we are going to do with those matters.

I hope that the routine is not growing up of putting these matters on that calendar by unanimous consent excessively. This is a convenience for the Senate. It short circuits the regular proceedings under the rules of the Senate and often serves a useful purpose. But judging from the size of this thing today, it has also become a great reservoir of potential trouble. So I shall ask my staff to consult with the staff on the other side if the minority leader will permit that, and I shall try to have something further tomorrow to discuss with him.

Mr. BYRD. Mr. President, I thank the majority leader. I shall ask the staff on this side to work with and cooperate with members of the staff on the other side of the aisle.

May I ask my distinguished friend from Wisconsin (Mr. PROXMIRE) if he needs any additional time?

Mr. PROXMIRE. I thank my distinguished minority leader, but I have no need for additional time.

Mr. BAKER. Mr. President, will the Senator yield me 30 seconds?

Mr. BYRD. I yield whatever time I have left to the majority leader.

Mr. BAKER. Mr. President, it is the intention of the leadership on this side to institute a quorum which will go live. I estimate now that will be about 2:30 to 3:30 this afternoon. Senators should take note of that possibility.

Mr. President, I yield back my remaining time.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

OPTIONS IN THE AGE OF NUCLEAR ARMS

Mr. PROXMIRE. Mr. President, one of the most important issues, I think probably the most important issue, facing this country and facing this body is the policies we should follow to prevent a nuclear war. We have a number of options that we can choose from. Unfortunately, many of us tend to focus on a single policy or position and support it without as much concern as we should give or the recognition and consideration we should give to the options that may be available. As conditions change, I think it is more and more important that we should consider other options.

For 30 years, the United States has pursued a nuclear arms policy squarely based on deterrence. That is our ability to retaliate against any nuclear attack with a devastating second strike that would utterly destroy any attacking country, including the Soviet Union. Our policymakers have occasionally negotiated partial and modest arms control treaties to limit the consequences of nuclear arms on the margin. But we have relied almost entirely on an ever more awesome nuclear capability to prevent a nuclear attack. We have vigorously pursued the arms race. We still do.

What other nuclear arms policy options do we have? Here are some ranging from those that would emphasize the military strength and preparedness and military arms buildup, nuclear arms buildup, to those that would rely more on negotiations.

First, abandon any pretense of pursuing arms control. We would do so because we assume the likelihood of Soviet violation of any arms control treaty and the impossibility of reliable verification.

Second, we could push aggressively into the deployment of nuclear weapons that will prevent a successful nuclear attack on the United States such as antiballistic missiles, lasers, and other new technologies that can seek out and destroy nuclear missiles aimed at America. This policy—so called star wars—could be extraordinarily costly and also destabilizing because, with both sides pursuing it, it could break down deterrence. An alternative policy would be to strengthen and extend the ABM Treaty and stop precisely this kind of destabilizing activity.

Third, we could begin a build-down policy in nuclear arms and negotiate a build-down agreement with other countries that would require the destruction of two or more old nuclear warheads of the same megatonnage for every one new nuclear warhead substituted. This policy has great surface appeal, but it would simply shift the arms race into more lethal, more accurate, and more deadly weapons.

Fourth, we could follow policy three, above, but modify it to permit the substitution of mobile, single-warhead missiles for stationary multiwarhead missiles. This policy would tend to encourage more stable, less vulnerable missiles. Neither superpower would have to follow an attack warning with an instant response to avoid risk of losing retaliatory power. But it would lead to the constant improvement and modernization of increasingly more lethal weapons.

Fifth, we could single out those elements of the arms race most subject to verification; that is, underground testing or deployment of large land-based missiles. We could propose negotiations with the U.S.S.R. in these limited areas. And we could continue improving our nuclear capability in other areas.

Sixth, we could gradually slow the build up of nuclear arms in tandem with a build up of conventional arms—including increasing the manpower size of the Armed Forces, sharply increasing by a factor of 3 or 4 the number of tanks, fighter planes, and naval ships. This policy would permit the renunciation of the first use of nuclear weapons doctrine. It would make the defense of Europe so feasible by conventional arms that we could win far more support for a comprehensive nuclear freeze, followed by a mutual reduction of nuclear arms. This policy would also increase military spending sharply.

Seventh, we could shift our reliance principally to arms control by working to negotiate an end to the testing, production, or deployment of nuclear arms; that is, the freeze. We would do so because we assume that a nuclear arms race would lead both to a greater risk of accidental war and exploding nuclear proliferation.

Eighth, we could stop any further testing, manufacture, or deployment of nuclear weapons unilaterally. This policy assumes we have ample nuclear capability now, that our nuclear forces are generally not vulnerable, and that we can retaliate now and for the foreseeable future, regardless of technological changes, with devastating force to any foreign attack. It assumes, therefore, that any further nuclear arms build up would be redundant and waste tens of billions of dollars a year—accomplishing nothing in the process.

Ninth, we could follow the policy No. 8. I just mentioned, that is, a unilateral freeze but only for a specified and limited period—like 6 months or 90 days; meanwhile, serving notice on the U.S.S.R. that we will not test, or manufacture, or deploy nuclear weapons if the Soviet will not.

Tenth, we could unilaterally disarm nuclear and conventional weapons; reduce the size of the Armed Forces and the nuclear and conventional arms to a level that would enable the United States to defend our country against invasion and to retaliate against a Soviet attack with an adequate deterrent, that is, with sufficient assured force to destroy every major Soviet city. This policy would have two consequences: First, it would prevent a nuclear attack by the U.S.S.R. on the United States. Second, it would cut the United States off from its NATO allies and make Western Europe vulnerable to Soviet blackmail or Soviet conventional military attack, or a Soviet all-out nuclear attack on Western Europe followed by an almost certainly successful Soviet conventional mopup.

What I have listed represents some of the nuclear options open to this country. It appears likely, however, that we will continue to pursue the deterrence, first, last, and always option that has been our national policy for more than 30 years with minor variations. With President Reagan, arms control only occupies a secondary role. With the election of a Democratic President, our reliance would still center on deterrence but arms control might begin to occupy a more significant role.

THE IMPORTANCE OF LEARNING ABOUT THE HOLOCAUST

Mr. PROXMIRE. Mr. President, recently, more and more educational institutions, from primary school through the university level, civil organizations, and concerned citizens are holding conferences and workshops on the Holocaust. Many of the workshops are aimed at educating teachers and other civic leaders to inform others about the tragic events and valuable lessons of the Holocaust.

I salute these programs to keep the memory of the Holocaust alive. The youth of the United States are a generation physically untouched by World War II and the horrors of the German genocide of the Jews. It is crucial that the memory of the Holocaust never fades. All attempts should be made to insure that history does not repeat itself. We must teach our children and our children's children that what happend once must not happen again.

The efforts of the teachers, civic leaders, and citizens to inform our children of the concentration camps, the Nazi-controlled ghettos, and the attempted elimination of the world's Jewish population are efforts that deserve support and applause. Every step taken that reduces the chance of another Holocaust occurring is a step well worth taking.

However, Mr. President, a giant step this Senate should and must take for the safety of mankind is the ratification of the Genocide Convention. The Genocide Convention confirms that genocide is an international crime which must be prevented and punished. The treaty evolved from the anger and outrage felt worldwide following World War II. That anger and outrage is still present today. Ratification of the Genocide Convention will concretely indicate the United States full support of the international community's attempts to condemn genocide. Thus, we can help insure that the world will never again have to teach its children the events of another Holocaust.

ROUTINE MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 5 minutes each.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

MARY WOODWARD LASKER CENTER FOR HEALTH RESEARCH AND EDUCATION

Mr. HATCH. Mr. President, on May 9, 1984, the Senate passed H.R. 5576, a bill referred from the House which would designate certain lands and improvements at the National Institutes of Health as the "Mary Woodward Lasker Center for Health Research and Education." This happened quickly because the majority and minority leaders chose to expedite the matter and not subject this bill to the customary clearing process. I want to take this opportunity to make clear my support for the action taken by Senators BAKER and BYRD, while bringing to the attention of my colleagues the significance of this bill which was described as not a "substantive legislative matter but, rather * * * naming a facility."

This does not do justice to the decades of voluntary work and dedication demonstrated by one Mary Woodward Lasker in behalf of improving our national investment in biomedical research. Perhaps no other individual citizen has devoted so much of her time, energy, and resources to encouraging Federal, State, and city governments to devote funds for medical research. Mrs. Lasker richly deserves the recognition which H.R. 5576 is intended to bestow upon her; that is, the naming of the recently acquired buildings and land on the NIH campus which was formerly part of the Sisters of the Visitation Catholic Convent, in her honor.

As chairman of the Labor and Human Resources Committee, I have learned a great deal about our Federal health programs. The National Institutes of Health stand out as a remarkably successful endeavor, and the 11 separate research institutes, along with the National Library of Medicine and the Fogerty International Center constitute the most successful and productive medical research enterprise in the world. During a visit to the Bethesda campus of the National Institutes of Health in May 1983, I became aware that the convent land had recently been put up for sale by the Catholic church. Recognizing that this was the last opportunity to obtain land contiguous with the NIH campus, I brought this matter immediately to the attention of my colleagues on the Labor-HHS Appropriations Subcommittee, encouraging them to provide the necessary funds to acquire this property. I am pleased to report that with subsequent efforts in both Houses of Congress, funds were provided to obtain this land, with the understanding that there would not be a need for expensive renovations and costly new construction in order to greatly benefit from this acquisition.

Mr. President, I am pleased and proud to have contributed in some way to the National Institutes of Health acquiring the beautiful stone convent and the surrounding 11 acres of land. This will add immeasurably to the beauty and function of the NIH Bethesda campus, and I can think of no more appropriate recognition than designating this valuable property the "Mary Woodward Lasker Center for Health Research and Education." Through this dedication, it is my hope that our research scientists, administrators, and the continuous stream of student-scientists who train at the NIH campus will be continually inspired by the accomplishments of this remarkable humanitarian-philanthropist, Mary W. Lasker.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 25, May 30, and May 31, 1984, during the adjournment of the Senate, received messages from the President of the United States transmitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received on May 25, May 30, and May 31, 1984, are printed at the end of the Senate proceedings.)

ENERGY SECURITY RESERVE AMENDMENTS OF 1984—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 145

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 25, 1984, during the adjournment of the Senate received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Appropriations:

To the Congress of the United States:

Today I am pleased to transmit to the Congress the "Energy Security Reserve Amendments of 1984," legislation to implement the new synthetic fuels policy that I announced on May 14, 1984.

This legislation reaffirms the Nation's commitment to a long-range program of developing a private-sector synthetic fuels industry while recognizing that improvements in the energy outlook can permit us to achieve a major reduction in Federal spending through prudent realignments in the program.

When the Congress established the Synthetic Fuels Corporation in 1980, making available a total of $19 billion for related activities, oil prices were projected to reach $75 to $125 per barrel by 1990; America was dependent on imported oil for 18 percent of its energy supply; and the memories of gas lines lingered.

Synthetic fuels held promise as an economically competitive alternative to traditional fuel sources. Proponents of the current law argued that the Federal program would have little or no impact on the deficit and established an extremely rapid and ambitious schedule for developing a commercial synthetic fuels industry.

In the intervening years, the energy outlook has improved dramatically. The price of imported crude oil has declined more than 25 percent since I took office, and our oil imports are down 33 percent compared to 1980 levels. The Strategic Petroleum Reserve, at nearly 400 million barrels, provides more than 80 days protection against a total disruption of our imports and over 200 days if OPEC halted supplies—in 1980, it provided less than 17 days protection. The energy conservation efforts of the American people have far exceeded expectations, further enhancing our energy situation.

As a consequence of these major changes, the presumptions that underlie the current synthetic fuels program have proven at variance with the realities of the market place. It is now apparent that developing a commercial synthetic fuels industry at the pace envisioned by the Energy Security Act of 1980 would require enormous direct budget outlays that would not be offset by any economic benefits.

Proceeding down the path set by current law would thus result in the inefficient use of billions of dollars. It would also grossly distort the market place for synthetic fuels, possibly creating an industry that would be permanently dependent on government subsidies, not the commercially viable industry envisioned by Congress in 1980.

The "Energy Security Reserve Amendments of 1984" reflect an effort to strike a balance between avoiding wasteful expenditures and preserving an appropriate national synthetic fuels program. The legislation would rescind $9 billion of the $19 billion originally appropriated. It would also require that projects supported by use of the remaining funds be limited to those that produce fuels whose prices will not be significantly above projected market prices of competing fuels.

At the same time, the legislation leaves completely intact the administrative structure for the synthetic fuels program. By continuing to use the Synthetic Fuels Corporation, we can avoid unnecessary delay and disruption in the national effort of ensuring synthetic fuels commercialization.

Swift passage of this legislation will make a major contribution to reducing the Federal deficit in the years ahead while putting the synthetic fuels program on a sounder footing.

I urge the Congress to act expeditiously in its consideration of this legislation.

RONALD REAGAN.

THE WHITE HOUSE, *May 25, 1984.*

ANNUAL REPORT ON THE OPERATION OF THE ALASKA RAILROAD—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 146

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the 1983 Annual Report on the operation of the Alaska Railroad, as required by the Alaska Railroad Enabling Act of March 12, 1914, as amended (43 U.S.C. 975g). This report covers the period from October 1, 1982, through September 30, 1983.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

ANNUAL REPORT OF THE CORPORATION FOR PUBLIC BROADCASTING MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 147

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with the Communications Act of 1934, as amended (47 U.S.C. 396(i)), I transmit herewith the Annual Report of the Corporation for Public Broadcasting for Fiscal Year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

REPORT ON THE STATUS OF THE DOMESTIC URANIUM MINING AND MILLING INDUSTRY—REPORT RECEIVED FROM THE PRESIDENT DURING THE ADJOURNMENT—PM 148

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

Pursuant to the requirements set forth in Section 23(a) of P.L. 97-415, the Nuclear Regulatory Commission Authorization Act of 1983, the "Comprehensive Review on the Status of the Domestic Uranium Mining and Milling Industry" is provided to the Congress.

The report presents information on the current and projected status of the domestic uranium mining and milling industry including uranium requirements and inventories, domestic production, import penetration, domestic and foreign ore reserves, exploration expenditures, employment, and capital investment. In addition to presenting projections of industry behavior under current policy, the report provides projections under alternative policy scenarios in the event that foreign import restrictions were enacted by Congress. The anticipated effect of spent nuclear fuel reprocessing on the demand for uranium is also addressed.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

EXTENSION OF CERTAIN WAIVERS UNDER THE TRADE ACT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 149

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the documents referred to in subsection 402(d)(5) of the Trade Act of 1974 with respect to a further 12-month extension of the authority to waive subsection (a) and (b) of section 402 of the Act. These documents constitute my decision to continue in effect this waiver authority for a further 12-month period.

I include as part of these documents my determination that further extension of the waiver authority will substantially promote the objectives of section 402. I also include my determination that continuation of the waivers applicable to the Hungarian People's Republic, the People's Republic of China and the Socialist Republic of Romania will substantially promote the objectives of section 402. The attached documents also include my reasons for extension of the waiver authority; and for my determination that continuation of the waivers currently in effect for the Hungarian People's Republic, the People's Republic of China and the Socialist Republic of Romania will substantially promote the objectives of section 402.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 150

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to send you the annual report of the National Science Foundation for fiscal year 1983. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and information sciences; in engineering; and in education for those fields.

The National Science Foundation is a key part of the national effort to revitalize our capabilities in research, innovation, and production. Achievements such as those described here underlie much of this Nation's strength—its economic growth, military security, and the general well-being of our people.

I hope you will share my enthusiasm for this fine work.

RONALD REAGAN.

THE WHITE HOUSE, *May 31, 1984.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 25, 1984, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bills:

H.R. 2174. An act to extend the transition period under the Bankruptcy Reform Act of 1978; and

H.R. 5692. An act to provide for a temporary increase in the public debt limit, and for other purposes.

Under the authority of the order of the Senate of May 24, 1984, the enrolled bills were signed by the President pro tempore (Mr. THURMOND) on May 25, 1984, during the adjournment of the Senate.

Under the authority of the order of the Senate of May 24, 1984, the Secretary of the Senate, on May 31, 1984, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 4249. An act to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings, to establish a United States Marshals Service, and for other purposes; and

H.R. 4280. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 518. An act to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control;

S. 2413. An act to recognize the organization known as the American Gold Star Mothers, Incorporated;

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans;

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multi-year grants;

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.J. Res. 487. Joint resolution to designate June 6, 1984, as "D-day National Remembrance".

Under the authority of the order of the Senate of May 24, 1984, the enrolled bills and joint resolutions were signed by the President pro tempore (Mr. THURMOND) on May 31, 1984, during the adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4249. An act to amend title 18, United States Code, to provide for the protection of Government witnesses in criminal proceedings, to establish a United States Marshals Service, and for other purposes; to the Committee on the Judiciary.

H.R. 4280. An act to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary reported that on May 31, 1984, he had presented to the President of the United States the following enrolled bills:

S. 518. An act to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control; and

S. 2413. An act to recognize the organization known as the American Gold Star Mothers, Incorporated.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3287. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "DOD Needs to Provide More Credible Weapon Systems Cost Estimates to the Congress"; to the Committee on Armed Services.

EC-3288. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report for the first quarter of 1984 on the Olympic Commemorative Coin Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-3289. A communication from the President and Chairman of the Export-Import Bank transmitting, pursuant to law, a report on transactions with communist countries during April 1984; to the Committee on Banking, Housing, and Urban Affairs.

EC-3290. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1983 annual report of the National Park Foundation; to the Committee on Energy and Natural Resources.

EC-3291. A communication from the D.C. Auditor transmitting, pursuant to law, a report on rent collection procedures in public housing; to the Committee on Governmental Affairs.

EC-3292. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the Surgeon General's Report on the Health Consequences of Smoking; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of May 11, 1984, the following reports of committees were submitted on May 25, 1984.

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

S. 2393. A bill to amend title 39, United States Code, to codify in permanent law the authority under annual appropriation acts for Postal Service security personnel to exercise the powers of special policemen on postal property, to provide penalties for the violation of regulations governing postal property, and for other purposes (Rept. No. 98-488).

By Mr. SIMPSON, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 2514. A bill to amend title 38, United States Code, to enhance the management of Veterans' Administration medical treatment programs by providing for the referral of veterans to non-Veterans' Administration entities and arrangements for additional necessary services, to revise and clarify the authority for the furnishing of care for veterans suffering from alcohol or drug dependence, to require the Administrator to establish the position of Associate Director for Posttraumatic Stress Disorder, to require the Administrator to submit a report to Congress regarding programs of the Veterans' Administration providing hospice and respite care to certain veterans, and to authorize the Administrator of Veterans' Affairs to provide telecaption television decoders to totally deaf veterans in certain cases, and for other purposes (Rept. No. 98-487).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2722. An original bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to reauthorize certain child nutrition programs for fiscal years 1985 and 1986 (Rept. No. 98-489).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2308: A bill to revise and extend provisions of the Public Health Service Act relating to the provision of primary health care services (Rept. No. 98-490).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments:

S. 2559: A bill to revise and extend provisions of the Public Health Service Act relating to health professions educational assistance (Rept. No. 98-491).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments and an amendment to the title:

S. 2574: A bill entitled the "Nurse Education Amendments of 1984" (Rept. No. 98-492).

By Mr. HATCH, from the Committee on Labor and Human Resources, with amendments:

S. 2573: A bill to revise and extend programs for persons with developmental disabilities (Rept. No. 98-493).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1531: A bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes (Rept. No. 98-494).

By Mr. HATCH, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2521: A bill to authorize appropriations for the National Science Foundation for fiscal year 1985 (Rept. No. 98-495).

By Mr. DENTON, from the Committee on Labor and Human Resources, with amendments:

S. 2616. A bill to extend the adolescent family life demonstration program (Rept. No. 98-496).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2423. A bill to provide financial assistance to the State for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime (Rept. No. 98-497).

S. 2606. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1985 and for other purposes (Rept. No. 98-498).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 2014. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children (Rept. No. 98-499).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1935. A bill to establish an interagency task force on cigarette safety.

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. 2689. A bill to amend title 31, United States Code, to provide for certain additional experts and consultants for the General Accounting Office, to provide for certain positions within the General Accounting Office senior executive service, and for other purposes.

Under the authority of the order of the Senate of May 24, 1984, the following reports of committees were submitted on May 31, 1984:

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. 2723. An original bill to authorize appropriations for military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense and to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes (with additional views) (Rept. No. 98-500).

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. Res. 394. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2723; referred to the Committee on the Budget.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAKER (for Mr. Thurmond), from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S.J. Res. 233: Joint resolution to authorize the President's Commission on Organized Crime to compel the attendance and testimony of witnesses and the production of information (Rept. No. 98-501).

By My. PACKWOOD, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S. Res. 373: Resolution to seek the discontinuance of certain practices restricting the free flow of travel literature from the United States.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 387: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974, with respect to the consideration of S. 1868.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Robert Michael Isaac, of Colorado, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

ADDITIONAL COSPONSORS

S. 553

At the request of Mr. Hart, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 555

At the request of Mr. Moynihan, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 555, a bill to stop the proliferation of "cop-killer" bullets.

S. 1069

At the request of Mr. Chafee, the name of the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 1069, a bill to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

S. 1578

At the request of Mr Thurmond, the names of the Senator from Minnesota (Mr. Boschwitz), the Senator from Wyoming (Mr. Wallop), and the Senator from New York (Mr. D'Amato) were added as cosponsors of S. 1578, a bill to clarify the application of the Federal antitrust laws to local governments.

S. 1841

At the request of Mr. Thurmond, the names of the Senator from Virginia (Mr. Warner), the Senator from Nevada (Mr. Hecht), the Senator from New York (Mr. D'Amato), and the Senator from West Virginia (Mr. Randolph), were added as cosponsors of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2078

At the request of Mr. Hatch, the name of the Senator from Idaho (Mr. McClure) was added as a cosponsor of S. 2078, a bill to amend the Public Health Service Act to provide assistance to States to plan, develop, establish, expand, or improve State and local resource and referral systems for the dissemination of information concerning dependent care services.

S. 2096

At the request of Mr. Packwood, the names of the Senator from West Virginia (Mr. Randolph), and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 2096, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to permit investment by employee benefit plans in residential mortgages.

S. 2143

At the request of Mr. Hatch, the name of the Senator from Idaho (Mr. McClure) was added as a cosponsor of S. 2143, a bill to amend the Internal Revenue Code of 1954 to allow a credit for the occupational training of displaced persons.

S. 2145

At the request of Mr. Hatch, the name of the Senator from Idaho (Mr. McClure) was added as a cosponsor of S. 2145, a bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes.

S. 2266

At the request of Mr. Cranston, the name of the Senator from Ohio (Mr. Metzenbaum) was added as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2324

At the request of Mr. Packwood, the names of the Senator from California (Mr. Wilson), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2423

At the request of Mr. Thurmond, the name of the Senator from Kentucky (Mr. Ford) was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2603

At the request of Mr. Chafee, his name was added as a cosponsor of S. 2603, a bill to extend the authorization of appropriations for, and to revise the Older Americans Act of 1965.

S. 2618

At the request of Mr. Danforth, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 2618, a bill to amend the Trade Act of 1974 to promote expansion of international trade in telecommunications products, and for other purposes.

S. 2692

At the request of Mr. Armstrong, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 2692, a bill to exempt water conveyance systems from fees and conditions under the Federal Land Policy and Management Act of 1976, and for other purposes.

SENATE JOINT RESOLUTION 206

At the request of Mr. Tsongas, the names of the Senator from Vermont (Mr. Stafford), and the Senator from Nebraska (Mr. Exon) were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating the first Sunday of every August as "National Day of Peace."

SENATE JOINT RESOLUTION 270

At the request of Mr. Cochran, the names of the Senator from Tennessee (Mr. Baker), the Senator from Missouri (Mr. Danforth), and the Senator from Utah (Mr. Garn) were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE JOINT RESOLUTION 237

At the request of Mr. D'Amato, the names of the Senator from Iowa (Mr. Jepsen), the Senator from Mississippi (Mr. Cochran), the Senator from Ohio (Mr. Metzenbaum), and the Senator from North Dakota (Mr. Burdick) were added as cosponsors of Senate Joint Resolution 237, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 294

At the request of Mr. Boren, the names of the Senator from Minnesota (Mr. Boschwitz) and the Senator from California (Mr. Cranston) were added as cosponsors of Senate Joint

Resolution 294, a joint resolution to designate the week of July 1, 1984, through July 7, 1984, as "National Softball Week."

SENATE JOINT RESOLUTION 296

At the request of Mr. D'Amato, the names of the Senator from Idaho (Mr. Symms), the Senator from Oklahoma (Mr. Nickles), the Senator from Maine (Mr. Cohen), the Senator from New Jersey (Mr. Bradley), and the Senator from Nevada (Mr. Laxalt) were added as cosponsors of Senate Joint Resolution 296, a joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 297

At the request of Mr. Thurmond, the names of the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Laxalt), the Senator from Mississippi (Mr. Stennis), the Senator from Iowa (Mr. Jepsen), the Senator from Maryland (Mr. Sarbanes), the Senator from South Dakota (Mr. Abdnor), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of Senate Joint Resolution 297, a joint resolution to designate the month of June 1984 as "Veterans' Preference Month."

SENATE CONCURRENT RESOLUTION 74

At the request of Mr. Tsongas, the names of the Senator from Idaho (Mr. McClure), the Senator from Vermont (Mr. Leahy), and the Senator from Wyoming (Mr. Wallop) were added as cosponsors of Senate Concurrent Resolution 74, a concurrent resolution to encourage and support the people of Afghanistan in their struggle to be free from foreign domination.

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. D'Amato, the name of the Senator from North Carolina (Mr. East) was added as a cosponsor of Senate Concurrent Resolution 101, a concurrent resolution to commemorate the Ukrainian famine of 1933.

AMENDMENT NO. 3112

At the request of Mr. Packwood, the name of the Senator from New York (Mr. Moynihan) was added as a cosponsor of amendment No. 3112 proposed to H.R. 5174, a bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes

SENATE RESOLUTION 394—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. TOWER, from the Committee on Armed Services, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 394

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2723, a bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strenghts for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which directly, or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2723 as reported by the Committee on Armed Services.

NOTICES OF HEARINGS

OVERSIGHT OF GOVERNMENT MANAGEMENT SUBCOMMITTEE

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold a hearing on Computer Matching: Taxpayer Records, on Wednesday, June 6, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public oversight hearing before the Subcommittee on Public Lands and Reserved Water to consider Federal land management problems in northern Nevada on "checkerboard" lands. The hearing will be held on Tuesday, June 12, beginning at 10 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Because of the number of people expected to testify, witnesses will be placed in panels and oral testimony will be limited to 5 minutes. Witnesses should provide the subcommittee with 25 copies of their written statements 24 hours in advance of the hearing, as required by the rules of the committee, and 75 copies the day of the hearing.

For further information regarding this hearing, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

CONGRESS—ACCESSORY TO VIETNAM

● Mr. GOLDWATER. Mr. President, over the past 20 years, thanks in large part to some revisionist history and inaccurate reporting, the American people have been led to believe unrestricted Presidents have involved our country in dangerous, immoral and illegal foreign wars. Most of this myth has arisen because of the disastrous end result of the war in Vietnam. In response, the Congress in 1973 passed the War Powers Resolution in an attempt to: One, involve themselves in the day-to-day operation of foreign policy and, two, distance themselves from the end result of a failure in foreign policy. Regardless of this act, the Vietnam war was endorsed by Congress for many years and, indeed, it played no part in our eventual withdrawal from South Vietnam.

Mr. President, my legislative counsel, Terry Emerson, recently presented a speech to the American Bar Association which documents the involvement and approval of Congress for more than 25 years in our efforts in Vietnam. Since the speech is very well documented, it needs no lengthy introduction and speaks for itself.

Mr. President, I ask that Mr. Emerson's speech be printed in the Record.

The remarks follow:

Congress—Accessory to Vietnam

(By J. Terry Emerson)

I. INTRODUCTION

As an introduction to the subject of Congress and Vietnam, I will state five theses drawn from my review of the history of the period:

1. Congress was an accessory to the Vietnam War. Congress knowingly authorized or ratified every important decision to expand U.S. involvement in the war from 1949 to 1970.

2. Congress did not legislate an end to the war. Congressional votes to restrict Executive conduct of the war from December 1969 through 1972 did not bring about the withdrawal of U.S. troops from Vietnam. That decision was made by President elect Nixon before his inauguration in January 1969.

3. Congress did not deny victory to U.S. military forces in Vietnam. Rules of engagement, imposed by civilian managers, did.[*]

4. Congressional failure to enforce the Vietnam Peace Agreement contributed greatly to the subsequent catastrophe throughout Indochina and to Soviet expansionism.

5. Congressional experience in the Vietnam War demonstrates that (a) the War Powers Resolution of 1973 would not have prevented the war even had it been in effect years earlier, and (b) Constitutional checks and balances designed in the Eighteenth Century still function decisively in the modern world. For better or worse, when sustained public and Congressional opinion turned against U.S. support of any non-Communist forces in Indochina, the nation withdrew its commitment to the war. The outcome was not immediate, but it was inevitable.

II. PRELUDE

The prelude to America's commitment to the Vietnam War begins on August 11, 1941, when President Franklin Roosevelt and Prime Minister Churchill agreed to the final text of the Atlantic Charter, four months before the official entry of the United States into World War II. The third principle in this historic statement declared that the two leaders of the free world "respect the right of all peoples to choose the form of government under which they will live," in other words, self-determination.[1] In the fall of 1942, President Roosevelt told a press conference that he believed the Atlantic Charter applied to all humanity.[2] His biographer, James MacGregor Burns, writes: "Again and again Roosevelt made clear that he opposed the return of Indochina to French rule after the war . . ." Roosevelt viewed the 80 year French record in Indochina as "colonialism of the worst sort"[3] and he sought to provoke allied leaders into granting the people of Indochina their independence from France.[4] In fact, Dean Acheson tells us that "during the war the United States Government had furnished aid to indigenous leaders, notably Ho Chi Minh, in the hope they would make difficulties for the Japanese." [5]

III. FIRST INDOCHINA WAR

By 1949, Ho was in revolt against the French and the French National Assembly had ratified the Elysee' Palace Agreements accepting Vietnam, Cambodia and Laos as independent states within the French Union.[6] The changed circumstances enabled the United States to view support of the three states of Indochina as part of our worldwide resistance to Communist subversion and consistent with our policy of supporting the evolution of dependent peoples toward self-government.[7] But it was Congress, not the President, which first set aside funds for the war against communism in Indochina. In October 1949, at the initiative of the Senate, Congress added a provision to the Mutual Defense Assistance Act earmarking $75 million to carry out American policy in "that general area" of the world, an area which Senator Connally, Chairman of the Foreign Relations Committee, expressly said included "Indochina." [8] Congress added another $75 million for Indochina in July 1950, following the North Korean attack on South Korea. On July 19, President Truman, who had belatedly adopted Indochina aid as his own idea, reported to Congress that he had ordered the speeding up of the military assistance to Indochina which Congress had appropriated a year earlier and he asked Congress to show its support for his Asian defense policy by authorizing the new funds which had already passed the Senate and were pending in the House.[9] The money bill was enacted a week later.[10]

On December 23, 1950, the United States signed a Mutual Defense Assistance Agreement with France, Vietnam, Cambodia, and Laos for deliveries of military equipment to the three states through the French Command.[11] This military aid rose to over half a billion dollars in 1951.[12] By June of 1952, the United States was contributing more than a third of the cost of the military struggle in Indochina.[13] The amount climbed to 40 percent by the end of the year.[14]

In 1953, a new President took office. In March of that year President Eisenhower declared Southeast Asia to be "of the most transcendent importance to the United States."[15] In May, however, Congress made a deep cut in the appropriation for that area.[16] A report by Senators Dirksen and Magnuson, who had visited Indochina for the Appropriations Committee, and testimony given by military witnesses were held secret during the Senate Floor debate, but were said to justify the reduction. Apparently, the French were not using the money solely for the military campaign.[17] Notwithstanding this setback, on September 30, 1953, the Eisenhower Administration pledged an additional $385 million in aid for Indochina on top of $400 million left in the earlier authorization.[18] By the time of the Geneva Agreements of July 20, 1954, the United States had delivered $2.6 billion in military aid to Indochina, plus another billion dollars of economic aid, and our share of the cost of the war had risen to almost 80 percent.[19]

IV. SEATO PHASE—SECOND INDOCHINA WAR

Ted Sorensen, in his memoir of the Kennedy Administration, states that: "This nation's pledge to assist and defend the integrity of South Vietnam was first made in 1954." [20] While not literally true in view of the billions of dollars that had been committed earlier, it is in 1954 that we can begin to see the depth of Congressional involvement in the Vietnam War. From here on we will see that Congress clearly knew from the start of each major policy decision what was going to happen or could happen and gave its approval in advance to the war escalation which followed. Far from being the innocent dupe of a devious Executive, Congress was a full partner in deciding basic policies during the entire period of American military engagement in Vietnam until 1970.

The United States did not sign the Geneva Agreements of 1954, which partitioned Vietnam and made Laos and Cambodia independent, nor did we join in the final declaration of the Geneva Conference, but Under Secretary of State Walter Bedell Smith made a unilateral declaration for the United States warning that we would view any renewal of aggression in violation of the agreements with grave concern and as a serious threat to peace.[21] We formalized this policy six weeks later by signing the SEATO Treaty on September 8, 1954.[22] The treaty had a protocol, signed on the same day, which designated Cambodia, Laos, and South Vietnam as being part of the area in which aggression by armed attack would be considered as endangering the safety of each party and in response to which each party pledged to act to meet the common danger in accordance with its constitutional processes.[23]

The principal American delegates at the Manila negotiations included Senators Smith of New Jersey and Mike Mansfield of Montana.[24] They and all other Senators knew of the real meaning of SEATO before it was ratified. Secretary of State John Foster Dulles testified before the Senate Foreign Relations Committee on November 11, 1954, and explained the treaty in detail. He spelled out the main purpose as being to deter communist aggression and subversion in Vietnam and the rest of Indochina and he pointed out the risk of war with great clarity. His testimony was available to the full Senate in published hearings before that body considered the treaty and the Committee report circulated before that treaty vote included quotations from his presentation.

What Secretary Dulles told the Senate about the treaty is this: "The language used here . . . makes perfectly clear the determination of our nation to react . . . armed attack . . . As far as our national determination is concerned, it is expressed here . . . It is a clear determination of our national resolve . . ." [25] Also, the specifically pointed out that the treaty area is defined by a protocol "which brings in Laos, Cambodia, and the free portion of Vietnam as treaty territory which, if attacked, would be under the protection of the treaty . . ." [26]

Secretary Dulles equated the obligation of the United States under the SEATO Treaty with the pledge of firm action that is implicit in the Monroe Doctrine. In fact, he recommended to the Senate Committee that it "adopt President Monroe's language when he announced in 1823 that any extension of the European system to this hemisphere would be considered by the United States as dangerous to our peace and safety." [27] This formula was accepted as not altering the balance of power between the President and Congress.

Senator Smith of New Jersey responded to Secretary Dulles by saying that the Monroe Doctrine approach "has been very effective," as well he might.[28] Every schoolchild knows that the United States has invoked the Monroe Doctrine on numerous occasions to combat foreign subversion inside the Western Hemisphere. Putting the warning given by SEATO on a par with the warning in the Monroe Doctrine was an open invitation to Presidential initiatives that Congress accepted with its eyes open.

Senator Smith repeated the comparison during Senate consideration of the treaty. He explained that the net effect of Article IV "is to serve notice now and for the future to . . . any Communists in that area—as the Monroe Doctrine did in the case of the European colonial powers in the early 19th century, that they shall not encroach further on this area of free nations. . . . They are no longer free to isolate and absorb the countries of Southeast Asia, one by one. Laos or Cambodia or South Vietnam or Thailand cease to be individual entries on their timetable of conquest. . . . From now on, any further aggression will set in motion the defense potentialities of eight nations." [29]

Senator George, then Chairman of the Foreign Relations Committee, warned that: "The peril to the southern area, the free territory of Vietnam, as well as to the remaining associated states, Laos and Cambodia, is serious, continuing and unrelenting."[30] In order to make clear to the Senate what was expected, he had explained: "To the extent that we support the independent governme[illegible] Southeast Asia in maintaining their [illegible]herefore, we also defend the highest interests of the United States. It is our purpose, Mr. President, to give advance notice to any Communist nation contemplating aggressive action in that area that they will have to reckon with the United States."[31]

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[*] Footnotes at end of article.

Perhaps the strongest indication of Congressional awareness of the prospect for direct American military involvement in Asia is found in the concluding words of the Foreign Relations Committee report on the SEATO agreement. This statement was read into the Senate Floor proceedings by Senator Smith. It declares: "The committee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a course of action over a vast expense of the Pacific. Yet these risks are consistent with our own highest interests. There are greater hazards in not advising a potential enemy of what he can expect of us, and in failing to disabuse him of assumptions which might lead to a miscalculation of our intentions."[32]

Even the question of whether a declaration of war would be required before the United States would respond to an armed attack was explicitly considered. What did "Constitutional processes" mean? Secretary Dulles testified that "the normal process would be to act through Congress," but the President would act on his own authority when "the emergency were so great that prompt action was necessary to save a vital interest of the United States." [33] With this in mind, the Foreign Relations Committee rejected a reservation to SEATO which would have prohibited the use of our forces unless Congress, by a declaration of war, consented to their use.[34]

Although it did not declare war, Congress authorized and ratified United States involvement in Indochina in numerous statutes, well over 20, following Senate advice and consent to the resolution of ratification of the SEATO Treaty.[35] Direct military aid to South Vietnam began on January 1, 1955 with budgetary support and equipment for the Army and local defense units. A Military Assistance and Advisory Group was provided in February 1955 to assist in training the Army and police force.[36] In May 1960, the United States announced we would increase the advisers from 327 to 685 at the end of the year.[37] The Eisenhower Administration also spent $300 million trying to create a pro-Western Laos.[38]

The Kennedy Administration went further in 1961 and 1962, in commitment if not dollars. In March 1961, President Kennedy prepared a 17 part plan of increasing military action to prevent a Communist conquestion Laos. One unit of Marines, complete with helicopters, was landed in Thailand, the Seventh Fleet was altered, and Congressional leaders were briefed.[39] The crisis eased in the late spring and a new Geneva Conference began.[40] In May 1962, a major Pathet Lao attack near the Thai border caused President Kennedy to officially act under the SEATO Treaty. More than 5,000 Marines and Army combat personnel were put ashore in Thailand and ordered up to the Laos border. U.S. Naval forces and two air squadrons were sent to the area. By July a new Geneva Agreement on Laos was signed and American forces were recalled from Thailand.[41] No declaration of war was requested or obtained. SEATO was authority enough. The military assistance mission in Vietnam was increased from 700 in early 1961 to 2,000 at the end of the year and to 3,400 by mid-1962. By the time of President Kennedy's assassination in November 1963, more than 16,000 advisers were in Vietnam and the Kennedy Administration had sent in combat support units, air combat and helicopter teams, and 600 green berets.[42]

Before undertaking this expanded commitment, President Kennedy had sent Vice President Johnson in May of 1961 to confer with President Diem and develop recommendations for a joint effort "to win the struggle against communism." Before departing, the Vice President discussed his mission and its purpose in detail with Senators Mansfield and Fulbright and others in Congress.[43] Also, President Kennedy briefed Senator Fulbright before the Johnson trip, explaining the possibility that American involvement in Southeast Asia might require military forces. Senator Fulbright, as Chairman of the Foreign Relations Committee, told reporters that "the Kennedy Administration was considering the possibility of direct military intervention to counteract Communist threats in South Vietnam and Thailand." Senator Fulbright said he "would support the moves in South Korea and Thailand if they were considered necessary and if the nations concerned wished them."[44]

In mid-1963, there were some calls in Congress to cut off all aid to Vietnam after serious repressions of Buddhist dissenters occurred, but the Vietnamese military seized control of the government on November 1, 1963, and assassinated Diem a day later.[45] The new provisional government was itself overthrown by General Khanh.[46] Solid Congressional suppport of the war was restored with enactment of the Foreign Assistance Act of 1963 in December. This statute provided both economic and military aid to Vietnam.[47]

V. GULF OF TONKIN AND ESCALATION PHASE

This brings us forward to the Southeast Asia Resolution, often called the "Tonkin Gulf Resolution." President Johnson had begun a program of covert military operations against North Vietnam in early 1964. One set of these operations was small-scale strikes by the South Vietnamese Navy against North Vietnamese coastal installations. Another element of this covert program was U.S. destroyer patrols in the Gulf of Tonkin, with intelligence objectives similar to those of Soviet trawlers off our coast.[48] In the memoirs of his Presidency, Lyndon Johnson wrote that:

"Senators and Representatives designated to oversee our intelligence operations were fully briefed on these South Vietnamese activities, and on our supporting role, in January 1964, again in May, twice on June, and again in early August." [49]

On August 2, when our destroyers were 70 miles away from a South Vietnamese strike and 30 miles off the coast, the USS *Maddox* was attacked by three North Vietnamese PT boats. On August 4, the *Maddox* and the *Turner Joy* both reported that they were being attacked by torpedoes.[50] Action reports from the destroyers kept arriving and were investigated in detail. Informed by his specialists that there was "no doubt whatsoever" that an attack had taken place, President Johnson met with the Congressional leadership that same evening and told them he believed a resolution of support for our entire position in Southeast Asia was necessary. According to President Johnson, he told the legislative leaders that "we might be forced into further action, and that I did not want to go in unless Congress goes in with me." He cited the precedents of the Formosan and Middle East crises of 1957 and 1958 when President Eisenhower was backed with resolutions adopted earlier.[51]

Nine Senators and seven Congressmen attended the meeting, including the Majority and Minority Leaders of both Houses, the Speaker of the House, and several Committee Chairmen and ranking Minority members. Everyone expressed support of the proposed resolution. Senator Goldwater, then the Republican Presidential candidate, was also reached by phone that night and agreed completely with plans for retaliation and resolution.[52]

In his message to Congress, President Johnson asked not only that support be given to immediate reactons to the attacks on our destroyers, he sought the advance support of Congress for anything that might prove to be necessary to fulfill our responsibilities in all of Southeast Asia.[53] Nor was the text of the resolution conditioned on repelling or responding to attacks against our Armed Forces. The text was specifically linked with President Johnson's plea to Congress for a declaration of its resolve and support for action to "preserve peace in Southeast Asia Treaty." [54]

Let me read the actual language of the resolution so that we can see exactly what Congress intended when it agreed to the legislation by a vote of 88 to 2 in the Senate and 416 to 0 in the House. Section 2 states: "The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations, and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared *as the President determines*, to take all necessary steps, *including the use of armed forces* to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." [55] (Emphasis Added)

Before introducing the resolution in the Senate, four Senators, Fulbright, Hickenlooper, Russell and Saltonstall, had attended a long White House discussion on the subject.[56] These four answered questions raised during Senate consideration of the resolution on August 6 and 7. One exchange is particularly revealing. It took place between Senator Cooper and Senator Fulbright, who was Floor manager of the resolution. Senator Cooper asked: "The Senator will remember that the SEATO Treaty, in article IV, provides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

"Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?"

Senator Fulbright responded: "I think that is correct."

"Then, looking ahead," Senator Cooper asked, "if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?"

Senator Fulbright answered: "That is the way I would interpret it." [57]

Senator Fulbright added that should Congress decide the approval should ever be withdrawn, the third section of the resolution provided a way for doing that, by concurrent resolution. In fact, the Southeast Asia Resolution was repealed in January 1971, after the troop escalation had halted and sizeable reductions in forces had already begun by Presidential decree.[58] But, at this point in time—mid 1964—the major escalation was still impending. Nor did Congress shy away from it.

On May 18, President Johnson had asked Congress for $125 million in additional funds for South Vietnam, with $70 million of economic aid and $55 million of military assistance.[59] After the Tonkin Gulf attacks, Congress outdid the President by providing a total of $200 million in each category solely for use in Vietnam.[60] A year later, in May 1965, President Johnson sent Congress another appropriation request specifically related to the war in Vietnam. In it he sought a large supplemental appropriation of $700 million to support an increase in the number of troops in South Vietnam. His message reminded the Senate that the SEATO Treaty "committed us to act to meet aggression against South Vietnam." The message also invoked the Southeast Asia Resolution by telling Congress that less than a year ago it had "said that the United States was ready to take all necessary steps to meet its obligations under that treaty." The President's message concluded by expressly informing Congress he would regard a vote for the appropriation as a vote in support "of the basic course" of his Administration's Vietnam policy.[61]

By May 1965, this policy included the use of U.S. jets against the Viet Cong in support of Vietnamese troops and sustained air attacks against North Vietnam military targets, the Rolling Thunder Campaign.[62] Several Congressional leaders in both Houses had been briefed on these activities. They knew about them before the supplemental appropriations were requested.[63] After sustained bombing of the North began, two Marine battalions were landed to provide security for the Danang Air Base.[64] By mid-April 1965, the approved level of all U.S. forces in Vietnam was over 44,000.[65] What did Congress do about it? On May 5 and 6, the House of Representatives approved the entire $700 million of war funds by a vote of 408 to 7 and the Senate approved it by a vote of 88 to 3.[66] The President signed the bill into law only three days after having requested it.[67]

The first major ground combat operation by U.S. forces in Vietnam occurred in late June 1965.[68] But, before deciding on a major increase in U.S. ground combat forces, President Johnson sent Secretary McNamara again to Vietnam in July to investigate the needs and the situation in the South.[69] His recommendations included raising the level of our forces and asking Congress for an additional supplemental appropriation.[70]

Our military commanders felt they needed 50,000 more men for immediate purposes.[71] President Johnson writes that before making a decision and moving ahead, he invited six Senators and five House leaders to meet with him at the White House the evening of July 27, 1965. He described for them five alternatives and explained that he was thinking of doubling our total forces by November 1. The only expression of strong doubt came from Mike Mansfield, but even he said he would support the President's position.[72]

On the next day, July 28, President Johnson opened a press conference by saying that he had ordered to Vietnam 50,000 additional forces immediately and that more "will be needed later." [73] In August, the President formally asked Congress for an extra $1.7 billion in defense appropriations. The Appropriations Act providing these funds was approved unanimously by Congress a month later.[74]

Nor was this the end of it. Six months later, on January 19, 1966, President Johnson submitted a whopping $13.1 billion supplemental appropriations request chiefly to meet the cost of military operations in Southeast Asia. U.S. strength had grown to 184,000 in Vietnam.[75] The bills implementing his request became the focus of open hearings by the Senate on the war. In fact, the proceedings were nationally televised.[76] What happened? Once again, Congress gave the President every dollar he had asked for.[77]

Also, in early 1966, Congress approved an additional $415 million in supplemental appropriations for foreign aid, most of it meant for Vietnam.[78] Before reporting the bill in the Senate, the Foreign Relations Committee specifically rejected, by a vote of 14 nayes and only 5 ayes, an amendment which stated that a vote for the bill should not be interpreted as approval of any Presidential action in Vietnam.[79] In 1966, bombing of North Vietnam has been renewed after a complete suspension for 36 days and President Johnson had approved a major increase in the total level of our forces to 383,500 by the end of 1966 and to 425,000 by the middle of 1967.[80] Yet, in January 1967, when President Johnson asked Congress for another huge investment in the Vietnam War, he got it. This time he sought $12.3 billion earmarked "for the support of militay operations in Southeast Asia." [81] As before, Congress approved the full request and, also, declared "its firm intentions to provide all necessary support for members of the Armed Forces of the United States fighting in Vietnam. . . ." [82]

The Congressional commitment to the war in Vietnam continued through the end of the Johnson Administration, even when a new ceiling of 525,000 Armed Forces was set in August, 1967 for the Fiscal Year ending June 30, 1968.[83] In the words of President Johnson, the answer may be in the fact that while the public was much aware of the well-publicized views of a few critical legislators, it "was much less aware of the equally strong feelings of many other members of both Houses who believed that we should be taking stronger actions against the North and generally doing more bombing, not less." [84]

These powerful leaders and the majority in Congress remained supportive of the war. At least eight more Vietnam authorizaiton and appropriation laws were enacted before the Nixon Administration took office in 1969.[85] Although President Johnson announced a complete halt in bombing over North Vietnam on November 1, 1968,[86] the number of ground troops in Vietnam was still rising on January 20, 1969, when the President Nixon came into office.[87] The actual peak of troop strength reached 543,000 in April 1969.[88] Thus, even in the storm of campus demonstrations and despite Congressional hearings critical of Executive dominance in foreign policy, such as those the Senate Foreign Relations Committee held on "National Commitments," [89] the ground war was expanded through 1968 with Congressional knowledge and approval.

VI. WITHDRAWAL AND PEACE AGREEMENT

Before Richard Nixon was inaugurated he had already shared with Henry Kissinger his decision of withdrawing U.S. troops from Vietnam gradually and unilaterally.[90] President Thieu of South Vietnam had told President Johnson privately in July 1968 that he believed we could begin withdrawing American forces by the middle of 1969.[91] He repeated this belief publicly on February 6, 1969, and at a meeting with President Nixon on June 8, 1969.[92] The first American troop withdrawal was announced the same day. Our commitment to unilateral withdrawal started with 25,000 troops and became irreversable. The United States had begun a program of "de-Americanizing" the war and adopted for it a term coined by Secretary of Defense Laird, "Vietnamization." [93]

In March, April and May, before any troop withdrawals commenced, President Nixon ordered the first of a string of bombing attacks against North Vietnamese sanctuaries in Cambodia for the purpose of protecting American lives and weakening communist forces to the maximum possible extent.[94] Published leaks of those attacks helped fuel pressure for unilateral concessions in the Paris negotiations with North Vietnam, which had finally moved from procedural to substantive matters in January. Eleven anti-war resolutions were introduced in Congress between September 24 and October 15, 1969, the scheduled opening date of the so-called Moratorium, a series of monthly Vietnamese peace demonstrations.[95] Senator McGovern sponsored a resolution with nine other Senators requiring the withdrawal of all U.S. forces "now", limited only by steps to insure the safety of our forces.[96] Senators Hatfield and Church introduced a bill calling for a "more rapid" withdrawal of all forces and a commitment "to fully disengage" from Vietnam.[97] Senators Javits and Pell coauthored a resolution for withdrawal of all combat forces "by the end of 1970" and for revocation of the Southeast Asia Resolution.[98] None of these proposals were acted on, but Congress did enact a prohibition in late 1969 on the use of funds "to finance the introduction of American ground combat troops into Laos or Thailand." [99]

Yet, general Congressional support of the war continued until late spring of 1970. Reports of B-52 air strikes against North Vietnamese forces in Laos had aroused cries in Congress for publication of secret testimony earlier given Senators about our operations there,[100] but the real storm broke after joint U.S.-South Vietnamese ground attacks were made against North Vietnamese bases deep in Cambodia during eight weeks of May and June 1970.[101] On June 30, the date promised to Congressional leaders as the deadline for the operation, the Senate passed the Cooper-Church amendment which directed that the United States could not retain forces in Cambodia and could not pay military instructors in Cambodia or conduct air combat activity in support of Cambodian forces.[102] An amendment offered by Senator Robert Byrd, to allow the President to take whatever "temporary action" he deemed necessary for protecting lives of U.S. forces in South Vietnam, had been defeated on June 11.[103] The vote against the Byrd amendment was 52 to 47,[104] and the vote for the Cooper-Church limit was 58 to 37.[105] The amendment was delayed in conference with the House and was not enacted until early the next year. As revised, it forbid the introduction of ground combat troops or advisers into Cambodia, but did not prevent the use of U.S. troops in border sanctuary operations designed to protect the lives of American soldiers, nor prohibit their use in supervising military deliveries to Cambodia.[106]

The same restriction was placed on our allies in 1971. An amendment to the Military Procurement Authorization Act for fiscal year 1971 provided that the statute shall not "be construed as authorizing the use of any funds to support Vietnamese or other free world forces in actions designed to provide military support to the Government of Cambodia or Laos."[107] Little noted is the fact that the same statute provided $2.8 billion for the support of Vietnamese forces.[108] The restriction was repeated in the Department of Defense Appropriations for fiscal 1972.[109] Again Congress reviewed its basic commitment to the war by providing another $2.5 billion in the same law for support of Vietnamese forces and local forces in Laos and Thailand.[110]

The real herald of what was in store is the McGovern-Hatfield amendment, which as introduced in August 1970 would have legislated a U.S. withdrawal by cutting off all funds for the war after December 31, 1971.[111] The amendment was defeated on September 1, 1970, by a vote of 39 yeas and 55 nays,[112] but similar measures were repeatedly introduced, with revised dates and increased success until the Paris Peace Accord was announced on January 23, 1973.[113] After September 1970, Congress' commitment fast became an impediment.[114]

Congress continued pressing the President in 1971 to set a firm, previously announced date for total withdrawal of U.S. forces even though Secretary Kissinger had already offered one to North Vietnam in a secret meeting at Paris on May 31 and had been rejected.[115] On June 22, the Senate passed by a vote of 57 to 42 the Mansfield "Sense of the Senate" resolution calling on the President to pull out all American forces within nine months if Hanoi would release our prisoners.[116]

The final version of this amendment, enacted September 28, substituted for this deadline a policy of "prompt and orderly withdrawal of all United States military forces at a date certain", subject to the release of POWs and an accounting for MIAs.[117] On September 30, the Senate voted for another version of the Mansfield Amendment calling for a pull out in six months, instead of nine.[118] In November 1971, House and Senate conferees dropped the six months limit and, again substituted language declaring it to be "the policy of the United States" to carry out a "prompt and orderly withdrawal . . . at a date certain."[119]

Thus, by the end of 1971 a majority in Congress had formed on the policy of withdrawal for prisoners. The President, however, was still committed to tying withdrawal to cease-fire, as well as to release of the POW's, so that Saigon would have a chance of survival.[120] In May of 1972, President Nixon ordered the mining of North Vietnamese harbors and mass bombing attacks north of the 20th parallel, including Hanoi and Haiphong.[121] After a suspension of bombing north of the 20th parallel in late October, President Nixon resumed the bombing on December 18, the so-called "Christmas bombing," which lasted twelve days, and he used B-52s on a sustained basis for the first time over the northern part of North Vietnam.[122] Henry Kissinger writes that the reaction of Congressional leaders was so strong that there was "no doubt anymore that Congress would move rapidly toward a cutoff in aid," once the legislature assembled again on January 3, 1973.[123]

Hanoi did not wait. Negotiations resumed in Paris, after breaking down on December 13, and the peace agreement was initiated within six weeks of the first bombing.

So ended what little was left of the Congressional commitment to the war. Even before Watergate undermined the President's authority, the Executive had already come to the end of the road in Vietnam. After the dimensions of Watergate became know, Congress passed a series of laws prohibiting the President from enforcing the peace accord.[124] The consequences are still being felt today.[125]

FOOTNOTES

[*] A discussion of rules of engagement is outside the scope of Congress' commitment to the war, but the rules are mentioned here because some legislators believe these restrictions were the prime impediment to a military victory in the Vietnam War. At Senator Goldwater's urging some of the rules were declassified in June 1975. Under one rule our pilots were not permitted to attack a North Vietnam Mig sitting on the runway. The only time it could be attacked was when it was in operation and showed hostile intentions. The same "hostile intention" rule applied to truck convoys driving on highways in North Vietnam. Another rule provided that SAM missile sites could not be struck while they were under construction, only after they were operational. 121 Congressional Record 17551-17558, June 6, 1975.

[1] J. MacGregor Burns, *Roosevelt: The Soldier of Freedom*, Harcourt Brace Jovanovich, New York (1970), at 130.

[2] *Id.*, at 379.

[3] *Id.*

[4] *Id.*, at 591.

[5] Dean Acheson, *Present at the Creation*, W. W. Norton, New York (1969), at 671.

[6] *Id.*, at 672.

[7] For report to the National Security Council by the Executive Secretary on U.S. policy to develop "a strong nationalist anti-Communist counterforce" in Indochina, see *Foreign Relations of the United States*, 1950, vol. 1, U.S. Department of State, Washington, D.C. (1977), at pp. 438-439.

[8] Mutual Defense Assistance Act, P.L. 81-329, sec. 303, 63 Stat. 709, 716, approved October 6, 1949. For remarks of Senator Connally, as manager of the bill, describing "Indochina" within "that general area", see 99 Congressional Record 13022 (September 19, 1949).

[9] *Public Papers of the Presidents of the United States: Harry S. Truman*, 1950, U.S. Government Printing Office, Washington, D.C. (1965), pp. 527-537, especially 531. Also, see 96 Congressional Record 9546, June 30, 1950 (Senate), 10526, July 18, 1950 (House).

[10] P.L. 81-621, sec. 8, 64 Stat. 373, 375, approved July 26, 1950.

[11] 3 UST 2756.

[12] Acheson, *supra* note 5, at 674.

[13] *Id.*, at 676.

[14] *Id.*, at 677.

[15] *Id.*

[16] *Congressional Quarterly Almanac, 1953*, C.Q. News Features, Washington, D.C. (1954), at 158.

[17] 99 Congressional Record 10335-36, especially remarks of Senator Dirksen (July 29, 1953).

[18] Acheson, *supra* note 5, at 677. $400 million had been appropriated for equipment, materials and services for forces in the Associated States of Indochina in the Mutual Security Appropriation Act for fiscal 1954, P.L. 83-218, 67 Stat. 478-479, approved August 7, 1953.

[19] Ellen C. Collier, M. T. Haggard, Larry A. Niksch, "United States Policy Toward Vietnam: A Summary Review of Its History", Congressional Research Service, Library of Congress, Washington, D.C. (July 20, 1972), at 14.

[20] Theodore C. Sorensen, *Kennedy*, Harper & Row, New York (1965), at 650.

[21] CRS, *supra* note 19, at 20-21.

[22] Southeast Asia Collective Defense Treaty, 6 UST 81.

[23] *Id.*, at 87.

[24] Executive Report No. 1, Senate Committee on Foreign Relations, 84th Congress, 1st Session, January 25, 1955, at 3.

[25] Hearings on the SEATO Treaty by Senate Committee on Foreign Relations, 83rd Congress, 2nd Session, November 11, 1954, Part 1, pp. 21, 22.

[26] *Id.*, at 13.

[27] SEATO report, *supra* note 24, at 9.

[28] *Id.*, at 21.

[29] 101 Congressional Record 1053, February 1, 1955.

[30] 101 Congressional Record 1052.

[31] 101 Congressional Record 1051.

[32] 101 Congressional Record 1054; SEATO report, *supra* note 24, at 15.

[33] *Id.*, SEATO report, at 12.

[34] *Id.*

[35] 101 Congressional Record 1060, February 1, 1955.

[36] CRS, *supra* note 19, at 25-26.

[37] *Id.*, at 33.

[38] Sorensen, *supra* note 20, at 640.

[39] *Id.*, at 643.

[40] *Id.*, at 646.

[41] *Id.*, at 647.

[42] *Id.*, at 654. And see Lyndon Johnson, *The Vantage Point*, Holt, Rinehart & Winston, New York (1971), at 57.

[43] Johnson, *id.*, at 53.

[44] *Id.*, at 55.

[45] Sorensen, *supra* note 20, at 657-660.

[46] CRS, *supra* note 19, at 41.

[47] Foreign Assistance Act of 1963, P.L. 88-205, 77 Stat. 379, approved December 16, 1963.

[48] Johson, *supra* note 42, at 112-113.

[49] *Id.*, at 113.

[50] *Id.*, at 112-114.

[51] *Id.*, at 115. Formosa Resolution, H.J. Res. 159, P.L. 84-4, 69 Stat. 7, approved January 29, 1955; Middle East Resolution, P.L. 85-7, 71 Stat. 5, approved March 9, 1957. In fact, President Eisenhower did not base his authority to move combat forces into Lebanon in the 1958 crisis on the resolution.

[52] Johnson, *id.*, at 116-117.

[53] *Id.*, at 118.

[54] See message of President Johnson reporting to Congress on attacks in Gulf of Tonkin, 110 Congressional Record 18132 (August 5, 1964).

[55] P.L. 88-408, 78 Stat. 384, approved August 10, 1964.

[56] Johnson, *supra* note 42, at 118.

[57] 110 Congressional Record 18409 (August 6, 1964).

[58] Foreign Military Sales Act Amendments, P.L. 91-672, sec. 12, 84 Stat. 2053, 2055, approved January 12, 1971. Repealed Southeast Asia Resolution, effective close of second session of 91st Congress.

[59] *Congressional Quarterly Almanac, 1964*, Congressional Quarterly Service, Washington, D.C. (1965), at 300.

[60] Foreign Assistance Act of 1964, P.L. 88-633, sec. 201(b), 78 Stat. 1009, 1010, approved October 7, 1964; Foreign Aid Appropriations for fiscal 1965, P.L. 88-634, secs. 107, 201, 78 Stat. 1015, 1017, approved October 7, 1964.

[61] See President Johnson's message to Congress requesting additional appropriations to meet military requirements in Vietnam, 111 Congressional Record 9282-84 (May 4, 1965).

[62] Johnson, *supra* note 42, at 122-132.

[63] *Id.*, at 128.

[64] *Id.*, at 138.

[65] *Id.*, at 141.

[66] 111 Congressional Record 9540-41 (May 5, 1965); 111 Congressional Record 9772 (May 6, 1965).

[67] Department of Defense Supplemental Appropriation for fiscal year 1965, P.L. 89-18, 79 Stat. 109, approved May 7, 1965.

[68] Johnson, *supra* note 42, at 143.

[69] *Id.*, at 144-145.

[70] *Id.*, at 146.

[71] *Id.*, at 148.

[72] *Id.*, at 150-151.

[73] *Id.*, at 153.

[74] Department of Defense Appropriation Act for fiscal year 1966, P.L. 89-213, Title V, 79 Stat. 863,

872, approved September 29, 1965; and see 111 CONGRESSIONAL RECORD 14500-14501 (June 23, 1965), 21734 (August 25, 1965), 24262 (September 17, 1965), and 24573 (September 21, 1965).

[75] Johnson, *supra* note 42, at 2[illegible]6.

[76] *Congressional Quarterly Almanac, 1966*, Congressional Quarterly Service, Washington, D.C. (1967), at 153.

[77] Military Procurement Authorization Act for fiscal 1966, P.L. 89-367, sec. 301, 401, 80 Stat. 36, 37, approved March 15, 1966; Supplemental Defense Appropriation Act for fiscal 1966, P.L. 89-374, sec. 102, 80 Stat. 78, 82, approved March 25, 1966.

[78] Foreign Assistant Act Amendments, P.L. 89-371, sec. 3, 80 Stat. 74, approved March 18, 1966; and see 112 Congressional Record 4004-4005 (House proceedings, February 24, 1966), 5541-5544, (Senate proceedings, March 10, 1966).

[79] Report No. 1060 on Foreign Assistance Act Amendments, Senate Committee on Foreign Relations, 89th Congress, 2nd Session, March 9, 1966, at 12, supplemental views of Senators Church and Clark; *Congressional Quarterly Almanac, 1966*, Congressional Quarterly Service, Washington, D.C. (1967), at 395.

[80] Johnson, *supra* note 42, at 240, 246, 578.

[81] See President Johnson's fiscal 1968 Budget message sent to Congress January 24, 1967, 113 CONGRESSIONAL RECORD 1350-1352.

[82] Armed Forces Supplemental Authorization Act for fiscal 1967, P.L. 90-5, secs. 301, 401, 81 Stat. 5, 6, approved March 16, 1967; Supplemental Defense Appropriation Act for fiscal 1967, P.L. 90-8, 81 Stat. 8, approved April 4, 1967.

[83] Johnson, *supra* note 42, at 263, 370.

[84] *Id.*, at 368.

[85] Foreign Assistance Act of 1966, P.L. 89-583, secs. 106, 108, 201, 80 Stat. 795, 799-802, approved September 19, 1966; Department of Defense Appropriations Act for fiscal 1977, sec. 640, P.L. 89-687, 80 Stat. 980, 997, approved October 15, 1966; Armed Forces Authorization Act for fiscal 1968, P.L. 90-22, sec. 301, 81 Stat. 52, 53, approved June 5, 1967; Department of Defense Appropriation Act for fiscal 1968, P.L. 90-96, sec. 639, 81 Stat. 231, 248, approved September 29, 1967; Military Construction Authorization Act for fiscal 1968, secs. 301, 502, 802, P.L. 90-110, 81 Stat. 279, 307, 308, approved October 21, 1967; Second Supplemental Appropriations Act for fiscal 1968, P.L. 90-392, 82 Stat. 307, 311, approved July 9, 1968; Armed Forces Authorization Act for fiscal 1969, sec. 401, P.L. 90-500, 82 Stat. 849, 850-851, approved September 20, 1968; Department of Defense Appropriations Act for fiscal 1969, P.L. 90-580, sec. 537, 82 Stat. 1120, 1136, approved October 17, 1968.

[86] Johnson, *supra* 42, at 578.

[87] Henry Kissinger, *White House Years*, Little, Brown & Co., Boston (1979), at 235. Secretary of Defense Clark Clifford said on September 29, 1969, "the level of combat is such that we are building up our troops, not cutting them down." *Id.*, at 271.

[88] *Id.*, at 578.

[89] Hearings before the Senate Committee on Foreign Relations on S. Res. 151, 90th Congress, 1st Session, August 16, 17, 21, 23 and September 19, 1967. These were the first of a series of hearings begun in 1967 and continued in 1969 on the state of Congress' Constitutional role on the making of American foreign policy. S. Res. 151 asserted that a national committment to a foreign power required in one form or another the approval of Congress. S. Res. 85, 91st Congress, 1st Session, a modified version of the original S. Res. 151, was agreed to by the Senate on June 25, 1969. 115 CONGRESSIONAL RECORD 17245.

[90] Marvin and Bernard Kalb, *Kissinger*, Little, Brown & Co., Boston (1974), at 127.

[91] Johnson, *supra* note 42, at 512.

[92] Kissinger, *supra* note 87, at 272, 274.

[93] *Id.*, at 272.

[94] *Id.*, at 247-249.

[95] *Id.*, at 290.

[96] S. Con. Res. 39, 91st Congress, 1st Session, introduced October 9, 1969, 115 CONGRESSIONAL RECORD 29397-98 (text and explanation), 30971, 33838.

[97] S. Res. 270, 91st Congress, 1st Session, introduced October 8, 1969, 115 CONGRESSIONAL RECORD 29106-29116 (text at 29114), 30659.

[98] S. Con. Res. 40, 91st Congress, 1st Session, introduced October 14, 1969, 115 CONGRESSIONAL RECORD 29800-29803 (text at 29800).

[99] The first Cooper-Church amendment was incorporated in the Department of Defense Appropriatons Act for fiscal 1970. P.L. 91-171, sec. 643, 83 Stat. 469, 487, approved December 29, 1969. The prohibition was retained in the 1971 and 1972 Defense Appropriations. P.L. 91-668, sec. 843, 84 Stat. 2020, approved January 11, 1971; P.L. 92-204, sec. 742, 85 Stat. 716, 735, approved December 18, 1971.

[100] Kissinger, *supra* note 87, at 452-53.

[101] *Id.* at 505-507

[102] See text of Cooper-Church amendment at 116 CONGRESSIONAL RECORD 15556-57 (May 14, 1970).

[103] See text of Byrd, West Virginia, amendment at 116 CONGRESSIONAL RECORD 19410.

[104] 116 CONGRESSIONAL RECORD 19424.

[105] 116 CONGRESSIONAL RECORD 22251.

[106] Special Foreign Assistance Act of 1971, P.L. 91-652, sec. 7(a), 84 Stat. 1942, 43, approved January 5, 1971. A year later the Congress enacted the Symington-Case amendment which limited the total number of U.S. military and civilian personnel in Cambodia to 200. Foreign Assistance Authorization Act of 1971, P.L. 92-226, sec. 656, 86 Stat. 20, 30, approved February 7, 1972.

[107] Armed Forces Authorization Act for fiscal 1971, P.L. 91-441, sec. 502, 84 Stat. 905, 910, approved October 7, 1970.

[108] *Id.*, sec. 502, 84 Stat. 910.

[109] Department of Defense Appropriation Act for fiscal 1972, P.L. 92-204, sec. 742, 85 Stat. 716, 734, approved December 18, 1971.

[110] *Id.*, sec. 738, 85 Stat. 734.

[111] See text of amendment no. 862 at 116 CONGRESSIONAL RECORD 30464 (August 31, 1970).

[112] 116 CONGRESSIONAL RECORD 30683.

[113] The Agreement on Ending the War and Restoring Peace in Vietnam, 24 UST 1, January 27, 1973; Joint Communique implementing the agreement and protocols, 24 UST 1675, June 13, 1973.

[114] Henry Kissinger writes that from the vote on the McGovern-Hatfield amendment forward the pattern was clear: "Hanoi could only be encouraged to stall, waiting to harvest the results of our domestic dissent." Kissinger, *supra* note 87, at 513.

[115] *Id.*, at 1018, 1044.

[116] Amendment no. 214 to Military Selective Service Act, 117 CONGRESSIONAL RECORD 21307 (text), 21308 (vote).

[117] Military Selective Service Act, P.L. 92-129, sec. 401, 85 Stat. 348, 360, approved September 28, 1971.

[118] Amendment no. 437 to Military Procurement Authorization Act for fiscal 1972, 117 CONGRESSIONAL RECORD 34244. The amendment was approved by a vote of 57 to 38.

[119] P.L. 92-156, sec. 601, 85 Stat. 423, 430, approved November 17, 1971. The House persisted throughout 1971 in rejecting all specific timetables for ending U.S. activities in Vietnam. Nedzi-Whalen amendment defeated 158 to 255, 117 CONGRESSIONAL RECORD 20578-79 (text and vote) (June 17, 1971); Whalen motion to accept Mansfield amendment tabled 219 to 175, 117 CONGRESSIONAL RECORD 22429 (June 28, 1971); Boland amendment rejected 163-238, 117 CONGRESSIONAL RECORD 41807 (text), 41834 (vote), November 17, 1971; Ryan motion to instruct conferees to agree to Mansfield amendment tabled 130 to 101, 117 CONGRESSIONAL RECORD 47432 (December 16, 1971).

[120] Kissinger, *supra* note 87, at 1307.

[121] *Id.*, at 1301.

[122] *Id.*, at 1390, 1448, 1452.

[123] *Id.*, at 1453.

[124] For a detailed analysis of the several legislative prohibitions on military activity in Indochina, beginning with the Eagleton amendment restricting bombing in Vietnam, Cambodia or Laos, and the rejection of military aid to Vietnam, see Chapter 1, "The Legislated Peace," in *Foreign Policy by Congress*, by Professors Thomas Frank and Edward Weisband, Oxford University Press, New York (1979), pp. 13-33. See also H. Kissinger, *Years of Upheaval*, Little, Brown & Co., Boston (1982), pp. 338, 355-361.

[125] Henry Kissinger believes the impediments which Congress put on the ability of the Nixon and Ford Administrations to enforce the peace settlement "not only led to genocidal horrors in Indochina; from Angola to Ethiopia to Iran to Afghanistan, it ushered in a period of American humiliation, an unprecedented Soviet geopolitical offensive all over the globe, and pervasive insecurity, instability, and crisis." Kissinger, *id.*, at 88.●

FOREST MANAGEMENT IN IDAHO

● Mr. SYMMS. Mr. President, the issue of forest management in Idaho has continued to draw much attention from the press and other media. One would guess from a typical newspaper headline that there is great contention in the State—pitting pro-wilderness factions against the timber and mining industries. The truth is that there exists a much greater consensus among Idahoans as to the necessity of ending the wilderness question on our forest lands.

The Idaho delegation's bill, the Idaho Forest Management Act, has received a broad spectrum of support. My office here in Washington has received the comments of over 6,000 Idahoans who believe that new additions to the State's wilderness system are unnecessary. These letters have come from individuals of many varied interests and from numerous different professions.

One letter which I recently received expresses particularly well my own reasons for supporting the proposed legislation. Mr. President, I ask that this letter be printed in the RECORD.

The letter referred to follows:

LEWISTON, ID,
May 18, 1984.

Hon. STEVE SYMMS,
Senate Office Building, Washington, DC.

DEAR SENATOR SYMMS: As a college biology professor, I'm aware that the money I'm paid comes largely from Idaho taxpayers. I'm also aware that all of Idaho education as well as other services, is currently caught in a funding crunch. It's in my own interest that this crisis should be solved. That's why I'm concerned about large addition to Idaho's federally designated Wilderness areas.

As a biologist, I recognize the values Wilderness has for watershed, for animal habitat, for recreation, and for serving as a touchstone by which we may judge our success at managing developed lands.

But as a teacher, I also have to be aware of people problems.

Some 25 percent of Idaho's non-farm economic base lies in its timber industry. In a state in which the Forest Service is the largest owner by far of commercial timberland, this means the availability of Forest Service timber is vital to the economic health of the businesses and employees who pay my wages.

Idaho already has nearly 4 million acres of legally untouchable Wilderness. This is more than any other state except Alaska. Further large additions will severely crimp the forest products industry—and others, such as mining and grazing—who rely heavily on public lands.

Forest lands can be managed successfully to provide both the continuing economic resources available and most of the values we seek in Wilderness. It's time to strike a balance.

Congress should put an end to the 20-year-old Wilderness struggle by declaring, "that's enough." Make sure adequate protections are in place for land that's released for multiple use, set Wilderness limits permanently, and move on to the many other important issues facing it . . . such as proper funding for education.

Sincerely,

GERALD M. BAKER, Ph.D.●

THE U.N.—A MATTER OF RESPONSIBILITY

● Mr. SYMMS. Mr. President, I ask that the following article, printed in the May 16 Baltimore Sun, be printed in the CONGRESSIONAL RECORD. The article, authored by Senator BOB KASTEN of Wisconsin, explains the significance of U.N. voting records. Senator KASTEN convincingly suggests that voting records be a factor in our consideration of U.S. contributions to the U.N. and in our foreign policies.

To those who have studied firsthand the U.N. and its operations, as BOB KASTEN had the opportunity to do, it is readily apparent that the U.N. has become the world stage for anti-American propaganda and manic denunciations of American foreign policy. With limited resources available for Federal expenditures for foreign aid, I believe it most important that we target these resources to countries which value the same principles of democratic government and individual freedom that we do; voting records are strong indicators of where U.N. members stand on these issues. I applaud Senator KASTEN's continuing efforts to educate the American people and the Congress about the true nature of the United Nations.

THE U.N.—A MATTER OF RESPONSIBILITY

WASHINGTON.—It is surprising that columnist Carl Rowan consider it "silly" to keep tabs on U.N. voting behavior, especially among nations that receive U.S. foreign aid ["The Kasten Plan—Drawing the Line at the U.N." Opinion-Commentary, May 5].

Contrary to what Mr. Rowan suggests, it is not "a bad idea" to use voting behavior in the U.N. as one factor in determining foreign assistance for countries that profess to be our friends, even our allies. It is a matter of accountability.

It is also a matter of responsibility or irresponsibility. Mr. Rowan really cannot have it both ways, Either we take the U.N. seriously, in which case the voting behavior of "friends" and "allies" does count for something. Or, if it's all just "silly" theater of the absurd, then we should consider cutting our losses and treat the U.N. as irrelevant to basic U.S. national interests.

In 1982, President Reagan appointed me to serve as a U.S. delegate in the General Assembly of the United Nations. When I got there, I found that for the past two decades the U.N. had become the pre-eminent international forum for anti-American activity. I was especially concerned because as chairman of the Senate Foreign Operations Appropriations Subcommittee, I know all too well that the United States pours more than $1 billion into the U.N. each year had another $12 billion into foreign aid programs. There are 158 countries in the United Nations, and yet the United States pays 25 percent of the bill.

In his commentary, Rowan refers to a new policy resulting from legislation I sponsored under which the State Department is required to provide the president and Congress with a report each each year on U.N. voting practices. My direct experience with the abuses suffered by the United States at the U.N. led me to believe that Congress simply must take a more active role in monitoring U.N. votes activities.

The first report was recently released by the State Department. It was full of outlandish examples of just how blatant the anti-American behavior is at the U.N. and how poorly—almost contemptuously—the United States is being treated.

Most Americans are generally aware of the decline in U.S. influence at the United Nations, but most would be upset, as I was, to experience at first hand the shocking anti-American rhetoric and voting there.

Furthermore, it is wrong for Mr. Rowan to suggest that I believe U.N. voting practices should be the sole criterion for receiving U.S. foreign aid. In the first of a series of speeches highlighting the contents of the report, I said, "I wish to be clear that I am fully in accord with Ambassador [Jeane] Kirkpatrick's position as expressed in a statement before my appropriations subcommittee that U.N. voting practices ought not to be the only, nor necessarily even the major, consideration in our aid policies. Nevertheless, these voting practices must seriously be taken into account.

For the first time in history, we have a tool by which we can effectively study the voting behavior of individual members of the U.N. Congress and the American people will ultimately benefit from the availability of this information. So will our national interests.●

RECOGNITION OF THE INTERFRATERNITY CONFERENCE'S 75TH ANNIVERSARY OF ITS FOUNDING

● Mr. D'AMATO. Mr. President, I rise today to recognize the National Interfraternity Conference (NIC) as it is celebrating the 75th anniversary of its founding in 1909. The NIC is an organization that is composed of 56 college fraternities, representing 3 million members on more than 650 college campuses across the United States and Canada. The NIC is an organization dedicated to fostering the highest ideals in fraternity chapters—ideals such as scholarship, leadership, friendship, and student development.

The college fraternity is truly an American institution—dating back to December of 1776 in Williamsburg, Va. Since that time, the college fraternity has served as a breeding ground for individuals entering vital positions in our society.

It is the leadership training available in college fraternities that has proven so beneficial to alumni who have gone on to become leaders in business, science, religion, education, and government. However, in no other field does fraternity leadership training seem to prove more beneficial than in public service. Twenty-three U.S. Presidents were members of college fraternities, including President Reagan. Most U.S. Vice Presidents were members of fraternities, including Vice President BUSH.

In the 98th Congress, 143 Congressmen and 52 Senators were members of college fraternities. Mr. President, it is possible to go through all levels of public service and find individuals that have had experience in college fraternities.

Furthermore, college fraternities are active in local community organizations. In a recent report to President Reagan's Task Force on Private Sector Initiatives, a NIC study revealed that college fraternities annually raise more than $7 million and provide over 1 million man-hours of time to a wide variety of charitable, social service, and medical research agencies.

In addition to philanthropic activities, fraternities provide benefits to colleges and universities hosting fraternity systems. In most cases, fraternities provide a variety of housing opportunities and student activities. One study showed that members of college fraternities are more satisfied with their college experiences, while many surveys have shown that fraternity alumni are more loyal to their alma maters in the form of future financial support and recommendations of potential students to their colleges or universities.

Another area in which the NIC is playing an active role is in its opposition to hazing and its active support for alcohol education programs. The 57 members of the NIC have endorsed a resolution against hazing and illegal preinitiation activities.

More recently, at its 1983 annual meeting, the NIC unanimously approved a resolution calling for the lawful and responsible use of alcoholic beverages. The resolution calls for continuing support and development of alcohol education programs to help combat the nationwide problem of alcohol abuse among college students.

Mr. President, I think it is clear that the National Interfraternity Conference should be congratulated on its 75th anniversary and the conference and its member fraternities commended for the benefits they provide to our society. The combination of benefits to students, colleges and universities, and social service agencies is proof that the American college fraternity system deserves our appreciation.

As a loyal member of the Alpha Chi Rho chapter of Syracuse University, I believe that my fraternity experience has been beneficial in my development as a student, and as an adult and citizen. Like so many of my colleagues in government service, I believe my franternity experience contributes to my work as a U.S. Senator.

Mr. President, I am proud to congratulate the National Interfraternity Conference on 75 years of service to young men, colleges and universities, and the Nation.

Thank you, Mr. President.●

A PORTRAIT OF THE SAKHAROVS

● Mr. TSONGAS. Mr. President, men and women of good will around the world continue to follow closely developments concerning Drs. Yelena Bonner and Andrei Sakharov in the Soviet Union. Most recently, it has been reported that Dr. Sakharov, who began a hunger strike on May 2, was taken to a hospital shortly thereafter. Few details are available.

Indeed, because no foreigners are permitted in the city of Gorky, to which Dr. Sakharov has been confined for the last 4 years, and because communication with the outside world is made terribly difficult by Soviet authorities, we have rarely been able to keep close track of the Sakharovs' lives. But today I have been given a document that sheds a great deal of light on the tragic circumstances into which the Sakharovs have been forced. Dr. Jeremy Stone of the Federation of American Scientists has provided me with an interview conducted in February with a recent emigre from the U.S.S.R., Natal'ya Viktorovna Hesse, who is an old and trusted friend of the Sakharov family.

Natal'ya Hesse has known Yelena Bonner for over 30 years, and Andrei Sakharov since 1970. She has visited the couple in Gorky on seven occasions, and has stayed with them for periods up to 1 month. Before she left the Soviet Union, she met secretly with Sakharov in Gorky and visited Bonner in Moscow.

Ms. Hesse's portrait of the Sakharovs in internal exile is moving and disturbing. Among other things, she describes to interviewer Vladimir Tolz the evident deterioration in the health of Drs. Bonner and Sakharov early this year.

Mr. President, I ask that the English translation of this interview, conducted in Russian, be inserted into the RECORD.

The interview follows:

INTERVIEW

TOLZ. Natal'ya Viktorovna, you are someone who has recently seen Andrei Sakharov. Please tell us about your meeting with him.

HESSE. This was our seventh meeting over the past few years since his forced exile to Gorky. In this case, as also in the case of six other meetings (I will talk about the first one separately), the meeting took place on the street, at a prearranged place and a prearranged time. We didn't have much time. I already knew that I would be going away and I came to say goodbye to him. He has aged much, he is full of worries concerning the state of health of his wife, Yelena . . . But he is not broken, he is not bending; he is full of worry and he is physically weak; but he is strong in spirit as always. He continues to be the voice of Russia's conscience, which has been awakened and will not quiet down. And he always brings within him the free word and the free thought that our Russia misses so much.

Between incoherent and hurried exchanges—because we had only a few hours at our disposal—between some trivia and important topics—which we touched upon sometimes in more detail, sometimes with laughter and in sorrow—between questions about the life of our dear ones—who have been arrested, whose homes have been searched—we recalled Orwell, and I think this was not incidental. We have lived to see the year, predicted by Orwell—1984. And it may seem strange to a Western person, it may seem that Orwell has nothing to do with real life, that his fearsome utopia still remains in a utopia or maybe an anti-utopia. However, the Soviet authorities—our dear KGB—have overtaken Orwell by four whole years: in 1980, Andrei Sakharov and his wife, Yelena Bonner, were plunged into a world that surpassed Orwell's nightmarish fantasies.

I can tell you about this in greater detail. I will try to explain concretely what I have in mind. In 1980, I had some luck, having arrived in Gorky on January 25, 1980, immediately after the seizure and forced transportation of Andrei to Gorky. His routine at that time had not been set yet; the authorities didn't know yet how to organize it, and I was able to stay with them for one whole month. Their whole apartment is bugged, there isn't a corner where one couldn't listen to each sigh, each cough, each footstep, not to speak of conversations. Only thoughts can remain secret, if they haven't been put down on paper, because if the Sakharovs go to the bakery or to the post office to mail a letter, the KGB agents will search the place—they will either photograph or steal the written thought.

Andrei with his weak heart, his inability to walk up even five or seven steps without pausing for breath and trying to quiet the heartbeat, is forced to carry a bag that I, for example, can't lift. When once we went into a shop, he asked me to watch over this bag, but I wanted to see what was on the shelf, and I had to drag the bag after me. I just could not lift it. In this bag Andrei carries a radio-receiver because it would be damaged if left at home, all his manuscripts—both scientific and public ones, diaries, photos, personal notes. He has to carry all this around with him. I think all this must weigh no less than fifteen kilos. And this man with a bad heart—suffering from acute hypertension—is forced to carry this bag every time he leaves his home, even if it is only for ten minutes.

In addition to a normal jamming device, there is, in the apartment, a special generator that creates additional interference over and above the interferences caused by conventional jammers in all cities of the Soviet Union. This is a terrible growl that drowns even the jammer's noise. In order to hear at least some Free World voice, one has to go away from the house. It would be better to go out of town, but Andrei Dmitrievich cannot take but even one step beyond the city limit, to go past the sign with the word "Gorky" on it. He is immediately turned back, he is denied such a possibility, although there is no verdict condemning him to such kind of isolation.

This is complete lawlessness on the part of the so-called competent bodies. It is very interesting that the recent law on citizenship uses this term "competent bodies" without any explanation. This is one example of the extent of lack of legality in our state. There cannot exist a judicial term that is not and cannot be explained. However, the law states that some cases must be reviewed by the MVD, while in some other instances, as prescribed by other articles, the same cases are supposed to be dealt with by "competent bodies." It is not clear who these "competent bodies" are. When the term is used in the press, one can only guess who and what they are. But when this is not explained in the text of the law, one may only make a helpless gesture and just wonder.

TOLZ. Natal'ya Viktorovna, you were going to tell us about your first visit to Gorky in greater detail.

HESSE. Yes. At that time I managed to stay there for a month, side by side with Sakharov and Yelena, who, however, often traveled to Moscow trying to do something there to make Andrei's life easier. A lot of interesting things were going on. There was a stream of letters, great numbers of them, ten and occasionally a hundred a day. After a few days, I began to sort them out—having decided to take a look—because there were all kinds of letters: some greeting and supporting him, some bewildered, some neutral ones in which people asked him to explain his position—asking whether what the Soviet papers wrote about him was true.

But some of the letters were abusive—there were curses, there were threats. Some letters were, I would say, of an extreme nature. One letter was, in my view, very funny. We all laughed terribly when it arrived: "We, second grade pupils, sternly condemn the position of Academician Sakharov, who wants to unleash an atomic war between the Soviet Union's peaceful democracy and the rotten Western world. Shame on Academician Sakharov! Second grade pupils." Such a letter was obviously dictated by an illiterate teacher.

Another extreme letter was also very interesting and somehow simply touched one's heartstrings. It began with some swear words, but not obscene, no. And further, it said: "I am seventy-four years old. I am a construction engineer. I live well and have a separate room in a hostel. The water pump is about 300 meters from where I live, and I have to carry firewood from the woods, but still I am a patriot. And your studies were paid for by Soviet money, but you have now betrayed your homeland." This letter was from a woman who represents one of the most terrible types of Soviet patriots. When a person exists at the very bottom level of human life and does not realize it—imagining that he lives well—this is very frightening.

After about a week I said: "Listen, these letters must be sorted out, so that we can see the result. There are already many hundreds of them, I'll review and assess them, and then we'll total them up." When all this was done, I loudly proclaimed: "Well, kids, this is terribly interesting: 70 percent are messages of greeting, 17 percent are neutral or expressing bewilderment, and only 13 percent are abusive ones." The result of this careless remark—made aloud—was very unexpected.

Letters with greetings and voicing approval simply ceased to arrive. From the very next day, we began to receive only abusive letters. This was evidence of very attentive and well-organized monitoring and a very careful analysis of all conversations within the apartment.

The second incident happened when I was already gone. I heard about it from Yelena. She had walked to the window, and looked at the joyless, empty lot covered with trash, and at the highway beyond with roaring trucks passing by, said: "From the window in Moscow one can see Red Square, but from this window, only a bit of the street, trash, and all kinds of debris. It is better not to look out the window." And then turning to Andrei, who was standing behind her, she said: "You know, Andrei, I think I'll photograph this, take a picture and send it to the West. Let them look at this wonderful landscape." The next day three trucks arrived and soldiers collected all the trash on the empty lot in front of the windows. Commenting on this, Yelena used to say jokingly: "Thus, I'll bring order to Gorky."

I have already said that Sakharov was not allowed to leave Gorky's city limits, to step beyond the sign with the name "Gorky." But the house itself—although within the city limits—is located near the border line. Then there is a ravine—also still within the city limits; it is a sort of an empty lot and a thick aspen grove. Andrei and Yelena once decided to take a walk along a narrow path and—in accordance with the rules—two persons in civilian clothes tagged after them. The Sakharovs exchanged some glances and, having gone separately in different directions away from the path, hid in the thick bushes. Having lost sight of them, the agents began running to and fro. Within three minutes a helicopter arrived on the spot, descended to about five meters above the ground, and the KGBists with scared and fierce faces stared from all windows of the helicopter, trying to locate the Sakharovs. Thus it is impossible to hide from the KGB's "almighty eye" anywhere—even in thick aspen bushes.

The methods used to keep the Sakharovs isolated are sometimes pretty entertaining, I would say. Once, a famous musician—a guest performer from Moscow—visited Gorky, and they decided to go to his concert. They bought tickets beforehand and then came to the concert. It so happened that they had tickets for the fifth row, and they were surprised and amazed to discover that the four rows ahead of them were empty—there was not one person sitting there. Whether the people who had bought tickets for these rows had been reimbursed or had been prevented from attending the concert by some other method was unknown, but Andrei and Yelena sat in the fifth row, with five rows around them—four rows in front and their own row—unoccupied. The row behind them was occupied by KGBists. Since then, the Sakharovs have avoided going to concerts. They have confined themselves to going to the cinema—in the darkness little attention is paid to them there.

Tolz: Natal'ya Viktorovna, a persecution campaign against Sakharov has become especially intensive recently in the Soviet press, as well as in some books—one by Yakovlev, in particular. Please, tell us in greater detail about this stage of Sakharov's persecution that began, I think, about a year ago.

Hesse. First of all, I will tell you about the Yakovlev episode. Yakovlev has expressed himself in the most shocking manner—his writing cannot be called anything but slop. His book, *CIA against the USSR*, was published, I think, in 300,000 or 400,000 copies and was later reprinted several times with some changes (one should remember that with changes amounting to 20 percent of the original text, one can collect new royalties). He published this in the magazine *Smena* that has a circulation of 1.5 million copies and, finally, having redone it and having added a good dose of anti-Semitism, he published it in *Chelovek i Zakon* ("Man and the Law"). This sounds even more paradoxical, as this periodical has a circulation of almost eight million. So, together these two million have a circulation of about ten million.

Well, during our last meeting, Andrei told me in detail about his encounter with Yakovlev, who, strangely enough, was allowed to come to Gorky. Sakharov was very elaborate in his narration, laughing and, at the same time, expressing horror at the extent of man's downfall.

His doorbell rang. Yelena was in Moscow at the time. Sakharov was alone and was very much surprised. He decided that it must be a telegram. He opened the door. There was an unfamiliar man standing there with a woman—a man advanced in years ("Of my own age," said Andrei. Andrei let them in, and the woman immediately asked whether she could smoke in the apartment. Being an extremely well brought up person, Andrei showed them to the largest room, right across from the entrance, said "Please go in," and hurried into the kitchen to get an ashtray, as he himself does not smoke.

When he returned, his guests were already seated. He only had time to think: "Maybe some physicians have finally come from the Academy of Sciences in order to have me hospitalized finally." He thought so because a few months earlier, some physicians had come and had concluded that he was urgently in need of hospitalization. But these two were no medical doctors. The visitor by this time had already managed to display a pile of books and said: "I am Nikolai Nikolaievich Yakovlev. As you know, I am a writer. Or maybe you don't know this. But I brought you my books as a present and, if you agree, I will autograph them for you."

Andrei was taken aback somewhat by the unprecedented impudence and said: "I don't need your presents." He waved his hand, and one of the books fell on the floor. Nobody picked it up—neither Yakovlev nor Andrei. But Yakovlev continued: "Well, I have published, you know, some articles. And so, we have received many inquiries, and I am unable to answer them all. Therefore, I came here to ask you some questions and to get answers that we could relate to our readers."

Andrei retorted that he refused to talk to Yakovlev until the latter apologized in writing for slandering Sakharov's wife—Yelena Bonner—and her and his own—Andrei's—family, as well as Andrei himself. After this he grabbed the book, *CIA against the USSR*, which was lying nearby and feverishly began turning the pages. "How could you write such slander, such horrible slander? How could you have called our children 'smatterers' when they all have university education?" . . . To which Yakovlev replied, unperturbed: "Yes, I know."

To most of Andrei's angry questions, Yakovlev replied that he was aware of this or that. And only when asked, "How did you dare to write that my wife beats me?" Yakovlev said, "Well, so I was told in the prosecutor's office."[1] This man (Yakovlev) is so replete with cynicism and is of such moral degradation that he has no idea of either conscience or shame.

They talked a few more minutes. Yakovlev said: "I am not going to write an apology. If you think this is slander, you can refer the matter to court. And, speaking generally, try to understand that we are defending you." Andrei said: "I don't need your defense, and I am not going to go to court—I will just slap your face now." (It was at this point in the narration that I shuddered. I told Andrei that this was terrible—that it was a frightful moment. And he said he felt the same way).

Hearing this, Yakovlev, who was sitting at the table, covered his cheek with his hand. This is the utmost level of degradation when a person cannot even face a slap honorably, openly like a man. He covered part of his face with one hand, but Andrei, who has equal command of both of his hands—the left and the right one—slapped him on the unprotected cheek. At that point, Yakovlev and his companion ran away from the apartment—in the direct sense of the word: they jumped up, overturning chairs, and escaped.

Having finished the story about slapping Yakovlev's face, Andrei said to me: "You know, I have seen many different people in my life, including many bad ones. But this is something out of Dostoyevsky, this is Smerdyakov. One cannot sink any further."

In Moscow, it is said about Yakovlev that his father had been a general, did some time in Stalin's concentration camps, and was later released, allegedly in World War II and even was promoted to the rank of marshal. Yakovlev himself—a student at that time—landed in the camps in the middle or at the end of the war on some, probably insignificant charge (this was usual in Stalin's days), as he had never been an enemy of the Soviet regime. But when he was jailed, he immediately began to engage in slanderous accusations against all his acquaintances and allegedly dragged a multitude of completely innocent people into the hell of Stalin's camps.

When released, he was already a full-fledged informer and quickly began making a very successful career. He is an expert on America, and it is said that his books on historical topics are not bad at all. But those who know him also say that he is cynical in the extreme, that his motto is that the Soviet regime is so abominable that one can and must be a scoundrel, that everybody must become a scoundrel. Such is Yakovlev's position, and he practices it in real life perfectly well.

Tolz. Natal'ya Viktorovna, could you say something concerning Soviet citizens' reaction—in Gorky, in particular—to this defamation campaign against Sakharov and his wife Yelena which has now been intensified.

Hesse. Yes. The letter by four Academy members, directed against Andrei, has played a certain role, although not a very big one within the context of the campaign of defamation and slander that has been unleashed around Andrei and, particularly around Yelena. I think that the West is of the opinion that it was these four academicians' letter that played the principal part. (However, even among Academy members one can find alcoholics and people who would burden their conscience with heavy sins for their career's sake. And these four academicians, in particular, are known for being go-getters ready to do anything. They are known to have sunk very low and to have drowned themselves in alcohol.)

But in Gorky itself—and the campaign was unleashed mainly in Gorky—it was provoked not by the letter, which was published somewhere in the corner of a newspaper, but the fact that Gorky papers reprinted all of Yakovlev's insinuations concerning

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[1] Interviewer's note: At another point Hesse said she had been told that the editor, who had allegedly been working on Yakovlev's books, asked him once: "Nikolai Nikolaevich, where do you get material for your abominable articles?" And Yakovlev said: "Does one need any sources for this?"

Yelena and, furthermore, added their own commentaries. Since then, at somebody's command, an extremely vicious campaign was organized. The Sakharovs were even afraid to go to the bakery because they would be insulted. People would holler at Andrei and Yelena: "Your Yid-wife must be killed."

Their neighbor in the house had been helped by Yelena, who is a pediatrician (a very good pediatrician, an excellent physician), when the neighbor's child was suffering from an allergy and physicians in Gorky were unable to cure it. Yelena did help the child with her advice, and the child was cured. And this same neighbor used to cry: "It would have been better for my child to rot than to be touched by your dirty hands."

The Sakharovs' car would be covered with dirty graffiti: "War-monger, get away from here, away from our town!" This seemed to them (and I have discussed this at length with both of them) to be a spontaneous wave of wrath on the part of the people. But whenever I asked Yelena to describe each incident in detail, her story would always expose some "stage director" who directed each particular horrible act.

It is very easy to arouse indignation in our country. Indignation is fostered by the hardships of everyday life, by lines in front of the stores, by the whole drabness and oppression in Soviet reality, which is very hard. Therefore, it is sufficient to make just a little hole, to open up the valve just a bit, and one can direct the stream of hate and bitterness any way one wants to. When people are standing in a line, it is enough for someone to shout: "It's not his turn!" or "Don't give him two kilos instead of one!" and the crowd will release its anger upon the unfortunate victim. Thus it is a very simple task to orchestrate something like that.

As I said earlier, there was a stream of letters addressed to Sakharov. I did not have a chance to review them all, but I think the number of letters reflecting sincere views of their authors was much smaller in proportion to those dictated and organized by authorities.

Tolz. Natal'ya Viktorovna, it is known from the letters received from Yelena and Andrei that in the course of this persecution campaign, there were some very nasty incidents on the railroad. Could you tell us more about them.

Hesse. Yes, certainly. When this persecution campaign was in full swing, Yelena had to go to Moscow again in order to bring back some books necessary for Andrei's scientific work and food and other products unavailable in Gorky. She was forced to carry and bring such products all the way from Moscow. She boarded the train, and when it was under way for two or three minutes, one of her traveling companions in the compartment shouted: "I recognize you! You're Sakharov's wife! I don't want to travel on the same train with you to breathe the same air!" Another passenger—a man unrelated to this woman—sided with her. A third woman turned her face to the window and remained silent. "But you are Sakharov's wife, aren't you?" continued the first woman in a loud voice. Yelena Georgievna replied in the affirmative. "Get off the train!"

Yelena decided that she needed a moment to collect herself and went to the ladies' room. When she came out again, her male companion was already standing at the door hollering: "Stop the train! She has flushed something down the toilet. She is a CIA agent, one must search the tracks to see what she has gotten rid of!" Then the conductor arrived hurriedly at the scene and explained that she sympathized with those present and shared their feelings, but that this (Yelena Bonner) was a passenger, she had a ticket and could not be forced to get off the train.

The passengers then demanded to speak to the person in charge, who, in turn, took Yelena to the service compartment. Passengers from other cars then started an organized pilgrimage to this compartment. They would peek in the door and pour abuse on Yelena. The woman who had earlier turned her face away was told by other passengers to express her indignation. She did so, although previously she obviously did not want to. When things quieted down and people fell asleep, a grey-haired lady came to the service compartment, embraced Yelena and said: "My darling, be strong, they know not what they do. They have been taught to act this way." She embraced Yelena once more and kissed her, and at this point, Yelena was unable to control her tears any longer and cried all the way to Moscow. And she had made the trip although she had still not completely recovered from a previous heart seizure that, I understand, she had suffered during one of her earlier trips by train as a result of being subjected to a humiliating search.

That these people had been directed to board this particular compartment in order to start a row and to provoke the easily directed wrath—that all this was orchestrated is, I believe, clearly obvious.

Tolz. Natal'ya Viktorovna, you have now described one instance when Yelena witnessed a gesture of sympathy. Tell us, please, was this a unique incident as far as Yelena and Andrei are concerned, or can one cite other similar cases?

Hesse. Of course, one can. I have witnessed some of them myself. The Sakharovs did not tell me about many things, but I've seen myself that people passing by the windows of their apartment would furtively glance around and, having made sure that no one was noticing, would wave at Andrei.

Once we took a taxi because we just wanted to go sightseeing around Gorky, and when Yelena and Andrei left that cab for a moment, the driver quickly asked me whether this was Sakharov. I said yes, it was. "Ah, in this case I'll really make an effort and show all the beautiful places." And he took us around Gorky's ancient churches—some of them in ruins but some of them still holding religious services.

During my next visit (incidentally, this happened to be my last visit; it was alone with Andrei, Yelena was in Moscow at the time), the taxi driver didn't want to take on any passengers because he had completed his shift and was driving in a different direction. Eventually, we managed to talk him into driving us to the nearest taxi stop. Suddenly, in the midst of conversation, he, strangely enough, realized who his passenger was. He said: "I know now who you are. Now I'll drive anywhere you want to." "But this is not on your way," we said. "Doesn't matter, of course I'll do it for such a person." And he drove us wherever we wanted to go. First, we wanted to visit an old half-ruined church that was practically impossible to approach in a car because of the knee-deep mud. But this man would not let us get out of the cab. He said, "Oh, no. I will drive Sakharov anywhere he has to go."

Sometimes these expressions of sympathy assume curious forms. Once I was returning from Gorky and had to share the compartment with two men on a business trip—apparently they were from the Gorky auto factory. They were grown-up, mature persons, very business-like. They talked about their business affairs, but then noticed me and asked where I was from. "From Leningrad," I said. "Did you stay long in Gorky?" "No," I said, I arrived there this morning." "What, this morning? Then you only spend four hours there?" "Yes." "But what was the purpose of coming for only four hours?" I said that I wanted to visit some friends. "What kind of friends are they to force an elderly woman to come to Gorky on a four-hour visit? Couldn't they go and visit you instead?" I said that they couldn't because they were the Sakharovs.

Their faces turned impassive, and they resumed their business talk as if I wasn't there. After a while one of them said he wanted to go out to smoke a cigarette. Once he had left, the other one turned to me and showered me with questions: "Tell me, how does he live, how is his health? Listen, does he still work? Yes? And we were told that he didn't live in Gorky . . . What, you have seen him? Oh, do I envy you!"

At this moment, his companion returned and he fell silent. They talked among themselves for a while, and then the first one—the one who had talked to me—left the compartment. The second one began asking me the same questions and was full of sympathy. In other words, these are the people who, if told to denounce Sakharov at a meeting, would do it, but they are full of sympathy for him, are interested in him, support him in their hearts . . . They told me so themselves when left alone with me.

Tolz. Natal'ya Viktorovna, everything you say is very interesting. It is especially interesting because, as you have mentioned earlier, the authorities, prior to unleashing the latest persecution campaign—Yakovlev's campaign, so to say—had been trying to create the impression that Sakharov no longer lives in Gorky. Could you add some details?

Hesse. Yes, of course. The disinformation service, which, I think, is becoming more and more important in Soviet life, now employs, I believe, some pretty intelligent people who understand what kind of disinformation should be fed to the masses. And so, the Gorky disinformation service originated the rumor that the Sakharovs were not living in Gorky anymore. I have met a number of Gorky residents visiting Moscow or Leningrad—sometimes these were acquaintances of my friends, sometimes just incidental encounters—and they swore that they knew what they were talking about; that they had information from, as they put it, dependable sources to the effect that Sakharov and his wife had been transferred to some secret institute—either in Arzamas or beyond Arzamas, or maybe in Ryazan. There are different rumors.

This business of making the Sakharovs "invisible" is monstrous to such an extent that when Liza Alekseeva and I came to Gorky (this was when they had ended their hunger strike and were taken to a hospital for treatment), we could not find them, even hospital employees could not find them, because their names had not been included in the hospital records. However, we insisted on seeing them, claiming that we knew for sure that the Sakharovs were in this particular hospital. Actually, we did not know anything, we had not been told which hospital they were in, and we had come to this one purely intuitively. As a result, the receptionist made some phone calls and then found the name of Belyaeva on one of the lists, and some other name that we were unable to discern but turned out to stand for Sakharovs. Thus even the hospital personnel had no idea who their patients were, even though the Sakharovs were sharing one and the same hospital room at the time. They were allowed to share one room when they ended their hunger strike. But when it suddenly was decided to unleash the defamation campaign, the authorities claimed that the Sakharovs did not live in Gorky anymore.

Tolz. Natal'ya Viktorovna, it is known that Yelena Bonner does not stay in Gorky with her husband all the time and that she is obliged to come regularly to Moscow. What is her situation there? What is her general situation now?

Hesse. The conditions at their apartment in Moscow have become quite terrible since Andropov's taking over all the positions and jobs that he assumed. Now, in addition to two policemen posted at the entrance to the apartment itself (and it must be noted that whereas in Gorky they are ordinary policement, in Moscow there are either senior lieutenants or captains on duty at the entrance to the apartment upstairs), there is also a police car with flashing lights guarding the downstairs entrance, and the man in charge has the rank of a major at least.

It is amusing that these policemen are in turn watched over by KGB agents in civilian clothes who make sure that the policemen dutifully carry out their mission. They all have portable radio sets on their shoulders, and they communicate with each other. All visitors are checked against a special list. If a stranger tries to pass through and his name is not on the list, he must show his documents, and if he does not have any, he is simply not allowed in. No foreigners and no journalists are allowed to visit the apartment. The telephone at the Moscow apartment has been disconnected ever since Andrei's illegal exile to Gorky, but whenever Yelena comes to Moscow, they disconnect even the public telephone in the booth downstairs and, in order to call someone, she has to walk almost a kilometer up a very steep hill, which is practically impossible because of her heart condition. All in all, Yelena's health is in a terrible state; she has not yet recovered from the first heart seizure; she takes up to forty nitroglycerine pills; her lips and finger nails are of a dark blue color; and she is terrible to look at.

Now, when she came to Moscow the last time, she wanted to come to Leningrad to see me off, but I went to Moscow myself instead because I learned from friends about her condition, and it was clear that no farewell parties were possible. It was at this time that she suffered her second heart seizure, not having been completely cured after the first one. In general, both of them are denied medical help.

Andrei himself also has been in need of a medical checkup and treatment for a long time, and this was admitted by the physicians from the Academy of Sciences who visited Sakharov in Gorky the one and only time. We had some hope then that things would improve somewhat; but, like all our hopes, this one was also destroyed: Neither she nor he has been admitted to a hospital, although both are critically ill and in dire need of medical treatment.

And they cannot allow themselves to be treated by physicians in Gorky. These physicians displayed their true nature sufficiently during the Sakharovs' hunger strike. Other physicians at the Arsenal Hospital in Leningrad—it's a prison hospital—once proudly said that they are first and foremost "chekists"[1] and physicians only afterwards. Well, those Gorky doctors, not being professional chekists, nevertheless behaved accordingly, and it is therefore impossible to trust them and to be treated by them.

Once Andrei Dmitrievich was forced to go to a doctor because he had a toothache (and in such a case a person is willing to go anywhere), and the head of the dental clinic deceived him: she ordered him to leave his briefcase with his precious documents and manuscripts, and then personally turned the briefcase over to KGB agents. I think this incident is known in the West, but then she denied him medical treatment, claiming that he had insulted her—both as a woman and a citizen. It was naturally very strange to hear such words coming from this particular physician.

As I have already mentioned, Yelena is actually denied medical assistance in Moscow. A young man who recently graduated from a medical institute visits her at home. I've been present during many of her visits. She respectfully and, I would even say, piously listens to advice from Yelena, who is a physician herself. She writes her own prescriptions and decides her own treatment. Nevertheless, she urgently needs hospitalization because her condition is becoming ever more critical and her strength is leaving her—the strength that seemed to be inexhaustible. "Constant dripping of water wears away the stone", as we say in Russia. But in this case there were not drops but heavy blows on the stone and it began to give in. During our last meeting Andrei said: "The first thing to be done, the most important thing, is to force the authorities to allow Yelena to travel abroad for medical treatment. Tell the people you'll meet in the West that her death would be the end of me also. And being an eyewitness to all that has been happening, I can state that she is on the verge of dying, this is the truth."

We must do everything possible. I don't know, maybe the general public must appeal to their respected deputies so that they, in turn, would query their respective parliaments in order to raise this matter at the highest possible level. This is very important, especially now that we'll have a new ruler, a new head of state. He might show his goodwill and prove to the world that the Soviet Union is really ready to be good and not evil.●

JAMES D. DOHERTY

● Mr. TSONGAS. Mr. President, it gives me great pleasure today to announce to my colleagues in the U.S. Senate the appointment of James D. Doherty as president of the Independent Insurance Agents of Massachusetts.

Jim will take the helm of this statewide trade association representing 1,400 independent insurance agencies on June 11, at that organization's 1984 annual meeting in Newport, RI.

For 33 years, Mr. President, Jim has been a leader in the insurance business in the Bay State as treasurer and general manager of the Doherty Insurance Agency, Inc., of Andover, MA. He has also contributed his time and considerable talents to educational, political, religious, and charitable causes. Currently, Jim is chairman of the development committee and a member of the board of trustees of Merrimack College in North Andover. Married to the former Sheila M. Dalton, he is the father of five children.

Jim has been a member of the board of directors of the Independent Insurance Agents since 1979 and has held the positions of vice president and president-elect. It is clear that he has gained the support and respect of his colleagues in the industry and that his tenure as president will be a challenging and fruitful one.

At this time, Mr. President, I hope that you and my Senate colleagues will join me in applauding Jim Doherty for his outstanding contributions to his profession and to the Commonwealth of Massachusetts.●

CORRECTION—NATIONAL COUNCIL ON THE HANDICAPPED

(By request of Mr. Baker, the following statement was ordered to be printed in the Record:)

● Mr. WEICKER. Mr. President, on May 18, 1984, the Senate confirmed the nominations of four members of the National Council on the Handicapped. Among those appointments was that of H. Latham Breunig, Ph.D., of Arlington, VA. Mr. Breunig's home State was printed, in error, as being New York.

I ask that Mr. Breunig's correct residence, Arlington, VA, be noted in the Congressional Record of today's date.●

DR. TOMAS RIVERA

● Mr. BENTSEN. Mr. President, the recent death of Dr. Tomas Rivera is a great loss to the academic community and the many Texans whose lives he has touched. In his 48 years he had a distinguished career as administrator, educator, and writer of poetry and fiction. As chancellor of the University of California, Riverside, Dr. Rivera became the highest ranking Hispanic university administrator in the Nation and the youngest chancellor in California history.

Dr. Rivera's example of personal growth and unselfish contribution to society is inspiring. He was born and raised in Crystal City, TX, and spent most of his life studying and teaching in Texas universities, including Sam Houston State University, Trinity University, University of Texas in San Antonio, and University of Texas at El Paso. He served on many national councils dedicated to improve educational opportunities, and has been commended widely for his leadership and achievements in minority education.

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[1] Members of Cheka, as the secret police had been formerly called.

Unlike most academicians, Dr. Rivera did not limit his writing to his professional area of concentration. He was a noted contributor of poetry and literary critique, and published two critically acclaimed books, particularly "Y no se lo trago la tierra/ And the Earth Did not Part."

Among his many appointments, Dr. Rivera was named in 1980 by President Carter to the Commission on a National Agenda for the 1980's. Over the course of the past decade he became a well-traveled speaker on the subjects of Chicano education and literature.

While we are sad about the premature death of this distinguished Texan, we are grateful for his contributions to education nationwide and his studies of the problems Texas faces in teaching the Spanish speaking. Dr. Tomas Rivera will be missed by many, particularly his family. On behalf of Mrs. Bentsen and myself, I would like to extend our sympathy to Concepcion, his wife, and to Ileana, Iraseman, and Javier, his children.●

NEED FOR ADDITIONAL HEARINGS ON THE WILKINSON NOMINATION

● Mr. KENNEDY. Mr. President, during the recent congressional recess, two new articles have appeared which raise serious additional questions about the nomination of J. Harvie Wilkinson III to be a judge of the U.S. Court of Appeals for the Fourth Circuit.

The first article, from the Washington Post of May 27, 1984, adds another disturbing and highly questionable incident to the accumulating story of the improper lobbying campaign directed by Wilkinson at the ABA. According to this report, Wilkinson pressured a third year black law student at the University of Virginia Law School to make an urgent call to the black member of the ABA screening committee just before the critical ABA committee vote last fall. If the facts as set out in this article was correct it seems clear that Mr. Wilkinson's action was unethical and violated the proper boundaries of the faculty-student relationship. At the very least, the committee should investigate this incident to determine the full circumstances involved, including whether Wilkinson approached any other students to make similar contacts.

The second article, from the June 1984 issue of Commonwealth magazine, raises serious questions about Wilkinson's impartiality and judicial temperament, based on repeated examples of arbitrary conduct during his year as Deputy Attorney General in the Civil Rights Division of the Department of Justice. These allegations require further investigation by the committee if we are to fulfill our responsibility to the Senate on this nomination. Among the most disturbing of these allegations are the following:

First, Wilkinson's inexperience in legal procedure caused the Department of Justice to miss deadlines in litigation and to be fined by the courts for unwarranted delays in answering pleadings. According to one allegation relating to litigation over the rights of handicapped persons at Baylor Medical Center, Wilkinson did not understand basic pleading and complained that Justice lawyers were harassing defendants by filing interrogatories in the case, when in fact the Department attorneys were merely—but necessarily—responding to interrogatories served by the defendants. An attorney in the Department is quoted in the article as saying:

> It's sort of unheard of for Department attorneys to be fined for not answering interrogatories. The other part of that is that he didn't understand what was going on.

Second, Wilkinson's anticivil rights bias prevented him from objectively dealing with important legal issues before the Civil Rights Division. The article cites two cases from Ohio and Texas involving prisoners' rights in which Wilkinson arbitrarily attempted to force Department attorneys to draw unsubstantiated conclusions in order to deny such rights, regardless of the evidence in the case.

Third, the article refers to "thirty to forty instances" where Wilkinson participated in refusals to enforce civil rights laws in cases involving allegations of discrimination because of race, sex, or handicap. In one egregious case on rights of the handicapped, a Department lawyer was ordered to delete a citation to a controlling Supreme Court precedent in a friend of the court brief the lawyer was drafting.

In light of these new allegations and information, the full Senate should not be asked to vote on Wilkinson until the many questions surrounding this nomination are asked and answered by the Judiciary Committee.

On the issue of prior experience, it is true that a number of law professors with limited trial experience have been appointed to the Federal appellate courts in recent years. But each of them clearly met at least the minimum standards of the ABA on trial experience. There is no comparison betweens Wilkinson's zero experience and the obvious qualifications of other academics who had at least limited—and often substantial—trial experience and who have been approved by the ABA for appellate judgeships.

In fact, if Wilkinson is confirmed, he would become the first judge to take a seat on a circuit court of appeals with no trial experience since those courts were created at the end of the 19th century.

The relevant ABA guidelines on trial experience are as follows, and I ask that they be printed in the RECORD.

The material follows:

EXCERPTS FROM EVALUATION CRITERIA OF THE AMERICAN BAR ASSOCIATION ON APPOINTMENTS TO THE DISTRICT COURTS, THE COURTS OF APPEALS AND THE OTHER LOWER FEDERAL COURTS

* * * * *

As to experience, the Committee believes that ordinarily a prospective appointee to the federal bench should have been admitted to the bar for at least twelve years. Substantial trial experience (as a lawyer or a trial judge) is important for prospective nominees to both the appellate courts and the trial courts. Additional experience which is similar to court trial work—such as appearing before or serving on administrative agencies or arbitration boards, teaching trial advocacy or other clinical law school courses, etc.—is considered in evaluating a prospective nominee's trial experience qualifications. In exceptional cases, when there is significant evidence of distinguished accomplishment in the field of law, an individual with limited trial experience may be found qualified.

In evaluating experience, the Committee recognizes that women and members of certain minority groups have entered the profession in large numbers only in recent years and that their opportunities for advancement in the profession may have been limited.

The Committee believes that political activity and public service are valuable experience, but that such activity and service are not a substitute for significant experience in the practice of law.

* * * * *

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theater of the courtroom), the Committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts. This same contrast in day-to-day experience may also cause the Committee to evaluate temperament for the appellate courts in slightly different terms.

Mr. KENNEDY. Mr President, in the case of Prof. Stephen Breyer, for example, who was nominated by President Carter to the First Circuit Court of Appeals in 1980, the nominee so clearly met the experience standard that the issue for the ABA evaluation committee was whether to give Breyer the minimum rating of qualified or to give him the higher rating of well qualified. He received a rating of qualified, but in its letter of approval, the ABA committee informed the Senate:

> As a result of our investigation, a majority of our Committee is of the opinion that Stephen G. Breyer is qualified for this appointment. A substantial minority found him well qualified.

By contrast, in the case of Wilkinson, the initial ABA evaluation found him unqualified. A qualified rating was achieved only after the confidential results of the negative evaluation were leaked to Wilkinson, who then orchestrated an intensive and unprecedented lobbying campaign against the members of the ABA committee before they cast their votes. Subsequently, the committee informed the Senate:

> A substantial majority of our Committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified.

At the time he was nominated, Breyer had written numerous appellate court briefs; he had presented the oral argument personally in at least one case in a court of appeals; he had interviewed witnesses, questioned potential defendants, and prepared criminal grand jury and trial materials as Assistant Special Prosecutor in the Watergate Special Prosecution Force; he had participated, including testifying as an expert witness, in administrative hearings; he had served as Chief Counsel of the Senate Judiciary Committee and conducted major sets of Senate hearings; he had represented numerous private clients, including a major steel company seeking to merge with a failing steel firm, a chain of supermarkets trying to cut their prices, tenants organizations challenging rent control regulations, and a grocery chain seeking to sell milk; he had prepared briefs and trial materials for the law firms of Wilmer, Cutler & Pickering in Washington; Brown, Rudnick, Freed & Gesmer in Boston; and Cahill, Gordon in New York City; and he had taught courses in the law of evidence and in administrative law at Harvard Law School.

Wilkinson has nothing comparable in his background—no trial court experience, no appellate court experience, no administrative law experience, no associations with law firms, no trial-related courses in his teaching. His experience is zero—and as the article in Commonwealth makes clear, his lack of experience was a continuing series of embarrassments in the year he spent in the Department of Justice attempting to supervise practicing attorneys.

Mr. President, I ask that the letters from the ABA on the qualifications of Breyer and Wilkinson and the articles from the Washington Post and Commonwealth magazine be printed in the RECORD.

The material follows:

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON
FEDERAL JUDICIARY,
Chicago, IL, January 31, 1984.

Re James Harvie Wilkinson III, C.A., Fourth.

HON. STROM THURMOND,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR THURMOND: Thank you for affording this Committee an opportunity to express an opinion pertaining to the nomination of James Harvie Wilkinson for appointment as Judge of the United States Court of Appeals for the Fourth Circuit.

A substantial majority of our Committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified.

With kind regards, I am
Sincerely,
FREDERICK G. BUESSER, Jr.,
Chairman.

AMERICAN BAR ASSOCIATION,
STANDING COMMITTEE ON
FEDERAL JUDICIARY,
Chicago, IL, November 19, 1980.

Re Stephen G. Breyer, U.S. Court of Appeals for the First Circuit.

HON. EDWARD M. KENNEDY,
Chairman, U.S. Senate, Committee on the Judiciary, Washington, DC.

DEAR SENATOR KENNEDY: Thank you for your letter affording this Committee an opportunity to express an opinion pertaining to the nomination of Stephen G. Breyer of Cambridge, Massachusetts, for appointment as Judge of the United States Court of Appeals for the First Circuit.

As a result of our investigation, a majority of our Committee is of the opinion that Stephen G. Breyer is qualified for this appointment. A substantial minority found him well qualified.

Sincerely yours,
BROOKSLEY E. LANDAU,
Chairperson.

[From the Washington Post, May 27, 1984]

JUDGE CANDIDATE ENLISTED STUDENT TO LOBBY FOR HIM

(By Philip Smith)

University of Virginia law professor J. Harvie Wilkinson III enlisted a black student to lobby the only black member of an American Bar Association committee last fall on the eve of a confidential ABA vote on Wilkinson's qualifications to become a federal appeals judge.

Melvin (Butch) Hollowell, head of the law school's black student association before his recent graduation, said last week that Wilkinson, a conservative Republican, summoned him to his office and asked him to help by calling the black ABA member, a Michigan attorney.

"Jay told me time was of the essence," Hollowell said in an interview. "He knew the vote was the next day, or maybe that I had a day [to make the call]." Hollowell, who contacted the lawyer, said "Jay told me three days later that it had helped."

Wilkinson last week declined comment. The lawyer, Stuart J. Dunnings Jr., said yesterday that he "did receive such a call from a black student" but could not recall the student's name. Asked if he was influenced by the call, Dunnings said, "My mind was already made up. And nothing changed it." Dunnings declined to elaborate, citing ABA rules on confidentiality.

Allegations of improper lobbying on behalf of Wilkinson's nominaton for a seat on the 4th U.S. Circuit Court of Appeals in Richmond are now the focus of a bitter fight on the floor of the Senate, where the nomination was debated for several hours last week. The Senate defeated 54 to 36 a move to send the nomination back to committee and is generally thought likely to approve it when it comes back up for a vote June 4.

Supreme Court Justice Lewis F. Powell Jr. has acknowledged that he contacted an ABA member in New Orleans to support Wilkinson, a family friend and one of Powell's former law clerks. A former deputy attorney general also said that he and a second senior Justice Department official had contact with ABA panel members on behalf of Wilkinson, who had worked under both men at Justice.

Wilkinson, who was found unqualified by one ABA investigator, but qualified by a second, ultimately was rated qualified by the 14-member ABA panel. The rating is considered crucial for candidates for the federal bench.

Several members of the Republican-controlled Senate Judiciary Committee, including Sen. Edward M. Kennedy (D-Mass.), maintained last week that the Wilkinson episode illustrates that the ABA process, on which the Senate normally relies heavily in confirming judgeship candidates, is neither impartial nor confidential.

Kennedy and others, including three Republican senators, argued in floor speeches that the incident raises questions about whether Wilkinson, who is 39 and has no trial experience, might have been rejected by the ABA without extensive private lobbying.

Republican defenders of the Reagan nominee, notably Sens. Paul S. Trible of Virginia and Judiciary chairman Strom Thurmond, scoffed last week at charges the contacts were improper. Trible said such conversations with ABA screening committee members is "routine."

Senate foes of the nomination also have charged that Wilkinson benefited from inside information, allegedly furnished by the senior officials at Justice, that his candidacy might be in trouble in the ABA committee and that he was improperly kept abreast of the timing of the confidential ABA vote.

Hollowell, who started a new job as an associate at a Detroit law firm last week, said he was asked by Wilkinson last fall whether he "had any familiarity" with the ABA committee member from Michigan. Wilkinson also solicited Hollowell's opinion about how Wilkinson dealt with minority students in his classes.

Hollowell, who said he had "participated pretty vigorously" in Wilkinson's class on constitutional law a year earlier, said he told Wilkinson he regarded him as "fair" to minorities. "Jay said would I mind calling [Dunnings] and telling him that."

Hollowell, who said he saw a piece of paper on Wilkinson's desk with what appeared to be the names of the ABA committee members, said that Wilkinson was eager for him to make the call—"no doubt about it." Asked whether he believed that Wilkinson had targeted some ABA members for lobbying, Hollowell said: "I would say yes."

Hollowell said his conversation with Dunnings lasted about 15 minutes, less than 10 of it on the subject of Wilkinson. "The first thing he said was, 'What's he going to do for black people?' " Hollowell said last week. "He said that regarding blacks and women, [Wilkinson] was not very favorable at Justice, and I said I knew that was a problem."

Wilkinson was a deputy assistant attorney general in the civil rights, division of Justice from 1982 to 1983.

Hollowell said that Dunnings seemed eager to talk to him about Wilkinson, in part because the time to vote was so close. The former student said he told Dunnings that he had found Wilkinson, whom he described last week as "a personable guy, very likable," to be "fair" in his dealings with black students.

"Jay had a very good knowledge of what the [nomination] situation was," Hollowell said. "He knew [the ABA vote] was going to be close, that every vote would count." He said Wilkinson told him that making the call "would mean a great deal to me."

Although he made the call as a favor to a friend, Hollowell said, he also had "strong disagreements with things Wilkinson did as a deputy assistant attorney general" in the Reagan Justice Department. "I had deep philosophical differences of opinion regarding his judicial politics," he said.

Last fall, after Reagan sent Wilkinson's name to the Hill, Hollowell said Wilkinson approached him again and asked him to testify on his behalf at his Senate confirmation hearings—"to be ready to go." Hollowell said he declined.

When Wilkinson asked him a few days later to reconsider, Hollowell said he refused. "I didn't think it would be in his interest or in my interest," he said. "I could say he was fair in class, but I would also have to say that I disagreed with things he'd done at Justice" regarding minorities.

Hollowell said he saw no conflict of interest in being asked by a faculty member to support his judgeship. Hollowell was not enrolled in Wilkinson's courses at the time, he said. "Pretty much everything was cemented for me, job-wise, by then," he added.

He said that a year earlier, Wilkinson had written a three-paragraph recommendation for him in connection with a possible summer job as an intern in the Office of Atlanta Mayor Andrew Young. The job was offered to him, Hollowell said, but he went elsewhere.

Former assistant attorney general Jonathan Rose, one of the two senior Justice officials who, foes charge, helped in the lobbying for Wilkinson, last week said he did not recall doing so. "Although I wouldn't have been embarrassed" to support Wilkinson, he said.

"This idea that the ABA is some judicial body with whom *ex parte* contacts are inappropriate is a novel concept invented by opponents of Wilkinson," Rose said.

While at Justice, Rose was involved in handling dozens of Reagan administration candidates for the federal bench, all of whom required ABA screening.

"If we thought there were facts favorable to an administration candidate, we tried to get it to [the ABA committee]," Rose said. "Or if they were not favorable. We didn't view the ABA as a separate tribunal."

"We tried to be as protective as we could," he added, "at keeping the committee from getting a lot of super pressure."

[From Commonwealth (VA) magazine, June 1984]

J. HARVIE WILKINSON'S JUDGMENT DAY

(By Lisa M. Antonelli)

He breezes into the University of Virginia Law School at 9:10 a.m., nearly an hour before his first class. An umbrella might make him look more his age, the shy side of 40. Instead, he opts for a baseball cap and a royal blue Windbreaker with yellow and red racing stripes. He shuns professorial tweeds and corduroy in favor of a sleeveless blue and pink cardigan with a ski design over a white shirt and striped tie, and gray pants that hit just above the ankle, U.Va.-style.

Zipping noiselessly down the carpeted corridor, heels first, he turns into his office and swings shut the door, but not in time to muffle a "goddawgit." He might have just missed a phone call from the White House. Or his current favorite baseball team might have just lost a game. Either would be cause for despair, close friends say.

When a person has run as hard and fast as J. Harvie Wilkinson III, one might expect to see some signs of road wear. He has run for Congress, published three books, been a Supreme Court clerk, a newspaper editor, a Justice Department official and three-time professor. But not only does he still look like one of the Hardy Boys, he also shows no signs of slacking the pace.

Since November, he has been embroiled in more than the normal share of headaches that accompany landing a Federal judgeship. He has been accused of using family connections and lobbying to gain the American Bar Association's lowest rating—"qualified"—necessary for appointment to the United States Circuit Court of Appeals for the Fourth District in Richmond. He has been attacked publicly by three prominent members of the United States Senate who declare that his nomination to the Federal bench is evidence of a double standard in judicial appointments.

And while his quest for the judgeship was still mired in confirmation battles in mid-May, friends were quick to note that the Federal bench is likely just another supporting role in Wilkinson's quest for real stardom. In the next script, many believe Wilkinson plans to be playing the role of United States Supreme Court Justice.

Says one confidant: "Jay's a person who has a very clear sense of his long-range goals and a single-mindedness in pursuit of those goals. He's an ambitious and somewhat restless person who gets tired of doing the same thing, so he is regularly motivated to try something else. At the same time, he has a very clear timetable, a very clear sense of what he wants and what he needs to do to get it."

Robert Smith, a former editorial writer under Wilkinson at The Virginian-Pilot, is more succinct: "Jay has tried to position himself for the Supreme Court. He felt that if he were in the right place at the right time, along with his connections to Justice [Lewis F.] Powell, he'd have a good shot at an appointment. By getting on the Fourth Circuit Court of Appeals, he'll have that shot."

At just a hairbreadth over 5-foot-8 and not an ounce over 140 pounds, J. Harvie Wilkinson appears a man who would be easy to dismiss. On the stage where he teaches Federal Courts class, the short and wispy professor seems dwarfed by his larger students. A true Virginia blue blood, he is deferential, self-deprecating about accomplishments and goals. He has the kind of face that new acquaintances are likely to forget in 30 seconds. That fact has served him well.

Notes one close friend: "He's neither charismatic nor intimidating. Part of the reason that Jay is so successful is that people repeatedly underestimate him."

To underestimate the real Jay Wilkinson is to commit serious error. Behind the gosh-golly, aw-shucks facade is a man close observers call "calculating." Genuine graciousness is certainly his most striking feature, the kind of gentlemanly charm on which Rhett Butler built a gunrunning business. And on-lookers say that the similarities don't end there, that Wilkinson, like the ambitious Captain Butler, is willing to mash a few toes if they tend to be standing in the way.

"Jay does tend to evaluate people, not only in terms of common interests, but in terms of his own orientation," says one friend. "He's quite subtle about it. He's not a sycophant in any sense of the word, but he's almost instinctively aware of who can help him and who can't."

Those who can't had better mind their toes. Consider the track record:

In 1970, at the age of 25 and while still enrolled in law school, Wilkinson ran for Congress against David E. Satterfield III (D-3rd), a man he had worked to elect just six years earlier. Wilkinson had been persuaded into the Republican camp by former Republican Gov. Linwood Holton, only to be mercilessly crushed by Satterfield in the election.

Following graduation from law school, Wilkinson accepted the invitation of a family friend, Supreme Court Justice Lewis F. Powell Jr., to a spot as a Supreme Court clerk, a position normally reserved for law graduates who have clerked in the lower courts.

In 1978, Wilkinson allegedly parlayed another friendship into the position of editorial page editor for The Virginian-Pilot in Norfolk, a powerful seat that allowed him to remold the paper's moderately liberal editorial philosophy to his own conservative bent. He not only lacked a professional newspaper background, he couldn't even type.

In 1982, while a deputy assistant attorney general in the U.S. Department of Justice, Wilkinson's critics charged that he engineered cases to bolster his conservative world view.

Now that Wilkinson is up for a Federal judgeship, his critics are quick to point out that he's never even practiced law.

Jay Wilkinson does indeed have a penchant for sticking his nose where others think it doesn't belong, of winding up in places where he has no prior experience and where experience is a must 99 times out of 100.

But where experience fails, Wilkinson has the brilliance, the Southern charm and the savvy to pull him through. "I set a great deal of store by intelligence and education," says Robert Mason, his predecessor at The Virginian-Pilot. "Certainly, Jay abounds in both."

Men like Jay Wilkinson, those who are both brilliant and brilliantly successful, gather detractors almost as quickly as they gather new challenges. What irks Wilkinson's critics even more is the fact that he generally performs well under fire. But a Federal court judgeship is not a deanship of a law school. The U.S. Circuit Court of Appeals is just one step removed from the Supreme Court, and it is a place where constitutional law is molded and life-and-death decisions are made. Wilkinson's judicial quest has brought him under a scrutiny that court clerks and newspaper editors rarely feel, and as a potential launching pad for the Supreme Court, the hot seat grows even warmer.

"At this point, only a select number of people [within the Fourth Circuit] are concerned" about his nomination, says Chan Kendrick, executive director of the Virginia chapter of the American Civil Liberties Union. "If he were to be considered for the Supreme Court, [his record] would be of concern across the board, across the country."

Longtime friends like Linwood Holton flatly dispute any contentions that Wilkinson is plotting a path to the Nation's highest court. "Appointment to the Federal bench is a lifetime appointment," Holton says. "Anybody who goes on the Court of Appeals at his age has a chance to be placed on the Supreme Court, but that is a very remote possibility with anybody. There are only nine every generation. In the sense of being a candidate, I can't imagine anybody would go on the Court of Appeals with 'aspirations' for candidacy for the Supreme Court. You're just not candidates for the Supreme Court. That's not the way it's done."

But Jay Wilkinson never backsteps, does not play bit parts and is rarely satisfied with one achievement for very long. If he wins the seat on the Court of Appeals, it probably will not be his final curtain call. Suddenly, it dawns why Professor Wilkinson looks so out of place in his University of Virginia classroom. The stage is too small. Yes, much too small.

The U.S. Department of Justice is a staggering bureaucracy of 4,416 attorneys that both tantalizes with its promise of power and terrifies with the threat of instant anonymity for those haplessly buried by its power maze. Jay Wilkinson was just one more forgettable face when he first appeared at the Justice Department two summers ago. He was on leave from the U. Va. law school, having been named a deputy assistant attorney general in the civil rights division under Assistant Attorney General William Bradford Reynolds. David Vanderhoof, a senior trial attorney in Justice at the time, has trouble recalling his first meeting with Wilkinson: "He made such a small impression on me that when I encountered him again later that same day I didn't know who the hell he was," Vanderhoof says. "He was blah."

He was also Vanderhoof's new boss. The senior attorney and others at Justice would soon come to realize that of the many things they might call Jay Wilkinson, blah would not be one of them.

Though Wilkinson's stay in Justice was relatively brief (he left in August 1983), it was memorable. In fact, several cases that came under Wilkinson's jurisdiction are now legend in the department. They also are the source of complaints that the law became a tool to suit Wilkinson's philosophical preferences and political ambitions.

Says, Timothy Cook, an attorney whose liberal views often clashed with Wilkinson's when the two worked at Justice, "He writes decisions based on how he thinks a case should turn out politically, not on the basis of law."

One afternoon, Cook was in his office busily researching a case that grew out of a dispute over services provided to handicapped patients at Baylor University Medical Center when he received an urgent call to report to Wilkinson's office for a group discussion on the case.

In his hand, Wilkinson waved a fistful of paper. "Why are we doing this?" Cook says Wilkinson demanded of his attorneys. "Why are we serving interrogatories on them? Why are we harassing defendants like this?"

Cook exchanged a disbelieving glance with the other attorneys gathered in Wilkinson's office. Wilkinson had failed to note that he was reviewing his own department's answers to interrogatories filed by the other side.

"He didn't understand that the other side had filed the interrogatories on us, and that we had to answer them," says Cook. "On his qualifications to be a judge? He doesn't understand basic pleadings."

According to Cook, Wilkinson's naiveté resulted in court fines to the department for the delay in answering the interrogatories. "It's sort of unheard of for department attorneys to be fined for not answering interrogatories," says Cook. "The other part of that is that he didn't understand what was going on."

"There were a number of situations where there would be a court deadline imposed and, in effect, it was of no concern to Wilkinson," says Vanderhoof. "I'm not sure what the reasons were. A portion of it may have been inability to manage time.

"It did not carry well with court officials, and the respect that we may have attained in the past by our pleadings or by our motions was somewhat lost as a result."

If Wilkinson's seeming naiveté about court proceedings frustrated some of his Justice colleagues, they were even more nonplused by his particular style of reasoning. More than an attorney, more than a professor, Wilkinson is a philosopher, a theoretician. Theory is his governing inner voice. When life demands an answer, it is the theoretician in Wilkinson that responds. The trouble, his critics say, is that he reasons from the botton up. He doesn't decide what the questions should be until he already has decided the answers.

Wilkinson and Reynolds took the Reagan Administration's anti-Federalist policies into their Justice posts, angering other attorneys, many of whom had been in Justice through less conservative administration, with a blatant reluctance to involve the government in civil rights cases. "These were the same type cases, raised similar issues, in which the Justice Department historically participated in the past," noted Vanderhoof. "Not only did Reynolds and Wilkinson avoid venturing into new areas, they ran backwards, refusing to participate it cases that the Administration normally would've taken."

Stephen A. Whinston, former senior trial attorney now in private practice in Philadelphia, says: "The botton line would always be the most restrictive interpretation possible, one that would afford people that we were supposed to be representing the least rights possible. It was their very philosophical view that the government shouldn't be involved in civil rights enforcement," when in fact, civil rights enforcement was their department's raison d'être, Whinston says.

"It's hard to know who was really the source," Whinston continues. "They took a very specific philosophical viewpoint on various civil rights issues and tailored arguments and briefs to be consistent with that."

Perhaps one of the most notable examples involved the San Antonio, Texas, jail case revolving around the treatment of inmates and jail conditions, including the number of single cells provided.

The county's plans called for housing 30 percent of the jail population in single cells, the minimum requirement under Texas jail standards. Suspecting that a much higher percentage of the San Antonio inmates were high risk and should be in single cells, Justice Department attorneys wanted to request that county officials conduct a professional study to determine a valid percentage. Wilkinson ignored their suggestion, instructing the attorneys to use 55 percent—an arbitrary number—as the department's recommendation. The trial attorneys didn't want to be responsible for defending Wilkinson's figure in court, since it basically had been plucked out of thin air. When such a number is chosen, explains one former Justice Department attorney now employed in the private sector, it usually is based on a piece of solid information—a prior case, an expert opinion, a state statute or a consent decree, which, in this case, stated that only low-risk inmates could be placed in multi-inmate housing. "But Jay pulled that number [55] off the top of his head," the attorney argued, "and the trial attorneys were expected to back it up."

Said another, "It would've been difficult for the Administration to support Wilkinson's fifty-five percent figure."

According to a number of sources employed in the civil rights division at the time, the trial attorneys asked Wilkinson to omit the 55 percent recommendation as being unfounded. Wilkinson refused to bend. Only when the attorneys persuaded Wilkinson's youthful legal assistant, Frank Atkinson, to intervene did Wilkinson back down. No numerical recommendation was offered.

Wilkinson refused to be interviewed, as he has refused all interviews since the confirmation proceeding began for the Federal judgeship. (He had also earlier refused to defend himself criticism at Senate confirmation hearings.)

Atkinson does not deny the incident, but his recollection of it, he says, "is clouded."

In still another case, Stewart v. Rhodes, an Ohio case regarding prison overcrowding, the initial memo prepared by the Justice Department declared the double-ceiling of prisoners in less than 50 square feet unconstitutional.

"The cells in this prison happened to be 48 square feet," recalls Whinston, "so under that initial memo, the prison would have been unconstitutional. But Jay crossed out 'fifty' and penciled in 'forty-five.' By changing it, it was obvious to me that he simply didn't want to argue that the prison was unconstitutional."

It should be noted that the ruling precedent in this case was Rhodes v. Chapman, a Supreme Court decision handed down in 1981, which rejects setting a specific floor-space requirement per inmate. It does however, require that overall prison conditions be considered when determining if prisoners' rights are being violated. But in Stewart v. Rhodes, Ohio officials wanted to know what the Justice Department would consider permissible in terms of space.

Whinston was rankled. "Both numbers—forty-five and fifty—were arbitary," he explains. When viewed in the context of the case, a different picture of the department's stance on prisoner's rights emerges. "The first arbitary designation, 'fifty,' would say that double-celling in that prison was unconstitutional. The second arbitary designation, 'forty-five,' would say that the double-celling was constitutional. Therefore, it is logical to draw the conclusion that his arbitary figure of 'forty-five' was not based on a study of the law. Rather it was what is known as 'result-oriented.' Wilkinson wanted to make a certain argument, and he shaped his reasoning based on the conclusion that he wanted to come to rather than logically reasoning the case and finding out where that reasoning would lead. In other words, he worked from the bottom up."

Although attorneys were unsure in other cases whether the source of restriction was Wilkinson or Reynolds, Wilkinson is severely chastised by colleagues for going to bat for his boss at times when Reynolds clearly appeared to be throwing sticks into the spokes of the wheels of justice.

In one case involving rights for the handicapped, Nelson v. Thornburgh, the department was expected to file a "friend of the court" brief. Reynolds argued that the case could not be reviewed in time to file within the court deadline. Anxious for some statement of views from the department, the court allowed for a late filing. Cook drafted the brief and submitted it to Reynolds.

"It was edited beyond recognition, charges Cook. The most obvious a disturbing deletion was a ruling decision of the Supreme Court.

"It appeared to me that he was once again attempting to throw a case," Cook later stated in a lengthy resignation letter. Dismayed, Cook confronted Wilkinson. "That was Reynolds' order," Cook says Wilkinson responded. "Brad doesn't like that case."

"You mean to tell me that we've left out a decision of the U.S. Supreme Court, never overruled, directly on point, merely because Mr. Reynolds doesn't agree with it?" Cook exploded.

Wilkinson defended his superior. "Brad thinks it's too broad," he replied, according to Cook. "Besides, you're lucky you got what you did. Some people appointed by this Administration don't think Section 504 [of the Civil Rights Act] requires any affirmative obligations at all."

Cook became so disgruntled he resigned from the department, but not before he submitted a letter to Attorney General William French Smith citing what he considered extreme laxness in enforcement—"thirty to forty instances where Reynolds and Wilkinson refused to enforce civil rights laws, mostly relating to the rights of the handicapped, because that was my area," says Cook, now director of the Western Law Center for the Handicapped, located at Loyola University. "But I also spoke to a good number of lawyers in the department and learned that it went on in other areas such as in suits involving sex and race discrimination as well."

Still, Vanderhoof does not believe what he considers "improprieties," such as the changes in the San Antonio jail case, will affect Wilkinson's chances for a Federal judgeship. "In this Administration, if you do well and don't cause much of a problem, you may be considered for judicial appointment," says Vanderhoof.

No one is exactly sure how the name of J. Harvie Wilkinson III made its way to the sanctity of the White House, but it was on the tip of the President's tongue when time came for a Presidential recommendation for the seat on the U.S. Circuit Court of Appeals, Fourth District, which encompasses Virginia, West Virginia, North and South Carolina and Maryland. "He was pleased," notes one observer, "but obviously not surprised."

As much as this meteoric rise surprised some observers, it never surprised Wilkinson or those who watched him grow up. In Richmond, there is a West End, that ever-growing expanse extending toward Goochland and populated by the upwardly mobile, and then there is the West End, a much smaller, exclusive, confined, refined area that lies just north of the James River and includes Windsor Farms and Westmoreland Place, Wilton and the E. Claiborne Robins estate. The elder of two sons of a bank president, Jay Wilkinson grew up on Richmond's most sacred breeding ground, that West End recognized by multigeneration Richmonders.

(Eventually, he married from within the area. Lossie Noell spent her early years in the West End, attending St. Catherine's School before going off to the all-female Mary Baldwin College.)

When Jay and his brother, Lewis, were ready for school, St. Christopher's was the logical choice. Both grew up with a cultivated interest in sports for which Lewis credits his mother. Country clubbers often caught glimpses of Letitia Wilkinson batting balls to her boys on the tennis courts on summer mornings. While Lewis diversified his sports skills, taking up baseball and other sports, Jay bore down and developed a mean game of tennis, playing on school teams through college and serious social games thereafter.

By his sophomore year, Wilkinson had done just about all there was to do at St. Christopher's. As a freshman, his extracurricular activities included Student Council, Honor Council, Missionary Society and president of the Lee Literary Society. Clearly, it was time to move on, so Jay went to board at Lawrenceville School in New Jersey.

In the early 60's, when seeds of revolution were sprouting in Ivy League colleges and large universities alike, the prep school counterparts were as yet untouched. Lawrenceville boys wore coats and ties to class, went to sports in the afternoons and looked forward to the three or four tea dances spaced through the school year.

In boarding school, only the strong survive. When you're small for your age and smarter than most of your classmates, like Wilkinson, it can be a harrowing experience—unless you're extremely charming and an all-around good guy, that is.

At Lawrenceville, Wilkinson emerged as a quiet leader, excelling in tennis and academics, eventually becoming editor of the school newspaper.

"Jay was a great success at school," says Richard Quintal, a New York banker who shared a six-bed suite with Wilkinson for three years in Lawrenceville's Griswold House.

"He was bright, but not a jerk," adds former classmate John H. W. Gefaell of Washington. He was one of the few people I knew who wasn't that way. He was quiet in an outgoing way. Not boisterous and crazy, but bright, easy to get along with."

Wilkinson picked up speed at Yale. Although he claims that his undergraduate grades showed room for improvement, he managed to be elected to Phi Beta Kappa and to graduate magna cum laude.

His senior year, Wilkinson was named one of 14 Scholars of the House, a distinction which carriers with it the latitude to refuse all classes in the fourth year to pursue one avenue of study. Wilkinson's choice was to write a paper on the Byrds and Virginia politics. What was initially completed as a 50-page manuscript entitled "Harry Byrd and the Changing Face of Virginia Politics" was soon published into a 12-chapter documentary and analytical history of state politics spanning the 22 years of the Byrd reign between the mid-40's and mid-60's. By the age of 23, Jay Wilkinson had published his first book. It caught the eye of Linwood Holton, then soon-to-be Governor Holton.

"I looked him up specifically because he sounded like a bright young man who was ready to break out of the Democratic establishment, which I knew he was bound to be with his family background, and into something new, the Republican competitive system of two parties, that I was working on," Holton says. "He sounded from his book like he would be open to new ideas."

When Holton first contacted him, Wilkinson was serving a year in the Army reserves. "As soon as he was out of the service and back in law school, I went up to Charlottesville and had dinner with him," Holton says. That was the start of a long-term friendship.

It was through that friendship that Holton met Jay's father, United Virginia Bank president J. Harvie Wilkinson Jr. As governor, it was Holton's job to appoint the University of Virginia Board of Visitors of which the elder Wilkinson was a member. "I had gotten to know Harvie Junior pretty well," recounts Holton. "I suggested to him that if he did not want to be reappointed to the board that I was going to consider appointing Jay in his place." It was unprecedented to appoint a law student to the Board of Visitors, but Holton did not hesitate: He appointed J. Harvie Wilkinson III.

The governor nurtured the mentor-protégé relationship. Wilkinson was a major draftsman of Holton's 1970 inaugural address, and later that same year, Holton convinced the 25-year-old student to run against Satterfield for the third Congressional seat. Just six year earlier, in 1964, Wilkinson had worked to elect Satterfield, a longtime family friend, and the following summer, Wilkinson was an intern in Satterfield's office.

Now, the Congressman discovered that his intern was opening up a campaign office and digging in to do battle against him. "Clearly, this one is one we're going to write up as a win," a confident Holton was quoted as saying.

"He was a personable young man," Holton said recently. "He obviously had potential in politics. That was certainly evidenced in his book, in his participation in my campaign as an advisor and speechwriter. I felt that with his background in Richmond, he probably could win."

Satterfield claims he was somewhat surprised, "I didn't think he'd be running against me, but you don't think about those things. I did feel like he was being pushed rather rapidly."

Wilkinson was crushed under Satterfield's landslide victory. One political analyst called it "the biggest misstep of Jay's career." Concurs Satterfield, "I thought he had a future in politics. I'm afraid he got pushed faster than he should have been. Who was pushing him? The Governor of Virginia, Linwood Holton."

Perhaps it was the congressional defeat that led Wilkinson to replace his fervor for politics with a fascination and obsession with the Supreme Court. In his final year of law school, he applied for clerk positions with Justices Byron White and Potter Stewart and was invited along with a handful of other applicants to come to Washington for interviews. He was not chosen by either.

Shortly thereafter, President Richard M. Nixon announced on national television that Lewis Powell had been chosen to fill the vacancy left by the death of Justice Hugo Black.

Jay was jubilant. "Lewis Powell!" he wrote in *Serving Justice*, his 1974 book reflecting on his year at the Supreme Court. "The Supreme Court had, I felt, been saved and along with it, I could not help thinking, my chances for clerkship." Justice Powell was confirmed in December 1971.

"'Dear Jay,' his letter to me began," wrote Wilkinson. "'I have ascertained that one of Mr. Justice Black's three clerks will not remain at the Court after the first of the year. Accordingly. . . .' Already, I had begun writing my acceptance."

It appeared that family connections had once again paved the way. Unlike most Supreme Court law clerks, Wilkinson had never clerked at any court. "It's ordinarily a two-step process," notes Larry Hammond, another of Justice Powell's clerks at the time. "Jay came straight to the Supreme Court. He may have been the only person to do that, or maybe there was one other. Basically, he had no experience base of his own to rely upon from having been a law clerk."

But once in position, Wilkinson responded true to form. Says Justice Powell, "Of my forty-five law clerks, Jay was certainly among the best." Notes Hammond: "Even with that very modest handicap [no experience], he did quite a splendid job. Of course, he knew Lewis Powell, and Powell knew him and his family, so he had no difficulty getting to know the Justice or developing a rapport. But one of the things that I most admired Justice Powell for was that he never drew any lines of demarcation among his clerks. He treated all of us as if we were part of his family," even, Hammond recalls, when it came to gently chiding Wilkinson to take home the basketball shoes and running shorts that had stayed a bit too long under his desk.

Hammond says Wilkinson took no liberties or advantages of his personal ties to Powell. "Indeed, there were some cases where I felt the temptation to have Jay involved in looking at a particular question, or trying to decide how it ought to come out, just because I had the mistaken notion that if Jay were persuaded that it was right, then maybe the Justice would be. It never turned out to be true or to make any difference one way or the other."

Wilkinson returned to Charlottesville after the clerkship to begin the first of three professional stints at U.Va.'s law school. He stayed the first time for five years, until 1978 when he took a leave of absence to join the staff of The Virginian-Pilot. If it seemed an odd detour for someone with judicial aspirations, it was a perfect grandstand and one that allowed Wilkinson to hone his conservative philosophies and share them with thousands of daily readers, including periodic railings against forced busing to achieve racial desegregation.

It was yet another foray into the unknown, and it was immediately obvious to those around him that the Pilot was just one more stopover. "He couldn't even type," remarks Smith. Worse yet, he refused to learn.

"It became a cynical joke in the newsroom," says one former editor. "He had no understanding of how a newspaper works. He'd write his piece and go home."

Wilkinson had another habit that sometimes irked co-workers. He would take off in the middle of the day for a jog. "It didn't matter what was happening in the world," recalls former editorial writer Smith.

Perhaps he was using the time to think. In the evenings of that first year at the Pilot, Wilkinson turned his attention back to the court, completing his third book, From Brown to Bakke, focusing on the Supreme Court and school integration from 1954-78.

Not untypically, his entree to the Pilot reportedly was a friend. Attorney John O. Wynne, then on the corporate staff of Landmark Communications, is thought to be responsible for Wilkinson's emergence as an editorial page editor.

"I do not think Jay would have come to the Pilot as editor if not for Wynne," said one former Pilot news executive. "Wynne became his champion. He backed him to [then-publisher] Perry Morgan and [Landmark chairman] Frank Batten."

It was a grand match. Before long, Wilkinson was beating Morgan and Batten in tennis at Princess Anne Country Club. He apparently was also very persuasive off the court. Under Wilkinson's flourish, many of the paper's long-held editorial stands were overthrown. In one such change, its long-standing opposition to the death penalty was reversed. The overall position of the editorial page policy went from moderately liberal to conservative. But such changes, radical as they may seem, are within the domain of the editorial page editor, which Wilkinson was.

Not everyone, Smith included, agreed with the stands suggested by Wilkinson. "All of us editorial writers were expected to express our opinions in a rational, persuasive way," Smith comments. "Having been reporters at some time in our careers, we were trained to analyze things objectively and then to draw conclusions based on where the facts led us. I felt that Jay came at it from a different discipline: partisan politics. I felt that he always couched his opinions in such a way that would protect his political future."

"He showed a lack of compassion in his editorial positions," said his predecessor Robert Mason. "I thought Jay lacked sensitivity about the poor and downtrodden."

But it is Wilkinson's editorials on political influence and experience that add a touch of irony to his quest for the Fourth Circuit judgeship. During Wilkinson's Pilot tenure, an editorial entitled "Choosing Judges on Merit" was published, which criticized the politics involved in the selection of Virginia judges. A later editorial, which Wilkinson either wrote or at least approved, began: "Judges ought to be selected on the basis of merit, not on the basis of political ties."

His most assertive maneuvering came when William Rehnquist was named to the Supreme Court, leaving Rehnquist's job as the Justice Department counsel vacant. "When they were filling all the slots in the Justice Department, Jay picked out the job he wanted," says Smith. "It was the one Rehnquist had held. His theory was that it was a good launching pad for the Supreme Court."

According to Smith, Wilkinson was told that the spot as Assistant Attorney General had been filled. "He came back and told me that they'd offered him two other jobs. He said he'd turned them both down because he wasn't sure that either would be advantageous down the road."

The following summer, 1982, Wilkinson took the deputy's job in Justice. Less than a year later, he was jockeying for the Fourth Circuit seat. He made his desires known "to several people," including Rep. G. William Whitehurst (R-2nd), as early as last summer. In a conversation with the Congressman, he indicated that "he wanted it," says David Bushnell, a Whitehurst aide. "The Congressman informed him that he respected that, but that he was supporting someone else."

Whitehurst's was not the last opposition Wilkinson would face in his court bid. Civil rights groups launched salvos against his candidacy based on Wilkinson's lack of legal experience, saying he was no more qualified to be a judge than some of their own counterparts who had been overlooked. In February, a handful of witnesses argued before the Senate Judiciary Committee that his approval would be unfair when blacks, women and other minorities have been denied Federal court appointments for lack of legal experience.

Their hue and cry was later taken up by three United States senators who tried to block Wilkinson's confirmation. In March, when the committee ended three months of speculation over the confirmation by voting to recommend him, Senator Edward M. Kennedy, D-Mass., protested. "By ramming this through, you're sending a message to millions of women in our society, women with better recommendations and experience than Mr. Wilkinson has. It's a dual standard, my friends," he shouted.

What Senators Kennedy, Joseph R. Biden Jr. (D-Del.) and Howard M. Metzenbaum (D-Ohio) most stridently objected to was the American Bar Association's rating of "qualified." Although the rating is normally awarded to those who have been admitted to the bar for 12 years or more, exceptions have been made. Wilkinson hit the 12-year mark on Feb. 1, three months after his nomination. ABA president Frederick G. Buesser Jr. responded to their protests in a letter pointing out that several candidates have been found qualified with fewer years at the bar than Wilkinson, including two women and one Hispanic male.

More dust was raised when it was revealed that Justice Powell, in what has been described as an unusual move for a sitting justice, had personally contacted an ABA committee member and friend and put in a good word for Wilkinson. Justice Powell denied any wrongdoing. At the ABA's request, he also had written a letter of evaluation to Democratic members of the Senate Judiciary Committee in which he called Wilkinson "an exceptionally gifted legal scholar and a compassionate and thoughtful human being."

There are some who believe that politics has had a role in delaying confirmation, that if Democrats can stall a vote until after the election, there might be a new President, with a different preference. For, while liberals rail against Wilkinson's lack of experience, what really frightens them are his philosophies.

Chan Kendrick, of the American Civil Liberties Union, says his group hasn't taken an official stand. However, notes Kendrick, "If I were among the people opposing his nomination who believe he is bright enough and articulate enough to be appointed to the Supreme Court, I would oppose it now and every step of the way. The record [of opposition] should be built now; the controversy should be created now."

For now, it is still Federal Courts class, not the Federal Court, that is occuping Wilkinson's attention.

To watch Wilkinson here is to see him at home base, the stage he has returned to three times since he first took up teaching in 1973. To watch him here also is to see a bit of the relentless quality, the dogged pursuit that has driven Wilkinson these nearly 40 years.

"He's lively and aggressive," says one third-year student who's glad to be getting out of Wilkinson's class. "He goes after students for their ideas. And if they're unprepared, he lets them know, in front of the class, that they'd better be prepared next time. Other professors don't do that in third year classes."

Federal Courts class has let out for the summer. The auditorium is empty, his students having gone on to permanent jobs. Permanence: It's a value lacking in Jay Wilkinson's life. Perhaps a lifetime appointment to the Federal bench would harness him. Perhaps not. It's a new stage, bigger stage. Another opening, another show.●

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Morning business is closed.

BANKRUPTCY AMENDMENTS OF 1984

The **ACTING PRESIDENT** pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, H.R. 5174, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5174) to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Thurmond Amendment No. 3083, in the nature of a substitute.

(2) Packwood Amendment No. 3112, relating to collective-bargaining agreements.

Mr. BAKER. Mr. President, I will repeat the statement I made earlier today shortly after the Senate opened. I anticipate that there will be a quorum call around 3 or 3:30 this afternoon and I fully expect that to be live. There will be a rollcall vote in connection with that quorum.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, as we return to H.R. 5174, I would like to remind my colleagues of the importance of the improvements in the Bankruptcy Code contained in this bill. Many of the provisions of this bill have been the subject of fair and detailed hearings over several congressional sessions. They have been approved nearly unanimously by this body in the past.

Title I of H.R. 5174 corrects a flaw in the jurisdiction of the bankruptcy courts discerned by the Supreme Court in the case of *Northern Pipeline* v. *Marathon* (102 S. Crt. 2858 (1982)). The Supreme Court clarified that these article I bankruptcy courts could not exercise jurisdiction over cases reserved by the Constitution to the resolution of judges appointed for life in the absence of the consent of both parties. If this jurisdictional flaw is not legislatively corrected, the interim authority of bankruptcy courts to decide cases will expire, leaving all bankruptcy cases to resolution by the currently overburdened district courts. Bankruptcy cases, which often require timely decision to revive the struggling petitioner or to preserve the resources of the creditors, will fall to the end of crowded district court dockets.

Title III of this bill contains other valuable improvements in the Bankruptcy Code. These consumer credit bankruptcy procedures reform the lenient standards currently applied to the detriment of creditors and financially distressed individuals alike. In addition, title III would make improvements in the Code to accommodate grain elevators, shopping centers, and other enterprises which confront unique bankruptcy dilemmas.

At present, however, these reforms are being held hostage to an effort to overturn an eminently reasonable Supreme Court decision. In the case of NLRB against Bildisco & Bildisco, decided on February 22 of this year, the Supreme Court upheld the judicial policy in effect in every circuit in this country, save one, regarding the rejection of collective bargaining agreements by a business striving to reorganize under chapter 11. This pervasive judicial standard permitted rejection of labor contracts if "careful scrutiny" reveals that the "equities balance in favor of rejection." Only the second circuit had a different rule. This second circuit rule developed in the REA Express case was found to be "fundamentally at odds" with the objectives of reorganization by a unanimous Supreme Court. I would note, however, that the second circuit's REA Express case allowed the distressed business to unilaterally reject the labor contract pending a final court determination of the validity of the rejection action.

The amendment before the Senate today—which impedes the progress of these important bankruptcy reforms—would not only reverse a unanimous Supreme Court decision and the prior policy in every circuit save one, it would create a standard for rejection of labor contracts even more fundamentally at odds with chapter 11 than the REA Express rule. The National Bankruptcy Conference, a voluntary association of bankruptcy experts without any biases on labor law, assessed the pending amendment as "far more onerous than" REA Express. NBC further characterized the pending amendment as "inimical to orderly bankruptcy administration."

Rather than tinker at this point in the legislative process with the unanimous Supreme Court ruling regarding rejection of labor contracts, I would propose again that the Senate approve the many other important reforms in this package and leave this labor contract issue to the conference reconciliation process. My contact with colleagues in the House confirms that they, too, are anxious to deal with this labor issue in the conference. The Senate, accordingly, should avoid further delay in this process by approving those portions of the bill which have been approved by this body earlier. We should not continue to debate an issue that jeopardizes the future of the entire bankruptcy system.

I think we should move ahead, and this is a reasonable approach toward moving ahead.

The distinguished Senator from Kansas has made many good points with regard to the approach he has suggested. I endorse and concur with that particular approach.

I believe we would be able to resolve this problem in a conference between the House and Senate. But I think that is probably the only way we will resolve it. I hope that those who are supporting this amendment will consider that.

Let us see where we can go from there because the bankruptcy system in this country needs, I think, better treatment than we have been giving it on the floor of either House of Congress thus far.

AMENDMENT NO. 3112

Mr. PACKWOOD. Mr. President, as my remarks prior to the recess indicated, the pending amendment is designed to clarify the circumstances under which collective bargaining agreements may be rejected in cases under chapter 11 bankruptcy reorganization.

This issue concerns a conflict between the bankruptcy law and labor law. The purpose of this amendment is to resolve that conflict fairly to all concerned.

The purpose of the bankruptcy law is to provide flexibility and fairness necessary to give a debtor a second chance. Chapter 11 of the Bankruptcy Code permits financially distressed businesses to reorganize under court protection to avoid going into liquidation.

Labor law, on the other hand, is designed to encourage labor and management to work together to create and enforce collective bargaining agreements. The unilateral rejection of collective bargaining agreements allowed under the bankruptcy law goes against these traditional labor/management relationships.

Recently, the Supreme Court in the Bildisco decision, ruled on this issue. In its decision, the Supreme Court attempted to resolve the conflict between bankruptcy and labor statutes. The amendment I am offering changes the statutes to provide a fairer result.

This amendment will restore stability to the collective bargaining process and fairness to our bankruptcy laws by providing a reasonable standard for determining whether an employer should be allowed to reject a collective bargaining agreement.

Upon review, I am sure my colleagues will find this amendment a fair, reasonable, and, in fact, desirable approach to resolving the controversy over the rejection of collective bargaining agreements in bankruptcy.

Below, I have briefly summarized the key provisions of this amendment.

Under the amendment, an employer cannot unilaterally reject or alter a collective bargaining agreement. An employer must first request and receive court approval to reject or alter such an agreement. The courts would be required to consider the employer's request in an expeditious manner based on certain guidelines.

The amendment requires an employer seeking rejection of a labor agreement to make a proposal to the authorized representative of the employees covered by the agreement which provides for the "minimum modifications" in the employees' benefits and protections that are necessary to enable the employer to reorganize. In formulating its proposal, the employer must take into account the estimated contributions of all classes of creditors and other affected parties that will be produced by the debtor's best efforts to secure such contributions. If the employer and the union cannot reach agreement, the court can then authorize rejection based on a finding that the authorized representative's refusal to accept the employer's proposal was unjustified and that the balance of the equities clearly favors rejection.

This amendment assures that employers and unions will negotiate in good faith to find the best way to a successful reorganization that, as far as possible, preserves the business itself, the employees' jobs, and their rights and benefits as agreed to by their employer and their bargaining representatives through their collective bargaining agreement. The amendment gives collective bargaining a chance to work and provides that if the employer does make a fair proposal and the union does not give the proposal fair consideration, then the agreement may be rejected. On the other hand, if the employer does not make a fair proposal, he will not be able to secure rejection. This amendment gives both sides an incentive to settle their disagreements by themselves.

Finally, the amendment provides a neutral enactment date. This amendment would become effective upon date of enactment.

Mr. President, I believe this amendment is fair to both sides on this issue. I urge my colleagues to adopt it.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

CALL OF THE ROLL

Mr. BAKER. Mr. President, I hope no Senator will misunderstand this, but it is time now to establish the presence of a quorum and ascertain who is here. As I indicated earlier today, it was my intention to suggest the absence of a quorum with the intention that it would be live. I now suggest the absence of a quorum and this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum Call No. 4 Leg.]

Baker
Hecht

The PRESIDING OFFICER. A quorum is not present.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BAKER. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Mr. COHEN), the Senator from New York (Mr. D'AMATO), the Senator from Kansas (Mr. DOLE), the Senator from North Carolina (Mr. EAST), the Senator from Washington (Mr. EVANS), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Iowa (Mr. JEPSEN), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wisconsin (Mr. KASTEN), the Senator from Indiana (Mr. QUAYLE), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), the Senator from Wyoming (Mr. WALLOP), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Nebraska (Mr. EXON), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. NUNN), the Senator from Rhode Island (Mr. PELL), the Senator from Arkansas (Mr. PRYOR), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Maryland (Mr. SARBANES), are necessarily absent.

The PRESIDING OFFICER (Mr. DANFORTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 2, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—61

Abdnor
Andrews
Baker
Bentsen
Boren
Boschwitz
Burdick
Byrd
Chafee
Chiles
Cranston
Danforth
Denton
Dixon
Dodd
Domenici
Durenberger
Eagleton
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heinz
Helms
Hollings
Inouye
Johnston
Laxalt
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Murkowski
Nickles
Packwood
Percy
Pressler
Riegle
Roth
Rudman
Sasser
Simpson
Specter
Stafford
Stennis
Symms
Tower
Trible
Tsongas
Wilson
Zorinsky

NAYS—2

Goldwater
Proxmire

NOT VOTING—37

Armstrong
Baucus
Biden
Bingaman
Bradley
Bumpers
Cochran
Cohen
D'Amato
DeConcini
Dole
East
Evans
Exon
Hart
Heflin
Huddleston
Humphrey
Jepsen
Kassebaum
Kasten
Kennedy
Lautenberg
Leahy
Long
Moynihan
Nunn
Pell
Pryor
Quayle
Randolph
Sarbanes
Stevens
Thurmond
Wallop
Warner
Weicker

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

SCHEDULE FOR TUESDAY

Mr. TOWER. Mr. President, inasmuch as the leadership would be desirous of doing other business this afternoon, it appears that the situation is such with absent Members, and other circumstances, that it would not be possible to do much in a constructive way for the remainder of today.

It is the intention of the leadership to adjourn the Senate very shortly until 11 a.m. tomorrow with the usual "boiler plate" language in place. The purpose of the adjournment is to fulfill the one legislative day requirement with respect to the DOD authorization bill.

It will be the intention of the leadership to turn to the Department of Defense Authorization Act 1985, Calendar No. 944, S. 2723, shortly after the Senate reconvenes at the conclusion of the two parties caucuses.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. **TOWER**. Therefore, Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Tuesday, June 5, 1984.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **TOWER**. Mr. President, I ask unanimous consent that when the Senate convenes on Tuesday, June 5, 1984, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE), for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

The **PRESIDING OFFICER**. Is there objection?

Mr. **METZENBAUM**. Mr. President, reserving the right to object, is the acting majority leader talking about adjournment? Is that what we are talking about?

Mr. **TOWER**. That is correct.

Mr. **METZENBAUM**. Mr. President, the purpose would be so that we could take up the DOD bill?

Mr. **TOWER**. Mr. President, that would be for fulfillment of the 1-day rule; to take up the DOD authorization bill.

Mr. **METZENBAUM**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **METZENBAUM**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Is there objection to the request of the Senator from Texas? Without objection, it is so ordered.

The Senator from Texas is recognized.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. **TOWER**. Mr. President, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

Thereupon, at 3:27 p.m., the Senate adjourned until tomorrow, Tuesday, June 5, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate May 25, 1984, under authority of the order of the Senate of May 24, 1984:

THE JUDICIARY

Dominick L. DiCarlo, of New York, to be a judge of the U.S. Court of International Trade vice Bernard Newman, retired.

Peter K. Leisure, of New York, to be U.S. district judge for the southern district of New York vice Milton Pollack, retired.

Franklin S. Billings, Jr., of Vermont, to be U.S. district judge for the district of Vermont vice James S. Holden, retired.

DEPARTMENT OF JUSTICE

Layn R. Phillips, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years, vice Francis Anthony Keating II, resigned.

Executive nominations received by the Secretary of the Senate May 30, 1984, under authority of the order of the Senate of May 24, 1984:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Thomas H. Etzold, of Rhode Island, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency, vice James L. George, resigned.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. James W. Stansberry, 106-20-0475, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Melvin F. Chubb, Jr., 490-44-9740, FR, U.S. Air Force.

IN THE NAVY

The following-named lieutenant commanders of the staff corps of the Navy for promotion to the permanent grade of commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Adams, Michael L.
Allred, Thomas J.
Almeida, John L., Jr.
Alona, Bienvenido R., Jr.
Anthony, Marion D.
Avalos, Jack Candido
Ayers, Warren V.
Bean, Terrell W.
Bohman, Harold R.
Bott, Jay Cordell
Brawley, Robert L.
Bray, Patrick G.
Brown, Mark Vincent
Buck Janet Harriet
Buckley, Robert Leslie
Burdick, Richard L.
Burkey, Thomas Michael
Bush, Richard G.
Calderon, Jose F.
Caldwell, Robert L.
Carambas, Clarita Rubic
Castleberry, Gordon M.
Chernow, Bart
Colby, Steven David
Cole, Richard L., Jr.
Cook, Stephen Standish
Cunnion, Stephen Owen
Daniell, Fredric D., Jr.
Datu, Jesus Angeles
Davis, Glenn M.
Dembert, Mark L.
Desrosiers, Paul M.
Diaz, Alberto, Jr.
Dons, Robert Frederick
Doyle, Edward Jerome, Jr.
Dubbs, William Franklin
Dufour, David Robert
Durham, Raisa Fuller
Duvalarnould, Bertrand
Edwards, Charles L.
Eisold, John F.
Elleson, Dale A.
Evans, Robert M.
Farrell, George Joseph
Fine, Ronald
Fraker, Robert T.
Galentine, Paul Guy III
Gibson, Donald Lee
Gilmore, Dennis Marvin
Governski, David A.
Henderson, Harry M. III
Heroman, William M.
Herr, Harlan G.
Herzog, Thomas Harry
Ho, Ju Chang
Johnson, James Avery, Jr.
Johnson, Larry Hugh
Johnson, Richard B., Jr.
Jones, Martin W.
Kerrigan, Kevin R.
Kester, Ronald Adetayo
Kiethanom, Mungkorn
Kivett, Gerald J.
Kleine, Michael L.
Kneeland, John Fogg, Jr.
Kuehl, Gary V
Lanard, Bruce James
Lanard, Margaret Smith
Legaspi, Jane Peralta
Little, Michael Jackson
Long, Kenneth William
Long, Ronald J.
Lonon, William D., Jr.
Lubber, Phillip Reid
Mahoney, Michael D.
Mangalincan, Ernesio G.
Massa, Emilio
Maxwell, James Houston
McCane, David Michael
McPhate, Dennis C.
Meriwether, Michael W.
Metildi, Leonard A.
Michenfelder, Hans J.
Miller, Jeffrey E.
Miller, Larry K.
Montgomery, Thomas R.
Morgan, Candice Ann
Moriarty, Richard Paul
Navarro, Felix Angel, Jr.
Navarfo, Francisco R., Jr.

Norris, Michael Stephen
North, Robert B., Jr.
Norvell, Samuel S., Jr.
Osborne, Richard G.
Panagakos, Jean
Petrusso, Robert T., Jr.
Phillips, Richard B.
Pick, Robert Allan
Potter, Bonnie Burnha
Pratt, Randall N., Jr.
Pratt, Steven George
Puder, Robert David
Quiles, Benjamin
Ranbarger, Kim Robert
Reichley, Stephen C.
Rodrigues, Wilfredo
Rorick, Jay Thompson, Jr.
Ryan, Mark
Sainten, Carl B.
Scharff, Norbert Daniel
Schuler, Michael A.
Seaquist, Mark B.
Shaw, Spencer W.
Sheffield, Roger R.
Shields, Robert J., III
Singleton, Michael R.
Skye, Dorothy Virginia
Smith, Richard G.
Stelmach, Suzanne E.
Stevenson, Craig D.
Strosahl, Kurt F.
Sustarsic, David L.
Taylor, John Kenyon
Thomas, John Richard
Wagner, Charles John
Walsh, Michael F.
Ward, Christopher H.
Wignall, Frank S.
Wilberg, Carl W.
Wilker, John Fredric
Williams, Larry Scott
Wilson, James Woodrow
Wilson, Michael Shannon
Wurzeacher, Terrie
Yacavone, David William
Yowell, Steven K.

SUPPLY CORPS (31XX)

Appleby, Michael Ralph
Argento, Terry James
Barnes, Jerry D.
Bennett, Bruce Robert
Bianco, Barron Bruce
Bohannon, Donald Clyde
Branaman, Larry Gene
Burton, Robert Norman, Jr.
Camp, Robert Thomas
Carpenter, Levon Henry
Chambers, Thomas Ralph
Chitty, Frederick Cole
Clark, James Matthew
Colvin, Bruce Arnold
Compton, David Dean
Cornelison, Gary Alan
Crandall, Stephen Gary
Croll, John Michael
Cunningham, Victor E.
Daniels, David Longsworth
Dase, James Robert
Davis, Peter McCoy
Ensminger, David Scott
Faubell, Paul David
Featherstone, Harry Lee, Jr.
Flohr, Larry Eugene
Gandola, Kenneth Davidson
Ginham, Richard Taylor
Grant, Charles Wayne
Griggs, William Clifton
Griswold, Raymond Bruce
Guerard, Franklin Palmer
Gunter, Wallace Eugene, Jr.
Gustafson, Robert Andrew
Hanson, Ryan Lewis
Hayes, John Robert, Jr.
Hinkel, Shelby, Jr.
Jackson, William Andrew
Jenkins, Gwilym Howard, Jr.
Johnson, William Earl
Johnson, Terrence Bateman
Jones, Samuel Lynn
Kelly, Daniel Charles
Kesselring, Steven Dale
Manley, Stewart Lee
McCray, James Elburn, II
McKenzie, Donald Richard, Jr.
Merrell, Thomas Orin
Merritt, Karl William
Mitchell, Kent Ryan
Mitchell, Lonsdale Clifford
Moffitt, Michael Allan
Nyland, Stephen Carel
Pathwickpaszyc, John Conrad
Perkins, Charles Alan
Peterson, Carl Raymond, Jr.
Pitkin, Richard Cochran
Robertson, James Miller, III
Rodenbarger, Syd W.
Rorex, Thomas Arthur
Rossi, Philip Roger
Roundtree, Ronald Terrance
Royer, Frank Edward
Sauer, George Emery, III
Schmidt, William George
Schneider, Jeffery William
Schreiber, Thomas Joseph
Smith, James Lewis
Stanger, Thomas Joseph
Steigelman, Anthony Edward
Stewart, Edmund H., Jr.
Stone, Daniel Herman
Sule, Michael Francis
Sweney, Robert Lee
Taylor, Charles Floyd, Jr.
Thorpe, Grant William
Todd, Dale Edward
Vinson, Charles Mays
Vogelsang, James Edwin
Walters, James Stephen
Weidenmann, James Lee
Welch, Benjamin Harrison, III
Wenslaff, William Arthur
Weyrick, Philip Frederick
White, Chalres Elbridge
Wood, Robert Harding, II
Woods, Willie Edward
Zehner, Dale J.

CHAPLAIN CORPS (41XX)

Brogan, Leo Thomas
Burnett, Ivan Blackwell, Jr.
Cluff, Merlin Henry
Dieckhaus, Anthony William
Duncan, Charles R.
Fitch, William B.
Fryer, Patrick L.
Garrett, Thomas Clayton
Giuntoli, Thomas Gino
Hines, Joseph W.
Jensen, Steven L.
McCranie, Glenn H.
Murphy, Kenneth J.
Palmer, Harold D.
Paul, George C.
Pokladowski, Gregory s.
Powell, Glenn Eugene
Salas, Jose Felix, Jr.
Williams, Robert Harry

CIVIL ENGINEER CORPS (51XX)

Beattie, Steven Richard
Brandenburg, Tim Robert
Broaddus, James Anthony
Bromilow, Neil Frank
Bussey, Dennis Raymond
Cahill, Patrick Joseph
Carpenter, Ronald Gary
Clements, Frederick Roger
Ealy, James Edward, Sr.
Hadbavny, Michael Thomas
Haydon, Donald MacPherson, Jr.
Huguelet, Thomas Lee
Johnson, Michael Ray
Katz, Alan William
Morrison, William James
Pylant, Linward Ray
Schneider, Charles Harry
Sebunia, Joseph Peter
Shepard, David Bruce
Shepard, Scott Holman
Spore, James Sutherland, III
Stpeter, Harold Bruce
Sullivan, John James, Jr.
Talmadge, Charles Eugene
Thompson, Stephen Ray
Venable, Joseph Brown
Walsh, David Frank
Williams, James Randolph

JUDGE ADVOCATE GENERAL'S CORPS

Barnett, Eric J.
Boseman, William Steven
Guter, Donald J.
Hewson, William Charles
Hutson, John Dudley
Kelly, David Lee
Kusiak, Patrick John
McClain, Tim Scott
McKenna, Lawrence Franc
Osborne, Thomas William
Pinkelmann, Eugene Maur
Principi, Elizabeth A.
Randall, Thomas Edward
Reynolds, Albert Alle J.
Rose, Stephen Anthony
Roti, Scott Lewis
Smith, Harmon B.
Stewart, Richard Gant J.
Williams, Jeffry Alan
Wurzel, David Lawrence

DENTAL CORPS

Albright, Robert Louis
Basehoar, Douglas A.
Carney, James R.
Currier, James Larry
Davis, Stephen Garrett
Dollard, Wayne Joseph
Elvers, Ronald D.
English, John Greer, III
Froistad, Larry A.
Hickey, Martin D.
Hickson, Harry T.
Hoffman, Barry B.
Keeney, Bradford L.
Latham, Peter M.
Miller, Richard Charles
Milnichuk, Walter M.
Pankey, Eugene R.
Prendergast, Richard O.
Reavis, Ralph M.
Root, Douglas Alan
Sandifer, Johnny B.
Starck, Thomas F.
Tercha, David Peter
Weisner, John Turner, Jr.
Wiernik, Richard Nassau
Wolff, Arthur

MEDICAL SERVICE CORPS

Agent, Selwyn Keith
Baker, Gerald Clayton
Blome, Michael Albert
Broadhurst, Ronald Wayn
Brown, George Russell
Brunza, John Jay
Bryan, Clark Lee
Crane, James Arthur
Crigler, Patricia Woods
Dawson, Richard Lee
Depolo, Dominick, Jr.
Dodge, Benjamin Fowler
Eckstein, Michael David
Elster, Robert Eric
Ferda, Robert
Finke, Ronnie Lee

Fogelsonger, Jack Leona
Gibson, Kenneth Dwight
Glogower, Frederick D.
Hand, Brian Chandler
Henrich, William Roger
Hermann, Dean Alfred
Hora, Charles Donald
Hughes, Roger Dale
Hummel, James Robert
Jamison, Hubert Milton
Jemionek, John Felix
Knee, Dale Otis
Lamar, Steven Richard
Malone, John Joseph
Marolf, Walter Keithley
Montgomery, John Edward
Morton, David Earl
Nelson, Ronald Carl
Oals, Wendell Marion, Jr.
Otterman, Glenn Ewing J.
Owens, Jerry Mack
Ridgeway, Robert Kirk
Roach, William Lawrence
Saleker, Albert Dale
Sciarrini, Dominic Euge
Sengbusch, Craig Howard
Speir, Herbert Allison
Spillane, Dennis
Upton, Billy Gene
Vonminden, David L.
Wood, Arthur Bob
Yacovissi, Robert

NURSE CORPS

Beeby, Barbara Jean
Bingham, Marilyn Kay
Bohn, James David
Caffrey, John Francis
Carlton, Carolyn Zak
Chick, Carole Louise
Cornell, Mary E.
Devney, Anne Marie
Emanuel, Ann Marie
Fay, Doris Annie
Ferguson, Raymond Austi
Gardner, Mary Anne
Gray, Pamela
Guy, Bruce David
Hayes, Linda Ann
Houser, Mary Louise
Lahren, Kathy Sue
Law, Easty Ann
Lefort, David Michael
Lockerby, Maritha Ophel
Marsh, Sharon Jane
McBurney, Richard Ellwo
McMillin, John Marshall
McPherson, Robert Carte
Moore, Louise Fontaine
Parrotte, David Frank
Perry, Eleanor Elsie
Poland, Edith Aletta
Probst, Louise Gale Ahr
Ramsey, Barbara Lynn
Robson, John Edward
Rollenhagen, Judith Mur
Rossi, Maria Victoria
Savige, Elaine Charlott
Thorr, Faye Ann
Vickers, Joyce Marilyn

LIMITED DUTY OFFICER (SUPPLY) (651X)

Flahiff, Daniel Edward
Pearrell, Larry William
Ritzel, Charles James
Siegel, Allen Ray

LIMITED DUTY OFFICER (CIVIL ENGINEER CORPS) (653X)

Herning, Robert Eugene

Executive nominations received by the Secretary of the Senate May 31, 1984, under authority of the order of the Senate of May 24, 1984:

U.S. International Development Cooperation Agency

Frances Todd Stewart, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1986, vice Donald Eugene Santarelli, term expired.

Department of Health and Human Services

Dodie Truman Livingston, of California, to be Chief of the Children's Bureau, Department of Health and Human Services, vice Clarence Eugene Hodges.

Executive nominations received by the Senate June 4, 1984:

Department of State

Owen W. Roberts, of New Jersey, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

The Judiciary

Robert M. Hill, of Texas, to be U.S. circuit judge for the fifth circuit vice John R. Brown, retired.

Department of Justice

John D. Tinder, of Indiana, to be U.S. attorney for the southern district of Indiana for a term of 4 years vice Sarah Evans Barker, resigned.

Federal Reserve System

Martha R. Seger, of Michigan, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1984, vice Nancy Hays Teeters, term expired.

In the Air Force

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. George D. Miller, 197-20-5982 FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. William J. Campbell, 387-26-0119 FR, U.S. Air Force.

In the Navy

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Gordon R. Nagler, 214-20-8462/1110, U.S. Navy.

In the Army

The following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, section 624:

ARMY

To be colonel

Abate, Claude W., 111-30-3992
Adams, John A., 458-60-7623
Ahrens, Alfred J., 458-66-6033
Akers, Frank H., 424-56-9239
Albertella, Raymond, 102-30-5546
Alger, John I., 068-36-8641
Allred, James R., 443-38-2301
Amato, James D., 041-32-1200
Anderschat, Richard, 327-32-3489
Anderson, Edward, 537-42-2536
Anderson, Randall J., 477-42-1587
Andrean, Charles M., 302-34-0860
Andrews, Edward L., 210-32-9695
Angie, Thomas L., 540-44-6563
Annan, William M., 213-40-0655
Armistead, Joseph D., 465-66-1097
Arnold, Joseph C., 110-34-9619
Asmuth, George W., 398-34-8781
Atcheson, Donald W., 139-32-5669
Aux, George W., 089-36-0100
Bacheldor, Ned W., 319-34-4563
Baker, Robert F., 452-62-7806
Ballantyne, Nathaniel, 209-28-4466
Barber, Duane D., 038-24-3320
Barron, Max R., 429-74-2074
Bashore, John F., 454-56-9141
Battaglioli, Victor, 020-30-0417
Beach, Karl L., 079-34-5569
Beasley, Louis J., 147-28-2133
Becker, James W., 508-52-7607
Beddingfield, Robert, 248-54-9971
Bell, Charles L., 435-56-1647
Benton, David L., 068-36-8645
Berggren, Tommy H., 526-62-0093
Bergman, David M., 440-40-6658
Bidwell, Robert L., 262-64-0674
Bigelow, James E., 110-34-9478
Bills, Ray W., 529-44-5316
Bircher, John E., 162-32-9809
Bither, Rodney D., 005-32-5794
Bixler, Louis R., 255-68-4721
Black, Gorham L., 539-40-9791
Bliss, Stephen M., 183-34-4318
Blodgett, David S., 034-30-0701
Blouin, James O., 438-52-8181
Bluhm, Raymond K., 354-32-5474
Boening, Suzanne S., 312-34-6239
Bolen, William S., 434-58-9453
Bolt, William J., 218-38-0705
Boterweg, Conrad, II, 256-60-2273
Boukalis, Peter C., 185-32-2733
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Carmichael, Harry S., 405-52-5151
Colby, Edward L., 015-30-8459
Cooper, Norman G., 220-40-3158
Eggers, Howard C., 560-54-2837
Gates, Elmer A., 490-44-1150
Gleason, James C., 359-34-3970
Haessig, Arthur G., 469-44-1518
Jacunski, George G., 262-58-8609
Kennett, Michael B., 244-70-3877
Mitchell, Kenneth M., 472-40-4934
O'Brien, Maurice J., 483-54-8179
Richardson, Quentin, 429-74-5294
Strassburg, Thomas, 393-44-3505

ARMY NURSE CORPS

To be colonel

Cherrington, Raymon, 299-26-0223
Couch, Kenneth R., 528-48-1496
Devin, Kathleen, 572-54-6064
Digirol, Marilyn T., 087-26-6806
Estes, Zane E., 483-30-2230
Feltham, Mary A., 503-42-0253
Fletcher, Ella L., 434-52-0136
Goethals, Gerald B., 367-40-4813
Gordon, Jacqueline, 533-34-5030
Green, Dolores, 146-28-5695
Griess, Lorna L., 550-54-9771
Jerney, Charlotte O., 390-40-3475
Johnson, Sandrah W., 003-28-2238
Johnston, Zula J., 194-30-6626
Keyser, Collette P., 445-40-7371
Kohl, Michele L., 483-52-7510
Maloney, Joseph P., 168-32-0435
Matson, Erland G., 370-34-9704
Mennega, Wubbina A., 378-34-4313
Morres, Anna V., 186-28-0930
Phelps, Fredrick O., 478-50-2332
Pugh, Calvin C., 347-26-0382
Shafer, Kathleen M., 387-40-2881
Southby, Janet R., 235-70-2109
Tollefson, Marilee, 503-50-2060
Webster, Edith H., 517-38-3225
White, Carolyn M., 247-64-2279

MEDICAL SERVICE CORPS

To be colonel

Barron, Garrett W., 209-30-1740
Billingsley, Herche, 423-54-2355
Bradford, Jackie E., 431-66-8751
Brothers, Chauncy P., 482-36-4302
Bulla, Bill F., 515-40-2876
Cunningham, Clyde R., 404-50-6987
Czachowski, Robert, 390-30-8108
Damian, Kenneth J., 166-32-0642
Danielski, Linn J., 502-42-5933
David, James R., 387-36-9470
Davis, Charles T., 252-56-0828
Dunlevy, Bernard J., 295-36-9658
Eaton, Frederick A., 578-54-8218
Field, Richard W., 295-32-9975
Fields, Jerry L., 200-30-2304
Flory, Alan J., 314-38-1979
Guinn, Joe L., 467-48-8928
Hopkins, Clarence E., 252-60-9103
Iber, Peter K., 140-38-7751
Italiano, Angelo J., 300-30-6852
Jackman, Timothy, 394-38-5699
Kenison, Charles B., 341-34-8630
Laaken, B. R., 162-38-0975
Lacey, Donald A., 141-28-1614
Lamothe, John D., 317-40-4724
Libby, Glidden N., 389-36-1316
Lohmiller, William, 397-38-2661
Malebranche, Regina, 057-32-8929
McNelis, Peter J., 176-30-7857
Parmer, Bert E., 261-46-9494
Redington, Bryce C., 483-48-1350
Sandidge, William M., 228-50-8415
Schnakenberg, David, 490-44-7175
Sodetz, Frank J., 324-32-9285
Watts, Olen C., 247-70-9802
Wichelt, Roger H., 392-36-8471
Williams, David G., 044-28-8483
Yohman, Joseph F., 292-34-1947

VETERINARY CORPS

To be colonel

Carter, James C., 437-62-4282
Cole, William C., 484-50-6491
Hall, Robert D., 448-44-4599
Heil, James R., 183-34-8438
Johnson, Howard C., 454-58-6567
Lumpkin, William L., 434-58-4778
Moe, James B., 469-48-7871
Varley, James E., 471-44-8135

MEDICAL CORPS

To be colonel

Allen, Roger K., 369-42-4959
Andronaco, Joseph H., 087-36-3706
Barron, Joseph B., 435-74-6744
Baswell, David L., 104-34-9436
Belville, William D., 009-30-9508
Besanceney, Charles, 084-36-4393
Branlygomez, Roland, 584-28-7600
Brown, Tommy J., 436-44-0141
Burgos, Victor L., 576-54-3238
Burman, Kenneth D., 489-46-3548
Byers, Norman T., 170-36-1041
Carter, Jimmy M., 246-70-0188
Charbonnel, Thomas, 522-54-6747
Chulay, Jeffrey D., 340-38-1415
Clements, Thomas I., 407-64-0831
Coleridge, Samuel T., 299-38-3027
Cross, Alan S., 049-34-7432
Cruz, Pedro J., 584-03-0511
Davis, Richard C., 454-70-7741
Dixon, Kenneth E., 042-36-1726
Doty, Richard D., 569-60-5359
Duff, William P., 579-62-7106
Dwyer, Catherine V., 136-20-9346
Erdtmann, Frederick, 176-36-9249
Fischer, Gerald W., 542-50-7832
Foley, John D., 091-36-3673
Freeley, Douglas A., 065-38-1518
Galvin, Eugene G., 073-34-7867
Garcia, Victor F., 134-38-3214
Gomatos, Peter J., 030-28-1809
Grabow, Thomas W., 503-50-6806
Griffin, Robert F., 430-82-3760
Haburchak, David R., 299-42-2744
Hawkes, Thomas A., 528-56-4866
Hill, Robert B., 479-52-5000
Johnson, John P., 228-64-8968
Kahn, Patricia J., 308-34-2889
Kale, Milton P., 145-34-9561
Kehoe, John E., 266-40-6570
Kim, Michael H., 541-72-2993
Klein, Arthur D., 264-72-1688
Komes, Sermsook, 116-34-5518
Kramer, Kenyon K., 146-36-2069
Krober, Marvin S., 361-34-1226
Larsen, Mark A., 475-40-3859
Lee, Robert E., 106-36-2521
Martyak, Anthony P., 208-34-0017
McAuley, Robert A., 517-44-4486
McPhail, John F., 267-82-3874
Merves, Edward, 271-40-0079
Morgenstern, Larry, 513-34-5095
Mortimer, Evan E., 323-38-9090
Odea, James E., 540-38-4038
O'Donnell, Francis L., 579-58-3727
Oetgen, William J., 258-74-6215
Oser, Kerry J., 567-68-6161
Parker, John S., 190-32-5626
Pearl, William R., 080-36-2721
Perugini, Daniel F., 204-38-0634
Pettett, Philip G., 508-54-9345
Peura, David A., 032-34-1087
Phillips, George L., 259-74-3982
Piskun, Walters, S., 058-34-0910
Roberts, David W., 046-34-1856
Romash, Michael M., 192-36-8034
Sausker, William F., 502-34-6297
Savory, Carlton G., 527-72-8958
Sheridan, John L., 533-44-8093
Smallridge, Robert, 232-74-2017
Smith, Franklin R., 529-58-2303
Suttee, David E., 425-88-7438
Sutton, Ernest L., 251-86-5520
Sweet, Ross B., 114-38-9662
Traylor, John A., 252-66-4848
Treece, Gary L., 565-66-7658
Tuer, William F., 079-36-3488
Turella, Giorgio S., 454-25-5911
Washburn, Michael, E., 285-42-6166
Wilson, Lynnford S., 223-60-7067
Wittich, Arthur C., 263-56-4570
Youngblood, Lloyd A., 549-70-6448

DENTAL CORPS

To be colonel

Allen, Mark V., 558-54-2303
Baumgartner, John C., 390-42-8825
Bersano, Raymond B., 325-38-8204
Boren, Robert S., 158-22-8158
Chamberlin, John H., 014-30-4444
Cook, Phillip A., 217-48-4598
Denucci, Donald J., 391-44-2740
Dismukes, Julian M., 407-62-3263
Dunn, Larry M., 510-52-0734
Goerig, Albert C., 530-28-7116
Jones, Griffith B., 222-28-6850
Kessler, Joel R., 106-36-0514
Koudelka, Brent M., 295-42-5306
Lewis, David M., 556-62-4829
Maerkl, Henry S., 458-74-5034
Oneal, Robert B., 249-74-4902
Priddy, William L., 312-46-8303
Rampton, Jon B., 528-60-0229
Rathofer, Steven A., 529-68-3654
Scheidt, Michael J., 305-52-1635
Sevier, Noble H., 315-48-0642
Shulman, Jay D., 095-36-9722
Sigala, Joseph L., 549-68-6470
Vire, Donald E., 371-42-3917
Webb, Joseph G., 250-76-9082
Whang, Raymond S., 576-34-2777
Woolsey, Gerald D., 459-70-2342

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Garfield, Mary M., 188-24-9127
Monagan, Charles F., 416-52-8295
Moore, John W., 048-30-9042

IN THE MARINE CORPS

The following-named U.S. Air Force Academy guaduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 541:

Mohle, Dennis H., 0529
Lewis, Robert J., 8154

The following-named Naval Reserve Officers Training Corps graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 2107:

Brady, Jeffry S., 8597
Brown, Gary E., Jr., 9379
McColgan, James T., III, 6264
Schirmer, Jeffrey P., 9681
Tyer, Jack A., 5837
Vanrooy, Joseph J., 3291

The following-named Marine Corps Enlisted Commissioning Education Program graduates for permanent appointment to the grade of second lieutenant in the U.S. Marine Corps, pursuant to title 10, United States Code, section 531:

Maddox, John R., 4738
Philadelphia, Carlton A., 2483
Riddick, Tommie D., 3315

The following-named temporary disability retired officer for reappointment to the grade of captain in the U.S. Marine Corps, pursuant to title 10, United States Code, section 1211:

Porr, James R., 3589

In the Coast Guard

The following permanent chief warrant officers, W-1 of the U.S. Coast Guard to be permanent chief warrant officer, W-2:

Herbert W. Davis, Jr.
John C. Gifford
Marshall V. Lott III
David A. Albaugh
Robin H. Orr
Paul W. Langner
Gary R. Burgun
Martin J. Dukeshire
Walter T. Conklin
Arthur B. Miller
William R. Gird
Donald G. Gardner
John R. Yunker
William Court II
Richard D. Laliberty
Kenneth N. Gibbs, Jr.
Carl A. Litke
Larry E. Smith
Dean R. Kessler
Raymond K. Goble
Anthony R. Stadie
Roland H. Starr
David F. Fronzuto
Kenneth E. Derrick, Jr.
Donald S. Harrison
Ronald G. Hull
William K. Green
Michael G. McNaught
John A. Aberle, Jr.
Robert L. Conley
Anthony J. Smigelski, Jr.
Michael G. Fries
John M. Washburn
Donald J. Joiner
Kenneth M. Burnaw
Layman K. Towery
Daniel F. Coffey
James T. Toms
Donald T. Hall
Dante G. Hebert
Jonathan D. Sawyer
Gerald E. Siebert
Patrick C. Kenny
Richard A. Tabor
Richard B. Honey
Dale E. Colburn
Leonard H. Fleming
Edward W. Wilson
Alex Averin
Daniel J. King
Kenneth M. Brandal
Seymour L. Haber
David C. Ebenhoeh
Robert J. Duld
David J. McDermott
Leonard K. Pendergraft
David J. Siehl
Richard P. Dickson
Maurice K. Jenkins
Peter M. Keane
William E. Pearson
William M. Stromberg
Adolph E. Galonski
Michael W. McNeil
David Vincent
Michael D. Dawe
Joseph H. Hubbard
Ricky D. Piper
James R. Roberts
Robert L. Desh
Charles O. Russell
Kenneth S. Rollins, Jr.
Tomas M. Dumlao
Albert O. Simmons
Melesio Gonzalez
David J. Ring
Tommy G. Beadle
Darryl Umland
Richard C. London
Larry D. Beard
Dennis P. St. John
William N. Wall
James B. Farmer
William E. Moore
Rickey W. George
James H. Humphrey
John D. Swapp
William H. Burt
Bobby G. Thompson
Lawrence Rounds
Gregory R. Ploor
Richard M. Ross
Richard T. Pink
Robert W. Steiner
Robert J. Harko
John D. Nylen
Christopher E. Jewell
Robert F. Salmon
John E. Palmer
Larry V. Ellis
Raymond H. Dolan
Curtis R. Butler
Edward A. Goldberg
Jerome J. Walker
Kenneth A. Ramsdell
Michael D. Needham
Ronald H. Armstrong
William F. Gebing
Richard K. DeClaro
Joseph A. Kilonsky
Joe B. McCollum
Barry M. Goddard
Herman Weaver
Allen M. Moore
Larry R. Fletcher
John H. Douglas
Brenton S. Michaels
Patrick S. Hill
Charles W. Taylor
Michael F. Emch
Ralph J. Hansen
John T. Prill
Stuart A. Link
Troy B. Sowers
James F. Szerokman
Richard J. Eldred
Keith D. Koch
John J. Hecker
Ross D. Johnson
Lawrence P. Demarchi
John P. Sparrow
Larry K. Sisseck
Ernesto P. Ventenilla
Eduardo G. Matias
Russell E. French
Thomas F. McGrath, Jr.
Raymond J. Lenihan
Mark A. Vogel
David E. Franklin
James V. Cole
Barry S. Gaudette
Vincent J. Bekken
Richard E. Leber
Robert W. Siggins
Jerry T. Coronel
Stephen J. Milobar
Joseph R. Howard
James S. Lodge
Thomas W. Binswanger
Gary A. Massey
Jack T. Dale
Richard R. Reinhart
Samuel K. Long
Wilfredo C. Padilla
Arlie L. Schroeder
Harry D. Leamer
Patrick I. Padgett
Jose S. Marmol
Gary E. Mael
Douglas J. Flammang

The following permanent chief warrant officers, W-2 of the U.S. Coast Guard to be permanent chief warrant officer, W-3:

Richard C. Dewaal
Bryan J. Norman
Jack C. Wilson
John A. Kress
Clarence L. Luck
Horace V. Johnson
James T. Beckermann
Rowlin J. Browning
James W. Long
James B. Reynolds
Resta N. Cauley, Jr.
Gerald W. Schmer
James F. Fromm
John D. Clark
William G. Wetherington
Ralph W. Cromley
William E. Mulkern
George M. Allen
Richard J. McGrew, Jr.
Dale L. Walker
John P. Camey
William P. Zazzo
Rafael Rivera
Stephen D. Willmann
Timothy H. Harris
David L. Grant
Ronald W. Hunt
Harry J. Dasher
John F. McCaslin
James P. Mackay
Charles W. Mattoon
Archie C. Goodwin
Cornelius Howlett
David T. Powell
Donald C. Roark
Walter L. Carr
Raymond A. Morris, Jr.
Bobby B. Butler
Norbert V. Amano
Marsden H. Warren, Jr.
John C. Simmons
Wallace R. Hunter
Ronald A. Perry
Raymond C. Sanford
Everett P. Clark II
Claude D. Pendergraph
Jerry W. Lemon
Harold R. Springsteen
Robert O. Rucker
Earl L. Reed
James J. Kohlhepp
Malcolm D. Bassett
Michael W. Dubose
Thomas J. Reidy
Richard M. Meidt
Edward F. Clancy, Jr.
William R. Johnson
Braxton L. Holland
William C. Kennedy, Jr.
Guy R. A. Sorenson
John A. Pellegrini
Alfred P. McNab III
James D. Agar
Edward D. Huckeba
Jon J. Huff
Jesse J. Findley
Don A. Mahoney
John M. Powers
Richard E. Spinney
Larry A. Everman
Donald W. Cowell
James E. Bradshaw
Julian R. Cates
Thomas D. Hetsler
Curtis A. Forbes
Richard S. MacNair
Thomas H. Specht
John H. Marx
Carl R. Skinner
James L. Cropper, Jr.
David S. Stonebrook
David G. Deabenderfer
William L. Wagner
Louis P. Nann
John A. Giehl
Leon F. Boland
Michael F. Abbott
Craig A. Reynolds
Newman L. Cantrell
Daniel R. Oakley
Frank G. Dzieciolowski
Robert W. Greiner
Donald E. Pace
Anthony J. Trackerman
James H. Crimmins, Jr.
Robert J. Moynihan
James R. Brown
Cornelious A. Johnson, Jr.
Johne E. Niemi
Charles D. Smith
James R. McKnight, Jr.
Robert J. Campbell
Harold W. Willis, Jr.

The following permanent chief warrant officers, W-3 of the U.S. Coast Guard to be permanent chief warrant officer, W-4:

Joseph Phillips
Robert B. Dunn
Donald D. Blackmon
Charles D. Dryden
James R. Lindeblad
John G. Burkee
Francis J. Dougherty
Hiram E. Brooks
Richard C. Pierce
Andrew J. Gregorich
Joseph H. Williams III
Edmond J. Brady
Peter J. Kellerman
Robert J. Rhoads
John F. Bischoff
Leroy G. Seier
Friend J. Cornell
Richard E. Moore
Vincente B. Agor
Joseph T. Cook
Billy J. Bush
Robert J. Landefeld
Robert L. Lewis
Peter S. Hughes
Howard H. Hudgins
John C. Crawford

EXTENSIONS OF REMARKS

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North 3d Street, Suite 103, in Phoenix.

The list is arranged as follows;

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issues being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

VOTING RECORD

301. H.R. 2957. International Recovery and Financial Stability Act. Gramm, R-Texas, amendment to instruct the U.S. representative to the International Monetary Fund to oppose loans to communist dictatorships. Adopted 242-185: NV(3-1-1), August 3, 1983.

302. H.R. 2957. International Recovery and Financial Stability Act. St Germain, D-R.I., amendment to the Burton, R-Ind., amendment, instructing the U.S. representative to the International Monetary Fund (IMF) to support policies to bring IMF interest rates in line with market rates. St Germain's amendment effectively gutted the Burton amendment, which would have required the United States to oppose any IMF loan with a rate of interest that is less than the average rate of interest for similar loans guaranteed by the Small Business Administration. Adopted 286-136: NV(2-2-1), August 3, 1983.

303. H.R. 2957. International Recovery and Financial Stability Act. Corcoran, R-Ill., amendment to strike the increase in the U.S. quota in the International Monetary Fund (IMF) and direct the Secretary of the Treasury to encourage the IMF to help foreign countries renegotiate their bank loans on more favorable terms. Rejected 174-249: N(3-2-0), August 3, 1983. A "nay" was a vote supporting the president's position.

304. H.R. 2957. International Recovery and Financial Stability Act. Passage of the bill to authorize an $8.4 billion increase in U.S. participation in the International Monetary Fund, extend for two years with some changes the authority for the Export-Import Bank, and provide multilateral development aid. Passed 217-211: Y(2-3-0), August 3, 1983. A "yea" was a vote supporting the president's position.

306. H.R. 2230. U.S. Commission on Civil Rights. Edwards, D-Calif., amendment (part 1) to extend the life of the commission for five years, rather than 15 years as provided in the bill. Adopted 400-24: Y(4-1-0), August 4, 1983.

307. H.R. 2230. U.S. Commission on Civil Rights. Edwards, D-Calif., amendment (part 2) to permit removal of members of the Civil Rights Commission only for neglect of duty or malfeasance in office. Adopted 286-128: Y(3-2-0), August 4, 1983.

308. H.R. 2867. Hazardous Waste Control. Florio, D-N.J., amendment to the Shelby, D-Ala., amendment, to require generators of 25 or more kilograms per month of hazardous wastes to notify transporters the wastes are hazardous. Adopted 236-180: Y(2-3-0), August 4, 1983. (The Shelby amendment, which would have raised the notification threshold from the committee-approved 25 kg/mo. to 100 kg/mo., subsequently was adopted by voice vote.)

309. H.R. 2867. Hazardous Waste Control. Hiler, R-Ind. amendment to the Shelby, D-Ala., amendment, to lengthen to 810 days the phase-in period for requirement on generators of small quantities of hazardous wastes. Adopted 218-192: Y(5-0-0), August 4, 1983. (The Shelby amendment, as modified by the Florio, D.-N.J., amendment, would have imposed the small-generator requirements in 180 days. It subsequently was adopted by voice vote.)

310. H.R. 3520. Rehabilitation Act Amendments. Adoption of the rule (H. Res. 283) providing for House floor consideration of the bill to amend and reauthorize through fiscal 1988 the Rehabilitation Act, which provides vocational rehabilitation programs; authorizes several other educational programs for handicapped persons; and increases authorizations for 10 other educational, arts and welfare programs. Adopted 251-137: Y(2-3-0), August 4, 1983.

311. H.R. 3391. Trade Adjustments Assistance. Adoption of the rule (H. Res. 299) providing the House floor consideration of the bill to reauthorize and amend trade adjustment assistance programs for workers and firms. Adopted 233-132: Y(1-3-1), August 4, 1983.

313. H.R. 3520. Rehabilitation Act Amendment. Bartlett, R-Texas, amendment to delete the section of the bill increasing authorization levels for 10 education and social services programs. Rejected 124-283: N(2-2-1), September 13, 1983.

314. H.R. 3520. Rehabilitation Act Amendments. Moorhead, R-Calif., amendment to revise the formula for distribution of funds for energy assistance to low income people. Adopted 226-174: Y(4-0-1), September 13, 1983.

315. H.R. 3520. Rehabilitation Act Amendments. Erlenborn, R-Ill., motion to recommit the bill to the Education and Labor Committee with instructions to amend the bill to prohibit funds authorized by Title IV of the bill from being spent by any school district or other political subdivision responsible for education unless that body has a procedure for determining functional literacy as a condition for high school graduation. Motion rejected 128-275: N(2-2-1), September 13, 1983.

316. H.R. 3520. Rehabilitation Act Amendments. Passage of the bill to authorize fiscal 1984 appropriations of $1,037,800,000 for state grant vocational rehabilitation programs, with increases for fiscal 1985-88 according to a formula and such sums as necessary for other Rehabilitation Act programs for fiscal 1984-88; to create a federal program to assist in the education of immigrant children for fiscal 1984-86 and authorize such sums as necessary; and increase fiscal 1984 authorizations for 11 other educational, arts and welfare programs from $9,474,700,000 to $11,092,700,000. Passed 324-79: Y(3-1-1), September 13, 1983. A "nay" was a vote supporting the president's position.

317. H.R. 5. Ocean and Coastal Resources Management. Passage of the bill to share up to $300 million annually in federal offshore oil and gas leasing revenues with coastal and Great Lakes states as block grants for certain ocean and coastal resources programs. Passed 301-93: Y(2-2-1), September 14, 1983. A "nay" was a vote supporting the president's position.

318. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., amendment to the Ways and Means Committee amendment, to lower the percentage of customs duties to be set aside in a special account for trade adjustment assistance, thereby bringing the program into conformity with the fiscal 1984 budget resolution, and to delete language authorizing additional funds if necessary to meet the bill's requirements. Rejected 176-234: N(2-2-1), September 14, 1983.

319. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., amendment to eliminate a provision extending trade adjustment assistance to workers in firms that supply parts and services to industries damaged by import competition. Rejected 154-255: N(2-2-1), September 14, 1983.

320. H.J. Res. 353. Korean Plane Resolution. Passage of the joint resolution to condemn the Soviet Union for its destruction of a Korean civilian airliner. Passed 416-0: Y(4-0-1), September 14, 1983.

322. S. 675. Omnibus Defense Authorizations. Adoption of the conference report on the bill to authorize $187.5 billion for weapons procure research and operations and maintenance of the Department of Defense

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

in fiscal 1984. Adopted 266-152: N(4-1-0), September 15, 1983.

323. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., amendment to eliminate the special fund that would finance benefits from a percentage of annual customs duties, and replace it with a regular authorization. Rejected 173-231: N(3-2-0), September 15, 1983.

324. H.R. 3391. Trade Adjustment Assistance. Frenzel, R-Minn., motion to recommit the bill to the Ways and Means Committee with instructions to amend the bill so that the amount authorized for trade adjustment assistance could not exceed the amount provided in Congress 1984 budget resolution. Motion rejected 194-218: N(3-2-0), September 15, 1983.

325. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Smith, D-Iowa, motion that the Committee of the Whole rise and report the bill back to the House with amendments, thereby barring any legislative riders such as a prohibition on use of Justice Department funds to block programs of "voluntary" school prayer. Motion agreed to 245-120: Y(3-2-0), September 15, 1983.

326. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Passage of the bill to provide $6,717,926,000 in fiscal 1984 for the State, Justice and Commerce departments and the federal judiciary. Passed 228-142: Y(3-2-0), September 19, 1983. The President had requested $9,744,502,000 in new budget authority.

327. H.R. 1036. Community Renewal Employment Act. Adoption of the rule (H. Res. 302) providing for House floor consideration of the bill to authorize federal grants to local communities for projects to provide public service jobs in areas of high unemployment. Adopted 309-108: Y(2-3-0), September 20, 1983.

328. H.R. 1036. Community Renewal Employment Act. Hawkins, D-Calif., amendment to delete the $5 billion in fiscal 1983 authorization in the bill and instead authorize $3.5 billion in fiscal 1984 for the jobs program. Adopted 414-0: NV(4-0-1), September 21, 1983.

329. H.R. 1036. Community Renewal Employment Act. Hawkins, D-Calif., amendment to the Jeffords, R-Vt., amendment, to terminate the bill's authorization if unemployment rates fall below 4 percent while continuing authorization of funds for areas where unemployment was at least 6.5 percent. Rejected 208-210: Y(2-3-0), September 21, 1983. (The Jeffords amendment, which would phase down the authorization levels as unemployment declines and eliminate it if unemployment falls below 6 percent, subsequently was adopted by voice vote.)

330. H.R. 1036. Community Renewal Employment Act. Gekas, R-Pa., amendment to prohibit authorization of the funds in the bill if spending those funds would result in deficit spending by the Federal Government. Rejected 166-258: N(3-2-0), September 21, 1983.

331. H.R. 1036. Community Renewal Employment Act. Walker, R-Pa., amendment to require that all of the jobs created under the bill go to people who had been unemployed at least six weeks before the bill is enacted. Rejected 142-279: N(3-2-0), September 21, 1983.

332. H.R. 1036. Community Renewal Employment Act. Walker, R-Pa., amendment to, in effect, waive the Davis-Bacon Act, which requires that the prevailing local wage be paid on federal construction projects, as applied to revenue sharing projects, if such a waiver would result in a substantial increase in employment for minority youths. Rejected 92-327: N(3-2-0), September 21, 1983.

333. H.R. 1036. Community Renewal Employment Act. Passage of the bill to authorize $3.5 billion in fiscal 1984, and funds in future years a formula based on levels of unemployment, to provide grants to local governments to finance repairs and renovation of community facilities and public schools for the purpose of creating jobs. Passed 246-178: Y(2-3-0), September 21, 1983.

334. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Conte, R-Mass., amendment to prohibit use of funds in the bill to pay for abortions. Adopted 231-184: N(3-2-0), September 22, 1983.

335. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Wright, D-Texas, amendment to add $300 million to the bill for job training and education programs. (The amendment was originally to add $400 million but was reduced to $300 million.) Adopted 302-111: Y(2-3-0), September 22, 1983.

336. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Passage of the bill to appropriate $96,466,088,000 in fiscal 1984 for the departments of Labor, Health and Human Services, and Education and related agencies. Passed 310-101: Y(2-3-0), September 22, 1983.

337. H.R. 3962. Export Administration Act. Bonker, D-Wash., motion to suspend the rules and pass the bill to extend authority under the Export Administration Act of 1979 from Sept. 30 until Oct. 14, 1983. Motion agreed to 410-0: Y(5-0-0), September 27, 1983. A two-thirds majority of those present and voting (274 in this case) is required for passage under suspension of the rules.

338. H.R. 1010. Coal Pipeline Act. Vento, D-Minn., amendment to mandate that affected states establish an interstate compact to determine the sale or diversion of water to coal slurry pipelines and to clarify rights of downstream states. Rejected 162-257: N(2-3-0), September 27, 1983.

339. H.R. 1010. Coal Pipeline Act. Passage of the bill to grant federal power of eminent domain to certified coal slurry pipeline companies. Rejected 182-235: Y(3-2-0), September 27, 1983.

340. H.J. Res. 364. Multinational Force in Lebanon. Adoption of the rule (H. Res. 318) providing for House floor consideration of the joint resolution to provide statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon for up to 18 months after enactment of the resolution. Adopted 306-91: NV(3-0-2), September 28, 1983.

341. H.J. Res. 364. Multinational Force in Lebanon. Long, D-Md., substitute to require the president to invoke the War Powers Resolution by the end of November, or at the end of any month thereafter, unless he certified to Congress that a cease-fire was in effect and was being observed and that significant progress was being made in negotiations to broaden the base of the Lebanese government and to achieve a political resolution of existing differences. Rejected 158-272: Y(2-3-0), September 28, 1983. A "nay" was a vote supporting the president's position.

342. H.J. Res. 364. Multinational Force in Lebanon. Passage of the joint resolution to provide statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon for up to 18 months after the enactment of the resolution. Passed 270-161: N(2-3-0), September 28, 1983. A "yea" was a vote supporting the president's position.

343. H.J. Res. 368. Continuing Appropriations, Fiscal 1984. Passage of the joint resolution to provide continued funding, through Nov. 15, 1983, for government agencies whose regular fiscal 1984 appropriations bills had not been enacted. Passed 261-160: NV(3-1-1), September 28, 1983.

344. H.R. 3929. Federal Supplemental Unemployment Compensation. Campbell, R-S.C., motion to recommit the bill to the Committee on Ways and Means with instructions to extend the current program of federal supplemental unemployment compensation for 18 months, with maximum benefits going to states with the highest unemployment rates. Motion rejected 141-278: N(2-2-1), September 29, 1983.

345. H.R. 3929. Federal Supplemental Unemployment Compensation. Passage of supplemental unemployment compensation for 18 months, with maximum benefits to jobless workers who have exhausted all other state and federal unemployment compensation benefits to jobless workers who have exhausted all other state and federal unemployment benefits, and to extend for 45 days authority to continue payments of Social Security disability benefits to a recipient during the recipient's appeal to an administrative law judge of a decision to terminate the recipient's benefits. Passed 327-92: Y(2-2-1), September 29, 1983.

346. S. 602. Radio Broadcasting to Cuba. Passage of the bill to establish a service under the Voice of America, to be called "Radio Marti," to broadcast news and information to Cuba, and authorizing $14 million in fiscal year 1984 and $11 million in fiscal 1985 for the station's operations. The bill also authorized $54.8 million each year for modernization of Voice of America broadcast facilities. Passed 302-109: Y(3-1-1), September 29, 1983.

347. H.R. 3415. District of Columbia Appropriations, Fiscal 1984. Adoption of the conference report on the bill to appropriate $600,811,600 in federal funds for the District of Columbia in fiscal 1984, and $2,178,086,600 from the District's own treasury. Adopted 231-177: NV(1-2-2), September 29, 1983. The president had requested $569,590,000 in federal funds and $2,147,013,000 in District funds.

348. H.R. 3231. Export Administration Act. Bonker, D-Wash., substitute, for the Hughes, D-N.J., amendment, to maintain most of the new law enforcement authority granted to the Department of Commerce under the bill, but prohibit Commerce officers to make arrests without a warrant. Rejected 164-246: Y(2-2-1), September 29, 1983.

349. H.R. 3231. Export Administration Act. Hughes, D-N.J., amendment to strike provisions of the bill granting new law enforcement authority to the Department of Commerce. Rejected 160-243: Y(2-2-1), September 29, 1983.

350. S.J. Res. 159. Multinational Force in Lebanon. Passage of the joint resolution conforming to the Senate version, to provide statutory authorization under the War Powers Resolution for continued U.S. participation in the multinational peacekeeping force in Lebanon for up to 18 months after

the enactment of the resolution. Passed 253-156: N(1-3-1), September 29, 1983.●

A TRIBUTE TO THE SPECIAL SERVICE FORCE OF WORLD WAR II

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, it is an honor for me to recognize the Special Service Force, an elite combat unit comprised of American and Canadian soldiers whose morale and cohesiveness united Canada and the United States in World War II. The first international force of its kind met with great success under the joint leadership of Gen. Robert T. Frederick of the United States and Col. J.F. R. Akenhurst, Sr., of Canada.

Under the general and colonel's tutelage, the brave men of this unique force gained expertise as paratroopers, ski troopers, and as an amphibious unit during 10 months of intensive training in Montana, Virginia, and Vermont. Their first assignment in July 1943 was an invasion of the Aleutian Islands which proved to be a success. During the next year and a half the force won battle honors in Naples, Monte la Difensa, Anzio, Southern France, and Rome, to name a few. Each mission was executed with precision and confidence winning the respect of all forces in the war and playing a key role in the Allied victory.

The Special Service Force could not have been possible if it were not for the cooperation and friendship enjoyed between the United States and Canada. Nowhere else in the world have we witnessed such true comraderie between two nations. At a time when there is so much hostility and terrorism in the world, it is refreshing to know we can work in such close unity with our trusted friend, Canada.

To the men of the Special Service Force, you have my respect and admiration. Your job was difficult at best, yet you carried out every command with dignity. You faced each challenge courageously and you risked your lives for freedom. We owe you a great deal of gratitude and thanks.●

EXCLUSION OF HOMOSEXUALS SHOULD CEASE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. FRANK. Mr. Speaker, among the unjustifiable sections of our immigration law are those which exclude from America otherwise eligible immigrants on the grounds that they are homosexual. Last week, the U.S. Supreme Court declined to intervene in a case where a businessman, who has been a law-abiding, constructive resident of the United States since 1965, has been ordered deported because the Immigration and Naturalization Service does not like his private sexual behavior.

There are many legitimate grounds for excluding people from the United States, and the Federal Government has an interest in preventing those who would violate our laws or disturb our society from coming here. But to exclude responsible and decent people on the grounds of their sexual orientation serves no legitimate public purpose. Indeed, it threatens our concept of liberty by empowering Federal officials to act as inquisitors into the private sex lives of law-abiding adults.

As the Washington Post recently stated in a cogent editorial, "The provision makes no sense in this day and age."

The Circuit Court of Appeals did, in the case of Richard Longstaff—discussed in this editorial—overrule the district court's argument the Mr. Longstaff had lied when he denied having a psychopathic personality, but the circuit court then ruled that it had no choice under the law but to order Mr. Longstaff—who has been a responsible and positive resident to submit to deportation. The Post is right that Congress ought to change this law, and I ask that the Post editorial be printed here.

EXCLUDING HOMOSEXUALS

Richard Longstaff immigrated to this country from England in 1965. He settled in Texas and now owns clothing stores and hair-dressing salons in Dallas and Houston. But on Tuesday the Supreme Court let stand a court decision denying him citizenship because, when he entered the country, he answered "no" to the question "Are you afflicted with a psychopathic personality?" Mr. Longstaff is homosexual.

The courts deal with statutes enacted by Congress, and Congress clearly wanted to exclude homosexuals when the McCarran Act, with its archaic classification of mental disorders, was passed in 1952. The policy was reaffirmed in more specific language 13 years later when "sexual deviation" was added to the list of conditions resulting in exclusion. Since courts are unlikely to overturn the law on constitutional grounds, Congress ought to change the law. This provision makes no sense in this day and age.

Why do we exclude certain categories of immigrants from our country? Some are rejected for past criminal conduct, or because they have communicable diseases or will become public charges or threats to national security. Homosexuals as a class do not fit any of these descriptions. The medical profession has, for almost a dozen years, refused to consider this condition a mental disorder, and since 1979 Public Health Service doctors have refused to conduct medical examinations of persons suspected by the INS of being homosexuals.

The law, therefore, is now being enforced in an arbitrary and unfair manner. Some would-be immigrants are denied admission on the supposition of an INS officer, others because they are truthful. Those who steadfastly deny their homosexuality usually pass inspection as this man might have done had he not been honest on his citizenship application.

Sen. Alan Cranston has introduced a bill to remove homosexuals from the list of aliens who are automatically excluded, but there is little support from his colleagues. His proposal to end discrimination against this category of immigrants deserves better. Most Americans now view homosexuality on the part of consenting adults as a personal and private matter. It is neither an economic burden on the public nor a threat to the national health or security. It should not be grounds for automatic exclusion.●

THE TRADE DEFICITS: A SIGN OF ECONOMIC WEAKNESS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. OTTINGER. Mr. Speaker, late last week the Commerce Department announced that for the fourth month in a row, the Nation's trade deficit has exceeded its past level. In the beginning of the year, experts warned that unless strong action was taken to reduce the pressures on this deficit, our trade imbalance could increase from $69 billion in 1983 to $100 billion in 1984. But as the months continue to pass the cumulative deficit projections are increasing. Experts now predict that the trade deficit could expand by as much as 81 percent in 1984 to a frightening $126 billion.

For many months the Reagan administration has claimed this deficit is the product of our expanding economy. Its officials argue that we need only be patient and wait for the economies of our trading partners to catch up and our trade deficit will naturally shrink. This is far too simplistic an explanation to a very real and complicated problem. As a product of increasing budget deficits, high interest rates and an overvalued dollar, this trade deficit is crippling the manufacturing and export sectors of our economy. Since 1980, it has contributed to the loss of 2 million jobs and has caused the GNP to fall by 2 percent. If it is not reversed it will bring inevitable collapse to our tenuous economic recovery and wreak havoc with our industrial position and jobs.

While today's deficit is the product of many complex factors, steered by both internal and external forces, there is no doubt that it is intrinsically linked to President Reagan's economic policies. I venemently opposed these programs from the beginning, realizing the destabilizing effects they would have on our economy and that of the free world. The administration's endorsement of Federal Reserve Board Chairman Paul Volcker's tight monetary policy, combined with an assured fiscal policy, forced interest rates to skyrocket and brought with it a deep worldwide economic recession. The President's economic package, which slashed taxes by $136 billion a year while at the same time pouring billions of dollars into a wasteful Pentagon was, as Vice President BUSH aptly described it, "voodoo economics." Even with debilitating cuts in vital public programs such as job training, education and economic development, the decimated Federal Treasury produced $200 billion deficits which, according to Budget Director David Stockman, will continue as far as the eye can see.

The tight money and Federal deficits have produced and supported interest rates at historically high levels as private and public borrowers compete for scarce capital. These persistently high interest rates are in turn contributing to the trade deficit by creating an overvalued dollar and increasing the debts held by developing nations.

The high dollar has priced our exports out of competition in the international market. Its value, with respect to the currencies of our trading partners, is severely harming our industries' ability to compete with foreign products—turning our once affordable exports into luxury goods. The high cost of the dollar is also increasing the desirability for American consumers to purchase imports which, because of the weakness of foreign currencies in comparison to the dollar, cost less than American-made products. Many American manufacturers are responding to declining sales by pulling out of the United States and moving jobs and production overseas.

The interest rates are also contributing to the skyrocketing debts facing the Third World countries. As the servicing of their debts increase, the financial resources these nations need to build their economies is becoming desperately scarce. This directly affects the amount of imports they can afford to purchase from the United States. For example, between 1981 and 1983 our trade with 20 Latin American Republics, including Argentina, Mexico, and Brazil, switched from a $5.4 billion surplus to a $14.7 billion deficit. The increase of our total world trade deficit increased by $26.7 billion between 1982 and 1983—$11 billion of that gap is due to reduced trade with these nations. This drop in trade with Latin America alone has, according to the Federal Reserve Bank of New York, caused the loss of 250,000 jobs in our economy.

The high dollar is also affecting the economic health of our industrial allies. Many of the Western European nations point to its high cost as one of the greatest barriers to their economic recovery—the same recovery the Reagan administration promises will help reduce our world trade deficit. As the dollar increases so does the price other nations must pay for oil and petrochemical products, which are sold in dollars.

For instance, in April, West Germany payed 3.5 percent more in deutsch marks for a barrel of oil than it did only 3 months prior, even though the spot market price for oil has dropped 3 percent over the same period. High interest rates are also stalling an international economic recovery as our trading partners bolster their rates to head off the flight of capital to the United States. These higher rates mean that fewer industries are able to afford the capital investment needed to rebuild their facilities, create jobs and begin reducing the double-digit unemployment plaguing their economies.

The Congress must begin to ease the pressures of the expensive dollar and high interest rates in order to reduce the ballooning trade deficit. The only way to take such action is to begin eliminating the $200 billion Federal budget deficits by reversing the policies which caused them—Reaganomics. As an alternative to President Reagan's policies we must establish an economic plan which will reinvest money for productive uses. Funds need to be directed to industrial renovation and job creation. At the same time money must be pulled out of wasteful programs which fuel needlessly bloated Pentagon and create useless tax shelters. Our tax base must be restored and the Federal Reserve required to furnish sufficient funds to permit high production and lower interest rates. I have developed such a policy with 75 of my Democratic colleagues in the House, the national economic recovery project, which was endorsed by 153 Members of the House—a clear majority of Democrats.

This project seeks to address the inherent problems in our economy. To insure a lasting recovery we call for a policy which restores revenue and reestablishes equity to the Tax Code by insuring that every person and corporation pay their fair share; reduces the Pentagon budget to a level which will promote our national security without breaking the bank; increases spending for programs designed to create jobs and improve industrial production, and directs the Federal Reserve Board to finance a high production economy and to ease pressures on interest rates.

The group is in the process of putting together an omnibus legislative package, based on our objectives, which we hope to introduce in June. We firmly believe that this is the remedy Congress must prescribe in order to promote a full and lasting economic recovery. Econometric runs on this plan indicate that it works—it will not only reduce the Federal deficits below the Carter levels but will ease the pressures of the factors directly linked to them such as high interest rates, the strong dollar and increasing trade deficits.●

A TRIBUTE TO THOMAS ROSSELLI

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, it is an honor for me to pay tribute to Tom Rosselli, a man who gave so much to his community and Nation; a man of honor, courage, and undying spirit.

A businessman by trade, Tom was always very involved in community affairs. He devoted most of his time and energies to Boy Scouting and exemplified the true meaning of a Scout every day of his life with dignity and thoughtfulness.

Tom served his country in World War II and received the Bronze Star for merit in combat. He returned home and served as first commander of the Newton Memorial Post of the Veterans of Foreign Wars.

In 1958, when Tom lost his right arm in an accident, he did not let it slow him down. In fact, Tom mastered the game of golf singlehanded and achieved what many never do—a hole-in-one. For 10 years, Tom combined his passion for golf and devotion to scouting, and chaired the Annual Boy Scout Golf Outing held at the Newton Country Club to raise funds for Scouting of Morris and Sussex Counties.

Many boys have been able to enjoy the Scouting experience because of invisible heroes like Tom Rosselli. It is only fitting the golf outing be renamed the Tom Rosselli Scout Golf Outing in memory of this fine American.●

NATIONAL ORGANIZATION OF WOMEN HONORS BARBRA STREISAND

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. WAXMAN. Mr. Speaker, on June 6, 1984, the National Organization of Women (NOW) will honor Barbra Streisand with its highest tribute, the Women of Courage Award, for a lifetime of "unique and unusual courage."

Barbra Streisand's life has all the elements of a legend and has been recounted many times in all parts of the free world. Born in Brooklyn, NY, during World War II, her childhood was marred by the death of her father, Emanuel Streisand, when she was 15 months old. Endowed with intelligence, creative talents, and a fierce will to succeed, Barbra Streisand became an instant success as an actress/singer in her very first roles. Beginning in 1962 when she won the New York Critics Award as best actress, Ms. Streisand has garnered awards in every field of entertainment—theater, film, television, music. Each success and even the rare setback has propelled Barbra Streisand into new challenges and accomplishments. Her work as a director, producer, writer, and composer has been an inspiration to other creative women who are entering these fields for the first time.

Always a perfectionist, always searching for new horizons and fulfillment, Barbra Streisand is now devoting her considerable talent and thought and much of her time to numerous philanthropic, educational, and social consciousness-raising projects.

Honoring the memory of her father who was an educator and scholar, Ms. Streisand has endowed the UCLA Medical School with the Streisand professorship of cardiology; also in his honor the Emanuel Streisand School, a day care center of young children, has been established at the Pacific Jewish Center in Santa Monica, CA. The Streisand Center for Jewish Cultural Arts at UCLA (Hillel) is a forum where great Jewish artists, scholars, and writers share their experiences with the public. Many other organizations have benefited from her interest and generosity.

In April 1984, Ms. Streisand dedicated the Emanuel Streisand Centre for Jewish Studies on the Mount Scopus Campus of Hebrew University in Jerusalem. The new centre houses the departments of the Bible, the Hebrew language, Hebrew literature, history of the Jewish people, Jewish thought, Talmudic studies, Yiddish and Jewish folklore.

In November, Barbra Streisand will be honored as the 1984 Scopus Laureate of American Friends of Hebrew University in recognition of her outstanding devotion to education.

In every corner of the globe where her films are seen and her music heard and where she has gone without official portfolio, Barbra Streisand is regarded as one of the best and brightest and "real" Americans our country has produced. As a humanitarian, she has proven the "people who need people" and share with people are the "luckiest people in the world."

I ask the Members to join me in saluting Barbra Streisand on this special occasion. We all look forward to enjoying the benefits of her many endeavors for a long time to come.●

THE VIETNAM VETERANS MEMORIAL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, an exhaustive General Accounting Office audit has now cleared the Vietnam Veterans Memorial Fund of allegations of mismanagement.

The findings are no surprise. The real issue has never been the memorial fund which has been routinely audited and routinely cleared.

The real issue was the allegations themselves and the real story was why a distinguished affiliate like WDVM here in Washington aired and publicized a series based on the allegations.

WDVM has reported the GAO findings. Perhaps now, they will turn the camera on themselves and report their own errors.

Perhaps now, those few who oppose the memorial design will limit the debate to the design itself and cease the vicious attacks on the memorial fund managers.

I have attached the summary of the General Accounting Office report. I urge my colleagues to review this important document.

REPORT BY THE COMPTROLLER GENERAL

DIGEST

GAO conducted a comprehensive audit of the financial operations of the Vietnam Veterans Memorial Fund, Inc., (the Fund) at the request of nine Members of the Congress. The Fund is the non-profit organization which was authorized by the Congress to erect the Vietnam Veterans Memorial on federal land in Washington, D.C. Serious questions and allegations had been raised publicly regarding the propriety of the Fund's financial operations and its accounting and reporting of those operations.

GAO found that the Fund's financial operations have been conducted in a proper manner and that the Fund has properly accounted for and adequately reported its receipts and disbursements. GAO also found that the prior audits of the Fund's operations were proper and that the numerous allegations raised regarding the Fund were not valid.

HISTORY OF THE FUND

The Fund was incorporated as a nonprofit corporation in the District of Columbia on April 27, 1979, with the purpose of raising funds for the erection of a monument to American veterans of the Vietnam war.

The President of the United States signed Public Law 96-297 on July 1, 1980, authorizing the Fund to erect the Memorial on a two-acre site near the Lincoln Memorial. While the Memorial was to be erected without government funds, the design was subject to the approval of the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission. The Secretary of the Interior was also responsible for determining that adequate funds were available to complete the Memorial prior to groundbreaking and for assuming responsibility for maintenance of the Memorial after it is transferred by the Fund.

The Fund began a campaign in 1980 to obtain contributions for the Memorial from the American public through an extensive mail solicitation campaign and from veterans organizations, corporations, foundations, community groups, and others by personal contacts. The Fund hired professional fundraisers to assist it in these efforts.

In order to select a design for the Memorial, the Fund held a design competition in 1981 open to all Americans over 18 years of age. The winning design was a V-shaped memorial of polished black granite set below ground level. Each wall of the Memorial was to be 200 feet long and 10 feet high at the vertex. The names of the 57,939 dead and missing American casualties of the war were to be inscribed on the walls.

Major controversy over the design ultimately led to a compromise which added a flagpole and statue to the original design. After approval by the appropriate authorities, ground was broken on March 26, 1982. The Memorial wall was completed in October 1982, and dedicated at a National Salute to Vietnam Veterans during the week of Veterans Day, 1982.

The entire Memorial is still not complete as of May 1984. The statue must be completed and installed and various other items, such as lighting and expanded walkways, must be completed. The Fund anticipates that work will be complete and the Memorial transferred to the Department of the Interior by Veterans Day, 1984. The Fund then plans to terminate operations, after providing for future maintenance of the Memorial wall panels and the addition of names.

FINANCIAL CONTROVERSY

The Fund has been involved in a number of financial controversies regarding access to its books and records. A major contributor and a lawyer requested access to these records in 1981 and 1982, but were not permitted to make an examination.

In 1983, a television reporter began an investigation of the Fund's financial operations which culminated in a four-part television broadcast. The broadcast raised numerous questions regarding the propriety of the Fund's receipts and disbursements, its accounting for and reporting of its financial operations, its use of consultants, the level of its fundraising expenditures, its failure to meet standards for charitable organizations, "broken promises" to other charities, and other matters. As a result of this broadcast, GAO was requested by nine Members of the Congress and the Fund to perform an audit of the Fund records.

GAO began its audit of the Fund's financial activities on December 19, 1983; this examination, which was made, in accordance with generally accepted auditing standards included the following:

The books and records of the Fund.

Previous audits of the Fund.

Special auditing measures taken by the Fund.

Support for receipts and disbursements.

Propriety of the use of funds.

Allegations made regarding the financial management practices of the fund.

GAO FINDINGS

GAO found that receipts and disbursements have been properly accounted for and reported by the Fund. GAO conducted a detailed audit of receipts and disbursements and the results of this audit are summarized below. In GAO's opinion, this Summary of

Fund Receipts and Disbursements through March 31, 1984, presents fairly, on a cash basis, the receipts and disbursements of the Vietnam Veterans Memorial Fund from inception on April 27, 1979, through March 31, 1984.

Vietnam Veterans Memorial Fund, receipts and disbursements from Apr. 27, 1979 (inception) through Mar. 31, 1984

Receipts:	
Contributions	$8,333,941
Interest income	641,168
Other income	302,293
Total receipts	9,277,402
Disbursements:	
Memorial construction	3,843,548
Fundraising	2,580,034
National salute and dedication	533,182
Memorial promotion	312,485
Administration	989,323
Total disbursements	8,258,572
Assets available Mar. 31, 1984	1,018,830

RECEIPTS AND FUNDRAISING COSTS

GAO found that fundraising costs were reasonable in relation to receipts. While GAO cannot conclude that alternative methods of fundraising would not have produced greater contributions or a lower cost, it is GAO's opinion that, given the requirements of the law that ground be broken within five years of the enactment of the law and that sufficient funds for the completion of the Memorial be available prior to ground breaking as well as the decision to seek widespread contributions from the American public using professional fundraisers, the fundraising costs of the Fund are reasonable in light of the receipts. In addition, the overall relationship of fundraising costs to receipts is in compliance with the Better Business Bureau standards for charitable organizations.

DISBURSEMENTS

GAO found that the disbursements made by the Fund were for goods and services received and were properly supported by documentary evidence. GAO also concludes that the disbursements of the Fund were for activities consistent with its charter and its publicly announced purposes. The costs incurred by the Fund were, as in any organization, influenced by management decisions and while GAO cannot state that alternative management decisions would not have reduced costs, GAO has no disagreement with the management decisions which were made. In addition, the overall relationship of the costs incurred to receipts is in compliance with the Better Business Bureau standards for charitable organizations.

PRIOR REPORTING AND AUDITS

GAO found that prior financial audits of the Fund had been properly conducted in accordance with generally accepted auditing standards by the independent public accountants. GAO also found that the special "audit committee" was formed for the specific purpose of considering the requests of outsiders for access to the records of the Fund and that, while the committee did not function as a typical audit committee of a board of directors, its operations were adequate given its special purpose. GAO found no evidence that prior financial reports, including the report to the Congress, were inaccurate or misleading. GAO also concludes that the Fund did not, in fact, conceal its financial information but distributed it to many groups and individuals.

OTHER ALLEGATIONS

Numerous questions and allegations have been raised regarding the financial operations of the Fund. These questions and allegations are listed in app. XI. Many of the questions were raised in the investigative reporter's television broadcast on a Washington, D.C., television station. During the course of the audit, GAO interviewed most of the persons who were presented during the television series on the Fund. Certain of these individuals raised additional questions regarding the financial propriety and managerial integrity of the Fund's operations. GAO investigated each of these matters and found that they were not supported by the facts. GAO's investigation of these matters did not reveal any improper or illegal actions by the Fund, its officers or its directors.

FUND COMMENTS

The officers and directors of the Fund have reviewed our report and agree with our conclusions. See app. XII for their specific comments.●

THE 1984 YOUNG CAREER WOMAN OF NEW JERSEY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, I would like to take a moment to recognize Elizabeth J. Thomas of Lawrenceville, NJ, who was selected Young Career Woman of New Jersey by the National Association of Business & Professional Women.

Liz competed in, and won, a local competition and the district finals before capturing top honors at the State level. She was judged on her professional background, her speechmaking ability, and her participation in panel discussions and a series of interviews. Her intelligence and quickness were confidently demonstrated in all categories.

Liz's efforts in the competition, as well as in her career serving as assistant press secretary to the Governor, deserve distinction and praise. Through hard work, this Moravian graduate has earned the respect of her colleagues as well as recognition by the National Association of Business & Professional Women, displaying exceptional ability in her chosen profession.

I congratulate Liz on this deserving achievement—one she should be most proud of. She possesses the talent, drive, and desire necessary for a successful career. Her accomplishments stand as an inspiration to all young women.

New Jersey can look forward to a bright future having individuals like Liz Thomas in the State.●

POSTAL RATE AND REGULATORY DISCRIMINATION AGAINST THE PRINT MEDIA

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. McEWEN. Mr. Speaker, I am submitting for the RECORD the following letter I received from Mr. William A. Metais who is president of the Ohio League of Home Dailies and employed by the Wilmington News-Journal of Wilmington, OH. This letter is being offered because of its concise and well articulated description of the discrimination faced by the print media from postal rates and regulation. These difficulties are called to the attention of all of my distinguished colleagues especially at this time of tremendous economic stress on our vital print media.

THE WILMINGTON NEWS-JOURNAL,
Wilmington, OH, March 9, 1984.

U.S. Representative BOB McEWEN,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE McEWEN, I would like to bring to your attention a matter of strong concern for daily and weekly newspapers in your district and throughout the United States.

Over the last few years, an imbalance in postal rates combined with unfair postal regulations has occurred. The problem is a postal rate structure which gives substantial discounts and advantages to Third-Class bulk mailing houses.

For instance:

If I mail a First-Class letter, one ounce costs me 20¢ in postage.

If I mail a First-Class letter that weighs 4 ounces, my postage would be 71¢

By contrast, if I operate a Third-Class mailing operation, I can mail that same 4 ounces for 7.4¢.

As you can see, the Postal Service, in its drive to gain new customers, has created a tremendous rate discount for bulk mailers.

Why should the individual customer pay 20¢ to mail one ounce, when a bulk mailer pays only 7.4¢ to mail 4 ounces? It is only costing the bulk mail house approximately 2¢ per ounce, while the individual is paying 20¢ per ounce. Quite a difference!

As a result of these tremendous discounts, First-Class postal customers are in fact, subsidizing Third-Class mailers. And, as the Postal Service had intended, many stores are taking their advertising circulars out of the nation's newspapers and delivering them under the subsidized Third-Class postage rates.

Because we are tied to anti-trust laws, newspapers cannot band together to discuss prices, and no individual newspaper can even start to offer to their customers the millions of households that a national bulk mail house can offer with the cheap Third-Class rates.

In addition to this, I also feel that postal regulations strongly favor Third-Class mailers.

For example: The Postal Service regulations let bulk mailers deliver several pieces of mail at a time using only one address label or card. Because newspapers are classified as second class matters, we are required to have labels affixed on each individual piece. This requirement has cost newspapers many additional dollars in equipment and labor.

According to the latest figures I have seen, newspapers are, collectively, one of the nation's largest employers. They are a labor intensive business, with high overhead to support large numbers of writers, photographers and printers. Most of America still receives the majority of its state and local news from the local newspaper. Thus, America's daily and weekly newspapers perform a tremendous service which is important to the functioning of our society.

The truth is, the current Postal Service rate structure and regulations are putting many newspapers under severe financial strain, as our advertisers rapidly turn in numbers to Third-Class mail for the delivery of their advertising circulars. We are in fact, competing with the United States Postal Service for advertising dollars. A battle that we cannot win.

If Third-Class rates are not raised to reasonable levels and regulations are not changed soon, at worst, some newspapers will be closing their doors. At best, your daily and weekly newspapers will become thinner, with less news and fewer employees.

Even though the Postal Service has filed an application to raise Third-Class rates by 28 percent, this still would only amount to less than 10 cents for 4 ounces. Still a huge discount. I would like to make it clear that I am not saying that the Postal Service should raise its Third-Class mail even with First-Class. I am only asking that the rate differential between the two not be so great.

I strongly urge your assistance on this matter to raise Third-Class mail rates up to a more competitive level and impose regulations that are more fair. If 20 cents an ounce is fair for First-Class mail, I am suggesting that at least 10 cents an ounce is fair for Third-Class. If Third-Class mailers are allowed to mail several pieces of mail with only one address label or card affixed, then I say newspapers should also be able to do this.

I only ask that you vote your conscience. Thank you for your support.

Sincerely,

William A. Metais,
President, Ohio League of Home Dailies.●

DR. MICHAEL ZAZZARO HONORED BY HARVARD

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mrs. KENNELLY. Mr. Speaker, Dr. Michael J. Zazzaro of Newington, CT, has recently received the 1984 Distinguished Alumni Award from the Harvard Dental School for his service to his community through his professional work, and for his other numerous activities designed to improve the quality of life of those around him.

Dr. Zazzaro's career has spanned half a century, and while he has retired from his dental practice, he has continued to remain active in his community. He has been the recipient of numerous distinguished service awards, one being awarded on November 10, 1983, by the Connecticut State Dental Association—the Fones Award and Medal. The Fones Medal is presented to an individual for outstanding contributions, achievements, and dedication to the science and/or practice of dentistry or for outstanding achievement in the interest of humanity.

Dr. Zazzaro earned the Fones Award on both counts, and I congratulate him for this and for the most recent recognition of his long and distinguished career. I am inserting in the Record at this point an article from the New Britain Herald on the Harvard award.

[From the New Britain (CT) Herald, May 3, 1984]

LOCAL DENTIST HONORED

NEWINGTON.—Dr. Michael J. Zazzaro, D.M.D., of Newington received the Harvard Distinguished Alumnus award at the university's School of Dental Medicine's recent Alumni Day.

Dr. Paul Goldhaber, dean of the dental school, presented the award to Dr. Zazzaro, citing him as having "for almost 50 years zealously served Connecticut and the northeast region as practitioner, dental examiner and skillful leader of organized dentistry." Dr. Zazzaro graduated from the school in 1936 and his career in dentistry, government, and politics has spanned half a century.

He has been president of the Hartford Dental Society, the Connecticut State Dental Assn., the New England Board of Higher Education, commissioner of the Metropolitan District Commission, president and incorporator of the Connecticut Dental Service Corp., chairman of the Hartford Democratic Town Committee, a member of the Democratic State Central Committee, and a two-time delegate to the Democratic National Convention.

Dr. Zazzaro retired from his general dental practice in 1980 and has continued his consulting and membership activities.●

COMMUNIST TERROR FOLLOWS REFUGEES INTO THAILAND

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. McCOLLUM. Mr. Speaker, the Vietnamese Government has committed another barbaric act against the Thai people. On May 2, a Vietnamese artillery shell landed in the village of Ban Charat in Surin Province within the Thai border. It exploded among a group of inhabitants, killing at least one person and injuring many others. During the weeks prior to this attack the Vietnamese had launched an aggressive campaign along the Thai-Kampuchea border. Numerous refugee camps were bombed with the most notable being the pro-Western headquarters of Son San, Ban Si Ngae, in which 50 people were killed and a further 30 were wounded. The total number of refugees who have been forced to leave their home country and flee across the border into Thailand as a consequence of the Vietnamese offensive is in excess of 110,000 people. The May 2 attack was the continuation of an earlier Vietnamese offensive against the Kampuchean people. The senseless violence and terror which they experienced in their home country has followed them to Thailand and once again the Vietnamese are threatening the security of a country with whom they are not at war.

This horrifying attack against innocent people is just one example of the many atrocities that Vietnam and other Communist governments around the world are carrying out in their unending effort to create world communism. The fact is that after 9 years of living under the Communist regime Vietnam has proven once again that those who promise to liberate all people from poverty and oppression end up imposing a far worse form of tyranny than was present before. Instead of the truly liberated society the Communists promised to deliver there is one in which religious worship is persecuted, private property is confiscated, and those who voice opposition to the regime are quickly and severely punished. This is the reality of communism. It is just another totalitarian system and as all other totalitarian systems that have existed in the past, it seeks to attain world domination. Instead of creating a classless society in which the state disappears through lack of necessity, communism not only exacerbates the division between the classes but perpetuates the need for a giant and powerful state. The reality of communism is not a utopian society in which all individuals work for the good of the whole, but rather in which a few individuals subjugate the will of the whole for their own good.

We as the champions of freedom must vehemently condemn Vietnamese action in Kampuchea and do all that is necessary to continue to assist the Thai Government in their heroic effort to house, clothe, and feed the thousands of refugees fleeing Communist terror.●

DEDICATION OF FACILITIES FOR DISABLED CHILDREN IN HONOR OF MRS. RUTH MOTT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. KILDEE. Mr. Speaker, on June 2, there were dedication ceremonies held for the Ruth Mott Play Environment for Disabled Children of the Learning Garden for the Disabled in Flint, Mich. The play environment and garden are located at Durant-

Tuuri-Mott Elementary School, and the contributions making them possible were donated in honor of Mrs. Ruth Mott by her family and friends. I am pleased to call this commemoration to Mrs. Mott to the attention of the Congress, and to provide a brief review of Mrs. Mott's record of civic service. I am including here the text of the dedication program, which outlines Mrs. Mott's role as an educator, civic leader, and patron of the arts.

Dedication Program

The dedication of the Ruth Mott Play Environment for Disabled Children and Learning Garden for the Disabled is a fitting tribute to Mrs. Ruth Mott.

Long an advocate of physical education and a lover of nature, the playground and garden will serve as a permanent reminder of her many contributions to Flint.

Ruth Rawlings Mott is recognized as an educator, civic leader and patron of the arts in Flint where her long history of volunteer service is well known throughout the community.

Most recently she has found time to begin the restoration of the grounds and formal gardens of Applewood, built in 1918 by her husband, philanthropist and industrialist Charles Stewart Mott. The house has been named to the National Register of Historic Places.

It was her early career as a teacher of physical education that set the stage for Mrs. Mott's long interest and involvement in the health and well-being of children.

The play environment was initiated by her children, Maryanne and Stewart Mott, who worked with City of Flint officials to develop "something special" to commemorate Mrs. Mott's 80th birthday.

Designed by John Page, an architect who has done about 15 play environments specializing in interconnected equipment, the area encourages a high level of imagination and novelty play experience.

The design addresses the specific needs of the handicapped child by providing learning areas that encourage socialization among youngsters with restricted mobility and reduced stamina. It challenges them to develop new skills that can build a sense of self-confidence and satisfaction.

It is the only public structure of its kind in the country. Located at Durant-Tuuri-Mott School, it will be programmed by the Flint Board of Education. Durant-Tuuri-Mott School is the magnet school for the handicapped.

Nearby, at the Easter Seal Society, the Ruth Mott Learning Garden for the Disabled in designed to provide a horticultural experience for people of all ages. Over the last 20 years, therapists have learned that working with plant material is one of the most rewarding experiences for clients of all ages and of almost any disability.

The Learning Garden is equipped with raised earth beds, specialized tools and gardening equipment for those with disabilities. Outside work spaces are provided and a new greenhouse and special horticultural therapy room allow year-round use of the facility.

Programming for the Learning Garden will be coordinated by the Easter Seal Society, which has been experimenting with horticultural therapy for several years.●

A TRIBUTE TO HELEN HORACK

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. COURTER. Mr. Speaker, "A teacher affects eternity; he can never tell where his influence stops." For many, the name Helen Horack comes to mind reading Henry Brooks Adams quote. For 50 years, Helen, known to most as Mrs. Horack, has epitomized the true meaning of an educator; one who instructs to develop mentally and morally. Her philosophy has been simple, direct and successful, teaching children basic knowledge and skills they have used throughout their lives.

As an elementary teacher, Helen projected integrity, honesty and understanding, qualities all her pupils could emulate. She taught her students the importance of respect and discipline while teaching them their A-B-C's.

On Sunday, June 10, former students and parents are honoring this fine lady who has given so much to the Clifton school system for half a century. Helen's high standard of excellence has proved to be an asset for the entire community.

Helen not only taught classes, but was elected to the boerd of education, formulating school curriculum. She sat on the executive board of the Home & School Association as well as being a Brownie Troop assistant.

Helen has helped build America's future. We owe her a debt of gratitude and thanks for the years of love and devotion she gave those around her. I know all those fortunate enough to be in one of Helen's classes will attest the fact that Mrs. Horack made learning fun.●

PORTER'S POSITION ON THE MX MISSILE AND ARMS CONTROL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. PORTER. Mr. Speaker, recently the newspapers in my district ran a guest columnist article by Mr. Gene Podulka, who is the cochairman of the 10th Congressional District nuclear weapons freeze campaign, regarding my position on the MX missile and arms control. The following is my response to Mr. Podulka's article:

The current debate now being conducted over the merits of the MX missile is healthy, and one that I consider to be extremely important. Nuclear weapons are unfortunate facts of modern life, and difficult decisions must be made to assure that the United State's nuclear arsenal provides the deterrence necessary to keep the Soviets from perceiving that they have something to gain by launching a nuclear attack.

Mr. Gene Podulka's Guest Columnist article, which recently appeared in this publication, referred to my letter to a constituent in which I explained my current thoughts on the MX. I'm afraid that a major emphasis of that letter was lost in Mr. Podulka's exerpt. In that letter, I said that "as I have stated since accepting the recommendations of the Scowcroft Commission, the basic issue revolves around the fact that, in my judgment, U.S. defenses need a deterrent beyond that provided by the Minuteman II's and III's."

This statement's accuracy becomes apparent in light of the determined investment by the Soviet Union to modernize their land-based nuclear force. The Soviet ICBM force has grown to nearly 1,400 re-usable launchers carrying over 5,000 warheads, with a throw-weight of about four times the current U.S. ICMB force. More than half of the Soviet ICBMs—the SS-18, SS-19, and SS-20 missiles— have been deployed since the last U.S. ICBM was deployed. These new Soviet ICBM's are equipped with highly accurate multiple, independently tarteted reentry vehicles, and pose a substantial threat to our security.

I have supported funding only for a limited number of MX missiles (100). I support such funding only for a limited time—until the smaller, more stabilizing, single warhead, Midgetman missile can be developed and deployed. In my judgment, this prudent act will provide for our national security, especially in a time of great internal upheaval in the Soviet Union that as a resulted from two quick changes in Soviet leadership in the past three years. The MX missile, and the proposed Midgetman, help to provide for our national security by insuring the credibility of our land-based deterrent force.

On the larger scale, I believe that the United States' highest priority should be the adoption of a workable strategy to achieve a bilateral, verifiable ban on the testing and production of nuclear weapons as a first step toward eventually reducing the numbers of nuclear weapons on both sides. For this reason, I have supported the nuclear freeze, not simply as an end in and of itself, but as a first logical step toward mutual, verifiable arms reductions. Last year, I also supported the guaranteed build-down, but not—as some suggest—as a way to weaken the intent of the freeze. On the contrary, incorporating the guaranteed build-down concept into the freeze would have shown our country's willingness to offer a realistic and workable arms control proposal as a means of reducing the numbers of nuclear weapons in our arsenals.

Though the House did not adopt the build-down prior to the Soviets walking out of the Geneva START and INF talks, the Administration accepted the guaranteed build-down strategy and incorporated it in our negotiating strategy. It is unfortunate that the Soviets walked out of the negotiations. I beg to differ with Mr. Podulka's view that the Soviets walked out of Geneva simply because we deployed the Pershing IIs in Europe. The Soviets put into place more than 350 SS-20's in Eastern Europe and the Soviet Union. The deployment of Pershing and cruise missiles resulted from NATO's decision to upgrade and modernize our land-based deterrent in Europe. As keen students of our political system, the Soviets, in my judgment, walked out of Geneva for political, not substantive reasons.

In order to achieve short-term security, I believe that it is necessary to continue with a limited MX deployment until the Midgetman missile can be produced and deployed in the early 1990's. I also believe, as I have said repeatedly, that it is essential to peace to pursue a verifiable arms control agreement to preclude the possibility of a nuclear exchange. But, we cannot, as Mr. Podulka apparently believes, perform unilaterally on our part the essence of a freeze agreement, while the Soviets continue to deploy highly accurate ICBM's in large numbers.

I continue to carefully consider all of the points on both sides of this debate, and I look forward to continuing to have the input of my constituents in the vital decisions that must be made regarding our nation's security.●

A TRIBUTE TO HARRY P. MORELL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Ms. KAPTUR. Mr. Speaker, on June 7, my community will be honoring one of its longtime trade union leaders, Harry P. Morell. Prior to his retirement earlier this year, Harry Morell had been a leader in the building and construction trades in northwestern Ohio for more than 30 years. His tenure as executive secretary of the Northwestern Ohio Building & Construction Trades Council spanned more than two decades and was marked by a steady commitment to jobs creation and job security for our area's skilled trademen.

We in northwestern Ohio are very proud of our skilled tradesmen and our construction industry. We know that the economy of the region is integrally related to a healthy and productive construction industry. This requires a well-trained, reliable labor force. Thanks in large part to Harry Morell, this has been the case in northwest Ohio.

Harry Morell's dedication to the greater Toledo community goes beyond his service to organized labor. Included in his civic responsibilities are memberships in: Active Executive Board of the Toledo Zoo, Commission on Community Development, Labor-Management-Citizen's Committee (LMC), Lucas County Improvement Committee, Toledo Area Transit Authority, Board of Directors of the Toledo Community Chest, City of Toledo Affirmative Action Citizens Advisory Committee, Toledo Area Affirmative Action Program, and a trusteeship in Goodwill Industries.

In 1940, Harry P. Morell became a journeyman painter. Since that time, he has worked to make the greater Toledo area a better place in which to live. I know my colleagues in the House of Representatives join me in congratulating Harry P. Morell, his lovely wife, Fawn Ruth, and his entire family. We wish them the very best in the future.●

A TRIBUTE TO PERRY A. RIVKIND

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. PEPPER. Mr. Speaker, on June 12 Mr. Perry A. Rivkind, the newly appointed District Director for the Immigration and Naturalization Service of the United States, will be the guest of honor at a luncheon hosted by the Scopus Lodge and the B'nai B'rith. On that occasion Mr. Rivkind will be the first recipient of the B'nai B'rith's Shalom Award.

The Shalom Award is a distinctive honor. It is based on the concept:

> The greatest and noblest of men have lived and died in the sacred labor of improving the conditions of the human family . . . of removing the barriers that divide the children of God . . . of promoting knowledge, compassion and virtue to bring forth the divine in man. Good men have no other purpose.

That Mr. Rivkind, a relative newcomer to the Miami community, should be chosen as the first honoree is a tribute to the impact that he has had on Dade County. I know Mr. Rivkind personally and I can say unequivocally that he is an outstanding recepient who meets the high standards that are embodied in this award.

Mr. Rivkind has been with the U.S. Department of Justice since 1968 where he has had a long and distinguished career as a public servant. He has been associate professor of law enforcement at Pennsylvania State University and lecture of police science and criminology at various colleges and universities.

Mr. Rivkind attended Florida Atlantic University in Boca Raton and graduated from Florida State University where he studied criminology and corrections. He began his law enforcement career in the Dade County Police Department in 1958 and also held various positions in the office of State attorney in Miami.●

SOVIET JEWS DENIED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. FRENZEL. Mr. Speaker, I would at this time like to speak on behalf of Soviet Jews in the Congressional Call to Conscience Vigil.

In spite of the efforts of the President, the Members of Congress and the National Conference on Soviet Jewry and its local affiliates, and in spite of universal condemnation of the U.S.S.R.'s denials of emigration rights, Soviet Jewish emigration continues to decline. In 1983, Soviet emigration declined to its lowest level in more than a decade. Only 1,315 individuals were allowed to emigrate last year, 50 percent fewer than in the previous year and 97 percent fewer than in 1979.

I recently received a letter, carried from Moscow by an American visitor, from a Soviet Jewish writer who submitted 150 requests for permission to emigrate over a 7-year period. He writes:

> You, Mr. Frenzel, are one of the people who understand perfectly well that slavery still exists in this world in both spiritual and physical form. In this "most progressive" society where I was born, I cannot publish a word. Neither have I the right to read the books I need for my writing. Foreign broadcasts are jammed. I cannot go where I want, nor can I receive letters from writers and relatives.

Yet this Soviet Jew refuses to give up hope. In a letter to his sister in the United States he writes:

> We are so glad to see the firm position of the U.S. President toward the U.S.S.R. even though refuseniks have fallen prey to this policy. Soviet Government takes vengeance on Soviet Jews. But even we know that the American policy is right and that there are some Americans who do not understand the necessity of being strong when you have to deal with the Soviet Union. They condemn their President's actions instead of supporting him.

Mr. Speaker, I believe that this courageous refusenik says it all. Today we admire the courage and perseverance of this man, and we reaffirm our support for all Soviet Jews struggling for their rights—rights which are supposed to be guaranteed under the Soviet law and the Helsinki accords.

I commend also the agencies, and their many volunteers, who have never ceased their tireless efforts on behalf of the Soviet Jews. We in Congress must exhibit the same fervor and the same constancy that they have shown. It is my hope that these vigils are a demonstration, and a strong symbol, of our refusal to accept this terrible injustice.●

ONE MAN CAN MAKE A DIFFERENCE

HON. BUDDY ROEMER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. ROEMER. Mr. Speaker, on Wednesday an outstanding group of young people known as the Arl-La-Tex Youth Chorus will give a performance on the steps of the Capitol. I would like to take this opportunity to invite all my colleagues in the House to take the time to enjoy this marvelous collection of young voices.

Wednesday's performance also will represent the crowning achievement in the musical career of an extraordinary man who has given his time, energy and talents to this choir.

For the past 10 years, Dannal J. Hawkins of Bossier City, LA, has served as leader of the chorus, composed of young singers between the ages of 13 and 19 who share a common love of music and devotion to God. Under his direction, these youngsters regularly perform at churches around the local area. During his tenure, the chorus also has had a chance to visit various parts of our country, including Tennessee, New Mexico, and Texas. This year's tour, Dan's last as chorus director, is highlighted by a 4-day stop in our Nation's Capital.

Mr. Speaker, many talented and enthusiastic choirs, bands, and other musical groups have entertained us from the Capitol steps over the years. But none has been led by someone more dedicated or courageous than Dan Hawkins. For the past 10 years, he has directed the chorus—without any financial remuneration—while suffering the debilitating effects of multiple sclerosis.

We can all learn a lot from Mr. Hawkins' example, I think. His talent, his love of music and his concern for our young people certainly set him apart. All those teenagers he taught, all their parents, all those who lives he touched realize that. They also know that one man can make a difference, that one man can make the world a much better place.●

TRIBUTE TO MACHITO

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. GARCIA. Mr. Speaker, recently the Latin and musical communities suffered a great loss. Machito, whose real name was Frank Grillo passed away leaving a musical legacy behind. Machito was more than a great talent, he was an innovator in musical techniques and in crossing cultural boundaries. He was best known for bringing a Latin beat to jazz, and for being the first to add the conga drum to a dance band.

Machito was Cuban born and immigrated to the United States in 1937. Originally he worked as a backup singer and a maracas player in Cuba. When he immigrated to America he refused to give up his musical or cultural heritage. Machito quickly fell in love with the big band sound of swing. Applying his musical genius to the craft he loved so much, he created his own band called the Afro-Cubans made up of both black and Latin musicians. With this culturally diverse band he introduced his special sound to America, which has come to be known as Salsa. Machito's influence can still be heard in the musical community today.

Machito performed in both Latin dance halls and jazz clubs. He shared his talents with other greats such as Dizzy Gillespie, Charlie Parker, and Xavier Cugat.

With arrangements by the trumpeter Mario Bauza, Machito and his band soon had America dancing to his new exciting sound. In the late 1940's and the 1950's, New York's Palladium Ballroom became a center for dancing to Latin music due to Machito's influence. He served as an example for many great Latin musicians, among them Tito Puente. In 1982, his album "Machito and His Salsa Band" won a Grammy Award. Machito was a man loved by many and admired by all.●

DISAPPOINTMENT EXPRESSED WITH H.R. 3282

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. VENTO. Mr. Speaker, I regretfully voice my disappointment with H.R. 3282, as reported by the Committee on Public Works and Transportation. I am a cosponsor of the original H.R. 3282, a bill which would have renewed and strengthened the Clean Water Act. The current version lacks those provisions from the original which would have improved protection of our waters and, instead, includes proposals that would ironically weaken our existing clean water efforts.

Provisions which would have provided additional protection for wetlands, retained tough water-quality standards, and established enforceable limits on toxics in our waters have all been removed from H.R. 3282. These provisions are critical to improving water quality.

Additionally, efforts to control water pollution would be weakened by amendments which were added to H.R. 3282. For example, H.R. 3282 would: allow 10-year permits which could delay pollution cleanup; delay critical controls on toxics; and, grant special exemptions for various firms. These provisions, along with others in H.R. 3282, would weaken current clean water programs.

Of particular concern to me is the extension of industrial discharge permits from 5 to 10 years. This provision does not insure that pollution-control requirements keep pace with water-quality needs. If water quality degradation is occuring on a stream, no upgrading can occur until the permit expires, which could last nearly a decade. Additionally, if the water quality standards for a given stream are upgraded by the States, compliance with those standards cannot be enforced until the permit has expired. Waters will be exposed to degradation for as many years as are left on the permit, which now would be 5 years longer than under current law.

On the positive side, there are some potentially beneficial new programs in H.R. 3282. Real improvements in water quality could be achieved if they received adequate funding. Unfortunately, similar existing programs have not received adequate appropriations from Congress. Faced with an increasing Federal budget deficit, the likelihood of Congress appropriating significantly more and necessary funds appears slim.

The net effect of H.R. 3282 is a weakening of current cleanup efforts today, in exchange for promises of new programs in the future. The practical affect of this tradeoff will result in water quality that is worse, not better, than it is now.

We are at a critical time for restoring our water quality. Rivers are still plagued by industrial chemicals, and runoff clogs our streams with sediment. Wetlands are destroyed at an estimated rate of 450,000 acres a year. We need to continue our efforts to meet the fishable/swimmable standards set on 96 percent of Minnesota's waterways. The American people want their water cleaned up and they look to Congress to move efforts forward. I will actively support efforts to strengthen H.R. 3282 to achieve those goals.

I look forward to working with the Public Works Committee and the Congress to develop clean water legislation that will strengthen our current law and move forward our efforts to clean up the Nation's waters.●

A DADE COUNTY COMMUNITY RATED ONE OF THE SAFEST

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, these days so many people, especially residents in and around big cities, live in fear of crime. This fear is sometimes heightened by the news media's constant portrayal of violent crime in urban centers such as Miami. True, crime is a problem in Dade County as in all large urban areas, but there is another side to the story. Many communities in the Miami area have been increasingly successful in the battle against crime. Mr. Speaker, I want to share with my colleagues the story of one of these communities, Biscayne Park.

Biscayne Park, a town in my congressional district and home to my wife and me, has been rated as the fifth safest community in the United States. This rating was based on sources such as FBI crime statistics and is published in an article in the June 19 edition of Family Circle magazine. The survey was prepared for a soon-to-be published book "Safe Places for the Eighties," by the article's authors, David and Holly Frank.

With much civic pride, I would like to recognize the accomplishments of our mayor, Ed Burke, and Chief Dan Marx and his small but dedicated police force. It is encouraging for all of us to know that communities in south Florida can contain crime as well as any other community in the country.●

THE KREMLIN CRITICIZES LANE KIRKLAND OF THE AFL-CIO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. KEMP. Mr. Speaker, the following article observes that the Kremlin has now attacked Lane Kirkland for his efforts promoting democracy and his work on the National Endowment for Democracy.

Perhaps it seems unusual for a liberal Democratic labor leader and conservative Republican to be working together, but what it really demonstrates is that there is massive agreement in this country across the entire spectrum on the central truth that democracy is the only kind of government proper to free people. It shows that Americans, whether Democrat, Republican, blue collar or white, agree that Marxist totalitarianism or any totalitarianism—right or left—is the wave of the past, and that we need to be sure all the world knows it. The partisan things that separate Americans pale beside the fundamental unity we all share, and it is good to be reminded of that unity from time to time.

I am certain Lane Kirkland is pleased to be enrolled on the Tass enemies list, along with people such as Lech Walesa of Solidarity who see the close connection between free labor unions and human rights. The supreme irony, of course, is that the state claiming to be committed to working people should be bitterly attacking the AFL-CIO, an organization dedicated to the true interests of labor. That disparity is a perfect example of why Soviet ideology has become a world joke.

Having worked closely with Mr. Kirkland on the Bipartisan Commission on Central America, I know the cause of human rights and democracy has no greater friend.

A RIGHT AND A LEFT TO THE KREMLIN

(By Rowland Evans and Robert Novak)

A KGB alert to Soviet agents has confirmed the cautious hopes of an Odd Couple—AFL-CIO president Lane Kirkland and conservative Republican Sen. Orrin Hatch—that they are getting under the Kremlin's skin.

Kirkland and Hatch disagree about nearly everything, particularly the merits of Ronald Reagan.

But on April 6 in Washington, they were observed in affable conversation emerging from a board meeting of the six-month-old National Endowment for Democracy.

They and other members of the board are among the very few Americans aware that the creation of the new organization marks belated U.S. financing of open ideological combat with Soviet communism by private U.S. institutions.

The Endowment for Democracy is intended to promote democracy in general and free labor unions in particular throughout the world. Private institutions, not the CIA or Pentagon, will use government money.

But neither the Odd Couple nor the Reagan Administration anticipated the Kremlin's angry response after Congress established the endowment last November.

The flash-alert late last year to KGB agents coincided with a harsh attack on the Reagan Administration and Kirkland by Tass, the official Soviet news agency. That betrays deep Soviet vulnerability, and suggests the contour of a new Cold War, offering better prospects for the U.S. than are found today in Central America or the Mideast.

Tass branded Kirkland as part of the "corrupt top crust of the AFL-CIO"—words conceivable for Hatch himself to throw at Kirkland if the context were domestic. But in the ideological war between Moscow and Washington, Hatch and many of his conservative Republican allies are at one with Kirkland.

The AFL-CIO's foreign operations department, headed by Irving Brown, for years has been the only non-governmental American attempt at ideological warfare against the Soviet system. After operating on the thinnest shoestring for decades, Brown now has $11 million as a first installment in endowment funds from Congress.

Thanks to Hatch and Democratic Rep. Dante Fascell, the other Congressional member of the endowment's board, there's a lot more for Kirkland where that came from.

Uncle Sam funding Big Labor worries the Kremlin, where memories remain vivid of Kirkland's bold effort to help Solidarity leader Lech Walesa and safeguard Poland's budding free labor union in 1980.

Walesa and Solidarity's still potent underground remnant are at the top of the Kirkland-Brown-Hatch-Fascell List for immediate assistance: transistor radios, printing presses, other tools needed for underground struggle.

While ruling out support for "violent" change or the use of any U.S. "intelligence activity," the endowment's by-laws put no restraints on efforts to build and protect free labor unions.

Congress has voted $18 million for the current fiscal year to finance such non-governmental intrusions into ideological battlegrounds, with the funding going to $32 million next year.

Besides Poland, targets eyed by the endowment include the Philippines, to shore up opposition parties before dictatorial President Ferdinand Marcos' reelection campaign; Guatemala, to strengthen a system of free political parties to stand up against extremism of both the right and left, and Chile, where authoritarian President Augusto Pinochet is driving labor leaders into the Communist Party.

When Reagan made his memorable House of Commons speech in June, 1982, predicting that Marxism would wind up on "the ashheap of history," the Endowment for Democracy was not even a gleam.

It has now racked up two improbable achievements: it brought together Kirkland and Hatch, a Senator who was targeted for a purge in 1982 by the AFL-CIO.

More notably, it has frightened the Kremlin.●

LOOPHOLE OF THE WEEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Ms. KAPTUR. Mr. Speaker, in theory, the wealthy and the not-so-wealthy should be treated fairly by our Tax Code. In practice, however, it is usually only the wealthy who make use of signficant tax loopholes in a loophole-ridden tax system. The loophole of this week concerns the much-used tax deductions which benefit higher income groups to the detriment of the average and lower-income American.

When high-income individuals deduct a dollar from their income tax, their tax bill drops by 50 cents. But when the average person deducts a dollar from his or her income tax, the tax bill drops by much less. The lower the income bracket, the less the gain from a tax deduction. Is this fair?

Our Tax Code should treat the economic value of tax deductions the same regardless of family income. How else can we restore the people's faith in our Federal tax system?●

U.S.S.R. PROPAGANDA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, while the Soviet Union has been attempting to convince the world of late that it "means business," all it has succeeded in doing is showing the world how inept it can be. Last year, for instance, the U.S.S.R.'s propaganda campaign failed to bully NATO into accepting its monopoly on intermediate nuclear weapons in Europe. With hundreds of Soviet SS-20's pointed at their capitals, the NATO chiefs stood by their decision to deploy their own missiles, much to the chagrin of the Kremlin. In frustration, the Soviets walked away from the arms control talks in Geneva.

Russia must certainly have been embarrassed by the Korean airline tragedy as well, showing as it did its inability to distinguish between civilian and military aircraft. The world's reaction I believe took the Soviets by surprise. The Soviet military machine has run into further difficulties in its attempt to subjugate the Afghan people as the war continues to drag on, inflicting heavy casualties on the occupying forces.

Moscow's recent decision not to attend the Olympics and its rising rhetorical war illustrate that it is the master only of verbal bombast. Mired in a disastrous policy, the Soviets continue to try to intimidate the West into making concessions. The myth of the omnipotent Russian bear must surely have been dispelled by now.

It is interesting to conjecture why the Soviets have reacted as they have. Part of the answer lies in the nature of such a rigid, intransigent system that is obsessed with power and the perception of power. In addition, Chernenko's ill-health apparently has meant that Foreign Minister Gromyko, a hard-liner, has had more of a free reign in the conduct of foreign affairs and thus Soviet policy has become even more dogmatic and inflexible.

What the reasons behind the Soviets' recent fumblings, there is a tendency in the West to view their failures as a net gain for the West. I believe this view, however, is somewhat shortsighted and ignores present-day realities. Two superpowers, possessing the awesome strength of the United States and the U.S.S.R., simply cannot continue trading insults while ignoring the pressing issues of the day.

In searching for a way out of this impasse, we must be willing to allow the Soviets to "save face" while adhering to our basic principles. We must resist our own harsh rhetoric, which merely exacerbates the situation, and we should continue to encourage the Soviets to return to the negotiating table. It was President Eisenhower who said one must always leave one's enemies an escape route, an out. That should be our policy under present conditions. On the other hand, it is up to the Soviet Union to have the courage to behave like a responsible country rather than like a sulking child.●

NATIONAL THEATER WEEK

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 4, 1984

● Mrs. BURTON of California. Mr. Speaker, Americans have enjoyed and participated in theater for over 300 years. This week, the week of June 3, has been designated by Congress as "National Theater Week." This is a time for both reflection and participation. I urge all Americans to think of the role that theater has played in their lives, and celebrate this by attending theater performances, and participating in the numerous theater activities taking place in schools, community, stock and professional theaters during this week as a sign of our appreciation for the theater community.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 5, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on international competitive effects of the high value of the U.S. dollar.
SD-538
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on drug and alcohol use on railroads.
SR-253
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings to review the transfer of information by the Internal Revenue Service and the Social Security Administration to other Federal and State government agencies and the examination of the collection of data by the Internal Revenue Service from private sector sources to identify cases of nonfiling or underreporting of income.
SD-342
Small Business
To hold oversight hearings on the impact of Government competition on small business.
SR-428A
Joint Economic
To resume hearings on the role of women in the labor force, focusing on older women.
2118 Rayburn Building
10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366
Environment and Public Works
Business meeting, to resume markup of S. 2527, to authorize funds for the Federal-aid highway program of the Department of Transportation.
SD-406
Foreign Relations
To hold hearings on East-West relations, focusing on potential problems in outer space.
SD-419
Judiciary
Security and Terrorism Subcommittee
To continue hearings on proposals to curb domestic and international terrorism, including S. 2623, S. 2624, S. 2625, and S. 2626.
SD-226
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418
Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol
3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
Business meeting, to mark up H.R. 5713, appropriating funds for fiscal year 1985 for the Department of Housing and Urban Development, and certain independent agencies.
SD-116

JUNE 7

9:00 a.m.
Judiciary
To hold hearings on pending nominations.
SD-226
9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of James H. Quello, of Virginia, to be a member of the Federal Communications Commission.
SR-253
Labor and Human Resources
To hold hearings on S. 2504, to establish a private, nonprofit Institute for Health Care Technology Assessment.
SD-562
10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 1300, S. 2646, and H.R. 3050, bills to revise the liabilities and uses of the rural electrification and telephone revolving fund.
SR-328A
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for envi-

ronmental restoration programs of the Department of Defense.

SD-192

Energy and Natural Resources

To hold hearings on the nominations of Charles G. Stalon, of Illinois, to be a member of the Federal Energy Regulatory Commission, and Robert N. Broadbent, of Nevada, to be an Assistant Secretary of the Interior.

SD-366

Environment and Public Works
Environmental Pollution Subcommittee

To resume hearings on S. 978, to provide financial assistance to States for wetlands conservation, focusing on committee amendment No. 2807, proposed Wildlife and the Parks Act.

SD-406

Foreign Relations

To hold hearings on women in the Third World.

SD-419

Judiciary

Business meeting, on pending calendar business.

SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee

To hold hearings on Senate Joint Resolution 138, to establish a National Commission on Teacher Education.

SD-430

1:30 p.m.

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee

To hold hearings on S. 2239, to prohibit the exportation of freshwater in bulk by tanker.

SD-538

2:00 p.m.

Foreign Relations

To continue hearings on women in the Third World.

SD-419

4:00 p.m.

Conferees on S. 979

To improve the enforcement of export administration laws.

2172 Rayburn Building

JUNE 8

9:30 a.m.

Finance
International Trade Subcommittee

To hold hearings to examine the current state and future prospects of the U.S. steel industry.

SD-215

10:00 a.m.

Commerce, Science, and Transportation
Consumer Subcommittee

To hold hearings on S. 2650, to revise certain procedures of the Consumer Product Safety Commission to allow for a more expeditious recall of toys and other articles intended for use by children that present a substantial risk of injury.

SR-253

Judiciary
Juvenile Justice Subcommittee

To hold oversight hearings on sexual exploitation of children.

SD-226

JUNE 11

10:00 a.m.

*Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee

To hold hearings to explore the scope of drug abuse among women.

SR-325

JUNE 12

10:00 a.m.

Appropriations
District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for the District of Columbia court system.

SD-138

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee

To hold hearings on S. 2127, proposed Federal Advisory Committee Act Amendments of 1983.

SD-342

Judiciary
Security and Terrorism Subcommittee

To hold hearings on S. 2469, to establish a new Federal offense of terrorism, and S. 2470, to provide for the national security by allowing access to certain Federal criminal history records.

SD-226

Joint Economic

To hold hearings on fair taxation issues and the administration's proposed tax cuts.

SR-428A

2:00 p.m.

Joint Economic
Trade, Productivity, and Economic Growth Subcommittee

To hold hearings on the status of the international trading system.

SD-342

JUNE 13

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

*Judiciary
Criminal Law Subcommittee

To hold hearings on S. 2669, to eliminate the provisions of the Federal criminal code allowing for one-party-consent to certain interceptions of wire and oral communications by requiring consent by all the parties.

SD-106

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Veterans' Affairs

To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.

SR-418

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee

To hold hearings on proposals to broaden the Federal tax base and reduce tax rates.

Room to be announced

JUNE 14

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings to review Government and community programs to combat drunk driving.

SR-253

10:00 a.m.

Energy and Natural Resources
Energy Conservation and Supply Subcommittee

To hold hearings on S. 2370, to provide for the distribution of certain funds collected by the Department of Energy in settlement of overcharges resulting from alleged pricing and allocation violations under the Emergency Petroleum Allocation Act of 1973, to establish the Petroleum Overcharge Restitution Fund for those funds in excess of direct restitution, and to authorize funds for fiscal year 1985-89 for certain energy conservation and assistance programs; to be followed by oversight hearings on the implementation of the weatherization program of the Department of Energy.

SD-366

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee

To continue hearings on proposals to broaden the Federal tax base and reduce tax rates.

Room to be announced

JUNE 18

9:30 a.m.

Finance
Oversight of the Internal Revenue Service Subcommittee

To hold oversight hearings on the impact of the Federal tax system on basic industry, investment industry, and service industries.

SD-215

2:00 p.m.

Labor and Human Resources

To hold hearings on S. 2687, proposed Youth Employment Opportunity Wage Act.

SD-430

JUNE 19

9:30 a.m.

*Labor and Human Resources

To resume oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.

SD-430

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

Finance

To hold hearings on S. 1915, to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens.

SD-215

Judiciary
Administrative Practice and Procedure Subcommittee

To hold oversight hearings on congressional access to reliable agency information.

SD-226

JUNE 20

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the proposed sale of Conrail by the Department of Transportation.
SR-253

*Labor and Human Resources
To continue oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Health Subcommittee
To hold oversight hearings to review a General Accounting Office study on program changes in the maternal and child health block grant program.
SD-215

*Veterans' Affairs
To hold hearings on proposed legislation to provide for veterans' compensation.
SR-418

JUNE 21

9:00 a.m.

Office of Technology Assessment
The Board, to meet on pending business matters.
EF-100, Capitol

9:30 a.m.

Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 463, to limit the amount of severance taxes imposed by States on oil, natural gas, and coal.
SD-215

Labor and Human Resources
To hold hearings on S. 2501, the substance of S. 2502, and S. 2503, bills to provide for greater use of competitive medical plans and preferred provider arrangements.
SD-430

JUNE 22

10:00 a.m.

Environment and Public Works
To hold hearings on proposals for establishing appropriate levels of lead in gasoline, including S. 2609.
SD-406

2:00 p.m.

Finance
Health Subcommittee
To hold oversight hearings on medicare home health care benefits and the difficulty interpreting the intermittent care rule.
SD-215

JUNE 26

10:00 a.m.

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on Outer Continental Shelf leasing activities.
SD-366

Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Lacey Act Amendments (Public Law 97-79), to control international trade in wildlife.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.
SD-430

JUNE 27

10:00 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings on Congressional access to reliable agency information.
SD-562

Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SR-428A

JUNE 28

10:00 a.m.

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2561, authorizing funds for fiscal year 1985 to facilitate the transfer of computerized training programs of the Federal Government to the private sector and to State and local governments for use in manpower training programs.
SD-430

JULY 10

9:30 a.m.

Labor and Human Resources
To hold hearings on the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.
SD-430

JULY 26

9:30 a.m.

Finance
Taxation and Debt Management Subcommittee
To hold hearings on fringe benefits.
SD-215

JULY 27

9:30 a.m.

Finance
Taxation and Debt Management Subcommittee
To continue hearings on fringe benefits.
SD-215

JULY 30

9:30 a.m.

Finance
Taxation and Debt Management Subcommittee
To resume hearings on fringe benefits.
SD-215

SEPTEMBER 18

9:30 a.m.

Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.

Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

JUNE 5

10:00 a.m.

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 2568, proposed Civil Rights Act of 1984, and S. 2494, to revise Federal law relating to the impact aid program of Federal assistance for local educational agencies in areas affected by Federal activity.
SD-430

JUNE 6

10:00 a.m.

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

HOUSE OF REPRESENTATIVES—*Tuesday, June 5, 1984*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Allow us, O God, to rejoice when we have cause to rejoice, to celebrate the good things of life, to be proud of achievement and success. Even as we give thanks that we have been blessed, may we not be self-righteous toward others in our attitudes or in our actions. May true humility of spirit be seen, not as a sign of weakness, but as a mark of confidence, a belief that true worth comes as Your divine gift and is seen in doing those things that demonstrate justice and mercy. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RENAME THE STREET IN FRONT OF THE SOVIET EMBASSY FOR ANDREI SAKHAROV

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, Academician Andrei Sakharov is not only one of the leading scientists of modern times, but is the symbol of human rights and freedom and hope, not only for the oppressed people of the Soviet Union but also for people throughout the world who admire his courage and seek human rights for all people. At this moment we do not know whether Professor Sakharov is living or dead, but I fear that the Soviet Union once again is ruthlessly stamping out any small ember of human rights that might glow in that nation and they will want us to forget the death of Andrei Sakharov, just as we might forget the Korean airliner shoot-down or their invasion of Afghanistan or their threats against the Polish people or their military actions against the people of Czechoslovakia and Hungary.

Mr. Speaker, I propose that we do not forget nor let them. Why do we not join with other Western and free nations and rename the streets in our capitals in front of every Soviet Embassy "Andrei Sakharov Avenue" so that they will never forget his name and what he stood for. When Soviet diplomats get their mail or when people get directions or take taxis to go there, that Sakharov's name will be used and they will be reminded of him, and they will know that Andrei Sakharov lives on in our memories and those of all free people.

I will be introducing legislation to rename the street in front of the Soviet Embassy here in Washington as "Andrei Sakharov Avenue" and will ask my colleagues to join with me in supporting it.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, JUNE 6, 1984

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on Wednesday, June 6. This has been cleared with the minority.

The SPEAKER pro tempore (Mr. WILLIAMS of Montana). Is there objection to the request of the gentleman from Arizona?

There was no objection.

STEVE KWON/VOTING IN AMERICA

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, during the past year and one-half one of the most important lessons I have learned in Congress is the "value of the vote." I have realized, through participation, that each and every one of our 435 Members uses that voting privilege to represent an entire congressional district, averaging at least 500,000 people.

I have also become more appreciative that voting at all levels of the political process plays an equally significant role in determining the welfare of our people.

Recently, I talked with a Las Vegas constituent about the importance of voting. This native-born Korean told me his fellow Korean Americans tend to be fearful of political participation because their history has been dominated by political personalities who killed dissenters.

Yet, despite such historical impressions, this American himself has had a responsible role in the voter registration of more than 2,500 Korean Americans in Clark County. Simply, Mr. Steve Kwon asserts that "To be an American means participating in this country's political process."

What greater participation could there be than exercising the right to vote? I can think of none.

RELIEF FOR THE DOMESTIC SHOE INDUSTRY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, the American shoe industry provides many benefits to our country; 133,000 people are employed in shoe manufacturing and 90,000 more jobs in supporting industries in the United States.

Imports have devastated the domestic footwear industry. They have risen from 47 percent of the American market in 1977 to over 70 percent today.

Shoe manufacturing is labor intensive. In my State of North Carolina, it employs 3,350 people with an annual payroll of $40 million.

In my district, the Blue Ridge Shoe Co. at Hot Springs in North Carolina, is the largest employer in Madison County with more than 400 employees. This plant is scheduled to be closed in August—a direct result of imports. There are no other industries nearby that can absorb these workers.

The shoe industry has filed for relief with the International Trade Commission. I support this action strongly and urge the Commission to examine the evidence submitted and to provide much-needed relief. Without it, our

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

domestic footwear industry will be permanently destroyed.

UNPRECEDENTED TALKS BETWEEN SECRETARY SHULTZ AND MARXIST GOVERNMENT OF NICARAGUA

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, last weekend Secretary Shultz took the unprecedented step of talking to the leader of the Marxist government in Nicaragua.

In recent weeks many Members of this House have criticized others for urging just such a dialog. Much of this criticism has been unfortunate and unwarranted. I hope that Mr. Shultz does not receive some of the same treatment.

Mr. Speaker, open and frank dialog with our allies—as well as our adversaries—creates the opportunity for peaceful resolution of differences. I do not think that anyone would say that Mr. Shultz is soft on communism because he talked to Daniel Ortega. Likewise, it can hardly be argued that those who have urged this dialog are naive about Marxism in this hemisphere. We can be strong against and opposed to communism, but we can still talk.

Mr. Speaker, it is my hope that the recent efforts of Secretary Shultz will lead to an ongoing dialog and an eventual breakthrough with the leaders of Nicaragua—and it is also my hope that it will bring to an end the inflammatory rhetoric we have seen on this floor in recent weeks.

CONGRATULATIONS TO PRESIDENT AND SECRETARY OF STATE FOR GOING THE EXTRA MILE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, I want to congratulate the President and Secretary of State Shultz for going the extra mile to seek accommodation rather than confrontation with our adversaries.

I was privileged to be with Secretary Shultz Friday when he diverted from his trip to President Duarte's inauguration in El Salvador to meet Nicaraguan leaders on their own soil.

It was a bold and imaginative stroke of diplomacy that could change the course of history in Central America.

On Monday, President Reagan speaking to the Irish Parliament made an eloquent overture to the Soviet Union to return to the empty chair at the nuclear arms talks in Geneva.

It takes two to negotiate, Mr. Speaker, but I am proud that we have an administration that has seized the initiative for peace and extended on olive branch to our enemies. Let us hope that they will respond.

URGENT NEED OF FOOTWEAR INDUSTRY FOR RELIEF FROM IMPORTS

(Mr. SUNDQUIST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNDQUIST. Mr. Speaker, I come before you today to discuss the urgent need of the U.S. footwear industry for relief from imports of nonrubber footwear.

As a member of the Congressional Footwear Caucus I have become increasingly alarmed about the adverse impact imports have had on our domestic nonrubber footwear industry. For this reason, I recently submitted a statement to the International Trade Commission regarding the section 201 petition filed by the industry. This petition requests that the Commission recommend import relief in the form of quantitative restrictions on nonrubber footwear from all sources for a 5-year period. During this relief period the industry would have ample time to make needed reforms in order to regain an equitable share of the domestic market.

Mr. Speaker, statistics readily show the disastrous state our nonrubber footwear industry is experiencing. Over the last 15 years production has dropped almost 50 percent due to import penetration. More recently, in 1975 production capacity was 598.2 million pairs of shoes. Yet in 1982, this capacity had dropped to 466 million and over a quarter of that capacity was idle. An even more alarming production statistic reveals that in 1983 the domestic footwear industry produced 341 million pairs of shoes, representing the lowest level recorded since the Great Depression.

In my congressional district, a predominately rural area in west Tennessee there are over 15 shoe factories. Over half of these factories make up either the first, second, or third leading employer in their respective county. I cannot emphasize enough, just how vital these factories are to the economic health and well-being of these small communities. If imports continue to grow, many of those who will be layed off will have little or no chance of finding other employment.

As you can see, the need for import relief is real. I am hopeful that ITC's decision will be favorable so that assurances and certainty can be given to the thousands of American shoe workers regarding their jobs.

□ 1210

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ACT OF 1984

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 540) to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute of Arthritis and Musculoskeletal and Skin Diseases Act of 1984".

SEC. 2. (a) Title IV of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART J—NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

"ESTABLISHMENT OF INSTITUTE

"SEC. 481. There is established in the Public Health Service a National Institute of Arthritis and Musculoskeletal and Skin Diseases (hereafter in this part referred to as the 'Institute'). The Institute shall be headed by a Director.

"PURPOSE OF THE INSTITUTE

"SEC. 482. (a) The purpose of the Institute is the conduct and support of research and training, the dissemination of health information, and related programs with respect to arthritis and musculoskeletal and skin diseases, including sports-related disorders.

"(b)(1) Within one hundred and eighty days after the effective date of this part, the Director of the Institute, with the advice of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council established pursuant to section 485 (hereafter referred to in this part as the Advisory Council), shall prepare and transmit to the Director of the National Institutes of Health a plan for a national arthritis and musculoskeletal diseases program to expand, intensify, and coordinate the activities of the Institute respecting arthritis and musculoskeletal diseases. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that such institutes have responsibilities respecting arthritis and musculoskeletal diseases, and shall, at least, provide for—

"(A) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through the support of basic research in such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of arthritis and musculoskeletal diseases;

"(B) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, including medical rehabilitation and prevention of arthritis and musculoskeletal diseases;

"(C) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(D) the establishment of mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(2) The plan transmitted pursuant to paragraph (1) shall include such comments and recommendations as the Director of the Institute determines appropriate.

"(3) The Director of the Institute shall carry out the national arthritis and musculoskeletal diseases program in accordance with the plan prepared under paragraph (1). The Director of the Institute shall periodically review and revise such plan, shall transmit any revisions of such plan to the Director of the National Institutes of Health, and shall carry out the national arthritis and musculoskeletal diseases program in accordance with such revisions.

"(c) Within one hundred and eighty days after the effective date of this part, and annually thereafter, the Director of the Institute shall, with the advice of the Advisory Council, prepare and transmit to the Director of the National Institutes of Health a report which evaluates the skin diseases programs carried out by the national research institutes on the effective date of this part and which contains such comments and recommendations concerning such programs as the Director of the Institute determines appropriate.

"(d) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 472) in the diagnosis, prevention, and treatment of arthritis and musculoskeletal and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"SEC. 483. (a) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal and skin diseases, including where possible, data involving general populations for the purpose of detection of individuals with a risk of developing arthritis and musculoskeletal and skin diseases. There are authorized to be appropriated to carry out this subsection $1,000,000 for the fiscal year ending September 30, 1985, $1,500,000 for the fiscal year ending September 30, 1986, and $1,800,000 for the fiscal year ending September 30, 1987.

"(b) The Director of the Institute shall establish the National Arthritis and Musculoskeletal and Skin Diseases Information Clearinghouse to facilitate and enhance, through the effective dissemination of information, knowledge and understanding of arthritis and musculoskeletal and skin diseases by health professionals, patients, and the public. There are authorized to be appropriated to carry out this subsection $1,000,000 for the fiscal year ending September 30, 1985, $1,500,000 for the fiscal year ending September 30, 1986, and $1,800,000 for the fiscal year ending September 30, 1987.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 484. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, musculoskeletal diseases, and skin diseases, including sports-related disorders; and

"(2) coordinating the aspects of all Federal health programs and activities relating to arthritis, musculoskeletal diseases, and skin diseases in order to assure the adequacy and technical soundness of such programs and activities and in order to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Diseases Interagency Coordinating Committee (hereafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research regarding the diseases with respect to which the Committee is established, the Chief Medical Director of the Veterans' Administration (or the Director's designee), a medical officer designated by the Secretary of Defense, and representatives of all other Federal departments and agencies (as determined by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases or skin diseases, as the case may be. Each Committee shall be chaired by the Director of the National Institutes of Health (or the Director's designee). Each Committee shall meet at the call of the Chairman, but not less often than four times a year.

"(c) Not later than one hundred and twenty days after the end of each fiscal year, each Committee shall prepare and transmit to the Secretary, the Director of the National Institutes of Health, the Director of the Institute, and the Advisory Council a report detailing the activities of the Committee in such fiscal year in carrying out paragraphs (1) and (2) of subsection (a).

"NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY COUNCIL

"SEC. 485. (a) The Secretary shall establish a National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to advise, consult with, and make recommendations to the Secretary with respect to the activities of the Institute relating to arthritis and musculoskeletal and skin diseases.

"(b) The Advisory Council shall consist of the Secretary, who shall be chairman, the chief medical officer of the Veterans' Administration (or such officer's designee), and a medical officer designated by the Secretary of Defense, each of whom shall be ex officio members, and twelve members appointed by the Secretary without regard to the civil service laws. The twelve members appointed by the Secretary shall be leaders in the fields of basic sciences, medical sciences, education, or nursing, and individuals from the public who are knowledgeable with respect to arthritis and musculoskeletal and skin diseases. Six of the members appointed by the Secretary shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of arthritis and musculoskeletal and skin diseases.

"(c)(1) Each member of the Advisory Council who is appointed by the Secretary shall be appointed for a term of four years, except that—

"(A) the term of office of the members first appointed shall expire, as determined by the Secretary at the time of appointment, three at the end of one year, three at the end of two years, three at the end of three years, and three at the end of four years; and

"(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

"(2) None of the members appointed to the Advisory Council by the Secretary shall be eligible for reappointment unless a year has elapsed since the end of the prior term of such member on the Council.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"SEC. 486. (a) The Secretary may make grants to public and private nonprofit entities to establish and support projects for the development and demonstration of methods for screening, detection, and referral for treatment of arthritis and musculoskeletal diseases, and for the dissemination of information on such methods to the health and allied health professions. Activities under such projects shall be coordinated with Federal, State, local, and regional health agencies, centers assisted under section 487, and the data system established under subsection (c).

"(b) Projects supported under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the programs, methods, and means referred to in paragraphs (1), (2), and (3) of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of arthritis and musculoskeletal diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 487, and other persons engaged in arthritis and musculoskeletal disease programs.

"(d) There are authorized to be appropriated to carry out this section $5,000,000 for the fiscal year ending September 30, 1985, and for each of the two succeeding fiscal years.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"SEC. 487. (a) The Director of the Institute shall, after consultation with the Advisory Council established pursuant to section 485, provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from arthritis and musculoskeletal diseases, including research into implantable biomaterials and biomechanical and other orthopedic procedures;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping; and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director of the Institute shall, insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis and musculoskeletal diseases.

"(e) Support of a center under this section may be for a period of not to exceed five years. Such period may be extended by the Director of the Institute for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate scientific review group established by the Director and such scientific review group has recommended to the Director that support of such center under this section should be extended.

"(f) There are authorized to be appropriated to carry out this section $12,000,000 for the fiscal year ending September 30, 1985, $15,000,000 for the fiscal year ending September 30, 1986, and $18,000,000 for the fiscal year ending September 30, 1987.

"BIENNIAL REPORT

"SEC. 488. (a) The Director of the Institute shall prepare and transmit to the Secretary, for transmission by the Secretary to the President and the Congress, a biennial report containing a description of the Institute's activities under the plan developed pursuant to section 482(b), a description of the Institute's activities to carry out the recommendations contained in the two immediately preceding annual reports prepared pursuant to section 482(c), and an evaluation of the activities of the centers supported under section 487.

"(b) The first report under subsection (a) shall be transmitted by the Director to the Secretary not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30.".

(b)(1) Section 431(a) is amended by striking out "arthritis, rheumatism, and".

(2)(A) Section 434(a) is amended—

(i) by striking out "Arthritis, Rheumatism, and"; and

(ii) by striking out "Arthritis, Diabetes," each place it appears and inserting in lieu thereof "Diabetes".

(B) Section 434(b) is amended—

(i) by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes"; and

(ii) by striking out "an Associate Director for Arthritis and Musculoskeletal and Skin Diseases,".

(C) Section 434(c) is amended—

(i) by striking out "a subcommittee on arthritis and musculoskeletal and skin diseases," in the first sentence; and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in the last sentence.

(D) Section 434(d) is amended—

(i) by striking out "the Associate Director for Arthritis and Musculoskeletal and Skin Diseases," in the matter preceding paragraph (1); and

(ii) by striking out "arthritis, musculoskeletal and skin diseases," in paragraph (1).

(E) Section 434(e) is amended by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(F) The section heading of section 434 is amended by striking out "ARTHRITIS, DIABETES," and inserting in lieu thereof "DIABETES".

(3)(A) Section 436(a) is amended—

(i) by striking out "arthritis, diabetes mellitus," in paragraph (1) and inserting in lieu thereof "diabetes mellitus";

(ii) by striking out "an Arthritis Interagency Coordinating Committee," in the matter following paragraph (2); and

(iii) by striking out the comma before "and a Digestive Diseases" in the matter following paragraph (2).

(B) Section 436(b) is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(4)(A) Section 437(k) is amended by striking out "and" after "1982;" and by inserting before the period a semicolon and "$300,000 for the fiscal year ending September 30, 1985; $300,000 for the fiscal year ending September 30, 1986; and $300,000 for the fiscal year ending September 30, 1987".

(B) Section 437(1) is amended by striking out "1983" and inserting in lieu thereof "1987".

(5) Sections 438 and 439 are repealed.

(6) Section 440 is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(7) The second sentence of section 440A(a) is amended by striking out "Arthritis, Metabolism," and inserting in lieu thereof "Diabetes".

(8) The part heading for part D of title IV is amended by striking out "Arthritis, Diabetes," and inserting in lieu thereof "Diabetes".

(c)(1) There are transferred to the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) all functions of the Director of the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (as in effect on the day before the effective date of this subsection) relating to arthritis and musculoskeletal and skin diseases.

(2) In order that the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) may carry out programs and activities relating to arthritis and musculoskeletal and skin diseases at levels which are equivalent to the levels of programs and activities carried out with respect to arthritis and musculoskeletal and skin diseases by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases on the day before the effective date of this subsection, the Secretary shall transfer to the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available, in connection with the functions transferred by paragraph (1) of this subsection and the programs and activities relating to arthritis and musculoskeletal and skin diseases carried out by the National Institute of Arthritis, Diabetes, and Digestive and Kidney Dis-

eases on the day before the effective date of this subsection.

(3) The National Arthritis Advisory Board is terminated.

(d) The provisions of subsections (a), (b), and (c) of this section and the amendments and repeals made by such subsections shall take effect on October 1, 1984.

(e)(1)(A) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with paragraph (2) arrange for the conduct of a study concerning—

(i) the effectiveness of the organization and administrative structures of each of the national research institutes existing on the date of enactment of this Act and of the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section), including the effectiveness of the advisory councils, advisory boards, and interagency committees which carry out functions relating to each such institute;

(ii) the effectiveness of the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act and in the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section); and

(iii) the standards which should be followed in establishing new national research institutes (other than the national research institutes existing on the date of enactment of this Act or the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section) or in realigning the combinations of disease research programs existing in each of the national research institutes on the date of enactment of this Act and in the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section).

(B) Within eighteen months after the date of enactment of this Act, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the study conducted under this paragraph and the results and conclusions of such study.

(2)(A) The Secretary of Health and Human Services shall request the National Academy of Sciences to conduct the study required by paragraph (1)(A) under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by paragraph (1)(B). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(B) If the National Academy of Sciences is unwilling to conduct the study required under paragraph (1)(A) under the type of arrangement described in subparagraph (A) of this paragraph, the Secretary shall enter into a similar arrangement with other appropriate nonprofit private entities.

(3) Prior to the expiration of a period beginning six months after the submission of the report required under paragraph (1)(B), and notwithstanding section 431(b) of the Public Health Service Act, no national research institute shall be established in addition to the institutes established on the date of the enactment of this Act and the National Institute of Arthritis and Musculoskeletal and Skin Diseases established under section 481 of the Public Health Service Act (as added by subsection (a) of this section).

(f) The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs within the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any such program could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within sixty days after the date of enactment of this Act.

Sec. 3. Section 2(d)(1) of the Technology Assessment Act of 1972 (Public Law 92-484; 2 U.S.C. 471 (d)(1)) is amended by inserting after "biological," the following: "ethical,".

Sec. 4. Section 3(c) of such Act (2 U.S.C. 472(c)) is amended by—

(1) redesignating clauses (4) through (8) as clauses (5) through (9), respectively; and

(2) inserting after clause (3) the following:

"(4) identify existing or probable ethical implications of technology or technological programs;".

Sec. 5. Section 11 of such Act (2 U.S.C. 480) is amended to read as follows:

"Sec. 11. (a) The Office shall submit to the Congress an annual report which shall include—

"(1) an evaluation of technology assessment techniques;

"(2) an identification, insofar as may be feasible, of technological areas and programs requiring future analysis;

"(3) an identification of current issues relating to medicine, biomedical research, and behavioral research (including the protection of human subjects of biomedical or behavioral research) which have ethical implications for technology; and

"(4) an identification of technological areas and programs which have significant ethical implications requiring future analysis.

"(b) Such report shall be submitted not later than March 15 of each year.".

Sec. 6. The Act is further amended by adding at the end thereof the following new section:

"ESTABLISHMENT OF BIOMEDICAL ETHICS ADVISORY COMMITTEE

"Sec. 13. (a) The Office shall establish a Biomedical Ethics Advisory Committee (hereinafter referred to as the 'Committee'), to be selected with the advice and consent of the Board. The Committee shall be composed of thirteen members—

"(1) three of the members shall be appointed from individuals who are distinguished in biomedical or behavioral research;

"(2) three of the members shall be appointed from individuals who are distinguished in the practice of medicine or otherwise distinguished in the provision of health care;

"(3) five of the members shall be appointed from individuals who are distinguished in one or more of the fields of ethics, theology, law, the natural sciences (other than a biomedical or behavioral science), the social sciences, the humanities, health administration, government, and public affairs; and

"(4) two of the members shall be appointed from individuals who are representative of citizens with an interest in biomedical ethics but who possess no specific expertise.

"(b) The Committee shall—

"(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation of activities, in accordance with section 3(d);

"(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office; and

"(3) undertake such additional related tasks as the Board may direct.

"(c) The Committee by majority vote, shall elect from its members a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Committee may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

"(d) The term of office of each member of the Committee shall be four years except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Committee more than twice. Terms of the members shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

"(e) The members of the Committee shall receive no pay for their services as members of the Committee, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5), and other necessary expenses incurred by them in the performance of duties vested in the Committee, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, and regulations promulgated thereunder.".

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate bill be considered as read, printed in the Record, and open to amendment at any point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Dingell: Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE; REFERENCE TO ACT; AND TABLE OF CONTENTS

Section 1. (a) This Act may be cited as the "Health Research Extension Act of 1983".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Public Health Service Act.

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Sec. 3. Conforming amendments.
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Sec. 5. Studies of animals in research.
Sec. 6. Interagency committee on spinal cord injury.
Sec. 7. Study of personnel for health needs of elderly.
Sec. 8. Interagency committee on learning disabilities.
Sec. 9. Diet therapy for kidney failure.
Sec. 10. National Commission on Orphan Diseases.
Sec. 11. President's Commission on Human Application of Genetic Engineering.
Sec. 12. Review of disease research programs of the National Institute of Diabetes and Digestive and Kidney Diseases.
Sec. 13. Effective date.

REVISION OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 2. Title IV of the Public Health Service Act is amended to read as follows:

"TITLE IV—NATIONAL RESEARCH INSTITUTES

"PART A—NATIONAL INSTITUTES OF HEALTH

"ORGANIZATION OF NIH

"SEC. 401. (a) The National Institutes of Health is an agency of the Service.

"(b)(1) The following national research institutes are agencies of the National Institutes of Health:

"(A) The National Cancer Institute.

"(B) The National Heart, Lung, and Blood Institute.

"(C) The National Institute of Diabetes and Digestive and Kidney Diseases.

"(D) The National Institute of Arthritis and Musculoskeletal Diseases.

"(E) The National Institute on Aging.

"(F) The National Institute of Allergy and Infectious Diseases.

"(G) The National Institute of Child Health and Human Development.

"(H) The National Institute of Dental Research.

"(I) The National Eye Institute.

"(J) The National Institute of Neurological and Communicative Disorders and Stroke.

"(K) The National Institute of General Medical Sciences.

"(L) The National Institute of Environmental Health Sciences.

"(M) The National Institute of Nursing.

"(2) The following entities are agencies of the National Institutes of Health:

"(A) The Division of Research Resources.

"(B) The National Library of Medicine.

"(C) The John E. Fogarty International Center for Advanced Study in the Health Sciences.

"(3) The Secretary may establish in the National Institutes of Health one or more additional national research institutes to conduct and support research, training, health information, and related programs relating to any particular disease or groups of diseases or any other aspect of human health if—

"(A) the Secretary determines that an additional institute is necessary to carry out such activities; and

"(B) the additional institute is not established before the expiration of sixty days after the Secretary has provided the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate written notice of the determination, described in subparagraph (A), made with respect to the institute.

"(c) For purposes of this title, the term 'national research institute' means a national research institute referred to in subsection (b)(1) or established under subsection (b)(3).

"APPOINTMENT AND AUTHORITY OF DIRECTOR OF NIH

"SEC. 402. (a) The National Institutes of Health shall be headed by the Director of the National Institutes of Health (hereinafter in this title referred to as the 'Director of NIH') who shall be appointed by the President by and with the advice and consent of the Senate. The Director of NIH shall perform functions as provided under subsection (b) and as the Secretary may otherwise prescribe.

"(b) In carrying out the purposes of section 301, the Secretary, acting through the Director of NIH—

"(1) shall be responsible for the overall direction of the National Institutes of Health and for the establishment and implementation of general policies respecting the management and operation of programs and activities within the National Institutes of Health;

"(2) shall coordinate and oversee the operation of the national research institutes and other administrative entities within the National Institutes of Health;

"(3) shall assure that research at the National Institutes of Health is subject to review in accordance with section 484(b);

"(4) for the national research institutes and administrative entities within the National Institutes of Health—

"(A) may—

"(i) acquire and construct; and

"(ii) improve, repair, operate, and maintain;

laboratories, other research facilities, other facilities, equipment, and other real or personal property (including patents); and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for use for a period not to exceed ten years;

"(5) may secure resources for research conducted by or through the National Institutes of Health;

"(6) may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, establish such technical and scientific peer review groups as are needed to carry out the requirements of this title and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service on such groups;

"(7) may secure for the National Institutes of Health consultation services and advice of persons from the United States or abroad;

"(8) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(9) may, for purposes of study, admit and treat at facilities of the National Institutes of Health individuals not otherwise eligible for such treatment;

"(10) may accept voluntary and uncompensated services; and

"(11) may perform such other administrative functions as the Secretary determines are needed to carry out effectively this title.

The Federal Advisory Committee Act does not apply to the duration of a peer review group appointed under paragraph (5), and the Office of Management and Budget shall not exercise any authority under such Act with respect to such a group.

"(c) The Director of NIH may make available to individuals and entities, for biomedical and behavioral research, substances and living organisms. Such substances and organisms shall be made available under such terms and conditions (including payment for them) as the Secretary determines appropriate.

"(d)(1) The Director of NIH may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than two hundred experts or consultants, with scientific or other professional qualifications, for the National Institutes of Health.

"(2)(A) Except as provided in subparagraph (B), experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed, in accordance with title 5, United States Code, for their travel and other expenses associated with their assignment.

"(B) Expenses specified in subparagraph (A) shall not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless the expert or consultant has agreed in writing to complete the entire period of the assignment or one year of the assignment, whichever is shorter, unless separated or reassigned for reasons which are beyond the control of the expert or consultant and which are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for such expenses is recoverable from the expert or consultant as a debt due the United States.

"(e)(1) The Director of NIH shall establish a plan for—

"(A) research to be conducted by or through the National Institutes of Health and the national research institutes into methods of biomedical research and experimentation—

"(i) which do not require the use of animals;

"(ii) which reduce the number of animals used in such research; or

"(iii) which produce less pain and distress in such animals than methods currently in use;

"(B) establishing the validity and reliability of the methods described in subparagraph (A);

"(C) the development of such methods which have been found to be valid and reliable; and

"(D) the training of scientists in the use of such methods.

The plan required by this paragraph shall be prepared not later than June 1, 1984.

"(2) The Director of NIH shall take such actions as may be appropriate to convey to scientists and others involved with research or experimentation involving animals information respecting the methods found to be valid and reliable under paragraph (1)(A).

"(3) The Director of NIH shall establish within the National Institutes of Health an Interagency Coordinating Committee to assist the Director of NIH in the development of the plan required by paragraph (1). The Director of each national research institute (or his designee) shall serve on the Committee.

"(f) The Director of NIH shall—

"(1) advise the agencies of the National Institutes of Health on medical applications of research;

"(2) coordinate, review, and facilitate the systematic identification and evaluation of, clinically relevant information from research conducted by or through the national research institutes;

"(3) promote the effective transfer of the information described in paragraph (2) to the health care community and to entities that require such information; and

"(4) monitor the effectiveness of the activities described in paragraph (3).

"(g) The Director of NIH and the director of any national research institute may not conduct or support research or experimentation, in the United States or abroad, on a living human fetus or infant, before an abortion which the researcher involved knows or has reason to know is intended or after an abortion, unless the research or experimentation is for the purpose of improving the probability of the survival of, or ameliorating developmental or congenital defects in, such infant.

"NATIONAL INSTITUTES OF HEALTH ADVISORY BOARD

"SEC. 403. (a) The Secretary shall appoint a National Institutes of Health Advisory Board (hereinafter in this section referred to as the 'Advisory Board'). The Advisory Board shall, as the Secretary or the Director of NIH deems appropriate, advise, consult with, and make recommendations to the Secretary or the Director of NIH with respect to the functions under section 402.

"(b)(1) The Advisory Board shall consist of not more than eighteen members. Two thirds of the members shall be appointed by the Secretary from among the leading representatives of the health and scientific disciplines and of those members at least one third shall be experts in public health or the behavioral or social sciences. At least one third of the members shall be appointed by the Secretary from leaders in the fields of public policy, law, health policy, economics, and management and of those members one member appointed by the Secretary from the general public. The Advisory Board shall include such ex officio members as the Secretary may designate to assist the Advisory Board in carrying out its functions.

"(2) Members of the Advisory Board who are officers or employees of the United States shall not receive any compensation for service on the Advisory Board. The other members of the Advisory Board shall receive, for each day they are engaged in the performance of the functions of the Advisory Board, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of the Advisory Board is four years, except that the Secretary shall stagger the terms of the members first appointed so that not more than one third of the members' terms will expire in any one year. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to the Advisory Board before two years from the date of the expiration of such term of office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(d) The chairman of the Advisory Board shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of NIH to be the chairman of the Advisory Board. The term of office of the chairman shall be two years.

"(e) The Advisory Board shall meet at the call of the chairman or upon the request of the Director of NIH, but at least three times in each fiscal year. The location of the meetings of the Advisory Board is subject to the approval of the Director of NIH.

"(f) The Director of NIH shall designate a member of the staff of the National Institutes of Health to serve as the executive secretary of the Advisory Board. The Director of NIH shall make available to the Advisory Board such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of NIH shall provide orientation and training for new members of the Advisory Board to provide them with such information and training as may be appropriate for their effective participation in the functions of the Advisory Board.

"(g) In carrying out its functions the Advisory Board may appoint subcommittees with the approval of the Director of NIH.

"(h) The Advisory Board may prepare, for inclusion in the biennial report under section 404, a biennial report respecting the activities of the Advisory Board and including its recommendations respecting the program policies of the Secretary and the Director of NIH.

"REPORT OF DIRECTOR OF NIH

"SEC. 404. The Secretary shall transmit to the President and to the Congress a biennial report which shall be prepared by the Director of NIH and which shall consist of—

"(1) a description of the activities carried out through the National Institutes of Health and the policies respecting the programs of the National Institutes of Health and such recommendations respecting such policies as the Secretary deems appropriate;

"(2) without revision, any biennial report of the National Institutes of Health Advisory Board; and

"(3) the biennial reports of the Directors of each of the national research institutes.

The first report under this section shall be submitted not later than the first November 30 which occurs at least eighteen months after the date of the enactment of this section and shall relate to the two-fiscal-year period ending on the preceding September 30.

"CENTERS FOR RESEARCH AND DEMONSTRATION OF HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 405. (a) The Director of NIH shall establish and maintain Centers for Research and Demonstration of Health Promotion and Disease Prevention to undertake research and demonstration projects in health promotion, disease prevention, and improved methods of appraising health hazards and risk factors. The centers shall serve as demonstration sites for the use of new and innovative research in public health techniques to prevent chronic diseases.

"(b) Each center assisted under this section shall—

"(1) be located in an academic health center with—

"(A) a multidisciplinary public health faculty which has demonstrated working relationships with relevant groups in such fields as medicine, dentistry, nutrition, psychology, nursing, social work, pharmacy, education, and business;

"(B) graduate training programs relevant to disease prevention;

"(C) core faculty in epidemiology, biostatistics, social sciences, behavorial and environmental health sciences, and health administration;

"(D) demonstrated core medical school curriculum in disease prevention;

"(E) residency training capability in public health and preventive medicine; and

"(F) such other qualifications as the Secretary may prescribe.

"(2) conduct—

"(A) health promotion and disease prevention research on retrospective and longitudinally prospective bases in population groups and communities;

"(B) demonstration projects for the delivery of health promotion and disease prevention services to defined population groups using, as appropriate, community outreach and organization techniques and other methods of educating and motivating communities; and

"(C) evaluation studies on the efficacy of its demonstration projects.

"(c) During fiscal year 1984 ten centers shall be established under subsection (a); during fiscal year 1985 an additional ten centers shall be established under such subsection; and during fiscal year 1986 an additional five centers shall be established under such subsection. Such centers shall be distributed geographically as well as within areas containing a wide range of population groups which exhibit disease incidences which are most amenable to preventive intervention.

"PART B—GENERAL PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"APPOINTMENT AND AUTHORITY OF THE DIRECTORS OF THE NATIONAL RESEARCH INSTITUTES

"SEC. 407. (a) The Director of the National Cancer Institute shall be appointed by the President, and the Directors of the other national research institutes shall be appointed by the Secretary.

"(b)(1) In carrying out the purposes of section 301 with respect to the human disease or disorder or other aspect of human health for which the institutes were established, the Secretary, acting through the Director of each national research institute—

"(A) shall encourage and support research, investigations, experiments, demonstrations, and studies in the health sciences related to—

"(i) the maintenance of health;

"(ii) the detection, diagnosis, treatment, and prevention of human diseases and other disorders;

"(iii) the rehabilitation of individuals with human diseases, disorders, and disabilities; and

"(iv) the expansion of knowledge of the processes underlying human diseases, disorders, and disabilities, the processes underlying the normal and pathological functioning of the body and its organ systems, and the processes underlying the interactions between the human organism and the environment;

"(B) may, subject to the review prescribed under section 484(b) and advisory council review prescribed by section 408(a)(3)(A)(i), conduct the research, investigations, experiments, demonstrations, and studies referred to in subparagraph (A);

"(C) may conduct and support research training (i) for which fellowship support is not provided under section 479, and (ii) which is not residency training of physicians or other health professionals;

"(D) may develop, implement, and support demonstrations and programs for the application of the results of the activities of the institute to clinical practice and disease prevention activities;

"(E) may develop, conduct, and support public and professional education and information programs;

"(F) may secure, develop and maintain, distribute, and support the development and maintenance of resources needed for research;

"(G) may make available the facilities of the institutes to appropriate entities and individuals engaged in research activities and cooperate with and assist Federal and State agencies charged with protecting the public health;

"(H) may accept unconditional gifts made to the institutes for their activities, and, in the case of gifts of a value in excess of $50,000, establish suitable memorials to the donor;

"(I) may secure for the institutes consultation services and advice of persons from the United States or abroad;

"(J) may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, with or without reimbursement therefor;

"(K) may accept voluntary and uncompensated services; and

"(L) may perform such other functions as the Secretary determines are needed to carry out effectively the purposes of the institutes.

The indemnification provisions of section 2354, title 10, United States Code, shall apply with respect to contracts entered into under this subsection and section 402(b).

"(2) Support for an activity or program under this subsection may be provided through grants, contracts, and cooperative agreements. The Secretary, acting through the Director of each national research institute—

"(A) may approve any contract for resources for research conducted at or through the institute, except that if the total cost of the contract to be approved exceeds $500,000 the contract may be approved only after a peer review group authorized by regulations under section 484 has recommended approval of the contract;

"(B) may approve other contracts under paragraph (1) for research or training only if a peer review group authorized by regulations under section 484 has recommended approval of the contracts; and

"(C) may approve grants and cooperative agreements under paragraph (1) for research or training; except that—

"(i) if the direct cost of the grant or cooperative agreement to be approved does not exceed $35,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 484; and

"(ii) if the direct cost of the grant, or cooperative agreement to be approved exceeds $35,000, such grant or cooperative agreement may be approved only after appropriate technical and scientific review in accordance with section 484 and recommendation for approval by the advisory council to the institute.

"(c) In carrying out subsection (b), each Director of a national research institute shall—

"(1) coordinate, as appropriate, the activities of the institute with similar programs of other public and private entities; and

"(2) cooperate with the Directors of other national research institutes in the development and support of multidisciplinary research and research that involves more than one institute.

"(d)(1) There shall be in each national research institute (other than the National Institute of General Medical Sciences and the National Institute of Environmental Health Sciences) an Assistant Director for Prevention to coordinate and promote the programs in the institute into the prevention of disease. The Assistant Director of an institute shall be appointed by the Director of the institute from individuals who because of their professional training or experience are experts in public health or preventive medicine.

"(2) The Assistant Director for Prevention shall prepare for inclusion in the biennial report made under section 409 a description of the prevention activities of the institute, including a description of the staff and resources allocated to those activities.

"ADVISORY COUNCILS

"SEC. 408. (a)(1) Except as provided in subsection (i), the Secretary shall appoint an advisory council for each national research institute which (A) shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the institute on matters related to the activities carried out through the institute and the policies respecting such activities, and (B) shall carry out the special functions prescribed by part C.

"(2) Each advisory council for a national research institute shall recommend to the Secretary acceptance, in accordance with section 2101, of conditional gifts for study, investigation, or research respecting the disease, diseases, or other aspect of human health with respect to which the institute was established, for the acquisition of grounds, or for the construction, equipping, or maintenance of facilities for the institute.

"(3) Each advisory council for a national research institute—

"(A)(i) shall on the basis of the materials provided under section 484(b)(2) respecting research conducted at the institute, make recommendations to the Director of the institute respecting such research;

"(ii) shall review applications for grants and cooperative agreements for research or training and for which advisory council approval is required under section 407(b)(2) and recommend for approval applications for projects which show promise of making valuable contributions to human knowledge, and

"(iii) may review any grant or cooperative agreement proposed to be made or entered into;

"(B) may collect information as to studies which are being carried on in the United States or any other country as to such disease, diseases, or other aspect of human health by correspondence or by personal investigation of such studies, and with the approval of the Director of the institute make available such information through appropriate publications for the benefit of public and private health entities and health professions personnel and scientists and for the information of the general public; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b)(1) Each advisory council shall consist of ex officio members and not more than eighteen members appointed by the Secretary. The ex officio members of an advisory council shall consist of the Secretary, the Director of NIH, the Director of the national research institute for which the council is established, the Chief Medical Officer of the Veterans' Administration, a medical officer designated by the Secretary of Defense, or the designees of such persons and such additional officers or employees of the United States as the Secretary deems necessary for the advisory council to effectively carry out its functions. The members of an advisory council who are not ex officio members shall be appointed as follows:

"(A) Two thirds of the members shall be appointed from among the leading representatives of the health and scientific disciplines relevant to the activities of the institute for which the advisory council is established.

"(B) At least one third of the members shall be appointed by the Secretary from leaders in each of the fields of public policy, law, health policy, economics, and management and of those members at least one member appointed by the Secretary from the general public.

Of the members appointed under subparagraph (A) to each advisory council, not less than one third shall be experts in public health or the behavioral or social sciences.

"(2) Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The other members of an advisory council shall receive, for each day they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime.

"(c) The term of office of an appointed member of an advisory council is four years, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and the Secretary shall make appointments to an advisory council in such a manner as to stagger the terms of the members. A member may serve after the expiration of the member's term until a successor has taken office. A member who has been appointed for a term of four years may not be reappointed to an advisory council before two years from the date of expiration of such term of office. If a vacancy occurs in the advisory council among the appointed members, the Secretary shall make an appointment to fill the vacancy within ninety days from the date the vacancy occurs.

"(d) The chairman of an advisory council shall be selected by the Secretary from among the appointed members, except that the Secretary may select the Director of the institute for which the advisory council is established to be the chairman of the advisory council. The term of office of the chairman shall be two years.

"(e) The advisory council shall meet at the call of the chairman or upon the request of the Director of the national research institute for which it was established, but at least three times each fiscal year. The location of the meetings of each advisory council is subject to the approval of the Director of the institute for which the council was established

"(f) The Director of the national research institute for which an advisory council is established shall designate a member of the staff of the institute to serve as the executive secretary of the advisory council. The Director of such institute shall make available to the advisory council such staff assistants, information, and other assistance as it may require to carry out its functions. The Director of such institute shall provide orientation and training for new members of the advisory council to provide them with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) Each advisory council may prepare, for inclusion in the biennial report made under section 404, (1) comments respecting the activities of the advisory council in the fiscal years respecting which the report is prepared, (2) comments on the progress of the national research institute for which it was established in meeting its objectives, and (3) recommendations respecting the future directions and program and policy emphasis of the institute.

"(h)(1) Except as provided in paragraph (2), this section does not terminate the membership of any advisory council to a national research institute which was in existence on the date of the enactment of the Health Research Act of 1983. After such date—

"(A) the Secretary shall make appointments to each such advisory council in such a manner as to bring about as soon as practicable the composition prescribed by this section;

"(B) each advisory council shall organize itself in accordance with this section and exercise the functions prescribed by this section; and

"(C) the Director of each national research institute shall perform for such advisory council the functions prescribed by this section.

"(2)(A) This section applies to the National Cancer Advisory Board, the advisory council for the National Cancer Institute, except that (i) appointments to such Board shall be made by the President, (ii) of the members appointed to the Board not less than five members shall be individuals knowledgeable in environmental carcinogenesis (including carcinogenesis involving occupational and dietary factors), (iii) the chairman of the Board shall be selected by the President from the appointed members and shall serve as chairman for a term of two years, (iv) the ex officio members of the Board shall be the Secretary, the Director of the Office of Science and Technology Policy, the Director of NIH, the chief medical officer of the Veterans' Administration, the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, the Chairman of the Consumer Product Safety Commission or the designees of such persons, and a medical officer designated by the Secretary of Defense, and (v) the Board shall meet at least four times each fiscal year.

"(B) This section applies to the advisory council to the National Heart, Lung, and Blood Institute, except that the advisory council shall meet at least four times each fiscal year.

"BIENNIAL REPORT

"SEC. 409. The Director of each national research institute, after consultation with the advisory council to the institute, shall prepare for inclusion in the biennial report made under section 404 a biennial report which shall consist of a description of the activities and program policies of the Director of the institute in the fiscal years respecting which the report is prepared and the biennial report made under section 407(d)(2). The Director of each institute shall provide the advisory council of the institute an opportunity for the submission of the written comments referred to in section 408(g).

"AUTHORIZATIONS OF APPROPRIATIONS

"SEC. 410. (a) In addition to amounts otherwise authorized to be appropriated under this title for the National Institutes of Health, the following amounts are authorized to be appropriated:

"(1) For Centers for Research and Demonstrations of Health Promotion and Disease Prevention under section 405, there are authorized to be appropriated $10,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $25,000,000 for fiscal year 1986.

"(2)(A) For the National Cancer Institute (other than its programs under sections 413 and 415), there are authorized to be appropriated $1,163,000,000 for fiscal year 1984, $1,221,000,000 for fiscal year 1985, and $1,300,000,000 for fiscal year 1986.

"(B) There are authorized to be appropriated for the programs under section 413, $64,000,000 for fiscal year 1984, $74,000,000 for fiscal year 1985, and $84,000,000 for fiscal year 1986.

"(3)(A) For the National Heart, Lung, and Blood Institute (other than its programs under section 422), there are authorized to be appropriated $659,000,000 for fiscal year 1984, $756,000,000 for fiscal year 1985, and $865,000,000 for fiscal year 1986. Of the sums appropriated under this subsection for any fiscal year, not less than 15 per centum for such sums shall be reserved for programs respecting diseases of the lung and not less than 15 per centum of such sums shall be reserved for programs respecting blood diseases and blood resources.

"(B) For the programs under section 422, there are authorized to be appropriated $54,000,000 for fiscal year 1984, $62,000,000 for fiscal year September 30, 1985, and $71,000,000 for fiscal year 1986.

"(4)(A) For the National Diabetes Advisory Board and the National Digestive Diseases Advisory Board and for the advisory board established under section 448, there are authorized to be appropriated $400,000 for fiscal year 1984, $400,000 for fiscal year 1985, and $400,000 for fiscal year 1986.

"(B) For diabetes research and training centers under section 436, there are authorized to be appropriated $16,000,000 for fiscal year 1984, $18,000,000 for fiscal year 1985, and $20,000,000 for fiscal year 1986.

"(5)(A) For grants for arthritis and musculoskeletal diseases demonstration projects under section 446(a), there are authorized to be appropriated $2,000,000 for fiscal year 1984, and for each of the next two fiscal years.

"(B) For multipurpose arthritis and musculoskeletal diseases centers under section 447, there are authorized to be appropriated $15,000,000 for fiscal year 1984, $18,000,000 for fiscal year 1985, and $21,000,000 for fiscal year 1986.

"(6) For the National Diabetes Data System and the National Diabetes Information Clearinghouse under section 332 and the data system and clearinghouse under section 444, there are authorized to be appropriated $1,000,000 for fiscal year 1984, $1,100,000 for fiscal year 1985, and $1,200,000 for fiscal year 1986.

"(b)(1) Except as provided in paragraph (2), the sum of the amounts appropriated for any fiscal year for administrative expenses of the National Institutes of Health and its agencies may not exceed an amount which is 5.5 percent of the total amount appropriated for such fiscal year for the National Institutes of Health and its agencies to which this paragraph applies.

"(2) Paragraph (1) does not apply to the National Library of Medicine, the John E. Fogarty International Center for Advanced Study in the Health Sciences, and the Office of Medical Applications of Research.

"(3) For purposes of paragraph (1), the term 'administrative expenses' means expenses incurred for the support of activities relevant to the award of grants and contracts for research and expenses incurred for the administrative management and scientific direction of programs and activities of the National Institutes of Health and its agencies.

"PART C—SPECIFIC PROVISIONS RESPECTING NATIONAL RESEARCH INSTITUTES

"Subpart 1—National Cancer Institute

"PURPOSE OF INSTITUTE

"SEC. 411. The general purpose of the National Cancer Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to the cause, diagnosis, prevention, and treatment of cancer.

"NATIONAL CANCER PROGRAM

"SEC. 412. The national cancer program shall consist of (1) an expanded, intensified, and coordinated cancer research program encompassing the research programs conducted and supported by the Institute and the related research programs of the other national research institutes and including an expanded and intensified research program for the prevention of cancer caused by occupational or environmental exposure to carcinogens, and (2) the other programs and activities of the Institute.

"CANCER CONTROL PROGRAMS

"SEC. 413. The Director of the Institute shall establish and support demonstration, education, and other programs for the detection, diagnosis, prevention, and treatment of cancer and for rehabilitation and counseling respecting cancer. Programs established and supported under this section shall include—

"(1) locally initiated education and demonstration programs (and regional networks of such programs) to transmit research results and to disseminate information respecting the detection, diagnosis, prevention, and treatment of cancer and rehabilitation and counseling respecting cancer to physicians and other health professionals who provide care to individuals who have cancer;

"(2) the demonstration of and the education of students of the health professions and health professionals in—

"(A) effective methods for the prevention and early detection of cancer and the identification of individuals with a high risk of developing cancer; and

"(B) improved methods of patient referral to appropriate centers for early diagnosis and treatment of cancer; and

"(3) the demonstration of new methods for the dissemination of information to the general public concerning the prevention, early detection, diagnosis, and treatment and control of cancer and information concerning unapproved and ineffective methods, drugs, and devices for the diagnosis, prevention, treatment, and control of cancer.

"SPECIAL AUTHORITIES OF THE SECRETARY AND THE DIRECTOR

"SEC. 414. (a) The Secretary, acting through the Director of the Institute, shall establish an information and education center to collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to cancer patients and their families, physicians and other health professionals, and the general public, information on cancer research, diagnosis, prevention, and treatment (including information respecting nutrition programs for cancer patients and the relationship between nutrition and cancer). The Director of the Institute may take such action as may be necessary to insure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Institute and other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

"(b) The Director of the Institute in carrying out the national cancer program—

"(1) may establish or support the large-scale production or distribution of specialized biological materials and other therapeutic substances for cancer research and set standards of safety and care for persons using such materials;

"(2) may, with the approval of the advisory council for the Institute, support (A) research in the cancer field outside the United States by highly qualified foreign nationals which research can be expected to inure to the benefit of the American people, (B) collaborative research involving American and foreign participants, and (C) the training of American scientists abroad and foreign scientists in the United States;

"(3) may, with the approval of the advisory council for the Institute, support appropriate programs of education (including continuing education) and training;

"(4) may encourage and coordinate cancer research by industrial concerns where such concerns evidence a particular capability for such research;

"(5) may obtain (with the approval of the Institute's advisory council and in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred and fifty-one experts or consultants who have scientific or professional qualifications;

"(6)(A) may—

"(i) with the approval of the Institute's advisory council, acquire and construct; and

"(ii) improve, repair, operate, and maintain, such laboratories, other research facilities, equipment, and other real or personal property (including patents) as the Director deems necessary;

"(B) may make grants for new construction or renovation of facilities; and

"(C) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(7) may, with the approval of the Institute's advisory council, appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as he deems desirable to advise him with respect to his functions;

"(8) may, subject to section 407(b)(2), enter into such contracts, leases, cooperative agreements, or other transactions, without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution; and

"(9)(A) shall prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for the national cancer program, after reasonable opportunity for comment (but without change) by the Secretary, the Director of NIH, and the Institute's advisory council; and (B) may receive from the President and the Office of Management and Budget directly all funds appropriated by Congress for obligation and expenditure by the Institute.

"NATIONAL CANCER RESEARCH AND DEMONSTRATION CENTERS

"Sec. 415. The Director of the Institute, under policies established by the Director of NIH and after consultation with the Institute's advisory council, is authorized to enter into cooperative agreements with public or private nonprofit agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support during fiscal years 1984, 1985, and 1986 for at least fifty-five centers for basic and clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for cancer. Federal payments under this subsection in support of such cooperative agreements may be used for (1) construction (notwithstanding any limitation under section 488), (2) staffing and other basic operating costs, including such patient care costs as are required for research, (3) training, including training for allied health professionals, continuing education for health professionals and allied health professions personnel, and information programs for the public respecting cancer, and (4) demonstration purposes. As used in this section, the term 'construction' does not include the acquisition of land, and the term 'training' does not include research training for which fellowship support may be provided under section 479. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"PRESIDENT'S CANCER PANEL

"Sec. 416. (a)(1) The President's Cancer Panel (hereinafter in this section referred to as the 'Panel') shall be composed of three persons appointed by the President who by virtue of their training, experience, and background are exceptionally qualified to appraise the national cancer program.

"(2)(A) Members of the Panel shall be appointed for three-year terms, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member who has been appointed for a term of three years may not be reappointed to the Panel before two years from the date of the expiration of such term of office. If a vacancy occurs in the Panel, the President shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(B) The President shall designate one of the members to serve as the chairman of the Panel for a term of one year.

"(C) Members of the Panel shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Panel.

"(3) The Panel shall meet at the call of the chairman, but not less often than four times a year. A transcript shall be kept of the proceedings of each meeting of the Panel, and the chairman shall make such transcript available to the public.

"(b) The Panel shall monitor the development and execution of the activities of the national cancer program, and shall report directly to the President. Any delays or blockages in rapid execution of the program shall immediately be brought to the attention of the President. The Panel shall submit to the President periodic progress reports on the program and shall submit to the President, the Secretary, and the Congress an annual evaluation of the efficacy of the program and suggestions for improvements, and shall submit such other reports as the President shall direct.

"Subpart 2—National Heart, Lung, and Blood Institute

"PURPOSE OF THE INSTITUTE

"Sec. 421. The general purpose of the National Heart, Lung, and Blood Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and other programs with respect to heart, blood vessel, lung, and blood diseases and with respect to the use of blood and blood products and the management of blood resources.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"Sec. 422. The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council for the Institute, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"INFORMATION AND EDUCATION

"Sec. 423. The Secretary, acting through the Director of the Institute, shall collect, identify, analyze, and disseminate on a timely basis, through publications and other appropriate means, to patients, families of patients, physicians and other health professionals, and the general public, information on research, prevention, diagnosis, and treatment of heart, blood vessel, lung, and blood diseases, the maintenance of health to reduce the incidence of such diseases, and on the use of blood and blood products and the management of blood resources. In carrying out this section the Secretary shall place special emphasis upon—

"(1) the dissemination of information regarding diet and nutrition, environmental pollutants, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary and blood diseases; and

"(2) the dissemination of information designed to encourage children to adopt healthful habits respecting the risk factors related to the prevention of such diseases.

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES AND BLOOD RESOURCES PROGRAM

"Sec. 424. (a) The National Heart, Blood Vessel, Lung, and Blood Diseases and Blood Resources Program (hereinafter in this subpart referred to as the 'Program') may provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including the provision of emergency medical services), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will focus and apply scientific and technological efforts involving biological physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of those diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionation, and distribution of it and its products;

"(7) the education (including continuing education) and training of scientists, clinical investigators, and educators, in fields and specialties (including computer sciences) requisite to the conduct of clinical programs respecting heart, blood vessel, lung, and blood diseases and blood resources;

"(8) public and professional education relating to all aspects of such diseases, including the prevention of such diseases, and the use of blood and blood products and the management of blood resources;

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, Cooley's anemia, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases.

The Program shall be coordinated with other national research institutes to the extent that they have responsibilities respecting such diseases and shall give special emphasis to the continued development in the Institute of programs related to the causes of stroke and to effective coordination of such programs with related stroke programs in the National Institute of Neurological and Communicative Disorders and Stroke. The Director of the Institute, with the advice of the advisory council to the Institute, shall revise annually the plan for the Program and shall carry out the Program in accordance with such plan.

"(b) In carrying out the Program, the Director of the Institute, under policies established by the Director of NIH—

"(1) may, after approval of the advisory council to the Institute, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than one hundred experts or consultants who have scientific or professional qualifications;

"(2)(A) may—

"(i) after approval of the advisory council to the Institute, acquire and construct, and

"(ii) improve, repair, operate, alter, renovate, and maintain,

heart, blood vessel, lung, and blood disease and blood resource laboratory, research, training, and other facilities, equipment, and such other real or personal property (including patents) as the Director deems necessary; and

"(B) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years;

"(3) subject to section 407(b)(2), may enter into such contracts, leases, cooperative agreements, or other transactions, without regard to section 3324 of title 31 of the United States Code and section 3709 of the Revised Statutes (41 U.S.C. 5), as may be necessary in the conduct of the Director's functions, with any public agency, or with any person, firm, association, corporation, or educational institutions; and

"(4) may make grants to public and nonprofit private entities to assist in meeting the cost of the care of patients in hospitals, clinics, and related facilities who are participating in research projects.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES, SICKLE CELL ANEMIA, AND BLOOD RESOURCES

"SEC. 425. (a)(1) The Director of the Institute may provide, in accordance with subsection (b), for the development of—

"(A) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart and blood vessel diseases;

"(B) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children); and

"(C) ten centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for blood diseases and research into blood, in the use of blood products and in the management of blood resources.

The Director of the Institute shall provide, in accordance with subsection (b), for the development of ten centers for basic and clinical research into the diagnosis, treatment, and control of sickle cell anemia.

"(2) The centers developed under paragraph (1) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular, pulmonary, and blood diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular, pulmonary, and blood diseases.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such diseases.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such diseases.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such diseases.

"(E) Programs of continuing education for health and allied health professionals in the diagnosis, prevention, and treatment of such diseases and the maintenance of health to reduce the incidence of such diseases and information programs for the public respecting the prevention and early diagnosis and treatment of such diseases and the maintenance of health.

"(3) The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of, the management of blood resources and advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 488),

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term 'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 479.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 426. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities relevant to the functions of the Committee, as determined by the Secretary.

"Subpart 3—National Institute of Diabetes and Digestive and Kidney Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 431. The general purpose of the National Institute of Diabetes and Digestive and Kidney Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to diabetes mellitus and endocrine and metabolic diseases, digestive diseases and kidney and urologic diseases.

"INFORMATION CLEARINGHOUSES AND DATA SYSTEMS

"SEC. 432. (a) The Director shall (1) establish the National Diabetes Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with diabetes, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing diabetes, and (2) establish the National Diabetes Information Clearinghouse to facilitate and enhance knowledge and understanding of diabetes on the part of health professionals, patients, and the public through the effective dissemination of information.

"(b) The Director shall (1) establish the National Digestive Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with digestive diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing digestive diseases, and (2) establish the National Digestive Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of digestive diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"(c) The Director shall (1) establish the National Kidney Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with kidney diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing kidney diseases, and (2) establish the National Kidney Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of kidney diseases on the part of health professionals, patients, and the public through the effective dissemination of information.

"ASSOCIATE DIRECTORS FOR DIABETES AND DIGESTIVE AND KIDNEY DISEASES

"SEC. 433. (a) In the Institute there shall be an Associate Director for Diabetes, an Associate Director for Digestive Diseases, and an Associate Director for Kidney Diseases who, under the supervision of the Director, shall be responsible for—

"(1) developing a coordinated plan (including recommendations for expenditures) for each of the national research institutes within the National Institutes of Health with respect to research and training concerning diabetes and digestive and kidney diseases;

"(2) assessing the adequacy of management approaches for the activities within such institutes concerning such diseases and developing improved approaches if needed;

"(3) monitoring and reviewing expenditures by such institutes concerning such diseases; and

"(4) identifying research opportunities concerning such diseases and recommending ways to utilize such opportunities.

The Director shall transmit to the Director of NIH the plans, recommendations, and reviews of the Associate Directors under paragraphs (1) through (4) together with such comments and recommendations as the Director of the Institute determines appropriate.

"(b) The Director of the Institute, acting through the Associate Director for Kidney Diseases, the Associate Director for Digestive Diseases, and the Associate Director for Diabetes, shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 479) in the diagnosis, prevention, and treatment of digestive diseases and nutrition, diabetes mellitus, and endocrine and metabolic, kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INTERAGENCY COORDINATING COMMITTEES

"SEC. 434. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to diabetes mellitus, digestive diseases, and kidney and urologic diseases; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish a Diabetes Mellitus Interagency Coordinating Committee, a Digestive Diseases Interagency Coordinating Committee, and a Kidney and Urologic Diseases Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each committee shall be composed of the Directors (or their designees) of each of the national research institutes and divisions involved in research involving the diseases with respect to which the committee is established, the Associate Directors of the Institute for the diseases for which the committee is established, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, as determined by the Secretary. Each committee shall be chaired by the Director of NIH (or his designee). Each committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each committee shall prepare an annual report for—

"(1) the Secretary,

"(2) the Director of NIH, and

"(3) the Advisory Board established under section 435 for the diseases for which the committee was established,

detailing the work of the committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ADVISORY BOARDS

"SEC. 435. (a) The Secretary shall establish in the Institute the National Diabetes Advisory Board, the National Digestive Diseases Advisory Board, and the National Kidney and Urologic Diseases Advisory Board (hereinafter in this section individually referred to as an 'Advisory Board').

"(b) Each Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to the diseases with respect to which the Advisory Board is established; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease.

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of each Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Diabetes and Digestive and Kidney Diseases, the Director of the Centers for Disease Control, the chief medical director of the Veterans' Administration, the Assistant Secretary for Medical Affairs of the Department of Defense (or the designees of such ex officio members), the Associate Director of the National Institute of Diabetes and Digestive and Kidney Diseases for the diseases for which the Board is established, and such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions. In the case of the National Diabetes Advisory Board, the following shall also be ex officio members: The Director of the National Heart, Lung, and Blood Institute, the Director of the National Eye Institute, the Director of the National Institute of Child Health and Human Development, the Administrator of the Health Resources Administration, and the Administrator of the Health Services Administration (or the designees of such ex officio members).

"(c) Members of an Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of an Advisory Board is three years, except that no term of office may extend beyond the expiration of the Advisory Board. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in an Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of each Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of an Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) Each Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) Each Advisory Board shall—

"(1) in the case of the Advisory Boards for diabetes and digestive diseases, review and evaluate the implementation of the plan (referred to in section 441) respecting the diseases with respect to which the Advisory Board was established and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting such diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, each Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) Each Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such year in research, treatment, education, and training with respect to the diseases with respect to which the Advisory Board was established;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h)(1).

"(k) Each Advisory Board shall expire on September 30, 1986.

"(l) The National Diabetes Advisory Board and the National Digestive Diseases Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall terminate upon the appointment of a successor Board under subsection (a). The Secretary shall make appointments to the Advisory Boards established under subsection (a) before the expiration of ninety days after such date of enactment. The members of the Boards in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Boards established under subsection (a) for diabetes and digestive diseases except that at least one-half of the members of the National Diabetes Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall be appointed to the National Diabetes Advisory Board first established under subsection (a).

"RESEARCH AND TRAINING CENTERS

"SEC. 436. (a) Consistent with applicable recommendations of the National Commission on Diabetes, the Director of the Institute shall provide for the development, or substantial expansion of centers for research and training in diabetes mellitus and related endocrine and metabolic diseases. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research and training qualifications as may be prescribed by the Secretary; and (2) conduct (A) research in the diagnosis and treatment of diabetes mellitus and related endocrine and metabolic diseases and the complications resulting from such diseases, (B) training programs for physicians and allied health personnel in current methods of diagnosis and treatment of such diseases and complications, and in research in diabetes, and (C) information programs for physicians and allied health personnel who provide primary care for patients with such diseases or complications. A center may use funds provided under this subsection to provide stipends for nurses and allied health professionals enrolled in research training programs described in clause (B).

"(b) Consistent with applicable recommendations of the National Digestive Diseases Advisory Board, the Director shall provide for the development or substantial expansion of centers for research in digestive diseases and related functional, congenital, metabolic disorders, and normal development of the digestive tract. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary; (2) develop and conduct basis and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of digestive diseases and related functional, congenital, or metabolic complications resulting from such diseases or disorders, (3) shall encourage research into and programs for (A) providing information for physicians and others who care for patients with such diseases, disorders, and complications; patients and their families; and the general public; (B) model programs for cost effective and preventive patient care; and (C) training physicians and scientists in research on such diseases, disorders, and complications; and (4) may perform research and participate in epidemiological studies and gathering data relevant to digestive diseases and disorders to disseminate to the health care profession and to the public.

"(c) The Director shall provide for the development or substantial expansion of centers for research in kidney and urologic diseases. Each center developed or expanded under this subsection shall (1) utilize the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such research qualifications as may be prescribed by the Secretary; (2) develop and conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of kidney and urologic diseases, (3) shall encourage research into and programs for (A) providing information by physicians and others who care for patients with such disease; patients and their families; and the general public; (B) model programs for cost effective and preventive patient care; and (C) training physicians and scientists in research on such diseases; and (4) may perform research and participate in epidemiological studies and gathering data relevant to kidney and urologic diseases to disseminate to the health care profession and to the public.

"(d) Insofar as practicable, centers established, developed, or expanded under this section should be geographically dispersed throughout the United States and in environments with proven research capabilities. Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"ADVISORY COUNCIL SUBCOMMITTEES

"SEC. 437. There are established within the advisory council of the Institute appointed under section 408 a subcommittee on diabetes and endocrine and metabolic diseases, a subcommittee on digestive diseases and nutrition, and a subcommittee on kidney, urologic, and hematologic diseases. The subcommittees shall be composed of members of the advisory council who are outstanding in the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and members of the advisory council who are leaders in the fields of education and public affairs. The subcommittees are authorized to review applications made to the Director for grants for research and training projects relating to the diagnosis, prevention, and treatment of the diseases for which the subcommittees are established and shall recommend to the advisory council those applications and contracts that the subcommittees determine will best carry out the purposes of the Institute. The subcommittees shall also review and evaluate the diabetes and endocrine and metabolic diseases, digestive diseases and nutrition, and kidney, urologic, and hematologic diseases programs of the Institute and recommend to the advisory council such changes in the administration of such programs as the subcommittees determine are necessary.

"BIENNIAL REPORT

"SEC. 438. The Director of the Institute shall prepare for inclusion in the biennial report made under section 404 a description of the Institute's activities—

"(1) under the current diabetes plan under the National Diabetes Mellitus Research and Education Act; and

"(2) under the current digestive diseases plan formulated under the Arthritis, Diabetes, and Digestive Diseases Amendments of 1976.

The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 436.

"Subpart 4—National Institute of Arthritis and Musculoskeletal Diseases

"PURPOSES OF THE INSTITUTE

"SEC. 443. (a) The general purpose of the National Institute of Arthritis and Musculoskeletal Diseases (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to arthritis and musculoskeletal diseases, including sports-related disorders, and skin diseases.

"(b) The Director of the Institute, with the advice of its advisory council, shall develop a plan for a national arthritis and musculoskeletal program to expand, intensify, and coordinate the activities of the Institute respecting the diseases, and shall carry out the program in accordance with such plan. The program shall be coordinated with the other national research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall, at least, provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms of arthritis and musculoskeletal diseases, including sports-related disorders, primarily through support of basic research and such areas as immunology, genetics, biochemistry, microbiology, physiology, bioengineering, and any other scientific discipline which can contribute important knowledge to the treatment and understanding of these diseases;

"(2) research into the development, trial, and evaluation of techniques, drugs, and devices used in the diagnosis, treatment, and prevention of arthritis and musculoskeletal diseases and medical rehabilitation of individuals with such diseases and disabilities;

"(3) research on the refinement, development, and evaluation of technological devices that will replace or be a substitute for damaged bone, muscle, and joints and other supporting structures; and

"(4) establish mechanisms to monitor the causes of athletic injuries and identify ways of preventing such injuries on scholastic athletic fields.

"(c) The Director of the Institute shall—

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 479) in the diagnosis, prevention, and treatment (including medical rehabilitation) of arthritis, musculoskeletal diseases, and skin diseases, including support for training in medical schools, graduate clinical training, graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs; and

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training.

"INFORMATION CLEARINGHOUSE AND DATA SYSTEM

"Sec. 444. The Director shall (1) establish the National Arthritis and Musculoskeletal Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with arthritis and musculoskeletal diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing such diseases, and (2) establish the National Arthritis and Musculoskeletal Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of arthritis and musculoskeletal diseases on the part of health professionals, patients, and the public through the effective dissemination of information on such diseases.

"INTERAGENCY COORDINATING COMMITTEES

"Sec. 445. (a) For the purpose of—

"(1) better coordination of the research activities of all the national research institutes relating to arthritis, skin diseases, and musculoskeletal diseases, including sports-related disorders; and

"(2) coordinating those aspects of all Federal health programs and activities relating to such diseases to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities;

the Secretary shall establish an Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and a Skin Disease Interagency Coordinating Committee (hereinafter in this section individually referred to as a 'Committee').

"(b) Each Committee shall be composed of the Director (or his designee) of the Institute and its divisions involved in research involving arthritis and musculoskeletal diseases or skin diseases, as may be appropriate, the chief medical director (or the director's designee) of the Veterans' Administration, and a medical officer designated by the Department of Defense, and shall include representation from all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to arthritis and musculoskeletal diseases, as determined by the Secretary. Each Committee shall be chaired by the Director of NIH (or his designee). Each Committee shall meet at the call of the chairman, but not less often than four times a year.

"(c) Each Committee shall prepare an annual report for—

"(1) the Secretary; and

"(2) the Director of NIH,

detailing the work of the Committee in the fiscal year for which the report was prepared in carrying out the coordinating activities described in paragraphs (1) and (2) of subsection (a). Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"ARTHRITIS AND MUSCULOSKELETAL DISEASES DEMONSTRATION PROJECTS

"Sec. 446. (a) The Secretary may make grants to public and other nonprofit entities to establish and support projects for the development and demonstration of methods for arthritis and musculoskeletal diseases screening and detection and for referral for treatment and medical rehabilitation, and for dissemination of information on these methods to the health and allied health professions. Activities under such projects shall be coordinated with (1) Federal, State, local, and regional health agencies, (2) centers assisted under section 447, and (3) the data system established under subsection (c).

"(b) Projects under this section shall include—

"(1) programs which emphasize the development and demonstration of new and improved methods of screening and early detection, referral for treatment, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases;

"(2) programs which emphasize the development and demonstration of new and improved methods for patient referral from local hospitals and physicians to appropriate centers for early diagnosis and treatment;

"(3) programs which emphasize the development and demonstration of new and improved means of standardizing patient data and recordkeeping;

"(4) programs which emphasize the development and demonstration of new and improved methods of dissemination of knowledge about the projects and methods referred to in the preceding paragraphs of this subsection to health and allied health professionals;

"(5) programs which emphasize the development and demonstration of new and improved methods for the dissemination to the general public of information—

"(A) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regiment; and

"(B) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive treatment, and control methods for arthritis and unapproved and ineffective drugs and devices for arthritis and musculoskeletal diseases; and

"(6) projects for the investigation into the epidemiology of all forms and aspects of arthritis and musculoskeletal diseases, including investigations into the social, environmental, behavioral, nutritional, and genetic determinants and influences involved in the epidemiology of such diseases.

"(c) The Director shall provide for the standardization of patient data and recordkeeping for the collection, storage, analysis, retrieval, and dissemination of such data in cooperation with projects under this section and centers assisted under section 447, and other persons engaged in arthritis and musculoskeletal diseases programs.

"MULTIPURPOSE ARTHRITIS AND MUSCULOSKELETAL DISEASES CENTERS

"Sec. 447. (a) The Director of the Institute shall, after consultation with the advisory council to the Institute and consistent with the arthritis plan developed under section 443(b), provide for the development, modernization, and operation (including staffing and other operating costs such as the costs of patient care required for research) of new and existing centers for arthritis and musculoskeletal diseases. For purposes of this section, the term 'modernization' means the alteration, remodeling, improvement, expansion, and repair of existing buildings and the provision of equipment for such buildings to the extent necessary to make them suitable for use as centers described in the preceding sentence.

"(b) Each center assisted under this section shall—

"(1)(A) use of the facilities of a single institution or a consortium of cooperating institutions, and (B) meet such qualifications as may be prescribed by the Secretary; and

"(2) conduct—

"(A) basic and clinical research into the cause, diagnosis, early detection, prevention, control, and treatment of arthritis and musculoskeletal diseases and complications resulting from such diseases, including research into implantable biomaterials and biomechanical and other orthopaedic procedures and medical rehabilitation of individuals with such diseases;

"(B) training programs for physicians, scientists, and other health and allied health professionals;

"(C) information and continuing education programs for physicians and other health and allied health professionals who provide care for patients with arthritis and musculoskeletal diseases; and

"(D) programs for the dissemination to the general public of information—

"(i) on the importance of early detection of arthritis and musculoskeletal diseases, of seeking prompt treatment, and of following an appropriate regimen; and

"(ii) to discourage the promotion and use of unapproved and ineffective diagnostic, preventive, treatment, and control methods and unapproved and ineffective drugs and devices.

A center may use funds provided under subsection (a) to provide stipends for health professionals enrolled in training programs described in paragraph (2)(B).

"(c) Each center assisted under this section may conduct programs to—

"(1) establish the effectiveness of new and improved methods of detection, referral, and diagnosis of individuals with a risk of developing arthritis and musculoskeletal diseases,

"(2) disseminate the results of research, screening, and other activities, and develop means of standardizing patient data and recordkeeping, and

"(3) develop community consultative services to facilitate the referral of patients to centers for treatment.

"(d) The Director shall insofar as practicable, provide for an equitable geographical distribution of centers assisted under this section. The Director shall give appropriate consideration to the need for centers especially suited to meeting the needs of children affected by arthritis.

"(e) Support of a center under this section may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"ADVISORY BOARD

"Sec. 448. (a) The Secretary shall establish in the Institute the National Arthritis Advisory Board (hereinafter in this section referred to as the 'Advisory Board').

"(b) The Advisory Board shall be composed of eighteen appointed members and nonvoting, ex officio members as follows:

"(1) The Secretary shall appoint—

"(A) twelve members from individuals who are scientists, physicians, and other health professionals, who are not officers or employees of the United States, and who represent the specialties and disciplines relevant to arthritis, musculoskeletal diseases, and skin diseases; and

"(B) six members from the general public who are knowledgeable with respect to such diseases, including at least one member who is a person who suffers from such a disease and one member who is a parent of a person who suffers from such a disease

Of the appointed members at least five shall by virtue of training or experience be knowledgeable in health education, nursing, data systems, public information, or community program development.

"(2) The following shall be ex officio members of the Advisory Board: The Assistant Secretary for Health, the Director of NIH, the Director of the National Institute of Arthritis and Musculoskeletal Diseases, the Director of the Center for Disease Control, the chief medical director of the Veterans' Administration, the Assistant Secretary for Medical Affairs of the Department of Defense (or the designees of such ex officio members), such other officers and employees of the United States as the Secretary deems necessary for the Advisory Board to carry out its functions.

"(c) Members of the Advisory Board who are officers or employees of the Federal Government shall serve as members of the Advisory Board without compensation in addition to that received in their regular public employment. Other members of the Board shall receive compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule for each day (including traveltime) they are engaged in the performance of their duties as members of the Board.

"(d) The term of office of an appointed member of the Advisory Board is three years. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. If a vacancy occurs in the Advisory Board, the Secretary shall make an appointment to fill the vacancy not later than ninety days from the date the vacancy occurred.

"(e) The members of the Advisory Board shall select a chairman from among the appointed members.

"(f) The Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with an executive director and one other professional staff member. In addition, the Secretary shall, after consultation with and consideration of the recommendations of the Advisory Board, provide the Advisory Board with such additional professional staff members, such clerical staff members, and (through contracts or other arrangements) with such administrative support services and facilities, such information, and such services of consultants, as the Secretary determines are necessary for the Advisory Board to carry out its functions.

"(g) The Advisory Board shall meet at the call of the chairman or upon request of the Director of the Institute, but not less often than four times a year.

"(h) The Advisory Board shall—

"(1) review and evaluate the implementation of the plan under section 443 and periodically update the plan to ensure its continuing relevance;

"(2) for the purpose of assuring the most effective use and organization of resources respecting arthritis, musculoskeletal diseases and skin diseases, advise and make recommendations to the Congress, the Secretary, the Director of NIH, the Director of the Institute, and the heads of other appropriate Federal agencies for the implementation and revision of such plan; and

"(3) maintain liaison with other advisory bodies related to Federal agencies involved in the implementation of such plan, the coordinating committee for such diseases, and with key non-Federal entities involved in activities affecting the control of such diseases.

"(i) In carrying out its functions, the Advisory Board may establish subcommittees, convene workshops and conferences, and collect data. Such subcommittees may be composed of Advisory Board members and nonmember consultants with expertise in the particular area addressed by such subcommittees. The subcommittees may hold such meetings as are necessary to enable them to carry out their activities.

"(j) The Advisory Board shall prepare an annual report for the Secretary which—

"(1) describes the Advisory Board's activities in the fiscal year for which the report is made;

"(2) describes and evaluates the progress made in such year in research, treatment, education, and training with respect to arthritis, musculoskeletal diseases, and skin diseases;

"(3) summarizes and analyzes expenditures made by the Federal Government for activities respecting such diseases in the fiscal year for which the report is made; and

"(4) contains the Advisory Board's recommendations (if any) for changes in the plan referred to in subsection (h)(1).

"(k) The National Arthritis Advisory Board in existence on the date of the enactment of the Health Research Act of 1983 shall terminate not later than ninety days after such date. The Secretary shall make appointments to the Advisory Board established under subsection (a) before the expiration of such days. The members of the Board in existence on such date may be appointed, in accordance with subsections (b) and (d), to the Board established under subsection (a).

"BIENNIAL REPORT

"SEC. 449. The Director of the Institute shall prepare for inclusion in the biennial report made under section 404 a description of the Institute's activities under the plan developed under section 443(b). The description submitted by the Director shall include an evaluation of the activities of the centers supported under section 447.

"Subpart 5—National Institute on Aging

"PURPOSE OF THE INSTITUTE

"SEC. 451. The general purpose of the National Institute on Aging (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical, social, and behavioral research, training, health information dissemination, and related programs with respect to the aging process and the diseases and other special problems and needs of the aged.

"SPECIAL FUNCTIONS OF THE SECRETARY

"SEC. 452. (a) In carrying out the training responsibilities under this Act or any other Act for health and allied health professions personnel, the Secretary shall take appropriate steps to insure the education and training of adequate numbers of allied health, nursing, and paramedical personnel in the field of health care for the aged.

"(b) The Secretary shall, through the Director of the Institute, conduct scientific studies to measure the impact on the biological, medical, and psychological aspects of aging of programs and activities assisted or conducted by the Department of Health and Human Services.

"(c) The Director of the Institute shall carry out public information and education programs designed to disseminate as widely as possible the findings of Institute-sponsored and other relevant aging research and studies and other information about the process of aging which may assist elderly and near-elderly persons in dealing with, and all Americans in understanding, the problems and processes associated with growing older.

"ALZHEIMER'S DISEASE CENTERS

"SEC. 453. (a) The Director of the Institute may provide, in accordance with subsection (b), for the development of centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for Alzheimer's disease.

"(b) The Director of the Institute, under policies established by the Director of NIH and after consultation with the advisory council to the Institute, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for existing or new centers for basic or clinical research into, training in, and demonstration of advanced diagnostic, prevention, and treatment methods for Alzheimer's disease. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction (notwithstanding any limitation under section 488);

"(2) staffing and other basic operating costs, including such patient care costs as are required for research;

"(3) training, including training for allied health professions personnel; and

"(4) demonstration purposes.

Support of a center under this subsection may be for a period of not to exceed five years and such period may be extended by the Director for additional periods of not more than five years each after review of the operations of such center by an appropriate scientific review group established by the Director.

"(c) As used in this section, the term 'construction' does not include the acquisition of land; and the term 'training' does not include research training for which fellowship support may be provided under section 479.

"Subpart 6—National Institute of Allergy and Infectious Diseases

"PURPOSE OF THE INSTITUTE

"SEC. 455. The general purpose of the National Institute of Allergy and Infectious Diseases is the conduct and support of research, training, health information dissemination, and related programs with respect to allergic and immunologic diseases and disorders and infectious diseases.

"Subpart 7—National Institute of Child Health and Human Development

"PURPOSE OF THE INSTITUTE

"SEC. 457. The general purpose of the National Institute of Child Health and Human Development (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to maternal health, child health, mental retardation, human growth and development, including prenatal development, population research, and special health problems and requirements of mothers and children.

"SUDDEN INFANT DEATH SYNDROME

"SEC. 458. The Secretary shall, through the Director of the Institute, conduct and support research which specifically relates to sudden infant death syndrome.

"MENTAL RETARDATION RESEARCH CENTERS

"SEC. 459. The Secretary shall, through the Director of the Institute, make grants for research and related activities into the causes, prevention, and treatment of mental retardation. The Secretary shall give special consideration to applications under this section submitted by centers which were constructed under part D of title VII of this Act added by section 101 of Public Law 88-164 and which are engaged in such research or activities.

"RESEARCH ON LUPUS ERYTHEMATOSUS

"SEC. 460. (a) The Secretary shall establish in the Institute a Lupus Erythematosus Coordinating Committee to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on Lupus Erythematosus.

"(b)(1) The Committee shall be composed of—

"(A) the Director of the National Institute of Neurological Communicative Disorders, and Stroke;

"(B) the Director or designee of the National Institute of Allergy and Infectious Diseases;

"(C) the Director or designee of the National Institute of Arthritis and Musculoskeletal Diseases;

"(D) the Director or designee of the National Institute of Child Health and Human Development;

"(E) the Director or designee of the National Institute of General Medical Sciences;

"(F) the Director or designee of the National Heart, Lung, and Blood Institute;

"(G) the National Institute of Diabetes and Digestive and Kidney Diseases; and

"(H) the Director or designee of the Centers for Disease Control.

"(2) The Committee shall meet at least four times a year. The Secretary shall designate the Chairman from the representatives of the Committee selected under paragraph (1). The Secretary shall make such designation so that a representative from each agency referred to in paragraph (1) will serve as Chairman of the Committee. The Chairman shall serve for a term of one year.

"(c) The Committee shall prepare an annual report for Congress on its activities. The report shall include a description of research projects on Lupus Erythematosus conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year.

"Subpart 8—National Institute of Dental Research

"PURPOSE OF INSTITUTE

"SEC. 461. The general purpose of the National Institute of Dental Research is the conduct and support of research, training, health information dissemination, and related programs with respect to the cause, prevention, and methods of diagnosis and treatment of dental diseases and conditions.

"Subpart 9—National Eye Institute

"PURPOSE OF INSTITUTE

"SEC. 463. The general purpose of the National Eye Institute (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of research, training, health information dissemination, and related programs with respect to blinding eye diseases, visual disorders, mechanisms of visual function, preservation of sight, and the special health problems and requirements of the blind. The Secretary may, through the Director of the Institute, carry out a program of grants for public and private nonprofit vision research facilities.

"Subpart 10—National Institute of Neurological and Communicative Disorders and Stroke

"PURPOSE OF THE INSTITUTE

"SEC. 465. The general purpose of the National Institute of Neurological and Communicative Disorders and Stroke is the conduct and support of research, training, health information dissemination, and related programs with respect to neurological disease and disorder, stroke, and disorders of human communication.

"SPINAL CORD REGENERATION RESEARCH

"SEC. 466. The Director of the Institute shall conduct and support research into spinal cord regeneration.

"BIOENGINEERING RESEARCH

"SEC. 467. The Director of the Institute shall make grants or enter into contracts for research on the means to overcome paralysis of the extremities through electrical stimulation and the use of computers.

"Subpart 11—National Institute of General Medical Sciences

"PURPOSE OF THE INSTITUTE

"SEC. 469. The general purpose of the National Institute of General Medical Sciences is the conduct and support of research, training, and, as appropriate, health information dissemination, and related programs with respect to general or basic medical sciences and related natural or behavioral sciences which have significance for two or more other national research institutes or are outside the general area of responsibility of any other national research institute.

"Subpart 12—National Institute of Environmental Health Sciences

"PURPOSE OF THE INSTITUTE

"SEC. 471. The general purpose of the National Institute of Environmental Health Sciences is the conduct and support of research, training, health information dissemination, and related programs with respect to factors in the environment that affect human health, directly or indirectly.

"Subpart 13—National Institute of Nursing

"PURPOSE OF THE INSTITUTE

"SEC. 473. The general purpose of the National Institute of Nursing (hereinafter in this subpart referred to as the 'Institute') is the conduct and support of, and dissemination of information respecting, basic and clinical research, training, and related programs in nursing.

"SPECIFIC AUTHORITIES

"SEC. 474. (a) The Chief Nursing Officer of the Veteran's Administration and the Director of the Division of Nursing of the Health Resources and Services Administration shall be ex officio members of the advisory council to the Institute appointed under section 408. Of the members appointed to the advisory council under section 408(b)(1)(A), seven shall be professional nurses who are recognized experts in the area of clinical practice, education, or research.

"(b) To carry out section 473, the Director of the Institute, may provide research training and instruction and establish research traineeships and fellowships, in the Institute and other nonprofit institutions, in the study and investigation of the prevention of disease, health promotion, and the nursing care of individuals with and the families of individuals with acute and chronic illnesses. The Director of the Institute may provide individuals receiving such training and instruction or such traineeships or fellowships with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director deems necessary. The Director may make grants to nonprofit institutions to provide such training and instruction and traineeships and fellowships.".

"PART D—OTHER AGENCIES OF NIH

"DIVISION OF RESEARCH RESOURCES

"SEC. 475. The general purposes of the Division of Research Resources is to strengthen and enhance the research environments of entities engaged in health-related research by developing and supporting essential research resources;

"JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

"SEC. 476. The general purpose of the John E. Fogarty International Center for Advanced Study in the Health Sciences is to—

"(1) facilitate the assembly of scientists and others in the biomedical, behavioral, and related fields for discussion, study, and research relating to the development of health science internationally;

"(2) provide research programs, conferences, and seminars to further international cooperation and collaboration in the life sciences;

"(3) provide postdoctorate fellowships for research training in the United States and abroad and promote exchanges between the United States and other countries of senior scientists;

"(4) coordinate the activities of the National Institutes of Health concerned with the health sciences internationally, and

"(5) serve as the focus for foreign visitors to the National Institutes of Health.

"PART E—AWARDS AND TRAINING

"NATIONAL RESEARCH SERVICE AWARDS

"SEC. 479. (a)(1) The Secretary shall—

"(A) provide National Research Service Awards for—

"(i) biomedical and behavioral research at the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration and under programs administered by the National Institute of Nursing, in matters relating to the cause, diagnosis, prevention, and treatment of the diseases or other health problems to which the activities of the Institutes and Administration are directed;

"(ii) training at the National Institutes of Health and at the Administrations of individuals to undertake such research;

"(iii) biomedical and behavioral research at public and nonprofit private institutions; and

"(iv) pre- and post-doctoral training at public and private institutions of individuals to undertake biomedical and behavioral research; and

"(B) make grants to public and nonprofit private institutions to enable such institutions to make individuals selected by them National Research Service Awards for research (and training to undertake biomedical and behavioral research) in the matters described in subparagraph (A)(i).

A reference in this subsection to the National Institutes of Health or the Alcohol, Drug Abuse, and Mental Health Administration shall be considered to include the institutes, agencies, divisions, and bureaus included in the Institutes or under the Administration, as the case may be.

"(2) National Research Service Awards may not be used to support residency training of physicians and other health professionals.

"(3) In awarding National Research Service Awards under this section, the Secretary shall take account of the Nation's overall need for biomedical research personnel by giving special consideration to physicians who agree to undertake a minimum of two years of biomedical research.

"(b)(1) No National Research Service Award may be made by the Secretary to any individual unless—

"(A) the individual has submitted to the Secretary an application therefor and the Secretary has approved the application;

"(B) the individual provides, in such form and manner as the Secretary shall by regulation prescribe, assurances satisfactory to the Secretary that the individual will meet the service requirement of subsection (c)(1); and

"(C) in the case of a National Research Service Award for a purpose described in subsection (a)(1)(A)(iii), the individual has been sponsored (in such manner as the Secretary may by regulation require) by the institution at which the research or training under the award will be conducted.

An application for an award shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe.

"(2) The making of grants under subsection (a)(1)(B) for National Research Service Awards shall be subject to review and approval by the appropriate advisory councils within the Department of Health and Human Services (A) whose activities relate to the research or training under the awards, or (B) for the entity at which such research or training will be conducted.

"(3) No grant may be made under subsection (a)(1)(B) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary may by regulation prescribe. Subject to the provisions of this section other than paragraph (1) of this subsection, National Research Service Awards made under a grant under subsection (a)(1)(B) shall be made in accordance with such regulations as the Secretary shall prescribe.

"(4) The period of any National Research Service Awards made to any individual under subsection (a) may not exceed—

"(A) five years in the aggregate for predoctoral training; and

"(B) three years in the aggregate for postdoctoral training,

unless the Secretary for good cause shown waives the application of such limit to such individual.

"(5) National Research Service Awards shall provide for such stipends, tuition, fees, and allowances (including travel and subsistence expenses and dependency allowances), adjusted periodically to reflect increases in the cost of living, for the recipients of the awards as the Secretary may deem necessary. A National Research Service Award made to an individual for research or research training at a non-Federal public or nonprofit private institution shall also provide for payments to be made to the institution for the cost of support services (including the cost of faculty salaries, supplies, equipment, general research support, and related items) provided such individual by such institution. The amount of any such payments to any institution shall be determined by the Secretary and shall bear a direct relationship to the reasonable costs of the institution for establishing and maintaining the quality of its biomedical and behavioral research and training programs.

"(c)(1) Each individual who is awarded a National Research Service Award (other than an individual who is a pre-baccalaureate student who is awarded a National Research Service Award for research training) shall, in accordance with paragraph (3), engage in health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment, for a period computed in accordance with paragraph (2).

"(2) For each month for which an individual receives a National Research Service Award which is made for a period in excess of twelve months, such individual shall engage in one month of health research or teaching or any combination thereof which is in accordance with the usual patterns of academic employment.

"(3) The requirement of paragraph (1) shall be complied with by any individual to whom it applies within such reasonable period of time, after the completion of such individual's award, as the Secretary shall by regulation prescribe. The Secretary shall by regulation prescribe the type of research and teaching in which an individual may engage to comply with such requirement and such other requirements respecting research and teaching as the Secretary considers appropriate.

"(4)(A) If any individual to whom the requirement of paragraph (1) is applicable fails, within the period prescribed by paragraph (3), to comply with such requirements, the United States shall be entitled to recover from such individual an amount determined in accordance with the formula—

$$A = \frac{\phi(t-s)}{t}$$

in which 'A' is the amount the United States is entitled to recover; 'φ' is the sum of the total amount paid under one or more National Research Service Awards to such individual; 't' is the total number of months in such individual's service obligation; and 's' is the number of months of such obligation served by him in accordance with paragraphs (1) and (2) of this subsection.

"(B) Any amount which the United States is entitled to recover under subparagraph (A) shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under subparagraph (A) on account of any National Research Service Award is paid, there shall accrue to the United States interest on such amount at a rate fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date the United States becomes entitled to such amount.

"(5)(A) Any obligation of any individual under paragraph (3) shall be canceled upon the death of such individual.

"(B) The Secretary shall by regulation provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve substantial hardship to such individual or would be against equity and good conscience.

"(d) There are authorized to be appropriated to make payments under National Research Service Awards and under grants for such awards $191,000,000 for fiscal year 1984, $220,000,000 for fiscal year 1985, and $251,000,000 for fiscal year 1986. Of the sums appropriated under this subsection, not less than 15 per centum shall be made available for payments under National Research Service Awards provided by the Secretary under subsection (a)(1)(A) and not less than 50 per centum shall be made available for grants under subsection (a)(1)(B) for National Research Service Awards. In any fiscal year not more than 4 per centum of the amount obligated to be expended under this section may be obligated for National Research Service Awards for periods of three months or less.

"VISITING SCIENTIST AWARDS

"SEC. 480. (a) The Secretary may make awards (hereinafter in this section referred to as 'Visiting Scientist Awards') to outstanding scientists who agree to serve as visiting scientists at institutions of postsecondary education which have significant enrollments of disadvantaged students. Visiting Scientist Awards shall be made by the Secretary to enable the faculty and students of such institutions to draw upon the special talents of scientists from other institutions for the purpose of receiving guidance, advice, and instruction with regard to research, teaching, and curriculum development in the biomedical and behavioral sciences and such other aspects of these sciences as the Secretary shall deem appropriate.

"(b) The amount of each Visiting Scientist Award shall include such sum as shall be commensurate with the salary or remuneration which the individual receiving the award would have been entitled to receive from the institution with which the individual has, or had, a permanent or immediately prior affiliation. Eligibility for and terms of Visiting Scientist Awards shall be determined in accordance with regulations the Secretary shall prescribe.

"STUDIES RESPECTING BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL

"SEC. 481. (a) The Secretary shall, in accordance with subsection (b), arrange for the conduct of a continuing study to—

"(1) establish (A) the Nation's overall need for biomedical and behavioral research personnel, (B) the subject areas in which such personnel are needed and the number of such personnel needed in each such area, and (C) the kinds and extent of training which should be provided such personnel;

"(2) assess (A) current training programs available for the training of biomedical and behavioral research personnel which are conducted under this Act, at or through national research institutes under the National Institutes of Health and institutes under the Alcohol, Drug Abuse, and Mental Health Administration, and (B) other current training programs available for the training of such personnel;

"(3) identify the kinds of research positions available to and held by individuals completing such programs;

"(4) determine, to the extent feasible, whether the programs referred to in clause (B) of paragraph (2) would be adequate to meet the needs established under paragraph (1) if the programs referred to in clause (A) of paragraph (2) were terminated; and

"(5) determine what modifications in the programs referred to in paragraph (2) are required to meet the needs established under paragraph (1).

"(b)(1) The Secretary shall request the National Academy of Sciences to conduct the study required by subsection (a) under an arrangement under which the actual expenses incurred by such Academy in conducting such study will be paid by the Secretary. If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with such Academy for the conduct of such study.

"(2) If the National Academy of Sciences is unwilling to conduct such study under such an arrangement, then the Secretary shall enter into a similar arrangement with other appropriate nonprofit private groups or associations under which such groups or associations will conduct such study and prepare and submit the reports thereon as provided in subsection (c).

"(3) The National Academy of Sciences or other group or association conducting the study required by subsection (a) shall conduct such study in consultation with the Director of NIH.

"(c) A report on the results of such study shall be submitted by the Secretary to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate at least once every two years.

"PART F—GENERAL PROVISIONS

"INSTITUTIONAL REVIEW BOARDS; ETHICS GUIDANCE PROGRAM

"SEC. 483. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research involving human subjects submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it has established (in accordance with regulations which the Secretary shall prescribe) a board (to be known as an 'Institutional Review Board') to review biomedical and behavioral research involving human subjects conducted at or supported by such entity in order to protect the rights of the human subjects of such research.

"(b) The Secretary shall—

"(1) establish a program within the Department under which requests for clarification and guidance with respect to ethical issues raised in connection with biomedical or behavioral research involving human subjects are responded to promptly and appropriately, and

"(2) a process for the prompt and appropriate response to information provided the Director of NIH respecting incidences of violations of the rights of human subjects of research for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such violations.

"PEER REVIEW

"SEC. 484. (a)(1) The Secretary, after consultation with the Director of NIH, and shall by regulation require appropriate technical and scientific peer review of—

"(A) applications made for grants and cooperative agreements under this Act for biomedical and behavioral research; and

"(B) biomedical and behavioral research and development contracts to be administered through the National Institutes of Health.

"(2) Regulations promulgated under paragraph (1) shall require that the review of grants, contracts, and cooperative agreements required by the regulations be conducted—

"(A) in a manner consistent with the system for scientific peer review applicable on the date of the enactment of the Health Research Act of 1983 to grants under this Act for biomedical and behavioral research; and

"(B) to the extent practical, by peer review groups performing such review on or before such date.

"(3) The members of any peer review group established under such regulations shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group and not more than one-fourth of the members of any peer review group established under such regulations shall be officers or employees of the United States.

"(b) The Director of NIH shall establish procedures for periodic, technical, and scientific peer review of research at the National Institutes of Health. Such procedures shall require that—

"(1) the reviewing entity be provided a written description of the research to be reviewed; and

"(2) the reviewing entity provide the advisory council of the national research institute involved with such description and the results of the review by the entity.

"PROTECTION AGAINST SCIENTIFIC FRAUD

"SEC. 485. (a) The Secretary shall by regulation require that each entity which applies for a grant, contract, or cooperative agreement under this Act for any project or program which involves the conduct of biomedical or behavioral research submit in or with its application for such grant, contract, or cooperative agreement assurances satisfactory to the Secretary that it—

"(1) has established (in accordance with regulations which the Secretary shall prescribe) an administrative process to review reports of scientific fraud in connection with biomedical and behavioral research conducted at or sponsored by such entity; and

"(2) will report to the Secretary any investigation of alleged scientific fraud which appears substantial.

"(b) The Director of NIH shall establish a process for the prompt and appropriate response to information provided the Director of NIH respecting scientific fraud in connection with projects for which funds have been made available under this Act. The process shall include procedures for the receiving of reports of such information from recipients of funds under this Act and taking appropriate action with respect to such fraud.

"RESEARCH AND PUBLIC HEALTH EMERGENCIES

"SEC. 486. (a) If the Secretary determines, after consultation with the the Director of NIH, the Commissioner of the Food and Drug Administration, or the Director of the Centers for Disease Control, that a disease or disorder constitutes a public health emergency, the Secretary, acting through the Director of NIH—

"(1) shall expedite the review by advisory councils under section 408 and by peer review groups under section 484 of applications for grants for research on such disease or disorder or proposals for contracts for such research;

"(2) shall exercise the authority in section 3709 of the Revised Statutes respecting public exigencies to waive the advertising requirements of such section in the case of proposals for contracts for such research;

"(3) may provide administrative supplemental increases in existing grants and contracts to support new research relevant to such disease or disorder; and

"(4) shall disseminate, to health professionals and the public, information on the cause, prevention, and treatment of such disease or disorder which information has been developed in research assisted under this section.

The amount of an increase in a grant or contract provided under paragraph (3) may not exceed one-half the original amount of the grant or contract.

"(b) Not later than ninety days after the expiration of a fiscal year the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on actions taken under subsection (a) in such fiscal year.

"ANIMALS IN RESEARCH

"SEC. 487. (a) The Secretary, acting through the Director of NIH, shall establish guidelines for the following:

"(1) The proper care of animals to be used in biomedical and behavioral research.

"(2) The proper treatment of animals while being used in such research. Guidelines under this paragraph shall require—

"(A) the appropriate use of tranquilizers, analgesics, anesthetics, paralytics, and euthanasia for animals in such research; and

"(B) appropriate pre- and post-surgical veterinary medical and nursing care for animals in such research.

Such guidelines shall not be construed to prescribe methods of research.

"(3) The organization and operation of animal care committees in accordance with subsection (b).

"(b)(1) Guidelines of the Secretary under subsection (a)(3) shall require animal care committees at each entity which conducts biomedical and behavioral research with funds provided under this Act (including the National Institutes of Health and the national research institutes) to assure compliance with the guidelines established under subsection (a).

"(2) Each animal care committee shall be appointed by the chief executive officer of the entity for which the committee is established, shall be composed of not fewer than three members, and shall include at least one individual who has no association with such entity and at least one doctor of veterinary medicine.

"(3) Each animal care committee of a research entity shall—

"(A) review the care and treatment of animals in all animal study areas and facilities of the research entity at least semi-annually to evaluate compliance with applicable guidelines established under subsection (a) for appropriate animal care and treatment;

"(B) keep appropriate records of reviews conducted under subparagraph (A), and

"(C) for each review conducted under subparagraph (A), file with the Director of NIH (i) a certification that the review has been conducted, and (ii) reports of any violations of guidelines established under subsection (a) or assurances required by subsection (b) which were observed in such review and which have continued after notice by the committee to the research entity involved of the violations.

Reports filed under subparagraph (C) shall include any minority views filed by members of the committee.

"(c) The Director of NIH shall by regulation require each applicant for a grant or contract administered by the National Institutes of Health or any national research institute to include in its application or contract proposal, submitted after the expiration of the twelve-month period beginning on the date of the enactment of this section—

"(1) assurances satisfactory to the Director of NIH that—

"(A) the applicant meets the requirements of the guidelines established under paragraphs (1) and (2) of subsection (a) and has an animal care committee which meets the requirements of subsection (b); and

"(B) scientists, animal technicians, and other personnel involved with animal care, treatment, and use by the applicant have available to them instruction or training in the humane practice of animal maintenance and experimentation, and the concept, availability, and use of research or testing methods that minimize the use of animals or limit animal distress; and

"(2) a statement of the reasons for the use of animals in the research to be conducted with funds provided under such grant or contract.

Notwithstanding subsection (a)(2) of section 553 of title 5, United States Code, regulations under this subsection shall be promulgated in accordance with the notice and comment requirements of such section.

"(d) If the Director of NIH determines that—

"(1) the conditions of animal care, treatment, or use in an entity which is receiving a grant or contract under this title do not meet applicable guidelines established under subsection (a),

"(2) the entity has been notified by the Director of NIH of such determination and has been given a reasonable opportunity to take corrective action, and

"(3) no action has been taken by the entity to correct such conditions,

the Director of NIH shall suspend or revoke such grant or contract under such conditions as the Director determines appropriate.

"(e) No guideline or regulation promulgated under subsection (a) or (c) may require a research entity to disclose trade secrets or commercial or financial information which is privileged or confidential.

"USE OF APPROPRIATIONS UNDER THIS TITLE

"SEC. 488. Appropriations to carry out the purposes of this title shall be available for the acquisition of land or the erection of buildings only if so specified. Such appropriations, unless otherwise expressly provided, may be expended in the District of Columbia for personal services, stenographic recording and translating services; by contract if deemed necessary, without regard to section 3709 of the Revised Statutes; travel expenses (including the expenses of attendance at meetings when specifically authorized by the Secretary); rental, supplies and equipment, purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings; purchase, operation, and maintenance of passenger motor vehicles; printing and binding (in addition to that otherwise provided by law); and for all other necessary expenses in carrying out the provisions of this title.

"GIFTS

"SEC. 489. The Secretary may, in accordance with section 501, accept conditional gifts for the National Institutes of Health or a national research institute or for the acquisition of grounds or for the erection, equipment, or maintenance of facilities for the National Institutes of Health or a national research institute. Donations of $50,000 or over for the National Institutes of Health or a national research institute for carrying out the purposes of this title may be acknowledged by the establishment within the National Institutes of Health or institute of suitable memorials to the donors.

"CONSTRUCTION OF TITLE

"SEC. 490. This title shall not be construed as limiting (1) the functions or authority of the Secretary under section 301 or of any officer or agency of the United States, relating to the study, prevention, diagnosis, and treatment of any disease for which a separate national research institute is established under this title, or (2) the expenditure of any funds therefor.

"FETAL RESEARCH

"SEC. 491. (a) This title shall not be construed to restrict research or experimentation on a living fetus if the risk to the fetus imposed by the research or experimentation is minimal and the purpose of the research or experimentation is the development of important biomedical knowledge which cannot be obtained by other means.

"(b) No requirement respecting fetal research may be waived or modified unless an application is submitted to the Secretary for the waiver or modification with the approval of the Institutional Review Board with jurisdiction over the applicant. The Secretary may not approve an application for a waiver or modification unless the Secretary convenes an ethics advisory board to review the application with opportunity for public comment, receives from the board a recommendation for approval of the application, and determines that the risks to the fetus involved are so outweighed by the sum of the benefit to the fetus and the importance of the knowledge to be gained as to warrant the modification or waiver applied for and such benefits cannot be gained except through such modification or waiver. Any modification or waiver granted by the Secretary shall be published as a notice in the Federal Register.".

CONFORMING AMENDMENTS

SEC. 3. (a) The National Advisory Health Council established under section 217 is terminated.

(b) Section 217(a) is amended—

(1) in the first sentence—

(A) by striking out "National Advisory Health Council, the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, and the National Advisory Dental Research Council" and inserting in lieu thereof "National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(B) by striking out "by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare" and inserting in lieu thereof "by the Secretary";

(2) in the second sentence—

(A) by striking out "in the case of the National Advisory Health Council, are skilled in the sciences related to health, and";

(B) by striking out "the National Advisory Mental Health Council, the National Advisory Council on Alcohol Abuse and Alcoholism, the National Advisory Heart Council, and the National Advisory Dental Research Council" and inserting in lieu thereof "the National Advisory Mental Health Council and the National Advisory Council on Alcohol Abuse and Alcoholism"; and

(C) by striking out ", alcohol abuse and alcoholism, and dental diseases and conditions" and inserting in lieu thereof "and alcohol abuse and alcoholism"; and

(3) by striking out the third sentence.

(c) Subsection (b) of section 217 is repealed and subsections (c) through (e) and subsection (g) are redesignated as subsections (b) through (e), respectively.

(d) Section 222(c) is amended to read as follows:

"(c) Upon appointment of any such council or committee, the Secretary may delegate to such council or committee such advisory functions relating to grants-in-aid for research or training projects or programs, in the areas or fields with which such council or committee is concerned, as the Secretary determines to be appropriate.".

(e) Section 301(a) is amended—

(1) in paragraph (3), by striking out "as are recommended" through "for such fiscal year" and inserting in lieu thereof "as are recommended by the advisory council to the entity of the department supporting such projects or, in the case of mental health projects, by the National Advisory Mental Health Council; and make, upon recommendation of the advisory council to the entity of the department involved or the National Advisory Mental Health Council, grants-in-aid to public or nonprofit universities, hospitals, laboratories, and other institutions for the general support of their research"; and

(2) in paragraph (8), by striking out "recommendations of the National Advisory Health Council" through "such additional means" and inserting in lieu thereof "recommendations of the advisory councils to the entities of the department involved or, with respect to mental health, the National Advisory Mental Health Council, such additional means".

(f) Section 8(w) of the Orphan Drug Act (Public Law 97-414) is repealed.

AMENDMENTS RELATING TO THE NATIONAL LIBRARY OF MEDICINE

SEC. 4. (a) Part I of title III of the Public Health Service Act is transferred to title IV of such Act (as amended by section 2 of this Act), inserted at the end of such title, redesignated as part G, and amended as follows:

(1) Section 381 (42 U.S.C. 275) is amended—

(A) by inserting "(a)" before "In order";

(B) by striking out "there is hereby established in the Public Health Service" and inserting in lieu thereof "there is established as an agency of the National Institutes of Health";

(C) by striking out "381." and inserting in lieu thereof "485."; and

(D) by amending the section heading to read as follows:

"PURPOSE, ESTABLISHMENT, AND FUNCTION OF THE NATIONAL LIBRARY OF MEDICINE".

(2) Section 382 (42 U.S.C. 276) is amended—

(A) by striking out "subsection (c)" in subsection (a) and inserting in lieu thereof "subsection (d)";

(B) by striking out "section 383" in subsection (c) and inserting in lieu thereof "section 486";

(C) by striking out "Sec. 382. (a)" and inserting in lieu thereof "(b)";

(D) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(E) by striking out the section heading.

(3) Subsection (a) of section 388 (42 U.S.C. 280a-1(a)) is inserted just before section 383, redesignated as subsection (e), and amended by striking out "section 397" each place it occurs and inserting in lieu thereof "section 496".

(4) Sections 384 and 385 (42 U.S.C. 278, 279) are inserted after the subsection inserted by paragraph (3) and amended—

(A) in section 384 by striking out "Sec. 384." and inserting in lieu thereof "(f)";

(B) in section 384 by striking out the section heading of section 384;

(C) in section 384, by striking out "501" and inserting in lieu thereof "2101";

(D) in section 385, by striking out "Sec. 385." and inserting in lieu thereof "(g)";

(E) by striking out the section heading of section 385; and

(F) by striking out "section 383" in section 385 and inserting in lieu thereof "section 486".

(5) Section 383 (42 U.S.C. 277) is redesignated as section 486 and is amended in subsection (a) by striking out "in the Public Health Service".

(6) Section 386 (42 U.S.C. 280) is redesignated as section 487.

(7) Section 387 (42 U.S.C. 280a) is repealed.

(8) Section 388 (42 U.S.C. 280a-1) is amended by striking out subsection (b), "Sec. 388.", and the section heading.

(b) Part J of title III of the Public Health Service Act is transferred to title IV of such Act (as amended by section 2 of this Act and subsection (a) of this section), inserted after the part inserted by subsection (a), redesignated as part H, and amended as follows:

(1) Section 390(c) (42 U.S.C. 280b(c)) is amended by striking out "and" after "1981," and by inserting before the period a comma and the following: "$10,000,000 for the fiscal year ending September 30, 1984, $11,000,000 for the fiscal year ending September 30, 1985, and $12,000,000 for the fiscal year ending September 30, 1986".

(2) Section 390(c) (42 U.S.C. 280b(c)) is amended by striking out "sections 393, 394, 395, 396, and 397" and inserting in lieu thereof "sections 492, 493, 494, 495, and 496".

(3) Section 391 (42 U.S.C. 280b-1) is amended by striking out "383(a)" and inserting in lieu thereof "486(a)".

(4) Section 392 (42 U.S.C. 280b-2) is amended (A) by striking out "section 383(a) shall, in addition to its functions prescribed under section 383" in subsection (a) and inserting in lieu thereof "section 486 shall, in addition to its functions prescribed under such section", and (B) by striking out "section 383(d)" in subsection (d) and inserting in lieu thereof "section 486(d)", and (C) by striking out "part I" in subsection (1) and inserting in lieu thereof "part G".

(5) Section 393(a) (42 U.S.C. 280b-4(a)) is amended by striking out "section 390(b)(1)" and inserting in lieu thereof "section 489(b)(1)".

(6) Section 394(a) (42 U.S.C. 280b-5(a)) is amended by striking out "section 390(b)(2)" and inserting in lieu thereof "section 489(b)(2)".

(7) Section 394(b) is amended by striking out "section 390(b)(3)" and inserting in lieu thereof "section 489(b)(3)".

(8) Section 395(a) (42 U.S.C. 280b-7(a)) is amended by striking out "section 390(b)(4)" and inserting in lieu thereof "section 489(b)(4)".

(9) Section 396(a) (42 U.S.C. 280b-8(a)) is amended by striking out "section 390(b)(5)" and inserting in lieu thereof "section 489(b)(5)".

(10) Section 397(a) (42 U.S.C. 280b-9(a)) is amended by striking out "section 390(b)(6)" and inserting in lieu thereof "section 489(b)(6)".

(11) Section 399(b) (42 U.S.C. 280b-11(b)) is amended by striking out "of Health, Education, and Welfare".

(12) Sections 390 through 399 are redesignated as sections 489 through 498, respectively.

STUDY OF ANIMALS IN RESEARCH

Sec. 5. (a)(1) The Secretary of Health and Human Services, through the Director of the National Institutes of Health, shall in accordance with this section arrange for the conduct of a study concerning the use of live animals in biomedical and behavioral research. The Secretary shall request the National Academy of Sciences to conduct the study under an arrangement under which the actual expenses incurred by the Academy in conducting such study will be paid by the Secretary and the Academy will prepare the report required by subsection (c). If the National Academy of Sciences is willing to do so, the Secretary shall enter into such an arrangement with the Academy for the conduct of the study.

(2) If the National Academy of Sciences is unwilling to conduct the study required by paragraph (1) under the type of arrangement described in such paragraph, the Secretary shall enter into a similar arrangement with one or more appropriate nonprofit private entities.

(b) The study required by subsection (a) shall—

(1) assess the status of the use of live animals in biomedical and behavioral research conducted by entities receiving Federal financial assistance through the National Institutes of Health or any of its agencies to support such research and, if possible, by entities which do not receive Federal financial assistance, including—

(A) a determination of the type of animals used in such research during each of the five years in the five-year period preceding the date which is eighteen months after the date of enactment of this section;

(B) an estimate of the total number of live animals used in such research during each such year;

(C) a survey of the purposes for which live animals are used in such research;

(D) an analysis of whether the use of such animals in such research has decreased or increased over such five-year period; and

(E) an exploration of methods which can be used in the conduct of such research which are alternatives to the use of live animals;

(2) assess the impact on biomedical and behavioral research of the establishment of a requirement that, as a condition of receiving Federal financial assistance to support such research, entities conducting such research be accredited in accordance with standards promulgated by organizations which accredit such entities;

(3) estimate—

(A) the amounts that would be expended by entities which conduct biomedical and behavioral research with Federal financial assistance to equip and modernize their research facilities in order to meet the standards referred to in paragraph (2); and

(B) the amounts that would be expended by entities which have not previously conducted such research with Federal financial assistance to establish, modernize, or equip facilities in order to meet such standards;

(4) review Federal and State laws and regulations governing the use of live animals in biomedical and behavioral research conducted by research institutions, medical facilities, academic institutions, and training programs;

(5) evaluate the extent to which accrediting laboratories and research facilities protect animals against inhumane treatment;

(6) evaluate the actions taken by the National Institutes of Health to support research to develop research and testing methodologies which will decrease the number of live animals used in biomedical and behavioral research;

(7) evaluate the actions taken by the National Institutes of Health to improve oversight of the use of live animals in biomedical and behavioral research by entities which receive Federal financial assistance through the National Institutes of Health or any of its agencies to support such research; and

(8) evaluate the activities undertaken by the National Institutes of Health to insure the humane care and treatment, and appropriate use, of live animals in biomedical and behavioral research conducted or supported by the National Institutes of Health or any of its agencies.

(c) Within eighteen months after the date of enactment of this section, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, and make available to the public, a report—

(1) describing the study conducted under this section;

(2) containing a statement of the data obtained under such study; and

(3) specifying such recommendations for legislation and administrative action with respect to the use of live animals in biomedical and behavioral research as the Secretary considers appropriate.

INTERAGENCY COMMITTEE ON SPINAL CORD INJURY

Sec. 6. (a) The Secretary shall establish in the National Institute of Neurological and Communicative Disorders and Stroke an Interagency Committee on Spinal Cord Injury to plan, develop, coordinate, and implement comprehensive Federal initiatives in research on spinal cord regeneration.

(b)(1) The Committee shall consist of individuals from the—

(A) National Institute on Neurological and Communicative Disorders and Stroke,

(B) Department of Defense,

(C) Department of Education,

(D) Veterans' Administration,

(E) Office of the Science Advisor to the President, and

(F) National Science Foundation,

selected by the heads of such entities.

(2) The Committee shall meet at least four times a year. The Secretary shall desig-

nate the Chairman from the representatives of the Committee selected under paragraph (1). The Secretary shall make such designations so that a representative from each agency referred to in paragraph (1) will serve as Chairman of the Committee. The Chairman shall serve for a term of one year.

(c) The Committee shall prepare an annual report for Congress on its activities. The report shall include a description of research projects on spinal cord regeneration conducted or supported by Federal agencies in the fiscal year for which the report is made, the nature and purpose of each such project, the amounts expended for each such project, and an identification of the entity which conducted the research under each such project. Such report shall be submitted not later than the one hundred and twentieth day after the end of each fiscal year. The Committee shall terminate September 30, 1986.

STUDY OF PERSONNEL FOR HEALTH NEEDS OF THE ELDERLY

SEC. 7. (a) The Secretary shall conduct a study on the adequacy and availability of personnel to meet the current and projected health needs of elderly Americans through the year 2020.

(b) The Secretary shall report the results of the study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate by March 1, 1985. The report on the study shall contain recommendations on—

(1) the number of primary care physicians and other health personnel needed to provide adequate care for the elderly,

(2) the training needs of physicians (including specialists) and other health personnel to provide care responsive to the particular needs of the elderly,

(3) necessary changes in medicare and other third party reimbursement necessary to support training of primary care and other physicians to meet the needs of the elderly, and

(4) necessary program changes in third party reimbursement programs (including changes in medicare programs) to support training of other health personnel in the care of the elderly.

INTERAGENCY COMMITTEE ON LEARNING DISABILITIES

SEC. 8. (a) Not later than ninety days after the date of the enactment of this Act, the Director of the National Institutes of Health shall establish an Interagency Committee on Learning Disabilities to review and assess Federal research priorities, activities, and findings regarding learning disabilities (including central nervous system dysfunction in children).

(b) The Committee shall be composed of such representatives as the Director may designate, but shall include representatives from the National Institute of Neurological and Communicative Disorders and Stroke, the National Institute of Child Health and Human Development, the National Institute of Allergy and Infectious Diseases, the National Institute of Environmental Health Sciences, and the Division of Research Resources of the National Institutes of Health.

(c) Not later than eighteen months after the date of the enactment of this Act, the Committee shall report to the Congress on its activities under subsection (a) and shall include in the report—

(1) the number of persons affected by learning disabilities and the demographic data which describes such persons;

(2) a description of the current research findings on the cause, diagnosis, treatment, and prevention of learning disabilities; and

(3) recommendations for legislation and administrative actions—

(A) to increase the effectiveness of research on learning disabilities and to improve the dissemination of the findings of such research, and

(B) respecting specific priorities for research in the cause, diagnosis, treatment, and prevention of learning disabilities.

(d) The Committee shall terminate on the ninetieth day following the date of the submission of the report under subsection (c).

DIET THERAPY FOR KIDNEY FAILURE

SEC. 9. The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall conduct research into the role of diet therapy in the treatment of end stage renal disease. The Director shall report to Congress the results of such research not later than January 1, 1987.

NATIONAL COMMISSION ON ORPHAN DISEASES

SEC. 10. (a) There is established the National Commission on Orphan Diseases.

(b) The Commission shall assess the activities of the National Institutes of Health, the Alcohol, Drug Abuse, and Mental Health Administration, and other public agencies, and of private entities in connection with—

(1) basic research conducted on rare diseases;

(2) the use in research on rare diseases of knowledge developed in other research;

(3) applied and clinical research on the prevention, diagnosis, and treatment of rare diseases; and

(4) the dissemination of knowledge developed in research on rare diseases and other diseases to the public, health care professionals, researchers, and drug and medical device manufacturers which can be used in the prevention, diagnosis, and treatment of rare diseases.

(c) In assessing the activities of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration in connection with research on rare diseases, the Commission shall review—

(1) the appropriateness of the priorities currently placed on research on rare diseases;

(2) the relative effectiveness of grants and contracts when used to fund research on rare diseases;

(3) the appropriateness of specific requirements applicable to applications for funds for research on rare diseases taking into consideration the reasonable capacity of applicants to meet such requirements;

(4) the adequacy of the science base for such research, including the adequacy of the research facilities and research resources used in such research and the appropriateness of the scientific training of the personnel engaged in such research;

(5) the effectiveness of activities undertaken to encourage such research;

(6) the organization of the peer review process applicable to applications for funds for such research to determine if the organization of the peer review process could be revised to improve the effectiveness of the review provided to proposals for research on rare diseases;

(7) the effectiveness of the coordination between the national research institutes of the National Institutes of Health, the institutes of the Alcohol, Drug Abuse, and Mental Health Administration, and private entities in supporting such research; and

(8) the effectiveness of activities undertaken to assure that knowledge developed in research on non-rare diseases is, when appropriate, used in research on rare diseases.

(d) The Commission shall be composed of twenty members appointed by the Secretary of Health and Human Services as follows:

(1) Ten members shall be appointed from individuals who are not officers or employees of the Government and who by virtue of their training or experience in research on rare diseases or in the treatment of rare diseases are qualified to serve on the Commission.

(2) Five members shall be appointed from individuals who are not officers or employees of the Government and who have a rare disease or are employed to represent or are members of an organization concerned about rare disease.

(3) Five nonvoting members shall be appointed from—

(A) directors of national research institutes of the National Institutes of Health; or

(B) directors of institutes of the Alcohol, Drug Abuse, and Mental Health Administration,

which the Secretary determines are involved with rare diseases.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) If any member of the Commission who was appointed to the Commission as a director of a national research institute or an institute of the Alcohol, Drug Abuse, and Mental Health Administration leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of the Government becomes an officer or employee of the Government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(f) Members shall be appointed for the life of the Commission.

(g)(1) Except as provided in paragraph (2), members of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel-time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) Members of the Commission who are full-time officers or employees of the Government shall receive no additional pay by reason of their service on the Commission.

(h) The Chairman of the Commission shall be designated by the members of the Commission.

(i) Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it determines are necessary to enable the Commission to carry out its functions. Personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(j) Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the basic pay payable for grade GS-15 of the General Schedule.

(k) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(l) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(m) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(n) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(o) The Commission shall transmit to the Secretary and to each House of the Congress a report not later than September 30, 1985, on the activities of the Commission. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for—

(1) such legislation or administrative actions, as it considers appropriate, respecting changes in the organization and operation of the National Institutes of Health and the Alcohol, Drug Abuse, and Mental Health Administration; and

(2) a long range plan for the use of public and private resources to improve research into rare diseases and to assist in the prevention, diagnosis, and treatment of rare diseases.

(p) The Commission shall cease to exist on the ninetieth day following the date of the submittal of its report under subsection (o).

(q) The Director of the National Institutes of Health shall make available $1,000,000 to the Commission from appropriations for fiscal year 1984 for the National Institutes of Health.

PRESIDENT'S COMMISSION ON THE HUMAN APPLICATION OF GENETIC ENGINEERING

SEC. 11. (a) There is established the President's Commission on the Human Applications of Genetic Engineering (hereinafter in this section referred to as the "Commission").

(b)(1) The Commission shall conduct, and regularly update, comprehensive reviews of developments in genetic engineering that have implications for human genetic engineering, including activities in recombinant DNA technology, and shall examine the medical, legal, ethical, and social issues presented by the human application of such developments.

(2) The Commission shall undertake such other studies as are consisent with the purposes of the Commission on its own initiative or upon the request of—

(A) the President,

(B) the head of a Federal agency, or

(C) a committee of the Congress.

(c) The Commission shall be composed of fifteen members appointed by the President as follows:

(1) Six members shall be appointed from scientists and physicians who are eminent in the field of genetics, including molecular, microbial, and human genetics, and health care, including public health. Of such members—

(A) there shall be appointed from individuals who have been recommended for appointment by the President of the National Academy of Sciences, and

(B) there shall be appointed from individuals who are recommended for appointment by the Director of the National Institutes of Health.

(2) Six members shall be appointed from individuals who are not scientists or physicians and who as a group have expertise in the fields of law, theology, ethics, and the social behavioral sciences.

Three members shall be appointed from individuals who are not scientists or physicians and who are members of the general public.

Except for individuals appointed under paragraph (1)(B), no individual who is a full-time officer or employee of the Federal Government may be appointed to the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of four years.

(2) Of the members first appointed—

(A) five members shall be appointed for a term of four years;

(B) five members shall be appointed for a term of three years; and

(C) five members shall be appointed for a term of two years;

as designated by the President at the time of appointment.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(e)(1) Except as provided in paragraph (2), members of the Commission shall each be paid at a rate equal to the rate of basic pay payable for grade GS-18 of the General Schedule.

(2) Members of the Commission who are full-time officers or employees of the Federal Government shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(f)(1) Eight members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) The Chairman of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from individuals appointed under subsection (c)(2). The Vice-Chairman of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from individuals appointed under subsection (c)(1)(A).

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(h)(1) Subject to such rules as may be prescribed by the Commission, the Commission may appoint and fix the pay of such personnel as it considers appropriate.

(2) The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(3) Subject to such rules as may be prescribed by the Commission, the Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the annual rate of basic pay payable for GS-15 of the General Schedule.

(4) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(i) The Secretary of Health and Human Services, the Director of the Office of Science and Technology Policy, the Director of the National Science Foundation, and the Director of the National Endowment for the Humanities shall each designate an individual to provide liaison with the Commission.

(j)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, administer oaths, take such testimony, and receive such evidence under subpena or otherwise, as the Commission considers appropriate. Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(k)(1) Upon the completion of each investigation or study undertaken by the Commission, the Commission shall report its findings and recommendations (including recommendations for legislation or administrative action) to the President, the Congress, and each Federal agency to which the recommendation applies.

(2) Not later than December 15 of each year, the Commission shall transmit to the President and to each House of the Congress an annual report of its activities under section 2 which shall include a list of all recommendations made by the Commission under subsection (a) during the year for which the report is made.

(l) There is authorized to be appropriated for the Commission $1,500,000 for fiscal year 1984, $1,500,000 for fiscal year 1985, and $1,500,000 for fiscal year 1986.

(m) This section is repealed effective March 30, 1987.

REVIEW OF DISEASE RESEARCH PROGRAMS OF THE NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

SEC. 12. The Secretary of Health and Human Services shall conduct an administrative review of the disease research programs of the National Institute of Diabetes and Digestive and Kidney Diseases to determine if any of such programs could be more effectively and efficiently managed by other national research institutes. The Secretary shall complete such review within the sixty-day period beginning on the date of the enactment of this section.

EFFECTIVE DATE

SEC. 13. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act. The authority to enter into contracts under section 5 and to make payments under sections 10 and 11 shall be effective for any fiscal year only to the extent that appropriations are generally available for that purpose.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. HANSEN of Utah. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Utah. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman has reserved the right to object, I would want to make a comment in connection with his reservation.

I wish to assure the gentleman that the amendment offered by this gentleman from Michigan represents the provisions of H.R. 2350, the Health Research Extension Act, which passed the House by voice vote last year.

The matter in which we are now engaged has been cleared with my colleagues on the minority side, particularly the gentleman from North Carlina (Mr. BROYHILL) who is the senior Republican member.

Mr. HANSEN of Utah. May I ask, is it the gentleman's intention to request a conference with the other body on this matter upon adoption of the pending amendment?

Mr. DINGELL. If the gentleman will yield, that is correct.

Mr. HANSEN of Utah. Mr. Speaker, I thank the gentleman for his explanation and I withdraw my reservation of objection and urge support of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. DINGELL).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An Act to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and National Research Institutes, and for other purposes."

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DINGELL. Mr. Speaker, I assume we have completed the business of getting this matter to conference?

The SPEAKER pro tempore. The gentleman has not asked for a conference.

APPOINTMENT OF CONFEREES ON S. 540, HEALTH RESEARCH EXTENSION ACT OF 1983

Mr. DINGELL. Mr. Speaker, pursuant to clause 1 of rule XX and by direction of the Committee on Energy and Commerce, I move to take from the Speaker's table the Senate bill S. 540, with the House amendments thereto, insist on the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, BROYHILL, and MADIGAN.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 6, 1984.

COMMERCIAL SPACE LAUNCH ACT

Mr. VOLKMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3942) to provide for commercialization of expendable launch vehicles and associated services, as amended.

The Clerk read as follows:

H.R. 3942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Commercial Space Launch Act".

FINDINGS

SEC. 2. The Congress finds and declares that—

(1) the peaceful uses of outer space continue to be of great value and to offer benefits to all mankind;

(2) private applications of space technology have achieved a significant level of commercial and economic activity, and offer the potential for growth in the future, particularly in the United States;

(3) new and innovative equipment and services are being sought, created, and offered by entrepreneurs in telecommunications, information services, and remote sensing technology;

(4) the private sector in the United States has the capability of developing and providing private satellite launching and associated services that would complement the launching and associated services now available from the United States Government;

(5) the development of commercial launch vehicles and associated services would enable the United States to retain its competitive position internationally, thereby contributing to the national interest and economic well-being of the United States;

(6) provision of launch services by the private sector is consistent with the national security and foreign policy interests of the United States and would be facilitated by stable, minimal, and appropriate regulatory guidelines that are fairly and expeditiously applied; and

(7) the United States should encourage private sector launches and associated services and, only to the extent necessary, regulate such launches and services in order to ensure compliance with international obligations of the United States and to provide for the national security, foreign policy, and public safety interests of the United States.

PURPOSES

SEC. 3. It is therefore the purpose of this Act—

(1) to promote economic growth and entrepreneurial activity through utilization of the space environment for peaceful purposes;

(2) to encourage the United States private sector to provide launch vehicles and associated launch services by simplifying and expediting the issuance of commercial launch licenses and by facilitating and encouraging the utilization of Government-developed space technology; and

(3) to designate an executive department to oversee and coordinate the conduct of commercial launch operations, to issue commercial launch licenses authorizing such activities, and to ensure that public safety, foreign policy, and national security interests of the United States are met.

DEFINITIONS

SEC. 4. For purposes of this Act—

(1) "agency" means an executive agency as defined by section 105 of title 5, United States Code;

(2) "launch" means to place, or attempt to place, a launch vehicle and payload, if any, in a suborbital trajectory, in Earth orbit in outer space, or otherwise in outer space;

(3) "launch site" means the location from which a launch takes place, as defined in any license issued by the Secretary under section 7 of this Act, and includes all facili-

ties located thereon which are necessary to conduct a launch;

(4) "launch vehicle" means any vehicle constructed for the purpose of operating in, or placing a payload in, outer space, and any sounding rocket;

(5) "payload" means an object which a person undertakes to place in outer space by means of a launch vehicle, and includes subcomponents of the launch vehicle specifically designed or adapted for that object;

(6) "launch property" means tooling, propellants, launch vehicles and components thereof, and other physical items constructed for or used in the manufacture, launch preparation, or launch of a launch vehicle;

(7) "person" means any individual and any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of any State or any nation;

(8) "Secretary" means the Secretary of Transportation;

(9) "State", and "United States" when used in a geographical sense, mean the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the United States, Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States; and

(10) "United States citizen" means—

(A) any individual who is a citizen of the United States;

(B) any corporation, partnership, joint venture, association, or other entity organized or existing under the laws of the United States or any State;

(C) any corporation, partnership, joint venture, association, or other entity (whether organized or existing under the laws of a State or a foreign nation) if the controlling interest in such entity is held by an individual or entity described in subparagraph (A) or (B).

GENERAL RESPONSIBILITIES OF THE SECRETARY AND OTHER AGENCIES

SEC. 5. (a) The Secretary shall be responsible for carrying out this Act, and in doing so shall—

(1) encourage, facilitate, and promote commercial space launches by the private sector; and

(2) consult with other agencies to provide consistent application of licensing requirements under this Act and to ensure fair and equitable treatment for all license applicants.

(b) To the extent permitted by law, Federal agencies shall assist the Secretary as necessary in carrying out the provisions of this Act.

REQUIREMENT OF LICENSE FOR PRIVATE SPACE LAUNCH OPERATIONS

SEC. 6. (a) No person shall launch a launch vehicle or operate a launch site within the United States and no United States citizen shall launch a launch vehicle or operate a launch site outside the United States unless authorized to do so under a license issued under this Act.

(b) No United States citizen or other person who holds a license issued under this Act may launch a payload unless that payload complies with all requirements of Federal law. The agency having primary authority under any such Federal law shall determine such compliance and shall certify such determination to the Secretary. The Secretary may take such action under this Act as the Secretary deems necessary to prevent the launch of a payload by a holder of a license issued under this Act if the Secretary determines, after consultation with other appropriate agencies, that the launch of such payload would jeopardize safety of life and property or the national security and foreign policy interests of the United States.

(c) Except for a license issued under this Act (and any approval, waiver, or exemption required as a condition of such license) and licenses issued under the Federal Communications Act of 1934, as amended, no license, approval, waiver, or exemption need be obtained by a person from any Federal agency for the launching of a launch vehicle or the operation of a launch site.

AUTHORITY TO ISSUE AND TRANSFER LICENSES

SEC. 7. The Secretary is authorized to issue or transfer a license for launching one or more launch vehicles or for operating one or more launch sites, or both, to an applicant who meets the requirements of this Act and the regulations issued by the Secretary under this Act. Any license issued under this section shall be in effect for such period of time as the Secretary may specify, in accordance with the procedures specified under section 13 of this Act.

LICENSING REQUIREMENTS

SEC. 8. (a) The Secretary shall prescribe by regulation requirements for the issuance or transfer of a license under section 7 of this Act.

(b) In prescribing licensing requirements under subsection (a) of this section, the Secretary shall consult with appropriate agencies to ensure that such requirements are consistent with existing law and treaties only to the extent the Secretary deems necessary to ensure that private launch operations satisfy national security, public safety, and foreign policy concerns of the United States. The Secretary may prescribe any additional requirements that are necessary to ensure that private launch operations satisfy national security, public safety, and foreign policy concerns of the United States.

(c) After consultation with appropriate agencies, the Secretary may, in individual cases, waive the application of any requirement prescribed under subsection (a) with respect to a license if the Secretary determines that such waiver is in the public interest and will not jeopardize safety of life or property or the national security and foreign policy interests of the United States.

LICENSE APPLICATION AND APPROVAL

SEC. 9. (a) Any person may apply to the Secretary for issuance or transfer of a license under this Act, in such form and manner as the Secretary may prescribe. The Secretary shall establish procedures and timetables to expedite review of applications under this section and to reduce regulatory burdens for applicants.

(b) The Secretary shall issue or transfer a license to an applicant if the Secretary determines in writing, after consultation with appropriate agencies, that the applicant complies and will continue to comply with the requirements of this Act and the regulations under this Act. The Secretary shall include in such license such conditions as may be necessary to ensure compliance with this Act and the regulations issued under this Act. The Secretary shall make a determination on any application not later than 120 days after receipt of such application. If the Secretary has not made a determination within such 120-day period, the Secretary shall inform the applicant of any pending issues and of actions required to resolve such issues.

(c) Neither the Secretary nor any other officer or employee of the United States may disclose any data or information under this Act which qualifies for exemption under section 552(b)(4) of title 5, United States Code, or is designated as confidential by the person or agency furnishing such data or information, unless the Secretary determines that the withholding thereof is contrary to the public or national interest.

SUSPENSION, REVOCATION, AND MODIFICATION OF LICENSES

SEC. 10. (a) The Secretary may suspend or revoke any license issued under this Act if the Secretary finds and notifies the licensee in writing, after consultation with appropriate agencies, that the licensee has substantially failed to comply with any provision of this Act, the license, or any regulation issued under this Act, or that the suspension or revocation is necessary upon the basis of any foreign policy or national security concern of the United States.

(b) Upon application by the licensee or upon his or her own initiative, the Secretary may modify a license issued under this Act, if the Secretary finds and notifies the licensee in writing that the modification will comply with the requirements of this Act and the regulations issued under this Act.

(c) An order suspending, revoking, or modifying a license under this section shall take effect 30 days after it is issued unless the licensee seeks review under section 12(a)(2) within such 30-day period.

EMERGENCY ORDERS

SEC. 11. (a) The Secretary is authorized to immediately terminate, prohibit, or suspend any operation licensed by the Secretary if the Secretary, after consultation with the Secretary of Defense and the Secretary of State, as appropriate, determines that such operation is detrimental to safety of life and property or to the national security or foreign policy interests of the United States.

(b) An order terminating, prohibiting, or suspending any operation licensed by the Secretary under this section shall take effect immediately and shall continue in effect during any review of such order under section 12.

ADMINISTRATIVE AND JUDICIAL REVIEW

SEC. 12. (a)(1) An applicant for a license and a proposed transferee of a license under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 9(b) to issue or transfer a license with conditions or to deny the issuance or transfer of such license.

(2) A licensee under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 10 to suspend, revoke, or modify a license.

(3) A licensee under this Act shall be entitled to a determination on the record after an opportunity for a hearing in accordance with section 554 of title 5, United States Code, of any decision of the Secretary under section 11 to terminate, prohibit, or suspend any operation licensed by the Secretary.

(b) Any final action of the Secretary under this section to issue, transfer, deny the issuance or transfer of, suspend, revoke, or modify a license or to terminate, prohibit, or suspend any operation licensed by the Secretary shall be subject to judicial review as provided in chapter 7 of title 5, United States Code.

REGULATIONS

Sec. 13. The Secretary is authorized to issue such regulations, after notice and comment in accordance with section 553 of title 5, United States Code, as may be necessary to carry out this Act.

MONITORING OF ACTIVITIES OF LICENSEES

Sec. 14. Each license issued or transferred under this Act shall require the licensee—

(1) to allow the Secretary to place Federal officers or employees as observers at any launch site used by the licensee and at any production facility or assembly site used by a contractor of the licensee in the production or assembly of a launch vehicle or its payload, in order to monitor the activities of the licensee or contractor at such time and to such extent as the Secretary deems reasonable and necessary to determine compliance with the license; and

(2) to cooperate with such observers in the performance of monitoring functions.

USE OF GOVERNMENT PROPERTY

Sec. 15. (a) The Secretary shall take such actions as may be necessary to facilitate and encourage the acquisition by lease, sale, or otherwise, by the private sector of launch property or services of the United States which is excess or is otherwise not for the time needed for public use.

(b) Notwithstanding any other provisions of law, the Secretary may, after consultation with other affected agencies of the United States, establish and collect from any person a reimbursement for the lease, sale, or other use of launch property, launch services, launch vehicles and components thereof, and launch support equipment of the United States. The amount of any reimbursement, in the case of temporary use, shall be established in an amount equal to the direct costs, including any specific wear and tear or damage to the property or facilities, and salaries of United States civilian and contractor personnel incurred by the United States as a result of such use. The amount of any such proceeds in the case of sales shall be fair market value or value of benefit to the recipient, whichever is greater. The amount of any such reimbursement or proceeds of sales shall be desposited in the general fund of the Treasury, except that payments for utilities or services furnished by any agency to a buyer or lessee under this section shall be covered into the Treasury to the credit of the appropriation from which the cost of furnishing them was paid.

(c) The Secretary may, after consultation with the other affected agencies of the United States, establish requirements for liability insurance, hold harmless agreements, proof of financial responsibility, and such other assurances as may be needed to protect the United States, its agencies and personnel, from liability or loss or injury as a result of commercial space launch activities involving Government facilities or personnel.

LIABILITY INSURANCE

Sec. 16. Each person who launches a launch vehicle or operates a launch site under a license issued under this Act shall have in effect liability insurance in an amount prescribed by the Secretary which is sufficient at a minimum to satisfy international obligations of the United States.

ENFORCEMENT AUTHORITY

Sec. 17. (a) The Secretary shall be responsible for the administration and enforcement of the provisions of this Act. The Secretary is authorized to delegate the exercise of any enforcement authority under this Act to any officer or employee of the Department of Transportation or of any other agency with the approval of the head of such agency.

(b) In carrying out this section, the Secretary may—

(1) make investigations and inquiries, and administer to or take from any person an oath, affirmation, or affidavit, concerning any matter relating to enforcement of this Act; and

(2) with or without a warrant or other process—

(A) enter at any reasonable time any launch site or production facility or assembly site of a launch vehicle and its payload, if any, for the purpose of conducting any inspection of, and inspect, any object which is subject to the provisions of this Act and any records or reports required by the Secretary to be made or kept under this Act; and

(B) seize any such object, record, or report where it reasonably appears that such object, record, or report was used in violation of this Act.

PROHIBITED ACTS

Sec. 18. It is unlawful for any person to violate any requirement of this Act, a regulation issued under this Act, or any term, condition, or restriction of any license issued by the Secretary under this Act.

CIVIL PENALTIES

Sec. 19. (a) Any person who is found by the Secretary, after notice and opportunity to be heard on the record in accordance with section 554 of title 5, United States Code, to have committed any act prohibited by section 18 shall be liable to the United States for a civil penalty of not more than $100,000 for each violation. Each day of a continuing violation shall constitute a separate violation. The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

(b) If any person fails to pay a civil penalty assessed against such person after the penalty has become final, or in any case in which such person appeals an order of the Secretary after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall recover the civil penalty assessed in any appropriate district court of the United States.

(c) For the purposes of conducting any hearing under this section, the Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, documents, and other records, and may administer oaths, and may seek enforcement of such subpenas in the appropriate district court of the United States.

AUTHORIZED APPROPRIATIONS

Sec. 20. There are authorized to be appropriated to the Secretary $4,000,000 for fiscal year 1985 and such sums as may be necessary to carry out the provisions of this Act for fiscal years 1986, 1987, 1988, and 1989.

EFFECTIVE DATE

Sec. 21. (a) Except for the authority to issue regulations, this Act shall take effect one hundred and eighty days after the date of enactment of this Act.

(b) Regulations to implement this Act shall be promulgated not later than 180 days after the date of enactment of this Act.

RELATIONSHIP TO STATE LAW

Sec. 22. The authority of States to regulate space launch activities within their jurisdictions, or that affect their jurisdictions, is unaffected by this Act, but the Secretary is authorized, and shall make every effort, to consult with the States to simplify and speed the overall process of approval of space launch activities.

RELATIONSHIP TO OTHER LAW

Sec. 23. (a) A launch vehicle shall not, by reason of the launching of such vehicle, be considered an export for purposes of any law controlling exports.

(b) Nothing in this Act shall apply to the launch or operation of a launch vehicle, the operation of a launch site, or any other space launch activity carried out by the United States, or any planning or policies relating to any such launch, operation or activity.

REPORT ON LEGISLATION

Sec. 24. Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing all activities undertaken pursuant to this Act, including a description of the process for the application for and approval of licenses under this Act and recommendations for legislation that may further commercial launch activities. Such report shall also identify Federal statutes, treaties, regulations, and policies which may have an adverse effect on commercial space launch operations and include recommendations on appropriate changes thereto.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri (Mr. VOLKMER) will be recognized for 20 minutes and the gentleman from Washington (Mr. CHANDLER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. VOLKMER).

GENERAL LEAVE

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3942.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. VOLKMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3942, the Commercial Space Launch Act.

This legislation culminates efforts by the Committee on Science and Technology to devise an effective legislative framework that will facilitate and control space launch services provided by private parties.

The bill is the product of numerous hearings and extensive deliberations by the committee. Many Members have contributed substantially in developing the bill now before us, but I want to recognize, especially, Mr. AKAKA for his initiative and foresightedness in introducing this legislation. I also want to acknowledge and thank the chairman of the committee, DON FUQUA of Florida, the ranking minority member of the committee, LARRY WINN of Kansas, and the ranking minority member of the subcommittee, Manuel Lujan of New Mexico, and Rod Chandler of Washington for their leadership and efforts on this legislation.

Mr. Speaker, the committee has always supported the commercialization of space technology when appropriate, while realizing that such commercialization might need statutory policy guidance. Commercial launch services is one such area where this guidance is necessary.

The activities of private parties who provide commercial launch services must be supervised by the Government to insure public safety and to accommodate the foreign policy and national security interests of the United States. This supervision, however, must be exercised in a manner that allows a commercial launch industry to grow while also satisfying government concerns. This legislation represents such an approach.

Currently, any private party who wishes to engage in commercial launch operations must confront a Government approval process that may involve as many as 18 Federal agencies and 22 different statutes and sets of regulations, none of which were originally intended to oversee commercial launch operations. This regulatory climate poses a formidable and unnecessary obstacle to space commercialization. H.R. 3942 replaces this inhibiting atmosphere with a consolidated, comprehensive regulatory framework that will make it easier for a commercial launch industry to prosper.

The bill would establish a centralized government decisionmaking process for approving private space launches. A single agency, the Department of Transportation would be responsible for issuing and enforcing commercial launch licenses. These licenses would subsume currently required licenses and approvals for private launches, except for FCC licenses. The Department of Transportation would have to consult with other agencies in the license approval process and would be required to act on license applications within 120 days of receipt. Launch licensing requirements, prescribed by regulation by the DOT Secretary, would comprise only those necessary to insure satisfaction of public safety, foreign policy, and national security concerns. The DOT Secretary would be authorized, after consulting with the appropriate agencies, to waive specific requirements on an individual basis with respect to any launch and to halt any licensed operation on an immediate basis if such action were necessary for public safety, foreign policy, or national security reasons.

H.R. 3942 would also require private launch operators to have liability insurance in order to meet international treaty obligations. Also, the bill would authorize the Department of Transportation to facilitate the acquisition of Government launch property by private parties and to charge a fee for such use. State law would not be preempted by this legislation. In addition, the approval process for payloads launched by private parties would be unaffected by the bill and would remain as provided for under existing law. However, the Secretary would be responsible for insuring the proper integration of payloads with private launch vehicles for safety reasons. The bill does not apply to Government launch activities.

Mr. Speaker, world market demand for launch services will undoubtedly increase in the years ahead. Expansion of U.S. commercial launch services as a complement to the space shuttle will enhance domestic economic activity and assure U.S. competitiveness in capturing the space launch market. This legislation would contribute substantially to this goal and I urge its adoption by this body.

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Mr. FUQUA. Mr. Speaker, will the gentleman from Missouri yield?

Mr. VOLKMER. I yield to the gentleman from Florida, chairman of the committee.

Mr. FUQUA. I appreciate the gentleman yielding.

Mr. Speaker, I rise in support of the bill, and wish to commend the gentleman from Missouri (Mr. Volkmer) and the members of the subcommittee on both sides of the aisle for the work and dedication that they put forth in bringing this bill to the floor today.

It is a one-stop service and further addresses a new dimension into the commercialization of space and the further broadening of the activities that are to be available in the space arena. I commend the gentleman.

The bill has wide support on both sides of the aisle. I commend the gentleman and subcommittee for the work they did in bringing it to this point.

Mr. Speaker, I rise in support of H.R. 3942, the Commercial Space Launch Act.

This bill, if enacted, will assist the buildup of a new commercial space launch industry.

Government supervision over private launch activities is needed to provide for the public safety, and to meet national security and foreign policy concerns. However, private sector launch activities are currently burdened by redtape and inefficiencies resulting from the participation of too many Federal agencies in commercial launch oversight and control. Some 18 Federal agencies, relying on statutes and regulations that were never intended to control commercial launch operations, have become involved in the regulation of commercial launch activity. HR. 3942 replaces this current ad hoc, confused approach with a streamlined regulatory framework for the promotion and efficient control of private launch activities.

The bill designates the Department of Transportation as the lead agency for commercial space launch activity. Under H.R. 3942, the Department of Transportation is assigned responsibility for issuing and enforcing commercial launch licenses and for encouraging private sector utilization of Government-developed space technology.

The DOT Secretary will define by regulations the requirements for private launches, which will subsume currently required licenses and approvals for private launches, except for an FCC license. The DOT Secretary is required to consult with those Federal agencies which currently may be involved in overseeing some aspect of a commercial launch. This will insure the satisfaction of license requirements necessary to meet public safety. National security and foreign policy concerns. DOT-Agency consultation will continue throughout the launch licensing process.

The DOT Secretary will also promote commercial launch activity by facilitating the lease and acquisition of Government-launch property by private parties.

The bill does not govern payloads, which shall continue to be cleared for launch under the current process. Also, the bill does not apply to Government-launch activity. The bill authorizes $4 million for fiscal year 1985. We anticipate that reimbursements collected from the sale or lease of Government-launch facilities will offset some of these costs.

This bill is an important step the Congress can take to boost domestic economic activity and enhance U.S. competitiveness in capturing the space launch market. Starstruck, Inc., one of the leaders in the commercial space launch industry, has called the act "a major milestone in the development of a sensible and effective regulatory regime for space."

I encourage Members support of H.R. 3942 as an important step in developing a robust commercial launch industry.

Mr. CHANDLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin in my remarks supporting H.R. 3942, the Commercial Space Launch Act, by also commending those leaders who have worked on it, and especially the chairman of the subcommittee, Mr. Volkmer; and Mr. Lujan, the ranking minority member for their leadership in the development of this farsighted approach to regulating a potentially exciting new industry, the expending commercial space launch market.

I think special mention also should go to Mr. AKAKA for the original sponsorship of this legislation and his role as head of the space caucus.

Recent debate on the NASA authorization bill revealed that we are entering truly a new age of space commercialization in such areas as communication and space manufacturing. Recognition of the importance of this mission was confirmed by the Congress by its overwhelming commitment to continuation of the space shuttle program and to the new space station initiative.

Today we have the opportunity to take another important step toward promoting the peaceful use of space by passage of this legislation, not only embracing the ELV licensing but the licensing of other launch vehicles.

The purposes of the bill are threefold; to promote economic growth in the United States by encouraging the private sector to provide space launch services, to simplify the process of licensing commercial launch operations and to assign principal responsibility to the Department of Transportation for overseeing commercial launch operations and for issuing licenses to conduct such activities.

The bill, I believe, is a result of careful review by the committee of testimony by industry groups and the administration, all of which supported a centralized approach to regulated space launch services by private industry.

The legislation essentially provides legislative authority for an executive order now in effect. The experience in Washington State with energy facilities evaluation councils strongly suggest the wisdom of this central authority approach. We also want to note that this bill has and should have minimal restrictions on the private launch of expendable vehicles.

Mr. Speaker, H.R. 3942 represents an important legislative initiative consistent with President Reagan's national space policy of 1982 and the President's policy directive of 1983 on commercialization of expendable launch vehicles which affirms that the Government will encourage private sector investment and involvement in civil space activities and will facilitate the commercialization of ELV's.

It is also a policy long supported by the Science and Technology Committee and the Congress, it is deserving of our Members' strongest support.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. I thank the subcommittee chairman very much.

Mr. Speaker, I rise in support of H.R. 3942, the Expendable Launch Vehicle Commercialization Act. I want to take this opportunity to commend the members of the Committee on Science and Technology for their quick and thorough action on this bill. Without the able leadership demonstrated by the chairmen of the full committee and of the Subcommittee on Space Science and Applications, this bill never would have seen the light of day and would probably have remained an inspired dream of a congenial Congressman from Hawaii.

First introduced in the closing days of the 97th Congress, this bill has been around for a long time and yet, the concepts behind this bill are as sound and as vitally important today as they were 3 years ago.

As you know, I have long been on record as one who believes that an investment in space and space-related technologies is one of the soundest economic investments that we can make in the future of our Nation. For every $1 we have invested in the space program, we have gotten a return of $7-$14. The space program drives our technology base and allows us to remain competitive in the international arena of high technology. Investing in our space program is a sound economic strategy for the future.

When we invest in the kind of long-term research and development that is the centerpiece of our space program, we also invest in the development of the kind of high technology which may prove to be an integral part of our future.

Technology developed for the space program is now used to better the quality of our lives right here on Earth. The space program brought us the miniaturization used in today's computer technology, velcro, teflon and tang, just to name a few of the commonly known ones. More importantly, more than 3,500 inventions that can be applied on Earth are now available for licensing as a result of spinoffs from the space program. Programmable medication systems implanted under the skin and ultralightweight materials are prime examples of space technology spinoffs. Thanks to the technology developed for the space program, walkers weighing less than half of the weight of aluminum can be made for the handicapped, thus improving the quality of their lives today. The marriage of computers, artificial intelligence, and robotics may make the term "handicapped" obsolete in the 1990's, thanks to research being done right now for our space program.

It is, in summary, readily apparent to everyone precisely why we should continue to invest in our Nation's space effort. The role for the Federal Government is indeed an impressive one.

The role for the private sector is also an impressive one and it is the essence of that role and the development of that role which lie at the very heart of H.R. 3942.

It has been estimated that by the year 2000, commercial space activities may be worth as much as $200-$300 billion to our national economy; commercial space activities may account for as many as 10 million jobs by the year 2000. By the year 2000, in fact, commercial manufacturing in space may be routine, with the production of drugs and products in space accounting for a major sphere of economic activity.

It is perfectly clear that the potential for commercial space development is vast, and replete with enormous economic opportunity for the future. It is also perfectly clear that the final responsibility for commercial space development rests with the private sector, and not with the Federal Government.

The Federal Government bears a major responsibility for the entry of the commercial sector into the marketplace, but that is also where the responsibility of the Federal Government should end. The role of the Federal Government in the arena of commercial space activity should be limited to clearing away the obstacles to which the private sector has been subjected. And that is precisely why H.R. 3942 is so very important. H.R. 3942 streamlines the Federal Government's approval process for those companies wishing to commercialize expendable launch vehicles. H.R. 3942 establishes a central point of contact for companies, and relieves them of the burden of getting permits and permissions from 6 to 12 different Federal agencies or bodies. What H.R. 3942 does is to create a climate which is conducive to private sector entry into the commercial space launch market. H.R. 3942 allows the private sector to pick up the commercial space launch ball and run with it.

It is not the intention of H.R. 3942 to grant to the private sector special subsidies to encourage them, artificially, to develop an industry whose market can be sustained only by the Federal Government. If there is, as some say, no market for commerical space launch vehicles, then there will, after a period of years, be no commerical space launch business. The economics of the marketplace are that simple.

While I remain staunchly opposed to outright subsidy for the commerical space launch industry, I remain firmly committed to clearing away the obstacles to development of that industry. This is a balance which I believe that H.R. 3942 achieves.

While, as a matter of policy at the Federal level, we must encourage the development of commerical space launch activities, we must not allow ourselves to be talked into funding the development of an Amtrak for space.

In short, I lend my full support to the real and commerical growth of this new industry; I urge my colleagues to do the same by lending their full support to this bill.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ANNUNZIO).

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3282

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3282.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VOLKMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. NELSON).

Mr. NELSON of Florida. I thank the chairman for yielding time to me.

Mr. Speaker, I rise in support of the Commercial Space Launch Act.

An important part of the future of our country depends on our utilization of space. Over the past two decades we have seen the enormous strides made in NASA's efforts to reach for the stars and beyond. Presently, our most sophisticated techniques are being implemented in tomorrow's space ventures. NASA has prided itself in leading the world in space technology.

Now in 1984, this technology has uses which surpass the research and development needs of NASA. It is time private businesses were allowed to freely use this technology with the least amount of Federal regulation possible.

Several years ago, the Congress commercialized communication satellites and today it has grown into a multibillion-dollar industry. Without the freedom from Government redtape, I seriously doubt we would be seeing the advances in satellite communications we have today.

Now it is time to allow the private sector the opportunity to develop a thrivinig and profitable business in the commercialization of expendable launch vehicles.

A report out of this month's Nation's Business said:

> Despite all obstacles, American businesses are beginning to line up like the westward-bound wagonmasters of an earlier epoch of discovery and development. By 1987, analysts say, more than $1 billion will be committed to private sector pursuits in space—just seed money in the nation's newest and most dramatic sunrise industry.

Mr. Speaker, commercializing ELV's is the necessary first step in the development of this new frontier for private business. Congress must allow it to grow freely and unrestricted if it is to flourish. This legislation, H.R. 3942, will put the congressional stamp of approval in such an endeavor.

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Mr. CHANDLER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Speaker, I rise in support of H.R. 3942 of which I am really indeed proud to be a cosponsor. My congratulations to the gentleman from Hawaii (Mr. AKAKA), the gentleman from Florida (Mr. FUQUA), the gentleman from Missouri (Mr. VOLKMER) and the gentleman from Washington (Mr. CHANDLER) for a job well done.

This bill, the Commercial Space Launch Act, is indeed an historic milestone in the development of a new frontier in space. The simple minimal and appropriate licensing and regulatory arrangement it establishes will encourage the growth of a strong American private enterprise space launch and services industry, while assuring that our national security, our foreign policy, and public safety interests are protected.

Private sector involvement in America's space enterprise will shape our future on the new frontier. Already at least a half dozen companies have announced plans to offer commercial space launch services. I expect that many, many more companies will soon enter the marketplace and follow this example.

Now is the time to set up an efficient and reasonable procedure for authorizing commercial space launches. This will encourage investors, it will encourage entrepreneurs to enter this new field and insure that the United States will indeed remain first in space.

Space is a growth industry with enormous potential for spawning new businesses, new industries, and creating thousands of new jobs for our countrymen. H.R. 3942's one-stop shopping will eliminate regulatory potholes in the road to space and the economic renaissance it promises for America and the world will clearly be promoted by passage of this legislation.

I urge all my colleagues to give it their most wholehearted support.

● Mr. LOWERY of California. Mr. Speaker, as an original sponsor of H.R. 3942, the Commercial Space Launch Act, and a member of the Subcommittee on Space Science and Applications, it is a special pleasure for me to rise before the House of Representatives in strong support of this measure.

H.R. 3942 represents a significant milestone in our Nation's space program. It is noteworthy in that the question being addressed today is no longer whether space has commercial promise, but how best to proceed to maximize that promise for national economic well-being.

Rapidly expanding launch demands by commercial satellite users have caused the Congress and executive branch to reevaluate expendable launch vehicle (ELV) policy. The projected capability of our space shuttle cannot meet these demands. More importantly, the French company, Arianespace, has emerged as a formidable competitor with progressive financing strategies, substantial financial backing, and aggressive marketing. An economic compromise is essential to enable U.S. commercial ELV's to complement the shuttle and keep America first in space. H.R. 3942 represents an important step in such a compromise and deserves the support of this body.

The existence of a viable commercial ELV industry will add to the general economic vitality of the United States. This new industry will maintain a high technology industrial base unparalleled in the free world and provide jobs for thousands of American workers.

Furthermore, commercial ELV operations are expected to spawn numerous spinoffs and supporting activities, strengthening the U.S. position and providing substantial long-term economic benefits.

The French should not be allowed to continue unchallenged. American firms must be allowed to compete in the launch vehicle market and H.R. 3942 provides the framework by which they may pursue such business potential.

A favorable space policy, as embodied in the Commercial Space Launch Act, will open the $10 billion commercial launch market to American companies and provide a ready, inexpensive shuttle backup maintained by private enterprise. I urge all my colleagues to support H.R. 3942.●

Mr. CHANDLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VOLKMER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The Speaker pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. VOLKMER) that the House suspend the rules and pass the bill, H.R. 3942, as amended.

The question was taken; and (two-thirds have voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to facilitate commercial space launches, and for other purposes."

A motion to reconsider was laid on the table.

MARINE MAMMAL PROTECTION ACT AUTHORIZATION FOR FISCAL YEARS 1985-88

Mr. BREAUX. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4997) to authorize appropriations to carry out the Marine Mammal Protection Act of 1972 for fiscal years 1985, 1986, and 1987, as amended.

The Clerk read as follows:

H.R. 4997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 101(a)(2) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(a)(2)) is amended to read as follows: "For purposes of applying the preceding sentence, the Secretary—

"(A) shall insist on reasonable proof from the government of any nation from which fish or fish products will be exported to the United States of the effects on ocean mammals of the commercial fishing technology in use for such fish or fish products exported from such nation to the United States; and

"(B) in the case of yellowfin tuna harvested with purse seines in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the government of the harvesting nation has adopted a regulatory program governing the incidental taking of marine mammals in the course of such harvesting that is comparable to that of the United States; and

"(ii) the average rate of that incidental taking by the vessels of the harvesting nation is comparable to the average rate of incidental taking of marine mammals by United States vessels in the course of such harvesting.".

Sec. 2. Section 104(h) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(h)) is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end thereof the following paragraphs:

"(2)(A) Subject to subparagraph (B), the general permit issued under paragraph (1) on December 1, 1980 to the American Tunaboat Association is extended to authorize and govern the taking of marine mammals incidental to commercial purse seine fishing for yellowfin tuna during each year after December 31, 1984.

"(B) The extension granted under subparagraph (A) is subject to the following conditions:

"(i) The extension shall cease to have force and effect at the time the general permit is surrendered or terminated.

"(ii) The permittee and certificate holders shall use the best marine mammal safety techniques and equipment that are economically and technologically practicable.

"(iii) During the period of the extension, the terms and conditions of the general permit that are in effect on the date of the enactment of this paragraph shall apply, except that—

"(I) the Secretary may make such adjustments as may be appropriate to those terms and conditions that pertain to fishing gear and fishing practice requirements and to permit administration;

"(II) any such term and condition may be amended or terminated if the amendment or termination is based on the best scientific information available, including that obtained under the monitoring program required under paragraph (3)(A); and

"(III) during each year of the extension, not to exceed 250 coastal spotted dolphin (Stenella attenuata) and not to exceed 2,750 eastern spinner dolphin (Stenella longirostris) may be incidentally taken under the general permit, and no accidental taking of either species is authorized at any time when incidental taking of that species is permitted.

"(C) The quota on the incidental taking of coastal spotted dolphin and eastern spinner dolphin under paragraph (2)(B)(iii)(III) shall be treated—

"(i) as within, and not in addition to, the overall annual quota under the general permit on the incidental taking of marine mammals; and

"(ii) for purposes of paragraph (2)(B)(iii)(II), as a term of the general permit in effect on the date of the enactment of this paragraph.

"(3)(A) The Secretary shall, commencing on January 1, 1985, undertake a scientific research program to monitor for at least five consecutive years, and periodically as necessary thereafter, the indices of abundance and trends of marine mammal population stocks which are incidentally taken in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean.

"(B) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the monitoring program), that the incidental taking of marine mammals permitted under the general permit referred to in paragraph (2) is having a significant adverse effect on a marine mammal population stock, the Secretary shall take such action as is necessary, after notice and an opportunity for an agency hearing on the record, to modify the applicable incidental take quotas or requirements for gear and fishing practices (or both such quotas and requirements) for such fishing so as to ensure that the marine mammal population stock is not significantly adversely affected by the incidental taking.

"(C) For each year after 1984, the Secretary shall include in his annual report to the public and the Congress under section 103(f) a discussion of the proposed activities to be conducted each year as part of the monitoring program required by subparagraph (A).

"(D) There are authorized to be appropriated to the Department of Commerce for purposes of carrying out the monitoring program required under this paragraph not to exceed $4,000,000 for the period beginning October 1, 1984, and ending September 30, 1988.".

Sec. 3. (a) Section 201(b)(1) of the Marine Mammal Act of 1972 (16 U.S.C. 1401(b)(1)) is amended by striking the second sentence thereof and inserting in lieu thereof the following: "The President shall make his selection from a list of individuals knowledgeable in the fields of marine ecology and resource management, and who are not in a position to profit from the taking of marine mammals. Such list shall be submitted to him by the Chairman of the Council on Environmental Quality and unanimously agreed to by that Chairman, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation and the Chairman of the National Academy of Sciences."

(b) The first sentence of section 206 of such Act of 1972 (16 U.S.C. 1406) is amended by adding immediately before the period at the end thereof the following: "; except that no fewer than 11 employees must be employed under paragraph (1) at any time".

Sec. 4. Section 7 of the Act entitled "An Act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes", approved October 9, 1981 (16 U.S.C. 1384 and 1407) is amended—

(1) by amending subsection (a)—

(A) by inserting "(other than section 104(h)(3))" immediately after "title I", and

(B) by striking out "for fiscal year 1984." and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988.";

(2) by striking out "and $2,000,000 for fiscal year 1984." and subsection (b) and inserting in lieu thereof "$2,000,000 for fiscal year 1984, $2,500,000 for fiscal year 1985, and $3,000,000 for each of fiscal years 1986, 1987, and 1988." and

(3) by striking out "for fiscal year 1984." in subsection (c) and inserting in lieu thereof "for each of fiscal years 1984, 1985, 1986, 1987, and 1988.".

Sec. 5. Section 2(c) of the Fishery Conservation Zone Transition Act (16 U.S.C. 1823 note) is amended—

(1) by striking out "July 1, 1984" in each of paragraphs (1) and (2) and inserting in lieu thereof "December 31, 1985";

(2) by striking out "May 3, 1983" in paragraph (1) and inserting in lieu thereof "May 8, 1984";

(3) by striking out "May 3, 1983" in paragraph (2) and inserting in lieu thereof "May 7, 1984"; and

(4) by amending the last sentence thereof by striking out "Each such governing international fishery agreement" and inserting in lieu thereof "The governing international fishery agreements referred to in paragraphs (1) and (2) shall enter into force and effect with respect to the United States on July 1, 1984; and the governing international fishery agreement referred to in paragraph (3)".

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The Speaker pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Louisiana Mr. Breaux) will be recognized for 20 minutes and the gentleman from Alaska (Mr. Young) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. Breaux).

Mr. BREAUX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4997 would authorize appropriations for the Marine Mammal Protection Act of 1972 (MMPA) and extend the existing governing international fishery agreements with Poland and the U.S.S.R.

The MMPA committed the United States to a long-term management and research program to protect marine mammals. Although there are a few exceptions, the act placed a moratorium on taking marine mammals or importing marine mammals or their parts and products into the United States. Under the act, the National Marine Fisheries Service is responsible for whales, porpoises, seals and sea lions. The Fish and Wildlife Service is responsible for manatees, polar bears, sea otters, and walruses.

As some of the Members recall, the Marine Mammal Protection Act has been the source of some major controversies over the years. Fortunately, the level of controversy has subsided somewhat in recent years, due in large part to the success of the tuna industry in reducing the incidental take of porpoises in their fisheries. When the act was enacted in 1972, more than 300,000 porpoises a year were being killed in the purse seine fishery; in 1983, less than 10,000 animals were taken.

In 1981, when we last reauthorized the act, we made a number of changes to make the act easier to implement and more effective. A major part of the 1981 legislation was a change in the law to facilitate return of management to the States. We also authorized the incidental taking of small numbers of animals in fishing and other industry operations where it would not be detrimental to marine mammal populations. These and other amendments were unanimously approved by both Houses and signed into law. This year, we have again tried to take a rational look at the Marine Mammal Protection Act. The one major concern that has been raised concerns the incidental take of porpoise in the tuna purse seine fishery.

The Marine Mammal Protection Act (MMPA) allows for the incidental taking of marine mammals in the course of purse seine fishing for tuna in the tropical Pacific if the marine mammal stocks are at optimum sustainable population (OSP) levels. As I stated earlier, that incidental take has been greatly reduced. There is currently a permit in force which allows for the incidental taking of up to 20,500 animals per year, although the current level of take is less than 10,000 animals per year. There is consensus among the various environmental groups and the scientists that this level of take is not having a detrimental effect on porpoise stocks. Unfortunately, the process for issuing permits for incidental take is still as lengthy and complicated as when the level of take was many times greater.

The problem has been that the National Marine Fisheries Service (NMFS) has adopted a working definition of OSP for porpoises that is beyond the capability of the available data. The act defines OSP as the number of animals which results in the maximum productivity of the stock, keeping in mind the carrying capacity of the environment and the health of the ecosystem. NMFS has interpreted this definition of OSP to mean a range of population levels between maximum net productivity at the lower limit and carrying capacity at the upper limit. For regulatory purposes, NMFS considers carrying capacity to be synonymous with the historic marine mammal population level prior to development of the pursue seine fishery for tuna, and defines the lower limit of the OSP range as 60 percent of this historic population level. If NMFS could solidly determine the current and historic population levels, this might not be a problem. Unfortunately, they can determine neither with sufficient precision to be of any use in management.

Responsible and concerned members of the environmental community, the tuna industry, and the Federal Government all recognize that an alternative approach is necessary, and this legislation reflects a consensus on this issue. It would simply freeze the current permit and provide an additional small quota for incidental take of two species for which no quota is currently provided. If at any time the Secretary of Commerce believes that a stock of porpoises is being significantly adversely affected, he could adjust the quota on that stock or institute other protective measures. I would stress that the goal of the act to reduce incidental take to as low a point as is economically and technologically practicable would still be in effect. In addition, during the period that the permit is in effect, the same permit requirements relating to fishing techniques and equipment would also be in effect. These requirements could be amended to facilitate compliance or permit administration. We anticipate that any such changes would be of a minor nature and would not require a hearing before an administrative law judge.

The legislation would also direct the Secretary to undertake a scientific research program to monitor the population trends of the porpoise stocks that are taken in the tuna fisheries. This trend data would be used in determining the health of the stocks in question, rather than depending upon suspect estimates of historic population size. Trend data would reveal whether or not the stocks are increasing or decreasing, and would provide useful information on porpoise population dynamics and productivity of the stocks. The study provision contains a special 4-year, $4 million authorization.

H.R. 4997 also contains an amendment to the section of the MMPA that bans the importation of fish products from nations where the commercial fishing technology in use results in an incidental take in excess of U.S. standards. We are concerned that the Departments of State, Commerce, and Treasury are not enforcing this provision strictly enough. We cannot impose severe restrictions on our own fleets and then allow foreign nations that do not even regulate the take of marine mammals to flood our markets with their products. The bill, as amended, would require the administration, in making the determination as to whether to allow the importation of yellowfin tuna, to look specifically at the regulatory program of the exporting nation and the incidental kill rate of their flag vessels to determine if their program and kill rates were comparable to those in the United States. If they were not, importation of their products would be prohibited.

The legislation also contains two amendments to the MMPA relating to the Marine Mammal Commission. Established under title II of the act, the Marine Mammal Commission is an independent agency of the executive branch. It is charged with the responsibility for developing, reviewing, and making recommendations on actions and policies of all Federal agencies with respect to marine mammal protection and conservation. The Commission members are appointed by the President from a list of individuals knowledgeable in the fields of marine ecology and resource management submitted to him by the Chairman of the Council on Environmental Quality, the Secretary of the Smithsonian Institute, the Director of the National Science Foundation, and the Chairman of the National Academy of Sciences. In spite of the languages of the statute that implies that the President is to receive a single list of recommendations, the White House has requested lists from each of the above-named officials. This has diluted the quality of the review of the prospective Commission members. H.R. 4997 would confirm the original intent of the legislation that Commission members are to be chosen from a single list, unanimously agreed to by the officials from the various recommending agencies.

We are also concerned that the Commission needs to maintain a certain level of personnel to remain effective. Although funds are appropriated, personnel ceilings are often restricted. The legislation contains language that requires the Commission to maintain a staff of 11 persons.

H.R. 4997 would adjust the authorizations of appropriations to extend the Marine Mammal Protection Act for 4 years through fiscal year 1988. The Department of the Interior would be authorized $2.5 million for fiscal year 1985 and $3 million for fiscal years 1986, 1987, and 1988. The Department of Commerce would be authorized $8.8 million per year for the same period in addition to the special authorization relating to porpoise research. The Marine Mammal Commission would receive an authorization of $1.1 million over the 4-year period.

Mr. Speaker, as I earlier noted, section 5 of the bill contains congressional approval for the recently negotiated 18-month extension of the existing Governing International Fishery Agreements (GIFA's) between the United States and both Poland and the Soviet Union, respectively. This action is necessary because the existing agreement is due to expire on July 1 of this year and these extensions were not submitted to the Congress by the White House in time for them to be approved without congressional action under the mechanism set forth in the Fishery Conservation and Management Act.

I know that some Members may be wondering why we are taking this action, which would appear to present these two nations with favorable considerations for fishing privileges in U.S. waters, at a time when overall relationships between our countries are not at their best. I think it is important for the Members to note that through the approval of these extensions, the Congress is not overturning the policy of both the Carter and Reagan administrations in denying direct access to U.S fishery resources by the Soviet Union, access which was denied as a result of the Soviet invasion of Afghanistan. Our action today also does not affect the decision by the Reagan administration to reinstitute a direct allocation for Poland, provided that nation comply with the so-called "fish and chips" policy of U.S. law.

I think it is extremely important for the Members to note that significant benefits accrue to U.S. citizens as a result of these agreements and the ability of our Government to apply fish and chips to these nations. For example, by maintaining the existing fishery relations with the Soviet Union, U.S. fishermen will be able to continue joint venture operations which, in 1983, employed 42 U.S. vessels in the harvesting of over 167,000 metric tons of surplus fishery resources worth almost $25 million to U.S. citizens. Similarly, negotiations between the United States and Poland should result in the same type of benefits for U.S. fishermen who currently face severely limited markets for certain fishery resources.

In conclusion, Mr. Speaker, I believe that this legislation represents sound policy for both the continued protection of marine mammals and the betterment of economic conditions for a substantial number of U.S. fishermen.

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Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my support of H.R. 4997, a bill which reauthorizes and makes certain amendments to the Marine Mammal Protection Act. I would also urge adoption of a committee amendment which would amend the act with respect to employees of, and appointments to, the Marine Mammal Commission, and which would extend the United States-Soviet and United States-Polish Governing International Fishery Agreements until December 31, 1985. These agreement are due to expire on July 1, 1984.

I am particularly pleased that, due in large part to the efforts of the subcommittee chairman, Mr. BREAUX, the concerns of both the environmental community and the domestic fishing industry were accommodated in the Marine Mammal Protection Act amendments. Given my interest in the full domestic utilization of fishery resources off the coasts of the United States, it is my hope that the United States-Polish and United States-Soviet GIFA's, which would be extended under this bill, will lead to direct benefits for domestic fishermen in the U.S. zone. I would like to point out that the Fishery Conservation and Management Act provides that foreign fishing shall not be authorized in the U.S. zone unless the foreign nation extends substantially the same fishing privileges to fishing vessels of the United States as the United States extends to foreign fishing vessels. Given the existence of fishery resources off the coasts of the Soviet Union in which U.S. fishing industry has expressed interest, it is my hope that the Department of State will vigorously pursue a bilateral fisheries access agreement with the Soviet Union.

Mr. Speaker, I urge my colleagues to join with me in supporting H.R. 4997.

● Mr. JONES of North Carolina. Mr. Speaker, H.R. 4997 extends the authorization of appropriations for the Departments of Commerce and the Interior and the Marine Mammal Commission to enable these agencies to carry out their responsibilities under the Marine Mammal Protection Act.

H.R. 4997, as amended, authorizes $8.8 million annually for the Department of Commerce through fiscal year 1988; $2.5 million for fiscal year 1985; and $3 million annually for 1986, 1987, and 1988 for the Department of the Interior; and $1.1 million annually through fiscal year 1988 for the Marine Mammal Commission. It also authorizes a one-time $4 million appropriation to the Department of Commerce and directs the Secretary to carry out a 5-year scientific research program to monitor population and abundance trends for porpoise stocks in the eastern tropical Pacific Ocean. In addition, the bill strengthens the existing provisions in the act to insure that foreign vessels harvesting tuna in that ocean for export to this country are subject to regulatory controls comparable to those imposed on U.S. tuna fishermen to protect porpoise stocks.

H.R. 4997 freezes the existing general permit of the American Tunaboat Association for the incidental taking of porpoise in connection with the commercial purse seine tuna fishery in the eastern tropical Pacific Ocean, thereby relieving the tuna industry and the Department of Commerce of some lengthy and costly administrative procedures without in any way lessening efforts to conserve porpoise stocks. Finally, it sets small quotas for two species of dolphin taken incidental to that fishery.

This bill, as amended, also changes the language of the existing act to clarify the procedure for selecting the members of the Marine Mammal Commission and to insure ample staff for the Commission.

Finally, H.R. 4997 amends the Fishery Conservation Zone Transition Act to extend for 18 months the governing international fishery agreements between the United States and Poland and between the United States and the U.S.S.R. This will permit certain species of fish, which normally would not be harvested, to be caught by American fishermen and sold "over the side" to foreign processors who have a market for them. Such joint ventures are very important to the economy of our fishermen on the west coast.

The changes to the act were worked out in consultation with major conservation groups and the tuna industry and the Merchant Marine and Fisheries Committee reported this measure, as amended, by a unanimous voice vote.

Since the passage of the Marine Mammal Protection Act much progress has been made in the conservation of porpoise in particular and marine mammals in general. This legislation will allow us to continue such progress. Therefore, I urge my colleagues to pass H.R. 4997.●

Mr. BREAUX. Mr. Speaker, I have no further requests for time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BREAUX. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BREAUX) that the House suspend the rules and pass the bill, H.R. 4997, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BREAUX. Mr. Speaker, I ask unanimous consent that all Members who wish to to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 1097, SATELLITE PROGRAM AUTHORIZATION ACT

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce, disagree to the Senate amendments to the House amendments, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. HUBBARD). Is there objection to the request of the gentleman from Florida?

Mr. HANSEN of Utah. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman if this has been cleared by the minority side.

Mr. FUQUA. If the gentleman will yield, Mr. Speaker, yes, it has been cleared.

Mr. HANSEN of Utah. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and, without objection, appoints the following conferees: Messrs. FUQUA, SCHEUER, VALENTINE, HARKIN, ANDREWS of Texas, JONES of North Carolina, D'AMOURS, WINN, and MCGRATH, Mrs. SCHNEIDER, and Mr. CARNEY.

There was no objection.

HUMAN SERVICES AMENDMENTS OF 1984

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5145) to authorize appropriations for Head Start, Follow Through, and community services programs, to establish a program to provide child care information and referral services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Human Services Amendments of 1984".

TITLE I—PROJECT HEAD START

ADMINISTRATION

Sec. 101. Section 636 of the Head Start Act (42 U.S.C. 9831) is amended by adding at the end thereof the following new subsection:

"(c) The Secretary shall administer Project Head Start through the Administration for Children, Youth, and Families within the Department of Health and Human Services.".

TECHNICAL AMENDMENTS

Sec. 102. Section 637(2) of the Head Start Act (42 U.S.C. 9832(2)) is amended by inserting "the Commonwealth of" before "the Northern Mariana Islands".

AUTHORIZATION OF APPROPRIATIONS

Sec. 103. Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) by striking out "$950,000,000" and all that follows through "1983, and", and

(2) by inserting before the period the following: ", $1,111,000,000 for fiscal year 1985, $1,167,000,000 for fiscal year 1986, $1,225,000,000 for fiscal year 1987, $1,286,000,000 for fiscal year 1988, and $1,350,000,000 for fiscal year 1989".

ALLOTMENT OF FUNDS

Sec. 104. Section 640(a) of the Head Start Act (42 U.S.C. 9834(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (C) by inserting ", as described in section 648, except that there shall be made available for this purpose no less funds than were obligated for this purpose for fiscal year 1982" before the semicolon,

(B) in subparagraph (D) by striking out the period and inserting in lieu thereof a semicolon; and

(C) by adding at the end of such paragraph the following:

"except that no funds reserved under this paragraph may be combined with funds appropriated under any other Act if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment.", and

(2) in paragraph (4) by inserting "the Commonwealth of" before "the Northern Mariana Islands".

DESIGNATION OF HEAD START AGENCIES

Sec. 105. (a) Section 641(a) of the Head Start Act (42 U.S.C. 9836(a)) is amended—

(1) by striking out "which" and inserting in lieu thereof "in a community if such agency", and

(2) in paragraph (1) by striking out "a community" and inserting in lieu thereof "such community".

(b) Section 641(c) of the Head Start Act (42 U.S.C. 9836(c)) is amended—

(1) by striking out "give priority in the designation of Head Start agencies to" and inserting in lieu thereof "designate as a Head Start agency",

(2) by striking out "nonprofit agency which" and inserting in lieu thereof "nonprofit agency in a community if such agency",

(3) in paragraph (1) by striking out "giving such priority" and inserting in lieu thereof "making such designation",

(4) in paragraph (2) by striking out "give priority in the designation of Head Start agencies to" and inserting in lieu thereof "designate as the Head Start agency", and

(5) by striking out the last sentence.

(c) Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) by redesignating subsection (d) as subsection (f), and

(2) by inserting after subsection (c) the following new subsections:

"(d) If there is no Head Start agency as described in subsection (c)(1), no successor agency as described in subsection (c)(2), and no existing Head Start agency serving a community, then the Secretary may designate a Head Start agency from among qualified applicants in such community. Any such designation shall be governed by the program and fiscal requirements, criteria, and standards applicable on September 1, 1983, to then existing Head Start agencies.

"(e) Except as provided in subsection (d), this section shall be carried out in fiscal years 1985 through 1989 in accordance with the rules issued under this section by the Secretary as in effect on September 1, 1983.".

PARTICIPATION IN HEAD START PROGRAMS

Sec. 106. (a) Section 645(a)(1) of the Head Start Act (42 U.S.C. 9840(a)(1)) is amended by adding at the end thereof the following: "During the period beginning on the date of the enactment of the Human Services Amendments of 1984 and ending on October 1, 1986, and unless specifically authorized in any statute of the United States enacted after such date of enactment, the Secretary may not make any change in the method, as in effect on April 25, 1984, of calculating income used to prescribe eligibility for the participation of persons in the Head Start programs assisted under this subchapter if such change would result in any reduction in, or exclusion from, participation of persons in any of such programs.".

(b) Section 645 of the Head Start Act (42 U.S.C. 9840) is amended by adding at the end thereof the following new subsection:

"(c) Each Head Start program operated in a community may provide services to any eligible child for any period in which such child is not less than 3 years of age and has not attained the age of compulsory school attendance in the State in which such program operates.".

TECHNICAL ASSISTANCE AND TRAINING

Sec. 107. Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall", and

(2) by inserting the following before the period at the end thereof: ", including a national child development associate training and assessment program providing the necessary credentialing for such personnel, and training (including resource access projects) which improves the ability of such personnel to provide Head Start services to handicapped children".

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

Sec. 108. Section 649 of the Head Start Act (42 U.S.C. 9844) is amended by adding at the end thereof the following new subsection:

"(c) No funds available to carry out this section may be combined with funds available to carry out any other provision of law if the purpose of combining funds is to make a single discretionary grant or a single discretionary payment to a recipient of such funds.".

EVALUATION

Sec. 109. The second sentence of section 651(b) of the Head Start Act (42 U.S.C. 9846(b)) is amended to read as follows: "Any revisions in such standards shall not result in either the elimination of, or the reduction in the scope of, types of health, education, parent involvement, social, or other services required by the performance standards issued by the Secretary as in effect on November 2, 1978.".

TITLE II—FOLLOW THROUGH PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Section 663(a) of the Follow Through Act (42 U.S.C. 9862(a)) is amended—

(1) in paragraph (1)—

(A) by striking out "$44,300,000" and all that follow through "1984", and

(B) by inserting before the period the following: "$22,150,000 for fiscal year 1984, $23,000,000 for fiscal year 1985, $24,150,000 for fiscal year 1986, $25,350,000 for fiscal year 1987, $25,650,000 for fiscal year 1988, and $27,000,000 for fiscal year 1989", and

(2) in paragraph (2) by striking out "for fiscal years 1982 and 1983".

RESEARCH, DEMONSTRATION, AND PILOT PROJECTS

SEC. 202. Section 664(a) of the Follow Through Act (42 U.S.C. 9863(a)) is amended—

(1) by striking out "may" and inserting in lieu thereof "shall", and

(2) by striking out "special problems" and all that follows through "subchapter", and inserting in lieu thereof the following: "the special problems of primarily low-income children previously enrolled in Head Start or similar programs in continuing to develop to their full potential in kindergarten and the primary grades".

EVALUATION

SEC. 203. (a) Subsection (a) of section 666 of the Follow Through Act (42 U.S.C. 9865(a)) is amended to read as follows:

"(a) The Secretary shall, directly or through grants or contracts, provide for a review and analysis of all previous evaluations and reports made in connection with all Follow Through programs and projects authorized by any Act of Congress in effect after August 20, 1964, and provide a comprehensive evaluative report that measures the impact of such programs and projects with regard to—

"(1) the effectiveness of such programs and projects in achieving their stated goals;

"(2) the impact of such programs and projects on related programs;

"(3) the impact of such programs and projects on efforts to link preschool and elementary school programs in order to maintain and enhance the continuity of a child's development;

"(4) the structure and mechanism of such programs and projects for delivery of services; and

"(5) the effectiveness of such programs and projects in narrowing the gap in successful educational performance between children from low-income families and children from non-low-income families.

Such review may be conducted only by persons who are not directly involved in the development, design, administration, or implementation of such programs and projects. Such report shall include comparisons with appropriate control groups composed of persons who have not participated in such programs and projects, including persons from non-low-income families. Such report shall be submitted to the President and the Congress not later than January 30, 1988.".

(b) Section 666(c) of the Follow Through Act (42 U.S.C. 9865(b)) is amended by striking out "evaluations" and inserting in lieu thereof "any evaluation".

TECHNICAL AMENDMENT

SEC. 204. Section 670 of the Follow Through Act (42 U.S.C. 9868) is repealed.

CHILD CARE INFORMATION AND REFERRAL

SEC. 205. The Follow Through Act (42 U.S.C. 9861-9868) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Child Care Information and Referral

"SHORT TITLE

"SEC. 670. This subchapter may be cited as the 'Child Care Information and Referral Services Act'.

"STATEMENT OF PURPOSE

"SEC. 670A. It is the purpose of this subchapter—

"(1) to make efficient use of available child care resources by creating models for centralized systems for matching families' needs for child care services with appropriate child care providers;

"(2) to document at the local level the availability of and demand for child care providers;

"(3) to facilitate an educated choice for parents, of appropriate child care services according to parental needs and preferences; and

"(4) to improve the quality and increase the number of child care providers by making information available on local needs and preferences for child care services.

"FINANCIAL ASSISTANCE FOR CHILD CARE INFORMATION AND REFERRAL SERVICES

"SEC. 670B. (a) The Secretary of Health and Human Services (hereinafter in this subchapter referred to as the 'Secretary'), through the Administration for Children, Youth, and Families, shall make grants to assist public or private nonprofit organizations to establish and operate community-based child care information and referral centers.

"(b)(1) Any community-based public or private nonprofit organization which desires to receive a grant under subsection (a) shall submit an application to the Secretary in such manner as the Secretary may require. Such application shall—

"(A) describe the manner in which the child care information and referral center involved will be established or operated, as the case may be;

"(B) describe the services to be provided by such center;

"(C) contain an estimate of the cost of establishing or operating such center, as the case may be; and

"(D) include such other information as the Secretary determines to be necessary to carry out the purposes of this subchapter.

"(2) The Secretary, in evaluating applications for grants under subsection (a), shall consider the demonstrated ability of applicants to provide child care information and referral services. Priority shall be given to applications for grants of less than $75,000.

"(3) Recipients of grants under subsection (a) shall be selected through a competitive process to be established by the Secretary. As part of such process, the Secretary shall announce publicly the availability of funds for such grants, the general criteria for the selection of grant recipients, and a description of the processes applicable to submitting and reviewing applications for such grants.

"(c) A grant may be made under subsection (a) to an applicant only if such applicant provides adequate assurances that—

"(A) such grant will be used solely for the establishment or operation, or both, of a child care information and referral center;

"(B) any such center for which such grant is made shall provide information to interested persons only with respect to providers of child care services that meet applicable State and local licensing and registration requirements; and

"(C) during the period for which one or more of such grants are made, such center shall obtain the following percentages of its projected budget through non-Federal sources of funding:

"(i) at least 25 percent in the first and second years;

"(ii) at least 50 percent in the third year; and

"(iii) at least 65 percent in the fourth and fifth years.

"(d) If one or more grants are made under subsection (a) to operate a child care information and referral center for a period of 5 years in the aggregate, then no applicant shall be eligible to receive a grant to be made under such subsection to operate such center after such period.

"REPORTS

"SEC. 670C. (a) Not later than December 31 of each year, each recipient of a grant made under section 670B(a) shall submit to the Secretary a comprehensive report on the activities, during the most recent concluded fiscal year, of the center for which such grant was made. Such report shall contain such information as the Secretary may require by rule.

"(b) Not later than March 1 of each year, the Secretary shall submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate a comprehensive report on the activities carried out under this subchapter during the most recently concluded fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 670D. There is authorized to be appropriated to carry out this subchapter $8,000,000 for fiscal year 1985, $8,400,000 for fiscal year 1986, $8,825,000 for fiscal year 1987, $9,275,000 for fiscal year 1988, and $9,725,000 for fiscal year 1989.

"APPLICABILITY OF PROVISIONS OF SUBCHAPTER B

"SEC. 670E. The provisions of sections 653, 654, 655, 656, and 657 shall apply to the administration of this subchapter.".

TITLE III—COMMUNITY SERVICES PROGRAMS

COMMUNITY SERVICES GRANTS AUTHORIZED

SEC. 301. Section 672(b) of the Community Services Block Grant Act (42 U.S.C. 9901(b)) is amended by striking out "1982" and all that follows through "provisions of", and inserting in lieu thereof "1983, $409,000,000 for fiscal year 1984, $429,500,000 for fiscal year 1985, $451,000,000 for fiscal year 1986, $473,500,000 for fiscal year 1987, $497,000,000 for fiscal year 1988, and $522,000,000 for fiscal year 1989 to carry out".

APPLICATIONS AND REQUIREMENTS

SEC. 302. (a) Section 675(c) of the Community Services Block Grant Act (42 U.S.C. 9904(c)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i)—

(i) by striking out ", for fiscal year 1982 only,",

(ii) by striking out "90 percent" and inserting in lieu thereof "85 percent", and

(iii) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)", and

(B) in clause (ii)—

(i) by striking out ", for fiscal year 1983 and for each subsequent fiscal year, not less than 90 per centum of" and inserting in lieu thereof "that portion of the",

(ii) by inserting "which remains after carrying out clause (i)" after "section 674", *(iii) by striking out "clause (1)" and inserting in lieu thereof "paragraph (1)", and*

(iv) by striking out "clause (3)" and inserting in lieu thereof "paragraph (3)",

(2) in paragraph (5)—

(A) by striking out "or the energy" and inserting in lieu thereof "the energy", and

(B) by inserting ", or the Temporary Emergency Food Assistance Act of 1983" before the semicolon, and

(3) by striking out the last sentence.

(b) Section 675 of the Community Services Block Grant Act (42 U.S.C. 9904) is amended by adding at the end thereof the following new subsections:

"(i) Whenever the State determines that a political subdivision of the State or a combination of political subdivisions within the State are not included in the designated geographic service area of an eligible entity, the State may use funds described in subsection (c)(2)(A)(ii) through an existing eligible entity to provide services under this subtitle in such subdivision or combination of such subdivisions. If it is not feasible to use an eligible entity for such purpose, then such State may establish a community action agency of the type specified, and in the manner provided, in section 210 of the Economic Opportunity Act of 1964, as in effect on August 12, 1981, to provide such services in such subdivision or combination of subdivisions.

"(j) The Secretary may waive for any State, upon application, the limitations of subsection (c)(2)(A)(ii) relating to eligibility to receive grants, if—

"(1) such State obtained a waiver of the limitations of section 138 of the Act of October 2, 1982 (Public Law 97-276; 96 Stat. 1198), relating to eligibility to receive funds appropriated for fiscal year 1983; and

"(2) such State submits, before the fiscal year for which a waiver is requested under this subsection, an application specifying the uses to be made by political subdivisions of such State of assistance received under this subchapter.

"(k)(1) For purposes of determining compliance with this subchapter the Secretary shall conduct, in several States in each fiscal year, evaluations of the uses made of funds received under this subchapter by such States.

"(2) The results of such evaluations shall be submitted annually to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on Labor and Human Resources of the Senate.".

ADMINISTRATION

SEC. 303. (a) Section 676(a) of the Community Services Block Grant Act (42 U.S.C. 9905(a)) is amended by inserting "who shall be appointed by the President by and with the advice and consent of the Senate" before the period at the end thereof.

(b) Section 676(b) of the Community Services Block Grant Act (42 U.S.C. 9905(b)) is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Secretary".

WITHHOLDING

SEC. 304. (a) Section 679(b) of the Community Services Block Grant Act (42 U.S.C. 9908(b)) is amended—

(1) in paragraph (2) by striking out "he" and inserting in lieu thereof "the Secretary", and

(2) in paragraph (3) by striking out "may" and inserting in lieu thereof "shall".

(b) Section 679 of the Community Services Block Grant Act (42 U.S.C. 9908) is amended by striking out subsection (d).

DISCRETIONARY AUTHORITY OF SECRETARY

SEC. 305. Section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended—

(1) by striking out "is authorized" and inserting in lieu thereof "shall",

(2) in subsection (2) subparagraph (E) by striking out "and" at the end thereof,

(3) by redesignating subparagraph (F) as subparagraph (G), and

(4) by inserting after subparagraph (E) the following new subparagraph:

"(F) a program of the type described in section 222(a)(2) of the Economic Opportunity Act of 1964, as in effect on August 12, 1981, to be known as 'Senior Opportunities and Services'; and".

COMMUNITY FOOD AND NUTRITION PROGRAM

SEC. 306. The Community Services Block Grant Act (42 U.S.C. 9001 et seq.) is amended by inserting after section 681 the following new section:

"COMMUNITY FOOD AND NUTRITION

"SEC. 681A. (a) The Secretary shall, through grants to public and private, nonprofit agencies, provide for community-based, local, and statewide programs—

"(1) to identify food and nutritional needs of low-income populations, especially high-risk infants and children;

"(2) to assist low-income communities to identify potential sponsors of children nutrition programs and to initiate new programs in underserved or unserved areas;

"(3) to coordinate existing private and public food assistance resources to better serve low-income populations; and

"(4) to increase public awareness of hunger and develop strategies to minimize dependence on emergency food assistance.

"(b) There are authorized to be appropriated $5,000,000 for the fiscal year 1985 and $5,000,000 for each of the four succeeding fiscal years to carry out this section, except that some funds shall be expended for programs for each of the purposes specified in paragraphs (1) through (4) of subsection (a).".

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. Section 683(b) of the Community Services Block Grant Act (42 U.S.C. 9912) is amended by striking out "1982, 1983, and 1984" and inserting in lieu thereof "1984, 1985, 1986, 1987, 1988, and 1989".

TITLE IV—NATIVE AMERICAN PROGRAMS

SHORT TITLE

SEC. 401. This title may be cited as the "Native American Programs Act Amendments of 1983".

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 402. (a) Section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended by adding at the end thereof the following: "Every determination made with respect to a request for financial assistance under this section shall be made without regard to whether the agency making such request serves, or the project to be assisted is for the benefit of, Indians who are not members of a federally recognized tribe. To the greatest extent practicable, the Secretary shall ensure that each project to be assisted under this title is consistent with the priorities established by the agency which receives such assistance.".

(b) Section 803(c) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(c)) is amended—

(1) by inserting "(1)" after "(c)", and

(2) by adding at the end thereof the following new paragraph:

"(2) No project may be disapproved for assistance under this title solely because the agency requesting such assistance is an Indian organization in a nonreservation area or serves Indians in a nonreservation area.".

ADMINISTRATION OF PROGRAMS

SEC. 403. Section 812 of the Native American Programs Act of 1974 (42 U.S.C. 2992b) is amended to read as follows:

"ADMINISTRATION; DELEGATION OF AUTHORITY

"SEC. 812. (a)(1) The general administration of the programs authorized in this Act shall remain within the Department of Health and Human Services and, notwithstanding any authority under any other law, may not be transferred outside of such Department.

"(2) The Secretary shall continue to administer grants under section 803 through the Administration for Native Americans. The Commissioner of such Administration may not delegate outside of the Administration the functions, powers, and duties of the Commissioner to carry out such section.

"(b)(1) Except as provided in subsection (a)(2), the Secretary may delegate only to the heads of agencies within the Department of Health and Human Services any of the functions, powers, and duties of the Secretary under this title and may authorize the redelegation only within such Department of such functions, powers, and duties by the heads of such agencies.

"(2) Funds appropriated to carry out this title, other than section 803, may be transferred between such agencies if such funds are used for the purposes for which they are authorized and appropriated.

"(c) Nothing in this section shall be construed to prohibit interagency funding agreements made between the Administration for Native Americans and other agencies of the Federal Government for the development and implementation of specific grants or projects.".

DEFINITIONS

SEC. 404. Section 813 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (3) by striking out the period and inserting in lieu thereof "; and", and

(2) by adding at the end thereof the following new paragraph:

"(4) 'Secretary' means the Secretary of Health and Human Services.".

EXPENDITURE OF AVAILABLE FUNDS

SEC. 405. Section 814 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking out "1981" and inserting in lieu thereof "1987",

(2) by inserting "(a)" after "SEC. 814.", and

(3) by adding at the end thereof the following new subsection:

"(b) Not less than 90 per centum of the funds made available to carry out the provisions of this title for a fiscal year shall be expended to carry out section 803(a) for such fiscal year.".

TITLE V—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 501. This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act or October 1, 1984, whichever occurs later.

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Kentucky (Mr. **PERKINS**) will be recognized for 20 minutes and the gentleman from Wisconsin (Mr. **PETRI**) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. **PERKINS**).

Mr. **PERKINS**. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 5145 extends for 5 years several programs of proven merit which are aimed at helping the least advantaged of our citizens. These programs have been carefully scrutinized by the Committee on Education and Labor, and the bill incorporates amendments proposed by both Democratic and Republican members of the committee.

The Head Start program would be extended for 5 years with an increase in the authorization of appropriations only sufficient to maintain the current services for that program. There is probably no more useful Federal program than this one which is aimed at helping poor children before they enter first grade. Head Start is currently funded at about $1 billion and this authorization would increase it to $1.3 billion in 1989.

The Follow Through program was meant to complement the Head Start program by providing extra assistance for poor children through their first 3 years of school. H.R. 5145 would extend this program for 5 years. If we do not enact this extension, the Follow Through program will be phased out this year as a result of Gramm-Latta.

The community services block grant would also be extended for 5 years. That program is currently funded at $352 million. This block grant was created in 1981 as a result of Gramm-Latta and is supposed to continue many of the services previously funded through the Economic Opportunity Act.

The Native American program was also created by the Economic Opportunity Act. This program would also be extended for 5 years.

H.R. 5145 also creates a modest new program dealing with improving information on child care services. With so many working mothers nowadays we must do whatever we can to assist them in finding the best day care programs for their children.

Let me emphasize that all of these programs, with the exception of this new child care information program, have been in operation for years and are recognized as being of provep merit. All we are doing in this bill is "fine tuning" these programs.

Some Members are concerned that we are bringing this bill under suspension of the rules. Ordinarily I would be pleased to seek a regular rule and have this bill fully debated and amended because I know that there is such strong support for it.

But let me remind my colleagues that we are well past the midway point in our session this year. We have already been in session 62 days and only have about 50 days left. In those 50 days we will have to do 11 appropriation bills, the immigration bill, the bankruptcy bill, and many other bills. I am afraid that if we do not pass this bill today we may not be able to get the time on the floor that we need to enact it. And, I would hate to see all these programs put under a continuing resolution which will lead to so much confusion in their administration.

Mr. Speaker, let me go into some more detail on this bill. We are here today to consider H.R. 5145 the Human Services Amendments of 1984. This bill authorizes appropriations for Head Start, Follow Through, the Community Services Block Grant, Child Care Information and Referral Act, and the Native Americans Program Act.

Title I of the bill reauthorizes the Head Start program for 5 additional years at $1,111,000,000 for fiscal year 1985; $1,167,000,000 for fiscal year 1986; $1,225,000,000 for fiscal year 1987; $1,286,000,000 for fiscal year 1988; and $1,350,000,000 for fiscal year 1989. Congress has currently appropriated approximately $1 billion for the Head Start program. These authorization levels merely allow for increases which will maintain the program at current service levels. Head Start has long been regarded as an effective program which provides educational, medical, and nutritional services to children ages 3 to 5 whose economic circumstances put them at an academic disadvantage. Numerous studies have shown that since this program began under the Economic Opportunity Act of 1965, we have made great strides in providing children with equal educational opportunity. These children now perform as well as their peers when they begin school. This means fewer grade retentions, fewer special education placements, lower absenteeism. It also means a rate of return on the dollar invested second only to medical school, according to the Perry preschool project's study of low-income children and their educational gains.

H.R. 5145 would continue to make improvements on this program in several ways. The bill requires that funding for training and technical assistance be maintained at no less than the fiscal year 1982 level; prohibits the use of Head Start funds in any combined discretionary fund; insures that all designated projects meet program and fiscal requirements; makes explicit the authority for Head Start programs to provide more than 1 year of Head Start services to children age 3 to the age of compulsory school attendance; and requires the continuation of child development associate training and resource access projects.

Title II of H.R. 5145 reauthorizes the Follow Through program for 5 additional years at $22,150,000 for fiscal year 1984; $23,000,000 for fiscal year 1985; $24,150,000 for fiscal year 1986; $25,350,000 for fiscal year 1987; $25,625,000 for fiscal year 1988, and $27,000,000 for fiscal year 1989. Follow Through is a federally sponsored education program which provides very high quality classroom instruction and services to disadvantaged children, like the Head Start program, as those children enter school.

H.R. 5145 would clarify the purpose of research and demonstration projects under the Follow Through program and would require that they be completed. The bill would also provide for a new comprehensive evaluation of Follow Through programs in regard to how effective these programs have been in narrowing the gap in successful educational performance between children from low-income families and children from non-low-income families.

Title II of H.R. 5145 would also establish the Child Care Information and Referral Services Act with the purpose of awarding grants and contracts to make efficient utilization of already existing child care services by creating models for centralized systems which would link families in need of child care with appropriate child care providers. This act would also serve to document the availability of and demand for child care providers at the local level and improve the quality and number of child care providers by gathering data which reflects local needs.

This act will be administered by the Secretary of Health and Human Services through the Administration for Children, Youth, and Families. There is authorized to be appropriated for this act $8,000,000 for fiscal year 1985; $8,400,000 for fiscal year 1986; $8,825,000 for fiscal year 1987; $9,275,000 for fiscal year 1988; and $9,725,000 for fiscal year 1989.

Third, title III under H.R. 5145 reauthorizes the community services block grant for 5 additional years at $409,000,000 for fiscal year 1984; $429,000,000 for fiscal year 1985; $451,000,000 for fiscal year 1986; $473,500,000 for fiscal year 1987; $497,000,000 for fiscal year 1988; and $522,000,000 for fiscal year 1989.

The community services block grant is the only specific Federal program designed as its primary focus to alleviate poverty. Community Action agencies under this program have, for 20 years served and supported rural and urban poor individuals. Local and

State initiatives under this program have aimed at getting people off welfare and into productive work.

H.R. 5145 would make several changes to this important program. The bill restores the senior opportunities and services program under the discretionary section of the act; restores the community food and nutrition program with a modest authorization level of $5,000,000 for fiscal years 1985 through 1989; maintains the existing laws for State waivers for those States in which 45 percent of their counties did not have Community Action agencies; and modifies the existing passthrough to Community Action agencies by reducing the required amount from 90 percent to 85 percent and requires the States to use a portion of the remaining funds whenever the State expands the service area of a Community Action agency to cover an unserved area within the State or to establish a new Community Action agency.

Finally, H.R. 5145 under title IV, amends title VIII of the Economic Opportunity Act of 1964, the Native American Program Act of 1964. The purpose of this title is to promote the goal of economic and social self-sufficiency for American Indians, Hawaiian natives, and Alaskan Natives through financial assistance, training and technical, and research demonstration and evaluation activities.

H.R. 5145 first of all would indefinitely extend the prohibition on the transfer of title VIII programs to agencies outside HHS. Second, the bill reaffirms the title VIII requirement that Native American programs are available to all types of Indian and Native American organizations eligible for assistance and that no potential grantee could be denied assistance solely on the basis of its status with respect to Federal recognition. Third, the bill requires that at least 90 percent of the available funds be used to support the development efforts and service programs of grantees directly with local Indians and Native American communities.

Mr. Speaker, these programs are important to thousands of children and adults throughout our country, most of whom are low income. It is imperative that we move swiftly here today to reauthorize these programs in order that individuals can continue to receive these much needed services. I strongly urge my colleagues on both sides of the aisle to vote for H.R. 5145.

□ 1250

Mr. Speaker, I would hope that everybody would vote for H.R. 5145. The chairman of the subcommittee that marked up this bill is over in France at the beachhead over there for a celebration that will take place in the next day or two. That is the reason that I am managing the bill on the floor.

I think you all know that IKE ANDREWS is not an individual that believes in throwing away one penny any time. It is my hope that everybody will support this legislation.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I rise in opposition to suspending the rules of this body for the consideration of H.R. 5145, the Human Services Amendments of 1984. The bill calls for 5-year reauthorizations of the Head Start, Follow Through, Community Services block grant and native Americans programs. H.R. 5145 also establishes a child care information and referral services grant program.

The objections that I have at this time, Mr. Speaker, are not directed toward the merits of those provisions which extend and make important changes in the popular and successful Head Start program. Nor do I wish to debate the pros and cons of those titles of the bill that would extend and increase the authorizations of appropriations for the Follow Through, Community Services Block Grant and Native Americans Act programs. Similarly, I do not, at this time, choose to discuss the features of the proposed new child care information and referral services grant program. In short, Mr. Speaker, the objections that I am raising today are not substantive but procedural in nature.

Generally speaking, reauthorization measures are the primary legislative vehicles for establishing overall policy direction. In the case at hand, we are, in effect, establishing the legislative parameters for five diverse social service programs through fiscal year 1989.

Moreover, we are committing ourselves to the investment of over $7 billion in Federal funds to provide the various services that are afforded through these programs to a host of vulnerable groups within our society.

Mr. Speaker, I find it most regrettable that the Democratic leadership has acquiesced and waived its own Democratic Caucus rule 38(B) and, in so doing, agreed to a major social services bill being considered under suspension of the rules—with debate limited to a total of 40 minutes. A quick nose count indicates that only a handful of our colleagues are present to participate in debate. More important than the limited time that can be devoted to, and the very few Members present for debate of the issues involved, is the fact that no Member of this House will have an opportunity to offer amendments to change the administration of, or the range or quality of benefits afforded to the hundreds of thousands of individuals participating in the various programs being reauthorized. In my judgment, Mr. Speaker, consideration of H.R. 5145 under the suspension procedure renders a disservice not only to program participants, and the taxpayers of this Nation whose tax dollars—in excess of $7.2 billion of these tax dollars are being earmarked in this legislation—but also to each and every Member on both sides of the aisle.

Traditionally we have reserved the Suspension Calendar for the consideration of noncontroversial measures that commit no more than $100 million of Federal funds in any given fiscal year. That is as it should be. The argument that the remaining legislative days are few is less than a compelling one justifying the waiving of a rule that makes good procedural sense.

In closing, Mr. Speaker, I urge my colleagues on both sides of the aisle who object to making a mockery of the rules of this body and a farce of the legislative process in which we have been entrusted to participate to join me in voting against suspending the House rules for consideration of H.R. 5145.

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding me this time.

Mr. Speaker, the policy, the procedure under which we bring this bill to the floor is, admittedly, somewhat unusual, but these past 3 years have seen unusual times for those for whom this bill is designed. Unusually difficult times. If we are to continue to assist those people that have been so battered by the last recession, we need to move now. This may be the last chance that this Congress has to reauthorize the legislation that these people so desperately need.

This bill will continue the efforts of the Follow Through program. This year, more than 30,000 children will be served by that program, and as my colleagues know, and as the parents of those children know, it is follow-through that assures that the success of Head Start continues.

This bill may be the last chance that this Congress has to include an important component which promotes the efficient linking of child care services to families in need of these services. The Child Care Information and Referral Act, as originally introduced by Representative MIKULSKI, will assist those families who depend upon child care for their economic survival.

This bill may be the last chance that this Congress has to pass the Community Services block grant reauthorization and maintain this country's commitment to its 35 million poor people. It may be the last chance that the Indian people have to see the reauthorization of the Administration of Native Americans Act.

Finally, it may be the last chance that this Congress has to reauthorize the Head Start program. My colleagues on both sides of the aisle understand the importance of Head Start, that Federal initiative which serves more than 425,000 American children.

□ 1300

The comparison between those children who attend Head Start and those who do not tell the story. Head Start children have higher achievement in school, are less likely to fail a grade, less likely to drop out of school, less likely to require special education.

And yet, my friends, only 18 percent of all the American children eligible for Head Start are included in this program. But this Congress ought not turn them down, and this bill may be the last chance we have in this Congress to help those Head Start children.

Mr. Speaker, I reserve for the chairman the balance of my time.

The **SPEAKER** pro tempore. The gentleman from Montana yields back 2 minutes.

Mr. **PETRI**. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. **ERLENBORN**. I thank the gentleman for yielding this time to me.

Mr. Speaker, let me just say that the two speakers on the other side of the aisle have said time is short and we really do not have time, it is getting near the end of this session, the other speakers saying this may be the last chance to pass these programs.

I find it so difficult to believe that they could stand on this floor of this Congress that has lurched along from one recess to the next, working sometimes 3 days a week, to say that we just do not have time to follow the legislative procedures that are the proper procedures to follow.

I cannot remember the last time we worked on a Monday or a Friday in this House. I cannot remember ever being in a Congress that has done so little and has devoted so little time to the legislative process. This is not a matter of us being jammed with work. How can they stand on this floor and tell us we do not have time and then we probably will not be working all of this week. We had no votes yesterday, no votes today. Members are not even in town. Last week we worked 3 days. The week before I do not think that we worked more than 2.

It is just difficult to believe that they can say that.

Mr. **PERKINS**. Mr. Speaker, I yield myself 1½ minutes.

I want to congratulate our distinguished colleague from Illinois for a wonderful political speech. As I understand the situation, the leader on the other side of the Senate wants to get out of here by July 1 and not come back at all.

Let me say to the distinguished gentleman that we are way ahead—way ahead—of the other body and I do not know where the House has been derelict. We worked here last week until 11 o'clock, 11:30 p.m. It is true enough we have gone home on Fridays as a general rule, and I would think the gentleman from Kentucky and the gentleman from Illinois both have participated in those trips home and have enjoyed them, working with their constituents, and so forth.

So I do not see where we are dilatory around here. We well know with this rush, getting near the end of the session, that we are not going to get a lot of these programs reauthorized unless we put them under suspension.

Here we have programs that are not controversial.

Mr. **ERLENBORN**. Mr. Speaker, will the gentleman yield?

Mr. **PERKINS**. I yield to the gentleman from Illinois.

Mr. **ERLENBORN**. I thank the gentleman for yielding.

Mr. Speaker, let me ask the gentleman, Did he inquire of the Speaker if he could find an hour in our busy schedule to debate this bill?

Mr. **PERKINS**. It is my information that we have already made an inquiry through the majority leader's office, and we could not get any absolute assurance that these programs would come up under an open rule at all. So time is of the essence here, and these programs are so familiar there should not be any objection to a suspension.

Mr. **PETRI**. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER.)

Mr. **WALKER**. I thank the gentleman for yielding this time to me.

Mr. Speaker, I found this discussion most fascinating, given the fact that on many, many days this year not only have we not been in session, but on many days we have been in session we have completed our business by 1 or 2 o'clock in the afternoon. I think I can safely predict that this afternoon we will probably complete our business by midafternoon.

It seems to me that when we are spending over $8 billion, $3½ billion over the President's budget, that we might be able to schedule an hour of general debate later on in this particular day and then allow us to have the regular amendment process go forward. I think most of us would be perfectly willing to debate this bill under the regular procedures of the House later on today, rather than have it come up under this kind of procedure.

This procedure is precisely why the American people are asking, "Where do the big spenders come from?" Well, here is an example of where the big spenders come from. They come from this kind of procedure that brings bills onto the floor that do not permit any kind of amendments, that do not permit us to act as the House would normally act on legislation.

Here is an $8 billion bill, $3½ billion over the President's budget, and the President's budget is constantly criticized on this floor as being $175 billion out of balance. I would say to this House that if you want to know where the big spenders are, the big spenders are out here on the floor bringing legislation to us in this kind of a manner.

I suggest that there are many programs in this bill that many of us would like to vote for, but we do not want to vote for them in a wholly irresponsible way that allows 20 minutes of debate on $8 billion worth of spending on each side of the aisle. That is wrong. The Members of Congress know that it is wrong.

I am sorry the majority leader refuses to guarantee the scheduling of this bill at an appropriate point during the session. I would suggest that we could have scheduled it later on today.

Mr. **WILLIAMS** of Montana. Mr. Speaker, will the gentleman yield?

Mr. **WALKER**. I would be very glad to yield to the gentleman from Montana.

Mr. **WILLIAMS** of Montana. I thank the gentleman for yielding.

Mr. Speaker, the gentleman makes a good point. The gentleman wishes we had an hour of debate. The point is that we have 40 minutes, so the gentleman wants 20 more minutes. The gentleman's side has already spent 10 minutes arguing about the merits of the policy when you really want to debate the merits of the bill. You should debate it.

The **SPEAKER** pro tempore. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

Mr. **PETRI**. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. **WALKER**. I thank the gentleman for yielding this additional time to me.

Mr. Speaker, I would simply say to the gentleman from Montana that it is not just the additional 20 minutes, as the gentleman knows. The gentleman also knows that during the regular procedures of the House we would be allowed to offer amendments. In some of the areas where we think that the spending of your authorizing committee has gone way out of line, where you have added on $3½ billion to the administration's request, it would give us the opportunity to offer amendments, responsible amendments, that would preserve good programs but yet would do something to cut back on the spending that the American people demand that we deal with.

The American people, in all honesty, are disgusted with $200 billion deficits. The gentleman from Montana knows that. The gentlemen on the other side of the aisle know that. They constantly talk about it on the floor.

The only way we have a chance to deal with those kinds of issues is to bring them to this floor and deal with them in a responsible amendment process. With this kind of action, with this kind of suspension of the rules, we are precluding that amendment process and thereby, it seems to me, precluding fiscal responsibility.

Mr. PERKINS. Mr. Speaker, I yield 30 seconds to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank the gentleman for yielding this time to me.

Mr. Speaker, I simply would not want to leave the misimpression that this bill is over the House-passed budget because it certainly is not. It is, of course, over the President's budget, but then, both Republicans and Democrats in both the Senate and the House have overwhelmingly rejected the President's budget because he attempts to cut spending on the backs of the poor and the lower middle income people, and no one, I hope, on either side of the aisle wants to do that.

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, as the ranking Republican member of the subcommittee having jurisdiction over this bill, I rise to oppose passing H.R. 5145 under suspension of the rules. This bill is simply too costly, complex, and controversial to consider under a gag rule that limits full debate and, more importantly, precludes any amendments.

Let me begin by saying that I do not oppose everything in this measure. Quite to the contrary, I enthusiastically support reauthorization of the Head Start program provided by H.R. 5145 and recognize much merit in other components of this omnibus human services legislation. That is why I believe that this bill should not now be considered under suspension. This body should have the opportunity to separate the wheat from the chaff in this legislation rather than simply be forced to vote the entire package up or down.

Three major concerns force me to recommend against suspending the House rules for consideration of H.R. 5145. Those concerns can be summarized as three C's—cost, complexity, and controversy:

First, cost: This bill authorizes appropriations of some $8 billion. As you know, the Democratic Caucus rules limit consideration under suspension to bills authorizing appropriations of $100 million or less. The measure now under consideration, therefore, exceeds this limit over eightyfold—you heard that right—by over 8,000 percent.

Now there is an obvious purpose for the $100 million limit that reaches to the heart of our duty as Members of Congress. We are entrusted with spending our constituents' tax dollars. That is a heavy responsibility. This major appropriation of public funds deserves closer scrutiny than is permitted here today. Let us defeat the motion to suspend and bring this bill back under an open rule.

Second, complexity: H.R. 5145 contains a wide variety of components. It reauthorizes and amends four different programs—community services block grants, Head Start, Follow Through, and the Native Americans Act. In addition, it creates a new child care information and referral services program. These programs deserve separate consideration through the amendment process. We cannot even properly discuss them in the few minutes afforded for debate today.

Beyond the sheer cost and complexity of this bill, H.R. 5145 contains many controversial features that merit full debate by this body through the consideration of amendments. Perhaps the most glaring such feature is its early reauthorization of the Community Services Block Grant Act. Since the Omnibus Reconciliation Act of 1981 authorized funding for the CSBG Act through September of 1986, no action need take place for 2 years to continue that program.

The volume of business the Human Resources Subcommittee had to deal with during this session, including the reauthorization of six major acts and the consideration of several important new proposals, did not permit a meaningful review of the CSBG program. In fact, only one subcommittee witness provided testimony on the issue of early reauthorization. I would like to offer an amendment to H.R. 5145 to avoid the premature reauthorization of the CSBG program so that my subcommittee and the Congress can conduct a more detailed review of this one-half billion dollar program. Unfortunately, the procedures used here today foreclose such an amendment.

My colleagues may discuss other controversial features in this bill that at least merit extended debate and the opportunity for amendment. Even if those amendments are defeated, we owe it to our constituents to consider them. I urge you to vote against suspending the House rules for passing H.R. 5145. I look forward to addressing the various components of this bill on their individual merits under an open rule later this month.

□ 1310

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 5145, the Human Services Amendments of 1984, which would extend the Head Start program, the Follow Through program, the community services block grant, and the Native American Programs Act for 5 years, and authorize the Child Care Information and Referral Services Act for 5 years.

The Head Start program has been an extremely effective program of early intervention which works with educationally at-risk children to prepare them for entry into the school system. Studies have shown that children of low-income backgrounds which participate in these programs do substantially better in school, and remain in school longer than their peers which have not enrolled in Head Start.

This year Puerto Rico will receive more than $37 million for the Head Start program, of which $9.5 million will be spent on centers in the San Juan area. In addition to programs run through the San Juan Department of Family Services, the Puerto Rico Office for Human Development supports 22 delegate agencies around the Island which serve over 11,000 children.

Mr. Speaker, I would also like to mention that Puerto Rico is proud to be the site for the 1985 National Head Start Conference, to be held in San Juan from April 25 to May 1, 1985.

The Follow Through concept is a strong, comprehensive child development system which effectively maintains and builds upon the gains that children from low-income families have made in Head Start and other quality preschool programs. Although relatively small in monetary terms, Follow Through provides access to innovative curriculum models which annually impact on more than 410,000 disadvantaged children. The network of local program, sponsor, and resource center works as a team to provide quality services to children, to demonstrate and disseminate effective practices, and to provide technical assistance to communities with educational practices.

Both Head Start and Follow Through have proven to effectively use Federal dollars to improve the opportunity for education for children from disadvantaged backgrounds, and as such deserve to be continued as a cornerstone in our war against poverty.

Mr. Speaker, I am also pleased to support the extension of the community services block grant program, which although limited in size has been a vital mechanism for improving life in low-income communities. In Puerto Rico, each community to be served determines priorities for use of these funds, and thereby succeeds in shifting funding to the most needy segments of our population.

I would like to commend my colleague IKE ANDREWS for his leadership role in developing this legislation, and as a cosponsor of the measure, urge my colleagues to vote in support of passage.

Mr. Speaker, I would like to respond briefly to a few of the comments that have been made against this bill under suspension.

First, the bill is neither costly nor controversial. In literally every case annual increases have been held only to about 5 percent over the previous year to allow for inflation and give Congress the option of maintaining this important program at the current level of service. It is difficult to understand how anybody can refer to this measure as controversial.

As a matter of fact, H.R. 5145 is a companion bill to the Senate committee bill, S. 2374, introduced earlier this year by the Senator from Vermont. That, too, contained a 5-year reauthorization and provided even more funds for the Head Start program.

If anything, H.R. 5145 should be viewed as a responsible measure of cost efficiency. While the $7 billion amount referred to around here appears to be a great deal of money, no mention was made of the fact that $6.2 billion of those $7 billion is for the Head Start program alone, and those expenditures are surely not controversial. Even the administration supports those expenditures, and H.R. 5145 only seeks to protect the Head Start program through rather modest amendments, most of which were contained in the Senate bill, S. 2374.

So what is controversial about this? Some say controversial measures are included in public programs, but we do not see that any controversy has been added. H.R. 5145 makes only modest amendments to Head Start, amendments to maintain current performance standards, amendments to maintain training funds for Head Start teachers, and amendments to clarify the program which should continue to be community-based. If that is controversial to anybody, then I am frightened for what they have in mind for Head Start.

In each instance the committee bill simply seeks to maintain the status quo. The point is made that H.R. 5145 is over the limit for bills being considered under suspension. That is true, but a waiver was sought and approved due to the general acceptance of these programs. That is what the waiver provisions are for, and they were used properly in this case.

Umbrage should be taken at any suggestion that a vote for this committee bill is in any sense a mockery of the legislative process. The practice of suspending the rules was always meant to be a means to expedite noncontested measures. That is precisely what we are doing under the Suspension Calendar this year, to expedite in a session that may be shorter, expedite the consideration of this legislation that has substantial support all over the Nation from both sides of the aisle.

The reauthorization of Head Start is noncontested. No one that I have heard has voiced public objections. The only objections to reauthorizing the community services block grant have been that it has been too early, but that is hardly a substantive objection. It was considered at hearings, and it was the consensus of most of the witnesses that it should be continued together. The Head Start community is strongly in favor since nearly two-thirds of local Head Start programs are sponsored by block-grant-supported agencies, and there was support for this.

So we have an important public program for poor children and their families which has been almost unanimously supported for the good that it does. Its biggest drawback has been that it was not capable of reaching more children and would carry enough authorization for only one of five eligible children that can be served.

So, Mr. Speaker, I finalize by saying that in a program that has done so much good for millions of poor children over the country, including many poor children in Puerto Rico and in the city of San Juan, where I have visited many of these Head Start centers and we can see what has been done for them in education and nutrition, giving them a real head start into education and schooling, I hope that by procedural objections we will not delay the consideration of this important legislation. Everybody supports it, and we can get it out of the way soon and pass it over for the other body to consider and not waste our time any longer in passing this bill. And, Mr. Speaker, I hope that it will have the support of all the Members of the House when it is voted on tomorrow.

The SPEAKER pro tempore. The time of the gentleman from Puerto Rico (Mr. CORRADA) has expired.

The gentleman from Wisconsin (Mr. PETRI) has 6 minutes remaining, and the gentleman from Kentucky (Mr. PERKINS) has 5 minutes remaining.

The Chair now recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield 3 minutes to the gentleman from the neighboring State of Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, we are considering H.R. 5145, the Human Services Amendments of 1984.

This is not a field in which I am expert, and I take the floor with some reluctance, but with gratitude to the gentleman from Wisconsin. The reason that I do so is not to discuss the substantive nature of the bill except in a very general way, but to make again a protest, which has proved to be frustrating and futile in the past, about the abuse of House procedures that we are being subjected to today.

We thought that there was an agreement that we would only take minor bills under suspension. It has been referred to often today that the Democratic Caucus has a rule saying that bills that exceed $100 million, which is a pretty loose rule, in my judgment, will not be put on the suspension calendar, and yet here we have a bill nearly $9 billion in scope over 5 years, which runs considerably ahead of the budget and which contains two new programs which I have heard very little mention of on this floor today and about which I suspect very few Members know a great deal.

□ 1320

This bill is brought to us simply because its centerpiece, and Head Start program, is one that is popular everywhere around the United States. All of us would like to vote. In my district, I know it is a good program, but we have wrapped it in adornments which probably could not be passed by themselves and the fact that it is very well being treated to what I consider to be an abuse of our rules.

I think the committee can do a better job. I think it can bring out these bills on their own merits.

My best judgment tells me that the committee is going to have a chance to do it, because I suspect this bill is not going to get the necessary two-thirds and if, in fact, it does fail, I also suspect that the Speaker will be able to find those hours we were talking about that we need to debate.

It is not just the time, Mr. Speaker. It is the need to test these programs and these proposals through the debate process, which is the heart and soul of the action of this legislative arena. Any time you bring out a bill under a rule that prohibits any amendment—any amendment, not friendly amendments, not unfriendly amendments, not improving amendments, not detracting amendments—any time you do that, you have an abuse of the process and you have a bill that has not been tested in the process.

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. PETRI. Mr. Speaker, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for his generous allocation of time.

Any time you prohibit the amendment process, you are probably going to bring out a bill which the members of this committee and the Members of this House are not going to understand fully. It will not have been tested in the process.

In addition, Mr. Speaker, we have been given 20 minutes on the minority and 20 minutes for the majority to discuss an $8 billion bill. That is not the worst record. We have done worse than that around here. Nevertheless, that is a pretty big piece of meat for this House to be talking about in 20 minutes. Many of our Members are home voting in primaries. A few of our Members are reliving memories 40 years old on the beaches of Normandy. We obviously have an almost empty House to discuss this $8 billion bill.

I regret very much that the distinguished chairman of this committee saw fit to bring the bill out in this way. I regret very much that I am not going to be able to vote for it and I regret very much my suspicions that the bill is going to fail. I think all the elements of this bill deserve better than this House is giving them. I am very sorry that I will have to vote no on this bill.

I yield the balance of my time.

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 5145, the Human Services Amendments of 1984. This vital legislation would extend the Head Start, Follow Through, and community services block grant programs for 5 additional years. It would also extend the Native Americans Programs Act for 3 years and authorize the Child Care Information and Referral Act through fiscal year 1989.

H.R. 5145 would authorize $1.1 billion in fiscal year 1985, $1.17 billion in fiscal year 1986, $1.23 billion in fiscal year 1987, $1.29 billion in fiscal year 1988, and $1.35 billion in fiscal year 1989 for the Head Start program. This vital legislation, which has proved so valuable to our Nation, would require that the Secretary of Health and Human Services administer this program through the Administration for Children, Youth, and Families in HHS. Most importantly it would require that funding levels for this program be maintained at no less than fiscal year 1982 levels, and would protect the integrity of the program by prohibiting the use of Head Start funds in any combined discretionary fund. Eligibility rules would also be preserved through this legislation.

The Follow Through program would also be continued through this legislation. This complementary program which builds upon the development gains made by economically disadvantaged children who have benefited from programs like Head Start. This bill also provides for a comprehensive evaluation of the Follow Through program in terms of its objectives in narrowing the gap in educational performance between children from economically deprived families and those from non-low-income families. The Follow Through program under this legislation would be provided with an authorization level of $23 million in fiscal year 1985, $24.2 million in fiscal year 1986, $25.4 million in fiscal year 1987, $25.7 million in fiscal year 1988, and $27 million in fiscal year 1989.

H.R. 5145 would also authorize a new child care information and referral services program, under the Department of Health and Human Services. This new program is designed to promote efficient use of available child care resources and would create models for locally based centralized systems, bringing together families needing child care services with those who provide the needed services.

This comprehensive legislation authorizes the community services block grant program and in doing so restores the senior opportunities and services program for low-income elderly citizens. The legislation restores the separate authority for the community food and nutrition program at a level of $5 million for each of the next 5 years.

Finally, this bill amends the Native Americans Programs Act of 1974 continuing the prohibition of the transfer of these programs to agencies outside of the Department of Human Services.

This legislation is vital to the health, education, and well-being of our Nation, its children and its senior citizens. This legislation seeks to meet the basic human needs of our citizens and addresses many of the severe problems confronting many of our citizens.

I urge all of my colleagues to support H.R. 5145, the Human Services Amendments of 1984.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of H.R. 5145, to Community Services Amendments of 1984. This bill would reauthorize the Head Start, Follow Through, and community services programs for another 5 years, providing for moderate yearly funding increases, and it would establish a program to provide child care information and referral services. The bill authorizes $1.1 billion for Head Start in fiscal year 1985 which would be increased to $1.35 billion by fiscal year 1989. The Follow Through program would similarly expand from $22.2 million authorized in fiscal year 1985 to $27 million by fiscal year 1989. Funding for the community services block grant program would also increase over the next 5 years.

There is conclusive evidence that the only way to eliminate poverty in our country endowed with an abundance of food and other natural resources, is to reach the families living in poverty and offer the new generations an opportunity to effectively compete in an increasingly complex society. Head Start, an experiment begun in the 1960's as a part of President Johnson's War on Poverty, is heralded today as the cornerstone education program for intervening in this syndrome of poverty. Eligible children and their families are provided essential health and social services in addition to the classroom activities, laying an educational foundation for future successes.

In Wayne County, a part of which comprises my congressional district, about 2,000 families are currently serviced directly by the Head Start program, and the lives of at least the same number again are vastly improved through contact with families served by the program. Because of the strong effort and commitment to the program in my district, 410 additional families will receive the Head Start services this year, as a result of their successful competition for further funding. I take great pride in their achievements. I am also sobered by the recognition that there are at least five times as many families who are eligible to receive these services but who cannot participate because of the limited funding.

The Follow Through program is intended to literally "followthrough" on developmental gains made by disadvantaged children in preschool programs like Head Start when those children enter public schools. Between 600 and 700 children are currently served in my district, and again, because of the community's recognition of its value, the program is stretched to encompass 10 percent more children than actually funded for.

The community services block grant program has also proven extremely successful in sponsoring State and local initiatives aimed at promoting economic self-sufficiency through support programs to individuals with low incomes.

Mr. Speaker, children who have been fortunate enough to participate in these programs have demonstrated its success by being less apt to fail a grade or drop out of school. Families who receive services strengthen their ties to the community and their resolve to raise themselves out of poverty. We cannot afford not to pass this important legislation to continue all programs which not only provide a way out of poverty but provide a way to realize individual potential. I urge my colleagues to join me in voting in favor of H.R. 5145.●

● Mr. ANDREWS of North Carolina. Mr. Speaker, I am pleased to speak in favor this morning of H.R. 5145, a bill to extend Head Start, as well as many of the programs authorized by title VI of the Reconciliation Act—the title dealng with human services programs. These programs are well known and enjoy strong bipartisan support—Head Start, Follow Through, the community services block grant, and programs for Native Americans. In addition, H.R. 5145 would provide new authority to develop child care information and referral services in local communities to assist parents in making optimum use of existing child care resources.

H.R. 5145 borrows rather heavily on the Senate Republican bill of the same title, S. 2374, introduced by Senator STAFFORD, along with a substantial number of other Republican and Democratic Senators. It has been our hope that H.R. 5145 would be viewed as a bipartisan companion bill and we have been pleased to be joined by nearly 70 bipartisan cosponsors.

The programs being reauthorized by H.R. 5145 were once legislatively located in the Economic Opportunity Act of 1964. They all make vital contributions to the well-being of the low incomed and their children. I am most pleased that we can continue to consider them together today as we have traditionally done in the past. They are traditionally and programmatically interrelated. For example, about 60 percent of the Head Start programs are sponsored locally by programs funded through the community services block grant. They all have in common the goal of giving hands-up to those in need rather than hand-outs.

Title I of our bill extends the Head Start program for 5 additional years. This program, as we all know, funds programs throughout the entire country, serving more than 400,000 children from low-income families. It provides a broad range of services including health, nutrition, social, and education services, which help bridge the gap in early childhood development for economically disadvantaged preschoolers.

Title II continues the Follow Through program. While not as large as Head Start, it still makes an important contribution. It is intended to literally, "followthrough" on developmental gains made by disadvantaged children in programs like Head Start when those children enter public schools.

Title III of H.R. 5145 reauthorizes the community services block grant program for 5 additional years. This is the only Federal program with the specific objective of poverty prevention and alleviation as its primary focus. There are surely other block grants, the social services block grant for example, but they do not address the needs addressed by the community services block grant. In the social services block grant legislation, for example, low income is not mentioned among eligibility criteria and the word "poverty" does not appear even one time. Those who suggest duplication can do so only out of a political expediency which is totally unrelated to the needs of the poor.

A new provision establishes the Child Care Information and Referral Services Act as proposed by Congresswoman MIKULSKI in H.R. 2242. The subcommittee held hearings on this bill during the last session and its content is incorporated into H.R. 5145.

H.R. 5145 also continues programs for Native Americans as administered through the Administration for Native Americans. The provisions in the committee bill were incorporated from H.R. 4468, the Native American Programs Act Amendments of 1983, introduced by my college, Congressman PAT WILLIAMS of Montana. This was also a bipartisan bill with 70 cosponsors which passed the committee without amendment before being incorporated into H.R. 5145.

In summary, H.R. 5145 should be noncontroversial and acceptable to all members. It is the companion to a Senate Republican bill upon which our effort is based. It has bipartisan support in the House and has been carefully considered during subcommittee and full committee deliberations. Most importantly, it continues programs which are vitally important to that segment of our Nation most in need and, in every instance, these programs seek to make their recipients more self-sufficient and less dependent on direct Government aid. I strongly urge favorable House consideration.●

● Mrs. VUCANOVICH. Mr. Speaker, today, this body will vote on H.R. 5145, the human services amendments which will reauthorize the Head Start program. I have consistently been a strong supporter of Head Start because I believe it is an extremely effective preschool program for low-income children. Research over the last decade has indicated that Head Start children have done better in school, and as a whole, have maintained their grade level, dropped out of school less, and required less special education programs than those children who have not been enrolled in Head Start. I strongly believe that this program should be continued and extended.

However, Mr. Speaker, H.R. 5145 also reauthorizes two other more costly programs, the Follow Through program and the community services block grant program. The community services block grant program is prematurely reauthorized for 5 years when it has been determined by this Congress to phase out this program within the next 2 years. H.R. 5145 also creates a totally new program, the child care information and referral services program.

I am disturbed that such costly and controversial legislation has been brought up for consideration under the Suspension Calendar. Historically, the Suspension Calendar has been used to expedite noncontested measures. Today, however, H.R. 5145 which authorizes over $7 billion in taxpayer dollars will not be amended to reflect the budget concerns of this House and the American people.

While I strongly support the Head Start program, I believe Members should have the opportunity to debate this bill and offer amendments which would reduce its funding levels. Head Start should not be subject to delays in funding merely because the leadership of this House wants to reauthorize controversial and costly programs without the benefit of a legitimate debate.

I urge my colleagues to defeat H.R. 5145 under suspension so that the bill can be brought to the House floor for debate and amendment.●

● Mr. GAYDOS. Mr. Speaker, 20 years ago, the Congress of the United States, recognizing that many young Americans were too far behind in their ability to learn by the time they started school, created the Head Start program.

This program, a part of America's war on poverty, gave many millions of American children a chance to enter school on a par with other children.

Each year, about 425,000 children take part in Head Start, a program which has enabled those children to reach higher levels of achievement and cut down on drop-out rates. Still, those 425,000 children represent only about 18 percent of those eligible to be involved.

Five years after the passage of Head Start, in 1969, we added the "Follow Through" program to insure that the early successes of Head Start would continue through the early school years—and this program, too, worked.

Today, we are talking about excellence in education. We are talking about the basics in education—reading, math and science.

We are concerned about the failures of our children.

With this bill, H.R. 5145, the Human Services Amendments of 1984, we have an opportunity to put our money where our mouths are.

Excellence in education is not new as an issue. For the past 27 years, America has been trying to define its education system. I am sure we can all remember the flurry in 1957 when the Soviet Union's Sputnik raised questions about America's ability to compete in the conquest of space.

So we concentrated our efforts on math and science.

In 1964, we realized that many children were having reading problems so we created new programs to deal with that. The two major efforts were the Elementary and Secondary Education Act—and Head Start.

In the 1970's, the buzz word was relevance, or what I call the "do-your-own-thing" education system. Everyone was encouraged to study what they believed was important to them, not necessarily what was best for them—or our country.

Today, we are concerned about the basics—reading, math and science.

Well, what could be more basic than the early years of school.

And that is where Head Start and Follow Through play the major role.

Yes, it will cost us something, but how do you put a price on the benefits to be gained? As the saying goes, "A mind is a terrible thing to waste." Can we afford to waste even one mind in our quest for educational excellence?

Who knows, one of those minds could be your child's, or your grandchild's?

America's greatest resource is its people. For more than 300 years, it has been the American people—first as colonists and later as Americans—who have brought this country from a wilderness to the greatest Nation in the world.

We cannot afford to ignore the importance of the opportunity we have by passing this bill. Let no one say we are given to wasting anyone's mind.●

● Mr. JEFFORDS. Mr. Speaker, I rise to add my support for the programs that are reauthorized by H.R. 5145. I must temper my support, however, because of the procedure being used to bring this bill to the floor. While recognizing the time pressure involved in this session of Congress and the necessity of reauthorizing these important programs, I would have preferred that this bill come to the floor with the opportunity for limited debate and amendments. In general, I feel that it is critical that Members have this chance when considering significant pieces of legislation such as H.R. 5145.

Head Start, Follow Through, and the predecessor of the Community Service Block Grant (CSBG) were all begun in the 1960's as part of the War on Poverty. In the State of Vermont, with a poverty rate of over 12 percent, this war is still being waged. The programs authorized in H.R. 5145 provide some of the main weapons being employed to aid our poor people help themselves. Whether it is early education, job training, nutritional assistance, or day care services, the long-range goal of these programs is to make participants and their families less dependent on Government assistance.

Two qualities of these programs make them especially worthy of support. First, the funds that are provided to community organizations and agencies act as catalysts for substantial non-Federal resources. For example, the CSBG allowed the Central Vermont Community Action Council to hire one part-time person to staff the Family Violence Shelter project which has grown to 35 volunteers and 9 residential sites. In fact, in this region of Vermont alone, over $155,000 worth of time, space, supplies, and other goods have been mobilized as a result of the CSBG funding.

The second quality I would like to mention is the flexibility of these programs to meet the unique needs of different localities. The Head Start program in Vermont is a fine example of this. While Head Start programs are usually provided through centers, the rural nature of Vermont favors a home-based approach. Not only does this flexibility allow the program to reach many more of the families in outlying areas of the State, but it also recognizes that parents are the primary educators of their children.

I would like to salute the people of Vermont who have made these programs successful, and encourage my colleagues to vote for this legislation which makes this success possible.●

● Mr. TOWNS. Mr. Speaker, I would like to take this opportunity to extend my support to H.R. 5145, the Human Services Amendment of 1984, which would authorize the Head Start and Follow Through program, the community block program for 5 years and the Native American Programs Act for 3 years.

Since its creation in 1965, the Head Start program has been recognized as one of the Federal Government's most effective social programs. Head start serves more than 425,000 children. Yet, as research indicates, only 18 percent of all economically eligible children can presently be involved. This fact alone stresses the need for the continuation of this vital program.

The Follow Through program, which would be reauthorized serves also a valuable purpose, in that, it is a positive reinforcement to those disadvantaged children who enter the public school system. It literally continues to monitor the progress of those who pass through Head Start.

Language in the bill does not alter the existing structure of Head Start but strengthens the present program and establishes a plan for reorganization. The funding structure prohibits the comingling of Head Start funds, with a combined discretionary fund. This measure further assures the continuation of the programs' effective implementation. The bill also establishes criteria for congressional control over eligibility standards for participation in the program. This, guarantees the involvement of Congress in the decisionmaking process.

These programs serve not only the immediate needs of the working parents in the community, but have long-range effects on the community as a whole, as they benefit and foster community spirit, in their concern for the educational well being of the children. Because of these important attributes, I urge you to act favorably on H.R. 5145. This will permit the Head Start program to continue its most important task, serving the community. H.R. 5145 also establishes a new program for child care information and referral within HHS. Local projects will be able to provide information on the availability of child care.

For all the above reasons, H.R. 5145 desires to be enacted despite the administration's announced opposition to this measure.●

● Mr. WYDEN. Mr. Speaker, I would like to commend Chairman IKE ANDREWS and the members of the House Education and Labor Committee who have worked to put together H.R. 5145, the Human Services Amendments of 1984, which was considered by the House of Representatives yesterday and will be voted on today.

The Head Start program has been extremely important to the residents of my home State of Oregon. The program has provided needed services for disadvantaged preschool age children all across Oregon, and the rest of the country. The educational, medical, and nutritional services provided by Head Start programs will help these children as they enter school and have to compete with other students who are more well off.

Though the Head Start program serves more than 425,000 children in the United States, it reaches only 18 percent of the preschoolers who are eligible. However, unlike some Federal programs we have seen which have grandiose goals when they are conceived, but little payoff at the finish line, the Head Start program has proved that it can go the distance and be enormously successful. The statistics show that disadvantaged youngsters who have had the opportunity to participate in Head Start are more likely to succeed in school than those who have not.

H.R. 5145 would extend this success another 5 years, with 5 percent increases annually to adjust for inflation and allow current services to remain constant. I believe this is a commendable, goal, and I urge my colleagues to support this legislation.●

● Ms. MIKULSKI. Mr. Speaker, I rise today to urge my colleagues to suspend the rules and pass H.R. 5145, the Human Services Amendments of 1984. This bill contains authorization for a child care information and referral services program, which I had originally introduced separately and which is part of the Economic Equity Act.

I am an orginal cosponsor of the Human Services Amendments and I am especially pleased by the inclusion of the Child Care Information and Referral Services Act.

This section establishes a grant program to fund referral services that will link families in need of child care with the already existing services in their area.

This program will accomplish three important goals. It will:

First, assist families in selecting child care appropriate to their specific needs;

Second, document the availability of and demand for child care services at the local level; and

Third, improve the quality and quantity of providers by gathering data on local needs and preferences.

My interest in child care referral services grew out of my knowledge of the excellent work of the Maryland Committee for Children.

The committee operates a service called "Locate." Basically, "Locate" is a child care information and referral service which uses computers to store data on child care providers and to match up parents' needs. It is exactly the kind of grassroots activity that this legislation would help fund.

The need for child care services in this country has been well documented. About 19.5 million children 13 years old and under live in families in which all parents present in the home work. Many of them—6.1 million—are under age 6. In addition, 4.3 million children 13 years old and under, including 1.3 million under age 6, live in one-parent families where the parent works.

This legislation will help these working mothers and fathers locate appropriate child care. The money is not available in existing programs.

Title XX programs are already stretched beyond an acceptable point in funding much needed social service programs and I am sure I do not have to describe for you the difficulty States are facing in meeting their existing budget.

While some clearinghouses have been established, like the one in Maryland, it will take this Federal initiative to assure that these needed services are available in all our States.

Today, and in the future, there will be many working parents, many single parents, and many children who need quality care for all or part of the day. This program will provide that care in the most efficient and productive way.

Although this legislation will not directly increase the supply of child care services, it will directly facilitate the efficient use of the existing supply. Further, it will indirectly encourage the expansion and upgrading of existing services.

This low-cost program, which maximizes efficiency and also encourages private sector expansion, is a much-needed solution to the problems that parents face in finding quality child care and that employers face in assisting their employees in such efforts.

I urge my colleagues to suspend the rules and pass H.R. 5145. Thank you.●

● Mr. MILLER of California. Mr. Speaker, I want to express my enthusiastic support for H.R. 5145, the Human Services Amendment of 1984.

By reauthorizing the Head Start program, this legislation renews our commitment to early childhood education and to a program that has historically enjoyed overwhelming bipartisan support and recognition in the Congress. The new provision of the Head Start reauthorization which guarantees grantees the security of funding from 1 year to the next is an important one. It will allow a Head Start program to serve a child for more than 1 year, insuring continuous quality early education.

The Select Committee on Children, Youth, and Families has heard repeatedly from educators, researchers and parents that Head Start works. Expert research provides the evidence that high quality preschool education for disadvantaged children results in fewer placements in special education, higher academic performance, higher high school completion, lower crime rates, and improved prospects for a better quality of life.

This bill's reauthorization requests are modest given what we know about the long-term cost savings of a preventive strategy. For every dollar invested in high quality preschool programming, such as Head Start, there is a $1 reduction in public special education costs. For every $1 invested, there is a $0.50 reduction in crime costs, a 25-percent reduction in welfare costs, and a $3 increase in lifetime earnings projections. Reauthorization of Head Start, one important component of this legislation, is an investment in the future of our children.

I also call special attention to sections of this legislation which authorize the Child Care Information and Referral Act. The intent of this legislation is to assist families in selecting child care that best meets their needs by establishing locally based centralized systems that link families with available child care resources. Such a system would also facilitate parental education to select the most appropriate child care.

The select committee spent its first year documenting the major concerns of children and families across the country. The need for child care emerged repeatedly in every State and city in which we held hearings. Moreover, it became overwhelmingly clear that child care can serve as a tool to reduce child abuse and juvenile crime, and to facilitate women's entrance into the work force. In response, the select committee has embarked on a major child care initiative for a new national discussion of child care options in the public and private sectors.

At the first hearing of the child care initiative in Washington, a prominent researcher told the committee that little or no national data exists to tell us how and where our children are cared for. This makes it increasingly difficult to plan for new services or establish new child care policies. In addition to linking families with child care services, the Child Care Resources and Referral Act will fill some of the gap by documenting at the local level the availability of and the demand for child care services.

At our first field hearing in Dallas, we learned that a barrier to expanded public/private partnerships in child care is a lack of awareness of need. A child care resource and referral network, which documents the need for additional child care services, is a vital first step for greater involvement by the private sector. This legislation, by establishing a data base, would provide an incentive for expansion of the limited supply of child care services.

The select committee learned about successful child care resource and referral services that not only link families and child care services, but also streamline communication and cooperation between the public and private sectors. City and State governments have established resource and referral services with the intent of promoting such efforts. But these efforts are too few and far between.

This is one low-cost Federal initiative that can maximize efficient use of the limited child care facilities that exist, while indirectly encouraging public and private sector approaches. Support and expansion of child care resource and referral is one important way we can begin to solve the national child care dilemma.

I urge my colleagues to join in support of its passage.●

● Mr. BROWN of California. Mr. Speaker, I rise in support of the Education and Labor Committee's authorization of several important education and social service programs. I commend my colleagues for their work on this legislation, which authorizes Head Start, Follow Through, child care information and referral services, the community services block grant, and the Native American Programs Act. While I endorse all these programs, I must express my special support for provisions which reauthorize and strengthen Head Start.

Head Start is one of the most widely recognized Federal programs for children. Head Start teachers and administrators emphasize direct parental involvement, strong community support, and deep commitment to helping families meet all their needs, whether through Head Start or other community agencies. According to the Children's Defense Fund, "Hundreds of studies conducted on Head Start since 1970 indicate that compared to other low-income children, Head Start children score better on standardized tests; achieve more in school and are less likely to fail a grade, drop out, or require special education classes; and are more likely to receive adequate medical care and to be of normal height and weight, with fewer absences from school due to illness and better performance on physical tests."

Mr. Speaker, with this kind of record, I think Head Start well deserves the 5-percent increase allowed in this legislation. Although some of us may prefer to have more time for debate and more flexibility for amendment, I urge support of this bill. Our Nation's children and families in poverty are depending on us.●

● Mr. MORRISON of Connecticut. Mr. Speaker, today we will be voting on an important bill, H.R. 5145, legislation which will affect over a half million children and continue our commitment to nearly 35 million poor people in this country. It is difficult for me to believe that the majority of my colleagues do not support Head Start, Follow Through and other important programs we are considering today. However, concern over the procedures under which this bill is being considered have dominated the debate and potentially threaten the smooth continuation of these vital programs.

My colleagues should know that passage of H.R. 5145 under suspension of the rules is not only correct but it makes good sense. Every effort was made to insure that H.R. 5145 meets the test for consideration under suspension of the rules. The bill is not a budget buster as some would claim, but sets reasonable limits consistent with the budget which will be subject to further checks on spending through the appropriations process. Waivers to the House caucus rules were sought and granted permitting us to consider this bill even though it exceeds the $100 million limit. And finally, the programs contained in this bill are not controversial and raise no issues of substantive concern. Mr. Speaker, there are only 50 legislative days remaining in this session and those days will be taken up by bills of certain disagreement and lengthy debate. The programs contained in H.R. 5145 deserve our support and should not be caught in the tangle of parliamentary rhetoric.

Mr. Speaker, I would also like to take this opportunity to give recognition to a special program in my own district, the New Haven Follow Through program. This program serves over 800 children in the inner city of New Haven and is a model educational program throughout the country. The program uses a multidimensional learning approach involving children and their parents in the educational process. A unique project, New Haven's Follow Through uses social studies, emphasizing the child's environment and the people in it, as the framework for the curriculum.

Parents are actively involved in their children's school life in a variety of ways. They are volunteers in the classroom, take an active voice in the schools as members of the policy advisory committee, and participate in activities that develop their own interests. Longitudinal studies have demonstrated the program's success showing that students participating in the Follow Through program score significantly higher in reading and math than non-Follow Through children. Most importantly, the gains made by Follow Through children are sustained throughout their educational experience. Mr. Speaker, I believe that the New Haven Follow Through program is a success story and exemplifies the goals of the national program. It has been recognized as a model demonstration project and approved by the U.S. Department of Education's Joint Dissemination and Review Panel for replication in other school districts. Requests for information about the New Haven program come from as far away as Texas and Colorado, they host over 30 separate visits from educators each year, and the New Haven model has been adopted by over 15 school districts in the States of Connecticut and Massachusetts.

Mr. Speaker, I believe that the New Haven Follow Through program typifies the quality and success of other programs which depend upon the legislation we are considering today. During a time when this Congress has expressed strong concern for excellence in education and making wise investments in this Nation's future, we must move quickly to support these programs and protect their continued work. I urge my colleagues to join with me in supporting the suspension of the rules and to favorable pass H.R. 5145 today.●

● Mr. BIAGGI. Mr. Speaker, I rise in strong support of H.R. 5145, the community services amendments of 1984 which extend the Head Start, Follow Through, and community services block grant program for an additional 5 years.

Mr. Speaker, there are few, if any programs besides these that are charged with the specific mandate to alleviate the problems posed by poverty in a significant fashion. The Head Start program—an experimental program begun during the 1960's as part of President Lyndon Johnson's "War on Poverty"—has grown into a successful national educational program of early intervention for the disadvantaged that has yielded measurable results. By all accounts, Head Start received strong, bipartisan support in this House and deserves our continued support through passage of this legislation. This bill authorizes $1.1 billion for the next fiscal year with modest yearly funding increases. Under this program, eligible children and their families will be able to continue to receive a floor of essential social and health services in addition to classroom instruction.

In addition to Head Start, H.R. 5145 also extends the equally as successful Follow Through program from $22.2 million in fiscal year 1985 to $27 million by fiscal year 1989. This program works to assure that the educational gains of children under Head Start are continued once these children enter public schools.

Finally, this legislation also reauthorizes the community services block grant which does not expire until next year. This block grant is but a mere skeleton on the programs formerly run through the Community Services Administration that was wiped out under the 1981 Budget Reconciliation Act. These programs also originated in the 1960's as part of our Nation's war against poverty and have been instrumental in supporting State and local initiatives aimed at promoting self-sufficiency to the poorest of our citizenry. Under H.R. 5145, the CSBG is authorized at $409 million in fiscal year 1984, $429 million in fiscal year 1985, $451 million for fiscal year 1986, $473.5 million for fiscal year 1987, $497 million for fiscal year 1988, and $522 million for fiscal year 1989. I believe these modest funding levels are essential if we are to be able to continue the work of the community services programs that have been working to eradicate poverty in this country for 20 years.

I am also pleased that this legislation incorporates a piece of the Women's Economic Equity Act by incorporating legislation introduced by our colleague **Barbara Mikulski**, H.R. 2242, establishing a child care information and services referral system. If we are serious about providing economic equity for women, we must provide them with the tools in order to achieve this. Today, at least one-half of the women in the work force are mothers and many more need to work, yet lack the ability to locate adequate child care facilities. Under this program, grants are awarded in order to provide efficient utilization of existing child care services by creating models for centralized systems that would link families in need of these services with the appropriate providers. This program would also serve to document the availability of and demand for child care providers at the local level and improve existing systems by gathering data which reflects the need. I believe this is a small, but significant step in providing removal of another barrier which prevents mothers from entering the work force.

This legislation also extends authorization for our Native American programs which will continue to assist American Indians, Native Hawaiians, and Alaskan Natives in promoting and achieving economic self-sufficiency.

In sum, Mr. Speaker, as a cosponsor of this legislation and a strong advocate for these programs, I urge my colleagues to join with us in passing this important bill which will assure that our Nation's 36 million citizens now living in poverty will continue to have a chance of being led from poverty into productivity and self-sufficiency.●

● Mr. CONTE. Mr. Speaker, I rise in support of H.R. 5145. I am aware that many of my colleagues on this side of the aisle oppose the bill on the basis of the procedure that is being used to bring the bill to the floor today. The suspension procedure requires two-thirds vote for passage, and limits debate to 40 minutes with no amendments permitted.

I am sympathetic to the concerns of my colleagues over procedure. But there is one thing that makes me lean the other way. As ranking minority member of the Labor/HHS Appropriations Subcommittee, I can tell you that there is probably no subcommittee as respectful of authorizations as the Labor/HHS Subcommittee. If a program is not authorized, we will not consider funding levels for the program, but will, if necessary, defer consideration and allow the program to continue at current levels on a temporary basis in a continuing resolution.

Unless we hurry up and reauthorize an important program like Head Start, that is exactly what is going to happen. As one who has been an ardent supporter of the program, who has fought to preserve the integrity and the funding of the program, I would be most disappointed if that happened.

H.R. 5145 would allow for growth in the Head Start program, and would give the Appropriations Committee room to at least assure Head Start was continued at its current operating level, with enough of an increase at least to cover inflation. If the reauthorization is not passed, that will not be possible. The program will most likely be frozen at its current level, which means that the amount of services the program provides will be cut back.

I am proud of our record on Head Start. Appropriations were at $735 million fiscal year 1980 and are at $995 million in fiscal year 1984. Total enrollment has grown. We are reaching more of the children who can benefit from the program, and that seems to me to be a very worthwhile accomplishment.

So, simply in order to assure that an authorization has a chance of passing before we take up the appropriation for the program, I will support the bill.

I also support the reauthorization of the Community Services block grant, and support the continuation of the important role that the community action agencies fulfill in providing basic services to the poor in our communities.

Finally, I support the Child Care Information and Referral Services Act, legislation which would make the child care system already in place much more efficient in meeting the child care needs of working families and their children.●

● Mr. BEREUTER. Mr. Speaker, today I will reluctantly vote in favor of H.R. 5145, because it contains several programs that I strongly support. I want to set the record straight, however, and make clear my objections to the procedure used by the leadership to "ram" this bill through the House.

This Member is outraged by the endless abuse of the suspension procedure. The Suspension Calendar is clearly not meant to deal with major reauthorization, new discretionary programs, or highly controversial measures. Some colleagues on the other side of the aisle claim that we do not have enough legislative time left to schedule these important measures. Since they are Members of the majority and since the Speaker controls the schedule, I suggest that they can find the time. It is easy to believe that the reason these measures were grouped together and scheduled on the Suspension Calendar was for the benefit of the liberal challengers from the other party. Who, after all, it will be contended, would be heartless enough to vote against little children, single mothers struggling to provide for themselves and their families, or the efforts of the most forgotten American minority to become self-sufficient?

Certainly, no one can dispute the fact that Head Start is one of our most important and effective programs. Just 2 weeks ago, this Member wrote to the Department of Health and Human Services regarding some proposed administrative changes that I felt would be damaging to effective Head Start operations both at the agency level and in individual programs throughout the country. In addition, this Member was an early cosponsor of the legislation to reauthorize the Follow Through program and keep its status as a separate categorical grant program. I long ago recognized that Follow Through naturally builds on Head Start efforts, and provides valuable information to educators and administrators wishing to insure quality education programs for disadvantaged children.

Finally, this Member was an original cosponsor of the Native American Programs Act, reflecting an ongoing commitment to promoting the economic self-sufficiency of Indian people. The Administration for Native Americans regularly returns $3 for every one Federal dollar to the economy. The value of their programs is clear to everyone.

Mr. Speaker and distinguished colleagues, this Member's support for these programs is obvious. I place a high priority on programs that make a difference in the lives of Americans who are fighting to educate their children or improve their economic positions. But such commitments and priorities become increasingly difficult to uphold when they are brought to the floor on the Suspension Calendar.

It is time to bring this outrageous procedure, this flagrantly inappropriate use of the Suspension Calendar into the open. I submit that this shabby nondebate, nonamendment tactic is a direct setup for partisan reasons; the public interest is not being served and neither is the reputation of this House as a deliberative body. It is an absurdity to think that 40 minutes is sufficient to debate an omnibus measure which authorizes $8.7 billion and is $3.7 billion over the President's budget request. The fact that the measure authorizes a brandnew discretionary program virtually without debate, and reauthorizes another program 2 years ahead of time makes a mockery of the system that claims to develop laws based on legislative hearings, consensus, and a free and open debate. The American people deserve a more dignified treatment of their concerns, and this institution should have more self-respect. My reluctant vote in favor of this bill today is a vote affirming the merits of three programs that are important to the people this Member represents, and to this Member himself. But it is time to call a halt to the use of the suspension procedure in this way, and to restore integrity to the process.

I challenge my colleagues in the other party to speak out against this irresponsible trend. We can make our allegiances clear, our priorities known, and our differences perceivable without defiling the legitimate debate procedures of this Chamber any longer. Whether we have the will do so remains to be seen.●

Mr. PERKINS. Mr. Speaker, we only have one additional speaker on this side. We reserve the balance of his time because we want to close debate and we will let the minority go first.

Mr. PETRI. Mr. Speaker, we have no further speakers.

The SPEAKER pro tempore. Does the gentleman yield back the balance of his time?

Mr. PETRI. Yes, Mr. Speaker.

Mr. PERKINS. Mr. Speaker, I yield the balance of the time, 5 minutes, to our distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, the late Hubert Humphrey, former Vice President of the United States, once said that the moral test of Government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick, the needy, and the handicapped.

Well, this is a bill that deals with them. Interestingly, I have not heard any criticism of the programs encompassed in this bill by those who have spoken against it today. It should be significant that they have not found anything that they can point to, to which they object in the legislation itself.

The gentleman from Wisconsin who just spoke said this Head Start program is a good program and, indeed, it is a good program. It is the method by which we have made it possible for hundreds of thousands of young Americans from disadvantaged homes, culturally deprived environments, to get an even footing with their fellow Americans. I do not know how anybody can find that objectionable.

As for the amount of money that is involved in the bill, yes, it is a 6-year reauthorization of existing programs. It is not as though we were creating new programs. All of us know what the programs are. We are extending them for a 6-year period and there are some $8 billion worth of total authorizations involved. The amount of money authorized for the coming fiscal year is $1,000,600,000.

Now, if we say that 40 minutes to debate a $1,000,600,000 annual program is inadequate, by multiplication and extension we just have to say that we did not spend enough time in the last 2 weeks debating a $167 billion proposal.

Now, the military expenditures which we authorized just last week did not consume 100 times the 40 minutes that we are devoting to this annual expenditure.

It has been argued that Members ought to have the opportunity to review this bill in order that they may offer specific amendments to it.

Now, I am advised that those amendments were offered in the committee and that they were rejected in the committee and that after those amendments had been rejected in the committee, the bill was reported unanimously on a voice vote. Democrats and Republicans both, a partisan unanimity, sent this bill to the floor.

It is those things to which we look when we decide whether to respond to a chairman's request that a bill be considered under suspension of the rules. We thought it relatively noncontroversial, and surely it should be noncontroversial.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. Well, I would yield to the gentleman, but I am responding to what the gentleman said and I did not ask him to yield to me when he was speaking.

Mr. ERLENBORN. The gentleman says no then?

Mr. WRIGHT. Let me just say this to the gentleman. When it is said that this bill breaks the President's budget, I think the gentleman knows full well that there is no such thing as the President's budget. There is a Presidential budget request which is sent annually to the Congress. The budget is that which is adopted by the Congress and I think the gentleman will agree, will he not, that these sums are fully included within the budget that was passed on April 5 by this House.

Now, they are in the budget that the House passed on April 5, are they not?

Mr. ERLENBORN. Will the gentleman yield?

Mr. WRIGHT. Yes; for a response to the question.

Mr. ERLENBORN. Yes; only for that?

Mr. WRIGHT. Well, the gentleman does not disagree, does he, that this is within the budget?

Mr. ERLENBORN. I really wanted to comment on the gentleman saying that there was no controversy because the bill was reported out of our committee on a voice vote.

I would say first to the gentleman that yes, this is within the House passed budget. It is some as I recall $3 billion over the President's budget request; but let me also say to the gentleman, there are procedures where the minority is asked if they agree to a bill being considered under suspension. That was asked in this case and the answer was no and I do not see how the gentleman can say that he was unaware that there was any controversy over the bill. It was reported on a voice vote. There was controversy in committee. Amendments were offered and defeated, but that does not mean we should deny to our colleagues on the floor the opportunity to consider those amendments.

Mr. WRIGHT. Well, I will reclaim my time and simply suggest that if there is that much controversy in this bill, it seems mighty strange to me that in the 20 minutes allotted to the opponents of the bill, they did not address themselves to any controversial feature of the bill, not one. They addressed themselves solely to the procedure.

The **SPEAKER** pro tempore. The time of the gentleman from Texas, the majority leader, has expired. All time, in fact, now has expired.

The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 5145, as amended.

The question was taken; and on a division (demanded by Mr. ERLENBORN) there were—ayes 9, noes 10.

☐ 1330

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CIVIL AERONAUTICS BOARD SUNSET ACT OF 1984

Mr. MINETA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5297) to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Aeronautics Board Sunset Act of 1984".

AMENDMENT OF FEDERAL AVIATION ACT OF 1958

SEC. 2. Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Aviation Act of 1958 (49 U.S.C. 1301 et seq.).

TERMINATION AND TRANSFER OF FUNCTIONS UNDER THE FEDERAL AVIATION ACT OF 1958

SEC. 3. (a) Section 1601(b)(1)(C) is amended by striking out "Justice" and inserting in lieu thereof "Transportation".

(b) Section 1601(a)(3) is amended by inserting after "Act" the following: "(other than section 204)".

(c) Section 1601(a) is amended by adding at the end thereof the following:

"(4) The following provisions of this Act (to the extent such provisions relate to interstate and overseas air transportation) and the authority of the Board with respect to such provisions (to the same extent) shall cease to be in effect on January 1, 1985:

"(A) Sections 401(l) and (m) and 405(b), (c), and (d) of this Act (except insofar as such sections apply to the transportation of mail between two points both of which are within the State of Alaska).

"(B) Section 403 of this Act.

"(C) Section 404 of this Act (except insofar as such section requires air carriers to provide safe and adequate service).

"(5) The following provisions of this Act and the authority of the Board with respect to such provisions shall cease to be in effect on January 1, 1985:

"(A) Sections 407(b) and (c) of this Act.

"(B) Section 410 of this Act.

"(C) Section 417 of this Act.

"(D) Sections 1002(d), (e), (g), (h), and (i) of this Act (except insofar as any of such sections relate to foreign air transportation).

"(6) Sections 412(a) and (b) of this Act (to the extent such sections relate to interstate and overseas air transportation) and section 414 of this Act (to the extent such section relates to orders made under sections 412(a) and (b) with respect to interstate and overseas air transportation) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(7) Sections 408 and 409 of this Act and section 414 of this Act (relating to such sec-

tions 408 and 409) and the authority of the Secretary of Transportation under such sections (to the same extent) shall cease to be in effect on January 1, 1989.

"(8) Sections 401(l) and (m) and 405(b), (c), and (d) of this Act (to the extent such sections apply to the transportation of mail between two points both of which are within the State of Alaska) shall cease to be in effect on January 1, 1989.".

(d) Section 1601(b)(1)(D) is amended by inserting after "transportation" the following: "(other than for the carriage of mails between any two points both of which are within the State of Alaska)".

(e) Section 1601(b)(1) is amended by adding at the end thereof the following:

"(E) All authority of the Board under this Act which is not terminated under subsection (a) of this section on or before January 1, 1985, and is not otherwise transferred under this subsection is transferred to the Department of Transportation.".

(f) Section 1601(b) is amended by adding at the end thereof the following:

"(3) The authority of the Secretary of Transportation under this Act with respect to the determination of the rates for the carriage of mails between any two points both of which are within the State of Alaska is transferred to the Postal Service and such authority shall be exercised through negotiations or competitive bidding. The transfer of authority under this paragraph shall take effect on January 1, 1989.".

TRANSFERS OF FUNCTIONS UNDER OTHER LAWS

Sec. 4. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Civil Aeronautics Board under the following provisions of law:

(1) The International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b).

(2) The International Aviation Facilities Act (49 U.S.C. 1151-1160).

(3) The Animal Welfare Act (7 U.S.C. 2131 et seq.).

(4) Section 11 of the Clayton Act (15 U.S.C. 21).

(5) Sections 108(a)(4), 621(b)(5), 704(a)(5), and 814(b)(5) of the Consumer Credit Protection Act (15 U.S.C. 1607(a)(4), 1681s(b)(5), 1691c(a)(5), and 1692l(b)(5)).

(6) Section 382 of the Energy Policy and Conservation Act (89 Stat. 939, 42 U.S.C. 6362).

(7) Section 401 of the Federal Election Campaign Act of 1971 (2 U.S.C. 451).

(8) Section 5402 of title 39, United States Code (to the extent such section relates to foreign air transportation and to air transportation between any two points both of which are within the State of Alaska).

(9) Sections 4746 and 9746 of title 10, United States Code.

(10) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b).

(b) The transfer of any authority under subsection (a) of this section shall take effect on January 1, 1985.

(c) The authority of the Secretary of Transportation under section 5402 of title 39, United States Code, with respect to air transportation between any two points both of which are within the State of Alaska shall cease to be in effect on January 1, 1989.

COLLECTION OF DATA

Sec. 5. (a) Section 329(b)(1) of title 49, United States Code, is amended to read as follows:

"(1) collect and disseminate information on civil aeronautics (other than that collected and disseminated by the National Transportation Safety Board under title VII of the Federal Aviation Act of 1958 (49 U.S.C. 1441 et seq.)) including, at a minimum, information on (A) the origin and destination of passengers in interstate and overseas air transportation (as those terms are used in such Act), and (B) the number of passengers traveling by air between any two points in interstate and overseas air transportation; except that in no case shall the Secretary require an air carrier to provide information on the number of passengers or the amount of cargo on a specific flight if the flight and the flight number under which such flight operates are used solely for interstate or overseas air transportation and are not used for providing essential air transportation under section 419 of the Federal Aviation Act of 1958;".

(b) The amendment made by this section shall take effect on January 1, 1985.

REPORTS

Sec. 6. (a) The Secretary of Transportation shall submit a report to the appropriate committees of Congress not later than July 1, 1987, listing (1) transactions submitted to the Secretary for approval under section 408 of the Federal Aviation Act of 1958, (2) interlocking relations submitted to the Secretary for approval under section 409 of such Act, and (3) the types of agreements filed with the Secretary of Transportation under section 412 of such Act, and, with respect to such transactions, interlocking relationships, and agreements, those that have been exempted from the operation of the antitrust laws under section 414 of such Act. The Secretary shall recommend whether the authority under such sections 408, 409, 412, and 414 should be retained or repealed with respect to interstate and overseas air transportation and with respect to foreign air transportation.

(b) The Secretary of Transportation and the Postmaster General shall each submit a report to the appropriate committees of Congress not later than July 1, 1987, describing how the Secretary and the Postmaster General have administered their respective authorities to establish rates for the air transportation of mail and setting forth the recommendations of the Secretary and the Postmaster General as to whether the authority to establish rates for the transportation of mail between points within the State of Alaska should continue to be carried out by the Secretary by regulatory ratemaking or by the Postal Service through negotiations or competitive bidding.

INCORPORATION BY REFERENCE

Sec. 7. (a) Section 411 of the Federal Aviation Act of 1958 is amended by inserting "(a)" after "Sec. 411." and by adding at the end thereof the following new subsection:

"INCORPORATION BY REFERENCE

"(b) Any air carrier may incorporate by reference in any ticket or other written instrument any of the terms of the contract of carriage in interstate and overseas air transportation, in accordance with regulations issued by the Board establishing uniform notice requirements concerning such incorporation by reference.".

(b) Section 411 of the Federal Aviation Act of 1958 is amended by inserting before subsection (a) (as designated by subsection (a) of this section) the following subsection heading:

"INVESTIGATIONS".

(c) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the center heading

"TITLE IV—AIR CARRIER ECONOMIC REGULATION"

is amended by striking out

"Sec. 411. Methods of competition."

and inserting in lieu thereof

"Sec. 411. Methods of competition.

"(a) Investigations.

"(b) Incorporation by reference.".

REFERENCES TO CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Sec. 8. Any reference in any law to a certificate of public convenience and necessity, or to a certificate of convenience and necessity, issued by the Civil Aeronautics Board shall be deemed to refer to a certificate issued under section 401 or 418 of the Federal Aviation Act of 1958.

MISCELLANEOUS AMENDMENTS

Sec. 9. (a)(1) Section 101(11) is amended to read as follows:

"(11) 'All-cargo air service' means the carriage by aircraft in interstate or overseas air transportation of only property or mail, or both.".

(2) Section 418(b)(3) is repealed.

(b) Section 1307(a) is amended by striking out ", after consultation with the Civil Aeronautics Board,".

(c) Section 11 of the International Aviation Facilities Act (49 U.S.C. 1159a) is amended in the second sentence by striking out "and the Civil Aeronautics Board" and by striking out "in collaboration with the Civil Aeronautics Board" and inserting in lieu thereof "in collaboration with the Secretary of Transportation".

(d) Section 2 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1159b) is amended by—

(1) striking out "the Civil Aeronautics Board," in subsection (a);

(2) striking out "Civil Aeronautics Board" and "Board" each time they appear in subsection (b) and the first sentence of subsection (d) and inserting in lieu thereof "Secretary of Transportation" and "Secretary", respectively;

(3) striking out "and the Department of Transportation" in subsection (b)(2); and

(4) striking out the last sentence in subsection (d) and inserting in lieu thereof the following: "The Secretaries of State and Treasury shall furnish to the Secretary of Transportation such information as may be necessary to prepare the report required by this subsection.".

(e) Section 5314 of title 5, United States Code, is amended by striking out "Chairman, Civil Aeronautics Board.". Section 5315 of title 5, United States Code, is amended by striking out "Members, Civil Aeronautics Board.".

(f) Section 3726(b)(1) of title 31, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation with respect to foreign air transportation (as defined in the Federal Aviation Act of 1958)".

(g)(1) Sections 3401(b) and (c) of title 39, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(2) Section 5005(b)(3) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in

lieu thereof "Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)".

(3) Section 5401(b) of title 39, United States Code, is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(4) Section 5402 of title 39, United States Code, is amended—

(A) by striking out "Civil Aeronautics Board" each place it appears and inserting in lieu thereof "Secretary of Transportation";

(B) in the first sentence of subsection (a), by inserting "in foreign air transportation" after "points";

(C) in the second sentence of subsection (a), by striking out "10 percent of the domestic mail transported under any such contract or";

(D) in the first sentence of subsection (b), by inserting "in foreign air transportation" after "points";

(E) in the first sentence of subsection (c), by inserting "in foreign air transportation" after "points"; and

(F) by adding at the end thereof the following new subsections:

"(d) The Postal Service may contract with any air carrier for the transportation of mail by aircraft in interstate and overseas air transportation either through negotiations or competitive bidding.

"(e) For purposes of this section, the terms 'air carrier', 'interstate air transportation', 'overseas air transportation', and 'foreign air transportation' have the meanings given such terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(f) During the period beginning January 1, 1985, and ending January 1, 1989, the authority of the Secretary of Transportation under subsections (a), (b), and (c) of this section shall also apply, and the authority of the Postal Service under subsection (d) shall not apply, to the transportation of mail by aircraft between any two points both of which are within the State of Alaska and between which the air carrier is authorized by the Secretary to engage in the transportation of mail. Not more than 10 percent of the domestic mail transported under any contract entered into under subsection (a) pursuant to such authority shall consist of letter mail.".

(h) Section 3502(10) of title 44, United States Code, is amended by striking out "the Civil Aeronautics Board,".

(i) Section 15(a) of the Animal Welfare Act (7 U.S.C. 2145(a)) is amended by striking out "the Civil Aeronautics Board" and inserting in lieu thereof "the Secretary of Transportation".

(j) Section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) is amended by striking out "the Civil Aeronautics Board".

(k) Sections 4746 and 9746 of title 10, United States Code, are each amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(l) Section 7 of the Clayton Act (15 U.S.C. 18) is amended in the final paragraph by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Commission, Secretary, or Board" and inserting in lieu thereof "Commission or Secretary".

(m) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(1) in subsection (a), by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" and by striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) in subsection (b), by striking out "Commission or Board" each place it appears and inserting in lieu thereof "Commission, Board, or Secretary"; and

(3) by striking out "commission or board" each place it appears in such section and inserting in lieu thereof "commission, board, or Secretary".

(n) The Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation" each place it appears in section 108(a)(4) (15 U.S.C. 1607(a)(4)), section 621(b)(5) (15 U.S.C. 1681s(b)(5)), section 704(a)(5) (15 U.S.C. 1691c(a)(5)), and section 814(b)(5) (15 U.S.C. 1692l(b)(5)).

(o) Section 3 of the Act entitled "An Act to encourage travel in the United States, and for other purposes" (16 U.S.C. 18b; 54 Stat. 773), is amended by striking out "the Civil Aeronautics Authority,".

(p) Section 47(a)(7)(C) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(q) Section 7701(a)(33)(E) of the Internal Revenue Code of 1954 is amended by striking out "Civil Aeronautics Board" and inserting in lieu thereof "Secretary of Transportation".

(r) Section 419(c)(1) is amended by striking out "416(b)(3)" and inserting in lieu thereof "416(b)(4)".

(s) Section 412(c)(2) is amended by striking out "subsection (c) of this section" and inserting in lieu thereof "subsection (a) of this section".

(t) Section 407(e) is amended by striking out the first sentence and inserting in lieu thereof the following: "The Board shall have access to all lands, buildings, and equipment of any air carrier or foreign air carrier when necessary for a determination under section 401, 402, 418, or 419 of this title that such carrier is fit, willing, and able. The Board shall at all times have access to all accounts, records, and memorandums, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers, foreign air carriers, or ticket agents. The Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine lands, buildings, equipment, accounts, records, and memorandums to which the Board has access under this subsection.".

(u) Section 105(a)(1) is amended by striking out "interstate air transportation" and inserting in lieu thereof "air transportation".

(v) The amendments made by this section shall take effect on January 1, 1985.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 10. (a) The personnel (including members of the Senior Executive Service) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the agency to which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated.

(b) In order to facilitate the transfers made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Civil Aeronautics Board and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Civil Aeronautics Board and the agencies to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

(c) The Chairman of the Civil Aeronautics Board and the Secretary of Transportation shall, beginning as soon as practicable after the date of enactment of this Act, jointly plan for the orderly transfer of functions and personnel pursuant to section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act.

EFFECT ON PERSONNEL

SEC. 11. (a) Employees covered by the merit pay system under chapter 54 of title 5, United States Code, who are transferred under section 10 of this Act to another agency shall have their rate of basic pay adjusted in accordance with section 5402 of such title. With respect to the evaluation period during which such an employee is transferred, merit pay determinations for that employee shall be based on the factors in section 5402(b)(2) of such title as appraised in performance appraisals administered by the Civil Aeronautics Board in accordance with chapter 43 of title 5, United States Code, in addition to those administered by the agency to which the employee is transferred.

(b) With the consent of the Civil Aeronautics Board, the head of each agency to which functions are transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act is authorized to use the services of such officers, employees, and other personnel of the Board for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

SAVINGS PROVISIONS

SEC. 12. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act from the Civil Aeronautics Board to another agency, and

(2) which are in effect on December 31, 1984,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The transfers of functions made by section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time such transfers take effect before the Civil Aeronautics Board; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if such sections 1601(b) and 4 had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if such sections 1601(b) and 4 had not been enacted.

(c) Except as provided in subsection (e)—

(1) the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if section 1601(b) of the Federal Aviation Act of 1958 and section 4 of this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Civil Aeronautics Board shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act. No cause of action by or against the Civil Aeronautics Board, or by or against any officer thereof in his official capacity shall abate by reason of the transfer of any function under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act.

(e) If, before January 1, 1985, the Civil Aeronautics Board, or officer thereof in his official capacity, is a party to a suit relating to a function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) With respect to any function transferred to another agency by section 1601(b) of the Federal Aviation Act of 1958 or by section 4 of this Act and exercised after the effective date of such transfer, reference in any Federal law (other than title XVI of the Federal Aviation Act of 1958) to the Civil Aeronautics Board or the Board (insofar as such term refers to the Civil Aeronautics Board), or to any officer or office of the Civil Aeronautics Board, shall be deemed to refer to that agency, or other official or component of the agency, in which such function vests.

(g) In the exercise of any function transferred under section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall have the same authority as that vested in the Civil Aeronautics Board with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Civil Aeronautics Board.

(h) In exercising any function transferred by section 1601(b) of the Federal Aviation Act of 1958 or section 4 of this Act, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

DEFINITIONS

Sec. 13. For purposes of this Act—

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5, United States Code; and

(2) the term "function" means a function, power, or duty.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. MINETA) will be recognized for 20 minutes and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to our very distinguished chairman of the full Committee on Public Works and Transportation, the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984. Enactment of this bill will bring significant benefits to the traveling and shipping public and the air carrier industry.

First, this bill will insure that consumers will continue to receive protection after January 1, 1985 in such areas as overbooking, denied boarding compensation, baggage liability, smoking, access for the handicapped, and charters. Without this bill some of these consumer protections will lapse, while others would be the subject of jurisdictional ambiguities which could render them totally ineffective.

Second, under this bill the Government will continue to have responsibility of determining that a new airline is fit before it inaugurates service. This will be an important protection for the traveling public and the industry since it will screen out persons who would be unscrupulous enough to not provide safe service, or who would not be financially capable of delivering the transportation they were offering the public.

Third, the bill shifts the power to grant antitrust immunity to airline industry agreements to the Department of Transportation. Under current law, the Department of Justice would receive this authority. DOT is better suited for this authority since they are more likely to take account of the transportation benefits of an agreement rather than focus strictly on antitrust implications. This change in the law, in my opinion, will make it possible for many of the agreements that facilitate the flow of passengers and baggage within the airline system to continue.

Finally, Mr. Speaker, this legislation has been the subject of thorough hearings at which we received testimony from all segments of the airline industry and the traveling public. There is near universal agreement that this legislation is necessary and desirable. I urge the House to adopt this measure.

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under existing law the Civil Aeronautics Board has already lost many of its regulatory authorities, it has shrunk to roughly half of its former size, and it is scheduled to go out of existence altogether on January 1, 1985. Most of its remaining authorities, having to do with such matters as international aviation and the essential air service program, will continue at other agencies, mainly at the Department of Transportation.

The Aviation Subcommittee has reviewed this situation in a series of hearings beginning in May 1983 and concluding in March of this year. We believe that for the most part existing law should continue to govern the sunset of the CAB. There are several areas, however, where we believe the absence of further legislation would abruptly deprive consumers of protection they now enjoy and expect.

Under existing law—primarily sections 404 and 411 of the Federal Aviation Act—there are regulations providing rules of the road to protect consumers and to guide carriers in their behavior. These include regulations regarding deceptive or unfair competitive practices, overbooking and denied boarding compensation, limitations on liability for lost or damaged baggage, protections governing the advance sale of charters, smoking, discrimination against the handicapped, and notice to passengers of terms and conditions in the contract of carriage. In our hearings we found that, unless we legislatively preserved the underlying authorities in sections 404 and 411, consumers would find themselves on January 1 abruptly without any of these regulations and without any agency they could turn to which had any regulatory or enforcement powers over these issues.

It was certainly clear to me, and I think to the other members of the committee, that the consumer would be in an untenable situation on January 1. I do not believe the consumer of airline services today considers himself or herself as coddled or overly protected by regulations. The regulatory protections consumers have today are fairly minimal. Yet on January 1 they would have none, and I do not believe they would be very happy about that.

This bill therefore explicitly retains the existing consumer protection authorities in sections 404 and 411 and transfers those authorities and the existing regulations to the Department of Transportation when the CAB sunsets.

We also found that the Board's existing authority under section 401 of the Federal Aviation Act to determine the fitness of carriers is an indispensible part of the Government's ability to protect the traveling public from unscrupulous or incompetent persons who might hold themselves out to the public as air carriers. CAB fitness determinations have traditionally looked into the carrier's general managerial competence, financial capability, and the past record of management with regard to compliance with laws and regulations. These CAB fitness determinations have provided the traveling public with an added protection from operators who might offer to sell a service they could not and would not actually provide, and has been used to keep elements of organized crime out of the airline industry.

We see no reason why that existing protection should be scrapped. Yet our hearings clearly established that without further legislation, these fitness determinations would cease. This bill therefore preserves the existing authority to make fitness determinations and transfers that authority to the Department of Transportation.

In sum, this legislation is designed to make the sunset of the CAB smooth and trouble free for the traveling public and for the airlines, and CAB sunset will be far smoother with this bill than without it.

The bill is a bipartisan product of our committee. A great many Members on both sides of the aisle played a part in its formulation, but I would like to mention in particular my colleague from Arkansas (Mr. HAMMERSCHMIDT), who was particularly instrumental in putting this bill together and who is, as the ranking minority member of the Veterans' Committee, at the D-day commemoration in Normandy today.

I also want to acknowledge that my colleague from New Jersey (Mr. FLORIO) has addressed this problem in similar legislation of his own. There are some differences in the two bills but their basic purpose is the same: to insure continued consumer protection after the sunset of the CAB. As a leader in the effort to insure that continued protection, he very graciously writes to me that he is pleased that H.R. 5297 is moving ahead and he hopes it will receive the prompt approval of the House. Mr. FLORIO's letter follows:

SUBCOMMITTEE ON COMMERCE,
TRANSPORTATION, AND TOURISM,
Washington, D.C., June 5, 1984.

Hon. NORMAN Y. MINETA,
Rayburn House Office Building,
Washington, D.C.

DEAR NORMAN: I understand that your bill, H.R. 5297, amending the Federal Aviation Act, will soon be considered on the floor of the House. H.R. 5297 terminates certain functions of the Civil Aeronautics Board and transfers other CAB responsibilities to the Department of Transportation. Among those functions transferred to DOT would be the responsibility for consumer protection, including protection in such areas as smoking, bumping, discrimination against the handicapped, and baggage handling.

I am writing to say that I am pleased that there is now a prospect for early passage of your bill with authority to continue these consumer protection safeguards. As you know, with the expiration of statutory authority for the CAB at the end of this year, the authority for existing CAB rules protecting consumers would expire. These protections are very important to the traveling public and it is imperative that they be preserved. While I have introduced my own bill, which takes a different procedural approach to this issue, the most important objective is to ensure continued consumer protection in the airline industry.

I commend you for successfully bringing this important measure to the floor and I hope that H.R. 5297 will receive the prompt approval of the House.

Sincerely,

JAMES J. FLORIO,
Chairman, Subcommittee on
Commerce, Transportation, and Tourism.

Mr. Speaker, I strongly urge the adoption of this legislation.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I am very pleased to yield to our very distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for yielding.

I would like to be sure that I understand the effect of this bill on air service to Love Field in Texas.

In the Aviation Safety and Noise Abatement Act of 1979 we included a provision to insure a fair and equitable settlement of the dispute over air service that had raged for many years in the Dallas/Fort Worth area, and the compromise in the 1979 act provided that only very limited and specifically described interstate air service will be allowed in and out of Love Field, and that all other interstate service would be provided out of the Dallas/Fort Worth Regional Airport.

I would like the gentleman's assurance that the pending will does not affect these provisions in the 1979 Aviation Safety and Noise Abatement Act, and that under your bill the authorizations and prohibitions on air service out of Love Field will continue to apply after the CAB sunset.

Mr. MINETA. Mr. Speaker, I can assure the very distinguished gentleman from Texas that the reported bill does not interfere with the Love Field provision in the 1979 act and in fact the reported bill will help insure that the 1979 provisions continue to be in force.

The provision in the 1979 act prohibits the Civil Aeronautics Board and the Secretary of Transportation from issuing any certificate or other authority authorizing interstate service at Love Field, with the exception of service specifically mentioned by that provision.

□ 1340

The bill now before us continues to provide for the issuance of certificates for interstate air service and this will help enforce the 1979 provision. The pending bill continues the requirement in section 401 of the Federal Aviation Act that an air carrier must obtain a certificate of fitness before it provides interstate air transportation, and it provides that the Department of Transportation will issue those section 401 certificates after sunset of the Civil Aeronautics Board. When it issues these certificates, the Department will be bound by all the existing requirements of the Love Field provision in the 1979 act.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for that clarification.

Mr. MINETA. Mr. Speaker, I am more than pleased to yield such time as he may consume to our very distinguished colleague, the gentleman from Michigan (Mr. STANGELAND).

Mr. STANGELAND. I would like to associate myself with the comments just made by the chairman of the Aviation Subcommittee, Mr. MINETA, and also assure my good friend and colleague, the distinguished majority leader, the minority of the Public Works Committee is in full accord with the proposition that that adoption of H.R. 5294 will insure that the Love Field provision will continue in full force and effect.

I thank the gentleman for yielding.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. STANGELAND) for 20 minutes.

Mr. STANGELAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also ask unanimous consent that immediately following my statement in the RECORD, a statement by the distinguished ranking member of the full Public Works Committee, Mr. SNYDER, and a statement by the distinguished ranking member of the Aviation Subcommittee, Mr. HAMMERSCHMIDT, be made a part of the RECORD.

The SPEAKER pro tempore. The Chair will inform the gentleman that will be covered under general leave for all Members at a later time.

Mr. STANGELAND. Mr. Speaker, I rise in support of H.R. 5297, the Civil

Aeronautics Board Sunset Act of 1984, and urge this body to adopt this important measure.

As my colleagues are aware, the Airline Deregulation Act of 1978 (ADA) set a timetable for the deregulation of the domestic airline industry. The Civil Aeronautics Board's authority to regulate domestic pricing and entry was gradually eliminated and today airlines have the freedom to charge what they want and fly wherever they want within the United States.

The ADA also provided that at the end of 1984, the CAB would sunset and those functions which were going to be retained would be transferred to other agencies. Although the Deregulation Act specified where most of the Board's functions would be transferred, some issues were not specifically addressed. For this reason, our committee felt it was particularly important to assure that those functions continuing after sunset would be explicitly transferred by statute, rather than left to the litigators and the courts to decide.

Mr. Speaker, the legislation we are considering today can best be characterized as a consumer protection bill, primarily because it would assure that those CAB regulations which have been adopted through the years to protect air travelers will continue after the Board sunsets. These regulations, as well as the general statutory authority to promulgate them, would be transferred to the Department of Transportation (DOT).

Examples of consumer-oriented regulations which the CAB has adopted, and which would transfer to DOT under the provisions of H.R. 5297, include those dealing with denied boarding compensation (commonly referred to as bumping), liability for lost or damaged baggage, protections for charter passengers, and upcoming rules relating to airline computer reservations systems.

I believe that DOT is the most logical place to transfer this authority—not only because of its expertise in air transportation matters, but also because existing law already provides that these same consumer functions will transfer to DOT for the small community air service and international aviation programs. Therefore, it certainly makes sense to lodge all of the CAB's existing consumer functions in one place at DOT. This will assure a coordinated approach to solving any problems which may arise and I believe air travelers would be well served by having DOT administer these important responsibilities.

Another of the bill's provisions would transfer to DOT CAB's existing authority to determine the fitness of domestic air carriers. As in the case with consumer protection, existing law already provides that this function will transfer to DOT for the small community air service and international aviation functions, and it is also sound policy to require DOT to conduct this inquiry for other air carriers involved in domestic air transportation as well.

In the exercise of its responsibilities to determine a carrier's fitness, the CAB examines applications submitted by individuals seeking to form an airline. The Board looks at issues involving a carrier's managerial ability, its financial condition, and its ability to comply with the various rules and regulations affecting its operations. Carriers who successfully meet the qualifications are issued certificates under section 401 of the Federal Aviation Act.

I believe this fitness function is extremely important—and probably even more so in today's deregulated environment than ever before. While there is nothing we can do to guarantee that existing carriers will not experience financial or other difficulties after they have been around a while, I think it is incumbent upon the Federal Government to do all it can to make sure that those seeking to start an airline possess at least a minimum level of financial fitness and managerial ability.

The bill accomplishes some other important objectives which should also be specifically mentioned. The CAB's authority over mergers, acquisitions, interlocking relationships, and agreements would also be transferred to the DOT, as well as the authority to grant antitrust immunity to these transactions in appropriate cases. However, the authority to grant antitrust immunity would expire on January 1, 1989—except for cases involving agreements affecting domestic air transportation—unless Congress believed, after evaluating a DOT report on the issue, that the public interest required DOT to retain this authority beyond that time.

H.R. 5297 would also assure that DOT would continue to collect airline traffic data, which is particularly useful to local airport operators and community planners, while assuring that all airlines required to provide this information will be treated in the same manner, regardless of their size.

Mr. Speaker, H.R. 5297 is an important piece of legislation and one which I believe is worthy of my colleagues support. Without it, airline passengers run the risk of losing many of the protections which the Board has enacted over the years to assure that they are fairly treated. Therefore, H.R. 5297 preserves this important authority, as well as the procompetitive policies embodied in the Airline Deregulation Act of 1978.

For the foregoing reasons, I urge my colleagues to support H.R. 5297.

Mr. MINETA. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in reluctant support of H.R. 5297. Reluctant, because I know that a clarification of the responsibilities to be divided among Federal agencies after the sunset of the Civil Aeronautics Board is necessary, yet increasingly concerned about whether those responsibilities, even after they have been clarified, will be met.

I have been and continue to be one who believes in airline deregulation. Contrary to the commonly held view, I believe that it will benefit all parts of our country, including even rural States like my own. In fact, in most parts of South Dakota, airline service is now better than it has been. There are more flights coming into and leaving our communities than ever before. In our larger cities, there are more airlines providing service. And in many others, commuter airlines have been a pleasant surprise.

But while this increased activity has been healthy, the Airline Deregulation Act was a misnomer if anyone suspected that it would end all regulation of this important industry. Continued regulation of certain aspects of the airline business has been and will continue to be immensely important to the public interest. Consumer protection, carrier fitness, airline acquisitions, interlocking arrangements, and foreign air travel matters will always be areas of responsibility to be held in large part by the Federal Government.

The sunset of the CAB has become symbolic of the deregulation scenario. If we abolish the regulations, it follows that we abolish the agency. But the symbolism overlooks the facts and the substance. The facts are that there will continue to be Government involvement. The facts are that there will continue to be a public interest in many of the regulatory matters pertaining to the airline industry. The facts are certain governmental agencies must continue to shoulder these responsibilities.

If these are the facts, we must then ask if those responsibilities are better carried out split among several large Federal departments including Justice and Transportation where they will become mere parts in a myriad of potentially overriding concerns of the day; or whether the continued role of the Federal Government in airline related matters can best be served by a single, small, nonpolitical agency responsive only to matters pertaining to this industry.

That question cannot be resolved here. The Congress has already provided its judgment. But this is an appropriate time to call attention to the need from time to time to reconsider that judgment. Perhaps there is no better time for us to put those agencies on notice that we will be watching, we will be waiting, and we will be ready to make whatever changes to see that the appropriate responsibilities of the Federal Government will be fully carried out.

Mr. Speaker, I thank the gentleman for yielding this time to me.

● Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to place in the RECORD my views in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984.

This legislation would assure the orderly phaseout of the Civil Aeronautics Board (CAB), which is now scheduled to go out of existence at the end of this year in accordance with provisions of the Airline Deregulation Act of 1978 (ADA). I believe that, if adopted, H.R. 5297 will assure that any problems associated with CAB's sunset will be minimized and that the transfer of some of the Board's current functions will be accomplished without any adverse effects on the traveling public.

As my colleagues are aware, the ADA provided for the transfer of many of the CAB's functions on January 1, 1985. Among these responsibilities are the administration of international aviation functions and the small community air service program, both of which are scheduled to transfer to the Department of Transportation.

However, the deregulation act did not specifically provide for the transfer of certain other CAB functions relating to domestic air transportation, such as jurisdiction over consumer protection, competitive practices, and fitness of air carriers.

Because I believe that the traveling public must continue to receive the same level of protection that it has come to rely upon over the years, H.R. 5297 assures that these important responsibilities will not be eliminated. In addition, it also consolidates within DOT virtually all of the transferring CAB functions, thus avoiding the confusion and inefficiencies which would undoubtedly occur if these responsibilities were dispersed among different Federal agencies.

First, the bill would transfer the CAB's existing authority to regulate unfair and deceptive practices and unfair methods of competition to the Department of Transportation (DOT). This authority, continued in section 411 of the Federal Aviation Act, has been used by the CAB to adopt consumer protection regulations on denied boarding compensation, baggage liability, notice to passengers about the terms of carriage and protections for charter passengers. In addition, the CAB has recently issued rulemaking proposals relating to airline computer reservations systems used by travel agents, and final rules are expected to be adopted in the near future.

The legislation also transfers CAB's existing authority in section 404(a) of the Federal Aviation Act to the DOT. This section provides the authority to regulate in other consumer-related areas and is the basis upon which the Board has issued regulations dealing with smoking aboard aircraft and transportation of handicapped passengers.

Second, the bill would transfer CAB's authority to determine a carrier's fitness to the DOT. Although the domestic fitness function was not specifically transferred by the Airline Deregulation Act, I believe it is important that the thorough inquiry now conducted by the CAB be continued after sunset. With the entry of many new airlines into the system, it is extremely important that we assure the traveling public that carriers will be adequately prepared to undertake their responsibilities. Accordingly, the legislation would require DOT to perform this function and to continue issuing separate certificates under section 401 of the act.

Third, the bill transfers to DOT the CAB's authority to approve mergers, interlocks and agreements, as well as the authority to grant antitrust immunity to these transactions in appropriate cases.

I believe DOT's expertise in air transportation makes it particularly well equipped to exercise this authority. For example, sections 408 and 412 specifically require that, in determining whether certain mergers or intercarrier agreements should be approved, the transportation benefits which would be provided must be balanced against the possible anticompetitive effects involved. Because I believe that DOT would be in the best position to evaluate these often competing considerations, the bill transfers these provisions to DOT.

Mr. Speaker, this legislation results from numerous hearings which we have conducted on the economic issues associated with airlines deregulation. As a result of this thorough inquiry, I firmly believe that adoption of this bill is essential if we are to have an orderly phaseout and transfer of the CAB's functions.

While the Board's disappearance will close another chapter in this country's movement toward a deregulated air transportation system, we cannot overlook the fact that the traveling public and the aviation community will continue to expect that the Federal Government will be able to respond to any problems which may arise. Therefore, we must assure that the authority is in place to carry out these important responsibilities and that they will be administered by an agency with demonstrated expertise in air transportation issues.

Mr. Speaker, I am confident that H.R. 5297 accomplishes these objectives and, for these reasons, urge my colleagues to support it.●

● Mr. SNYDER. Mr. Speaker, I rise in support of H.R. 5297, the Civil Aeronautics Board Sunset Act of 1984, and would like to commend both the distinguished chairman and ranking member of the Subcommittee on Aviation for their leadership in bringing this bill to the floor.

With CAB sunset scheduled to occur at the end of this year, the Subcommittee on Aviation conducted a series of extensive hearings on the effects of airline deregulation and reviewed many legislative proposals to assure the smooth and orderly phaseout and transfer of the Board's functions. The vast majority of those who testified believed that deregulation has provided the basic framework for creating a more efficiently operated industry and one which will be better equipped to respond to the future demands of air travel.

Although the Airline Deregulation Act of 1978 set the basic timetable for phasing out or transferring the CAB's statutory authority, it did not specifically address what would happen to certain other Board functions, such as consumer protection, unfair trade practices regulation, and domestic carrier fitness certification.

Although it is the administration's position that each of these functions can be transferred to the appropriate agency without legislation, I believe the public interest would be best served if these functions were explicitly transferred to the Department of Transportation rather than left to the courts to decide, after protracted litigation, just what Congress really meant to do.

Perhaps the most important issue which H.R. 5297 addresses is the CAB's authority to regulate unfair and deceptive practices, unfair methods of competition, and other consumer-related areas as well. Regulations issued under these provisions include overbooking and denied boarding compensation, liability for lost or damaged baggage, protections governing the advance sale of charters, notices to passengers and proposals relating to computer reservations systems. In addition, the Board also regulates smoking aboard aircraft and prohibits discrimination in the transportation of handicapped passengers.

Unless we act to preserve the authority contained in these sections, consumers would likely find themselves without any agency to regulate in these areas. Because we believe that the protections which exist today for airline passengers are essential and must be continued, H.R. 5297 would retain the existing CAB rules, as well as the Board's underlying statutory authority, and transfer them to DOT at sunset.

In addition, the bill would continue the domestic fitness determinations as they are now performed by the CAB under section 401 of the Federal Aviation Act. These determinations, which are in addition to the safety certification function performed by the FAA, involve checking a carrier's managerial competence, financial resources, and most importantly, the likelihood that they will comply with the appropriate laws and regulations. These inquiries have provided the traveling public with added protection by assuring that an extensive investigation into a new carrier's background will be conducted before an airline can hold itself out to the public as a common carrier.

Mr. Speaker, the legislation before us today makes few substantial changes in the provisions of the original Airline Deregulation Act of 1978. Rather, it continues those policies which resulted in the economic deregulation of the airline industry and at the same time preserves those provisions which are necessary to assure that the traveling public will continue to be protected as they are today. Moreover, the bill has widespread support throughout the aviation community and both industry and consumer groups have urged its adoption.

For the foregoing reasons, I urge my colleagues to support this legislation.●

Mr. MINETA. Mr. Speaker, I have no further requests for time.

Mr. STANGELAND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MINETA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Mineta) that the House suspend the rules and pass the bill, H.R. 5297, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1350

A QUESTION OF TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Walker) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I do not intend to take the 60 minutes. I simply want to take a little time here to point out that we are finishing up legislative business here this afternoon at 1:50 in the afternoon. That means that we have worked for an hour and 50 minutes.

I point that out simply to point out the absurdity of what we were told in House debate here earlier today. In the House debate earlier today we were told that we could not debate an $8½ billion bill under the regular procedures of the House because there simply was not time in this legislation session to do it.

Well, here we are. We are finishing up after less than 2 hours of time being taken in this legislative day. There are at least 3 to 4 hours in a typical workday of most Americans left to us yet today that we could have been taking up that bill under the regular legislative procedures and we are not going to do it.

Now, I think that the American people have got to begin to evaluate what it is they are being told on this floor. The other day there was criticism made of me for taking a point of personal privilege in the course of the day because we simply did not have time to consider such matters because we had important legislation. And here we are, quitting at 1:50 in the afternoon.

I would suggest that the American people need to analyze just what this House has been doing and just what kind of silly arguments are being made on a regular basis on this floor to justify doing things that are not in the best interests of this country or of the American people.

I point specifically to the fact that we had an $8½ billion bill, $3½ billion over the President's budget, on the floor today, that we were told we had to take up in the fashion in which we did, without amendment, without any chance for consideration under the 5-minute rule because the Congress did not have time to consider it otherwise.

I think the fact that we are stopping here at 1:50 in the afternoon makes it very plain that we do indeed have time, that that is a sham, and that we are seeing a sham perpetrated under the House rules on a regular basis.

THE NATIONAL LOW-INCOME HOUSING COALITION AGENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Coyne) is recognized for 5 minutes.

● Mr. COYNE. Mr. Speaker, later this month, delegates to the Second National Conference of the National Low-Income Housing Coalition will meet in Washington to develop an action plan for a people-oriented housing policy.

The topics the conference will consider are those which we in the Congress must debate: Vouchers versus section 8 existing housing, shelter for the homeless, antidisplacement strategies, production of new rental housing, and the prevention of abandonment in public housing.

The advice of the National Low-Income Housing Coalition has always proved helpful to those of us on the House Housing and Community Development Subcommittee when we draft changes in our housing laws. I know that the ideas that come from this conference will prove useful to us as we address continuing problems.

At this point, I would like to include in the Record the basic recommendations of the National Low-Income Housing Coalition, recommendations from which specific proposals for action can be expected.

Basic Recommendations of the National Low-Income Housing Coalition

1. Make Housing Assistance an Entitlement for All Who Need It.—An adequately funded entitlement, income-based housing assistance program is essential to enable low income people to obtain decent housing at costs they can afford. We propose housing allowances recognizing that they must be coupled both with increases in the housing supply and with changes in housing ownership and management, which we address in other portions of this statement.

2. Provide an Adequate and Affordable Supply of Housing.—Federal housing programs should support the preservation, construction or rehabilitation of an adequate and affordable supply of housing to meet the needs of low-income people and to maintain the quality and viability of neighborhoods. Until low income housing needs are met, at least 750,000 additional units of assiated housing for low income people should be added to the inventory each year.

3. Retain and Improve the Present Housing Stock to Provide Decent Housing for Lower Income People.—Our existing housing stock is a valuable national resource that must not be allowed to deteriorate. The ownership of housing should be regarded as a public trust, and all owners should have the responsibility to keep their units occupied and in decent condition. The federal government has a special responsibility to see that units which it owns or assists are maintained in viable condition and retained for low income occupancy.

4. Provide Resident Control of Housing through a Strong Role for Tenant Organizations, Limited Equity Cooperatives, Community-Based Housing Groups, and Home Owners.—Housing is an essential part of the basic fabric of our communities and neighborhoods. To a large degree, our housing affects the nature of our family and community life. Control of one's housing provides a sense of security that can be provided in no

other way. Therefore, federal housing programs should foster a variety of approaches to resident control over housing, including genuine tenant participation in decision-making, ownership of housing by community-based, nonprofit organizations, limited equity cooperatives, and individual home ownership.

5. End Displacement of Low Income People.—Displacement of low-income people by either public or private action or inaction should be ended. Under no circumstances should people be forced to leave a neighborhood where they wish to remain. When displacement from a particular unit cannot be avoided, alternative housing should be provided nearby, in the same block whenever possible. Until this objective is achieved, federal policies and programs should provide immediate and adequate protection for people threatened by displacement.

6. Strengthen and Enforce Fair Housing Laws and Equal Opportunity Requirements.—To protect against discrimination in housing, the present federal fair housing law must be aggressively enforced and strengthened to provide for effective administrative enforcement procedures, and expanded to protect persons with disabilities and families with children. Housing choices for low income families must be geographically expanded, especially in relationship to job opportunities.

7. Reform Federal Tax Laws to Reflect Priority for Aiding People with the Greatest Housing Needs.—The enormously costly and inefficient housing subsidies that are now provided through the tax code should be changed to direct them where they are needed and productive. Mortgage interest and property tax deductions should be converted to tax credits, and the amount of these credits should be capped at a level which will protect low and middle income home owners while curtailing subsidies to people who do not need them to obtain affordable housing. The additional revenue obtained by doing this should be used to meet low and middle income housing needs.

8. Provide the Financing Needed to Preserve, Build, and Rehabilitate Housing.—Monetary and credit policies should be shaped to provide reasonable financing costs for housing and limit credit-related fluctuations which increase the costs, prices, and rents of all housing. Affordable property insurance and affordable financing for the purchase, renovation and improvement of housing should be available in all neighborhoods, without discrimination of any kind.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KASTENMEIER (at the request of Mr. Wright), on June 5 and 6, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Hansen of Utah) to revise and extend his remarks and include extraneous material:)

Mr. Craig, for 60 minutes, on June 20.

(The following Members (at the request of Mr. Daschle) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. AuCoin, for 5 minutes, today.

Mr. Coyne, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hansen of Utah) and to include extraneous matter:)

Mr. Moorhead.

Mr. Williams of Ohio in two instances.

Mr. Clinger.

Mr. Young of Florida.

Mr. Marriott.

(The following Members (at the request to Mr. Daschle) and to include extraneous matter:)

Mr. Frank.

Mrs. Burton of California.

Mr. Hamilton.

Mr. Ottinger.

Mr. Aspin.

Mr. Jones of North Carolina.

Mr. Vento.

Mr. Erdreich in two instances.

Mr. Fazio.

Mr. Udall.

Mr. Roe.

Mr. Ford of Michigan.

Mr. Durbin.

Mr. de la Garza.

Mr. Levine of California.

Mr. Scheuer.

Mr. Leland.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 4, 1984 present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 5287. An act to amend title III of the Higher Education Act of 1965 to permit additional funds to be used to continue awards under certain multiyear grants;

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans;

H.R. 5308. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.J. Res. 487. Joint resolution to designate June 6, 1984, as "D-day National Remembrance."

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 6, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3460. A letter from the Architect of the Capitol, transmitting his semiannual report on expenditures of appropriations from October 1, 1983 to March 31, 1984, pursuant to Public Law 88-454, section 105(b), to the Committee on Appropriations.

3461. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend section 139(b) of title 10, United States Code, to exempt the Secretary of Defense from the contract award report requirement in two additional instances; to the Committee on Armed Services.

3462. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "1983, Annual Report on Lottery and Charitable Games Board", pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

3463. A letter from the Director, District of Columbia Law Revision Commission, transmitting the Commission's annual report for the year ending March 31, 1984; to the Committee on the District of Columbia.

3464. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the ninth annual report of the Advisory Council on Education Statistics, pursuant to DEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3465. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting the eighth annual report of the Advisory Council on Education Statistics, pursuant to GEPA, section 406(d)(1) (88 Stat. 556); to the Committee on Education and Labor.

3466. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the annual report of the National Center for Research in Vocational Education's Advisory Council for fiscal year 1983, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3467. A letter from the Assistant Secretary for Vocational and Adult Education, Department of Education, transmitting the annual report of the Community Education Advisory Council for the calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3468. A letter from the Chairman, National Advisory Council on Adult Education, transmitting the annual report of the National Advisory Council on Adult Education for 1982, pursuant to Public Law 89-750, section 311(d); to the Committee on Education and Labor.

3469. A letter from the Chairman, National Advisory Board on International Education Programs, Department of Education, transmitting the annual report of the National Advisory Board on International Education Programs for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3470. A letter from the Chairman, National Advisory Council on Bilingual Education, Department of Education, transmitting the Council's eighth annual report on the condition of bilingual education in the United States and on the administration of the Bilingual Education Act, pursuant to ESEA, section 732(c) (92 Stat. 2280); to the Committee on Education and Labor.

3471. A letter from the Chairperson, National Advisory Council on Vocational Education, transmitting the Council's 1982 annual report, pursuant to Public Law 88-210, section 162(b)(2) (90 Stat. 2200); Public Law 93-203, section 503(5)(B) (92 Stat. 2003); to the Committee on Education and Labor.

3472. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting the Council's 10th annual report (October 1982-September 1983), pursuant to Public Law 92-318, section 442(b)(6); to the Committee on Education and Labor.

3473. A letter from the Chairperson, National Advisory Council on Bilingual Education, Department of Education, transmitting the Council's seventh annual report on the condition of bilingual education in the United States and on the administration of the Bilingual Education Act, pursuant to ESEA, section 732(c) (92 Stat. 2280); to the Committee on Education and Labor.

3474. A letter from the Delegate, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the annual report of the National Board of the Fund for the Improvement of Postsecondary Education for fiscal year 1983, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3475. A letter from the Delegate, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education, transmitting the annual report of the National Board of the Fund for the Improvement of Postsecondary Education for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3476. A letter from the Designated Department Official, National Advisory Committee on Accreditation and Institutional Eligibility, Department of Education, transmitting the annual report of the National Advisory Committee on Accreditation and Institutional Eligibility for 1983, pursuant to HEA, section 1205(e) (94 Stat. 1495); to the Committee on Education and Labor.

3477. A letter from the Designated Federal Official, National Advisory Council for Career Education, Department of Education, transmitting the annual report of the National Advisory Council for Career Education for calendar year 1982, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3478. A letter from the Executive Director, National Advisory Council on Indian Education, transmitting the Council's ninth annual report, calendar year 1982, pursuant to Public Law 92-318, section 442(b)(6); to the Committee on Education and Labor.

3479. A letter from the Executive Director, National Advisory Council on Vocational Education, transmitting the annual report of the National Advisory Council on Vocational Educational for 1983, pursuant to Public Law 88-210, section 162(b)(2) (90 Stat. 2200); Public Law 93-203, section 503(5)(B) (92 Stat. 2003); to the Committee on Education and Labor.

3480. A letter from the Secretary of Education, transmitting a copy of a report entitled "The Nation Responds"; to the Committee on Education and Labor.

3481. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Israel of DR810 MKII and MKIII muzzle velocity radars for use by the Israeli Army, pursuant to AECA section 36 (c) and (d) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3482. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export of an automated air defense operations center and associated equipment to the Hashemite Kingdom of Jordan (transmittal No. MC-11-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520); to the Committee on Foreign Affairs.

3483. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3484. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Affairs.

3485. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 1983 annual report of the Boy Scouts of America, pursuant to Public Law 88-504, section 3 (36 U.S.C. 1103); to the Committee on the Judiciary.

3486. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated October 9, 1979, submitting a report, together with accompanying papers and illustrations, on modifications to Grand Haven Harbor, Mich. These reports are in response to a resolution adopted March 1, 1950, by the U.S. House of Representatives Committee on Public Works (H. Doc. No. 98-227); to the Committee on Public Works and Transportation and ordered to be printed.

3487. A letter from the Secretary of State, transmitting information on the verdict that was handed down in the case of the five ex-national guardsmen charged with the December 2, 1980, murder of four American churchwomen in El Salvador; jointly, to the Committees on Foreign Affairs and Appropriations.

3488. A letter from the Administrator, Veterans' Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to promote sharing of alcohol and drug dependence and abuse treatment resources between the Veterans' Administration and the Department of Defense; jointly, to the Committees on Veterans' Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 5447. A bill to establish national standards for the construction and siting of artificial reefs in the waters of the United States in order to enhance fishery resources and fishing opportunities, and for other purposes; with amendments (Rept. No. 98-819 Pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. Biaggi, Mr. Pritchard, and Mr. Davis) (by request):

H.R. 5774. A bill to require tonnage measurement of vessels engaged on international voyages and within the jurisdiction of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EDGAR (by request);

H.R. 5775. A bill to amend title 38, United States Code, to extend the authority of the Veterans' Administration to conduct certain health care programs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5776. A bill to amend title 38, United States Code, to grant discretion to the Administrator to administer garage and parking appropriations and fees as a revolving fund; to the Committee on Veterans' Affairs.

By Mr. JEFFORDS:

H.R. 5777. A bill to amend title 28 of the United States Code to provide for holding terms of the U.S. District Court for the District of Vermont at Bennington; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 5778. A bill to amend title I of the Ethics in Government Act of 1978 to provide for more useful and effective disclosure by officials of the legislative branch, and for other purposes; to the Committee on Rules.

By Mr. LEVINE of California (for himself, Mr. Downey of New York, Mr. Garcia, Mr. Broomfield, Mr. Fish, Mr. Horton, Mr. Vandergriff, Mrs. Burton of California, Mr. Rangel, Mr. Perkins, Mr. Evans of Illinois, Mrs. Boxer, Mr. Ortiz, Mr. Martinez, Mr. Lagomarsino, Mr. Rinaldo, and Mr. Hansen of Idaho).

H.J. Res. 583. Joint resolution to designate January 27, 1985, as "National Jerome Kern Day"; to the Committee on Post Office and Civil Service.

By Mr. LOTT:

H.J. Res. 584. Joint resolution to authorize and request the President to proclaim March 18, 1985, as "National Taste and Smell Disease Awareness Day"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CHAPPEL introduced a bill (H.R. 5779) for the relief of Monique Georgette Boren; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1580: Mr. Hyde.

H.R. 1742: Mr. Bedell.

H.R. 4060: Mr. Rahall.

H.R. 4175: Mr. Kogovsek, Mr. Kostmayer, Mr. Jacobs, Mr. DeWine, Mr. Martinez, Mr. Corcoran, and Mr. Gekas.

H.R. 4536: Mr. Stump.

H.R. 4596: Mr. Gekas.

H.R. 4642: Mr. Edgar and Mr. Panetta.

H.R. 4760: Mr. Martinez.

H.R. 4772: Mr. Hawkins and Mr. Denny Smith.

H.R. 4832: Mr. Gephardt.

H.R. 4905: Mrs. Johnson.

H.R. 5023: Mr. Stratton, Mr. Gilman, and Mr. Goodling.

H.R. 5227: Mr. Weiss.

H.R. 5341: Mr. Dymally, Mr. Fauntroy, Mr. Conyers, Mr. Smith of Florida, Mr. Dixon, and Mr. Edwards of California.

H.R. 5396: Mr. Gilman.

H.R. 5550: Mr. Mineta, Mr. Evans of Illinois, and Mr. Simon.

H.R. 5664: Mr. St Germain and Mr. McNulty.

H.R. 5677: Mr. Ackerman, Mr. Mitchell, Mr. Mrazek, Mr. Owens, Mr. Levine of California, Mr. McGrath, Mr. Smith of Florida, and Mrs. Boxer.

H.J. Res. 360: Mr. de la Garza.

H.J. Res. 504: Mrs. Schneider.

H.J. Res. 514: Mr. Biaggi, Mr. Scheuer, Mr. Torricelli, Mr. Martinez, and Mr. Gephardt.

H.J. Res. 528: Mr. Marriott, Mr. Walgren, Mr. Coyne, Mr. Price, Mr. Gregg, Mr. Foglietta, Mr. Stokes, Mr. de la Garza, Mr. Ford of Michigan, Mr. Fauntroy, and Mr. Dannemeyer.

H.J. Res. 581: Mr. Boehlert, Mr. Gingrich, Mr. Hughes, Mr. de la Garza, and Mr. Jeffords.

H. Con. Res. 69: Mr. Levin of Michigan, Mr. Foglietta, Mr. Feighan, Mr. D'Amours, Mr. Bedell, Mr. Long of Maryland, Mr. Rodino, Mr. Donnelly, Mr. Seiberling, Mr. Wolpe, Mr. Boland, Mr. Mineta, Mr. Kostmayer, Mr. Lantos, Mr. Weiss, Mr. Chandler, Mr. Levine of California, and Mrs. Boxer.

H. Con. Res. 312: Mr. Vento, Mr. Frost, Mr. Lowry of Washington, Mr. Frank, Mr. Goodling, Mr. Smith of Florida, Mrs. Byron, Mr. Lent, Mr. Brown of California, Mr. Bliley, Mr. Flippo, and Mr. Duncan.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3282: Mr. Annunzio.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

381. By the SPEAKER: Petition of the City Council of Duluth, Minn., relative to health care for veterans; to the Committee on Veterans' Affairs.

382. Also, petition of the City Council of Houston, Tex., relative to industrial development bonds; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5504

By Mr. MINETA:

—Page 61, line 18, before the period insert the following: "; amounts stipulated for each fiscal year under full funding contracts executed under such subsection before October 1, 1984; and, in the case of projects for which letters of intent have been issued under such subsection before October 1, 1934, but for which full funding contracts have not been executed before such date, amounts stipulated for each fiscal year under such letters of intent.".

SENATE—*Tuesday, June 5, 1984*

The Senate met at 11 a.m. and was called to order by the Honorable DANIEL J. EVANS, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, we acknowledge the abundance which Thou hast lavished upon us. We live in luxury compared to most people in the world including many in our land—some just a few blocks from this building. We always have more than enough of everything while most never have enough of anything. We live in comfort, freedom, and security—many are oppressed, persecuted, perennially unsafe and in bondage. Help us, Lord, never to be isolated from—insulated against—or indifferent to those who suffer indignity, poverty, hunger, and disease without relief.

The New Testament identifies ingratitude with godlessness—save us from the idolatry of things and help us never to take for granted common benefits and presume upon Thy goodness. May we be compassionate and unselfish in our private lives and in our public responsibility. In the name of Him who was love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 5, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL J. EVANS, a Senator from the State of Washington, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. **EVANS** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. Under the standing order, the majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

SENATE SCHEDULE

Mr. **BAKER**. Mr. President, today the Senate convenes pursuant to the adjournment of yesterday. Under the order previously entered, the reading of the Journal is dispensed with, no resolutions may come over under the rule, the call of the calendar has been dispensed with, and morning hour has been deemed to have expired.

Mr. President, this is no surprise, of course, to the minority leader as to why that was done yesterday. It created a new legislative day in the Senate with respect to the availability of measures which have now reached the calendar. I am thinking particularly of the defense authorization bill. The 3-day rule on the defense authorization bill, I believe, will expire at 2:58 p.m. today. The 1-day rule will have expired by reason of the adjournment.

There is also a budget waiver resolution which was reported on yesterday by the Budget Committee.

All of this was in preparation for asking the Senate to turn to the consideration of the DOD authorization bill, perhaps this afternoon.

Before we do that, however, Mr. President, it would be the hope of the leadership on this side that we can complete debate and action on the Wilkinson nomination.

Mr. President, I have conferred with the minority leader on that. He has not yet been able to give me a reply, but I am mentioning it now so Senators on both sides of the aisle may be aware of the desire of the leadership on this side in that respect.

I can see in my mind's eye the possibility of taking up and completing action on the Wilkinson nomination today and then be in a position to lay down the defense authorization bill late today so that it will be the pending business on tomorrow, or some reasonable variation thereof.

For the time being, Mr. President, after the opening formalities are dispensed with, including the time for the transaction of routine morning business and the recess which occurs regularly on Tuesdays—which I am about to ask the Senate to order—the Senate will resume consideration of the bankruptcy bill, at which time the Packwood amendment will be the pending question.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M. TODAY

Mr. President, I ask unanimous consent that at the hour of 12 noon today the Senate stand in recess until the hour of 2 p.m.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **BAKER**. Of course, this is to accommodate the requirement for Senators to attend caucuses by both parties, which are held away from the Senate Chamber.

Mr. President, I do not anticipate that today will be a late day, but, once more, I do expect us to be in for a full week, including Friday.

Mr. President, there is a messenger at the door from the House of Representatives.

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes.

APPROPRIATIONS BILLS

Mr. **BAKER**. Mr. President, I would note that that is, I believe, the second of the regular appropriations bills from the House of Representatives. I should have said earlier that I hoped in addition to the Wilkinson nomination and the DOD authorization, that we can do at least these appropriations bills. I talked to the chairman of the Appropriations Committee this morning and I believe we may be in a position to take up the energy-water appropriations bill later this week. It would be the intention of the leadership on this side to attempt to do so before the week is out.

Mr. President, if I have any time remaining, I yield it back, unless the minority leader wishes to claim it with his time.

Mr. **BYRD**. Mr. President, I thank the majority leader.

RECOGNITION OF THE MINORITY LEADER

The **ACTING PRESIDENT** pro tempore. Under the previous order, the minority leader is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

THE PERSIAN GULF WAR AND THE NATION'S ENERGY PREPAREDNESS

Mr. BYRD. Mr. President, yesterday's Washington Post carried several stories on the war in the Persian Gulf, and the administration's approach to addressing the domestic consequences of a major oil supply disruption. These stories make it clear that the situation in the Persian Gulf continues to deteriorate, and that we are not prepared to deal with the economic effects of a major oil supply disruption.

The first article reported that, on Sunday, Iraqi missiles hit and damaged another tanker in the gulf. The second article, entitled "U.S. Expects Gulf Crisis to Worsen," reports that the State Department is "'certain' that Iran will launch a full-scale ground attack into Iraq, probably on the Basra front, with the 300,000 to 500,000 Iranian troops that have been massed along the border for several months." I think it is important to point out that Basra is a key center in Iraq's oil industry, so a successful Iranian attack would be a major blow to Iraq's economy.

If the Iranians were successful in their attack, they would be at the gates of the oilfields in southern Iraq, and only about 30 miles from Kuwait, one of Iraq's major financial supporters in the war. One might hope that Iran may not be in a position to further expand the war by attacking Kuwait. However, even without launching an attack, Iran could be in a position to exert more and more influence over Arab OPEC oil policies. That is a prospect which I do not find particularly comforting.

I was especially concerned by the third Post article entitled "In Persian Gulf Crisis, DOE Plans To Let Market Allocate Oil and Set Price." According to the article:

> After studying what the government should do here if the conflict in the Persian Gulf seriously disrupts the world's oil supplies and an energy crisis develops, the Department of Energy has decided to do as little as possible.

This is particularly distressing, since administration officials are expecting significant oil price increases in the event of such a crisis.

This news did not come as a surprise to me because, in a recent appropriations subcommittee hearing, this is what the testimony of administration officials amounted to. Last year, the Department of Energy estimated that the price of oil could go as high as $98 a barrel in a severe oil supply disruption.

The Post has reported that a more recent DOE simulation, which involved a drawdown of oil from the strategic petroleum reserve, resulted in oil prices rising to between $40 and $80 per barrel. This would be a price increase of 40 and 180 percent, respectively, above the current world crude oil price of circa $29 per barrel. These higher prices would lead to immediate increases in the price of gasoline and other petroleum products.

In the face of substantial price increases, the Post reports, the administration says it will not use its authority to allocate oil supplies, or to control prices. Energy Secretary Hodel is quoted as saying that, "We have got to remain firm, and be willing to take the bumps that occur from relying on the market." Mr. President, what this means is that the administration's approach is to let oil go to those who can pay the price.

There is no basic plan on the part of the administration at this time with reference to the allocation of oil in the event of a severe national emergency. This was the sum and substance of the testimony of administration officials before the subcommittee to which I referred a moment ago. That subcommittee of the Appropriations Committee raised this question at the subcommittee meeting during the week prior to the Memorial Day break. From the responses it was obvious the administration had no plan and does not intend to develop one. It is going to rely, instead, upon market forces entirely.

I see that the President is urging our allies to plan for such an emergency and to draw down from their reserves of oil earlier than they might otherwise anticipate doing so as to lessen the risks of suddenly increasing the price of oil. The ironic thing to me is that while the President and others in the administration are advocating that our allies make plans, the administration itself has no plan for allocating oil in our country so that, indeed, what it means is that the administration's approach is to let oil go to those who can pay the price. In other words, who has the bucks gets the oil.

The administration has no plans for allocation which would provide fair distribution of the oil to the elderly or to hospitals or to coal miners and steelworkers and factory workers who have to drive considerable distances to and from work. This is not laissez-faire but less-than-fair.

The economic burdens of another oil price shock would be borne disproportionately by disadvantaged groups, such as the poor and the elderly. Oil price increases of the magnitude estimated by DOE officials would have a devastating impact on the lives of the people in my State of West Virginia, who have rugged terrain and must travel long distances to work. West Virginia is an energy storehouse, with coal for the Nation. West Virginia also produces other forms of energy. Oil price increases and supply interruption would have an impact on people all over this country who depend upon gasoline and diesel fuel to operate factory equipment and mining equipment. The Nation's farmers, who are already facing economic hard times, would have to face grim prospects of drastically higher fuel bills to run their tractors and combines, to dry grain, and to get their crops to market.

Mr. President, as the Persian Gulf war intensifies, I am more and more concerned that this administration's approach to energy emergency preparedness is far too limited to deal adequately and fairly with the problems this Nation will face in the event of a major oil disruption.

We could make it for a time. We are far less dependent than are our allies on oil from the Middle East. We could not turn our faces aside, however, from the very serious and perhaps critical impact on the economies of those countries in the event of a major oil shutoff. We would not escape unscathed even though, as I say, we presently are not, to my knowledge, as dependent as some of our allies are. We would have to eventually, if not immediately, help to supply our West European allies, help to supply Israel and Japan, and this would have an unfortunate impact upon the price and supply here in this country.

When I asked the Assistant Secretary for International Affairs and Energy Emergencies, Helmut Merklein, what the administration's plans are for allocating oil in this country during an emergency, he just went round and round. I could never get any straight answer. There was all of this beating around the bush and dancing around the head of a pin. Of course, I was listening carefully, and by listening carefully one can detect when the witness is not answering the question. So after having asked several times, I knew that there was obviously no plan.

Even more disquieting is the testimony Mr. Merklein gave in 1981 before a House subcommittee. And granted, this was prior to his nomination as Assistant Secretary, but Mr. Merklein said last month that he stands by the testimony he gave in 1981.

In 1981, Mr. Merklein testified:

> It is not a question of having oil or not having oil. It is a question of having a little less oil at a higher price . . . The question rather is in terms of the sacrifice we will have to bear in an emergency. Whether people would agree, for example, to live in the wintertime for 90 days in a home where only one room is heated.

So there you have it. We advise other nations to plan, but we ourselves have nothing by way of plans except to depend upon market forces.

Mr. President, I ask unanimous consent that the articles from the Washington Post to which I have referred be printed in the RECORD at this point, together with a June 4, New York Times story carrying the headline

"Reagan To Offer Plan for Coping With Oil Crisis."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Reagan To Offer Plan for Coping With Oil Crisis

(By Robert D. Hershey Jr.)

WASHINGTON, June 4.—President Reagan has taken to the economic summit meeting a United States plan calling for joint allied action in case of a major oil disruption in the Persian Gulf, a State Department official disclosed today.

The plan calls on Europe and Japan to draw on their stocks of crude oil quickly to avoid a suddent shortage in wholesale and retail markets. Such a response might be made without waiting for world oil supplies to fall by 7 percent, the point where the existing oil-sharing agreement administered by the Paris-based International Energy Agency would be activated. The agreement was drafted after the 1973-74 Arab oil embargo.

Mr. Reagan's proposal also calls for allied governments to request that oil companies sharply limit purchases in the spot market to avoid driving up prices and to take other steps to discourage industrial hoarding of fuel and panicky buying of gasoline.

Meanwhile, Defense Department officials said today that the Reagan Administration has dispatched to Saudi Arabia an Awacs warning and control aircraft equipped with radar that can detect ships as well as aircraft. American intelligence officials said signs were accumulating that Iran might finally launch its long-expected offensive against Iraqi positions near the port of Basra.

The Awacs deployment, which took place over the weekend, will vastly improve the ability of the United States Air Force to furnish Saudi Arabia with air and naval intelligence in the Persian Gulf, the officials said.

The new Awacs has the ability to transmit to a Saudi military operations center information on movements of both aircraft and ships as they are moving over or on the surface of the Persian Gulf, in what military officers call "real time"—that is, almost immediately.

Saudi fighter pilots, according to analysts here, can see where attacking Iranian fighters are headed but in waters crowded with ships have to guess at targets.

The dispatch of the new Awacs, one of 10 in a fleet of 34 such planes in the Air Force, appears not only to improve the ability of the Saudis to defend oil tankers and other ships in the Gulf but also to increase the United States engagement in the region.

Although Mr. Reagan is not expected to press in London for formal agreement to the new oil strategy, he was said to be "prepared" to propound its merits and ask that it be considered by the other six governments, according to the State Department official.

The summit meeting that begins Thursday takes place when persistent attacks on shipping in the Persian Gulf threaten much of the supplies of Europe and Japan. The United States receives only about 3 percent of its oil from the gulf but recognizes that the consequences of a cutoff could quickly be felt in this country as well.

"We can't isolate our market from the world market," the State Department official said. "Oil is a fungible commodity," meaning that it is a more or less uniform commodity that can easily be moved from one place to another.

The key to the strategy, devised over recent months by an interagency task force representing seven or more agencies, is to move quickly to head off the panic-buying and hoarding that helped double prices in 1979 after the revolution in Iran.

The Government also believes that early agreement, at least in principle, for "joint, mutually supportive action" might help prevent the fighting from increasing to the point where military action would become necessary. President Reagan has on several occasions said the United States would use force to keep the gulf open to international shipping.

"The more we can demonstrate we're prepared to deal with that situation, the less likely it is that the situation arises," the official said, Iraq and Iran, which have been at war for three and a half years, are heavily dependent on oil revenues and would be less likely to close the gulf if they knew it would not increase—and could reduce—their economic leverage, he suggested.

The American plan is based on the assumption here that the world oil and economic situation could become critical long before the 7 percent shortfall in supplies needed to activate the I.E.A. sharing agreement was reached.

Although there is now ample spare production capacity, enough to bring supply and demand into balance in almost any foreseeable circumstance, this process would probably take too long, the American official said.

"The problem is the economic cost of getting it into balance," he declared, noting that here could well be unacceptably high inflation, employment and other side-effects in the interim.

Iraqis Set Ablaze Turkish Tanker South of Kharg

(By Jonathan C. Randal)

KUWAIT, June 3.—An Iraqi Exocet missile set an empty Turkish oil tanker ablaze 50 miles south of Kharg Island today as Iraq pressed its war against shipping in Iranian waters.

The 153,000-ton tanker Buyuk Hun was hit in its crew quarters by the French-manufactured missile, fired from a Super Etendard fighter-bomber, according to Iranian military sources. They said all 39 crewmen were picked up by two Iranian tugs and a Coast Guard vessel south of Iran's main oil terminal on Kharg Island, where the tanker was to take on oil. A Turkish Foreign Ministry source in Ankara said three crewmen were hospitalized at Kharg, apparently having been wounded.

Marine sources monitoring radio broadcasts in the Persian Gulf heard the captain scream, "My ship is damaged," shortly after 10 a.m. That was several hours before Baghdad radio quoted a military spokesman as saying Iraqi aircraft had scored "accurate and effective" hits on "two large naval targets" and returned safely to base. There was no other word of a second attack.

The raid against the Buyuk Hun was the first since the United Nations Security Council indirectly condemned Iran Friday for attacking neutral shipping outside Baghdad's unilaterally declared exclusion zone surrounding Kharg Island.

Iran's official Islamic Republic News Agency said the attack was a direct result of the U.N. action: "Iran believes that the Security Council resolution, because of having failed to condemn the Iraqi regime, has provided the Iraqi government with an official permission to continue its attacks on the oil tankers."

The last previously confirmed attack on a ship was on May 24, when a U.S.-made Phantom jet of the Iranian Air Force damaged an empty Liberian-registered naptha tanker off Saudi Arabia.

The attack on the Buyuk Hun underlined Iraq's determination to stop all Iranian oil exports as a way to deprive Tehran of the means of continuing the 44-month-old war.

Turkey has good relations with both sides in the war. But since Iran destroyed Iraq's outlet to the Persian Gulf, the oil terminal at Fao, shortly after the war began—and since Syria closed the pipeline to the Mediterranean in 1982—the only Iraqi crude exported runs through the so-called "strategic pipeline" across Turkey to the Mediterranean port of Iskanderun.

Last week, Turkish Prime Minister Turgut Ozal was told by Iraqi officials during a visit to Baghdad that all shipping in the exclusion zone would be attacked regardless of its flag.

Iran, which has refrained from a policy of strict tit-for-tat retaliation after every claimed Iraqi air strike, served notice again today that Saudi Arabia, Kuwait and its four Arab partners in the Gulf Cooperation Council must stop bankrolling Iraq or face "the consequences."

"There can be no partial security of this waterway," said a statement by the Iranian Foreign Ministry, adding that "preventing Iranian oil exports will lead to the destruction of all exports in this region."

Since Iraq stepped up its attacks on shipping in Iranian waters in late April, oil sources have said Iranian oil exports needed to finance Tehran's war effort have declined from 1.8 million barrels a day to 700,000.

Meanwhile, Tehran radio announced that at the Kremlin's request an important Iranian Foreign Ministry official had flown to Moscow on a mission that informed sources said could be intended to persuade the Soviet Union to curtail its massive arms deliveries to Iraq.

The departure of Sayyid Mohammed Sadr, head of the ministry's Europe and Americas department, marked the first such high-level contact with the Soviets since early 1983 when Tehran cracked down on the pro-Moscow Tudeh, or Iranian communist, party.

The Soviets then abandoned an even-handed policy toward the belligerents and resumed arms deliveries to Iraq.

In another development Yosio Hatano, director general of the Japanese Foreign Ministry's Africa and Middle East department, arrived in Tehran, according to Iranian radio. He was quoted as refusing to mediate in the war, which has endangered oil supplies for Japan. Japan is dependent on gulf production for 65 percent of its crude, much more than is the case for Western Europe. The United States takes 3 percent of its oil imports from this area.

United States Expects Gulf Crisis To Worsen

(By Don Oberdorfer)

Reagan administration officials who have reacted with caution and calculation to the latest upsurge of military conflict in the Persian Gulf, say they are convinced that the crisis will become more serious and U.S. decisions more difficult in the months ahead.

A senior State Department official said it is "certain" that Iran will launch a full-scale ground attack into Iraq, probably on the Basra front, with the 300,000 to 500,000 Iranian troops that have been massed along the border for several months.

The official also anticipated more air attacks by both Iraq and Iran against oil shipping in the Persian Gulf, with a growing danger of involving Saudi Arabia and other Arab oil sheikdoms in the hostilies.

The administration's provision of Stinger antiaircraft missiles and in-flight refueling services for Saudi Arabia and backing for an Arab resolution in the U.N. Security Council are symbols of a policy of limited and indirect U.S. involvement adopted in a recent series of National Security Council meetings.

These decisions were rooted in more than a decade of internal U.S. government adopted in a recent series of National Security Council meetings.

These decisions were rooted in more than a decade on internal U.S. government discussion of Persian Gulf security and nearly a year of active contingency planning as the current crisis slowly developed.

The stakes for the United States, its allies and its adversaries are very high. Although only 3 percent of the oil currently consumed in the United States originates in the gulf area, a White House official said, the global petroleum market operates as a pool and "we couldn't possibly isolate ourselves in case of a temporary interruption."

A large-scale, long-lasting interruption of the flow of gulf oil could not have a disastrous effect on the world economy, which has not yet fully recovered from the quadruping of global oil prices as a result of the 1973 oil embargo by the Organization of Petroleum Exporting Countries and the redoubling of global oil prices following the fall of the shah of Iran in 1979. This worst-case possibility remains a dark cloud over all of the President Reagan's domestic and international economic policies and his prospects for reelection.

At the outbreak of the Iran-Iraq war in September, 1980, the Carter administration, after a passionate high-level debate, sent Air Force Airborne Warning and Control System (AWACS) aircraft to help protect Saudi Arabia. Zbigniew Brzezinski, then national security affairs adviser, wrote in his memoirs that Secretary of State Edmund S. Muskie objected that "we are plunging headlong into World War III."

After the Reagan administration came to power, the United States was involved only peripherally in the continuing gulf conflict and the administration paid little heed despite the staggering human toll from the long, grinding war.

High-priority contingency planning in the National Security Council's Crisis Pre-Planning Group was touched off by Iraq's assessment last summer that it was losing a "war of attrition" to larger, wealthier Iran. In a decision first relayed to Washington through intelligence reports and later presented bluntly to Undersecretary of State Lawrence S. Eagleburger by an Iraqi envoy, Iraq acquired new French Super-Etendard warplanes and Exocet missiles to attack Iranian oil-export facilities and shipping in the gulf in an attempt to bring the war to a swift if dangerous climax.

In more than a half dozen fullscale NSC meetings involving Reagan, and many more planning and policy-making sessions at lesser levels, the administration developed U.S. responses that can be grouped in four areas:

U.S. and global oil preparedness. Two special NSC committees—on U.S. energy security and international economic preparedness—have been meeting since January. Detailed preparations were made to use the U.S. Strategic Petroleum Reserve quickly to forestall panic in the event of a gulf shutoff. Other countries were asked to increase their strategic reserves.

The current oil glut, an unprecedented degree of international consultation among oil-consuming countries in recent months and the existence of strategic reserves have created many options for U.S. policy makers in dealing with a disruption. "We're prepared" on the oil front, a White House official said.

Nonmilitary support for Iraq. Administration officials concluded late last year that an Iraqi defeat and a resounding victory for Iran's Islamic revolutionaries would be "contrary to U.S. interests." Gulf Arab states were informed of this by a State and Defense Department mission early last December.

The administration also encouraged a Japanese initiative led by Deputy Foreign Minister Toshijiro Nakajima, who sought to persuade Iran to permit Iraq to resume its oil exports through the gulf. These had been stopped by Iranian attacks in the early days of the war. In return, Iraq would ease its attacks on Iranian oil exports, and Japan would restart work on a long-dormant Iranian petrochemical project. The deal was rejected in Tehran late in January.

The Reagan administration encouraged the improvement of an Iraqi oil-export pipeline across Turkey and the construction of pipelines across Saudi Arabia and Jordan so more Iraqi oil could be exported even though the traditional Persian Gulf tanker route remains closed to Baghdad. The administration was particularly involved in the Jordanian pipeline to the Gulf of Aqaba and is fully behind an effort by Bechtel Group Inc., the big construction combine, to develop the project with Export-Import Bank financing, according to officials.

Denial of arms to Iran; restraints on Iraq. The administration mounted a worldwide campaign headed by former Middle East envoy Richard Fairbanks to shut off the flow of military supplies to Iran. Officials believe this had substantial success with European nations and South Korea. They said there also are "inscrutable" indications that China may hold back on a large arms shipment that had been expected to go to Tehran.

The situation with Iraq is more complicated. The United States is tacitly backing Iraq by saying it should not be permitted to lose the war, yet it wishes to avoid the supply to Iraq of weapons that could escalate the conflict into an international crisis.

U.S. arms sales are banned to both combatants. For a brief period last fall, the administration opposed U.S. military backing for Saudi Arabia and other Persian Gulf Arab states. This has been a central issue for policy makers ever since the British announced their withdrawal from the oil-rich area "east of Suez" in 1968, and especially since the fall of the shah in 1979 eliminated the most powerful local "pillar" for the United States.

A series of missions to the area since last fall, particularly a trip in April by Assistant Secretary of State Richard W. Murphy and Rear Adm. John M. Poindexter, deputy White House national security affairs adviser and chairman of the Crisis Pre-Planning Group, acquainted the Arab states with what the United States is and is not able to do under present circumstances.

These points were made even more explicit in a May 21 letter from Reagan to Saudi Arabia's King Fahd, the text of which has not been released, and in recent public statements by U.S. spokesmen.

If the Saudis and others wish direct U.S. military involvement in their defense, they will need to request it publicly, they were told. For such involvement to be effective on any but the most temporary missions, U.S. military forces would have to be granted access to such facilities as airfields, logistical depots and ports.

Those points, while sometimes assumed or understood by U.S. officialdom, were made explicit and definite in the recent maneuverings, in part because the legacy of failure in Lebanon left the administration very sensitive about both political and military support for faraway intervention.

Short of large-scale intervention, administration officials agreed to provide weaponry and training to help the Saudis and, to a degree, other Arab countries, defend themselves. Such indirect U.S. assistance is exemplified by the Stingers and in-flight refueling for Saudi Arabia announced last week.

The gulf states insisted, in reply to U.S. messages, that they are determined to handle their own defense, diplomatically and militarily. That is what they are doing now and, by many reports, are preparing to do more of in the future through an Arab "safety zone" for neutral shipping in the gulf. Administration officials have expressed strong hopes that the Arabs succeed.

In Persian Gulf Crisis, DOE Plans To Let Market Allocate Oil and Set Price

(By Dale Russakoff)

After studying what the government should do here if the conflict in the Persian Gulf seriously disrupts the world's oil supplies and an energy crisis develops, the Department of Energy has decided to do as little as possible.

The Reagan administration has vowed to rely on the marketplace rather than government intervention, although Energy Secretary Donald P. Hodel has emphasized that this does not mean his department would stand by idly.

He said it would move quickly to sell oil from the 400-million-barrel Strategic Petroleum Reserve to stem shortages and brake rises in the price of oil. It also would mount a campaign to prevent panic and reduce oil consumption, he said.

But the key difference between this approach and those of Presidents Richard M. Nixon and Jimmy Carter in the crises of the 1970s lies in what the administration will not do.

It will not use its power to allocate supplies in the event of shortages or to control what is certain to be an oil price increase of 25 percent or more, according to officials.

"We are strongly committed as an administration to the proposition that we must not permit the government to be brought in to try to allocate this tremendously complex and diversified energy system of ours," Hodel told reporters recently. "When that has been done in the past, it has not worked at all. It has been a miserable failure."

As an example, he recalled the 1979 crisis when the government allocated a surplus of oil to vacation areas, adding to gas station lines in cities and keeping would-be tourists away from the gas-rich resorts.

"We have got to remain firm, and be willing to take the bumps that occur from relying on the market . . . ," Hodel said, "because we will get the same bumps, only they will be much harder . . . if we create a federal bureaucracy trying to manipulate this economic system."

Congress has sternly opposed this hands-off approach.

While many economists agree with the administration that the market would allocate oil more effectively than the government, they and many legislators warn that the administration is unprepared to deal with serious shortages that could develop in key sectors, such as agriculture, or with the economic hardship on the poor.

Congress voted by a large margin in 1982 to give standby authority to the White House to impose allocation and price controls in an energy emergency for 90 days, in the event of shortages or economic distress in certain regions. President Reagan vetoed the bill, calling it unnecessary.

Senate Energy and Natural Resources Committee Chairman James A. McClure (R-Idaho), who sponsored the measure although he embraces the administration's free-market philosophy, warned that a real crisis would bring such a clamor for regulation that Congress might impose harsher controls than those in his bill—and in a more chaotic atmosphere.

As tensions heighten in the Persian Gulf, farmers, independent gas marketers, low-income groups, governors, mayors and others already are calling on the government to give them special protection in the event of a crisis.

"There is no product in the United States that is as uniquely universal and unsubstitutable," said Jack Blum, an attorney representing the Independent Gasoline Marketers Council. "If you deprive folks of gasoline, the impact is just absolute and catastrophic. You can't go anywhere. And that is why the political impact would be overwhelming."

Economists and administration officials say a significant cutoff of oil from the gulf would create an immediate spurt in domestic prices even though the United States has cut its gulf imports to about 770,000 barrels a day, a 2-million-barrel per day reduction since the last crisis.

That is because in a cutoff, U.S. buyers would compete with those from Japan and Europe, which are heavily dependent on imports from the gulf. Oil would flow to the high bidder, and the world market would set prices at home and abroad.

"I liken the situation to being in a swimming pool . . . ," said Hodel. "We may be at the end a long way away from the plug, but if somebody pulls that plug, the level of the water . . . is going to go down for all of us."

In a simulated Middle East oil crisis last May and June, in which the government did not tap the Strategic Petroleum Reserve, the department said domestic oil prices almost would have tripled to $98 a barrel.

A recent DOE simulation, taking the reserve into account, said they would rise to between $40 and $80 a barrel, but it posited a large interruption involving more than just imports from the gulf.

According to administration scenarios, such an interruption immediately would increase the price of gasoline and all oil products. The forecasters contend, however, that regions, businesses and individuals needing the oil the most would pay what was needed in order to get it.

If the government stays out of the way, they say, prices will lure oil where it is needed and will level off more quickly than if there are controls.

Chief among the doubters of this scenario are farmers and small refiners, who contend that the oil would remain in large metropolitan areas and that farmers could not afford to bid.

Said Michael Scanlon of the National Oil Jobbers Council, a group of independent gasoline marketers: "The gas that did get to farmers would cost so much that nobody could afford a head of lettuce."

An emergency aid plan for low- and fixed-income people, who rapidly would be priced out of the market in a crisis, has the support of a wide range of economists and has been proposed in legislation sponsored by Sen. Bill Bradley (D-N.J.). It would be financed by revenues from the strategic reserve and the windfall profits tax. The administration officially opposes such a financial aid plan.

Bradley's bill also would create a block grant to governors for emergency assistance to groups or sectors pinched by shortages or unable to afford oil.

Energy Department officials are taking a second look at such a plan's feasibility in light of escalating gulf tensions, but some said they expected opposition from the Office of Management and Budget.

Many state officials have expressed frustration at the administration's faith in the marketplace, saying the burden will fall on them in the event of shortages, gas station lines or economic distress.

During the simulated 1983 crisis, several participating states cabled DOE that they were experiencing gluts or shortages, but the department responded that the market would resolve them.

"[It] reminded me of the ancient Greek mythology character Procrustes, who created a bed for all wayfarers that came by his home," said Maine energy official John Kerry. "If the wayfarer was too tall, he cut off [his] legs to have them fit the bed. If they were too short, he stretched them to fit the bed."

The most potent weapon in the domestic arsenal is the strategic reserve, which could cover all U.S. oil imports (about 4.5 million barrels a day) for about three months, or replace imports from the Organization of Petroleum Exporting Countries for 200 days. Most officials doubt that the gulf could be closed entirely, particularly in light of Reagan's pledge to use force to keep it open, but many expect some reductions would occur in the oil flow.

The administration does not have a trigger point at which it would begin selling from the reserve, or a formula for how much it would sell in the event of a given reduction.

But Hodel said he is committed to moving quickly in the event of a cutoff to declare an auction for as much as 2.1 million barrels a day—three times the level of U.S. imports from the gulf—for 90 days.

Companies bidding on the oil would have to put down 30 percent of the bid at auction, before the oil is delivered, which would trigger an immediate price increase. Economist Philip K. Verleger Jr. of Drexel Burnham Lambert, an authority on oil disruptions, said it was widely believed that a sudden price surge is best controlled if the price of all oil rises quickly, allowing little time for hoarding.

The free market has not cooperated with the department's plans for distributing oil from the reserve, however.

Two private pipelines that were to have served the strategic-reserve caverns along the Gulf of Mexico have been sold in the wake of the oil industry recession. One has been converted to a natural gas pipeline; the other is scheduled to be converted.

In order to meet the reserve's goals by the 1990's the Energy Department is preparing to ask Congress for $100 million to build two federal pipelines and improve marine terminals. For now, critics say the department cannot move significant reserves to midwestern refineries without the two pipelines.

For all the anxiety over events in the Persian Gulf, many experts believe that the United States could avoid an oil shortfall and a domestic crisis even in a partial cutoff because of the vastly changed conditions of energy markets here and abroad.

The gulf exports about 8 million barrels of oil a day, about 20 percent of the world supply. With the world glut, there is an excess oil-production capacity of about 3 million barrels outside the gulf.

Also, Saudi Arabia has shipped 65 million barrels out of the gulf for security, and could keep shipping gulf oil through a pipeline to the Red Sea.

In addition, U.S. officials believe that up to 1.2 million barrels of oil a day could be replaced in this country with natural gas, immediately reducing the current domestic gas glut.

As such, energy analysts believe that the United States would weather a world supply interruption of 4 million to 5 million barrels a day without resorting to the Strategic Petroleum Reserve, to which Congress has appropriated more than $15 billion since 1976.

Some officials question whether the government will ever draw on the reserve, which one official called "our last bullet."

Still, many analysts and politicians say there is little cause to be complacent. A recent report said energy experts believe there is a 30 percent chance in this decade of another major oil crisis that, like those of the 1970s, could lead to extraordinary inflation, then recession and major unemployment.

"There is a crisis right now; there's been a crisis all along," McClure said. "It's not the kind that brings a country down, but it's the kind that takes a country to war. A country that won't focus on emergency preparedness has all the symptoms of a country that is fat and very naive."

Mr. BYRD. Mr. President, do I have any time remaining?

The ACTING PRESIDENT pro tempore. Two minutes and six seconds.

Mr. BYRD. I thank the Chair. I yield that to Mr. PROXMIRE in the event he may wish to use it.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, I thank my good friend, the distinguished Democratic leader.

THE ONE AND ONLY WAY TO END THE NUCLEAR ARMS RACE

Mr. PROXMIRE. Mr. President, a few weeks ago I spoke on the floor of the Senate of the attitude of the American people toward the prospect of nuclear war. I pointed to the overwhelming support for a negotiated, mutual, verifiable freeze on the testing, production, or deployment of nuclear arms. In town meeting after town meeting, in statewide referendums in every section of the country, and in professional public opinion polls the American people have consistently supported a negotiated freeze. Indeed, there is no controversial issue in America today where public opinion is so emphatic with a consistent and solid 80 percent favoring the nuclear freeze. I challenge any Senator to cite a single instance in American history where the President of the United States opposed more than 80 percent of the American people on the major issue confronting our country.

We are proud, Mr. President, that we live in a true democracy. In this country the people rule. Or do they? If the people rule, why does not President Reagan at least make a beginning effort to propose negotiations to stop the arms race totally with a nuclear freeze? The answer: the President opposes a nuclear freeze. He directed his administration to work against the freeze resolution when it came before the House last year and passed by a 2-to-1 vote. The Reagan administration successfully fought against another freeze resolution when it came before this body. A majority of Senators followed the President's leadership, denied the popular will and defeated the freeze.

In fairness, the President does, indeed, favor limited arms control. He has strongly pushed the intermediate nuclear force talks. The Soviets, not the United States, walked away from the table in those nuclear arms control negotiations. President Reagan favors the START talks. Again, Russian negotiators walked out on those nuclear arms negotiations, not the United States. So it is true that the President favors negotiations that will limit the NATO and Warsaw Pact intermediate nuclear arms in Europe. He also favors a global limit for both the United States and the Soviet Union on the number of warheads. He has indicated his willingess to discuss limits on launchers. Why then does the President refuse to propose a comprehensive end to the nuclear weapons arms race with a nuclear weapons freeze? The answer is that the President will not agree to stop testing new developments in nuclear arms. And testing, of course, is the very crux, the quintessential heart, of the nuclear arms race.

Furthermore, the President will not agree to halt the substitution of new, more deadly, literally unstoppable, nuclear arms for the nuclear arsenal we have now.

It is true that the President has indicated he is amenable to a "build down," in which we would agree with the Russians that both countries would only deploy new nuclear weapons, if they either substituted them for older, more unstable weapons or took two or three old nuclear weapons out of the arsenal for every new weapons brought in. What is wrong with that? Well, the answer is plenty. We and the Russians have an immense surfeit of old nuclear weapons. They are by present standards grossly inaccurate. They are deployed in vulnerable launchers that can be easily hit and knocked out. Under present policies, both powers will greatly increase their ability to deliver nuclear weapons on the other by weeding out these older weapons and bringing in newer weapons that would surely strike their target and would be unstoppable. In fact, both countries have been working on precisely this kind of modernization for the past 20 years. The so-called build-down sounds great, but it would simply ratify the course the arms race has been taking for two decades. It would not only permit the nuclear arms race to speed ahead; it would put a premium on accuracy, precision and the certain ability to devastate the opponents' targets.

So in this country with the American people overwhelmingly in favor of ending the arms race, we speed ahead. We pour tens of billions of dollars every year into ever more deadly nuclear arms. What can we do about it? Is there a remedy for 80 percent of our people who favor ending the arms race and in many cases see it as the dominant issue today? Yes, Mr. President, there is a remedy. It is simple: Elect a new President. Only about 5 months from now, in November, we will see how deeply the American people feel about survival. A Presidential election has always been a complex matter. It was never more complex than it is today. There will be many issues in the campaign: the deficit, taxes, spending, civil rights, inflation, the environment, and others. But the one truly burning issue is the survival of this country and, indeed, of civilization itself, as at least 80 percent of our people realize survival hinges on the end of the arms race. On that issue there is only one answer: elect a new President.

ARMENIAN INDEPENDENCE DAY—A REMINDER OF THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last week, Armenians all over the world celebrated their 66th Independence Day. On May 28, 1918, after several admirable victories against the Turks, the Armenian National Council declared Armenia an independent republic. The Republic was eventually absorbed by the Soviet Union. Nevertheless, the establishment of an Armenian State was significant because only 3 years earlier, 1½ million Armenians had been massacred by the Turks in the first genocide of the 20th century. The remainder of the Armenian community was exiled from the land of their ancestors.

The new Republic began as a country of ruins and refugees. The memories of suffering and persecution and the reality of murdered kin united survivors and gave them the motivation and drive to rebuild the Armenian State. After 600 years without a country to call their own, the 1915 genocide gave urgency to the need for the establishment of the Armenian Republic.

The new state provided Armenians with a base for defining their identity. In creating a national entity, they proved their determination to withstand outside pressures and to independently resist attempts to destroy them. The genocide of 1915 had taught Armenians that they must fight alone for their right to exist as a nation.

This is unfortunate, Mr. President, because no people should have to fight unaided for the mere right to exist.

In retrospect, the United States should regret its passivity as the Armenians were being cruelly marched to their deaths and as the survivors so valiantly struggled for some remnant of nationhood. The United States must never stand silent in instances where a people's survival is at stake.

Last week's celebration of the birth of the Armenian Republic reminds us of the persistence and intensity of a group of people who struggled to survive after near destruction. Such a struggle for existence must be supported by all nations concerned with basic human rights and freedoms.

Such a struggle also reminds us of the pressing need to make future genocides a crime by international law. The U.S. Senate's ratification of the Genocide Convention would demonstrate this Nation's concern that genocide never be condoned by the international community.

Mr. President, this is an act that is up to the U.S. Senate exclusively.

We alone can act on the Genocide Convention. It is unnecessary for the House to act. Presidents in the past have consistently recommended that we do act. Four times, the Foreign Relations Committee has reported that treaty to the floor, and in more than 30 years we have failed to act. It is about time.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

FAIR AND SIMPLE TAX

Mr. **HATCH**. Mr. President, currently there is considerable talk about the need to reform our Tax Code. I agree; but, in revising the code, we must make sure that we do three things.

We must have a revised Tax Code which is fair to all elements of our society. We must have a revised Tax Code which encourages—not stiffles—working, saving, and investing. And we absolutely must have a revised Tax Code which lowers, not raises, the burden on the American taxpayer.

In an effort to accomplish these goals, my colleagues Senator Robert Kasten and Representative Jack Kemp have introduced bills in their respective Houses providng for a "Fair and Simple Tax," or FAST. This proposal combines a flat or single tax rate applicable to all taxpayers with special provisions for wage earners, families with children, savers, and homeowners. An editorial supporting the concepts behind and some provisions of FAST appeared in the Washington Times on May 30, 1984.

In the interest of encouraging all of us to think about, and work to enact, the necessary Tax Code revision, I ask to have this editorial inserted in the Congressional Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

FAST Help

Where's the GOP? Many of its members in Congress are hunting under chairs, desks, and tables for new revenue sources—and coming up with nuisance taxes that won't even dent the deficit.

What they should be doing is lowering marginal income tax rates even farther. And simplifying that many-volumed thing, the Internal Revenue Code and Regulations, so that charges that the system's unfair will cease to be credible.

Knowing Americans want their taxes fast, fair, and simple, Republicans like Sen. Bob Kasten of Wisconsin and Rep. Jack Kemp of New York have written a "fair and simple tax" bill. FAST is close enough to the flat tax ideal to make it worth supporting, although we find no excuse beyond political expediency for FAST's desire to preserve the interest deduction.

Voting taxpayers seem to think that deduction is only slightly less permanent than the Ten Commandments. The politician with the nerve to say its market-distorting effect runs afoul of "thou shalt not steal" has apparently not yet been elected.

A FAST tax return would take up less than one sheet of paper, itemized deductions or no. It would be shorter even than today's supershort form for non-itemizers, and much fairer than the prototype rumored to have circulated at the Democratic National Committee: "(1) How much money did you make last year? (2) Send it in."

FAST doesn't favor the rich. Every American family of four earning up to $14,000 a year would never have to pay another dime in federal income taxes. The Democrats' version of the flat tax, known as the Bradley-Gephardt bill, would make the cut-off $11,000 a year. Under today's miserable tax codes, it's $9,000.

As for middle incomes, FAST would significantly lower rates, in part by exempting 20 percent of all wages and salaries up to $40,000. In real numbers, a family of four earning $25,000 now pays around $3,000 to the IRS; FAST would drop this to about $2,300. The average family would surrender 22 percent less to the government.

Incentives to work harder and earn more? Nobody would face an income tax rate above 25 percent. Compare that with today's 50 percent top on earned income.

The deficit? FAST's authors say it will raise roughly the same revenue as current law. But since it might nip away at the underground economy by reducing incentives for tax evasion, and because its low top rate would make non-productive tax shelters much less attractive, FAST just might tap some rich additional revenue sources. Still, no promises on deficit reduction. The real advantages are fairness and simplicity.

HUMAN RIGHTS AND DISSENT IN NICARAGUA

Mr. **DURENBERGER**. Mr. President, on May 25, I participated in a public forum with Senators Kennedy and Kassebaum on human rights violations and violence in Nicaragua and El Salvador.

I felt that this forum was significant as it examined the conflict in Central America from a perspective that is often lost in the larger public policy discussions of that issue—that of the human cost of the conflict. I left the forum with a number of impressions about the testimony of the numerous witnesses from Nicaragua and El Salvador. Throughout the testimony, I was struck by the detailed accounts of human suffering and persecution that seem all too common to that unfortunate region. One can feel only sympathy for those who are caught in the crossfire of forces advocating extremist solutions of the left and of the right.

In the last few years, a great deal of attention has been directed, and rightly so, toward human rights abuses in El Salvador. Many thousands have died in what can only be described as anarchy. Now, we in the United States fervently hope that President Duarte of El Salvador can, with our help, institute necessary reforms in the nurturing of respect for human rights, in the diversification of his country's economy, in the administration of justice, in the allocation of land, and in the reform of the military. El Salvador's problems are at least 50 years in the making. We in the United States must make the effort to understand that these problems are structural and systemic, not merely temporary. The reform process in El Salvador will take time and it will require our assistance and our tolerance, but it is necessary.

Increasingly, throughout the Central American Isthmus, democracy is taking hold and autocracy of the right and of the left is losing ground. Only Guatemala and Nicaragua have not yet experienced the kinds of elections which have been the norm in Costa Rica since 1948 and which are now becoming the norm in El Salvador. But they may, particularly if the democratically elected presidents in the other nations of the region are able to make common cause for the common man, and to stand against violence and repression.

Less attention has been focused upon the current human rights situation in Nicaragua, although it should merit both our attention and our concern. I am not quite sure why this has happened, but I do believe that we should view abuses of the left as we view abuses of the right. While I am pleased that Secretary of State Shultz met with Junta Coordinator Daniel Ortega this past weekend and has begun a bilateral negotiating process, we should still be concerned about human rights abuses in Nicaragua.

At the forum which I previously mentioned, I was particularly impressed by the testimony of Marta Baltodano, who is the coordinator for Nicaragua's Permanent Commission on Human Rights. Two domestic human rights organizations operate in Nicaragua. The Permanent Commission on Human Rights is an independent agency that was established in 1977. It played a key role in exposing the Somoza government's human rights violations. After the Sandinistas came to power in 1979, the PCHR continued to publicize human rights abuses committed under the new government. In response, the Nicaraguan Government founded the National Commission for the Promotion and Protection of Human Rights in 1980. The latter organization claims to be independent, but the Nicaraguan Government picks its members and funds its budget. It is the only organization permitted by that Government to file applications for pardon or to request the cases on human rights grounds. Interior Minister Tomas Borge, moreover, has repeatedly deterred vigorous examination of human rights abuses.

The Permanent Commission on Human Rights, by contrast, operates at the sufferance of the Nicaraguan Government. Because of its independence, its members have repeatedly been threatened by officials of the Sandinista government. In her testimony, Ms. Baltodano stressed that the Sandinista government conceives of human rights not as rights, but rather, as the Government's generosity, which can be withdrawn at any time. While the Sandinista government is not engaged in the deprivation of the right to life to the degree that was characteristic of the Somoza regime, such violations have occurred in a number of instances.

Over the last 3 years, the Permanent Commission on Human Rights has received 97 reports of deaths under unclarified circumstances, presumably the responsibility of or committed by military forces of the Nicaraguan Government or by the civilian authorities of that Government. In this same time period, the Permanent Commission on Human Rights has documented 342 cases of disappeared prisoners. Ms. Baltodano indicated that all of these cases have been brought to the attention of the Nicaraguan Government, but that there has been no reply whatsoever.

On the contrary, it appears that the Nicaraguan Government has no intention of investigating these deaths and disappearances. The view of the Permanent Commission on Human Rights is that the Sandinista government is deliberately holding many of the disappeared prisoners in total isolation at locations far from their own homes. Nevertheless, the Nicaraguan Government denies the existence of these prisoners or that there is a human rights problem in Nicaragua.

To me, the most telling part of Ms. Baltodano's testimony was her description of the transformation of Nicaragua into a totalitarian dictatorship. I think that her words speak for themselves:

> What does exist, however, is a system of psychological repression which is seen not only in the prisons, but in everyday life as well, in a permanent checking or control of all of the citizens of my country—a system which tends to destroy values and where it is claimed that there are only two kinds of citizens—Sandinistas and Counter-Revolutionaries.
>
> There is really a permanent state of tension in our country in terms of the rule of law because any person can be taken off to jail without any concrete accusation being formed against him. A person may remain incommunicado for an indefinite period without assistance of counsel. He can stay six months, a year in prison, and no judge has the opportunity of declaring this person's innocence or guilt.

Her testimony goes on to describe the increased incidence of state-sanctioned torture against prisoners, the establishment of special tribunals which deny due process to the accused, the repression of independent labor unions, the continuing mistreatment of the Miskito Indian population, the deprivation of religious freedom, and expanded limitations on the freedom of speech.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of Ms. Baltodano's testimony before the forum; the testimony of the Nicaraguan Permanent Commission on Human Rights in a May 12, 1984, hearing before the Inter-American Commission on Human Rights; and an article on dissent in Nicaragua which appeared in the June 1, 1984, edition of the Wall Street Journal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF MARTA PATRICIA BALTODANO, EXECUTIVE DIRECTOR, PERMANENT COMMISSION ON HUMAN RIGHTS, MANAGUA, NICARAGUA

Ms. BALTODANO (Interpreted from Spanish). Thank you very much. I thank you for this opportunity for the Permanent Commission on Human Rights of Nicaragua to give its views on the situation in our country to you.

After hearing the testimony of my Nicaraguan brothers that we have just heard, I would like to give the view, the vantage point, of the human rights violations committed by the government.

Above all, I want us to take an objective approach that we are really witnessing a government which is totally different from the government we had before and whose kind of violation of human rights is also consequently different.

There is a very important fact at present which is of concern to us that the Sandinista government conceives of human rights not as rights, but rather as the government's generosity, which at any time can be withdrawn.

So, taking this situation into account, we can say that the Permanent Human Rights Commission has a whole range of areas in which violations may arise; for instance, the right to life. At the present time in Nicaragua, we are not going to find the kind of violation of the right to life that we found during the days of Somoza. But that does not mean that we do not have cases, unclarified cases, of death.

Over the last three years, the Commission has received 97 reports of unclarified deaths, or deaths under unclarified circumstances, presumably the responsibility or committed by military forces of the government or civilian authorities of the government.

All of these cases have been brought to the attention of the national government and there has been no reply whatsoever. This confirms to us that the government is aware of the situation, and far from trying to investigate the situation, the government is concealing the guilty.

The case of the disappeared: We have reported to the Human Rights Commission so far 342 cases of disappeared prisoners. This is just the number of cases which has not been clarified over the past three years. We can no longer attribute these disappeared to the case of bureaucratic or administrative confusion.

Quite to the contrary, it seems that the government does have the declared intention of maintaining prisoners in complete isolation and very far from their families. Of these 342 cases of disappeared persons, 69 are Mesquito Indians who have disappeared along the Atlantic coast.

There is also torture in Nicaragua; not the institutionalized physical torture that existed in the days of Somoza. There is a physical torture, but it is in a rudimentary, simple form.

What does exist, however, is a system of psychological repression which is seen not only in the prisons, but in everyday life as well, in a permanent checking or control of all of the citizens of my country—a system which tends to destroy values and where it is claimed that there are only two kinds of citizens—Sandinistas and counterrevolutionaries.

There is really a permanent state of tension in our country in terms of the rule of law because any person can be taken off to jail without any concrete accusation being formed against him. A person may remain in communicado for an indefinite period without assistance of counsel. He can stay six months, a year in prison and no judge has the opportunity of declaring this person's innocence or guilt.

At the present time in Nicaragua, there is a special jurisdiction in force. Special courts have been created, special courts outside of the judiciary, and they are applying a law of a political nature which makes it possible to imprison people even for cases of civil dissidence.

These courts have the right to sentence people up to 30 years in prison and there is no possibility of appeal by a superior court.

There are other areas where there are violations of human rights as well. For example, some weeks back the bishops conference of Nicaragua published a letter on reconciliation. Since the publication of that letter, the government and all governmental entities have been endeavoring to discredit the Catholic church in every way possible.

This is not the first time. Every time the Catholic church expresses its views on the situation in Nicaragua, the government mounts a campaign to discredit the church and insult it. And this campaign is always also accompanied by repression of the grassroots organizations, the people organizations, of the Catholic church.

We have countless cases of violations of religious rights; not only cases against the Catholic church, but cases against the Protestant, the Evangelical and the Moravian churches.

The independent trade unions do not escape the government's control either. The workers, the Nicaraguan workers, who have not wished to join the official trade unions have also been the victims of repression.

Repression can be quite sophisticated. It is not necessary to reach extremes of physical brutality. If a worker belongs to an independent trade union and is fired for that, his rights are being violated. The trade union leaders are constantly being harassed. Peasant leaders are constantly being cited for infractions of the laws pertaining to the security of the state, and pressure and blackmail are used in the jails to pressure trade union members to testify against their own fellow union members.

And these people who are also workers and who have a right to social benefits are also at the present time victims of repression by the state.

In Nicaragua, there is no freedom of speech. Since March of 1982, the government has imposed prior censorship on everything printed by the only independent newspaper there is. Starting in March 1982, 20 independent news programs that used to broadcast in the Managua area were suspended.

The only two television channels which exist are at the service of the party in power. The announcement has been made that there will be elections held in November of 1984, and I wonder how it is going to be possible to hold elections then if it is not possible to express one's opinion.

Just last week, the political parties were still the victims of censorship. When students who have been identified as being members of opposition political parties, when they are attacked in the universities—just last week, a 21-year-old student had his hair cut off by his colleagues, his companions, from the Sandinista organization. For us, this is a very painful situation.

In Nicaragua there is an internal struggle. The little political space that existed is being closed more and more everyday, and I would like really to ask you, who have a great deal of influence with my government—I would like to ask you to give support to the democratic sectors working within the country. That is the only way that democratic solutions will ever be strengthened in Nicaragua.

It is necessary that support be given to the church, to the unions, to those who are fighting peacefully within the civilian or civic mode, risking their lives inside of Nicaragua.

Senator Kennedy. Senator Kassebaum?

Senator Kassebaum. Thank you, Senator Kennedy. I regret that I have to leave because I think it has been very interesting and very informative, the number of witnesses that you have had and the different types of testimony. I only regret having to go back to Kansas and not hearing the rest.

And if I may just ask a couple of questions of Senorita Baltodano, you mentioned that you wished we would use our influence more on the Sandinista government. I would only say we have tried very hard, of course, to use our influence, and have raised many questions regarding just such actions as you mentioned.

I would like to ask you how strong you see the opposition to the Sandinista government in Nicaragua.

Ms. Baltodano. Really, in Nicaragua it is impossible to measure the strength of the opposition because there is constant control of all of the sectors of the population in the country.

For example, in Nicaragua there are so-called committees for the defense of Sandinismo, which are neighborhood watch organizations. These neighborhood committees check up on all of the population, pressure the people to do partisan-type work, Sandinista party work, and the threat is that if they do not do it, they will have their ration cards taken away.

It is my belief that truly only in a climate of freedom is it possible to know, to measure, the dimensions of the opposition. But it is very interesting to ask oneself why is the government so unwilling to give all civil liberties to the population. What is the government so afraid of?

Why does the government feel that it has to control the colleges, the high schools, the universities, the trade unions, the press?

Senator Kassebaum. Many people here believe La Prince is now being able to publish more freely. You certainly have not indicated that. Could you respond just briefly to whether they are indeed being allowed to publish more freely?

Ms. Baltodano. There still exists the prior censorship which is imposed by the Ministry of the Interior. The Minister of the Interior decides what news can and cannot be published. They have full discretion to decide what news will be disseminated.

Senator Kassebaum. I would like to ask you, does support for the contras, in your opinion, help support the democratic process in Nicaragua?

Ms. Baltodano. In Nicaragua, there is internal opposition, sectors who need your help. I believe that democracy in Nicaragua must begin with a dialogue. There has to be an understanding between the parties in conflict, and you can contribute to having this dialogue become a reality in our country.

Senator Kassebaum. Well, I would only say we have attempted—as a matter of fact, I know that the foreign minister, Discoto, has visited here. I would guess all three of us have visited with the minister when he has been here, and with our ambassador in Managua.

And I guess that I think that dialogue, to be effective, is two ways. Is that the only suggestion you have for U.S. policy as far as supporting democracy in Nicaragua?

Ms. Baltodano. Let me repeat my request to you. It is only through dialogue that it is going to be possible to do anything in Nicaragua. There is internal opposition there, but there are no channels. There are no outlets for it. So until that is taken care of, until there is an outlet, a channel, for the internal opposition, there is no sense—it does not make any sense even to talk about elections.

Senator Kassebaum. Just one final question: Will you be returning to Nicaragua, and if so do you have any concerns for your own safety?

Ms. Baltodano. Of course. However, I think it is necessary to speak for all of those whose testimony would have been so important for all of you to have heard on this occasion.

Senator Kassebaum. Thank you very much. Thank you, Senator.

Senator Kennedy. Thank you very much, Senator Kassebaum, for your presence here and for your participation.

I was wondering from the panelists whether they have direct knowledge of whether the Nicaraguan government is cooperating with the Inter-American Human Rights Commission. I know the government signed the convention soon after the revolution.

I am interested to know whether the Nicaraguan government now is working with the Commission.

Mr. Mendez. May I answer that?

Senator Kennedy. Yes.

Mr. Mendez. In 1982, at the beginning of 1982, the government requested the Inter-American Commission to visit Nicaragua, especially on the question of the Mesquitos and the resettlement.

In mid-'82, the government asked the Commission to engage itself in a procedure that had not been used before, but it is included in the American convention on the rights and duties of man, called the Friendly Settlement Procedures.

That took place over all this time and in the course of that the Inter-American Commission visited twice Nicaragua and offered several suggestions. One of them was the release of the general amnesty for all Mesquito prisoners that the government did comply with toward the end, or at least in great part complied with towards the end of 1983.

Now, recently, the Inter-American Commission met again and decided to terminate the Friendly Settlement Procedures, I understand, because the only thing that was left for that to happen was for the Nicaraguan government to organize a conference to meet with leaders of the Mesquito opposition.

And I think the stalemate that happened was that the Nicaraguan government refused to recognize the several Mesquito leaders, most of them in exile, or I think all of them in exile, that the Commission identified as possible parties to that conference.

I think that is where the procedure is now, although I understand the Commission is still ready to reopen that friendly settlement at some other point.

Senator Kennedy. Ms. Baltodano?

Ms. Baltodano. I really believe that the Inter-American Human Rights Commission is very concerned about the situation and is making a sincere effort to mediate towards a solution. But I also think that the government's concern should be manifested as a function of the Human Rights Commission which is already in the country, our Human Rights Commission.

Our Commission does not have access to the jails. Our Commission, the Nicaraguan Human Rights Commission, was not allowed to visit the Atlantic coast in '82. Our lawyers and attorneys are denied information whenever they go to offices of the government.

All the news that we publish about human rights violations is censored. We are aware that the Inter-American Human Rights Commission is trying to mediate. Precisely for that reason, we testified before the Inter-American Human Rights Commission last week and we hope that their efforts will be successful.

Senator Durenberger. I understand you express some concern about returning to Nicaragua, but I would assume—and you can correct me if I am wrong—that the Nicaraguan government has been able to do to you and the Permanent Commission on Human Rights what they are in the process of doing to the bishops of Nicaragua.

In other words, by propaganda efforts, by discrediting your activities in one way or another, you are actually not necessarily a threat, but an opportunity to be discredited. Would I be incorrect in that conclusion?

Ms. Baltodano. With one difference, and that is that I am a person who can have a certain kind of protection, can enjoy a certain kind of protection, whereas the run-of-the-mill Nicaraguan citizen can be attacked at any time and has absolutely no protection.

Senator Durenberger. I understand that, but my impression is that in your activities on behalf of the ordinary Nicaraguan, number one, you are denied access to information, as you have already testified.

Number two, the government does nothing about your filing of reports or complaints. And number three, I have the impression that the government would also go to some extent to discredit whatever public statements or comments you might make that are critical of the government.

Ms. Baltodano. That is right, and not only that; if the government wishes, it can invoke some law or some accusation arguing that I am working to destabilize the revolution. This is exactly what happened to the founder of our Commission in 1981. That was exactly what happened, and our office was closed for a week.

Senator Durenberger. Well, why does the Commission continue to operate? Why do you continue in your activities on behalf of human rights within Nicaragua?

Ms. Baltodano. We undertook these activities starting during the days of Somoza. At that time we were accused of being communists, and now the Sandinistas accuse us of being counter-revolutionaries.

But what makes us keep on working is the hundreds of Nicaraguans who do not have any access to getting their stories out or any way to getting their stories out. Our Commission does not have the means at its disposal that the government has in order to publish violations and cases of abuses.

But it is our obligation to become the spokesman for those people who are not able to come here.

Senator Durenberger. Well, you mentioned earlier filing of reports or making reports. Who in the junta has responsibility for the justice system, the criminal justice system? Is it the interior minister?

Ms. Baltodano. There is a Ministry of Justice, and it is the Ministry of Justice which brings all criminal cases to the courts. But we also have a Ministry of Interior, and it is the Interior Ministry that has jurisdiction in certain areas involving human rights.

But the important thing is that there is a new law that any abuse committed by a member of the military must be judged or tried by a military court, and access to the military courts is extremely limited. And in some cases the trials themselves can be held behind closed doors, may be secret.

There is also an office for grievances or complaints under the Ministry of the Interior, and that is generally where we take our cases, our complaints of abuses or violations committed by the Ministry.

Ironically, there has been an order issued that they will not receive any complaints from us.

Senator Durenberger. Well, I mean if you would go to Tomas Borge and ask him about human rights, I am sure he would give you a pamphlet or a manual and would say, here are the trappings of human rights in Nicaragua. The reality is that there is no observation of human rights by the government of Nicaragua as long as Borge is the Minister of Interior. Is that correct?

Ms. Baltodano. I have to go home. [Laughter.]

Senator Durenberger. Just one last question. I think it was within the last day or so that the National Elections Council announced the rules for the election on November 2nd, and I understand that four of the so-called opposition parties announced they would not participate in the election.

I also know, and I think both of us are aware that certain Nicaraguans who are now operating in Nicaragua under the banner of ARDE have indicated their desire to participate in the electoral process on the condition that it is an open process in which the FSLN does not dominate the ballot, does not dominate the military's involvement, does not dominate all the symbolism in the country, does not dominate the process of advertising and communication.

I will bring the question to an end. My question is, is it possible, in your opinion, for a broad representation of the traditional political parties in Nicaragua, pre-1979, to participate in this election in a way in which the people of Nicaragua could have confidence that the winner won in a fair election, or is that a question you want to go home on, too?

Ms. Baltodano. I will answer this one. Laws are being passed establishing the conditions which are to prevail for the elections in November. Everything would seem to indicate that the Sandinista front is establishing the conditions to guarantee its own victory.

Logically, the political parties want elections, but they want authentic elections—elections where they can present their platforms freely. So there may be very well-formulated laws in Nicaragua, but there is no climate of freedom. There is the permanent control of the committees for the defense of Sandinista, their control over the people.

There is control in the state-owned enterprises, in the universities, the colleges, the high schools. Anybody who does not identify himself as a Sandinista is in danger. I wonder under what conditions, under what circumstances, then, and with what feelings could someone go and vote for another party in elections.

The Sandinista party has been exposing its platform for the last five years. And despite the fact that there is no democratic tradition in our country, they want to yield two months to the other parties so that they can do their campaigning. It is very, very short.

Testimony of the Nicaraguan Commission on Human Rights

Managua, May 12, 1984.

Honorable Members of the Inter-American Commission on Human Rights, Washington, D.C.

Dear Sirs: The Nicaraguan Permanent Commission on Human Rights would like to thank the Inter-American Commission on Human Rights for this hearing, which enables it to further its one goal, namely the defense of human rights of Nicaraguans.

We are deeply troubled by the state of human rights in Nicaragua, because we are witness to a growing and worsening disregard of these rights.

Before enumerating the violations of certain of these actual rights, we feel it is necessary to focus attention on the general state of affairs: the number and nature of complaints brought before our Commission in Nicaragua suggest that disregard and violations of human rights are widespread and diverse: lamentably they encroach on the right to one's life, one's liberty, physical well being, personal safety, freedom of speech, one's conscientious and religious freedom to educate children according to the beliefs of the parents, on private property, on freedom of trade unions, on the freedom of political parties. It is not simply a matter of actions that violate these rights—but also of laws which violate them. We can actually say that the violation of the rights of Nicaraguans is being put into law.

But, gentlemen, this is not the most serious problem. The most serious concern is that behind all these cases of violation of human rights one can perceive an attitude or position of repudiation of rights, a denial of the very existence of rights, so that what we would call rights is conceived of as something that is given by the State to individuals out of generosity or by permission and which can be revoked at any time.

We will now present a short description on the state of some actual rights, based on the complaints which we have received. CPDH does not claim to know of all the violations which have occurred in the country. Our description is based only on the cases that have been brought to us.

THE RIGHT TO LIVE

In spite of the fact that legally the death penalty does not exist in Nicaragua, the Nicaraguan Permanent Commission on Human Rights has painfully witnessed an increase in the number of unexplained deaths. In the past 3 years alone the CPDH has received 97 complaints, all of which have been attributed to the civil and military authorities. These cases primarily concern people who were apprehended by officials who were fully identified. After a brief detention these prisoners were reported as "died during attempt to escape" or "died in combat with army troops" or "death caused by heart attack" and other strange explanations. All of the listed cases were brought before the competent authorities without any investigation to date and without any response to the CPDH or the families of the victims other than threats against their lives.

But the disregard for human life is further manifested in official positions and public speeches given by high officials of the Sandinista government. One example of this is the speech given by Commander Humberto Ortega Saavedra, Minister of Defense, on October 9, 1981, which warned: ". . . we are making every effort to avoid a resurgence of armed aggression, but if by some mischance it should occur and if in the course of it there is no change in attitude on the part of those who knowingly or unknowingly support imperialist plans from within Nicaragua . . . . if they do not mature, if they do not join in the defense when aggression occurs, then they will be the first to be seen hanged by the sides of the roads and highways of the country . . . ."

THE DISAPPEARED

As far back as 1979 the Nicaraguan Permanent Commission on Human Rights presented about a hundred cases of prisoners who had disappeared to the Inter-American Commission on Human Rights. Unfortunately, the Inter-American Commission ignored these complaints in its 1981 report. Nevertheless, new cases continue to be brought to our attention, offering us proof that this was no temporary problem but a permanent and continuing violation. Of the cases reported in 1979, 170 are still unresolved; in 1980, 355 cases were reported and 30 remain unsolved; from 1981 to 1983, 433 cases of disappearances were reported and to date 142 have not been located. To summarize, we have a total of 342 cases of disappeared prisoners. This number was not invented by the Permanent Commission on Human Rights and at this time we will provide you with a detailed explanation of each case, describing the various circumstances in which they occurred. (Under separate cover).

We do not believe that these disappearances, be they permanent or temporary are the result of administrative problems, but are a deliberate policy of keeping certain prisoners incommunicado and at the mercy of their captors, undergoing all sorts of physical and psychological abuse. For example: two officials of a Ministry were detained as of January 1983 in Managua by members of the State Security Headquarters. For one year the Permanent Commission on Human Rights and the families of the detainees made appeals to this agency, which denied knowledge of the detention and whereabouts of the prisoners. After one year these prisoners were released and they reported that throughout this time they had been held incommunicado and tortured and upon their release they were threatened with death if they divulged where they had been kept prisoner.

TORTURE

The Nicaraguan Permanent Commission on Human Rights has stated in the past that physical torture seemed to be disappearing in Nicaragua. This opinion was based on the small number of complaints about physical torture that we were receiving at the time. However, we are now obliged to correct this statement, in view of new evidence that has been brought to us: physical torture continues to take place in Nicaragua, even more than the psychological torture which we have always complained of.

There follows a list of frequently reported torture:

Violence and degrading treatment at the time of capture.

Intimidation and threats against the family when the person whom they wish to detain cannot be found, with the result that another member of the family is taken.

The shackling of prisoners' hands and feet when they are being transferred.

Forcing detainees to walk around the prison with their eyes closed or with blindfolds.

Indefinite isolation in completely closed cells without access to light or ventilation, at times designed to force a person to remain standing or seated.

To force a detainee to lose all sense of time, by keeping him in constant darkness or light and by shortening or lengthening periods between meals.

Constant noise in a cell which prevents prisoners from sleeping.

Prohibiting prisoners from speaking either inside or outside the cell without previous authorization from the guard.

Forcing a prisoner to remain naked before a group of prisoners or soldiers, thus making him an object of scorn and ridicule.

Locking a prisoner nude in a cold cell.

Intense interrogations in the early hours of the morning, during which the prisoner is forced to incriminate himself or implicate other innocent persons, in which fake tape recordings of the voices and cries of his loved ones are used.

Keeping the prisoner without food, warning him that in order to get food he will have to give a confession.

Frequent beatings with belts or the butts of guns during interrogations.

Physical torture is most frequent in the interior of the country. The Permanent Commission on Human Rights knows of cases of prisoners with fractures to their upper and lower body from blows; of campesinos who have been required to walk long distances with their hands bound behind them and subjected to the lowest insults during the trip, to beatings and displays of mock firing squads.

CONDITIONS IN THE JAILS

The Inter-American Commission after having visited Nicaragua in 1980 was able to inspect some of the jails which are under the administration of the Penitentiary System and made a series of recommendations to the Nicaraguan government in order to improve conditions in the prisons. Based on these recommendations we offer a description of the actual situation of prisoners in our country:

1. Our jails are outrageously overcrowded; especially those in which one finds convicted prisoners.

2. The packed prisoner cells have become infernos, due to the unbearable heat of the jail and the excessive number of prisoners in each cell.

3. The mattresses that the prisoners had in their cells had been provided by their families; as a result of this, as of October 1980, the authorities of the Model Prison of the Franca Zone removed all the mattresses and personal belongings of the prisoners.

4. Since 1979 the schedule of visits has been changed arbitrarily by the authorities of the Penitentiary System. In 1980 a rule was adopted that visits would be allowed once a month; in 1981 every fifteen days; in 1982 every 45 days; in 1983 every 4 months and 1984 every 2 months. After that the threat of suspension of visiting rights was used to keep the prisoner under control. The visits were limited to one person at a time for a maximum of 2 hours. There are no conjugal visits. The procedure required of family members making a visit obliges them to remain in the jail from dawn to midday. The visit itself begins when the sun is at its strongest. Both the long wait and the visit itself are under the sun.

5. The obstacles that prisoners encounter in regular trips to the bathroom result in buckets of excrement and urine inside the cells, which cause contagious diseases throughout the prison.

6. Access to the outdoors is limited to a few hours a week and can be denied without justification, as can visiting rights themselves.

7. Medicines and foods which families send to prisoners do not always arrive at their destination.

8. The availability of medical services in the prisons is highly deficient, as a result of which there are large numbers of sick prisoners without adequate medical attention.

9. Despite laws which require that a prisoner be sent to a hospital the military authorities violate this law. Prisoners with contagious diseases are in the midst of other prisoners.

10. No written materials of any kind are allowed inside the jail, neither can bishops, priests or pastors of any religious faith perform religious services inside the jail.

11. Prisoners are suddenly transferred from one jail to another, sometimes clandestine jails, without their families being informed.

12. Prisoners are threatened with the firing squad if there are any demonstrations.

ILLEGAL DETENTION AND LACK OF APPEALS

The right to freedom and personal safety does not exist in Nicaragua. At any time, arbitrarily and capriciously, the military or civil authorities can detain anyone, without giving any justifiable cause. Mere suspicion, rumor or complaint is enough to put a citizen in jail in our country. The person will not know the reason for his detention and he may remain in this situation for several months, even years without there existing any court that might protect him.

Arbitrary detention, without trial, without legal charges, without the possibility of defense, has been established as a system for intimidating citizens. After several months of illegal detention, they are freed without ever having been through any court and without being given any opportunity to defend oneself. Some of the prisoners have died in the jails. Others, after several years of prison, are declared innocent, but their families have been destroyed, their property has been confiscated, they have lost their jobs. There are also other prisoners who despite orders for their release remain in the jails. The Right of Habeas Corpus has been legally suspended since 1982.

EXCEPTIONAL TRIBUNALS

During its visit in 1980 the Inter-American Commission on Human Rights was able to see for itself the existence of special judicial tribunals. According to the Inter-American Commission the existence of these tribunals gave rise to certain breaches which are not compatible with the assurances given by Nicaragua under the American Human Rights Convention. The Inter-American Commission recommended that the cases by reviewed ". . . by a judicial authority, either the Supreme Court of Justice, or the Appellate Courts."

But these recommendations remained precisely that—recommendations, because the government never carried them out.

In 1982 other special tribunals called Popular Anti-Somoza Tribunals were created. They were brought into being to apply the Law for the Maintenance of Public Order and Security, a political law, with vague definitions of the crime, which enable it to be used to punish the government's adversaries. These special tribunals were created to function under the State of Emergency and to pass judgment on suspected counter-revolutionary activities. Although they are called "tribunals" there is only one of them located in Managua, with authority over the entire country and which is subdivided into two so as to give the impression that there exists a possibility of appeal.

The members of these tribunals, with the exception of the two presiding officers of the court, are not lawyers, but members of the various mass organizations of the Sandinista Front. They have been chosen by the Ministry of Justice, they are under its authority and the Ministry in turn is the prosecutor in the entire process. They operate entirely on the fringes of the Judiciary and there is no possibility for their sentences to be reviewed by the Courts or Independent Tribunals.

The same procedural irregularities occur in these tribunals as did in the previous Special Tribunals. There are:

Prisoners being detained and "investigated" remain for a long time without being processed.

Accusations are vague and imprecise.

The time allowed for the preparation of defense and the presentation of evidence is short.

Excessive discretionary judgment is left to the judge in the evaluation of the evidence.

Arbitrariness in sentencing.

The biasedness of the members of the tribunals and campaigns organized by the communications networks of the government against prisoners prior to a judgment.

CONDITION OF THE MISKITOS

Although it is true that the Nicaraguan government freed over 100 Miskito prisoners as a result of the Amnesty Decree passed last December, it should, however, be emphasized that the right of the indigenous Miskito, Sumo and Rama populations continue to be violated. We believe it is necessary to emphasize this because silence might otherwise be interpreted as a sign that the problem of our indigenous population has been resolved or were in the process of being resolved.

1. It should be made known that there are still 435 Miskito prisoners in the jails, whom the government refuses to set free, violating its own Amnesty Decree.

2. The Nicaraguan Permanent Commission on Human Rights has 69 cases of disappearances of Miskitos who were captured by identified authorities, whose families are demanding an official explanation as to their whereabouts.

3. Entire communities on the Atlantic Coast continue to be uprooted and moved to new settlements which are militarily controlled by the government or by organizations belonging to the Sandinista Front.

4. The Inter-American Commission on Human Rights visited the Miskito Zone in 1982 and 1983, but did not publish its report on these visits. It would be highly desirable if the Commission were to revisit the zone to make a new evaluation and to publish its findings.

RIGHT OF RELIGIOUS FREEDOM

At first, government attacks against Nicaraguans' freedom of religion and conscience were subtle, however, these attacks began to come out in the open in 1980 and were presented not as a persecution of the Church, but rather as a rejection on the part of society of counter-revolutionary individuals who, in the words of the Minister for the Interior, Commander Thomas Borge "appear to be disciples of Satan, defending the reign of death . . ." We will present a few cases:

In 1980, the government expelled the North American evangelical minister Morris Cerullo, moments after he had landed at the capital's airport.

In 1981, dozens of Protestant and Moravian churches located on the Atlantic coast were closed. Their ministers were arrested and expelled from the region.

The government banned the televised mass, at which the Archibishop of Managua had officiated for many years.

A Sandinista mob led by military officers stoned the Bishop of Juigalpa while on a pastoral visit to a region of his diocese.

Another mob attacked the car of the Bishop of Managua destroying the vehicle's windows and tires.

In 1982, two priests and three nuns were expelled from the country. The order was later revoked, but those involved were not allowed to return to their original dioceses.

Temples belonging to Mormons, Moravians, Adventists and Jehovah's Witnesses were taken by Sandinista mobs and later were confiscated by the authorities.

Fifteen Jehovah's Witnesees were expelled from the country after the National State of Emergency was announced.

The Minister of the Interior censured a letter sent by the Pope to the Nicaraguan bishops, for a while preventing its publication.

Radio Catolica was closed for one month for supposedly broadcasting "distorted" news.

The government attempted to entrap the vicar of the Archiepiscopal Curia in an affair, which was highly publicized and aimed solely at humiliating and discrediting the priest.

The Salesian College of Masaya was taken by force and two of its priests, including the directors were expelled from the country.

In 1983, the Ministry of the Interior banned for some time publication of any news in the papers relating to the Pope's visit to Nicaragua.

The entire world was witness to the grave disrespect shown to His Holiness John Paul II and the sacrilege committed during the mass in Managua, against the religious sentiments of the majority of those present.

In October of 1983, a number of parishes around Managua were taken over by Sandinista mobs.

In November of 1983, the recently named director of the Salesian College of Masaya was again expelled.

In the past weeks, an ongoing campaign has been mounted in the official media to discredit and insult the bishops, whose sole "crime" was to publish a pastoral letter in which the bishops asked for people to join together, to forgive one another and to search for an understanding through dialogue.

CONDITION OF THE TRADE UNIONS

Independent worker organizations such as the Central de Trabajadores de Nicaragua (CTN) and the Confederacion de Unification Sindacal (CUS) continue to be the object of repression in Nicaragua at every level. Thus far in 1984 there have been constant complaints of repression by the officials of these organizations. Grass roots activists are imprisoned for a few days to convince them that they should give up their union activities. They are harassed both in the cities and in the countryside. Their homes are threatened by mobs.

One of the main concerns of the Permanent Commission on Human Rights is the case of Carlos Acevedo Sirias, director of the CTN, who was detained on February 10, 1984. During the fourteen days in which he was kept in the prisons of the State Security of Managua he was subjected to torture, both physical and psychological, to force him to declare that the national directors of his union were involved with armed counter-revolutionary groups and with members of the CIA. Before freeing him he was forced to sign a document in which he admitted that he had been well treated in prison.

Charges against union leaders brought before the so-called Popular Anti-Somoza Tribunals have become commonplace since 1983; these are based on accusations of suspected counter-revolutionary activities and are not covered by the slightest judicial guarantees; recently four members of the Drivers' Union of the Urban Transport System of Managua (SIMOTUR), which is affiliated to CTN, were placed under the jurisdiction of these tribunals after being "under investigation" for six months. They were arrested after the trade union which they led had posted Wage Demands in front of the Ministry of Labor; although this case has already been brought to the attention of the Inter-American Commission on Human Rights, we renew our request that the Commission intercede with our government to obtain freedom for these Nicaraguan workers.

CONDITION OF POLITICAL PARTIES

Above all, this is an especially delicate subject, because beneath the appearance of democracy lies hidden the reality of Totalitarianism. We say the appearance of Democracy because in 1983 the government approved a Law on Political Parties, an Election Law and has announced the beginning of an Electoral Campaign which will climax in the General Election in November 1984. However, the law on political parties states that the goal of any party must be to contribute to what it calls "achievements of the Revolutionary Process"; in fact, this means that the parties must fall in line with the ideas and positions of the Party of the Sandinista Front.

The Electoral Law does not specify the mechanisms that guarantee impartiality in counting the votes, nor the essential conditions so that individuals can vote without coercion.

There is talk of elections only after the people's right to self determination has been snatched away, in such a way that opinions or actions which do not coincide with the party line are described as counter-revolutionary and as such are considered crimes.

There are numerous campaigns to discredit the national leaders of the democratic political parties, who are always described as "bourgeois," "reactionary" and "instruments of the CIA."

The right to hold public meetings has been suspended.

Middle echelon officials of the democratic parties and leaders of the youth groups of these same parties are assailed and struck in the open street.

Democratic political parties have no direct access to the media as a result of prior censorship, the suspension of independent news programs and television control by the Sandinista Front.

The arrest of middle echelon political leaders, attacks on their homes, public threats in official speeches and the open spying aimed at intimidating them, make the exercise of these political rights an exceptionally risky affair.

THE CONDITION OF EDUCATION

The Pact of San Jose established that parents have the right to educate their children according to their principles and values. However, this right is not recognized in Nicaragua. Mr. Sergio Ramirez, member of the Governing Junta, clearly states this in his speech: "There can never be parallel educational curricula in Nicaragua, whether or not they be religious, whether or not they are given by the Episcopal Conference. The right to teach is a scared right of the Revolution, which cannot be renounced or delegated but must be exercised to its ultimate consequences."

What the Fundamental Statute recognizes is the right of parents to put their children in non-State schools. But private schools have no autonomy whatsoever. The only reason that they are private is because of the tuition fees.

Through elaborate rules dictated by the Ministry of Education and constant oversight, the values, principles and programs of the government party are imposed, completely obliterating the autonomy of private centers.

If parents have lost their right to educate their children according to their principles and values, in the private schools, the situation is evern worse in the state schools: the national educational system has been converted into the instrument of Marxist-Leninist indoctrination of the Sandinista National Liberation Front. Students and professors are obliged to follow certain guidelines and to act and behave as the party directs.

FREEDOM OF SPEECH

Since March 15, 1982 when the National State of Emergency was announced, the right of freedom of speech and information was suspended for Nicaraguans. Since that time, 21 radio news programs have remained off the air. The previous censorship and closing down of radio stations went hand in hand with a series of violations against freedom of speech and information, including physicial attacks on directors of the media, attacks on their homes, destruction of radio transmitters by supposed pro-government fanatics who have never been punished for these criminal actions.

The newspaper, La Prensa, must present its news daily to the Ministry of the Interior, where all sorts of news items are censored, even though they may have nothing to do with the State of Emergency nor with national security. Obviously, no news relating to the violations of human rights is allowed to get through the censor.

On the occasion of religious celebrations for Holy week, the station Radio Corporazion, requested from the Agency on Communications and the Media permission to transmit the events organized by the Catholic Church, but it was denied.

The journalist, Luis Manuel Mora Sanchez, President of the Workers' Union of the paper, La Prensa, was detained on April 28 for having transmitted to a station in Costa Rica—of which he is a correspondent—information about a protest made by about one hundred mothers of young men against military service. Mora Sanchez is still in the jails of the State Security in Managua and officials of this agency have indicated that he will be tried in the Popular Anti-Somoza Tribunals.

Finally, we would like to recall the tenth recommendation from the report of the Inter-American Commission on Human Rights of June 1981 on the condition of Human Rights in Nicaragua, which states: "To guarantee those organizations engaged in the promotion and protection of human rights complete autonomy and the freedom to carry out their activities, as well as the safety and complete freedom of their directors."

Despite this recommendation, employees of the Nicaraguan Permanent Commission on Human Rights have no guarantee that they can carry out their work, for example, we are not allowed to visit prisoners. Even worse, we are systematically prevented from carrying out our humanitarian work, to the degree that there are instructions in the various offices of the Ministry of the Interior not even to accept our correspondence, including, ironically, the Complaint Department of this Ministry. Lower echelon employees of our organization are summoned to the offices of State Security, to pressure them into becoming informers.

Gentlemen, the state of human rights in Nicaragua is serious, very serious and certainly extreme. If reflects a deep and widespread pain for the people of Nicaragua. As we explained in our letter to the Presidents of the Contadora Group, the flight of thousands and thousands of families is only the internationally visible aspect of this great pain of the Nicaraguan people.

Because of this, the Nicaraguan Permanent Commission on Human Rights hereby requests that the Inter-American Commission on Human Rights act urgently and, if possible, in some exceptional way with regard to Nicaragua. We request that you use those means which you deem most appropriate to speed up the procedures involving those cases that we have presented to you, especially those involving prisoners and we request that you send a permanent representative to Nicaragua for some time, so that your Commission may remain informed of the total picture and that you may act rapidly and expeditiously. We realize that it would be an extraordinary measure, but we believe that the pain of the Nicaraguan people merits it. We willingly offer you our offices to facilitate the work of this delegate.

A SPECTRUM OF NICARAGUAN DISSENT

(By David Asman)

MANAGUA, NICARAGUA.—As I was leaving the Sandino airport here, a seemingly crazed Nicaraguan grabbed me by the arm. "You stupid Americans!" he said, loud enough so that a crowd of Nicaraguans moved away from us, suspecting at least an awkward confrontation. His eyes anxiously trained on two Sandinista guards nearby, the man pulled me closer. I was unprepared for his next comment, which he relayed in a whisper, "I am not Sandinista; I am Reaganite. Most of us are Reaganites." As he said this, his crazed expression disappeared and his face became quite serious. Only then did I realize that his initial approach had been hostile to throw off any eavesdroppers. We looked straight at each other for about three seconds before he let go of my arm and faded back into the crowd.

Two days earlier, I attended a Sunday Mass at Archbishop Miguel Obando y Bravo's parish church. Msgr. Obando was in Rome to meet with the pope, and this sermon in late April was delivered by his assistant, Bosco Vivas Robelo. The small church was packed, and I was squeezed between a barefoot campesino and a well-dressed woman. "Those who now condemn the church's leaders," said Msgr. Vivas, referring to Sandinista attacks on Church leaders, "should remember that when the bullets were flying in 1978 and 1979, it was Msgr. Obando who provided them with the cloak of safety." At the end of the sermon, the parishioners rose to their feet and applauded for a full minute, some shouting "Viva Obando!"

OPEN OPPOSITION EMERGING

Except for protests from a small community of dissidents such anti-Sandinista sentiments were hard to find in Managua during a similar visit last December. However, open opposition to the Marxist regime is emerging, despite the fact that the junta seems bent on stepping up attacks on opponents—be they newsmen, churchmen, or common men:

The arrest last week of radio broadcaster Luis Mora Sanchez showed the intent of the government's new press law, which, according to the law's preamble, demands that the press "convert itself into an agent of social change." The preamble goes on to state that "the revolutionary government has the duty to guarantee that the media are not used to push back the economic, social and political conquests that the people have achieved in the new Nicaragua." La Prensa, the country's highly censored independent newspaper, announced that the government's Cuban censors were now ordering it to put in articles not selected by the editors.

Roman Catholic bishops in Nicaragua were condemned by the government after they signed an Easter pastoral letter calling for dialogue between government leaders and the Nicaraguans fighting them. Sandinista junta leader Daniel Ortega condemned the church leaders for "support[ing] the aggressive plans of the American administration against the Nicaraguan people." Such language is viewed by many here as a prelude to arrest.

Marta Patricia Baltodano, national coordinator of the Nicaraguan Permanent Commission for Human Rights, has been keeping detailed accounts of individuals who have disappeared or turned up dead after publicly criticizing Sandinista policies. She operates out of an office repeatedly attacked by Sandinista-directed mobs.

"We were against Somoza, and our son fought with the Sandinistas," says one woman after the service at Msgr. Obando's church. "And for what?" She reaches into her bag and pulls out a roll of toilet paper. "I had to wait in line for two hours to get this. Meanwhile the comandantes drive around in their BMWs and relax in their beach houses. Now we have nine Somozas instead of one, and we are left to wait in line for a roll of toilet paper." Why doesn't she leave? "Where could we go? We're not rich. We have no relatives in the States or Costa Rica. Besides, we worked for years to buy our house. It's all we have. We can't leave what we struggled all our lives to get."

"The greatest miscalculation of the FSLN [Sandinista Front for the Liberation for Nicaragua] leaders," says a Managuan businessman who does contract work for the government, "was forcing all non-Sandinista elements out of the government too soon. If they had kept them in a little longer, they could blame the whole mess on the non-Sandinistas. Now everyone knows there's no one to blame but the FSLN."

Mario Rappaccioli, president of the Nicaraguan Democratic Conservative Party, reports that virtually all vestiges of the private sector have been eliminated in Nicaragua, despite Sandinista claims to a "mixed economy." Says Mr. Rappaccioli: "If the Sandinistas want to take over a company completely, they just leave up the signpost with the former owner's name. They are very conscious of appearances around here."

Perhaps the most important "appearance" the Sandinista leaders have been trying to maintain is that the war with the contras is a purely external affair—a revolt orchestrated and directed by the U.S. government. This is why they reacted so vehemently against the bishops' pastoral letter. While deploring violence by both sides of the conflict, the bishops emphasized that the problem was an internal one "pitting Nicaraguan against Nicaraguan. . . . It is dishonest to constantly blame internal aggression and violence on foreign aggression. It is useless to blame the evil past for everything without recognizing the problems of the present."

While few Nicaraguans living in the country are willing to voice public support for the contras, Sandinista attempts to portray the rebels as a "force of U.S.-inspired imperialism" seem to have backfired. Reports of U.S. support for the rebels have encouraged many in Managua with the thought that the outside world is aware of unhappiness with the Sandinistas.

At his headquarters in Teguicigalpa, Honduras, FDN (Nicaraguan Democratic Force) leader Adolfo Calero Protocarero claims his force of 8,000 contras is gaining strength as a result of extreme dissatisfaction within Nicaragua, not because of Central Intelligence Agency recruitment. Says Mr. Calero: "FSLN policies are responsible for our success. All the Sandinistas offer the people is the glory of sacrificing more for the revolution. But the revolution has become a symbol of misery. Every day our job becomes easier as the Sandinista army troops lose more of their will. They are asking themselves what they are fighting for."

Mr. Calero, who was once jailed by Somoza, claims the FDN isn't tied to the old dictator's regime, although a few of his fighters and commanders are former members of Somoza's National Guard. "Somoza is a dead Mafia chieftain who left no successor," he says.

Referring to the ARDE (Democratic Revolutionary Alliance) rebel forces in southern Nicaragua—headed by disaffected Sandinista leaders Eden Pastora and Alfonso Robelo—Mr. Calero adds, "We happen to be supporters of the free market, while Pastora and Robelo are socialist-minded. But we [the FDN and ARDE] could both operate within a democratic system where the people could choose which system they preferred. Now there is no choice within Nicaragua."

ARDE's Mr. Robelo, speaking at a restaurant in San Jose, Costa Rica, says, like the FDN in the north, supplies fail to keep up with the growing number of recruits. "We have 100 new men joining us a day," he claims. Admitting that "some of our money probably comes from the U.S. government," Mr. Robelo is curious why this should bother anyone. "I must have had over 250 interviews when we were fighting against Somoza in '78 and '79, and not one reporter asked us where the money was coming from then. After the revolution, Daniel Ortega told me that $12 million came from 'our Salvadoran cousins'—which meant it came from the criminal activities of the Salvadoran guerrillas. Now how is it that U.S. taxpayers' money is considered dirtier than money that comes from kidnappings and robberies?"

Of more importance than direct U.S. funding for ARDE may be the question of whether it will be able to coordinate military actions with the forces of the FDN and the 2,000-man Misurasata contra forces, composed of Nicaraguan Indians. (A report in yesterday's New York Times that ARDE has decided officially to join forces with the FDN was denied by ARDE official Alvaro Hares. Contacted in Costa Rica yesterday, Dr. Hares said that while negotiations continue between the two rebel groups, they are no closer to resolving their differences.)

The FDN's Mr. Calero sees Eden Pastora's refusal to deal with his group until it fires a few ex-Somoza Guardsmen as a large stumbling block to unification. Says Mr. Calero: "These are not people who participated in atrocities against the people; we don't allow those type in our force. They are good commanders who are effective fighters and military leaders."

Likely to complicate matters further was the bombing on Wednesday night of ARDE's military command post during a news conference held by Mr. Pastora. Five people were reported killed, and Mr. Pastora himself received minor injuries. In a recording released to the press yesterday, he said the extreme right and the Sandinistas would blame each other for the blast, but that he didn't yet know who was responsible.

ENORMOUS SUPPORT

Whatever the outcome of bickering among the leaders of the Nicaraguan rebel factions, both forces have enormous support among the many thousands of refugees displaced by the fighting within Nicaragua. In one refugee camp outside the town of Tilaran in northwestern Costa Rica, about 3,000 Nicaraguan campesinos are united in their hatred of the Sandinistas and their support for the contras. Younger men claim they were threatened with death if they refused to join the Sandinista army, and some show scars that they claim were inflicted by Sandinista torturers asking for information about contras. Nearly all the men between the ages of 18 and 30 say they fought with ARDE forces for a time. One telltale sign that many have seen action can be seen in their footwear: the familiar black Sandinista-issue boots, stripped from dead Sandinista soldiers.

What the Nicaraguan refugees want most, however, is to see an end to the conflict so that they can return home. One toothless black woman from the area of Nicaragua known as Bluefields says she left her mother and walked alone in the jungles for eight days to escape from an area of fighting. Her mother stayed behind saying she was born in the area and would die there. Speaking the Caribbean English common to those living on Nicaragua's east coast, the woman explained why she believed the fighting would stop soon: "Them Sandinista men only get fighters by threats. We fight back with spirit. Everyone here in the camp knows they'd have to kill us all to kill our spirit."

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

RECESS UNTIL 2 P.M. TODAY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess until the hour of 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR.)

BANKRUPTCY AMENDMENTS OF 1984

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 5174, which the clerk will state.

The bill clerk read as follows:

A bill (H.R. 5174) to provide for the appointment of United States bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Thurmond Amendment No. 3083, in the nature of a substitute.

(2) Packwood Amendment No. 3112, relating to collective-bargaining agreements.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, while we are trying to determine where we are going next, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator yield to me for just a moment?

Mr. DECONCINI. I yield 1 minute.

Mr. BAKER. I inquire of the Senator if he is preparing to speak as if in morning business?

Mr. DECONCINI. Yes, sir, Mr. President; I am.

Mr. BAKER. Mr. President, I believe it would be well to provide a brief period of time for the transaction of routine morning business. We have staff working on both sides of the aisle for clearances to take up certain bills. If the Senator does not object, I am going to provide for a 15-minute period for the transaction of routine morning business.

Mr. DECONCINI. I do not object, Mr. President.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a 15-minute period for the transaction of routine morning business and that Senators may be permitted to speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I thank the majority leader for supplying this time.

DAVID YOUNG

Mr. DECONCINI. Mr. President, a young person with great ideals and ambitions is one of this country's most valuable resources. It is with great regret that I speak of the tragic death of David Young, a hard working, energetic, and diligent senior at Cholla High School in Tucson, Ariz.

David excelled in everything he attempted. He was the bright light in this year's graduating class. His efforts, however, went far beyond academics. I knew David through his work on the Mondale campaign in Tucson.

David was a young man with a keen sense of purpose. He dared to work for change within the system. He was at once a doer and a young man with a vision. Those who knew him were impressed with his warm and special sense of humor.

His life was short, yet he touched many others and those who knew him were enriched by the experience. David was simply an inspiring young man. I am honored to have known him.

In his memory, a memorial fund at Cholla High School has been established in David Young's name. It will be used to send a Cholla High School student to Washington, D.C. through the Close-Up Foundation. I know David would be very proud and would have approved.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 3 p.m. under these same terms and conditions.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, let me give Members who may be listening in their offices a little outline of where we are, and where we hope to be. We are trying to complete our clearances to go to the Indian affairs bill this afternoon, a resolution to make permanent the Indian Affairs Committee of the Senate.

I hope we are able to clear that in a few moments, that we will be able to take that matter up, and finish it this afternoon.

It is my hope, Mr. President, that we will be able to take up the energy-water appropriations bill tomorrow when the Senate convenes, and that at the conclusion of that bill tomorrow—but, in any event, at the close of business tomorrow evening—it is the hope of the leadership on this side that we will be able to go to the DOD authorization bill.

First, of course, we would have to go to the budget resolution which accompanies that measure. I have had extensive conversations with the minority leader on that subject, and it is my understanding that he is not in a position to give final clearance on an order to provide that DOD would be made pending at the close of business tomorrow. But I wonder if the minority leader could indicate to me what he thinks the prospects might be for reaching DOD authorization at the close of business tomorrow, so that it would be pending when we return on Thursday.

Mr. BYRD. Mr. President, clearance can be given now for proceeding to the Indian Affairs measure. On energy and water, I will have to continue to explore that with reference to the 3-day rule. The 1-day rule problem, of course, the majority leader can cure, if he so wishes.

On the DOD measure, as of now, I think we would not have a problem laying that down tomorrow at the close of business.

I am not prepared today to agree to that request, if it were made today. It would be possible tomorrow, but I cannot yet guarantee that. I hope we will be able to do it tomorrow.

Mr. BAKER. Mr. President, I am most grateful to the minority leader. I would think that, based on that statement, we should assume, then, that we will attempt to lay down the DOD authorization bill as the last item of business on tomorrow so that it will be before the Senate on Thursday.

Mr. TOWER. Mr. President, if the distinguished majority leader will yield, it is my understanding, then, that we would dispose of the budget waiver and lay down the DOD authorization bill and make it the pending business tomorrow evening, by the close of business tomorrow evening, provided the proper clearances can be in hand by that time.

Mr. BAKER. That would be the intention of the leadership on this side. The Senator is correct, the clearances have not yet been completed on the other side of the aisle, but I am optimistic they will be, based on the statements earlier made.

Mr. TOWER. Mr. President, I will ask the legislative leader if we can come in early on Thursday and put in a full day on the DOD authorization. By that time I am certain that most Members will have returned, although some are engaged in D-Day ceremonies in Normandy today and tomorrow. But by that time, I expect everybody will be back and ready to go to work. I would expect to get substantive work done on Thursday and into Thursday evening, possibly, and Friday morning.

Mr. BAKER. I thank the Senator.

ORDER FOR RECESS UNTIL WEDNESDAY AT 10 A.M., AND FROM WEDNESDAY UNTIL THURSDAY AT 9:15 A.M.

Mr. BAKER. Mr. President, if I may at this time, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow, and that at the completion of its business on tomorrow it stand in recess until the hour of 10 a.m. on Thursday.

The **PRESIDING OFFICER**. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and it is not my intention to object, let me ask the majority leader if we can come in earlier than that because we will have about an hour and a half on special orders. Could we be on the bill by 10:30 tomorrow?

Mr. BAKER. Mr. President, I have not yet consulted on the special order situation for Thursday.

Mr. President, I am told that there are requests for three special orders for Thursday morning. I will amend the request so the Senate will come in at 9:15 a.m. on Thursday and 10 a.m. on Wednesday.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am also advised that the Judiciary Committee is scheduled to meet on Thursday morning at 10 o'clock for a markup on an important matter. I will consult with the minority leader on whether or not we can put a unanimous-consent request for that committee to meet. I will not put such a request at this time.

MAKING THE SELECT COMMITTEE ON INDIAN AFFAIRS A PERMANENT COMMITTEE OF THE SENATE

Mr. BAKER. Mr. President, I observe that the principals of the Indian Affairs resolution are here. The minority leader previously indicated he is prepared for us to go forward at this time.

Mr. President, I ask unanimous consent that the Senate temporarily lay aside the bankruptcy bill and proceed to the consideration of Calendar Order No. 523 (S. Res. 127) and that a call for regular order will not take down that measure.

The **PRESIDING OFFICER**. Is there objection?

Mr. QUAYLE. Mr. President, reserving the right to object, I have just arrived in the Chamber, but I have told the majority leader that I have an interest in this and indicated I do have several amendments. I wonder if we might have a quorum call so I might discuss this matter with the majority leader and get a little better feel on where we might be going on this.

Mr. BAKER. Mr. President, I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am very, very grateful to the majority leader for having called up this resolution.

Mr. President, this is not an overnight matter. I have been here for nearly 30 years, and for nearly 30 years we have been trying to get the proper attention paid to the American Indian. All we have is a committee that has to be appointed for 2 years and then appointed for 2 more. I would certainly hope that my friend from Indiana would not hold up this opportunity to finally resolve this matter. I know of no other objector than my friend from Indiana.

Mr. President, those of us who have hundreds of thousands of Indians to worry about in our States and in our districts want to get this resolved. We have not paid proper attention to these people who were here long before we were in nearly 204 years of this country's history. I hope the Senator will not object.

Mr. QUAYLE. Mr. President, I wonder if I might be able to discuss this matter with the majority leader, if he will put in a quorum call.

Mr. BYRD. Mr. President, first, reserving the right to object, when the majority leader puts his request on the DOD bill, and maybe at some point having reference to the pending nomination which has been somewhat controversial, will it be his intention to insure that if such requests are granted, the bankruptcy bill will remain the unfinished business in any event?

Mr. BAKER. Mr. President, I am prepared to state that.

Mr. BYRD. I have no objection.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURENBERGER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I say a word before the Chair puts the resolution before the Senate? The distinguished Senator from Indiana has indicated, and properly so, that he was caught by surprise in the sense that while he knew at some point the leadership would try to call this measure up, he did not realize it would be done this soon. I apologize to the Senator for that. But I believe he understands, as we have discussed it privately, that this is a window when we have an opportunity to do this. We may not have any more windows for weeks. We will be going on the DOD authorization, which will probably take 2 weeks, and then the energy-water bill, then the Wilkinson nomination. The authority for this committee is important.

Mr. President, the Senator has indicated to me that he will not object to my request. I, in turn, will indicate to him that we will have opening statements and general debate on this measure for the next hour and 20 minutes while he can marshal his resources and be prepared to go forward with the amendments he may offer.

With that explanation, Mr. President, and the assurance that I have given the Senator that he will have time to get his material together, I am prepared for the Chair to put the request.

Mr. QUAYLE. Mr. President, will the majority leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. QUAYLE. The majority leader has stated the request accurately. I would like to reiterate what I have said and I have told the Senator from North Dakota, the Senator from Arizona, and others that I would not stand in the way of this bill being brought up but I do have several amendments I shall be offering. The only thing I had asked is that I be given 2 or 3 days' or so notice as to when this thing was going to be brought up. I was told up here in a press conference that it was going to be brought up and I am going to have to go back and rearrange my schedule to accommodate this.

It is not just the Committee on Indian Affairs, it is the whole committee structure. If we could go ahead and have opening statements or such for an hour or so, I would have time to see how I shall approach this.

I think it would be ill advised for the Senate to authorize on a permanent basis an additional committee, whether Indian Affairs or any other committee. We have too many committees as it is, too many subcommittees, I have heard too many Senators complain about that.

That is the objection. I do not want to be obstructionist to the leadership's desire, but I do hope the Senator understands the somewhat sensitive situation the Senator from Indiana is being put to at this moment. I have always been a quick study and, as a matter of fact, have put some things off a lot, in school and other places. I am willing to have a cram session so I can be prepared, but I am going to have to have some patience and deliberation on the part of the leadership, to see how this thing is coming in a very rapid fire way.

Mr. BAKER. Mr. President, I thank the Senator for his discussion and I thank him for his understanding of why the leadership is asking this.

Mr. GOLDWATER. Will my leader yield?

Mr. BAKER. Yes, Mr. President.

Mr. GOLDWATER. Mr. President, for the information of the Senator from Indiana, I heard about this 4 minutes ago or 3. If he feels unprepared, I feel equally unprepared, but this is something that has been around here for a long, long time. I would like to see it resolved.

Would the majority leader tell us again what he proposes will happen?

Mr. BAKER. Yes, Mr. President; I hope that in a moment, the Chair will grant the unanimous-consent request now pending and the clerk will then go forward to state the resolution which is Calendar Order No. 523. Then I have given a verbal or informal assurance to the Senator from Indiana that until 4:30, there will not be a vote on an amendment or final disposition on this measure so he will have time to go back to his office and try to get his affairs arranged and amendments in order.

Mr. GOLDWATER. I have a 4:15 appointment in Las Vegas.

Mr. BAKER. Mr. President, I must say it is in the time-honored tradition of the Senate to blame those who are not present. We have only the highest regard and respect for those of our colleagues who are not here, especially those who are celebrating the D-day invasion on Omaha Beach today, but I think it would be only a slight exaggeration to say that my mind turns back to that time in 1944, and at least General Eisenhower had all his people there and was able to go forward with his plans. I was even tempted to think I am having more trouble on D-day than he had. Obviously, that is not true, but I certainly am in terms of absentees.

That is no reflection on those who are there and those who are present, but only by way of a minor venting of my frustration at getting things done.

Now, Mr. President, I am prepared for the Chair to put the request.

Mr. BYRD. Reserving the right to object, Mr. President, can the majority leader assure me that there will be no nongermane amendments dealing with this matter that would deal with further rule changes?

Mr. BAKER. Mr. President, I have no problem with that. Let me propound an amendment to the unanimous-consent request and the Senator from Indiana and others will consider it.

As well, I ask unanimous consent that no nongermane amendment be in order to this measure.

Mr. QUAYLE. Reserving the right to object, Mr. President, will the minority leader—he wants no nongermane amendments affecting the rules? I do have—there may be some nongermane amendments to the bill itself. If that is what the unanimous-consent request would go to, then I would be in a very unfortunate position of having to object, because I do probably have some amendments that technically would be nongermane. Therefore, I am not exactly sure how this unanimous consent would work.

I might advise the majority leader and he can fashion this out as he always does. I do not want to be in a position of offering some potentially nongermane amendments.

Mr. BYRD. What I have reference to is any amendments which would effect changes in the rules that are not contemplated within this subject matter.

Mr. BAKER. Mr. President, I must say I am more concerned now that the minority leader brings that up, perhaps, than he is, because I can think of all sorts of mischief that can be perpetrated by amendments to this measure if we do not have that nongermane feature. I suppose we can get loose from it and go to something else.

Let me do this: I amend that amendment to say that no amendment dealing with rules of the Senate, with the exception of those changes which may be embodied in the resolution as reported, will be in order.

Mr. QUAYLE. Reserving the right to object, would this unanimous consent then go to dealing with other committees? Would that get into the rules of the Senate?

Let me just tell the Senate, the majority leader, and the minority leader also, that my concern about this is not necessarily the Indian Affairs Committee as such. It is the whole committee structure. I do not know exactly what this unanimous-consent request would propound as far as the rules. I may have an amendment that would deal with the budget process, for example. That gets into the committee.

I think what this Indian Affairs Committee matter does, it really does go to the whole committee structure that we have. Therefore, I do not want to agree to any unanimous-consent request that would prohibit that, and I think it probably would. Therefore, unless I can be assured that it would not, the Senator from Indiana would be constrained to object to that unanimous-consent request.

I have just been advised by the staff that the Rules Committee says our amendments are not germane. So under that situation, I apologize, I would have to object.

The PRESIDING OFFICER. The objection is heard.

Mr. BAKER. Mr. President, I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until 3:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes.

At 3:02 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the following bill:

H.R. 3960. An act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System.

The message also announced that the House has agreed to the amendments of the Senate to the following bills:

H.R. 3578. An act to establish the wilderness areas in Wisconsin; and

H.R. 4198. An act to designate certain national forest system lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5712. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5712. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

H.R. 5713. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.R. 5653: A bill making appropriations for energy and water development for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-502).

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 394: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2723.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Daniel F. Bonner, of Maryland, to be Associate Director of the ACTION Agency.

(The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 2724. A bill to assure greater competition for construction contracts to be let by the U.S. Army Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 2725. A bill to amend part A of title XVIII of the Social Security Act with respect to payment rates for hospice care; to the Committee on Finance.

By Mr. MELCHER (for himself, Mr. Domenici, Mr. Andrews, Mr. Inouye, Mr. DeConcini, Mr. Goldwater, Mr. Matsunaga, Mr. Cochran, Mr. Kennedy, Mr. Burdick and Mr. Bingaman):

S. 2726. A bill to promote the development of Native American culture and art; the the Select Committee on Indian affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2724. A bill to assure greater competition for construction contracts to be let by the U.S. Corps of Engineers; to the Committee on Environment and Public Works.

COMPETITION FOR CORPS OF ENGINEERS CONTRACTS

● Mr. DOMENICI. Mr. President, I am today introducing legislation that would assure increased competition for construction contracts let by the U.S. Army Corps of Engineers. By augmenting competition, this bill should provide an opportunity to cut back on Federal spending.

Too often, I believe, the Corps of Engineers establishes its construction contracts at a size that allows only the largest companies to bid for them. This is wrong. It is wasteful. It eliminates the smaller firms from the competitive bidding process, and thus it inherently imposes higher costs on the American taxpayers.

My bill is brief and clear. It directs the Corps to assure that contracts are let in a manner that makes them available to small and medium sized firms. Further, the bill states that the Corps may no longer impose on contractors recordkeeping requirements that would otherwise be the responsibility of the Corps. Such a shift in responsibility has been significant, I understand, further working to exclude the smaller and medium sized firms.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that it is necessary and cost-effective to encourage as many bidders as possible for contracts to be let by the Secretary of the Army, acting through the Chief of Engineers, and that it is therefore the policy of Congress to direct the Secretary to prepare any proposal for the construction of a civil works project in a manner that assures, to the greatest extent reasonable, that no potential bidder shall not be precluded from competing fairly for such contract because of the size of such bidder.

SEC. 2. The Secretary is further directed not to require that contractors on civil works construction projects under his direction be required to perform record-keeping that is, by law or regulations, the responsibility of the Secretary.●

By Mr. DECONCINI:

S. 2725. A bill to amend part A of title XVIII of the Social Security Act with respect to payment rates for hospice care; to the Committee on Finance.

PAYMENT RATES FOR HOSPICE CARE

Mr. DECONCINI. Mr. President, today I am introducing legislation regarding a component of health care which should be of concern to us all. I am referring to hospice care for the terminally ill and, more specifically, to the medicare reimbursement rates established by the Health Care Financing Administration (HCFA) for this care.

All of us are familiar with the intense suffering which accompanies the final stages of cancer and many other terminal illnesses. And all of us are interested in preserving the quality of life to terminal patients. Hospice care is designed to alleviate the pain and suffering of terminal patients rather than to continue conventional therapies, many of which diminish the mental and physical capacity of patients thereby depriving them of the right to die with dignity. Although a relatively new concept in the United States, hospice care has provided a much more humane and less costly alternative to orthodox institutional care for the terminally ill, and it should be encouraged.

In the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Congress recognized the desirability of hospice care as an alternative to institutionalization by authorizing reimbursement for such services under medicare. Unfortunately, the viability of the medicare hospice benefit is today in jeopardy because of the unrealistic reimbursement rates which have been established by HCFA. Unless we have a sufficient number of participants in the medicare hospice program, Congress will not have an adequate data base on which to evaluate its effectiveness. And unless we establish reasonable reimbursement rates, we will not be able to attract sufficient participants to have a representative sample. This is our dilemma as well as our challenge.

An alarming number of hospices are choosing not to participate in medicare because, quite simply, HCFA's reimbursement rates do not begin to cover their costs. As of May 23, 1984 only 81 hospices, out of approximately 1,500 nationwide, have been certified by HCFA for medicare reimbursement. Another 21 hospices are currently in the final stages of the certification approval process. Simple arithmetic tells us that less than 100 hospices may elect to participate in the program. To compound the problem, some hospices that have been certified are not applying for reimbursement because it is not financially feasible for them to do so. One of those certified, but nonparticipating, hospices is located in my home State of Arizona.

The cost of medicare is escalating at a dramatic rate. If we hope to preserve this vital health care program for future generations of our elderly citizens, then we must find more cost efficient alternatives to traditional care. Hospice care is one of those alternatives and we must give this program a chance to succeed.

The legislation I am proposing today would raise the medicare daily reimbursement rates for hospice care to the levels originally proposed by HCFA in August 1983. Unfortunately, due to pressure from OMB, those rates were subsequently revised downward and published on December 16, 1983. These reimbursement rates are unrealistic and have discouraged participation in the medicare hospice program.

HCFA justified the lower reimbursement rates by relying on data accumulated from the 26 HCFA hospice demonstration projects. These projects do not provide an accurate measure of costs since the range of services provided under the demonstrations was not as extensive as is required under existing law and regulations. In addition, the demonstration projects were, in general, much larger than the vast majority of hospices which resulted in economies which cannot be realized in the typical, smaller hospice.

The following is a chart of the comparison of the medicare reimbursement for hospice care as originally proposed by HCFA, as revised by HCFA in December 1983, and as proposed in the pending bill.

Types of daily rates	August	December	Under this bill
Routine home care	$53.17	$46.25	$53.17
Continuous home care	311.96	358.67	358.67
Inpatient respite care	65.65	55.33	61.65
General inpatient care	271.00	271.00	271.00

The rate increases I am proposing in this legislation are modest, but they are essential to have a successful hospice program under medicare. In addition, they will result in long-term savings for the medicare program. At a time when traditional hospital costs are escalating at wholly unacceptable rates, we ought to be encouraging programs which provide a cost effective alternative to conventional institutional care. The hospice program meets that standard.

Ironically, HCFA's own study provides evidence that an increasing portion of the medicare dollar is being spent for intensive hospital care in the last year of life. According to the study, almost half the cost of that care occurs within the last 60 days of life, with costs for cancer patients higher than all other diagnostic categories. Thus, according to the study, "hospice care could potentially impact on a large amount of costs." If this data is reliable, and I assume it is, then let us give the hospice program a chance to realize medicare savings while, at the same time, providing a more humane approach to the care of the terminally ill. We can do so by establishing more reasonable medicare reimbursement rates and I urge your support for this legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(i)(1) of the Social Security Act is amended—

(1) by inserting "(A)" after "(i)(1)", and

(2) by adding at the end thereof the following new subparagraphs:

"(B) In establishing rates of payment for hospice care under subparagraph (A), the Secretary shall not establish a rate of payment which is less than—

"(i) $53.17 per day for routine home care,

"(ii) $358.67 per day for continuous home care,

"(iii) $61.65 per day for inpatient respite care, and

"(iv) $271 per day for general inpatient care.

"(C) The Secretary shall not less often than annually review and, as appropriate, increase the payment rates established under this paragraph, and report to Congress periodically on such review and such adjustments and on the adequacy of the rates under this paragraph in ensuring participation by an adequate number of hospice programs under this title.".

(b) The amendment made by subsection (a) shall apply to hospice care provided on or after the first day of the first month beginning after the date of the enactment of this Act.

By Mr. MELCHER (for himself, Mr. DOMENICI, Mr. ANDREWS, Mr. INOUYE, Mr. DECONCINI, Mr. GOLDWATER, Mr. MATSUNAGA, Mr. COCHRAN, Mr. KENNEDY, Mr. BURDICK, and Mr. BINGAMAN):

S. 2726. A bill to promote the development of Native American culture and art; to the Select Committee on Indian Affairs.

NATIVE AMERICAN CULTURE AND ART DEVELOMENT ACT

● Mr. MELCHER. Mr. President, during the 97th Congress, I introduced S. 792, a bill for the preservation and development of Native American art and culture. After extensive hearings, the bill was reported by the Select Committee on Indian Affairs on April 29, 1982, and adopted by the Senate on May 10, 1982. Unfortunately the House did not act on the bill during the last Congress. In the interim Senator DOMENICI and I have worked closely with numerous groups and individuals with a deep interest in this legislation which has allowed us to clarify a number of issues in the bill.

Today we are introducing another version of the Native American art and culture bill which incorporates many of these suggestions. This legislation will provide Federal support for Indian art and culture. While the artistic and cultural heritage of the United States has had numerous influences, the only genuinely native heritage derives from the Indian people. Unfortunately, without impetus from the Federal Government, there is a clear danger not only that much of our existing Indian art and culture will be lost to future generations but continuing artistic expression will be stymied.

The unique aspects of American Indian art and culture must be preserved and fostered by a sensitive and concerned approach both to the historical and ongoing contributions of native Americans. Current Federal initiatives in this area are fragmented and inadequate.

This bill would establish an Institute of Native American Culture and Arts Development directed by a board of trustees, a majority of which will be Indians. The primary functions of the Institute will be to provide the scholarly study of, and the instruction in, the arts to culture of native Americans and to establish programs which culminate in the awarding of degrees in various fields of native American art and culture.

It is important to note that the Institute's programs would be designed to complement existing tribal programs for the advancement of native American art and culture. The Institute would pay a crucial role in coordinating efforts to preserve, support, revitalize, and develop evolving forms of native American art and culture.

The Institute will have authority to create a Center for Culture and Art Studies and a Center for Research and Cultural Exchange and will incorporate the functions of the existing Institute of American Indian Arts.

The establishment of an institute encompassing the art and culture of Indian people is not a new concept but, I believe, it is one whose time has come. The Senate Special Subcommittee on Indian Education in its 1969 report, "Indian Education: A National Tragedy—A National Challenge," recommended the creation of such an institute and emphasized that—

> The information such as an Institute could disseminate, as well as the research which it would conduct, would greatly increase public knowledge and understanding of the American Indian (Senate Report 91-501, p. 126).

Fifteen years have passed since the Senate received that recommendation. With the introduction of this bill, the Senate will have the opportunity to consider this proposal.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Native American Culture and Art Development Act".

FINDINGS

Sec. 2. The Congress finds and declares that—

(1) Native American art and culture has contributed greatly to the artistic and cultural richness of the Nation;

(2) Native American art and culture occupies a unique position in American history as being our only native art form and cultural heritage;

(3) the enhancement and preservation of this Nation's native art and culture has a fundamental influence on the American people;

(4) although the encouragement and support of Native American arts and crafts are primarily a matter for private, local, and Native American initiative, it is also an appropriate matter of concern to the Federal Government;

(5) it is appropriate and necessary for the Federal Government to support research and scholarship in Native American art and culture and to complement programs for the advancement of Native American art and culture by tribal, private, and public agencies and organizations;

(6) current Federal initiatives in the area of Native American art and culture are fragmented and inadequate; and

(7) in order to coordinate the Federal Government's effort to preserve, support, revitalize, and disseminate Native American art and culture, it is desirable to establish a national Institute of Native American Culture and Arts Development.

DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "Native American art and culture" includes, but is not limited to, the traditional and contemporary expressions of Native American language, history, visual and performing arts, and crafts.

(2) The term "Institute" means the Institute of Native American Culture and Arts Development established by this Act.

(3) The term "Native American" means any person who is a member of an Indian tribe or is a Native Hawaiian.

(4) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(5) The term "Native Hawaiian" means any descendant of a person who, prior to 1778, was a native of the Hawaiian Islands.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "Board" means the Board of Trustees established under section 5.

ESTABLISHMENT OF INSTITUTE

Sec. 4. (a) There is hereby established a corporation to be known as the "Institute of Native American Culture and Arts Development", which shall be under the direction and control of a Board of Trustees established under section 5.

(b) The corporation established under subsection (a) shall have succession until dissolved by Act of Congress. Only the Congress shall have the authority to revise or amend the charter of such corporation.

BOARD OF TRUSTEES

Sec. 5. (a) The Board shall be composed of 18 members as follows:

(1) twelve members appointed by the President of the United States by and with the advice and consent of the Senate from among individuals from private life who are Native Americans widely recognized in the field of Native American art and culture;

(2) three members appointed by the President pro tempore of the Senate, upon the recommendation of the majority leader and the minority leader of the Senate, and

(3) three members appointed by the Speaker of the House of Representatives, upon the recommendation of the majority leader and the minority leader of the House of Representatives.

(b) In making appointments pursuant to subsection (a)(1), the President of the United States shall—

(1) consult with the Indian tribes and the various organizations of Native Americans; and

(2) give due consideration to the appointment of individuals who will provide appropriate regional and tribal representation on the Board.

(c)(1) The term of office of each member of the Board appointed pursuant to subsection (a)(1) shall be six years, except that of such members first appointed, four shall serve for a term of two years, four for a term of four years, and four for a term of six years, as designated by the President as of the time of appointment. Any member of the Board appointed pursuant to subsection (a)(1) to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of the term. No member of the Board appointed pursuant to subsection (a)(1) shall be eligible to serve in excess of two consecutive terms, but may continue to serve until his successor is appointed.

(2) The term of office of each Member of Congress appointed to the Board under subsection (a) shall expire at the end of the congressional term of office which such Member holds at the time of such appointment.

(d) The President of the United States shall designate the initial Chairman and Vice Chairman of the Board from among the members of the Board appointed pursuant to subsection (a)(1). Such Chairman and Vice Chairman so designated shall serve for twelve calendar months. The Chairman and Vice Chairman shall thereafter be elected by the members of the Board appointed pursuant to subsection (a)(1) and shall serve for terms of two years. In the case of a vacancy in the office of Chairman or Vice Chairman, such vacancy shall be filled by the members of the Board appointed pursuant to subsection (a)(1) and the member filling such vacancy shall serve for the remainder of the unexpired term.

(e) Unless otherwise provided by the bylaws of the Institute, a majority of the members of the Board shall constitute a quorum.

(f) The Board is authorized—

(1) to formulate the policy of the Institute;

(2) to direct the management of the Institute; and

(3) to make such bylaws and rules as it deems necessary for the administration of its functions under this Act, including the organization and procedures of the Board.

(g) Members of the Board appointed pursuant to subsection (a)(1) shall, for each day they are engaged in the performance of the duties under this Act, receive compensation at the rate of $125 per day, including traveltime. All members of the Board, while so serving away from their homes or regular places of business, shall be allowed travel expenses (including per diem in lieu of subsistence), as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

PRESIDENT; EMPLOYEES

SEC. 6. (a) The Board shall appoint a President of the Institute. The President of the Institute shall serve as the chief executive officer of the Institute. Subject to the direction of the Board and the general supervision of the Chairman, the President of the Institute shall have the responsibility for carrying out the policies and functions of the Institute, and shall have authority over all personnel and activities of the Institute.

(b) The President of the Institute shall be compensated at an annual rate not to exceed that prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(C) The President of the Institute, with the approval of the Board, shall have the authority to appoint and fix the compensation and duties of such officers and employees as may be necessary for the efficient administration of the Institute. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

GENERAL POWERS OF THE INSTITUTE

SEC. 7. In carrying out the provisions of this Act, the Institute shall have the power, consistent with the provisions of this Act—

(1) to adopt and alter a corporate seal, which shall be judicially noticed;

(2) to make agreements and contracts with persons, Indian tribes, and private or governmental entities and to make payments or advance payments under such agreements or contracts without regard to section 3324 of title 31, United States Code;

(3) to sue and be sued in its corporate name and to complain and defend in any court of competent jurisdiction;

(4) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings;

(5) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this Act and to pay for such use (such payments to be credited to the applicable appropriation that incurred the expense);

(6) to use the United States mails on the same terms and conditions as the executive departments of the United States Government;

(7) to obtain insurance or make other provisions against losses;

(8) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, and to accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(9) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute;

(10) to receive grants from, and enter into contracts and other arrangements with, Federal, State, or local governments, public and private agencies, organizations, and institutions, and individuals;

(11) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Board to carry out the purposes of this Act;

(12) to use any funds of property received by the Institute to carry out the purposes of this Act; and

(13) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Institute in order to carry out the provisions of this Act and the exercise of the powers, purposes, functions, duties, and authorized activities of the Institute.

FUNCTIONS OF THE INSTITUTE

SEC. 8. (a) The primary functions of the Institute shall be—

(1) to provide scholarly study of, and instruction in, the arts and culture of Native Americans, and

(2) to establish programs which culminate in the awarding of degrees in the various fields of Native American art and culture.

(b) There shall be established within the Institute—

(1) a Center for Culture and Art Studies to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include, but not be limited to, Departments of Arts and Sciences, Visual Arts, Performing Arts, Language, Literature, and Museology; and

(2) a Center for Research and Cultural Exchange, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include—

(A) a museum of Native American arts,

(B) a learning resources center,

(C) programs of institutional support and development,

(D) research programs,

(E) fellowship programs,

(F) seminars,

(G) publications,

(H) scholar-in-residence and artist-in-residence programs, and

(I) inter-institutional programs of cooperation at national and international levels.

(c) In addition to the centers and programs described in subsection (b), the Institute shall develop such programs and centers as the Board determines are necessary to—

(1) foster research and scholarship in Native American art and culture through—

(A) resident programs,

(B) cooperative programs, and

(C) grant programs;

(2) complement existing tribal programs for the advancement of Native American art and culture; and

(3) coordinate efforts to preserve, support, revitalize and develop evolving forms of Native American art and culture.

NONPROFIT AND NONPOLITICAL NATURE OF THE INSTITUTE

SEC. 9. (a) The Institute shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

(c) The Institute may not contribute to, or otherwise support, any political party or candidate for elective public office.

TAX STATUS

SEC. 10. The Institute and the franchise, capital, reserves, income, and property of the Institute shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, county, municipality, Indian tribe, or local taxing authority.

TRANSFER OF FUNCTIONS

SEC. 11. (a) There are hereby transferred to the Institute, and the Institute shall perform, the functions of the Institute of American Indian Arts established by the Secretary of the Interior in 1962.

(b)(1) All personnel, liabilities, contracts, personal property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the Institute.

(2) Personnel engaged in functions transferred by this Act shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions, except that such transfer shall be without reduction in classification or compensation for one year after such transfer.

(c) All laws and regulations relating to the Institute of American Indian Arts transferred to the Institute by this Act shall, insofar as such laws and regulations are applicable, remain in full force and effect. With respect to such transfers, reference in any other Federal law to the Institute of American Indian Arts, or any officer so transferred in connection therewith, shall be deemed to mean the Institute.

ANNUAL REPORT

SEC. 12. The President of the Institute shall submit an annual report to the Congress and to the Board concerning the status of the Institute during the twelve calendar months preceding the date of the report. Such report shall include, among other matters, a detailed statement of all private and public funds, gifts, and other items of a monetary value received by the Institute during such twelve-month period and the disposition thereof as well as any recommendations for improving the Institute.

HEADQUARTERS

SEC. 13. The site of the Institute of American Indian Arts, at Santa Fe, New Mexico, shall be maintained as the location for the Institute of Native American Culture and Arts Development. To facilitate this action and the continuity of programs being provided at the Institute of American Indian Arts, the Secretary is authorized to enter into negotiations with State and local governments for such exchanges or transfers of lands and such other assistance as may be required.

APPLICATION WITH OTHER ACTS

SEC. 14. (a) The Institute shall comply with the provisions of—

(1) Public Law 95-341 (42 U.S.C. 1996), popularly known as the American Indian Religious Freedom Act,

(2) the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa, et seq.), and

(3) the National Historic Preservation Act (16 U.S.C. 470, et seq.).

(b) All Federal criminal laws relating to larceny, embezzlement, or conversion of the funds or property of the United States shall apply to the funds and property of the Institute.

AUTHORIZATION

SEC. 15. There are authorized to be appropriated to carry out the purposes of this Act—

(1) for the fiscal year beginning October 1, 1985, the sum of $4,000,000, and

(2) for each fiscal year thereafter, such sum as may be necessary to carry out such purposes.●

● Mr. DOMENICI. Mr. President, Senator MELCHER and I have worked on this legislation together since our hearing in Santa Fe, N. Mex., in April 1980. We have learned a lot about the feelings and attitudes of the Pueblo Indians and the Navajo Nation in the Southwest.

Art and culture are inseparable from the daily lives and religion of the Indian people of New Mexico. In earlier hearings we heard quite strongly from the Pueblo leadership on their feelings of privacy as related to any national institute. Delfin J. Lovato, chairman of the All Indian Pueblo Council, told us in July 1981, that "teaching of Indian rituals, Indian dances, and Indian songs as part of the institute's functions * * * is very offensive to Pueblo communities." "The Pueblo leadership," he continued, "and the Pueblo community strongly feel that part of our culture, traditions, and heritage belongs to the Pueblo people alone. We do not want our dances or our songs being taught, copied, or in any way practiced in any national institute." To the Pueblo people, art and religion are very closely related.

In response to these concerns, we have modified our legislation so that we create a national institute to teach quality art and culture skills and to serve as a center for scholarship and research without infringing on the freedoms of Indian people to carry on their own traditions. Our focus, as stated in section 8 of the bill, is to "coordinate efforts to preserve, support, revitalize and develop evolving forms of Native American art and culture." This Institute will not teach or attempt to carry forward specific Pueblo or tribal customs or religions. Rather, it will enhance student skills in expressing attributes of Indian art and culture appropriate to such a national institute.

Our several cosponsors believe, Mr. President, that we are truly enhancing the proper Federal role in preserving native American art and culture in a manner that is tasteful and fully respectful of local customs and traditions. We are taking the currently fragmented pieces of the Federal effort and forging a new tax exempt, federally chartered and supported institute that will not be subject to the whims of bureaucratic control. We are encouraging private donations and support under the stewardship of an 18-member board of trustees, a majority of whom will be Indians. We also specify that Santa Fe, N. Mex., will be the site of the Institute for Native American Culture and Arts Development. All functions of the existing Institute for American Indian Arts will be incorporated into the new Institute for Native American Culture and Arts Development.

This legislation is vital to the future development of a national effort to promote Indian art education and scholarship in a manner that can attract private support and tap the special talents and resources of the Indian people of this Nation. The success stories of the current Institute for American Indian Art generate a belief that by removing the unnecessary barriers, we will be promoting Indian self-determination and self-education at a high level of quality.●

ADDITIONAL COSPONSORS

S. 2031

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Utah (Mr. HATCH), the Senator from Maine (Mr. MITCHELL), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 2031, a bill relating to the residence of the Amercian Ambassador to Israel.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

S. 2636

At the request of Mr. SASSER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2636, a bill to require the Administrator of General Services to notify State and local governments and agencies thereof prior to the disposal of surplus real property.

S. 2650

At the request of Mr. KASTEN, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2650, a bill to enable the Consumer Product Safety Commission to protect the public by ordering notice and repair, replacement or refund of certain toys or articles intended for use by children if such toys or articles create a substantial risk of injury to children.

S. 2719

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2719, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold a percentage of the apportionment of certain Federal-aid highway funds to be made to any State which does not establish a minimum drinking age of 21 years.

SENATE JOINT RESOLUTION 240

At the request of Mr. INOUYE, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. DENTON), the Senator from Arkansas (Mr. PRYOR), and the Senator from Kansas (Mr. DOLE), were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the name of the Senator from South Dakota (Mr. ABDNOR), was added as a cosponsor of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984, as "Ethnic American Day."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the names of the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Michigan (Mr. RIEGLE), were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from Illinois (Mr. DIXON), were added as cosponsors of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw Uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 287

At the request of Mr. D'AMATO, the name of the Senator from Illinois (Mr. DIXON), was added as a cosponsor of Senate Joint Resolution 287, a joint resolution to authorize and request the President to designate January 27, 1985, as "National Jerome Kern Day."

SENATE JOINT RESOLUTION 298

At the request of Mr. HUDDLESTON, the name of the Senator from Massachusetts (Mr. KENNEDY), was added as a cosponsor of Senate Joint Resolution 298, a joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day."

SENATE CONCURRENT RESOLUTION 99

At the request of Mr. HUDDLESTON, the name of the Senator from Texas (Mr. BENTSEN), was added as a cosponsor of Senate Concurrent Resolution 99, a concurrent resolution expressing the sense of Congress that Federal bank regulatory agencies should require their examiners to exercise caution and restraint in adversely classifying loans made to farmers and ranchers.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled a full committee markup on S. 1300, S. 2646, and H.R. 3050, legislation to amend the Rural Electrification Act of 1936.

The hearing will be held on Thursday, June 7, 1984, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 5, at 2 p.m., to hold a business meeting to consider resolutions and nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

● Mr. GOLDWATER. Mr. President, I am delighted that the Senate has acted on S. 540, a bill I introduced to create a separate National Institute of Arthritis and Musculoskeletal and Skin Diseases. I would like to compliment the coauthors of the bill, Senator HATCH, chairman of the Labor and Human Resources Committee, and Senator CRANSTON, who authored the Arthritis Act of 1974, for their special assistance and work on behalf of this legislation. I also would like to single out my friend from Idaho, Senator SYMMS, who has done everything he possibly could to promote the bill. In all, I believe 47 Senators have joined as sponsors of S. 540, and I ask that a complete list of the sponsors may appear at the end of my remarks.

Mr. President, S. 540 would create within the National Institutes of Health a separate Institute to attack the many disorders which are clustered together under the name of arthritis. The research community believes, and I agree, that a separate Institute will place a higher priority on efforts to combat arthritis-related diseases than any Institute can do which has to divide its attention among 10 or 12 different disease areas. This is the defect in the present Institute. Even though arthritis appears in its name, the existing National Institute actually devotes far more attention and financial support to other disease groups, such as kidney and diabetes research, than it does to arthritis.

Over 37 million Americans suffer from some form of arthritis and the number grows by a million persons every year. Many forms of these diseases are chronic and disabling. However, there is realistic hope of some help for those of us who have or will have experienced arthritis. Experts in the scientific community believe that concentrated research efforts will lead to major breakthroughs in the prevention, treatment and potential cure of these diseases.

Mr. President, much of the growth in medicare hospitalization costs can be traced to arthritis. The same is true of the rising expense of workers' compensation payments. When we consider the tens of billions of dollars of medical expenses and lost earnings that can be traced directly to arthritis and when we take account of the human cost of pain and immobility caused by arthritis, we can see that the creation of a new Institute is not only justifiable, it will result in great savings to Government health and disability programs and improved worker performance.

Mr. President, I thank all of my colleagues for joining with us in passing the bill favorably and transferring arthritis to a separate Institute where something worthwhile can be accomplished.

The list of cosponsors follows:

SPONSORS OF S. 540, ARTHRITIS INSTITUTE

Senators Goldwater, Cranston, Hatch, Symms, DeConcini, Burdick, Biden, Pell, Simpson, Sarbanes, Humphrey, Nunn, Rudman, Inouye, Jackson.

Senators Hatfield, Metzenbaum, Melcher, Hollings, Bentsen, Kasten, Randolph, Dixon, Dodd, Glenn, Huddleston, Johnston, Pryor, Grassley, Helms.

Senators Hart, Byrd, Hawkins, Lugar, Jepsen, Matsunaga, Heinz, Mattingly, Andrews, Roth, Levin, Percy, D'Amato, Specter, Garn, Dole, and Bumpers.●

CARDINAL SIN: THE MEMORY OF BENIGNO AQUINO

● Mr. KENNEDY. Mr. President, it has been over 9 months since a friend of many in this Chamber, a lifelong Democrat and a true Filipino patriot, Senator Benigno Aquino, was struck down in Manila as he returned to his nation on a mission of reconciliation. The Philippine military's version of the killing now stands totally discredited. We still do not know the identity of the assassin, but few doubts remain about who is responsible.

During his recent visit to the United States, Cardinal Sin, the Archbishop of Manila, delivered a sermon on May 20 at St. Ignatius Church in Newton, Mass. Cardinal Sin spoke of Senator Aquino and he spoke of Philippine Government efforts to dismiss his memory.

If the recent elections in the Philippines show anything, they demonstrate that Ninoy's memory is alive and burning in the hearts of Filipino people. As Cardinal Sin said in Massachusetts:

> Ninoy may have been the stone whom the builders regarded as useless, but he will turn out to be the most important of all. When democracy finally returns to the Philippines, after the darkness of oppression shall have yielded to the light of freedom, you will say that Ninoy made it possible. You will say that Ninoy died so that the idea of freedom will continue to live in the Philippines.

Let us join with Cardinal Sin and the Filipino people in calling on the Philippine Government to relax its controls and restore democracy to the Philippines. Let us remain true to Ninoy's inspiration.

I ask that the full text of Cardinal Sin's sermon be printed in the RECORD.

The sermon follows:

SERMON BY ARCHBISHOP SIN, ST. IGNATIUS CHURCH, NEWTON, MASS.

My dear brothers and sisters in Christ: There is a passage in today's second reading from the first book of Peter which has compelling relevance to all Filipinos, in or out of the Philippines, at the present time. The passage is this, and I quote:

"The stone which the builders rejected as useless turned out to be the most important of all."

On August 21 last year, at the Manila International Airport, a man was sent sprawling on the tarmac, a bullet through the back of the head. As he lay dying and with his lifeblood gushing out of him, it was clear that he had been rejected. Rejected by the so-called nation-builders who had no use for him and who did not sympathize with his aspiration to restore the democratic tradition in the Philippines.

That man, I understand, lived and worked among you here. He attended Mass in this church regularly, and he made many friends here, most of whom are in this congregation today.

I say that this man was considered useless because, almost nine months to the day that he was gunned down mercilessly, the assassination has not been solved as yet. The version put forth by the military has been universally rejected, and the dreams of the Filipino people wanting the killers brought before the bar of justice have been frustrated.

I also say that this man was rejected, rejected categorically and unequivocally, because, as he told me and as he no doubt repeatedly told you also, he was coming to the Philippines on a mission of reconciliation, not of confrontation. But he was never allowed to pursue that mission of peace; a weapon of hatred bored into his brain, stifling his message of peace.

If that was not rejection, what is?

He was rejected, too, regarded as absolutely useless, when, a week or so before the election of May 14, the President delivered a speech where he stated that this man of whom I speak was no longer an issue in the election. In other words, he was saying that the people had forgotten what he had tried to come home for, what he had tried to accomplish, what he had bled and died for.

No doubt, the President can pointedly ask everyone to look at the election results and, with a gloating note that he will not try to suppress, he will say that he was right, that Ninoy, indeed, was not an issue in the polls.

My dear brothers and sisters in Christ: you who knew and loved Ninoy, you who cannot understand why the Filipino people seemed to have forgotten him so quickly, you who are confused because you cannot believe how the sense of outrage experienced by the Filipinos over his death could so magically have turned into indifference and complacency, let me tell you this:

Ninoy may have been the stone whom the builders regarded as useless, but he will turn out to be the most important of all.

When democracy finally returns to the Philippines, after the darkness of oppression shall have yielded to the light of freedom, you will say that Ninoy made it possible. You will say that Ninoy died so that the idea of freedom will continue to live in the Philippines.

This, believe me, is not just empty, meaningless rhetoric.

When Ninoy died, shock waves of anger and outrage engulfed the Philippines. The anger made the people forget their fear—a fear induced by many years of martial rule and oppression, and they took to the streets in vigorous but peaceful protest.

Despite their sense of outrage, the people remembered that Ninoy came on a mission of peace. So they kept their demonstrations peaceful; they kept faith with Ninoy by confining themselves to non-violent forms of protest.

Then, after the national leadership made substantial concessions like the restoration of the vice-presidency and the elimination of block-voting, the demonstrations died down and the people began to gird for the elections.

Then the disillusionment crept in again. The conduct of the elections was such that it became clear that the government had no intention of being fair, of giving the opposition a chance to win. The results of the election are proof of that.

And the people, who had been lulled into a sense of complacency, began to remember Ninoy once again. And now, even as I am speaking to you, there is an undercurrent, a groundswell of dissatisfaction and repressed anger.

Will this compel the national leadership to relax its controls and restore democracy? I hope so. For, if it is not done, the dissatisfaction could escalate, and who can tell what the consequences would be?

Whatever the outcome, it would be clear that it was Ninoy who brought about the clamor for change, for a return to democratic processes. And when the cherished goal is finally attained, we would all realize that Ninoy, the stone rejected as useless by the builder, had become the cornerstone, the most important stone in the nation-building process.

My dear brothers and sisters in Christ: The Philippines, our beloved country, is today in a state of turmoil and uncertainty. It continues to reel from the economic crisis that Ninoy's death brought about. The people are restless, and it is important that, like it or not, the national leadership must effect changes for the better.

You can help hasten that process. By your sympathy and, more important, by your prayers to Him who is the Way, the Truth and the Life, you can help to bring a regime of justice and prosperity back to the Philippines. Thank you very much and God bless you all!●

THE CITY THAT FINDS ITS MISSING CHILDREN

● **Mr. QUAYLE.** Mr. President, an article appeared in the April issue of Reader's Digest detailing the fine work of the Indianapolis Police Department in its efforts to locate missing children. As the article states, 1592 reports of missing children were taken in 1982. "Every single one of those children has since been accounted for, most within a few weeks of their disappearance."

No doubt there are many reasons for the positive outcome of these cases, however, I believe several factors are crucial. The Indianapolis Police Department places a priority on locating missing children and the officers conduct their work in an atmosphere of dedication and caring. A cooperative effort with the news media in the Indianapolis area also contributes to the success rate. Supportive assistance from the Indianapolis community and surrounding jurisdictions provides needed encouragement.

Our children are our most valuable resource and I am proud of the efforts the Indianapolis Police Department and the community have made to keep this resource secure.

I would urge my colleagues to read this article and to encourage their local communities to follow this fine example.

I ask that the article from Reader's Digest be printed in the RECORD.

The article follows:

THE CITY THAT FINDS ITS MISSING CHILDREN

(By Gary Turbak)

(Indianapolis proves that one American tragedy—the annual disappearance of thousands of our children—can have a happy ending.)

At age 15, Mary ran away from her home in a western city. While hitchhiking in California, she was raped. Then her forearms were chopped off and she was left along a country road to die. Mary survived, and now she warns other youngsters not to run away.

Mary's heartbreaking experience is an all-too-familiar American tragedy. Every year in the United States, some 1.5 million children run away. About 85 percent of them are eventually found or else return on their own, but tens of thousands fall into the hands of pimps and pornographers, become hooked on drugs and resort to stealing to survive on the streets, or are murdered. At least 150,000 children a year are abducted, by either strangers or non-custodial parents. The majority of them are never found.

What makes the situation even more tragic is that so little is being done on a national basis to find these lost children. One city that is setting a shining example is Indianapolis, America's 12th-largest metropolis (pop. 700,807). In 1982, for instance, the missing-persons unit of the Indianapolis Police Department (IPD) took reports on 1592 missing youngsters. Every single one of those children has since been accounted for, most within a few weeks of their disappearance.

Last summer, I accompanied two IPD officers as they cruised the city's south side. Suddenly, a call came over the police radio: a three-year-old girl wearing green shorts had been reported missing from her home two blocks away. The officers turned the corner and there she was, green shorts and all, with four older children.

Detective Larry Summers called in: "Cancel that missing three-year-old. She's on her way home."

"That must be the quickest return on record," I said.

"We told you we worked fast," said Summers, smiling.

Obviously, not all children are found so easily. In October 1981 more than 30 officers searched four days before one 19-month-old child was found in an abandoned house. Police looked for two weeks last summer before a 13-year-old runaway finally turned up at a local high school. "We'll spend as much time as necessary to find these kids," says Sgt. Joe St. John, 48, head of the IPD's missing-persons unit.

In 1983 nearly ten percent (149) of the IPD's missing-child reports involved children under age 11. Ninety percent of these were false alarms—youngsters who had gone to visit friends or who were simply late coming home. That left 15 very young children who were truly missing. They were all found. The older missing juveniles, 1,627 of them, were mostly runaways. By year's end, only 43 of those cases were still open. St. John expected to find them, too.

What is responsible for this excellent record? First and foremost is the high priority given to missing youngsters. "There is no waiting period to report a missing child in Indianapolis," says St. John. "We take reports 24 hours a day, and missing-persons detectives are on call around the clock. Each case is assigned, often within 20 minutes, to one of the five full-time detectives whose primary job is to locate the missing."

Many other police departments insist on a 24-hour wait before even taking a report on a missing child, particularly an older one who might be a runaway. Others say they will do everything they can to locate a youngster, but their efforts are often ineffective because of inexperience or a lack of resources.

In Indianapolis, things are different. St. John urges parents to report runaways as soon as they are missed. Experience has shown that the sooner children are reported missing, the easier they are to find. Most runaways stay with someone they know for a while. If the search is delayed, the child may find new friends and become harder to locate.

The IPD's missing-persons unit was created in 1968. When St. John, a tough, street-savvy cop, took over the unit in 1978, he found policies and procedures poorly defined. For example, missing children received little publicity, and some parents calling to report a runaway child were told to call back the next day.

St. John's philosophy is to do a job the best way as quickly as possible. To illustrate why he feels such urgency about missing kids, he tells the following story:

One Sunday in June 1981, a 16-year-old retarded girl, who had been despondent over her lack of friends, was reported missing by her mother. St. John questioned her classmates and learned that she had begun to hang out around Willard Park on the city's tough east side.

On Monday, St. John spend hours there, showing people the girl's picture. No one had seen her. Then, about 5 p.m., he spotted her talking to two men in a truck near the park.

St. John had found the missing girl, but she was not a pretty sight. She was dirty and disheveled and appeared to have been using drugs. Her thighs and stomach were worn raw from repeated sexual activity. In her desire to make friends, she had fallen prey to pimps.

When the girl and her family were tearfully reunited, St. John told her mother, "You're lucky. Sometimes when pimps have no more use for a girl, they kill her."

St. John never really goes off duty. Headquarters has orders to wake him whenever a youngster cannot be found at night. That's another secret to Indianapolis's success: the willingness of so many to go beyond what is asked of them. The IPD officers' caring attitude does not end once they locate a runaway. They try to find out why each child took off. "In some cases, sending the runaway home may be a bad thing to do," says St. John.

Officers work closely with child-abuse officials to determine whether a returned runaway needs to be removed from the home. Such a youngster may go to Stopover, a crisis service offering temporary housing and intense counseling for youngsters and their families. Other runaways are placed temporarily in the Marion County Children's Guardian Home, a facility for dependent, neglected and abused kids.

The IPD's concern for missing children reflects a community-wide attitude. "When a child is missing, people are quick to offer help," St. John reports. In April 1983, for example, six-year-old Maria failed to appear for dinner. When a neighbor heard the news, he walked to the child's house. "We've never met," he said, "but I'd like to help."

At one time, about 20 neighbors were looking for Maria. Just after dawn, the girl walked home. Afraid of being scolded for coming in late, she had spent the night hiding. "Those people who had been helping could have been angry," says Maria's mother. "But the only thing that mattered to them was that Maria was safe. I never ralized how much of a community we had until this happened."

The news media play an important role in the Indianapolis success story too. Television airs photos of missing children. Newspapers publish their pictures, and descriptions go out on the radio. At least one life may have been saved because of media publicity. Last July, a 14-year-old mother ran away with her three-month-old son, who suffered from a potentially fatal illness and needed daily injections. The IPD arranged for the girl's picture to be shown on TV. Soon she appeared with her baby at a local hospital. She had apparently seen the TV message and realized how serious her son's illness was.

Another reason for IPD success is its monthly bulletin with photos of missing youngsters. The IPD prints 500 copies for distribution to officers on the street and police departments in nearby communities. Bulletins are posted in arcades, fast-food restaurants and other places where runaways might go.

"It costs us about $60 a month, and we feel we're getting excellent results," says Capt. Lawrence Turner, until recently head of the IPD's Juvenile Branch. "About 70 percent of the missing youngsters pictured are located before the next bulletin is published."

Another valuable (but underutilized nationally) tool is the FBI's National Crime Information Center (NCIC) computer. Since President Reagan signed the Missing Children Act in October 1982, parents have had the right to ask the FBI to enter information about missing children into this computer system, if the police have not already done so. Then it's available to law-enforcement agencies all over the country.

In August 1983, two girls, ages 12 and 14, and a 16-year-old boy were reported as runaways from Indianapolis. Suspecting they had left the city together, St. John entered their names and descriptions into the NCIC computer.

A few days later police spotted three youths hitchhiking in London, Ky., and took them in for questioning. Their names were fed into the NCIC computer. The three were identified as the runaways from Indianapolis and were returned home safely.

The IPD unit has fostered cooperative efforts in surrounding Marion County. In September 1982 Captain Turner instituted the Inter-Agency Missing Juveniles Program, linking the IPD, the Marion County Sheriff's Department, the Indiana State Police and local police departments in nearby Lawrence, Speedway and Beech Grove. "Before this program," explains St. John, "one jurisdiction might not have given high priority to a missing youngster from another jurisdiction. Now they do."

"Our children are our future, the most precious commodity we have," sums up Captain Turner. "We're proud of our record in Indianapolis, proud that we find our missing kids. But I believe that any city where people care and work together can do the same."

HOW TO PROTECT YOUR CHILD

Experts say it is far easier to prevent a child from being taken than to find missing youngsters. Their advice to parents:

1. Teach your child your phone number, including area code, and your full address.
2. Keep up-to-date photographs of your child on hand.
3. Make a mental note of what your child is wearing every day.
4. Be sure your child knows what to do should you become separated from him or her.
5. Obtain dental records of your child as early as possible; keep them up-to-date.
6. Have a set of your child's fingerprints taken by the police or other professionals and keep it at home.
7. Make sure your school will phone you if your child is absent.

For information on what you can do to help solve the missing-children problem at the national level, call 1-800-KID-FIND, or write: Find the Children, 11811 W. Olympic Blvd., Los Angeles, Calif. 90064.●

LATIN AMERICAN DEBT CRISIS

● **Mr. KENNEDY.** Mr. President, leaders of four major Latin American governments recently issued a somber warning. In a joint statement on May 19 regarding the foreign debt crisis, the presidents of Argentina, Brazil, Colombia, and Mexico declared their "concern that the hope for the development of our peoples, the progress of democratic tendencies in the region and the economic security of our continent are being seriously undermined by facts that are foreign to our countries and beyond the control of our governments."

This declaration coincided with the issuance of the Inter-American Dialogue's second report. In that report, a group of 50 business, labor, government, academic, political, and church leaders from the hemisphere conclude that "no single year in the last 50 was more disastrous for the economies of Latin America and the Caribbean than 1983. Since 1981, the gross product of Latin America as a whole has fallen by about 6 percent. Per capita incomes have declined some 13 percent since 1980, and are now back to what they were in 1976. The external debt of Latin America soared from $27 billion in 1970 to more than $350 billion by the end of 1983."

The leaders of Latin America recognize the dimensions of this crisis. In their declaration they announced a prompt meeting of Foreign and Finance Ministers from their countries to which other Latin American governments would be invited. They proposed "adoption of concrete measures to reach substantial transformations in international financial and commercial policies that will widen the possibilities of access of our products to the markets of the developed countries, that will mean substantial and effective relief of the debt burden and will assure renewal of development financing."

Resolving this crisis requires the cooperation of all members of the international community. I hope the United States will play a full and creative role. As we develop our response, we must bear in mind that the future of democracy in the region, which has been enhanced over the past several years, is in the balance.

I ask that the full text of the President's May 19 statement be printed in the Record.

The statement follows:

Joint Presidential Statement Calling to a Meeting of Latin American Foreign Ministers and Financial Authorities to Discuss the International Debt Crisis

We, the Presidents of Argentina, Brazil, Colombia and Mexico: Raúl Alfonsin, Joao Figueiredo, Belisario Betancur and Miguel de la Madrid, express our concern that the hope for the development of our peoples, the progress of the democratic tendencies of the region and the economic security of our continent are being seriously undermined by facts that are foreign to our countries and beyond the control of our governments.

We have confirmed that the successive increases of interest rates, the perspective that there will be new increases and the proliferation and intensity of protectionist measures have created a sombre scenario for our nations and for the region as a whole.

Our countries cannot accept these risks indefinitely. We have asserted our firm determination of overcoming imbalances and to restore the conditions that will renew or strengthen economic growth and the process of improving the living standards of our peoples.

We have been the first to demonstrate our efforts to fulfill our obligations in terms that are compatible with the interests of the international community. We do not accept being pushed into a situation of forced insolvency and continuous economic stagnation.

We consider indispensable that without further delay the international community, especially in the inter-related sectors of commerce and international finance, should begin a concerted effort to agree to actions and measures of cooperation that will permit the resolution of these problems.

Therefore we, the Presidents of Argentina, Brazil, Colombia and Mexico, propose the adoption of concrete measures to reach substantial transformations in international financial and commercial policies that will widen the possibilities of access of our products to the markets of the developed countries, that will mean substantial and effective relief of the debt burden and will assure the renewal of development financing. Especially needed are adequate amortization and grace periods, reductions of interest rates, spreads, commissions and other financial charges.

For the above reasons we convoke a meeting of Foreign Ministers and Ministers responsible for the financial affairs of our countries, to take place as soon as possible, in order to define the most adequate initiatives and methods to reach satisfactory solutions for all involved countries; we will also invite to this meeting the Ministers of other Latin American governments.

Buenos Aires, Brazilia,
Bogotá, Mexico D.F.,
May 19, 1984.●

ARIZONA LEGISLATURE MEMORIALS

● Mr. GOLDWATER. Mr. President, it is my pleasure to present to the Senate today four memorials adopted by the Arizona State Legislature recently. First, I submit for the RECORD House Concurrent Memorial 2002 urging the use of copper canisters for the disposal of nuclear waste. Second, I offer Senate Concurrent Memorial 1001 recommending restrictions of travel by Soviet diplomats in Phoenix, Tucson, and Yuma, Ariz., from which they had been previously barred. Third, I have received and submit for the RECORD House Concurrent Memorial 2001 supporting Government efforts to halt persecution of members of the Baha'is religion in Iran. And, finally, I am delighted to present Senate Concurrent Resolution 1008 which calls on Congress to approve the line item veto constitutional amendment. I am a cosponsor of exactly that proposal Senate Joint Resolution 178.

Mr. President, I ask that the full text of the memorials be printed in the RECORD.

The memorials follow:

SENATE CONCURRENT MEMORIAL 1001

Whereas, the United States Department of State recently amended diplomatic travel restrictions so that Soviet diplomatic personnel in the United States now have access to Phoenix, Tucson and Yuma from which they had previously been barred; and

Whereas, the director of the Federal Bureau of Investigation, William Webster, was quoted in the Washington D.C. "Times" of April 25, 1983 as saying "there are about three thousand Soviet bloc diplomats in the United States and thirty to forty percent pursue U.S. secrets especially military information and laser and computer technology."; and

Whereas, in addition to important military bases in this state there are according to the Arizona International Trade Directory a large number of firms located in this state whose operations make them prime targets for Soviet technology espionage.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, Prays:

1. That the Secretary of State of the United States and every Member of the Congressional Delegation from this state support the restriction of travel by Soviet bloc diplomats in this state.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Secretary of State of the United States and to each Member of the Congressional Delegation from this state.

HOUSE CONCURRENT MEMORIAL 2002

Whereas, by enactment of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), the Congress charged the United States Department of Energy with the responsibility for development of a disposal program for nuclear waste materials resulting from commercial operations; and

Whereas, the Department of Energy is presently conducting a study to determine whether such nuclear wastes can be safely disposed of by deep burial in certain types of geologic formations; and

Whereas, the department's current study involves the proposed use of metal canisters for such waste burial; and

Whereas, both copper and various types of steel alloys are under consideraiton as the metal to be used for such canisters; and

Whereas, the longevity of a copper canister is far greater than that of steel or other ferrous metals since copper does not oxidize or corrode as rapidly in various types of rock formations; and

Whereas, the government of Sweden selected copper as the metal to be used in canisters for its nuclear waste burial system and the technology developed by that program includes an estimate that copper will provide more than one million years of containment in a granite rock formation, as opposed to a longevity for steel of only several hundred years; and

Whereas, the use of copper canisters in any type of underground burial system for nuclear wastes would provide a superior containment method and thereby be of greater benefit to the future public health and safety of the nation; and

Whereas, it has been estimated that the use of copper as the material for such canisters would require as much as two million tons of copper; and

Whereas, copper presently is a surplus commodity on the world market, and selection of it as the material to be used for nuclear waste containment and purchase of the necessary copper from domestic producers would stimulate the market and thereby enable copper producers in Arizona and other states to resume operations on a full capacity basis, with subsequent economic benefits to the people of Arizona and those other states where copper mining is an important factor.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, Prays:

1. That the Congress of the United States direct the Department of Energy to fully investigate the feasibility of utilizing copper canisters for the burial of nuclear wastes and to use copper as the material for such canisters if the department's study confirms that copper canisters would provide greater periods of waste containment than canisters fabricated from steel or other ferrous metals.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United Staters Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.

HOUSE CONCURRENT MEMORIAL 2001

Whereas the persecution of the three hundred thousand members of the Baha'i religious community in Iran has received worldwide attention and

Whereas the entire civilized world was shocked by the news from Iran of the June 1983 summary executions of six men and ten women, including three teenage girls, without publicly announced charges or public trial, for no other reason than their adherence to their faith; and

Whereas since the 1979 revolution in Iran more than one hundred fifty members of the Baha'i community of Iran have been slain for their refusal to recant their faith; and

Whereas reports of attempted forced conversions of Baha'is to Islam and wholesale deliberate starvation of Baha'i communities in Iran, along with confiscations of property, ban accounts and pensions, and the explusion of all students of Baha'i parentage from all schools in Iran, have been made public; and

Whereas the actions against the Baha'is by the present Iranian government violate all norms of civilized behavior, internationally promulgated declarations of human rights, and indeed, violate the very principles of Islam itself; and

Whereas the actions against the Baha'is by the present Iranian government violate all norms of civilized behavior, internationally promulgated declarations of human rights, and indeed, violate the very principles of Islam itself; and

Whereas the actions of the Iranian government appear to all fair-minded observers to be a barbaric and genocidal attempt to eradicate the Baha'i Faith in the land of its birth.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, Prays:

1. That the Congress of the United States continue its support for efforts at the national and international levels, to halt the persecution of the Baha'i minority in Iran.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, each member of the Arizona Congressional Delegation, and to the Baha'i International Community and the Spiritual Assembly of the Baha'is of Phoenix, Arizona.

Senate Concurrent Resolution 1008

Whereas the people of the State of Arizona view with growing concern the passage of extravagant legislation by Congress and the inability of the President to separate such legislation from an otherwise worthwhile bill. Therefore

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring, That:

1. The Legislature of this state applies to the Congress of the United States to call a convention for the sole and exclusive purpose of deliberating, drafting and proposing an amendment to the Constitution of the United States to authorize the President of the United States to disapprove and veto any appropriation or provision of an appropriation bill while approving the remainder of the bill, which amendment, pursuant to Article V of the United States Constitution, would then have to be ratified by three-fourths of the states to take effect.

2. This application constitutes a continuing application for a convention pursuant to Article V of the Constitution of the United States until the Legislatures of two-thirds of the states have made like applications and the convention has been called by the Congress of the United States.

3. The Secretary of State of the State of Arizona is requested to transmit certified copies of the Concurrent Resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the Arizona Congressional Delegation and to the Administrator of General Services, Washington, D.C.●

HON. TERRENCE WILLIAM BOYLE

● **Mr. EAST.** Mr. President, I recently had the honor of attending and participating in the induction ceremony of Hon. Terrence William Boyle as U.S. district judge for the Eastern District of North Carolina.

My colleague, Senator Helms, introduced Judge Boyle, and presented him for his commission at a ceremony in the Federal courthouse in Elizabeth City, N.C., on May 29, 1984. I was impressed by Senator Helms' remarks, and I would like to share them with my colleagues.

Accordingly, Mr. President, I request that a copy of Senator Helms statement by printed in the Record at the conclusion of my remarks.

The statement follows:

Remarks by Hon. Jesse Helms at the Induction Ceremony of Terrence William Boyle

If it pleases this honorable court, let me first express my gratitude for the honor of being here today.

I am proud of your achievements, and as is my inclination, I did some research prior to preparing my remarks for this occasion. I wanted to confirm my high impression of you in terms of the remarkable job you have been doing.

There are 94 federal court districts in the United States. I found it impressive, for example, that the ranking of this court is very high in terms of your hard work and efficiency.

For example:

Of the 94 U.S. federal district courts, this court has the second-lowest backlog for civil cases three years old or older. Your percentage of such cases is one half of one percent, which is remarkable.

You are sixth in the country in time required to move a civil case to trial. You are 29th in disposition of criminal cases. So the administration of justice in the Eastern District of North Carolina is prompt and efficient, and I commend you for it.

However, the judges in this Eastern District of North Carolina have been working under a handicap—one that we are remedying substantially today. The favorable statistics I have just recited bring up the subject of the caseload of each judge. That is really the measurement of how efficient you are and how hard you are working.

The judges of this court carry a substantial caseload when compared to judges in other districts around the country. Your caseload of 377 cases per judge is 72d in the country, meaning that you have the 23d highest caseload. Yet you rank 49th in termination of cases—466 per judge. So you are making fine progress. With an additional judge you should become one of the top—if not the top—federal districts in the country.

Judge Dupree, you have just stepped down as Chief Judge. The fine record has been built upon your leadership and diligence, and that of Judges Larkins, Britt, and Fox. I commend you all.

The Eastern District of North Carolina not only has excellent judges, it also has one of the finest U.S. Attorney's offices in the nation.

I appreciate the court's indulgence for these remarks. I wanted to recognize the achievements of this court, and I wish to impress upon its newest member the quality of the distinguished judicial company he will be keeping—and the challenges ahead for him.

It is my honor and a privilege to present the Honorable Terrence William Boyle, whom the President of the United States has nominated and the United States Senate has unanimously confirmed to serve as United States Judge for the Eastern District of North Carolina.

I will always have a special affection for Terry. He was a member of my Senate staff in 1973. I have first-hand knowledge of his competence, dedication, and character. I was a direct beneficiary of his exceptional legal skills, and most importantly, his high moral character and uncompromising integrity.

I have followed Terry's career since he left my staff. I am convinced that he is the type of person—in terms of his professional credentials and his high personal character—splendidly suited to sit on the federal bench.

With the Court's leave, let me speak to Terry Boyle as his friend:

Today as you embark on a new and challenging career, I wish you the best. I am confident that you will remain ever mindful of the constitutional limits on your powers as a federal judge. During the past two or three decades, some members of the federal judiciary, unfortunately, have overreached their bounds. Be prudent with your powers and exercise them wisely.

You are young. Your future is bright. I am convinced that you understand the proper role of the federal judiciary in our tripartite system of government, and that you are committed to the cause of freedom and personal dignity and justice for all Americans.

With these principles to guide you, then, best of luck on your new career.

Your Honor, I genuinely appreciate the opportunity to be with you today and to have a part in this fine occasion.●

SENATOR PELL RECEIVES PLATO AWARD

● **Mr. SARBANES.** Mr. President, on May 6, 1984, the Maud Howe Elliott Chapter of AHEPA in Newport, R.I., held an auspicious meeting at which its annual Plato award was presented to Senator Claiborne Pell, our distinguished colleague, senior Senator from Rhode Island and ranking Democratic member of the Senate Foreign Relations Committee. At the same time the chapter announced the establishment of a scholarship fund for young Rhode Islanders of Greek-American heritage.

The coincidence of the two announcements could not have been a happier one. Throughout his years of public service, Senator Pell has been a thoughtful and effective spokesman for the democratic values which the peoples of the United States and Greece have shared through many generations. As a member of the Senate Foreign Relations Committee, he has, over the past decade, been a leader in the effort to insure a just solution to the continuing tragedy on Cyprus, a tragedy further, gratuitously complicated by the Turkish Cypriot unilateral declaration of independence in November 1983. As a member of the Senate Labor and Human Resources Committee and its Subcommittee on Education, Arts and Humanities, he has worked tirelessly to improve the quality of education in our country, and to insure that young Americans will indeed have access to the opportunities for higher education which they deserve.

Mr. President, Senator Pell's remarks upon receiving the Plato award are an eloquent expression of his commitment to democratic values, United States-Greek understanding and education. I ask that they be printed in the Record.

The remarks follow:

Remarks by Senator Pell Upon Receiving the Plato Award From the Maud Howe Elliott Chapter of AHEPA

Ladies and gentleman, I am very happy to be awarded this year's Plato award. Previously I was honored by the national organization of AHEPA, which generously bestowed upon me the Socratic award. But I must confess that I take even more personal pleasure in this honor from our own Maud Howe Elliott Chapter, in which I am a proud, dues-paying member. May I add that I also still vividly recall the remarkable and scholarly Mrs. Maud Howe Elliott, which makes this award even more meaningful for me. Life offers no greater reward than the esteem of one's friends and colleagues.

Having thrice read Plato's Republic, I have often reflected upon the relationship between philosophy and politics. Both are essential pursuits in a civilized society. Philosophy, which Plato described as "the highest music," involves the search for meaning in our existence and for principles which should govern our relationships. Politics involves the practical process of reconciling competing interests in society through the application of those principles that philosophy has enshrined. When this interaction fulfills its highest potential—and it was in ancient Greece that man first attained such harmony—society is enhanced and even ennobled, and the concept of justice is given worldly form.

In the founding of America, we were blessed by the presence of men, such as Jefferson, who were giants in both philosophy and politics. But few men or women achieve excellence in both domains. Plato himself chose a career confined solely to professorial pursuits. Perhaps he was influenced by the fate of his teacher Socrates, who had not fared well after crossing over the threshold into activities deemed political. Perhaps it was simply the fact the politics necessarily involves a descent from the high peaks of lofty reflection into the mundane world of flawed people and messy problems. Writing about himself, Plato reported as follows: "At first I eagerly strived for a public career; but at last I got dizzy when I noticed the maze of public life and its incessant metamorphoses." By the latter, Plato presumably meant the turbulent swirl produced by issues which constantly change and public opinion which constantly flututates.

Reviewing some of Plato's views on people and society caused me to consider how he might have fared as a politician in today's world. With regard to women, he had this to say: A woman's virtue may be easily described: her virtue is to order her house, and keep what is indoors, and obey her husband." And as if this were not enough, Plato had a follow up. "In most places," he wrote, "women will not endure to have the truth spoken without raising an outcry." But, trying to be even-handed, Plato also had this thought about how a just society should treat bachelors: "He who does not marry, when he has arrived at the age of 35, shall pay a yearly fine of a certain amount, in order that his bachelorhood may not be a source of ease and profit to him."

With this combination of views on women and bachelors, Plato would today have a pretty narrow political base—that of the married male chauvinists, which would not win an election anywhere from Washington down to our own Newport Fifth Ward.

I do not, of course, wish to make light of Plato. As all of us are, Plato was a man of his time. But—and this is the vital standard by which to judge—his legacy is immense. In his writings, he bequeathed a profound and provocative body of thought, which has stimulated the thinking of men and women for over two thousand years. And, by founding the Academy in Athens, which was the first organized higher education in recorded history, he established the process—represented in the modern university—by which men and women could accumulate knowledge and convey it to succeeding generations. The American writer, Henry Adams, once criticized philosophers as providing only "unintelligible answers to insoluble problems." But Plato gave us much more. Indeed, as we look back over the evolution of society since Plato's time, we find that his influence is almost beyond measure.

I am pleased to note that, in the spirit of Plato, the Maud Howe Elliot Chapter is tonight announcing the establishment of a scholarship fund. Given the origins and ideals of our organization, this is an eminently appropriate and worthy act. In my own political career, little gives me a greater sense of lasting accomplishment than the continuing, Congressionally-approved program of educational support now known as Pell Grants, a term I did not invent but in which I confess to taking considerable pride.

As we reflect this evening on the Greek-American heritage and Greek-American bonds, we cannot avoid thoughts of Cyprus. For the past decade, that ill-starred island has been the scene of tragedy and the source of deep divisions extending far beyond its own shores—divisions which threaten to weaken the Greek-American relationship our organization is dedicated to uphold and enhance. I for one have never subscribed to the interpretation that places all blame upon the United States for not preventing the Turkish invasion of 1974. But I have held ardently to the belief that, whatever its role in the origin of the Cyprus problem, the United States bears heavy responsibilities in the search for a solution. American weapons were used in the invasion and occupation of a free and independent nation. And we have unfortunately continued, notwithstanding a temporary and partial embargo, in supplying still more weaponry to the aggressor nation.

Regrettably, American Presidents over the past decade have regularly succumbed to the short-sighted view that the Cyprus issue must be subordinated to the interests of NATO defense. My own view has been that the very foundation of NATO is undermined if we fail first to uphold the principles of free self-determination which the Atlantic Alliance exists to defend. Unless we keep our priorities straight, our Alliance becomes no more than a house of cards. Presidents, of course, instinctively struggle against the inconvenience of such Congressional meddling; they naturally prefer passive cooperation and fulsome praise. But in dealing with Presidents on this issue, I have been inclined to echo Plato, who once said, "You will see how ready I am to praise when you talk sense."

In this regard, the most recent development was President Reagan's May 8th proposal envisaging the creation of a $250 million Cyprus Fund, to be appropriated by Congress and dispensed sometime in the future in the implementation of a negotiated settlement. As much as I would like to praise this initiative as a positive contribution, I fear that it represents a serious misconception of the problem and is in fact a rather feeble gesture. It is fine to offer a carrot for progress, but the unfortunate fact is that we probably need more of the stick.

In 1978, Congress lifted the embargo against Turkey, responding to Administration arguments that this would induce Turkish cooperation. Instead, what ensued was a sustained period of intransigence, as Turkey and Turkish Cypriots pursued their plans for partition. Last November, this process culminated in the announcement of a separate Turkish Cypriot state, which was immediately recognized by—and later exchanged so-called ambassadors with—the government in Ankara. This, in my judgment, was an outrage, to which a majority on the Sente Foreign Relations Committee responded by voting to prohibit further grant military aid to Turkey—unless the Turkish Government signals a significant policy reversal by returning the city of Famagusta to the Cyprus Government.

In all candor, I am not optimistic that Ankara will respond with a wiser and more decent policy. But I am also not afraid of carrying this issue to confrontation if necessary. It is Turkey—not Cyprus, not the United States, not Greece—which is in violation of international law. And no American interest of any kind should be invoked to justify turning a blind eye to that country's blatant aggression in partitioning a sovereign, neighboring republic. Without any clear idea of where the chips on this issue may fall, I can only pledge to you that I shall continue to do my part.

In closing, ladies and gentlemen, I wish to return to a brighter note, by sharing with you a passage from one of the essays of Thomas Babington Macaulay, the distinguished British historian and statesman about whom I wrote my thesis at college. He wrote beautifully about the legacy and meaning of Greece and said:

"This is the gift of Athens to man . . . her intellectual empire is imperishable. And when those who have rivalled her greatness shall have shared her fate; . . . when the sceptre shall have passed away from [our own country]; when, perhaps travellers from distant regions shall in vain labour to decipher on some mouldering pedestal the name of our proudest chief; shall hear savage hymns chanted to some misshapen idol over the ruined dome of our proudest temple; . . . the influence and glory of Athens will still survive, fresh in eternal youth, exempt from mutability and decay, immortal as the intellectual principle from which they derived their origin, and over which they [shall continue to] exercise their control."

This, I think, is the feeling we here tonight share about our Greek heritage. That meaning suffuses the Plato award you have kindly presented to me, and I thank you warmly for it.●

50TH ANNIVERSARY OF THE SCREEN ACTORS GUILD

● Mr. D'AMATO. Mr. President, I rise today to commemorate the 50th anniversary of the Screen Actors Guild: I am pleased, therefore, to add my name as a cosponsor of Senate Joint Resolution 389, which designates June 30, 1984, as Screen Actors Guild Day.

Despite what many of us laymen may believe, the production of entertainment through visual media is not all fun and games. In fact, the moments of joy and pleasure this country's screen actors have given us have involved the dedicated, behind-the-scenes hard work of countless performers and technicians. For these labors, our screen actors deserve just compensation.

The Screen Actors Guild has worked hard for 50 years to assure that the rights of its 54,000 members are protected. This, in turn, has allowed for the improvement of our quality of life through the production of quality movies and television programs.

Throughout its existence, the guild's mandate has been effectively promoted by an exceptional cast of leaders, including such notables as Eddie Cantor, Eddie Arnold, James Cagney, former Senator George Murphy, Walter Pidgeon, and Charlton Heston, to mention just a few. The guild's best known leader went on to become the President of an even larger "Union"—that is, the United States of America. I am speaking, of course, of President Ronald Reagan, who has done a superb job of running the best show in town.

Thus, I am delighted to join as a cosponsor of Senate Joint Resolution 389, which will appropriately commemorate the unique contributions the Screen Actors Guild and its members have made to our culture and to our heritage.●

BILL NOURSE: TENNESSEE'S SMALL BUSINESS ADVOCATE

● **Mr. SASSER.** Mr. President, I would like to call to the attention of my colleagues once again the activities of Bill Nourse, a small business person from Nashville, Tenn. Those of my colleagues who know Bill will agree with me that he illustrates the tremendous impact one individual can have if they choose to become actively involved in our political process. Bill has played a central role in helping shape small business legislative policy on both the State and National level. And he has taken the time to travel throughout the country to speak to other small business persons to spread this gospel of political activism.

I have had the good fortune to know Bill as more than an advocate for small business. He is a trusted adviser on many issues of importance. I value his counsel and am thankful for his imput. Bill also serves on the Senate Small Business Committee's National Advisory Board and has been active in the U.S. Chamber of Commerce's Small Business Council. Clearly, many of us here in Washington are benefiting from Bill Nourse's breadth of knowledge about small business policy.

Bill has focused his attention this year on several pressing matters. Topping his list is securing a promise from President Reagan that the next appointment to the Federal Reserve Board will be someone with firsthand experience in small business. Securing small business representation on the Fed Board is a goal I have actively pursued during my tenure in the Senate and I applaud Bill's tenacity on this issue.

Other objects of Bill's crusading efforts include revisions to our Tax Code that are beneficial to small firms. As most of my colleagues know, our present tax system contains numerous benefits and rewards for large companies. There are very few tax incentives for small, labor intensive enterprises. This is a topic Bill and I have worked on successfully in the past and I look forward to pressing ahead in this area with Bill's assistance.

My colleagues would do well to read more about the work of Bill Nourse. I ask that articles about Bill Nourse which recently appeared in Inc. magazine and the Arkansas Gazette be printed in the Record at this point.

The articles follow:

Bill Nourse of Brookemeade Hardware & Supply: The Nuts and Bolts of Politics

(By Tom Richman)

Either Ronald Reagan promises to make his next appointment to the Federal Reserve Board someone with firsthand experience in small business, "or, we'll raise some money and raise some hell." Bill Nourse promises. "Maybe we'll do what we did for direct expensing."

Nourse doesn't make empty threats. Direct expensing of small capital expenditures became part of the 1981 tax bill, despite Administration objections, in large part because he worked to get it there. The state of Tennessee has a new and permanent small business office and tightened unemployment compensation laws, again, in part, thanks to Nourse.

"I never thought a man who ran a hardware store could have so much influence on so many issues as I have," Nourse admits. "I wasn't satisfied being a small businessman. I wasn't contributing to society at my highest potential. But now I'm plugged in to the power structure."

The transformation of Bill Nourse—and hundreds, if not thousands, like him—began with the planning for the White House Conference on Small Business in January 1980. Back then, Nourse was a middle-age father of five, happy to tend his growing West Nashville, Tenn., hardware store. He wasn't well connected, especially articulate, particularly gregarious, or exceptionally well-to-do. Nor was he a public person, limiting his political involvement to a trip to the voting booth on election day. Being a father and a businessman kept him busy enough.

But something happened during a meeting Nourse attended in Nashville in 1979. "I got the strong conviction that we were letting incentive die out in our system," he recalls." I felt a strong urge to speak out."

That meeting was just one of dozens held across the country in preparation for the January White House conference. And Nourse was just one of more than 30,000 people, most of whom ran their own small business, to attend one or more of those preliminary sessions. But Nourse was hooked. He had never run for office, but he got himself elected as one of 2,000 delegates to the four-day conference at the Washington Hilton. He had no technical knowledge of tax law, but he worked the phone talking to experts and made tax reform one of his conference projects. And he became an activist. If no one else would call a meeting, organize a project, or stand up to cajole, Nourse would.

"None of us who now refer to ourselves as small business activists knew one another back then," Nourse remembers. "It all started at the conference. I've often said that the government doesn't quite understand what it unleashed with that meeting. It created a vehicle for a whole new class of people to move into the political process. The real results are still years off."

Whatever else the conference accomplished, it clearly unleashed a potent force for change when it unleashed Bill Nourse. Back home in Tennessee, he pestered G.O.P Governor Lamar Alexander for 18 months to convene a state small business conference—then became its chief organizer. He went on to become an adviser to Democratic Senator Jim Sasser, stumping for Sasser's successful reelection bid at small business gatherings across the state.

But Nourse's influence extended far beyond his home state. The U.S. Chamber of Commerce asked him to join its Small Business Council. He joined the advisory board to the Senate Small Business Committee as well, and worked for Senate passage of a resolution urging the President to make the next appointee to the Federal Reserve Board someone with experience in small business. He created a political action committee to direct money at congressional candidates friendly to the small business cause. He even set up his own "kitchen cabinet"—a lawyer, an accountant, a public relations specialist, and other businesspeople in Tennessee and in Washington with whom he plots strategy and tactics.

"There's no other system on earth that'll let a guy with only two or three employees affect it," Nourse marvels. "If that's not a system that's working, I don't know what is."

Nourse is not alone, however; instead he is emblematic of a new breed of political mover and shaker. Like the small business community from which they come, these new, politically active entrepreneurs are a diverse group, committed to the cause of small business rather than any partisan line, and frequently and enthusiastically disagreeing with one another on specific issues. For example, Nourse and Morris Womack, president of All-Seals Texas Inc. in Houston and another graduate of the White House conference, have clashed over the jobs tax credit during meetings of the Senate Small Business Committee's advisory panel. Womack is an avowed Republican. Nourse has drifted into the Democratic Party. "I don't think there's any fertile ground in the G.O.P. for small business," Nourse argues. "I think the Republicans are married to Wall Street." On the other hand, he's disgusted with the Democratic party leadership for changing the party's Small Business Council from a policy forum into a fund-raising vehicle.

Nourse and Womack agree easily on one point, however, which is that whatever their political leanings, just have more people from small business participating in internal party debates, legislative lobbying—the whole spectrum of political activities—has got to be an improvement over the days not long past when "business's" position on an issue really reflected the opinions of a few influential, mostly big, businessmen. Bill Nourse has proved that a small businessperson—if he can combine vision, determination, and drive—can speak loudly on policy issues.

Four years after the White House conference, however, some of his enthusiastic excitement has been replaced by a recognition of the challenges any small business advocate faces. Nourse has shed some of his idealistic—if not naive—assumptions about the ease of shifting the course of the ship of state. "In that sense I've grown up," he says, "or maybe I'm still growing up." Change comes slowly, and there is still a business to run. Sales at Nourse's Brookmeade Hardware & Supply Co. fell short of the $1 million he projected for last year and he is in the process of selling the retail end of the business. He wants to concentrate on expanding his wholesale distribution of apartment building janitorial and maintenance supplies, not only in Nashville but throughout the Southeast.

But what Bill Nourse calls "the movement" still absorbs him, even if he can't spend as much time with it as he has in the past. "I travel within circles of influence now in the [Democratic] party," he says, and that is a role he is unlikely to give up. He keeps his business simple so that it will be easy to sell, and he dreams of the future. Maybe Nourse himself will run for Congress. Or maybe his role will be just to keep other people stirred up. "There are all those people out there and nobody is energizing them. I just haven't found the vehicle yet."

"The Democrats will lose this year," he predicts "and then the rebuilding of the party will begin in earnest. I want to be part of that."

Political Opportunity Seen for Small Business Owners

(By Scott Van Laningham)

The small business community can become a political force to be reckoned with and should seize the opportunity to move into the political vacuum in the Democratic Party created by the decline of organized labor, Bill Nourse, a small businessman from Tennessee, suggested Friday.

Nourse, president of Brookemeade Hardware and Supply Company in Nashville, Tenn., and a member of the United States Senate advisory commission on small businesses, also asserted that there's "no future in the Republican Party" for small businessmen, adding that the Reagan administration's "view of business is big business."

Nourse is in Little Rock this weekend for a conference on "Swords to Plowshares in Arkansas" sponsored by the Arkansas Peace Center and others.

OPTIMISTIC DESPITE PROBLEMS

Despite a record rate of bankruptcies among small businesses in the last two years, Nourse said, the future is bright for small businesses, "but we do have some problems to solve in the short run."

Small businessmen come from all backgrounds ethnic origins, religions, races and sexes, he said. And for the first time small businessmen are coming together to address their common problems, he said.

Small businessmen, however, haven't yet "recognized the awesome political power we could have," he said. For example, he said that with the decline of the influence of organzied labor in the Democratic Party, "a political vacuum has been created and we ought to move in and seize this opportunity."

WANTS SEAT ON FED

The first item on Nourse's political agenda is the appointment of a small businessman to the Federal Reserve Board. Paul A. Volcker, Federal Reserve chairman, is the most powerful figure in government as far as the small businessman is concerned, he said. It is essential that small businesses have representation on the Federal Reserve Board of Directors, Nourse said.

High interest rates are causing the collapse of small businesses, and the huge federal budget deficits are pushing the interest rates up even higher, he continued. The Reagan administration's "piecemeal approach" to reducing the deficits is "simply not acceptable to small business," he added.

URGES BROAD APPROACH

Nourse called for a "broad-based approach" to reducing the budget deficits, suggesting a combination of tax increases and cuts in federal spending. The tax increase might include a national sales tax, he said. On spending cuts, he said, "The military could stand a fair cut, but entitlement programs must also be cut."

Nourse said that small businesses (those employing fewer than 20 persons) accounted nationally for 64 percent of the new jobs that were created last year. He said half of the estimated 8,000 businesses in Pulaski County employ four persons or less, and 84 percent employ 20 persons or less.

Small businessmen generally must pay an interest rate of two or three percentage points above the prime lending rate. So when the prime rate goes to 12 percent as it did Thursday, that "destroys the profitability" of many small businesses, he continued.

Nourse also said the Reagan administration "is trying systematically to put the federal Small Business Administration out of business." The administration has cut the SBA budget and is transferring SBA funding into "management assistance programs" that small businessmen won't use.

SEES "GREAT CONCENTRATION"

Noting recent mergers of large corporations and saying that "big banks are getting bigger and more powerful," Nourse said there is a "great economic concentration under way in this country right now" and the Democratic candidates for president ought to be focusing on it.

Small businesses historically have been the leaders in innovation and change, and small businessmen now need to focus their attention on the governmental process. "Government will listen and will respond, but you had better know what you're talking about," he said. He advised small businessmen to "do your homework" and then to focus their attention on their elected representatives.●

OLDER AMERICANS ACT

● Mr. BURDICK. Mr. President, I was very pleased to see the Senate approve the Older Americans Act 1984 Amendments just before the recess. The Older Americans Act is one of the most successful Federal programs I know of. The structure of social and support services it has provided have been invaluable. This has been especially true in the rural areas where so many of my State's elderly citizens live. Without the support structure provided by the Older Americans Act, many of these small, rural communities could not afford to organize or provide the kind of services needed by the rural elderly. Under the auspices of the act, North Dakota Aging Services has been able to encourage outreach into these smaller towns, coordinate services, and provide valuable organizational expertise to local senior citizen groups.

As a cosponsor of the 1984 amendments, I think we have developed a good bill. I am concerned about one provision, however. That is the one that places a statutory 12-percent cap on administrative costs for the Senior Community Service Employment program.

While I would hope that sponsors could operate within a 12-percent cap, I question the wisdom of making this a statutory requirement, for I am concerned that it could have a negative impact on smaller, minority contractors and on those that serve rural areas where administrative costs are often higher. Furthermore, during the past 3 years, title V sponsors have been asked to increase performance requirements, to increase unsubsidized placements, develop innovative projects to place older Americans in private sector jobs, and improve the distributions of positions within the States. These directives have been achieved while operating with the same average cost per enrollee for the past 3 years. Yet, operating costs attributable to inflation and other factors have continued to increase.

I urge the conferees on this bill to consider dropping this provision and keeping administrative cost caps as a matter to be regulated by the Department of Labor. This would permit a cap to be imposed through regulation, but would give the Department and the sponsors more flexibility to meet special needs and situations.●

RUTH DRIKER KROLL HONORED

● Mr. LEVIN. Mr. President, it began in 1974 with about 65 women wondering what would happen to their newly won gains when a recession began to be felt in Detroit. It continues today with about 300 women still concerned about their futures. It is the Detroit Women's Forum, founded by Ruth Driker Kroll, herself an example of melding personal interests as a feminist with a career, home, and family.

What Ruth Kroll built is a coalition of women who have something to offer each other and their community. It is a family of women who can share experiences and get support from their contacts with each other at monthly Forum meetings. It is an affiliation that serves as a valuable network—gathering and disseminating information on women's issues, forming personal and professional relationships, and often taking coalition action as individuals representing other groups.

Ruth Driker Kroll is a native Detroiter who attended Central High School, was graduated from Wayne University in 1949, and in 1980 earned a master's degree in counseling from Wayne State. Ruth Kroll, in her professional role as assistant director of the Michigan Chapter of the American Jewish Committee was the inspiration and drive behind the Detroit Women's Forum. The AJC through its continued sponsorship of the Detroit Women's Forum has supported its growth and development.

While the membership is drawn from diverse backgrounds, professions, and philosophies, Ruth Driker Kroll has been the unifier. She has bonded the Forum together with a feminist sense of purpose, values, and harmony.

It is with much pride and determination that the Detroit Women's Forum celebrates its 10th anniversary later this month. And it is with great joy that the Forum celebrates and pays tribute to their friend and founder Ruth Driker Kroll for all she has done, for all she has been, for all she has shared, and for blazing a trail so that so many could explore a path together.●

THE COST OF S. 1300

● Mr. HUDDLESTON. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has completed extensive hearings on S. 1300, the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983, and has scheduled a markup of the legislation for June 7.

The provisions of S. 1300 have been the focus of much debate. However, the individuals and organizations interested in maintaining the rural electric and telephone programs all agree on one important point—the Rural Electrification and Telephone Revolving Fund, through which many rural utility systems receive their financing, is in serious financial trouble.

For example, Mr. Harold Hunter, Administrator of the Rural Electrification Administration, while expressing reservations about S. 1300, testified that he was pleased Congress and the trade associations have, and I quote: "heeded the alarms we have sounded over the past several years concerning the deteriorating financial condition of the Rural Electrification and Telephone Revolving Fund," end of quote.

Mr. Rudolph G. Penner, Director of the Congressional Budget Office, testified that without congressional action the revolving fund's financial problems will cause the REA loan programs to be shut down. In the absence of appropriations or legislation like S. 1300, Mr. Penner testified that the REA loan programs must be terminated within the next few years because the revolving fund will lack the assets to make new loans.

Mr. Anthony J. Gabriel, Deputy Inspector General of the Department of Agriculture, testified that the interest expenses of the revolving fund will exceed the interest income by the second half of fiscal year 1985 and that appropriations will be needed to cover the shortfall.

The potential high cost of maintaining the current REA program in future years is one of the strongest arguments in support of S. 1300. On June 4, in response to questions that were raised during the second hearing on S. 1300, the Congressional Budget Office provided an estimate of what it would cost to maintain the current REA electric and telephone programs through appropriations. CBO concluded that the cost would likely be $13 billion but could be as high as $17 billion. In contrast, CBO estimates that the cost of S. 1300—if amended to require that the fund be managed so that it will be balanced—will be $8.9 billion over 25 years.

S. 1300 addresses the financial problems of the revolving fund by increasing interest rates on loans and strengthening the capital base of the fund. These actions will make the fund permanently self-sustaining. Under S. 1300, the balancing of the REA revolving fund will be a joint effort with REA borrowers and, therefore, the 25 million consumers served by REA-financed utilities. CBO estimates that the contribution made by REA borrowers in the form of higher interest rates will exceed $4 billion.

In addition to cost, other questions have been raised about the REA electric and telephone loan programs and S. 1300. The chief sponsors of the legislation have written a letter to the Members of the Senate that addresses these questions.

I ask that the text of the letter be printed in the RECORD and that CBO's June 4 response to questions raised during the committee hearings also be printed in the RECORD.

The material follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., June 5, 1984.

DEAR COLLEAGUE: The Committee on Agriculture, Nutrition, and Forestry has scheduled a markup of S. 1300—the Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983—for June 7. We are confident that the Committee will order the bill reported at that time, clearing the way for action by the Senate. There are serious and complex problems facing the rural electrification and telephone programs that, in the absence of legislation, will get progressively worse. Therefore, in our judgment, it is imperative that Congress complete its consideration of S. 1300 this year. For that reason, we urge you to support our efforts to have S. 1300 scheduled for floor consideration as soon as possible.

S. 1300 will amend the law governing the revolving fund operated by the Rural Electrification Administration of the Department of Agriculture. The bill is needed to prevent the REA revolving fund, which provides financing for rural utilities, from becoming insolvent. S. 1300 and a companion bill, H.R. 3050, were introduced in May of 1983. Forty-six Senators are sponsors of S. 1300, and the House of Representatives approved H.R. 3050 by a vote of 283 to 111 on March 1 of this year.

Although the legislation has received strong bipartisan support in the House and the Senate, opponents of the REA programs would have you believe that S. 1300 simply provides an unnecessary subsidy for rural America rather than an essential service. We are concerned that the serious and complex problems facing the rural electrification and telephone programs—problems that are addressed in the legislation—are being ignored by its opponents.

Further, rather than offering viable alternatives, some opponents have attacked the integrity of the individuals and organizations who have worked to develop a responsible solution to the problems facing the rural electrification and telephone programs. Among those criticized by opponents are three former administrators of REA who have dedicated their careers, under both Republican and Democratic administrations, to providing electric and telephone service in rural areas.

We want to set the record straight on several points.

CONVERSION OF DEBT TO EQUITY AND INCREASING INTEREST RATES

Under current law, beginning in 1993 and in each year through 2017, the REA revolving fund is scheduled to make transfer payments to the Department of the Treasury in amounts totaling $7.9 billion. This amount represents the value of assets that were transferred to the fund when it was created in 1973 for use in REA lending activities.

In 1973, when Congress established the rules pertaining to the operation of the REA revolving fund, no one anticipated that the cost of borrowing money would reach unprecedented high levels and remain at excessively high levels for years and years. The high interest rates that have plagued the national economy in recent years have so eroded the financial stability of the fund as to make the fund's payment schedule to the Treasury unrealistic in view of the expected need for REA loans.

Unless Congress acts, the effect of the drain on the capital base of the REA revolving fund will be to require either a substantial reduction—perhaps even a suspension—of new REA lending, or a sharp increase in interest rates on REA loans that would adversely affect utility rates and needed investment or, most likely, both. It must be emphasized that skyrocketing interest rates, not the management of the revolving fund, adversely affected the fund's viability.

S. 1300 resolves the problem by converting the $7.9 billion from an accounts payable liability beginning in 1993 to a Government equity, similar to the way that convertible bonds are converted to stock. The Federal Government will continue to maintain full control of its investment in the REA revolving fund at all times and Congress could at any time liquidate the Federal Government's investment.

S. 1300 also eliminates the fixed 2 and 5 percent rates of interest for loans made from the revolving fund and provides a formula that will allow the fund to vary its rate of interest on future loans to reflect more accurately the fluctuations of market interest rates. The Congressional Budget Office analysis indicates that the interest rates charged for loans under S. 1300 will eventually increase so as to equal the Treasury's cost of borrowing.

S. 1300—by strengthening the capital base of the REA revolving fund and providing for flexibility in setting interest rates—will make the fund permanently self-sustaining.

COST OF S. 1300

In terms of cost, the official Congressional Budget Office estimate states that S. 1300, as introduced, will increase budget outlays by $10.4 billion over 25 years. We believe that the real cost of S. 1300 is much lower. S. 1300 will, in fact, reduce Government costs because if S. 1300 is not enacted—and the REA programs are to continue operating as they do today—Congress will have to appropriate funds to meet the need for REA loans. CBO estimates that such appropriations would at least equal, and likely exceed, CBO's estimated cost of S. 1300.

Further, CBO estimates that the cost of S. 1300 will be reduced by at last $1.5 billion if the bill is revised to clarify the requirement in the bill that the revolving fund be managed in such a way that it will be balanced. The companion bill passed by the House of Representatives, H.R. 3050, incorporates such a clarification—known as the Stenholm amendment—and we intend to support a similar modification to S. 1300.

CONTRIBUTION OF BORROWERS

Much of the discussion about S. 1300 has focused on the cost of the Federal Government's contribution to making the revolving fund self-sufficient. However, it should be noted that, under S. 1300, the balancing of the fund will be a joint effort with REA borrowers and, therefore, the 25 million consumers served by REA-financed utilities. Under S. 1300, CBO estimates that REA borrowers will make additional payments of $4 billion to the fund as a result of the higher interest rates that will be charged on loans made through the fund.

Put in another perspective, the debate about the costs involved in stabilizing the REA revolving fund is not a debate about "losses to the Government", but a debate on whether the REA programs should be continued. We support strong and continuing REA programs, and believe that S. 1300 will attain that goal in the most cost-effective and responsible way possible.

DENSITY OF AREAS SERVED

Another allegation made by opponents of the legislation is that many cooperatives receiving REA loans do not serve rural areas. It is true that population growth has caused some of the service areas of a small number of cooperatives to become nonrural in character. However, even cooperatives serving areas that once were rural but are now developed have consumer density far less than the average investor-owned utility. And, because these systems have experienced fast and recent growth, they tend to have a great need for new capital. The utility rates charged by these systems would be severely affected without the REA programs.

Although the challenge of bringing electric and telephone service to rural areas has been successfully met by REA programs, the job of REA is far from completed. Like other utility systems, such as those in large cities, where utility services have been developed for decades, rural utility systems continue to need financing to update facilities and replace obsolete equipment, extend service to new customers, and repair damaged equipment. Without a viable REA revolving fund, as provided under S. 1300, for many rural utilities there will be no investment for the future and rural utility rates will have to be increased to prohibitively high levels.

In short, S. 1300 is sound and necessary legislation that merits your support. (If your staff needs any additional information about S. 1300, they may call Jack Cassidy of the Senate Agriculture Committee staff (224-5207).)

Sincerely,

Walter D. Huddleston.
Edward Zorinsky.
Thad Cochran.
Mark Andrews.

Congressional Budget Office Response to Additional Questions on S. 1300

ANNUAL APPROPRIATIONS

Q. If S. 1300 is not enacted and Congress wanted to maintain the REA loan program under the current law and existing loan levels, how much money would have to be appropriated into the fund between 1985 and 2010?

A. If the Congress wanted to maintain current lending levels (adjusted for inflation) and the current loan interest rate (5 percent) without making other changes in the loan program, appropriations would be necessary to cover the fund's losses. The appropriations necessary to maintain the program would depend on the timing and method of appropriations. The earlier appropriations were provided, the greater would be the impact on the fund and the less the required funding in the long term. Thus, appropriations to cover losses in advance would be less, over time, than appropriations to cover losses after they occurred. For example, if appropriations were made using the formula applied for the 1984 appropriation (which covered losses incurred in 1982 and included imputed interest costs as an expense), appropriations over the 1985-2010 period would total about $13 billion under the baseline economic assumptions. If the Congress immediately appropriated funds to cover the estimated interest losses on existing CBOs and if annual appropriations for the losses on future CBOs were provided, appropriations could be reduced to about $10 billion. Alternatively, if funds were provided only when aggregate interest income was less than interest expense, the appropriations would total $17 billion over the 1985-2010 period.

If Treasury borrowing rates were lower than those assumed in the baseline, the amounts appropriated would be lower. Higher interest rates would increase the amounts appropriated. Appropriations would also be very sensitive to the interest rate paid by borrowers. For example, if borrowers paid interest at the average rate estimated under S. 1300 (about 8 percent), it would be necessary to appropriate only $4 billion over the 1985-2010 period.

COST OF S. 1300

Q. During an earlier hearing on this legislation, an Administration witness repeatedly stated that the cost of S. 1300 will be $21 billion. In addition, that witness indicated that CBO and GAO were developing new cost estimates that would support his estimate. Do you have any such cost estimates?

A. On April 12, 1984, CBO transmitted to the Subcommittee a new estimate of the budgetary effects of S. 1300 using the economic assumptions underlying the CBO baseline projections for fiscal year 1985. Under these assumptions, enactment of S. 1300 would increase federal outlays by an estimated $10.4 billion over the 1985-2010 period. The differences between the new CBO estimate and the analysis submitted to the Subcommittee on October 14, 1983 result primarily from differences in the economic assumptions.

INTEREST RATE FORMULA

Q. In your statement, you indicate that S. 1300 will not ensure the solvency of the REA revolving fund. Could the solvency of the fund be ensured by including in the bill a provision—such as the amendment offered by Congressman Stenholm to H.R. 3050—that explicitly mandates that the interest rate formula be set so that interest income will equal interest expense?

A. With the interest rates and lending levels assumed and the method used in CBO's analysis, adding the Stenholm amendment to S. 1300 would maintain the fund's solvency through the year 2010. But enactment of the amendment might not ensure permanent solvency. (CBO considers the fund solvent if it has a net worth greater than or at least equal to zero.)

As introduced, S. 1300 would enable the fund to maintain its current lending levels adjusted for inflation through the year 2010. It would not ensure solvency, however, because the interest-rate formula uses all of the funds net income to subsidize the interest rate on future loans. As a result, the fund's net worth would gradually be eroded, and ultimately, the interest-rate formula would produce standard rates above the Treasury borrowing rate.

The Stenholm amendment to H.R. 3050 seeks to address these problems by requiring that the interest rate on REA loans be sufficient to produce total interest income equal to the interest expense on the fund's past and future obligations. The amendment does not specify how the REA Administrator should set rates to accomplish this.

CBO has analyzed the effect to the Stenholm amendment using two different approaches. One approach assumes that the Administrator would impose a surcharge on loans when the balance between the fund's interest expense and interest income requires an infusion of money. The second approach assumes that the Administrator would impose a surcharge beginning in 1985. In both cases, CBO's estimate assumes that the standard rate would be set so that the interest payments from the 35-year amortized loans will equal the interest payments on the 30-year, non-amortized obligations to the FFB.

Because of the higher interest paid by borrowers, including the Stenholm amendment would reduce the budgetary effects of S. 1300. The amount of the reduction would depend on how the amendment was implemented. Under the first approach, CBO estimates that enactment of S. 1300 with the amendment would increase net federal outlays by about $10.2 billion over the 1985-2010 period. Under the second approach, net federal outlays would increase by an estimated $8.9 billion through the year 2010. These outlay estimates reflect the difference between applying a surcharge late in the period and applying it starting in 1985.

Under CBO's methods and assumptions, the fund would remain solvent through the year 2010 if the Stenholm amendment were included in the bill. Because the standard rate might still exceed the Treasury rate in the more distant future, this amendment might not ensure the permanent solvency of the fund.

There is more than one way, however, to interpret the standard interest rate formula in the bill—and the REA and the National Rural Electric Cooperatives Association (NRECA) generally use a method that produces a rate lower than emerges from the CBO analysis. When such a lower rate is assumed, the funds interest income is less, and the fund would not remain solvent through the year 2010—with or without the Stenholm amendment. The fund would, however, be able to continue its lending activity throughout the period.●

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HECHT. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MELCHER. Mr. President, I am pleased that the majority leader has sought, and is continuing to seek, an opportunity to call up the resolution concerning the Select Committee on Indian Affairs, Senate Resolution 127.

This resolution was placed on the calendar on November 2, 1983. Those who have been following the issue will recall that last fall, in the last few minutes of the first session of the 98th Congress, before the adjournment sine die of that session, unanimous consent was sought to call up the resolution and to agree to it.

The Select Committee on Indian Affairs has been operating for 7 years, and has served the Senate well, served the Indian community well, and has also served the country well during those 7 years.

At each stage the Senate found itself constrained to limit the years of existence of the Select Committee on Indian Affairs. Because we found these temporary extensions to create strain and stress not only on the members of the committee but also on the staff of the committee, we sought in this Congress to make sure that, by resolution, we extended the Select Committee on Indian Affairs permanently, not just for 2 years or 3 years or even 1 year. A permanent committee is needed so that all of the Senate, all of the Indian tribes, and all the States know that the select committee of the Senate would continue to resolve those matters on Indian affairs that, from time to time, come before the Congress.

It has been quite a productive committee, I might say at this point. Hundreds of bills have been considered in the past 7 years in that committee. Scores of bills have been enacted into law. There have been extensive functions by the committee. I might add that this is not just oversight on Indian Affairs; it is oversight on the relationship of Indian tribes with the rest of the country.

This in not only especially important in the Western States but also extremely important in the Eastern States in the settlement of Indian claims. Three States have had settlements of Indian claims, those States being Maine, Rhode Island, and Connecticut. But there are at least a half dozen other Eastern States that will require settlements on Indian claims.

Last fall, knowing full well that the time had come in this Congress to fully debate this issue, the Senate decided that it would, by resolution, temporarily extend the life of the select committee for 6 months into this year. That extension was until July 1.

That left the resolution on the calendar. The resolution was not dealt with, but it remained on the calendar until the majority leader in his wisdom, and I compliment him for it, stated that early in this session, the second session of this Congress, this matter would be brought up either by unanimous consent or he would move to bring it up.

It is significant that we take up this resolution and resolve the issue now. There will be appropriations bills that will be before the Senate or available for the Senate to consider. The armed services authorization bill is ready to be considered in the Senate. The combination of one or two appropriations bills and the authorization bill for defense, plus other necessary items, will take up all of the remainder of this month prior to recess for the Fourth of July observance.

Not only that, but it is important that it be called up because this committee goes out of existence on July 1. Either we deal with the matter now or the committee ceases to exist.

Mr. President, I am not being critical of any one of our colleagues for wanting to offer amendments to this resolution, but I would like to point out that, given the time when the resolution first appeared on the calendar, November 2, 1983, there has been considerable time to develop amendments, and develop a strategy for however those amendments would be offered, by any Senator or group of Senators who would like to amend the resolution. Again, I do not criticize any Senator or group of Senators for attempting to do that.

My remarks are not intended to be critical at all. My remarks are only meant to dramatize the situation and to inform the Senate that time is of the essence. The resolution has been pending for a long time. When it is called up, it will be open for amendments and those amendments can be considered and voted upon.

There are 60 cosponsors of the resolution, and I think some other Senators are very sympathetic to adopting the resolution. I hope that opportunity comes before us very shortly.

● Mr. PRESSLER. Mr. President, I support the legislation making the Select Committee on Indian Affairs a permanent member of the Senate committee system. As a cosponsor of this bill I urge our distinguished colleagues to join us in supporting this plan.

In South Dakota, there are eight Indian reservations. We have an obligation to Indians in South Dakota and across the Nation to provide them with permanent standing committee representation.

I have long supported this legislation which many of my South Dakota constituents endorse as the best method of providing effective representation to the Indian populations of this Nation. Passage of this bill will send a strong signal that the U.S. Senate is truly committed to serving and working with Indians on a full-time basis.

The Select Committee on Indian Affairs deserves to become a permanent member of the Senate committee system. It is foolish to extend the committee's existence every 2 years, as we have been doing, when we can give it permanent authority. The need for the committee is obvious, it has performed worthwhile legislative work for years, and it is time to put it on equal footing with other Senate essential committees.

I would ask that our colleagues join us today in supporting this legislation.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I had hoped, as Members know, that we could take up the Indian affairs resolution today by unanimous consent. It is clear now that we cannot. The alternative, of course, would be to move to that measure, but I think for a number of reasons, that is not a desirable procedure. To begin with, it would have the effect of placing the bankruptcy bill back on the calendar, which I am not sure would be a wise thing to do at this time.

The second thing it would do is perhaps interrupt our ability to proceed to other matters that may be more compelling tomorrow and the next day. So, Mr. President, I shall make no further effort to reach the Indian affairs bill this afternoon.

What I am prepared to do, Mr. President, is to ask the Senate to go out until tomorrow. The minority leader is here and I shall, in a moment, ask him if he will consider approving a unanimous-consent request to provide for adjournment of the Senate until tomorrow. The purpose of that is to qualify certain measures on the calendar under the 1-day rule. Then it is my intention to announce that it is the hope of the leadership on this side that tomorrow, after the routine opening ceremonies are out of the way, we can shortly get to the energy-water appropriations bill. That is a request that is not yet cleared, I believe, on both sides, but it is my hope that it can be cleared and that we can dispose of that matter during the day tomorrow.

In any event, Mr. President, it is the intent of the leadership on this side to ask the Senate to turn to the Department of Defense authorization bill as the last item of business tomorrow so it will be the pending business when we return on Thursday. Orders have already been entered for the Senate to convene on Wednesday and Thursday.

Mr. President, it is not the intention of the leadership to permanently displace or to return to the calendar the bankruptcy bill. In both instances, we shall attempt first to reach these other matters by unanimous consent.

That is the situation as it now exists, Mr. President. If the minority leader is prepared for me to do so, I shall now put this unanimous-consent request.

ORDERS FOR WEDNESDAY

Mr. BAKER. Mr. President, I ask unanimous consent that if the Senate stands in adjournment today, it reconvene on tomorrow at the hour of 10 a.m.; that at that time, the reading of the Journal be dispensed with; that no resolutions come over under the rule; that the call of the calendar be dispensed with; and that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 30 minutes in length with statements therein limited to 5 minutes each; and provided further that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object, the majority leader has described the ordinary way for the Senate to proceed tomorrow. I have to note that many Senators have waited a long time for the resolution on the Indian Affairs Committee's continuation to be called up. In fact, it was once passed by unanimous consent and the vote was then vitiated at the request of the majority leader when he found that one or more Senators on that side of the aisle wanted more time.

If we now prolong the calling up of this resolution and proceed on these other matters, the resolution for the continuation of the Committee on Indian Affairs will wait until almost time for the recess for the Fourth of July, and that happens to be the time when the committee goes out of existence.

I find it difficult to oppose the majority leader on these matters of laying out the schedule for the Senate, and I know the majority leader is attempting to accommodate the consideration of the Indian Affairs Committee resolution. I think we are approaching a period of time when we are going to have to be very serious about calling up the matter. I realize the majority leader's reluctance to make a motion to proceed to it and place the bankruptcy bill back on the calendar. However, I am just taking this time and making these comments to indicate to the majority leader that I am getting into a position—and perhaps other Senators are, too—of desperation and we might have to resort to desperate means notwithstanding the operation of the Senate on these other matters.

Mr. BAKER. Mr. President, I thank the Senator. Let me assure him that I do not mean I have permanently abandoned my effort to get up the Indian Affairs resolution. What I do mean is that absent unanimous consent I think it is not practical to try to get it up today, but we will try another day. I can assure the Senator that I will cooperate with Members on both sides of the aisle, and most especially with the Senator who just spoke, to see that this happens. I made a similar commitment to the distinguished Senator from North Dakota, who has a strong interest in this matter, Senator ANDREWS. We will try again. But it would be very awkward to try to do this by any method other than unanimous consent this afternoon. Therefore, I announced, as the Senator knows, that I would not make any further effort to do that today, but that does not mean that I will not do it at all.

Now, Mr. President, I renew the request.

The PRESIDING OFFICER. Without objection, the majority leader's request is agreed to.

Mr. BAKER. I thank the Chair.

Mr. President, I am prepared to go out. I regret that; we are wasting a good part of the day. We have precious few days between now and June 29 to try to do an awful lot of work, but I do not know of any practical alternative.

May I inquire of the minority leader if there is anything further he would like to try to attend to this afternoon?

Mr. BYRD. Mr. President, I know of nothing. I shall proceed between now and tomorrow to further explore the possibility of getting an agreement to lay down the energy and water bill and also the DOD bill, and I will be able to tell the majority leader tomorrow what the results are.

Mr. BAKER. I thank the Senator.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the Senate convening tomorrow be changed to read that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, seeing no other Senator seeking recognition, I move, in accordance with the order previously entered, that the Senate now stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to, and at 4:24 p.m. the Senate adjourned until Wednesday, June 6, 1984, at 10 a.m.

EXTENSIONS OF REMARKS

NATIONAL THEATER WEEK

HON. JOHN H. CHAFEE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, June 5, 1984

● Mr. CHAFEE. Mr. President, Congress has designated the period June 3-9, 1984, as "National Theater Week." This provides a fitting opportunity for Americans to recognize the tremendous contribution which professional, college, and community theaters are making to our Nation's cultural enrichment.

This observance has special meaning for Rhode Islanders, since the Trinity Square Repertory Company in Providence is celebrating its 20th anniversary season. Founded in 1964, Trinity Square has exhibited a consistently high level of artistic achievement and is one of our State's most treasured institutions.

Trinity Square has achieved prominence as a versatile and creative resident company, whose offerings have regularly included American drama, world classics, musicals, and distinguished new works. Under the leadership of its director, Adrian Hall, the company has brought dynamic theater to growing and appreciative audiences in Rhode Island and on successful national and international tours.

The capacity of an arts institution to provide community service has been proudly demonstrated by Trinity Square. Trinity's "Project Discovery" program has enabled thousands of schoolchildren to attend special daytime performances and to gain an appreciation of theater which might not otherwise be possible. Trinity Square continues to reach out to special populations and is making the stimulating experience of live theater accessible to a wider audience.

The Trinity Square Repertory Company has been acclaimed as one of our Nation's finest regional theaters. Trinity Square is the recipient of a Tony Award from the American Theater Wing—the theater's highest honor—for its outstanding achievements.

I join with all Rhode Islanders in congratulating Trinity Square on the occasion of its 20th anniversary season, and in expressing gratitude for its invaluable contribution to our State's cultural life. I hope Trinity Square will continue to receive strong support and recognition for its future activities.●

SALUTING MR. JUSTICE BRENNAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. CONYERS. Mr. Speaker, Justice William J. Brennan, Jr., has served with distinction on the U.S. Supreme Court for 28 years. When appointed to the Court by President Eisenhower, Justice Brennan was a member of the New Jersey Supreme Court. Previously he had been a judge of the New Jersey Superior Court and its appellate division, and he began the private practice of law in Newark.

It is fitting, therefore, that the Passaic County N.J. Bar Association should salute Mr. Justice Brennan. The Reporter, the publication of that association, devotes most of its spring 1984 issue to articles about this distinguished jurist. The issue includes tributes from Chief Justice Burger, Justices Powell and O'Connor, former Justice Stewart, and Senator BILL BRADLEY. I recommend these tributes to my colleagues, in particular the following tribute, written by the Reporter.

MR. JUSTICE BRENNAN: ARCHITECT OF FREEDOM

In 1966, the late Chief Justice Earl Warren spoke glowingly of his young Brother, Associate Justice William J. Brennan, Jr.:

"This I must say. He administers the Constitution as a sacred trust, and interprets the Bill of Rights as the heart and life blood of that great charter of freedom. His belief in the dignity of human beings—all human beings—is unbounded. He also believes that without such dignity men cannot be free. These beliefs are apparent in the warp and woof of all his opinions." (80 *Harvard Law Rev.* 1, 2 (1966).

And Chief Justice Warren added:

"As a colleague, he leaves nothing to be desired. Friendly and buoyant in spirit, a prodigious worker and a master craftsman, he is a unifying influence on the bench and in the conference room."

Earl Warren was writing to celebrate the tenth anniversary of Justice Brennan's appointment to the Supreme Court in 1956. Understandably, he declined to speak in terms of definitive judgment of a great judicial career that was still in its ascendency. His was an interim appraisal. Thus, he said:

"This is not the time to attempt the summation of a career. It is neither the alpha nor the omega of one. We are only at a milepost in a brilliant judicial career from which vantage point we can recognize the accomplishments of a man dedicated to 'Equal Justice Under Law', and wish for him what his record to date forecasts—many more years of continued success and happiness."

Nearly twenty years have passed since Earl Warren made that eloquent assessment of his colleague in the centuries-long battle for civil liberties and human dignity. In a little more than two years Justice Brennan will have served on the Court for thirty years. Once the junior member of the Court who in his freshman days served as the doorkeeper at the Court's conferences, he is today its senior member. The Burger Court has replaced the Warren Court.

VERDICT: A GREAT JUSTICE

The final assessment that Chief Justice Earl Warren hesitated to make can now safely be made. The jury verdict of Justice Brennan's peers and of legal scholars is in.

Elsewhere in this issue, Frank Askin, the distinguished professor of constitutional law at Rutgers Law School in Newwark gives his reasoned judgment as to Justice Brennan's place in legal history. "Justice William J. Brennan, Jr.," he wrote for this issue, "in my judgment has been the most significant and influential Justice in Supreme Court history. He was the intellectual architect of what was called the 'Warren Era'. For the past decade, he has kept his finger in the constitutional dike."

High praise, indeed, but richly merited and earned over the years by achievement! Admittedly, some will disagree as to rating relative greatness. Few will question, however, his continuing influence and significance.

The modesty of this genial human being conceals what, to some, may come as a surprise. The watchers of the Court have done more than decide that Justice Brennan is one of the great Justices in all the long history of the Court. Scholar after scholar has reached the same conclusion expressed for us by Prof. Askin: that in a characteristically quiet way he was the intellectual architect of many of the leading decisions of the Warren Court and that today in the era of the Burger Court it is his powerful influence within the Court that results in decisions which in important areas of the law not only preserve many of the basic civil liberties and human rights gains of the Warren Court but in some instances even occupy new heights.

It can now be securely documented that for some twenty-five years Associate Justice William J. Brennan, Jr., has been the paramount architect of freedom in this country. The tribute paid to him by Chief Justice Earl Warren has proved to be richly merited. He has earned both the plaudits and the gratitude of both his country and of our own State of New Jersey.

We on the Reporter staff can take justifiable pride in the enormous contributions he has made to the great cause of freedom and liberty in this country and throughout the world. In an important way we took his measure first and appraised him accurately. Our then Editor-in-Chief, the late Jacob L. (Jack) Bernstein, wrote a series of articles for our little publication in 1956 and early in 1957, predicting the judicial course he would take. The brilliant prescience of Jack's evaluation has more than stood up well during these nearly thirty years since he wrote those articles. Jack was right on target. Elsewhere in this issue we reprint his articles. You can judge for yourself how accurately he prophesied the powerful influence that Justice Brennan would be to strengthen and advance the Bill of Rights.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

We take pride too in doing our bit to thank Justice Brennan for what he has done over these nearly thirty long years on the Supreme Court of the United States to safeguard the freedoms of all of us. This issue of the Reporter honors him. We have marshalled an unparalleled group of his colleagues, peers and well-wishers to flesh out the call for liberty that rings through many of his opinions. In a small way, we are aiding our State and our country in paying merited tribute to one who has benefited all of us in ways that only legal scholars see with wide-angle vision. And we consider ourselves fortunate to have this opportunity to thank him publicly and warmly.

We could easily write a book on the leads our research into his career has given us. We won't. Ours is an antidote to law reviews, not a repository of legal scholarship. We prefer the anecdotal approach far more than the dry-as-dust technique of summarization of legal opinions and statistical tabulation of voting line-ups on critical opinions. The subject calls for the skills of a Plutarch writing about the noble Greeks and Romans more than for a footnote-studded exegesis (critical interpretation of a book or section of Scripture). Our basic search is for the why of this great man. The how is memorably cast in the thousands of opinions he has drafted, either for the majority, in concurrence, or in vigorous, occasionally impassioned, dissent, since he first took his seat on the Court in 1956 as an interim appointee by President Dwight Eisenhower.

THE COURT'S INTELLECTUAL LEADER

Our seemingly bold premise that for some twenty-five years Justice Brennan has been the paramount intellectual force on the Supreme Court rests solidly on the published conclusions of legal scholars. Concededly, on a Court of nine disparate personalities, all of whom have ability and competence, no one Justice is ever totally overpowering. It is a collegial institution of give and take, of persuasion, compromise and frequent narrowing of expressed views to form majority and thereby reach majority concensus. Nevertheless, the perspective of time now affords a fuller realization of the enormously significant role that Justice Brennan has played and continues to play, both in the Warren Court and now when he must deal with a majority of more conservative Justices comprising the Burger Court.

It may surprise some readers for us to characterize him as the intellectual leader of both the Warren and the Burger Courts. The evaluation does not emanate from over-admiring enthusiasm for the judge, and the eminently decent human being, however. It is instead that of legal scholars and Court-watchers who have cooly evaluated the shifting alignments of the Justices over the years, and have access to the heretofore secret papers of those Justices who have retired or died. One legal scholar after another has agreed on the identical judgment: Associate Justice William J. Brennan, Jr., has supplied the critical legal analysis in decision after decision in both Courts which has won a majority of the Court, and thereby is reflected in "The Opinion of the Court."

Here, for example is Edward V. Heck, Assistant Professor for Political Science at the University of New Orleans, appraising the Warren Court years between 1962 and 1969, in an article in the Santa Clara Review (Heck, "*Justice Brennan and the Heyday of Warren Court Liberalism*, 20 Santa Clara Law Rev. 841 (1980)): "The influence of Warren in the decisions rendered during these years is too apparent to deny. Often overlooked, however, are the crucial contributions of the Chief Justice's closest collaborator, Justice William J. Brennan, Jr. Close examination of voting patterns and opinions clearly points to the conclusion that it was Justice Brennan even more than the Chief Justice who deserves to be remembered as the cutting edge of Warren Court liberalism.

"In this article, Justice Brennan's contributions to the jurisprudence of the late Warren Court will be addressed not only through statistical analysis of votes, but also through consideration of how his opinions gave shape to the Court's dominant liberal philosophy."

Far more learned and scholarly than the somewhat hyped and popularized book, "The Brethren" by Woodward and Armstrong, is an important new book, by Bernard Schwartz, "Super Chief: Earl Warren and His Supreme Court—A Judicial Biography." In a review of Schwartz's book for the Michigan Law Review, Professor Dennis J. Hutchinson of the University of Chicago Law School concluded: "When the public record is added to Schwartz's numerous behind-the-scenes examples of managing the Court, Brennan emerges clearly as the single most important Justice of the period."

These are carefully weighed judgments by scholars as to the enormous impact and influence of Justice Brennan during the Warren Court years. What then of his role today during the Burger Court Era?

ONE PERSON MAKES A DIFFERENCE

How enormously potent continues to be the contribution of this quiet and genial advocate for freedom, sitting on the High Court, is revealed by an eye-opening article by Professor Stephen Gillers of New York University Law School which appeared in The Nation on September 17, 1983. Entitled "The Warren Court—It Still Lives" with a subhead of "Liberal Momentum," Prof. Gillers there comments:

"Thirty years have passed since President Eisenhower named Earl Warren Chief Justice of the Supreme Court. On October 3, the Court begins its fifteenth term under Chief Justice Warren E. Burger, who succeeded Warren in 1969. During the past fourteen years, Republican Presidents have appointed two-thirds of the Court's members. Yet the Warren Court's legacy persists, weakened in some areas, strengthened in others. How can that be explained? What are the impending threats to the legacy?

"The answers to those questions encompass the Court's work and membership since the early 1960s. As we shall see, the story has a hero—William J. Brennan, the Court's longest-sitting Justice. Brennan was appointed in 1956, so his tenure spans most of the Warren and all of the Burger years. It is increasingly clear that he deserves much of the credit for fashioning the legal theories that could support the progressive decisions of the last quarter-century, and for then persuading a majority of his colleagues to accept them. That achievement in large part explains the survival and occasional extension of precedents from the Warren era."

Two qualities, Prof. Gillers explains, "are crucial for a Justice to translate his or her views into majority opinions. The first is intellectual strength, the ability to state a position and defend it with theories that rely on traditional legal sources; history, precedent, reason, language, experience and institutional competence. But it is not enough to be a theoretician. A Justice must also be able to convince others of the rightness of his or her theory. That quality, sometimes called judicial leadership, requires clarity, a willingness to listen, flexibility and perhaps a gentle persistence. The Court has always had members who are neither intellects nor leaders, members who are one or the other, and an occasional member who is both."

Appraising the history of both the Warren Court and the Burger Court, Prof. Gillers noted that, of the liberal Justices who have served since the Eisenhower Administration, Justices Black and Brennan have been most prominent in developing and defending theories of the Constitution and the Court's institutional role. Of the others who formed the liberal Warren Court, his conclusion is that Goldberg and Fortas served too briefly to have a significant influence, while Douglas and Warren, although enjoying many years on the Court "for one reason or another did not consistently justify their positions with arguments lawyers recognize as within the province of an American court. Brennan had the intellect and willingness to fashion constitutional doctrine and the foresight to start early. The benefits of longevity often require that it be anticipated."

His conclusion in his seminal Nation article is that the ideas Justice Brennan advanced in the 1960s continue to influence the Court's direction in the 1970s and 1980s. In this regard, he fully concurs with Prof. Hutchinson who has pointed out, "The list of Brennan's opinions for the Court on constitutional questions reads like a syllabus for any comprehensive study of what is usually referred to as the 'Warren Court'." Examples of Justice Brennan's profound influence on constitutional law and the history of the Court for the past twenty-five years include such important cases decided in the '60s as Baker v. Carr, which decided that Federal Courts have constitutional power to review the apportionment of state legislative districts; New York Times v. Sullivan, the landmark decision providing the news media and others with a constitutional defense in libel actions by public officials, and Shapiro v. Thompson, striking down residency requirements for welfare applicants. And even during the Burger Court years, when there has been marked erosion of the Warren Court legacy of judicial activism, progress is noticeable and notable in certain areas. These include such innovative majority decisions as Eisenstadt v. Baird, confirming the right of an unmarried person to receive birth control information and which correspondingly furnished the constitutional reasoning supporting the later abortion cases; Plyler v. Doe, holding unconstitutional a Texas law that denied free public education to illegal alien children; and numerous decisions strengthening the constitutional rights of women.

BURGER COURT APPRAISED

As Prof. John M. Burkoff of the University of Pittsburgh Law School recognized in a letter to the Nation commenting on Prof. Gillers' article, the Burger Court has had a decent, if unspectacular, record in many areas of civil rights and civil liberties. (Nation, Oct. 8, 1983). He decried, however, as "abysmal," the Court's record with respect to the Fourth Amendment law of search and seizure. Even in this latter area, however, the Court's retreat from Warren Court rulings has by no means gone as far as might be anticipated. There have been victories for search-and-seizure issues, including a major decision that police officers may not enter a house without a search warrant to make an arrest, and other decisions that restrict the use of "drug courier profiles" as the basis for airport arrests.

Prof. Gillers' conclusion is heartwarming to those who not only admire Justice Brennan for his views and convictions but have the special pride that he comes from our own State and is one of our own:

"The lesson to draw from all this is that despite the disappearance of the liberal majority, the liberal momentum has continued largely because of the intellect, stamina and personal qualities of one man. Most important is intellect. Over the long term, majorities cohere around principles, not personalities. The Court must explain its decisions with legal theories that are durable, not disposable with the next hard case. Not only is Brennan the Court's liberal theoretician but, as Schwartz shows, he has also been able to forge majorities by advancing arguments that are acceptable to the Court's centrists, something the conservatives have failed to do as often as one might have expected a decade ago."

Those are words of high praise. They are by no means unique. Accolades and plaudits are very much the order of things when Justice Brennan's peers comment on him.

RATING BY HIS PEERS

Lord Parker of Waddington, Lord Chief Justice of England, wrote of Justice Brennan:

"All contemporary American lawyers will be familiar with the force and lucidity of his judgments, but of the thousands who admire his work only a handful can have met him personally. Those fortunate enough to have done so will have seen a man young in heart and possessed of enormous vitality who talks to everybody and is equally at ease with the young, the old, the distinguished, and the ordinary. No difficulty ever seems to disturb his serenity, and he is never too busy to give help where it is needed." (80 Harvard Law Rev. at p. 3) (1966).

Erwin N. Griswold, Harvard Law School Professor and onetime Solicitor General of the United States, made precisely the same point as Prof. Gillers:

"To compare Justice Brennan's role on the Court with that of Justice Holmes illuminates, by contrast, another aspect of Justice Brennan's judicial work. Justice Holmes became known as the great dissenter. Justice Brennan has more often functioned as the balance wheel, standing in the center and working out the uneasy compromises and accommodations necessary for the Court to get on with its work. It cannot be an easy task, and at times the resulting opinions have earned academic criticisim for lack of logical purity or the absence of consistent policy.

"It is the role of critics to help the law work itself pure, but the first necessity of the Court s work is that it must function if it is to be a court at all. Justice Brennan, I think, has felt that need most keenly, for he, more often than any other Justice, has worked out the decisions which would command the assent of a majority when the Court seemed hopelessly split into minor fragments." (Griswold, "William J. Brennan, Jr.-Legal Humanist," 80 Harvard Law Rev. 4,5 (1966).

His longtime colleagues and Brother on the Court, Justice Potter Stewart (who elsewhere in this issue makes his contemporary appraisal of his old friend in a tribute written for the Reporter) wrote this in 1980:

"Mr. Justice Brennan's published opinions and his extracurricular writings attest to the eloquent constancy with which he has adhered to the principles of individual liberty and political equality instinct in our nation's organic law. For him, these principles are not mere abstract maxims of social organization; they represent the distilled ethical wisdom of a people who believe fundamentally in the dignity and worth of every individual human being. They are also for Mr. Justice Brennan ultimate commitments of deep personal belief to which he has given practical expression throughout his adult life—as a lawyer both in private practice and for the United States government, as a trial judge in New Jersey, as a member of that state's highest court and since 1956 as an Associate Justice of the Supreme Court of the United States.

"It has been my special privilege to have been a colleague of Mr. Justice Brennan's for twenty-one of the twenty-three terms he has so far served on this Court. The magnitude of his contribution to the law through the humane and perceptive exegesis of the next of the Constitution is enormous, permanent and widely acknowledged. Less known publicly, but no less appreciated by his colleagues are Mr. Justice Brennan's personal kindness and inexhaustible good cheer—cherished qualities on a Court whose hard cases touch deeply held and sometimes antagonistic constitutional and moral beliefs." (Stewart, "Testimonial to Mr. Justice Brennan," 15 Harvard Civil Rights-Civil Liberties Review 281 (1980).

OUR THANKS TO JUSTICE BRENNAN

One could go on and on, but these warm comments are but illustrative of the high esteem in which Mr. Justice Brennan is held by those most competent to judge him as a Justice and as a human being.

We on the Reporter are pleased and proud beyond telling to have had the opportunity to convey our personal thanks and those of the legal profession in and out of our State to Justice Brennan. We regard him as a national treasure. We wish him the best. And we salute him warmly with that lovely Irish toast that says so much so beautifully:

Dear Justice Brennan:

May the road always rise up to meet you.
May the wind be always at your back.
May the sun shine warm upon your face.
And may the Good Lord always hold you in
the hollow of His hand. ●

ALABAMA HONORS RELIGIOUS AND PERSONAL FREEDOM

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ERDREICH. Mr. Speaker, Sunday, June 10, 1984, has been set aside by proclamation of the Honorable George Wallace, Governor of the State of Alabama, and the Honorable Richard Arrington, mayor of the city of Birmingham, as Race Unity Day, a day in which all Alabamians are being called upon to rededicate themselves to strengthening relations between all people.

The idea for this special day was conceived by my constituents, Jim and Nosrat Scott of Birmingham. Mrs. Scott, a native of Iran, is a member of the Baha'i faith, Iran's largest religious minority. Some 300,000 of the world's 2 million Baha'is reside in Iran, and are denied recognition by Iran's constitution and subjected to religious persecution.

Noting the vast improvement in race relations in Alabama over the years, Mr. and Mrs. Scott thought it appropriate to set aside a day where the right to religious and personal freedom could be celebrated and encouraged.

As citizens of a country in which freedom to practice whatever religious beliefs we choose is a cornerstone of our Constitution, it is important that we speak out when we see religious and personal freedoms denied.

I would like to commend the Scotts for their efforts to attain religious and personal freedom for the Bahai's in Iran and for people of all races, creeds, and colors in Alabama and throughout the world. I also commend Governor Wallace and Mayor Arrington for their recognition of the importance of encouraging and actively pursuing unity among all people.

The text of the proclamation setting aside June 10, 1984 as Race Unity Day in Alabama follows:

STATE OF ALABAMA PROCLAMATION

Whereas, world unity is the goal of harrassed humanity; and

Whereas, we live in a world that makes universal peace our first priority if civilization is to survive and advance; and

Whereas, a major obstacle to the attainment of world peace is the prejudices that separate men and cause disunity, we must therefore work to eliminate these barriers; and

Whereas, the earth is, in reality, one country and mankind its citizens; and

Whereas, we in America have been given great spiritual capacities and blessings, we must take the leadership in the quest for and attainment of world unity:

Now, therefore, I, George C. Wallace, Governor of the State of Alabama, do hereby proclaim Sunday, June 10, 1984, as Race Unity Day in Alabama, in the prayerful hope that Americans everywhere will take this time to rededicate themselves to eliminate barriers to Race Unity.

GEORGE C. WALLACE,
Governor. ●

ARMS CONTROL, SELF-CONTROL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ASPIN. Mr. Speaker, I take this opportunity to congratulate my colleague GEORGE BROWN for his efforts to keep the arms race from spreading into space, and to express my appreciation for his work to halt development of the antisatellite (ASAT) weapon.

When George offered an amendment last year to cut procurement funds for ASAT's, most Members had never heard of the weapon, which is designed to destroy satellites in their orbit. But his diligence served him well—this year I, and a dozen colleagues, joined him as cosponsors of his amendment to halt U.S. ASAT testing as long as the Soviet Union does not resume its testing. Larry Coughlin led this bipartisan effort with George to stop the first step of the arms race into space. George's dedication over the years in support of civilian space programs, and his warnings about the impending "weaponization" of space, served to lay the groundwork for the overwhelming passage of his amendment last week and for future efforts in this area.

It should be noted that passage of the Brown-Coughlin ASAT amendment represents only the first step in what promises to be a major debate over the next several years over the military role of outer space as it relates to overall U.S. strategic and arms control policy. A mutual ASAT test moratorium is key to the future of arms control in space, and the success of this amendment represents a major first step toward that goal. George has vigilant over this developing problem—I have no doubts he will continue to be. I look forward to continuing my work with him.

Mr. Speaker, the other body has yet to act on the matter of ASAT's. I submit the following editorial appearing in the Los Angeles Times following approval of the Brown-Coughlin amendment by the House in the hopes that the excellent advice will be heeded by our distinguished colleagues.

The editorial follows:

[From the Los Angeles Times, May 25, 1984]

Arms Control, Self-Control

Once again the Iron Curtain is wrapped tightly around the Soviet Union. Its leaders hunker down and bluster either because they feel that they have been crowded into a corner or believe that sulking will send a danger signal to Americans and their allies.

Whatever the reason, as Times correspondent Dan Fisher reports from Moscow, the Soviet Union refuses to proceed with technical improvements in the "hot line" between Moscow and Washington because they might appear to agree with the West about even one thing.

The nuclear arms race plunges full speed ahead, with no sign that either superpower is interested in negotiating a slower pace. Moscow warns of planetary immolation. Leaders of a group of non-aligned nations urge the superpowers to stop the "rush toward global suicide"—a plea that may be joined by Pope John Paul II. President Reagan counseled calm in his press conference this week, saying that the Soviets cannot continue to match the United States arms buildup and will find a way to resume talks on arms control once that sinks in. But his own advisers talk privately as though arms control has outlived its usefulness. The chill may last for years.

The common view of arms control based on the SALT I and SALT II agreements is that it requires formal negotiations with all the trappings of conferences and bargaining chips, charges and countercharges and, finally, signing ceremonies.

But the philosophical primer on arms control, written more than two decades ago and still as valid as the day it was published, foresaw times like these when for reasons of domestic or international politics the trappings, the political theater, would become more important than the goals.

In "Strategy and Arms Control" Thomas C. Schelling and Morton Halperin wrote: "It is an important tactical question whether the most promising approach to arms control is to seek formal treaties . . . or just mutual self-restraint. . . . It can be as formal as a multilateral treaty or as informal as a shared recognition that certain forms of self-control will be reciprocated."

Rep. George E. Brown Jr., (D-Colton) used a leaf from that book Wednesday in a move, simple and brilliant, designed to halt the next arms race before it gets properly started—the race to build fleets of satellite-killers that could destroy orbiting cameras and sensors that each superpower uses to monitor the other's military maneuvers and installations.

By a 238-181 vote, the House adopted a Brown amendment to the 1985 defense authorization bill that prohibits testing of the U.S. satellite-killer against a target in space until and unless the Soviet Union conducts one more test of its own satellite-killer—a cumbersome device that has failed five of the six test missions conducted since 1977.

What the House voted for was the first step toward mutual self-restraint. There can be no endless arguing over treaty language, no walkouts, no loopholes. Once enacted into law, the simple language would send a signal to the Soviet Union that if it really wants to stop pushing weapons of war into outer space it has a deal.

The risks of taking first step are slight. Because the Soviet satellite-killer is launched from a single site in Kazakhstan, U.S. satellites will know instantly if the Soviets conduct one more test. The move would not block further research and development on either side on more sophisticated weapons.

The benefits could be immense. The United States, with its global security commitments, leans far more heavily on satellites to link its forces overseas than does the Soviet Union. If the United States presses the development of its own satellite-killer, the Soviet Union would accelerate a search for one of its own that would fly higher and work better than its existing crude device.

Keeping violence out of space is a goal well worth pursuing in its own right. But there is more to Brown's approach than that. If the Soviets show the restraint that they have twice offered to show on satellite-killers, the informal trail to arms control blazed by Schelling and Halperin may spread to other weapon systems. As their book points out, arms control is not disarmament. It simply recognizes "mutual interest in the avoidance of a war that neither side wants, in minimizing the costs and risks of arms competition and in curtailing the scope and violence of war in the event it occurs."

Brown has performed a service in showing another way to meet those goals. The Senate should go along with the House. Reagan should endorse the signal that the United States is ready to show self-restraint on violence in space. The Soviets, in their present sullen mood, need say nothing that would imply agreement. It is chance worth taking.●

UNIVERSITY OF MINNESOTA—1984 COLLEGE BOWL CHAMPIONS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. VENTO. Mr. Speaker, on many occasions my colleagues and I have risen to acknowledge the athletic prowess of individuals and teams. We have recognized Olympic athletes, State, or conference champions and national champions. While these teams and individuals do deserve recognition, we must also recognize and praise academic excellence.

Recently, the University of Minnesota, together with 15 other college and university teams, participated in the 30th anniversary revival of the College Bowl. Responding to questions on history, literature, science, and other topics, the Minnesota Golden Gophers survived through the preliminary rounds and won the championship match by a score of 205 to 120 over Washington University.

I want to congratulate the victorious University of Minnesota team. I am certain that this is just the first of a string of national champions.

Mr. Speaker, at this time I would like to share with my colleagues a stirring account of Minnesota's victory.

The following material was submitted for the Record:

[From the St. Paul Dispatch, May 24, 1984]

U Team Revives To Win TV Bowl Revival

(By Dorothy Lewis)

The Angel Gabriel blew his horn for the University of Minnesota's College Bowl team Wednesday night when Matt Marta answered the winning question to make his team the national champions.

"Who was God's messenger to Earth?" the questioner asked.

With split-second timing, Marta hit his buzzer and replied, "Gabriel!"

Marta's answer helped the Gopher College Bowl team score a smashing victory of 205-120 over Washington University of St. Louis to win the national championship. The winners earned a $20,000 scholarship for the University of Minnesota.

Marta, of Chicago, was modest about his part in the victory.

"I don't know what it is," he said. "I don't play Trivial Pursuit that much. I just remember stuff that other people don't."

About 1,100 people watched the NBC broadcast of the 30th anniversary revival of the once highly popular television program dubbed the battle of the brains.

The live broadcast from St John's Arena on the Ohio State University campus in Columbus was complete with the school's marching band and cheerleaders.

To qualify for the finals, Washington University, the crowd favorite, had to beat

Vassar College, while Minnesota beat Princeton.

Minnesota, the underdog, had lost all of its practice games in the past week, according to team captain Mark Molenaar, 25, a graduate student in electrical engineering from Willmar.

The team won with its commanding lead despite missing several final-round questions, including how Anna Karenina died (by throwing herself in front of a train) and the salesman's name (Willy Loman) in Arthur Miller's play, "Death of a Salesman."

Gopher team members included Marta, 20, economics major, Mark Lacy, 22, Madison, Wis., a history senior, Tina Karelson, 20, junior English and journalism major from Minneapolis, and Barney Hadden, 21, a junior in English from Provo, Utah.

Sixteen college and university teams competed in preliminary rounds earlier this week for spots in the finals.

The College Bowl was originated in 1953 by Don Reid, a Canadian writer and college athlete who wanted to give brainy youths the same recognition athletes received.

The program began on NBC radio, moved to CBS television in 1959 and shifted to NBC in 1963 for its final seven years.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constitutents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North 3d Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y = yes, N = no, and NV = not voting.
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

VOTING RECORD

351. H.R. 2912. Justice Department Authorization. Adoption of the rule (H. Res. 239) providing for House floor consideration of the bill to authorize $3.43 billion for programs of the Justice Department. Adopted 341-43: Y(4-0-1), September 30, 1983.

352. H.R. 3231. Export Administration Act. Roth, R-Wis., amendment to the Wolpe, D-Mich., amendment, to prohibit the export of goods or technologies likely to be used in a nuclear production facility to any country that does not maintain International Atomic Energy Agency safeguards on all its peaceful nuclear activities, unless those goods or technologies are readily available from foreign sources. Rejected 163-220: N(2-2-1), September 30, 1983.

353. H.R. 3231. Export Administration Act. Wolpe, D-Mich., amendment to prohibit export licenses for goods or technologies likely to be used in a nuclear production facility to any country that does not maintain International Atomic Energy Agency safeguards. Adopted 196-189: Y(2-2-1), September 30, 1983. A "nay" was a vote supporting the president's position.

354. H.J. Res. 368. Continuing Appropriations, Fiscal 1984. Adoption of the conference report on the joint resolution to provide continued funding, through Nov. 10, 1983, for government agencies whose regular fiscal 1984 appropriations bills had not been enacted. Adopted 232-136: Y(2-2-1), September 30, 1983.

355. H.J. Res. 368. Continuing Appropriations, Fiscal 1984. Whitten, D-Miss., motion that the House recede from its disagreement to the Senate amendment No. 7 and concur therein with a substitute amendment. The substitute was the compromise that conferees had reached on defense spending for fiscal 1984. Motion agreed to 232-65: Y(4-0-1), September 30, 1983.

357. H.R. 2379. Park System Protection. Hansen, R-Utah, amendment to the Udall, D-Ariz., substitute, to delete provisions requiring the interior secretary to delay exercise of this authority to lease, permit any use of, sell or dispose of lands adjacent to national park units until he has determined such action will have no significant adverse effect on park values. Rejected 160-245: N(3-1-1), October 4, 1983.

358. H.R. 2379. Park System Protection. Passage of the bill to require the interior secretary to identify threats to the national park system, both inside and outside park unit boundaries, together with measures for alleviating them, in a biennial "State of the Parks Report" to Congress, and to review beforehand proposed actions by the Interior Department and other federal agencies on lands inside and adjacent to park units that may adversely affect park values. Passed 321-82: Y(1-3-1), October 4, 1983. A "nay" was a vote supporting the president's position.

359. S. 1852. Defense Production Act Extension. LaFalce, D-N.Y., motion to suspend the rules and pass the bill to extend the Defense Production Act for two years, through September 30, 1985. Motion rejected 233-168: Y(3-1-1), October 4, 1983. A two-thirds majority of those present and voting (268 in this case) is required for passage under suspension of the rules.

360. H.R. 3363. Interior Appropriations, Fiscal 1984. Adoption of the conference report on the bill to appropriate $7,953,783,000 in fiscal 1984 for the Interior Department and related agencies. Adopted 296-95: Y(2-2-1), October 5, 1983. The president had requested $6,709,628,000 in new budget authority.

361. H.R. 3958. Energy and Water Supplemental Appropriations, Fiscal 1984. Adoption of the rule (H. Res. 331) providing for House floor consideration of the bill to provide $119 million in fiscal 1984 supplemental appropriations for 43 water resource projects. The rule waived points of order against the bill for making appropriations without authorizing legislation. Adopted 270-124: Y(3-1-1), October 5, 1983.

362. H.R. 3959. Supplemental Appropriations, Fiscal 1984. Adoption of the rule (H. Res. 332) providing for House floor consideration of the bill to make supplemental appropriations for fiscal 1984. Adopted 308-83: Y(4-0-1), October 5, 1983.

363. H.R. 3959. Supplemental Appropriations, Fiscal 1984. Passage of the bill to appropriate $444,740,800 in supplemental funds for fiscal 1984. Passed 363-30: Y(4-0-1), October 5, 1983.

364. H.R. 3958. Energy and Water Supplemental Appropriations, Fiscal 1984. Edgar, D-Pa., amendment to delete 20 unauthorized projects from the bill to provide $119 million in fiscal 1984 supplemental appropriations for 43 water resource projects. Rejected 133-271: N(0-4-1), October 6, 1983. A "yea" was a vote supporting the president's position.

365. H.R. 3648. Amtrak Improvement Act. Florio, D-N.J., amendment to direct Amtrak to issue preferred stock to the secretary of transportation to discharge Amtrak's debt on loans guaranteed by the secretary. Rejected 151-193: Y(1-3-1), October 6, 1983.

367. H.R. 1870. Vietnam veterans Medal. Annunzio, D-Ill., motion to suspend the rules and pass the bill to require the secretary of the Treasury to coin and sell a national medal in honor of the members and former members of the armed forces who served in Vietnam War. Motion agreed to 410-0: Y(5-0-0), October 18, 1983. A two-thirds majority vote of those present and voting (274 in this case) is required for passage under suspension of the rules.

368. H.R. 3231. Export Administration Act. Hutto, D-Fla., amendment to the Bonker, D-Wash., substitute for the Roth, R-Wis., amendment, to allow the president to continue to require licenses for exports to allied nations that participate in Coordinating Committee (COCOM) export controls, if those goods are likely to be diverted to a Soviet-bloc nation. Adopted 237-175: NV(4-0-1), October 18, 1983.

368. H.R. 3231. Export Administration Act. Hutto, D-Fla., amendment to the Hutto, D-Wash., amendment to the Roth, R-Wis., amendment to allow the president to continue to require licenses for exports to allied nations that participate in Coordinating Committee (COCOM) export controls, if those goods are likely to be diverted to a Soviet-bloc nation. Adopted 237-175: NV(4-0-1), October 18, 1983.

369. H.R. 3231. Export Administration Act. Bonker, D-Wash., substitute, as amended by Hutto, D-Fla., to the Roth, R-Wis., amendment. Bonker's substitute originally would have allowed the president to control exports to particular persons or companies in Coordinating Committee (COCOM) nations that are likely to divert those exports to Soviet-bloc nations. As amended by Hutto, the substitute allowed the president to control any product likely to be diverted to the Soviet bloc, and was opposed by Bonker. Adopted 240-173: NV(4-0-1), October 18, 1983.

370. H.R. 3231. Export Administration Act. Roth, R-Wis., amendment, as amended, to allow the president to continue to require licenses for exports to Coordinating Committee (COCOM) nations. Adopted 239-171: NV(4-0-1), October 18, 1983.

371. H.R. 3385. Upland Cotton PIK Program. De la Garza, D-Texas, motion to disagree with the Senate amendments to and request a conference on the bill to establish a temporary paid diversion program for dairy producers, financed by a 50-cents-per-hundredweight assessment on dairy products, to repeal a second 50-cent assessment and to reduce the price support levels in the federal dairy program, revise the program's acreage allotment and marketing quota system and make other changes. The bill also included revisions in the Payment-in-Kind (PIK) program for cotton that had already been enacted as part of other legislation. Motion rejected 188-208: NV(1-3-1), October 18, 1983.

372. H.R. 3231. Export Administration Act. Frenzel, R-Minn., amendment to prohibit the president from imposing foreign policy controls that break existing contracts. Rejected 172-237: Y(1-4-0), October 19, 1983.

373. H.R. 3231. Export Administration Act. Hunter, R-Calif., amendment to the Solomon, R-N.Y., substitute for the Bonker, D-Wash., perfecting amendment to the Courter, R-N.J., amendment to the section of the bill providing for decontrol of exports that are readily available from foreign sources. The Hunter amendment would have allowed the president to continue to control a technology that is available from foreign sources indefinitely, if he determined the transfer would damage U.S. national security. Rejected 137-285: N(2-3-0), October 19, 1983.

374. H.R. 3231. Export Administration Act. Erlenborn, R-Ill., amendment to strike the provision prohibiting the application of foreign policy controls to companies outside the United States. Rejected 199-215: N(3-2-0), October 19, 1983. A "yea" was a vote supporting the president's position.

375. H.R. 2968. Intelligence Authorizations. Adoption of the rule (H. Res. 329) providing for House floor consideration of the bill to authorize appropriations for U.S. intelligence agencies in fiscal 1984 and prohibiting U.S. aid for "covert" military or paramilitary operations in Nicaragua. Adopted 232-179: Y(2-3-0), October 19, 1983.

377. H.R. 2968. Intelligence Authorizations. Boland, D-Mass., amendment to prohibit, at a classified date specified by the House Intelligence Committee, support by U.S. intelligence agencies for military or paramilitary operations in Nicaragua; to authorize $50 million in fiscal 1984 to help friendly countries in Central America interdict cross-border shipments of arms to anti-government forces in the region; and to direct the president to seek action by the Organization of American States to resolve the conflicts in Central America and to seek an agreement by the government of Nicaragua to halt its support for anti-government forces in the region. Adopted 227-194: Y(2-3-0), October 20, 1983. A "nay" was a vote supporting the president's position.

378. H.R. 2968. Intelligence Authorizations. Robinson, R-Va., motion to recommit the bill to the House Intelligence Committee with instructions to insert a provision to prohibit, 60 days after enactment of the bill, support by U.S. intelligence agencies for military or paramilitary operations in Nicaragua if the government of Nicaragua had reaffirmed the commitments it made to the Organization of American States in July 1979, had concluded peace agreements with other countries in Central America, and had ceased all support for military and paramilitary operations against other governments in Central America and the Caribbean. Motion rejected 193-223: N(3-2-0), October 20, 1983. A "yea" was a vote supporting the president's position.

379. H.R. 2968. Intelligence Authorizations. Passage of the bill to make authorizations for U.S. intelligence agencies in fiscal year 1984. The bill also prohibited, at a classified date specified by the House Intelligence Committee, support by U.S. intelligence agencies for military or paramilitary operations in Nicaragua; authorized $50 million in fiscal 1984 to help friendly countries in Central America interdict cross-border shipments of arms to anti-government forces in the region; and directed the president to seek action by the Organization of American States to resolve the conflicts in Central America and to seek an agreement by the government of Nicaragua to halt its support for antigovernment forces in the region. Passed 243-171: Y(2-3-0), October 20, 1983.

380. H.R. 3913. Labor, Health and Human Services, Education Appropriations, Fiscal 1984. Adoption of the conference report on the bill to appropriate $96,531,883,000 in fiscal 1984 and $7,902,000,000 in fiscal 1985-86 for the departments of Labor, Health and Human Services, and Education and related agencies. Adopted 323-79: Y(3-2-0), October 20, 1983. The Senate subsequently adopted the conference report by voice vote October 20, clearing the bill for the president, who had requested $95,215,687,000 in new budget authority.

381. H.R. 3324. Close Up Foundation Grants. Erlenborn, R-Ill., amendment to retain the Department of Education's law related education program in the state block grant. (The bill shifted the program to the secretary's discretionary fund and mandated that $500,000 be made available.) Rejected 136-173: N(1-2-2), October 21, 1983.

382. H.R. 3324. Close Up Foundation Grants. Passage of the bill to authorize $1.5 million annually for fiscal 1983-85 for Allen J. Ellender Fellowships to allow low-income high school students to participate in seminars conducted by the Close Up Foundation. The bill also increased the annual authorization level in fiscal 1984 and 1985 for the law school clinical experience program to $2 million, removed the program from the state education block grant and instead earmarked $500,000 within the secretary of education's discretionary fund for the program. Passed 233-78: Y(2-1-2), October 21, 1983.

383. H.R. 3929. Federal Supplemental Unemployment Compensation. Adoption of the conference report on the bill to extend until March 31, 1985, the program of federal supplemental unemployment compensation payments for a minimum of eight weeks and up to a maximum of 14 weeks to unemployed persons who have exhausted all other state and federal unemployment benefits. Adopted 300-5: Y(3-0-2), October 21, 1983.

385. H.R. 1062. Oregon Lands. Udall, D-Ariz., motion to table (kill) the Lujan, R-N.M., motion to refer to the Interior and Insular Affairs Committee, together with President Reagan's October 19 veto message, the bill to authorize the secretary of the interior to convey, without consideration, certain lands in Lane County, Oregon. Motion agreed to 273-144: Y(2-3-0), October 25, 1983. A "yea" was a vote supporting the president's position.

386. H.R. 1062. Oregon Lands. Passage, over President Reagan's October 19 veto, of the bill to authorize the secretary of the interior to convey, without consideration, certain lands in Lane County, Oregon. Passed 297-125: Y(2-3-0), October 25, 1983. A two-thirds majority of those present and voting (282 in this case) of both houses is required to override a veto. A "nay" was a vote supporting the president's position. (Subsequently, the Senate also voted to override the veto, thus the bill was enacted into law.)

387. H.R. 4091. School Lunch and Child Nutrition Amendments. Perkins, D-Ky., motion to suspend the rules and pass the bill to raise income eligibility standards and reduce student prices for federally subsidized lunches and breakfasts and to make other changes in federal child nutrition programs. Motion agreed to 306-114: Y(2-3-0), October 25, 1983. A two-thirds majority of those present and voting (280 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

388. H. Con. Res. 187. Aquino Assassination. Solarz, D-N.Y., motion to suspend the rules and adopt the concurrent resolution deploring the assassination of opposition leader Benigno S. Aquino Jr. in the Philippines, stating the sense of Congress that all steps should be taken toward a full investigation of the assassination, stating that U.S. policy should support genuine, free and fair elections in the Philippines in May 1984, and stating that the United States should take the outcome of the Aquino assassination investigation and the May 1984, elections into account in conducting its relations with the Philippines. Motion agreed to 413-3: Y(2-2-1), October 25, 1983. A two-thirds majority of those present and voting (281 in this case) is required for adoption under suspension of the rules.

389. H.R. 4169. Budget Reconcilation. Adoption of the rule (H. Res. 344) providing for House floor consideration of the bill to reduce projected federal spending by $8.5 billion over fiscal 1984-86 in partial compliance with reconciliation instructions in the fiscal 1984 budget resolution. Adoption 224-198: Y(3-2-0), October 25, 1983.

390. H.R. 4169. Budget Reconcilation. Jones, D-Okla., amendment to delay the planned 4 percent raise for federal civilian employees from October 1, 1983, to January 1, 1984, thus increasing total three year savings under the bill to $10.3 billion. The amendment previously had been adopted by voice vote in the Committee of the Whole. Adopted 245-176: N(3-2-0), October 25, 1983.

391. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Montgomery, D-Miss., amendment to add $81.7 million to the bill for the purchase of aircraft for the Army and for initial procurement of a new radar system. Adopted 219-193: N(3-2-0), October 26, 1983.

392. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Addabbo, D-N.Y., amendment to provide $218 million for the Navy's frigate construction program. The money would not be a new appropriation but would come from shipbulding funds appropriated in previous years. Adopted 287-140: Y(2-3-0), October 26, 1983.

393. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Bennett, D-Fla., amendment to add $355.5 million for the Navy shipbuilding program. Rejected 85-342: N(3-3-0), October 26, 1983.

395. H.R. 4139. Treasury, Postal Service, General Government Appropriations, Fiscal 1984. Frank, D-Mass., amendment to strike a section barring the Office of Management and Budget from reviewing agricultural marketing orders. Rejected 97-319: N(0-5-0), October 27, 1983.

396. H.R. 4139. Treasury Postal Service, General Government Appropriations, Fiscal 1984. Roybal, D-Calif., motion that the Committee of the Whole rise and report back to the House the bill to make appropriations for the Treasury Department, Postal Service, executive offices and certain independent agencies in fiscal 1984. Motion rejected 193-229: Y(2-3-0), October 27, 1983. (Agreement to the motion would have barred further amendments limiting expenditure of appropriated funds.)

397. H.R. 3231. Export Administration Act. Roth, R-Wis., amendment, as amended, amended to allow the president to continue to require licenses for exports to Coordinating Committee (COCOM) nations. Rejected 188-233: N(3-2-0), October 27, 1983. (The amendment previously had been adopted in the Committee of the Whole).

398. H.R. 3231. Export Administration Act. Erlenborn, R-Ill., motion to recommit the bill to the Foreign Affairs Committee with instructions to amend it to permit the president to continue to exercise export controls over subsidiaries of U.S. firms operating abroad. Motion rejected 124-285: N(3-2-0), October 27, 1983. A "yea" was a vote supporting the president's position.

400. H.R. 2655. Domestic Volunteer Service Act Amendments. Bartlett, R-Texas, amendment to strike language setting a $25 million authorization floor for Volunteers in Service to America (VISTA). Rejected 132-215: N(2-2-1), October 28, 1983. A "yea" was a vote supporting the president's position.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. MOORHEAD. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a nationwide speech contest called the Voice of Democracy.

I am proud to announce to my colleagues in the House that the winner of this contest for the State of California is a fine young constituent of mine from La Crescenta, Tod Joseph Sambar.

Tod Sambar is the son of two educators, Chuck and Mary Sambar. He has two brothers Al and Chris. He will be graduating very soon from Crescenta Valley High School. Tod is a leader, an achiever. He is involved with his school, his community and his country. Youngsters like Tod Sambar are our Nation's proudest achievement.

I congratulate Tod Sambar and the VFW and offer his winning oration for the edification of the Members of the House.

MY ROLE IN UPHOLDING OUR CONSTITUTION

From far and wide they came to America; They came to a dream. A ragged people, they fought just to survive in a hostile environment; they fought to hold onto their dream. They were united and determined to build a home free from the persecution of oppressive powers. They fought for our independence . . . they fought for every American, for every lover of liberty, for every well-wisher of his posterity. And as each man raised his voice to be heard against the tyranny of the king, he was establishing his role in our Constitution; his role in our dream.

What is my role in upholding our Constitution? This is simple, my role can be no different than the generations before me, no different than those who sacrificed their lives so that we might have the freedoms we enjoy today, no different than that of you, my fellow Americans. My role is to uphold the democratic principles established in our Constitution.

My role in upholding the Constitution can be no less than the farmer in Iowa, Illinois, Kansas or California, who contributes his energies and know-how to keep healthy our dream of democracy.

My role can be no less than the scientists and technicians who give tirelessly of their time and talents to develop new energy sources; to share with the nation that we may become independent, and rely on no other country for our well-being. So we can forge on with the democratic principles in our Constitution.

My role can be no less than the industrialists or the wage earners in Pittsburgh, Chicago and Seattle who strive for excellence in American products to preserve our niceties of life envied all over the world. This, so we can exemplify the democratic ideals in our Constitution; to keep strong our dream of democracy.

My role like that of the minutemen, doughboys, and G.I.'s must be to uphold the democratic ideals in our Constitution whenever they are denied or infringed upon.

My role like the statesmen, diplomats and ambassadors is to promote the Constitution, and all our dreams it entwines.

My role in our dream must be that of the patriot, who keeps the voice of American democracy loud and strong, to preserve our Constitution.

The spirit of all these Americans is my spirit both in words and action.

Whenever liberty is threatened both at home and abroad, in war and in peace, I will carry the torch of American democracy high and uphold my role in the Constitution.

Abraham Lincoln once said, "let every man remember that to violate the Constitution, is to trample on the blood of his father, and to tear the charter of his own and his children's liberty." Can my duty be anything less?

As an American I must uphold this sacred pact of democracy to the utmost. This pact which has weathered over 200 years very much unchanged, 200 years that saw a Civil War, two World Wars, the Great Depression, and other states of global unrest; yet our Constitution remains unscathed. It is my duty to continue to carry this torch of democracy!

My role is to strive as an American, as a patriot, and as an individual to promote our dream . . . our dream of democracy, our dream . . . the American Constitution.●

SOVIET TREATMENT OF SAKHAROV NOT ONLY WRONG, BUT STUPID

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. FRANK. Mr. Speaker, this body recently passed House Joint Resolution 304, condemning the treatment that Andrei Sakharov and his wife have received at the hands of the Soviet authorities. The Soviet press agency, Tass, recently reported that all is well with the Sakharovs. Unfortunately, we have every reason to believe that all is not well, that Yelena Bonner is losing her eyesight and that Andrei Sakharov, who is on a hunger strike, is on the verge of death.

Mr. Speaker, Mary McGrory of the Washington Post recently wrote a column in which she pointed out that the Soviet persecution of the Sakharov's is not only wrong, but stupid. I ask that her excellent editorial be reprinted here.

[From the Washington Post, May 31, 1984]

SOVIETS FAIL TO UNDERSTAND TORTURING SAKHAROV IS MASOCHISTIC

(By Mary McGrory)

When you see what the Soviets are doing to Andrei Sakharov and his wife, Yelena Bonner, you wonder if their vaunted prowess in propaganda is all the right wing says it is.

Any number of organizations and individuals have interceded on behalf of the Sakharovs, whose distinction and humanity have made a special claim on the world's conscience. The Soviet answer is always "Nyet."

Many westerners have tried to point out that the Sakharovs, the banished leaders of Moscow's dismembered human-rights community, do much more harm to the Soviets than the Soviets can do to them. Those who passionately want an East-West accommodation and a resumption of arms-control talks argue in vain that the Sakharov's suffering provides ready ammunition to the opponents of detente, who use it to show the folly and danger of dealing with the Soviets on any level.

The official, and dumb, rejoinder to western expressions of concern is that the State of the Sakharovs is "an internal matter."

So the persecution of two courageous people, whose crime has been to speak out for decency in government, continues—at a cost to the Soviets they seem incapable of rekoning.

The last westerner to take up the matter with Soviet Foreign Minister Andrei A. Gromyko, who could have picked up tremors of the revulsion over the treatment of the Sakharovs during his time at the United Nations, was Australia's foreign minister, Bill Hayden.

It did not go well. Gromyko brusquely told Hayden that the Kremlin will not be told "how to deal with the Sakharovs by other countries."

West Germany's foreign minister, Hans-Dietrich Genscher, who also tried, was warned that discussion of particulars would only make matters worse.

The rationale offered by the Soviets for hounding Sakharov, who as a father of the H-bomb received the Soviets' highest honors and privileges, is that he cannot be allowed to wander about his country—or emigrate, as he has lately said he would like to do—because he knows state secrets and might divulge them.

Sakharov has had no access to weapons-development secrets since 1968.

The real reason, it seems, is that whenever anyone in the Kremlin is smart enough to see that the harassment of Sakharov is enormously expensive to his tormentors, the hawks retort that to show mercy to Sakharov and his sick wife could be seen as bowing to pressure from President Reagan.

Sakharov, a modest and gentle man, has pitted himself against the Politburo since 1968, when he published and smuggled to the West a manifesto called "Progress, Peaceful Coexistence and Intellectual Freedom," an eloquent and brilliantly reasoned document showing the cracks in Kremlin walls. But one man's valor is another man's treason, and the Politburo lifted his security clearance.

Undeterred, he continued to speak out, to befriend "enemies of the state," to take enlightened positions that the Kremlin found threatening.

In 1975 he organized a group of brave Soviets who acted as if the Helsinki Accords were to be taken literally and who met weekly in his Moscow apartment. They monitored the myriad human-rights violations of the state and transmitted them to the West.

Sakharov's fame preserved him from the prison cell or straitjacket that befalls lesser lights.

A love of the Soviet Union and a determination to deal with the Soviet system—an obligation he feels extends to the whole world—kept him in his country. When he was awarded the Nobel Peace Prize in 1975 he declined to go to Oslo to collect his prize for fear of being denied reentry.

In 1980, the Kremlin cracked down. He was stripped of his honors and titles and banished to Gorki, a town 250 miles from Moscow and supposedly sealed off from the world. Izvestia explained that the noble dissenter was "sliding down into the filthiest quagmire of reaction."

Now his wife again needs medical attention abroad. She has been denied the right to travel.

In protest, Sakharov undertook a hunger strike on May 2. He has not been heard from since. The Kremlin issues bulletins saying that he is alive and well and eating regularly. Nobody believes them.

The authorities have learned nothing from the past.

When they finally let dissident writer Alexander Solzhenitsyn go, he ceased to be a problem. He lives quietly in Vermont, emerging now and then to thunder against detente. He speaks like a member of some Slavic Moral Majority, and is little attended.

If Sakharov were to die, the world would cry murder at the Kremlin. He is a saint; the Kremlin will make him a martyr at its peril.

The only hope remaining is that some Third World personage like Indira Gandhi is whispering into Konstantin U. Chernenko's ear that what he is doing to Sakharov is "not only a crime but a blunder."●

JUVENILE JUSTICE, RUNAWAY YOUTH, AND MISSING CHILDREN'S ACT AMENDMENTS OF 1984

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. LEVINE of California. Mr. Speaker, I am pleased that the House passed H.R. 4971, the Juvenile Justice Runaway Youth and Missing Children Amendments of 1984. I strongly support this bill which reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974 through 1989. This bill includes a new title IV—the Missing Children's Act—to establish the first national policy on missing children.

This legislation represents a long overdue Federal effort to combat a tragedy that strikes thousands of children and their families. As many as 1.8 million children disappear from their homes each year. Thousands of children are abducted by strangers for exploitative purposes such as pornography and prostitution. Approximately 4,000 of these helpless victims are later found dead, while hundreds of other bodies are eventually found, but never identified. Each year in the United States there are an estimated 20,000 to 50,000 missing children cases which remain unsolved.

This bill requires the creation of a missing children program which will make grants available to States and localities to develop measures which reduce child abduction, aid in the location of missing children, and help communities collect information useful in identifying missing children. It would also provide for a national toll-free hotline, seek to coordinate other Federal programs, and serve as a clearinghouse for information and research.

A national policy with respect to missing children is long overdue in order to effectively coordinate efforts to alleviate this terrible tragedy which touches so many lives. I was pleased to join with my colleagues in support of this vital piece of legislation.●

TWO SOVIET PEACE PETITIONERS ARRESTED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. YOUNG of Florida. Mr. Speaker, the Soviet propaganda machine would have our Nation and our allies believe that peace throughout the world is a priority within the Kremlin. Soviet actions, however, speak louder than their words.

Through aggression and military force, the Soviets have denied peace to countries such as Hungary, Poland, Czechoslovakia, and Afghanistan. They have eliminated the national identities of nations such as the Ukraine, Estonia, Latvia, and Lithuania. And they use Cuba and Vietnam as surrogate hoodlums to roam and terrorize parts of the world and disrupt the peace.

The Soviets even deny the thought of peace to their own people. On Sunday, two members of a peace group in Moscow were circulating a petition doing nothing more than urging talks between President Reagan and President Chernenko. They were arrested by Soviet police after more than 300 people in a 2-hour period signed the petition.

Obviously there is a stark difference between the freedom to express a desire for peace in our Nation and the Soviet Union. Americans have the constitutional right of freedom of speech and never has this been more evident than during the peace demonstrations that have taken place in the United States during the past few years. These demonstrations have taken place in parks, town halls, and even here in the Chambers of the House and Senate. Yet in the Soviet Union, two men were arrested simply for circulating a petition encouraging negotiations between the United States and the Soviet Union.

Their claims to the contrary, Soviet actions within their own nation and abroad substantiate that it is the Soviet Union and not the United States which threatens world peace and suppresses any peace movement within the Soviet Union. Those people in our own country who are so determined to trust the Soviet Communists should take a few minutes for some serious thought and reflection on this incident.

The news story which appeared yesterday in a Washington newspaper is included.

TWO SOVIET PEACE PETITIONERS ARRESTED

MOSCOW.—At least two members of Moscow's unofficial peace group were arrested yesterday while soliciting signatures for a petition urging a meeting between U.S. and Soviet leaders, a group spokesman said.

Yuri Medvedkov, a member of the grassroots "Group to Establish Trust between the U.S.A. and the U.S.S.R.," said police arrested Aleksei Luznikov and Nikolai Kramov as they asked passers-by in the street to sign a petition urging talks between President Reagan and President Konstantin Chernenko.

Mr. Medvedkov said Mr. Luznikov and Mr. Kramov collected more than 300 signatures in two hours before they were arrested.●

EFFIE LEE MORRIS RECEIVES NATIONAL BOOK AWARD

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mrs. BURTON of California. Mr. Speaker, on June 12, the Women's National Book Association will honor an outstanding woman, Effie Lee Morris. I am pleased to bring to my colleagues' attention the outstanding achievements of Ms. Morris.

Effie Lee Morris has achieved international stature as a children's librarian. She pioneered library services to blind and physically handicapped children at the New York Public Library and was coordinator of children's services at the San Francisco Public Library for 14 years. At present she teaches children's literature at Mills College in Oakland and has a book contract with Harcourt Brace Jovanovich. For about 2 years she worked for the same publisher at the senior editor level on an encyclopedia of blacks in America.

She is a member of the California State Library Services Board, the National Advisory Board of the Center for the Book in the Library of Congress, and is a founding member of the Black Caucus of the American Library Association.

The Women's National Book Association, founded in 1917, has local chapters in nine U.S. cities and a total membership of about 1,500. These members constitute a cross-section of the world of books: editors, authors teachers, librarians, publishers, and garden-variety readers.

The WNBA Award has been presented biannually for the last 40 years to women of outstanding stature who have contributed to the world of books. Previous recipients include Barbara Tuchman, Anne Pellowski of UNICEF, Rachel Carson, Pearl Buck, Eleanor Roosevelt, and Augusta Baker.

This year's award reads as follows:

> The Women's National Book Association presents its 1984 WNBA Award for extraordinary contributions to the world of books and through books, to society, to Effie Lee Morris librarian, educator, author, creator of programs and services, leader of causes and groups: a talented, dedicated book woman. A civil libertarian working to bring the benefits of reading to all people, she generates ideas that build the lifetime reading habit.

By honoring Effie Lee Morris, we honor a rare tradition of service, and a vision of the intellectual, emotional, and spiritual growth that reading fosters.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. CLINGER. Mr. Speaker, on May 31, 1984, I was absent from the floor of the House of Representatives for a part of the day. Had I been present, I would have voted in the following fashion:

Rollcall No. 194: H.R. 5712: Commerce-State-Justice—judiciary appropriation, the House agreed to an amendment that strikes the $31.3 million appropriation for the National Endowment for Democracy, "no";

Rollcall No. 195: H.R. 5712: Commerce-State-Justice—judiciary appropriations, the House agreed to a motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back forthwith containing an amendment to reduce discretionary funds by 4 percent, "yea";

Rollcall No. 196. H.R. 5712: Commerce-State-Justice—judiciary appropriations, the House passed the measure making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1985, "yes"; and

Roll call No. 197. H.R. 5167: Defense Authorization, the House agreed to the Price amendment to the Dickinson amendment to authorize the production of 15 MX missiles subject to certain conditions, "yea."●

VIGIL FOR SOVIET JEWS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. SIMON. Mr. Speaker, as part of the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I would like to draw to your attention the case of Jewish refusenik, Yakov Gorodetsky. Born in 1946, Gorodetsky went on to become a mathematician, but was fired in 1982, after he applied for an exit visa. In January 1983, he was told by Soviet authorities to stop giving Hebrew lessons and writing letters of complaint to Soviet officials. In November 1983, the Soviet magazine Ogonek printed an article entitled, "Invitation to the Trap," which accuses Gorodetsky of disseminating anti-Soviet literature and of being a Zionist agent. Soviet authorities have gone to great lengths to find ways to stop Jews in the Soviet Union from living openly as Jews and from leaving the country.

Most recently, On May 15, 1984, Gorodetsky was in a post office awaiting a call from a friend in Chicago. While waiting, Gorodetsky was forcibly taken by a KGB captain for interrogation. Two young women who had obviously been planted to provoke him told the captain they had "overheard Gorodetsky saying things he should not be saying." When held for questioning, Gorodetsky rightfully refused to sign any statements, but he did submit a statement of complaint for the ongoing harassment he has been subjected to, including a forced, extensive search of his apartment, in which his door was beaten down, on May 5, 1984.

Gorodetsky is obviously in danger and under enormous pressure because of his work and his commitment to repatriation. Gorodetsky has always worked within the Soviet legal system in his efforts to relinquish his Soviet citizenship. Yakov Gorodetsky has already received Israeli citizenship.

On a more optimistic note, Gorodetsky's papers were accepted by the Leningrad Office of Visas and Registration on February 7, 1984. I will soon be circulating a "Dear Colleague" seeking signatures to letters I plan to sent to both Konstantin Chernenko and Anatoly Dobrynin, asking that they give positive consideration to Gorodetsky's petition by allowing him to repatriate. I hope you will all show your support for Yakov Gorodetsky by signing the letters.●

THE IMPORTANCE OF SENATE ACTION ON LEGISLATION TO LIMIT CWIP

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ST GERMAIN. Mr. Speaker, on June 4 an article appeared in the Providence Journal citing the fact that Rhode Islanders pay unusually high rates for their electricity and that these high rates are in large part due to the fact that Rhode Island's rates are primarily determined by the Federal Energy Regulatory Commission rather than by the States public utilities commission.

According to the article, a chief reason for Rhode Island's high rates is FERC's policy on collecting charges for construction work in progress, CWIP. In February, the House passed legislation, H.R. 555, which I cosponsored, placing strict limitations on when CWIP can be included in utility rates. Similar legislation is pending in the Senate, where it has been the subject of subcommittee hearings, but has seen no further action.

CWIP charges, especially on the broad basis permitted by FERC, are unfair to consumers. This unfairness is compounded when consumers in some

States are subjected to the charges while others, whose utility rates are mostly State regulated, do not have to pay such charges. It is imperative that the Senate act on its bill in order that legislation may be enacted to bring an end to this inequitable situation.●

C-124 FOR TRAVIS AIR FORCE MUSEUM

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to the successful efforts of the Travis Air Force Base Historical Society in obtaining a C-124 for the Travis Air Force Museum.

This is the first time that an aircraft this large has ever been recovered and restored by anyone, particularly a private organization like the historical society.

The C-124, or "Old Shakey" as the aircraft is known to its former crew members, went into service in 1952 and served as the workhorse of the Air Force for 20 years until it was retired in 1972.

Before the historical society obtained permission to recover this particular C-124, the plane had been standing stoically for nearly 12 years on the grounds of the Aberdeen-Edgewood Proving Grounds in Maryland, gathering dust and mildew and serving as a little used storage facility.

But with the help of a dedicated recovery crew and a number of volunteers at Aberdeen, Dover Air Force Base in Delaware and Dobbins Air Force Base in Georgia, Old Shakey is now ready to make its way back to Travis to become one of the centerpieces of the Travis Air Force Museum.

Members of the historical society deserve our praise for helping to save the C-124. As Dave Fleming, the president of the Air Force Museum, said recently, recovery of the plane "was a monumental achievement and coupled good luck with the dedicated efforts of many volunteers. * * *"

Mr. Speaker, on Sunday, June 10, I will participate in a very special ceremony: The arrival of the C-124 to Travis Air Force Base. This will most probably be the last leg of this fine aircraft's outstanding career. It may be the last landing of the last flight of the last of the seven "Old Shakeys" in existence.

The following deserve our special recognition for helping to bring about this great achievement:

The crew, all active duty Air Force C-5 qualified flyers who had thousands of hours in the C-124, including:

Lt Col Louis Tobin, 75th MAS, 60 MAW.

Lt Col Terry LaMalda, 60 MAW Inspector General.

Maj Harold Maynard, 60 MAW C-5 Flight Simulator.

Maj John Simpson, 60 MAW C-5 Flight Simulator.

CMSgt Troy Wood, Mil Air Cmd Chief Engineer.

CMSgt Jack Pledger, 75th MAS, Chief Engineer.

CMSgt Marion Fincher, 60 MAW Attached, Strat Alft.

Test Proj Supt, Kirtland, AFB N.M.

SMSgt Gary Arnett, 60 MAW, C-5 Std Loadmaster.

SMSgt David L. Florek, 60 MAW, in charge of the Travis AFB recovery and restoration project, and project supervisor;

MSgt Gerald "Junior" Nance, 116 TFW, Crew Chief of the Dobbins AFB National Guard volunteer recovery team;

MSgt Larry Rengstor, California ANG, Moffett Field, who donated weeks of time chasing parts all over the country and acting as Crew Chief and part of the maintenance team;

Major George Anderson, Museum Project Officer, who coordinated the entire undertaking; and

A number of volunteers who gave of their time and expertise, including:

SMS David L. Florek, 60 MAW, Travis AFB.

Major George Anderson, 60 MAW, Travis AFB.

Mr. David Fleming, Vacaville, CA.

MSgt Larry Rengstorf, CA ANG.

Mr. Roger Evans (RET), Vacaville, CA.

Mr. Bob Gilman, USAFR, Cotati, CA.

Mr. John Tobin, USAFR, Travis AFB.

Mr. Billie Dare, Sacramento, CA.

Mr. Joe Bozeman, Vallejo, CA.

Mr. David Burns, Vacaville, CA.

Mr. John Dolman (RET), Vacaville, CA.

Mr. Bill Hess, Fairfield, CA.

Mr. Carl Johns (RET), Spokane, WA.

Mr. Len Martin, Vacaville, CA.

Mr. Nathaniel Robinson (RET), Vacaville, CA.

Mr. Walter Scott (RET), Dixon, CA.

Mr. Leo Turk (RET), Havre DeGrace, MD.

Mr. Lee Whalen (RET), Dover, DE.

MSgt Richard Pokorny, Felton, DE.

Mr. Ellis Williams, Fairfield, CA.

Mr. Ray Wheeler, Aberdeen PG, MD.

Mr. Bill Keithley, Aberdeen PG, MD.

Mr. Earl Lester, Aberdeen PG, MD.

Mr. Ray Schmidt, Aberdeen PG, MD.

Mr. John Allison, Aberdeen PG, MD.

Mr. Jim Jones, Aberdeen PG, MD.

Mr. Arthur Littman (RET), Vacaville, CA.

Mr. Ray Dorsey, Aberdeen PG, MD.

Mr. John Brooks, Aberdeen PG, MD.

SMS Richard Roberts, 116th TFW Dobbins AFB, GA.

MSgt Gerald R. Nance, 116th TFW Dobbins AFB, GA.

MSgt Marvin D. Sumners, 116th TFW Dobbins AFB, GA.

MSgt George H. Wheeler, 1 6th TFW Dobbins AFB, GA.

MSgt Robert F. Woodard, 116th TFW Dobbins AFB, GA.

MSgt Bemus Locklear, 116th TFW Dobbins AFB, GA.

MSgt Tommy Richardson, 116th TFW Dobbins AFB, GA.

MSgt Lawrence W. Lines, 116th TFW Dobbins AFB, GA.

MSgt Herbert P. Wyatt, 116th TFW Dobbins AFB, GA.

MSgt Harold W. Painter, 116th TFW Dobbins AFB, GA.

TSgt Robert E. Blackwell, 116th TFW Dobbins AFB, GA.

TSgt Thomas L. Meek, 116th TFW Dobbins AFB, GA.

TSgt Michael G. Donahoo, 116th TFW Dobbins AFB, GA.

TSgt Donald Holsapple, 116th TFW Dobbins AFB, GA.

SSgt Lynn Barnard, 116th TFW Dobbins AFB, GA.●

PRESIDENT REAGAN'S RECENT REMARKS CONCERNING NICARAGUA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. HAMILTON. Mr. Speaker, President Reagan was quoted in the press on May 29 of this year as saying that his CIA-backed mining of Nicaragua's harbors was justified as an effort to interdict a flood of Soviet arms flowing through Nicaragua's ports to leftist guerrillas in El Salvador.

The President in an interview on Irish television said that there was a Bulgarian ship unloading tanks and armored personnel carriers at a port in Nicaragua, the fifth such Bulgarian ship in the last 18 months.

"Just a week or two ago, there were Soviet ships in there unloading war materiel," he stated, claiming that the Sandinistas are "funneling this through to the guerrillas in El Salvador."

The implication for the American people of those remarks is that the Soviet Union is stepping up the provision of war materiel to the guerrillas in El Salvador, perhaps even to include the introduction of tanks and armored personnel carriers.

I requested the intelligence community to provide me the intelligence which supports the President's dramatic assertions. Their response was that they have no intelligence to support the claim that the recent Bulgarian and Soviet shipments to Nicaragua are being sent on to the Salvadoran guerrillas.

My guess is that those supplies are for Nicaragua's own use in fighting off the attacks of the Contras who are armed and funded by the United States.

In any case, President Reagan's statement was clearly misleading and ought to be publicly corrected.●

FSU LADY SEMINOLES WIN NCAA TITLE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. FUQUA. Mr. Speaker, I wish to report to my colleagues the triumph of the Florida State University Lady Seminoles Track and Field Team which last weekend captured the

NCAA team title. Head Coach Gary Winckler, the women on the team, and all associated with this effort deserve praise for this great accomplishment.

An article in the Tallahassee Democrat expressed the spirit of the team in its victory in Eugene, Oreg., and I include the article at this point in the RECORD so that all may share in this moment.

[From the Tallahassee Democrat, June 4, 1984]

I'M KIND OF NUMB

(By David Whitley)

The Florida State women's track team did something a little out of character Sunday night—it did not finish first.

In the race to get off Delta flight 1871, a handful of business types and a guy toting a tennis racket beat the Lady Seminoles down the concourse.

But after the weekend they had just put in, the Lady 'Noles deserved to slough off a little. Besides, they had a little extra baggage to carry that they didn't own when they departed last week.

The Lady 'Noles arrived home from Eugene, Ore., with the NCAA Track and Field Championship trophy proudly in tow. About 75 people gathered at Tallahassee Municipal Airport to welcome the team back.

"I think this is spectacular," said Keith Hughes, a member of the welcome wagon. "This whole ought to be packed."

"What the crowd lacked in size, it made up for in spirit. While they waited for the team to appear, the group of fans spent the time getting their best cheer down, only changing the operative phrase from "number one" to the more definitive "national champ."

Those words sounded good to FSU head coach Gary Winckler.

"It feels great," he said. "I still don't know how to react. I'm kind of numb."

Numb is probably the word to describe how the women's collegiate track world must feel after the high-octane show the Lady 'Noles put on Friday and Saturday in Eugene. FSU made mockery of the short sprints, winning five events—the 100 meters, 200 meters, 400 meters, 400-meter relay and mile relay, an event in which the Lady 'Noles ran the fastest collegiate time in history, 3:28.53.

The 200-meter was the coup de grace. Trailing Tennessee going into that final event, the Lady 'Noles scored an amazing 39 points, placing five finishers in the top nine to clinch the national crown. When the smoke cleared, FSU had 145 points to Tennessee's 124. Stanford was third with 71.

The win was especially gratifying to Winckler, an Oregon State graduate who knows firsthand how lightly the people of Eugene embrace track. After guiding FSU to third and second-place finishes the past two years, Winckler was named coach of the year by the National Track and Field Coaches Association after the meet Saturday.

"We've always had everybody perform superbly in national meets," he said. "This year we had power maturity, and the girls wanted in bad."

The backbone of this year's effort was the performance of seniors Marita Payne, who won the 400 meters, and Randy Givens, who was the 100 and 200 meters.

"Those are the kind or people you don't go out and replace in one year," Winckler said. "But we're not going to relax, that's for sure."

FSU will have a bevy of talent back next year. Most of the performers in the nine events FSU scored in will return, including the nucleus of a strong relay team in sophomore Brenda Cliette and freshmen Janet Davis and Michelle Finn. Fine was another Lady 'Nole not sure of how she felt Sunday night. She only knew she felt good.

"It's hard to explain," Finn said. "At first it was hard to believe. They'd show the scores and show FSU ahead then Tennessee than FSU. It's wonderful, I can tell you that."

"We couldn't have asked for things to go better," Winckler said. "It was a supreme performance by everyone on the team."●

MISTREATMENT OF WEST AFRICAN POC LEON YELOME

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. OTTINGER. Mr. Speaker, I rise to bring to the attention of my colleagues the plight of Mr. Leon Yelome who has been designated by Amnesty International as a "Prisoner of Conscience." Mr. Yelome's case is being closely monitored by Amnesty International's Group 154 of mid-Westchester, N.Y.

Leon Yelome, a 26 year-old former law student from Benin, West Africa, has been detained without a charge or trial since August 16, 1979. In March of this year, he was held handcuffed in an old container which was open to the Sun and rain at the Brigade de la Gendarmerie in Port Novo. Toward the end of March he was moved to the Camp Militare Guezo in Cotonou.

Amnesty International Group 154 believes that the conditions in which Mr. Yelome is being held are grossly inadequate and sufficiently severe to constitute cruel, inhuman and degrading treatment as outlined in article 3 of the United Nations Declaration on the Protection of all Persons from Torture and other Cruel, Inhuman, or Degrading Treatment.

In addition to appealing for the release of Mr. Yelome, Amnesty International Group 154 is particularly concerned about his health and is seeking information about his medical condition because he has already endured nearly 5 years of imprisonment in poor and unsanitary conditions. The basis for this concern are reports that prisoners are, allegedly, often subject to torture.

I strongly urge the Reagan administration and the State Department Bureau of Human Rights and Humanitarian Affairs in particular, to speak out against this terrible violation of human rights, and to monitor closely the condition of Leon Yelome. I also commend the tireless efforts of the members of Amnesty International and Group 154 in mid-Westchester. These people have been vigilant in the defense of human rights throughout the world, and deserve great praise for their work.●

GARDEN GROVE CHAMBER OF COMMERCE OFFICERS HONORED

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. PATTERSON. Mr. Speaker, it is with great pleasure that I rise to honor three people who have demonstrated an outstanding record of service to the community of Garden Grove and the chamber of commerce.

Mr. Stan Smolin, the Garden Grove Chamber's outgoing president, has an outstanding record of service to the community. As an attorney in Garden Grove Chamber of Commerce, Mr. Smolin has been a successful leader in the business community of Orange County.

In addition to an active professional life, he has shown a willingness to give of his time for the benefit of the community in a wide variety of areas. His concern for youth has led to involvement with the Garden Grove School District, Boys Club and Little League. As a member of the Garden Grove Cultural Arts Commission and the Village Green Fine Arts Alliance, he has sought to improve the cultural life of his city. Other facets of his concern for the community are demonstrated by his role with the United Way, the Neighborhood Development Commission, the Orange County Community Housing Corp. and the Rotary Club.

Fran Jennings-Rafanovic has an equally outstanding record of community service. The president-elect of the Garden Grove Chamber of Commerce, she has also held a variety of other offices with the chamber since 1972, including president of the women's division in 1981-82. Recently, she served as president of this year's strawberry festival, culminating over 5 years of active involvement with this event.

She has volunteered tirelessly for a large number of community organizations. Her activities serving youth include the Children's Home Society, the Children's Hospital of Orange County, the Boy Scouts and the PTA. Concerns in the area of health include the March of Dimes and Turning Point-Orange County Alcohol and Drug Abuse Center.

Her involvement with the city of Garden Grove has included service as a planning commissioner and 1 year as chairman of the planning commission, along with service as both a member and president of the Sister City Committee-Toluca, Mexico. Finally, she has held a variety of offices with the Garden Grove Association for the Arts, including a term as president of that organization in 1982-83.

The third person we are honoring today is Ms. Bertie Le Mieux, president of the Garden Grove Chamber of Commerce—Women's Division. In addition to her work as president, Ms. Le Mieux has also served on a variety of committees with the chamber's women's division, including the silver spoon, the strawberry festival ticket booth, bylaws and greeters.

An active member of the Emblem Club, Ms. Le Mieux has held a wide variety of offices with this organization on the local, State, and national levels.

Her community service record includes extensive involvement with the PTA, including holding the office of president. In addition to the PTA, she has demonstrated her commitment to the youth of our community through work with Boy Scouts, Girl Scouts, Little League, and Bobby Sox.

Many of her activities have been related to the city of Garden Grove. These include service as the budget chairman and secretary-treasurer of both the police and firemans association and secretary-treasurer of the city employees association.

Mr. Speaker, by giving of themselves tirelessly in the service of others, these three individuals provide examples for us all as to the true meaning of responsible citizenship. I am pleased to have the opportunity to honor these fine Americans, and I wish them well as they continue their work for the community.●

PERSONAL EXPLANATION

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. ERDREICH. Mr. Speaker, on Thursday, May 31, I was away from Washington to deliver a commencement address in my home district and was unable to vote on several matters before the House. For the record, I would like to state how I would have voted if I had been present:

Rollcall No. 194, "aye."
Rollcall No. 195, "no."
Rollcall No. 196, "no."
Rollcall No. 197, "aye."
Rollcall No. 198, "no."
Rollcall No. 199, "no."
Rollcall No. 200, "aye.
Rollcall No. 201, "no."
Rollcall No. 202, "no."
Rollcall No. 203, "no."
Rollcall No. 204, "aye."●

TONNAGE MEASUREMENT OF VESSELS ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. JONES of North Carolina. Mr. Speaker, today, I am introducing at the request of the administration H.R. 5774, the Tonnage Measurement of Vessels Act. This legislation implements the International Convention on Tonnage Measurement of Ships, 1969, that was ratified by the President, with the advice and consent of the Senate, on October 28, 1982. This Convention came into effect in the United States on February 10, 1983.

Once in place, this legislation will provide the primary measurement system for documented vessels that are 29 feet in length and over, except vessels operating exclusively on the Great Lakes. Vessels that are less than 29 feet in length will continue to be measured under the existing statutory system. Similarly, other currently available systems for determining tonnages for regulatory purposes will still be available on request of the vessel owner.

A measurement of a vessel's gross and net registered tons is required before it is documented under chapter 121 of title 46, United States Code. These measurements are used as a reference for the collection of tonnage taxes, for establishing drydocking and towing fees, and for determining a number of other charges against the vessel. In fact, there are over 100 domestic and international regulations that employ either gross or net tonnage as a regulatory parameter. However the current system has been interpreted differently in various countries, resulting in similar vessels having different tonnages depending on where they were measured. This Convention establishes a uniform international standard for all vessels to be measured.

However, there is one section of this legislation which we will examine particularly closely. That is the administration's proposal that the Coast Guard be allowed to impose a user fee for measuring vessels. Currently this is prohibited by section 2110 of title 46, United States Code. It is our understanding that the administration plans on delegating most measurement activities to the American Bureau of Shipping (ABS), and unless section 2110 is changed, ABS will not be able to charge for these services. The administration estimates that the implementation of this system will save approximately $120,000 due to reduced manpower requirements and that the delegation of the administration of this program to the American Bureau of Shipping will save $1.2 million. However, in the May 1982 user fee proposal, the administration estimated that charging for measurement of vessels will cost owners $7.6 million annually. Therefore, we look forward to receiving input from the maritime industry on the potential effects the charging of these fees may have.●

MAINE'S PRESIDENTIAL SCHOLARS

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Ms. SNOWE. Mr. Speaker, I want to share with my colleagues the significant honors received by two Maine high school students, Laura J. MacLean of Portland and Joseph L. Faber of Rockland, who were selected Maine's 1984 Presidential Scholars.

To be chosen, one must have excellent academic standing, leadership qualities, and have contributed to their school and community. Laura and Joe have demonstrated these fine qualities in their commitment to excellence.

They are among 141 students in the country to be selected as our Nation's most distinguished high school seniors. They have been invited to Washington next month to receive the Presidential Scholars Medallion from the President.

Laura, a senior at Deering High School in Portland, is the valedictorian of her class, a 3-year member of the National Honor Society, a National Merit Scholar, a recipient of the Harvard Book Award, and is involved in many extracurricular activities. She will continue her education at Bryn Mawr College in the fall.

Joseph, a senior at Rockland High School, is also valedictorian of his graduating class and a 3-year member of the National Honor Society. He is also the president of student government, an Eagle Scout, the winner of the Century Three Leadership Scholarship, and is actively involved in his hometown newspaper, The Courier-Gazette.

Undoubtedly, their selection as presidential scholars is well deserved. I am proud of their hard work, dedication, and ambition. Our future is in the hands of today's youth, and with continued success Laura and Joseph should be a guiding force in that future.●

IN TRIBUTE TO C. G. ECONOMUS

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● **Mr. WILLIAMS of Ohio.** Mr. Speaker, one of the outstanding and prominent residents of the 17th District was recently honored by the Ohio State Bar Association. Attorney Constantine G. Economus is truly an American success story. I believe the following article from the Youngstown Vindicator, of May 15, 1984, tells the complete story.

[From the Youngstown Vindicator, Tuesday, May 15, 1984]

OHIO BAR TO HONOR C. G. ECONOMUS

Atty. Constantine G. Economus, active for years in the Greek community here and with national Greek church and fraternal organizations, will be one of 63 lawyers honored by the Ohio State Bar Association for 50 years of law practice.

The bar will salute Atty. Economus and the others at its annual banquet Friday in Cleveland.

Atty. Economus came to this country from Greece in 1916 and moved to Youngstown three days later.

He received his undergraduate and legal degrees from Youngstown College, passed the Ohio bar examination in 1934, and began his practice that same year.

Atty. Economus received his master of law degree in 1937 from Catholic University of America in Washington, D.C. He is proud that his thesis, "Aristotle's Politics and the U.S. Constitution," took top honors in his graduating class.

He has served as supreme vice president, supreme secretary, and counselor of the American Hellenic Educational Progressive Association (AHEPA) and once was editor of the organization's magazine.

When he was national secretary, he moved temporarily from Youngstown to that organization's national headquarters in Washington.

He also served on many local patriotic committees during World War II and on past Community Chest drives.

Atty. Economus was president of the Pan-Arcadian Federation of America, an organization of citizens of Greek descent, and received a meritorious service award from King Constantine II of Greece in 1966 for his role in planning the Pan-Arcadian Hospital in Tripolis, Greece. The hospital serves southern Greece and is noted for its care of earthquake victims.

In 1960, he was one of 10 men appointed to the Archdiocese Mixed Council of the Greek Orthodox Church, the highest executive body of the Holy Archdiocese of North and South America.

He is a member of St. John's Greek Orthodox Church.

Atty. Economus and his wife, the former Pipitsa Skarpentzus, whom he married in 1935, have two sons, Common Pleas Judge Peter C. Economus and Atty. George C. Economus.

Atty. Louis M. Davies of Youngstown will be among the six retiring members of the bar's executive committee honored at the banquet. Atty. Davies is finishing his third year as district representative.

Atty. Davies is a partner in the law firm of Harrington, Huxley & Smith, and in January, was elected director of the Youngtown Area Chamber of Commerce.

He received his undergraduate degree from Mount Union College in 1951 and his law degree from Western Reserve University in 1954.

Atty. Davies is secretary of the YMCA trustee board and is a former member of the Poland Board of Education and Poland Township Zoning Appeals Board.

Attorney Economus can be justly proud of his commitment to family, church, and community. His achievements are legendary, and his accomplishments are remarkable. The entire Economus family is a great 17th Congressional District family.●

YOUTHS RECEIVE AAA HIGHEST AWARD

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. SCHEUER. Mr. Speaker, I rise today to commend two brave young men from New York's Eighth Congressional District, John M. Aleksa and Pablo D. Lues.

The American Automobile Association presented its highest award on May 15, 1984 to John and Pablo and eight of their fellow school safety patrol members who saved the lives of persons in imminent danger while on duty. In the 35 years since its inception, only 260 youngsters from 28 States and the District of Columbia have been recognized for their heroic lifesaving efforts with this distinguished award.

On November 15, 1983, three students were waiting behind Pablo and John for the "Walk" light and the patrol's signal to cross 167th Street in Flushing, N.Y. A car was rapidly approaching the intersection on heavily traveled 45th Avenue and proceeded to turn right just as the traffic light turned green and the pedestrian signal turned to "Walk." At that very moment, a 5-year-old student dashed around Pablo's outstretched arm and into the street toward the path of the turning car. Pablo and John ran into the street after the girl. They pulled her back as the swiftly moving car, wheels screeching, passed by within inches.

The ancient Greek historian Herodotus wrote that great deeds are usually wrought at great risk. By bravely imperiling their own well-being, John M. Aleksa and Pablo D. Lues performed perhaps the greatest deed a human being can undertake, to save another's life. For their magnanimous and dutiful response to this life-threatening situation, I know my colleagues in the House of Representatives join me today in congratulating these two admirable young men.●

SENATE—*Wednesday, June 6, 1984*

The Senate met at 10 a.m., and was called to order by the Honorable Bob Kasten, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of Peace, today we remember the triumph and tragedy of D-day 40 years ago. We recall with heavy hearts those who laid down their lives in that critical encounter. We commend to Thee their loved ones who remain to spend this day in memory not only of their loss but also of the trauma endured by that loss.

We pray a special blessing upon those who are reminded of the agony, the suffering, and the brutality they witnessed.

We express to Thee our gratitude for those who planned and implemented D-day and its influence in accelerating the end of hostilities. As we celebrate the memory of that day and those involved in it, we do not celebrate war; we honor peace. Help us to dedicate ourselves to peace and to all that makes for peace among ourselves, in our homes, among races and ethnic groups and nations.

In the name of the Prince of Peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore (Mr. **Thurmond**).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, June 6, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bob Kasten, a Senator from the State of Wisconsin, to perform the duties of the Chair.

Strom Thurmond,
President pro tempore.

Mr. **KASTEN** thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The **ACTING PRESIDENT** pro tempore. The majority leader is recognized.

Mr. **BAKER**. I thank the Chair.

SENATE SCHEDULE

Mr. **BAKER**. Mr. President, after the opening formalities today, which include a special order for the Senator from Wisconsin (Mr. **Proxmire**) and time for the transaction of routine morning business, the Senate will resume consideration of the unfinished business, which is the bankruptcy bill, at which time the Packwood amendment will be the pending question.

Mr. President, I am not sure how much worthwhile debate will occur today on the bankruptcy bill because of absentees. In the event we cannot proceed in a meaningful way on that subject, it would be the hope of the leadership that we could proceed to another matter, at least temporarily.

The minority leader has asked me from time to time about the scheduling of the math-science bill. I will explore the possibility of doing that today.

I had hoped that we could do the energy-water appropriations bill today, but for a variety of reasons that appears unlikely.

I had hoped that we would proceed to the Wilkinson nomination today, but that, too, seems unlikely, given the fact that some Members who are directly involved in the debate on that issue are necessarily absent on official business.

Once again, Mr. President, the leadership on this side approaches this day with a sense of frustration, but as soon as I have an opportunity to consult with the minority leader, I will try to make a further announcement with respect to the schedule.

In the meantime, I ask unanimous consent that the time allocated to the minority leader under the standing order may be reserved for his use at any time during this calendar day, and I reserve 1 minute of my time under the same circumstances.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. **MELCHER** addressed the Chair.

Mr. **BAKER**. Does the Senator wish to speak as in morning business?

Mr. **MELCHER**. Will the majority leader yield to me?

Mr. **BAKER**. Mr. President, the minority leader is here now. I have concluded my remarks, and I yield the floor so that he may claim his time, if he wishes.

RECOGNITION OF THE MINORITY LEADER

The **ACTING PRESIDENT** pro tempore. The Democratic leader is recognized.

Mr. **BYRD**. I thank the Chair.

OUR UNIVERSE

Mr. **BYRD**. Mr. President, there is perhaps nothing more useful in putting daily strife and irritation in their proper place, along with one's own sense of self-importance, than contemplating the vast inscrutability of the universe.

Thinking about the "first fractional second" of the universe, and entering the world of astrophysicists and particle physicists for a moment allows one to puzzle about the "common beginnings" of all matter, the interrelation of all things, the perfect balance of the universe, and the force that existed in time before the moment that time, as we understand it, began.

I commend to all Senators and to anyone who wishes to read something stimulating and inspiring—stimulating because of fascinating scientific data, and inspiring because of the realization that such perfection and balance could only have been conceived by a supreme and omnipresent, omniscient, omnipotent, and benevolent God—the article from the Sunday, June 3, Washington Post entitled, "Our Universe, Created From Nothing," and I ask that it be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

OUR UNIVERSE, CREATED FROM NOTHING—FORCES THAT PREDATED THE COSMOS MAY HAVE "LET THERE BE LIGHT"

(By Eugene F. Mallove)

There was a time, perhaps 10 to 20 billion years ago, when the universe as we know it did not exist. At that "time," in fact, neither space nor time itself existed in any form with which we are familiar.

This concept, admittedly hard to grasp, is at the heart of the new thinking about the structure, origin and evolution of the universe. Recent insights by cosmologists—astrophysicists who study the universe's past and future—have shed new light on old questions: How did the universe begin—if, in fact, it had a beginning? Why is the universe as it appears today? What is the ultimate fate of the cosmos?

As physics approaches these questions, it is inexorably being pushed toward confronting riddles that once were the exclusive province of religion. The age-old question of whether the universe is a product of chance or design is reaching the forefront of scientific investigation. This may portend a great coming together of the ideas of science and

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

religion—ideas that have often appeared to conflict.

Virtually all astronomers now believe that the universe sprang forth in what is known as the "Big Bang" explosion from a state of extraordinary compression and phenomenally high temperature in which forces such as gravity and electromagnetism were unified in a single, all-encompassing force. But for most of the century, scientists puzzled over this.

Why, if its original state was chaotic, is the universe of galaxies as uniform as it appears? Why is the universe precariously perched between expanding infinitely and collapsing back on itself between being conducive to life and being totally inhospitable to it?

The recent, surprising progress toward answering these questions has been made possible by the increase in physicists' understanding of the connection between the biggest and smallest things in the universe. Through the work of astrophysicists and particle physicists, it is becoming possible to meld the realm of stars and galaxies, and the world of subatomic particles and waves—and to derive theories about their common beginnings.

The most remarkable insights of recent years came from a young theoretical physicist at the Stanford Linear Accelerator Center, Alan Guth, who in 1979 developed an "inflationary theory" that "explained" the first fractional second of the universe, the coming into being of matter and many puzzling features of the present cosmos. In effect, the inflation envisioned by Guth set the Big Bang into motion. He was able to explain how the matter and energy of the visible universe and beyond originated from literally nothing.

Thus, his theory holds promise of showing that the present form of the universe is the inevitable consequence of physical laws that "predated" the cosmos. In his theory, arbitrariness and chance are removed from the creation. It is perhaps not too presumptuous to suggest that God and physics are unified by the concept of cosmic inflation.

The enormous scale of the universe was not recognized until the 1920s. William Herschel, the 19th Century British astronomer and discoverer of the planet Uranus, had speculated that the fuzzy patches of light in the sky seen through telescopes were "island universes" much like the Milky Way galaxy which the sun appeared to inhabit.

This was not confirmed until American astronomer Edwin Hubble, using the 100-inch Mount Wilson telescope, was able to resolve individual stars in the Andromeda nebulae—now known to be the nearest spiral galaxy to the Milky Way. The Milky Way with perhaps 300 billion stars, was seen to be but one of hundreds of billions of other galaxies. More astonishing, perhaps, was Hubble's discovery (achieved by measuring the light spectra of distant nebula) that these galaxies were receding from us at a speed of hundreds or even thousands of miles per second. The universe, it appeared, was expanding very much as raisin bread baked in an oven. No matter which "raisin," or galaxy, an observer inhabited, the expansion would look the same.

The implications of an expanding universe were staggering. Expansion meant that at one time all matter could have been compressed together with enormous density. It meant that the comforting idea of a stable, eternally unchanging and perhaps infinitely old universe had to be replaced by the notion of an evolving universe of finite age.

From the point of view of the non-scientist, the theory called into question conventional beliefs about eternity, while also holding out the stunning possibility of a "beginning."

Over the years, some scientists dissented from the Big Bang theory. In the late 1940s, for instance, Hermann Bondi, Thomas Gold and Fred Hoyle proposed a "Steady State" cosmology, in which there was no beginning of time. It postulated that the universe had always existed and would continue expanding forever, while always looking approximately the same to any observer.

The Steady State model was elegant and, in a way, philosophically pleasing. The abrupt creation of the cosmos in an instant of "time" was avoided, and life was free to evolve on planets to eternity. Our sun might run out of fuel in some billions of years, but there would forever be new stars to take its place. But a serendipitous discovery by two Bell Laboratory scientists in New Jersey in 1965 sounded the death knell for the Steady State idea.

In the process of reconditioning a large, microwave born antenna, Arno Penzias and Robert Wilson picked up a persistent low-level electronic noise which remained no matter what they did or in which direction the antenna was pointed. For a while they even suspected that bird droppings in the antenna had something to do with their problem. But they and others soon realized that the omni-present hiss was the remnant birth cry of the Big Bang explosion echoing through space and time. They had detected a uniform microwave radiation whose present frequency (measured by scientists as temperature) indicated that it came from a time when the universe was much hotter. The temperature and uniformity of the radiation fit perfectly with the model of a Big Bang explosion that occurred 10 to 20 billion years earlier.

Steven Weinberg, a Nobel laureate in theoretical physics, described the Big Bang in his book, "The First Three Minutes:"

"In the beginning there was an explosion. Not an explosion like those familiar on Earth, starting from a definite center and spreading out to engulf more and more of the circumambient air, but an explosion which occurred simultaneously everywhere, filling all space from the beginning, with every particle of matter rushing apart from every other particle."

It is not easy for us human beings, with our three-dimensional sense of space, to grasp the concept of an expanding universe. When we hear about the Big Bang explosion, we are apt to think of highly compressed matter exploding into a larger, or infinite, space. But that is not correct as applied to the Big Bang. What really happened was that all of *space*, along with the matter and radiation it contained, expanded from a small point.

This theory does have certain moorings in everyday common sense. For instance, one can picture without too much difficulty a finite, balloon-like universe in which all the "inhabitants" are flat "creatures" living on the surface of the expanding balloon. All of their two-dimensional space could expand from a time of very great curvature (when the balloon was tiny) to a time of smaller curvature (when the balloon was inflated)—yet the creatures would find it difficult to imagine their two-dimensional world "expanding into something."

Albert Einstein envisioned a space traveler circling back to his starting point no matter how he tried to hold to a "straight line." In other words, we are creatures with a conceptual problem arising from the fact that the three dimensions of space, and time as a fourth dimension, are bendable by nature in ways that we can't easily perceive.

When radio astronomers pick up background microwave radiation they are really measuring the temperature of a very early phase of the universe, reduced by the proportion by which the universe has expanded since its origin. When the universe was 1,000 times smaller, the temperature was 1,000 times hotter—some 3,000 degrees on the Kelvin scale instead of the present 3 degrees. (A Kelvin degree is equal to a degree of Centigrade temperature, but the Kelvin scale begins at minus 473 degrees Centigrade).

One of the most noteworthy features of the physical universe today is the predominance of hydrogen and helium—virtual proof of the early high-temperature state of the universe as conceived in the Big Bang theory. Helium makes up about 28 percent of the massive particles in the universe by weight, and hydrogen makes up the rest. There are only trace amounts of heavier elements, which are produced by the explosions of huge stars.

The relative abundance of helium and hydrogen can best be explained by the billion Kelvin degree temperatures of the universe when it was only 3 minutes old. This temperature would have cooked up just that helium abundance from hydrogen nuclei present just after the Big Bang got started.

In those earliest moments of the Big Bang, temperatures exceeded 100 billion degrees Kelvin and the density of matter was billions of times that of iron in earthly conditions. A maelstrom of subatomic particles and radiation swirled. Particles called neutrinos—which may not have any mass—stopped interacting with other particles and became an independent ethereal background to the rest of the matter in the universe.

Until 700,000 years into the Big Bang, radiation and matter were in equilibrium. But finally, sufficient cooling due to expansion took place, so that negatively-charged electrons could combine with the light atomic nuclei to form true atoms. The universe lost its opaqueness and the stage was set for the evolution of all the structures we observe today in the universe—galaxies, stars, planets, and even cosmologists who try to figure it all out.

This "modern" universe, we know, is basically driven by four prime forces: gravity, electromagnetism (which governs the clouds of electrons that buzz about atomic nuclei), the "weak force" (which controls the radioactive decay of nuclei) and the "strong force" (which holds "quarks" together in nuclear particles).

But going back to the earliest time, before the first hundredth of a second of the Big Bang, there is strong evidence that the forces of nature were unified in *one* all-encompassing force. Without a theory about this force that unified all forces, there can be little understanding of how nature operated when the universe was much smaller and much hotter—and therefore, there can be no adequate explanation for the universe's beginnings.

Even though it is impossible for physicists to duplicate in laboratories the high-energy conditions of the early universe, they must develop theories to explain how the forces of nature we observe today came to have four separate characters, and how these forces are expressed in an Alice-in-Wonderland realm of subatomic particles which includes things called quarks, gluons, muons, tauons, "W" and "Z" particles.

Physicists are attempting to build the unified field theory edifice once sought by Einstein. Theories of this kind are known as Grand Unified Theories or, less elegantly, GUTs. The GUTs are at the core of understanding what the universe was like at the "beginning," and they help predict what we should expect to find in the cosmos today.

The four basic forces of our present universe were not always seen as having much in common with one another, but there was enough mystery about them for a lot of speculation on how they might be related. Discovery of "W" and "Z" particles reported last year confirmed that the electromagnetic and "weak" forces are truly different manifestations of the same force—an "electroweak" force. Hence, two of nature's forces have been "unified". Even if laboratory experimental evidence cannot be developed to show the unification of the strong force and gravity with the electroweak force, the largest experiment of all, the Big Bang, may prove to be the ultimate test of further GUTs which unify all the forces.

This is where cosmology and particle physics may already have joined to provide answers to common puzzles. But until Alan Guth, an intense physicist in his early thirties, walked onto the stage in 1979, there was no cosmological theory to explain how the Big Bang was initiated *before* the first hundredth of a second.

After mulling over the speculations of his colleagues, he conceived a breathtaking new view of how the Big Bang was set in motion. This was his "cosmic inflation" idea. Instead of the steady expansion rate during the first instant postulated for the Big Bang, he postulated an *exponentially* expanding universe starting at a trillion trillion trillion trillionth of a second (one divided by one followed by 36 zeros!)

The mind-numbing rapidity of this exponential expansion, which occurred virtually instantaneously and was then over, powered the universe into being. In a minute fraction of a second, the universe expanded from below subatomic dimension by a huge factor—1 with 50 zeros after it—yet was still only about 4 inches in diameter. From then on, the universe's expansion rate tamed and became uniform with time.

In one breathtaking vision, Guth explained several major problems which had been plaguing cosmologists.

Guth's theory helped answer the question of why the universe is remarkably homogeneous on a large scale and is isotropic—it looks the same to any observer looking in any direction. One would have expected regions of different densities coming from an initially chaotic soup. But, according to Guth's theory, the extreme rapidity of the inflation had the effect of smoothing out disparite regions.

Moreover, Guth provided a convincing explanation of the greatest enigma facing cosmologists: Why was the universe apparently so precariously balanced between being "open" (destined to expand forever) and "closed" (doomed to collapse, eventually, in a contraction that would reverse the Big Bang)?

For a long time cosmologists had known that they had a "missing mass" problem if the universe was to expand forever—or even if it was poised between being closed and open. All mass in the universe exerts gravitational force on all other mass. This puts a brake on the universal expansion, and if enough mass is present, the universe might collapse back on itself. But calculations showed that the observable mass in the universe constituted only 1 percent of that required for it to collapse back on itself.

Some scientists inferred that there was enough heretofore invisible matter in the clusters of galaxies to provide some of the missing mass. Still, this additional mass would perhaps account for only 10 to 20 percent of the mass required for a collapse. The remaining 80 or 90 percent of the universe's mass needed for the balancing act may exist in some other form.

One explanation was that the missing matter was in the form of black holes, created long ago when the universe was highly compressed. It was also thought that perhaps the ghostly neutrinos which pervade space have a small mass after all. Even if these particles had only a very small mass, they could account for the deficit, and, in fact, might comprise the major fraction of mass in the universe.

The inevitable mathematical consequence of Guth's theory is that the universe is perfectly balanced between being open and closed.

Cosmologist Marc Davis at the University of California explains that Guth's inflation would "dynamically drive the universe to the critical state of being exactly between open and closed—with extremely high precision. . . ." Thus, Guth's theory has driven cosmologists to search even harder for the missing mass that they all believe is there.

The trained scientist, let alone the layman, can be forgiven for having great difficulty following the equations that led to this conclusion. Nevertheless, let it be said that the physicist's almost impenetrable equations envision how what might be described as "fields of nothingness" came to have the attributes of matter. This is the closest that science has come to explaining "the beginning."

Guth describes the universe as "a free lunch," created out of "probabilistic fluctuations" in a "false vacuum." Roughly speaking, he theorizes, the energy of gravity exactly cancels the universe's non-gravitational energy. The result: The net energy content of the universe is exactly zero! The mind whirls in attempting to imagine how everything could have come from literally nothing—nothing but a pre-existing, fluctuating "false vacuum" governed by the unified force law of nature.

In a recent discussion with Marc Davis, I feebly groped for words and proposed that, "We are really a giant nothingness that has elaborated itself!" To my amazement, my cosmologist friend did not disagree.

According to Guth, inflation also implies that the universe is billions of times larger than the currently observable universe, which is itself billions of light years in extent.

If the universe had more than the critical density of matter it would collapse back in on itself many billions of years hence and all vestiges of structure would disappear. Some have suggested that it would then "bounce" and re-expand in a new Big Bang. The present incarnation of the universe might only be one of many of an infinity of foregoing universes which might or might not resemble our own. But the new cosmological thinking is that at least our observable universe *will* go on expanding forever, even as gravitation inexorably slows the stretching of space, but not quite to the point of stopping.

In other words, the expansion is destined to go on forever—a concept that bothers human minds that have great difficulty grappling with the notion of infinity.

Guth's theory, it should be noted, does not rule out (and may even make more likely) the existence of "parallel," or "alternate" universes that are forever beyond our ability to investigate. There may have been other Big Bangs that inflated other universes, much as our own "bubble" of space and time. Possibly, those universes are not accessible to us any more than the molecules on the surfaces of two separately expanding bubbles are to each other.

What, though, is the fate of all that we see today? In our local neck of the woods we know that the sun will pass through a red-giant phase and expand to engulf the Earth and melt its surface—only 5 billion years from now. But even 5 billion years is an instant compared to the gulf of time that lies ahead.

Scientists have recently begun to speculate on the "death" of the universe in its eternal expansion. In 100 trillion years all stars will have exhausted their fuel. At 100,000 trillion years all stars will have lost their planets due to infrequent but inevitable encounters with one another. The collapse of all galaxies by "evaporation" of their stars into intergalactic space will be completed by a million trillion years. At even more unimaginably distant times (the number 1, followed by 32 zeros, years) even stable particles like the proton will decay to fleeter subnuclear particles. Black holes still remaining will evaporate in 1, followed by 100 zeros, years and the universe will consist only of an extremely dilute gas of wandering particles.

What meaning can we attach to our lives from this picture of cosmic evolution—a picture that grows ever more clear as the frontiers of knowlege are advanced? Some will look upon it with dismay and find their notions of a benevolent Creator sorely tested. Others may find confirmation of a suspected intelligence underlying this awesome history.

Certainly many cosmologists probably hold a pantheistic view of God—that the universe itself is the supreme being. Physicist Paul Davies, author of "God and the New Physics," for one, appears not to believe in a supernatural God but in a "directing, controlling, universal mind that pervades the cosmos and operates the law of nature to achieve some specific purpose. We could describe this state of affairs by saying that nature is a product of its own technology, and that the universe is a mind! A self observing as well as self organizing, system."

Still others may deny the reality of the cosmologists' ideas and point to literal interpretation of Scripture claiming, for example, that the universe sprang into being one morning in 4,004 B.C. after God said, "Let there be light!" Remarkably, there was light in abundance at the dawn of creation—recall the maelstrom of radiation at the earliest times.

Whatever one's views, it is extraordinary that human beings poring over calculations and glued to their astronomical observations have been able to contemplate the entirety of space and time and beyond. There is, indeed, meaning in a part of the universe contemplating itself, while wondering what role this life or other life might play in the cosmic drama yet to come.

S. 2727—TO PROVIDE FOR PRESENTATION OF CONGRESSIONAL MEDAL OF HONOR POSTHUMOUSLY TO FAMILY OF HARRISON SUMMERS

Mr. BYRD. Mr. President, today we are commemorating the 40th anniversary of D-day—that bloody battle that was a turning point of World War II and in which so many men on all sides lost their lives. War is certainly not a pretty thing, and who knows how one will react under battlefield conditions. But every so often an individual stands out and moves forward in an act of heroism that saves the lives of his fellow soldiers. Such was the case of S. Sgt. Harrison Summers of Company B, 502 Parachute Infantry Regiment, 101st Airborne Division.

General S. L. A. Marshall—who has been called the official historian of D-day—wrote a book entitled "Night Drop." In this book, General Marshall describes how, caught under fire, a wide defensive outguard was planned to block the Germans from breaking through to Utah Beach. C Company would form a road block of the north and B Company to the south. They would hold until a German coastal artillery barracks known as WXYZ was taken out. WXYZ was a collection of thick walled stone farm buildings strung out along some 700 yards of road leading to the beach. Staff Sergeant Summers was ordered to take WXYZ. Because of the shortage of men, Only 15 went with Summers.

I might add that Summers did not even have the time to find out the names of the men that followed him. They were strays who had been separated from their various units. When the soldiers reached WXYZ, it was obvious to Summers that they were reluctant to follow. Therefore, Summers decided to set the example and charge the first building—no one followed. From time to time, someone did come forward to help, but they were almost instantaneously killed. When it was over, at the end of 5 long, hard hours of fighting, Harrison Summers had virtually singlehandedly taken and secured WXYZ—a key point that controlled the access from the beach to the high ground.

The preface to "Night Drop" is written by Carl Sandberg and describes Harrison Summers as a—

> Slender, quietly bashful soldier. Laughing Boy in uniform, anything but a warrior type. In sending him along, . . . unaware that he had just given orders to a second Alvin York.

The preface further gives these words by General Marshall:

> Not everyone is a Harrison Summers, were it so, the Nation would have less worry about its defense.

Harrison Summers continued to display his bravery throughout the invasion of Normandy, and he was, in fact, wounded in Holland.

After the war, Harrison Summers returned to West Virginia, where he worked in the coal mines, and later became a State and then a Federal coal mine inspector. Harrison Summers died of cancer in 1983.

Acts of heroism such as those by Harrison Summers deserve recognition, however belatedly. Therefore, I am today introducing legislation to award the Congressional Medal of Honor to him.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 3744(b) of title 10, United States Code, the President may award, and present in the name of Congress, a medal of honor posthumously to the family of Harrison Summers, in recognition of acts of gallantry and intrepidity at the risk of life above and beyond the call of duty performed by Harrison Summers as a Staff Sergeant in the United States Army on June 6, 1944 in Normandy, France.

SENATE SCHEDULE

Mr. BYRD. Mr. President, does the distinguished Senator from Montana wish some time?

Mr. MELCHER. Mr. President, will the minority leader yield to me on scheduling?

Mr. BYRD. I yield such time as the Senator may require.

Mr. BAKER. Mr. President, will the Senator permit me to make one statement in that respect, so that the record is clear?

I would have been happy to yield to the distinguished Senator from Montana, and I was prepared to do so, but it is the usual procedure for the leaders to yield to Members on their side, and inasmuch as the minority leader had just reached the floor, I thought that perhaps it would be better to do that. I do not want anyone to think I had declined to yield to the Senator from Montana.

Mr. BYRD. Mr. President, the majority leader is very thoughtful, and I thank him for his usual tender of time.

I yield such time as the Senator from Montana may wish, from the time under my control.

Mr. MELCHER. Mr. President, I thank the distinguished floor leaders on the majority and minority sides.

I did not hear the majority leader talk about the possibility of calling up the resolution on the Indian Affairs Committee. I just want to remind the majority leader that on both sides, speaking for myself and Chairman ANDREWS, we are certainly ready and willing to pursue it at any time.

Mr. BAKER. I thank the Senator. Once again, I am prepared to go forward with the Indian Affairs resolution, even today.

Senators will recall that on yesterday, the leadership on this side made an effort to reach that matter by unanimous consent—that is, to temporary lay aside the bankruptcy bill and proceed to the Indian Affairs resolution. There was an objection to it. The only alternatives left to the leadership then were to move to the consideration of that measure, which would have displaced the pending unfinished business, or to go to something else, and at that time I chose not to displace the bankruptcy bill.

I will do this today, I say to the Senator from Montana: I will consult with him, with the minority leader, and with others, and we will see if there is some way we can proceed to the consideration of the resolution today, and if not today, as soon as possible.

Mr. MELCHER. I thank the majority leader.

Mr. BYRD. Mr. President, if the Senator from Montana will yield back a minute——

Mr. MELCHER. I yield back any time I may have.

Mr. BYRD. Mr. President, I was not on the floor when the distinguished majority leader may have recited for the Senate the plans for the day, as he usually does. If he did so, as he usually does, did he make mention of the math-science matter?

Mr. BAKER. Yes, I did, and I did so because of the diligent prodding of the minority leader from time to time as to when we are going to schedule it.

I did include in my remarks this morning that I was going to consult with the minority leader about scheduling the math-science measure today. I have not cleared the process on my side, but I have begun it. If the minority leader wishes to go forward with that matter, I think there is a good possibility we might do so.

Incidentally, I would propose to do that the same way I proposed to do the Indian Affairs resolution—that is, by unanimous consent—so that either on a call for the regular order or after the conclusion of the consideration of the bill, we would be back on the bankruptcy bill.

Mr. BYRD. Mr. President, I am delighted at the prospect for getting on with this bill. On our side, we will immediately see if there is any problem area, and I will report back to the majority leader.

Mr. BAKER. Mr. President, I thank the minority leader.

If I have any time remaining, I yield it to him.

Mr. BYRD. I thank the majority leader.

I yield whatever time may remain under my control to the distinguished

Senator from Wisconsin (Mr. PROXMIRE) for his use or for his yielding it to others.

RECOGNITION OF SENATOR PROXMIRE

The **ACTING PRESIDENT** pro tempore. The Senator from Wisconsin is recognized.

Mr. **PROXMIRE**. Mr. President, it is my understanding that I have a special order. Is that correct?

The **ACTING PRESIDENT** pro tempore. The Senator is correct.

WILL NUCLEAR WAR CONSIGN MAN TO AN EXTINCT SPECIES IN A FUTURE COSMIC CROSSWORD PUZZLE?

Mr. **PROXMIRE**. Mr. President, somehow we seem to run into a dead end when it comes to appealing to our countrymen to get excited about the survival of our species as the prime reason for ending the nuclear arms race. The most terrible tragedy that could befall the human race concerns us far less than an imminent threat to the life of any individual person whom we personally know. And, of course, no appeal to save mankind can carry a candle to the energy and ingenuity, indeed, the desperation most of us will put into saving our own life.

But, Mr. President, we should dwell on this puzzling paradox: Our lack of concern for the preservation of our species. Suppose mankind dies out, vanishes forever, becomes extinct. How serious a tragedy would that be? After all other species have come and gone. Why not man? Consider the significance of this little doggerel:

> The Prairie Pigeon's long since gone.
> As absent as the mastadon.
> No Emu calls. No Dodo nuzzles.
> They're only left in crossword puzzles.

We mourn these creatures and we should. We have enacted legislation in this body to preserve endangered species such as the lowly snail darter.

It is hard for us with our intense human ego and our adulation of ourselves as members of the elite species to classify this marvelously intelligent creature that is us mankind—a human being, with the likes of prairie pigeons, mastadons, emus, and especially an animal as unquestionably dim-witted—just plain dumb as the dodo. After all those unfortunate creatures perished because they did not have savvy, the brain power to keep up with the times. They could not adapt. And they certainly could not adjust or modify their environment even a little. We humans with our marvelous capacity for thought and our sense of order and discipline have built a civilization that becomes more astonishing every day. We are gradually building superior human beings—increasingly better educated, healthier, able to soar into space, plunge below the oceans, create robots to do our repetitive work, communicate through thousands of miles of space with vivid television pictures.

We are about to create a paradise, an Eden here on Earth. But now we are also about to throw it all away—like those awkward fragile, stupid creatures we will disappear—become extinct. But not because we are too dumb. But because we are too smart. Thanks to one of our most remarkable creations—nuclear weapons—we, too, tremble on the brink of extinction. As a species we may very well be about to join the prairie pigeon, the mastadon, the emu. We will be as dead and our demise will be in a different way as dumb as the dodo. Some future being will resurrect our memory maybe like those other extinct creatures.

Perhaps in some far off universe a few billion years from now some species will arise that may develop half of mankind's intelligence but twice our ability to get along with our fellow man. Hopefully that future species will not progress to a level that will solve the problem of the atom and bring nuclear weapons. On the other hand they may develop the somewhat less destructive knack of creating crossword puzzles, and the skill to explore the movements of a much earlier history of the cosmos. This more peaceable being of the future may reflect on the savage, brutal fratricide of the cosmos' brightest being. And then that future being can fit into that crossword puzzle of the future alongside the prairie pigeon, the mastadon, the emus, and the dodo—with three little letters: Man. The crossword clue could be: "He came, He saw, He blew it"; or "He was too smart for his own good"; or just "He was taught love. He didn't listen."

A HOLOCAUST COMMEMORATIVE PROGRAM AND THE GENOCIDE CONVENTION

Mr. **PROXMIRE**. Mr. President, on April 29, as part of the "National Days of Remembrance," a Holocaust commemorative program was held at the Capitol Building in Washington State. The program paid tribute to Holocaust survivors and to members of the U.S. Armed Forces who helped liberate Jews from the Nazi concentration camps during 1944 and 1945. The survivors gave their liberators scrolls of appreciation, and all present pledged never to forget the atrocities of the Holocaust. Also honored was Mr. William J. Wilkins. Mr. Wilkins is the last of the 32 American jurists appointed by President Truman to serve as a judge at the Nuremburg war crimes trials after World War II.

Presiding over the program was Washington's Governor, John Spellman. The Governor spoke eloquently and emotionally about the Holocaust, and stressed the importance of remembering this painful chapter in history. Mr. Frank Reiss, a survivor of three concentration camps, made a presentation titled "Echoes of Auschwitz: What Can We Learn?" Mr. Reiss spoke of the special obligation survivors of the Nazi carnage have to warn the world of what can happen if the tragedy is not remembered. "We must never forget that this really happened and that it was conceived by the human mind," Reiss said.

A point brought home again and again throughout the program was that an effective deterrent to another Holocaust is the memory and recognition of the first Holocaust. The truth of this idea is undebatable, though I would add that other actions can be taken to help insure that there is never another Holocaust. Ratification of the Genocide Convention by this Senate is one such action. On June 16, 1949—almost precisely 35 years ago—President Truman presented the Convention to the Senate. Since then, six Presidents have urged the Senate to ratify the Convention, but the Senate has failed to act.

Mr. President, the time has long passed when the Senate should have ratified the Genocide Convention. Like the survivors and liberators of the Nazi Holocaust, we should do all that we can to make sure such a nightmare never occurs again. Ratification of the Convention would be an important step in this effort.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 5 minutes each.

Mr. **BYRD**. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **BAKER**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. **BAKER**. Mr. President, I hope that we are going to be able to get a piece of legislation up before long that we have some prospect of dealing with to completion today. We are working on the math-science bill and also on the energy-water appropriations bill. They are not quite ready yet on this side. I have conferred with the majority leader, who indicates I believe that math-science is clearly on his side, and that is the most likely prospect.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I do yield.

Mr. BYRD. I am happy to verify that this side is ready to proceed on the math-science legislation. I thank the majority leader again for his efforts to bring this matter to the floor of the Senate.

Mr. BAKER. I thank the minority leader.

Mr. President, while I make one final clearance effort, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, we appear to have cleared all of our bases on the math-science bill, but I will not make a request in that respect until 11:30 a.m. That is to give Senators an opportunity to be here on the floor at the time if they wish to do so, and especially two Senators. I am referring to Senators PACKWOOD and HATCH who are, first, in the bankruptcy bill and, second, the math-science bill as the managers. I fully understand the reasons it is not possible to have all players here until 11:30 a.m.

But I wish to announce that it is the intention of the leadership at 11:30 a.m. to ask the Senate to lay aside the pending bankruptcy bill and go ahead to the math-science bill. I will not now do that. I repeat, I will try to do that at 11:30 a.m.

Mr. President, I now ask unanimous consent that there be a further period for the transaction of routine morning business until 11:30 a.m. under the same terms and conditions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TEACHING ENGLISH IN SCANDINAVIA

Mr. HATCH. Mr. President, early this spring, the Scandinavian Council of the Washington, DC. area sponsored a month-long exhibition in the rotunda of the Cannon House Office Building. This exhibition on the diverse methods of teaching English as a second language was the culmination of many months of intense planning. It was a very graphic demonstration of how the five multilingual countries of Denmark, Finland, Iceland, Norway, and Sweden teach English in the Scandinavian schools, and reinforce it through activities in the home.

I was very pleased to join with Representative WILLIAM D. FORD of Michigan in the support of this exhibit because it provided a unique opportunity for many of us to develop a better understanding of the Scandinavian people and their culture, and their ways of learning English.

Mr. President, from all accounts the exhibit was an overwhelming success. Both President Reagan and Secretary of Education, Terrel H. Bell wrote letters to the Scandinavian Council commending them for the excellence of the materials displayed and the comprehensive nature of their program. The exhibit and the activities associated with it, also served to remind us of the many ways the people of Scandinavia have enriched the language and culture of America.

The exhibit, as well as all of the activities associated with it, illustrated the critical role knowledge of a foreign language plays in fostering better understanding of the cultures of our friends and neighbors. From the activity, we also gained insights into innovative educational techniques in teaching English as a second language.

Mr. President, because of the interest that has been expressed to me about the exhibit and seminars of the Scandinavian Council of the Washington, DC., area, I ask unanimous consent that the letters to the Council of President Reagan and Secretary of Education Bell be included in the RECORD as part of my remarks. These letters convey the thoughts of all of us who were privileged to be associated with the exhibit.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 17, 1984.

It is a special privilege to extend my warm greetings to all who gather to enjoy opening ceremonies for this fascinating exhibition, "Teaching English in Scandinavia."

It has been well known for some time that the governments of Denmark, Finland, Iceland, Norway, and Sweden have developed excellent educational programs for the teaching of the English language. These programs have resulted in the publication of exemplary textbooks, the evolution of very successful teaching methods, and a good understanding of English on the part of millions of Scandinavians.

In sponsoring this exhibition, the Scandinavian Council provides us with an opportunity to learn about these teaching techniques as well as the member organizations and their efforts.

You have my best wishes for a most enjoyable evening.

RONALD REAGAN.

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
February 23, 1984.

The Scandinavian Council of the Washington, DC, Area,
Washington, DC.

DEAR SIR: I would like to offer my congratulations and wishes for success to the members of the Scandinavian Council of the Washington, D.C. Area, on the opening of your exhibit "Teaching English in Scandinavia." This exhibit, and the symposium you are holding today, exemplify the international character of education. Education recognizes no national boundaries, refuses to be limited to any one language, disdains the constraints of any single philosophy.

Robert Maynard Hutchins once said that "The object of education is to prepare the young to educate themselves throughout their lives." Hutchins' thought touches on the primary purpose of education: developing the ability to learn. For learning is the process by which each generation passes on to the next the knowledge, the skills, and the wisdom it has learned. It is the common thread which keeps the fabric of civilization together. Education is the single most important enterprise in which any nation, at any time, can find itself engaged.

Today you will be discussing the very essence of education: communication. This includes the art of communication, as one language is viewed in light of another, communication between cultures, as you discuss your efforts to bridge the gap between your native tongue and English, and communication between generations, as you pass to your children the ability to communicate to people in other nations and cultures.

On behalf of the U.S. Department of Education, I offer my sincere gratitude for your vision, your efforts and your commitment to education.

Sincerely,

T. H. BELL.

MONEY LAUNDERERS NETTED IN FLORIDA

Mrs. HAWKINS. Mr. President, in the article reprinted below, Stanley Marcus, the U.S. attorney for south Florida, announced that six people have been arrested and eight others are being sought in a money-laundering organization which passed millions of dollars through Miami banks.

We are proud to have Mr. Marcus as our U.S. attorney in south Florida. He has been very active in his pursuit of drug traffickers and the various money-laundering schemes they utilize, and the work he has done since becoming U.S. attorney has been thorough, productive, and effective, as this most recent operation points out.

But, Mr. President, this is just a chip of the iceberg. This particular case, which involved sums of over $7 million and included the joint efforts of the Drug Enforcement Administration, the Customs Service, and the Department of Justice, represents just a fraction of the drug trafficking that goes on in my home State of Florida.

Mr. President, this is the beginning of what we need to do to solve the problem of drug abuse, and we must not let up in our efforts.

I ask unanimous consent to have printed in the RECORD the article entitled "U.S. Arrests Nine Suspects in Florida in Nationwide Money Laundering," dated June 5, 1984, in the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. ARRESTS 9 SUSPECTS IN FLORIDA IN NATIONWIDE MONEY LAUNDERING

MIAMI, June 4.—Federal agents have arrested six people and are seeking eight others in a nationwide money-laundering organization based here that officials said passed millions of dollars through Miami banks.

Stanley Marcus, the United States Attorney, announced that complaints had been filed, with arrest warrants charging the 14 people with conspiracy to defraud the United States.

The Florida residents named in the complaint are Alberto Barrera Duran, described as the leader of the conspiracy, Louis Hector Neira, Margarita Mejia, Lucia M. Neira, Jorge E. Obando, Carlos Villalta, Luis Villota, Ovidio Mantilla Ortiz, and a "John Doe." The five others, Juan Montoya, William Roldan Sr., William Roldan Jr., Guillermo Arrango and Alejandro Montoya, live in California.

CASHIER'S CHECKS BOUGHT

According to affidavits, the organization received cash in large amounts, which was delivered to people across the country. The cash was used to purchase cashier's checks and money orders in amounts less than $10,000, thus avoiding currency transaction reports. According to an affidavit by an Internal Revenue Service agent, the checks and money orders were then deposited in accounts in bank offices here of Irving Trust, Bank Leumi and Security Pacific. The accounts were registered to foreign banks with branches in Panama.

No charges will be filed against the banks, according to Leon Kellner, executive assistant United States Attorney in Miami. "The banks fully cooperated and assisted in certain instances by telling us about the transactions," he said.

According to the Mr. Kellner's office, the affidavits indicate currency exchanges of over $7 million. Between April 7 to April 15, for example, the receipt of $3.1 million and disbursement of $4 million was recorded.

Mr. Barrera is accused of using a device to circumvent phone toll charges and eliminate phone company records listing the numbers being called. The phone company, which was tracking the use of the device, has records showing that it was used to cover calls to numbers that the Government says coincide with locations of associates, hotels, pay telephones and private residences all over the country.

The complaints were filed as the result of an investigation that began last September, in conjunction with the Organized Crime Drug Enforcement Task Force in a number of cities. The investigation was part of Operation Greenback, a project in which agents from the Internal Revenue Service, the Customs Service and Drug Enforcement Administration, and prosecutors from the Federal Attorneys Office and the Department of Justice are cooperating to stem the laundering of money through Florida banks.

THE 40TH ANNIVERSARY OF D-DAY

Mrs. HAWKINS. Mr. President, today I rise to pay tribute to the thousands of Allied soldiers who risked their lives 40 years ago today to puncture the defenses of Hitler's Fortress Europe.

On June 6, 1944, 154,000 men braved withering fire to establish a beachhead in France. It was a day of victory for the Allies, for Operation Overlord set in motion the events that blew the evil shadow of Nazi Germany off the map of Europe. Yet, 40 years later, we can look back on that fateful day with both pride and sorrow for the price of victory was high; 3,184 Americans were wounded on that day; 1,465 of their comrades perished.

Why did so many brave Americans die on the sands of Utah and Omaha beaches? Why did so many valiant British and Canadian soldiers fall on Gold, Juno, and Sword? They died because the price of freedom is high. But, as the leaders of Germany and Japan proved in those years, the cost of tyranny is much, much higher. When I think back on those brave soldiers, I am reminded of the immortal words of Winston Churchill, "Never have so few given so much for so many." And although the subject of that remark was somewhat different, the spirit was the same. From 1939 to 1945, millions of innocent civilians were savagely slaughtered by Axis forces. The flame of liberty flickered weakly then, but it was rekindled by the efforts of those who risked and gave their lives 40 years ago.

Their efforts were not in vain. As Allied armies swept across Europe from the west, millions of people were freed from the suffering of Fascist rule. Today, those same people remain free. And this is a tribute to the courage and dedication exhibited by those brave soldiers on D-day.

Mr. President, today, as President Reagan and other leaders of the free world meet to commemorate the events of June 6, the sacrifice of these men is not forgotten; the lessons that they taught us remain firm in our memories. And as long as we wish not to repeat the losses of that day and preserve our hard won freedoms, let us hope that sacrifice and courage will always be remembered.

D-DAY

Mr. SYMMS. Mr. President, 40 years ago today a vast armada crossed the English Channel and landed 150,000 Allied forces—American, British, and Canadians—on the beaches of Normandy. The fate of the free world hung on what happened there that day, and it was a most important day in our history.

Oftentimes in this age of affluence we live in, many people take for granted the peace and liberty that we are granted because of those who died and fought there for our freedom. We tend to forget the significance of D-day 1944.

But I think we should not forget that sacrifice and we should not forget that it was necessary for that great battle to take place and that those people were asked to pay the full measures of their lives for our freedoms.

There was very interesting thing that happened in that great conflict. At the American cemetery on the cliff above Omaha Beach, there are many, many rows of graves, and I am sure many of my colleagues have visited them. The headstones there serve as a constant reminder of the painful price that was paid by so many people. A particularly sad and moving scene is the side-by-side graves of a father, Col. Ollie W. Reed, and his son, Lt. Ollie W. Reed, Jr.

Colonel Reed was the commanding officer of the 175th Regiment of the 29th Division. Colonel Reed was a Regular Army officer who had been in the campaigns against Pancho Villa in 1916. He served in France with distinction as a young man in the First World War and returned again to the Second World War as commanding officer of the 29th Division. He was killed in action during the allied breakout from Normandy in late July 1944.

Lieutenant Reed, his son, had gone to West Point because he wanted to pursue the military career that his father had chosen. He graduated from West Point and was with the 91st Division in Italy. He was killed north of Rome and was buried with his father in the cemetery at St. Laurent-Sur-Mar overlooking the English Channel. The widow and mother of these two gallant soldiers, Mildred B. Reed, is a resident of Kuna, ID. She has spent the past 40 years serving her church as a missionary—she is a Presbyterian—and as a helper in the raising of many, many children in Kuna, ID.

Mrs. Reed has recently written a very good book about her life and her family which describes the awful pain of that summer of 1944 when two telegrams came to her house—just an hour apart—telling her of the tragic death of both her husband and her son.

Those two Reed headstones in France remind us of the courage and sacrifice, of the cost of war and peace, and the price of freedom. Mildred Reed knows more than most of us the true meaning of valor.

Mr. President, I was hoping to be able to bring these remarks up on the floor when our distinguished colleague from New Hampshire, Senator RUDMAN, was on the floor, but I was afraid that he would be out and I would fail to get this said on the floor today so I went ahead with it.

But a little over a year ago Senator RUDMAN was telling me about a trip that he had taken to France and Germany with Colonel Campbell, who was then the commander of the Army liaison of the U.S. Army here in the Senate, on a military inspection trip to Europe to visit some of our American installations in France and along the NATO front. He told me the story of these two graves that he happened to see. Little did he or I, at the time, realize that these two people were from Kuna, ID.

As we all know, Senator RUDMAN had a distinguished military career himself. Right out of college he served with the 2d Division in the Korean war as an infantry officer and a commander at a very early age. In fact, he had been there in France to go back over some of the ground where his former coach at Syracuse University, Ben Schwartzwalder, had distinguished himself and was decorated in France during the Normandy operation.

Colonel Campbell also told me this story—he was a veteran of the Vietnam conflict—about when he and Senator RUDMAN stood there looking at those two graves, that they were two people who had both distinguished themselves and had paid the price and fought for the freedom of this country. It was a very moving and touching event for those two men to see those two graves.

I know that Mildred Reed has spent many hours and days of anguish in her very productive life in these past 40 years. I am sure that today brings a great deal of sadness to her, just as it reminds her of what happened in July of 1944, losing both a son and husband in a very close time frame and proximity when the news was brought to her.

I certainly would extend to her the best wishes and prayers of all of us here and our thanks for the price that she has had to pay for the continuance of the freedom of this country.

I am also indebted, Mr. President, to a young man who is the administrative assistant to Congressman PETE STARK, Mr. Bill Vaughan. Bill brought this to my attention. It happens that Mildred Reed is his grandmother and Col. Ollie Reed his grandfather. He, too, has had that to live with almost all his life. He was 6 months old when this happened. We wish him the best. We thank him also for the price that he had to pay on that fateful day at such a very young age.

Mr. President, I yield the floor.

JOHN B. FOURNET

Mr. LONG. Mr. President, it is with deep sadness that I inform this body of the death of a great American and one of Louisiana's preeminent jurists, John B. Fournet.

John Fournet died Sunday at the age of 88 years. He served his State in all three branches of government, and retired as chief justice of the Louisiana Supreme Court.

He was a dedicated American who served his State and Nation with energy and devotion for many years. He was a loyal and stout-hearted associate of my father, the late Senator Huey P. Long—and it has been a privilege to count him among my dearest friends.

For two full generations my family has been able to look at Justice Fournet as one to whom we could turn in all seasons. Although he lived to the advanced age of 88 years, those of us who were privileged to enjoy his friendship mourn his passing.

He was a man of great conviction and lofty ideals. Even when he served in the high office of chief justice, he never lost his natural tendency to fight strenuously for the positions he deemed correct.

Mr. President, I ask unanimous consent to have printed in the RECORD an article in the June 5, 1984, edition of the New Orleans Times Picayune reporting on the death of John B. Fournet.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORMER CHIEF JUSTICE JOHN FOURNET DIES

John Baptiste Fournet, who retired as chief justice of the Louisiana Supreme Court after more than four decades in state public service, died Sunday at a Jackson, Miss., hospital. He was 88.

Funeral services will be held in St. Martinville, La., where a Mass will be said at 10 a.m. Wednesday at St. Martin of Tours Catholic Church, followed by interment in St. Michael's Cemetery.

Pallarin Funeral Home, 106 New Market St., is in charge of arrangements.

Mr. Fournet, who stepped down in 1970 after 35 years on the state Supreme Court bench, is believed to be the only man in Louisiana history to have held elective positions in all three branches of government.

He became speaker of the House while a freshman member of the Legislature from Jefferson Davis Parish. He was a legislator from 1928 to 1932.

In 1933, he was elected lieutenant governor under Huey P. Long, his close friend and political ally.

In 1935, Mr. Fournet was elected to the Supreme Court.

Through the seniority system, he became chief justice in 1949. He retired after reaching the mandatory retirement age of 75.

A Supreme Court spokeswoman said he served longer than any chief justice.

In an interview in Washington several years ago, Fournet was quoted as saying he had to "fight for everything I have obtained. When I was a boy the schools were extremely poor and what roads we had were practically impassable. In order to make my way to school I had to walk through fields and across a swamp when it was not flooded. Sometimes I had to walk along the railroad tracks."

Mr. Fournet moved to Jackson in 1978.

He was born in St. Martinville in 1895, the first of 10 children of Louis Michel Fournet, a St. Martinville plantation owner and member of a leading St. Martin Parish family, and Mercelite Gautier Fournet.

He attended St. Martin Parish public schools and graduated from the State Normal College at Natchitoches (now Northwestern University). He was a teacher and principal of Morganse High School before entering Louisiana State University Law School in the fall of 1917.

After serving in the Army in World War I he returned to LSU. He received a law degree in 1920 and practiced law in St. Martinville and Jennings until his election to the House.

It was Huey Long—then a U.S. senator—who persuaded Mr. Fournet to run for the Supreme Court when Justice Winston Overton died shortly before the election in 1934.

Mr. Fournet beat Thomas F. Porter, who had been the only candidate in the race against Overton, and resigned as lieutenant governor to become an associate justice.

Mr. Fournet was chairman of the Louisiana Law Liberty Advisory Commission, a member of the Conference of Chief Justices, the Louisiana and American Bar Association, the American Law Institute and the American Judicature Society.

He is survived by a son, John Dupuis Fournet of Jackson, Miss., a daughter, Lela Vincent of New Orleans, a brother, A. C. "Pat" Fournet of Lafayette, five sisters, Mae Courville of New Orleans, Elisa Tate, Genevieve Carmichael, Velma Pitman and Theresa Green, all of Lafayette.

COOK INLET NATIVE ASSOCIATION CELEBRATES 20TH ANNIVERSARY

Mr. STEVENS. Mr. President, the Cook Inlet Native Association in Alaska is celebrating its 20th anniversary. Today I would like to salute its 14,000 Native American members, who are joining with their brothers and sisters on Saturday and Sunday to mark this anniversary and to celebrate Spirit Days.

Alaska's Native people have a precious heritage, which has evolved over more than 10,000 years in the Great Land.

On June 9 and 10, the Cook Inlet Native Association, based in southcentral Alaska, has invited its Native brothers and sisters across Alaska and across the Nation to renew their bonds and celebrate Spirit Days.

Marking the 20th anniversary of its founding, Cook Inlet Native Association will present the Spirit Days celebration on the campus of Alaska Pacific University in Anchorage.

Displays, demonstrations of ancient and traditional arts, crafts, music and dance, storytellers recounting tales handed down through countless generations, dog mushers, Native athletes participating in traditional native games, booths featuring Alaska Native foods, will all be part of the Spirit Days activities.

But not only will Spirit Days be a reaffirmation and rededication of the commitment of the Native people to their heritage, the days will serve to reinforce the new goals the Native people are working toward in today's world.

Alaska's Natives face new challenges, and the Cook Inlet Native Association recognizes those challenges.

The majority of the 14,000 Alaska Natives and other Native Americans living within the Cook Inlet Native Association's 38,000-square-mile region are in an urban environment, far from the sheltered, quiet villages that they and their forefathers called home.

Needs and problems never experienced in the village require the special understanding an organization such as Cook Inlet Native Association can provide.

The association, formed as a social group two decades ago, has grown to be one of the largest of the Native organizations in our State and our Nation.

The association has developed programs in such areas as health, education, employment and training, and community development, to assist its members to adjust to the urban lifestyle.

But equally important has been the association's aim to build a sense of community and maintain a sense of Native identity for its people. The Spirit Days celebration this week is just one aspect of that goal.

Many ongoing programs, which serve to educate Alaska's non-Native residents about the culture and heritage of Alaska's Natives, are also part of Cook Inlet Native Association's focus. All Alaskans benefit from the work of the Cook Inlet Native Association.

The association's modern building in Anchorage, which reflects Alaska's mountains and clear skies in its mirrored facade, also reflects the association's confidence in the future.

Mr. President, I would like to salute the Cook Inlet Native Association as it marks its 20th anniversary, and share with you its statement, issued for the occasion:

SPIRIT DAYS—A REDEDICATION

A rededication. . . .
of work for our Communities
of ourselves to our Peoples
of our spirit to the values of our Elders. . . .

revering the land and its bounty,
sharing who we are and what we have,
trusting quiet strength,
cherishing tenderness . . . caring for all.

A rededication. . . .
to learning from the past,
moving into the future, and
passing old wisdom to young souls.

A rededication. . . .
to pride in our past,
Strength in the present, and
Confidence for the future.

HIGHLIGHTS FROM THE 1980 CENSUS

Mr. PERCY. Mr. President, the decennial census and its many related surveys are the Nation's premier tools for the apportionment of Congressmen and the allocation of funds for a variety of Federal programs. But equally important, and far more interestingly, the Census Bureau's data serve notice of changes sweeping America—changes which must be recognized and responded to by leaders in Government, business, and other fields of work.

I asked the Census Bureau's fine new Director, Dr. Jack Keane, to provide me with a list of the major demographic and economic findings from the 1980 census and other recent surveys. The list he prepared makes very useful reading. I would like to share it with my colleagues and with the public at large.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS FROM CENSUSES AND SURVEYS: 1970 TO 1982

GENERAL POPULATION TRENDS

Sometime during the 1970's the "center" of population of the United States moved across the Mississippi River for the first time into Missouri. One of the factors for this was that the Northeast virtually stopped growing during the decade.

By 1980, more than one-half of the U.S. population lived in the South and West. In fact between census day—April 1, 1980—and July 1, 1982, the South and West accounted for 92 percent of the national population growth.

Using middle-of-the-road assumptions—1.9 births per woman, average life expectancy of 79.8 years, and an annual net immigration of 450,000—U.S. population is projected to grow from 232 million in 1982, to 268 million in 2000, and peak at 309 million in 2050.

As evidenced by the nation's long history, we are a highly mobile population. Nearly half of the population 5 years old and over lived in a different house in 1980 than in 1975, and three quarters of moves were within the same state.

An estimated 5.6 million persons—2.4 percent of the population—lived on farms in 1982, but farm residence and agricultural employment are not synonymous. By 1982, less than half—46 percent—of all agricultural workers lived on farms.

MINORITIES

One out of five people in the nation is a member of a major minority group—Black, American Indian, Eskimo or Aleut, Asian or Pacific Islander, or Hispanic.

The United States is the seventh largest nation in the world in terms of persons of Spanish origin.

Although the Hispanic population growth was widespread, with sizable concentrations in New York, Florida and Illinois, over 50 percent of the nation's Hispanics reside in just two states—California and Texas.

In 1980, the Census showed that more Blacks are moving to the South than away from it, reversing their historical outmigration that began late in the 19th century.

The proportion of the Black population living in central cities of metropolitan areas declined during the 1970's for the first time in many decades.

The 4.5 million decrease in our foreign-born population in the 1970-80 decade was by far the largest one-decade growth in American history.

The net civilian immigration has been declining due to the drop-off of Cuban, Haitian, and Indo-Chinese refugees, down from 654,000 in 1980 to 480,000 by 1982.

Only one-fourth of all American Indians lived on a reservation in 1980.

As a result of new immigration laws in the 1960's and refugee programs in the 1970's, over one-half of the nation's Asians and Pacific Islanders were foreign born.

Most undocumented aliens counted in the 1980 census—57 percent—have been here for at least five years. Among these undocumented aliens, only one in eight is 40 years old or older.

MARRIAGE AND FAMILIES

Returning to a pattern prevalent in the 1900's, 53 percent of all women aged 20 to 24 years old in 1982 had never married—up from 36 percent only a dozen years earlier.

While that may merely indicate postponing marriage, the rise from 6.2 percent to 11.6 percent for women aged 30 to 34 years old who had never married, suggests that an increasing proportion of the population may elect never to marry at all.

Households in the 1970's were formed at more than double the rate of total population growth, and their average size dropped from 3.11 people in 1970 to 2.75 in 1980.

Nonfamily households jumped by 72 percent in the 1970's while family households (those maintained by a person living with at least one relative) rose by only 16 percent.

The divorce ratio—the number of currently divorced persons per 1,000 married persons—more than doubled since 1970. For men it rose from 35 to 92 by 1982, while for women it rose from 60 to 137 by 1982. (Men tend to remarry quicker.)

One-parent families increased by 71 percent in the 1970's, and by 1980, 19 percent of families with children under 18 had only one parent present.

The 1982 fertility rate, which implies a lifetime average of about 1.8 children per woman, is substantially below the 2.1 rate required for natural replacement of the population.

In 1980, Utah had the highest fertility rate—123 per 1,000 women aged 15 to 44 years old—while Massachusetts had the lowest level—only 54 per 1,000.

More than half—56 percent in 1981—of all Black births are out of wedlock.

EDUCATION

In each year since 1975, nearly one-third of the nation's three and four-year-olds have been enrolled in school.

By October, 1982, 57.9 million persons aged 3 to 34 years old were enrolled in school, about 2.5 million less than the number enrolled in 1970. This decline was largely due to the decrease of 6.5 million students in elementary school countering an increase of 3.5 million among college students.

The proportion of Blacks—particularly among young adults—completing high school is rapidly catching up with that of Whites. In 1980, more than half of all persons 25 and older in each state had completed high school, and the national proportion was two-thirds.

In each year since 1979, more women than men have been enrolled in college.

Among women 25 to 34 years old, the proportion who had completed 4 or more years of college rose from 12 percent in 1970 to 21 percent in 1982.

EMPLOYMENT

Women accounted for 59 percent of the growth in the civilian labor force between 1970 and 1982. By 1983, 53 percent of all working-age women were in the civilian labor force, the proportion having risen 8 percentage points during the preceding decade.

The proportion of women employed in executive, administrative, and managerial jobs rose from 20 percent in 1972 to 30 percent in 1980 . . . and rose another two percentage points between 1980 and 1983.

About one out of every 10 working-age people outside of institutions in 1980 had a disability that limited the kind or amount of work they could do or prevented them from working.

More that one-half of all married couples in the United States have become two-earner families. Their proportion rose from 46 percent in 1970 to 52 percent 1982

Structural changes in America's workforce are evidenced by the small 2.1 percent increase in manufacturing employment between 1972 and 1982. On the other hand, white-collar workers and service workers (excluding private household) accounted for 98 percent of the growth in total employment from 1972 and 1982.

Only about 6 percent of the workforce used public transportation in getting to work in 1980—down from about 9 percent from 1970; about two-thirds drive to work alone and one out of five is in a carpool.

INCOME AND POVERTY

Median family income (in constant dollars) dropped by 4.46 percent from $24,528 in 1970 to $23,433 in 1982. Part of this decline resulted from the 52 percent increase in families is maintained by women, which had a 1981 median income of $10,960 verses a married couple's $25,070.

On the other hand, per capita income rose some 13 percent from $7,897 in 1970 to $8,890 (in constant dollars).

Young Black husband-wife families (25-34 year olds) have been catching up steadily in median income. They brought in about 90 percent of comparable White family incomes in 1982 compared with about 80 percent in 1970. But the ratio for all Black families over the past 18 years has remained at just over one-half the White median, partly because of the much higher proportion of female-householder families among Blacks than among Whites.

Poverty rates vary greatly by race. In 1981, it stood at 14 percent for the nation as a whole, 11 percent for Whites, 34 percent for Blacks, and 26 percent for Hispanics.

AGING

The median age of the population—30.6 years—and the proportion of the population 65 years and over—11.6 percent—both reached their highest levels in U.S. history during 1982.

In 1982, there were 67 elderly men per 100 elderly women—a 2 to 3 ratio.

The population 85 years and over is growing at a more rapid rate than the total elderly population (65 years and over).

INDIA'S OCCUPATION OF SIKKIM CONTINUES

Mr. PELL. Recent events once again focus attention on the tragic plight of Sikkim, the once sovereign Himalayan country. Nine years ago India, which by treaty had responsibility for Sikkim's defense and foreign policy, abused its position and annexed the country.

At the time Sikkim was made a state of India. Sikkim's reigning family, which had embodied Sikkim's special identity and character, was deposed and Sikkim was promised the benefits of Indian democracy.

These benefits have proved illusory. On May 25 Prime Minister Indira Gandi dissolved Sikkim's legislature and imposed instead Federal—or "President's" rule. Unlike the conditions prevailing on the occasion of the imposition of President's rule in other Indian states, there was no unrest or insurrection in Sikkim to justify the Government's action.

Instead, Mrs. Gandhi's action followed a political crisis. Sikkim's elected Chief Minister, Nar Bahadur Bhandari, resigned from Mrs. Gandhi's Congress-I Party to form his own Sikkim Revolutionary Forum. Rather than allow this act of independence—perfectly acceptable in a normal parliamentary democracy—Mrs. Gandhi preferred to unseal the Sikkimese Assembly.

India's action in Sikkim underscores the involuntary nature of Sikkim's incorporation into India. Put bluntly, it is the act of a colonial power.

As honorary chairman of the Friends of Sikkim, I again call on the Indian Government to reconsider its occupation of Sikkim. I would hope that some measure of genuine autonomy or independence, could be restored to the unfortunate people of that remote, but beautiful and peaceful, land.

STEPHEN KUSMIERCZAK—PAGE FROM ILLINOIS

Mr. PERCY. Mr. President, after nearly 1 year in Washington, Stephen Kusmierczak of Granite City, IL, is returning home. I appointed Steve to serve as my page beginning in 1983 after examining his excellent school and community record and his many recommendations. At work, school, and home he has proven to be a unique young man who always strives to meet the most ambitious goals.

During his junior year at the Senate Page School, Stephen was one of a very select group to maintain a perfect A average. He was also elected to the student council as treasurer and was the editor in chief of the page newspaper, the Senate Sentinel. It is amazing how he found time to do all this while serving from 7 to 9 hours daily in the Senate.

In January of 1984, Steve was appointed head Republican floor page in the U.S. Senate and served under the auspices of the secretary of the majority, Howard O. Greene. His is the highest honor accorded a page in the Senate. The responsibilities are numerous: Updating Senators on the day's schedule and pending business, finding Members absent during voting, and offering any assistance needed on the floor. In addition, the Illinois page was responsible for the actions and operations of all Senate Republican pages. Steve performed with great vigor and gave sedulous attention to every aspect of his work in this institution.

Stephen is returning to Granite City on June 22 and will be a fine resource for his school and friends. His parents, family, and community should be very proud of this fine young man. I am.

THE NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. HATCH. Mr. President, I have an unclassified telegram from our Ambassador in Panama, Ted Briggs, of June 4, 1984, which I wish printed in the RECORD. Last week, the House of Representatives reacted negatively to a cable from Ambassador Briggs that was leaked to the New York Times which seemed to imply that the National Endowment for Democracy was doing something wrong in Panama. Apparently on this basis alone, a number of votes in favor of the National Endowment for Democracy last year when it was authorized for the first time were changed and a vote of 226 to 173 deleted all funds for the National Endowment for Democracy from the appropriations bill, H.R. 5712.

Although I expect that the Senate intends to completely restore the President's request for $31.8 million for the NED, I believe the record should be corrected about the Panama affair. As is clear from Ambassador Briggs' cable, he is a strong and enthusiastic supporter of the NED and looks forward to the NED's assisting in the development of democracy in Panama in the aftermath of its first elections in 16 years. Ambassador Briggs has already been in touch with leaders of both parties about this and believes it is very important that the NED be funded by the Senate.

Mr. President, as the only Senator who serves on the Board of the NED, I expect to report to the Senate on the accomplishments and the strategy to be followed by the NED before we take up this appropriation on the Senate floor. I am very enthusiastic about the initial accomplishments, organization, and staff of the NED. The strong bipartisan support it has achieved is impressive—almost miraculous in an election year.

Very little money has actually been spent yet in projects and programs of the NED. Instead, the organizational structure and strategic planning necessary has been put in place carefully and with considerable bipartisan cooperation. I will have a report ready for my colleagues within 2 weeks.

I ask unanimous consent to have printed in the RECORD an editorial from this morning's Wall Street Journal praising the NED, in addition to the telegram I referred to earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Telegram]

Subject: Ambassador's views on the National Endowment for Democracy.

1. The unfortunate leak of an embassy cable and the efforts by certain National Endowment for Democracy (NED) opponents on the Hill and in the media to cite the Embassy's or my views regarding a specific use of NED funds to impeach the whole idea of the NED concern me greatly.

2. The department is free to say on my behalf that I am a strong and enthusiastic supporter of the NED and its purposes. Specifically, I look forward to the NED's assisting in the development of democracy in Panama in the aftermath of its first elections in 16 years. I have already been in touch with leaders of both parties about this, and believe it very important that the NED be funded as originally envisaged.

BRIGGS.

[From the Wall Street Journal, June 6, 1984].

STAY THE SENTENCE

Pericles is worth remembering as another modern American drama shapes up on the foreign-policy front. Act I: Voters elect a new administration in 1980 to turn around U.S. weakness in international affairs. Act II: As part of the turnaround, the administration sets up a new agency to promote democracy abroad. Act III: Congressmen quickly start complaining that the agency is doing bad things and should be abolished.

We'd like to stop the action on this one before we hear the corpse thump to the floorboards.

Last December President Reagan signed the law establishing the National Endowment for Democracy to give grants to groups with plans for strengthening democracy abroad and competing more effectively with propaganda messages from the totalitarian countries. Organized business and organized labor were given large parts in the enterprise.

In April the Endowment started handing out funds. Labor got more than business, because at present labor has the lion's share of programs to build democratic institutions in other countries. The AFL-CIO used $20,000 of its money to support a rally and a get-out-the-vote effort by Panamanian unions. In May Panama was to hold its first election in 16 years, and the American labor movement wanted to train Panamanian unionists in the skills they would need to become a political force.

But the Panamanian unions themselves were not neutral in the race. The two candidates for president were Arnulfo Arias Madrid and Nicholas Ardita Barletta. Mr. Barletta is a former World Bank official who earned the respect of a significant number of businessmen when he served as minister of planning. He was also the candidate of the National Guard.

Mr. Arias, previously elected to the presidency twice and deposed by the military twice, was sharing his ticket with the head of the country's Christian Democrats. The presidential candidate was also the favorite of the old landed families and has supported the Nazis during the World War II.

The Panamanian unions endorsed Mr. Barletta, who was elected by a small margin amid charges of fraud.

Some conservatives in this country were angry about U.S. money going to help Mr. Barletta. Some on the American left have never liked the idea of the Endowment's activism in the first place. Both now had a powerful argument: U.S. money should not be used to intervene like this in other countries' affairs. The House of Representatives was persuaded and has cut off the Endowment's funds. The Senate will how have to decide whether to restore them.

We find it impossible to get up much unqualified enthusiasm for either candidate in the recent Panamanian vote. We also think the AFL-CIO efforts came so close to election day that they really did interfere in the process.

But this piece of blindness is not a good enough reason to strangle the baby Endowment in its crib. Indeed, the American ambassador to Panama, who complained about the AFL-CIO's activities and thus gave the anti-Endowment folks their weapon, now says he very much regrets the use these opponents have made of his comments.

The new head of the Endowment has just now taken office. At its next meeting the board will consider thoroughly respectable and even creative project ideas ranging from a Chinese-language magazine for Chinese students abroad to an expanded effort to spread private democratic influences to Chile, where the U.S. now has neither an AID program nor a Peace Corps program. It's fairly certain that the Endowment will not be doing much close-up election work in the future. Congress can even draft legislation specifically ordering hands off.

Some people would like to use this incident to replace the Endowment with private money. This most surely will not be enough to compete with the resources the Soviets are pouring into the field. Others want to dissolve the Endowment because they do not want to see the American voice abroad louder than a whisper. This attitude is an even better reason to give the young organization a fair chance.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as I indicated earlier, it is the intention of the leadership to now ask the Senate to turn temporarily to the consideration of the math-science bill, which is Calendar Order No. 170, S. 1285.

It should be understood, however, that the manner in which I am doing this does not displace the bankruptcy bill as the unfinished business, and indeed, under the rules of the Senate, when this matter is disposed of, it will recur as the pending business.

Before I put the request, I see the Senator from Oregon is on his feet, and I wonder if he wishes me to yield to him.

Mr. PACKWOOD. Mr. President, I thank the majority leader.

I have no objection to putting this aside for the math-science bill. I do not want to get into the position, however, of asking to put this aside for math-science, and then put it aside for X, Y, and Z. I realize the majority leader is going to ask to put it aside when we get to the Department of Defense authorization, and that is a matter of critical importance to this Nation. I will not stand in the leader's way.

Second, I am aware that, if I attempted to stand in the way, and the leader was forced to move to the Department of Defense, or other bills, he would win that motion. That would displace the bankruptcy bill without preferred position when we finished. So, in that sense, the majority leader has me over a barrel. But the leader has been very good in terms of his conversations with me earlier indicating that he has no desire to avoid facing up to the bankruptcy situation.

I realize Senator THURMOND is not here. However, I would like to get in the next unanimous-consent request when he returns a time to vote on my amendment, which is pending on the bankruptcy bill. I am ready to vote on it. I have no desire to hold up the leader, but I am simply unable to get a vote on it at the moment. I will not object to laying it aside for the moment for this bill.

Mr. BAKER. Mr. President, I think the Senator very sincerely.

I would also like to get this matter up and disposed of. I can assure the Senator from Oregon that I will talk to the Senator from South Carolina, the chairman of the Judiciary Committee, when he returns, and maybe we can work out something.

Let me make one thing clear, however, so there is no misunderstanding. If we finish this bill in time to do so today, there is a possibility that I might like to go to the energy-water appropriations bill as well. I fear that we cannot do any useful work on the bankruptcy bill until certain Senators return from their official visit to the D-day ceremonies in France.

Mr. PACKWOOD. Mr. President, the leader has been very good. I will not quarrel with that. If I were in the reverse situation, and the chairman of the committee had that bill on the floor, especially with a controversial amendment, I would not want the Senate to move to it while I was doing official business elsewhere. I understand the senior Senator from South Carolina, Mr. THURMOND, will be back tomorrow. I do not want to get into the situation like I am with the Federal Trade Commission where things get priority, and seem to get on ahead of it. This is critical. The leader is aware we are up against a deadline again on the entire termination of the bankruptcy court system in this country.

Mr. BAKER. Mr. President, the Senator mentions that I had him over a barrel in terms of me moving to him. The Senator has me over a barrel in that respect because I am acutely aware of the fact that by June 20 we will have to deal with this issue.

I have no desire to avoid that. This will recur as the pending business. Anything we do will be temporarily done. We are going to deal with bankruptcy, I can assure the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am afraid that when we move to the Department of Defense, we may be a week, or 7 or 9 days on it. That puts me up against the 20th, when we finish DOD.

Mr. BAKER. Mr. President, it may be necessary, as much as I hate to face my friend from Texas, the chairman of the Armed Services Committee, to even lay aside that sanctified bill, and go back to bankruptcy. But I would rather not face that devil until I have to—"devil" speaking figuratively.

Mr. PACKWOOD. Mr. President, I thank the leader.

If he also is going to move to lay it aside for the energy bill this afternoon, I would not object to that under the same conditions.

Mr. BAKER. Mr. President, I thank the Senator.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, in view of that, I see that the manager is here on this side, and the manager is, I believe, here on the other side.

I now ask unanimous consent that the Senate temporarily set aside the pending measure, which is the bankruptcy bill, and proceed to the consideration of Calendar Order No. 170, S. 1285, the math-science bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Morning business is closed.

EDUCATION FOR ECONOMIC SECURITY ACT

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1285) to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

The Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, it is with great pleasure that I rise in support of S. 1285, the Education for Economic Security Act. I am a primary sponsor of this legislation which is designed to improve the quality of mathematics and science teaching in our primary and secondary schools. On May 11 the Labor and Human Resources Committee reported S. 1285 as an original bill. It was the product of a major cooperative effort within the committee. Members and their staffs spent many hours over many weeks drafting this legislation, and I feel strongly that our efforts have been fruitful. In particular, I would like to acknowledge the contributions of Senator STAFFORD, who is chairman of the Education, Arts and Humanities Subcommittee, and Senator PELL, who is the ranking minority member of that subcommittee without whom this bill would never have made it this far—to the floor. Both of them are the leaders on education programs in our country today, and I want to personally express my appreciation and respect to both of them.

Senator QUAYLE is largely responsible for title III which will establish cooperative programs between schools and businesses. Senator DODD has worked together with me to divise a program of summer institutes to enhance the skills of working mathematics and science teachers.

A citizenry that is wise in the ways of mathematics and science is important to America. We live in an age of increasingly sophisticated technologies. If America is to remain economically ascendant, Americans must be sufficiently grounded in mathematics and science to remain competent in new technologies and to provide the innovations necessary for a competitive edge in the world economy. American children must learn the basics in math and science so that as adults they will not be intimidated at the prospect of periodic retraining; since increasingly in the years ahead a swiftly changing economy will demand workers who are willing to learn and do something new.

In addition to the economic considerations we must be concerned that Americans are sufficiently versed in mathematics and science to evaluate adequately a variety of national policies ranging from policies affecting the defense of the Nation to policies affecting the defense of the environment. A well informed electorate is essential to democracy.

The need for S. 1285 is apparent. An array of indices has revealed a decline in the mathematics and science proficiency of American schoolchildren. This deficiency has many causes. The necessary reforms must be multifaceted and must engage the energies of the entire Nation, expecially within local communities where children live and attend school. The Congress has a more specific responsibility to focus the Nation's attention on the problem and to provide a catalyst for a remedy.

S. 1285 dwells primarily on the competency needs of teachers. This is entirely appropriate because mathematics and science education cannot be improved unless the teachers are helped. Many of today's teachers are the victims of poorly designed education programs of the 1970's, and perhaps even before. Others never intended to be teachers of mathematics or science, and therefore never received specific training in these areas. America's school systems require thousands of new mathematics and science teachers who do not seem to be forthcoming. Thus, there is also a need to enhance the education of new mathematics and science teachers.

This legislation will cost a considerable sum of money—some $425 million in 1984. Some of my more fiscally minded colleagues may find this cost a bit steep. I empathsize with their budgetary concerns, but still I urge them to vote for S. 1285.

Of course, I want to try very hard to keep the budget within reasonable limits. In fact, I have led the fight for the balanced budget tax limitation constitutional amendment. But still I urge Senators to vote for S. 1285. I think to not do so would be pennywise and pound foolish. I believe that this expenditure will result in billions and trillions of dollars in future goods for America. The $425 million amounts to only $26,500 per school district. The national need for an improvement in mathematics and science education is real and substantial. That is hardly a significant amount of money for each school district, but it will have a dramatic impact because of the way in which we have written this bill.

The best reason to support S. 1285 is the plain fact that something should be done for the teachers who are struggling to give our children a good education. Teachers are accorded too little respect in America. Communities should do more to support their teachers, and in return, communities should expect more from their teachers. Seven primary and secondary school teachers from the D.C. area testified before the Labor and Human Resources Committee in April. Frankly, I was appalled at how low they feel their stock is with the American public. We simply cannot tolerate this situation if we want to have good schools. In a nation of this size, $425 million is not too much money to initiate a process that will spur State, local and business efforts to assist our teachers.

The Congress has a responsibility to light the way. S. 1285 does just this. It is well crafted and well focused legislation that provides assistance and direction without interfering with State and local control of schools or basic education policy.

In addition to this legislation, the Labor and Human Resources Committee is planning extensive hearings to consider the state of primary and secondary education in this country. Senator STAFFORD is planning subcommittee hearings on the report of the National Commission on Excellence in Education. We have held investigative hearings on selected issues that influence the quality of our schools.

The National Commission on Excellence in Education has reported that "* * * the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people." These are blunt words but they ring true. Most Americans sense the decline of American education and most Americans are perplexed by this trend. America spends as much of its gross national product on education as does Japan and considerably more than does France or Germany. College attendance in America is far higher than in any other industrialized nation. The proportion of students graduating from high school was only 42 percent in 1940. This proportion rose to 75 percent in the 1970's. The ratio of students to teachers declined 27 percent between 1959 and 1980. Yet with all these apparent advantages, American education has been floundering.

Inevitably, there are people who see huge Federal expenditures as the solution to any national crisis and the state of education in these United States is definitely being described in crisis terms. As I have said, there are real problems with American education which we must remedy. Simply, we must do a better job of educating our youth. None-the-less, we are not facing a crisis, but rather the need for substantial adjustments that are well within the power of most communities to effect.

The Federal Government can and should devote some money to start the country on the road to necessary reforms, but the Federal Government cannot afford to devote and should not devote billions of dollars to securing a more comfortable status quo. The educational system requires greater efficiency, higher standards and tougher mindedness. Professor Austin of the University of Maryland has found that successful schools, whether they be in wealthy or poor communities, are usually headed by strong principals. The Nation as a whole needs a better management of classroom time. The text books should be more rigorous. The courses should be more rigorous, and there should be more homework. Perhaps, most important of all, parents and communities should support their local schools and become actively involved in local education policy.

The legislation before us is no panacea. Education happens in communities and nothing can take the place of dedication and hard work within these communities. Still, S. 1285 provides a national focus on a nationwide problem and a catalyst for the efforts necessary to give our teachers the requisite education and support to do the job. I urge my colleagues to vote for this legislation.

As a brief summary of this bill, title I of the bill authorizes, as I recall, $45 million for fiscal year 1984, and $80 million for fiscal year 1985 for programs to be carried out by the National Science Foundation, including teacher institutes, materials development, graduate fellowships, undergraduate fellowships, and discretionary projects.

Title II is primarily a formula grant, administered by the Department of Education, and carries an authorization of $350 million for fiscal year 1984, and $400 million for fiscal year 1985. Of these funds, 10 percent will be held by the Secretary for discretionary projects and 90 percent allocated to States under a formula basis. Of the funds allocated, 70 percent will be passed through to the local education agencies for them to use. Funds for this title will be used primarily for programs of teacher trainingships and retraining and in-service training for current teachers.

Title III provides opportunity for the private sector educational institutions to form partnerships for special projects in mathematics and science education. This title authorizes $30 million for fiscal year 1984 and $60 million in fiscal year 1985 for these projects, which will require a 50 percent match. Awards under this title will be made by the National Science Foundation.

Title IV authorizes the President to make awards for teaching excellence to elementary and secondary classroom teachers.

Finally, I might mention that in the funding for this bill we provide for $425 million in total authorization for 1984 and we provide $450 million in total authorization for fiscal year 1985.

When we first started considering this matter a little over a year ago, the country as a whole was very concerned about the problems we have in math and science knowledge in this country and particularly math and science teaching and education in our elementary and secondary schools. Those concerns have not been alleviated. Some of the school districts have made some amazing progress and have done some very interesting things. I think the Commission on Excellence in Education has had a dramatic impact. I want to particularly praise some of the Governors of this country who grabbed the ball and tried to upgrade education as best they could.

But wherever I go, and with whomever I chat about these problems, they raise the issue of the dearth of math and science teachers in America. They raise the fact that so many teachers who have never had training in math and science in the best sense of those terms, who did not intend to go into that particular aspect of education, are now teaching our kids.

Naturally, as well-intentioned, as good as some of these teachers are, trying to fill in, trying to solve some of these problems, trying to bridge the gap, it is not adequate, it is not good. We are not giving our young people of this country incentives to obtain a mathematics and science education nor the ability to obtain it, as we should in many areas of this country.

My personal feeling is that the expenditures we will make as a result of this particular bill will result in billions and billions of dollars of benefit for our country, and, I might add, will result in a stronger and safer America, a more highly technologized America, an America that can provide more jobs than we have today.

I think it is a farsighted bill, a bill with a great deal of planning for the future. It is a bill that is modest when you consider the total needs of math and science study in our society today.

We think that we are on the right track in bringing this bill to the Senate floor today. We hope that we can pass it and I do urge my colleagues in the Senate to support us on it. We have put hours, weeks, months—frankly, years—now into trying to come up with a bill that would touch the hearts of everybody in the Senate and would resolve these problems with a minimum of expenditure, yet that would still allow this country to keep the edge it has always had during the fruition of an industrial democracy in our particular approach to education and science in our country's history.

Again, I particularly thank Senator PELL and Senator STAFFORD for the work they have done and other members of the committee as well. Of course, I respect the staffs and I, for one, am happy to have this bill before the U.S. Senate today.

I am happy to yield to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank very much the chairman of our full committee, the senior Senator from Utah (Mr. HATCH) for his fine remarks.

Mr. President, I congratulate Chairman HATCH and my colleagues on the Labor and Human Resources Committee for their excellent work and strong bipartisan efforts in reaching agreement on the provisions of the Education for Economic Security Act. My friend and colleague (Mr. STAFFORD) is to be especially commended for his leadership throughout consideration of this legislation. I would also like to thank our respective staffs for their excellent work in bringing this legislation through the committee process.

Our staffs have worked exceedingly hard in pulling together the various thoughts and concepts that are incorporated into this legislation and have helped us throughout the whole committee process.

This is truly a bipartisan measure, Mr. President, and I would like to point out that it was in the state of the Union message in 1983 that President Reagan called for progress to be made in the fields of math and science. He first alerted us to this, stating that:

> We seek . . . a quality education initiative to encourage a substantial upgrading of math and science instruction . . .

The Education for Economic Security Act is a solid bipartisan bill which includes major pieces of legislation proposed by Senator HATCH, Senator QUAYLE, and Senator TSONGAS. I am particularly happy that fundamental provisions of legislation which Senator STAFFORD and I introduced last session and again early in this Congress are represented in title II of this bill. The legislative ideas of Senators DODD, KENNEDY, DOMENICI, CHILES, HUDDLESTON, and INOUYE have also been included. We have before us a bill which has been formulated in the best tradition of this esteemed body. In drafting this bill, we have made a considerable effort to give full consideration to the views of our colleagues and other concerned parties. We have also worked hard to reach a strong consensus amongst ourselves on the elements of this legislation. In reaching that consensus we have all had to give in on many points, but in doing so, we have gained a bill which we on the committee stand squarely behind.

Mr. President, we are about to consider the first major authorizing piece of education legislation in the wake of the report of the National Commission on Excellence in Education. That report cites in no uncertain terms the great urgency of the need to upgrade the quality of instruction in our schools. In no other subject matter is that need more apparent than in the area of mathematics and science education.

Long before publication of the Commission's report, we on the committee have been acutely aware of the great peril our Nation faces due to its lack of commitment to excellence in mathematics, science, computer learning, and foreign language instruction. Testimony heard by the Education Subcommittee provided a dismal portrait of the present condition of education in these subject matters. The SAT and achievement scores of our high school students in mathematics and science are on the decline and educational achievement in these areas does not compare well with other industrialized nations. Should current trends continue, the level of scientific development and innovation of other nations will far outstrip that of the United States. We are truly a "nation at risk," as we are in danger of losing our position in the international marketplace.

The Education for Economic Security Act, which was also the title of my original bill, is a most fitting title for this legislation. By promoting excellence in instruction in mathematics and science education—an education that far surpasses that of other industrialized nations—it seeks to maintain our economic security and superiority. As Benjamin Disraeli once said, "upon the education of the people of this country, the fate of the country depends." As we enter the age of high technology, the fate of this country will indeed depend on the commitment that we are now willing to devote to providing quality instruction in mathematics and science.

In an age where rapid technological advancement is upon us, it is very disconcerting to realize that only one-third of our Nation's schools require more than 1 year of mathematics. Even more frightening is the recognition that we are falling behind other industrialized countries in this regard. For example, all high school students in Russia are required to take mathematics through grade 12. Five million Russian students take calculus in high school, compared to only 500,000 in the United States. Time spent studying mathematics and science by students in other industrialized nations—including China and Japan—is three times that of time spent by students in the United States.

Clearly, however, the most significant obstacle in overcoming the decline of quality in mathematics and science instruction is that of critical teacher shortages and low teacher certification standards. In 1981, out of 45 States reporting, 43 cited shortages of math teachers, and this shortage was defined as critical in 16 States. An alarming 50 percent of teachers newly assigned to mathematics and science classes last year lacked the appropriate credentials. And this problem is getting worse. There are increasingly numerous reports of schools using people to teach geometry and second-year algebra who have not completed a university mathematics course beyond algebra. Furthermore, 79 percent of teachers have not completed at least a 10-hour course or workshop in their field in more than 10 years; 40 percent have not attended a course or workshop since they began teaching—an average of 16 years.

The report of the National Commission on Excellence in Education recommended, among other things, that all high schools require 3 years of mathematics and 3 years of science in order to graduate. Should our schools follow this laudable advice, the teacher shortages in these areas would be far more acute. It is estimated that as little as a one-course increase in graduation requirements in mathematics would create a demand for an additional 34,000 teachers. Quite simply, we are facing a crisis in the first order in the supply and quality of mathematics and science teachers. This crisis is widespread, it is of primacy, and it calls for immediate action. If our children are to be groomed for the emergence of an economy based on high technology, then we must pay heed to the necessity of continually updating the instructional capabilities of our teaching force. In short, we must insure that our teachers have immediate and direct access to the most recent developments in their fields.

My colleagues and I share agreement that the bulk of funds allocated under the Education for Economic Security Act should be directed toward this tantamount need. Title II of this bill provides $350 million in fiscal year 1984 and $400 million in fiscal year 1985, with the stipulation that the priority for use of these funds should be in the areas of teacher training, retaining and inservice training. Under title II, roughly 70 percent of the money goes directly to local education agencies for elementary and secondary programs involving teacher training. Only after an LEA can demonstrate that it has met its mathematics and science teacher training needs can it then allocate funds for other instructional purposes such as foreign language instruction and the purchase of computer equipment and instructional materials. Approximately 30 percent of the money under title II is slated for higher education programs. Again, the majority of this money has been slated for programs for teacher training, retraining, and inservice upgrading of skills.

I am pleased that in title II we have also made cooperative programs among higher education institutions, libraries, museums, business, and nonprofit organizations eligible for funds. Clearly, these institutions have excellent programs in mathematics and science and will greatly enrich the instruction offered in our schools.

Title I of this bill allocates $45 million in fiscal year 1984 and $80 million in fiscal year 1985 to the National Science Foundation. Programs under this title include teacher institutes, which were highly successful in the past, materials and curriculum development, congressional merit scholarships, and graduate fellowships. Title III, with

$30 million in fiscal 1984 and $60 million in fiscal year 1985, forges a new link among business, LEA's, and higher education institutions. Under this title, the NSF directorate will award competitive grants to cooperative projects between business, LEA's, and higher education institutions which will improve mathematics and science education. Business must provide 30 percent of the cost, the LEA 20 percent, and the Federal Government will then match this with the remaining 50 percent. Title IV authorizes the President to make awards to teachers who have achieved a level of excellence which distinguishes them from their peers.

Mr. President, I am extremely proud of the provisions of this legislation. While funds are directed toward the top priority of teacher training, there is also provision for exemplary programs, experimental and innovative projects, and a set-aside for programs for special populations. I am particularly pleased that throughout the three titles of this legislation, the needs of the traditionally underserved and underrepresented populations such as women and minorities will be given special consideration.

We on the committee view the Education for Economic Security Act as an emergency measure to address the immediate need at hand. We are hopeful that it will enable us to make significant inroads in upgrading the quality of instruction in science, mathematics, computer learning, and foreign languages. It can also lay the groundwork to insure that we do not again fall behind in these critical areas.

The act mandates, for instance, that State and local education agencies conduct comprehensive assessments of the mathematics and science education needs in their areas, and that these agencies outline 5-year projections for meeting these needs. We are hopeful that this concrete, individualized data will offer us a clear picture of the magnitude of the task that faces us in terms not only of this legislation but also of possible Federal initiatives in the years ahead.

What President Dwight D. Eisenhower said 20 years ago rings just as true today:

> We should, among other things, have . . . incentives for high aptitude students to pursue scientific or professional studies; a program to stimulate good-quality teaching of mathematics and science; provisions of more laboratory facilities; and measures . . . to increase the output of qualified teachers.

This is our goal, and I urge the Senate to enact this legislation swiftly so that we may begin moving toward its realization.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, as the chairman of the Subcommittee on Education, I am pleased to support this critically needed legislation.

S. 1285 is an original bill reported by the Labor and Human Resources Committee, and it incorporates the best features of math and science education legislation introduced in the 1st session of the 98th Congress, legislation which our Education Subcommittee considered exhaustively during the spring of last year. The bill is a product of careful deliberation and compromise. Some Members of this body have suggested more elaborate and costly approaches to solving the many problems of mathematics and science education facing our Nation today. Others, particularly representatives of the administration, have advocated that the Federal Government play a minimal role, with minimal funding, in meeting this long-term crisis. I believe that S. 1285 has been painstakingly crafted to meet the clear Federal responsibility to help improve our educational system, to help our States, school districts, colleges, and universities improve the kinds of teaching and learning in mathematics, science, and foreign languages that our citizens must have to face the economic and technological challenges of this and future decades.

At the same time, as a 2-year authorizing bill, S. 1285 will lay the groundwork for planning for what our Nation will need to address these problems in the future. It also puts the Federal role in the discrete disciplines of mathematics, science, and foreign language education in the context of Federal involvement in education generally by limiting authorizations so that funding for such disciplines will not subsume existing programs which meet the principal Federal responsibility of insuring equal opportunity in education.

Mr. President, the primary focus of S. 1285 is on addressing the problems of teacher shortages and teacher quality in mathematics and science education. These are the issues which have most concerned the Education Subcommittee during its deliberations on S. 530, the original Education for Economic Security Act, introduced by our ranking member, Senator PELL, and myself.

A slightly modified version of S. 530 forms title II of S. 1258, and the heart of this bill before us. Title II provides $350 million in fiscal year 1984 and $400 million in fiscal year 1985 for a program of State formula grants and discretionary grants to be made by the Secretary of Education. The formula provided for in title II will allow States to receive funds for mathematics and science education on an equitable basis and will afford poorer school districts an opportunity to receive funds according to their need by factoring in a district's relative standing with respect to the chapter I formula when determining the intrastate distribution of funds.

School districts are to use their alloted funds to provide programs for inservice training of teachers and other school personnel in the fields of mathematics and science. This type of support should help to address the critical problems of teacher shortages in the math and science area at the elementary and secondary level. Complementing this LEA inservice training and retraining program is a program of assistance to institutions of higher education to establish traineeships for undergraduate students who intend to go on to teaching careers in mathematics and science at the secondary levels, to be operated through the State agency for higher education.

Mr. President, S. 1258 is not a panacea for the problems facing American education generally, or mathematics, science, and foreign language instruction specifically. The recent report of the National Commission on Excellence in Education and other recent studies of the condition of American education have raised America's consciousness about the importance of education as a foundation of our society. Myriad problems have come under our close scrutiny; many solutions have been proposed. S. 1258 is a partial solution to the particular problem of teacher shortages and lagging interest in mathematics and science instruction. But what we really need to do is to build upon the attention generated by the report of the National Commission to recognize the vital importance of education to our economy, to our national security, and to the ability of our Nation to maintain the strength and integrity of our society.

To enhance the status of education, we must enhance the status of its principal practitioners, our teachers. The programs of inservice training and retraining of teachers, teacher institutes, merit scholarships, excellence awards, like those provided in S. 1258, are all important steps in the right direction. But until we as a nation recognize that our future depends on the quality of our educational system, and that the quality of that system depends on the quality of teaching, these programs will be no more than stopgap measures. Our teachers need to be recognized, and compensated, for their worth to our society. Despite our greatest legislative efforts, only when this happens will we be able to stop the hemorrhage of our most talented mathematics and science students into professions more lucrative than teaching.

Mr. President, our bill, S. 1285, is an important first step on the right road—the road toward improving the status of education as a critical national priority. I urge my colleagues to support this bill, and all other thoughtful legislation, which will continue to lead us down that road.

Mr. QUAYLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, first of all, I thank the chairman of the Labor and Human Resources Committee for working out a time to bring this bill to the floor. We have been working on this for quite some time, and I am delighted to see it before us today. I also pay my respects to the chairman of the Education Committee without whose long and tedious work in this effort we would not be here today. I think it is a good bill; it is a sound bill. My respects to the ranking minority member for his involvement this year and in the past.

I think S. 1285, titles I and II, have pretty well been gone over, and I do not want to highlight those or to underscore their importance, but I do want to dwell a moment, if I may, on title III, which is a new concept that we have introduced into this bill. It establishes the partnerships in education program and is a new and a key component of this bill. Over 2 years, $90 million will be authorized for the National Science Foundation to make grants to institutions of higher education and local education agencies which have formed partnerships with the private sector. The purpose of this title is to make education more responsive to the needs of the private sector in order to ultimately help improve our Nation's competitive position and to use the resources of the private sector to provide up-to-date science or math education.

Mr. President, I have talked long and hard, as have others, about the importance of developing this partnership. We developed this partnership in the Job Training Partnership Act, and the spirit of that is being carried over in the math-science bill today. If we are really going to increase our productivity and to see our competitive edge retained and enhanced, we have to get more involvement from the private sector. This is one way we can get more involvement from the private sector. The private sector is where 80 percent of the jobs are going to come from in the future and 80 percent of those jobs are going to come from small businesses. It is absolutely imperative that we get them more involved in our training and educational programs. They have a lot to offer.

Just this last Monday, I was in Indianapolis talking to a junior achievement program where they have 300 to 400 businessmen and women in the city of Indianapolis who volunteer an hour or 2 hours of their time every week to go into the classrooms to sit down and work with the kids, helping to instruct and counsel them, in their educational skills, and to more aptly prepare them for the jobs in the future. They also have a program called applied economics, which is a program where they go into the classroom not only with computers but talk about the free enterprise system, talk about business, talk about profit and loss accounts, talk about what the requirements are going to be in this competitive era that we are in, talk about the high technology and the information era that we are embarking upon. By them going into the classrooms, we have this infusion of public and private participation, a partnership that I think is so imperative and will certainly go a long way toward getting a more cordial understanding and a better working relationship, which should increase the opportunities for jobs of not only our young people but some of the displaced adults as well. This program in title 3 carries on with that spirit.

The program is a matching one, with the Government supplying 50 percent of the funds, business supplying 30 percent of the funds, and the remaining 20 percent coming from the State, institution of higher education or local education agency. The institution of higher education would make application to the NSF, rather than the State, a change we made to encourage more even distribution of funds throughout schools and the Nation.

A separate program allows local education agencies to apply to the NSF for a partnership grant. This encouragement to schools and business to work together is, in my mind, one of the key provisions of S. 1285. I think we must see to it that the education we are providing our children is one that will help them in the real world; and by combining the expertise of the private sector with more traditional educational offerings, we will be giving our children the instruction they will need to face the future.

Mr. President, this bill would establish programs designed to improve the math and science teaching of our children, from elementary school through college, and also provide funds to help train and retrain teachers of math and science. The bill also would create a program to encourage partnerships in education between the private sector and education to improve the teaching of math and science.

S. 1285 was approved by the Labor and Human Resource Committee on May 11, 1983. I am pleased that the Senate has finally been able to schedule action on this bill, which is vital to the education of our students and the future competitiveness of our country. The bill would provide $425 million in fiscal year 1984 and $540 million in fiscal year 1985 to conduct a number of different activities designed to improve our Nation's current position in science and math education. Title I provides funds to the National Science Foundation (NSF) to conduct programs in summer teacher institutes, materials development, excellence in teaching awards, congressional merit scholarships, and faculty exchanges. Title II would provide $750 million over 2 years to the Department of Education to make formula grants to State and local education agencies and institutions of higher education for teacher traineeships, inservice training and retraining of teachers, purchase of computer hardware and software, materials development, and for the teaching of foreign languages necessary to our Nation's national security.

I urge my colleagues to support S. 1285, the math and science bill, and I hope we will be able to send the bill, after a conference with the House, to the President for his signature this summer.

Mr. President, I again thank the chairman for working out the time to get this bill before the Senate. It is an important bill. It will go a long way toward revitalizing and improving the science and partnership aspects of title III. If it had not been for his accommodation, we would still be hung up on this matter. This piece of legislation deserves passage by the Senate.

Mr. HATCH. Mr. President, I thank my dear friend and colleague for the work he has done on this bill. I think that without him and without Senators STAFFORD and PELL, we would not have the bill on the floor today. This bill is much improved because of the energetic work and effort the distinguished Senator from Indiana has put into the bill.

Mr. President, I hope we can get Senators to bring their amendments to the floor at this time, so that we can move this bill expeditiously, because I think it is in the best interests of the country. It is something that is long overdue and is something that conservatives and liberals, Democrats and Republicans, can do together, in a bipartisan sense, and feel good about afterward.

Mr. CHILES. Mr. President, I would just like to express my admiration and appreciation to the chairman, ranking member and other members of the Education Subcommittee for the long, hard work they have done on S. 1285, the Education for Economic Security Act.

The subcommittee and the full Labor and Human Resources Committee faced a task none of us envied on this math, science, and foreign language legislation: Just about every education group had a version of the bill they endorsed, and sometimes it seemed like every Member of the Senate was going to have their own bill. Well, the authorizing committee saw to it that we all got to testify on our proposals. And the committee worked with us to try to address our concerns as best they could in this bill.

Like any compromise measure, it does not satisfy everyone, maybe it does not satisfy anyone completely. But they took on the task of working with both sides of the aisle on putting together a 2-year program of Federal support to improve math, science, and foreign language education—the areas that have been identified by all the reports and studies last year as the most critical need areas in American education. To say they have done a pretty darn good job under the circumstances does not give enough credit for what they have accomplished in the absence of a clear, national policy consensus on exactly what the Federal role ought to be in something like this, and exactly how it should be done.

I am particularly appreciative that the committee saw fit to include provisions from my bill, S. 949 for State assessment and planning. I think it is critical in a new area of Federal involvement like this, particularly in subjects that are being taught every day in the schools and we are just trying to enhance quality and access. To get the bang for the buck, to make the initial investment go as far as possible, it is essential that the States take a look at where they are versus where they want to be and plan how to get there.

Now my approach was a little more revolutionary than that—ideally, I wanted to see us come up with a way to do away with set-asides, do away with in-State formulas and the other arbitrary mechanisms we use to insure Federal dollars get targeted to the need. I have wanted to see us design a program where the different types of institutions and providers, the different groups being served and underserved, are so involved in the assessment and planning process that the outcome is a logical distribution to those national priorities—like teacher supply, curriculum, access—that are most pressing in the States and local areas, through the educational institutions best equipped to address the problems.

I think the assessment and planning mechanisms in S. 1285 are a good first step in that direction. I think since there was not a consensus for a 5-year comprehensive bill, that we are better off with a 2-year bill, focused on teacher supply, training, curriculum, and access that we could get off the ground quickly in the next school year. I am hopeful that as we evaluate the impact of this program, and where we are in excellence efforts at the national, State, and local level, that we will be ready when it is time to reauthorize the program to launch a program that will be truly comprehensive, and strike that balance between the flexibility and accountability the States and locals need, and the targeting that is the appropriate Federal role in education.

I am committed to getting some funding for this start-up program and to see the Federal Government assist States and locals in the job they are tackling in math, science, and foreign language education.

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. THURMOND. Mr. President, I am in strong support of S. 1285, the proposed Education for Economic Security Act.

Over the last several years, serious problems have been identified in the state of education in America. A report by the National Commission on Excellence in Education, "A Nation at Risk, the Imperative for Educational Reform," described shocking deficiencies in mathematics and science instruction, and in course standards and requirements. Today there are severe shortages of teachers qualified to teach mathematics, science, computer instruction and foreign languages. There are fewer students taking these courses. There are fewer skilled technicians and well-trained scientific personnel available than in the past.

Mr. President, I believe that the role of the Federal Government in education must be a limited one. However, it is appropriate that there be a Federal role in addressing crises of national importance and scope. The deterioration of education in America is such a crisis—one that affects our ability to defend ourselves, to compete effectively in the world's economy and to prosper as citizens in an increasingly technological society.

The legislation before us today would authorize programs to promote public awareness of our education problems, to facilitate communication between scientists and educators, and to provide incentives for cooperation and joint projects between educational institutions and the private sector. Most importantly, this legislation would assist State and local education agencies in providing teacher training, retraining and in-service training in mathematics and science.

Mr. President, I believe it is crucial that Congress take action to address these problems. I support S. 1285 and urge the support of my colleagues.●

Mr. DOMENICI. Mr. President, I rise in support of S. 1285, the Education for Economic Security Act. I am a cosponsor of this bill because it is a vital piece of legislation that addresses a serious and significant problem in our American schools.

S. 1285, I am pleased to note, incorporates several elements of S. 248, the National Mathematics and Science Excellence in Education Act of 1983 which I introduced in the Senate in 1983.

I believe that the merit scholarship program for future math and science teachers, the award program for teaching excellence, and the Secretary of Education's set-aside for children in Indian schools will all contribute toward improving the quality of math and science education for all American students.

There are some significant differences between the bill before us today and the one I introduced 9 months ago. The block grant which I proposed has been replaced by several categorical programs and the cost of the legislation has doubled. Nevertheless, I am most grateful to the distinguished chairman of the Education Subcommittee, Senator STAFFORD, and the distinguished chairman of the full Committee on Labor and Human Resources, Senator HATCH, for the extent to which they have accommodated my interests.

Clearly there is a grave need for legislation in this area. Innumerable sources have documented that a severe shortage of science and math teachers exists.

In 1980, 43 States reported a shortage of math teachers, 42 reported a shortage of physics teachers, and 38 reported a shortage of chemistry teachers.

Further, over the past decade, there has been a 79-percent decline in the number of individuals preparing to teach mathematics, and a 64 percent decline in the number of individuals preparing to teach science.

This shortage means that fewer math and science classes are available to students. Consequently, math and science achievement has declined steadily. Consider the facts:

Only one-third of the 21,000 U.S. high schools teach calculus and fewer than one-third offer physics courses taught by qualified physics teachers.

At public 4-year colleges, 25 percent of the mathematics courses are remedial and at community colleges, 74 percent. Between 1975 and 1980, remedial mathematics enrollments at colleges and universities increased ten times faster than enrollment.

I do not believe that our students have become duller or less capable of learning. The problem is that we need more teachers and better qualified teachers. We must do something to reverse this trend.

Many of my colleagues have asked how I, as Budget Committee chairman, can support the creation of a new Federal program. I would like to answer that question now.

Our Nation is in an economic recovery. It is crucial that we lay the building blocks to insure that this recovery endures. The United States must maintain its preeminence in the development of high technology industry and its leadership in scientific research. This type of legislation will help sustain a long-term recovery in at least two ways.

First, better basic education and training will improve the quality of the labor force and our Nation's productivity. This will help to keep prices stable and improve the standard of living in this country.

Second, higher productivity and the resulting improvement in America's competitiveness in the world marketplace will also help improve our overall budget situation and put Americans back to work.

No Senator has worried more about the effect that large deficits will have on our economic recovery. I have come to the conclusion, however, that we plan for a long-term economic recovery, not a 1-to-2-year cycle of prosperity. We need to find ways to use our limited revenues to improve the growth of the Nation's economy. We cannot afford to lose a generation of scientists and experts. We must make an investment in science and math capabilities to insure that America can compete and that our future will be prosperous.

For these reasons, Mr. President, this Senator is an enthusiastic supporter of this legislation and hopes that his colleagues will join him in voting for this bill.

Mr. KASTEN. Mr. President, as a cosponsor of S. 1285, the Education for Economic Security Act, and as chairman of the Senate Republican Task Force on Initiatives to Strengthen Schools, I ask my colleagues to join in giving a sorely needed boost to math and science education in our Nation.

There is little argument that education in the United States has been suffering in recent years. As the National Commission on Excellence in Education pointed out in "A Nation At Risk:"

> The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people.

The most visible educational shortcomings are math and science programs, which have failed to provide future workers with the necessary skills to compete in a highly technical society. The decline of these programs has jeopardized our Nation's ability to compete in the world market, and has challenged our once-dominant international standing.

In recent years, we have largely ignored our educational system, fostering mediocrity in scientific and technological innovation and allowing other nations to surpass our achievements. Our education system, particularly the math and science curriculum, fails to meet the challenges of our rapidly changing society and poses a real threat to the security of our Nation. We must act now to avert any further erosion.

Numerous bills have been offered in the House of Representatives and the Senate to address deficiencies in education, and we all have our own ideas about the best way to achieve excellence in this area. Certainly this bill would not remedy all of the problems; true reform will take time and a serious commitment at the Federal, State, and local levels. But we can no longer afford to sit idly by—we must act now to address the most critical problems plaguing the system.

S. 1285 provides additional education funding to support teacher institutes for math and science training and retraining, course development, math and science teacher awards and merit scholars. This legislation is an important first step.

Mr. President, I believe strong math and science programs are critical to the security of our Nation, and I ask my colleagues to join me in voting to turn the tide of mediocrity in education by supporting passage of this legislation.

● Mr. TSONGAS. Mr. President, I would like to express my great appreciation to Senators Pell, Stafford, Quayle, and Hatch for their efforts in bringing this bill before the Senate. I would particularly like to thank them for including title III, which incorporates S. 631, the High Technology Morrill Act, which I introduced last March with Senators Stennis, Hart, Pell, Randolph, and Baucus. That bill and now title III, called Partnerships in Education for Mathematics Science and Engineering, are designed to mobilize educational resources and industry partnerships to strengthen our economic position in a new technological era.

This new era is characterized by rapidly changing technology and sharp international competition. The competitiveness of both our high technology and mature industries depends on U.S. scientific and technological leadership—that is, on increasing rates of technological innovation and productivity. In turn, these goals depend, to an unprecedented degree, on the availability of scientists, engineers, technicians, and managers with the right technological skills. Without these human resources, we cannot remain competitive.

Assessment after assessment shows that we are failing to develop the human resources needed for economic growth. Our technological education is inadequate to meet the challenge of our international competitors. We are failing to provide basic science and math skills to our elementary and secondary school students. We are producing too few engineers, in some fields, and too many of our engineering graduates lack first-rate training. We are failing to keep our work force current with technological advances, thus wasting the talents of our most experienced engineers, technicians and managers.

While applications for engineering programs are up, our colleges and universities are hobbled by severe faculty shortages and obsolete equipment and curricula. There is a serious shortage of graduate students, threatening the future supply of Ph. D.s and faculty.

The results are abundantly clear. Math and science achievement scores of precollege students are declining. Enrollments in math and science courses are down, as are curriculum requirements. And, most seriously, we are facing a critical shortage of qualified math and science schoolteachers. As a consequence, fewer students adequately prepared in math and science are available to enter technological fields.

International comparisons cast us in an unfavorable light. Many other industrial countries are beating us in both the quantity and quality of their technical work force. Many of them have dramatically upgraded their technological capacity, including their ability to respond to technological change. If we continue to slight technology education, we cannot remain competitive.

There is precedent to suggest that our educational system, if properly assisted, can rise to a challenge of this magnitude. The Morrill Act of 1862 established the land grant college system that helped revolutionize U.S. agriculture. The GI bill after World War II made undergraduate and graduate training widely available. The National Defense Education Act of 1958—the response to sputnik—mobilized education to protect national security. The Education Amendments of 1965 responded to demands for greater social justice by expanding educational opportunities.

The educational challenge facing us today requires a new mobilization of educational resources. We must increase the quality of technological education at all levels. This includes raising basic math and science skills of high school students, upgrading science and engineering programs in our colleges and universities, and offering training opportunities for unemployed workers and working professionals with outmoded skills.

Educational institutions cannot handle this job alone. Only through a partnership among industry, schools and government can we adequately mobilize our educational system for economic growth. Industry must play a major role in providing direction, expertise and investment. Some companies have recognized this responsibility. They see their investments in education not just as charitable contributions, but as an important element of their competitive strategy. More and more companies are instituting university programs to strengthen technological education.

Similarly, State governments are also recognizing the importance of technology and education in meeting their economic development objectives. Many States have begun programs to invest in technology education in order to attract new firms.

While these efforts are helpful, they are unequal to the task. Industry's contribution for education, while growing, still represents a very small fraction of the need. For each university helped many more receive nothing. While some States have bolstered technological education significantly, many ideas remain on the shelf for lack of funds.

Federal involvement is clearly required. But the Federal Government should build on the initiatives of industry and the States, not compete with them. This is the basic idea behind both the High Technology Morrill Act and title III of the Education for Economic Security Act. Title III establishes a competitive grants program to provide matching Federal assistance for joint initiatives of private industry, educational institutions, and State governments to strengthen science, engineering, and technical education. In order for a project to be eligible for the 50-percent matching Federal grant, private industry must contribute 30 percent, and States or other non-Federal participants 20 percent of the total cost. The bill would allot $30 million in fiscal year 1984 and $60 million in fiscal year 1985.

This program would not simply throw dollars into education. It is not a quick fix. It is intended to spur long-term investment in education by encouraging the development of partnerships among industry, education, and government.

Why do we propose a partnership of this kind? Requiring industry participation would insure that activities supported by this title reflect the priorities of the private sector as it seeks to maintain American technological leadership. The title's requirement of State participation assures that projects are responsive to the State's economic development strategies, employment policies, and educational priorities.

The title is comprehensive in scope. It would apply to projects for all levels of our educational system, including elementary and secondary schools, community and junior colleges, 4-year colleges and universities, graduate schools, and programs for continuing education and job retraining.

The title is designed to encourage diversity, experimentation, and innovation in approaches to technology education. It could support a broad range of efforts at the local and regional level. It could, for example, fund research/training centers, modernize lab equipment, initiate new technicians' training programs in community colleges, develop continuing education programs for technical professionals, and establish computer literacy programs in schools. The title also could reinforce efforts to raise educational productivity by development of new educational methods and equipment, teach the management of technological innovation and improve the access of women, minorities and the handicapped to technological fields.

Like the first Morrill Act, the High Technology Morrill Act sought to parlay our Nations' natural resources into educational benefits. The Morrill Act of 1862 devoted 17 million acres of Federal land for founding agricultural colleges across the country. Proceeds from the sale of the land were invested, and interest earned accumulated in a perpetual fund for the support of the land-grant colleges. Similarly, the High Technology Morrill Act would have turned over a small percentage—3 percent—of the revenues the Federal Government receives from sale of energy and mineral resources on Federal lands into a technology education trust fund. This fund—totaling roughly $500 million a year for 5 years—would have been the source for technology education grants.

Unfortunately, there was not enough time for the committee to resolve the complex budgeting and jurisdictional questions involved in establishing a long-term funding mechanism. But the $30 million for this year and $60 million for next year is enough to establish the program. At this level, these funds can serve as a catalyst and an experiment to demonstrate how much more effectively we can improve technology education when we work together, and when we rely on the private sector to identify priorities.

Mr. President, I believe that the Education for Economic Security Act, is a comprehensive bill. The initiative that the Senate takes here today will fuse the interests of government, industry, and education into a national policy to insure a supply of scientific, engineering, and technical personnel adequate to insure U.S. scientific and technological leadership, to maintain U.S. international competitiveness and domestic employment, and to safeguard national security.●

● Mr. KENNEDY. Mr. President, I support S. 1285, to improve the quality of math and science education teaching and instruction in the United States. This legislation represents a significant first step toward meeting the challenges to math and science education posed by an increasingly technological world.

The quality of our Nation's math and science education has reached a point referred to by the National Commission on Excellence in Education as "desperate." The Commission reported a shortage of teachers in math and science in almost every State.

The Commission also reported that, between 1975 and 1980, remedial courses in public 4-year colleges constituted one-quarter of all math courses taught in those institutions.

This situation leaves us inadequately prepared to meet the needs of a technological future. Computers are penetrating every aspect of our lives: In our homes, in our factories, and in our businesses. Technology is rapidly transforming many other professions and occupations. They include health care, medical science, energy production, food processing, construction, and the building, repair, and maintenance of sophisticated scientific, educational, military, and industrial equipment.

As I stated, this legislation is a significant first step toward meeting these needs. My hope is that we will continue to support these efforts and give serious consideration to increasing support for these programs in the future.

S. 1285 contains a critical support for foreign languages education. Along with the challenges of an increasingly technological world, we face the challenges of an increasingly interdependent world. Our economic security demands that we focus more of our resources on teaching languages, as well as math and science skills.

Finally, I am pleased that this bill provides significant language insuring the access of women, minorities, and other underserved populations to the programs created in this legislation. We must improve the access of our Nation's disadvantaged populations to math and science education as a means of providing access to tomorrow's technological professions and occupations.

I commend my colleagues for their efforts to move this legislation and urge its swift enactment.●

Mr. CHAFEE. Mr. President, I rise in support of the amendment offered today by Senator HEINZ to establish a program of awards to local education agencies to carry out plans for improvement of elementary and secondary schools.

I was pleased to join Senator HEINZ in introducing the Excellence in Education Act last year because I believe it is important for the Federal Government to encourage local efforts to attain the highest possible level of achievement in our schools. This legislation would establish a modest program of grants to local schools where plans for reform are underway. It does not purport to be a sweeping solution to the problems we face in education. But it can help to reinforce the Federal Government's role in the partnership for improving schools.

By now we are all familiar with the report of the National Commission on Excellence in Education, issued last April. In assessing the shortcomings of education in the United States and recommending steps for improvement, the report has helped to catapult education to the forefront of our national consciousness more prominently than at any other time in the past two decades.

The report provides a sobering analysis of our problems in education as well as a positive blueprint for change. Although there will be disagreement about some of the report's conclusions, there can be little question that it has effectively enabled us to focus on where we are and where we should be headed in education today. The Commission report does not profess to be the final word but rather a starting point for efforts to improve schools in America.

The report has contributed to a greater public awareness about the critical connection between educational quality and our Nation's economic competitiveness and prosperity. Other studies and reports have followed, urging steps to bolster instruction and reverse the decline. States and school districts across the country have responded in recent months by implementing a variety of plans for improvement. Education remains the primary responsibility of State and local governments. They are closer to the particular problems facing each school district. They can best determine which approach to follow in the drive toward improvement.

But I believe it remains extremely important for the Federal Government to point the way—to exert consistent leadership in the quest for quality. We have begun by calling public attention to the need for improving education. We can continue by encouraging local efforts to implement the improvements. This legislation provides an incentive for local schools to look ahead, to determine where they want to go and what must be done to get there. School administrators must be willing to set concrete goals for local schools. They must bring together those whose cooperation is crucial—students, teachers, parents, principals, the community—and give them something to shoot for. A plan of action with a specific aim.

This legislation encourages such local efforts by authorizing the Secretary of Education to award grants of up to $40,000 to 1,000 schools across the United States over the next 2 years. The schools would be selected on a competitive basis by local school districts, State education officials and the Secretary of Education. Awards would be made to schools which demonstrate a commitment to pursue goals of improvement, by setting forth plans to implement recommendations of the recent reports for bolstering educational standards and instruction.

Among the eligible activities are:

Modernization and improvement of curricula;

Increasing of graduation requirements in basic subjects;

Implementation of attendance policies with clear sanctions to reduce absenteeism and tardiness;

Experimentation with a longer school day or longer school year;

Proving incentives to teachers for outstanding performance, including financial awards and administrative relief, such as the removal of paperwork and extracurricular duties; and

Demonstration of new and promising models of school-community relationships and business-education partnerships, including the use of nonschool personnel and community volunteers to alleviate shortages in areas of instruction such as math and science education.

To encourage such public/private partnerships in public education, the legislation sets aside 20 percent of the award money for schools that match Federal funds with private sector contributions.

This legislation is designed to permit local educators to assess their needs, develop plans, and pursue activities to improve the total school environment. It is thus a unique approach which does not prescribe a single solution but encourages local educators to concentrate on those strategies best suited to their schools. It will help to demonstrate that the Federal Government is interested not merely in talking about quality education, but working as an active partner with local school districts to bring about positive change.

Last fall, representatives of 144 schools were honored here in Washington for outstanding achievements in the Secretary of Education's secondary school recognition program. We are all proud of the magnificent accomplishments of these schools. Their recognition helps to bolster public awareness about the many wonderful contributions being made in our public schools today. This legislation will encourage continued strides toward excellence by rewarding schools which are determined to attain the highest possible level of achievement.

The passage of this amendment will signify that Congress remains deeply committed to improving American education. I hope my colleagues will join me in voting for its adoption.

Mr. BRADLEY. Mr. President, as a cosponsor of S. 1285, the Education for Economic Security Act, I am pleased to see this legislation finally come before the Senate for action. It will provide over $400 million annually to education institutions to upgrade education in mathematics, science, computer instruction, foreign languages and vocational education.

Specifically, the legislation requires that over 40 percent of the funds go to elementary and secondary schools, with funding specifically earmarked for development of instructional programs, model programs, foreign language teaching and the acquisition of equipment. Over 20 percent of the funds go for the development of vocational education programs in new and emerging technologies, with the remaining funds for institutions of higher education, primarily for teacher training and retraining. Local schools and colleges will retain the flexibility to tailor programs to meet local needs and determine how these funds will be spent.

Mr. President, this bill does not bust the budget. I want to remind my colleagues that the budget that we adopted last month included a $1.3 billion increase in funding for education, including roughly $400 million for this important piece of legislation.

I know that some people question whether we can afford a new multimillion dollar education program in these times of fiscal austerity. In my opinion, however, the real question is whether we can afford to forgo this kind of legislation and still address the challenges confronting us. And I believe the answer to this question is clear.

Mr. President, the facts speak for themselves:

Mathematics SAT scores have fallen from an average of 502 in 1963 to 466 in 1980. That is hardly surprising when you consider that only one-third of our high schools offer more than 1 year of math or science, and at least one-half of all our high school students now take no math beyond algebra and no more than 1 year of science. In addition, our foreign language proficiency has dramatically declined; there has occurred over the past 15 years a 40-percent decline in high school credits awarded for foreign language study.

Nationwide, 22 percent of the high school mathematics teaching posts are vacant, and 26 percent of the occupied posts are filled by uncertified or temporarily certified people. A study by the National Science Teachers Association reveals a 77-percent drop in the number of secondary school math teachers being trained and a 65-percent decline in science teachers.

Less than one-third of all freshmen entering college in New Jersey are fully proficient in basic verbal and arithmetic skills, and only about 10 percent are fully proficient in elementary algebra.

And the problems are not only at the elementary and secondary level. Recent studies show that only one-sixth of our college graduates majored in math, sciences and engineering. In Japan, more than a quarter do so; in West Germany, more than a third; and in the Soviet Union, over a half.

Our economy is changing rapidly. Increasingly our economy is fueled by information processing, high technology and international trade. The Bureau of Labor Statistics projects by 1990 a 40-percent rise in demand for scientists and engineers and a 50-percent increase in demand for individuals in the computer field. Our country needs a highly skilled labor force capable of filling these jobs, and the best way for us to meet this need is through a major increase in our investment in educating our citizens.

Mr. President, a major component of this legislation is aimed at correcting these deficiencies by upgrading the Nation's "teacher stock." The legislation will help us in three key areas: First, training more new teachers in math, science, computer learning, and foreign languages. Second, retraining teachers from other disciplines to help fill the gap. And third, retaining the current supply of teachers through teacher awards and other incentives.

Mr. President, our economic security depends upon the education of our people. In order to effectively compete internationally, the American work force must be second to none. Presently, in many fields, our edge is slipping, and our educational institutions simply cannot keep pace with the rapid pace of technological change. We need to help our educational institutions adapt to these changes if we are to continue to grow as a nation.

In summary, Mr. President, our schools and colleges must more effectively prepare, students for the new job demands of the 1980's. We need to strengthen our present instructional programs and improve teacher training and retraining programs to help fill the gaps. This legislation is a step in the right direction, and I urge my colleagues for their support.

Mr. BYRD. Mr. President, I support S. 1285, the Education for Economic Security Act. As my colleagues know, since last fall I have consistently urged that this bill be brought up for consideration on the floor. I am very pleased that we are now turning our attention to this measure.

Last September, I made a statement on this floor concerning the state of America's system of education and our responsibilities as Members of Congress to that system. I made the speech then, in part, because it was back-to-school time, and education was uppermost in the minds of all parents and grandparents. But more importantly, I made that statement because it is virtually impossible to pick up the morning newspaper without being confronted with a study of the problems of our educational system. We face the unavoidable fact that education in America is in crisis. It needs our undivided attention.

Our future as a nation and as a people is indeed threatened, Mr. President, by this crisis in education. I believe, as do many of my colleagues, that our national security depends upon our solving this crisis. The education of our youth today is our Nation's future prosperity, its future health and well-being, its future security. We cannot afford to do less than to provide adequately for the future.

Of particular concern, as highlighted in the studies, was the crisis in the quality of the mathematics and science education in our schools. The reports tell us, as did many witnesses in the hearings on the bill before us today, that the quality of mathematics and science education in America has declined in the last 20 years. This decline is evidenced in student achievement test scores—the mean SAT score in mathematics dropped from 502 in 1963 to 466 in 1980, while the proportion of students scoring over 700 on the test dropped 15 percent between 1967 and 1975. Officials in America's high technology companies tell us that they are finding it increasingly difficult to find people sufficiently qualified to be trainees in their firms. And, there are critical shortages of competent mathematics and science teachers reported by almost every State.

Clearly, this is a national crisis. It requires a national response.

This bill, S. 1285, is a part of that response. The Education for Economic Security Act is a modest bill, geared primarily to efforts to increase the quality of mathematics and science instruction. The bulk of the funds in the bill will assist State and local education agencies in providing teacher training, retraining, and inservice training in mathematics and science. This part of the bill carries an authorization of $350 million for fiscal year 1984 and $400 million for fiscal year 1985.

The bill also would provide $45 million in fiscal year 1984 and $80 million in fiscal year 1985 for National Science Foundation programs such as teacher institutes, materials development, graduate fellowships, undergraduate scholarships, and discretionary projects $30 million in fiscal year 1984 and $60 million in fiscal year 1985 would be authorized for private sector and educational institution partnerships for special projects in mathematics and science education, to be awarded by the National Science Foundation. Finally, the bill authorizes moneys for Presidential awards for excellence in elementary and secondary teaching.

In total, S. 1285 would authorize roughly $425 million in fiscal year 1984 and $540 million in fiscal year 1985. Considering the level of need in every school in every State in this country, and my State of West Virginia is no exception, this bill is a modest, yet urgently needed response. It is an investment in our future which, if properly administered, will pay enormous dividends.

I am pleased that the Senate is finally responding to the crisis—more than a year after the House passed its math/science bill. I urge my colleagues to join in support of this bill.

This bill represents only a part of the response the Congress must make to the educational crisis in our Nation. But it is a welcome and important step in the right direction.

● Mr. LAUTENBERG. Mr. President, I am pleased to rise in support of S. 1285, the Education for Economic Security Act, better known as the math-science education bill, which I have cosponsored. This bill authorizes nearly $1 billion over 2 years for the training of teachers and improvement of instruction in mathematics and science.

This bill is a response to recent concern about the shortage of teachers in the fields of mathematics and science, and the quality of teaching in those vitally important subjects. In the last year or so, one for another, prestigious commissions have reported on the declining condition of American education. The National Commission on Excellence in Education described "a rising tide of mediocrity that threatens our future." It compares the poor performance of American schools to an "unthinking, unilateral educational disarmament."

One source of these problems in education is the shortage of mathematics and science teachers and the resulting inadequate preparation being given to students in these fields in elementary and secondary schools. In my own State of New Jersey all counties report that they have a shortage of these teachers. And new teachers are not coming into the system. From 1973 to 1982 the number of certificates issued for math teachers declined by 67 percent and for science teachers by 64 percent. This compared to an overall 45-percent decline in new certificates for all subjects. The number of substandard certificates, issued to teachers who lack either the academic work in the subject for which they seek certification or the required teaching method courses, has increased dramatically over the last decade. Recently, one-quarter to one-third of the new certificates in math and science were substandard.

This situation cannot continue. Individual States have to look to their own resources to find ways to attract, train, and retain high quality teachers. But, this is also a national problem. The Federal Government must also provide assistance in alleviating the difficulties. This bill, S. 1285, provides resources to the National Science Foundation to establish teacher training institutes and develop training programs and instructional materials and programs, as well as providing awards to excellent teachers and scholarships to potential teachers. It also authorizes a formula grant program for the States, local school districts, and institutions of higher education to improve teaching skills and instruction in mathematics, science, computer learning, and foreign languages.

Mr. President, 2 years is not enough time to rebuild our supply of teachers or to strengthen all our instructional programs, but it is plenty of time to make a major start. It will signal the children of this country that we intend to improve the quality of their education and signal to present and future teachers that we value their work and will encourage them in their vocation. I am pleased to support this measure.

Although the focus of this legislation has been on mathematics and science, it also must of necessity include computer education. Technical competence cannot be achieved in today's world without a knowledge of computers and their application. I am pleased that the committee amendment which has been offered to S. 1285 will clarify the intention that funds under this legislation can be used to train teachers and students in computer education. This clarification was added at my request and I appreciate the interest and concern of the committee to this important matter.

Mr. President, the ability of this country to compete in the economy of the future depends on the quality of the workers we produce today. The strength of our educational system is crucial to our future. The legislation which we are considering today will go a long way toward providing the education this country needs and our children deserve.

I urge the adoption of S. 1285.●

Mr. SPECTER. Mr. President, I strongly support S. 1285, a bill to improve the quality of mathematics and science teaching and instruction.

This bill would authorize grants to local educational agencies and institutions of higher education which make applications for the establishment and operation of teacher institutes for the enhancement of mathematics and physical and life sciences.

The legislation also allows for the establishment of merit scholarships in mathematics, science and engineering education. Scholarships are awarded at the level of $5,000 per year for a period not to exceed 4 academic years.

A further provision includes financial assistance to State and local educational agencies, and to institutions of higher education, to improve the skills of teachers and instruction in mathematics, science, computer learning and foreign languages.

Numerous commissions and experts have lamented and deplored the state of public education in our country. This legislation is the positive step toward improving our educational system and responding to some of the criticisms that have been made. Math and science education have been frequently mentioned as areas particularly warranting reform and improvements. This bill will remedy some of these problems by helping prepare teachers in math and the sciences, and assisting States and local governments in upgrading existing programs in the public schools.

In my home State of Pennsylvania, I have received comments from teachers, administrators and members of the boards of education from various places across the State citing the need for this assistance. Many school systems have made a strong commitment to upgrading science and math programs, but are in need of Federal assistance and funding to meet this important goal.

We in the Congress have an obligation to provide this support and I urge my colleagues to promptly act on this legislation.

● **Mr. LEVIN.** Mr. President, numerous studies on the condition of education in America, including the National Commission on Excellence in Education, the National Task Force on Education and Economic Growth, and the report of the 20th Century Fund, make it abundantly clear that we have a crisis in education—specifically the deteriorating conditions of American math and science instruction. This is a national crisis and it warrants a national solution.

The legislation before us is a critical first step on the part of the Federal Government in meeting the crisis head on.

Concern about the declining quality of math and science programs in secondary schools is being expressed for a variety of reasons. Student performance on standardized tests is considered to be inadequate, and many teachers reportedly lack optimum qualifications. College students entering teaching do not score as high as those planning for other careers. Schools are unable to employ sufficient qualified teachers.

The performance of high school students on college entrance examinations has been a matter of concern for the past decade. Overall scores for high school graduates declined for several years in the late 1960's through the mid 1970's, but now appear to have stabilized. However, scores in science and math have not followed this pattern and have continued to decline. One reason for this pattern of decline may be related to the findings of the aforementioned studies which indicate that as many as one-half of the high school graduates take no math or science courses after the 10th grade.

Some observers have contended that the relatively few courses in math and science required for high school graduation may be a contributing factor to the decline in test scores and low interest in math and science careers. Students interested in pursuing a math or science major in college often find that their high school sequence of courses may not have included the types of courses needed to facilitate entry into the collegiate sequence; this situation is more prevalent in math than in the sciences, but is also found in the physical sciences. A filter screens out students who do not take advanced math courses in high school even though their test scores may suggest high math aptitude and ability.

Reports of various efforts to determine the magnitude of the supply problems related to qualified teachers for high school science and mathematics programs suggest that shortages have become serious and that the situation is unlikely to be resolved soon without some type of intervention. Problems relate to the reduction in the number of persons entering preservice teacher education programs in science and mathematics, inadequate qualifications of persons applying for teaching positions in these fields, a need to upgrade current teacher expertise, and the loss of qualified teachers to higher paying jobs in business and industry. Surveys of urban school districts and summary information provided by State and local educational agencies indicate the areas of greatest shortage are chemistry, physics, Earth sciences, and mathematics.

Mr. President, in order to enhance our Nation's economic productivity and insure an adequate number of skilled individuals to meet our national defense needs, it is necessary to improve the quality of instruction and levels of student achievement in mathematics and science at the elementary and secondary education levels. And, to increase the supply and strengthen the qualifications of teachers of mathematics and science at the elementary and secondary education levels.

S. 1285, the Education for Economic Security Act meets this challenge by establishing a number of new grant programs to be carried out by the Department of Education and the National Science Foundation. Specifically, title I authorizes the National Science Foundation to fund programs for teacher institutes, development and dissemination of materials, teaching awards, scholarships, and research activities for improving instruction in mathematics and the physical and life sciences; title II authorizes the Department of Education to make a block grant to States for improving instruction in mathematics, science, computer learning, and foreign languages; title III authorizes the National Science Foundation to allocate funds to States for cost-sharing grants to improve instruction in mathematics, science, and engineering, and title IV authorizes the President to make Presidential Awards for Teaching Excellence in Mathematics and Science.

Mr. President, it is a pleasure to support this much-needed legislation.●

Mr. MATSUNAGA. Mr. President, as a cosponsor of the pending measure, the Education for Economic Security Act, I rise to express my strong support for S. 1285.

This bill incorporates the best ideas for improvement of math and science education and, in particular, addresses the problem of teacher shortages in these areas. It is the product of careful deliberation and appropriate compromise by members of the Senate Labor and Human Resources Committee.

Mr. President, the Education for Economic Security Act represents a positive step toward addressing the serious problems raised by the Report of the Commission on Excellence in Education, entitled "A Nation At Risk." This report warns us that throughout the world, other countries are surpassing our achievements in commerce, industry, science, and technological innovation. The root of our problem is the shocking state of our educational system; a system that has been swept by a rising tide of mediocrity. The deterioration in our math and science instruction, the lowering of standards and course requirements, the shortage of qualified teachers, the decline in student interest, and the lack of skilled technicians and well-trained scientific personnel are all symptoms of the decline of educational delivery throughout the Nation.

Mr. President, reports have shown that the mean scholastic aptitude test (SAT) score in mathematics has dropped from 502 in 1963 to 466 in 1980. This general decline is accompanied by a similar trend in math and science skills of the best students in our country and of students who actually plan to enter the teaching profession.

These facts threaten our ability to compete in the technological revolution and impede the growth of this Nation's industrial base. In essence, these facts threaten America's basic economic strength and national security.

Mr. President S. 1285 will meet these urgent needs of our Nation. Title II of S. 1285 authorizes $350 million for the first authorized year and $400 million for the second, primarily for grants to States for programs to enhance teacher training, retraining, and inservice training. In addition, S. 1285 includes important incentives for cooperation between the private sector and educational institutions, authorizes programs under the National Science Foundation for teacher institutes, materials development, and other activities, and provides for awards to recognize excellence in teaching.

I believe the Education for Economic Security Act will make an important contribution toward addressing the serious deterioration of math and science education in this country. I therefore urge prompt and favorable consideration of the pending measure.

● **Mrs. HAWKINS.** Mr. President, I rise in support of passage of S. 1285 which is intended to help restore America to a position of leadership in the development of new technology and provide for future economic growth. This bill provides approximately $400 million to support the development of superior math and science skills in our students. Under the formula grant program included in this bill, this means over $11 million to support math and science education in Florida. This will be an enormous boost to my State's education program.

Mr. President, this legislation is vital to meeting the educational needs of our students today—and to laying groundwork to meet our economic needs tomorrow. The National Commission on Excellence in Education identified the area most in need of improvement as being math and science education. In the year since the National Commission made its report, the Nation has responded. In each of the 50 States, and in thousands of local school districts, new emphasis has been placed on improving the quality of education.

Secretary of Education, T. H. Bell, has just released "The National Response," a report detailing the activities of the 50 States over the last year to improve education standards, increase teachers' salaries, upgrade graduation requirements, develop more effective curriculum, and acquire new facilities. But the efforts to improve education in America have not only been made by State or local government. Renewed commitment to education is evident throughout our communities. The National Parent Teacher Association reports an increase of 70,000 members over the past year. The increase is a dramatic reversal of a 20-year decline in the PTA's membership. Business and private foundations have made significant new commitments to improve the quality of American education. These new partnerships in education deserve support. Title III of S. 1285 specifically promotes these activities. Under the matching requirements of the legislation, a new commitment combining the resources of the public and private sectors will be possible. As a result of this legislation, up to $60 million in 1984 and $120 million in 1985 will be available to the States to support these partnerships.

Mr. President, S. 1285 is an important step for the Federal Government to take. It is a measured response to the problem of how to improve math and science education in the United States. It is my firm belief that the most effective programs for education are born at the local level. During the last year, the response to the report of the National Commission from the local level has proven once again that this is true. Now, the Federal Government should act to complement the many efforts already underway. I urge my colleagues to support passage of the Education for Economic Security Act.●

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 3150

(Purpose: To make technical and conforming changes and other modifications in the bill)

Mr. HATCH. Mr. President, I send an amendment to the desk.

The **PRESIDING OFFICER.** The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 3150.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 4, strike out "and".

On page 3, line 5, before the period insert a comma and the following: "Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands".

On page 3, line 14, strike out "section 1001(k)" and insert in lieu thereof "section 198(a)(17)".

On page 3, line 21, insert "State and" before "local".

On page 4, line 5, insert after "education" a comma and the following: "and each State educational agency and institution of higher education".

On page 4, line 10, after the period insert the following: "A State educational agency may apply jointly with one or more institutions of higher education.".

On page 6, line 6, before the period insert a comma and the following: "except that the Director may waive the requirements of this sentence if there is no proposal from a State that meets the requirements of this part".

On page 7, line 11, strike out "and" and insert in lieu thereof a comma.

On page 7, line 12, before the semicolon, insert a comma and the following: "computer learning".

On page 7, line 16, strike out "and" the first time it appears and insert in lieu thereof a comma.

On page 7, line 17, before the period insert a comma and the following: "and computer learning".

On page 7, line 19, insert "(a)" after "Sec. 122.".

On page 7, line 20, beginning with "an" strike out through "agency" on line 21 and insert in lieu thereof "an eligible applicant".

On page 8, line 1, insert "(A)" after "that".

On page 8, line 3, strike out the semicolon and insert in lieu thereof a comma.

On page 8, line 4, insert "State or" before "local".

On page 8, line 4, strike out "or" and insert in lieu thereof "(B)".

On page 8, line 6, after "education" insert ", or (C) in the case of a profession of a society or association described in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education,".

On page 8, line 11, strike out "making application".

On page 8, between lines 19 and 20, insert the following:

"(b) For the purpose of this part an eligible applicant means—

"(1) an institution of higher education,

"(2) a State or local educational agency, and

"(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering."

On page 9, beginning with line 3, strike out through line 2 on page 10.

On page 10, line 3, strike out "Part D" and insert in lieu thereof "Part C".

On page 13, line 7, strike out "Part E" and insert in lieu thereof "Part D".

On page 13, line 19, strike out "Sec. 151." and insert in lieu thereof "Sec. 141.".

On page 13, between lines 21 and 22, insert the following new sentence: "In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act.".

On page 14, line 12, strike out "Part F" and insert in lieu thereof "Part E".

On page 16, strike out lines 7 through 10 and insert in lieu thereof the following:

"PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

"Sec. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers.".

On page 16, line 25, strike out "part D" and insert in lieu thereof "part C".

On page 17, line 1, strike out "$4,000,000" and insert in lieu thereof "$3,000,000".

On page 17, lines 2 and 3, strike out "parts C and E" and insert in lieu thereof "part D".

On page 29, line 4, beginning with "and" strike out through "an" on line 6 and insert in lieu thereof the following: "not later than nine months following the date for which funds under this title become available, a preliminary".

On page 29, line 8, after the period insert the following new sentences: "Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available.".

On page 29, line 8, strike out "such" and insert in lieu thereof "first".

On page 33, line 4, strike out "sections 211 and 212" and insert in lieu thereof "sections 210 and 211".

On page 34, line 6, strike out "and".

On page 34, line 7, before the semicolon insert a comma and the following: "and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language and computer learning, including the qualifications of teachers at the elementary level to teach in such areas".

On page 34, line 7, strike out "and".

On page 34, line 9, strike out the period and insert a semicolon and the word "and".

On page 34, between lines 9 and 10, insert the following:

"(3) improving the access to instruction in mathematics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals.".

On page 34, line 12, strike out "and".

On page 34, line 14, before the period insert a comma and the following: "and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208".

On page 37, line 3, strike out "and" and insert in lieu thereof a comma.

On page 37, line 4, after "education" insert a comma and the following: "and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations".

On page 48, line 13, insert "elementary and" after "to".

On page 48, line 18, insert "elementary and" before "secondary".

On page 48, line 19, after "one" insert the following: "elementary school teacher and one".

On page 49, after line 2, insert the following:

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 403. (a) There are authorized to be appropriated $1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

"(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title.".

(1) the term "applicant" means with respect to activities described in section 305(a) an institution of higher education and the other participants described in paragraph (3) of section 305(a), and with respect to activities described in section 305 (b) a local educational agency and the other participants described in paragraph (3) of section 305(b).

On page 39, line 24, strike out "(1)" and insert in lieu thereof "(2)".

On page 40, line 1, strike out "(2)" and insert in lieu thereof "(3)".

On page 40, line 3, insert "and" after the semicolon.

On page 40, line 4, strike out "(3)" and insert in lieu thereof "(4)".

On page 40, line 6, strike out the semicolon and the word "and" and insert in lieu thereof a period.

On page 40, strike out lines 7 through 12.

On page 40, line 15, strtike out "States" and insert in lieu thereof "applicants".

On page 40, line 22, strike out "A State" and insert in lieu thereof "An applicant".

On page 42, line 1, strike out "A State" and insert in lieu thereof the words "An applicant".

On page 43, line 10, strike out "STATE".

On page 43, line 11, stike out "State" and insert in lieu thereof the word "applicant".

On page 43, line 12, beginning with the word "make" strike out through "require" on line 15 and insert in lieu thereof the following: "submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require.

On page 43, strike out lines 16 through 22.

On page 43, line 23, strike out "(2)" and insert in lieu thereof "(1)".

On page 44, line 1, strike out "(3)" and insert in lieu thereof "(2)".

On page 44, line 6, strike out "(4)" and insert in lieu thereof "(3)".

On page 45, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 45, between lines 13 and 14 insert the following new clause:

"(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title;".

On page 46, line 1, strike out "States or" and insert in lieu thereof "applicants in".

On page 46, line 5, beginning with "An" strike out through the period in line 24 and insert in lieu thereof the following: "Each applicant within a State which desires to receive a grant under this title shall prepare and submit an application to the appropriate State agency for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought.

On page 47, lines 1 and 2, strike out "local educational agency" and insert "applicant".

On page 47, line 7, strike out "State educational agency" and insert "the appropriate State agency".

On page 47, line 10, insert "(1)" after "(a)".

On page 47, between lines 11 and 12, insert the following:

"(2) No application may be approved by the Foundation unless it is first approved by the State from which it is submitted.".

On page 47, strike out lines 15 through 18.

On page 47, line 20, strike out "Sec. 310" and insert in lieu thereof "Sec. 309".

On page 47, line 21, strike out "State" and insert in lieu thereof "applicant".

On page 48, line 5, insert "applicants in" after "to".

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3150) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask the manager of the bill if he is aware of any particular amendments or whether we can move very shortly to third reading.

Mr. HATCH. Mr. President, there may be a couple of amendments, and I suggest the sponsors of them come to the floor as soon as they can.

In the meantime, there is an amendment that I believe will be agreed to. It is an amendment by Senator HUMPHREY to encourage the establishment in elementary and secondary schools of extracurricular activities involving modern technologies.

AMENDMENT NO. 3151

(Purpose: To encourage the establishment in elementary and secondary schools of extracurricular activities involving modern technologies)

Mr. HATCH. Mr. President, I send an amendment to the desk on behalf of Senator HUMPHREY and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH), for Mr. HUMPHREY, proposes an amendment numbered 3151.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, line 23, strike out "and".

On page 43, line 3, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 43, between lines 3 and 4, insert the following:

"(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools."

Mr. HUMPHREY. Mr. President, this amendment is offered in an effort to enhance the opportunities open to students to pursue mathematics and science education outside the classroom. The point of my amendment is to encourage the formation of computer clubs and other school-based hobby groups through which students can develop an enduring interest in modern technologies.

Title III of the bill before us establishes a matching grant program under the National Science Foundation for cooperative projects sponsored jointly by State and local officials, educators, and industry and association leaders. While the bulk of activities authorized under this title are geared to teacher training, funds can also be used to promote public understanding of mathematics, science, and engineering. I believe an equally valuable activity that can be carried out under this title is to promote extracurricular pursuits, such as hobby clubs, where students can gain hands-on and self-directed experience with computers and other equipment. My amendment provides that grants may be used to facilitate setting up such hobby clubs in schools.

There is no shortage of reports alerting us to the fact that precollege students are taking fewer science and mathematics courses than they did formerly. Studies indicate that many students find the courses more difficult and boring than other electives and often acquire a dislike for them at an early age. On the other hand, students seem to respond more favorably to scientific and mathematical ideas when exposed to them outside the classroom, on television and in museums.

Some educators are therefore urging school systems to explore ways of making curriculums more exciting and activity oriented. While changes in this direction might be helpful, classroom teaching will always demand a considerable amount of memorization and textbook study. There is no getting around that schooling is often hard work.

Fortunately, a good number of students do develop an abiding interest in science courses and in the area of mathematics. They are the ones who become the engineers, chemists, physicists, the scientific, and technical workers whose expertise is so essential to the continued economic strength of our Nation.

But perhaps there would be a larger proportion of students interested in science and mathematics if schools afforded more opportunities for extracurricular activities linked with these fields. Certainly many students who are drawn to mathematics and science courses are also attracted to community or mail-order science clubs, or they may undertake science-related projects at home on their own or with the help of an interested teacher. Such self-initiated activities can provide a practical focus that can make classroom learning seem more relevant and worthwhile.

My amendment will make it easier for schools to come up with the resources needed to set up computer and ham radio clubs and similar student-directed activities. Many school districts are currently having difficulty stretching their budgets and cannot be expected to set aside the small amount of funds required to initiate these clubs. Yet with the help of private business, donating equipment or assisting financially, high tech clubs could easily become a regular addition in our schools. There can be little question that such facilities would have a highly beneficial impact in motivating students toward scientific and technical careers.

Mr. HATCH. Mr. President, this amendment will make it easier for schools to come up with the resources needed to set up computer and ham radio clubs and similar activities. I believe it is a very good amendment, and I think everybody is in agreement.

Mr. PELL. Mr. President, this is an excellent amendment, and I support it. I think it deserves to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3151) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I think the distinguished Senator from Rhode Island is correct: Senators who have amendments should bring them to the floor, or we will move to third reading. In any event, to give a little time for Senators to get here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, will the distinguished Senator from Utah yield to me for a question?

Mr. HATCH. Yes, I am happy to yield for a question from my dear colleague from West Virginia, Senator RANDOLPH.

Mr. RANDOLPH. A decade ago, the Appalachian Regional Commission initiated an experiment using NASA satellites to deliver inservice training to teachers in rural Appalachian communities. That project enjoyed such enthusiastic grassroots support, both regionally and nationally, that in 1980 the commission spun it off into an independent nonprofit corporation. Now known as ACSN—the learning channel, it is today an educational cable television network serving over 3½ million homes, nearly 100 colleges and universities, and many public school systems.

An important part of the network's programing day is devoted to inservice training for teachers. Just recently, the learning channel held a widely acclaimed national teleconference for teachers and administrators on the reading problems of our children. On June 30, the learning channel will use its cable network for a live, interactive teleconference in which noted scientist Dr. Robert Jastrow will discuss new technologies with over 100 of Kentucky's top high school students.

Although more than a thousand miles will separate the students in Kentucky from Dr. Jastrow at Dartmouth College, they will meet face-to-face through the use of sophisticated satellite and cable technology. Those youngsters will not only be privileged to hear the comments of one of this Nation's leading scientists, but they will be able to ask him questions and to discuss issues with him, thanks to the marvel of telecommunications and the learning channel.

I have given this background on ACSN—the learning channel as a preface to a question relating to title II, section 206, of the Education for Economic Security Act. That section designates educational television stations as eligible recipients for funds. The remarkable success and long experience of the learning channel in the television delivery of educational programs leads me to this question: Is it the intent of the act to include nonprofit cable television networks, such as ACSN—the learning channel, as eligible recipients of funds under the act?

Mr. HATCH. Yes, it is our intent to include nonprofit cable networks, although since the awards authorized by sections 206, 207, and 212 are competitive, it should be understood that the scope of impact of an award to a cable network must be taken into account. Realistically, for example, a local education agency may not fund a proposal under section 206 from a cable TV network if the availability of cable TV is not sufficient across the school district.

However, the Senator is quite correct that there was no intent to exclude such non-profit cable television networks from applying for a grant.

Mr. RANDOLPH. I thank the Senator.

Mr. HATCH. Mr. President, it is my understanding that the distinguished Senator from Mississippi has an amendment that he will bring to the floor shortly. Also, the distinguished Senator from Alabama (Mr. DENTON) has an amendment, and he intends to offer it very soon. Until then, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, in fashioning the Education for Economic Security Act, the members of the Labor and Human Resources Committee were in agreement that the greatest need in upgrading instruction in mathematics and science in our schools was in the area of training, retraining, and inservice training of our teachers. The major emphasis in this legislation, therefore, is that of providing training, retraining and inservice training programs. This emphasis is most clearly demonstrated in title II, where funds are directed first to be spent on training programs, and after needs in these areas have been adequately addressed, funds can then be spent in other areas.

There is no doubt, however, that there is a considerable need for updating, improving and expanding instructional materials and laboratory equipment in our schools. The recent report of the National Science Board Commission on Precollege Education in Mathematics, Science and Technology asserted that the United States "is failing to provide its own children with the intellectual tools needed for the 21st century." The Commission, as others have also reported, found that "there is now a glaring absence of technology education in American schools—a lack of curricula, course materials, demonstrated teaching methods, and qualified teachers." Many courses badly need revision and updating, it was noted, and "better trained teachers must have more up-to-date courseware in order to teach effectively." Testimony before the Education Subcommittee agreed with the Commission's findings, and indicated that there is a critical shortage of laboratory equipment and courseware materials in our Nation's schools.

In this connection, there has recently come to my attention a study that complements others that have been made over the years. This consisted of complete inventories of equipment now in use in undergraduate civil engineering facilities. Soiltest, Inc., of Evanston, Ill., one of the major producers and suppliers of engineering testing equipment in the United States, has identified 224 universities and colleges as having such programs, and has made a detailed check of equipment used for instructional purposes. This is the first time that such a detailed study of this kind has been made.

In almost all cases in this survey, tests—as prescribed by the American Society for Testing and Materials—could not be performed due to missing parts or obsolescence; 30 percent of the major pieces of equipment used in basic instruction was from 10 to 20 years old, and 40 percent of the laboratories surveyed avoided enforcing testing sessions due to the quality and quantity of facilities available. Although this survey is of necessity being restricted to the area of civil engineering, the same problem is prevalent in other technical disciplines. It was stated that many of the schools surveyed are being forced to conduct their instruction by means of a blackboard.

The Texas Society of Professional Engineers submitted a detailed report on the situation existing in that State. In a survey of the 10 major State-supported engineering colleges, it was determined that laboratory and teaching equipment needs totaled $99 million, and that of this amount, $37 million was deemed of critical importance.

In conclusion, the Texas report noted that—

> The engineering education complex is very close to a point of instability. Staff shortages, enrollment increases, and laboratory obsolescence all contribute to the degradation of quality education. And it was added that if the decline in quality continues, then our industrial and defense complex will be unable to function effectively in the years to come. The word "crisis" is no exaggeration.

It is my understanding that the committee, fully aware of this considerable need, has made provision in this legislation for addressing this very severe problem. Am I correct in stating that proposals for purchasing, updating or improving laboratory equipment and instructional materials would most definitely be eligible for funds under Title III of this bill?

Mr. HATCH. The Senator is correct. Under title III, proposals from partnerships formed between business and schools could most definitely include programs for improving and expanding laboratory equipment and instructional materials in elementary schools through higher educational institutions. I agree with Senator PELL that we are facing a critical problem with respect to shortages in courseware equipment.

I think it is interesting and of considerable value to all of us in Congress to go back and review the effects on our educational system of the National Defense Education Act (NDEA), especially title III of that act, which was aimed at strengthening instruction in science, mathematics, foreign languages, and later, the humanities and arts. The NDEA was originally formed in 1958, and it continued with relatively few changes into the 1970's.

In a report prepared by the Office of Education in 1969, when NDEA was in its 11th year, it was noted that the program had experienced considerable growth, with the number of eligible subjects increasing from 3 to 11. Appropriations for equipment and minor remodeling jumped from $49 million in 1959 to $75 million in 1969. Reasons given by the States for the expanding needs in these areas included increased enrollments, obsolescence of equipment and materials, rapid advances in technology, and the demands made by new methods of instruction, such as the laboratory or inquiry method.

Reports from the States and local school districts indicated a great need for equipment and materials which would provide for individualized instruction in all courses. There was also a demand for flexible laboratories, for experimental and demonstration equipment. Many schools lacked basic laboratory facilities with running water, and there was a shortage of such items as microscopes, science kits, glassware, and models. As a result of NDEA title III funds, continuous improvements were being made in equipping science, mathematics, and foreign language laboratories.

The effectiveness of NDEA's title III must also be attributed to the requirement that Federal funds were matched by the State and local school districts. This resulted not only in more money but in stimulating interest and local participation. Later, when various titles of the act were consolidated, the matching provision was dropped which diminished involvement and educational impact at the local level.

Most States reported that achievements of students in critical study areas continued to improve during the 1960's. Some 25 States indicated that students had made significant gains, according to standardized achievement tests, in at least one critical subject, and the majority of these States reported such gains in three or more subjects. Most frequently mentioned were courses in the sciences, mathematics, and modern foreign languages.

In the light of these reports indicating the progress being made in educational programs through the use of funds judiciously invested in instructional materials and equipment, it is shocking and discouraging to see what has happened over recent years. Actually, the amounts appropriated for these programs were relatively small in the 1960's, but the significance lay in the manner in which they were provided and used. The practice of consolidating titles became more common, and this served to weaken the impact of most instructional programs, especially in the areas of science, mathematics and engineering, and we are currently experiencing a severe shortage of instructional materials and equipment that is impeding the effectiveness of mathematics, science and engineering courses in our schools.

I yield the floor to my colleague from Rhode Island.

Mr. PELL. I agree with the statements of my colleagues that the need to improve and expand instructional materials and laboratory equipment in the math and sciences is considerable. It has been frequently noted that budget restraints have been an important factor in preventing our schools from acquiring the materials and equipment they need for science and engineering courses. But, while increases in the amounts appropriated for this purpose are vital, it is also important that a partnership between the Federal Government and private industry be encouraged. It is clear that the business community must assume a more active role in the development of programs which will help to insure that the engineering and scientific needs of our schools are met. Thus, it is the committee's intent, as stated in section 305(E) of title III, that partnership programs eligible for funding could most definitely include proposals for the acquisition, rehabilitation and renovation of equipment and instructional materials for courses in mathematics, science, computer science and engineering.

I also point out that under title I part B, dissemination and development of instructional materials for training in subparagraph (2) could very definitely include the development and dissemination of laboratory equipment. In addition, under title II, after a local educational agency has determined that it has met the need for training and retraining teachers in math and science, it may then use its funds under this title for other needs such as computer learning and instruction, and instructional materials and equipment related to mathematics and science.

I am concerned that great progress was made in instruction during the sixties, only to be followed by atrophy and neglect in subsequent years. Today we are alarmed and respond with the Education for Economic Security Act. My question is: Are we in a pattern of alarms and crisis reactions? How can Congress know that what we authorize here is having a desired and sustained effect?

Mr. HATCH. I too share the concern of my colleague from Rhode Island. It is this very concern over the sustained effect of efforts made under the Education for Economic Security Act that prompted the committee to include a section for evaluation and policy analysis. Here the National Institute of Education is specifically charged with responsibility for evaluating the effectiveness of the effort to improve math and science education. This means that the Congress should be able to identify the rate of improvement and measure what is happening in the separate academic categories. Congress must be kept informed, on a timely basis, about the level of progress. It will then be possible to identify the pitfalls of poor program design and, as the report states, "recognize where the legislation can be strengthened or streamlined." That is definitely a vital part of this legislation, and that is our intent.

I thank my colleague from Rhode Island for recognizing the considerable needs our schools face with respect to instructional materials and laboratory equipment, and for identifying those sections of the Education for Economic Security Act where funds may be directed toward these needs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3152

(Purpose: To provide that it shall be unlawful to deny equal access to students in public secondary schools who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act)

Mr. DENTON. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Oregon, Mr. HATFIELD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON), for himself and Mr. HATFIELD, proposes an amendment numbered 3152.

Mr. DENTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the appropriate place add the following:

TITLE I.—THE EQUAL ACCESS ACT

That this title may be cited as The Equal Access Act.

SEC. . (a) It shall be unlawful for any state or local educational agency that receives Federal financial assistance and that by policy or practice generally allows groups of secondary school students to meet during non-instructional time to deny equal access and opportunity to, or discriminate against, any student meeting on the basis of the religious content of the speech at such meeting if—

(1) the activity is voluntary and student initiated;

(2) there is no sponsorship of the activity by the school, the government or its agents, or employees;

(3) the activity is not in and of itself unlawful; and,

(4) the activity does not materially and substantially interfere with the orderly con-

duct of educational activities within the school.

(b) Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof to (1) influence the form or content of any prayer or other religious activity, (2) require any person to participate in prayer or other religious activity; or, (3) expend public funds beyond the incidental cost of allowing student-iniated activities on institution or school premises.

DEFINITIONS

Sec. . As used in this Act—

(1) the term "State educational agency" has the same meaning given that term by section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local education agency" has the same meaning given that term by section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "secondary school" means a public school which provides secondary education as determined by State law.

(4) the term "sponsorship" includes the act of a teacher or administrator or other such employee who leads, or participates in the meeting. The assignment of a teacher, administrator or other such employee for the custodial purpose of assuring the orderly conduct of religious student meetings does not constitute sponsorship of the meeting.

(5) the term "meeting" means any extracurricular activity allowed by the school. The term "meeting" does not include officially sponsored school athletic teams that participate in interscholastic competition.

(6) the term "non-instructional" means that the student is not receiving curricular instruction from a teacher.

SEVERABILITY

Sec. . If any provision of this Act or the application thereof to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the Act and the application to other persons or circumstances shall not be affected thereby.

Sec. . The provisions of this Act shall supersede all other provisions of Federal law that are inconsistent with the provisions of this Act.

Sec. . Nothing in this Act shall be construed to limit the Constitutional rights of any public school student.

Mr. DENTON. Mr. President, I will be presenting the Denton-Hatfield compromise on the issue of equal access for secondary students in public schools.

Today we consider an equal access amendment that will permit the name of God to be uttered again in our public schools other than profanely. This equal access amendment would clarify and confirm the first amendment rights of freedom of speech, freedom of association, and free exercise of religion which accrue to public secondary school students who desire voluntarily to exercise those rights during noninstructional periods of the school day when the school permits other student groups to meet.

This equal access legislation has had 2 full days of hearings before the Judiciary Committee. During markup of S. 1059, which was this Senator's original version of the bill, the bill was favorably reported as a committee substitute by a bipartisan vote of 12 to 4.

The substitute included a number of changes and suggestions from such major contributors as Senator Biden, Senator Hatch, and Senator Metzenbaum. Also changes from S. 815, the original Senator Hatfield version, were adopted and further improvements were adopted during hearings, improvements suggested by such organizations as the National Council of Churches. This is not a raw, unpolished, inconsiderate version. It is one which I am fully confident will meet the approval of my colleagues, and our colleagues in the House.

Mr. President, equal access legislation is necessary because school administrators have felt constrained to prohibit and have canceled voluntary student meetings for the single reason that speech at such meetings contains religious content. In some cases, schools have been coerced into this situation by the threat of costly lawsuits initiated by ACLU attorneys. In other cases, school administrators are simply unsure about the scope of first amendment rights that accrue to students and hence feel constrained to ban voluntary student meetings of the type described.

This confusion has in part been the result of conflicting lower court decisions in Lubbock and Brandon. In Widmar, a 1981 Supreme Court case, the right of university students to meet for religious purposes on campus were upheld because the university generally allowed a variety of other groups to meet. In the Tinker (1969) case, the Supreme Court recognized that first amendment rights of secondary school students are protected even during school hours, giving rise to the well known quote that "students do not shed their first amendment rights at the schoolhouse gate."

In Bender against Williamsport Area School District, a lower Federal court upheld the right of a student religious club, named Petros, to meet during a student activity period when various other student groups were allowed to meet. Lisa Bender, the named plaintiff in the Williamsport case, testified before the Judiciary Committee. Her response when the school denied the right of Petros to meet was "* * * we saw in the Constitution that our freedom of speech was being denied us * * *." A number of other student witnesses before the Judiciary Committee affirmed Lisa's concern.

Bonnie Bailey of Lubbock, TX, commented:

> We have been taught that the Constitution guarantees us freedom of speech. But we feel that here we have been discriminated against, because we can picket, we can demonstrate, we can curse, we can take God's name in vain, but we cannot voluntarily get together and talk about God on any part of our campus, inside or out of the school.
>
> We just feel frustrated because we don't feel like we are being treated equally.

Judy Jankowski, of St. Paul, MN, compared the policies of two nations on religious liberty.

> A few years ago, I visited Poland with my family. We stayed with a family that have (sic) five children in school. I observed how restricted they were to express themselves politically and religiously, and I was thankful that I lived in the United States and that I had the freedom to express myself and share political and religious beliefs with others.
>
> Now, just a few years later, I see the same restrictions put on me and my fellow classmates that are on the students in Poland, and I find this very disturbing.

Peter Eagan, of Snohomish, WA, pointed out that at his school the words Christopher Columbus uttered when he discovered America would be prohibited.

These examples create an ominous perception of State hostility toward religion when schools treat student religious expression in such a manner. Students are led to believe that to talk about religion places them at odds with the law of the land, our Constitution. Such an impression makes the religious student a victim of discrimination, they become second-class citizens. Sarah Scanlon, of Sonoma, CA, after she was told by the school board that a voluntary Bible study was illegal but the principal would look the other way and allow the activity to continue, said:

> All this has left many people very confused. The Board said at the end of the meeting that they were going to stick by their original decision, and yet, we were still going to be allowed to pray. But the original decision said that was illegal.
>
> I think that, as the law stands, it is very ambiguous and causing a lot of unnecessary trouble. We need it clarified, and hopefully with a law that would enable a group of students interested in discussing a topic of major importance to their lives, religion, with the freedom that other students discuss topics of interest to them.

Mr. President, the Equal Access Act would correct the confusion in our school system by accommodating students who desire to meet voluntarily, just as do their fellow students, for religious purposes. It is wrong for religious speech to receive less protection than political speech or any other speech in which students engage.

I invite my colleagues' attention to the fact that equal access, as we have brought it forth here in the Senate, does not pose the same problems that many of our colleagues raised during the school prayer debate. Under equal access there is no student-led, or teacher-led, prayer during classroom time. No student will be pressured to hear religious expression that violates his or her conscience or sensibilities. No student will be required to recite a prayer with which he or she disagrees. Students who do wish to participate in religious speech will choose to attend voluntary meetings that are offered alongside a wide assortment of other student activities. Thus, a choice to attend a meeting with religious content will be voluntary in the truest sense.

Even during voluntary student meetings, teachers are not allowed in this bill to lead or participate in the meeting. If the school so desires, they may appoint a teacher to sit in the back of the room in a custodial capacity to insure the health and safety of the students—in other words, general order and discipline purposes—and there are some school insurance policies which require teacher's presence at any student activity.

Under equal access, the State, through the teacher, would not be an official sponsor, thus assuring that equal access complies with the establishment clause of the first amendment.

Mr. President, student initiated groups are being banned all over our Nation. In February of this year, Los Angeles country schools banned all Bible studies on campus. In Canton, Md., a student Bible study has been banned. The principal in that case desired that the group continue to meet but was confused about whether the Constitution permitted such a meeting in view of the Court's rulings on the matter. The Judiciary Committee hearings also revealed numerous examples of bans being placed on student religious groups. Judy Jankowski was told that her group would have to finish its meeting by 7:30 a.m., 1 hour before school started at 8:30 a.m. This of course prevented any student who takes a bus to school from attending a meeting.

Stuart Kennedy of North Clayton Junior High School stated that Youth for Christ meetings were banned at his school even though "Drama Club, the Beta Club, FHA, Math and Science Club, the newspaper staff, student council, Letterman's Club, language clubs, and Chess Club" were allowed to continue to meet.

In a legal summary, Mr. President, many court decisions support the right of secondary students to meet for religious purposes. I have already mentioned the Williamsport decision at the district court level that has upheld the right of a student religious club to meet. In Scoville against Board of Education, a student rights case, the Court stated that:

> The fact that it (a case) involved a university is of no importance, since the relevant principle and rules apply generally to both high school and universities.

In Reed against Van Hoven a Federal district court upheld a school policy allowing student-initiated prayer groups to meet before school. In Florey Sioux Falls School District the district court stated:

> The First Amendment does not forbid all mention of religion in public schools; it is the advancement or inhibition of religion that is prohibited . . . (W)hen the primary purpose served by a given school activity is not made unconstitutional by the inclusion of some religious content.

In Gay Rights against Bonner a Federal court upheld the right of a gay rights student group to meet at the high school level. In Wilson against Chancellor, a Federal district court struck down a school policy that banned political speakers in high school classes.

In Bager against Kinzler a Federal district court struck down a restriction on information about contraception and abortion in the student newspaper.

Mr. President, if the Gay Rights Club can meet, if political speakers have access to classrooms, if the student newspaper can advertise abortion referral, then surely fundamental fairness and equal treatment demand that religious students be allowed to meet under the same terms and conditions as other students do.

I ask my colleagues to support this legislation and to clarify the rights of secondary school students.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Humphrey). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to compliment the distinguished Senator from Alabama for his leadership on this amendment. I know he has tried to bring this subject up as a separate bill from time to time. I really believe that all he is asking is that voluntary student religious groups be treated equal to those groups where voluntary students meet now.

I believe that the amendment of Senator Hatfield and Senator Denton is carefully crafted. Basically, it would solve the problem that presently exists. It would recognize the religious student groups. My personal belief is that it is an amendment that really everybody should support.

I also believe that the distinguished Senator has shown great courage in fighting this battle through the years he has been in the Congress.

I might also point out that this is one of the first times that this matter has ever really reached the floor in either House of Congress. It is the first time it has reached it in this particular form, which I find to be a satisfactory form.

The Senator from Alabama has shown great courage in so many fights here in the Congress since he has arrived. There are very few people who I think have grasped the significance of serving in the U.S. Senate and the opportunity to serve his fellow men and women as Senator Denton has.

I, for one, am much in his debt. I, for one, have a great deal of respect for him. I, for one, hope that our colleagues will permit this amendment to be voted upon and then see where we go from there. I believe it is an amendment that deserves to be supported. I hope my colleagues will support it. We can talk about it technically, but I think everybody is aware of what the amendment is, what it really means, and how much hope it will give to people all over this country who themselves believe that the so-called wall of separation between church and state really never was contemplated to the nth degree that it exists today by those who founded this country and established the Constitution of the United States.

I am pleased to be a supporter of this amendment and will do everything I can to assist the distinguished Senator from Alabama with regard to this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I am not sure whether anybody wants a rollcall vote on this particular amendment, but I did ask Senator Pell, the distinguished ranking minority member, if he knew of anybody who would want a rollcall vote on this amendment. He did not know whether anybody did, but he said he would like to check on that.

I chatted with the distinguished Senator from Alabama and he agrees that we should send out notice to all Senators that this amendment is up; that if they do object to it or want to debate it now is the time to do so. If anybody wants a rollcall vote, and neither Senator Denton nor I want a rollcall vote, they should come to the floor and notify us that they do. I suggest a reasonable time to do that.

I would hope that those who want to speak for this amendment should come to the floor and speak for it as well. Let us give a reasonable period of time for Members to get here. I understand that it is the day of the annual seafood luncheon, and I presume a number of our colleagues are there.

With the consent of the distinguished Senator from Alabama, we will allow time for whoever wishes to come to the floor.

Mr. DENTON. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. DENTON. I want to first thank my distinguished chairman on the Labor and Human Resources Committee for his remarks, for his support of this bill, for his leadership to me as a chairman and as a Senator, and as a gentleman. I totally concur, Mr. President, with the Senator's fairness in trying to assure that we obtain a vote on this and that we have sufficient debate on the matter.

Mr. HATCH. I thank the distinguished Senator from Alabama for his remarks. It is my understanding that the minority is checking to see if anybody wants a rollcall vote. There have been some expressions from people who would like to speak to this matter. I am hopeful that they will get to the floor soon.

Perhaps now would be a good time to have a quorum call for a short period until we can get enough Senators here to resolve this problem.

We cannot do that until we notify the majority leader and chat with him, and it will be his call on that. Until then, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DOMESTIC FOOTWEAR INDUSTRY

Mr. COHEN. Mr. President, later this afternoon, I am going to be introducing legislation to save one of the most critically ill industries in our Nation today, the domestic footwear industry. Senators MITCHELL, RUDMAN, PRYOR, SASSER, RANDOLPH, and BUMPERS will be joining me in this effort, and we wish to postpone the introduction until a more amenable time today.

I ask unanimous consent that I be allowed to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, earlier today, the International Trade Commission dealt what can only be described as a devastating blow to the domestic footwear industry in this country by denying its petition for relief under section 201 of the Trade Act of 1974. I sincerely believe that unless swift action is taken by the Congress, the ITC's ruling could bring about the final demise of this important industry.

The footwear industry illustrates the classic case of an industry that is unable to survive the onslaught of foreign imports. Since 1968, when tariffs were lowered, imports have increased by 232 percent. In 1983, they accounted for 64 percent of the U.S. market and over 6 percent of the entire U.S. trade deficit. Today, imported footwear comprises almost 75 percent of the entire retail market. No other industry suffers from as high a foreign penetration. We hear much about the plight of the auto and steel industries which are suffering from imports. The import penetration in those industries, however, does not even approximate the import levels endured by the shoe industry.

The impact of these imports has been devastating to the U.S. industry and its labor force. Unemployment in the industry exceeds 15 percent, almost doubling the unemployment rate in the overall U.S. manufacturing sector. Since 1981, 27,000 American shoe workers have lost their jobs due to factory closings. This equals more than 10 percent of the entire footwear labor force. In 1983 along, an estimated 4,000 shoe workers lost their jobs nationwide. My own State of Maine—the largest footwear manufacturing State in the Nation—has been hit hard by these imports. Nearly 2,000 Maine jobs have been lost since 1981, when the orderly marketing agreements were terminated. Nearly 11,000 jobs—I repeat 11,000 jobs—have been lost since 1968, when imports began their upward climb. Already this year, 700 more Maine jobs have been lost to imports.

Sadly, Maine is not an isolated case in this regard. My colleagues from Missouri, Arkansas, Pennsylvania, West Virginia, and several States can recite equally alarming statistics regarding the effects of footwear imports on their constituents. Factory after factory is closing throughout the Nation, no longer able to bear the unfair competition by foreign imports.

While factory closings present difficulties in any industry, the closing of a footwear factory creates particular hardships. Most shoe factories are located in rural and semirural areas where they provide the primary source—in come cases, the only source—of employment. In Maine, for example, an estimated 25 percent of all shoe factories are located in towns with populations of less than 5,000. More than one-third of the industry workers are 50 years or older, and almost two-thirds are women. When these workers lose their jobs, there is nowhere else to go for employment.

They cannot vote with their feet. They cannot march off to Silicon Valley and be retrained in computer chip factories.

Despite these devastating statistics of import penetration, factory closings, and lost jobs, those in the Federal Government who should be listening to the footwear industry have turned a deaf ear to the problem. Repeatedly, I am told that we should promote the principle of free trade and that our domestic industries should not fear foreign competition.

I, too, support free trade as long as it is fair trade, Mr. President. The domestic footwear industry, however, is the victim of a global trade game whose rules are anything but fair. The United States is the only major market which allows virtually unlimited footwear imports. There is no other country in the world that has open borders as the United States does. Most of our major trading partners have restrictions ranging from formal global quotas to excessive tariffs and licensing arrangements. Just last month, for example, Canada announced the continuation of its global quota program for an additional 18 months. Taiwan and South Korea, the two largest exporters of footwear in the world, maintain prohibitive tariffs of 50 to 60 percent.

The U.S. footwear industry is also faced with excessively low labor costs of foreign competitors. While the U.S. shoeworker is among the lowest paid of all U.S. manufacturing workers, the industry still cannot compete fairly with Korean labor costs of 74 cents per hour.

So, the U.S. industry is getting hit hard from two sides. On the one hand, they are being flooded with a surge of imports; and on the other, they are being prohibited from selling their goods abroad. I would not call this a system that celebrates free trade, because it is simply not fair trade.

Despite the devastation of the footwear industry, the ITC has refused relief. Therefore, I believe that Congress must act swiftly to save this important industry from further decline.

Mr. President, it is hard for me to exercise some restraint in commenting upon the rationale offered by the ITC. Simply put, they have found that there is no injury being done to this industry because some of the shoe companies actually made a profit; 22,000 jobs have been lost; that is one way to make a profit. Simply start laying off people, start shutting down factories; you can make a profit that way. Start moving your operations offshore and have the shoes made in other countries and shipped back into the United States. You can make a profit that way.

The ITC members have, in my judgment, totally turned the rule of law on its head. So latter today, I am going to be introducing the American Footwear Act of 1984 to provide relief.

This bill would restrict imports of nonrubber footwear into the United States to 400 million pairs per year, beginning on the effective date of this act. The Secretary of Commerce is directed to allocate the global product limitations among foreign countries, taking into consideration such factors as the country's average levels of imports between 1978-82, findings of unfair trade practices with respect to nonrubber footwear, and recent market trends.

This legislation presents a moderate, yet crucial, response to the footwear problem. The global quota established by the bill would allow importers to retain slightly more than 50 percent of the retail market. This is not protectionism; rather, it allows American workers to keep only 50 percent of the market—much less than is now enjoyed in other major industries.

Mr. President, I must admit that I am introducing this quota bill as a last resort. The domestic footwear industry has, however, availed itself of every possible remedy under our current trade laws, only to be rejected, in my opinion, by the ITC. It is now time for the Congress to step in and save this important industry before it is too late.

A few years ago, in 1981, when the present administration refused to provide relief recommended by the ITC, ironically enough, foreign competitors owned about 51 percent of the market. In the period of time between 1981 and 1984, it has climbed to a total of almost 75 percent of the entire market of this country. Three-fourths of all the shoes purchased in this country now are made in foreign countries.

As a final note, Mr. President, the ITC's rejection of the footwear petition reflects a larger problem in our underlying trade laws. If a classic case of injury by reason of imports—such as the footwear industry case—cannot pass muster under our trade laws, the laws then have to be changed. So I look forward to working with other members of the Footwear Caucus in seeking omnibus trade reform that will make these laws more responsive to our domestic industries.

REJECTION OF SHOE INDUSTRY TRADE PETITION

Mr. MITCHELL. Mr. President, I am deeply disappointed by the decision reached by the International Trade Commission on the question of shoe imports.

The Commissioners' vote that no injury has occurred to the domestic industry by imports which reached a level of 70 percent of the total market this year is difficult to understand. It is directly contradicted by the experience of many domestic firms and the workers who have been laid off from them.

The Commissioners' point that the average industry profit margin has remained stable for some 5 years and at a somewhat higher level than for other manufacturing industries completely ignores the fact that higher profit margins are limited primarily to the larger companies. The majority of the firms comprising the domestic industry, however, are small ones; their financial distress has been obscured by the good financial position of large companies.

The Commission's refusal to grant relief to a few companies whose growth and financial prospects are sound, however, does not help the many other companies which are suffering from the unprecedented import levels reached this year, and the high rate of imports which has prevailed since import relief was ended in 1981.

I am therefore adding my name to the legislation which would legislatively restrict footwear imports to 50 percent of the market, a generous share, and one which would give the smaller firms in the industry a chance to regain their competitive edge.

The facts about the domestic footwear industry and the import climate in which it has been forced to operate since President Reagan abandoned import relief in 1981 are well known. The domestic industry has retrenched, idled substantial numbers of factories, and has a jobless rate of more than double the national rate.

Imports have skyrocketed from taking half of our market in 1981 to almost two-thirds last year and to 70 percent in the first 2 months of 1984. The fact that some of the larger firms have been able to maintain stable profit rates in the face of such a market is a tribute to their aggressive use of the period of import relief to increase productivity. Smaller firms in the industry need additional time to make similar strides, and that is what the industry had requested—a temporary period of import relief to give all sectors of the industry a chance to recoup.

The fact that a period of import relief was of benefit to larger firms in the industry does not mean that every sector of the industry is today equally well able to compete, nor does it mean that none of it has suffered severe damage.

The opposite is true. Plant closings in Maine and other States have demonstrated that the massive surge of footwear imports that has occurred in the past 3 years carries very direct costs to the people employed by this industry and to the communities in which they live. The Commission failed to recognize those costs and focused, instead, on the makeup of the import market and the question of average profit margins industrywide. I believe that is a shortsighted focus, and I believe it is one that should be corrected legislatively.

So I will give my support to a legislative response.

In the meantime, I also urge the President to carefully review this decision and the facts not taken into account and to take action. Although the ITC recommendation was a negative one, very recent history demonstrates that an ITC recommendation is not the only tool available to the President to promote fair trade.

In 1981, although the ITC did not find that imported autos were injuring the domestic market, the President nonetheless managed to negotiate quotas with Japan which are still in effect, and which have substantially aided the profitability and sales of domestic auto manufactures. There is absolutely nothing preventing similar Presidential action in the case of footwear imports. I hope the President and his trade adviser will aggressively pursue negotiations with the nations most responsible for the massive shoe import surge to develop a more orderly trade in this sector.

In the absence of such action by the administration, Congress should act. It is simply too costly to the Nation to stand by and permit our domestic shoe industry to be destroyed, along with the 200,000 jobs that it and its supplier industries now create.

EDUCATION FOR ECONOMIC SECURITY ACT

The Senate continued with the consideration of the bill (S. 1285).

AMENDMENT NO. 3152

Mr. PACKWOOD. Mr. President, I have just had a chance to look at this particular so-called equal access amendment and am hoping that there will be someone on the floor soon to whom I can put some questions about it because I do have some questions. I know the Senator from Connecticut (Mr. WEICKER), who is in the official delegation at the D-day ceremonies, cannot be present today. I think he would like to talk about it at some length. It is my hope that the sponsors of this amendment would be willing to at least put it aside until the Senator from Connecticut can get back and, if not, I may be constrained to speak on it at some length until he returns.

Most specifically, however, my question goes to the issue of whether or not this is genuinely an equal access amendment for all groups, and I mean all groups, or whether it simply says that if the school allows some groups to meet it must allow religious groups to meet but it can still exclude other groups.

Until I can have an answer to that particular question, I am not sure that further debate would be worthwhile. I have no objection to allowing groups to meet after school on school premises if all groups are allowed to meet, and I think the standards that the authors of this amendment have put forth, namely, one, the activity is voluntary and student initiated; two, there is no sponsorship of the activity by the school, the Government, its agents or employees; three, the activity in and of itself is not unlawful, and, four, the activity does not materially or substantially interfere with the conduct of educational activities within the school are good criteria.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, there are a number of us interested in this amendment who are on the tax conference, the first meeting of which starts at 2 p.m. this afternoon.

I feel very strongly that I am not prepared to vote on this this afternoon and if necessary will try to find a way to avoid any votes on this this afternoon. But some of us have to go to that conference, so I would appreciate it if the proponents of this amendment could come to the Chamber so we could at least have some minimal debate and get from them their idea of what this amendment does before we proceed any further.

As to those of us who are on the tax conference and have to leave, I ask the majority leader to protect us and make sure there is no vote on this amendment until we get back from the conference, which will probably be, my hunch is, 5 or 6 p.m. tonight.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield. In fact, I yield the floor.

Mr. BAKER. Mr. President, let me say, first of all, that while I support an equal access amendment, I did not know that the amendment would be offered on this bill.

I also must say that I have requests on the calendar from Members on this side who wish to speak as and when an equal access amendment is offered on any measure, and at least one of those Members, and perhaps another on this side of the aisle, is not here now and will not be here until tonight or early in the morning.

So in addition to the remark made by the Senator from Oregon just now, it would be incumbent on the leadership on this side to honor that request from another Senator to try to keep this matter alive until that Senator has a chance to reach the Chamber and speak on it.

So it is not likely that we are going to be able to make much progress on this amendment this afternoon other than general statements, and it is virtually certain we are not going to have a vote on it until tomorrow.

So as to the Senator's inquiry about whether he could go on to the tax conference or not, I encourage him to do that.

Mr. President, let me say again I support an equal access amendment, and expect that I will vote for this amendment, but I do not anticipate that vote will come today.

Notwithstanding, Mr. President, I urge Members who are for or against this proposition to come to the Chamber and speak because it is an important amendment. It deserves the attention of the Senate, and there is no point in our wasting time. So, we may as well build a record on it while we have the opportunity.

But I will repeat what I said a moment ago: In order to honor a request made by Members on this side of the aisle to speak on this measure by Senators who are not present here today, it would not be the intention of the leadership to have a vote on this amendment today.

Mr. STAFFORD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. STAFFORD. Mr. President, in light of what the majority leader has said and at such time as Mr. DENTON, if he is able, can get to the Chamber, I wonder if it would be possible to set this temporarily aside so that we could proceed with one or two other amendments to this legislation, one of which is ready to go, is not controversial, and could be offered and accepted.

Mr. BAKER. Yes.

Mr. President. I would be happy to, but the distinguished Senator from Alabama is not here at this moment, and I will try to reach him and see if we can arrange that.

Once again the leadership on this side does not anticipate a vote on this amendment today.

Mr. President, I will try to reach Senator DENTON and see if we can get his consent and that of other Senators to temporarily lay aside this amendment so the managers can go forward with other measures.

Mr. STAFFORD. Mr. President, if the distinguished majority leader will yield further, I may offer this comment: I think Senators should have in mind that in light of the budget resolution which we passed within the last 2 or 3 weeks and the provisions there for educational money, it is extremely urgent that we pass the math-science bill so that that authorization is available to the Appropriations Committee and the $425 million that should be available for this year, fiscally speaking, is available. If we do not act promptly, that may well be lost.

Mr. BAKER. I thank the Senator.

Mr. President, unless some other Senator is seeking recognition to speak at this point, I am about to suggest the absence of a quorum in order to try to contact other Senators, but I would not suggest the absence of a quorum if another Member wishes to speak.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from Alabama be temporarily laid aside so that we can complete some other business, and then it will arise again.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

AMENDMENT NO 3153

(Purpose: to place responsibility for an asbestos in schools abatement program with the Environmental Protection Agency, to improve such program, and for other purposes)

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABDNOR. Mr. President on behalf of myself, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. SASSER, Mr. HUDDLESTON, Mr. HATFIELD, Mr. DURENBERGER, Mr. PERCY, Mr. PELL, Mr. MITCHELL, Mr. RANDOLPH, Mr. FORD, Mr. D'AMATO, Mr. BURDICK, Mr. SARBANES, Mr. BRADLEY, Mr. ANDREWS, Mr. MELCHER, Mr. COHEN, Mr. HOLLINGS, Mr. RIEGLE, Mr. CRANSTON, Mr. MATHIAS, and Mr. CHAFEE, I send to the desk an amendment to provide financially needy school systems with assistance in funding necessary asbestos abatement projects, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR), for himself, Mr. STAFFORD, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. SASSER, Mr. HUDDLESTON, Mr. HATFIELD, Mr. DURENBERGER, Mr. PERCY, Mr. PELL, Mr. MITCHELL, Mr. RANDOLPH, Mr. FORD, Mr. D'AMATO, Mr. BURDICK, Mr. SARBANES, Mr. BRADLEY, Mr. ANDREWS, Mr. MELCHER, Mr. COHEN, Mr. HOLLINGS, Mr. RIEGLE, Mr. CRANSTON, Mr. MATHIAS, and Mr. CHAFEE, proposes an amendment numbered 3153.

Mr. ABDNOR. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

SEC. 501. This Act may be cited as the Asbestos School Hazard Abatement Act of 1984.

FINDINGS AND PURPOSES

Sec. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local eductional agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this Act to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this Act to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

Sec. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this Act referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to State and local agencies and to other institutions for the purpose of carrying out activities described in this Act;

(3) the development within 45 days of enactment of this Act of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

Sec. 504. (a) Not later than three months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984 the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken; and

(b)(1) Not later than six months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984, and annually thereafter, the Governor of each State shall:

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of section 503(b)(3) and section 505; and,

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

Sec. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504(b)(2).

(2) Pursuant to section 4, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of 504(b)(4).

(3) Within 60 days of receipt of the information described in section 504(b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within 60 days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces or asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and,

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the governor pursuant to 504(b)(4); and,

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than 20 years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement; and

(3) repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and

(4) such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this Act.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employees engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the applications contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 7 of this Act.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512 (b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

Sec. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within 90 days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1); and

(B) what training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) Nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or federal worker protection laws.

(c) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the administrator deems necessary, including——

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this Act.

ANNUAL REPORT

Sec. 507. During each of the 10 calendar years after the year in which this Act is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this Act. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

Sec. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this Act from the persons identified by the Attorney General as being liable for such costs.

Sec. 509. No State or local educational agency receiving assistance under this Act may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

SEC. 510. Except as otherwise provided in section 508, nothing in this Act shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights of any party under any other law.

SEC. 511. For purposes of this Act—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within each reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the dispersal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

SEC. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this Act shall remain available until expended.

(b)(1) A state with qualified applicants shall receive no less than one-half of one per centum of the sums appropriated under this Act, or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "state" means each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this Act, up to 10 percentum shall be reserved during the fiscal year ending September 30, 1984 and up to 5 percentum for the fiscal year ending September 30, 1985, for the administration of this Act and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and record-keeping; and,

(D) the development of a comprehensive testing and technical assistance program.

Mr. ABDNOR. Mr. President, the link between exposure to asbestos and diseases of the lung is well documented. Children are believed to be particularly susceptible due, in part, to the early period of life at which they are exposed.

Last year, this body narrowly rejected an amendment offered by the distinguished Senator from Kentucky (Mr. HUDDLESTON) to provide $50 million under the existing Department of Education authority for asbestos abatement in schools. Many of us had concerns about the Department of Education's ability to properly administer this type of program. I believe, Mr. President, that the Environmental Protection Agency, unlike the Department of Education, does have the expertise to administer this program. Moreover, the agency has been engaged for more than a decade in developing a technical assistance program (TAP) to aid school administrators and others around the country in addressing the issue of asbestos in their buildings.

Mr. President, EPA has recently begun to find school districts which have failed to comply with its asbestos inspection and notification requirements. I have been advised that the Administrator believes that these enforcement efforts will encourage school systems to take appropriate action to mitigate potential risk to students and school personnel. Unfortunately, Mr. President, a number of school systems are unable to front-end the cost of an abatement program. It is these school districts that we are seeking to assist.

I wish to make clear to my colleagues that the concerns raised by representatives of the asbestos industry in response to the original amendment filed on March 29 of this year have been given careful consideration. The final section of the original amendment has been adopted in its entirety, and the liability provisions have been altered in response to industry's concerns.

In addition, technical changes have been made in the original text of the amendment to reflect the technical concerns raised by EPA.

Mr. President, we are not setting up a program which will result in the wholesale removal of asbestos from our Nation's schools. Rather, we are providing assistance only for cost-effective abatement projects including, but by no means limited to, removal.

This amendment enjoys the support of the National School Boards Association (NSBA), the National Parent Teachers Association (PTA), the National Education Association (NEA), the American Association of School Administrators (AASA), and the Council for American Private Education (CAPE).

Mr. President, I wish to thank the distinguished chairman of the Subcommittee on Education, Arts, and the Humanities, Mr. STAFFORD, who I have the privilege of working with on the Committee on Environment and Public Works, for his assistance, and that of his most able staff, without which we would not have the opportunity to offer this amendment today. I also wish to thank both the ranking member of the subcommittee, Mr. PELL, and the ranking member of the Environment and Public Works Committee, Mr. RANDOLPH, for their help in this effort. I must make special mention also of all those Senators who are sponsors of this amendment, particularly Senators MOYNIHAN, LAUTENBERG, HUDDLESTON, SASSER, and HATFIELD, whose staffers have spent many hours in the drafting of this vital legislation.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. STAFFORD. Mr. President, I am happy to have the opportunity to cosponsor the amendment of the Senator from South Dakota (Mr. ABDNOR).

The Senator's amendment would make two substantial improvements in the asbestos in schools abatement program. First, it would amend the existing law in several areas, thus making it more practical and workable. Second, it would place the responsibility for administering this program with the Environmental Protection Agency rather than the Department of Education, where it is now lodged.

Like many others, my State has schools where asbestos has been used as a building material and where, as a consequence, children, teachers, and school employees are exposed to a substance which is a documented cancer-causing agent. Although there is a Federal assistance program now on the books, it has several defects which have made it essentially unworkable. It is also located in the Department of Education, whose employees have little interest or expertise in asbestos abatement.

The amendment of Senator ABDNOR seeks to cure these defects. First, he proposes several amendments to the program; and second, he proposes to place responsibility for it in the Environmental Protection Agency. These are both considerable improvements, and I urge their adoption.

I am pleased to be a cosponsor of the amendment with Senator ABDNOR, and I am prepared as chairman of the Subcommittee on Education, Arts, and Humanities to accept the amendment for our side. I can also say that as chairman of the full Committee on Environment and Public Works that I endorse the movement of this program over to EPA, and under the jurisdiction of that committee where it really belongs.

I do not know of any additional speakers. I cannot speak for Senator PELL. But I believe he is prepared to accept this also.

I would state to the Chair that Senator PELL does accept this amendment for the minority.

Mr. President, I suggest the Senator move the amendment.

Mr. MOYNIHAN. Mr. President, I rise today to join my distinguished colleagues, Senators ABDNOR, STAFFORD, and LAUTENBERG, in offering an amendment to establish within the Environmental Protection Agency (EPA) a program of technical and financial assistance to address the asbestos hazards in our Nation's schools.

Between 1940 and 1973, asbestos materials were applied for fireproofing and insulating purposes to the ceiling, walls and other parts of thousands of school buildings throughout the country. Asbestos, the common name for a group of natural minerals that separate into thin but strong fibers, is now known to pose a considerable health risk. Asbestos fibers can be released into the air from building materials that are damaged or incompletely sealed. When inhaled, asbestos fibers can cause a number of serious diseases. Epidemiologic evidence shows that asbestos exposure can cause asbestosis, a chronic lung disease that impairs breathing, mesothelioma, a rare cancer of the chest and abdomen, and cancers of the lung, stomach and colon.

Once in the body, asbestos remains there indefinitely. Moreover, asbestos-induced cancers can occur anywhere from 14 to 40 years after the first exposure. For this reason, there is a special concern when children are exposed to asbestos fibers.

The Environmental Protection Agency estimates that between 12,000 and 14,000 public and private school buildings contain "friable" asbestos—that is, the type of asbestos that could be released into the air. Many local educational agencies simply do not have the financial resources to undertake a major asbestos abatement effort. Certain States have made some assistance available for abatement programs in schools. But such resources, too, are limited. New York State, for example, has spent $1.75 million annually over the last 4 years to assist schools in controlling asbestos hazards.

It is both appropriate and necessary for Congress to provide increased Federal resources to assist in abating this problem when it threatens the health of American children in public and private schools throughout the Nation. Our amendment would do this, first, by increasing the resources available to the EPA to provide technical and scientific assistance, and, second, by transferring to the EPA a modified version of the Department of Education's current authority to assist schools in abating asbestos hazards.

Under the current Asbestos School Hazard Detection and Control Act (96-270), the Secretary of the Department of Education is authorized to make loans to assist local educational agencies carry out asbestos abatement projects. The $150 million authorized for this loan program, however, has never been appropriated.

Current EPA regulations, issued in May 1982, require all schools to inspect and test building materials to determine if friable asbestos is present. If asbestos is found, school employees and parents must be notified. Since 1979, the EPA also has conducted a program of technical assistance, to help schools identify potentially hazardous asbestos and provide advice on appropriate abatement actions. The Agency's resources in this area, however, are limited.

Our amendment would authorize the Administrator of the Environmental Protection Agency to make loans and grants to financially-needy local educational agencies, to undertake asbestos abatement work. A total of $600 million is authorized to be appropriated for the program over 7 years; $50 million in each of the fiscal years 1984 and 1985, and $100 million in each of the 5 succeeding fiscal years. Abatement actions could include one or more of the following activities: removal, replacement, encapsulation, containment or enclosure. The appropriate abatement measures will depend upon the nature of the asbestos threat in any given school building.

Our amendment would also set aside funds for the EPA to expand its scientific and technical assistance program in the area of asbestos hazards in schools. In fiscal year 1984, 10 percent of the funds appropriated for the abatement program will be reserved for program administration and a scientific and technical assistance effort. In the remaining 6 fiscal years, 5 percent will be set aside for such purposes. Specifically, the EPA is directed to establish a training center to provide instruction on asbestos assessment and abatement, develop and disseminate abatement guidance documents, and develop a comprehensive testing and technical assistance program.

Mr. President, we must move ahead in a more systematic and rapid manner to abate the asbestos hazard where it exists in our Nation's schools. The amendment we offer today will allow us to do just that. We simply cannot continue to allow schoolchildren to be exposed to dangerous asbestos. I urge all my colleagues to enthusiastically support this amendment.

Mr. President, I ask unanimous consent that an article by Lena Williams, which appeared in the New York Times on April 18, 1984, be placed in full in the RECORD. This article points out quite clearly the many problems facing our local schools when asbestos is found.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1984]

HEALTH THREATS DISRUPT VILLAGE'S SCHOOLS

(By Lena Williams)

WAPPINGERS FALLS, NY—For the second time in a year, this Dutchess County village is faced with a health-related problem that has forced the closing of one of its schools, disrupting the lives of more than 2,000 students and teachers.

The most recent incident involves the closing of the Roy C. Ketcham High School. During a routine check on April 3, Federal safety investigators discovered "potentially hazardous" levels of asbestos in the school's ceiling tiles.

In February 1983, school officials were forced to close the Van Wyck Junior High School after about 250 students and teachers began complaining about eye irritations, headaches and a metallic taste in their mouths.

Students and teachers at the district's two high schools, Ketcham and John Jay, also complained of similar symptoms, but the schools remained opened.

CROWDED INTO OTHER SCHOOLS

While Federal officials were investigating the complaints, Van Wyck's 1,660 students had to be crowded into two other district junior high schools in split sessions. State and Federal officials said poor ventilation and gas emissions from a faulty boiler could have caused the illnesses.

Since then, the school district has spent close to $500,000 to correct the ventilation and boiler problems—undoing large portions of work done under a $2.4 million Federal, state and local energy conservation program to insulate the schools.

Although the measures seem to have eliminated the rash of illnesses, some students still suffer from slight skin rashes and eye irritations.

Last month residents of this middleclass village 50 miles north of Manhattan were told by school officials about the threat of asbestos, a known cause of cancer, at Ketcham.

SAFETY LIMITS EXCEEDED

Samples taken from the ceiling found levels that exceeded the safety limits of the National Institute for Occupational Safety and Health.

Dr. Jim Melius, chief of the institute's health hazard evaluation program, said the ceiling tile contained 10 to 20 percent asbestos, with approximately two fibers per cubic centimeter of the surrounding air—twice the recommended standard.

"The ceiling is in pretty bad shape and there appears to be heavy damage throughout the whole school," Dr. Melius said during a telephone interview from the institute's headquarters in Cincinnati.

Until scientists can determine the degree at which the asbestos fibers have come off the ceiling tiles, he said, it is hard to determine when and if the school should be used.

Although institute officials did not order the school closed, they said such a recommendation would be made if tests confirmed that the level of asbestos posed a serious danger to the building's occupants.

SCHOOLS CHIEF ACTS

Superintendent of Schools Lawrence Gilmour decided to close the high school and transfer the students to John Jay, a decision that has divided the village.

Those who support Mr. Gilmour say they are impressed by his quick decision to close the school.

"With that action, Gilmour demonstrated the characteristics of a good administrator: he showed he was willing to make a decision in the face of certain criticism," an editorial in The Poughkeepsie Journal said last week.

Mr. Gilmour, discussing his decision as he walked through John Jay recently, said, "If there is a potentially dangerous problem with asbestos, I couldn't see waiting for verification."

Mr. Gilmour said the school would remain closed for the remainder of the year if tests confirmed the existence of a potential problem.

But the change in schedule has not appealed to many students, teachers or parents, many of whom have had to rearrange work schedules.

Under a double-session arrangement, John Jay students attend classes from 7 A.M. to 12:30 P.M. and Ketcham students are in class from 1:15 P.M. to 6:26 P.M.

Lauren Smith, a 16-year-old high school junior, says he is losing money because the rearranged school schedule has forced him to cut back his after-school work from 20 hours to 12 hours a week.

Despite initial opposition and concern, the split sessions appear to be working smoothly. John Jay students, who have to share lockers with students from Ketcham, are finding that their traditional athletic rivals are not so bad after all.

Thomas Brooks, the principal at Ketcham, praised the way students and teachers at both schools had adjusted to the schedule changes.

"The way things are going now, we could continue under this system through the remainder of the school year," Mr. Brooks said. "It would be unfortunate, but I don't see any major problems."

There remains, however, an uneasiness among many residents about this latest incident. Some parents wonder why tests for asbestos were not made last year. Others question whether there may have been a link between the rash of illnesses last year and the asbestos level, although Federal officials have said there was not.

Nearly 1,000 parents packed a meeting earlier this month to question Federal and State health officials about the affects of exposure to asbestos. But some students do not share the concern.

"When we went back to Ketcham to get our books, we had to wipe them off," Barry Stein, a 16-year-old junior, recalled. "You felt like you were walking into some place that was really infected. But I figured, if we've been exposed to this for a year, what good is all this going to do us now."

Mr. HUDDLESTON. Mr. President, I am pleased to join with a number of my colleagues in cosponsoring this amendment to establish a program of financial assistance to schools that have asbestos hazards. This program will be under the jurisdiction of the Environmental Protection Agency which has become increasingly involved in asbestos abatement efforts.

Schools in my home State of Kentucky are facing the same financial difficulties in dealing with asbestos as are many schools in other States. The Kentucky Department of Education estimated last year that approximately $26 million would be required to take care of the asbestos problems in the State's schools.

Over the past year, superintendents, school board members, principals, and parents have contacted me to express their concern about the problem. Everyone said that they did not want to expose the children to any unnecessary hazards.

Asbestos was used at many schools in our country before it was banned by the Environmental Protection Agency in the early 1970's. Its potential for causing serious lung diseases and cancer is well known. We cannot afford to wait any longer to deal with this dangerous health threat.

For over a year now, I have been working to secure funding for asbestos removal in our schools. Report language I offered to the supplemental appropriations bill for fiscal year 1983 brought this issue to the forefront again by requiring a detailed study by the Department of Education on the extent of asbestos contamination in the schools. The report was released on October 28, 1983, and it showed that approximately 14,000 had some asbestos hazards.

Efforts were also made to include funding in the Labor-HHS-Education appropriations bill for fiscal year 1984, but many members wanted to insure that the Department of Education was the appropriate agency to handle the problem before appropriating any funding.

The amendment being offered today changes the focus of the asbestos program by giving the authority to the Environmental Protection Agency to administer any Federal assistance to the schools. Funding of $50 million is authorized for each of fiscal years 1984 and 1985, and $100 million for each of the 5 following fiscal years.

This assistance can be provided in the form of a 20-year, no-interest loan, or a grant. It is the intention of this amendment that the financial assistance should go to the most needy districts where the greatest health threat exists.

The amendment being offered today is only one-half of the battle. We still must secure funding for the program. I intend to vigorously pursue funding for asbestos abatement as ranking Democrat on the HUD-Independent Agencies Appropriations Subcommittee.

I urge my colleagues to support this amendment and our efforts to obtain funding for the program. The health and welfare of our children demand nothing less.

Mr. SASSER. Mr. President, I rise as an original cosponsor of the amendment offered by the distinguished Senator from South Dakota, Senator ABDNOR. This amendment would outline a sound program of financial assistance to school districts for the abatement of hazardous asbestos.

We have been cognizant of the health risks presented by asbestos since the mid-1930's. Scientific evidence has shown repeatedly that asbestos is linked to lung cancer, mesothelioma, and asbestosis. We know that the inhalation of asbestos can be a direct cause of these three respiratory diseases, and that even low-level exposure can cause mesothelioma. Currently, there is no known threshold level below which exposure to asbestos is considered safe.

I am aware that recently there have been conflicting reports concerning the precise nature of risk which should be associated with exposure to asbestos. Other reports, however, indicate that low-level exposure to asbestos is harmful and can cause a severe respiratory disease for which there is no known cure.

Moreover, there is considerable evidence that children face an increased risk of developing a serious disease as a result of being exposed to asbestos because of the earlier period of life at which they are exposed.

In 1981, the Attorney General issued a report which clearly outlined the health hazards caused by the presence of friable asbestos. When one inhales asbestos fibers, the particles become entrapped in the lungs. In fact, according to the report, "inhaled asbestos fibers that are deposited in the lungs remain throughout one's lifetime. Fibers retained by the body do not dissipate or disintegrate."

In January 1983, the Consumer Product Safety Commission issued a report on the chronic hazards of asbestos. The report was authored by a panel of internationally recognized experts. Their conclusions revealed that the evidence to show that a significant difference among the three commercial asbestos varieties—chrysotile or white asbestos, crocidolite or blue asbestos, and amosite or brown asbestos—in their ability to cause lung cancer is weak. Moreover, the report concluded that animal studies consistently show all three forms of asbestos to be equally potent in producing lung cancer and mesothelioma.

The Environmental Protection Agency has taken a firm stand in controlling the amount of asbestos allowed in our workplaces and buildings. The Agency has banned many uses of the material, including sprayed-on asbestos used for insulation, decorative, and acoustical purposes.

Unfortunately, we now know that a large percentage of school buildings built between 1942 and 1970 contain asbestos applied in this sprayed-on manner. The cost of properly monitoring this asbestos is extraordinary, and our school systems are suffering as a result.

Subsequent to the action taken by the Congress in 1980, when it passed the Asbestos School Hazard Detection and Control Act, EPA expanded its technical assistance program. The Agency promulgated regulations requiring all schools to be inspected for asbestos, and instructed school officials to post warnings in visible places if the material is present and to notify school employees and parents of the presence of asbestos. The Agency's guidelines describe several methods of controlling the material, including monitoring, encapsulation, and removal.

Most recently, EPA has levied fines against several school systems for failing to comply with these regulations. One EPA report has stated that school systems may fail to comply for several reasons, one being a lack of funding to correct the problem once asbestos is found. In fact, I submit that this may indeed be the case in many of our communities today.

Although the 1980 act authorized $75 million in interest-free loans and $22.5 million in grants, Congress has not yet appropriated these funds. I believe the time to act is long overdue.

Last November, I cosponsored an amendment to appropriate $50 million in interest-free loans for that program. Unfortunately, the amendment failed. I have also introduced legislation, S. 2237, which addresses the problems faced by our neediest school districts. Mr. President, the amendment before us today addresses those financially distressed school districts in a logical, comprehensive manner.

In addition to transferring the existing asbestos-in-schools program from the Department of Education to the Environmental Protection Agency, the amendment creates a combination grant/loan program of financial assistance to school districts determined to have the worst asbestos-related problems.

The amendment has the support of the National School Boards Association, the National Education Association, the American Association of School Superintendents and the Council on American Private Education. The amendment has been drafted in conjunction with all of these groups, and is the result of lengthy negotiations between all interested parties.

Mr. President, my own State of Tennessee demonstrates the great need for this program. The State's school systems have spent more than $6 million in their asbestos control work.

The executive director of the Tennessee School Board Association advises me that an additional $46 million will have to be spent to completely restore the school buildings to a sufficient level of safety.

Mr. President, I am sure that my State is representative of the situation faced by school systems in all of our States. In fact, the Department of Education estimates that 14,000 schools contain hazardous asbestos, and that $1.4 billion will be needed to take care of the problem.

Mr. President, the cover story in the April 1984 American School Board Journal is a report about the asbestos problems being faced by schools nationwide.

The first line of the article is most revealing and reads as follows: "All talk and no action; that's the way the asbestos-in-schools game has been played in the past several years by the Federal Government and thousands of U.S. school systems."

Mr. President, I submit that it is time that we, Congress and the Federal Government, own up to our end of the deal, and that we take action to assist our schools.

The cost of removing asbestos from our schools is great, but the cost of not removing this hazardous material would be far greater. No society can afford the cost of failing to safeguard the health of its children. I urge my distinguished colleagues to join me today in supporting this amendment.

● Mr. **CHAFEE**. Mr. President, I support the efforts of Senator ABDNOR to offer the Asbestos School Hazard Abatement Act of 1984 as a floor amendment.

Products containing asbestos were used widely in the construction of school buildings during the 1950's and 1960's for fireproofing, soundproofing, and insulating ceilings, pipes, walls, and boilers. As asbestos materials deteriorate with age, tiny particles can be released and, if inhaled, can lead to respiratory ailments and cancer. Medical researchers have concluded that exposure to friable asbestos is a health hazard to children and school employees and must be addressed.

The Environmental Protection Agency has estimated that as many as 14,000 school buildings may contain hazardous asbestos, posing a risk to 3 million students and 250,000 staff members.

School districts across the country have come under increased pressure to take corrective action to remove or encapsulate deteriorating asbestos materials. In many cases, this process can be expensive—the cost of abatement for many schools has been estimated at $100,000. However, it is not a process which school systems can afford to delay.

In 1980, Congress authorized the Department of Education to conduct a program offering no-interest loans to school districts for asbestos abatement activities. This program has never been funded, and the Department lacks the technical expertise to oversee an asbestos detection and removal program.

The Environmental Protection Agency last year began enforcement of regulations requiring school districts to inspect for the presence of friable asbestos, and to notify school employees and parent-teacher organizations of asbestos problems. The Agency has begun to cite schools for failure to comply with this requirement and recently levied its first fine for noncompliance.

EPA is strongly committed to enforcing its asbestos inspection rules and is currently drafting requirements for the abatement of problems which are detected. As a member of the Senate Committee on Environment and Public Works, which has jurisdiction over EPA, I believe EPA possesses the technical expertise to administer a program of asbestos abatement in school buildings. The agency is already operating an inspection program and provides technical guidance to school districts regarding asbestos control and removal.

Under current rules, school systems are required to make public notification of any asbestos hazards which are detected. In many cases, financially troubled school districts have been reluctant to explore the problem, lacking funds to address the hazard and fearful of making employees and parents apprehensive.

Such delays could have profound and troubling ramifications for the health of children and school employees. State and local governments must move aggressively to investigate and control the asbestos-in-schools hazard. I believe it is appropriate for Congress to supplement these efforts by making Federal resources available to needy school districts with serious asbestos problems.

The Asbestos School Hazard Abatement Act establishes within the EPA a program to help remedy acute asbestos problems in financially troubled school districts. The bill would direct EPA to compile and distribute information regarding the health hazards of friable asbestos and the means of abating asbestos problems. The bill also establishes a program through which financial assistance can be provided to school districts undertaking corrective activities.

In order to direct scarce Federal resources toward those schools in which there is a pressing need for action, the bill calls upon the Governor of each State to develop a priority list, ranking schools according to their severity of asbestos hazards and degree of financial need. Those schools demonstrating inadequate financial resources to correct asbestos hazards will be eligible for loans and matching grants to help defray the costs of abatement activities.

EPA has estimated that the total cost of controlling the threat of hazardous asbestos in American schools exceeds $1 billion. This legislation authorizes $50 million in fiscal year 1984, $50 million in fiscal year 1985, and $100 million for each of the 5 subsequent fiscal years. It is not designed to resolve the entire problem. State and local governments must renew their commitment to assist school districts in containing the asbestos hazard. School districts must be prepared to use existing funds or perhaps appeal to their communities for the passage of bond issues to deal with asbestos.

This legislation recognizes that although the Federal Government cannot solve the asbestos-in-schools hazard, it can provide support to assist financially struggling school systems which might not otherwise take corrective action. And in the case of the threat to public health posed by exposure to asbestos, corrective action cannot wait. I hope my colleagues will join in supporting this amendment when it is offered to S. 1285.●

Mr. BRADLEY. Mr. President, I rise today as a cosponsor of this amendment to shift authority for the asbestos in schools assistance program from the Department of Education to EPA. This amendment also authorizes $50 million for each of fiscal years 1984 and 1985 and $100 million for each of the 5 subsequent years. Assistance would be provided in the form of both loans and grants to financially needy school districts where asbestos exposure poses a significant health threat.

Mr. President, the Federal Government has never provided any funding to help schools remove asbestos. Last October, I cosponsored an amendment offered by Senator HUDDLESTON to appropriate $50 million to begin to solve this serious problem. Unfortunately, that amendment was tabled by this Chamber. But the problem has not gone away. The existence of friable asbestos in the schools is a national emergency and we must help schools deal with it.

Mr. President, for a number of years the Department of Education has been authorized to help schools meet this problem, yet no funds have been appropriated to implement it. I suspect that one reason is that it has never had a very high priority. I support shifting authority for the program to the Environmental Protection Agency because the EPA has the technical experience necessary to help schools with asbestos problems. The EPA is better equipped to conduct a program to abate this serious health hazard and I hope they will treat the matter with the urgency it deserves.

I am pleased that some of our schools have not waited for Congress to act. Many have taken it upon themselves to remove asbestos. For example, the city of Camden, N.J., has provided over $450,000 in its 1983-84 budget for the removal of asbestos. Camden's school board president, Jerothia Riggs, points out that this problem "* * * has compromised equality of educational opportunity." We need to reduce the financial burden on local education agencies so that more local funds can be used to improve the education of our Nation's youth.

Mr. President, an estimated 3 million schoolchildren and 250,000 teachers and employees are potentially exposed to asbestos in this country. Fourteen thousands schools nationwide require the abatement of asbestos at an estimated cost of $1.4 billion. In my own State, local educational agencies have spent $46.5 million to remove asbestos from 375 schools, and at least 350 more schools are still in need of attention.

This problem, Mr. President, is as serious as it is large. The latency of this cancer-causing agent is the mask which allows it to remain in our schools. It is very easy for us to overlook what is not easily measurable and what does not immediately affect us. Test scores and school budgets are measurable; our children's silent inhalation of friable asbestos is not. This should not stop us from taking the steps necessary to protect our children. I urge my colleagues to support this amendment.

● Mr. LAUTENBERG. Mr. President, the presence of crumbling asbestos in many of the schools of our Nation is a concern for parents, educators, and public officials. Although the Environmental Protection Agency requires all schools to inspect for this dangerous asbestos and to notify employees and parent-teacher organizations when it is found, they are not required to remove it. Even more seriously, many schools do not have the funds to pay for cleaning up this asbestos.

Today, Senator ABDNOR, myself, Senators STAFFORD, MOYNIHAN, HUDDLESTON, and SASSER are offering an amendment to address this problem. Our amendment will authorize a program of financial assistance in the Environmental Protection Agency to provide schools with resources to clean up hazardous asbestos problems. The amendment authorizes $600 million in grants and loans to schools over the next 7 years. Each State, and then EPA, will rank the Nation's school districts according to the health hazards in their schools. The priority list will be accompanied by a request for the amount of Federal grants and loans needed to pay for cleanup, based on the financial resources of the district. The districts with the worst asbestos problems and the least financial resources will have first call on the financial assistance available under this legislation.

Exposure to asbestos is associated with some very serious diseases, including asbestosis, mesothelioma, and lung cancer. These diseases display themselves many long years after the exposure. Asbestos is a ticking time bomb. In most cases, not enough time has passed for the devastating symptoms to show up in the children who have been sitting in classrooms with crumbling asbestos.

The potential problem is serious. Nationally, more than 14,000 schools are affected. Experts estimate that over 3 million children and 650,000 school employees are exposed to asbestos and potentially in danger.

The costs can be high. In my State of New Jersey, the average cost of cleanup per school has been about $130,000. School districts rarely find it easy to raise that much money for capital expenditures. In some cases they have been faced with a choice between protecting the health of their students by cleaning up asbestos and providing books or other vital educational tools.

It is time for the Federal Government to provide some assistance to the neediest schools. The program in this amendment will provide interest-free loans to pay for up to 100 percent of the cost of cleanup or grants for up to 50 percent of the cost. Only schools lacking the financial resources to pay for this themselves will be eligible for assistance.

Mr. President, the costs of cleaning up the asbestos problem in our schools is high, but the cost of not doing it will be even higher. The Federal assistance authorized under this amendment can only make a start in handling the problem, but it places a high priority on the health of our children.

I urge the Senate to adopt this amendment.

I would like to ask my distinguished colleague to clarify the intention of the section in the amendment giving permission to the United States to sue on behalf of aid recipients any one person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections. Is it the Senator's understanding that this section is intended simply to place the United States legally in the shoes of the schools which receive asbestos funds under this legislation? If, for example, certain schools have reached a settlement with certain manufacturers of asbestos products in which they relinquished their claims against/those manufacturers, then the United States would not be able to assert a claim against the same manufacturers on behalf of the schools who were a party to the settlement. Would the Senator agree with that interpretation?

Mr. **ABDNOR**. That is my understanding of the intention of the provision. The claims of the United States on behalf of school districts would be no different than claims that the school districts could assert themselves.

Mr. **LAUTENBERG**. I raise this issue so that both sides, schools and manufacturers will understand the implications of this provision.●

Mr. **ABDNOR**. Mr. President, I move adoption of the amendment.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 3153) was agreed to.

Mr. **ABDNOR**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **STAFFORD**. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **STAFFORD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **HATCH**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **HATCH**. Mr. President, I ask unanimous consent that temporarily set aside the pending amendment, which I understand is the Denton amendment, so that the distinguished Senator from Mississippi may present an amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senator from Mississippi.

AMENDMENT NO. 3154

(Purpose: To authorize a program for economically disadvantaged States to equalize the salaries of classroom teachers)

Mr. **COCHRAN**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Mississippi (Mr. COCHRAN) proposes an amendment numbered 3154.

Mr. **COCHRAN**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE V—CLASSROOM TEACHER EQUALIZATION PROGRAM

STATEMENT OF PURPOSE

SEC. 501. It is the purpose of this title to improve the compensation paid to elementary and secondary school classroom teachers in economically disadvantaged States so that the average compensation paid to such teachers equals 90 percent of the national average compensation paid to elementary and secondary school classroom teachers.

ELIGIBILITY

SEC. 502. (a) A State is eligible to receive assistance under this title if the average compensation paid to elementary and secondary school classroom teachers is less than 90 percent of the average compensation paid to elementary and secondary school classroom teachers in all States.

(b) For the purpose of this section the term "State" includes each of the several States, and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT

SEC. 503. (a) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1985 and 1986.

(b) From amounts appropriated pursuant to subsection (a) in each fiscal year the Secretary shall allot to each eligible State set forth in column 1 of this subsection the percentage specified in column 2.

Column 1:	Column 2 (percent)
Alabama	3.90
Arkansas	12.45
Georgia	9.99
Idaho	1.47
Kansas	1.03
Kentucky	.41
Maine	5.18
Mississippi	16.68
Missouri	5.62
Nebraska	2.80
New Hampshire	4.84
North Carolina	5.54
North Dakota	.10
Oklahoma	2.00
South Carolina	10.48
South Dakota	3.64
Tennessee	6.69
Vermont	3.33
West Virginia	3.85

USES OF FUNDS

SEC. 504. Payments made under this title, in accordance with applications approved under section 505, may be used to increase the compensation paid to elementary and secondary school classroom teachers in the local educational agencies of each eligible State.

APPLICATIONS: DEVELOPMENT AND CONTENTS

SEC. 505. (a)(1) Each eligible State desiring to receive assistance under this title shall establish a teacher compensation advisory board to be appointed by the Governor from among individuals who are broadly representative of the educational interests and the general public in the State. The board shall include individuals who are representative of—

(A) parents of elementary and secondary school students in the schools of the local educational agencies of the State;

(B) members of the governing boards of local educational agencies within the State;

(C) administrators, including principals and superintendents, in the elementary and secondary schools of the local educational agencies within the State; and

(D) elementary and secondary school classroom teachers in the State.

(2)(A) The advisory board appointed in each eligible State under paragraph (1) of this subsection shall advise the State educational agency with respect to the criteria for the within-State allocation of funds among local educational agencies within the State.

(B) In developing the criteria for the allocation of funds within the State among local educational agencies, the advisory board shall consider the relative economic need for assistance of the local educational agencies within the State and the pupil-teacher ratio of the classes of the schools of the local educational agencies in the State.

(3) Each advisory board of an eligible State shall prepare and submit recommendations to the Governor for use in the preparation of the application required to be submitted under this subsection.

(b) Each eligible State which desires to receive payments under this title shall file an application with the Secretary which—

(1) designates the State educational agency as the State agency responsible for the administration and supervision of the assistance furnished under this title;

(2) describes the manner in which the eligible States has complied with the provisions of subsection (a);

(3) describes the manner in which the payments made under this title for increases in the compensation of elementary and secondary school classroom teachers will be allocated among the local educational agencies within the State, together with a description of the differences, if any, in the allocation formula described pursuant to this clause and the recommendations for such within-State allocation made by the State advisory council appointed pursuant to subsection (a) of this section;

(4) provides a description of the manner in which the State will apply to assure a more

equitable payment of compensation to elementary and secondary school classroom teachers in the local educational agencies of the eligible State after fiscal year 1986; and

(5) contains such other assurances as the Secretary determines to be necessary to carry out the provisions of this title.

(c) Each application of an eligible State which meets the requirements of subsections (a) and (b) of this section shall be approved by the Secretary. The Secretary shall not disapprove an application submitted under this section without first affording the eligible State notice and opportunity for a hearing.

Mr. COCHRAN. Mr. President, this amendment can be called the classroom teacher equalization program amendment. I was attending a conference with educators in my State for the purpose of discussing some of the findings and recommendations of the commission which was appointed to look into the problems of education throughout the United States. One of the observations made at that conference was that teachers' salaries in the poorest States in the country represent a very critical problem that is faced when trying to make a career in the classroom attractive to the brightest students and those who are competent, who are well trained for the teaching profession. It occurred to me during that conference that we have, from time to time, recognized unique situations of disadvantage in our country and have responded to those situations from the Federal level to help upgrade opportunities and standards of living, giving hope where, without such a sensitive response, there might not be hope. We can look at the field of education for an example.

I recall when title 1 of the Elementary and Secondary Education Act was approved by Congress and funded to permit additional amounts of money to be allocated to those school districts where there were exceptionally large numbers of disadvantaged students, poor students who, because of their backgrounds or lack of opportunities up until the time they entered school, needed an additional amount of attention and instruction to give them a better chance of succeeding in their elementary and secondary school careers. I became quite familiar with the operation of that program and the administering of those funds, mainly because of the privilege I had of growing up in a school teacher family. My parents are both retired school teachers and my mother happened to be the title 1 coordinator in the county where we lived.

As a member of the National Council of Teachers of Mathematics, she was particularly close to the problems being experienced throughout the State of Mississippi in trying to upgrade education opportunity with a limited amount of resources.

I just mention that as an aside, Mr. President, to illustrate the fact that many States are continuing to operate under real hardships in trying to meet the challenges of such findings in reports as "A Nation at Risk" because of a lack of financial resources. My State spends a greater percentage of its State's budget on education than any State in the Union. Yet we have the lowest teachers' salaries and the smallest amount of money in total when compared with our per capita income than any State in the Union. The reason for that is that we have such a small tax base, a limited amount of resources from which to draw to support our education effort in our State.

Mississippi is not alone in this. There are many other States wrestling with that same problem. So, to get to the purpose of this amendment, it is designed to bring teachers' salaries in poor States, States where teachers' salaries are well below the national average, up to a more acceptable level, to give those who are trying to upgrade education opportunities a chance to do a better job of attracting competent, well-trained teachers into the classrooms of these poorer States.

The National Commission on Excellence in Education, in its report, "A Nation at Risk," made findings concluding that there are not enough of the academically able students being attracted to teaching. Teacher preparation programs need substantial improvement. There is a serious shortage of teachers in key fields.

It is also observed in this report that the average salary after 12 years of teaching is only $17,000 per year and many teachers are required to supplement their income with other employment just to make ends meet. This amendment would authorize $200 million, Mr. President, over the 2-year authorized life of this bill for allocation to those States whose teacher salaries are substantially below the national average to try to bring them up to at least 90 percent of the national average.

This would provide a procedure for effectively supplementing the efforts of those relatively poor States and help them improve the salaries of their classroom teachers. I realize, Mr. President, after looking at the list, only 19 States would benefit from this amendment. Those States are Alabama, Arkansas, Georgia, Idaho, Kansas, Kentucky, Maine, Mississippi, Missouri, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Vermont, and West Virginia.

Although I have not had the benefit of the new math that is being taught in the schools, I can count and I know that 19 times 2 is 38 and that is not a majority of the Senate. It is going to be very difficult, if not impossible, to get a majority to vote for this amendment. But I offer the amendment, Mr. President, with the very serious concern and interest of trying to attract attention of the Senate and the Federal Government to a problem that is not going to be solved until we decide to make some financial commitment to help upgrade teacher salaries in these poor States. I hope, through this discussion, the committee leadership will recognize that we need to do more to upgrade education opportunities and teacher salaries.

Mr. President, I might add that I do not intend to request a recorded vote on this amendment, and I appreciate very much the fine work that has been done by the committee leadership. I support with enthusiasm the effort that is being made to do something that has long been needed in the elementary and secondary area of math and science. I think we are on the right track.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I understand full well the circumstances that impel the Senator from Mississippi to make his proposal. The salaries of the teachers in his State are too small. His teachers are undercompensated. He is absolutely right; teachers' salaries generally need to be increased. This is not a problem restricted to just the 19 States, of which Mississippi is one, but it is a problem that goes right across the board in our country. I think we should note as we consider this very thought-provoking amendment by the Senator from Mississippi that this would be the first time the Federal Government has entered the area of general teacher compensation. This in itself would make it a risky precedent and one that we should not go into without a great deal of thought and consideration. In this connection, there have been no hearings held on this proposal.

Since the matter of teacher compensation is so very serious, I really do not believe we should move ahead on an amendment of this sort without having held those hearings or hearings on other proposals such as the Hollings amendment, which would have brought the salary of each teacher in our Nation up to $25,000. This was an expensive proposal; it would have cost $10 million, which is far more expensive than the modest proposal of the Senator from Mississippi. It is, however, of the same nature, in that it brings the Federal Government into the direct payment and support of teachers' salaries. For these reasons, I find myself unable to support the amendment of the Senator from Mississippi and must vote against it.

Mr. HATCH addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Utah is recognized.

Mr. **HATCH**. Mr. President, I would like to be associated with the remarks of the distinguished Senator from Rhode Island. I think he has expressed the feelings of our committee and the people who support this bill. We are prepared to vote on the amendment.

The **PRESIDING OFFICER**. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 3154) was rejected.

Mr. **HATCH**. I move to reconsider the vote by which the amendment was rejected.

Mr. **PELL**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **HUDDLESTON**. Mr. President, I am pleased to be a cosponsor of the Education for Economic Security Act. This legislation represents efforts that were made by several Senators to provide some assistance to school districts across the country for meeting our need for more math and science teachers and students educated for our high technology society.

We are all aware that our changing times require that we have people who are able to operate computers and other high technology machinery. Yet, our country's ability to meet this demand is being threatened by a drastic decline in the number of students who are educated in the fields of mathematics, the sciences, and engineering.

Students in this country are often required to take only a couple of courses in math and science while their counterparts in Europe and Asia take many more. Additionally, we find that fewer people are preparing to teach math and science in the schools.

This teacher shortage is evident in my home State of Kentucky. In 1971, there were 194 students graduating from colleges and universities who were certified science teachers. By 1981, this number had declined to 66. We also found that over 20 percent of the science classes in Kentucky are being taught by teachers who do not have proper certification in the sciences.

While these statistics show the depth of the problem, we have not been idle in addressing this situation. In 1982, the Kentucky Department of Education and the Kentucky General Assembly created a loan program that was designed to attract and retain qualified teachers in the math and science fields in grades 7 to 12 where the greatest shortages were occurring.

We are particularly proud of this program because it was one of the first in the Nation to be enacted. It has also attracted the attention of several other State legislatures as well as the Department of Education.

While this was a step in the right direction, it was obvious that further assistance was needed. We can be pleased that the Senate has drafted a comprehensive math and science bill that will help to upgrade our programs in these areas.

I am particularly pleased that the committee agreed to place primary emphasis on teacher training and retraining in this legislation. It will do our schools little good to have additional money for books, equipment, and materials if they do not have trained teachers to help students use these study aids.

This legislation has enough flexibility to permit State and local educational agencies to create and operate teacher training and retraining programs that best meet the needs of their particular area. This will allow them to use a variety of approaches including institutes, workshops, and full- and part-time course instruction.

For those districts that have sufficient math and science teachers, they will be permitted to use funding from this legislation for other activities that will enhance math and science education.

I also believe this bill will be beneficial in encouraging greater cooperation between businesses and schools in the States. These efforts are necessary to insure that students educated in math and the sciences will meet the needs of the businesses that will be providing them jobs in the future. It will only benefit our schools to have the encouragement and support of local business members.

We are also providing a means by which our institutions of higher education will be working closely with State and local educational agencies to improve math and science education programs. Our colleges and universities are an important link in our efforts to upgrade these programs and S. 1285 insures that we will have the expertise and assistance of these institutions.

By permitting cooperative programs with museums, libraries, educational television stations, and professional mathematics, science and engineering associations, we recognize that valuable educational experiences and training can be achieved outside the classroom and with the help of those who share an interest in working with our schools.

This legislation is another step on our path to improving our schools and investing in the future of our country. I believe S. 1285 offers an excellent, comprehensive approach to meeting our need for improved math and science programs in our schools. A great deal of work has gone into this bill with the careful and enthusiastic attention of a number of my colleagues. We can be proud of our efforts here and I urge my colleagues to join in supporting this legislation.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **STAFFORD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. **STAFFORD**. Mr. President, I make this plea for the managers of the math-science bill to all of our colleagues or their staffs who may be listening from their offices. We are at a point now where Members have any more amendments to the bill, that they should come to the floor and offer them. We make that announcement so that Members will be on notice that the opportunity for amendments is available, and we can give no assurances as to how long that opportunity will be available if they do not take advantage of it.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **HEINZ**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **HEINZ**. Mr. President, what is the pending business?

The **PRESIDING OFFICER**. The pending bill is the math-science bill, S. 1285. The pending amendment is the amendment of the Senator from Alabama.

Mr. **HEINZ**. Mr. President, I ask unanimous consent that the amendment of the Senator from Alabama be temporarily laid aside.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 3155

(Purpose: To provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes)

Mr. **HEINZ**. Mr. President, in a moment I will send an amendment to the desk. I want to give a little background to it first.

On June 29 of last year, almost a year ago, I introduced the Excellence in Education Act of 1983. That was legislation designed to give those in Congress the opportunity to maintain the momentum created by the report of the President's Commission on Excellence in Education.

What we wanted—the authors of that bill which included Congressman

GOODLING in the House, the ranking Republican on the Education Subcommittee—was simply to recognize and reward those school districts and specific schools across America that are working to eliminate excessive electives like bachelor of living and to toughen up high school graduation requirements; those schools that invite parents and community business leaders to be volunteer tutors in math, science, reading; those that stop students from wandering into class 10 minutes late; and that inspire all their teachers and students alike to excel; those teachers and departments to incorporate new technologies into the curriculum, and demand more homework; and those students who are striving to achieve excellence.

Mr. President, here we are today, slightly more than a full year after the release of a "Nation at Risk." We have had months and months of debate. We have had plenty of newspaper headlines. But where congressional response has taken place, we do not have very much to show for it. The only modest exceptions I have been able to discern are a resolution commending the national commission for their work, and another resolution pressing for a national summit conference on excellence in education. But as far as this Senator knows, no programs have been authorized, no moneys have been appropriated, no other action has yet been agreed upon.

It seems to me, Mr. President, we should be somewhat ashamed of ourselves for not doing a bit more.

We have here an issue, excellence in education, which we all agree is central among the issues we face in this decade. It is an issue that will have more affect on our economic growth, our social well being, our national defense in the 21st century than anything else we can do in the next several years. It is an issue that clearly belongs at the top of this Nation's legislative and political agenda.

Mr. President, must ask ourselves what we have done, or what the Department of Education has done, to respond to the threat of mediocrity in our schools.

As I suggested a moment ago, the answer is not much.

So, for the last 2 years, the Secretary of Education has given worthy schools special excellence flags and invited a representative or two to the White House.

Mr. President, I am for flags, but I submit that flag waving is just not enough. I am not asking for a chicken in every pot. I am not asking for a $5,000 check in the hand of every school teacher.

What I am asking for is the adoption of an amendment which would permit small seed grants of maybe only a few thousand dollars, up to a maximum of $25,000, to any local school district that demonstrates in a merit competition a commitment to excellence in education. That is the sum and substance of the amendment I will send to the desk in a few minutes. We are talking about $16 million a year maximum for the next 2 years. That is before the Appropriations Committee gets through with it.

While I would hope that we do get the full amount appropriated, right now we have no such program. The hands of the Secretary of Education are tied. He would like this program. I have had several meetings with Secretary Bell, as has Congressman BILL GOODLING.

He would like to be able to stimulate a real awakening at the local level of teachers, parents, administrators, principals, and members of school boards. He would like them to think about how to make each individual school district better and—where a little bit of money would help them get a long way down the road—have such awards to make. But without any authorization, without any money, he cannot do that.

This idea, like most good ideas, is not entirely new. It really has been tried for several years in my home town of Pittsburgh where the Allegheny Conference, responsible many years ago for what was known as the Pittsburgh Renaissance, decided they needed to focus more on human renaissance rather than just bricks and mortar. It helped create a national public education fund through private sector grants which has been engaged nationally in giving funds to schools for small and creative projects for the very purposes I have just described.

Word has gotten out about this project. The city of Philadelphia, with the business community, has formed a Committee to Support Philadelphia Public Schools.

I would like to see the word get out a little bit more than to just Pittsburgh and Philadelphia. Frankly, in the very largest urban school districts where you have an active and concerned business community probably much can be accomplished. This legislation should stimulate far more than would otherwise occur. I suggest that for the vast majority of school districts in this country it would be instrumental in stimulating interest, innovation and improvement, indeed commitments to excellence.

Therefore, Mr. President, I hope that Congress will accept and support this amendment. It is very modest in cost. It will certainly help each of us go back to our constituents and say that we are answering the question, what have we done to improve the quality of education in this country, to answer the call of excellence in education sounded so clearly by the President's commission over a year ago? We will be able to answer, "We have done something worth doing."

So, Mr. President, I send my amendment to the desk and I ask for its immediate consideration. I note that it is cosponsored by Senators CHAFEE, BRADLEY, MOYNIHAN, and CHILES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself, Mr. CHAFEE, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. CHILES, proposes an amendment numbered 3155.

Mr. HEINZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE V—EXCELLENCE IN EDUCATION PROGRAM

SHORT TITLE

SEC. 501. This title may be cited as the "Excellence in Education Act".

STATEMENT OF PURPOSE

SEC. 502. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

DEFINITIONS

SEC. 503. For the purpose of this title—

(1) The term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) The term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

SEC. 504. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

(b)(1) There are authorized to be appropriated $16,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of this title.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 507.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 508.

SELECTION OF SCHOOLS FOR AWARDS

Sec. 505. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a proposal nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangement between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission may include such additional information as the chief State school officer (the chief educational officer as prescribed in paragraph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce student absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

Sec. 506. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed $25,000 in any fiscal year or a total of $40,000.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title.

SPECIAL SCHOOL AWARDS

Sec. 507. (a) From the amount reserved under section 504(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 505 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67⅔ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

Sec. 508. (a) From the amount set aside under section 504(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 504(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independent panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

Mr. STAFFORD. Mr. President, I have listened with interest to the distinguished Senator from Pennsylvania and generally have had an opportunity to examine the amendment which he proposes. For the majority, I am prepared to accept the Senator's amendment. Senator PELL is here and can speak for the minority.

Mr. PELL. Mr. President, I am familiar with the amendment. I think it is an excellent one. I am glad to endorse it.

Mr. HEINZ. Mr. President, I want to thank my very good friend, the chairman of the Subcommittee on Education, Mr. STAFFORD, for his support and willingness to accept the amendment, and also the ranking minority member, Senator PELL, for his support. I thank all my colleagues for making this possible.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3155) was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. WILSON). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, the unmatched progress and growth of our great Nation over the past 200 years has come in large measure from the leadership of our Nation in the practical application of science and technology. In every field of endeavor—agriculture, space, communications, commerce, medicine, chemistry, energy, and so on—U.S. engineers and scientists have led the way in getting the job done. Their record of scientific achievement has created the most bountiful Nation and bountiful economy ever to exist, by and large, on the face of the Earth.

But with all of our progress, storm clouds are on the horizon. Some are the result of the pace of the new discoveries in science and technology and the changes are coming at such blinding speed that many of our workers are being dislocated by new machines and by new methods of manufacturing.

Some of the storm clouds are the result of forces which are largely economic. The wage and price battles which characterized the 1960's and the 1970's have weighed heavily on our major industries. Many of the mainstay industries, like autos and steel, have not since been able to successfully compete in international competition. And while higher prices took a heavy toll, there are other factors, some related to our engineering abilities. The most modern auto production plants in Japan seem to turn out autos that have the appearance of being of higher quality by virtue of better fit and finish, and some consumers say that the automobiles built by our foreign competitors are more reliable and perform more to their liking.

Mr. President, those are not idle words. Those words are not hurriedly chosen and spoken. I am a stubborn kind of fellow and I was slow to yield to the validity of these facts that I have just related, but I decided we had to face the facts whatever they are, and we have to try to do something about them.

Finally, and most important, there are signs that the United States is beginning to slip in areas of basic research. National testing programs and surveys tell us that recent high school and college graduates are becoming increasingly unaware of math and science. The downhill slide could have grave consequences for the Nation's economy and defense. Our economic prosperity and national security depends on the Nation's ability to reverse this downward trend in education, particularly in the fields of math and science.

The solution will not come easy, Mr. President. In discussions with educators in my State, I was told that there are serious deficiencies at all levels of math and science education. For example, over one-half of all new high school math and science teachers do not meet the full requirement for teaching; 10 percent of all college engineering faculty places are either vacant or filled by temporary instructors. I am told that science, math, or engineering graduates right out of college can make more than their professors who have a higher degree. In my State of Mississippi, recent engineering graduates started at $27,000 while beginning high school science and math teachers earned $11,000.

Let me call attention to this problem which has been brought to my attention. The demands of our rapidly changing technical environment has placed a premium on engineering graduates. The high salaries paid by industry for engineers have brought masters and doctorate programs to a standstill.

Let me repeat that, Mr. President. We all like to see a prosperous person get a good salary, so to speak. But this states as a fact that these salaries now that are paid by industry for engineers are so high that they have brought masters and doctorate programs in education to a standstill. The net result is that industry is eating its own seed corn. Clearly, we must do something to make teaching of math, science, and other related areas more financially appealing.

This is not just a plea for money or another educational bill trying to put out a limited program. This is the broad search, the broad appeal for a new policy and new methods. Teaching is the second greatest profession. That is what I believe. It is second only to the ministry itself.

I find to my surprise in this field that the school equipment and supply situation is also in a depressing state. University engineering and research equipment and facilities are outdated and obsolete in many instances. Science equipment for all elementary and high schools is woefully inadequate or nonexistent when considered by the needs of the present demand. Something must be done and done soon to correct this problem.

Our college class of the year 2000 entered the first grade last fall.

Think of that, Mr. President. These little fellows coming in school for the first time this year will be the college class of the future, the year 2000.

That generation to which I refer may be the make-or-break generation to assure out future economic strength, our competitive edge in technology and production, and our ability to defend ourselves. This educational problem is urgent. Time has not run out on a solution but the clock is running fast.

Here I refer to the Soviet launching of Sputnik in 1957. This nation was reminded of the importance of maintaining its leadership in technology. Congress and the Nation got busy.

I remember one witness testified that unless we built a test facility with a thrust of a million pounds we would lose the race. Some segments of the press said it was ridiculous to talk about a million pounds of thrust. A short time later, due to the magnificient program we adopted, the thrust that we had then in one test facility was 6 or 7 or 8 million pounds.

We set our goals and passed the landmark National Defense Education Act which provided unprecedented levels of aid to the school system at all levels. We engaged in a bold crash program to land on the Moon.

I remember that I was chairman of the Subcommittee on Military Construction. We were watching dollars mighty close, we thought. I asked the question, how much did the President recommend? He said that there was no limit on the recommendation; everything was to be a crash basis.

These efforts were successful and they worked well together. As we all know, the real meaning of the Moon race was not just reaching the Moon but developing the expertise in the various fields and the technological ability to get there.

The challenge before us now is our economic future and our national defense.

Someone said, "Oh, well, the Senator from Mississippi is always talking about national defense."

I am proud to be able to talk about it some, but I say here now that this challenge is to our economic future. The warning signs are also clearly there to heed. They are common knowledge to all of us—persistent unemployment, slowed productivity, and loss of market share.

In most office buildings you go into, the elevator to go up or down now has no one there to operate it. Those jobs have been dispensed with.

I was at a launching of one of the Navy's guided-missile cruisers last year and they announced the crew of the old ship *Ticonderoga* was 800 men. That was some 80 or 100 years ago. This modern ship with everything said to be one of the greatest ever put together has a crew of 400 men, a reduction of 50 percent.

Everywhere we are turning we are eliminating through our scientific methods the need for the individual to be employed. Something special must be done to meet the needs of our economy to furnish simple employment.

There will not be any magic solution to any of these problems now confronting our Nation, but they must be addressed and those problems must be defeated.

It will, as it always has, require imagination, discipline, application, and plenty of plain commonsense and hard work.

I am confident that we have the resources to conquer these problems. We have a good foundation already in place to build upon. We have the world's highest student retention rate. Three-quarters of the U.S. children finish the 12th grade. We have the largest public school and university system in the world and the finest school buildings by any objective measure. This is a valuable storehouse of capital which can be used to build on and restore the United States to a preeminent position in science and technology.

There is the rub in our present situation, the lack of those key students.

This effort must start in the schools. We need to correct the shift away from the quality of education which seems to be occurring. Our children have proven that they have enormous capacities to learn. We need to address the teacher shortage and equipment problems of our educational plants. We need to address the need for upgrading the education and training of our current engineers, scientists, and technicians.

In this regard, I joined with Senator TSONGAS and others last year to introduce S. 631, the High Technology Morrill Act. This legislation, in my opinion, would provide much of the needed stimulus to get our educational system headed back in the right direction.

I am pleased that portions of that bill have been included in title III of S. 1285, which is being considered by the Senate today. I am convinced that this bill we are considering will go a long way in enabling this country to gain a firmer hold on its rightful place as technological leader of the world. I hope that my colleagues will recognize the need to pass this legislation and move ahead in this regard.

Thank you.

Mr. BAKER. Mr. President, as soon as the minority leader reaches the Chamber, and I understand he may be on his way to the Chamber, it is the hope of the leadership on this side that we will temporarily lay aside the math-science bill in order to go to the Select Committee on Indian Affairs resolution, which we tried to take up the other day and did not manage. But I am inclined to believe that we will be able to do that now.

I do not believe it is going to take very long to deal with the matter, and I think that there will be perhaps only one amendment offered and that we will be able to dispose of it.

Then we will be back on math-science, after we dispose of Indian Affairs, and I am told that there is a possibility that we can work out and yet deal with the Moynihan amendment or some variation thereof on that bill this afternoon.

It is still the intention of the leadership to ask the Senate to lay before the Senate and make the pending business the DOD authorization bill as the last item of business today.

Mr. President, while I may have just a moment to confer with the minority leader, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I hope that we are in the position now to consider the Indian Affairs resolution. I have a unanimous-consent agreement that I would like to propound in respect to the time for debate and disposition of this matter.

Mr. President, I ask unanimous consent that the Senate temporarily lay aside the pending business, which is the math-science bill, and turn to the consideration of Calendar Order No. 523, Senate Resolution 127, which is a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate, and that there be 20 minutes debate on that matter, to be equally divided between the chairman of the Committee on Rules and Administration and the ranking minority member thereon, or their designees.

I further ask unanimous consent that the following amendment be the only amendment in order and that it be a first-degree amendment and that the debate thereon be limited as follows: Ten minutes on an amendment to be offered by the Senator from Tennessee, Senator BAKER, and the Senator from West Virginia, Senator BYRD, dealing with creating a study.

I further ask unanimous consent, Mr. President, that there be a time limitation of 5 minutes, to be equally divided, on any motion, appeal, or point of order, if the same is submitted to the Senate, and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous consent is granted. The pending bill will be laid aside.

SELECT COMMITTEE ON INDIAN AFFAIRS

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 127) to make the Select Committee on Indian Affairs a permanent committee of the Senate.

The Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, the unanimous-consent agreement entered into provided for a single amendment to be offered by the distinguished minority leader and myself.

Before I do that, it has been called to my attention that the resolution as reported by the committee has been modified in certain respects.

I ask unanimous consent that it may be in order now to make those modifications as I will describe them.

Mr. President, they are to change the date in section 4, line 2, from April 1, 1985, to December 15, 1984; and line 3, to change the figures $275,000 to $200,000; and, on the final page, to make a similar date change in section 5, and change section 7 by inserting after the word "incorporating" the words "any of" preceding the words "the recommendations."

These are the modifications.

The PRESIDING OFFICER. Is there objection to the proposed modification? Hearing none, it is so ordered.

AMENDMENT NO. 3161

Mr. BAKER. Mr. President, I send a copy of the resolution to the desk embodying these modifications.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for himself and Mr. BYRD, proposed an amendment No. 3161. At the appropriate place in the resolution, add the following:

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the resolution add the following: That (a) there is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of twelve Members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(c) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

SEC. 2. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

SEC. 3. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman, and may be served by any person designated by the chairman or member signing the subpena.

SEC. 4. For the period from the date this resolution is agreed to through December 15, 1984, the expenses of the select committee under this resolution shall not exceed $200,000, of which amount not to exceed $30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

SEC. 5. The select committee may submit interim reports on its activities, together with such recommendations as it deems advisable. The select committee shall submit to the Senate a final report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than December 15, 1984. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist upon the expiration of sixty days following submission of its final report.

SEC. 6. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SEC. 7. When the resolution incorporating the recommendations of this committee is submitted, it shall be referred to the Committee on Rules and Administration.

Mr. BAKER. Mr. President, I have asked unanimous consent that I might make these modifications in the resolution as reported.

The Chair stated it as an amendment to the resolution. Were I chairman of the Rules Committee, and the yeas and nays had been ordered, and I had been authorized by the committee to do so, I would have made that modification.

Since I am not chairman of the Rules Committee, I sought a unanimous-consent request, nonetheless, to make those modifications. In any event, we now have an amendment embodying these points before the Senate, and I am prepared for the Chair to put the question.

Mr. President, a unanimous-consent request must also embody that it be in order for me to make this amendment, because the previous unanimous-consent request provided there be only one amendment. This is a second amendment. I ask the Chair to grant the consent that this amendment be in order, and to now put the question.

I tried to avoid that by asking unanimous consent to make the modifications, but we are going to spend more time on that than it is worth.

If the Chair will grant my request and then put the amendment, we will be in good shape.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the request is granted.

Mr. BAKER. I thank the Chair.

Mr. President, I send to the desk the amendment contemplated by the unanimous-consent agreement, and ask it be stated by the clerk.

Mr. President, what is the matter pending before the Senate?

The PRESIDING OFFICER. The amendment offered by the majority leader.

Mr. BAKER. Mr. President, I withdraw that.

Mr. President, I ask unanimous consent that the previous action sought by me in the previous statement in respect thereto on the modification resolution be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the resolution has been reported, has it not?

The PRESIDING OFFICER. Yes. The resolution from the calendar has been reported.

Mr. BAKER. The amendment to the resolution is now before the Senate?

The PRESIDING OFFICER. It is before the Senate.

Mr. BAKER. Mr. President, I now embody the modifications that I described earlier in the amendment that is now pending.

The PRESIDING OFFICER. Is there objection? Without objection, the modifications are embodied.

Mr. BAKER. Mr. President, I yield the time for the control of the debate on this amendment to the distinguished Senator from North Dakota on this side of the aisle.

Mr. ANDREWS. Mr. President, I yield the time to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. QUAYLE. Mr. President, I thank the Senator from North Dakota.

Mr. President, we have now reached an agreement on passage of the Indian Affairs Committee. I have been opposed, and still am opposed, to the establishment of a permanent committee. But as far as the real objective of this Senator, it did not go to the Indian Affairs Committee. It went to the whole committee structure itself. Just adding another committee at this time, I thought, was wrong. We have 126 committees and subcommittees in the Senate. I think we are going in the wrong direction.

The agreement now worked out, I think, is a good agreement. The amendment offered by the majority leader, and the minority leader, basically reconstitutes the Stevenson-Brock Committee of 1976, which will give full examination of the committee structure, will make a recommendation to the Senate by December 15 of 1984, which can be used as guidance for the new Senate that will take up business in January of 1985.

I want to thank the majority leader and the minority leader, and urge not only quick appointment of the members of the committee, but also to have them use their tremendous knowledge of this body to have the direct input, indirect input, and influence on seeing some substantive recommendation come out of this new committee that will be formed. I take it quite seriously.

I think it is a very substantial amendment, and a move that I think is in the right direction.

I hope that when the committee reports back that the Rules Committee will be able to act in an expeditious manner, in that we can in fact come together with a more orderly process; and, that the whole Senate and the membership, the 12 members, will be able to have a deliberate discussion over a 6-month period of time, which is the same time period that the Stevenson-Brock committee utilized to report back their recommendations on the committee structure in the Senate. I do not know how many individual Senators have talked to me since I raised the issue of having another permanent committee saying yes, you are right, we do have too many committees and subcommittees.

The average number of subcommittees that each Senator has is 11.5. I do not think anybody will say that we are underworked. We all complain about being overworked. I certainly hope the direction—I certainly would not want to prejudge it, though—of this committee would go toward more consolidation.

Obviously, it is going to be a very tough task but one that the majority leader, the minority leader, their appointments, and the individual Senators that will be serving on that committee will have a chance in a very constructive and deliberate way to look at the whole committee structure.

I thank the majority leader, the minority leader, and pay my respects, though I do disagree with my friend from North Dakota and others on the permanency of this committee. But it is a deal that has been worked out that is a compromise, and I certainly accept that. But I do want to emphasize that I think my point, and the recommendation and amendment that the majority leader offers with the minority leader goes in the right direction; that we are going to look at the committee structure that we have. The Senate has not debated and acted upon comprehensive committee reorganization for 7 years. It is time that we do it.

I thank the majority leader and the minority leader for their amendment, and for their leadership on this. I am willing to yield to the floor at this time.

Mr. ANDREWS. Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, I thank the Senator from Indiana. I know of his deep interest in this matter and his longstanding concern. He reminds me a little of Senators Stevenson and Brock, who had a similar concern about this same point in their careers. I commend him for that. I have some very particular ideas on what that committee ought to consider, and I assure the Senator I shall not hesitate to make those recommendations to the committee as to how that committee is constituted by the Senate and I may make recommendations on its membership.

Mr. GORTON. Will the Senator yield?

Mr. ANDREWS. Yes, Mr. President.

Mr. GORTON. Mr. President, as the Senator from North Dakota knows, I have had many of the same reservations about permanent status for this committee as does the Senator from Indiana. At the same time, I have a great deal of sympathy with the constituent groups who rely on the committee. I think the amendment resulting from the constructive work done by the Senator from Indiana and the majority leader may very well be the best solution.

We probably should not deal with this subject in isolation and with respect to one relatively small committee of the U.S. Senate.

What we need is a thoroughgoing study, then I hope we form a permanent committee from the subcommittee structure and the use of this bill to gain that most important end is, to my view, a signal success which we owe to the work of the Senator from Indiana, for which I thank him.

Mr. ANDREWS. Is there any objection to the amendment?

I yield back the time on the amendment on this side.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, in the usual form, the minority leader, I guess, would have control of the time in opposition. I do not have any opposition to the amendment on my side. So I yield back 5 minutes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3161) was agreed to.

Mr. ANDREWS. Mr. President, when my colleagues and I introduced Senate Resolution 127 last spring, it was the third time since the Senate had reestablished the Indian Affairs Subcommittee in 1977 that an effort was undertaken to make the committee permanent. It is gratifying to see that this time a total of 60 Senators are sponsors of the Resolution. These Senators represent a broad cross-section of this body and many of them have dealt with our committee and have seen for themselves the expertise and skill that the committee has been able to apply to the myriad of issues that are presented to it. We also received support from a unanimous Senate Committee on Rules and Administration. For this, I thank my friends and esteemed colleagues, the chairman, MAC MATHIAS, and the ranking member, WENDELL FORD. Support was also provided by the distinguished Senators from the Committee on Labor and Human Resources, Chairman ORRIN HATCH and ranking member, EDWARD KENNEDY, to whose committee the jurisdiction of the Select Committee would have gone had the Indian Affairs Committee been allowed to lapse. Support from tribes and Indian people across the Nation has been unanimous and considerable.

I will focus on what I see as the critical question concerning the future of the Select Committee. That question, as I see it, is how is the Senate to best continue its distinct responsibilities with respect to Indian affairs and at the same time maintain an effective and efficient committee system? I do not believe that there is any real question about the reality of the Senate continuing to function in the area of Indian affairs. That reality stems from Congress unique responsibilities for Indian affairs.

The Senate has, in its history, used different organizational forms to carry out its Indian affairs responsibility. For most of our Nation's history, Indian Affairs was a permanent committee of the Senate. Its scope and its form, however, have changed to reflect changed demands. In 1946, the Senate embarked on its second approach to handling its Indian affairs responsibility by terminating the permanent Indian Affairs Committee and transferring its primary responsibilities to the then Interior Committee where Indian affairs resided as a subcommittee. It is important to note the historic coincidence that it was during this same time period that national Indian policy took a distinct turn for the worse and the Nation embarked upon the policy of termination. The policy of termination has since been rejected by Presidents and Congresses alike. As part of that rejection and the evolution to today's policy of Indian self-determination, the Congress, in 1975, established the American Indian Policy Review Commission (AIPRC) to conduct a comprehensive study of Federal Indian policy and practice. In 1977, that Commission filed its report with Congress and made 206 recommendations. Of particular pertinence was the recommendation to make the Committee on Indian Affairs a permanent committee of each House of Congress. The Senate, to our credit, adopted a modified version of the recommendation by creating a temporary Committee on Indian Affairs. Our temporary committee has been the third approach that the Senate has tried with respect to its responsibilities in Indian affairs.

The impetus to create the Select Committee was in part to deal with the American Indian Policy Review Commission's recommendations, but that was neither the sole nor primary reason. The backers of the Select Committee always sought a Permanent Select Committee on Indian Affairs as a goal unto itself.

There are a number of reasons why permanency is the better way for the Senate to perform its obligations than other alternatives. A permanent committee is the most efficient use of the Senate's time and resources. Obviously, a committee that needs to be extended every several years spends a significant portion of its and the Senate's energies in the extension endeavor. There are myriad statutes, treaties and case law governing the vast range of issues involving Indians, including descent of trust land, crimes in Indian country, distribution of trust and judgment income, tribal government organization, civil rights, child welfare, housing, health, education, resource management and development, land transfers, water rights, eastern ancient Indian lands claims, Indian religious freedom, tribal colleges, and so on. A permanent select committee provides a focal point in the Senate for addressing these issues, provides a forum for Indians and non-Indians for addressing and resolving the cross jurisdictional problems between States, localities, and tribes; and, serves as an educational mechanism for members as well as tribes on the complex issues of the Federal/Indian trust relationship. A permanent select committee develops the expertise to perform these functions. A significant virtue of the Select Committee is its ability to develop the highly professional and specialized staff needed to deal with the complex and diverse issues that make up Indian affairs. In our almost 200 years of experience with the organization of the Senate to deal with its Indian affairs responsibilities, we have tried the various possible approaches. I believe that at this point, a permanent select committee is the best route.

I, therefore, urge this body to make the Select Committee permanent as the mechanism to implement our constitutional power and responsibility in Indian affairs. This action will enable the committee to move ahead with the critical work of making Indian self-determination a reality and ending the economic depression among Indians that is such a reality today.

Mr. President, I yield to the senior Senator from Arizona, our senior colleague on the committee.

Mr. GOLDWATER. I thank my friend.

Mr. President, I want to assure my good friend from Indiana that I am in complete sympathy with what his amendment is trying to do. We have too many committees in this body. We have far, far too many people working on this hill. It has grown, I think, 20 times since I have been here. I think we have committees on subjects that we do not need. But I do believe that we have needed a permanent Committee on Indian Affairs now for the almost 30 years I have been here.

What people do not realize is the fact that we have about 600,000 or 700,000 Indians in this country, some 400 tribes, another 200 tribes that reside in Alaska. To have to take care of these people in the slipshod manner that we are forced to do by a committee that never had any real status is just not the way to do it.

I am very glad that the leadership of the Senate worked out a method to accomplish this. I thank them, and I know I speak on behalf of Indians all over this country in saying thank you.

Mr. ANDREWS. I might say, Mr. President, that without the help of our esteemed colleague from Arizona, we would not be at this point now. He is indeed a champion of Native Americans and they are grateful to him for his support.

Mr. President, I yield such time as he may require to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to say just a few words in support of the creation of the Indian Affairs Committee as a permanent committee. Frankly, I have heard the discussion about the proliferation of committees here. I served on the Stevenson-Brock committee. I wish it had done more. It started off very enthusiastic, but by the time it finished, only about two or three people were attending the meetings where they were trying to get the work done.

But as to addressing the Indian affairs of this country, if we do not do this, it seems to me we leave the Committee on Energy and Natural Resources as the natural recipient of most of the Indian affairs issues, though not all of them. Frankly, I am convinced that the problem that we as a nation have in addressing our responsibilities and the problems that we have with our Indian people is so serious that we have to focus it someplace. If we leave it with some committee that already has diverse jurisdiction, plenty to do, with primary concern in other areas, I think we shall probably end up doing a worse job than we have done in the past, and we have not done very well in the past. So I think we ought to go ahead and stabilize the situation as best we can by making it permanent.

Hopefully, we shall look at all the committees as suggested by the distinguished Senator from Indiana in his amendment to this proposal before us to make permanent the Indian Affairs Committee. Perhaps we shall find some better way to do much of our work. In the meantime, I do not think the Indian people ought to be left with such a vague situation as they would have without a committee to handle their affairs. I support it and hope we shall pass it quickly.

Mr. ANDREWS. Mr. President, we appreciate the support of the distinguished Senator from New Mexico.

Mr. President, I yield the remainder of my time.

Mr. MELCHER. Mr. President, we are delighted that the majority leader and the Democratic leader were able to work out the arrangements for calling up the resolution. I think the amendment offered by the majority leader and the Democratic leader is a good amendment. I only want to add that the membership of the Select Committee on Indian Affairs totals seven as it is now constituted and no additions are expected to be made to the committee.

The Committee on Indian Affairs, prior to becoming a select committee, was a subcommittee of what we used to call the Committee on the Interior, now called the Committee on Energy and Natural Resources. The effectiveness of having it separate has been demonstrated over and over by the quality of work that is done, the depth of oversight that has been gone into by the committee. So in the study of the whole proposition, of all of the committees, I think that the Senate will concur with the findings that we have made, those of us on the Indian Affairs Committee. Indeed, it is an essential committee, a vital committee, one that needs to be continued.

Mr. President, 58 Members of the Senate have joined Chairman ANDREWS and me in cosponsoring Senate Resolution 127, establishing a permanent Indian Affairs Committee in the Senate. The resolution was reported unanimously by the Rules Committee on November 2, 1983. I want to express my appreciation to the members of the Rules Committee, particularly the chairman, Senator MATHIAS, and the ranking Democrat, Senator FORD, for their fair and expeditious treatment of Senate Resolution 127 and for their efforts to bring the resolution before the full Senate.

The adoption of Senate Resolution 127 will enable the Select Committee on Indian Affairs to carry on its work without any question as to its future. The committee's legislative record clearly shows that a committee devoted exclusively to Indian Affairs is in the best interests of not only Indian people but also all Americans and of course the U.S. Senate. The committee has proved to be an excellent and versatile forum for exploring alternative ways of mediating serious conflicts which have arisen between federally connected Indian interests and other public and private interests, in ways consistent with the legal rights of Indians, and non-Indians and the overriding Federal responsibility.

We have an obligation based on treaties and trust responsibility to the Indian people of this country. As an increasingly vital area of domestic affairs, Indian issues affecting Indians and non-Indians must be accorded the fair and careful treatment they deserve.

Mr. President, significant progress has been made by the Select Committee on Indian Affairs, but our major work has just begun. In the years to come Congress will have to consider sensitive issues relating to Indian land claims, natural resources, water and hunting and fishing rights as well as oversight of the Federal agencies dealing with Indian affairs, and programs. In addition the States and local government have a significant interrelationship with Indian tribes and the programs and policies covering Indians.

A permanent and separate Committee on Indian Affairs provides the best way for reaching equitable resolutions to these questions. It will, in the long run, save the American taxpayers money and prevent a loss of continuity in the steady and responsible legislative progress of this committee and of the Senate.

For the Indian people, for the people that deal with Indians in business, education, or legal matters, the select committee's continuation is of utmost importance. For the non-Indian people who live on or near a reservation and for the States in Indian country the continuation of the select committee is very important. For the Eastern and Southern States where Indian land claims have not been resolved the select committee's continuation is of great importance.

After three decades of neglect, congressional attention to Indian affairs was brought out of storage in 1975, when Congress created an American Indian Policy Review Commission and in 1977, when the Senate created the Indian Affairs Committee. The progress that has been made by the Senate on behalf of Indian and non-Indian people over the past 7 years must continue.

Mr. President, in the past 7 years, the Select Committee on Indian Affairs has been the inspiration for the most thoughtful and responsible legislation on Indian matters in a very long time. After an energetic start that has led to the passage of more positive Indian legislation that this body has seen in decades, I firmly believe that the committee should continue to function in a permanent and stable manner. I urge the Senate to support Senate Resolution 127 as reported by the Rules Committee.

Mr. STEVENS. Mr. President, after many months of waiting I am glad to finally have the chance to indicate my support for making the Select Committee on Indian Affairs a permanent standing committee of the Senate.

The Select Committee provides us with essential expertise in an area of important Federal responsibility: Our relations with native Americans. In my State, Native Alaskans are unanimous in their support for the Select Committee, and firmly believe that it should be made a permanent Senate committee. The existence of a committee whose mandate is to focus on native American affairs creates a forum in which the special circumstances and unique needs of Native Alaskans and all native Americans can be examined, debated, and understood with care. I am convinced that this very special group of Americans not only deserves, but requires, the kind of recognition and attention only a permanent Senate committee can give to them. Certainly the plethora of executive branch agencies that are charged with responsibilities toward native Americans—the Bureau of Indian Affairs, the Indian Health Services, the Administration for Native Americans, the Office of Indian Education—certainly these agencies, which use congressionally appropriated funds to carry out their programs, merit the oversight provided by a permanent committee. I urge my colleagues to join with me in supporting this proposal.

● Mr. ABDNOR. Mr. President, I am pleased that the Senate has decided to take up consideration of Senate Resolution 127 which would extend the authorization of the Senate Select Committee on Indian Affairs.

As one who supports this reauthorization, I believe strongly in the merits of this legislation. The issues which this Select Committee deals with are often difficult and complex. As one who represents nearly 50,000 Native Americans in the Senate I know firsthand of the fine work this committee has accomplished in its efforts to address the concerns of both Native Americans and non-Indian citizens of our Nation.

Many times during my service in the U.S. Senate I have relied on the expertise and assistance of this committee. Under the able leadership of Senator ANDREWS, and before him, Senator COHEN, and Senator MELCHER, important hearings and legislative initiatives were undertaken to address some of the serious problems which our Native Americans face.

I believe it would be a great disservice to all Americans if the Senate let this vital committee lapse.●

● Mr. MURKOWSKI. Mr. President, the Congress of the United States has a constitutional responsibility to conduct Indian affairs. This responsibility often involves complex areas of law falling within the jurisdiction of Federal, State, and local levels of government.

The complexities of Indian affairs are very apparent in my State. Alaska's Native people make up approximately 13 percent of the State's total population. Of those there are Eskimos, Athabascans, Aleuts, Tlingits, and Haidas. Native life in Alaska has been undergoing rapid changes as advances have been made in communications and transportation in the bush. Passage of the Alaska Native Claims Settlement Act in 1971 has further altered Native life. That act awarded Alaska Natives $962.5 million and 40 million acres of land to be managed by 13 regional business corporations. The Select Committee on Indian Affairs has provided a necessary focal point for addressing the issues arising from ANCSA in a thoughtful and responsible manner.

As a member of the Select Committee on Indian Affairs and as an original cosponsor of Senate Resolution 127, I urge its adoption. By making the committee permanent, the Senate has the opportunity to further improve its efficiency and effectiveness in carrying out its responsibility to conduct Indian affairs.

Finally, I wish to thank Senator ANDREWS for his able chairmanship of the committee and also the committee staff who have been most helpful to me and my staff in responding to the issues of importance to Alaska Natives.●

Mr. MELCHER. Mr. President, we have no request for further time on this side. I am prepared to yield back the time that might be remaining.

Mr. ANDREWS. Mr. President, we yield back the time on this side.

Mr. MELCHER. We yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution (S. Res. 127), as amended, was agreed to as follows:

S. RES. 127

Resolved, That section 105 of S. Res. 4, Nineth-fifth Congress, agreed to February 4 (legislative day, February 1), 1977, as amended, is amended

(1) by striking out "temporary" in subsection (a)(1); and

(2) by striking out subsection (d).

SEC. 2. (a) There is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of twelve Members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(c) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

SEC. 3. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

Sec. 4. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman, and may be served by any person designated by the chairman or member signing the subpena.

Sec. 5. For the period from the date this resolution is agreed to through December 15, 1984, the expenses of the select committee under this resolution shall not exceed $200,000, of which amount not to exceed $30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 6. The select committee may submit interim reports on its activities, together with such recommendations as it deems advisable. The select committee shall submit to the Senate a final report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than December 15, 1984. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist upon the expiration of sixty days following submission of its final report.

Sec. 7. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Sec. 8. When the resolution incorporating the recommendations of this committee is submitted, it shall be referred to the Committee on Rules and Administration.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Arizona, the distinguished Senator from North Dakota, the distinguished Senator from Montana, and especially the distinguished Senator from Indiana. This was not only a question that concerned him a great deal but, also, he worked very hard to accommodate the conflicting views.

EDUCATION FOR ECONOMIC SECURITY ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3152

Mr. BAKER. Mr. President, what is the business pending before the Senate?

The PRESIDING OFFICER. The pending business before the Senate is the Denton amendment to S. 1285, the math-science bill.

Mr. BAKER. The pending business is the math-science bill, is that correct?

The PRESIDING OFFICER. The pending business is the math-science bill.

Mr. BAKER. And the Denton amendment is the pending amendment?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I think I have here everybody involved. What I propose to do now has been cleared all the way around, I think.

Mr. President, what I am about to do—I do not yet do—is ask unanimous consent to set aside the Denton amendment and go instead to the Moynihan amendment, as modified, which I understand will be offered by the Senator from Utah (Mr. HATCH), who I do not see in the Chamber at this moment. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3162

(Purpose: To authorize a program of financial assistance for magnet schools and for science and technology summer camps)

Mr. BAKER. Now, Mr. President, I have consulted with the minority leader on this request and I am advised that he does not need to be on the floor when the request is made and hopefully given.

Mr. President, I ask unanimous consent now that the Denton amendment be temporarily laid aside, and that the Senate proceed to the consideration of an amendment which I now send to the desk on behalf of Senators HATCH, STAFFORD, PELL, MOYNIHAN, EAGLETON, and HEINZ.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The bill clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HATCH, Mr. STAFFORD, Mr. PELL, Mr. MOYNIHAN, Mr. EAGLETON, Mr. HEINZ, and Mr. DOLE, proposes an amendment numbered 3162.

Mr. BAKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new title:

TITLE V—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

Sec. 501. There are authorized to be appropriated $75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

Sec. 502. A local educational agency is eligible to receive assistance under this title if the local educational agency—

(1) has received $1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

Sec. 503. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

Sec. 504. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

SEC. 505. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

SEC. 506. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

SEC. 507. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 503;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

SEC. 508. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

SEC. 509. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

SEC. 510. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local educational agency concerned.

PAYMENTS

SEC. 511. (a) The Secretary shall pay to each local educational agency having an application approved under this title the amount set forth in the application. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible, be identical with the services which would have been provided such children or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHHOLDING

SEC. 512. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

Mr. BAKER. Mr. President, I say to Members that I believe there may be a rollcall vote on this amendment, and I urge Senators to take account of that.

I hope there will not be more than 15 or 20 minutes of explanation, because I believe the amendment has been worked out and has been agreed to generally. But we do have a request for a rollcall vote. So I urge Senators to stand by, and I hope we can have the matter out of the way in the next 15 or 20 minutes.

I yield the floor.

Mr. STAFFORD. Mr. President, we are advised that Senator HATCH, who is chairman of the committee involved, is on his way to the floor, and he will undoubtedly wish to speak in explanation of the agreement that has been reached among himself, Senator PELL, myself, Senator MOYNIHAN, Senator EAGLETON, and Senator HEINZ.

I yield the floor at this time, if Senator PELL wishes to speak.

Mr. PELL. Mr. President, this amendment has been worked on hard in the last couple of hours. There were two differing viewpoints, quite far apart, when we went into our initial conference, and we have come together. It is a good amendment. Each of the sponsors has contributed to it; each has given up something as well. I commend it to our colleagues as being very worthy, and it should be adopted.

Mr. STAFFORD. Mr. President, I concur in what the able Senator from Rhode Island has just said. This morning, it appeared that there was an almost insurmountable obstacle with respect to the Eagleton-Moynihan desegregation amendment, proposed to be offered to the math and science bill. But by a good-faith effort on the part of the parties this afternoon, the matter has been resolved to our mutual satisfaction.

I am especially pleased because it enables us to go forward with this major piece of legislation, the mathematics and science bill, designed to take care of one of the main weaknesses in the American public education system. The need to improve mathematics and of science instruction was a major part of the National Commission on Excellence in Education's report and those of the other commissions that reported on this subject last year. So, it is very gratifying that we have been able to resolve our differences.

Mr. President, I see one of the principal authors of the amendment in the Chamber, and I am prepared at this point to yield the floor.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER (Mr. EVANS). The Senator from Missouri.

Mr. EAGLETON. Mr. President, I am pleased to join Senators HATCH, STAFFORD, PELL, and MOYNIHAN in sponsoring the amendment that is now before the Senate.

Briefly, I should like to highlight the essence of the amendment.

First of all, it provides an authorization of $75 million and it declares that three categories of school districts are eligible to receive these funds. The first is a district which lost $1 million in the first fiscal year after the repeal of the Emergency School Assistance Act. The second category would be a district that is operating under a court-ordered desegregation plan. Third would be a district that is operating under a voluntary plan.

The program authorization is for use in magnet schools which are part of an approval desegregation plan.

The amendment goes on to authorize the use of the funds for courses in academic instruction offered at magnet schools, for the purchase of books, material and equipment, including computers, and for the payment of or subsidization of the compensation of elementary and secondary school teachers in those magnet schools.

Finally, Mr. President, the amendment gives special consideration to the recentness of the implementation of the approved plan and to the proportion of minority group children involved in the approved plan.

Last, it says that no State shall reduce the amount of State aid with respect to the provision of public education or the amount of assistance received under chapter II of the Education Consolidation Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title.

All in all, it is an excellent compromise amendment. I particularly commend Senator HATCH, who played a key role in the authorship of this amendment, and I am pleased to endorse it wholeheartedly and enthusiastically.

Mr. President, this amendment establishes a new title in the bill before us to reauthorize categorical Federal assistance to school districts which are operating magnet schools as a part of an approved desegregation plan. As Members in this Chamber will recall, the Emergency School Aid Act (ESAA) was included in the so-called chapter 2 block grant under the Omnibus Budget Reconciliation Act of 1981. With that inclusion of Federal assistance for desegregation activities into the block grant, most prior ESAA recipient school districts have experienced enormous reductions in funding. For example, in my own State of Missouri, both the cities of St. Louis and Kansas City received ESAA funds prior to 1982. In school year 1981-82, the year prior to implementation of the block grant, St. Louis received $4.7 million of ESAA money. The amount allocated to the St. Louis school district under the block grant was $650,000. That, Mr. President, is a 91.6-percent decline in funds between the 1980-81 and the 1982-83 school years. Similarly, in Kansas City, prior to the implementation of the block grant, Kansas City received $3.3 million in ESAA funds. The amount allocated under the block grant to Kansas City was $450,000. That, Mr. President, is a 90-percent decline in funds to the school district of Kansas City.

Similarly, Buffalo suffered an 85.8 percent decline in funds between 1980 and 1982; Cleveland suffered an 87-percent loss; Dallas suffered a 79.5-percent loss; Los Angeles suffered a 63.4-percent loss; Milwaukee suffered a 68.3-percent loss; Seattle suffered an 89.6-percent loss; San Francisco a 69.2-percent loss; and Toledo a 67.6-percent loss. Mr. President, I ask unanimous consent that a chart demonstrating the magnitude of the loss of funds to 18 major urban school districts be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	ESAA funds for school year 1981-82	Total block grant funds (26 programs consolidated, including ESAA)	
		School year 1982-83	School year 1983-84
Boston	$461,738	$1,011,068	$1,000,958
Buffalo	6,850,466	950,000	890,200
Cleveland	3,798,615	1,021,813	1,194,803
Dade County	593,580	2,160,694	2,137,167
Dallas	1,770,012	852,197	844,000
Detroit	3,179,193	3,418,852	3,381,625
Kansas City	3,256,597	450,000	432,000
Los Angeles	6,958,231	7,991,535	7,904,519
Milwaukee	6,866,250	2,697,606	1,697,000
Minneapolis	261,612	272,996	270,023
Nashville	572,027	557,242	552,000
New York	6,110,170	8,470,000	8,383,000
Philadelphia	3,607,876	3,427,651	3,390,329
Rochester	4,220,771	922,701	913,000
San Francisco	882,339	832,465	824,140
Seattle	3,915,705	732,000	724,030
St. Louis	4,666,632	653,645	646,528
Toledo	740,758	370,532	366,800

Mr. EAGLETON. Mr. President, when the committee adopted the chapter II block grant, it required that at least 80 percent of a State's funds be allocated directly to local school districts based in part on their numbers of so-called high cost student. The committee report stated:

> At least 80 percent of the funds under this subpart are to be allocated directly to local educational agencies on a needs basis as described in the legislation. Since funds previously earmarked by school desegregation assistance have been consolidated into this subpart, the Committee expects that recognition of additional costs incurred by the efforts to alleviate the isolation of minority group children where appropriate will be included among the needs factors considered in the allocation of funds to local educational agencies. However, consistent with existing law, such funds are not to be used for the transportation of students or teachers or for acquisition of pupil transportation equipment.
>
> The Committee expects that, in allocating funds for desegregation projects, the State will make individual awards on the basis of the recentness of the LEA's qualifying desegregation plan, and on the severity and likely duration of the educational needs addressed by the LEA's proposed activities, taking into account the LEA's relative access to other resources necessary to respond to the special needs arising from the plan. The Committee also expects that States will give equal consideration to plans based on court orders and voluntary plans.

Both the statute and the legislative history made it quite clear that each State has the responsibility of allocating at least 80 percent of its block grant funds to local school districts and each State is supposed to provide higher per pupil allocation to districts which have higher concentrations of children from low-income families or who live in economically depressed areas. Congress clearly intended that the intrastate formulas under the block grant recognize the needs of districts with those characteristics of primarily urban school districts undergoing desegregation activities. Yet, from the statistics which I have cited above and all other preliminary information which has been given to the Senate Education Subcommittee, too many States are totally ignoring the congressional intent of the chapter 2 law. Only eight States used some desegregation factor in allocating funds to local districts. Only 6 percent of school districts across the country are using their chapter 2 funds for desegregation activities.

Since the inception of the ESAA program in 1970, ESAA has provided the only substantial support to school districts facing desegregation-related needs. I think it is also important to point out the major role this program played in encouraging voluntary desegregation in school districts across the country. According to an August 1982 report prepared for the U.S. Department of Education, only 27 percent of ESAA recipient school districts prior to 1981 had voluntary desegregation plans. Of those districts who received their first ESAA awards in 1980 or 1981, the percentage of voluntary plans had risen to 41 percent.

Mr. President, this administration's blue ribbon National Commission on Excellence in Education published a report in April of last year emphasizing that the primary role of the Federal Government in education is to enforce the civil rights laws as they apply to education and to help meet the needs of socioeconomically disadvantaged and minority students. Despite those pious words of the President's own Commission, this administration's lack of support for school districts undergoing desegregation, whether voluntary or court ordered, belies their printed words.

The amendment which we are now proposing will not by any means meet the total fiscal needs of the many districts across the country moving forward with school desegregation programs, but it will make a major contribution toward insuring an equal opportunity for quality education in those districts.

The amendment does not reenact the predecessor Emergency School Aid Act. It creates a far more targeted Federal desegregation assistance program under which school districts would have to compete nationally and demonstrate their compelling need prior to the receipt of Federal tax moneys. The amendment gives direction in the targeting of these funds by specifying four categories of special consideration for awards. These are: First, the recentness of the implementation of the plan; second, the proportion of minority group isolated children involved in the plan; third, the need for assistance; and fourth, the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

Civil rights, an integral part of which is school desegregation activities, have been and remain a national priority. Compliance with desegregation orders, or local commitments to voluntarily desegregate are costly business—failure on the part of Congress to assist districts to comply with Federal laws is even more costly to society as a whole. I urge adoption of the amendment.

Mr. BRADLEY. Mr. President, I rise as a cosponsor of this amendment to reenact the Emergency School Aid Act—ESAA. This amendment would reverse the decision made 3 years ago to terminate ESAA and consolidate it into the Chapter II Block Grant.

Mr. President, ESAA was designed to assist local communities with their efforts to desegregate the public schools. In 1981, several hundred school districts received approximately $150 million for these activities. Nineteen schools in my own State of New Jersey received over $5 million in 1981 for ESAA. When the program was terminated in 1981, these schools suffered a disproportionate reduction in Federal funding; Federal funding for these New Jersey schools was reduced by about two-thirds.

Last year the Montclair Board of Education submitted testimony to the House Subcommittee on Elementary, Secondary and Vocational Education documenting the serious problems in New Jersey associated with the termination of ESAA. I ask unanimous consent that this testimony be included in the RECORD at the end of my statement.

Mr. President, ESAA should never have been included in the Chapter II: Block Grant in the first place. The loss of ESAA funding has hampered local efforts to provide an adequate education to students. I urge my colleagues to support this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY FOR THE HOUSE SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

Honorable Carl S. Perkins, the Montclair Board of Education, Montclair, New Jersey, respectfully submits the following testimony in support of the reinstatement of aid to desegregation programs in the form of the reauthorization of the Emergency School Aid Act.

The initial section of this report addresses the impact of the loss of desegregation funding on the Township of Montclair, New Jersey.

The second section addresses the impact of Block Grants on 19 New Jersey School Districts who were funded under the ESAA program in 1981-1982.

PREFACE

Dollar figures, enrollment reports and racial balance percentages do not reflect the impact that federal support for desegregation has had on this community. The impact as a whole can best be described by noting that in ten years, the community has moved from riot to reason and from confrontation to consolidation in solving problems. Ancillary benefits, such as the beginnings of an integrated housing pattern, increased real estate values and general community pride cannot be measured in dollars and cents. The direct educational benefits of the ESAA support of desegregation programs can be seen in improved standardized test scores, increased parental involvement and strengthened community support of public education. Montclair's programs have served as models for programs in New Jersey and across the nation.

MONTCLAIR'S DESEGREGATION PLAN COMPONENTS

Gifted/talented magnet: Activities severely curtailed, thus endangering the "magnetic" quality of the specialized programs. The Gifted/Talented program is a component of Montclair's which eliminates minority group isolation in grades pre-K through 8. The program serves approximately 2,000 students in three schools, providing specialized educational offerings to attract students into various schools within the community.

Primary unit magnet: Activities severely curtailed, thus endangering the "magnetic" quality of the specialized programs. The Primary Unit Magnet is comprised of unique educational activities in full-day programs for four, five and six-year olds, designed to attract a sufficient number of minority and non-minority group students into selected elementary schools. Specialized programs include, but may not be limited to, foreign language, science, dance and drama.

Fundamental magnet: Activities severely curtailed, thus endangering the "magnetic" quality of the specialized programs. The Fundamental Magnet program is designed to eliminate minority group isolation at three elementary and middle schools by providing students with an intensified basic skills program, continuous home-school communication, specifically designed and implemented parental responsibilities, cultural and character education.

Comprehensive guidance magnet: Have been eliminated as a result of losing ESAA. The Comprehensive Guidance Program is an alternative guidance program designed to supplement and extend existing guidance and counseling services. The program provides direct and/or indirect services to students and parents and ensures equal access to programs by making sure parents know what their educational options are and how to exercise them.

Learning centers: Have been eliminated as a result of losing ESAA. The Learning Centers are learning environments which provide supportive educational services to students whose attendance at the school has widened the range of achievement levels and created a student population with a wider variance in cultural and socio-economic background.

Staff development: Have been eliminated as a result of losing ESAA. The Staff Development activities include sessions for principals, teachers and support staff in school buildings affected by the desegregation plan. Content includes human relations as well as strategies to help teachers relate to and teach students with diverse cultural and educational backgrounds.

WHY EDUCATION-RELATED DESEGREGATION PROGRAMS (MAGNETS) COST MORE

Magnet programs are educational programs based on parents being able to choose unique educational opportunities.

(1) Voluntary plans require additional administrative oversight.

(2) Parents and community must be informed for equal access to systems based on choice. All parents must be able to exercise choice options.

(3) Unique educational programs with programmatic differences require continuous: (a) staff training; (b) curriculum revision and update to remain attractive; (c) additional costs of supplies; (d) specialized teachers; (e) additional support programs, such as guidance alternatives; and (f) community parent education and parent involvement programs with administrative support.

The total cost of Montclair's integration program, desegregation activities and support programs has been calculated to be approximately ¾ of a million dollars in 1982-1983. The Board has been able to assume approximately $400,000 of the cost for staff.

Losses of ESAA funds resulted in the following staff cutbacks: Administrators 4, teachers/home school liaisons 16, secretaries 2, or ¼ of the desegregation-related staff of 78.

If funded in the 1982-1983 ESAA grant, Montclair would have received the third-year-grant of a five-year commitment the federal government made to support desegregation programs. The five-year commitment carried with it a "sunset" clause. To be eligible for the grant, school districts had to demonstrate their ability to divest themselves of dependency on federal funding (and keep the program going) by the end of the grant period. Montclair was making progress toward that goal.

Table follows:

	ESAA	Local	Staff
1980-1981	$1,269,330	$635,320	114
1981-1982	984,682	438,562	78
1982-1983			

We have managed to maintain the "guts" of the plan, but without additional assistance, the integrity of the plan cannot be maintained. Deeper cuts will mean a return to racially isolated schools.

IMPACT OF LOSS OF FUNDING ON THE STATE OF NEW JERSEY

The attached chart shows the loss of funding for 19 districts who received a total of $5,000,000 in aid to desegregation during FY 1981-1982. It should be noted that New Jersey received a total of $15 million in discretionary, antecedent federal funds during 1981-1982. Fully one-third, or $5 million, of that aid went to support desegregation programs.

As you will note from the chart, most of the districts used their block grant allotment to continue their desegregation efforts. However, the precipitous reduction in funds is only serving to delay the desegregation of schools.

The American Association of School Administrators studied block grant expenditures. The results indicated that school districts around the country spent 80% of their block grants on computer hardware. The 19 New Jersey districts, on the other hand, spent their block grant money on improving educational programs that had, as their aim, the support of desegregation efforts. This speaks to the degree to which desegregation and improved education go hand in hand and require additional expenditures.

An additional funding issue is the degree to which non-public schools received additional monies under the block grant system. In New Jersey communities where desegregated school districts received extra support through modification of the block grant formula, non-public schools reaped even greater benefits.

According to the Chapter 2 regulations, non-public schools must share equally in the formula allocation. In New Jersey, the non-public share of federal funds rose from $700,000 in 1981-1982 to over $1.4 million in FY 1982-1983.

Contrary to the prevailing opinion, the desegregation funding was used to support improved educational programs to encourage voluntary desegregation. At a time when the Commission on Excellence is calling for revamping the educational system, we cannot afford to deny support to programs which have demonstrated their educational worth.

IMPACT OF BLOCK GRANTS ON 19 RECIPIENTS OF ESAA FUNDS IN NEW JERSEY

	1981-82 public	1981-82 nonpublic	1981-82 total	1982-83 public	1982-83 nonpublic	1982-83 total	Public loss	Nonpublic gain
District:								
Asbury Park	654,139	5,372	659,511	51,053	9,747	60,800	603,086	4,375
Bayonne	488,337	8,185	488,337	74,060	38,539	112,599	414,277	
Bridgeton	73,967	2,718	76,685	97,481	8,882	106,363	+23,514	6,164
Buena regional	42,100	3,417	45,517	43,831	15,380	59,211	+1,731	11,963
Camden	336,123	20,079	356,202	308,130	29,285	337,415	27,993	8,206
Carteret	243,745	1,216	244,961	68,669	8,177	76,846	175,076	6,961
Elizabeth	549,173	27,190	576,363	222,793	77,806	300,599	326,380	50,616
Galloway	68,405	311	68,716	17,888	7,014	24,902	50,517	6,703
Highland Park	138,913	431	139,344	28,658	2,698	31,356	110,255	2,267
Irvington	195,608	8,718	204,326	156,377	24,890	181,267	39,231	16,172
Jersey City	601,695	107,084	708,779	654,757	291,881	946,638	+53,062	184,797
Matawan-Aberdeen regional	426,680		426,680	66,381		66,381	360,299	
Montclair	902,540	2,408	904,948	70,361	26,840	97,201	832,179	24,432
Piscataway	128,261	1,582	129,843	71,290	16,154	87,444	56,971	14,572
Rahway	83,199	381	83,580	35,605	3,457	39,062	47,594	2,076
Roselle	134,944	2,870	137,814	38,309	19,562	57,871	96,635	16,692
Teaneck	384,159	470	384,629	54,472	4,385	58,857	329,687	3,915
Union	266,162	18,475	284,637	133,543	48,910	182,453	132,619	30,435
Vineland	418,389	7,648	426,037	121,581	21,032	142,613	296,808	13,384
Total	6,136,539	210,370	6,346,909	2,315,239	654,639	2,969,878	3,821,293	404,730

Mr. PERCY. Mr. President, I am pleased to rise today in strong support of the amendment offered by my distinguished colleagues from New York and Utah whch authorizes special assistance for school desegregation activities. This amendment is similar to S. 1256, the Emergency School Aid Extension Act of which I am a cosponsored, and would create a new program of special assistance for school desegregation activities as title VI of the Elementary and Secondary Education Act of 1965.

Today, as 12 years ago when the Emergency School Aid Act of 1972 (ESAA) was first authorized, Federal assistance for school desegregation activities remains a matter of vital importance to millions of American school children. ESAA, prior to its repeal in 1982, authorized funding for a wide variety of programs to assist school districts in implementing desegregation plans, both voluntarily and as a result of court order. Title VI, the authorizing statute, sets forth to meet the special needs related to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools and encourages the voluntary elimination, reduction or prevention of such segregation and discrimination in schools with substantial minority group enrollment.

The amendment I am supporting today, the Desegregation Assistance Act, revives ESSA by authorizing through 1986, amounts not to exceed 22 percent of the previous year's authorization for chapter 2 block grants. For fiscal year 1984, the authorization would be $75 million. Grants awarded to school districts under this program could be used for curriculum development, community relations, staff hiring and training, extracurricular activities and the operation of magnet schools.

Mr. President, I strongly urge my colleagues to support this amendment to insure that all children have the opportunity to receive a quality education. We must remain firm in our commitment to provide equal education opportunities to children of all races. The Federal Government has made the funding of school desegregation a national priority over the past 13 years. If we deprive local school districts the resources necessary to carry out desegregation plans, they will be unable to meet their obligations under law.

● **Mr. DURENBERGER.** Mr. President, I am pleased to support Senator MOYNIHAN's emergency school aid extension amendment. This amendment would provide categorical assistance for State and local desegregation programs and I am hopeful the Senate will adopt this amendment.

Thirty years ago, the Supreme Court, in *Brown* v. *Board of Education*, 347 U.S. 483 (1954), affirmed the importance of integration of our Nation's educational institutions.

One year later, in a second Brown decision, the Supreme Court identified appropriate mechanisms to secure effective enforcement. Federal district courts were delegated primary responsibility for supervision of the transition to a system of public education that is free of racial discrimination. Courts were permitted to rely upon traditional equitable principles and the public interest in the implementation of desegregation plans. Most importantly, however, the Supreme Court demanded that public school officials make a prompt and reasonable start toward full compliance.

Three decades later, after years of struggling to achieve equality and equity, we still need to facilitate school desegregation. The problem of segregation today is centered in the large metropolitan areas of the country and is most acute in the urban industrial centers of the Northeast and Midwest. None of the 10 largest metropolitan areas in the country has substantially desegregated school systems. In the 26 largest cities, 3 of every 4 black children are assigned to intensively segregated schools. Most inner-city schools have large black or Hispanic majorities, while the suburban schools tend to be white.

To facilitate desegregation efforts, the Federal Government enacted the Emergency School Aid Act and, from 1972 to 1981, districts throughout the country benefited from this program. However, in fiscal year 1982, the ESAA was repealed as a separate program and funds for desegregation were consolidated into an education block grant.

Unfortunately, the block grants have meant less funds for desegregation efforts. It is imperative that we continue our Nation's commitment to civil rights and that we remove the blight of school segregation from this generation and all future generations.

Mr. President, I urge my colleagues to support this amendment. I ask that a letter of Mr. Larry Harris, of the Minneapolis Public Schools be printed in the Record at the conclusion of my remarks.

The letter referred to follows:

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, MN, February 23, 1984.

Hon. DAVID DURENBERGER,
Russell Office Building,
Washington, DC.

DEAR SENATOR DURENBERGER: I am writing in reference to the Emergency School Aid Act which has supported desegregating school systems in America for a number of years and which was blended into the Block Grant Program. Consequently, previous Minneapolis Public School ESAA funds were folded into the Block Grant Program and along with St. Paul and Duluth ESAA funds, distributed throughout the state. This made ESAA funds available to many school districts in the state which serve no minority students.

I want to summarize some of the support provided by the Emergency School Aid Act in Minneapolis between the period of 1973-74 and 1981-82. The district received $6,458,877 during that time period. We received no money in 1976-77 because it was "St. Paul's turn" that year.

A number of programs were operative and I am going to summarize them. The ESAA money was important because it said to the citizens of Minneapolis that the federal government did care about the fact that districts such as Minneapolis were incurring extra expenses in order to provide a desegregated and integrated education for students who often lived in segregated neighborhoods. (We are enclosing a complete list of projects funded under ESAA.)

The ESAA money allowed students in desegregating schools to have an opportunity for special academic help which is not always restricted to low income criteria such as Title 1.

Formation of an ESAA districtwide committee involving parents, students, teachers and community persons brought an added focus on desegregation and an awareness that the federal government did see itself as part of the team in correcting the evils of segregated housing.

Some of the programs which were made possible to support our desegregation effort under ESAA funds included reading and math instruction to help high need students in desegregrating schools. This program operated for several years and served public and nonpublic students. Help was provided to students because they attended a desegregating school.

Desegregation aides were used in a number of schools to help transfer students to adjust to their new school. Desegregation aides work with staff, the students, with families and in many instances with the community around the school. The desegregation aides served as a bridge between minority students attending new schools in neighborhoods where they had never lived and sometimes never been.

The District used materials developed through the Title I Math Basic Skills Development Project as part of ESAA remedial math programs in order to save costs. We used materials developed with one set of federal funds in another program so as not to spend money remaking a wheel.

One of the frustrations of the desegregation program was that Title I students who were receiving math and reading help were often transferred to non-Title I schools. ESAA funds allowed us to provide Title I-type services to these students so that their moving as part of the desegregation program did not force them to lose special academic help.

A Parent/Community Outreach program operating through outreach workers was added in a number of schools to maximize participation of parents in newly desegregated schools.

In-service training was provided for staff in desegregrated secondary schools and in their feeder schools to increase understanding of students and to prevent dropouts. The desegregation/integration efforts of the Minneapolis Public Schools reassigned students so that many student bodies were vastly different than they had been over history. As an example, I attended Marshall Junior-Senior High School for my last six years of public school. During that six-year period, I remember one minority student who was in our school because he was in a wheelchair and all secondary handicapped students attended Marshall. The desegregation efforts of the Minneapolis Public Schools completely changed the complexion of Marshall. Not only were minority students to become part of the student body, the old southeast neighborhood complexion of Marshall was enriched by students from both north and south sections of Minneapolis. Special training for the staff was important in supporting the long-term success of Marshall.

The Central Magnet Program was developed with ESAA funds. The Central Magnet Program drew students from the whole south side. It provided a type of integration of a voluntary nature. It provided services to gifted, talented and high potential students. An excellent fringe benefit of the Central Magnet Program was that students who lived in the Central neighborhood had an opportunity to participate in the magnet program and to attend the high school which was enriched by bright, eager and active students. The Central Magnet Program has been moved to South High School.

The Henry, Edison, North Program (HEN) developed activities between and among three schools serving north and northeast Minneapolis with widely divergent racial and ethnic populations. The HEN program became the forerunner of the current trimester integration program between North and Edison where students in ninth, tenth, and eleventh grade spend one of three trimesters each year in the other school.

I firmly believe, Senator Durenberger, that the support of desegregation/integration efforts in the core cities of America is crucial if our country is to have long-term racial harmony. There has been a steady increase in the percentage of minority students in the Minneapolis Public Schools. In 1969 the district had 12 percent minority students and in 1983 the minority student population was 35.2 percent. Our district's minority population is a diversified population. In 1978, 1.5 percent of the student body were Asian Americans and in 1983 5.9 percent are Asian Americans. Our Asian American population grew from 679 in 1978 to 2,337 in 1983. We had 2,324 American Indian students in October 1983 which was the largest Indian student enrollment of any school district in the state. The Black American population in 1983 was 8,814 while we had 498 Hispanic Americans. The complexity of our district's population has added to the need for ongoing staff training due to the implementation of our Five-Year Desegregation/Integration Plan.

Senator Durenberger, I am writing because I believe the federal government may feel that it should have a limited role in education, but that the desegregation/integration of the American city schools is so crucial that our national government must continue its stake in those school systems which are desegregating and integrating their student bodies.

If you read the lead article in the Minneapolis Star & Tribune of February 15, 1984 you would have noted that benchmark tests for kindergarten students in the Spring of 1983 indicated that 19 percent of the students who take the benchmark tests wouldn't have been promoted. We hope that adjustments during the 1983-84 school year will cut the percentage of students who will be held back down to 10-12 percent. It is interesting to note, Senator Durenberger, that the percentage of Indian students who would have scored too low for promotion was 30.1 percent, Asian and Hispanics students 16.2 percent, Black Americans 37.8 percent and White students 11.8 percent. If the school systems like ours can't provide the educational opportunities to help *all* the core city's students grow, our cities and nation will pay the price in the future.

I'm sorry that this letter is so long, but I believe the subject warrants the length and urge you to support efforts to develop an ESAA-type bill.

Please don't hesitate to contact us if you have any questions.

Sincerely,

Larry Harris,
Director, Legislative and Community Relations.●

(By request of Mr. Byrd, the following statement was ordered to be printed in the Record:)

● Mr. KENNEDY. Mr. President, I support the amendment to reestablish the Emergency School Aid Act. Segregation continues to be pervasive throughout our Nation's schools. According to a 1982 report by the Joint Center for Political Studies, 63 percent of black children attend predominantly minority schools; 68 percent of Hispanic children attend predominantly minority schools.

This program has been at the foundation of this Nation's effort to carry out school desegregation. This program continues to play an important role in providing support for those schools which face court-ordered desegregation. Since its inception, ESAA has provided the only substantial support to meet desegregation-related needs.

ESAA has played an important role in encouraging voluntary desegregation of schools. According to the Department of Education, 27 percent of the ESAA grants in 1980 and 1981 went to support nonrequired, or voluntary plans. In 1981-82, 41 percent of the funds went to voluntary efforts.

This amendment sets aside $75 million of the chapter 2 block grant funds to be targeted for desegregation assistance. It establishes a single national competitive grant program administered by the Secretary of Education under precise criteria which will target the funds where they are most needed.

Support for desegregation assistance continues to be a national priority. Schools under court order, or schools seeking to enact voluntary desegregation plans, need Federal support in order to carry out an effective desegregation plan. We have a continuing obligation to support desegregation efforts. I urge my colleagues to support this amendment.●

● Mr. CHAFEE. Mr. President, as a cosponsor of S. 1256, the Emergency School Aid Extension Act, I would like to express my support for the amendment offered by Senators Hatch and Moynihan to include support for magnet schools as an amendment to S. 1285.

I have supported S. 1256 because I believe the elimination of racial isolation in our Nation's public schools remains one of the primary responsibilities of the Federal Government in education. We must continue to assure that all students are given an equal opportunity to receive a quality education, regardless of background.

Federal leadership in reducing school segregation has played a crucial role in this endeavor. Magnet schools—schools which attract students from all backgrounds based upon their interest in certain disciplines—have been an enormously successful tool in promoting voluntary segregation programs. In Providence, R.I., an extremely successful magnet program in the city's public high schools has received widespread community support and helped to improve the learning environment.

Providence was one of many cities which received support for its magnet program in the Emergency School Aid Act prior to its consolidation in the chapter 2 block grant program. After consolidation, the level of funding available for desegregation programs was significantly reduced. Important activities to reduce racial isolation and assist minority and disadvantaged students have been curtailed.

The chapter 2 funding formula has hindered many urban school districts in their efforts to implement desegregation activities. I have supported the revival of categorical assistance for these activities in order to enhance the capability of our Nation's urban schools to address the unique challenges they face today.

Although the compromise amendment being considered today does not entirely meet the goals set forth in S. 1256, it will provide important support by enabling school systems to compete for assistance outside the block grant. This support will be of enormous help to America's urban schools, and I commend Senators Hatch and Moynihan, as well as the other cosponsors of the measure, for their diligent efforts in this matter.●

Mr. MOYNIHAN. Mr. President, I am pleased to join as a cosponsor of the amendment to S. 1285, the Education for Economic Security Act, that would authorize $75 million for magnet school programs that are part of voluntary and court-ordered desegregation plans.

During consideration of the Omnibus Reconciliation Act of 1981, President Reagan decided to include the emergency school aid program (ESAA) in his State education block grant proposal. This essential program was joined with 27 other Federal education programs into chapter 2 of the Education Consolidation and Improvement Act of 1981. We now know that the consequence of this action has been the drastic reduction or elimination of Federal funding for voluntary and court-ordered school desegregation programs in hundreds of school districts throughout the country.

At the end of the 97th Congress, I responded to this crisis by introducing legislation that would remove the emergency school aid program from the block grant, thereby reestablishing it as title VI of the Elementary and Secondary Education Act of 1965. Then, at the beginning of the 98th Congress, I introduced S. 402, the Emergency School Aid Act, to achieve the same purpose. Since then, I have joined with a number of my distinguished colleagues in introducing S. 1256, a modified version of S. 402, that would authorize a new program of special assistance for school desegregation activities. The Senate Subcommittee on Education, Arts, and Humanities held a valuable hearing on this legislation on June 27, 1983.

I had planned to offer today my own amendment to S. 1285 that embodied the essential aspects of S. 1256, with a few modifications. My amendment, instead of authorizing $125 million, would have authorized an "amount not to exceed 22 per centum" of the previous fiscal year appropriation for chapter 2 of the Education Consolidation and Improvement Act; in fiscal year 1984, this amount would be $100 million. In addition, we would have modified the application procedure for competitive grants and altered the prohibition against reduction in State funding for desegregation activities as a condition of receiving Federal assistance. After meeting with my distinguished colleagues, Senators Hatch, Stafford, Eagleton, and Pell, I have agreed to cosponsor the amendment now before the Senate.

As you are doubtless aware, the requirements to integrate public schools is a Federal mandate in this Nation. It is imposed on the school systems by the Supreme Court's interpretation of the Constitution. This interpretation quite correctly was handed down in Brown against Board of Education, on May 17, 1954. I might note that we recently observed the 30th anniversary of this historic decision, and it seems appropriate to discuss the subject of school desegregation at this time.

Sixteen years later, the Court's order had not been obeyed. On the fringes of some areas of the country, there had been a response, but in the main, the dual school system, with one sytem for one race, another for another, continued untouched. Something approaching a constitutional crisis was at hand when, on a matter of such universal importance, the

Court could rule unambiguously and be defied.

In the spring of 1970, President Nixon, to whom I was then counselor, came to the counclusion, which President Johnson had clearly felt and President Kennedy before him, that something had to be done. With each passing year, this urgency intensified by virtue of the constitutional issue.

A committee was formed—I was a member, non-Secretary of State George Shultz was the most active participant—to make the opening of school in 1970 the year in which the dual school system would disappear in this country. State-by-State, and almost school district-by-school district, this plan was put together. It became very clear that if this was going to be done on a voluntary basis, not on a basis of court-ordered this and court-ordered that, expenses would be required for a long time. Patterns of 4 generations, perhaps, were not going to be changed in 4 years.

So, on May 21, 1970, the President sent a special message to Congress proposing the Emergency School Aid Act to assist local school districts undergoing desegregation either voluntarily or in compliance with court decisions. In his message the President emphasized the importance of this initiative when he stated:

> It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world. . .
>
> Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

Because Congress did not immediately act upon his recommendation, the President directed, by Executive order, the creation of the emergency school aid program. In consequence, by the fall of 1970, the dual school system of the South disappeared. During that year, nearly 700 districts had changed from dual to unitary school systems—more than in any single year of the previous 16 years following the first Supreme Court decision.

We then turned to the cities, where we faced the same problems. This was just as real a problem as ever it was anywhere in the South. In 1972, Congress addressed this concern by passing the Emergency School Aid Act. This was a most vital program, and one much on the minds of people having to handle our school problems of this kind.

All went well with no billowing of expenditure of any kind. Indeed, while Congress had authorized an initial expenditure of $1 billion for each of the first 2 years of the program, it took almost an entire decade for this amount to be spent. Then, in 1981, we suddenly put some 28 school programs into a single block grant under chapter 2, as it is now called.

In fiscal year 1981, $512 million was available to State and local educational agencies for all programs folded into the block grant. A year later, funding for the same programs under chapter 2 was reduced to $455 million. Desegregation aid effectively disappeared for many school districts that had previously received ESAA funding. According to a study prepared for the Department of Education by James H. Lowry & Associates and ABT Associates, Federal funds spent on magnet and other ESAA programs dropped from $149.2 in fiscal year 1981 to $25.2 million on comparable activities in fiscal year 1982 with the chapter 2 block grant.

In a letter to me dated June 22, 1983, the U.S. Commission on Civil Rights documented the extent of this loss of desegregation funding, explaining:

> ESAA was the second largest program included in the block grant, but in allocating funds to local education agencies only seven States give any consideration to the districts' desegregation needs (National Committee for Citizens in Education, Network (March 1983)). A random survey of 2,500 local school districts by the American Association of School Administrators found that 94.3 percent of the districts did not fund the Emergency School Aid Act program under the block grant. During the last year of ESAA as a categorical program, approximately 250 school districts received grants ranging from $30 thousand to $7 million. Seventeen large cities received over $1 million. ESAA funds were a significant resource in facilitating desegregation. Placement of ESAA in a block grant, therefore, has eliminated a critical lever which the Federal Government had in promoting equality of educational opportunity, and also has limited school districts in implementing voluntary plans.

In my own State of New York, funding for school desegregation has dropped precipitously, from more than $20 million in fiscal year 1981 to about $2.9 million in fiscal year 1983—an 86-percent cut, without taking into account the effects of inflation. The Buffalo public schools received $6.57 million for desegregation purposes in 1981, but only $1.29 million in 1983. I would also note that school systems in New York City, Rochester, West Irondequoit, Syracuse, Newburgh, and Mount Vernon also experienced dramatic reductions in Federal support. Four of these districts—Buffalo, Rochester, Newburgh, and Syracuse—used 100 percent of their chapter 2 State formula moneys in 1982 for desegregation.

The Reagan administration has repeatedly stated its support for voluntary school desegregation. A 1980 Presidential campaign position paper stated:

> Governor Reagan would rigorously enforce laws which prohibit intentional racial segregation, and would support voluntary integration plans such as magnet schools.

In a brief filed with the Fifth Circuit Court of Appeals in New Orleans on August 9, 1982, the Justice Department called for the use of "voluntary incentives" rather than mandatory busing to achieve desegregation. The brief further specified the establishment of "magnet schools" offering unique, high-quality curriculums to draw students from all areas into a segregated school.

Yet, by including ESAA moneys in the chapter 2 block grant program, the administration effectively deprived school districts of funds necessary for undertaking school desegregation programs. Apart from the dissipation of ESAA funding, the Reagan administration further proposed eliminating the $24 million civil rights training program under title IV of the Civil Rights Act of 1964.

An article written by Virginia Robinson for Education Times provides an overview of congressional action to restore the Federal Government's commitment to school desegregation. Her article also documents the findings of the Lowry-ABT report commissioned by the U.S. Education Department's Office of Planning, Budget, and Evaluation on magnet schools and desegregation. Not surprisingly the conclusions of the study, which found that magnet schools can have a significant impact on both educational achievement and the success of systemwide desegregation plans, were never widely distributed by the Department—see Education Times, January 30, 1984.

The amendment we offer would create a new categorical program of special assistance for magnet school desegregation activities. The legislation upon which it is based, S. 1256, has received the bipartisan support of 24 Senators. Similar legislation was approved overwhelmingly in the House by a margin of 299 to 120, on June 7, 1983.

Our amendment would authorize expenditures for voluntary desegregation activities for fiscal year 1984-86. Local school districts would compete for funding under the program by submitting applications to the Department of Education, which would administer the program; 5 percent of the total authorization would be set aside for grants to State educational agencies providing support for desegregation-related activities to local school districts.

Surely, the proven benefits of the former Emergency School Aid Act program, as a fulfillment of the Federal Government's commitment to school desegregation, and as a means for providing millions of American school children with better educational opportunities, warrant this expenditure.

I strongly urge my colleagues in the Senate to support this amendment. Although local control of education is a well-established principle in this Nation, the Federal Government has made the funding of school desegregation a national priority over the past 13 years. Without a separate, categorical program of assistance for voluntary desegregation, local school districts across the country will, in all probability, be unable to meet their obligations under the law. We must not surrender our commitment to providing equal education opportunities to children of all races by depriving local school districts of the resources necessary to carry out desegregation plans. To do so would be to undo all of the good achieved by ESAA programs.

Mr. HATCH. Mr. President, I should like to compliment my colleagues Senators EAGLETON, MOYNIHAN, PELL, STAFFORD, HEINZ, and others, on whose behalf this amendment has been offered, for their cooperation in forging this compromise, which I think is very important.

I think Senator EAGLETON has covered the matter very well.

This amendment will provide $75 million for magnet school programs. This categorical grant program is designed to bring together students from varying backgrounds and thus to promote academic excellence for all American children.

In order to be eligible for these funds, a local educational agency must provide assurances to the Department of Education's Office of Civil Rights that it does not discriminate against teachers or students on the basis of race, color, religion, or national origin. Eligibility for these funds will be also contingent upon approval by the Office of Civil Rights within the Education Department of a plan which clearly sets forth how the local education agency will promote academic excellence for their students.

This amendment is before the Senate because quite a number of school districts which had been receiving funds under the Emergency School Assistance Act no longer had those funds available. This amendment accordingly will be of assistance to those school districts which lost the most Federal funds in the 1981 Education Consolidation Improvement Act. This is a modest measure. Those school districts have reported a need for $50 million to replace these lost funds. The Senate is providing $75 million to insure that the full purpose of academic improvement within these school districts is achieved.

The determination to be made by the Department of Education's Civil Rights Office regarding the absence of discrimination will be based on an intent test for discrimination, not an arbitrary effects or results test.

School districts who have no discernible intent to discriminate should not be barred from eligibility merely because its policies result in or have the effect of creating an imbalance of minorities vis-a-vis majorities. If a school district intentionally discriminates, it should of course be barred from receipt of Federal assistance. In fact, the penalty for purposeful discrimination should be even more severe. If, on the other hand, a school district draws boundaries or pursues some other policy for sound educational reasons—such as permitting students to attend neighborhood schools—which merely has the result of failing to achieve some arbitrary notion of racial proportionality, there is no reason to preclude eligibility. Deliberate discrimination should be punished; sound educational practices should not. This is the standard of this amendment.

I would like to commend the members of the staff who have been instrumental in putting together the agreements, on the math/science bill and on this magnet school amendment, particularly Dr. Howard Matthews, Kris Iverson, Randy Rader, and Ron Preston of my own staff, and Polly Gault, Skip Vallee, David Evans, Marcia Verville, and Jeff Viohl.

AMENDMENT NO. 3163

Mr. HATCH. Mr. President, there is one technical correction that needs to be made, and with the permission of my colleagues, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Utah (Mr. HATCH) proposes an amendment numbered 3163 to amendment No. 3162.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 6, after "race," insert "religion".

Mr. HATCH. Mr. President, this amendment adds the word "religion" on page 4, line 6, after the word "race." That was left out. It was clearly an oversight. All the sponsors on the floor are in agreement that it should be changed. It is in three other clauses, and we want to keep those clauses uniform.

Mr. President, I move at this time to strike everything in the purpose clause of this amendment after "magnet schools." That will include the words "and for science and technology summer camps."

The PRESIDING OFFICER. The amendment is not at the desk.

Mr HATCH. We will prepare that amendment and submit it. We will submit an amendment to strike, in the purpose clause, "and for science and technology summer camps," because we have changed this amendment so that that is no longer necessary in the amendment.

The PRESIDING OFFICER. There is a technical amendment now pending.

Mr. HATCH. I move the technical amendment.

The amendment (No. 3163) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, a parliamentary inquiry. Is it possible to move to strike those words without a formal amendment?

Mr. MOYNIHAN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MOYNIHAN. I have a few remarks I should like to make, and that might provide an opportunity to send the technical amendment to the desk.

Mr. HATCH. Does the Chair want this filed in the form of a formal amendment?

The PRESIDING OFFICER. The statement of purpose may be amended by unanimous consent.

Mr. HATCH. Mr. President, I ask unanimous consent that such amendment be made, that those words be stricken from the purpose clause of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, first, I ask unanimous consent that the name of the distinguished Senator from Michigan (Mr. LEVIN) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr President, a brief observation. This amendment substantially achieves the purposes of legislation which I introduced, on the first occasion, in September 1982, after it had become clear that, in the competition for funds in the block grants established in 1981, desegreation aid was losing out.

We are here today to reestablish desegregation assistance as a separate categorical program, and I wish to particularly thank the Senator from Utah, the chairman of the Senate Judiciary Subcommittee on the Constitution, for his recognition that what we are dealing with here is not basically an educational issue but a constitutional one.

The Constitution of the United States as interpreted by the Supreme Court requires that the schools not be segregated in our Nation, a decision of which we have only recently observed the 30th anniversary; the senior Senator from Kansas spoke eloquently on that occasion.

If I could recall to the Chamber the origins of this program, in 1970, the 16th year after the Brown against Board of Education of Topeka, Kans., decision occurred, it was a simple fact that for 6 years it had been defied. The overwhelmingly proportion of affected school districts had not abided by the court's decision at all, and there comes a point where a failure to comply becomes defiance. When we have such defiance, we have a constitutional crisis; and such was the condition of our country in the spring of 1970.

At that time President Nixon, sworn to uphold the Constitution, became aware of its problems in this regard, as had his predecessors, President Johnson, President Kennedy, and President Eisenhower. President Nixon decided to involve the Presidency directly in this matter. And so he organized a series of committees in each of the States in which this was specifically a problem.

Our present distinguished Secretary of State, then the Secretary of Labor, chaired the meetings that we held in the White House. One State after another came to discuss its situation and to recognize that something had to be done.

With each successive meeting, however, we were told in earnest and honestly that there were costs involved to obey a Federal mandate, the moneys for which the school districts had not appropriated and in some cases could not find. They asked whether there could be some positive inducement, some moneys to help bring them into compliance?

At the end of the summer, after a meeting in New Orleans in which these committees from all across the country had been organized and had met with the President, the President said that we must find them the moneys. This he did by Executive order, and in August 1970, after 16 years—in a startling social change, a startling measure of acceptance of the constitutional Government—the segregated dual school systems of the United States started to disappear. One of the reasons it happened was that these Federal funds became available.

Two years later it became clear that the greater need at this point was to continue the programs in the former dual-school-system States and to extend the program to the de facto segregated school districts of the North, of the West, and of the East. In 1972, Congress established the Emergency School Aid Act as a separate and distinct program. It was only secondarily an educational program. It was primarily a constitutional one.

And it worked well. It became something people were committed to, depended on; and as these things go, considerable progress was made, and great commitments were made.

In 1981 the identity and separateness of purpose of this legislation got lost in the Education Consolidation and Improvement Act.

By accepting this amendment, the Senate will agree with the House of Representatives that a separate program of desegregation assistance should be restored, having the singular purpose of protecting the constitutional rights of children.

I wish to thank the Senator from Utah, the distinguished managers of this legislation, my friend from Vermont, and my friend from Rhode Island, and most particularly the Senator from Missouri, who has been steadfast in this matter, as he is in all things that touch upon constitutional rights of any American.

I am satisfied that we have done an important piece of work. I wish to thank all involved, particularly the ever ingenious members of our respective staffs who, when it appeared that we were incapable of agreeing upon anything, found that no, as a matter of fact, agreement is possible when principles this large are at stake.

Mr. STAFFORD. Mr. President, this is a very important amendment to a bill which we think is a vital component of the Nation's response to educational improvement.

In light of that fact, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended, of the Senator from Utah. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Wyoming (Mr. SIMPSON), the Senator from South Carolina (Mr. THURMOND), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THURMOND) would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 86, nays 3, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—86

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
Eagleton
Evans
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hatfield
Hawkins
Hecht
Heflin
Heinz
Huddleston
Humphrey
Inouye
Jepsen
Johnston
Kasten
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Tower
Trible
Wallop
Wilson
Zorinsky

NAYS—3

East
Helms
Symms

NOT VOTING—11

Bradley
Goldwater
Hart
Hollings
Kassebaum
Kennedy
Simpson
Thurmond
Tsongas
Warner
Weicker

So the amendment (No. 3162) as amended, was agreed to.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STAFFORD. Mr. President, I ask unanimous consent that Senator DOLE and Senator DANFORTH be added as cosponsors to the amendment which the Senate has just passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STAFFORD. I thank the Chair.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I announce there will be no more votes tonight. It is the intention of the leadership to try to take up and I believe we may be cleared to take up the budget waiver to accompany the DOD authorization bill, then to ask that the DOD authorization bill be laid down tonight, but that there be no action on it tonight.

ORDER TO CONVENE AT 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the Senate to convene tomorrow at 9:15 a.m. be changed to 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I shall make the balance of my request later.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, now I am prepared, if the minority leader is, to try to make the arrangements to go to the Department of Defense authorization bill.

Mr. President, I have a unanimous-consent request that I believe will accommodate the situation we find ourselves in with respect to the math-science bill and the bankruptcy bill. We have two matters that are uncompleted. We are about to go to a third one. I would now propound this unanimous-consent request that I hope will bring order out of that situation.

I ask unanimous consent that following the disposition of the Department of Defense authorization bill the Senate proceed to the consideration of the unfinished business, which is H.R. 5174, the bankruptcy bill, and that following the disposition of that bill the Senate resume consideration of S. 1285, the math-science bill.

Now, Mr. President, may I explain. That assumes that we have passed the budget waiver that permits us to get to and deal with the Department of Defense authorization bill, and that we have gone to the Department of Defense authorization bill. The effect of this would be to provide that a call for regular order would not put one of the bills back on the calendar. It also would provide for an orderly sequence for the disposition of the bankruptcy bill and the math-science bill.

Mr. President, I see the minority leader on his feet. I now put that request.

Mr. BYRD. Mr. President, reserving the right to object, will the distinguished majority leader yield for the purpose of my propounding a parliamentary inquiry?

Mr. BAKER. Yes, of course.

Mr. BYRD. I thank the majority leader.

Mr. President, as I understood the request, it was to the effect that upon the disposition of the Department of Defense bill, the Senate would return to the consideration of the bankruptcy bill. What would be the case in the event that the Senate did not dispose of the DOD bill?

Mr. BAKER. Mr. President, if the Senate does not finish the DOD bill, I may will and bequeath that problem to a successor. But if we did not, then I assume, Mr. President, that the bankruptcy bill would still be the unfinished business and the question, I suppose, is whether or not a call for the regular order would displace the Department of Defense bill and reinstate the unfinished business.

The PRESIDING OFFICER. There is nothing in this request that would prevent that.

Mr. BAKER. That would prevent a call for regular order doing that.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I think that satisfies my concern. The reason I raised the question is that with respect to bills or other measures that are clotured, the Senate has to stay on that particular business until it is disposed of. There are certain motions that can be made that do not adequately fulfill the words "disposed of"—for example, postponing until a time certain. But as I understand it, in any event, whether DOD is disposed of or not disposed of, in the context of the usual understanding, the Senate would then go back to the bankruptcy bill. Am I assured of that?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

Mr. BAKER. Mr. President, let me make sure I understand.

I sought the assistance of the Parliamentarian in drafting this request, and I am afraid that my request to him may not have been as thorough as perhaps it should have been. But I am concerned that I will jeopardize the final disposition of the Defense authorization bill unless I provide against a call for the regular order to take it down.

Mr. President, I amend my request to provide that a call for the regular order will not displace the Department of Defense authorization bill under this order.

Now, before the Chair puts that question once more, I am willing to amend that request further to provide that disposition shall be defined as—and then I will fill in blanks as necessary to address the concerns expressed by the minority leader, but I think that perhaps I better confer with the Parliamentarian on that. So at the moment, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Trible). Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, the present state of the unanimous-consent request is that it is as originally stated plus the addition of the language "and no call for the regular order will displace the Department of Defense authorization bill as the pending business." Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, may I propound this parliamentary inquiry? The word "disposition" has technical and plural meanings within the rules and precedent of the Senate. If we were to assume for the moment that the matter was no longer the pending business before the Senate by reason of being recommitted to a committee or by reason of being postponed to a day certain, may I inquire of the Chair what then would become the pending business under the present state of affairs?

The PRESIDING OFFICER. The unfinished business, the bankruptcy bill.

Mr. BAKER. And that would recur as the pending business?

The PRESIDING OFFICER. It would.

Mr. BAKER. Without a call for the regular order or without any further action of the Senate?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. I thank the Chair.

Mr. BYRD. Mr. President, I am satisfied, and therefore I remove my reservation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I thank the minority leader. I continue to learn.

Mr. President, now I will go forward as we had proposed.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the budget waiver to accompany the omnibus defense authorization bill.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 394) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2723.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to as follows:

S. RES. 394

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2723, a bill to authorize appropriations for fiscal year 1985 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which directly, or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 2723 as reported by the Committee on Armed Services.

OMNIBUS DEFENSE AUTHORIZATION, 1985

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 944, S. 2723.

Before the Chair responds to my unanimous-consent request, I wish to propound a parliamentary inquiry.

The form in which I have made this request is that the Senate grant unanimous consent to proceed to this matter. Ordinarily, under those circumstances, the math-science bill, as I understand it, would go back to the calendar.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Is that the case, given the Senate's action on the unanimous-consent request just entered into?

The PRESIDING OFFICER. It will go back to the calendar until the disposition of the unfinished business. Then it will recur as the pending question.

Mr. BAKER. So it does not go back to the calendar in the sense that a motion to take up, a motion to proceed to the consideration, would be required?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. But, rather, under the authority of the unanimous-consent request which has been entered into, it would automatically be presented to the Senate once more.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, reserving the right to object, I want to be sure that the Chair's response to the parliamentary inquiry by the distinguished majority leader fully protects the bankruptcy legislation in such way that it will come back before the Senate without a call for regular order and that the Senate will return to that as the unfinished business, regardless of whether the DOD bill is "disposed of."

I think we had a very satisfactory understanding earlier, but the Chair's statement which specificated that the Senate would return to the unfinished business at the time of the disposition of the DOD bill leaves me still concerned, unless I can be assured that the words "disposed of" will not be interpreted in such a way that the unfinished business would not come back before the Senate.

In other words, I do not want to condition the return to the bankruptcy bill—I do not want that on one condition, that one condition being only that the DOD bill be disposed of.

The PRESIDING OFFICER. The only bill on which there is disposition for the Senate to return to is the math-science bill, which is conditioned on disposition of the bankruptcy bill. The bankruptcy bill itself will return, regardless of whether the defense bill is disposed of finally or not.

Mr. BYRD. Mr. President, the majority leader has the floor. I have reserved the right to object. Will the majority leader put in another quorum call, so that we might discuss this matter further?

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is a unanimous-consent request pending which has not yet been acted on, and I wish to leave it in that status.

Therefore, I ask unanimous consent that there now be a period for the transaction of routine morning business for not more than 2 minutes, in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN ON USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES—MESSAGE FROM THE PRESIDENT—PM 151

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to Section 123d. of the Atomic Energy Act of 1954, as amended, the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended, and my written approval, authorization, and determination concerning the agreement. The joint unclassified letter submitted to me by the Secretaries of Energy and Defense which provides a summary position on the Amendment is also enclosed. A classified letter and attachments are being transmitted directly to the appropriate Congressional committees.

The Amendment extends for ten years (until December 31, 1994) provisions which permit the transfer of nonnuclear parts, source, by-product, special nuclear materials, and other material and technology for nuclear weapons and military reactors.

In my judgment, the proposed Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces. In light of our previous close cooperation and the fact that the United Kingdom has committed its nuclear forces to NATO, I have concluded that it is in our interest to continue to assist them in maintaining a credible nuclear force.

I have approved the Amendment, authorized its execution, and urge that the Congress give it favorable consideration.

RONALD REAGAN.

THE WHITE HOUSE, *June 6, 1984.*

MESSAGES FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to

the amendments of the Senate to the amendments of the House to the bill (S. 1097) to consolidate and authorize certain atmospheric and satellite programs and functions of the National Oceanic and Atmospheric Administration under the Department of Commerce; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FUQUA, Mr. SCHEUER, Mr. VALENTINE, Mr. HARKIN, Mr. ANDREWS of Texas, Mr. JONES of North Carolina, Mr. D'AMOURS, Mr. WINN, Mr. MCGRATH, Mrs. SCHNEIDER, and Mr. CARNEY as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2889. An act to amend the National Historic Preservation Act, and for other purposes;

H.R. 4971. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes;

H.R. 5167. An act to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes; and

H.R. 5327. An act to amend the Housing Act of 1949 to ensure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low-income families or persons does not delay the provision of assistance under such section to other families or persons.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2889. An act to amend the National Historic Preservation Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5327. An act to amend the Housing Act of 1949 to ensure that the administration of the requirement that a certain portion of dwelling units assisted under section 502 be available only for very low income families or persons does not delay the provision of assistance under such section to other families or persons; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4971. An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1985 through 1989, and for other purposes.

H.R. 5167. An act to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 2496) to amend the Adult Education Act in order to simplify requirements for States and other recipients participating on Federal adult education programs, and for other purposes (Rept. No. 98-503).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1407. A bill to protect purchasers of used automobiles from fraudulent practices associated with automobile odometer modifications, and for other purposes (Rept. No. 98-504).

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 2217: A bill entitled "The Tandem Truck Safety Act of 1984" (Rept. No. 98-505).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 294. Resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 397. An original resolution to pay a gratuity to Mattie Washington.

S. Res. 398. An original resolution to pay a gratuity to Peter Washington; James A. Washington; Harvey E. Washington; Don Washington; Travis A. Washington; Diane Cook; Jacqueline Greene; Tracey R. Washington.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 31. Concurrent resolution calling upon the Union of Soviet Socialist Republics to end the current repression policies of forced labor and expressing the sense of the Congress that the exploitation of workers in forced-labor camps by the Union of Soviet Socialist Republics is morally reprehensible.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Weston Adams, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Malawi:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Weston Adams.

Post: Ambassador to Malawi.

Contributions amount, date, and donee.

1. Self: $150, 1982, S.C. Republican Party,[1] $150, 1980, S.C. Republican Party Campaigns.[1]
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: Julian Calhoun Adams, 147 Edisto Avenue, Columbia, S.C., $200, 1980 Reagan for President Campaign.
7. Sisters and spouses names: None.

Richard Schifter, of Maryland, to be Deputy Representative of the United States in the Security Council of the United Nations with the rank of Ambassador:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Richard Schifter.

Post: Deputy Representative of the USA in the Security Council of the United Nations, with the rank of Ambassador.

Contributions, amount, date, and donee.

1. Self: $100, April 21, 1980, Friends of Roger Jepsen; $100, June 16, 1980, Thomas S. Foley Committee; $250, Sept. 4, 1980, Marylanders for Mathias; $250, Sept. 17, 1980, Campaign Fund for Senator Stone; $500, April 29, 1981, People for (Henry M.) Jackson; $250, June 1, 1982, Thomas S. Foley Committee; $150, Dec. 30, 1983, Thomas S. Foley Committee.
2. Spouse: None.
3. Children and spouses:

Judith S. Alter (daughter), none.

Israel Alter (son-in-law), $25, December 1983, Mondale for President Committee.

Deborah E. Schifter (daughter), none.

Richard P. Schifter (son), none.

Jennifer D. Schifter (daughter-in-law), $25, March 1980, Kennedy for President Committee.

Barbara F. Schifter (daughter), none.

David C. Lovewell (son-in-law), none.

Karen E. Schifter (daughter), none.

4. Parents: Deceased.
5. Grandparents: Deceased.
6. Brothers and spouses: None.
7. Sisters and spouses: None.

Peter Sebastian, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Tunisia:

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Peter Sebastian.

Post: Ambassador to Tunisia.

Contributions, amount, date, and donee.

1. Self: None.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: Deceased.
5. Grandparents names: Deceased.
6. Brothers and spouses names: Nominee is an only child.
7. Sisters and spouses names: F. M. Orr and Selwyn Orr, brother and sister-in-law (wife's sister) make annual nominal contributions to the Republican Party.

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[1] I understand that such contributions were used to assist all campaigns both State and Federal.

(The above nominations were reported from the Committee on Foreign Relations, with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 2727. A bill to provide for the presentation of a Congressional Medal of Honor posthumously to the family of Harrison Summers; to the Committee on Armed Services.

By Mr. CHILES:

S. 2728. A bill to deauthorise the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Florida, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WILSON:

S. 2729. A bill for the relief of Jean Willhelm Willrich; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 2730. A bill to amend title 18 of the United States Code to make the use of a firearm to commit a felony by certain members of foreign diplomatic missions and consular posts in the United States a Federal felony; to the Committee on the Judiciary.

By Mr. COHEN (for himself, Mr. Mitchell, Mr. Rudman, Mr. Pryor, Mr. Randolph, Mr. Sasser, and Mr. Bumpers):

S. 2731. A bill to provide for orderly trade in nonrubber footwear, to reduce unemployment and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. Riegle):

S. 2732. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, Michigan, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER (for himself and Mr. Abdnor):

S. 2733. A bill to allow the City of Aberdeen, South Dakota to retain easements in certain lands after the abandonment of certain railroad rights of way by the Chicago and Northwestern Transportation Company; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS (for himself and Mr. Kennedy):

S. 2734. A bill to establish a commission to identify, designate, preserve, and protect cemeteries, monuments, and historic buildings which are located abroad and which are associated with the foreign heritage of United States citizens; to the Committee on Foreign Relations.

By Mr. HELMS:

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month"; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S.J. Res. 305. Joint resolution to designate the week of September 10, 1984, through September 16, 1984 as "Teenage Alcohol Abuse Awareness Week"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. Dixon, Mr. Helms, Mr. Huddleston, Mr. Danforth, Mr. Inouye, Mr. Cochran, Mr. Pryor, Mr. Jepsen, Mr. Leahy, Mr. Boschwitz, Mr. Proxmire, Mr. Andrews, Mr. Sasser, Mr. Lugar, Mr. Randolph, Mr. Wilson, Mr. Burdick, Mrs. Hawkins, Mr. Hollings, Mr. Baker, Mr. Exon, Mr. Domenici, Mr. Matsunaga, Mr. Hatfield, Mr. Nunn, Mr. McClure, Mr. Zorinsky, Mr. Kasten, Mr. Pell, Mrs. Kassebaum, Mr. Glenn, Mr. Percy, Mr. DeConcini, Mr. Abdnor, Mr. Bumpers, Mr. Mattingly, Mr. Heflin, Mr. Packwood, Mr. Cranston, Mr. Stafford, Mr. Riegle, Mr. Nickles, Mr. Baucus, Mr. Quayle, Mr. Biden, Mr. Laxalt, Mr. Boren, Mr. Grassley, Mr. Tsongas, Mr. Chafee, Mr. Eagleton, Mr. Symms, Mr. Lautenberg, Mr. Durenberger, Mr. Long, Mr. Gorton, Mr. Chiles, Mr. Stennis, Mr. East, Mr. Mitchell, Mr. Hatch, Mr. Ford, Mr. Bradley, and Mr. Murkowski):

S.J. Res. 306. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 395. Resolution urging the President to renegotiate the Vienna Convention on Diplomatic Relations to eliminate immunity for diplomats engaging in assaults with firearms or explosives; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. Huddleston, Mr. Abdnor, Mr. Andrews, Mr. Boren, Mr. Boschwitz, Mr. Chiles, Mr. DeConcini, Mr. Dixon, Mr. Dole, Mr. Exon, Mr. Ford, Mr. Heflin, Mr. Hollings, Mr. Jepsen, Mr. Johnston, Mr. Kasten, Mr. Leahy, Mr. Lugar, Mr. Melcher, Mr. Nickles, Mr. Nunn, Mr. Pryor, Mr. Stennis, Mr. Symms, Mr. Thurmond, Mr. Tower, and Mr. Zorinsky):

S. Res. 396. Resolution to express the sense of the Congress that January 27 through February 2, 1985, should be observed as "National Meat Week"; to the Committee on the Judiciary.

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Res. 397. An original resolution to pay a gratuity to Mattie Washington; placed on the calendar.

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Res. 398. An original resolution to pay a gratuity to Peter Washington; James A. Washington; Harvey E. Washington; Don Washington; Travis A. Washington; Diane Cook; Jacqueline Greene; Tracey R. Washington; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD:

S. 2727. A bill to provide for the presentation of a Congressional Medal of Honor posthumously to the family of Harrison Summers; to the Committee on Armed Services.

(The remarks of Mr. Byrd on this legislation appear earlier in today's Record.)

By Mr. CHILES:

S. 2728. A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Fla., and for other purposes; to the Committee on Environment and Public Works.

DEAUTHORIZING THE CROSS-FLORIDA BARGE CANAL AND ADJUSTING THE BOUNDARIES OF THE OCALA NATIONAL FOREST

● Mr. CHILES. Mr. President, today I am introducing, once again, legislation to deauthorize the Cross-Florida Barge Canal. This new bill is designed to address specific concerns that have been raised in the context of discussing the previously introduced deauthorization proposal. I believe this modified bill sufficiently addresses the questions raised and will pave the way for favorable action on the proposal by the 98th Congress.

The Cross-Florida Barge Canal project, first authorized by Congress in 1942, has not been worked on since President Nixon halted work on the project by executive order in 1973 to prevent potential environmental damage. In 1977 the Governor and Florida cabinet withdrew the State's official support for the canal project and recommended against its completion. President Carter, in his environmental message of May 23, 1977, called for the termination of the barge canal project, and the U.S. Army Corps of Engineers, after a thorough examination of the project, concluded in 1977 that completion of the canal was not warranted.

The State of Florida took a further step in 1979 to demonstrate its opposition to the project. In that year the Florida Legislature enacted legislation to abolish the Florida Canal Authority and transfer its operations to the Department of Natural Resources. This State legislation also provided the mechanism for disposing the State-held canal properties and the return of tax money to the six counties along the canal route if and when Congress enacts deauthorization legislation.

Today, however, the statutory authority for the future construction of the canal still exists and, because of this, the State is left in the position of not being able to sell the lands it acquired for canal purposes. These lands could, if the project were deauthorized, be sold to the Federal Government for the purpose of expanding

Ocala National Forest, offered to surrounding counties for continued public use, maintained by the State for purposes of recreation and conservation, or offered for sale at fair market value with revenues going to the counties. Instead, these lands are now in limbo, and the potential for resuming construction of the ill-advised environmentally unsound barge canal still hangs over the head of the State of Florida.

Last year I introduced in the Senate the necessary legislation to deauthorize the Cross-Florida Barge Canal. A companion measure was introduced in the House of Representatives by Congressman BUDDY MACKAY, who represents the district through which the incomplete part of the canal would be built. Today we are again introducing together a new bill. It is not a new proposal in purpose, but rather it is a modified revision of the previously filed measure. The modifications are designed to resolve some important questions relating to the use and disposition of the canal-related lands and facilities once deauthorization is accomplished.

The bill I am introducing today terminates authority for further construction on the barge canal. In addition, it extends the boundary of the Ocala National Forest to include lands and interests in lands now owned by the State of Florida as well as Federal lands administered by the U.S. Army Corps of Engineers. The bill provides for the transfer of lands currently administered by the corps to the Secretary of Agriculture and authorizes the acquisition of lands within the new boundary by the Secretary of Agriculture from the State of Florida. These provisions are identical to those contained in last year's version of the deauthorization bill.

Since we introduced the bill last year, several questions have surfaced pertaining to the continued use and possible disposition of canal-related lands and facilities. In this new bill, we answer these questions.

One such question involves the fate of Lake Oklawaha—the reservoir created when the Rodman Dam portion of the canal project was completed. Of particular concern is what would happen to Lake Oklawaha once the canal is deauthorized, and whether sufficient acreage is included in the proposed boundary of the forest to insure that the lake can be managed effectively. Our present bill calls for the establishment of the Lake Oklawaha Federal Recreation District within the Ocala National Forest and provides for the acquisition of lands and/or easement rights sufficient to insure the corps ability to manage the lake. It is now explicit that Lake Oklawaha will remain and will be managed as a lake once deauthorization is accomplished until such time as future Federal legislation might direct otherwise. This change in the deauthorization proposal reaffirms my long-held position that the question of deauthorizing the canal and the possible drawing down of the reservoir in order to achieve restoration of the Oklawaha River are two distinct issues. This bill, if enacted, will accomplish the deauthorization of the Cross-Florida Barge Canal. If the draining of Lake Oklawaha is to be contemplated it must, under the provisions of this bill, be through future Federal legislation.

Another related issue brought to our attention since introducing deauthorization legislation last year concerns the disposition of State-held lands which are not going to be offered to the Federal Government for inclusion in the forest. I share the concern of those who believe we should exhaust all possible public uses of these areas before the lands are offered for private sale. The new proposal has been changed to provide that deauthorization will not take place until the State changes its statutes to accomplish this objective. I am pleased that the Florida State Legislature has just recently enacted the necessary legislation to comply with this and other provisions of the new bill.

I hope with these, and other, changes Congressman MACKAY and I have made in the legislation we have alleviated legitimate concerns and we can now move forward in a successful effort to put to rest the future of the Cross-Florida Barge Canal and set in motion the State's plan for land disposition and revenue return to the counties.

I ask that the text of the bill I am introducing today appear in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the high-level lock barge canal from the St. Johns River across Florida to the Gulf of Mexico authorized by the Act of July 23, 1942 (56 Stat. 703), is not authorized after the date this section becomes effective.

(b) Subject to the provisions of section 3 of this Act, the Secretary of the Army, acting through the Chief of Engineers, is authorized to operate and maintain the existing facilities (and lands appurtenant thereto) of the Cross-Florida Barge Canal project referred to in subsection (a) of this section in such manner as the Secretary determines to be necessary, pending further disposition by Federal law of the project, its facilities, and lands or interests in lands owned by the United States.

SEC. 2. (a) The boundaries of the Ocala National Forest, Florida, are extended to include the lands and interests in lands acquired by the State of Florida in Putnam County, Florida, for the Cross-Florida Barge Canal project referred to in the first section of this Act.

(b) Within the boundaries of the Ocala National Forest as extended by subsection (a) of this section, lands or interests in lands and improvements owned by the United States and administered by the Corps of Engineers, Department of the Army, shall be transferred to the Secretary of Agriculture to be administered and made a part of the Ocala National Forest, Florida, at such time as the Secretary of the Army deems such actions to be appropriate, but not later than one year after the date of this section becomes effective. The Secretary of the Army, acting through the Chief of Engineers, may operate and maintain the existing facilities of the Cross-Florida Barge Canal project referred to in the first section of this Act, including facilities within the extended boundaries of the Ocala National Forest, pending further disposition of such facilities by Federal law; except that the Secretary of the Army shall not operate the Eureka Lock and Dam in a manner which would create a reservoir on lands not flooded on January 1, 1984.

(c) The Secretary of Agriculture shall acquire those lands and interests in lands held by the State of Florida within the boundaries of the Ocala National Forest, as extended by subsection (a) of this section, with donated or appropriated funds, by purchase or exchange. For acquisition of such lands or interests in lands, the Secretary of Agriculture—

(1) shall pay the State of Florida an amount, or

(2) in the case of an exchange, give the State of Florida lands or interests in lands with a fair market value.

which is not less than the fair market value of the lands or interests in lands to be acquired from the State of Florida.

SEC. 3. (a) The Lake Ocklawaha Federal Recreation District is hereby established as a part of the Ocala National Forest. Such District shall include the Rodman Dam authorized by the Act of July 23, 1942 (56 Stat. 703), those portions of the reservoir created by the dam which lie within the boundaries of the Ocala National Forest, as expanded by section 2 of this Act, and those portions of the reservoir which are created pursuant to the easements granted and transferred to the United States by the State of Florida pursuant to section 4 of the Act. The Secretary of the Army, acting through the Chief of Engineers, is directed to operate the Rodman Dam in a manner consistent with maintaining the recreational values of the reservoir and with applicable water management policies of the State of Florida, pending further disposition of the Rodman Dam and Lake Ocklawaha by Federal law. In operating the Rodman Dam, the Secretary of the Army shall consult the St. Johns River Water Management District Board.

(b) The Secretary of Agriculture shall receive and administer each easement granted or transferred to the Department of Agriculture pursuant to section 4 of this Act to further the purposes of the District established by subsection (a) of this section.

SEC. 4. The first section and sections 2 and 3 of this Act shall not become effective until—

(1) the State of Florida enacts a law which assures that all valid public uses of the lands and interests in lands acquired by the State of Florida for the Cross-Florida Barge Canal project referred to in the first section of this Act are protected by providing that, before the State transfers any such lands or interests in lands to any other person (except the Federal Government), the county in which such lands are located shall

have the first right to purchase, at fair market value, such lands or interests in lands;

(2) the State of Florida enacts a law which assures that the State of Florida will never transfer to any person (except the Federal Government) any lands owned by the State and contained within the expanded boundary of the Ocala National Forest as proposed and shown on the map dated July 1978, on file with the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia;

(3) the State of Florida has granted to the Department of Agriculture a perpetual easement to flood such lands; and

(4) the State of Florida has transferred without consideration to the Department of Agriculture any easements held by the State to flood lands associated with the Cross-Florida Barge Canal project referred to in the first section of this Act from the Eureka Lock and Dam to the St. Johns River.

Sec. 5. There are authorized to be appropriated for fiscal years beginning after September 30, 1984, such sums as may be necessary to carry out the provisions of this Act.●

By Mr. WILSON:

S. 2729. A bill for the relief of Jean Wilhelm Willrich; to the Committee on the Judiciary.

RELIEF OF JEAN WILHELM WILLRICH

● Mr. WILSON. Mr. President, I am today introducing a bill that could greatly increase the chances of the U.S. soccer team winning a medal at the summer games in Los Angeles next month. The bill is for the relief of Mr. Jean Wilhelm Willrich. This bill provides that the beneficiary be considered to have satisfied the residence and physical presence requirements of section 319(a) of the Immigration and Nationality Act for naturalization.

Mr. Willrich is a citizen of West Germany. He was granted permanent residence in the United States on August 12, 1981. Since he is married to a U.S. citizen, he will be able to apply for naturalization on August 12, 1984.

Mr. President, it is Mr. Willrich's desire, and that of the U.S. Soccer Federation, that he be allowed to play for the United States as a member of our Olympic team at the 1984 summer games to be held in Los Angeles. He will be unable to participate on behalf of the United States unless he is a U.S. citizen. Chapter XXVI, section 3 of the Rules of the U.S. Olympic Committee provides:

> All members of the official delegation shall be citizens of the United States who are not under a present disability with respect to the exercise of their civil rights.

Because of this provision in the rules, two almost identical bills have been introduced and passed by Congress. The first bill, H.R. 10792, introduced in the 94th Congress and now Private Law 94-27, enabled a U.S. skier by the name of Jana Hlavaty to participate in the 1976 winter Olympics. The second bill, S. 1863 introduced in the 98th Congress and now Private Law 98-7, allowed Mr. Audun Endestad to compete as a cross country skier in the recent 1983 winter Olympics. Given these legislative precedents, and other relevent facts, it appears that it is in our Nation's best interest to allow an exemplary individual in the field of soccer the opportunity of representing the United States.

It is interesting to note that Jean began playing soccer when he was only 8 years old. He came to the United States in April 1978 at the request of the San Diego Sockers. Prior to that time, he was affiliated with the PSV Eindhoven of Holland's First Division—one of the world's foremost ranking soccer clubs. He later married a U.S. citizen in February 1981. They are the proud parents of a daughter.

Since arriving in the United States, Jean has been playing with the San Diego Sockers. His playing record is impressive and well recognized by members of both his team and the Major Indoor Soccer League and the North American Soccer League. During the 1983-84 indoor championship playoff series, Jean Willrich was voted the most valuable player for his outstanding performance.

Of particular importance in the consideration of this bill are the comments of Alkis Panagoulias, U.S. Olympic soccer team head coach. Coach Panagoulias writes that:

> * * * if Mr. Willrich's citizenship could be moved forward to July 1, 1984, he could qualify for selection to the United States National Olympic Team and henceforth dramatically change the chances of the United States winning a medal in the Los Angeles games of 1984.

Jean Willrich is an excellent candidate to represent the United States in the Olympics, not only because of his prowess at soccer, but also on account of many admirable and fine personal qualities. Mr. Ron Newman, vice president and head coach for the San Diego Sockers, believes Mr. Willrich is an outstanding young man of exemplary character. He further notes that Jean's warm and personable enthusiasm provides valuable direction and leadership on the playing field. It is my impression from many individuals who know Jean that he possesses the heart and warm soul of a true American.

Mr. President, in light of both Jean Willrich's professional and personal attributes, it is my sincere hope that the Congress can give this bill favorable consideration on a necessarily expeditious basis.

Mr. President, I would ask that two letters which express the need for this legislation be printed at this point in the Record. They are from John E. Daley, president of the San Diego Sockers, and Alkis Panagoulias, to whom I earlier made reference.

There being no objection, the material was ordered to be printed in the Record, as follows:

SAN DIEGO SOCKERS,
San Diego, CA, May 8, 1984.

Senator PETE WILSON,
P.O. Box 36004,
San Francisco, CA.

DEAR SENATOR WILSON: I am writing to you to ask your help in a situation which would benefit the U.S. Olympic Soccer Team as well as ours.

One of our key players, Jean Willrich, who is married to an American girl, is eligible to become a U.S. citizen on August 12 of this year. Willrich is an outstanding candidate to become a citizen of our country. His exploits on the soccer field are such that he was voted as the "Most Valuable Player" during the Sockers' third—and most recent—indoor soccer championship.

The Coach of the U.S. Olympic team, Alkis Panagoulias, knowing full well that his team has a formidable task this summer in Los Angeles, has already selected three San Diego Sockers—Ade Coker, Hugo Perez and Kevin Crow to be on the team. He would like Willrich, too, but first he has to become a U.S. citizen on or before June 1, 1984 (which is just 7 weeks prior to his eligibility date).

Under separate cover, U.S. Olympic Coach Panagoulias will remit a letter signifying his interest in Willrich for the U.S. Olympic team.

We have also enclosed a biographical sketch of Willrich along with several articles which depicts his soccer background and superb soccer talents.

I am also writing to Congressman Bill Lowery requesting that he also sponsor Jean Willrich, along with yourself, and hope that you can expedite his U.S. citizenship for both the Olympic team and your very own San Diego Sockers!

Sincerely yours,

JOHN E. DALEY,
President.

UNITED STATES SOCCER FEDERATION,
New York, NY, May 9, 1984.

ROBERT BELL,
San Diego Sockers,
San Diego, CA.

DEAR MR. BELL: It has come to my attention that your player Jean Willrich is to become a United States citizen in August of this year. May I point out that if Mr. Willrich's citizenship could be moved forward to July 1, he could qualify for selection to the United States National Olympic Team and henceforth dramatically change the chances of the United States winning a medal in the Los Angeles games of 1984.

I respectfully employ you to use every means at your disposal to get Mr. Willrich his citizenship in time so we will have him available to us.

Thank you in advance for your attention.

Sincerely,

ALKIS PANAGOULIAS,
U.S. Olympic
Soccer Team Head Coach.●

By Mr. SPECTER:

S. 2730. A bill to amend title 18 of the United States Code to make the use of a firearm to commit a felony by certain members of foreign diplomatic missions and consular posts in the United States a Federal felony; to the Committee on the Judiciary.

USE OF FIREARMS IN COMMISSION OF A FELONY BY MEMBERS OF DIPLOMATIC MISSIONS AND COUNSULS

Mr. SPECTER. Mr. President, the recent machinegunning from the Libyan Embassy in London presents a new form of international terrorism: assassinations by hit men posing as diplomats and thus immune from prosecution. The world community is ill-prepared to combat this new menace.

With the news that the Libyan firing the machinegun was one of two suspects both of whom enjoyed full diplomatic immunity, the nightmare has become reality. British authorities allowed these two and the other occupants of the "People's Bureau" to return home. The diplomat-terrorist got away with murder.

Prime Minister Thatcher correctly called for revisions in the Vienna Convention which is the source of diplomatic immunity. To deter such hit squad activities here, the United States should take the lead to renegotiate the Vienna Convention.

Article 31 of the convention states: "A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving state." The convention thus codified a tradition of many centuries. International law, however, recognizes that violent crime such as murder can never be regarded as a proper exercise of diplomacy. Thus, it provides that the receiving state could use force against a diplomat engaging in criminal violence even though it could not prosecute him.

Justice, it was assumed, would be done by the sending state. Accordingly, the Vienna Convention provided that "The immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state."

Justice obviously cannot be done in a situation of state-sponsored terrorism. In that circumstance, obviously the sending state will reward rather than prosecute its agent. Again, the shooting in London illustrates the problem for news reports asserted that Embassy personnel had received electronic communications from Tripoli instructing them to shoot the Libyan dissidents demonstrating near the Embassy. The result, as the whole world knows, is that 11 students were injured and a British policewoman was shot to death.

The grant of immunity in the Vienna Convention should be revised to allow the receiving state to prosecute diplomats for murder and other armed offenses against persons.

Critics of this proposal will argue that the present unqualified immunity protects American diplomats in hostile nations such as Eastern bloc countries and the Soviet Union. With the revisions, it would still do so. Diplomats of all countries would be immune from prosecution for the sort of charges that could readily be trumped up such as espionage or fraud.

It is inconceivable that this country or any other law-abiding country would instruct or permit diplomats to use firearms to assault political opponents. Therefore, the revisions would not limit the proper functioning of our diplomatic agents. Nor could armed assault charges such as murder by firearm be readily brought on manufactured evidence.

If there is a slight risk that some country might fabricate evidence against our Ambassador that he shot someone even though the fabrication would be obvious, that risk is worth taking. Otherwise, fanantical and lawless states such as Iran, Syria, and Libya will be encouraged to operate death squads all over the world. Any state instructing diplomats to commit murder has so abused the concept of diplomatic immunity as to forfeit any claim to its protection.

Nor is it sufficient in the face of hit squads to argue that the receiving state can adequately protect itself by expelling the terrorist-diplomat after the fact. He can and will simply be replaced by a new terrorist-diplomat. Assassinations will therefore continue.

Opponents may argue that revising the terms of immunity would be insufficient to deter murders by fanatics employed by murderous governments. This may be so in some cases. There is a great difference, however, between surreptitious assassinations by secret agents of a foreign power and overt shootings from Embassy windows. Both are intolerable, but the latter makes the victim state compound the crime by forcing it to release the criminal.

No doubt it will take years to revise the Vienna Convention but merely making the proposal will make a difference. It will put nations on notice that the world community will not tolerate another London.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 44 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 929. Foreign diplomats

"(a) It shall be unlawful for—

"(1)(A) any member of a foreign diplomatic mission in the United States entitled to immunity from the criminal jurisdiction of the United States under the provisions of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; or

"(B) any member of a foreign consular post in the United States entitled to immunity from the criminal jurisdiction of the United States under the provisions of the Vienna Convention on Consular Relations, done on April 24, 1963,

to use a firearm to commit any act constituting a felony under the criminal laws of the United States or any State.

"(b) Whoever violates this section shall be punishable by a fine of $10,000 or by imprisonment for 10 years, or both.

"(c) For purposes of this section—

"(1) the term "member of a foreign diplomatic mission" includes any individual described by Article 1 (b) of the Vienna Convention on Diplomatic Relations, done on April 18, 1961; and

"(2) the term "member of a foreign consular post" includes any individual described by Article 1 (g) of the Vienna Convention on Consular Relations, done on April 24, 1963.".

(b) The analysis for chapter 44 of title 18 United States Code is amended by adding at the end thereof the following: "929. Foreign diplomats.".

By Mr. LEVIN (for himself, and Mr. RIEGLE):

S. 2732. A bill to amend the Wild and Scenic Rivers Act to permit the control of the lamprey eel in the Pere Marquette River and to designate a portion of the Au Sable River, MI, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

WILD AND SCENIC RIVERS ACT AMENDMENTS

● Mr. LEVIN. Mr. President, I, along with Senator RIEGLE, am introducing legislation today to amend the Wild and Scenic Rivers Act to designate 23 miles of the Au Sable River in Michigan as a wild and scenic river and to permit control of the lamprey eel in the Pere Marquette River, also located in Michigan.

The Subcommittee on Public Lands and Reserved Water of the Senate energy Committee held hearings on S. 1084, which designates a number of rivers as components of the National Wild and Scenic Rivers System, earlier this year. S. 1084 includes the designation of 23 miles of the Au Sable River in Michigan as a wild and scenic river. The testimony in support of the designation was presented by a Michigan resident and a member of the Sierra Club. The designation represents a compromise between the U.S. Forest Service recommendation and private landowners. The Au Sable River is heavily used for recreational and fishing purposes.

This legislation also includes identical language on lamprey eel control in the Pere Marquette River to a House-passed bill, supported by the Michigan delegation. The construction of a low-scale weir across one section of the Pere Marquette would prevent lamprey eels from coming up the river from the Great Lakes. The bill specifies that the installation and operation of the weir must be done in a manner which protects the wild and scenic characteristics of the river.

It is my hope the Senate will adopt this bill in the near future.●

● Mr. RIEGLE. Mr. President, today my colleague from Michigan, Senator LEVIN, and I are introducing a bill to amend the Wild and Scenic Rivers Act. This legislation will allow for the control of the lamprey eel in the Pere Marquette which is already designated as a wild river, and will add a section of the Au Sable River to the Wild and Scenic River System.

The first section of this bill is identical to a bill, H.R. 3472, which passed the House of Representatives by a vote of 410 to 5. It would authorize the construction of a low-head weir across one section of the Pere Marquette River to prevent spawning lamprey eels from ascending the river during their annual migration out of Lake Michigan.

The U.S. Fish and Wildlife Service has identified the Pere Marquette River as one of the largest habitats of the lamprey eel of any stream flowing into Lake Michigan. The lamprey is a predatory fish that is destroying the game and commercial fish in the Great Lakes. Effective lamprey controls are essential to prevent the loss of the million dollar fishing industry in Lake Michigan.

Since 1958 the Pere Marquette has been treated every 4 years with chemicals to control the eels, but this treatment is harmful to other forms of aquatic life in the Pere Marquette, and it is also expensive.

In addition, the Fish and Wildlife Service has described the Pere Marquette River as one of the most difficult rivers to treat. It has an extensive tributary system which continually dilutes the chemicals on their way downstream. Constant monitoring is necessary to maintain the appropriate concentration, and while most river treatments are carried out by a 20-member crew, the Pere Marquette requires 50 people.

The Forest Service has determined that the best alternative to control the lamprey would be to construct a small dam that would block passage of the eels to their spawning grounds. The dam would be constructed with a gap in the middle large enough to allow a canoe to pass through, and would allow the river to flow freely for 10 months out of the year. The gap would be closed during the spawning run, thus blocking passage of the eel. In addition, the barrier would be built in an area where a minimum amount of water would be impounded.

A low-head weir would drastically reduce lamprey escapement and would be more cost-effective. The construction of a weir would save over $94,000 per chemical treatment, and a weir costing even $300,000 would pay for itself in about 12 years.

The second section of this bill would designate 23 miles of the Au Sable River for inclusion in the Wild and Scenic Rivers System. This is an outstanding recreational, fishing, and wildlife region. Designation of this segment of the river has been included in Senator MCCLURE's bill (S. 1084) and represents a compromise position between the U.S. Forest Service recommendations and the landowner's concerns.

Mr. President, I believe that these two provisions are necessary to protect Michigan's natural resources by enhancing two of our prized rivers, the Pere Marquette and Au Sable.●

By Mr. PRESSLER (for himself and Mr. ABDNOR):

S. 2733. A bill to allow the city of Aberdeen, SD, to retain easements in certain lands after the abandonment of certain railroad rights-of-way by the Chicago & Northwestern Transportation Co.; to the Committee on Energy and Natural Resources.

RAILROAD EASEMENT RIGHTS FOR ABERDEEN, SD

● Mr. PRESSLER. Mr. President, I rise to introduce this legislation with my distinguished colleague, Senator ABDNOR, for the benefit of over 26,000 people in Aberdeen, SD.

This legislation will have no impact on anyone who is not connected with the community of Aberdeen and will not result in a cost to the Federal Government.

Very simply, Mr. President, this technical legislation is designed to protect the easement rights that the city of Aberdeen now enjoys for constructing and maintaining their municipal waterlines. These lines are now located under the Chicago & North Western (C&NW) Transportation Co.'s railroad right-of-way.

The C&NW has announced that they intend to abandon this section of railroad. Without this legislation, the city of Aberdeen could lose its easement rights, which could cost the community's taxpayers needless expense.

Senator ABDNOR and I have studied this problem very closely. The legislation we are introducing today is in the best interests of our State and we join in asking that our distinguished colleagues support this important measure.●

By Mr. MATHIAS (for himself and Mr. KENNEDY):

S. 2734. A bill to establish a commission to identify, designate, preserve, and protect cemeteries, monuments, and historic buildings which are located abroad and which are associated with the foreign heritage of U.S. citizens; to the Committee on Foreign Relations.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

● Mr. MATHIAS. Mr. President, today millions throughout the world are commemorating the 40th anniversary of D-day. Many will visit the monuments marking the Allied assault on Normandy Beach. Others will walk through the American and German cemeteries, remembering those who died in this battle.

These landmarks in Normandy, France, enable thousands to experience the emotion of one of the most extraordinary battles of World War II. They provide a permanent reminder of the past and a warning for the future.

While the monuments of Normandy have been preserved, many other vestiges of our ancestral heritage are in danger of deterioration or destruction throughout the world. If these landmarks are allowed to perish, the memory of our ancestors, their triumphs and the lessons to be learned from their failures, will also perish.

Today I am introducing legislation, with Senator KENNEDY, to establish a Presidential Commission to preserve these landmarks, as a part of America's heritage abroad. The Commission will identify cemeteries, monuments, and historic buildings located abroad that are associated with the foreign heritage of U.S. citizens, particularly those sites which are in danger of deterioration or destruction. It will recommend policies to the State Department to encourage the governments, in countries where the cemeteries and buildings are located, to preserve them. In addition, the Commission will sponsor and support projects to help this effort.

The Commission will consist of five members appointed by the President. They will receive no compensation for their service, although travel expenses incurred in the course of their duties will be covered, and a support staff will be provided. The Commission will meet at least once every 3 months and will submit to the President and to both Houses of Congress an annual report.

These historic landmarks can have a very powerful emotional impact. On this, I can speak from personal experience. A few years ago, I traveled to the Soviet Union to open America's "Agriculture USA" exhibit in the city of Kishinev in Moldavia. In the course of my travels, I stopped briefly in Kiev to lay a wreath at Babi-Yar, in memory of the hundreds of thousands of Jews who were massacred there by the Nazis when they occupied the Ukraine.

It was a humbling and moving experience to stand at the edge of that fatal ravine, under a bleak winter sky, and pay my respects to the dead. The ravine's harsh, tragic outlines are softened now by landscaping and the scene, after years of official neglect, is dominated by a powerful monument.

But not a single word in the inscription on that monument tells you that it was Jews who were massacred there—that it is Jews who lie in the mass grave at Babi-Yar. The omission is significant. It is not accidental. It underscores the need for this Commission.

Elsewhere in the world the memory of the Holocaust is kept alive so that successive generations may learn its lesson: That man's fate is in his own hands—that by remembering the past, we may shape a better future.

It is in this spirit of remembrance that I am proposing the Commission for the Preservation of America's Heritage Abroad.

I hope my colleagues will join me in cosponsoring this legislation. A companion bill was recently introduced in the House, where it passed without objection.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to preserve and protect the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

SEC. 2. There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this Act referred to as the "Commission").

SEC. 3. The Commission shall—

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, where appropriate and in concurrence with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected;

(3) sponsor or otherwise support demonstration projects to help preserve and protect such cemeteries, monuments, and historic buildings;

(4) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings; and

(5) coordinate its efforts with the United States International Council on Monuments and Sites.

SEC. 4. (a) The Commission shall consist of five members appointed by the President.

(b) Members shall be appointed for terms of three years except—

(1) of such members first appointed—

(A) two shall be appointed for two years; and

(B) three shall be appointed for three years;

(2) a member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed; and

(3) a member may retain membership on the Commission until the member's successor has been appointed.

(c) The President shall designate the Chairman of the Commission from among its members.

(d) The Commission shall meet at least once every three months.

SEC. 5. (a) Members of the Commission shall receive no pay on account of their service on the Commission.

(b) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 6. (a) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(b) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(c) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, is authorized to detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out it duties under this Act.

SEC. 7. (a) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this Act. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) The Commission may accept, use, and dispose of gifts or donations of money or property.

(c) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(d) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 8. The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

SEC. 9. This Act shall take effect on October 1, 1984.●

● Mr. KENNEDY. Mr. President, I am pleased to join today with Senator MATHIAS in introducing this legislation that will establish a Commission for the Preservation of America's Heritage Abroad.

We are a Nation of immigrants. Almost all Americans can find roots abroad. And those roots are important to remember and respect. In many cases, cemeteries, monuments, and historic buildings are all that is left of the communities from which our ancestors emigrated.

Since the 1970's I have worked with Americans interested in preserving their heritage abroad. I discovered a distressing fact—many of these reminders of our ancestors are in danger of deterioration or destruction. Simple neglect over the years has taken its toll in some cases. Deliberate government actions have been responsible in others.

Many cemeteries throughout Eastern Europe and the Soviet Union, representing communities of diverse religious faiths, have not been well cared for. In Poland, for example, only some 400 Jewish cemeteries remain out of 800 before World War II. Only a small portion of those are in decent condition.

The New York Times recently reported remarkable community efforts in Arizona stimulated by an attorney from Washington and a Yaqui Indian to preserve a Jewish cemetery from the 1880's. Such stories, unfortunately, are not common abroad.

The U.S. Government is in a position to assist Americans to preserve their heritage abroad. However, there is no one point in the government to which Americans can turn. This problem deserves ongoing and sustained attention.

The Commission on the Holocaust recognized this problem and proposed a solution in its report to the President. The Commission recommended:

> That in recognition of the sanctity of the physical remains of the Jewish communities of Eastern Europe and the right of the dead to a final resting place, the State Department should continue to express its concern over the destruction of cemeteries, urging that they be maintained in a suitably respectable manner.

Hence the concept of a commission. The Commission proposed in this legislation would identify foreign cemeteries—to which Americans have ancestral ties—that are in jeopardy and to propose policies for encouraging foreign governments in whose countries such monuments are located to take steps to protect them.

Specifically, the Commission would:

Identify and publish a list of cemeteries, monuments, and historic buildings located abroad and associated with the foreign heritage of U.S. citizens which are in danger of deterioration;

Encourage their preservation by working in concurrence with the Department of State to obtain assurances from foreign governments that the landmarks will be protected;

Sponsor or support demonstration projects to help preserve and protect such cemeteries, monuments, and historic buildings;

Prepare and disseminate reports on the conditions of and progress toward preserving and protecting these landmarks;

Coordinate with the U.S. International Council on Monuments and Sites.

The Commission will consist of five members appointed by the President. Commissioners shall receive no pay for their service to the Commission.

Three weeks ago the House of Representatives adopted similar legislation as an amendment to the fiscal year 1985 foreign assistance authorization bill.

I urge support for the legislation we introduce today.●

By Mr. HELMS:

S.J. Res. 304. Joint resolution to designate the month of October 1984 as "National Quality Month"; to the Committee on the Judiciary.

NATIONAL QUALITY MONTH

● Mr. HELMS. Mr. President, I am today introducing legislation that will establish the month of October as National Quality Month.

Quality of workmanship is an American tradition, Mr. President. From the colonial days when our ancestors practiced their trades in small, backyard shops, American-made goods have enjoyed a reputation for high quality and precision crafting.

This emphasis on quality has given U.S. manufacturers a decided advantage over many foreign competitors. Consumers at home and abroad have traditionally looked to American industries for high quality merchandise.

Today, however, developing nations are learning to produce quality goods at costs that are in line with their American counterparts.

Mr. President, there is a need to emphasize what has become the hallmark of U.S. manufacturing. A national endorsement of Quality Month will provide an excellent opportunity for all Americans to renew their commitment to traditional standards of high quality in the production of goods and services.

From a historical perspective, Mr. President, quality has been a mainstay of our free enterprise system. In colonial times, blacksmiths, carpenters, artisans, and other tradesmen skillfully produced handmade goods with careful attention to detail. Merchants traveled the seas in ships filled with high quality, American-made cargo.

The Industrial Revolution brought American manufacturing out of homes and village shops and into larger factories. Assembly lines replaced work benches so that goods could be produced more efficiently. In the process, quality standards remained high.

After World War II, the United States became the world leader in an effort to rebuild Europe and Japan. Faced with the task of revitalizing industries that had been destroyed by the war, American experts introduced new production methods to these countries. A key element of these methods was high quality.

A renowned statistician named W. Edwards Deming promoted quality techniques in Japan during the 1950's. Poised for reconstruction, the Japanese welcomed the Deming philosophy. The country transformed a reputation of relatively poor quality workmanship into one of world leadership in the production of high quality goods and services.

That experience was replicated in Western Europe, as well.

Mr. President, as we all know, the United States is today faced with unprecedented competition in international markets. Foreign competition, particularly in the labor-intensive industries, has caused business leaders to reevaluate their production and marketing strategies.

American industries have responded to stiffer competition from abroad with an increased emphasis on quality. Today, marketing strategies stress high quality standards in the production of goods and services in the United States. For instance, the textile and furniture industries in North Carolina emphasize quality craftsmanship. The automobile industry is doing likewise. And there are many other examples.

Mr. President, a joint resolution proclaiming National Quality Month will serve as a catalyst for this renewed interest in quality.

The American Society for Quality Control, a nonprofit organization dedicated to enhancing the quality of American products and services since 1946, is planning appropriate activities throughout October to commemorate the occasion.

I urge other Senators to join with me in support of this joint resolution and I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 304

Whereas the United States has been preeminent in quality technology development since the Industrial Revolution;

Whereas the performance and spirit that typified early American craftsmen was based on individual interest in quality of goods and service;

Whereas the pride of workmanship that once prevailed must be reinforced through a renewed commitment to quality and knowledge of quality technology in more complex contemporary industrial, commercial, and governmental organizations;

Whereas American goods and services represent the highest standards of excellence in quality;

Whereas the strength of the Nation relies on the ability of industry to produce quality goods and services;

Whereas the United States must produce high quality goods and services to maintain a position of leadership in the world marketplace;

Whereas the commitment to quality involves recognition and implementation of a consistent quality policy, the use of quality technology, and utilization of talents throughout an organization toward quality improvement;

Whereas the emphasis on quality in manufacturing and service will increase productivity through emphasis on defect prevention, waste reduction, and improved reliability of products and services;

Whereas the White House Conference on Productivity Report of the Preparatory Conference on Private Sector Initiatives recommended that a quality awareness campaign be implemented at the national level and within the private sector to demonstrate that rapid improvement in quality and productivity is essential to the survival of the national economy;

Whereas the American Society for Quality Control has been a leader in the development, promotion and application of quality and quality related technology since 1946;

Whereas the American Society for Quality Control is engaged in a campaign to convince officials in government and industry that increased productivity, reduced costs, and consumer satisfaction will result from commitment to improved quality standards;

Whereas the American Society for Quality Control will sponsor activities to observe National Quality Week; and

Whereas the theme of National Quality Week will be "Quality First" to emphasize that quality is an integral part of the processes that produce goods and services: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1984 is designated as "National Quality Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs and activities.●

By Mrs. HAWKINS:

S.J. Res. 305. Joint resolution to designate the week of September 10, 1984, through September 16, 1984, as "Teenage Alcohol Abuse Awareness Week"; to the Committee on the Judiciary.

TEENAGE ALCOHOL ABUSE AWARENESS WEEK

Mrs. HAWKINS. Mr. President, today I am introducing legislation to help educate and, thereby, help save our most precious natural resource, our children, by designating the week of September 10-16 as "Teenage Alcohol Abuse Awareness Week."

Teenage alcohol abuse is on the rise, and I would like to provide some statistics which bear out this troubling fact.

The percentage of 12th graders who said they got drunk at least once a month had remained steady, at 10 percent from the end of World War II until 1966. Between 1966 and 1975, that number jumped to 19 percent. But when high school seniors were polled in 1982, 41 percent said they had had five or more drinks within 2 weeks of answering the survey.

Ten percent of students polled had taken their first drink by the sixth grade; 30 percent had their first drink by the eighth grade. By grade 10, fully 75 percent of high school children polled were drinking socially.

Adolescence is a time of discovery and a time of rebellion. Those of us who are parents know that this is a time when there seems to be nothing we can say or do that is acceptable to our teenagers.

It can be a scary time for a teenager, as we all remember; it can be a time when "fitting in" takes precedence over virtually everything else.

Adolescence is also a time of personality development, when teenagers experiment with being an adult. They learn to drive, they date, they get their first jobs.

All of these factors, rebellion, peer pressure, the need to feel "adult," taken together create a volatile situation. Drinking is portrayed in the media as glamorous, and teenagers away from parental supervision, and anxious to present the right image, often engage in activities of which their parents would disapprove.

The major drinking problem among young people is not alcoholism, but rather, the negative consequences of intoxication—violence, vandalism and, of course, most tragically of all, driving while drunk; 49 percent of students polled recently said they drank in cars, while 23 percent said they drive, even after having "a good bit to drink." In the 15 States that keep complete records of traffic fatalities, 8,850, or 42 percent of drunk drivers involved in fatal accidents last year were between the ages of 15 and 24. These figures and the ones mentioned earlier tell us that unless we act soon, even more of our children will die.

The National Institute of Alcohol Abuse and Alcoholism has published the following which recommends steps that should be taken in order to help teenagers use alcohol wisely:

TEENAGER

Teach problems of alcohol in the schools.

Develop interactive skills (values clarification, decisionmaking, etc).

Provide alternatives to increase individual self-confidence and inner resources (i.e., hobbies, sports).

Educate adults to be responsible hosts/hostesses.

Identify youths having drinking patterns inconsistent with peers for the purpose of early intervention.

Provide information about sources of help for teenagers suffering personal or family drinking problems.

ALCOHOL

Examine whether legislation concerning where, when, and how alcohol may be sold and consumed can be changed to reduce alcohol abuse.

Manipulate control policies to decrease or stabilize per capita consumption by restricting availability through a variety of strategies, such as: A strict pricing policy; limiting on-premises drinking; lowering alcohol content of beverages; limiting numbers of retail and wholesale outlets; and enacting and enforcing strict zoning regulations.

Encourage cooperation between alcoholism personnel and alcohol beverage control boards.

Assess the influence of advertising and counter-advertising on drinking behavior.

ENVIRONMENT

Arrange settings where alcohol is consumed to minimize abuse (lighting, seating arrangement, music, food).

Change cultural meaning of drinking to encourage drinking in conjunction with other activities, discourage it as focus of activity.

Encourage responsible role-modeling by parents who drink.

Develop sanctions against drunken behavior.

Improve economic, cultural, and other qualities of life in the community.

Encourage educational system to be more responsive to students' personal needs.

Decrease consequences of abuse (e.g., provide rides home for intoxicated individuals).

Educate retailers of alcoholic beverages about their legal and ethical responsibilities.

The growing and distressing problem of teenage alcohol abuse needs to be handled through a combination of education and communication. During Teenage Alcohol Abuse Awareness Week, programs and events are planned, including a major article in the October 2 Family Circle magazine, which will attempt not only to make teenagers aware of the dangers of drinking, but also to teach parents that only by open and frank conversation with their children can they bring them safely through this most difficult age to enjoy the rewards and challenges which lay ahead.

By Mr. DOLE (for himself, Mr. Dixon, Mr. Helms, Mr. Huddleston, Mr. Danforth, Mr. Inouye, Mr. Cochran, Mr. Pryor, Mr. Jepsen, Mr. Leahy, Mr. Boschwitz, Mr. Proxmire, Mr. Andrews, Mr. Sasser, Mr. Lugar, Mr. Randolph, Mr. Wilson, Mr. Burdick, Mrs. Hawkins, Mr. Hollings, Mr. Baker, Mr. Exon, Mr. Domenici, Mr. Matsunaga, Mr. Hatfield, Mr. Nunn, Mr. McClure, Mr. Zorinsky, Mr. Kasten, Mr. Pell, Mrs. Kassebaum, Mr. Glenn, Mr. Percy, Mr. DeConcini, Mr. Abdnor, Mr. Bumpers, Mr. Mattingly, Mr. Heflin, Mr. Packwood, Mr. Cranston, Mr. Stafford, Mr. Riegle, Mr. Nickles, Mr. Baucus, Mr. Quayle, Mr. Biden, Mr. Laxalt, Mr. Boren, Mr. Grassley, Mr. Tsongas, Mr. Chafee, Mr. Eagleton, Mr. Symms, Mr. Lautenberg, Mr. Durenberger, Mr. Long, Mr. Gorton, Mr. Chiles, Mr. Stennis, Mr. East, Mr. Mitchell, Mr. Hatch, Mr. Ford, Mr. Bradley, and Mr. Murkowski):

S.J. Res. 303. Joint resolution to proclaim July 10, 1984, as "Food for Peace Day"; to the Committee on the Judiciary.

FOOD FOR PEACE DAY

● Mr. DOLE. Mr. President, on July 10 of this year, we will have occasion to commemorate the 30th anniversary of one of the most effective and respected programs devised by the Federal Government in the postwar era—Public Law 480, or the food-for-peace program. It is my privilege to introduce this joint resolution to designate July 10 as "Food for Peace Day," and my honor to be joined in its sponsorship by Senators Dixon, Helms, Huddleston, and by 61 of our distinguished colleagues in the Senate.

THE ROLE OF PRESIDENT EISENHOWER

It is time-honored practice, Mr. President, to cite the seminal contributions of the Founding Fathers of Public Law 480, without whose vision the opportunity might have been lost to marshal America's greatest strength to meet the world's greatest need. There are few statements we can make today that will match the simple elegance of President Dwight D. Eisenhower, who pursued the promise of this program as avidly as he had its enactment in 1954. His words, while often repeated, have that timeless quality which lends insight to our changing world a generation later:

> My earnest hope is that our people will put their hearts as well as their minds into this effort. It is more than surplus disposal, more than an attempt to foster ties and sympathies for America. It is an effort that I consider in full keeping with the American tradition—that of helping people in dire need who with us are devoted to upholding and advancing the cause of freedom. It is an undertaking that will powerfully strengthen our persistent and patient efforts to build an enduring just peace.

BIPARTISAN SUPPORT OF PUBLIC LAW 480

The vision of President Eisenhower was one which recognizes no political distinctions, and the strong bipartisan support which Public Law 480 has enjoyed over the past 30 years is a major source of its continuing strength. All of us today are in the debt of succeeding Presidents and congressional leaders who singled out food-for-peace as a role star for judging our Nation's course toward meeting its chosen standards of fairness and compassion. And a leader among these leaders was my cherished colleague, now departed, Hubert Humphrey. I am sure Hubert would not object if I again pay tribute to his great eloquence by quoting his retrospective assessment of the importance of Public Law 480:

> When the history of the twentieth century is written, the development and expansion of the food-for-peace program is sure to be viewed as one of the most constructive steps ever undertaken by any nation. With-

out our farmers' abundant productivity, this could not have been possible.

PREAMBLE TO THE 1954 ACT

Finally, Mr. President, we should reacquaint ourselves and introduce others to the broad and encompassing objectives of the food for peace program, as set forth in the preamble to the 1954 act:

> The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities; to use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; and to promote in other ways the foreign policy of the United States.

SIMILARITIES—1950'S AND 1980'S

Mr. President, as we review the history of Public Law 480 over the last 30 years, we are struck by the versatility with which it has responded to needs in both the United States and abroad. We are also impressed by similarities between the world food supply and demand situation today and that which existed when the program was developed in the early 1950's. Then, as now, we were faced with a significant shortfall in the ability of many nations to provide an adequate diet for their people. Then, as now, the United States was faced with large and growing harvests of basic food crops, and the alternative of cutting back on production and efficiency to prevent low farm prices. And finally, Mr. President, with the benefit of hindsight, we can now look back and appreciate that, with the long-term commitment of American food resources to meet world hunger needs, the Public Law 480 program has been a driving force behind the growth and miraculous productivity of American agriculture in the past three decades.

I do not believe it necessary to again cite the specific contributions which the food for peace program has made to the cause of improved global cooperation and understanding, or to the achievement of its other important and diverse goals. Nations around the world, many of whom are now either self-sufficient in food or can afford to purchase their requirements on the commercial market, testify to this remarkable success story.

THE CHALLENGE TO SUPPORTERS AND CRITICS

I would, however, point out that, at its inception, there were many both within and outside of government who had reservations about the nature and objectives of the Public Law 480 program, and about its initial costs compared to its promised benefits. These doubts were honestly raised, and it required years of hard and dedicated work before the program was to prove its merit.

Like every initiative by the Federal Government, Public Law 480 must perennially prove its merit and justify its worth. I have no doubt that it does, and will continue to serve a vital purpose in the fabric of the world's food safety net. But the need for supporters to be willing to examine the program critically must be matched by a willingness of critics to reexamine their own opinions and, if appropriate, to revise them. I can think of no better time for such a review than as we enter the program's fourth decade this July.

THE CURRENT OUTLOOK

Mr. President, with our growing preoccupation and concern with Federal budget outlays and deficits, we have made an effort to cut back on spending in all sectors, and have focused on the immediate cost of programs rather than their promised return. Cost-benefit analysis has been, to some extent, discredited for having led past administrations and Congresses into some unwise, expensive decisions. Much of this criticism is valid. And it is difficult to use cost-benefit to justify spending for one program and then refuse to consider using it to judge others.

The reality that underlies the Public Law 480 program, however, goes beyond such a superficial comparison. It goes back to the depression years of the 1930's, when the Government paid enormous amounts for farmers to plow up their crops or slaughter their livestock. It goes back to the 1940's, when the production potential of American farms and ranches was tapped to feed the war effort, and to help resurrect a ravaged world economy in its aftermath. And it goes back to the early 1950's, when a choice had to be made between returning to massive production controls or sharing our abundance with developing countries in need of economic support.

INTERDEPENDENCE—FARMERS AND MARKETS

Mr. President, I have never doubted that, with the food for peace program, the United States made the right choice, and put its best foot forward in its relations with the community of nations. Yet we must not forget that Public Law 480 is as much a commitment to U.S. farmers as it is to hungry and malnourished peoples overseas. By choosing to make the world, in an important measure, dependent on U.S. food supplies, we also made U.S. agriculture dependent on foreign markets. And it is the ability of the world market to provide a fair return to our producers that is now under serious scrutiny and question by many of our farmers.

U.S. agriculture finds itself at a crossroads today, and many believe a watershed policy decision may soon be made. In this process, the role of exports will undoubtedly be of crucial importance. Most observers suggest the choice will be between turning in one direction—toward more market-oriented policies—or in the opposite direction—toward greater Government involvement in production and marketing decisions. And it may well be that we will define our policy options in these terms and make our decision accordingly.

In my own opinion, Mr. President, it will be difficult to achieve a consensus on farm policy and programs with opinion as divided as it is today. Currently, with surplus production and stocks, low harvest-time prices and serious debt and financing problems, the attitude in the Farm Belt is confused, unsure and, in certain instances, negative toward any proposed policy initiatives. It is doubtful that we can make a positive change of direction under these circumstances.

ORIGINS OF FARM POLICY CONSENSUS

It may be better at this point to focus our efforts in one area which few, if any, participants in the farm policy debate would oppose. That action would be to significantly increase our annual contribution to world food assistance, possibly within a multiyear format, and to consider reinstating the optional repayment of low-interest loans in foreign currencies. The benefits of an increase of $500 million, $750 million, or even $1 billion in Public Law 480 programing to our own rural economy, to developing countries experiencing food and foreign exchange shortages, and to overall activity in the U.S. economy would be enormous.

It may be, Mr. President, that such a straightforward action could begin the process of simplifying the complex decisions facing U.S. agriculture in 1985 and in future years. At the very least, it would indicate that, when its own agriculture future needed to be addressed, this country first chose to reaffirm its commitment to the humanitarian ideals that have served as its national conscience for the past 30 years. Perhaps we would then be able to proceed to make other decisions affecting our farm and national economy with a clearer perspective on our long-term needs and goals.

CONCLUSION: GIFTS AND RESPONSIBILITIES

Finally, Mr. President, it is all too rare in government that we have an opportunity to support a program or activity that embodies, in large part, the often-ignored wisdom of the golden rule. We in the United States do not fully appreciate the national gifts which we enjoy, nor do we fully understand the international responsibilities which possession of these gifts conveys. As a true humanitarian effort, the food-for-peace program reflects recognition that food—the most basic human necessity—should be shared with others less fortunate. And it is positive efforts such as Public Law 480, rather than other programs more costly or with less vision, for which our generation will be remembered by the world's children and our own posterity.

Mr. President, I ask unanimous consent that the text of the joint resolution to designate July 10, 1984, as "Food for Peace Day" be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 306

Whereas the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) was signed into law by President Eisenhower on July 10, 1954;

Whereas the Public Law 480 program (also known as the Food for Peace program) has received strong and bipartisan support from every President and Congress during the past thirty years as a versatile tool to use the abundant agricultural productivity of the United States to combat hunger and malnutrition abroad, expand export markets for United States agricultural commodities, encourage economic development in developing countries, and promote in other ways the foreign policy of the United States;

Whereas over three hundred million tons of agricultural commodities and products thereof valued at about $34,000,000,000 have been distributed to more than one hundred and fifty countries under the Public Law 480 program since its inception, substantially reducing world hunger and improving nutritional standards;

Whereas the Public Law 480 program has served as an example to other nations and encouraged them also to help meet food needs abroad by making available agricultural surpluses or cash donations for such purposes; and

Whereas the people of the United States remain dedicated to the high goals and purposes of the Public Law 480 program and committed to continuation of its important work: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 10, 1984, the thirtieth anniversary of Public Law 480, is hereby proclaimed as "Food for Peace Day", and the President is requested to issue a proclamation calling upon the people of the United States and Federal and State governmental agencies to commemorate Food for Peace Day with appropriate ceremonies and activities.●

● Mr. DIXON. Mr. President, I am pleased to join the distinguished chairman of the finance Committee, Senator DOLE, as coauthor of this joint resolution to declare July 10, 1984, the 30th anniversary of Public Law 480, as "Food for Peace Day." While a number of congressional initiatives have been enacted into law over the years to deal with hunger problems both at home and abroad, one of the most direct methods of combating malnutrition on the international scene is the Agricultural Trade and Development Act—Public Law 480—signed by President Eisenhower on July 10, 1954.

As we observe the 30th anniversary of this program it is important that we remember the objectives of Public Law 480, as set forth in the preamble of the Act:

> The Congress hereby declares it to be the policy of the United States to expand international trade; to develop and expand export markets for United States agricultural commodities; to use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in developing countries, with particular emphasis on assistance to those countries that are determined to improve their own agricultural production; and to promote in other ways the foreign policy of the United States.

The United States has distributed more than 300 million tons of agricultural commodities with a value of $34 billion to more than 150 countries under this program. One of the main objectives of this program is to develop and expand export markets of the United States.

One of the most direct methods of combating malnutrition on the international scene is through title II of Public Law 480. Under this authority, donations of American commodities are used in a variety of programs throughout the world, providing both supplemental and primary sources of nutrition.

Of special importance in these programs is the provision of processed and fortified grain-based and dairy commodities. The use of processed and fortified products in maternal and child health feeding programs, school lunch programs, and a variety of other nutritional and supplemental feeding activities, considerably enhances the scope and application of such commodities and helps to directly combat undernutrition and malnutrition. With title II of Public Law 480 being a targeted feeding program, the availability of these processed and fortified commodities provides an excellent opportunity for program managers to utilize the most appropriate food products for each program application.

We must also remember that in many feeding programs throughout the world, the United States is the only supplier of these processed and fortified products. These products are also important to the economy of the United States. They provide the value added benefits of increased employment, additional tax revenues, and wider use of U.S. transport facilities.

We must also recognize the activities of America's great voluntary agencies for overseas relief and rehabilitation, including organizations such as CARE, the Church World Service, Catholic Relief Service, Lutheran World Relief, and a number of similar privately supported humanitarian organizations helping to carry out the purposes of the food for peace program.

Mr. President, one of the strongest supporters of the program was Senator Hubert Humphrey. I believe his own words indicate the importance of this program:

> When the history of the twentieth century is written, the development and expansion of the food for peace program is sure to be viewed as one of the most constructive steps ever undertaken by any nation. Without our farmers' abundant productivity, this could not have been possible.

Mr. President, I urge my colleagues to join in support of this joint resolution to declare July 10, 1984 as "Food for Peace Day."●

● Mr. HUDDLESTON. Mr. President, I am pleased to join many of my colleagues in sponsoring this joint resolution to commemorate the 30th anniversary of the enactment of the Agricultural Trade Development and Assistance Act of 1954, commonly known as Public Law 480 or the Food for Peace Program Act.

Throughout the years, Public Law 480 has proven to be one of our Nation's most successful assistance programs. Moreover, the program is one of our best and most effective ambassadors of goodwill overseas.

Sharing our agricultural abundance through Public Law 480 fulfills a humanitarian need for food in areas of the world where famine and malnutrition exist. Since the beginning of the food for peace program, nearly 50 million metric tons of commodities have been provided to meet the humanitarian goals of title II of Public Law 480. And, the food for peace program is as vital today as it was 30 years ago. The need for food in developing countries continues to be large. In fact, food shortages in Africa appear to be growing at this time, and the food for peace program is being used extensively to ameliorate this severe problem.

Public Law 480 serves other objectives as well, including the stimulation of economic growth in developing countries, the disposition of periodic farm surplus production through a concessional sales program, the development of foreign markets for U.S. foreign economic policy goals. The benefits from the Public Law 480 concessional sales program, it is estimated, have amounted to $25 billion of additional farm exports over the life of the program.

Public Law 480 has always enjoyed strong and bipartisan support. I hope the 98th Congress will continue this tradition by wholeheartedly endorsing this joint resolution.●

ADDITIONAL COSPONSORS

S. 875

At the request of Mr. MATHIAS, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes.

S. 1285

At the request of Mr. Chiles, his name was added as a cosponsor of S. 1285, an original bill to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes.

S. 1910

At the request of Mr. Pressler, the name of the Senator from Nebraska (Mr. Zorinsky) was added as a cosponsor of S. 1910, a bill to adapt principles of the Administrative Procedures Act to assure public participation in the development of certain positions to be taken by the United States in international organizations, and for other purposes.

S. 2266

At the request of Mr. Cranston, the name of the Senator from Kansas (Mrs. Kassebaum) was added as a cosponsor of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2422

At the request of Mr. Bradley, the name of the Senator from Ohio (Mr. Glenn) was added as a cosponsor of S. 2422, a bill to provide a program of planning grants, demonstration grants, and formula grants to assist local educational agencies to improve the basic skills of economically disadvantaged secondary school students, and for other purposes.

S. 2540

At the request of Mr. Bradley, the name of the Senator from South Dakota (Mr. Abdnor) was added as a cosponsor of S. 2540, a bill to amend the Age Discrimination in Employment Act of 1967 to exclude from the operation of such act matters relating to the age at which individuals may be hired, or discharged from employment, as firefighters and law enforcement officers by States and political subdivisions of States.

S. 2569

At the request of Mr. Moynihan, the name of the Senator from Michigan (Mr. Levin) was added as a cosponsor of S. 2569, a bill to amend title XVI of the Social Security Act to make necessary improvements in the SSI program with the objective of assuring that such program will more realistically and more equitably reflect the needs and circumstances of applicants and recipients thereunder.

S. 2687

At the request of Mr. Percy, the names of the Senator from Nevada (Mr. Hecht), the Senator from Indiana (Mr. Lugar), and the Senator from Nevada (Mr. Laxalt) were added as cosponsors of S. 2687, a bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938, which shall terminate on September 30, 1987, and for other purposes.

S. 2719

At the request of Mr. Lautenberg, the name of the Senator from Indiana (Mr. Lugar) was added as a cosponsor of S. 2719, a bill to amend title 23, United States Code, to direct the Secretary of Transportation to withhold a percentage of the apportionment of certain Federal-aid highway funds to be made to any State which does not establish a minimum drinking age of 21 years.

SENATE JOINT RESOLUTION 55

At the request of Mr. Mathias, the name of the Senator from Washington (Mr. Evans) was added as a cosponsor of Senate Joint Resolution 55, a joint resolution to recognize the pause for the Pledge of Allegiance as part of National Flag Day activities.

SENATE JOINT RESOLUTION 97

At the request of Mr. Boschwitz, the name of the Senator from Colorado (Mr. Hart) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 235

At the request of Mr. Pell, the names of the Senator from Pennsylvania (Mr. Heinz), the Senator from Indiana (Mr. Lugar), the Senator from Kansas (Mr. Dole), and the Senator from Colorado (Mr. Hart) were added as cosponsors of Senate Joint Resolution 235, a joint resolution to authorize the Law Enforcement Officers Memorial Fund, Inc., to establish a National Law Enforcement Heroes Memorial.

SENATE JOINT RESOLUTION 240

At the request of Mr. Inouye, the names of the Senator from South Dakota (Mr. Abdnor), the Senator from North Dakota (Mr. Andrews), the Senator from New Mexico (Mr. Bingaman), the Senator from Minnesota (Mr. Boschwitz, the Senator from North Dakota (Mr. Burdick), the Senator from California (Mr. Cranston), the Senator from Arizona (Mr. DeConcini), the Senator from Minnesota (Mr. Durenberger), the Senator from Missouri (Mr. Eagleton), the Senator from Nebraska (Mr. Exon), the Senator from Washington (Mr. Gorton), the Senator from Colorado (Mr. Hart), the Senator from Utah (Mr. Hatch), the Senator from Pennsylvania (Mr. Heinz), the Senator from New Hampshire (Mr. Humphrey), the Senator from Iowa (Mr. Jepsen), the Senator from Kansas (Mrs. Kassebaum), the Senator from Wisconsin (Mr. Kasten), the Senator from New Jersey (Mr. Lautenberg), the Senator from Nevada (Mr. Laxalt), the Senator from Hawaii (Mr. Matsunaga), the Senator from Georgia (Mr. Mattingly), the Senator from Rhode Island (Mr. Pell), the Senator from Tennessee (Mr. Sasser), the Senator from Mississippi (Mr. Stennis), the Senator from Virginia (Mr. Warner), the Senator from California (Mr. Wilson), the Senator from Nebraska (Mr. Zorinsky), and the Senator from North Carolina (Mr. Helms) were added as cosponsors of Senate Joint Resolution 240, a joint resolution relating to the 40th anniversary of the liberation of Rome.

SENATE JOINT RESOLUTION 270

At the request of Mr. Pressler, the names of the Senator from Florida (Mrs. Hawkins), the Senator from Alaska (Mr. Stevens), and the Senator from Arizona (Mr. Goldwater) were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

At the request of Mr. Cochran, the names of the Senator from Mississippi (Mr. Stennis), and the Senator from Michigan (Mr. Levin) were added as cosponsors of Senate Joint Resolution 270, supra.

SENATE JOINT RESOLUTION 294

At the request of Mr. Boren, the name of the Senator from Illinois (Mr. Dixon) was added as a cosponsor of Senate Joint Resolution 294, a joint resolution to designate the week of July 1, 1984, through July 7, 1984, as "National Softball Week."

SENATE JOINT RESOLUTION 296

At the request of Mr. D'Amato, the names of the Senator from Iowa (Mr. Grassley), the Senator from Ohio (Mr. Glenn), the Senator from Utah (Mr. Garn), and the Senator from Colorado (Mr. Hart) were added as cosponsors of Senate Joint Resolution 296, a joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. Hollings, the names of the Senator from Michigan (Mr. Riegle), the Senator from Nebraska (Mr. Exon), the Senator from Virginia (Mr. Trible), and the Senator from Kentucky (Mr. Ford) were added as cosponsors of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program.

SENATE RESOLUTION 283

At the request of Mr. Cohen, the name of the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of Senate Resolution 283, a resolution relating to chemical weapons.

SENATE RESOLUTION 389

At the request of Mr. CRANSTON, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Resolution 389, a resolution to express the appreciation of the Senate to the Screen Actors Guild for 50 years of representing America's film performers.

SENATE RESOLUTION 395—RELATIVE TO ELIMINATING IMMUNITY FOR DIPLOMATS ENGAGING IN ASSAULTS WITH FIREARMS OR EXPLOSIVES

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 395

Whereas Article 31 of the Vienna Convention of 1961 provides: "A diplomatic agent shall enjoy immunity from the criminal jurisdication of the receiving state," thus granting absolute and complete immunity for all crimes, including murder by assassination;

Whereas this grant of full immunity was based on the assumption that either accredited diplomats would not commit heinous crimes or that, pursuant to Article 37 which provides "The immunity of a diplomatic agent from the jurisdiction of the receiving state does not exempt him from the jurisdiction of the sending state," any diplomats committing such crimes would be prosecuted by their own government;

Whereas the recent machine-gunning by diplomats of Libya from their London Embassy in which 11 dissident Libyan students were injured and a British policewoman was killed, reportedly on instructions radioed from Tripoli, began a new era in the history of diplomacy and showed complete contempt for human life and international law and proved that the established assumptions about lawful behavior and home government prosecution are no longer valid; Therefore be it

Resolved, that it is the Sense of the Senate that in order both to deter assassinations and other armed assaults and to bring to justice any diplomats committing such grave offenses, the President of the United States should seek a renegotiation of the Vienna Convention as to immunity from criminal jurisdiction with the objective of amending Article 31 to exempt from such immunity murder and other grave crimes involving assault with firearms or explosives.

SENATE RESOLUTION 396—RELATING TO THE OBSERVANCE OF NATIONAL MEAT WEEK

Mr. HELMS (for himself, Mr. HUDDLESTON, Mr. ABDNOR, Mr. ANDREWS, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. DECONCINI, Mr. DIXON, Mr. DOLE, Mr. EXON, Mr. FORD, Mr. HEFLIN, Mr. HOLLINGS, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LEAHY, Mr. LUGAR, Mr. MELCHER, Mr. NICKLES, Mr. NUNN, Mr. PRYOR, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, and Mr. ZORINSKY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 396

Whereas the term "meat" comprises a broad category of food products, including beef, pork, lamb, and veal;

Whereas meat is a wholesome and nutritious food, one of the most valuable sources of vitamins and minerals in the human diet and a high-quality source of protein;

Whereas meat provides substantial amounts of the nutrients that people need to consume every day, such as vitamin B-12, riboflavin, thiamin, iron, and zinc;

Whereas the United States meat industry is continuously striving to respond to changes in dietary patterns and consumer food preferences through product innovation and to contribute to a healthful diet by disseminating nutritional information;

Whereas the meat industry's annual sales of $70,000,000,000 make it the largest single component of United States agriculture;

Whereas the meat industry provides jobs for thousands of United States citizens; and

Whereas during the week of January 27 through February 2, 1985, the United States meat industry will conduct educational programs to highlight the positive contribution of meat to the American diet: Now, therefore, be it

Resolved, That it is the sense of the Senate that January 27 through February 2, 1985, should be designated as "National Meat Week", and that all citizens should be encouraged to observe such week with appropriate ceremonies and activities.

SEC. 2. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

● Mr. HELMS. Mr. President, I am joined by Senator HUDDLESTON and 26 cosponsors in introducing a joint resolution expressing the sense of the Senate that the week of January 27 through February 2, 1985, be observed as "National Meat Week." National Meat Week will provide an opportunity for the country to recognize the contribution made by the meat industry to the health of the American public and this Nation's economy.

Meat is one of the most valuable sources of vitamins and minerals in the human diet and represents a high-quality source of protein. The meat industry is the largest single component of U.S. agriculture, with annual sales of $70 billion. In addition, the meat industry provides jobs for thousands of U.S. citizens.

National Meat Week will honor the partnership between consumers and industry in recognizing the important role of meat in the diet and in the economy. The joint resolution would encourage all citizens to observe such week with appropriate ceremonies and activities.●

● Mr. HUDDLESTON. Mr. President, I am pleased to join a number of my colleagues in introducing a joint resolution to express the sense of the Senate that January 27 through February 2, 1985, should be observed as "National Meat Week." I believe it appropriate that recognition be given to this important source of food and the meat industry's efforts to provide Americans with wholesome meat products.

Meat is a nutritious food, one of the most valuable sources of vitamins and minerals in the human diet and a high-quality source of protein.

The U.S. meat industry provides jobs for thousands of U.S. citizens and has annual sales of $70 billion, which makes it the largest single part of U.S. Agriculture.

The meat industry is continually striving to respond to changes in dietary patterns and consumer food preferences through product innovation. During National Meat Week, the meat industry plans to conduct educational programs to highlight the positive contribution of meat to the American diet.

I urge all of my colleagues to support the observance of National Meat Week in acknowledgement of the important role that meat plays in our diets and in honor of the agricultural producers and others responsible for making this nutritious food available.●

SENATE RESOLUTION 397—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO MATTIE WASHINGTON

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 397

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mattie Washington, mother of Robert A. Hunter, an employee of the Senate at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 398—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO PETER WASHINGTON, JAMES A. WASHINGTON, HARVEY E. WASHINGTON, DON WASHINGTON, TRAVIS A. WASHINGTON, DIANE COOK, JACQUELINE GREEN, AND TRACEY R. WASHINGTON

Mr. MATHIAS, from the Committee on Rules and Administration, reported to following original resolution; which was placed on the calendar:

S. RES. 398

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Peter Washington, James A. Washington, Harvey E. Washington, Don Washington, Travis A. Washington, sons of Joyce E. Washington and Diane Cook; Jacqueline Greene; Tracey R. Washington, daughters of Joyce E. Washington, an employee of the Architect of the Capitol assigned to duty in the *Senate Office* Buildings at the time of her death, a sum equal to six months' compensation at the rate she

was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

AMENDMENTS SUBMITTED

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

PROXMIRE AMENDMENT NO. 3149

(Ordered to lie on the table.)

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. It is the sense of Congress that the President should insist that the pertinent member nations of the North Atlantic Treaty Organization meet or exceed their pledges for an annual increase in defense spending during fiscal year 1984 and 1985 of at least three percent real growth and should insist that Japan further increase its defense spending during fiscal years 1984 and 1985 in furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

IMPROVEMENT IN QUALITY OF MATH AND SCIENCE INSTRUCTION

HATCH AMENDMENT NO. 3150

Mr. HATCH proposed an amendment to the bill (S. 1285) to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes; as follows:

On page 3, line 4, strike out "and".

On page 3, line 5, before the period insert a comma and the following: "Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands".

On page 3, line 14, strike out "section 1001(k)" and insert in lieu thereof "section 198(a)(17)".

On page 3, line 21, insert "State and" before "local".

On page 4, line 5, insert after "education" a comma and the following: "and each State educational agency and institution of higher education".

On page 4, line 10, after the period insert the following: "A State educational agency may apply jointly with one or more institutions of higher education.".

On page 6, line 6, before the period insert a comma and the following: "except that the Director may waive the requirements of this sentence if there is no proposal from a State that meets the requirements of this part".

On page 7, line 11, strike out "and" and insert in lieu thereof a comma.

On page 7, line 12, before the semicolon, insert a comma and the following: "computer learning".

On page 7, line 16, strike out "and" the first time it appears and insert in lieu thereof a comma.

On page 7, line 17, before the period insert a comma and the following: "and computer learning".

On page 7, line 19, insert "(a)" after "Sec. 122.".

On page 7, line 20, beginning with "an" strike out through "agency" on line 21 and insert in lieu thereof "an eligible applicant".

On page 8, line 1, insert "(A)" after "that".

On page 8, line 3, strike out the semicolon and insert in lieu thereof a comma.

On page 8, line 4, insert "State or" before "local".

On page 8, line 4, strike out "or" and insert in lieu thereof "(B)".

On page 8, line 6, after "education" insert ", or (C) in the case of a profession of a society or association described in subsection (b)(3) the association or society will enter into a cooperative agreement with one or more local educational agencies and one or more institutions of higher education,".

On page 8, line 11, strike out "making application".

On page 8, between lines 19 and 20, insert the following:

"(b) For the purpose of this part an eligible applicant means—

"(1) an institution of higher education,

"(2) a State or local educational agency, and

"(3) a professional society or association, in the fields of mathematics, physical or biological sciences, or engineering.".

On page 9, beginning with line 3, strike out through line 2 on page 10.

On page 10, line 3, strikeout "Part D" and insert in lieu thereof "Part C".

On page 13, line 7, strike out "Part E" and insert in lieu thereof "Part D".

On page 13, line 9, strike out "Sec. 151." and insert in lieu thereof "Sec. 141.".

On page 13, between lines 21 and 22, insert the following new sentence: "In carrying out the provisions of this part, the Director shall give special consideration to programs and activities for women in science and minorities in science which have been assisted by the Foundation prior to the date of enactment of this Act.".

On page 14, line 12, strike out "Part F" and insert in lieu thereof "Part E".

On page 16, strike out lines 7 through 10 and insert in lieu thereof the following:

"PARTICIPATION OF TEACHERS FROM PRIVATE SCHOOLS

"SEC. 162. The Foundation shall, after consultation with appropriate private school representatives, make provision for the benefit of teachers in private elementary and secondary schools in the programs authorized by this title, in order to assure equitable participation of such teachers.".

On page 16, line 25, strike out "part D" and inset in lieu thereof "part C".

On page 17, line 1, strike out "$4,000,000" and insert in lieu thereof "$3,000,000".

On page 17, lines 2 and 3, strike out "parts C and E" and insert in lieu thereof "part D".

On page 29, line 4, beginning with "and" strike out through "an" on line 6 and insert in lieu thereof the following: "not later than nine months following the date for which funds under this title become available, a preliminary".

On page 29, line 8, after the period insert the following new sentences: "Such preliminary assessment shall be made available to all local educational agencies within the State to assist the local educational agencies to carry out the requirements of section 210. A final version of such assessment shall be submitted to the Secretary not later than the end of the first year for which funds under this title are made available.".

On page 29, line 8, strike out "such" and insert in lieu thereof "first".

On page 33, line 4, strike out "sections 211 and 212" and insert in lieu thereof "sections 210 and 211".

On page 34, line 6, strike out "and".

On page 34, line 7, before the semicolon insert a comma and the following: "and computer learning, including a description of the availability and qualifications of teachers in the areas of mathematics, science, foreign language and computer learning, including the qualifications of teachers at the elementary level to teach in such areas".

On page 34, line 7, strike out "and".

On page 34, line 9, strike out the period and insert a semicolon and the word "and".

On page 34, between lines 9 and 10, insert the following:

"(3) improving the access to instruction in mathematics, science, foreign languages, and computer learning of historically underserved and underrepresented individuals and of the gifted and talented, and an assessment of the current degree of access to such instruction of such individuals.".

On page 34, line 12, strike out "and".

On page 34, line 14, before the period insert a comma and the following: "and in the second year for which funds under this title are made available, a description of how the services assisted will address unmet needs described under section 208".

On page 37, line 3, strike out "and" and insert in lieu thereof a comma.

on page 37, line 4, after "education" insert a comma and the following: "and private nonprofit organizations, including museums, libraries, educational television stations, and professional science, mathematics, and engineering societies and associations".

On page 48, line 13, insert "elementary and" after "to".

On page 48, line 18, insert "elementary and" before "secondary".

On page 48, line 19, after "one" insert the following: "elementary school teacher and one".

On page 49, after line 2, insert the following:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 403. (a) There are authorized to be appropriated $1,000,000 for the fiscal year 1985 to carry out the provisions of this title.

"(b) Amounts appropriated pursuant to subsection (a) shall be available for making awards under this title, for administrative expenses, for necessary travel by teachers selected under this title, and for special activities related to carrying out the provisions of this title.".

(1) the term "applicant" means with respect to activities described in section 305 (a) an institution of higher education and the other participants described in paragraph (3) of section 305 (a), and with respect to activities described in section 305 (b) a local educational agency and the other

participants described in paragraph (3) of section 305 (b).

On page 39, line 24, strike out "(1)" and insert in lieu thereof "(2)".

On page 40, line 1, strike out "(2)" and insert in lieu thereof "(3)".

On page 40, line 3, insert "and" after the semicolon.

On page 40, line 4, strike out "(3)" and insert in lieu thereof "(4)".

On page 40, line 6, strike out the semicolon and the word "and" and insert in lieu thereof a period.

On page 40, strike out lines 7 through 12.

On page 40, line 15, strike out "States" and insert in lieu thereof "applicants.

On page 40, line 22, strike out "A State" and insert in lieu thereof "An applicant".

On page 42, line 1, strike out "A State" and insert in lieu thereof the words "An applicant".

On page 43, line 10, strike out "STATE".

On page 43, line 11, strike out "State" and insert in lieu thereof "applicant".

On page 43, line 12, beginning with the word "make" strike out through "require" on line 15 and insert in lieu thereof the following: "submit an application approved under section 307 to the Foundation, at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require.

On page 43, strike out lines 16 through 22.

On page 43, line 23, strike out "(2)" and insert in lieu thereof "(1)".

On page 44, line 1, strike out "(3)" and insert in lieu thereof "(2)".

On page 44, line 6, strike out "(4)" and insert in lieu thereof "(3)".

On page 45, line 3, strike out "(5)" and insert in lieu thereof "(4)".

On page 45, between lines 13 and 14 insert the following new clause:

"(5) set forth policies and procedures to assure that whenever the application includes a local educational agency, to the extent consistent with the number and location of children in the school district of such agency who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted under this title;".

On page 46, line 1, strike out "States or" and insert in lieu thereof "applicants in".

On page 46, line 5, beginning with "An" strike out through the period in line 24 and insert in lieu thereof the following: "Each applicant within a State which desires to receive a grant under this title shall prepare and submit an application to the appropriate State agency for approval and shall submit the approved application to the Foundation under section 306. Each such application shall be submitted jointly by the local educational agency in the case of activities described in section 305(a), or an institution of higher education in the case of activities described in section 305(b), and each business concern or other party that is to participate in the program for which assistance is sought.

On page 47, lines 1 and 2, strike out "local educational agency" and insert "applicant".

On page 47, line 7, strike out "State educational agency" and insert "the appropriate State agency".

On page 47, line 10 insert "(1)" after "(a)".

On page 47, between lines 11 and 12, insert the following:

"(2) No application may be approved by the Foundation unless it is first approved by the State from which it is submitted.".

On page 47, strike out lines 15 through 18.

On page 47, line 20, strike out "Sec. 310" and insert in lieu thereof "Sec. 309".

On page 47, line 21, strike out "State" and insert in lieu thereof "applicant".

On page 48, line 5 insert "applicants in" after "to".

HUMPHREY AMENDMENT NO. 3151

Mr. HATCH (for Mr. Humphrey) proposed an amendment to the bill S. 1285, supra; as follows:

On page 42, line 23, strike out "and".

On page 43, line 3, strike out the period and insert in lieu thereof a semicolon and the word "and".

On page 43, between lines 3 and 4, insert the following:

(E) computer clubs and extracurricular activities involving modern technologies are established in elementary and secondary schools.

DENTON (AND HATFIELD) AMENDMENT NO. 3152

Mr. DENTON (for himself and Mr. Hatfield) proposed an amendment to the bill S. 1285, supra; as follows:

At the appropriate place add the following:

TITLE : THE EQUAL ACCESS ACT

That this title may be cited as The Equal Access Act.

Sec. . (a) It shall be unlawful for any state or local educational agency that receives Federal financial assistance and that by policy or practice generally allows groups of secondary school students to meet during non-instructional time to deny equal access and opportunity to, or discriminate against, any student meeting on the basis of religious content of the speech at such meeting if—

(1) the activity is voluntary and student initiated;

(2) there is no sponsorship of the activity by the school, the government or its agents, or employees;

(3) the activity is not in and of itself unlawful; and,

(4) the activity does not materially and substantially interfere with the orderly conduct of educational activities within the school.

(b) Nothing in this Act shall be construed to permit the United States or any State or political subdivision thereof to (1) influence the form or content of any prayer or other religious activity, (2) require any person to participate in prayer or other religious activity; or, (3) expend public funds beyond the incidental cost of allowing student-initiated activities on institution or school premises.

DEFINITIONS

Sec. . As used in this Act—

(1) the term "State educational agency" has the same meaning given that term by section 1001(k) of the Elementary and Secondary Education Act of 1965;

(2) the term "local education agency" has the same meaning given that term by section 1001(f) of the Elementary and Secondary Education Act of 1965;

(3) the term "secondary school" means a public school which provides secondary education as determined by State law.

(4) the term "sponsorship" includes the act of a teacher or administrator or other such employee who leads, or participates in the meeting. The assignment of a teacher, administrator or other such employee for the custodial purpose of assuring the orderly conduct of religious student meetings does not constitute sponsorship of the meeting.

(5) the term "meeting" means any extracurricular activity allowed by the school. The term "meeting" does not include officially sponsored school athletic teams that participate in interscholastic competition.

(6) the term "non-instructional" means that the student is not receiving curricular instruction from a teacher.

SEVERABILITY

Sec. . If any provision of this Act or the application thereof to any person or circumstances is judically determined to be invalid, the provisions of the remainder of the Act and the application to other persons or circumstances shall not be affected thereby.

Sec. . The provisions of this Act shall supersede all other provisions of Federal law that are inconsistent with the provisions of this Act.

Sec. . Nothing in this Act shall be construed to limit the constitutional rights of any public school students.

ABDNOR (AND OTHERS) AMENDMENT NO. 3153

Mr. ABDNOR (for himself, Mr. Stafford, Mr. Moynihan, Mr. Lautenberg, Mr. Sasser, Mr. Huddleston, Mr. Hatfield, Mr. Durenberger, Mr. Percy, Mr. Pell, Mr. Mitchell, Mr. Randolph, Mr. Ford, Mr. D'Amato, Mr. Burdick, Mr. Sarbanes, Mr. Bradley, Mr. Andrews, Mr. Melcher, Mr. Cohen, Mr. Hollings, Mr. Riegle, Mr. Cranston, Mr. Mathias, and Mr. Chafee) proposed an amendment to the bill S. 1285, supra; as follows:

S. 1285, an act to improve the quality of mathematics and science teaching and instruction in the United States, and for other purposes, is amended by adding at the end thereof a new title, as follows:

TITLE V—ASBESTOS SCHOOL HAZARD ABATEMENT

Sec. 501. This Act may be cited as the Asbestos School Hazard Abatement Act of 1984.

FINDINGS AND PURPOSES

Sec. 502. (a) The Congress finds that—

(1) exposure to asbestos fibers has been identified over a long period of time and by reputable medical and scientific evidence as significantly increasing the incidence of cancer and other severe or fatal diseases, such as asbestosis;

(2) medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers;

(3) medical science has not established any minimum level of exposure to asbestos fibers which is considered to be safe to individuals exposed to the fibers;

(4) substantial amounts of asbestos, particularly in sprayed form, have been used in school buildings, especially during the period 1946 through 1972;

(5) partial surveys in some States have indicated that (A) in a number of school buildings materials containing asbestos fibers have become damaged or friable, causing asbestos fibers to be dislodged into the air, and (B) asbestos concentration far exceeding normal ambient air levels have

been found in school buildings containing such damaged materials;

(6) the presence in school buildings of friable or easily damaged asbestos creates an unwarranted hazard to the health of the school children and school employees who are exposed to such materials;

(7) the Department of Health and Human Services and the Environmental Protection Agency, as well as several States, have attempted to publicize the potential hazards to school children and employees from exposure to asbestos fibers, but there is no systematic program for remedying hazardous conditions in schools;

(8) because there is no Federal health standard regulating the concentration of asbestos fibers in noncommercial workplace environments such as schools, school employees and students may be exposed to hazardous concentrations of asbestos fibers in the school buildings which they use each day;

(9) without a program of information distribution, technical and scientific assistance, and financial support, many local educational agencies and States will not be able to mitigate the potential asbestos hazards in their schools; and

(10) the effective regulation of interstate commerce for the protection of the public health requires the establishment of programs under this Act to mitigate hazards from exposure to asbestos fibers and materials emitting such fibers.

(b) It is the purpose of this Act to—

(1) direct the Administrator of the Environmental Protection Agency to establish a program to assist States and local educational agencies to ascertain the extent of the danger to the health of school children and employees from asbestos materials in schools;

(2) provide continuing scientific and technical assistance to State and local agencies to enable them to identify and abate asbestos hazards in schools;

(3) provide financial assistance for the abatement of asbestos threats to the health and safety of school children or employees; and

(4) assure that no employee of any local educational agency suffers any disciplinary action as a result of calling attention to potential asbestos hazards which may exist in schools.

ASBESTOS HAZARD ABATEMENT PROGRAM

SEC. 503. (a)(1) There is hereby established a program within the Environmental Protection Agency to be known as the Asbestos Hazards Abatement Program (hereinafter in this Act referred to as "Program").

(b) The duties of the Administrator in implementing and effectuating the Program shall include—

(1) the compilation of medical, scientific, and technical information including, but not limited to—

(A) the health and safety hazards associated with asbestos materials;

(B) the means of identifying, sampling, and testing materials suspected of emitting asbestos fibers; and

(C) the means of abating the threat posed by asbestos and asbestos containing materials;

(2) the distribution of the information described in paragraph (1) (in any appropriate form such as pamphlets, reports, or instructions) to state and local agencies and to other institutions for the purpose of carrying out activities described in this Act;

(3) the development within 45 days of enactment of this Act of an interim or final application form, which shall be distributed promptly to local educational agencies; and

(4) the review of applications for financial assistance, and the approval or disapproval of such applications, in accordance with the provisions of section 505.

STATE PLANS

SEC. 504. (a) Not later than three months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984 the Governor of each State shall submit to the Administrator a plan which describes the procedures to be used by the State for maintaining records on—

(1) the presence of asbestos materials in school buildings of local educational agencies;

(2) the asbestos detection and abatement activities conducted by local educational agencies (including activities relating to the replacement of the asbestos materials removed from school buildings with other appropriate building materials);

(3) repairs made to restore school buildings to conditions comparable to those which existed before the abatement activities referred to in subparagraph (B) were undertaken; and

(b)(1) Not later than six months after the date of enactment of the Asbestos School Hazard Abatement Act of 1984, and annually thereafter, the Governor of each State shall;

(A) submit to the Administrator and the Secretary of the Department of Education a priority list of all schools under the authority of a local educational agency within the State, without regard to the public or private nature of the school involved, that are candidates for abatement;

(B) forward to the Administrator and the Secretary of the Department of Education for each candidate for abatement all applications for financial assistance prepared by the local educational agencies in accordance with the provisions of Sec. 503(b)(3) and Sec. 505; and,

(C) forward to the Secretary of the Department of Education a copy of all information submitted to the Administrator in accordance with subsection (b)(3).

(2) The priority list shall rank the potential candidates for abatement action based on the nature and magnitude of the existing and potential exposure presented by the asbestos materials.

(3) For each school listed, the Governor shall certify that the statement of need contained in the application for assistance accurately reflects the financial resources available to the local educational agency for the asbestos abatement program.

(4) For the purpose of determining the adequacy of the financial resources available to a local educational agency for the abatement of asbestos threats the Governor shall, to the extent practicable, consider the following:

(A) A measure of financial need used by the State in which the local educational agency is located.

(B) The estimated per capita income of the locality of such agency or of those directly or indirectly providing financial support for such agency.

(C) The extent to which the local school millage rate falls above or below (i) the millage rate average of the State and (ii) the millage rate of other local educational agencies with comparable enrollment, per capita income and resource base.

(D) The ratio, expressed as a percentage, of the estimated cost of the project to the total budget of the local educational agency.

(E) The borrowing capacity of the local educational agency.

(F) Any other factor that demonstrates that the local educational agency has limited financial resources.

(c) Not later than nine months after the submission of the plan described in subsection (a), and each twelve months thereafter, the governor shall submit to the Administrator a report which describes the actions taken by the State in accordance with its plan under such subsection.

FINANCIAL ASSISTANCE

SEC. 505. (a) There is hereby established within the Environmental Protection Agency an Asbestos Hazards Abatement Assistance Program (hereinafter in this Act referred to as the "Assistance Program"), which shall be administered in accordance with this section.

(b)(1) Applications for financial assistance shall be submitted by a local educational agency, to the Governor, or the Governor's designee, who shall establish a priority list based on the criteria of section 504(b)(2).

(2) Pursuant to section 4, applications shall be submitted, together with the Governor's report and priority list, to the Administrator who shall review and rank such applications pursuant to section 505(c)(2) and propose financing pursuant to the criteria of 504(b)(4).

(3) Within 60 days of receipt of the information described in Sec. 504. (b)(1), the Secretary of the Department of Education shall review such information and, in the Secretary's discretion, provide to the Administrator comments and recommendations based upon the needs of local educational agencies for financial assistance. Within 30 days of receipt of the Secretary's report, or expiration of the time allowed for such report, the Administrator shall approve or disapprove applications for financial assistance.

(c)(1) The Administrator shall provide financial assistance on a school-by-school basis to local educational agencies in accordance with other provisions of this section to carry out projects for—

(A) abating the threat posed by materials containing asbestos to the health and safety of children or employees;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring school buildings to conditions comparable to those existing before abatement activities were undertaken pursuant to this section.

(2) The Administrator shall review and list in priority order applications for financial assistance. In ranking applications, the Administrator shall consider—

(A) the priority assigned to the abatement program by the Governor pursuant to section 504(b)(2);

(B)(i) the likelihood of release of asbestos fibers into a school environment;

(ii) any other evidence of the risk caused by the presence of asbestos including, but not limited to, situations in which there is a substantial quantity of dry loose asbestos-containing material on horizontal surfaces on asbestos-containing material is substantially deteriorated or damaged, and there is asbestos-containing material in an air plenum or in a high traffic area, confined space or within easy reach of a passerby;

(iii) the extent to which the corrective action proposed by the applicant will reduce the exposure of school children and school employees; and,

(iv) the extent to which the corrective action proposed by the applicant is cost-effective compared to other techniques including management of material containing asbestos.

(3) In determining whether an applicant is eligible for assistance, and the nature and amount of financial assistance, the Administrator shall consider—

(A) the financial resources available to the applicant as certified by the governor pursuant to 504(b)(4); and,

(B) the report, if any, of the Secretary of Education pursuant to section 504(b)(5).

(d) In no event shall financial assistance be provided under this title to an applicant if the Administrator determines that such applicant has resources adequate to support an appropriate asbestos materials abatement program. In making such a determination, the Administrator may consult with the Secretary of Education.

(e)(1) An applicant for financial assistance may be granted a loan of up to 100 per centum of the costs of an abatement program or, if the Administrator determines the applicant is unable to undertake and complete an asbestos materials abatement program with a loan, such applicant may also receive a grant (alone or in combination with a loan) not to exceed 50 per centum of the total costs of abatement, in the amount which the Administrator deems necessary.

(2) In approving any grant, the Administrator shall state with particularity the reasons why the applicant is unable to undertake and complete the abatement program with loan funds.

(f) Loans under this section shall be made pursuant to agreements which shall provide for the following:

(1) the loan shall not bear interest;

(2) the loan shall have a maturity period of not more than 20 years (as determined by the Administrator) and shall be repayable during such period at such times and in such amounts as the Administrator may specify in the loan agreement; and,

(3) Repayment shall be made to the Secretary of the Treasury for deposit in the general fund; and,

(4) Such other terms and conditions that the Administrator determines necessary to protect the financial interest of the United States.

(g)(1) No financial assistance may be provided under this section unless an application has been submitted to the Administrator within the five-year period beginning on the effective date of this Act.

(2) The Administrator shall not approve an application unless—

(A) the application contains such information as the Administrator may require, including but not limited to information describing—

(i) the nature and extent of the asbestos problem for which the assistance is sought;

(ii) the asbestos content of the material to be abated;

(iii) the methods which will be used to abate the asbestos materials;

(iv) the amount and type of financial assistance requested;

(v) a description of the financial resources of the local educational agency; and

(vi) a justification for the type and amount of the financial assistance requested.

(B) the application contains a certification that—

(i) any employee engaged in an asbestos material abatement program will be trained and equipped pursuant to section 506(b)(2)(B); and

(ii) no child or inadequately informed or protected school employee will be permitted in the vicinity of any asbestos abatement activity;

(C) the application contains assurances that the local educational agency will furnish such information as is necessary for the Administrator to make the report required by section 7 of this Act.

(3) No financial assistance may be provided by the Administrator under this section for projects described in subsection (a)(2) on which abatement action was completed prior to January 1, 1984.

(B) Except as provided in section 512(b)(1) in approving applications the Administrator shall provide assistance to the local educational agencies having the highest priority among applications being considered in order of ranking until the appropriated funds are expended.

Sec. 506. (a) The Administrator shall promulgate rules and regulations as necessary to implement the authorities and requirements of this title.

(b) The Administrator shall also establish—

(1) procedures to be used by local educational agencies, in programs for which financial assistance is made available under section 505 for—

(A) abating asbestos materials in school buildings;

(B) replacing the asbestos materials removed from school buildings with other appropriate building materials; and

(C) restoring such school buildings to conditions comparable to those existing before asbestos containment or removal activities were undertaken; and

(2) within 90 days, standards for determining—

(A) which contractors are qualified to carry out the activities referred to in paragraph (1), and

(B) What training, equipment, protective clothing and other information and material must be supplied to adequately advise and protect school employees utilized to carry out the activities in paragraph (1).

(3) Nothing contained in this title shall be construed, interpreted or applied to diminish in any way the level of protection required under State or federal worker protection laws.

(C) In order to effectuate the purposes of this title, the Administrator may also adopt such other procedures, standards and regulations as the Administrator deems necessary, including—

(1) procedures for testing the level of asbestos fibers in schools, including safety measures to be followed in conducting such tests;

(2) standards for evaluating (on the basis of such tests) the likelihood of the leakage of asbestos fibers into the school environment; and

(3) periodic reporting with respect to the activities that have taken place using funds loaned or granted under this Act.

Sec. 507. Annual Report. During each of the 10 calendar years after the year in which this Act is enacted, the Administrator shall prepare and submit not later than February 1 of each year a report to the Committee on Environment and Public Works of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives on the loan and grant program authorized by section 505 of this Act. The report shall—

(1) describe the number of applications received;

(2) describe the number of loans and grants made in the preceding calendar year and specify each applicant for and recipient of a loan or grant;

(3) specify the number of loan or grant applications which were disapproved during the preceding calendar year and describe the reasons for such disapprovals;

(4) describe the types of programs for which loans or grants were made;

(5) specify the estimated total costs of such programs to the recipients of loans or grants and specify the amount of loans or grants made under the program authorized by this section; and

(6) estimate the number of schools still in need of assistance.

Sec. 508. (a)(1) As a condition of the award of any financial assistance under section 505, the recipient of any such loan or grant shall permit the United States to sue on behalf of such recipient any person determined by the Attorney General to be liable to the recipient for the costs of any activities undertaken by the recipient under such sections.

(2) The proceeds from any judgment recovered in any suit brought by the United States under paragraph (1) (or, if the recipient files a similar suit on its own behalf, the proceeds from a judgment recovered by the recipient in such suit) shall be used to repay to the United States, to the extent that the proceeds are sufficient to provide for such repayment, an amount equal to the sum of—

(A) the amount (i) outstanding on any loan and (ii) of any grant made to the recipient; and

(B) an amount equal to the interest which would have been charged on such loan were the loan made by a commercial lender at prevailing interest rates (as determined by the Administrator).

(b) The Attorney General shall, where appropriate, proceed in an expeditious manner to recover the amounts expended by the United States to carry out this Act from the persons identified by the Attorney General as being liable for such costs.

Sec. 509. No State or local educational agency receiving assistance under this Act may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee has brought to the attention of the public information concerning any asbestos problem in the school buildings within the jurisdiction of such agency.

Sec. 510. Except as otherwise provided in section 508, nothing in this Act shall—

(1) affect the right of any party to seek legal redress in connection with the purchase or installation of asbestos materials in schools or any claim of disability or death related to exposure to asbestos in a school setting; or

(2) affect the rights on any party under any other law.

Sec. 511. For purposes of this Act—

(1) the term "asbestos" means—

(A) chrysotile, amosite, or crocidolite; or

(B) in fibrous form, tremolite, anthophyllite, or actinolite;

(2) the term "Attorney General" means the Attorney General of the United States;

(3) the term "threat" or "hazard" means that an asbestos material is friable or easily damaged, or within easy reach of students or employees or otherwise susceptible to damage (including damage from water or air circulation) which could result in the disper-

sal of asbestos fibers into the school environment;

(4) the term "local educational agency" means—

(A) any local educational agency as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965; and

(B) the governing authority of any nonprofit elementary or secondary school;

(5) the term "nonprofit elementary or school" means—

(A) any elementary or secondary school as defined in section 198(a)(7) of the Elementary and Secondary Education Act of 1965 owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and

(B) any school of any agency of the United States;

(6) the term "school buildings" means—

(A) structures suitable for use as classrooms, laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students, for research, or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A) through (C) of this paragraph;

(7) the term "Administrator" means the Administrator of the Environmental Protection Agency, or the Administrator's designee;

(8) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Bureau of Indian Affairs.

Sec. 512. (a)(1) There are hereby authorized to be appropriated for the asbestos abatement program not more than $50,000,000 for the fiscal year ending on September 30, 1984, $50,000,000 for the fiscal year ending on September 30, 1985, and $100,000,000 for each of the five succeeding fiscal years.

(2) The sums appropriated under this Act shall remain available until expended.

(b)(1) A state with qualified applicants shall receive no less than one-half of one percentum of the sums appropriated under this Act, or the total of the amounts requested by such applicants, whichever is less. Those amounts available in each fiscal year under this paragraph shall be obligated before the end of that fiscal year. For the purposes of this paragraph the term "state" means each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Bureau of Indian Affairs and, taken together, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) Of those sums appropriated for the implementation of this Act, up to 10 percentum shall be reserved during the fiscal year ending September 30, 1984 and up to 5 percentum for the fiscal year ending September 30, 1985 for the administration of this Act and for programs including, but not limited to, the following:

(A) the establishment of a training center for contractors, engineers, school employees, parents and other personnel to provide instruction on asbestos assessment and abatement;

(B) the development and dissemination of abatement guidance documents to assist in evaluation of potential hazards, and the determination of proper abatement programs;

(C) the development of rules and regulations regarding inspection, reporting and recordkeeping; and

(D) the development of a comprehensive testing and technical assistance program.

COCHRAN AMENDMENT NO. 3154

Mr. COCHRAN proposed an amendment to the bill S. 1285, supra; as follows:

At the end of the bill add the following new title:

TITLE V—CLASSROOM TEACHER EQUALIZATION PROGRAM

STATEMENT OF PURPOSE

Sec. 501. It is the purpose of this title to improve the compensation paid to elementary and secondary school classroom teachers in economically disadvantaged States so that the average compensation paid to such teachers equals 90 percent of the national average compensation paid to elementary and secondary school classroom teachers.

ELIGIBILITY

Sec. 502. (a) A State is eligible to receive assistance under this title if the average compensation paid to elementary and secondary school classroom teachers is less than 90 percent of the average compensation paid to elementary and secondary school classroom teachers in all States.

(b) For the purpose of this section the term "State" includes each of the several States, and the District of Columbia.

AUTHORIZATION OF APPROPRIATIONS; ALLOTMENT

Sec. 503. (a) There are authorized to be appropriated $100,000,000 for each of the fiscal years 1985 and 1986.

(b) From amounts appropriated pursuant to subsection (a) in each fiscal year the Secretary shall allot to each eligible State set forth in column 1 of this subsection the percentage specified in column 2.

Column 1:	Column 2 (percent)
Alabama	3.90
Arkansas	12.45
Georgia	9.99
Idaho	1.47
Kansas	1.03
Kentucky	.41
Maine	5.18
Mississippi	16.68
Missouri	5.62
Nebraska	2.80
New Hampshire	4.84
North Carolina	5.54
North Dakota	.10
Oklahoma	2.00
South Carolina	10.48
South Dakota	3.64
Tennessee	6.69
Vermont	3.33
West Virginia	3.85

USES OF FUNDS

Sec. 504. Payments made under this title, in accordance with applications approved under section 505, may be used to increase the compensation paid to elementary and secondary school classroom teachers in the local educational agencies of each eligible State.

APPLICATIONS: DEVELOPMENT AND CONTENTS

Sec. 505. (a) (1) Each eligible State desiring to receive assistance under this title shall establish a teacher compensation advisory board to be appointed by the Governor from among individuals who are broadly representative of the educational interests and the general public in the State. The board shall include individuals who are representative of—

(A) parents of elementary and secondary school students in the schools of the local educational agencies of the State;

(B) members of the governing boards of local educational agencies within the State;

(C) administrators, including principals and superintendents, in the elementary and secondary schools of the local educational agencies within the State; and

(D) elementary and secondary school classroom teachers in the State.

(2)(A) The advisory board appointed in each eligible State under paragraph (1) of this subsection shall advise the State educational agency with respect to the criteria for the within-State allocation of funds among local educational agencies within the State.

(B) In developing the criteria for the allocation of funds within the State among local educational agencies, the advisory board shall consider the relative economic need for assistance of the local educational agencies within the State and the pupil-teacher ratio of the classes of the schools of the local educational agencies in the State.

(3) Each advisory board of an eligible State shall prepare and submit recommendations to the Governor for use in the preparation of the application required to be submitted under this section.

(b) Each eligible State which desires to receive payments under this title shall file an application with the Secretary which—

(1) designates the State educational agency as the State agency responsibile for the administration and supervision of the assistance furnished under this title;

(2) describe the manner in which the eligible States has complied with the provisions of subsection (a);

(3) describe the manner in which the payments made under this title for increases in the compensation of elementary and secondary school classroom teachers will be allocated among the local educational agencies within the State, together with a description of the differences, if any, in the allocation formula described pursuant to this clause and the recommendations for such within-State allocation made by the State advisory council appointed pursuant to subsection (a) of this section;

(4) provides a description of the manner in which the State will apply a more equitable payment of compensation to elementary and secondary school classroom teachers in the local educational agencies of the eligible State after fiscal year 1986; and

(5) contains such other assurances as the Secretary determines to be necessary to carrry out the provisions of this title.

(c) Each application of an eligible State which meets the requirements of subsections (a) and (b) of this section shall be approved by the Secretary. The Secretary shall not disapprove an application submitted under this section without first affording the eligible State notice and opportunity for a hearing.

HEINZ (AND OTHERS) AMENDMENT NO. 3155

Mr. HEINZ (for himself, Mr. CHAFEE, Mr. BRADLEY, Mr. MOYNIHAN, and Mr. CHILES) proposed an amendment to the bill S. 1285, supra; as follows:

At the end of the bill, add the following new title:

TITLE V—EXCELLENCE IN EDUCATION PROGRAM

SHORT TITLE

SEC. 501. This title may be cited as the "Excellence in Education Act".

STATEMENT OF PURPOSE

SEC. 502. It is the purpose of this title to make awards to local educational agencies, after a competitive selection process, in order to carry out programs of excellence in individual schools of such agencies designed to achieve excellence in education, which—

(1) demonstrate successful techniques for improving the quality of education,

(2) can be disseminated and replicated, and

(3) are conducted with the participation of school principals, schoolteachers, parents, and business concerns in the locality.

DEFINITIONS

SEC. 503. For the purpose of this title—

(1) the term "elementary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(2) The term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965.

(3) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965.

(4) The term "Secretary" means the Secretary of Education.

(5) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) the term "State educational agency" has the same meaning given that term under section 198(a)(17) of the Elementary and Secondary Education Act of 1965.

SCHOOL EXCELLENCE AWARDS AUTHORIZED

SEC. 504. (a) The Secretary is authorized, in accordance with the provisions of this title, to make awards to local educational agencies for school excellence programs which are consistent with the purpose of this title.

(b)(1) There are authorized to be appropriated $16,000,000 for each of the fiscal years 1984 and 1985 to carry out the provisions of this title.

(2) From the amount appropriated in each fiscal year, the Secretary shall reserve $3,000,000 in each fiscal year to carry out the provisions of section 507.

(3) From the amount appropriated in each fiscal year, the Secretary shall reserve $1,000,000 in each fiscal year to carry out the provisions of section 508.

SELECTION OF SCHOOLS FOR AWARDS

SEC. 505. (a)(1) The Secretary is authorized to establish, in accordance with the provisions of this section, criteria for the selection of schools to receive awards under this title. Each local educational agency desiring to participate in the awards program authorized by this title shall submit a proposal nominating each specific school of that agency for school improvement activities designed to carry out the purpose of this title. Each such submission shall be made to the chief State school officer of the State in which the local educational agency is located.

(2) The criteria required by paragraph (1) of this subsection shall include standards for each local educational agency to nominate schools of that agency—

(A) which have the potential to experiment with standards of quality; and

(B) which show promise of demonstrating that the school will carry out well-planned, creative, or innovative activities designed to carry out the purposes of this title in a successful manner.

(3) Each proposal submitted under this subsection shall contain—

(A) a description of the activities which will be conducted in the school nominated,

(B) assurances that the school to be nominated will carry out the activities so described, and

(C) such other information as may be necessary to carry out paragraph (2) of this subsection.

(b)(1)(A) The chief State school officer of each State shall in each fiscal year from the proposed nominations made pursuant to subsection (a) select twenty-five schools for submission to the Secretary.

(B) In the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the chief educational officer of such jurisdiction shall nominate five schools in accordance with this subsection.

(2) In selecting schools from proposed nominations submitted under subsection (a), the chief State school officer shall assure a fair and equitable distribution of schools within the State, after considering—

(A) all categories of elementary and secondary schools within the State, including elementary schools, junior high schools, secondary schools, vocational-technical schools, or any combination of two or more of the schools;

(B) socioeconomic conditions in the State;

(C) geographic distribution within the State;

(D) school size;

(E) the size and location of the community in which the school is located;

(F) the local governmental arrangements between the government and the local educational agency making the nomination;

(G) the potential for the proposed project to successfully demonstrate techniques for improving the quality of education which can be disseminated and replicated; and

(H) such other relevant factors as the Secretary may prescribe.

(3) Each State shall submit to the Secretary the school nominations made in accordance with this subsection. Each such submission my include such additional information as the chief State school officer (the chief educational officer as prescribed in paragraph (1)(B)), and the local educational agency concerned deem appropriate.

(c)(1) The Secretary shall select not more than five hundred schools from among the nominations submitted pursuant to subsection (b) of this section. The selection under this subsection shall be made by the Secretary after an impartial review panel has considered each submission. The review and selection shall be based upon the factors described in subsection (b)(2) and in accordance with uniform criteria developed by the Secretary.

(2) In making the selections under paragraph (1), the Secretary shall give priority to proposals which have the highest potential for successfully demonstrating techniques to improve the quality of education and which can be disseminated and replicated. In addition the Secretary shall give priority to proposals which have as their purposes—

(A) modernization and improvement of secondary school curricula to improve student achievement in academic or vocational subjects, or both, and competency in basic functional skills;

(B) the elimination of excessive electives and the establishment of increased graduation requirements in basic subjects;

(C) improvement in student attendance and discipline through the demonstration of innovative student motivation techniques and attendance policies with clear sanctions to reduce students absenteeism and tardiness;

(D) demonstrations designed to increase learning time for students;

(E) experimentation providing incentives to teachers, and teams of teachers for outstanding performance, including financial awards, administrative relief such as the removal of paperwork and extra duties, and professional development;

(F) demonstrations to increase student motivation and achievement through creative combinations of independent study, team teaching, laboratory experience, technology utilization, and improved career guidance and counseling; or

(G) new and promising models of school-community and school-to-school relationships including the use of nonschool personnel to alleviate shortages in areas such as math, science, and foreign language instruction, as well as other partnerships between business and education, including the use of equipment.

AMOUNT AND CONDITIONS OF AWARDS

SEC. 506. (a)(1) A school award made to a local educational agency pursuant to this title may not exceed $25,000 in any fiscal year or a total of $40,000.

(2) The amount of each individual school award made pursuant to this title shall be determined by the Secretary based upon the size of the school, the number of students enrolled in the school, and the number of teachers teaching in the school.

(b) Awards made under this title may not be made for more than two school years. No individual school may be eligible for any additional award under this title.

SPECIAL SCHOOL AWARDS

SEC. 507. (a) From the amount reserved under section 504(b)(2) in any fiscal year, the Secretary is authorized to make awards to schools nominated in accordance with the provisions of section 505 to pay the Federal share of the activities described in the proposal if the local educational agency provides further assurances that funds from the private sector will be contributed for carrying out the activities for which assistance is sought.

(b) For purposes of this section, the Federal share for each fiscal year shall be not less than 67½ per centum nor more than 90 per centum. The Secretary shall set the Federal share for categories of school awards based upon uniform criteria established by the Secretary.

RESEARCH, EVALUATION, DISSEMINATION, AND MONITORING ACTIVITIES

Sec. 508. (a) From the amount set aside under section 504(b)(3), the Secretary shall conduct research, evaluation, and dissemination activities to assure that exemplary projects and practices which are developed with assistance provided under this title are made available to local educational agencies throughout the United States.

(b) The Secretary shall use such amount of the funds reserved pursuant to section 504(b)(3) as is necessary to carry out the provisions of this subsection. The Secretary shall establish an independnet panel to monitor the success of the programs assisted by this title in achieving the national objectives in improving instruction and the achievement of the students.

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

PRESSLER (AND OTHERS) AMENDMENT NO. 3156

(Ordered to lie on the table.)

Mr. PRESSLER (for himself, Mr. Pell, Mr. Percy, Mr. Cohen, Mr. Mathias, Mr. Cranston, Mr. Leahy, Mr. Bumpers, Mr. Bradley, Mr. Murkowski, Mr. Matsunaga, Mr. Kennedy, Mr. Proxmire, Mr. Sarbanes, Mr. Specter, Mr. Burdick, Mr. Hart, Mr. Stafford, Mr. Huddleston, Mr. Riegle, Mr. Dodd, Mr. Dixon, Mr. Metzenbaum, Mr. Heinz, Mr. Levin, Mrs. Kassebaum, Mr. Melcher, Mr. Roth, Mr. Inouye, Mr. Baucus, Mr. Ford, Mr. Lautenberg, and Mr. Bingaman) submitted an amendment intended to be proposed by them to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following:

POLICY ON WEAPONS IN SPACE AND ON WEAPONS DESIGNED TO ATTACK OBJECTS IN SPACE

Sec. 1019. (a) It is the sense of the Congress that the President should seek mutual agreement with the Soviet Union to—

(1) immediately resume negotiations on a mutual and verifiable ban or strict limitations on the testing, development, deployment and use of antisatellite weapons;

(2) institute, as appropriate, a mutual and verifiable moratorium on the testing in space of antisatellite weapons during the period of negotiations; and

(3) seek, on an urgent basis, a verifiable treaty restricting the testing, development, deployment and use of space-directed weapons systems and prohibiting the testing, development, deployment and use of space-based weapons systems, if such systems are designed to inflict injury or cause any other form of damage on the Earth, in the atmosphere, or on objects placed in space.

(b)(1) Such agreements should not restrict operations in space not involving weapons, such as the United States space shuttle program.

(2) Increased funds should be allocated to improve the survivability of satellites and other space-based assets.

(3) Funds should be made available, as needed, to enhance monitoring and verification capabilities for space arms control agreements.

(c) Not later than September 1, 1984, the President shall submit to the chairman of the Committee on Foreign Affairs and the chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Foreign Relations and the chairman of the Committee on Armed Services of the Senate a report detailing actions undertaken since the date of enactment of this section to open negotiations on antisatellite weapons and space-based and space-directed strategic defense systems. Such report shall be submitted in unclassified form with such classified annexes as may be neccessary.

PRESSLER AMENDMENT NOS. 3157 THROUGH 3160

(Ordered to lie on the table.)

Mr. PRESSLER submitted four amendments intended to be proposed by him to the bill S. 2723, supra; as follows:

Amendment No. 3157

On page 128, between lines 12 and 13, insert the following new section:

REPORT ON STRATEGIC DEFENSE PROGRAMS

Sec. . At the time of the submission by the Secretary of Defense to the Congress of his annual budget presentation materials for each fiscal year beginning after September 30, 1985, and ending before October 1, 1990, but not later than March 15 of the calendar year in which such fiscal year begins, the Secretary of Defense shall prepare and transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the Strategic Defense Initiative, including—

(1) details of all programs and projects serving the objective of the Strategic Defense Initiative and administered by any department or agency of the United States;

(2) a clear definition of the objective of the Strategic Defense Initiative;

(3) an explanation of the relationship between that objective and each program and project associated with the Strategic Defense Initiative;

(4) an identification of all other programs and projects being conducted by the Department of Defense and other departments and agencies of the United States that involve technologies, including overlapping technologies, having a relationship to the objective of the Strategic Defense Initiative, including any program or project involving particle beam or high power directed energy research efforts;

(5) complete budgetary information on the programs and projects referred to in clause (4), to the extent that such programs and projects relate to the Strategic Defense Initiative, including the aggregate amount budgeted each fiscal year for those portions of such programs and projects that relate to the Strategic Defense Initiative;

(6) details on the funding of programs and projects for the Strategic Defense Initiative, including—

(A) the proposed expenditures for the Strategic Defense Initiative for all such programs and projects in the budgetary presentation materials;

(B) the amount obligated and expended for each program and project during the preceding fiscal year;

(C) the amount expected to be obligated and expended for each program and project during the fiscal year during which the report is submitted;

(D) the amount requested to be appropriated for such programs and projects for the fiscal year for which the budget is submitted and expected to be expended for such programs and projects during such fiscal year; and

(E) the amount programed to be requested for the following fiscal year for such programs and projects and expected to be expended for such programs and projects during such fiscal year; and

(7) detailed information on expenditures for any ground-based, air-based, or space-based directed energy programs and projects that could be used for antisatellite purposes.

Amendment No. 3158

On page 11, between lines 10 and 11, insert the following new section:

LIMITATION ON DEVELOPMENT OF ADVANCED ANTISATELLITE WEAPONS

Sec. 117. None of the funds appropriated pursuant to an authorization of appropriations contained in this part may be used for research, development, testing, or evaluation of any second generation antisatellite weapon or its components, including any research, development, testing, or evaluation of any such weapon or component under any program entitled "Alpha", "LODE", or "Talon Gold".

Amendment No. 3159

On page 128, between lines 12 and 13, insert the following new section:

REDUCTION OF UNITED STATES MILITARY PERSONNEL STATIONED IN EUROPE

Sec. . (a)(1) Beginning on the date of the enactment of this Act and ending one year after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 98 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(2) Beginning on a date one year after the date of the enactment of this Act and ending two years after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 96 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(3) Beginning on a date two years after the date of the enactment of this Act and ending three years after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 94 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(4) Beginning on a date three years after the date of the enactment of this Act and ending four years after such date, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 92 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(5) Beginning on a date five years after the date of the enactment of this Act, funds may not be obligated or expended to support or maintain an end strength level of members of the Armed Forces of the United States assigned to permanent duty in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) in any number greater than a number equal to 90 percent of the number of members of such forces assigned to permanent duty in such countries and waters on October 1, 1984.

(b) None of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to support or maintain members of the Armed Forces of the United States withdrawn from European member countries of the North Atlantic Treaty Organization (NATO) (and their contiguous waters) in order to comply with the prohibition in subsection (a) except insofar as such members are assigned to permanent duty at military installations in the United States.

Amendment No. 3160

On page 128, between lines 12 and 13, insert the following new section:

EQUITABLE SHARING OF NATO EXPENSES

Sec. . (a)(1) None of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to increase in any fiscal year the aggregate amount of expenditures to support or maintain members of the Armed Forces of the United States in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) by a percentage in excess of a percentage which represents the percentage increase (if any) in the aggregate amount of expenditures in the preceding fiscal year to support or maintain members of such forces in the European member countries of NATO (including the contiguous waters of such countries) by each of the member countries of NATO, other than the United States, divided by the number of such other member countries of NATO.

(2) If in any fiscal year there has been a percentage decrease in the aggregate amount of expenditures made by NATO countries, other than the United States, in the preceding fiscal year for such purpose, the total amount that may be obligated or expended for such purpose by the United States in the next fiscal year shall be an amount equal to the amount expended by the United States in the preceding fiscal year reduced by a percentage which represents the percentage decrease in the aggregate amount of expenditures made in the preceding fiscal year by each of the members of NATO (other than the United States) divided by the number of such other countries.

(b) For purposes of subsection (a), data on expenditures by member countries of NATO shall be based on data contained in the annual report of the Secretary of Defense on allied contributions to the common defense.

COMMITTEE ON INDIAN AFFAIRS

BAKER AND BYRD AMENDMENT NO. 3161

Mr. BAKER (for himself, and Mr. Byrd) proposed an amendment to the resolution (S. Res. 127) to make the Select Committee on Indian Affairs a permanent committee of the Senate, as follows:

At the appropriate place in the resolution add the following: "That (a) there is established a temporary select committee of the Senate to conduct a study of the Senate committee system.

(b) The select committee shall be composed of twelve Members of the Senate, six from the majority party and six from the minority party, to be appointed by the President of the Senate upon the recommendation of the majority leader and the minority leader.

(c) The select committee shall select a chairman from among its majority members and a cochairman from among its minority members.

(d) A majority of the members of the committee shall constitute a quorum thereof for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking testimony. The select committee may adopt rules of procedures not inconsistent with this resolution and rules of the Senate governing standing committees of the Senate.

(e) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee.

Sec. 2. It shall be the function of the select committee to conduct a thorough study of the Senate committee system, the structure, jurisdiction, number, and optimum size of Senate committees, the number of subcommittees, committee rules and procedures, media coverage of meetings, staffing, and other committee facilities, and to make recommendations which promote optimum utilization of Senators' time, optimum effectiveness of committees in the creation and oversight of Federal programs, clear and consistent procedures for the referral of legislation falling within the jurisidiction of two or more committees, and workable methods for the regular review and revision of committee jurisdictions.

Sec. 3. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, (3) to hold hearings, (4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (5) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (6) to take depositions and other testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee shall preside over meetings of the select committee, except that in his absence any other member of the select committee designated by the chairman may preside.

(c) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(d) Subpenas authorized by the select committee may be issued over the signature of the chairman, or any other member designated by the chairman, and may be served by any person designated by the chairman or member signing the subpena.

Sec. 4. For the period from the date of this resolution is agreed to through December 15, 1984, the expenses of the select committee under this resolution shall not exceed $200,000, of which amount not to exceed $30,000 shall be available for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 5. The select committee may submit interim reports on its activities, together with such recommendations as it deems advisable. The select committee shall submit to the Senate a final report of its findings, together with such recommendations as it deems advisable, at the earliest practicable date, but not later than December 15, 1984. The select committee may also submit to the Senate such supplementary reports on the issues treated in its initial report as it considers appropriate. The select committee shall cease to exist upon the expiration of sixty days following submission of its final report.

Sec. 6. Expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Sec. 7. When the resolution incorporating the recommendations of this committee is submitted, it shall be referred to the Committee on Rules and Administration.

IMPROVEMENT IN QUALITY OF MATH AND SCIENCE INSTRUCTION

HATCH (AND OTHERS) AMENDMENT NO. 3162

Mr. BAKER (for Mr. Hatch) (for himself, Mr. Stafford, Mr. Pell, Mr. Moynihan, Mr. Eagleton, Mr. Heinz, Mr. Dole, Mr. Levin, and Mr. Danforth) proposed an amendment to the bill S. 1285, supra; as follows:

At the end of the bill add the following new title:

TITLE V—MAGNET SCHOOLS ASSISTANCE

AUTHORIZATION OF APPROPRIATIONS

Sec. 501. There are authorized to be appropriated $75,000,000 for each of the fiscal years 1984, 1985, and 1986 to carry out the provisions of this title.

ELIGIBILITY

Sec. 502. A local educational agency is eligible to receive assistance under this title if the local educational agency—

(1) has received $1,000,000 less in the first fiscal year after the repeal of the Emergency School Assistance Act by section 5 of the Omnibus Budget Reconciliation Act of 1981 as a result of the repeal of that Act; or

(2) is implementing a plan undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official of competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency; or

(3) without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools.

STATEMENT OF PURPOSE

Sec. 503. It is the purpose of this title—

(1) to provide financial assistance to eligible local educational agencies to enable such agencies to establish and operate magnet schools;

(2) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

(3) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students; and

(4) to encourage the development of courses of instruction within magnet schools that will substantially strengthen the knowledge of academic subjects and the grasp of tangible and marketable vocational skills of students attending such schools.

PROGRAM AUTHORIZED

Sec. 504. The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible local educational agencies for use in magnet schools which are part of an approved desegregation plan and which are designed to bring students from different social, economic, ethnic, and racial backgrounds together.

DEFINITION

Sec. 505. For the purpose of this title the term "magnet school" means a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

USES OF FUNDS

Sec. 506. (a) Grants made under this title may be used by eligible local educational agencies for the planning for, and conduct of, programs in magnet schools, including—

(1) courses of academic instruction offered at magnet schools;

(2) courses of instruction in magnet schools offering secondary education or vocational education which is designed to increase the tangible and marketable skills of secondary school students and vocational school students;

(3) the purchase of books, materials, and equipment including computers, which directly contribute to academic excellence and the purposes of this title; and

(4) the payment of or subsidization of the compensation of elementary and secondary school teachers in magnet schools who are certified or licensed by the State and who are necessary to carry out the courses of instruction for which assistance is sought.

APPLICATIONS AND REQUIREMENTS

Sec. 507. (a) Each eligible local educational agency which desires to receive assistance under this title shall submit an application to the Secretary. Each such application shall be in such form as the Secretary may reasonably require. Each such application shall contain assurances that the local educational agency will meet the conditions enumerated in subsection (b).

(b) As part of the annual application required by subsection (a), each eligible local educational agency shall certify that the agency agrees—

(1) to use funds made available under this title for the purposes specified in section 503;

(2) to employ teachers in the courses of instruction assisted under this title who are certified or licensed by the State to teach the subject matter of the courses of instruction;

(3) to provide assurances that the local educational agency will not engage in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency or other personnel for whom the agency has any administrative responsibility;

(4) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in the mandatory assignment of students to schools or to courses of instruction within schools of such agency except to carry out the approved plan;

(5) to provide assurances that the local educational agency will not engage in discrimination based upon race, religion, color or national origin in designing or operating extracurricular activities for students; and

(6) to provide such other assurances as the Secretary determines necessary to carry out the provisions of this title.

(c) No application may be approved under this section unless the Assistant Secretary of Education for Civil Rights determines that the assurances contained in clauses (3), (4), and (5) will be met.

SPECIAL CONSIDERATION

Sec. 508. In approving applications under this title the Secretary shall give special consideration to—

(1) the recentness of the implementation of the approved plan or modification thereof;

(2) the proportion of minority group children involved in the approved plan;

(3) the need for assistance based on the expense or difficulty of effectively carrying out an approved plan and the program or projects for which assistance is sought; and

(4) the degree to which the program or project for which assistance is sought affords promise of achieving the purposes of this title.

PROHIBITION

Sec. 509. Grants under this title may not be used for consultants, for transportation, or for any activity which does not augment academic improvement, or for courses of instruction the substance of which is secular humanism.

LIMITATION ON PAYMENTS

Sec. 510. (a) No local educational agency may receive a grant under this title for more than one fiscal year unless the Secretary determines that the program for which assistance was provided in the first fiscal year is making satisfactory progress in achieving the purposes of this title.

(b) No local educational agency may expend more than 10 percent of the amount that the agency receives in any fiscal year for planning.

(c) No State shall reduce the amount of State aid with respect to the provision of free public education or the amount of assistance received under chapter 2 of the Education Consolidation and Improvement Act of 1981 in any school district of any local educational agency within such State because of assistance made or to be made available to such agency under this title, except that a State may reduce the amount of assistance received under such chapter 2 if the amount is attributable to clause (3) of section 577 (as in effect prior to the date of enactment of section 502 of the Education for Economic Security Act) but only to the extent the amount is so attributable. The Secretary may waive the prohibition against the reduction of assistance received under chapter 2 and permit such a reduction if the State demonstrates that the assistance under such chapter 2 is not necessary to the local educational agency concerned.

PAYMENTS

Sec. 511. (a) The Secretary shall pay to each local educational agency having an application approved under this title the amount set forth in the application. Payments under this title for a fiscal year shall remain available for obligation and expenditure by the recipient until the end of the succeeding fiscal year.

(b)(1) If a local educational agency in a State is prohibited by law from providing for the participation of children and staff enrolled or employed in private nonprofit elementary and secondary schools as required by this title, the Secretary may waive such requirement with respect to local educational agencies in such State and, upon the approval of an application from a local educational agency within such State, shall arrange for the provision of services to such children enrolled in, or teachers or other educational staff of, any nonprofit private elementary or secondary school located within the school district of such agency if the participation of such children and staff would assist in achieving the purpose of this title. The services to be provided through arrangements made by the Secretary under this paragraph shall be comparable to the services to be provided by such local educational agency under such application.

(2) In determining the amount to be paid pursuant to paragraph (1), the Secretary shall take into account the number of children and teachers and other educational staff who, except for provisions of State law, might reasonably be expected to participate in the program carried out under this title by such local educational agency.

(3) If the Secretary determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of children and staff enrolled or employed in private nonprofit elementary and secondary schools, the Secretary shall arrange for the provision of services to children enrolled in, or teachers or other educational staff of, the nonprofit private elementary or secondary school or schools located within the school district of such local educational agency, which services shall, to the maximum extent feasible,

be identical with the services which would have been provided such shildren or staff had the local educational agency carried out such assurance. The Secretary shall pay the cost of such services from the grant to such local educational agency and shall have the authority for this purpose of recovering from such agency any funds paid to it under such grant.

WITHOLDING

Sec 512. The provisions of sections 453 and 454 of the General Education Provisions Act, relating to withholding and cease and desist orders, shall apply to the program authorized by this title.

HATCH AMENDMENT NO. 3163

Mr. HATCH proposed an amendment to amendment No. 3162 proposed by him (and others) to the bill S. 1285, supra; as follows:

On page 4, line 6, after "race," insert "religion".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 6, to hold a closed briefing on the current situation in the Persian Gulf.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, June 6, at 9:30 a.m., to hold a hearing entitled "Computer Matching: Tax Payer Records."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet in closed session, during the session of the Senate on Wednesday, June 6, to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CARDINAL SIN'S COMMENCEMENT ADDRESS

● Mr. KENNEDY. Mr. President, on May 20, 1984, at Brandeis University, Cardinal Sin, the Archbishop of Manila, delivered an extraordinary commencement address filled with compassion and concern for the suffering of poor people throughout the world. He spoke eloquently of the challenge of poverty and urged us to maintain our vigilance constantly and courageously.

Cardinal Sin declared:

> Whenever the freedom and rights of men and women are sacrificed in the interests of national security, the abomination that was Auschwitz once again casts its demonic presence.

Cardinal Sin declared:

> Whenever the international economic order ignores distributive justice and creates greater unemployment and poverty in the Third World, the adoption of another efficient version of the Final Solution against millions becomes another grotesque possibility.

Cardinal Sin concluded:

> Our vigilance is all the more necessary since those who design economic policies devoid of social justice and who go about militarizing government machineries behind the facade of law and order, are individuals whose outward demeanor and motives are just as ordinary, just as rational and neighborly as the dutiful Mr. Eichmann.

Cardinal Sin spoke also of his own country. He said:

> At the Funeral Mass for the assassinated Senator Benigno Aquino, I depicted our people as a pilgrim nation whose Promised Land of freedom and justice still beckons far beyond the desert's horizon. Our poverty is like a roaring lion devastating our countryside and devouring our youth. The lack of truth and freedom are like dried up streams that can no longer quench one's thirst; the injustice of our system is like a plague of locusts tormenting our daily lives.

I commend this remarkable address to my colleagues. I ask that the full text of Cardinal Sin's address may be printed in the RECORD.

The address follows:

THE THREE CHAPELS OF BRANDEIS AS SYMBOLS OF PEACE

(By His Eminence, Jaime Cardinal L. Sin, Archbishop of Manila)

[Address delivered on the occasion of the conferring of a doctorate *honoris causa* by Brandeis University in Waltham, Massachusetts, on 20 May 1984.]

I come to your midst, a pilgrim priest from a distant, troubled land. That Brandeis University should have thought of conferring an honorary doctorate degree on the Archbishop of Manila, whose pittance of wisdom is reported to consist more of humorous parables rather than theological treatises, is indeed a cause of bewilderment for me. That this academic act should align me in the distinguished company of past recipients like Prime Ministers Golda Meir and David Ben Gurion, President John F. Kennedy and Richard Cardinal Cushing—further increases my uneasiness. I finally found some tranquility in the thought expressed by one of your Board of Trustees (Congressman Stephen J. Solarz) that, more than honoring me, this conferment does honor to the people of my country, the Philippines.

The sculptor, Elbert Weinberg, placed at the entrance of your Jewish Chapel, a representation of Jacob wrestling with an angel. Before coming here, I too, had my moments of wrestling with the angel of doubt. It was a perplexity that covered not only the choice of a relevant topic but the efficacy a voice from the Third World might expect when addressing an American audience.

For, to come to America is to be overwhelmed by her immensity and complexity. It is to experience her vastness geographically, in the magnificence of your plains and mountains; it is to experience her progress technically, in the dramatic achievements of your sciences; it is to be dazzled culturally by the creativity of your arts and literature.

Here, a traveller from an Asian village could easily feel his smallness and insignificance, while realizing furthermore, that the inevitable companion to this preeminent progress is power—the power economically to render him poorer or richer; the power politically to support or to destabilize governments abroad; the power technologically to enrich or to totally destroy our planet.

Underneath the awe and fear one has before the mighty presence of America, are many questions, such as: does America, in spite of the bigness of her industries, the bigness of her military forces, the bigness of her financial resources still possess an understanding of the abject misery that poverty inflicts on millions of human beings? Can America, in spite of her tremendous material achievements, still have the heart to empathize with the hunger for justice and freedom felt by millions of small farmers, small fishermen and laborers? Does America continue to preserve the memory of her early history when she was sanctuary for men and women fleeing persecution and oppression?

Today, I am glad to come to a part of America that recalls the "little republics" of your early town meetings, where the life of citizens was exercised on a human scale, where people could come together and personally participate in the building of their community, establishing associations that developed through bonds of trust and affection.

For Brandeis makes America comprehensible.

Here, one easily feels at home in the Franciscan simplicity of the Chapel of Bethlehem, in the inviting biblical atmosphere of your Protestant Chapel, and in the familiar Old Testament symbols of your Jewish Chapel. In these surroundings, one easily listens to the heart of America while recalling what President Woodrow Wilson said at Independence Hall on July 4th, 1914:

"My dream is that as the years go on and the world knows more and more of America, it will also drink at the fountains of youth and renewal; that it also will return to America for those moral inspirations which lie at the basis of all freedom . . . and that America will come in the full light of the day when all shall know that she puts human rights above all other rights and that her flag is the flag not only of America but of humanity."

I also have a dream, one arising from the biblical perspective that says the poor will inherit the earth, that the small people of the world will one day possess the Kingdom of God.

It is easy to remember the poor while in Brandeis where the architectural restraint and unpretentiousness of the Three Chapels reflect the asceticism and humility of the world's poor.

It is not strange to talk of the poor while on this campus, since the great jurist whose name this university proudly bears was a courageous defender of the poor and the oppressed. One recalls that Justice Louis D. Brandeis was called the "People's Attorney" because of his many legal battles on behalf of small businessmen, organized labor and consumers against the industrial giants of his age. The protection of the poor against the "curse of bigness" was a primary concern of Justice Brandeis whom President Franklin Delano Roosevelt affectionately called: "My dear Isaiah."

We need not review the already familiar statistics of misery and hunger endemic to the poor, the harshness of whose lives undermines the twentieth century dream of creating material abundance for all. The year 2000 will most likely have for its first historical scenario, the picture of widespread food shortages among the peoples of the South, while the North enjoys an even higher level of prosperity fueled by an ever insurmountable technological advantage.

But to dwell mainly on the material dimensions of poverty, is to invite despair and disunity. The challenge of poverty needs to be expressed in a profoundly spiritual sense by urging the wealthy and the powerful to look into their innate capacity to understand the suffering of the poor. The paramount spiritual task of the rich is to overcome their scandalous separation from the suffering part of mankind.

In turning towards the poor, the rich world finds its true self. It is an encounter that brings forth humility, charity and compassion—moral impulses whose source is the Divine Will which created us all in the likeness of his own image. In this affinity that we have of one another, as sons and daughters of God, we discover the profound design that impels us to strive for oneness.

Here I recall a reflection on this topic made by an Asian scholar friend, who wrote:

"We turn continually to one another giving life and receiving life. In this manner, we continually make and remake our human world. We are all, each one of us, involved in the making of an authentic humanity. Once this responsibility has become a habit of our minds and heart, true solidarity will flourish. It will become the foundation of all our social arrangements and institutions, with rich and poor united in actively redeeming the family of man. Then we might envision a unitary world radiating its happiness on a planetary scale, the poor releasing its creative energy, turning its suffering into wisdom—bringing forth a new human life whose bright loveliness we cannot now fully imagine."

Human life—how precariously it clings to a planet that has become one great arsenal of destruction. Realizing the need to join every effort seeking to protect the gift of life, we gave our fraternal support to the 1983 pastoral letter of the Catholic Bishops of the United States, entitled: "The Challenge of Peace: God's Promise and Our Response." We were especially interested in the pastoral's views on the value of nonviolence, since this option has recently surfaced in the Philippines.

Human life was once more the theme at the 1983 World Council of Churches Sixth Assembly which affirmed Jesus Christ as the Life of the World. We likewise support its statement on human rights which calls on the churches to reaffirm their common commitment to work more fervently for the elimination of all forms of inhumanity, brutality, persecution and oppression.

Human life and its extermination was the final solution adopted for six million Jews in the death camps of Hitler. The insane tragedy of the Holocaust now impels Jews and Christians alike to shout, "Never again!" to all repressive forces that manipulate, subjugate and finally eliminate the weak and the defenseless.

Yet, because the barbaric underside of mankind waits for any opportunity to unleash its savagery against a passive people, we must maintain our vigilance constantly and courageously.

Whenever the freedom and rights of men and women are sacrificed in the interests of national security, the abomination that was Auschwitz once again casts its demonic presence.

Whenever the international economic order ignores distributive justice and creates greater unemployment and poverty in the Third World, the adoption of another efficient version of the Final Solution against millions becomes another grotesque possibility.

Our vigilance is all the more necessary since those who design economic policies devoid of social justice and who go about militarizing government machineries behind the facade of law and order, are individuals whose outward demeanor and motives are just as ordinary, just as rational and neighborly as the dutiful Mr. Eichmann.

It was Barbara Ward who once said that our world, with its science and technology, with its instruments of total destruction, can still set the process in reverse and create a world in which the Divine can break through to our human state. It was this vision to help make this world a place in which the Lord and his creation could happily dwell, that finally became my principal motive in coming to Brandeis.

For it was in the preparations for my visit here that I first came to know the thoughts and writings of Justice Brandeis. It was this Justice whose brooding eyes and craggy face reminded onlookers, of a Hebrew prophet, who championed the cause of the poor, considering too great a concentration of power as a menace to a free society. His work for the Zionist movement was thoroughly American in spirit, based as it was on the right of small nations to shape their own destiny and for their people to live freely in their own homeland.

Only last April 25th, in my commencement address to the College of Law graduates of the University of the Philippines, I quoted from Justice Brandeis:

"Those who won our independence believed that the final end of the State was to make men free. . . and that in its government, the deliberative forces should prevail over the arbitrary. They believed liberty to be the secret of happiness and courage to be the secret of liberty. . . they knew that order could not be secured merely through fear of punishment. . . that it is hazardous to discourage thought, hope and imagination; that repression breeds hate, and hate menaces stable government."—(Whitney v. California, 1927).

I also learned that Justice Brandeis did not limit himself to propounding legal theory. He was above all a practical man who could be deeply moved by the apathy and slowness of people in the face of recognized wrongs. It was Justice Brandeis who helped found in 1900, the Public Franchise League which resisted long-term exclusive franchises of public utilities in Boston. He was counsel for life insurance policy holders, devising a savings-bank insurance plan as a means of security for wage earners.

This is familiar biography for you; for me, however, they are a confirmation in hope. For, Brandeis the man and jurist, is gone. But the University that carried his name and tradition, remains. Here, among you, I sense the resolve to continue the life quest of Louis D. Brandeis for an enlightened world freed from all forms of injustice and oppression.

I, therefore, humbly urge you to continue placing the richness of your intellectual resources at the service of practical programs designed to help poor students receive an education in democratic principles and life; to help Third World faculty redesign law and legal systems to promote human-oriented needs; to strengthen international organizations and private voluntary agencies that seek ways of inserting moral values into the framework of social, economic and political institutions.

Through such unremitting efforts, we bring about oneness between Brandeis and the Philippines, between Brandeis and the poor of this world. Peace enters our planet through such small beginnings.

My friends, at the Funeral Mass for the assassinated Senator Benigno Aquino, I depicted our people as a pilgrim nation whose Promised Land of freedom and justice still beckons far beyond the desert's horizon. Our poverty is like a roaring lion devastating our countryside and devouring our youth. The lack of truth and freedom are like dried up streams that can no longer quench one's thirst; the injustice of our system is like a plague of locusts tormenting our daily lives.

Yet, I make my journey back home armed with that hope which my Brandeis visit renewed in me. If here on your campus, diverse faiths can live in fraternal coexistence and amity, then, mankind's eventual reconciliation with God and each other can indeed become a reality.

Let me, therefore, now thank you—as a priest (who echoes Cardinal Cushing's insistence that his own theology had barely gone beyond that taught to children in catechism class)—for the great honor this conferment bestows on me and my countrymen.

Let me thank you—as a friend, who recalls what President Abram Sachar of Brandeis said of those who enter the Three Chapels, that there "only the hearts need speak."

As I bid you farewell, my heart speaks to you:

Peace!
Shalom!●

WALKING TO CALVARY

● Mr. HELMS. Mr. President, it has been scarcely a few weeks since our Nation observed a day of prayer, in response to President Reagan's request and proclamation. Let us hope that this experience will prompt in our people a greater awareness of spiritual truths, and a greater sense of our total reliance on Almighty God. Let us hope that we will learn the responsibility that we who live in a freedom given to us by Providence always bear toward those who are not free.

In the light of this solemn duty, I want to share the text of an eloquent and inspiring article, "Pray for Those 'Walking to Calvary,'" which appeared in the July 16, 1982, issue of Christianity Today. Its author, Mrs. Jesse W. Cooke, Jr., of Richmond, VA, recently informed me of the continuing work of her prayer group on behalf of persecuted believers in other lands and also on behalf of our Nation and its leaders.

Mr. President, I ask that Mrs. Cooke's extraordinary article be printed in the Record.

The article follows:

Pray for Those "Walking to Calvary"

More Christians are being persecuted today than at any other time in history. In this century, more Christians have been martyred than in all previous centuries combined.

During the Cultural Revolution, the wife of the late John H. Reed, Jr., medical missionary to China, spoke to an interdenominational Bible study class in Richmond, Virginia. Her focus was the suffering church. She brought this terse message from a Chinese believer:

We are walking to Calvary.
Pray for us.
We'll see you in heaven.

That pleas was the impetus for a prayer group in Richmond that now meets regularly to intercede for Christ's suffering church.

Our group consists of seven "regulars" who are active laywomen from local Presbyterian and Episcopal churches. Most of us also attend the weekly Bible study conducted by Sallie Childrey Reed, who attuned us to the needs of suffering Christians.

Admittedly, prayers of intercession for persecuted Christians are not easy. Assembled in comfortable freedom, with our many Bible translations, it is hard for us to envision people without Bibles on the other side of the world who worship God under cover of darkness. Our open practice and life of faith are far removed from threats of prison, work camps, or unemployment. We risk nothing because of our beliefs.

Yet hundreds of thousands of believers do risk all for Christ. How does our group pray for them?

1. We pray for miracles. Interspersed in the many accounts of persecution we have received from the suffering church are occasional deliverances. Some, like Richard Wurmbrand, Haralan Popov, and Alexander Solzhenitsyn, miraculously survived prolonged ordeals and were brought to freedom in America.

2. We pray for our country. We ask God to revive us and spare us as a nation so that the American church can continue its work for Christ throughout the world.

3. We pray for specific needs of persecuted Christians. In order to do this we pool information from evangelical and suffering-church periodicals, news releases, and letters from missionaries or pastors.

4. We pray for the distribution of Bibles to persecuted Christians. How inexpressibly sad it is that so many believers who must endure trial are generally without God's written Word. Here we ask the Holy Spirit to grant effective ways to get the Scriptures to suffering saints who wait.

Our prayers vary from week to week, but typical of our intercession is this one:

Father, for your servants about to be martyred, we ask a Christ-glorifying witness like Stephen's. For those undergoing torture we ask power not to deny your name.

We remember how you kept former POW Jeremiah Denton from breaking down when, in the midst of torture, you relieved his pain. Savior, send to your suffering body divine intervention.

Knowing our weakness we pray for those who have fallen, those who mourn false confessions made under brainwashing or threats to family. Lord, heal their broken hearts and tenderly restore them as you once did Simon Peter.

For those alone in prison we ask you to send the Holy Comforter, remembering many are without your Word. Recall to their minds life-sustaining words of Scripture.

For God's pastors in monitored, registered churches and in the unregistered, underground church, give discernment in hard decisions.

For believers declared "unstable" and placed in psychiatric wards because of their faith, renew your promise that nothing, not even drugs, shall separate them from the love of God.

For children taken from believing parents and placed in communes, may holy angels minister. By your Spirit may these heirs of salvation and their parents be reunited in your heavenly home.

Hopefully, our three years' intercession for believers under communism and Islam helps suffering Christians. But it has also benefitted us. We have become more realistic about the world in which we live. As American Christians, we have led insulated lives, while all over the world believers are experiencing tribulation. Someday we might also be forced to share their trial.

In Till Armageddon, Billy Graham asks the question: "How do we prepare for the suffering we may have to face as our world moves relentlessly toward a period of intense tribulation?"

Perhaps for pragmatic reasons alone, the free church must become involved with the needs of the suffering church. Perhaps it must learn now how faith survives under pressure so that it may one day be equipped to bear its own cross.

Our little Richmond prayer group has also been rewarded by a sense of fulfillment in intercession that is difficult to explain. Is it that we have, in a small way, participated in the fellowship of Christ's suffering in prayers for his own?

Or is it that we have come to know, by faith, that through Christ our prayers are helping those who suffer in his name?

Sara Killian Cooke.●

A TRIBUTE TO BOYD AND RUTH WATSON

● Mr. HEINZ. Mr. President, it is a distinct honor and pleasure to join in the tribute being paid to a very special couple from Dillsburg, PA.—Boyd and Ruth Watson. The Watsons were honored on May 24, 1984, at the 11th annual appreciation dinner of the Dauphin County Social Services for Children and Youth. This couple is especially deserving of recognition because they have managed to help raise 74 foster children over the past 23 years. In addition to their personal commitment as foster parents, Boyd and Ruth have three sons of their own, and they have adopted three sons who were originally placed in their home as foster childern.

Mr. and Mrs. Watson have provided a home for children of all ages, races, and sex, as well as for children with physical and mental handicaps. Foster parenting is not an easy job. It is a labor of love that keeps children out of institutions until adoptive parents can be found for children who are often considered hard to place.

Mr. President, the Watsons faced many challenges during their years of parenting, such as caring for a girl for 13 years who was suffering from cerebral palsy. At one point, the Watsons served in an emergency home capacity, whereby children were placed at all hours of the day or night. Their tireless devotion to the foster parent program spanned more than two decades, and their loving spirit never lagged.

Today, the Watsons are retired from the foster parent program, but Mrs. Watson continues to help in the training and recruitment of new foster parents. They still keep in touch with many of their former foster children; some of whom have gone on to become foster parents themselves.

Boyd and Ruth Watson's years of foster parenting have given this Nation a legacy—a legacy which has been aptly described by the Poet Laureate John Masefield, and I quote:

"And he who gives a child a treat.
Makes joy-bells ring in Heaven's street,
And he who gives a child a home
Builds palaces in Kingdom Come."

Boyd and Ruth Watson have not only contributed to the lives of the children they have cared for, they have also provided a generous and necessary service to the community. They deserve our recognition and appreciation for the job they have done in molding the lives of so many homeless children.●

KIMBERLY KAY AU'S WINNING ESSAY ON OUR MERCHANT MARINE

● Mr. INOUYE. Mr. President, at this time about a year ago I placed in the Congressional Record an essay on the U.S. merchant marine, written by Kimberly Kay Au, a student at Punahou High School in Honolulu. Kimberly's essay had won a national prize in the 48th annual Harold Harding Memorial Maritime Essay Contest, and I felt that the message it delivered so well should be available to as many people as possible.

This year Kimberly submitted another essay on our merchant marine, and it was judged No. 1 in the 49th Annual Harold Harding Memorial Maritime Essay Contest. Again I believe its message is one to which all Americans should pay attention.

Mr. President, I ask that Kimberly Au's essay be printed in the Record.

The essay follows:

The U.S. Merchant Marine Needs a Shining Beacon on Its Dark and Troubled Waters

Below me glimmered the blue Pacific, pristine as a pearl in the early summer morning. I stood on a low hill overlooking the tiny harbor of Nawiliwili on the island of Kauai, where, over 100 years ago, history had been made. I could picture Captain Williams Matson's first merchant marine ship, the little schooner *Emma Claudine*, as she anchored in Nawiliwili Harbor after her momentous Pacific crossing from Los Angeles. Much later, on a warm September day in 1980, history repeated itself when Matson's new giant streamlined containership, the *S.S. Kauai*, steamed out of Los Angeles Harbor on her maiden voyage to Hawaii, following the century-old wake of the *Emma Claudine*. The maiden voyage was blessed all the way with gentle seas and only an occasional wispy cloud fanned by soft trade winds. On a subsequent voyage, the super containership, which could carry 90 full-size *Emma Claudines* to Hawaii in four days, met her namesake, Kauai, as she eased into Nawiliwili Harbor with the right tides and the help of a bow-thruster and two Hawaiian tugs.

Today, the maritime saga that began over a century ago with the first sailing of the *Emma Claudine* to Hawaii, continues between the West Coast and Hawaii, with the finest of containerized fleets. Gone are the colorful days when cargo ships moved slowly between sunny ports, and goods packed in wooden crates were hauled aboard in cargo nets. Within the year, Matson Navigation Company's new $6 million 350-foot 216-container barge, the *Haleakala*, with its own revolving crane, will assist the 15-year-old *Maunakea* in Mainland-Hawaii service. As a group of islands in the middle of the Pacific Ocean geographically separated from the rest of the nation but actively involved in commerce with its fine merchant marine fleet, Hawaii can appreciate the United States Merchant Marine in its role for national self-reliance and in its competitive role to ensure our vital foreign commerce.

Yet, insidious as the steady erosion of Hawaii's sandy beaches by battering waves, treacherus undercurrents, building up through the decades, now threaten to submerge the U.S. maritime industry in its efforts to achieve these roles. At a time when the U.S. is trying to expand its share of world trade, it is, instead, more dependent on Japanese, Panamanian, and Liberian-flag ships to haul cargo to and from American ports. Today, 98% of the substances on our strategic-items list are carried on foreign-flag ships. Incredible? Consider these glaring and startling facts:

In three decades our merchant fleet has dropped 55% from 1,300 to 580 vessels. Only about 200 are actively involved in U.S./foreign commerce.

At least 60% of our existing ships are to small to compete in foreign trade.

Our vessels are not fuel-efficient, with 90% of the total industry fleet steam-powered and only 10% diesel.

During this decade 100 U.S.-liner ships will need replacement because of obsolescence or high operating costs.

Since mid-1980, three U.S. carriers have gone out of business; fewer than 10 U.S. merchant fleet companies remain, with some in deep financial trouble.

Shipboard jobs have decreased from 86,000 to 21,562, reflecting an alarming deterioration in skilled-worker resources.

The U.S.-liner carrier market share for six principal trades averages only 25%, a poor comparison with national-flag fleets of other nations that carry much greater shares of their foreign commerce.

Although we are the largest trading nation in the world, the American merchant marine, which carried over 40% of our total foreign commerce 30 years ago, currently carries less than 4% of our vital foreign commerce and ranks 11th behind Norway, Singapore, and Italy. (By way of comparison Russia carries 60%, Japan 40%, and France 30% of their commerce.)

These facts paint a sad picture of an ebbing maritime industry steadily losing its market share to foreign competition, consuming its assets, and with earnings overwhelmingly inadequate to replace an aging, inefficient, non-competitive American-flag fleet. "To my knowledge," said Charles I. Hiltzheimer, head of Sea-Land Industries, "no other American industry has lost so great a share of its market to foreign competition, with virtually no public awareness or government concern."[1] This, despite the importance of our U.S.-flag shipping fleet to the national defense and development of both domestic and foreign commerce as set forth in the Merchant Marine Act of 1936 and amended in the 1970 Act, which mandated that our American Merchant Marine be "sufficient to carry out its domestic waterborne commerce and a portion of the waterborne export and import foreign commerce of the U.S. . . ."

Recognizing the industry's growing deterioration, President Nixon signed the Merchant Marine Act of 1970, designed to revitalize American-flag shipping, restore the sinking industry, and embark on an ambitious shipbuilding program of 300 high-technology ships, which would provide much-needed employment. Ultimately, however, only 100 ships were built.

The 1970 Merchant Marine Act also provided for government subsidies to many American ship operators to bridge the difference between the high cost of operating our ships and the lower operating costs of foreign competition. Benefits were eventually extended to subsidized construction of bulk cargo carriers; since 1970, these subsidies have been steadily reduced until today a moratorium exists on them. Meanwhile, foreign subsidized fleets are expanding. Their strong government support, combined with low-cost foreign-built vessels, fuel-efficient diesel power, and lower crew-cost have encouraged rapid foreign-shipping growth and penetration of the U.S. market.

Hawaii's Congressional Senator, Daniel K. Inouye, who maintains a special responsibility for maritime matters in the U.S. Senate, has long been concerned with the perilous state of our merchant marine fleet. Responding in his letter to me dated June 7, 1983, Senator Inouye worte: "I believe every member of Congress, indeed every concerned American, should be aware of the grim reality which would face us in the event of a national emergency." On June 8, 1983, Senator Inouye carried his concerns to Congress, saying: "Mr. President, for some years the Congress has been attempting to revitalize the U.S. Merchant Marine. The task has been a laborious one, and it is far from over. Yet we must succeed if our nation is to remain economically strong and capable of acting in time of national emergency."[2]

That the maritime industry is of vital national economic importance cannot be denied. Its economic impact, as determined in a 1978 study conducted by the Maritime Administration, showed 480,000 employed in maritime jobs, $4.5 billion earned in personal income and $1.5 billion in tax revenues for that year. However, the maritime industry's contribution to the economy will decrease as the industry's problems increase. Moreover, approximately 71¢ of each transportation dollar would be returned to the U.S. if their vessels were used in lieu of foreign-flag ships. Unfortunately, the amount of cargo carried by American-flag ships is miniscule.

Clearly, today a critical need exists to improve U.S. maritime industry competitiveness and streamline the operating efficiency of the U.S.-flag merchant marine. New policies, as in the past, may fall under attack by various government departments and impede progress. When the devastating Hurricane Iwa struck our Hawaiian Islands last year, the inter-island ship, *Maunakea*, was half-way to Kauai. Captain George Pearce recalls that the hurricane pushed the vessel sideways three hours for every one hour forward.[3] Figuratively speaking, that frightening experience could describe the precarious position of our American merchant marine unless some definite and substantial form of meaningful legislation, so urgently needed, were enacted into law. Our national interests and economies are at a crossroads.

In a concerned follow-up letter to Senator Daniel K. Inouye on January 14, 1984, I asked our Senator from Hawaii whether Congress had made any recent significant maritime legislative strides. On January 20, 1984, he replied. "I only wish I could report that Congress was well on the way to solving most of its problems. We have made some progress, but much remains to be done, however. The best news is that I believe we will shortly enact maritime regulatory reform legislation (S. 47) which should enable the U.S.-liner fleet to compete more effectively in our international trades."

Senate Bill 47, also known as the "Shipping Act of 1983," was introduced in the Senate of the United States by Senators Slade Gorton of Washington, Ted Stevens of Alaska, Bob Packwood of Oregon, and Daniel Inouye of Hawaii "to improve the international ocean commerce transportation system of the United States." The Shipping Act of 1983 is a shining beacon on dark, troubled waters that will build toward efforts to strengthen our national self-reliance, assure our vital foreign commerce, and pilot our foundering U.S. merchant marine back on course to her former days of glory. The question is no longer *whether* we can do it, but to *do* what we know *must* be done now.●

NOTIFICATION OF STINGER SALE TO SAUDI ARABIA

● Mr. **PERCY**. Mr. President, last week when the Senate was in recess, the Committee on Foreign Relations received a notification for the sale to Saudi Arabia of 200 Stinger air defense guided missile systems with 200 additional missiles. The notification also included a Presidential determination waiving the normal congressional review period. I ask to have these documents printed in the RECORD.

The documents follow:

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[1] Charles I. Hiltzheimer, "Improving the Operating Efficiency of the U.S. Flag Merchant Marine," *Vital Speeches of the Day*, September 1, 1982, Vol. 48, p. 681.

[2] Senator Daniel K. Inouye, CONGRESSIONAL RECORD, Vol. 129, No. 80, Washington, Wednesday, June 8, 1983.

[3] Mike Markrich, "Going to Sea a Lot Tougher Than Old Days," Sunday Star-Bulletin and Advertiser, July 3, 1983, p. A-30.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington DC, May 30, 1984.
In reply refer to I-22451/84.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-52 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Army's proposed Letter of Offer to Saudi Arabia for defense articles and services estimated to cost $40 million.

The President has certified that an emergency exists which requires this sale without awaiting the expiration of the thirty-day notification period. Copies of the President's certification and justification are enclosed. A classified annex to the justification is also provided under separate cover and constitutes a part of this notification.

Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerly,

PHILIP C. GAST,
Lieutenant General, USAF, Director.

TRANSMITTAL No. 84-52

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$29
Other	11
Total	40

[1] As defined in Section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: A quantity of 200 basic STINGER air defense guided missile systems with 200 missiles, 200 additional missiles, support and training equipment, spare parts, technical support, and training.

(iv) Military department: Army (VHB & OIR).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Included in report for quarter ending December 31, 1983.

(viii) Date report delivered to Congress: May 30, 1984.

POLICY JUSTIFICATION

SAUDI ARABIA—STINGER SYSTEMS AND MISSILE ROUNDS

The Government of Saudi Arabia has requested the purchase of a quantity of 200 basic STINGER air defense guided missile systems with 200 missiles, 200 additional missiles, support and training equipment, spare parts, technical support, and training at an estimated cost of $40 million.

This sale is consistent with the U.S. policy of assisting other nations to provide for their own security and self-defense by allowing the transfer of reasonable amounts of defense articles and services. Saudi Arabia's strategic location on the Arabian Peninsula and its role as a major oil producer require a modern defense force capable of ensuring the nation's security. The sale will demonstrate the continuing willingness of the United States to support the Saudi Arabian effort to improve the security of the country while acting as a force for moderation in the region.

The STINGER systems and missile rounds will provide an improved low level air defense capability for Saudi Arabia.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Pomona Division of the General Dynamics Corporation of Pomona, California.

Implementation of this sale will require the assignment of additional U.S. Government personnel and contractor representatives to Saudi Arabia; however, the number of individuals and the duration of stay have not been determined at this time.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

THE WHITE HOUSE,
Washington, May 29, 1984.

Presidential Determination No. 84-8.

Memorandum for Hon. George P. Shultz, Secretary of State and Hon. Caspar W. Weinberger, Secretary of Defense.

Subject: Sale of Defense Articles and Defense Services to Saudi Arabia Under the Arms Export Control Act.

In accordance with section 369(b)(1) of the Arms Export Control Act (the Act), I hereby certify that an emergency exists which requires the sale under the Act of the following defense articles and defense services to Saudi Arabia in the national security interests of the United States:

200 basic Stinger air defense guided missile systems (200 gripstocks with 200 missiles);

200 additional missiles:

Related support and training equipment, spare parts, technical support, and training for these systems and missiles.

This certification and the attached justification shall be made part of the certification transmitted to the Congress under section 36(b)(1) of the Act with respect to each of the above sales. This certification shall be published in the FEDERAL REGISTER.

RONALD REAGAN.

JUSTIFICATION FOR PRESIDENTIAL CERTIFICATION UNDER SECTION 36(b)(1) OF THE ARMS EXPORT CONTROL ACT REGARDING THE SALE OF CERTAIN DEFENSE ARTICLES AND SERVICES TO SAUDI ARABIA

Section 36(b) of the Arms Export Control Act (the Act) provides that all proposed sales under the Act of defense articles and services for $50 million or more, or of major defense equipment for $14 million or more, must be certified to the Congress and that no Letter of Offer for any such sale may be issued until thirty calendar days have elapsed from receipt by the Congress of the certification unless the President states in the certification that "an emergency exists which requires such sale in the national security interests of the United States." If the President makes this determination, thus waiving the Congressional review requirements, he must also set forth in the section 36(b) certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the Letter of Offer and a discussion of the national security interests involved.

The Iran-Iraq War has escalated in recent days, and neutral shipping has been attacked with increasing frequency and in an ever-widening area in international waters in the Gulf. The Arab states of the Gulf as well as the United States are attempting to defuse the situation through diplomatic means. Further escalation could threaten Saudi Arabia. This escalation of the war could deny vital oil supplies to much of the free world, including particularly our major allies in Western Europe and East Asia.

In view of our long and close relationship with the Saudi Kingdom and the urgency of the situation, we have decided to provide Stinger as expeditiously as possible. Because the Stinger system can be deployed in the field shortly after delivery, an immediate transfer to Saudi Arabia of this system is an appropriate response to the current crisis and will enhance Saudi Arabian air defenses. By providing a deterrent against hostile actions, this transfer lowers the risk of broader conflict.

Therefore, an emergency exists which requires the immediate sale to Saudi Arabia, under the Act and in the national security interests of the United States, of 200 basic STINGER air defense guided missile systems (200 gripstocks with 200 missiles), 200 additional missiles, and related support and training equipment, spare parts, technical support, and training for these systems and missiles.

More complete details are contained in a classified annex of this justification.

ADVANCE NOTIFICATION

PROPOSED ARMS SALES

Mr. President, Section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under the Act in excess of $50 million or, in the case of major defense equipment as defined in the Act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the Chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the Committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the record in accordance with previous practice.

I wish to inform Members of the Senate that such a notification has been received.

Interested Senators may inquire as to the details of this advance notification at the office of the Committee on Foreign Relations, Room SD-423.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, June 1, 1984.
In reply refer to I-03101/84ct.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF, Director.●

COMPUTER CRIME AND ABUSE

● Mr. COHEN. Mr. President, today I wish to bring to the attention of my colleagues a series of articles on the issue of computer crime that appeared in the Washington Post this week. This series highlights the vulnerability of the Government, the private sector, and individuals to the rapidly growing threat of computer crime and abuse.

Many of the problems discussed in the Washington Post articles were examined by the Subcommittee on Oversight of Government Management, which I chair, in hearings held last October. The subcommittee received testimony from both the Federal Government and the private sector on the threats that are posed by computer break-ins and on what steps can be taken to address these problems.

Those hearings, as well as the Washington Post articles, vividly illustrate that computer break-ins should not be treated as simply innocent pranks by curious youngsters. Rather, computer abuse can seriously harm personal lives and businesses. Computer hackers who change the credit ratings of individuals or who break into the medical records of hospitals, for example, are certainly not engaging in activities that should be condoned or left unprosecuted.

The accounts of computer break-ins are legion, and the evidence suggests that the reported cases represent only a small percentage of the actual number of break-ins that have occurred.

To date, the Federal Government has not kept pace with the problem of computer crime and does not adequately deter these activities. The Department of Justice has testified, for example, that there is currently no Federal sanction dealing specifically with computer crime. To address this problem, I have introduced the Computer Crime Prevention Act of 1984, S. 2270. This bill, cosponsored by Senators LEVIN, RUDMAN, ROTH, and BINGAMAN, would create a Federal computer crime statute. The bill would establish specific penalties for intentional, unauthorized access to computers owned or operated by the Federal Government and financial institutions, as well as those operating in interstate commerce. The bill would also establish penalties for fraud committed through the use of these computers, for alteration of data contained in them, and for unauthorized trading in computer passwords or access codes.

Mr. President, I realize that a Federal computer crime statute will not totally solve the problem of computer crime. Better security practices in the Federal Government and private industry, as well as training on the ethics of computer use, are all essential to reduce computer abuse. Computer crime legislation, however, is one concrete way in which the Federal Government can act to protect the privacy and integrity of personal and business information.

I urge the Senate Judiciary Committee to hold hearings on S. 2270 and urge my colleagues to cosponsor my legislation. It is only through swift action that the Federal Government will be ready to meet this growing threat brought on by the computer age.

I ask that the Washington Post series entitled "Computer Crime" be printed in the RECORD.

The material follows:

[From the Washington Post, May 20, 1984]

PART 1

AGE OF ELECTRONIC CONVENIENCE SPAWNING INVENTIVE THIEVES

(By Mary Thornton)

On Jan. 18, 1980, a New York air traffic controller, angered by the Soviet invasion of Afghanistan a month earlier, momentarily took over an incoming Aeroflot jet carrying Soviet Ambassador Anatoliy F. Dobrynin. He transferred control to his computer, deleted a signal identifying the aircraft as a large jet, then returned control to the main console.

Without the signal, the jet looked like a small private aircraft on other controllers' monitors. It landed safely, but only after flying through heavily traveled airspace without proper controls for 20 perilous minutes. The controller was fired but not prosecuted.

Last summer, a group of young Milwaukee computer enthusiasts, nicknamed "the 414s" after their telephone area code, was raided by FBI agents after gaining access to more than 60 computer data banks, including those at New York's Memorial Sloan Kettering Cancer Center, the Los Alamos scientific laboratory in New Mexico and a California bank.

Those incidents, one potentially deadly and the other apparently playful, represent the extremes of a phenonmenon that has triggered growing concern among law enforcement officials: computer crime and abuse.

Experts in the federal government and private industry say the variety of such crimes and the potential for damage are staggering. They cited harassment, copyright violations, extortion, multimillion-dollar electronic bank thefts, industrial and military espionage, terrorism, sabotage and even murder.

Computers also present unnerving opportunities for invasion of privacy. If a young computer buff can gain access to computerized credit records, hosptial medical records, motor vehicle records and bank records, the experts ask, what potential mischief can a computer professional wreak?

Yet, as the nation becomes more computerized, the experts warn that too little effort is going into legislation governing computer abuse, security measures to prevent it, new kinds of insurance to protect against loss or addressing the ethical and social questions raised by the arcane wonders of electronic information-processing.

Joseph F. Coates, a consultant on long-range technological trends, put the problem this way:

"The computer industry is so complacent, its buyers and users so beguiled by the equipment and regulators so enchanted by the calm sea as computers slowly spread across this nation [that] the industry needs its equivalent of Hiroshima to alert the nation . . . to the enormous risks in the way we organize our computer affairs."

The special and increasing danger of computer crime arises from several factors, including:

Invisibility. The crime can be committed from great distances, perhaps in the privacy of a home or office. Evidence of the intrusion often can be erased.

The microcomputer. Alexander Stein of Dataquest, a California consulting firm, said that at the end of 1983 there were 7.9 million home and personal computers and more than 1 million business computers in the United States. The number is increasing by 34 percent a year, or more than doubling every three years, he said.

Without exception, federal law enforcement officials said they expected the proliferation of personal computers to cause a corresponding increase in computer crime.

Computer "literacy." Microcomputers are common even in elementary schools now. Young people go to summer computer camp. Teen-agers can buy a small computer system for less than $1,000. The Massachusetts Institute of Technology, with help from IBM Corp. and Digital Equipment Corp., is providing 3,000 computer teaching terminals for its 4,500 undergraduate students.

As a far larger portion of the population learns to use computers, the experts said they fear a substantial rise in computer abuse by criminals, malcontents and the mentally unstable.

Networks. Inexpensive devices called "modems" allow home computers to be connected by telephone with computer systems worldwide. Already available are hundreds of consumer services, including news, stock tips, worldwide airline schedules and fares, a full encyclopedia, weather information and even movies reviews dating to 1930.

The next stage involves "interactive," or two-way, services such as computerized grocery shopping, billing, banking and mailing—an innovation that recently got a major boost from the formation of a joint venture by Sears, Roebuck and Co., IBM and CBS.

Improved technology. Computers are becoming faster, cheaper and simpler to use, and memory capacity is growing. Thus, use of computers both for more complex and more mundane tasks becomes ever more practical.

Smarter computers. The race between the United States and Japan to develop "fifth-generation" computers could lead to early forms of "artificial intelligence" within a few years, providing undreamed-of capabilities for good and evil.

Marvin Minsky, an artificial-intelligence expert at MIT, said the computer world is at a stage he once thought would take centuries to reach. As for the future, he said, "You should be reading [science fiction writers Robert] Heinlein or [Isaac] Asimov."

Estimates of annual losses from computer crime range from $100 million to more than $3 billion, but even the experts admit that the figure is drawn from thin air. Anthony

Adamski, who oversees computer-crime cases for the FBI, said no one knows the number of computer crimes or what they cost.

Robert P. Campbell, a private computer-security specialist who until five years ago headed computer security for the U.S. Army, has estimated that only one in 22,000 criminal acts involving a computer will be prosecuted.

He believes that one crime in 100 is detected; that of those detected, 15 percent or fewer are reported, and that of those reported, one in 33 is successfully prosecuted.

Federal officials said one reason is that many companies, often banks, do not want the public or shareholders to know that they have been victimized and that the crime was relatively simple to commit. In addition, the way many white-collar crimes are classified, it is impossible to tell whether a computer was used.

Even when computer crimes are reported, they often do not go to trial because prosecuting attorneys, judges and jurors do not have the technical expertise to deal with the issues.

Yet computer crimes occasionally make headlines.

Officials in several states have uncovered schemes in which an individual substitutes his deposit slips at the bank counter where blank slips normally would be. When other customers unknowingly use them, the computer reads a slip's magnetic-ink number and deposits the money in the criminal's account.

By the time irate customers come in with their bank statements, the criminal has withdrawn the money and fled.

In 1978, computer consultant Stanley Mark Rifkin called the wire room at Security Pacific National Bank in Los Angeles, identified himself as a senior bank officer, gave the proper codes and arranged for transfer of $10.2 million to a Swiss bank account.

He converted the cash into Soviet diamonds and was caught trying to sell them. He served less than three years of an eight-year sentence and now runs the computer system for a major organization.

Former Federal Reserve Bank Board employe Theode Langevin, who took a job with E. F. Hutton and Co. Inc. in New York, illegally tapped into the Fed computer to obtain secret money-supply information in 1980.

He was caught, pleaded guilty to wire fraud and was sentenced to one year's probation.

In a case uncovered in 1980, San Francisco's Wells Fargo Bank lost $21 million in a year, allegedly to two boxing promoters who, with a bank employe's help, used a computer for illegal transfers.

Richard P. Kusserow, inspector general for the Department of Health and Human Services, recently finished the first survey of crimes involving the federal government's 650,000 microcomputers and 16,000 large "mainframe" computers and concluded that there is an "extraordinary vulnerability" to crime.

"The government has become the biggest user of computers in this country," he said. "There is an information explosion going on. . . . It's come so quickly that the bureaucracy hasn't had time to respond."

The study found 172 cases of fraud and abuse in 12 government agencies in slightly more than four years. One employe diverted $24,000 in unauthorized benefits checks to himself over five months and erased the evidence. In another program, three clerks were able to steal $150,000 worth of food stamps because their supervisor left a key in a computer terminal.

Kusserow said those cases are not even the tip of the iceberg since most crimes were discovered by accident and most agencies have virtually no procedures for finding such problems. Three of every four agencies contacted said they did not know if their computer systems had ever been audited for possible crimes.

David Geneson, a Justice Department lawyer who deals with computer crime, said no federal law deals specifically with use of computers in a crime or with trespassing by computer or reading private files.

"There's no statutory definition of computer crime," he said. "It's a more complicated area than you might think. If you break in [to a government computer office] and steal a disc pack, that's theft of government property. But if you break in electronically and copy it, that's not clear. You haven't really stolen anything."

The closest relevant federal laws, he said, deal with wire fraud, theft of government property and interstate transportation of stolen property in cases where the theft tops $5,000.

The FBI's Adamski said that 21 states have enacted laws dealing with computer crime but there is little consistency from state to state and several fail to deal with "hackers" who enter systems for fun rather than profit.

Enacting a law does not necessarily give state authorities the manpower or expertise to enforce it. In Florida, where the nation's first computer-crime law was passed in 1978, only two cases have been brought.

Congress is debating several computer crime bills. One introduced by Rep. Bill Nelson (D-Fla.) and Sen. Paul S. Trible Jr. (R-Va.) would provide for a fine as high as $50,000 or a five-year prison sentence for theft from or abuse of federal or private computers used in interstate commerce. A second bill, introduced by Rep. Ron Wyden (D-Ore.), would set up an 18-month task force to investigate the extent of computer crime in small businesses.

A third, introduced by Rep. William J. Hughes (D-N.J.) and approved by a House subcommittee last week, would establish as a federal felony unauthorized computer access that yields a defendant $5,000 or more a year; the use or modification of materials in someone else's computer would be a "computer abuse" misdemeanor.

The proposed legislation does not deal with a person who enters the system simply to look around. Nor does it deal with computer wiretaps. Although it is against the law to wiretap a telephone conversation—even the FBI needs court approval—no law prevents a wiretap on a computer communication on a telephone line.

As a result, much of the congressional debate has focused on making it a federal crime for young "hackers" to intrude without authorization into government or private computers. But most law-enforcement and computer-security experts said the real problem is crime by insiders who already have access to the system.

[From the Washington Post, May 20, 1984]

New Class of Criminal Sends FBI Into Computer Classes

(By Mary Thornton)

As hundreds of thousands of small computers have moved into American homes and offices, federal law-enforcement officers have braced for an inevitable new class of criminals whose weapon is the computer.

On the front lines in the FBI's fight against computer crime is James M. Barko, who runs the Economic and Financial Crimes Training Unit at the FBI Academy in Quantico, Va. Barko and other FBI computer experts conduct a three-week course in which agents—15 to a class—learn the basics of computer operations and programming and how typical computer frauds work.

"It's a different world," said Barko, referring to the subtlety and skill with which some white-collar criminals can manipulate a computer. "You have a kind of priesthood."

The agents' studies revolve around a simulated bank with $50 million in assets and 30,000 accounts. As the course progresses, the agents discover that frauds of increasing complexity have been programmed into the bank's computer. Their task is to find the fraud without shutting down the bank.

Suspicious additions to or withdrawals from accounts of bank employes, their close friends and relatives are looked for. The students learn which personnel have access to which files, thereby eliminating some as suspects.

One of the most important aspects is learning how to write a search warrant for a crime when the evidence is likely to be electronic rather than physical and may be buried in a computer program.

In trying to uncover the crime, agents have to look not only for obvious transfers of funds but also for subtle maneuvers that leave the bank's books in balance and the crime well hidden.

Barko conceded that his graduates are not ready to open computer companies. But they know the basics, as well as where to turn for help, he said. If the agents are working a friendly situation, where management is not suspect, they generally can get help from the company. In hostile situations, they can turn to the computer manufacturer for technical assistance.

Since 1976, the FBI has trained more then 200 agents and nearly 88 state and local investigators, and the course has a two-year waiting list.

[From the Washington Post, May 20, 1984]

A Lexicon of Tricks of Trade

Computer crimes can be very simple or very complex. At the simple end of the scale would be an outsider who electronically breaks into a system to change grades, motor-vehicle records or credit ratings.

More complex crimes could involve profit or sabotage. The most clever criminals devise schemes extremely difficult to detect, including:

Trap doors—gaps in programming created by mistake or intentionally, allowing a programmer to reenter the computer system secretly later.

The programmer could then read secret files, enter his own programs or destroy or insert data without detection.

Trojan horses—secret instructions hidden in an existing program.

Time bombs—a kind of Trojan horse that can be hidden in a system, causing it to self-destruct.

A disgruntled employe might plant a time bomb that would destroy billing records after he has left the company. An employe might also plant a time bomb for extortion purposes.

Salami techniques—a special kind of Trojan horse in which the secret instructions transfer a few cents, possibly disguised as a service charge, from thousands of banking customers into the criminal's account.

[From the Washington Post, May 21, 1984]

PART 2

"HACKERS" IGNORE CONSEQUENCES OF THEIR HIGH-TECH JOY RIDES

(By Mary Thornton)

For Susan Headley, it started when she was 17, a high school dropout who had run away to California to work as a waitress. She was lonely and fell in with a group of young people who used home computers to harass the telephone company.

For the next four years, they spent almost every night at their consoles—romping through the computers of government agencies, defense contractors, corporations and credit bureaus, occasionally lowering the credit rating of prominent citizens or doing similar exploits.

Their chief target was the phone company. Using a variety of techniques—from job tryouts to searching through trash for computer passwords—they penetrated telephone security and made free calls all over the world, complete with such special features as call forwarding.

Headley left the group in 1981 when she decided that such computer antics could land them in jail. She was right. Her companions had been inserting obscenities into a California company's computer-generated catalogue. The company decided to press charges.

Headley was not prosecuted and now, at 24, has turned to computer security as a career.

Despite public attention to outside "hackers," such as Headley, law enforcement officials say their largest computer problem by far is crime by insiders. But even that pales when compared with the criminal potential in coming decades as millions more people learn to use computers.

As a portion of the population eventually turns to criminal activities, the experts say, computer crime is bound to grow and some young computer wizards are almost certain to become supercriminals.

Moreover, organized crime has had lawyers and accountants for decades. Computer experts would be the next logical step. Donn Parker, of SRI International Inc. and author of "Fighting Computer Crime," said that there are documented instances of organized crime using computers, especially in bookmaking, and that he expects more imaginative schemes to surface soon.

"If I were a Mafia *capo*, the one place I'd be sending my sons is to the school of engineering at MIT," said Joseph F. Coates, a consultant on technological trends.

Some experts say they are also worried about crime by terrorists, not just with computers but also against them. Parker said that 29 computer centers have been blown up by terrorists in Italy, France and Germany in the last four years.

Robert P. Campbell of Advanced Information Management Inc., a computer security firm in Woodbridge, Va., said, "We've been relatively free of terrorism in the United States, but the days are numbered. . . . We're investing more in our computer systems than any other nation in the world."

Such life-and-death dangers notwithstanding, most of the recent uproar over computer crime has focused on the astonishing activities and questionable ethics of young computer enthusiasts—the hackers.

Computer experts and law enforcement officials say there is an explosion in the number of young people turning to computers for thrills. Their journeys into forbidden territory are accelerated through electronic bulletin boards, which can be dialed into by anyone knowing the right phone number and access codes. Whenever a hacker discovers how to break into a system, he's likely to post the information on a bulletin board so that his friends can try it.

In 1980, students at Dalton Middle School in Manhattan used classroom computers to break into 21 systems in Canada, destroying crucial data in one intrusion. They were caught but not prosecuted.

Last summer the FBI raided the homes of several Milwaukee-area youngsters who called themselves the "414s," after their telephone area code. The group had broken through the security of 60 computers, including one at New York's Memorial Sloan Kettering Cancer Institute containing patient files.

In October, the FBI raided the homes of other young computer enthusiasts around the country. They had been detected raiding the message system of the GTE Telenet network that links 200,000 users and 2,000 computers.

Similar exploits were romanticized in the movie "War Games" and the television show "Whiz Kids."

Unlike much of the public, Parker calls computer hacking a "very serious epidemic across the country" and says hackers' activities are not larks but crimes. In the Sloan Kettering case, he said, changing records could have led to a patient's death.

"You have to prove intent and maliciousness, and the kids deny that," he said. "But once you get into this electronic land of Oz, you don't know what you're doing. It's a bull-in-the-china-shop situation. Just turning around can destroy something, cause the system to crash."

Professor John Kender, who teaches computer science at Columbia University, said of the hackers, "The closest analogy is joy riding where kids find a car with the keys in it. There's a thrill of doing something powerful.

"Perhaps there's not much sense that they are violating someone's rights. . . . It's anonymous. . . . In some ways, it's a less violent form of juvenile delinquency. There is the same alienation and hanging out in groups of hackers."

Kender said most hackers are young, male and very bright. Some students become virtually "addicted" to computer studies, excelling in them but failing in everything else.

Susan Headley, like Kender, said the thrill of cracking computer security is "simply exerting power—joy riding."

She described most hackers as socially awkward loners. In many cases, she said, fellow hackers provide their first close friendships. She said most in her group were "reclusive types . . . with no civic involvement. Their sole entertainment was in their computer terminals."

Many people, including some law enforcement officials, say they believe that most hackers are relatively harmless.

Richard Stallman, 30, a professed hacker who worked at MIT's Artifical Intelligence Lab for seven years, said hacking, committing sophisticated pranks, has been going on for years, especially at places like MIT and Caltech, and that it is not always related to computers.

There is elevator hacking, for instance, which might involve rewiring the control panel in the elevator of a rival dormitory so that pushing the button for the second floor might send it to the 20th floor.

At MIT, there is a tradition of disrupting the annual Harvard-Yale football game. In 1949 Fortney H. (Pete) Stark, now a Democratic member of Congress from California, was suspended briefly for helping to blow up part of the Harvard gridiron during a game so that it spelled "MIT."

In a widely publicized hack during the Illinois-UCLA Rose Bowl game this year, two Caltech students took over the scoreboard by computer and changed the team names to show Caltech leading MIT, 38 to 9.

Finally, just as the user was convinced that the computer had eaten his work, the "monster" would flash, "I didn't want a cookie anyway," and vanish into the system to wait for another user. The assault could be stopped by typing "cookie," prompting a polite "thank you" from the monster.

Yet, there have been cases of real crimes by hackers.

Jerry Schneider, 19, posed as a magazine writer to research the telephone company's equipment-ordering system in Los Angeles, then manipulated the computer to order himself $1 million in telephone equipment. He went to prison.

Two suburban Chicago teen-agers, who called themselves System Cruncher and Vladimere, cracked the three-character password at DePaul University in 1980, causing the system to crash and costing the university about $22,000 to restore it to service. They were prosecuted, but got probation and a movie offer.

Lewis DePayne, Susan Headley's former companion, went to prison for various computer escapades. In one case, he and his friends stole computer manuals from Pacific Telephone to assist them in invading the main computers to shut down area telephone service.

Most hackers seem to see little ethical problem with their activities.

Headley said that, as far as she knows, her group never made personal profit from hacking. As for using others' computer time by intruding into their systems, she said, "We always did it at night when they weren't busy. The machine would have been turned on. It would have been using electricity anyway."

Stallman said hackers traditionally are not malicious and often assist in debugging programs. He contends that it is "immoral" to copyright computer programs and has quit his job at MIT to write programs to be distributed free.

"I consider that the golden rule requires that if I like a program, I must share it with other people who like it," Stallman said. "This means much more than just saving everyone the price of [a program]. It means that much wasteful duplication of system programming effort will be avoided. This effort can go instead into advancing the state of the art."

Perhaps the best-known hack was the MIT "Cookie Monster" in the 1970s. As an unsuspecting user worked at his terminal, the word "cookie" would flash across the screen, obliterating his work. Unless the startled user responded quickly, the machine would begin to flash more rapidly, "Cookie, cookie, give me a cookie."

Some hackers say they believe that making computer trespass a federal crime would merely provide teen-agers a bigger challenge.

"I never believed in obeying laws just because they're laws," Stallman said. "Rule is never reason for doing something. When someone tries to put in security, my impulse is to get around it."

Phil Bertoni, a former MIT hacker who recently wrote the book "Strangers in Computerland," warned that turning the FBI loose on hackers probably would make hacking more fun. "The whole point of hacking is to challenge authority. . . . The higher the authority, the greater the challenge. What better challenge could you have than proving you can outwit the whole FBI?

"There's a tradition, a long history of tech hacking. It's just a way of young people testing their ingenuity. I can see a [crime] if you steal data or use it for profit or if you damage a system so that all the iron lungs in the hospital shut down. . . . But there is a difference," Bertoni said.

A number of federal law enforcement officials say, at least privately, that they do not see major crime problems with hackers. They say they would not want FBI resources squandered on low-level computer break-ins by young people if there is no profit motive or criminal intent. Even with a change in the law, they say, it would be extremely difficult to prove criminal intent when prosecuting a 14-year-old hacker.

FBI Director William H. Webster, who has not taken a position on proposed computer-crime legislation, said, "Most of these youngsters are not deliberately dishonest. . . . I think a little parental advice and a little personal awareness will reduce the amount of damage potential out there. . . .

"We're obviously not against children, and we're not against smart children. We're just hoping they'll find a more constructive use for that talent."

[From the Washington Post, May 21, 1984]

Other Perils to "The System"

Robert Courtney, former chief of security for IBM and now a security consultant, says outright crime is only one of the perils of the computer age. His list of hazards in order of importance:

Human error: "The No. 1 problem now and forever is errors and omissions. The dummies win hands down."

Crime by insiders, particularly non-technical people of three types: single women under 35, generally clerical employes whose boyfriends tell them to do it; "little old ladies" 50 and over who give the money to charity, and older men in accounting who may be disenchanted and feel unappreciated.

Disasters, including fires, floods and earthquakes.

Sabotage by disgruntled employes.

Water damage, such as from leaking roofs, overflowing toilets and broken pipes.

Outsiders who break into systems: "I'm convinced the damage they've done is less than 3 percent of the damage."

[From the Washington Post, May 22, 1984]

Part 3

Security Is Often an Afterthought

(By Mary Thornton)

Robert Campbell is part of an industry that barely existed 10 years ago.

He earns his living by trying to protect some of the nation's largest corporations from a serious new threat: the computer criminal.

On a given day, Campbell might be found at a major credit card company, such as VISA or American Express, setting up systems to prevent potential criminals—inside and outside—from tampering with the billing system to allow themselves unlimited free purchases.

Or, he might be helping a large bank guard against fraudulent electronic transfers of funds.

Or, Campbell could be working for the Defense Department, checking whether malcontents or foreign agents could gain access to U.S. missile systems and reprogram computerized directional coordinates to aim the missiles at American cities rather than ones in the Soviet Union.

Campbell, who retired five years ago as head of computer security for the Army, runs Advanced Information Management Inc., of Woodbridge, Va. The Company is part of two prospering new industries—computer security and computer-crime insurance—that have arisen in response to the growing awareness of computer crime.

An estimated 9 million computers have flooded the nation's offices, schools and homes in recent years. And the number of computers is expected to grow by at least 9 million every three years. But security experts and law enforcement officials say that most companies and many government agencies have virtually no security and are naive about the risks they are running.

Even the most security-conscious agencies, such as the FBI, the CIA and the Pentagon, are not entirely safe from computer crime. Over the years, the military has used groups of computer experts called "Tiger Teams" to look for vulnerabilities in its computers. Some experts were given partial access to the system. Others started with nothing. According to Campbell, they have always managed to break in.

Joseph Coates, a consultant on long-term technological trends, said that companies without adequate security are "courting disaster." But he predicts it will take a $500 million crime to convince corporate management that there is a need for change.

Like other experts in the field, Coates blames computer-security violations on companies themselves rather than on the young people who get inside, such as the celebrated "414s" in Milwaukee.

"The Milwaukee babies are great," said Coates, "the kind of kids anyone would like their own to be. . . . They're heralding the types of problems we have to deal with. . . . There's nothing wrong with those kids. The problem is with the idiots who sold the system and the ignorant people who bought it.

"Nobody should buy a computer without knowing how much security is built in. The industry is bereft of that discussion. You have the timid dealing with the foolish. The scandal is with the industry and its reluctance to face the problem," he said.

Campbell speaks as alarmingly about the future. As computer technology mushrooms, he says, businesses and government agencies are facing a crime epidemic that few, if any, are equipped to handle.

Campbell and other experts say the biggest problem is that most managers, including those in the federal government, are unaware of the potential losses from computer crime.

The large electronic fund transfers between banks—sometimes as much as $1 billion in a day—present "a challenge beyond our capability," he said.

"The technology was not designed with security in mind. Security has been based on the ignorance of the public, but that's being stripped away by the personal computer. The group of potential abusers has expanded tremendously," he added.

Campbell complains that the computer-manufacturing industry as well as its customers in business and government have known of the threat for at least a decade and have failed to respond. Management, he said, is not willing to pay for security and not farsighted enough to see the potential threat. Manufacturers, therefore, have little financial incentive for greater research and development on security matters, he said, and as a result most available security is haphazard, expensive and far from foolproof.

"So many folks say it can't happen here," said John Linden, vice president of International Security Technology Inc. in New York.

Robert Courtney, who handled security for IBM until he retired to start his company, said most companies are extremely careless.

"Some guy's become a religious fanatic and thinks the company is the agent of the devil. They fire him and give him two weeks notice. Anyone who does that's crazy," he said. "The policy at IBM is to take them to the lobby, find them a comfortable seat. You bring out the contents of their desk along with the final check."

Many companies compound their problems by failing to report the illegal entry into their computer system, Courtney said.

"The managements of those corporations [are] quite aware that shareholders, depositors, policyholders, customers and voters regard reports of major losses as solid evidence of gross mismanagement—and they are usually right," he said.

In the case of the break-in by the 414s into the computer system at New York's Memorial Sloan Kettering Cancer Institute, he said, "Long after they knew the kids had gotten in, they refused to tell the users. They didn't have nerve enough. The problem was greatly aggravated for that reason."

Richard P. Kusserow, the Department of Health and Human Services inspector general who last year did the first government-wide survey of computer crime, found that three-quarters of the federal agencies he contacted did not know if their computer systems had ever been audited.

While agencies like the Defense Department, the CIA and the FBI have very strict security, others do not. Kusserow, for example, calls the Social Security Administration's system an "unmitigated disaster." SSA has had theft problems, he said, because it has 1,300 district offices with terminals that can get access to the central computer system, generate checks and then erase the evidence.

The agency is spending $500 million to upgrade its computer system. But until recently, there were no backup records of individual Social Security histories. "One good fire and you'd have been out of business," Kusserow said.

"I'm not a merchant of doom, but automation is moving much faster than systems to guarantee integrity," he added.

Kusserow said that the main problem with computer security is insiders. He said that he would like there to be security clearance for data processing employes to weed out people with criminal records. But a low-level clearance check costs $1,500 and Social Security alone has 40,000 employes in data processing.

Louis Lushina, a NASA official, said that his agency takes some of the blame for a "hacker" intrusion into NASA's computerized mail system.

"They didn't get anything. They left little messages, drew pictures of Kilroy . . . . It was annoying, but we knew we hadn't done all we should have to go in and shut off the system [from outsiders]. We were trying to make it as easy as possible. We were probably amiss in not tightening up the password system," he said.

The National Bureau of Standards bears most of the responsibility for keeping the federal government's information systems secure.

But one government expert, Frederick Weingarten of the Office of Technology Assessment, is not optimistic that the job is manageable.

"We have to keep in mind the rapid growth of these systems," he said. "Just in my post-graduate lifetime they have gone from scientific toys to being huge tools of large corporations, and I'm not that old.

"They have not only grown in size, they've grown in complexity, incredibly in complexity. I'm not surprised at all that from year to year [system managers] are just trying to hang on and are not doing a terribly good job or effective job at managing the security of systems, of finding out when they work, when they don't.

"There are many federal systems that are just limping along from year to year. And the problem is mainly to get the checks out. Any kind of other fancy tinkering is just an extra problem."

Because of mounting concern over computer crime, several insurance companies have begun offering coverage against computer theft and vandalism by insiders or outsiders.

The types of coverage appear to vary widely. And most companies say that they are in the early stages of developing policies. The coverage is so new that no one is sure what the premiums should cost or what losses to expect.

So far, none of the companies requires a client to report a crime to the police when it files a claim. One executive said it should be required, but "it wouldn't work unless they required everyone to do it" because executives "don't want people to know that they were victimized, or that they were vulnerable."

David Kaiser, an underwriter for St. Paul Fire and Marine Co., said that his firm was one of the first to get into the computer-crime insurance market, initially covering just computers but now covering software as well. St. Paul also offers software manufacturers insurance covering defective programs and even malicious errors.

For two years, St. Paul has offered banks protection for up to $25 million in thefts through outsider access to computers, according to another executive. But he said that his company is "not real pleased with the number that have actually purchased it."

The general insurance policy would not cover accidental or malicious damage by outsiders. That would require a different kind of policy. In addition, there seems to be no coverage for simple security violations, such as a customer complaint about privacy violations after an outsider breaks into the system.

Kaiser, who deals with non-financial companies, said that it is not too difficult to set a value for coverage of inventory or data that has been destroyed. They simply determine replacement value.

"It's more difficult to put a price on something in the conceptual state that when it gets to the market might bring $100 million," he said.

Terry Van Gilder of Chubb & Sons Inc. said that when proprietary information is involved his company works with the customer in advance to agree on a dollar value. But he added, "The industry is in a bit of a turmoil. There's no standard approach . . . no uniform way."

If a computer invader were to steal data electronically from a covered customer, Van Gilder said, Chubb would pay for developing the data again. But what about unauthorized coping of data? That hasn't been worked out.

Van Gilder added that most companies are "not all that aware that the policy exists, not all that aware of the exposures they have to loss. And in some cases, it's difficult to buy. We require a fair amount of work on the part of a potential client before we're willing to write the insurance policy."

For now, Kaiser said, the insurance market is "extremely limited. Insurance companies are trying to determine what are the chances of loss. What do we need to cover it? We really have no idea." But he said that he expects business to improve.

"Currently, with the lack of security there's a lot of people who feel vulnerable," he said. "When they feel vulnerable, they buy insurance."

[From the Washington Post, May 23, 1984]

Conclusion

Ethical Questions Arise From Computers Biting Into Privacy

(By Vivian Aplin-Brownlee)

Last fall Joan D. Abrams, superintendent of schools in Red Bank, N.J., distinguished her small town from the rest of the state and most of the nation by introducing "computer responsibility" training in the schools—starting with the first grade.

"For the very little children, we don't talk about the computer, we talk about rules," she said. "In later grades, some of it is in social studies, and some of it is in library, and some is when they are actually in the computer lab." Abrams said she is trying to prepare her pupils for a world of ever-more-powerful computers and millions of sophisticated new users, a world of uncertain moral guidelines and a potential for staggering—even catastrophic—computer crimes.

"We recognize they have computers at home," she said, "and we wanted [to teach] the concept of the computer carrying with it responsibility and not just fun."

The Red Bank program exposes students to a host of ethical questions born of the age in which they live. Increasingly, it is a world in which employers are monitoring workers. Friends and neighbors are prying into one another's private affairs.

Government has the potential to spy on all its citizens. Large corporations swallow multimillion-dollar losses rather than publicly admit being stung in computer thefts. And every day the number of people capable of committing electronic wrongs grows.

Most attention has focused on the young computer generation, such as the Milwaukee teen-agers who drew national attention when they broke into the computer banks at Los Alamos National Laboratory in New Mexico and the Memorial Sloan-Kettering Cancer Institute in New York.

One of them, honor student Neal Patrick, 17, testified on Capitol Hill that he and his colleagues were acting out of curiosity and didn't consider the ethics of what they were doing until "the FBI knocked on the door."

Rep. Ron Wyden (D-Ore.) said he was especially concerned that the youngsters did not seem to realize the damage they might have done.

"What is particularly frustrating is that some of our brightest young people, who would never think of knocking an elderly woman down in the street and stealing her purse, seem to think there is nothing fundamentally wrong about playing with a few keys on a computer terminal, altering a hospital patient's medical file and possibly causing irreparable physical harm," Wyden wrote.

Wyden called on schools to add ethics to their computer courses. "No matter how many laws we pass," Wyden said, "we cannot prevent computer crime. I think education is just going to be the heart of this problem."

Some experts, such as Robert Courtney, a New York computer security consultant and former chief of security for IBM, blame computer crimes on the offended rather than the offenders, especially youthful "hackers." Not only is security often lax, Courtney said, but companies compound their problems by not reporting unauthorized entries.

But beyond the question of hackers and the non-reporting of electronically stolen millions, the computer age has generated a new ethical debate.

Eileen M. Trauth, an instructor at the Boston University School of Management, argues that "tech-knowledgeable" persons must not be allowed to slip through legal loopholes.

"Taking the property of another is wrong behavior whether one uses a gun or a computer terminal," she has written. "This applies to the unauthorized use of another's computer resources, proprietary programs and private files as much as it does to their financial assets.

"The principle remains: using the computer does not absolve anyone from the requirements of behavior that are expected in non-computer mediated situations."

Yet, Frederick Weingarten, a project manager of the congressional Office of Technology Assessment's communications and information technology program, said that he wonders whether technology is controllable by law or policy.

The proliferation of small computers could make federal laws and corporate rules obsolete, he said.

"When the corporation or government agency has a large central system and a central data base, one can somehow think of setting laws [which] say you can keep this kind of data. You can't keep that kind of data. You can do this with it, but you can't do that with it. . . . You can go in and audit them, and see whether or not they're doing it.

"But when every executive in the agency has their own computer sitting in their office and does anything they please with it, then how do you set rules, how do you enforce them, how do you even know what they're doing?"

Weingarten and Yale Prof. Scott Boorman say that computers are changing private and professional lives and presenting new ethical quandaries.

Boorman described a hypothetical situation in which a manager is concerned that some of his "bright young engineers" who formerly worked together might be planning to quit and form a rival firm.

"What kind of early warning can one have for that kind of split-off? Boorman asked. "That can be picked up by phone patterns . . . the phone calls are flying. Electronic mail is flying. Now that's kind of interesting. Why are they getting back together?"

Boorman said that employers can also follow electronic mail trails to separate promising employes from the rest of the lot—a practice adopted by "more sort-of-aggressive middle-size firms than one would think."

One technique, he said, would be to look at electronic "patterns of association between individuals."

"Who tended to send messages to whom? Who didn't reciprocate whose messages? You can identify in-house opinion leaders. There would probably . . . be some who work in patterns of alliance with others, and there would be others who would jealously guard their information and not send anything more than the minimum that they had to carry out their jobs . . ..," Boorman said.

"This kind of technology and screening is perhaps most useful in tight organizations, some newspapers, some corporations, perhaps some government units, possibly some non-profits where essentially there's real concern to know small changes, small fluctuations in the behavior of particular employes," he added.

Employers are using these technology-enhanced techniques, Boorman said, though obviously without fanfare. He said that they are certain to become widespread because "once it's been pushed successfully in one environment, others will pick it up."

Technology might be forcing new values on society, he said.

"I would say that the concept of privacy is profoundly changing," Boorman said. "In the old days, 10 or 15 years ago, an invasion of privacy meant that somehow somebody had gotten at some personal secret of yours and had revealed it to some third party or to the world at large."

But large new data bases of "very mundane information" about individuals—their telephone and shopping habits, medical records, entertainment choices—make it "possible to characterize one's life history on an almost minute-to-minute basis" on and off the job and to use the information for "something much more interesting than ferreting out particular secrets."

"Just the pattern of phone messages defines the person," Boorman said.

He also said union contracts can offer workers some protection from this sort of invasion, but added that non-union, white-collar workers are the likeliest targets and have the least defenses.

"I think that this goes well beyond the immediate, classic problem of government agencies exceeding their statutory mandate, which we have been aware of for a long time," he said. "In a funny way, the people we are most vulnerable to is our direct employer."

The OTA's Weingarten said that Congress is unlikely to protect the rights of individuals against such new threats to privacy unless there is public outcry.

"Several staff members for committees on the Hill tell me that there is virtually zero constituency that they hear concerned over privacy," he said. "There was a wave of it post-Watergate, and Sen. [Sam] Ervin [D-N.C.] was able to somehow coalesce a political constituency behind the Privacy Act of 1974. And since that time people talk about privacy, articles are written, but there's virtually no political constituency behind it.

"And in the meantime, systems have changed, have grown. Data collection practices have changed in the executive branch and in private industry. But there's virtually no move, no support on the part of the public to deal with it."

Privacy, he said, means different things to different people. And that is part of the problem.

"One line of thought is to say, well, it's a question of abuse. In other words, if somebody has my information and they make a decision about my job or . . . throw me in jail, it may be because the information is inaccurate. So, my concern about privacy is about the misuse.

"Another person says, well, it's nobody's damn business . . . I don't care if they misuse it or just file it away in a file drawer. It's none of their business, and I don't want them to have it.

"So, in some ways, maybe the problem is that privacy has not been a very good term to wrap around this set of problems."

Weingarten also said that computers may present future generations with the quandary of "knowing more than we want to know . . . . more than we're capable of dealing with.

"For instance, suppose I could predict with 80 percent accuracy [using a computer] that there would be an earthquake in Washington tomorrow. What do you do with that knowledge? Do you annnounce it, create a panic, a drop in property values, people trampling one another to get out of town—with a 20 percent chance that it might not happen?

"Do you keep silent and allow the loss of life and property damage? It presents us with enormous dilemmas, and you can see the same problem in medical science.

"And my guess is that the same kinds of problems will come out of [using computers to define and predict functions and behavior]. If one assumes that we can get more and more accurate with it, and we can predict with a 90 percent accuracy that a person is going to be a murderer, [then] what do we do with it within our constitutional limitations? What do we do with that information when they haven't committed a crime—we just are pretty sure that they will?

"What do you do when models tell us that such and such is going to happen, or that it will cost too much to clean up [environmentally hazardous sites]?

"It seems to me possible, at least in the realm of philosophical speculation, that technology is giving us more information than we are capable of dealing with and providing us as a society with decisions that we would be better off flipping a coin over than trying to understand."

Weingarten added, "It seems to me that right now if I were to write a letter to my congressman to tell him what I would want done, I don't really know that I'm prepared to tell him. And I'm supposed to be an expert.

"I want him to be more sensitive when he votes appropriations for new technology. I want him to hold more hearings and sort of investigate agency practices. But I don't know that I want to tell him to control technology because I don't know what that means."●

VOCATIONAL EDUCATION

● Mr. GLENN. Mr. President, I am pleased to join my colleagues in cosponsoring S. 2341, the Vocational Education Act of 1984.

Over the last 20 years, vocational education has become an integral part of our Nation's educational system. It offers individuals the opportunity to pursue skill-specific training, yet does not ignore the need for basic education.

The Federal contribution—about 10 percent of the total funds spent for vocational education—has proven to be a most worthwhile investment. Through this support we have been able to broaden access to vocational training, giving disadvantaged individuals and other groups who face serious barriers to training and employment the opportunity to participate. In addition, Federal support has enabled us to expand our knowledge about the effectiveness of various training techniques and educational delivery systems.

I am particularly proud of the contributions made by the National Center for Research in Vocational Education at Ohio State University. The national center has established the most comprehensive and cost-effective national data base for examining the effects of vocational education. From this data base, which combines high school transcripts and interview data for 13,000 individuals, we have learned that increased participation in vocational education contributes to a variety of outcomes, including high placement rates, longer periods of participation in the labor force, lower rates of unemployment, fewer weeks of unemployment, higher annual incomes, lower drop-out rates, and the attainment and maintenance of basic skills.

The national center has also identified the essential competencies needed by vocational education teachers and administrators, and has transformed this knowledge into performance-based training materials for preservice and inservice preparation.

Another hallmark of the national center has been its desire to see that the information it develops is widely disseminated. This has been accomplished through the distribution of more than 967,000 publications relating to vocational education, and the sponsorship of some 560 workshops throughout the country since 1978. The Vocational Education Act of 1984 represents both a continuation of past success and an opportunity for progress. It continues and expands Federal support for services to special populations, and it provides specific funding for program improvement and innovation. The balanced approach embodied in this bill should serve both vocational education and the Nation well.

I urge my colleagues to support this important legislation.●

D-DAY

● Mr. HEINZ. Mr. President, on this morning 40 years ago the Allied Forces invaded the Nazi-held beaches of Normandy to begin the drive to liberate Europe. I want to join my colleagues in recognizing the bravery and sacrifice made by the Allies on D-day, Wednesday, June 6, 1944. Never in world history have more resources of the free world been joined in one unified military assault.

I was not quite 6 years old when D-day began, but the stories of heroism told to me as a child will never be forgotten. It is my deepest hope that my children and your children will learn much about the sacrifices made on behalf of freedom and human rights from today's observances.

As the Senator from the Commonwealth of Pennsylvania, I am especially proud of the many Pennsylvanians who fought at Normandy and I want to recognize these courageous men. To this purpose, I urge my colleagues in the Senate and House to read the D-day story of two of Pennsylvania's heroes.

Both of these men spent nearly all of their lives in government service. Charles Lieberth, of Pittsburgh, a special friend of mine, served as an invaluable member of my Senate staff and later became Pennsylvania's secretary of labor and industry. Leonard Funk, of Braddock Hills, served his fellow veterans for 28 years in the Veterans' Administration. I believe these two men, heroes by any standards, will served as an inspiration to free Americans for many generations to come.

Mr. President, I am honored to publicly bring to your attention the following article as it appeared in the Pittsburgh Press on June 3, 1984.

The article follows:

D-Day—40 Years Later, Vets Vividly Recall Landing

(By Steve Twedt)

Leonard Funk, 23, of Braddock Hills, was working in the shipping department of a local electrical company for 26 cents an hour when he was drafted into the U.S. Army on June 6, 1941.

Three years later to the day, Funk parachuted into France as part of the largest, most elaborate military assault in history—D-Day at Normandy. The invasion, whose 40th anniversary will be commemorated Wednesday, heralded the beginning of the end for Hitler's Germany and World War II.

Charles Lieberth, then 21, also parachuted into Normandy on June 6, 1944. The North Hills resident still remembers the flight over the English Channel, the French coastline, the exploding flax from enemy guns below and, finally, the small green light overhead signaling him to launch into the night's blackness.

"Shortly before I jumped," Lieberth recalled recently, "I thought to myself, 'God Almighty, what am I doing?' "

Funk and Lieberth were two of about 700 Western Pennsylvanians at Normandy on D-Day, and two of more than 200 from the area serving in the 82nd Airborne Division commanded by Maj. Gen. Matthew Ridgway, who now lives in Fox Chapel.

The paratroopers of the 82nd, along with their counterparts in the 101st Airborne, had one of the most daring missions on D-Day: to parachute behind German lines during the first hours of June 6 and secure key roads and villages before troops landed on the beaches at 6:30 a.m.

These were the men who initiated the battles that led to the liberation of Western Europe. There was still the Battle of the Bulge to be fought, and Japan's surrender was more than a year away. But 11 months after the Normandy invasion, the Fuhrer's "Thousand-Year Reich" lay in shambles.

The successes at Normandy exacted an exorbitant price, and few felt it worse than the 82nd Airborne. Of the 12,500 who landed at Normandy, 5,436 were either killed, seriously wounded or missing. Total Allied casualties for the first day were estimated at between 10,000 and 12,000, more than half of those Americans.

Ridgway, who moved to Pittsburgh in 1955 and served as chairman of the board for Mellon Institute, was one of the first Allied generals to land at Normandy. During the critical 24 hours that followed, he commanded from an apple orchard without benefit of radio communications. For better than a day, he did not know whether the Allied infantry troops had landed successfully or if, as Hitler promised, they had been driven back into the sea.

In the years following the war, Ridgway, now 89, became the Supreme Commander in Europe, succeeded Gen. Douglas MacArthur as head of Allied forces in Korea and served on the Joint Chiefs of Staff. The others became the substance of American society—firemen, teachers, laborers, scientists and public officials.

Reunions still bring the Normandy veterans together and, this year, President Reagan, Queen Elizabeth II and French President Francois Mitterrand will attend ceremonies at Normandy. Locally, a ceremony is planned for 10 a.m. Wednesday in the courtyard of the county Courthouse, where a plaque honoring the county's Normandy veterans will be dedicated.

The former soldiers enjoy getting together to talk about the invasion, and of the struggles since. For most, the battle fields and regiment numbers are still as familiar as their own names.

After three years of planning, the storming of Normandy by Allied troops was set for Monday, June 5, 1944. The invasion presented a logistical nightmare: The Allies had to transport 150,000 men in more than 5,000 vessels and 11,000 fighters and bombers over 200 miles of choppy water, through unpredictable weather all without being detected. On the other side, they would meet heavily armed troops along 60 miles of well-defended beachheads.

As D-Day approached, one of the worst storms in 20 years developed in the English Channel. With gale-force winds blowing outside his headquarters at Portsmouth, England, Gen. Dwight Eisenhower decided early Sunday, June 4, to postpone the invasion for 24 hours. If the bad weather continued through June 7, two weeks would pass before the channel tides would allow another attempt.

Lieberth, who grew up on the North Side, was a swaggering American paratrooper in World War II, half of a crack machine-gunning duo with Ralph Weiss of Philadelphia. Lieberth and Weiss had met in boot camp and fought together at Sicily and Salerno. Because of their combat experience, they were among those chosen to land behind enemy lines in the early hours of D-Day.

Sgt. Lieberth's mission was to help secure Sainte Mere Eglise, a strategic village above Utah Beach that served as a junction for five roads. Lieberth and Weiss entrenched near a bridge outside the village, where they held off German troops and tanks for several hours on D-Day. Later that evening, a tank fired near Lieberth and the concussion catapulted him 15 feet into a ditch, nearly severing his right arm.

"I thought my arm was completely blown off and that only the jump suit was holding it on," said Lieberth, who has held several public offices, including state secretary of labor and industry, since the war. He received Pennsylvania's Distinguished Service and Leadership Award in 1970.

His friend was not as fortunate. The day after Lieberth was wounded, Weiss, also 21, was mortally wounded by machine-gun fire richocheting off the blade of a nearby bulldozer. But their companions held fast and, on the third day, the Allied 4th Infantry routed the enemy from behind.

"Our job was to hold that bridge, and we did it," Lieberth said proudly. "The Germans never broke through."

The German high command anticipated an Allied invasion in 1944, but at Calais, the narrowest channel crossing from England. They concentrated their strongest defenses there.

The Germans also guessed wrong on the date. At first they thought the invasion would come in May. When May passed, they thought it would be July, to coincide with an expected summer offensive by the Soviet Union.

They were further misled by the turn of bad weather in early June that made an Allied invasion threat seem even more remote. In fact, the night of June 5, German commanders canceled their E-boat patrols off the coast because of the storm.

By remarkable coincidence, the top German leaders also were absent on D-Day. Field Marshal Erwin Rommel, who had direct responsibility for repelling any cross-channel Allied invasion, was 500 miles away in Ulm, Germany, en route to a meeting with Hitler to ask for more troops. About a half-dozen of his top field commanders were in Rennes, France—about 100 miles south of Normandy—for a war games strategy session scheduled for June 6.

Even Hitler did not know about the invasion until about 9:30 a.m. His aides decided against waking the Fuhrer for fear of reprisals if the alarm proved false. And when the German high command finally understood the scope of the attack, there were further delays while they decided whether the Normandy assault was real or a feint for some later, larger invasion.

As a result, available panzer divisions in nearby sectors were not dispatched for a counterattack. It was weeks before the Germans realized their mistake.

Sgt. Funk did not need to wait for the Germans to send reinforcements to Normandy. He went to them.

When the C-47 carrying his squad of paratroopers reached the Normandy coast on June 6, the flak and anti-aircraft fire forced their pilot to take evasive action. Minutes later, Funk and his troops jumped, landing 50 miles east of their destination at Sainte Mere Eglis.

They were surrounded by enemy troops. The men who had not lost their supplies in the jump had only three days' worth of food. Their lives depended on whatever guns and ammunition they carried.

For more than two weeks, Funk and his 20 men hid in hedgerows by day and moved west by night, recording German positions and armaments along the way. When the food ran out, they scavanged the farmlands. "There were Germans all around me," Funk recalled, "and I'm on my hands and knees at night digging up potatoes."

Funk, who worked 28 years with the Veterans' Administration after the war, lost five men before the group reached the front lines. A day later, despite a broken ankle and heel suffered in the jump, Funk asked to rejoin his unit in the 82nd.

He later fought in the Battle of the Bulge and, by war's end, the sergeant from Braddock Hills had earned every American combat medal possible, including the Medal of Honor.

The Normandy invasion was not a complete success. Few of the final D-Day objectives were reached in the first 24 hours and it took four weeks before they could drive the Germans from Caen, less than 15 miles inland. But once the foothold was established, the Allied troops poured onto the continent. In the first seven weeks, more than 1.5 million men had landed.

One key came when the Allies under Gen. Omar Bradley broke through at St. Lo, about 20 miles south of Utah Beach, on July 22. Another was an attempted German counterattack at Avranches in August that resulted only in their being enclosed on all sides. A week later, on Aug. 25, the Allies were in Paris.

For those too young to have been there or to remember the uncertainty of the times, "D-Day" may be little more than a catchy phrase for any critical moment or decision, just as "Geronimo" is for announcing wild leaps from high places. Perhaps they remember reading a few paragraphs about the invasion on Page 277 of their U.S. History book. And perhaps they don't.

"Stop and ask young people what D-Day is," challenged Lieberth. "You'll get blank stares. I know, I've tried that."

It angers Lieberth, a former principal at Belmar Elementary in Homewood, that schools do not teach a greater appreciation for historic events like the Normandy invasion. For him and the others who fought there, the legends of D-Day will always remain alive.

"One thing people don't understand," Lieberth said, leaning forward in his chair. "They (the Germans) were professional soldiers. They were trained. The American fighters came from farms and from city streets. And, in a couple of years, we knocked the hell out the greatest military machine in the world." ●

FIDDLING WITH SYNFUELS

● Mr. JOHNSTON. Mr. President, the Congress, like generals, is often accused of fighting the last war rather than the current one. All too often our policies are reactive and reflexive rather than anticipatory. One issue where this criticism does not apply, however, is that of synthetic fuels development.

In 1980, the Congress passed the Energy Security Act which created the Synthetic Fuels Corporation. The mission of that corporation was to facilitate the develoment of viable, commercial technologies to make use of our vast domestic resources of coal, oil shale, and tar sands. Government assistance was needed not to make these technologies economic in the present market, but to have the technologies proven and on the shelf at such time as the market makes them economic. This well crafted, forward looking program would thereby drastically reduce the leadtimes on large scale synthetic fuels projects, and help insulate us from the vagaries of dependence on imported fossil fuels.

It is ironic that as the war in the Persian Gulf has begun to spread this administration has clearly demonstrated what many of us have long suspected—that it does not support the Synthetic Fuels Corporation or its mission.

The history of the Synthetic Fuels Corporation has been one of delay, mismanagement, confusion, canceled projects and overtones of corruption. The only two Presidents of the Corporation have resigned amidst charges of inside dealing and unethical conduct. Five of the seven Board members have resigned from the Corporation, effectively paralyzing it as a viable entity. If the administration had consciously set out to destroy the Corporation it could scarcely have done a more masterful job. Projects go unfunded and undeveloped not because the technology is not present, not because the money is not present, and not because the need and desire is not present, but because we cannot seem to find a Board of Directors who meet minimal ethical standards.

In light of this history, it is with some cynicism that I view the administration's recent plan to "save" the Corporation. This plan would call for a reduction in the SFC appropriation of about $9.5 billion. This is on top of the $2 billion already rescinded in an effort to salvage the rose garden budget plan, and would leave the Corporation with only $4.6 billion in spending authority. In addition, the proposal would restrict commitment of the remaining funds to projects "whose products will not cost significantly more than the projected market price of competing fuels." If the products will not cost significantly more than the projected cost of competing fuels, what is the need for Federal assistance?

Mr. President, this is a very transparent attempt to do away with a corporation already afflicted with self-induced emasculation. It reflects an absence of commitment to the development of synthetic fuels and a profound naivete about the perenially tenuous nature of our energy supply situation. Yet, we are told no nominations for the vacant Board seats will be forthcoming until such legislation is signed into law.

The administration proposal has received opposition from a number of those concerned with the future of synthetic fuels development. Perhaps most notable among these is Ed Noble, Chairman of the SFC. Mr. Noble has rightly pointed out the flaws in the President's proposal, and has requested that he be given the opportunity—and the necessary Board members—to go forward with the Board's phase 1 plan of development. Phase 1 would entail expenditures of something over $11 billion, and would be a crucial first step toward a workable and realistic program for synthetic fuels production. Mr. Noble has demonstrated both the experience and the commitment to carry out the mission of the Synthetic Fuels Corporation, and I fervently hope the administration gives him the support necessary to go forward with that mission.●

THE AMERICAN FOOTWEAR INDUSTRY

● Mr. DANFORTH. Mr. President, I am shocked and incredulous at the finding of the International Trade Commission on the petition of the American footwear industry.

The Commission found that the industry has not been seriously damaged by imports of foreign footwear.

The American footwear industry has been seriously and profoundly damaged by foreign footwear. The damage done to the footwear industry by imports is a human tragedy of terrible dimensions.

The facts speak for themselves. As recently as 1980, imported footwear accounted for less than one-half the nonrubber footwear market in the United States. Today, foreign footwear is racing toward 70 percent—I repeat: 70 percent—of the domestic market.

In 1968, more than 230,000 Americans made their living in shoe plants. Today, employment is scarcely 130,000. Since 1968, more than 350 shoe plants have shut their doors. In community after community, the shoe plant was the only employer. Its closing, or the drastic reduction of its payroll, devastated entire communities.

In my own State of Missouri, we had 24,000 people at work in the footwear industry in 1968. Today, we have about 15,000 jobs. We do not have the 91 plants we had in 1968. We have fewer than 50 plants. Since 1981, we have seen at least 11 plants close their doors.

The devastation of the American footwear industry has been the work of footwear from overseas, largely from Korea and Taiwan. "Not seriously damaged?" The Commission's finding is unbelievable. Such a finding is a tragedy.

When an industry is desperately clinging to 30 percent of its own market, with dozens of plants closed and thousands out of work, and the ITC votes unanimously that there is "no injury," then something is wrong with the law.

I commend Senators **Cohen** and **Mitchell** for their promptness in introducing legislation to establish by statute the quotas that the ITC finding would deny. I, too, believe that immediate steps must be taken to address the devastation of America's shoe industry—but when the facts are in such stark contrast with the ITC's interpretation of the law—the first thing we must look at is the law itself.

Therefore, it is my intention to review thoroughly the ITC opinion and then choose the best course of action. I will hold hearings in the International Trade Subcommittee in the very near future and would expect to introduce legislation to address the clear inadequacy of a statute that finds 70 percent import penetration to be noninjurious to a domestic industry.●

RESIGNATION OF ROBERT ASTORINO

● Mr. FORD. Mr. President, recently, I learned of the resignation of Robert Astorino as administrator of the housing authority of Louisville after nearly 7 years in that post. He will become senior vice president for a housing management firm based in Washington.

I believe the housing authority will miss Mr. Astorino. Despite adamant opposition at times to such controversial programs as scattered housing, he managed to achieve national acclaim for the housing authority in Louisville. He also was able to put the organization on a sound financial footing.

Because of his efforts, a higher percentage of rent is collected on time and occupancy rates have risen steadily. So, I wish to note his efforts by asking that the following article from the Louisville Courier-Journal be printed in the Record.

The article follows:

[From the Courier-Journal, May 22, 1984]

Head of City's Housing Authority Resigns

(By Sheldon Shafer)

Robert Astorino is resigning as administrator of the Housing Authority of Louisville to take a post with a housing-management and development company based in Washington.

In his nearly seven years at the helm of the authority—Louisville's largest landlord—Astorino reversed its drift toward organizational disarray and put it on a sound financial footing.

He often was at the center of controversy—most notably when he strongly supported the scattered-site housing concept several years ago, despite vocal opposition.

"Louisville is losing a jewel," Mabel Wiggins, the authority's board chairman, said yesterday.

"He has exhibited superior leadership. Our housing programs would not be nearly so far along if it hadn't been for him."

Astorino, 37, will leave on Sept. 1 to become a senior vice president for property management with the National Corp. for Housing Partnerships.

He will have a hand in planning, and will oversee the management of 22,000 units at 200 sites across the country. Three of the firm's projects are in Louisville—the Portland Plaza, and two projects in the California neighborhood.

The Louisville housing authority has 350 employees and an annual budget of $14 million. It operates 6,200 housing units and has more than 20,000 tenants.

During Astorino's tenure, the authority's unit-vacancy rate declined to 1.5 percent from 18 percent. About 98 percent of tenant rents are now collected on time, compared with about 40 percent when he arrived.

He has earned money for the authority by selling computer and other services to outside agencies. And he plans soon to begin contracting for the authority to manage private housing to bring in additional funds.

Under Astorino, about $26 million was spent on renovations of public-housing units, including major projects at Parkway Place and Clarksdale. The authority also has cooperated with private developers in building about $21 million worth of new housing.

The residents of one housing project, Iroquois Homes, have been given management authority, and the residents of the Clarksdale project are scheduled to assume its management next year.

Astorino recently proposed that the authority turn over College Court to resident ownership. That type of arrangement is unprecedented in this part of the country.

The authority was recently criticized for failing to provide a working smoke detector for each of its housing units.

After two youths died in a fire in the Clarksdale project, Astorino ordered an investigation, and the authority now claims that every dwelling has working smoke alarms.

During the battle over scattered-site housing, Astorino received several threats of harm and suffered verbal abuse from residents of areas that were to get public housing.

But he survived the controversy—and the authority now manages 50 scattered-site housing units at six locations.

Scattered-site housing is "an unmitigated success," Astorino said yesterday.

He said he believes the authority had accomplished a lot since he arrived. "But there comes a time when it's appropriate to leave.

"I believe my single greatest accomplishment has been to put HAL on the map. We have a national reputation it didn't have before.

"Our success has been possible only because we had the support of two mayors, the aldermen and our board of commissioners. Their support has been very uncommon for public-housing authorities," he said.

During Astorino's tenure, the Louisville authority won numerous awards for good management from the Federal Department of Housing and Urban Development.

Fred Porterfield, HUD's manager for Kentucky, said yesterday that Astorino "dramatically improved the management of the housing authority."

Porterfield called Astorino "Kind of a maverick," and said his innovative ideas "didn't always fit comfortably with HUD regulations."

Astorino, for instance, has quarreled with a new HUD regulation that allows elderly residents of public housing to have pets.

And Porterfield cited Astorino's plan to turn the ownership of College Court over to the tenants; HUD officials in Atlanta and Washington haven't yet approved that proposal.

The proposal to turn the project over to the residents "is somewhat difficult to understand, in the face of a waiting list of about 2,000 applicants" for public housing in Louisville, Porterfield said.

Sharon Wilbert, the city's Neighborhood Development Cabinet secretary, said yesterday that Astorino is "a very fine, capable administrator who has certainly improved the condition of public housing. He has handled a difficult job with grace, and always landed on his feet. He has followed his word, whatever commitment he made."

John Van Ness, executive director of the Jefferson County Housing Authority said Astorino "has worked untiringly for the good of Housing Authority of Louisville residents and for the city. We need him in the public-housing field."

Astorino, who had considered running for mayor next year, has a bachelor's degree from the University of Massachusetts, a master's from the University of Syracuse and a law degree from the University of Louisville.

He has been a housing manager for the New Jersey Department of Community Affairs, and director of a small housing agency in Massachusetts.

The authority doesn't plan to name an interim director. It will conduct a national search and hopes to find a replacement by the time Astorino leaves.●

NORTHERN KENTUCKY NEIGHBORS

● Mr. FORD. Mr. President, I want to take a moment to recognize the recent efforts by some of my constituents in northern Kentucky to help their neighbors in need in eastern Kentucky. This is a story of people helping people by filling in the gaps where Federal assistance has left off.

Last Thanksgiving, Senator **Edward Kennedy** traveled to eastern Kentucky as part of his hearings on hunger in America. This spring, the Kentucky Post ran a series of articles on the hunger and destitution Senator **Kennedy** found in eastern Kentucky. In response to those articles, several concerned northern Kentucky citizens decided to start a food and donation drive for those in need in eastern Kentucky. Chief David Wells of the Taylor Mill, KY, Police Department was contacted and he decided to visit Mud Creek in Floyd County, KY, to get a better understanding of the needs of the area.

Chief Wells, assisted by Paul Klette and numerous volunteers in the northern Kentucky area, organized a drive to collect food, clothing, and money for their neighbors in need in eastern Kentucky. Since that time, Chief Wells has channeled aid to the area through Mrs. Eula Hall, founder of the Mud Creek Clinic in Floyd County. This neighborly assistance has provided not only food and clothing but money for repairs to housing and to provide an operation for 7-year

old Melissa Lawson to correct her vision.

Mr. President, it is my privilege to recognize and commend the work of these Kentuckians. This kind of neighborly concern is a vital part of our national character and the epitome of good Kentucky hospitality. The efforts of Chief Wells and the citizens of northern Kentucky are a living example of the Commonwealth's motto, "United We Stand, Divided We Fall."

Mr. President, I request that an article from the Kentucky Post be printed in the RECORD.

The article follows:

[From the Kentucky Post, May 21, 1984]

MUD CREEK WELCOMES FOOD AND CLOTHING

(By Barbara Arnzen)

MUD CREEK.—John Howell had a job at a coal company near here running mine equipment. That was two years ago. He hasn't worked since.

"I just can't find work in the mines. Been out of work since 1982." Howell said as he sorted through clothes piled two feet deep on a table.

Without a job, Howell didn't have money to pay his bills. As a result, the electricity was shut off—two years ago.

His wife Eileen was also sorting through the clothes, picking out shirts and sweaters for their 6- and 8-year-old children at home in nearby Dana.

"That's all we get is food stamps," Eileen Howell, 26, said. "By the end of the month, food stamps run out.

"We had nothing to cook on. We'd burn candles and oil lamps every night."

The couple had one thing in mind when they came to the Mud Creek hollow yesterday morning.

"We need an eatin' table," Eileen said.

"Anything," broke in John. "We ain't choicy."

The Howells were just one of the families that showed up at John M. Stumbo Elementary School in Mud Creek to get some free food and clothing.

Colonel Paul Klette of Taylor Mill led a convoy from Northern Kentucky down the Mountain Parkway deep into Eastern Kentucky mining country.

Tractor-trailers, Wells Fargo trucks and CB-equipped cars arrived at Mud Creek around 10 yesterday morning laden with plastic garbage bags and cardboard boxes of clothing. Workers formed a relay line and the trucks were methodically emptied.

Inside the school's small gymnasium, rows of folding tables overflowed with unmatched shoes, toy guns, and an assortment of jeans, shirts and coats. Dozens of people swarmed around the tables sizing-up their picks as belts and socks were trampled underfoot.

The workers roped off a section of the room where the food was being distributed. Cartons of Keebler fudge cookies were stacked six feet high.

Outside, the line formed from the door to the dirt parking lot, where beat-up pick-up trucks dropped off another family to wait patiently their turn at the giveaway.

The tired-looking women and dirty children in torn clothes standing outside the school were quietly grateful.

They wished they didn't have to be there. When the creek flooded three weeks ago, the water came into their homes destroying what little they had.

"A lot of these people haven't slept on a dry bed for three weeks," Taylor Mill police chief David Wells said.

"For six days they had water in their houses."

Wells and the rest of the Northern Kentucky contingent were busy transferring clothing into the gym and trying to keep some order as the distribution process began.

Another figure in the crowd kept a watchful eye on those waiting in line.

Eula Hall wanted to make sure that the ones that needed bedding and food were getting their share of the goods.

Mrs. Hall is the driving force behind the food and clothing collection and distribution.

She knows these people and she knows their needs. She has been living and working in Mud Creek for 40 years as a social outreach worker. She runs the Mud Creek clinic up the road.

She is a friend to families that can't pay the rent, can't pay electric bills, can't feed their children.

"She'll walk into the mouth of a lion for these people," Wells said of Mrs. Hall.

The Howells' electric was restored recently. Mrs. Hall and Linda Thiel, a registered nurse at the clinic, paid their bills.

"She hooked my juice up for me," Eileen said with a smile and a nod.

But Mrs. Hall needed outside help this time when the floods ravaged Eastern Kentucky.

She asked for aid from the government, the Red Cross, the Salvation Army. She said only Northern Kentucky responded to her plea.

"You really came through when we needed you," she told Chief Wells and Klette.

The national attention that Mud Creek received through a series of articles by United Press International focused on the destitution found in the area. Photos of malnourished children and living conditions brought emergency relief.

Mrs. Hall is convinced that without truckloads of donated goods from their neighbors in the northern part of the state, the families living in mining community 250 miles from Covington wouldn't have pulled out of this one.

But the scene at the school is only half the story.

Off the paved roads, just a quarter of a mile away from neat brick houses with swimming pools—the mine owners' homes—is the stark reality of the world these mountain people live in.

They call this hollow Big Branch.

About 20 families live up the dirt road winding alongside the creek bed. The houses with windows and indoor bathrooms are the exception. Most of the people who have these luxuries get money from the government because they have black lung disease. That and food stamps hold them over from month to month.

Their neighbors aren't as fortunate.

A shack the size of a large bathroom is home to one family. There are no windows—just a door that hangs off its hinges.

The mismatched sheets of wood forming the four walls have been salvaged from the swollen creek's debris. Holes gape and corners don't meet.

The families along Big Branch share the common water supply. They drink from the creek, bathe and wash their clothes in the water—and most outhouses empty into the creek.

Not all homes have outhouses. Relief is found out behind the shacks. The sun heats up the air as the stench mixes with the sweet smell of spring in the mountains.

Seven blond children sit in a row of chairs that line the porch of one house. Three older men are with them. They sit and stare without expression as the four-wheel drive vehicle climbs over the gulleys.

Angie, about 5, comes to the edge of the porch to greet the visitors. Her dirt-smeared face is framed by a halo of golden curls.

The children accept the toys, but take them without the usual glee—take them with barely a glance. The dolls and paint sets are set by themselves as the children maintain a steady glaze at the intruders. They like the toys, but they show little indication of thanks.

Others realize their plight and have accepted charity as their only alternative.

Arnold Lawson was grateful when he learned that his 6-year-old daughter Melissa was going to get medical help.

Melissa's picture was taken by a United Press International photographer several weeks ago and published in The Kentucky Post.

Col. Klette saw the picture of the cross-eyed little girl from the hills and set out to see what could be done.

Melissa was brought to Northern Kentucky and examined by a Florence doctor who said surgery was needed to correct her problem.

The Lawsons found out this weekend that the surgery will be done.

"That's all we wanted," Lawson said.●

40TH ANNIVERSARY OF D-DAY

● Mr. TOWER. Mr. President, today we celebrate the 40th anniversary of D-day—the turning point in the war against Nazi Germany. On June 6, 1944, over 150,000 American, British, Canadian, and Free French soldiers and paratroopers landed along a 50-mile stretch of beaches in Normandy, France. Operation Overlord—the Allied invasion of Europe—had begun. Although it would take many more months and over 3 million troops to liberate Europe, the heroism of those in the first landing forces set the course and marked the beginning of the end for the Third Reich.

As many of the leaders of the free world gather in Normandy today to honor the brave men who fought so valiantly to turn the tide against Nazi Germany, I think it is fitting for those of us in government to reflect not only on the heroism of those young men, but also on our solemn responsibility to protect future generations from having to make the sacrifices that were made in Normandy 40 years ago. The American cemetery above Omaha Beach, with its 9,386 white crosses and Stars of David covering 170 acres, is a vivid reminder of the high cost of protecting freedom and fighting tyranny.

During these times of increased tension in the world, it is more important than ever for us to remember that the primary responsibility of Government is to guarantee the safety of the Nation. Lack of foresight and prepara-

tion in the nuclear age could spell almost immediate defeat. It was such a lack of foresight on the part of the British, French, and Americans after World War I which permitted the rise of Hitler's Germany and led ultimately to the sacrifices on the shores of Normandy.

As we begin our debate on the fiscal year 1985 Defense authorization bill, we have the opportunity to make great strides toward guaranteeing the national security. The threat we face from the Soviet Union is real and ominous. A strong deterrent force is essential if we are to avoid a repetition of the sacrifices that we remember today.●

ORDERS FOR THURSDAY

Mr. BAKER. Mr. President, there is an order for the Senate to convene at 10 o'clock tomorrow morning, is there not?

The PRESIDING OFFICER. That is correct.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, three Senators be recognized on special order of not to exceed 15 minutes each, as follows and in this order: Senator PROXMIRE, Senator HEINZ, and Senator BAKER.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the execution of the special orders, there be a period for the transaction of routine morning business until 11:30 a.m., in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, after the time for the transaction of routine morning business tomorrow, it is anticipated that the Senate will proceed to the consideration of the Department of Defense authorization bill. I do expect rollcall votes throughout the day. I also expect that we will be on this bill for a considerable length of time, given its size, complexity, and controversy.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 7:30 p.m. the Senate recessed until tomorrow, Thursday, June 7, 1984, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 6, 1984*

The House met at 10 o'clock a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are conscious this day, O gracious God, of those who have given their lives on the battlefields of war. We remember the heroism of those whose names are well known and we give thanks for the valor of those whose deeds are known only to You. As we recall the destruction and loss of life on all sides, may we earnestly and honestly do those things that make for peace in our world. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

HOUR OF MEETING TOMORROW

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to reconvene at 11 a.m. on tomorrow, June 7, 1984.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

LEST WE FORGET

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, lest we forget, let us recall words spoken 40 years ago today:

> Soldiers, sailors and airmen of the Allied Expeditionary Force. You are about to embark upon the Great Crusade, toward which we have striven these many months.

So began the address of Gen. Dwight Eisenhower June 6, 1944. Huddled by the family radio, we listened to the Edward R. Murrow broadcast from London announcing the long-awaited invasion of Hitler's fortress Europe. Anxious, yet hopeful, we prayed for the success of what was to be the greatest amphibious operation in the history of warfare. Success pointed to ultimate victory; defeat would mean added years of bloodshed and uncertainty.

Forty years later, the beaches and surrounding countryside of Normandy are peaceful. An American military cemetery overlooks Omaha Beach, scene of the bloodiest fighting of that chaotic day; 10,000 American battle casualties buried there are a somber reminder of the costs of that extraordinary assault on June 6.

Let us remember and give thanks to the memory, the bravery, and the sacrifice of those who fought and died there that day—D-day, June 6, 1944.

Lest we forget.

REMEMBERING THE MEN OF D-DAY

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, as tens of thousands of American and allied veterans return to the shores of Normandy in France to commemorate the D-day invasion 40 years ago, it is most fitting that we pay homage to those who fought and died in defense of liberty—a God-given right that we hold dear as Americans. The over 150,000 American, British, and Canadian troops who stormed ashore on five different beaches simultaneously, and the seamen and airmen who provided the vital logistical and air support, were the heroes of D-day.

One such hero was the late Col. James E. Rudder, U.S. Army, of the 1st American Division. Under his command, the 116th Infantry Ranger Commandos charged to the top of the 100-foot high Normandy cliffs of Omaha Beach to seize a strategic point on the beachhead. This was considered one of the most important and hazardous missions of D-day. Of the original 225 rangers assigned to capture the German gun emplacements on Pointe du Hoc, only 90 were still able to bear arms by the end of the day.

Today, our President dedicated a new memorial honoring the Rangers and marking the location of this heroic effort. Camp James E. Rudder, the U.S. Army Ranger Training School on Eglin Air Foce Base Reservation in northwest Florida, is named after this American hero. Colonel Rudder is a past president of Texas A&M University.

As a member of the House Armed Services Committee and Representative of the congressional district with the largest number of military retirees, I am especially proud to take part in honoring those who participated in one of the most extraordinary events in the history of our Nation and of our allied countries.

BUDGET DEFICIT/FAIR TAX

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, political rhetoric about budget deficits reduced to its most basic terms comes down to one simple thought: You can only spend what you have. When your pockets are empty the spending either stops or you get more money. The issue of budget deficits—spending more than you have—is directly related to the need for taxation reform—trying to adjust the amounts of money coming in to cover those deficits.

As a cosponsor of the Fair Tax Act I am committed to the fundamental concept of cutting rates and closing loopholes in order to stimulate economic growth. This bill establishes three broad tax rates for individuals—14, 26, and 30 percent—and a single 30-percent rate for corporations. It repeals scores of deductions, credits, and exclusions so that the lower rates would apply to substantially broader income bases. In fact, about 80 percent of the taxpaying individuals would pay only the 14-percent rate.

Our country needs fair tax because it not only would provide a more equitable tax treatment but would also reduce our Nation's soaring deficit.

D-DAY, JUNE 6, 1944

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, 2 years ago when I was visiting Philadelphia, I spent one Sunday morning in Washington Park where patriots who fought in the American Revolution are buried. On a common gravestone there is carved the words that the nameless men buried there, fought, suffered, and died in order that we might be free.

The memory of other brave Americans is commemorated today on the 40th anniversary of the invasion of Normandy. Americans, British, Canadians, French, and the allied forces joined together to fight the tyranny of another time. Many died in battle against the Nazi terror in order to preserve the freedom that is traditional among us.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I stand here today to commemorate those who fought and died to preserve our liberties. I honor them. I praise their memory today. I hope it lives in the hearts of free people forever.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SKELTON). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Speaker, is it not the custom of the Speaker to recognize first the Democrats on that side of the aisle as they appear in the Chamber for 1-minute and then go to the Republicans and then go back to the Democrats and to the Republicans in the order that they came? That seems to be the custom of the Speaker that he has ruled many times in the past. I wondered if the Chair would uphold that custom this morning.

The SPEAKER pro tempore. The Chair has not ruled. The Chair does attempt to be fair. The next gentleman the Chair was about to call upon was here.

The Chair now recognizes the gentleman from Montana (Mr. WILLIAMS).

THIS DAY 40 YEARS AGO

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, this day, 40 years ago, 1 hour before sunrise, began a memorable military drama, the largest amphibious invasion in history—D-day.

One hundred and thirty-three thousand Allied troops came out of the fog in the English Channel to land on the beaches of Omaha, Utah, Gold, Juno, Sword, and Pointe du Hoc.

Before the Sun had set that day, 10,000 of our young men had lost their lives.

☐ 1010

Today we remember and we honor our heroes, men who simply did their duty in the hope that freedom would be secured and that that world war would be our last.

40TH ANNIVERSARY OF D-DAY

(Mr. LUNGREN asked and was given permission to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, 40 years ago this date my father joined tens of thousands of other Americans as he began to leave Southampton in England to participate in the Allied landing at Normandy.

Born in Sioux City, IA, raised in California and Iowa, schooled in Indiana and Pennsylvania, he left his young wife, my mother, and his unborn son, my older brother, in California to serve as a medical officer attached to an Army infantry unit made up of National Guardsmen from the States of Tennessee and North Carolina.

His experience I think symbolizes the breadth and diversity of this Nation as well as its idealism and courage.

Engaged in a true battle of good versus evil in its starkest terms, our servicemen of 40 years ago set a standard that we can all strive to emulate today and in the future.

Mr. Speaker, my father and others like him, dead and alive, proved the truth of President Reagan's words of today as he visited on the bluff overlooking the location where the U.S. Rangers first assaulted at Normandy Beach. "There is a difference between force used for liberation and force used for conquest."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4772

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4772.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries.

DON'T CLOSE THE BOOKS ON MIA'S

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, a week ago Monday, under a dark and somber sky, America laid to rest a universal son and comrade, the Unknown Soldier of the Vietnam war.

Now it is time for this Congress to turn with renewed purpose to resolving another unknown: the fate or the whereabouts of nearly 2,500 American servicemen missing in action in Southeast Asia.

President Reagan spoke my heart, and the hearts of members of the National League of Families, of veterans and of countless citizens, when he promised that we will never close the books on the MIA issue until a full, final accounting is made.

To express the intent of Congress that this be so, I have introduced House Concurrent Resolution 312. This resolution makes it the objective of this Congress to seek a full accounting of servicemen still missing, the return of those still held prisoner, and the repatriation to American soil of the remains of those who have fallen in service to this Nation.

Our resolution also recognizes the work of President Reagan in making the MIA issue the highest national priority, and the lead item in bilateral negotiations with Vietnam.

I urge my colleagues to join me in sponsoring this resolution. Let us write the final chapter to the Vietnam war in a way that leaves no doubts unanswered and no hope unfulfilled. Let us send a message to Hanoi that America still counts.

BAIL REFORM LEGISLATION

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the Supreme Court of the United States has now ruled definitely that a juvenile who has committed a crime can be detained pending trial if there be a danger to the public on his being released while awaiting trial. Thus there remains no obstacle to the Judiciary Committee of the House of Representatives to move forthwith in the bail reform legislation that is pending before it.

Those constitutional problems that many of the members of the Judiciary Committee had do not any longer exist.

It will be legal and constitutional to call for retention and detention of people who have committed previous crimes to keep them from going out in the streets again on some flimsy bail that they would be able to post, only to commit a new crime.

So we urge now the Judiciary Committee to get to work. There is nothing left to hinder us from completing reform on bail.

40TH ANNIVERSARY OF D-DAY

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, today marks the 40th anniversary of the Allied landing on the beaches of Normandy, one of the most pivotal military operations in the history of Western civilization. This largest military invasion in history laid the foundation for the Marshall plan, the recovery of Europe and the birth of the Atlantic alliance.

Today we pay tribute to those who fought and died in the defense of freedom because it serves as a symbol of American resolve to make the necessary sacrifices to preserve and defend liberty and democracy.

Since then, however, the world has changed. Nuclear weapons have given the United States far more firepower than we had in 1944, but less ability to use it. Today, few wars seem so just as the struggle against the Nazis. But the men who fought at Normandy kept faith with virtues that have not changed—valor and sacrifice in the defense of freedom. And in honoring them, the anniversary of D-day will always keep that spirit alive.

EXTENDING LOANS AND INTEREST RATES TO MEXICO

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, today the International Monetary Fund and the Nation's money-center banks announced plans to stretchout their Mexican loans and to charge Mexico a lower rate of interest. It is a step long overdue, a step that this House urged—or actually required—when it passed my amendment to the IMF bill several months ago.

It is unfortunate that the Nation's bankers have been putting their short-term profits ahead of the long-term stability of the financial system. And it is also unfortunate that only the near failure of the Continental Bank and the rumors that shook Manufacturers Hanover Bank last week forced them into this step.

One major issue looms, however. What is good for Mexico is good for Brazil, Argentina, and so many other Third World countries. When will the banks and the IMF wake up to the reality that only by stretching out loans and lowering interest rates to all these countries will they restore confidence in themselves.

REMOVAL OF NAME OF MEMBER AS COSPONSORS OF H.R. 4772

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4772.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSORS OF H.R. 4772

Mr. BATEMAN. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 4772.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

40TH ANNIVERSARY OF D-DAY

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, June 6, 1944, marked the beginning of the largest seaborne invasion in history. American, British, and Canadian troops joined that day in Operation Overlord, the assault on Normandy that would ultimately bring the end of Hitler's Germany. They were joined by Free French and Polish forces. Today, 40 years later, we observe the anniversary of D-day.

This is not a simple observance; there are many reasons and many ways to remember D-day. It is, first, a time to remember the principles and objectives of America's involvement in and commemoration of World War II and the valor of the men lost fighting for them. President Reagan and an estimated 30,000 other Americans are in Normandy today for just these purposes. Today is also a day to remember the veterans who returned from the war—notable among them, my friend and our colleague, the gentleman from Florida, SAM GIBBONS, who fought at D-day as a captain with an airborne division. Congressman GIBBONS, apparently the only current Member of the House who fought at D-day, is in Normandy now. Today is also a time to remember the men who now defend our country.

I have special reason to remember the Army's 1st Division. Years after the 1st fought at Normandy's bloody Omaha Beach, this Member served with the 1st Division from 1963 to 1965, and knows well the pride the men and women of the Big Red One have in the military contributions and valor of those who served in the division before them

Perhaps most important, today is a time to look ahead as well as look back. Members of the House, speaking here 40 years ago, understood what D-day can still mean for America. Congressman Joseph Martin, on the morning of the invasion, said:

> Partisan politics, sectional and other prejudices disappear as we think of the heroic deeds of our men and women in every part of the globe, on land, on sea, and in the air.

Congressman Charles Eaton, in a similar vein, said:

> I know that this great Nation today will be lifted up to a new unity, a new faith, a new sympathy, and a new understanding of the great principles of freedom that we represent and which must be preserved.

Much has changed since 1944. But the strength that comes from united action and clarity of purpose—as proved by Operation Overlord 40 years ago and symbolized by the thousands gathering in Normandy at this moment—is as important today as it was then. Today the United States, the United Kingdom, Canada, and the Federal Republic of Germany stand together united and committed to the preservation of the democratic principles and humanitarian ethics that are the basis of our free society.

GRATITUDE ON THE 40TH ANNIVERSARY OF D-DAY

(Mr. KEMP asked and was given permission to addess the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, I rise in commemoration of this historic day, 40 years ago, when brave Americans, English, French, Canadian, and, indeed, Polish, Czech and other freedom fighters landed on the beaches at Normandy to help win back the continent of Europe from the Nazis.

I watched the President this morning speak to the world via satellite and remind us that the price of freedom is high but it is never so high as the loss of it.

Those troops who helped win the peace and freedom for Europe deserve the love, thanks, the admiration of the free world and of those aspiring to be free. We cannot excuse the depth of our pride or our gratitude, to those veterans of World War II, and of other wars, whose devotion to duty and country has so advanced the cause of freedom and peace.

President Reagan this morning talked about the profound difference between the use of force to liberate a country and that force used to enslave a country. We reminded us that democracy and Judeo-Christian, Western ideas are something worth working for and fighting for and, if the case should ever come to it, dying for.

I believe that our defensive alliance with the nations of Europe was the crowning achievement of the post World War II era. Western Europe is free today. Because of the deterrent strength of American forces, and because of the strength of our military and spiritual alliance.

The key to keeping the world free, the key to maintaining peace is to keep this Nation strong. You win the peace through strength, not through weakness. History sadly reminds us that weakness is provocative, weakness invites tyranny.

I just want to thank the President for reminding us all of those lessons that will never die as long as we help keep them alive.

☐ 1020

A TIME TO REFLECT ON PEACE

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I join our other colleagues today as we commemorate a momentous event, the

40th anniversary of the invasion of Normandy, and honor the soldiers who served and died there.

Though this day is important to the nations involved, it has even greater significance for those individuals—soldiers, family, and friends—who suffered a loss in this contest of nations; peaceloving individuals whose personal loss cannot be fully compensated by victory, however just.

Today we must recall the reasons for which we fought; yet we must also remember that the sons and daughters of former enemies now meet as friends and colleagues in schools and businesses here and abroad, and that the very same men who met on the beaches 40 years ago this day as mortal enemies meet there now as people, a testimony to the power of human forgiveness and, I hope, a requiem for nationalistic ideologies.

War, as peace, is not absolute, and on this day we should be thankful we are at peace. We must also be mindful of the means by which we preserve peace. Even in peaceful societies, there are forces we must guard against to prevent future Normandies.

HOUSE SHOULD VOTE DOWN H.R. 5145

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, today the House should vote no under the suspension of the rules on H.R. 5145, a suspension of rules.

Is not the correct procedure for what is a very controversial bill that involves $8.7 billion in expenditures. Mr. Speaker, I strongly support the reauthorization of the Head Start program which is included in this bill, and believe Head Start has made a valuable contribution to the efforts of this country to help low income and needy children in breaking the poverty cycle.

But as strongly as I support Head Start reauthorization, I oppose the consideration and the passage of 5145 under a suspension of the rules, because 5145 is not the reauthorization of Head Start only; it is an omnibus bill which contains a number of other programs, although those programs are in fact $3.6 billion over the administration's request.

The total omnibus bill is a fiscally irresponsible bill that should be separated into its many parts and brought back to allow the House to amend it and to act on each separately.

D-DAY—ROLE OF POLISH PEOPLE

(Mr. BETHUNE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, thank you. Today is D-day, the 6th of June and the 40th anniversary of that great clash of forces in the Western World. And I was privileged this morning to hear the President of the United States speak as he looked over the English Channel in Normandy and I was very delighted that he mentioned the role that the Polish people played in the invasion on D-day.

The reason I was pleased about that is that I think the day that we commemorate has great meaning for us as we try to understand better what our responsibilities are in the Western World, as we all are seeking peace we have to remember that the Polish people have peace but they do not have freedom.

Here in this country we have peace but we do have freedom. That is an important distinction and it is a distinction we should keep in mind throughout this day and in the days to follow. Peace and freedom, freedom is hard to understand because it is not a presence of anything, it is an absence of governmental constraint and the ability to guarantee freedom from the totalitarian forces that are determined to take it away. I hope we will remember that on this very important day.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

AMENDMENT TO AGREEMENT BETWEEN THE UNITED STATES AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC NO. 98-228)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs, and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, June 6, 1984.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

The vote that was postponed on Tuesday of this week on H.R. 5145 will be taken on Thursday, June 7, 1984.

The vote on H.R. 1149 will be taken after all other legislative business today or on tomorrow, if arrangements to put this vote over are agreed upon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4772

Mr. DANIEL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4772.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the bill, H.R. 5743, which bill is to be considered today, and that I be permitted to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1985

Mr. WHITTEN. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5743) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentlewoman from Nebraska (Mrs. SMITH) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5743, with Mr. BONIOR of Michigan in the chair.

The Clerk read the title of the bill.

□ 1030

By unanimous consent, the first reading of the bill was dispensed with.

Under the unanimous-consent agreement, the gentleman from Mississippi (Mr. WHITTEN) will be recognized for 1 hour, and the gentlewoman from Nebraska (Mrs. SMITH) will be recognized for 1 hour.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may require.

AGRICULTURE APPROPRIATIONS

Mr. Chairman, we bring to the Members today the bill making appropriations for the Department of Agriculture. I am glad to say again that it is a pleasure to appear here because with time we sometimes forget what is basic to our being.

We come to the appropriations for the Department of Agriculture. That department serves the American consumer, all of us who are the agriculture product user. Those engaged in agriculture make up that part of our economy where about 3.4 percent of the American people remain on the farm, but yet because so few can do so much it enables the rest of us to do those things that make for our higher standard of living.

In my experience in the Congress here, which goes back a number of years, and as chairman of this Appropriations Committee, I do not believe I have ever faced the House or the country at a time that was more serious to the overall economy because there is so little understanding of the basic place of agriculture.

I read in the paper where on the other side of the Capitol they are trying to have one side of the appropriations tied to military spending, the other tied to domestic spending. May I say one is dependent on the other. You cannot have a proper or strong National defense without having a country that is also in good condition. And agriculture is the foundation of our economy.

I think the most shortsighted thing I have seen in the last 2 years is the fact that we have tried to reduce or empty all of our warehouses. We are getting rid of all our so-called surplus of food and fiber, at a time when the whole world is threatened with an outbreak of war.

For us to pay people not to produce so they can pay themselves for not producing, when we try to get prices for agricultural commodities by creating shortages at a time when the future certainly looks turbulent, to say the least, we are making a serious mistake.

As you know we had the PIK program where American producers were paid in commodities that were the assets of the Commodity Credit Corporation. I wonder whether there was any real authority in the law for the directors of the Corporation to dissipate its assets. But the American farmer was paid in commodities that belong to your Government to reduce his production so as to give that production to our competitors.

DEFENSE TIED TO A STRONG ECONOMY

I do not believe anybody has supported defense any more than I and certainly not for a longer period than I have, but defense is something else than military spending. But whichever you may believe in, keep in mind that real defense requires a strong economy. Please keep in mind that proper defense or military spending, whichever term you use, requires public support. It requires capability and readiness.

So what I am saying to the Members is there is not a competition between military spending and domestic spending, but there is absolutely a complete reliance on the part of military or defense on the well being of the American economy and the American people.

Our finances are in bad shape. We carried over some $172 billion in funds for military spending the first of October. We are asking over the next 5 years for $1 trillion 800 billion in the name of military spending.

What I am telling my colleagues is that the only way in the world you can live up to that or meet our obligations abroad or to handle ourselves in the situation in Central America or the Middle East, or the Mediterranean or elsewhere depends upon protecting the real wealth of our country, the agricultural base on which all else depends.

TRANSFER OF CONSERVATION FUNDS

We have had some serious things happen in the Department that we have not responded to like we normally would. Without approval of Congress and against the wishes of Congress and against the terms of the bill, they took $20 million and transfered it to these places where we have serious erosion problems and tried to correct them. Well, goodness knows, I am for correcting those problems. But you do not want the rest of the country to get in the same fix.

If you study the subject the American farmer has not had the money to put up the required two-thirds of the cost. The reason they had money to transfer is because the farmer is unable to use soil conservation programs.

So I come to the Members today pleading with my colleagues to realize that this is not just a handful of people involved. This is the biggest industry we have in the country. I hope that all of the Members will take the first 10 pages of our report and read them and take them to heart. I believe with my experience I could write a good farm program, I do not know that I could get it enacted, but it is hard to know how you can write any farm program that will let the farmer pay up the $216 billion that he is in debt. Why? Because his government held his production off world markets by agreements and by embargoes and by refusing to sell competitively.

FARMER FORCED TO FINANCE FOREIGN POLICY

It has been the farmer who has financed our foreign policy. When they embargoed the exportation of soybeans, when they froze the wheat and the grain in this country, they did not keep Russia from getting it, they just ordered from our competitors. The testimony this year showed we are the only country that does not sell what we have and do not need for what it will bring on the open marketplace.

The 11 percent that we reduced American production through the PIK program did not reduce total world production. Our foreign competitors just increased theirs 11 percent.

I repeat again. I think we have had the best farm program in law that you could possibly have. We just have not used it.

As the Secretary and others testified, we simply have not used it to sell competitively, we let everybody else in the world do it.

We set out on this committee to help the starving people in Africa. You know what the hearings showed? That they have to pay twice as much to get commodities from us as they would our foreign competitors. Twice as much.

Think about this. Any embargo means they refuse to let you sell. Well, when they refuse to make the price competitive that is an embargo. I think I commented on this last year. In 1770, Benjamin Franklin, in an article written in Europe, condemned the fact that the Government had bottled up inside of England the production of the farmers so that the users could get it cheaper. He pointed out the errors of that policy. After 200 years, we still haven't learned it just does not work.

We have been living in a period where we bottle up American production within the country. Right now, some people do not seem to realize that the farmer has got to make a living. He has got to get cost of production plus a reasonable return for his labor. In other words, he has got to have a profit. And who is the farmer? He is the man who we look to to save our soil for future generations. He is the man who since he was paying two-thirds of the cost of the soil conservation programs did not have the money and that is the reason the Department had $20 million to transfer to start a new program against the wishes of Congress. You know what they said after we called their hand on it? "Well, we wrote you an apology."

The apology should have been for letting the farmer get in such bad shape that he is unable to take care of the soil for the rest of us.

Let me review where we stand.

CONDITIONS IN AGRICULTURE THREATEN THE ECONOMY

Today, we face the necessity to save a major and basic industry, an industry bigger than the steel, housing, and automobile industries combined.

We must save the largest employer, the most economical supplier and normally the biggest dollar earner in world trade, American agriculture.

It must be rescued from the deep financial hole it has been placed in the last few years. Increased cost, reduced price and volume, were all unnecessary if the authorities of the Commodity Credit Corporation, our $25 billion Government corporation, had been properly used.

If we do not act soon, the failure of agriculture will wreck our whole economy. We must find a method to permit those in agriculture to get out of the present bind and start over—for they have proven in the past they will make it if given half a chance.

Farm debt stands at $216 billion, double that of 6 years ago.

The Farmers Home Administration is forced to loan twice as much money as 3 years ago, because the farmer can get financing nowhere else.

The Farm Credit's Production Credit Associations' losses last year were 40 percent of their entire losses in their 50-year history.

The 41 percent of all farmers who have loans with FmHA are behind in their payments. Interest on delinquent payments is frequently higher than rent.

Farm foreclosures are more common than in the early 1930's; foreclosure sales bring a dime on a dollar for equipment.

Prices received by farmers have fallen 15 percent since 1977, while during the same period prices paid by farmers have risen 56 percent, according to the Department of Agriculture.

The payment-in-kind payment to farmers, using Commodity Credit Corporation commodities to reduce production 11 percent, did not cut world surplus, for our competitors increased production in the like percentage—11 percent. It did permit farmers to stay in business 1 more year.

The recent farm bill again keeps many farmers in business temporarily by allowing them to draw against next year's payment upon their agreement to reduce acreage further next year.

Farmers cannot hope to stay in business with increased cost, reduced acreage and lower price.

With the world in turmoil, we cannot afford to keep forcing shortages in an effort to raise farm prices. A higher price is more than offset by the reduced volume. A reasonable support price, with allotments, is less costly to the Treasury because it is paid by the user. All this could be done under existing law. We must do this for the storable commodities.

Remember, the cost of producing food and fiber on the farm is going to be paid—either by the user, the taxpayer, or by the land from which it comes.

PERISHABLE COMMODITIES

For the perishable commodities, where 1 year's surplus generally does not carry over into the next year, we have section 32 purchases—funds from 30 percent of tariff receipts on imports. These funds are used to buy up surpluses for use in the school lunch program and other feeding programs for the needy. Unfortunately, in recent years there have been attempts in Congress to transfer cash directly rather than commodities, thereby defeating the intent of the program and its price support benefits.

Unless we act now to restore our biggest industry, history shows it will bring down all the rest.

IMMEDIATE ACTION NECESSARY

The Secretary of Agriculture in proper cases should take immediate action to enable the farmer to stave off bankruptcy. This should be limited to those borrowers who do not have other assets to meet their obligations. The entire Nation is the loser when widespread foreclosure auctions drive prices down to where the farmer's equipment would not bring a dime on the dollar, with resulting decreases in land values.

He must also use the authorities of the Commodity Credit Corporation to the point of regaining our fair share of competitive markets, and sell competitively in world trade.

The committee has again made the Sales Manager of the Commodity Credit Corporation a line item in an effort to enable him to be effective.

It should be noted that reduced production of U.S. farm commodities under such costly programs as PIK does not curtail world production. While our farmers were reducing acreage last year, our major competitors were busy increasing theirs—thereby taking our markets. According to testimony of USDA officials before our committee, U.S. farm exports decreased by 11 percent last year, yet production by overseas competitors increased by 11 percent.

FORMER FARM PROGRAM EFFECTIVE

We learned years ago that our overseas competitors consider the world price to be their selling price. They then tax their consumers and levy import duties, primarily on U.S. products, to offset the higher cost of production to their farmers. For years, we in this country provided a domestic support price by loan or purchase to maintain a reasonable balance between agriculture, industry, and labor.

The Commodity Credit Corporation, a $25 billion corporation, was set up to support such a system. The CCC charter provided the authority and obligation to: First, support farm prices through commodity loans and purchases at prices which provide comparability to the farmer at a level comparable to labor and industry; and, second, move supplies surplus to domestic needs into world trade at competitive prices, with credit arrangements comparable to those provided for other U.S. products.

This approach had the advantage of letting the farmer and his banker know what price levels they could count on when he planted his crop—leaving cost and volume as the only variables. It provided a strong and well-financed mechanism to sell commodities surplus to domestic needs in world trade on a competitive basis. It also enabled the farmer to deal through a Government corporation on an equal basis with other governments, most of which use governmental boards or agencies to market their production.

Another benefit of this system—and a substantial one—was that the price paid to maintain a reasonable comparability for the farmer came from the users of his products, who paid at least the support price which assured the farmer of a fair return on his production. In this connection, it should be recognized that a 10-percent increase in farm prices would add less than half a cent to the retail price of a 54-cent loaf of bread and only 5 cents to the retail price of a $15.95 cotton shirt.

Under this program, acreage allotments applied to most basic or storable commodities. However, in 1956 this approach fell into disuse. Few people today remember it, and few study the past.

Perishable commodities, where 1 year's surplus generally does not carry over into the next year, were and still are supported by section 32 funds—30 percent of tariff receipts on imports. These funds are used to buy up surpluses for use in the school lunch program, feeding programs for the needy, and other such outlets.

This farm program worked.

It provided relatively stable income to the farmer. It preserved our share of world markets, since our competitiors knew that the United States would produce and sell, with the reciepts going back into the CCC revolving fund for continued use.

It is still available in basic law.

It is not a two-price system. A two-price system is one which results in one price to the farmer for production for the domestic market and another price to the farmer for production for export. Use of CCC to support prices and sell surpluses overseas competitively involves only one price to the farmer for his entire production.

The two-price system to which many are opposed involves two prices to the farmer, one for production for the domestic market and another for production for export. This concept has now been twisted around by opponents to discredit the former farm program—one which worked.

It should be recognized that support prices and competitive export sales do not represent a subsidy to the farmer. Rather, they are a benefit to the entire economy. They enable the American consumer to enjoy abundant quantities of high quality food at very low prices.

It should be remembered that periods of financial stress start on the farm and soon spread throughout the entire economy. The financial crisis facing farmers today is reminiscent of the Agricultural Depression of the 1920's which triggered the Great Depression of the 1930's.

AGRICULTURE MUST BE STRONG

Consumers need farmers to provide their basic necessities of life—food, clothing, and shelter. In the United States, consumers enjoy the most abundant supply of nutritious and healthful food ever known at a very reasonable cost. The average family in the United States spends some 12 to 13 percent of its income for food, as compared to 16 to 17 percent in the United Kingdom, 21 to 22 percent in Japan, 23 to 24 percent in West Germany, 33 to 34 percent in the Soviet Union, 55 to 56 percent in India, and 60 percent in China.

Labor and industry need the farmer to provide the country's largest market for their goods and services—bigger than the automobile, steel and housing industries combined. U.S. farmers spend some $140 billion annually for goods and services to produce crops and livestock, about 86 percent of every dollar of gross farm income. They spend $40 billion annually for feed, seed, fertilizer, machinery, and equipment. They use more petroleum than any other single industry. Each year they use 6½ million tons of steel and enough rubber to put tires on 7 million cars.

Farmers need consumers to provide a market for their production. They need industry and labor to supply the goods needed to produce their crops. They need the understanding and support of all Americans for those policies and programs which will enable farmers to maintain economic parity with other segments of the economy and, thereby, be able to stay on the farm as productive members of society.

To maintain this mutual partnership with consumers, industry, and labor there must be a balance.

There can be no healthy agriculture when the farmer receives only what is left after industry and labor get an increasing percentage of the consumer dollar, a percentage that has increased from 41 percent 25 years ago to 73 percent of the food dollar today, while the farmers' share has declined from 59 to 27 percent.

ECONOMIC PLIGHT OF FARMER WORSENS

The economic health of U.S. agriculture continues to decline. Farming is no longer an attractive business venture for many. While some farmers have been able to avoid bankruptcy, many are so deeply in debt that their survival is doubtful. The losses of the Production Credit Associations of the Farm Credit Administration last year equaled 40 percent of total losses for the 50 years of their existence.

The total farm debt has more than doubled in the past 6 years—from $104 billion in 1977 to $216 billion in 1983. Total farm debt was only $12.5 billion in 1950.

Average income per farm in 1982 and 1983 was less than the average for the previous 3 years. The dependency upon off-farm sources has nearly doubled since 1975. About $7 billion of 1983 farm income was provided by Government payments, some $3 billion from the PIK program, paying the farmer not to produce while his production moved overseas.

PIK is a very undesirable way to meet the farmer's financial problems and should not be used in preference to a program of support prices and increased competitive exports. By taking acreage out of production through a PIK-type program, those who supply seed, feed, fertilizer, chemicals, machinery, equipment, and other farm inputs are seriously hurt. USDA estimates that farm expenditures for these items dropped $5 billion in 1983. Also, rural areas, small towns and villages are adversely affected by the lack of normal farming activity. If continued for serveral years, the effects of PIK would be felt by people in all segments of the economy and in all walks of life. The damage to the entire Nation would be serious.

Consumers should not expect to benefit from low food and fiber prices due to the continuing cost-price squeeze on the farmer. Unless the present plight of the farmer is reversed and farming can again be made profitable, consumers, labor and industry will be the ultimate losers.

FARMING—A RISKY VENTURE

It has been said that to go into farming a person must have enough money to start a bank and enough nerve to rob one.

The risks facing the average farmer far exceed those faced by most other business endeavors. In addition to the uncertainties of the marketplace, the farmer must also face the vicissitudes of the weather and the threat of pests and diseases, either of which can wipe him out in a single year.

To go into farming, a person must have a large amount of capital to acquire land and equipment. A minimum of $600,000 is required to establish a western wheat farm. Over $1 million is required to establish a Midwest corn-soybean farm. The cost to establish a cotton farm runs from $1.2 million in Texas to $3.2 million in Arizona. In addition, a person must have a large reserve of funds to plant his first crop and meet his annual production costs.

Then, he must face adverse weather, the threat of insects and diseases and, worst of all, Government regulations and restrictions which often prevent him from effectively meeting these threats. If he is lucky enough to overcome these obstacles and produce a crop, he must then hope to sell at a price which will meet his cost of production and perhaps return a small profit.

If his government adopts faulty pricing policies and fails to use the Commodity Credit Corporation to move commodities surplus to domestic needs into world markets or national reserves, he is faced with the possibility that he will be unable to sell his production at a price which will cover his costs. In this event, a full year's effort and investment is virtually wiped out, and his ability to carry on another year is seriously impaired.

When this happens—and it is happening frequently in recent years—the entire Nation suffers, for agriculture is the foundation of the country's economy.

EXPORT MARKETS ESSENTIAL

Unfortunately, the Department's resources have not always been used for the benefit of the American farmer, and thus the entire Nation. Frequently, due to faulty international policies, they have been used in such a way as to benefit our agricultural competitors abroad, by giving them a competitive advantage in world agricultural markets.

International interests insist that the United States should offer its farm products in world markets at the U.S. support price. At the same time, competing countries sell their farm commodities at the lower world price. They then impose heavy import duties on farm imports and tax their consumers to provide their farmers a fair return.

In effect, the price support and competitive export programs in the United States are merely another way of accomplishing the same objective—competing in world markets while assuring the farmer an adequate income to keep him in production.

As long as the United States holds its commodities off world markets at competitive prices, as its competitors and international traders would have it do, the U.S. farmer is at a tremendous disadvantage. Holding an umbrella over world prices, which places the United States in the position of a residual supplier, enables our competitors to sell under the U.S. price and thereby take over markets which traditionally have been supplied by American farmers. It is to be remembered that the production of one out of every 3 acres in this country is grown for export markets.

Also, it should be recalled that agriculture is a major contributor to the U.S. balance of payments, accounting for about 20 percent of foreign exchange earnings. While many other sectors of the economy run large export deficits, agriculture has consistently maintained an export surplus. In 1981, for example, agriculture returned a net surplus of $26.6 billion for the Nation's economy, while the nonagricultural sector took $56.6 billion out of the national economy. The automobile trade ran a deficit of $13.8 billion, petroleum trade ran a deficit of $58.2 billion, and merchandise trade ran a $28.1 billion deficit.

The experience of the 1950's, when the Secretary of Agriculture failed to sell U.S. farm commodities in world markets on a consistent and competitive basis, clearly demonstrates the fallacy of such a policy. During that period, the stocks of the Commodity Credit Corporation accumulated to between $8 and $10 billion. These huge inventories hung over the market, depressing prices and demand. As a result, farm support programs were curtailed by Secretary Benson, and thousands of American farmers were put out of business. Some 55,000 farm families in the South were put off their farms during that period.

After long and strenuous efforts by this committee, the Secretary finally changed his policy and offered those commodities in world markets at competitive prices. He sold them in a few months—much to his surprise, and much to the benefit of the American farmer. He was not able, however, to recapture traditional U.S. markets lost permanently to overseas competitors.

Unfortunately, during the years since that experience, efforts have been made periodically to reinstitute such a policy. Congress has consistently opposed such efforts, with varying degrees of success. This committee intends to continue to insist that we make our excess commodities available on world markets at competitive prices. It calls upon the Secretary of Agriculture to follow such a policy, using the resources of his Department to make it effective.

The United States must be as good at "horse trading" as its competitors if it is to retain its share of world agricultural markets!

PRICE SUPPORTS MORE ECONOMICAL, COST PAID BY USER

Over the long run, based on years of experience, the most satisfactory solution has been the long-established price support system, combined with expanded export markets for farm production in excess of domestic needs, with necessary allotments. This offers the best hope for the future.

Farm price supports are not, in fact, a subsidy to the farmer, but an effort to keep agricultural income in balance with industry and labor. They are merely a means of putting the farmer on a par with the rest of the economy by stabilizing farm income at a level which will enable the farmer to stay in business for the benefit of everyone.

Price supports are often condemned by those who, themselves, receive some form of tax benefits, tariff protection, production subsidies, reconversion payments, depletion allowances, or other special benefits. The term "farm subsidy" is often used by those who do not understand farm programs and are unaware of the "hidden subsidies" provided for many other segments of the economy, often including themselves.

Price supports are an essential part of our agricultural system. They are needed to offset the high cost of farm production, which continues to escalate at a rate much faster than farm income. They are necessary to offset the share of the consumer dollar that has been transferred to industry and labor by law. Remember, the user pays.

If they are properly used in conjunction with the authority and resources of the Commodity Credit Corporation to sell agricultural commodities in world markets at competitive prices and establish national food reserves when needed, they can provide a stability to the farm economy which will benefit the entire economy.

WORLD NEEDS FOOD

Failure to sell our food supplies in world markets competitively to retain our normal 30 percent for export, hurts our farmers as well as those nonfarm people engaged in distributing and exporting farm products. It reduces our dollar earnings from agricultural exports—a major source of much needed foreign exchange.

Further, it denies hungry people in food-deficient countries the food and fiber they so desperately need to stay alive. It is estimated that one-fourth of the people throughout the world suffer from malnutrition, that one-third endure lives of extreme poverty and destitution, and that some 10,000 people die of starvation every day.

The greatest contribution the United States can make to the prevention of widespread starvation is to continue to produce abundant supplies of food and fiber, increasing production as needed to meet the needs of an ever-increasing world population.

The United States is endowed with rich cropland and other resources, a favorable climate, highly developed agricultural techniques, and resourceful farm producers. It is essential that these blessings be used for the benefit of everyone on this planet. The greatest weakness of many nations is their inability to feed their own people, let alone provide food for hungry people elsewhere.

The United States is fortunate to have the resources and the means to fill this need. This is our greatest advantage over Russia and other food-deficient countries.

To do this, however, our country must follow a policy of abundance rather than scarcity and must make such abundance available to less fortunate people everywhere.

FAILURE TO EXPORT—AN EMBARGO

The failure of the Department of Agriculture to offer U.S. commodities in world trade competitively is virtually an embargo. The effect is the same—withholding of U.S. commodities from export and encouraging overseas competitors to expand their production and take over U.S. markets—usually a permanent loss to U.S. agriculture.

Past embargoes clearly show the damage to American agriculture. The 1973 embargo on soybeans permanently transferred a large share of U.S. soybean acreage to Brazil. The 1975 embargo on grain to Russia cost U.S. farmers millions of dollars. The 1980 embargo on grain and other commodities to the Soviet Union, which severely reduced U.S. farm income, had virtually no effect on the Russian economy since alternative supplies were provided by competitor nations.

SOIL CONSERVATION PROGRAMS

Another thing that is unbelievable here, and how we lived with it this long I do not know, but it shows that in 25 years the farmers' share of the food dollar has gone from 59 percent down to 27 percent. Those in between the farmer and the user, they have increased their take from 41 to 73 percent. And you cannot keep that up unless you wear out your land and take out its fertility, and then we border on a dust bowl. When it reaches the point where the soil conservation program is failing because the farmer cannot put up his share, which is usually an equal amount of money plus his labor, they can take $20 million and put it over here where it is really bad. They took it because they could not get the farmer to use it, though he wanted to, because he did not have the matching money. Goodness knows, we are for trying to take care of these really bad situations from the standpoint of soil erosion and all that, but not by letting the rest of the country get into the same fix.

ESSENTIAL PROGRAMS FUNDED

So once again we have carried on the soil conservation program as it usually was. We have expressed support for the other in case they wish to do it over and above the existing program. I think we are sound.

The other thing, you know for years here we had an experimental program in crop insurance. One time, years ago, one section of our country had not had any rain. They planted all the seed on top of the ground and bankrupted the corporation. We now have a new program. I was here during that period when we set out to do what we could to get electricity on an area coverage basis through REA all over the United States. We succeeded pretty much. We set out to do the same thing with water and sewer grants and loan programs. Do you know, about 85 percent of the United States is rural? And now we have provided it to enough folks where the obligation exists for us to try to get it to the other people who are not so fortunate. We have tried to take care of that need.

I have had letters from folks downtown, and others, complaining about why we have water and sewer grants in this bill. What we have in the bill is a very reasonable figure. In 1983, we had $300 million available. In 1984 we had $90 million plus a large carryover from 1983. We do not have that carryover now. So we provided $125 million, which is more in line with the pre-1983 level.

We also have tried to put the REA back in sound business, because the bill we passed is tied up in the other body. If the other body passes that bill, we may not need what we have in this bill. But what if they do not?

Throughout our bill we have tried to hold the line. We are not spendthrifts on this committee. And I want to repeat again that our committee has held the line on spending, 37 out of 40 years we have been below the President's budget. And 30 of those years were before we passed the Budget Act, and started all this budgeting and other things.

☐ 1050

We are still living within the budget, but let us look after the base of our economy, that which has made our country great, that where 3.4 percent of our people, the farmers, enable the rest of us to do all these other things that also provide for our high standard of living. Let us take care of the biggest industry we ever had. Let us realize it is not competitive between defense and agriculture, but rather defense is dependent upon agriculture. You cannot have a proper defense if you do not have a sound country behind it.

This idea of neglecting your country, which is your real wealth, in the interests of national defense is just pulling your own leg. If there is any group in the world that needs you and me to take care of the basics, it is our military establishment. If we do not have a sound economy, we have not got it. Whoever made the determination to dry up every bit of agricultural surplus we had in view of the world situation was very shortsighted indeed. It is like having a standing army with nobody in reserve. It just will not work.

I could go on and on, but let me say again: You need bread and potatoes. It is just as essential as it ever was. Do not throw away the biggest market that industry and labor has. Do not throw away the foundation for this military bill that we just spent 2 weeks debating. They are tied together. But this is the one that is the foundation of our whole economy.

In conclusion, I want to say here that you are very fortunate in having such fine and hardworking members on your Subcommittee on Appropriations for Agriculture. Mrs. SMITH of Nebraska, our ranking minority member is a great asset to our subcommittee and to agriculture. Our ranking majority member, the gentleman from Michigan, Mr. TRAXLER, plays a key role as do our other members who include Mr. McHUGH of New York, Mr. NATCHER of Kentucky, a long-time member of the subcommittee, Mr. AKAKA of Hawaii, Mr. WATKINS of Oklahoma, Mr. HIGHTOWER of Texas, Mr. SMITH of Iowa, Mr. ALEXANDER of Arkansas, Mr. ROBINSON of Virginia, Mr. MYERS of Indiana, and Mr. ROGERS of Kentucky.

I also wish to express my thanks to my friend the gentleman from Massachusetts, Mr. CONTE, for his assistance.

Mr. Chairman, this is a good bill and I ask the support of all the Members.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. SMITH of Nebraska asked and was given permission to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Chairman, I rise in support of H.R. 5743, making appropriations for Agriculture, Rural Development, and Related Agencies for the fiscal year ending September 30, 1985.

I would like to commend the Agriculture Subcommittee's chairman, Mr. WHITTEN, for his leadership in bringing this bill to the floor in such a timely fashion. He is to be applauded by producers and consumers alike for his knowledge and concern about agriculture. His firm belief, which I share, in the urban-rural partnership is largely responsible for the support our bill has historically garnered from most all Members of Congress.

I would also like to thank the distinguished members of the minority who serve with me on the subcommittee: The gentleman from Indiana (Mr. MYERS), the gentleman from Virginia, whom we will miss dearly, (Mr. ROBINSON), and the gentleman from Kentucky (Mr. ROGERS). I also thank all the five members on the majority side. We worked together in a bipartisan fashion in a great way on our Appropriations Committee.

Mr. Chairman, the bill before the House is a bipartisan measure. The members of the subcommittee—majority and minority alike—have worked hard to report a bill that holds the line on spending while addressing urgent needs under our jurisdiction.

According to a letter sent by Mr. Stockman, and I quote, "The bill reported by the subcommittee is generally consistent with the discretionary program spending freeze that is an essential component of the deficit downpayment plan pending before the Congress."

As a Member of Congress who represents an almost totally agricultural district, I would like to see spending levels for such important programs as conservation, research, export promotion, animal and plant health protection, and a host of other programs at higher levels.

However, I also believe that farmers and ranchers, probably more than any other business people, have an important stake in reducing the deficit.

Many people are rightly concerned about what recent interest rate hikes mean for Third World debt repayment. However, more attention should be given to the fact that these recent deficit-driven increases have cost agriculture at least $2 billion in higher interest payments. Agriculture's debt totals more than the foreign debt of Mexico, Brazil, and Argentina combined.

If you take the time to read just the first two pages of our report, or if you have listened to that masterful address by our chairman, you can easily see that the recovery has bypassed our agricultural sector. The Corn Belt region, of which my district in Nebraska is a part, has been particularly hard hit.

Just last week the Federal Reserve Bank of Kansas City released its agricultural credit condition report for the first quarter of 1984. It confirmed what most of us already knew—that 4.2 percent of farmers and ranchers in the seven States of the 10th Federal Reserve District left agriculture due to financial squeeze since last October.

This rate is more than 2½ times the normal rate, the survey showed, while partial liquidations are running three times higher then normal. Our young, aggressive, highly leveraged, producers have been hardest hit. Factors contributing to their problems include, low commodity prices for some products, high interest rates, drought, and the loss of equity brought on by our transition from an inflationary environment to a noninflationary economy.

To dramatize the situation, I would like to quote from my speech of July 27, 1981—the first time I took the floor as ranking minority Member to outline our bill for fiscal year 1982. At that time I said:

The gap between non-farm and farm investments has widened, mainly due to sharp declines in returns from farming investments. The ever increasing debt load, combined with unusually high interest rates, have increased interest expenses more than fivefold since 1920. As of January 20, (1981) total farm debt exceeded $180 billion. The only way debt can rise while income is decreasing is by increased value of land. Basing farm and ranch debt on increasing land values, due primarily to inflation, instead of income production capabilities, is not a sound financial basis for the industry.

Today, debt has increased 20 percent, the debt/asset ratio will continue above 20 percent, and interest expenses will consume the cash equivalent of the entire wheat crop, soybean crop, and part of the corn corp.

In short, agriculture is in a very serious situation despite unprecedented infusions of taxpayers assistance. This bill will certainly not solve all of our problems, but it does address some important items that should help in the short-run.

While I am primarily interested and concerned about the agricultural items in the bill, it is important to point out that almost 45 percent of this bill's $34.5 billion in budget authority goes to fund domestic food programs, such as school lunch, food stamps, the women, infants, and children (WIC) programs, and the food donations program. Another 30 percent goes to fund programs that benefit all of society such as research, conservation, food safety, animal and plant health protection, export promotion, and the Food and Drug Administration, which benefits all of our citizens.

Only about 25 percent of the total goes to fund price-support obligations incurred to protect our agricultural producers. It is important to distinguish that the Appropriations Committee does not formulate or legislate price-support programs, such as the payment-in-kind program. However, we ultimately end up paying the bills through reimbursement of losses to the Commodity Credit Corporation (CCC).

In the critical area of farm credit, the committee has provided record amounts for Farmers Home Administration (FmHA) operating loans at $2.070 billion. For FmHA farm ownership loans we are providing $750 million. In addition, it is apparent to the committee that FmHA's workload has grown to almost unmanagable proportions. Therefore, we have put an employment floor under this agency as well as the other USDA action agencies in hopes of better serving producers as well as protecting taxpayer investments in agriculture.

The committee provides $1.073 billion for agricultural research and extension activities. This is $8 million more than last year and demonstrates our commitment to maintaining critical scientific work that has probably been the most important factor in expanding our production and efficiency. Included in this appropriation is a new initiative in the exciting area of biotechnology. Science must now play a leading role in finding new uses for our products, pioneering less expensive methods of production, developing systems that do a better job preserving our soil and water resources, and delivering that know-how to producers in usable form.

For protection of plants and animals from pests and disease, the committee has provided $279.4 million—up $13 million from last year—with primary increases for brucellosis control and agricultural quarantine inspections.

The Rural Electrification Administration (REA) is continued at virtually the same levels as last year. For electrification guarantees, we have reduced the amount available by $2 billion, due to low demand for additional power generation.

In an effort to halt our very serious land erosion and water conservation problems, the committee has restored, as we forced to every year, the funds for conservation and forestry efforts. Almost every major publication in this country has run stories on our critical erosion situation. Our intensive farming practices and push for higher volume to make up for lower prices has aggravated the loss of our farmland. Producers can not bear the expensive erosion control measures by themselves. It is to society's benefit that everyone join in the effort to preserve our natural resource base.

The committee has restricted targeting of scarce conservation funds through the SCS and ASCS at fiscal year 1984 levels. We do not oppose targeting per se, and, in fact, find much merit in the concept. However, we are concerned that without additional new funds, the nationwide soil and water effort will be harmed.

H.R. 5743 also funds the international agricultural programs. The USDA Foreign Agricultural Service is funded at $84.2 million—up slightly from last year. The primary function of this agency is to help American agriculture maintain and expand foreign markets for our products. Working on their own and through industry cooperator groups, we have made great strides into new markets and have helped expand existing trade.

I and the entire committee remain very concerned about our lack of an effective way to combat the loss of our overseas markets. Other exporting countries are using every means available to export their surplus, eating away at our markets, and eroding the earning potential of our own producers.

One of the reasons our producers were able to take advantage of increased demand for grain during the 1970's was the fact that we had been operating a strong Public Law 480 consessional sales and food donation program. In addition, USDA operated a very successful direct loan program through the Commodity Credit Corporation to finance export sales. These programs were used for market development and gave us the leading edge that allowed the United States to capture most of the world's expanding grain and vegetable oil market.

The committee is again increasing the Public Law 480 appropriation by $59 million to a $1.671 billion program level. Additionally, supplementals to deal with the situation in Africa and as part of the compromise on H.R. 4072 (Public Law 98-258), the Wheat Improvement Act, could total $566 million in cash and commodities for fiscal years 1984 and 1985.

For the important domestic food programs the committee has continued its practice of partial year funding at present daily rates as authorized by law. The reason for this roundabout practice is that the administration typically understates food program needs based on projections that consider proposed, but not adopted, legislation.

The committee finds itself in the awkward situation of reducing entitlement programs—which we cannot do—or "busting the budget." Under these circumstances, we appropriate the requested amount at the current services estimate for as long as it will last on a daily basis.

For the WIC (women, infants, and children) we have appropriated the full budget request of $1.254 billion—$194 million above last year—to be available through August 1, 1985. The food stamp program is funded at the full budget request of $10.797 billion—$119 million below last year. However, testimony before the committee indicates that at least an additional $374 million will be needed. The food stamp appropriation is available through September 7, 1985.

Child nutrition programs are funded at their full year estimated costs of $3.084 billion. This is $48.7 million more than requested and to be available only upon submission of a supplemental budget request.

As we proceed with consideration of H.R. 5743, I would like, in closing, to emphasize that the minority members of the subcommittee, while having reservations about certain program changes, support this bill and ask for its favorable consideration.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. I thank the gentleman for yielding to me. Mr. Chairman, I rise in complete support of H.R. 5743, the Agriculture, rural development, and related agencies appropriations bill for fiscal 1985. As a member of the Subcommittee on Agriculture, Rural Development, and Related Agencies of the House Appropriations Committee, I can tell you that this measure represents our best assessment of how to help rural America while living within a limited budget structure. Certainly there are those of us, including myself, who would like to see larger funding levels in certain programs. But the fact of the matter is that we are being very responsible with the spending provided in this bill, and prudence does not always equate with what we would like to see.

I want to offer my sincere thanks to our most dedicated chairman, Mr. WHITTEN of Mississippi, for his personal commitment toward developing a bill that recognizes rural America's needs. His years as chairman of the subcommittee, and more recently as chairman of the full committee, establish him as a skilled and authoritative individual working to improve the conditions of American agriculture. I also want to express my appreciation to the gentlelady from Nebraska (Mrs. SMITH), our ranking minority member of the subcommittee. Our subcommittee is truly a bipartisan body where ideas are shared and decisions are a result of consensus. Mrs. SMITH helps make this happen, and we are all fortunate for it.

Mr. Chairman, American agriculture has not recovered. Farm foreclosure stories may not get the same kind of national press as they did a short time ago, but all stories eventually get pushed off of page 1. The story is no less important, but people look for "different" news.

The facts before us today are quite startling. Farm debt is $216 billion—double that of 6 years ago. More and more farmers are forced to go to the lender of last resort—the Farmers Home Administration—because commercial lenders no longer consider agricultural loans a good risk. Prices received by farmers have fallen 15 percent since 1977, while during that same time period prices paid by farmers have risen 56 percent. Net cash income is expected to drop this year because of higher production expenses and reductions in Government payments. We will earn more money from agricultural exports, but we will be shipping smaller volumes of goods because of an overly expensive dollar that is costing us foreign markets. The average rate of return to assets is only 3.1 percent, lower than any savings account you can find. The average return on equity capital is 1.1 percent—the lowest in 50 years.

And in the face of these facts which tell us that either American agriculture gets help, or we will no longer be able to produce the most plentiful food supply in the world at the lowest percentage of income in the world, the President presented a budget to us that wanted to cut many of the programs that have helped agriculture advance. His budget projections also show us that by 1989, the President wants to cut soil and water conservation programs by 31 percent. Farmers cannot farm without good soil and water, and I am sure that all thinking people will agree with me that we need conversation programs. He wants to cut farm credit by 41 percent. But if more and more farmers—including many established ones—find that FmHa is the only bank in town, either the agency is there to help creditworthy borrowers, or we close the farm and sell the tractors for scrap.

President Reagan's budget also proposes that we cut research, extension, and animal and plant health programs by 15 percent over the next 5 years. Without research, we cannot continue our productivity. Without extension, we cannot spread the word of the accomplishments of research. Without animal and plant health programs, we will be left open to the ravages of pests and disease, with the ultimate victim being the American consumer. I cannot emphasize too strongly the simple fact that farmers produce food, and without the farmer, there will be no food.

These disturbing facts led me to ask the Secretary of Agriculture whether or not this projection means that the Cabinet Council on the 1985 farm bill should save money and not bother meeting. The Secretary told me that this budget projection was not one that he wrote: It was the product of David Stockman. When I asked the Assistant Secretary for Research what he thought about the projections for his programs for the next 5 years, he told me that he had never seen the table which is printed on page 3-37 of the President's budget which we all received earlier this year.

To me, Mr. Chairman, this means that the policy officials with the greatest concern for the future of agriculture are either losing their battles within the administration, or they are being ignored. Either alternative is equally tragic because it means that the farmer loses.

It is because of tragic events like the ones I have described that I am pleased to serve on the Agricultural Appropriations Subcommittee. I firmly believe in coequal branches of Government, and it is for this reason that we will not see these kinds of cuts in the bill before us today, and hopefully in the years ahead.

This is a responsible bill. It is nearly $38 million below the total amount requested by the President, so we have been good stewards of tax dollars. Its priorities, however, are vastly different. It is these differences that make this bill superior to the budget request.

I would like to describe for our colleagues some of the provisions of the bill that I consider to be key.

Title I provides funding for the various agricultural programs. It is the portion of the bill of greatest interest to farmers. One of its chief components is funding for agricultural research and extension activities.

The Agricultural Research Service will receive an increase of $11 million over fiscal 1984, an increase of slightly more than 2 percent. I am pleased that the bill restores $200,000 for food toxicology research for a continued assessment of toxic substances in the Great Lakes food chain. This work began in Michigan earlier this year, and already scientists are making important discoveries that will help us to better understand the interplay of toxic substances in our environment.

In the Cooperative State Research Service, we made a number of restorations, a few increases, and provided funding for important new efforts. While I am not personally satisfied with the 2.8-percent increase in formula research funding under the Hatch program, the increase is important because it minimizes the damage that is done by failure to keep up with the higher costs of conducting research.

In the area of special research grants, there are a number of projects that are important to Michigan. First, we continue funding for the Saginaw Valley Bean & Beet Farm at the level of $97,000. This cooperative effort involving the State of Michigan, industry including the growers, and the Federal Government, looks toward an ongoing research effort which will help us maintain an operation that has become a symbol for cooperative success around the country.

We also continue the $35,000 for dairy and beef photoperiod research, to help us better understand the implications of light exposure on the production and growth of animals. The work that has been done so far will help dairy farmers better understand how to provide for short-term modifications in milk production without incurring substantial costs. The program is now moving more toward beef research, and the outlook for success is similar.

We also continue $96,000 for blueberry shoestring virus research, and $100,000 for asparagus yield decline research. Both of these projects involving specialty crops demonstrate that the Federal Government can be responsive when local groups let us know of their needs. All of these special projects were eliminated in the President's budget, and restored by our committee.

But we do know how to terminate projects when they have reached an ending point. For this reason, funding for the bean flour research program in Michigan and Texas is not provided this year. This project has reached some important conclusions, and it is time that the results stood the test of industry interest.

We did fund certain new research projects for Michigan's agricultural needs. First, we provide $200,000 for potato research, identified as "Midwestern Potato Research." Michigan is a major producer of potatoes, and the type of varietal research that is needed in the State to help maintain the crop as an important component of our agricultural economy.

Second, we also provided $300,000 for stone fruit decline research, involving primarily cherries and peaches. There have been bad experiences with losses of cherry and peach crops from certain disease problems. These industries produce millions of dollars worth of nutritious fruit products each year, and this research will enable our producers, many of whom are in Michigan, to continue to produce excellent and plentiful crops.

With respect to the competitive grant program, we took an approach that will provide us with better information regarding the work undertaken with these grants. We more specifically identify the type of projects for which competitive grant funding is available, while we also provide some additional money for a new biotechnology program that the Department believes is important for the future of agricultural research. I sincerely hope, as does our chairman, that the program will succeed, and that the agency will do a better job of letting the committee know how these projects are proceeding, and what they might be accomplishing.

My only real regret with our action is our inability to provide funding for graduate fellowships in agricultural research. Last year the agency was most high on the program. This year, our fiscal situation will not allow funding. While I can appreciate our need to be fiscally responsible, I question the agency's recommendation of no funding because we cannot afford to turn on and off our stream of research scientists. To the extent that young scientists did not go to USDA last year because they could not see a future in departmental research work, and then in the current year see a glimmer of hope with the modest amount that is available for fellowship grants, I am sure that their attitude after seeing the fiscal 1985 appropriation will be that a future as a USDA scientist is one that cannot be trusted, and then we will all pay—dearly.

I am very pleased that we are able to restore misguided cuts in the Cooperative Extension Service budget. I again personally wish that we could have provided a larger increase in Smith-Lever formula funds, for these funds are the basis of our County Extension Agent system, but tight budgets are being felt in many areas, and Extension is, unfortunately, no exception.

I am particularly pleased that we restored funding for the expanded food and nutrition education program (EFNEP). The President, again, wanted to cut $25 million from this all-important nutrition education program. I have received more mail on the success of this program than on any other program in the bill. We fund this restoration with a transfer from the food stamp program, and this transfer is quite appropriate. Much of the work that is done in EFNEP is to help food stamp recipients, so it is only fair that the bill be paid by the beneficiary.

In the Animal and Plant Health Inspection Service, I am pleased to tell you that we were able to restore another proposed cut in the brucellosis eradication program. This program is important to help eradicate the disease, and the Department should be doing more with this program, rather than constantly trying to find ways to kill it. We have a national industry in which cattle travel from one State to another. The only way that we can be sure of containing and eradicating the disease is with an effective and strong Federal involvement which is, in fact, supported by many agricultural producers.

I am also pleased that we restored another in a continuing saga of proposed cuts in the animal welfare program. This again continues to be one of the programs with greatest public interest. The law has not changed; only USDA can enforce the Animal Welfare Act, and constant suggestions to allow others to do this work are misplaced until such time that the law is changed. USDA should concentrate its efforts on the authorizing committee if it truly believes that such a change is in the best interest of animal welfare. In the meantime, we will continue to fund the program under existing law.

Within the Statistical Reporting Service, we were able to restore crop reports for three important commodities: pickling cucumbers, asparagus, and floriculture. These crop reports are essential to orderly marketing, and the discontinuation of the reports some years ago led to a loss of valuable information. This restoration which was supported by the commodity groups, and had strong support on our committee, is important in trying to maintain the vitality of these particular commodities.

We also restored a proposed cut in the Agricultural Cooperative Service. Agriculture has had a long history of producers working together through cooperatives. Many producers have yet to be able to take advantage of this kind of farm organization, which holds great promise in efforts to promote U.S. agricultural exports. I hope that we will see a sensible budget next year that will not propose a similarly misguided cut.

We also fund operations for the Commodity Credit Corporation in title I. I sincerely hope that we will be able to cut this budget in the days ahead. I say that because it is the countercyclical portion of farm programs. The only time that farmers need to use this program is when the market does not provide them with the funds they need. I personally find it remarkable that in each year since fiscal 1981, the cost of farm price support programs has at least equaled and in some instances were even triple the total of the cost of farm programs in the prior 4 years. This is a tragedy of great proportions because it means that the farmer is not getting his income from the market, but from the Government.

We have had some successes in reducing the cost of farm programs, despite opposition from the administration. The dairy program that we enacted last fall is working. Milk production is down, and the early "gloom and doom" numbers that USDA published are clearly in error.

Our sugar price support program is working, providing the Government with a revenue gain. It is for this reason that I was amazed at the fact that each witness from USDA that I asked about the future of the sugar program in the 1985 farm bill was reluctant to commit to its extension. You would think that success would be enough to justify continuation, but apparently the current group of people at USDA is either unconvinced, or under orders from outside the Department to not agree to this program. I leave this judgment for the days ahead.

The real bottom line, though, is that the President's budget does blame our problems on an "excessively costly 1981 farm bill," which is really amazing. It was this administration that sat in on each of the 39 meetings of the conferees on that farm bill. It was this administration that got change after change in the bill so that it provided little of worth to agriculture, apart from the sugar price support program. So after conducting its handiwork in so diligent a fashion, they disavow the results. Again I do believe that we must take time to see what is in the best interest of agriculture, and I am seriously concerned that the people in the know at USDA are being prevented from doing this very crucial thing.

Title II funds our rural development programs. We again were faced with a number of important needs to restore funding for programs operated by the

Farmers Home Administration, while maintaining adequate levels of operating loan money to meet the greater demand for loans from the agency. As I said earlier, more farmers are going to FmHA now than ever before because commercial lenders are not convinced that the low rates of return on agricultural investment are worth the risk.

We also continue funding here for many rural community programs, such as the water and sewer program, which means that the quality of rural life can continue to improve. It is difficult to tell people who live in small towns that they do not deserve the same level of community services as do the people in larger communities. The FmHA programs tell them that they will not be forgotten, and this subcommittee works to be sure that funds will be there to get the job done.

We approved a reduction in full committee in the business and industrial loan program in order to comply with certain concerns expressed by OMB regarding funding levels in this bill. Again, not all actions that we take are pleasant, but it is a sign of the restraint that concerned Americans expect. Perhaps in better days we can restore this program. But for now, we are mindful of our need to hold down spending when conditions warrant.

We also restored proposed reductions in operations of the Rural Electrification Administration. Electric and telephone service is needed everywhere, and REA helps see that such service is provided. Loans are repaid with interest, and communities have a better link with the rest of the country as a result. This is the 20th century, and we need to be sure that all areas of the country can take advantage of this fact. The budget as proposed by the President would have made this accomplishment more difficult.

The bill also restores certain very important soil and water conservation efforts. I find it amazing that the President's budget anticipates a 31-percent cut in these programs over the next 5 years. It is shortsighted, and will in the long run be very costly. We can not produce food without land and water, and if we do not conserve them, we could lose them.

I want to take the time to point out here some important directives that we provide to the Soil Conservation Service in our report. There have been some problems in which not all counties in a particular area of a State would have their soil surveys completed before the agency moved on to another part of the State. We believe that it is important that these studies have area integrity, instead of resulting in a map that looks like Swiss cheese where we see holes of counties that have not had their soil survey completed in quite some time. I am familiar with a particular situation of this kind within my own congressional district, and I hope that SCS will take note to move to correct this problem in the very near future.

And with no surprise to anyone, we once again restored the most popular program for budget cuts, the agricultural conservation program. This program does more to help improve farm land management practices than any other. It helps us retain productive land for the future, at a fairly low cost. Given that every budget office tries to cut this program year in and year out, we must question whether or not their budget recommendation is serious, or an example of gamesmanship in which they shift the responsibility for the level of funding. Surely they cannot mean that they truely want to cut conservation programs.

Title III provides funding for our domestic food programs. As a member who comes from an area of high unemployment, I have seen the need for these programs every time I return to my district. As a member of the Select Committee on Hunger, I am committed to helping people understand that feeding programs are not bad, and that we have an obligation to see to it that no American goes hungry in a land with such a bountiful food supply. Farmers grow food for people to eat, not to rot in USDA warehouses.

Again, however, we are faced with a Presidential budget that is based upon assumptions of legislative changes beyond the scope of the Appropriations Committee. They have been proposed before. They have not been enacted. They are proposed again. We have no real reason to believe that they will be enacted this year.

Given this state of legislative fact, we are left with one simple alternative: approve the President's request under the terms and conditions of existing law. This means quite simply that we place limitation dates on the availability of funds, and specify annual spending rates. We will have to have supplementals on a number of programs. We have gone down this road before. The President has submitted budgets not based on current law, and he has later requested supplementals in recognition of the fact that his legislative scheme had not been approved.

It creates anxious moments for those who run feeding programs, and I wish we could avoid this anxiety. But it is the most prudent thing we can do in the absence of a realistic budget.

The only real exception to our action is under the child nutrition programs where the President's budget falls $48 million short. We approve these additional funds, subject to an official request for the use of funds by the President. If he does not ask for them, he can not have them, and they are not spent.

We also recognize the fact that there is pending legislation, most notably H.R. 7 dealing with child nutrition programs, and H.R. 5151, dealing with the food stamp program and the commodity supplemental feeding program insofar as the availability of the program for senior citizens, which could alter our spending needs. If enacted, we expect the President will adjust his budget request accordingly.

I want to pay particular attention to our action on the commodity supplemental feeding program in this bill. We again identify this program as a separate budget account. We recognize the need for adequate funding, although the amount we approve looks like a reduction from the fiscal 1984 appropriation of $40.1 million.

USDA claims that they will have a carryover of $13 million in unspent fiscal year 1984 funds. We provide funds for this program on a 2-year availability basis to avoid shortfalls from one program to another. I personally question the size of the carryover in light of the fact that last year USDA was so uncertain as to how much carryover would be available. I find it difficult to accept being unable to respond one year and absolutely certain the next.

Accordingly, we accept the assumption of the carryover, but require a $38 million program level. In the event the carryover does not materialize, we expect a supplemental.

In the meantime, we also will expect USDA to use the $13 million to meet fiscal 1984 demand, including requests for new programs or expanded caseloads. Our action should not be taken as an excuse for USDA not spending the money this year because they are obligating it for next year. If we learn of USDA acting to withhold funds from new requests, you can be sure that we will deal with the agency in the best interest of the people seeking participation in the program.

We also identify an amount of not less than $1.35 million for use in the senior citizen CSFP programs in Detroit, Des Moines, and New Orleans. These programs will be allowed to continue because we do not want any senior citizen removed from the program. Our language identifies "not less than $1,350,000" in recognition of the fact that it is possible that the three cities I identified could use more for their senior citizen programs, assuming the demands for the other participants in the program continue to be met. I know that the program operators are responsible people and will not choose between mothers and infants and senior citizens. They will serve as many as they can. But needs change, and the flexibility to meet the changing need must continue to be available.

We also rejected the transfer of the elderly feeding program from USDA to the Department of Health and Human Services. This is another example of a perennial suggestion that has not met with approval. The program works well where it is, and there is no reason to transfer it.

Title IV provides funding for the various international programs operated by USDA, including the Foreign Agricultural Service and Public Law 480. I know that some will believe that we could use more in this program, but it is important that we deal with needs as they arise. The alternative would have meant cutting programs in other portions of this bill, and it becomes quite difficult to pick and choose among the diverse needs that this bill meets.

I know that we are open to hearing of needs from all involved, and I can assure you that such information will be considered. But the bill today is faced with a limitation that makes it impossible for us to be as generous with these programs as some might like.

I would like to point out that the administrator of the food-for-peace program should continue to consider our directive in an earlier supplemental regarding the sale of a wider range of grades of commodities to facilitate sales where nutritional quality will not be impaired. We are no less concerned because our report does not repeat that language, and I expect to review progress on this issue at next year's hearings.

The bill concludes with title V funding for the Food and Drug Adminstration. Our subcommittee's concern for issues such as orphan drugs and adequate response to improving technology on the part of the Agency is well known, and I know that this concern will continue.

Mr. Chairman, this is a good bill. It is not all that needs to be done. It is not all that should be done. But it is responsive to the most pressing needs under stringent circumstances. We have met our budgetary guidelines and are not taking action to aggravate our budget problems. Our priorities differ from those of the President, but that is our obligation and prerogative as a coequal branch.

I urge our colleagues to support the fiscal 1985 agricultural appropriations bill before us today.

□ 1100

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, a few years back there was a story told when youngsters in our schools were surveyed on a series of questions, and one of the questions was: Where does milk come from? One of the youngsters marked down his answer as "From the supermarket."

Since that time, I believe that the American public has grown to learn, from student all the way to senior citizen, that it is the farmer indeed who, through his diligence, produces the milk and other foodstuffs that grace our tables three and more times a day.

It is in this atmosphere that I, who am a city kid, have always relied on the people on the farms and the people who represent them, their organizations, their various farmer groups, for first-hand information and knowledge about the importance of the farm community and the farm economy to our Nation. While, I, too, have reservations about some of the aspects of this bill and, frankly, do not understand some of the byways and highways of agricultural appropriations and subsidies, I, in my final vote, which is yet undecided, am going to have to rely on the debate as it unfolds here and to keep in mind two factors: One, whether or not there is sufficient emphasis in this bill on marketing, improving our marketing capacities for our food products and, thus, helping our agricultural community escape the subsidy areas to which they have been so long dependent.

That bothers me, and it bothers most of our farmers. They do not want to be recipients of doles or recipients of handouts or recipients of subsidies, or in any way to be recipients of anything except a fair opportunity to compete. Whether or not we, as a Congress, can buckle down to help them enlarge exports and enlarge the markets for their products is still a burning issue. I, myself, an intent on doing all I can as an individual to try to help expand those markets.

It is in this way, it seems to me the best way, to help our farmers help their productivity and, thus, insure the steady flow of food products to our tables.

The distinguished chairman of the Committee on Appropriations, the gentleman from Mississippi (Mr. WHITTEN), did allude to the fact that without our bread basket, all else fails in whatever the Congress tries to do. If we do not have the food capacity, domestic capacity, we do not have industrial capacity.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GEKAS) has expired.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentlewoman for yielding this additional time to me.

So, Mr. Chairman, I believe that when one finishes his investigation, his personal investigation, as a Member of Congress of the contents of this bill that his or her final vote will be cast on the basis of what is best for the country as reflected as to what is good for our farmers.

Some of the amendments that are proposed to be offered here on the floor are worthy of our consideration. The success or failure of those amendments really is going to tell us what the final vote is going to be.

I start off, then, by saying I support basically the tenets of the committee report and the bill, and hope that when the battle of the amendments is over that I will be in the same posture as I am at this moment.

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. NATCHER) who has been a member of the subcommittee for a long time.

Mr. NATCHER. I thank the gentleman for yielding to me.

Mr. Chairman, one of the nicest things that has happened to me since I have been a Member of Congress is the opportunity that I have had to serve on this Subcommittee on Agriculture Appropriations for a period of 30 years. I sincerely believe that our chairman, the gentleman from Mississippi (Mr. WHITTEN), knows as much about agriculture as any Member who has ever served in this body. It is a distinct honor and a privilege for me to serve with the other members of our subcommittee. We have an excellent staff on this subcommittee.

Mr. Chairman, we present at this time to the Members of this Committee a good bill. The American farmer is entitled to a fair share of our Nation's income. Today the farmer does not receive enough money for his commodities. Our farmers know how to produce, and today our country is the world's largest exporter of food to the other nations of the world.

The assets invested in agriculture today exceed those of any of the next 10 largest industries. Agriculture employs more workers than any of the other major industries and employs 23 times the number of people employed in the coal and oil industry, and 5 times more than the number employed in the automobile industry.

Agriculture is one of the major markets for the products of labor and industry. As we know, agriculture spends more for equipment than any of the other large industries. It uses more steel in a year than is used for a year's output of passenger automobiles. In the calendar year of 1982, the U.S. agriculture exports totaled $36.6 billion.

Food is still all-important in this world today. It has been said that the world is never more than 1 year's supply ahead of starvation. The population in the world continues to grow. It reached the first billion by the year 1830, and only 100 years later, in 1930, it reached 2 billion. In 1960, only 30 years later, it reached 3 billion. By the year 2000, at the present rate of increase, it will double again, to over 6 billion people.

There can be no healthy agriculture when the farmer receives only what is left after industry gets an increasing percentage of the consumer dollar, a percentage that has increased from 41 percent 25 years ago to 78 percent of the food dollar today, while the farmer's share has declined from 59 percent to 27 percent. These words, Mr. Chairman, are included in the report that we present to the committee today.

This bill contains the request for Agricultural Research, Soil and Water Conservation, REA, Extension, and all of the other services in the Department of Agriculture. Extension today is more important than it has ever been since it first started. The reduction that they proposed to my chairman (Mr. WHITTEN), and the members of this subcommittee was not accepted, Mr. Chairman.

This bill contains total obligational authority of $34,517,759,000, which is $3,950,000 under the President's budget request.

I want to compliment our chairman, the gentleman from Mississippi (Mr. WHITTEN), and all of the members of the subcommittee for the work that has been done on this bill.

Mr. Chairman, at this time we recommend this bill to the Committee.

The CHAIRMAN. The gentleman from Kentucky (Mr. NATCHER) has consumed 4 minutes.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I rise not in objection to the existence of a farm program, nor do I rise in objection to most of what is contained in this bill before us. But what I do rise in objection to is the sum total of spending which it authorizes and will commit for fiscal year 1985.

☐ 1110

The members of the Agriculture Committee and the Agriculture Subcommittee of the Appropriations Committee are, I think, right on target when they suggest that this bill in isolation, separate from the consideration of any other bill, serves the needs of consumers and farmers in America pretty well. I accept that.

But the problem in this institution is that when we take this bill and put it alongside the other 12 appropriation bills, they total some $180 billion more than we have the courage to extract in the way of taxes from the people of this country. In 19 of the past 20 years this has been the course—deficits year after year after year. We stand in the well of the House and say how well this committee has done its work, that this bill represents a balance between consumers and taxpayers.

Reluctantly, I say to my friends, I must vote against this bill, as I have voted against almost every appropriation bill for the last 3 years, not because I am opposed to those bills on the merits but because, when we put the sum total of the amounts that are committed against the tax dollars to be spent, we have total chaos in the form of these deficits.

I do not know any other way that this Member from California can express his displeasure at this runaway spending which this House tolerates month after month after month except to vote no. The only exception that I have performed over the last 3 years is to vote for defense bills because I believe that is the principal responsibility of the Federal Government, to provide for the common defense.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my friend, the gentleman from Oklahoma.

Mr. WATKINS. Mr. Chairman, I thank my good friend, the gentleman from California, for yielding.

The gentleman does know, that this is below the President's budget?

Mr. DANNEMEYER. Mr. Chairman, I will say to my colleague that Presidents proposed and Congresses dispose. We can change Presidents every year between now and the end of the century and we will not change the spending level of this country until the Congress of the United States is composed of men and women who reflect the sense of the taxpayers of this country that they want spending reduced. They do not want tax increases made; they want spending reduced so that we have a balanced budget. That is what our people want, and I hope the gentleman will join me in reluctantly voting against this bill.

Mr. Chairman, I thank my colleague, and I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. HIGHTOWER).

Mr. HIGHTOWER. Mr. Chairman, I rise in very strong support of our bill, H.R. 5743, making appropriations for Agriculture, rural development, and related agencies, and I urge my colleagues to support this bill.

I know that everyone would like to say that we are voting against appropriations because we want to balance the budget, but the committee chairman, the gentleman from Mississippi (Mr. WHITTEN), has not overstated the situation when he says that the agriculture economy of this country is basic.

Our friend who preceded me in the well said that he voted for the defense appropriations bill because he considered that bill essential. If we are going to vote for what is essential, what is more essential than feeding this country?

The rest of the economy is going to ride completely on the strength of the agriculture economy. We have not had masses of people hungry in this country for many, many years, if ever. I hope we never will. We have seen it in other parts of the world. We continue to see it. Hunger is still a specter that haunts all of civilized society.

We must not destroy that which is basic for our life and for the strength of our economy, and that is, and continues to be, agriculture. Our committee chairman, the gentleman from Mississippi (Mr. WHITTEN), stated the case very well. Many of us here are aware of the crucial situations which our farming communities face today. Farm debts, insolvencies, and foreclosures continue to increase. Farmers Home Administration delinquencies are rising at an alarming rate, and the farm credit system suffered losses in 1983 which accounted for 40 percent of the losses in its 50-year history. Forty percent of its losses for 50 years occurred in 1983. The situation is critical.

A lot of times some of us take the attitude: "Well, it did not affect me. My house didn't burn down. I didn't get involved in a disaster." That does not change the seriousness of the disaster. And when the disaster is multiplied to such an extent, we begin to recognize that it is a very serious national problem.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. HIGHTOWER. I am happy to yield to my friend, the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for yielding.

I thought that in the legislative process, those of us who met up with appropriation bills for the first time here on the floor could rely on the fact that those Members who serve on the committee or on the subcommittee of the Appropriations Committee dealing with an issue such as agriculture, would have carried on the fight for lower spending and would have tried to reduce the deficit. I was proud that this particular subcommittee did come in under the President's request. But that should not be the only reason for me to vote against the bill, as has been suggested, because I still have the opportunity, do I not, to offer amendments to reduce the spending in this legislation?

Mr. HIGHTOWER. Certainly the gentleman does, and let me assure my friend that this committee, under the able leadership of our chairman, is not a rubber stamp for everybody who wants to come in and ask for spending.

Nobody gets all they want, and the committee very seriously and carefully examines the budget request and finally says, "Here is the amount." We come unanimously with a bill that we believe really addresses the critical needs. We are all mindful of the fact that we have a serious deficit problem, and that we do not want to waste 1 cent of the taxpayers' dollars. I can assure the gentleman and every Member of the House that the chairman, the gentleman from Mississippi (Mr. WHITTEN), and every member of this subcommittee have been very careful in this regard.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman from Texas for his assurances.

Mr. HIGHTOWER. Mr. Chairman, as we debate this appropriations bill and prepare to vote on it, every Member should keep in mind that even though it is referred to as an agriculture appropriations bill, much of the funding does not go directly to farmers. A lot of people seem to have the idea that this is a bill that just passes out checks to farmers. Rather, it goes to support research which has made this country the breadbasket of the world, and it is needed to preserve our natural resource base so that we can continue to supply food and nutrition assistance for our own people, for the needy and disadvantaged, to support our Nation's efforts in international marketings which have contributed so much over the years to our balance-of-payments problem, and to support work conducted by the Food and Drug Administration and Food Safety and Inspection Service to insure that our food is safe, that the food that you and I eat in our homes and in the carryouts and in the restaurants of this country is safe.

Mr. Chairman, members of the committee have gone to great lengths to report a bill which provides crucial levels of funding for agriculture and related agencies. The bill provides $34.5 billion for fiscal year 1985 programs, $430.6 million over last year's bill, out $3.96 million below the President's budget request. The bill is significantly lower than the $41.6 billion appropriated in fiscal year 1983.

I would also like to thank our distinguished chairman from Mississippi, Mr. WHITTEN, for the leadership and expertise which he has provided in the development of this bill. I only hope that I can be considered as good a friend of agriculture as is our distinguished chairman. He has proven his support for agriculture many times in the past and continues to prove that friendship, as is evidenced by this bill.

H.R. 5743 will provide funding for many essential programs which serve the farmer, the agricultural industry, the consumer, and the Nation. The numerous research programs which are funded by this bill play a vital role in continuing the efficiency and productivity of our farmers. They are recognized as the best in the world and provide the consumers of this country with a plentiful and economical supply of food for a smaller percentage of their income than perhaps any other country in the world. It is quite obvious that this bill goes far beyond providing assistance to our farmers. It would be very difficult to place a dollar value on such nationally beneficial items as food safety programs conducted by the Food and Drug Administration and Food Safety and Inspection Service, or the plentiful supply of high quality food supplied to the U.S. consumer which is partially a result of past research in agriculture.

Title I of the bill provides funding for agricultural programs such as USDA's Agricultural Research Service, the Cooperative State Research Service, the Extension Service, the Animal and Plant Health Inspection Service, and others. The programs administered by these agencies are vitally important to the efficient, productive capacity of our Nation's agriculture. The committee has provided $487,379,000, an increase of $11,101,000 above last year's level for the Agricultural Research Service, to insure that we continue to develop more effective and efficient ways to produce food and fiber. The committee also recommends funding the Cooperative State Research Service at $254,441,000, an increase of $6,786,000 over fiscal year 1984, to continue the strong, and very beneficial research effort which exists between Federal and State research agencies. Other agencies funded under title I are the Agricultural Stabilization and Conservation Service which administers our farm programs and the Commodity Credit Corporation which carries on programs intended to help stabilize, support, and maintain farm income. As many of my colleagues know this has become a rather costly undertaking. However, the cost of farm programs are coming down. I sincerely hope that the USDA has realized that effective farm programs can be implemented at much less cost to the taxpayer while having the same end result of bringing supply and demand more closely in line. I am optimistic that future farm program costs can be returned to more realistic levels, but as my colleagues know, that depends on a number of factors.

The committee chose to fund title II at $4.89 billion, which is $663.4 million over fiscal year 1984 levels and $262.9 million over the President's budget request. Title II provides needed funding for many rural development programs which range from farm operating loans administered by the Farmers Home Administration to rural electrification and telephone programs provided by the Rural Electrification Administration. Many other programs, through the work of the Soil Conservation Service, help to preserve our Nation's most valuable resource, land. Numerous publications around the country have carried stories about the serious erosion problems which we now face and the critical need to alleviate this problem before irreparable damage is done. The credit programs provided by FmHA are increased so that producers will have more access to last-resort lending to aid in recovery from these disasterous times. It is in the interest of the entire population that we support programs which will preserve our natural resource base and productive capability.

The committee chose to fund title III of the bill at $14.67 billion, which is $809.9 million over fiscal year 1984 levels and $22.6 million over the President's request. Title III, which uses a substantial portion of the funding provided by the bill, supplies funding for the Food and Nutrition Service and others. It represents an organized effort to eliminate hunger and malnutrition in this country. These programs are intended to provide access to a nutritionally adequate diet for families and persons with low incomes and to encourage better eating patterns among the Nation's children. We have reduced funding from last years levels and would hope that the Members of this body would join the conferees in providing assistance during these particularly difficult financial times for many families around the Nation.

The committee funded title IV of the bill at $1.29 billion which is $63.1 million above fiscal year 1984 levels but $149.5 million below the President's request. Title IV funds increasingly needed programs to help American agriculture in maintaining and expanding foreign markets for agricultural products. We must continue to maintain these programs to combat export promotion and market development programs being used by our competitors. It is essential to reverse the decline in agricultural exports which have occurred during the past 2 years, and these programs can help do that. As many of my colleagues know, agriculture is one of the few industries which generates a trade surplus to help offset our trade deficit. In 1980, 1981, 1982, and 1983, nonagricultural exports generated a trade deficit of $229 billion, while agricultural exports generated $91.8 billion in trade surplus to help offset our Nation's huge trade deficit.

The committee funded title V of the bill at $427 million, which is $13.1 million over fiscal year 1984 levels and $5.7 million over the President's request. The bulk of this appropriation is for the Food and Drug Administration which has one overriding goal: consumer protection. The FDA sets food and product standards, evaluates the safety and efficacy of new drugs before they are marketed, conducts and sponsors research studies to detect health hazards, and maintains surveillance over foods, drugs, and electronic products to insure that they are safe, effective and honestly labeled. As my colleagues know, FDA plays a very vital role in our society.

I would like to end my remarks with a quotation from a recently published book entitled "Renewing American Industry." The book was written by two staff members of the Harvard Business School, Paul Lawrence and Davis Dyer. I believe that their words sum up why we should continue to support such a vital industry as American agriculture:

> The experience of agriculture in the past fifty years is truly the story of an American miracle. Today the chief hazard to farming may be a serious lack of awareness and understanding of this success story and its implications on the part of the general public and its representatives in Washington. Somehow the idea seems to be abroad that farmers are coasting on government handouts, that they are receiving unwarranted subsidies at the taxpayers' expense. In particular cases, of course, such charges are certainly true. But particular exceptions cannot be allowed to obscure the industry's overall record of high efficiency and innovation. . . . Every city dweller depends on farmers not only to put food on the table but to pay for a big chunk of U.S. imports. Another farm crisis seems to be looming on the horizon and failure to perceive what is at stake and the special needs of agriculture is alarming. The family farm remains the basic productive unit but it needs to be understood and supported. If fundamental changes threaten this industry, then our farm policymakers in Washington might profitably take a lesson from their predecessors, the New Deal planners, who spurred this century's first agricultural revolution.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. GREGG).

Mr. GREGG. Mr. Chairman, I thank the gentlewoman from Nebraska.

Mr. Chairman, to paraphrase our great sage from New Hampshire, Daniel Webster, who came from a small college where the motto was "Vox clamantis deserto," a voice in the wilderness, I feel a bit like it should be "Vox clamantis cornfield"—a voice in the cornfield—because there is such a feast of outpouring of support for this bill that I hate to rise and say that I am opposed to it. But I am.

□ 1120

The fact is that there are problems in the land with our agricultural supports here. We have seen the dairy prices go from $190 million, I believe it was, in 1980, to up to over $2 billion today.

We have seen the PIC program which has created an explosion in costs in the area of grain and corn.

We have seen a farm bill which generally has exploded in cost.

Now this year the committee has been able under a good faith effort to bring it in at the level that it was last year, but the problem is that last year we saw a dramatic increase in our farm program and it has remained too high last year and it is too high this year.

We have an obligation in this House to address the issue of agriculture in a way other than throwing money at it. We have an obligation to address the issue of the farmers' needs in this country, other than taking them out of the free market system and making them serfs of the state.

For that reason I would like to see us reject this bill.

Mr. WHITTEN. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, I rise in support of the bill.

I would like to state that for the greatest national security of our country, for the greatest national defense of our country, we need a strong agriculture which is adequate to put food on the tables of the American consumer throughout this great land and to one-fourth of the people around the world.

If we want a strong America, we must have a strong American agriculture.

One of my colleagues in the House the other day stated, "Why is it that food prices continue to rise if the farmer is going broke?"

I would like to recommend to all my colleagues to look at the U.S. News & World Report this past week which points out that for the third year in a row the American land values have decreased in value. The first time in our history we have ever had back to back, 3 years in a row, of land values dropping. All of us who are closely associated with agriculture know that for the last 30 to 40 years we have literally been farming on the equity of our land, the increase or inflated value of our land, and also our equipment.

Today the American farmer cannot go to the banker to refinance like we used to be able to refinance to stay in business.

In fact, in 1950, for each $1 of income, the American farmer had per year $1 of debt.

In 1960, it grew for each $1 of income per year, the farmer had $1.50 in debt.

This year for each $1 of income, the American farmer has $20 in debt. He is in debt so severely with land prices down that he cannot stay in business but, this is what the administration wants. We have more of them on the brink of bankruptcy than ever before.

Yes, the greatest defense for America, the greatest national security of America happens to be American agriculture.

I would like to encourage your strong support in behalf of this bill, so that we can reach out and do a better job for the American farmer and the American people.

Let me add, American farm and rural people have taken their cuts. Eighty percent of the rural programs in this bill have been cut in the last 3 years. Eighty percent—I want to repeat—80 percent of rural housing, water, sewer, and most other rural development programs in the last 3 years have been cut by 80 percent. The people in rural America have taken it on the chin. They have taken the severe cuts. I would quickly add if the wealth of this country would take such cuts, we would have a balanced budget.

Mr. Chairman, I stand in support of this bill.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. Yes, I yield to the gentleman.

Mr. WEBER. Mr. Chairman, I thank the gentleman for yielding, and like the gentleman, I am going to be supporting the bill.

I just want to make a point, though, because the gentleman referred to some severe problems in agriculture, declining land values and, of course, high interest rates.

Even though I support the bill, it is my belief, and I just want to see if the gentleman agrees with me, that the underlying problem in agriculture is not related to the agricultural programs we are voting on today. It is related to monetary policy and fiscal policy and what that in turn has done to our interest rate structure and our land values.

I just wonder if the gentleman agrees with me that that is the primary problem we face in agriculture.

Mr. WATKINS. That is one of the problems, but that is just one of the several problems. I think part of the problem is that it has caused us not to have an increase in the land values that we need.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Chairman, I thank the gentlewoman for yielding.

I think we all know that the only place you can reduce deficits is when we spend the money. We cannot reduce deficits by ignoring the fact that we do the spending.

I agree with the people who have been on the floor today saying that the agricultural economy is absolutely essential. It is. It is a major part of the economy of my district. It is an essential ingredient here.

I do have some questions when some people come before us here and basically imply that the farmer in this country is a ward of the Government, that without these programs the farmer somehow is not going to be able to produce the food.

Many farmers in my area would like to see the Government off their backs so that they could produce more food and the one way that they can get the Government off their backs is to bring down interest rates.

One of the problems that the farmers in my area see as a major problem facing them is the fact that interest rates have risen to the kind of levels that when they are trying to support the debt that was mentioned by the previous speaker, it becomes impossible for them to do so.

One of the reasons we have those high interest rates is because this Congress does not want to be responsible in spending.

Now, it seems to me that we have got to take a look at this appropriation in that light, that we cannot ignore the fact that by adding to Federal deficits that we add to the interest rate problem and thereby have an adverse impact on the farm economy.

If agriculture is as essential as we all know it is, then we have got to stop the Congress from adding to agricultural problems and we add to agricultural problems every time we pile on additional interest rates or increases by the amount of additional deficit that we place in the economy.

I would say that it is an irrelevant fact to suggest that this budget is under the President's budget. So what? The President's budget is $170 billion in deficit. We cannot afford those kinds of deficits. We have got to do better. This Congress should be doing better. We are not doing better. We are doing worse.

When you take a look at the overall budgeting in this Congress, we do not do better. We do worse. This bill is an example. This bill is in large part a sham. Sure, it is under the President's budget because in some of the major programs that are in it, it only funds them for part of the year. We only fund food stamps for part of the year. We only fund WIC for part of the year in this bill.

It is pretty easy to get under the President's budget if you only fund the program for a portion of the year and then come back for supplementals later on. That is a sham and to suggest to the American people that we are doing something to hold down budgets when we are only appropriating for part of the year, it seems to me, is not in the best interests of keeping down deficits.

I think we need to do better. I will be offering later on a 10-percent across-the-board cut in this particular bill. I hope some of the people who have suggested that we need to look at areas where we can cut take a look at that amendment, because it seems to me that at least it gets us another $3 billion, works toward bringing down interest rates, and thereby really helps the farmers.

The farmers in my area, and I think the farmers throughout the country, would feel this Congress had really done its job if we could reduce interest rates to the point that their debt service is dramatically lowered.

I thank the gentlewoman again for yielding.

Mr. WHITTEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I listened to the observations of our colleague, the gentleman from Pennsylvania. May I say this, that we do have two items in here appropriated for part of the year, because the budget calls on the committee to change the law and we do not have that authority.

The law says what shall be. The spending is required by law. Instead of us trying to change the law, which our committee has no authority to do, we took the money that was requested and appropriated it for just as long as the money lasts.

The Office of Management and Budget will send down a budget request to keep us looking like we are over the budget, but it is not our fault. That is a fact. I agree with the gentleman from Pennsylvania, it is a shame.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. EMERSON).

Mr. EMERSON. Mr. Chairman, I rise in strong support of H.R. 5743, a bill making appropriations for Agriculture, Rural Development and Related Agencies for fiscal year 1985.

I would like to commend the chairman of the committee and the subcommittee, Mr. WHITTEN, and I would like to thank the gentlelady from Nebraska (Mrs. SMITH) for their dedication, hard work, and diligence on this legislation.

The Eighth District of Missouri is largely rural. In fact, there are only 5 towns in the Eighth District with populations of more than 10,000 people. We are aware that in order for the Nation's overall economy to be strong there must first be a strong agricultural economy. Agriculture is the leading industry in the United States and the strength of the many, many agricultural support industries is dependent on our farm economy.

While making the necessary appropriations for a strong farm economy, we must take into account what effect those expenditures will have on Federal deficits and, concomitantly, interest rates. I think the bill before us today represents a responsible approach to making necessary appropriations and to bringing Federal expenditures under control.

One particular part of this legislation, which is vitally important to American agriculture, and which I am very interested in is funding for cyst nematode research. Cyst nematodes, I am told, now affect the soybean industry in 24 States and we must continue to provide for research to control and eradicate these parasites. With new and better nematicides becoming available to farmers, some progress has been made in this area, but the best method of controlling the cyst nematode population remains crop rotation and the development of nematode resistant varieties of soybeans. New races of cyst nematodes are being discovered that are unaffected by nematicides presently on the market and to which so-called nematode resistant strains of soybeans are not, in fact, resistant at all. Thus it is important that our research in this area continue.

Recently, I tabulated the results of an opinion poll of the Eighth District and found that 91 percent of those responding to the poll believe that increased exports of farm products is the most successful producers in the the long-term health of our farm economy. I am pleased to see that H.R. 5743 provides for an increase in funding for Public Law 480, the food-for-peace program. American farmers are the most successful producers on the entire world and this Nation simply cannot consume all that our farmers produce. Not only is it of the utmost importance that we rebuild the reputation we once held as a reliable supplier of food for the world through foreign sales, we must also help ourselves and that part of the world that cannot help itself through the distribution of commodities abroad.

Mr. Chairman, in closing I would like to say that I am one person who might have liked to see even more appropriations for agriculture, rural development and related agencies, but we must act in a responsible and conservative manner when making any appropriation. H.R. 5743 offers such an approach and I urge my colleagues to support this bill.

□ 1130

Mr. WHITTEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. AKAKA).

Mr. AKAKA. Mr. Chairman, I rise in support of this bill.

First, I want to commend the chairman of the Subcommittee on Agriculture, Mr. WHITTEN, and its ranking member, Mrs. SMITH of Nebraska, for their tireless efforts in bringing this bill to the floor today. Few people realize the many hours of work and the countless hearings that have been devoted to the bill that we have before us. I am proud to be a member of the subcommittee, and thank my colleagues on the subcommittee and our staff for all their hard work.

Mr. Chairman, this is a bill that every Member of this House can support. Our bill provides funding to operate our farm programs, food and nutrition assistance for the needy, and aid to rural communities. Furthermore, the bill is below the President's January budget request by $3.9 million. As in years past, the committee has brought a bill to the floor that is fiscally restrained, yet provides for the agricultural programs that are essential to our farm community and to the American public.

As in years past, we have provided funding for programs to combat infestation by insects and pests that destroy a farmer's crops or injure his livestock. For example, funding has been restored for control of the boll weevil, the golden nematode, the imported fire ant, pink bollworm, and other noxious plant pests and diseases. We have also provided funding at the level of the President's request for control of fruit fly, cattle ticks, foot-and-mouth disease, screwworm, and other important programs.

The bill also contains funding for soil conservation, watershed and flood prevention, and cost-sharing for agricultural conservation programs at levels necessary to preserve our critical farm resources. I want to commend the chairman of our subcommittee for his steadfast devotion to the conservation of our farm resources. Those of you who have attended our subcommittee hearings have heard our chairman recite the 11th commandment, "to act as a steward in preserving the resources and productivity of this Holy Earth from generation to generation." As anyone who examines this bill will recognize, our committee intends to "practice what we preach."

I am grateful for the concern that the subcommittee has shown for the urgent need to develop alternative quarantine technologies to ethylene dibromide (EDB). On October 11, 1983, the EPA announced the cancellation of registration of EDB for use as a quarantine fumigant effective September 1, 1984. This action has far-reaching significance for producers of citrus and tropical fruits. For one crop in particular, Hawaiian papaya, this action means that producers will not be able to market their crops in either domestic or foreign commerce unless an effective alternative is available before September 1, 1984.

The need to develop alternatives is a problem of profound national significance. In response to this need, the committee has given special consideration to research on alternative technologies to EDB. In addition to the amounts made available in fiscal year 1984 and continued in our bill for fiscal year 1985, the committee has approved the request of the Department of Agriculture for an additional $300,000 for research to "develop nonchemical alternative quarantine treatment methods for fruit to replace the toxic fumigant ethylene dibromide which is now under regulatory constraints." This request is contained within the amount proposed by the Department under the category of "research techniques to control postharvest loses." Funding for this increase is included within $487,379,000 proposed by the committee for the Agricultural Research Service. The Department has advised the committee that one-half of this increase will be used to fund research in the State of California, and the balance will be used for research in the State of Hawaii.

In addition to the amounts I have just mentioned that are proposed in the budget request and funded by the committee, the bill makes $300,000 available to initiate research in Hawaii to develop and refine alternative quarantine treatments for tropical fruits. The purpose of this research is outlined on page 23 of the report, and the amount recommended is contained within the funds for the ARS. Finally, the committee has made funds available for a noncompetitive special research grant through the Cooperative State Research Service to develop replacement for EDB. All of these amounts will be available to establish a comprehensive research initiative to develop alternatives to EDB.

In summary, this is a good bill; and it is nonpartisan; it deserves the support of every Member of this House.

I yield back the balance of my time.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. I thank the gentlewoman from Nebraska for yielding.

If I might have the attention of the gentlewoman, I would like to address perhaps two questions to her about the figures contained in this bill.

First of all, I would like to ask the gentlewoman if she can recall the amount that the President requested for agricultural appropriations.

Mrs. SMITH of Nebraska. Will the gentleman yield?

Mr. MADIGAN. I yield to the gentlewoman.

Mrs. SMITH of Nebraska. Yes; he requested $34,521,000,000, and our bill is $34,517,000,000.

Mr. MADIGAN. If I understand the gentlewoman's response, the bill that the gentlewoman and the gentleman from Mississippi has brought to the floor is actually below the request of the President.

Mrs. SMITH of Nebraska. It is, by about $4 million, below the request of the President. I have a letter from David Stockman saying it is entirely consistent with the President's budget freeze.

Mr. MADIGAN. If I might have the gentlewoman's attention for another moment, do I understand Mr. Stockman, the Director of the Office of Mangement and Budget, is supportive of the work that has been done by the gentlewoman's committee?

Mrs. SMITH of Nebraska. Yes. I have a letter from him which says the work of the committee is consistent with the administration's objectives.

Mr. MADIGAN. I want to thank the gentlewoman very much and congratulate both the gentlewoman from Nebraska and the gentleman from Mississippi for being able to bring to the floor of this House an appropriation bill below the President's request, an appropriation bill that is being supported by the Office of Management and Budget.

I would also suggest to the Members of the House assembled here that if every subcommittee of the Appropriations Committee could do the kind of job that has been done by the gentlewoman from Nebraska and the gentleman from Mississippi that we would not have the high interest rate problems or the contribution to the high interest rate problems caused by the deficit that this Government has.

I think the work of this subcommittee has been very responsible and deserves the commendation and support of the Members of the House assembled here.

I want to congratulate again both the gentlewoman from Nebraska and the gentleman from Mississippi and I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I wish to commend the gentleman from Mississippi and his committee. Within the budgetary constraints that they have, rural America has been looked after and the various problems have been faced, particularly in the area of brucellosis and the area of soil conservation.

I commend you and I point out that so much of what we are in America today is based upon rural America. We thank you for the hard work your committee has done and I commend all of you for it.

Mr. WHITTEN. I appreciate the gentleman's statement very much and the support the gentleman has always given to the committee.

I repeat again that this is the basic bread and potatoes in our country that produces the base of our prosperity and the base of our defense and everything else. I am glad to see that so many of my colleagues recognize that fact, and I thank the gentleman.

I now yield to the gentleman from Iowa (Mr. SMITH), a distinguished member of the subcommittee, such time as he may require.

Mr. SMITH of Iowa. I thank the gentleman for yielding. I rise in very strong support of this bill.

I am proud to serve on this subcommittee with the other distinguished Members on both sides of the aisle who worked so hard on this bill.

I hear this bill referred to as an agricultural appropriation bill and as a farm bill. The fact of the matter is it affects every single person in the United States, not just the farmers. I have even seen articles written where they naively or ridiculously divide the number of dollars in the bill by the number of farmers as if farmers get all of the money.

The fact of the matter is most of the money in this bill is for the benefit of nonfarm consumers. It affects every person in the United States, even some who are not yet born under the WIC program.

It is a terribly important bill and I think that the least we can do is what we provide in this bill. Our ancestors cleared the land and made it possible for us to produce an abundance in this country so that we have plenty of food and fiber.

Yet there are some people who do not even want to invest some of those additional resources so we can continue the level of production we now have. They want to consume more than would be available but for what was done by previous generations, and still not invest in conserving the soil and protecting the next generation.

But this bill does the best we can do, I think, with the money we have, and I fully support the bill.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Oregon (Mr. ROBERT F. SMITH).

Mr. ROBERT F. SMITH. Mr. Chairman, I rise in support of portions of the agriculture appropriation for the 1985 fiscal year. It almost seems, however, that we should refer to this legislation as the domestic food programs appropriation, for $14.7 billion is earmarked for that area—with the belief that a supplemental appropriation will be necessary. Agriculture programs are funded at $10.9 billion.

I certainly do not begrudge financial assistance to domestic feeding programs, but simply point out that the majority of the appropriation for the Department of Agriculture goes toward consumer oriented programs. I do, however, have some concern about continuing the practice of partial year funding of the important food programs. While protecting the budget in the short term, this only puts off the inevitable.

I would like to provide my strong support for the $487 million going toward agricultural research, and in particular, speak in favor of the special research grants for continued study of TCK SMUT and the steep soil erosion program. It is my hope that some of the ARS funds will be used toward continued varietal research at Oregon State University.

Although we currently have a short-term domestic oversupply of wheat, it would be shortsighted to fail to continue the varietal research now being conducted. If, as expected, Federal funds are shifted into basic research at private universities, the result will be a loss to land grant institutions that have programs in place—often in conjunction with private and State funding. This work will better enable our farmers to overcome future obstacles and to feed a hungry world. Research conducted today is often applied 10 to 20 years in the future.

Mr. Chairman, I believe that farmers and ranchers, perhaps more than anyone, have a large stake in reducing the Federal deficit which stokes the fires of high interest rates. I have long felt that the best possible farm program would be balancing the budget, and providing a domestic policy that promotes economic stability. I am therefore pleased with OMB Director Stockman's letter to the subcommittee, on which Congresswoman SMITH reported earlier, that this bill is generally consistent with the discretionary program spending freeze that is an essential component of the deficit downpayment plan pending before Congress.

□ 1140

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ENGLISH).

Mr. ENGLISH. Thank you very much.

Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the Committee on Appropriations.

It is my understanding that the committee has been concerned with the adoption by the Farmers Home Administration of a new 22-page form to replace a 4-page form used by prospective borrowers for the past 40 years. It is also my understanding that this concern has led to the language in the report which recommends that outside expertise be used to review the various forms used by Farmers Home. Is my understanding correct?

Mr. WHITTEN. May I say I have discussed this matter with the gentleman from Oklahoma and we are in thorough agreement.

I think it is ridiculous in a period when we are trying to get them to expedite handling of applications for loans, to use this tremendous form that might be used in some college or somewhere else.

The head of the Farmers Home Administration insisted that this was voluntary on the part of the borrower. But when a man has the money and asks the borrower to do this, that and the other, I say there is a certain amount of duress under it.

Assurance was given to us it would be done on only a voluntary basis. I question whether they are able to do it. Certainly we need to keep our eye on it. I think we need to get rid of that type of teaching accounting and everything else at a time when the fellow cannot pay his taxes. We had better let him go ahead and farm.

So I am in accord with the gentleman.

We are in accord and hope to work with him to see that we get this brought to an end.

Mr. ENGLISH. Thank you very much.

Mr. Chairman, I prepared an amendment to this bill to deal with the new form; but it is my understanding that under the rules of the House it would not be appropriate to offer it. I prepared the amendment because of information developed at a public hearing of the Government Operations Subcommittee on Government Information, Justice, and Agriculture which I chair. We learned at this public hearing, conducted just 2 weeks ago, that Farmers Home has disregarded at least three statutes in adopting the new coordinated financial statement. My amendment would have prohibited use of funds to use the new form nationwide.

The statutes that Farmers Home has ignored are:

First, the Record Management Act which requires a Federal agency to create a record to document decisions it makes.

Second, the Paperwork Reduction Act which requires the Director of OMB to approve use of a form before a citizen is required to fill it out.

Third, the Administrative Procedures Act which requires a Federal agency to publish a final rule in the Federal Register before requiring citizens to follow that rule.

When I look back over the past 2 or 3 years I see what might be a pattern of Farmers Home ignoring the law. I understand that citizens have had to sue Farmers Home Act laws 35 times to force the agency to comply with the law. I believe that it is time for the Congress to make it perfectly clear that it will not tolerate actions which flout the law.

To my mind, it was not wise for Farmers Home to dump the burden of filling out a 22-page form onto farmers when they are finding it almost impossible to make a living on the farm. But it added insult to injury for Farmers Home to ignore the law, and it cannot be tolerated.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. COLEMAN).

Mr. COLEMAN of Missouri. I wish to congratulate the committee and especially recognize the contribution of the gentlewoman from Nebraska (Mrs. SMITH) for putting together a bill which, as has already been stated, is within the budget framework of the administration and those on the committee.

I would like to point out to my colleagues the portions of this bill as it relates to farmers. The Farmers Home Administration is funded in this appropriation bill. We know the FmHA is having to make more loans because more farmers are unable to get credit elsewhere in this country. Their load has grown. I think the demands on the Farmers Home will continue to grow.

We hear a lot of talk about the fact that soil conservation is an important part of this bill, and it really is.

In my district in north Missouri, for example, when it was started to be farmed 140 years ago, there were 16 inches of topsoil. Now it is down to 8. If we do not have support for soil conservation practices, we will in fact see our resources in Missouri go down the drain—down the Mississippi River—and never be retrieved.

I also point out that there are feeding programs in this bill, a lot of people said the administration cut back on food programs. The fact of the matter is since 1980 when we had $9.5 billion in the food stamp program, it is over $12 billion for 1983 and the fact is there have not been reductions in that program but in fact increases.

We know that much of the future of farming depends on foreign agricultural sales; exporting overseas. We have the Foreign Agricultural Service being funded in this bill; a very important thing for Missouri's farmers and for America's farmers.

I could go on and on, Mr. Chairman, but I think it should be pointed out that this is a bill for farmers and I think within the framework of the budgetary process we ought to support it.

There might be a few minor amendments, but I think in general the committee has done a good job and I wish to add my support to their efforts.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, I am going to support this bill. But there is a multitude of ways with which I believe it should be amended. Most of the amendments would be subject of a point of order noting the rule prohibiting authorizing legislation on an appropriations bill.

Under the circumstances, therefore, this appropriations bill may be all we can do. But let no one be deceived. For many of our farmers, we might as well not even consider it today. It is too little, too late and provided in programs which are in such poor form that whatever assistance is provided does not get to those who need it the most.

We do not get many opportunities to talk about the situation in agriculture. I wish, this year, we had more. But there is probably no better time than to talk about it now.

In short, it is the worst most farmers have faced in 50 years.

Net income from farming was 48.5 percent less in 1982 than it was in 1979 in real spending power;

Real capital losses on farm real estate have totaled nearly $149 billion during the first 4 years of the 1980's;

A decade ago farm bankruptcies were only something that happened during the Great Depression—but in South Dakota farm bankruptcies increased by more than 400 percent between 1981 and 1983—and they are continuing to increase;

Farm debt has increased to more than $215 billion; and

While farm production costs have continued to increase, farm income has fallen. In South Dakota between 1981 and 1982, realized net per farm decline by 43 percent to $6,940.

According to the Farm Credit Administration, production credit associations, which provide agricultural credit, in 1983 were subject to the worst financial pressure since the 1930's. The estimated $240 to $250 million in losses sustained by production credit associations in 1983 represents, in 1 year, approximately 40 percent of all losses throughout their 50-year existence.

Agricultural parity, an indicator of economic justice in the marketplace, declined to a new all-time record low of 56 percent last year, after the previous record low of 57 percent had been set in 1982. In 1932, during the depths of the Great Depression, parity was 58 percent.

Mr. Chairman, the economic crisis in agriculture and rural America is real. As our Nation's farmers and ranchers are being driven from the land under the weight of financial collapse, we are witnessing the loss of an irreplaceable national resource. The farmers and ranchers who are leaving the land today, will not be returning to resume their farming and ranching operations in the future. The loss is permanent.

A change in current farm policies is needed and needed now. Agriculture, like other sectors of our economy, must have the opportunity to make a profit in order to survive. Unless and until needed changes in farm policy are made, the exodus from agriculture and the erosion of our rural communities will not be halted. As a nation, we cannot afford the financial destruction of agriculture and rural America.

Last week I introduced legislation, which I believe represent a part of the solution. The Interest Rate Equity Act addresses one of the most serious problems confronting our family farmers and ranchers and small town business men and women—high and rising interest rates. Under this legislation the maximum rate of interest which would be charged on loans made by the Farmers Home Administration and the Small Business Administration would be no higher than the interest rate on loans made by our Government to foreign nations. Agriculture and small business in rural America need relief from record high real interest rates. Our Government should be no less willing to provide affordable credit to agriculture and small business in rural America than it is to assist foreign nations.

But if this is all we do, we have not addressed the problem. The problem is that the current farm program is not working. The problem is that as a result, tens of thousands of farmers will lose what has taken generations to build. The problem is that this disastrous situation is not being adequately addressed—either by this bill or by other legislative change. The solution lies not in how much we spend—but how we spend it.

The only solution is for us to recognize these facts. To recognize them and begin preparing major farm policy changes on the earliest possible date.

□ 1150

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. MARLENEE).

Mr. MARLENEE. Mr. Chairman I would like to congratulate the chairman of the committee, the gentleman from Mississippi (Mr. WHITTEN) and the gentlewoman from Nebraska (Mrs. SMITH) for doing an extremely good job on this appropriation bill in light of and in view of the circumstances which we in agriculture face.

It is my understanding that this bill contains food assistance programs, international ag programs, Public Law 480 programs, conservation programs, agricultural research programs, animal, plant and health programs, price stabilization programs there is some contention and question about how much we should be doing for those people in agriculture.

Let us not forget that the value of the dollar has risen, making it extremely hard for our producers to compete on a worldwide basis because the value of the dollar has gone up. This legislation is the only vehicle that is currently available for us to enable our producers to compete internationally and sell our agricultural products.

If we do not have this kind of a program, this kind of assistance, we are going to be faced with a situation of more and more surpluses accumulating on our farms and ranches and the result will be higher and higher spending for programs that are less effective.

This is one vehicle available that we can use to assist our producers is the price stabilization or price support programs.

I understand that there is more money available, and has been made available through the Farm Home Administration funding for operating loans. This is absolutely necessary at the moment. Bank loans are being classified, PCA's and Federal land banks are being forced into tightening up on the agricultural borrowers that they have and that they are servicing. There is nowhere for these borrowers to go except to Farm Home Administration and if we do not make the money available, we are going to see a collapse in the agricultural area, a collapse in land values which will only exacerbate the situation that we already have and are trying desperately to control.

I commend the gentleman from Mississippi, the chairman of the committee and the gentlewoman from Nebraska for doing all of this and still staying within the President's budget and under the House budget.

I think that this bill deserves their support.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BROWN).

Mr. CORRADA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 5743, brought to the House floor today by our distinguished colleague, Chairman JAMIE WHITTEN of the House Agricultural Subcommittee, and also chairman of the full House Committee on Appropriations.

I want to commend Chairman WHITTEN and his colleagues on the Agricultural Appropriations Subcommittee for their diligence and resolution in continuing funding, on the national level, for a wide variety of programs that help the rural economies and farm communities in every part of the United States.

By helping bolster our agricultural economy at a time when farmers are confronted with an incredible array of problems, this subcommittee also helps continue a wide variety of domestic food programs, providing support for food stamps, child nutrition programs, including school lunches, and the food program known as women, infant, and children (WIC) for low income and children.

I believe the subcommittee's recommendations in providing funds to continue these programs are of inestimable value to those U.S. citizens who continue to be assured that they will have an adequate nutritional diet through this array of feeding programs.

In the case of Puerto Rico which has substituted a nutritional assistance plan when the Omnibus Budget Reconciliation Act of 1981 removed the island's U.S. citizens from the food stamp program, the subcommittee recommends continuation of this program at last year's level of funding, or $825 million.

While this does not cover inflationary costs for adjustment, I am pleased to note that the committee recognizes that our nutritional assistance plan is continued at the same level of last year's program operation.

The funds used help many of our island's neediest citizens purchase food with a monthly nutritional check.

H.R. 5743 continues the basic program of rural development for individual farmers including those for rural housing, water, electrification, conservation, and other programs. The Farmers Home Administration has, over the years, helped many of our island's neediest citizens gain access to adequate housing opportunities and, in general, has greatly promoted the island's rural economy by helping provide badly needed infrastructure facilities. I am pleased to note that the committee's recommendations to increase the national level of funding to $822 million will certainly help many rural families take care of their basic needs.

In sum, H.R. 5743 is a responsible, bipartisan approach which would continue the main programs of the U.S. Department of Agriculture. For the Nation and for the U.S. citizens of Puerto Rico, these programs are the way to adequate nutrition for many, and for a vital and prosperous agricultural economy which must be preserved.

Mr. BROWN of California. Mr. Chairman, I rise in very strong support of this legislation. As usual, the chairman and the committee have brought to the floor an excellent bill which I can enthusiastically support and I intend to support it. It deals with the farm problems of this country in a way which we have come to expect of the Appropriations Committee and its chairman, who, I think we all acknowledge, is the foremost expert on farm policies in the Congress and perhaps in the United States. I was moved by his eloquent opening speech, as I almost always am. As I have told him before, I frequently use these speeches of his as a way of indoctrinating people in my own district as to the problems of agricultural policy in this country.

I would say also that the bill includes a number of things which I have been interested in over the years, which the chairman has cooperated with me on in many ways. I point specifically to the program in urban agriculture which the chairman has generously supported, even though it has not always had the support of the administration. The bill also includes a small program on native latex, the so-called Guayule program, which he has also supported.

I say all this, and I am sure the chairman knows it, to make clear my support for the bill, and my high regard for his leadership, even though I have one small difference with him on this bill, which I propose to take up in an amendment. Basically, I am going to offer an amendment which supports the administration and their effort at developing a biotechnology initiative within the Department of Agriculture.

The subcommittee, in its wisdom, decided that this initiative was premature or that this represented too large an initial start, and made a drastic cut in it. I will try to restore a part of that cut.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Chairman, I would just like to make a couple of points related to the impression that has been given that the bill we are speaking about this afternoon is within the President's request.

The first point I would like to make is that the Budget Committee's factsheet, and I would remind the Members this is the Budget Committee's factsheet, indicates that the bill is $146 million over the President's request in budget authority and some $334 million in outlays over the President's request.

In addition to that, there are two other areas that I think ought to be pointed out. One deals with the funding for women, infants, and children. As I understand the bill, this is a funding period though for 10 months, which means that another $250 million would be required to complete funding, either in the form of a supplemental or it would be worked out in conference.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding.

The Budget Committee, as I understand it, deals with functional categories. The gentleman has given us some figures, all of which are based on assumptions. But this bill is not subject to assumptions. If the Budget Committee is trying to deal with individual bills, it is going beyond its jurisdiction.

I have supported the Budget Committee and I was one who promoted it as cochairman of the study committee that set up the committee. When the Budget Committee starts telling you about bills, they are going beyond the act. Certainly in the overall we are below the budget resolution passed by the House, but it is up to the Committee on Appropriations to recommend what we believe in. If the Budget Committee is trying to do it by bills, they are getting out of place.

Mr. MACK. Well, maybe I used the wrong word. The budget is the only way I know how to judge spending.

Mr. WHITTEN. To assume some more.

Mr. MACK. I thank the gentleman for his input.

I would just like to, though, go on a step further.

I indicated that in order to fully fund the women, infants, and children program for the full 12 months that you are going to have to add $250 million. As far as the food stamp program is concerned, this has only been funded—at least from what I can tell—for 11 months. That would require some $980 million more to handle the 12th month into that program.

If you total those three things together, you come up with $1,376 million more than the President had requested. Do not be misled or fooled that this is within the request of the President. I might add that this body also voted down the President's original request. Let us not get fooled that this is a spending request that fits within that budget. We are talking about, in order to complete the fiscal year, $1,376 million more than the President requested.

□ 1200

Mr. WHITTEN. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. DE LA GARZA), chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, first let me thank the distinguished chairman of the Appropriations Committee for allowing me this time. Very briefly, I want to commend him and the members of the committee, the ranking minority member, for the work they have done on behalf of agriculture. Second, earlier in the debate there was mention as to the importance of the agricultural sector of the farmers and ranchers, of the producers of this country, in relation to the basic needs of this country.

Now, to put it in perspective, let me say one thing. This bill entails some $34 billion. Now, it is $34 billion out of a $900 billion budget, which is a very, very small amount. Out of that $34 billion you have funds for food stamps, child nutrition feeding programs, research, institutions of higher learning, Extension Service, et cetera, so when you come down to the basic programs of the farmer you are really talking not too terribly much over $10 to $15 billion out of a $900 billion budget.

Now, let me tell you a story that I think now is getting to be spread around. When I joined the Navy I wanted to get on board a ship and see the world. The Navy would not put me on board a ship. When I came to Congress I had an opportunity to go on a ship. I went on a submarine, a nuclear sub. I asked the question before I got off: "How long can this submarine stay under water without surfacing?" The commander looked at me and told me: "This submarine can stay underwater as long as I have food for my crew."

So who runs the defense of this country? The farmers of America run the defense of this country. Satellites can stay in space there until the end of time. How long can it stay manned? As long as they have food.

And yet we complain about $34 billion out of $900 billion budget. And every day, hopefully, everyone in America has three meals a day. Without the farmer, without the rancher you do not eat, my friends. That is the basic truth. And $34 billion is but a very small investment in the security and the health and the safety of this great country of ours. And we still have some to send abroad. The agricultural sector is the only sector bringing money back to this country from what we sell. We feed our people the best quality food in the history of the world for the lowest amount of disposable income per family in the history of the world. That is what the farmers and the ranchers of America are doing for this great country of ours and for our people.

The distinguished chairman and the members of this committee, cognizant of this fact, are trying to invest a little bit of our tax dollars. Yes, I know for a poor boy from south Texas talking about millions is quite traumatic, billions more so; $34 billion out of $900 billion. Without the farmer and the rancher you just do not eat, the country does not function. The human dies without food. I commend the chairman again, and I recommend to the Members of the House and this committee that you support the chairman in his endeavor.

We have a little disagreement. There will be a small amendment by the gentleman from California (Mr. BROWN), but this is but a very small area. Basically, the Appropriations Committee carried out the will and the intent of the legislative committee.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. ROBERTS).

Mr. ROBERTS. I thank the gentlewoman for yielding me this time.

I would like to address the issue of the budget cost. Many of my friends and colleagues have made some remarks about the current farm program and the cost of this bill. Let me point out that in hearings we just held in Montana on the future of farm program policy, one of the witnesses out in RON MARLENEE's country came up and said, "You know, the best farm program we could adopt is a three-word farm program, balance the budget."

I think he was right. Many of my colleagues have made that remark, that farmers really do not want these kinds of programs, that this bill is too expensive, that we are going down the road with supplemental requests actually exceed the President's request, and all of that is true. And I know that this farm program is costing five times as much as it used to cost.

But let me point out that the farmer does not want these programs, the farmers are concerned about these costs. The farmer did not ask about all of these loan rates and target prices and acreage base regulations and all of the confusing things that he has to go through down at the ASCS office to sign up.

And let me also point out that part of this money is paid back through the CCC program.

But the real reason that we are paying so much now for our agriculture program policy is the use of the farmer as a foreign policy weapon. Yes, we have to go back to 1980 and the infamous embargo of the previous administration, and yes, by trade sanctions by this administration. You simply cannot have a market-oriented foreign policy and lower budget expense if you do not have a market. And we just cannot seem to learn that lesson. The embargo of 1980 and the trade sanctions are like shattered glass, like a hammer when you hit the shattered glass, you do not know where it is going to end. I suggest to you that those pieces of glass are all over Washington.

Now, we have accepted under a new program, more especially for wheat, a target price freeze in regards to that kind of program support. Let the record show it has been the farmer, if you please, who came out of the trench and accepted that first bullet of restraint. I do not know of any other entitlement program—and I do not want to call the target price program an entitlement program, but, really, if you fully consider that definition, that is what it is—I do not know of any other entitlement program where we have had that kind of a freeze.

This is not the best possible bill, by any means. This is not the budget that PAT ROBERTS would sit down and write or, say, Mrs. SMITH, or Mr. WEBER, or Mr. DANNEMEYER. I understand that. But due to the unprecedented things that have happened to us in farm country, from embargoes to trade sanctions to interest rates, inflation turning on the dime to recession, to declining land values to worldwide weather, to our competitors increasing their production by more than we are asking our farmers to set aside, it is the best bill possible. I urge a "yes" vote.

Mr. WHITTEN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Albosta).

Mr. ALBOSTA. Mr. Chairman, I want to commend the chairman of the Appropriations Committee, and the ranking minority member for the fine work they have put into this bill, and all of the other Members who have worked so hard on it. This is an important piece of legislation for both rural and urban America, that is right, urban America because unless we have a strong farm economy, we cannot have a prosperous economy for the country. Urban America also has a stake in seeing that farm programs work.

H.R. 5743 provides needed funds for farm-price-support programs so essential to the orderly marketing of agriculture commodities. The bill also provides additional funds for agriculture research, important in improving farm productivity. H.R. 5743 also appropriates money for the Farmers Home Administration, the key agency for economic and community development in rural America. Farmers Home helps farmers with operating and ownership loans. It also funds water supply and wastewater treatment projects as well as other community facilities, important to the quality of life in our small towns and rural areas of the United States.

Rural Electrification Administration moneys are also included in H.R. 5743. The REA program helps in providing basic electricity to and telephone service for parts of Michigan and other areas of the country.

I have some changes I believe that are necessary for us to discuss and to talk about for the future of agriculture, some different farm policy, something that is new, that has not been used before, has not been thought of before, or, if it has been, it has never been tried to be put into effect, and I believe that we have to in the future try to find a way to utilize the agriculture production that we have in this country, the great advantage that is at our disposal. With the 1985 farm bill looming on the horizon, it is time to consider new approaches to farm policy.

Certainly the Soviet Union would love to trade us their agriculture for ours. Why do we not utilize all of it?

I strongly believe a two-price system is needed. One price would be for commodities produced for domestic consumption, exports and animal use. This price would be reflected by increasing the loan rate to the current target-price level and the target prices would be eliminated. The Secretary of Agriculture would set the percentage of bushels to be sold under this price 1. The percentage would be based on world and domestic demand.

The remaining say 10 percent of the commodities produced would be sold at a price determined by the market and could only be used for fuel alcohol production to meet this country's energy needs, important to producers and consumers alike.

At the same time, I believe an effective barter program must be established by USDA in cooperation with other Government agencies to trade surplus U.S. commodities for strategic materials, minerals, and oil for our national defense stockpiles and reserves.

Mr. Chairman, it seems to me that if we have a two-price system we could utilize all of our agricultural production, we would see the ripple effect back to the steel mills, with the rubber tires. Agriculture buys more rubber tires than any other part of our economy. It buys all kinds of steel. Here we have steel mills in Pennsylvania, Ohio, and Michigan that are shutting down because the cars are starting to use more plastics and lighter metal. We need to have a program that is going to be different in effect if we are going to be able to provide another product for the consumer that we do not have now, ethanol alcohol. Ethanol is the best possible, cleanest burning fuel that we would have. Had we taken the PIK program and utilized all those funds, we could have built almost 400 fuel-alcohol plants in this country. Today we could have turned the farmer production loose, and farmers would have helped us to become energy independent.

The final point, Mr. Chairman is that farmers and consumers alike are looking for new approaches to farm policy. Fresh thinking is needed to deal with the changing domestic and world economy for agriculture in the 1980's and beyond.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. Weber).

Mr. WEBER. I thank the gentlewoman for yielding.

I intend to vote for the bill, although I intend to offer an amendment. I mean no criticism of the committee, but I want to rise to make a point that I think is very important, because although I think the committee has done a fine job, and coming from the part of the country I do, I truly understand the importance of agricultural programs, I have to say that I just do not want the impression left that in this Member's judgment this bill or any other farm bill is addressing the fundamental problems of agriculture. I say that not in criticism of either the Appropriations Subcommittee on the Agriculture Committee, because I do not think the true problems in agriculture are within their jurisdiction.

The point I am making is that the farmers in my district are in trouble not because of an insufficiency or any inadequacy of agricultural programs. We can all criticize agricultural programs, and I would probably join with my colleagues on both sides of the aisle in leveling that criticism.

□ 1210

But my farmers are in trouble for three reasons: First of all, they are in trouble because of the reason the gentleman from Kansas (Mr. Roberts) just pointed out. Embargoes under both administrations have hurt our ability to market internationally.

Second of all, they are in trouble because they have been borrowing money at exorbitant interest rates for 5 or 6 years now. When I first ran for office in 1980, farmers in my district were borrowing short-term money as high as 24-percent and 25-percent interest, and they are still borrowing as much as 10 percent above the inflation rate. That is the biggest single problem agriculture faces.

The third major reason they are in trouble is because land values, against which farmers in my district have borrowed, have deflated this year alone by as much as 30 percent or more. Now those are the underlying reasons that agriculture is in trouble. We can do our best to approach those problems with agricultural programs, but unless we face the basic monetary policy problems that I think our country faces, unless we do something about the deflation of land values, unless we do something about the high cost of farmers borrowing money, nothing we do in this farm bill or in any other farm bill is going to solve those underlying problems.

I just rise to encourage my Members who do devote themselves so thoroughly to agricultural programs that are of value, to spend some of their time thinking about these basic problems of monetary policy which are the core of our agricultural problems.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Nebraska (Mr. Bereuter).

Mr. BEREUTER. I thank my distinguished colleague and senior Member of the Nebraska delegation for the time.

Mr. Chairman, it is not by accident that we have heard the gentleman from Montana, the gentlewoman from Nebraska, the gentleman from Kansas, the gentleman from Minnesota, and the gentleman from South Dakota all speak on this issue today. Why? Because, indeed, it is agriculture in the Western Corn Belt and the Great Plains that is in the most desperate condition today. This member, therefore, wishes to be associated with the remarks of these Members.

Our agriculture is particularly capital-intensive. I support the agriculture appropriation measure presented to us today, but I think it is important that we take a look at the legislative setting we have in agriculture today. When you have a capital-intensive type of agriculture, when the prime interest rate was 21.5 percent in January 1981 and, when farmers were paying far more than that, when you have a grain embargo imposed by President Carter in 1980 which eventually helped push the American reserves of wheat and feed grain to the world's highest levels in the history of the world, well then quite naturally you are going to have incredible problems in agriculture today.

Now, as I listened to farmers and agribusiness people in my district, I hear a favorable reaction to an idea that I hope the Agriculture Committee will consider as they proceed to formulate a new farm bill. Perhaps, it is suggested to me, and I suggest to the gentlemen and ladies of the Agriculture Committee, and therefore, indirectly to the Agriculture Subcommittee of the Appropriations Committee, that you look at a two-track type of system. First we would set down rather specifically goals and objectives for a period of 8, 10, or 12 years in advance. We would put down on paper where we want agriculture to be in 8, 10, or 12 years from now. Then, on the second track, everything that we in the Congress does in the shorter term, whether it is a 4-year farm bill, or perhaps a 2-year farm bill, ought to be consistent with and aim to move toward the longer range goals.

We simply cannot responsibly move from an agricultural policy that varies from fence row to fence row farming at one time to very major setasides the next year. The PIK program was a natural, innovative reaction to incredibly large reserves and overdeclining or low commodity prices. Governmental actions are absolutely destroying our agricultural markets abroad.

I hope that the gentlemen and ladies of the Agriculture Committee will look at the concept of proceeding with a two-track system for agriculture policy and then in the future bring your best advice and authorizing legislation to the Appropriations Subcommittee for Agriculture for our action.

Mrs. SMITH of Nebraska. Mr. Chairman, I yield 1 minute to my friend and colleague, the gentleman from Iowa (Mr. Bedell).

Mr. BEDELL. I thank the gentlewoman for yielding to me and I rise to commend both her and the rest of the committee for this legislation.

Mr. Chairman, we still have a problem in agriculture; in my area, a large number of farmers are still in difficulty. Let me tell you, if we see a collapse of agriculture, it is going to affect more than just those farmers; it is going to affect our whole economy.

As some of my colleagues have pointed out, one of the problems we face is the cost of borrowing money for many of our farmers. One of the things I would like to commend this committee for is the fact that they have increased the farmownership loans from $718 to $785 million. This is an urgent need in our agricultural community.

I would point out the administration recommended a reduction in those farmownership loans to $680 million. I commend the committee very much for this particular action. I commend them for this bill, and I point out the importance of maintaining healthy agriculture if we are going to maintain a healthy economy in our country.

Mrs. SMITH of Nebraska. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WHITTEN. Mr Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Carr).

Mr. CARR. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to rise in support of this bill. We have heard a lot of testimony on the care and attention of the chairman and the ranking minority on a whole host of very large, macro, agriculture issues here. I would just like to tell the House that this committee also has a fine attention to detail. Small items mean something too.

You know, the floraculture industry in this country contributes about $4 billion to our national economy. It is not large by comparison to dairy or soybeans and some of the other cash crops, but the floraculture industry does make a solid contribution. This industry has a particular problem which they have brought to my attention. Like so many other segments of our economy, they are under attack from dumping from foreign imports—principally from South America. The people who grow nursery stock and flowers are under major domestic threat of this import.

The industry went to the International Trade Commission (ITC) and asked for some protection and some justice for their industry. The ITC asked what statistics they had to back up their claims. Well, it turns out, Mr. Chairman, that a few years ago, as an economy move—I think a false economy move— a very small portion of the budget funding the statistical floraculture report was eliminated. So, Dr. Will Carlson of Bedding Plants, Inc. and Jim Krone of Roses, Inc., and the Center for Commercial Floraculture, and people at Michigan State University in my district came to me and asked if we could not see that the report, so vital to this small industry, could be reinstated. I want to thank the chairman and the ranking minority member, and particularly my colleague from Michigan, Mr. Traxler, for reinstating this very small, but I think, essential report.

Mr. TRAXLER. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from Michigan.

Mr. TRAXLER. I want to commend the gentleman on his initiative and leadership in this area, and without his encouragement and the information he provided the subcommittee, this could not have been done.

I congratulate the gentleman for the role that he has played in restoring this small, but vital sum of money to this industry.

Mr. WHITTEN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. Dyson).

Mr. DYSON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this bill. Like our colleague who just spoke, the Agriculture Subcommittee on Appropriations gets involved in a lot of very big issues, but they also get involved in a lot of very small ones that are very important to us.

Last year, on the Eastern Shore of Maryland, we suffered a devastating drought and very low prices for our agricultural products. On top of that, we were faced with a threat of avian influenza that came out of southeastern Pennsylvania. It is, as you know, a respiratory virus. We were basically caught off guard and so was the Agriculture Department. The chairman, Mr. Whitten of Mississippi, the ranking minority member, and the rest of the subcommittee members have placed in this budget some research money which I think will be very helpful in curbing that disease and hopefully, eliminating it.

So, I want to stand here today and ask my colleagues to support the bill, and at the same time, to thank the chairman and the rest of the subcommittee members for their help.

As the Representative of Maryland's First Congressional District, I come from an area whose major industry is agriculture.

When 1984 began, many of my constituents were just beginning to adjust to the effects of the drought when they were faced with the avian influenza threat.

As I mentioned before, avian influenza is a highly contagious respiratory virus which can cause the death of up to 80 percent of an infected poultry flock within 3 to 4 days. While capable of vast destruction in a chicken flock, the disease is not transmittable to humans and poses no threat to human health.

The importance of the poultry industry to the Delmarva Peninsula, and to my district in particular, is well-known. It accounts for 11 percent of the Nation's poultry industry and generates $860 million in revenues for Delmarva annually. Quite simply, the health of Maryland's Eastern Shore economy depends upon a prospering poultry industry.

Last April, what appeared to be a mild form of avian flu began in southeastern Pennsylvania. We all hoped that it would avoid Delmarva. By last October, however, when up to 40 percent of some Pennsylvania poultry flocks were dying, I knew there was a need for further action. As a result, I joined a number of my colleagues in writing to Agriculture Secretary Block to request that he declare parts of Pennsylvania where the disease existed areas of extraordinary emergency.

Secretary Block agreed to this request, freeing Federal funds and resources to be used to begin an intensive eradication process of diseased flocks. But even this action did not stop the disease from touching the first district. In late January, a Cecil County, Md., poultry farmer discovered that his flocks were infected with avian flu. This event heightened fears in my district that the poultry industry would face widespread infection with the disease.

As a result, I requested that the House Agriculture Committee hold an emergency field hearing on Maryland's Eastern Shore to determine what additional action was needed to protect the Delmarva poultry industry. Many of my constitutents told me then that we need to develop better alternatives to controlling the disease.

With this in mind, I ask Chairman WHITTEN to increase the amount of research funds for avian influenza. He has graciously agreed to that request, by earmarking $650,000 for this purpose. I want to thank him and all the members of the Appropriations Committee for their support of this important project and for their interest in the Delmarva poultry industry.

● Mr. FRENZEL. Mr. Chairman, I am opposed to H.R. 5743, Agriculture appropriations for fiscal year 1985. As has been the case with all other appropriations bills considered so far this year, we have not yet passed a budget to guide us. Without such a guide we are passing spending legislation that is haphazard and undisciplined. Moreover, all three bills brought to the House so far have exceeded the limits included in the House-passed budget resolution. This bill is no exception.

This bill calls for $34.5 billion in news spending. The committee tells us that this amount is only 1.3 percent over last year's appropriations. However, this bill is really $2.85 billion, or 9 percent, over the Agriculture appropriations passed last summer. We have, of course, since passed another $2.4 billion in supplementals. Those supplementals make the growth in this bill look pretty good to some observers, but, to me, they represent another problem of overspending which we have not solved.

Moreover, there is another $905 million in supplementals contained in House Joint Resolution 492. If we pass that additional spending, and I expect that we will, we will have increased spending $3.3 billion, or 10.5 percent, over our regular agriculture appropriations bill.

Mr. Chairman, this practice of passing appropriations with modest growth, then adding on large supplementals, is deceptive. It has become too much of a pattern to be a case of bad estimating. This bill is much more expensive than last year's regular appropriations. It should be rejected on those grounds alone. Moreover, we will no doubt add hefty supplementals to this bill, as has been the practice in past years. When we are finished, this bill will not be a 1.3-percent increase over last year, as the committee's comparisons show, but it will be much larger.

Mr. Chairman, we ought to bring fully funded appropriations bills to the floor. We ought to consider spending on its merits. If we want a large increase in some program, we ought to be willing to vote for or against it on its merit. We are not deceiving taxpayers by arbitrating these hidden increases. Those who are interested in doing something about deficits will reject this practice, and this bill.●

● Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 5743. One of the many outstanding provisions of this bill is the commitment to the research of avian influenza, a highly pathogenic disease which affects poultry.

As my colleagues from Pennsylvania and Virginia well know, avian influenza has devastated the poultry industry of the Mid-Atlantic region. During the past year, over $41 million and over $9 million has been spent by the U.S. Department of Agriculture for the payment of indemnities and support services in the eradication of birds in Pennsylvania and Virginia, respectively. To date over 12 million birds have died or had to be killed due to infection by avian flu. While these figures are staggering, there is a far greater threat of the annihilation of the entire poultry industry east of the Mississippi.

In the 22d Congressional District of New York, I have the privilege of representing one of the foremost poultry producing regions in the country. Sullivan County in New York alone represents 50 percent of New York's substantial poultry industry. The New York poultry industry generates between $80 million to $100 million annually. Additionally, it employs between 1,000 and 1,200 people.

While the State of New York has not been struck by this devastating plague, our farmers have attempted to minimize all risk. With the tremendous efforts to contain the disease by imposing a strict quarantine on affected areas, the threat has been substantially reduced. Additionally, the U.S. Environmental Protection Agency has granted conditional approval of Larvadex, a pesticide used to control the flys which spread this disease.

All these efforts will be further reinforced by the proposal to fund research of avian flu. The $650,000 included in the agricultural appropriation bill will support the research of Dr. Charles Beard, who has been working on the isolation of the pathogen and developing a vaccine. With continued cooperation for industry, agencies, and the Congress, we will eventually be able to forever eliminate this dreaded disease. Accordingly, I ask my colleagues' strong support for this specific provision and for H.R. 5743 in its entirety.●

● Mr. DE LA GARZA. Mr. Chairman, I rise again to express my appreciation to the chairman and the members of the Appropriations Committee for their diligence and hard work on this legislation. I would like to express also my appreciation on a particular issue, the Medfly funds. This is a very important program and it provides protection and savings of millions of dollars to the fruit and vegetable industry. We must continue to adequately fund this program.

Another program for which I would like to express my interest is the screwworm eradication program. This has been a success story throughout it's existence, it has saved millions of dollars to the cattle industry and in turn to the ultimate consumers. The program as it presently stands has in a cooperative agreement with the Republic of Mexico cleared all of our country and most of Mexico of this pest. We now have a barrier at the Isthmus of Tehuantepec in southern Mexico. Unfortunately, the administration has recommended a reduction on the funding relying on the fact that the barrier would be maintained in Mexico. Mr. Chairman this is such a beautiful and effective program, that it should be continued and extended into the balance of Mexico and the Central American countries and move the barrier south to Panama.

This would be a great step in our proposals to cooperate with our Central American friends and in a joint program provide them with the opportunity to help themselves in this area. I appreciate the fact that Chairman WHITTEN has asked the Department for a report on this program. I do hope that it is a positive report and that we might work to continue the needed $15 million and provide the full funding of $30 million for the program. This, Mr. Chairman, would be a positive and constructive step in bettering our relations with our friends and neighbors in Central America.●

● Mr. MILLER of California. Mr. Chairman, the Agriculture appropriations bill for fiscal year 1985 includes essential funding for the child nutrition programs including the school breakfast and lunch programs, the summer feeding program, and the child care food program. In light of shocking reports of increased malnutrition among many of the Nation's children, these programs have an important role to play in assuring the health and welfare of the growing numbers of children in poverty. Our continued support of these programs assures that at least one need of this vulnerable group will be met. In addition, when H.R. 7 is enacted, I urge the Appropriations Committee to give serious consideration to supplemental funding for these programs to reflect the funding restorations incorporated in that legislation.

I would like to bring to the attention of my colleagues one component of the legislation that merits additional consideration, appropriations for the highly successful WIC program.

I appreciate that the Appropriations Committee has included modest increases for WIC which reflect the spirit of the House Budget Resolution. The importance of an appropriate level of funding that would allow more low-income pregnant women, infants, and children at nutritional risk to participate in this effective program cannot be overemphasized.

However, I want to express my concern for a part-year funding strategy that limits the number of women and children in need or makes them wait for services. A pregnant woman is at greatest risk for nutritional deprivation in her earliest months of pregnancy. A young child is at greatest risk during the early developmental years. Is it possible to ask them to wait?

Many of those who wait will never be served. WIC has barely reached one-third of all the eligible low-income women and children. The situation is even more bleak today, because there are more women and children in poverty now than anytime since 1965.

Every year we find ourselves in the untenable situation of allowing pregnant women, infants, and children to wait in line for important nutritional services. While the Appropriations Committee has seen fit to provide the modest increases for WIC, I hope they will work diligently to see that the supplemental funds are provided in a timely fashion to avoid program disruption and any denial of services to those in need who continue to wait.

Ironically, the WIC program has been proven repeatedly by research studies to reduce significantly the incidence of low birth weight, the leading cause of infant mortality and other serious child health problems, such as retardation, blindness and other birth defects.

The select committee learned at one of its first hearings on prevention strategies that WIC saves money. A Harvard School of Public Health study shows that for every $1 spent on WIC, $3 are saved in medical care costs. The Missouri Health Department found that for every $1 spent on WIC, nearly $1.50 was saved in medicaid costs. WIC is inexpensive: Approximately $30 per month per participant, $300 for a pregnant woman for her entire pregnancy. Relative to the average cost of neonatal intensive care, $1,000 to $6,000 per day for an average stay of 12 to 100 days, WIC services are a bargain. Let us bargain with dollars and not with the lives of women and children.

The Appropriations Committee has recognized that WIC is one of the most important nutritional programs USDA administers. Research studies repeatedly show that WIC reduces the incidence of low birth weight by 16 to 20 percent. This is consistent with information collected by the Select Committee on Children, Youth, and Families demonstrating that there are fewer neonatal deaths among infants born to women who participated in WIC and that low birth weights can be decreased by as much as 40 or 50 percent.

Most importantly, consistent findings show that WIC brings high risk women and children into the health care system. Comprehensive prenatal care, including nutrition supplements, and early preventive screening for children, contribute significantly to improved outcomes for children and their families.

Tragically, although we have the ability to reduce the incidences of birth disorders and deaths, infant mortality rates are still on the rise in some cities. Just last week, a Harvard School of Public Health researcher reported a 50 percent increase in infant mortality in five Boston hospitals for 1981-82. We may not yet know all the reasons why such a tragedy should occur, but we do know that higher WIC participation provides one sensible solution that could make a significant difference.●

Mr. WHITTEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hope I may have the attention of the Members here. As most of you know, I have been here some several years. Our problem here is that we do not use the program we have. I hear about free enterprise and private enterprise, and like all of you, I believe in the principle. But we do not have either one.

We have an economy that operates under various and sundry laws. Industry has a right to mark up its price above cost. Labor has a right to organize, and a right to strike. I am describing the situation, not condemning it. Labor has a right to strike and to demand its share. They have used those powers to where now industry and labor are getting 73 percent of the user's dollar in food areas, and the farmer gets 27 percent; 25 years ago, the farmer got 59 percent, and the middlemen got 41 percent.

□ 1220

Prices received by farmers have fallen 15 percent since 1977, under this lack of free and lack of private enterprise, while during the same period prices paid by farmers have risen 56 percent.

So what I am telling my colleagues is that we have neither free nor private enterprise, but this is the point: We should quit trying to pay farmers not to produce at a time when we need their production to earn the dollar. And we should start letting the total cost be in the price to the user. I earlier pointed out to Members the illustration that if you raise the support price of wheat 10 percent, and that is all that is passed on to the user, it would be an increase of one-half cent for a loaf of bread. If you raise the support price for cotton 10 percent, it would cost an additional 5 cents on a $15.95 shirt, if that is all that is passed on.

So what I am saying is, we need to return to a price-support program where the user pays it. That is what we do with industry and labor; the user pays it. We need to go back to what the law contemplates and let the Commodity Credit Corporation support prices by loan and pass the cost on to the user, and if that is all they pass on, the increase would be almost unnoticeable. Instead, we are charging the farmer for that which he has to have to stay in business, because industry and labor already have increased their share under various laws.

Keep that in mind. The Commodity Credit Corporation is a $25 billion corporation. It has a right and obligation to buy and sell. It has a right to deal, but we will not let it work. Why do I tell Members this? Twenty-five years ago we had this same situation. We finally got the Secretary to get in there and support the price and move American farm commodities, and CCC moved over $8 billion in 15 months. We need to return to the law that we have, which worked, instead of the system that we now have. Keep in mind that if this international situation is one-tenth as serious as it looks, for goodness sakes let us keep something on hand so we will not have our granaries empty and our shelves empty. It is a most dangerous thing. So stay with the committee, and I hope Members will.

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes; namely:

Mr. CONTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to compliment the gentleman from Mississippi (Mr. WHITTEN), our Agriculture Subcommittee chairman, and the fine gentlewoman form Nebraska (Mrs. SMITH), the senior minority member of the subcommittee on their diligence and wisdom in brining us a bill that we can support. This bill is a bipartisan effort. It stays within our targets. And even the Young Slasher has virtually no heartburn with it. The discretionary funding in this bill has been treated in accordance with the President's Rose Garden freeze. So, I can recommend to this side of the isle that this bill be supported.

There are some perennial concerns. The administration would like us to make some changes in the nutrition programs. However, the legislation to do this has not been proposed, so we are required to fund them at the authorized level. Based on the administration request we have had to fund the programs for less than a year—in this instance food stamps are funded through September 7, 1985, requiring a supplemental request to meet the total requirement. All in all, this committee's approach to supplying food and fiber to the Nation is well done and I want our chairman and the Members to know that I am doing my part too. My tomatoes are in the ground and are shooting right up. They will soon be ready for staking. If any of you urban gardeners need any tips, I will be at your service, especially in the art and science of producing great tomatoes. I urge the Members to support the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STANDARD LEVEL USER CHARGES (USDA)

For payment of Standard Level User Charges pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $67,254,000: *Provided,* That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for Standard Level User Charges to or from this account.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time because of the fact that I was in the midst of statement during general debate which I did not quite have time to finish. I beg the indulgence of the Members and the committee chairman for doing this.

I indicated during my general statement that I did have an amendment to the competitive grant section of the bill which would propose to add back to the bill roughly $10 million for the competitive grants program, and $2.3 million for the critical agricultural materials program.

I took the floor briefly on Monday to express a few thoughts with regard to this program of competitive grants, which has been on the books for a number of years. During that period of time, it has been funded at a rather low level, in the neighborhood of $10 to $15 million per year.

This year the administration, in response to a tremendous amount of concern and actual pressure from many parts of the country and all sectors of the agricultural research community, proposed a substantial enlargement of this competitive grants program while still within the authorized level, which is $50 million, they proposed that this program be the focus of a new biotechnology research program.

If I may refer to the statement made before the Committee on Appropriations on this biotechnology program by a representative of the Department, this is Dr. Jordan's testimony, and I quote:

> Biotechnology has been chosen for a major initiative because of its potential impact on agriculture and because of the widespread scientific recognition that this area holds great promise for the future. Today agriculture has a unique opportunity to capitalize on the new techniques and concepts being developed in biotechnology to address major problems in agriculture.
>
> A major commitment of resources must be made in order to achieve full utilization of this new capability and to encourage those relatively modest efforts already begun.

That is a spokesman for the Department of Agriculture speaking on this subject. I might say that in addition to the Department of Agriculture, the National Association of State Universities and Land Grant Colleges, which has on occasion opposed the expansion of this program is enthusiastically in support. In addition to that, the Office of Management and Budget, in its justification for this program, states and I would like to quote:

> It is essential that the U.S. Department of Agriculture exercise a leadership role in agricultural biotechnology. USDA can focus on its primary mission, agriculture, and relate the efforts directly to agricultural problems in commercially important species. Most of the advances occurring in biotechnology are in the well studied areas of bacteria and animals. The genetic and cellular processes in commercially important plants and animals are more complex and less studied. USDA was given the lead role in the agricultural sciences because of its ability to insure the new effort is linked to the existing knowledge base.

That is the OMB's statement in justifying the $28½ million which they recommended for this program. I could go on to show support for this program in many other ways. In the Committee on Agriculture, the subcommittee that I chair has been studying this area for a number of years. The chairman knows that. I have discussed with him my interest in biotechnology and my own concern for a healthy competitive grants program, and in his wisdom he has felt that we should not go too fast in this area, and I respect his judgment. I think he probably was right, that we could proceed more rapidly than is desirable.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 3 additional minutes.)

Mr. BROWN of California. In this situation, I respectfully would urge the chairman and the committee to take a new look at this and see if we could not go at least part way. I have invested years of my own effort in this House in trying to improve the quality of basic research in general, and in agricultural research in particular.

I think that while I will never have the familiarity with agricultural problems and agricultural legislation that the chairman has, I have been in as close touch with this subject as any Member of the Congress. I think the time is right. It is very rare when I come in to support the administration and the Office of Management and Budget on a request in which I think they are right.

□ 1230

But let me say that this administration has been good in its support of basic research. It has been excellent in stressing the high quality, the high standards that must be met. We are giving them a slap in the face when we take their request for $28.5 million for an important new initiative and cut it back down to $10 million.

Here is what the Congressional Quarterly said in the current issue:

> The panel sliced $17.5 million from the administration's request for competitive research.

That is research grants that are awarded on a competitive basis.

The committee then appropriated $54.9 million more than requested for the Animal and Plant Health Inspection Service.

I can support the increase for APHIS, I might say, because I know of the great need for it. But I think the committee in its wisdom, when I offer my amendment to restore $10 million for biotechnology, ought to consider accepting this. The Senate, I am told, will deal more favorably with the administration's request, and I think they are quite justified in doing that.

Much as I respect the committee chairman's judgment—and I do, believe me—I think the chairman, in an effort to possibly improve his bargaining posture with the Senate, has made it appear that the House is not really interested in this vitally important new area of research, and I know he would not want to do that. So I am going to urge him not to oppose my amendment too strongly and even to accept it, if he can.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we were making the award for contribution to agriculture, I think our friend, the gentleman from California (Mr. BROWN), would get the blue ribbon, because certainly he has contributed to agriculture. He usually presides when we have this bill on the floor, and I realize the seriousness that he shows.

When I say he has contributed so much, one of the things we have had in this Congress is the need to get urban support for agriculture programs. Fortunately, we have had that. City gardening, of which I am very proud, originated with our friend, the gentleman from California, and it has got the people in our urban areas becoming aware of what is involved in the growth of plants and food. There is interest in it, and there are Members on the floor to help us with this.

But let me show the Members what this amendment is. This is a basic research program. Some years ago I handled a hearing for Chairman Mike Kirwan on atomic energy research. I had a group come before us that wanted $5 million for basic research. I read what they wanted, all of which had an interest in finding answers just for answers' sake. I asked the person in charge what they hoped to prove in 5 years, what they hoped to have in 5 years. He said, "a budget of $25 million."

Well, we are not making light of basic research. We want basic research. But I have been here long enough to see that if you start something slowly, you may get somewhere faster than if you start with more money than you can properly handle.

I realize that our friend has a deep interest in this. And may I say the gentleman's amendment has been adopted in effect. Last year we had $17 million for competitive research. This year we made it $32.5 million. It is true that they asked $28.5 million for biotechnology, and we went along with $10 million. It is a new program this year.

May I say to my friend, the gentleman from California, that anybody that starts a new program and gets $10 million, I just think you ought to be satisfied. I think you ought to realize that we are moving a whole lot faster than we have in lots of areas. But we had better find some way where the farmers can keep from going bankrupt first, or at least along with it.

Now, we have not neglected this. We have gone along with $10 million for a new program.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Chairman, the gentleman mentioned keeping farmers from going bankrupt. I do not think there is a Member in this Chamber who would want to take anything but that course.

Would the gentleman not say that the best way to do that would be to scale down all these programs of appropriations whereby we balance the budget and reduce the Federal demand for credit and thereby drive down interest rates? Is that not the constructive thing to do?

Mr. WHITTEN. Mr. Chairman, like the gentleman, I have got lots of things I am going to cut down on before I do meat, bread, and potatoes. Farmers keep the rest of us going, and may I say that I have had a whole lot of bills that I would cut before I got to that which took care of and enabled 3.4 percent of the people to help the rest of us do something else.

We took care of this as we saw it. Again may I say that we make a mistake when we do not let the user pay for it. We let the user pay for the cost of industry and labor, but we make agriculture stick out alone. The farmer spends all of this money on labor and industry, and then we make him look for a Government check. All we need is a law that will support the price and let the user pay for it.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague, the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I thank the committee chairman for yielding, and I want to add to what the gentleman said in reply to the gentleman from California.

In spite of the problems of the farm sector, we have made reductions. No one knows the impact of high interest rates better than the farmer and the legislative committee. In legislation signed by the President, the President himself stated that this is the first downpayment on the deficit, $3.4 billion, in 3 years. This was done by the Agriculture Committee in cooperation with the producers, the farmers and ranchers of America, knowing that we have to work on the deficit.

Mr. Chairman, in support of the work and the endeavor here of the gentleman from Mississippi, the legislative committee has already cut $3.5 billion to apply on that deficit.

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. WHITTEN) has expired.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 3 additional minutes.)

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Mr. Chairman, I want to say that I appreciate the position of our good, good friend of agriculture, the gentleman from California, but I think, as our chairman has pointed out, that the subcommittee has already increased the competitive grants portion of our bill to record levels. In fact, we have increased it by almost doubling it, adding $15.5 million.

I share the enthusiasm of the gentleman from California (Mr. BROWN) for biotechnology, and I want the Members to know that the gentleman from Indiana (Mr. MYERS) and I worked to get this increase, along with our chairman and others, but I do agree with our chairman that starting a new program like this at full speed is not the best way to go about it. I think it should be started more slowly and increased as we go, depending on how the initiative works.

Mr. Chairman, I thank the gentleman for yielding.

Mr. WHITTEN. Mr. Chairman, may I conclude with this: We have heard from my friend, the gentleman from Texas (Mr. DE LA GARZA), who is the chairman of the Agriculture Committee.

If we would return to the law which provides for loans and which provides for passing the cost on to the user, it would cost far less than trying to reduce farm production. I think we have got to stop trying to get price by creating shortages, certainly within the national situation that we have.

It is 10 times more economical to have price supports and let the cost be passed on to the user, instead of the farmer being tagged with what is paid out of the Treasury.

As I said earlier, a 10-percent increase in the support price of wheat would add less than one-half cent to the retail price of a loaf of bread, and in cotton, one nickel on a $15.95 shirt, if that is all that is passed on. When you go through those channels, I am not saying that is all that is passed on. If you raise something by a penny, someone along the line raises it, but they do take it out of the user.

Mr. Chairman, I think we need to review it and get back to what the law contemplates.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and to coordinate and provide program leadership for higher education work of the Department, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; $485,379,000: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That of the appropriations hereunder not less than $10,526,600 shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $125,000, except for headhouses connecting greenhouses which shall each be limited to $500,000, and except for ten buildings to be constructed or improved at a cost not to exceed $250,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $125,000 whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of $200,000 for facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the limitation on purchase of land shall not apply to an option to purchase land at Houma, Louisiana, for a term of not to exceed one year.

□ 1240

AMENDMENTS OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. DANNEMEYER: Page 7, line 3, strike out "$485,379,000" and insert in lieu thereof "$481,479,000".

Page 9, line 11, strike out "$156,484,000" and insert in lieu thereof "$154,784,000";

Page 10, line 22, strike out "$254,441,000" and insert in lieu thereof "$252,741,000";

Page 11, line 10, strike out "$241,484,000" and insert in lieu thereof "$240,884,000";

Page 11, line 25, strike out "$308,779,000" and insert in lieu thereof "$308,179,000".

Page 16, line 4, strike out "$45,752,000" and insert in lieu thereof "$44,752,000".

Page 31, line 6, strike out "$327,251,000" and insert in lieu thereof "$314,951,000";

Page 36, line 1, strike out "$356,364,000" and insert in lieu thereof "$353,364,000".

Page 46, line 22, strike out "$10,797,573,000" and insert in lieu thereof "$10,796,173,000".

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that at this time I be permitted to offer these amendments en bloc, consisting of seven amendments that I have distributed to the chairman of the committee and the distinguished gentlewoman from Nebraska, the ranking minority member of the subcommittee.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. WHITTEN. Mr. Chairman, reserving the right to object, I have discussed this with the author, and we have no objection.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The amendments will be considered en bloc.

The Clerk will report the remaining amendments.

The Clerk continued the reading of the amendments.

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANNEMEYER. Mr. Chairman, this series of amendments, seven in number, totaling $24 million of proposed reductions, will represent an opportunity for the House to implement recommendations of the President's Commission on Cost Control of the Federal Government, the so-called Grace Commission. These proposals of the Grace Commission have been analyzed by many of us in detail and it is the intention of this Member from California, when we take up the appropriation bills individually over the course of the next 30 days, to offer amendments to each of the appropriation bills which will implement some of the recommendations of the Grace Commission.

Now, as we all know, the Grace Commission consisted of 161 executives, 2,000 volunteers; it was organized on June 30, 1982. There was no taxpayer money involved. They published 47 reports with 2,478 recommendations affecting 780 different issues.

The portion of the Grace Commission that relates to agricultural spending, the bill we are now considering, totaled reductions of $13 billion over 3 years. Of that total, $3.6 billion could be implemented through administrative action. The balance of them require a change in the basic law which Congress would have to enact.

In these seven amendments, considered en bloc, totaling some $24 million, they are in the category where there is no need for Congress to change the law to implement them. They can be implemented through the recommendation or the implementation of the administration. In other words, to achieve them is within the authority of the executive branch of Government.

We in this body at this time can tell the executive branch that there will be deducted from the total spending that is to be authorized the sum of $24 million.

I will read just a brief description for the Members' attention as to how these savings of $24 million can be achieved.

In title I, this is the recommendation of the Grace Commission:

(a) (AG-52) *Reorganize Agricultural Research Service:* ARS's organization structure is inefficient and inhibits research effectiveness, suffers from lack of congruence between field programs and national goals, and has an excessive administrative superstructure (35 percent of budget used for wage-grade and other workers vs. only 65 percent for scientific and technical staffs). Reduce administrative staff and make necessary changes to reduce overlap between regional and field offices and enhance policy implementation and coordination.

The 3-year estimated Grace Commission savings for this category was $83 million. The savings assumed in this amendment has been reduced significantly to only $3.9 million.

The next one is AG-54:

(b) (AG-54) *Eliminate funding for low-priority Cooperative State Research Service programs:* Eight percent funding level for these programs is insufficient to effectively influence program objectives. Low-priority warrants funding by alternative sources.

The Grace Commission estimated a 3-years savings for this implementation is $36 million. This amendment has been reduced to only $1.7 million.

The third is AG-55:

(c) (AG-55) *Reduce and redirect Washington-based staff of Cooperative Extension Service:* Intended to transmit advanced technological information with farmers, this program has evolved into a network of adult and youth education; Washington staff is ineffective and unnecessary for carrying out programs in rural counties. Reduce coordinating staff and administer non-agricultural funding through Land-Grant College Extension Service.

The 3-year recommendation of the Grace Commission savings was $13 million. The savings assumed in this amendment for this year is $600,000.

The forth is AG-29:

(d) (AG-29) *Eliminate duplicative economic research:* There is considerable duplication in the efforts of the Economic Research Service, World Agricultural Outlook Board, and Foreign Agricultural Service. Combine certain overlapping functions under one agency.

The Grace Commission's recommended savings for this category are $22 million. This amendment would implement that by reducing it to $1 million.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for an additional 3 minutes.)

Mr. DANNEMEYER. Title II. AG-37:

(b) (AG-37) *Reduce soil survey costs:* Only 37 percent of 3,105 soil survey areas have published recent survey reports. At the present rate of publication, it will take until the year 2000 to complete them, with costs exceeding $1 billion by then. Better management and more modern technical improvements can decrease production time and result in savings of 25 percent.

(AG-39) *Consolidate Soil Conservation Service administrative staffs:* Program activities are carried out through more than 3,000 field offices while four National Technical Centers provide coordination and support. Consolidate 53 separate SCS administrative staffs (non-national) into the four NTC's.

The 3-year estimated Grace savings is $64 million.

The savings in this amendment for this year is $3 million.

AG-2

(a) (AG-2) *Improve Farmers Home Administration management:* Update loan portfolio and system to control loan servicing.

(AG-6) *Invest proceeds from supervised bank accounts:* These accounts, which are largely for interim-construction loans, are not presently deposited in interest-bearing accounts. They should be.

(AG-7) *Decentralize FmHA cash collection and decrease the "float":* Current procedure centralizes collection at St. Louis and causes float to be at least one day more than necessary.

(AG-8) *Collect credit report fees on loan applications:* Presently, FmHA is reimbursed only for loans which are approved. Collect fees on all applications, which might discourage casual ones.

Three-year estimated Grace savings is $262 million. Included in this amendment would be $12.3 million for 1985.

Then finally, title III, AG-12.

(AG-12) *Reduce cost of printing food stamp coupons:* Since 1975, monthly bonus has increased 85 percent (from $21 to $39) with average household receiving $102 in monthly benefits. But current stamp denominations reflect lower issuances. Create a $20 coupon ($10 is now highest) and a $100 book (largest is now $65) and save on printing.

Three-year estimated Grace savings is $30 million. In this amendment, it is $1.4 million.

Seven specific proposals. They can be implemented by the executive branch. We do not need legislative change, totaling $24 million. I think it is a small indication that we in this House can say that we are interested in implementing the recommendations of a very worthwhile work product, the Grace Commission.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know that no one is more sincere than the gentleman from California. He has not limited himself to this, but in his work this year he has been actively on the side of reducing costs in terms of dollars.

However, our committee over many years has worked with these programs. We have people from all over the United States testify before us. This is a big country and what applies to one place does not necessarily apply to another.

□ 1250

I hope you will vote with the committee on this because he has made his effort here. He talks about the Grace Commission. I went over the Grace Commission report in those places where I dealt directly with it. So help me, if I went over W. R. Grace & Co's. operations, I would be about as lost in dealing with many of the subjects as Mr. J. Peter Grace's group is in dealing with some of the subjects they dealt with.

But that is not the point here. The point is that the first amendment is to strike out $327,250,000 and insert $314 million. That is the full amendment.

The next one says strike out $356,364,000 and insert $3,563,000. That is the next amendment.

The next one is strike out a dollar figure and change a dollar figure.

The next one is strike out a dollar figure and change a dollar figure.

If you did this you would just be surrendering all of the responsibility of the Congress to the Director of the Office of Management and Budget, because insofar as the amendment is concerned you cut off everything that we in the Congress have tried to take care of the problems in the Members districts where they know most about it, and you leave it pretty much to Mr. Stockman.

Surprisingly, David Stockman and I get along fine. He writes me what I should do and I write him back about why I cannot do it and what he should do. We do it on a good basis and so forth.

My colleague asks about going along together, but after looking at these amendments I see they all have the same weakness. That is, it is just a reduction in dollars which prove thoroughly unworkable and would be a surrender by the Congress to an item veto on the part of the Office of Management and Budget.

So I hope we will commend the gentleman for his efforts to cut down, but let us show a little bit of thought about where to cut.

I will say, as to the thought the gentleman is consistent. He has tried to do this throughout. But I do think here that these amendments would be a surrender of our responsibility to those in the Office of Management and Budget.

So I would hope you would vote with the committee and turn down this amendment, notwithstanding the good intentions of its author.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the proposal by my good friend from California.

The committee has held 2 months' of hearings on this bill. We have nine volumes of testimony and we have hundreds and hundreds of pages of testimony. I think we have gone over this bill with a fine tooth comb.

I agree with many of the recommendations contained in the Grace Commission report. I think my friend from California will be interested in knowing that the USDA is way ahead of other agencies in implementing the recommendations of the Grace Commission.

I would like to read to the gentleman a paragraph from the testimony of the Assistant Secretary for Administration of the USDA before our Appropriations Committee. He said:

> The Department has been working with the White House and the Office of Management and Budget to determine how to approach implementation of the recommendations.
>
> Of the 58 major recommendations, 26 are already being put into action in whole or in part. Action plans or legislative proposals on five others are being developed and the remainder are on hold pending further review of their feasibility.

It seems to me that this meat-ax approach of doing things on the House floor without additional study is ill advised and it should be opposed.

Mr. DANNEMEYER. Will the gentlewoman yield?

Mrs. SMITH of Nebraska. I will be glad to yield.

Mr. DANNEMEYER. That is an interesting comment about a meat ax. If I were standing in the well of the House and saying I want to cut 10 percent from everything, which I think we should be doing, by the way, you could say that that is a meat-ax approach.

But when I stand here on the floor of the House and read the specific recommendations of the work product of a commission, I do not think that is a meat ax. I think that is a rifleshot, and I think it is a responsible way to be looking at this.

We are the agency in our system for appropriating money. The buck stops here. It starts here. The Constitution says the House of Representatives appropriates money and we have the responsibility to set the level of spending and we can tell those bureaucrats in Agriculture, "You get so much and that is all."

Do you not think that is a good idea?

Mrs. SMITH of Nebraska. I do not think it should be done on the floor of the House without opportunities for hearings and study.

I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I would like to followup on what the distinguished gentlewoman from Nebraska mentioned in opposition to this amendment. One, I have no basic disagreement with my distinguished friend from California, but this approach disrupts the orderly process and this is very important in what we do because we are doing it with taxpayer funds and we are working in very balanced areas.

The Grace Commission report I think is a worthwhile product and the Department of Agriculture has in fact implemented some of the basic recommendations.

But very briefly, to go over the process, the Department of Agriculture begins a process of formulating a budget. It is then submitted to OMB. OMB then brings back "This you do; this you don't," to the Department of Agriculture.

Then they forward it to the legislative committee. We have gone in the legislative committee with a fine tooth comb and we have made recommendations. Here we add but here we detract, trying to keep in balance, always looking at the overall budget. We have done that.

Then it goes to the Appropriations Committee. To the extent possible, they try to carry out the intent of the legislative committee. This is the process that finds us here today.

I have no basic complaint with what my dear friend from California is doing. But we are abrogating our basic jurisdiction by turning over, as the gentleman does, to the OMB to do or not to do things they have already entered into an agreement with Agriculture, the dos and the do nots, when they have submitted the budget to us.

So I would say to my dear friend from California very respectfully, and I will join with him, that this is not the place to begin but, rather, out there.

I would have one basic disagreement with my good, dear friend, a friendly disagreement, about bureaucrats. It is easy to point the finger at bureaucrats. But basically those are dedicated public servants that could probably do better in the outside world.

I have tremendous respect for civil servants. My father was one of them for a long time. He worked for the Department of Agriculture for APHIS. If anyone points a finger at some so-called civil servant, bureaucrats, I think of his dedicated years at APHIS and to the Department of Agriculture.

So I oppose the amendment, not because of any lack of interest in what the gentleman is trying to do. I guess what I disagree with is the point in time that the gentleman tries to do his thing, that it should have been done at another level prior to arriving here.

Mr. DANNEMEYER. Will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman.

Mr. DANNEMEYER. Milton Friedman wrote a book recently called "The Tyranny of the Status Quo" in which he identified the triangle that exists in our system of Government at the Federal level today. You have the bureaucrats who enforce the law, you have the legislators who enact the law, and you have the beneficiaries of the program. That is the iron triangle. And I approached this from the standpoint of a taxpayers' representative, and I think that it is in a responsible way.

I have identified in a modest way—for goodness sake, $24 million in spending cuts in a bill of $32 billion, is that irrational?

Mr. DE LA GARZA. Let me reclaim my time.

As I told the gentleman, this committee, our committee has already saved about $18 billion or $20 billion working through the normal process. I do not know about Mr. Friedman, but the three segments of Government I know are the executive, the legislative, and the judicial. And God forbid that it ever change. That is where the taxpayer has his security. That is where the taxpayer has his guarantee. That is where this great country stands, the greatest country in the world.

So I do not know about Mr. Friedman or any other writing that he may have. That is the triumvirate that I think should rule supreme in this country, and that is the one I am trying to protect, that we are abrogating a legislative function to the executive by giving OMB the power to do or not to do what we should do in an orderly fashion through the process that brings us to the point in time that we are here and now.

□ 1300

And with that, Mr. Chairman, I would ask that the Members vote against the amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I sat here listening to the debate, what we are told is that this is not the time and place to save money; the orderly processes must be adhered to, and that we ought to be doing these things but maybe at some other time.

Well, it seems to me that the Grace Commission operated for a long period of time trying to find places to make savings. They suggested in the area that this bill covers that we could save over $13 billion. That was what they suggested.

The gentleman from California has offered us an amendment that saves $24 million of that $13 billion. That is two-tenths of 1 percent of what the Grace Commission said could be done. Two-tenths of 1 percent. That is hardly a major step toward disrupting the entire budgetary process.

The gentleman is being extremely modest in what he is asking us to do, and yet we hear today that the orderly process would be violated if we did this. Maybe I could ask a question of the gentleman from Mississippi: During the hearings that we heard about, how many prople from the Grace Commission came in and testified before your hearings?

Mr. WHITTEN. I do not know. I know none of them were turned down and I in turn tried to find out what they based some of their conclusions on, and I have been unable to do so.

Mr. WALKER. Did the gentleman invite any of them?

Mr. WHITTEN. The folks from the Commission who I dealt with were not expert in the field at all.

Mr. WALKER. Did your committee invite people in from the Grace Commission to testify?

Mr. WHITTEN. We do not invite anybody. We are open and we have many, witnesses from outside.

Mr. WALKER. So in other words, under the orderly process, under the orderly process so far no one from the Grace Commission was included in the consideration of this bill? So that the gentleman—so that the Grace Commission recommendations were totally ignored and the first time that we get any kind of an attempt to do something about Grace Commission is under the orderly process when we come to the floor.

Mr. WHITTEN. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. WALKER. I would be glad to yield to the gentleman from Mississippi.

Mr. WHITTEN. I read the Grace Commission report having to do with this bill. I do not find it sound in any particular. It is exactly the conclusions that you might reach if you dealt with a subject with which you had no background and no knowledge.

Mr. WALKER. Well, I thank the gentleman. And I understand the gentleman might feel an affront by the Grace Commission. But the point I am trying to make here is the fact that if we follow the orderly process, the Grace Commission recommendations get totally ignored.

So when we are told that the orderly process around here is something that we need to be following, we are ignoring the Grace Commission recommendations, and all the gentleman from California is saying is, "We do not agree with the gentleman from Mississippi; we think there are some things in the Grace Commission that deserve to be looked at, that in fact the Grace Commission has made some recommendations that are very valuable and we would like to see those considered here on the House floor."

The gentleman has brought forward a very, very modest request within the Grace Commission recommendations for two-tenths of 1 percent of what Grace wanted to do. Now we are told, "Well, that may be valuable and the gentleman is sincere, but he is sincerely wrong to bring it to us in this process."

This is the orderly process when nobody else is considered.

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. WALKER. I would be glad to yield to the gentlewoman from Nebraska.

Mrs. SMITH of Nebraska. Evidently the gentleman was not on the floor when I read from the testimony before our committee, testimony by the Assistant Secretary of the USDA for Administration, saying they have already adopted 26 of the 58 recommendations affecting USDA and they are studying the remainder. It has not been ignored.

Mr. WALKER. I did hear the gentlewoman from Nebraska make that point. Of course, the gentleman from California before her made the point that $3.6 billion of the Grace Commission recommendations in this area are in fact things which the administration can do on their own. That is, it seems to me, in fact what the Department of Agriculture is doing, and I think that is fine.

My point is that during your hearings process, when you were bringing this bill forward, you were not listening to the Grace Commission on their recommendations.

The first chance within the orderly processes of the House that we have had to consider Grace Commission recommendations beyond those of the Department of Agriculture is presently doing is here on the floor with this amendment and now we are going to reject this amendment out of hand because this is not the time or the place to be considering.

I would say to the American people who want to see savings in Government, when is the time, where is the place? If not on this floor, where we are considering appropriations bills, when and where? The fact is, we will not get it anywhere, because it is not being done in the committee process and we are told we are precluded from doing it on the floor.

I would suggest that a modest reduction of $24 million of Grace Commission recommendations is a proper step in the right direction; not a very big step, it does not save very much money in terms of that aggregate budget deficit that we all face, but it certainly is a step we ought to be taking; a very judicial step that is well-honed by the gentleman from California.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. WHITTEN. May I say this committee has never ignored anything available to us to help us with the appropriations; not knowingly, anyway.

We had 9 volumes of hearings, containing 6,251 pages of testimony. We had 137 departmental witnesses; we had 123 outside witnesses; we heard from over 100 of our colleagues.

We studied the Grace Commission recommendations. I did not ask my friend whether he had or not. But if I had studied the Grace Commission, I do not believe I would bring in here an amendment like this. This is a matter of opinion. But even if I agreed with their recommendations, I would not just cut dollars and leave it up to the Budget Director to apply the cuts. The amendment before us says cut the dollars, and that is all.

I say after this committee has put a full year of reviewing testimony, reviewing the Department and with an excellent record of living within the budget, as we do in this bill, to take a Grace Commission Report or any other report on its face, I just think it is bad business.

Now, I do not question the gentleman's good intentions, but I think it is not what he thinks it is; it is a surrender of our obligations and a surrender of our viewpoint about this being the best figure that we could agree on.

May I say, have you seen many 14-member committees where they are in accord? We are in accord on the committee. That ought to say something to my friend from Pennsylvania.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

The point being, the gentleman is absolutely right; it would be wonderful if we could come in and designate precisely what we wanted to do and not just cut the money.

But as the gentleman knows, under the rules of the House the gentleman from California is left only with an opportunity to cut the money. We cannot do that because then there would be a point of order under the rules of the House, legislation in an appropriations bill.

The gentleman is protected in his argument by the rules of the House which he helped adopt. Maybe the gentleman would allow us to exchange those rules so we could be in fact, be more precise with the amendments we offer.

Mr. WHITTEN. We have only 31 anticipated work days to finish appropriations bills before the end of the fiscal year or we would have a continuing resolution, where you would have a whole lot of fault to find. I am telling you we bring you the best we can.

We went into the details of that which backs you up, or you think it does; I think we know as much as you do about it. I think the approach is just unsound. You have made the record; let us turn the amendment down and get on.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. WHITTEN. I yield to my friend from California.

Mr. DANNEMEYER. You know if I did not know better I would think what we are hearing here from your side and others is an NIH concept to the proposal; "not invented here." Do you think that is appropriate?

Mr. WHITTEN. I do not think it necessary to answer that; I think it speaks for itself. We are bringing in the best judgment of 14 people in agreement, and to ask us to change the dollar figure and turn it over to Mr. Stockman to apply the cuts, I think is unsound.

I hope you will vote with the committee and vote this down.

The CHAIRMAN. The question is on the amendments offered en bloc by the gentleman from California (Mr. DANNEMEYER).

The question was taken, and on a division (demanded by Mr. DANNEMEYER) there were—ayes 6, noes 14.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 205]

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Applegate
AuCoin
Barnard
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gregg
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hamilton
Hance
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Hopkins
Horton
Howard
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolter
Kramer
LaFalce
Lagomarsino
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zachau

□ 1320

The CHAIRMAN pro tempore (Mr. BROWN of California). Three hundred seventy-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

□ 1330

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. DANNEMEYER) for a recorded vote on his amendments en bloc.

A recorded vote was ordered.

The vote was taken by electronic vote, and there were—ayes 153, noes 232, not voting 48, as follows:

[Roll No. 206]

AYES—153

Anderson
Andrews (TX)
Applegate
Archer
Barnard
Bartlett
Bateman
Bennett
Bilirakis
Bliley
Bosco
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (TX)
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Daschle
DeWine
Donnelly
Dreier
Duncan
Early
Edwards (AL)
Erdreich
Erlenborn
Evans (IA)
Feighan
Fiedler
Fields
Frank
Frenzel
Gekas
Gingrich
Goodling
Gradison
Gramm
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hansen (UT)
Hartnett
Hertel
Hiler
Hillis
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (OK)
Kasich
Kemp
Kindness
Kleczka
LaFalce
Lagomarsino
Leach
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Lowery (CA)
Lujan
Luken
Lungren
Mack
MacKay
Markey
Marriott
Martin (IL)
McCain
McCandless
McCollum
McEwen
McGrath
Michel
Miller (OH)
Minish
Molinari
Moody
Moore
Moorhead
Murphy
Nelson
Nielson
Nowak
Packard
Panetta
Pashayan
Patterson
Paul
Porter
Pritchard
Quillen
Ray
Reid
Ritter
Roemer
Roukema
Rudd
Russo
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Smith, Denny
Solomon
Spratt
Stenholm
Stump
Tauke
Thomas (CA)
Torricelli
Vander Jagt
Vandergriff
Vucanovich
Walgren
Walker
Weber
Whitehurst
Wise
Yatron
Young (FL)
Zachau

NOES—232

Ackerman
Addabbo
Akaka
Albosta
Alexander
Annunzio
Aspin
AuCoin
Bates
Bedell
Beilenson
Bereuter
Berman
Bethune
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Carney
Carper
Carr
Clarke
Coelho
Coleman (MO)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
Daniel
Darden
Daub
Davis
de la Garza
Derrick
Dickinson
Dicks
Dingell
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dyson
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Evans (IL)
Fascell
Fazio
Ferraro
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gray
Hall (IN)
Hall, Ralph
Hance
Harkin
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hightower
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Jeffords
Jones (NC)
Jones (TN)
Kaptur
Kazen
Kennelly
Kildee
Kogovsek
Kolter
Kramer
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Lipinski
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lundine
Madigan
Marlenee
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKernan
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Natcher
Neal
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Parris
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Price
Rahall
Rangel
Ratchford
Regula
Richardson
Ridge
Rinaldo
Roberts
Robinson
Roe
Rose
Rostenkowski
Rowland
Sabo
Savage
Scheuer
Schumer
Seiberling
Shelby
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Snyder
Solarz
Spence
St Germain
Staggers
Stangeland
Stokes
Studds
Sundquist
Swift
Synar
Tauzin
Taylor
Thomas (GA)
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Watkins
Weaver
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)

Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Young (AK)

NOT VOTING—48

Andrews (NC)
Anthony
Badham
Barnes
Bevill
Biaggi
Burton (CA)
Byron
Chappell
Clay
Dellums
Dixon
Dymally
Gibbons
Green
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Kastenmeier
Kostmayer
Lantos
Latta
Leland
Martinez
McKinney
Montgomery
Myers
Nichols
Oberstar
Pursell
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Simon
Smith (NJ)
Smith, Robert
Stark
Stratton
Tallon
Torres
Waxman
Wylie
Young (MO)

The Clerk announced the following pairs:

On this vote:

Mr. Badham for, with Mr. Leland against.

Mr. McKinney for, with Mr. Dixon against.

Mr. Pursell for, with Mr. Green against.

Mr. COATS changed his vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

☐ 1340

Mr. McHUGH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the bill.

Mr. Chairman, I would first like to thank the chairman of our Agriculture Appropriations Subcommittee, Mr. WHITTEN for his leadership. It is a pleasure to work with him, the gentlewoman from Nebraska (Mrs. SMITH) and all of the members of our subcommittee.

Mr. Chairman, I strongly support this appropriations bill, and I urge my colleagues to vote for it. This bill represents a responsible, bipartisan effort to fund necessary and effective programs, while at the same time exercising reasonable restraint on expenditures. The bill provides for $34,517,759,000 in total obligational authority, which is $3,958,000 below the President's budget request and $430,550,000 above the fiscal year 1984 appropriations level. Our subcommittee worked diligently to assure that essential program needs would be met within the limits of fiscal restraint. I think we have succeeded.

In my judgment, the bill is a balanced one in another important respect. It recognizes the legitimate concerns of both our producers and consumers. The measure recognizes the continuing responsibility that Congress has to foster a sound economy in our rural communities. Among other things, the bill would help conserve our Nation's resources for future generations, support research to assure adequate supplies of food and fiber, encourage exports of American agricultural products, and provide nutrition and housing assistance to those of our people who are most vulnerable.

I am particularly pleased that the bill continues to provide sufficient funds for our major nutrition programs. These programs are designed to provide an adequate diet for many of our people who are at nutritional risk, including the elderly and low-income families. Without this special assistance, many of these people would be more susceptible to illness, the treatment of which often results in much greater public expense under health programs such as medicaid.

Fortunately, we have already made considerable progress in alleviating hunger and malnutrition in our country. This is the result of such programs as the food stamp program, the special supplemental program for women, infants, and children (WIC), and the school lunch program. However, recent reports and studies indicate that malnutrition and poverty are once again on the rise. Therefore, it is especially important that Congress continue its commitment to meeting the minimum nutritional needs of our people.

Members should note that our committee has again provided funds for WIC at a level that will avoid any reduction in the program's caseload or benefits. As we all know, WIC is one of the most cost-effective programs administered by the Federal Government, and for that reason it has enjoyed strong bipartisan support. Major studies provide a great deal of evidence of the dramatic impact that WIC has had in improving the health of women and children at nutritional risk. We look forward to receiving the results of USDA's national evaluation of WIC, which is expected to provide additional evidence of the program's effectiveness and success in reducing infant mortality.

This bill appropriates $1,254,288,000 for WIC, which is the amount requested by the administration. However, the committee requires the funds to be made available and utilized during the first 10 months of the fiscal year, that is, from October 1, 1984 to August 1, 1985. The committee expects the administration to submit a supplemental request to cover the balance of the year.

By providing $1,254,288,000 for 10 months, the committee is essentially funding WIC at an annual rate of $1.5 billion. This level would permit the maintenance of the existing caseload as well as some increase in participation. The $1.5 billion level reflects the terms of the House budget resolution, which anticipated some real growth in certain programs, including WIC.

The committee fully expects that USDA and OMB will utilize these funds during the 10-month period specified in the bill. Any attempt by USDA or OMB to spread these funds over a longer period would clearly be a violation of the bill's intent. Similarly, any action by States to reduce participation on the ground that the funds must be spread over the entire fiscal year would be in violation of the bill's intent.

The committee has also funded the food stamp program at the level requested by the administration, $10,797,573,000, and has specified that the funds be available for a period less than the full year, namely, from October 1, 1984, through September 7, 1985. Once again, the committee expects that a supplemental request will be submitted by the administration to cover the balance of the fiscal year. The funds appropriated in this bill are intended to be used during the specified period so as to avoid reductions in benefits.

In addition, the committee report directs the Department not to make any administrative changes in the current method of calculating household economies of scale. The committee believes that such changes could have a severe impact on certain households, especially the elderly, and that if any changes are to be made in the current method of calculation, they should be achieved by legislative action rather than by regulation.

Mr. Chairman, I want to emphasize that these nutrition programs are funded at levels that will essentially maintain the current programs. The administration's budget requests were based on legislative changes that have been rejected by the authorizing committees. The Appropriations Committee has funded the programs at levels that are consistent with current law.

This is also true for other programs where restorations were made by the committee. For example, the Farmer's Home Administration housing programs are funded at levels above the administration's requests. However, these levels are simply restorations to existing program levels. These housing programs are often the only ones providing housing assistance to low-income rural citizens, and the committee has wisely chosen to maintain such assistance. Similar restorations were made in other programs, such as the insured electric and telephone loan programs administered by the Rural Electrification Administration.

In closing, Mr. Chairman, I again urge my colleagues to support this legislation and these programs which are so important to people who live in both urban and rural areas. It is a carefully balanced bill, and it is worthy of our support.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $156,484,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), and further amended by Public Law 92-318 approved June 23, 1972, and further amended by Public Law 93-471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $13,053,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $23,474,000 for payments to the 1890 land-grant colleges, including Tuskegee Institute, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (Public Law 95-113), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee Institute; $17,235,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $32,518,000 for competitive research grants, including administrative expenses; $702,000 for research authorized by the Native Latex Commercialization and Economic Development Act of 1978; $10,000,000 for grants to upgrade 1890 land-grant college research facilities as authorized by section 1433 of Public Law 97-98, to remain available until expended; and $975,000 for necessary expenses of Cooperative State Research Service activities, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109; in all, $254,441,000.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California: Page 10, beginning on line 10, strike out "$32,518,000 for competitive research grants, including administrative expenses; $702,000 for research authorized by the Native Latex Commercialization and Economic Development Act of 1978;" and insert in lieu thereof "$42,518,000 for competitive research grants, including administrative expenses; $3,000,000 for research authorized by the Critical Agricultural Materials Act;".

Mr. BROWN of California. Mr. Chairman, this amendment is one which we have discussed earlier on the floor under general debate, and under a pro forma amendment a little earlier in the day.

I hope the Members will give their attention to this matter because, although the amount of money is trivial, I think the issues at stake are of substantial importance.

What my amendment proposes to do is to seek to restore a portion of the cut made in the administration's request for a biotechnology program under the competitive research grants program of the Department of Agriculture. We had some discussion earlier with the distinguished chairman and the distinguished ranking minority member, who contend that the administration is asking for too much, that the program is going ahead too rapidly, and that it needs to be slowed down, and they gave certain numbers indicating that they had been reasonably generous.

I would like the Members to look at page 30 of the committee report. I include in the RECORD the paragraph labeled "Competitive Grants," on page 30 of the committee report, and the table:

COMPETITIVE GRANTS

For competitive research grants the Committee recommends an appropriation of $32,518,000, an increase of $15,518,000 above the amount available for fiscal year 1984 and a decrease of $17,482,000 below the budget request.

The following table reflects the Committee's recommendations for competitive research grants, including earmarking of amounts for specific areas of research:

[In thousands of dollars]

	Fiscal year		Change	Committee recommendation
	1984 appropriation	1985 estimate		
Competitive research grants:				
Plant Science	15,000	15,000	−7,500	7,500
Soybean research			(+518)	(518)
Acid precipitation			(+695)	(695)
Alcohol fuels			(+540)	(540)
Animal Science		4,500	+3,000	7,500
Animal health			(+7,000)	(7,000)
Brucellosis			(+500)	(500)
Aquatic Science			+518	518
Aquaculture			(+518)	(518)
Pest Science			+5,000	5,000
Gypsy moths			(+1,000)	(1,000)
Boll weevil/Boll worm			(+1,000)	(1,000)
Pine bark beetle			(+1,000)	(1,000)
Human Nutrition	2,000	2,000		2,000
Biotechnology		28,500	−18,500	10,000
Sugarcane in Hawaii			(+250)	(250)
Total, competitive research grants	17,000	50,000	−17,482	32,518

Mr. BROWN of California. Mr. Chairman, what this table shows is that the biotechnology inititative requested by the administration was $28,500,000. The committee recommendation is $10 million. But it also shows further that the administration request for competitive research grants for plant science, an existing program of $15 million, was reduced to $7½ million.

So we couple this reduction in the competitive grant program for plant science and what you end up with is about $2½ million for this new biotechnology program instead of the $28.5 million that is requested.

The picture has been somewhat muddied, Mr. Chairman, by the fact that the distinguished chairman of the subcommittee, who understands the importance of applied agricultural research, as I do, and who wants to preserve it in the proper importance, has shifted a good part of the special research grants, which are applied research, detailed on page 29 of the committee report, over into the competitive grant program, which is intended to fund basic research. So the picture has become obscured.

I cannot approach this in my amendment because it is specified in report language, and I have not found a way to amend report language. I have no disagreement with the committee on the importance of applied research. I do disagree with the committee as to a proper balance between basic and applied research. I also disagree with the committee's effort to mix the two up so that one cannot determine whether a program is basic or whether it is applied research. I have carried on this argument for many, many years.

What I am saying, and I am quoting the report of the committee, is that instead of the $28½ million requested for biotechnology, plus $15 million for plant sciences, the committee has decided that a total of $17,500,000 would be adequate. This is absolutely going to preclude the possibility of this new initiative getting off the ground. I have already read into the RECORD the OMB statement in support of it, the Department of Agriculture statement in support of it, and at this time I include five pages of the committee hearing which the distinguished chairman had asked for substantiating the value of the competitive grant program.

The chairman asked for this information. It was provided to him. I am sure he has read it. It is the most convincing demonstration of the practical value of this research that I can imagine, and I commend the chairman for including this in his committee hearing record.

The material follows:

COMPETITIVE RESEARCH GRANTS—RESEARCH ACCOMPLISHMENTS

The following list of accomplishments of projects supported by CRG represents a few of the many that can be described. Several projects initiated in 1978 led to landmark discoveries that have opened up new areas of inquiries in agricultural research. Others have yielded significant advances that are being applied for crop improvement. These examples are in addition to those listed in the 1985 Budget Explanatory Notes.

BIOLOGICAL STRESS

Development of biocontrol for root rot of wheat and other crop plants.—"Take-all" is probably the most important root disease of wheat, worldwide. The disease is severe during the first 2-4 years of wheat production but then subsides in severely with continued wheat growing. Thereafter, the soil is suppressive to take-all although a high population of virulent pathogens still exists. A USDA, ARS, scientist at Washington State University determined that suppressive soils contain bacteria that protect wheat plants against infection by the take-all pathogen. If wheat seeds are coated with the bacteria before planting, take-all disease is significantly reduced in the subsequent crop. This approach shows much promise for control of take-all disease and other crop diseases on which the techniques are now being applied.

Natural chemicals may protect fruit against egg-laying insects.—Maggots of fruit flies are perhaps the most damaging of all insect pests of fruit in those areas of the U.S. in which they have become established. Research at the University of Massachusetts, Amherst, is being conducted to study the factors that determine where the insect will lay eggs. After depositing eggs in the fruit, the female excretes a chemical on the fruit surface which deters further egg-laying by other flies including females of the same species. The composition of the deterrent chemical and the egg-laying behavior of the flies are being actively investigated. A goal of this study is to determine if the chemical can be applied to fruit on trees as a deterrent for fruit flies.

Insect attractants produced by plants.—At Michigan State University, analysis of the onion/onion fly interaction has devised a system to determine the properties of the onion that attract the onion fly and stimulate the female to lay eggs. Out of this study will come detailed information on the stimuli which are used during host finding. New control methods of the fly by commerical growers may be devised as a result of these studies. Onion varieties not producing the insect attractant could be developed and these would escape attacks by the onion fly.

GENETIC MECHANISMS

Characterized soybean seed lectin genes, which led to a discovery of mobile genetic elements in soybeans.—A scientist at UCLA has been studying the regulation of soybean development at the gene level. There are several major seed proteins that are genetically programmed to appear during the seed maturation, lectin being one of them. The researcher has isolated and characterized the lectin genes in collaboration with an ARS scientist at Beltsville, an accomplishment in itself since gene structure is known for only a limited number of higher plants genes thus far. While analyzing the lectin genes, they have discovered the existence of mobile genetic elements in soybeans. Mobile genetic elements have been known to occur in corn for some time, and are considered to be potential gene vectors for genetic engineering of corn. The discovery of soybean mobile genetic elements has opened up the possibility of a new method of genetically manipulating soybean. Basic studies necessary to realize this potential are underway through a CRG grant.

Developed methods to isolate novel hybrids of higher plants using an automated cell sorter.—Recent advances to cell culture techniques have opened up the possibility of producing novel hybrids between two plant species that are impossible to obtain through conventional genetic crosses. One of the most common techniques involves the fusion of protoplasts (plant cells without cell walls) from two parent plants. In order to facilitate this process, a researcher at the University of Nebraska has developed methods to distinguish between the fusion products and the two parental protoplasts and to isolate them without damaging their viability using an automated cell sorter. In addition, he developed methods to determine the DNA levels of cells using the same automated cell methods to determine the DNA levels of cells using the same automated cell sorter. The methods are now widely used by cell biologists as well as cytogeneticists studying a wide variety of problems in crop plants.

Developed in vitro tissue culture methods for cereals.—Ability to manipulate plant cells in culture is one of the most important components for successful genetic engineering in crop plants. The most useful kind of *in vitro* cultures is one that develops uniform plants through somatic embryogenesis (a process equivalent to seed development in intact plants). A group of scientists at the University of Minnesota in collaboration with an ARS scientist stationed at the University of Minnesota have developed methods for corn and oats which yield tissue cultures that consistently undergo somatic embryogenesis. This is the first demonstration of such a system in cereal plants and has increased the possibility of genetically manipulating cereal crop plants using *in vitro* culture techniques.

Initiated and developed molecular biology studies on potato tuber proteins.—Potato is an important dietary source of both protein and carbohydrate. Yet, very little is known about how protein accumulation during tuber formation is controlled at the gene level. A researcher who has recently moved to Texas A&M University from Purdue University has identified and isolated the genes that encode for the major potato tuber proteins. This is an important first step in obtaining the information necessary for improving the nutritional quality of potatoes through conventional as well as nonconventional methods.

Isolated the genes for hydrogenase, an enzyme capable of recycling energy lost during the nitrogen fixation reaction.—A scientist at Oregon State University has isolated a segment of DNA containing these genes for hydrogenase from Rhizobium japonicum, the bacterium responsible for nitrogen fixation in soybeans. Only about 20 percent of the known strains of Rhizobium japonicum possess this enzyme. Soybean nodules which do not have hydrogenase lose about 32 percent of energy supplied to the nodules as evolved hydrogen (h2). Strains of the bacteria which infect clover and alfalfa have not been found to have sufficient hydrogenase to recycle a significant portion of the energy lost by hydrogen evolution. The cloned R. japonicum DNA has been transferred into a mutant which cannot make hydrogenase, converting it to a strain which has this capacity. It has been shown that these bacteria effectively fix nitrogen when used as inoculants for soybeans as well as expressing hydrogenase activity. This DNA segment has been patented and a commerical company has licensed it to use in recombinant DNA experiments for development of superior strains of Rhizobacteria.

A definitive study on the basic biology of the Azolla (water fern)—Anabaena symbiosis, a photosynthetic and nitrogen-fixing association.—A scientist at the C. F. Kettering Foundation in Yellow Springs, Ohio, has related the photosynthetic and nitrogen-fixing association's morphology and ultrastructure to biochemical and physiological interaction between the partners. The nitrogen fixed by the Anabaena can provide the association with its total nitrogen requirement. This association is a potentially important and readily available source of fixed nitrogen in aquatic systems, especially for the production of rice, which provides 25 percent of the diet for 90 percent of the world's low-income population. This basic information is necessary in order to address management problems in the use of Azolla as a biofertilizer and thus reduce or eliminate the need for expensive commerical fertilizer.

Molecular understanding of genes involved in nitrogen fixation in Anabaena.—Methods of genetic engineering and nucleic acid biochemistry have been exploited by a scientist at the University of Chicago to map the nitrogen fixation genes and determine the nucleotide sequence of cloned structural genes for nitrogenase, the enzyme which catalyzes the fixation of nitrogen. He has used Anabaena, an aerobic nitrogen-fixing organism which is found worldwide. He has also worked out the nucleotide sequences and transcription of two other genes which are altered in the process of cell differentiation from vegetative to heterocysts under which conditions nitrogen fixation can occur. These gense are glutamine synthetase and ribulose bisphosphate cargboxylase. The feasibility of using heterologous probes to identify genes for which no traditional genetic selection exists has been shown. This work has increased our understanding of the regulation of genes concerned with nitrogen fixation and provides model systems for understanding cellular differentiation which results in efficient aerobic nitrogen fixation.

Cloned and characterized the Rhizobium meliloti nitrogenease genes.—A scientist at Harvard University has developed novel physical and genetic methods which have been used to identify and manipulate the symbiotic genes of *Rhizobium meliloti*, the bacterium which fixes molecular nitrogen in symbiosis with alfalfa. Using these, he has cloned and characterized the genes for nitrogenase, the enzyme which catalyzes nitrogen fixation.

Identified the genes for delayed leaf senescence in soybeans.—At the University of California, Davis, a researcher has determined that two genes are controlling delayed leaf senescence in soybeans and affecting symbiotic nitrogen fixation. He has demonstrated, with the unique delayed leaf senescence soybean lines that he obtained, that plants which senesce normally have the highest yield. Materials produced by genetic crosses indicate that the normal senescence process is an important component in high yield.

PHOTOSYNTHESIS

Achieved significant advances in understanding plants' waste of carbon reserves in photorespiration.—An investigator at the University of Florida has found that aquatic plants can biochemically modify their rate of photorespiration. These plants, significant pests in Florida waterways, can rapidly change their metabolic state and, unlike land plants, can adapt to changes in CO_2 concentration in the environment. This adaptability gives these plants a competitive edge over other, non-adaptive species. Increased knowledge of this adaptation ability should lead to its use in furthering the control of aquatic weeds and increasing the efficiency of crop plants.

Identified, mapped, isolated and sequenced several genes for photosynthesis in corn.—An investigator at Harvard University, using recombinant DNA techniques, has identified and sequenced sites on the chloroplast genome which control the development of the photosynthetic apparatus. These include the large subunit of the carbon dioxide-fixing enzyme, the herbicide-binding protein, and three of the five subunits of the ATP-forming structure. The results are fundamental to the further identification and manipulation of those parts of the photosynthetic system which exert control over crop productivity.

Demonstrated that the adaptation of desert plants to a very short growing season is due to the high efficiency of the carbon dioxide fixing enzyme.—An investigator at the Carnegie Institution, Stanford, California, using newly developed techniques is the first to show that the carbon dioxide fixing enzyme of plants, adapted in various ways to drought conditions, differs significantly in its catalytic properties. This knowledge, along with recent findings of the genetics of the enzyme should lead not only to fundamental knowledge of this important enzyme but also to the production of crop plants adapted to drought conditions.

HUMAN NUTRITION

Developed water-soluble form of vitamin D.—Vitamin D is a fat soluble vitamin whose absorption is dependent on the amount of fat in the diet and the absorption of the fat. Individuals with various gastrointestinal diseases have an impaired fat absorption and, as a consequence, inadequate vitamin D uptake. A scientist at MIT has developed a water-soluble form of vitamin D, which appears to have a therapeutic effect on persons with vitamin D malabsorption syndrome.

Discovered that dietary fibers may cause adaptive changes in the intestine.—While the importance of fibers on daily diet are advocated in the popular press, their mechanisms of action are not very well understood. In an effort to generate the basic information on this subject, a physician at George Washington University has been studying the effects of dietary fiber components on lipid absorption and metabolism, on intestinal transport of certain nutrients, and on gastrointestinal morphology. The results indicate a complex interaction between dietary fibers and fat absorption in the intestinal tract, and will form a basis for valid recommendations concerning fibers in daily diets.

Developed stable isotope methods to measure dietary uptake of trace minerals.—Investigators at the ARS Western Regional Research Center, supported by CRG grant funds, have developed stable isotope methods for measuring the dietary uptake of zinc, copper, and iron in humans. Using these methods, they found that zinc absorption decreased with age but age did not appear to affect copper or iron absorption. Also zinc absorption from diets containing low levels of zinc was double the zinc absorption from a diet containing a generous amount of zinc. These findings indicate a specific regulatory control mechanism for zinc uptake by humans.

Determined that exercise may increase chromium requirements.—As part of an ongoing study to develop normal standards in assessing the nutritional status of chromium in humans, a scientist at St. Luke's Roosevelt Hospital, New York, investigated the changes in chromium requirements in response to various activities. It was found that chromium excretion increased in response to exercise, suggesting that exercise may increase the chromium requirement. This kind of data is needed in order to set a standard for the chromium requirement of humans. Dietary chromium is needed for normal insulin activity and glucose metabolism.

Mr. BROWN of California. I am saying to the Members that the chairman and the members of the subcommittee and the full Committee on Appropriations, for all of whom I have the greatest respect, and whose support for agriculture research I am absolutely convinced of, nevertheless have, in this drastic cut in this new biotechnology program taken action which I think is detrimental to the welfare of agriculture.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 3 additional minutes.)

□ 1350

Mr. BROWN of California. Mr. Chairman, I say to the committee in all sincerity that the future of American agriculture depends upon our capability in the Department of Agriculture to maintain a leadership role in these newly developing areas of molecular biology and genetic technology and we are not doing that at the present time. I would think that we would want to pursue that as actively as we can.

I am asking the Members to support my amendment, to support a new program of great promise, as requested by the Office of Management and Budget, the President, and the Department of Agriculture.

Mr. Chairman, I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, may I say to my colleagues that I do not know of any Member here who has more personal appeal to me in asking for more money in agriculture than the gentleman who was addressing us, the gentleman from California (Mr. BROWN). But friendship is friendship, and we have to look at this matter here—and I am sure he would have us do that—on its merits.

In the first place, Mr. Stockman of the Budget Bureau did recommend $28.5 million to go into biotechnology research. This is at a time when American agriculture is bankrupt, in my opinion, close to $216 billion in debt, where our problems primarily do not come from ability to produce and to produce economically but come because of the high cost of what farmers buy, the limit on their acreage, and the low level of their price.

Now, if Members do not buy that entirely, let us look at basic research where you try to find answers for answers' sake in the hope that sooner or later it might relieve our problem.

Our problem right now is diseases and insects, and it is financial. That is not to turn down what is recommended here. Our good friend, the gentleman from California (Mr. BROWN), knows how to use his words. He said that we reduced this almost half. We reduced what? A request by Mr. Stockman.

There is no such program now. They had zero last year. I agree, then, that we need to start something. So, may I say that in competitive research we increased it to $32 million from $17 million last year, and $10 million is provided for a new biotechnology research program.

And then we turn to guayule. One thing I mentioned earlier was about having been here quite a while. I was here when they spent lots of money on a guayule research program in one of our States. They thought it would become a great domestic crop. For quite a number of years we supplied money to grow guayule, which is a plant from which you can extract rubber, and it was badly needed when we were losing the natural rubber fields of the world.

Later, when Stuart Symington became head of the Air Force, he made a $500,000 grant for guayule production, and I called and invited him before the committee. On the telephone he said, "I didn't know you had already been in this. I am not going to come unless you make me."

I said, "Of course, I am not going to make you."

So we have had two long experiences in it. Now, that is not to say that we are not with our friend, the gentleman from California; we are. But we have $702,000 in here to get back into a research program for guayule because it does offer some promise.

We tried to strike a happy balance, and here is a new program out of the sky by Mr. Stockman. I might say, trying to keep people from looking at how sad the farm situation is, without any information on which to base it.

Now, my whole problem with research work is that when you are in bad trouble, it is easy to point at something over here and say it might do something in the future. And anything might. I am not saying we should turn it down. I am saying, let us proceed slowly.

In all the years I have been here, and however long you have been here, if you look at anything that you start slowly on a proper basis and get the people you want, you can usually get to where you want to be. But if you have too much money, you have problems. And I just say to my friend, the gentleman from California, that I think we are doing him a better job to proceed carefully with $10 million where there is no program now. We are not cutting any program. All of it is addition.

So I just say that research work is important, yes, we have considered it important. But we say, proceed slowly and let us be sure to get the right people and perhaps add to them later.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield to me briefly?

Mr. WHITTEN. Certainly I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the gentleman knows the high respect I have for his views. What we are really talking about here, as he indicates, is a matter as to how fast we should go ahead here. I think we can have an honest difference of opinion.

But I would like the record to reflect that it was not Mr. Stockman who initiated this program. The committee's own record which I have before me indicates that the National Association of Land Grant Colleges, the President's Science Adviser, the National Agricultural Research and Extension Users Advisory Board, the Joint Council on Food and Agricultural Sciences, and the National Academy of Sciences Board on Agriculture have all recommended this. It is in the committee's record.

The CHAIRMAN. The time of the gentleman from Mississippi (Mr. WHITTEN) has expired.

(By unanimous consent, Mr. WHITTEN was allowed to proceed for 2 additional minutes.)

Mr. WHITTEN. Mr. Chairman, may I say that in the business we are in, if we can go along with 50 percent of what they request of us, we have done real well. We are cutting lots of things here that we would rather not cut. Here we have a new program based on hopes.

I have tried to be fair, as the gentleman just read I have put the best foot forward. But I want to tell the gentleman that most of the witnesses before us would be glad to settle for the increases you are getting for a program we did not even have last year. And when they get through testifying, they are expressing their high hopes—and I join them in those hopes—but let us proceed a little cautiously.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BROWN).

The question was taken, and on a division (demanded by Mr. WHITTEN) there were—ayes 11, noes 26.

Mr. BROWN of California. Mr. Chairman, I am constrained to ask for a recorded vote.

Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Mr. BROWN of California. Mr. Chairman, I would like to ask unanimous consent to withdraw my point of order of no quorum.

The CHAIRMAN. The Chair, unfortunately, had already announced the absence of a quorum, and the gentleman's request comes too late.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1400

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from California (Mr. BROWN) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WEBER

Mr. WEBER. Mr. Chairman, I offer an amendment.

The Clerk read as follows

Amendment offered by Mr. WEBER: On page 10, line 22, strike out the figure "$254,441,000" and insert in lieu thereof "$253,991,000".

Mr. WEBER. Mr. Chairman, I am offering an amendment to H.R. 5743 which would have the effect of eliminating $450,000 for a cooperative State research service grant to initiate an agriculture policy institute at the University of Missouri. While it may appear to be a laudable objective in terms of developing an appropriate U.S. agricultural policy and initially does not involve a large sum of taxpayers' money, I am opposed to this appropriation for several reasons.

First, what is the intent of Congress regarding this legislation? No hearings have been held by any committee that I am aware of to discuss what purpose the institute would have, who it would report to or how it would interact within the existing framework of Federal and State agencies currently performing agricultural policy analysis.

Second, it would appear that without knowing any of the above information, the institute would inevitably duplicate many functions of the land grant universities as well as the economic research service and USDA, the Congressional Research Service and the Congressional Budget Office.

One must question if the institute would be an efficient use of Federal tax dollars.

Third, this action sets a very undesirable precedent. Currently, the Joint Council on Food and Agricultural Sciences reviews all state and Federal requests for agricultural research. Awarding a special grant such as this would remove this institution from the established priority setting and funding allocation process conducted by the Joint Council. This unilateral appropriation process effectively circumvented this review and could result in a distinct lack of coordination program cost effectiveness if others follow suit.

Mr. Chairman, no competitive proposals were solicited for the institute. Is Missouri the best location for this project? Will it produce the highest caliber of work? Could this type of center be more successful at some other location?

Indeed, no one has demonstrated to the Members of this body the necessity of even having such an institute.

Mr. Chairman, everyone who is involved or interested in agriculture realizes the importance of developing more appropriate agricultural policies, particularly as we begin consideration of the 1985 farm bill.

President Reagan has requested that the cabinet Council of Food and Agriculture initiate a comprehensive review and assessment of food agricultural policies and programs and establish a dialog for public hearings to receive valuable input in the preparation for the 1985 farm bill.

The House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, have already begun to address the fundamental questions that will set the stage for the 1985 agricultural legislation.

In addition, numerous task forces by academia, private research institutions, consumer and business organizations, as well as farm and commodity groups, have been established to analyze and develop various proposals for future agricultural policies and programs. With so much involvement already occurring in the Federal Government, the private sector and academia in terms of analyzing and developing future agricultural policy, one has to question whether the taxpayers should have to fund a research institute devoid of any justification.

□ 1410

At a time when the Congress should be scrutinizing ways to eliminate unnecessary expenditures and reduce the Federal budget deficit, it would behoove all Members to examine the merits of allowing such an institute to become a reality.

For these reasons I urge support for the amendment.

Mr. ROBERTS. Will the gentleman yield?

Mr. WEBER. I will be happy to yield to my friend from Kansas.

Mr. ROBERTS. I do not think there is anybody within this body and more expecially in the House Agriculture Committee who would deny the obvious need for a better long-term and predictable agricultural policy. We have been on a roller coaster in farm country for at least the last 5 crop years. But I worry about setting up such an institute without any hearings.

We have studied the issue to death.

I would inform the gentleman, and I know he is aware of this, that among the private think tanks we have a great many studies on agriculture on board now. The Kellogg Foundation, we have the American Enterprise Institute, we have the Brookings Institute. I just made a speech and spoke in Kansas City, MO, to the Curry Foundation at which many of the people from the University of Missouri actually took part in this kind of a symposium.

We have got everybody in agribusiness off of the sidelines and into the study business in regards to program policy.

We have got virtually every farm organization conducting a study from a parochial standpoint. We have something called the National Agricultural Forum. I helped found it. We have the Congressional Agricultural Forum. We have both parties who will, I am sure, adopt very strong farm platform planks. We have the White House studying the issue, the USDA studying, every financial institution is also studying long-term policy. The Senate Agriculture Committee and the House Agriculture Committee are currently holding hearings, and I really fail to see why we should be spending—what is the figure, I would ask the gentleman again?

Mr. WEBER. $450,000 to start with, seed money.

Mr. ROBERTS. $450,000 to start with. I am not objecting to the goal.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. WEBER) has expired.

(By unanimous consent Mr. WEBER was allowed to proceed for 3 additional minutes.)

Mr. ROBERTS. I would just like to ask if there is any colleague that can rise in support of this particular study at this particular time, and as to why this has become a part of the appropriations process.

Mr. WEBER. I thank the gentleman for his comments.

Mr. MITCHELL. Will the gentleman yield?

Mr. WEBER. I yield to my colleague from Maryland.

Mr. MITCHELL. I appreciate the gentleman yielding.

What is the dollar figure associated with this?

Mr. WEBER. It is $450,000 appropriated to start out the institute.

Mr. MITCHELL. Is it not possible that some of the great agricultural institutions around the Nation could undertake this study without cost?

Mr. WEBER. I think, if I can reclaim my time, I think the gentleman raises a perfectly legitimate question. The point the gentleman from Kansas has made, as well as the point this gentleman has tried to make, is there is a whole lot of agricultural research going on at both public and private expense all across the country.

Frankly, as one who represents an agricultural district, I would be willing to vote for this money if somebody could tell me what its mission is and how does it fit in with all of the other agricultural research endeavors taking place across the country, and why is it needed?

But we do not have any answers to that question, and the question of the gentleman from Maryland is most relevant.

Mr. MITCHELL. If you would yield further, I know there is not much money involved in this, but we have become so cost conscious and budget saving conscious in this Congress that even though there is a little bit of money involved I am reluctant to spend even little sums of money if we are concerned about balancing the budget and reducing the deficit, even if we have to do it a half a million dollars at a time.

Therefore, I guess if you get a vote I would have to vote against it out of my sense of dedication to reducing the deficit, even though there is just a little bit of money involved in it.

Mr. WEBER. You would have to vote against the amendment?

Mr. MITCHELL. For the amendment.

Mr. WEBER. I thank the gentleman from Maryland for his support. I would just say that beyond the fiscal impact, which admittedly is small, this Member also believes, and I think others on our side of the aisle believe there is an advantage in terms of making some sense out of the research priorities of our Federal Government. So we think it is not only good economic policy, we think it is good agriculture policy.

Mr. MITCHELL. Will the gentleman yield just a little bit further?

Mr. WEBER. I yield to the gentleman from Maryland.

Mr. MITCHELL. I missed the arguments in support of the amendment, and perhaps somebody will stand.

Mr. WEBER. If I can reclaim my time, I am arguing in favor of the amendment to delete the funding. We have not had any argument presented on the floor in favor of the Agriculture Policy Institute, and perhaps the supporters of the institute, in arguing against my amendment, will raise those points.

Mr. MITCHELL. I better stay around then because there might be a more persuasive argument adduced in support of it.

Mr. WEBER. I thank the gentleman from Maryland for his position, whatever it may be.

I yield back the balance of my time.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not know how effective the Agriculture Policy Institute has been. But I will tell you this: We need some information from some source.

This Department of Agriculture is the one that paid out the assets that belonged to us all, invested in the agriculture commodities, and they paid it back to the farmer to get him to reduce production through the PIK program—reduce production when we were involved around the world in very serious situations. And they paid the cotton farmer a whole lot of money to reduce cotton because they thought they had a surplus. They did not know what they were talking about. They did not have any surplus. So then they went and pointed out some fine print that said if you have signed up here and we do not have the cotton, then you will have to grow cotton to pay yourself for not growing cotton.

They have got the American farmer to reduce his production 11 percent so that our competitors could increase theirs 11 percent, and they promptly did so.

Not only that, but if you look across the board our Department of Agriculture, under the influence of the Department of State, has been wrong for several years in just about every estimate they could make.

All of this is not a Democrat/Republican situation.

The Department of Agriculture had no idea that when they put an embargo on the export of soybeans some years ago that we would be giving up our acreage forever, and the farmer paid the cost.

I was here when we gave Spain cotton at 46 cents and they sold it for 96 cents.

We need somebody who will speak up and tell the Department of Agriculture what the facts of life are. Whether this group does it or not, I do not know. But I do know the Department has been wrong all down the line.

We have got a Commodity Credit Corporation that is a $25 billion corporation for the purpose of being independent and seeing that we retain our foreign markets. Who do you think the Board of Directors are? Every one of them is in the Department of Agriculture, every one of them. And they gave away the assets of the Commodity Credit Corporation to get us to reduce our acreage so that foreign countries, our competitors, could increase theirs.

When we put an embargo on grain to Russia, we did not stop the Russians from getting anything. They just bought it from our competitors. They set Brazil up in the wheat and soybean market.

Not only that, but the farmer pays the cost of our foreign policy. You might look this up. After World War II we gave industry $22 billion to reconvert, and the poor farmer got nothing.

I am thinking we need somebody. I believe the gentleman from Iowa (Mr. SMITH) is familiar with this. I do not know how good a job they are doing but they were doing a poor job of getting the Department to listen.

Mr. LEWIS of California. Will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman.

Mr. LEWIS of California. I appreciate the chairman yielding.

Mr. Chairman, as you know, I had the privilege of serving for a couple of years on your subcommittee. I have great admiration for the way you handle this bill, and I know how difficult it is to deal with the dollars involved in this important measure.

My concern with this specific item that relates to this amendment is I do not remember during the time I served on the subcommittee any hearings or testimony or discussions of this matter or this idea of putting $450,000 in the hands of a university in X location in the country.

I am wondering how this originally got into our bill. Was it done in the other body originally or did we do it?

Mr. WHITTEN. The gentleman has a very good memory.

You will find this item on page 61 of volume 6 of this year's hearings. We did not have it when you were on our subcommittee, it was a new item in the 1984 bill.

You understand, I did not vouch for the good work it has done. I vouched for the need for this, or some other group to give us some solid figures.

Mr. LEWIS of California. I appreciate the chairman's comment. If you would yield further, my concern, Mr. Chairman, is that I understand from some who address our bill as intensely as we do, that the original idea may very well have come from a Member of the other body and there may not have been the kind of public hearings that one might ideally want to have on a measure, even though it is only $450,000.

It occurs to me that we have got enough difficulty in this section with the kinds of programs that we really need to desperately support, and if we are lightly adding $450,000, I am not sure that helps our cause any.

□ 1420

So I wonder why we should not let the other body do this if they want to be arbitrary about it and maybe we could have hearings next year to see if it really is possible that they have done the excellent job with past expenditures.

Mr. WHITTEN. I use this as a point for me to make out how badly they need information in the Department of Agriculture.

Whether this Institute does what it should do or not, I do not know. But I am convinced that our Department of Agriculture historically has yielded to the pressures from our State Department to get along with everybody in the world and the farmers in most cases have paid the bill in reduced income. We need somebody to give them some solid information.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

(On request of Mr. WEBER and by unanimous consent, Mr. WHITTEN was allowed to proceed for 3 additional minutes.)

Mr. WEBER. Mr. Chairman, will the gentleman from Mississippi yield to me?

Mr. WHITTEN. I yield to the gentleman from Minnesota.

Mr. WEBER. Would the Chairman just explain, do we have any reason to believe that the research being done by this Institute or to be done by the Institute is not done elsewhere?

Mr. WHITTEN. May I say, Mr. SMITH and others are more familiar with the operation of this. I was just pointing out the weaknesses in the Department. They have been wrong so many times under this and other administrations that certainly we need some outside group against which you can match their estimates.

Certainly that is true in foreign trade. I will take a minute of your time if I may. It may be a surprise to you, but you can sell easier than you can give away. If you sell, the trade in that country is helping you to get it in. You go through regular channels and you do not upset anything. Whereas, if you give it to them, you upset everything, so everybody resists it.

We need somebody to point that out to the Department. If we keep what we have on the counter, we keep them from increasing acreage. But if we have an on-again/off-again sales policy, as we have had, they increase the acreage.

I promise you their own testimony shows that as we cut our production 11 percent, our competitors raised theirs 11 percent. We did not cut anything, we just gave them our markets. Maybe they made a concession; maybe they agreed to help us somewhere else, I do not know.

I just say we need somebody to give us some figures not dominated by the "in" sources, and that is true of any administration.

Mr. WEBER. I thank the gentleman for the response and I will address my future questions to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, let me get back to the real world. You can ask the research department down at the Department of Agriculture for an answer to some questions; but if it has any inkling that it might involve a policy question they must get it cleared at OMB; then shade it a little bit one way or the other.

We do not secure the answers we want in-house. It is important that in 1985 we have a farm program that answers some of the questions we have not been answering the last 25 years. Just consider, for example, wheat; just look at the record the last 20 years. We have a number of times reduced wheat acreage in the traditional wheat area and offset that reduction with an increase in the double-crop area. We do not know the consequences of some of these programs, and that is what this is for, so we need to know what can be expected.

Agriculture is so complex today that it is not possible to deal with one segment of agriculture in isolation. Whenever we help one segment we may hurt another.

Just recently, for example, there was a proposal to eliminate what they call tax shelters. If there are tax shelters in cattle feeding and I am not sure that there are since we have had income averaging, before that I know there were; but if there are tax shelters in cattle feeding; for example, this organization was asked to do a study and they came up with a study that showed the effect it would have on the cow calf man compared to the cattle feeder; the effect it would have on the corn producer; and some people gain and some people do not and before you go into a program or change an agricultural law, we need to know what affect it will have. That is what this is all about.

This is an organization that has shown it has computer activity, it has capability, it is one we should be using. And we sure had better not depend upon in-house services entirely when we go into the farm bill in 1985.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Minnesota.

Mr. WEBER. If I understand right—and I thank the gentleman for yielding—then the purpose of this institute is to provide policy analysis for the Congress in evaluating farm programs; is that correct?

Mr. SMITH of Iowa. Policy alternatives, it is made public.

Mr. WEBER. If the gentleman will yield further, can I ask why this specific institute was chosen and what kind of process was gone through? You know we have a good agricultural university in Minnesota, I am not pumping for my own State but what process was used to select the University of Missouri for their participation in this area?

Mr. SMITH of Iowa. They are leaders in their area. I am not from Missouri either, but they are the leaders and they probably use the services from Minnesota. You know they do not use all services from within. They probably get some out of Minnesota.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Missouri.

Mr. VOLKMER. Yes, the University of Missouri has a very strong agricultural economics department; one of the best in the Nation. It has developed out of that agricultural economics department. They do it in conjunction with Iowa State University and also to some extent with the University of Minnesota and other midwestern universities where they can have some input into the model that they have.

And I think that the gentleman from Minnesota may have offered the amendment without the full knowledge of actually what is being done.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. Yes, I yield to the gentleman.

Mr. WEBER. That is certainly the case because nowhere in the committee report or elsewhere can I find out answers to these questions. As I indicated in my statement, I am offering the amendment precisely because I do not know what is being done and I am still not sure what is being done and I am not quite sure any member of the committee knows what is being done at that Institute.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield.

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. VOLKMER. Maybe I can explain just a little bit, or maybe the gentleman from Kansas (Mr. ROBERTS) can.

I remember last year we were looking at such things as freezing the target prices, if you remember. The administration proposed last April, May, that we freeze them and we took it up in the Agriculture Committee and some of us asked about Womack at the University of Missouri, who is the director of this program, to run a model through and see what effect it would have.

And we were able to get those answers that helped us in deciding the question.

Personally, I look forward to next year in the 1985 farm bill, when we get into proposals as to making changes in present policies and going into this and having them coming back to us and give us answers that we need. Just recently when we had the change in the wheat program which was passed by this House back last November, we were able to run through there a model as to the effect of a diversion payment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. WEBER and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman.

We had that run through to see what effect a diversion payment would have on the total wheat program and then its effect, also. As you know in some areas when you have an oversupply of wheat that gets into the feed use, also, especially in pork production.

So we are able, we have available to us as Members of the Congress a very objective source of research service for policy decisions. As the gentleman from Iowa has pointed out before, any time before we wanted these answers we got them from USDA on OMB through USDA.

Some of us always questioned the objectivity of some of these answers. These people out there are not interested in really being objective, but take the position that, "Hey, we have to save $5 million; how do we make the question so we can save the $5 million. And now we come up with the answer." The institute is going to be very objective and tell you what it will do, yea or nay.

Mr. WEBER. Mr. Chairman, will the gentleman from Iowa yield?

Mr. SMITH of Iowa. Yes, I yield to the gentleman.

Mr. WEBER. I thank the gentleman for yielding. He has described for me I think the role this institute is going to play. It seems to me a very significant one because the gentleman from Missouri has described it as providing the objective information to this Congress.

□ 1430

My question then—I realize that the University of Missouri is a fine school, but there are other fine agricultural schools in the country, Texas A&M, University of Kansas, University of Minnesota, and a lot of others too—I wonder if any of those fine institutions were given any opportunity to come in and bid for this very generous contract and for the privilege of supplying the objective information to the Congress of the United States on farm policy?

Mr. SMITH of Iowa. I think if the gentleman would talk to these universities and the people in the ag departments, and nobody has a better one than we have at Iowa State, that they would all agree that the logical place would be the University of Missouri because they happen to have developed this expertise. They have started on it now. They work with other universities.

I think it is the obvious lead university and that it ought to have this contract. I realize the gentleman probably looked at the record and did not see the answers to some of his questions but I hope that since it has been explained now that the gentleman will withdraw his amendment, because this is an important program. I think it encompasses especially the Midwest.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Kansas.

Mr. ROBERTS. I thank the gentleman for yielding.

I would say to my colleague from Iowa and from Minnesota that on page 61 of the report we have the colloquy between the chairman and Dr. Jordan of the University of Missouri that very clearly states what the purpose of this institute is. I would ask the gentleman from Iowa is this simply for 1 year in regard to advice on the next farm bill or if this going to be something in perpetuity?

Mr. SMITH of Iowa. I think you would have to look at it next year and determine whether or not to extend it. I do not think that we automatically say it is a continuing thing. We may not even want it next year. But I think we certainly need it now.

Mr. ROBERTS. If the gentleman will continue to yield, I do not want it to go on record that I am in favor of every policy recommendation that is submitted by OMB or USDA to the House Ag Committee, far from it, but I think this business of lending the impression that we do not have any other advice other than OMB or USDA is just simply not the case.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has expired.

(At the request of Mr. ROBERTS and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. We get advice from virtually every agribusiness group, every farm organization. I went down through the laundry list before of people who are getting off of the sidelines and on the playing field of the farm policy debate. I do not understand why we are going with $450,000 now. The University of Missouri has a fine agriculture school, they have the project started, but I worry about the fact that we are going to set up this institute on down the road for whatever problem that we may have.

Mr. SMITH of Iowa. I would say there are two reasons. To start with there is no commodity organization and no farm organization that has this kind of expertise, none whatever.

Second, even if one did have, I do not care if it is the Farmers' Union or the Farm Bureau, whatever they say would be considered suspect, because they have policy positions. This organization will present alternatives, not just one policy that they are supporting, they can present alternatives and tell us what would happen if we crank certain components into the mix.

Mr. ROBERTS. If the gentleman will continue to yield, and this will be the last time I will ask him to do so, who is at Iowa State and the University of Missouri, that has a crystal ball that can accurately predict a freeze or an embargo, or interest rates turning on the dime or what is going to happen on down the road in regard to farm program policy? I would be very interested to see that crystal ball. The same people took part in a symposium before the Curry Foundation that this gentleman spoke before just several weeks ago. I talked to them about the same policy alternatives. We all know what those alternatives are. We have discussed these issues to death almost in the House Ag Committee and within many other organizations. They did not have any other policy alternatives that were unique to what the gentleman knows and that I know and that we have discussed about at great length. Personally I think at this particular time, without hearings, and without the proper designation that I would have to support the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has again expired.

(At the request of Mr. MITCHELL and by unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 1 additional minute.)

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Maryland.

Mr. MITCHELL. I thank the gentleman for yielding.

You know we urban guys ought to stay around more often on agriculture because we do not have the expertise. It is one great big country altogether and we need to learn.

You have convinced me. I am glad I stayed. I was with the gentleman; now the gentleman has lost me. The explanation was just excellent.

I would hope the gentleman would withdraw his amendment.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Minnesota.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. WEBER. I thank the gentleman for yielding.

I just want to say that nothing pains me more than to lose the support of the gentleman from Maryland, with whom I so often find myself in philosophical accord.

Mr. SMITH of Iowa. Let me conclude by saying this, too. One of the other things that we have not taken into consideration over the last 20 years is what happens to the people who leave the farms. We have policy considerations and a certain policy will eliminate certain numbers of farmers and they go to the city. What happens to them involves everyone. City people are involved in this, too.

So I say that this is an important resource at this time. I am not saying that we should continue it indefinitely. I do not know about next year, but certainly for this 1 year we need this kind of help.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. As one who has utilized the institute and has discussed it with the people at the University of Missouri and seen the objectivity that the institute is able to provide as far as policy decisions that need to be made in agriculture and will have to be made especially next year, that it is a very worthwhile tool and has been developed basically as a research tool in the area of the use of computers in modeling various programs and then being able to put in the facts and figures you want.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

What the gentleman is saying then is that this is one of a kind.

Mr. VOLKMER. Yes, it is one of a kind. There is only one. No farm organization has anything like this. No other facility and even the U.S. Government does not have this. OMB does not have this. USDA does not have this.

Mr. SKELTON. Will the gentleman tell me then to enlighten me why is it so important that this unique project continue?

Mr. VOLKMER. Well, in order for us to determine whether or not we can not only make these policy decisions based upon the modeling programs that we have within the use of the computer industry and being able to make decisions based upon results from that and I think that so far the information that has been provided back on the changes that have been proposed in the past on agriculture programs have been very reliable.

So I think it is a necessary area to continue on in order to find out exactly whether maybe even in the Government we should have such an institute.

Mr. SKELTON. I thank the gentleman for his explanation.

It seems like it is a very important thing to do, particularly in light of the present and the prospective problems that agriculture in America has.

Mr. VOLKMER. Yes. And I would just like to close by pointing out to the gentleman from Missouri that the number, as pointed out by the gentleman from Iowa, of personnel that the university has on board to work with this program very many people, expert in the field of agriculture economics, who basically know the programs and I think that again you would not be able to find that many people renowned in the field anywhere else in one area, in one organization, anyplace else but at the University of Missouri School of Agriculture.

Therefore, I think that to cut it off at this time just as it is getting on its feet and we are beginning to learn from this development, I think would be very foolish.

Mr. SKELTON. If the gentleman would yield further, we have an ag bill coming up, the 1985 agriculture bill. The more understanding and the more research that goes into testimony and ideas for the coming ag bill the better off we are going to be.

Are we going to limit our research to the Department of Agriculture? Are we going to limit our thoughts and our ideas to the Department of Agriculture for this ag bill? Are we going to allow our industries such as the University of Missouri and Iowa to contribute greatly as they have in the past?

Mr. VOLKMER. I think we should rely on the more objectivity that we would receive from this type of institute than we would receive from USDA or basically, as the gentleman from Iowa has also pointed out, that the various organizations have their own policies. They have an area in which they are going to be coming from when they are going to make a proposal for a change. Some of them believe in a free market system and they are going to promote policies that will establish that type of system.

Other ones believe in more Government control, more production control. They are going to promote those kinds of policies. While the institute is not going to be out here promoting policies, they are going to be responding to those changes so we will have an objective response.

☐ 1440

The institute is not going to be out here promoting policies but are going to be responding to those proposed changes, so that we will have an objective response.

Mr. SKELTON. So we will have a better idea as to difficult decisions next year in the 1985 agricultural bill which we will be having in front of us if we continue this program; is that what the gentleman is saying?

Mr. VOLKMER. That is what I am saying, yes.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Kansas.

Mr. ROBERTS. What is the one of a kind of business that you are talking about that will enable you with this study to come up with unique suggestions that have not already been suggested and will be suggested during the regular hearing process and by virtually every group under the Sun that is studying the problem of agricultural program policy? What is it that is so unique?

Mr. VOLKMER. The uniqueness is the computer model that they presently have.

Mr. ROBERTS. Is that computer model, if the gentleman will continue to yield, any different than that used by Oklahoma State and Kansas State, with the Ag working group that we have?

The CHAIRMAN. The time of the gentleman from Missouri (Mr. Volkmer) has expired.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. RUSSO. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentleman from Minnesota (Mr. WEBER).

The amendment was rejected.

The Clerk will read.

The Clerk continued the reading of title I.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order to title I?

Are there any amendments to title I?

If not, the Clerk will read.

The Clerk proceeded to read title II.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order to title II?

Are there any amendments to title II?

If not, the Clerk will read.

The Clerk proceeded to read title III.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order to title III?

Are there any amendments to title III?

The Clerk will read.

The Clerk proceeded to read title IV.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order to title IV?

Are there any amendments to title IV?

The Clerk will read.

The Clerk proceeded to read title V.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. Are there any points of order to title V?

Are there any amendments to title V?

The Clerk will read.

The Clerk proceeded to read title VI.

Mr. WHITTEN (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Are there any points of order to title VI?

Are there any amendments to title VI?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 60, after line 18, insert the following new section:

SEC. 629. Notwithstanding any other provision of this Act, the President may reduce any appropriation in this Act by not more than ten percent.

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. WALKER) wish to be heard on the point of order?

Mr. WALKER. Mr. Chairman, I concede the point of order.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: ON PAGE 60, AFTER LINE 18, INSERT THE FOLLOWING NEW SECTION:

SEC. 629. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available in this Act is hereby reduced by one percent.

Mr. WALKER. Mr. Chairman, this amendment is pretty straightforward and I think pretty easy to understand. It is a 1-percent across-the-board cut. It will save the Congress something on the order of $320 million.

I had hoped to be able to offer the amendment offered previously that would have given the President discretion to cut up to 10 percent in certain categories and thereby assure that we did not have to do the across-the-board approach. Since the rules of the House are such that the gentleman from Mississippi could take a point of order against that amendment, I am now then left with the opportunity only to offer the across-the-board cut that the rules give me. Therefore, I have decided that a 1-percent across-the-board cut would be in order.

This is another case of attempting to deal with deficits. We are faced with major deficits. I do not think anybody in the Congress denies that. This is an attempt to assure that we at least acknowledge that as a part of the consideration of this bill.

I would think that it would be very difficult to argue that we cannot reduce by 1 percent the programs that the Federal Government sponsors, not only in the agricultural area but other areas as well, that somehow a 1-percent reduction would emasculate any program, let alone a whole series of programs.

So this is an attempt to say that it is time that we faced up within the appropriations process to our responsibility to reduce spending in the Government, to reduce the spending in this Government in a way that reduces deficits.

The best gift that we can give to the agricultural community is to look responsible enough about spending that we can begin to develop a fiscal policy which in turn helps lower interest rates across the country. The farmers of this country are being devastated by high interest. All of the rest of the things aside, the main thing that is undercutting the agricultural economy today is the fact that interest rates are again on the rise. In large part they are on the rise because of the irresponsible fiscal policies that we have developed in this Congress as well as monetary policies that leave this gentleman, at least, cold.

We can work today on the fiscal side of the question. We can deal with the fiscal policies of this Government by saying that here is a place where we can do some reducing, reduce by a mere 1 percent across the board, and thereby it seems to me tell the farmers of America that we are interested in the problem that they face in high interest.

I yield back the balance of my time.

AMENDMENTS OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WALKER

Mr. OBEY. Mr Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. WALKER:

SEC. 629. All amounts appropriated by this Act not required to be appropriated by previously enacted law shall be reduced by 64 percent.

Mr. WALKER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. OBEY. Mr. Chairman, basically, what this amendment does is to give the House an opportunity if it so chooses to really do something significant in the area of budget reduction.

The Appropriations Committee is in a very difficult situation on all of the appropriation bills because of the process by which we deal with budgets in this Government. We do not have a truly comprehensive way to deal with the budget except insofar as we deal with it in the budget resolution. And because we are still at an impasse between the Senate and the House on the budget resolution, this committee has proceeded as best it can to produce a series of appropriation bills which fall within the guidelines of the House passed Budget Committee; that is, that over a 3-year period we will have deficit reductions approaching about $180 billion.

This House is in a peculiar position because we all know, at least we should, if we have been here any period of time——

Mrs. SMITH of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I will, after I have completed my statement.

Mrs. SMITH of Nebraska. But I would like a copy.

Mr. OBEY. I do not yield until I have completed my statement, Mr. Chairman.

□ 1450

So what happens is that because most Members do not want to face up to where we really have to go to bring the budget under control, all of the budget-cutting efforts are focused on appropriation bills, on the domestic discretionary programs, which in the main, are a very small part of the overall budget of the Federal Government. So we continue to hear amendments offered; 4-percent reduction last week to the State-Justice-Commerce bill; 1-percent amendment offered now.

They are all, I submit to you, largely symbolic. They allow us, if we would desire, to pose for holy pictures on the issue of budget cutting without accomplishing anything that is real. The fact is, however, that as we know, there are certain programs which we cannot touch, in the Appropriations Committee, in terms of our efforts to achieve budget reductions. Those are entitlement programs. We find very little willingness around here to attack entitlement programs or to attack the military budget or to attack the problem of revenue shortfall.

So we are faced with the difficult reality on the Appropriations Committee. What I try to do with this amendment, instead of offering a symbolic amendment to cut 1 or 2 percent is to simply say this: If you recognize budget realities, and recognize what is off limits to us in terms of the appropriations process, we are then stuck with the remaining amount in the Federal budget, which is discretionary spending. If you want to achieve a balanced budget by reducing discretionary spending you would simply have to achieve a 64-percent reduction in every budget authority figure produced by any appropriation bill for the remainder of this session.

I offer this amendment so that instead of chiseling with each other on symbolic acts, if we are really serious and if we really think that the way to balance the budget is to attack domestic discretionary programs, which have already been cut substantially in comparison to other portions of the budget, this is the way to do it.

It is a 64-percent across-the-board reduction on all domestic discretionary programs in this bill. And if you are really serious about it, this is the amendment you ought to support rather than the original amendment of the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Could the gentleman tell us how much money this saves in this bill?

Mr. OBEY. Take the total amount of budget authority, I do not have the figure here before me, because I just rushed to the floor when I saw the gentleman was up, it takes the total amount of budget authority in this bill and reduces it by 64 percent—the amount in the bill that is related to discretionary programs.

Mr. WALKER. If the gentleman would yield further, I know that my amendment saves about $320 million. I am just trying to get some idea as to whether or not the gentleman's amendment saves more or less than that amount.

Mr. OBEY. Well, you cut 1 percent; we cut 64. We save considerably more than does the gentleman's amendment.

Mr. WALKER. If the gentleman would yield further, in other words, if you are concerned about these agricultural programs, the gentleman would be cutting those 64 percent, whereas my, in any of those agricultural areas, my amendment would be cutting them 1 percent? Is that correct?

Mr. OBEY. That is correct.

Mr. WALKER. I thank the gentleman.

Mr. OBEY. Let me make clear, however, that this applies only to the programs which we have the authority to reduce under law. We cannot, in this bill, reduce legislation which is mandated by previous requirements by Congress.

Mr. WHITTEN. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard?

Mr. WALKER. Mr. Chairman, I withdraw my point of order.

POINT OF ORDER

Mr. WHITTEN. Mr. Chairman, I make a point of order against the amendment on the grounds that it would constitute legislation on an appropriations bill.

The CHAIRMAN. Against the substitute, Mr. OBEY's?

Mr. WHITTEN. Against the substitute.

Mr. OBEY. I do not recall the chairman reserving a point of order at the time, and I would think his point comes too late.

The CHAIRMAN. If the gentleman from Wisconsin would repeat himself for the Chair, please.

Mr. OBEY. Mr. Chairman, it is my impression that the chairman did not reserve a point of order at the time that I offered my amendment, and, under those circumstances, I would think that his objection comes too late.

The CHAIRMAN. The reservation by any Member protects all Members. So the gentleman from Mississippi's point of order is timely and in order.

Mr. OBEY. But my understanding is that Mr. WALKER withdrew his point of order.

The CHAIRMAN. That is correct, but the reservation still prevails.

Mr. WHITTEN. Mr. Chairman, the facts are that I was on my feet when

Mr. Walker was recognized. He made the point of order; I did not. I relied on the point of order he made. I asked him if he was going to push his point of order; when he said no, I asked to be recognized on a point of order.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard against the point of order?

Mr. OBEY. Mr. Chairman, if the Chair is entertaining comments on the point of order being lodged, I would simply submit that all the amendment does is to reduce by a specified amount every account in the bill which is not required to be appropriated at a specific level by previous law. I would think, under the circumstances, that it would be in order.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard?

Mr. WHITTEN. I insist, Mr. Chairman.

May I say I still have not seen a copy of the amendment. I listened as best I could when it was read, but my colleague has not given me a copy of the amendment. I was trying to get a copy.

Mr. Chairman, the amendment I have before me, all amounts appropriated by this act shall not be required to be appropriated by previously enacted law shall be reduced by "blank" percent.

The CHAIRMAN. Sixty-four percent.

Mr. WHITTEN. That is the copy that I have; "blank" percent.

The CHAIRMAN. The copy at the desk says 64 percent.

Mr. WHITTEN. Mr. Chairman, we have a little fun here from time to time, but if this were to be adopted, and goodness knows I hope not, it would require how much work on the part of the executive branch? It certainly would require additional duties by the executive branch, the amount of which would be almost limitless.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard further?

Mr. OBEY. I would simply say, Mr. Chairman, that this does not impose any duties on the executive branch; it is a direct reduction in the accounts affected.

The CHAIRMAN. The Chair is prepared to rule that this is not legislation on an appropriation bill. It provides for a specific percentage reduction in discretionary accounts in the base bill accounts identifiable as a matter of law. The point of order is overruled.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to both amendments. The substitute amendment, and the amendment.

Mr. Chairman, may I say that I tried to point out earlier the real basic part of our economy rests right here in the job before us. While we talk about 1 percent, you know I have been here where we see various folks put certain amounts in there so they can be cut. In my opinion, in foreign aid, frequently they put a bigger figure in there so you can go home and tell how much you cut it.

We have seen that practice here; we have never tried to follow that practice with regard to this Department. Our subcommittee of 14 was unanimous in bringing this bill out. It represented the views of 300 witnesses. We considered the views of the Office of Budget and Management, the President, the Department of Agriculture, those that might differ with it. We listened to all their testimony and we came up with the bill now before you.

Let me tell you what this does, and I do not know that our friends want to go to the country with this; certainly my friend on this side of the aisle, and he is my good friend. I know he has no idea of going through that. I would be almost assured that he certainly would not want to balance the budget by cutting all the things in agriculture which is basic to our economy.

Let us look at this overall situation that we face here. This would cut basic agriculture programs. It would cut soil conservation, rural electrification, Farmers Home Administration. It would cut water and sewer grants and the agricultural conservation program. Not only that, it would seriously cut the programs of the Food and Drug Administration as well as meat and poultry inspection. It would be up to the White House and executive officials to determine which individual items would be cut.

Now the first amendment offered by my friend from Pennsylvania (Mr. Walker) applied a 10-percent cut and let the President do it, which was strictly an item veto. I have written several articles on the item veto; if we do it, they will hold us responsible. If the President did it, you know he would say he would do it, but you never would know who cut this or who cut that or on whose advice the President acted. It would be completely unsound. It would give the President power that he should not have.

□ 1500

The gentleman admitted that amendment was legislation and gives authority they did not have. Here it would be 1 percent, but it would leave the application of the 1-percent item by item to someone in the executive branch, doubtless the Budget Director and his staff.

I would repeat we had 29 days of hearings and 6,251 pages of testimony. We heard from 137 witnesses from the Department, 123 public witnesses and 100 Members. If the gentleman's amendment carries and reduces each account in the bill by 1 percent, it will give carte blanche authority to the budget director to cut out each essential item provided by the Congress, the recommendations of Members. The Budget Director and his staff had eliminated them to start with and will doubtless cut them out if this amendment is adopted.

As we go on down, Mr. Chairman, it would reduce the mandatory programs in this bill, as I understand it. I am talking about the amendment offered by the gentleman from Pennsylvania. We have mandatory programs here which, as I understand from his amendment, would not be excepted from the application.

So I would hope that we would vote both of these amendments down. If we want to balance the budget, my friends, do not try to do it unless it affects all of the people in the United States, in the rural areas and the city areas. Goodness knows, when we spend months of time, and some of us years, listening to all witnesses, and come up with a figure, we are asking your support for our figure. With all of that preceding action, it would be on a sounder basis than to do it with an off-the-cuff amendment at the last minute. You may be talking about money, but you are affecting programs.

Let us talk a little about balanced budgets. I believe in working toward a balanced budget, but we have to be careful where it is. I recall some years ago when it was said that Ethiopia had the only balanced budget in the world. They did not owe a dollar, and did not have one, either. We better take care of essential things while we work toward a balanced budget.

I hope Members will stay with the committee and vote these amendments down.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute and also in opposition to the original amendment.

Mr. Chairman, I would like to make three points. This budget that came out of the committee after days and days and months of work is $4 million below the President's request.

My second point is directed to the 1-percent substitute offered by the gentleman from Pennsylvania (Mr. Walker). It would not cut $320 million because it would apply to only the discretionary spending. It would not apply to the 70 percent that is on entitlements. Sure, it would cut the money, but it would just mean we would have to have a bigger supplemental and have it earlier, because it would not be any reduction in the money that would be spent on the food programs.

Third, I come from probably as agricultural a district as there is in this Nation. Farmers are going broke in record numbers. I pointed out this morning that the Federal Reserve

Board in my seven-State area reported that 4⅛ percent of our farmers had to quit farming because they could not make it in the last year. That is more than 2½ times as many as go broke on an average.

The land values out in the Midwest, as you heard on the floor today, have been reduced more than 30 percent.

Any cut that is made will apply to these few programs, and there are only about $10 billion worth of them, that are designed to help bolster farmers in this desperately serious time. They are aimed at the Farmers Home Administration. We have people all over the country who cannot borrow anywhere now because they have lost their equity, unless they can get the money from the Farmers Home Administration.

It would cut the Food for Peace, it would cut agricultural research, it would cut the Extension Service and the 4-H clubs, which we need at this time worse than at any other time. It would cut the money for plant and animal disease control, Asian fly, avian flu, Medfly. It would cut food inspection and Federal crop insurance and soil conservation.

We on our committee are for cutting the deficit. I am strongly for cutting the deficit. That is why our bill is $4 million below the President's budget. That is why Dave Stockman, in a letter to me, said this bill is consistent with the discretionary program spending freeze that is an essential component of the deficit downpayment plan pending before the Congress.

I believe cutting from farmers, who are pushed to the wall already, in this bill is bad judgment.

Mr. **TRAXLER**. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute and the original amendment.

Mr. Chairman, for the reasons enumerated by the distinguished gentlewoman from Nebraska (Mrs. SMITH), I, too, oppose the substitute and the main amendment. I know, and as the gentleman who offers it knows, this amendment would be a disaster for rural America and the American farmer. He, I think, serves a very useful purpose, and I think that his intent in offering it, is to demonstrate to this body the importance of the size of the deficit and what would be required to resolve that deficit problem if we only approach it through spending reductions in the domestic program areas, and 64 percent is what would be required out of this agriculture bill.

That is an immense sum. It would wreak havoc, pain, and anguish in rural America. So for those reasons, I cannot support this approach.

Without going into the issue of who is responsible for this deficit, and I think there is enough blame to go around in this body and in the other body and the White House, and without pointing fingers and making accusations, let me say the way the deficit is going to be resolved is the day that the people who are responsible for passing legislation and signing legislation sit down together and work on a program that is going to resolve it. One cannot do it without the other, and regretfully, those persons involved and those bodies involved have not yet come together on an across-the-board agreement, and it is not going to be done until we have that agreement.

So for those reasons I would oppose the amendment. I understand the reasons for the gentleman offering it. It is not because he wants to wreak havoc in rural America; it is because he wants to make a point about the necessity for an objective review of where we are in terms of our deficits and how 1-percent reductions cannot do very much, can do very little, in terms of approaching a $200 billion a year problem.

So, regretfully—not so regretfully—in fact, without any regrets whatsoever, I am delighted to oppose this amendment and to vote "no" on it, and I encourage my colleagues to do the same.

Mr. DE LA **GARZA**. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the substitute and to the original amendment.

Mr. Chairman, I will not delay the vote much longer, but I did want to make one point abundantly clear. We are dealing here as if we are going to balance the budget out of the blue sky, that there is a deficit, but like no one has attempted to do anything before to reduce said deficit.

I would like to remind my colleagues that since I have been chairman of the legislative Committee on Agriculture, we have reduced roughly $18 billion to $20 billion since 1981 in programs, in food stamps, the dairy program, and in others of the agricultural programs, and this year when we debated the budget, a great part of the time of the debate on the budget was to commend the Committee on Agriculture for already having reduced $3½ billion for the next 3 years before we were even asked to do so by the Committee on the Budget.

So I associate myself with the remarks of the two preceding speakers, and again I mention to you the pain and the agony that a Member goes through when he sees his constituency, we in the Committee on Agriculture, suffering immense disaster, and yet knowing our responsibility because of the impact on the deficit and our reduction will impact on interest rates. No one has suffered more than the farmer from high interest rates. I know there are some differences of opinion as to whether the deficit adds to high interest rates or not. I think that it does, but I want us to be abundantly clear and cognizant of the fact that we in the Agriculture Committee have worked, and we have already made our imprint on reduction of the deficit, and as we hear amendments here, as we heard an amendment earlier this afternoon, it is as if we had done nothing, as if the legislative committee had done nothing.

□ 1510

Again I repeat that I am grateful that the Appropriations Committee has carried out the intent of the legislative committee, with a few differences. I will mention one later in the debate. But for now I want us to know that we, the Agriculture Committee, have saved or reduced around $20 billion in the last 3½ years, and we should think of that when we offer amemdments as if we had done nothing to help bring down the deficit and try to balance the budget.

Mr. **DORGAN**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to vote for this amendment, but I am awfully glad it was offered and I hope the gentleman from Wisconsin will ask for a vote on it.

The gentleman from Wisconsin indicated that there is no need to point fingers about the deficit. In principle I agree with that, but the fact is that fingers are pointed about the deficit all the time around here. During the day and during the evening, Members are pointing fingers about the deficit.

I was just watching the debate, and I heard the gentleman from Pennsylvania get up and point at what an irresponsible Congress we have. He stated that the deficits that are created are created by the irresponsibility of this Congress. It reminded me once again of the budget process.

Last year the President by law had a requirement to send us a budget. So he sent us a budget. He said, "Congress, I would like you to spend $850 billion, and I would like you to raise revenues of $660 billion."

That is the budget he sent us. That is the first and, in my opinion, the most important step in the budget process.

So he said last year, "I would like a $190 billion deficit." Then a couple of weeks later he walked around the back side of the Capitol holding hands with his friend and said:

> I would like to change the U.S. Constitution to prevent future Presidents from doing what I have just suggested to do.

This year he sent us another budget for fiscal year 1985.

Mr. **WEBER**. Mr. Chairman, will the gentleman yield?

Mr. DORGAN. When I have finished my statement, I will be happy to yield.

This year's budget that the President sent to Congress says, "I would like you to spend $925 billion, Members of Congress, and I would like to raise revenues of $745 billion." That is $925 and $745 billion. That is a $180 billion deficit.

Now, the point is, if in the first and most important step of the budget process there is no leadership except in the wrong direction, how on Earth are we going to extract ourselves from this quagmire called the Federal budget deficit that seems to be running on the loose and without a solution?

The gentleman from Wisconsin has offered an amendment because we have some Members who continue to stand up on the floor of this House and point fingers every day that Congress alone is responsible for this deficit. The amendment is very instructive. It says, "Let's put you on record. Do you want a balanced budget? Vote for a balanced budget. That's fine."

There are a lot of efforts to cut spending on the floor. We vote for some, we do not vote for others. But the fact is that the most important person in this town that deals with the budget deficit is out of town today, but he is also out of town on most days on budget issues. He is presiding over the biggest budget deficits in the history of this country, and he wants the American people to believe he has nothing at all to do with them. And the gentleman from Pennsylvania (Mr. WALKER) and others on that side of the aisle want the American people to believe that the President has no responsibility at all on this.

He has to provide some leadership, and I admit the Democratic leadership has to provide some as well. But if we do not solve this problem, we are going to be in serious trouble, and pointing fingers at the irresponsibility of Congress is not the way to deal with this problem.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. DORGAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to make the point that I offered amendments similar to this on a number of occasions last year, and at that time the percentage by which we would be required to reduce all discretionary spending in order to reach a balanced budget would have been 31 percent. This year it is 64 percent. Next year it is going to be more.

Unless we recognize that you do not effectively cut the budget by dealing with nickels and dimes on appropriation bills, you are only going to deal with the budget deficits if you deal with runaway military spending, which is the largest and fastest increase in the budget, if you deal with the erosion of the revenue base, and if you deal with entitlements, which usually escape the touch around here because they are much more politically dangerous to deal with.

Mr. DORGAN. Mr. Chairman, the gentleman makes a good point.

I do not mean to sound partisan. It is just that I get a little tired of listening day after day to Members saying, "Well, the irresponsibility around here is the Democrats." That is sheer nonsense.

There is virtually no leadership on this deficit issue. The leadership that we see coming from the White House, from the executive branch, is leadership in the wrong direction. I think we ought to say that, we ought to recognize it, we ought to turn the President around. Then we ought to turn the leadership of the Democratic Party and the Republican Party around in this Congress and get about doing something to solve the deficit problem.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. DORGAN. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Chairman, would the gentleman concede to me, however, that the budget process—those are the words the gentleman used—the budget process the gentleman referred to in reality does not involve the President at all?

Mr. DORGAN. No; I would not concede that at all.

Mr. WEBER. Well, then, will the gentleman explain where the budget process involves the President?

Mr. DORGAN. Let me reclaim my time and point out that the first step in this process is, by law, for the President of the United States to send a budget to this Congress.

Last year the President sent a budget to this Congress, and he said, "I want you to spend $850 billion, and I want you to raise $660 billion in revenues."

This year he sent another budget, and again it is the first and the most important step, and the leader of that parade said, "I want you to spend $925 billion, and I want you to raise $745 billion."

Now, I say that is the President that is proposing the biggest deficits in the history of this country, and we cannot escape that. If somebody is going to want to do something about it, it is going to have to start with the President of the United States. If you are asking this Congress to act without leadership from the President, when the President says, "I want all of my military increases and I want all of my tax cuts," I am saying that there is not an arithmetic book that is printed in this world that I know of that says he can have both. The last fellow who said he cannot have that is on his way back to teach someplace because the administration did not want him around, and that is Mr. Feldstein.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, I simply again would like to make the point that if you are concerned about the deficit, this bill is under the President's request.

The CHAIRMAN. The time of the gentleman from North Dakota (Mr. DORGAN) has expired.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise out of sheer innocence, I suspect, on the off chance that somebody was paying attention to the remarks that were addressed to this House by the previous speaker in the well. I was seated back in the cloakroom and heard this, and I want to express my thanks to the gentleman for finally making it clear just what the problem is about the lack of responsibility in fiscal matters around here.

The gentleman reflected it very accurately. He does not understand and apparently a lot of other people do not understand what the role of the President is in the so-called budget process.

If we are going to use this kind of information to persuade people that the fault is not ours for failing to deal with our responsibilities, then let us at least make it clear what it is that we are talking about. The previous speaker has told us that it is the President's lack of leadership that is involved in getting this budget process off the track. Now, we know that is not true. We know that is ridiculous. The budget responsibility that the President has is to present a set of figures to do what would be required under the laws that have been passed by this Congress.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. KINDNESS. I will yield when I have finished.

In addition to that, Mr. Chairman, the President has the responsibility to make proposals to the Congress for various ways to change the laws in order to achieve savings or achieve different policy objectives. The President has reason not to make certain policy objective proposals, I suppose, in view of what the Congress has done with past proposals. But at any rate, it is necessary for any executive, any President, no matter which party it may be, to somehow get along with the legislative branch through this budgeting process.

In that process we see quite a bit of hypocrisy being exercised by perhaps all participants, but certainly in this House I have happened to have the closer opportunity to observe the hypocrisy. I think the American people are relatively little informed or uninformed about some of the intricacies of this process, but they are becoming more and more knowledgeable about what is going on in the budget process and what is wrong. And much of the problem is right here, when we talk in the terms that were just used today, saying that it is somebody else's fault.

We know that the legislative authority rests with both the legislative branch and the executive branch. The President has to sign each piece of legislation that is passed by the Congress. So it is a shared responsibility. But for us to say that the President proposed a budget that does not make sense is like saying the Congress never passed any laws that required the spending of money. Not so. Not true. That is not where it starts.

So I think it is a waste of time for all of us to be here arguing in the midst of this bill's consideration just what happened, who struck John, so to speak, and about how the budget was generated and used. The process involves each one of us voting on each one of these issues that come along relating to authorizations and appropriations, as well as the budget resolution. We cannot shift responsibility for that. The responsibility is right here with each one of us.

□ 1520

We have seen argumentation here today that says in effect, no, we will not accept responsibility for the votes on appropriation bills; something should have been done someplace else, in committee or someplace away from this point in time when we are considering the bill.

It cannot be done that way. We have got to accept the responsibility and it is here and now.

Mr. DORGAN. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from North Dakota.

Mr. DORGAN. It is curious to me that back in the late 1970's when we had deficits that reached as high as the $55 billion mark (the highest was $66 billion under the last year of President Ford) under Carter that they were labeled by many of the folks on the gentleman's side of the aisle as Carter deficits, but now, with $200 billion, and $190 billion, deficits, somehow this President is not responsible. Somehow this President is not involved in that process.

The fact is the President submits the budget to Congress saying, "Here is what I would like you to spend. Here are the programs I would like for this country and here is the deficit I propose."

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. KINDNESS was allowed to proceed for 1 additional minute.)

Mr. KINDNESS. The gentleman has evidenced that he missed something that I said. I said regardless of who is in the White House and what party and it is done by those in the Congress who wish to place the responsibility primarily at the easiest point of focus, that of the executive branch, the President.

The responsibility rests here, however, in the Congress primarily for formulating a budget and we are to accept that and exercise that responsibly.

Mr. DORGAN. Mr. Chairman, if the gentleman will yield one more time, the only reason I stood in the well is because people on your side were pointing fingers at whose responsibility this deficit was, and I think they improperly pointed those fingers. I just wanted to point out that this process is a large process which involves not only the Congress, but also the President.

Mr. KINDNESS. Well, I would point out to the gentleman that both Houses in the Congress had a majority of Democrats at the time the gentleman was referring to and that tells us a whole lot right there.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in listening to the debate this afternoon and to the gentleman from Wisconsin who made one statement that I know he was totally correct in, saying that the House lacks the courage to address the entitlement programs, I know the gentleman does not. I know that he has participated in numerous discussions this year to do something about the real cause of deficits.

I want to share a few numbers for the House today. We are throwing a lot of them around, but if we want to get down to some of the reasons for the deficits that we are talking about and you want to do it in constant dollars, take out inflation, take out all the charges of $160 billion, $190 billion deficits and compare 1970 and 1985, which is the budget year we are discussing today with the appropriation bill, you will find that in 1970 the deficit for the United States of America was $3 billion.

The proposed deficit for 1985, depending on which budget you want, the one we will use for purposes of example today is $160 billion.

Now, where did that $157 billion in deficits come from? Now, some contend that is has all come from defense but that will not bear the scrutiny of a critical budget eye. No one can continue to make the argument on the floor of this House that defense is the major reason for the large deficits that we are in fact experiencing. In 1970, defense was $94 billion. In 1985, in constant 1972 dollars, defense will be $103 billion; so $9 billion of this $160 billion deficit we talk about is coming from defense.

Now, there are a lot of folks today that say deficits do not matter any more, deficits have no relationship with interest rates. I do not believe them for a moment, but many of our well-meaning colleagues on that side of the aisle continue to say deficits do not matter. They do not say it quite like that, but they insinuate it.

Well, let me show one place that deficits do matter, because interest, real interest cost, in 1970 were $16 billion. In 1985, they are $49 billion, a real increase and a real cost to our deficit of $33 billion directly attributed to interest on the debt that we are now building up.

Now, we are talking about the agricultural appropriation bill today. We have heard a lot of talk about what has caused the deficits. Well, you can take all other categories of government, excepting payments to individuals, defense and interest, and you will find that in 1970 constant dollars all other costs of government, which includes the agricultural part of our budget, in 1970 was $49 billion. In 1985, it is $52 billion. That is $3 billion of the increase.

Now, where is the rest of it? Well, we all know where it is. It is coming in the category, some of which is in the agricultural appropriation bill, called payments to individuals, transfers from the working of the United States into the nonworking, for whatever good and valid reason that we might want to do just that.

In 1970, payments to individuals were $72 billion. In 1985, it is $187 billion in real cost. That is $115 billion of the deficit.

Now, the gentleman from Wisconsin is perfectly correct when he says that until we can address the entitlements part of the budget, we are not going to begin to touch the deficit of the United States. We all know that. We are not going to get it by cutting a little bit here and a little bit there, even though we should.

The truth of the matter is as long as we in this Congress and many on my side of the aisle are the most flagrant on this one, of standing up and saying and convincing the American people that somehow because we were privileged to wake up this morning and to draw a free breath as we shaved and did our hair, that we are entitled to a cost-of-living adjustment in our jobs or in our retirement programs. Until Members of this body can come and be honest with the American people and say that no one is entitled to a cost-of-living adjustment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. STENHOLM. No one can honestly contend that we are entitled to a cost-of-living adjustment. There are many that need additional help and if this body would concentrate on seeing that the aid would go to those who truly need it and move away from this concept of entitlements that go up and we explain it as being uncontrollable, at that point in time we will begin to do things that are real about the deficit, but as long as we point fingers at defense, as long as we point fingers at every individual appropriation bill that comes before us and not look at the real causes and the real solutions, I submit to this body that we are not really going to do anything other than just talk about it and blame each other.

I would say, let the record show that this is one Member that believes that the Congress, all 435 of us, have the primary responsibility under the Constitution of the United States on the expenditure of the taxpayers' dollars.

Mr. WEBER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(At the request of Mr. WEBER, and by unanimous consent, Mr. STENHOLM was allowed to proceed for 1 additional minute.)

Mr. WEBER. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I am happy to yield.

Mr. WEBER. Mr. Chairman, I want to thank the gentleman for an outstanding statement and I applaud it and agree with it. I just want to clarify one point.

The gentleman made reference earlier to some of us who said in the gentleman's words that deficits do not matter. I understand the argument the gentleman is alluding to, but I have to clarify, speaking as one who has addressed that issue, that I do not think at all that deficits do not matter. I think I speak for almost all of us on this side of the aisle when I say we believe deficits do matter.

The only point we make is that deficits are not the only things that matter. The reason I make that point and the reason I would like to clarify it is because the projected deficit at the beginning of this fiscal year was smaller than the deficit for the last fiscal year, as big as it is.

The deficit right now projected for this fiscal year is lower than when we began the fiscal year.

In addition to that, the combined State, Federal, and local borrowing, is smaller as a percentage of gross national product than it was a year ago. At the same time that is all happening, interest rates are going up.

All that causes me to conclude is that in addition to looking at the deficit, which is going down somewhat, we ought to also look at monetary policy and Federal Reserve policy.

I thank the gentleman for yielding.

Mr. WHITTEN. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Mississippi is recognized for 5 minutes.

There was no objection.

Mr. WHITTEN. Mr. Chairman, may I point out our situation here, which does not mean to curtail anybody about their expressions at all, the cause for worry and all that everybody is saying today. We have passed one appropriation bill. We have 12 more that have to pass. We have 31 anticipated workdays before the end of the fiscal year, exclusive of Mondays and Fridays and the record shows that the House is not passing legislation on Mondays and Fridays.

Now, we have an appropriation bill here where we have heard over 300 witnesses. We have 14 members of the subcommittee, experienced members, Republicans and Democrats, that have agreed on the best figure.

☐ 1530

To our surprise, it was accepted by a whole lot of people as a good day's work.

I ask you to stay with your committee and let us go on. Otherwise we are going to be here and our committee is going to be handling a continuing resolution for you. It may be that way anyway because your urgent supplemental is still pending on the other side and has not even been considered. I do not know whether it will.

We face a vacant July and August due to the conventions. I am asking you, let us proceed with the business of the House. Members can get some special orders if we are going to talk about all of these things.

On much of what has been said here, I would be glad to get legislation, but we cannot do it here on this bill. You know we cannot do it here today.

What can be done on this bill is take up enough time where we are bound to have a continuing resolution, and that is not a desirable situation for our committee or the Congress.

We have done a good job, in our opinion. But nearly every legislative committee will be divided on legislation and each side will be asking us to take their side in a continuing resolution.

We have waiting here the legislative appropriation bill. Our committee had a meeting today on the transportation bill.

Let us end all these discussions, as fine as they are. Let us go on with our business of the moment and get through with this, so we can take up the legislative appropriation. Let us go back to this bill or we are going to have a continuing resolution.

That is no threat. It is the reality we are facing.

Mr. Chairman, I ask unanimous consent that all debate finish as of now on this amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Chairman, reserving the right to object, would the chairman mind giving me 1 minute since we have had a couple of references made?

Mr. WHITTEN. With 1 minute reserved to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. WALKER) is recognized for 1 minute.

Mr. WALKER. I thank the Chairman.

I do not think I ever contended in offering the original amendment that we could balance the budget with this bill. I think that to cut 64 percent out of these programs would absolutely emasculate the program.

What I do contend is that we can make one small step toward greater fiscal responsibility and that is all my amendment does, a 1-percent cut which is probably the smallest step we can take.

So I would ask that the Obey amendment be rejected but that we approve a 1-percent across-the-board cut as one small step toward fiscal responsibility that can be taken on this floor by all of us.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) as a substitute for the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 6, noes 388, not voting 39, as follows:

[Roll No. 207]

AYES—6

Bennett
Conable
Crane, Philip
Obey
Paul
Schroeder

NOES—388

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bereuter
Berman

Bethune
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crockett
D'Amours
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Studds
Stump
Sundquist
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zschau

NOT VOTING—39

Andrews (NC)
Anthony
Badham
Bevill
Burton (CA)
Byron
Dellums
Dixon
Dymally
Ferraro
Gibbons
Green
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Kastenmeier
Lantos
Latta
Leland
MacKay
Mitchell
Montgomery
Myers
Nichols
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (NJ)
Stark
Stratton
Swift
Waxman
Wylie
Young (MO)

☐ 1550

Mr. LUJAN and Mr. YATES changed their votes from "aye" to "no."

Mr. WILSON changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 164, not voting 37, as follows:

[Roll No. 208]

AYES—232

Anderson
Andrews (TX)
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bennett
Bethune
Bilirakis
Bliley
Bonker
Borski
Bosco
Boucher
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Bryant
Burton (IN)
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Cooper
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Davis
DeWine
Dickinson
Dreier
Duncan
Durbin
Eckart
Edgar
Edwards (AL)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IA)
Feighan
Fiedler
Fields
Fish
Florio
Fowler
Franklin
Frenzel
Frost
Fuqua
Gejdenson
Gekas
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Gregg
Guarini
Gunderson
Hamilton
Hance
Hansen (UT)
Hartnett
Heftel
Hertel
Hiler
Hillis
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (OK)
Kaptur
Kasich
Kemp
Kennelly
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach
Leath
Lehman (CA)
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marriott
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKinney
McNulty
Mica
Michel
Miller (OH)
Minish
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (CT)
Mrazek
Murphy
Neal
Nelson
Nielson
Nowak
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Petri
Pickle
Porter
Pritchard
Quillen
Rahall
Ray
Regula
Reid
Ridge
Rinaldo
Ritter
Roberts
Roemer
Rostenkowski
Roukema
Rudd
Russo
Sawyer
Schaefer
Schroeder
Schulze
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Skeen
Slattery
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Spratt
Staggers
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Torricelli
Udall
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Weaver
Weber
Whitley
Whittaker
Williams (OH)
Winn
Wirth
Wise
Wolf
Wyden
Yatron
Young (FL)
Zschau

NOES—164

Ackerman
Addabbo
Akaka
Albosta
Alexander
Annunzio
Bates
Bedell
Beilenson
Bereuter
Berman
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Boxer
Brooks
Brown (CA)
Carr
Chappell
Clay
Coelho
Collins
Conte
Conyers
Coyne
Crockett
Daschle
Daub
de la Garza
Derrick
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dyson
Early
Edwards (CA)
Emerson
Evans (IL)
Fascell
Fazio
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Garcia
Gaydos
Gephardt
Gilman
Gonzalez
Gray
Hall (IN)
Hall (OH)
Hall, Ralph
Harkin
Hatcher
Hawkins
Hayes
Hefner
Hightower
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Jeffords
Jones (NC)
Jones (TN)
Kazen
Kildee
Kleczka
Lehman (FL)
Levin
Levine
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Lundine
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McHugh
McKernan
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Morrison (WA)
Murtha

Natcher
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Pepper
Perkins
Price
Pursell
Rangel
Ratchford
Richardson
Robinson
Roe
Rose
Rowland
Sabo
Savage
Scheuer
Schneider
Schumer
Seiberling
Shelby
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Solarz
St Germain
Stangeland
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Towns
Traxler
Vento
Watkins
Weiss
Wheat
Whitehurst
Whitten
Williams (MT)
Wilson
Wolpe
Wortley
Wright
Yates
Young (AK)

NOT VOTING—37

Andrews (NC)
Anthony
Badham
Bevill
Burton (CA)
Byron
Dellums
Dixon
Dymally
Ferraro
Gibbons
Green
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Kastenmeier
Lantos
Latta
Leland
MacKay
Montgomery
Myers
Nichols
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (NJ)
Stark
Stratton
Waxman
Wylie
Young (MO)

□ 1600

The Clerk announced the following pair:

On this vote:

Mr. MacKay for, with Mr. Leland against.

Messrs. WORTLEY, DICKS, MOAKLEY, CHAPPELL, OLIN, and CROCKETT changed their votes from "aye" to "no."

Messrs. VOLKMER, HERTEL of Michigan, MOLLOHAN, BRYANT, LEWIS of California, and RAHALL changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to the bill that are in order at this time?

Mr. WEISS. Mr. Chairman, I am voting in favor of H.R. 5743, the Agriculture appropriations bill for fiscal year 1985, but want to express my deep concern about the inadequate level of funding in title IV for the food-for-peace emergency food program.

There seems to be a terrible misconception that the famine in Africa has diminished and that the $90 million supplemental enacted a couple of months ago has the situation under control. Nothing could be further from the truth. Reports from Africa indicate that millions of people risk death from starvation unless assistance is dramatically increased. U.N. Secretary General Javier Perez Cuellar reports that nearly 5 million African children will die this year and 5 million more will be handicapped for life due to malnutrition and hunger.

The famine is actually worsening in southern Africa where damage to the major subsistence crops has meant a poor harvest in every country of the region except Malawi. The situation is especially critical in Botswana, Lesotho, Mozambique, Zambia, and Zimbabwe. In the Horn of Africa, Ethiopia is out of food stocks just 4 months after its harvest.

In view of this glaring need, it is distressing that the food-for-peace title II account in this legislation contains only $650 million—which was recognized as so inadequate for fiscal year 1984 that this House overwhelmingly passed a $150 million emergency supplemental appropriation before the fiscal year was half over.

At present, the $90 million of that appropriation that was enacted has been virtually exhausted. The President's concern about the depletion of military aid to Central America has far exceeded his concern about the depletion of emergency famine relief funds. He has succeeded in stalling the additional $60 million by tying it to military aid to the Contras attempting to overthrow the Government of Nicaragua and to El Salvador. As a result, food aid shipments to Africa were halted for nearly 1 full month. Clearly, this administration places no priority on famine relief.

However, there is strong support in this body for a far higher level of funding to relieve the African famine than we have thus far provided. A bill that I introduced on February 9 containing $300 million in African food aid and $50 million for transportation of supplies gained more than 70 cosponsors in a very short time period.

It is clear that we will once again have to provide famine relief through supplemental appropriations. I ask my colleagues to be prepared to support such a supplemental and to fight to keep it from becoming entangled in the kind of controversy that has sidetracked the $60 million supplemental appropriations.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

□ 1610

Mr. WHITTEN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. BONIOR of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5743) making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1985, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PHILIP M. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

HUNGER RELIEF ACT OF 1984

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 98-825) on the resolution (H. Res. 517) providing for the consideration of the bill (H.R. 5151) to alleviate hunger in the United States by strengthening Federal nutrition programs, which was referred to the House Calendar and ordered to be printed.

RESTRICTING SALES IN INTERSTATE COMMERCE OF ALCOHOLIC BEVERAGES

Mr. WHEAT, from the Committee on Rules, submitted a privileged report (Rept. No. 98-824) on the resolution (H. Res. 516) providing for the consideration of the bill (H.R. 3870) to restrict the sales of alcoholic beverages in interstate commerce, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4772

Mr. MARTIN of New York. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 4772, and I ask unanimous consent for permission to revise and extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MARTIN of New York. Mr. Speaker, I dare to say there is no one in this Nation who cares about Vietnam veterans more than I do. I am proud of the dedication, sacrifice, and bravery with which my comrades answered their Nation's call.

Because of my commitment to our Vietnam veterans, and because of my belief that we must make every effort to heal the emotional wounds of the Vietnam-era experience, I gladly agreed to be a cosponsor of H.R. 4772, which would grant an honorary Federal charter to the Vietnam Veterans of America.

It has become evident to me, however, that the controversy surrounding H.R. 4772, in which some of our great veterans organizations find themselves at odds, might very well hinder, rather than advance, the healing process which is well underway. For that reason, I must request that my name be withdrawn as a cosponsor of the measure.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE REPORT ON H.R. 3282, WATER QUALITY AND RENEWAL ACT OF 1984

Mr. McNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation have until midnight tonight to file its report on H.R. 3282, the Water Quality and Renewal Act of 1984.

This request has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4772

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 4772, and I ask unanimous consent that I be allowed to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4772

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 4772 and I ask unanimous consent to revise and extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I rise this morning for a purpose that is very difficult for me.

I agreed to cosponsor H.R. 4772, granting a Federal charter to the Vietnam Veterans of America, because I believe this Congress should do everything we can to heal the continuing wounds of the Vietnam conflict.

I have introduced House Concurrent Resolution 312, calling for a full accounting of all POW's and MIA's that are still missing, as a way of healing the hurt that many American families still are experiencing as a result of the Vietnam conflict.

The Veterans' Affairs Committee, on which I am privileged and proud to serve, has made remarkable progress in creating new programs to serve the special needs of our Vietnam veterans—most of which have met with great success.

It was in this spirit that I cosponsored H.R. 4772, but I am not at all certain that a Federal charter for this organization will forward our goal.

To date, there are many questions surrounding the membership policy of the V.V.A. as well as reports of statements made by V.V.A. leaders during a 1981 trip to Vietnam that I believe are of questionable propriety.

In short, there are many questions in my mind left to be resolved about the V.V.A.

But it is my understanding that the Judiciary Committee will be reporting H.R. 4772 today, foreclosing any further reflection on the merits of cosponsorship of this bill.

With great regret, therefore, Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4772.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 953

Mr. AuCOIN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 953.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4772

Mr. GRAMM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4772.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. TRAXLER. Mr. Speaker, reserving the right to object, I will not object, but there are those of us over here who do not know what that bill is. Could the gentleman tell us so we would understand what is going on over there? Just tell me what the bill does; I am curious.

Mr. GRAMM. The bill grants a Federal charter to the Vietnam Veterans of America, Inc.

Mr. TRAXLER. That is interesting.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. Gramm)?

There was no objection.

CLASSIFIED ANNEX TO THE INTELLIGENCE AUTHORIZATION BILL

(Mr. BOLAND asked and was given permission to address the House for 1 minute.)

Mr. BOLAND. Mr. Speaker, I would like to announce that the classified annex to the report of the permanent Select Committee on Intelligence—House Report 98-743, part 1—to accompany H.R. 5399, the Intelligence Authorization Act for fiscal year 1985, will be available to all Members of the House, henceforth at the offices of the committee, room H-405 of the Capitol, from 9 a.m. to 5 p.m. The classified annex provides a detailed description of the intelligence budget, and the committee's recommendations, for the authorization bill which will be considered by the House within the next few weeks.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5753, and that I may be permitted to include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1985

Mr. FAZIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5753) making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not exceed 1 hour, the time to be equally divided and controlled by the gentleman from California (Mr. Lewis) and myself.

The SPEAKER pro tempore (Mr. Foley). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. Fazio).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5753, with Mr. DE LA GARZA in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispenced with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from California (Mr. FAZIO) will be recognized for 30 minutes and the gentleman from California (Mr. LEWIS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. FAZIO).

☐ 1620

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

First, I want to thank the members of the subcommittee for their work on this bill. Most of us belong to two or three subcommittees. I am a member of two other committees as well. It is a very laborious and detailed task. However, we all pull together to conduct the hearings and bring the bill to the floor in the most bipartisan manner that we possibly can.

In that context at this time, I would like to simply express my personal appreciation to my ranking Republican member, the gentleman from California (Mr. LEWIS), for the cooperative spirit in which he has worked with me and the other members of the majority.

We have prepared a 53-page report on the bill and it has been available for several days. Our hearings were published a month ago. We have made all the information available that is possible. I also want to point out that I have an extensive critique of an article that appeared in the U.S. News & World Report which I will add at the end of my statement.

Mr. Chairman, it is a privilege for me to present the legislative branch appropriation bill for fiscal year 1985 to the House. At the outset, I would like to express my thanks to the other members of the subcommittee for their help and support throughout the hearings and markup process. The members of the subcommittee have included Mr. OBEY of Wisconsin; Mr. MURTHA of Pennsylvania; Mr. TRAXLER of Michigan; Mrs. BOGGS of Louisiana; Mr. HIGHTOWER of Texas; Mr. LEWIS of California, who has been very helpful in his position as ranking minority member; Mr. CONTE of Massachusetts, the ranking minority member of the full Appropriations Committee; Mr. MYERS of Indiana; Mr. PORTER of Illinois; and, of course, Mr. WHITTEN of Mississippi, who as chairman of the Committee on Appropriations is an ex-officio member of the subcommittee.

RECOMMENDATIONS FOR FISCAL YEAR 1985

Mr. Chairman, the bill we are considering today contains appropriations for fiscal year 1985 totaling $1,272,909,000, of which $728,368,000 is for congressional operations. These figures exclude appropriations for the operation of the Senate in accord with the long-term practice under which each body determines its own housekeeping requirements.

The budget requests considered by the committee totaled $1,303,000,000. The recommendation is $30,091,000 less than was requested.

The overall appropriations recommended are actually $9,218,200 less than fiscal year 1984, the current year level, if we include the fiscal year 1984 supplemental amounts approved by the subcommittee. This is an almost 1-percent reduction under the current level of legislative branch funding for fiscal year 1984. If you consider inflation—and the current rate is about 5 percent—we have actually reduced the size of the legislative budget. In the face of constant inflation over the past several years, this budget is far below the amount necessary to keep up with the pace of increases in prices and wages.

In general, very few increases for workload expansion have been allowed, and then only when the work of the Congress has so required or where we are trying to protect the taxpayers' investment in legislative branch resources. It has been the general policy of the committee to provide the funds necessary for employee cost-of-living pay raises and other mandatory items and for a selected number of the increases made necessary because of rising prices. These increases have been largely offset by reductions in workload expansion, equipment, alterations, repairs, and in the effects of legislation.

We have allowed only 139 of 559 new jobs requested, but other cuts in the employment base will enable us to end up with 72 less jobs in the legislative branch than we now have authorized.

But I believe we have been careful to insure that the essential operations necessary to support the Congress have been preserved.

This is virtually the same budget as last year. The decrease under the current fiscal year 1984 level is seven-tenths of 1 percent.

And this is not just a 1-year phenomenon, Mr. Chairman. Since 1979, the legislative branch appropriation has grown at an annual rate of only 5.3 percent, while during that same period the Federal budget has grown at a 12.9-percent rate—all this during a time when annual inflation has averaged 9 percent. The Federal budget has been growing at a rate almost 2½ times as fast as the legislative branch budget. In the meantime, our budget has declined in real terms.

Mr. Chairman, we can again tell the taxpayers that the legislative branch is participating completely—as a matter of fact we are showing the way—in the process of fiscal restraint. Every Member of this body can report to his constituents that fiscal responsibility begins at home—here in the Halls of Congress.

At this point in the RECORD, under permission which I have already obtained, I will insert a tabulation detailing the committee recommendation in comparative form.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 5753)

	Fiscal year 1984 enacted	Fiscal year 1985 estimates	Committee recommendation	Committee recommendation compared with—	
				Enacted	Estimates
TITLE I—CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	$69,800			−$69,800	
Mileage of Members					
Mileage of Members	210,000	$210,000	$210,000		
House Leadership Offices					
Office of the Speaker	721,000	748,000	748,000	+27,000	
Office of the Majority Floor Leader	594,000	664,000	664,000	+70,000	
Office of the Minority Floor Leader	667,000	740,000	740,000	+73,000	
Office of the Majority Whip	548,000	582,000	582,000	+34,000	
Office of the Minority Whip	475,000	506,000	506,000	+31,000	
Total, House leadership offices	3,005,000	3,240,000	3,240,000	+235,000	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 5753)—Continued

	Fiscal year 1984 enacted	Fiscal year 1985 estimates	Committee recommendation	Committee recommendation compared with—	
				Enacted	Estimates
Salaries, Officers and Employees					
Office of the Clerk	12,502,000	13,254,000	13,254,000	+752,000	
Office of the Sergeant at Arms	17,173,000	17,975,000	17,975,000	+802,000	
Office of the Doorkeeper	6,185,000	6,645,000	6,645,000	+460,000	
Office of the Postmaster	1,845,000	1,985,000	1,985,000	+140,000	
Office of the Chaplain	68,000	72,000	72,000	+4,000	
Office of the Parliamentarian	575,000	602,000	602,000	+27,000	
Office of the Parliamentarian	(368,000)	(393,000)	(393,000)	(+25,000)	
Compilation of precedents of the House of Representatives	(207,000)	(209,000)	(209,000)	(+2,000)	
Office for the Bicentennial		188,000	188,000	+188,000	
Office of the Law Revision Counsel	741,000	822,000	822,000	+81,000	
Office of the Legislative Counsel	3,085,000	2,869,000	2,869,000	−216,000	
House Democratic Steering Committee and Caucus	542,000	563,000	563,000	+21,000	
House Democratic Steering Committee	(413,000)	(429,000)	(429,000)	(+16,000)	
House Democratic Caucus	(129,000)	(134,000)	(134,000)	(+5,000)	
House Republican Conference	542,000	563,000	563,000	+21,000	
Six minority employees	404,000	422,000	422,000	+18,000	
Other authorized employees	977,000	987,000	987,000	+10,000	
Technical assistant, Office of the Attending Physician	(42,000)	(45,000)	(45,000)	(+3,000)	
L. B. J. interns and Former Speakers' staff	(847,000)	(850,000)	(850,000)	(+3,000)	
Miscellaneous items	(88,000)	(92,000)	(92,000)	(+4,000)	
Total, salaries, officers and employees	44,639,000	46,947,000	46,947,000	+2,308,000	
Committee Employees					
Professional and clerical employees (standing committees)	34,734,000	37,808,000	37,808,000	+3,074,000	
Committee on Appropriations (Studies and Investigations)					
Salaries and expenses	3,700,000	4,315,000	4,315,000	+615,000	
Committee on the Budget (Studies)					
Salaries and expenses	299,000	329,000	329,000	+30,000	
Members' Clerk Hire					
Clerk hire	150,233,000	165,126,000	164,126,000	+13,893,000	−$1,000,000
Contingent Expenses of the House					
Allowances and Expenses					
Official expenses of Members	67,200,000	68,200,000	68,200,000	+1,000,000	
Supplies, materials, administrative costs and Federal tort claims	9,208,000	18,160,000	18,160,000	+8,952,000	
Furniture and furnishings	985,000	1,270,000	1,270,000	+285,000	
Reporting hearings	700,000	500,000	500,000	−200,000	
Reemployed annuitants reimbursement	2,300,000	1,782,000	1,782,000	−518,000	
Government contributions	22,349,000	32,153,000	32,153,000	+9,804,000	
Miscellaneous items	500,000	500,000	500,000		
Total, allowances and expenses	103,242,000	122,565,000	122,565,000	+19,323,000	
Standing Committees, Special and Select					
Salaries and expenses	44,000,000	45,667,000	45,667,000	+1,667,000	
Total, contingent expenses of the House	147,242,000	168,232,000	168,232,000	+20,990,000	
Total, House of Representatives	384,131,800	426,207,000	425,207,000	+41,075,200	−1,000,000
JOINT ITEMS					
Contingent Expenses of the Senate					
Joint Economic Committee	2,437,000	2,569,000	2,569,000	+132,000	
Joint Committee on Printing	855,000	918,000	918,000	+63,000	
Total, contingent expenses of the Senate	3,292,000	3,487,000	3,487,000	+195,000	
Contingent Expenses of the House					
Joint Committee on Taxation	3,395,000	3,646,000	3,646,000	+251,000	
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	653,000	956,000	956,000	+303,000	
Capitol Police					
General expenses	1,612,000	1,755,000	1,471,000	−141,000	−284,000
Capitol Police Board	213,000	228,000	228,000	+15,000	
Total, Capitol Police	1,825,000	1,983,000	1,699,000	−126,000	−284,000
Education of Pages					
Education of congressional pages and pages of the Supreme Court	295,000			−295,000	
Official Mail Costs					
Expenses	107,077,000	73,944,000	73,944,000	−33,133,000	
Capitol Guide Service					
Salaries and expenses	775,000	814,000	814,000	+39,000	
Statements of Appropriations					
Preparation	13,000	13,000	13,000		
Joint Study Panel					
Joint Study Panel on the Social Security Administration	165,000			−165,000	
Total, joint items	117,490,000	84,843,000	84,559,000	−32,931,000	−284,000
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	14,653,000	16,000,000	15,362,000	+709,000	−638,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	16,300,000	17,650,000	17,418,000	+1,118,000	−232,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 5753)—Continued

	Fiscal year 1984 enacted	Fiscal year 1985 estimates	Committee recommendation	Committee recommendation compared with—	
				Enacted	Estimates
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	4,806,000	5,287,000	5,137,000	+331,000	−150,000
Contingent expenses	210,000	235,000	235,000	+25,000	
Total, Office of the Architect of the Capitol	5,016,000	5,522,000	5,372,000	+356,000	−150,000
Capitol Buildings and Grounds					
Capitol buildings	10,630,000	12,156,000	11,256,000	+626,000	−900,000
Capitol grounds	3,199,000	2,851,000	2,812,000	−387,000	−39,000
House office buildings	21,361,000	23,162,000	22,750,000	+1,389,000	−412,000
Capitol Power Plant (operation)	23,542,000	24,672,000	23,834,000	+292,000	−838,000
Rescission			−914,000	−914,000	−914,000
Total, Capitol buildings and grounds	58,732,000	62,841,000	59,738,000	+1,006,000	−3,103,000
Total, Architect of the Capitol (except items in title II)	63,748,000	68,363,000	65,110,000	+1,362,000	−3,253,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	36,620,000	41,066,000	39,833,000	+3,213,000	−1,233,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	86,580,000	80,879,000	80,879,000	−5,701,000	
Total, title I—congressional operations	719,522,800	735,008,000	728,368,000	+8,845,200	−6,640,000
TITLE II—OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	2,018,000	2,044,000	2,044,000	+26,000	
LIBRARY OF CONGRESS					
Salaries and expenses	130,728,000	138,978,000	137,492,000	+6,764,000	−1,486,000
Authority to spend receipts	−4,300,000	−4,300,000	−4,300,000		
Net, salaries and expenses	126,428,000	134,678,000	133,192,000	+6,764,000	−1,486,000
Copyright Office, salaries and expenses	16,181,000	17,133,000	17,102,000	+921,000	−31,000
Authority to spend receipts	−5,200,000	−6,000,000	−6,000,000	−800,000	
Net, Copyright Office, salaries and expenses	10,981,000	11,133,000	11,102,000	+121,000	−31,000
Books of the blind and physically handicapped, salaries and expenses	35,099,000	36,594,000	36,592,000	+1,493,000	−2,000
Collection and distribution of library materials (special foreign currency programs):					
Payments in Treasury-owned foreign currencies	2,476,000	3,111,000	2,811,000	+335,000	−300,000
(Release of section 311 funds)			(300,000)	(+300,000)	(+300,000)
U.S. dollars	486,000	507,000	507,000	+21,000	
Total, collection and distribution of library materials	2,962,000	3,618,000	3,318,000	+356,000	−300,000
Total funds available (including section 311 funds)	(2,962,000)	(3,618,000)	(3,618,000)	(+656,000)	
Furniture and furnishings	1,524,000	1,874,000	1,673,000	+149,000	−201,000
Total, Library of Congress (except Congressional Research Service)	176,994,000	187,897,000	185,877,000	+8,883,000	−2,020,000
ARCHITECT OF THE CAPITOL					
Library Buildings and Grounds					
Structural and mechanical care	5,980,000	6,039,000	5,709,000	−271,000	−330,000
COPYRIGHT ROYALTY TRIBUNAL					
Salaries and expenses	700,000	722,000	722,000	+22,000	
Authority to spend receipts	−490,000	−505,000	−505,000	−15,000	
Net, salaries and expenses	210,000	217,000	217,000	+7,000	
GOVERNMENT PRINTING OFFICE					
Printing and binding	13,420,000	13,269,000	13,269,000	−151,000	
Office of Superintendent of Documents salaries and expenses	25,700,000	29,747,000	28,868,000	+3,168,000	−879,000
Total, Government Printing Office (except congressional printing and binding)	39,120,000	43,016,000	42,137,000	+3,017,000	−879,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	267,161,000	328,779,000	307,557,000	+40,396,000	−21,222,000
RAILROAD ACCOUNTING PRINCIPLES BOARD					
Salaries and expenses	50,000		1,000,000	+950,000	+1,000,000
Total, title II—other agencies	491,533,000	567,992,000	544,541,000	+53,008,000	−23,451,000
Grand total, new budget (obligational) authority	1,211,055,800	1,303,000,000	1,272,909,000	+61,853,200	−30,091,000
RECAPITULATION					
Title I—Congressional operations	719,522,800	735,008,000	728,368,000	+8,845,200	−6,640,000
Title II—Other agencies	491,533,000	567,992,000	544,541,000	+53,008,000	−23,451,000
TITLE I—CONGRESSIONAL OPERATIONS					
House of Representatives	384,131,800	426,207,000	425,207,000	+41,075,200	−1,000,000
Joint Items	117,490,000	84,843,000	84,559,000	−32,931,000	−284,000
Office of Technology Assessment	14,653,000	16,000,000	15,362,000	+709,000	−638,000
Congressional Budget Office	16,300,000	17,650,000	17,418,000	+1,118,000	−232,000
Architect of the Capitol (except Library buildings and grounds)	63,748,000	68,363,000	65,110,000	+1,362,000	−3,253,000
Congressional Research Service, Library of Congress	36,620,000	41,066,000	39,833,000	+3,213,000	−1,233,000
Congressional printing and binding, Government Printing Office	86,580,000	80,879,000	80,879,000	−5,701,000	
Total, title I—congressional operations	719,522,800	735,008,000	728,368,000	+8,845,200	−6,640,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 5753)—Continued

	Fiscal year 1984 enacted	Fiscal year 1985 estimates	Committee recommendation	Committee recommendation compared with—	
				Enacted	Estimates
TITLE II—OTHER AGENCIES					
Botanic Garden	2,018,000	2,044,000	2,044,000	+26,000	
Library of Congress (except Congressional Research Service)	176,994,000	187,897,000	185,877,000	+8,883,000	−2,020,000
Architect of the Capitol (Library buildings and grounds)	5,980,000	6,039,000	5,709,000	−271,000	−330,000
Copyright Royalty Tribunal	210,000	217,000	217,000	+7,000	
Government Printing Office (except congressional printing and binding)	39,120,000	43,016,000	42,137,000	+3,017,000	−879,000
General Accounting Office	267,161,000	328,779,000	307,557,000	+40,396,000	−21,222,000
Railroad Accounting Principles Board	50,000		1,000,000	+950,000	+1,000,000
Total, title II—other agencies	491,533,000	567,992,000	544,541,000	+53,008,000	−23,451,000
Grand total, new budget (obligational) authority	1,211,055,800	1,303,000,000	1,272,909,000	+61,853,200	−30,091,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 5753)

	Fiscal year 1984 enacted and supplementals [1]	Fiscal year 1985 estimates	Committee recommendation	Committee recommendation compared with—	
				Enacted	Estimates
TITLE I—CONGRESSIONAL OPERATION HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	$212.200			−$212,200	
Mileage of Members					
Mileage of Members	210,000	$210,000	$210,000		
House Leadership Offices					
Office of the Speaker	743,000	748,000	748,000	+5,000	
Office of the Majority Floor Leader	659,000	664,000	664,000	+5,000	
Office of the Minority Floor Leader	734,000	740,000	740,000	+6,000	
Office of the Majority Whip	577,000	582,000	582,000	+5,000	
Office of the Minority Whip	502,000	506,000	506,000	+4,000	
Total, House leadership offices	3,215,000	3,240,000	3,240,000	+25,000	
Salaries, Officers and Employees					
Office of the Clerk	12,727,000	13,254,000	13,254,000	+527,000	
Office of the Sergeant at Arms	17,689,000	17,975,000	17,975,000	+286,000	
Office of the Doorkeeper	6,422,000	6,645,000	6,645,000	+223,000	
Office of the Postmaster	1,900,000	1,985,000	1,985,000	+85,000	
Office of the Chaplain	70,000	72,000	72,000	+2,000	
Office of the Parliamentarian	597,000	602,000	602,000	+5,000	
Office of the Parliamentarian	(390,000)	(393,000)	(393,000)	(+3,000)	
Compilation of precedents of the House of Representatives	(207,000)	(209,000)	(209,000)	(+2,000)	
Office for the Bicentennial	131,000	188,000	188,000	+57,000	
Office of the Law Revision Counsel	763,000	822,000	822,000	+59,000	
Office of the Legislative Counsel	3,114,000	2,869,000	2,869,000	−245,000	
House Democratic Steering Committee and Caucus	558,000	563,000	563,000	+5,000	
House Democratic Steering Committee	(426,000)	(429,000)	(429,000)	(+3,000)	
House Democratic Caucus	(132,000)	(134,000)	(134,000)	(+2,000)	
House Republican Conference	558,000	563,000	563,000	+5,000	
Six minority employees	417,000	422,000	422,000	+5,000	
Other authorized employees	985,000	987,000	987,000	+2,000	
Technical assistant, Office of the Attending Physician	(44,000)	(45,000)	(45,000)	(+1,000)	
L.B.J. Interns and Former Speakers' staff	(849,000)	(850,000)	(850,000)	(+1,000)	
Miscellaneous items	(92,000)	(92,000)	(92,000)		
Total, salaries, officers and employees	45,931,000	46,947,000	46,947,000	+1,016,000	
Committee Employees					
Professional and clerical employees (standing committees)	36,178,000	37,808,000	37,808,000	+1,630,000	
Committee on Appropriations (Studies and Investigations)					
Salaries and expenses	4,075,000	4,315,000	4,315,000	+240,000	
Committee on the Budget (Studies)					
Salaries and expenses	299,000	329,000	329,000	+30,000	
Members' Clerk Hire					
Clerk hire	162,189,000	165,126,000	164,126,000	+1,937,000	−$1,000,000
Contingent Expenses of the House Allowances and Expenses					
Official expenses of Members	68,200,000	68,200,000	68,200,000		
Supplies, materials, administrative costs and Federal tort claims	17,164,000	18,160,000	18,160,000	+996,000	
Furniture and furnishings	985,000	1,270,000	1 270,000	+285,000	
Reporting hearings	700,000	500,000	500,000	−200,000	
Reemployed annuitants reimbursement	2,300,000	1,782,000	1,782,000	−518,000	
Government contributions	32,153,000	32,153,000	32,153,000		
Miscellaneous items	500,000	500,000	500,000		
Total, allowances and expenses	122,002,000	122,565,000	122,565,000	+563,000	
Standing Committees, Special and Select					
Salaries and expenses	45,400,000	45,667,000	45,667,000	+267,000	
Total, contingent expenses of the House	167,402,000	168,232,000	168,232,000	+830,000	
Total, House of Representatives	419,711,200	426,207,000	425,207,000	+5,495,800	−1,000,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 5753)—Continued

	Fiscal year 1984 enacted and supplementals [1]	Fiscal year 1985 estimates	Committee recommendation	Committee recommendation compared with—	
				Enacted	Estimates
JOINT ITEMS					
Contingent Expenses of the Senate					
Joint Economic Committee	2,512,000	2,569,000	2,569,00	+57,000	
Joint Committee on Printing	876,000	918,000	918,000	+42,000	
Total, contingent expenses of the Senate	3,388,000	3,487,000	3,487,000	+99,000	
Contingent Expenses of the House					
Joint Committee on Taxation	3,483,000	3,646,000	3,646,000	+163,000	
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	731,000	956,000	956,000	+225,000	
Capitol Police					
General expenses	1,737,000	1,755,000	1,471,000	−266,000	−284,000
Capitol Police Board	213,000	228,000	228,000	+15,000	
Total, Capitol Police	1,950,000	1,983,000	1,699,000	−251,000	−284,000
Education of Pages					
Education of congressional pages and pages of the Supreme Court	295,000			−295,000	
Official Mail Costs					
Expenses	117,277,000	73,944,000	73,944,000	−43,333,000	
Capitol Guide Service					
Salaries and expenses	794,000	814,000	814,000	+20,000	
Statements of Appropriations					
Preparation	13,000	13,000	13,000		
Joint Study Panel					
Joint Study Panel on the Social Security Administration	165,000			−165,000	
Total, joint items	128,096,000	84,843,000	84,559,000	−43,537,000	−284,000
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	14,831,000	16,000,000	15,362,000	+531,000	−638,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	16,723,000	17,650,000	17,418,000	+695,000	−232,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	4,906,000	5,287,000	5,137,000	+231,000	−150,000
Contingent expenses	360,000	235,000	235,000	−125,000	
Total, Office of the Architect of the Capitol	5,266,000	5,522,000	5,372,000	+106,000	−150,000
Capitol Buildings and Grounds					
Capitol buildings	13,380,000	12,156,000	11,256,000	−2,124,000	−900,000
Capitol grounds	3,449,000	2,851,000	2,812,000	−637,000	−39,000
House office buildings	21,684,000	23,162,000	22,750,000	+1,066,000	−412,000
Capitol Power Plant (operation)	23,602,000	24,672,000	23,834,000	+232,000	−838,000
Rescission			−914,000	−914,000	−914,000
Total, Capitol buildings and grounds	62,115,000	62,841,000	59,738,000	−2,377,000	−3,103,000
Total, Architect of the Capitol (except items in title II)	67,381,000	68,363,000	65,110,000	−2,271,000	−3,253,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	37,632,000	41,066,000	39,833,000	+2,201,000	−1,233,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	86,580,000	80,879,000	80,879,000	−5,701,000	
Total, title I—congressional operations	770,954,200	735,008,000	728,368,000	−42,586,200	−6,640,000
TITLE II—OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	2,058,000	2,044,000	2,044,000	−14,000	
LIBRARY OF CONGRESS					
Salaries and expenses	144,676,000	138,978,000	137,492,000	−7,184,000	−1,486,000
Authority to spend receipts	−4,300,000	−4,300,000	−4,300,000		
Net, salaries and expenses	140,376,000	134,678,000	133,192,000	−7,184,000	−1,486,000
Copyright Office, salaries and expenses	16,322,000	17,133,000	17,102,000	+780,000	−31,000
Authority to spend receipts	−5,200,000	−6,000,000	−6,000,000	−800,000	
Net, Copyright Office, salaries and expenses	11,122,000	11,133,000	11,102,000	−20,000	−31,000
Books for the blind and physically handicapped, salaries and expenses	35,099,000	36,594,000	36,592,000	+1,493,000	−2,000
Collection and distribution of library materials (special foreign currency program):					
Payments in Treasury-owned foreign currencies	2,476,000	3,111,000	2,811,000	+335,000	−300,000
(Release of section 311 funds)			(300,000)	(+300,000)	(+300,000)
U.S. dollars	486,000	507,000	507,000	+21,000	
Total, collection and distribution of library materials	2,962,000	3,618,000	3,318,000	+356,000	−300,000
Total funds available (including section 311 funds)	(2,962,000)	(3,618,000)	(3,618,000)	(+656,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 5753)—Continued

	Fiscal year 1984 enacted and supplementals [1]	Fiscal year 1985 estimates	Committee recommendation	Committee recommendation compared with—	
				Enacted	Estimates
Furniture and furnishings	1,524,000	1,874,000	1,673,000	+149,000	−201,000
Total, Library of Congress (except Congressional Research Service)	191,083,000	187,897,000	185,877,000	−5,206,000	−2,020,000
ARCHITECT OF THE CAPITOL Library Buildings and Grounds					
Structural and mechanical care	6,570,000	6,039,000	5,709,000	−861,000	−330,000
COPYRIGHT ROYALTY TRIBUNAL					
Salaries and expenses	700,000	722,000	722,000	+22,000	
Authority to spend receipts	−490,000	−505,000	−505,000	−15,000	
Net, salaries and expenses	210,000	217,000	217,000	+7,000	
GOVERNMENT PRINTING OFFICE					
Printing and binding	13,420,000	13,269,000	13,269,000	−151,000	
Office of Superintendent of Documents, salaries and expenses	25,700,000	29,747,000	28,868,000	+3,168,000	−879,000
Total, Government Printing Office (except congressional printing and binding)	39,120,000	43,016,000	42,137,000	+3,017,000	−879,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	271,710,000	328,779,000	307,557,000	+35,847,000	−21,222,000
RAILROAD ACCOUNTING PRINCIPLES BOARD					
Salaries and expenses	422,000		1,000,000	+578,000	+1,000,000
Total, title II—other agencies	511,173,000	567,992,000	544,541,000	+33,368,000	−23,451,000
Grand total, new budget (obligational) authority	1,282,127,200	1,303,000,000	1,272,909,000	−9,218,200	−30,091,000
RECAPITULATION					
Title I—Congressional operations	770,954,200	735,008,000	728,368,000	−42,586,200	−6,640,000
Title II—Other agencies	511,173,000	567,992,000	544,541,000	+33,368,000	−23,451,000
TITLE I—CONGRESSIONAL OPERATIONS					
House of Representatives	419,711,200	426,207,000	425,207,000	+5,495,800	−1,000,000
Joint items	128,096,000	84,843,000	84,559,000	−43,537,000	−284,000
Office of Technology Assessment	14,831,000	16,000,000	15,362,000	+531,000	−638,000
Congressional Budget Office	16,723,000	17,650,000	17,418,000	+695,000	−232,000
Architect of the Capitol (except Library buildings and grounds)	67,381,000	68,363,000	65,110,000	−2,271,000	−3,253,000
Congressional Research Service, Library of Congress	37,632,000	41,066,000	39,833,000	+2,201,000	−1,233,000
Congressional printing and binding, Government Printing Office	86,580,000	80,879,000	80,879,000	−5,701,000	
Total, title I—congressional operations	770,954,200	735,008,000	728,368,000	−42,586,200	−6,640,000
TITLE II—OTHER AGENCIES					
Botanic Garden	2,058,000	2,044,000	2,044,000	−14,000	
Library of Congress (except Congressional Research Service)	191,083,000	187,897,000	185,877,000	−5,206,000	−2,020,000
Architect of the Capitol (Library buildings and grounds)	6,570,000	6,039,000	5,709,000	−861,000	−330,000
Copyright Royalty Tribunal	210,000	217,000	217,000	+7,000	
Government Printing Office (except congressional printing and binding)	39,120,000	43,016,000	42,137,000	+3,017,000	−879,000
General Accounting Office	271,710,000	328,779,000	307,557,000	+35,847,000	−21,222,000
Railroad Accounting Principles Board	422,000		1,000,000	+578,000	+1,000,000
Total, title II—other agencies	511,173,000	567,992,000	544,541,000	+33,368,000	−23,451,000
Grand total, new budget (obligational) authority	1,282,127,200	1,303,000,000	1,272,909,000	−9,218,200	−30,091,000

[1] Includes amounts enacted to date plus supplemental appropriations recommended by the legislative branch subcommittee.

REVENUE ACTIVITIES

The Members may be interested to know there are a number of revenue activities within the legislative branch which will return over $86 million before expenses to the Federal Government during fiscal year 1985. Included in this estimate is $2.0 million, to the Capitol Power Plant in reimbursements for heating and air-conditioning, $10.3 million from copyright fees and the sale of catalog cards and publications by the Library of Congress, $7.4 million in gift and trust fund income, $52 million from the sale of Government documents through the Office of the Superintendent of Documents, and $14.7 million from various other reimbursable activities at the Library of Congress and Copyright Royalty Tribunal. Savings attributable to General Accounting Office activities total approximately $4.5 billion, which also have an offsetting effect on total Federal finances.

MAJOR ITEMS IN BILL

TITLE I—CONGRESSIONAL OPERATIONS

The bill provides a total of $728,368,000 for fiscal year 1985 for seven major areas of congressional or direct congressional support activity. these include the House of Representatives, joint items, the Office of Technology Assessment, the Congressional Budget Office, the Architect of the Capitol (except Senate and Library buildings and grounds), the Congressional Research Service, and congressional printing and binding.

HOUSE OF REPRESENTATIVES AND JOINT ITEMS

The allowance of $509,766,000 for the House and joint items for 1985 includes an amount of $425,207,000 for the operations of the House itself.

RECOMMENDED REDUCTIONS

The total recommendation for congressional operations is $6,640,000 less than was requested. Included in this decrease is: A reduction of $1,000,000 in funding requested for Members' clerk hire—because of a decrease in spending from these allowances recently noted; a markdown of $284,000 in the Capitol Police budget for general expenses; a reduction of $638,000 under the request of the Office of Technology Assessment; $232,000 less than requested by the Congressional Budget Office; the deferral of certain projects and other downward adjustments totaling $3,253,000 in the budget of the Architect; and a reduction of $1,233,000 for the operation of the Congressional Research Service.

TITLE II—OTHER AGENCIES

A total of $544,541,000 is recommended for the seven agencies carried in title II of the bill. This allowance is an increase of $33,368,000 over the current level of appropriations and $23,451,000 less than requested.

The agencies that are included in this title of the bill and the amounts recommended are as follows: First, Botanic Garden, $2,044,000; second, Library of Congress (except for Congressional Research Service), $185,877,000; third, Architect of the Capitol, library buildings and grounds, $5,709,000; fourth, Copyright Royalty Tribunal, $217,000; fifth, Government Printing Office (except congressional printing and binding), $42,137,000; sixth, General Accounting Office, $307,55[illegible],000; and seventh, $1,000,000 for the Railroad Accounting Principles Board.

Mr. Chairman, I will not attempt to discuss all of these recommendations made by the committee for the various agencies funded in this title of the bill, but I would like to mention a few. Our general policy has been to provide only the resources necessary to maintain activities at the current level and to fund mandatory increases. Only 139 of the 559 new permanent staff requested have been allowed. In addition, a reduction of 211 positions under current staffing has been made. Thus, there will be a reduction in the legislative branch employment base of 72 positions. Another way of looking at it is that we have actually reduced the legislative branch employment level by 631 positions under the prospective level based on agency requests for new employees.

The General Accounting Office performs a great number of evaluations and financial audits for the Congress and under their own legislative mandate each year. Frequently, they are the source of the only independent review made of Government programs—and they provide the public and the Congress with a wealth of information of what is right and what is wrong with these programs. The GAO has operated at a staff level of about 5,000 for several years—as a matter of fact their staffing was reduced from a higher level at one point. The new Comptroller General, Chuck Bowsher, who is doing a fine job, has indicated he wants to strengthen his ADP program and his national defense and international relations audit staff. The committee has provided funds in this bill for 125 additional staff for these and a few other areas. We get a return on this investment, Mr. Chairman—measurable savings produced by GAO audit findings and recommendations produce over $12 for each dollar in the GAO budget. And some of those savings are recurring from year to year. So these additional staff will be an important asset in our efforts to improve efficiency and effectiveness of Federal programs.

We have also provided $1,000,000—the level authorized in H.R. 4439, approved by the House on February 8, 1984—for the Railroad Accounting Principles Board. This new Board will develop accounting standards that will be used by the railroad industry and the Interstate Commerce Commission as a basis for the establishment of railroad freight rates—an area in need of improved uniformity. Many members and representatives from railroad shippers, labor organizations, and others, have testified to the need for this new Board. We have also provided for additional personnel at Congressional Research Service who will be used to increase the ability of that agency to respond to the needs of the Members, and a few positions were provided to the Library of Congress for services needed to improve public access to the collections.

CONCLUSION

Mr. Chairman, these are the highlights of the fiscal year 1985 legislative branch appropriation bill. The committee report explains our actions in much more detail, and is available to all Members of the House.

The committee has little discretion as far as the amounts for the House and the Joint items of the Congress are concerned. Salaries, allowances, and expenses of the Members, special and select committee funding and other items have been approved by the House and are already in effect through the adoption of House resolutions from the Committee on House Administration. Where the committee has discretion, it has been exercised.

Mr. Chairman, we have heard a great deal from various sources about the costs of Congress. Well, let us look closely at those costs.

It costs our 234 million people about $4.25 each a year to fund the direct costs of Congress.

By comparison, the entire Federal budget costs each American around $3,600 a year. So the elected representatives of the people spend only $4.25 to oversee the $3,600—that seems a reasonable price to pay to have the taxpayer's direct representative watch over the mechanics and policies of his or her government.

Of the $4.25 for Congress, 17 cents covers Members' salaries, $1.13 covers the cost of personal staff for House and Senate Members, 53 cents meets the bill for committee staff, 32 cents is for that so-called free mail we send out, 24 cents finances the support agencies that provide us with information and analysis, and 36 cents covers our printing costs. The remaining dollar and a half pays for the administrative costs associated with running Congress and the equipment, travel, and office allowances.

I wonder if the average American considers a little over $4 dollars—less than the price of a first-run movie ticket—too great a price to pay for Congress to meet its responsibilities.

As I noted earlier in my remarks, the committee is recommending an overall reduction under the budget of $50,091,000 and only 139 of the 559 new positions requested have been allowed. We are reducing the employment base by 72 positions overall.

We have no apologies to make in voting for this budget, Mr. Chairman.

This is a good bill and one I think all the Members can support and identify with during this period when we are trying to control expenses.

I recommend that it be approved.

In addition to my prepared statement, I submit the following:

Is The Cost of Congress Too High?

On April 16 of this year the U.S. News & World Report printed one of its periodic criticisms of what it labels "the soaring costs of Congress." Needless to say, I believe in a free press and one that freely reports, comments, criticizes, and takes nothing for granted. But journalists must be held to the same high standards they apply to others. Especially when dealing with public issues—even admittedly popular ones like the costs of government—the press has the responsibility of being accurate, fair, and analytical.

What troubles me, and other members of the Legislative Branch Appropriations Subcommittee, is USNWR's failure to give its readers a fair and balanced picture of the costs of Congress related to our responsibilities. This is true not only in this most recent article but of similar articles the magazine turns out at regular intervals.

We in Congress are not above constructive criticism. We could not be, even if we wished to be. And certainly we can learn from constructive criticism; but I am not sure that the critism in this article is all that constructive or conducive to learning.

In responding to this article, I do so to place in perspective the money that is appropriated to fund the legislative branch, to explain it, and to correct the imbalance that pervades the article—a copy of which is reprinted so that Members can read it, judge it for themselves, and relate it to what is said here in response.

At the same time, I earnestly hope that the authors of the article and the publisher and editors of U.S. News & World Report will heed what is said here, learn from it, and make an effort to bring more balance, perspective, and analysis to any future articles they may choose to publish. I also invite them to confer with me or other Members of the Subcommittee during the course of preparing any future articles so that they can be more informed in their analysis and criticism.

I do not need to remind you that for too many years the public perception of Congress has been low. Lou Harris polling data from 1983 show that only 20 percent of Americans have a great deal of confidence in Congress. While this is higher than at any time since 1972, it is less than ideal. Interestingly, this is offset by highly positive constituent perceptions of individual Members. I happen to believe the public's low esteem of Congress is misplaced.

Several factors probably contribute to this low esteem. First, the public may not fully understand and appreciate that Congress is a deliberative institution. By design it is intended to assess, weigh, and debate before it acts. Americans are an impatient, active people who frequently prefer quick and decisive action. In many instances this is neither feasible nor advisable. Also, as Members we may sometimes fail to adequately educate Americans about this institution we serve in to serve them. Some of us may even unfairly characterize and criticize it. This too adds to low public esteem. On the encouraging side, the advent of televising House proceedings may be helping to correct this by fostering better understanding and appreciation of what Congress does.

Second, Presidents are prone to fault Congress when it does not respond wholeheartedly to their initiatives. This is perfectly understandable and it gets media headlines, frequently front page coverage. Congressional reasons for opposing or taking exception to the President rarely get the same media coverage as the President's original requests. All this reinforces a public perception of a balky, resistant Congress thwarting the President. Also, as a representative body, Congress speaks with many views, the President speaks with one.

Third, interest groups promote their lengthy agendas and, if Congress is not forthcoming, so inform those they represent. Once again Congresss may appear to be unresponsive.

Fourth, compromise is an integral part of the legislative process. People may not always appreciate that as legislators we endeavor to balance competing interests, concerns, wants, and needs in establishing programs, setting policy, and allocating money. Congress reflects the pluralistic and diverse composition of our country—the bedrock after all of the kind of society envisioned in the creation of America. Here 540 Members and delegates introduced, debate, and decide the directions in which we are going to go. Representatives of two great political parties encompassing a wide spectrum of political and social philosophy make these determinations. Compromise is both necessary and wise. Also, at a time when party control of the Government is divided between the two parties, compromise is even more likely.

I am not so naive as to expect that these factors are going to change soon but they do suggest to me that the media play a critical role in educating and informing the public about Congress. The article in question does neither. Instead it feeds and fuels public misperceptions.

It is devoid of context. I invite readers to search it for any enlightened mention of congressional responsibilities or what is reasonably needed for us to meet them.

On the contrary, it alleges "fat payrolls," "plush offices," "the good life," "a widening array of perquisites," "free mail," "ballooning allowances," "declining productivity," "free furnished offices," "liberal expense allowances," "subsidized official travel," "Congress's propensity for expansion," and the like. Whether by design or not, use of such language leaves in the reader's mind an impression that we lavishly, thoughtlessly, and unjustifiably spend on ourselves while cutting military and domestic spending programs. To do so is unfair and misleading. It also leaves an impression that whatever is sought by and for Members, committees, and agencies funded in the Legislative Appropriations bill is willy-nilly approved. Now, we all know this is not true. Requests are meticulously scrutinized and invariably reduced, even denied. Many hours of hearings are held, request justifications studied, analysis conducted, and committee deliberations held before a bill is reported and considered.

Let's put this into perspective. As Members of Congress we have a shared responsibility for around 150 Government departments and agencies, almost 1,000 Federal assistance programs, foreign relations, our natural resources, our environment, the health, education and welfare of Americans, the rights and liberties of our people, and a healthy economy. In fulfilling these responsibilities we enact measures that establish agencies and govern their operation; authorize and reauthorize programs; promote, guide, and facilitate foreign policy; develop, conserve, and allocate natural resources; protect our national and the global environment; provide adequate health care, education, and welfare for our people; protect constitutional rights; and set Federal revenue and spending policies so as to foster a growing economy. This is only a partial list of the many policy areas for which we bear responsibility. Also, we appropriate money to fund the many activities of the Government. To ascertain whether Government activity is conducted efficiently, effectively, and economically we also engage in oversight of agencies and programs. In addition, we inform our constituents and we respond to their inquiries and requests for assistance. To summarize, we legislate, oversee, inform, and respond.

This may sound like a basic civics lecture but I hope it instructs the authors of the article in question.

We are flooded with information, letters, calls, petitions, Presidential messages, Government reports, and visitors. We have committee meetings to attend, speeches to deliver, consultations to be held, constituents to meet, thinking to do, and, if we choose to, campaigns to conduct for re-election.

How are we to accomplish all this? By organizing, by scheduling, by processing and evaluating information, and by providing the kind of assistance for ourselves that is needed to enable us to function as an independent branch of Government. Congress was conceived as "the first branch" of the National Government. To fulfill this mandate it must adequately equip and staff itself or it will founder. And this is the force that drives its funding.

Consider some facts related to our responsibilities. We have an economy that will produce around $3.6 trillion in goods and services this year. Federal Government expenditures for fiscal 1984 are estimated to be in the $850 billion dollar range. Our population is around 234 million.

In meeting our responsibilities we are talking about appropriations of less than $1.3 billion in 1985 for all of the agencies funded in the Legislative Branch Act. When the Senate gets added in the other body, we will have $1.6 billion. It's worth noting, by the way, that only around two-thirds of this directly supports the activities of the Congress. The remainder finances activities which serve other branches, in total or part, e.g., the Government Printing Office and the General Accounting Office. Looked at another way, outlays in direct support of Congress are roughly $^{1}/_{10}$th of 1 percent of total Federal outlays—expenditures which we must authorize and monitor. Had the authors of the article noted this, I wonder if any American would consider this an unreasonable amount to spend deciding how to use the rest of the money and monitoring the effectiveness and efficiency of Government programs.

Looked at yet another way, it costs our 234 million people about $4.25 each a year to fund the direct costs of Congress. By comparison, the entire Federal budget costs each American around $3,600 a year. Of the $4.25 for Congress, 17¢ covers Members salaries, $1.13 covers the cost of personal staff for Representatives and Senators, 53¢ meets the bill for committee staff, 32¢ is for that "free" mail we send out, 24¢ finances the support agencies that provide us with information and analysis, and 36¢ covers our printing costs. The remaining dollar and a half pays for the administrative costs associated with running Congress and the equipment, travel, and allowances we "lavish" on ourselves. I wonder if the average American considers a little over four dollars—less than the price of a first-run movie ticket—too great a price to pay for Congress to meet its responsibilities?

It is of further interest to note that between 1979 and 1983 the average annual increase in appropriations for Congress has been 5.8 percent. By comparison, the average annual increase in inflation during this period was 6.8 percent, while the comparable figure for Federal budget outlays increased by 15.5 percent. I don't see how these figures sustain any charge of exorbitant increases in congressional funding.

How about the charge of "fat payrolls" and "generous personal staff allowances." Members of the House are authorized $381,000 a year for 18 full-time and four part-time staff. This averages to around $17,000 a year per employee. Too generous? And the $381,000 is an authorized amount. Members don't always spend all of it. Of additional interest: on the average a Representative has 527,000 constituents in his district, so it costs each of them less than 75¢ a year to provide him staff support. It may interest you to know that the 100 Senators receive a median of around $865,000 for personal staff, which costs each American about 40¢ a year.

What do these staff do? They assist us in acquiring and assessing the information and analysis that enable us to legislate and oversee in an informed manner. They also help us respond to constituent requests for assistance with Federal agencies. Because of the large number of Federal assistance programs, individuals and State and local governments come to us for guidance or when they encounter problems. Whether its a Social Security recipient experiencing trouble or a community seeking funds, they expect our assistance and we want to provide it. This is a very human-side of governing which, if neglected, alienates the people from their Government.

Also, there is the ever growing influx of mail, which this year will probably amount to more than 150 million pieces based on past experience, four times the amount received in 1972. Were this evenly distributed among the 540 Representatives, Delegates, and Senators, which of course it is not, each will receive close to 300,000 written communications, not to mention perhaps another 100,000 phone calls, and countless visitors. We take these seriously and we respond quickly. In addition, we take seriously our responsibility to keep our constituents informed and so we communicate to them about what we as their Representatives are doing, what Congress is doing, and about national issues. So this "free" mail that costs $100 million or so a year serves this purpose. A well-informed citizenry is the bedrock of a democracy. Who said that? Jefferson, Madison, and Wilson, to name three. If we are so overstaffed, why did a November 1983 survey by the independent Congressional Management Foundation find that 70 percent of Members and staff responding expressed difficulty with mail backlogs?

The same can be said of these "dozens of perquisites that cost taxpayers millions of dollars." No apology is required for them. They allow us to serve our constituents and to fulfill our other duties. It is disservice to characterize them otherwise and to perhaps foster the impression that somehow they redound to our personal benefit. I direct your attention to the box (on page two of the article) entitled "A Cornucopia of Goodies." I would prefer, and find more objective, "Allowance and Services to Enable Members to Do Their Job." Regardless, whether it's personal-staff allowances, furnished offices, allowances for travel and telephones, mail privileges, or legal counsel, which are mentioned, these are for official expenses, not personal ones. Futhermore, all payments made from a Members official Expenses Allowance are made by the Office of Finance whose accounts are audited by the General Accounting Office. We cannot do our job well without them. The article alludes to "plush offices." I wish the authors would systematically visit congressional offices and see the crowded working conditions in which our staffs have to operate. If they compare their space to that for the average employee in the executive branch, they will find it much less. Nor will they find these plush furnishings they mention. In fact, we have a sound furniture repair and recycling program, which extends the productive life of our furnishings considerably.

Our retirement benefits are similar to those for all Federal employees. Yet one is left with the impression from the article that this is almost sinful. Furthermore, life insurance is the same as is available to all federal employees. The same applies to health insurance. Yes, we have also exercise facilities for members but this is no different than the practice in much of the private sector.

One cannot help wondering what the "perquisites" of journalists are?

We have also begun to incorporate new technologies to help us meet our responsibilities—word processors and computers. They help us manage more efficiently our workload and to curtail staff growth.

Let's place staff growth in perspective, too. I'm speaking here of personal staff, committee staff, and the staff of our support agencies—CRS, CBO, GAO, and OTA. I reviewed staff growth rates for all since 1979. And to obtain a fairer picture—because one year may show more growth than another—I calculated their average annual growth over this four year period. This is what I found: personal staff, +2.76 percent, committee staff, −.70 percent, and support agency staff, −0.40 percent. Because CBO was singled out in the article, let me mention its average annual growth rate since 1979, +0.46 percent. For all agencies considered part of the legislative branch, the average annual growth rate between 1979-1983 *declined* .2 percent. This presents a far different picture from the one conveyed in the article. It shows that we are holding down growth, even reducing it, just as for the Federal civilian workforce, which fell .14 percent during the same period for an annual average drop of .04 percent.

I do not find these growth rates alarming. Instead they represent an effort to staff ourselves adequately in order to do the job right. We should also bear in mind that in the past two decades a consensus developed that Congress needed even more independent information and analytical capability than we had. We did so in order to free us from over-reliance on information from the executive branch and other sources and to permit us to manage and evaluate the vast quantities of information that flow in for the information, data, or analysis precisely related to our needs. Members cannot properly meet their obligations without adequate assistance.

For a generation, reformers have called for independent congressional information sources, as indicated in the report of the 1946 Joint Committee on the Organization of Congress:

"The shocking lack of adequate congressional fact-finding services and skilled staffs sometimes reaches such ridiculous proportions as to make Congress dependent upon 'hand-outs' from Governmental departments and private groups or newspaper stories for its basic fund of information on which to base legislative decisions."

In the past 40 years we have endeavored to correct this situation. Some measure of our success and its value is attested by Brookings scholar James Sundquist in his Decline and Resurgence of Congress:

"The very existence of the congressional capacity to critically examine official reports serves to keep the departments and agencies honest. Even when the legislature has to rely on the executive for basic information, it has the capacity to verify what it receives. The executive's former monopoly of information and analytical capacity is broken, even in the national security areas. . . ."

The article also speaks of Member "opportunity to boost incomes" through outside earned income and tax deductions for living in Washington. Assume that in addition to his $72,600 salary a representative received and kept the $21,780 in permissible outside income for a total income of $94,380. Let's place this in perspective too. Members sometimes have to pay for two residences and frequently have expenses that have to come out of their own pockets. Also, they have responsibilities as important, perhaps more so, than corporate executives. Guess what? I found corporate executive pay data in, of all places, a U.S. News article of 1983. Of 916 top officials in 327 of the largest U.S. companies in 1982—29 earned $1 million or more while only 1 earned less than $100,000. The remaining 886 earned between $100,000 and a million. The median for 314 board chairman was $495,000, for 267 presidents, $396,229, and for 335 vice presidents, $263,806. By the way, these were down from 1981 because of the recession and undoubtedly have risen since. In fact, other data show that between 1970 and 1983 corporate pay on the average increased 323 percent. During that same period the pay of Members increased only 70 percent while cost of living—inflation—went up 155 percent. At the same time white-collar and blue-collar pay came close to matching inflation; Federal workers fell 40 points shy of doing so. Yet, the U.S. News article critical of Congress alludes to "regular" pay increases, leaving the impression that we are constantly upping our salaries. The truth of the matter is that we have frequently foregone raises recommended or due to us. It might interest Members to know that the corporate pay data cited here is exclusive of benefits and bonuses. Adding these in, one executive in 1982 took home $51.5 million while another earned $43.8 million. Congressional salaries seem quite modest by comparison and not incommensurate with our duties. In fact the pay costs for all 100 Senators and 440 Representatives is about $39 million, less than either of these executives earned.

The size of the Capitol Police force was also criticized. Missing from the article was any mention of why we have them. They are here to protect Members and the Capitol grounds, consisting of the Capitol and 10 congressional office buildings. Of all the sites of Government, ours is the most open. More than one million people visit us each year. In addition, thousands of Government officials, interest group representatives, and committee witnesses make regular trips to the Hill. All want or need access to our offices and we are here to receive and listen to them. The police help to maintain order; to direct and guide. In view of the recent bombing of the Capitol and the dangerous world we live in, they provide needed security. Crime prevention is their foremost duty—and it is a 24-hour one. Considering the scope of their responsibility, their size does not appear unreasonable.

Finally, the article selects a few indicators to chastise Congress for low productivity and wasting its time on minor matters such as commemorative bills. Addressing the last point first, a recent Dear Colleague letter from the chairwoman of the House Subcommittee on Census and Population indicates that these bills are typically 2 pages in length and are not that costly to print. Only about 50 or so become law in any session. Constituents like to seek Member sponsorship of them and they do not consume inordinate amounts of committee or floor time to consider and process. This sounds like the proverbial molehill to me.

Congress is faulted for too few rollcall votes. Not so long ago it was faulted for too many. We can't win for losing. We are faulted for declining days in session and three-day work weeks. This happens to be a presidential election year. Recently Congressional Quarterly noted that our days in session through April 30 were comparable to those in 1980: 52 in the Senate and 48 in the House this year compared to 59 and 57 respective in 1980. Just because the chambers are not in session does not mean Congress and its Members are idle. Many of us are back home visiting constituents and committees and subcommittees continue to meet. But this is swatting at flies—a lot of which appear in the article.

Let's talk about workload indicators. Congess has around 300 committees and subcommittees which hold, by one estimate, around 7,500 hearings a year. Last year my own Committee—Appropriations—held 371 hearings. Staff sizes for these committees fluctuate depending on yearly workload. During the height of the impeachment proceedings, for example, the Judiciary Committee employed 172. It now has 82. In the article, Merchant Marine and Fisheries is fingered for excessive staff growth. The House Administration Committee, which authorized its inquiry funds, scrutinizes budget requests very carefully these days. Ask any committee chairman. While wagging the accusatory finger, the article's authors might have bothered to investigate possible reasons for this growth, for example, legislation regulating the development of the Outer Continental Shelf lands, new environmental responsibilities and legislation to implement the Panama Canal treaty. No whisper of this in the article.

It is now a commonplace, yet true, that Congress at work is Congress in committee. On the average each committee and subcommittee has around 10 staff—professional and clerical to assist it in its work. Since the provision of unlimited bill co-sponsorship in the House, 9-10,000 bills and resolutions are introduced each Congress and referred to the appropriate committee, plus all the Senate-passed bills that come to the House for consideration. Executive department messages number about 5,000. Reports from agencies exceed 2,000 annually. All of these must be processed. It takes time and staff to do it.

While the number of enacted statutes have dropped, their length has doubled since 1969, as has their complexity. As any number of insightful reports have noted, Congress increasingly considers omnibus and lengthy measures: three principal examples are budget resolutions, reconciliation bills, and continuing resolutions. If you are toting up, these count the same as the maligned commemorative measures, yet they contain numerous sections that could be counted as separate bills. No recognition of this in the article in question. It might interest you to know, by the way, that in the first session of the 98th Congress, 611 measures passed the House, as compared to 433 in the first session of the 97th.

In addition to our floor responsibilities and our representational responsibilities, every Member has committees and subcommittees to which he is assigned. On the average these number 6 for Representatives and 11 for Senators. These assignments require us to gain knowledge about the issues that come before these panels. We gain knowledge through listening and collecting and evaluating the information needed to reach decisions. Staff—personal, committee, and support agency—assist us. Transparently, no Member has the time to do it all by himself. As Alvin Toffler, a noted social and political commentator, said in 1980, "It is no longer possible for legislators to know everything about all the legislation they are working on. There are too many demands; everything is moving too fast; there is too much complexity and diversity." Even with assistance, we cannot know it all. Without it, how informed could we be?

In committee we not only consider new legislation and reauthorizations. We also review departmental regulations and oversee agency implementation of programs. Without staff this could not be done. Also, Members' offices turn to committees for information on legislation pending before them and for assistance in responding to questions from constituents. Then there are the 1300-1400 accredited newspaper writers and the TV correspondents who cover Congress, many of whom through the course of a year call our office and committees for information. Without assistance, how could we respond?

The point is this: if you are going to look at productivity in Congress, you have to look at all our operations and activities. Fairness and balance require it. Articles like the one in question all too frequently fail to do this.

Probably constituent mail generated by this article has already begun to reach Members. I hope these observations will assist you in responding to them.

Let me leave you with one final thought. The article makes note of budget cutting. The deficit this year is projected at around $180 billion. If we eliminated the entire legislative budget, this would lower the deficit by less than 1 percent. If we cut it by 10 percent, it would lower it by ⅒th of 1 percent. The impact on the deficit would be negligible but the impact on our capacity to do the job right—to provide informed policymaking, to monitor and control Government spending, and to serve our constituents—would be substantial.

We carefully examine the legislative branch budget request each and every year to assure that expenditures are necessary and serve valid purposes. We will continue to do so. If we did to the rest of the budget what we are doing in the Legislative Branch appropriation—bringing a fiscal year 1985 bill that is $9 million less than the current level for fiscal year 1984—the Federal deficit would quickly disappear. We would soon balance the budget. Now I am not suggesting that can be done to the Federal budget this year—but I am saying the Congressional budget is held in tight fiscal constraint. We will always look to save money, to enhance productivity, and to reduce wasteful and unnecessary expenditures. Let us hope that U.S. News exercises as much care and scrutiny when next it writes about the cost of Congress.

Legislative branch employment

December 1979	39,334
December 1983	38,989
Total percent change 1979-83	–.9
Average annual percent change	–.2

CONGRESSIONAL SUPPORT AGENCIES STAFF

Year	GAO	CRS	OTA	CBO	Total
1979	5,062	856	130	218	6,268
1980	5,196	868	122	218	6,404
1981	5,182	849	130	218	6,379
1982	5,027	849	130	218	6,224
1983	4,960	853	130	222	6,165
Percent increase 1979-83	–2.02	–.35	0.0	+1.83	–1.61
Increase per year	–0.50	–.09	0.0	+.46	–0.40

Year	Personal staff	Committee staff	Federal executive	State and local	Total
1979	10,679	3,437	2,823,000	13,359,000	16,182,000
1983	11,858	3,341	2,819,000	13,115,000	15,934,000
Increase 1979-83	11.04	–2.79	–.14	–1.83	–1.53
Increase per year	2.76	–.70	–.04	–.46	–.38

CORPORATE EXECUTIVE PAY INCREASES

Year	Percent increase	Index
1970		100
1971	7	107
1972	13.5	121
1973	13.3	138
1974	8.3	149
1975	4.25	155
1976	14.7	178
1977	12.7	201
1978	16.7	234
1979	14.7	269
1980	13.7	306
1981	15.9	354
1982	5.5	374
1983	13.1	423

The table shows that from 1970-1983 corporate executive pay increased by 323 percent.

LEGISLATIVE BRANCH OUTLAYS COMPARED TO TOTAL FEDERAL OUTLAYS: FISCAL YEARS 1971 THROUGH 1985

[Amounts in billions of dollars][1]

Fiscal year	Outlays		Legislative branch[2]
	Legislative	Total Federal	
1971	0.384	210.2	0.18
1972	.487	230.7	.21
1973	.540	245.6	.22
1974	.625	267.9	.23
1975	.726	324.2	.22
1976	.775	364.5	.21
1977	.976	400.5	.24
1978	1.049	448.4	.23
1979	1.077	491.0	.22
1980	1.218	576.7	.21
1981	1.209	657.2	.18
1982	1.362	728.4	.19
1983	1.437	796.0	.18
1984 estimate	1.667	853.8	.20
1985 estimate	1.742	925.5	.19

[1] Figures are from the Budget of the U.S. Government, fiscal years 1973-85. Total Federal outlay figures exclude spending for off-budget agencies.

[2] The figures below are between zero and 1 percent of total Federal outlays. (Legislative branch outlays as a percentage of total Federal outlays.)

CHANGE IN LEGISLATIVE BRANCH OUTLAYS DURING SPECIFIED INTERVALS

[Amounts in millions of dollars][1]

Fiscal years	Change in current dollars	Change in constant 1971 dollars	Percent change in	
			Current dollars	Constant 1971 dollars
1971-75	342	170	89.1	44.3
1976-80	443	93	57.2	16.5
1981-85	533	170	44.1	28.6

[1] Constant 1971 dollar calculations are based upon the implicit price deflators for GNP provided in table B-3 (page 224) of the Economic Report of the President, February 1984.

TABLE 2.—CHANGE IN SELECTED PUBLIC AND PRIVATE WAGES AND PUBLIC PENSIONS COMPARED WITH CHANGE IN CPI

[Index based on 1969 payment level equal to 100]

Year	CPI	General schedule (Federal) pay	Military pay	Member of Congress pay	Blue collar	White collar	Civil service pension	Military pension
1969	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1970	105.5	106.0	108.1	100.0	103.8	105.9	105.6	105.6
1971	109.1	112.4	130.2	100.0	108.6	110.9	110.4	110.4
1972	112.8	118.5	148.9	100.0	117.5	117.3	115.6	115.6
1973	122.7	130.9	158.1	100.0	126.2	126.5	122.7	122.7
1974	137.7	138.1	166.8	100.0	134.8	136.8	145.3	137.7
1975	147.3	145.0	175.2	105.0	144.6	143.9	164.0	155.3
1976	154.4	151.9	181.5	105.0	155.4	154.5	172.9	163.7
1977	164.9	162.7	192.7	135.3	166.8	165.4	189.0	178.9

TABLE 2.—CHANGE IN SELECTED PUBLIC AND PRIVATE WAGES AND PUBLIC PENSIONS COMPARED WITH CHANGE IN CPI—Continued

[Index based on 1969 payment level equal to 100]

Year	CPI	General schedule (Federal) pay	Military pay	Member of Congress pay	Blue collar	White collar	Civil service pension	Military pension
1978	179.7	171.7	203.3	135.3	182.1	177.4	202.9	192.1
1979	203.7	183.7	217.6	142.8	196.3	192.7	225.5	213.5
1980	228.9	200.4	243.0	142.8	211.7	207.1	257.5	243.8
1981	249.3	210.0	277.8	142.8	228.6	225.1	268.8	254.5
1982	259.0	218.4	288.9	164.2	NA	NA	292.2	276.7
1983	268.8	226.1	300.4	170.0	NA	NA	303.6	287.4

[From the U.S. News & World Report, Apr. 16, 1984]

CONGRESS SHUNS ITS OWN BUDGET-CUTTING MEDICINE

FAT PAYROLLS, PLUSH OFFICES, 3-DAY WORKWEEKS—BIG DEFICITS OR NOT, THE GOOD LIFE ON CAPITOL HILL GOES ON

(By Robin Knight and Robert Barr)

In their search for ways to cut federal spending, the nation's lawmakers are leaving one stone notably unturned: The soaring cost of Congress itself.

Most Democrats and Republicans seem to agree that, despite the budget deficit, not much needs to be done to curb Capitol Hill's own spending, including regular pay increases and a widening array of perquisites for members.

As Representative James Olin (D-Va.) puts it: "At present, there's very little real effort by Congress to tighten its own belt." What riles critics are examples such as these—

In 1984, members of Congress are likely to post some 800 million pieces of mail free of charge—nearly double the amount sent in 1983, a nonelection year. The cost to taxpayers: About 107 million dollars, more than twice the total spent in 1980.

Members' office allowances still are ballooning. One freshman representative who arrived in Washington in 1983 saw his permissible spending rise by 36 percent in one year—from $89,000 to $121,000.

The Congressional Budget Office in 1983 received 15 percent more money than the year before. For 1984, an additional 10 percent increase has been earmarked. Yet over the two-year period, inflation will equal about 9 percent.

Congress has almost as many police officers guarding Capitol Hill as are employed in Miami, Fla., a city with a population of around 350,000. The 1,222-member force will cost 33.5 million dollars this year, 38 percent more than in 1980.

Congressional committees, now costing 133 million dollars a year to operate, show no sign of contracting. Despite a drop in legislative activity, total committee outlays in the House have grown 30 percent since 1982. One House panel, Merchant Marine and Fisheries, has quadrupled its staff and boosted its budget five times since 1973.

Plans to build a third congressional parking garage at a cost to taxpayers of at least 70 million dollars—equivalent to $127,272 per car—are progressing despite opposition from some lawmakers.

Over all, Congress in 1984 is budgeting about 1.7 billion dollars, 10 percent more than in 1983, for expenditures of the legislative branch, including arms such as the Library of Congress and General Accounting Office. If trends continue, critics estimate, a 2-billion-dollar Congress will be a reality before 1990.

Some limited efforts are under way to restrain this spending juggernaut.

Members' salary hikes—3.5 percent this year following a 15 percent raise only 15 months ago—will be below the current rate of inflation. Senators no longer want this increase, but the House will not cancel it.

Committee-staff salaries in the House on the average are being held to 1983 levels. And attempts to buy more computers for Capitol Hill have been slowed.

LOWER OUTPUT

Still, the figures reflect a Congress that is spending more each year to maintain its comforts and expand its facilities and staff. At the same time, it is meeting less frequently, passing fewer bills and generally appearing less productive than in years past.

Some lawmakers find the proliferation of staff—Congress last year added more than 900 new employes for a total work force of nearly 21,000—particularly hard to justify. "If you put all the House committee staffers end to end," says Representative Trent Lott (R-Miss.), "you would find that that is precisely where many of them are already sitting, and with very little to do."

Many critics are puzzled by the inverse relationship they see between Congress's rising expenditures and its declining productivity, achievements so sparse they were discribed recently by House Minority Leader Bob Michel (R-Ill.) as "a disgrace . . . a blot on our record and a blow to what integrity and pride we have left with the American people."

Congress this year is expected to be in session—with at least one of its two houses meeting—on about 144 days, the fewest business days in more than a decade. The 98th Congress also is likely to enact fewer laws than any other since World War II.

Comments Representative Barber Conable (R-N.Y.): "So far in 1984, we have had only about 40 votes on the floor of the House, most of those not worthy of a marketplace of great ideas." He attributes much of the sloth to Democratic and Republican wrangling over how to handle the budget deficit.

Representative Dan Glickman (D-Kans.) cites another, more basic reason for Congress's evident lethargy. He believes the trend away from federal activism and toward decentralized government has left Congress with less work to do. "The era of repetitive legislation has ended," he asserts.

One consequence of that is apparent as Congress takes on the appearance of a Tuesday-to-Thursday club. A House or Senate vote on Monday now is increasingly unusual. The House rarely meets at all on Friday, and few committees of either body meet on that day.

NATURAL DIVERSION

Capitol Hill defenders maintain that such facts say little about the real effectiveness of Congress. They point out that this year's elections, with 33 Senate and all 435 House seats at stake, are bound to divert lawmakers' attention from the legislative grind.

Moreover, claim these insiders, Congress's productivity is not necessarily related to the number of bills it passes or the days it is in session. Members spend much time, for example, on constituents' problems. Some lawmakers, headed by Senate Majority Leader Howard Baker (R-Tenn.), even argue that Congress would be a better forum if it met less, allowing members more time to spend among their constitutents.

For the moment, though, such ideas win little support. Instead, the drift is the other way—toward more and plusher buildings, more-advanced technology, larger staffs, bigger budgets.

Congress' propensity for expansion, as old as the Republic itself, excites little controversy on Capitol Hill. Individual members will denounce individual excesses—for instance, the tradition of proposing hundreds of obscure, costly commemorative occasions such as National Brick Week and Frozen Food Day—but few, if any, seek to curb congressional spending as a whole.

Rare is the legislator who stands up and argues for across-the-board cuts. Even more uncommon is the loner prepared to blow the whistle on his or her colleagues' spendthrift ways.

Why? Glickman explains: "You have to keep the system honest, and the only way is to get in people's craw occasionally. But if you rail too much, you get nowhere, and if you upset too many people, they get punitive."

Back home, says Olin, constituents are "livid" about the unchecked increase in congressional spending—when they know what is happening. "It's totally demoralizing for the population, and it sets a very bad example for the federal government," he argues. "But most people aren't even aware of what is going on."

Why the situation persists is hardly a mystery. At its crudest, too many people benefit to want to alter anything. Contends Olin: "A kind of reverse psychology exists. The argument goes, 'If the Pentagon can get away with paying $435 for hammers, so can we.' The fact is that the leadership in Congress likes to have money to do what it wants."

CONFINING TARGETS

Few of the tiny band of lawmakers who criticize congressional outlays expect the situation to change much after the November elections. Consequently, these mavericks are now concentrating their fire on the more blatant examples of waste in the hope that a series of small victories eventually will add up to a major change of heart by Congress as a whole.

Typical is the saga of House restaurant menus. Prized as souvenirs by visitors to Capitol Hill, these menus once cost an extra $100,000 a year to be printed daily. After pressure from several crusading members, menus now are dated weekly. Even so, the extra annual tab to the taxpayer still exceeds $50,000.

A Cornucopia of Goodies

Besides their $72,200-a-year salaries, members of Congress qualify for dozens of perquisites that cost taxpayers millions of dollars yearly—

Generous personal-staff allowances. For senators, annual amounts range between $875,896 and $1,550,560, depending on their state's population. Each member of the House is eligible to receive up to $379,488 a year for staff salaries.

Free, furnished offices at the Capitol and in home districts. Members also may lease mobile offices at public expense and buy back office furniture at cut-rate prices.

Liberal expense allowances—not subject to federal audit—covering travel, telephones, telegrams, newsletters and official costs outside Washington. Yearly claims in the House range between $88,850 and $279,470, in the Senate from $36,000 to $156,000.

Subsidized official travel at home and abroad, including foreign spending allowances of between $75 and $108 a day. Free hospitality from U.S. embassies. On protocol trips overseas, spouses may accompany lawmakers free of charge.

Use of the government's Federal Telecommunications System to make free, unlimited long-distance telephone calls. Cheap rates at radio and television studios maintained at public expense on Capitol Hill.

Sizable retirement benefits after only five years of service, plus automatic, yearly cost-of-living hikes. Top pension for 32 years of service now exceeds $54,000.

A $75,000 life-insurance policy for $468 a year. A health-insurance program subsidized by the government. Free emergency medical care. Free electrocardiograms on demand.

Opportunity to boost incomes. House members may earn $21,660 a year extra from all outside sources. No limit on senators' earning apart from a $21,660 ceiling on honorariums. Tax deductions for Washington living costs.

Exclusive use of free swimming pools, gymnasiums with steam rooms and basketball courts. Low-cost barber and beauty shops for members and staffs. Cut-rate meals in subsidized, private dining rooms.

Congressional license plates with parking privileges. Free garage space. Free package-wrapping service.

Free legal counsel. Free help from the Library of Congress. Free photography service. Free storage of offical papers in government warehouses.

Franked mail privileges costing over $100 million a year. Free calendars, maps, pamphlets for constituents.

Potted plants on loan from Congress's own Botanic Garden. Merchandise at cut prices from special stores. Subsidized vacations in national parks.

Growing Furor Over Pay of Top Executives

HIGHER PROFITS BRING HEFTY RAISES FOR BUSINESS ELITE—AND A NAGGING QUESTION: ARE THEY WORTH WHAT THEY GET?

(By Richard Alm with Robert J. Morse)

America's top business executives, riding the crest of their companies' resurgent profits, received handsome boosts in pay and bonuses in 1983—big enough to make some people wonder how much is too much.

Median compensation spurted to $419,250, up 14.9 percent from a median of $365,000 in recession-plagued 1982. Nearly half of the top 100 executives made a million dollars or more. Stock options will push dozens of others over that threshold.

By most measures, the top executives did quite well. They outpaced increases of 3.2 percent in consumer prices, 7.2 percent in average manufacturing wages and 13.5 percent in after-tax corporate profits.

Most companies disclose executive pay each spring as a prelude to annual meetings. This year, the raises are stirring up a storm.

NO MORE DEALS

Labor unions, many of whose members accepted pay cuts in recent years, are fuming over executive greed. Owen Bieber, president of the United Auto Workers, called the pay and bonuses to auto-company executives "obscene" and vowed to stiffen wage demands during contract talks later this year.

U.S. Trade Representative William Brock, irked by the bonuses paid at General Motors and Ford, said that the Reagan administration probably would not press Japan for a fifth year of voluntary quotas on automobile exports to the United States.

A survey of 337 of the largest American companies by the Economic Unit of U.S. News & World Report shows that the top earner on the basis of pay and bonuses was Barry Diller, senior executive vice president for Gulf & Western.

Diller's bonuses of $1,572,076, coupled with a base pay of $550,000, lifted his total compensation to $2,122,076. Diller is president of the company's entertainment-and-communications division, which includes movies, TV, sports and books. His contract gives him almost a third of the bonus pool at Paramount Pictures, which achieved box-office success in 1983 with "An Officer and a Gentleman," "48 Hours," "Trading Places" and "Flashdance."

After Diller on the list are five officers of Phibro-Salomon, a New York-based company involved in natural resources and financial services. Cochairman John Gutfreund, who had topped the 1982 list with pay of $2,544,495, received $2,110,000 in 1983.

Phibro-Salomon paid David Tendler, its other cochairman, $2,080,000. Henry Kaufman, the company's influential economist, made $1,950,000.

Back on the list after an absence of two years were executives in the auto industry, which posted record profits in 1983. At General Motors, Chairman Roger Smith earned $1,490,000 and President James McDonald $1,330,000. At Ford, Chairman Philip Caldwell received $1,420,534 and President Donald Petersen $1,113,256.

Lee Iaccoca, Chrysler's chairman, did not make the top 100. He earned $475,300, but by the end of this month, he has the right to exercise stock options for a before-tax profit of at least 8 million dollars.

The U.S. News list of highly paid executives leaves out money earned by exercising stock options because the options are not usually tied to performance during one year. However, those extras can make a big difference, especially in a year in which stock prices soared.

For example, Ford's Caldwell raked in 5.9 million dollars on stock options. And Union Pacific President William Cook took options worth 3.4 million, as well as $905,000 in salary.

Left out, too, are perks, which can cost a company plenty. One unusual item: Rand Araskog, chairman of ITT, received $95,211 for interest payments, real-estate taxes and other expenses of buying and renovating a New York City apartment. The company wanted him closer to work.

Large numbers usually raise eyebrows on Main Street, especially when they have dollar signs in front of them. At issue: Are top executives worth what they get?

"It's hard for ordinary people to take the right perspective," says Robert Ochsner, a compensation expert at Hay Associates in Philadelphia. "A guy who makes $20,000 is not going to believe someone's worth a million."

The simplest argument is that executives are entitled to whatever they can command in the market. "No one is pointing a gun to the companies to make them pay these amounts," says Graef Crystal, a vice president for management consultants Towers, Perrin, Forster & Crosby in New York.

In general, high pay is needed to attract top executives. Companies say that proven managerial talent is scarce, and executives who can enlarge profits can be a bargain at even 2 million dollars a year. The actual decisions on top managers' pay often are made by compensation committees of boards of directors. The goals of these committees are to offer enough to keep executives from leaving and to give them an incentive to improve the company's performance. In practice, the directors typically look at the pay scales of other companies of a similar size.

"In the back of their minds is: How will stockholders react?" says Alan Johnson, an analyst with Sibson & Company in New Jersey. "In that situation, the safest thing to do is do what everyone else does. That probably means poor performers get too much and the best performers get too little."

Many boards of directors try to link executive pay to company profits, usually by providing bonuses and stock options. Over all, last year's surge in compensation came more from bonuses than base pay, which rose by a modest 6 percent or so.

Dilier's bonus was nearly three times his salary. Benjamin Biaggini, chairman of Southern Pacific, received a 1-million-dollar bonus for his part in restructuring the company, including the merger with the Sante Fe Industries. Ford's first profitable year since 1979 translated into an extra $900,000 for Caldwell.

Executives can expect another good year in 1984. Base salaries are likely to edge upward by as much as 8 percent, and profits could rise as much as 30 percent. "As long as profits go up, you can expect to see executive pay go up," says James Giardina, a partner with Arthur Young & Company in New York.

If so, it will provide fuel for a new round of debate on whether management should be earning so much.

Scoreboard on Corporate Pay—Of 986 Top Officials in 337 of the Largest U.S. Companies in 1983

Forty-eight earned $1,000,000 or more.

One hundred and ten earned $700,000 to $1,000,000.

Eighty-five earned $600,000 to $700,000.

One hundred and thirty-three earned $500,000 to $600,000.

One hundred and sixty earned $400,000 to $500,000.

One hundred and seventy-three earned $300,000 to $400,000.

Two hundred and one earned $200,000 to $300,000.

Seventy-five earned $100,000 to $200,000.

One earned less than $100,000.

RANGE OF PAY

Among 336 board chairmen: $82,106 to $2,110,000; median pay, $550,000. Up 11.1% from 1982.

Among 271 presidents: $158,264 to $1,716,565; median pay, $441,252. Up 11.4% from 1982.

Among 331 vice presidents: $107,000 to $2,122,076; median pay $296,996. Up 12.6% from 1982.

Overall—$82,106 to $2,122,076; median pay, $419,250. Up 14.9% from 1982.

EARNINGS OF 100 HIGHEST-PAID EXECUTIVES IN 1983

	Salary	Bonus	Total
Barry Diller, vice president, Gulf & Western	$550,000	$1,572,076	$2,122,076
John Gutfreund, cochairman, Phibro-Salomon	2,110,000		2,110,000
David Tendler, cochairman, Phibro-Salomon	2,080,000		2,080,000
Henry Kaufman, vice president, Phibro-Salomon	1,950,000		1,950,000
Richard Schmeelk, vice president, Phibro-Salomon	1,950,000		1,950,000
Thomas Strauss, vice president, Phibro-Salomon	1,950,000		1,950,000
Peter Buchanan, president, First Boston	1,716,565		1,716,565
Rawleigh Warner, chairman, Mobil	1,644,083		1,644,083
Alvin Shoemaker, chairman, First Boston	1,600,572		1,600,572
Robert Fomon, chairman, E. F. Hutton	1,500,000		1,500,000
Roger Smith, chairman, General Motors	625,000	865,000	1,490,000
Benjamin Biaggini, chairman, Southern Pacific	475,000	1,000,000	1,475,000
Richard Corvin, managing director, First Boston	1,437,674		1,437,674
Edward Telling, chairman, Sears, Roebuck	1,425,000		1,425,000
Philip Caldwell, chairman, Ford Motor Company	520,534	900,000	1,420,534
William Tavoulareas, president, Mobil	1,415,000		1,415,500
James McDonald, president, General Motors	550,000	780,000	1,330,000
P. A. Cohen, chairman, Shearson/American Express	336,539	925,000	1,261,539
Roger Birk, chairman, Merrill Lynch	1,250,600		1,250,600
Donald Platten, chairman, Chemical Bank	1,235,367		1,235,367
Walter Wriston, chairman, Citicorp	726,667	508,600	1,235,267
Charles Brown, chairman, AT&T	1,225,500		1,225,500
Clifton Garvin, chairman, Exxon	1,209,780		1,209,780
Harry Gray, chairman, United Technologies	641,250	550,000	1,191,250
Roberto Goizueta, chairman, Coca-Coal	697,259	465,000	1,162,259
William Douce, chairman, Phillips Petroleum	511,667	648,780	1,160,447
John Welch, chairman, General Electric	1,158,156		1,158,156
Anthony O'Reilly, president, H. J. Heinz	1,146,828		1,146,828
Allen Neuharth, chairman, Gannett	900,000	237,500	1,137,500
John McKinley, chairman, Texaco	668,200	462,500	1,130,700
George Scharffenberger, chairman, City Investing	1,124,000		1,124,000
George Weissman, chairman, Philip Morris	587,500	527,243	1,114,743
Donald Petersen, president, Ford Motor Company	413,256	700,000	1,113,256
J. E. Cunningham, chairman, McDermott	634,162	456,242	1,090,404
R. M. Bressler, chairman, Burlington Northern	490,000	590,000	1,080,000
William Anderson, chairman, NCR	1,075,000		1,075,000
James Lopp, vice president, E. F. Hutton	1,062,000		1,062,000
Maurice Segall, president, Zayre	525,000	525,000	1,050,000
Walter Yetnikoff, vice president, CBS	321,577	728,000	1,049,577
Robert Anderson, chairman, Rockwell International	1,047,083		1,047,083
Richard Gelb, chairman, Bristol-Myers	580,000	447,000	1,027,000
Rand Araskog, chairman, ITT	622,750	400,000	1,022,750
Edward Whittemore, chairman, American Brands	1,022,267		1,022,267
J. Robert Fluor, chairman, Fluor	1,020,081		1,020,081
Robert Schaeberle, chairman, Nabisco Brands	600,000	415,600	1,015,600
Thornton Bradshaw, chairman, RCA	638,500	375,000	1,013,500
Robert Gardiner, chairman, Dean Witter Reynolds	1,010,000		1,010,000
William Schreyer, president, Merrill Lynch	1,001,300		1,001,300
Charles Harper, chairman, ConAgra	998,563		998,563
John Opel, chairman, IBM	988,790		988,790
August Busch III, chairman, Anheuser-Busch	556,858	431,000	987,858
J. G. Smale, president, Procter & Gamble	981,703		981,703
Archie Boe, president, Sears, Roebuck	966,850		966,850
Theodore Brophy, chairman, GTE	960,920		960,920
E. G. Jefferson, chairman, Du Pont	959,982		959,982
John Bookout, president, Shell Oil	950,000		950,000
John Hanley, chairman, Monsanto	600,000	350,000	950,000
Edward Brennan, chairman, Sears Merchandise Group	946,200		946,200
Sidney Dworkin, chairman, Revco Drug Stores	943,808		943,808
Edward Hennessy, chairman, Allied	941,667		941,667
C. F. Knight, chairman, Emerson Electric	940,000		940,000
Allen Murray, president, Mobil Oil Company	940,000		940,000
Fred O'Green, chairman, Litton Industries	935,717		935,717
H. A. Poling, vice president, Ford Motor Company	324,890	600,000	924,890
G. M. Keller, chairman, Standard Oil of California	562,875	360,480	923,355
William Cook, president, Union Pacific	905,000		905,000
J. Paul Sticht, chairman, R. J. Reynolds	904,118		904,118
Donald Kelly, chairman, Esmark	903,700		903,700
J. D. Robinson III, chairman, American Express	487,115	415,000	902,115
Lewis Preston, chairman, J.P. Morgan	500,000	395,456	895,456
William Ellinghaus, president, AT&T	884,500		884,500
F. Ross Johnson, president, Nabisco Brands	530,000	354,200	884,200
Howard Kauffmann, president, Exxon	883,442		883,442
T. A. Wilson, chairman, Boeing	873,181		873,181
Donald Clark, president, Household International	871,056		871,056
George Strichman, chairman, Colt Industries	424,120	441,000	865,120
Leonard Goldenson, chairman, ABC	863,230		863,230
John Culligan, chairman, American Home Products	575,000	287,500	862,500
W. B. Johnson, chairman, IC Industries	862,500		862,500
Thomas Wyman, chairman, CBS	526,308	330,000	856,308
O. B. Butler, chairman, Proctor & Gamble	850,732		850,732
E. M. DeWindt, chairman, Eaton	850,282		850,282
J. A. Boyd, chairman, Harris	354,167	484,617	838,784
John Richman, chairman, Dart & Kraft	838,462		838,462
James Burke, chairman, Johnson & Johnson	835,104		835,104
Donald Rumsfeld, president, Searle	833,000		833,000
James Riordan, vice president, Mobil	832,917		832,917
Richard Lenon, chairman, International Minerals & Chemical	830,518		830,518
Robert Grohman, president, Levi Strauss	415,116	415 116	830,232
John Burlingame, vice chairman, General Electric	829,250		829,250
Willard Butcher, chairman, Chase Manhattan	825,000		825,000
Alan Furth, vice chairman, Santa Fe/Southern Pacific	325,000	500,000	825,000
John Young, president, Hewlett-Packard	824,619		824,619
J. J. Pinola, chairman, First Interstate Bancorp	819,843		819,843
Theodore Burtis, chairman, Sun	818,361		818,361
R. A. Schoellhorn, chairman, Abbott Laboratories	817,687		817,687
Keith Crane, chairman, Colgate-Palmolive	817,091		817,091
Donald Keough, president, Coca-Cola	501,274	310,000	811,274
J. L. Ketelsen, chairman, Tenneco	810,661		810,661
Sanford Weill, president, American Express	431,346	375,000	806,346

Note: Value of stock options and stock-appreciation rights is not included in total remuneration. Some proxy statements did not separate salaries, bonuses and other remuneration. In some cases, bonuses may be payable over a period of years. Corporate titles for some executives may have changed since reports were filed. Total may represent a 12-month period other than calendar year 1983.

Mr. FAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. GLICKMAN) who wishes to make a point and perhaps seek some affirmation from the committee.

Mr. GLICKMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I know what an extraordinarily difficult job it is to have the chairmanship of this subcommittee, and I think the gentleman should know that all of his colleagues are most appreciative for his very hard work. I would just like to relate and ask a question of my colleague.

Mr. Chairman, the legislative appropriation is probably the smallest of these measures we consider each year, but it carries with it immense symbolic importance. After all, our constituents hear us talking about the deficits and how we want to see them reduced, but when it comes to the budget that impacts us directly, in my judgment we could restrain that budget even more. There are plenty of places where we can make savings around here, and I think we are making a grave mistake in not looking in every nook and cranny for ways to cut back right here in our own backyard.

One item comes to mind which I would like to enter into a coloquy on with the gentleman from California, the chairman of the Subcommittee on Legislative Appropriations. That is the flying of flags over the Capitol. It is a practice which gives many Americans an opportunity to show their patriotism and feel that they have a part of their Capitol near at hand. I certainly would not want to see us stop the practice, but, as far as I am concerned, this is an area where we should take a serious look at the user fee approach. Why not raise the prices on the flags which are purchased by the individuals who want them flown over the Capitol to cover the costs associated with the administrative details of seeing that done? The increase per flag would not be dramatic—about a dollar and a quarter, but it would mean that over $100,000, $109,800 to be exact, in taxpayers' dollars could be saved. Furthermore, that increase in the costs of these flags charged to the people who want them would still mean that the price to them would remain far below the retail price for the same flags.

I had one of my staff yesterday phone a store across town which sells flags just like the ones sold to fly over the Capitol. The price differences are absolutely incredible: A 3 by 5 nylon flag costs $6.62 here; at that store it costs $29.80. At the other end of the spectrum, the 5 by 8 nylon flag here costs $15.93; at that store, the price is $62.30. We are talking about a 300- to 400-percent price differential now, and most of that spread would remain even with the increase needed to cover those administrative costs.

Again, it is a little item, but I hope the subcommittee will pursue it. Only if we can make these little savings is there any hope for larger ones. Can the Chairman give me his thoughts on this and any assurance that it will be pursued?

□ 1630

Mr. FAZIO. I thank the gentleman for his comments and I commend the gentleman. During the short period of time that I have had the opportunity to chair this subcommittee the gentleman has been most helpful by providing suggestions that really do end up in making administrative cost savings for the legislative branch.

I think sometimes we go over this bill, the smallest of the 13 appropriation bills, with a fine tooth comb in comparison to some of the others that involve many more dollars.

It is this kind of suggestion that over time has allowed us to constrain this bill at a much lower rate than any other of the appropriation subcommittees have been able to make, given the challenge they have of dealing with the executive branch of Government.

Certainly the gentleman's comments in the area of printing have been much appreciated. We have accepted many of his suggestions and saved hundreds of thousands of dollars.

This suggestion certainly deserves attention also, and I pledge to the gentleman that we will, through the Clerk of the House and others with responsibilities in this area, the Architect of the Capitol for example, determine how these flags might be more appropriately priced.

Mr. GLICKMAN. I thank my colleague.

I think the point should be made that while we do not necessarily agree on all of the issues, that you are very seriously concerned about the cost of running Congress. And while there are a lot of articles in newspapers and magazines, I think the gentleman from California (Mr. FAZIO) is truly dedicated to get the costs of running Congress down as much as possible.

Mr. FAZIO. I appreciate the gentleman's comments.

At this point I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield myself so much time as I might consume.

As the chairman has indicated, this is not the easiest bill in the world to deal with for we have the responsibility of carrying in the legislative branch those items of appropriations that specifically involve funding of the House itself. In this age when we seem to have joined in a tendency across the land to flagellate politicians in almost any spot that we can find them, many of us have joined that public clamor and spent a lot of our time in self flagellation. There are some who would suggest maybe we should not even have an appropriations budget at all for the legislative branch.

In a headline recently in California following the announcement that our bill was coming to the floor it was stated that Congress costs approximately $4 million every day to run itself. That is simple enough to say.

One of my colleagues just a moment ago told me that on the other hand this bill reflects one one-thousandths of the total Federal budget. It seems to me we ought to take that which the Chairman has suggested into clear consideration.

This bill does recommend $1,272 million in appropriations. Of those funds, it is important to know that $728 million is for the direct running of the Congress. Of those funds, $65 million goes to the Architect of the Capitol, $15 million for the Office of Technology Assessment, $17 million is for the Congressional Budget Office.

I might mention in connection with the Architect of the Capitol, one of the more difficult projects we had here on the floor involved a little debate that the chairman and I led last year that related to whether we should or should not attempt to take the difficult step to make certain that the Capitol Building itself did not entirely fall down.

As you know, there were girders on the west side that had been there for some 20 years and it was not until the chairman saw fit to bring that issue to a head in the House, literally creating some controversy regarding the issue, that finally we got the other body to respond and money was put forth that now causes you to see that repair beginning on the west side of the Capitol.

I have had clear indication from the people of my district that they indeed consider this Capitol to be a part of the national shrine and they are proud of the fact we are moving forward. Yet it took the Congress, because we are so afraid to spend money in an area called the legislative branch, 20 years to get about that important task.

The remainder of our bill besides that which I have mentioned is $540 million, funds which support agencies such as the Congressional Research Service, the Library of Congress, GPO, and the General Accounting Office. I think it is critical to recognize that if you take the amount that has passed thus far in 1984, plus the supplemental that came out of our committee, this bill actually reflects some $30 million less than had been requested.

Beyond that, in terms of the legislative branch funding, it reflects approximately a little less than a 1 percent reduction below the currently projected operating costs for fiscal year 1984.

Mr. Chairman, I do not intend to spend a great deal of my time discussing the further details regarding where the dollars are being spent in the legislative branch, for there is another item that has recently come before us which I consider to be very important. It is an item that will be addressed once again later in this discussion as we get to amendments, but I feel it is of such importance that we ought to spend some time in general debate discussing this matter.

As you all know, many of us have been somewhat disconcerted by recent circumstances in the House in which we have found ourselves wallowing in the well, if you will, attacking one another regarding the way we carry on debate in the House.

The issue has focused around the portions of the session that we televise.

My amendment would essentially address that issue and do so in this fashion: It will suggest that if as we are appropriating funds to televise floor proceedings that all elements of floor proceedings shall be treated equally. That is, if we should decide to pan a portion of the legislative session, then indeed we will pan throughout the entire session, gavel to gavel, according to this amendment.

The point essentially is this: Some of the Members of the House who sincerely believe that very important elements of America's agenda are not being considered on the floor during regular debate, because they believe many important issues are being bottled up in committee, it is their conviction that they have the responsibility to use special orders, usually at the end of the session, to discuss those elements of that which they consider to be America's agenda. It was decided that because during special orders often there are not too many Members on the floor that it would be of value to the public in terms of their right to know to pan the audience to see exactly what was going on.

Mr. Chairman, you and I know the reality of all of that. I could not help but note earlier today when we had a very critical bill before the House, it only involved 34 billion of taxpayers dollars, I counted the numbers earlier during that discussion myself and there were 12 Members on the floor. Yet we were not at that point in time panning the session to let the public know that the reality is that often the Members are working elsewhere. Ofttimes Members are in committee where the fundamental work is done around this place.

To suggest that that is not the case during special orders is hardly fair. Ofttimes as well Members are in their office carrying out their work. As you know, we each have a television set in our office that shows the debate on the floor. To suggest that the Members are not paying attention to the debate by scanning the floor is hardly fair.

So the amendment will be designed to recognize that time and time again we face circumstances where the work Members must carry forth elsewhere and that nonetheless the debate will take place here.

I must suggest that if we are going to continue to televise the session and respond to the growing interest on the part of the public on what goes on in our House, then the least we can do is to be fair about that.

So, Mr. Chairman, as we go forward in this general discussion I would hope that the Members themselves would enter this debate and raise the question of fairness that is involved here.

□ 1640

Indeed, it seems to me that the least that we can do if we are going to televise the House in a specific way when special orders are here, that that should be applied equally and with balance gavel to gavel.

Mr. FAZIO. Mr. Chairman, I have no other requests for time at this point. I will continue to reserve my time.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Thank you very much.

Mr. Chairman, last year during the course of the debate on this very same issue I raised several questions about the personal expense account of the individual Member of Congress. I was concerned that as the Member progressed along the ways of spending his money for whatever purposes are legally available to him, that at the end of the fiscal year if that individual Member had a surplus, that that surplus in effect, when returned unspent, would inure to the benefit of some other fund in the legislature and therefore that individual Member would, in effect, be losing the capacity to spend that money for his own purposes, yet benefiting someone else who was not entitled to be benefited by that.

Actually it was rumored to me that whatever moneys that I would carefully be able to conserve and therefore return, so to speak, would go to the Speaker's account and that he would be gleefully spending the money that I was unable to spend or which I was frugal enough to be able to conserve.

The gentleman who is still the chairman of the subcommittee and the ranking Member did their best to assure me that that was not the case, that in fact the moneys that I did not spend, in effect, I did not draw from the Treasury, because I did not request them.

That is what they told me, both of them. They tried to reassure me. I was still not convinced. I felt if that were the case perhaps someone like the Speaker could go into the Treasury and grab out the money that I did not draw out from the Treasury.

So I still had a worry about that particular situation. I want to tell both gentlemen, both the chairman of the subcommittee and the ranking Member, that I, last year, returned to the Treasury about $60,000, and I proudly relayed that message to my constituents that I did so.

I also investigated further, looked into every avenue of this and I want to tell both of them on the floor that they were absolutely correct, that they made me feel, finally, secure that in not drawing out the money from the Treasury we indeed were saving the taxpayers the amount that we left expended.

Mr. FAZIO. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. GEKAS. I certainly will.

Mr. FAZIO. First of all, I would like to thank the gentleman for his efforts to come to the floor and to further clarify the situation. It is one that annually becomes a bit of an item for discussion.

Occasionally we conclude our debate in a murky fashion and people are not certain about who is telling the truth and in what instance. I am pleased to see we now have some consensus. We understand that if we do not appropriate the money, although the allowances are authorized by the House Administration Committee and available to Members for their allowances, that the unfunded authorization will not be used.

This year, for example, the bill contains almost $20 million less than the authorized amount, because of Members like you who have made a decision to consciously save on their Member allowances.

I think the gentleman and other Members of the House who engage in the same practice deserve the commendation of other Members and certainly the general taxpayer in that regard. But I simply would like to reiterate my appreciation for your taking the time to clarify this issue.

There is no slush fund; there is no other place that the money goes; it stays in the Treasury unless we appropriate it. And because of the frugal practices of a number of Members we are able to appropriate significantly less than the authorized amount.

Mr. GEKAS. If I may reclaim my time, the important thing is that I have learned, as was stated by both gentlemen last year, that there is a historical precedent as to how much money across the board, 435 times x is spent every year and that is the appropriation that is requested with an understanding, with a prediction that there will be some Members who will not be drawing from the Treasury, thus saving the taxpayers well-needed moneys.

I appreciate the frankness with which the chairman and the ranking member treated this issue and I feel satisfied that the troubled mind I had about this particular issue is now at rest.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I certainly yield to the gentleman.

Mr. LEWIS of California. I appreciate the gentleman's compliment. They are rare indeed around here. So we appreciate not only your response to us but what you are doing with the taxpayers' dollars. Thank you.

Mr. GEKAS. I thank the gentleman.

I yield back the balance of my time.

The CHAIRMAN. Does either gentleman from California have requests for time?

Mr. FAZIO. Mr. Chairman, I have no requests.

If the ranking member has no requests, we could yield back our time.

Mr. LEWIS of California. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. PORTER.)

Mr. PORTER. I thank the gentleman for yielding. I want to commend my chairman, Mr. FAZIO, and my ranking minority member, Mr. LEWIS, both of California, for the fine job that they have done on this legislation.

I might say if you sit in on a hearing conducted by Mr. FAZIO, you find it is one that is run very effectively and efficiently but at the same time informally and it is a real pleasure to be serving on the subcommittee.

I might say I came to the subcommittee rather reluctantly, having two other subcommittees on which I was already serving. Yet I found it to be one that is very informative and very well run, and I commend the chairman and the ranking minority member for their good work.

This bill, as the chairman has said, has in it a reduction of 72 employees in the legislative branch. It provides for a 5-percent increase in the legislative appropriation.

I think that falls in what we must call a responsible increase level, with inflation now running approximately in the 5 percent range.

Yes, three and a half percent might be better; yes, 3½ percent might provide some symbolic change; that is important, perception is important. And yet I think we also have to look at the reality and the fact of what has been done by the subcommittee.

The chairman has worked very hard to make this bill a responsible one and at the same time to meet our demands, the demands of the Members of this body, on the General Accounting Office, on the Office of Technology Assessment, on the Library of Congress, on the Congressional Budget Office, the Government Printing Office, and the Congressional Research Service that we all make such extensive use of, to provide us with the tools, with the factual information and the assessments that are necessary to make wise judgment in this House.

While in some cases we cannot be sure that the subcommittee has done its job and in some cases I am very sure that the subcommittee has not done its job to make responsible assessments of our needs, it seems to me that in this case the chairman and the members of this subcommittee have done a very responsible job to hold down the rate of increase in this area to a reasonable level and to provide what is needed for us to make wise judgments. And I commend both gentleman from California and the members of the subcommittee that I am privileged to serve with, on the excellent work that they have done in an area where it is so easy to criticize and to posture for political advantage. This appropriation is, in fact, tight, fair, and responsible and ought to be adopted by the House.

Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota (Mr. FRENZEL).

□ 1650

Mr. FRENZEL. Mr. Chairman, I addressed a letter to each Member of this body today indicating that I would present an amendment on the floor which will reduce spending in this bill by $19,466,000. That is a very modest amendment. It represents about 1½ percent of the whole bill.

The bill, of course, is not complete. It will be larger when the Senate portion is added later. At that point it will be somewhere short of $1.6 billion.

My judgment was that I could only take what the committee had given us in terms of appropriations for fiscal year 1984. When I did that, its bill comes out to be about a 5.1-percent increase.

Therefore, I felt that I had to make a reduction of $19½ million, if possible, so that we could stick to our budget agreement that we would increase this kind of spending by no more than 3.5 percent.

To do that, I took only the items that related directly to the House of Representatives, that is, the items in title I, through page 15 in the committee report, and I took only 69 percent of the increases which the committee had given them.

That left all of those accounts with an average increase of 7.3 percent which seemed to me quite handsome. It is 1½ times the rate of inflation for this year. So there is clearly more than current services in those amounts.

Then I took the rest of my cut out of the GAO. The committee has generously given the GAO more than a 15-percent increase. The $6½ million that my amendment would remove from the GAO would leave it with an increase of nearly 13 percent. That ought to be enough to accommodate whatever expansionism lurks within the agency itself, or within our demands on the agency, for it spends nearly half its time reacting to our demands.

Mr. Chairman, I mean no discredit to the committee. The committee does not approve committee budgets. We do that in the House and we give it to them for funding. The committee did not invent the franking law, it is obliged to fund it. The committee does its best to fund the GPO and the Library of Congress and the other things that are included within this budget, many of which are wholly extraneous to our operation here.

I do not criticize the committee. I only say that once we made a deal we ought to stick to the 3½-percent deal. The committee tells me that well, we are going to have some supplementals and it will mean that our increase is not that great. Well, if the committee is going to have supplementals, shame on it. It ought to be confining itself to a single appropriation each year, unless there is some kind of great emergency.

Well, again, Mr. Chairman, I mean to reflect no criticism on the committee. I think my amendment is tiny in the face of a $1.3 billion appropriation which will eventually come close to being a $1.6 billion appropriation; $19½ million is probably too small an amount, but I would like to apply a consistent yardstick in these amendments.

I will ask for this very small amendment to be adopted.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I would like to add my praise to the committee. It was just a year ago when we were hotly debating in this Chamber the future of the Capitol. We were talking about expansion versus restoration. It was the will of this House, much to my pleasure, that we chose to restore rather than to expand the Capitol. I see that the appropriation is being made to continue that important project that is well in hand.

This was not easy because it was after many decades of fighting and disagreement where nothing was done except timbers placed to prop up a deteriorating Capitol.

There is, however, continuing debate on other items that I would like to, if I might for just a moment, engage the chairman on a couple of questions that I do have.

In reviewing the report behind the legislation, I do not see an appropriation made for the purchase of a piece of property on Ivy Street across from the Democrat Club known as the Carr property. I believe the chairman is familiar with that particular parcel.

Am I correct in that it is not in this bill?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

The Carr property, which the gentleman mentioned, is property that is now currently being debated through the authorizing process. We have already made an appropriations, but it is subject to the authorization being passed.

I know that the Public Works Committee, on which the gentleman sits as ranking member of the appropriate subcommittee of jurisdiction, has debated it long and hard. But we certainly are not attempting to undermine the jurisdiction of the Public Works Committee in this area.

Mr. SHAW. So the Chairman is saying that it is not in this particular bill.

Mr. FAZIO. That is correct.

Mr. SHAW. I appreciate the answer.

Also, there is another question surrounding the future of the Capitol that has been getting a lot of attention lately, particularly over in the other body, now that we have completed the West Front, we are back talking about the East Front.

There is nothing, I assume, in this bill for any engineering studies or related expenditures as to the construction of an underground garage on the East Front of the Capitol, is there?

Mr. FAZIO. There was a supplemental budget submission made to us by the Architect for planning funds that would begin the process of looking at how we might beautify the East Front of the Capitol. I certainly think it could be improved. Instead of using it as a parking lot, its appearance would I think, be vastly improved if we could landscape the area with grass, trees, and flowers. At the present time, only part of the land on that side of the Capitol is suitably landscaped.

We have rejected that budget request. There are no funds at this time in this bill for that purpose. My impression is that Senator D'AMATO, the subcommittee chairman on the other side, would also oppose it.

So I think the gentleman can rest assured that it is not going to be considered this year.

I think the real issue is not beautification as much as it was the construction of a parking garage underground at great cost. I do not think that the committee at this point is inclined to proceed on that sort of proposal unless we had the support of the gentleman's committee and I do not know if we would have that.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SHAW) has expired.

Mr. FAZIO. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida (Mr. SHAW).

Mr. FAZIO. Mr. Chairman, I would just simply say that I want to share with the gentleman the appreciation that the gentleman expressed earlier for the progress we are making on the West Front. Regardless of the outcome of the debate of a year ago, I think the gentleman from California (Mr. LEWIS) and I agree with the gentleman that the most important thing was to make some progress. We are now doing that and hopefully within cost. So I think we can all take some comfort in that.

Mr. SHAW. If the gentleman would yield further, I thank the chairman for his answers to those questions.

I quite agree something has to be done to beautify the East Front of the Capitol. It looks like the parking lot of a discount department store in some suburban shopping center.

I have filed a bill that would have the Architect of the Capitol come up with a plan in the original tradition of the Capitol and hopefuly we can go ahead with a plan that would cause a minimal loss of parking places, however, recognizing the need for additional trees and shrubs on the East Front and a considerable improvement to the paving.

I think the chairman is absolutely correct in his prediction that neither committee nor this House would ever expend the sums asked for an underground parking garage.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. MARTIN).

Mrs. MARTIN of Illinois. Mr. Chairman, first of all, my comments are not directed to either the chairman or the ranking member of the subcommittee. Both gentlemen from California are equal in their charm and the ease with which they get along with other Members.

□ 1700

But we are not here to discuss really how super they are. We are here to discuss a little appropriation. Now, this House worries, rightfully, about the civil rights in El Salvador; it concerns itself with Nicaragua; it is appalled at South Africa. In fact, around the world it will talk about how people's rights are being ignored and how racism and sexism are an abominable part and should not be supported with American funds. There is only one place this concern stops, and that is when it involves this House. The staffing of this House, unlike other areas of government, does not come under EOC. There is no affirmative action. Recent statements from staffers say that they cannot even comment because then they are afraid they will lose their jobs, but the racism and sexism that exists throughout the committee structure is documented time and time again.

It has nothing to do with how nice each individual Member is. I find most of you a delight to be around. What it has to do with is voting for this appropriation. When you do, you say you agree with this kind of treatment. It says that racism and sexism may be wrong everywhere else but, by golly, we will ignore it here. There is only one way you can show appropriate concern; that is, tie it to the appropriations bill.

There is a "yes" vote, every year, and every year they say they are going to change. We have checked those numbers of pay for minorities. This is now the third year, and the pay situation has gotten worse. And the only way you can say you think this House should change is with a "no" vote on this appropriations bill first. It is too high. We have got a deficit. For heavens sakes, we should be cutting our own house first. But, in addition, as importantly this bill should be defeated, because it continues practices that should have ended decades age.

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an area of great interest to the gentleman from California (Mr. LEWIS), myself and members of the committee. In addition, we have had a number of meetings with Members of the House who expressed a great deal of interest in finding ways to attack wage disparities and other instances of alleged discrimination, sexual, and racial, in the legislative branch.

We have, however, one member of our committee who has a long record of concern in this area, who has been meeting to try to resolve some of these issues, and I yield such time as she may consume to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. I thank the gentleman for yielding.

Mr. Chairman, I would like to assure the gentlewoman from Illinois that our committee has indeed held meetings, both formal and informal. We have held meetings with the gentlewoman from Maine (Ms. SNOWE) who had a resolution concerning the practices at the Library of Congress. Our Appropriations Committee then met in consideration of the entire bill. We were embarked upon a postion of deciding upon holding some of our own hearings, of having an amendment in our own bill. When we were implored to desist by the chairman of the authorizing committee, who has already called some meetings and hearing on the subject. He felt very strongly that the initiative should come first from the authorizing committee. We expect to fully cooperate with those hearings, and because we felt that they were going to proceed in a timely fashion and that hearings had already been called, that we would indeed not offer the amendment within our own committee and on the floor but would accede to the wishes of the chairman of the authorizing committee and would cooperate in every way that we could with those hearings.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. There is no question about both the affection and respect with which all of us hold the gentlewoman from Louisiana. But I wonder how much and how many more promises of meetings will suffice for the people who work for this legislative body?

Is the gentlewoman aware that those numbers have been available for over 2 years? And is the gentlewoman aware that the authorizing committee—and I certainly sat on it—has done little to make those changes, and that indeed we may be putting aside the welfare of the people, with the people's tax money, for risk of embarrassing, perhaps, the majority which claims to be opposed to sexism and racism?

Mrs. BOGGS. I thank the gentlewoman for her comments. In all of the committees and committee hearings with all of the agencies and departments which come under the purview of the Appropriations Subcommittees upon which this Member sits, I have held to account all of the agencies and departments, not only in their hiring practices but in their training, retraining, and promotion practices.

We have found some very serious difficulties in those areas and have indeed worked on them. This holds true in the Legislative Subcommittee on which I recently have become a member, and I was grateful for the input of the gentlewoman from Illinois within our considerations of the bill this year. I have been extraordinarily pleased to offer an amendment just recently to the State-Justice-Commerce appropriations bill that we look into the practices of the State Department because of a recent report from the Congresswomen's Research and Education Institute, which is a research arm, of course, of the Congressional Caucus on Women's Issues, that the State Department be held responsible for responding to the recommendations of the study. This amendment was adopted in the full committee.

I would assure the gentlewoman that unless I were convinced that the hearings were going forward, were going to proceed in the authorizing committee, and with the certainty that the gentlewoman from Illinois would be a very effective force within those hearings, I would not be willing to withdraw an amendment from the Legislative Appropriations Committee bill.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. It just seems, and it may seem to others—and certainly the gentlewoman's record in this area is one about which there is much to admire and in fact to follow—that it does seem easier for Members of the legislative body to look at other administrative positions before they look at themselves. And were I black, and I am a woman, but I work here at the people's election rather than hired by someone else, I suspect I would feel a little bit like people did years ago before voting rights and the way women have felt, too, and that is: wait a while and things will get OK someday.

The numbers are there. We should vote "no."

Mrs. BOGGS. I thank the gentlewoman for her remarks.

Mr. MACK. Mr. Chairman, will the gentlewoman yield?

Mrs. BOGGS. I yield to the gentleman from Florida.

Mr. MACK. I would like to raise this question. I gathered from the discussion that took place here that the laws that we have passed for the rest of the country do not apply here in the House, and I was just curious why that is not the case. Why do we not have affirmative action programs here in the House?

Mrs. BOGGS. I would say to the gentleman that it is not within the purview of the Appropriations Subcommittee to answer that question. I would hope that the House Administration Committee and the other committees on the authorizing side would be able to answer that question.

Mr. LEWIS of California. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California (Mr. LEWIS) has 4 minutes remaining.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield for about 30 seconds?

Mr. LEWIS of California. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I simply want to confirm what the gentlewoman from Louisiana (Mrs. BOGGS) said about the intentions of the Appropriations Subcommittee to hold hearings and to put a study into their bill. They were about to do so when they were asked by the chairman of the House Administration to hold back the study because of some work that he is doing in a particular agency over which both committees have jurisdiction, the committee graciously did.

We all believed that we can do better in a joint attack on this problem. I do not deny anything that the gentlewoman from Illinois (Mrs. MARTIN) has said. Our record is lousy. but I think the subcommittee is on the right track, and not putting that study into their bill has nothing to do with their own amendment. It had to do with the referring to our committee for what we hope will be a better result.

Mr. LEWIS of California. I thank the gentleman for his remarks.

In conclusion, Mr. Chairman, I just want to say that I am very sensitive to and appreciate both the remarks and the concerns of the gentlewoman from Illinois. I could not be more pleased with the opportunity I have had to work with the gentlewoman from Louisiana (Mrs. BOGGS) relative to this very question. The point is that it is a serious issue. I welcome my colleagues raising this issue in forums they feel are appropriate. Without any question, in this case the squeaky wheel gets the grease, and all I can say to the gentlewoman is: Keep up your good work.

Mr. Chairman, in conclusion of formal remarks, I would like to express to the House my great appreciation for the opportunity to work with my colleague, the gentleman from California (Mr. FAZIO). This has been truly a bipartisan effort. The gentleman is serious about helping those of us who want to cut back at least this section of the budget. I suggest that our budget, when you consider the 1984 appropriations through the supplemental, is as tight as any around here. It actually reflects a reduction of almost 1 percent of the 1984 expenditures.

With that, Mr. Chairman, I yield back the balance of my time.

□ 1710

Mr. FAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I am not so sure that I can contribute much to this subject, because it is a very sensitive and I think a subject that requires not retribution, in a sense, at this time, but rather a commonsense approach.

I happen to be chairman of two committees that somehow are identified with the problem relating to sexism and racism. As chairman of the Subcommittee on Employment Opportunities of the Education and Labor Committee, we cannot possibly reach the problem because of the exemption of Congress from the Civil Rights Act, of title 7, the equal Employment Opportunity Commission.

Now, why that was done, I am not so sure. But over a period of time, this exemption has permitted Members of Congress the privilege of naming their personnel and staff members as they see fit. I would strongly suggest that anyone who has a strong inclination to do something about this to submit an amendment to the Civil Rights Act which would bring the Congress within the scope of that act. I can certainly assure the gentlewoman from Illinois, if she is so inclined to do so. I as chairman will be happy to arrange a hearing for her.

I think to take it out of the hide of this subcommittee is not the proper way of doing it.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. If I have the time, I yield to the gentlewoman from Illinois, that much.

Mrs. MARTIN of Illinois. That was attempted because the chairman, as usual, is right, and it was defeated in the committee, regrettably.

Mr. HAWKINS. Yes, but I would assure the gentlewoman that I would be very glad to hold hearings. We are this month holding a hearing on the pay differential, which applies to sexism and she can testify on her favorite subject.

The CHAIRMAN. The time of the gentleman from California (Mr. HAWKINS) has expired.

Mr. FAZIO. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. HAWKINS. In conjunction with the ranking minority member, we have assured Ms. SNOWE, for example, that she will have a hearing on her resolution this month. I would again invite the gentlewoman from Illinois to be one of the witnesses to testify at that time. I think that will go a long way towards helping her cause.

We have had under submission also complaints from various agencies on the question as well. We are investigating those. We have not tried to make headlines; we have tried to make progress with the various agencies which are really covered under the scope of the current law, but we have tried to do it constructively and with speed.

I would submit also to the gentlewoman from Illinois that the Equal Employment Opportunity Commission is not inclined to be very diligent in at least reaching sexism and discrimination. I think a lot of the amount of criticism should be directed at that Commission, and also to the Department of Justice which has too often been a party on the wrong side of suits where sexism and racial discrimination have been involved. We cannot possibly blame this committee or blame the Members of Congress for that either.

I would certainly submit that we should vote on the merit of this appropriation and not attempt to bring these problems in that are far beyond the reach of this committee at this time as well as the House Administration Committee itself.

Mr. FAZIO. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I will not take all my time, and I would simply like to say that I feel very comfortable that this issue is in the hands of the gentleman from California (Mr. HAWKINS), who has established a long and proud record of concern for the rights of women and minorities. I think that our committee has done nothing but add a little more impetus to the work of the House Administration Committee. The ranking member, Mr. LEWIS, Mrs. BOGGS, and I are very supportive of Ms. SNOWE'S Commission effort. We do not see it as an intrusion into the legislative branch prerogatives that we value in this subcommittee, and we certainly would all be pleased to see an appropriate vehicle enacted into law and the process of review and oversight should reside on a regular basis in the House Administration Committee.

Let me just conclude by saying that I think one of the amendments that we are going to deal with in a few minutes involves the current level of expenditures and the rate of growth that is in this bill. It is important to point out that we must include the supplemental funds that are currently moving to full committee, because without doing so, we would totally overlook the cost to the House of Representatives of the pay supplemental which is absolutely required to keep faith with the employees who have earned modest pay raises in keeping with what other Federal workers have received.

We would not be in position, for example, to pay the increased telephone charges that have been caused by the AT&T divestiture, and the increasing computer charges being levied by House Information Systems.

We would not be able to pay for the various additional retirement costs that mandatory participation in Federal retirement or social security have brought to the legislative branch. All of these things are absolutely essential; they make up the bulk of the dollars in the supplemental, and that is why, when you factor in the supplemental, we are talking about a very modest increase in the House accounts of 1.6 percent.

Now, we have heard of an amendment that may be offered that is supposed to bring us into conformity with the budget resolution. But we are already in conformity with the budget resolution, both in terms of the Budget Committee standards and those tentative allocations that have been made by the committee.

We are talking about a very, very tight budget here, one that does not exceed the 3.5-percent limit, as has been alleged. This is not a 5.1-percent increase, it is a reduction. In fact, across the entire legislative branch, it is almost a 1-percent reduction under last year.

So I would simply urge the Members to be very careful; to listen to the way in which some of these percentages are calculated and to support the committee that has made a very real effort to meet all the standards that would be imposed on us in the fish bowl that is the legislative branch. I particularly urge our colleagues to work with us as we attempt to set an example to the executive branch agencies which are far more likely to request increases of far higher percentages.

I thank the chairman for his time, and I yield back the remainder of my time.

● Mr. ROGERS. Mr. Chairman, I would like to commend the distinguished chairman of the subcommittee and my good friend, the ranking minority member, Mr. Lewis, for their hard work on this bill H.R. 5753. And in particular, I would like to commend them for including $1 million for the Railroad Accounting Principles Board. Let me give you some details on why this is so extremely important.

This Board was an essential part of the delicate balance in the Staggers Act. This act gave the railroads much greater flexibility in setting their rates if they met certain requirements. It gave the ICC the job of determining whether or not they met those requirements. But it gave the Accounting Board the job of overseeing the accounting methods to be used in making these decisions.

And the constant aura of controversy which has surrounded ICC decisions under the Staggers Act gives clear proof of the need for this Board. As it was pointed out on the House floor during the debate on the Board's reauthorization, the common theme voiced by shippers during oversight hearings held by the authorizing subcommittee was the need for this Board.

In case after case, the ICC has implemented procedures and accounting methods which, at least on paper, make the railroads' revenue adequacy appear poorer, make their expenses appear higher, and make their variable costs appear higher still. All this to give the railroads greatly increased margins of rate flexibility, altogether immune from ICC control.

Perhaps the most important decision was the definition of revenue adequacy. A finding of revenue adequacy or inadequacy is the key determinant of how much oversight the ICC maintains in rate setting. Since the implementation of the Staggers Act, the ICC has begun using a new accounting method to measure the railroads' financial condition. This new method means that the ICC only looks at their return on investment rather than at a broad range of variables.

Using this skewed method, the ICC has made the startling discovery that every single class 1 railroad in the entire country is revenue inadequate. And this is despite the fact that many of our railroads are boasting hefty profits.

Accounting is a complex and mystifying field for many Members of the House. But buried deep in those neat rows of ICC accounts are procedures which have proven extremely costly to many sectors of our country.

These decisions have led to skyrocketing transportation costs for utilities. And it is estimated that over the next 10 years these costs will quadruple as a result of ICC decisions. And of course, it is residential and industrial consumers who will foot this bill.

These decisions have also proven costly in terms of lost coal business and coal mining jobs. The American share of the world market is already slipping further and further down, as we become the supplier of last resort. And our own Department of Energy has corroborated these fears. They estimate that as a result of the "coal rate guidelines," U.S. coal exports will decline by 14.9 million tons by 1985, by 17.1 million tons in 1990, and by 36.6 million tons by 1995 as compared with estimates based on former regulations.

The Railroad Accounting Principles Board was intended to prevent these controversies by developing a system of impartial accounting methods. Clearly, there is a continuing need for this function which is in the best interests of American consumers, workers, and shippers, while still allowing railroads a fair rate of return. So I applaud the subcommittee, and especially the chairman and ranking minority member, for funding this Board and commend them for all their hard work in bringing this bill to the floor.●

The CHAIRMAN. All time has expired.

The Clerk will read.

The Clerk read as follows:

TITLE I—CONGRESSIONAL OPERATIONS HOUSE OF REPRESENTATIVES

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise principally to ask a couple of questions about this area of the bill.

Am I correct that there is nothing in the bill that addresses the issue of Members' salaries?

I yield to the chairman of the subcommittee for his response.

Mr. FAZIO. That is correct.

Mr. WALKER. Also that therefore there are no limitations in the bill that would cap Members' salaries with regard to cost-of-living increases?

Mr. FAZIO. That is correct.

Mr. WALKER. Now, am I correct that to offer such an amendment to this bill would not be germane language because there is no reference to Members' salaries in the bill?

Mr. FAZIO. The gentleman is correct. If he were interested in accomplishing such a purpose he would be advised to introduce legislation and work it through the normal authorizing process.

Mr. WALKER. In other words, because of the permanent appropriation that exists for Members' salaries, that cannot be addressed through this particular piece of legislation?

Mr. FAZIO. The gentleman is assured that when he supports this bill he will not be voting himself a pay raise.

Mr. WALKER. Well, I thank the gentleman. I think from my standpoint what I was looking for was some method, perhaps, of assuring we had some limits since we have been raising the pay around here.

One other question with regard to allowances.

□ 1720

One other questions with regard to allowances. I understand the gentleman had a colloquy here a few minutes ago, while I was off the floor, with regard to what happens to allowances that are spent by Members. If I understand correctly, what was said was that it is the committee's understanding that that money is simply not spent and is, therefore, basically returned to the Treasury. Is that correct?

Mr. FAZIO. If the gentleman will yield further, yes, we do not appropriate it out of the Treasury unless this committee does so, and we come in in this particular year $20 million below the authorized figure.

Mr. WALKER. It is an important consideration, because from time to time Members of Congress have claimed that by not spending the money they are, in fact, saving the taxpayers money, and we are told that that is not the case, that in fact the money still comes to the House and is spent in other ways. The gentleman is saying that is not true.

Mr. FAZIO. I am saying the gentleman is correct in advising his colleagues if they do not spend all of their allocated allowances that they are, in effect, saving funds. We are, of course, estimating here, but we do believe that there is a track record of that sort of behavior on the part of a number of Members, and that does aid our efforts to save money under the authorized amount.

Mr. WALKER. So if Members of Congress fail to spend $50,000, say, out of their account, that is in fact a benefit which accrues to the taxpayers of the country by keeping that money in the Treasury; is that correct?

Mr. FAZIO. I think that is a fair way to make that claim, and I would certainly encourage any Member who felt the amounts that were available were excessive, that they ought to take that action. Some Members would find it better to serve their districts by spending their allowance; others would make the decision not to spend it all, and I think they can identify with that statement.

Mr. WALKER. I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I think the point is very important to clarify for we do have, particularly on this side of the aisle, a number of questions raised in that regard.

Let us presume that when the year ends you send $60,000 back presuming that it will save taxpayers' dollars by going back to the Treasury. That could be a slight distortion because we do usually appropriate in anticipation of expenditures and often appropriate under our anticipated amounts, but a good deal of that money would be saved.

From there the money goes into a contingency fund which is held until all bills are paid, for a length of time. I cannot tell the gentleman the exact length of time, but I believe it is a couple of years. That money cannot be reappropriated without waiving our rules, and it would require a reappropriation action on the part of the subcommittee.

Mr. WALKER. Who controls the authorization of moneys within that contingency fund?

Mr. LEWIS of California. The Committee on House Administration, and there would be a waiver required, I believe.

Mr. WALKER. I will be glad to yield to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. It is my understanding that it remains available on the books at the Treasury Department for disbursement, but only for those purposes, however, and for no other purpose. For example, the allegation I have heard occasionally is that it goes to some slush fund or some kitty is not true.

Mr. WALKER. Is the Clerk then authorized to spend the money on his own volition? I mean, who is controlling the use of that money that ends up in the contingency fund?

Mr. FAZIO. The Clerk's funding is restricted to those purposes for which funds are appropriated. Only the Member controls the use of the office allowance.

Mr. WALKER. That would seem to indicate that the money that is in this contingency fund then is subject to this appropriation. Is that correct?

Mr. FAZIO. There is no contingency fund.

Mr. WALKER. The gentleman from California (Mr. LEWIS) just referred to the fact that the money that is saved in terms of allowances goes to a contingency fund, where it is held for about 2 years until bills are paid, and then seems to revert to the Treasury. I thought that was what I understood the gentleman to say.

Mr. FAZIO. If the gentleman would yield further, let me try to elaborate.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. FAZIO. If the gentleman will yield further, we are simply saying that when the funds are appropriated and, of course, that is at less than the authorized level, they reside on the books in the Clerk's office only to cover those expenditures that are legal and appropriate under the appropriation.

Mr. WALKER. I understand.

Mr. FAZIO. At that point, the funds are spent out. They are not retained in any other fund of any sort or any title, contingent or slush.

Mr. WALKER. All right, I though I had an understanding of that, but then the gentleman from California just raised the point that somehow these funds that we turn back are held for a couple of years in some kind of contingency fund. That is what I am trying to clarify.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from California.

Mr. LEWIS of California. We have asked this question a number of times, over the years, in a number of ways. It was my understanding that the money would be held until bills were paid and the money then would be returned to the Treasury.

If that is not accurate, then that is different than the understanding that this side has had recently.

Mr. WALKER. This is a question that has been asked a number of times. Would it not be well if some day we figure out just exactly what it is we are talking about? It seems to me I have heard this question asked repeatedly. I have asked it a couple of times, and I am still left confused, I must say to both gentlemen, based upon the understanding that the chairman has, on one hand, and the ranking member has on the other hand.

I will be glad to yield to the chairman of the subcommittee.

Mr. FAZIO. It is my understanding that it is not a contingency fund; it is an appropriation fund to be obligated only in the year in which the appropriation is made.

Mr. WALKER. All right, that gets back to my question. Who has control over the lapsed appropriation fund? Who controls the expenditures of that lapsed appropriation fund?

Mr. FAZIO. I assume that, as in the case of all Government accounts, it remains on the books for 2 years, until the Treasury determines that there are no legal obligations to be charged against it. So the Treasury makes that determination based on the details of the appropriations that we enact.

Mr. WALKER. But who can incur the bills the Treasury might end up paying?

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Walker) has again expired.

(On request of Mr. Gekas and by unanimous consent, Mr. Walker was allowed to proceed for 3 additional minutes.)

Mr. FAZIO. If the gentleman will yield further, the only entity that could determine would be the legal authority; in other words, the Member who had a continuing legal authority to draw down an allowance or some entity that had an appropriated matter that had been legally approved by the Congress for any one of the activities of the House that have their funds disbursed by the Clerk.

Mr. WALKER. So, in fact, the officers of the House could be people who would incur those bills that would then be paid for out of this fund; is that correct?

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Chairman, I posed a kind of hypothetical, and I would like to trace it through.

At the end of the last fiscal year, I returned $60,000. That $60,000 that was not drawn from the Treasury remains in this fund that goes on to cover contingencies that might come up, not a contingency fund to be spent any willy-nilly way, but a contingency fund remaining there to cover any unpaid bills that were incurred by this Member out of this fund that were not otherwise spent.

Mr. WALKER. That is not my understanding. If I understand what the chairman just said, it could cover any bills, is that correct, not just bills that this Member incurred?

Mr. FAZIO. If the gentleman will yield further, it is my assumption that the gentleman from Pennsylvania (Mr. Gekas) is correct in this regard. The unobligated expenditures available, for example, if a Member's voucher, which is an obligation itself, came in late. That obligation would have been legally incurred during the year the appropriation was available but perhaps not paid until the next year because of the timing in the finance office receiving the voucher later on. It is not the gentleman's purpose, I hope, to create any more doubt around this issue.

Mr. WALKER. No. I am trying to understand, I might say to the gentleman, and that changes my understanding again. Do I understand that this contingency fund that the money goes to, that if I, for instance, like the gentleman from Pennsylvania, turn back $60,000, that that $60,000 remains there, and cannot be touched by any other person other than bills that I incur that might come in late; that no other person or no other officer of the House could dip into that $60,000? Is that now my understanding?

□ 1730

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me restate the gentleman's question, and then——

Mr. WALKER. I would like an answer to my question, and then the gentleman can restate it. I am trying to understand it.

Mr. LEWIS of California. I am trying to help.

Mr. WALKER. All right.

Mr. LEWIS of California. Let me restate the gentleman's question, and perhaps then he can yield to the subcommittee chairman and have him respond.

Mr. WALKER. All right.

Mr. LEWIS of California. As I understand it, if the gentleman from Pennsylvania (Mr. Gekas) continues to serve the taxpayers as he is, $60,000 then might be available at the end of the year. That goes into a fund that I call or describe as a contingency fund that the Clerk controls.

It is my understanding that money from that fund, or a portion of it that was for personnel, for example, could not be used by another Member to spend an additional amount that was earlier unallotted to that Member. So it cannot become a special contingency fund.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. Walker) has expired.

(On request of Mr. Gekas, and by unanimous consent, Mr. Walker was allowed to proceed for 5 additional minutes.)

Mr. WALKER. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman's yielding.

Mr. Chairman, it is my understanding that another Member, whether it be the chairman of a committee or the Speaker or a Member next door, could not just suddenly say, "Well, I have run out of personnel funds, so I will take what Gekas left."

I would ask the gentleman to ask the subcommittee chairman that.

Mr. WALKER. I am glad to yield to the chairman of the subcommittee.

Mr. FAZIO. Mr. Chairman, let me see if I can clarify the matter for the gentleman because I think he is confusing, first of all, the issue of whether we appropriate less than the authorized amount.

We clearly are appropriating in this year $20 million less than the authorized amount. That money is not appropriated out of the Treasury. It does not pass through our books. However, because we are making an estimate, because individual decisions of Members ultimately accumulate to the total, there may well be an appropriation which does not totally come to the level that—let me put it this way—Members' obligations may not total what the appropriation is. So there would be a difference there, and the sum would remain for a period of perhaps 2 years on the books at the Treasury and in the Clerk's office as unobligated balances due to the possibility that there will be some legal vouchers or obligations that will turn up that will be charged against those balances.

It would be like in the Defense Department. We appropriate for *x* number of tanks, and perhaps we do not take delivery on some of them in the year we appropriate although the funds are obligated; we take delivery and pay for *y* amount, and in the next year take delivery and pay for the total that has been appropriated. But in the actual voucher we may not actually consume all of the appropriated money for all the tanks during that fiscal year.

That would be as an analogy to the funds here. So there is no contingency fund that these balances are being transferred to. It is simply a way of making sure that we clear our books of those expenditures for vouchers that occasionally are slow in coming in.

Mr. WALKER. I hope I am understanding what the gentleman said.

Now, my problem is that I do not see that we use any of those leftover funds to program into this appropriation, and so on.

What happens to that money? Is that money spent?

Mr. FAZIO. No; we do not add funds to this appropriation that way.

Mr. WALKER. All right. Is it sent back to the Treasury?

Mr. FAZIO. It is my understanding that if it is unobligated after this period, then it is.

Mr. WALKER. Can the gentleman tell me how much money was sent back to the Treasury this year?

Mr. FAZIO. I would be happy to ask the Clerk's office to supply that information to the gentleman.

Mr. WALKER. All right. Does anybody have any idea as to how much money was sent back to the Treasury?

Mr. FAZIO. Generally, for all House accounts, we come within 1 or 2 percent. I am told it is generally 1 or 2 percent. But it certainly would be appropriate and analogous to what other agencies in the Government are doing, and it may well be better.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I am convinced, after conducting an independent inquiry into this—and this is what I am tying to confirm for the record—that if we find anything in the ensuing months that differs from this, I will be the first to reattack this entire problem. But just as was mentioned here, the appropriations account for each individual Member is kept on the regular fiscal year basis, and then it is maintained in a lump sum until June 30 of the second fiscal year following the year for which it was provided, so that it will cover any obligations that the individual Member will have incurred and did not realize he was incurring when he—so-called—returned the money at the end of the fiscal year.

That is the intended purpose of the carryover things that we are talking about, and I am convinced that it cannot be used by the Speaker of the House for his own purposes or by any other Member of the House for his own purposes, that type of thing.

Mr. WALKER. The question I have is, why 2 years? I can understand carrying it over for several months, but it seems a little bit like a lengthy period of time to carry it over for 2 years.

Mr. GEKAS. Whatever time is required, I am also convinced that the next year's appropriations take into account, following that June 30 I just talked about, all those moneys that are left in the new requests for appropriations.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. FAZIO. That is the Treasury's determination. They keep all the books of the Government open for a period beyond the expiration of the appropriation. That is their standard. We are not doing anything different than any other entity in the Federal Government.

I appreciate the research of the gentleman from Pennsylvania (Mr. GEKAS) on this, and if the gentleman had asked, I would have been more than pleased to try to clarify the issue. I hope we have put to rest any concerns by might have about my sort of unauthorized expenditures or unappropriated expenditures.

Mr. WALKER. Mr. Chairman, I think it is good to get it on the record, and hopefully we have enlightened the rest of our colleagues and some of the public by what we do with this kind of colloquy, but I would say in conclusion that it sounds to me, if we are able to turn back 1 or 2 percent, that maybe that is a good argument for the amendment of the gentleman from Minnesota, if he would offer an opportunity that will get that for us.

Mr. FAZIO. Mr. Chairman, if the gentleman will yield, I want to make clear now that we are estimating what is likely to be needed by the average of 435-plus Members. We certainly are being as explicit and as tight in that regard as we possibly can. We actually could not, and no Government agency or no entity at all could, operate to the dime. So I would appreciate the gentleman's support in opposition to that amendment.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALKER) has expired.

The Clerk will read.

The Clerk read as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $3,240,000, including: Office of the Speaker, $748,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $664,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $740,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $582,000, including $1,000 for official expenses of the Majority Whip and not to exceed $139,911 for the Chief Deputy Majority Whip; Office of the Minority Whip, $506,000, including $1,000 for official expenses of the Minority Whip and not to exceed $73,878 for the Chief Deputy Minority Whip.

AMENDMENTS OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I have a series of amendments which I would like to offer and have considered together.

Mr. CHAIRMAN. Does the gentleman ask unanimous consent that his amendments be considered en bloc?

Mr. FRENZEL. Yes, I do, Mr. Chairman.

The CHAIRMAN. Will the gentleman indicate which of the amendments he wishes to offer en bloc?

Mr. FRENZEL. All of the amendments that are on the sheet at the desk, Mr. Chairman.

The CHAIRMAN. Is there objection to the requests of the gentleman from Minnesota?

Mr. FAZIO. Mr. Chairman, reserving the right to object, I wonder if the gentleman offering the amendments might consider separating that on page 25 which relates to the GAO from those on lines 2 through 5 relating to the House of Representatives?

Mr. FRENZEL. Mr. Chairman, will the distinguished subcommittee chairman yield under his reservation?

Mr. FAZIO. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. I will be delighted to put these amendments in any form that the committee would find convenient to deal with.

Mr. FAZIO. Mr. Chairman, I think that approach would probably be better for us.

Mr. FRENZEL. Mr. Chairman, I make my request that all of the amendments on the sheet, with the exception of the last one, be now considered as one group.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The amendments will be considered en bloc, all except the final one on the sheet, as the gentleman has presented them to the Clerk.

The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. FRENZEL: Page 2, line 8, strike out "$3,240,000", and insert in lieu thereof "$3,167,000".

Page 2, line 8, strike out "$748,000", and insert in lieu thereof "$740,000".

Page 2, line 10, strike out "$664,000", and insert in lieu thereof "$642,000".

Page 2, line 12, strike out "$740,000", and insert in lieu thereof "$718,000".

Page 2, line 14, strike out "$582,000", and insert in lieu thereof "$571,000".

Page 2, line 16, strike out "$506,000", and insert in lieu thereof "$496,000".

Page 2, line 21, strike out "$46,947,000", and insert in lieu thereof "$46,226,000".

Page 2, line 22, strike out "$13,254,000", and insert in lieu thereof "$13,022,000".

Page 2, line 23, strike out "$17,975,000", and insert in lieu thereof "$17,728,000".

Page 2, line 25, strike out "$6,645,000", and insert in lieu thereof "$6,503,000".

Page 2, line 25, strike out "$1,985,000", and insert in lieu thereof "$1,942,000".

Page 3, line 4, strike out "$72,000", and insert in lieu thereof "$71,000".

Page 3, line 6, strike out "$602,000", and insert in lieu thereof "$594,000".

Page 3, line 9, strike out "$822,000", and insert in lieu thereof "$797,000".

Page 3, line 11, strike out "$422,000", and insert in lieu thereof "$416,000".

Page 3, line 12, strike out "$563,000", and insert in lieu thereof "$556,000".

Page 3, line 13, strike out "$563,000", and insert in lieu thereof "$556,000".

Page 3, line 14, strike out "$987,000", and insert in lieu thereof "$984,000".

Page 3, line 24, strike out "$37,808,000", and insert in lieu thereof "$36,861,000".

Page 4, line 8, strike out "$4,315,000", and insert in lieu thereof "$4,125,000".

Page 4, line 15, strike out "$329,000", and insert in lieu thereof "$320,000".

Page 4, line 18, strike out "$164,126,000", and insert in lieu thereof "$159,846,000".

Page 4, line 22, strike out "$122,565,000", and insert in lieu thereof "$116,390,000".

Page 4, line 23, strike out "$68,200,000", and insert in lieu thereof "$67,892,000".

Page 4, line 24, strike out "$18,160,000", and insert in lieu thereof "$15,402,000".

Page 4, line 25, strike out "$1,270,000", and insert in lieu thereof "$1,182,000".

Page 5, line 4, strike out "$32,153,000", and insert in lieu thereof "$29,132,000".

Page 5, line 17, strike out "$45,667,000", and insert in lieu thereof "$45,153,000".

Mr. FRENZEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FRENZEL. Mr. Chairman, the amendment which is now facing the committee consists of the first two-thirds of the total amendment that I intended to offer.

My intention, first of all, was to get the committee to accept an amendment that would limit legislative expenditures in this bill to 3½ percent more than the legislative expenses for 1984 that have been passed to date. That is the simple purpose of the whole amendment. To reach that goal I thought we would do best to reduce our own increases, and so the amendment that now faces us contains about $13 million, about two-thirds of my full amendment, in decreases for direct House of Representatives functions.

The second part of my full amendment, which will come later, relates to the GAO and would reduce its increase from 15.1 percent down to 12.7 percent.

The total decreases for the House of Representatives in the amendment we are now considering would reduce, according to my records, the increase of 10.7 percent to 7.3 percent; 7.3 percent is well above what the budget resolution indicated would be the cost-of-living increases for fiscal year 1985. As I indicated before, this bill is, by my reckoning, some 5.1 percent more than has been already appropriated for fiscal year 1984.

□ 1740

Now, this is our own budget. I think we should be very careful about it. This reduction is a small amount. I think the subcommittee has been attentive to the needs of the membership. I do not think they have been very profligate. Nevertheless, this is an important, if very small, amendment.

We ought to apply our standard to ourselves and to our own agencies as well as to other appropriations that come before us. I did not set that standard, but this House did. I will try to meet it.

This is really a very simple and modest amendment. It affects the House leadership offices and their employees, the salaries and officers and other employees of the House, the committee employees and the Members' clerk hire.

It affects most of the items covered in the first 15 pages of the committee report.

To get the $13 million reduction, I reduced each item in those 15 pages to about 0.69 of what the committee had increased them. I did not touch the Office of the Bicentennial. I did not touch any item that had already been decreased below the 1984 expenditures. I only dealt with increases.

I tried to be as gentle as I could. Even so, it is arbitrary and it is subject to the criticism that it is a bit of a meat ax. It is a swing through all of our House of Representative spending accounts.

What the cuts have in common is that they all belong to us. We have talked bravely about deficit reduction. The amendment will test us to see if we really meant it.

If this amendment is accepted and if my other amendment is accepted, we will have reduced the total expenditures in this bill, without the Senate being in the bill, by about 1½ percent. That is only a flesh wound.

I know there are many Members in this House who would rather go deeper, but my hope is that we aim for some kind of constant standard.

The argument of the committee chairman that we have to take into account pending supplementals does not make sense. That would give every appropriation subcommittee an incentive to pass more supplementals during the year, so that its increases would look more modest as the year wore on. I do not think that is the way to operate. I wish that we never had any supplementals. I realize that some are necessary sometimes, but I think we use many too many.

If, as the Chairman suggests we must take into account a pending supplemental, then logic would demand that we add a similar supplemental which we know will occur next year to this bill. If we are to include a pending supplemental we should add all expected supplementals. There will be at least a couple.

My amendment is a very tiny, tiny step, toward fiscal sobriety. That is a condition, I submit, that has not been terribly well known or well accepted in this body, but I hope that today we will demonstrate a willingness to change our ways. I hope this body will pass my amendment.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to it because I think the logic behind it is simply wrong and I have got to reiterate the point that I attempted to make earlier.

The bill is not 5.1 percent over the current fiscal year 1984 level. The bill is not even 3.5 percent over the current fiscal year 1984 level, the level assumed for discretionary domestic programs in the first budget resolution passed by this House.

Mr. Chairman, this bill is $9,218,200 under the current 1984 level, with the Senate items excluded.

The Budget Committee factsheet of this past Monday, June 4, indicates the bill is $289 million under current policy. Even if the Senate's $284 million budget request were added, the bill would be $5 million under current policy, according to the Budget Committee's scorekeeping.

We are $300 million under the tentative section 302 allocations within the 13 subcommittees of appropriations. We have kept this budget down.

For the House, we have enacted $384,131,800 in fiscal 1984. We have recommended a supplemental, however, of $35.5 million for a current level of close to $420 million.

Let me go into the supplemental, because I think this is the point I have got to make. We have to consider these supplementals before we factor in the percentage increase. I maintain that in the House of Representatives the increase is 1.6 percent over the bill we enacted last year, plus the supplemental, and here is what is in the supplemental:

Pay supplemental, $8.7 million. This has already been given to our employees, the 4 percent which has gone to every Federal worker.

The amount of $171,000 for the page school and the bicentennial office, these are some additional expenditures that cannot be ignored. They simply are part and parcel of what we have already agreed to do here.

There is $7.3 million in Member clerk hire to accommodate increases approved by the gentleman's own committee, the House Administration Committee.

There is $1 million, Members office expenses. Again, increases approved by the gentleman's own committee, the House Administration Committee.

Supplies and materials for increased telephone expenses because of the AT&T divestiture, for increased HIS computer charges, an organization controlled again by the House Administration Committee, the gentleman's committee.

Retirement expenditures of $9.9 million, this is to accommodate new requirements that staff belong to either Social Security or to the Federal retirement system, and the gentleman's other committee, the Ways and Means Committee, knows far more about why that occurred than anyone else on the floor.

The Capitol Police have $125,000 related to the recent bombing in the Capitol.

Mailing costs, which are a result of Members' privilege and duty to communicate with their constituents, and that this committee cannot control, $10.2 million.

These are the amounts that are required to factor into this analysis before we can concoct the percentage. These are relevant amounts because they are current level activities that we must continue with.

The amount in the bill for fiscal year 1985 is a reasonable $425 million. The amount is only $5.5 million over the 1984 level. That is only 1.3 percent over the 1984 level. We are below the gentleman's 3.5 percent. We are below the budget resolution, 3.5 percent, and

I ask that this amendment be defeated.

Mr. RATCHFORD. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to my colleague, the gentleman from Connecticut.

Mr. RATCHFORD. Mr. Chairman, I would like to applaud the gentleman and the subcommittee on both sides of the aisle for their effort.

I am a bit troubled that every time this item comes to the floor, there is an attitude out here, no matter what the committee has done, that anything you can do, I can do better, or nothing you have done has been done well enough. I think we see a bit of that today.

We have a subcommittee, bipartisan in nature. It has really gone to work. It has really tightened the belt. It has come in with a budget, frankly, that is at a level that many of us thought could not be achieved.

The gentleman is talking about a reduction of 0.7 of 1 percent. The gentleman is talking about a reduction of 72 positions, and yet in spite and I think no matter what we come in with, we have seen this, now an amendment I guess it is going to in effect say you have not done good enough. I think you have done a very good job and ought to be supported.

Thirteen million dollars is not a small amount of money. The question then becomes, where is that $13 million going to be cut? Is it going to be cut out of security, with all the problems we have been seeing attendant with the current wave of terrorism in this country? Is it going to be cut out of mail service, with the great wave of mail that we see day in and day out as a result of constituents wanting to communicate with Congress? Is it going to be cut out of the ability of a Member of Congress to deal with his or her constituents?

The fact of the matter is you have come in lean, you have come in hard, you have come in fair, and you ought to be supported.

This amendment, frankly, to me, and I respect the gentleman from Minnesota, really says, "Gentlemen, you have done a good job, but you have not done good enough." I think you have done good enough and you ought to be supported.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise because I have followed with great interest over the last week or so the point of the gentleman from Minnesota that these appropriation bills are coming in over the budget. At first he was talking about the President's budget which received only one vote in its favor in the House. We are now talking I think at least in reference over the House-passed budget concept of limiting growth to a 3.5-percent increase. As I understand the distinguished chairman, the gentleman from California, that in fact this bill is less than the 3.5-percent increase cap; is that correct?

Mr. FAZIO. Mr. Chairman, if the gentleman will yield, the gentleman is correct. When we factor in the supplemental into last year's bill, we come in at 1.3 percent, which is over 2 percent plus less than the standard the gentleman from Minnesota wishes to apply.

Mr. LEVITAS. Well, I thank the gentleman for that information.

I have some information for the gentleman from Minnesota so he can get his knife sharp and ready to go to do some cutting. We are going to have an opportunity to vote on the Treasury appropriation bill quite soon and that particular measure contains the White House budget. The gentleman, I am sure, will be interested to know that the request by the White House, by the President, for an increase for fiscal year 1985 over fiscal year 1984 for White House spending is about twice what the House set as our limit for growth in spending.

□ 1750

The White House is requesting a 6.92-percent increase over last year from $23 to $25 million in 1985.

Now that is what you call leadership, I suppose, or setting an example, or the maxim, "Charity begins at home." I do not know which it is. But the White House wants to increase its own spending, while cutting others, and ending up with almost double the increase as the House has set as a limit.

But I call this to the attention of the gentleman from Minnesota so that he will sharpen his knife and be ready when that Treasury appropriation comes to the House so we can whittle down the White House budget to the modest 3.5 percent, or even do as well as the gentleman from California has done by having a growth of even a smaller rate than that.

Frankly, I could even support a cut in this bill's spending level, for we can spend less. But this proposed amendment is not across the board. It picks on one aspect only and if adopted would reduce this segment of the bill below last year's levels while letting other segments of this bill increase at even greater rates. That is not right. If the gentleman from Minnesota would offer a fair amendment, applying across the board, that would be a different matter.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I would simply like to make clear to the Members that if a reduction is made in this item, this is not an item which can be restored in conference. There is no action appealable on this item.

So I think Members ought to ask themselves whether they think the numbers provided by the gentleman from California are legitimate or not. In my judgment, they most certainly are. When you compare them to the budget increases in the White House office, in OMB, in the Office of Administration within the White House, I would suggest we do quite well by comparison. There are no new—at least to my knowledge—funds provided in this legislation for increased employment on the part of the Congress or on the part of the House. This is a very tight bill and if Members want to save amounts in addition to the amounts in the bill, they need only not spend those dollars out of their own office accounts.

Mr. LEVITAS. I thank the gentleman for his contribution.

As I indicate, I think the White House budget request is almost three times the rate that the gentleman from California's subcommittee has provided. The gentleman from California has been spartan compared to the White House.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I would say that I would like to apply the same standard to the White House as I try to apply to the House. I will say that the budget was not my budget. I did not vote for it, but I am trying to support it because the House voted for it.

I am only using the numbers in the bill and the numbers of the supplement that was passed. I am not using the applications or what the agencies wanted. I am not using unpassed supplements in doing my figures. I am only using what we have before us, what the committee has given us, and that is all that is available to me.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address an inquiry to the gentleman from Minnesota whose amendment is before us.

We have had a number of figures presented to us describing the results of the gentleman's amendment. Will the House be appropriating more money in this bill than it appropriated in the similar bill last year?

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

It will.

Mr. BROWN of Colorado. What kind of an increase will that be?

Mr. FRENZEL. As I look at the committee report, which is the best information I have, it indicates that last year we passed a bill that called for $1,228,183. Then we passed a supplemental which called for minus $17,127,200. That gave us a total appropriation to date of a little over $1.2 billion. As a matter of fact, $1.211 billion it is.

This bill comes in at $1.2729. And when I compare those two figures, that is the $1.211 and the $1.2729, I come up with an increase of 5.1 percent. Again, those are the only numbers I have to work with.

If the gentleman would yield further, one of the gentlemen on the other side was questioning whether this would hurt the mail. None of my amendment applies to the items past page 15 in the committee report, as I have indicated. It does not touch the mail.

By the way, that does give rise to the thought that the committee has saved $30 million in the mail account only because Members do not mail so much in the odd-numbered years. So it is taking credit here for a reduction which is a totally normal phenomenon that occurs in each biennium.

Someone questioned whether it would hurt any security. It does not apply to the joint operations such as the police force.

All this does is indicate, if you pass my amendment, it indicates that we are willing to tighten our belts with the rest of the people who we are asking to tighten their belts. I, again, am very sympathetic to the subcommittee chairman and ranking member and all the members of that subcommittee. I only say that nobody is perfect.

I hope this House will show that it can apply the same standards to itself as it applies to others.

I thank the gentleman.

Mr. BROWN of Colorado. I thank the gentleman.

If I understood him correctly, the gentleman is saying if his amendment passes, this House will be appropriating more money for the coming year than we did in appropriations last year in addition as well as the supplemental. So the amount we will appropriate will be more than both the supplemental and the appropriation last year?

Mr. FRENZEL. The gentleman is correct. The items that I am cutting will be 7.3 percent more for the House of Representatives than was appropriated to it last year, which is not quite twice the cost-of-living increase, but it is a substantial increase.

Mr. BROWN of Colorado. I thank the gentleman.

I wonder if I might address an inquiry to our chairman.

The gentleman from California might enlighten us if he agrees with the gentleman from Minnesota's summary or does he disagree with that?

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. FAZIO. I thank the gentleman for yielding.

I have a hard time following exactly which entities within the House of Representatives the gentleman is actually affecting here with the 24 or 25 different items that the gentleman is trying to reach.

But simply to reiterate I would indicate once again that as long as you leave out the supplemental, as the gentleman has done—he keeps referring to the bill that is currently in law—he certainly is right in some of the percentages that he uses. But I have tried to indicate in my earlier comments that we simply cannot ignore that supplemental. We need it to keep the House operating at a level compatible with the allowances adjusted by the House Administration Committee and as it has been mandated by law, the Social Security Reform Act. We cannot ignore our responsibilities to pay the employer's share of retirement or social security which we provide for in this supplemental. We cannot ignore the 4-percent cost-of-living adjustment that we have already agreed to provide our employees, or at least authorize their approving authorities to provide them.

We simply must repair the building when it has been damaged. We have to pay for mailing costs that are incurred.

So it is simply not fair to say that we have increased this by 5.1 percent. I think it is only fair to say it is a 1.3-percent increase, which I reiterate is a very modest increase in relationship to every comparable segment of the executive branch budget. And as the gentleman from Georgia (Mr. LEVITAS) has pointed out, vastly less than the executive branch requested for the White House.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(At the request of Mr. FRENZEL and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Colorado. I would like to address a further inquiry to the gentleman from California.

Are talking about two supplementals, one that the gentleman has included in his calculation of the base and another one that is not yet——

Mr. FAZIO. If the gentleman will yield, the gentleman from Minnesota has not included a supplemental and that is the problem. We have one currently before the full committee. Our subcommittee has marked it up. And that is the one in which the items that I enumerated earlier are contained. They simply must be enacted in order to keep faith with the commitments that we have made.

Mr. BROWN of Colorado. I thank the chairman.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

The gentleman is correct. There is a supplemental coming along. There are always supplementals coming along.

The problem is if you are going to count the supplemental this year, then let us count the supplemental that we are going to pass next year as a part of this appropriation. You cannot compare sheep to goats. You have got to take a constant criterion. You have to take something that is comparable.

You want to include this year's supplemental but not next year's supplemental. That simply is not fair.

Mr. FAZIO. If the gentleman will yield, we certainly could not have anticipated the effect of the AT&T divestiture. We could not have anticipated the additional cost to social security or mandatory retirement. We could not have taken certainly into any consideration the fact that we have been a victim of terrorist bomb attacks here. These are factors that have to be provided for and this is not just a willy-nilly supplemental that we use as a way of hiding funds. These are requirements that we annually must take off in the supplemental.

We have absorbed these costs in many agencies of the legislative branch. About 20 percent of the cost of the recent pay raise has been absorbed. But we must pass the supplemental. It is not an unusual event and it is not a way of hiding other expenditures that we do not like to bring out in this bill.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Kansas.

Mr. WINN. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from Minnesota, if I might, if the Office of Technology Assessment is included.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has again expired.

(At the request of Mr. WINN and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. If the gentleman would yield, my amendment makes reductions through page 5. The Office of Technology Assessment appropriation occurs on page 11. I do not touch any of our joint items, so that would be the same as is in the committee bill.

□ 1800

Mr. BROWN of Colorado. I thank the gentleman.

I might mention to the Chair and to my colleagues here on the floor that it does seem to me that proper comparisons here ought to be apples to apples comparisons. If the amendment of the gentleman from Minnesota does pass, you are still talking about appropriating more in this appropriation bill than you appropriated last year in the appropriation bill, albeit the relevant points made with regard to supplementals.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Minnesota (Mr. FRENZEL).

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 7, noes 9.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 209]

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis
de la Garza
Derrick
DeWine
Dicks
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kazen
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Natcher
Neal
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rose
Rostenkowski
Roukema
Rowland
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zschau

□ 1820

The CHAIRMAN. Three hundred eighty-three Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Minnesota (Mr. FRENZEL) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 201, not voting 41, as follows:

[Roll No. 210]

AYES—191

Albosta
Andrews (TX)
Applegate
Archer
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Darden
Daub
Davis
DeWine
Dorgan
Dowdy
Dreier
Duncan
Durbin
Early
Eckart
Edwards (AL)
Edwards (OK)
Emerson
Erdreich
Erlenborn
Evans (IA)
Feighan
Fiedler
Fields
Fish
Franklin
Frenzel
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hamilton
Hance
Hansen (UT)
Hartnett
Heftel
Hiler
Hillis
Hopkins
Huckaby
Hunter
Hyde
Ireland
Jacobs
Jeffords
Johnson
Kaptur
Kasich
Kindness
Kramer
Lagomarsino
Leach
Leath
Lent
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McEwen
McGrath
McKernan
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Neal
Nielson
Nowak
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Patterson
Paul
Penny
Petri
Pritchard
Pursell
Quillen
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Roukema
Rudd
Russo
Schaefer
Schneider
Schulze
Sharp
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Torricelli
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whitley
Whittaker
Wise
Wolf
Wortley
Yatron
Young (FL)
Zschau

NOES—201

Ackerman
Addabbo
Akaka
Alexander
Anderson
Annunzio
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Berman
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux

Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carr
Chappell
Clarke
Clay
Coelho
Collins
Conyers
Cooper
Coyne
Crockett
de la Garza
Derrick
Dicks
Dingell
Donnelly
Downey
Dwyer
Dymally
Dyson
Edgar
Edwards (CA)
English
Evans (IL)
Fascell
Fazio
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Harkin
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Hughes
Hutto
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lewis (CA)
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McDade
McHugh
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Patman
Pease
Pepper
Perkins
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Reid
Roe
Rose
Rostenkowski
Rowland
Sabo
Savage
Sawyer
Scheuer
Schumer
Seiberling
Shelby
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith, Robert
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Towns
Traxler
Udall
Vento
Watkins
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolpe
Wright
Wyden
Yates
Young (AK)

NOT VOTING—41

Andrews (NC)
Anthony
Badham
Bevill
Biaggi
Byron
Daschle
Dellums
Dickinson
Dixon
Ferraro
Gibbons
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Kastenmeier
Kemp
Lantos
Latta
Leland
MacKay
Martin (NY)
McCloskey
Montgomery
Myers
Nelson
Nichols
Rodino
Rogers
Roth
Roybal
Schroeder
Sensenbrenner
Shannon
Smith (NJ)
Stratton
Waxman
Wylie
Young (MO)

The Clerk announced the following pair:

On this vote:

Mr. MacKay for, with Mr. Leland against.

Mr. MRAZEK changed his vote from "aye" to "no."

So the amendments were rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

● Mr. NELSON of Florida. Mr. Chairman, had I been present for rollcall 210, the Frenzel amendment, I would have voted "yea."●

The CHAIRMAN. The Clerk will read.

The Clerk continued the reading of title I.

□ 1830

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of title I?

Are there any amendments to the remainder of title I?

AMENDMENT OFFERED BY MR. BROWN OF COLORADO

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $22,750,000, of which $2,070,000 shall remain available until expended: *Provided*, That, notwithstanding any other provision of law, the House Office Building Commission is authorized to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located at 501 First Street, S.E., on a portion of Reservation 17 in the District of Columbia when such building is acquired by the Architect of the Capitol at the direction of the House Office Building Act of 1955, and to incur any expenditures under this appropriation required for alterations, maintenence, and occupancy thereof: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the "House Office Buildings" and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado: On page 14, line 21, strike "$22,750,000" and insert in lieu thereof "$22,661,646".

The CHAIRMAN. The gentleman from Colorado (Mr. BROWN) is recognized for 5 minutes in support of his amendment.

Mr. BROWN of Colorado. Mr. Chairman, to expedite the process, I would ask unanimous consent that my amendment No. 1 that was just read and my amendment No. 2 be offered en bloc.

The CHAIRMAN. The gentleman asks unanimous consent to add an additional amendment and asks that it be considered en bloc with the amendment previously offered.

Is there objection to the request of the gentleman from Colorado?

Mr. FAZIO. Mr. Chairman, reserving the right to object, would the gentleman indicate that both the provisions that relate to elevators are included in his amendments offered en bloc? Is that the point he was making?

Mr. BROWN of Colorado. Mr. Chairman, if the gentleman will yield, that is correct. The amendment labeled "No. 2" at the desk is the one that is a companion portion of that amendment, and that simply indicates we would not hire any new elevator operators.

Mr. FAZIO. We do not have any numbers labeling these amendments at our desk. That is the only question I have. We are simply trying to find out what is being offered.

Mr. BROWN of Colorado. Mr. Chairman, the amendment I am offering here would provide that none of the money in the bill would be used to hire new elevator operators in the House office buildings.

Mr. FAZIO. Mr. Chairman, I would have to object to the amendments being offered en bloc because we may wish to object to one that is legislation on an appropriation bill.

The CHAIRMAN. The Chair hears an objection.

The gentleman from Colorado (Mr. BROWN) will proceed on his initial amendment, and the gentleman is recognized for 5 minutes.

Mr. BROWN of Colorado. I thank the Chair.

Mr. Chairman, all of us face difficult decisions in budget bills. All of us are keenly aware of the devastating impact of the deficits that have affected our country. We do not kid anyone, these are difficult decisions. But occasionally we come across an area of clear waste and clear abuse. The amendment that I offer covers one of those areas.

Elevator operators who operate elevators that are automatic is clearly an area of waste. There is no way to justify people pushing buttons for Members of Congress when those Members are fully capable of pushing the buttons for themselves.

The amendment before us does not recommend the firing or discharging of anyone. What it suggests is that we not rehire elevator operators when they leave.

We have checked with the Architect's Office. They indicate that in patronage employees of this kind there is a 107-percent turnover every year, so it is quite likely that we will have a significant turnover in elevator operators. But the measure, with its companion amendment simply provides that we are not going to hire new ones to replace operators.

This does not affect elevator operators inside the Capitol. It only affects elevator operators in the House office buildings. It is comparable, to some extent, to the action that took place in the U.S. Senate. The U.S. Senate did away with their elevator operators in their office buildings. This simply asks that we do the same.

The savings in the first year are modest. They suggest something a little over $88,000. It may well be that we can save more. But let me emphasize that the question is not the modest amount of savings. The question is what kind of leadership we are going to provide for the country.

If this House insists on retaining jobs that are clearly waste, that are clearly an abuse of the taxpayers' hard-earned funds, we set an example for the rest of the Nation, and that example says that it is business as usual and we are not going to try to trim those areas of clear waste.

If, on the other hand, we face up to our own problems and are willing to trim waste in the House of Representatives, we send a clear signal to this Nation that this Congress is willing to face the tough issues and begin to work on them. So while we deal with a modest amount of money in this particular amendment, we deal with a very significant issue. We deal with the resolve of the Congress to face its problems.

Let me emphasize that under this amendment no one is fired. All it says is that new people will not be hired to take those jobs.

Let me emphasize also that it does not affect the elevator operators inside the Capitol itself. We are merely dealing with elevator operators who are in the House office buildings.

Third, let me emphasize that it does not impair a Member's ability to reach the floor. The elevators that are reserved for Members during rollcalls or for other periods of time would stay the same. Nothing in this amendment changes that. It still provides for reserve elevators.

So all that is changed is that we eliminate elevator operators from automatic elevators in the House office buildings when they retire.

Let me emphasize one other thing, if I may. This is not offered in a partisan manner. I think those who know me know that I have brought amendments to the floor that affect both Republicans and Democrats. A bill that we had up earlier last week was an example of that. It was mentioned earlier by the gentleman from Georgia that the President's budget, the White House budget, calls for a significant increase. I want to assure the gentleman from Georgia that I will join him in an effort to bring that budget into line. Only when we are willing to look at this in a nonpartisan manner, only when we are willing to face up to areas of clear waste are we going to begin to resolve the problems of this country.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Chairman, I just want to be sure what the gentleman is saying. I understand that we are dealing with an attrition that would occur for operators who would otherwise, if this amendment does not pass, be operating automatic elevators that are fully able to be operated by any of us if we would board them?

Mr. BROWN of Colorado. The gentleman is correct.

Mr. DAUB. Mr. Chairman, I thank the gentleman for yielding.

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. ZSCHAU. Mr. Chairman, I just want to associate myself with the gentleman's comments.

The gentleman indicated that this sends a clear signal to the American people that the Congress is dedicated to reducing the deficit. I find it hard to characterize an $80,000 savings as a clear signal, but it is clearly a step in the right direction.

Mr. Chairman, I support the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. BROWN) has expired.

(On request of Mr. TRAXLER, and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for 2 additional minutes.)

Mr. TRAXLER. Mr. Chairman, will the gentleman be kind enough to yield?

Mr. BROWN of Colorado. I am glad to yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, perhaps the gentleman will explain to me why he has exempted the Capitol Hill operators from his amendment.

Mr. BROWN of Colorado. Mr. Chairman, my own personal preference would be not to exempt them. I do not think it is justified, either on the Senate side or the House side. They are exempted in this particular amendment in the hope that it will attract votes, that Members who would not be willing to support it otherwise would be willing to join in support of this modest amendment.

Mr. TRAXLER. Mr. Chairman, if the gentleman will yield further, principle is principle. If the gentleman's principle is correct, then he ought to abolish all elevator operators.

I do not agree with the gentleman's statement that they are a waste. I happen to have had an experience where I missed a vote because I could not have an elevator available.

That is the purpose of the operators. And I will give the gentleman my last minute to respond. I missed a vote because that elevator was not there, and if we pull these operators out of those elevators, they are not going to be there and we will have a lot of unhappy Members around here. That is the sole purpose for elevator operators, and if we do that, I want to assure the gentleman that there is going to be a lot of sorrow around here as a result of it.

Mr. BROWN of Colorado. Mr. Chairman, I think the gentleman raises an important point, and let me deal with that specifically.

First of all, this does not do away with any elevators. The elevators are all the same.

Second, it does not do away with the reservation of the elevators for the specific use of Members. They stay the same.

Third, let me mention that we are not exploring new territory here. This step has been taken by the U.S. Senate. The indications I get are that they went through the same process of eliminating elevator operators in their offices and have had no problems whatsoever with it.

So in terms of access to the floor and getting to the floor, I do not think the gentleman will find any problems at all.

□ 1840

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

(At the request of Mr. TRAXLER, and by unanimous consent, Mr. BROWN of Colorado was allowed to proceed for an additional 2 minutes.)

Mr. TRAXLER. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Colorado. I yield to the gentleman.

Mr. TRAXLER. Mr. Chairman, I appreciate the gentleman yielding.

I must respectfully disagree with the gentleman's analysis of the situation. I appreciate his efforts to conserve funds. I must say that my recollection is that in this case these attempts have been made in prior years. We have rejected them basically on the grounds that the operators are there for the sole purpose of providing an elevator at the time that the Members need it to come over here for a vote and no other purpose whatsoever. That is in my judgment a very essential service.

Oftentimes, I know it has happened to the gentleman, he has been in his office with either agency personnel there, he has got a long distance phone call—it has happened to me, and I presume it has happened to him, or he has had constituents in his office and at a critical point we will have a vote. I am sure that has happened to the gentleman. If you do not leave promptly at that first bell to make certain you are going to be able to catch an elevator, if you do not have those operators, there is a distinct probability you are going to miss a vote.

There are 435 of us, 100 Senators over there. They have almost as many elevators as what we have got. The mathematics of it are that it does not favor our side. I am not saying what they have done is right or wrong. That is their issue.

I do know that this issue has come up here before. We have consistently turned it down on the basis that those services are absolutely essential for Members of this House to perform their duties, and that is voting on time.

Mr. BROWN of Colorado. Mr. Chairman, I have every confidence that every Member of this body is fully capable of pushing that button themselves.

Mr. TRAXLER. Mr. Chairman, if the gentleman will yield further, that is not the issue. The issue is whether or not there is going to be an elevator there. The problem is that people do not always observe the signs that say for Members only when there is a vote on. Unless you have an operator on that elevator to say to those persons who are there waiting and looking for an elevator, "Sorry, at this point in time it is reserved for Members who are required to vote at this point," you are not going to have those elevators. Signs do not deter necessarily. There will be those who will abuse it, so I say to the gentleman, yes, we can push buttons; no, there will not always be an elevator there for you when you need it.

Mr. BROWN of Colorado. Mr. Chairman, let me address the gentleman's concern directly.

First of all, with regard to the elevators, the fact that those elevators are reserved only for Members would not change one iota.

Second, if there is a problem with people disregarding those signs, my understanding is that we have 1,200 policemen to guard our offices. I do not think disobeying the rules is the major problem in this area. If it is, it should not be.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I am reluctant to rise at this point because I have a high regard for the gentleman from Colorado and I think he does offer his amendment with the basic integrity of the body in mind and with a desire on his part to make some significant reductions, however minor I think they are, in the legislative branch budget. But I think it is important to make some points that have not yet been made.

One. We have in recent years, in fact since 1977, reduced from 152 down to 44 the number of people who are operating elevators in congressional buildings. In fact, in the House Office Buildings that the gentleman's amendment would cover, we are down to 14, a 70-percent reduction from 52 we had in 1977. We have done this in a reasonable manner over time. We are talking about people some of whom have disabilities, senior citizens, people who need the $12,000 a year salary and people who do provide a service to the Members to make it to the floor in time for votes.

This is not, I think it is important to point out, simply to benefit us because these are people who very often help guide our constituents who are trying to find our offices to communicate with their Representatives. As you know, we have over 1 million visitors and tourists that come through this complex annually and the House Office Building elevator operators must deal with their problems in locating us and in finding it possible to make their appointments on time in the offices of the Members.

I think it would be important for the Members to realize that while this does appear to serve our interests, it certainly is serving the interests of the people whose buildings these are, our constituents. These are not large salaries. They are reasonable and I would ask that the Members reject this amendment at this time.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think I will take the whole 5 minutes.

There is one aspect of this which has been largely overlooked by the distinguished gentleman who offered the amendment. I know he offers it in good faith. It is well and good for those of us in the Congress to say we are going to be self-abnegating and deny ourselves frills and privileges, but the main purpose served by the elevator operators is not for our convenience. If you add up all the times that Members of Congress use an elevator in a given day, it would be a tiny, even minute fraction of the number of times that citizens from our districts use those elevators every day.

This Capitol complex is one of the most busily visited complexes of buildings anywhere in the world. More Americans come here to see their Capitol, to see their Congressmen, a precious right guaranteed in the Constitution, than come to almost any other building in the Nation. Every year more than 1 million American citizens come here and for many of them it is the only visit of their lives to their Capitol to see their Congressman. Each of us knows that is true. Just think back over the past week or over the past month. How many people from your particular district have come here, happy, joyous, reveling in the thought that they are in their Capitol Building. They have come to see their Congressman and they have not had that chance many times before.

Now—no, no, I will yield to the gentleman when I have finished, but I have not quite finished yet.

What I am saying may seem frivolous to the gentleman from California, but I think it is quite serious. Just stop and think, how many of those people when they are told that their Congressman is in room 2168 know that that happens to be on the first floor of the Rayburn Building? Most of them do not, do they?

They go over in the Rayburn Building and get onto an elevator, they are likely to ask for two, not for one.

Now, is it not useful to have somebody on each of those elevators who is friendly, who is helpful, who will take them by the hand, tell them where their Congressman's office is, answer their questions? Many of them who come are senior citizens. Many of them are young people. As I say, they are here maybe only once in their lives. They are entitled to be helped.

I think some of the Members in the Chamber who have responded in sort of a jocular way when I said that people were joyous and reveling in the prospect of being in the Capitol, but I would say it is absolutely true. I do not think it is a matter of jest.

I really believe that when people come here to this, their Capitol, and to see their Congressman, they are engaging in an activity that is precious to them. They are entitled to have somebody on an elevator who can tell them where it is that they are trying to go.

Now, that is about all I have to say and I yield to the gentleman if he has a comment to make.

Mr. DANNEMEYER. Mr. Chairman, I thank my friend, the gentleman from Texas, for yielding.

This joy that the gentleman says our constituents have when they come to Washington to see their Members of Congress in action, is that joy before or after they find out how we vote on the expenditure of their money?

Mr. WRIGHT. Well, I think it may depend on the individual Member of Congress, I would say, or the individual citizen, but that is not the point, as the gentleman well knows.

However, the gentleman from California may vote different than the way I vote. I think, nonetheless, he wants his constituents to have the privilege and the opportunity of coming to his office in such numbers as they will. I am sure the gentleman from California would not put any roadblocks in their path. He would not deliberately or purposely make it harder for them to find his office. He would want to make it easier for them. That is what these elevator operators do. They do not serve just Members of Congress or even primarily Members of Congress. Primarily they serve the public.

Let us bear this one thought in mind. These are not our buildings. These buildings belong to the American public. When they come here, I think they are entitled to have the red carpet laid out in front of them.

I yield back the balance of my time.

☐ 1850

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

I shall not take the 5 minutes. Interesting comments from the majority leader. I think perhaps his most important point is that we ought to renumber the buildings here on Capitol Hill. If you have a 124 it should be an "R" in front of it for Rayburn, an "L" in front of it for Longworth, and a "C" in front of it for Cannon, and then anyone can understand it including some of the new Members.

In addition, I believe the gentleman from Colorado indicated that the Capitol area was excluded from his amendment and so for those individuals seeking particular rooms in the Capitol, they certainly have elevator operators available to them.

I have had a shorter experience in Washington than the gentleman from Texas has had and perhaps he is speaking from a bit more of a historical point of view about what went on around here. All I know is that when my constituents tried to find me they do not have access to the building through any opening. They have access to the building through one or two openings. They then have to go through a metallic screening device. Then they have one, two, or three policemen next to them and that is where they ask their directions, because in the elevator that I am familiar with you do not have Members' directories in the elevators. I do not know of elevator operators who get out, for example, in the Cannon Building and locate for visitors between the two elevators where the Member's room is. The visitors do that themselves and, in fact, if you ask the elevator opeators where the Members' offices were they would refer you to that list because they do not know themselves.

What we are saying is that certainly the elevator operators historically have played a significant role, 10 years ago, 20 years ago, but for those of us who have been here in this decade, they certainly are an anachronism, especially away from the Capitol Building and they ought to be phased out in a reasonable and an appropriate fashion.

The gentleman from Colorado has offered such an amendment.

Mr. LEVITAS. Will the gentleman yield?

Mr. THOMAS of California. Certainly I yield to the gentleman from Georgia.

Mr. LEVITAS. I make this request only to ask the gentleman from Colorado a question. I am just seeking information.

Would the gentleman from Colorado tell us whether there are any differences in this amendment from the one that he offered last year on the same subject?

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman.

Mr. BROWN of Colorado. There are. I think the major difference in this is that it does not dismiss any of the elevator operators, as my measure last year did by eliminating the full funding for those elevator operators.

Mr. LEVITAS. Would the gentleman yield further?

Mr. THOMAS of California. Certainly.

Mr. LEVITAS. Does last year's amendment, as I recall, also apply to elevators in the Capitol Building itself, and the one this year does not.

Mr. BROWN of Colorado. That is correct. This one deals only with the elevator operators in the office buildings themselves.

In the companion resolution it provides that new operators are not hired.

Mr. FAZIO. Will the gentleman yield?

Mr. THOMAS of California. If I have any time, I yield to the gentleman from California.

Mr. FAZIO. I wanted to get some additional information. It is my understanding here simply you are eliminating half of the 14; is that not correct?

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. THOMAS of California. I yield to the gentleman.

Mr. BROWN of Colorado. It is quite likely that if you do not hire new ones that you could have all 14 gone by the end of the year, because the Architect indicates a 107-percent turnover for patronage jobs of this kind. It is 7, though, compared to the total number of elevator operators of 44; so you have a base of 44. This eliminates funding for only 7.

Mr. FAZIO. Seven of the 14?

Mr. BROWN of Colorado. Very possibly, without hiring any new ones.

Mr. FAZIO. There are only 14 covered by your amendment, so you are actually reducing those in the House office buildings by 50 percent?

Mr. BROWN of Colorado. That is correct.

Mr. FAZIO. I wonder if that really meets with the gentleman's test of doing this in a careful and deliberate manner.

Mr. THOMAS of California. Reclaiming my time, can the gentleman from California tell me how many elevators there are in the office buildings?

Mr. FAZIO. I would assume there is one per elevator bank. I would assume there would be a different number in each building.

Mr. THOMAS of California. How many elevators are there in the Rayburn, Longworth, and Cannon?

Mr. FAZIO. I really do not know offhand. I would say to the gentleman I assume there are around 40.

Mr. THOMAS of California. So we only have 14 operators on 40 elevators anyway. So when you say we are going to have the elevator operators, we certainly are not having the number of elevators that currently have operators. I just want to make sure the Members understand that point.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. BROWN).

The question was taken; and on a division (demanded by Mr. BROWN of Colorado) there were—ayes 38, noes 48.

RECORDED VOTE

Mr. BROWN of Colorado. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 205, not voting 52, as follows:

[Roll No. 211]

AYES—176

Anderson
Andrews (TX)
Archer
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Borski
Breaux
Britt
Brooks
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Daub
Derrick
DeWine
Dreier
Duncan
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IA)
Fiedler
Fields
Fish
Flippo
Fowler
Franklin
Frenzel
Gekas
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Gregg
Hall, Ralph
Hamilton
Hance
Hansen (UT)
Hartnett
Heftel
Hiler
Hopkins
Huckaby
Hunter
Ireland
Jenkins
Johnson
Jones (OK)
Kasich
LaFalce
Lagomarsino
Leach
Leath
Lent
Levitas
Livingston
Lloyd
Loeffler
Long (MD)
Lott
Lujan
Lungren
Mack
Marlenee
Martin (IL)
Martin (NC)
McCain
McCandless
McDade
McEwen
McGrath
McKernan
Mica
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Nelson
Nielson
O'Brien
Olin
Oxley
Packard
Pashayan
Patterson
Paul
Pease
Petri
Porter
Pritchard
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Roukema
Rudd
Schaefer
Schneider
Schroeder

Schulze
Seiberling
Sharp
Shaw
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Solomon
Spence
Spratt
Stenholm
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Torricelli
Valentine
Vander Jagt
Vandergriff
Vucanovich
Walker
Watkins
Weber
Whitley
Whittaker
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Yatron
Young (FL)
Zschau

NOES—205

Ackerman
Addabbo
Akaka
Albosta
Alexander
Annunzio
Applegate
AuCoin
Barnes
Bates
Bedell
Beilenson
Berman
Boehlert
Boggs
Boland
Boner
Bonker
Bosco
Boucher
Boxer
Broomfield
Brown (CA)
Bryant
Burton (CA)
Carney
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Coyne
Crockett
Daniel
Darden
Davis
de la Garza
Dickinson
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IL)
Fazio
Feighan
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gonzalez
Gray
Green
Gunderson
Hall (IN)
Hall (OH)
Harkin
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Hillis
Horton
Howard
Hubbard
Hughes
Hutto
Jacobs
Jeffords
Jones (NC)
Jones (TN)
Kaptur
Kazen
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Lehman (CA)
Lehman (FL)
Levin
Levine
Lewis (CA)
Lewis (FL)
Lipinski
Long (LA)
Lowry (WA)
Luken
Lundine
Madigan
Markey
Marriott
Martinez
Matsui
Mavroules
Mazzoli
McCollum
McCurdy
McHugh
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Panetta
Parris
Patman
Penny
Pepper
Perkins
Pickle
Price
Pursell
Rahall
Rangel
Ratchford
Reid
Richardson
Roe
Rose
Rostenkowski
Rowland
Russo
Sabo
Savage
Sawyer
Scheuer
Schumer
Shelby
Sikorski
Simon
Skelton
Smith (IA)
Snyder
Solarz
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Towns
Traxler
Udall
Vento
Volkmer
Walgren
Weaver
Weiss
Wheat
Whitehurst
Whitten
Williams (MT)
Williams (OH)
Wilson
Wright
Wyden
Yates
Young (AK)

NOT VOTING—52

Andrews (NC)
Anthony
Aspin
Badham
Bevill
Biaggi
Bonior
Byron
Daschle
Dellums
Dixon
Edwards (AL)
Emerson
Fascell
Ferraro
Garcia
Gibbons
Guarini
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Hoyer
Hyde
Kastenmeier
Kemp
Kramer
Lantos
Latta
Leland
Lowery (CA)
MacKay
Martin (NY)
McCloskey
Montgomery
Myers
Nichols
Owens
Quillen
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (FL)
Smith (NJ)
Stratton
Waxman
Wylie
Young (MO)

☐ 1910

The Clerk announced the following pair:

On this vote:

Mr. MacKay for, with Mr. Leland against.

Mr. KLECZKA and Mr. DICKINSON changed their votes from "aye" to "no."

Mr. SLATTERY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read title II.

The Clerk proceeded to read title II.

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order reserved on the remainder of title II?

Are there any amendments to title II?

If not, the Clerk will read title III.

The Clerk proceeded to read title III.

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order reserved on the balance of the bill?

If not, the bill is open to amendment at any point.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: On page 28, after line 4, insert the following new section:

SEC. 305. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available is hereby reduced by 2 percent.

Mr. FRENZEL. Mr. Chairman, the amendment which the House is now considering makes a very small 2-percent cut in the $1.3 billion legislative appropriations bill. It applies across the board to every number in the bill, which makes it quite different than the amendment I offered a short while ago. That one applied only to the direct expenses of the House of Representatives. This runs through all of the titles of the bill, and applies to every agency.

Mr. Chairman, I have an excellent suggestion from the gentleman from Massachusetts which I intend to accept. I think everybody understands my rationale in offering this amendment. It is to make a tiny, but symbolic, cut in the expenditures which we make on our own behalf.

I believe that every Member of the House will want to show to his or her constituents that he or she is willing to make a little bit of sacrifice out of the moneys spent for us, and therefore I request support for my 2-percent cut amendment.

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment. I will also be brief, Mr. Chairman.

I wish I could deal in symbolism because I think that is essentially what we are being asked to do here, but I would make very clear to the Members that we take our job in this subcommittee very seriously. We have dealt, I think, in good faith. We have not left any fat in this bill so that we could come out on the floor and accept a cut so that Members could perhaps score some points.

We have, when you factor in the 1984 supplemental in the bill that was passed last year, a bill that reduces, I want to underscore that, reduces the 1984 level by almost 1 percent. We are below last year's level. In specific terms, we are $9 million under the current operating level.

So, for us to simply accept a 1-percent or a 2-percent cut is not as easy as some would have it. I would certainly like to be willing to do that; I am sure it would make Members across the party spectrum here, on both sides of the aisle, very happy. I simply cannot do it, because I think this bill is written in a very tight manner at the present time, and to reduce 2 or 3 percent in the figure from 1984 would be irresponsible.

I want to point out this cuts far beyond the House of Representatives or the joint committees. It cuts into the other agencies of the legislative branch that make up perhaps one-third of our total budget. We would be cutting back on those agencies that help us deal with the problems of an expanding Federal deficit itself. The Congressional Budget Office, the GAO and others.

In the spirit in which the amendment was offered, I will also keep my remarks very brief. I simply would say, a symbolic cut of 2 percent at this point would do a tremendous amount of damage. I would like the Members of this body to sustain the subcommittee's efforts in coming in with a reduction over 1984 spending, and simply stick with us on this very important amendment.

I would be happy to yield to the gentleman from California, if he so wishes.

☐ 1920

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I would be happy to yield to the gentleman from California.

Mr. LEWIS of California. I appreciate my chairman yielding.

Mr. Chairman, I would simply like to state to the membership that a short time ago the author of this amendment presented a bill that he suggested was a 1½-percent cut. I think there is some disagreement about what those terms really mean.

This is a 2-percent cut across the board. The last amendment was defeated. Frankly, I think it is important that the House understand that the chairman and I have worked very closely together on a bipartisan basis to keep this bill as low as possible. It actually is a reduction in the total appropriation for 1984 when we combine the original bill and the supplemental.

I would say to the Members that I only hope they recognize that we have a bipartisan spirit here and that they will consider that bipartisan spirit when I present another amendment a little later in the evening.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I would be happy to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, I would just like to take this point to make one observation to the Members of the House about the gentleman from California (Mr. LEWIS) and the gentleman from California (Mr. FAZIO).

It is not a pleasant task to deal with this bill because we all understand the temptations that are associated with dealing with this bill. We all understand what the easy thing is to do.

I would suggest to the House that they have an obligation to the people who shepherd this bill to deal with them in the same way that they are dealt with by both gentlemen from California. They deal with this House in a forthright manner. They bring to the House a bill which is as tight as possible, and under the circumstances, I believe each and every individual Member of this House owes support to the gentlemen from California on both sides of the aisle on this question.

Mr. FAZIO. I appreciate the gentleman's comments, and at this point I would simply like the Members to sustain the committee and defeat the 2-percent cut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 21, noes 63.

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 175, not voting 57, as follows:

[Roll No. 212]

AYES—201

Albosta
Anderson
Andrews (TX)
Applegate
Archer
Bartlett
Bateman
Bates
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Bonker
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Daub
Davis
Derrick
DeWine
Dickinson
Dorgan
Dowdy
Dreier
Duncan
Durbin
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Feighan
Fiedler
Fields
Fowler
Franklin
Frenzel
Gekas
Gilman
Gingrich
Glickman
Goodling
Gore
Gradison
Gramm
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hance
Hansen (UT)
Harkin
Hartnett
Heftel
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Ireland
Jacobs
Jenkins
Johnson
Jones (OK)
Kaptur
Kasich
Kindness
Kramer
Lagomarsino
Leach
Leath
Lent
Levitas
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
McCandless
McCollum
McCurdy
McEwen
McGrath
McKernan
McKinney
Miller (OH)
Molinari
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Neal
Nelson
Olin
Oxley
Packard
Parris
Pashayan
Patman
Paul
Penny
Petri
Pickle
Pursell
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Roukema
Rudd
Russo
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Torricelli
Valentine
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wise
Wolf
Wortley
Yatron
Young (FL)
Zschau

NOES—175

Ackerman
Addabbo
Akaka
Alexander
Annunzio
AuCoin
Barnard
Barnes
Bedell
Beilenson
Berman
Boehlert
Boggs
Boland
Boner
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bryant
Burton (CA)
Carr
Clarke
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
Dicks
Dingell
Donnelly
Downey
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (CA)
Evans (IL)
Fazio
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Gonzalez
Gray
Green
Guarini
Hall (IN)
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Hutto
Jeffords
Jones (NC)
Jones (TN)
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lehman (CA)
Lehman (FL)
Levin
Levine
Lewis (CA)
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McDade
McHugh
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Mrazek
Murphy
Murtha
Natcher
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Pease
Pepper
Perkins
Porter
Price
Rahall
Ratchford
Reid
Roe
Rose
Rostenkowski
Rowland
Sabo
Savage
Scheuer
Schumer
Seiberling
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Towns
Traxler
Udall
Vento
Watkins
Weaver
Weiss
Wheat
Whitten
Williams (MT)
Wilson
Wirth
Wolpe
Wright
Wyden
Yates
Young (AK)

NOT VOTING—57

Andrews (NC)
Anthony
Aspin
Badham
Bevill
Biaggi
Bonior
Byron
Chandler
Chappell
Clay
Daniel
Daschle
Dellums
Dixon
Edwards (AL)
Erlenborn
Fascell
Ferraro
Fish
Garcia
Gibbons
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Hyde
Kastenmeier
Kemp
Lantos
Latta
Leland
Lowery (CA)
MacKay
Martin (NY)
McCain
McCloskey
Montgomery
Myers
Nichols
Nielson
Patterson
Pritchard
Quillen
Rangel
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (NJ)
Stratton
Waxman
Wylie
Young (MO)

☐ 1930

Mr. DARDEN and Mr. LAFALCE changed their votes from "aye" to "no."

Messrs. GLICKMAN, LEVITAS, and LIVINGSTON changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1940

The CHAIRMAN. Are there any further amendments?

Are there any amendments not prohibited by clause 2(c), rule XXI?

For what purpose does the gentleman from California (Mr. Lewis) rise?

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will inform the committee that this may be the final intervention before we finish. The cooperation of the Members will expedite the legislation.

Mr. LEWIS of California. Mr. Chairman, as I mentioned in general debate, it is my intention to present an amendment in a moment that specifically deals with a very sensitive issue to the House.

I think most of us serve in this House with no small amount of pride. This legislative body, without question, has the potential of being the finest legislative body in the world. Of late I think a number of us who do serve here with pride have been very concerned with a pattern developing in the House, a pattern that could undermine the sort of bipartisanship we need to effectively develop public policy.

One of our dear friends recently suggested that the problem we see in the House is not a problem that relates to the question that swirls around television coverage in the House itself. The first step toward wisdom, he said, is to admit our problems lie not within our television cameras, but in ourselves.

All the cameras do is record what we do.

My amendment, Mr. Chairman, would essentially say if money is to be appropriated for televising the floor, that balance will be addressed to that television coverage. If we are going to pan the floor, then we should pan the floor with regularity and with a sense of fairness.

The amendment recognizes the reality that there are ways that we carry on our business and much of our business takes place in committee.

I recall very clearly, I was struck by the fact that one of our colleagues, the gentleman from Massachusetts, our Speaker, went to the well to talk about some of the difficulties of Members of the House speaking after hours, as it was described, in special orders. Those individuals so speaking simply were attempting to address themselves to what they consider to be the critical issues in the Nation's agenda and they have the feeling that they are not having the opportunity in regular session to discuss those issues. Nonetheless, it was decided because Members were not present to pan the House to illustrate that reality.

Well, I noted the moment when our Speaker, our friend from Masschusetts, was in the well, that at that very moment as he spoke so passionately, there were only 24 Members on the floor.

Because it is a fact we are usually carrying on our business in committees, Members are carrying on their work in their offices and have television, so this amendment would attempt to inject some fairness into process of television coverage.

Now, the reason I am taking the time at this moment is simply because once my motion is made, the rules allow a motion to rise, which takes precedence over continuing with my amendment and that means we will not have a chance to further consider this issue. Because of the majority as wishes, we will not have a chance for a direct vote on this question of balance and fairness insofar as television coverage is concerned.

Mr. Chairman, I hope the Members realize that what is involved here is a question of whether we want to have balance in terms of what we let the people know. The public indeed has a right to a free flow of information between themselves and this House. If we are going to continue to deal with it unfairly, in my mind, in a way that does not reflect the real work that we do, then indeed we are shortchanging the American public.

So, Mr. Chairman, I would urge the Members to realize that the motion to rise would not allow us to have a vote on my amendment. Those who want to be on the side of fairness on the free flow of information, who believe in a free press in this country, they should vote no on the motion to rise.

Mr. LOTT. Mr. Chairman, I want to commend my colleague from California (Mr. Lewis) on his efforts to insure uniform television camera coverage of House proceedings throughout the day. I think if we are to avoid the preception that the majority leadership is somehow manipulating the TV cameras to its own advantage on a selective basis, we must have the kind of uniform policy called for in the gentleman's amendment.

Mr. Chairman, I have inserted a couple of special orders in the Congressional Record tracing the history of our House broadcast system. The central conclusion which emerges from this analysis is that the House, in 1978, at the request of the Speaker and Rules Committee majority, voted in favor of a House owned and operated broadcasting system, despite the warnings from some of us on this side of the aisle that this would appear to be politically motivated and a form of Government news management and censorship. Those who favored a House controlled TV system argued instead that if we let a network pool control the cameras, they would distort our proceedings by letting the cameras pan the Chamber for reaction shots and empty seats.

As it turned out with this new Speaker's panning policy instituted on May 10 of this year, showing the entire Chamber only during special orders at the end of each day, we have the worst of both worlds: We have both Government management of its own television coverage, and we have a distorted and censored picture of our proceedings.

Mr. Chairman, I happen to be one of those sunshine advocates who think we have nothing to fear about letting the American people see us in this House as we really are throughout the day—including the empty seats. I think our constituents are astute enough to realize that Members have other commitments in their offices and their committees and cannot be present on the floor at all times. For that reason I have cosponsored House Resolution 500 introduced by our distinguished Republican leader (Mr. Michel) that would require that the TV cameras provide periodic visual coverage of the entire House Chamber on a uniform basis, thoughout the day's proceedings. And that position has been endorsed by the entire Republican conference. I only regret that our colleagues on the other side of the aisle do not see the wisdom in such a uniform and fair approach to camera coverage of this Chamber. Instead we are told the matter is being studied by a Democratic Caucus task force which is also considering a House rule change to pull the plug on the TV cameras when special orders begin. Unfortunately, that study will not be completed until later in the year, probably after the House adjourns, and any recommendations would be presented on the first day of the new Congress without the benefit of a Rules Committee hearing, and without the benefit of a separate House vote.

Mr. Chairman, since the chairman of the Rules Committee has already informed me that he does not intend to hold a hearing on this proposal in the foreseeable future, I hope we will be allowed to have a House vote on this amendment today so that we can make our views known on the issue of openness and fairness when it comes to the broadcast coverage of our proceedings. Let us adopt a uniform and neutral camera coverage policy now that will not be subject to charges of political or partisan manipulation or retribution. I think the responsible thing for this House to do is to defuse this highly volatile institutional issue before there are further explosions in this Chamber, or before the more drastic action is taken of curtailing our television coverage, as some have threatened. I, therefore, urge adoption of this amendment and hope the chairman of the subcommittee will allow a vote on it.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. **LEWIS** of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lewis of California: On page 28, after line 4, insert the following new section:

Sec. 305. None of the funds appropriated or otherwise made available under this Act may be obligated or expended to implement, administer, or conduct a system for closed circuit viewing or for audio or visual broadcasting of floor proceedings of the House of Representatives pursuant to clause 9 of Rule I of the Rules of the House of Representatives which treats the coverage of special order speeches differently than the coverage of other floor proceedings.

The **CHAIRMAN**. For what purpose does the gentleman from California (Mr. Fazio) rise?

Mr. **FAZIO**. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The **CHAIRMAN**. The question is on the motion offered by the gentleman from California (Mr. Fazio).

The question was taken; and the Chairman announced that he was in doubt.

On a division (demanded by Mr. Lewis of California) there were—ayes 97, noes 81.

RECORDED VOTE

Mr. **LEWIS** of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 147, not voting 52, 12 as follows:

[Roll No. 213]

AYES—234

Ackerman
Addabbo
Akaka
Albosta
Alexander
Andrews (TX)
Annunzio
Applegate
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
D'Amours
Darden
de la Garza
Derrick
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IL)
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Levitas
Lipinski
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Roe
Roemer
Rose
Rowland
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron

NOES—147

Anderson
Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dreier
Duncan
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gradison
Gramm
Green
Gregg
Gunderson
Hansen (UT)
Hartnett
Hiler
Hillis
Hopkins
Horton
Hunter
Ireland
Jeffords
Johnson
Kasich
Kindness
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lujan
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
McKernan
McKinney
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison (WA)
Nielson
O'Brien
Oxley
Packard
Parris
Pashayan
Paul
Petri
Porter
Pursell
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rostenkowski
Roukema
Rudd
Sawyer
Schaefer
Schneider
Schulze
Shaw
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wolf
Wortley
Young (AK)
Young (FL)
Zschau

NOT VOTING—52

Andrews (NC)
Anthony
Aspin
Badham
Bevill
Biaggi
Byron
Chandler
Corcoran
Daniel
Daschle
Dellums
Dixon
Edwards (AL)
Erlenborn
Fascell
Ferraro
Fish
Garcia
Gibbons
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Hyde
Kemp
Kogovsek
Kramer
Lantos
Latta
Leland
Lowery (CA)
MacKay
Martin (NY)
McCloskey
Montgomery
Myers
Nichols
Pritchard
Quillen
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (NJ)
Stratton
Waxman
Wylie
Young (MO)

□ 2000

Mr. **MORRISON** of Washington and Mr. **MARTIN** of North Carolina changed their votes from "aye" to "no."

Messrs. **TRAXLER**, **D'AMOURS**, and **MORRISON** of Washington changed their votes from "no" to "aye."

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. de la Garza, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5753) making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

□ 2010

The **SPEAKER**. Without objection, the previous question is ordered.

There was no objection.

The **SPEAKER**. Is a separate vote demanded on the amendment adopted in the Committee of the Whole?

Mr. **FAZIO**. Mr. Speaker, I demand a separate vote on the amendment.

The text of the amendment is as follows:

Amendment: On page 28, after line 4, insert the following new section:

Sec. 305. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available is hereby reduced by 2 percent.

The **SPEAKER**. The question is on the amendment.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. **FRENZEL**. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes, 193, noes 190, not voting 50, as follows:

[Roll No. 214]

AYES—193

Anderson
Andrews (TX)
Applegate
Archer
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coleman (MO)
Conable
Conte
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
D'Amours
Dannemeyer
Daub
Davis
DeWine
Dickinson
Dorgan
Dowdy
Dreier
Duncan
Durbin
Eckart
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Feighan
Fiedler
Fields
Franklin
Frenzel
Gekas
Gilman
Gingrich
Goodling
Gore
Gradison
Gramm
Green
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hance
Hansen (UT)
Hartnett
Hiler
Hillis
Hopkins
Hubbard
Hughes
Hunter
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (OK)
Kaptur
Kasich
Kindness
Kramer
Lagomarsino
Leach
Lent
Levitas
Lewis (FL)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
McCain
McCandless
McCollum
McCurdy
McEwen
McGrath
McKernan
McKinney
Miller (OH)
Molinari
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Nelson
Nielson
O'Brien
Olin
Oxley
Packard
Parris
Pashayan
Patman
Patterson
Paul
Penny
Petri
Pursell
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Roukema
Rudd
Russo
Sawyer
Schaefer
Schneider
Schulze
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
Stangeland
Stenholm
Stump
Sundquist
Tallon
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Volkmer
Vucanovich
Walgren
Walker
Weber
Whitehurst
Whitley
Whittaker
Williams (OH)
Winn
Wise
Wolf
Wortley
Yatron
Young (AK)
Young (FL)
Zschau

NOES—190

Ackerman
Addabbo
Akaka
Albosta
Alexander
Annunzio
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Berman
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Brooks
Brown (CA)
Bryant
Burton (CA)
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
Derrick
Dicks
Dingell
Donnelly
Downey
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (CA)
Evans (IL)
Fazio
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Gray
Guarini
Hall (IN)
Harkin
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Horton
Howard
Hoyer
Huckaby
Hutto
Jones (NC)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Lewis (CA)
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McDade
McHugh
McNulty
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Mrazek
Murphy
Murtha
Natcher
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Panetta
Pease
Pepper
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Reid
Richardson
Roe
Rose
Rostenkowski
Rowland
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Solarz
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Watkins
Weaver
Weiss
Wheat
Whitten
Wilson
Wirth
Wolpe
Wright
Wyden
Yates

NOT VOTING—50

Andrews (NC)
Anthony
Aspin
Badham
Bevill
Biaggi
Byron
Daniel
Daschle
Dellums
Dixon
Edwards (AL)
Erlenborn
Fascell
Ferraro
Fish
Gibbons
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Hyde
Kemp
Kogovsek
Lantos
Latta
Leland
MacKay
Martin (NY)
McCloskey
Montgomery
Myers
Neal
Nichols
Perkins
Pritchard
Quillen
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (NJ)
Stratton
Waxman
Williams (MT)
Wylie
Young (MO)

□ 2020

Messrs. HERTEL of Michigan, HARKIN, and VALENTINE changed their votes from "aye" to "no."

Messrs. SLATTERY, JEFFORDS, and GREEN changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2030

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

The SPEAKER. The bill is passed. A motion to reconsider——

Mr. LEWIS of California. Mr. Speaker, I have a motion at the desk.

The SPEAKER. The gentleman has a motion at the desk. The Clerk will report the motion.

The motion to recommit has gone by. The Chair was waiting for the gentleman. He did not act and then the Chair put the question on passage.

Mr. LEWIS of California. Mr. Speaker, I ask for a recorded vote on the bill.

The SPEAKER. Well, it is too late for that, too. The Chair has already passed that point.

Mr. LEWIS of California. Mr. Speaker, wait a minute. The gentleman was on his feet.

The SPEAKER. Without objection, the House will consider the motion to recommit as not having been acted upon, without objection.

For what purpose does the gentleman rise?

Listen, this Chair leans over backwards. Now, the gentleman was there and the gentleman from Minnesota (Mr. FRENZEL) looked at the Chair for at least a minute and the gentlemen did not say anything.

Mr. LEWIS of California. Mr. Speaker.

The SPEAKER. Yes.

Mr. LEWIS of California. Mr. Speaker, I appreciate your courtesy. I realize it is a difficult time and the House was very noisy.

The SPEAKER. No difficult time whatsoever. The Chair was waiting for the gentleman to rise and seek recognition.

Mr. LEWIS of California. I appreciate your courtesy, Mr. Speaker. I appreciate your courtesy.

The SPEAKER. Is the gentleman asking for a recorded vote on passage? It is a simple motion if the gentleman wants to make it.

Mr. LEWIS of California. Mr. Speaker, you said that we could go back to the motion to recommit. That is what the Speaker said. I have a motion at the desk to recommit.

The SPEAKER. The proceedings prohibiting a motion to recommit has been vacated.

Mr. LEWIS of California. Mr. Speaker, frankly, I thought you said we were going back to the motion to recommit and then we were going on the adoption.

The SPEAKER. The House has gone back to the motion. We have gone back to the passage of the bill and a motion to recommit has not been put.

Does the gentleman desire a rollcall on the passage of the bill?

Mr. LEWIS of California. Yes.

The SPEAKER. Will the gentleman kindly ask for one.

Mr. LEWIS of California. Please, Mr. Speaker, give me a rollcall on the bill.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mr. MURTHA) (during the vote). The Chair wants to remind Members there may be another vote on the postponed suspension after this vote.

The vote was taken by electronic device, and there were—yeas 247, nays 138, not voting 48, as follows:

[Roll No. 215]

YEAS—247

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Applegate
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carney
Carper
Carr
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
D'Amours
Darden
Davis
de la Garza
Derrick
Dickinson
Dingell
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Evans (IL)
Fascell
Fazio
Feighan
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Harkin
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hightower
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lloyd
Long (LA)
Long (MD)
Lowry (WA)
Lundine
Markey
Marlenee
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Parris
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Rahall
Rangel
Ratchford
Ray
Reid
Ridge
Rinaldo
Roe
Rose
Rostenkowski
Roukema
Rowland
Rudd
Sabo
Savage
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Sikorski
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Weiss
Whitley
Whitten
Williams (OH)
Wilson
Wirth
Wolf
Wolpe
Wortley
Wright
Yates
Yatron
Young (AK)

NAYS—138

Archer
AuCoin
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Chandler
Chappie
Cheney
Coats
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
DeWine
Dicks
Donnelly
Dreier
Duncan
Edwards (OK)
Emerson
Erdreich
Evans (IA)
Fiedler
Fields
Franklin
Frenzel
Gejdenson
Gekas
Gilman
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hance
Hansen (UT)
Hartnett
Hertel
Hiler
Hillis
Hopkins
Hubbard
Hunter
Ireland
Jacobs
Johnson
Kasich
Kindness
Kramer
Lagomarsino
Leach
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marriott
Martin (IL)
Martin (NC)
McCandless
McCollum
McEwen
Miller (OH)
Moore
Moorhead
Morrison (WA)
Nielson
Oxley
Packard
Panetta
Pashayan
Patman
Paul
Pursell
Quillen
Regula
Richardson
Ritter
Roberts
Robinson
Roemer
Russo
Sawyer
Schaefer
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith, Denny
Smith, Robert
Snyder
Solomon
Spence
Stenholm
Stump
Tauke
Tauzin
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Watkins
Weaver
Weber
Wheat
Whitehurst
Whittaker
Winn
Wise
Wyden
Young (FL)
Zschau

NOT VOTING—48

Andrews (NC)
Anthony
Aspin
Badham
Bevill
Biaggi
Byron
Craig
Daniel
Daschle
Dellums
Dixon
Edwards (AL)
Erlenborn
Ferraro
Fish
Gibbons
Hall, Sam
Hammerschmidt
Hansen (ID)
Harrison
Holt
Hyde
Kemp
Kogovsek
Lantos
Latta
Leland
MacKay
Martin (NY)
McCloskey
Michel
Montgomery
Myers
Nichols
Pritchard
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (NJ)
Stratton
Waxman
Williams (MT)
Wylie
Young (MO)

□ 2040

The Clerk announced the following pairs:

On this vote:

Mr. Leland for, with Mr. MacKay against.

Mr. Rodino for, with Mr. Michel against.

Mr. Dixon for, with Mr. Roth against.

Mr. Dellums for, with Mr. Badham against.

Mr. Biaggi for, with Mr. Latta against.

Mr. Lantos for, with Mr. Erlenborn against.

Mr. EDWARDS of Oklahoma and Mr. RITTER changed their votes from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NIELSON of Utah. Mr. Speaker, I was unavoidably absent on rollcall 212, the vote on the Frenzel amendment. Had I been present, I would have voted yes.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3282, CLEAN WATER ACT

Mrs. SCHNEIDER. Mr. Speaker, I ask unanimous consent that my name be withdrawn from cosponsorship of H.R. 3282, to reauthorize the Clean Water Act. As reported by the Public Works Committee, this bill is an unacceptable substitute for H.R. 3282 as introduced. My intention in signing onto this bill as a cosponsor was that we would make significant progress toward cleaning up our polluted waters. The committee added numerous provisions that would drastically weaken current efforts to reduce water pollution. Many of the deadlines for the installation of pollution control technology have been extended or, in many cases, industrial requirements for pretreatment have been relaxed.

Clean water is becoming an increasingly scarce resource in this country. As a society, we are dependent upon it, yet take its existence for granted. Our lakes, streams, and seashores have shown signs of suffering from pollution for years. We cannot afford at this time to enact a bill that takes regressive rather progressive steps toward cleaning up our waters.

In particular, I am concerned about committee amendments to the bill which extend the pretreatment compliance deadline for electroplaters and integrated facilities (many of which are also electroplaters). These deadline extensions will expose the public to millions of pounds of toxic pollutants. They are entirely unnecessary as electroplaters have had ample time to comply. In addition, many electroplaters have already purchased pollution control equipment: They should not be competitively disadvantaged by a deadline extension for those who have refused to comply with the law. I, therefore, plan to introduce an amendment to delete these deadline extensions when the bill comes to the House floor. I urge my colleagues to reconsider their support of this bill unless we are successful in making significant changes on the floor.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Rhode Island?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation be permitted to sit during the time the House is sitting under the 5-minute rule tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. LOTT. Mr. Speaker, reserving the right to object, I am having difficulty hearing the gentleman's request. Has the gentleman from Georgia discussed this with the minority on the committee?

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, the gentleman has discussed the matter with the ranking member on the subcommittee, the gentleman from New York (Mr. MOLINARI) for permission to sit while the House is considering legislation under the 5-minute rule tomorrow.

Mr. LOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

☐ 2050

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4097

Mr. BEDELL. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4097.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

OREGON WILDERNESS ACT OF 1983

Mr. UDALL. Mr. Speaker, in view of the lateness of the hour and in order to accommodate the wishes of the Members, I would ask unanimous consent that the vote postponed on Monday, June 4, on the motion to concur in the Senate amendment on H.R. 1149, the Oregon wilderness bill, that that vote be postponed until tomorrow, Thursday, June 7, 1984.

Mr. DENNY SMITH. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Pursuant to the provisions of clause 5 of rule I, the unfinished business is the question of suspending the rules and concurring in the Senate amendment to H.R. 1149.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and concur in the Senate amendment to H.R. 1149, on which further proceedings were postponed on June 4 and on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 281, nays 99, not voting 53, as follows:

[Roll No. 216]

YEAS—281

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Applegate
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bethune
Bilirakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Coughlin
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Crockett
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Darden
de la Garza
Derrick
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Dingell
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Dowdy
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Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Erdreich
Evans (IA)
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Fascell
Fazio
Feighan
Fiedler
Flippo
Florio
Foglietta
Foley
Ford (MI)
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Garcia
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Hawkins
Hayes
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Hillis
Howard
Hoyer
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Ireland
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Jenkins
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Mikulski
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Miller (OH)
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Molinari
Mollohan
Moody
Morrison (CT)
Morrison (WA)
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Ray
Regula
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Richardson
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Rowland
Russo
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Savage
Sawyer
Scheuer
Schneider
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Schumer
Seiberling
Sharp
Shaw
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Simon
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Skelton
Slattery
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
St Germain
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Stark
Stokes
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Sundquist
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
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Weaver
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Coleman (MO)
Conable
Craig
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Dannemeyer
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Davis
DeWine
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Dreier
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Emerson
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Gunderson
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Hartnett
Hiler
Hopkins
Horton
Hubbard
Hunter
Kindness
Kramer
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
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Lowery (CA)
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Madigan
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McCandless
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Moore
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Oxley
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Pashayan
Patman
Paul
Quillen
Roberts
Robinson
Rudd
Schaefer
Schulze
Shelby
Shumway
Shuster
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Skeen
Smith (NE)
Smith, Denny
Smith, Robert
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Solomon
Spence
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Stenholm
Stump
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Nichols
Pritchard
Rodino
Rogers
Roth
Roybal
Sensenbrenner
Shannon
Smith (NJ)
Stratton
Waxman
Weber
Williams (MT)
Wylie
Young (MO)

☐ 2100

Mr. KOGOVSEK and Mrs. MARTIN of Illinois changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 1149, OREGON WILDERNESS ACT OF 1983

Mr. SEIBERLING. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 316) directing the Clerk of the House of Representatives to make corections in the enrollment of H.R. 1149, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Reserving the right to object, Mr. Speaker, may I have an explanation from the chairman on what these so-called technical corrections are.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Apparently the bill which we just adopted had certain minor technical errors in it. One of which was a wrong name for one of the wilderness areas and it would change it to the correct name. The other was simply references that did not jive with the actual descriptions.

They are not of any substance, I am told. But in order to do the thing right we thought we ought to make this correction.

Mr. YOUNG of Alaska. Will the gentleman answer the question in the referral to the amendment there is mention of a boundary change.

Mr. SEIBERLING. This does not actually change the boundary. It merely makes the reference the correct one to coincide with the map reference.

Mr. YOUNG of Alaska. Are there any additional acres or subtraction of acres in this area?

Mr. SEIBERLING. No additional acres.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING)?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 316

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 1149), entitled "An Act to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes," the Clerk of the House of Representatives shall make the following corrections:

1. In section 3, paragraph (13) after "certain lands in" strike the words "and adjacent to".

2. In section 3, paragraph (21) change "Glacier Wilderness;" to "Monument Rock Wilderness;"

3. In subsection 7(d) after "those national forest system roadless lands" strike "which were evaluated".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2110

NEW HAMPSHIRE WILDERNESS ACT OF 1984

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3921) entitled "An Act to Establish Wilderness Areas in New Hampshire," with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "New Hampshire Wilderness Act of 1984".

TITLE I—NEW WILDERNESS AREAS

DESIGNATION OF WILDERNESS AREAS

SEC. 101. In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131-1136), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the White Mountain National Forest, New Hampshire, which comprise approximately forty-five thousand acres, as generally depicted on a map entitled "Pemigewasset Wilderness—Proposed", dated July 1983, and which shall be known as the Pemigewasset Wilderness Area;

(2) certain lands in the White Mountain National Forest, New Hampshire, which comprise approximately twenty-five thousand acres, as generally depicted on a map entitled "Sandwich Range Wilderness—Proposed", dated July 1983, and which shall be known as the Sandwich Range Wilderness; and

(3) certain lands in the White Mountain National Forest, New Hampshire, which comprise approximately seven thousand acres, as generally depicted on a map entitled "Presidential Range-Dry River Wilderness Additions—Proposed", dated July 1983, and which are hereby incorporated in and shall be deemed to be a part of the Presidential Range-Dry River Wilderness as designated by Public Law 93-622.

MAPS AND DESCRIPTIONS

SEC. 102. As soon as practicable after enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in each such map and description may be made by the Secretary. Each such map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 103. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

EFFECT OF RARE II

SEC. 104. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of New Hampshire and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 1979) with respect to National Forest System lands in States other than New Hampshire, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of New Hampshire;

(2) with respect to the National Forest System lands in the State of New Hampshire which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revisions of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless, prior to such time, the Secretary of Agriculture finds that conditions in a unit have significantly changed;

(3) areas in the State of New Hampshire reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: *Provided,* That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans; and

(4) in the event that revised land management plans in the State of New Hampshire are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended

by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to—

(1) those National Forest System roadless lands in the State of New Hampshire which were evaluated in the Kancamagus, Waterville Valley, and Presidential unit plans; and

(2) National Forest System roadless lands in the State of New Hampshire which are less than 5,000 acres in size.

(e) The Kilkenny Unit Plan Area, as depicted on a map entitled "Kilkenny Unit Plan Area", dated October 1983, shall be considered for all uses, including wilderness, during preparation of a forest plan for the White Mountain National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976.

(f) The provisions of this section shall not apply to any lands in the White Mountain National Forest located within the State of Maine.

TITLE II—WILD AND SCENIC RIVER STUDY

WILDCAT BROOK WILD AND SCENIC RIVER STUDY

Sec. 201. Section 5(a) of the Wild and Scenic Rivers Act (Public Law 90-542; 82 Stat. 906, as amended) is further amended by adding at the end thereof the following new paragraph:

"(89) Wildcat Brook, New Hampshire: The segment from its headwaters including the principal tributaries to its confluence with the Ellis River. The study authorized in this paragraph shall be completed no later than six years from the date of enactment of this paragraph and an interim report shall be prepared and submitted to the Congress no later than three years from the date of enactment of this paragraph.".

TITLE III—NATIONAL FOREST BOUNDARY EXPANSION

PURCHASE OF PILOT RANGE TRACTS

Sec. 301. In order to develop and preserve recreational opportunities, maintain long-term public access, and provide the watershed protection and controlled timber harvesting associated with National Forest System ownership, the Secretary of Agriculture is authorized to purchase, under the provisions of the Weeks Act of March 1, 1911 (16 U.S.C. 480 et seq.), certain lands contiguous to the White Mountain National Forest, New Hampshire, comprising approximately four thousand acres, as generally depicted on the map entitled "Pilot Range Tracts", dated 1984. The maps and legal description of the boundary of such lands shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and appropriate field offices of the Forest Service.

ADDITION TO THE WHITE MOUNTAIN NATIONAL FOREST

Sec. 302. All lands purchased pursuant to section 301 of this title are hereby added to the White Mountain National Forest, and shall be administered in accordance with the laws, rules and regulations applicable with respect to lands in the National Forest System.

LAND AND WATER CONSERVATION FUND

Sec. 303. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the White Mountain National Forest, as modified by this title, shall be treated as if it were the boundary of that forest as of January 1, 1965.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 304. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

Amend the title so as to read: "An Act to establish wilderness areas in New Hampshire, and for other purposes.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. Murtha). Is there objection to the request of the gentleman from Ohio?

Mr. YOUNG of Alaska. Reserving the right to object, Mr. Speaker, and I shall not object, I do so primarily for recognition on this side; and before we have an explanation from the gentleman from Ohio, I would like to compliment the gentleman from New Hampshire (Mr. Gregg) for his fine work on this legislation. The bill has been worked out to the satisfaction of the people involved in New Hampshire. They have been working hard on this legislation, and it is totally agreed with by everyone.

At this time I yield to the gentleman from New Hampshire (Mr. Gregg).

Mr. GREGG. I thank the gentleman from Alaska for yielding, and I would like to thank the gentleman from Ohio (Mr. Seiberling) and also the gentleman from Alaska, who have worked so hard to bring this bill to the floor in an expeditious manner.

This bill represents hard work which has been put in by a variety of different people, including the entire New Hampshire delegation, myself and Congressman D'Amours, and, on the Senate side, Senator Humphrey and Senator Rudman. It is a bill which is a consensus piece of legislation, and it reflects the fact that New Hampshire is totally committed to preserving its quality environment and as a result of the commitment is willing to work together to put together this type of wilderness legislation.

I appreciate the gentleman's yielding, and again I thank the committee's expeditious consideration of this matter.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I rise in support of H.R. 3921, as amended by the Senate. The wilderness proposals of the bill are identical to those which passed the House last November, and with the exception of some very minor boundary changes involving setbacks from shelters, trails, et cetera are identical to the proposals of the Forest Service. As with the other wilderness bills returned by the Senate, H.R. 3921 has been amended to reflect the new release language compromise recently agreed to by Chairman Udall, myself and Senator McClure. This release language will cover all lands in the White Mountain National Forest except for the Kilkenny Unit Plan Area and lands in the State of Maine, which will receive further wilderness study during the ongoing preparation of the forest plan for the White Mountain National Forest pursuant to section 6 of the National Forest Management Act.

In addition to the wilderness provision, the Senate has amended H.R. 3921 to incorporate provisions pertaining to a wild and scenic river study for Wildcat Brook and to authorize the Forest Service to purchase approximately 4,000 acres of land in the Pilot Range for inclusion in the White Mountain National Forest. These provisions, while not relating to the wilderness issue per se, are both highly meritorious, and I see no reason why we should not accept the Senate amendments. Briefly, the Wildcat Brook amendment is very similar to the provisions of H.R. 4406, which passed the House by voice vote on April 30.

The Pilot Range amendment amounts to little more than an administrative provision to allow the Forest Service to acquire some 4,000 acres of land in the Pilot Range and to modify the administrative boundary of the White Mountain Forest to include these lands. Due to its proximity to Boston, New York, Montreal and other major population centers in the East, the White Mountain National Forest is one of the most intensely used national forests in the Nation. As a result, the Forest Service has endeavored to acquire select tracts to round out its boundaries and augment key recreational, scenic and wildlife values. The Pilot Range addition is a prime candidate for such acquisition, and its inclusion in the Forest is strongly supported by the New Hampshire congressional delegation, the Ad Hoc White Mountain National Forest Advisory Committee, the towns of Stark, Northumberland, and Lancaster, N.H. (in which the lands are located), and numerous other groups and individuals. I would also note that the purchase authority is discretionary only and would be subject to the normal appropriations process.

In summary, Mr. Speaker, I believe that H.R. 3921, as amended, is mertiorious legislation that has the strong support of the entire New Hampshire delegation. I urge its approval.

I would also like to commend all members of the delegation, particularly including my colleague, the gentleman from New Hampshire (Mr. D'AMOURS), and I would hope that the gentleman from Alaska (Mr. YOUNG) would yield to him so that he can make some remarks on the bill.

Mr. YOUNG of Alaska. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New Hampshire (Mr. D'AMOURS).

The SPEAKER pro tempore. Prior to that, the Chair would like to dispose of the unanimous consent request of the gentleman from Ohio (Mr. SEIBERLING).

Is there objection to the request of the gentleman from Ohio (Mr. SEIBERLING) that the Senate amendments be considered as read and printed in the RECORD?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio (Mr. SEIBERLING)?

Mr. YOUNG of Alaska. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Hampshire (Mr. D'AMOURS).

Mr. D'AMOURS. I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of H.R. 3921, the New Hampshire Wilderness Act of 1984. This is a proud day for the State of New Hampshire, and has arrived due in no small measure to the effective and skillful leadership of the Interior Committee and particularly my distinguished friend and colleague from Ohio, the chairman of the Subcommittee on Public Lands and National Parks.

H.R. 3921 would designate an additional 77,000 acres in the White Mountain National Forest as wilderness. This legislation is the product of many months of dedicated effort by the ad hoc White Mountain National Forest Advisory Committee, representing a broad spectrum of National Forest users. Given the diversity of interests concerned, the ad hoc committee can take great pride in its accomplishment. I think I speak for all who appreciate and will come to enjoy the wilderness experience in saying that we owe a great debt of gratitude to the members of the ad hoc committee for their many years of hard work.

This legislation also includes a provision very similar to my bill, H.R. 4406, which passed this House on April 30, 1984. This provision would amend the National Wild and Scenic Rivers Act by including, for study purposes, the Wildcat River in Jackson, N.H., thereby insuring the continued protection of the Wildcat as a unique natural resource and outstanding scenic attraction. Also included is a provision that would extend the boundary of the White Mountain National Forest to include valued tracts of land in the Pilot Range. This provision has been included in anticipation of the acquisition of the Pilot Range by the Forest Service.

Mr. Speaker, all these measures enjoy the strong support of the citizens of New Hampshire, conservationists, and forest users alike. Favorable action today on H.R. 3921 will insure the protection and preservation of our rich natural heritage for the benefit of future generations. It is for this reason that I urge my colleagues to support the passage of the New Hampshire bill.

Mr. YOUNG of Alaska. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I rise only to compliment the members of the New Hampshire delegation for the fine work they have done on this legislation. In particular, the gentleman from New Hampshire (Mr. GREGG) has been extremely helpful to the committee throughout our consideration of the bill.

Getting everyone to agree on any issue can be difficult but particularly difficult on wilderness issues. It takes a great deal of personal attention and time which the gentleman has been willing to devote to the process.

I know of no opposition to the wilderness portions of the legislation and I believe the Senate amendment dealing with the wild river study and the annexation of land to the White Mountain National Forest will not generate any real problems. Our action today clears the bill for the President.

Of particular interest to me is the creation of the 45,000-acre wilderness in the Pemigewasset Valley which I am told is the largest roadless area in Federal ownership east of the Mississippi. It should make a fine addition to the wilderness preservation system and will be extremely popular in New England.

Also important is the special language contained in the bill and respective committee reports on the management of the Wild River area and the Kilkenny unit plan area. I am hopeful that these provisions will be helpful in preventing future wilderness battles in the State and will allow the forest management process to work as it was intended.

Thank you, Mr. Speaker, and I thank the gentleman from Alaska for yielding.

Mr. YOUNG of Alaska. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman for yielding.

In light of all that has been said, I yield back to the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. For what reason does the gentleman from Pennsylvania (Mr. GEKAS) rise?

Mr. GEKAS. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GEKAS. Are we ready for special orders, for the recitation of requests for special orders?

The SPEAKER pro tempore. The Chair will first recognize the gentlewoman from Indiana.

NATIONAL CHILDREN'S WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 153) to designate the week beginning October 2, 1983, as "National Children's Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Reserving the right to object, Mr. Speaker, I rise not to object but to let the gentlewoman know that the minority has reviewed this legislation. There are many people on the Republican side who have cosponsored the legislation. We are definitely in favor of it.

● Mr. FOWLER. Mr. Speaker, it is often said that our Nation's children are our future. But we must insure that their needs are provided for in a comprehensive way in the present if we are to have a promising future for our Nation.

For the past several years in Atlanta, a dedicated group of my constituents has conducted a highly successful week-long examination of the special needs of children—and the services being provided to them. This Children's Week has brought together volunteer agencies, State and local officials, educators, and other concerned individuals in an effort to heighten public awareness of the resources available to help our children develop.

Last year I introduced a resolution to designate a National Children's Week in October, coinciding with this special annual event in Atlanta. Today this resolution is before you, and I urge all my colleagues to join in support of House Joint Resolution 153.

A foundation, which chooses to remain anonymous, has awarded a grant for the publication of a guidebook on how other communities can conduct their own Children's Week along the lines of the successful Atlanta venture. With this publication, and with congressional designation of the week of October 7, 1984, as National Children's Week, we can stimulate a nationwide study of our children's needs and the ways in which we can insure that our future is adequately provided for.

I believe this can be an extremely worthwhile effort, and I hope all my colleagues will vote in support of this resolution.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 153

Whereas there are approximately sixty-five million children in the Nation;

Whereas the children of the Nation are its most precious resource and its greatest hope for the future; and

Whereas a week designated for the purpose of focusing on the needs of children and the community services available to them will be beneficial both to children and to the future of the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning October 2, 1983, hereby is designated "National Children's Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MRS. HALL OF INDIANA

Mrs. HALL of Indiana. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Hall of Indiana: On page 1, line 3, strike "October 2, 1983" and insert in lieu thereof "October 7, 1984".

The SPEAKER pro tempore. The question is on the amendment offered by the gentlewoman from Indiana (Mrs. Hall).

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the joint resolution was amended so as to read: "Joint resolution to designate the week beginning October 7, 1984, as 'National Children's Week'."

A motion to reconsider was laid on the table.

□ 2120

NATIONAL CHILD PASSENGER SAFETY AWARENESS DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 289) to designate June 18, 1984, as "National Child Passenger Safety Awareness Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I will not object. It is a very important resolution. More children are injured and killed because of automobile accidents over the age of 6 months than in any manner in the United States.

It is an important resolution to make sure that we emphasize the fact that children often are more easily injured in automobiles than adults because of their size. We, of course, want to bring attention to the fact that it is important for children to have seatbelts. It is an extremely important measure. We urge passage of the legislation; we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

● Mr. BARNES. Mr. Speaker, last week, as our Nation paused on Memorial Day to pay homage to all of our fellow Americans who have lost their lives in past wars fought to defend our freedom, we might have also paused to recognize the continuing loss of American lives that occurs on a daily basis in a war that we are waging among ourselves.

Last year alone, more than 44,000 Americans were killed in this war, leaving another 2 million people wounded. The costs to bury the dead, care for the injured and repair the damage exceed $40 billion every year.

This bloody battle, however, has no relation to defending freedom; this war is one that we are inflicting upon ourselves, and the battleground is on our Nation's highways.

More Americans have been killed in highway crashes over the past 3 years than all of our brave soldiers who lost their lives in both Vietnam and Korea. And, if today is a typical day, we can expect another 120 or more citizens to be killed on our roads.

Like all wars, it is the children who are the most tragic victims, and the facts are as clear as they are devastating:

Highway crashes are the number one killer and crippler of children in the United States;

More children are killed or crippled as passengers in highway crashes than the total number of children killed or crippled by the seven most common childhood diseases, and:

Highway crashes are the leading trauma-related cause of spinal cord injuries, epilepsy and mental retardation in the United States.

Fortunately, a technological vaccine is available to prevent these tragic deaths and crippling injuries. The proper use of child restraints in automobiles is 90-percent effective in preventing death and 67-percent effective in preventing injury. In recent years, 46 States and the District of Columbia have taken an important step in response to this problem by enacting laws requiring the use of child restraints in private passenger automobiles. However, according to the U.S. Department of Transportation, national surveys still show that the overwhelming majority of children in the United States are not properly restrained in these life-saving devices.

Often, it is the same parents who would not risk their child's health and safety—who make sure they have a proper diet, dress warmly on cold winter days and get their immunization shots—who are exposing them on a daily basis to the No. 1 threat to their lives—motor vehicle crashes—without providing this technological vaccine that we call the child safety seat or seatbelt.

Many parents continue to believe that holding their child in their arms will shield that child from any harm. This common belief, sadly typifies the current serious lack of awareness and education concerning child passenger safety, and the results are all too often disasterous. For example, in a 30 mile-an-hour crash, a mother weighing 100 pounds who is holding her child on her lap will slam against that child with the force of 3,000 pounds. Often, the child will cushion the mother from bodily harm, while the mother crushes her child between herself and the dashboard.

I am convinced that mandatory usage laws—and their enforcement—are an essential part of a comprehensive approach to assuring the use and the proper use of child restraints. Also, through greater public awareness, information and education, we can reduce significantly these senseless and preventable deaths and injuries among the children of our Nation.

With the bipartisan support of 239 cosponsors here in the House, I have introduced a resolution (H.J. Res. 563) designed to focus needed national attention on this national tragedy by designating Monday, June 18, 1984, as "National Child Passenger Safety Awareness Day." Senator PAULA HAWKINS is the chief sponsor of the companion resolution in the Senate, which approved this measure recently.

The intent of this legislation is obvious. And, there are many organizations nationwide—Government agencies, private sector business and grassroots groups—who welcome this day of national awareness of child passenger safety as an important opportunity to encourage the proper use of this available technological vaccine to immunize our children from the number one threat to their lives and limbs.

It is the direct intent of this legislation that President Reagan issue a proclamation calling upon the people of our Nation to observe June 18 with appropriate programs, ceremonies and activities. I urge the full support of this House on this vitally important issue and measure.●

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 289

Whereas motor vehicle collisions are the primary cause of death of children over the age of six months in the United States;

Whereas motor vehicle collisions are the primary cause of the crippling of children in the United States;

Whereas more children under the age of five years are killed or crippled as passengers involved in motor vehicle collisions than the total number of children killed or crippled by the seven most common childhood diseases: pertussis, tetanus, diphtheria, measles, mumps, rubella, and polio;

Whereas motor vehicle collisions are the leading trauma related cause of spinal cord injuries, epilepsy, and mental retardation in the United States;

Whereas during the years 1978 through 1982 nearly three thousand and four hundred children under the age of five years were killed in traffic collisions, and more than two hundred and fifty thousand children were injured in the United States;

Whereas an unrestrained child is less protected by padding and energy-absorbing materials than an adult in a motor vehicle collision, because protective devices are placed in areas more likely to benefit adults;

Whereas unrestrained children are subject to a significantly higher risk of serious head, spine, chest and abdominal injury in motor vehicle collisions than older passenger because the bodies of children are less developed and provide less protection;

Whereas an unrestrained child in a motor vehicle collision faces an increased danger of fatal or serious injury from ejection as well as injuries resulting from contact with the vehicle interior;

Whereas an unrestrained child in a motor vehicle not involved in a collision may be killed or injured as a result of sudden stops, turns, swerves, or from the unrestrained child falling from a moving vehicle;

Whereas forty-two states and the District of Columbia have enacted laws mandating the use of child safety restraint systems;

Whereas only 40 percent of children under the age of five are protected by child safety seats in the United States and national surveys show that over 70 percent of such seats are used incorrectly;

Whereas research has shown that the proper use of child restraints is 90 percent effective in preventing death and 67 percent effective in preventing injury;

Whereas death and injuries may be reduced significantly through greater public awareness, information, and education: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That June 18, 1984 is designated as "National Child Passenger Safety Awareness Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YEAR OF THE ST. LAWRENCE AND ST. LAWRENCE SEAWAY DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from consideration of the joint resolution (H.J. Res. 567) to designate 1984 as the "Year of the St. Lawrence Seaway" and June 27, 1984, as "St. Lawrence Seaway Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I will not object. It is again a very worthwhile resolution, and I yield to the gentleman, I believe one of the major sponsors of the resolution, the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. Mr. Speaker, I want to congratulate the committee and thank the committee for putting this resolution out this evening on the St. Lawrence Seaway. There has been a billion tons of cargo that has passed through the St. Lawrence Seaway. It is an historic occasion in June to celebrate the St. Lawrence Seaway. We have had over 218 Members cosponsor the resolution.

On June 27 the United States and Canada will celebrate the 25th anniversary of one of the most noteworthy achievements of the 20th century—construction of the St. Lawrence Seaway.

House Joint Resolution 567 designates 1984 as the "Year of the Seaway," and June 27, 1984, as "St. Lawrence Seaway Day," in honor of this historic occasion. As chief sponsor of House Joint Resolution 567, I thank the chairperson and ranking member of the Census and Population Subcommittee for their cooperation in bringing this question before the House. I also appreciate the cooperation of the gentleman from New York, Mr. Martin, in whose district the U.S. seaway locks are located.

I urge my colleagues to support the resolution. I think it is important that the Congress take action to officially recognize this outstanding example of binational cooperation and good will.

Over half the Members of the House have already joined in cosponsoring this resolution.

The opening of the St. Lawrence Seaway 25 years ago made the Great Lakes a new "seacoast" for international trade by both the United States and Canada. The seaway is one of our Nation's most important transportation routes, and has a vital role in our manufacturing, farming, and defense capabilities.

Since the seaway opened in 1959, over 1 billion tons of cargo have passed through the U.S. locks at Massena, NY, with a total value of over $200 billion. This has created new economic activity and employment in many cities throughout the Great Lakes region.

The celebration of the 25th anniversary of the seaway will focus greater attention on this vital waterway, and greater understanding of its usefulness to the Nation.

Completion of the seaway was an important milestone in the development of our Nation's ability to compete effectively in world markets.

I believe this waterway linking our industrial heartland to world ports has an even greater potential for the future. Taking maximum advantage of that potential is important to our balance of trade and employment outlook.

While the seaway has been open to waterborne commerce for 25 years, this marvel of engineering skill and binational unity has a long diplomatic and legislative history. Here are some highlights, as outlined in an article by Jon Ralston in the Ann Arbor, MI, News, May 23, 1984:

SEAWAY HISTORY

1892 Minnesota Cong. John Lind sponsors Congressional resolution for a joint U.S.-Canadian investigation into a water route from the head of Lake Superior to the Atlantic Ocean.

1895 The Deep Waterways Commission, a joint U.S.-Canadian venture, concludes that the St. Lawrence River and the Mohawk-Hudson routes are feasible.

BEST COPY AVAILABLE

1909—The Boundary Waters Treaty states that all boundary waters "shall for ever continue to the free and open for the purposes of commerce" to the inhabitants of both countries.

1921—The International Joint Commission issues a report recommending that the two countries enter into a treaty for improving the St. Lawrence River between Montreal and Lake Ontario, that the Welland Canal be included in the Seaway and that construction costs be apportioned on the basis of benefits.

1932—More than a decade of negotiation culminates in the Hoover-Bennet Treaty, named for Canada's Prime Minister and the American President. The treaty allowed for building a seaway to a depth of 27 feet, making the U.S. responsible for the work from Lake Superior to Lake Erie and Canada for its national section, with both countries sharing the work and cost for the International Rapids section of the St. Lawrence River.

1934—Treaty defeated in the U.S. Senate.

1943—Despite FDR's support, treaty is defeated again.

1951—New Seaway bill introduced in Congress as result of earlier discovery of great iron ore fields in Canada's Labrador wilderness. Seaway seen as logical mode of transportation. Canada creates St. Lawrence Seaway Authority.

1952—Despite support of Pres. Truman, the Senate again fails to ratify treaty, this time by three votes.

1954—May 13. Thanks to support of Pres. Eisenhower and several influential Congressmen, the Wiley-Dondero Act, or Seaway Act, becomes law. (Canada had made clear its determination to proceed with an all-Canadian Seaway if the U.S. did not participate.)

1955—January. Construction begins.

1959—January 29. U.S. and Canada agree on tolls on St. Lawrence River and Welland Canal.

1959- June 26-27. Seaway is officially dedicated at Montreal, Quebec and Massena, New York.

Because of the St. Lawrence Seaway's importance to American commerce and international relations, and because of its potential to expand future business and job opportunities, I urge support for this resolution to recognize the 25th anniversary of the seaway.

I am submitting statements from President Reagan and Transportation Secretary Dole for printing in the RECORD following my comments:

THE WHITE HOUSE,
Washington, April 19, 1984.

I am delighted to send my warm congratulations to all those commemorating the Twenty-fifth Anniversary of the opening of the Saint Lawrence Seaway.

Since the French explorers of the Sixteenth Century, people have searched for a way to sail into the heart of this great continent. When the Saint Lawrence Seaway opened on April 25, 1959 it made this centuries old dream a reality and opened North America's agricultural and industrial heartland to deep draft ocean vessels. The Seaway forged the final link in a waterway over 2,000 miles long from Duluth, Minnesota, to the Atlantic and created, in effect, a fourth coast line for the United States and Canada.

The building and operation of the St. Lawrence Seaway were a joint project of the United States and Canada, and we are very proud of our partnership with our good neighbor in this venture. It is considered one of man's most outstanding engineering feats. The locks in the Seaway are the world's greatest waterway lifting operation.

In its 25 years of existence, over 1 billion metric tons of cargo, valued at more than $200 billion, have moved along this vital trade and transportation route. The largest cargo carried through the Seaway is grain—food from the farmlands of the United States and Canada for the rest of the world. The second largest cargo is iron ore, which is so vital to the industries of both countries. The St. Lawrence Seaway has greatly helped the cities of the Great Lakes become international seaports.

In the quarter century since Queen Elizabeth and President Eisenhower joined in its dedication, the St. Lawrence Seaway has served the people of North America efficiently and with great success. To all who help operate it and to all who sail it, I again offer my congratulations on reaching this significant milestone.

RONALD REAGAN.

THE SECRETARY OF TRANSPORTATION,
Washington, DC.

In the 25 years since Queen Elizabeth and President Eisenhower celebrated its opening, the St. Lawrence Seaway has been an important part of our nation's transportation system. The Seaway serves Midwest farmers and manufacturers providing a cost-effective, energy-efficient link to domestic and foreign markets.

Each year thousands of ships from as many as 50 nations sail directly to and from the heart of North America over the 2,300-mile shipping lane, carrying cargoes essential to industrial production and agricultural products from Midwest farms to help feed the rest of the world. Some of North America's largest cities and seaports are located along our "fourth seacoast." Seaway commerce contributes billions of dollars to the economy of these cities each year.

The United States and Canada together built, operate and maintain the St. Lawrence Seaway. This enduring special relationship between our two countries is a significant factor in the success the Seaway has enjoyed for a quarter century. As Secretary of Transportation, I am proud of a transportation system so important to the economies of both countries.

For 25 years the St. Lawrence Seaway has served the North American heartland. To all those responsible for its great success throughout the years, I offer sincere congratulations.

ELIZABETH HANFORD DOLE.

● Mr. MARTIN of New York. Mr. Speaker, I wish to commend the gentleman from Michigan, a great friend of the St. Lawrence Seaway, for introducing this resolution. I am delighted to join him as a cosponsor and I urge my colleagues to support this appropriate recognition of the St. Lawrence Seaway, a most impressive and valuable national asset.

Our celebration of the 25th anniversary of the seaway's dedication gives us the opportunity to recognize several important aspects of the system.

The seaway is a symbol of the deep and abiding friendship between the United States and Canada, and the common interests that bind us. The construction and operation of the system are models of international cooperation.

As an engineering and construction achievement, the seaway is a monument to the human spirit. Its locks allow ships to climb 602 feet on their way from the Atlantic Ocean to Duluth, a distance of 2,342 miles, creating our Nation's "fourth seacoast."

The seaway is a vital transportation link to the industrial and agricultural heartlands of our Nation. Since its opening, more than 1 billion metric tons of grain, iron ore, coal, manufactured goods, and other cargoes have moved across its waters.

Last, but far from least, Mr. Speaker, our recognition of the St. Lawrence Seaway is a recognition of the people who make the system go.

I know those people well, because my congressional district borders on the St. Lawrence River portion of the seaway and the eastern shores of Lake Ontario. In fact, I am proud to say that the seaway headquarters of the St. Lawrence Seaway Development Corp. are located in my district at Massena, NY, and most of its nearly 200 employees are my constituents. Many of them have been a part of the seaway family since its construction in the late 1950's, working with the Army Corps of Engineers or for private contractors.

Mr. Speaker, the seaway's blue and white collar employees—management and the membership of local 1968 of the American Federation of Government Employees—are most deserving of our thanks and recognition. They provide the operations, the line handling, the maintenance, the engineering, the marine services, the accounting, the recordkeeping, the vessel traffic control, the warehousing and the trades skills without which the ships would not move.

I urge my colleagues to support the resolution of the gentleman from Michigan.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 567

Whereas the Great Lakes have long been recognized as a valuable transportation resource by Americans and Canadians;

Whereas it was not until the opening of the St. Lawrence Seaway in 1959 that mid-continent North America was able to fully enjoy the economies and efficiencies inherent in deep-draft, waterborne commerce;

Whereas the St. Lawrence Seaway is a symbol of the thriving climate of constructive cooperation which exists between the United States and Canada;

Whereas, since the opening of the St. Lawrence Seaway in 1959, more than one billion metric tons of cargo have moved through the Seaway to the far reaches of the globe;

Whereas June 27, 1984, will mark the 25th anniversary of the dedication of the opening of the St. Lawrence Seaway to deep-draft navigation at the Dwight D. Eisenhower Lock, Massena, New York; and

Whereas it is appropriate to recognize, acknowledge, and proclaim the importance of the St. Lawrence Seaway to the economic well-being of mid-continent North America and the significance of the St. Lawrence Seaway-Great Lakes navigation system in the overall transportation network of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) 1984 is designated as the "Year of the St. Lawrence Seaway", and

(2) June 27, 1984, is designated as "St. Lawrence Seaway Day".

The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such year and such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN KELLER DEAF-BLIND AWARENESS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 261) to provide for the designation of the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I will not object. Again, this is a very worthwhile resolution.

I yield to my good friend, the gentleman from New York (Mr. Gilman), one of the chief sponsors of the legislation.

Mr. GILMAN. Mr. Speaker, I rise in support of the measure now before us; Senate Joint Resolution 261, designating the last week of June as "Helen Keller Deaf-Blind Awareness Week." I would like to take this opportunity to thank the gentlewoman from Indiana, Mrs. Hall, the distinguished Chairwoman of the Subcommittee on Census and Population, and the gentleman from New Jersey, Mr. Courter, the ranking minority member of the subcommittee, for their aid in bringing this joint resolution before the House today.

I had the honor, along with my colleague, the gentleman from New York Mr. Mrazek, to introduce the companion bill in the House, House Joint Resolution 309. Our resolution enjoys the support of 218 cosponsors, every one of whom I am certain will be joining with the hundreds of thousands of Americans in the activities and ceremonies marking this Nation's first deaf-blind awareness week.

An estimated 40,000 Americans are deprived of both their hearing and sight. Inadequate education, training, and rehabilitation services mean that many otherwise vital lives are not being nurtured, resulting in the tragic and immeasurable loss of potential human resources. While Helen Keller's accomplishments have served as a beacon of courage to deaf-blind citizens throughout the world, the economic reality of the costs associated with providing these services when and where they are available, can prove to be overwhelming, often culminating with placement of deaf-blind individuals in custodial intitutions.

In 1969 Congress established the Helen Keller National Center for Deaf-Blind Youth and Adults in Sands Point, NY. At that facility and the associated network of regional deaf-blind centers, hundreds of deaf-blind persons have been trained. I have come to know of the work of the Helen Keller Center through its director, Mr. Martin Adler, who resides in my district. Martin has shared with me the center's many victories over onetime insurmountable obstacles, as well as their frustration at being able to serve only a fraction of the many deaf-blind individuals who need their help. It is my sincere hope that through this designation a greater public awareness of the needs and goals of deaf-blind persons can be achieved thereby affording these individuals greater opportunities to lead full and satisfying lives.

So as we honor Helen Keller on the 104th anniversary of her birth, let us also pay tribute to the many courageous men, women, and children who have carried on her legacy of hope and achievement and designate the last week of this month as "Helen Keller National Deaf-Blind Awareness Week." As we reflect upon the plight of deaf-blind Americans with regard to their educational and employment opportunities some words from Helen Keller's autobiography, "The Story of My Life," are appropriate:

> Literature is my Utopia. Here I am not disenfranchised. No barrier of the senses shuts me out from the sweet, gracious discourse of my book friends. They talk to me without embarrassment or awkwardness.

Accordingly, I urge my colleagues not only to support this measure but to give appropriate attention to the last week of June as Helen Keller Deaf-Blind Awareness Week.

Mr. COURTER. I thank the gentleman from New York for his eloquent statement.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 261

Whereas the anniversary of the birth of Helen Keller, the most accomplished, respected, and renowned deaf-blind American in our history, falls on June 27; and

Whereas deaf-blindness is one of the most severe of all disabilities, with respect to which some forty thousand Americans are deprived of two primary senses; and

Whereas the rubella epidemic of the 1960's, along with other pathologies, has resulted in deaf-blindness for approximately six thousand of our children; and

Whereas, because of the severity of deaf-blindness the cost of educating, training, and rehabilitating persons who are deaf and blind is high in comparison with other disabilities; and

Whereas this high cost causes many service agencies to be reluctant to serve deaf-blind persons, thus inhibiting the independence and self-sufficiency of such persons, and frequently resulting in their replacement in custodial institutions; and

Whereas, although the Helen Keller National Center and its network, and regional deaf-blind centers serve a portion of this population, inadequate education, training and rehabilitation services to the deaf-blind population represents a terrible waste of human lives and resources, imposing a high economic cost in the Nation; and

Whereas is is in the national interest to prevent this waste of human resources, foster independence, create opportunities for employment, and maximize the ability to achieve among our deaf-blind citizens; and

Whereas these objectives can be accomplished only through an increased public awareness of, and attention to, the needs, abilities, and potential contributions to society of persons who are both deaf and blind; and

Whereas it is highly appropriate to publicize the needs, abilities, and potential of all deaf-blind persons, and simultaneously to recognize Helen Keller not only as a beacon of courage and hope for our Nation, but also as a symbol of what is possible for deaf-blind persons to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating the last week in June of 1984 as "Helen Keller Deaf-Blind Awareness Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 247, DESIGNATING APRIL 24, 1984, AS NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of House joint resolution (H.J. Res. 247) to designate April 24, 1984, as National Day of Remembrance of Man's Inhumanity to Man, and ask for its immediate consideration.

Mr. Speaker, I have an amendment at the desk.

Mr. WALKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair understands that this has not been cleared by the leadership on the minority side. Since the Speaker has made the statement that those types of requests would not be entertained, under such circumstances the Chair does not recognize the gentlewoman.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order scheduled for today by the gentleman from South Carolina (Mr. CAMPBELL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 2130

AMERICAN AGENDA FORUM

The SPEAKER pro tempore (Mr. MURTHA). Under a previous order of the House, the gentleman from Michigan (Mr. SILJANDER) is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, I would like to talk today about what we are doing tonight. We are here tonight, several of us, because this is our time, this is our forum, to discuss issues that we feel are important to the American people. We have termed this time the "American Agenda Forum."

A lot of people would ask, as you see the camera angle widening, showing the entire Chamber completely empty, "Why do you spend so much time after regular order of business, when the voting is completed, various Members have gone home or are in their offices working, why stand on the floor after voting is completed and talk about the American agenda? Why not do it during the committee hours? After all, committees meet throughout the day, day in and day out, for many, many hours. Why not do it," they might ask, as well, "on the floor of Congress?" We meet for incredible amounts of hours arguing over issue after issue.

The only problem is, those of us who are in the minority, the Republican side, we do not control any of the committees on the House side, not one. We do not control any of the subcommittees. The chairman of the full committees and the subcommittees are all Democrat chairman. All the select committees are chaired, again, by Democrats. Those are the rules of the House.

But what it does do, in effect, is preclude us, as Republicans, who are concerned with balanced budget amendments, for example, fiscal responsibility, concerned with monetary reform, concerned with crime, concerned with prayer in school, concerned with simplification of the tax system, concerned with basic fairness of the House as it operates in committee and on the floor, some very basic issues that the American people certainly appreciate and have been demanding action on by this Congress.

These types of issues are not dealt with in the committees of this Congress because the majority has decided they do not wish to deal with them. We have option in the committees, then, but to submit to the chairmen's decisions that these issues will, in fact, not be brought up, especially in an election year.

The other alternative of bringing issues up on the House floor, we have tried to do that during normal sessions. Over 60 times we have come to what we call the well here and we have asked the minority leadership, the Republicans, "May we please being up a balanced budget amendment, prayer in school, and other important issues, including crime?" They have given us an OK to bypass the committees, which in my opinion is the graveyard of key bills dealing with the American agenda. They have given the OK.

But according to the rules of the House, we must have an OK also by the Democrat leadership. Republicans have issued their approval, the Democrats over 60 times, the majority party, have refused to allow us during normal working times to bring up an issue.

I am not asking the majority to agree that we need fiscal responsibility, monetary responsibility, that American people in terms of crime are sick of sending criminals, villains, rapists, murderers, child molesters, because of trivial reasons, back on the streets to do their deeds over and over again. We are not asking the American people or the majority party, in this instance, to support the prayer in school amendment, to allow voluntary prayer in school.

Those of you in the Chamber may say, "I agree with one or two of those, but not all of them." That is fine. That is your freedom to disagree. But what this Member is concerned about, there has never been an opportunity to vote and debate honestly on the issues of the age.

A case in point. When the majority leadership decided to bring up what they consider an important issue, the equal rights amendment, the so-called ERA, they have a right to do so and the leadership can do as they wish. They gave us 24 hours' notice, one of the most important social issues of the times was to be brought up the next day and of 435 Members, we corporately have 40 minutes—40 minutes—to debate a most controversial issue. In the course of that 40-minute debate, we were also informed, with 24 hours' notice, that we would not be allowed to bring up any amendments to the ERA.

The case is very simple, the case in point, the ERA. While they decide they want to bring up an issue, namely, the majority leadership, and deny us our opportunity to bring up an issue, when they do, we still do not have an adequate forum. I do not think one-tenth of 1 minute is enough for Members to discuss the ERA, do you? Is 24 hours enough time to prepare, to get geared up, for a major social issue? I do not. I wonder if you do.

Do you feel it is fair that an issue such as the ERA, that some of us might have a better idea in terms of an amendment for the ERA, to change the wording so more of us could support it? In its present form, some of us just do not support the ERA. After all, it is not written by God. We are not attempting to write the Third Testament. Some of us feel we can improve the ERA. After all, it had its day.

□ 2140

It had its 7 years with an extension. The States did not approve it. It had a field day for the second time to go around in Congress and it failed again, so it certainly seems that the ERA could stand a broader base of support. All of us support equal rights for all peoples, black, white, red, yellow, women, men, all of us support equal rights for all people, no matter what race, creed, religion, color, or sex. That is no problem.

It is the principle of the system in this House that is in question, that we do not have an opportunity to adequately and responsibly bring up our points of view.

So what is our alternative? We cannot bring up our points of view in the committees, because the majority leadership that chairs them says we cannot. We cannot bring up our issues on the floor, even though we plead day in and day out to bring up the American agenda, but we are shot down. So our only alternative is to come here after normal business on what we call special orders and present our case. Present our case to those in the galleries, to those Members on the floor and to those that might have other means of observing the proceedings on special orders.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I will be happy to yield to my friend, the gentleman from Pennsylvania.

Mr. WALKER. I thank my friend for yielding, because I think we do want to point out that it is not just single bills that the gentleman has mentioned in the case of the ERA where the Suspension Calendar is being used to limit debate. Just this week on the House floor we had a bill run out here that was nearly an $8.5 billion measure. It was run out on the floor. It had been extremely controversial in committee. It certainly is a bill that probably would have had a number of amendments if we had been allowed to consider it under the regular processes of the House. Instead of having that bill brought out under the regular processes, it was brought to the floor under the Suspension Calendar, which once again meant that we got 20 minutes of debate on either side and no chance for amendment.

Now, it turns out that because they brought it out under that procedure, there seems to be some fear by the leadership that they may lose it under suspension because it would take a two-thirds vote, so we did not have a vote on that today as we would expect to have it. It was pulled off the calendar.

Once again, the rules are kind of changed midstream when it suits the purposes of the majority to do so.

So this is not just something that happens every once in a while. It is a consistent stream, it is a consistent pattern of the way in which the majority leadership utilizes the House Calendar in order to move its agenda to the exclusion of an agenda that we think is valuable.

I think the gentleman makes an excellent point. It is not that we do not have any desire to vote on the measures that the majority brings to the floor. Fine, I will vote on every one of them. We just think that some of the issues where 70 and 80 percent of the American people say that they support the issues, those deserve to be considered here on the House floor, too.

Let people vote as they may. That is fine. Everybody is elected here by 500,000 constituents or more and they can vote that constituency, they can vote their own conscience. That is not the matter.

The question is whether or not this House should be open enough to debate all of the issues all of the time.

I think the gentleman makes a valid point that we are not open enough to do that at the present time. We only debate some of the issues, very few issues that are on what the gentleman has described as the American agenda.

I think it does make a great deal of sense, as the gentleman points out, that at least some time be set aside to let the American people know that at least part of the House is not ignoring that agenda as much as the regular processes of the House would seem to indicate that agenda is being ignored.

I thank the gentleman for yielding.

Mr. SILJANDER. I appreciate the comments of the gentleman.

Is it not so true, no one is asking the majority to vote one way or the other. Certainly I wish they would vote the way I think and I am sure they think likewise.

All we are doing is asking for a legitimate opportunity to debate what, as the gentleman has indicated, is the American agenda, when the polls, be they Democratic polls or Republican polls, leftwing polls, rightwing polls, all show that people are yearning for a balanced budget amendment. They are asking for a crime package to begin dealing with the crucial issues of crime, very numerous in number.

They are asking for us to deal with the prayer in school amendment.

I am not asking the Democrat leadership to vote one way or the other, just allow us an opportunity and afford the Congress a vote so the American people can assess through their Congressman or Congresswoman's vote and be able to make a rational educated decision when it comes to whatever time, be it political or nonpolitical, that they would like to make.

Mr. CRAIG. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. Yes; I would be happy to yield.

Mr. CRAIG. Is my colleague, the gentleman from Michigan, saying in large part that the House leadership and the rules under which the House itself must operate basically by those rules and the method of procedure that the House leadership allows this House to conduct itself ends up in disenfranchising a large segment of the American voting public; is that what the gentleman is telling me?

Mr. SILJANDER. Yes, that is exactly the point and I appreciate the gentleman bringing up this very practical observation.

Mr. CRAIG. I think, and I certainly agree with the gentleman and wish that my name be associated with the gentleman's remarks, is that when we are told time and time again by our constituents, when national polling firms put the issue to the American public, that there are critical and important subjects that Americans in large majority wish their public governmental decisionmaking body to decide in their behalf; in other words, to craft a law and therefore to place on the statutes of this country laws that will cause certain modes of conduct by the American public, that those very critical issues are denied, not by a majority of this body, but by a small group of men and women who have been selected to be the leaders of this House and have basically chosen that because they do not collectively agree, therefore they will not allow the body politic of this House to debate openly and fairly the issues of the day and then to vote up or down and provide the American public with an opportunity to at least have their voices heard.

I thank my colleague for taking out this special order. In my service here in the House, I suspect that has been one of the most frustrating experiences I have had, to know that a large majority of my constituents would wish that this Congress, this legislative body, theirs, theirs that they have elected, would give them an opportunity to have their voices heard.

I thank my colleague for his time.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I would be happy to yield to the gentleman from Florida.

Mr. MACK. Let me just build on that point, if I could. Several times during this past four months, I guess, I have talked about a term I have put together called the arrogant abuse of power and generally that has been referred to one Member, the Speaker of the House, but I think really what has developed in the point that the gentleman has made is that somehow or another the leadership in this House, the Democratic leadership in this House, feels that they are smarter than the American people. They do not trust the American people in making a decision such as the balanced budget amendment. They feel that they just do not have enough information, that they are not educationally prepared to make the tough choices surrounding a discussion on the balanced budget amendment; but again in just the relatively short period of time I have been here and heard someone on the floor today make a comment that after listening to the discussion, he changed his mind—he changed his mind, and all we are asking is that we be allowed the opportunity to debate and discuss and eventually vote on what we call the American agenda. That is all. We are not asking for an outright commitment that if it comes to the floor of the House that it is going to pass. We just want the opportunity to talk about it.

Now, you talk about the arrogant abuse of power, arbitrary authority, whatever way you want to term it, to just say to the American people, we are not even going to debate it on the floor of the House because we do not think you are smart enough to make those decisions, is the wrong thing.

So I appreciate the point the gentleman has raised.

Mr. SILJANDER. I appreciate both gentleman for their fine comments.

Is it not an interesting example today as we have been carrying out the special orders, there has been a controversy of the wide angle lens showing virtually an empty chamber? We have explained over and over and these gentlemen have helped me with an explanation that in fact we are here trying to explain our agenda and then today on the floor of the Congress there was a motion made, an amendment to a bill, very appropriately made, that would suggest that we do not believe censorship is a good thing of any type of press, be it the press back in our home districts, TV radio, newspaper, whatever. We feel the press should have an open forum to freely assess, evaluate, analyze and for just the reality of the situation.

□ 2150

Because many of us have come to the floor on these special orders, the Speaker of the House, TIP O'NEILL, has ordered a change of the rules several weeks ago that the cameras in the House Chamber begin issuing a wide angle lens showing the empty Chamber.

I would assume the reason and motivation would be to try to embarrass those of us who are attempting to bring the American agenda before the American people.

Granted, when Democrats give their special orders, they have a wide angle lens, too.

Mr. MACK. But they are not here.

Mr. SILJANDER. But the issue is almost always the Republicans are giving special orders because the Democrats, as we said before, had their forum in committee and subcommittee and select committee and on the floor because they control all of these forums and we do not. So we feel, since we pretty much present our case in special order times, after normal sessions, and we have this wide angle lens showing an empty Chamber, would it not be fair during normal voting hours to also have a wide angle lens every 45 seconds or so showing an empty House even during days of voting. Or show the House when it is filled up with Members voting and arguing, debating and arm-twisting to change votes. Would it not be interesting during the votes to have the entire wide angle lens?

Mr. MACK. Will the gentleman yield?

Mr. SILJANDER. I will be happy to yield.

Mr. MACK. Does the gentleman mean to let everyone know that during the normal business hours when the floor is not being panned that there are very few Members of the House that are here?

Mr. SILJANDER. Oftentimes, as the gentleman knows, that even during regular voting hours Members are in committees. They are with constituents on the Capitol steps. They are busy writing papers. They are busy meeting, having meetings in their offices. They are not on the floor.

Mr. MACK. Will the gentleman yield further?

Mr. SILJANDER. I will be happy to yield further.

Mr. MACK. I was told when I first came up here that if you were not on the floor of the House that the most important use of your time was in committee. Was that said to you?

Mr. SILJANDER. Indeed so.

Mr. MACK. Is it not curious then if an individual is not on the floor of the House and supposed to be in committee that we have such a thing around here called proxy voting, or some of us refer to it as phantom voting or ghost voting? It seems to me that if you are not on the floor of the House and you are doing the most important work that has been assigned to you up here, that is committee, certainly the most important time in committee is when you come down to vote, is it not, to vote in committee?

Mr. SILJANDER. It seems to me that the bottom line of work on the floor and work in committee, the bottom line is does the Member cast a yea or nay vote. That would be the point.

Now, what do you mean by a proxy vote? Are you referring to the House or to the committee?

Mr. MACK. I am talking about in committee. What we are being told is that most Members, if they are not here on the floor, are in the committee doing work. And my point is that if they are in committee doing their work, it seems to me that when a vote comes up they would just cast their vote in person. But under the committee rules a person is allowed to vote by proxy and therefore, because of the unfair ratio of the committees, those members do not have to attend; they can give their proxy to their chairman.

Mr. SILJANDER. So what you are saying essentially, if I can regain my time, is that during committee, during normal working hours and session hours, while the House is in full session, even though Members are not here, nor are many Members in committee?

Is what you are saying that when a vote comes up in committee, not on the floor but in the committee rooms that are all over the Capitol Hill area, that other Members can vote on their behalf using a signed sheet called a proxy?

Mr. MACK. That is correct. So I think the question then ought to be if they are not on the floor doing the people's work, and they are not in committee doing the people's work, then where are they?

You see, I think that is the central issue about why the Speaker would not pan the floor of the House during normal business hours, because those kinds of questions begin to come up. You start asking, "Well, gee, where are they?"

Then you begin to ask the question about the proxy voting or the ghost voting or the phantom voting that we talked about.

Mr. SILJANDER. Regaining my time, I agree that there are often times when this Chamber is empty during full sessions. Many Members have legitimate reasons, meeting with constituents, doing radio interviews. There are committee meetings and the House floor which are two very important elements. But there are other things. Not all Members are delinquent or negligent in their work.

But your point is well taken. If we are talking about fairness and we do not want to censor the cameras on the floor of the Chamber, then why not allow the cameras to wide angle lens at any time during any part of the session, gavel to gavel?

Why only during special orders when it tends to be 8 out of 10 times Republicans giving the special orders?

Your point is well taken because the Speaker, in my opinion, does not want the American people viewing C-SPAN to see the Chamber is virtually empty during debate or during a vote in process.

We have 15 minutes in which to respond to a record, rollcall vote. Nor does he want to see the arm twisting that often goes on about changing votes, because many people and Members would be embarrassed. And I think many of the American people would be embarrassed if they could see the fiasco on this floor in a wide angle lens. That is, I think, the reason why.

And maybe this House, if we did not have censorship, maybe this House would act in a more orderly manner, a more mature manner, and a more organized manner. And hallelujah, would that not be something in that this Congress needs?

Anyone that has ever visited this Congress, looking down from the balcony, always wonders, any student that is visiting wonders after exiting the balcony why are there not more Members present or when there are why is everyone so confused and like a beehive and no one is listening to the speaker.

It would be fascinating to anyone viewing it on C-SPAN or from the balcony to see a season where we had wide angle lens. I am all for not censoring the press on any level. I am for letting the cameras go at any time, from gavel to gavel, so that the American people see the truth, the reality, the full function in this Congress. That would be interesting.

Mr. MACK. Let me, if I could, expand the point about the committees just a little bit further. You raised the point that most Members are not on the floor of the House during the normal business day. The conclusion was that most Members are spending their time in the most important use of their time and that is in committee work. Then we find out they are not there because they are in fact using proxy voting.

One of the reasons that is given to us that that is the case is because, you see, most Members have two committees. And in addition to those two committees they also have subcommittees.

The point I am raising there is that there is no way for one individual to stay involved in all of their work with two full committees plus subcommittees to be working on. These subcommittees and committee assignments are given to the individuals so that they can go back home and say, "See, I am too important. I have got all of these positions and all of these different committees that I have built up seniority on, that I have this knowledge about this particular issue."

"You have got to reelect me because it is so important that I be able to go back and continue my committee work."

But in reality they are spending all of their time running back and forth from one place to another, having to use proxy voting, not having enough time to come to the floor of the House and participate in the discussion and the debate.

So I think again my point about what the Speaker has found, the dilemma he has found himself in, it is interesting really that it is his own party that has put him in that dilemma because if you really raise the question about why did the Speaker just arbitrarily change the rules of the House one evening to allow for the panning of the floor of the House, I think this is what you find out. If you read some of the articles that came out during that period of time, one segment of the Democratic Party was saying we think what we ought to do is just cut those guys off down there, just eliminate C-SPAN coverage completely of the special orders completely. That is one way to take care of it.

Then the other faction in the party said no, no, wait a minute, we cannot do that. We have to expand coverage. We want to be able to. As a matter of fact, why not schedule some of the major debates during prime time?

That is a pretty wide, diverse attitude about how to use the cameras of the House to get the message out to the American people about what is going on here. I think that really created a real problem for the Speaker.

So he cleverly said to himself that instead of having to try to work this out in my own party, what I will do is I will go down there and we will just pan the floor of the House. And what we will do is we will embarrass those guys off the floor. We will just embarrass them off by showing that there is nobody there.

But, you see, the Speaker did not understand why we are down here. We are not concerned that there is no one here this evening. We are concerned about we have the opportunity right now, and there are several hundreds of thousands of people throughout the country that are listening to us right now, that we have an opportunity to get our message out. So no matter how much he tries to embarrass us, no matter how much he tries to solve the problem within his own party by just an arbitrary change in the rules, it is not going to work because he has so cleverly set up the rules of the House that the only time we have the opportunity to debate the issues that concern the American people is right now.

□ 2200

Some of us have been here at 4 o'clock in the morning, some of were here at 6 o'clock in the morning, some of us are here tonight at 10 o'clock and we are going to continue to be here to get the message out to the American people. So I really support the gentleman in the comments that he has made.

Mr. SILJANDER. I thank the gentleman.

I just want to finish a point I was making of what happened on the floor today, regarding this whole issue. We had an amendment, I alluded to earlier in my comment but I never finished; we had an amendment on the floor that would open the C-SPAN wide angle lenses gavel to gavel, essentially. And what happened? The majority side went in their little bag of rule tricks, pulled one out and said, "Well, the Committee will rise." It is a motion that supersedes any other amendments or motions.

Of course the amendment was on the desk, the amendment was up, to allow a vote inevitably on whether or not we should censor proceedings of the House or not. That is what the vote was, the bottom line was either supporting or opposing censorship.

And rather than be on record as supporting censorship, lo and behold, the Democratic leadership will never allow wide angle during normal sessions unless they are forced into it or pressured into it; they did not want to go on record opposing that sort of issue because that is supporting censorship in my opinion.

So they brought up this little rule that knocked out the amendment; we never had a chance to argue the amendment; we never had a chance to argue the amendments or debate the amendment nor to vote on it, typical reactions; typical manipulations that superseded and by a party line we voted to rise which knocked out the opportunity to discuss that amendment.

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think it is worth pointing out why that rule exists. The rule to which the gentleman refers was a rule adopted at the beginning of this Congress. It was a rule again to deny the minority an opportunity to have its legislation considered on the floor.

For many years, one way in which the minority could get legislation considered on the floor that we could not bring out of the regular committee process was to put legislation on as fund limitation amendment on appropriation bills.

The way in which you could address an issue is to say that no money may be spent for such and such a purpose. Some years ago, for example, I attached the language to an appropriations bill that said that no money could be used to prevent a school system from instituting a program of voluntary school prayer.

In other words, we were able to address the school prayer issue utilizing the appropriations bills. We had many amendments like that.

At the beginning of this Congress the Democratic leadership in all of their wisdom decided on a new rule, that they would not permit us any longer to offer those kind of fund limitation amendments on appropriation bills.

It was aimed at strangling the ability of the minority to get issues addressed on the floor. They had been embarrassed by a lot of those votes. Many of their people had had to walk the plank on votes that they did not really want to cast. So this was one more way to close down the shop, to close things up, to make certain that certain issues never got addressed out here.

And so that rule was designed specifically to stop us from addressing particular points of view. And today what we saw was that rule applied in a way that even further strangled the processes of the American people understanding what goes on in this House. Today that rule which was originally adopted to shut down debate was today used to shut down the people's access to this Chamber, because what the amendment we had on the floor would have done is assured that the American people see this Chamber as it is gavel to gavel; not just part of the time, but all of the time; that they see the fact that the House is not always filled, that there are not always a lot of people here debating.

As a matter of fact, there are four of us here on the floor tonight debating, that sometimes is all the Members debating issues under the Suspension Calendar.

That is what the American people would see. I think there are some people in the Democratic leadership who think that would be an embarrassment to the House. It could be, it could be. I do not know. I do know that many of my constituents who come into the galleries have the same reaction that the gentleman's constituents do that they are concerned about the fact they see a bunch of empty seats.

Perhaps that same thing would happen on TV. I do not know, but I do think it is important to understand that the procedures used today were used in a way to prevent the American people from making that assessment on their own. I think they are intelligent enough to make the assessment.

Evidently, the majority leadership did not think they were intelligent enough. I thank the gentleman.

Mr. SILJANDER. I hate to interrupt the gentleman, but he makes I think a central point: Is embarrassment enough reason to censor the proceedings of the U.S. House of Representatives, who upholds the Constitution of freedom of press? Is embarrassment enough?

It seems to be. Based on what we have heard, manipulation of rules, committees, floor proceedings, it certainly seems that the term "embarrassment," that adjective is enough to censor Congress and if I were a constituent I would be furious.

Now I would have my pen in hand, writing a letter to the Speaker, THOMAS O'NEILL, demanding that the proceedings of this Congress not be censored because of embarrassment.

Mr. CRAIG. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I am happy to yield.

Mr. CRAIG. Is the gentleman telling me that the action that was taken this afternoon was to restrict the right of the people of this country to have access to this House and was designed and orchestrated not for the people, and I have always been told since I was a very young person that this was the people's House, but it was for the convenience of the membership and, in this case, the convenience of the majority and the leadership of this House?

In other words, is the gentleman telling me that the action this afternoon was to deny the American public access to their House only for the convenience of the membership, itself?

Mr. SILJANDER. That is exactly how I perceive it as one Member of this Chamber, yes.

Mr. CRAIG. Mr. Speaker, will the gentleman yield again?

Mr. SILJANDER. I will yield back.

Mr. CRAIG. Would the gentleman say that over the years with the proliferation of rules that this House has crafted for the management of the House, for the management of the committee structure and the committee system, that it is a body of rules that has now been so constituted as to the convenience of the membership and not for the purpose of representing the people of this country? Is that what you are telling me?

Mr. SILJANDER. That is as I perceive it, as one Member of the House, yes.

Mr. CRAIG. The concept of proxy voting.

Mr. SILJANDER. Yes.

Mr. CRAIG. The concept of arbitrarily limiting time, debate, access, the concept that this is the Members' House and not the people's House, by the broad definition and sometimes the very clear narrow definition of the rules?

Mr. SILJANDER. I would just amend the gentleman's statement and say it is the majority's House, majority's committees, the majority's rules, the majority's manipulation, the majority's bag of tricks that prohibits some of us in the minority and some on the majority side that do not agree, and some on that side, too, from bringing up issues and comments and debate that they feel is important to the American people and important to the American agenda, as we call it.

Mr. CRAIG. Mr. Speaker, will the gentleman yield one more time?

Mr. SILJANDER. I will yield back again, yes.

Mr. CRAIG. Would the gentleman not agree that this House was created in our Constitution for the purpose of representing, uniquely so, much more uniquely so than the other body, the Senate, to represent the people, to allow the people access to and governance of their Government?

Mr. SILJANDER. As I understand history, the Constitution, our country, our Founding Fathers' principles, that was the idea.

Mr. CRAIG. And now you are telling me that that concept has been convoluted by a body of rules so devised by the majority of this body as to the convenience of the membership.

Mr. SILJANDER. That is correct; the gentleman is correct.

Mr. CRAIG. And not for the people of this country?

Mr. SILJANDER. I would agree with the comments of the gentleman, yes.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. Yes, I yield back about 1 more minute to the gentleman.

Mr. MACK. Let me in a minute try to pull together the points that we have been making. We started out the beginning of this year, most of us on this side of the aisle, most Republicans, saying that we were not going to stand behind the position that, "You know we are the minority party, gee, there is not anything we can do about these things, they control what goes on here and therefore there is just nothing we can do about it."

We basically made a commitment that wherever we had to go and whatever we had to do we were going to get the message out about the American agenda. We wanted to have the opportunity to talk about the balanced budget amendment; line item veto; prayer in school; equal access; criminal justice reform; fair and simple tax reform, monetary reform; we wanted to have the opportunity just to debate those things.

So one of the things that we came up with was we said, "You know, if we could ask unanimous consent to bring legislation to the floor of the House, maybe that would work."

2210

Well, after several days of trying that and frankly some of the Democrats being embarrassed by having to stand up and object to certain things and going back home and finding out that their constituents found out that they in fact were blocking debate and votes on the balanced budget amendment came up with a rule change that said you cannot do that anymore.

So then we found out there was a technique called Calendar Wednesday, which was designed in 1909 to circumvent the power of the Speaker, because he was blocking legislation from coming to the floor of the House. So every Wednesday now each committee chairman has had the opportunity to stand up and bring legislation to the floor of the House that has been passed out of his committee. It has occurred one time and I believe there was a $10 million bill that was brought to the floor of the House.

So that has not worked. We found out then really the only thing we could do was use special orders, to get down here, as I said earlier, sometimes 2 o'clock, sometimes 4 o'clock in the morning. The Republicans down here day after day after day trying to get the message out.

But that became an embarrassment to the Speaker. So the Speaker then said well, let us change the rules about how the cameras are used. Maybe we can just embarrass these guys off the floor. And we said no that is not going to work either.

So today we brought an amendment to the floor of the House that said in essence let us pan the floor all the time. So once again, very clever, the rules were used to keep us from voting on that particular issue. And a motion was made for the committee to rise. And because the majority is the majority, they won the vote. Once again, keeping debate and discussion and a vote from coming to the floor on an issue of censorship in this House.

So I think that we are at a point where we have to continue to try to make a difference and we will continue that fight.

I thank the gentleman.

Mr. SILJANDER. Mr. Speaker, I thank the gentlemen for their comments.

Mr. Speaker, I ask unanimous consent that in my special order my preceding remarks remain separate from the first part of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FREEDOM—WHAT IT MEANS TO BE FREE IN AMERICA

Mr. SILJANDER. Mr. Speaker, I would like to talk tonight about freedom and what it means to be free in America. President Reagan has been in Europe. He is there seeking freedom. He is there seeking peace, not only for Americans, but for the entire world.

Today is D-day. It is a day that we can celebrate, we can rejoice that the world was in fact set free.

But what does it really mean to be an American? I think it means something very, very unique, something very special. What makes America different in my opinion is a vision that we, as a nation, have; we as a melting pot of peoples from all over the world, is a melting pot of ideas, a melting pot of courage, it is a spirit, as I call it, in America that drives us forward. Every time there is a challenge America has been willing to stand up courageously and state unequivocably that we are up for the challenge, be it a domestic challenge, a regional challenge, or a challenge worldwide.

To be an American has always meant the willingness to pay the price of freedom. It is not free. It is not cheap. The price of freedom was, is, and always will be sacrifice on all our parts.

Every day there are unsung heroes made in America for one reason or another. I remember sitting on the House floor during a State of the Union Message by President Ronald Reagan. He pointed out a gentleman in the balcony, Lenny Skutnik, who, on a very snowy day, dove into icy waters here in Washington, DC, to rescue those who were drowning in an Air Florida crash on 14th Street Bridge. He did not ask to be a hero. His heart, the spirit that drives America, drove Lenny into the icy cold waters.

I was in Beirut, Lebanon, over Thanksgiving having a Thanksgiving service with our Marines that were at that time, last Thanksgiving, in Beirut. I went there before I was driven by an emotion, some may call it a yearning for freedom, some may call it corny, but I had a constituent named William Zimmerman of Grand Haven, MI, who was killed when cowardly, spineless terrorists drove a car bomb into the Marine compound in Beirut.

Very, very, few Americans would want to travel to Beirut to encourage our Marines, but some of us who serve on the Foreign Affairs Committee and as many of us in Congress decided that the least we can do for their sacrifice is to sacrifice a little bit of our time and our holiday season to pay tribute to those who are still alive and still working for freedom throughout the world.

No one is asking that anyone agree with what we did or did not do in Lebanon. But the fact is we had boys who were there, men and women who were there, serving their country, serving the world, for the price of freedom. And William Zimmerman paid that ultimate price, he paid with his life.

This type concept of freedom came very close to home in my own staff. My chief of staff, as we call them, who directs our entire staff operations, is a retired colonel in the Army, Special Forces, Green Beret, 60 combat missions in Korea and Vietnam, never a scratch. His father was in the Army, his grandfather and his father. Obviously, my chief of staff, Colonel Luketina's son Sean decided to join the Rangers. He wanted to be like his dad and his dad's dad and his dad's father. He wanted to join and be a Green Beret. He was proud to be an American. He was proud to give, to sacrifice, to yield this time of his life to serve our Nation and our country.

December 8, 1983, Sean had a decision to make. His decision was whether or not to reenlist one more time, to become eligible to be a Green Beret as his father was, or go back and find a job in the private sector. Sean Luketina decided to reenlist and 12 days later he volunteered to go to Grenada. He volunteered to go to a country that was tyranny, anarchy, and where medical students, American Medical College students, were under the threat of life and death.

Sean Luketina, in the process of his unit rescuing American medical students, lost both of his legs. Sean Luketina is a hero. Bill Zimmerman, who died in Lebanon, was a hero.

Not too many hours after Sean regained consciousness, here in Walter Reed Hospital, being transported from Grenada, he was given two good words by his father who was at his bedside. The one good word: that all the American students that were surrounded by Cuban troops in Grenada were rescued by his unit. So his sacrifice was not in vain.

The other bit of good news: there was a student that his unit helped rescue sitting in his hospital room. His father asked one question: "Sean, you know both your legs are gone and I would like to know. Do you feel that your sacrifice was worth it?"

Want to hear the comment of a real hero? A 22-year-old boy, with a realization that he has just lost both of his legs, in a foreign country, told his dad: "Dad, it was worth it. If I had my legs I would do it again."

Not too many weeks later, my chief of staff received a letter from this college student that his unit helped rescue in Grenada.

□ 2220

I would like to read that letter to Sean's father and place it in the CONGRESSIONAL RECORD.

> DEAR COLONEL LUKETINA: The brief visit I spent with yourself and your son, Sean, yesterday at Walter Reed Army Hospital was by far the most important thing I have done since my return to the United States. I wish to express in writing to you, Colonel Luketina, the feelings of which I spoke yesterday.
>
> I am a medical student working to become a doctor. Your son, Sean, and the sacrifices he has made on my behalf will always be reflected in my life and medical career. It is due to the bravery, courage, and sacrifices of men like Sean that I sit writing this letter. I pledge my life and work to be a tribute of thanks. Please be assured of my continued prayers.
>
> God bless America.
>
> Sincerely,
>
> THE STUDENT.

About 1 month after that visit and that letter arrived in the hands of my chief of staff, Sean had a heart arrest. He now lays in Walter Reed Hospital no longer facing the realities of losing both of his legs but now in a virtual comatose, a vegetable, the doctors claim, likely for the rest of his life, barring any miracle.

To Sean Luketina, to Bill Zimmerman, and Lenny Skutnik and all the unsung heroes throughout this country, we owe as a nation a debt of gratitude to those men and women who paid the ultimate price. Let us not forget Bobby Kennedy, John Kennedy, Martin Luther King, Medgar Evers, those who gave up their very lives because they fought for the freedom they believed in.

I am not asking us again to support the freedoms or the goals that they fought for and died for, but we should be appreciative of the fact that in this country we have the freedom to discuss, to debate, to argue, to protest, to work toward change, what we feel is important change, in a culture that is free, that is open, that is accessible.

So what is this heroism that we are talking about? To me it is a recognition of the price of freedom.

In 1776, Americans asked in this developing country: What price for freedom were we willing to pay? Thousands of Americans died, suffered, and sacrificed their limb and their property. They paid the price, but America was set free.

In the 1860's Americans asked again: What price is freedom for the slaves? And 500,000 Americans lost their lives, fought brother to brother, and they paid the price; but the slaves were freed.

Today we are celebrating D-day. That was in the 1940's. Americans ask again: What price would freedom cost to relieve the camps of Nazi tyranny, of genocide, of Jewish people across the world?

Nearly 400,000 Americans gave their lives. They paid the price, the ultimate price.

But the death camps were freed, Hitler was defeated, Europe, a continent, was freed, and the world was once again returned to peace.

We look to America today, and we ask: Is this spirit dried up?

In the beginning I mentioned: What does it mean to be an American? It meant something unique, it meant a spirit that seemed to drive Americans forward.

I just wonder, is that spirit even around any more? Many ask me, "Mark, after all of the rumblings I hear in Congress, is there still a spirit that America is great, that America is strong and America has the courage to stand up and do what we know needs to be done to preserve freedom in our own Nation, our own region, and with our allies in the world?"

They have asked: "Is our word any good, the commitments we have made in the United Nations, the U.N. Charter, the Rio Pact, the OAS Charter, the Organization of American States, are those commitments by America, are they any good any longer, or have commitments fallen by the wayside?"

Because in this Chamber, in the Foreign Affairs Committee on which I serve, any time America begins to be a strong country and be a place for freedom in the world, what do we hear? We hear the cries of another Vietnam.

In Grenada, we heard the cries on the floor and in the committee halls that Grenada is going to be another Vietnam.

In Central America we hear the cries that Central America will be another Vietnam.

And in Lebanon we have heard the same cries, Lebanon will be another Vietnam.

I just ask the membership to consider what we are saying in this. What kind of spirit drives us to pass the buck, to make the excuse of cowardice in America's behalf, to make the excuse of what I call a creeping cowardice that is a disease in America, use Vietnam, which many consider a failure, a mistake, as an excuse, a scapegoat, to avoid commitments, to avoid the courage that is designed and made America great and tell every person who worked, suffered, died, and served in Vietnam. If I were one of those Vietnam veterans, I would be enraged that anyone would call Grenada, Central America or Lebanon, degrade those men and women who fought in Vietnam that way, call those areas, and because we are standing up for freedom in the hemisphere, another Vietnam, because we stand up to Soviet tyranny, Soviet persecution, that is another Vietnam. It is a creeping attitude of cowardice, and I would urge our membership and anyone listening not to fall into what I call the Vietnam syndrome.

I am not saying Vietnam was a good thing, but those' people who fought, who died, who sacrificed, who are still alive after making their service to this country ought not to be degraded by accusing and suggesting that every foreign policy decision we make is another Vietnam.

This phobia, as I call it, is a copout. It insults the character of the American people. It is a brutal assassination of American nobility. It is a manipulation, it is a vicious tactic, in my opinion, which challenges the intelligence, the heart of the people whose history cannot afford a Vietnam phobia.

Yet the new isolationists would prefer to turn our faces on our own backyard in Central America, on the concerns in the Middle East and the concerns all over our country.

We must continue America's tradition of heroics, as our destiny would demand. We cannot set aside the sacrifices of the past for the political self-centered gains of today.

I am not going to forget Sean Luketina, nor am I going to forget Bill Zimmerman, the Kennedys, Martin Luther King and millions and millions of unsung heroes of all types in this country.

Carl Sandburg described his vision for America, which is much different than the doomsayers, the cynics, those who suffer from the disease of the Vietnam phobia, much different than they see it. Carl Sandburg said:

> I see America not in the setting sun of a black crimson night, despair ahead of us, but I see America in the crimson light of a rising sun, fresh from the burning creative hand of God; I see great days ahead, great days possible to men and women of vision.

There is a great old proverb that says:

> Men and women without vision will surely perish.

And, my colleagues in the Congress, unless we garner a new vision for America, understand the noble history of this country, our Founding Fathers, of those who sacrificed for America, remember, my chief of staff, Colonel Luketina. Remember his son, Sean, lying in Walter Reed Hospital. Remember Mr. and Mrs. Zimmerman from Grand Haven, MI, whose son died in Lebanon. Let us remember all the heroes who died in Vietnam and in Korea, in World War I and World War II, the Civil War, the Spanish American War, the American Revolution, all of the heroes, from the greatest and the smallest, from those recognized and unrecognized, those Americans who did not count the cost of sacrifice, they blindly, gladly yielded the sacrifice to themselves.

I would like to close by reading a letter that I sent to Mr. and Mrs. Zimmerman, the parents of Bill Zimmerman, on June 4, 1984. This was a prayer that we in our office developed for Bill.

If I can do some good today,
If I can serve along life's way,
If I have something helpful to say,
Lord, show me how.

If I can right a human wrong,
If I can help to make one strong,
If I can cheer with a smile or song,
Lord, show me how.

If I can aid one in distress,
If I can make a burden less,
If I can spread more happiness,
Lord show me how.

□ 2230

CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET AND LIMIT TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. CRAIG) is recognized for 60 minutes.

Mr. CRAIG. Mr. Speaker, this evening I have asked for this special order to discuss one of those issues that by current national polling data, is determined to be an issue that approximately 83 percent of the American public support, and believe is critically necessary in beginning to bring to some form of order the economy of this country through being able to slow the kinds of deficit spending that this Congress and this House have been involved in for decades.

I am referring tonight, once again, to a constitutional amendment to balance the Federal budget and limit taxation. Several months ago, I and others in this House became concerned that that critical issue that the American public so strongly agrees with us in, would not have the opportunity to be fully debated on this floor and given the opportunity to be sent forth to the American public for their ratification. Once again, I refer to a constitutional amendment to balance the Federal budget and limit taxation.

As a result of those thoughts and concerns, I began to work in a bipartisan way with my colleagues here in the House to form an organization called CLUBB: Congressional Leaders United for a Balanced Budget. That organization is now 80-some Members strong both in the House and the Senate; both Republicans and Democrats. I have the privilege of serving as chairman of it here on the House side.

Our effort was to begin to apply the pressure, not only within this body, but from outside this body through the effort of article V of the Constitution of our country. To ask States, through their legislative process, to pass resolutions asking the Congress to respond through the convening of a Constitutional Convention for the purpose of drafting an amendment for a constitutional balanced budget to send forth to the States for ratification.

To date, there are some 32 States that have made that request of this Congress. We only lack two more before this Congress must act as they are constitutionally mandated to do so in response to the people of this country. Now, something else that is important to consider, is not only that we have the avenue of the creation of a constitutional convention for the purpose of that drafting. But this body, this Congress, both the House and the Senate, are every day that they are in session, a constitutional convention in session. By that I simply mean that by a two-thirds vote of both of the bodies of the U.S. Congress, they can issue forth to the States of this Nation for their consideration and ratification a constitutional amendment to change the Constitution. The basic document, the basic law, the guide, the governance of this country. That has not happened. That has not happened because it has been the collective wisdom of the majority leadership of this House that the American people should not be given an opportunity, through the Constitution, and through their State legislative process, to decide whether this body should be forced to bring revenues and expenditures into balance.

Earlier this evening, my colleague from Michigan, in his special order, discussed the right of the people. The right of the people, as it is embodied in this House to have their issues represented, debated on an up and down way, to become or not to become the law of the land and the governance of this country. I believe he referred to an arrogance of power. An arrogance of power that I think can collectively be said to reside in this House, and in a very simple way, to be translated to say that some 435 Members of this House are saying they know better. They know better than 83 percent of the American people how the country ought to be run. In this case, that this body and this Government and our actions ought not be governed by the very simple and responsible fiscal action of bringing revenues and expenditures into balance as every American household must do, as every American business must do, as some 44 States of this Nation are required to do by their constitutions.

As a result of my concern and the concern of a large number of bipartisan Members of this House, I was asked to engage in a colloquy with the chairman of the House Judiciary Committee, Peter Rodino, who chairs that most important committee that is, by the structure of this House and its rules, responsible for crafting and issuing forth to this body constitutional amendments for the consideration of this body.

We know, I believe the American public now knows that for a good many months that chairman has denied this House and the American public that opportunity for the purpose of that most important debate. But more importantly, for the purpose of some 50 debates in 50 State legislatures across this country where all of the American people can watch, attend, and, in many ways, participate in the debate of ratifying or not ratifying a constitutional amendment that would require a balanced budget and tax limitation.

That colloquy was asked for by U.S. News & World Report, and in the most recent edition of U.S. News & World Report in their pro and con section on page 64, that colloquy commenced. It is entitled, "Pass Amendment Requiring a Balanced Budget."

Mr. Speaker, I ask unanimous consent that the entirety of that page be placed in the Record.

The SPEAKER pro tempore. Without objection.

Mr. CRAIG. I would like to go through that colloquy tonight, because I think embodied within that is a demonstration of the basic differences between those of us in this body who believe that the American public ought to have a right or have the right, most importantly ought to have the opportunity to become involved in that debate and to decide whether this Congress is forced to create the necessary procedure by which they will, on an annual basis present for a vote of this Congress a budget of the U.S. Government that is in balance.

For example, the first question was asked of me by a reporter from U.S. News & World Report:

"Representative Craig, why do you favor the proposed constitutional amendment requiring the balanced budget?"

I said, and I believe it most sincerely, that I viewed that a constitutional amendment to require a balanced budget was the only opportunity left by the citizens of this country to begin to control the expenditures of our Federal Government, and that it was necessary that we use the constitutional route because we have had demonstrated in this body time and time again over the years, I believe it to be some 17 times in 19 years, that we could not craft a law, a statute, if you will, that said we will balance the budget.

That is very simply understood because we know that not one Congress can bind another; that a law is a law, and the law can be changed by the body that crafts the law. Of course, that is the Congress of the United States.

□ 2240

But it is an entirely different affair when we deal with the Constitution, because it is the people, collectively, of the United States who decide what will be embodied within the Constitution.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be happy to yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I just wanted to interject at this point that not only can the laws be changed from Congress to Congress; the fact is that each Congress takes upon itself to simply ignore the laws at times that are passed, even laws which bind it.

As the gentleman well knows, we have had laws requiring a balanced budget. We have on the books Public Law 95-435, which requires a balanced budget right now. We have simply ignored it. It is not a case of really repealing these laws, and so on. If they do not suit our purposes at any given time we just ignore them. The gentleman is absolutely right. It is a little harder to ignore the Constitution. It is a little harder to ignore a constitutional mandate that you are sworn to uphold when you take the oath of office. That is a much harder thing to do.

I think it is important to realize that a law is not in the same kind of category that the gentleman is talking about when he talks about amending the Constitution.

Mr. CRAIG. I thank my colleague from Pennsylvania for bringing forth that most important point because I think we all know here, and I hope the American public is soon to learn, that laws are laws, and although we place great value in them, they can be changed by a majority vote of the Members of this House and the Members of the Senate and by the signing of the President, but that a constitutional amendment must receive ratification by three-quarters of the States of this Union before it is an amendment and, of course, the Constitution itself cannot be changed unless that process happens.

Our Founding Fathers recognized very clearly that there might come a time in the history of this country when the Congress itself simply would not be willing to bend to the will of the very citizens that they were supposed to be responsive to, and I think that day is very clearly at hand, when polls tell us that the American people, some 83 percent of them, now are asking the Congress that they believe the Congress ought to send forth a constitutional amendment to balance the budget for their State legislatures to ratify, and yet this House, this body, denies them that opportunity.

That is how I responded to the question. Let me refer to how the chairman of the Committee on the Judiciary, who is singlehandedly at this time denying the American people the opportunity to vote on that by their Representatives, we in Congress.

Mr. SILJANDER. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be happy to yield to my colleague, the gentleman from Michigan.

Mr. SILJANDER. Did the gentleman say, then, that 83 percent, according to polls, and even if it is incorrect by a variance of 4 or 5 percent, 80 to 85 percent of the American people are requesting a balanced budget amendment? Is that what the gentleman said?

Mr. CRAIG. That is correct.

Mr. SILJANDER. But does it not seem rather remarkable that a Congress such as the people's forum, as you called it during my special order, the people's House, that we have not yet brought this issue up for an honest, clean, fair debate in committee or on the floor? Does it not seem rather amazing that something the people so desperately want, demand, that we live in our means as a Congress, like they do as a family? I know if my wife and I, when we find ourselves in debt, we have to stop spending. We cannot continue to go on deficit or we will find our house or our car confiscated. I do not think the Government should operate any differently.

That is probably why 84 percent of the American people, since they cannot run ongoing deficits, and national debts of $2½ trillion, they cannot do that. Why should we?

So I appreciate the gentleman's special order, and taking his time to make such a valid, clear, comprehensive point. I would just appreciate any other information he could give to this Member as to why, internally, we are having such a desperate time, difficult time, dilatory in tactics, in terms of getting this issue in the committee a hearing, on the floor, for an honest up-or-down vote. Could the gentleman please shed some light on that during his special order?

Mr. CRAIG. I thank my colleague from Michigan, and I will attempt to answer that very important question. I think that question is in large part answered by the response in U.S. News & World Report from the chairman of the Committee on the Judiciary, PETER RODINO, and that response is in large part reflective, in at least his views, of why this body ought not to respond to the wishes of a very substantial majority of the American people.

For example, he said that there are those economists who say we cannot predict the future, and that it would be a horrible mistake to write an inflexible amendment on the budget into the Constitution. First of all, I guess I would react, and this would be a personal interpretation that somehow fiscal policy ought to be such that we move it any way at any time that we so decide, and not be forced to build and develop a long-term, consistent policy that brought the kind of economic stability to this country that I think all Americans are crying out for.

And, of course, he talks about the inflexibility of a constitutionally required balanced budget. The very instrument that is currently being debated in the Senate Judiciary Committee, that we had before this body in August 1982, although it was a document, and I refer to the then vote on the constitutional amendment that failed in this House, although it was difficult for Members to force deficit spending, it was not denied. It just simply said a very large majority of them would have to vote for deficit spending or flexibility inside the constitutional amendment if they wanted to not adhere to the amendment. In other words, the amendment had flexibility in it.

The amendment that we are talking about now and that is being debated in the Senate has flexibility. It says that when a very large majority of this Congress feel it is so critically necessary for the good of this country that we deficit spend, that we in fact can do so. It does not say you shall never, you can never; it only says in times that it is viewed to be critically necessary, and it would take a very substantial vote to do so.

Now, it says, interestingly enough, and some argue, "But what happens in time of war? What happens in times of national and international crisis when we must deficit spend for the sake of the security of this country?" That constitutional amendment proposal says that the amendment is waived immediately with the declaration of war, that this Government should not deny this country the opportunity of freedom and peace and security simply by a restriction of the Constitution.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. CRAIG. I would be happy to yield to my colleague, the gentleman from Florida.

Mr. MACK. I thank the gentleman for yielding.

Mr. Speaker, if I could, let me expand a little on the answer that Mr. RODINO gave in that interview.

Mr. CRAIG. I would be happy to have the gentleman do so.

Mr. MACK. The question basically was, "Why do you oppose the balanced budget amendment?" His first response was "Because the testimony before the House Judiciary Committee and the research we have done that an amendment for a balanced budget would not work."

I was under the impression that there have not been any hearings in the Judiciary Committee about a balanced budget amendment. Could the gentleman enlighten me on that?

Mr. CRAIG. To my knowledge, to date this year there have not been hearings. I can only assume that the chairman was referring to past hearings, and yet, of course, we know that last time this body, in 1982, had an opportunity to vote on a constitutional amendment requiring a balanced budget that it was a discharge petition that forced the issue to the floor. In other words, the committee did not act and respond. It took 218 of the Members of this House, through the rules of this House, to force the issue and cause the amendment to come to the floor in an immediate sense. So I think what he is referring to has been very limited in nature and has not occurred for some time.

□ 2250

Mr. MACK. Let me just pick up on the point the gentleman made about the discharge petition.

Again what the gentleman is saying is that in 1982 the leadership of the House would not allow that amendment to be brought to the floor of the House under the normal rules of the House; is that correct?

Mr. CRAIG. That is correct.

Mr. MACK. And apparently the Judiciary Committee did not hold any hearings, probably did not hold any hearings in 1982 to deal with the matter.

Mr. CRAIG. I believe that to be correct also.

Mr. MACK. I believe it might be worth our time to look back and see at what point the gentleman from New Jersey (Mr. Rodino) is referring to House Judiciary Committee research into this question, because if you go on down further into the question that were posed to him in this interview, I guess this was in what, the U.S. News & World Report?

Mr. CRAIG. That is correct. The issue that is just out as of last week.

Mr. MACK. Further on in there it asks the question, "In the last 24 years the budget has been balanced only once. How can Congress be counted on to balance the budget in the future unless it is forced to change its habits?"

Listen to the response. I am putting this in context with the first comment that was made in that the House Judiciary Committee has had testimony and done research that says a balanced budget amendment just will not work. Listen to the response he gives to this last question.

He says, "In the last 7 or 8 years Congress has made some progress in disciplining itself."

In the last 7 or 8 years, what 7 or 8 years is he referring to? I mean, is he living in the past? Were those hearings held back in the 1930's when John Maynard Keynes said that the way to solve this problem is deficit spending? Would it not be wise possibly to update the input from economists from both sides of the spectrum, both liberal and conservative, classical economists, monetarists? Would it not be important to have those hearings and get that input and then make some decisions?

But to imply that in the last 7 or 8 years Congress has made some progress in disciplining itself, I do not think that the 17 percent of the people who were surveyed that the gentleman referred to earlier who opposed the balanced budget amendment would believe that line.

So I think it is about time that we ask the gentleman from New Jersey (Mr. Rodino) that before he makes another decision about a balanced budget amendment that maybe he ought to have some hearings and he ought to have some people in to correct his point of view, because I would suggest that if the gentleman is making these kinds of comments, he obviously does not know much about what is going on in the economy. He obviously does not know much about fiscal policy. He obviously does not know much about monetary policy.

Mr. CRAIG. I think the point that my colleague from Florida has made when the chairman, Chairman Rodino, talks about Congress has made some progress in disciplining itself, I guess I would have to ask a rather rhetorical question. What progress?

We now experience the largest deficit in the history of this country and if he is talking about fiscal discipline, then I suspect he does not understand the definition of the word discipline.

Of course, what I think he is referring to in large part is some degree of fiscal discipline, but I think what we do know is that no tool exists in this House today. More importantly, the very chemistry of the laws that have been crafted over the last 20 years refuse to allow the Members of this House to exert fiscal discipline, unless in fact we change the law.

What I am talking about is a Federal budget that is in large part, much better than 50 percent, out of control. By that I mean that it would require a substantial law change to bring it under control and the Members of this House, in large part the majority, simply refuses to allow that kind of thing to happen.

So the fiscal discipline that I think he is referring to simply is not observed by the American people and certainly not observed by this Member of the House.

I would be happy to yield to my colleague from Florida.

Mr. MACK. Just one additional point, a further comment in his response. It says that we should seek to balance the economy as a whole. I assume there he is saying that we should balance the economy as opposed to just taking the approach that what we need is a balanced budget amendment.

I guess I want to say that I think there is some truth to the comment that we ought to balance our approach to how we solve this problem, because I think that those of us who feel so strongly about the need to control the fiscal side of economic policy want to at the same time be delivering the message that we need to be directing our attention, our understanding, our education of monetary policy, that the last two sessions of the budget hearings that I have participated in where we have had Mr. Volcker come down and relate to us what was going on as far as monetary policy is concerned, it was interesting to me that there was a little game going on and that game was, see if those of you in the Congress that are responsible for fiscal policy, see if you can guess what I am going to do with monetary policy. See if you can attempt to balance your decisions about economic or fiscal policy with what you think I am going to do about M_1 or M_2 or M_3 or interest rates, nominal GNP or real GNP or reserves or free reserves, and I will tell you what, just to keep you off guard, I am going to change what those targets are from time to time.

So here we are, listening to economists tell us what we ought to do about fiscal policy and I have always had the understanding that fiscal policy and monetary policy should be balanced, but I as a Member of Congress am being told by the Federal Reserve that I have to guess what their policy is going to be.

So my last point here this evening is that I believe we have got to go one step further when we talk about the future economic growth of the country, that we have to begin to address ourselves to the questions and the concerns of monetary policy.

I thank the gentleman for his time.

Mr. CRAIG. Well, I thank the gentleman for those most cogent comments. I can only agree that as we attempt to right the economy of this country and build the type of long term stability of jobs and opportunity that the American people want, that not only does this House, this Congress, have to get its budget in balance and build the kind of long-term stable fiscal policy that monetary policy long term can respond to, that will ultimately create the kind of stability and the economy that everyone asks for, but this is the ultimate tool that crafts it.

Let me take only a very few more minutes, because it is late, to look at a couple other comments that I find unique in the debate over the issue of a constitutional amendment to the balanced budget.

The question was asked the chairman of the House Judiciary Committee, that the proposed amendment would require a three-fifths recorded vote by Congress to permit an unbalanced budget. Would this not focus attention on budget-breaking actions?

I quote from the chairman: "It would be a sham. Ways would be found to get around it."

What my chairman of the Judiciary Committee is saying is that Members of this Congress, that the leadership of this House, that the process itself would find a way to violate the Constitution of the land if in fact that Constitution required a balanced budget by this body.

I find it unique that a man who every two years, as we convene a new session of the U.S. Congress, who stands as all of us must do, to take an oath to uphold the Constitution of the United States, would openly say to the American public that the Constitution if it had a balanced budget amendment in it would be a sham and that ways would be found by this Congress to violate that Constitution.

Eighty-three percent of the American people now ask that we bring our fiscal house in order. I believe the time is short. With the pressure of the

American people, with the effort of my colleagues here in this body, we will be able to force that issue, that we will be able to give the American citizens the opportunity through their State legislative process to place within the Constitution of this country an amendment that will require a balanced budget and tax limitation.

Mr. Chairman, I yield back the balance of my time.

THE 40TH ANNIVERSARY OF NORMANDY INVASION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. **Campbell**) is recognized for 15 minutes.

● Mr. CAMPBELL. Mr. Speaker, it is my pleasure to take this opportunity on this 40th anniversary of the Normandy invasion to honor one of the outstanding divisions that took part in that invasion, the 30th Infantry Division, fondly known as the Old Hickory Division.

Comprised of men of the National Guard from South Carolina, North Carolina, Georgia, and Tennessee, these men served with honor and distinction when they were called to active duty. The 30th Infantry Division, named Old Hickory in honor of Andrew Jackson, was activated in August 1917 at Camp Sevier, SC, and was composed of National Guard units from North and South Carolina and Tennessee. The division served overseas during World War I, distinguishing itself in the Somme offensive by breaking through the famed impregnable Hindenburg line and in the battles of La Selle, St. Mihiel, and in the Meuse-Argonne. After World War I, the 30th Division was deactivated from Federal service and reverted back to its National Guard role in its respective States.

On September 16, 1940, the 30th Infantry Division was one of the first four National Guard divisions called to active duty. Composed now of the National Guards of North and South Carolina, Tennessee, and Georgia, the division was inducted into Federal service at Fort Jackson, SC. The division, with its sectional and National Guard character was soon flooded with an influx of selectees, Reserve officers, Regular Army personnel, and the OCS graduates from all sections of the country. The infantry division at that time consisted of the 117th Infantry Regiment, 119th Infantry Regiment, 120th Infantry Regiment, 30th Reconnaissance Troop, 105th Engineer Battalion and attached was the 823d Tank Destroyer Battalion, 743d Tank Battalion, and 531st Antiaircraft Artillery (AW) Battalion. The division's artillery consisted of the 113th Field Artillery Battalion, the 118th Field Artillery Battalion, the 197th Field Artillery Battalion, and the 203d Field Artillery Battalion in addition to the 30th Quartermaster Co., 730th Ordnance Co., 30th Signal Co., and the 105th Medical Battalion.

After training for several years at Fort Jackson, SC; Camp Landing, FL; Camp Forest, TN; and Camp Atterbury, IN; the division went overseas in February 1944 under the command of Maj. Gen. Leland S. Hobbs. After being trained and prepared for the greatest invasion of all time, the 30th Infantry Division went into France on the 10th of June (D-plus-4) and was immediately committed to action against the German Army, participating in the liberation of France, receiving the Croix de Guerre with Palm in 1958.

The division participated in five major campaigns, receiving five battle stars. Its 2d Battalion, 120th Infantry, plus attached units, became known as the Lost Battalion of World War II when, on August 8 to 14, 1944, surrounded by elements of the German Army, including Hitler's elite 1st SS Division on Hill 314 in Mortain, France, it refused to surrender and held out until relieved. In the Battle of Mortain the 30th Division took something out of the German Army which it never regained. Three top German generals, Jodl, Keitel, and Von Kesselring, interviewed after the war, stated that the Mortain engagement was one of the critical operations leading to the defeat of Germany and that the 30th Infantry Division was considered the best fighting division in the European Theater, a fact corroborated by our own American military historians.

The division spearheaded the Allied breakout from Normandy at St. Lo and was the first American force to enter and liberate Belgium, receiving the Belgian Fouragere, first in Holland with the encirclement of Aachen, and first to cross the Rhine River.

During the Battle of the Bulge the 30th faced the reorganized Hitler's elite 1st SS Division. During the great Ardennes offensive in the winter of 1944-45 the 30th Infantry Division defeated this elite German division so badly that it never returned to combat. Our Assistant Division Commander, Gen. William K. Harrison's task force blocked Gen. Von Rundstedt in his attempt to split the American and Allied forces.

During combat, the 30th was known as the workhorse of the Western Front, so named by Correspondent Wes Gallagher. It was also known as Roosevelt's SS Troops, so named by the German high command because of the consistent vigor and pressure it brought to bear on the German Army.

On March 23, 1945, the 30th made an assault crossing of the Rhine River and pursued the enemy across Germany, mopping up enemy pockets of resistance until contact was made with the Russians at Magdeburg on the Elbe River. After a short occupation period the 30th was returned to the United States, arriving home August 19, 1945.

Two additional tributes expressing the commendations of commanders in the field, a part of its glorious history, were in a letter from Lt. Gen. William H. Simpson, the 9th Army Commander, on March 15, to General Hobbs:

> It was a distinct pleasure for me last October when I learned that the 30th Infantry Division was being assigned to the Ninth Army, a pleasure all the more keenly felt because of the fact of my previous association as one-time commander of the Division. I have been happy to share with you the pride of accomplishment that has characterized the history of your Division since the initiation of operations on the Continent.
>
> The operation just concluded again furnished your Division with an opportunity to distinguish itself. I scarcely need point out that this opportunity was accepted and completely exploited by the Division, thereby adding another glowing chapter to the record.
>
> Particularly gratifying to me was the surprise which was achieved in you crossing the Roer River at an unsuitable site, and the ingenuity with which your organizaiton overcame the difficulties of building up a bridgehead despite meager access and egress roads. Your expeditious clearing of the Hamback Forest and the firm protection which you furnished the Army right flank, materially assisted the Army to successfully execute the maneuver by which the enemy was turned out of his position and driven to retreat across his own line of communication.
>
> It was characteristic of your Division that, with the original mission accomplished, you were ready and waiting to execute another mission—that of further securing the Army's right flank and facilitating the capture of the key strongpoint of Neuss.
>
> It is with great personal pleasure that I acknowledge the splendid job performed by the 30th Infantry Division and express my commendation of the individual contribution made by every officer and man.

Maj. Gen. Raymond S. McLain, the XIX Corps commander, in forwarding General Simpson's letter, noted the division's "thorough and rapid action by which the blow never lost its momentum and the enemy moves to check the advance were overrun before they got underway."

Final tribute to the work of the 30th had previously been paid by the four States from which the division had entered Federal service in 1940 and by Gen. Jacob L. Devers, Commanding General of Army Ground Forces. The Governors of Georgia, North and South Carolina, and Tennessee joined in proclaiming October 30 "Old Hickory Day" within their States, and marked the occasion with appropriate ceremonies at the State capitals and with a special radio program. General Devers, in a letter dated September 21, stated:

> The inactivation of the 30th Infantry Division brings to a close a brillant chapter in American history. The officers and men of the Old Hickory Division, which was formed from National Guard units of North Carolina, South Carolina, Georgia, and Tennessee,

> have maintained the highest standards of our infantry from the federalization of the unit on September 16, 1940, to the present.
>
> Your Division landed in France in June 1944 and during the rest of the war performed, often spectacularly, in an efficient, destructive manner. After spearheading the memorable St. Lo breakthrough, your troops were called upon to repel the German attempt to split the American First and Third Armies at Avranches. In one of the most destructive battles of the war, the 30th crushed the enemy assault and held open the vital corridor to the South.
>
> At Aachen, through Belgium, Holland and on into Germany, you continued the offense. As a result of the terrific mauling you gave to some of the Wehrmacht's best troops, the enemy dubbed you "Roosevelt's SS Troops." The final weeks of the war found your men engaged in the drive which encircled the Ruhr and bagged thousands of German prisoners.
>
> Your Division is now being inactivated, but many of your men must remain in the service, while the national security demands their retention. Until they can be released, I am sure they will continue to carry out their assignments with loyalty and vigor.
>
> The 30th has fought courageously and relentlessly, in keeping with the finest traditions of our country. I am proud of that, on behalf of your fellow countrymen, I have this opportunity to commend your officers and men for their devotion and self-sacrifice in the victory over tyranny.

After deactivation, the 30th Infantry Division Association continued in existence, the 30th Armored Division became the National Guard of Tennessee and the 30th Infantry Brigade became the National Guard of North Carolina. Today, many 30th men remain on active duty, some have gone on to become successful businessmen and community leaders; far too many are no longer with us. To those men of the 30th Division I say "well done." I am reminded of the statement President Reagan made in his inaugural address when he said, "You can see heroes every day going in and out of factory gates." He was literally discribing the Old Hickory Division, a diverse group of men who sought to serve their country by joining the National Guard, but, when thrust into the heat of battle, rose to the occasion and proved themselves worthy of the title "Hero." I salute these men and all those who served their Nation so valiantly and the traditions for which they so proudly stand.●

● Mr. **HEFNER.** Mr. Speaker, today, June 6, 1984, is a day for remembering; a day for sorrow and a day for thankfulness. We are remembering the 40th anniversary of the Normandy invasion and the 30th Infantry Division, fondly known as the Old Hickory Division. Made up of patriotic and courageous North Carolinians as well as equally fine young men from South Carolina, Georgia and Tennessee, the Old Hickory Division has an honorable history dating back to the First World War. Together with thousands of other Americans, the 30th wrote an important page in American history.

We feel sorrow for the lives of the North Carolinians and other fighting men lost on the Normandy beaches 40 years ago, but we are also thankful for the freedom we inherited from their great sacrifices. The loss of our war dead and the great contribution of those who lived were not in vain.●

● Mr. **GEKAS.** Mr. Speaker, as everyone knows, today marks the 40th anniversary of the Allied invasion at Normandy. That invasion began a critical phase of the Second World War which ultimately ended in the downfall of Adolf Hitler's Nazis and the preservation of freedom for millions of Europeans. At that hour of our world history, the hopes of many people suffering under the domination of Hitler were quite low. For that reason, the invasion served an important notice that the United States and other nations of the free world would not tolerate any longer the tyranny of the Nazis, thus renewing the hopes of many.

At the same time, the successful Normandy invasion instilled a sense of pride among Americans, as we defended the liberty and freedom of our allies overseas, striking down the shameful leader who sought to end those rights. Our instrumental role in the invasion set the stage for an even larger responsibility later of helping our friends abroad recover from the terrible ravages of war. We never shied away from that responsibility, and today the economies and standards of living in many of those same notations are competitive with our own.

On this day, too, we remember and honor the many soldiers who sacrificed their lives in this gallant effort to free Europe. There will always be a special place in our hearts and minds for those brave persons who changed the course of history. The many who were wounded at the time are admired because they survived this ordeal after having faced certain death. Many of them continued in battle while injured because they had a job to get done. They were certainly heroes by any definition of the word.

The Americans back home followed the news of the Normandy invasion very closely, praying for our soldier's success and sharing their joy when the mission was accomplished. The events taking place in Europe brought us closer together in the States as we unified in support of our troops hitting the shores of France.

In all, it was quite a special moment in American history, and one that we can be very proud of. The soldiers who landed at the beaches of Normandy had the hearts of our entire country with them, and we salute them on this 40th anniversary for the immeasurable service they performed in the name of freedom.●

● Mr. **McEWEN.** Mr. Speaker, 40 years ago on this date, Allied soldiers scrambled out of the sea onto the Normandy beaches. The armies had come through the night from English ports to the 50 mile stretch of the Normandy coast.

This was the beginning of the great plan to free Nazi Europe. The future of the free world was placed in the hands of young American, British and Canadian troops. Their courage and determination would pave the way for the Allied forces to succeed in this invasion and allow the cause of freedom to prevail in World War II.

Mr. Speaker, on this day, our Nation pays tribute to its citizens who contributed to the success of this effort. Their faith, dedication, and devotion to duty deserves the deepest appreciation and gratitude from the Congress and the people of America. On behalf of the grateful Nation, I extend my personal thanks for their sacrifice and service to our country.●

● Mr. **FLORIO.** Mr. Speaker, 40 years ago today millions of Europeans suffering under the yolk of Nazi occupation heard the stirring words of Gen. Dwight D. Eisenhower as they were broadcast over the BBC, "People of Europe, the hour of your liberation is at hand."

That call to arms was possible only with the courage and determination of thousands of Allied troops as they braved intense enemy fire breaching Hitler's "Atlantic Wall." The documented bravery of the battles of the Omaha and Utah beaches provided the world with its first glimpse of the American combat soldier who would fight his way across the Cherbourg Peninsula and eventually into the heart of Germany itself.

In New Jersey we have many thousands of World War II veterans—many of whom arrived in Western Europe over those sandy Normandy beaches. As did the soldiers who followed the D-day liberators, we at home in the United States—even to this day—owe a debt of gratitude and thanks which we can never repay.

On behalf of the First District of New Jersey, and for that matter on behalf of all Americans, we thank you once again on this special day.●

● Mr. **MARKEY.** Mr. Speaker, today we remember the greatest invasion of all time: D-day. Our news media are filled with the glorious and somber recollections of that fateful day.

What is the message of this remembrance?

Utah and Omaha beaches are now jewels in American history. The heroism and valor of the invasion remind many of the glory of war, and the triumph of 150,000 troops completing their mission.

But D-day is also the story of 10,000 Americans who lost their lives. It is also the story of the costs of war, as painful as those memories may be.

Forty years is a long time. If World War III broke out now, we would lose more Americans in a second than we lost in all of World War II. If World War III broke out now, there would be no D-day II.

We should not forget that the glory and success of D-day was ours because we were in the right—fighting for the cause of freedom and democracy—and let us resolve never to use such force for the wrong purposes or the wrong objectives.

Today the superpowers have 6,000 times the firepower that was used in World War II. Let D-day be a reminder of the consequences of war, and of our hope for peace.●

● Mr. MINISH. Mr. Speaker, today at noon, a small band of veterans, representing the Allied Airborne Association, will place flowers at the monument to the 101st Airborne Division on Memorial Drive just outside the main gate to Arlington's National Cemetery. It will be recalled that 40 years ago today, undercover of darkness, the 101st, along with the 82d and the British 6th Airborne Division, parachuted behind the German lines on the cliffs above Normandy's beaches where the main assault of the invasion was unfolding.

Gen. Maxwell D. Taylor, who commanded the 101st and jumped with his paratroopers that eventful night, wrote some very touching recollections for the May 29 Washington Post. He recalled that years after the war, Gen. Dwight D. Eisenhower, Supreme Allied Commander, said the news of their landing and entry into combat was the greatest moment of his military career.

I would like to commend three men—Frank Juliano of Staten Island, NY, Salvatore Bascotti of West Orange, NJ, a friend and constituent of mine, and Gilbert Wells of Arlington, VA.—for their dedication and persistence in creating an umbrella organization for veterans of all airborne units, including paratroopers from Great Britain and Canada, who served in World War II, Korea, and Vietnam.

Mr. Juliano, who served in the 101st, is president of the Allied Airborne Association; Mr. Bascotti, who was in the 11th Airborne Division in the Pacific, is vice president; Mr. Wells, also a veteran of the 11th which was slated to jump as backup troops if the invasion of the Japanese mainland had become necessary, is the capital area commander and handles public relations here in Washington.

There are others among the nearly 800 members scattered throughout the Nation and abroad who are moving in the same direction—namely, gathering names of airborne veterans, soliciting memberships, paying tribute to those who perished in the line of duty and, in general, advancing the cause of patriotism and loyalty to the United States of America.

I wish the representatives of this relatively new veterans organization well in gaining acceptance of June 6 as Airborne Memorial Day, along with the remembrance of D-day. It is a fitting commemoration of this significant event in the overall invasion and eventual liberation of Europe. I take pride in joining them in this tribute to the nearly 1,000 casualties among the 13,000 paratroopers who took part in that historic operation.●

● Mr. LONG of Maryland. Mr. Speaker, I rise to urge my fellow Members of Congress, and all citizens, to take this moment, some 40 years after the Allied invasion of Normandy, to reflect upon the meaning of that moment in history. Today, in our complex bureaucratized world, we are liable to either grow complacent and neglect our history and the lessons it teaches, or respond emotionally, praising past heroism, without actually confronting its true costs. Over two-thirds of the more than 10,000 men who died in the first 24 hours on D-day were American soldiers, young men willing to lay down their lives far from their native land, young men who gave their lives that we might live in peace and freedom.

In 1776, Tom Paine wrote:

> These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman.

There were no summer soldiers on Omaha Beach, no sunshine patriots on Utah. These men, many of them young and inexperienced, waded ashore loaded with 70 lbs. of gear and fear. But their courage persisted. Yet the toll claimed by death that day is awesome. Of the 197 men of Company A of the 116th regiment that hit Omaha, only 8 men survived the first 10 minutes of battle. Lives gone, snuffed out, as a lighted candle is extinguished, gone never to return.

And while our boys dropped on the beaches, their friends and brothers dropped from the sky: the Screaming Eagles of the 101st Airborne, with blackened faces and some with shaved heads, preparing for drops that might be miles from target, or the 82d, which took Sainte Mere-Eglise, the tiny town in which Pvt. John Steele hung from the steeple of a medieval church, where his parachute snagged.

There were many heroes that day, and most of them never lived to be decorated for their heroism, or to be given a hero's welcome in their hometown, to be reunited with the families they left behind, and the families they had hoped to build for the future.

But what they left for us is just that: the future. There would have been no future for democracy had they not laid down their lives. What we must consider, as we remember them today, is: Have we honored them appropriately by guarding and protecting, by honoring and respecting that future for which they laid down their lives.

In all our efforts, in appropriating the taxpayers' moneys for Government spending, in our defense and foreign policies, in our entire Government, we should remember the price that was paid to allow us these decisions and the responsibility we owe to those who paid the price. For we too have an obligation to the future. We must take our stands. We must act for future generations as the men in Normandy did for ours. We must act, as the British philosopher Richard Hooker wrote long ago, "that posterity may know that we have not loosely through silence let things pass away as in a dream."●

● Mr. COUGHLIN. Mr. Speaker, today is a unique day in the history of our Nation and in man's pursuit of liberty. D-day National Remembrance Day marks the 40th anniversary of the beginning of the demise of Hitler and his regime. We honor all those who gave their lives on that day, June 6, 1944; but also we honor those who sacrificed their lives on any day of every war whichever was waged in the struggle for freedom and liberty.

The price of liberty is never easily paid. For more than 10,000 Allied soldiers in this one day of battle, liberty demanded all that they had to give. Nevertheless, this was the day the Western World was triumphant in its greatest fight for liberty. American, British, and Canadian soldiers and incredible hardships to bear in this great assault on the German Army. Many Members of Congress can readily recall their own days in the service and the difficulties that they had to face. As a marine, I have particular respect for those who had to deal with the rigors of the sea. Through my service, I realized that the sea has a power with which man cannot compete. Unfortunately, many soldiers on D-day discovered what a harsh foe it can be—many lives were lost in the landing procedures alone. Some plans went askew due to the weather and misjudgment. For those who made it ashore, German gunfire met their landing. Every soldier faced a personal struggle of survival and combat; but the Allied Forces were victorious in this struggle, as witnessed by the fact that we are gathered today to commemorate them.

The D-day invasion was an epitome of American strength and resources: it brought forth tremendous manpower and industrial power. It was also symbolic of a united purpose amongst the Allies: the ideal of liberty is not possessed by one people—it is a universal goal. The Allied invasion was a successful expression of this age-old desire.

Normandy will always represent a never-ending bid for freedom. We must remember this heroic past, but more important, it should serve the future as a reminder of what could happen if the world should step down instead of fight a menace to liberty. Nations must join forces in war if there is no alternative to the security of the world. Sometimes, sadly enough, war is necessary for right to prevail. Gen. Omar Bradley told us that "Every man who set foot on Omaha Beach that day was a hero." This is true of all who risk what they have for liberty. There arise many difficulties in the fight for liberty, but, undaunted, we must persist down this path. It is the most outstanding goal of our Nation and of many nations throughout the world.

This day is set aside to remember the honor and glory of those who participated in D-day; however, we must never forget the agony that they endured. War demands an incredible price from everyone whom it touches. Every person must reflect on the reasons that made this particular war a necessity and how such a man as Hitler was permitted to rise to power. The cemeteries in Normandy where the fallen Allied and German servicemen rest will be a constant reminder to society that such events of death and destruction must never occur again.

Nations must unite to ensure the survival of liberty. The power of international cooperation goes a long way in protecting liberty. Today, in Normandy, the leaders of the Allied nations are once again uniting, proving that the D-day invasion has had far-reaching effects, indeed. Leaders of the world come together for the sake of liberty, thus providing hope that the pursuit of liberty will always continue.●

● **Mr. McKERNAN.** Mr. Speaker, on this the 40th anniversary of D-day I would like to share with my House colleagues the thoughts of my friend, Dan Lambert, State adjutant of the American Legion of Maine, State secretary of the Maine Veterans Coordinating Committee and a representative of the National Veterans Affairs and Rehabilitation Commission of the American Legion. A resident of Orrington, Maine, Dan is a decorated war hero and a distinguished veteran of Darby's Rangers of World War II.

I ask my colleagues to join me in pledging ourselves to the continuing pursuit of world peace—an obligation we owe those who fought and died for the cause of freedom 40 years ago today on the Normandy coast.

D-Day: 40 Years of Memories

Today we remember a great event in American history . . . D-Day. Forty years ago . . . on June 6, 1944 . . . Allied forces . . . more than two and three quarter million strong . . . stormed the beaches of Normandy and southern France to launch what was known as "Operation Overlord" . . . the Allied invasion of Europe.

Some of us here today can probably remember exactly what we were doing when the word of the invasion was heard . . . and can still recall the tremendous feeling that accompanied it.

For younger Americans the question could be . . . what is the significance of this day? Only historians in centuries to come will be able to determine its ultimate effect on the history of mankind. But for many of us here . . . this day is very special.

For on that day, June 6, 1944 . . . the greatest invasion force in the history of mankind was assembled: More than two and three quarter million men . . . eleven thousand aircraft . . . more than four thousand ships and over one thousand landing craft . . . with one purpose . . . to liberate Europe from the stranglehold of Nazi Germany.

Reflect with me for a few minutes. Look back forty years . . . and envision what happened that first week in June of 1944.

It's June 1st. Skies over the English Channel are ominously grey . . . weather forecasters predict high winds and low visibility for June 5th through 7th. Those in command of "Operation Overlord" know this weather forecast could be disastrous . . . for the invasion of France depends on good weather conditions.

General Dwight Eisenhower, Supreme Commander of the Allied Forces, has a major decision to make . . . If the weather conditions are not favorable for a landing this week, meteorologists predict it will be another thirty days before conditions would allow another assault.

Eisenhower knows delaying the invasion can remove the element of surprise as well as affect the overall battle plan.

On Sunday, June 4th, Eisenhower learns a temporary break in the weather might occur on Tuesday . . . but it is a fifty-fifty chance, at best. He ponders the situation and makes his decision . . . "Operation Overlord" . . . D-Day . . . goes on the 6th.

Early on the morning of June 6th, 1944, the largest amphibious force ever seen is launched. This armada includes four thousand ships, with air cover by eleven thousand planes. Their destination: an area of land about which Hitler boasts . . . "No power on earth can drive us out of this region against our will."

But drive the Germans out they do . . . at 3:32 a.m., New York time, a radio flash announces the invasion and repeats Eisenhower's Order of the Day . . . "The tide has turned. Free men of the world are marching together to victory."

The Allied landing zone is divided into five main areas. Two on the west . . . code names Utah and Omaha . . . are American responsibilities. The remaining three . . . Gold, Juno and Sword . . . are to be occupied by British and Canadian troops.

Omaha Beach is where the first assault is to be launched that June 6th morning. 34,000 troops and 3,300 vehicles in the first wave. A second wave of 25,000 men and 4,400 vehicles will follow.

D-Day. The battle had begun. Today . . . we have the advantage of looking at that invasion from the perspective of history. There were problems, lots of them. As the fighting raged, Omaha Beach became littered with wrecked landing craft and disabled tanks. Evacuating casualties was difficult. At Utah Beach . . . troops missed their landing point by two thousand yards. U.S. paratroopers who dropped in the early morning darkness were scattered throughout the battle zone.

But despite the problems . . . more than 18,000 Americans were on Omaha Beach alone by mid-morning. By nightfall that June 6th, nearly 150,000 Allied troops were ashore . . . and some 80 square miles of France was under their control.

The invasion has achieved complete surprise. Within days it was evident . . . the Allies were in France to stay.

To recall all of the events that took place that June morning in 1944 is an impossibility. Each man who took part in that invasion is surrounded by his own recollections of the battle.

Today we recall with pride . . . the sacrifice and devotion of each one involved in the D-Day invasion. At the same time we must not forget that 40 years ago . . . in other corners of the world . . . Americans were also giving their lives for the same cause . . . Freedom.

Their will to perpetuate the freedoms of America led them to graves in strange soil and unfamiliar waters across the globe. They added a matchless chapter to America's inspiring history . . . launched so auspiciously by those first citizen-soldiers at Bunker Hill and Yorktown.

Those who took the field against military professionals in World War I and World War II . . . won their victories in the far corners of the earth over ruthless, fanatical enemies. Like those that followed in the Korean and Vietnam Wars . . . each veteran contributed full-measure to the preservation of our birthright.

As we return our thoughts to D-Day, there are good reasons for solemn satisfaction. But this occasion demands far more. To dismiss this anniversary with a simple "well done" is to deny the very reason for which achievements were realized and the blood. Today is . . . and must be for every American . . . a time for appraisal and personal re-dedication.

As Americans first . . . and as citizens of the world . . . we cannot ignore the role our nation is destined to play in this era.

Our destiny as Americans was ordained more than two centuries ago. Sometimes it seems the fabric of America can stretch no more to cover our responsibilities. But stretch it does, for America seems uniquely . . . divinely . . . empowered to fulfill this era.

"Destiny," General Dwight Eisenhower said, "has laid upon our country the responsibility of the free world's leadership."

Let us . . . on this 40th anniversary of D-Day . . . pledge ourselves to the continuing pursuit of world peace.

We owe it to those who fought and died in the D-Day invasion 40 years ago. We owe it to all of America's veterans . . . and to their families . . . and most of all we owe a pursuit of world peace to the future generations of Americans who will inherit our proud traditions.

I am convinced . . . Americans are special people.

They're people reaching out to help other people. People united in firm resolve to maintain the security of our great land. People continuing to provide the compassion . . . and strength . . . of America in years to come.

Thank God for special people . . . the world needs them.

Today, America continues to seek its destiny. This nation holds an unalterable vision of justice . . . and stands as an unbending staff of strength for the preservation of fundamental liberties around the world.

Our accomplishments throughout history . . . in peace and in war . . . are without equal in man's history. We cannot afford to look back for long. For us, as free citizens, the price of our future is . . . like the price of freedom . . . constant vigilance. We must remain on guard while others grow lax. We must keep faith when others despair. And, we must hold firm when others waver. Beyond all, we must prevail.

This same feeling of hope for America was echoed by President Franklin Roosevelt . . . who early on the morning of the D-Day invasion led the American people in prayer:

"Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor . . . a struggle to preserve our Republic . . . our religion . . . and our civilization . . . and to set free a suffering humanity." ●

● Mr. FIELDS. Mr. Speaker, today President Reagan paid eloquent tribute to the young men who participated in "Operation Overlord," in which the united Allied forces landed on the beaches of Normandy to free our European friends from Nazi tyranny. As the President visits that historic French coast, many Americans will relive their own participation in the D-day invasion with their families and friends across this Nation.

On this 40th anniversary of the D-day invasion, I would like to pay tribute to one of my constituents—Henry Basey of northeast Houston—who participated in that massive undertaking. Mr. Basey is the kind of devoted American who made this country great, and kept it free. Mr. Basey, now retired, fought in the Normandy invasion as a 20-year-old private first class.

In the June 11 issue of Newsweek magazine, Mr. Basey recounts what he, and other members of the landing party, felt as they stepped onto Omaha Beach on June 6, 1944:

> Going on that beach was like going into a dome where there is no air. You know death is there. . . . [But] we knew our country was at stake. So we bunched together. . . .

Operation Overlord succeeded because of the courage, and willingness to work together for their country, that Mr. Basey and his fellow GI's showed on June 6, 1944, and thereafter. As President Reagan honors Mr. Basey's bravery, the courage of other servicemen who served with him, and those who made the ultimate sacrifice for future generations of Americans and free Europeans, let us also recall and honor all those who have served our country.

Mr. Speaker, let us pray that no generation of Americans will ever again be called upon to make such sacrifices. But let us always be ready—as Mr. Basey was—to defend freedom, and our country, whenever and wherever it might be challenged.●

● Mr. COLEMAN of Missouri. Mr. Speaker, the day of ceremony has passed, and the beaches at Normandy are quiet. But I believe we must never forget the brave men and women who took part in the D-day invasion.

It has been 40 years since thousands of brave men splashed onto the beaches of Normandy straight into the teeth of German machineguns and bombs, to begin the decisive battle that saved Europe.

These men are much older now, but the look in their eyes when they returned to these now-calm beaches showed that the memories still burn strong. They took the ultimate risk to fight nazism, and now, later, they returned to shed tears over their brave comrades-in-arms who are buried in row after row of simple graves in France.

There should be no mistake that honoring those who have fought in war is a far cry from romanticizing war itself. It would be an insult to those brave men to believe that they were any less committed to the cause of peace than is today's generation.

This is not only true of our Nation; the French and British caved in to Hitler's early demands for Czechoslovakia and the Sudetenlands because they were horrified at the prospects of another war in Europe. Just over 20 years earlier, a war of unprecedented carnage had swept through France and Belgium—and we and the Allies were not anxious to start another one over what we then saw as a small matter.

Historians will always argue over the wisdom of how our Allies accommodated Hitler's early demands for land and power, but the conventional wisdom holds that we should have stood up to him earlier—when the stakes were manageable—and let him know in no uncertain terms that we were not ready to accommodate his brand of fascism.

But another side of the argument holds that both the French and the British were ill-prepared for battle—and that they had no choice but to delay while steeling themselves for the inevitable. If they had been adequately prepared to fight at the outset—and Hitler knew it—it is possible that the history of the world would be quite different.

But those political and historical arguments were of little concern to the men at Normandy. They knew there was no alternative but to fight the black forces of Nazi fascism. They knew that if we had lost the battle, all would have been lost with it.

Never since have the American people been so united on what course our Nation should take. Never since has there been a clear mandate on why and where we should commit ourselves internationally. The years since Normandy have been filled with contentious debate about what our role should be in the world.

But there should be no mistake about this: What the world owes to the Allies can never be measured. That is why I believe it is fitting to continue to pay tribute over 40 years after June 6, 1944, has passed.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in commemorating the 40th anniversary of D-day, the Allied invasion of Normandy which was one of the most critical events of World War II and a turning point in the efforts to rid the world of the barbaric forces of nazism.

Breaking through the nearly impregnable Nazi fortifications along the "Atlantic Wall" was necessary for the ultimate defeat of the Axis forces. Supreme Allied Commander Dwight David Eisenhower, in a dramatic meeting of military officers on the night of June 4, with weather conditions poor and almost gale-force winds swirling in the English Channel, set in motion the invasion that had been planned for more than 1 year.

On that fateful early morning of June 6, 1944, the future of Europe, and indeed, the preservation of freedom and self-determination, hung in the balance. A 5,000-ship armada of cargo ships, landing craft, troop transports, minesweepers, and almost 900 warships including torpedo boats, midget submarines, and battleships, with the help of about 13,000 aircraft began their assault on the Nazi stronghold on the northern shores of France. In this greatest amphibious operation in the history of the world, the actual landing force consisted of over 154,000 courageous American, British, and Canadian soldiers, including more than 23,000 arriving by parachute and glider, who sought to retake Europe by attacking the Nazis from the West, aiding the Russians who had been pressing from the East.

With the help of the French resistance, which engaged in sabotage and deception, the Allied forces were successful in opening a path through Europe which would lead to ultimate victory with the fall of Berlin. Over 9,000 soldiers died in this most important battle in the history of mankind, and I join in tribute to these heroic individuals whose actions will never be forgotten by all of us who cherish the values of freedom.

After the war, the Allies continued to work together to rebuild Europe and to lay the foundations for an everlasting peace. With the legacy of the Marshall plan and the creation of the North Atlantic Treaty Organization, the Allies continue to strive to achieve this most desirable objective.

Mr. Speaker, as we commemorate D-day and pay tribute to the thousands who died in this momentous undertaking, let us never forget the lessons of World War II and the need to work together to maintain world peace which was achieved through the noble sacrifices of so many dedicated men and women during that great war.

Today, because of the deadly accuracy and the destructive capability of the weapons available, the continent of Europe, and indeed the entire world, can be destroyed in a matter of seconds. In the face of this potential global destruction, it behooves us to continue a dialog with the Russians, who were once our allies during World War II, and try to negotiate a lasting peace and a mutual and verifiable reduction in our arsenals of modern destructive weapons.

In the same spirit that joined the Allies on June 6, 1944, we must strive to maintain peace in the world and prevent another war. This must be our objective, so that the courageous individuals of World War II, who fought for the preservation of our freedom, will not have died in vain.●

● Mr. ANDERSON. Mr. Speaker, I would like to join with my colleagues today to remember one of the most important days in our history, a day when freedom won out over totalitarianism. Today marks the 40th anniversary of the Allied landing on the beaches of Normandy and the beginning of Operation Overlord, one of the most brilliant military campaigns of our time. This massive assault, to regain France from the Nazis, involved nearly 3 million men from 5 countries, 2 million tons of weapons and 2 years of planning. In spite of all odds against success, the extraordinary planning and cooperation among our Allies succeeded in marking the turning point of World War II, the beginning of the end of Hitler's control of all of continental Europe.

On D-day, 1944, the Allies had achieved almost all of their aims. The American forces controlled the ridge of cliffs overlooking Omaha Beach and Utah Beach, and the British and Canadian forces had gained control of their assigned beaches. However, despite their first-day successes, which involved 154,000 men, the operation was marred by the fact that they had already suffered some 10,000 casualties. Within the next 3 months, the battle for Normandy was over and Paris had been liberated.

The Allied forces were greatly aided by a number of factors. One of the most crucial was the element of surprise. Because of the stormy weather just preceding the Normandy landing, the Germans had been unable to send out patrol boats, greatly hindering their intelligence operations. Furthermore, the Allied forces had led the Germans to believe that the invasion would actually occur at the Pas de Calais, the coastal bulge only 20 miles across the English Channel from Dover, by putting out false radio communications and taking other preliminary actions suggestive of a major assault. To the Allies' advantage, the weather improved for the day of the invasion, although some casualties did result from choppy seas.

But more important than all of these factors combined was the extraordinary bravery and endurance of the Allied forces. We are all greatly indebted to these valiant men whose success has insured 40 years of peace on the European Continent. The United States stands proud of its invaluable contribution to this successful campaign. Those who were killed on D-day in 1944 died for the greatest cause of all, freedom, a cause that we must always struggle to uphold.●

● Mr. OTTINGER. Mr. Speaker, I rise today to mark the 40th anniversary of the start of the Allied attack on Europe, the second front that was opened on the beaches of Normandy, France, in the early hours of June 6, 1944.

Today, 40 years after that fateful and bloody day, we would all do well to remember the brave men and women of the forces of the United States and her allies, who courageously walked, parachuted and swam to those beaches, to launch their attack on the front lines of Hitler's forces in Europe.

D-day was an all-out attack, and one that might not have succeeded, yet it started the advance of the Allied forces that would end in the reclaiming of Europe from Nazi hands, and ultimately in the final conquest of the German forces in Berlin.

As we think back on the tremendous performance of all those who took part in that attack, and on the supreme sacrifice of the many who died for their country that morning, we should recall their effort with a great sense of national pride. And remembering those who gave up their lives, and the many who sacrificed their health and remain to this day in veterans' hospitals so that we may live in peace, we should honor their memory by devoting ourselves to a peaceful world, keeping in mind that living as we are under the barrel of a nuclear gun, we have everything to gain by never creating another Normandy Beach to attack.●

● Mrs. LLOYD. Mr. Speaker, today, June 6, is a momentous day in the history of this country and this world. On this date, the Allied Nations triumphed over tyranny and oppression in a battle that signaled the end of World War II and the reign of terror led by Adolph Hitler and Nazi Germany.

On the 40th anniversary of this victory, D-day, I think it is most important that we recognize and honor those people who helped make that triumph possible—those Americans, both living and dead, who gave their lives to prove that the cause of freedom and security is well worth fighting for. They interrupted their jobs, their education and their lives to fight political oppression, tyranny and social injustice. They did so without a murmur of complaint, accepting their responsibilities to their country and fighting with great bravery and heroism. These are the people who must be remembered on this occasion, who fought to protect the ideals of this Nation which we still hold true today.

Times have changed since that great victory on the coast of Normandy, but one thing has not changed—this Nation's commitment and devotion to a democratic way of life and the right of all people, worldwide, to live a free and independent life. We fought for that goal 40 years ago and we are still fighting for it today. It is up to all of us as Americans to insure that this ideal continues.●

● Mr. MOLLOHAN. Mr. Speaker, it has been 40 years since America joined its allies in undertaking the greatest military feat ever attempted—a feat destined to change the course of history, and break forever the iron grip of tyranny upon Western Europe.

The invasion was remarkable not only because of its grand scope, intricate planning and cool bravery, but also because it became a symbol of what ordinary men with purpose and dedication can accomplish in the struggle of battle.

When American troops descended upon the French countryside, and stormed the beaches that would forevermore be marked with the memory of those who died, they had little more than faith in their leaders' battle plan, and the bravery that dedication to country can foster.

Many died clutching to that bravery and faith, as well as a love of freedom upon which America was built. They were frightened, ordinary Americans—Americans from places like my hometown of Fairmont, WV—but when confronted with an undertaking that demanded the most of any man, they responded and the freedom of Europe was the result.

One man who responded with a remarkable display of courage and dedication was a West Virginian named Harrison Summers. An Army historian once described him as "a slender, quietly bashful soldier . . . anything but a warrior type," and "a second, Alvin York."

Summers was ordered by his commander to take a makeshift band of troops and attack a group of German barracks. There was no time to get to know the 15 men assigned to assist him in the attack, no time to solidify his leadership and gain the confidence that the strangers would take his orders. He decided to attack alone, and hope his example would entice his would-be followers to attack.

Summers grabbed his weapon and ran for the German buildings alone. His men did not follow. Singlehandedly, he kicked in the door of one barracks after another spraying the insides with a tommy gun and avoiding the fire of the enemy.

Some accounts credit this lone West Virginian with having eliminated up to 60 of the enemy by himself, and forcing many more into the open where they were captured.

Strangely enough, Summers was never afforded the full recognition that his outstanding performance under pressure so richly deserves. The Congressional Medal of Honor was never awarded to this second Sgt. York. Gen. Maxwell Taylor once wrote that the fact Summers' deeds went unrecognized was a real injustice.

Another hero of that day, Roy Nickrent, whose bazooka spit fire at the enemy throughout the invasion, said Summers, "Did all a man could have done. He had no regard for his own life."

Mr. Speaker, Harrison Summers died just over 1 year ago back home in West Virginia—an unsung hero of one of America's most challenging days in battle. On this day—a day upon which we celebrate a victory of democracy over tyranny—we should give thanks for men like Harrison Summers, and review our efforts to properly recognize the men who have risked all and sacrificed much in the defense of liberty.

Who knows what inspires men like Summers to enter the heat of battle with the determination that sparks miracles and wins wars, but America must forever be thankful that men like Summers and the other heroes of June 6, 1944, answer that call of duty with valor, bravery, and loyalty.

Mr. Speaker, to the heroes one and all, the survivors as well as those who died on the beaches as the ultimate sacrifice, this body, indeed the world, owes much. Our words here today cannot do justice to what they gave us that day 40 years ago. But our thoughts and prayers of remembrance and thanksgiving should dominate our deliberations today.●

● Mr. SPENCE. Mr. Speaker, in observing today the 40th anniversary of the largest amphibious invasion in history, we also highlight one of the events most keenly fixed in the minds of the generation of that day. Operation Overlord, D-day, marked the beginning of the end of the most costly conflict in life and limb the world has ever witnessed.

As in all wars, World War II had its share of great heroes. Today I would like to pay tribute to all of them and also join my colleagues in paying special tribute to the brave men of the 30th Infantry Division, probably better known as the "Old Hickory" Division, made up of National Guard units from South Carolina, North Carolina, Georgia, and Tennessee. Among these men were many heroes, both the honored and the unsung.

The Old Hickory Division saw combat from shortly after D-day to the end of the war in May 1945. In less than a year, it marched and fought its way from the coast of France to the banks of the Elbe River where it linked up with Russian forces. Its actions did not go unnoticed. Six Congressional Medals of Honor were awarded to members of the division. Eight Distinguished Unit Citations and two Foreign Services Awards from Belgium were also earned and, in 1982, the Resistance Memorial Cross of the Netherlands was added to its list of honors.

Following the end of the war, members of the Old Hickory took the lead in reorganizing the South Carolina Army National Guard and provided the nucleus for the rebuilding of our citizen-soldier forces.

Today it is more than fitting for us to remember all the men and women from World War II, the living and the dead. On this day when a special ceremony takes place above the normally quiet beaches of Normandy in France, we offer our prayers and thanks to the more than 133,000 allied troops who fought for those beachheads inch by inch. We also give a special prayer for those who fell on those beaches, making the supreme sacrifice for freedom and their fellow man.

Let us also give pause for another thought, and hope that neither our children nor any future generation will experience the horror and destruction of war and conflict. Let us pray that history will show that the brave men who fought and died on Utah Beach, Omaha Beach, and the sands of Colden, Juno, and Sword Beaches, for the noble cause of freedom did not do so in vain.●

● Mr. DARDEN. Mr. Speaker, 40 years ago today at 6:30 a.m., American troops hit the beach at Normandy beginning the largest military invasion in the history of mankind. Today, I think it is important that we stop and pay tribute to those who spearheaded the invasion into Normandy. Just as important, though, is the role which those troops played who came ashore in the days that followed. Their contribution to the success of the invasion and the liberation of Europe is no less significant than the contributions of the first to arrive.

One such group, the 30th Infantry Division, went into France on June 10, D-day plus 4. Many members of this unit hailed from my native State of Georgia. They joined with fighting men from our sister States, North Carolina, South Carolina, and Tennessee, to form one of the most courageous units in American history.

Upon their arrival in France they were immediately engaged by German combat troops. On August 8, the division's second battalion along with other units was surrounded by the German army, including Hitler's crack SS division. Refusing to surrender, the American troops held out for 6 days until they were relieved, and, in the process, earned the nickname the Lost Battalion. Later, three top German generals called this battle at Mortain, France, one of the battles most critical to the German defeat.

The efforts of the valiant men did not stop there, though. They went on to spearhead the allied breakout at St. Lo and to liberate Belgium. They again engaged Hitler's SS troops at the Battle of the Bulge, and a third time during the Ardennes offensive, this time defeating the SS troops so badly that they were never able to return to combat. Finally, in August 1945 the 30th Infantry Division returned home to the United States.

As we commemorate this, the 40th anniversary of D-day, I hope that we will not forget the fighting men of the 30th Infantry Division, known to the German high command as Roosevelt's SS. I am especially proud because some of these men are Georgians, and today, I would like to join with my colleagues in saluting these men not as great Georgians, great South Carolinians, great North Carolinians, or great Tennesseans, but as great Americans.●

● Mr. GORE. Mr. Speaker, I would like to take this time to join my colleagues in paying tribute to the 30th Infantry Division. Their record of outstanding accomplishments should not pass without honoring their lasting contributions to freedom everywhere.

Today marks the 40th anniversary of the Allied invasion on Normandy—an invasion for freedom, that would not have been successful without the determination and personal sacrifice of each member of the 30th Infantry Division.

The heroic accomplishments of the 30th Infantry Division are now legendary—penetrating the famed Hindenberg line in World War I, defeating Hitler's elite 1st SS Division at the Battle of the Bulge, and many other extraordinary accomplishments. The division participated in five major campaigns, receiving a Battle Star for each campaign, and was considered the best fighting division in the European theater.

The successful campaign at Normandy may only be a small footnote to the list of accomplishments by the 30th Infantry Division, but it is no exaggeration to suggest that their success at Normandy has meant freedom to much of the Western World.

Words alone cannot express the gratitude for which we hold for the 30th Infantry Division. I would hope that all members of this body join in paying tribute to those men who continue to sacrifice their own lives for the preservation of peace and the restoration of freedom.●

● Mr. HATCHER. Mr. Speaker, I rise to join my colleagues in recognizing the 30th Infantry Division—better known as the Old Hickory Division—which participated in the Normandy invasion on June 6, 1944. As you know, today marks the 40th anniversary of that invasion, and it is fitting that we pay tribute to the men who fought so valiantly during World War II.

The Old Hickory Division is rich in its heritage, having been formed in 1917 during World War I. Men from the Carolinas, Tennessee, and my home State of Georgia have served with the division. These outstanding individuals have brought pride and honor to their States and their country, and we owe them our heartfelt thanks.

Thank you.●

● Mr. VALENTINE. Mr. Speaker, I am pleased to join in this special order and thank my distinguished colleague from South Carolina for this opportunity to pay tribute to the gallant members of the 30th Infantry Division.

The Old Hickory Division, as it is better known, served this Nation with honor and distinction, and its accomplishments fill the annals of military history.

This commemoration has great personal significance for me. My father served in the field artillery during World War I shortly after the division was activated at Camp Sevier, SC, bringing together National Guard units from the Carolinas and Tennessee. During that war to end all wars, the Old Hickory broke through the Hindenburg line in the Somme offensive, and fought in the battles of La Selle, St. Mihiel, and the Meuse-Argonne.

When reactivated in 1940 at Fort Jackson, SC, the division had added the National Guard of Georgia, and was soon complemented with troops from throughout the Nation.

It is especially fitting that we celebrate the fighting record of the Old Hickory Division today, on the 40th anniversary of the Allied invasion of Normandy. That invasion, which marked the turning point of World War II and the beginning of the end for Hitler's Third Reich, was much aided by these southern patriots, who upon landing on June 10, 1944, were immediately positioned against the German Army and participated in France's liberation.

Throughout the remainder of the war, contingents of the division provided outstanding examples of heroism. Its 2d Battalion, 120th Infantry and attached units were surrounded by crack elements of the German Army in Mortain, France on August 8-14, 1944. They refused to surrender and managed to hold until relieved. Their enemies described the engagement as a critical operation leading to the defeat of Germany, and in fact considered the 30th Infantry Division the best fighting division in the European Theater.

The following winter, the Old Hickory Division defeated Hitler's 1st SS Division during the great Ardennes offensive. It was the first American force to enter and liberate Belgium, first in Holland with the encirclement of Aachen, and first to cross the Rhine, after which it made contact with Russian troops at Magdeburg on the Elbe River before returning to the United States on August 19, 1945.

After deactivation, the 30th Armored Division became the National Guard of Tennessee, and the 30th Infantry Brigade became the National Guard of North Carolina.

Mr. Speaker, Americans alive today live at peace and in freedom because of the sacrifices and the valor of the brave young soldiers who served in our Armed Forces. The accomplishments of the Old Hickory Division are especially noteworthy and remain an inspiration to us all.●

PORTER INTRODUCES AMUSEMENT RIDE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PORTER) is recognized for 5 minutes.

● Mr. PORTER. Mr. Speaker, today I am introducing legislation to amend the Consumer Product Safety Act to make that act applicable to amusement rides permanently fixed to a site. Recently a tragic amusement park accident occurred in my district in which three young boys were seriously injured. This legislation is designed to reduce the incidence of injuries or death resulting from poorly maintained or safeguarded amusement rides.

In 1981, Congress stripped the Consumer Product Safety Commission (CPSC) of its responsibility regarding amusement rides which were permanently fixed to a site and left regulatory authority to the States. This action was taken with little debate and inadequate consideration. The CPSC continues to have jurisdiction over nonstationary rides, and this legislation simply extends the jurisdiction to its previous scope to include stationary rides.

State regulation of amusement rides is fragmented and inconsistent. Only 23 States maintain some form of amusement ride regulation; 20 of those require State inspections, the remainder, such as my home State of Illinois, require insurance inspection only.

Mr. Speaker, from 1973 to 1981, there have been a total of 61 deaths involving amusement rides. It is estimated that 14,000 persons were injured on amusement rides of all kinds in 1981. These figures substantiate the great need to extend the responsibility of the CPSC to stationary amusement rides.

Three years ago, when regulatory authority for amusement rides was transferred from the CPSC to the States, it was hoped that the States would show an interest in taking over. However it is apparent that this hope was unfulfilled. These tragedies demonstrate the importance of subjecting all amusement rides to consistent national standards. It is my hope that the CPSC, with the passage of this legislation, will work to establish uniform operating and enforcement procedures and that the number of amusement park accidents can be significantly reduced.●

THE VOLCANO BENEATH US

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, a volcano is beneath us, threatening to erupt at any moment and wreak havoc on the entire Nation. That volcano is the Federal deficit and we are beginning to feel the first tremors. We will be unable to rest easy until the fire is out on the floor of the mountain and the deficit is reduced to reasonable levels.

There will be no possibility of worldwide economic recovery while the deficit ceases to threaten economic stability. Major economists are predicting a recession will hit next fall. Meanwhile, the volcanic fires have already started to consume millions of dollars in available credit for private borrowers. Recent statistics indicate that in the first quarter of 1984, the Federal Government borrowed $49.4 billion, compared to private household borrowing of $49.5. Nonfinancial businesses borrowed $43.8 billion. The surge in borrowing has fanned the flames of interest rates, while the Federal Reserve Board's tight monetary policy barely contains the fire.

This country will be faced with an explosion of tremendous proportions that will prove detrimental to every sector of the economy. Economists predict that the deficit will severely decrease economic expansion through the rest of 1984. When expansion slows, unemployment, which has remained steady, will rise. The economy will not be able to match the increased market demand for new jobs. Inflation will rise in response to the high credit rate and the Federal Reserve's restraint policy. And because of the rise in inflation, the deficit will grow hotter and hotter until ultimately it will rage out of control.

The volcano is underneath us now. Last week the Department of Commerce announced that "less economic growth lies ahead" for this Nation. Factory orders for manufactured goods as well as durable goods are on the decline. Total economic growth for the month of April rose only 0.5 percent, and that increase was largely attributable to the increase in the average workweek. The prime rate, important because it is the rate which banks use as a reference point in setting other interest rates, has risen a dramatic 1.5 points in the past 3 months. This rise will soon be reflected in a decrease in future home sales, automobile purchases, and business starts. According to Chase Econometrics, the changed atmosphere combined with rising interest rates "will bring rates to levels that will cause a flattening of economic activity by mid-1985."

The volcano on which we stand is a quiet one, but it is not sleeping. A fire is churning inside it. The only way to reduce the heat and calm the mountain once and for all is to reduce the deficit. Otherwise, we are destined to hear the rumble of high interest rates and the boom of business reversals. If action is not taken, the tremors caused by the deficit will become ubiquitous. And we will not be able to stop the economic situation of the world from shaking and perhaps falling.●

TAX SHELTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, good news.

Tax shelters are in trouble.

New legislation and Internal Revenue Service—IRS—policy are taking the fun and games out of a lot of these gimmicks.

The person who boasts at the cocktail party about his clever tax shelter has a high chance of eating crow. These gimmicks are being revealed for the turkey investments that they usually are.

The great majority of honest, tax paying citizens can begin to celebrate—or at least smile—that those who are eroding support for the tax base may now be paying for their excesses. It is ironic that it is often those supporting the President and his strong American themes who go to absurd lengths to invest in silly shelters so as to avoid taxation.

The statistics show that the tax shelter game has a downside—a big, painful downside. Maybe the news about these statistics will at last take the fad out of this game. The game has become a game of Russian roulette.

When the IRS began a modest tax shelter program in 1973 looking at oil and gas, real estate, movies and farming activities, about 400 cases were then under examination. In the late 1970's, tax shelter schemes became more visible and popular as investments.

At the beginning of 1980, the IRS launched its current program to combat abusive shelters. There were over 174,000 shelter returns audited, involving some 19 different types of promotions.

By mid-1984, the IRS's tax shelter workload rose to its current level of 350,000 returns. About 20,000 of the 58,000 cases now pending in the U.S. Tax Court are tax shelters—over one-third of the total number. And these docketed cases have a potentially major impact on the revenue. They involved $1,444,564,941 in disputed tax as of April 1, 1984.

These are statistics that should arouse concern in every American about the continuing integrity of our tax system. At a time of budgetary deficits so huge that they are almost beyond the comprehension of the average citizen, our tax base is being eroded by this accelerated drain on both the revenue and the resources needed to raise it.

While the situation is serious, it is by no means hopeless. In fact, there is more reason for optimism now than at any time in the recent past. This is primarily due to two factors. First, the court has been deciding these cases in favor of the Government, either in whole or in large part, with impressive consistency. This translates into a clear signal to taxpayers that it is not worth their while to litigate these issues, when they compare the results realized thus far against the effort required. Second, the IRS has come up with a rather innovative strategy to deal with shelter cases from the administrative side.

Let us take a look at each of these matters.

As of April 20, 1984, the Government had tried 101 tax shelter cases in the U.S. Tax Court. Of this number, 39 were then awaiting a determination or involved a review of preliminary matters which did not address the merits of the tax shelter controversy. The interesting statistics deal with the decided group of 62 cases. The larger portion, or 47 cases, were closed on a basis that completely sustained the Government's position. And in the remaining 15 cases, the court held essentially in the Government's favor, but with minor adjustments that reduced the final result from the originally proposed tax liability. Not one tax shelter case tried in the Tax Court has ever ended in a loss for the Government. Even Babe Ruth would be envious of this batting average.

To nip abusive tax shelters in the bud, the IRS now identifies particular egregious promotions for disposition under recently developed administrative guidelines. Investors in these shelters will receive letters from the IRS in advance of filing their income tax returns. These notices will state that the shelter's tax deductions and/or credits are not allowable, and that any return claiming such deductions or credits will be audited. The letters also emphasize the potentially applicable negligence, overvaluation and substantial understatement penalties. High level IRS officials must approve the issuance of these notices and the application of the resulting guidelines. The cases are subject to normal audit and appeals procedures. As of April 30, 1984, the IRS had issued 10,577 prefiling notification letters.

The IRS and the Tax Court are coming down hard on abusive tax shelters. There really are not any other options available to them. The validity of our structure is at stake as well as the capacity of the court to deal effectively with its most important cases—significant tax disputes that have nationwide importance in tax administration.

This is a very sensitive area—one that affects the Government, the tax professional community, and the public all at the same time. It has high visibility, and also exerts a profound effect on taxpayer confidence in the fairness of voluntarily complying with the tax laws. We should vigorously support the IRS and the Tax Court in their efforts to turn around these abusive cases. If stronger, expediting legislation is needed, we should be prepared to enact it. Tax shelters need not be around forever—like the poplar tree, they have grown fast, but it is time to help them die out.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LELAND (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. SAWYER, for 60 minutes, June 26.

Mr. PORTER, for 5 minutes, today.

Mr. BROWN of Colorado, for 60 minutes, June 7.

Mr. PHILIP M. CRANE, for 60 minutes, June 8.

Mr. PHILIP M. CRANE, for 60 minutes, June 11.

Mr. BEREUTER, for 5 minutes, today.

Ms. FIEDLER, for 60 minutes, June 19.

Ms. FIEDLER, for 60 minutes, June 26.

Mr. CRAIG, for 60 minutes, June 20.

(The following Members (at the request of Mrs. HALL of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. ALEXANDER, for 10 minutes, today.

Mr. ANNUNZIO, for 60 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. VENTO, for 10 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GEPHARDT, for 60 minutes, on June 12.

Mr. GEPHARDT, for 60 minutes, on June 19.

Mr. GEPHARDT, for 60 minutes, on June 26.

Mr. PEPPER, for 60 minutes, on June 27.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WEISS, to revise and extend his remarks in support of H.R. 5743 prior to the vote.

Mr. GILMAN, to revise and extend immediately prior to vote.

Mr. Brown of California, to include extraneous material in connection with the debate on H.R. 5743 in the Committee of the Whole today.

Mr. Lott, to revise and extend his remarks just prior to the vote on the motion to rise on H.R. 5753.

(The following Members (at the request of Mr. Gekas) and to include extraneous matter:)

Mr. McKernan.

Mr. Green.

Mr. Erlenborn.

Mr. Conte in three instances.

Mr. Stangeland.

Mr. Gekas in two instances.

Mr. McDade.

Mrs. Vucanovich.

Mr. McEwen.

Mr. Paul.

Mr. Winn in two instances.

Mr. Coughlin in two instances.

Mrs. Schneider.

Mr. McKinney.

Mr. Duncan.

Mr. Fields.

Mr. Lagomarsino in four instances.

Mr. Daub in two instances.

Mr. Smith of New Jersey.

Mr. Kemp in three instances.

Mr. McGrath.

Mr. Morrison of Washington in two instances.

Mr. Coleman of Missouri in two instances.

Mr. Gilman in two instances.

Mr. Snyder.

Mr. Emerson.

(The following Members (at the request of Mrs. Hall of Indiana) and to include extraneous matter:)

Mr. Long of Maryland in two instances.

Mr. Hall of Ohio.

Mr. Nowak.

Mr. Minish.

Mr. Edwards of California in two instances.

Mr. Roe.

Mr. Leland in two instances.

Mr. Matsui in two instances.

Mr. Florio in two instances.

Mr. Gaydos.

Mr. Ottinger in two instances.

Mr. Addabbo.

Ms. Oakar.

Mr. Dorgan.

Mr. Yatron in two instances.

Mr. Udall.

Mr. Barnes.

Mr. Boland in two instances.

Mr. Markey in two instances.

Mr. Darden.

Mr. Feighan.

Mr. Fauntroy.

Mr. Hamilton in two instances.

Mr. Lehman of Florida.

Mr. Bedell.

Mr. Wyden.

Mr. Pease.

Mr. Downey of New York in two instances.

Mr. Gejdenson in two instances.

Mr. Boucher.

Mr. Aspin.

Mr. Frank in two instances.

Mr. Roybal.

Mr. Dyson in three instances.

Mrs. Boxer.

Mr. Edgar.

Mr. Evans of Illinois.

Mr. Fuqua.

Mr. Towns.

Mr. Bryant.

Mrs. Schroeder.

Ms. Ferraro.

Mr. Shannon.

Mr. Bennett.

Mr. Miller of California in four instances.

Mr. de la Garza in 10 instances.

Mr. Staggers.

Mr. Lipinski.

Mr. Dymally.

Mr. Sisisky.

Mr. Hoyer.

Mrs. Lloyd.

Mr. Mollohan.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3578. An act to establish wilderness areas in Wisconsin;

H.R. 3960. An act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System; and

H.R. 4198. An act to designate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p.m.,) under its previous order, the House adjourned until Thursday, June 7, 1984, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3489. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Saudi Arabia for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-49), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3490. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Israel for defense articles estimated to cost in excess of $50 million (Transmittal No. 84-48), pursuant to 10 U.S.C. 133b (96 Stat. 1288); to the Committee on Armed Services.

3491. A letter from the Chairman, National Advisory Council on Women's Educational Programs, transmitting the Council's annual report for fiscal year 1983, pursuant to Public Law 93-380, section 408(f)(3)(E) (90 Stat. 2220) and GEPA, Sec. 443(a)(2); to the Committee on Education and Labor.

3492. A letter from the Chairman, National Advisory Board on International Education Programs, Department of Education, transmitting the Board's annual report for fiscal year 1983, pursuant to GEPA, section 443(a)(2); to the Committee on Education and Labor.

3493. A letter from the Executive Director, Intergovernmental Advisory Council on Education, Department of Education, transmitting the Council's fiscal year 1983 annual report, pursuant to GEPA, section 443(a)(2) and Public Law 96-88, section 213(b)(1)(D); to the Committee on Education and Labor.

3494. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 10-84), pursuant to AECA, section 62(a) or (b) (95 Stat. 1525); to the Committee on Foreign Affairs.

3495. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Israel for defense articles and services estimated to cost $87 million (Transmittal No. 84-48), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3496. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter of offer to Saudi Arabia for defense articles and services estimated to cost $131 million (Transmittal No. 84-49), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3497. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter of offer to Thailand for defense articles and services estimated to cost $32 million (Transmittal No. 84-47), pursuant to AECA, section 36(b) (90 Stat. 741; 93 Stat. 708, 709, 710; 94 Stat. 3134; 95 Stat. 1520); to the Committee on Foreign Affairs.

3498. A letter from the Director, Defense Security Assistance Agency, transmitting information on all outstanding letters of offer to sell any major defense equipment for $1 million or more as of March 31, 1984 and all letters of offer for major defense equipment valued at $1 million or more that were accepted as of March 31, 1984, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (Executive Order 11958); to the Committee on Foreign Affairs.

3499. A letter from the Director, Defense Security Assistance Agency, transmitting a report on commercial and governmental military exports, pursuant to AECA, section 36(a) (90 Stat. 740; 94 Stat. 3134) and section 26(b) (92 Stat. 740) (Executive Order 11958); to the Committee on Foreign Affairs.

3500. A letter from the Administrator, Agency for International Development, transmitting his determination that it is in the national interest of the United States to continue to provide assistance to private and voluntary organizations and cooperatives in Brazil, pursuant to FAA, section 123(e) (94 Stat. 3147), 22 U.S.C. 2151u(e) Executive Order 12163, section 1-201(a)(6); to the Committee on Foreign Affairs.

3501. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Owen W. Roberts, Ambassador-designate to the Republic of Togo, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3502. A letter from the Secretary of the Interior, transmitting notification of a proposal received under the Small Reclamation Projects Act, pursuant to the act of August 6, 1956, chapter 972, section 10; to the Committee on Interior and Insular Affairs.

3503. A letter from the Secretary of Labor, transmitting a report on the feasibility of using area triggers in unemployment compensation programs, pursuant to Public Law 98-135, section 203; to the Committee on Ways and Means.

3504. A letter from the Secretary of Labor, transmitting a copy of a study entitled, "Identification of Dislocated Workers Utilizing Unemployment Insurance Administrative Data: Results of a Five State Analysis," pursuant to Public Law 98-135, section 203; to the Committee on Ways and Means.

3505. A letter from the Cochairman, Advisory Council on Dependents' Education, Department of Education, transmitting the Council's annual report for calendar year 1982, pursuant to GEPA, section 443(a)(2); jointly, to the Committees on Armed Services and Education and Labor.

3506. A letter from the Cochairman, Advisory Council on Dependents' Education, Department of Education, transmitting the Council's annual report for calendar year 1983, pursuant to GEPA, section 443(a)(2); jointly, to the Committees on Armed Services and Education and Labor.

3507. A letter from the Chairman of the Board, U.S. Synthetic Fuels Corporation, transmitting an unaudited quarterly report for the quarter ended March 31, 1984, pursuant to Public Law 96-294, section 177(c); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

3508. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1983, pursuant to Public Law 93-438, section 208; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

3509. A letter from the Chairman, Motor Carrier Ratemaking Study Commission, transmitting a report on the impact of the Bus Regulatory Reform Act of 1982 on persons over the age of 60 and on collective ratemaking in the bus industry, pursuant to Public Law 96-296, section 14(b)4) (96 Stat. 1111); jointly, to the Committees on Public Works and Transportation and the Judiciary.

3510. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to provide for the coverage of railroad workers under the Federal-State unemployment compensation system, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4360. A bill to improve the industrial competitiveness of the United States (Rept. No. 98-697, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 5365. A bill to amend title 28, United States Code, to provide for the selection of the court of appeals to decide multiple appeals filed with respect to the same agency order; with an amendment (Rept. No. 98-820). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 5177. A bill granting the consent of Congress to an amendment to the Wheeling Creek Watershed Protection and Flood Prevention District Compact entered into by the States of West Virginia and Pennsylvania (Rept. No. 98-821). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 4772. A bill to grant a Federal charter to the Vietnam Veterans of America, Inc.; with amendments (Rept. No. 98-822). Referred to the House Calendar.

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 4308. A bill granting the consent of the Congress to an interstate compact for the preparation of a feasibility study for the development of a system of high-speed intercity rail passenger service. (Rept. No. 98-823). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 516. Resolution providing for the consideration of H.R. 3870, a bill to restrict the sales of alcoholic beverages in interstate commerce. (Rept. No. 98-824). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 517. Resolution providing for the consideration of H.R. 5151, a bill to alleviate hunger in the United States by strengthening Federal nutrition programs. (Rept. No. 98-825). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5603. A bill to amend the Public Health Service Act to revise and extend the authorities of that act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Development Disabilities Assistance and Bill of Rights Act; with amendments (Rept. No. 98-826). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 3282. A bill to amend the Federal Water Pollution Control Act to provide for the renewal of the quality of the Nation's waters, and for other purposes; with an amendment (Rept. No. 98-827). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 5780. A bill to amend the National Science Foundation Act of 1950 to authorize appropriations for fiscal years 1985, 1986, and 1987 for agricultural research, and for other purposes; jointly, to the Committees on Agriculture and Science and Technology.

By Mr. HUCKABY:

H.R. 5781. A bill to provide for an adjustment in the area authorized for acquisition at the Tensas River National Wildlife Refuge, La.; to the Committee on Merchant Marine and Fisheries.

By Mr. HUGHES:

H.R. 5782. A bill granting the consent of Congress to an amendment to the Delaware River Basin Compact; to the Committee on the Judiciary.

By Ms. KAPTUR:

H.R. 5783. A bill to suspend for a 3-year period the duty on certain metal umbrella frames; to the Committee on Ways and Means.

By Mr. LEVITAS:

H.R. 5784. A bill to designate the portion of 16th Street NW., Washington, D.C., on which the Embassy of the Union of Soviet Socialist Republics is located as "Andrei Sakharov Avenue"; to the Committee on the District of Columbia.

By Mr. MILLER of California (for himself, Mr. Stark, Mrs. Burton of California, Mr. Fazio, Mrs. Boxer, Mr. Lantos, and Mr. Bosco):

H.R. 5785. A bill to protect the careers of airline employees and to assure their fair treatment in consolidations, mergers, and acquisitions, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Education and Labor.

By Mr. MacKAY (for himself, Mr. Young of Florida, Mr. McCollum, Mr. Nelson of Florida, Mr. Mack, and Mr. Shaw):

H.R. 5786. A bill to deauthorize the Cross-Florida Barge Canal project, to adjust the boundaries of the Ocala National Forest, Fla., and for other purposes; jointly, to the Committees on Public Works and Transportation and Agriculture.

By Mr. ORTIZ (for himself and Ms. Fiedler):

H.R. 5787. A bill to remove an impediment to oil and gas leasing of certain Federal lands in Corpus Christi, Tex., and Port Hueneme, Calif., and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. PORTER:

H.R. 5788. A bill to amend the Consumer Product Safety Act to make that act applicable to amusement devices permanently fixed to a site; to the Committee on Energy and Commerce.

By Mr. SEIBERLING:

H.R. 5789. A bill to require aircraft manufacturers to remedy design and manufacturing defects in civil aircraft, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SIMON (for himself and Mr. Hyde):

H.R. 5790. A bill to amend the Consumer Product Safety Act to strengthen the authority of the Consumer Product Safety Commission over amusement devices; to the Committee on Energy and Commerce.

By Ms. SNOWE (for herself, Mr. McKernan, Mr. D'Amours, and Mr. Moakley):

H.R. 5791. A bill to provide for orderly trade in nonrubber footwear, to reduce unemployment and for other purposes; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 5792. A bill to increase the maximum amount which may be deducted from gross income for retirement savings to $2,500 for a single individual and $5,000 for a married couple; to the Committee on Ways and Means.

By Mr. VENTO:

H.R. 5793. A bill to limit the activities of certain large financial and nonfinancial institutions in order to maximize competition, protect the interests of consumers, and maintain a system for providing independent banking services; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ECKART (for himself, Mr. Seiberling, Mr. Feighan, and Mr. Pease):

H.R. 5794. A bill to amend the Clean Air Act to control acid deposition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BEDELL (for himself, Mr. Gibbons, Mr. Patterson, Mr. Lundine, Mr. McKinney, Mr. Cooper, Mr. Lowry of Washington, Mr. Patman, Ms. Kaptur, Mr. Levin of Michigan, Mr. Wirth, Mr. Fauntroy, Mr. Dorgan, and Mr. Harkin):

H.J. Res. 585. Joint resolution directing the President to take certain actions to assure a reasonable and stable exchange rate for the dollar; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GREEN:

H.J. Res. 586. Joint resolution to designate the week beginning June 2, 1985, as "National Theatre Week"; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H.J. Res. 587. Joint resolution designating the month of August 1984 as "Ostomy Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. LEVITAS:

H. Con. Res. 317. Concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named "Andrei Sakharov Avenue"; jointly, to the Committees on the District of Columbia and Foreign Affairs.

By Mr. STARK:

H. Con. Res. 318. Concurrent resolution expressing the sense of Congress that the Department of Energy and American industry should work together in developing a national fusion program; to the Committee on Science and Technology.

By Mr. BROWN of Colorado (for himself, Mr. Lott, Mr. Kemp, Mr. Mack, Mr. Wolf, Mr. Walker, Mr. Gingrich, Mr. Weber, Mrs. Vucanovich, Mr. Whitehurst, and Mr. Schaefer):

H. Res. 518. Resolution amending the Rules of the House of Representatives to make its proceedings more open, representative, and accountable; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 5795. A bill for the relief of Lin Cheong Li Hoi Foo-Gregory, also known as Mrs. E. LaMont Gregory; to the Committee on the Judiciary.

By Mr. LELAND:

H.R. 5796. A bill for the relief of Richard John Longstaff; to the Committee on the Judiciary.

By Mr. WALGREN:

H.R. 5797. A bill for the relief of Maj. Harry W. Rowe II, U.S. Air Force, retired; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 881: Mr. Natcher.

H.R. 1025: Mr. Heftel of Hawaii.

H.R. 1026: Mr. Heftel of Hawaii.

H.R. 1136: Mr. Luken and Mr. Moody.

H.R. 1517: Mr. Jones of North Carolina, Mr. Foglietta, Mr. Kostmayer, and Mr. Martinez.

H.R. 2282: Mr. Hawkins, and Mr. Carr.

H.R. 2732: Mr. Bethune.

H.R. 2790: Mr. Lungren.

H.R. 2847: Mr. Studds.

H.R. 3193: Mr. Biaggi.

H.R. 3750: Mr. Durbin, Mr. Valentine, Mr. Reid, and Mr. Lundine.

H.R. 3939: Mr. Gilman.

H.R. 4110: Mr. Sikorski, Mr. Smith of Florida, and Mr. Downey of New York.

H.R. 4308: Mr. Seiberling.

H.R. 4330: Mr. Guarini, Mr. Ritter, Mr Stark, Mr. Kolter, Mr. Hyde, and Mr. Rinaldo.

H.R. 4475: Mr. Conyers.

H.R. 4617: Mr. Gephardt.

H.R. 4772: Mr. Obey.

H.R. 4837: Mr. Weber.

H.R. 5032: Mr. Ratchford and Mr. Wirth.

H.R. 5065: Mr. Hartnett, Mr. Craig, Mr. Horton, Mr. Durbin, Mr. Dyson, Mr. Bethune, Mr. Shumway, and Mr. Emerson.

H.R. 5143: Mr. Petri.

H.R. 5158: Mr. Gilman.

H.R. 5169: Mr. Addabbo, Mr. Ackerman, Mr. Hayes, and Mr. Solarz.

H.R. 5358: Mr. Coelho.

H.R. 5377: Mrs. Boxer, Mr. Carr, Mr. Wyden, Mr. Rinaldo, Mr. Darden, and Mr. Cooper.

H.R. 5383: Mr. Parris, Mr. Wheat, Mr. Hayes, and Mr. Shaw.

H.R. 5446: Mr. Fuqua and Mr. Bennett.

H.R. 5490: Mr. Pease, Mr. Corrada, Mr. Ratchford, Mr. Addabbo, Mr. MacKay, and Mr. Fowler.

H.R. 5495: Mr. Sikorski.

H.R. 5503: Mr. Hoyer.

H.R. 5611: Mr. Young of Florida, Mr. Shumway, Mr. Murphy, and Mr. Panetta.

H.R. 5630: Mr. Sikorski.

H.R. 5680: Mr. Ratchford, Mr. Weiss, Mr. Luken, Mr. Ottinger, Mr. Stokes, Mr. Martinez, Mr. Gray, Mr. Mitchell, Mr. Mineta, Mr. Berman, and Mr. Feighan.

H.R. 5745: Mr. Hoyer.

H.J. Res. 174: Mr. Anthony, Mr. Gephardt, Mr. Montgomery, Mr. Miller of California, Mr. Obey, Mr. Sisisky, Mr. Thomas of Georgia, Ms. Ferraro, and Mr. Rowland.

H.J. Res. 243: Mrs. Lloyd.

H.J. Res. 262: Mr. Barnard, Mr. Long of Louisiana, and Mr. Hamilton.

H.J. Res. 309: Mr. Boehlert, Mr. Broomfield, Mr. Coughlin, Mrs. Collins, Mr. Carney, Mr. Courter, Mr. Dreier of California, Mrs. Hall of Indiana, Mr. Hoyer, Mr. Hyde, Mr. Kostmayer, Mr. Livingston, Mr Lewis of California, Mr. Miller of Ohio, Mr. Molinari, Mr. Mazzoli, Mr. Ottinger, Mr. Pursell, Mrs. Roukema, Mr. Rudd, Mr. Siljander, Ms. Snowe, Mr. Smith of New Jersey, Mr. Solomon, and Mr. Yates.

H.J. Res. 472: Mr. Skeen.

H.J. Res. 485: Mr. Bates, Mr. Cheney, Mr. Clarke, Mr. DeWine, Mr. Hatcher, Mr. Jeffords, and Mr. Lagomarsino.

H.J. Res. 486: Mr. Roybal, Mrs. Roukema, Mr. Carr, Mr. Sundquist, Mr. Rinaldo, and Mr. Ray.

H.J. Res. 489: Mr. Lowry of Washington, Mr. Nelson of Florida, Mr. Dicks, Mr. St Germain, Mr. Dannemeyer, and Mr. Rose.

H.J. Res. 505: Mr. Ackerman, Mr. Bedell, Mr. Bliley, Mrs. Boggs, Mr. Boner of Tennessee, Mr. Coelho, Mr. Coleman of Texas, Mr. Cooper, Mr. Corrada, Mr. Daschle, Mr. Daub, Mr. Davis, Mr. Derrick, Mr. DeWine, Mr. Dymally, Mr. Feighan, Mr. Foley, Mr. Gunderson, Mr. Hoyer, Mr. Hyde, Mr. Jones of North Carolina, Mr. Kastenmeier, Mr. Kemp, Mr. Long of Maryland, Mr. Lowery of California, Mr. Richardson, Mr. Thomas of Georgia, and Mr. Torricelli.

H.J. Res. 512: Mr. Studds, Mr. Smith of Florida, Mr. Beilenson, Mr. Duncan, Mr. Howard, Mr. Carney, Mr. Lent, Mr. Neal, Mr. Dwyer of New Jersey, Mr. Anderson, Mr. Bedell, Mr. Boner of Tennessee, Mr. McCain, Mr. Hatcher, Mr. Darden, Mr. Fish, Mr. Lowry of Washington, and Mr. Bevill.

H.J. Res. 523: Mr. Bedell.

H.J. Res. 524: Mr. Bedell.

H.J. Res. 525: Mr. Bilirakis, Mr. Hance, Mr. Foglietta, Mr. Won Pat, Mr. Gunderson, Mr. Wilson, Mr. Coughlin, Mr. Florio, Mr. Sisisky, Mr. Kogovsek, Mr. Addabbo, Mr. Corrada, Mr. Roe, Mr. Dixon, Mr. Wirth, Mr. DeWine, Mr. Lewis of Florida, Mr. Fazio, Mr. Albosta, Mr. Leland, Mr. Biaggi, Mr. Ackerman, Mr. Berman, Mrs. Boxer, Mr. Owens, Mr. Darden, Mr. Kindness, Mr. Dwyer of New Jersey, Mr. Shaw, Mr. Shumway, Mr. Ratchford, Mr. Annunzio, Mr. Hughes, Mrs. Holt, Mr. Smith of Florida, Mr. Reid, Mr. Montgomery, Mr. Green, Mr. Bevill, Mr. Vento, Mr. Frost, Mr. Hyde, Mr. McGrath, Mr. Robinson, Mr. de la Garza, Mr. Regula, Mr. Bates, and Mr. O'Brien.

H.J. Res. 528: Mr. Roe, Mr. Shelby, Mr. Akaka, Mr. Leach of Iowa, Mr. Anderson, Mr. Dymally, Mr. McCain, and Mr. Ritter.

H.J. Res. 535: Mrs. Boxer, Mr. Biaggi, Mr. Lipinski, Mr. Richardson, Mr. Waxman, and Mr. Fish.

H.J. Res. 542: Mr. Latta, Mr. Davis, Mr. Parris, Mr. Paul, Mr. Conable, Mr. Williams of Ohio, Mr. Rinaldo, Mr. Clinger, Mr. Campbell, Mr. Bartlett, Mr. Stangeland, Mr. Ireland, Mr. Hillis, Mr. Roemer, Mr. Edwards of Alabama, Mr. Dreier of California, Mr. Coleman of Missouri, Mr. Thomas of California, Mr. Spence, Mr. Tauke, Mr. Ottinger, Mr. Hartnett, Mr. Siljander, Mr. Conte, Mr. Daniel B. Crane, Mr. Shelby, Mr. Michel, Mr. Hammerschmidt, Mr. Chandler, Mr. Swift, Mr. Breaux, Mr. Applegate, Mr. Young of Alaska, Mr. Badham, Mr. Molinari, Mr. Hightower, Mr. Moore, Mrs. Martin of Illinois, Mr. Corcoran, Mr. Broomfield, Mr. Gekas, Mr. Ackerman, Mr. Kolter, Mr.

Green, Mr. Broyhill, Mr. Gregg, Mr. Gingrich, Mr. Lungren, Mr. Dickinson, Mr. Sundquist, Mr. Bonker, Mr. Hall of Ohio, Mr. Kemp, Mr. Gunderson, Mr. Petri, Mr. Quillen, Mr. Vander Jagt, Mr. Rogers, Mr. Solomon, Mr. Myers, Mr. Oxley, Mrs. Burton of California, Mr. Montgomery, Mr. Lewis of Florida, Mr. Packard, Mrs. Schneider, Mr. Wise, Mr. Staggers, Mr. Dannemeyer, Mr. Kindness, Ms. Snowe, Mr. Evans of Iowa, Mr. Shaw, Mr. Carr, Mr. Gilman, Mr. Madigan, Mr. Sharp, Mr. Carney, Mr. McEwen, Mr. Miller of Ohio, Mr. Sabo, Mr. Kasich, Mr. Tauzin, Mr. McCollum, Mr. Nielson of Utah, Mr. Franklin, Mr. Shuster, Mr. Schaefer, Mr. Moorhead, Mr. Boehlert, Mr. Hansen of Utah, Mr. Mrazek, Mr. Kramer, and Mr. McDade.

H.J. Res. 543: Mr. Rinaldo, Mr. Patterson, Mr. Livingston, Mr. Walker, Mr. Lagomarsino, Mr. Snyder, Mr. Kastenmeier, Mr. Hoyer, Mr. Vander Jagt, Mr. Brown of California, Mr. Barnes, Mr. Dixon, Mr. Brown of Colorado, and Mr. Neal.

H.J. Res. 567: Mr. Gekas and Mr. Foley.

H.J. Res. 572: Mr. Fish and Mr. Bonker.

H. Con. Res. 293: Mrs. Johnson, Mr. Murphy, Mr. Weiss, Mr. Lundine, Mr. Simon, Mr. LaFalce, Mr. Feighan, Mr. Martinez, Mr. Levin of Michigan, Mr. Albosta, Mr. Fish, Mr. Ford of Michigan, and Mr. Ottinger.

H. Con. Res. 294: Mr. Bosco, Mr. Bliley, Mr. Coyne, Mr. Carr, Mr. Dyson, Mr. Emerson, Mr. Fish, Mr. Foglietta, Mr. Hunter, Mr. Jones of Oklahoma, Mr. Kostmayer, Mr. Livingston, Mr. Long of Maryland, Mrs. Martin of Illinois, Mr. Oberstar, Mr. Patterson, Mr. Roemer, Mr. Rudd, Mr. Siljander, Mr. Studds, Mr. Tauzin, Mr. Vento, Mr. Weber, Mr. Weiss, and Mr. Wyden.

H. Con. Res. 301: Mr. Gekas, Mr. Martinez, and Mr. Bliley.

H. Con. Res. 312: Mr. Frenzel, Mr. Lantos, Mrs. Kennelly, Mr. Kasich, Mr. Ratchford, and Mr. Emerson.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 953: Mr. AuCoin.
H.R. 3282: Mrs. Schneider.
H.R. 4097: Mr. Bedell.
H.R. 4772: Mr. Bateman.
H.R. 4772: Mr. Bliley.
H.R. 4772: Mr. Burton of Indiana.
H.R. 4772: Mr. Daniel.
H.R. 4772: Mr. Gramm.
H.R. 4772: Mr. Martin of New York.
H.R. 4772: Mr. Robinson.
H.R. 4772: Mr. Solomon.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3870

By Mr. TAUZIN:

(Amendment to the Howard Amendment in the Nature of a Substitute.)

—Page 2, add after line 6 the following:

"(c)(1) Subsection (a) shall not apply with respect to any State in which there is in effect a law which makes it unlawful for individuals under the age of twenty-one to drive a motor vehicle with more than .02 alcohol in their blood and which requires the suspension of the driving license of any such individual who is convicted of driving a motor vehicle with more than .02 alcohol in his blood.

"(2)(A) If a State cannot demonstrate to the Secretary within two years after adopting such law as prescribed by paragraph (1) that the number of injuries and fatalities from automobile accidents caused by individuals under the age of twenty-one has been substantially reduced, then waiver of subsection (a) shall no longer apply.

"(B) If a waiver is in effect under this subsection for a State and the Secretary thereafter finds that the law with respect to which the waiver was granted is no longer effective in making substantial reductions in the State, the Secretary shall by order cancel the waiver.

Redesignate subsection (c) as subsection (d).

—Page 7, add after line 9 the following:

WAIVER FOR STATE LAWS

Sec. 7. (a) Section 2 shall not apply in any State in which there is in effect a law which makes it unlawful for individuals under the age of twenty-one to drive a motor vehicle with more than .02 alcohol in their blood and which requires the suspension of the driving license of any such individual who is convicted of driving a motor vehicle with more than .02 alcohol in his blood.

(b)(1) If a State cannot demonstrate to the Secretary within two years after adopting such law as prescribed by paragraph (1) that the number of injuries and fatalities from automobile accidents caused by individuals under the age of twenty-one has been substantially reduced, then waiver of section 2 shall no longer apply.

(2) If a waiver is in effect under this subsection for a State and the Secretary thereafter finds that the law with respect to which the waiver was granted is no longer effective in making substantial reductions in the State, the Secretary shall by order cancel the waiver.

Redesignate section 8 as section 9.

H.R. 5504

By Mr. ROGERS:

—Page 28, after line 14, insert the following:

(gg) The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate route I-75 in the vicinity of Mount Vernon, Kentucky, with Kentucky State route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.

Page 28, line 15, strike out "(gg)" and insert in lieu thereof "(hh)".

Page 28, line 18, strike out "and (ff)" and insert in lieu thereof "(ff), and (gg)".

Page 28, line 21, strike out "(hh)" and insert in lieu thereof "(ii)".

Page 34, line 9, strike out "and".

Page 34, line 13, strike out the period and insert in lieu thereof "; and".

Page 34, after line 13, insert the following:

(36) to carry out subsection (gg) of this section not to exceed $6,000,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986.

Page 34, line 14, strike out "(ii)" and insert in lieu thereof "(jj)".

By Mr. SUNDQUIST:

—Page 58, after line 5, insert the following:

OFF-SYSTEM BRIDGE PROGRAM

Sec. 141. Section 144, title 23, United States Code, is amended by adding at the end thereof the following:

"(n) Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway system for the replacement or rehabilitation of a bridge which is wholly funded from State and local sources, is eligible for Federal funds under this section, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and determined by the Secretary upon completion to be no longer a deficient bridge, any amount expended after the effective date of this section, from such State and local sources for such project in excess of 20 per centum of the cost of construction thereof may be credited to the non-Federal share of the cost of other projects in such State which are eligible for Federal funds under this section, in accordance with procedures established by the Secretary.".

By Mrs. VUCANOVICH:

—Page 58, after line 5, insert the following:

4R PROJECTS FOR PRIMARY HIGHWAYS DESIGNATED AS PART OF THE INTERSTATE SYSTEM

Sec. 141. (a) The last sentence of section 139(a) and the fourth sentence of section 139(b) of title 23, United States Code, are each amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

By Mr. WATKINS:

—Page 58, after line 5, insert the following:

HIGHWAY DESIGNATION

Sec. 141. The portion of Oklahoma State route 99 between United States route 70 and Interstate route I-44 which portion is on the Federal-aid primary system shall hereafter be designated as "United States Highway 377". Any reference in a law, map, regulation, document, record or other paper of the United States to such highway shall be held to be a reference to "United States Highway 377".

H.R. 5753

By Mr. BROWN of Colorado:

—On page 14, line 21, strike "$22,750,000" and insert in lieu thereof "$22,661,646".

—On page 28, after line 6, add the following new section:

Sec. 305. None of the funds appropriated or otherwise made available under this Act may be obligated or expended to hire new staff to operate the elevators in the House office buildings.

—On page 16, line 20, strike "$39,833,000" and insert in lieu thereof "$38,062,000".

—On page 11, line 24, strike "$15,362,000" and insert in lieu thereof "$14,831,000".

EXTENSIONS OF REMARKS

JEROME KERN DAY RESOLUTION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 1984

● Mr. LEVINE of California. Mr. Speaker, I am today introducing, along with a number of my colleagues, a House joint resolution to declare January 27, 1985 as "National Jerome Kern Day." This date will mark the 100th anniversary of Jerome Kern's birth.

Jerome Kern is internationally recognized as one of Broadway's greatest composers. In many circles he is considered "the father of American musical theater." As is indicated in our resolution, Kern composed over 1,000 songs and 108 complete theatrical scores. Kern reached the height of his career with the production of his most popular score, "Show Boat." That score contained such popular songs as "Make Believe," "Why Do I Love You," and "Ol' Man River."

Kern is also credited with composing such great musical standards as "Lovely To Look At," "Smoke Gets in Your Eyes," and "Look for the Silver Lining."

When Jerome Kern died at the age of 60 on November 11, 1945, President Harry Truman spoke for the Nation at the time when he wrote that:

> I am among the grateful who have played and listened to the music of Jerome Kern, and I wish to be among those of his fellow Americans who pay him tribute today. His melodies will live in our voices and warm our hearts for many years to come, for they are the kind of simple, honest songs that belong to no time or fashion. The man who gave them to us earned a lasting place in his nation's memory.

As we are still entertained by Kern's music, these words hold true today. The music industry is planning a centennial yearlong tribute to Jerome Kern which will include the staging of productions in New York and Washington, DC, featuring the composer's works, the airing of movies featuring Kern's scores, and the presentation of a Songwriters' Hall of Fame tribute.

I would hope that Congress would join in the celebration of Jerome Kern's life which has enhanced the esthetic quality of all our lives. I urge my colleagues to join me in supporting this worthwhile resolution.●

MANAGING THE NEXT DECADE IN THE ECONOMY

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. EDGAR. Mr. Speaker, the Joint Economic Committee, the Small Business Subcommittee on General Oversight and the Economy, and the Congressional Clearinghouse on the Future sponsored a creative conference on "The New Economy." One of the speakers, Jay W. Forrester, Germeshansen professor of management of the Sloan School of Management at MIT made an important statement on managing the future economy. I share his comments for your careful consideration as we seek to help shape the future.

The statement follows:

MANAGING THE NEXT DECADE IN THE ECONOMY

(By Jay W. Forrester)

The theme of today's conference is "The New Economy." We are indeed moving toward a new economy. But the form of that new economy will not become clear until about 1995. In the meantime, we will be busy extracting ourselves from the old economy and laying foundations for the new.

To understand more clearly present economic conditions, one should consider the overlapping effects of two different processes that are at work in the economy. First, is the ordinary business cycle fluctuation that runs some three to seven years between peaks. Second, is the economic long wave, which is also called the Kondratieff cycle. The economic long wave is a major rise and fall of economic activity that spans 45 to 60 years between peaks. It is a much larger and more important disturbance than the business cycle.

1. THE ECONOMIC LONG WAVE

You are all familiar with business cycles. But perhaps I should review the behavior of the economic long wave. The long wave consists of rising economic activity for two or three decades, then a broad peak some ten years wide, and then a major depression that can persist for a decade. After the depression, another long-term recovery starts. Literature on the economic long wave is filled with debate and conflicting assertions. Economic evidence has been interpreted differently by different observers. Because no theory of the long wave has existed to show how the many aspects of reality could fit into a unified pattern, controversy was unavoidable.

Some of us at M.I.T. have been drawn into considering the economic long wave through our work on the System Dynamics National Model. The National Model differs substantially from the more familiar econometric models. The National Model is built up from the operating policies within corporations and government, rather than from macroeconomic theory. It is derived from management policies as observed in the practical, working world, rather than from statistical time series representing aggregate economic behavior. Without using external inputs from historical time series, the National Model generates, from interactions within its internal policies, the same patterns of change that have been observed in real life. The Model exhibits short-term business cycles of 3-to-7-years duration. It shows Kuznets, or construction cycles, of fifteen to twenty-five years in length. Under the appropriate circumstances, it manifests stagflation and reveals the cause of simultaneously rising unemployment and inflation. Also, from the interactions within the private sector and between the private sector and government, the National Model produces an economic long wave, or Kondratieff cycle, of 45 to 60 years between peaks. The National Model provides for the first time a cohesive theory to explain how a major rising and falling economic pattern spanning a half century can be systematically and internally created within an economy.

The long wave is an alternating over and under accumulation of capital plant. In Western industrial economies, capital investment has been concentrated in periods of economic excitement lasting about three decades. Such periods of aggressive new construction have been interrupted by major depressions occurring in the 1820s, 1890s, and 1930s. Now, after the expansion of the last several decades, we are probably entering another such economic downturn.

Along with overbuilding of capital plant go rising prices, falling productivity, speculation in physical assets, rising unemployment, and accumulating debts. At the end of the expansion, major imbalances have developed in the economy. Capital plant is overbuilt so that new investment is no longer justified until the old plant has been depreciated and worn out. People in the capital-producing sectors have completed their task of rebuilding the economy and must search for work elsewhere. Debts, which were taken on during expansion with the expectation of rising prices and profits, become burdensome when profits decline and interest rates remain high. Banks must write off uncollectible loans. Speculatively elevated land prices must readjust downward to come into balance with salaries and wages.

2. IMPORTANCE OF THE ECONOMIC LONG WAVE

The interaction of these two economic fluctuations—the business cycle and the long wave—are far more important to understanding current economic conditions than are either economic ideology or changes in political parties. Current economic difficulties have been developing steadily for twenty years, regardless of changes in political parties. Similar economic problems now exist in most other countries, even those with very different political philosophies. New legislation is heatedly debated, but, when enacted, has little effect on rising unemployment and the growing

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

excess of manufacturing capacity that has been steadily developing for 20 years. Business goes its way little influenced by Reaganomics, monetarism, Keynesianism, or supply-side economics. Each is a partial theory of economic behavior with little leverage against present economic circumstances. Under the surface, I believe there is something going on that is much more fundamental than the political issues now monopolizing debate in government and the press.

Over the last 20 years, the amplitude of the short-term business cycle has been steadily increasing. The last several recessions have been progressively more severe. We believe that the growing variation of the business cycle is a natural consequence of approaching and going beyond the peak of the economic long wave. In the 1950s and 1960s business cycles were restrained on the down side by excess demand and on the up side by shortage of manufacturing capacity. As demand has now leveled off and capacity has continued to expand, those restraints have been removed. Without the boundaries imposed by pent-up demand and limited capacity, the business cycle peaks have become higher and the recessions deeper.

Business cycles are superimposed on the economic long wave. The center point of business-cycle fluctuation is carried up and down by the slow rise and fall of the economic long wave. To illustrate, one can think of the long wave as being like the rise and fall of tide in a harbor, on top of which business cycles are like the waves produced by wind. I believe that we are now past the economic high tide and that for the next decade the economic tide will be falling. Business-cycle recessions will become progressively deeper and each business-cycle peak will fall below the previous high.

One might wonder about the plausibility of a long downward move in economic activity while we are in an unexpectedly strong business cycle recovery. But the current recovery is consistent with the picture I have been describing. The business cycle can become larger when the economy moves beyond the long-wave peak. For a time, the short-term business-cycle recoveries can temporarily obscure a longer-term decline.

3. TRENDS FROM RECENT DECADES

To visualize the picture of business cycles superimposed on larger, slower changes from the long wave, consider six economic patterns of recent decades.

First, return on investment. For the last 20 years, return on investment for corporation has shown the ups and downs of business cycles superimposed on a continuing downward trend. The falling return is consistent with the growth of excess manufacturing capacity. Contrary to assumptions underlying recent legislative proposals, the country has too much manufacturing capacity, not too little. Policies to encourage investment are now ineffective because, in most industries, there is declining economic incentive to make new capital investment.

Second, productivity. Much concern has been expressed in politics and the press about the slowing of growth in productivity. But is such concern justified? Productivity had doubled since 1950. In the last several years, productivity has not been rising like it did, but why should that be cause for alarm? Productivity is now higher than ever before; it should support a higher standard of living than at any time in the past. And are the actions being taken to try to increase productivity reasonable? Government policy has tried to increase productivity by encouraging more capital investment. But more capital plant will do little to increase productivity when labor is already oversupplied with plant capacity. Productivity is leveling out, not because capital plant is no longer rising, but because labor is already saturated with capital plant. At this stage in the economic long wave, more capital plant can do little to increase productivity.

Third, unemployment. Unemployment for the last 20 years shows a business-cycle fluctuation superimposed on a long-term upward trend that is being created by the long wave. Every peak of unemployment has been higher than the previous peak. Every low point in unemployment during business-cycle expansions has been higher than the previous low point. The present reduced level of unemployment is still above the last low point in 1979. The business-cycle fluctuations in unemployment are still being carried upward by the economic long wave. There was no change in the behavior of unemployment between the liberal monetary policy of the 1970s and the slightly more restrictive policy of the last few years. Political parties and Federal Reserve policy have had little influence. The behavior we have been observing during the last two decades is deeply imbedded in the economy and is more fundamental than anything that has been happening in Washington.

Fourth, government deficits. Government deficits have also been following a long-term trend independent of the political party in office. On the average, deficits have doubled in each four-year administration for the last five administrations.

Fifth, prices of agricultural land. For 35 years the price of farm land has been rising faster than the cost-of-living index. While the general price level has risen about threefold, the index of agricultural land prices has risen tenfold. For two decades land was seen as an inflation hedge, that is, its price was rising faster than inflation. People bought land to protect themselves against inflation, thus further driving up the price of land and creating still more incentive to buy land. Liberal monetary policies were holding interest rates artificially low so that the interest rate was much less than the inflation rate on land. By borrowing money to purchase land, the purchaser at the end of a year had more appreciation in land value than he had interest to pay. The borrowing itself created more money and therefore more inflation and, as a consequence, still more incentive to buy land. A liberal monetary policy fueled speculation in land values. But such a trend of land prices rising faster than the general price level cannot go on forever. In time the price of land rose until it was too far out of balance with other prices in the economy. The imbalance became so great that in some areas the interest payment on a land purchase was several times the agricultural rental value of the land. Excessive land price is now beginning to be corrected. The official price indices for agricultural land show declines of ten or fifteen percent, but in some areas, land is this year selling for half the prices that were paid three years ago. On mortgaged land, farmer's equity is being wiped out and foreclosures are approaching the levels of the 1930s. As we move further into the downturn phase of the economic long wave, I expect the price declines of agricultural land to become more rapid and widespread.

Sixth, real interest rate. Another indication of long-run forces in the economy can be seen in the behavior of real interest rates. Real interest is the nominal bank interest minus the inflation rate. The National Model shows a relationship of real interest to the economic long wave that is strikingly like the real interest rate pattern that has been observed since 1930. The Model generates a fluctuation of real interest in which real interest becomes negative before a peak of the long wave, just as real interest did go negative in the 1970s. Immediately after a long-wave peak, the National Model produces a rapid rise in real interest, as has happened recently and as previously happened between 1930 and 1934. I believe that the present rising real interest rate should not be blamed on the current administration or on Paul Volcker and the Federal Reserve. Instead, present high real interest is part of the inherent dynamic of moving beyond the peak of long-wave expansion and into the downturn.

4. HAZARDS FOR THE NEXT DECADE

We are now in a major transition between the economic growth that followed World War II and the economic growth that will resume again in the 1990s. The transition is a time of readjustment and a time for correcting imbalances that have developed within the economy. The transition is a time of technological change when many of the old technologies are laid aside and new technologies are tested and accepted as a basis for the next expansion. The transition has historically been a time of economic depression, but the severity can certainly be made either better or worse depending on the wisdom of the economic policies that are adopted.

A depression period has traditionally started with a rapid deflation in the price of physical assets. In some parts of the economy, that has already been happening. Agricultural land prices are declining. Diamonds and gold have fallen by half from their peaks. Commodity prices have fallen. Housing prices were weak in the last recession and are subject to substantial correction in the future.

However, we believe that a physical depression, as indicated by high unemployment and underutilized capacity, can be accompanied by either deflation or inflation. Whether a country travels the traditional road of deflation or the less well understood path through runaway inflation depends on the action of government in controlling the money supply. Governments may increase money supply believing that more liberal money would reduce unemployment. But, under present circumstances, there will be little effect on employment or production from increase in money. If government attempts to buy its way out of economic stress by creating new money, there will be progressively accelerating inflation added to the unemployment. In Germany in the 1920s it has been reported that stores marked up prices four times a day in response to the changing foreign exchange quotations. As inflation accelerates, real economic activity grinds to a halt as more and more of everyone's time is devoted to coping with inflation itself.

If one must choose between a rapidly accelerating inflation or deflation, deflation would be preferable. It would run its course sooner and would lay a more solid foundation for rebuilding the industrial economies than would hyperinflation followed by calling in the money supply, reissuing currency, and starting the economy over again. We have not yet had time to use the System Dynamics National Model to search for policies that might find the narrow path between inflation and deflation. High priority should be given to avoiding both runaway inflation and a destructive deflationary spiral.

Even now, during a business-cycle recovery, high debts are becoming increasingly troublesome. In the next recession, debt loads will become far more burdensome. Foreign debts have so far received the most attention, but they will soon be joined at center stage by the U.S. Government debt, by mortgages on land, and by loans to weak industrial corporations.

Developing countries even now do not have sufficient margin in their balance of trade to make repayment of their debts likely. And, the next recession will reduce their financial solvency even further. Pressure to repay loans is already creating internal political forces that will lead to new governments that will feel no obligation to repay. The new governments of debtor countries will argue, with some justification, that the original loans were unwise on the part of the lender as well as the borrower, and that the lender was equally to blame. Eventually the only escape will be default. Loans subject to default equal more than the net worth of the entire American banking system. Reverberations from such defaults will shake the financial structure of the country and the world. Plans should now be made for how to handle such defaults to minimize the harm they could do.

But the United States Government is in much the same situation as the developing countries. U.S. Government deficits and debt are mounting rapidly. The pace of mounting debt will tend to accelerate in the next recession when tax revenues decline and demands for transfer payments go up. The U.S. Government is now borrowing money to pay the interest on past debt, just as are the developing countries. The interest added to principal raises next year's debt for which the interest payment will be still higher. Compounding interest into principal causes deficit and debt to explode. If we were to assume government revenues remain frozen at the present level and transfers and spending also frozen, with only interest payment growing, then, at present interest rates, the deficit will double each presidential term from the compounding effect alone. Such a runaway situation can only lead to some form of default on government debt. Unless deficits are immediately eliminated, there will probably be no turning back from default on U.S. debt. It is urgent that decisions be made now for a long-term resolution of the government debt question.

Banks will feel the full force of the coming economic storm. Banker's policies are at the center of the growing economic stresses. Even though most other economic actors have contributed to the economic difficulties of the next decade, the systems will become visible by way of the banking system. The public and Congress will apportion most of the blame to the banks. Just as in the 1930s, I expect that banks will be put back under severe regulations, the scope of their activities will be sharply narrowed, and their recently acquired freedom to operate outside their local geographical areas will be rescinded. It would be well to curtail this present last wave of excesses now running through the financial institutions and begin to return to conservative financial practices before action must be taken in an atmosphere of crisis.

5. HOPE FOR THE FUTURE

Although the bad news is that industrial economies seem to be headed for trouble, the good news lies in the paradox that our economies have never been stronger.

When, as at the present time, a peak in the long wave has been reached, industrial countries are capable of delivering a higher standard of living than ever before. More housing has already been constructed and is available. More labor is available. Ample production capacity exists to fill our needs better than at any time in the past. For 30 years industry has been building capital plant, thus increasing the output per worker. Productivity is now higher than ever before, even if it is no longer continuing to increase. How do we take advantage of the favorable position we have now achieved?

Social, political, and economic innovations are needed to reduce the hazards that lie ahead and to accentuate the strengths we now have. But can we be sure of choosing policies that will make the best of the situation? Too often, laws passed at times of crisis are either ineffective, counter-productive, or too late. Intuition and political compromise are not an adequate basis for dealing with the complexity of our economic system. But, there are now becoming available new and more powerful methods. One such is the System Dynamics National Model from which I have been drawing insights. It is now possible to handle more realistically how private-sector policies and governmental laws interact, and to achieve a much improved understanding of how the economy operates. If we are to cope in the best possible way with growing economic stresses, there should be a national priority for quickly achieving a much better understanding of economic behavior.

We should reexamine our national priorities. The internal economic threat to the country is now far greater than the external military threat. Even so, the country does not strive for economic understanding with the forcefulness and adequate funding that are established patterns for military research.

It is time that seeking a better understanding of economic behavior should receive attention in keeping with its importance. Several major projects should be established, each with the goal of reaching within three years an improved understanding of how to avoid those policies that would make matters worse, and how to find the few high-leverage policies that will build on existing national economic strengths. I believe this is possible. We have only to attack the economic problems with the same vigor and dedication that we now devote to military projects.

A bright new economy lies ahead, but it begins about a decade from now. There is a swamp of economic difficulties to cross before reaching the rising ground on the other side. Many choices can be made in moving from here to there. Those choices will affect how smoothly we make the transition from the old economy to the new economy. If we simply react to pressures as they arise, we will continue to be dominated by forces for which we are unprepared. On the other hand, by coming to a better understanding of how economic forces are being created, we can begin to shape a more desirable transition into the new economy.

ADDITIONAL READING

1. Forrester, Jay W., "Information Sources for Modeling the National Economy," Journal of the American Statistical Association, vol. 75, no. 371, pp. 555-574, September 1980.

2. Forrester, Jay W., "More Productivity Will Not Solve Our Problems," Business and Society Review, no. 35, pp. 10-18, Fall 1980.

3. Forrester, Jay W., "An Alternative Approach to Economic Policy: Macrobehavior from Microstructure," Economic Issues of the Eighties, edited by Nake M. Kamrany and Richard H. Day, The Johns Hopkins University Press, Baltimore, Maryland, and London, 1979.

4. Forrester, Jay W., "Innovation and the Economic Long Wave," Management Review of the American Management Association, vol. 68, no. 6, pp. 16-24, June 1979.

5. Forrester, Jay W., "Growth Cycles," De Economist, Leiden, The Netherlands, vol. 125, no. 4, 525-543, 1977.

6. Forrester, Jay W., "Business Structure, Economic Cycles and National Policy," Business Economics, vol. 11, no. 1, pp. 13-24, January 1976.

7. Graham, Alan K., "Software Design: Breaking the Bottleneck, IEEE Spectrum, vol. 19, no. 3, pp. 43-50, March 1982.

8. Graham, Alan K. and Peter M. Senge, "A Long-Wave Hypothesis of Innovation, Technological Forecasting and Social Change, vol. 17, no. 4, pp. 283-311, August 1980.

9. Senge, Peter M., "The Economic Long Wave: A Survey of Evidence," System Dynamics Group Working Paper D-3262-1, Sloan School, M.I.T., Cambridge, Mass., April 1982.

10. Senge, Peter M., "A Long-Wave Theory of Real Interest Rate Behavior," System Dynamics Group Working Paper D-3470, Sloan School, M.I.T., Cambridge, Mass., October 1983.

11. Van Duijn, J. J., "The Long Wave in Economic Life," George Allen & Unwin, London, Boston, and Sydney, 1983.●

MAGANA SPEAKS AT INAUGURATION

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I call to the attention of my colleagues the speech of outgoing Salvadoran President Alvaro Magana at the inauguration of Jose Napoleon Duarte as President of El Salvador.

President Magana displayed remarkable ability and courage in leading his country through 2 extremely difficult years of transition to democratic government. He is to be commended and respected for his tireless efforts to improve human rights, promote economic development and provide for a singularly impressive transition to a democratically elected government.

The speech follows:

MAGANA SPEAKS AT INAUGURATION

PA012323 San Salvador Domestic Service in Spanish 1630 GMT 1 Jun 84.

[Speech by outgoing President Alvaro Magana at the inauguration of new President Jose Napoleon Duarte at the Sports Palace in San Salvador—live].

[Excerpts] With this event to turn power over to the person elected by the people, the presidential period which began on 2 May 1982 ends.

In the past 2 years the people have decided to create a vacuum around insurgents. In this process, the people have displayed an exemplary perseverance. We are thus witnessing the sustained effort of a people to govern themselves. The recent electoral campaign had only one winner: the people. These extraordinary people did not learn about democracy in recent events; they always understood it, felt it, and demanded it. The people's desire for democracy became evident in the positive attitudes of civilized military men, labor and management groups, nonconformist youths, and all those who feel that democracy is the only solution for our situation. There was no violence in any of the elections. For this reason, many went to the polls. Side by side the polarized individuals of our political sphere, together with the reflexive majority, marched in an orderly fashion and even with comradeship to the polls and voted with full responsibility. The people deserve the respect and gratitude of political leaders. The people did their part, and they did it well, extraordinarily well. Now they have the right to see promises kept.

The democratically elected rulers have the beautiful responsibility of making a reality of the concept that democracy is the government of the people and for the people. [applause] It is true that, exercising their basic rights, the children of our homeland are members of various economic, religious, professional, union, and political groups. It is also true that there is a common denominator among these sectors: nationality. All their members are Salvadorans, and the next democratic government should be made up of 5 million Salvadorans for 5 million Salvadorans. [applause] There is no room for the haughtiness of some and the arrogance of others. [applause]

There is no valid excuse for nurturing a suicidal division that would lead Salvadorans to chaos. It is time to reject intolerance, intransigence, and the lack of understanding. We must forget offenses and rancors and fulfill our main duty, which is maintaining national unity to build a better homeland. [applause]

Our limited democratic experience may lead us to misinterpret the most recent electoral campaigns, which were a display of radical and intransigent positions. However, we must not forget that in the recent past these same forces agreed to approve and advanced a Constitution which includes the fundamental principles of a pluralist, democratic, and modern state. [applause]

A responsible and civilized opposition cannot have as its goal the failure of rulers. [applause] Its responsibility is to adopt an attitude of constructive criticism and guidance to point to abuses of power and help to organize government activities for the benefit of all.

Our reflections on the behavior of the future administration and the opposition have a purpose: national unity. It is necessary, even if it is not a goal in itself. We call for adherence to democratic rules and the achievement of a national unity because it is the only way to face our difficult future. Only with national unity can we achieve economic recovery.

The human rights situation has also improved substantially, and there is reason to believe that their full respect may be accomplished in the near future. By stressing that at the end of May 1984 we are in a better condition than we were in early May 1982 I don't mean to claim any credit. I only want to note that, thanks to national unity, democracy is stronger, human rights are constantly progressing, the economy is experiencing a real recovery, and our international image has improved.

At the end of my mandate I must express my profound gratitude for the personal and institutional collaboration I have enjoyed. I must thank these honorable representatives for their support for our bills. I thank my collaborators who, coming from different political sectors, placed the interest of all above the natural tendency of party interests. I want to express my recognition for their dedication and loyalty.

I have to devote a very important part of this message to the Salvadoran soldiers. Our Armed Forces are now much more professional, capable, and efficient in defending the lives of the inhabitants and the democratic way of life we have chosen. [applause] There has been significant institutional progress within the Armed Forces. Although it may be thought that the defensive military effort needs a strong arm to channel national energy toward the military sphere, the Armed Forces of my country have chosen democracy. [applause] They have sponsored this process with repeated calls for all to vote and this was accompanied by exemplary behavior showing respect for the people's will.

I received power from the Revolutionary Junta, and I am now turning it over to Jose Napoleon Duarte. [applause] I received power from the Revolutionary Junta, and I am now turning it over to Jose Napoleon Duarte [repeats himself and crowd interrupts him with applause] as the man chosen . . . [repeats himself again] I received power from the Revolutionary Junta and I am now turning it over to Jose Napoleon Duarte. [interrupted by prolonged, very enthusiastic applause] I am almost finished now . . . [applause] I received power from the Revolutionary Junta and I am turning it over to [applause] Jose Napoleon Duarte as the man undoubtedly chosen by his people. [prolonged applause]●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the CONGRESSIONAL RECORD. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North Third Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y=yes, N=no, and NV=not voting;
7. The vote of the entire Arizona delegation, in the form (Yes-No-Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

VOTING RECORD

401. H.R. 2655. Domestic Volunteer Service Act Amendments. Passage of the bill to reauthorize volunteer programs administered by ACTION for three years through fiscal 1986. Passed 312-30: Y(3-1-1), October 28, 1983.

402. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. O'Brien, R-Ill., motion to order the previous question on the O'Brien motion to instruct conferees to insist on the House position that $70.15 million of the funds in the bill be earmarked for juvenile justice programs. Motion rejected 123-182: Y(2-3-0), October 31, 1983.

403. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Brown, R-Colo., amendment to the O'Brien, R-Ill., motion, to further instruct conferees to insist on the House position that not more than $21.3 million of the funds in the bill be appropriated for the Endowment for Democracy, and that no endowment funds be given to any entity related to a U.S. political party or party official or employee. Adopted 234-103: N(4-1-0), October 31, 1983.

404. H.R. 2867. Hazardous Waste Control. Judiciary Committee amendment to strike provisions allowing the Environmental Protection Agency (EPA) to file civil actions in cases where the Justice Department fails to act within a specified time on EPA requests for litigation under the Resource Conservation and Recovery Act. Adopted 215-165: N(3-2-0), October 31, 1983.

406. S. 448. Belle Fourche Project. Kazen, D-Texas, motion to suspend the rules and pass the bill to authorize $42 million in appropriations for the rehabilitation of the Belle Fourche Reclamation Project in South Dakota. Motion agreed to 373-51: Y(5-0-0), November 1, 1983. A two-thirds majority of those present and voting (283 in this case) is required for passage under suspension of the rules.

407. H.J. Res. 402. War Powers Resolution. Zablocki, D-Wis., motion to suspend the rules and pass the bill to declare that the section of the War Powers Resolution (PL 93-148) requiring that the president withdraw U.S. troops from hostile situations within 60 days unless Congress grants an extension took effect as of October 25, 1983, with the introduction of U.S. armed forces onto the island of Grenada. Motion agreed to 403-23: Y(3-2-0), November 1, 1983. A two-thirds majority of those present and voting (284 in this case) is required for passage under suspension of the rules.

408. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Addabbo, D-N.Y., amendment to delete multi-year procurement funds for the B-1 bomber. Rejected 175-247: NV(1-3-1), November 1, 1983.

409. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Addabbo, D-N.Y., amendment to delete $2.1 billion for procurement of 21 MX missiles. Rejected 208-217: Y(2-3-0), November 1, 1983.

411. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Long, D-Md., amendment to prohibit use of funds in the bill for the deployment of U.S. armed forces participating in the multinational peacekeeping force in Lebanon after March 1, 1984. Rejected 153-274: Y(1-4-0), November 2, 1983.

412. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Edwards, R-Ala., motion that the Committee of the Whole rise and report the bill, as amended, to the House. Motion agreed to 233-195: N(4-1-0), November 2, 1983.

413. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Passage of the bill to appropriate $247,318,091,000 for military programs of the Department of Defense in fiscal 1984. Passed 328-97: Y(5-0-0), November 2, 1983.

415. H.R. 1234. Auto Domestic Content Requirement. Coats, R-Ind., amendment to prohibit auto domestic content requirements from being enforced if they violate U.S. trade obligations under the General Agreement on Tariffs and Trade (GATT) and would lead to retaliation by other countries. The amendment also would give U.S. federal courts the authority to resolve trade disputes arising under the bill. Rejected 178-232: N(3-2-0), November 3, 1983.

416. H.R. 1234. Auto Domestic Content Requirement. Pease, D-Ohio, amendment to the McNulty, D-Ariz., amendment, to impose a sunset provision on the domestic content bill. The provisions of the bill would lapse six years after date of enactment if the secretary of transportation certified that the U.S. auto industry no longer was injured by foreign car imports. The McNulty amendment would have simply terminated the bill's provisions on September 30, 1992. Adopted 214-196: N(0-5-0), November 3, 1983.

417. H.R. 1234. Auto Domestic Content Requirement. Passage of the bill to require fixed levels of U.S. labor and parts in automobiles sold in the United States by foreign car manufacturers. The bill would phase in domestic content levels beginning in 1985 and reaching maximum levels in 1987. Passed 219-199: Y(2-3-0), November 3, 1983.

418. H.R. 2867. Hazardous Waste Control. Hughes, D-N.J., amendment to the Judiciary Committee amendment, to direct the attorney general, upon request of the Environmental Protection Agency (EPA) administrator and upon a showing of need, to deputize qualified EPA employees as special deputy U.S. marshals for criminal investigations into violations of this act. The Judiciary Committee amendment would strike from the bill provisions authorizing EPA employees to carry firearms, serve warrants and subpoenas, administer oaths and make arrests. Adopted 292-125: Y(5-0-0), November 3, 1983.

419. H.R. 2867. Hazardous Waste Control. Levitas, D-Ga., amendment to require approval of a joint resolution by both houses of Congress and by the president before any final rule promulgated by the Environmental Protection Agency shall take effect pertaining to generators of small quantities of hazardous waste if such a rule will have an annual economic impact of at least $100 million. Adopted 198-195: N(3-2-0), November 3, 1983.

420. H.R. 2867. Hazardous Waste Control. Levitas, D-Ga., amendment to require approval of a joint resolution by both houses of Congress and by the president before any final rule promulgated by the Environmental Protection Agency shall take effect pertaining to generators of small quantities of hazardous waste if such a rule will have an annual economic impact of at least $100 million. Rejected 189-204: N(3-2-0), November 3, 1983.

422. H.R. 4196. Dairy Production Stabilization. Adoption of the rule (H Res 355) providing for House floor consideration of the bill to authorize a paid diversion program for dairy producers, a producer-financed dairy promotion program, reductions in the federal dairy price support and to retain an existing 50-cents per hundred pounds assessment on milk to help finance the diversion program, and to repeal a second 50-cent assessment. Adopted 319-3: NV(2-0-3), November 4 1983.

423. H.R. 2114. Maritime Programs Authorization. Passage of the bill to authorize $486,807,000 in fiscal 1984 for maritime programs of the Department of Transportation. Passed 281-35: NV(1-1-3), November 4, 1983.

425. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Adoption of the rule (H Res 362) providing for House floor consideration of the bill to provide temporary funding to government agencies whose regular appropriations bills had not been enacted. Adopted 233-169: Y(2-3-0), November 8, 1983.

426. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Long, D-Md., amendment as amended by Zablocki, D-Wis., to increase the bill's total for foreign aid. The Zablocki amendment provided fiscal 1984 authorization for foreign assistance programs. Adopted 262-150: Y(4-1-0), November 8, 1983.

427. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Portion of the Wright, D-Texas, amendment to appropriate $145 million for the education of immigrant children. Adopted 208-203: Y(2-3-0), November 8, 1983.

428. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Portion of the Wright, D-Texas, amendment to appropriate $43.4 million for construction of three engineering or computer facilities at three universities. Rejected 122-286: Y(1-4-0), November 8, 1983.

429. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Portion of the Wright, D-Texas, amendment to appropriate $20 million for work-study programs under title IV of the Higher Education Act of 1965. Adopted 336-72: Y(2-3-0), November 8, 1983.

430. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Portion of the Wright, D-Texas, amendment to appropriate $10 million for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965. Adopted 328-78: Y(3-2-0), November 8, 1983.

431. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Portion of the Wright, D-Texas, amendment to appropriate $20 million for community health centers. Adopted 267-141: Y(2-3-0), November 8, 1983.

432. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Portion of the Wright, D-Texas, amendment to appropriate $75.4 million for job training programs. Adopted 257-150: Y(2-3-0), November 8, 1983.

433. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Portion of the Wright, D-Texas, amendment to postpone an administrative requirement—called monthly reporting and retrospective budgeting—that households receiving food stamps submit monthly reports on income and other factors affecting eligibility. Adopted 210-201: Y(2-3-0), November 8, 1983.

434. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Wright, D-Texas, amendment to increase funding in the bill by approximately $955 million for an assortment of programs, most of them concerning education. Adopted 254-155: Y(2-3-0), November 8, 1983.

435. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Conte, R-Mass., motion to recommit the joint resolution to the Appropriations Committee with instructions to remove all the amendments that had been added by the House. Motion rejected 166-244: N(2-3-0), November 8, 1983.

436. H.J. Res. 403. Continuing Appropriations, Fiscal 1984. Passage of the joint resolution to make further continuing appropriations for government agencies for fiscal 1984. Rejected 203-206: Y(2-3-0), November 8, 1983.

438. H.R. 4196. Dairy Production Stabilization. Harkin, D-Iowa, amendment to authorize the secretary of agriculture to make adjustments in the paid diversion program to mitigate its impact on fresh meat markets, and to require such adjustments of the average price received by beef producers drops by 10 percent during 10 consecutive days. Adopted 348-71: NV(2-2-1), November 9, 1983.

439. H.R. 4196. Dairy Production Stabilization. Skeen, R-N.M., amendment to exempt dairy farmers who sell directly to consumers ("producer-handlers") from the paid diversion program, from an existing 50-cent assessment to be used to finance the program and from the 15-assessment for the national dairy promotional program authorized by the bill. Rejected 162-249, NV(4-0-1), November 9, 1983.

440. H.R. 4196. Dairy Production Stabilization. Oberstar, D-Minn., amendment to extend the 15-month paid diversion program to 21 months and to revise dates for authorized changes in federal dairy price supports. Rejected 93-325: NV(0-4-1), November 9, 1983.

441. H.R. 4196. Dairy Production Stabilization. Conable, R-N.Y., substitute to authorize the secretary of agriculture to reduce the existing #13.10 (per hundred pounds) federal dairy support by as much as $1.50, and to repeal two existing dairy assessments, each 50 cents per hundred pounds. Rejected 174-250: Y(5-0-0), November 9, 1983,

442. H.R. 4196. Dairy Production Stabilization. Clinger, R-Pa., amendment to exempt from the 50-cent assessment those dairy producers who did not increase production after the paid diversion program began. Rejected 159-255: NV(1-3-1), November 9, 1983.

443. H.R. 4196. Dairy Production Stabilization. Passage of the bill to authorize a paid diversion program for dairy producers, a producer-financed dairy promotion program, reductions in the federal dairy price support, and also to retain an existing 50 cents per hundred pounds assessment on milk to help finance the diversion program, and to repeal a second 50-cent assessment. Passed 325-91: NV(0-4-1), November 9, 1983.

444. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Adoption of the conference report on the bill to provide $10,499,665,000 in fiscal 1984 for the State, Justice and Commerce Departments and the Federal judiciary. Adopted 281-133: NV(1-3-1), November 9, 1983

445. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Smith D-Iowa,

motion that the House recede from its disagreement and accept a Senate amendment, as amended by the conference committee, to provide $240 million in economic development assistance through the Economic Development Administration. Motion agreed to 305-107: NV(1-3-1), November 9, 1983.

446. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Smith, D-Iowa, motion that the House recede from its disagreement and accept a Senate amendment, as amended by the conference committee, barring the Federal Trade Commission from issuing final rules until its authorization cleared Congress or until the first session of the 98th Congress adjourned. Motion agreed to 214-192: NV(1-3-1), November 9, 1983.

447. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Smith, D-Iowa, motion that the House recede from its disagreement and accept a Senate amendment, as amended by the conference committee, providing $11.89 million for the U.S. Civil Rights Commission. Motion rejected 170-235: NV(2-2-1), November 9, 1983.

448. H.R. 4102. Universal Telephone Service. Adoption of the rule (H. Res. 363) providing for House floor consideration of the bill to prohibit the Federal Communications Commission from imposing a monthly access charge on residential and small business telephone users for the right to use long-distance service. Adopted 249-149: NV(1-3-1), November 9, 1983.

450. H.J. Res. 413. Continuing Appropriations, Fiscal 1984. Adoption of the rule (H. Res. 367) providing for House floor consideration of the bill to make further continuing appropriations for fiscal 1984. Adopted 238-177: Y(2-3-9), November 10, 1983.●

LA PRENSA CENSORED ON PASTORA BOMB STORY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the report that the Sandinista government did not permit publication of La Prensa because it contained a story about the bomb attack on Eden Pastora leads one to speculate that the Sandinistas might have themselves been implicated in the bombing. Certainly, if the CIA had been responsible, I am sure the Sandinistas would have taken the opportunity to report that.

La Prensa Censored on Pastora Bomb Story

The independent newspaper La Prensa did not circulate yesterday because the government censorship office prohibited the publication of any information regarding the attack on Commander Cero [Eden Pastora] in southern Nicaragua. This information, which we reported in our first newscast in a direct relay from Managua by our special correspondent Dr. Salomon Calvo Arrieta, was also reported today by international news agencies.

Yesterday's issue of La Prensa was scheduled to include an extensive report on the attack on Pastora and photographs from International news agencies. That issue also contained a complaint by La Prensa photographer Jorge Ortega, who is in prison on charges of participating in attacks by and affiliating with the Rebel ARDE group led by Eden Pastora. The Photographer's complaint, as we reported in our "News Impact" program, refers to the inhumane conditions in which he is being held by the state security organization.●

CYPRUS ISSUE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. YATRON. Mr. Speaker, when the foreign aid bill was considered by this House last month, we adopted an amendment introduced by my good friend and colleague, Representative Edward Feighan, which cut $85 million in military aid to Turkey. This amendment was a clear expression of our concern over the ongoing Turkish occupation of Cyprus.

Recently, Mr. Feighan delivered a speech to the Cleveland chapter of the American Hellenic Educational and Progressive Association, which addresses the Cyprus issue in depth. His remarks are right on target. I commend them to all my colleagues.

Congressman Edward F. Feighan Speech to Cleveland Chapter of AHEPA

Thank you very much.

It is a great honor for me to receive this award tonight. I am very appreciate of the support and the encouragement I've received from you and from other Greek Americans throughout the country.

Let me begin by congratulating these fine men and women on their scholarships. Your selection is a credit to you, your family and your schools. I know that each of you will continue to work earnestly and diligently on your education, knowing that the effort you put forward now, will reap great benefits for you later. Your education will enable you to make the most of your capabilities as individuals, so that when your time comes to forge and shape the world, you will be able to say along with Archimedes—"Give me a place where I can stand, and I shall move the world."

Tonight I would like to speak about an issue that is familiar to many of you—the continued domination of Cyprus and its Greek-Cypriot citizenry. It is a subject that you have been involved with for a far longer time than have I.

In fact, as I prepared my remarks for tonight, I felt much like a student called upon to give a lecture to his professors. But that feeling was tempered somewhat by the realization that you were honoring me with the Socratic Award. Now that I have been presented with it, I am reminded of the words of Aristotle, quoted so often by one of my high school teachers, "The roots of education are bitter, but the fruit is sweet."

Many of you are intimately involved with the Cyprus issue. You have families and friends in Greece and Cyprus; you know the real human tragedy caused by the division on Cyprus; and you have dedicated time, energy, intellect and emotion to the cause of justice on Cyprus.

I know how frustrating that fight has been. It's been ten years since 40,000 Turkish troops invaded and divided Cyprus; ten years since 200,000 Greek-Cypriots were driven from their homes; ten years since thousands more were killed and captured by Turkish troops who were using American weapons in a manner prohibited by American law.

Today, Cyprus is still bitterly divided. Over 20,000 Turkish troops continue to occupy the island, and they have been joined by 50,000 Turkish colonists who were lured from the mainland by the promise of land that had belonged to Greek-Cypriots. The Turkish lire is now the official currency of Northern Cyprus, and the Turkish Government in Ankara subsidizes over half of the Turkish-Cypriot budget.

These divisive actions have been taken despite an increasingly generous program of U.S. foreign aid to Turkey. Since our aid embargo was lifted in 1978, we have sent over $3.5 billion to Turkey—making that country our third largest foreign aid recipient. And administration officials have estimated that future aid could top $1 billion a year for ten years. All of this assistance has been—and will be—provided under the clearly expressed condition that Turkey would cooperate fully in efforts to bring about a solution on Cyprus.

As a member of the House Foreign Affairs Committee, I took a close look at this aid request—and at Turkey's actions. And I asked a simple question: Are our taxpayers' dollars being well spent in Turkey?

The answer was clearly no.

In 1983, Turkey refused to allow Voice of America and Radio Free Europe antennas on their territory; Turkey refused to condemn the destruction of the Korean airliner; and Turkey refused to allow American planes serving our marines in Lebanon to land at American bases in Turkey.

The crowning blow to our policy in the eastern Mediterranean came last November 15 when the Turkish-Cypriots unilaterally declared their part of Cyprus an independent republic—an act which occurred only hours after President Reagan signed a foreign aid bill that sent nearly $1 billion in aid to Turkey.

This arrogant and illegal act—recognized only by the Government of Turkey—prompted me to introduce legislation to suspend military aid to Turkey until they took clear actions to unify Cyprus. Sixty-five of my colleagues joined me in cosponsoring the bill, and both Houses of Congress passed resolutions condemning the Turkish act.

But even as Congress took these actions, I noticed a growing reluctance to enact strong sanctions against Turkey. Many Members argued that we couldn't afford to anger Turkey because it bordered the Soviet Union. Others added that Cyprus was a "side issue" that should have nothing to do with aid levels. And as I became more and more outspoken on the issue, many of my colleagues jokingly referred to me as the Congressman from Greece, implying that Cyprus was only a concern of Greeks or Greek-Americans.

Well I couldn't agree less with this offensive and short-sighted view. The cause of Cyprus is not a creation of the "Greek Lobby." We have a number of very real strategic interests at stake on Cyprus:

At stake is the strength of NATO's southern Flank—tensions between Greece and Turkey over Cyprus undermine NATO.

At stake are some basic issues of international law and morality.

At stake is a small country's right to govern itself, free from outside pressures, threat, or blackmail.

At stake, finally, is the basic belief that American aid should serve American interests and American values—in other words, are we going to continue financing the illegal occupation of Cyprus?

I don't think that we should. And I am convinced that by failing to pressure Turkey for a settlement on Cyprus, we harm our broader interests in the Mediterranean and the Middle East.

That is why I proposed an amendment to the foreign aid bill which cut $85 million in military aid to Turkey. This cut is a clear expression of congressional frustration with Turkey over the deadlock on Cyprus.

A vast majority in the House voted for this cut, telling Turkey in no uncertain terms that we expect them to help resolve the conflict on Cyprus.

In addition, the amendment that I offered also set a new policy direction on Cyprus. It established a $250 million "peace and reconstruction" fund that will be available if the parties on Cyprus can reach a settlement. In offering this amendment, it is my hope that this fund will help focus constructive energy on ways of encouraging the parties on Cyprus itself to work out their differences, and that it will provide a new, creative and—I believe—necessary approach to solving the tragic conflict on Cyprus.

Well, that is a bit of an overview on the issue of Cyprus as I see it in Washington. I've been grateful for the advice and suggestions that have come to me from Greek Americans here in the greater Cleveland area, as well as comments that have been made by members of the Creek-American communities around the country.

There are, however, those who suggest that turbulence so far from our shores should be of no concern to us. They raise their voices against our involvement in conflicts that do not affect our daily lives. They say our problems at home are too great, that our people's needs are too large for our country to attempt solving other problems around the world.

I recognize why some people express that view. But since the birth of our Nation, in the shadow of a bloody revolution, our people and our institutions have shared a commitment to higher values. At times we fall short, and we have never achieved our ultimate goals. But we have never stopped trying to build a better life and a just society for all our people and for others around the world.

At the turn of this century, President Theodore Roosevelt wrote that: "The material progress and prosperity of a nation are desirable chiefly so far as they lead to the moral and material welfare of all good citizens." That is the American dream . . . a dream we see around us wherever we care to look.

Not the "American dream" as it has been popularized in novels and on movie screens. Not the "American dream" that says an individual works his way to the top and receives money, and riches, and fame. No, the "American dream" I am discussing is much more substantive, and it is much more rooted in a philosophical belief in "the common good" than is the more popular version.

The American dream of which I speak is the belief that an individual can make a lasting contribution to his country, his community and his world. It is a recognition that individuals have the capacity to use their freedom for the betterment of others, rather than just for themselves. The creation of scholarships, the encouragement of youth, the building of civic organizations—these are the fundamental realities of the "American dream."

The nature of the American dream is perhaps best illustrated by John Adam's notion of the spirit of public happiness. It was this spirit, Adam's said, that possessed the American colonists and won the revolution even before it was fought—a spirit which is reflected in "discipline, dedication, pride in workmanship, citizenship and action." It was that spirit of achievement which fostered Americans and propelled the dream.

Today, that dream is threatened. It is threatened abroad by continuing conflicts that may engulf the great superpowers in accidental destruction. And it is threatened at home by a burgeoning deficit that threatens to steal our children's economic future.

No one, least of all those of us with children, can underestimate the threat those deficits and the interest rates they bring with them pose to our economic well being. I have seen one frightening estimate indicating that if Federal deficits run at the current rate for another five years, the national debt will grow to the unthinkable sum of $2.4 trillion.

The interest alone on such a national debt would be over $200 billion annually. As you can imagine, no conceivable growth in our gross national product would enable us to afford such payments.

The time has long since passed when we should have put a stop to this unchecked Federal growth. As Congress began work this year on the budget, I spoke out for restraint and responsibility. Unfortunately, at the time the budget arrived on the floor of the House, a majority of Members voted for a budget that fails to significantly reduce the deficit. In fact, the budget passed by the House adds $530 billion over the next three years to the national debt.

I could not, would not, and did not vote for that budget.

Instead, I supported an alternative proposal: An innovative deficit reduction plan that could have cut the deficit by $250 billion. It called for an immediate freeze on Federal spending levels, enabling Congress to rethink spending priorities and crack down on the Federal programs that spend money without concern for the overall public benefit.

Under the proposal I worked for, spending beyond the freeze level would require a "pay as you go" feature. Any increase in spending for a Federal program should carry with it a provision outlining from where the money will come to pay for it. It isn't to much to ask the Congress that it say how it will pay for the programs it enacts. The American people deserve no less than that.

Aristotle wrote: "I am not a citizen of Athens or of Greece, I am a citizen of the world." None of us, in this nuclear age, can be only citizens of Ohio, or of America. We are all citizens of the world.

Like it or not, we live in times of danger and uncertainty. We face problems ranging the gamut of human experience—our deficit crisis pales in comparison to the immediate danger of nuclear war. But, never before has mankind had such opportunities as it has today. Opportunities for peace, for understanding, for progress.

That is the struggle that engages us in Cyprus.

To those who say it is not our problem, we respond that it is our opportunity. To those who say that we should not be involved, we respond that we already are. In an age when the weapons of war far outnumber the channels of peace, we are involved—because of our size and our interest—whether we like it or not.

When American weapons are used to subjugate a nation, we are involved.

When an American ally betrays our trust and forces itself upon its neighbors, we are involved.

We are involved because we are citizens of the world.

Cyprus is but a small part of that world, but there are those of us who love it. But even for those who have never heard of it, the future of its people is important. Because, as Americans, we cherish freedom. And we share the desire of people throughout the world to share in it.

President John F. Kennedy prepared a speech for the afternoon of November 22, 1963—a speech he did not live to deliver. In it, he wrote that "We in this country, in this generation, are, by destiny rather than choice, the watchmen on the walls of world freedom." Today, twenty one years later, his words ring true. Not only for Americans who shared his dream, but for all who share a belief in freedom, not only in Cyprus, but around the world.

Thank you very much.●

50TH ANNIVERSARY OF AMERICAN HUNGARIAN CIVIC ASSOCIATION OF TRENTON, NJ

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to have the opportunity to offer congratulations to the American Hungarian Civic Association of Trenton, NJ, on the occasion of their 50th anniversary.

These dedicated people are actively engaged in many community endeavors that will lead to a better and richer life for the community and especially its young people.

Each year the American Hungarian Civic Association awards scholarships to young people of Hungarian backgrounds in an effort to further the careers of the young and enable them to find success and enrichment in their lives.

The American Hungarian Civic Association 1984 Scholarship Award recipients are:

Imre John Bogar, Lisa Kondor, Janet Chiorello, Margaret A. Sabo, Lynn Tancredi, Eva S. Csige, Robert F. Pintye, Kathleen Beitel, Carol Blyskal, Richard Paul Furlong.

The American Hungarian Civic Association encourages these students to continue their education by awarding these scholarships. It achieves noteworthy objectives by raising funds for the scholarship program and thereby helping many young adults go on to institutions of higher learning after high school.

Mr. Speaker, the American Hungarian Civic Association will hold its 50th annual scholarship awards dinner and dance this Saturday, June 9, 1984. This is a very special commemorative event of which I am proud to be a small part. I wish the American Hungarian Civic Association of Trenton, NJ, another 50 years of continued success.●

REMEMBRANCE AND IDEALISM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the recent visit to the United States of Jose Napoleon Duarte made a marked impression on all those who met with him, particularly those of us in this Congress who talked with him. A commentary by William Randolph Hearst, Jr., summarizes well the impact of President Duarte's visit to Washington.

[From the Baltimore News-American, May 27, 1984]

REMEMBRANCE AND IDEALISM

(By W.R. Hearst, Jr., Editor-in-Chief, Hearst Newspapers)

NEW YORK.—Jose Napoleon Duarte, president-elect of embattled El Salvador, just completed a visit to Washington, where he made a deep impression on all congressmen who met and heard him. The U.S.-educated engineer—he went to Notre Dame—vows to maintain democracy in his little Central American republic as the first freely elected president in more than 50 years.

El Salvador's army, once a stumbling block to previous democratic aspirations, is now apparently prepared to accept Duarte, who will be sworn into office next month as its unquestioned commander-in-chief.

That's the way it should be as noted by our own President, who hailed Duarte's visit. The Sandinista communist regime in Nicaragua, next door, supplies communist guerrillas in El Salvador but their terror couldn't halt the free elections that gave the president-elect nearly 55 percent of the vote.

President Reagan noted that if the Communists succeeded, as the Kissinger bipartisan commission report emphasized, 100 million people from Panama to our open border with Mexico would sooner or later come under the grip of pro-Soviet regimes.

We would, therefore, be confronted by a tidal wave of refugees. That alone requires stationing a couple of million of our own armed service people to stem the tide. It's a prospect, I'm sure, few in this country accept. The Soviet Union with its Cuban surrogates would turn the area into a vast gulag.

President-elect Duarte has impressed supporters in El Salvador and our people here with his total frankness. Our President, hardly a slouch when it comes to communicating with people, admired his guest for being fair and open-minded. Duarte thanked President Reagan for a televised speech to the people, saying what is at stake for all of us if we don't assist El Salvador in particular and Central America in general. It wasn't done abjectly but as president-to-president, both of whom know the hard issues.

The Duarte visit made so much of an impact that even House Speaker Tip O'Neill, longtime critic of President Reagan and his policies for Central America, had a temporary change of mind. Where he opposed President Reagan all the way on aid to El Salvador, Speaker O'Neill said: "I think that he (Duarte) has sold enough people in the House. The votes are there now."

House Majority Leader Jim Wright, of Texas, said he had no doubts about the outcome. It was Wright, a veteran Democrat, who put aside partisanship and helped President Reagan gain the needed votes for an aid-military package. The House Thursday adopted a $62 million package of emergency military aid, peanuts for a life-or-death matter. Both Duarte and President Reagan reiterated that there is no need for U.S. combat forces for El Salvador.

Reinforcing congressional support for aid was the verdict by a court in El Salvador that found five former national guardsmen guilty of murdering four U.S. churchwomen. It was a unanimous decision by a three-man, two-woman jury after media reports suggested the trial was too tough for locals to face.

Duarte's incoming administration obviously shows that it won't tolerate coverups. The House swiftly approved assistance to El Salvador but held back on covert aid for Freedom Fighters in Nicaragua.

Besides being generally upbeat about the state of the economy, the President shrugged off the Soviet threat of their submarines off our coasts. "I wouldn't be sleeping in this house (the White House) if I was concerned about them," observed President Reagan, eliciting gales of laughter.●

THE DETROIT NEWS URGES MONETARY REFORM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. KEMP. Mr. Speaker, in recent weeks the Detroit News has been running a remarkable editorial series on the critical role the Federal Reserve Board plays in the domestic and international economy. The News has emerged as the most thoughtful, and I believe consistently correct voice today on the cardinal issue of the 1980's: reforming our monetary institutions in order to stabilize the value of the dollar and bring interest rates down to their normal, lower levels.

I comment to my colleagues these excellent essays, and urge them to support reforms that will make the Federal Reserve Board's monetary policy more accountable and more predictable.

The editorials follow.

[From the Detroit News, May 15, 1984]

AYATOLLAH VOLCKER

Fed Chairman Paul Volcker last week came face to face with the interest-rate crisis he created and promptly decided to compound the felony. Because of rising interest rates, he said, poor nations around the world are facing disaster. The Fed chairman then proposed to delegate himself Ayatollah-like powers to place arbitrary limits on the interest rates charged for loans to these countries.

A far better way to lighten the load on poor nations is to get interest rates down. Everybody would then benefit, including all of us folks back home who are feeling the interest-rate pinch just as surely as the foreigners who have borrowed from us. We have some experience with usury laws here in Michigan, and they don't work. If you put a ceiling on interest rates, any banker worth his salt will take his money elsewhere when this cost of funds rises toward the ceiling. People with savings will park their money elsewhere, too.

To the extent an interest rate ceiling keeps the cost of money low abroad, it will only encourage borrowers to go "offshore" for their money. If Mr. Volcker wants to see General Motors move its headquarters to Brazil or Zaire, he's on to something. But why a borrower in Brazil or Zaire should get a lower rate than John Q. Citizen back in the states is beyond us.

Mr. Volcher's suggestion, which we hope will never get beyond the suggestion stage, appears chiefly aimed at deflecting criticism from himself for his role in causing interest rates to rise. Deficits, not his mishandling of monetary policy, are responsible for the high rates, he and others claim. The Fed is merely an innocent bystander, trying to keep the money supply on an even keel. If there's a crisis brewing in Third World debt, it must be somebody else's fault.

It's a line that's popular with the Reagan administration's political opponents, and it's greatly amplified by the liberal media. It even has its adherents within the White House. After spending the better part of two years trying to undermine his boss's program, Martin Feldstein, the president's chief economic adviser, finally announced last week that he will be returning to his academic post at Harvard this summer. He's a fine man personally and has done some distinguished academic work in previous jobs, but we wish him good riddance from his government post.

Hopefully the president will select a new adviser who understands that high government spending, not a tax burden that is still about the 1964-1979 average, creates deficits. He should also be a person who understands that an unfettered Federal Reserve, not a president who desires economic growth, is the chief danger when dealing with inflation and interest rates.

There is every indication that the interest rate runup of recent months is a creation of Mr. Volcker's Fed, not Mr. Reagan's White House. Last week's producer price index figures revealed that inflation is virtually nonexistent. Retail sales, even in "interest-sensitive" industries such as autos and housing, are bounding ahead. So is capital investment. The economy, in other words, is continuing its remarkable recovery despite the predictions of all the experts. But Mr. Volcker has been doggedly fighting the last war, against inflation, and has been keeping a too-tight rein on the money supply.

As a result, interest rates have no place to go but up. That's the market's natural way of balancing supply and demand. We'd rather have that than the alternative—more inflation. But the continued economic recovery, low inflation, and a gold price well below the level at which the recovery started all indicate that there is plenty of leeway for a more expansionary monetary policy. Third World countries staggering under the double burden of large debt and escalating interest rates would benefit far more from this approach than from arbitrary efforts to cap rates. If Mr. Volcker presses the latter approach, he will only dry up credit for the debtor nations altogether—unless, of course, he virtually nationalizes American banks and forces them to continue their unwise lending to foreign countries.

The administration was right to criticize the Fed's stringent credit policy last week. Nobody can be absolutely certain why the economy acts as it does, or why interest rates are at historically unprecedented levels. But the administration's argument sounds a lot more convincing these days than Mr. Volcker's efforts to pin the blame for monetary conditions on everybody but himself. If Ayatollah Volcker doesn't relent, and instead compounds faulty monetary policy with credit controls, it won't be just the Third World that suffers. So will the automobile and other American industries, which are just beginning to taste the fruits of real economic growth for the first time in years.

[From the Detroit News, May 30, 1984]

THE BEST DEFENSE

In a few days, presidential candidate Ronald Reagan will journey abroad again, this time to the annual economic summit of the leading industrial nations in London. His side trips, to Normandy on the anniversary of D-Day and to Ireland to visit the ancestral hometown, are likely to receive most of the camera coverage. All the world's a stage, after all, and Mr. Reagan's the consummate actor.

But how he performs at the London meeting could be far more important. For one thing, there are some serious matters for the trading partners to discuss, including the drift toward protectionism. For another, Mr. Reagan is likely to be under intense pressure from the other leaders to accept the blame for the world's economic ills. How he handles the pressure will be an important clue toward the kind of political campaign he plans to conduct this summer and fall. Though Mr. Reagan is comfortably ahead in most polls now, his lead could evaporate if he decides to play it too safe and revert to a defensive game.

Mr. Reagan has little for which to apologize to his peers in London, either in terms of actual economic results or the example his policies have been setting. The U.S. economic recovery unleashed by the Reagan tax cuts is now pulling the rest of the industrial world along in its wake. World trade, down by 2 percent in 1982, rose 2.5 percent last year and is expected to increase over 5 percent this year. While the American economy roared ahead last year, Western Europe (and Japan) lagged. But this year the Japanese and the British cut taxes themselves, and they appear to be in the throes of strong recovery. West Germany's conservative government has promised a dose of the same medicine—an indication that the German welfare state finally is ending the huge expansion of the 1970s—and things are picking up strongly there.

Even France has reversed its big-spending, high-taxing ways. President Francois Mitterrand is now being called a supply-side Socialist; he has finally come to understand that in order to share wealth a nation must first create some wealth. In the place of redistributionist schemes to levitate incomes he is focusing on ways to make France's industries more efficient and its goods more competitive.

For political reasons nearly all of these countries will complain that high American interest rates are holding down their recoveries. That's not entirely unjustified. But they will be railing at the wrong man. Federal Reserve Chairman Paul Volcker, not President Reagan, controls the money supply and therefore interest rates. The "Reagan deficit," which is what most commentators assume is creating the high interest rates, have actually been declining. If there were a simple connection between deficits and interest rates, we could logically have expected interest rates to decline, too, in recent months. Instead they have risen. Besides, interest rates were far higher back in 1980 when the deficit appeared to be even lower than it is now.

So if our European and Japanese friends want to criticize American economic policy, Mr. Reagan should politely but firmly invite them to direct their barbs at the proper source—Mr. Volcker. The president should also invite them to join in a serious discussion about reforming the international monetary system. World stagflation dates from the time when the West abrogated the postwar link between the dollar and gold. Re-establishing that link, or some mechanism like it, may be the necessary precondition to restoring enough confidence in the dollar to bring down interest rates and create a climate more favorable to savings and long-term investment.

A new monetary standard was part of the Republican Party platform in 1980 and is likely to be part of the GOP platform again this year. The president will have plenty of opportunity in London to show that he's serious about this commitment, if he chooses. It could become the centerpiece of a second Reagan term, just as tax cuts were the centerpiece of the first.

If the president merely tries to duck the predictable fusillade of criticism at the London summit, he will be signaling that he plans to wage a defensive political campaign at home this fall and that he has no particular economic agenda for a second term. This will give his domestic foes as well as international critics time to nibble away at the progress he already has made, as happened with the tax increases of 1982 (and the pending tax increases in Congress).

The best defense against further erosion is a good defense. It would be ironic if President Reagan were to abandon Reagonomics just as other countries were beginning to embrace it. Instead, the president should begin to take the next big step. He should roll up his sleeves in London and go to work to make the currencies of the industrial nations once again as good as gold.●

U.S. CONGRESS-BUNDESTAG YOUTH EXCHANGE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. WINN. Mr. Speaker, the U.S. Congress has assumed an important responsibility. It has undertaken to sponsor through funding and direct support an exchange program for young Americans and West Germans. In an effort to promote better understanding between the peoples of these two allied nations, we have just this year set up this program which is intended to bring 435 West German high school and vocational school students to this country annually to live and study. Approximately the same number of American young people will go to West Germany each year. In this first year of the program, over 200 will be involved on each side.

I urge Members of Congress to learn more about this important exchange program, to make an effort to get to know the young people from their districts who will be participating and to meet the young West Germans who will be spending the upcoming year in their districts. It is also important, I believe, to publicize this exchange among the broader public. One way of familiarizing the public with this exchange is through Members placing articles in their local papers. To illustrate this, I would like to place in the RECORD an article I wrote for the Sun Publications on this exchange program.

YOUTH EXCHANGE PROGRAM SEEKS TO IMPROVE BOND WITH EUROPE

(By Congressman Larry Winn, Jr.)

In the spring of 1984 there have been few of the large-scale anti-nuclear demonstrations in Europe that occurred throughout 1983. Now that NATO's Pershing II and cruise nuclear missiles are in place, the millions who took to the streets to block their deployment in England, Germany, and The Netherlands are staying home or turning to other pursuits.

Though the mood in Europe is now more quiet, questions persist regarding the significance of the demonstrations. But one thing is clear: they were often anti-American as well as anti-nuclear. The young people involved usually drew little distinction between the two superpowers—the United States and the U.S.S.R. Criticism of the U.S. role in Central America was strident while there was little mention of Soviet actions in Afghanistan and Poland. U.S. global leadership was challenged.

To those Americans who had experienced World War II first-hand, this disaffection of the European younger generation with the United States has been worrisome. After all, the underpinning of post-war peace and stability has been the Atlantic Alliance. In trade as well as defense, a web of ties has ensured prosperity and security for both the United States and Western Europe. The young demonstrators wanted to turn Europe away from the United States and destroy the cohesion that had served both continents so well.

For their part, older West Europeans are no less concerned by what they perceive to be a U.S. turn away from Europe and toward Japan and the Far East. Increasingly, Americans are looking toward the Pacific for commerce and similarity of interests. This trend is combining with a rise in traditional American isolationism to provoke deepening fears in Bonn, Paris, and London of a U.S. drift away from Europe.

To repair these strains will take more than summit meetings and official visits on both sides of the Atlantic. Nothing sudden or spectacular will provide the slow steady mend at the grass roots which is needed.

Newly underway is a program which holds considerable promise for rekindling the kind of popular support in the United States and Europe which is necessary for close Atlantic ties. It is designed to create a new generation of friends in the United States and in Germany who someday as our leaders will hopefully keep us together. This is the U.S. Congress—West German Parliament Youth Exchange Program. Under this program, which will be administered by the highly regarded Youth for International Understanding Exchange Program, 200 of America's top high school students will leave this July for West Germany to live and study for a year on full scholarship.

Kansas is especially honored to have four of its young people selected after rigorous competition to participate in the first year of this program. They are Lara Hayes of Shawnee Mission North High School; Shannon Dinkel of Ellis; Nancy Hackney of Newton; and Amy Randles of Olathe.

The coming year will not only be a wonderful event for these young women, but an important step toward regenerating U.S. European personal ties. Their exposure to West German and West German acquaintance with them and the similar experiences of German young people in the United States will be critical to overcoming the doubts and uncertainties which now exist in U.S. European relations. Hopefully, when the older generation relinquishes its leadership, it will pass the responsibility for maintaining strong U.S. European relations on to a generation which is committed to preserving and enhancing the Atlantic Alliance.●

COMMENTS ON THE OLYMPIC GAMES

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● **Mr. DYSON.** Mr. Speaker, Recently I was a guest on the Edition Eleven television show on WBAL-TV in Baltimore, MD. At one point during the program, Mr. Ted Venetoulis, the program's well-known and revered host, made some poignant and perspicuous comments regarding the Olympic games and the upheaval currently surrounding them. I recommend to my colleagues the comments of Mr. Venetoulis and insert them in the RECORD at this time.

There's no sense in arguing about the Soviet decision to boycott the Olympics in 1984—or America's decision to boycott the Games four years ago. Two super powers are playing super power politics, playing games with games . . . except it's no game anymore. It is two rivals escalating their belligerence and dragging the rest of the world into the mud battle.

So, it's time to change—time even to do something dramatic—time to turn the Olympic argument into an olympian opportunity . . . a chance to strike a blow for reasonableness.

The best idea put forth in an awfully long time in a society often void of reasonable ideas, is the suggestion to permanently return the Olympics to its place of origin—Greece—and to return it to its original purpose . . . the full cessation of conflict among nations while these nations fought out their frustrations on the athletic field. Believe it or not, that's what happened in the original Olympics . . . every nation would stop arguing, stop fighting, stop its aggressions, for the full period of the Olympics.

Now think of that today. Think first of the Olympics in a nation that the super powers did not envy . . . Greece . . . and think then of every nation—for two or three weeks ending hostilities.

No war in Afghanistan, no violence in the Persian Gulf. Northern Ireland at peace . . . Hostilities at a standstill in Lebanon or South Africa. For a couple of weeks, the Turks and Cypriots, North and South Koreans, Cambodians and Vietnamese, Jews and Arabs, would actually stop arguing, yelling, gun running, agitating. Can you imagine all that? Two weeks of peace I don't know about you . . . but I say take the Olympics back to Greece and you don't play unless you put down your weapons.●

CHURCH AND SANDINISTAS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● **Mr. LAGOMARSINO.** Mr. Speaker, in recent months, the Catholic Church in Nicaragua has been one in the leading opponents to the Sandinista Regime. However, as columnist William Buckley recently pointed out, not all organizations related to the Catholic Church appear to oppose Marxist-Leninist ideology to the same degree as the church in Nicaragua. I urge my colleagues to read the following commentary, which appeared in the May 31 Washington Post.

The article follows:

CHURCH AND SANDINISTAS

(By William F. Buckley Jr.)

In his speech on Central America a few weeks ago, President Reagan mentioned, not without a trace of sarcasm, the extraordinary lack of ink, as the expression goes in the trade, given to the massive demonstration in Managua, Nicaragua, by Catholics on Good Friday. A crowd estimated at 100,000 accumulated to protest persistent Sandinista infringements on the freedom to exercise religion.

It is, of course, the same old story. No government that worships Marxist materialism can countenance a flourishing church. The experience in Poland constantly reminds the Soviet hierarchy that probably the only absolutely reliable asseveration of Marx and Lenin was that, in the end, communism and religion really cannot coexist without friction.

Now in the general light of the above, consider a solemn report recently issued that deals as follows with the communization of Nicaraguan textbooks, a source of major complaints by the Catholic hierarchy.

"It is also said that the new programs put forward Marxist ideology, and that the schoolbooks are also tinged with Marxism and are published in Cuba. We recognize that in general the programs and books do put forward new values, based on the real social, cultural and economic situation of the people, and are pro-Sandinist, without being doctrinaire and propaganda-filled. Many teachers and members of religious orders see many positive aspects in this, and with it, a new challenge: How can this new situation be evangelized?

"It is also true that many books are printed in Cuba. The reason given for this is a purely economic one. If they come from Cuba, they cost practically nothing. If they had to be purchased elsewhere with dollars, they would be exorbitantly expensive."

Now these paragraphs were not written by the Emergency Civil Rights Committee, or by any other communist front group. They are, incredibly, a small part of a large report on Central America done by a Catholic organization with headquarters in Brussels, Belgium. It is called the International Cooperation for Development and Solidarity, and comprises 13 Catholic agencies in 11 countries concerned with economic development.

Not very much more is needed to convey the bias of the Mission Report on Central America than to reflect on the term "new values." The new values here referred to are about as new as the Soviet printing press. The notion that Cuban textbooks are being used because they are so inexpensive will get you a ham sandwich, if you have some ham, if you have some bread.

What's going on? There is still, in Managua—unless it was shut down yesterday—an independent Permanent Commission on Human Rights. It has been arguing for human rights for many years, right through the Somoza period. It has chronicled, day by day, the aggressions against freedom by the Sandinistas. There is, also in Managua, something called the Human Rights Commission. It is controlled by the Sandinistas, and says only flowery things about that government. The Catholic commission consulted only the second of these human rights commissions.

So is it in El Salvador, where the commission reports that the "FMLN" (never referred to as the rebels) receives its military aid "from solidarity groups in different parts of the world, which openly collect money for the purchase of military equipment." The commission refers disparagingly to the "Americanization" of the civil strife in Central America and, in effect, asks the whole world to evangelize in favor of "negotiation" in El Salvador, which is the code word for surrender to the guerrillas, and for an end to American aid to the government of El Salvador, and to the freedom fighters in Nicaragua.

It is hardly a secret that quiet convulsions have been going on within the Catholic Church, a prominent segment of which has been captured by the populist know-nothingism of socialism. The CIDSE calls now for "information and conscientious campaigns to be conducted at all levels of society in our countries and by the most effective means."

Meanwhile, Catholics in Nicaragua sit by in anguish at the apparent lack of concern by fellow Christians over their progressive loss of freedom. Catholics look to the Vatican for intelligent intervention.

And everyone needs the reminder that the use of the Catholic label no longer certifies a document as primarily occupied with the welfare of the human spirit. And even if we could live by bread alone, these ignorant gentlemen do not even recognize that the socialist world is very, very bad at producing bread.●

REAR ADM. FRANK D. HIGBEE, USCG (RET.): A MARITIME LEGEND

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. ANDERSON. Mr. Speaker, at the June 11 marine industry luncheon to be held at the Ports of Call restaurant in San Pedro, there will be a reunion of prior captains of the Port of Los Angeles/Long Beach and a commemoration of the 90th birthday of Rear Adm. Frank D. Higbee, USCG (Ret.), the first captain of the port.

Admiral Higbee will celebrate his 90th birthday on June 10. His remarkable career is an inspiration for all mariners. He enlisted in the U.S. Navy in 1913, and was promoted to warrant officer in 1917. During World War I he saw action on the destroyer *Bainbridge* and other vessels. After the armistice he was on shore duty at Cardiff, Wales; London, England; and Danzig, Germany.

In 1927, he transferred to the Coast Guard as a lieutenant, and later commanded his first Coast Guard cutter, the square rigger *Bear*. He cruised the east and west coasts of the United States, the Arctic and Bering Sea, and served in the International Ice Patrol of the Atlantic.

In 1940, he was designated as the first captain of the Port of Los Angeles/Long Beach, where he was commended for assistance to vessels in distress and for enforcement of regulations as to the seaworthiness of merchant ships.

He left the west coast in 1943, to become chief of staff to the admiral commanding the Greenland patrol. He then went to the Pacific and commanded the Navy transport, *General Scott*. In the New Guinea-Admiralty Islands campaign he commanded a squadron of landing ships of the Seventh Fleet and afterward a flotilla of the Third Fleet that ended its war duty in Japan. In the Leyte invasion he led an advance beach party that went ashore at H-hour with assault troops of the 24th Infantry on Red Beach. There he was promoted to rear admiral pursuant to a special commendation of the Secretary of the Navy for performance of duty in actual combat with the enemy.

After the war, he retired and was appointed Los Angeles Port Warden in 1946. For over 18 years he served in this position and pioneered procedures and set policies that greatly minimized the threat of a shipboard or dockside disaster. Many of these procedures have now become common practice in U.S. ports. He changed the function and responsibilities of the Port Warden's office. Once basically cargo security guards, the Port Warden deputies became thoroughly trained in the fields of ship inspection, pollution investigation and control, fire prevention, and a host of related maritime activities.

Following his retirement as Port Warden in 1964, Admiral Higbee helped establish, and served as first president of the California Cargo Protection Council for the Ports of Los Angeles and Long Beach. This agency virtually eliminated pilferage and other forms of cargo theft in the harbor. In 1978, he was appointed as assistant to the California State Lands Commission as an adviser for maritime affairs.

Admiral Higbee has for many years been regarded as a maritime legend. He has held a valid unlimited master mariners license with pilot endorsements for the Pacific Coast and Hawaii for the past 60 years, and is an honorary life member of the U.S. Propeller Club. He was honored by the city of Los Angeles when a roadway near the pilot station was dedicated "Admiral Higbee Way" on July 22, 1981.

Admiral Higbee lives in San Pedro in an apartment overlooking the harbor and he is not the least bit shy about reporting discrepancies he notices in the harbor to the proper authorities. The admiral swims a mile a day after walking to the San Pedro YMCA, and has three daughters, Anne Higbee-Glace, Joan Mercer, and Joyce Denny.

I join with my wife, Lee, in saluting Adm. Frank Higbee for his distinguished years of public service to the Ports of Los Angeles and Long Beach, and in thanking him for making the harbor a place where sailors, maritime workers, residents, and visitors feel secure.●

HONORING THE OUTSTANDING WOMEN FROM CALVERT COUNTY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DYSON. Mr. Speaker, it gives me great pleasure to pay tribute to a group of women from Calvert County, MD, who exemplify the kind of dedication needed to provide effective community service.

In recognition of their efforts, the Calvert County Committee on Women is honoring them as another sign of the valuable contribution women are making to southern Maryland.

These women are involved in many parts of the Calvert County community. Their careers include work in education, government, finance, health and social service. Each of these women symbolizes the important role women play in all parts of our country.

I am proud to represent these individuals and to acknowledge them today in the CONGRESSIONAL RECORD. These outstanding Calvert County residents are: Ethel Adams, Regina Brown, Margaret (Peggy) Demidis, Jean Dowell, Audrey B. Evans, E. Lynn Frazer, Carol Glover, B. Jane Fletcher, Grace Hutchins, Gloria Jones, Lynn Kahl, June King, Shirley McCarthy, Lola Parks, Carlene Parker, Dorothy Pohlod, Margaret Phipps, Thelma S. Robinson and Virginia N. Vanderford.

I commend the Calvert County Commission on Women for honoring these women. We can all learn from the important additions these women have made to their communities and urge my House colleagues to join me in applauding their efforts.●

U.S. INTELLIGENCE OVERSIGHT

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. WINN. Mr. Speaker, Congress has few responsibilities as serious as the oversight of U.S. intelligence activities. Yet, the debate over the mining of Nicaragua's harbors demonstrated that this congressional oversight is flawed. As Representative HENRY HYDE convincingly demonstrates in the following article which appeared in the Elmhurst Press on May 18, congressional oversight can be partisan and prone to leaks. Moreover, it is divided among the two Houses of Congress in such a way as to hamper its effectiveness. I commend to all my colleagues the analysis of the gentleman from Illinois and his recommendations for improving congressional oversight of U.S. intelligence activities.

HOW TO PLUG INTELLIGENCE LEAKS

(By Henry J. Hyde)

The furor in Congress over the mining of Nicaraguan harbors highlights a problem of overwhelming importance. Specifically, one must ask how capable Congress is of practicing responsible Congressional oversight of intelligence activities, once those activities are viewed as an integral part of a foreign policy that has become controversial and the subject of partisan debate.

After Vietnam and Watergate, both houses of Congress decided to establish select committees on intelligence following extensive investigations of U.S. intelligence activities. Early on, both committees appeared to conduct their business in an amicable and bipartisan manner with little evidence of politicization.

Unfortunately, such a turn of events was too good to last, and for the last two years or so, the House Permanent Select Committee on Intelligence, in particular, has become radically politicized.

A serious question with dangerous implications presents itself: Is our democratic form of government unable to keep any secrets, no matter how sensitive to our national interest?

Richard Nixon told us in a recent television interview that publication of the Pentagon Papers revealed that we had a listening device inside the late Chairman Leonid Brezhnev's limousine. How's that for blowing one!

As we all know, the calculated, politically motivated leaking of highly sensitive information has become a Washington art form, and one that is not confined to Congress alone.

It appears the only way to mount a successful covert operation these days is for such activity to have the nearly unanimous support of both intelligence committees and the involved agencies of the intelligence community. Anything short of that is doomed to failure, as opponents will selectively leak material to their friends in the media with the purpose of frustrating the operation.

Moreover, as recent press disclosures clearly demonstrate, you can count on a flurry of these leaks just before anticipated congressional action on the disputed issue.

What is especially disturbing is that those who are doing the leaking probably have never stopped to think what the short- and long-term implications of their revelation will be with respect to U.S. intelligence efforts, as well as to U.S. foreign policy.

They are so preoccupied with scoring political points that they do not even begin to realize how their actions may be impacting on the lives of U.S. intelligence and foreign service personnel overseas.

One of the cardinal rules of intelligence is that one does not confirm the accuracy of news accounts regarding sensitive intelligence operations. Yet, in the wake of the initial press disclosures on the mining of Nicaraguan harbors, we saw the chairman of the House Permanent Select Intelligence Committee do just that during a public appearance before the House Rules Committee, and subsequently on the House floor.

Finally, in a move that must have left foreign intelligence service incredulous, the CIA felt obliged to issue a press release that for the first time implicitly and publicly acknowledged its involvement in the mining by citing 11 occasions when it briefed congressional intelligence committees on the matter.

These are but a few examples of recent events that make a mockery of the oversight system. Our friends and intelligence contacts around the world have taken note of our sorry performance in past weeks, and what they have observed cannot be reassuring.

We cannot afford to allow what presently masquerades as congressional intelligence oversight to continue any longer. I believe it is time to give serious thought to merging the existing intelligence committees into a joint committee composed equally of Republicans and Democrats who, in addition to the requisite trustworthiness, competence and responsibility, also possess the rare restraint to subordinate political considerations to the national interest.

Such a committee must be backed by a small cadre of apolitical professionals with the same exemplary personal qualities as the committee's members.

Creating a new joint oversight panel would diminish the possibilities for partisan posturing and significantly reduce the number of individuals having access to sensitive information, thus minimizing the risk of damaging, unauthorized disclosures.

It would also address some practical problems that have resulted from two committees overseeing the intelligence community. As we have learned in recent weeks, the two committees frequently do not focus on the same matters or coordinate on the issues as most of us had assumed.

A joint oversight committee would eliminate these problems, encourage bipartisan cooperation and ensure a more effective congressional oversight arrangement.●

THE COMPETITIVE EDGE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DOWNEY of New York. Mr. Speaker, I have recently returned from a very interesting tour of high technology companies along Massachusetts' "Route 128 Corridor." I was struck by the proliferation of companies there which have been started in the past 6 years. The chief executive officers of the companies, my hosts, repeatedly drove home the importance to their survival of venture capital.

Like everyone else, I am looking for solutions to the problem of how to bring our economy from the smokestack industry era into the new era of small, innovative, and highly competitive enterprises.

I do not claim to know the answers yet, but for others of my colleagues interested in this goal and how the Federal Government may be able to help I am offering the following Washington Post article for study and consideration. I found it an extremely interesting reiteration of what I heard so often on Route 128.

NATION'S HIGH-TECH ENGINE FUELED BY VENTURE CAPITAL

(By Michael Schrage)

On Oct. 14, 1980, Wall Street went wild.

Genentech Inc., one of the pioneers in the fledgling biotechnology industry, was going public, and everybody wanted a piece of the action. The initial stock offering price was $35 a share. In less than three hours of frenzied trading, the price shot up to $88, which technically made Genentech, a company that had never shipped a product, worth more on the stock market than the Chase Manhattan Bank. At the end of the day, the hottest stock in history eased back to $71.25.

Less than two months later, Apple Computer Co., which had transformed the concept of the personal computer into a multimillion-dollar business, also went public. Five million shares were snapped up that first day, with the price rising from $22 in the morning to $29 a share at the close of trading.

The successes of Genentech and Apple marked the takeoff of the venture capital market, a dynamic, uniquely American combination of ideas and money that represents a vital strength in a new era of global competition in high-tech manufacturing and services.

The venture capital companies, specialized investment firms that seek out entrepreneurs and inventors, are a key link in the development of new technologies. "Venture capital isn't the engine, but it is the fuel," says Kip Hagopian, a venture capitalist and president of the National Venture Capital Association.

In the past five years, the pool of venture money has soared. In 1979, the total assets managed by the nation's venture capital firms totaled $3.8 billion. Today, the venture capital community has an estimated $12 billion in its asset pool. Thousands of companies have been launched, in ventures ranging from telecommunications to computing to biotechnology to new materials.

And by fueling new ideas, venture capitalists have exerted a crucial influence throughout industry, pushing many of the nation's largest companies in new directions in research and marketing.

But for all this growth and influence, the venture market remains dependent upon a healthy economy and a bullish stock market. High inflation and interest rates have choked off investment in risky new ventures before, and can again.

Many venture capitalists foresee casualties among their own ranks as their need for new capital for their companies outstrips the market's willingness to provide it. Indeed, not all venture-funded companies are true innovators. Many, in fact, are "me-too's" that copy the market leaders and are not in the best position to survive.

Nevertheless, the venture sector now represents the most dynamic engine of commercial innovation and economic growth in the United States. Europe and Japan are taking their first steps at trying to copy this American invention.

Unlike J. P. Morgan, James Fisk, Jay Gould and other 19th-century "robber barons" who merged and consolidated companies in a relentless quest for monopoly, and unlike the conglomerateurs of the "go-go" 1960s who amassed their fortunes by buying up every company in sight, venture capitalists make their fortunes by turning entrepreneurs into enterprises.

"We think in terms of building new businesses," says John Doerr, a partner at Kleiner, Perkins, Caufield and Byers, the San Francisco-based venture capital partnership that has funded firms ranging from Genentech to Tandem Computers to Lotus Development Corp. (the creators of the Lotus 2-2-3 computer program) to Compaq Computer Corp. (the makers of a successful IBM-compatible portable computer). "In our more grandiose moments, we think of building industries."

Genentech and Apple Computer are both venture capital-funded companies. Both of them were absolutely vital in the creation of new industries with international dimensions. Genentech spawned a host of genetic engineering and biotechnology start-ups. Major pharmaceutical companies including Johnson & Johnson, Merck and Hoechst began their own genetic engineering research or quickly arranged partnerships with venture companies. Biotechnology is expected to be a multibillion-dollar industry by the end of the decade.

The success of Apple Computer's IIe personal computer inspired industry giant IBM to launch a crash personal computer project of its own. Now Hewlett-Packard, Digital Equipment Corp. and dozens of other companies are fighting for their share of the personal computer industry.

Neither of these two industries existed a decade ago. It took the fuel of venture capital—not the big budget investment of corporate giants—to power them into existence. Venture capital is financing the commercial introduction of technological revolutions.

This has been happening even as venture capital is undergoing a revolution of its own. Six years ago, the National Venture Capital Association had 69 members. Today, that number has more than doubled to 175. Not only are there more venture capitalists, but there's also more venture capital.

"The most important general development in venture capital has been the amount of money that's poured into the venture funds," says Benno Schmidt, who, along with New York financier/socialite John Hay (Jock) Whitney formed the first venture capital partnership in the country in 1946. "When our firm started, there was no venture capital as such. There was no place where a man could go with a new idea unless he happened to have a good friend who was wealthy. I don't think Jock in his fondest dreams thought venture capital would ever be where it is today."

The huge sums of money that have poured into venture capital coffers have altered the industry's basic structure. A few years ago, a $75 million venture fund for investment was considered substantial. Today there are $250 million in "megafunds" raised by top venture capitalists. The effect, says one venture capitalist, is to shift the emphasis away from actually providing the seed capital to start companies to fueling the growing companies with the capital necessary to expand.

There are several interrelated reasons for this growth spurt. Key among them, says Hagopian of the National Venture Capital Association, was the 1978 reduction in the maximum capital gains tax from just under 50 percent to 28 percent. That made investments in company stock far more attractive.

That same year, the Department of Labor issued a decision lossening the "prudent man" rule that governed pension fund investments. Pension fund managers are not supposed to make unduly speculative investments with their funds. The ruling effectively allowed pension funds, which collectively have a capital reservoir of nearly $1 trillion, to actively invest in venture capital funds. Today, pension fund money accounts for nearly one-third of the venture capital asset base.

A third reason has been the return on investment delivered by many of the top venture capital funds over the last several years. Kleiner, Perkins—the venture capitalists who initially funded Genetech in the mid-1970's—put some $200,000 in the company. That investment is now worth more than $50 million.

Apple Computer's venture capitalists enjoyed similar results. Venrock Associates, affiliated with the Rockefeller family, put $500,000 into Apple in 1978. When trading closed the day Apple went public, that investment was worth more than $110.25 million.

One Kleiner, Perkins fund returned over 110 percent compounded over five years. General Electric's venture capital arm reported an 80 percent compounded return. Several other partnerships have reported compounded returns well over 50 percent during the life of their specific investor funds. Those kinds of numbers humiliated the returns garnered by the mutual funds, index funds or precious metal investments and commanded the attention of serious investors all over the world. Pension fund managers decided it might be prudent to put some of their assets into venture capital after all.

"Venture capital for the last five years has been on a roll," says Stanley Pratt, publisher of the Venture Capital Journal and an industry consultant. "It used to be that the lemons ripened early and that the pearls took a long time to cultivate. The past few years have been an exception to that."

Some part of that is due to venture companies quickly capitalizing on the technological breakthroughs that have occurred in the past decade. It was just slightly more than 10 years ago that Intel Corp. (itself a venture capital-founded company in 1968) introduced the microprocessor, the tightly integrated silicon chip that represented a major leap in computing power.

The microprocessor quickly became the technological cornerstone of the personal computer. The personal computer, in turn, became the foundation for the multibillion-dollar personal computer software industry, which is filled with venture capital-funded start-ups.

Similarly, basic research in recombinant DNA—the chemical sequence of life that determines which characteristics are passed on from generation to generation—had evolved to the point where commercial testing of genetic engineering became economically feasible. Venture capitalists, sensing a tremendous potential for genetic engineering's application to medicine and agriculture, began recruiting molecular biologists from universities and making them part of biotechnology venture firms.

The new high-technology companies, marketing the applications of their research and development, had the ability to grow quickly in both revenue and profits. The sheer pace of the technologies and the industries they generated made them an obvious target for venture capital funding.

"High technology will be the major part of venture capital as far as I can see," says Schmidt, a managing partner of J. H. Whitney and Co.

"The industry will essentially be a high-technology funder from now on."

The gradual deregulation of the telecommunications and health care industries also drew entrepreneurs and venture capitalists who felt that the time was ripe to launch new companies in those areas.

This ability by venture companies to identify key new technologies and bring them to market quickly has a far greater impact than reaping great returns for venture investors.

"Small companies are essentially disciplining the larger companies now," says James Brian Quinn, a professor at Amherst College who specializes in industrial innovation.

"The bulk of my revenues come from large firms who are trying to spot what the venture capitalists are doing," says industry observer Pratt. "They use them as delphic oracles. But we've never known a delphic oracle that bets money on its prophecies.

"By tracking venture capitalists," he continues, "you get a clear three- to four-year lead time indicator on the development of new industries. The large corporations love this."

The venture process provides an outlet—and escape—for innovators in the large corporations. "The venture firm tends to be focused on intermediate-term goals," says Tate Elder, who heads Allied Corp.'s New Ventures Group, which seeks new business opportunities for the $10 billion conglomerate.

"I stress that because everybody talks about the sins of short-term orientation or the current trend of looking at things for the long term. With an intermediate-term orientation, the dream is saleable. They can show results."

Moreover, venture companies are burdened with few of the overhead problems associated with the industrial giants.

"The whole game for the venture independent is to grow something," says Elder.

"You don't expect a mature elephant to double in size while embryos do very well," he says. "We're a $10 billion company. What's going to be bigger than a wart on this elephant?"

That is a major reason why people with new ideas at large companies choose to "go entrepreneur."

The "hurdle rate"—the return on investment, the return on time, the return on resources—just isn't large enough for a multi-billion-dollar company to be interested in the idea.

On the other hand, an idea that can be developed into a $100-million-a-year business is of extraordinary interest to the venture capitalist.

The venture community also participates in a different sort of technology transfer. By funding several companies in any given industry, says Quinn, "they give the larger companies a richer and more flexible base to call on. The big company buys the survivor of 20 fledging companies in a new field. This is the way a big company gets around the risks of innovation; the large company cuts its risk by a factor of 20."

And, of course, the venture capitalist makes his return on investment by getting the appropriate purchase price from the big company.

Ironically, despite the explosion in the venture capital asset base, there may still not be enough capital around to further finance the growth of their venture companies.

One reason may be that the venture capital industry may have grown too big for its own good.

As more investors and money enter the venture market, it becomes more difficult to get premium returns, according to the economic theory of efficient markets. "That should mean that venture capital investments will yield a lower relative rate of return," says Janet Hickey, who manages the more than $200 million venture capital investment made by the $10 billion General Electric Co. pension fund.

Moreover, all these new companies have a relentless appetite for capital as they try to grow. "There will be a definite capital crunch," she says. "I don't think you're going to top the ebullient situation we've had the last five years."

"There are now a lot of hungry children to feed," says venture capitalist Hagopian.●

RETAIN THE RIGHT OF CLASS ACTION FOR REFUGEES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. OTTINGER. Mr. Speaker, when the Mazzoli immigration bill, H.R. 1510, is considered by the House, I intend to offer an amendment reestablishing current law as it pertains to the right of refugees and excludable aliens to bring class action suits. Quite often, groups of refugees are subject to identical treatment when applying for asylum or stays of deportation; this amendment makes clear that if that treatment violates the Constitution or laws or treaties of this country, the group may appeal that treatment in a class action suit.

I would like to include in today's RECORD a copy of a letter from the New York Bar Association to the chairman of the Rules Committee, Representative CLAUDE PEPPER, supporting this amendment. I commend the bar association's explanation of the issues involved to the attention of my colleagues:

COMMITTEE ON IMMIGRATION
AND NATIONALITY LAW,
April 30, 1984.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE PEPPER: We are writing to ask for your assistance on a provision of pending immigration reform legislation (Simpson-Mazzoli) which, if enacted in its present form, would severely limit the access of political asylum applicants to the federal courts. This provision has been the subject of reports by this Association's Committees on Immigration and Nationality Law and Federal Legislation.

The courts have recently played an important protective role with respect to asylum seekers in the United States, particularly Haitians and Salvadorans. The House Judiciary Committee version (H.R. 1510) of the legislation would permit federal class action jurisdiction to challenge broad pattern and practice violations by the Immigration and Naturalization Service only if such violations were of constitutional dimension. Violations of the statute (Immigration and Nationality Act) and treaty (Protocol and Convention relating to the Status of Refugees) could not be redressed under the provision.

H.R. 1510 provides for class action jurisdiction where there is alleged "a pattern or practice of violations of provisions of the Constitution." The provision, when offered, included the words "or laws" after "the Constitution." It was adopted by the Committee, however, without the words, "or laws." A court construing the provision might consider whether the deletion was deliberate; it thus might limit class actions to constitutional claims. Consequently, it should be made clear that non-constitutional claims are also available for review in the context of class actions.

The problem with an overly restrictive jurisdictional grant is illustrated well in the recent decision of the Eleventh Circuit in *Jean* v. *Nelson*, which holds that certain arriving aliens have no constitutional rights with respect to their applications for admission, applications for release, or applications for political asylum. The decision does, however, acknowledge the potential for non-constitutional claims for such aliens. The *Jean* case concerns those Haitians who were detained by the Immigration Service and released pursuant to court order in 1982.

In order to assure adequate legal protection for asylum seekers, it is important to modify the current House Committee formulation to include violations of statute and treaty. We therefore ask that the proposed amendment which was the subject of testimony before you on April 10, 1984, by the Honorable Richard L. Ottinger be ruled in order with respect to the rule that will govern floor consideration of the legislation.

Sincerely,

ARTHUR C. HELTON.●

MONETARY POLICY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. PAUL. Mr. Speaker, I am one of the most vocal critics of the Federal Reserve and the current system of manipulated monetary policy. I tend to favor any proposal that would bring the Federal Reserve System under control, but the plan recently introduced to impose several new restrictions on the Federal Reserve, H.R. 5460, the "Balanced Monetary Policy and Price Stability Act of 1984," unfortunately cannot achieve that result.

If we are lucky, this year will be a prosperous one with low inflation, declining unemployment, and interest rates will not rise too fast, hopefully, to kill the economic recovery. In this relatively calm middle period, before the next monetary crisis hits us again, we could pass legislation to correct our dangerous, unstable monetary system.

The proposal of the gentleman from New York (Mr. KEMP) is seriously deficient, however, because it does nothing to take the monetary and financial system out of the political arena, which is the cause of the instability of our present institutions. I fear the proposal would add to the politicization of our central bank. Rather than binding monetary policy to a stable, predictable set of rules, there would be an increased focus upon the short-run manipulations of the Federal Open Market Committee.

The primary flaw in the proposal is its failure to look beyond the institution of the Open Market Committee itself and to address the question: "What kind of monetary system is consistent with a democratic society, a free-market economic system, and a constitutional government?" Most Members of this body know that centralized Government planning is not consistent with democracy, free markets, nor with constitutional protections of liberty. Too few of us, however, recognize the doctrine of central banking as a threat to our system. It is the failure of H.R. 5460 to acknowledge this fundamental point that I criticize.

The doctrine of central banking as it developed in the 100 years following the Bank Charter Act of 1844 in England encouraged economists to study stabilization policy as if it were a new science of macroeconomic management. Whole generations of economists have been seduced into a game of political advocacy rather than dispassionately analyzing the operation of competitive markets in the financial sector. Yet, macroeconomic management is not a science at all. The fashionable idea of fine tuning, the economy that dominated policy debates during the early sixties is thoroughly discredited today. The idea that there is an economic trade off between the rate of inflation and the unemployment rate is discredited today.

The greatest threat to constitutional government is ignorance and superstition, but in this area of monetary policy we are haunted and victimized by a set of economic theories long ago repudiated in the areas of commerce, transportation, communications, and labor: the theories of cartels and mercantilism. When the Federal Reserve Act was passed in 1913, economists and financial experts were laboring under the fatuous view that a central bank could promote monetary stability and help to end panics and crashes in our economy. After the Fed brought us the great crash of 1929-33, we marched boldly backward toward mercantilism with the Glass-Steagall Act, which further cartelized the financial services system of this country.

The fear of the Federal Reserve that paralyzes Congress from looking seriously at a modern, free-market alternative is rooted in ignorance. It is nourished by the pretense of some special, esoteric knowledge, which the Federal Reserve supposedly uses to guide our monetary policy. So long as we allow ourselves to be hypnotized by the experts at the Federal Reserve about the monetary system, Congress will never perform its constitutional duty to regulate it. Even this bill with its proposed amendments to the central bank's charter would simply add more technical frosting to the cake and contribute nothing to the solution.

It is very important that each Member look seriously at the way monetary policy is managed in this country and ask yourself these three questions:

Are you satisfied to let the most important economic policy—the cause of high interest rates, inflation, recessions, and unemployment—be carried out in secret, by men who pretend to know more about it than you do, or the financial markets, but who—in truth—are no better informed than you and your staff are?

Are you interested in alternatives to a system of central bank mismanagement, which has produced in the past 10 years the greatest inflation since the Revolutionary War, sharp recessions in 1975 and 1982 with the highest unemployment since the Depression, and interest rates that are already heading for double-digit levels?

Do you accept the arguments of economists that paper money without any relationship to gold or silver coins, is a better monetary system? Do you know what assumptions they make in order to reach their conclusion that a mismanaged paper standard is better? The superficiality of most monetary theorists, who simply pretend they know more about market behavior than people active in the market, is amazing.

I have advocated a new U.S. gold coinage since I first came to Congress in 1976 because I asked myself those questions. There are several million people in the United States who worry very much about our monetary system—you receive letters from your constituents every week about monetary policy. It has been fashionable for many years among economists to dismiss the idea of using gold as a foundation for the monetary system. If the starting point for analysis is a system of centralized or cartelized banking, there is some good evidence that using gold as the reserve asset does not make the system stable. Yet it should be obvious that the problem is not with the use of gold, but with the basic design of the central-banking institutions.

In all economic systems, even in Communist countries, human beings evaluate every opportunity they perceive; this is the process of cost estimating that underlies all economic judgements. Economic value is essentially subjective—not objective or measurable by price indexes. The most important function of money, and the reason to support a monetary system based on a real gold standard—a price rule control process—must be to provide a specific definition to the monetary unit in some tangible form, regardless of the fact that a myriad of money substitutes like checking accounts, credit and debit cards, money market funds, overnight repurchase agreements, and even green pieces of paper will be commonly used instead of basic, tangible coins. Only if the opportunities, the costs of making an economic choice, are specific and concrete will the individual decisionmaker be able to make early rational decisions. A monetary unit that remains essentially subject to central-bank manipulation, to political tinkering, will not give any long-term reassurance to the markets.

Look at the proposal, H.R. 5460. Consider what it does not do:

It does not provide the average American with any alternatives to mismanagement of monetary policy. It says policy should be managed differently, but it does not question the axiom of "(mis)management." The fallacy is to cling to the idea that some technician in the Federal Reserve can beat the market and make our economy more stable. The evidence all points in the other direction.

It does not provide a legislated standard of value, but rather offers the ideal of a commodity price index that fluctuates only within a narrow range. If this is supposed to be a facsimile of a gold standard, why not have the real thing? Any two people can negotiate a price-indexed contract with a basket of commodities under a real gold standard, but the benefits of a real gold standard are protection for the little guy, the small saver, against monetary debasement—and low interest rates and zero inflation as a result of that protection.

The advantage of a gold standard over a price rule pseudo-gold standard is that the monetary unit itself should be given a stable definition. An economy based on a free market system needs a method to communicate prices, a stable framework for the pricing structure, to achieve stability in growth, employment, and any average index of prices. Taking an unstable unit of account, a fiat dollar, and trying to legislate stability by means of a commodity price index is nothing but a commodity price-control scheme.

There is a widespread, modern recognition by economists and politicians across the Nation and throughout the world that Government regulations in every other economic sector do not make our lives richer, safer, nor more fulfilling. We do not believe in either Big Brother or Santa Claus. The tremendous advances in electronics and communications provide us with opportunities for modernizing our monetary and banking system, of basing it upon a stable unit of account—the troy ounce of gold—and eliminating the instability in monetary policy due to central banking and the overregulation of financial institutions.

The appropriate modernization of the 70-year-old Federal Reserve Act would be to repeal it, and replace the central bank with a decentralized system of financial clearinghouses, stripped of all power to manipulate bank reserves and interest rates. The Federal Government—that is, the Congress—does not need to do any more than define the U.S. monetary unit and tell the Treasury how to keep the Government's ledgers. Our payments system in a modern economy does not have to run like a nationalized industry, and indeed the parts of it the Federal Reserve is responsible for are the most unstable.

When President Franklin D. Roosevelt abolished the domestic gold standard in 1933, he justified his action on the grounds that he needed more freedom to manage monetary policy. Until recently we have suffered from high inflation accompanied by high unemployment, declining productivity, and volatile financial markets due to the wrong-headed scientism of central planners who have held—and still hold—the belief that they alone can guide a worldwide free market. The legislation introduced by the gentleman from New York does nothing to reduce the haughtiness, the arrogance, the ignorance, or the power of the Federal Reserve System. Instead it offers us just one more experiment in macroeconomic planning. I have grave reservations about H.R. 5460.●

TEENAGER'S ROLE IN UPHOLDING THE CONSTITUTION

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. EVANS of Illinois. Mr. Speaker, the older generation senses in the younger an attitude of apathy toward their government and society. Teenagers are assumed to have little interest in the workings of their government or of their place in the framework of democracy. Yet, there are young adults who firmly grasp the ideals upon which our Nation was founded, and strive to define their responsibilities within our society.

Although these students cannot vote, they realize that the legacy which we leave them in the current Congress will greatly affect their futures and the world in which they live. Many of the problems that we deal with today will have increased in complexity by the time these teenagers become adults, and added to these some we have not yet encountered. These students want to take an active role in government. For them, the Constitution represents the mechanism by which they can exercise this right; it is a dynamic, useful tool which they are prepared to utilize.

Recently, I was at a Loyalty Day dinner in my district where one such teenager, Tracy Moran, expressed this desire. I would like to share her speech with our colleagues and to commend Tracy for her well-chosen words.

The speech follows:

MY ROLE IN UPHOLDING THE CONSTITUTION

The fate of a nation lies within its people—just as the fate of a play lies within its actors. If the actors in a play approach their performances with apathetic attitudes, the play closes. Likewise, if the people of a nation view their duties as ones of little importance, the nation fails. I am an actor within a company of actors who's role is to make this nation survive. I am an actor, yet I have never auditioned for the part. One might ask oneself, "How did I become such a prominent figure in this struggle for survival when I have never had to fight for that right?" The answer is clear.

The immigrants of the 1800's who struggled for equal rights, better working conditions in factories, and freedom in a new land.

The men and women of the armed forces who have fiercely fought America's battles (from the first battle of the Revolutionary war at Lexington to the most recent U.S. invasion in Granada.)

The outstanding leaders, such as John F. Kennedy, Franklin Delano Roosevelt, and Abraham Lincoln, who have at times gone against the most popular issue to do what was right.

It was their protecting, debating, and protesting that has made the constitution what it is today.

What are my responsibilities? I have several, but my main one is to simply vote. The right to vote has been bestowed upon me by Americans of the past and I would be a fool not to take advantage of it. Do you think that Dred Scott, a black man who was denied citizenship, would have sat at home on election day going about his daily chores? I don't; he would probably be the first in line at the voting booths. What about Susan B. Anthony or Elizabeth Cady Stanton who were leaders of the National Woman Suffrage Association. They dedicated their lives to having the right to vote.

I feel that it would be an insult to these people's achievements for me to give up this precious right. Along with the privilege of voting, there comes a task. It is my job to investigate the issues and research the candidates so that I may evaluate the situation and cast my vote for the person who represents my best interests. Although there is a certain degree of work involved, the rewards will be waiting for me somewhere down the road. At the present time, I am unable to exercise my right to vote. However, I am guaranteed that right as soon as I reach the age of 18.

There are several other ways that I can uphold the constitution. For example, I can do my best to educate myself to the point where I can interact with society and be an independent individual. I can obey laws to better my community. I can voice my opinion to influence my representatives and senators in order to help them make wise decisions—decisions that will work towards my benefit and the benefit of the common people. I can refuse to lower my values even under the most trying of circumstances. I can walk with my head high and be proud that I am free to do as I wish within the boundaries of the law. I can get involved in worthwhile community activities and projects to become a well-rounded citizen. The list is virtually endless.

It is now opening night. The curtain is about to go up. The actors are entering the stage. I am among these actors and we are all a bit nervous. No matter how prepared or unprepared we may be, we are America's people and we have a job to do. Our job is to keep this country going. If we should happen to forget our lines half way through the performance, we have our constitution to look to for guidance. If we follow this great document, we will continue to be the land of the free, the home of the brave, and the nation of opportunity that we have been for over 200 years.●

ARMS CONTROL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. ASPIN. Mr. Speaker, on April 11, I inserted in the record the texts of 12 amendments dealing with arms control, and I now want to report the amazing success achieved so far. In the last few weeks, we have witnessed the greatest series of arms control victories ever accomplished in the legislative arena. The House, acting on the floor, worked its will on the Defense Authorization Act in a way it has never done before. In the space of just a few days, the House voted for a moratorium on the testing of antisatellite weapons. It voted to hold up the deployment of nuclear-tipped missiles on ships. It voted to kill the production of chemical munitions.

The MX got all the ink in the media. But the major changes wrought by the House in May deserve to get far more attention. Those votes are a landmark in legislative history and in the history of arms control.

Those victories were the result of a lot of hard work by many Members. I would point to Congressmen GORE, DICKS, GEORGE BROWN, BEDELL, LEACH, PRITCHARD, and a dozen other Members whose efforts were instrumental.

Mr. Speaker, most of the victories won for arms control in May came on those amendments that I aired 8 weeks ago. These were not resolutions or mere statements of the sense of Congress, but practical ways of addressing the concerns at the heart of arms control.

My purpose was to collect them in one place and show that they were not an isolated group of ideas, but rather parts of a whole. The whole is the concept of stability as the keystone issue of arms control.

I am pleased to report that 7 of those 12 amendments have already been adopted and are part of this year's Defense Authorization Act, which passed the House last week. In fact, every one of the items in the package that we have tried to have enacted has been passed. So, it can be said that we are batting 1,000.

Of the remaining five, three will be proposed to bills due before the House later this year and two are on hold for the moment. The latter two could have been introduced on the Defense Authorization Act, but we might have been stifled by overload.

The authorization bill still must face the House-Senate conference. Some of these amendments are controversial—such as those antisatellite weapons and on sea-launched cruise missiles. So we have won several battles, but we have not yet won the war. This is not just a 1-month effort. This is a commitment by many Members of this body to push ahead with serious arms control.

Mr. Speaker, I would like to insert in the RECORD at this point a table that tracks the current status of each of those 12 amendments.

STATUS OF PACKAGE OF 12 ARMS CONTROL "STABILITY" AMENDMENTS

Amendment	*Status*
1. Prohibit testing against an object in space of ASAT's so long as Soviet Union continues to abide by its testing moratorium.	Introduced on Defense Authorization bill by Mr. GEORGE BROWN. Approved 238-181 on May 23, 1984.
2. Prohibit development of ASAT that could threaten high-altitude satellites.	On hold for present.
3. Detailed annual budget submission on request for Strategic Defense Initiative to provide more visibility to contents of program.	Amendment by Mr. ASPIN adopted by the House Armed Services Committee; contained in Defense Authorization bill.
4. Funding limit on SDI.	Request was $1,776 million; House Armed Services Committee cut $407 million. Next effort to cut will come on appropriation bill.
5. Mandate compliance with provisions of SALT I and SALT II.	On hold for present.
6. Ban deployment of SLCM's until method is established to distinguish conventional SLCM's from nuclear SLCM's so as not to undermine SALT counting rules.	Introduced on Defense Authorization bill by Mr. ASPIN. Amended by Mr. STRATTON. Adopted by voice vote May 31, 1984.
7. Parallels #6 applying to warhead production.	Drafted for DOE bill.
8. Report on way theater nuclear weapons could be designed for longer-range delivery so they would not be subject to a use 'em or lose 'em decision in opening moments of a war.	Introduced on Defense Authorization bill by Mr. ASPIN. Approved by voice vote may 30, 1984.
9. Prohibition of testing of Standard Missile-2 warhead.	Drafted for DOE bill.
10. Report to Congress on details of withdrawal of 1,400 tactical nuclear warheads, as agreed to recently by NATO.	Introduced on Defense Authorization bill by Mr. ASPIN. Approved by voice vote May 30, 1984.
11. Report by DOD on how to improve survivability of SSBN force.	Amendment by Mr. ASPIN adopted by House Armed Services Committee, included in Defense Authorization bill.
12. Report to Congress on combinations of counterforce weapons (MX, Midgetman, D-5) that would give United States a first-strike capability.	Introduced on Defense Authorization bill by Mr. DICKS. Approved by voice vote May 30, 1984.

The theme that links these amendments is stability. This concept is too rarely understood. Our concern should not be with mere numbers—a la Time magazine charts that show big red missiles and little blue missiles—but rather with a configuration of weapon systems that does not tempt one side or the other to resort to nuclear weapons. That involves more than numbers.

Contrary to popular opinion, massive reductions in the numbers of nuclear weapons could actually harm us. Reductions could be destabilizing. Why? Fewer weapons make the possessor fret more about the survivability of the limited numbers he has left. Large numbers bother the public, but the thought of small numbers ought to worry them if they would envision presidents and politburocrats confronting crisis with such a small number of nuclear weapons that they would consider using them for fear their weapons might otherwise be knocked out in a war. Or, put starkly, let us say both we and the Soviets give up the capability to destroy each other seven times over and cut our stockpiles back to the point where neither can destroy more than one-fourth of the other's population and industry. Would we be better off? Or would leaders in a crisis be willing to resort to nuclear arms because now they would know that civilization could not be wiped off the map? Some facile solution can make the nuclear world a less stable one in which to live.

There are two other points that I think need to be made about these amendments.

First, they are not simple or simplistic. This country craves some comprehensive way out of the arms control thicket with its maze of intricate concepts, and counting systems. That is what gave birth to the freeze movement. It answered the public cry for some clear means to voice its firm advocacy of arms control as a priority on the national agenda. In talking about a dozen different amendments. I am certainly not helping the cause of simplicity. But the choice is really between advocacy of tactical arms control or resort to rhetoric that is not merely simple, but also simplistic. I feel we have the responsibility to opt for the former, even though we may still pay appropriate obeisance at the altar of the latter.

Second, and most importantly, these proposals are aimed at providing genuine stability in the strategic realm. Their goal is to make it less likely that anyone would resort to nuclear arms in a crisis.

They are geared to allow both the Soviet and American leaderships to act more calmly in the difficult moments that will undoubtedly confront us in the decades to come.

They are geared to eliminate those fears that "if I don't use it, I'll lose it."

They are not part of some neat numbers game, but rather a package of concepts that can give the superpower relationship some stability regardless of the weapons system bean count.●

INFRASTRUCTURE NEEDS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. HAMILTON. Mr. Speaker, last February the Joint Economic Committee issued "Hard Choices," a report which outlined the increasing gap between America's infrastructure needs and our ability to pay for them. Based on a survey of 23 States. the study estimated that between now and the year 2000 the United States faces a spending gap of about $450 billion on infrastructure requirements. Though large, we believe that represents a manageable sum, and have proposed that the Congress establish a national infrastructure fund to help meet them. The details of the proposal as well as the survey of our infrastructure needs are available from the Joint Economic Committee.

The longer we delay addressing these needs, the more expensive the task will become. Because our economy depends upon a sound infrastructure, we cannot afford to shirk our responsibility. The question is when—not if—we decide to invest in capital improvements and expansion. Although the needs are different in each area of the country, in no State are they not urgent and widespread.

The public is becoming aware of the problem. A recent article, "Infrastructure-Up-Date," by Walter D. Munn, which appeared in the May issue of Highway and Heavy Construction, defines the issue very well. It discusses three recent studies of the Nation's needs, including the JEC's, and outlines what Congress and the States have done and are doing to meet them.

Mr. Speaker, I insert the text of the article in the RECORD:

INFRASTRUCTURE UP-DATE

(By Walter D. Munn, P.E.)

Repairing America's Infrastructure will be expensive. Cost estimates vary from $1 to $3 trillion. That's not due to sloppy estimating. It's due to the fact that all estimates do not embrace the total infrastructure. Some forecasters look at those parts likely to involve federal funds and ignore all others. Others have adopted cost formulae that now appear to be high. But whichever of the estimates you look at, the investment to be made is huge and the types of work almost endless.

Where all the money will come from is not yet clear. There have been some tentative steps to arrange funding but none go far enough. The Surface Transportation Assistance Act of 1982 increased federal highway funding by about 50 percent, or another $4 plus billion per year. A step in the right direction, but this does not meet the needs. Some 45 states have increased their highway financing, but only by about enough to meet the newly authorized federal funds. State roads will not receive enough. Airport funding appears sufficient now that the tax on tickets has been restored. There is no engine to crank out money for waterways, ports and harbors so that funding here will likely remain insufficient.

Water and sewer needs also lack a central financing source. Federal money is available in part, but does not meet the need. The federal government takes the view that the repair of many elements of the Infrastructure is a local responsibility. One suggested source of funds is a Federal Infrastructure Bank that would loan funds for rehabilitation. Failing this, state Infrastructure banks may be created. Fed initially by apportioned funds, these banks would eventually make new loans as they recover old lendings.

The Associated General Contractors defined and quantified Infrastructure needs in a November 1982 report, Our Fractured Framework—Why America Must Rebuild.

A May, 1983 up-date, America's Infrastructure, A Plan to Rebuild, gauged the size of the problem at about $3 trillion over the last two decades of the century.

Since then, two other major studies have emerged, both having more confined scopes and measures of those needs. There has also been a flurry of federal and state legislation under the Infrastructure banner. We'll try to bring all of these events into sharper focus here.

WHAT DOES INFRASTRUCTURE MEAN?

Infrastructure, the new buzzword, has many definitions.

The AGC reports define Infrastructure as, "the nation's system of public facilities, both publically and privately funded, which provide for the delivery of essential services and a sustained standard of living." That definition includes railroads and a variety of public buildings.

The U.S. Congressional Budget Office (CBO), in an April 1983 report, "Public Works Infrastructure: Policy Considerations for the 1980's," defines Infrastructure as highways, public transit, wastewater treatment works, water resources, airports and air traffic control systems, and municipal water supply, all of which are included in the AGC definition. But CBO excludes railroads and public buildings.

The Joint Economic Committee (JEC) of Congress, in a February 1984 report, titled "Hard Choices," defines Infrastructure as "the basic network of facilities that drive our economy: our transportation, water and wastewater systems." It is similar to CBO's definition and excludes railroads and public buildings.

If Senate Bill S. 1330, the "Public Works and Improvement Act of 1984," is passed as expected later this year, it will require consistent inventories of existing and needed public works investments encompassing the federal, state and local levels of government. It defines "public works improvements as being facilities owned or operated by federal, state and local levels of government or other public agency or authority." It includes railroads, public buildings and "resource recovery facilities."

So until a single definition is adopted, make sure you know what is—and isn't—included in "infrastructure."

HOW GREAT ARE THE NEEDS?

The magnitude of these needs, obviously, varies with the definition of Infrastructure. Table I is arranged to summarize cost data on those needs from the AGC, CBO and JEC reports in a similar manner. While the differences in this data seem large, that all show need for greatly increased investment at the "Public Works" level.

COMPARISON OF INFRASTRUCTURE NEEDS ESTIMATE COST DATA

[In billions of 1982 dollars]

Infrastructure element	AGC's[1] "America's Infrastructure"			CBO's[2] report annual needs	JEC's[3] "Hard Choices"		Approximate capital outlays (all levels of government)	
	Total needs (2000±)	Years	Annual needs		Total needs (2000)	Annual needs	1981[4]	1984[5]
FA highways, local roads	$1,570.3	25	$62.8	$20.7				
				4.0				
Local bridges FA bridges	51.7	(20)	2.6	2.5				
Roads and bridges	1,622.0		65.4	27.2	720	42.5	19.3	23.7
Airports and airways	60.3	25	2.4	2.3			1.4	1.4
Public transit	37.2	9	4.1	5.5			2.6	3.7
Waterways and ports	51.2	21	4.9	0.5			1.6	1.6
Other transport	148.7		11.4	8.3	178	$10.5	5.6	6.7
Dam safety	50.5	10	5.0	0.7				
Dams and reservoirs	33.0	10	3.3	2.9			0.6	0.6
Water supply	138.6	20	6.9	7.7	96	5.6	3.8	3.8
FA Wastewater Treatment	118.4	20	5.9	6.6	163	9.6	6.9	6.9
Water Resources	340.5		21.1	17.9	259	15.2	11.3	11.3
Grand totals	2,112.2		97.9	53.4	1,157	68.1	36.2	41.7
Local wastewater	389.4	20	19.5					
Local drain/ flood	169.4	30	5.6					
Railroads	60.1	10	6.0					
Public housing	112.0	10	11.2					
Other public buildings	189.0		19.1					
Other public work	919.9		61.4					
AGC grand total	3,032.1		159.3					

[1] AGC's May 1983 America's Infrastructure: A Plan To Rebuild, pages 5–8.

[2] CBO's April 1983 Public Works Infrastructure: Policy Considerations for the 1980's, pages 8, 9 and others.

[3] JEC's Feb. 1984 Hard Choices, a Summary Report of the National Infrastructure Study, page 5.

[4] JEC's Feb. 1984 Hard Choices, supplemental data, pages V-5 and V-6.

[5] Same as preceding column, but with addition of $4.4 billion for Roads & Bridges and $1.1 billion for Public Transit to reflect the effects of STAA's nickel a gallon added fuel tax.

"Annual capital outlays by all levels of government have to increase from $36 billion to roughly $53 billion between 1983 and 1990," says the CBO report, the most conservative of the three. The comparable annual capital outlay needs are $68 billion in the JEC study and $98 billion in the AGC analysis.

The AGC study, for instance, summarizes "Needs" estimates prepared by various public agencies. Their costs for highways comes from a National Transportation Policy Study Committee report developed in 1976–79. These costs are at least twice those in FHWA's May 1983 report, "Status of the Nation's Highways: Conditions and Performance."

The AGC listings include local wastewater and drainage facilities, both of which are omitted from CBO's estimate, and public buildings which CBO and JEC exclude by definition.

The CBO study neglects local public works not involving federal aid. It also explores the effects of changed national policies with particular emphasis on decreasing the federal level of financing through increased user fees, better targeting of federal dollars, and limited federal funding.

One specific policy considered is reducing the federal financial share for Interstate reconstruction to 25 percent, but maintaining a 90 percent share for Interstate repair. Another is relaxing federal regulations governing wastewater treatment.

The JEC "Hard Choices" data comes from separate analyses of defined needs in 23 states. The results of those analyses are then expanded to approximate the nation's total needs.

Despite its derivation, the JEC costs are somewhere between the AGC figures—which appear high, at least for highways—and the CBO data, which seems low. The JEC report also concludes that Congress should:

Establish a "National Infrastructure Fund" to supplement resources available under existing federal, state and local Infrastructure capital programs.

Require a coordinated national Infrastructure needs assessment program.

Initiate a review of technical standards now governing construction of the nation's roads, bridges, transit systems, water and wastewater facilities.

Re-evaluate the statutory and administrative rules that govern existing federal Infrastructure assistance programs.

WHAT IS CONGRESS DOING?

It's wrestling with legislation on many fronts bearing on the nation's Infrastructure. In February, it finally passed stopgap Interstate Cost Estimate (ICE) legislation enabling FHWA to spend the first part of the funds collected under the additional nickel a gallon gas tax established in the Surface Transportation Assistance Act (STAA) of 1982.

That starts to increase the federal share of capital improvement funding for highways and bridges from about $8.7 to $13.1 billion per year. But further legislation is needed this year to keep those additional funds flowing, and the nickel a gallon tax increase will expire in 1987 unless extended or replaced by a long-term program to meet the needs of the nation's transportation system.

S. 1739—the Water Resources Development Act of 1983—provides $8 billion for waterway and harbor improvements over a five year program. It includes $1.1 billion for 13 new waterway projects, $6 billion for 96 specified Corps of Engineer undertakings, and $900 million for 22 harbor projects.

This bill, a generally similar HR 3678 "Omnibus" bill, or some combination of the two, is expected to pass this year. It should provide some continuity to a waterways program that has been on a stop-and-go basis since the mid-1970's.

But the big news in our view (see Editorial) is S. 1330—the Public Works Improvement Act of 1984—which has passed the Senate and is scheduled for House action this summer. It doesn't provide additional financing; it does establish the procedures necessary for a comprehensive public works program to meet the nation's Infrastructure needs.

It creates a National Council to work with the Corps of Engineers to establish consistent inventories of existing and needed public works investments at all levels of government, using the broad "Infrastructure" definition described earlier. This bill also requires identification of capital investments in each National budget on or after Jan. 1, 1985.

A proposal to establish a National Infrastructure Bank to assist local agencies in financing Infrastructure improvements at low rates of interest was dropped from an earlier version of S. 1330 because of concern about the current budget deficits.

Instead, those general provisions have been reintroduced now in the Senate as S. 2151—the Public Works Capital Investment Act of 1984. This bill requires that at least half of the funds obligated to any state in any year be used to rehabilitate public capital investments. The bill, which is not expected to pass Congress this year, authorizes $2.5 billion income annually from general revenue for three years.

WHAT ARE THE STATES DOING?

They are raising taxes to meet current needs, preparing for the likelihood of a larger bill for a larger share of Infrastructure costs in the future, and breaking ground for state-level Infrastructure banks to help provide a ready source of cash.

In 1983, 26 states passed bills to increase their revenues. That comes on top of other revenue increases in 34 states during 1981 and 18 states in 1982.

In 1983, motor fuel tax increased by two to six cents a gallon in 13 states (Colorado, Connecticut, Idaho, Illinois, Kansas, Maine, Michigan, Minnesota, Montana, North Dakota, Rhode Island, Vermont and Wisconsin). Six other states (Florida, Massachusetts, New Mexico, Pennsylvania, Washington and West Virginia) adjusted fuel tax ceilings and/or added wholesale level fuel taxes resulting in increases of a penny or more per gallon. License fees or other forms of vehicle use charges increased in Arkansas, Iowa, Missouri, New York and North Carolina, and in some of the states increasing or adjusting motor fuel taxes.

Some of these increases in annual revenues are large—$535 million in Michigan, $330 million in New York, $237 million in Florida and $153 million in Pennsylvania, for instance. Other increases—actually very sizeable revenue jumps in states with smaller budgets—include $50 million in West Virginia, nearly $50 million in Colorado, $30 million in Montana, $27 million in Maine and more than $21 million in Arkansas.

Several states also passed major bond issues late in 1983, in addition to these revenue increases. They include Maine ($24.6 million), Massachusetts ($1.25 billion), New Jersey ($320 million), New York ($1.25 billion) and Rhode Island ($153 million).

The Massachusetts bond issue of $517 million is coupled with another $729 million in matching funds to make up the $1.25 billion restorative package. About $630 million will go for state highway and bridge programs, with $566 million going to the Massachusetts Bay Transportation Authority, the public transit authority for the Boston area.

New Jersey's $320 million bond issue covers bridge repair ($1.35 million), shore protection ($50 million), and recreational areas ($135 million).

These increases in state level revenues are continuing in 1984. The first step in a new motor fuel tax increase in Oregon occurred earlier this year. Futher increases either have taken or will take effect this year in Illinois, Kansas, Minnesota, Washington and Wisconsin.

The Oklahoma Water Resources Board recently floated a $50 million bond issue to help municipalities in the state to finance needed water and sewage projects. Municipal water and sewer needs in the state are expected to total about $250 million over the next three years.

Connecticut's Governor William O'Neill recently announced a proposed $5.5 billion, 10-year program to up-grade its transportation system. About $3.4 billion would come from federal or local shares, with $2.1 billion as the state's share. About one-fourth that total can be considered as ongoing expense, with the remainder financed by Special Obligation bonds supported by new Motor Fuel Taxes. If passed by the General Assembly, Connecticut's gasoline tax would increase from 14 cents a gallon now to 17 cents in July and, by stages, to 24 cents a gallon by 1994.

At least two proposals to establish state Infrastructure banks are going forward. The New Jersey Infrastructure Bank and the New York-New Jersey Port Authority's Regional Development Bank could both materialize if Congress doesn't establish something soon at the National level.

Many states are increasing their revenues to meet growing needs for rebuilding highways, bridges and other parts of their Infrastructure. But some states are lagging, and nearly all could use greater federal direction and commitment in meeting other needs, particularly in public buildings and drainage.

The rebuilding of the nation's Infrastructure isn't impossible. Both the CBO and JEC reports conclude that the problems are "manageable." So let's get organized and get on with the job; let's really put America's Task Force back to work! ●

A PROPOSAL FOR MORE EFFECTIVE FOREIGN ASSISTANCE PROGRAMS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1934

● Mr. DOWNEY of New York. Mr. Speaker, I would like to call to the attention of my colleagues a stimulating article written by Dr. Harry Szmant, who has recently retired as professor and chairman of the department of chemistry and chemical engineering at the University of Detroit. This article, entitled "Foreign Aid Programs Without Biomass Utilization?", appeared in the May 1984 issue of American Laboratory.

Dr. Szmant has drawn on his extensive experience in Cuba, Puerto Rico, and the Dominican Republic to raise the question of whether the United States, through its aid programs, can do more to promote the more efficient use of biological resources in the Caribbean region—and indeed all developing countries—in order to provide a stronger and more secure basis for economic development.

Mr. Speaker, I was particularly struck by the fact that since this article appeared there has been a number of civil disturbances in the Dominican Republic because of food shortages and the impending austerity programs which were being considered by the Dominican Government in response to the demands of the International Monetary Fund. I was in the Dominican Republic in December and was encouraged by the strong democratic tradition on which the Government hoped to base its plans for economic development. I was also struck by the rich agricultural potential of the Dominican Republic and wondered if there were not more that we could do, by more sharply targeting our aid programs, to assist the Dominican people to exploit their agricultural resources more fully. I know that the Brookhaven National Laboratory on Long Island has been involved in exploring the potential of biomass use in developing countries and I hope that these efforts bear fruit.

I encourage my colleagues to read Dr. Szmant' article and I hope they find it as rewarding as I did.

FOREIGN AID PROGRAMS WITHOUT BIOMASS UTILIZATION?

(By H. Harry Szmant)

The Caribbean Basin Initiative and the Kissinger Commission Report on Central America are stimulating much public debate concerning the nature and magnitude of foreign aid designed to maintain the security of the United States in this vital geopolitical area. It is generally agreed that the current and predicted future unrest in the Americas feeds on the hopeless economic conditions of the rural and urban masses. It is also agreed that the "stabilization" of the Caribbean and Central America can be only temporary unless the question of the quality of life of the poor majority is addressed in a successful manner. Hence the proposed investments in education, health facilities, and other social programs seek to benefit the masses.

The United States cannot easily control the internal policies and judicial systems of sovereign countries except through financial rewards for those programs that are in harmony with an improvement of human conditions. The reward system can also be used to guide the planning of all development initiatives. To perform this task adequately, we must possess the wisdom to focus on those measures that sooner, rather than later, determine the rate of socioeconomic progress.

With minor exceptions—bauxite in Jamaica and the Dominican Republic and some gold in the latter—the Caribbean and Central America lack the more valuable commodities such as petroleum and coal. The foremost resource of the region is a bountiful flora that has, in fact, led to an historical dependence on biomass in the form of sugar cane, bananas, coffee, cacao, a variety of tuberous vegetables, and other tropical and semitropical staple crops. Central America has been and still is a source of hardwoods, but in general only lip service is paid to the idea of reforestation of the creation of forestry resources. It seems obvious that these are the primary economic activities that need to be intensified and made more productive. In this way, the population that labors in such activities may benefit from the potential wealth to be derived from biomass production and transformation. This also requires, of course, that the appropriate agrarian policies are in place. It seems logical that our foreign aid initiatives should concentrate on these rate-determining economic measures through the introduction of advanced agricultural and silvicultural practices. At the same time, however, we must go beyond the mere cultivation of biomass commodities and promote the application of modern chemical technology capable of transforming either the low-cost commodities, their co-products, or wastes into value-added products useful in the economy as industrial materials, fuels, animal feeds, and so on. The leaders and middle managers of the developing countries must be made aware of the potential economic benefits that can be derived from such chemical transformation of biomass so that their thinking, planning, and programming concentrate simultaneously on the three-pronged production of foods, fuels, and materials of interest to industry.

In the past, our foreign aid programs have lacked initiatives to influence the decision makers of the less developed countries (LDCs) and to train their technical personnel in the utilization of biomass resources. There is little evidence that the decision makers throughout the Americas are aware of the significant economic opportunities that are being overlooked. To cite just two examples, the presence of 50,000 U.S. Marines in the Dominican Republic in the 1960s may have temporarily prevented that country from becoming a political adversary to the United States. Twenty-some years later the economy of that country is faltering in great part because of its dependence on sugar exports: the world market price of less than 7¢ per pound for sugar falls quite short of the production costs of 17¢ per pound. At the same time, there has existed since 1975 a physically magnificent installation in Santo Domingo known as INDOTEC (Dominican Industrial Technology Laboratory) that could and should have, by now, developed local expertise to use sugar cane for fuel, the production of detergents, plasticizers, ingredients for coatings and other polymers, and many other value-added products. At this writing, the Dominican Republic has not reappeared prominently in news headlines and commentaries because we observe a tranquil succession of governments and have not been made aware of any human rights violations. However, the lack of appropriate technological components in our foreign aid programs will predictably lead this and other countries down the path of economic crises and political chaos.

Another example of missed economic opportunities that occur in the vacuum of technological emphasis of our foreign aid policy is the recent cancellation by the government of Uruguay of the unprecedented effort to create in Montevideo a center of science and technology. The government apparently has opted for other priorities on which to spend the $14 million allocated to match the $32.5 million investment of the Inter-American Bank for Development appropriated in 1980 for this project. For a country of barely 3 million people blessed with some highly educated scientists and engineers who might have rallied around the proposed technological facility, this cancellation signifies the loss of a once-in-a-lifetime opportunity. This assumes, of course, that the proposed center indeed would have focused its activities on the promotion of industries based on the abundant agricultural resources of Uruguay. Our media and political establishment seem to be concerned primarily with the return of the electoral process in Uruguay as if that change, per se, would guarantee a sound economic future. Meanwhile, that once shiny example of democracy has very democratically legislated itself into bankruptcy.

In countries where populations aspire actively to a better economic condition, it is no longer possible to attain reasonable prosperity merely by cultivation of cheap agricultural commodities for export along with crude mineral products. Thus, our international efforts to promote a better life for the poor are doomed to fail unless they include the formation of sound economies based on the above-mentioned technological transformations. We Americans may be slow to realize this necessity because our own technologies have developed with such momentum that we tend to take them for granted. In the matter of biomass utilization, petroleum and natural gas eclipsed the chemurgical beginnings of some fifty years ago. Although now on an increase, agricultural feed stocks contribute only about 4% of the total of value-added industrial materials. Despite that course of development in this country, the United States should exert its influence through diplomatic persuasion and funding so that foreign aid projects with appropriate, pragmatic technological components are well received. It is doubtful that most members of our political, bureaucratic, banking, and communication establishments would, on their own, engage in a concerted effort to do so. Therefore, we scientists, America's scientific and technical resources, should take every possible opportunity to influence our non-technical compatriots so that their thinking and actions may be conducive to long range, economic growth-promoting programs. For most developing countries, foreign aid programs without biomass utilization will certainly fail to achieve a fundamental objective: specifically, a better life for the poor of these nations and, generally, a more stable sociopolitical environment among our neighbors.●

CONGRESSIONAL SALUTE TO THE PASSAIC COUNTY HISTORICAL SOCIETY UPON THE CELEBRATION OF THE 50TH ANNIVERSARY OF THE LAMBERT CASTLE MUSEUM, PATERSON, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. ROE. Mr. Speaker, in reflecting upon the history of our great country and the deeds of our people who have made our representative democracy second to none among all nations throughout the world, I am pleased to call your attention to a gala celebration commemorating the 50th anniversary of the Passaic County Historical Society's Museum and Home at Lambert Castle, a magnificent stone edifice built in 1892 on Garret Mountain in the city of Paterson, NJ, housing historic statuary, collections and exhibits depicting the richness of our cultural heritage and the historic advancements of America.

Mr. Speaker. At the outset, let me commend to you the diligence, foresight and hard work that has been extended by the officers, trustees, staff and volunteers comprising the Passaic County Historical Society and the Lambert Castle Museum 50th Anniversary Committee. In observance of the golden anniversary of the Lambert Castle Museum, they have been working with many of the leading citizens in our State in devising an outstanding program and seeking full citizens' participation in a comprehensive schedule of lectures, tours, concerts and special events throughout the year highlighted by a festive gala celebration at the castle on Saturday, June 9 in the style of the builder and founding owner of Lambert Castle, Catholina Lambert, reminiscent of the period during the turn of the century.

PASSAIC COUNTY HISTORICAL SOCIETY

OFFICERS

The Honorable: Ruth Fern, President; Alvin Blau, Executive Vice President; Delight Dodyk, Vice President; Russell Frignoca, Treasurer; William Adshead, Secretary.

BOARD OF TRUSTEES

The Honorable: William Adshead, Flavia Alaya, Alvin Blau, Jo Ann Cotz, Delight Dodyk, Ruth Fern, Fletcher Fish, Russell Frignoca, John Herbst, Stanley Lacz, Edward J. Lenik, Robert Macfarlan, Norman Robertson, William O. Storch.

STAFF

The Honorable: Catherine Keene, Director; Barbara Rivolta, Assistant Director, Jim Levendusky, Jim De Sopo, Virginia Peterson.

VOLUNTEERS

The Honorable: Nina Browne, Dee's Florist, West Paterson; Harriet Frederickson, Miriam Kurinsky, Verah Links, Laura Neal, Frances Peacock, Jessica Peters, Eliud Troncosco, Elizabeth Van Hook, Jim Ward, Z Club of Paul VI Regional High School, Annita Zalenski, Raymond Zardetto.

LAMBERT CASTLE MUSEUM 50TH ANNIVERSARY COMMITTEE

The Honorable: Delight Dodyk, Chair; William Adshead, Flavia Alaya, Alvin Blau, Jo Ann Cotz, Ruth Fern, Fletcher Fish, Russell Frignoca, John Herbst, Catherine Keene, Stanley Lacz, Edward Lenik, Robert Macfarlan, Christine Riedl, Barbara Rivolta, Norman Robertson, William Storch, Stephen van Cline, Raymond Zardetta, Ed Smyk, Passaic County Historian.

Mr. Speaker, with your permission I would like to insert at this point in our historic journal of Congress a profile on the early beginnings and establishment of the Passaic County Historical Society, the Lambert Castle, the Lambert Castle Museum, its library and archives which will be cited during this golden anniversary celebration, as follows:

THE PASSAIC COUNTY HISTORICAL SOCIETY

A historical society is not a mere antiquarian's attic. It is the combined memory of a community, and speaks their conviction that the debt they owe to the past is no less sacred than the debt they owe to the present and future. This conviction inspired the creation and establishment of the Passaic County Historical Society.

The Passaic County Historical Society was founded in 1926 and since 1934 has had its museum and offices in Lambert Castle, the magnificent brownstone and granite structure built by the late nineteenth century silk magnate, Catholina Lambert.

Today, in an era of increasing historic awareness, the Society looks forward to playing an even more vital role in communicating and sharing its cultural objectives with every interested citizen. These objectives are to cultivate an active public interest in the history of Passaic County, to preserve the materials that tell this history, and to make these available through exhibits, lectures, tours and publications.

The Passaic County Historical Society collects, preserves and interprets the history and heritage of Passaic County and surrounding areas. Through its programs, exhibits and research facilities this most prestigious organization dedicated to the preservation of our people's historic treasures and enrichment of our cultural heritage serves a wide and varied audience from school children to nationally renowned scholars.

LAMBERT CASTLE

Lambert Castle is on Valley Road in Paterson, New Jersey approximately 10 miles west of New York City. It looks out over the City of Paterson from a rocky incline of Garret Mountain with picturesque views of the City of Paterson, the Ramapos and the New York City skyline. Built between 1890-1893 as a residence for silk-magnate Catholina Lambert and his family, "Belle Vista" (as the castle was then known) still provides much of its original grandeur.

To understand the present, it is important to remember the past and in reflecting on the magnificence of the castle-like structure, it is important to ponder on the background of the founder and builder of this historic landmark.

In 1884, a 10-year-old Yorkshire lad named Catholina Lambert went to work in a cotton mill. Seven years later, he sailed for America where, in due course, he became co-owner of a silk firm. The business prospered and in the manner of America's successful 19th-century industrialists, Lambert built himself an imposing residence overlooking Paterson, New Jersey to resemble Warwich Castle in his native England. The castle-like structure satisfied Lambert's craving for the life of an English aristocrat, while almost providing space for his collection of European paintings, sculpture and antiques. It's monumental style was Lambert's way of laying claim, through the birthright of new-world money, to the glories of an ancestral English nobility.

His collection of statuary and European paintings reached such a size that in 1896 he built a 100-foot-long colonnaded hall adjoining the north side of the present building. The silk strikes of 1912-1913 and the invention of rayon led to the demiss of silk manufacturing in Paterson, and 365 paintings and many pieces of statuary were sold off in 1916 to satisfy Mr. Lambert's creditors. In 1923, he died in the castle at the age of 88, and in 1936 the addition that housed his collection was torn down.

The remainder of Lambert's lovingly assembled and richly representative collection of European paintings was auctioned off after his death. Ownership of his home, "Lambert's Castle," passed to local government and became headquarters for the Passaic County Historical Society.

Today, the rich architectural details of the exterior evoke the Medieval castles that Lambert remembered from his childhood in Britain. The interior reflects the opulent taste of the late nineteenth century and includes carved woodwork, coffered ceilings, gesso walls, marble flooring imported from the Alps and fireplaces with gilt-painted tulip wood fireplace mantels.

LAMBERT CASTLE MUSEUM

Lambert Castle, in its role as the Passaic County museum, is the repository of many items of unique and lasting historical significance. Opened to the public in 1934, it has every year since then served tens of thousands of visitors and researchers. The museum's collections extend from the Colonial and Federal eras through the 19th and 20th centuries—and industrial and technological age intimately connected with the rise of men like Catholina Lambert.

The scenic beauty and raw power of the spectacular Great Falls of the Passaic River, responsible for so much of this region's development, are captured in an unusual range of paintings, engravings, and photographs. Other collections illustrate the rich and elegant craftsmanship in silk, lace, marble, woodwork and stained glass, which was brought to America by gifted immigrant workers in response to the patronage of a prosperous local elite. Collections of historic photographs, souvenir objects, posters and advertising art evoke the days when Paterson was a popular tourist mecca and "Silk City" of the world.

It is interesting to note that on April 14, 1984 a major exhibition opened at the Lambert Castle Museum, the American Labor Museum and the Paterson Museum. Called "Life and Times in Silk City," it gives a comprehensive view of the silk industry in turn-of-the-century Paterson and its importance to the lives of the residents of "Silk City." The exhibit will run through April 1985. The life-styles and concerns of the silk mill owners are interpreted at the Lambert Castle Museum. Period photographs, objects and works of art which once belonged to some of the city's industrialists are also on display in the "court" and music room. Of course, the centerpiece of the exhibit is Lambert Castel itself.

Amateur historian, professional scholar and genealogical researcher alike will find excellent potential in the library and archives of the Lambert Castel Museum: 20,000 manuscripts, pamphlets and maps; 2,500 rare newspaper volumes, and a constantly expanding reference library. The student of the Paterson silk industry may want to explore some of the museum's collection of silk samples. This superb collection represents an excellent overview of weaving and design techniques since the mid-19th century.

The museum houses a unique and diversified collection of fine and decorative arts, artifacts, photographs, and documents including over 60,000 silk samples from the Paterson silk industry, 10,000 photographs, hundreds of paintings and prints, advertising art, silver souvenir spoons, period furniture, and many other items of historical interest.

The Passaic County Historical Society's paper collections are one of its most distinctive resources. The archives includes the Gledhill-SUM collection which documents the industrial foundation of Paterson, unpublished Alexander Hamilton and Pierre L'Enfant correspondence, papers of the Colt pistol family, and Abraham Hewitt papers that help trace the iron industry in Passaic County. The society also has a library of local and New Jersey history and a fine genealogical collection.

Mr. Speaker, the Passaic County Historical Society is dedicated to promoting research and publication in all areas of Passaic County history which is steeped in the history of the early settlers of our country and richly endowed with America's historic beginnings. Their members have sought and achieved a quality of excellence in historic preservation at the Lambert Castle. In commemorating their museum's historic observance, I appreciate the opportunity to present the foregoing to you and seek this national recognition of the leadership endeavors manifested by the foresight and expertise of the Passaic County Historical Society and the lasting achievements that can be attained with people working together in a common endeavor—all contributing to the American way of life and the American dream. We do indeed salute the members of the Passaic County Historical Society and their anniversary committee upon this commemorative observance and celebration of the 50th golden anniversary of the Lambert Castle Museum.●

FORTUNE COOKIES AND CIGARETTES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. EDWARDS of California. Mr. Speaker, it is with pleasure that I bring to the attention of my colleagues Ellen Goodman's column, "Fortune Cookies and Cigarettes" which appeared in the Washington Post on May 26.

Ms. Goodman's commentary speaks well to the need for enactment of Congressman WAXMAN's cigarette labeling bill which is currently pending consideration by the full House. I hope my colleagues will enjoy Ms. Goodman's article, and be subsequently moved to support my colleague from California in his worthy effort.

[From the Washington Post, May 26, 1984]

FORTUNE COOKIES AND CIGARETTES

(By Ellen Goodman)

Scene I: The two handsome young men in their fashionable gear are resting at the top of the rock-climb. A rope dangles over the precipice in the rugged southwestern canyon country. The winsome twosome look into the distance, their hair attractively windblown, cigarettes, sticking out of their mouths. It's Winston, "America's Best."

Scene II: The young man and woman are playing in a tree. He is hanging upside down, she is hanging right side up. What fun they are having with their jeans and their energy. They are Newport Smokers, "Alive with Pleasure!"

Scene III: The young woman is standing in her formal gown on the long, winding staircase, her white fur coat draped casually behind her. In front of her, a tuxedo-clad man romantically lights her cigarette. It's Benson & Hedges, "The Deluxe 100."

There are other scenes in the endless saga of cigarette commercials that flicker through the magazines and billboards of our lives: the Kent man, bare-chested in tennis duds, whose only health problem is suggested by a knee support. The Players crowd at the local Yuppie bar. The Vantage smoker lighting up after her exercise class.

But one thing remains constant through all these changing pictures of the good life: a small rectangular dissent that says, "Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health."

In the years since this little corner of concern was permanently installed on the upbeat sales images of smoking, it has become virtually invisible. We are barely aware of any irony when an ad that promises to make us "Alive!" also carries a medical warning of danger.

Today, 20 years after the first Surgeon General's report documented the health effects of smoking, one-third of American adults still smoke cigarettes. Today, as the latest report shows in utterly convincing detail how smoking costs and kills, almost one-quarter of high-school seniors have taken up the habit.

Now Congress is trying to claim a larger piece of the advertising space for health. If a pending bill passes Congress as quickly as it cleared the House committee, each package of cigarettes, each ad and each billboard will have larger warnings that rotate almost as often as the beautiful young stars of the cigarette scenes.

These will bear specific messages that smoking can cause lung cancer, heart disease, emphysema and pregnancy problems. They will include a warning about the risks of passive smoking and an upbeat injunction about the value of quitting. One admonition about cigarette addiction didn't make the list—the idea that cigarette smoking is an addiction. But in all, there are four warnings which would change, once every three months.

The rotating-message theory, dubbed the Fortune Cookie theory, came out of a behavioral study done by the Federal Trade Commission in 1979. As Commissioner Michael Pertschuk remembers, "The theory is that any repeated warning disappears, even a skull and crossbones. But if you continually rotate warnings, the place where the warning appears becomes a focal point of interest, like in a fortune cookie."

If I were writing messages for these misfortune cookies, they would rotate weekly. Each would be inscribed plainly with the name of a smoker who died of lung cancer or emphysema. From time to time, I might include the names of survivors.

It's not that I, or the members of Congress, believe too faithfully in the power of the written warning. There are addicts who smoke during cancer lectures. Indeed, there is something pathetic about pasting little warnings against smoking onto billion-dollar advertising campaigns in favor of smoking.

While we lobby for labels, cigarette manufacturers are giving away free samples, sponsoring rock concerts and sporting events for teens, and targeting the "growth market" of kids and young women. One benighted cigarette advertiser even placed a spot in a movie theater that was showing "Snow White."

If we are going to be a smoke-free country by the year 2000, as Surgeon General C. Everett Koop hopes, we need a combination of methods designed to make smoking unacceptable behavior. But labeling is at least a truth-in-advertising law. It's one small way that we inform any consumer who still doesn't know, about the risks of this deadly product. It's also a chance for the public to put its own stamp on cigarette smoking. The stamp says simply, "Don't."●

LOYALTY DAY PARADE

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. NOWAK. Mr. Speaker, the annual Loyalty Day celebration was established by Congress more than 30 years ago as an opportunity for our Nation to reaffirm our loyalty to our flag and country. For three decades, the Veterans of Foreign Wars have had a Loyalty Day Parade or celebration in every State of the Union.

In Buffalo, NY, for the past 5 years, Comdr. Edward Sieracki of the Casimir Pulaski VFW Post has been the chairman of this event and this year he was chosen as the grand marshal of the Loyalty Day Parade.

This year's parade in my hometown was led by an escort division headed by a red, white, and blue-clad Uncle Sam portrayed by Len Furmanek. The escort division marchers were: Buffalo Police Department, Motorcycle and Mounted Division; Erie County Sheriff's Department; Casimir Pulaski VFW Color Guard; Congressman T. J. Dulski (retired), and Federal, State, county, and local officials.

Immediately following the escort division was the U.S. Marine Corps Color Guard Company I, 3d Battalion, 25th Marines, 4th Marine Division, FMF, USMCR. This unit composed of 180 marines gave a short drill in front of the reviewing stand. A plaque of recognition was presented to Capt. Walter A. Staheli III, escorted by S. Sgt. Gart D. Heacox and by Majority Leader Richard Slisz and legislator Henry Mazurek on behalf of the Erie County Legislature.

A history of the marine division follows:

The Marine reserve unit was first organized in Buffalo in February of 1950. It was designated the 6th 105mm Howitzer Battalion and was mobilized for the Korean Conflict. The unit was reestablished in Buffalo in May of 1952 and was redesignated as the 29th Special Infantry Company and was again redesignated in 1956 as the 29th Infantry Company. The 4th Marine Division was reorganized and the company was redesignated as "I" Company of the 3rd Battalion, 25th Marine Regiment. In October 1974 was transferred into the 1st Battalion of the 25th Marines and received the designation of "D" Company. Five years later, the unit was transferred back into the 3rd Battalion and has remained as India Company since that time.

Recent history has found India Company deploying to Europe in September of 1982 to participate in 2 NATO operations. In August of 1983, the unit underwent a Marine Corps Combat Readiness Evaluation Systems Test at Camp Ripley, Minnesota, with the 3rd Battalion and received a rating of combat ready. This was the 1st time in three years that a reserve infantry battalion had received this grade. During February of this year, the company participated in Teamwork-84, a NATO operation taking place in Norway north of the arctic circle. Indian Company spent 6 days in temperatures down to −40°F and moved through mountainous terrain in snow up to 5 feet deep.

Captain Philip A. Smeltzer is the Commanding Officer of India Company. It is located at the Navy/Marine Corps Reserve Training Center at 3 Porter Avenue.

The line of march in the parade had six divisions, each headed by two parade marshals listed as follows:

First Division—Charlotte Berry and Angelo Jones; Cheektowaga Central High School Band and Color Guard; Vietnam Vets of America—Marching Unit and Color Guard; Polish Veterans of W.W. 2, Post #33, Color Guard & Marching Unit; Unit 255 Colour Party; American Legion—Adam Plewacki Post #799-Color Guard; B. Leo Donovan Post #410—Color Guard; Imperial Knights Color Guard—Veteran Color Guard/Drill Team; Amvets Hank Nowak Post #45—Vet. Color Guard 4, Aux. Color Guard 4, Sad Sacks 8; M.J. Brounshidle Post #205—Color Guard; Buffalo Fire Dept.—Fire Apparatus and Display Flag; John W. Danforth Company Horse drawn hitch wagon.

Second Division—Joanne Ostrowski and Don Custodi; Army—Navy 252 Honor Guard/Drill Team; 4th BDE, New York Guard—Color Guard, Marching Unit; Geriannettes (Senior Twirling, Junior Twirling, Pee Wees, Junior Drum Corps.); Niagara Univ. ROTC, Color Guard/Drill Team; WECK Radio (One Car with WECK Personalities); Chuck E. Cheese Pizza Time Theater (4 people w/truck); V.F.W. Post 4111 Drill Team—Vehicle and Senior Men's Rifle Drill Team; Polish Army Vets Assoc. District XII—Vets Color Guard; Polish Air Force Veterans Assoc.—Color Guard/Marching Unit; Buffalo Veterans Assoc.—Color Guard; East Buffalo Civic Assoc.; Daniel Michaloski—1898 Horse and Surry Restored; School #80 Eagle Squad Drill Team; Assoc. of Polish Democrats of Erie County; Auxillary Fire Corp.—Members and Fire Apparatus; Polish American Voice—Float.

Third Division—Maureen Ratka and Jerry Eron; Ismailia Temple Color Guard Legion of Honor; Ismailia—Provost Guard (Motorcycle Unit); Ismailia Motor Corps.; Gowanda Shrine Mini Corps.; Ismailia Temple Mini Kar; Shrine Horse Patrol; Ismailia Shrine Clowns; Yoshi Keystone Cops.

Fourth Division—Emily Krzykowski and Edward Noga; Memorial Post #1313 Catholic War Veterans Color Guard; Alhambra Moorish Band (Marching Band); J. Michael Hens V.F.W. Memorial Post—Color Guard; Girl Scout Council of Buffalo and Erie County; Pioneer District B.S.A.—Boy Scouts and Cubs; Silver Wheels Football Inc.—30 handicapped football players and cheerleaders; Girl Scout Troop 662—Brownie Troop and Float; Girl Scout Troop 1451, 45, 666—Marching Unit; Girl Scout Troop 70 Brownies #764—Marchers; St. John Gualbert's Cieszyn Dancers; International Institute of Buffalo—Van and marchers.

Fifth Division—Gloria Krupski and Jim Tycz; U.S.S. Maine V.F.W. Post; Spectrum Szczesliwe Dancers—Dance Troupe; Invaders Senior Drum; American Legion Post #928—Color Guard; American Legion Post #1640; Carousel Skating Center; Fantasy Island (Coloyopie Float, Specialty Vehicle); Crusaders Drill Team; Polish Community Center (Polish Folk Dance Group); Jessica Harting "Little Miss International"; Saturday Morning Polish School; Sheriff's Dept.; American Red Cross (Mobile Van); Niagara Candy—Float; Ronald McDonald House—Van.

Sixth Division—Jewel Bartkowski and Don Pieczynski; Downtown Post #64 American Legion Color Guard; Buffalo Squad No. 1 Civil Air Patrol—Color Guard/Drill Team; Maverick Drum Corps.; Rockin Rustlers (Non military drill team); Wendy's—Employees; Polish Falcons Nest 6—Float, Folk Dancers, Tumbling; Kensington Drill Team; Vengeance Jr. Drum Corps.; St. Stan's

School—Marching Unit; Italian Village Council—Queen and her Court; Evans Center Vol. Fire Dept.—Marching Unit; Brockton Fire Co.—Antique handdrawn hose cart—original equipment "1896" Circa; Corful Rescue Hook and Ladder; Dropiks—Billy O's—Antique Automobiles; Al Maza—1924 Ford Antique Car; Niagara Frontier Transportation Authority Metro Bus.

Each unit had to pass the reviewing stand a short distance from the termination point, where announcer Don Postles of WKBW-TV identified each unit as it passed. Standing in front of the reviewing stand were Col. Matt Gajewski (retired) and Brig. William Cybulski, NYSG (retired), saluting the colors of each veteran's group as it passed.

During the field of march, members of the Loyalty Day Parade Committee and veterans distributed 3,000 small American flags to spectators. These were donated by American Veterans Service Foundation through Hank Nowak Amvets Post in Buffalo, represented by past Comdr. Leon Gubala.

The judging of the parade units was conducted by Firemen's Parade Association, Western Division.

The winners in various categories were listed as follows in the editions of the Buffalo News:

Loyalty Day Parade Winners Listed

The Western New York Loyalty Day Parade Committee, which sponsored the downtown Buffalo parade along Broadway April 29, has announced the following winners:

Junior Drum Corps—Vengeance; High School Bands—Cheektowaga Central; Men's Drill Teams—first, VFW Post 411, second, Niagara University ROTC; Youth Drill Teams—first, Crusaders, second, Imperial Knights.

Veterans Color Guards—first, Brownshidle Post 205, second, Dolan Post 410, third, Memorial Post 1313; Other Color Guards—first, Niagara University, second, Ismailia Temple, third, Imperial Knights; Longest dstance—VFW 411 of Lisbon, Ohio.

Most in Line—Company I, 25th Marines; Senior Twirling Corps—Gerianettes; Junior Twirling Corps—Gerianettes, who also won the Peewee Division. Boy Scouts—first and second, Pioneer District Boy Scouts and Cubs; Girl Scouts, Campfire and Bluebirds—first, Girl Scout Troop 70, second, Troops 1451, 1446 and 666, third, Troop 662.

Specialty Groups—first, Ismailia Clowns, second, Spectrum Dancers, third, Polish Center Folk Dancers.

Motorized Units—first, Ismailia Motor Corps, second, Ismailia Provost Guard, third, Gowanda Mini Corps.

Floats—first, Niagara Candy, second, Polish Faclons, third, Fantasy Island.

Veterans Marching Unit—first, Company I, 25th Marines, second, Vietnam Veterans of America; Cadence—first, Buffalo Mavericks, second, Gerianettes.

The Loyalty Day Parade should remind us of the American flag, symbol of our strong commitment to democratic institutions and country. Loyalty Day is an occasion for us to reaffirm our allegiance to the flag and to remember those who fought to defend it.

We may best thank our veterans for the sacrifices they have made to preserve freedom by pledging our allegiance to the flag.●

A SECOND GENERATION TO REMEMBER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. GEJDENSON. Mr. Speaker, I would like to bring to the attention of my colleagues the remarks made by my friend, Benjamin Meed, the president of the American Gathering of Jewish Holocaust Survivors at the opening plenary session of the Second Generation Conference given by the International Network of Children of Jewish Holocaust Survivors on May 27, 1984.

I had the good fortune to attend this historic meeting and hear Ben Meed's message firsthand. It is with pride that I share this testimony with my colleagues.

Remarks at Town Hall by Benjamin Meed

My Dear Friends, for the past three years, our activities of remembrance have proceeded under two banners.

We came to Jerusalem to speak of our journey—from Holocaust to rebirth—for in Jerusalem, the Jewish past and the Jewish future are united.

At Yad Vashem—and at the Western Wall—the survivors bore witness to their collective legacy and the second generation pledged—before Jewish History—an oath of remembrance.

It was in Jerusalem that the International Network of Children of Jewish Holocaust Survivors was founded.

Last year, we gathered in Washington—under the banner of Together From Holocaust to New Life—and testified before the world—to the miraculous story of rebirth and regeneration.

Thirty days ago—we again went to Washington—to break ground for a national memorial museum—and to place into the earth—two milk cans containing the pledge of the survivor.

How marvelous it is to be together with you today for this special moment! to witness the torch of remembrance passed to a new generation—conceived in liberty as an act of faith in the future.

I am mindful of the pride that I have as a father—in my children—and of the enormous respect and hope that your parents have in you—especially now—when you gather as mature men and women—with your children—to recall your roots—your past—to remember other children and their parents—your uncles and aunts and grandparents *who were murdered before you were born.*

How fortunate are we to have lived to witness this occasion. I think that I can speak in the name of your parents—many of whom I know—and in the name of those mothers and fathers who survived the camps and the ghettoes—and gave birth and nurtured you—but were not fortunate enough to witness this moment of continuity.

In their memory, permit me to speak—not of the experience of being survivors—but of the responsibility that we—as parents—bore in raising a second generation. After the Holocaust, we were alone—terribly alone. We had lost our families—our entire world had been destroyed. We had no homes to which we could return. We had only two real choices—to rebuild our personal lives—learning a profession or a trade—and to build a new home. And on national scale to build a homeland.

Having seen what we had seen—whom could we trust? We realized that the whole world had betrayed us. So we turned to our fellow Jews—fellow survivors—peoples who would understand each other—without words. In the months after the war, survivors married. We were afraid of being alone. We were young then—but only in years. Our experiences had made us very old. Then *you* came into ours lives—you—our children—were the future. We know that so well. A child's life is precious—but we also know how fragile such a life is. We wanted to share so much with you—to give you all we had—and yet—part of our past could not be shared.

You sometimes regarded us as strange. We spoke with accents and still do. We were sometimes—perhaps—a burden to you. We were fearful. You were young and self-confident—American children—enjoying the freedom of this country. We wanted you to become American Jews.

We came from a different world. We grew up with an intensive Yiddish culture that throbbed with Jewish life. You matured in an America—going through the turmoil of the sixties—with civil rights marches—antiwar parades—drugs and the new morality. We prayed that you would have the inner strength to overcome your turbulent times.

We took pride in you. We cherished your bar-mitzvahs and your graduations. We wanted you to launch careers. Each time you left home, we worried—but tried not to let you know our concerns. Each time you returned, we were grateful. Yet—we knew that you would soon be on your own and we would again be left alone—as it should be—when you become independent and adult. Your marriage and your children—our grandchildren—have given us a sense of continuity and family that we could never have imagined in the days of our liberation.

And now that you have joined the chain of remembrance—we are grateful. For we know that soon—far too soon—there will be no more survivors to bear witness—none to refute the revisionists—no one who can tell the tale—no survivors to stand up and protest the commercialization and the vulgarization of the Holocaust. But we know that you will be there to lead the struggle to preserve the memory.

What should a survivor say that is meaningful—to the sons and daughters of survivors? You are a new chance for humanity. What is important my children—is for you to be humane—a "mensch".

The Holocaust has shown that knowledgeable people with academic degrees—sophisticated people—can gas and burn and murder human beings. The Holocaust was made possible because every segment of the German society was involved. The cooperative effort of thousands—millions—was required—and it did not take long before that cooperation was obtained.

My children, there are clear indications that the reservoir of compassion—left after the Holocaust—is evaporating. Every evidence we have—suggests that brutality and bigotry are once again moving out of the closet. Do not hesitate to confront that brutality. Speak out in a loud—clear voice—against that bigotry. Organize yourselves—and stay well organized—so that you will be prepared to face serious situations and new crises. Demonstrate and rally your support for all institutions of freedom and democracy—but remember your unique responsibility for the State of Israel. You cannot be a whole Jew if any Jew is not free. You cannot be a whole Jew if any American is half an American.

You must try to teach and sensitize the world to the fact that madness was unleashed more than forty years ago and—that madness is still dominating the minds and souls of too many countries. You must tell the story again and again—even if few listen—even if little is changed.

It must be heard and repeated.

We survivors have borne witness. As long as we are here, we will remember so that others are not allowed to forget. Your task—dear children of survivors—is to preserve the legacy given in Jerusalem—and reaffirmed in Washington—to remember—and to warn the world that Jews will never again be silent in the face of persecution and threats of annihilation. The world may find reasons to abandon Jews—and the State of Israel—but Jews will never again abandon Jews anywhere. We are responsible for one another.

The American gathering is doing everything to assist you. We have developed a national register that will preserve—for permanent documentation—the experiences of the survivors—and the generation after.

Yad Vashem has recorded the names of the Kedoshim—the martyrs who died in the Holocaust. We have collected—and are still collecting—the names of the *living*. We are working to build a national memorial in Washington so that the American people can understand what happened—and learn its lessons—so that the miracle of survival and rebirth—which you and I represent—can be retold.

And we are building a memorial in New York—to remember the vibrant Jewish world before the war—so that the world can learn about the vitality and life—the literature and the music that once was heard in Warsaw and in Bendzin—in Vilna and Vienna—in Saloniki and Bucares—in Cracow and Lodz—in thousands of shtetls—and in the major cities of Europe—so that your children will know the world of their great-grandmothers and great-grandfathers.

My friends, time is running out for the survivors. We know that we cannot collect the documents or build the memorials—or even tell the tale alone. So—my children—become our colleagues in the journey of remembrance. Let us travel the path together. Very soon you will have to travel it alone.●

HUMAN RIGHTS IN PARAGUAY AND THE CLOSING OF THE NEWSPAPER ABC COLOR

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. HALL of Ohio. Mr. Speaker, the status of human rights in Paraguay is becoming a matter of increasing concern both to Members of Congress and to international human rights organizations.

This year marks the 13th anniversary in power of the regime of Paraguayan President Alfredo Stroessner. This occasion, in addition to the impact of the election of President Raul Alfonsin in Argentina, is sparking renewed interest in the state of civil and political liberties in the countries of the Southern Cone.

Earlier this year, the Stroessner government took the positive step of allowing some opposition politicians to return to Paraguay. However, the true meaning of this gesture was seriously undercut by the severe limitations and restrictions that were placed on the activities of these individuals once they returned.

Another negative development in Paraguay was the closing of the newspaper ABC Color. This newspaper was generally recognized as independent in its reporting policies. The indefinite closing of the paper and the harassment of its editor, Aldo Zuccolillo, were serious blows to freedom of the press in Paraguay. Indeed, it could be said that without ABC Color, there is no independent news voice in Paraguay.

Yet another disturbing incident involved the attempt by members of Americas Watch, the Lawyers Committee for International Human Rights, and the New York Bar Association to visit Paraguay. The members of the group were not allowed to enter the country and were not permitted to even contact the U.S. Embassy in Paraguay. Following this curious and shocking incident, the U.S. Embassy in Paraguay was advised on May 21, 1984, by the Paraguayan Government that the group would be allowed to return and meet with appropriate Paraguayan Government officials. An effort is being made to reschedule the trip.

To encourage the people of Paraguay in their efforts to reclaim and exercise their basic human rights, a total of 54 Representatives have joined with me to cosponsor House Concurrent Resolution 265, a resolution that expresses the sense of Congress about the situation in Paraguay. It is my hope that this legislation will provide an opportunity for congressional hearings on the subject of human rights in Paraguay.

Mr. Speaker, Mr. Cecilio J. Morales, Jr., a research fellow at the Council on Hemispheric Affairs, recently authored an analysis of recent developments in Paraguay. In particular, Mr. Morales discussed the implications of the closing of ABC Color. In view of the renewed congressional interest in the situation in Paraguay, I commend Mr. Morales' article to the attention of my colleagues.

CURTAINS FOR ABC COLOR?

THE STROESSNER DICTATORSHIP: A HUMAN RIGHTS TEST CASE FOR THE REAGAN ADMINISTRATION

(By Cecilio J. Morales, Jr., research fellow at the Council on Hemispheric Affairs)

Charles A. Perlik, Jr., President of the 40,000-member Newspaper Guild (AFL-CIO, CLC), and Chairman of the Board of Trustees of the Council on Hemispheric Affairs (COHA), has called upon the international press community to join him in protesting the March 22 closing of Paraguay's leading daily, ABC Color, and in demanding that President Alfredo Stroessner allow it to reopen. Perlik also denounced the "abysmal press freedom record of the Paraguayan dictatorial regime."

Earlier, in a March 23 letter sent to U.S. Ambassador Arthur H. Davis in Asuncion, Perlik called the closing of the paper and the 13-day incommunicado detention of its editor, Aldo Zuccolillo, "flagrant violations of international principles of press freedom," and noted, "Sr. Zuccolillo's incommunicado imprisonment is certainly a human rights violation as well." He was released March 28.

In his reply to Perlik dated March 30, 1984, Ambassador Davis described ABC Color's future as an independent newspaper as "cloudy," and added that the closure represented not only a "grave blow" to press freedom but a serious deterioration in what he termed an early 1984 "gradual evolution to a somewhat more open political climate in Paraguay."

"We will continue to impress upon leading government figures the extremely negative impact which the paper's closure will have in the American media and in the U.S. Congress," Davis wrote.

STROESSNER FALTERS

There has been some indication that Stroessner would be willing to allow the reopening of ABC Color if it was transferred to a new owner. A Paraguayan source close to the paper stated, however, that under no circumstances would Zuccolillo's colleagues agree to such a deal. The source also revealed that there is very little hope for the paper's reopening so long as Stroessner remains in power. At the present time, the aging Paraguayan dictator, who has ruled the country without interruption for the past 30 years, is becoming increasingly erratic in his behavior. Stroessner's actions against ABC Color can be interpreted as a clear signal that he no longer quietly controls events in the country as he once could, and that he may be responding to pressure from contending high level advisers who are jockeying to position themselves for the post-Stroessner era.

ABC Color was closed by order of the Minister of Interior for "causing hatred among Paraguayans." The events leading to the government's action began with the paper's reporting of the return of several exiled leaders of the People's Colorado Movement (MOPOCO), a dissident faction of the government-controlled party. The MOPOCO leadership had been in exile in Argentina for 25 years. Several months ago the Paraguayan government announced an amnesty for Paraguayan exiles—who total one million, compared to the country's present population of 3.5 million.

According to the weekly Latin America Press, Argentine President Raul Alfonsin exerted pressure on President Stroessner to allow the return of the exiles, hundreds of thousands of whom were living in Buenos Aires. So far, only three percent of them have returned, due to the uncertain fate of, at best, being subject to the vigilance of the Paraguayan police, and at worst their accustomed brutality. In addition, the Paraguayan Church, which now has arrayed itself against the Stroessner dictatorship, has discouraged the exiles from returning until adequate civic structures exist that would guarantee their safety.

Due to the large number of Paraguayans living in exile in Argentina it was rumored in Asuncion that Alfonsin was about to permit a radio and a television station run by MOPOCO to transmit to Paraguay from Argentine territory. By allowing the exiles to return, Stroessner guaranteed himself the capability to better monitor MOPOCO activities.

The detention of Zuccolillo was just the latest case in a long history of heavy-handed treatment of the press in Paraguay, with 1983-1984 being a particularly difficult period. On March 16 of this year, the ABC Color editor was ordered to appear at Asuncion's central police station for questioning. Once there, Zuccolillo refused to give his interrogators the name of the reporter who wrote an article which cited a statement by the leader of MOPOCO, Miguel Angel Gonzalez Casabianca, who also serves as president of the National Accord, an umbrella group of the country's political parties. Shortly before, Casabianca had returned to Paraguay after a 25-year exile in Buenos Aires. Zuccolillo insisted before his questioners that he, himself, had participated in the interview with the MOPOCO leader.

Subsequently, the interrogating officers called Interior Minister Sabino Montonero, who ordered Zuccolillo arrested. He was held in prison for seven days and under house arrest for six more. Sabino Montonero issued a resolution, which the police later presented at the paper's offices at 11:15 a.m. on the 22nd, instructing the paper to close down its operations by 12:00 noon that same day. The minister and the government's official mouthpiece, Patria, claimed that statements made by MOPOCO's Gonzalez were damaging to the state and were "subversive."

ABC Color was the largest paper in Paraguay, with a circulation of about 80,000. However, circulation had recently dwindled to 60,000 since the government denied the periodical the foreign exchange necessary to buy adequate supplies. As a result, the daily was forced to buy highly inflated black market dollars and to cut back on the number of pages in each issue.

Journalists affiliated with ABC Color repeatedly have been subject to harassment and detention by the Stroessner regime. On Sept. 23, 1983, the government again jailed Alcibiades Gonzalex Delvaile, an heroic ABC Color columnist and secretary general of the Paraguayan journalists' union, for an article he had written that was critical of the 30-year-old regime.

STROESSNER AS REAGAN "GUINEA PIG"

There is reason to believe that the Reagan administration, in order to improve its tarnished image as being an indifferent advocate of human rights in Latin America, is anxious to make Paraguay a test case for its belated vigilance in this area. A tip-off to this new attitude was given in the treatment of Paraguay in the 1983 "Country Reports On Human Rights." The State Department found that Stroessner rules the country in an authoritarian manner:

"In practice, there is no effective challenge to his authority, and the situation in Paraguay continues to be characterized by the subordination of the judicial and legislative branches of government to the executive and the frequent violation of civil and political liberties. Although his rule has brought stability and economic growth to Paraguay, it has been at a considerable cost to political rights and individual liberties."

On March 23, a State Department spokesman stated, "We deeply deplore the closure of ABC Color which represents a serious violation of the principle of freedom of the press." Elliott Abrams, the Reagan administration's controversial assistant secretary of state for human rights and humanitarian affairs—who has been under steady criticism for his apologetic attitude toward transgressions by rightist regimes and his ferocious denunciations of far milder violations by leftist ones—reportedly has decided to increase the pressure on Stroessner.

A few days later, Rep. Tony Hall (D-Ohio) introduced a concurrent resolution (H. Con. Res. 265) designed to encourage the downtrodden Paraguayan people to "reclaim and exercise their basic human rights," while also excoriating the Stroessner regime for its conduct since the general's assumption of power in 1954. Democracy is sadly lacking in Paraguay, as evidenced by Stroessner's near-continuous imposition of a state of seige since first coming to power, renewed every six months, that effectively invalidates the rights guaranteed by the national constitution.

Shortly before the State Department announcement, Patria published an article on a State Department report claiming that the Department had listed MOPOCO as a terrorist organization. The U.S. Embassy responded that it wasn't aware of the document and sent to Washington for it. When their report arrived, the embassy released it to the press, and it was subsequently published in the March 22 issue of ABC Color. The document stated that "This list contains the names of organizations responsible, by self-attribution, or by having been attributed the specific capture of hostages . . . ." It noted, however, that all terrorist actions were not necessarily committed with the consent or knowledge of the group's leaders, and that some individuals and groups erroneously attribute their own actions to other organizations to avoid blame. An embassy statement issued with the document said that "the embassy has no reason for considering MOPOCO as a terrorist organization."

In fact, MOPOCO has never in its history been involved in terrorist actions. In a telephone call to the State Department's Office for Combatting Terrorism, COHA was told that MOPOCO is not on its list of terrorist organizations. COHA was later told by a State Department official that after the recent flap on MOPOCO in the Paraguayan press, the organization was taken off the list of terrorist groups.

The importance of maintaining the rudiments of a free press in Paraguay cannot be exaggerated. In the newsletter published by the New York-based Committee to Protect Journalists, del Valle, who has almost assumed a martyr status in Paraguay, is quoted as saying: "The newspapers are taking the place of the local courts and political parties because the institutions themselves have broken down. The people know we can't solve their problems for them. But they go home without that knot of anger in their throats, without the feeling of helplessness."

In the soon-to-be released "Survey of Press Freedom in Latin-America," which COHA annually compiles with The Newspaper Guild, Paraguay is cited as one of the worst violators of press freedom in the hemisphere. Below is a partial listing of press abuses by the Stroessner regime in the past 12 months:

On Apr. 9, 1983, Uruguayan journalist Jose Maria Orlando was arrested by police in the newsroom of ABC Color, allegedly for working in the country without a permit. Orlando was at the paper to advise and train writers.

On May 12 the police arrested 30 people associated with ABC Color, initially holding them incommunicado. Among those detained was Zuccolillo.

On July 16 the government jailed ABC Color's director for refusing to reveal confidential information he had gathered as part of a journalistic enquiry.

On Sept. 23 del Valle was arrested under article 79 of the constitution and released 76 days later as a result of international protests.●

HERO STREET U.S.A.: TRIBUTE TO MEXICAN-AMERICAN NEIGHBORHOOD'S VETERANS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. EVANS of Illinois. Mr. Speaker, all too often our Nation has had to call on our neighborhoods to offer their son's services in defense of our country and its values. Responding unselfishly, young Americans stepped forward to serve their country. Yet one neighborhood stands apart in its contribution to our Armed Forces.

In the town of Silvis, Ill., situated along the banks of the Mississippi River, there is a small Mexican-American neighborhood called Hero Street. The 38 families that live here have sent some 110 young Americans into our armed services—8 of whom never returned to see their neighborhood again. In 1971, a monument was built and the street was renamed from Second Street to Hero Street. It is in honor of these men that the Hero Street memorial was constructed. Resembling a Mayan temple, the memorial symbolizes the ancestory of the eight young men.

All year long Hero Street serves as both a memorial to the soldiers and a playground for their brothers and sisters, nephews and nieces. But on Memorial Day, Hero Street is solely commemorative, remembering those individuals who truly are the heroes for whom the street is named.

The following article, about Hero Street, appeared in the May 28 issue of People magazine. I commend to our colleagues this article which relates the unique contribution made by this remarkable neighborhood to our Nation.

Hero Street U.S.A.

Memorial Day was still three months away when Angelina Sandoval announced to her family, "It is already time for the flowers." The 87-year-old matriarch of Hero Street then gave her son Tanilo the money so he could purchase fresh flowers for the graves of his two brothers. "I think I've only missed one Memorial Day since my brothers got killed," says Tanilo, 58. The names of Frank and Joseph Sandoval will be among the many recalled this Memorial Day when the flags fly high on Billy Goat Hill and the most honored block and a half in America echoes with tales of valor and sacrifice in war. "As a youngster I would see these military men come home on leave, and that would inspire the younger generation who were waiting to turn 18 and serve," recalls Sonny Soliz, 51. "All the boys on Hero Street could hardly wait to serve our country."

Indeed, the 38 Mexican-American families that live along this unprepossessing concrete strip on the fringes of Silvis, Ill. (pop. 7,771) have sent some 110 men and women into America's armed services, surely more than any other neighborhood of its size in the country. Forty-five fought in World War II, and at least a dozen more in Korea and Vietnam. Eight of those fathers, brothers and sons never returned from the battles of WW II and Korea: Peter Masias, Tony Pompa, Claro Soliz, the Sandoval brothers, William Sandoval, Joseph Gomez and John Muños. A concrete memorial on the hill bears their names, along with those of seven others who lived elsewhere in Silvis. The monument stands atop the steep slopes of Billy Goat Hill, where the future soldiers once fought make-believe wars.

Below the crest, where the boys once gathered to sing and carouse the night before one of them was to leave for the war, a 155-mm howitzer stands sentinel over their legacy to the children of succeeding generations, a playground with basketball court and swings. Built in 1971, the memorial park was conceived by Silvis Alderman Joe Terronez, 55, who spearheaded the drive to honor Hero Street with a practical goal in mind: He wanted it paved.

Second Street, as it was called before Terronez got the name changed in 1969, was just a strip of dirt when nearly all its young men were drafted or enlisted to fight in World War II. The neighborhood was founded in the 1920s by migrant railroad workers who had been living with their families in boxcars at a nearby yard. Forced to move in 1929, many of them hauled their boxcars across the tracks to a clearing they'd hacked out of the brush with axes and machetes. When the spring rains came to the Mississippi River town, mud rolled down the hill and filled the rutted street. During the war, the hearse bringing home the dead always sank in the mud, so friends and relatives would have to rescue the casket. "We'd track mud into the living room," recalls Terronez. "It was always a mess."

To the mothers of that time, all the boys of Hero Street's close-knit families were their hijos (sons), but few lost as much as Señora Sandoval. All six of her sons served. Frank, whose slingshots were among the best in Silvis, was killed in northern Burma on June 29, 1944 at age 23. Ten months later, on April 14, 1945—only 23 days before Germany surrendered—his brother Joseph, 26, was killed when his unit was overrun by Nazi soldiers. The youngest, Santiago, made it home after being wounded in Korea, only to be killed five weeks later in a car crash. "My mother doesn't forget," says her daughter, Georgia Herrera. "It is a daily thing with her. She talks about it constantly."

No longer able to climb stairs, Señora Sandoval now keeps to her green cinder-block room in the basement, where she manages with the aid of a walker and the help of her children, who stop by several times a day to care for her. Though the Sandovals mourn, Tanilo, who served in the Army during WW II, feels that his family harbors no anger. "I think Americans of all nationalities thought it was their duty back in World War II," he says. "I don't think there were any questions asked like there were in Vietnam."

Even so, his sister Georgia cannot forget how the loss of her brothers devastated the family. "I don't think anyone who hasn't experienced it can really explain to you the feeling," she says. "Now when you hear about war, they want to get into it in Nicaragua, you think to yourself, 'I wish it wouldn't be so.'" Despite her misgivings, family members still enlist. Señora Sandoval has a grandson in the Army and a great-grandson in the Air Force. They join, Georgia suggests, not out of patriotism but "because there are no jobs and no money to go and get an education."

Both Georgia and her brother are outraged by what they believe is discriminatory treatment of Hispanic Americans. Says Georgia: "Lots of Hispanics are not treated like citizens even if they were born here. Right here on this street is a good example of what the Hispanics did for this country." When Mexican-American soldiers came back from WW II, they were unwelcome at the original Silvis Veterans of Foreign Wars post and had to start their own. To this day two separate VFW contingents attend Memorial Day ceremonies on Hero Street.

Despite such unequal treatment the Mexican-American families "did not resent their sacrifice," says Sonny Soliz, whose uncle, Claro Soliz, died at 23 fighting in Belgium on Jan. 19, 1945. "They knew the dangers involved. They were proud." Soliz, an art teacher and athletic director at Silvis Junior High School, recalls that his uncle "was a very good artist. I was inspired by him." In 1974, to earn his master's degree in art education from Western Illinois University, Soliz painted a series of 13 watercolors about his street and its heroes. One shows Soliz' father at Rock Island cemetery thinking of his brother Claro, who is seen at the moment of his death falling over a barbed-wire fence. Another shows neighbor Tony Pompa, who flew tail gunner in a bomber, framed by the wreckage of his plane. Tony had enlisted after being fired from his job at a government arsenal because he was not a U.S. citizen. He lied about his age—he was only 17—and gave the recruiters a false name. Two and a half years later Pompa's aircraft was hit by shrapnel over Avlano, Italy. Other crew members bailed out, but Tony went down in the flaming plane, leaving a pregnant wife and an infant child. Tony was buried under his assumed name, "Lopez," and his anguished relatives had to badger the Army until the gravestone was carved correctly.

Today Tony Pompa's granddaughter, Alana Lee, 18, is in the Army, part of the enduring tradition of the Hero Street Eight. "Yes, they're dead," says Sonny Soliz, but they're still alive to us. It's good for the country to have something like Hero Street to inspire young people."

Soliz' brother Tony, who served in the Navy and now runs a barbershop, lost his neighborhood pals, John Muños and Joseph Gomez, in Korea. He still has the last two letters he wrote to them. Both envelopes were returned in 1951 marked "Verified Deceased." "I was out to sea when I got those letters back and I just broke down," says Tony. An earlier letter, dated Aug. 13, 1951, which Muños wrote him from Korea, is poignantly unhappy. "Them bastards didn't waste too much time getting me to this lousy hole. . . . This place isn't fit for a dog. . . . Right now we're here on the front lines." Muños was killed 14 days later.

Among all the heroes of Hero Street, none showed more bravery in action than Joseph Gomez. Having served in Germany after World War II, Gomez was called from the Reserves to go to Korea in September 1950. There, a gallant self-sacrifice on May 17, 1951 earned him a posthumous Silver Star. His Army citation notes: "During a counterattack launched by his company, Private Gomez, with complete disregard for his own safety, assaulted enemy positions in the face of point-blank small-arms and automatic-weapons fire. In a final assault under intense enemy fire, he fiercely charged the enemy with fixed bayonet, repulsing him with heavy losses and clearing the position." His stomach and chest riddled with Chinese bullets, Gomez died 11 days later.

"I always wondered why there was war and a lot of dying and a lot of suffering," says his daughter, Linda Diaz, 34, who was 15 months old when he died and is now a mother of three living in Port Byron, Ill. "I can understand how our people feel about losing these boys because of the war the way it was. But war is futile, and it hasn't proved anything by our boys getting killed." A Jehovah's Witness, Linda believes in pacifism and would like to leave her father's death behind. But Joe Terronez is lobbying to get a Medal of Honor for Gomez. Hero Street's fallen sons would have appreciated Terronez' campaign to honor their home block. As Claro Soliz put it in a letter home before he died, "The street is really not much, just mud and ruts, but right now to me it is the greatest street in the world."●

LYNN SINGER SPEECH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. KEMP. Mr. Speaker, the International Parliamentary Group for Human Rights in the Soviet Union held its first meeting in Paris on May 26. My good friend, Lynn Singer, of the Union of Councils for Soviet Jewry addressed the meeting on the status of Jews in the Soviet Union.

Many of our colleagues in the House and Senate are members of IPG and will find her remarks to be of particular interest. But all of us who believe in human rights will find her comments to be relevant and timely.

Lynn Singer Speech

As president of the Union of Councils for Soviet Jews, I am here to acquaint the International Parliamentary Group for Human Rights in the Soviet Union with the problem of Soviet Jewry and to recommend for your consideration concrete action to resolve this vital human rights issue.

Let me begin my analysis of Soviet Jewry with reference to the international agreements upon which the right to emigration and family reunification is based. The Universal Declaration on Human Rights states that everyone has the right to leave any country, including his own. The Helsinki accords affirm that the presentation of an application concerning family reunification will not modify the rights and obligations of the applicant or members of his family.

The Soviet Union is a signatory to the Universal Declaration and to the Helsinki accords. As such, the Soviet Union has undertaken to apply these international standards of behavior to its human rights policy for Soviet Jews. Equally, concerned citizens and parliamentarians are entitled to hold the Soviet Union accountable for its performance in implementing these agreements, as we hold our own nations accountable for their performance.

In the area of Jewish emigration, the performance by the Soviet Union has been abysmal and contrary to the letter and the spirit of the Helsinki accords. Since 1979, Jewish emigration for the Soviet Union has declined 98%, to the point where the current monthly average is at its lowest level in nearly two decades. Concomitant with this statistical downturn has been the creation of an environment for Soviet Jews which is paralleled in its deprivation of freedom only by the horrors of Stalinist Russia or Nazi Germany.

Every Soviet Jew applying to emigrate most have an invitation from a relative in Israel. Since 1968, more than 600,000 of these invitations have been requested by Soviet Jews. However, only 264,000 Soviet Jews have emigrated from the Soviet Union. Thus, there are more than 300,000 Soviet Jews who are denied the right to emigrate by the Soviet Union.

Accompanying the denial of emigration is the attempt by the Soviet Government to obliterate all traces of Jewish cultural identity. Although the Soviet Constitution guarantees the right of national minorities to cultural, religious and linguistic expression, Soviet Jews are effectively prohibited from exercising this right. The Hebrew language is officially forbidden, in terms of both instruction and the dissemination of materials. There are only 55 functioning synagogues in the Soviet Union to serve a Jewish population estimated at 2½ million. Furthermore, there are no seminaries for the training of rabbis, making the continuation of religious instruction and services an impossibility. The result of this officially sanctioned cultural genocide has been to drive Soviet Jews into underground seminars in order to retain their remaining vestiges of cultural identity.

The most disturbing aspect of the Soviet treatment of Jews has been the alarming increase in officially-sponsored anti-Jewish campaigns, in 1983, the Anti-Zionist Committee of the Soviet Public was formed, under the leadership of a nominally Jewish general, David Dragunsky. This committee has been the guiding force behind a campaign against Jews which resembles the most abhorrent characteristics of the Nazi regime. To cite two statements made by the vice-chairman of the committee, Samuel Zivs, "The Jews actively cooperated with the Gestapo during World War II," and, "The Israeli Government Employs former SS officers in the training program for its Army." Such seemingly ludicrous assertions have had a chilling effect on those Jews seeking to emigrate, because they have contributed to the isolation of Jews within Soviet society.

This social ostracism extends to the most basic aspects of everyday life. For most Soviet Jews applying to emigrate the immediate effect of their application is the loss of employment in their chosen profession. Such firings are particularly damaging in the Soviet Union, not only because of the reduction in income but also because anyone who is not gainfully employed can face criminal charges of parasitism, with the possibility of a one-year prison sentence.

Another fact of life in the Soviet Jew's existence is the denial of educational opportunity. There are strict quotas on Jewish admission to universities, and entrance examinations given to Jews are considerably more difficult than those given to other students. To cite one example, Andrei Sakharov solved a mathematics problem given to Jewish students on the Moscow State University entrance examination in two hours—the Jewish students were asked to solve the problem in twenty minutes.

Related to the loss of livelihood and educational opportunity is another effort to destroy careers—the revocation of academic degrees. Soviet Jews refused emigration visas had advanced degrees taken away in absentia by committees established at their former places of work. Only after protests from colleagues and governments in the West was this incidious and illegal practice halted by the Soviet authorities.

These then are the conditions under which the Jews of the Soviet Union must live. The denial of emigration, the denial of educational opportunity, the ostracism at the workplace, the specter of virulent anti-semitism, the denial of cultural and religious identity, and the threat of arrest and imprisonment—all are commonplace in the Soviet Union today if you are a Soviet Jew.

As the International Parliamentary Group conducts its deliberations, the nature of Soviet human rights performance is eloquently and tragically underlined by the events surrounding the fate of Andrei Sakharov. Dr. Sakharov is known to all of us for his heroic efforts to defend human rights and human decency in the Soviet Union, and no group is more cogniscent of this than the Jews of the Soviet Union. At great personal risk, Dr. Sakharov has publicly defended imprisoned Soviet Jews, such as Anatoly Shcharansky and Ida Nudel. His work in uncovering discrimination against Jews in universities and in the scientific community is well known to all of us engaged in the struggle for the freedom of Soviet Jews. That he now must literally commit suicide to attain the basic rights for which he has fought illustrates how much remains to be done to achieve the promise of the Helsinki accords.

There is a critical need to find a solution to the problem of Soviet Jewry before it is too late. In the view of my organization, the International Parliamentary Group for Human Rights in the Soviet Union is uniquely positioned to have a practical and positive effect on the plight of Soviet Jews.

An outstanding achievement of the Helsinki process has been the degree to which Western governments have been united in their concern for human rights in the Soviet Union. The Soviet Union's flagrant disregard of its Helsinki obligations has only strengthened the resolve of the West to call attention to Soviet performance and to demand Soviet accountability for implementing the Helsinki guarantees. IPG can build on this momentum by its actions, with the result that Jewish emigration from the Soviet Union can again become a significant achievement of our shared commitment to the Helsinki ideals.

Given the current alarming situation for Soviet Jews, I believe there are practical steps which IPG can take to return a climate of hope among those whose lives depend upon our efforts.

First, Soviet authorities in every Western country must be made aware that continued neglect of human rights pledges is unacceptable. This can be done through a variety of means: letters and telegrams to Soviet embassies, petitions on individual cases, and direct personal contact. Such action in the short-term can halt the worsening situation, and in the long-term can achieve results as Soviet representatives realize that the Soviet Jewry issue will not disappear in a time of cool bilateral and multilateral relations.

Second, parliamentarians should undertake to evaluate Soviet performance first-hand through missions to the Soviet Union. There is no substitute for viewing the position of Soviet Jewry than through the eyes of Soviet Jews themselves.

Third, the virulence of the Kremlin's anti-Jewish campaign must be challenged at every opportunity. The anti-Zionist Committee is but the latest effort by the Soviet Union to test the limits of Western resolve on this issue. The U.S.S.R. must be confronted with the knowledge that continued official sanctioning of such hate campaigns will serve to isolate the Kremlin as an irresponsible and illegitimate member of the International community.

Fourth, there must be action in the area of the free flow of information, denying Soviet Jews the right to correspondence and telephone communication with the West and with each other violates the spirit of the Helsinki accords and the letter of the International Postal Convention. No society can be hermetically sealed from exposure to ideas and cultures. The problem of radio jamming of Western broadcasts and the limitation on access to Western publications makes a mockery of the Soviet Union's pledges under Basket III of the Helsinki Final Act.

Fifth, artificial obstacles within the emigration process itself must be removed. Such restrictions as the first-degree relative rule for invitations (which define family as meaning only parents and children, not for example brothers and sisters), the requirement that new invitations are necessary for each application, that access by an applicant to supposed state secrets can delay the granting of visas for ten years or more, that applicants may not receive any answer for up to three years, and that applicants face the immediate loss of employment and career opportunities are all contrary to the Soviet Union's Helsinki commitments. There must be concerted effort to make the visa application process accessible and efficient for all those seeking family reunification.

Sixth, Western governments themselves must continue to work closely together in monitoring Soviet performance and acting in the all too frequent cases of Soviet abuses. Parliamentarians can be an essential catalyst in this effort by calling attention to the Soviet Jewry problem in meetings within their own governments. There can be no clearer demonstration of public support for human rights concerns than through the support given by directly elected representatives of the Western body politic.

Seventh, contact with Soviet parliamentarians can reinforce the commitment of Western legislators to the human rights issue. As Soviet representatives stress the necessity of coming to grips with the issue of nuclear weapons, so must [illegible] members stress that human rights performance is a measure of how reliable Soviet pledges are.

Finally, there must be realism and consistency in the overall strategy developed for improving the human rights of Soviet Jews. At the present rate of emigration, it will take 300 years to enable those Soviet Jews who have expressed a desire for emigration to have that desire fulfilled. Too often, there is a sense that the outlook is hopelessly pessimistic, or that given time the Soviet Union will eventually yield to our demands. However, the U.S.S.R. approaches this problem with a belief that time will eventually provide acceptance by the West of any outrageous Soviet policy. For IPG, this means that actions should be measured according to the gravity of the conditions being faced by Soviet Jews. At present, the situation is at its lowest point in many years, and we must be prepared to accept continued setbacks until such time as the Soviet Union realizes that our concern is permanent and unchanging, regardless of short-term successes and failures.

This conference is in my view a turning point in the struggle for Soviet Jewish freedom. Your presence here indicates your concern, but more importantly conveys your imagination in finding new solutions to an age-old problem. Those for whom you are fighting look to you for leadership and for hope in a critical time. I know that you will not retreat from your resolve and will be remembered for raising a united voice in support of the only real measure of any society's value—the committment to human dignity and human freedom.

Thank you.●

KISS YOUR JELLYBEANS GOODBYE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mrs. **BOXER.** Mr. Speaker, I am pleased to submit into the Record today the lyrics of a song written by Ms. Harmony Grisman and sung by Sweet Irene and the Jellybeans, a group of children from the Sixth District of California.

"Kiss Your Jellybeans Goodbye" is the title of the song, and while the lyrics are simple and direct, the message is powerful and one which we cannot afford to ignore. Certainly, children have a right to grow up in a world free from the fear of nuclear war and it is our responsibility to guarantee them the right.

Mr. Speaker, it is clear that children have strong feelings about a secure and peaceful future. They are helping to change our world into a healthier place for all living things. It is high time we join Sweet Irene and the Jellybeans in spreading their message so that no one will have to kiss their jellybeans goodbye.

The lyrics of the song follow:

KISS YOUR JELLYBEANS GOODBYE

O Mr. Reagan won't you listen to me
I'd like a chance to live
I don't want my world irradiated or blown
to bits!
There's gonna have to be some changes
I'll tell you the reason why . . .
If you don't stop building nuclear bombs,
You can kiss your jellybeans goodbye!

Chorus:
Kiss your jellybeans goodbye
Kiss your jellybeans goodbye
If you don't stop building nuclear bombs,
You can kiss your jellybeans goodbye!

I really love this planet
And that's the reason why . . .
I say, Stop building those nuclear bombs
Or you can kiss your jellybeans goodbye!

Chorus:
Kiss your jellybeans goodbye
Kiss your jellybeans goodbye
If you don't stop building nuclear bombs,
You can kiss your jellybeans goodbye!

I've heard there's people hungry
With children just like me
Because you take all our money
And give it to the military

Chorus:
Kiss your jellybeans goodbye
Kiss your jellybeans goodbye
If you don't stop building nuclear bombs,
You can kiss your jellybeans goodbye!—

HARMONY GRISMAN.●

INDEPENDENT BANKING PRESERVATION ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. **VENTO.** Mr. Speaker, the Independent Banking Preservation Act has received the strong support of small and community banks in Minnesota and across the country. The following statement of support was prepared by the executive board of the Independent Bankers Association of Minnesota and has been endorsed by the executive councils of the Illinois, Louisiana, Colorado, and South Dakota Independent Bankers Associations. In addition, resolutions of support for this legislation are currently pending before several other State organizations. The importance of this statement is that it provides Members of Congress with a concise description of the concerns held by small bankers regarding the future structure of the financial industry, as well as the reasons for their support of my legislation.

This statement of support is important for several other reasons as well. First, it demonstrates the support of independent, community and small bankers for legislation which would close the nonbank bank and South Dakota loopholes. Second, it demonstrates that many bankers recognize the validity of our Nation's traditional separation of banking and commerce activities. Finally, this statement demonstrates that many bankers are opposed to granting new asset powers to banks. Many members of the banking community have realized that it is likely that these new powers will be used almost solely by the largest money center banks.

Mr. Speaker, although I cannot agree with every concern raised in the following statement, I am pleased that independent bankers have indicated their support for the efforts of Chairman St Germain, Representative Wylie, myself and others who have cosponsored H.R. 5734. The legislation I am introducing today uses H.R. 5734 as a starting point, and provides what I consider essential further legislative action to insure the safety and soundness of our Nation's financial structure.

Mr. Speaker, I insert the statement of support prepared by the Independent Association of Minnesota for the Independent Banking Preservation Act in the Record at this point:

STATEMENT OF SUPPORT, INDEPENDENT BANKING PRESERVATION ACT

We are a group of concerned community bankers who believe that the changes in the banking and financial markets sanctioned by Federal and State regulators should be reexamined.

Up to 1980, America had a decentralized banking system with thousands of institutions across the entire country providing services needed by local communities and businesses. It was a system carefully developed by the American political system to assure that economic power did not become unduly concentrated. The system allowed chartering by both state and federal authorities, prohibited banking (deposit taking) across state boundaries, and separated banking from most other kinds of commerce, most particularly securities underwriting.

The result was a creative and innovative financial system that promoted the most vigorous and powerful economy in the world. Because of the many financial service organizations that existed in this country, the financial market place was rich and varied.

Starting in 1980, the legal structure upon which this system was founded began to come apart. The legislative changes adopted to meet the challenge of inflation and protect savings and loan associations, as well as the deregulation of certain interest bearing accounts, created uncertainty and opportunity for banks and other financial institutions. If the process had stopped there, we would not be concerned today.

But together with these formal changes, there have been a variety of informal, regulatory policy changes that have made banking and financial regulation, in the words of Business Week commentator G. David Wallace, appear "ridiculous."

We have a law against interstate banking; but the Bank of America has 375 offices in 40 states; Citicorp has 444 in 39 states; Manufacturers Hanover has 478 offices in 30 states; Citicorp owns savings and loan associations in California, Illinois and Florida which take deposits and make commercial loans; and the U.S. Trust Corporation of New York converted its Florida trust office into a bank that takes deposits and makes consumer loans and dozens of large bank holding companies have rushed to make application for similar interstate operations.

We have a law against combinations of banks with non financial institutions but Sears, Roebuck & Company owns a savings and loan, a stock broker, an insurance company and a real estate brokerage firm. Thirty-two securities firms own nonbank banks—including such major firms as E. F. Hutton, Prudential, Shearson, Merrill Lynch.

This ridicule of banking regulation didn't have to happen. In fact over the past 50 years, no federal regulator in either party believed that he could blink at the law, the rules or the legislative history and thus give away the financial store to his rich and powerful friends on Wall Street. We used to believe in this country that public policy choices were made by elected officials after reviewing competing legislative proposals. In the recent rush to remake the banking system, Congressional deliberation has been as welcome as the plague.

In the past few years, we have witnessed the development of the 1980s version of the spoils system. Under the guise of having to approve combinations because of "loopholes," the banking regulators have refused to even contest the most outrageous requests by big banks, big corporations and big securities firms. Today's loopholes are financial blackholes that threaten to consume our financial universe.

We think it is important to reestablish the banking regulations principles that served so well in the past. We agree with Chairman Volcker that banking has a unique place in our economic system. Banks, and only banks, are the key participants in the payment system. Banks, and only banks, have the capacity to expand and contract the money supply. Banks, and only banks, are protected by Federal deposit insurance. In its control of money (the accepted medium of exchange for all other goods and services) banking has power which no other service sector possesses.

Our choice in the past was for an efficient capital market with fair availability of credit based on financial decisions exercised within the territory served. While our nation obviously needs some large banks, and large banks have developed under our regulatory system, the further concentration of financial resources in nationwide financial and nonfinancial corporations is definitely not needed. And make no mistake, concentration will be the result of the current regulatory inaction.

As stated by the Conference of State Bank Supervisors, the issue is whether our nation will retain a diverse, multiple-institutional, locally-owned and controlled system which because of these characteristics is sensitive to the needs of the many and diverse economic areas of the nation.

The financial services sector is already dangerously concentrated. In 1983, the top 50 commercial banks control 59.8 percent of total bank assets. In 1972 there were 112 commercial banks with assets over $1 billion. By 1982 their number had more than doubled—to 265 such banks. The growth in assets in the very largest banks was even more spectacular, rising over 300 percent from 1972 to 1982.

Banking is unique in yet another way—the usual economic prescription for increasing competition is to reduce barriers to entry. Such an action in regard to banks will have the opposite effect. In States which have allowed intrastate branching, we have seen the largest banks in the states acquiring key banks in local markets thus concentrating economic power within the state.

If interstate banking restrictions are gutted, we will see the largest banks acquiring key banks in regional and local markets. While many large bank holding companies have positioned themselves for interstate banking by filing applications for nonbank banks, many others, such as the Wachovia Corporation, acknowledge that they plan to conduct interstate banking by acquiring banks in other states.

These acquired banks will be the banks in the largest population centers, with the greatest potential for growth and expansion, and with market values of their stock well below book value. This process is already underway.

This will result in fewer institutions of larger size leading to greater practical barriers to new competitors and to greater difficulties for small and medium businesses in arranging suitable credit to finance their operations.

Large size in financial institutions does not mean increased efficiency in providing the public with banking services, although it does lead to competitive advantages, the chief of which is the increased likelihood that it will not fail, or more importantly will not be allowed to fail. A high concentration of banking resources in a few giant nationwide organizations will inevitably result in increased government interest in their survival, bringing additional government regulation in the public interest and removing them even further from market penalties for poor decisions.

Just as it proved impossible for the Federal government to allow large industrial firms to fail, it will be unacceptable public policy that a national megabank should fail.

The outlook for independent, community banks worsens if the intermingling of financial institutions with retailers and stock brokers continues—whether by allowing Sears and E. F. Hutton to own savings and loans or by allowing Citibank to underwrite revenue bonds and corporate securities. Securities brokerage, for example, is even more highly concentrated than banking. In 1977 the top 25 brokerage firms earned 60% of the commission revenues earned by the entire industry. The top 5 investment banks handled 44% of all advised private placements in 1975 and 1976. During the decade from 1968 to 1977, the number of investment banks that handled new issues of revenue bonds decreased from 470 to approximately 370. Combinations of financial and nonfinancial corporations will result in less competition and more concentration.

Concerned community bankers have a legislative agenda that is embodied in the Independent Banking Preservation Act. We give high priority, as does Chairman Volcker, to ending nonbank proliferation. Title I of our bill amends the definition of bank in the Bank Holding Company Act so that its protections and obligations will cover all similarly situated entities. We provide that a bank is an institution insured by the FDIC, eligible for such insurance or engaged in taking deposits and making commercial loans.

Another priority objective is complete and consistent regulation of savings and loan holding companies. Our banks have accepted the reality of competition from savings and loans in our communities after the Congress made them "bank-like." Thus while many people say that there are too many banks, under the new law we now have 4,000 new banks. We have found that we can live with this competition if they continue to put their assets in mortgage loans and related investments. While most savings and loans are still in the home loan business, they now have power and opportunity to develop an asset profile that is no different than most independent banks. However, their holding companies are not regulated like bank holding companies, particularly with regard to interstate branching and tie ins with a whole variety of non financial business operations.

Title I of our legislation adds to the definition of bank by providing that a savings and loan which fails to devote a significant portion of its assets to residential mortgages or related investments will be treated as a bank.

Title II of our legislation amends the Bank Holding Company Act to require that savings and loan holding companies which become subject to the Bank Holding Company Act because the assets of their savings and loan subsidiary are not substantially invested in home mortgage related investments will have to divest their nonfinancial activities.

A related problem which undermines restrictions on interstate banking and promotes financial concentration is the distressing and increasingly more frequent practice of Federal regulators approving emergency acquisitions of troubled financial institutions by extremely large, out of state financial institutions. Within the past year, Citibank has acquired ownership and control of deposit taking institutions in California, Illinois and Florida. The first such acquisition last year was initially hedged around with conditions, but within a month those restrictions were lifted.

Title III of our legislation amends various provisions of the Federal Deposit Insurance Act, the National Housing Act, and the Federal Credit Union Act to prohibit "emergency" mergers involving the 50 largest banks or bank holding companies. The fact that in particular instances the bid of a large bank may result in a premium purchase price doesn't begin to compensate for the damage to the banking system by interstate concentration. Title III also requires divestiture of such acquisitions approved after January 1, 1983.

In the regulatory turmoil of the financial markets in the past few years, some state legislators and state regulators have moved to undermine interstate banking restrictions in order to give their state chartered institutions a momentary advantage in financial markets or merely to create jobs within that state by attracting out of state financial conglomerates. Whatever the motivation, and the job creation rationale has been mostly illusory, independent community banks—both nationally chartered and state chartered—are placed at a severe disadvantage.

Titles IV and V of our legislation deal with these uncoordinated, destructive state actions. Title IV amends the Bank Holding Company Act to delete state authority to approve acquisitions by out of state bank holding companies. This will effectively halt the growing proliferation of regional banking compacts. Interstate banking, whether regional or nationwide, has no fair place in our financial marketplace. Title V cures what has become known as the South Dakota problem—chartering state banks and giving them powers not normally possessed by financial institutions so long as they exercise these powers outside South Dakota.

Finally, as to the issue of concentration, our legislation addresses the competitive problem arising from a nationwide financial institution's ability to drive up rates on interest bearing deposits beyond those prevailing in the local market and finance its losses by profits in other geographical areas. Title VI prohibits predatory rate practices for the purpose of destroying competition in local financial markets.

Recent years have also witnessed a growing number of approvals for domestic operations of foreign banks. The Comptroller has granted Federal branch and agency authority despite local opposition if the State does not specifically prevent foreign intrusion into its financial markets. Title VII of our legislation makes two significant changes in the International Banking Act. First, the Comptroller may not approve foreign bank operations unless State law explicitly allows foreign bank operations so that the nonexistence of a prohibition is not taken as approval. Second, the Comptroller may not approve foreign operations even if a State law specifically allows it, if the home country of the foreign bank does not make equivalent concessions to United States banking institutions.

There are two other points on our legislative agenda, but these have much less priority than the preceding 7 titles of our legislation. The first is contained in Title VIII of our legislation which would authorize small banks under $100 million in total assets to exercise bank holding company powers without actually forming a separate corporation. This authority would require notice to the Federal Reserve, but not the lengthy process now required.

The second is contained in the final title (this title has been deleted from the bill introduced today, as indicated in the accompanying remarks) of our legislation which gives small bank holding companies, having $50 million in assets or less the authority to engage in real estate brokerage activities. Unlike the vast array of powers now being proposed for bank holding companies, the limited authority to broker real estate may be of some value to independent community banks. Where a State will allow real estate brokerage licenses to be held by banks, it will involve very little investment or risk to small banks to engage in these activities. Because State banking authorities often allow state banks to engage in real estate brokerage, it should be considered as an additional power for small national banks.

The vast array of new powers being proposed in other legislation for bank holding companies are wholly impractical for small banks. They are undesirable for the economy as a whole and would only tend to increase the already excessive power and concentration of money center banks.

The Independent Banking Preservation Act is our prescription for a healthy banking system in the United States. If its provisions are not enacted, our nation will go down the road towards bigger banks and financial concentration. This will force small banks out of business and will be unfair not just to their owners and investors but more significantly to the communities they serve.●

A LATIN AMERICAN STATESMAN'S VIEWS ON CENTRAL AMERICA AND THE DEBT CRISIS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BARNES. Mr. Speaker, recently the former President of Venezuela, Carlos Andres Perez, visited the Congress to share with us his views and concerns with respect to the situation in Central America and the debt crisis in Latin America.

President Perez followed up his visit with a letter which sums up what he describes as "the viewpoint of a Latin American democratic political leader" on these issues. There is a great deal of wisdom in this short but elegant statement. I hope all my colleagues will take the time to read it carefully.

The statement follows:

CARACAS, *Mayo 15, 1984.*

Hon. MICHAEL D. BARNES,
Cannon House Office Building,
Washington, DC.

During the course of my last visit to the U.S., where I was invited by the Commission on U.S.-Central American Relations, I have attempted to convey, as clearly as I could, the view point of a Latin American democratic political leader. We, in the southern part of this hemisphere, are confronted with two critical problems: Central America and the foreign debt on which the U.S. policies and the Latin American perceptions seemed to be rapidly drifting into a terrain of profound lack of understanding in spite of the identity of our common goals.

In Central America, what is ultimately at stake, is not only the outcome of framing the crisis in the context of a confrontation between East and West, but the exaggerated and dangerous military build-up which will inevitably lead towards a wider regional conflict with extremely negative implications for the hemispheric relations. In spite of the characteristics and magnitude of the drama, we are convinced that the Contadora Group approach is not only the sole sensible course of action that ought to be put to a test and implemented, but being as it is a Latin American view point of an essentially Latin American conflict, the U.S. should be supportive, not just in words but in deeds, of the Contadora's twenty one points. I am convinced that a further military escalation reduces the opportunity for a negotiated solution and increases the probability of a regional war into which the U.S. will be inevitably drawn. Beyond expectations of the outcome and its consequential cost in the further loss of human lives and suffering, lies the fact that neither the U.S. nor the region nor Latin America will emerge from such an absurd probability as victors. Democracy, peace, stability and progress seldom call for such tragic means and even if they were deemed to be the inevitable course of action, they could only be justified once the proposed peaceful solutions have proved to be a failure.

In as far as the debt issue is concerned, there is no single country that wishes to renege its obligations, but in the context of the present conditions and the economic policies recommended by the International Monetary Fund, the magnitude and structure of our financial commitments make it virtually impossible for us to service our debts without destroying the economic and social progress of our countries. Right now, the recent increase in interest rates and the expectations of future increases are already generating impatient reactions among the principal Latin American governments. Let us face facts. Our solidarity should be expressed and the best assurance is to demonstrate that we are prepared to overcome this crisis and reach an understanding with regard to our debts and development financial needs. The international financial community and both the governments of the creditor and debtor countries should work together. We must avoid a deadlock at all costs. The dynamic role that developing countries, and particularly Latin American economies, have increasingly played over the last decade must continue to insure a sustained reactivation of economic growth and world trade. This is essential for the stability of relations among us and for the strengthening of democracy in our countries.

One last word. The thrust of democratic processes in our region have seldom been as widespread and as promising as they are today. It would be unforgivable to allow this historic opportunity to be thwarted by any of the problems we now confront.

I am confident that you will ponder on these issues and hopefully bring to bear your own opinion for a better understanding of how Latin Americans view the problems we face together.

Again, I like to thank you for the very interesting and productive meeting in Washington.

CARLOS ANDRES PEREZ.●

JUVENILE JUSTICE, RUNAWAY YOUTH, AND MISSING CHILDREN'S ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. MILLER of California. Mr. Speaker, I am very pleased that H.R. 4971, the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, has been passed by the House.

In particular, I am pleased that H.R. 4971 specifically addresses the very timely issue of missing children.

In any given year, nearly 1.8 million children in the United States are reported missing. Most of these children are runaways. We don't know how many others are abducted by their parents—some estimates are as high as 50,000 a year—but we do know the problem is growing. Nor do we have solid data on how many children are criminally abducted. But whatever their number, these are often the most tragic cases of all.

H.R. 4971 creates a National Bureau of Missing Children which will establish a national hotline to report and receive information about missing children. The Bureau will also give grants

to States to develop effective models for locating missing children and to prevent their abduction.

Members of the Select Committee on Children, Youth, and Families have heard firsthand the human stories behind the statistics. As our first year-end report showed, youth are in crisis to a degree and extent not before seen in our communities. Directors of runaway shelters have told us they are seeing ever greater numbers of youth seeking crisis care. In New Orleans, a shelter director testified that in 1982 alone, her agency experienced a 12-percent increase in the numbers of youth using the shelter. In Niagara Falls, NY, Family Services reported serving in the first 3 months of 1983, twice as many runaway youth as during the first 3 months of 1982. An Ames, Iowa, shelter administrator told the committee that her agency is not only seeing more runaway youth, but that more of them have drug and alcohol problems, and have been abused at home.

Both runaway youth and delinquent youth often come from troubled homes and troubled communities. At a recent hearing, members heard from juvenile court judges, youth program administrators, and troubled young people themselves about the need for community-based alternatives to incarceration. Intervention to identify children at risk early in their lives, before problems grow too complex and remedies too expensive, was strongly recommended.

H.R. 4971 strengthens a key provision in the original Juvenile Justice Act, to insure that juveniles are not locked up in adult jails and prisons. Committee members learned directly the importance of this provision. Many troubled youth are still languishing in adult lockups where they are often victimized. The committee learned that in New York State some 3,000 youths are in jails and prisons. In Florida, members learned that in 1981-82, more than 700 juveniles are in adult jails—40 percent of whom were 16 years old or younger.

Fortunately, in our first year we also learned of dozens of successful youth intervention programs, which deterred them from delinquent behavior, early parenthood, and serious emotional problems.

It is because these successful workable alternatives exist, that I wholeheartedly endorse H.R. 4971. Helping States better track missing children, and allowing funds for prevention programs so that communities and parents can better protect themselves from ever having to face the problem in the first place, is exactly the right approach to take at this time.●

THE UNKNOWN SOLDIER: WHERE ARE OUR OTHER 2,500 AMERICANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. GILMAN. Mr. Speaker, Memorial Day, 1984, marked a significant milestone in our Nation's history as we laid to rest the Unknown Soldier from the Vietnam war. At Arlington Cemetery, all eyes were turned to this ceremony which links the Unknown Soldier from Vietnam to his brothers from World War I and II and the Korean war. Rarely has so much emotion been poured forth a public ceremony, as Americans from all over the Nation gathered and rememered the sacrifices made by those killed, wounded, and still missing in Southeast Asia.

As the Unknown Soldier took his proper place in history, many of us wondered what effect the interment of the unknown will have on our painful and continuing quest for our missing in action; 2,500 Americans remain unaccounted for in Vietnam, and our efforts have spanned a decade during which time we have met with frustration, discouragement, and many unanswered questions. Our relationship with the Vietnamese has not been conducive to a full and final accounting of our missing, and we have many hurdles to scale in our long and painful vigil.

However, it is essential that the book not be closed on our missing Americans—by our Government leaders. President Reagan's leadership with regard to the POW/MIA issue has been outstanding, and the members of the House Task Force on American Prisoners and Missing in Southeast Asia urged him to use the Unknown Soldier ceremony as an opportunity to tell the American people that there was still much more to be done if we were to bring home our missing Americans. I would like to submit for the Record a copy of the President's remarks at the tomb ceremony as well as his remarks from the rotunda of the Capitol the Friday before Memorial Day. God willing, we will all continue to search for our missing and prisoners, and one day all will be home to join their brother, the Unknown Soldier.

REMARKS OF THE PRESIDENT AT MEMORIAL DAY CEREMONY HONORING VIETNAM UNKNOWN SOLDIER; ARLINGTON NATIONAL CEMETERY

The PRESIDENT. My fellow Americans, Memorial Day is a day of ceremonies and speeches. Throughout America today, we honor the dead of our wars. We recall their valor and their sacrifices. We remember they gave their lives so that others might live.

We're also gathered here for a special event; the national funeral for an unknown soldier who will today join the heroes of three other wars.

When he spoke at a ceremony at Gettysburg in 1863, President Lincoln reminded us that through their deeds, the dead had spoken more eloquently for themselves than any of the living ever could, and that we living could only honor them by re-dedicating ourselves to the cause for which they so willingly gave a last full measure of devotion.

Well, this is especially so today, for in our minds and hearts is the memory of Vietnam and all that that conflict meant for those who sacrificed on the field of battle and for their loved ones who suffered here at home.

Not long ago when a memorial was dedicated here in Washington to our Vietnam veterans, the events surrounding that dedication were a stirring reminder of America's resilience, of how our nation could learn and grow and transcend the tragedies of the past.

During the dedication ceremonies, the rolls of those who died and are still missing were read for three days in a candlelight ceremony at the National Cathedral. And the veterans of Vietnam who were never welcomed home with speeches and bands, but who were never defeated in battle and were heroes as surely as any who have ever fought in a noble cause, staged their own parade on Constitution Avenue. As America watched them, some in wheelchairs, all of them proud, there was a feeling that this nation, as a nation, we were coming together again and that we had, at long last, welcomed the boys home.

"A lot of healing went on," said one combat veteran who helped organize support for the memorial. And, then, there was this newspaper account that appeared after the ceremonies. I'd like to read it to you. "Yesterday, crowds returned to the Memorial. Among them was Herbie Petit a machinist and former Marine from New Orleans. 'Last night,' he said, standing near the wall, 'I went out to dinner with some other ex-Marines. There was also a group of college students in the restaurant. We started talking to each other. And before we left, they stood up and cheered us. The whole week,' Petit said, his eyes red, 'it was worth it just for that.' "

It has been worth it. We Americans have learned to listen to each other and to trust each other again. We've learned that government owes the people an explanation and needs their support for its actions at home and abroad. And we have learned, and I pray this time for good, the most valuable lesson of all—the preciousness of human freedom.

It has been a lesson relearned not just by Americans but by all the people of the world. Yet, while the experience of Vietnam has given us a stark lesson that ultimately must move the conscience of the world, we must remember that we cannot today, as much as some might want to, close this chapter in our history, for the war in Southeast Asia still haunts a small but brave group of Americans—the families of those still missing in the Vietnam conflict.

They live day and night with uncertainty, with an emptiness, with a void that we cannot fathom. Today, some sit among you. Their feelings are a mixture of pride and fear. They're proud of their sons or husbands, fathers or brothers who bravely and nobly answered the call of their country. But some of them fear that this ceremony writes a final chapter, leaving those they love forgotten.

Well, today, then, one way to honor those who served or may still be serving in Vietnam is to gather here and rededicate ourselves to securing the answers for the families of those missing in action. I ask the members of Congress, the leaders of veterans groups and the citizens of an entire nation present or listening to give these families your help and your support, for they still sacrifice and suffer.

Vietnam is not over for them. They cannot rest until they know the fate of those they loved and watched march off to serve their country. Our dedication to their cause must be strengthened with these events today. We write no last chapters. We close no books. We put away no final memories. An end to America's involvement in Vietnam cannot come before we've achieved the fullest possible accounting of those missing in action. (Applause.)

This can ony happen when their families know with certainty that this nation discharged her duty to those who served nobly and well. Today, a united people call upon Hanoi with one voice: Heal the sorest wound of this conflict, return our sons to America, end the grief of those who are innocent and undeserving of any retribution. The Unknown Soldier who is returned to us today and whom we lay to rest is symbolic of all our missing sons and we will present him with the Congressional Medal of Honor, the highest military decoration that we can bestow.

About him we may well wonder, as others have. As a child, did he play on some street in a great American city? Or did he work beside his father on a farm out in America's heartland? Did he marry? Did he have children? Did he look expectantly to return to a bride?

We'll never know the answer to these questions about his life. We do know, though, why he died. He saw the horrors of war, but bravely faced them—certain his cause, and his country's cause was a noble one. That he was fighting for human dignity, for free men everywhere. Today we pause to embrace him and all who served us so well in a war whose end offered no parades, no flags, and so little thanks.

We can be worthy of the values and ideals for which our sons sacrificed—worthy of their courage in the face of a fear that few of us will ever experience—by honoring their commitment and devotion to duty and country. Many veterans of Vietnam still serve in the armed forces, work in our offices, on our farms, and in our factories. Most have kept their experiences private. But most have been strengthened by their call to duty.

A grateful nation opens her heart today in gratitude for their sacrifice, for their courage, and for their noble service. Let us, if we must, debate the lessons learned at some other time. Today, we simply say with pride, thank you dear son. May God cradle you in His loving arms.

We present to you our nation's highest award, the Congressional Medal of Honor, for service above and beyond the call of duty—in action with the enemy during the Vietnam era.

Thank you.

Remarks of the President at Ceremony for Vietnam Unknown Soldier, the Rotunda, the Capitol, Washington, DC

The President. An American hero has returned home.

We may not know of this man's life, but we know of his character. We may not know his name, but we know his courage. He is the heart, the spirit, and the soul of America.

Today, a grateful nation mourns the death of an unknown serviceman of the Vietnam conflict. This young American understood that freedom is never more than one generation away from extinction. He may not have wanted to be a hero, but there is a need—in the Iron Triangle, off Yankee Station, at Khe Sanh, over the Red River Valley.

He accepted his mission and did his duty. And his honest patriotism overwhelms us. We understand the meaning of his sacrifice and those of his comrades yet to return.

This American hero may not need us, but surely we need him. In Longfellow's words:

So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.

We must not be blind to the light that he left behind. Our path must be worthy of his trust. And we must not betray his love of country. It's up to us to protect the proud heritage now in our hands, and to live in peace as bravely as he died in war.

On this day, as we honor our unknown serviceman, we pray to Almighty God for His mercy. And we pray for the wisdom that this hero be America's last unknown.●

AIRLINE EMPLOYEE PROTECTION ACT OF 1984

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. MILLER of California. Mr. Speaker, today with four of my colleagues, I am introducing the Airline Employee Protection Act of 1984. The act is designed to protect the rights of employees whose economic security is being unfairly endangered by the current upheaval in the airline industry.

Since its inception in 1978, airline deregulation has drastically changed the structure of the entire airline industry. New, independent airlines have sprung up almost overnight throughout the country offering low fares and no frills for their customers, and no unions for their employees. Some older, more established carriers accustomed to Government control, have restructured to compete with the new market entrants.

This restructuring has taken several forms. Airlines such as Continental, chose the bankruptcy courts. Others, such as Frontier, established new nonunion subsidiaries. Still others including Transamerica, the Nation's largest charter airline, have purchased old, unused certificates to create new carriers. Under current law, many of these transactions are regulated by the Civil Aeronautics Board (CAB) to protect the rights of all of the parties, including employees.

Under section 408 of the Federal Aviation Act, the CAB in the past has imposed labor protections, known as Allegheny-Mohawk protections, as a condition for approving mergers and acquisitions. Such protections often included seniority and compensation rights to protect workers in a turbulent industry.

Recently however, the CAB has been reluctant to continue those protections. In January of this year, in the Frontier Airlines case, the Board claimed that corporate reorganization was not their "regulatory concern in this deregulated era."

On December 31, 1984, the CAB will cease to exist. Yesterday the House adopted legislation transferring authority to oversee airline mergers and acquisitions to the Department of Transportation (DOT) until January 1, 1989. The Committee on Public Works and Transportation recently indicated its expectation that the DOT will continue to impose essential labor protections (House Report 98-793 at page 11):

> In administering Section 408 of the Act CAB has imposed labor protective provisions, known as the Allegheny-Mohawk conditions, as a condition to its approval of many mergers and other Section 408 transactions. These conditions have been imposed in all recent mergers of carriers operating large (more than 60 seats) aircraft. The Committee expects the DOT will continue to impose labor protective conditions and to consider the interests of industry employees when evaluating the public interest under Section 102(a)(3).

Airline employees are justifiably uncomfortable, however, in relying merely on "expectations" to protect their job rights in view of the Board's recent reluctance to maintain traditional labor protections.

The bill that I am introducing today provides that assurance. This legislation requires that in cases of acquisitions and mergers, an airline and its employees must negotiate worker seniority rights. In cases of corporate restructuring, such as Frontier and Transamerica, the current work force would maintain its seniority by virtue of a single seniority list. Should the parties fail to agree, they can then choose an arbitrator or some other mutually agreed upon method to resolve their differences.

The bill represents a first step. There are others that we may wish to take. Seniority is not the sole employee protection contained in the Allegheny-Mohawk case. There are forms of restructuring other than merger and acquisition for which it may be necessary to impose these protections. This is, however, an important step, for it insures that current employees will be protected in the new airline industry. Under this bill, they will be at the head of the carriers' employment line, not at the end of the Government's unemployment line.

H.R. 5785

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That (a) title IV of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"PROTECTION OF EMPLOYEES IN CASES OF CONSOLIDATION, MERGER, OR ACQUISITION OF CONTROL

"SEC. 420. In any case in which two or more air carriers consolidate or merge their properties into one person for the ownership, management, or operation of the properties previously in separate ownership, or where any air carrier or person controlling an air carrier acquires control in any manner whatsoever of any air carrier, such air carriers shall provide the following protection for employees:

"(1) Insofar as the consolidation, merger, or acquisition affects the seniority rights of the carriers' employees, provisions shall be made for the integration of seniority lists in a fair and equitable manner or for a single seniority lists in a fair and equitable manner or for a single seniority list, where applicable, including agreement through collective bargaining between the carriers and the representatives of the employees affected, where applicable. In the event of failure to agree, the dispute may be submitted by either party for adjustment in accordance with paragraph (2) of this subsection.

"(2)(A) Any dispute or controversy with respect to the requirements of paragraph (1) of this subsection which cannot be settled by the parties within 20 days after the controversy arises may be referred by any party to an arbitrator selected from a panel of seven names furnished by the National Mediation Board for consideration and determination. The parties shall select the arbitrator from such panel by alternatively striking names until only one remains and he shall serve as arbitrator. A decision shall be rendered within 90 days after the controversy arises, unless an extension of time is mutually agreeable to all parties. The salary and expenses of the arbitrator shall be paid equally by the carrier or carriers and (i) the organization or organizations representing the employee or employees, or (ii) if unrepresented, the employee or employees or groups of employees. The decision of the arbitrator shall be final and binding on the parties.

"(B) Subparagraph (A) of this paragraph shall not apply if the parties by mutual agreement determine that an alternative method for dispute settlement or an alternative procedure for selection of an arbitrator is appropriate in their particular dispute. No party shall be excused from complying with subparagraph (A) by reason of having suggested an alternative method of procedure unless and until that alternative method or procedure shall have been agreed to by all the parties.".

(b) That portion of the table of contents which appears under the center heading:

"TITLE IV—AIR CARRIER ECONOMIC REGULATION"

is amended by adding at the end thereof:

"Sec. 420. Protection of employees in cases of consolidation, merger, or acquisition of control."

SEC. 2. Section 416(b) of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new paragraph:

"(8) The Board shall not exempt any air carrier from any provision of section 420 of this title, except for any air carrier operating only aircraft having a maximum passenger capacity of fewer than 60 passengers or a maximum payload capacity of less than 18,000 pounds.".

SEC. 3. The amendments made by this Act shall apply to any consolidation or merger of the properties of two or more air carriers, and to any acquisition of control in any manner whatsoever of any air carrier, occurring on or after January 1, 1984.●

SPRINGFIELD'S GARRY BROWN

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BOLAND. Mr. Speaker, there are some people whose accomplishments and reputation are of such a magnitude as to almost defy written description. Former Boston Red Sox captain Carl Yastrzemski is such a person. Many have tried, but few have come close to capturing on paper his truly amazing baseball career.

Yaz retired at the end of the 1983 season. During that year literally hundreds of articles were written describing his many contributions to the city of Boston and the game of baseball. Some of the best journalists in the business including Thomas Boswell of the Washington Post, Steve Caddy of the New York Times, and Bud Collins and Mike Barnicle of the Boston Globe wrote columns on the special bond that existed between Yaz, the Red Sox, and their fans.

The Sporting News will soon publish a collection entitled "Best Sports Stories—1984." Within that volume will appear one article on Yaz; one article chosen from all those written about him in his last season. I am pleased to inform my colleagues that that article, "Fans Face Shock of Sox Without Yaz," was written by Garry Brown, the sports editor of the Springfield, Mass., Sunday Republican/Morning Union. I have admired Garry's work for years; he is a talented writer with a gift for describing sports events in such a way as to make readers feel that they are a part of the action. His column, "The Morning Line," has been a staple for sports enthusiasts in western Massachusetts since 1966 and I want to congratulate him on the richly deserved national recognition which his piece on Carl Yastrzemski has earned for him.

Mr. Speaker, I want to share Garry's award-winning column, which appeared on October 3, 1983, with my colleagues and ask that it appear at this point in the RECORD.

FANS FACE SHOCK

(By Garry Brown)

BOSTON.—To understand the impact of Carl Yastrzemski's baseball career, one simply has to consider the thousands of people who have never known the Boston Red Sox without him.

Let us assume, for instance, that the earliest a person can get hooked on baseball is at age 6 or 7. That means this country is populated by thousands of baseball fans age 28 or under who cannot envision a Red Sox team without Yaz.

If you want to carry it further and assume that most baseball fans get hooked on the game around the age of 10 or 12, you can add thousands of folks up to 34 who have never known baseball without No. 8 playing for the Red Sox.

Therefore, the trauma will be deep and lasting when Yaz plays Game No. 3,308 today—the final one in a 23-season career which began on April 11, 1961.

That last at-bat will be an emotional experience for him, and it will be something of a culture shock to those thousands who have come to think that Yastrzemski has always played for the Red Sox and always will.

These children of the Yaz era knew him before they knew the Beatles, and he outlasted them by 13 years. They knew Yastrzemski before Bob Dylan told them that the times they were a-changin'. The times did change, but Yastrzemski didn't. He was always there, the bat dangling loosely as he awaited the pitch. The hard eyes staring out at that adversary on the mound. The vicious, all-out swing so often producing drama and excitement.

These children of the '50s and '60s knew Yaz before they knew the Rolling Stones. Long before Woodstock, there was Yaz, playing left field and swinging his heart out for the Red Sox.

As the 34-and-unders grew up through the tumultuous '60s and war-torn '70s, they always knew they could rely on him. They lost John F. Kennedy and they couldn't count on Richard Nixon, but they knew that Yaz would not let them down. And if they had the slightest doubt about that, he reassured them in 1967 and 1975. No. 8 was there, doing the job and doing it right. If the game-winning hit or rally-killing throw were needed, they looked to No. 8 and he delivered.

There have, of course, been greater ballplayers than Yastrzemski. Egad, Ty Cobb hit .367 for 22 years. Hank Aaron and Babe Ruth hit a lot more homers than Yastrzemski, and No. 9 looked a lot better at the plate than No. 8 ever could. Joe DiMaggio played the outfield better. Willie Mays ran the bases better and Al Kaline looked better throwing the ball.

None of this matters to the people who grew up with Yaz as their left fielder. Sure, they know Williams must have been great. They know about Aaron's and Ruth's home run records and DiMaggio's hitting streak. They respect the careers of Willie Mays and Al Kaline. But, in their eyes, Yaz is above and beyond them all, because he has been theirs for a lifetime. They love him, because when it became fashionable to jump from club to club, he did not leave them. He was no baseball vagabond. He stayed with them, in one place and in one uniform. They could always count on No. 8.

They love him, too, because they know it was not all that easy for him. They know about the all-winter workouts. They know that he had to sweat and strain to remain in the game. They know he had to tinker constantly with his swing to offset the advancing years.

Mostly, though they love him because they knew he always gave them an honest effort. He brought to baseball what the Polish immigrants brought to this country—a deep-seated work ethic, a willingness to sacrifice, a desire to excel, a day's work for a day's pay.

They love him, too, because they know how much he loved what he was doing. How could they want him to leave? They know he wanted one more pennant, one World Series ring.

So now, they know he has to go. They are here this weekend to cheer, and maybe shed a tear. That is the case with Michael Toscano, and 18-year-old U Mass student from Revere. He was at the gate early Saturday, waiting for a look at his hero.

"I've loved the guy since I was 10 years old," he said. "He's the greatest player in the history of the American League."

Don't argue. Don't try to talk to them about other eras and other heroes. The children of the '60s and '70s are losing theirs. The times they are a-changin'.●

ST. CLOUD CHILDREN'S FILM PROJECT

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. STANGELAND. Mr. Speaker, I am inserting an article which appeared in the St. Cloud Visitor. This article tells of a children's film project being produced in St. Cloud, MN. This is aimed at creating films suitable for viewing by the children of our Nation. I urge my colleagues to read this article.

PRODUCING QUALITY FILMS FOR CHILDREN: A STRUGGLE FOR VALUES AND DECENCY

(By Rosemary Borgert)

"Millions of people are concerned about decency and the quality of media. But if you want to change the way television is happening in America today, you have to take it in hand and do something about it yourself."

This is the philosophy of Dr. James Gambone, a St. Paul filmmaker and educator who is presently directing the St. Cloud Children's Film Project. Dr. Cambone—more familiarly known as Jim—is one of the Midwest's leading independent film producers. He has many commercial and public television programs to his credit as well as several award-winning documentaries, including *Agent Orange: A story of dignity and doubt* with Martin Sheen.

Project Coordinator Mrs. Gabrielle Scully of St. Cloud, wife and mother of two daughters ages 7 and 10, shares with Jim the urgency of providing an alternative to television programs which she says are "technically extremely good" but "intellectually very poor."

A native Egyptian, Gabrielle was not exposed to television until she came to this country at age 16 to pursue graduate studies in international relations. It was then that she realized the power of television on adults as well as children particularly.

"I believe it is important for a project like this to be specifically directed towards children because they get affected mentally, intellectually and of course emotionally by viewing so many hours a week of television."

Jim maintains there are a lot of people who are upset with the way the media treat people. He initiated the film project in St. Cloud in recent months "predicated on the basis that parents are concerned about the quality of children's television programming, and their lack of input into values that go into these programs." He notes that "the film-making medium has been traditionally controlled by big-budgeted Hollywood style executives."

The finished St. Cloud project will be a 28-minute quality dramatic film specifically for children between the ages of 6 and 11. There will be an accompanying 30-minute documentary that details how the film is produced.

The film will be owned by the St. Cloud community, the first of its kind in the country. Story ideas were submitted by citizens; a citizens committee selected the winner; and large numbers of citizens will appear in the film.

The title of the film is The St. Cloud Sleep. The winning story idea was submitted by Laura Kundrat, mother of two younger children. The plot she submitted has been developed by professional screenwriters.

Financial support for the project will come from the people. The over-all budget is $74,000—"the coffee and rolls budget for a major film-producing company," according to Jim. To date about $14,000 has been raised. In order to keep the projected schedule for shooting the film in June, it is crucial to raise $25,000 in the next few weeks, Jim emphasized.

Gabrielle maintains that life for her and her husband would be a lot easier if they did not have to constantly argue with their children about what they can and cannot see on TV.

Gabrielle wonders why movie producers can't come up with films that are "completely clean for children to see." She wonders too why films like Annie and others that are intended for children have to be rated PG. She wonders why there is need to accompany her children to such movies—which she does.

The St. Cloud Children's Film Project is an attempt to produce a model of how parents, educators and business people can have input in producing a film that reflects community norms and values, Jim said. What is being done in St. Cloud, he continued, can be replicated in any other community in the country, about any concern people might have, whether it be children's television, farm foreclosure, waste dumps and pollution.

St. Cloud residents were invited to be as creative as possible in submitting story ideas for the children's project. However, the ideas could not include violence, racism or sexism. "It had to be an uplifting story that treated children in a positive light," Jim said. A total of 75 ideas were submitted.

To encourage interest in the project and to help in surfacing talent for the film Jim directed a series of four acting workshops for children. They were attended by 140 young people and an additional number of adults.

"This will be the first publicly owned, publicly produced dramatic film for children ever done in this country," Jim said. "And it's risky. We don't know really whether it's going to work because we have to depend on the community to come through with support for the project in as many different ways as that's defined."

The Great River Regional Library will possess the film in the name of the community and will handle its distribution as well. Jim expects that "hundreds of thousands, and possibly millions" of people will see the film through the various channels of distribution.

The project has already attracted national and international publicity because of its uniqueness.

Financing the project is perhaps the most difficult and the most critical at this time. Jim and Gabrielle both point out that organizations which generally give money to more traditional projects are reluctant to give to the St. Cloud Children's Film Project because it is unique.

"This may not be a traditional project," Jim counters. "But if you look into history it's the people who take risks and try something different that come up successful."

Jim suggests that "people who are concerned about decency on television and in films should be supporting this project in whatever way they can because that's what this project is all about. We're saying that we can't rely on the government to do this for us; we can't rely on FCC regulations. If people want to make television and movies decent then they have to do it themselves."

Gabrielle invites people to "come and see what we're doing." She is sure that people will be convinced that "we're running a professional outfit," and that it is well worth supporting if you will come visit and inquire about our work." Further information about the project and contributions can be sent to the office at 22 South 5 Avenue, St. Cloud MN 56301; telephone (612) 255-0677. Tax deductible contributions can be made payable to Children's Film GRRL.

The lack of good children's programs in the media comes down to one basic issue, Jim says: "Bucks."

He maintains that "you do not make money producing quality programs. The networks aren't interested in 'good' programs ideas." Jim notes that even Walt Disney Productions has shifted its target audiences to the 13 to 19 year age group, and is now producing PG-rated films with "sexual innuendos."

He claims that the "biggest moneymakers in the industry today are pornography films."

If you are a person with principles you don't make a lot of money in filmmaking, Jim adds. "Part of my heritage is to sacrifice and struggle and try to come up with something a little bit better." He is a product of 16 years of Catholic education in his native Pittsburgh area. He did doctoral studies at the University of New Mexico in Albuquerque.

"Society today is directed towards quashing people who have principles and values. And how do you face a network like CBS that made $219 million in profits last year?

"What we're doing is creating a mechanism that people can do something about.

Both Jim and Gabrielle are committed to the project. "We're principled people. Even if we don't get the support we'll struggle and try to do the best we can."

But this is a chance to make a bit of a stand. "We need your help," they say strongly.

Community film projects of this kind are not money makers for the professional producer. But Jim would like to be able to make his livelihood in this way. "It's in my interest to be successful with the St. Cloud Children's Film Project. If we could get a number of these projects going throughout the State of Minnesota as well as across the country I could make a decent living as a producer of quality television programs for children.

"That would be fine with me. I'd love to do that. If I was out to make big money as a producer I'd be doing something entirely different. I wouldn't be doing this, that's for sure."

If the projected budget is raised Jim's salary for the one-year St. Cloud project could be $14,000—which would average out to be about $2.75 per hour given the amount of time he puts in on the project.

Gabrielle's salary is partially paid by the government-sponsored MEED program.●

FLOWERS INDUSTRIES IS A STORY ABOUT THIS NATION

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. FUQUA. Mr. Speaker, Flowers Industries is a story about America. It is a story of a company that has grown because of a quality product and dedicated management and employees.

A great deal of my interest in this corporation comes from my admiration for Amos R. McMullian, chief executive officer, who like myself, was raised in a small west Florida town. He was born near Two Egg and I was raised in Altha. Both of us owe more to that background and the people of the Jackson-Calhoun area than we can every repay.

Recently an article appeared in the Tallahassee Democrat written by Wayne Harris, who completed the story leaving the paper. That article which appeared on Sunday, May 27, 1984, bears repeating and I am inserting it in the CONGRESSIONAL RECORD as a tribute to Mr. McMullian, the Flowers family, and the great family of employees which make this a truly remarkable story about private initiative and this magnificent free enterprise system which is so uniquely American.

MAKING BREAD: FAMILY IS THE KEY TO FLOWERS RECIPE

(By Wayne Harris)

THOMASVILLE, GA.—Inside a massive, pale green building, just beyond the railroad tracks that define, more or less, the eastern edge of downtown Thomasville, Ga., there's a whole lotta baking going on.

Tons of flour from an outbuilding daily pour through an opening in the second-story roof, cascading into the immaculate, funnel-shaped maw of a giant sifter—about 12 feet high—that looks sturdy enough to mix concrete.

That's the beginning of a complex array of piping, megamixers, outsize ovens, serpentine conveyer belts and ingenious packaging machines that turns out finished bread products at the rate of 7,800 pounds an hour.

Nearly 400 employees work in the 105,000-square-foot Thomasville plant, just one of 19 in Flowers Industries Inc.'s baked-foods division (plus 12 in its snack and convenience-foods divisions). Together, the plants form a still-growing "reciprocal baking" system that has steadily escalated the 75-year-old company from a family-owned bakery into a Fortune 500 company with 10,000 employees.

The Thomasville plant produces a limited product line—buns, rolls, "batter-whipped" and "old-fashioned" white bread, plus a few specialty breads like the Roman Meal line, which is a franchised label, and the company's Nature's Own line.

These are produced in quantities based strictly on orders received the previous day from wholesale route salespeople and from other Flowers plants within a night's drive of Thomasville.

Other Flowers baked-goods plants also produce limited product lines—again based on orders from wholesale-route salespeople and other plants. Computer-coordinated shipping assures that each plant receives a full product line in time for wholesale distribution the following day.

The result: long, efficient runs at all Flowers plants with a minimum of overproduction and down time.

And trailer trucks, instead of returning home empty, end up hauling baked goods two ways.

Other baking companies have turned to automation and reciprocal baking, but none has proven as masterful as Flowers at fine-tuning the process for maximum efficiency.

The company has turned a profit every year since going public 16 years ago, and has shown an increase in those profits in every year except 1975.

According to Forbes magazine's most recent survey of American industry, published in January, that performance made Flowers the third most profitable specialized-food company in the country over the past five years. Only Kellogg Corp. and Hershey Foods returned more, in terms of dividends and capital appreciation, to their shareholders.

For half a century the chief architect of this achievement was William H. Flowers Jr. He took over the business at age 20 in the middle of the Great Depression when his father died of a heart attack in 1934.

Flowers retired at the end of 1983, leaving his brother Langdon S. Flowers as chairman.

Langdon S. Flowers Jr., son of the chairman, is an executive vice president in the snack-foods division, and three Flowers in-laws hold executive positions in the company, while family members still own about 35 percent of the company's stock.

But Flowers has never been run as a typical family business. Outside talent has played a critical role in the company's success, and after Flowers retired, non-family members were promoted to the top two executive positions in the company. Chief Executive Officer Amos R. McMullian was made vice chairman of the board, and Frederick E. Cooper was named president.

In fact, according to Milling & Baking News, a respected industry magazine, a management-succession program initiated at Flowers in 1976 has created one of the youngest top-level management teams ever to head a wholesale baking company. The average age of the top four executives under Langdon S. Flowers is 43. Most of the team has worked together for about 20 years.

The dean of that management team is McMullian. A Jackson County native born "near Two Egg," the 46-year-old McMullian joined the then privately held company in 1963, when annual sales were $8 million—a far cry from the $522 million the company achieved in fiscal 1983.

McMullian, a business graduate of Florida State University, was hired as the company's assistant controller. But his first assignment was serving as a liaison between a computer supplier and the various divisions that were to use the new computers.

The assignment simultaneously gave McMullian a primer in the economies to be achieved through computerization and automation, and an understanding of the operational needs of all of Flowers' divisions.

He is an amiable but intense man whose rapid-fire thought process sometimes drives his Southern-inflected speech up to New York subway speeds.

McMullian is quick to point out that automation per se is only part of the key to Flowers' success.

"There's a difference between automation and efficiency," he said. "You can spend a lot of money to put in a state-of-the-art piece of equipment, but it might not improve efficiency. It has to be running to do you some good."

Flowers promotes efficiency, said McMullian, by centralizing overall corporate strategy but leaving operational decisions to plant managers.

Plant managers are given broad goals but are left to deal independently with the day-to-day problems of the local labor force and market. Those who succeed are rewarded for performance with cash and company-stock incentives. Payoffs on the stock plans come every four years, tying plant managers' well-being to the longer-term success of the company.

That decentralization lets Flowers keep its corporate staff lean. Only 80 people—less than one percent of the company's total work force—work out of the colonial-plantation-style building on the outskirts of Thomasville that serve as Flowers's corporate headquarters.

Below the management level, the corporate staff tries hard to make Flowers' employees feel a part of the extended "Flowers family."

Perhaps the most visible evidence fo that effort is a biweekly, 8- to 10-minute videotape. It's produced by a professional video-production company, Video Communications of Tallahassee, under the supervision of Marta R. Jones, Flowers' corporate-communications director.

A recent tape began with McMullian passing along corporate news to Flowers employees.

The scene shifted quickly to Flowers' Stilwell, Okla., vegetable-processing plant, where the plant manager was given just enough time to provide an overview of plant operations.

Most of the rest of the tape was devoted to interviews with workers themselves; in fact, the final interview on the Stilwell segment was not with the plant manager but the plant's cook.

In a final segment, McMullian reappeared and thanked Flowers workers for their dedication and hard work as he walked through the idyllic woods that surround the Thomasville headquarters.

The tape undoubtedly would not play well in a union hall in Peoria. But most of Flowers' plants remain in small to medium-size cities in the South, fertile ground for the homespun "Flowers' family" approach to corporate culture.

Flowers' attention to detail from the production line to the supermarket recently earned the corporation a spot in a regional honor roll developed by the Federal Reserve Bank of Atlanta. Flowers was one of 22 companies included in the regional Fed's recent studies of the best-managed companies in the Southeast.

The value of that total approach to Flowers' bottom line is not lost on McMullian, who noted that "without productivity increases, there can be no increase in the standard of living."

And he added, with even more intensity than usual: "I'll tell you what the Marine Corps taught me—that attitude is a weapon."

For all McMullian's operational acumen, however, Flowers Industries did not crack the Fortune 500 by virtue of efficiency alone; the company has been an aggressive acquirer of other baking and specialty-foods companies.

Acquisitions have been largely the province of Cooper, who was promoted to president after W.H. Flowers' retirement.

A Thomasville native who grew up in South Carolina, the 41-year-old Cooper joined Flowers in 1973 as "a one-man legal department."

His legal background has served Cooper in good stead: The company's penchant for buying out the plants of its less efficient competitors made it the object of an investigation, and ultimately an antitrust suit, by the Federal Trade Commission.

The 10-year dispute finally was settled out of court last November. Under terms of the agreement, Flowers will sell plants in Gadsden, Ala., and High Point, N.C. The company also must seek FTC approval for acquisition of any bread-baking operations beyond a specified size within 200 miles of existing Flowers bread-baking facilities.

In operations not involving bread products, Flowers is free to acquire what it can persuade other operators to sell.

"We finally prevailed upon the FTC" to view Flowers as a regional company competing in a national economy, McMullian noted dryly. "But so far it's accrued more to the benefit of the Socals, the Gulfs and the Texacos than to Flowers Industries."

Even before the settlement, Flowers had expanded its bread-baking operations as far west as Texas, and shortly afterward the company acquired a snack-food operation in Michigan. It also has diversified into the frozen-fruit and vegetable markets.

With the suit behind it, both McMullian and Cooper say, the company will continue to expand and diversify.

"We'll stay with what we know," McMullian said—"food generally, and particularly snack foods."

Asked to identify specific acquisition targets, both men just laughed.

Said Cooper: "We wouldn't want our competition to read about it in the Tallahassee Democrat."●

DRUG USE IS DRUG ABUSE

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. FEIGHAN. Mr. Speaker, I was struck this week by an article in the paper about Bob Woodward's new book, "Wired," which tells the story of John Belushi—the brilliant comedian who snuffed out his life with cocaine. One reaction to the book, it said, was regret that Belushi's story was not written by someone in the drug culture. He does not tell the story that drugs can be fun, was the response.

It is nearly impossible for me to understand how someone can harbor that sentiment after the ordeal described in the book. But it is symptomatic, I believe, of the spreading belief that recreational drug use, if illegal, is still somehow acceptable. And this undercurrent is the foundation of an $80 billion a year drug business that is corrupting our youth and crippling our communities.

Gus Matzorkis has captured the insidious effect of our casual attitude to the illegal use of narcotics in his article "Drug Use Is the Problem." I commend his insightful analysis to all of my colleagues:

DRUG USE IS THE PROBLEM

(By Gus Matzorkis)

What a bonus was handed to sellers of illicit drugs and to nonchalant advocates of drug use when "drug abuse" replaced "drug use" in our language and thinking. Originally having served some useful purpose when clearly used to distinguish between illicit use of street drugs and legal use of prescription drugs, "drug abuse" now rolls off tongue, typewriter, and word processor so automatically and indiscriminately that the implication has taken hold that our drug problems lie in the way illicit drugs are used rather than in the fact that they are used at all. That change of one word from use to abuse has made a modest but real contribution to the growing normalization of illegal drug consumption.

Now we even deal with the fact of children in school using drugs in terms of thoughts and emotions which are shaped a certain way by the suggestion that only some such drug use amounts to noteworthy drug abuse. Drug problems in schools and in the lives of young people, then, are supposedly caused by certain drugs being used in certain ways and beyond a certain extent, not by the use of drugs as such.

Newspaper and television reports of drug crackdowns in a school focus our attention more on how often and how much of what is smoked or popped or sniffed or injected or drunk than to what formerly would have been thought to be the point: that students in that school are, flatly, using illicit drugs. Earnest and well-meaning drug counselors in community clinics and on youth trouble phone lines often conceive the problem of psychologically or physiologically addicted youngsters as being a problem of unwise use of drugs, of use at too early an age, of use of the wrong drugs, or of overuse of drugs—rarely of drug use, period. So when the counselors themselves turn out to be past or present users (but, of course, not abusers) of drugs, hardly an eyebrow is raised.

We live in a public atmosphere flavored by unchallenged, very fashionable insider joking and by very cool, casual talk on television and in movies about nothing-to-get-excited-about use (not abuse) of drugs. No longer limited to special-appeal, screened-access outlets like cable TV and X-rated films, casual drug use has moved into the mainstream. From the lightsome pot smoking scene in the altogether uncontroversial "Nine To Five" movie of a few seasons ago to the cocaine sniffing and pill popping in Academy Award nominee "The Big Chill" this past season, the movie houses of America play their dual role as both reflectors and influencers of drug use normalization. Television reflects and influences, too, from soap operas to talk shows, daytime and nighttime, perfectly in keeping with the logical consequences of a people verbally conditioned to perceive abuse, not use, as the drug problem of our times. The same pattern persists in revelations about drug use by professional athletes, and only very rarely do we see a flat-out statement that use of drugs is the unhealthy, worrisome development. When Jim Brown, the star running back who retired from pro football in the late 1960's, recently focused criticism on use of drugs by today's pros, he sounded faintly old fashioned.

We do see depictions of drug problems, of course, in films and TV and professional athletics, but these are almost always presented as problems of overdoing, not of doing.

The insistent message has made its clear and influential imprint on the national consciousness: some use of some drugs some of the time is perfectly normal and is, in any event, unavoidable. A further implication is gaining ground fast: "unabusive" use of drugs is not only all right, but actually is somehow praiseworthy and a kind of model of the new levelheadedness, the new responsibility, the new maturity.

So we look on and listen helplessly as the verbal violations go on and on, giving us drug dealers for the now quaint and square sounding drug pushers, and further giving it to us and to our language with "recreational drugs," "burned out," "crashing out," and the already aging "that's a downer," "a great high," and "bum trip." Before long we all start to talk and think like this: breezy, light-toned, very casual, nothing-to-get-uptight-about, and in the process involuntarily contribute to the spreading sense of respectability and normalization of much drug use.

Words are powerful. Even in this age of the pervasive pictorial image, the power of the written and spoken word remains potent. Our action or inaction, and our thinking about social, political, and family matters are influenced to a remarkable degree by the particular words which become the commonly accepted way of referring to concepts or movements or values. In many situations, words can put one-sided limits on thought and feeling with respect to important issues, sometimes causing uncertainty and confusion which would not otherwise exist. "Drug abuse" has done such harm, and continues to.

We live in a time of timid and very qualified criticism of drug use itself, of enormously profitable trafficking in drugs, of a sense of resignation and near helplessness in nonuser parents and other concerned observers of drug consumption, of celebrities using drugs and sometimes being involved in the lucrative commerce in drugs. Changes in verbal fashions are only one strand in this unfolding history, but an important and sometimes prophetic strand.●

TRIBUTE TO CHIEF T.C. TISDON

HON. BUDDY ROEMER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. ROEMER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues in the House of Representatives a remarkable man who has devoted almost 30 years of his life to law enforcement and public safety in Shreveport, LA.

T.C. Tisdon joined the Shreveport Police Department back in January

1956. Since then, his hard work and dedication to the law enforcement profession have won him several important and ground-breaking promotions in the department. Along the way, he also earned two college degrees and attended numerous law enforcement schools, including the Law Enforcement Development Instructors School and the FBI Uniform Crime Reporting Training School.

Earlier this year, Mayor John Hussey accepted a recommendation from Police Chief Cliff Heap and appointed Mr. Tisdon assistant chief of police, making him the first black man to hold that important position in the department.

In recognition of his latest promotion and his outstanding law enforcement career, fellow officers will be honoring Chief Tisdon at a special banquet in Shreveport on June 19. Such a tribute is well-deserved; there is no doubt about it. I would just like to add my congratulations and my thanks to Chief Tisdon for his hard work in helping make Shreveport a safer and a better place to live.●

THE GEORGE FOREMAN SCHOLARSHIP IN JOURNALISM

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DAUB. Mr. Speaker, in my home State of Nebraska, there is considerable pride taken in the fact that we love our sports, but we also make sure that our college and university athletes graduate with more than a letter on sweaters to show for being on campus. We always rank high in academic all-Americans, and this is no accident as a great deal of effort is expended to make this so.

A few weeks ago, there was an example of how we go about this: The award of the first George Foreman Scholarship in Journalism to a young lady named Holly Ashmore who is a sophomore taking journalism broadcasting courses. She is also a sprinter on our remarkable University of Nebraska-Lincoln women's track team.

The scholarship has been established and endowed to be given annually to minority athletes encouraging them to take writing, public speaking, and broadcasting courses which will extend their competition-won eminence into a career field and is a gift of two alumni, Colonel Barney and Mrs. Vada Oldfield of Beverly Hills, CA.

It takes its direction from the fact that former Olympic gold medalist (1968) George Foreman, who became world boxing champion in 1973 and lost the crown in 1974, was hired by ABC Sports as a commentator. It is this after-life of the athlete when the crowd has stopped roaring that the scholarship will help.

It is also a story of a remarkable friendship between people, recently covered by an article in the Omaha World Herald. It is a touching and beautiful recount of how one thing can lead to another when a ghetto kid on a disaster heading toward a life of crime, and a country kid who attended the University of Nebraska and could never forget what it meant to him—find themselves on a collision course. I commend it to the attention of my colleagues:

JOURNALISM SCHOLARSHIP AT UNL: GEORGE FOREMAN'S NAME LIVES ON IN EDUCATION

(By Col. Barney Oldfield)

The murderous right hand of George Foreman that pulverized the face of Soviet boxer Ionnas Chepulis in the Mexico City Olympic Games of 1968 has reached out with a $2,000 grant in his name to a University of Nebraska-Lincoln journalism student.

The first winner is Holly Ashmore, a sophomore from Des Moines who is a member of the talented Cornhusker women's track team, and who has aspirations to be the first member of her family to earn a university degree.

Miss Ashmore is majoring in broadcast journalism. The presentation of this first annual award will be made during the school of journalism's J-Week activities, Tuesday through Saturday.

Sixteen years ago, in Mexico City, that right hand, and an equally lethal left jab, not only earned one more U.S. Gold Medal, it also signaled that a new world boxing champion was on the way.

George Foreman, a 19-year-old slum kid and ghetto no-account, scored a technical knockout over Chepulis. The Soviet veteran, 29, stood there spattered with his own blood. He was groggy and staggering—the technical part being that he was still on his feet.

The next scene is Olympic Games history. Foreman walked to his corner and fumbled with his taped hands in the pocket of his robe. A magical moment was about to imbed itself unforgettably in the memory of all the peoples of the world.

The Mexico City Games were the first to be given to viewers in real time by the help of satellite communications relay. An estimated 500 million human beings, considering that boxing has such wide international appeal, were watching.

I had gone to Mexico City with George, as he was one of 14,500 trainees in an Urban Job Corps Center operated by Litton Industries at an abandoned Air Force base near Pleasanton, Calif.

"Be available to him," Litton founder Charles B. "Tex" Thornton had said to me. "Talk with him when he's troubled or when the pressure is on."

And there at ringside that night, I saw the small American flag materialize in George Foreman's hand. With it held high, he did the traditional bow of the victor in each of the four directions while the noisy audience applauded.

George had everything going for him at that moment. Chepulius, the Soviet contender, had eliminated the Mexican entry to get to the finals—and now George, to the Mexican fight fans, had been cast by them in the role of the avenger. Short of a bull-fight, it had been the best blood-letting clash in a long time.

But what was evolving there, I suddenly realized, was more than a decisive win and a looming Gold Medal. What was born there on that spur-of-the-moment salute was not just another Olympic victory, it was a full-blown inspiration.

Everyone who saw it got his own brand of satisfaction, it was widely interpreted as one black man's rebuttal to the so-called "black power movement" as symbolized by the raised clenched fists of 200-meter sprinters Tommy Smith and John Carlos.

The Emir of Kuwait, who saw it on TV in his hotel suite in Beirut, Lebanon, had recently received an invitation to make a state visit to the United States.

He had been asked to name some people he would like to meet in the East Room of the White House "state dinner." He promptly made up his mind that one person would be this handsome black teen-ager.

President Johnson not only had George come to the White House—but seated him at the VIP table with the Emir so they could talk. And as recently as 1983, in March, when President Reagan spoke in Los Angeles before the U.S. Olympic Committee, he said warmly:

"How can we ever forget the moment when a young man, George Foreman, from an underprivileged background at a time when there was ill feeling . . . and age 30 was a barrier to some in this country . . . when victory was announced . . . stood there in the middle of the ring and suddenly unfurled a small American flag.

"It was a thrill, I think, for everyone in this country. It was in the turbulent '60s. He showed us that whatever divides us, it's not as strong as what keeps us together."

George Foreman had a simple explanation. He was intensely proud of being an American.

Once as punishment at the Job Corps, he had been ordered to dig a big hole in hard and stoney ground. After he'd gotten it to the depth of about five feet, his brow and clothes dripping wet with sweat, he was told what the hole was for—the emplacement of a flagpole for the Job Corps Center.

Having worked off the punishment, he was given the honor of raising the flag the first time. For an alumnus of the "bloody Fifth Ward" of Houston, it was the first time he sensed that he was an integral part of the United States. Up to then this homeland only seemed to tolerate him reluctantly.

In the nearly 7,000 competitors lodged in Mexico City's Olympic Village, which was George's first encounter with a spectrum of all the earth's peoples, he estimated that more than 1,200 of them were black. Even though he had that big "USA" on his ring T-shirt, he said:

"I wanted to be sure that everybody knew I was from the United States, so I brought the flag with me that night."

To those who said he did it to oppose the views of Smith and Carlos, George was quick to correct that impression. "The country I come from," he said earnestly, "is big enough to allow for lots of different opinions. If that's the way they feel, OK. It's not the way I feel."

It was to be my good fortune to share in the excitement that went with being in the George Foreman shadow thereafter.

We went to the White House together. I was at ringside in Jamaica when he bounced "Smokin' Joe" Frazier on the canvas six times and won the heavyweight championship; in Caracas, Venezeula, when he demolished a terrified Ken Norton, and alas, in Kinshasa, in Zaire, when he was sandbagged or "rope-a-doped" by Muhammad Ali in the eighth round and saw the crown pass to another.

Where there had once been retinues and Pied Pipe-like fans fastened to him everywhere he went, George Foreman walked more and more alone.

More than a world title changes hands on such occasions. The loser's world becomes a kind of empty rain barrel containing only echoes of what once was. From then on, he would be cursed with that so small and so disposing prefix which makes such an enormous difference, "ex," as in "ex-champ" and "ex-titleholder."

It did not make him an "ex-human being," however.

In our talks I had always stressed planning for the day when the ring would be behind him. He had considerable leadership potential, had a way with kids; in a way, he could be the biggest kid on the block, and always would be.

His mother, a barber, Mrs. Nancy Ree Foreman, was a religious woman, and it made an impression on George. In fact, that night when he won against Joe Frazier, when he came back to the dressing room he had his longtime friend and trainer, Charles R. "Doc" Broadus, and I help him close the door against everybody—press, fans, staff.

He then went down to the foot of the training table, raised those huge hands to his face, and prayed for nearly five minutes—thanking his God and ticking off the names of everyone who had helped him get there.

Then he let the sportswriters and the others enter. First things first.

Foreman was capable of inspiring, lifting up, giving hope. No matter how low on the pole of life anyone might be that he talked with, Foreman could match experiences with degradation, ugliness, rejection, inhumanity and brutality—and he had ultimately escaped it all with what he said was a late-drawing "four-letter word"—WORK.

Foreman was a high school dropout. He gave up formal schooling in the ninth grade and took to the streets for the basics of what passed for wisdom in his realm.

He was an alcoholic at 10, a street brawler at 11 and a mugger in his middle teens. He deliberately set about to be the meanest man around, and few disputed his right to claim that.

It was this which led Houston police to give him the choice of entering the Job Corps or going to court and probably jail. He had heard two football players he admired—Johnny Unitas and Jim Brown—talking about the Job Corps on a radio public service spot in the pool hall.

If they were for it, it was better than jail, and this had put George and me on our collision course. We have remained friends.

Thus it came to pass that a year ago, during the annual Nebraska Statehood Days celebration in Lincoln, announcement was made at the Distinguished NEBRASKAlander dinner that the Foreman capacity for inspiration would be perpetuated for the foreseeable future—with the establishment of a George Foreman Scholarship in Journalism at the University of Nebraska-Lincoln.

Foreman, the kid who could never go to college himself, will through some minority student surrogate enter the university every year from now on.

Foreman, who had never been in Nebraska until called from his small church in Houston to do the invocation at the dinner in the capitol rotunda, remarked: "I always thought gravity was from somewhere in the center of the earth—but I now know it's here in Nebraska!"

He said he would come up from Houston to make the first award.

When George first left the ghetto, he did not use the language well. He didn't need to. A frown or an intimidating move got things done better than words.

But the night he laid Joe Frazier low in Jamaica, I wrote him a note about how much his life had changed, and that as the champ he would be expected to have sage opinions on any and every subject, so "for your own sake, learn to talk!

"Never fall into that athlete's conversational garbage bin of 'y'knows' and 'I means,' as it marks you down immediately."

With the championship behind him, when ABC-TV Sports Inc. gave him a contract as a "color commentator," it was symphonic music to me, since no one would have hired him to sit in with Howard Cosell unless he could hold his own with words.

Then he became a minister.

The George Foreman Scholarship in Journalism may not necessarily be won by a minority athlete every year, as is Holly Ashmore. But it will always be there to encourage such performers to add to their excellence with writing and broadcasting courses so they can take their credentials into a career field after the crowd stops roaring.

On May 18, 1984, Foreman will become one of this year's 10 Horatio Alger selections at an annual spectacular at the Century-Plaza Hotel in Los Angeles.

He said he knows Horatio Alger wrote make-believe stories about pluck, luck, perseverence, success against great odds, little parables to encourage those for whom the way ahead might be bleak.

"He'd never have had the nerve to pick somebody like me for one of his heroes," Foreman said. "But then, what happened to me wasn't fiction—or so I keep telling myself."

The George Foreman Scholarship in Journalism, fully endowed, will keep reassuring him that it wasn't.●

DEDICATION OF THE DEFENSE INTELLIGENCE ANALYSIS CENTER

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BOLAND. Mr. Speaker, on Wednesday, May 23, I had the privilege of attending the dedication ceremony of the new Defense Intelligence Analysis Center at Bolling Air Force Base here in Washington. The opening of this facility marks a turning point for the Defense Intelligence Agency—a recognition by the Congress, the Defense Establishment, and the rest of the intelligence community that the DIA is a full partner in national intelligence analysis, a truly viable and competitive center of intelligence.

Mr. Speaker, I insert the remarks of Secretary Weinberger marking the occasion of the dedication in the RECORD:

REMARKS OF SECRETARY CASPAR WILLARD WEINBERGER

Distinguished members of Congress, General Williams, ladies and gentlemen; I am honored to have the opportunity to join you on this important occasion for the Defense Department, and indeed for the entire nation. We have come together today to make a very important change to the skyline of our nation's Capital, and to begin a new chapter in the history of one of the finest organizations in our government, the Defense Intelligence Agency.

In dedicating this building—the defense intelligence analysis center—we are taking an important step to strengthen the capability of the United States to obtain the best intelligence available, in peace or war. History has shown time and time again that timely and accurate defense intelligence is critically essential in conflict. But in this era of nuclear weaponry, defense intelligence is also vital to keeping the peace, in maintaining the preparedness that is indispensible to deterring war.

If we are to remain prepared. . . . We must have effective intelligence collection at all levels—strategic, theater and tactical levels. . . . and if we are to have the rapid analysis of that intelligence for both the national decision-maker and the tactical commander in the field—the analysis that helps transform raw intelligence into a useful tool. . . . Then we must provide the necessary tools to those to whom we have entrusted the weighty responsibility of intelligence production. This defense intelligence analysis center will provide those tools to the defense intelligence agency, for it is among the finest, most advanced research and analytical centers in the world.

The planning and construction of the defense intelligence analysis center has been some 20 years in the making. So many in this audience—former directors of DIA, members, former members and staff members of House and Senate committees, and many others—deserve our thanks and praise for their role in making this center a reality. I would like to take this opportunity to thank everyone who has played a part in this effort, and in particular to pay tribute to one who had a great deal to do with this fine building. The late Senator Henry M. Jackson of Washington.

Senator Jackson was a wise and eloquent advocate of strong American defenses and responsive intelligence, and he dedicated his life to attaining those goals. He once wrote: "Free men are engaged in a bitter contest with powerful and resourceful adversaries. The responsibility of America is to defend vital national interests, promote the economic well-being of the nation, and use its power and influence with the good sense that marks a great nation."

Senator Jackson has a clear and deep appreciation that a great nation has to have a strong intelligence capability if it is to use its power and influence wisely in preserving the peace indeed if a great nation is to survive. He saw the need for this new center to support the work of the defense intelligence agency, and as a member of the Senate Armed Services and Intelligence Committees he did what was necessary to fulfill that requirement.

Both as the member of the administration entrusted with the responsibility for maintaining our nation's defenses, and as a long time friend of Senator Jackson, I believe that the nation owes him a great debt of gratitude for his foresight and vision. For I recognize that I could not fulfill my responsibilities without the vital and professional services performed by the defense intelligence agency. And the DIA can not meet the challenges of the future without this center.

Let me take a few minutes to talk about how the center helps bring about this reality. The DIA comprises some 5,000 military and civilian personnel, many of them preeminent experts in their intelligence fields. They work here in Washington and at 91 defense attaché offices around the world. The center allows us to coordinate the work of all those professionals. We can now consolidate some 3,000 personnel from throughout the Washington area in this one building. And from the desk-side terminals of the intelligence analysts in the building, communications links extend to the entire Washington intelligence community, to the unified and specified commands, and to other key installations in the United States and overseas.

The Defense Intelligence Analysis Center brings together for the first time under one roof DIA's basic research personnel, its scientific and technological experts and those who develop our intelligence estimates. A crisis support center in the building permits a fusion of all of these defense intelligence research disciplines to produce timely defense intelligence support both to the national level in Washington and to the operational commander in the field, whenever required—in peacetime, crisis or conflict.

The center will also help us prepare to meet our future intelligence needs. It will be the new home of the Defense Intelligence College, providing the school with modern classrooms, library and research facilities. The college, which offers the nation's only master's degree in strategic intelligence, will then be better able to prepare military and civilian personnel for their assignments in the defense attaché system and throughout the intelligence and national security communities.

These improvements to our defense intelligence capabilities are timely. For today, more than during any other peacetime period, there is a pressing need for the best possible intelligence to assess the challenges posed to the United States and our Allies by the steadily increasing military capabilities of the Soviet Union. Since 1981 DIA has helped prepare the Department of Defense's unclassified reports on the Soviet armed forces, entitled Soviet military power. Those books play an indispensible role in helping to convey to the American public and to free people everywhere the size and nature of the continuing Soviet military buildup.

What do those reports tell us? First, that over the past 20 years the Soviet Union has greatly increased its offensive military capability and has significantly improved its ability to conduct military operations worldwide. Secondly, that the Soviet military buildup is made possible by a national policy that has consistently made military materiel production its highest economic priority.

Consider the evidence. The Soviets continue to modernize their ICBM force as well as their strategic submarines and bombers. New air-, sea-, and ground-launched cruise missiles are nearing deployment. They continue to increase the numbers of deployed SS-20 missiles capable of targeting our Allies in Europe and the Far East. And new, more capable surface warships and attack submarines are entering the Soviet fleet.

The business of monitoring Soviet force capabilities, analyzing their significance—and their implications for U.S. and Allied forces—poses a tremendous intelligence challenge. But the Defense Intelligence Agency, with other members of the U.S. intelligence community, must also monitor how the Soviets are employing those capabilities.

This is particularly difficult in this era of subversion, insurrections, and so-called wars of national liberation when it is not always easy to perceive the source of conflict. For not only are the Soviets involved directly in aggression, as in Afghanistan, but they also are delivering a growing arsenal of weapons to Libya, Cuba, Nicaragua, Vietnam and Syria among others—proxies of the Soviets, involved in conflicts throughout the world. Monitoring the Soviet projection of power and the activity of Soviet surrogates presents an extremely complex challenge for the DIA.

This year, DIA is confronting one of the most difficult aspects of that challenge—mounting a redoubled effort, with the rest of the intelligence community, against the operations of international terrorists. In cooperation with the intelligence services of friendly nations, we are increasing our knowledge and developing networks to track terrorists organizations and to support the training of quick reaction forces assigned to carry the fight against terrorism throughout the world.

We recognize that we cannot succeed alone. If we are to have the best possible intelligence, we must pool our resources and share our knowledge with our friends and Allies. Central to this effort is the work of DIA and other members of the community with our NATO Allies to produce order of battle data, to provide indications and warning assessments, and to plan for effective intelligence support in the event of crisis or conflict. That is the kind of important work that will be conducted in this building.

It is never easy to do such planning—to prepare for the unpleasant possibility of conflict in times of peace. It is fitting to recall the words of Colonel Raynal Bolling for whom this whole base is named. A talented and patriotic American who gave his life in World War I. Colonel Bolling was an outspoken advocate of defense preparedness. Dismayed by the lack of support for our armed forces that he saw in 1916. Bolling said: "It is characteristic of a democracy like ours that people will not face facts. We go on hugging delusions and cherishing shams."

Today, we are facing the facts as a government and as a nation. We have begun rebuilding the defenses necessary to preserve freedom. And we not have this find defense intelligence analysis center to help us to understand the threat we face as we continue our defense program for the future.

And finally we are improving our command, control, communications and intelligence capabilities to insure that we respond to that threat in a timely and appropriate fashion. Only if we demonstrate that we are ready can we be sure of deterring aggression.

The defense intelligence analysis center we dedicate today is firm evidence that America intends to remain prepared. This is an appropriate occasion for us to resolve that we will continue to support the work of the dedicated professionals who will labor here. . . . for us to resolve to heed the words of President Reagan: "Let us never forget that good intelligence saves American lives and protects our freedom."

Thank you.●

THE R&D TAX CREDIT—AN INVESTMENT IN THE FUTURE OF AMERICAN INDUSTRY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. McKINNEY. Mr. Speaker, the recent economic recession and our Nation's burgeoning trade deficit serve as painful reminders that the need for America's basic industries to remain competitive—both at home and abroad—is more pressing than ever before. Some of my colleagues will have the opportunity to enhance America's competitive posture when the House-Senate conference committee begins work this week on a compromise version of the tax bill. The House conferees will consider whether to adopt the Senate's recommendation that the R&D tax credit, currently scheduled to expire next year, should be made a permanent part of our Tax Code.

As a cosponsor of legislation making permanent the R&D tax credit (H.R. 4475) let me call to your attention an article concerning the R&D tax credit authored by Wayne R. Moore, president of Moore Special Tool Co., in Bridgeport, CT. The article, which appeared in a recent edition of American Metal Market, provides an excellent summary of why the credit is so vital to American industry. I am pleased to associate myself with Mr. Moore's comments and hope that my colleagues will take note of his insightful analysis:

PERMANENT TAX CREDITS FOR R&D ARE ESSENTIAL

McLEAN, VA.—Technological preeminence and a reputation for quality are impossible to maintain without investment in basic research and development.

Congress recognized the importance of such investment when, as part of the Economic Recovery Tax Act of 1981, it enacted a tax credit of 25 percent of research and development spending which exceeds a base period amount. The credit is under a "sunset" to expire next year.

However, omnibus tax legislation recently passed by the Senate includes the High Technology Research and Scientific Education Act, which makes the R&D credit permanent and enhances the deduction for corporate donations of state-of-the-art scientific equipment to post-secondary schools.

Currently at issue is whether these provisions should remain in the final version of the tax bill, which now is being hammered out in a House-Senate conference committee.

This legislation sends a strong signal to United States industry—a signal which clearly indicates that the U.S.'s position of technological leadership in the world is a compelling national priority. From the perspective of the machine tool industry, this is a timely signal and one which we are pleased to support.

While the industry has held fairly steady in its R&D expenditures throughout the last decade, in the circumstances we are now facing, particularly in light of last year's precipitous drop in shipments, it is far from clear that this trend will continue.

The result will be a vicious circle in which declines in sales and profits will retard technological advances, causing further declines in sales and profits, with the cycle continuing until the industry has fallen irretrievably behind its foreign competitors.

The risk that the domestic machine tool industry may thus be eclipsed by its foreign competition, as other once-strong U.S. industries already have been, has obvious importance for national security, an implication noted by Sen. Jack Danforth (R., Mo.) when he introduced the R&D tax legislation last year.

It is clear, therefore, that the necessity for R&D investments is greater than ever before. By making the R&D tax credit permanent, this legislation adds a crucial element which is now markedly absent from R&D planning—the element of certainty. With many machine tool companies literally at the crossroads, the certainty of a permanent and substantial R&D tax credit would undoubtedly foster more prudent business planning.

Certainly machine tool builders are aware that competitive pressures which the industry faces, and the attendant need to invest in R&D, will continue, whether or not the R&D tax credit is made permanent.

However, a permanent credit significantly enhances the industry's ability to make necessary R&D investments in a timely fashion during a period in which, competitively speaking, timing is everything. The sooner that certainty can be established, the sooner machine tool builders and others will be able to factor the availability of the credit into both long and short-range planning.

Also noteworthy is the legislation's extension of the R&D tax credit to startup corporations and research joint ventures comprised of corporations from different lines of businesses. Currently the credit applies only to those corporate joint ventures which might be termed "intra-industry." The act's extension of the credit would, for example, make it available to machine tool builders involved in joint ventures with manufacturers of computers, robotics and other advanced materials handling systems.

Joint ventures of this type will undoubtedly become more frequent as technology progresses—especially in the rapidly growing area of flexible manufacturing systems. Extending the credit in this fashion will benefit the industry and contribute significantly toward the achievement of the act's primary objective—the enhancement of U.S. technological competitiveness.

The legislation is also geared toward the promotion of university and scientific research.

Specifically, industry will benefit from the act's creation of credit equal to 25 percent of that portion of a corporation's payments to universities and other eligible institutions for basic research which exceeds a fixed, historical maintenance-of-effort floor.

This credit will undoubtedly promote greater collaboration by industry with universities on basic research projects, an objective which must be realized if industry is to make the most of the vast pool of potential university resources—resources which all too frequently remain untapped.

A more productive partnership between the industrial and educational communities will also be fostered by the act's enhanced deduction for state-of-the-art scientific equipment donations (including computer software) to post-secondary schools. This provision will help ensure that educational institutions are equipped with the very latest technology—a must if graduates are to be adequately prepared for industrial R&D.

But the act currently defines "state of the art" as equipment which is not more than three years old. I would suggest that a cutoff of three years is not necessarily an accurate reflection of how quickly technology actually moves in all industries.

Perhaps the better measuring stick is that of accelerated depreciation schedules, which in the case of machine tools is five years.

Machine tool builders and their customers would thus be encouraged not only to donate scientific equipment to a qualifying educational institution, but also to apply the savings resulting from that deduction toward the purchase of new equipment for their plants. This arrangement would be mutually beneficial to both the taxpayer and the recipient institution and could spur an enormously productive capital investment cycle.

As its detractors are quick to point out, enactment of this legislation will result in a loss of revenue to the Treasury—not an inconsequential concern in light of the enormous deficit we are currently confronting. However, the fact remains that the willingness and ability to invest in R&D requires a long-term outlook and an understanding that state-of-the-art technology and its potential for developing new products are essential for our economic survival.

What it all boils down to is a question of priorities—a modest short-term loss in exchange for a potentially robust long-term gain, which will manifest itself in terms of increased employment, enhanced productivity and competitiveness, a long overdue reduction in America's unprecedented trade deficit and, ultimately, an expanded tax base.●

PRESIDENT OF CYPRUS PUTS FORWARD PEACE PLAN

HON. GERALDINE A. FERRARO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Ms. FERRARO. Mr. Speaker, on May 3, the President of the Republic of Cyprus, Mr. Spyros Kyprianou, addressed the U.N. Security Council. The Security Council meeting had been called at the request of the Republic of Cyprus to discuss the latest Turkish provocations affecting that troubled island.

President Kyprianou stressed the need for prompt and effective actions by the world community to reverse the policies of the Turkish Government that threaten to destroy Cyprus as a unified, independent state. The President also announced that he would make public the proposal entitled "Framework for a Comprehensive Settlement of the Cyprus Problem" which he had first submitted to the U.N. Secretary General on January 11 of this year.

With the foreign aid bill pending before Congress and many Members of both Houses favoring strings on military aid to Turkey, I believe the "Framework" is a valuable addition to the debate. It clearly demonstrates the political will of President Kyprianou and his government to arrive at a solution to the Cyprus problem. It is a carefully constructed proposal which could provide the basis for productive discussions on this vexing problem.

The text of the "Framework" follows.

FRAMEWORK FOR A COMPREHENSIVE SETTLEMENT OF THE CYPRUS PROBLEM

1. A basic prerequisite to a solution of the Cyprus problem is for the Republic of Cyprus to be completely demilitarised. In the first instance all Turkish occupation troops should be withdrawn together with the colonizers imported from Turkey. At a later stage all troops provided for under the Treaty of Alliance (Greek and Turkish contingents) should be withdrawn, and the Cyprus National Guard and the so-called "Turkish Cypriot Security Force" should be disbanded. Demilitarisation is intended to contribute as an element of internal stability but also alleviate Turkey's paradoxical "fears" that Cyprus may be used against her militarily.

2. An International force under the auspices of the United Nations comprising men from countries with no direct involvement in the Cyprus problem should be stationed in Cyprus to secure its external defense and internal security. In addition, certain police duties could be allocated to it for an agreed period of time. This arrangement is not only essential for a solution to the Cyprus problem but it would also contribute the appropriate climate and conditions for the reunification of the country and the people. In such circumstances reconciliation and cooperation between Greek Cypriots and Turkish Cypriots would be possible in a very short period of time.

3. The question of effective international guarantees is of great significance in view of the bitter experience of the past. The independence, territorial integrity, unity (and non-alignment) of the Republic of Cyprus should be guaranteed by International Treaty. Interested powers should be excluded from participating in the Treaty. The duty of the guarantors should be a collective one and the use of force should be specifically excluded from the possible courses of action in the enforcement of the Treaty.

4. The Republic of Cyprus should be a Federal State. In considering the territorial and constitutional arrangements of a Federal Republic of Cyprus, the basis for solving these issues, as in fact all other issues and aspects, are the Resolutions of the United Nations and the High-level Agreements (Makarios-Denktash 1977 and Kyprianou-Denktash 1979). In determining the territorial and constitutional issues the composition of the population of Cyprus must always be born in mind. An outline of the solution envisaged follows.

5. *Territorial Aspect.*—Despite the inherent dangers and constitutional difficulties involved in the concept of two regions or two provinces, yet this concept has been accepted.

It must of course be emphasized that the Turkish Cypriots constitute the 18% of the population of Cyprus. Colonizers from Turkey and any other persons imported into Cyprus since the invasion in 1974 can under no circumstances be regarded as Cypriots. Despite the fact that the ratio of the Turkish Cypriot population is only 18%, yet it has already been stated to the Secretary-General of the United Nations on 30 September 1983 that the Greek Cypriot side is willing to negotiate on the basis of 23% for the region or province to be under Turkish Cypriot administration. However, for the purpose of securing without delay an overall solution of the Cyprus problem, it would be possible to consider agreeing that 25% of the territory of the Republic be under Turkish Cypriot administration, provided that areas such as Famagusta and Morphou, which were thickly populated by Greek Cypriots, before they were forcibly uprooted from their homes by the Turkish invading forces, would be under Greek Cypriot administration.

6. *Constitutional Aspect.*—It should be borne in mind that, under a Federal system, the regions or provinces will have considerable autonomy and powers. Therefore, any checks and balances at the Federal level should be restricted and be of such a nature as not to impede the smooth functioning of the Federal Government organs or lead to impasses and deadlocks. This is particularly important since, in a federation, the powers and functions of the Federal organs are those which safeguard the unity of the State; and, therefore, if these functions are disrupted the State runs the danger of dissolution.

(1) Executive

The Presidential system provided under the 1960 Constitution is considered appropriate and should be preserved:

(a) There should be a President of the Republic, who should be a Greek Cypriot, and a Vice-President who should be a Turkish Cypriot.

(b) Provided that the process of taking decisions is such as not to lead to impasses and to the disruption of the smooth functioning of the State, the Federal Council of Ministers could include a higher proportion of membership of Turkish Cypriots than their population ratio, namely the Federal Council of Ministers would be composed of 70% Greek Cypriots Ministers and 30% Turkish Cypriots Ministers.

(2) Legislature

In the circumstances of Cyprus, it is considered that a Unicameral System is more appropriate. Mechanisms would be provided to ensure speedy resolution of any problems that might arise.

Alternatively, there could be a Bi-cameral System consisting of a lower chamber, representation of the two Communities to be on the basis of population ratio; and an Upper Chamber, representation in the Upper Chamber would depend on the powers and decisions of such Chamber and on the provision of deadlock-resolving mechanisms so as to ensure that the legislative process is not impeded.

(3) Judiciary

Equal representation of the two Communities in the Federal Supreme Court in respect of all federal matters.

(4) Powers and functions of federal government and provincial powers

The powers and functions of the Federal Government to be such as to ensure the unity of the state. Indicatively, these should include:

(i) Foreign Affairs (including Citizenship, but certain functions may be Provincially delegated);
(ii) Federal Finance (including Customs);
(iii) Defence and National Security;
(iv) International Communications (air and sea);
(v) International Telecommunications;
(vi) Appointment of Federal Officers;
(vii) Natural Resources;
(viii) Federal Justice;
(ix) Co-ordination, harmonisation, standard setting and advisory functions; and
(x) Provision for transfers of powers from Federation to Provinces and vice-versa if agreed.

List of extensive Provincial Powers to be agreed.

(5) Human rights and fundamental freedoms

Human Rights and Fundamental Freedoms (including the three freedoms of Movement, Settlement and Right of Property) should be safeguarded both at Federal and Provincial levels, and should form part of the Federal Constitution.

Any arrangements with regard to the three freedoms (of Movement, Settlement and Right of Property) should relate to overcoming certain practical difficulties in their implementation and should not negate or restrict them.

(6) Economic matters

The economic and social policy of the Federal Republic of Cyprus should ensure the economic progress and development of Cyprus as a whole and should safeguard for all citizens of Cyprus an equal standard of living and equal opportunities to progress, development and welfare. Suitable machinery should be established to implement this policy for the benefit of the whole population. Thus, economc assistance will be given to less economically developed areas. Furthermore, measures could be discussed of a temporary, transitional nature, in respect of the economy, to take effect after a solution.

Republic of Cyprus, 11 January 1984.●

RECENT STUDY DOCUMENTS DAMAGE TO HEALTH CAUSED BY TOXIC WASTE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. FLORIO. Mr. Speaker, I wish to draw my colleagues' attention to the most recent study documenting the devastating effects on human health caused by toxic wastes. Researchers at Boston University found that residents of Lowell, MA, continued to experience unusual numbers of illnesses even after abandoned barrels of chemical waste were removed from a dump site in their community because toxic substances had leached into the air and the soil.

Studies like this one demonstrate the urgent need not only to accelerate the pace of cleanup of such sites, but also to afford relief to individuals injured by such dangerous exposure. I hope that all Members who are concerned about these issues will join me in cosponsoring H.R. 5640, the comprehensive bill I have introduced to extend and expand the Superfund program. The Speaker has promised to bring this crucial legislation to the floor for a vote this summer so that we can protect our communities from the traumatic illnesses experienced by the people of Lowell, Mass.

An article describing the Lowell study in greater detail follows:

[From the Washington Post, May 27, 1984]

Toxic Waste Dumps Suspected of Affecting Health of Neighbors

(By Cristine Russell)

New York.—"Mounting evidence" from studies of toxic waste dumps around the country "strongly suggest" that people living near them may suffer health effects from low-level exposure to the chemicals, a Boston University scientist said Friday.

Dr. David M. Ozonoff, head of the school's department of environmental health, said that the studies are preliminary but the consistency of adverse findings is "somewhat alarming."

Ozonoff released results from a study he headed at the abandoned Silresim chemical dump site in an urban residential neighborhood of Lowell, Mass.

He said that his eight-member team found that nearby residents experienced a higher-than-expected incidence of illness, even after abandoned barrels of chemical waste had been removed from the site.

Nearly two years later, adults in the community still complained of respiratory problems, unusual fatigue, bowel problems and headaches that the Boston scientists say may be linked to persistent low levels of chemicals in the air. Ozonoff said the airborne chemicals are noticeable by their odor and measurable with instruments.

He said the site was used in the 1970s by a chemical recycling plant that fell behind in its work and eventually went out of business. The state removed the containers but the soil remained contaminated, Ozonoff said. The area has been targeted by the Environmental Protection Agency for more thorough cleanup.

The Boston scientist cited other studies in Massachusetts, New York, Maine and Tennessee in which a range of short- and long-term health effects, including cancer and birth defects, have been reported in the vicinity of toxic waste sites.

His view of the health consequences was challenged by Bruce W. Karrh of E. I. du Pont de Nemours & Co., who contended that the demonstrable health problems were "not of great magnitude . . . but there certainly is a problem of public perception."

Karrh and Ozonoff were part of a panel at the American Association for the Advancement of Science meeting here. The panel was organized by the Chemical Manufacturers Associateion and the Environmental Defense Fund. Despite their frequent disagreements, both groups "believe that the state of knowledge about health effects of hazardous waste" is inadequate, the fund's Ellen Silbergeld said.

The two groups earlier filed a joint suit against the Reagan administration that led to creation of the Agency for Toxic Substances and Disease Registry as part of the Centers for Disease Control. But Silbergeld said the agency is not receiving enough money to conduct studies.

She said that government statistics suggest that there are 10,000 to 15,000 chemical waste sites around the country, with 550 designated as high-priority sites for cleanup under the federal "Superfund" program.

But Silbergeld said that only 14 government health studies and a handful of others like Ozonoff's have been conducted. "There are millions of people potentially requiring study and very little likelihood this will happen," she said.

Such studies are difficult and costly and the results are usually controversial, not only scientifically but legally. Ozonoff said that the studies are not being done systematically, but instead are performed in communities such as Lowell that organize and "scream bloody murder."

Dr. Marvin Legator, a University of Texas physician appearing at another environmental health session here, said his group is preparing a "Health Detectives Handbook," to be published later this year, that will help concerned individuals conduct surveys of possible health effects in their communities.●

AN IGNOMINIOUS SOLUTION

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. SHANNON. Mr. Speaker, I would like to recommend to the attention of my colleagues an article prepared by the Council on Hemispheric Affairs, a nonprofit research group, about the likely impact of last Thursday's vote approving $62 million in military aid to El Salvador without conditions. The article demonstrates in compelling fashion that, as sincere and well-intentioned as President Duarte may be, the military elite will remain in effective power until the United States places stringent conditions on the aid it sends. You cannot stop murder in El Salvador simply by sending more guns. I urge my colleagues to read this article by Monica Kennon and Terrence Edward Paupp.

The article follows:

AN IGNOMINIOUS SOLUTION

(By Monica Kennon and Terrence Edward Paupp)

In its 267-to-154 vote favoring $62 million in military aid to El Salvador without conditions on Thursday, the House has given the Reagan administration a blank check to carry forth a strategy aimed at a military, rather than a diplomatic solution to the Salvadoran civil war. The House also guaranteed that the 150,000 bullets that president-elect Jose Napoleon Duarte said are utilized daily by his country's security forces for hundreds, if not thousands of additional civilian deaths.

In addition, the House shamelessly permitted itself to be intimidated by the administration's concerted campaign of political extortion by suggesting, from the president on down, that if military aid for El Salvador and the Nicaraguan contras is not forthcoming, legislators will have to answer to their constituents at election time for any inaction that is "aiding in bringing Marxism to power in Central America."

Representatives who previously have been skeptical of the Reagan administration's true aims have been looking for an escape clause from what they see as their politically perilous position of over-exposure on the El Salvador-aid issue. Last week's visit to Washington by Duarte provided that opportunity. Duarte told key Hill leaders that he has the "guts" and the "will" to deal with human rights violations and the culture of violence afflicting his country. He also told them that any conditions attached to military aid would be "degrading" to El Salvador's sovereignty. His supposed sincerity evidently impressed members.

But Duarte's own assessment of his sincerity has never been the question with him. What has been at issue is his single-minded drive to be the leader of his country, regardless of degrading compromises, which he always has been prepared to make, in order to reach that goal. His reappointment of the country's controversial defense minister, Gen. Eugenio Vides Casanova, as his first act as president-elect, is but the latest evidence of his long-time subservience to the Salvadoran military high command.

The recently declassified Tyler report on the quality of the investigation and prosecution of the murderers of three U.S. nuns and one lay missionary on Dec. 2, 1980—much of which covers the period during which Duarte was the head of government—strongly implicates Vides Casanova, then a colonel and commander of the National Guard, in participating in the cover-up of the murders that began immediately after the five low-ranking national guardsmen committed the crime.

Given the class structure of the Salvadoran military and the enormous gulf between enlisted men and officers, it is inconceivable that five humble soldiers would decide on their own to murder four Americans, and particularly, four religious Americans. A parallel for this argument is that the January 1981 murder of two Americans working on land reform projects for AIFLD is universally believed to have been carried out by enlisted men on the orders of officers. There has been no movement on this case due to the privileged positions of the officers thought to have issued death orders.

INVESTIGATION ORDERS REBUFFED

Duarte told members of Congress that there was no coverup of the churchwomen's murders and that he personally had carried out an investigation that established this. But the Tyler report shows a president who gave repeated orders for such an investigation but did nothing to see that they were carried out, since the investigation was being undertaken by the very same military establishment that was implicated in these and thousands of other killings.

State Department figures issued at the time indicated that at least 12,500 persons were killed during Duarte's presidency from March of 1980 to March 1982, including 600 members of his own Christian Democratic Party. Other sources indicate that at least twice that figure occurred during this period. State's statistics are based on the tainted methodology of using limited press reports of murders in compiling its tally, leading to an erroneous compilation.

Former Ambassador Deane Hinton, a highly conservative foreign service officer, used a figure of 30,000 civilian deaths in a speech attacking the "gorillas" of the "rightwing mafia" in October 1982, stating that "these people were murdered, not killed in battle, murdered." His eventual recall from his post was in part due to the Reagan administration's embarrassment—he was publicly reprimanded for his speech by the White House—over the discrepancy between Hinton's figure and that of the administration, which amounted to no more than 18,000 civilian deaths for the same period.

Every statistical base on killings in El Salvador—even those of the Reagan administration—indicates that the 150,000 bullets a day that Duarte says are fired by the security forces, whose continued supply was guaranteed by the House vote, can be counted on to kill far more civilians than guerrillas, since this is the record of the past. This disparity can be depended upon to continue due to the prevailing philosophy of the Salvadoran military, which is typified by a recent remark by Col. Domingo Monterrosa, commander of the Third Brigade and the field commander most admired by the Pentagon, despite his ruthless human rights record and his complicity in past massacres of civilians. Speaking about his military colleagues, Monterrosa stated that "they can now identify the enemy. The enemy is anybody who attempts to destabilize the country, whether they are communists or not."

THE PHANTOM REFORMER

From the outset of the Reagan administration, the strategy employed to sustain its embattled Central American policy has been to manipulate figures, make cosmetic gestures, come forth with promises of reform that later prove to be elusive, and produce rhetorical flourishes of new policies and new strategies that would end the reign of terror against the civilian population. Duarte always has lent himself to these efforts as a phantom reformer. He had originally come to power in March 1980, after the previous junta installed in October 1979 had resigned in January 1980 and a Christian Democratic junta had split in March over the same issue—the failure of the military to obey the civilian authorities.

Rather than a sincere and reliable democrat, Duarte consistently has shown himself to be a person prepared to accommodate himself to the national reality that it is the military that effectively rules as he reigns. As a result of his recent trip, Duarte fulfilled the mission layed on him by the Salvadoran military by bringing back the beef.

The recent shakeup in command, whereby several officers long accused of death squad affiliation will be posted abroad only continues a token response to the question of violence against which the Reagan administration launched a crusade last November. In spite of the strong language, this effort resulted in the transfer, to plush diplomatic positions abroad, of a grand total of three military officers. The reliance on violence by the Salvadoran military is structural, not epidermal; this is the way it has managed to effect its will over the nation for half a century. The military establishment, from the presiding colonels down through the officer corps and into the ranks of sergeants and corporals, looks upon itself as the favored class, with all avenues of corruption and power open to them.

Those members of Congress who voted for the administration's aid package succumbed to a carefully thought-out White House campaign to extract funds from an increasingly skeptical House of Representatives. Given Duarte's past record, there was no basis for Congress to suspend disbelief that anything of substance would change in the near future, only form. The Vides Casanova nomination to succeed himself as defense minister is but the first indication that Duarte is conforming to personal patterns first revealed after March of 1980, to make feisty statements and speak about his personal course and commitments to democracy, but at the end acquiesce to military dominance. For its part, the military is prepared to permit Duarte to act out his presidental role, but not threaten the basic structure of its supremacy in the nation.

WHAT'S WRONG WITH CONDITIONS?

Duarte told Congress that attaching conditions to military and economic aid would be "degrading" to him and would compromise his nation's sovereignty. One would think that such a condition had long been achieved since Duarte himself was elected with the covert CIA campaign of dollars and with his nation totally dependent on U.S. economic and military assistance in order to survive.

And what is wrong with conditions? Every lending agency attaches conditions to its aid. This includes the World Bank, the Inter-American Development Bank, the Agency for International Development (AID) and even the federal grants-in-aid program to states in this country. Conditionality in extending aid in a controversial and corrupt venue like El Salvador was certainly warranted. Congress knows that every day, innocent civilians are murdered by the security forces using U.S.-supplied weapons and ammunition, and thousands of dollars are wasted in bribery, malfeasance in public administration and other forms of corruption.

Congress also should know that Duarte's past record provides no certain basis for it to believe that the president-elect will be any more effective in the future than he has been in the past in dealing with human rights violations and security force brutality. The problem with conditionality in the past has not been that it has been ineffective in its own right; the weakness has been that the Salvadoran military was well aware that the Reagan administration had, in response to Congress' mandate, certified on four occasions that the human rights situation in the country had improved, when in fact it had not.

What was lacking in Congress' certification measures were teeth. Duarte could have been aided in his putative efforts to curb violence in his country if Congress had exercised its potential leverage and insisted on tough certification language and was prepared to cut off aid if security-sponsored violence didn't cease, and if other factors affected by the certification legislation hadn't improved. Duarte could then tell his military colleagues that Washington has mandated that violence must end, and that without such a step, the military was sealing its own fate. Instead, Congress succumbed to a White House strategy that guarantees the continued pattern of violence in the country and makes even more remote the prospect that peaceful change can occur in that afflicted nation.●

CITY BEAT

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. THOMAS of Georgia. Mr. Speaker, the terrorist bombing of our Marine force in Lebanon produced many acts of heroism on the part of our military personnel stationed there, and all Americans take great pride in the performance of our forces there.

I would like to take a moment to bring to my colleagues' attention the outstanding work accomplished on that tragic day by two medical officers, Lt. James Ware and Lt. Gilbert D. Bigelow. I am very proud of the fact that Lieutenant Ware is a resident of Savannah, GA, in my own congressional district.

We have a great tradition of unselfish service to our Nation on the part of the young men and women of Savannah and throughout Georgia. Lt. James Ware has added another chapter to the history of that tradition.

I ask that an article on this subject which appeared in the May 15, 1984, City Beat column of the Savannah Morning News, and in the May 7, 1984, edition of the American Dental Association News, be reprinted in the RECORD at this point.

[From the Savannah (GA) Morning News, May 15, 1984]

The heroic efforts of a Savannahian following the terrorists' destruction of the Marine Corps barracks in Beirut last October have come to light in detail in the current issue of *American Dental Association News.*

Lt. James Ware, whose father, Dr. Jack Ware, practiced dentistry in the Midtown Medical Center for many years, is one of two Navy dentists whose emergency medical work has been described as "nothing short of heroic" by William E. Mayer, M.D. assistant secretary of defense for health affairs.

"Without their professional training and foresight," Mayer said, "many more Marine lives could have been lost. We owe these young men a great debt."

Lt. Ware, along with Lt. Gilbert D. Bigelow (whose hometown is not listed in the publication), were quartered about 500 yards from the building that was blown up, taking the lives of more than 235 U.S. Marines. The two dentists had had emergency medical training given all military dentists in case of disasters such as that.

While Lt. Bigelow, aided by five hospital corpsmen, gave emergency medical treatment to some of the injured, Lt. Ware quickly set up a battalion aid station. Assisted by 10 hospital corpsmen and two dental technicians, he performed the initial "triage"—tagging and identifying patients as to the nature of their wounds, started intravenous procedures and providing other emergency care, such as splinting, controlling bleeding and administering morphine.

In the two hours following the bombing, Lts. Ware and Bigelow treated about 65 casualties and prepared them for evacuation by air. Navy medical officers arriving from U.S. ships lying offshore took over. The only on-scene medical officer with the Beirut Marine unit had been killed in the explosion.

[From the American Dental Association News, May 7, 1984]

NAVY DENTISTS DISPLAY HEROIC EFFORT IN LEBANON

WASHINGTON.—Two Navy dentists provided the first emergency treatment to victims of last fall's terrorist attack on the Beirut Marine barracks, the Pentagon's top health official told the ADA News.

An official investigation of the military response to the tragedy declared the actions of the two dentists to be "nothing short of heroic," said William E. Mayer, MD, assistant secretary of defense for health affairs.

He identified them as Lt. Gilbert Bigelow and Lt. James Ware, Navy Dental Corps.

"I am sure that, without their professional training and foresight, many more Marine lives could have been lost," Dr. Mayer said. "We owe these young men a great debt."

He said the military provides emergency medical training to all dentists for just such disasters as the Beirut bombing.

When an explosion rocked the Beirut barracks that fall morning, Lt. Bigelow, aided by five hospital corpsmen, provided immediate emergency treatment to the victims.

Lt. Ware simultaneously set up a battalion aid station and, assisted by 10 hospital corpsmen and two dental technicians, performed the initial triage, tagged and identified patients, started intravenous procedures, and provided such other emergency care as splinting, controlling bleeding, and providing morphine, Dr. Mayer said.

The two dentists also prepared their patients for evacuation by air. "Drs. Bigelow and Ware and their assistants treated about 65 casualties in the first two hours following the explosion, when the last patients were evacuated and Navy medical officers arrived from ships offshore," Dr. Mayer said.

Dr. Mayer disclosed details of the Navy dentists' emergency care in an interview with the ADA News.

He said the only on-scene medical officer with the Beirut Marine unit had been killed in the explosion and that Lts. Bigelow and Ware were ashore that morning, within 500 yards of the barracks.

When the Marine camp in Beirut was first subjected to shelling, Dr. Mayer said, the Navy dentists developed an emergency triage and aid plan in the event of a disaster. For days before the explosion they had trained extensively in emergency procedures and had cross-trained the corpsmen and dental technicians assigned to them, he said.

Each had been required to go through emergency medical training, which included a rotation through the emergency room of the Naval Hospital at Camp Lejeune, NC, Dr. Mayer said.

In fact, he said, all three services provide emergency medical training for dentists that includes hospital duty.●

SUPPORT OF AMENDMENTS TO BE OFFERED TO H.R. 5504, THE SURFACE TRANSPORTATION ACT OF 1984

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. McNULTY. Mr. Speaker, later this week, the House will consider H.R 5504, the Surface Transportation Act of 1984. I am very concerned over a provision in the bill that changes the current method for allocating interstate highway repair funds. The program known as the 4R program—resurfacing, restoration, rehabilitation, reconstruction—will provide States with $2.8 billion in Federal funds in fiscal year 1986.

H.R. 5504 changes the existing 4R formula. Current law is based on a distance factor—lane miles—and a usage factor—vehicle-miles traveled. H.R. 5504 drastically eliminates the distance factor—lane miles—altogether, and bases the formula solely on usage factors—vehicle-miles traveled, gasoline and diesel fuel use. The changes ignores the fact that lane miles, according to a December 1983 study prepared by the U.S. Department of Transportation regarding formula changes to the 4R program, meets all the necessary tests for a formula factor. In addition, there is a strong conceptual link between the lane-miles factor and the quality of the Interstate System.

This formula changes is inequitable to the West and to those areas less populated but with vast stretches of highway requiring general maintenance. The change will cost 15 Western States approximately $203 million annually, or about one-third of the dollars which would otherwise be allocated to the States.

The same December 1983 study prepared by the U.S. Department of Transportation also concluded that:

> The principle finding (of the study) is that dramatic improvement over the current formula is not likely to be achieved.
>
> In short, no compelling case could be made for endorsing any specific change in the current formula at this time.

In light of the Department of Transportation's findings, there seems to be no logical reason to alter the 4R formula so radically. The proposed legislation would also eliminate entirely the one-half percent minimum allocation currently included in the formula. The existing one-half percent minimum provision assures small States a basic level of funding.

When this bill comes to the floor, I will attempt to amend the 4R formula to adhere more closely to the current formula. I will offer an amendment to either hold harmless States at their 1985 levels, or to change the formula to include the lane-miles factor, or to strike the new formula.

I am asking you to consider the impacts of this drastic change in the committee bill on the Federal highway system. I encourage you to support my efforts to bring the highway-repair formula back in line with the highway needs of this country. The following are the amendments I am considering offering to the bill, H.R. 5504, the Surface Transportation Act of 1984:

AMENDMENTS TO H.R. 5504, AS REPORTED OFFERED BY MR. MCNULTY OF ARIZONA

Page 40, strike out line 8 and all that follows through line 2 on page 41.

Redesignate the subsequent sections of title I accordingly.

AMENDMENT TO H.R. 5504, AS REPORTED, OFFERED BY MR. MCNULTY OF ARIZONA

Page 40, line 26, after the period, insert the following: "Notwithstanding the preceding sentence, no State shall be apportioned less funds under this subparagraph for fiscal year 1986 and any subsequent fiscal year than were apportioned under this subparagraph to such State for fiscal year 1985.".

AMENDMENTS TO H.R. 5504, AS REPORTED, OFFERED BY MR. MCNULTY OF ARIZONA

Page 40, line 20, strike out "gasoline" and all that follows through the semicolon on line 22 and insert in lieu thereof the following: "lane miles on such Interstate routes in each State bears to the total of all such lane miles in all States;".

Page 40, line 26, after the period, insert the following: "Notwithstanding the preceding sentence, no State (excluding any State that has no interstate lane miles) shall receive less than one-half of 1 per centum of the total apportionment made by this subparagraph for any fiscal year.".●

THE FFTF SUCCESS STORY: PROOF THAT THE BREEDER REACTOR PROGRAM IS ALIVE AND WELL

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. MORRISON of Washington. Mr. Speaker, I wanted to alert my colleagues of the unparalleled operating success of the fast flux test facility—FFTF—this Nation's largest test reactor.

The FFTF is proof that our breeder reactor research and development program is alive and well and we can still lead the world in breeder fuel cycle development. After the Congress decided last year to terminate the Clinch River breeder reactor, I believe many felt that our entire breeder reactor program was also terminated. It is important for us all to understand the depth of commitment to the breeder program that remains, in spite of CRBR.

The crown jewel of our breeder program, Mr. Speaker, is the FFTF, a test reactor that has been rewriting the record books. This past spring, the fast flux test facility established a world record for the longest period of continuous, full power operation of a breeder reactor, 101 consecutive days.

Two articles from Energy Daily and Electrical World follow which describe in more detail the operating success of the FFTF and the entire breeder base research program. I commend them to my colleagues.

[From the Energy Daily, Apr. 2, 1984]

AT FFTF, THEY FLIRT WITH THE FRONTIERS OF FUELS AND STEELS

(By Richard Myers)

The Fast Flux Test Facility rolled through another milestone in fine form last week. If the scientists' calculations are correct, as of last Thursday, fuel in at least one assembly in the test reactor's core reached a burn-up level of 100,000 megawatt days per metric ton, 20,000 megawatt days per ton beyond the design lifetime.

For comparison, the best today's light water reactors can manage is around 40,000 megawatt days per ton (MWd/t), with some hope of someday reaching 50,000-55,000 MWd/t. But for the FFTF, the 100,000-MWd/t threshold is just the beginning. The assemblies which reached the 100,000-MWd/t level last week will touch about 106,000 MWd/t by the end of the reactor's current test cycle (its fourth) in mid-April; two of them will be removed then for detailed examination, but others will stay in the core, pushing for 110,000 MWd/t, perhaps 120,000 MWd/t, maybe even 130,000 MWd/t by the end of the reactor's fifth operating cycle.

Beyond this lie new steels, which promise to allow even longer fuel burnup levels, since it is deformation of the steel used in the cladding and fuel assemblies which mostly limits fuel lifetimes. New alloys have been developed, some of which should be able to take 10 operating cycles, 200,000 MWd/t and higher, easily in stride.

Last week's achievement of 100,000 MWd/t is the first step in a caluclated march by the scientists at FFTF towards fuels and alloys that can go for three years, and perhaps as long as five years. In purely scientific terms—leaving aside merely practical questions about when American utilities are likely to buy and build fast breeder reactors—three- or five-year core lifetimes would be a major triumph. Today's light water reactors run for 12-18 months, and then shut down for a month or more for refueling; tomorrow's breeder reactors may be able to run for three to five years between refuelings. The implications are profound: higher availability means lower-cost operation, and longer-lived cores reduce fuel fabrication and reprocessing requirements. If a core can run for three years instead of one, nuclear fuel fabrication and reprocessing capacity need only be one-third as large and cost only one-third as much.

The steels used in the Fast Flux Test Facility's core suffer continuous, savage punishment. When the reactor is operating, the fuel cladding grows so hot that it glows dull red. The cladding is also subject to increasing pressure pushing out from the inside—from the gaseous, liquid and solid fission products generated as the fuel is burned. And the fast neutrons fly around the reactor core at such a rate that each atom in the metal cladding is knocked out of its lattice site at least once a day.

Not surprisingly, under this kind of torture, steels swell and stretch. After two cycles in FFTF, fuel pins with cladding made of 316 stainless steel grow longitudinally by about half an inch; after three cycles, they've grown by as much as an inch. But "we can accommodate that," says a Westinghouse Hanford Co. scientist. "The big problem is the lateral expansion or swelling of the duct"—the outer shell of the fuel assembly which contains the 217 steel-clad fuel pins. If the duct swells too much, it snugs up against the adjacent fuel assemblies and cannot be pulled out of the reactor core.

After testing over 60 different alloys, the scientists at FFTF have settled on two new steels that seem able to dodge the perils of longitudinal "creep" and lateral swelling. One is called D9; although an austenitic steel like the 316, it differs subtly in composition and heat-treating, and seems to swell and creep less. The fuel assembly which first reached 100,000 MWd/t last week was fabricated with D9 duct material and 316 cladding. It is the "lead" driver assembly—the one that sees the highest neutron flux—and is now in its fourth 100-day cycle in the reactor. (Close behind in burnup level is another assembly with D9 duct and 316 cladding; then comes an assembly with 316 duct and 316 cladding; then an assembly with D9 duct and D9 cladding.)

The second alloy is called HT9 and, unlike the D9 and the 316, it is a ferritic stainless steel ("ferritic" and "austenitic" refer to the arrangement of the atoms in the metal). Although HT9 alloys do creep somewhat, for all practical purposes they do not swell. A fuel assembly fabricated with HT9 duct and HT9 cladding is now in its second cycle through the reactor, and is scheduled to remain in the core through 10 cycles in all. Westinghouse Hanford scientists reckon this alloy will be able to manage 200,000 MWd/t without too much trouble.

The fuel pellets which reached 100,000 MWd/t were manufactured by Babcock and Wilcox's Nuclear Materials Division, one of two suppliers of the mixed oxide fuel for FFTF. The other was Kerr-McGee—Westinghouse people at Hanford refer to this wryly as the "Karen Silkwood fuel"—and it has reached 97,000 MWd/t. The fuel assemblies now at 100,000 MWd/t reached their design burnup of 80,000 days last October, during the plant's third operating cycle.

[From the Electrical World, March 1984]

CRBR May Be Dead, But Breeder R&D Shouldn't Be

(By William C. Hayes)

The strident chorus calling for the replacement of central generation by renewable resources masks the underlying reality that such resources simply cannot meet the anticipated energy needs of an expanding society. Careful analysis of Southern California Edison Co's ambitious plans for alternate energy sources—made within a political, social, and geographic ambiance that uniquely favors such sources—confirms even there the need for substantial additional central-station energy. It is simply unbelievable that, in this situation, we have chosen to turn our backs on a truly renewable energy source—the breeder reactor.

I recently traveled to Hanford, Wash, to see how the demise of the Clinch River Breeder Reactor (CRBR) had affected breeder research at the Fast Flux Test Facility (FFTF). I found a facility in an exciting technological ferment, but one deeply concerned about the nation's lack of commitment to this vital research.

The breeder reactor was said to be unsafe. Yet I stood just a few feet directly above the operating core, knowing that I was receiving less radiation by far than I had received while flying there. If only light-water reactor installations had been similarly demystified, by allowing open access to safe areas of the plants, public acceptance might have been infinitely greater. I also examined test data on the FFTF and saw that, even when all sodium pumps were shut down and the reactor scrammed, natural circulation of the sodium kept core temperature stabilized at a safe level.

But perhaps what doomed the CRBR as much as the charges of its being unsafe was the "technological turkey" tag that was cleverly hung on it. In reality, the design was continually updated, so that its technology was always at the leading edge of breeder research in the world—and, as embodied in the latest modifications of the FFTF, still is.

Sitting in tanks at the US government's enrichment plants at this moment is enough Uranium 238—the tailings from the enrichment process—to represent the equivalent of about $70-trillion worth of oil, even at today's depressed prices. This U-238 is a natural feedstock for a breeder, which can tap this energy.

It is inconceivable to me that a national resource of this magnitude—one that is good for no other purpose—can be ignored while the quality energy that we will inevitably need is to be supplied by technologies that are too expensive, too unreliable, too polluting, or in inadequate supply.

The critics of the breeder say that we don't need it. This is arguable. But we didn't—and don't now—need the space program. Yet the advances spun off from that program have drastically changed—for the better—the lives of us all.

America can stand by and allow the dissipation of the priceless technological resource represented by the scientists and engineers in the breeder program. Or we can stand tall in the forefront of scientific nations and revitalize that program. That, unfortunately, will take time; until we can accomplish it, we must ensure the continued support of the FFTF.●

SUPPORT PASSAGE OF H.R. 5490

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. GUNDERSON. Mr. Speaker, I rise today to seek the attention of my colleagues of this House to critically important legislation to strengthen enforcement of key Federal antidiscrimination statutes. H.R. 5490 has received extensive review by both the Judiciary Committee and the Committee on Education and Labor. It has the strong and bipartisan endorsement of those bodies and can boast 163 current sponsors and cosponsors. All hope this proposal can receive priority consideration and passage by the full House.

I urge my colleagues to review this legislative proposal and to support its passage. In light of the Supreme Court decision in the Grove City College against Bell case, we must act promptly to restore a broad scope of enforcement to back our commitment to insure equal opportunity in our country.

Cicero, Rome's greater orator and staunch defender of Republican principles, may have best expressed the need for these law:

> What people have always sought is equality of rights before the law. For rights that were not open to all alike would be no rights.

The flame of truth that burns so brightly in these words has not been diminished or dulled by the passage of over 2,000 years.

Through our advocacy on behalf of H.R. 5490, we endeavor to restore the scope of four preeminent Federal antidiscrimination statutes. These laws include title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Each of these contains language to allow the withdrawal of Federal funding from institutions receiving Federal support as an enforcement tool to bring an end to discriminatory practices. We have never discriminated in the collection of revenues from the taxpaying public and we have a moral obligation to insure that none of these funds support institutions engaging in discriminatory actions denying equal opportunity on the basis of race, sex, religious affiliation, national origin, age, or disabling condition.

The laws we seek to protect are the offspring of reasonable people. All but the Civil Rights Act of 1964 were signed into law by Republican Presidents. Protections from racial discrimination were promoted and their legal effect brought to life by the pen a Southern Democrat President, Lyndon B. Johnson. The support of Republicans and arduous work by a strong bipartisan coalition were needed to fulfill that dream. Judiciary Committee ranking minority member William R. McCulloch, Republican from Ohio was a most able warrior in the cause of passage. On February 10, 1964, 78 percent of Republican Members of the House supported passage of the Civil Rights Act.

In the Senate, the greatest barrier to passage of this legislation was the threat of filibuster. The cloture motion essential to passage of the bill was jointly filed by Senator Mansfield, Democrat from Montana, and Senator Dirksen, Republican from Illinois. Republican Members of that body supported that motion by a 4-to-1 margin. For the first time in history, a cloture motion to cut-off a filibuster on civil rights legislation was successful.

In both our House and in the Senate, Republicans provided 4-to-1 margins in support of final passage of that act.

It is doubly important to note these facts. First, because title VI of the Civil Rights Act became the model for the provisions of all three other antidiscrimination statutes. Second, to remind all of the historic allegiance of my party to insuring progress toward the full realization of our commitment to equality under the law.

What could be closer to the principles of the Republican Party than an effort to protect the principle of equal opportunity for all individuals. In throwing off the tyrannical rule of hereditary monarchy, our forebearers sought the advantage of a society where each was free to perform to the limit of his or her abilities and not limited based on the color of skin, religious affiliation, gender, handicap, or age.

Some of my colleagues have questioned the contention that this bill simply restores the scope of enforcement that existed under these laws prior to the Grove City College decision. They read the existing law narrowly, as did the Supreme Court, and reject the argument made by proponents that these bills merely restore the scope of these laws. However, if we should grant this point for purposes of debate, we have merely concluded what the law was. What is at issue here is what the law should be. The law should be broad. We should not provide any Federal support to institutions that discriminate. If you accept these principles, there is no reason to withhold your support for this important measure.

Administration spokesmen have cast this as a measure in conflict with principles which support a restrained Government which does not unnecessarily meddle in the affairs of the individual. What governmental action could be more appropriate and necessary then insuring Federal funds are not used to support illegal discrimination? I can think of no function of Government more appropriate in a free society than action to insure equality of opportunity.

To my colleagues on both sides of the aisle, I urge you to once again embrace that principle. In particular, to those who have spoken out forthrightly in support of their belief in the need to an opportunity society, I look forward to joining with you in implementing that principle through adoption of this measure.

Mr. Speaker, I would hope we will promptly consider and approve H.R. 5490 at the earliest possible date.●

VIGIL FOR THE SAKHAROVS CONTINUES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. FRANK. Mr. Speaker, the free world is anxiously awaiting word as to the condition of Andrei Sakharov and Elena Bonner. It is now 5 weeks since he began his hunger strike, and 4 weeks since Irina Kristi smuggled a message from him out of the closed city of Gorky. His family and friends in the West have been unable to communicate with him. Both Andrei Sakharov and Elena Bonner were in poor health to begin with; their courageous hunger strike puts them at even greater risk. The official Soviet news organs assure us that all is well, but these assurances, like other pronouncements in the official Soviet press, are worthless. It has been reported in the West that Sakharov is already dead; let us all hope this is not true.

Mr. Speaker, it is time for the Soviet Union to come clean. They should release accurate information as to the Sakharovs' condition. They should, furthermore, release the Sakharovs themselves, and allow them to live in peace. The Washington Post yesterday addressed the plight of this couple in a lead editorial. I ask that this excellent piece be reprinted here.

[From the Washington Post, June 5, 1984]

WHERE IS ANDREI SAKHAROV?

Where is Andrei Sakharov, and where is his wife, Yelena Bonner, and are they dead or alive? It is necessary to address these stark questions on an urgent basis to the Soviet government because, in the blackout it has imposed on the whereabouts and condition of the dissident physicist and his wife, rumors of his death are now circulating. This is an especially cruel form of cat-and-mouse to play with the Sakharov family, not least those members of it living abroad. In this period of nightmare they have been denied even the episodic state-regulated telephone contact they were allotted before.

Andrei Sakharov is 63 and has in his medical history what is described as a small heart attack and a recent bout of phlebitis, not to speak of the stresses attendant on four years of internal exile. Tomorrow ends the fifth week from the start of the hunger strike he reportedly began in order to obtain permission for his wife to travel abroad for medical and family purposes.

Yelena Bonner herself is also reported to have gone on a hunger strike. She is going blind from the chronic ailment for which she sought medical treatment abroad, according to the best information available. She has had three heart attacks over the past 13 months and—before her recent enforced separation from her husband—was suffering frequent anginal episodes. These are the foils on which the great Soviet state has chosen to exercise the full arbitrariness of its power.

Again yesterday the Soviet government mocked reports of the Sakharovs' endangerment and death, saying that neither was fasting and both were in good health. The statement went on to attribute the West's concern to the Reagan administration's political machinations. Plainly the Soviet leadership is smarting under the tremendous worldwide beating it has taken—not least in the precincts of the democratic left where its "peace" policy is normally focused—for its mean-minded persecution of two human beings of surpassing dignity.

But the Kremlin still shrinks from acknowledging that its unverified word has no standing in public opinion anywhere. Until it chooses to allow the Sakharovs to communicate directly to those who care whether they live or die, others will have to assume the worst.●

GILMAN LAUDS FOSTER GRANDPARENT PROGRAM OF WESTCHESTER COUNTY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. GILMAN. Mr. Speaker, I rise in recognition of the invaluable contributions of the Foster Grandparent program of Westchester County. In this program men and women of 60 or more years young bring their love and experience to children with special needs. Foster Grandparents serving physically, mentally and/or emotionally handicapped children are often the first individuals able or willing to spend the time necessary to give each participant a new perspective on the beauty of life.

There are 305 Foster Grandparents working in 98 sites in Westchester, Putnam, Dutchess, Ulster, Sullivan, and Orange Counties under the aegis of the Westchester community opportunity program; 212 of our Foster Grandparents live and work in Westchester, Putnam, and Dutchess Counties and are assigned to Westchester Co-Op; 93 Foster Grandparents in Ulster, Sullivan, and Orange County work under the sponsorship of Westchester Co-Op under a caretaker grant.

Our Westchester based Foster Grandparent program is an excellent example of the many benefits to be gained from volunteerism. The selfless devotion of its members sets standards worthy of our appreciation and gratitude, and I know that my colleagues join with me in congratulating them on their fine work. I am pleased to have this opportunity to publicly thank them for all of their accomplishments and many contributions to our community over the years.

Their year will close with a gala recognition party on June 15 at Rudy's Beau Rivage in Dobbs Ferry honoring these wonderful Foster Grandparents. I ask my colleagues to join in saluting them on this occasion and wishing them the best of success in any of their future endeavors.●

MILITARY-INDUSTRIAL COMPLEX

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. PEASE. Mr. Speaker, some 23 years ago, President Dwight Eisenhower, in his farewell address, made reference to what he called the military-industrial complex.

His concerns came to mind last week as the House of Representatives continued to work its way through the fiscal year 1985 authorization bill for the U.S. Department of Defense.

This is the topic that I addressed in my most recent weekly newspaper column. It follows:

WASHINGTON REPORT

(By Don J. Pease)

Some 23 years ago, President Dwight Eisenhower, in his farewell address, made reference to what he called the military-industrial complex.

These were his words:

"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."

I thought of President Eisenhower's concerns last week as the House of Representatives continued to work its way through the fiscal year 1985 authorization bill for the U.S. Department of Defense.

There is indeed a military-industrial complex which promotes ever greater Federal spending for new weapons systems. Generals and admirals in the Pentagon work with former generals and admirals, now retired, who serve as corporate executives of large defense contracting firms. Cozy cooperation is common.

But President Eisenhower's term wasn't altogether complete. To be realistic, he should have referred to it as the military-industrial-congressional complex. Yes, Members of Congress are part of a system which has a built-in bias toward greater defense spending.

This is especially true of the House Armed Services Committee, whose members tend to be strongly pro-defense.

Normally, new Congressmen are entitled to indicate their preferences for committee assignments, and House leadership tries to honor the requests.

In general, the Armed Services Committee draws members who believe strongly in a large national defense. On top of that, many Congressmen seek membership on the committee specifically because of large military bases or defense contractors located in their districts.

For these Congressmen, representing their districts means keeping military bases open, even if efficiency experts recommend closing them. It means keeping airplane assembly lines operating, whether or not the airplanes are needed. The Congressmen willingly cooperate with the Pentagon brass and corporate executives to see to it that existing weapons systems are retained and that new ones are proposed.

Service on the Armed Services Committee is not, I emphasize, purely a pork-barrel exercise. Committee members gain a great amount of expertise on defense matters. They do try to assure that the United States has a strong, efficient national defense, and they do bear in mind the national interest.

But it would be foolish to forget the strong prodefense and prohome district motivation which influences most members of the Armed Services Committee. For those of us not on the committee, there needs to be a degree of skepticism mixed in with respect for the committee's expertise.

That's why there is always spirited debate in the House over individual weapons systems—such as the MX missile and the B-1 bomber—recommended by the House Armed Services Committee.

Even among nonmembers of the committee, the military-industrial-congressional complex can be seen at work. Components of the MX and B-1 are manufactured in dozens of factories spread through dozens of congressional districts. The generals and defense contractors are not shy about reminding Congressmen of the job impact of those weapons systems.

Many Congressmen hesitate to open themselves to a possible accusation of causing the loss of 100 or a 1,000 or 5,000 jobs in their districts. Such considerations surely were responsible for saving the B-1 bomber from cancellation in past years and for the closeness of votes on the MX, for which it is increasingly clear that there is no sensible military justification.●

CRAIGE MADE TOWN HIS TOP PRIORITY

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. HEFNER. Mr. Speaker, it is with sadness that I report to the Congress the death of a fine mayor from my home district. The passing away of Benjamin F. Craige, Sr., is of significance to the U.S. House of Representatives and therefore the entire Nation because he lived by the principles which all public officials should follow. As mayor of East Spencer in Rowan County, NC, Benjamin Craige, Sr., often rode the city's streets making sure the grass was cut and holes were patched where they should be. He often ate lunch with city street employees and he liked to walk down by the post office in East Spencer and talk to the townspeople. He went to the municipal building every day, making a point to meet informally with each department.

A man who added these personal touches to his administration did so because he wanted to stay close to the community he served, and because he simply liked people. Mayor Benjamin F. Craige, Sr., had the strength which is so important in a public servant. He cared about his community. East Spencer will always be a little richer because he did.

The article follows:

CRAIGE MADE TOWN HIS TOP PRIORITY

(By Mark Wineka)

EAST SPENCER.—Benjamin F. Craige Sr. often told his friends and family that he had come to his senses when he was 9 years old.

As a young boy in East Spencer, he had seen his grandmother, on her way to work, shuffling through snow that was up past her knees. She protected herself against the cold by wrapping herself in a burlap bag.

The picture stayed with Craige.

"He knew what he had to do in life was take care of himself," Craige's son, Benjamin Jr., said.

The town of East Spencer dedicated its gospel concert at Royal Giants Park Saturday evening to the memory of Craige, who died Saturday morning of cancer. He had been East Spencer's mayor since December 1981.

"You just had to know him to appreciate the type of man he was," the son added Saturday. "He was a really strong man."

His death caught East Spencer residents by surprise. Mayor Pro Tem Charles Ramsey said the softspoken mayor had made the advancement of the town his top priority.

"You don't find many men in 1984 that were as sincere as he was," Ramsey added. "I'm sure the spirit of Craige will continue to echo in the municipal building."

While Ramsey called him an "easy-going, one-of-a-kind type, Town Clerk Barbara Mallett described Craige as "an in-town mayor" who often rode the city's streets making sure the grass was cut and holes were patched where they should be.

"I think his favorite department was the street department," Mrs. Mallett said.

STREET EMPLOYEES

Craige often ate lunch with the street employees, and he liked to walk down by the post office and talk to the townspeople. He went to the municipal building every day, making a point to meet informally with each department, Mrs. Mallett said.

"He always wrote down everything," Mrs. Mallett said. "I don't care if he was just sitting there talking to you, he would write it down."

When Craige first assumed the office of mayor, he walked into town hall with notes he already had taken from his conversations with aldermen, Mrs. Mallett said.

A retired mathematics teacher, Craige also had a fondness for figures. He could add faster than her calculator, Mrs. Mallett said.

With Craige doing the figuring and Mrs. Mallett furnishing him the information, the pair prepared the town's budget themselves, eventually bypassing the need for an auditor's office to type it.

Craige's main objectives as mayor were to finish several projects initiated before he took over: erection of a new water tank, new water-sewer lines, the completion of the swimming pool at Royal Giants Park and construction of a municipal building. And he lived to see those projects completed. He also lived to preside over a few town board meetings in the new $290,000 municipal building.

Next, he wanted to see these projects paid for, Mrs. Mallett said, adding the mayor laid the framework that aldermen can follow for meeting the town's debt service fund. She credited Craige for leaving East Spencer in sound financial condition.

SHARED OBJECTIVES

Ramsey said he was in total support of Craige's administration and that they shared many of the same objectives. He expressed regret that Craige's death occurred just as several positive things were happening in the town.

Craige entered East Spencer's political life in stormy fashion, in the midst of some turmoil on the town board between the late Alderman James W. McIlwaine and former Mayor Reginald Massey. First, McIlwaine challenged Massey's residency and his right to run for mayor. The challenge failed.

Then, in the 1981 election, Craige defeated Massey by just seven votes, and supporters of Massey challenged the final result.

The Rowan County Elections Board later upheld the election, naming Craige the winner.

Hearing that news, Craige clenched his fist for a photographer's camera and promised, "I'm going to straighten up that place (East Spencer). You dig me?"

Benjamin Craige Jr. said his 66-year-old father was a family man, a man who helped many people financially and spiritually. He added that the mayor probably had the sharpest mind of any person he had ever met.

Craige worked for Southern Railway before losing his job when Spencer Shops phased out its operations. At 42, he went back to school, graduating from Livingstone College and teaching mathematics in North Carolina for about five years. Then, he enrolled at the University of Cincinnati, where he earned his master's degree. He continued teaching in Ohio schools for 13 years, years filled with constant travel between Ohio and his home in East Spencer. On retiring, he decided he had the qualifications to help East Spencer's town government.

"And the people liked him because they knew he could do things he said he was going to do," Mrs. Mallett said.

The cancer, which claimed Craige's right eye in 1982, took his life quickly. Town employees had no idea how sick Craige was, Mrs. Mallett said.

Craige is survived by his wife, Olivia, and three children, nine grandchildren and two great-grandchildren.●

SUPPORT FOR "COP KILLER" BULLET BAN GROWS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BIAGGI. Mr. Speaker, I am pleased to report that the New York State Assembly unanimously passed a resolution last month calling on the Congress to approve legislation authored by myself and Senator MOYNIHAN (H.R. 953/S. 555) that would outlaw armor-piercing cop killer bullets which can penetrate the bulletproof vests worn by police.

The action taken by the New York State Assembly is indicative of the widespread support this legislation has received from across the Nation. Consider, for example, that 10 States, as well as a number of localities, have already outlawed these awesome projectiles. Those States include Alabama, California, Florida, Illinois, Indiana, Kansas, Maine, Oklahoma, Rhode Island, and Texas.

H.R. 953 currently has 182 cosponsors and its Senate companion measure, S. 555, has 18 cosponsors. In addition to this overwhelming congressional support, this legislative effort has been endorsed by more than 150 editorial boards throughout the Nation.

Further, H.R. 953/S. 555 have been endorsed by major law enforcement organizations across the country, including the International Association of Chiefs of Police, the Fraternal Order of Police, the International Union of Police Associations, the International Brotherhood of Police Officers, the National Association of Police Organizations, the Federal Law Enforcement Officers Association, the National Sheriffs' Association, the National Organization of Black Law Enforcement Executives, and the Police Executive Research Forum.

An April 16 letter signed by top officials from the International Association of Chiefs of Police, the National Sheriffs' Association, the National Organization of Black Law Enforcement Executives, and the Police Executive Research Forum clearly stated the police community's concern on this issue. In part, their letter stated:

> On behalf of our respective members, we, the undersigned, would like to express our support of S. 555/H.R. 953, the Law Enforcement Officers Protection Act . . . Federal legislation to ban armor-piercing bullets must be passed. We recognize that there are problems in defining those bullets that will be banned, but we feel that it is time to put all reservations aside in order to provide the maximum protection possible to the dedicated men and women who daily risk their lives for the welfare and protection of our citizens. As long as the manufacture and sale of armor-piercing ammunition remains unregulated, the possibility that a law enforcement officer will be killed or seriously wounded remains unacceptably high.

Mr. Speaker, I am pleased to report that the House Subcommittee on Crime, chaired by my good friend and distinguished colleague (Mr. HUGHES), is now in the process of developing modifications to my bill to insure that ammunition used for legitimate purposes is not affected by H.R. 953, and the administration has agreed to work with them in this worthy endeavor. I fully support this commitment to overcome the definitional problems that have plagued my effort to outlaw cop killer bullets. In fact, I have long stated my willingness to accept modifications to H.R. 953, so long as those changes do not alter the intent of the legislation—namely, to make it as difficult as possible for criminals to obtain cop killer bullets, without infringing on the rights of legitimate gun users, rights which I fully support.

Mr. Speaker, at this time I would like to insert a copy of the New York State Assembly resolution calling for the enactment of a Federal ban against armor-piercing cop killer bullets:

STATE OF NEW YORK LEGISLATIVE RESOLUTION

Whereas, Armor-piercing "cop killer" hand gun bullets are among the weapons used by bank robbers, gangsters and drug dealers in thousands of crimes committed against citizens of New York state each year; and

Whereas, These teflon-coated KTW bullets can penetrate the protective vests worn by police officers and bank guards, and can maim or kill innocent persons; and

Whereas, These bullets are easily obtained in many gun shops across New York state and the country; and

Whereas, Banning the manufacture, transportation and sale of ammunition that can penetrate the most common police vest, when fired from a handgun with a barrel less than five inches long, would save a great many lives in New York state and across the country; and

Whereas, The Secretary of the Treasury of the United States would be able to designate the specific ammunition to be banned; and

Whereas, New York State Congressman Mario Biaggi and Senator Daniel P. Moynihan have submitted legislation (H.R. 953; S. 555) before the Congress of the United States, which amends the Act that may be cited as the "Law Enforcement Officers Protection Act of nineteen hundred eighty-three"; and

Whereas, Numerous cities, counties, states and organizations including the Police Conference of New York, Inc., the Metropolitan Police Conference of New York State, Inc., The Fraternal Order of Police, The International Brotherhood of Police Officers, The International Union of Police Associations and the National Association of Police Organizations have endorsed this legislation; now, therefore, be it

Resolved, That this legislative Body pause in its deliberations to memorialize the United States Congress to ban armor-piercing handgun ammunition from here on; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to Congressman Mario Biaggi and Senator Daniel Patrick Moynihan.●

A TRIBUTE TO MR. DAN BYRNE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Mr. Dan Byrne, a resident of Santa Monica, CA, whom I am proud to say is a constituent of mine. Mr. Byrne has accomplished something that few people have ever done—he has successfully sailed around the world in a single handed sailboat race—the BOC Challenge.

The race took place in 1982-83. Five American boats entered the race, and only two completed the race. In all, there were 17 boats at the start, and only 10 left at the finish line.

Single handing a sailboat around the world is no minor venture. In fact, Sir Francis Chichester was knighted for that achievement.

It is a pleasure to share Mr. Byrne's achievement with my colleagues in the House of Representatives, and I ask that they join me in commending him for his successful voyage.●

IMMIGRATION RELIEF FOR RICHARD JOHN LONGSTAFF

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LELAND. Mr. Speaker, I would like to bring to my colleagues' attention a bill I introduced today concerning the pending deportation of one of my constituents, Mr. Richard John Longstaff.

Mr. Longstaff has lived in this country for 19 years. He has a home and business here. Yet, he now faces deportation because he is a homosexual.

When Mr. Longstaff entered this country he was not asked about his sexual orientation. Rather, he was asked if he was "afflicted with a psychopathic personality." Not considering his homosexuality to be a mental disorder, Mr. Longstaff replied "no" to the question. Afterward, in 1965, a clarification was added to the law citing "sexual deviation" as a ground for exclusion. Mr. Longstaff voluntarily disclosed his homosexuality when applying for citizenship a number of years ago. It was never his intention to deny his sexual orientation.

Last Tuesday, May 29, 1984, the Supreme Court chose not to review a lower court decision that denied Mr. Longstaff citizenship based on his homosexuality.

It is true that the Immigration and Naturalization Service can deny persons admission into this country as well as citizenship on the grounds of sexual deviation, despite the fact that the medical community has not considered homosexuality a mental disorder for over a decade. This practice of denying immigration and citizenship on the basis of an applicant's sexual orientation is blatently discriminatory.

Last year my colleague from California, the Honorable JULIAN DIXON, introduced H.R. 2815, a bill to amend the Immigration and Naturalization Act to repeal the provisions excluding aliens from admission into this country solely on the ground of sexual preference. A similar measure is pending in the Senate.

The issue at hand is not the morality of homosexuality. Rather, the issue is one of the civil liberties—an individual's right to privacy. Why does our great Nation deem it necessary to inquire of a potential immigrant his or her sexual habits, and then use the reply as a ground for exclusion? Clearly, something is wrong.

Passage of antidiscrimination measures in the Immigration and Naturalization Act is important. However, in the meantime, it is vital that we not allow the case of Mr. Longstaff to deteriorate. Here is a man who has made a home for himself in this country; a man who has created jobs for a number of this Nation's citizens in his businesses; a man who now faces deportation because of his sexual habits. Mr. Longstaff's situation is one that deserves our immediate attention.

I believe, as the Washington Post editorialized the day after the Supreme Court decision, that homosexuality is "neither an economic burden nor a threat to the national health or security. It should not be grounds for automatic exclusion."

My bill would provide for the relief of Mr. Richard John Longstaff, canceling any outstanding orders and warrants of deportation.

I encourage my colleagues to read the following Washington Post editorial published on May 30, 1984, concerning the case of Mr. Longstaff. There is one error in the editorial, however, Longstaff was not denied citizenship because he replied "no" when asked if he had a "psychopathic personality." Longstaff was denied citizenship because he is a homosexual.

[From the Washington Post, May 30, 1984]

EXCLUDING HOMOSEXUALS

Richard Longstaff immigrated to this country from England in 1965. He settled in Texas and now owns clothing stores and hair-dressing salons in Dallas and Houston. But on Tuesday, the Supreme Court let stand a court decision denying him citizenship because, when he entered the country, he answered "no" to the question "Are you afflicted with a psychopathic personality?" Mr. Longstaff is homosexual.

The courts deal with statutes enacted by Congress, and Congress clearly wanted to exclude homosexuals when the McCarran Act, with its archaic classification of mental disorders, was passed in 1952. The policy was reaffirmed in more specific language 13 years later when "sexual deviation" was added to the list of conditions resulting in exclusion. Since courts are unlikely to overturn the law on constitutional grounds, Congress ought to change the law. This provision makes no sense in this day and age.

Why do we exclude certain categories of immigrants from our country? Some are rejected for past criminal conduct, or because they have communicable diseases or will become public charges or threats to national security. Homosexuals as a class do not fit any of these descriptions. The medical profession has, for almost a dozen years, refused to consider this condition a mental disorder, and since 1979 Public Health Service doctors have refused to conduct medical examinations of persons suspected by the INS of being homosexuals.

The law, therefore, is now being enforced in an arbitrary and unfair manner. Some would-be immigrants are denied admission on the supposition of an INS officer, others because they are truthful. Those who steadfastly deny their homosexuality usually pass inspection as this man might have done had he not been honest on his citizenship application.

Sen. Alan Cranston has introduced a bill to remove homosexuals from the list of aliens who are automatically excluded, but there is little support from his colleagues. His proposal to end discrimination against this category of immigrants deserves better. Most Americans now view homosexuality on the part of consenting adults as a personal and private matter. It is neither an economic burden on the public nor a threat to the national health or security. It should not be grounds for automatic exclusion.●

OLYMPIO AND LEAH SALTARELLI CELEBRATE 50 YEARS OF WEDDED BLISS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. CONTE. Mr. Speaker, it is all too rare an occasion these days to have an opportunity to help celebrate 50 years of love and devotion between two old and dear friends. Olympio and Leah Saltarelli of Pittsfield, MA, will mark that milestone on June 12. At this time, I would like to mark publicly this milestone.

REMARKS OF HON. SILVIO O. CONTE AT THE 50TH WEDDING ANNIVERSARY CELEBRATION OF OLYMPIO AND LEAH SALTARELLI

I'd like to thank Marty and Sis for inviting me to play a small part in this celebration of fifty years of love, warmth, and caring between two of our favorite people, Shebe and Leah.

I know that for some of you younger people, fifty years is almost unimaginable—especially when put in the context of sharing them with one person! Well, to help the younger people understand, and for the purpose of "walking down Memory Lane" with some of the older folks, I did a little research to illustrate the world and Pittsfield of 50 years ago.

Perhaps the highlight of 1934 in Pittsfield, except, of course, for Leah and Shebe's wedding, was Jack Dempsey's short but exciting visit to our home city. Promoter Frankie Martin had arranged for Dempsey to come to referee a bout at the Pittsfield Auditorium between Red Reilly and The Turk. Dempsey stopped that fight and awarded it to The Turk on a foul for what he called "dirty fighting." As Dempsey called the fight, however, Reilly got mad, and knocked Dempsey to the mat. Dempsey recovered in time to swing a left and knock Reilly out cold. Reilly was still out on the mat as Dempsey drove home from Pittsfield.

In 1934, you could go to the Linden Cash Market and buy turkey for 27 cents a pound, or sirloin steak for 19 cents a pound. At Ruberto's Cash Market coffee was 17 cents a pound and 10 pounds of sugar would run you 49 cents.

For a short vacation, you could hop the old Boston and Albany Railroad on a special round trip, five day excursion fare to Boston for $3.75. And, if you wanted to drive for yourself, the Ford Motor Company previewed the 1935 V-8 automobile that sold for $570.00.

But, we can't let those low prices make us believe that life was very easy in 1934. At that time, Pittsfield was just coming out of the Great Depression. In fact, unemployment relief was the city's chief problem—meeting unemployment rolls that totalled $1,463,913. And even though Proposition 2½ wasn't even a glimmer in the eye back then, thirty-three teachers were laid off due to budget cutbacks that year.

One of the signs that 1934 meant new hope in Pittsfield was the success of a restaurant called "The New Deal", located on West Street that offered a Wednesday night Spaghetti special with all the trimmings for 40 cents. Another bright sign was a 10.6% increase in Pittsfield's employment rate, and another was a boom in single family home construction in the area—for homes that cost less than $3,000.

But the brightest sign of 1934 was the springtime, and the love that blossoms with it. Young men, sensing better times ahead, took brides at an increasing rate. Among them, fifty springs ago, were Olympio and Leah Saltarelli who took their vows on the 12th day of June.

So much is written about love—that it's always in the air, that it's a many splendored thing, and on and on—but nothing describes love better than to look at Shebe and Leah today, among their many friends and family members, their children and grandchildren, on this very special day. Unlike pounds of sirloin steak, the value of love has never changed—it is both the cheapest and most expensive commodity on earth. It costs nothing to acquire, but its value, like a fine wine, grows more precious with age. The love and sense of family carefully nourished by Shebe and Leah is no different today than it was 50 years ago.

It is a rare marriage that lasts 50 years, and it takes two exceptional people to make it work. The keys to the success of the marriage we are celebrating today are the personalities involved and their commitment to each other, to their family, and to their community. Through Leah and Shebe, you can always hear the heartbeat of Lakewood. Between Shebe's work with the Lakewood Sportsmen's Club and Leah's work registering voters and following the Red Sox, you always know where to turn for news. One thing that I appreciate especially has been their willingness to help me out at election time. I've never had two better friends.

To borrow a line from a recent popular song, "These are the good old days." While today's party is not yet a cherished memory like the pinochle vacations in Canada or family picnics with the Eddas and the Knoxes, it does serve to remind us that although we may not have as much time together as before, we can still celebrate the longevity of true friendship and happy marriage.

Shebe and Leah's commitment has been what has kept them and their relationship so young through 50 years. To celebrate this eternal springtime, I would like to propose a toast to our honored couple. This is a toast I usually reserve for newlyweds, but I can think of no better salute to Shebe and Leah.

May you in your continued life together remain like the blades of a fine pair of scissors—Inseparable; Ever sharp; Sometimes moving in opposite directions; And punishing severely anything that comes between you.

I salute the two of you on this Golden Anniversary milestone, and wish you many more years of happiness together. ●

VALUES IN EDUCATION

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BENNETT. Mr. Speaker, Gary L. Bauer, Deputy Under Secretary of the Department of Education recently made an outstanding address at the commencement ceremonies of Northern Kentucky University. In this he said in part:

Education at its core must be more than preparation for a job, however important that is to all of us. Today, I would like to talk with you about what an institution of higher learning should be, what the implications are for you as graduates of this institution, and what both say about the days that lie ahead of us as our Nation nears the end of this century.

Walter Lippman, in a profound speech written in 1940, called "Education vs. Western Civilization," feared what was happening in our modern educational institutions. Lippman, speaking of the universities of his day, said, "Modern education (however) is based on a denial that it is necessary or useful or desirable for the schools and colleges to continue to transmit from generation to generation the religious and classical culture of the Western World. It is, therefore, much easier to say what modern education reflects than to find out what modern education teaches."

"Modern education rejects and excludes," said Lippman, "from the curriculum of necessary studies the whole religious tradition of the West. It abandons and neglects as no longer necessary the study of the whole classical heritage of the great works of great men."

Lippman wrote at a time when hob-nail boots were on the march in Europe led by a mad dictator emboldened by the weakness he perceived in the western democracies. Lippman laid part of that weakness squarely on the backs of the universities of the time, and he was harsh in his indictment. He sadly noted that during the 20th century the generations trained in the great schools had "either abandoned their liberties or they have not known, until the last desperate moment, how to defend them. The schools were to make men free. They had been in operation for some sixty or seventy years and what was expected of them they have not done. The plain fact," said Lippman, "is that the graduates of the modern schools are the actors in the catastrophe which has befallen our civilization. Those who are responsible for modern education—for its controlling philosophy—are answerable for the results." Harsh words to be sure. Lippman, no doubt, had partly in mind the ridiculous exercise in intellectual self-deception that had taken place at Oxford University while Hitler was consolidating his power. There the children of the most privileged of English society debated and passed what Winston Churchill called their "ever shameful resolution" to never fight "for King and Country." The message that vote sent said Churchill "took deep root and swayed many calculations,"—no doubt including the calculations of the mad Fuhrer in Germany. None of those Oxford students knew that they were destined to abandon that pledge and, almost too late, rise to defend their freedom and culture.

Of course, the modern universities Lippman spoke of were those of the 1930's and 1940's. In the 50 years that have passed since those terrible days, there remains both cause for concern as well as cause for hope. Some wonder now is this generation more ready than our English counterparts at Oxford 51 years ago to defend our western institutions and our Nation intellectually and otherwise? Those who are concerned about the answer to that question point to our Nation's textbooks.

It has been charged that American social studies teaching for the past 50 years has been dominated by "cultural relativism," a doctrine which holds that there are no absolutes, that one cannot say that one culture or tradition is preferable to another . . . and that virtue consists only in being "open" to every life style. A society that believes and teaches happiness is mere pleasure based on instant gratification acknowledges no authority higher than you or I. Pluralism is not moral relativism, however, much some would have us believe it is. In fact, as Michael Novak recently observed, "More than half of all good education, especially of education in the use of liberty, is saying no. It is not true that 'anything goes', even in free societies within which virtually everything is possible. Realistic judgment, taste, accurate assessment, and character—all are formed by saying no to shoddy, deficient, criminal, and vicious possibilities." "There is an infinity of ways to get things wrong morally," Aristotle wrote, "only one way of making full moral choices: by assessing every element correctly and acting with courage accordingly."

If no meaningful distinctions can be made between values, then nothing crucial is at stake in the struggle between East and West. And if one system of government is as good or as bad as another, then the struggle between free societies and unfree societies, between democratic nations and totalitarian states—amounts to nothing—and many have died on foreign battlefields in vain. I believe the crosses on Flanders field mean more than that, and the most educated among us must explain to each new generation why that sacrifice was noble and justified and why because of it we all breathe the sweet air of liberty. If we fail in this basic task, then if it comes time again to sacrifice for liberty—few will find the courage to do so.

C. S. Lewis, in his excellent book "The Abolition of Man," wrote about the vanishing of norms, particularly of the heroic, from textbooks. Lewis said "reason in man must rule the mere appetites by means of the 'spirited element.' " "The head rules the belly through the chest" and it is in the chest, our heart and soul, that we find what makes us men. And then Lewis cited the tragedy of our time. "In a sort of ghastly simplicity we remove the organ and demand the function. We make men without chests and expect of them virtue and enterprise. We laugh at honour and are shocked to find traitors in our midst."

In too many of our schools, the basic compelling differences between free and unfree societies are not being taught.

The issue of values, however, is much more basic than a discussion of the differences between competing forms of government. For some time now, in the name of pluralism or some vague cosmopolitanism, we have failed in many of our classrooms to teach the common moral and patriotic principles, including love of country, that serve as the foundation for good citizenship. And even now as we begin to reach for academic excellence, some would deny that a central focus of excellence must be to remind our children of the basic values upon which our society was built.

Marine Corps Commandant Paul X. Kelley visited Nashton and when he neared this young Marine, Nashton, moaning with pain, gathered his strength and asked for a piece of paper so that he could write a message. Now, if America is just about gross national product and two-car garages; if it's about "Dallas" and "How the World Turns;" if America is neon lights and break dancing or designer jeans—well, if that is all we are made of, then I can imagine a few words that young Marine might have put on that paper—words of bitterness. But, when he finished, only two words, written with trembling hand, appeared on that sheet. They were "Semper Fi"—Marine Corps Latin meaning "forever faithful."

Lance Corporal Nashton knows his suffering was his contribution, his way of being forever faithful. And that is what we all are called on to do in this the beginning of our third century as a Nation. To our universities, this charge must go forward—to nurture in the young whom we so hopefully turn over to you, the values, character, courage, love of country and faithfulness to its traditions that serves as the foundation upon which this university and all others are built. In short, to help us know what deserves to be loved and deserves to be defended. If nothing else, you must teach our young that in the long tale of inhumanity and misery of deception and detrayal that is so much the history of fallen man, that America, blemishes and all, stands high among nations. And when our children learn this, they should not be made to feel fools for believing it is so.

Those of you who today are commencing your journey through this great land also are called to faithfulness.

I am convinced that if you will be faithful, history will record that America came of age, affirmed its leadership of free men and women serving selflessly one nation under God, indivisible, with liberty and justice for all.●

CORPORATE TAKEOVERS—THE ISSUE IS FAIRNESS

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BRYANT. Mr. Speaker, much has been written and discussed with regard to the abusive tactics used by both target management and takeover bidders during recent corporate acquisition efforts. The Energy and Commerce Subcommittee on Telecommunications, Consumer Protection and Finance, on which I am privilged to serve, has held extensive hearings on this very issue. I have come to the conclusion that shareholder interests during these takeover procedures have been grossly overlooked.

During the heat of a takeover battle, as use of offensive and defense tactics escalates, employee and community concerns, as well as shareholder interests, take a back seat. Defensive tactics can include the selling of crown jewels—the most valuable assets of a company—to dilute the value of its stock. Offensive tactics such as two-tier tender offers, which pay premium prices for the first block of acquired stock and lesser cash amounts of paper trades for latecomers, are equally injurious to shareholders.

Several weeks ago I was pleased to join Subcommittee Chairman Wirth as a cosponsor when he introduced four bills which would put the brakes on both the bidders and the takeover targets by eliminating potential abuses on both sides of the merger equation. Several proposals are very controversial in that they get to the heart of the abusive behavior on both sides.

By increasing the time allowed for a tender offer, target corporations and their shareholders have more time to examine the merits of the offer and to reply responsibly. An alteration of the business judgment rule would make target management more responsible for making sound corporate decisions and not ones based merely on self interest.

While most press accounts have focused on the various takeover battles and have reported in minute detail the chronology of events, I have not seen any significant comment suggesting the need for congressional action. An editorial in the latest issue of Business Week states: "Congress must act to guarantee that innocent stockholders do not suffer the consequences of hostile takeovers while others reap the rewards."

I include this editorial for the RECORD and your consideration:

PUTTING FAIRNESS BACK INTO TAKEOVERS

"In nature there are neither rewards nor punishments," wrote the 19th-century agnostic Robert G. Ingersoll. "There are only consequences." This chilling bit of pragmatism fit the Darwinian mindset of business in the late 1800s and may still apply to the wave of hostile takeovers now rocking the corporate world. Fortunately, however, the Securities & Exchange Commission and some congressmen today would include in "consequences" the damage done to stockholders when a company suffers a raid or even a raid that is withdrawn after someone has made a bundle by selling back the tendered stock. And if Representative Timothy E. Wirth (D.-Colo.) gets his way, Congress may soon set new rules to make the takeover process fairer and more orderly than it has become.

In legislation developed by Wirth and the SEC, takeover bidders would be required to give more advance notice, give all stockholders an equal shot at tender offers, and abandon "greenmail" scare tactics of the type that earned Rupert Murdoch a 35% premium for selling back his Warner Communications shares and garnered similar profits for the Bass brothers on their Texaco stock. On the defensive side, the bill would bar fat severance contracts known as golden parachutes, which are awarded to some executives after a tender offer has begun. Lower levels of management and ordinary stockholders get no such insurance.

Some of these proposals are highly controversial and may need further refinement. But the SEC has a clear duty to protect the rights of stockholders while ensuring that none of them receives preferential treatment. Congress must act to guarantee that innocent stockholders do not suffer the consequences of hostile takeovers while others reap the rewards.●

JERRY L. LITTON VISITOR CENTER OPENS

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. COLEMAN of Missouri. Mr. Speaker, I would like to take this opportunity to inform my colleagues in the House of Representatives of the opening this coming Sunday of the Jerry L. Litton Visitor Center at Smithville Lake in Smithville, MO.

The center is named in honor of our former colleague, Jerry Litton, who represented the Sixth Congressional District of Missouri.

Many of my colleagues in the House of Representatives will remember serving with Mr. Litton, a rancher from northwest Missouri, from 1972 through 1976. In 1976 Jerry Litton ran for a seat in the U.S. Senate. On election night, his promising political career came to a tragic end when he, along with his wife, Sharon, and children, Scott and Linda, were killed in a plane accident while departing for his victory party in Kansas City.

The visitor center at Smithville Lake commemorates Jerry Litton's life from his childhood on the farm and as a leader in the Future Farmers of America, through his career as a Congressman from Missouri.

On behalf of Mr. Litton's mother, Mildred, and all Missourians, I would like to urge you to visit this tribute to former Congressman Jerry Litton.●

CANADIAN DEFENSE NATO STUDY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LEVINE of California. Mr. Speaker, Tuesday's Washington Post reported the findings of a recently completed study by the Canadian Department of National Defense which suggests that many of the warnings we have heard from this administration about the danger posed to NATO forces by the Warsaw Pact may be seriously overstated.

The study found that Warsaw Pact forces might not remain reliable if a Soviet attack on Western Europe failed or stalled and that the entry of NATO troops into Eastern Europe would trigger a collapse of the Communist regimes there.

These provocative findings appear to forcefully contradict this administration's argument that NATO forces would be hopelessly overmatched in any conflict with Warsaw Pact troops.

I commend the consideration of this article to my colleagues and ask that it be reprinted in the CONGRESSIONAL RECORD.

[From the Washington Post, June 5, 1984]

WARSAW PACT TROOPS OVERRATED BY NATO, CANADIAN STUDY SAYS

(By Walter Pincus)

Warsaw Pact troops would not be as great a threat in combat as NATO officials tend to say they would, according to a study done for the Canadian Department of National Defense.

Years of indoctrination and direction by Moscow-trained officers have failed to turn eastern European armies into a loyal, cohesive fighting force, the study found.

The study, now circulating among top officials in NATO, says that pact forces might not remain reliable if a Soviet attack on western Europe failed or stalled and that "the entry of NATO troops into eastern Europe would trigger a collapse of the communist regimes there."

At a recent Washington conference to discuss the report, sponsored in part by the U.S. Departments of State and Defense, one expert went unchallenged when he said that the threat to the West from the Warsaw Pact "has to some extent been exaggerated," while another said that strong anti-Soviet feelings "cripple bloc armies as an instrument against someone else."

Recent Reagan administration statements suggesting there is an increased threat from the Warsaw Pact relate primarily to the modernized Soviet equipment in the hands of the troops, not to those troops' abilities or attitudes toward fighting, say Pentagon officials aware of the Canadian study.

The study, according to government and private experts, outlines for the first time in an unclassified document the unusual steps taken by the Soviet Union to maintain control over Warsaw Pact armed forces.

The Soviets, for example, have fragmented their allies' national armies. Elite and specialized units are separated and attached to larger pact armies that are directed by Soviet officers and made up of significant numbers of Soviet troops.

Other components of pact armies have special ties to Soviet units, either stationed in their country or back in the Soviet Union, or both. Such so-called brother regiments "participate in joint training programs, joint exercises and joint political activities," according to the study.

Pact countries are prevented in most cases even from producing more than a few types of arms or ammunition to prevent them from equipping their own military forces.

The East Germans are singled out for special controls, the study says, because they are considered "the best trained but least trusted." The East German army is limited to about 167,000 men while the Soviets maintain their own force of roughly 400,000 in that country.

Mistrust of conscripts is so great that the force structure is roughly one Soviet-trained commissioned or non-commissioned officer to every two enlisted men, according to the study.

The tight pact controls developed in the late 1960s, according to the study, after Moscow lost control over Romania, Albania and Yugoslavia. These pact members "have demonstrated that independent national military forces under the control of an eastern European communist regime constitute forces unavailable to the Soviets for offensive use," according to the study.

The Romanian army, according to the study, operates totally outside the Warsaw Pact, "is not available for offensive action" and has organized "a 'territorial defense system' designed to deter and, if need be, to resist a Soviet military occupation."

Another measure of Moscow's dominance is its control over the high-ranking officers in the eastern European armies. Since Russian is the command language for all pact forces, all pact officers must speak that language. Eastern Europeans who want to rise to field rank must be accepted and trained at Soviet military academies.

A Soviet officer commands the Warsaw Pact organization and in that role has authority over all the bloc armies. In addition, Soviet internal security forces also maintain direct relations and thus control over internal police in eastern European countries, a link that also reaches the Soviet Communist Party organization in Moscow and the individual bloc party organizations.●

TRIBUTE TO LUDLOW, KY, FIRE DEPARTMENT

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. SNYDER. Mr. Speaker, this spring marks another victory of the volunteer spirit that has made the United States so unique because this year is the 100th anniversary of the Ludlow, KY, Volunteer Fire Department.

This all-volunteer, community protection organization in the past century has gone from hand drawn to diesel firefighting equipment, but the spirit that motivates it is still the same as it was 100 years ago, unchanged by time. This spirit, the community spirit that brings individuals together to work in the best interests of the community as a whole, is obviously still alive in Ludlow, KY.

I would like to take this opportunity to commend the 28 members of the Ludlow, KY, Fire Department for doing their part in seeing that the great American legacy of voluntarism and community service is continued.●

LYONS, NE, CELEBRATES CENTENNIAL

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DAUB. Mr. Speaker, this year marks the centennial anniversary of the incorporation of Lyons, NE, and I am proud to join with the residents of Lyons in celebrating this significant event.

The first settlers—and subsequently the first stores, schools, banks, mail service, and industry—arrived at the current site of the town soon after the Civil War. By 1884, the year of incorporation, Lyons was a thriving town.

One hundred years later, Lyons continues to be a thriving community—proud of its heritage and confident of its future. The residents of Lyons are committed to the values that have made our Nation great; it is a place where neighbors know and trust each other and work together for the good life that we Nebraskans are so proud of.

It is a distinct privilege to take this opportunity to share the story of Lyons incorporation with my colleagues:

THE INCORPORATION

"Lyon Settlement" first became a reality with the coming of Waldo Lyon to this area in 1868, to build a farm home on the land he had acquired in Everett Township, which later became the site of the town named for him.

Having owned grist and sawmills in Hustisford, Wisconsin, and a sawmill in Tekamah before coming here, Mr. Lyon began building a roller mill in 1869, on the meandering Logan Creek at the foot of our present Main Street. Soon, a few other businesses started up.

At that time town governments such as Village Boards and other officers were not deemed necessary, and the county government, based at Tekamah, took charge of all business for the community. All villages or towns in the county were represented on the County Supervisors Board, as well as in many of the county offices. It wasn't long until Lyons had several men filling these offices. One year, in the "County Exchanges" of the newspapers, one county town accused Lyons of "trying to run the county" when they had someone in five county offices, besides the supervisor.

Franklin Everett had become a county supervisor in 1881, and had a part in the Incorporation proceedings. He continued to represent Everett Township on the Burt County Board until 1901, when as chairman of the board he had to retire because of poor health.

With the increase in population and the building of the Omaha and Northern Nebraska Railroad from Omaha to Sioux City, between 1878 and 1881, the community leaders decided it was time to incorporate and have a governing body and a set of laws governing the affairs of their own town. A petition was circulated in the spring of 1884, and 200 names were on the petition presented to the Burt County Commissioners asking that Lyons be incorporated as a village.

The petition was granted and on April 28, 1884, Lyons became an incorporated town. The following citizens were appointed to the Village Board of Trustees: W. G. Waite, R. S. Hart, M. E. Ford, L. Kryger and J. E. Farrington.

That was a special day for Lyons! Although it had grown from a "settlement" when the first settlers came in the 1860's, to an incorporated Village in those few years of growing from infancy through childhood, it was now ready to spread its wings, and began its first century of living and growing into one of the outstanding small towns in Nebraska.

I, A. Dale French, County Clerk of the above named county, do hereby certify that the following appears of record in Book 2 of

Commissioners Record, Page 368 of the minutes dated April 28, 1884:

"The Board now coming to final action on the Petition to Incorporate the Village of Lyons finds that due notice of the same has been given, that the petition contains at least a majority of the taxable inhabitants of said Village, and that said Village contains two hundred or more inhabitants all as by law required. It is now ordered that said Village be and the same is hereby Incorporated and known as the Village of "Lyons" and described as follows towit. Commencing at the Center of Sec. 25 Town 23 N Range 8E—running thence east 775 feet thence North 177 feet, thence West 2360 feet thence South 910 feet, thence East 406 feet, thence South 1179 feet, thence East 1179 feet, thence North 1865 feet to the place of beginning. And it is further ordered that W. G. Waite, R. S. Hart, M. E. Ford, L. Kryger and J. E. Farrington be and they are hereby appointed and constituted a Board of trustees for said Village."

In Witness Whereof I have hereunto set my hand and affixed my official seal at Tekamah, Nebraska, this 19th day of November, 1968.●

A FAIRWELL TO ALEX FREMLING, AN ABLE PUBLIC SERVANT

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. MORRISON of Washington. Mr. Speaker, I would like to let my colleagues know about the significance of June 22, 1984, to one of my constituents, and to observe that this country will no longer have the benefit of the talents of one of its most able public servants.

On June 22 my good friend, Alex Fremling, is retiring as manager of the Department of Energy's Richland Operations Office, which oversees the Hanford project where many of this country's energy research and development programs and a critical part of our national defense effort are conducted. From 1973-84, Alex Fremling has been the Federal Government manager responsible for the diverse activities at the Hanford Site. This enterprise involves more than 10,000 employees and nearly $1 billion in annual program activities for the Department of Energy.

I think everyone would agree that during these past 11 years we have witnessed several changes in the energy and defense programs of the United States. Let me recount just a few. The Arab oil embargo and the Iranian revolution have changed the way we do business. Energy—in various forms—was once considered so cheap that we did not have to worry about how much we wasted. Now, energy is one of the primary costs in operating a business or a home.

The economic implications of the oil supply interruptions are still being felt in all areas of the United States, but perhaps no more vividly than in the Pacific Northwest where energy demand growth has fallen from more than 7 percent per year to less than 2 percent per year. The Department of Energy itself, as well as its short-lived predecessor, the Energy Research and Development Administration (ERDA), are in themselves reactions to energy crises of the least 11 years. There is little question that the past 11 years have been historic for this country's energy policies.

For Hanford, this same time period witnessed immense changes on a smaller scale. The centerpiece of this country's nuclear breeder technology program, the FFTF, was built during this period and it and its support facilities are now operating beyond everyone's expectations.

Many of the concepts for making America less petroleum-dependent through the development of innovative conservation practices and renewable energy research and development programs are being accomplished at the multiprogram laboratory at Hanford.

Hanford has been a pioneer in long-term disposal of high-level commercial nuclear waste. A defense waste management program, once characterized by leaking tanks, is now stabilized and well on its way to a permanent solution.

Defense production facilities, a few short years ago ready for permanent shutdown, have been reactivated and are contributing significantly to the restoration of America's defense posture. Equally important, Hanford is considered by all of its counterparts in the DOE system to have the best managed safety, security, and safeguards programs.

Implementing the policy and organizational changes of the past 11 years required a person with unique talents. Alex Fremling has those unique talents and has been the captain of the Hanford ship during this voyage. Many adjectives can be cited to describe his performance, and many words have already been written publicly since his announced retirement, but let me just make one encompassing statement:

Alex Fremling is one of the finest public servants I have had the privilege of knowing. The Department of Energy, the Tri-Cities area, and Hanford have benefited by having had his talents from September 2, 1973, to June 22, 1984. I ask my colleagues to join me in saying thanks for a job well done and to wish him the best of luck in his next career at the Electric Power Research Institute.●

A TRIBUTE TO HAROLD WILLENS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LEVINE of California. Mr. Speaker, today's edition of the Washington Post contains an article about a remarkable man—Harold Willens. Mr. Willens, perhaps more than anyone else, deserves the title of "Father of the Nuclear Freeze."

He has devoted the last 20 years of his life to alerting the American people to the dangers of the nuclear arms race. In addition, he has played a key role in winning passage of resolutions in support of the freeze here in Congress, in State legislatures and in town meetings across the country.

All of us who support efforts to control the arms race owe him a great debt. I hope my colleagues will join me in saluting his contributions to making the world a safer place not only for us, but also for our children:

LESS BANG FOR THE BUCKS

A MILLIONAIRE'S FIGHT FOR THE NUCLEAR FREEZE

(By Jay Mathews)

BEVERLY HILLS, CALIF.—It was a cold, blustery day in Chicago two decades ago when Harold Willens learned a lesson about saving the world.

A fabulously wealthy businessman in that city, having heard Willens' pitch, agreed to give $15,000 for a conference on world peace. Willens, a millionaire himself thought this a paltry sum and later complained to his friend Robert Hutchins, the scholarly founder of the Center for the study of Democratic Institutions.

"That was like 2 cents to him," said Willens, still smarting from the incident.

Hutchins smiled. "You have to learn," he said, "that people have to learn to give."

Here in the flower-scented dining room of the Beverly Hills Tennis Club, with fuzzy yellow balls plonking softly outside, with men in white shorts eating breakfast and reliving old times, the rules of largesse seem largely irrelevant. But not to Willens. For 20 years he has devoted his time and much of his fortune to ensuring his children a future. He has financed presidential candidates. He has led the fight for a nuclear freeze. And after setbacks and disappointments, he has reached the point where he sees the ultimate solution to the world's ills in the fine art of fund-raising—the ability to teach people, particularly the wealthy and powerful, how to give.

"I know people, some of them are members of this club, who are multi-millionaires up in the, you know, in the double-digit millions, and they don't know how to give," he says. "Something psychic—I sometimes call it fiscal constipation—but something psychic blocks them from giving."

In American politics, it is often the people who give who acquire the unsavory reputations. They are the fat cats, thought to be buying votes rather than buttressing the constitutional system. But to Harold Willens they are a very different breed—the vanguard of a mass movement that could pull the world back from the brink of nuclear holocaust.

At age 69, Willens has written his first book, "The Trimtab Factor," to rally those men and women like himself who have made a lot of money and now realize they want "something more." (The late futurist R. Buckminster Fuller suggested the title, which refers to the small tab used to manipulate the main rudder of a large ship. Fuller told Willens he wanted "trimtab" inscribed on his tombstone, to indicate a small life spent trying to change the world's direction.) Willens decided to write the book after he received, somewhat to his astonishment, an outpouring of support from supposedly conservative businessmen for a nuclear freeze initiative he championed two years ago. Here was an audience, he decided, that had been too long ignored by the peace movement.

The book begins and ends with a fable of a company whose executives toy with the idea of destroying a rival firm with an avalanche—until the stockholders realize the rocks could destroy them, too. Reviewers have called the book simplistic, but it carries a message that Willens has already found successful in spurring sophisticated men and women all over the country into action:

"We are shareholders in the American enterprise, and our Edsel is a national security policy that relies too heavily on nuclear weapons and military competition with the Soviet Union,' Willens writes. "As we have seen, it is a policy that, if continued, will almost certainly take us to a final bankruptcy from which we can never recover."

At 5 feet 8 and 150 pounds, the tanned, somewhat diffident Willens rarely stands out in a crowd—until he opens his mouth. Then he is a bundle of enthusiasm and optimism, engaging, friendly, willing to listen to any theory but always deftly returning the conversation to his cause. He dates his conversion to the fight against the arms race from a two-day seminar at Hutchins' center, just outside Santa Barbara, in 1961. Aldous Huxley and other speakers "lit in me a fire I thought was not there," he says. Willens felt lucky to have become so wealthy. "I did well, and so I wanted to do good."

He started as a fundraiser for then-senator Eugene McCarthy in the heady days of 1968's anti-Vietnam war campaign, first testing his wings at a dinner party for 10 in New York. "I asked for $50,000 each . . . and every one of them gave," he says. He knew from the beginning never to ask anyone for money "unless I put my money there first. And I never ask unless I feel passionate about the issue. And they sense that. And because of that I never talk about donations or contributions. I always say, 'If you accept what I'm saying, if you feel the same way, join me in investing money in something that deeply affects your life, the lives of the people we care about.' "

At that dinner, Willens told the guests that "it looks as though we can exterminate ourselves, so what good is it to be pulverized with 100 percent of your net worth? To me, it is very sensible to give 5 percent or 10 percent if you feel that here is a candidate who can make a difference." Afterward one of the guests, a titan of the New York cosmetics industry, took him aside. "Look, we've never met, but I've heard a lot about you," said the man, looking like a father about to caution an errant child. "Don't ever mention net worth."

Willens took to calling it the "never-give-principal" principle, yet even today, if the time seems right, he will occasionally broach the forbidden topic. "What the hell's the good of getting evaporated or incinerated or cremated with 100 percent of your net worth?" he asks.

The deeper Willens probed the old debate over how to change the world—support a man or support a cause?—the more he learned about the U.S. tax system, which molded that debate and created what political cognoscenti call "soft" and "hard" money. Contributions to a candidate, such as former senator George McGovern, whom he supported in 1972, were not tax deductible—they were "hard" money the giver would never see again. Contributions to the nonprofit organizations in which Willens became more and more active, such as the Center for Defense Information or Business Executives for National Security, were all tax deductible, "soft" money.

Willens laughs loudly when asked whether soft money is easier to raise. "Oh, there's no question about it," he says. "Soft money makes it a soft touch. Sometimes in the years that I would actively raise money for a presidential candidate, the phrase I would always use was, 'Look, this is hard money, but it's a hard task to want to reverse this nuclear arms race . . . so it's worth hard money.' "

Recurrent charges that he is too single-minded roll off Willens' back. He has what all business entrepreneurs and political fundraisers need—a belief that all things are possible, just as they turned out to be for Harold Willens.

He was born the son of a tailor and garment worker in the Ukraine. He recounts in his book a nightmarish memory of drunken soldiers threatening to kill his family unless they handed over their money, and he can still smell the smoke from other Jewish homes torched by marauders. If anyone had cause to hate the Russians, he says, "I am that person."

His family escaped Russia in 1922. They settled briefly in the Bronx, and then in Boyle Heights, a blue-collar neighborhood of Los Angeles, where Willens worked in a grocery store. Fresh out of high school, he started a food specialty business. At age 24, while his wife, Grace, ran the rapidly growing enterprise, he enrolled as an English literature major at UCLA, indulging a love of history and philosophy that would fuel his later excursions into public affairs.

Today he owns blocks of Wilshire Boulevard and other prime pieces of Southern California real estate, as well as a huge house in fashionable Brentwood Park, a low-slung residence on the beach in Malibu Colony, and a four-bedroom condominium in Rancho Mirage, near Palm Springs. His tan testifies to many hours on the tennis courts, including a recent doubles match against his desert neighbor Spiro T. Agnew. ("We won," Willens says.) But he spends much of his life on the road, deep into the political process and getting deeper. While his longtime secretary, Katherine Dobbs, runs his office in downtown Los Angeles, Willens roams the country making new friends, giving speeches, raising money, selling his message and, most recently, his book. His schedule during one recent week took him to San Francisco, Palo Alto, Salt Lake City, Denver, Milwaukee, Washington and New York, a pace he had been maintaining for two months.

Over the course of years spent in airports, Willens has learned what a large country the United States is. He has also learned how its richest harvests come not from the fertile Midwest but from two huge patches of concrete on either end of the continent—New York and Los Angeles. "Even Chicago doesn't have the same critical mass of giving capability that exists in California and New York," he says.

Los Angeles, of course, is a place where actors, producers and musicians can make a lot of money while they're very young—and more susceptible to Willens' insistence that the world can and should be changed for the better. New York and Los Angeles residents seem to him to have a "broader perspective." People there read The New Yorker and worry about the state of the world.

He also finds it significant that "more Jewish people live in those two major cities." Willens, who is himself Jewish, has pondered the roots of Jewish generosity toward causes like his "That probably comes from the tradition," he says, "the centuries of subjugation and ostracism and therefore being concerned with justice, equality, a higher human concern, higher than just another Bentley or Rolls-Royce or mink."

For a while he put his faith in such people and in a select few politicians—until be encountered Jimmy Carter, "the only one who conned me, one of the great actors of our time . . . a better actor than Reagan."

"I really spent a lot of time with him, very early on," Willens says. "He and I sat and talked about this issue so I wrote articles, went around the country, raised money and that was the first time that I had an open door to the White House."

"Then came what I call his 'betrayal.' The years of activity made it quite natural for me to be part of the . . . United Nations special session on disarmament [in 1978], and the appointment came technically from him. I went to the White House sure of the fact that of course he would address this session . . . it was 149 countries, and the issue was the nuclear arms race. And then I learned to my dismay that the politicals pygmies around him were leaning on him not to do it. You know, 'Don't go there cause you'll look like a sissy or a softy or something.' "

News accounts at the time suggested that Carter advisers felt public statements by the president might affect the delicate arms control negotiations under way with the Soviets. They wished to avoid the temptation in such a forum to promise too much. The people around Carter "understood the presidential nomination process very well," Willens says, "but they didn't know beans about issue politics. And issue politics had been my whole life. I told them, 'You're never going to win the hard-liners in the Senate, and it's far better mobilizing public opinion by a fantastic, phenomenal speech at that forum.'

"When he didn't come, I couldn't believe it," he says. Willens tried to persuade Carter to make a closing speech at the session: "If you refuse to do the invocation, for God's sake do the benediction." He begged then-vice president Walter Mondale to intercede. "Fritz said that he did his best," Willens says, but Carter stayed away from New York.

Asked who he is supporting this year, Willens answers, "My candidate for president is the nuclear freeze." This has meant even more travel than usual, staying in touch with a network of like-minded business executives and turning his book promotion into a freeze blitz, with copies sent to all members of Congress and all chief executives of the Fortune 500.

"My wife and I were talking about all this last week at the desert, and she has mixed feelings about it," Willens says. "On the one hand, she knows that what drives me is not altruism or anything high-minded. That's a lot of crap. What drives me, and her to help me, is, you know, very specific reasons, and their names are Larry, Ron and Michele, our three children, our five grandchildren and so on. So here I go again, but I never think of the time, money or energy—and it costs a fortune—as being donated. It's invested."

In 1982, in the heat of the campaign to win votes for a nuclear freeze initiative on the California ballot, Willens invested some of that money in a controversial, full-page Sunday New York Times advertisement. It was one more confirmation of the lesson that he had learned 20 years earlier. Freeze advocates on the East Coast objected to his trying to siphon money from "their" turf. The ad, Willens said, "hit a tremendous jackpot of money, but more importantly, Monday morning I got calls from media people—you can't imagine how many people called, including some top people from Time magazine. Within two weeks they ran their first cover story on the issue. So there was my old age and experience telling me this was the right thing to do, and here were some very nice people—I respect them, we all do things certain ways—but their perspective is so provincial."

There is, Willens says, "a widely held myth that, gee, whoever the potential contributor is, she or he has a certain number of dollars bunched up in his or her pocket, and if someone else takes the dollars away, I won't get it. That myth is Alice in Wonderland. It's upside down. Twenty-two years of active fund-raising . . . has taught me that it doesn't work that way. It works just the opposite, that if an ad like that catches the attention of people and they make contributions, they're not giving their last dollar.

"The fact is, it opens them up. It's a catalytic agent on the generosity, and then they tend to give more and more and more."●

DR. WILLIAM L. FISHER—PRESIDENT-ELECT OF THE AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. PICKLE. Mr. Speaker, recently Dr. William L. Fisher, director of the Bureau of Economic Geology at the University of Texas, was chosen to be president-elect of the American Association of Petroleum Geologists.

Dr. Fisher will begin serving as the 1984-85 president-elect on July 1. Next year he will assume the 1985-86 presidency of AAPG, the world's largest professional geoscience association with members in 93 countries.

In addition to his duties as director of the bureau, Dr. Fisher is the Morgan J. Davis Centennial Professor in Petroleum Geology at UT Austin, where he has taught since 1969. He will become chairman of the UT Department of Geological Sciences in September.

Dr. Fisher joined the Bureau of Economic Geology in 1960 and served as research scientist and associate director before becoming director in 1970.

He served as assistant secretary for energy for the U.S. Interior Department during the Ford administration from 1975 to early 1977, when he returned to the director's post at the UT bureau. I can vouch that he did an outstanding job as Assistant Secretary.

Dr. Fisher has served on numerous boards and councils, including the White House Energy Resource Council. He has been president of the Austin Geological Society and has been a member of committees for the Interstate Oil Compact Commission, the Texas 2000 Commission, the Texas Energy and Natural Resources Advisory Council, and the Texas Railroad Commission. He also is vice chairman of the Texas Low-Level Radioactive Waste Authority.

Dr. Fisher said a significant task of the AAPG presidency is maintenance of the various divisions within the organization, which has grown in recent years. The AAPG now includes a division concerned with nonpetroleum energy sources, such as coal and geothermal energy.

The organization also includes a division of public affairs and ethics. In addition, the association issues papers on energy issues and offers consultation on policy matters to the executive branch and to Congress.●

MEMORIAL DAY 1984

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mrs. SCHNEIDER. Mr. Speaker, since the end of the Civil War, Memorial Day has been the time when we pay tribute to the men and women who gave up their lives on the field of battle. This year, the last Monday in May took on special significance for Vietnam era veterans when the remains of a Vietnam serviceman were interred in the Tomb of the Unknown Soldier at Arlington National Cemetery. It is my privilege today to honor a group of Rhode Island veterans who traveled to Washington this week to participate in this week's solemn tributes to those who served our country in times of war.

Although it has been over a decade since American troops left Vietnam, the wounds of our experience there have not yet healed. While some may say that Monday's funeral ceremony marked the close of an era, I believe that it signified not an end, but a beginning. Vietnam-era veterans have suffered because they received no homecoming celebrations, no parades, and no ceremonies of gratitude. All too frequently, we have wrongly heaped the blame for our collective misunderstandings about the Vietnam experience upon the men and women who served in the Armed Forces. Clearly, they deserve better than that; their acts of heroism and sacrifice must be recognized. We must move toward a period of reconciliation and reintegration of Vietnam-era veterans. The time is long overdue to put an end to the bitterness and anger.

Among the most pressing matters yet to be resolved is a full accounting of the nearly 2,500 American servicemen still missing in Southeast Asia. It is this paramount concern which brought Rhode Island veterans to Washington this week. They join dedicated men and women from across the Nation who have maintained a 24-hour-a-day color guard at the Vietnam Veterans' Memorial since Christmas 1982. The Veterans' Vigil Society, which has coordinated this effort, intends to maintain this vigil until all those still listed as prisoners of war or missing in action are accounted for. I deeply admire these individuals who have come out of love and respect for those who died and out of compassion for the families of the fallen and missing.

It is incumbent upon us to obtain the fullest possible accounting of the Americans missing in Southeast Asia. For the families of the 2,490 POW's and MIA's, 10 of them Rhode Islanders, we must make this matter a national priority. I urge my colleagues to join me in cosponsoring House Joint Resolution 489, directing the President to work for the immediate release of each living American who may still be held captive in Indochina, and the expeditious return of the remains of all American servicemen who have died in Southeast Asia. For those who have died in our country's service, we can do nothing less.●

UNITED BLACK FUND 12TH ANNUAL VICTORY LUNCHEON

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. FAUNTROY. Mr. Speaker, I would like to bring to the attention of the Congress the 12th annual victory luncheon of the United Black Fund, Inc., of Greater Washington to be held on June 27, 1984, at the Sheraton Washington Hotel.

This year's workshop and luncheon theme focusing on the prevention and detection of substance abuse is a timely one. Again, the United Black Fund takes a leading role in providing resources to programs that seek to improve the condition of residents in the metropolitan Washington area.

Under the capable leadership of Dr. Calvin W. Rolark, founder and president of the United Black Fund, this organization has for 15 years contributed to numerous educational, social, health, and community programs and activities throughout the metropolitan area.

Today, the United Black Fund supports 55 participating member agencies and grants emergency funds to many qualified nonprofit organizations. In addition to financial support, the UBF provides technical and managerial assistance to member agencies and employment referrals to the general public.

The United Black Fund has established itself as a viable social service agency directing resources to where they are most needed. Thousands of people have been helped and our community has been made richer by its contribution.

I extend an invitation to my colleagues in the U.S. Congress to join the United Black Fund at its victory luncheon.●

JOINT RESOLUTION ON THE EXCHANGE RATE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BEDELL. Mr. Speaker, I have today introduced House Joint Resolution 585, directing the President and the Federal Reserve Board to take certain actions to lower and to stabilize the international exchange value of the dollar. This binding joint resolution represents an important first step in addressing a major new economic problem facing our Nation. Both the National Association of Manufacturers and the AFL-CIO have joined with a number of cosponsors supporting this nonpartisan initiative.

Today, foreign producers enjoy an enormous competitive advantage over goods produced in the United States—from livestock and grain, to autos, steel, silicon chips, and many services—simply as a result of our overvalued dollar. Protectionist pressures are understandably rising in the United States. Our workers and firms can no longer be expected to bear this grossly unfair burden.

The dollar has appreciated by almost 60 percent since 1980 against the Federal Reserve's trade-weighted index of major foreign currencies. While the traditional basis for determining equilibrium exchange rates—purchasing power parity—has been severely undermined in recent years, and few economists are confident they know where exchange rates should be, almost everyone recognizes the dollar is significantly overvalued. The administration speaks with several, often confusing voices on this subject, but they, too, have agreed that the strength of the dollar is a major problem which requires policy response.

Even a 30-percent overvaluation of the dollar effectively imposes a 30-percent tax on goods produced in my Iowa district—and in yours—and provides a 30-percent subsidy to competing foreign imports. I do not need to tell you the damage this is doing to our economy. Economists estimate that 70 percent of all production in the United States directly competes with foreign producers. According to Data Resources, Inc., the economic consulting firm, more than 1 million jobs were lost all across the United States by early 1983—strictly due to the overvalued dollar.

And this very bad situation is getting worse.

Last year's $60 billion trade deficit—BEA data—was the worst performance in U.S. history. According to the President's Council of Economic Advisers, however, that record deficit is expected to almost double this year to $110 billion. Estimates for the 1985 deficit are in the range of $150 billion.

The President's economic advisers also estimate that U.S. borrowing to offset these enormous trade deficits will cause the United States to become a debtor nation next year for the first time since 1917. Barring dramatic changes in international trade and capital flows, the U.S. external debt, in absolute terms, is projected to rival that of Brazil and Mexico within 2 years. What this means is that in an astonishingly short time we are wiping-out the customarily substantial U.S. net foreign earnings on investments which we built up over most of this century, and accumulating large financial obligations for the future.

House Joint Resolution 585 will establish that the exchange rate is now an important factor to consider in the management of U.S. economic policy, alongside our concerns for interest rates, unemployment and inflation.

The Bedell resolution, which will have the force of law, draws on the findings and the agreements of last year's Williamsburg economic summit. The President made a firm commitment at Williamsburg to pursue greater coordination with our allies of monetary and fiscal policy, as well as potential exchange market intervention, with the explicit goal of achieving and maintaining reasonable and stable exchange rates.

House Joint Resolution 585 has three parts:

First, Congress pledges to continue its efforts to correct the current fiscal policy inbalance and reduce the budget deficit;

Second, Congress directs the President and the Federal Reserve Board to strengthen U.S. cooperation with the central banks and other appropriate institutions of our major allies to reduce the misalignment of the dollar while insuring noninflationary growth of their combined money supplies, and;

Third, believing that the favorable impact of these actions could be enhanced by potential coordinated intervention in the exchange markets, directs the President to resolve current policy ambiguity by formally withdrawing the May 4, 1981, policy of nonintervention in exchange markets—except after a crisis of disorder arises—and by reaffirming the principles of responsible exchange-market stewardship agreed to at the Williamsburg economic summit.

The passage of this joint resolution will be an important step along the road toward responsibile management of U.S. economic policy in today's complex international environment. Certainly there is room for disagreement over trade-offs in economic policy objectives, but the United States must face-up to its exchange market responsibiliites. I hope that you will join with me in support of this initiative, so important to the future of our economy.

The text of the joint resolution follows:

H.J. Res. 585

Whereas a competitive United States economy and full employment are possible only if the exchange rate for the dollar is realistic and reasonably stable relative to the currencies of other major trading countries;

Whereas differentially regulated national economies and macroeconomic policies have caused the dollar to appreciate by more than 50 percent since 1980, raising deep concern for either a continuation of current rates or a precipitous dollar decline;

Whereas more than one million jobs have been lost as a result of the misaligned dollar and many firms are now being forced to consider moving production overseas in order to reduce dollar costs;

Whereas American small business, the source of most of our new jobs and productive innovation for the future, is suffering even more severely from the misaligned dollar than are larger firms with multinational options;

Whereas protectionist pressures in the United States are severe and growing;

Whereas it is projected in the Economic Report of the President that our record $60,000,000,000 merchandise trade deficit in 1983 could almost double to $110,000,000,000 this year;

Whereas even our best firms in high technology industries and services, as well as in agriculture and basic manufacturing, are losing markets to foreign competitors, and once lost these markets will not be easily regained;

Where the net creditor position which the United states has built up with the rest of the world over most of this century is being very rapidly lost, and the United States could become a net debtor nation within the next 12 months, eliminating our customarily substantial net foreign earnings on investments and obligating us for the future;

Whereas a sudden and severe drop in the dollar world reignite inflation and push up interest rates which would result in the choking off of our recovery and the possibility of a breakdown in the international financial and trading system;

Whereas important determinants of the dollar misalignment are acknowledged to be United States macroeconomic policies and the Federal budget deficit;

Whereas the United States should not deny itself any instrument of policy which could reassure the foreign exchange markets and assist in the orderly adjustment to more reasonable and stable exchange rates; and

Whereas the President made a firm commitment to our allies at the Williamsburg Economic Summit to pursue greater coordination with them of all economic policies (including monetary and fiscal policy and exchange market intervention) with the explicit goal of achieving and maintaining reasonable and stable exchange rates: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—

(1) pledges to continue its efforts to reduce the budget deficits;

(2) directs the President and the Board of Governors of the Federal Reserve System to strengthen United States cooperation with the central banks and other appropriate institutions of our major allies to reduce the misalignment of the dollar while ensuring noninflationary growth of their combined money supplies; and

(3) believing that the favorable impact of these actions could be enhanced by potential coordinated intervention in the exchange markets, directs the President to resolve current policy ambiguity by formally withdrawing the May 4, 1981, policy of nonintervention in exchange markets (except after a crisis of disorder arises) and by reaffirming the principles of responsible exchange-market stewardship agreed to at the Williamsburg economic summit.●

JUNE 15, 1984, IS SLOAKUM MEMORIAL DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. ADDABBO. Mr. Speaker, June 15, 1984, is Sloakum Memorial Day. Many of my colleagues in this Chamber have never heard of the *General Sloakum*. While the name seems strange and foreign, the effect the *General Sloakum* has had on the American people, and especially the people of New York is very real.

The *General Sloakum* was a large pleasure boat which ran cruises along New York City's waterways in the early 1900's. On June 15, 1904, the ship caught fire while cruising on the East River of New York. As a result of carelessly designed safety procedures, 1,020 lives were lost.

Four score years after this ship went ablaze, we have learned many lessons from this tragic accident. These stricter safety procedures apply to sailing ships and many other areas of public transportation.

It is one of the most unfortunate conditions of mankind that we often must experience the tragedy of a catastrophe before we are ready to introduce reforms. The *General Sloakum* was a case in point. Many of the safety devices were not easily accessible. Poor communication aboard the ship resulted in chaos and confusion that ended in mass death.

History provides key lessons. We have certainly come a long way in improving safety on mass transportation. Remembering the *General Sloakum* should reaffirm our strong commitment to safety.

Today, I join the Sloakum Memorial Committee of the Queens Historical Society in requesting that June 15, 1984, be designated as Sloakum Memorial Day on behalf of the lives that were lost aboard the *General Sloakum*. Remembering this historic date is not only a way for us to pay homage to the dead, it is also a way for us to insure that this will not happen in the future.●

A SALUTE TO THE INTERNATIONAL ASSOCIATION OF BOMB TECHNICIANS & INVESTIGATORS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DARDEN. Mr. Speaker, I rise today to recognize a very special group of people, the International Association of Bomb Technicians & Investigators. This is a group of 2,500 persons from the United States and 29 other nations, who are members of police departments, fire departments, the military, and the private sector. Many of these are the people you read about in the morning newspaper when you read of bombs being defused or a bombing being investigated. They also do extensive work in protecting visiting dignitaries from other countries. Last week this group held its annual convention in Oklahoma City, OK, and I think it is only fitting that we take a few moments to pay tribute to their valiant efforts.

Throughout the years, those in the field of disposing of explosive devices, whether military or improvised, have been highly skilled, dedicated, and motivated. The people in the profession have risked their lives on numerous occasions to save the lives of others. Since 1972 over 146 of these professionals have been killed by explosive devices. In that same timespan, 87 civilians and countless military personnel have been injured in these explosions.

Many of these incidents have generated national headlines. Members of the Washington, DC, metro bomb squad, along with technicians from other Federal agencies, were present when a truck alleged to be carrying 1,000 pounds of explosives was parked next to the Washington Monument in 1982. Members of the International Association of Bomb Technicians & Investigators were also involved in the defusing of extortion bombs at the Gulf refinery in Baytown, TX, and I need not remind you of the recent Capitol bombing where members of the Association played an important role in investigating the blast.

The world we live in is many times a violent one as terrorism presents an ever increasing threat to our freedom and our way of life. I feel much safer knowing that people such as these are willing to put their lives on the line for the safety of us all.

More times than not, the bravery and valor of these people goes unnoticed. That is why I would like to take this opportunity to recognize these men and women, and commend them for the fine job they do. We owe the International Association of Bomb Technicians & Investigators and all of the people in this profession a great deal of thanks.●

IN SUPPORT OF HANDGUN CRIME SUPPORT BILL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. MARKEY. Mr. Speaker, I am grieved by a senseless tragedy that occurred last week, another involving a young boy and a handgun. Statistics show us that every 3 minutes someone in this country is injured by a handgun, and this time it was one of the families of my district, the Plunketts, whose lives were affected. Jimmy Plunkett, who was finishing his sophmore year at Winchester High School, will not be going back because of a handgun accident that was fatal. It happened in his home with his own father's handgun that was always kept under lock, except this time. Jimmy will be missed dearly and I am sorry for Jimmy's family and his friends.

We are all victims of guns and we all suffer from the tragedy of Jimmy's death and other fatalities involving handguns that are replayed over and over again each day whether the gun is in our own hands or in the hands of another. Handguns continue to proliferate our city streets and communities at an alarming rate of one new handgun produced and sold in this country every 13 seconds.

We must settle this issue once and for all. We not only need tougher laws on crimes that involve handguns. We need strict uniform Federal codes on the sale, ownership, licensing, and transfer of all handguns in this country. With the wide disparity in laws governing handguns in all 50 States and the easy access to other States, this is the only way to bring down the atrocious number of handgun-related homicides, suicides, and accidents in this country.

In 1980 alone, handguns killed 77 people in Japan; 8 in Great Britain; 24 in Switzerland; 8 in Canada; 23 in Israel; 18 in Sweden; 4 in Australia; while that same year the death toll from handguns in the United States stands at over 11,500 people. All of these countries, except the United States have tough, uniform laws on the ownership of all handguns requiring thorough background checks, permits for possession of a handgun, and handgun registration.

It angered me recently when the Senate Judiciary Committee tried to ease the restrictions on the interstate sales of handguns. Their argument for a sportsman hunting out of his home State in need of a replacement rifle or shotgun may be one thing but does that mean we should grant the sale of all guns including snub-nosed revolvers to out-of-state residents. Fortunately, the committee realized the potential dangers and saw fit to restrict the new interstate sales to long-barreled guns only.

But we need tougher restrictions on handguns and we need them now. I urge my colleagues to support the handgun crime control bill, H.R. 1543 and I urge that we act on this legislation now. The bill eliminates the Saturday night special, the same type of gun that killed Robert Kennedy and John Lennon, paralyzed George Wallace and nearly killed President Reagan. This is not a sporting handgun and we need this weapon outlawed. The bill also creates a mandatory waiting period and background check for the purchase of a handgun; and shuts down the black market for handguns by stopping the purchase of them in bulk and requiring that loss or theft of handguns be reported at once.

Handgun crime control measures have proven to work not only in other countries but in cities and States around our country, as well. But that is not enough and we need to enact Federal legislation to stop crime nationwide. Please join in protecting all Americans from one of the greatest dangers on our streets—handguns.●

SOLVING THE PENTAGON PROCUREMENT PROBLEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, June 6, 1984, into the CONGRESSIONAL RECORD.

SOLVING THE PENTAGON PROCUREMENT PROBLEM

Many Hoosiers have told me of their strong concern about waste and fraud in defense procurement. An unending litany of "horror stories" confirms their concern and shows that the Pentagon has a long way to go in the struggle against waste. Recently, the Navy paid $110 each for a 4 cent electronic part. In another case, only the alert action of a sergeant kept the Air Force from paying $3,136.61 for simple parts worth 34 cents. Purchasing agents had ordered the item by number and did not know what they were ordering. It is obvious that a strong dose of common sense is needed to improve this process.

Cost escalation is also a major problem in defense procurement. The Grace Commission reported that 25 major weapons systems had risen in cost from the original projection of $104 billion in 1977 to $339.2 billion today. Hoosiers are right in their view that someone is not minding the store, and in demanding corrective action.

Some of these huge cost increases are due to factors such as inflation, the long-term trend toward more complex and costly weapons, and the Administration's defense buildup. Procurement, which was 27 percent of defense spending in 1981, will rise to 40 percent in the administration's fiscal year 1988 budget. With so much money being spent so quickly to buy so many new weapons, the probability of waste and cost escalation is high.

My sense is that the problem of escalating procurement costs has begun to jeopardize our national defense. Public concern about waste in defense spending undermines support for an adequate military budget. As costs grow, the Armed Services can buy fewer weapons, which in turn means smaller production runs, higher unit prices, and further cutbacks in the number of weapons purchased. Thus, our tax dollars buy fewer and fewer of the weapons our forces require. What can be done about this serious problem?

First, and most important, we must increase competition. The Pentagon prefers to buy from prime contractors with proven records for timely delivery of complex weapons systems. Thus, only 6 percent of all defense contracts are awarded through competitive bidding, and this percentage has been dropping. While it may not be feasible to handle all defense purchases competitively, I believe it is essential to increase competition sharply by:

(1) More use of dual-source contracts whereby, once production begins, two producers are guaranteed a base percentage of a weapons system but the remaining percentage goes to the best performer. For example, the Air Force may save $3 billion over 20 years by the ongoing competition between two firms to produce the larger share of the next generation of fighter engines;

(2) A strong shift to competitive contracts for common commercial products such as lubricants, simple tools, and office supplies. Many of these contracts could be set aside for small businesses, which could then compete for a fair share of the Pentagon procurement dollar;

(3) Increased emphasis on competition by the Pentagon itself. This might involve: encouraging employee efforts to promote competition; assigning competition advocates to each military purchasing agency; buying spare parts directly from manufacturers instead of from prime-contractor middlemen; and limiting contractors' proprietary rights on defense products and technologies.

Second, we must strike a better balance between maintaining the technological edge of our forces and holding costs down. The Pentagon has sometimes been excessive in its efforts to achieve the last 5 percent improvement in a system's performance, at up to 50 percent higher cost. Effective use of high-tech in defense is essential to counter Soviet quantitative advantages, but it will do us no good to design technologically superior weapons if they are too costly to buy in needed quantities.

Third, structural changes are needed in the procurement process. Accountability is not adequate. Pentagon program managers have too little authority and are transferred too often. Interservice rivalries continue to foster wasteful duplication rather than standardization of weapons for similar missions performed by the Services. Management improvements, such as multi-year contracts for major weapons systems, better cost accounting, and more aggressive auditing are needed. The practice among military procurement officers and project managers of taking early retirement to work at high salaries in the defense industry must be curbed. Similarly, we must not allow defense contractors to submit artificially low initial cost estimates with the hope of recovering the full costs later. If the Pentagon and Congress "buy into" such a program, a big cost overrun is almost assured.

Fourth, Congress must do a better job of oversight. It has already imposed tighter reporting requirements on costs of major weapons systems, mandated the creation of an independent Inspector General's office in the Pentagon, and approved use of some multiyear contracts.

Congress should impose still tighter reporting requirements on costs of both major weapons systems and spare parts. It should also insist on rapid progress by the Pentagon toward more competition and a greater role for small businesses in procurement. The percentage of competitive contracts should increase each year until most procurement is subject to free market bidding. To promote weapons standardization, Congress should closely monitor all weapons systems under consideration by the Pentagon and insist on a full explanation from the Services when viable joint programs are not adopted. Congress should also insist that the government seek performance warranties on weapons from arms makers. We have had enough of paying for weapons that don't work. With billions in tax dollars and the effectiveness of our national defense at stake, a broad array of reforms are needed to stop Pentagon waste. As the defense budget grows, the Congress must increase the pressure for results.●

WEST VIRGINIA'S NONRUBBER FOOTWEAR INDUSTRY

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. STAGGERS. Mr. Speaker, as a member of the footwear caucus, I would like to take this opportunity to express my deep concern about the decline of our nonrubber footwear industry. This decline is particularly evident in West Virginia's Second Congressional District, which I have the great privilege of representing.

West Virginia's nonrubber footwear industry plays a critical role in the State's economy. It employs about 2,250 people in direct manufacturing and another 250 people in rubber and plastic footwear manufacturing. The shoe industry is the only significant source of employment in Hampshire and Pendleton Counties—both located in my district. It is, moreover, a major employer in Preston, Randolph, and Tucker Counties, also in my district.

Yet the shoe industry is feeling the pinch of imports in West Virginia and other States with footwear manufacturing plants. Since the administration discontinued shoe import limitations in 1981, imports into the United States have surged; 2 years ago, imported shoes accounted for half of the U.S. market; today, they comprise almost two-thirds of our market.

In response to this increasing import penetration, the footwear industry has been suffering through a wave of factory closings. Nationally, about 27,000 manufacturing jobs have been lost and 50 factories closed. In West Virginia, the recent closing of factories in Elkins, White Sulphur Springs, Huntington, and Romney has resulted in the loss of almost 1,000 jobs. With West Virginia still leading the Nation in unemployment, this loss of jobs is all the more devastating to our State's economy.

In light of the important role which the nonrubber footwear industry plays in the economic health of West Virginia, I wish to express my strong support of the industry's petition for relief under section 201 of the Trade Act of 1974. With temporary relief, the shoe industry would be able to devote more of its resources to research and modernization. In this way, it would be able to regain its competitiveness, thereby creating thousands of jobs for the people of my district as well as our Nation.●

BROOKFIELD ZOO'S 50TH BIRTHDAY

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. ERLENBORN. Mr. Speaker, during the past year, there have been a number of events to celebrate the 50th birthdays of Mickey Mouse and Donald Duck, two cartoon characters who, for generations, have entertained Americans young and old. For the past 50 years, Chicago's Brookfield Zoo, located in the tree-lined community of Brookfield, IL, in my district, has entertained the young and the old from the Chicagoland area who are interested in real animals. Brookfield Zoo is known internationally for the many species housed there and for its breeding of rare and endangered species. I believe it appropriate, therefore—and I am proud—to relate a bit of Brookfield Zoo's history to my colleagues as my way of saying "Happy 50th Birthday" to this outstanding learning and leisure time facility and of congratulating the many people who have made it possible.

One of the largest zoos in the Nation, Brookfield—which opened its doors on June 30, 1934—was the first zoo to exhibit the Panda bear, which we Americans find so lovable. Its list of firsts is lengthy.

Brookfield Zoo was the first in the United States to be based on the naturalistic concept—there are no bars at Brookfield's Children's Zoo—and now the naturalist approach is the goal of zoos around the world.

The zoo was the first to breed the reticulated giraffe, Dall sheep, Przewalski horse, addax, black rhinoceros, tarsier, Kodiak bear, green-crested basilisk lizard, and okapi. The first hairy-nosed wombat born outside of Australia was born at Brookfield Zoo on July 2, 1974.

The okapi deserves more than passing mention. It was the last land mammal to be identified in this century, and Brookfield was the first zoo in America to breed and raise okapis successfully. Zoo officials, therefore, have named Fredricka Okapi as mother of the year. Fredricka, who was born at the zoo in 1961, has contributed generously to the okapi herds in the United States.

Partly in honor of Fredricka, Brookfield gave special recognition on Mother's Day this year to the first 1,000 mothers who came through its gates. Fathers are slated for similar tributes on Father's Day.

Special events abound year round at Brookfield, but visitors during the first 2 weeks in July this year will find a lot of different activities under a big tent. There will be children's concerts during the day, evening concerts, Scout days, plays, and more—all part of the zoo's 50th anniversary celebration.

Brookfield Zoo is a well-run adventure in learning, a delightful place to spend the day. I congratulate zoo director George Rabb, the 289 other zoo employees who help to make Brookfield so popular, the many friends who contribute their time and money to its success, and the residents of the village of Brookfield who put out the welcome mat to zoo visitors. Brookfield's 50th birthday spells happy days for all who visit there.●

THE DEFECTIVE AIRCRAFT REMEDY ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday June 6, 1984

● Mr. SEIBERLING. Mr. Speaker, existing consumer laws provide reasonable redress for defective consumer products. However, for the owners of general aviation aircraft, there is little opportunity for such redress without resorting to time-consuming and costly litigation.

Aircraft owners must meet the rigid safety standards established by the Federal Aviation Administration, or else lose their airworthiness certification. If their airplanes are defective, owners must face considerable expense in complying with routine airworthiness directives issued by the FAA. Since existing warranties on aircraft are very limited, it is difficult for aircraft owners to recover even part of the cost of the repairs required by the FAA, even when those repairs are the result of a design or manufacturing defect.

With this in mind, I am reintroducing legislation to help aircraft owners recover some of the expenses incurred in complying with airworthiness directives in cases when the safety problem is the clear result of a design or manufacturing defect.

My bill, the Defective Aircraft Remedy Act, requires the Secretary of Transportation to determine whether an airworthiness directive is required because of a safety problem caused by a design or manufacturing defect. If so, the bill requires the manufacturer to either repair the defective part without charge, or to reimburse the owner for the cost of the parts if the owner elects to have the repairs done himself. The bill specifically excludes labor charges as reimbursable expenses, and sets a time limit on a manufacturer's liability of 1 year from the finding that a defect exists. The bill also sets requirements for notification by the manufacturer of a design or manufacturing defect, and establishes

penalties for failure to comply. The Secretary of Transportation is given the authority to waive or reduce the fines.

My bill is not intended to interfere in any way with existing aviation safety procedures. However, I am hopeful that the introduction of the bill will lead to a satisfactory resolution of aircraft warranty problems.●

INDEPENDENT BANKING PRESERVATION ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. VENTO. Mr. Speaker, today I am introducing the Independent Banking Preservation Act. This measure was developed in cooperation with the Independent Bankers of Minnesota and with other State organizations in mid-America including Illinois and Louisiana.

The Independent Banking Preservation Act is similar in several aspects to the measure introduced last week by the chairman of the Banking, Finance and Urban Affairs Committee. But, in addition, it has some features which I believe are critical to the survival of the small- and medium-sized banks so vital to our national and local economies.

Banking is both a fundamental and an indispensable factor in our economy. Banks sit at the very core of the growing United States and, indeed, international economic activities. We could not run our modern economy without banks. The safety and soundness of banks are part and parcel of our national security. And as our economy becomes more complex, the importance of banking as its catalyst grows geometrically.

No matter how many new financial services develop—that is, corporations going directly to the securities markets to raise working capital—banks are still the unique institutions privileged to take the savings of the poor and the wealthy, the weak and the powerful, with a promise of instantaneous repayment and, at the same time to make credit-worthiness judgments about individual borrowers. Banks, therefore, make the solid pledge to lend money safely when they deem it prudent, for whatever length of time, at rates and on terms that they are free to objectively establish. No matter the amount of demand that a bank may experience in the next day or week, a bank's unique Federal franchise and role mean that the qualitative and quantitative credit essential to the viability of the U.S. private and public economy is available.

The only notable exceptions to this unique bank privilege or responsibility are the licenses permitted in recent years to savings and loan associations, to assist them in the management of portfolio imbalances; and the industrial loan companies or consumer banks which are allowed in some States to make commercial loans.

Today, the structure of banking and related financial institutions has become a critical national public policy question. Are we going to tolerate and encourage the concentration of large banks whose failure could jeopardize all banks, or are we going to more fully realize the Jeffersonian economic ideal of our Nation—a nation of independent, self-reliant, community oriented, sound business and financial institutions? This legislation, the Independent Bank Preservation Act, attempts to address these questions. By congressional action it restores the necessary structural banking policy balance to maintain disseminated, sound, efficient, and finally independent banks as the benchmarks of U.S. banking.

Arguments have emerged in recent months concerning the national policy that should shape banking activities. Clearly, unprecedented fiscal and monetary economic problems have been compounded by the rather cavalier actions of our national financial institutions' regulators. Fifty years of solid regulatory framework has been shunted aside to the tortured logic of banking loophole artists. Neither the sky is falling crisis logic of bank mergers nor the lowest common denominator reasoning, which suggests that a single State action mandates the regulators to stand the time honored regulatory framework on its head, are acceptable reasons for the regulatory action. These arguments miss the mark, and, frankly, smack of the regulators' commitment to a new agenda. Their objectives are clearly out of sync with the intent of the public policy as expressed in the current Federal laws and accord a unique role for banking in the U.S. economy. The hallmark of bank regulation today has become uncertainty; no one is certain of their powers, responsibility, or competition. When you do not know where you are going, it is a safe bet that you will have difficulty determining how to get there, and where you are today. Such is the dilemma that banks are experiencing.

Today, therefore, I am introducing the Independent Banking Preservation Act, to restore and buttress the legal regulatory framework, which is under assault. Action on these policy initiatives, which I believe will win wide support, will go a long way in laying to rest the turmoil that today grips our financial institutions and economic system. While some financial institutions are experiencing difficulties today, the genesis of these problems has hardly been solely the regulatory framework; rather the poor quality of the business decisions and the judgment of the market are evident in many of these problems. The regulatory framework has not solely created such problems nor can it alone resolve them.

This Independent Banking Preservation Act has a number of provisions. First, it closes the non-bank bank loophole and restrains the activities of savings and loan associations that do not and will not engage in residential mortgage lending. It also puts an end to the South Dakota phenomenon of allowing State banks to exercise powers only outside of the State. Perhaps most importantly, this measure addresses the growing phenomenon of banking merger maina and concentration.

Specifically, the features of this legislation additionally include:

A title to prohibit predatory pricing of deposit account rates. This title resolves the ambiguity of the applicability of the Robinson-Putman Act to the field of banking.

A title to defuse the intense lobbying push for developing regional interstate banking. In this period when job creating is so important to local economies, it is difficult, if not impossible, for State legislators to resist the appeal of jobs promised by large out-of-state institutions, despite the effects of encouraging further concentration of banking resources and circumventing Federal policy regarding financial institutions. Most people would agree in the abstract that promoting concentration are easily overlooked in competition between States to simply add to employment rolls in the short run.

A title to limit the parties to proposed emergency acquisitions of failing financial institutions. The Congress and the public are justly concerned about the unintended consequences of the 1982 legislation. The 1982 law has a feature intended primarily to help solve the serious maturity problems of savings and loan associations. The Federal bank regulators have aggressively reinterpreted the purpose of this and other provisions. These regulators have literally encouraged and blessed the largest bank holding company in this country, which also happens to be the largest corporation of any type in this country, to become, in the words of its chairman, "a national deposit-taking institution."

If the provision of the 1982 law had explicitly permit Citicorp to acquire savings and loans in California, Illinois, and Florida, it would have been soundly defeated. Surely Congress should not allow indirectly that which we did not intend or allow directly.

In concurrence with the intention of the Garn/St Germain act, this measure explicitly strengthens that law to prohibit the top 50 banks or bank holding companies from participating in interstate emergency mergers. If, as I believe, we are opposed to concentration in the financial services industry, we should not give a license to the largest corporations to become even larger just because we want to compensate for the economic consequences and the contradiction between a runaway fiscal policy and restrictive monetary policy.

Should we dismantle the regulatory framework in banking just because a giant institution will pay the highest price to gain access to new markets with dubious economic benefits? The harmful results of this policy are too high a price to pay. It undermines the time honored independent bank network vital to our economy and encourages the creation of dominant banks which today are all too often saddled with portfolios of nonperforming, speculative, troubled, international and domestic loans, clearly the product of poor management. These bad balance sheets are not changed by merger or cosmetic treatment by regulators. Rather, they create institutions that are prime candidates for broad economic collapse or National Government bailouts.

A title to allow small banks to avoid the regulatory costs of bank holding company formation by prior notification of intent to engage in bank holding company activities within defined limits. A small bank could engage in bank holding company activities if the Federal Reserve Board has not disapproved such proposed activities within 45 days after receipt of such notice. The Federal Reserve Board could review the impact of such new activities and, after consultation with the other appropriate regulators, could order the small bank to terminate such activities. This provision would insure that the safety, soundness and stability of the small bank would not be impaired. At the same time it would create a streamlined procedure and reduce the imposition of needless costs and delays on smaller banks.

Finally, a title to change the rules for entry of foreign banks into local markets. The Comptroller would be prohibited from approving such an entry unless State law specifically permits it. In addition, no foreign bank entry could be approved unless the bank's home country grants reciprocal access privileges to U.S. banks.

Many bankers generally oppose expanded bank powers solely for power's sake alone. They have learned that such new asset powers have historically worked to enrich money center banks and have resulted in the further concentration of economic power. This has been a disservice to the consumer and contradicts the Jeffersonian ideal which guides our financial, banking, and economic system.

While some independent bankers would seek real estate brokerage and other significant powers for small banks, these initiatives are specifically not included in the measure I am introducing today. These issues may well have detracted from the clarity and intent of this national banking policy initiative which is so desperately needed. Accordingly, these matters and that debate are deferred.

It is my hope that this legislation will serve to broaden the consideration of banking legislation in the next months. All too often this discussion has been based upon the presumption that sound public policy dictates that banks receive new asset powers. In reality this view only represents one facet of the many alternatives available to the Congress. Members of the House, Members of the other body, Federal regulators and members of the financial community have been subjected to a constant drumbeat orchestrated by the Department of Treasury and the big banks to encourage the Federal Government to provide banks with new powers. This monotonous refrain has been reinforced by the action of Federal regulators who have embarked upon de facto deregulation in direct contradiction with the expressed intent of Congress. The Congress has not directly or indirectly repealed the limitation on interstate banking or the separation of banking and commerce. However, unless this body acts ot reiterate its intent, I am afraid that it will become even more difficult for Congress to reassert its primacy in establishing policy in this area.

Within the context of the future congressional action on banking legislation, this measure will provide the Members of this body with an opportunity to reaffirm their commitment to the diverse and decentralized nature of our financial institutions. In addition, by cosponsoring this legislation, Members are indicating their support for the safety and soundness of our banking system by maintaining the long established limits upon interstate banking and the necessary separation of banking and commerce.

Mr. Speaker, I welcome my colleagues to join me in cosponsoring this important legislation, the text of which follows:

H.R. 5793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Independent Banking Preservation Act".

DEFINITION OF BANK

SEC. 2. Section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)) is amended to read as follows:

"(c)(1) The term 'bank' means—

"(A) an 'insured bank' as such term is defined in section 3(h) of the Federal Deposit Insurance Act;

"(B) any institution which is eligible to make an application to become an insured bank under section 5 of the Federal Deposit Insurance Act; or

"(C) any institution organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, which—

"(i) accepts deposits that the depositor may withdraw by check or similar means for payment to third parties; and

"(ii) is engaged in the business of making commercial loans.

"(2) The term 'bank' also includes any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation or an institution chartered by the Federal Home Loan Bank Board if such institution is owned or controlled by a unitary savings and loan holding company and devotes less than 70 percent of its assets to residential mortgages and related investments on average during a calendar year.

"(3) The term 'bank' does not include any organization operating under section 25 or 25(a) of the Federal Reserve Act, or any organization that does not do business within the United States, except as an incident to its activities outside the United States.

"(4) The term 'bank' also includes a State chartered bank or a national banking association which is owned exclusively (except to the extent directors' qualifying shares are required by law) by other depository institutions or by a bank holding company which is owned exclusively by other depository institutions and is organized to engage exclusively in providing services for other depository institutions, their parent holding companies, subsidiaries thereof, and the officers, directors, and employees of each.".

DIVESTING ACTIVITIES OF NONQUALIFYING UNITARY SAVINGS AND LOAN HOLDING COMPANIES

SEC. 3. Section 4(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) in paragraph (2), by striking out "authority was so terminated by the Board." and inserting in lieu thereof "authority was so terminated by the Board, or"; and

(3) by adding after paragraph (2) the following:

"(3) after one year as of which it becomes a bank holding company, in the case of a company which becomes a bank holding company by reason of the enactment of the Independent Banking Preservation Act or by reason of allowing the proportion of its assets invested in residential mortgages or related investments on average in any calendar year to fall below 70 percent of its total assets, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or bank holding company or engage in any activities other than—

"(A) those of banking or of managing or controlling banks and other subsidiaries authorized under this Act or of furnishing services to or performing services for its subsidiaries; and

"(B) those permitted under subsection (c)(8) of this section subject to all the conditions specified in such paragraph or in any order or regulation issued by the Board under such paragraph. For purposes of this section, the term 'related investment' means—

"(i) securities backed by residential mortgages;

"(ii) retail mobile home loans;

"(iii) home improvement loans; and

"(iv) loans to finance the construction of residential properties.".

PROHIBITION OF MERGERS BY LARGEST BANKS

SEC. 4. (a) Section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823 (c)(2)) is amended by adding at the end thereof the following:

"(C) The Board shall not take any of the actions referred to in clauses (i) through (iii) of subparagraph (A) in connection with any merger or consolidation between an insured bank and any company which controls or will acquire control if that company is an insured bank or a holding company with total assets (as determined from its most recent report of condition) that place it among the 50 largest insured banks or bank holding companies in the United States.".

(b) Section 13(c)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(3)) is amended by inserting before the period at the end thereof the following: ", except that the Board shall not offer financial assistance to any company which controls or will acquire control if that company is an insured bank or a holding company with total assets (as determined from its recent report of condition) that place it among the 50 largest insured banks or bank holding companies in the United States".

(c) Section 13(f)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1823(f)(2)(A)) is amended by inserting before the period at the end thereof the following: ", except that the Corporation shall not arrange such a sale if the out-of-State bank or bank holding company is among the 50 largest banks as determined by its total assets as reported in its most recent report of condition".

(d) Section 13(f)(3)(A)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1823(f)(3)(A)(i)) is amended by inserting before the period at the end thereof the following: ", except that the Corporation shall not arrange such a sale if the out-of-State bank or bank holding company is among the 50 largest banks as determined by its total assets as reported in its most recent report of condition".

(e) Section 13(f)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1823(f)(5)) is amended by inserting before the period at the end thereof the following: ", except that the Corporation shall not solicit or accept offers or proposals from the 50 largest banks or their holding companies as determined by total assets reported in its most recent report of condition".

(f) Section 408(m)(1)(A)(i) of the National Housing Act (12 U.S.C. 1730a(m)(1)(A)(i)) is amended to read as follows:

"(m)(1)(A)(i) Notwithstanding any provision of the laws or constitution of any State or any provision of Federal law, except as provided in subsections (e)(2) and (1) of this section, and in clause (iii) of this subparagraph, the Corporation, upon its determination that severe financial conditions exist which threaten the stability of a significant number of insured institutions, or of insured institutions possessing significant financial resources, may authorize, in its discretion and where it determines such authorization would lessen the risk to the Corporation, an insured institution that is eligible for assistance pursuant to section 406(f) of this Act to merge or consolidate with, or to transfer its assets and liabilities to, any other insured institution or any insured bank (as such term 'insured bank' is defined in section 3(h) of the Federal Deposit Insurance Act), provided that such insured bank shall not be among the 50 largest banks as determined by total assets reported in its most recent report of condition, may authorize any other insured institution to acquire control of said insured institution, or may authorize any company to acquire control of said insured institution or to acquire the assets or assume the liabilities thereof, provided that such company shall not be associated in any manner with an insured bank which is among the 50 largest banks as determined by total assets reported in its most recent report of condition.".

(g) Section 408(m)(2) of the National Housing Act (12 U.S.C. 1730a(m)(2)) is amended by inserting before the period at the end thereof the following: ", except that the Corporation shall not solicit or accept offers or proposals from the 50 largest insured banks or their holding companies as determined by total assets reported in its most recent report of condition".

(h) Section 205(i)(1) of the Federal Credit Union Act (12 U.S.C. 1785(i)(1)) is amended by inserting before the period at the end thereof the following: "and further provide that the Board shall not authorize the acquisition or purchase of an insured credit union by any insured bank or holding company which is among the 50 largest insured banks as determined by total assets reported in its most recent report of conditions".

(i) Notwithstanding any other provision of Federal law, any bank, insured bank, insured institution, bank holding company, or savings and loan holding company, whose assets in its most recent report of condition place it among the 50 largest banks, bank holding companies, institutions or savings and loan holding companies, as the case may be, and that acquired, purchased or merged with an insured bank pursuant to section 13(c)(2)(A) of the Federal Deposit Insurance Act, with an out-of-State bank pursuant to section 13(f)(2)(A) of the Federal Deposit Insurance Act, with an insured institution pursuant to section 408 of the National Housing Act, or with an insured credit union pursuant to section 205(i)(1) of the Federal Credit Union Act on or after January 1, 1983, shall not retain direct or indirect control or ownership after January 1, 1985.

INTERSTATE COMPACTS

SEC. 5. The first sentence of section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended by striking out ", unless the acquisition" and all that follows through the end of such sentence and inserting in lieu thereof a period.

MORATORIUM

SEC. 6. (a) On or after the effective date of this Act, no State-chartered depository institution may commence, either directly or indirectly, including through a subsidiary, any activity not previously and lawfully engaged in by that institution unless—

(1) such activity was authorized for that type of institution explicitly and not by implication by a State statute adopted, or by interpretation promulgated thereunder, prior to January 1, 1983;

(2) such activity is permitted under section 4(c)(8) of the Bank Holding Company Act of 1956 for a bank holding company; or

(3) such activity is explicitly authorized by a State statute, or interpretation promulgated thereunder, and is performed exclusively in the State authorizing such activity for customers present in the State.

(b) This section does not authorize the conduct of any activities currently prohibited to State chartered depository institutions under section 20 of the Banking Act of 1933.

(c) Any State chartered depository institution that commenced, directly or indirectly, including through a subsidiary, on or after June 23, 1983, any activity that would have been prohibited by this Act if commenced after the date of the enactment of this Act shall, upon enactment of this Act, immediately terminate such activity.

PREDATORY RATES ON ACCOUNTS, DEPOSITS, AND INSTRUMENTS

SEC. 7. (a) It shall be unlawful for any bank—

(1) to be a party to, or assist in, any transaction by which the payment of interest on accounts, deposits, or credit instruments is made at a greater rate than those paid by such bank elsewhere in the United States for the purpose of destroying competition, or eliminating a competitor in such part of the United States; or

(2) to be a party to, or assist in any transaction by which the payment of interest on accounts, deposits, or credit instruments are set at unreasonably high rates of interest for the purpose of destroying competition or eliminating a competitor.

(b) Any person violating any of the provisions of this section shall, upon conviction thereof, be fined not more than $100,000 or imprisoned not more than 1 year, or both.

AMENDMENTS TO THE INTERNATIONAL BANKING ACT

SEC. 8. Section 4(a) of the International Banking Act of 1978 (12 U.S.C. 3102) is amended to read as follows:

"(a)(1) Except as provided in section 5 of this Act, a foreign bank which engages directly in a banking business outside the United States may, with the approval of the Comptroller, establish one Federal branch or agency in any State in which—

"(A) it is not operating a branch or agency pursuant to State law; and

"(B) the establishment of a branch or agency, as the case may be, by a foreign bank is authorized explicitly, and not by implication, by State law.

"(2) The Comptroller shall not approve any application for a foreign bank to engage in the banking business within the United States unless he finds that the laws of the foreign country in which the foreign bank is organized provides reciprocal treatment to United States banks.".

BANK HOLDING COMPANY POWERS FOR SMALL BANKS

SEC. 9. (a)(1) Any small bank which desires to engage directly or through a subsidiary in any activities authorized for bank holding companies pursuant to the Bank Holding Company Act of 1956 shall submit an application to the Board.

(2) Such application shall contain such information as the Board may prescribe by regulation and shall include the most recent Statement of Condition for such small bank.

(3) A small bank may commence such activities 45 days after the date on which such application is submitted to the Board unless, during such 45-day period, the Board issues an order disapproving such proposed activities.

(b)(1) The Board may, from time to time, require reports, under oath, to keep the Board informed as to whether the activities authorized by this section constitute a risk to the financial safety, soundness, or stability of the small bank involved.

(2) The Board may make examinations of each small bank, the cost of which shall be assessed against, and paid by, such small bank.

(3) The Board shall, as far as possible, use the reports of examinations made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the appropriate State bank supervisory authority for purposes of this section.

(c) Notwithstanding any other provision of this section, the Board may, whenever it has reasonable cause to believe that the continuation by a small bank of any activity constitutes a serious risk to the financial safety, soundness, or stability of such small bank or is inconsistent with sound banking principles or with the Financial Institutions Supervisory Act of 1966, order the small bank (after due notice and opportunity for hearing and after considering the views of the bank's primary supervisor) to terminate such activities.

(d) For purposes of this section—

(1) the term "bank's primary supervisor" means—

(A) the comptroller of the currency in the case of a national bank; or

(B) the Federal Deposit Insurance Corporation and the appropriate State supervisory authority in the case of an insured nonmember bank; and

(2) the term "small bank" means any bank, as defined in section 2(c) of the Bank Holding Company Act of 1956, with assets of $100,000,000 or less.●

THE DEAR COMMANDANTE TRIP

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mrs. SCHROEDER. Mr. Speaker, the Secretary of State recently paid a surprise visit to Nicaragua. The visit apparently resulted from a recommendation made to President Reagan by Mexican President Miguel de la Madrid during his recent State visit to Washington.

Foreign travel is certainly broadening. Mr. Reagan learned something, and he never had to leave home.

The Secretary of State had a useful exchange of views with Nicaraguan junta leader Daniel Ortega. No harm can come of the discussion. It might even lead to an outbreak of peace, uncharacteristic as that may be in the region.

One last item, Secretary Shultz referred to Mr. Ortega as "Commandante." I do not know if the rest of us will be entitled to follow suit.●

FERN LEROY BRITTAIN, JR., AND JOSEPH FRANK, JR., BECOME EAGLE SCOUTS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LONG of Maryland. Mr. Speaker, it is a great honor for me today to bring to the attention of my colleagues 2 constituents of mine, Mr. Fern Leroy Brittain, Jr., and Mr. Joseph Frank, Jr., who will become Eagle Scouts on June 11, 1984.

Fern and Joseph, as members of Troop No. 427, have demonstrated through their accomplishments the ideals which scouting exemplifies. They have risen to the top of the ladder through years of hard work and dedication, exceeding their requirement of 21 merit badges necessary to achieve the highest position of leadership attainable by a scout. In their leadership capacities, Joseph serves as a senior patrol leader and Fern as a junior assistant scoutmaster.

Fern is completing his junior year at Sparrows Point High School with good academic standing, participating in a vocational program in auto mechanics. As a member of the Edgewood Baptist Church, he has given his time and inspiration as a pianist. Through community service, Fern has demonstrated a deep commitment to helping others in need. He has spent several summers working at the Edgemere Senior Citizens Center in Fort Howard, performing jobs wherever he was needed. He has received many additional awards in his scouting career including election to the order of the Arrow, a rare achievement which requires election by his fellow troop members.

Joseph's accomplishments are equally admirable. Also a junior at Sparrows Point, he is a member of the National Honor Society, and a trumpet player in the school band. In addition, he excels on the playing field, participating on the junior varsity football and varsity lacrosse teams. Joseph, too, has shown concern for his fellow citizens by working in the community as a volunteer at the Fort Howard Veterans' Administration Hospital. He has been an outstanding scout, with 30 merit badges to his credit.

Fern and Joseph have earned the respect and admiration of their fellow scouts and I am extremely honored to bring to the attention of my colleagues the accomplishments of these fine young men. I am proud to join Joseph Sr., and Charlotte Frank and Fern Sr., and Inez Brittain in congratulating their sons, not only for their outstanding achievements in scouting, but for their exemplary citizenship and community service.●

WE REMEMBER!

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. GEJDENSON. Mr. Speaker, today as we reflect upon the 40th anniversary of the allied invasion of Europe at Normandy, we remember all those who died and all those who sacrificed their lives in the name of freedom. I would like to take this opportunity to share with my colleagues the American Gathering of Jewish Holocaust Survivors' message of remembrance which appeared today in the New York Times. I feel that this statement thoughtfully express the sentiments of those survivors of the Holocaust who today pay tribute to their liberators.

> "Forty years ago, the allied armies stormed the beaches of Normandy. Word spread throughout every city and town, in the forests, and even within the inner chamber of hell itself—Auschwitz—that Hitler's 'Fortress Europa' was breached. A ray of hope was kindled for the entire world.
>
> In the eleven months between D-Day and the liberation of Europe, thousands of American and other allied soldiers died in the struggle for freedom and democracy. With reverence, we recall the soldiers of all races, colors and creeds, young men and women, who sacrificed their lives to defeat Nazism. We will never forget how those brave soldiers who came ashore on June 6, 1944 became our liberators.
>
> For millions of Jews, however, the landing at Normandy was the beginning of a desperate race against time. Round-ups and deportations increased, transports roared towards the death camps, gas chambers and crematoria worked around the clock.
>
> Sadly, the allied armies arrived too late to save most of our families—millions of innocent men, women and over a million children who perished. Yet word of the invasion gave us courage to live another day. A few of us survived.
>
> Forty years have not diminished our memory. Today, when President Reagan, Persident Mitterrand, Queen Elizabeth II, Prime Minister Trudeau and other European leaders commemorate that fateful day on the beaches of Normandy, we survivors of the Holocaust join in heart, spirit and gratitude in remembrance of the sacrifices of the allied armies forty years ago."
>
> Benjamin Meed, President; Ulo Barat; Sam Halpern; Adam Boren; Israel Krakowski; Robert Born; Murray Pantirer; Milton Butnick; Joseph Sarna; Joseph Distenfeld; Henry Wrobel.●

THE UNITED STATES SHOULD SUPPORT THE CONTADORA INITIATIVE

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. BOUCHER. Mr. Speaker, I have long been convinced that the Conta-

dora initiative undertaken by the Governments of Mexico, Colombia, Panama, and Venezuela, offers the clearest promise for the long-term sustaining of democratic institutions throughout Central America.

I firmly believe that a regional negotiated solution to Central America's problems is preferable to and more likely to succeed than military solutions imposed from the outside. This view is well stated in an editorial appearing in the Friday, June 1, 1984, edition of the Bristol Herald Courier. I commend this editorial to my colleagues:

PATH TO PEACE

There are two outcomes in Central America that would be unpopular in the United States. The American people don't want to see the Marxist-Leninist guerrillas win in El Salvador. And they don't want to send American boys to El Salvador to prevent a guerrilla victory. The American people dread either of these alternatives.

President Reagan knows that. So he wants to avoid the ultimate choice. And that is why he has taken the path of more military and economic aid to the government of El Salvador. He has appealed successfully to the American people and to Congress to follow his path. He hopes the government of Napoleon Duarte, who is the newly elected president of El Salvador, will be able to use the aid more effectively than previous governments, and the guerrillas will be defeated.

The American people would welcome this outcome, but few would bet on it.

There is another path to avoid the ultimate choice between a guerrilla victory and U.S. armed intervention in El Salvador, but it is not getting much publicity at the White House. It is to participate in a regional settlement.

Negotiations have been going on sporadically since 1982. They are called the Contadora initiative, after the island off the coast of Panama where Latin American leaders met in 1983 to draft the outlines of a Central American peace treaty.

Contadora has been endorsed by every major power, including Cuba, the United States, Nicaragua, Honduras and the Soviet Union. But its goal of halting foreign subversion and interventionism has been violated by all parties.

Negotiators can agree on goals, but they disagree hotly over specifics.

The squabbling resembles a family dispute, where everyone points the finger and no one admits blame. Even if the countries could agree on a non-aggression treaty, how would it be enforced?

On-site inspections by independent peacekeeping forces are the obvious answer. But after the failure of peacekeeping forces in Beirut, that answer is being questioned.

"The United States is firmly committed to a regional approach to peace," the State Department says.

But the tendency of the United States is to put little trust in multilateral negotiations, which we can't control, while increasing unilateral military aid, which we believe we can control.

That belief is the single thread upon which U.S. policy hangs, dangling a sword of Damocles above Central America. If President Reagan is right, the sword will force the Communists to lay down their arms. If he is wrong, the sword will fall, killing thousands of Latin American victims and swinging back to strike our own country.

All the threads of Central America meet at Contadora. Diplomats must size them and bind them into a fabric of mutual survival, of peace.

And the United States must give its support to the effort, not merely as an interested bystander and not necessarily at the conference table, but as a full participant behind the scenes.

Certainly we have a big stake in the outcome. We should work for the kind of agreement that we can support, and if such an agreement is reached, work to make it effective.●

NEVER AGAIN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LEHMAN of Florida. Mr. Speaker, I would like to share with my colleagues a poem written by Nechama Schreiber Greenfield, who was one of the many thousands attending the historic American gathering of Jewish Holocaust survivors in Washington last year. This event occurred during the "Days of Remembrance for the Victims of the Holocaust," an annual national commemoration of the victims of the Holocaust.

Nechama Schreiber Greenfield's poems are in the Archives of the U.S. Holocaust Memorial Council, and reflect man's inhumanity to man, and are a reminder for the rest of us who must be ever vigilant to prevent a recurrence:

NEVER AGAIN

(By Nechama Schreiber Greenfield)

We stand in awe at Yad Vashem
The holocaust must never happen again,
Six million of our people cruely died
While the world stood by and no one tried
To prevent the deaths of adults and children
The holocaust must never happen again,
The terror of the past must live on
For the sake of the martyrs and those yet to be born,
We stand with tears at Yad Vashem
And tell the world don't let it happen again
Our people did not deserve to die that way
Yes, the memories must live on in our minds each day,
To hatred, wars, and needless deaths we must put an end
Life's too precious—the Holocaust must never happen again!●

CONGRATULATIONS TO THE EMPLOYEES AND OFFICIALS AT NATICK LABS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. FRANK. Mr. Speaker, I would like to take this opportunity to congratulate all those who took part in the cost comparison process with regard to commercial activities at the Natick Research and Development Laboratories in Natick, MA. After a long and exhaustive procedure, the in-house operation was found to be substantially less expensive than contracting out to private enterprise.

I applaud the officials at Natick who oversaw the process for the integrity with which it was carried out. Having personally discussed the issue with many of them, I was extremely impressed with their professionalism and objectivity. It was clear to me that they took their responsibilities in this complex and potentially controversial endeavor very seriously. I am satisfied that their decision is a good one and will stand up under any further scrutiny.

And I particularly want to congratulate the employees at Natick whose duties were being considered for commercial contracts. The outcome of the bidding process demonstrates clearly that they have performed their duties with efficiency and dedication. They can be justly proud that their efforts have been recognized in a way that shows the true value of their work.

Many of us who have had concerns about the policy of contracting out tasks that have been performed by Federal employees have cited the intangibles, like dedication and loyalty, that cannot be quantified and, thus, place Federal employees at a disadvantage in these cost comparisons. Either the officials at Natick have found a way to capture these intangibles or the employees have prevailed in spite of them. In any case, the outcome reflects well on all those who participated and I, again, offer my congratulations.●

WORLD MASTER CHI HOON CHO PROMOTES INTERNATIONAL UNDERSTANDING THROUGH SPORTS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DYMALLY. Mr. Speaker, the United States only recently became acquainted with the game known as Go, but in many countries of the East it is a cherished game requiring years to gain mastery. A world master of Go is as respected for his ability as is a world master of chess in the West. It is, therefore, an honor for me to inform my colleagues that on June 15, Go Master Chi Hoon Cho will begin a 10-day good will visit to the United States. The master will be here to demonstrate to the world that bonds of friendship may be forged among countries by means of mutual participation in sports.

I need not remind my colleagues that is was the game of table tennis that brought the United States and China together after many years of isolation. While visiting here Chi Hoon Cho will take part in the fourth annual Go championship tournament which is sponsored by the Joong-ang Daily News. The master will participate in a number of exhibition games during his tour, and I sincerely hope that my colleagues will have an opportunity to observe the awesome skill of this renowned master.

One who wishes to become a Go master must dedicate himself to the game every bit as completely as one who would aspire to be a world class figure skater. And this kind of dedication has marked the life of Chi Hoon Cho. Born in Pusan, Korea, on June 15, 1956, Cho traveled to Japan in 1962 at the age of 6 to study under the ninth dan Master Gidani Minoru. By 1968 and the age of 12, he was ranked as a second dan. His skill has grown steadily over the years. In 1973 he ranked as a sixth dan. And by 1978 he had attained the rank of his teacher, ninth dan. His first major win came in 1973 when he dominated the prestigious Lo Masters Go Tournament sponsored by Asahi Shimbun. He went on in 1980 to obtain the fifth Meijin title, and with it, official recognition as a master by the Japanese Go Game Association. In 1981 he captured the Honinbang title, followed quickly in 1982 by retention of the Meijin title. And in 1983 he acquired the coveted Kisei title. After 20 years of astounding dedication to his sport, Chi Hoon Cho now holds three of the most prestigious Go titles in Japan.

The master's visit to the United States affords us a rare opportunity to forge new bonds of friendship through sports. As our growing participation in the sport of soccer is beginning to help us establish new relations with Europe and with our Latin American neighbors, it is my hope that the popularity of Go will be promoted in the United States through Chi Hoon Cho's visit, and that through Go the United States will establish an important source of interaction with our friends in the Asian countries. I am sure I speak for all my colleagues in offering a warm welcome to the United States to Master Chi Hoon Cho.●

IN TRIBUTE TO DICK CABLE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. MATSUI. Mr. Speaker, it is with great pride that I rise to call your attention to the outstanding career of Dick Cable, the dean of Sacramento television broadcasters. Throughout more than 15 years of dedicated public service at KXTV and personal commitment to the Sacramento community, Dick has exemplified what a television reporter can and ought to be.

Dick has provided Sacramento not only with fresh, objective reporting, but also with insightful commentary in his widely followed broadcasts. His thorough understanding of both local and national issues has helped him to sift through the barrage of national and international news and consistently bring home the events which most strongly affect his audience. His insights are far reaching, yet always pertinent and well considered.

Perhaps Dick's greatest quality as a newscaster is his strong commitment to public service. Dick cares deeply about his community and gives his time and energy generously to become involved in countless charities, fund drives, and local projects. His example as a newscaster and a citizen rooted in his community is an inspiration to us all. I fervently hope Dick continues to work in my home district for many years to come.

Mr. Speaker, I know you join me in congratulating and thanking Dick Cable for so many years of superlative reporting and community service.●

AUGUST TO BE DESIGNATED "OSTOMY AWARENESS MONTH"

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. HOYER. Mr. Speaker, I am pleased to introduce a resolution on behalf of the nearly 1.5 million ostomates in North America and the approximately 125,000 individuals who join their ranks each year. These individuals represent all ages, races, occupations, and ethnic backgrounds. They have in common an ostomy. The word "ostomy" signifies a type of surgery required when a person has lost the normal function of the bowel or bladder, due to birth defect, disease, injury, or other disorder. Ostomates do return to normal living and community responsibility, but not without first overcoming the trauma associated with this radical surgery.

Public education and awareness can help. So can groups such as the United Ostomy Associations, Inc., with over 600 chapters and international affiliation. The association is dedicated to helping every ostomy patient return to normal living through mutual aid and moral support, education, exchange of ideas, assistance in improving ostomy equipment and supplies, advancement of knowledge of gastrointestinal diseases, and public education about ostomy.

It is important that the public have an understanding of this type of surgery, to lessen the fears for those about to undergo the surgery, and for family members and loved ones who are important in the rehabilitation process. For this reason, this House joint resolution designates the month of August 1984 as "Ostomy Awareness Month" to promote public education and awareness of this disorder.●

MRS. IRENE WALKER

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. SISISKY. Mr. Speaker, it is with great sadness that I note the death of a close friend and political leader of Chesapeake, VA.

Mrs. Irene Walker, who died on Thursday, May 31, was a woman with a breezy, good-natured, high-energy style that characterized everything she tackled, from clerical work to political work.

Her most recent position was the elected clerk of the Circuit Court in Chesapeake.

From 1975 to 1983, Irene served as chairwoman of the Chesapeake Democratic Committee. She was a party activist for 20 years before being elected to that position.

When Irene died, the city of Chesapeake lost a woman who has done as much for the people of the community as anyone I know.

Mr. Speaker, Irene was an intelligent, tough, caring person, who was an incredible bundle of energy. I mourn her loss.

I wish to extend my sympathy to Mrs. Walker's family and to all those people whose lives she touched.●

FBI UNDERCOVER OPERATIONS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mrs. SCHROEDER. Mr. Speaker, on April 30, the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary issued a 119-page report "FBI Undercover Operations."

The report is based on 21 hearings over a 4-year period and an extensive review of an enormous amount of documentation.

As a member of that subcommittee, I was shocked by the happenings in various FBI undercover jobs. I believe Members of Congress will be equally concerned over the threat these operations present to the liberties of innocent individuals.

I invite your attention to the excellent article by Nat Hentoff in the May 18, 1984, Washington Post, "When the FBI Creates Crimes." Mr. Hentoff reviews the subcommittee's efforts and stresses the importance of attentive congressional oversight lest the FBI becomes immune from accountability.

The article follows:

[From the Washington Post, May 18, 1984]

When the FBI Creates Crimes

(By Nat Hentoff)

In just about every newspaper interview with him, FBI Director William Webster appears to be the very reincarnation of Roger Baldwin. Awed reporters tell how he has transformed the bureau into a jealous guardian of civil liberties. All that is left of the dread founder is the name on the building.

When I think of Judge Webster, however, I remember another judge, Clarence Gaines of Cleveland. From 1977 to 1982, the FBI tried mightily to tempt members of the Cleveland Municipal Court to take bribes. Webster's agents used a con man to set up the judges, but he hustled the FBI instead, pocketing the bribe money and getting friends of his pose as "corrupt" judges. The FBI agents had not bothered to find out what the real judges looked like. A rookie cop in Sandusky knows better than that.

Names of the allegedly crocked judges began to be leaked. Some of the leaks, Cleveland reporters say, came from the FBI office there. One of the names was that of Clarence Gaines. If Norman Rockwell had drawn black judges, Gaines could have been one of his models. He is upright in every lineament or, as he puts it, "If they had only investigated the real me, they would have come to the conclusion that 'this square couldn't have been doing anything wrong.'"

The FBI bagged no judges in Cleveland, but nonetheless, reputations were stained. Among them that of Judge Gaines. He is as hurt as he is angry.

These FBI people I've looked up to so long, they're really very ordinary people, he told me. "They're capable of doing very stupid things, but things that have caused great damage because they have so much uncontrolled power. When the FBI hurts people, they hurt them forever."

Judge Gaines' comment could have been the epigraph to the most thorough and unsparing congressional investigation of the FBI in the bureau's history—the recently released FBI Undercover Operations. (A release overlooked in the news section of this paper.) The report is the result of four years of probing and 21 hearings by Don Edwards' House subcommittee on civil and constitutional rights. Previous explorations of such FBI horror shows as COINTELPRO have been frighteningly instructive, but this is the first large-scale, detailed account of how agents actually put cases together and the degree to which they and their supervisors keep in mind that the FBI has not been exempted from the Bill of Rights.

As the report makes overwhelmingly clear, there have been other innocent victims of the FBI's stings and scams besides Judge Gaines. And many of those eventually caught breaking the law would not have been convicted of that crime if the FBI had not set up the crime for them to commit. Judge Webster is a fan of these "proactive" methods. This is law enforcement jargon for: Why wait until the crime is committed to look for the perpetrator when you can create a crime, see who falls into the honey pot, and scoop him up?

Supreme Court Justice Louis Brandeis, prescient in this and in so many other things used to warn strenuously against this seductive approach to maximum police efficiency. In a 1928 case, Brandeis said, "the government may not provoke or create a crime, and then punish the criminal, its creature."

Brandeis was in dissent in that case, as he surely would have been in the Abscam cases today. But those admirers of Judge Webster's proactive techniques who crow that the appellate courts have sustained all the Abscam convictions might remember that the Dred Scott decision was the law of the land for quite a while too.

The subcommittee report on FBI undercover operations also proves repeatedly that the FBI's internal safeguards against agents' abusive power are "little more than rhetoric, offering at the best limited constraints upon the investigators with little or no protection to the public."

In Abscam alone, Mel Weinberg, the Sir Laurence Olivier of confidence men, did what he pleased much of the time, choosing which portions of which conversations he wanted surreptitiously to record and otherwise treating his FBI handlers as they were just another bunch of marks. As they were.

Then there was the FBI's Operation Colcor, a 1980-82 search for political corruption in North Carolina. Intent on setting up opportunities for law-breaking even if they had to bend a law or two themselves, FBI agents used undercover operators to initiate a local referendum permitting the sale of liquor by the drink, and then played an active role in the campaign to get it passed.

This is William Webster's FBI. The House subcommittee report is not a compendium only of aberrations. Furthermore, the field agents are as arrogant now as they were under J. Edgar Hoover. More so actually, because they benefit from the greatly improved press that Webster has achieved for the FBI. Also, Congress—with very few exceptions, notably Don Edwards—is afraid of the FBI because of the names of some innocent members that got dragged into Abscam. And a member critical of the bureau might be thought by his constituents to have something to hide.

So, Webster and the FBI have become immune from any meaningful accountability. Just as in J. Edgar Hoover's time.●

RECOGNITION OF A DEDICATED FEDERAL WORKER

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. ROYBAL. Mr. Speaker, it has become a cliche that big government is indifferent to human needs and that bureaucrats are a part, if not the source, of the problem. This image of the lazy, clock-watching Federal worker is most unfortunate, especially for those dedicated, hard-working people who through Government service have enhanced the lives of millions of American citizens.

I would like us to pause for a moment and shed our stereotype of Federal workers long enough to recognize the accomplishments of one individual who has made a difference. His name: Mr. Dan Williams.

Mr. Williams is a soft-spoken southern gentleman who since 1979 has coordinated the Equal Employment Opportunity Commission's age litigation. In his position he has quietly guided the Government's legal efforts to root out age discrimination from the workplace. During his term, the Government has filed an unprecedented number of lawsuits and has offered protection to untold thousands of older individuals who might otherwise have been left to the unscrupulous practices of employers with misguided perceptions of what it means to age.

Mr. Williams has a long history with the rights of middle-aged and older Americans. Prior to joining the EEOC, he was with the Labor Department, where he established his reputation as an expert on age discrimination litigation. When jurisdiction for the Age Discrimination in Employment Act was moved to the EEOC, it was Mr. Williams who greatly facilitated the transition. Without his knowledge and expertise, the EEOC would have faltered in its efforts to fight age discrimination.

Since age discrimination is the newest issue to come to the EEOC, there has been a tendency to treat it as the "weak sister," and not give it adequate attention and resources. Again, Mr. Williams has struggled to keep age issues up near the top of the agenda and to insure that these issues are a significant part of the EEOC's enforcement activities.

When the question of the EEOC's authority to investigate age complaints arose, it was Mr. Williams who prepared the arguments and insured that this necessary procedure was retained within the Agency's arsenal. When procedural and jurisdictional issues were questioned by the courts, it was Mr. Williams who prepared the briefs and successfully defended the Agency's role. When the Supreme Court recently reviewed the jurisdiction of the Age Discrimination in Employment Act over State and local public safety occupations, it was Mr. Williams who prepared the cases for the Court's review so it could make a reasoned judgment.

Mr. Williams never stood on a soapbox to draw attention to himself as a defender of America's aged. In fact, if you asked him he would probably say he is merely "doing his job." Indeed, he does his job and he does it well.

Doing his job well has meant that the more than 18,000 Americans who filed an age discrimination complaint last year stand at least a reasonable chance of receiving sound legal support if their case is brought by the EEOC. Doing his job means that the 28 million working Americans now protected by the Age Discrimination in Employment Act have a hope that their legal rights are in competent hands.

Most importantly, all Americans can feel proud that somewhere deep within that Federal bureacracy is a real person who cares. We will all grow old and because of that we should all be grateful that Mr. Dan Williams has been "just doing his job," and doing it well.●

GAYNELL WATERS LEADS THE ACTIVE LIFE

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DUNCAN. Mr. Speaker, I attended a birthday celebration Saturday for the hardest workingwoman I have ever known. Gaynell Waters is 84 years old today, and over 60 of her friends gathered in Blount County to give her a surprise birthday party. These friends included the county commissioners she works with, county judges, as well as some of the students she taught during her years in the Blount County education system.

Several political candidates were also in attendance. That is because Gaynell is the type of person a candidate needs to know. She has friends, and she has influence, and as I said, she is one of the hardest workers I know. When she sets her mind to a project, she does not stop until it is finished.

Her abilities are well known in Republican circles because she has been a member of the State executive committee for over 20 years. She has also been active, of course, on the county executive committee and the steering committee. In addition, she is a charter member of the Blount County Business and Professional Women's Club.

Lately, Gaynell has lent her talents to the Blount County Commission. She was the first woman elected to the commission, and has since been reelected. Her past vocation gives her a leg up on the competition. Having spent over 40 years in the school system, she knows more voters better than any of the opposition. As she says, she has three generations of people she taught voting for her.

At 84 years old it is not unusual for a person to have a cane. Even someone as active as Gaynell has one. But with her the cane is more a conversation piece than a necessity. It is an antique with a flask inside. Inside the cane, Gaynell says jokingly, she keeps her "snake bite medicine."

It is a real pleasure to see someone staying so active and involved after 84 years. Gaynell Waters is an inspiration to the young and old alike. She serves as an example that, in retirement, one does not necessarily have to retire from the active life. She offers a model we should all hope to follow.●

NATIONAL THEATRE WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. GREEN. Mr. Speaker, I would like to invite my colleagues to join with me in celebrating National Theatre Week this June 3 through June 9. This week celebrates the 300 years of theatrical entertainment in America.

I am bringing this to the attention of my distinguished colleagues in order to address the large role the legitimate theatre has played in the everyday life of our country and to urge you to support legislation creating a yearly National Theatre Week. Many of our larger cities already know the large impact and important role the stage plays. What is not known is what part the theatre has played in the growth of America.

It is a fact that, during his lifetime, George Washington was an avid supporter of the theatre, so much so that his support brought about the repeal of earlier Continental Congress resolutions of October 1778 banning theatre altogether. The purpose was to prepare Americans for a period of hardship and austerity, but the resolutions failed miserably. In fact, more theatrical activity was engaged in than ever before. The performances may have been illegal; however, they boosted the morale of the troops and of the citizenry.

It has been my pleasure to introduce the commemorative legislation for the last 2 years. Again, this year, I shall be introducing a House joint resolution to commemorate National Theatre Week beginning the week of June 2, 1983, and I invite my colleagues to cosponsor it as they have in the past.●

H.R. 5167

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. DORGAN. Mr. Speaker, I voted against H.R. 5167, the fiscal year 1985 defense authorization bill, in the House of Representatives because I felt that the proposal provided for increased spending that was simply out of line.

I support a strong defense for this country. I do not trust the Soviets, and I do not minimize the threat they pose to the free world. We live in an unstable world, and I think it is important that we develop and maintain a strong military program.

However, throwing money at defense is no more effective than throwing money at domestic programs. In both cases, a lot of the taxpayers' money is wasted. We need wise and careful investments in defense programs that work and programs that strengthen this country.

The defense budget that the President proposed to the U.S. Congress gives a green light to virtually every gold-plated weapons scheme that the generals and admirals have come up with. I want to see careful investments in readiness and in operations and maintenance so that our conventional forces are strong and prepared. I would also want to see more careful review of major weapons programs that are selected, both from the standpoint of the security they offer and at the cost.

In short, I think the spending proposal in H.R. 5167 was out of line. At a time when we have burgeoning Federal deficits, we can ill afford to be throwing money at defense in a way that wastes tens of billions of dollars. There is a big difference between spending that makes America strong, and spending that makes some defense contractors rich. Unfortunately, this bill does not understand that distinction. For that reason, I have voted against the proposal.●

TRIBUTE TO R.T. KIRKPATRICK

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. YATRON. Mr. Speaker, it is a distinct honor to bring to the attention of my colleagues in the U.S. Congress the outstanding achievements of Mr. Richard T. Kirkpatrick. Mr. Kirkpatrick, who is the chief operating officer and executive vice president of Luden's, Inc., will be honored by B'nai B'rith International at a testimonial dinner June 18, as the recipient of the American Traditions Award.

All the funds raised from this important event will be used to benefit the network of youth service programs sponsored by B'nai B'rith. This tribute, on behalf of Mr. Kirkpatrick, acknowledges all of the many good works he has performed over the years and all the efforts he has made on behalf of others. This award is being presented to Dick Kirkpatrick for his extensive civic contributions to Reading and Berks County, PA, and his noteworthy leadership in the business community.

Mr. Kirkpatrick was born in Berks County. He is a graduate of the University of Pennsylvania's Wharton School of Finance and Commerce. He is married to the former Mary Ann Analavage and he has four children—Deborah, Denise, Richard, Jr., and Robert. He has worked at Luden's, Inc., since 1960 and became vice president of finance in September 1970. In 1978, he was appointed to his present position, chief operating officer and executive vice president. He is responsible for over 1,000 employees and his duties also include involvement with financial/marketing planning issues for the main plant in Reading and the Queen Anne Candy Co. in Hammond, IN.

Dick Kirkpatrick is on the board of directors of the Berks County Chamber of Commerce, the board of directors of the Manufacturers Association of Berks County, a member of the President's Council of Albright College, a member of the board of directors of the Chocolate Manufacturers Association, and former president of St. Joseph's Hospital Development Corp. Mr. H.O. "Mike" Beaver, Jr., retired chairman of the board of Carpenter Technology and a former recipient of the American Traditions Award, will be the dinner chairman on the 18th and will present this award to Mr. Kirkpatrick.

Dick Kirkpatrick personifies every sense of the meaning of the word "humanitarian" and he exemplifies what we all know of the words friendship and brotherhood. Through his love and respect for life and humanity he has affected the world and our community for our betterment and added an unbounded degree of hope and good will. It is indeed my pleasure to bring Dick Kirkpatrick's outstanding accomplishments to your attention. I know that my colleagues will join me in congratulating this exceptional American, my good friend, Dick Kirkpatrick.●

TRIBUTE TO CARROLL BUTLER COOK, JR.

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. MATSUI. Mr. Speaker, on February 20 a prominent businessman of great esteem in my home district passed away. Carroll Butler Cook, Jr., was a community leader of great initiative and success, providing an outstanding example of resource and accomplishment for all who knew him.

Carroll was president of Artz & Cook, Sacramento's oldest real estate firm, which his father before him had founded. With his father, Carroll was one of the founders of Sacramento Savings & Loan and along with his brothers founded Pacific Savings & Loan in Hawaii. Carroll himself was founder and president of the California Real Estate Credit Union and was a board member of El Dorado Savings & Loan. He was a member of the Theta Chi Fraternity, the 20/30 Club, and the Sutter Club, as well as a member of several prestigious golf clubs.

Carroll attended Sacramento High School and Sacramento City College, earning a bachelor of arts degee in economics at the University of California, Berkeley. He employed this education in the promotion and nurture of his community's financial growth and overall well-being.

For those who knew him, Carroll has forever earned a place in our hearts and our memories. Our prayers and thoughts go out to his wife Frances, his sons Robert A. and Carroll III, his mother Mrs. Carroll A., his brothers William, George, and Robert, his sister Margaret Leary, his grandchildren, and one great-grandchild. I am proud to pay tribute to this exceptional man, Carroll Butler Cook, Jr.●

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. LELAND. Mr. Speaker, on June 6, 1984, I was unable to be here in Washington because of a serious illness in my immediate family. I am sorry that I was not present to debate the Agriculture appropriation bill which includes provisions for child nutrition programs and the food stamp program. Thank you, Mr. Speaker.●

20TH ANNIVERSARY OF THE SMALL BUSINESS ADMINISTRATION'S SERVICE CORPS OF RETIRED EXECUTIVES (SCORE)

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. McDADE. Mr. Speaker, 1984 marks the 20th anniversary of the Small Business Administration's Service Corps of Retired Executives (SCORE). This year, 12,000 SCORE volunteers celebrate their history as volunteer small business counselors. In these 20 years, over 1,200,000 clients have received free management counseling.

Beginning in Boston, SCORE now has 402 chapters across the Nation. In 1969, as a complement to SCORE's counseling services, the Active Corps of Executives (ACE) was founded. Today, ACE members account for about one-fourth of SCORE's roster.

Together, the retired and employed membership offer to the small businesses of America an accumulation of experience measured in hundreds of thousands of years. The range of expertise covers literally every aspect of business from planning to profit.

SCORE members are dedicated to their program of offering free counseling to small business people. It is not unusual for SCORE members to donate 20 or more hours of their time per week. There are some members in their 80's who, for 10 or more years, have been serving 40 hours a week at their local SCORE chapter office.

SCORE has its greatest effect on clients in one-on-one counseling, which is ordinarily the most costly form of management assistance. For many others, attending "Pre-Business Workshops" helps them to start off on the right foot.

The Small Business Administration, which sponsors SCORE, affirms the country's debt to these men and women who selflessly offer their wisdom, talents, and time.

It is most appropriate as the volunteers of the SCORE program mark their 20th anniversary that we commend them for their remarkable dedication and service to the Nation's small businesses.●

CONGRATULATIONS STEVE TALBOTT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Ms. OAKAR. Mr. Speaker, Stephen Talbott is an outstanding journalist with the Plain Dealer, OH's largest newspaper.

On June 6, he will receive the prestigious consumer journalism award presented by the National Press Club and $1,000 from the National Press Foundation in recognition of his excellent investigative reports that uncovered the practice of mortgage assumption overcharging by lender institutions.

His reports, which began in February 1983, revealed that local lenders had overcharged consumers thousands of dollars on loans that were sold to the Federal Home Loan Mortgage Corporation (Freddie Mac), a congressionally chartered corporation. After reading the Talbott reports, I called on Freddie Mac to implement a national review process; 8 months after the review process was established, more than $1.5 million has been refunded to consumers nationally. However, there is more work to be done and more refunds to be made.

Most recently, the Federal National Mortgage Association (Fannie Mae) the largest supplier of home mortgage funds, implemented an assumption fee review process at my request.

Thanks to Steve Talbott, mortgage assumption overcharging was uncovered and thousands of consumers will receive refunds. Steve Talbott deserves the praise of his colleagues, the appreciation of consumers, and our commendation.

I congratulate Steve Talbott for a job well done.●

NETWORKS' ATTITUDE TOWARD AMERICAN VOTERS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. EDWARDS of California. Mr. Speaker, a few weeks ago the 28 Democratic Members from California wrote to the network news presidents of ABC, NBC, and CBS asking them to refrain from making election-day projections during California's primary on June 5.

Basically, all three networks have responded with the same message: They, ABC, NBC and CBS, do not make projections in any given State prior to the polls closing in that State.

It has been my experience that this is just not the case. The networks' behavior has been well documented to demonstrate the opposite of their stated policy. They have made projections prior to the polls closing in numerous States during this primary and caucus season. The networks did so on super Tuesday, they did so during the New York primary, they did so during the Pennsylvania primary, and they did so in Iowa before the caucus voting had even started.

By making these election-day projections, the networks are sending a message to the voters that their votes do not count. This message clearly affects voter turnout among those voters who have to work all day and are only able to vote after work.

Today, I would like to submit a letter from Hon. Ralph Munro, Secretary of State, Washington, in support of our delegation's letter to the networks. Mr. Munro makes some salient points on the networks' attitude toward American voters. He also highlights the networks' disregard for the damaging effects that projections have on voters and the electoral process.

The letter follows:

RALPH MUNRO,
SECRETARY OF STATE,
Olympia, WA, June 1, 1984.

The Hon. DON EDWARDS,
Rayburn House Office Building, Room 2307, Washington, DC.

DEAR REPRESENTATIVE EDWARDS: I want to take this opportunity to wish you success in your efforts to have the three major television networks refrain from projecting the winners in California's Primary until after the polls close. Those of us in the West have been waging this battle since 1980 and we are convinced that voluntary restraint is undoubtedly the best solution to this problem. During our discussions with network officials, both in my capacity as Washington's Secretary of State and as a representative of the National Association of Secretaries of State, I have urged them to take this course of action. I know Congress has also requested that the networks police themselves in this area.

Unfortunately, we have found the networks unsympathetic to this approach and unwilling to consider regulating themselves. We have invariably found that the three major networks refuse to admit that a problem exists and continue to maintain that they simply don't ever project winners based on the results of the exit polls. We have even had network executives tell us that (1) there is no evidence that knowing the result of a election has any detrimental effect on voter turnout, and (2) any voter who would be so deterred probably isn't a very knowledgeable or dedicated voter in the first place!

In any event, we do remain hopeful that the networks will change their minds and decide to become good citizens, and hopefully your efforts will assist them in arriving at that position. In the words of my good friend March Fong Eu, it would, indeed, "make our day" if those of us involved in the administration of elections could once again honestly tell each voter—even those blue collar workers who traditionally vote late in the day—that their vote really does count.

Sincerely,

RALPH MUNRO,
Secretary of State.●

HONORING ANITA M. PAOLI

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. CONTE. Mr. Speaker, I would like to take this opportunity to express my appreciation and gratitude for the dedication and hard work of one of my constituents, Miss Anita M. Paoli. Miss Paoli, a registered nurse, is a prime example of the spirit of contribution and community interest of which all Americans should be proud. As assistant adjutant at the Holyoke Soldiers' Home, Miss Paoli's record of service to residents in the First District of Massachusetts is certainly impressive.

Miss Anita M. Paoli joined the staff at the Holyoke Soldiers' Home in its opening day in 1952 and has risen from staff nurse to head nurse to hospital supervisor and finally to her present position of assistant adjutant. Prior to her employment at the soldiers' home 32 years ago, Miss Paoli served in the U.S. Army Nurse Corps and also practiced her nursing expertise at the Providence Hospital in Holyoke, MA. Miss Paoli has devoted much of her life caring for the ill and eventually coordinating many programs within the soldiers' home which aided the staff and patients at this facility. She has continually strived toward expanding and improving various plans at the home. Certainly, an undertaking only the most dedicated and ambitious person would initiate. Not only has she endured the years of labor but has seen tremendous results and experienced much success for her tireless endeavors.

Nursing is a demanding occupation. Constant and rigorous work are standard and unavoidable. Only a certain breed of individuals have the strength of character to accept such a challenging career. Miss Paoli, however, has exhibited to us her charitable nature, and we, as residents of the First District, are indebted to Miss Paoli to an extent beyond measure.

In June of this year, Miss Paoli will be retiring from her post as the assistant adjutant at the Holyoke Soldiers' Home, but her selfless efforts will not be forgotten. Miss Paoli is truly a giving person whose 32 years of duty at the Holyoke Soldier's Home will be an example to nurses of the future. Her retirement is well earned but her supervision and implementation of programs in all areas at the State hospital will flourish in the years to come all because of one woman's perseverance and devotion toward the well-being of others.●

THE OUTSTANDING ACHIEVEMENT OF WILLIAM H. SUNDAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. YATRON. Mr. Speaker, it is my honor to bring to the attention of my colleagues the outstanding achievement of Mr. William H. Sunday, a member of Boy Scout Troop 117 and the son of Arlan and Patricia Sunday.

Mr. Sunday is a fine young man who recently passed his Eagle Scout Board of Review for advancement to the rank of Eagle Scout. This is indeed a most important achievement and I am very glad to commend and congratulate him before all of you here today. A Court of Honor will be held on June 16 to honor Mr. William H. Sunday for attaining the rank of Eagle Scout.

This rank is not easily achieved and is awarded only to those few who have excelled in many dimensions of citizenship. It is a testimony to Mr. Sunday's character, integrity, intelligence, perseverance, dedication, and loyalty to Scouting and our Nation.

I am very happy for William and I know he must be extremely proud of this noteworthy and important award. It is young people such as William who renew our confidence in the next generation to carry the mantle of leadership in building a better America. I know all my colleagues will join me in congratulating William and in wishing him the very best in all his future endeavors. Undoubtedly, William Sunday will serve as an inspiration to other young Americans.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 7, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 8

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings to examine the current state and future prospects of the U.S. steel industry.
SD-215

10:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on S. 2650, to revise certain procedures of the Consumer Product Safety Commission to allow for a more expeditious recall of toys and other articles intended for use by children that present a substantial risk of injury.
SR-253

JUNE 11

10:00 a.m.
Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume hearings on S. 2649, authorizing funds through fiscal year 1989 for the Environmental Protection Agency to develop regulations for monitoring of unregulated contaminants now found in surface and underground drinking water sources.
SD-406

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to explore the scope of drug abuse among women.
SR-325

JUNE 12

9:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 167, proposing a constitutional amendment, to proclaim the English language the official language of the United States.
SR-418

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the District of Columbia court system.
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings to review Federal land management activities in northern Nevada on "checkerboard" lands.
SD-366

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on S. 2127, proposed Federal Advisory Committee Act Amendments of 1983.
SD-342

Judiciary
Security and Terrorism Subcommittee
To hold hearings on S. 2469, to establish a new Federal offense of terrorism, and S. 2470, to provide for the national security by allowing access to certain Federal criminal history records.
SD-226

Joint Economic
To hold hearings on fair taxation issues and the administration's proposed tax cuts.
SR-428A

2:00 p.m.
Joint Economic
Trade, Productivity, and Economic Growth Subcommittee
To resume hearings to discuss U.S. policy toward the international trading system.
SD-342

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 2669, to eliminate the provisions of the Federal criminal code allowing for one-party consent to certain interceptions of wire and oral communications by requiring consent by all the parties.
SD-106

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business
SD-366

Environment and Public Works
Water Resources Subcommittee
To hold hearings on proposed Soil Conservation Service small watershed projects.
SD-406

Judiciary
Security and Terrorism Subcommittee
To resume hearings on proposals to curb domestic and international terrorism, including S. 2623, S. 2624, S. 2625, and S. 2626.
SD-226

Veterans' Affairs
To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.
SR-418

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on proposals to broaden the Federal tax base and reduce tax rates.
2218 Rayburn Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review government and community programs to combat drunk driving.
SR-253

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume oversight hearings on international competitive effects of the high value of the U.S. dollar.
SD-538

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 2370, to provide for the distribution of certain funds collected by the Department of Energy in settlement of overcharges resulting from alleged pricing and allocation violations under the Emergency Petroleum Allocation Act of 1973, to establish the petroleum overcharge restitution fund for those funds in

excess of direct restitution, and to authorize funds for fiscal years 1985-89 for certain energy conservation and assistance programs; to be followed by oversight hearings on the implementation of the weatherization program of the Department of Energy.

SD-366

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Joint Economic

Economic Goals and Intergovernmental Policy Subcommittee

To continue hearings on proposals to broaden the Federal tax base and reduce tax rates.

2203 Rayburn Building

2:00 p.m.

*Conferees

On S. 979, to improve the enforcement of export administration laws.

S-207, Capitol

JUNE 18

9:30 a.m.

Finance

Oversight of the Internal Revenue Service Subcommittee

To hold oversight hearings on the impact of the Federal tax system on basic industry, investment industry, and service industries.

SD-215

2:00 p.m.

Labor and Human Resources

To hold hearings on S. 2687, proposed Youth Employment Opportunity Wage Act.

SD-430

JUNE 19

9:30 a.m.

Labor and Human Resources

To resume oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.

SD-430

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

SD-406

Finance

To hold hearings on S. 1915, to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens.

SD-215

Judiciary

Administrative Practice and Procedure Subcommittee

To hold oversight hearings on Congressional access to reliable agency information.

SD-226

JUNE 20

9:30 a.m.

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings to review the proposed sale of Conrail by the Department of Transportation.

SR-253

Labor and Human Resources

To continue oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.

SD-430

10:00 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Finance

Health Subcommittee

To hold oversight hearings to review a General Accounting Office study on program changes in the maternal and child health block grant program.

SD-215

Veterans' Affairs

To hold hearings on proposed legislation to provide for veterans' compensation.

SR-418

JUNE 21

9:00 a.m.

Office of Technology Assessment

The Board, to meet on pending business matters.

EF-100, Capitol

9:30 a.m.

Finance

Energy and Agricultural Taxation Subcommittee

To hold hearings on S. 463, to limit the amount of severance taxes imposed by States on oil, natural gas, and coal.

SD-215

Labor and Human Resources

To hold hearings on S. 2501, the substance of S. 2502, and S. 2503, bills to provide for greater use of competitive medical plans and preferred provider arrangements.

SD-430

JUNE 22

10:00 a.m.

Environment and Public Works

To hold hearings on proposals for establishing appropriate levels of lead in gasoline, including S. 2609.

SD-406

2:00 p.m.

Finance

Health Subcommittee

To hold oversight hearings on medicare home health care benefits and the difficulty interpreting the intermittent care rule.

SD-215

JUNE 26

10:00 a.m.

Energy and Natural Resources

Energy Conservation and Supply Subcommittee

To hold oversight hearings on Outer Continental Shelf leasing activities.

SD-366

Environment and Public Works

Environmental Pollution Subcommittee

To hold oversight hearings on the implementation of the Lacey Act amendments (Public Law 97-79), to control international trade in wildlife.

SD-406

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold oversight hearing on the status of college athletic programs.

SD-430

JUNE 27

10:00 a.m.

Commerce, Science, and Transportation

Merchant Marine Subcommittee

To hold hearings on Senate Concurrent Resolution 56, to express the sense of the Congress in opposition to further expansion of cargo preference requirements.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Judiciary

Administrative Practice and Procedure Subcommittee

To resume oversight hearings on congressional access to reliable agency information.

SD-562

Labor and Human Resources

Handicapped Subcommittee

To hold hearings to review recommendations to improve services for the mentally retarded.

SR-428A

JUNE 28

10:00 a.m.

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on S. 2561, authorizing funds for fiscal year 1985 to facilitate the transfer of computerized training programs of the Federal Government to the private sector and to State and local governments for use in manpower training programs.

SD-430

JULY 10

9:30 a.m.

Labor and Human Resources

To hold hearings on the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.

SD-430

JULY 26

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.

SD-215

JULY 27

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To continue hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.

SD-215

JULY 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To resume hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

JUNE 7

9:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To resume hearings on S. 978, to provide financial assistance to States for wetlands conservation, focusing on committee amendments No. 2807, proposed Wildlife and the Parks Act.
SD-406

JUNE 8

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on sexual exploitation of children.
SD-226

SENATE—*Thursday, June 7, 1984*

(Legislative day of Wednesday, June 6, 1984)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

God of order, truth, and justice, despite my political naivete, I sense that the leadership of the Senate identifies with the feelings of Cicero, the great Roman statesman of the first century B.C., when he said, "The first of June and nothing done by the Senate."

Thou knowest all things, omniscient God. The future is as plain to Thee as the past. No detail escapes Thy notice. Days pass swiftly and they are few before recess. Give to the leadership Thy wisdom in scheduling priorities involving many agendas, all of which are important to those whose they are.

Lord of life, Thy word declares, "A man's mind plans his way, but the Lord directs his steps." (Prov. 16: 9 RSV). Guide the Senate in its business so that in these next 3 weeks everything that ought to be done will be. To the glory of Thy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I sometimes make facetious and flip remarks about our good Chaplain's prayers. I cannot help this morning succumbing to that temptation again. I suppose this is a good time for confession, so to speak. I confess I have never before thought of any similarity between me and Cicero. But if Cicero indeed said that, Cicero was plenty right and knew what he was talking about.

I am sure that we have our Members on board and available here to do important business. Perhaps I ought to review the bidding, so to speak.

SENATE SCHEDULE

Mr. BAKER. Mr. President, when we finish the morning formalities, including the special orders and the time for the transaction of routine morning business, the Senate will have before it a unanimous-consent agreement in respect to proceeding to the consideration of the Department of Defense authorization bill, which was put by the leadership on this side on last evening but not yet acted upon by the Senate. It is my hope that we can do that as soon as possible. That means as soon as I can confer with my colleagues on the other side of the aisle and see what we can clear. Then we will, assuming that agreement is reached, or some variation thereof, go to the Department of Defense bill after morning business is closed.

I expect, Mr. President, that we will be in late today. The distinguished chairman of the Armed Services Committee has indicated he wishes to spend as much time as possible today getting into the Department of Defense authorization bill. I had indicated to him previously that I am willing to stay as long as it appears the Senate can do useful work. Today is Thursday and it is the day when we most often have late sessions. So I urge Senators to consider that we may be in late today and that there may be several votes today.

We will be in tomorrow, Mr. President. I fully expect that there will be votes tomorrow and I urge Senators as well to consider that in making their plans.

Mr. President, on tomorrow it is the hope of the leadership on this side that we cannot only do something on the DOD bill, but perhaps that we can get to the Wilkinson nomination, as well. I would like very much to see if we can now get an agreement on a time certain to vote on the Wilkinson nomination on Friday. I am willing to negotiate with any Members who wish to establish a time for that. I am also willing to say that after we do the Wilkinson nomination there will be no more votes on Friday. That is as much of a carrot I can dangle at this moment, but I hope it produces a rabbit.

ORDER FOR RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BAKER. Mr. President, I now ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on tomorrow.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

Mr. BAKER. Mr. President, with those remarks, I am prepared to yield the floor. The distinguished acting minority leader is here.

Mr. President, I would like to reserve the remainder of my time under the standing order for use at any time during this day.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time for the minority leader be reserved for his use later in the day at his discretion.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

SHOULD PUBLIC SERVICE ANNOUNCEMENT AGAINST NUCLEAR WAR AIR FOR FREE ON COMMERCIAL TV?

Mr. PROXMIRE. Mr. President, would nuclear war be a public health catastrophe? If so, should the prevention of nuclear war be regarded not only as a responsibility of the President of the United States and those of us who serve in the Congress, but also a responsibility of public health officials? Sounds far out, does it not? After all what can a public health doctor do to prevent nuclear war?

Well, the New York Times reported on April 29 that up in Boston, public health officials are trying to do exactly this. How? Here is how: They are calling on commercial television stations to carry public service announcements that are designed to drive home the appalling destructiveness of nuclear war. One such television spot, as described, goes like this:

> Children are playing doctor, building with blocks and telling what they want to do in the future. "When I grow up, I want to paint pretty pictures," a girl says as she paints a rainbow. To the sound of explosion in the background, the red paint and the rainbow begin to run. The blocks tumble. The doctor's kit is strewn. "Our world as we know it would be destroyed by a nuclear war," says an announcer, who says nuclear war is "our last epidemic." A girl aspiring to be a mother and writer concludes, "When I grow up I want to be alive."

That announcement was prepared by the Massachusetts State Depart-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

ment of Public Health. It has been run by some stations, turned down by others. Now how about this? The people of Massachusetts find their taxpayer money used to prepare spots to be run on commercial television stations as a public service announcement. Is this right? Well, why not? Can anyone think of a more catastrophic threat to public health than a nuclear war? This Senator cannot.

The New York Times article points out that both the American Medical Association and the American College of Physicians have recognized nuclear war as a public health catastrophe that must be prevented. Both Massachusetts and Rhode Island health departments have printed and distributed brochures spelling out the consequences of nuclear war. The first and most obvious consequence that occurs to doctors and other health professionals is that hospitals, doctors, and nurses could not possibly cope with a small fraction of the millions of dying and injured persons in the aftermath of a nuclear war, even if all the doctors, nurses, and hospitals should somehow survive. Of course, they would not survive. Hospitals are located primarily in urban areas. And most doctors live in or near urban areas. So they would be among the first to perish.

Healing and pain killing medicines and drugs would also vanish. The overwhelming injury to those who did survive would be burns—severe burns. And there is almost no pain human beings can endure more agonizing than a deep burn. If you or I or our children or grandchildren somehow made it through a nuclear war, they would very likely suffer terribly painful burns with no healing and no easing of their agony.

Now some may say this all may be true but what has the Public Health Service got to do with preventing nuclear war? Sure, they will have a terrible problem once it occurs—God forbid it ever does. But should we not rely on military and political and diplomatic policies of deterrence and arms control to prevent nuclear war? And are not those problems wholly outside the competence of public health officials?

The answer, Mr. President, is that this is a democracy. Sure, policy with respect to preventing nuclear war may be the responsibility of the President and other Federal officials. But let us face it. We as public officials, especially elected officials, do not always act in concert with the public interest or with public concern.

In virtually every professional poll and statewide referendum, the people of this country have said that they want our Federal Government to stop the arms race—not unilaterally, but by negotiating a comprehensive, mutual verifiable freeze or end to the testing, manufacture, or deployment of any further nuclear arms.

Obviously, that demonstration of public will has not won translation into action. Since this is unquestionably the most important issue of our time by far, the failure of our Federal Government to strive to stop the arms race represents a serious breakdown in the democratic process.

What do we do about it? What should a frustrated public do about it? And what should those public officials whose life is dedicated to public health do about this worst of all conceivable epidemics?

Public officials in Massachusetts and Rhode Island and elsewhere are exactly right. They refuse simply to bow their heads and let the nuclear arms race continue down the road to an inevitable end in what they understand so well would be a human catastrophe beyond our imagination. They act. They reinforce the public determination to end this policy of continuing on the road to a nuclear collision by telling the public what this most terrible of all menaces to the public health really means.

God Bless them. And I hope in the future all commercial TV stations, and radio stations too, will carry these public service announcements. This Senator cannot think of a public service our television and radio stations could provide that could be nearly as important.

Mr. President, I ask unanimous consent that the article to which I have referred from the Sunday, April 29, 1984, New York Times be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PUBLIC SERVICE AD ON ATOM WARS STIRS CONFLICT

(Special to the New York Times)

BOSTON, April 28—The 30-second television spot shows children playing doctor, building with blocks and telling what they want to do in the future. "When I grow up, I want to paint pretty pictures," a girl says as she paints a rainbow.

To the sound of an explosion in the background, the red paint and the rainbow begin to run. The blocks tumble. The doctor's kit is strewn.

"Our world as we know it would be destroyed by a nuclear war," says an announcer, who says nuclear war is "our last epidemic." A girl aspiring to be a mother and writer concludes, "When I grow up, I want to be alive."

The message is a public service announcement issued by the State Department of Public Health for use on local television stations. Three stations have declined to run it.

"A LITTLE TOO STRONG FOR US"

"We felt that it was a little too strong for us to air," said Nancy Sullivan, a spokesman for WXNE-TV. "We decided not to cover the issue of nuclear war at all." She said the announcement "strongly implied the idea of a nuclear freeze."

But Dr. Stephen Havas, Deputy Commissioner of Public Health, said the message was medical, not political. He said such organizations as the American Medical Association and the American College of Physicians had recognized nuclear war as a public health catastrophe that must be prevented.

A brochure the Health Department sends anyone who asks describes the medical consequences of nuclear bombs dropped on Boston, Worcester and Springfield, on Hanscom Air Force Base in Bedford, northwest of Boston. Most hospitals would be destroyed and most doctors and nurses killed, according to the pamphlet. People who survive, it says, will suffer severe thermal injuries and infections.

"The medical community cannot respond to a nuclear war," Dr. Havas said. He said it was important for people to talk about the issue and take steps to prevent nuclear war, "whether it's build-up or build-down, stay at the same level, whatever."

RHODE ISLAND HAS A BROCHURE

Dr. Havas said the Massachusetts Department of Public Health was the leader in television advertisements, although the Rhode Island Health Department has issued brochures. "Most public health departments tend to be fairly cautious about new areas," Dr. Havas said.

Donna Latson Gittins, vice president of community services for WCVB-TV, which has run the Health Department announcement daily for three weeks, said the station had received virtually no reaction from viewers.

Two stations, WBZ-TV and WNEV-TV, will produce their own spots to advertise the Department of Public Health brochure. "We would like to produce a spot that gives a little more information as to how a viewer can take some action," said Amy McGregor-Radin, public affairs director for WBZ-TV. She added that the spot could be frightening to children, a view shared by WNEV-TV.

Peggy Charren, president of Action for Children's Television of Newton, a child advocacy group, said she was "amazed" broadcasters would take into account children's fears. She added, "While I think that's a worthy worry, they certainly don't have it with programs with no social significance."

Mrs. Charren said she would not want children to see such an announcement without adults present, but added that broadcasters should find sensitive ways of teaching children about nuclear war.

PERSECUTIONS THROUGHOUT HISTORY AND THE NEED FOR THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the June 1984 issue of Commentary magazine contains an article by Bernard Lewis, a professor of Near Eastern studies, which details the persecution of Jews in the Islamic world during the 18th and 19th centuries.

During this so-called enlightenment period, Jews in Western Europe were beginning to enjoy more rights than ever before. But Jews in the Middle East and northern Africa were still viewed as second-class citizens, undeserving of respect or humane treatment. For example, they were subject to street beatings and public humiliations. In his article, Lewis quotes the account of a traveler who observed the situation in 1836:

> I never saw the curse denounced against the children of Israel more fully brought to bear than in the East, where it may truly be said that "Their hand is against every man, and every man's hand against them."

Eastern Jews were subjected to centuries of miserable inequality. In Iran, Jews were isolated in a hostile and fanatical community, and denied their most basic rights in commerce, courts of law, and city life. Iranian Government officials of that period rarely intervened in incidents of mob violence against Jews.

Throughout the Middle East, the defenseless Jewish community suffered torture and murders. In 1839, Jews were massacred in Meshed, Iran. Jews were massacred in Tetuan, Morocco in 1790 and in Baghdad in 1828. In 1840, Jews in Damascus were the victims of a series of attacks. Algeria, Tunisia, and Libya were other countries where Jews suffered during the 18th and 19th centuries.

Mr. President, the suffering of minority races and religions is not restricted to centuries past or fallen empires.

It persists to this day, and enough of it persists that it should outrage all modern nations. As a country concerned with human rights violations all over the world, the United States must take action against unwarranted brutal attacks against ethnic and religious groups. That is why the United States should ratify the Genocide Convention, making genocide a crime punishable under international law. This would go a long way toward demonstrating U.S. opposition to the inhumane treatment of minority people.

Mr. President, I yield the remainder of my time to the distinguished majority leader, and I yield the floor.

Mr. BAKER. I thank the Senator.

Mr. President, I shall take but just a moment.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, last evening, we were going through the process of providing for the defense authorization bill to become the pending business today. I have consulted with Senator BYRD's office and they have authorized me to say that there is no objection to providing for the consideration of that measure. We will, I think, make other arrangements about the math-science bill when Senator BYRD arrives. I am sure we can do so without any difficulty. There was no difficulty last evening except technical reasons that were very good and valid that we had not yet had time to reconcile.

ORDER FOR CONSIDERATION OF S. 2723 AT CLOSE OF MORNING BUSINESS TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that at the close of morning business today, the Senate proceed to the consideration of Calendar Order No. 944, S. 2723, the Department of Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, I have been informed by staff that the minority leader has no objection and has agreed to proceed at the end of the morning hour as the majority leader has requested.

The PRESIDING OFFICER. Is there any objection? Without objection, it is so ordered.

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER. The Senator from Pennsylvania (Mr. HEINZ) is recognized under a special order.

Mr. HEINZ. Mr. President, I ask unanimous consent, with the authorization of Senator BAKER, that the time allotted to him for his special order be transferred to the special order previously agreed to by the Senate on my behalf.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE AMERICAN STEEL INDUSTRY

Mr. HEINZ. Mr. President, the purpose of today's colloquy involving many of my colleagues from the Steel Caucus is to lay out the problems facing the American steel industry and to express support for a number of actions, including the import relief proposed in the Fair Trade in Steel Act, S. 2380, and the section 201 petition filed by Bethlehem Steel Corp. and the United Steelworkers of America which is currently pending before the U.S. International Trade Commission which will be ruled upon next Tuesday.

From my point of view, Mr. President, there should not be much question at all in the minds of the Members of the U.S. Senate that the American steel industry is currently in critical condition despite some progress that has been made since the low point in 1982.

When I say there was a low point in 1982, I mean that capacity utilization was at 30 percent and that 170,000 people were unemployed. That was the greatest number of unemployed and the lowest capacity utilization since the Great Depression. In many communities in my home State, specifically in and around Pittsburgh and western Pennsylvania, the situation was and still is today as bad or worse than the Depression.

As one measure, the industry in 1982 and in 1983, those 2 years combined, lost $6 billion. About half of that they lost in 1983 when we had a very substantial period of economic recovery, such that an industry we had nearly given up for dead 3 years ago, the auto industry, had the most profitable year in its history. The steel industry, in contrast, had one of its two most unprofitable years in its history. So by any standard the steel industry has been through the worst 2-year period since the Depression. But those of us who represent steel producing areas do not need to cite numbers because we only have to go back to our States, our hometowns, to see the faces of our unemployed and understand what that unemployment means.

We see the padlocked factories. We see the empty business districts of steel towns. We see how, one by one, steel communities that made this country great, that produced the steel to win two world wars and to create the world's strongest economy at the same time, are dying; and with them goes a part of our soul, a part of our spirit of hard work, pride, initiative—all the things that have made this country great.

The debate on the steel industry is going to emphasize facts, because I believe that is the best way to convince the Senate to act and because I believe our case is a strong one. But if any Senator needs to be convinced, I would be happy to take him to Midland, Pa., or McKeesport, or any one of a dozen or so other communities, such as Youngstown—and to countless other communites, I am sorry to say—to see the real impact of this crisis on real people and real towns that all the studies and statistics we cite today cannot properly reflect.

I suggest that what we are witnessing is an American tragedy in every sense of that term, and our failure to act can only compound that tragedy and increase an already enormous amount of pain. We are going through a period of economic recovery, of economic expansion. Since 1980, I think we have probably created 5 million or so additional jobs, but you would find little evidence of that if you looked at the steel industry. Unemployment remains over 20 percent. While capacity utilization is up somewhere between 75 and 80 percent, that is an artificial figure because of the permanent capacity reductions that have occurred, the factories that have been padlocked, the mills shut down over the past year.

Some will say: "Senator, that is just a cycle. The steel industry goes through cycles. Don't worry. Things are going to get better."

Mr. President, we were told that last year. We were told that the year before. We were told that the year before that. In all candor, I must say that after 3 years of waiting for the light at the end of the tunnel, one begins to wonder if there is any end to the tunnel at all.

Why would there be no end to this tunnel? Why would this industry be making more steel but losing more money? Why would so many people still be left unemployed as compared with 2 or 3 years ago?

I suggest that the answer is that free trade no longer exists any place in the world, except maybe here, and subsidizing, dumping, and other actions by foreign governments to protect their home markets from competition have dramatically distorted all those nice free-market principles we learned about in school.

Steel is the necessary material for any industrial economy. Its manufacture is a major source of employment. Every country that desires an industrial base has sought to develop steel production capacity, whether or not they can use it, whether or not it is profitable, whether or not there is a market for it any place close by. What that has led to, exacerbated by a lot of subsidized financing from developed countries, is significant foreign government involvement in the steel industry and incredible overcapacity worldwide. As a result, there is a chronic unfair trade problem in steel.

It is not just the less-developed countries where this is a problem. In Europe, the Government controls 100 percent of the steel production in such countries as France, Italy, the United Kingdom, Austria, and Sweden. Latin American governments—specifically Mexico, Venezuela, and Argentina—completely control their integrated steel production, while the huge Brazilian steel industry is 77 percent government controlled. That is just the tip of the iceberg. South Africa is 89 percent government controlled, South Korea and Taiwan are 100 percent government controlled, and so it goes. Foreign government control of the free world's steel production is an established fact which we can neither ignore nor wish away.

The consequence is that these government-owned and heavily subsidized industries, particularly in the Third World, simply have abandoned any pretense of fair pricing. Why? They are desperate to generate foreign exchange to pay their debts. They are over their heads in debt, as is the United States, but we have not started subsidizing our exports yet, thank heaven. They have resorted to dumping and subsidizing in this market, which is the only open market in the world left for them to sell their steel.

As a result, by the first quarter of this year, steel imports into the United States accounted for over 25 percent of the U.S. market. That is why our domestic steel industry is being systematically destroyed, and a return to market prices with normal free market forces is urgently needed.

Of course, what is happening now is that with imports increasing—and they have been increasing—steel prices are falling, and that insures those big losses I mentioned a moment ago, even when our industry is able to make a sale.

The average industry price level has fallen $199 a ton from the fourth quarter of 1981 to January 1984. That aggregate figure covers declines ranging from almost $400 in the case of some tubular products to $50 in the case of galvanized sheet. The most recent data suggest some areas of stabilization—although at intolerably low levels—while in other areas, such as strip and wire rods, prices have continued to go down. This is the core of the industry's problem. If they continue not to make any money, not only will we continue to have high unemployment, not only will we continue to turn community after community into permanent ghost towns, but also, the industry will never be able to generate the cash flow to invest in modernization that is necessary to restore its competitiveness.

We will undoubtedly spend a lot of time this year, on this floor, debating the theory of free trade. But I hope that while we are debating the theory, everybody remembers the fact as well that, at least in the steel industry—and I can think of some others as well—world practice is that there is no free trade and that dumped and subsidized production is destroying the steel market and the price structure and, along with it, the American steel industry.

So, Mr. President, there can be no reasonable doubt that imports are anything but a major part of our steel industry's problem, and, therefore, that import relief must be a part of the solution.

Now, the industry has filed many unfair trade cases—antidumping, countervailing duty cases. But I have to tell my colleagues that the trade laws are simply not designed to deal with a problem involving so many cases and so many countries and so many products in such a short period of time as really is necessary to get things turned around.

As Don Trautlein, the chairman and chief executive of Bethlehem Steel, recently suggested, making use of our dumping and antisubsidy laws is like "shooting at a flock of birds up in the air, and you get one at a time, but while you shoot them with that rifle one at a time, the rest of the flock is still up there dumping on you." and that is exactly what has happened.

The only realistic, practical, and rapidly achievable solution is a global import restraint that will prevent product and market shifting and will enable the industry to adjust and restore itself to competitiveness.

At the same time, however, it is clear that the problems of the American steel industry cannot be solved through import relief alone.

Import relief is not the only solution. The steel industry must modernize, reinvest, install new technology, and improve its productivity. But, only solving the import problem will produce the climate necessary for the industry to take the internal measures it has to take to survive.

Internal changes are necessary to complement reduced pressure from abroad. For example, U.S. labor costs are high relative to other countries—partly due to the strength of the dollar in the last few years and partly due to the industry's history of collective bargaining. Even so, labor costs alone cannot explain the industry's problem U.S. productivity at real operating rates matches Japan's and exceeds the rates of many European nations.

The old and outmoded facilities for steel manufacturing which predominate throughout the industry are increasingly becoming targets for modernization. Continuous casting capacity will double in the next 5 years. Average blast furnace output has increased by over 50 percent since 1971 while overhead costs have been reduced by about 25 percent. Research and development has concentrated on new technology designed to "leapfrog" existing production techniques.

For example, the Federal Government's recent grant of $30 million from the Department of Energy to Bethlehem Steel and U.S. Steel for strip casting research and production illustrates its interest in helping companies develop energy-saving methods of manufacturing. The capital costs of sheet production could be slashed by $500 million giving U.S. producers renewed vigor with which to challenge foreign competitors.

Investment in modernizing the industry has also lagged, in part because steel has not presented a very attractive opportunity. However, the basic cause is that no one in the industry is making any money. The $3 billion losses of each of the past 2 years have curtailed industry's ability to finance capital expenditures and carry out plans for modernization.

Finally, the decline in demand for steel due to a desire for lighter, cheaper, and more durable products such as plastics, ceramics, and specialty steel alloys has been especially threatening to the industry. However, according to a study by David J. Cantor, a specialist in industry economics at the Congressional Research Service, while steel use is generally at a lower level than previous years further declines in its use will probably be small and steel intensity, the ratio of steel consumption to real gross national product, will remain level throughout most of the 1980's. Even so, as the U.S. economy matures and shifts away from manufacturing and toward services, demand for steel is unlikely to return to the level of its 1973 peak.

In the face of these developments, the industry is aggressively pursuing self-help measures through reductions in work force levels, dividend reductions, wage concessions, and permanent closure of facilities as well as the modernization of existing facilities. In the end we will see the emergence of a smaller, more compact industry, technologically advanced and capable of producing sophisticated products, tooled to meet individual buyers' needs. To this end, it is essential that there be a temporary shelter from the crippling impact of unfairly traded imports; an umbrella that will provide protection while the industry takes the steps necessary to help itself.

Those steps, in addition to what I have just mentioned, include attacking the price problem, the cause of which is unfairly traded imports—dumped and subsidized production sent here to avoid the consequences of adjustment and overcapacity elsewhere in the world. Dumping, subsidies, and all other unfair trade practices that distort comparative advantage must be blocked in order to defend the market system. Major progress was made in providing the tools to do that in the multilateral trade negotiations in 1979 and the U.S. implementing legislation, the Trade Agreements Act, which I was deeply involved in. Unfortunately, the experience of the past 5 years has demonstrated a number of loopholes which remain to be closed.

I have proposed numerous trade law reforms to address these problems, but the Finance Committee has not expressed much interest in acting on them. The result is the direct approach exemplified by S. 2380 and the Bethlehem 201 petition. If the system does not work and Congress will not fix it, what choice does an industry have but to withdraw from it and seek its own direct solution? Special sectoral legislation is not my favorite option, but the steel industry is being given very few other alternatives either by Congress or the administration, and those of us who represent steel-producing areas are not going to allow our industry to be destroyed by the unfair and illegal practices of others.

To that end, Mr. President, I with a number of other Senators have introduced the Fair Trade in Steel Act, S. 2380, which establishes import quotas by product resulting in a global limit on steel imports of approximately 15 percent of apparent domestic supply for a period of 5 years. The goal of that legislation is to provide a temporary pause from the crippling impact of unfairly traded imports in order to stimulate employment, but equally, if not more important, to facilitate the necessary modernization of our domestic industry. Linking such relief to a reinvestment requirement for steel cash flow helps to insure that adequate funds for modernization will be available.

The petition by Bethlehem Steel and the United Steelworkers filed under section 201 of the 1974 Trade Act seeks an almost identical result. We call a section 201 petition an escape clause action. It is a provision of our trade laws which is a legal vehicle provided by Congress and consistent with the GATT, the General Agreement on Tariffs and Trade, which gives seriously injured domestic industries a chance to regroup, reform, and regain their competitive strength. The petition does seek the same level of relief proposed in my quota bill. And should the President agree with a positive recommendation by the International Trade Commission, the quotas would be implemented consistent with article 19 of the GATT, which recognizes that import relief indeed can be a legitimate and legal element of an adjustment program.

To maximize its effectiveness, an industry's adjustment program in the face of import competition should link the granting of import relief by the Government with domestic adjustment commitments by the industry. One way to insure such a result is through a proposal I have made, the Industrial Revitalization Act, S. 849. The bill is an amendment to the current escape clause statute that is the object of the Bethlehem petition. Instead of focusing on import relief as a sole remedy without analyzing what other solutions are appropriate to the industry's problems—as under current law—an industry would be required to commit itself to a self-help plan in return for import restraints. Such a plan would address the industry's current and anticipated problems.

These plans might commit an industry to increased investment and modernization, as the steel quota bill also requires, additional research and product development, wage and benefit concessions by labor, management improvements, and additional capitalization. The Government, in addition to granting import protection, could approve appropriate antitrust and/or regulatory relief.

The Government would keep its part of the bargain so long as self-help commitments were being adhered to. Its assistance would be channeled into restoring an industry's competitiveness pursuant to conditions similar to those imposed on the Chrysler Corp. in 1979—today a successful and prospering firm. Although I voted against that legislation because I do not believe in Government bailouts of big businesses, I think we can all draw valuable lessons from the experience.

Adjustment plans should rely on industry, not the Government, to take the initiative based on the reality of what survival in the marketplace demands. The petition filed by Bethlehem Steel Corp. and the United Steelworkers is just that—an industry's request for assistance in the face of market realities. My proposal would take the process one step further by providing needed discipline among those who seek protection. Short-term sacrifices must take place for the long-term benefit of an industry so that it can once again be competitive and fully able to stand, fight, and win the battle for economic survival.

The best solution for the steel industry's problems would really have been achieved through a comprehensive steel policy developed by the President in consultation with Congress, and with the industry, both labor and management. I had been proposing such a policy now to two administrations without much success. Instead of exercising leadership in this matter, the administration has chosen simply to oppose the initiatives of others. I am still hopeful that that attitude will change.

I suppose some would prefer to ignore the situation or to pretend that the hundreds of thousands of unemployed in the steel-producing communities and in steel-related industries do not exist. I can promise my colleagues this much: this problem is not going to disappear. It will not change, except maybe to get worse, the unemployed will not vanish, but they will become more visible. The issue is not going to go away. The problem has to be solved, and as far as this Senator is concerned it is going to be solved. The steel industry is not going to remain the dumping ground for other nation's problems.

We in the Steel Caucus are not about to accept the glib analyses that some propose that the wealth of our communities and the quality of life of our constituents need to be drained away by predatory pricing practices of foreign governments.

We will use every means at our disposal to get action in this session, and if it takes legislation to accomplish that, then I can guarantee we will have that legislation.

THE U.S. STEEL INDUSTRY

Mr. RANDOLPH. Mr. President, I commend the able Senator from Pennsylvania and other colleagues in this body for the attention being given especially today in the Senate to the sad recital of many of the problems that are affecting the steel industry in this country, due primarily to the unfair imports of steel from other countries into this Nation. I am joining the chairman of our Steel Caucus, Senator HEINZ and hopefully other Senators, in addressing this problem.

As we discuss the steel industry in the United States, we do recognize that there are many Members of this body who are committed to the preservation and strengthening of our domestic steel industry. We must bring our concerns to the attention once again of our colleagues. Today, we are doing that as we have in the past because of the crucial problems of this vitally important and basic industry.

The U.S. International Trade Commission is considering at this time a petition which has been filed under section 201 of the Trade Act of 1974. The petitioners, Bethlehem Steel Corp. and the United Steelworkers of America, are necessarily seeking import relief on behalf of the steel industry across America—no matter where the steel plants are operative, or at least partially operative, and in some cases not operative at all. The petition provides evidence that this industry has suffered serious injury as a result of the continuing imports.

Mr. President, on May 9, a public hearing on the petition was held before the Commission. On June 12, the members of the Commission are scheduled to vote on the inquiry determination. If the Commission members determine that injury has occurred, they must recommend a remedy to the President, and our Chief Executive must decide what relief, if any, will be granted. The President must make his decision by September 24, 1984. The relief needs to be provided.

Mr. President, it is my strong belief that the domestic steel industry and our American steelworkers have suffered too much. I repeat, import relief is overdue. This essential industry and the effective workers in it have dedicated their skills to production which has been basic to this Nation.

We continue, I emphasize, to be deeply injured by the flood of illegally imported steel. Unquestionably, the domestic steel industry is essential to the domestic health of the Republic as well as of strategic importance. This industry must be modernized. Reasonable efforts are being made and future efforts have been pledged by individual companies to effect that goal. However, Mr. President, imports have prohibited in some cases, and severely retarded in other cases, the progress that we know must be made. Shutdowns continue and devastating unemployment results in Pennsylvania, in West Virginia, in Ohio, in Indiana, and many other States. The human impact of unfair trade cannot be overstated in this Chamber. Unemployed workers and their families in the steel communities across the country are angry, and understandably so, because of the evidence which is very clear of the injury that has been created by illegal imports. These workers, I stress, are among the most skilled in America. Their hands are idle today because of this unfair trade. This is true in other industries which are dependent on steel—the coal industry being one of them. This is an unconscionable situation and relief must be provided.

In West Virginia, I am joined by the minority leader, Senator BYRD, in a knowledge of this subject as it affects our workers. We know of the unemployment that continues month after month. We continue to suffer in West Virginia the highest jobless rate in this Nation at 16 percent. The steel industry in West Virginia is necessary. The coal industry of the State is dependent on its viability. Approximately 25 percent of coal miners are unemployed. The impact of unfairly traded steel imports on these families, as well as on the economy of the State, is tremendous. Much of the hardship suffered by unemployed workers must be attributed, to unfair trade practices and illegal imports. The more subtle hardship of uncertainty on the future of steel jobs is insidious. It affects workers and their families. I am hopeful, as are others, that careful weighing of the evidence submitted to the U.S. International Trade Commission will persuade the Commissioner to see the problem that steel producing States already know—that is that illegal imports are destroying day by day American jobs and creating devastating impacts on workers and companies.

Mr. President, again, I stress the importance of the subject matter being discussed. I thank my colleagues and especially the chairman of our Steel Caucus for allowing me to proceed out of order. I would have followed my colleague, Senator HEINZ, but because of a situation which he and the majority leader understand, I have been given this privilege of addressing my remarks at this time. I thank again the Senator from Pennsylvania.

Mr. HEINZ. Mr. President, before the Senator from West Virginia attends to his responsibilities—and as I understand it he has an unhappy duty this morning—let me simply compliment him on an excellent statement and, if I may, correct only one of the many things he has said, which is that I chair the Steel Caucus. In fact, the Senator from West Virginia and I cochair it. While it really has two people who lead it, my friend from West Virginia has ably led the Steel Caucus over the years. I am honored to share that responsibility with him. But there would not be a Steel Caucus had it not been for his initiative many, many years ago. We are very proud that we number some 47 Members of the Senate, and it is in large part due to the industry, initiative, and articulateness of my good friend, the senior Senator from West Virginia. I commend him for all he has done not just to form the Steel Caucus but for everything he is doing for our steel industry.

Mr. RANDOLPH. I am very appreciative and I pledge my continued assistance to my colleague, working as he has indicated, with some 47 Members of this body in at long last bringing to the attention of those that can make the difference in the administration, this imperative need. I am very grateful that I can join with him again today.

Mr. HEINZ. I thank my friend from West Virginia.

Mr. SPECTER. Mr. President, I am pleased to join my distinguished colleagues in sharing with this body the problems plaguing our Nation's steel industry. It is of paramount importance that this industry obtain prompt and effective relief from the continued deluge of unfair foreign imports.

Recently, Bethlehem Steel Corp., and the United Steelworkers of America filed an import relief petition under section 201 of the Trade Act of 1974. It calls for a 5-year temporary restriction of carbon and alloy steel products imported into the United States, so that the imports comprise no more than 15 percent of the apparent domestic market consumption. On May 9, 1984, I testified before the International Trade Commission in support of this petition, and I feel that the steel industry is exactly the type of beleagured manufacturer that section 201 was designed to assist. I can personally attest to the plight of the steel industry and the steelworkers from having visited every steel-producing region in the Commonwealth of Pennsylvania.

Mr. President, I have observed on numerous occasions that steelworkers in my State are being taxed to provide foreign aid to nations that turn around and use this aid to subsidize their steel industries which export to the United States. Coupled with the growth of massive, ultra modern mills overseas that are the recipients of this funding by their governments, there is little chance for our domestic industry to fairly compete. Given this bleak scenario, there is little we can do but to provide a brief respite from foreign imports to allow U.S. steel producers to modernize and revamp their present plants and equipment.

I believe that the approval of this section 201 petition is a vital first step in the struggle to combat unfair imports and revitalize our steel industry.

However, it is only when the victimized steel firms can get immediate relief and payment for damages caused by dumping that the industry can continue to fend for itself and experience unimpeded growth. That is why it is essential, in my view, that S. 413, which would permit parties to go directly to Federal district court to enforce the antidumping statutes, be passed by the Senate. The courts have shown that they can handle complex social and economic issues in an expeditious manner. We cannot continue to sacrifice a vital industry such as steel on the altar of foreign policy. The inadequate enforcement of our international trade laws results in domestic unemployment. We need to take whatever action is necessary to insure a free and competitive atmosphere for our basic manufacturing industries.

Mr. HEFLIN. Mr. President, I am pleased to join the conversation today to recognize one of America's most important industries—our domestic steel industry. I wish I could stand here and discuss profits, modernization, and expansion. Unfortunately, that picture does not describe today's industry. Instead, the more accurate picture is typified by lost wages, long-term unemployment, job relocation, and emotional stress. You ask, "What went wrong?" "How can an industry, as vital as the steel industry is to our economy and national security, decline at such a rapid rate?" I believe this decline can be attributed to one major cause: The flagrant abuse of our trade laws.

If you know the simplest facts of supply and demand, you can understand how imports have devastated our domestic steel market. I ask you to join me in a brief economics 101 lesson.

In order to gain market share, foreign steel producers unfairly suppress prices. They can get by with price suppression because the industry is either Government owned, or Government subsidized, and unfortunately, these foreign producers have been successful in penetrating the domestic market. For the first 11 months of 1983, imports increased their market penetration to 21 percent. We all know that if an industry cannot compete, its profits are going to decline. Expressed as a ratio of net profits after tax to sales revenue, profits in the domestic market dropped from 4.8 percent in 1973-76, to 0.9 percent in 1977-82, including the serious loss of 6.8 percent in 1982 which has persisted at the grave loss ratio of 5.2 percent in the first 9 months of 1983. The depressing cycle continues as profits decline, jobs are lost.

During 1982 and 1983, 148,422 jobs were lost, which is equal to 38 percent of 1981 employment. When unemployment reaches this magnitude, there is not a State in the Union that can escape the injury and not forget this all started from unfair trade practices.

Unfortunately, my economics lesson continues to grow dimmer and dimmer. Unemployment is coupled with steel mills bankrupt and closing, or the idling of facilities. I am not going to name all of the companies; however, all across the Nation, from my State, to Ohio and Kentucky, West Virginia, Pennsylvania, New York, Minnesota, Illinois, and others, our domestic steel industry is crippled from steel imports.

Our domestic steel industry simply cannot compete with government-owned and government-subsidized producers, let alone continue to accept the unrelenting pricing and volume dumping that is occurring in the market. Mr. President, the domestic steel industry needs relief from unfair trade practices. We are on a deadly cycle—imports dumping increases, domestic sales decline, profits slide, wages fall, and unemployment deepens—what a depressing scenario. I urge my colleagues to help the domestic steel industry get out of this rut. Support the 201 petition filed by the United Steelworkers of America and Bethlehem Steel. We cannot wait for other nations to stop their unfair trade practices. We need to take action. We need section 201 relief now.

Mr. DURENBERGER. Mr. President, I take this opportunity to join my colleagues in expressing support for the petition filed by the Bethlehem Steel Corp., and the United Steelworkers of America under section 201 of the Trade Act of 1974.

Our economy is not a homogeneous unit, Mr. President. While there is no denying that our economy is rapidly recovering, that recovery is not as broad based as many have been led to believe.

For instance, the State unemployment rate in Minnesota hovers around 7 percent. However, in Minnesota's northern counties, counties where generation after generation of workers derived their livelihood from the mining of iron ore, thousands of Minnesotans remain unemployed. In fact, the unemployment rate in at least five Minnesota counties remains in double digits. In two Minnesota counties, more than one of every five employable residents is without a job—one of every five. Try to imagine, Mr. President, how much pain and suffering those Minnesotans have endured during the past several years. The economic recovery has certainly done them little good.

Clearly, the American steel industry faces enormous economic hurdles which this recovery will not eliminate. Few domestic industries face capital investment needs of the scale required by steel. Without such investment, they cannot even compete in our domestic market, much less the international market. Toward that end, Congress must implement some commonsense fiscal policies, lowering capital costs to help these industries generate some investment resources. However, their investment need is so great that Congress may have to provide additional tools for these industries to facilitate capital generation and its proper investment.

In addition, American labor has and must continue demonstrating a commitment toward industry revitalization. Already, the steelworkers have agreed to significant wage and benefit concessions and have worked hard to improve worker productivity.

But, Mr. President, the road back to prosperity for American steel requires action in yet another regard, import relief. This administration and the International Trade Commission have made some progress. However, for every positive step they have taken toward offsetting unfair trade practices by our international competitors, there is always another country and another steel producer willing to go to any length, legal or illegal, to gain a share of the U.S. market, taking advantage of our piecemeal efforts to provide temporary breathing room for U.S. producers.

No matter how low interest rates drop or how many labor concessions are granted, the steel industry will be unable to adequately invest in modernization if they continue to bear the ever growing impact of steel imports, facilitated in many cases by pernicious unfair trade advantages enjoyed by our foreign competitors.

The section 210 petition asks the International Trade Commission to assess the impact of all steel imports on U.S. producers, a comprehensive approach which will allow graphic documentation of import-related industry decline. Once the ITC determines the extent of injury, the "201" approach will let the administration initiate remedies on a broader scale while allowing country-by-country and product-by-product flexibility.

Granted, import relief by itself will not make our domestic industry competitive. It is but one portion of what must be a multifaceted approach.

U.S. industry has a right to expect Congress to make decisions in tax, spending, and regulatory policy which will reduce the uncertainty plaguing the cost of investment capital. A large part of our contribution must, of course, be deficit reduction.

U.S. industry has a right to expect decisions from the U.S. capital markets about a more sensible approach to foreign investments and a more affordable price tag on capital for U.S. investment.

In return, we expect from our steel industry technological advances resulting in competitive products at competitive prices. We should also expect returns from reasonable labor and management productivity, compensation, and fringe benefits, and from my parochial perspective, that American steelmakers make a vital long-term commitment to using American raw materials.

In that light, I will continue supporting aggressive use of legislative and administrative remedies to unfair competition from foreign steel suppliers.

Mr. SARBANES. Mr. President, I would like to add my comments to this discussion of the steel industry. I am deeply concerned about the problems facing the steel industry and steelworkers, both across the country and in my own State. In Maryland, Bethlehem Steel Corp.'s plant at Sparrows Point has lost over 50 percent of its business and has been forced to lay off more than 3,000 employees in the past several years. Although the plant has been able to rehire some of its work force, there are more than 2,300 steelworkers and their families still unemployed.

The situation at Sparrows Point is symptomatic of what is happening throughout the country. Major domestic steel producers are losing money on their steel operations. Import penetration this year is about 26 percent of the domestic steel market. Many of the imports are coming from countries where steel production is subsidized directly or indirectly by the host government.

In spite of operating losses, Bethlehem Steel is investing heavily in modern plant and equipment to make Sparrows Point a world class competitive facility in terms of both quality and price. Similar investments are being made elsewhere. In addition, there is an unprecedented spirit of cooperation and teamwork between management and labor. But these positive steps of capital investment and worker participation will not have time to take hold and produce results if the industry continues to lose business and money to imports.

It seems clear to me that the domestic steel industry is too important to national defense and to industrial strength to be allowed to be driven out of business without a careful assessment of the probable causes of its competitive problems and the consequences of its loss. In my view there is strong evidence that the industry is suffering from unfair competition that goes well beyond the effects of comparative advantage.

Our trade laws include mechanisms for dealing with unfair trade on both a case-by-case and industry-wide level. Unfortunately, the case-by-case mechanisms have not worked. Countervailing duty charges and antidumping complaints have proven easier to evade than to successfully prosecute. And relief under these measures is prospective only, leaving uncorrected the damage already done.

It seems to me that, because of these conditions, a strong case can be made for industrywide relief as provided under section 201 of the Trade Act. For this reason, I have supported the petition filed jointly by Bethlehem Steel and the United Steelworkers of America before the International Trade Commission. The Trade Act's general provision should be invoked to provide relief from unfair trade that has not been available through other mechanisms. The industry and its workers need and deserve the breathing space to make themselves fully competitive. They have shown signs that they know what it takes to achieve that goal, and they should be given a chance to follow through.

Mr. LEVIN. Mr. President, some people argue that our domestic steelworkers, through wage demands, brought about the decline of their own industry. They are wrong.

The hourly compensation paid to U.S. steelworkers has increased in line with or less than real hourly compensation paid to steelworkers in other major foreign steel producing countries between 1975 and 1983. Moreover, labor costs, as a percentage of domestic selling price, have remained stable at approximately 35 percent since 1977.

As a matter of fact, as a result of a 41-month labor contract, effective in March 1983, compensation levels were reduced 10.9 percent.

It is also important to note that a true measure of labor costs effect on the market needs to include not only compensation levels, but labor productivity. In the first 6 months of 1984, U.S. man-hours per net ton shipped were 5.80 while Japan's were 7.26. This indicator means that the labor productivity of the U.S. industry exceeded Japan by 25 percent during that period. Yet as U.S. steelworkers continue to improve their productivity, imports continue to penetrate the market.

So it's not labor costs that have injured our domestic steel market, but imports. That is why I support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel. Employees are taking reduced compensation, the industry itself is working hard at modernization and restructuring. It is time that we grant the industry the relief necessary in order to compete with imports, particularly since foreign governments so often subsidize those imports.

Mr. President, I ask unanimous consent that a table depicting U.S. labor productivity be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LABOR PRODUCTIVITY OF STEELWORKERS IN UNITED STATES EXCEEDS THAT OF OTHER MAJOR STEEL PRODUCING NATIONS

	United States	Japan	West Germany	France	United Kingdom
1976	8.79	10.11	11.12	14.89	19.17
1977	8.95	9.98	12.57	14.26	21.26
1978	8.12	9.55	11.67	12.62	21.56
1979	8.29	8.55	9.85	11.35	18.58
1980	8.31	8.30	9.98	10.14	37.35
1981	8.07	8.49	9.95	10.24	13.50
1982	7.84	8.07	11.08	10.83	13.35
1983	6.59	7.72	10.76	10.92	10.75
January-June 1984 (projection)	5.80	7.26	9.34	10.12	11.16

Note.—Comparative labor productivity rates (man-hours per net ton shipped at actual operating rates).

Source: World Steel Dynamics.

Mr. HUDDLESTON. Mr. President, I join my colleagues in their support for import relief for the domestic steel industry.

In January, the United Steelworkers of America and Bethlehem Steel Corp. jointly filed a petition with the U.S. International Trade Commission [USITC] under section 201 of the Trade Act of 1974. The petition seeks:

> A comprehensive solution to the crisis caused by the continued high levels of imports of foreign steel products in the United States, contrary to our laws, which have seriously injured American steelworkers, the domestic steel industry and the American economy.

I stress the importance of this section 201 petition. The dumping of subsidized and/or government-owned steel is severely harming our domestic steel industry. This industry is vital to our national security, our infrastructure, and our economy. It needs a minimum of 5 years of import relief in order to stabilize its operations and insure a healthy, productive, and cost-effective future. This relief would enable our domestic steel companies to generate the cash flow needed to modernize its steel facilities and repair existing properties. The increased investment would allow the domestic industry to compete against all of its foreign competitors.

The specific relief requested is a 15-percent quota on all steel products, with the overall quota divided among different product lines based upon their historic import penetration rates. The 15-percent figure is equivalent to the import penetration rate prior to the surge of imports over the past few years.

A full 5 years of quota relief is essential in order to insure that the necessary capital is generated by the domestic industry. It will also send a message to our foreign competitors that they should cease their uneconomic expansions of capacity. Anything short of these remedies could result in a haphazard, band-aid approach which may not resolve anything in the long run.

Mr. President, we cannot continue to permit the flow of price suppressed imports. We need section 201 relief. As the petition stated, import relief is vital to steelworkers, the domestic steel industry, but above all, it is vital to our American economy.

Mr. BOSCHWITZ. Mr. President, I join my colleagues in the Senate today in support of the 201 case filed for import relief by Bethlehem Steel Corp. and the United Steelworkers of America. This relief is clearly essential to the stabilization and rehabilitation of our domestic steel industry.

In recent years, steel imports have risen to over 20 percent of apparent consumption. While other steel producing countries have adopted effective means of controlling steel trade in their domestic markets, the United States has suffered from consistently increasing percentages of imports. In fact, this country is the only major industrial nation where foreign producers can unload their excess steel at distress prices.

The diminished profitability and losses suffered by our domestic steel industry over the past several years are directly attributable to price depression and suppression brought on by the low-priced imports of carbon and alloy steel products. Foreign producers have consistently shown their willingness to lower prices, without any regard to costs, to whatever level is necessary to sell their products in the U.S. markets.

These unfair practices have placed a disproportionate burden on this country. For example, Minnesota is the largest supplier of raw iron for the domestic steel industry. But, with decreased U.S. production and increased steel imports into this country, the production of taconite pellets has declined by over 50 percent—from 50 million tons in 1981 to only 25 million tons in 1982.

Because 55 percent of the gross regional product of northeastern Minnesota is directly related to the taconite industry, these losses take a heavy toll. During the 1982 recession, many industries that relied on the taconite industry for their employment were faced with unemployment rates as high as 90 to 95 percent. This is an obvious case of substantial injury due to increased imports of steel.

Section 201 of the Trade Act of 1974 was clearly intended for cases just like the steel industry faces today. Import relief over a sufficient period of time will enable the steel industry to utilize gainfully resources that might otherwise atrophy.

Mr. President, I have addressed the problem of unfair trade practices on more than one occasion. I have cosponsored the Fair Trade in Steel Act, S. 2380, which will impose statutory limits on the amount of foreign steel and foreign iron ore that can be imported into the United States. The 201 case seeks to accomplish the same goal. I strongly supported the 201 case in a letter to the Chairman of the International Trade Commission, and I submit a copy of that letter for the RECORD.

Mr. President, I urge my colleagues to pay close attention to the need to curb illegal steel imports and urge their consideration of an effective remedy to the unfair trade practices.

The letter follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, D.C., May 7, 1984.

Hon. ALFRED E. ECKES, Jr.,
Chairman, U.S. International Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in support of the Section 201 petition, filed by the United Steelworkers of America and Bethlehem Steel Corporation, seeking import relief on behalf of the entire domestic steel industry.

The domestic steel industry is vital to our national security and the economic well-being of our nation. Illegal imports undermine our domestic steel industry by putting domestically produced steel at an unfair disadvantage. Steel imports have had a detrimental effect on taconite production in Minnesota's Iron Range. Since 1981, production of taconite pellets has decreased by nearly one-half—from 49 million long tons to only 25 million long tons. Not surprisingly, the decrease in employment corresponds to the decreased production. Given the direct impact that imports have on employment, illegal imports should not be condoned.

The Section 201 petition is an appropriate means of addressing the problem. The volume of illegal imports has become so great that piecemeal approaches such as antidumping and counterveiling duty suits are, as a practical matter, inefficient and ineffective. The problem is global in nature and deserves a comprehensive solution. The relief requested by the petition—global quotas—recognizes the realities of unfair competition from around the world. It also recognizes the realities of the future by tying the relief to modernization and increased productivity in the industry. In light of the recent sacrifices by both labor and management in pay and benefits, this represents a strong commitment to meet world-wide competition.

The petition seeks legal relief through procedures established under U.S. and international law. I believe this is an appropriate approach to the problem and support the petition. I urge the International Trade Commission to carefully examine the evidence submitted in support of the petition.

Sincerely,

RUDY BOSCHWITZ.

THE STATE OF THE AMERICAN STEEL INDUSTRY

Mr. MOYNIHAN. Mr. President, I join today with my distinguished colleagues to discuss my concerns over the health of the domestic steel industry and my views on the pending petition before the International Trade Commission for import relief.

Members of this body are all too aware of the monumental problems facing the American steel industry. Hardly a State in the Nation has not been affected, either directly or indirectly, by the downturn of this industry.

In recent years, imports of foreign steel have increased dramatically. Twenty years ago, foreign producers shipped a mere 6.4 million tons of steel into the United States. In 1983, foreign suppliers exported to America almost three times that amount, 17 million tons.

While foreign suppliers have been increasing their steel shipments to the United States, American producers have been selling less here. Since 1974, the percentage of the American market accounted for by foreign suppliers has steadily increased from 13.4 to over 25 percent.

I ask my colleagues to consider the human costs of the decline in American steel industry and increasing steel imports. In the first quarter of 1984, unemployment among American steelworkers hovered near 16 percent; more than 70,000 American steelworkers are still without work today. Just 4 years ago, the American steel industry employed more than 400,000 men and women. Today, only about 250,000 American steelworkers have jobs.

In my home State of New York, these human costs have been especially severe. Two major New York steel plants have closed down since 1982—the Republic Steel plant in Buffalo and the Bethlehem Steel plant in Lackawanna—eliminating approximately 10,000 jobs. Today, the number of New Yorkers employed in the steel industry, 11,600, is less than half the number of only 4 years ago. This trend is both alarming and tragic, worthy of our utmost attention.

The steel industry clearly is facing the most critical period of transition and readjustment in its history.

Mr. President, I must stress that American workers have sacrificed much to meet this challenge, by agreeing to lower wages and benefits in their labor contracts. In March 1983, the United Steelworkers of America and the major domestic steel companies agreed to a new labor contract of historic proportions. That contract lowered wages and benefits by a very substantial margin, nearly 11 percent, helping to increase the domestic industry's competitiveness.

I also would like to note that American steelworkers are some of the most productive workers in the world. American steelworkers can make a ton of steel in less than 6 hours, on average—the same steel Japanese steelworkers need more than 7 hours to produce and German steelworkers need more than 9 hours to produce.

Mr. President, recognizing that imports of foreign steel are increasing and are a substantial cause of serious injury to the domestic steel industry, the United Steelworkers of America and the Bethlehem Steel Corp. filed a petition with the International Trade Commission for import relief under section 201 of the Trade Act of 1974. That petition seeks a period of import relief for the domestic industry to modernize and regain its competitiveness.

Mr. President, we simply cannot permit the domestic industry—so important to the Nation's industrial base and defense interests—to continue to decline.

The Government can, and indeed must, do all it can to stem the ever increasing flood of foreign imported steel. If we do not act, we will commit an error of historic proportions as our industrial base continues to be shipped overseas, funding employment and production in other nations.

I thank my colleagues for this opportunity to speak on this most important problem, one facing not only our steelworkers and management but, indeed, every American.

Mr. HELMS. Mr. President, I support import relief for our domestic steel industry. Market penetration by subsidized or government-owned foreign steel is crippling the U.S. industry. These devastating injuries are evident as one travels across our Nation—injuries suffered from plant closings and job losses. They not only affect a family's economic and social stability, but also a community's stability. We need to put an end to this human suffering. We need import relief, and that is why I support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel.

In 1973, while Congress was creating the administrative remedy in section 201 of the Trade Act of 1974, the House Ways and Means Committee report described the intent of section 201 import relief as:

> To give additional time to permit a seriously injured domestic industry to adjust and to become competitive again. 37R Rep. No. 571, 93rd Cong., 1st Sess. 44(1973).

From the injuries I have described above, I believe the time is now to heal the industry from the injuries inflicted from subsidized imports.

Since early 1982, Bethlehem Steel and other domestic steel companies have filed numerous antidumping and countervailing duty cases against foreign steel-producing nations. Yet the market penetration and price suppression of foreign imports continue to injure the domestic steel industry. Because antidumping and countervailing duty cases are filed product-specific and country-specific, these cases are cumbersome, lengthy, and cannot possibly cover the scope of a section 201 case. On the other hand, a section 201 case provides a comprehensive solution to a global problem and it covers all of the foreign product lines.

A recent decision by the International Trade Commission illustrates the need for section 201 relief. The Commission unanimously ruled that Bethlehem Steel had suffered injury from the dumping of Brazilian plates. At the same time, however, other countries began to consume the market with suppressed prices. To add insult to injury, the United States is now receiving 2 tons of imports from Brazil for every ton it received before. Thus, even though Bethlehem Steel won its antidumping case, imports continue to dominate the market.

Mr. President, it is obvious that antidumping and countervailing duty cases are not combating import penetration. We need section 201 relief. Congress created the procedure for administrative remedy, and now the time is here to insure the remedy is utilized in an industry that is vital to our Nation's future.

Mr. GLENN. Mr. President, the very serious trade problems confronting our Nation today are among the most sensitive and critical that we face. Of special concern to me are the trade problems of an industry that is vital both to the economy of the State of Ohio and to the security of the United States. I am speaking of the American steel industry.

On January 24, 1984, the United Steelworkers of America and the Bethlehem Steel Corp. filed a petition with the International Trade Commission seeking relief from injuries suffered as a result of steel imports. The trade problem their petition addresses was serious then and it is even more threatening today. Imports captured 21 percent of the market in 1983, but have surged in recent months to seize 26 percent of the market. This dramatic penetration of one of our most important industries has taken a frightful toll on American workers and threatens the survival of many domestic steel producing plants.

One-third of the Nation's steelworkers are currently unemployed and the Nation's steelmakers lost $6 billion in 1982 and 1983. These job losses have hit our industrial cities the hardest and these financial losses are especially devastating in light of the modernization efforts our companies have been making.

The American steel industry and its workers have already taken a number of steps to cut costs and modernize production. They have reduced the number and cut the salaries and benefits for salaried employees. They have negotiated concessionary labor contracts and adjustments of work rules to enhance productivity. They have closed inefficient production processes. These self-help programs have been undertaken by American companies and their workers to become more competitive. But there is a limit to what they can do on their own so long as imports continue to rise.

The trade problems confronting our steel industry demand prompt and effective Government action. The import relief petition before the International Trade Commission provides an opportunity to restore order to the steel market and to do so in a comprehensive manner. It is a fully acceptable solution to the steel import problem under United States and international trade law and permits a global solution to a problem that has grown in the wake of piecemeal approaches to unfair trade practices. Moreover, it embodies a commitment by labor and management to use the period of import relief to carry through on modernization and productivity improvement programs.

The steel industry must have relief from imports. A positive injury determination by the International Trade Commission will serve as the crucial step toward reviving the steel industry of the United States.

Mr. RIEGLE. Mr. President, last month I wrote the Chairman of the International Trade Commission, expressing my support for the petition for import relief for the steel industry filed by Bethlehem Steel Corp., and the United Steelworkers. Today—less then a week before the ITC will make their initial finding on injury due to imports—I join many of my colleagues in once again urging the ITC to respond positively and effectively to what is clearly a trade crisis in the steel industry.

The steel industry has suffered from an unprecedented flood of imports. Foreign steel shipments have increased from an average of 11 million tons per year in the late sixties; to 15 million tons in the early seventies; to an average of over 17 million tons for each of the last 5 years. Imports now comprise over 20 percent of the domestic steel market. Without the restraint agreements currently in place, the share would go even higher. Even with these limits, shipments of imported steel for the first quarter of this year were a record high 6.5 million tons, accounting for over 25 percent of market. At this rate, foreign steel shipments for this year will be 26 million tons—30 percent over the previous record high.

In the last few years employment in the steel industry has dropped almost 50 percent. And in the last 2 years the industry has lost a total of almost $6 billion, making it even harder to finance the modernization necessary to improve competitiveness.

The steel industry is a key part of our industrial base. It is essential to both our economic and military security, and we cannot afford to permit to decline further in the face of increased imports.

Both management and labor are working together to improve competitiveness of the steel industry. Both have made great sacrifices in pay and benefits, And in the last 5 years over $15 billion has been invested in modernizing the industry—or more than twice the investment of the previous 5 years.

But the industry cannot do it alone. The amount of imported steel is now so great—and the instances of unfair foreign trade practices so frequent—that the industry cannot be expected to continue this improvement plan without some form of import restraint.

While our industry is going through the burdensome and lengthy process of petitioning for import relief under the escape clause sanctioned by GATT, their foreign competitors are benefiting not only from Government subsidies and trade restrictions but from outright Government ownership. France, Italy, the United Kingdom, South Korea, and Argentina are just some of the countries where the steel industry is entirely Government controlled. During the ITC hearing on steel imports a chart showing the widespread nature of Government control in foreign steel production was presented to the commissioners. I ask unanimous consent that this chart be inserted at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

FOREIGN GOVERNMENT STEEL CONTROL—FOREIGN GOVERNMENTS CONTROL THE STEEL PRODUCTION IN MUCH OF THE FREE WORLD

Country	Estimated 1982 raw steel production by integrated producers (Mil NT)	Percent of foreign government control
EEC		
France	15.1	100
Italy	14.6	100
United Kingdom	12.5	100
Belgium	10.1	78
Other Western Europe:		
Spain	6.5	77
Austria	4.4	100
Finland	2.5	74
Sweden	2.4	100
Latin America:		
Brazil	10.0	77
Mexico	4.3	100
Venezuela	2.2	100
Argentina	1.6	100
Other countries:		
South Korea	9.7	100
South Africa	7.9	89
Taiwan	2.7	100

Note: The listing above is representative of certain major steel exporting countries to America at the present time. It is not all inclusive and does not set forth other foreign countries who have or may have the ability to ship foreign steel into this country.

Source: Various public surveys.

The steel industry could have pursued unfair trade practices on a nation-by-nation basis. In fact, many such suits are pending and the ITC recently found that Brazil is guilty of dumping. But the problem is now too large to be addressed by anything less than a comprehensive worldwide solution.

The comprehensive relief being requested is closely tied to modernization and increased productivity. Management and labor are prepared to make continued sacrifices if import relief is granted so that sufficient capital can be generated to complete the industry's modernization program.

I hope that this effort to use the administrative and legal procedures established under United States and international law for needed relief from imports is successful. But I cannot help but think back to a similar case filed on behalf of the auto industry in 1980. The need for import relief was overwhelming and the effects of increased imports were painfully clear. But while the Commission found increased imports and serious injury in the auto industry, the Commission was one vote short of a finding that imports were the substantial cause of that injury.

The inadequate, ineffective nature of many of our trade laws has undoubtedly played a part in the ongoing erosion of some of our key basic industries. While I am heartened by the many congressional proposals to reform our trade laws, I am concerned that with a trade deficit that is projected to go over $120 billion in this year alone, we must also look to unilateral legislative action.

To that end, I am a cosponsor of S. 2380, the Fair Trade in Steel Act. This bill would put into law an import relief plan similar to the one requested under the petition before the ITC.

We must act now to address the import invasion and unfair trade practices threatening the American steel industry. The steel industry must be allowed the time to complete its modernization. The first step toward such action will be a finding by the ITC next week that trade relief for the steel industry is necessary. I urge the Commission to take that first step and move expeditiously to recommend an appropriate remedy to the President.

Until action is taken I will continue to pursue all possible avenues to work for needed import relief for the steel industry.

THE STATE OF THE AMERICAN STEEL INDUSTRY

Mr. PERCY. Mr. President, this country has made a terrific comeback; 4 years ago we had double digit inflation and interest rates, a social security system threatened with bankruptcy, and Government spending as if there was no tomorrow. We had a Federal tax structure that allowed inflationary bracket creep to pick the pockets of taxpayers. We had inheritance taxes that were virtually destroying the family farm. We had an unfair marriage penalty. We had unbelievable waste and mismanagement in virtually every agency of the Federal Government. We had a foreign policy that balanced our goals on the backs of our farmers through an embargo on grain exports. Those were not good times.

But the United States is back on top. We are experiencing the strongest economic recovery in 20 years. Inflation is no longer an issue. The cycle of spending growth has been reversed. Bracket creep, inheritance tax, and the marriage penalty are all virtually eliminated. We have cracked down, tightened up, cut the fat, and brought Government spending down to $200 billion less than was projected in 1980.

But our work is far from over. Despite the tremendous economic success we have been experiencing, some industries have been left behind by the recovery. As good as the economic news has been, the steel industry, the subject of our discussion today, continues to lag behind both in Illinois and across the Nation. This has clearly been demonstrated in testimony before the International Trade Commission on the United Steelworkers of America and Bethlehem Steel Corp., 201 petition on carbon and certain alloy steel products. I might add that before the ITC began hearing testimony on this petition, I wrote a letter to Chairman Eckes outlining briefly the state of the steel industry in Illinois and urging him to give the subsequent testimony his careful consideration.

But I want to state clearly for the record that, despite the skeptics' warnings of the inevitable demise of the steel industry, I believe the American steel industry does have a future. But it is a future predicated on change. The industry must modernize and become more productive. It must improve its efficiency to the point at which it can afford to manufacture steel competitively. This could mean a loss of capacity, but I reject the argument that the steel industry is a lost cause.

The problems facing the steel industry are of a global nature. They stem primarily from worldwide overcapacity in steel production. The deep recession we have just come out of moreover, resulted in a sharp reduction in the demand for steel products in Europe and the Third World. Unfortunately, much of the excess supply in steel has been diverted to the American market—the most open market in the world—at unfair price levels. Indeed, steelmakers have been hampered in their efforts to modernize production facilities by a severely depressed price level for steel products.

To the extent that these problems stem from worldwide conditions, we must seek multilateral solutions to them. Unilateral protectionist measures invite retaliation and damage the international trading system. By resorting to protectionist measures, we are only shooting ourselves in the foot. I strongly believe that the problems outlined above must be addressed in a manner consistent with international trade agreements.

Even before we can enter into multilateral negotiations, the United States must develop a policy which promotes efficiency and productivity in the steel industry. You do not have to be an advocate of central planning to realize that the Government has a role to play in helping to improve efficiency and productivity in the steel industry. Of course, sometimes the best policy the Government can pursue to help the steel industry is to back off and let economic forces take their course.

For example, when the Justice Department initially denied LTV Corp. and Republic Steel the right to merge, I strongly opposed that decision. After all, for years the industry has been urged to consolidate their operations in order to better challenge their overseas competition without resorting to quotas and other protectionist tools. So why would the Government encourage free enterprise and then kill attempts to excercise it? The fact that after the Justice Department initially announced that it would block the LTV-Republic merger, the President and many members in the administration opposed the decision and underscored the need to develop a coherent domestic steel policy.

Fortunately, Justice reversed its decision and LTV and Republic did merge. The result is a much leaner, more efficient, and competitive company with better prospects for modernization. This kind of result should be promoted by a steel policy—not discouraged.

The steel industry is too important to the industrial base and national security of this country to be neglected or to be put at a disadvantage by inconsistent policy decisions. The Government has a role in insuring that the industry remains viable. This role includes international efforts to defend the market system by fighting dumping, subsidies, and other unfair trade practices that distort competition. It also includes domestic efforts to foster modernization, increased efficiency, and productivity.

In addition to new antitrust guidelines to avoid a repeat of the LTV-Republic debacle, domestic efforts should be focused on increasing the accessibility of various tax credits which have been granted to steel, but cannot be taken advantage of unless producers make a profit. Unfortunately, one such scheme which did just this, the safe harbor leasing provisions of the Economic Recovery Tax Act, has been repealed due primarily to a lack of understanding of its true purpose. I remain a strong advocate of such tax provisions which provide manufacturing industries with badly needed capital to reinvest and modernize.

I also support efforts which would facilitate joint ventures by industry members in manufacturing and research and development. In my view, R&D ventures are particularly critical to the future competitiveness and viability of our domestic steel industry. In addition to the prospect of leapfroging existing technologies in steel production, the development of new lighter and higher strength steel products may help the industry win back some of the business which has recently been taken over by high quality and heavy plastics.

Such developments would bring welcome progress to an industry which is presently facing problems which some consider to be intractable. We must not be daunted by the degree of difficulty associated with these problems. The importance of the industry demands that our response be both rational and farsighted.

Mr. BYRD. Mr. President, I share the commitment expressed by my colleague from West Virginia (Mr. RANDOLPH), and by the distinguished Senator from Pennsylvania (Mr. HEINZ) in support of the Fair Trade in Steel Act. I commend them, as fellow members of the Steel Caucus, for their leadership on the issue of long-term relief for the American steel industry.

The steel industry is vital to the maintenance of our defense industrial base. Steel is a fundamental economic good—its use pervades our national economy—and it is largely irreplaceable.

It is evident that the other major steel-producing nations in the world are bent on dumping as much steel into the American market as we will allow. It also seems likely that foreign governments will not cease massive subsidization of their steel producers. In short, this country should take the steps necessary to preserve its own industrial base, and not wait for foreign nations to change their policies.

That is why the section 201 petition filed jointly by the United Steelworkers of America and Bethlehem Steel Corp., is an appropriate and responsible endeavor. The trade petition seeks long-term relief for the steel industry through the use of quotas. That is also the method used in the Fair Trade in Steel Act, of which I am an original cosponsor.

On April 30, 1984, I wrote to Hon. Alfred Eckes, the Chairman of the International Trade Commission, in support of the Steelworkers/Bethlehem Steel Corp., petition for relief from unfair steel imports. I ask unanimous consent that a copy of my letter to Chairman Eckes be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., April 30, 1984.

Hon. ALFRED ECKES,
Chairman, U.S. International Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in support of the petition for relief filed jointly by the United Steelworkers of America and Bethlehem Steel Corporation under Section 201 of the Trade Act of 1974. The Section 201 filing seeks quantitative restrictions on imports of foreign steel products on a comprehensive basis for up to five years. That relief is being sought, according to the petition, on the grounds that escalating levels of steel imports have caused substantial economic injury to American steelworkers, the domestic steel industry and the American economy.

Steel imports have generally increased their penetration of the American market since 1979. In 1983, imports had captured about 20 percent of the total market for steel in the United States. For the first two months of 1984, import penetration has averaged a staggering 26 percent. That level of penetration has occurred during a period in which domestic employment in the steel industry has fallen by 46 percent over the last five years. In West Virginia, employment in metals industries dropped roughly 20 percent in 1982, and there has been little recovery from that level.

Over the past two years, the International Trade Commission and the Department of Commerce have determined that a large number of countries are violating American trade laws by subsidizing and dumping steel imports in the United States. Countries found to be in violation include European Community members as well as Asian and South American nations. In light of the substantial number of individual Trade Act violations that have been found, the Section 201 petition filed by the United Steelworkers of America and Bethlehem Steel Corporation is justified to counter a long-term threat to the existence of a viable domestic steel industry.

It is essential to our national interest that a strong and healthy steel industry be maintained in the United States. Our national security is founded on a highly-developed industrial base. Steel is the bedrock on which key economic sectors are built, including manufacturing, construction, energy, and transportation activities.

Munitions production is impossible without steel. Tanks, guns, and ships are made of large quantities of irreplaceable steel. In wartime, a large domestic steel production capacity is a strategic necessity. The involuntary liquidation of the steel industry, accelerated by increased penetration of imports, would drastically reduce the ability of the United States to maintain an adequate defense.

In light of those factors, I hope that the commission will consider adopting a finding with respect to the Section 201 petition that the domestic steel industry has been injured by increasing levels of steel imports.

Thank you for your consideration.

With best regards, I am

Sincerely,

ROBERT C. BYRD.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 11:30 a.m. with statements therein limited to 5 minutes each.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPIRIT OF AMERICA AWARD

Mr. BOREN. Mr. President, on June 5, a very special event took place in Nashville, Tenn. The U.S. Olympic Committee presented its highest award, the Spirit of America Award, to Edward L. Gaylord of Oklahoma City. It was the first time that this award has been presented to an individual person during this Olympic season.

The States of Oklahoma and Tennessee shared a sense of pride in this special presentation. Edward L. Gaylord, and his wife, Thelma, have both played an important role in the life of the State of Oklahoma. They have generously supported the enrichment of the cultural life of our State, improvements in medical services, and worthwhile projects at several of our State's educational institutions. They have transmitted to their children this desire to give back to the community. I am especially glad that this public ceremony of appreciation was held because Ed and Thelma Gaylord have never called attention to their many worthwhile civic endeavors. Instead, they have given of themselves and their resources in a quiet and often private manner. Many Oklahomans were pleased to have the chance to participate in this event as a way of demonstrating our appreciation and affection for Ed and Thelma Gaylord.

As Gov. Lamar Alexander of Tennessee pointed out at the ceremonies, the citizens of Tennessee are especially grateful to Edward L. Gaylord for making possible the survival of a great American institution, the "Grand Ole Opry" and "Opryland U.S.A." The Opry, Opryland, the Nashville Network, WSM radio, the Opryland Hotel, and other parts of the Opryland operation had been put up for sale. It was possible that the entire operation could have been sold piecemeal and fragmented. Edward L. Gaylord recognized the unique role that this organization has played in the cultural and music life of the entire country. His purchase of the total operation and his pledge to keep it intact, assures that a great American tradition will be continued.

The U.S. Olympic Committee recognized the very generous contributions which Mr. Gaylord has made to the financing of the American Olympic effort. It recognized his commitment to the values of the American Olympic effort, volunteerism, individual initiative, and excellence.

Mr. President, I ask unanimous consent that the biography of Mr. Gaylord, which appeared in the Olympic appreciation dinner program and the citation, appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AWARD RECIPIENT—EDWARD L. GAYLORD

As one of American's most successful businessmen, Edward L. Gaylord stands for all that can be achieved within the free enterprise system. By his contributions of time, leadership and resources, he has shown himself to be imbued with that spirit of volunteerism which has fueled the Olympic movement in this country.

Born May 28, 1919, in Denver, Colo., Mr. Gaylord says that his lifetime work and most important business activity is editing and publishing his Oklahoma City hometown newspaper. But newspaper publishing is only one of many industries in which he has earned overwhelming success.

Mr. Gaylord is president of the Oklahoma Publishing Company (OPUBCO) which, in addition to publishing newspapers in Oklahoma City and Colorado Springs, operates an oil and gas division, Publishers Petroleum, Oklahoma Graphics, OPUBCO Resources Inc., OPUBCO Development Company, OPUBCO Properties Inc., Sun Resources Inc., OPUBCO International Ltd., Greenland Ranch in Colorado and Westwind Ranch in Texas.

Mr. Gaylord is also chairman and president of Gaylord Broadcasting Company, a wholly owned subsidiary of OPUBCO that is the largest privately owned broadcasting company in the United States, with TV stations in Dallas/Ft. Worth, Houston, Tampa/St. Petersburg, Cleveland, New Orleans, Milwaukee and Seattle. It is this arm of his business which produces "Hee Haw" and operates Opryland U.S.A. Inc.

While his business achievement have earned him prestige and respect, Mr. Gaylord's civic contributions have won him honor and affection. The list of civic organizations with whch he is affiliated—including the State Fair of Oklahoma, Oklahoma Christian College, Oklahoma Medical Research Foundation, National Cowboy Hall of Fame and Western Heritage Center, the American Citizenship Center and Enterprise Square, U.S.A.—is as noteworthy as the list of companies he directs.

A recipient of the Brotherhood Award from the National Conference of Christians and Jews, and a member of Oklahoma's Hall of Fame, Mr. Gaylord is also a lifetime director and former president of the Oklahoma City Chamber of Commerce and past president of the Southern Newspaper Publishers Association.

The Oklahoma Industries Authority (OIA) is, according to Mr. Gaylord himself, one of his most important civic activities. By helping businesses either expand or relocate, OIA has created more than 100,000 jobs in Central Oklahoma, and Mr. Gaylord has been its chairman since 1966, the year OIA was founded.

If the arena in which Mr. Gaylord moves is very different from that for which our Olympic athletes train, the two have any of the same requirements for success—including self-sacrifice, courage, ambition and commitment. And in the same way that our Olympians who place first in the Los Angeles arena must be recognized with nothing less than gold medals, tonight we must recognize Edward L. Gaylord with an award equal to the success that is the sum of his personal accomplishments and civic contributions. This award has most appropriately been named The Spirit of America.

OLYMPIC COMMITTEE CITATION

America's athletes are the only Olympic competitors in the world not directly subsidized by their government. America will win gold medals in Los Angeles this summer because of the dedication of her young people and because of the commitment of her citizens and private industry. This is the spirit of America.

Edward L. Gaylord is the embodiment of ths spirit. His dedication and commitment have resulted in a list of personal achievements surpassed only by his civic contributions.

In recognition of these achievements and contributions, the United States Olympic Committee will honor Mr. Gaylord with an award symbolizing the practices of volunteerism and free enterprise, without which, America's Olympic endeavors would not be possible. This award has most appropriately been named The Spirit of America.

WASHINGTON TIMES TREATMENT OF SENATOR METZENBAUM REGRETTABLE

Mr. GLENN. Mr. President, I am today sending a letter to the editor and publisher of the Washington Times involving some of the remarks made in the Washington Times about my colleague from Ohio, Senator METZENBAUM. I want to read this letter. It will just take a couple of minutes. I think it brings up a matter of great importance to the Senate.

The letter reads as follows:

Mr. JAMES R. WHELAN,
Editor and Publisher, the Washington Times, New York Avenue NE., Washington, D.C.

DEAR MR. WHELAN: When the Washington Times began publishing its paper, its editors declared that they would provide a responsible, alternative voice in the Washington community. That the Washington Times provides an alternative voice cannot be denied. The newspaper's recent attacks on the character of my colleague, Senator Metzenbaum, however, are dangerously irresponsible.

It has been a blessedly long time since Washington has witnessed character assassination by innuendo. Unfortunately, that destructive tradition has now been revived on the pages of the Washington Times. And how else can one characterize the implication that Senator Metzenbaum is an "unrepentant Stalinist." Such journalism is tawdry, offensive and a slander on the reputation of a United States Senator who has served the people of this nation with courage and distinction.

I have known Senator Metzenbaum for nearly twenty years and have served with him in the United States Senate since 1976. And though we have had our differences over the years, we have always shared a common commitment to the American values of freedom, opportunity and social justice. Howard Metzenbaum is a patriotic American who time and again has been willing to fight for those values regardless of the odds or the opposition. The people of Ohio recognize that—and that is why they re-elected him to the Senate by an overwhelming margin in 1982.

The treatment of Senator Metzenbaum by the Washington Times is regrettable and not worthy of a great newspaper. Both Senator Metzenbaum and your readers deserve better.

Sincerely,

John Glenn,
U.S. Senator.

Mr. President, I think the letter speaks for itself. I do not like to see this creeping into journalism in Washington, D.C., when a particular editorial viewpoint of a paper is different from that of a Senator and they choose that as an opportunity not only to rebut the area in which they disagree with the Senator but also take off on things such as calling him an "unrepentant Stalinist," and so forth. I think this is not worthy of a great newspaper, and I think the Washington Times certainly owes Senator **Metzenbaum** an apology.

JERRY L. LITTON VISITOR CENTER TO BE DEDICATED

Mr. EAGLETON. Mr. President, Congressman Jerry L. Litton died in a tragic plane crash on August 3, 1976. He and his family were en route to a victory celebration of his capturing the Democratic nomination for U.S. Senator that year. Their deaths were staggering losses for the State of Missouri, and for the Nation.

Jerry Litton was a great and good man and an excellent Congressman. He made a commitment to bring government to the people, and he did just that. He believed that the running of this country was a hands-on process, not something to be studied from afar.

Jerry Litton was also a businessman and a farmer. He believed in the strength of the American farmer, and he was very much aware of the extent to which farmers contribute to a strong and healthy America.

Jerry Litton's beliefs and principles continue to impact on the lives of the people he influenced during his too-brief life.

It is fitting, therefore, that there should be a physical monument to Jerry Litton as well. On Sunday, June 10, 1984, the Jerry L. Litton Visitor Center in Smithville, Mo., will be dedicated. There people can come to learn of this remarkably talented young many from Chillicothe, and in so doing, learn something of history and of our country.

I invite and encourage my colleagues to visit the Smithville center, and to join with me in paying tribute to the memory of Jerry Litton and the causes which he so eloquently expoused.

WAREHOUSE BANKRUPTCY: FARMERS ARE NOT YET ADEQUATELY PROTECTED

Mr. EAGLETON. Mr. President, within the next few weeks we will take final action on legislation to reform the bankruptcy laws as they impact on grain warehouse bankruptcies. I have supported this bankruptcy law reform since it was first proposed. I have said all along, however, that the changes being made will provide only a modicum of protection for farmers affected by a warehouse bankruptcy.

One good way to protect farmers is to do everything possible to prevent bankruptcies from occurring in the first place. There have been numerous reviews and reports which have recommended strengthening USDA's warehouse inspection program as one way to help prevent bankruptcies. The General Accounting Office and the Illinois Legislative Council, both of whom have done considerable work in this area, have recommended the development and use of early warning computer models to detect warehouses that may go bankrupt. They have recommended that the frequency of inspections not be diminished and that increased attention be paid to the speculative activities of warehouses.

The Secretary of Agriculture recently announced a reorganization of the Department's warehouse inspection program. The Department has indicated that the reorganization should improve efficiency and result in cost savings to USDA's Commodity Credit Corporation and the warehousing industry. The Secretary also announced that he would appoint a task force on a temporary basis, comprised of representatives of the warehouse industry and USDA, to review the present inspection program.

Unfortunately, Mr. President, those who have the biggest stake in a strong and effective inspection program, the producers, did not get representation on the task force. The producers have the most to lose when a warehouse goes bankrupt, and they are the least able to afford any loss. It is most unfortunate that they are not being given a voice in the inspection program review.

In May I sent the Secretary a letter requesting that the inspection task force be expanded to include producer representatives. That recommendation was ignored. Recent press accounts have indicated that the Department is now considering making the task force a more permanent advisory group. If that is to be done, it is my hope that the Secretary reconsiders his decision to exclude producer representatives.

Mr. President, I ask, unanimous consent that my letter to the Secretary and a recent editorial from the Farm Journal dealing with this issue be printed in the **Record** at this point.

There being no objection, the material was ordered to be printed in the **Record**, as follows:

U.S. Senate,
Committee on Appropriations,
Washington, D.C., May 8, 1984.

Hon. John R. Block,
Secretary of Agriculture,
Washington, D.C.

Dear Mr. Secretary: I appreciate your bringing to my attention the reorganization of the warehouse inspection functions of the Department of Agriculture.

Out of our concern for the need to prevent warehouse bankruptcies, this Committee has consistently supported proposals to improve the warehouse inspection program. We have directed that a predictive formula for warehouse bankruptcies be developed and implemented, and we have insisted that the level of inspections not be reduced.

I noted in the Department's press release that you intend to establish a task force to study how USDA can further strengthen and improve its warehouse inspection program. The task force is to be made up of representatives of the warehouse industry, state warehouse regulatory officials and USDA. Conspicuous by their absence from the list of task force members are representatives of those who entrust their livelihood to the warehouseman, the producers.

Farmers have more to lose than anyone from a warehouse that goes bankrupt. The long-awaited changes in the bankruptcy laws, which should soon be enacted, will provide farmers some additional protection in bankruptcy situations. However, these changes will do nothing to prevent bankruptcies from occurring—an improved inspection program might.

Producers deserve to have a voice on the warehouse task force. They need to be assured that a strong inspection program is maintained. I urge you to expand the task force to include producer representatives.

Yours very truly,

Thomas F. Eagleton,
Ranking Minority Member, Subcommittee on Agriculture, Rural Development, and Related Agencies.

We Still Need Insurance for Elevator Failures

Farmers have won a battle in the long campaign to reform elevator bankruptcy laws. But the omnibus bankruptcy package now facing a House-Senate conference committee is more of a symbol than a solution. Apparently, it will be left to state legislatures to accomplish meaningful remedies.

Grain farmers are second-class citizens next to livestock producers. To protect the innocent seller of livestock, Congress created the "Packer Trust" in 1976. Packers with annual purchases of $500,000 or more are required to hold all livestock meats and meat proceeds in a trust until sellers receive full payment. In cases of bankruptcy, the law provides a statutory trust, which is not an asset of the bankrupt's estate. Thus livestock producers are paid before secured creditors. Grain producers aren't as lucky.

After stonewalling any kind of elevator bankruptcy reform for three years, the House finally adopted a version similar to a bill authorized by Sen. Robert Dole (R., Kan.). (See "Outlook/Washington.")

Now victims of elevator failures will receive their grain or grain proceeds faster. The bill sets a 120-day timetable for settling grain accounts instead of the two years it took to unravel the James Bros. bankruptcy that made Missouri farmer Wayne Cryts famous. State warehouse regulators also are pleased that they will have input into bankruptcy court decisions. "Regulators and judges will join in a cooperative effort instead of the battle royal" that occurred with James Bros., says Tom Hopkins, who oversees grain warehousing for the Missouri Department of Agriculture.

Fans say the bill also reconfirms that warehouse receipts are valid and outlines farmers' rights in bankruptcy proceedings. Unfortunately, those provisions are cosmetic. Take the new priority class especially for grain producers that ranks them ahead of other unsecured creditors. It applies to just $2,000 in claims. Then you head back to unsecured status with other creditors. Such a low limit hardly dents the $50,000 and $100,000 losses farmers frequently encounter when their grain dealer fails.

"People with warehouse receipts didn't gain anything in this bill," worries J. W. Looney, dean of the University of Arkansas Law School and a scholar of elevator bankruptcy law. "The ultimate resolution will be the same. The real problem is that there's often not enough money to go around, even to farmers and other creditors with secured claims."

In one Illinois study of 110 bankruptcies from 1974 to 1979, the 3,000 farmer victims recovered an average of 28 percent of their claims. While total dollar losses are small compared to the billion-dollar grain business, the effect on individual farmers can be catastrophic.

Insurance can't erase all risk but would improve protection for innocent victims. Both private insurance, such as the coverage offered by Employers Mutual in Iowa, and state-sponsored indemnity programs have merit.

We've outlined the advantages of these insurance programs in depth (FJ Sept. 1983, June/July 1983, and Nov. 1982). Both methods address the issue of compensation when an elevator's assets are depleted.

We applaud the efforts of states like Oklahoma, Illinois, Ohio and Kentucky that have taken matters into their own hands. They are establishing indemnity programs to compensate farmers in elevator losses in spite of objections from the grain industry, co-ops, private insurers and some farm groups.

We don't relish the fact that some farmers—not the grain industry—fund these programs through grain prices, check-offs or insurance premiums. To us, it's a little like asking a patient to pay for his doctor's malpractice insurance. But that method is far superior to no insurance at all.

Farmers in other states are still at risk. All of agriculture's support industries have been weakened by the farm recession. Many elevators are groaning under low volumes and huge accounts receivable. Some are waiting on farmers to pay for last year's fertilizer and feed. Only eight out of 392 of Missouri's elevators failed last year. But, points out Missouri's warehouse regulator, "It's a lot worse than people think."

"We're on the horns of a dilemma," says Terry Kubicek, executive secretary of Nebraska's Public Service Commission. Nine Nebraska grain dealers failed in 1983, and two within one week this spring.

"We want to encourage legitimate operators but prevent predator operations by others," Kubicek adds. So, legislators in his state have chosen not to pass laws that protect farmers when grain buyers run into a financial quagmire.

In fact, only $32,000 in bonds were required from each of the Nebraska grain dealers who most recently have had their licenses suspended. But farmers stand to lose several millions of dollars once authorities finally untangle the finances of Kroger Grain Co., Rosalie, Neb., and EDCA Grain and Trucking Co., of Kearney, Neb.

So while it is tempting to bask in the victory of the Dole bill, there are more battles ahead. You may not raid an elevator to recover soybeans, like Wayne Cryts did. But without insurance to compensate victims of an elevator insolvency, the fiascos will continue. Just hope you collect more than 28¢ on the dollar.

CAMP ARROWHEAD TO CELEBRATE 60TH ANNIVERSARY

Mr. EAGLETON. Mr. President, how well we educate the youth of today and guide them to be the leaders of tomorrow will determine just how good a tomorrow America will have. Today, it is with great pleasure that I pay tribute to an organization that for nearly six decades, has prepared young men for leadership and service. Camp Arrowhead, located near Marshfield, Mo., will celebrate its 60th anniversary during the weekend of August 3, 4, and 5. Camp Arrowhead has the distinction of being the oldest Boy Scout Council camp in existence west of the Mississippi.

We should all be well-acquainted with the good work done by Boy Scout camps such as Camp Arrowhead. These camps, for example, teach youngsters the skills that they would not be able to acquire anywhere else. But the benefits of Camp Arrowhead and others like it go far beyond instructing boys how to pitch a tent or start a campfire. The camping experience also helps young men develop character, self-reliance, and leadership. As our Nation moves forward into the future, institutions such as the Boy Scouts and Camp Arrowhead will insure that tomorrow's leaders have the tools that are needed to take America in the right direction.

It is for that reason that I am proud of Camp Arrowhead's 60-year record of service and achievement. As Camp Arrowhead celebrates this important anniversary, I urge my colleagues to join me in extending to the camp and its leaders our best wishes for another 60 years of success.

U.S. FARM ECONOMY

Mr. EXON. Mr. President, I rise again to call attention to the tremendously serious, really devastating, situation that has struck the farm economy of our great country. Our food producers are clearly under more strain and stress today than at any time since the Great Depression of the 1930's. Indeed, not only are the farmers and ranchers in serious difficulty today, but so are many of their financial backers—bankers and other financial institutions.

The most serious problem we have confronting us, of course, is that we have very low farm prices considering the cost of production. This couples with the fact that essentially because of the high deficit and continued skyrocketing national debt, we have high interest rates which contribute to the cost of production to the family sized farmer. It also drives up the already inflated value of the dollar in the international marketplace.

On March 21 of this year, in order to call this matter to the attention of the Federal Reserve Board, I along with two prominent farmer-rancher-bankers met with the Chairman of the Federal Reserve Board.

Mr. President, in that regard, I ask unanimous consent to have printed in the RECORD immediately following my remarks the testimony presented to Mr. Volcker by banker Vince Rossiter of Hartington, Nebr., and also several newspaper stories highlighting the financial stress of agriculture today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF VINCE E. ROSSITER, SR.

Mr. Chairman, I want to thank you for making some of your time available to us today.

I fully appreciate that your position makes you especially well informed. I probably won't tell you anything that you aren't already familiar with. I hope, however, to offer a little different perception that I, and a large number of other midwesterners hold to be a fundamental truth, though we recognize that it is not widely accepted in academe or in the business world.

I am sure that you realize that I wouldn't be here today, if I didn't have the self-assurance that I know the things that I know, as well as I suspect you believe you know the things that you know. I hope that there is some common ground where our respective perceptions of this matter will meet.

As I sat down to prepare this presentation I remembered what I had seen on the back of the back page of the latest issue of "First Monday". It said,

1983 was a very good year.

Inflation fell 3.8 percent, the lowest since 1972.

GNP grew 6.2 percent.

Productivity grew by 3.1 percent, best since 1976.

Unemployment fell 8.2 percent in December.

This year (1984) looks even better.

All of these things are true and the nation should be grateful and applaud the administration for these positive accomplishments.

What the ad didn't say, however, is something that we read almost every day in other newspapers and magazines. For example,

Huge economic sectors are not participating in the economic upsurge of the past year, and are still seriously depressed.

Unemployment is still historically high, and unemployment compensation funds are depleted.

There is little likelihood of a balanced Federal Budget by either increased tax revenues, or budget reductions.

Foreign creditors are threatening the solvency of U.S. banks.

And, until the Federal deficit is eliminated nothing is going to work satisfactorily, for very long.

This is the economic reality that most of us are living with out there. The contrast between these two observations are apparent, as are the motivations, but quite aside from that is the fact that what our economy really needs is something more than the 1983 increase of $200 billion in national income. Nor is a drastic $200 billion cut in Federal expenditures the answer. The former isn't enough to do any good, and the latter would only exacerbate the problems just enumerated.

What the U.S. economy really needs is a very substantial surge in national income which will provide a new tax base of at least $1 trillion. It would require new gross sales approximating $5 trillion at retail to accomplish this, and all sectors would have to participate "equitably" to have it work best. And it should happen very soon, if possible, within the next 12 months time.

If we could achieve a new tax base of $1 trillion within a year, the economic effects would be startling and very positive.

For example, the 23 percent share which would accrue to the Federal Government would yield $230 billion of new tax revenue.

The Federal budget could be balanced, and further cuts in entitlements and other critical budget items could be avoided.

Solvency would be substantially restored to the social security system, by increased taxes paid by re-employed workers.

Unemployment would decline substantially, perhaps 30% or more.

With higher earnings the private sector would require less credit, the Federal Government credit requirements would cease, and interest rates would decline dramatically.

The related benefits would be countless—until Congress recovered from the shock and returned to a policy of lend and spend.

You are laughing at this suggestion, because I should know that if this were possible, existing economic policies would have already brought it about—long ago.

That is exactly the point. Existing economic policy has not accomplished this upsurge, and it cannot ever do it, until it first restores economic equilibrium in the total economy which approximates 1910-14, or the most recent example of equilibrium, 1943-52.

To understand the reality of what I suggest here one only has to review what happened to National Income of the U.S. Economy from 1940 to and including 1943. Here you will re-discover a very remarkable period of economic growth, which both of us witnessed in our life time.

If you would have your staff review this period with open-mindedness and complete impartiality I am sure that they will recognize that the economy was in relative balance (equilibrium) at that time as a result of the leveling effect of the depression of the 1930s.

They will realize that total national income increased more than 110 percent during the period, and that all sectors participated fully and "equitably".

They will begin to understand that it was this kind of an economic base that permitted the United States to earn enough money, had the taxes been levied to do it, to pay cash for the entire cost of World War II and the cost of reconversion to a peacetime economy following the war. Plus, it was possible to contribute billions of dollars to our allies and former enemies to help them restore their economies in foreign countries.

Why?

We were able to do all of that because we had wisely provided laws, regulations and economic restraints that assured economic equilibrium for 10 solid years from 1942 to the close of 1952. It was a managed system which successfully avoided inflation and depression until it was abandoned, in 1952.

During this period we preserved the benefits of the United States economy for the primary enjoyment of our own citizens, our own labor force, our own financial system, and our own business and agricultural entities. We were so prosperous and solvent in 1945 that the commerical banks of the nation couldn't find borrowers among all of the individuals, partnerships, and corporations in the nation, for more than 17.6 cents out of every dollar of deposits. The Federal Reserve discount rate was 1 percent per annum, and short term U.S. Treasury bills were yielding less than 1 percent per annum interest to the investor.

Can we restore the economy in 1984, through 1987, like we did from 1940 to 1943? Perhaps not, but it is a fascinating and very refreshing exercise to achieve this insight to "what might be" once again.

For example, if you don't mind, let us assume for the moment that 1983 was the year from which the new resurgence of the economy began. By 1986 the National Income would have increased by $2,648.4 billion, on an annual basis. This would be a mighty upsurge which would provide a market for twice the goods and services sold in 1983. If we would limit imports from foreign countries to the 1983 level, it would substantially eliminate unemployment in the United States and correct most every other major economic problem. And, if it worked as well as it did from 1940 to 1943, there would be less inflation than the reduced level actually experienced in 1983.

The point is that if we are afraid to manage our economy to the degree that is necessary to exercise moderate economic controls and production guidelines which are necessary to legally mandate economic equilibrium and to restrain economic abuses, then we are most certainly destined to repeat the cyclical effects of "boom and bust" economic disequilibrium forever.

The constraints on your time, Mr. Chairman, prompt me to close my presentation with the following observations.

We have created a national public and private debt of something in excess of $6 trillion dollars since our Nation began.

Approximately $5.5 trillion of this has been created since 1952.

During this most recent 32 year period, primarily because of poor public and private policy decisions (based on hindsight) we have dislocated an estimated $3.9 trillion of cumulative profits earned by the private enterprise sectors, as measured in national income.

This amount is the difference between what the national income actually was, and what it might have been had we maintained the standard of "national income share" that was established from 1943-52.

I realize, of course, that there is no way to restructure the disposition of 32 years of profits, or to miraculously restore it to the sector that lost it, because it has been lost and it is gone forever.

But I also know that we substituted debt to offset these "dislocated" profits, in order to provide some kind of an ongoing market, distorted as it has been by an arbitrary distribution of credit/debt, to provide a market for the annual production of goods and services produced during this period. A substitution that would not have been necessary if the 1943-52 economic equilibrium been consistently maintained for these past 32 years.

In addition, we have forced the economy, the government and all business and industry, to pay $1.6 trillion of excessive interest, which would not have existed because the debt would have never been incurred, had we maintained a par economy following 1952, based on the 1943-52 standard of economic equilibrium.

The dislocation of $3.9 trillion of earned income and the unjustifiable cost of $1.6 trillion of excessive interest total $5.5 trillion—within a few billion, one way or the other, of the total increase in the public and private debt in the exact same interim.

My critics say that this is "irrelevant", "meaningless coincidence".

I really don't care what my critics say about this conclusion. It is self-evident to anyone with a knowledge of 8th grade arithmetic, that this wouldn't have happened, because "it couldn't have happened", had we maintained the standard of equilibrium and income share that we established from 1943-52.

Not only that, but it is common knowledge that we had the capability of "managing" our economy then, and we used it well, in achieving economic equilibrium consistently for 10 years. And we still have this capability today. It is already law and can be implemented by the Secretary of Agriculture with the stroke of a pen, with the consent of the President. It can be re-instated almost immediately.

However, if we would decide that we want to do this again, and that we can do it, we have two new problems that we didn't have in 1940. The first and most formidable is the unprecedented $6 trillion dollar public and private debt, which is a claim on future income. In addition to the debt we will have the added cost of carrying this debt until it is paid, which will increase the total cost of liquidation to more than $30 trillion in the next 50 years at 10% interest per annum.

The second problem stems from the fact that the 1940-43 initial upsurge took place when the economy was in approximate equilibrium, and it would readily tolerate regulations which were largely unneeded because the economy was already functioning in an almost ideal manner, whereas at the end of 1983, and currently, the economy of the United States is so seriously distorted and out of balance so far, that similar programs today would only compound already serious problems. Nothing is likely to work now until some prior standard of equilibrium is again achieved. It is our conviction that equilibrium will restore rather quickly with the re-establishment of the economic policies that prevailed in the 1943-52 period.

My personal perception of this debt problem is not unique, I'm sure.

For whatever it is worth, I believe that the ultimate consequences of what I term the "insane" creation of $5.5 trillion of public and private debt since 1952 is so diabolical that it couldn't possibly have been conceived by even the most depraved human mind. But it has happened, in just one generation, and if it is repaid it will obligate a significant portion of the earned income of at least two succeeding generations—our children, and our childrens' children.

I realize full well that I am a banker, and that I have participated in the fabrication of this impending disaster, as a banker, all of my adult life and that I am part and parcel of it, just as you are Mr. Chairman.

What can we do about it?

I would like to submit three questions to you.

(1) Are we capable, at this point, of recognizing the "missing link" that could have prevented excessive debt creation at the outset, which might lead us to economic order?

(2) If it is true as recounted in history that it was possible to buy the same basket of food in 1913, for approximately the same dollar outlay that it cost in 1814, would a comparison with the economic operation of that period in contrast to the period since 1913, provide us with the knowledge to reorder our economy today?

(3) Would you agree with me that if it becomes necessary (or unavoidable) to collapse the economy to restore equilibrium and economic order, that we must still find the answer to the causal factor of existing economic disorder—in order to move the economy forward again to renewed economic opportunities inherent in a balanced economy similar to 1940-43 following another depression?

I would offer one suggestion in closing. The solution to the domestic economic problems of the United States, may very well be the solution that will solve the economic problems of the third world as well.

"Every man is worthy of his hire."

Farm Financial Stress Reported Rising

(By James Allen Flanery)

The financial stress that worsened for many Midlands farmers and ranchers last year has become even more intense this year, according to figures obtained from farm credit institutions.

Foreclosures and delinquent loans increased in number through April of this year compared with the first four months a year ago, the figures indicate.

AG CREDIT MEETING

Agencies compiling the information are the Federal Land Bank in Omaha that serves Nebraska, Iowa, Wyoming and South Dakota, 40 Production Credit Associations serving the same four states and the Farmers Home Administration in Nebraska.

Comparable statistics were not available for commercial banks in Nebraska and Iowa. But banking officials in both states said they felt the number of agriculture-related loans with problems had increased so far this year.

The figures were obtained on the eve of an agricultural credit summit meeting Gov. Kerrey has called in Denver. Four other governors and representatives of seven other states are expected to join Kerrey today at the meeting.

Each state is expected to provide a picture of the degree to which its farmers are financially stressed. Recommendations are expected for easing the stress.

Officials of bankers' associations and federal regulatory agencies, including the Federal Deposit Insurance Corp., also are scheduled to participate.

There also were indications that commercial banks in Iowa are continuing to reflect the problems of farmers in that state.

47-PERCENT TROUBLED LOANS

State reports on 108 Iowa banks examined between Jan. 1, 1984, and April 26, 1984, show that problem or "classified" loans represented an average of 47.6 percent of the capital and reserves of these banks.

Problem loans for all 427 state-chartered banks in Iowa averaged 39.4 percent of capital and reserves at the end of 1983.

The preponderance of the loans at Iowa banks are agriculture-related, said State Banking Superintendent Thomas H. Huston.

"I have no question that the 47.6 percent (of classified loans) is higher now," Huston said Thursday. "I think it will be 55 percent by the end of the year.

"In the nine years I've been superintendent, the classified loan figure has come nowhere near this."

FIGURES ON FARM PROBLEMS

The latest information on financial problems facing Midlands' farmers shows:

Federal Land Bank foreclosures increased from 108 during the first four months of 1983 to 362 during the first four months of this year.

Foreclosures among customers of 40 Production Credit Associations increased during the same periods of comparison from 103 to 131.

Foreclosures among Nebraska's Farmers Home Administration customers rose from 84, as of May 26, 1983, to 121, as of May 3, 1984.

The number of past-due Federal Land Bank loans increased from 3.08 percent of loans outstanding April 30, 1983, to 3.98 percent of loans outstanding April 30, 1984. Delinquent loans rose in dollar volume from $56.5 million to $69.5 million.

The number of past-due Production Credit Association loans increased from 8.7 percent of loans outstanding April 30, 1983, to 10.5 percent of loans outstanding April 30, 1984. "High-risk" accounts grew in dollar volume from $102.5 million to $149.1 million.

The number of past-due Farmers Home Administration loans in Nebraska grew from 30 percent of 14.967 borrowers, as of April 1, 1983, to 37.5 percent of all borrowers, as of April 1, 1984. The Farmers Home Administration is the lender of last resort for farmers and ranchers.

Farm Officials Seeking Help of Many Others To Fight Ag-Loan Crisis

(By James Allen Flanery)

Denver.—It was a breakthrough, some participants said, when bankers were invited to a 13-state agricultural summit meeting here last week.

Now, some say, implement dealers, meatpackers, supermarket officials, consumers and others need to parley with farm policymakers.

The woes that face American agriculture are not solely the doing of farmers and ranchers, many of those attending Friday's meeting said. Nor does a solution to these woes rest exclusively with agricultural producers, they said.

"Agriculture is not (just) farmers," Keith Kelly, director of the Montana Department of Agriculture, said Saturday. "It is bankers and a whole bunch of people who are drawing paychecks directly tied to agriculture.

"Somehow, we've got to broaden that coalition."

Judging by the barrage of gloomy statistics emerging from the summit conference, organized by Gov. Kerrey of Nebraska, the coalition must be formed soon, Kelly and others said.

"It looks to me like we've got an emergency and not a program we can spend two or three years working on," Wyoming Agriculture Commissioner John Orton told Kerrey and other state officials who gathered at the governor's mansion here.

Reports delivered at the meeting indicated that as many as 10 percent to 15 percent of the farmers in the 13 states are on the verge of going out of business. Some fear the failure rate could be twice that—or more—over the next few years.

"There are 100,000 farmers in Minnesota," Jim Nichols, the state's agriculture commissioner, told the conferees. "And 25,000 to 40,000 of them are in serious financial trouble.

"We've been selling out farmers in Minnesota at the rate of 600 a month since last fall," Nichols said.

Kerrey, Iowa Gov. Branstad and officials of other states recounted major difficulties in their states as well. "I came away convinced that things are bad all over," said Harland Priddle, secretary of agriculture in Kansas

But he, Kelly and others said they also came away convinced that they must look beyond agriculture for causes and cures.

And, they said, the impression was reinforced that farmers—standing alone—cannot save themselves or the nation's food production system.

"Agriculture now is a minority voice," Priddle said. "At the turn of the century, farmers were 25 percent of the population. Now they are 2.7 percent."

When governors gather for National Governors' Association meetings, Kerrey said, they talk about urban problems like acid rain, transportation and energy.

"They . . . tend to take agriculture for granted," he said.

23 MILLION JOBS

They would not, Priddle said, if they understood that 23 million jobs—in meatpacking, shipping, hauling, farm implements and other areas—are dependent on the nation's farmers.

Bank officials understand their dependence, according to reports from several states represented here. For as farmers have foundered, so have banks.

Kerrey said some banks are experiencing difficulty in Nebraska, and Texas expects 41 bank failures this year alone, an official in that state said.

Nichols said a federal bank regulator who met behind closed doors here with state officials said a national survey of more than 6,000 banks showed rising loan repayment problems and diminished earnings.

Small towns also reflect the hurt of farmers around them. By the year 2000, Kerrey said, a University of Nebraska-Lincoln researcher has predicted that Nebraska will be losing many of its towns of 900 or fewer people.

"We're not only liquidating producers," Kerrey said. "We're liquidating towns as well."

CONSUMERS' STAKE

Consumers in general obviously have a stake in agriculture. But unlike their understanding of houses, cars and other key things in their lives, "they don't have a good understanding of agriculture and its impact on them," Kelly said.

For years, Kerrey and others pointed out here, American consumers have received cheaper food than the people of any other country.

"In the United States," Kerrey said, "we spend 16 percent of our disposable income on food. The question is whether or not, based on policy, we ought to do something about that."

Craig Bryant, a farm credit specialist for the Texas Agriculture Department, said "the true subsidizer" of Americans' food is the farmer.

"In his failure to earn the income he needs," Bryan said, "he's gone out and borrowed what he should have earned."

SIMPLE PROBLEM

The problem of farmers is relatively simple, Priddle said. It costs them more to produce a commodity than they can sell it for.

Figures generated in Kansas from 1970 through 1982 tell the story, he said.

During that time, the average price of wheat was "pretty flat," he said, varying from a high of $3.86 a bushel to $2.24 a bushel.

But total production costs "were up more than 300 percent," Priddle said. And interest payments on farm mortgage debt increased 700 percent.

For a long time, the farmer could borrow against the rising value of his land to survive. But land values now are plummeting.

To a large extent, participants at the meeting agreed, the farmer is the captive of monetary policies.

The federal deficit—a projected $192 billion in fiscal 1985—has driven up the cost of borrowing for farmers as well as everyone else.

"A 4 percent or 5 percent interest rate would make most farmers healthy again," North Dakota Gov. Allen Olson said.

STRONG DOLLAR

Also, the U.S. dollar is so strong in relation to foreign currencies that other nations are unable to buy as much from American farmers. "In 1980, we sold $44 billion in crops overseas," Nichols said. "In 1983, we sold $35 billion.

Farmers can't control their destiny as well as other industries, Kelly said.

"When General Motors Corp. got into trouble in the 1980s and couldn't sell cars, they shut down their assembly lines and put on tax rebates and low-interest financing to work off the surplus cars.

"But in agriculture, when we draw back in production as we did last year with the payment-in-kind program, Mother Nature can cause us to really shrink back (through drought and other calamities).

"So a lot of farmers now have a good price for their products, but they have produced nothing to sell," Kelly said.

In other instances, when the weather is in their favor, farmers will confound the acreage-reduction planners by producing abundant crops on fewer acres.

"Last year in Kansas, we had 18 percent fewer acres of wheat," Priddle said. "But we were only down 1-2 percent in production."

There are no simple answers to farm problems, officials here agreed.

"We're not so naive that we'll come out of here with a piece of paper that is a solution," Montana Gov. Ted Schwinden said.

But what did emerge was an awareness of the importance of reaching out to other constituencies, those attending the meeting said.

"The problem is not just with farmers," Priddle said, "but with all related activities he's associated with.

"The problem is a steady erosion, like soil erosion. You don't notice it, but it is happening."

Farm Woes Blamed for Rise: Bankruptcy Courts See Increases

(By David Thompson)

While the nation's economy appears to be improving, bankruptcies in Nebraska and surrounding states are increasing, including a rise of nearly 25 percent in Iowa so far this year.

The trend is due largely to filings by farmers and farm-related businesses, according to economists, attorneys and bankruptcy court officials interviewed.

Although slightly fewer Nebraskans filed for bankruptcy in April this year than in April 1983, said U.S. Bankruptcy Court Clerk Judith Napier, 9 percent more filed during the first four months of this year than for the same period in 1983.

She said the court received 824 petitions through April 30 this year. At that rate, 2,472 would file during 1984, 12 percent more than the 2,205 petitions filed during 1983.

Iowa had 1,781 bankruptcy filings through April 30 this year. If that pace continues Iowa would have 7,815 bankruptcies this year, nearly 25 percent more than in 1983.

Residents of the two states combined have filed 2,605 petitions so far this year, a pace that could mean 20 percent more filings in 1984 than in 1983.

The outlook is not good, especially for "highly leveraged farmers," those with high debt who bought land with little equity, said Mark Drabenstott, a senior economist with the Federal Reserve Bank in Kansas City, Mo.

Some bankers have tightened credit, refusing to make loans to farmers who must borrow money to put 1984 crops in the ground, said attorneys involved in some of the bankruptcy proceedings.

"The Nebraska economy bottomed out sometime during the first quarter of 1983," said Jerry Deichert, a staff member of the Bureau of Business Research at the University of Nebraska-Lincoln.

"What we are seeing now (in bankruptcy increases) probably is a response to what happened some time ago."

Bankruptcies also are exceeding last year's pace in Colorado, South Dakota and western Missouri, clerks of those bankruptcy courts said.

A survey of bankers by the Kansas City Federal Reserve Bank showed that bankruptcies this year are about double the normal number, and partial liquidations because of financial problems are running about four times as high as normal.

INCREASE "PUZZLING"

The bank serves Nebraska, Kansas, Colorado, Wyoming, Oklahoma, western Missouri and northern New Mexico.

U.S. Bankruptcy Judge Frank Barker Jr. of Kansas City said he found at a judges' seminar last week that other bankruptcy courts also were experiencing an increase in cases.

"It's puzzling," Barker said. "The employment situation in Missouri and Kansas has improved. General Motors and Ford are putting lots of people back to work. We are getting more farmers in court."

At Cedar Rapids, Iowa, Bankruptcy Court Clerk Barbara Everly said April's bankruptcies set a record, and 40 of the 336 cases filed in northern Iowa were farmers. "There are very substantial cases that involve millions of dollars," she said.

The bankruptcy court in Des Moines, which handles southern Iowa, had 203 filings, also the most since mid-1981.

Bankers have tightened credit, forcing some farmers to reorganize and others off the farm, according to some attorneys specializing in bankruptcy work.

BANKS SORT LOANS

"The farmers I've seen have one problem: Their normal lending sources have decided not to furnish them money," said Leroy Anderson, a North Platte, Neb., attorney, who serves as court-appointed trustee in a number of west-central Nebraska bankruptcies.

"Bankers are sorting out their loans and eliminating customers who are not good risks for repayment."

"Clifton Jessup Jr., an attorney with Dixon, Dixon & Minahan, an Omaha law firm specializing in reorganization bankruptcy cases, said: "It's a situation worse than the 1930s.

"During the '30s, a farmer could stay on the land and raise food for his family, even if he couldn't raise crops for sale." Jessup said: "Now the land is so heavily mortgaged that lenders are forcing farmers off the land."

David Nuttleman, a Gering, Neb., attorney who also serves as a trustee in bankruptcy cases, said the agricultural economy in western Nebraska "is in terrible condition. . . . It is lousy, to say the least, out here."

Land values have stagnated, and even when there is a foreclosure sale, the lender may not recover all of his debt, Nuttleman said.

SEEDS SOWN IN 1970'S

The problem goes back to the 1970s, when land prices were escalating, and farmers bought more with the expectation that values would continue rising, he said.

"It is not inflated now," Nuttleman said. "When the land values drop, so do the farmer's assets."

Now the bank looks to see whether it should extend more credit, because the farmer's balance sheet worth is not as great as it was when land values were high, Nuttleman said.

Economist Drabenstott agreed with Nuttleman about the time and origin of the problem.

"The seeds of the problem were sown in the late 1970s," he said. Land prices were escalating, and some farmers borrowed heavily to buy more land because they expected land prices to continue upward.

"Agriculture in the 1980s is not what it during the 1970s," he said. "In the 1970s, we had a strong export market, escalating farm values and low interest rates.

DEALERS FACE PROBLEMS

"In the 1980s, there is a weak export market, surpluses in production, stable, and even declining land values and comparatively high interest rates."

FILINGS IN NEBRASKA, IOWA

Last year's government-financed payment-in-kind program may have postponed the day of reckoning for some farmers by one year, he said.

Said Ms. Napler: "A farmer can weather one bad year, and he may be able to weather another, but he may be too far gone in the third year if the wolf is still at the door."

There is a ripple effect with farm related businesses, too, Drabenstott said, and some farm suppliers and farm equipment dealers are facing problems.

Foreclosures sales of farm equipment have depressed the market for tractors, combines and other machinery, said Nuttleman. Looking back, the farmer who was forced to sell out two or three years ago may have received a better break, because neither the equipment nor the land market was as depressed, he said.

The problems extend beyond those directly involved in farm business, Nuttleman said. In Chappell, Neb., several small businesses have declared bankruptcy, reflecting the farm economy, he said.

LITTLE ATTENTION SHOWN

Elsewhere in Nebraska there have been recent business bankruptcies at Ainsworth, Alliance, Blue Springs, Fremont, Kearney, Kimball, Norfolk, Sterling, Valentine and Wayne, as well as Omaha and Lincoln, according to court records.

"The tragedy is that there doesn't seem to be much national attention focused on the (farm) problem," Jessup said. "If it were the auto workers or aircraft workers, there would be more attention and something might be done.

"Unless something changes legislatively, the situation will continue," Jessup said. "Interest rates are high, foreign markets are depressed, costs and expenses are going higher for the farmer while his income is not."

FmHA's List of Foreclosed Farms Multiplies Across Midlands, U.S.

(By Kent Warneke)

Denton, Neb.—Kent Kraus said he once loved farming his land southwest of Lincoln. When he owned the farm, he would often get up from the table after the evening meal and just walk through the fields of corn and wheat.

Now he just lives in the farmhouse and drives past those fields to a manufacturing job in Lincoln.

The 343-acre farm belongs to the Farmers Home Administration, which acquired the property through foreclosure proceedings.

The FmHA has leased the land to another farmer, and Kraus and his family remain in their old house by paying that farmer rent.

The FmHA's ownership of the farm represents a growing trend.

The Kraus farm is one of 20 in Nebraska and 34 in Iowa that the federal agency now owns and operates. Across the nation, the FmHA is now landlord of more than 2,200 farms valued at more than $400 million.

Before 1981, the FmHA never held more than 260 farms in its nationwide inventory, Sen. Edward Zorinsky, D-Neb., said recently.

In Nebraska, 20 farms totaling 6,542 acres were owned by the FmHA as of May 1, said Frank Marsh, state director. All but three were acquired in 1983 or the first four months of this year, he said.

As of Jan. 1, the Iowa FmHA in Des Moines owned 34 farms totaling 8,366 acres, said Robert Pim, state director. The agency acquired 26 of the farms in 1983, he said.

Zorinsky has called for an investigation of the agency's management of the farms, saying, "Congress never intended the Farmers Home Administration to be one of our nation's biggest farm landlords."

Marsh and other FmHA officials dispute Zorinsky's contention. They say the only reason the agency acquires farms is that it is the best method, in some cases, to protect the interests of the federal government and the taxpayers.

"We don't like the situation as it is today. We're a lending agency, not a landowner," Marsh said. "But we make loans to farmers and we have a responsibility to taxpayers not to lose that money."

HAIL DAMAGE

Kraus said his financial difficulties began in 1981 when a July 4 hailstorm left his crops a total loss. That fall, some of his hogs were diagnosed as having pseudorabies, a disease that affects an animal's nervous system.

Kraus and his wife, Pam, who works as a legal secretary in Lincoln, sold all their quarantined hogs to slaughterhouses and began restocking their operation in January 1982.

Financial records indicated that if Kraus could buy more than 100 animals, he could operate profitably enough to pay off loans to the farm's previous owner and the FmHA.

An agreement was worked out with a Crete, Neb., bank, and the restocking of hogs was to be completed over nine months. "Within six months, the bank wouldn't loan us any more money," Kraus said.

Kraus said his financial status went downhill after that. They didn't have enough animals to operate profitably, and interest rates on previous loans were rising, he said.

Finally, he said, they couldn't make their farm payment, and a foreclosure sale was initiated by the farm's previous owner.

THREE BIDDERS

There were only three bidders for the Kraus farm, two private individuals and the FmHA, he said. The land and buildings sold for about $477 an acre—less than Kraus paid for it in 1976.

"That was the worst part," Pan Kraus said. "We loved being here. We wanted desperately to stay here, but we couldn't.

"But at the sale, the low bids and the small number of bidders made it seem that nobody appreciated our work, that nobody really even wanted our farm."

The fact that the government bought the farm also didn't sit well with Mrs. Kraus. "It just seems like a farmer should own the land," she said.

Marsh said he appreciates that sentiment, and the FmHA makes every effort to sell the land back to farmers as soon as possible, without letting it go for such a low price that it could adversely affect local land values.

Marsh and Pam said the majority of Nebraska and Iowa farms the FmHA holds—40 of the 54—were acquired after foreclosure proceedings were initiated by other lenders, such as private banks.

The other 14 were acquired either by foreclosure procedures initiated by FmHA or by voluntary conveyance, in which a farmer gives his farm to the agency to clear up a debt.

APPRAISAL DECISION

Gene Cook, an FmHA farmer program specialist in Lincoln, said that when a foreclosure action prompts a farm sale on which the agency has a lien, FmHA officials appraise the land. If it is thought that the property will go for less than its possible future resale value, the FmHA will make a bid, he said.

The agency is in an enviable position, farmers say, because it has the money to take advantage of depressed land values at current farm sales. The agency also can afford to hold on to the property until values rise again.

When land is acquired, the agency has several options. Some of the farms are made available only to eligible FmHA borrowers, those who can't qualify for credit at commerical lending institutions. Others are opened to public bidding, Cook said.

If the price isn't right when sale attempts are made twice a year, or applicants can't meet all the government requirements, the farmland will be leased on a cash basis, Cook said.

That's what happened to the Kraus farm, said Bruce Damrow, a Lincoln area farmer who leased the land until Dec. 31 in a bidding ceremony. Because he didn't need the house, Damrow worked out an arrangement to allow the Kraus family to rent the home they previously owned.

"It was the most uncomfortable thing I ever had to do," Damrow said. "Here was a man who had worked the place, invested his life in it and now he's paying me to stay in his own house."

JOB IN INDUSTRY

With Kraus now working at a Lincoln manufacturing firm, the couple is looking for a house to buy in Lincoln. They have a 3-year-old son, Travis, and another child due in October.

"We still all feel for him, what he has gone through," Damrow said. "It's a tragic situation."

Damrow said he believes every problem has a solution, including the task of solving the financial woes facing agriculture. There's a wide difference of opinion as to the right answer.

Claude Wright, FmHA district director in Omaha, and John Modrell, Lancaster County FmHA supervisor, are two officials with the responsibility of deciding whether to foreclose on a farmer.

Wright said the answer to the financial problem is better management by farmers.

"Forty percent of our farmers still don't require any outside financing. That's good management," he said. "The people who are in trouble tend to blame everybody and everything but themselves. How come you don't hear those things from people who aren't in financial trouble?"

Modrell said farmers have gotten into the most trouble because bad weather in the last two years has hurt crop production and because livestock prices have been low. "Those are hard things for a farmer to improve on when the're out of his control," he said.

Although bad weather has hurt, Damrow and Kraus say, the worst problem is high interest rates.

Kraus said he likes to dwell on the future, not the past.

"My dream is that the FmHA won't be able to sell my place for a while and that after I save some money, I'll be able to buy it back," he said. "That would be nice."

IN TRIBUTE TO SID V. LAMBOURNE

Mr. GARN. Mr. President, it is with a sincere sense of loss that I rise in tribute to a great American and distinguished Utahan, Sid V. Lambourne who passed away June 5, 1984.

Sid had an elective political career touching four decades in Salt Lake County and Utah State offices including State auditor, State treasurer and county treasurer. This Republican officeholder was active in political campaigns dating to the mid-1930's with his first election in 1946. He repeated reelection until 1974 when at age 76 he suffered his last defeat and retired.

While in office Sid was one of the principals in seeking creation of a public employees retirement program, which the Utah Legislature established on a statewide basis in 1961.

Mr. Lambourne's career outside of politics was varied. He worked as a pullman conductor, owned a string of service stations in Idaho, was an accountant for Utah-Idaho Sugar Co., sales manager for Utah Sulphur Products, an inspector for the Utah Tax Commission, and tax research consultant for Kennecott Copper Corp.

Sid's home in Salt Lake County was a curiosity, a showplace to many Salt Lake County residents with more than an acre of ponds and aquariums where he raised tropical fish and water lilies. At the completion of his political life, Mr. Lambourne found great satisfaction in the cultivation of more than 20 varieties of his favorite water lilies and numerous rose cultures. His contribution to public life in Utah is immeasurable and his tireless activity in community service is an example for all those who would wish to serve.

SECOND LIEUTENANT JERRETTE LEE, OUTSTANDING RESERVE OFFICER TRAINING CORPS GRADUATE IN 1983

Mr. THURMOND. Mr. President, it was a distinct privilege and pleasure recently to attend an Army ceremony at the Pentagon in honor of a young man from South Carolina who was designated the outstanding Reserve Officer Training Corps (ROTC) graduate of 1983.

A graduate of South Carolina State College in Orangeburg, S.C., 2d Lt. Jerrette Lee, was selected from more than 8,100 Army ROTC graduates representing more than 300 colleges and universities for his academic, athletic and leadership accomplishments. He is the first graduate of a historically black college to be selected for this honor, for which he was presented the Hughes Trophy.

Mr. President, Lieutenant Lee is currently assigned to the 1st Cavalry Division at Fort Hood, Tex. His mother, Mrs. Gibert Lee; his sister, Miss Jacquline Lee; and the president of South Carolina State College, Dr. Maceo Nance, Jr.; were among the many admirers present at the ceremony, hosted by Secretary of the Army, John O. Marsh, Jr. Secretary Marsh presented the award to Lieutenant Lee and highly commended him for his achievements. I was pleased to also express my commendations to Lieutenant Lee for his noteworthy accomplishments and to Dr. Nance for the outstanding ROTC program at South Carolina State College.

Lieutenant Lee has received numerous awards, including the 1983 George C. Marshall ROTC Award, First ROTC Region Commander's Leadership Award, and the South Carolina State Rudolph Jones Award for his fine performance during ROTC summer camp. He is the recipient of the Gen. Roscoe C. Cartwright Award as the outstanding senior Army ROTC cadet from the Nation's 17 predominately black colleges. Lieutenant Lee was a distinguished military graduate and a member of Alpha Kappa Mu national honor Society. He won the lightweight wrestling championships at his college and placed 2d in the State competition.

The outstanding accomplishments of Lieutenant Lee serve as an inspiration to the youth of South Carolina and the Nation to be all they can be. Our best wishes go with him as he embarks on a career as an officer in the U.S. Army.

Mr. President, I ask unanimous consent that the biographical data of 2d Lt. Jerrette Lee be printed in the Congressional Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

Biographical Data—2d Lt. Jerrette Lee

Second Lieutenant Jerrette Lee is the Hughes Trophy winner as the outstanding Senior Army ROTC graduate of 1983.

Date of Birth: 18 April 1961.

University: South Carolina State College.

Marital Status: Single.

Parents: Mr. & Mrs. Gilbert Lee, P.O. Box 89, Murrells Inlet, South Carolina 29576.

Current Assignment: 1st Cavalry Division, Fort Hood, TX.

Activities: Honors and Awards at South Carolina State College:

ACADEMIC HONORS

a. Graduated with a 3.6 grade point average and a 4.0 average during his last 3 semesters.

b. Awarded a two-year Army ROTC scholarship and a second scholarship from the South Carolina State Band.

c. Recipient of Presidential Scholarship Award.

d. Selected to Alpha Kappa Mu, National Honor Society in Business Administration.

e. Selected for Who's Who Among Students in American Colleges and Universities.

ROTC PERFORMANCE

a. Selected as the Cadet Brigade Commander, South Carolina State College Corps of Cadets, SY 82-83.

b. Designated as a Distinguished Military Student, 1982, and Distinguished Military Graduate, 1983.

c. Designated as one of the top 5% of all ROTC cadets attending Advanced Camp.

d. Recipient of the Randolph Jones Award from South Carolina State for outstanding overall performance at Advanced Camp.

e. Recipient of the First ROTC Region Commander's Leadership Award as the number one cadet of the 3,441 cadets who attend Advanced Camp 1982.

f. Recipient of the General Roscoe C. Cartwright Award as the most outstanding senior Army ROTC cadet from a black college.

g. Received the 1983 George C. Marshall ROTC Award for excellence in leadership and scholarship.

COMMUNITY ACTIVITIES

a. Member of NAACP.

b. Academic tutor for South Carolina State students.

c. Participated in the annual Heart and Lung Walkathon to raise funds for medical research.

d. Directed one of the largest and most active ROTC AUSA Chapters. He served in many community projects to include local visits to nursing and boys homes, Thanksgiving and Christmas food drives for needy families, annual blood drives and the Special Olympics.

SENATOR PROXMIRE ON UNITED STATES-PEOPLE'S REPUBLIC OF CHINA NUCLEAR COOPERATION

Mr. CRANSTON. Mr. President, our colleague, Senator Proxmire, has raised important questions about the pending United States-People's Republic of China agreement for nuclear cooperation. These questions are detailed in a recent opinion piece published in the Wall Street Journal. I share a number of the concerns expressed by Senator Proxmire and commend his recent article to my colleagues attention.

The text of this article is as follows:

The Risks in Selling China a Stronger Nuclear Genie

(By William Proxmire)

Improving relations with the People's Republic of China should be a foreign-policy priority for the U.S. It's clearly in our economic interest to have the world's most populous nation as a trading partner and in our national-security interest to have close ties with a nation that keeps 52 Soviet divisions occupied along its border.

But there's another foreign-policy priority—preventing the spread of nuclear weapons. Too often, however, the goal of nonproliferation becomes subordinated to short-term U.S. interests overseas.

As President Reagan is about to make public the U.S.-China nuclear cooperation agreement initiated during his visit to China earlier this month, questions are being raised about whether nonproliferation again is taking a back seat to other interests.

But in the rush to improve relations with China, let's not forget that the Chinese nuclear cooperation agreement could open the door for the transfer of sophisticated U.S. nuclear technology and equipment to the world's second leading communist power for the next three decades.

Remember that China has a number of proliferation skeletons in its closet. For example, it has refused to sign the Treaty on the Nonproliferation of Nuclear Weapons and only last year belatedly agreed to join the International Atomic Energy Agency (IAEA), which inspects civilian nuclear programs world-wide to ensure that nuclear material isn't diverted to nuclear weapons.

And let's not forget that a nation can be our ally one day and our enemy the next. Before the overthrow of the shah, for example, Iran wanted to build more than 16 large nuclear-power plants. Take a guess at what the Ayatollah Khomeini would do with those plants.

These concerns must weighed as we evaluate the U.S.-China nuclear cooperation agreement the administration has negotiated. Very little information has been released about the agreement's text. Whatever the final text looks like, here are four things that should happen before an agreement is entered into and any nuclear material or equipment is shipped to China:

1. The U.S. should have a clear and firm written commitment from China on how trustworthy it will be as a nuclear trading partner.

The American people have a right to know whether press reports that China has supplied Pakistan with help in developing nuclear weapons are true. There have been other reports that China has supplied South Africa with enriched uranium and Argentina with heavy water, but the Pakistan allegations are the most serious and, if they are true, represent one of the most blatant acts by a nuclear-weapons state to promote the spread of nuclear weapons.

So far, the only formal pledge China has made to the U.S. that it will not aid proliferation consists of a Jan 10 White House dinner toast by Premier Zhao Ziyang, who said, "we do not engage in nuclear proliferation, nor do we help other countries develop nuclear weapons." That's too flimsy a commitment on which to base a 30-year nuclear agreement.

Administration officials have been quick to note that they have subsequent private assurances and public speeches from Chinese officials that clarify the toast and make it clear that China will not engage in proliferation.

That's not good enough. If the Chinese later go back on their promises, there would be no public commitment the U.S. could produce to hold the Chinese accountable. One dinner toast, backroom handshakes, and speeches would get you laughed out of most courtrooms. No, the commitment has to be in writing, especially since China has refused to sign the nonproliferation treaty.

2. There should be strict controls over what can and can't be done with the nuclear material and equipment we export to China. In particular, a number of questions have been raised about whether the U.S. has veto rights over the reprocessing of U.S. origin spent nuclear fuel to extract its plutonium—a provision China reportedly resisted up to the last minute. State Department officials insist that the U.S. has clear prior consent rights in this agreement, but reports that the language is "unusual" are not reassuring.

It had better not be too unusual. The U.S. and India, for example, are still haggling over the interpretation of vague language in their 1963 cooperation agreement that deals with the critical question of India's right to reprocess U.S. origin spent fuel.

3. Along with concrete nonproliferation assurances and controls, the agreement should be verifiable. But the State Department has already let it be known that this agreement contains no provision for IAEA inspections, which is disturbing. For an administration properly concerned about verifying arms-control treaties with the Soviet Union, it appears cavalier about verifying that China does not use our nuclear material to build nuclear weapons or help other nations build them.

Presumably, the agreement will contain provisions for U.S. personnel to visit U.S. supplied facilities. But it is likely that the U.S. inspections won't be as thorough as those of the IAEA.

4. Finally, the U.S.-China nuclear cooperation agreement should not go into effect unless it is approved by Congress, which in many instances has been more nonproliferation-conscious than the White House. The 1978 U.S. Nuclear Nonproliferation Act had allowed Congress to block any cooperation agreement the president signed, simply by both Houses passing within 60 days concurrent resolutions of disapproval.

Last year, however, the Supreme Court ruled that such a legislative veto was unconstitutional, thus invalidating the approval mechanism Congress had established for these agreements. As it now stands, the U.S.-China agreement will sit in Congress for 60 days and then automatically go into effect.

China is a nuclear-weapons state, which can build or spread nuclear bombs with or without our help. Even so, the U.S. should not build up any country's nuclear-power program if that country is likely to undercut our efforts to ensure that nuclear power world-wide remains peaceful.

In demanding controls and assurances, we must respect the historical sensitivity China has to intrusions on its sovereignty. How China produces energy is China's business.

It's our business to keep a lid on proliferation.

GUARANTEED STUDENT LOAN AGENCIES

Mr. PRESSLER. Mr. President, today I would like to call attention to a serious problem faced by the guaranteed student loan agencies across our Nation. These agencies are being forced, by proposed U.S. Department of Education regulation changes, to do business with the Student Loan Marketing Association, more commonly known as Sallie Mae. For some agencies, this conversion might be possible, but not for agencies in South Dakota.

I have attempted to find some solutions to this situation by offering a successful amendment to the Boat Safety Act. My amendment would establish a procedure which would allow student loan corporations a chance to appeal decisions made by the Department of Education.

We cannot continue to jeopardize the guaranteed student loan program with stricter regulations. Already some of the smaller banks in South Dakota are becoming nervous about handling guaranteed student loans. This is one program which cannot become tied up in bureaucratic redtape.

Several of our distinguished colleagues joined me recently in a letter to Senator DOLE. The letter addresses issues which hopefully can be worked out during conference on the Boat Safety Act. I also have received a letter from the South Dakota college and university presidents endorsing the guaranteed student loan program in South Dakota. I hope that all our distinguished colleagues will take a few minutes to read the following letters and ask unanimous consent that they appear at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 15, 1984.

Senator LARRY PRESSLER,
Russell Senate Building,
Washington, D.C.

DEAR SENATOR PRESSLER: This letter is prompted by the proposed changes, submitted by the U.S. Senate Finance Committee, for the non-profit student loan agencies. The Administration has requested that the committee remove the tax-exempt status of the loan agencies. We are opposed to this proposal.

Many South Dakota students could not attend a post-secondary institution without the benefit of a Guaranteed Student Loan. The South Dakota Student Loan and Assistance Corporation has more than doubled the volume of student loans in our state since the Corporation's inception in December of 1978.

We believe that SDSLAC reduces the administrative costs which banks incur when handling student loans. SDSLAC efficiently services existing loans. Financial institutions now are willing to make educational loans more than ever before because of the existence of these nonprofit student loan agencies.

Knowing of your strong interest in and support for education and student financial aid, we hope that you will fight to keep the agencies' tax-exempt status. Non-profit student loan agencies are providing a valuable service to smaller states like South Dakota.

Thank you for your continuing contributions to South Dakota's institutions of higher education.

SHERWOOD O. BERG,
President, South Dakota State University.
TERENCE BROWN,
President, Northern State College.
J. GILBERT HAUSE,
President, Black Hills State College.
CHARLES LUKE,
President, Dakota State College.
JOSEPH M. MCFADDEN,
President, The University of South Dakota.
RICHARD SCHLEUSENER,
President, South Dakota School of Mines and Technology.

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION,
Washington, D.C., April 25, 1984.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: Thank you for accepting Amendment No. 2999 to the Boat Safety Act of 1984 and for indicating on the record that you intend to ask the Assistant Secretary for Tax Policy to comment on the proposed regulations published by the Education Department under Section 7 of the Student Loan Consolidation and Technical Amendments Act of 1983 (Public Law No. 98-79). We share the concern that the Education Department's proposals are over-burdensome and unwarranted, exceed the intent of Congress and, if implemented in their current form, may prevent student loan agencies from issuing tax-exempt bonds to finance critically needed student loans. Other Members of Congress, notably the Chairman of the Senate Committee on Labor and Human Resources, the Chairman of the Senate Subcommittee on Education, Arts and Humanities, the Chairman of the House Committee on Education and Labor, the Chairman of the House Subcommittee on Postsecondary Education and the Congressman who sponsored Section 7, in statements printed in the Congressional Record and in letters to Secretary Bell, have expressed similar negative views of these proposed regulations.

Congress' objective in enacting Section 7 was to avoid excessive issuance of tax-exempt obligations for student loan purposes not to prevent the issuance of student loan bonds where there is reasonable need or to require issuers to finance their student loan program through the issuance of taxable obligations. The Education Department's proposed regulations go far beyond this objective and, in the process, attempt to deal with matters that are already the subject of extensive Arbitrage Regulations promulgated by the Treasury Department.

The purpose of Amendment No. 2999 is to make sure that the matters which are already covered by the Arbitrage Regulations are not administered by the Education Department. Amendment No. 2999 will serve no purpose if the Education Department's proposed regulations are finalized with provisions which duplicate or are more restrictive than the Treasury Department's Arbitrage Regulations. We expect that the Treasury Department's comments will identify each of the limitations on the issuance of tax-exempt student loan bonds contained in the proposed regulations which are already addressed by the Arbitrage Regulations. Specific examples would include the restrictions on the amount of bond proceeds which may be used for reserves, the use of income from student loans and investments, the period during which bond proceeds must be spent and limitations on refundings, maturity, time of issuance and the other terms of the bonds. Most of these provisions appear in §§ 682.811, 682.813(b), 682.820 and 682.821 of the proposed regulations. The comments should propose that these conflicting provisions be deleted from the proposed regulations altogether.

Additionally, we wish to note that the Deficit Reduction Act provides for the continued issuance of qualified student loan bonds on a tax-exempt basis, authorizes the issuance of taxable student loan bonds without adverse consequences to the issuers thereof, and contemplates further Congressional study of both methods of financing student loans. Because of the complex issues involved in financing student loan capital and the existing disagreements on whether the cost to the federal government is greater by using tax-exempt financing at one-half the special allowance rate or by using taxable financing at full special allowance rates, we fully support the Senate Finance Committee's proposal for further Congressional consideration of these issues after a thorough analysis and study is completed.

We understand, moreover, that Section 719(b) is not intended to mandate the use of taxable financing but clarifies that an issuer's election to issue such obligations will not adversely affect the issuer. To the extent the Education Department's proposed regulations effectively mandate an issuer's use of taxable sources of credit, we believe such regulations are inconsistent with the intent of the aforementioned provisions of the Senate's tax bill. The complicated legal and financial determinations inherent in prudently choosing between the issuance of taxable or tax-exempt student loan bonds should be left to issuers and not to arbitrary decisions by the Education Department. We particularly object to the provisions of the proposed regulations (e.g. Section 682.813(d)) which provide that taxable financing shall be deemed to be available if Sallie Mae is willing to provide such credit on terms satisfactory to Sallie Mae (but not necessarily satisfactory to the issuer).

We feel it is important that these comments be submitted to the Education Department as soon as possible. The actions taken by the Education Department in reliance on Section 7 have severely restricted the ability of student loan agencies to issue student loan bonds and we would like to see these restrictions eliminated so that these agencies will be able to obtain the necessary financing in time for their fall lending programs.

Sincerely,

Senator Larry Pressler, Senator Walter Huddleston, Senator Edward Zorinsky, Senator Thad Cochran, Senator Mark Andrews, Senator John W. Warner, Senator John Stennis, Senator James Exon, Senator Dave Durenberger, Senator Rudy Boschwitz.

ASBESTOS COMPENSATION

Mr. PERCY. Mr. President, last Saturday, the Washington Post published an editorial on the subject of asbestos-related diseases, and legislative proposals that would provide benefits for workers who have been injured as a result of occupational exposure to asbestos. I believe the Post correctly identifies one of the most important and troublesome aspects of the current "system" for compensating such workers—the enormous bills paid to both plaintiffs' lawyers and defendant companies' lawyers.

I am firmly convinced that an effective program can be constructed that will shrink these costs greatly, and thus free up funds that can more productively be directed to compensating the victims of asbestos-related disease. I have proposed such a program in S. 2708, the Asbestos Workers' Recovery Act.

As I have said before, my proposal is not the only solution to this national problem. But it does have features that merit special attention. Among these are establishment of a special fund for compensation of injured workers, with levies assessed against both the asbestos industry and the Federal Government. As the Post correctly notes, this is a much better way to meet the claims of people—usually elderly and incapacitated—than the present tort litigation system.

I ask unanimous consent that the full text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 2, 1984]

MONDALE, HART, AND ASBESTOS

Because they worked with asbestos years ago, tens of thousands of Americans will die earlier than they should have. How to compensate them—to the extent to which compensation is possible—will be an important question of social policy over the next four years. But it doesn't lend itself to the kind of primary election campaigning now going on in New Jersey.

Because Gary Hart has sponsored compensation legislation, Walter Mondale organized a meeting of asbestos victims to give emotional force to his differing view. The testimony of the former asbestos workers was moving and troubling. Mr. Mondale used the occasion to attack the Hart bill vehemently as an erosion of victims' rights and an invasion of the protection that they now enjoy. But Mr. Mondale is wrong.

Under present law, asbestos victims can sue—not their former employers, because of the workmen's compensation rules, but the suppliers and manufacturers of the asbestos products with which they worked. It is a slow and intricate kind of litigation—and, for the lawyers, well paid. Last year the Rand Corporation published a study of the settlements of some 3,800 asbestos liability cases. It found that the average settlement cost the defendants about $95,000. The victim got, on the average, slightly over one-third of the money. The rest? It went to lawyers—the victims' lawyers, the defendants' lawyers, and the costs of further suits among the defendants and their insurance companies.

Mr. Mondale says that he is defending the victim's right to sue. But these suits are proving to be a poor way—not only expensive but inordinately protracted and uncertain—to meet the claims of people who are usually elderly and often incapacitated. Is there a better way? There certainly is—a compensation fund, with adjudication taken out of the courts and put in the hands of specialized referees. That's the Hart proposal. The fund would be fed by levies on the asbestos industry and by the federal government. There is a large federal responsibility here. Many of the victims now suing are people who worked in the shipyards during World War II, when federal specifications required asbestos insulation.

Mr. Mondale was trying to respond to a kind of distress for which the blame is shared by many industrial companies and government agencies. But in the asbestos cases, protecting the victims' right to sue means very little more than protecting the lawyers' fees.

A DISTINGUISHED STATE LEGISLATOR STEPS DOWN

Mr. PELL. Mr. President, high among the unsung heroes of our democratic system are those elected representatives at the State and local level who labor long and hard—often with scant recognition or reward—to make the legislative process serve local needs.

Such a man is my good friend George T. Panichas of Pawtucket, R.I., who announced recently that he is retiring from the Rhode Island State Legislature after 14 years of service.

Representative Panichas' retirement is noteworthy because he is turning away from a highly successful political and public service career that presumably could have continued for some time to come. He has been unopposed in six of his seven elections to the general assembly.

He is, as he describes himself, a low-keyed but effective legislator who has never lost a bill. His special interests have been in the areas of veterans' affairs and vocational education, and he is especially proud of his role in establishing a State veterans' cemetery in the town of Exeter.

Representative Panichas will be missed at the Rhode Island Statehouse because he has been a good and dutiful legislator. His departure is symptomatic of a dilemma felt at all levels of our democratic system: Public service often demands unacceptable sacrifices.

George Panichas, because of the kind of man he is, I know will continue to contribute to the well-being of his community and to the State of Rhode Island long after he has ended his service in the general assembly.

George has a strong pride in his Greek heritage and is an active leader in local and national Hellenic-American organizations. In fact, we once traveled together to Greece and Cyprus, and I much benefited from his knowledge.

He is a resourceful and respected businessman, and he is, in addition, deeply devoted to his wonderful family. Finally, he had a distinguished record in World War II as a tail gunner in a bomber.

As he concludes his excellent service as a legislator, I congratulate him and wish him well.

I ask unanimous consent that an article from the Pawtucket Times noting the retirement of Representative Panichas be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Panichas Retiring After 14 Years Service at Statehouse

"PART-TIME" ASSEMBLY BECAME TOO "FULL-TIME"

(By Kevin P. O'Connor)

Pawtucket.—Three hundred dollars a year isn't enough pay for a full-time job, Rep. George T. Panichas says.

So, Panichas is walking away from the seat in the state House of Representatives that he has held for the past 14 years. He has represented the Pleasant View section and a portion of Central Falls.

"Recently it's been taking up too much of my time," the Democrat said Wednesday. "It's no longer a part-time legislature. It's a full time legislature.

"I do a lot of traveling with my business. I put business packages together. I can't do that while I'm sitting in the Statehouse for $5 a day."

But leaving isn't easy, he said.

"I know this sounds corny, but it really was an honor serving the city of Pawtucket," he stated. "Plus, the legislature was like earning a masters degree in college every session. You got to find out how smart you are. Plus you got to find out how dumb you are.

"The contacts you make and the people you meet, that would never happen in private life. What the hell, I've been to meetings in the White House."

In the legislature, Panichas said, he liked to think of himself as low-keyed but effective.

"In my time there, I never lost a bill. I wasn't one to introduce many pieces of legislation. But those I did, I never lost."

Panichas was best known for his work in veterans' affairs. His crowning achievement in that field, he said, was getting the state to build the veterans' cemetery in Exeter.

"If you went to that cemetery on Memorial Day, without any exaggeration, there will be 3,000 people there visiting," Panichas said. "They're burying four or five people a week down there now. It was really needed."

Panichas also sponsored and fought for the $200 bonus given to Vietnam veterans and pushed the bond issue that financed the expansion of the veterans' home in Bristol.

"I was a combat veteran myself," Panichas said. "I was a tailgunner in a B-17 and I flew 50 missions over Germany. So I know what veterans need."

Vocational education was another of Panichas' interests. He sponsored the bill that increased the state's aid to vocational high schools—in the first year the state aid to Davies Vocational-Technical in Lincoln went from $5,000 to $100,000, Panichas said.

And Panichas was involved in economic development, both in the House, where he headed a sub-committee looking into the problems of the jewelry industry, and in his private business, where he arranged the sale and construction of the Star Market on Barton Street, the sale of the grandstand at Narragansett Park and was instrumental in keeping the Ocean State Theater in downtown Providence from becoming a parking lot.

"I was representing B. A. Dario and I handled the sale of the theater from the Loews Corporation to B. A Dario," Panichas said. "He was going to rip it down, make a parking lot. I convinced him to hold on until the people who preserved it could put a package together."

His retirement from the House comes at a good time, Panichas said. Besides needing more time for his business, Panichas said he and his wife, Angela, are building a home in Fair Oaks Estates in Lincoln and hope to move there in September.

"But who knows," he adds. "Maybe I'll sell it by then."

His checkbook will also welcome the break from politics, Panichas said.

"I've never had a fund raiser, I've never accepted campaign contributions," he said. "I had seven elections, six of them unopposed, and I always paid for them out of my own pocket."

"I never wanted people to say I owed them."

NAMIBIA AFTER LUSAKA: NEW DIRECTIONS

Mr. DENTON. Mr. President, the "Namibia Independence Talks" in Lusaka from May 10 through 13, 1984, under the cochairmanship of President Kenneth D. Kaunda of Zambia and the Administrator-General of Namibia, Dr. Willem A. van Niekerk, were of historical significance for a number of reasons:

President Kaunda, the leader, many would say, of the front line states, and the head of state of the country in which SWAPO maintains its political headquarters, sat as cochairman of a meeting between the political parties of Namibia with the South African appointed Administrator-General of that territory.

SWAPO, deprived of its freedom to prosecute a terrorist campaign from bases in Angola, by an agreement negotiated in Lusaka on February 16-17, 1984 between South Africa and the MPLA, was forced to abandon its spurious claim, conferred by the General Assembly of the United Nations, to being the "* * * sole and authentic representatives of the people of Namibia."

Six other Namibian political groupings—the Democratic Turnhalle Alliance (consisting of 11 ethnically based parties), the National Party of South West Africa, the Labor Party of Namibia, the Rehoboth Liberation Front, the South West African National Union, and the SWAPO-Democrats—having come together in a Multi-Party Conference in November 1983, negotiated with SWAPO for the first time regarding Namibia's independence.

It is clear that the struggle for Namibia's independence and, more importantly, for control of political power after independence, has entered a new phase. Although SWAPO managed to infiltrate some 800 terrorists into Namibia in February 1984, before the Lusaka Agreement took effect on March 1, these men were poorly prepared for their missions. Approximately 200 have already been killed, according to Namibian and South African security forces, and even SWAPO spokesmen admit the inevitable, that with logistic lines to SWAPO bases in Angola cut off by the Lusaka Agreement, these terrorists now within the territory will have to abandon the "armed struggle" or be hunted down by the security forces. One small bomb did explode in Windhoek just hours after SWAPO's Secretary of Foreign Affairs, Mr. Nico Bessinger, had said at a public meeting in the capital that the war would be brought to the doorsteps of those in Windhoek if SWAPO's lines of supply from Angola were to be severed. Dennis Keogh and Lt. Col. Ken Crabtree (two U.S. officials) were killed in a bomb explosion at a service station near Oshakati only days after the Lusaka Agreement took effect. Individual members of the tribes of Owambo and Kavango who did not support SWAPO continue to be brutally murdered. But, if the Lusaka Agreement holds, such incidents will decrease in frequency and taper off relatively soon. SWAPO does not have at its disposal large numbers of cadres trained in urban terrorism. The indications are, clearly, that the struggle will shift to the political arena.

SWAPO'S POLITICAL PROGRAM: SUBSTANCE OR CHIMERA

Comrade Nujoma's opening remarks in Lusaka make it clear that he understands this. Both the content and the tone of the public rhetoric changed significantly, taking on the form which some SWAPO dignitaries have reserved in the past for Western diplomats and white Namibians whom they are seeking to woo. Two paragraphs of Comrade Nujoma's speech seem certain to set the tone for SWAPO's new diplomatic offensive:

> In spite of these bitter memories and a sense of national loss suffered by our people, SWAPO, cognizant of its national leadership and for the sake of unity and conciliation, is prepared to close the old chapter and open a new one. The new chapter will be characterized by democratization of the society based on the principles of racial equality and tolerance. In this society, human rights, property rights and civil liberties of all Namibians will be protected and guaranteed under the law. It is in recognition of these ideas that SWAPO has accepted the Principles Concerning the Constituent Assembly and the Constitution for an Independent Namibia, submitted by the Five Western Powers to the Security Council on 12 July, 1982.

There are those who, mindful of SWAPO's rhetoric in the past and its 18-year-old terrorist campaign, would argue that SWAPO's enthusiasm for human rights and civil liberties, hardly apparent in its recent behavior, had more to do with the positive African and Western response to the Multi-Party Conference's "Windhoek Declaration of Basic Principles" and its "Bill of Fundamental Rights and Objectives," than with a new-found belief in the virtues of democracy.

Comrade Nujoma continued:

> Internationally, in SWAPO's view, an independent Namibia will pursue a policy of non-alignment and will endeavour to maintain and promote relationships with other states based on mutual benefits and respect.
>
> In Southern Africa, Namibia will become a member of the community of independent African states in the region, including joining SADCC (South African Development Coordination Conference) and, in pursuit of its policy of non-alignment, maintain friendly relations with its neighbors that respect its national independence, sovereignty and territorial integrity.

As I noted in 1982, after 5 days of hearings into Soviet, East German, and Cuban involvement in fomenting terrorism in Southern Africa, the Soviets and their Communist allies have succeeded, in the words of my distinguished colleague, Senator MOYNIHAN of New York, in appropriating the language of liberty and in cloaking totalitarianism in the rhetoric of democracy. It behooves us, therefore, to examine these words and phrases closely, to weigh them against the declarations in SWAPO's formal documents and to call Comrade Nujoma and his colleagues to account for the discrepancies.

SWAPO's program of political action is embodied in a document entitled "Political Program of the South West Africa People's Organization (SWAPO) of Namibia" which was adopted by the meeting of the SWAPO Central Committee held in Lusaka, Zambia, from July 22 to August 1, 1976. The sections on "Present and Future Tasks," foreign policy, internal political guidelines, and economic reconstruction are of particular importance in this analysis.

NONALINEMENT

Comrade Nujoma's reference to Namibia's pursuit of a policy of nonalinement, if SWAPO came to power, stands in sharp contrast to the section of SWAPO's political program entitled "SWAPO Foreign Policy." I quote:

> (1) SWAPO holds high the banner of international anti-imperialist solidarity. In pursuance of anti-imperialist solidarity, the movement has resolved:
>
> (a) To work in solidarity with other national liberation movements and other anti-imperialist, progressive and peace-loving forces throughout the world with a view to ridding Namibia, the African continent and mankind of colonialist and imperialist domination.
>
> * * * * *
>
> (e) To foster and strengthen the anti-imperialist unit among the national liberation, world socialist, progressive and peace-loving forces in order to eliminate all forms of imperialism, colonialism and neo-colonialism.

The Marxist-Leninist jargon in SWAPO's political program is supplemented by the Political Manual, "Namibia, The Struggle for Final Liberation," issued by the Office of the SWAPO Organizing Secretary in 1977, on behalf of the Namibian Institute of Revolutionary Studies, which operates under the direction of the SWAPO Central Committee.

This document suggests that Comrade Nujoma's Namibian "people's democracy" would be distressingly similar to the "people's democracies" in East Germany, Vietnam, Ethiopia, Cambodia, or Angola.

> The ideas of socialist orientation, as stated in the revised Political Programme (sic) of SWAPO, have become our way of life, and we have now to grasp this great truth, that the first step in the revolution currently waged by the Namibia proletariat and the working peasants is to raise the two friendly classes in our society to the position of the ruling class which, at the same time, is the first step to winning the battle of a people's democracy.
>
> Only in this way shall we Namibian participants in the current liberation struggle (which we are waging on behalf of the general masses of all our people) be able to use the political supremacy of people's power to wrest state power from the colonial bourgeoisie, for the purpose of centralizing all the means of production and distribution in the hands of the new state, a state which will be constituted by the alliance of the workers and peasant masses.

How, in these circumstances, can Comrade Nujoma hope to speak, with any degreee of credibility, about a policy of nonalinement? The answer is given by Soviet historian, Dr. Yakov Etinger, writing in New Times, (No. 39, 1981, "Weighty Role"):

> Since non-alinement is an expression of the independent foreign policy source favoring profound internal social and economic changes, there can evidently be no contradiction between socialist orientation and non-alinement.

Dr. Etinger, discussing the advantages accruing to the Soviet Union as a result of the acquisition of power by "national liberation movements" like SWAPO supported by the Soviets, notes:

> An important feature of the foreign policy of these countries is their strategic alliance with the Soviet Union and other socialist states on an anti-imperialist and anti-capitalist basis. . . .
>
> The foreign policy of the socialist-oriented countries is characterized also by militant anti-imperialism and anti-racism in the world arena, in the United Nations in particular, and by support of the initiatives of the Soviet Union and other socialist countries for peace and international security.

HUMAN RIGHTS, PROPERTY RIGHTS, AND CIVIL LIBERTIES

Those in Namibia, or the West, who are tempted to rely on Comrade Nujoma's promise to protect human rights, property rights, and civil liberties in a "democratic" Namibia, if SWAPO comes to power, would be well advised to study other sections of SWAPO's political program. Under the heading "Present and Future Tasks" it is recorded that:

> * * * SWAPO has resolved:
>
> * * * * *
>
> (d) To unite all Namibian people, particularly the working class, the peasantly and progressive intellectuals, into a vanguard party capable of safe-guarding national independence and of building a classless nonexploitative society based on the ideals and principles of scientific socialism.

In the section on "Internal Political Guidelines" one reads:

> All sections and organs of SWAPO are called upon to make supreme efforts towards the building up of a reliable core of leading cadres who are capable of being in close and constant touch with the people at all levels. This task is to be accomplished in the following ways:
>
> Strive to heighten the political consciousness of the cadres through regular discussion groups in the local community; the discussions must aim at imparting a fundamental knowledge of the concrete political reality in Namibia and the world revolutionary process.

In the section of SWAPO's political program dealing with "Economic Reconstruction" we read:

> Thus the economic reconstruction of a free democratic and united Namibia will have, as its motive force, the establishment of a classless society. The social justice and

progress for all is the governing idea behind every SWAPO policy decision. The government of a truly liberated Namibia will, therefore, be called upon to take the following measures:

(1) Wage the struggle towards the abolition of all forms of exploitation of man by man and the destructive spirit of individualism and aggrandizement of wealth and power by individuals, groups or classes.

(2) Ensure that all the major means of production and exchange of the country are in the ownership of the people.

THE CHALLENGE TO SWAPO

These policy programs are not reconcilable with Western notions of liberty, human rights or property rights, nor with our concept of nonalinement. They are, of course, compatible with the rights ostensibly guaranteed to the people by the Constitution of the U.S.S.R., and with the Soviet view of nonalinement. The composition of SWAPO would seem to place it squarely in the Soviet orbit, for as our Ambassador to the United Nations, Jeane Kirkpatrick, remarked several years ago:

> (SWAPO is) . . . one of those coalitions, of which we have seen a good many in our times, which include some rather heterogeneous elements: Some purely nationalist elements and some not very well-defined elements and some communist elements and some Marxist-Leninist elements that are explicitly oriented toward the Soviet Union and were trained there. (SWAPO) does include in its leadership some significant portion of persons tied to the Soviets by training and predilection. And its principal source of arms is of course the Soviet Union or surrogates thereof; and we have seen in our times a good many such coalitions come to power only to have the most well-organized unit, which usually turns out to be the Soviet-oriented, Marxist-Leninist (one), seize control of the coalition.

If SWAPO has, on the other hand, as Comrade Nujoma claims, "open(ed) a new chapter," then the onus is on it to prove such a claim. An excellent start could be made by Mr. Nujoma announcing an end to SWAPO's terrorist campaign against non-SWAPO supporters and a statement by him endorsing the Bill of Fundamental Rights and Objectives adopted on April 18, 1984, by the other Namibian political parties belonging to the Multi-Party Conference. If SWAPO is truly no longer a participant in the Soviet sponsored and financed "world revolutionary process," as designed by Lenin and all subsequent Soviet ideologs, then the onus is on it to declare that it has abandoned this movement. Until Namibians have heard such declarations, they are unlikely to be convinced by Comrade Nujoma's high-sounding rhetoric.

THE MULTIPARTY CONFERENCE: A STUDY IN AFRICAN DEMOCRACY

As further amplification, I attach "The Windhoek Declaration of Basic Principles" of February 24, 1984, and the "Bill of Fundamental Rights and Objectives" adopted by the Multi-Party Conference on April 18, 1984. These are exemplary documents, the latter in particular being representative of the spirit of our own democracy, and will serve, in my opinion, as a substantial basis for the preservation of human rights, property rights, and civil liberties in an independent Namibia. I commend them both to the attention of my colleagues and to that of the executive branch. I am pleased to note that Secretary of State Shultz and other officials of the Department of State met with a delegation from the Namibian Multi-Party Conference on May 22, 1983, and that Ambassador Keyes of the U.S. Mission to the United Nations in New York arranged for the delegation's reception by U.N. Secretary-General Javier Perez de Cuellar.

This delegation of the Multi-Party Conference was, I understand, received on its recent brief visit to Africa and the United States, by the Presidents of Zambia, the Ivory Coast, and Togo and by the Foreign Ministers of Gabon and Senegal, in addition to Secretary Shultz. This development and the sensible and enlightened approach which the Multi-Party Conference is adopting in its approach to reconciliation, portends well for an early and successful resolution of these long-standing problems.

I will also attach the statement of the Multi-Party Conference delegation on the eve of its departure for Lusaka on May 9, 1984. It sets the standard against which other efforts to resolve this dispute will be measured in the future.

Mr. President, I ask unanimous consent that the documents that I mentioned be included in the RECORD immediately following my remarks.

Thank you, Mr. President.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

NAMIBIA MULTI-PARTY CONFERENCE DECLARATION OF BASIC PRINCIPLES—FEBRUARY 24, 1984

We, the political leaders of the people of South West Africa/Namibia, meeting in the Third Plenary Session of the historic Multi-Party Conference hereby:

Reaffirm the right of our people to national self-determination and independence and our determination to strive for a free, democratic, peaceful, stable and prosperous South West Africa/Namibia. It is only this goal—the national interest—and this goal alone, which will henceforth guide our actions.

Also reaffirm that Security Council Resolution 435 is at present the only concrete plan on independence which is being accepted by South Africa, the Security Council and the members of the Western Contact Group.

Having discussed the many problems confronting our country, in a constructive spirit of frankness, national reconciliation and unity, mutual respect and accommodation, we hereby declare to our people and the world at large that the Multi-Party Conference:

Maintains that South West Africa/Namibia is one and indivisible. South West Africa/Namibia belongs to all its people who are willing to stay here, build and defend it.

Believes in the concept that "All men are created equal" and shall have equal rights and responsibilities, irrespective of their national origin, race, religion or political views. The people of South West Africa/Namibia must work together for the common cause of nation-building, common allegiance, friendship and co-operation, political stability and economic progress.

Take cognizance of the fact that it may take an indefinitive period of time before Resolution 435 can be implemented, because its implementation is linked to the demand for the withdrawal of Cuban forces from Angola by both South Africa and the United States.

Hopes that the Lusaka Agreement between Angola and South Africa will endure to enable a discussion of the wider issues of a Namibian/South West African settlement and peaceful co-existence among the states within the region as a basis for resolving local and inter-state problems as well as a return to normal and peaceful life for the inhabitants of the war-ridden territories.

Our contribution to the resolution of the problems which have given rise to instability and security concerns would be to use the cease-fire agreement in a responsible and constructive manner in order finally to eliminate the causes of social and political conflict and confrontation.

An extensive dialogue among the relevant political parties of this country, in a spirit of national reconciliation and the need for a speedy resolution of the independence dispute, and meaningful negotiations with the Government of South Africa and the international community should be considered the primary concern and objective of all the patriotic and concerned leaders and citizens of our country.

Therefore the Multi-Party Conference accept the challenge:

To lead our country to a nationally acceptable and internationally recognized independence.

To conduct talks and/or negotiations with interested bodies in preparation and implementation of the aforesaid aims, as and when demanded by circumstances. Such talks and/or negotiations will include appeals for the immediate release of Mr. Toivo ja Toivo and Mr. Eliazer Tuhadeleni and all other political prisioners and detainees wherever they may be located.

To conduct investigations regarding the possibility of entering into relations with neighboring and other states in view of our own security and other strategic matters such as co-operation in the areas of health, finance, agriculture, veterinary services, water and energy, physical development, transportation, etc. In this regard the issue of Walvis Bay and the borders of South West Africa/Namibia will be the subject of discussion between the future government of South West Africa/Namibia and the Republic of South Africa.

To draft a permanent constitution: Within the framework of Phase I of the Western Settlement Plan, consistent with the Universal Declaration of Human Rights, in accordance with the International Covenant of Civil and Political Rights, which will allay the fears and respect the aspirations, ambitions and desires of the different groups mentioned in the Covenant above.

To create an economic order which aims at decreasing our dependence on foreign countries by developing and diversifying our economy mainly through our own efforts and by improving the quality of life of our people in all fields—from employment opportunities, health, education, and housing to the rural economy. Both the public and private sector as well as foreign investment must serve this purpose. A sound, healthy and strong economy must be the basis of our economic thinking.

To pursue a foreign policy based on dignity, independence, peace and friendship and peaceful co-existence with our neighbors and the rest of the world, to reserve our right to act as we see best at any particular time and on any particular issue. Our own national interest and the behavior of others towards our country will form the basis of our foreign policy.

NAMIBIA MULTI-PARTY CONFERENCE BILL OF FUNDAMENTAL RIGHTS AND OBJECTIVES—APRIL 1984

PREAMBLE

Independence: Whereas we the people of South West Africa/Namibia desire independence free from outside domination and direction and wish to constitute our own government;

Peace Reconciliation: Whereas we likewise urgently desire national reconciliation and lasting peace;

Individual Rights: Whereas we are united in the belief that all men are born free and equal and endowed by their Creator with human dignity and inalienable rights;

Diversity: Whereas lasting peace, stability and progress depends on the recognition of and respect for the rights of all in the prevailing cultural, linguistic and religious diversity of our society;

Unity: Whereas it is the desire of the people to achieve unity in that diversity with common loyalties to a single state;

Purpose and Powers of Government: Whereas governments are instituted among men for the purpose of promoting the safety and welfare of the people, from whose consent those governments derive their powers and capacities;

Now therefore, we, the people of South West Africa/Namibia, claim and reserve for ourselves and guarantee to our descendants the following Fundamental Rights which shall be respected and upheld by our successive governments and protected by entrenchment in the Constitution:

FUNDAMENTAL RIGHTS

Article 1. The Right to Life.

Everyone has the right to life. No one shall be arbitrarily deprived of his life. The sentence of death may only be executed pursuant to a final judgment by a competent court in respect of the most serious crimes in accordance with the law. Nothing in this article shall be invoked to prevent the abolishing of capital punishment by any future Government should they decide to do so.

Article 2. The Right to Liberty, Security of Person and Privacy.

No one shall be subject to arbitrary arrest or detention.

No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

No one shall be detained for an indefinite period of time without a fair and proper trial by a Court. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

No one shall be subjected to arbitrary interference with his privacy, the privacy of his home, correspondence or communications. Everyone has the right to the protection of the law against such interference.

Article 3. The Right to Equality Before the Law.

Everyone shall be equal before the law and no branch or organ of government nor any public institution may prejudice nor afford any advantage to any person on the grounds of his ethnic or social origin, sex, race, language, color, religion, or political conviction.

Article 4. The Right to a Fair Trial.

In the determination of his rights and obligations in a civil action and of any criminal charge against him, everyone is entitled to a fair and public hearing by an independent, impartial and competent court established by law; provided that such a court may exclude the press and the public for all or any part of the trial, for reasons of morals, the public order or national security. Any judgment rendered in a criminal or civil action shall be made public, except where the interest of juvenile persons otherwise requires. Everyone charged with an offense has the right to be presumed innocent until proven guilty according to law, after having had the opportunity of presenting witnesses in his favor and cross-examining those testifying against him. Everyone shall be afforded adequate time and facilities for the preparation and presentation of his defense, before the commencement of and during his trial. Everyone shall have the right of access to legal counsel in the event of charges being preferred against him.

No one shall be tried, convicted or punished again for an offense for which he has already been tried and convicted or acquitted in accordance with the law.

No one shall be tried or convicted for an offense on account of an act or omission which did not constitute an offense at the time at which it was committed, nor shall a penalty be imposed exceeding that which was applicable at the time when the offense was committed.

Article 5. The Right to Freedom of Expression.

Everyone has the right to freedom of expression of opinion, conscience and religious belief, including freedom to seek, receive and impart information and ideas through the press and other media. This right shall be limited only by the obligation to ensure that such expression does not infringe upon the right of others, impair the public order or morals, or constitute a threat to national security.

Article 6. The Right to Peaceful Assembly.

Everyone has the right to freedom of assembly for peaceful purposes. No restrictions shall be placed on this right except those which, being necessary for the protection of public order, health or morals or the rights of others, are properly prescribed by law.

Article 7. The Right to Freedom of Association.

Everyone has the right to associate with any other person or group. No one may be compelled to or prevented from associating with others. Everyone has the right to form and to join trade unions for the protection of the interests of employees. No restrictions shall be placed on this right, except those which, being necessary in the interests of national security, public order, public health or morals, and the protection of rights of others, are properly prescribed by law.

Article 8. The Right to Participate in Political Activity and Government.

Every citizen shall have the right to participate in peaceful political activity intended to influence the composition and policies of the government. Every citizen shall have the right to form and join political parties and, subject to proper qualifications prescribed by law, to participate in the conduct of public affairs, whether directly or through freely chosen representatives. The exercise of the right to participate in political activity shall be limited by the obligation to refrain from any advocacy of ethnic, racial or religious hatred and incitement to discrimination, hostility and violence.

Article 9. The Right to Enjoy, Practice, Profess, Maintain and Promote Culture, Language, Tradition and Religion.

All ethnic, linguistic and religious groups and all persons belonging to such groups, shall have the right to enjoy, practice, profess, maintain and promote their cultures, languages, traditions and religions, insofar as these do not infringe upon the rights of others or the national interest.

Article 10. The Right to Freedom of Movement and Residence.

Everyone lawfully present within the borders of the country shall have the right to freedom of movement and choice of residence subject to the obligation not to infringe upon the rights of others and to such provisions as are properly prescribed by law in the interests of public health and public order. No citizen shall be arbitrarily deprived of the right to enter the country. Everyone shall have the right to leave the country in accordance with the procedures properly prescribed by law.

Article 11. The Right to Own Property.

Everyone has the right to acquire, own and dispose of movable, immovable and immaterial property, alone or in association with others. Everyone shall have the right to leave his property to his heirs or legatees. No one shall be arbitrarily deprived of his property. Expropriation shall only be permitted in the public interest and if properly authorized by law. Fair compensation shall be payable in all cases of expropriation.

Article 12. Enforcement of Fundamental Rights.

The enumeration, in this Bill, of certain specific rights, shall not be construed as denying, limiting or disparaging other rights retained by the people.

Any legislative, executive or judicial act at variance with the provisions of the Bill, may be declared null, void and of no effect by order of the Supreme Court and any person who may suffer any disadvantage as a consequence of such an act, shall be entitled to legal redress.

No fundamental right listed herein, may be repealed, excluded or modified in any way so as to affect its substance or intent.

Where any fundamental right is properly limited by legislation, such legislation must have a general character and not be limited to a single case.

All branches and organs of government shall conduct themselves in all their legislative, executive and judicial acts in accordance with the principles enshrined in this Bill.

All persons are entitled to the rights enumerated in this Bill, without distinction on the grounds of race, color, sex, language, political or other opinion, religion, ethnic or social origin, birth or other status.

Any person may apply to the Supreme Court by appropriate proceedings to enforce the rights conferred under the provisions of this Bill.

The Supreme Court shall have the power to make all such orders as may be necessary and appropriate to secure to the applicant the enjoyment of any rights conferred under the provisions of this Bill.

Any law in force on and continuing in force after the date on which the provisions of this Bill come into operation may be submitted by any governmental authority to the Supreme Court for a ruling on the compatibility of such law with the fundamental rights enumerated in this Bill, and if such a law has been so submitted for a ruling, no proceeding based on any provision of such law may be instituted under paragraph 7 of this article until the Supreme Court has given its ruling and a period of six months has elapsed after the date of the ruling.

For the purpose of the hearing and adjudication of any proceedings contemplated in this article, or otherwise based upon the provisions of this Bill, the Supreme Court shall be constituted and sit as a Constitutional Court in accordance with the provisions of the laws governing the Supreme Court.

An independent Parliamentary Commissioner (Ombudsman) shall be appointed by the Parliament for the investigation and settlement through negotiation and mediation of complaints by individuals of infringements of their fundamental rights, arising from administrative practices or actions, provided the infringement in question is not the subject of proceedings instituted in the Supreme Court as contemplated in this article. The Parliamentary Commissioner shall report annually in writing to Parliament and to such organs of government as are affected by his activities, and shall include in such reports those recommendations he may consider necessary.

FUNDAMENTAL OBJECTIVES

We, the people of South West Africa/Namibia, further wish to record our determination, and to commit our Government to ensure:

(a) That every person within our country shall enjoy the opportunity to free and full development of his personality in the exercise of those duties and responsibilities which he owes to the community;

(b) That the family, as the natural and fundamental group unit of society, is afforded protection by society and the state;

(c) That in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, health and the general welfare and national security of a democratic society.

And, mindful of the existence of certain other social goals whose achievement is essential if we are to create the type of national and democratic society to which we aspire, we hereby require our Government to do all in its power to achieve:

1. The establishment and maintenance of a sound and dynamic economic system capable of providing for the needs of all in our society;

2. The opportunity to work, to exercise free choice of employment and to enjoy just and favorable conditions of work and employment; protection against unemployment; and equal pay for equal work;

3. A standard of living adequate for the health and well-being of each person and family unit, including food, housing, medical care and essential social services, and a measure of protection against the consequences of sickness, disability, widowhood and old age;

4. Access to education for all and the opportunity to attain the highest possible standard of education directed at the full development of the human personality and preparation for gainful employment; that higher education shall be equally accessible to all on the basis of merit; that elementary education shall be free and compulsory, the liberty of parents, and when applicable legal guardians, to choose for their children the type of schools and the direction of education will be protected.

5. The opportunity for all to participate fully in cultural activities, to enjoy the arts, and to share in scientific advancement and its benefits; and protection of the moral and material interests of authors in their scientific, literary and artistic productions.

STATEMENT BY THE MULTI-PARTY CONFERENCE—WEDNESDAY, MAY 9, 1984

It is now almost six months since the historic day in November 1983 on which delegates from six South West Africa/Namibia parties, with one other having observer status, came together in the Heynes Matthews hall in Windhoek to assert the right of the people of this country to determine their own future on the basis of justice, freedom and human dignity. We made it clear then that we resented the fact that others, many of them with no vital interest in the outcome, were arguing about, interfering with, and seeking to determine, what should and should not happen to us. The spectacle of one group of foreigners raising objections, based on their interest, to plans for our independence devised by another group, without either side having consulted adequately with us, had become intolerable. It had made a mockery of the principle of self-determination and had placed the people of this country in the position of being no more than the playthings of outside interests.

The Multi-Party Conference was born out of the frustration of the people. It came about because we realized that unless we took matters into our own hands we would remain powerless; unless we asserted our right to speak for ourselves, others would continue to make decisions about us. We made the decision to be beholden to no one and elected to accept financial stringency in preference to assistance with strings attached. We decided to have no foreign advisers but, rather, recognizing that it is we who must live together in this land and achieve our common destiny, to debate and reach consensus among ourselves on the path to be followed.

It has not been an easy road. We have disagreed, often forcefully and sometimes bitterly, about matters of principle and practice. Some parties have left the Conference we hope only temporarily while others have joined us. We have been accused of different things by different people, all of which accusations fail to grasp our purpose and our goals. Let us restate them now.

We seek to ensure that the people of this country shall, in pursuance of their right to freedom, national self-determination and independence, determine how that right shall be exercised. We rejected the claims of South Africa, the United Nations, the Soviet bloc and the Western Five, indeed of all persons and groups not of this country, to speak or make such fundamental decisions for us.

We recognize the diversity of ideology, of culture, of language and of religion which characterizes our society and we understand the difficulty of moulding one nation out of these many strands. But we are determined, understanding that we must share this land, and that we are united in our love for it, to create unity in that diversity while respecting the rights of all.

We understand that, to achieve this, all citizens must participate, through their representatives, in the process of deliberation about the present and the future. We have often invited, and do so again today, all those parties with manifest support among people of our country, to join with us in that process. We reject categorically the notion that we are an anti-SWAPO front, or indeed a front in opposition to any party. We define ourselves in terms of our goals, in terms of the values to which we subscribe, in terms of our vision of the future. We have defined these in our public documents and invite all those who share these goals and values, to join with us in strongly asserting our right to achieve them.

We are opposed to further violence and bloodshed, believing that the people of this country and indeed the region have already suffered far too much from this internecine struggle which has drawn in foreign powers whose interests are divergent from our own. We believe that peace and national reconciliation are vital now and that the task of reconstruction must begin immediately. Regional circumstances are now, at last, conductive to this and the opportunity for reconciliation must be seized urgently.

Since the opening session of the Conference we have made satisfactory, indeed even remarkable, progress in achieving these goals.

We have reached agreement on two important documents: The Windhoek Declaration of Basic Principles, issued on 24 February and the Bill of Fundamental Rights and Objectives, made public on 19 April. The latter document, in particular, is a serious effort to express and encompass in a paper of eventual constitutional significance, the basic value of our whole society. The Rights enshrined in that document, if embodied in a future constitution, will protect our civil liberties against improper encroachment by any government, and a commitment to the pursuit of the Objectives will bind our future governments to policies which will be of the greatest benefit to all the people of our country.

We have held discussions with the South African government in the person of the Prime Minister and other Ministers of his Cabinet, and with a delegation of the United States of America under the leadership of Dr. Chester A. Crocker, Assistant Secretary of State for African Affairs. Through these discussions we have made a modest contribution to the search for peace in Southern Africa. We have also communicated with other African and Western governments and look forward to expanding these communications in the future.

We have taken a public position and held talks with South African government representatives in support of the release of persons imprisoned or detained for offenses related to their political convictions. We have not done this lightly, but in the belief that such a process will contribute meaningfully to the creation of a climate conductive to national reconciliation. Mr. Andimba Toiva ja Toiva and Mr. Willibald Sagaria were released from prison on March 1, 1984, and the decision to release 54 detainees from

Mariental was made known by the Administrator-General on May 3. We shall continue to work for such further releases as will advance the cause of peace.

We have completed arrangements for visits to a number of African states, both within our region and elsewhere on the continent. African Heads of State interested in promoting a resolution of Southern African conflicts have recognized the importance of hearing the perspective of the people of this country and have promised assistance in furthering the cause of national reconciliation. A delegation from the Multi-Party Conference will leave Windhoek for Lusaka on Thursday, May 10 at the invitation of President Kenneth Kaunda and will hold discussions with the President of Zambia and his ministers and SWAPO. The Administrator-General of South West Africa/Namibia and President Kaunda will act as Chairman and Co-chairman respectively in our discussions with SWAPO. We believe that these discussions have the potential to make a major contribution to peace, self-determination and independence and deeply appreciate President Kaunda's initiative in proposing that they take place.

We stand today at the decisive crossroads of our nation's future. If we succeed in our present endeavor to bring about peace and reconciliation, we shall be able to achieve a free, democratic, stable and prosperous country. If we fail, we shall face yet more suffering and strife, economic decline and bloodshed. We dare not fail, and to succeed, we have the prayers and assistance of all of our people.

PRIVILEGE OF THE FLOOR

Mr. TOWER. Mr. President, I ask unanimous consent that the following listed staff members be permitted access to the floor during consideration of S. 2723, the omnibus defense authorization bill for fiscal year 1985.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list follows:

James F. McGovern, Arnold L. Punaro, L. Wayne Arny III, Robert E. Bayer, Kathryn E. Bognovitz, Robert F. Bott, Barbara B. Brown, John G. Campbell, Marie Chaillet, Christine C. Dauth, Marie F. Dickinson, Michael B. Donley, Richard D. Finn, Jr., Judith A. Freedman, Douglas R. Graham, John J. Hamre, Drew A. Harker, William E. Hoehn, Jr., George K. Johnson, Jr., James R. Locher III, Karen A. Love, David S. Lyles, Jose E. Martinez, Gordon G. Riggle, Mark B. Robinson, Ann E. Sauer, Carl M. Smith, James C. Smith III, Jeffrey H. Smith, Patrick A. Tucker, Patricia L. Watson, Toni D. White, Alan R. Yuspeh.

ORDER OF BUSINESS

Mr. BAKER. As I understand it, under the order previously entered, the Senate will turn to consideration of the DOD authorization bill. Is that correct?

The PRESIDING OFFICER. That is correct.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

OMNIBUS DEFENSE AUTHORIZATION, 1985

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

The Senate proceeded to consider the bill.

Mr. TOWER. Mr. President, I report to the Senate the action taken by the Committee on Armed Services on S. 2723, the Omnibus Defense Authorization Act for fiscal year 1985.

For the second year, the committee has reported a bill that incorporates all the major components of the national defense budget that require annual authorization. The pending bill thus includes the regular authorizations for procurement, research and development, operation and maintenance, personnel end-strengths, and civil defense, as well as authorizations for military construction, and the military programs of the Department of Energy.

The President's February request for national defense totaled $313.4 billion in budget authority for fiscal year 1985. In marking up the bill, the committee elected to follow the guidelines contained in the Senate passed first concurrent resolution on the budget, which provides for defense budget authority of $299 billion in fiscal year 1985. The committee's objective, therefore, was to reduce the President's February request by $14.4 billion.

The committee achieved this large reduction by making reductions of $6.9 billion in procurement, $1.4 billion in R&D, $2.5 billion in O&M, $1.2 billion in military construction, and approximately $650 million in other programs. When combined with the funding impact of the committee's manpower recommendations and other legislative restrictions valued at approximately $1.8 billion, the overall reduction from the request totals approximately $14.4 billion.

During the committee's deliberations on the February request, the Department of Defense provided the committee a list of proposed revisions to the request, based upon the President's commitment to help develop a comprehensive and responsible fiscal plan for deficit reductions. These proposed revisions also totaled $14.4 billion. The committee found this list to be helpful in identifying potential reductions to the February request, but by no means did we rubberstamp these Defense Department proposals.

I should emphasize at this point that it has long been the committee's view that in a budget of this size, there is always room for greater economy and efficiency. But it is not always true that effective management improvements can be legislated by the Congress. We certainly cannot claim to be making reductions of $14.4 billion in defense reductions related to so-called waste, fraud, and abuse.

I want to make it abundantly clear to my colleagues that, while the effect of reductions totaling $14.4 billion can be minimized, they cannot be made without a negative effect on the effectiveness and efficiency defense program. The overall effect of the committee bill is to further slow the much needed improvements in our defense capability that were mandated by the American people in 1980. While we will continue to make progress in this bill, we are now at least 1 year behind the financial program set by this administration in 1981, and we are much closer to the program left behind by the previous administration—a program which had been perceived as insufficient during the 96th Congress.

Having reviewed the committee recommendations by major appropriations, I should also summarize committee action in the major mission areas.

The Senate Armed Services Committee has consistently placed high priority on achieving efficient production rates for our tactical systems. This year, despite the significant reduction in the overall spending level, we have recommended production levels for most of the major tactical systems which protect that management objective. In many cases the committee elected not to accept reductions proposed by the administration that would have followed the business as usual approach of stretching out production rates and increasing unit costs.

For example, the administration's revised budget included just 600 M-1 tanks, but the committee has recommended procurement of 720. Similarly, the committee recommends procuring 144 Apache helicopters—as originally requested—rather than 112 as proposed in the budget amendment. In the case of the Apache helicopters rejecting the administration's proposal will avoid a $1.2 million increase in the unit cost of the helicopter.

However, the committee did recommend some reductions in major programs on purely budgetary grounds. Changes in the Patriot, Bradley, and Divad programs will increase unit costs and total program costs. Knowing that changes of this kind represent false economies, the committee nevertheless accepted these costs increases in order to insure that the Army's overdue modernization program stays on track.

In the tactical accounts, savings were achieved by reducing advance procurement funding and by slowing the rate of growth in the spares, modifications to existing aircraft and other procurement accounts. Additionally, over $340 million was saved as a result of the favorable outcome of the Air Force alternate fighter engine competition.

In the area of sea power and force projection, the committee recommends authorization of 26 ships, of which 21 are new construction and the balance are conversions, reactivating, or part of the life extension program. The committee disagreed slightly with the Department and approved four SSN-688 *Los Angeles* class nuclear-powered attack submarines, instead of the three requested in the administration's May budget revision. The committee also approved three CG-47 *Aegis* class guided missile destroyers. Mr. President, these ships are both capable and extremely cost effective and will help provide the added firepower to the fleet that is needed to face a growing and more technically competent adversary at sea.

Over the past several years, the committee has placed high priority on force projection programs in light of the imbalance between our combat forces and their capability to deploy in a timely manner during times of crisis. This bill contains $5.77 billion for force projection programs, primarily airlift, sealift, and amphibious shipping. There are three key airlift programs: procurement of eight C-5B's and eight KC-10A's and expanded research and development of a new airlift aircraft, the C-17. Efforts to augment strategic sealift are continued through the acquisition of militarily useful commercial ships for the Ready Reserve Force. Force projection funding continues to emphasize the need to expand amphibious shipping capabilities. Two LSD-41 class landing ship docks are recommended for procurement as well as advance procurement for the second LHD-1 assault ship.

With respect to strategic programs, the committee continued to support the modernization program and the recommendation of the Scowcroft Commission regarding the important linkage between modernization and arms control as well as the long overdue requirements to upgrade our strategic command control and communications. The fiscal year 1985 request represented the peak funding year for strategic programs as a percent of the DOD total, and yet this percentage represents only about 14 percent of the Department of Defense total.

The committee recommended an authorization for procurement of 21 Peacekeeper (MX) missiles, a reduction of 19 missiles and $555 million from the original request. This action was taken in view of budgetary constraints, and the need to maintain strong bipartisan support for this important program. Procurement of Peacekeeper missiles, without the restrictions that have been the focus of House debate, is viewed by the committee as essential to our strategic arms negotiating efforts. We must not reward the Soviets for their unwillingness to negotiate by unilateral reductions and restraints on U.S. strategic programs, particularly the MX. The committee also endorsed most of the Air Force's plans for the small ICBM programs and for related survivable basing efforts.

The two-bomber approach to the modernization of our strategic bomber force continued to have the strong support of the committee. All funds for B-1B research and development, procurement of 34 B-1B bombers, and B-1B advance procurement was recommended for authorization, as was the full amount requested for the advanced technology bomber. Included in the bill is language that restricts the use of fiscal year 1985 funds for research and other activities associated with more than 100 B-1B bombers, or their derivatives.

The committee strongly supported the thrust of the President's strategic defense initiative, with its goal of moving away from our current sole reliance on offensive retaliation for deterrance, especially in view of the Soviet efforts to expand their antiballistic missiles capabilities. The committee believes that further reductions in this program, beyond the $150 million already recommended by the committee because of budgetary considerations, would have the effect of curtailing programs that have enjoyed the bipartisan support of Congress in past years, and are essential on their own merits, quite aside from their application to the President's strategic defense initiative.

The committee recommended authorization of the full amount requested for the U.S. antisatellite system. In addition, the committee endorsed language that modified the Tsongas amendment passed last year while retaining the important linkage between arms control and the continued testing and development of the U.S. Asat miniature homing vehicles. The committee received much testimony this year regarding Asat verification and Asat definition issues that changed considerably the basis on which the Tsongas amendment had enjoyed widespread support.

The committee reluctantly deleted all production funds requested for chemical weapon components and related production facilities in recognition of the political reality that in an election year, it is unlikely that the Congress would be willing to take a favorable position on this critically important issue.

In the areas of preparedness, the committee is recommending real growth of approximately 6.5 percent in operation and maintenance over the fiscal year 1984 program. The committee approved the expanded flying-hour and training programs contained in the February request, and rejected proposed reductions in the Army's ammunition program. Of the $2.5 billion recommended for reduction in O&M, approximately 35 percent is related to pricing changes in foreign currency and fuel which will have little if any impact on preparedness programs.

In manpower and personnel, the committee approved a military pay raise of 4 percent except for E-1's with less than 4 months of active duty whose pay would not be increased. The committee recommended a reduction of just over 10,000 active duty personnel from the February request of about 2.2 million, but authorized an increase of more than 44,000 in the Selected Reserves. The committee also recommends the extension of enlistment and reenlistment bonuses through fiscal year 1986.

With regard to military construction, which is found in title II of the bill, the committee has recommended a reduction of $1.2 billion from a request of $10.5 billion. In so doing, many justified construction projects have been deferred but this is inevitable when reductions of this magnitude are necessary.

Title III contains the authorization for those defense programs conducted by the Department of Energy. These programs, for the most part, deal with R&D and production of nuclear weapons. Reductions of $461 million are recommended from a budget request of $7.8 billion. In a significant provision the bill will require the Department of Defense to budget for these programs and to reimburse the Department of Energy which will continue to execute the programs just as they do now. The purpose of this provision is to build increased cost discipline into the warhead programing process.

Finally, Mr. President, the committee has also incorporated a number of provisions relating to defense procurement. These provisons are intended to improve the acquisition process of the Department. The committee has recommended changes to the present warranties law, has proposed a number of actions intended to address the spare parts problem and has required that program managers serve for at least 4 years. The Congress has been quite active in this area over the past 2 years and I would urge my colleagues to review the committee report to familiarize themselves with these recommendations.

I believe I speak for those members of the committee on both sides of the aisle in urging restraint against further amendments in this area. We do not need more legislation. Indeed, Congress itself is the cause of much of the bureaucratic inefficiencies about which we so often complain.

Mr. President, the consideration of this and other authorization bills has once again been delayed while the Senate wrestled with overall budget packages. There are not many legislative days remaining in this session. We must now act on this bill in order to allow the appropriation bills to proceed.

I hope we can complete this bill by Thursday night of next week, and I intend to do everything I can to expedite matters on the floor, to try to complete action by that time, so that we have enough time remaining to go to conference with the House and get a bill to the President by the Fourth of July recess.

It has been outrageous, unexplainable, and an all too common happening that Congress has been unable to complete its work in a timely fashion, and I fear that we are destined for yet another continuing resolution with all of its inefficiencies. This simply validates the need for substantial congressional reform which I have suggested on other occasions, and which I believe my distinguished colleague, the ranking minority member, also has suggested rather strongly. I think he and I are tuned to the same frequency on many of these suggestions.

Given the House bill that passed just last week, I can already anticipate that a difficult conference lies ahead. Chairman PRICE and I are determined to make every effort to complete conference on the defense authorization bills before the Fourth of July recess. So I reemphasize, Mr. President, that this means that the Senate must move quickly in its consideration of the bill.

This is an election year, and we can expect many amendments; but I urge my colleagues who may wish to offer amendments to consider them very carefully. If they must offer amendments, they should offer them as soon as possible so that we may proceed in an orderly fashion with this bill and with other vital Senate business that awaits the disposition of this bill.

Mr. President, at this time, I yield the floor, and I suggest that the Chair recognize the distinguished ranking minority member, Senator NUNN, who, together with his staff and very capable minority staff director, Arnold Punaro, has been a pleasure to work with. Senator NUNN is thoughtful, knowledgeable, asks all the right questions, and, most important, tends to avoid the natural tendency toward partisanship, which he and I agree should have no place in important matters of national security and foreign policy.

Mr. NUNN. Mr. President, first, I congratulate the chairman of the committee on doing a very thorough job in presenting this bill to the Senate, including not only the presentation of the bill but also the hearings which have been conducted at the subcommittee level and the full committee level, with full cooperation flowing from the majority to the minority. We are grateful for that cooperation, and we hope we have reciprocated. We intend to reciprocate.

I certainly endorse the view of the Senator from Texas that we need to make every effort to eliminate partisanship in the defense arena so far as humanly possible. We have tried to do that on the minority side, and we will continue to do that.

I note that this is Chairman TOWER's final authorization bill that he will be presenting to the Senate, at least on this side of the river. What the future may hold for him, I do not know, but I submit that he has the background and knowledge that are indispensable in the defense arena. I hope that, whatever the future holds when he retires, at the end of this session, he will continue to involve himself in the defense arena and our foreign policy arena as well as in the overall involvement of every aspect of government, because his talent, wisdom, and experience are indeed national assets. I will have more to say about Chairman TOWER as the bill continues.

We will certainly find ourselves in agreement on a number of issues, and I am sure we will inevitably find ourselves in disagreement on some. But I am proud to have served as the ranking minority member, and I thank Senator TOWER for his courtesies and his consideration. I also thank Jim McGovern and all the capable staff on the majority side for their splendid cooperation. I might note at the outset that the majority and minority staffs, primarily the majority staff, have done an extraordinary job in the whole area of defense reorganization. I am sure we will have a debate on that matter this week or next week. I understand that Senator EAGLETON has an amendment on that. It is an enormously complex but very important problem.

Senator TOWER and I have tried to work together in this area. We have succeeded so far. I hope we will be able, during this year, to conclude and present to our colleagues, a joint bill for their consideration.

We may get to some of these issues during this bill, but again, I wish to congratulate the majority staff for a splendid job of pointing out the various options in this area, not only in the area of the Joint Chiefs, but also in the whole area of defense, Defense Department itself, the organization the chain of command, the procurement area, the budgeting area, the very important link between the Joint Chiefs and the Department of Defense, and our commanders and chiefs out in the field who basically run our military forces on a joint basis.

All of these have been addressed and I think that product will serve us well while we are deliberating both on this bill and in conference as well as hopefully later this year on a bill that would address just this subject.

Mr. President, I am pleased to join my colleague, the distinguished chairman of the Senate Armed Services Committee, Senator TOWER, in bringing the Omnibus Defense Authorization Act for fiscal year 1985 to the floor.

This bill provides authorization for most all of the major functions under the jurisdiction of our committee, to include the Department of Defense, the Department of Energy nuclear weapons programs, and the annual military construction budget.

The committee has followed the practice of previous years in presenting this bill and has marked the authorization for budget function 050 to that level approved by the Senate at the time of our markup. At this point, the Senate has approved a budget resolution number of approximately $299 billion. The Congressional Budget Office has indicated that the bill we will be debating on the floor comes very close to meeting this target when all the various elements are considered. From the outset this year, the committee had a goal of providing a bill that came as close to the budget resolution number as possible. I recognize that the budget conference is just getting underway and that there may be a different first resolution budget number available within the next several weeks. However, there are considerable uncertainties associated with this prospect. Should a final number become available, I believe there are a number of ways that the defense bill being debated at this time can be adjusted, from a committee amendment to adjusting to the House version in conference which is at this time over $5 billion lower than the authorization bill we are presenting to the Senate for deliberation.

I personally believe that it is important that the authorization bills, although technically perhaps not bound by the budget authority targets in the budget resolution, depending upon the interpretation, nevertheless, that they should conform as closely as possible to that number.

As the major policy bill relating to our national security, it is also important that this bill be passed and enacted in law as soon as possible, as Chairman TOWER has already pointed out. It is because of the compressed nature of the remaining weeks in the legislative schedule during this election year and convention year and the fact that we must go to conference with the House of Representatives which has just passed a bill with significant differences. It is for those reasons that we need to move this bill through the Senate as soon as we can, given the complexity of the bill. I know it is going to take several days of debate. I do not think we should shortcut that debate.

But I do join the chairman in his hope that we will be able to conclude the bill certainly by the end of next week.

The chairman has provided a significant amount of detail on the contents of the bill, and I will not attempt to duplicate what he has already covered. I would, however, like to provide my views on some of the highlights and some of the trends in the defense area.

In the bill we are reporting today, the overall reduction in operation and maintenance recommended by the committee is less than the O&M reduction included in the President's Rose Garden compromise list of budget reductions, and I find that a positive contribution by the committee. The President's budget reductions included cuts in some very important conventional munitions programs, army training ammunition, the Air Force's combined effects munition, the TOW 2 missile, and the Hellfire missile, which the committee did not accept.

The committee was also able to avoid making some of the O&M reductions recommended in the President's Rose Garden compromise that would have had the most direct impact on readiness. For example, the committee did not adopt the reductions proposed by the President for the Air Force and Navy flying-hour programs, for the deferral of an overhaul on a strategic nuclear submarine, for certain Army logistics programs, or for deactivation of the Army National Guard Roland air defense unit.

If the ultimate level of defense spending for fiscal year 1985 is lower than the level contained in this bill—as it almost certainly will be—I hope Congress will continue to make an effort to balance any further reductions so that readiness and sustainability do not take a disproportionate share of the cuts.

In the nuclear area, I continue to believe that the defense budgets of the last several years have a heavy overemphasis on nuclear programs. This must be an increasing concern as the budget levels are now being reduced and the strategic programs are being fenced more than any other part of the defense bill.

I wish to highlight one action in this area taken by the committee, and that is the full support of the needed funding to keep the advanced technology bomber and the advanced cruise missile on track and on schedule. These very important high-leveraged military programs are under increasing pressure because they are a part of an overall strategic package that is obviously larger than this size defense budget can sustain and maintain a balanced program.

These are the programs that are under pressure. The House of Representatives has made certain cuts in this arena, and I am delighted that the committee rejected those cuts. I hope we will continue that position in conference.

This bill does make it clear that the committee intends that these programs go forward on the planned schedule and that they enjoy and receive a very high priority in the overall strategic modernization program.

I know that Senator ROBERT BYRD from West Virginia, our minority leader, is very interested in these programs and I am certain that he and I and Chairman TOWER will have a dialog before this bill is concluded pointing out what has been done in this arena as well as what the House of Representatives has done.

In the conventional area there are several actions of note. In terms of the key joint programs needed to improve conventional capability in NATO, I know the committee was concerned about the slow pace of the efforts on the joint tactical missile program, the joint target and attack radar system, and the joint tactical fusion program. These programs are needed to support the key goal of detecting, delaying, and, if necessary, destroying Soviet follow-on forces in the event of a Warsaw Pact attack on NATO. Only the joint tactical fusion program appears to be moving forward with any sense of purpose and dedication.

The JSTARS programs have been beset by problems, not with the radar itself, but rather with the selection of the aircraft to carry it aloft. The Army and the Air Force, however, have recently come to a decision to merge their requirements and to use the same platform. The committee now hopes and expects that they will now move out smartly on this program.

No such agreement has been forthcoming on the joint tactical missile. Nearly 2 years has elapsed since the assault breaker technology demonstration program showed the potential of ballistic missiles with smart submunitions to attack vehicles at a distance. Despite overwhelming congressional support, despite DOD prodding, despite authorization and appropriation of substantial sums, the Army and the Air Force have been dragging their feet. In this bill, we have attempted to resolve problem areas and provided for a trial separation for the Army and Air Force rather than requiring that all elements be completely joint and identical.

I believe the committee has given both the Army and the Air Force the latitude they need to pursue their own unique requirements. However, this bill serves notice to both services the committee feels there has been too much footdragging on improved conventional capabilities.

I believe the committee has dealt with the joint programs fairly and realistically; we have given the services latitude to proceed down the paths they want to follow, and we will now closely monitor how vigorously they will travel down these paths.

I also note one action taken by the committee in the manpower area. The fiscal year 1984 Defense Authorization Act mandated a 5-percent reduction in the level of management headquarters staffing in the Department. The committee's review found that the implementation of this reduction by the Defense Department was somewhat uneven and using my own words halfhearted.

In order to keep the pressure on the Defense Department to reduce unnecessary overhead functions and to increase the number of personnel in actual operating activities at the expense of administrative activities, the committee bill recommended another 5-percent reduction in management headquarter staffing from the level contained in the President's fiscal year 1985 budget request.

We should also note the major effort and initiatives by the committee in the defense procurement area. I commend Chairman TOWER for organizing an ad hoc task force on procurement which was headed up by Senators DAN QUAYLE, on the Republican side, and CARL LEVIN, on the Democratic side. This task force spent untold hours in any number of hearings looking at some of the key procurement issues before Congress to include warranties, small business involvement in procurement, spare parts, and how DOD reports to Congress on procurement matters. The committee has acted in many of these areas and has incorporated a number of key changes in this bill which are highlighted in our report.

I also point out a provision in the bill that requires a mandatory tour length for defense program managers of major weapons systems.

This is a provision I sponsored, together with my colleague from Virginia, who is here in the Chamber, and we take note of his successful landing in Normandy and his successful return to the States with great pleasure. Senator WARNER and myself think this is a very important provision. We have found a number of problems in the very short tour and very rapid turnover for those military officers who are in charge of procuring major defense systems such as our ships, planes, tanks, and missiles. It would also require that the senior military officers heading up the major procurement commands such as the Air Force Systems Command and the Navy Material and Readiness Command would also have 4-year tours. One of the key problems we have noted over the years is the turbulence in the procurement business caused by the rapid turnover of personnel.

The committee received testimony this year that the average tenure of program managers for the Army's current selected acquisition report (SAR) systems is 2.2 years; for the Air Force's current SAR systems, 2.3 years; and for the Navy's current SAR systems, 3 years. I believe the minimum tour lengths mandated by the committee will help bring stability and accountability to the defense acquisition process.

I continue to have concerns about the overall trends in the defense budget.

When the committee began its hearing cycle back in February, I raised several questions that I felt the committee should pose prior to reaching any final decisions on this year's defense budget.

I raised the question of what the Defense Department has done with the large increases in funding it has received since fiscal year 1980. From fiscal year 1980 through fiscal year 1984, DOD's budget authority has increased by about $116 billion, for a real growth in budget authority of approximately 40 percent.

There is no doubt that, as General Vessey has stated—"We have a more capable and more ready force than we did 3 years ago." The real question in my mind is whether the overall improvements in capability and readiness have been commensurate with the significant increases in funding. For example:

There has been little significant change in the size of our force structure over the last 3 years.

Increased funding for munitions and spare parts has improved the sustainability of our forces in the last 3 years, but in many areas we are still less than half way toward achieving our near-term sustainability objective. Dr. Larry Korb, the Assistant Secretary of Manpower, Installations and Logistics, said earlier this year that "the forces assigned to our unified commanders are not as sustainable as they should be and will not be for the foreseeable future." Dr. Korb went on to say that he was "not satisfied that an ideal balance has been reached" between weapons production on the one hand and the ammunition and secondary item war reserves essential to sustainability on the other hand. I agree with Dr. Korb's assessment. The committee in this bill has attempted not to exacerbate this problem.

The question of whether our forces are more ready than they were in 1980 has gotten a lot of attention. Let me say that there is no doubt in my mind that our forces today have fewer deficiencies in readiness than they did 3 years ago. The Department of Defense has recently completed a major study for our committee in this area, and it points out the many areas of substantial improvement. However, even with this, the readiness picture across all of the military services today is a mixed bag. Some readiness measures and indicators show steady improvement over the last 3 years, others show little or no improvement, and some indicators have actually declined.

In summary, I believe the jury is still out on the question of whether the overall improvement in our military capability has been commensurate with the increases in funding, and whether that funding has been applied in a balanced way.

Another question which continues to concern me, is the question of relative priorities within the defense budget. If present trends continue, we are going to continue procurement of strategic nuclear systems at the expense of our convention capability, and we will not strike the right balance between procurement of new weapons systems and funding for the readiness and sustainability of our forces today. Let me just cite a few trends based on our hearings and on DOD figures which lead me to this conclusion.

The area of largest growth in the defense budget has been strategic forces. From fiscal years 1981-84, the portion of the defense budget allocated to strategic forces has experienced average annual real growth of 27 percent, compared to 8.5 percent for general purpose forces, and 9 percent for the defense budget as a whole. This is a cumulative real growth of 81 percent.

I should point out that this 27 percent figure does not take into account the 15.5 percent average annual real growth in the Department of Energy nuclear weapons budget, or the substantial amounts of money in R&D for weapons life the B-1, MX and the strategic defense initiatives, nor does it include theater nuclear forces.

In fiscal year 1981, procurement for strategic forces accounted for 10 percent of the procurement budget. By fiscal year 1984, strategic forces accounted for almost 19 percent of the procurement budget, a 90 percent increase.

Many of us are concerned that spending for some of the current strategic programs, especially as the budget is reduced, is crowding out spending for conventional improvements, readiness, sustainability and the highly classified advanced technology programs, particularly some that are highly classified. I remain concerned about recent efforts by the Air Force to cancel or cut back some of these promising advanced technology programs. This action has been turned around by Secretary Weinberger and this committee, but it does signal the problems in this area. And we will have some very hard, tough problems in conference in this area with the House.

Finally, regarding the relative allocation between procurement and operating costs, the average annual real growth in procurement as a whole between fiscal years 1981-84 has been 17 percent, compared to only 6 percent for operations and maintenance.

I also posed the question in February about whether any meaningful improvements in defense capability, strategy formulation, and prioritization of resources were possible without some reorganization of the Department of Defense, and I should add the congressional procedures as well. I have already complimented Chairman TOWER and the staff of the Armed Services Committee for completing a major study on the current organization of the Defense Department. The staff worked extremely hard on this project while keeping up with the committee's large workload. Again, I pledge my continued support and cooperation to the chairman in pursuing the issue of DOD reorganization which he very appropriately got underway. I know that the House has added some reform provisions to their bill, and I expect that Senators will want to discuss this issue with us while our bill is on the floor.

In conclusion, Mr. President, I would be remiss if I did not note that this will be Chairman TOWER's final defense authorization bill presented to the Senate. I have served on the committee for only about one-half of his 24 years of dedicated service. In my view, this body owes him an unpayable debt of gratitude for his years of leadership and efforts to insure this country had the national security it needs to deter aggression and to protect our vital interests.

He is truly deserving of all the accolades coming his way, and more, as he closes out his Senate career. I am hopeful and confident that this expertise and leadership will not be lost.

Mr. TOWER. Mr. President, I wish to thank my distinguished friend and colleague, Senator NUNN, for his very generous remarks about me. I hope that all of my colleagues will have the same sense of approbation once we have completed action on this bill and on the appropriations measure.

But I would like to say that it is sort of nice to be able to hear these nice things about one's self in the Senate. It is almost like having the privilege of reading your own obituary, but I hope that that final note will not be written for some years yet, even though I am leaving the Senate.

Mr. GOLDWATER. Mr. President, I would first like to commend my colleagues on the Committee on Armed Services for their thorough and expeditious consideration of the bill. I wish to give special recognition to the very important contributions made by the staff, both the majority staff and the minority staff, and also especially to the ranking member of the Tactical Warfare Subcommittee, Senator TED KENNEDY. Since joining the committee, Senator KENNEDY has become one of our most effective advocates for the modernization of our conventional forces. I sincerely appreciate Senator KENNEDY's support in these efforts—it has been a genuine pleasure working with him on the subcommittee.

Mr. President, I direct my next remarks to the distinguished chairman of the Senate Armed Services Committee, Senator JOHN TOWER. This is, of course, the last defense authorization bill that will benefit from his extraordinary leadership as the committee chairman. This is not the time for a lengthy eulogy praising his contributions to the work of the Senate, or his untiring efforts on behalf of our national defense for the past 24 years—there will be other opportunities for that. Today I will simply say that during the past 31 years that I have been in the Senate I have seen a great many very capable chairmen, but none more able or effective than the distinguished Senator from Texas. I think, without question, he is the very best. I might add, Mr. President, although there is a lot of question of what I might have contributed to this group during my stay, I personally would choose as the shining example the small amount of help I was able to contribute to the election of JOHN TOWER of Texas.

Mr. President, our deliberations over the defense authorization bill have been careful and thorough. I believe this bill represents a proper balance of our defense expenditures among the requirements for tactical and strategic modernization, readiness and sustainability, research and development, and manpower initiatives. This bill does not, however, accomplish everything that needs to be done—but, in the face of current budgetary constraints, it does represent a proper balance.

Wherever practical, we have maintained the production rates for tactical systems at levels equal to or greater than those achieved last year. In many cases, we rejected the administration's recommendations to reduce production rates—as proposed in the budget revision, in order to avoid the inefficiencies and cost penalties associated with program stretchouts. For example, as the chairman has already noted in the case of the Army, we have recommended a procurement rate of 144 AH-64 Apache helicopters—as originally requested—rather than the revised proposal of 112. In the case of the M-1 tank, the revised budget proposed to procure 600 tanks, we have recommended a level of 720. For the Navy, we have recommended approval of the administration's request to procure 84 F/A-18's and a total of 203 other Navy aircraft.

For the Air Force, we have recommended the procurement of 150 F-16's and 42 F-15's, six fewer than requested by the administration.

Mr. President, this bill represents a significant contribution to our efforts to rebuild America's defenses but, Mr. President, we still have a long way to go. But we are making good progress. Today's military services are better manned, better equipped, better trained, and better led than they have ever been.

Mr. President, I want to emphasize that. I have spent almost my entire life exposed to the military. I can say without any question in my mind that I have never seen this country better prepared for the eventuality of war, or a more universal feeling amongst the military that there are better answers to our problems than war. But to assure the American people contrary to some of the distortions practiced by our media, both printed and TV and radio, I make the flat statement that this country has never been as well prepared as it is today, even though in many categories by potential enemies we are outnumbered in tactical equipment, strategic equipment, and particularly in naval equipment.

But, Mr. President, what very few people realize, which was brought home to us in the last week by the 40th observance of the landing at Normandy, is the fact that one American military man in my opinion is equal to 10 of any other nation. American men do not have to be led. They are guided by purpose. They are guided by their patriotism and their loyalty to their country.

In that connection, Mr. President, in closing I have just read a very interesting article in the Military Review, which is the professional journal of the U.S. Army, paying recognition to the fact that in essence war has changed. We have not changed the basic concepts, though, of Clausewitz, nor Wellington, nor Napoleon, nor the developments of some of our great generals, but we have recognized that any future war is going to require decisions made even down to the level of the lowest noncommissioned officers. We are going to have to increase and place more emphasis upon our military academies, upon our schools where our noncommissioned officers are trained, because we will see decisions being made, if we ever have to go to war, by men who have never before been expected to be in that position.

I am particularly concerned about this because we still have a tendency in our country—somewhat in our military—to cling to the concept that we are going to fight a future war, if we are going to fight a future war—if we have to—pretty much on the same bases as our last wars or wars in the history have been concerned. This article is the result of a comment on the New Army Field Manual, (FM) 100-5 any anybody who has ever served in the infantry can remember (FM) 100-5. It is probably the most confusing bit of writing ever done. But this has been completely rewritten. I ask unanimous consent that the article as I have marked appear in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESENT WARTIME TRAINING AND EDUCATION REQUIREMENTS

One by-product of the recent revision of Field Manual (FM) 100-5, Operations, was a better appreciation of what the combat competency of battle leaders must be. It is clear that Airland Battle doctrine cannot be executed by Army leaders who do not understand the human dimension of combat, are not trained in the proper employment of modern hardware and systems, and are not educated to employ them with sound judgment.

ROLE OF LEADERSHIP IN BATTLE

Studies associated with the development of the new FM 100-5 show that the outcome of battle is as often determined by differences in intangible factors—such as leadership, courage, skill and unit cohesion—as by numbers and mechanical factors. In the FM, it states:

> The appropriate combination of maneuver, firepower and protection by a skillful leader within a sound operational plan will turn combat potential into actual combat power.
>
> Leadership provides purpose, direction, and motivation in combat. . . . While leadership requirements differ from squad to echelons above corps, leaders must be men of character; they must know and understand soldiers and the physical tools of battle; and they must act with courage and conviction. The primary function of leadership is to inspire and to motivate soldiers to do difficult things in trying circumstances.
>
> Leaders must set the preconditions for winning.
>
> As battle becomes more complex and unpredictable, decisionmaking must become more decentralized. Thus, all echelons of command will have to issue mission orders. Doing so will require leaders to exercise initiative, resourcefulness, and imagination—and to take risks.

FM 100-5 appropriately recognizes the crucial role of all leaders on the modern battlefield. Leadership has always been crucial. But there was a time in the history of war when a few outstanding leaders could single-handedly affect the behavior of many. Picture the 1st Duke of Wellington at the Battle of Waterloo personally encouraging his troops, and remember the difference Napoleon Bonaparte's presence made in the performance of his soldiers. Soldiers still need that kind of leadership except that the compartmented nature of modern war demands many and much more junior Wellingtons and Napoleons.

The requirements for dispersal and rapid concentrations, for high-speed attacks and for resolute defenses by scattered smaller units place much more emphasis on lower level leadership. We should recall that General S. L. A. Marshall's studies of the US Army in World war II and Korea revealed that a large number of soldiers became passive and ceased to fight when leaders could not or would not lead in person. The degrees of dispersion required today compared to then will increase this leadership challenge. Also, as units become more capital intensive—more heavy weapons per soldier—we must rely more heavily on the individual battlefield contribution of each fighting man. For these reasons, the quality of leadership at all levels may be the *sine qua non* on the next battlefield.

NEW AND UNIQUE BATTLEFIELD CONDITIONS

The conditions of modern battle differ vastly from those of earlier wars. These new conditions are described succinctly in the new FM 100-5. We must be prepared to fight campaigns of considerable movement, complemented by intense volumes of fire and complicated by increasingly sophisticated and lethal weapons used over large areas. Air and ground maneuver forces; conventional, nuclear and chemical fires; unconventional warfare; active reconnaissance, surveillance and target acquisition efforts; and electronic warfare will be directed against the forward and rear areas of both combatants.

Such conditions are difficult to replicate short of actual combat against a major power. Neither field training exercises nor simulation-based command post exercises can acquaint us with all dimensions of modern battle. The full impact of these conditions, taken together, are difficult to imagine, much less to understand. But their study is imperative. In the next war, the advantage will go to the side which has best thought through the implications of such battlefield conditions and best prepared its force to deal with them. It is difficult to say which of the following characteristics of modern battle will prove to be the greatest challenge:

Opposing forces will rarely fight along orderly, distinct lines. Massive troop concentrations or immensely destructive fires will make some penetrations by both combatants nearly inevitable. This means that linear warfare will most often be a temporary condition, at best, and that distinctions between forward and rear areas will be blurred.

To fight and win under modern conditions, commanders and staffs must rapidly concentrate potent modern ground and air units at the decisive point from dispersed locations and disperse them again to avoid lethal counterstrikes.

They must understand the capabilities and employment of complex surveillance, target acquisition and communications systems and their implications for both combatants.

Nuclear weapons are proliferating to more and more potential adversaries. Our principal adversary, the Soviet Union, is likely to use such weapons in any major confrontation with the Western powers. This likelihood alone means that operations which ignore the effects of these weapons on battlefield schemes can no longer be conducted.

The growing number of nations which can employ and are apparently willing to use chemical weapons forces us to face the stark realities of combat on a battlefield where chemical weapons have been used or are likely to be deployed. Commanders and staffs must understand chemical protective measures and countermeasures and the impact chemical weapons will have on military operations.

Electronic warfare, the vulnerability of command and control facilities and mobile combat will demand resiliency and flexibility of command and control means and methods and extreme resourcefulness of commanders and staffs at all levels.

As combat in builtup areas becomes more unavoidable in Europe and combat in vast arid regions over extended frontages becomes more probable, new and different demands are placed on the skill, training and education of officers to deal with these environments.

Mr. GOLDWATER. Mr. President, I close by urging my colleagues to put aside partisan interests, and make sure that this country continues to make the progress it has to make in order that we may keep peace in this world by providing the strength by which peace is kept.

I yield the floor and thank the chairman.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to join my distinguished colleagues today in extending a most appropriate commendation to our chairman, Senator TOWER, and the ranking member, Mr. NUNN; and, also observe the absence on the floor of the late Senator Jackson who played throughout my brief tenure in the Senate a critical role in all of these debates.

In the forthcoming debate on this bill, Mr. President, I perceive the battleground being in the strategic area as raised by the chairman and the ranking member.

I should at this time like to express my appreciation to the ranking minority Member, Mr. EXON, for his work through many, many long hours of hearings on the strategic section of this authorization bill.

Mr. President, I will enter into colloquy with the ranking member of the committee shortly.

The question that I want to raise with Mr. NUNN relates to the statements on his opening remarks contained on page 11 in which he cites the historic growth of the strategic budget. I will accord him the courtesy, Mr. Chairman, of returning to the floor before I continue.

I yield to the distinguished Senator from Texas.

Mr. TOWER. Mr. President, it is my understanding that probably the first amendment to be considered will be one offered by Senator HOLLINGS to express the sense of the Senate that the present requirement for fiscal year 1983, 1984, and 1985, Federal retirees, including military retirees, who are under age 62, is that they shall receive only one-half of the cost of living adjustment as do those of retirees 62 or older.

It is my understanding he is prepared to offer that amendment in a few minutes. I expect there will be a record vote on that amendment. I think within the next hour or so we can expect a record vote.

I will serve notice on my colleagues that that is likely to occur.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the distinguished ranking member of the committee, Mr. NUNN, has returned to the floor. I would like to engage with him in a brief colloquy with respect to his observations on page 11 of his statement just provided to the Senate.

This historical review of the growth in the strategic portion of this budget I believe to be accurate. But I do believe that we have an obligation to point out to our colleagues that the peaking of the request for strategic funds in fiscal year 1985 comes about as a result of many program initiated, under previous administrations. For example, for the MX program, while we have had changing views with respect to the basing mode, nevertheless the missile and the larger parts of that budget for the MX were initiated under a previous administration.

Also the Trident submarine, another substantial part of the strategic, long-range program, has been carried through by several administrations. I am referring to the justification for the modernization of the sea leg.

On the B-1 program, I believe the B-1 was entirely the initiative of President Reagan.

In the strategic defense initiative program, as referred to by President Reagan, if you trace back many of those programs, they likewise were initiated under previous administrations. While the figures are classified and we are not at liberty to discuss them here today, I think once debate is engaged on that subject, we can show that parts of that budget item were initiated under the previous administration.

Then we proceed to the ATB. Senator NUNN pointed out that he and I joined together to restore cuts proposed by the House in their bill, but, again, that program originated in the previous administration.

For fear that there might be a misunderstanding—and I do not suggest that the ranking member in any way suggests that in his statement—this is not a political or a Reagan problem; this is a problem that has been generating for a long time. This Nation determined during the 1970's that our overall strategic posture was adequate and we did not need to proceed with modernization programs of any great consequence.

In sharp contrast, the Soviet union initiated an enormous modernization program. It is that Soviet program that we are now endeavoring, as a nation, to regain some parity with as we enter the next century.

It is my view that the battleground, as I said, with respect to this bill will be fought in the strategic area.

I have the tentative list of amendments before me and there are a number of amendments relating to the strategic program.

Therefore, I ask my distinguished colleague from Georgia whether or not he concurs with my observation, that the purpose of his important historical recitation on pages 11 and 12 was not for the purpose of just informing the Senate or indicating that he has any desire to cut substantial dollars from the fiscal year 1985 program. Senator NUNN and I, together with Senator EXON, recommended to our colleagues a reduction in the program for the MX missile from the administration request of 40 down to 21, the concept being that we would provide the President with essentially the same package on the MX that the President received from the Congress last year, enabling the President, hopefully, to return to the negotiating table with the Soviets, assuming his reelection, or, indeed, another President, and that that would give them a stronger posture at that negotiating table.

I yield to my colleague, Mr. President.

(Mr. KASTEN assumed the chair.)

Mr. NUNN. My colleague, the Senator from Virginia, is correct, I believe, in his analysis. I do not disagree with anything he has said.

I might note that I believe the Senator from Virginia was in the meeting on May 3 when Secretary Weinberger spoke contrary to the very accurate description of the Senator from Virginia as to what was going on before this administration took over in the areas of strategic programs, including the MX, which started previous to this administration, the Trident, the cruise missile, many elements of the strategic defense initiative, and the advance technical bomber, all of those starting earlier.

It was interesting when Secretary Weinberger said that nothing was happening in this strategic area until this administration came in in 1981. I gasped when I heard that.

The Senator is correct and the Secretary of Defense was wrong. He unfortunately did not correct his statement of that day. It still stays on the record. I would hope at some later date he would correct it because it is so obviously inaccurate.

Mr. WARNER. If the Senator will yield, the Senator from Georgia is quite correct. He picked up on Secretary Weinberger's statements, laying the blame entirely or almost entirely on the previous administration. The Senator is correct in that, and I support the Senator in his views.

Mr. NUNN. The important thing here is it is not a question of which program is a Carter program or a Reagan program or a Nixon program or a Ford program. They are all U.S. programs and we have to decide how to balance them and what to do with them. In fact, a number of these programs the Senator has listed in fact did not start under the Carter administration but under previous Republican administrations. We have to look at defense over a long period of time. The increasing effort to isolate it over 2 or 3 years and compare a 4-year program to another 4-year program is very dangerous territory and has the danger of being misleading.

I would add two things to the Senator's remarks. There are a couple of areas here. For instance, the B-1 program has been inserted in this administration, as the Senator pointed out. That is not an insignificant amount of money. That is about a $20 billion program. I am not here to argue the merits one way or another of the B-1 at this point in the debate. I do believe, though, when the administration came into office and they put that new program in, in addition to all of the other ongoing initiatives which we have talked about in the strategic arena, they should have taken a look at what had to come out in order to accommodate that.

I also would say the administration has projected the strategic program as a percent of the overall defense budget based on a very robust growth in the defense budget that was their wish but is not going to be reality. I think the Senator from Virginia will agree that we are going to be fortunate over the next 3 or 4 years to have a real growth in the neighborhood of 4 or 5 percent, somewhere in that range. I think we have to take a fresh look at this because with a 10- or 12-percent growth, the percentage that these programs will consume of the defense budget may be acceptable, maybe, but with a 4- or 5-percent growth it may be too much of an impact on readiness of conventional forces and sustainability.

One other area we have to take a close look at is in the strategic defense initiative, even though most of this initiative had started before the President's speech. I may be wrong on this figure, but it is my recollection that the President's budget submission this year called for a very, very large increase. I do not know whether it was 70 percent, but it was a very large increase in the so-called SDI area. I think while we support that—the committee supported it—the committee did cut, I believe, $150 million out of that, and I think the House has cut $400 million out.

Mr. WARNER. The Senator is correct.

Mr. NUNN. I imagine we will have amendments on the floor so these issues will be joined.

In short answer to the Senator's recitation, I agree with his historical recitation. I believe these figures have to be looked at over a long period of time. Most of them had started in earlier administrations.

Mr. WARNER. Also, Mr. President, I bring to the attention of the distinguished Senator the fact that I had the privilege of attending the services in Normandy with the President and others, an occasion that I will long remember. But in a concentrated study that I performed of that historic moment, D-day, and watching a drop of the paratroopers, I was reminded that the United States, together with its allies, flew thousands upon thousands of bomber missions in preparation for that assault.

We pray to the good Lord that we will never as a nation or as a world be involved in a conflagration of that magnitude again. But those who continue to look at the B-1 program are building 100 aircraft and the B-1 has a role, which the Senator from Georgia knows only too well, in conventional preparedness of this Nation.

We are going to have 100 airplanes as opposed to—I shall get the actual number. I know at one time we had, I believe, 8,000 B-17's and a comparable number of B-24's and B-25's. We were dealing in the multiples of thousands of airplanes.

Mr. NUNN. The problem, I might add, Mr. President, is that the 100 aircraft we are building with the B-1 program cost the same as those thousands cost in the old days. That is an area the Senator from Arizona (Mr. GOLDWATER) has spoken to very often. It is a challenge to all of us to know how we are going to compete, both in the quality game and the numbers game. That is becoming increasingly difficult.

Mr. WARNER. Americans should understand that our bombers in the multiples of thousand were necessary to prepare for that engagement. In addition, we have a B-52 force of about 260 planes that are a quarter of a century old. While they can still perform some missions in the case of a conventional deterrent, which we may be called upon to perform, the overall bomber force is composed of aged B-52's.

So our defense rests on the B-1, the MX, Trident, and the advanced technology bomber. I note the distinguished minority leader (Mr. Byrd) is apparently going to offer an amendment, I presume, to corroborate what the Senator from Georgia and I did in the various markup sessions.

Mr. NUNN. That is correct. I think the Senator wants to strengthen the position so we will go in very tough in the conference on the ATB and I look forward to it.

Mr. WARNER. I agree with the minority leader on that subject. I just do not want to leave the impression with our colleagues that there is a surplus of funds in the strategic account that the Senator from Georgia and I and others have not looked at very carefully to try to remove any surplus, to the best of our collective judgments.

While we must address the balance between the strategic defense expenditures versus the conventional expenditures, these are the programs that have been in existence for a substantial amount of time. A great deal of thought has gone into it, and I do not think it is a fertile time for substantial cuts.

Again, I note the presence on the floor of the distinguished ranking member of the Subcommittee on Strategic Forces (Mr. Exon). I wish again to express my appreciation to the Senator for his long and hard work in this area and I look forward during the course of debate on this bill to joining him in assisting our colleagues to reach the proper judgments.

Mr. NUNN. I thank my colleague from Virginia. I think this dialog will have a helpful effect in terms of the overall debate. I think he has framed it very well.

I join the Senator from Virginia in commending the Senator from Nebraska (Mr. Exon) for his exemplary services as ranking minority member of the Strategic Subcommittee. He has worked many, many hours very effectively, very strenuously. I think there has been splendid cooperation between the Senator from Nebraska and the Senator from Virginia.

As a member of the Armed Services Committee, I am very proud of the splendid work done by the Senator from Nebraska and I am also very proud of the hard work and the fine cooperation of the Senator from Virginia.

Mr. WARNER. I thank the Senator from Georgia.

I yield to the Senator from Texas.

Mr. TOWER. Mr. President, I have listened with interest to this discussion between the distinguished chairman of the Strategic Systems Subcommittee and the distinguished ranking member of the Committee on Armed Services. The thought keeps recurring to me that it is unfortunate that we even have to have a debate over the allocation of resources between strategic and conventional systems. We should fund our defense requirements to the extent that we do not have such debates. But this dialog illuminates the fact that we are having to pick and choose between and among validated military requirements to stay under certain budget ceilings that have been imposed on defense, ceilings that are based largely on perceptions of short-term affordability and our political comfort at the moment or perceptions of popular opinion, rather than on the basis of requirements which are driven by a rather formidable threat posed to the United States of America and by the growing military power of the Soviet Union and its surrogates and satellites.

Mr. President, I think it is not just the function of Members of Congress to respond to what they consider to be popular at the moment. I have heard some people say the American people will only support a certain level of defense spending or the American people will only support a certain percentage increase in the defense budget. I think in a representative democracy, those of us who are elected are expected to formulate judgments and act on those judgments even if, sometimes, they may be contrary to the popular opinion of the moment or the majority opinion of the moment. After all, we are supposed to be better informed on such complicated matters as the correct mix of defense weaponry than the average citizen. If we are not better informed, we are not doing our job, we are not availing ourselves of information that is readily attainable. I hope that we will in the future formulate defense budgets on the basis of what the requirement is.

I wish the requirement were less. I wish we could effect some reductions in real terms in defense spending and perhaps someday, we can, if we maintain sufficient strength to put ourselves in a favorable negotiating posture with the Soviet Union because, at such time as we arrive at some genuine arms reductions, then and only then can we afford to make serious and significant reductions in the resources that we allocate to defense.

I say one more time, the defense of the United States is the first priority of National Government. There is no higher priority. And it is a function of National Government that is recognized in the Constitution. As a matter of fact, we could, I think, say that the Constitution virtually insists that Congress maintain the Armed Forces. Most of the other things that we spend money on are not mentioned specifically in the Constitution or mandated by the Constitution, as worthy and worthwhile as they may be. Let us all remember that it is only the National Government that provides for the common defense. State and local governments provide many other services in larger measure than does the Federal Government.

I think it is some of those areas that we might look to to achieve economics to try to reduce the deficit, which we all agree and recognize is threatening to the economic health of the United States and must be dealt with in a positive and decisive way, in a way that is free of politics. It may be sometimes, we shall have to ignore the pleas of special constituencies that may be numerous and politically powerful in ordering the proper priorities for national expenditure.

I submit that probably defense is the only public expenditure that benefits every American equally. I guess a case could be made that those who work in defense industries get a little additional economic benefit but from the standpoint of a service provided to the general citizenry, it is defense spending that is perhaps the most democratic in the sense that it affords equal protection to all Americans.

The **PRESIDING OFFICER.** The Senator from Nebraska.

Mr. EXON. Mr. President, I was in my office and heard the most kind remarks by my friend and colleague, the senior Senator from Virginia, the chairman of the Strategic and Theater Nuclear Forces Subcommittee (Mr. Warner).

I appreciated very much his most kind remarks. Of all of my assignments in the U.S. Senate, none has been more rewarding, none has been more challenging certainly, and none has received a greater measure of total cooperation and a total bipartisan spirit than that of my friend from Virginia (Mr. Warner), who chairs that very important subcommittee of Armed Services. I thank very much the chairman of the Armed Services Committee (Mr. Tower), who by his own choice will not be back with us next year. He has been an outstanding chairman of the Armed Services Committee and we are all going to miss him very much. The tremendous responsibility that rests primarily with the Armed Services Committee is going to be more difficult to carry out without the strong leadership and sound head of a man of action, the distinguished Senator from Texas, who I am going to miss. I wish to take this opportunity on behalf of this member of the committee and this Member of the U.S. Senate to salute him once again for the tremendous job he has done in committee.

We do not always agree in that committee, Mr. President, but my experience thus far in the U.S. Senate indicates that there is less partisan bickering, there is more total dedication to the matters that confront us, much of which has just been alluded to very well by the Senator from Texas. We take our jobs very seriously. It has been a rewarding experience to work very hard with my colleague presently on the floor, the Senator from Virginia, and the Senator from Texas.

I also thank the ranking minority member on the Armed Services Committee (Mr. NUNN) for all of the kind attention and consideration he has given me while I have had this opportunity for 5 years plus now to serve on the Armed Services Committee under first the truly distinguished and outstanding Senator from Mississippi as the chairman and ranking Democrat on that committee and now during the last few years under the Senator from Georgia, who is truly an expert on all matters of defense and security of the United States of America and the free world.

That leads me into a few remarks that I should like to make on the bill before us.

Like every other bill which comes out of committee, this is not a perfect bill and this Senator does not agree with all of the recommendations that have been made. Undoubtedly, there will be several amendments offered, voted up or down, and I think the Senate should be allowed to work its will. I do think that this bill is well recommended by the committee, and in most instances I hope our colleagues on both sides of the aisle will recognize that with a lot of diligent effort and work and study and hearings hours upon hours, day after day, month after month, we have come out with a product which represents at least a substantial majority opinion of the Armed Services Committee.

While I suspect that some changes might be made, and I would hope some changes will be made, by and large I stand in support of the bill that came out of the Armed Services Committee even if no changes are made.

There is one thing on which I would like to comment briefly at this time, and that is I suspect something which will cause a great deal of debate, sharp debate indeed, before we have disposed of this defense authorization bill is the antisatellite systems. That may require a closed, secured meeting of the U.S. Senate so that the chairman of the committee, the chairman of the Strategic and Theater Nuclear Forces Subcommittee, and this Senator would be able to talk in a strictly closed session to our colleagues about some vitally needed changes in the ASAT defense systems of the United States of America.

I do not think this is a subject that has been given a great deal of thought and consideration in the past few years. In fact, some of the information that has come to the attention of the Strategic and Theater Nuclear Forces Subcommittee particularly and to other members of the committee is somewhat of an alarming nature. This morning several Senators were invited to have breakfast with the Vice President, and the subject of discussion was the MX missile.

Now, there are a lot of good people who can differ pro or con on the role of the MX missile and how important that is to our defense, how important it is to deterrence. I have picked up at least the hint from the chairman of the committee (Mr. TOWER) and the chairman of the Strategic and Theater Nuclear Forces Subcommittee (Mr. WARNER) that they do not view the MX with the suspicion of the Senator from Nebraska. But I think when people disagree from time to time, that at least indicates we are thinking. The three of us might not agree completely on MX, but the three of us do agree I think wholeheartedly on the need for continued testing of the ASAT system.

I happen to think the ASAT system is so much more important to the national defense of this country and the free world than even the MX missile that if I had a choice between the two, I would say we can get by without the MX missile and go with ASAT. My colleagues on the other side of the aisle will not endorse that wholeheartedly.

I am simply trying to emphasize to the Members of the Senate the rather critical decisions that we are going to have to make on antisatellite systems, and during debate we can certainly talk in open session about the recently released information by the White House that for over 10 years, Mr. President, the Soviet Union has had an antisatellite weapons system in place. They are far ahead of us in this area.

We certainly do not wish to do anything to elevate the already screeching and escalating arms race into space, but antisatellite systems are vitally important and we must catch up as quickly as we can, because, Mr. President, if there should be a threat of an attack from the Soviet Union, the logical first thing they would do would be to put out our eyes in space. Our total command and control would be the thing they would first wipe out.

While they do not have the facility as far as we know now to attack our highflying satellites, they do have facilities now that would put much of our command and control at jeopardy with so-called lowflying satellites that are also an important part of our command and control. So we will be discussing this at some length. We had a rather close vote on this matter in the committee, which indicates a rather close vote on the Senate floor. But I think it is the intention of the Senator from Texas, the Senator from Virginia, and myself to at least make certain that our colleagues have all of the latest information available to them before we address and vote on this critically important matter.

Mr. President, there are a few other things on which we do not agree. This Senator, for one, keeps plugging away on the fact that it is absolutely ludicrous for us to continue to take out the Titan weapon system debate when we are supposedly concerned about the overall strength of our land-based ICBM part of our triad. We once had 54 Titans. We now have 32. They are being taken out at the rate of one a month. It is tantamount to unilateral disarmament at a time when we are getting nothing with respect to ICBM's of the Soviet Union being taken out.

The Titan system is our largest system—9 megatons in each of the 32 remaining Titans. Sure, they are old, but they are not obsolete. Certainly, it costs money to keep them operational. Certainly, it is not the type of command and assignment that most of the members of the Air Force seek.

It seems to me, however, that after we have been through the last Presidential election, when the window of vulnerability was a keen part of the discussion, and when we look at the fact that we have less launchers today for ICBM's than we had in 1980, it still makes no sense at all to this Senator for us to continue to pull out Titan missiles unless and until we have something to take their place.

All kinds of good arguments can be offered: that they are expensive to maintain, that they are not nearly as accurate as our Minuteman II and Minuteman III. They probably are not as accurate as many of our submarine-launched facilities today. But they are the largest weapon we have.

It seems to me that from the standpoint of a Soviet planner, if I had to worry about a 9-megaton weapons system sitting there, if I were planning an attack on the United States in the near future, that would confound me.

It is true that, in a large measure, the Titan goes back to the so-called MAD theory of destroying cities. That is now outmoded, also. The fact remains that the Titan should be targeted at port facilities, large military facilities, if an attack were launched on the United States of America.

While I buy most of the criticism of the Titan and while I recognize that it is going to cost some money to keep them operational, it seems to me that it is the most ludicrous thing we are doing today to take out the Titan without any compensating consideration from the Soviet Union, and when we have been advised by those in charge of our arms negotiations in Geneva that at least it would be some benefit to use them as a bargaining chip, for want of a better word, in our dealings with the Soviet Union.

My central point is that I think it is not wise for us to have the continued accelerated deterioration of that force at a time when we are led to believe that we have a weakness in that land-based ICBM leg of our triad. I would think we would keep those in place until we have an MX or whatever we are eventually going to come with and put in place. At least, that is the opinion of this Senator.

The bill before us received a great deal of detailed attention by the Armed Services Committee and each of its subcommittees. While I emphasize once again that I do not agree in toto with everything that is in this bill as presented to the Senate, I can assure the Members of this body that, by and large, careful consideration was given to everything. We do not claim to have a perfect document, and there will be some who will vote for amendments in certain areas. By and large, however, I think it is a very well done piece of work by the Armed Services Committee. Given the restraints that were referred to by the chairman of the committee with respect to the budget, we had a lot of very tough decisions to make. One of the toughest decisions we have is that everyone seems to want to cut down the amount of increase in our national defense posture.

Last year and this year, I have been against the tremendously large increase recommended by the President, and I have spoken out about it. As the Senator from Texas has said, the prime responsibility of the Senate and of Congress is the national defense of the United States of America. There is nothing more important. But that does not necessarily mean, as I am sure the Senator from Texas and others will agree, that throwing money at a problem insures that that problem will be solved. Therefore, with the budget restraints that have come on us, we have made the choices we have to make.

There is an underlying concern here that I think should be enunciated once again, and that is the fact that as we continue to build most of the new weapons systems that come from the Pentagon, we have a tendency to take money out of readiness. I firmly believe that we are much more likely to be tested by the Soviet Union, in the months and years ahead, in a conventional warfare area than we are with any one of the other three legs of our triad.

The problem that faces the committee is the problem that will face the Members of the Senate when they vote on the amendments and eventually cast their vote on the measure before us, and that is that everybody wants more and more and more. But it is very difficult to stop a weapons system once the first dollar has been voted to support it. I happen to feel that, in order to make sure that the readiness of our conventional forces is intact, we have to cut back on, maybe even eliminate, some of the major weapons systems before us, because we simply do not have enough money to do justice to everything that has been recommended to us by the Pentagon and by the administration.

Mr. President, I emphasize again that the document before us is not perfect, but it accurately reflects the majority of the Armed Services Committee. By and large, I give the committee and its subcommittee an "A" for excellent effort in trying to fit in some kind of workable defense policy and defense establishment with the funds available to us.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Nebraska for his thoughtful remarks with respect to the working partnership we have had as the chairman and the ranking minority member, respectively, of the Strategic Subcommittee. Indeed, this partnership has been fostered through 5 years in the Senate, serving side by side on this committee and its predecessor subcommittee. The growth of the knowledge of the distinguished Senator from Nebraska on this subject is really without parallel in the years he has served.

Mr. President, for the record, I bring to the attention of the distinguished Senator from Nebraska that he referred to the ASAT system in the context of his view that the Senate should go into closed session. I share that view; and the Senator and I, at an appropriate time, will advise the leadership of the Senate of our judgment that it is essential that we go into closed session, assuming that the ASAT amendments as forecast will be brought up shortly.

However, the Senator referred to the ASAT as a system. I am sure he recognizes that we are in the early flight test stages, and that the United States does not have a system in the sense of a perfected, deployed system to engage Soviet satellites at what we call lower orbits.

These satellites are the ones that principally threaten the U.S. naval units in the sense that they can provide the Soviet military leadership with the knowledge of the positioning of our fleet and that indeed is a very dangerous and threatening situation considering the United States is an island nation and it is heavily dependent upon the sealanes of the world in terms of our national defense and indeed our overall economy.

Mr. President, if the United States spends what is necessary now in the fiscal years 1984, 1985, and 1986, in terms of our strategic programs and allocates the resources that we believe are essential to modernize our strategic force, that, in my judgment, will give us somewhat more leverage in trying to negotiate strategic arms reduction agreements with the Soviets—verifiable, fair, and equitable agreements—in the coming years.

I have here a table showing the strategic forces as a percent of the total DOD funding and indeed, as Senator NUNN and others pointed out, in fiscal years 1983, 1984, and 1985, there is significant growth, but there is also slowing of that strategic share of funding beginning in the fiscal year 1986 to a rather flat level of funding as a percentage of the DOD budget.

Indeed, the procurement tracks in a comparable manner beginning in the last fiscal year, and will drop substantially and level off.

I also bring to the attention of my colleagues the representations of the Chairman of the Joint Chiefs of Staff on May 3, 1984, during the course of testimony before the Armed Services Committee as a whole. He is quoted as saying;

> At the same time, it is fair to say that as we have discussed this matter (of fencing strategic nuclear programs and taking defense cuts out of conventional defense programs) with every one of our CINCs.

That is, the commanders in chief of our forces throughout the world.

Continuing the quote:

> Each CINC has told us that the number one priority is to go ahead with the strategic nuclear modernization but there comes a point when you may have to slow all of it in order to keep a reasonably balanced program . . . We are not at that point with this program.

Further quoting from General Vessey:

> So, we are at a key point in this whole nuclear security issues. By advocating cuts in the strategic nuclear programs at the key time in the negotiations with the Soviets, in the whole relationship with the Soviets, it seems to me we are in danger of rewarding the Soviets for their obstinate behavior and I don't like to see us do that.

Further quoting from the Chairman:

> It is the view of the Chiefs and the CINCs that without a strategic nuclear force that deters war effectively, which makes it very clear to the Soviets that they can't threaten war or try blackmail with strategic nuclear superiority, that the rest of our defense programs probably are not going to be nearly as effective as they ought to be.

Mr. President, again I thank my distinguished ranking minority member of the subcommittee for his effective work and I think that we, as partners, will be able to assist our colleagues in the Senate as we approach the judgments necessary in connection with the adoption of this present authorization bill.

Mr. President, I yield to the Senator from Texas.

Mr. TOWER. I yield.

Mr. COHEN. Mr. President, I rise in support of the fiscal year 1985 omnibus defense authorization bill. As chairman of the Seapower and Force Projection Subcommittee, I shall take a few moments to discuss some of the issues that we have dealt with on the subcommittee and why I believe this bill deserves the support of my colleagues.

First, I should point out that seapower and force projection encompass two basic missions: To see to it that we are able to gain and maintain maritime superiority, the ability to control vital ocean areas of the world when and where necessary, and projecting U.S. military power ashore, the ability to deploy fighting forces to distant world areas in defense of this country's interests.

It is clear the United States is primarily a maritime power. We are, like it or not, essentially an island nation. We are dependent on the oceans for the safe passage of raw materials, energy supplies, and commerce which are necessary to our economy. Consequently, it is necessary that we have the ability to insure the safe passage of ships, both military and civilian, on the oceans of the world. This mandates that we be able to provide local naval superiority—I know there is some hesitation on the part of some to use that word, but I emphasize it again, "naval superiority"—at any time and place that we require.

Maritime superiority is a firm military requirement for our country. It is the key to our ability to deter in peacetime and to prevail in wartime.

We are tied by a network of treaties to allies overseas. Our world today is full of vivid reminders of the importance of naval power. Look at any of the major military conflicts this Nation has been involved in, and the military importance of seapower is evident.

In the Revolutionary War, Gen. George Washington was aided in his victory over the British General Cornwallis in Yorktown, when the French fleet blocked the Chesapeake Bay, preventing the British forces from retreating or from being resupplied.

Prior to World War II, the United States enjoyed two strategic luxuries:

Wide oceans, which insulated us from many military conflicts in the Old World; and

Friendly foreign navies, which sometimes protected us and sometimes provided a force for peace in the world.

Consequently, during both World Wars, our land was largely unscathed. The actual fighting in those wars occurred mostly at sea or overseas, with the singular exception of the attack on Pearl Harbor.

In both instances, however, the sealanes were vital. We used the sealanes to transport amphibious assault forces, used so successfully and I might add at such great cost in the D-day invasion which occurred exactly 40 years ago yesterday.

We also relied on amphibious assault forces in the great island hopping campaign in the Western Pacific, and in other places.

We also used the sealanes to transport the equipment, material, supplies, fuel, and food without which those overseas forces would not have been able to fight.

And what was the situation now after World War II? The United States was thrust into the leadership of the Western democracies, which was a new role for us. Our currency and our economic aid played a key role in rebuilding international trade, which has surpassed all expectations and brought tremendous improvements in standards of living. There is a risk inherent in this, I must take this opportunity to observe—if that trade is disrupted, then we risk great losses for ourselves, for our economy is now intertwined with everyone else's.

Also after World War II, this country adopted, as a basic tenet of national defense planning, the notion of a "forward defense." We built up a network of military alliances which supported our national defense requirements, our economic interests, and our national cultural and ideological dreams. We also recognized the reality that the other strongest military power in the world was the Soviet Union, which had and continues to have expansionist goals which we find very threatening.

The Soviet Union's actions around the world indicate that we must not become complacent. Always there are reminders. Most recently, these include the unconscionable invasion and continuing destruction of Afghanistan; their undisguised use of SS-20 nuclear missiles as instruments of intimidation; the inhumane destruction of Korean Air Lines flight 007; and now their treatment of the great scientist and human rights advocate Andrei Sakharov, who wanted permission for his wife to seek medical treatment and who may now be dead from a hunger strike.

In other parts of the world, we can also learn lessons about the continuing importance of sea power. Look at what happened between Argentina and Great Britain in that conflict over the Falkland Islands. It is not unreasonable to speculate that the former Argentine military government decided to attack British forces because they thought the British were too weak or too far away. One of the fears expressed in this country at that time was whether British failure to respond and to win would encourage other acts of aggression in other parts of the world.

Turn to the Persian Gulf of today. The war between Iran and Iraq is expanding. And when diplomacy and other peaceful defenses disintegrate, all sides look to military power to restrain the conflict and prevent the expansion of the war. Naval forces are among the first to be called in.

We must be very careful not to let our longer term interests be too compromised by the press of immediate concerns. Our futures and our children's futures are closely related to the budget decisions we will make on this bill.

In another era, world naval supremacy belonged to Great Britain. For the time being, it remains ours. I like to recall Winston Churchill's famous remark, in which he said:

> Nothing in the world, nothing that you may think of, or anyone may tell you; no arguments, however specious; no appeals, however seductive, must lead you to abandon that naval supremacy on which the life of our country depends.

British naval supremacy passed on to us, and the world has not changed radically. If we abandon it, it will pass to the Soviet Union and we should not look forward to such a world as we know it today.

SUBCOMMITTEE ACTION

We began our hearings this year with an examination of naval strategy.

I found myself in broad agreement with the Navy's assertion that sea power requires a balanced force structure, adequately supported. The Marine Corps' amphibious landing capability is also a vital part of sea power, because it provides a means for forceful entry from the sea to the shore.

At the same time, there was the need to reduce the budget to comply with overall funding goals, and there was complete agreement we should not pay more for anything than is necessary.

Certain areas of discussion within our subcommittee are recurring:

Should we support or change a service initiative, which may involve a new ship, radar, or weapon?

Should we prompt the service to place additional emphasis on something? Action here can consist of a request for more information, or recommendation for funding to develop a capability. A new idea is often embraced by the service or dropped. The discussion may occur over some period of time.

Can we reduce the cost of something without procuring a lesser quantity?

What are the lowest priority items which should be deferred if insufficient funds are available?

Should anything else be changed or examined more closely?

ACTIONS TAKEN

All our recommendations are of course in the committee report, but I would like to discuss some of them specifically.

First, in shipbuilding.

We strongly supported the administration's shipbuilding program. Our Navy does not have enough ships and the solution lies in long-term support for a stable shipbuilding program. The committee recommendation, after you include the Trident submarine which is in the jurisdiction of another subcommittee, calls for authorization of 22 new construction ships, one reactivation, three conversions of existing ships, and one service life extension, for a total of 27 ships.

We thoroughly reviewed the performance of the AEGIS combat system, which is on the CG-47 class guided-missile cruisers and will be on the DDG-51 guided-missile destroyers. I can assure you that this is the best shipboard air defense missile system in the world, and that it provides a tremendous and much needed increase in our Navy's ability to defend against massed, antiship missile attacks.

We recommended funding for three cruisers, as requested, and also strongly endorsed building the lead ship of the DDG-51 class of guided-missile destroyers. Follow-on ship production costs will average about $700 million in constant dollars, compared to $1.1 billion for the cruisers. The destroyer costs less, provides a similar AEGIS air defense capability, and incorporates advanced survivability features.

We recommended funding for four SSN-688 *Los Angeles* class nuclear-powered submarines. There were four in the original request, and three in the revised request. We need all four of these ships, because Soviet submarine construction rates are high, Soviet submarine quality is improving rapidly, and in the late 1970's our submarine procurement rate dropped to one per year: A deficit for which we must compensate. We should not sacrifice our submarine force level objectives.

The bill includes funds for reactivation of a third battleship, the U.S.S. *Missouri*. Long lead funds were approved by the Congress last year, and the ship is currently in the Long Beach Naval Shipyard. As a point of information, long lead funds for the fourth battleship are not in this bill, but are expected in the following year's budget request, fiscal year 1986.

In addition, the bill provides funds for one aircraft carrier SLEP, all four MCM mine countermeasures ships, all three TAO-187 class fleet oilers, and two tags surveying ships. The number of TAGOS/SURTASS ships was reduced from three to two based on an Intelligence Committee recommendation.

The committee fully supported the three modest sealift programs requested by the administration. The committee has recommended a total of $117.8 million for the strategic sealift ready reserve force, auxiliary crane ship, and aviation support ship programs. All three of these programs involve the acquisition or conversion of existing U.S.-flag commercial ships. We continue to assign high priority to programs to enhance strategic sealift capabilities.

There are three important amphibious programs included in the committee's recommendations. Key among these is the procurement of two LSD-41 class amphibious dock landing ships at a cost of $406 million. The committee has also recommended $83.5 million in advance procurement for two additional LSD-41's in fiscal year 1986.

LSD-41's are being procured to replace eight LSD-28 class ships that are reaching the end of their service lives and to augment inadequate amphibious lift capabilities.

A second major amphibious ship program is the LHD-1 class amphibious assault ship. The lead ship of this class was procured in fiscal year 1984. The follow-on ship is funded in fiscal year 1986. For fiscal year 1985, the committee recommends $39.2 million in advance procurement for the follow-on LHD-1.

The LHD-1 is an air-capable, amphibious assault ship based on the LHA-1 class ship design. In the amphibious role, the LHD-1 will be able to land marine assault forces by helicopters, landing craft, and assault vehicles. In addition to its amphibious lift capabilities, the LHD-1 will have the capability to support vertical/short takeoff and landing aircraft which will provide the fleet with additional offensive aviation forces afloat.

In fiscal year 1985, the administration requested $198.8 million for procurement of nine air cushion landing craft, known as LCAC's. The committee views this program as key to efforts to revitalize U.S. amphibious warfare capabilities. LCAC's will permit high-speed assaults from extended standoff distances and will greatly increase, due to their air cushion operation, worldwide beach areas over which assaults may be conducted.

In Marine Corps procurement, the fiscal year 1985 funding bill provides for procurement of 292 light armored vehicles, which will complete acquisition of this vehicle. When these LAV's are delivered, the Marine Corps will have a total of 758 vehicles in six mission role variants. Light armored vehicles are one of the major initiatives to improve the combat capabilities of rapidly deployable forces.

In the Navy weapons procurement account, we examined closely the Mark 48 torpedo procurement program. The original budget provided for 144 torpedoes, while the revised budget had only 51. We recommended 108 torpedoes. I should add that the House of Representatives provided no funds for Mark 48 torpedoes, but their action helped spur the prime contractor to reduce the cost for building torpedoes at a number less than 144.

We preserved funding for the procurement of the Navy's Captor mines.

In the Navy's other procurement account, we allocated most of our reductions by broad categories, rather than by specific line item. Together with procurement procedure reforms the committee recommended, these broad reductions will provide incentives for the Navy to minimize costs while still allowing the service the necessary flexibility to manage the acquisition of many individual items.

In the RDT&E account, we recommended a variety of reductions. These are listed in the committee report. Only a few programs require mention here.

First, we strongly endorsed the Navy's plans for designing a new submarine to succeed the *Los Angeles* class. The first new sub would be funded in fiscal year 1989 and would not be commissioned until 1995. The basic *Los Angeles* class submarine design will be 19 years old at that time.

Second, we grouped several aviation-related antisubmarine warfare programs together and reduced funding for them. We were not satisfied with the rate of modernization of our air ASW forces relative to the modernization of the Soviet submarine fleet, and we had concerns about the longer term costs of the plans the Navy did have. The House of Representatives has not reduced these programs, and we anticipate action by the Navy before conference on the authorization bill.

AIRLIFT

The major force projection programs in fiscal year 1985 are in the airlift account. The committee's recommendation continues acquisition of KC-10A advanced tanker/cargo aircraft under the multiyear procurement arrangement initiated in fiscal year 1983; 44 KC-10A's will be procured under this 5-year contract. When procurement is complete in fiscal year 1987, the Air Force will have a force of 60 KC-10A aircraft.

The KC-10A adds substantial flexibility to our force projection capability since it can carry cargo, refuel other strategic airlifters, and deploy tactical fighter squadrons by carrying personnel and equipment while simultaneously refueling the deploying aircraft. The committee has recommended $190.7 million for the procurement of eight KC-10A's, $375.3 million for advanced procurement, and $56 million for initial spares.

The second major airlift program is the C-5B strategic airlift aircraft. The administration initially requested authorization for procurement of 10 C-5B's. In the amended request, the number of aircraft to be procured was reduced to eight. This revised number resulted from slipping the procurement of two C-5B's from fiscal year 1985 to fiscal year 1987. While the committee accepted this procurement profile change, it remains fully committed to the planned procurement of a total of 50 C-5B's.

Fifty C-5B's will add 7.5 million ton-miles per day of strategic airlift capability which will provide a near-term reduction in the substantial intertheater airlift shortfall identified in the congressional mandated mobility study. Moreover, the C-5B is the only currently available aircraft that can augment capabilities to carry outsize military weapons and equipment. The committee has recommended authorization of $1,477.6 million for procurement of eight C-5B's, $304.1 million for advance procurement, and $72.3 million for initial spares.

A third major airlift program is a committee tactical airlift initiative. The committee has added $186.3 million for the procurement of 10 C-130H tactical airlift aircraft. Eight of these C-130H's would be assigned to the Air National Guard; the other 2 aircraft would be assigned to the Active Force. The committee has added this procurement in recognition of the need to modernize aging and structurally unsound C-130's in the Air National Guard and to provide replacement aircraft for attrition losses in the Active Force.

To provide for future modernization and augmentation of airlift capabilities, the committee has recommended authorization of $129.3 million for research and development of a new airlift aircraft, the C-17. Two documents submitted by the Department of Defense during the past year have further convinced the committee of the cost-effectiveness of the C-17 airlift aircraft. The C-17 validation report has validated the requirements, concepts and design of the C-17. The airlift master plan recommends acquisition of 180 primary mission C-17's, within a total of 210, to meet the minimum strategic airlift requirement, increase tactical airlift capability, and modernize both the Active and Reserve Airlift Force structure.

While the committee has recommended substantial amounts for procurement of new airlift aircraft, it has also fully funded the administration's amended request for airlift replenishment spares which directly relate to the readiness and sustainability of the current airlift force.

CONCLUSION

More details on all these programs are in the report. I recommend this bill to my colleagues and seek their support for it.

Mr. KENNEDY. Mr. President, before I discuss the substantive provisions of this bill, I want to pay tribute to the efforts of my colleagues on the Armed Services Committee. As we all know, this will be Senator TOWER's last Defense authorization bill, and though we may frequently disagree on issues that come before the committee, I know of no one more tireless and dedicated in his commitment to the national security.

Senator NUNN, our ranking minority member, has faced the unenviable challenge of taking the reins from our late and deeply respected colleague, Senator Jackson. Senator NUNN has ably fulfilled this important role, presenting not only his own views with skill and expertise, but also zealously representing the concerns of his Democratic colleagues on the committee.

I want to pay special tribute to the chairman of our Tactical Warfare Subcommittee, Senator GOLDWATER, with whom I serve as ranking minority member. There is no greater advocate for the essential programs of tactical warfare and serving with him has proved a valuable education experience and a great personal privilege.

Today we begin a historic debate on the Defense authorization bill. The issues presented by this legislation raise fundamental questions concerning the very survival of the human race. Over the next few days the Senate will have a chance to consider crucial amendments on antisatellite weapons, the costly and unneeded MX missile, the Star Wars missile defense scheme, and important arms control measures to limit nuclear testing. What we do on this bill will shape the future of our children and generations to come.

While I supported reporting the bill to the Senate, I have several serious reservations concerning this legislation, and intend to offer amendments with several of my colleagues to remedy these fundamental problems.

I believe that the authorization level of $299 billion for the national defense function is neither justified militarily nor appropriate in view of looming $200 billion a year deficits that face our Nation far into the indefinite future and threaten our economic well-being. Moderate but steady increases will both assure the readiness of our forces and maintain a national concensus for a strong, supportable military posture.

I continue to oppose any funding for the MX program. Although the committee did reduce the number of MX missiles to 21, it rejected efforts to cancel the program. The MX missile is a gold-plated weapon without a purpose. It cannot be protected. It is a destablizing force in an already precarious situation and the massive expenditure comes at the expense of readiness and capability of our conventional forces. I believe in maintaining a triad of strategic nuclear forces that includes a survivable air-based leg—not one that is crippled before it is built.

Paradoxically, the deployment of MX will make us weaker, not stronger. Whereas the Soviets have little or no incentive to attack our Minuteman missiles in their silos, the MX, by posing a first-strike threat to their land-based systems, will increase the incentive for the Soviets to attack us in a crisis. Recent data from the Air Force reveal that just as we begin to deploy the MX in the late 1980's Soviet improvements in missile accuracy may destroy all but 1 percent of our fixed-silo land-based missile force; 1 percent of 100 is one surviving MX missile.

I also regret that the committee has chosen once again to forge ahead with the production of B-1 bombers which, given the current need for an effective penetrating bomber, is a wasteful use of the Defense dollar. The committee did act favorably upon an amendment that I introduced prohibiting any funds from being used to build more than 100 B-1 bombers. I believe that it is essential for the Air Force to turn its attention to development of the ATB rather than entertain notions of building additional B-1 bombers.

I am deeply disturbed by the committee's apparent willingness to accept the dangerous premise behind the President's so-called strategic defense initiative, a program that will not only consume billions of dollars but will also jeoparidze our efforts to obtain meaningful arms control and threaten to disrupt our NATO alliance.

In March of last year, President Reagan called his proposal for a space-based weapon system "a vision of the future which offers hope." This is not a vision; it is a mirage. And far from offering hope, the President's proposal is a certain prescription for an arms race in outer space.

A decade ago we abandoned the fruitless pursuit of security through ballistic missile defense and ratified the ABM treaty. None of the technologies now under discussion or even imaginable can overcome the insurmountable obstacles to an effective ballistic missile defense, as the recent report of the Office of Technology Assessment demonstrates. According to the report, an effective ballistic missile defense is "so remote that is should not serve as the basis of public expectation or national policy."

Even if a near perfect defense against ballistic missiles could be deployed, how would the United States defend against strategic bombers, cruise missiles, and other delivery systems in a nuclear war? The President's Star Wars strategy is also irresponsible because it undermines the basic principle of nuclear deterrence upon which the nuclear balance has rested for over 30 years. By creating the illusion that one nation might be invulnerable to attack it might give that nation the false confidence that it could launch a first-strike without fear of retaliation.

Furthermore, the layered defense against ballistic missiles envisioned by President Reagan in his strategic defense initiative is plainly inconsistent with the ABM Treaty. In article V of the treaty each nation undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based. If we pursue the administration's plans to develop, test and deploy space-based defenses and their components we will soon be required either to withdraw from the treaty or to violate it. I am gratified, however, that the committee has at least postponed the day of reckoning by accepting report language stressing our intention to observe the continued obligations assumed by the United States and the Soviet Union under the ABM Treaty.

The bill as reported effectively guts the Tsongas amendment which prohibits testing of antisatellite weapons against targets in space unless the President certifies that the United States is endeavoring to negotiate an ASAT Treaty.

Pursuit of an antisatellite treaty is one of the highest priorities for the United States, in view of the importance of satellite survival to our intelligence and command and control systems. Although a complete, verifiable ban on antisatellite weapons may not be achievable, it is important that the United States attempt to negotiate as comprehensive a ban as is possible. Rather than undertaking negotiations, the administration offers little more than excuses. For this reason, the Senate should reaffirm its unanimous decision not to permit testing of the antisatellite devices until the administration takes concrete steps to achieve arms control in this area.

While the bill commits the United States to billions of dollars in wasteful and unneeded strategic systems, it makes an unwarranted cut in the most critical of all programs—compensation for members of the uniformed services. Each of us will remember the dangerous situation that prevailed when pay for the military lagged behind the civilian sector; recruitment fell, morale was undermined, and retention dropped dramatically.

Significant pay increases in the early 1980's, coupled with high civilian unemployment, helped restore our recruitment and retention. But these gains will be quickly lost if we fail to provide adequate compensation in the years ahead. It is imperative that the Senate provide the military with a pay raise that allows the services to continue to attract and retain the bright and enthusiastic men and women who form the very heart of our national security.

If we are to avoid the ultimate catastrophe of nuclear destruction followed by nuclear winter, the answer lies not in proliferation of strategic system after new and ineffective system. Rather, our hope for enduring peace lies in a strong conventional defense that raises the nuclear threshold, and a stable arms control regime that assures that neither side will have anything to gain from the use of nuclear weapons. I hope that when the Senate completes consideration of this measure, we will make the needed changes to assure that this legislation achieves that goal.

MANPOWER PORTION OF THE FY 1985 OMNIBUS DEFENSE AUTHORIZATION ACT

Mr. DIXON. Mr. President, as the newest Democratic member of the Committee on Armed Services, I have served for the past 5 months as the ranking minority member of the Subcommittee on Manpower and Personnel. This subcommittee established the overall manpower levels for all categories of defense manpower, and is responsible for overseeing all areas of military compensation and personnel management within the Department of Defense.

This is an extremely important subcommittee, because the issues that we consider can affect the well-being of every Active and Reserve soldier, sailor, airman, or marine serving in uniform today. I want to take this opportunity to commend and thank the distinguished chairman of the Manpower and Personnel Subcommittee, Senator JEPSEN, for his strong support and commitment to the issues affecting defense manpower, as well as for his cooperation throughout the Armed Services Committee's consideration of the fiscal year 1985 defense authorization bill.

I would like to take a few moments to highlight for my colleagues the most important manpower-related provisions in the defense authorization bill currently before the Senate.

ACTIVE FORCES

In the area of Active Forces, the Defense Department initially requested an active duty end strength of 2,165,500 military personnel for fiscal year 1985, an increase of 29,900 personnel over the fiscal year 1984 level. In the list of reductions submitted to the Congress as part of the Rose Garden Compromise, the administration reduced that request by 7,000 personnel. The committee made further reductions of 3,260 active duty personnel.

As a result of the reductions, the active duty end strength for fiscal year 1985 recommended by the committee is 2,155,540. This is an increase of 19,600 personnel over the fiscal year 1984 level, which is approximately two-thirds of the Defense Department's original request.

The committee extended for 1 year the current quality requirement in law that 65 percent of Army male recruits must be high school graduates. The committee also directed the Secretary of Defense to submit a comprehensive report to the Congress next year on the projected quality of recruits needed in the future to man the Armed Forces.

RESERVE FORCES

For the Reserve components, the administration requested a Selected Reserve average strength of 1,088,600 in fiscal year 1985, a growth of 52,000 personnel over the fiscal year 1984 level. The request also included 66,000 military personnel to be on full-time active duty in support of the Reserve components, an increase of 19,300 over the fiscal year 1984 level.

In its budget reduction package, the administration reduced the original request by 7,500 Selected Reservists and 8,100 full-time personnel.

The committee bill includes a Selected Reserve average strength of 1,080,088 for fiscal year 1985, 8,500 below the original request but still 40,700 over the fiscal year 1984 level. The committee recommends a full-time Guard and Reserve end strength of 56,000, 10,000 below the original request.

CIVILIAN PERSONNEL

The committee recommends a civilian end strength of 1,078,223 for the Defense Department in fiscal year 1985. This is the currently projected end strength for fiscal year 1984, and represents a reduction of 6,613 from the original request.

Within this end strength, the committee directed the Secretary of Defense to fill certain priority civilian spaces that were requested in the area of spare parts procurement.

The committee also recommends continuation for another year of the test program permitting industrially funded activities within the Department of Defense to hire additional civilian personnel without regard to end-strength ceilings.

Finally, the committee recommends a provision requiring a 5-percent reduction in the number of personnel assigned to management headquarters functions in the Defense Department. This provision is similar to the reduction in management headquarters mandated by the fiscal year 1984 Defense Authorization Act. The committee continues to believe that there are too many personnel assigned to management headquarters functions, and that some of them could be better utilized in actual operating activities.

COMPENSATION MATTERS

After considering several alternatives, the committee recommends a 4-percent cost-of-living increase effective

January 1, 1985, for all military personnel except E-1's with less than 4 months active duty, who would receive no increase in pay. The committee believes that this raise will be sufficient to maintain the current momentum in recruiting and retention in the military services.

The committee also restructured the basic allowance for quarters and the variable housing allowance along the lines suggested by the Department of Defense. The committee's recommendations saves approximately $200 million from the fiscal year 1985 request and insures that future increases in military housing allowances will be directly linked to nationwide housing costs.

The committee made a number of other recommendations in the area of pay and allowances. These include tightening up the current authority for the Navy to pay the aviation officer continuation bonus; equalization of enlisted and officer rates of hazardous duty pay; and repeal of the 1989 termination date of Vietnam-era GI bill benefits, among others.

HEALTH CARE

The committee also made several recommendations in the area of military health care. One provision of the committee bill authorizes the military services to provide dental care to military dependents throughout the United States on a space-available basis. The committee also authorized CHAMPUS reimbursement for chiropractic care, and for up to one eye examination per year.

CONCLUSION

Mr. President, I have outlined the highlights of the Armed Service Committee's recommendations in the area of manpower in this bill. In addition to setting the defense manpower levels for fiscal year 1985, this bill contains a number of provisions which will improve manpower management in the Department of Defense.

I urge my colleagues to join me in supporting these provisions.

Thank you Mr. President.

Mr. QUAYLE. Mr. President, the fiscal year 1985 defense authorization bill we take up today represents, I believe, a balanced approach to allocating resources for U.S. national security programs. Those of us on the Senate Armed Services Committee have participated in a most unusual and productive exercise over the past 5 months. For the first time in history, a Secretary of Defense appeared before our committee to propose significant reductions in his department's budget. This is the kind of guidance that we as Senators, charged with making the most sensitive decisions on our Nation's defense needs, need so desperately in reviewing this budget. Indeed, we as individual Senators do not have the full range of resources to make the types of decisions needed to strike a balance between defense needs and budget realities. For this reason, it is essential to have a full and open discussion between the administration and the Congress to decide the important programmatic and budgetary issues confronting us. I commend President Reagan, Secretary Weinberger, our distinguished chairman (Mr. Tower), and the ranking member for their hard work and spirit of compromise in preparing this bill.

Chairman Tower deserves special recognition, Mr. President, as he steps to the bill manager's podium for the last time on a DOD authorization bill. Long before my brief tenure on the Armed Services Committee began, Chairman Tower had become one of our Nation's most respected leaders on national defense policy. The chairman has always stood for well-equipped and ready Armed Forces, and has tried to communicate to the American people a greater appreciation for America's role in the world and the broad requirements of our defense policy. I salute the chairman for his leadership on the committee and in this body in the name of a strong America.

Mr. President, the bill before us provides a balanced allocation of resources and steady real growth in our national defense budget. It represents a comprehensive effort to balance national needs and the threats of a dangerous world. It provides, I believe, increased readiness for our forces while maintaining the so vitally important modernization effort begun by Congress 4 years ago.

As to those who say we have compromised readiness and conventional capabilities at the expense of strategic programs, and that we have allocated too large a share of our Nation's resources to defending America, I make the following observations:

Our strategic forces, which are undergoing their first complete modernization since the 1960's, comprise 13 percent of the fiscal year 1985 budget—the peak year for this effort. Not only is this a modest portion of the budget compared to our strategic modernization of the 1960's, but it will continue to decline after this fiscal year.

For fiscal year 1985, we will see a 34-percent decrease in our depot maintenance backlog from fiscal year 1984. Since fiscal year 1981, our pilot flying hours have increased by 600 hours, and ship steaming hours have increased over 100 hours.

Eighty-eight percent of Army recruits are now high school grads, compared with 54 percent in fiscal year 1980.

Defense outlays as a share of U.S. GNP are now less than they were in 1960, or even in 1955.

DOD's share of Federal outlays has decreased from more than 50 percent in 1955 to 34 percent today, while entitlement spending has risen from 20 percent of outlays in 1955 to 45 percent today.

In short, Mr. President, our forces are more ready, of a higher quality, and better equipped than ever before.

The Armed Services Committee has also in this bill addressed for the first time in a systematic way many procurement provisions and reforms which were long overdue. As chairman of the committee's ad hoc task force on defense procurement matters, I believe the new defense procurement improvements section of the bill provides workable weapons warranties language and sensible provisions on spare parts and technical data management. Our warranties provision could not have been accomplished without the close cooperation of my colleague from North Dakota, Senator Mark Andrews. I believe that because of the close cooperation, we were able to forge among all concerned parties, industry and DOD included, we now have a workable and solid warranty provision to cover defense weapons systems. The new section of the bill also breaks new ground in defense procurement technical assistance and makes some fundamental reforms in the areas of encouraging enhanced computer capabilities and better personnel policies for program management.

The task force operated in an exemplary bipartisan manner, and I thank my distinguished colleague, Senator Levin of Michigan, for his cooperation and input on the many issues we dealt with under a compressed time schedule. I also thank Chairman Tower for creating this special task force in order to deal with a very important issue. I believe we were able to address serious defense procurement issues of critical interest to the Senate, and we hope to continue this work through the year.

In summary, Mr. President, the bill we take up today is realistic in terms of budgetary requirements, and is also the continuation of an unprecedented qualitative effort to improve our military forces. We were not able to do all we wanted in this bill. The pay increase for our soldiers is not as great as we would like, we have not bought as many spares as we would prefer, and the pace of our modernization program has been slowed in many areas. We have, however, taken a realistic approach that is in keeping with the policy of the President to address our Nation's deficit problem while keeping America strong. I compliment my colleagues on the committee for a job well done, and look forward to the prompt consideration of the bill by this body in the days ahead.

MILITARY CONSTRUCTION ASPECTS OF S. 2723

Mr. THURMOND. Mr. President, as chairman of the Military Construction

Subcommittee of the Senate Armed Services Committee, I want to discuss briefly the committee's recommendations on title II of S. 2723, which pertains to military construction.

Again this year the military construction budget has been forced to take a sizable reduction. The request was for $10.5 billion in new authority and reductions of $1.2 billion—about 12 percent—are recommended by the committee. These reductions are not easy to make; many valid military requirements have been deferred to accommodate the reductions mandated by the Senate in the first concurrent resolution on the budget.

The request to the Congress contained nearly 1,500 different projects at military installations around the world. Approximately one-fourth of the request was for operation and maintenance of the inventory of nearly 400,000 units of military family housing. Construction in the United States accounted for 73 percent of the request, with 18 percent for bases in Europe, and the remaining 9 percent for other overseas bases. The committee carefully assessed each project to insure that the project was justified and conformed to current defense construction criteria.

Details of the committee's action are in the committee's report and I do not intend to discuss the committee's actions in any detail. I would invite my colleagues attention to the report and would be pleased to respond to any questions that members may have.

I also want to compliment the committee chairman who is managing the final defense bill of his distinguished career. In my years in the Senate, I have never seen a committee chairman more dedicated to his task. Senator TOWER is a respected authority on all defense matters; he works extremely hard to stay current on defense issues and to expand his background knowledge in areas related to defense. Above all, he is eminently fair in his handling of the Armed Services Committee; he guarantees that every member has an opportunity to be heard and his proposals carefully considered on any defense issue. The Senate will miss JOHN TOWER and his leadership on defense issues; I am confident that after he leaves the Senate he will continue to serve this Nation in some capacity as a respected authority in defense matters.

I want to take this opportunity to acknowledge the efforts of Senator BINGAMAN, the junior Senator from New Mexico, who served with me as the ranking Democrat on the Military Construction Subcommittee. It has been a real pleasure to work on this bill with Senator BINGAMAN. He has worked hard to find reductions that could be made with minimum impact on the overall defense program and to insure that the taxpayer gets the most for his dollar in the military construction program.

Let me also acknowlege the efforts of staff members Ken Johnson, Jeff Smith, and Ed McGaffigan who handled the staff work on this bill.

I also want to give special recognition to Marie Dickinson, a most able staff assistant, who really should receive much of the credit for the fine committee work on the military construction program. Marie, who has been on the staff of the Armed Services Committee for 14 years, is one of the most competent members of this staff. She brings a pleasant manner and an attractive disposition to the hard work of handling a bill like this and I want her to know that we sincerely appreciate her loyalty and her dedication to the Senate.

Last, and most important I want to pay tribute to one of the most competent and dedicated staff members I have known since becoming a Member of the U.S. Senate—Jim Smith. His military expertise and vast knowledge in this field have been of inestimable benefit to our Nation. His outstanding work on this bill has been extremely valuable and I commend him in the highest terms.

AMENDMENT NO. 3165

Mr. McCLURE. Mr. President, on behalf of myself and Mr. MATTINGLY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for himself and Mr. MATTINGLY, proposes an amendment numbered 3165.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill add the following new section:

TRANSMITTAL TO CONGRESS OF REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL AGREEMENTS

SEC. . (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress the text of the report by the General Advisory Committee on Arms Control of the Arms Control and Disarmament Agency entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 (U)", dated November 1983. If the President determines that that report contains material the release of which to Congress would compromise United States intelligence sources, methods of intelligence gathering, or the national security of the United States, the President may furnish the text of such report after deleting or modifying such compromising material.

(b) Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress an unclassified version of the report described in subsection (a).

Mr. McCLURE. Mr. President, the amendment would simply require that the General Advisory Committee on Arms Control of the Arms Control and Disarmament Agency report entitled "A Quarter-Century of Soviet Compliance Practices Under Arms Control Commitments: 1958 to 1983," be furnished to the Congress of the United States. This report covers that 25-year period since 1958. While various Members may have seen a press report or two about it or perhaps some have received briefings with respect to the report itself, I think it is important that the entire Congress be informed as to what that report is and have available to them the information that is contained within the report.

The administration is also preparing a phase 2 of the compliance report mandated by Congress last September, which I am sure Members will remember passed unanimously by a rollcall vote of 93 to nothing. I am advised that the phase 2 compliance report is almost completed. I hope it will be delivered soon. The question of Soviet arms control compliance is a very important and fundamental question, and I think this Senate and all Americans need as much information as we can get so that we can make very good and valid decisions based upon good information.

This amendment has been carefully drafted to make certain that we do not in any way compromise U.S. intelligence sources, methods of intelligence gathering, or in any way harm the security of the United States. So there is a provision in the amendment that says that the President may furnish the text of the report after deleting or modifying any such compromising material.

The amendment further states that "Not later than 60 days after the date of the enactment of this act, the President shall transmit to Congress an unclassified version of the report described in subsection (a)." That is designed to give Members of Congress as much information as is possible and at the same time make available to all other citizens of the United States that which can be provided in an unclassified form so that all Americans would have access to an equal amount of information so far as it is possible to do so.

On the floor of the Senate in the past, I have referred several times to statements made by Sir Winston Churchill in that period prior to World War II and in particular in 1935 when he challenged the British Government to determine whether or not the Germans were complying with the arms control provisions of the Versailles Treaty. Among other things, Sir Winston Churchill stated in the House of Commons at that time that: "The worst crime is not to tell the truth to the public." And I think in a free society such as ours we should remind ourselves of the truth of that statement. World War II might have been prevented if the allied democracies had been able to enforce Nazi German compliance with the Versailles disarmament provisions.

Mr. President, I would be pleased to respond to any questions if indeed Members have questions with respect to this amendment. I hope it could be adopted and we could move onto the next subject.

Mr. TOWER. Mr. President, I am prepared to accept the amendment of the Senator from Idaho. I think it is essential that Congress be adequately and properly informed on these matters. Therefore, I am prepared to accept the amendment. But I would defer to the acting minority manager as to what his views are.

Mr. EXON. Mr. President, we have not had a chance to look at the information that is being offered in the amendment by the Senator from Idaho. I would like to, if I might, ask him, was this prepared by how many members of the organization? Is this 1 member or 10 or 2 or 3? What is the date of this report.

Mr. McCLURE. The report was prepared by the General Advisory Committee. I do not think there is any question that it is a document that is of general circulation and approval within that Advisory Committee. It is not a minority report or a minority view. It was unanimously approved by all 12 members of the General Advisory Committee on Arms Control.

Mr. EXON. Was this a unanimous conclusion of the committee?

Mr. McCLURE. I am informed it was unanimous. I might also mention that similar action has been taken by the other body in the markup of the bill, and an amendment identical to this was offered on the floor of the House and was adopted.

Mr. EXON. Could the Senator from Idaho further advise this Senator as to whether or not this matter was reviewed by either the Foreign Relations Committee or the Armed Services Committee?

Mr. McCLURE. I think the Armed Services Committee has had a hearing with respect to this. I do not believe the Foreign Relations Committee has.

Mr. WARNER. Will the Senator yield?

Mr. EXON. I am glad to yield.

Mr. WARNER. The Armed Services Committee has had no hearings on this subject.

Mr. McCLURE. A briefing but not a hearing.

Mr. EXON. I do not believe we have any particular objection, especially if it has been introduced on the other side.

I would just like to say that since I have not had a chance to review this, I do not know whether it is a balanced report. I heard my friend from Idaho indicate that we should have all the information at hand when we look at these kinds of things. Sometimes I feel that maybe we do not get a balanced approach, not enough of a broad-based approach. But if it is an official report of the committee, then I have no objection to accepting it as a part of the bill with the understanding that hearings were not held on this nor was it reviewed, as far as a part of the measure before us, by either the Armed Services Committee or the Foreign Relations Committee or any other committee of jurisdiction.

Mr. McCLURE. Mr. President, might I say to the distinguished Senator from Nebraska, there are 12 members on the General Advisory Committee, and it is my information that this report was approved unanimously by all 12 members of that committee.

Mr. EXON. Have we previously, to the knowledge of the Senator from Idaho, included recommendations of this committee on previous defense authorization bills, or is this the first time we have taken this action?

Mr. McCLURE. This Senator has been active for a year in trying to get information to the American public, and to the Senate as well, with respect to what we know about Soviet treaty compliance. The amendment that I referred to earlier was adopted last September, an amendment which I offered to the State Department authorization bill. But the Disarmament Agency, it seems to me, is more appropriately related to the activities of this committee. That is why the committee had a briefing with respect to it, at the invitation I believe of the chairman of the full committee.

Mr. TOWER. If the Senator would yield, Richard Perle briefed the committee on this issue. All the amendment proposes—if the Senator from Nebraska would agree—is to require the administration to submit information to us. I do not see how we can object to that very strongly; information that is already in hand.

Mr. EXON. There is no objection on this side to the acceptance of the amendment as part of the bill.

Mr. McCLURE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Idaho.

The Senator from Virginia.

Mr. WARNER. Mr. President, I have talked to the Senator from Idaho about this. I want to make it eminently clear that this amendment in no way reflects any lack of support for the arms control process by the Senator. As a matter of fact, we have talked many times and I share the view that we have hopes in the future of reaching a verifiable and balanced arms control agreement. This is in no way to undermine that process.

Mr. McCLURE. Mr. President, would the Senator yield?

Mr. WARNER. Yes.

Mr. McCLURE. Mr. President, I thank the Senator for making that comment.

I have tried to make my own position clear in statements made within this body, and other public places on the record, as well as in private conversations, that in no way do I wish to indicate that the United States ought not to be involved in negotiations. I fully support what the President has attempted to do to get the Soviet Union back to the negotiating table from which they have walked, and go forward with the process of trying to make this a safer world in which to live by means of arms control agreements. I think if that process is to be fruitful, we need to be informed. That is part of what I am trying to do here; make sure that all of us have that information so that the decisions we make will be based upon good, sound information. I am also trying to preserve the integrity of the arms control negotiating process and to preserve the peace.

Mr. WARNER. Mr. President, if I may point out further to my distinguished colleague from Idaho, who has drafted the amendment—and incidentally the amendment parallels the one that has been adopted by the one by the House.

Mr. McCLURE. The Senator is correct.

Mr. WARNER. The amendment states:

> If the President determines that that report contains material the release of which to Congress would compromise United States intelligence sources, methods of intelligence gathering, or the national security of the United States, the President may furnish the text of such report after deleting or modifying such compromising material.

That clearly indicates that there be a measure of Executive privilege exerted in this matter, in fairness to my colleague.

Mr. McCLURE. Yes. I pointed that out earlier. Indeed, there may be material that needs to be handled in the usual careful manner that we handle matters of sensitive intelligence; and, therefore, it is carefully handled by the text of the amendment.

Mr. WARNER. I thank the Senator.

Mr. McCLURE. I thank the Senator from Virginia.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho (Mr. McCLURE).

The amendment (No. 3165) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The Senator from Texas.

Mr. TOWER. The Senator from Idaho has one more amendment that he would like to offer which I understand will not take much time at all. The Senator from South Carolina has just come to the floor to offer his amendment on which there will be a record vote. I think probably the orderly way to proceed would be to let the Senator from Idaho dispose of his amendment, which can be disposed of by voice vote, and then hopefully the Senate can return to consideration of the amendment to be offered by the Senator from South Carolina.

Mr. President, I understand that the Senator from Idaho is not prepared to offer his amendment at the moment, but the Senator from South Carolina is.

Mr. HOLLINGS. I thank the distinguished manager of the bill, the Senator from Texas.

AMENDMENT NO. 3166

(Purpose: To express the sense of the Congress regarding any extension of the current restriction on the annual cost-of-living adjustments for retired Federal civilian employees and retired members and former members of the uniformed services who are under 62 years of age)

Mr. HOLLINGS. Mr. President, I send to the desk my amendment and ask for its immediate consideration.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), for himself, Senators RANDOLPH, JEPSEN, PRESSLER, BINGAMAN, WARNER, MITCHELL, BYRD, and THURMOND proposes an amendment numbered 3166.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

SENSE OF CONGRESS REGARDING RESTRICTIONS ON COST-OF-LIVING ADJUSTMENTS FOR CERTAIN RETIRED PERSONS UNDER 62 YEARS OF AGE

SEC. . It is the sense of the Congress that the provision contained in section 301 of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253; 5 U.S.C. 8340 note), or any other provision of law, which restricts cost-of-living adjustments for certain retired Federal civilian employees and certain retired members and former members of the uniformed services who are under 62 years of age to one-half the cost-of-living adjustment provided such employees and members who are 62 years of age or older should not be extended beyond fiscal year 1985.

Mr. HOLLINGS. I present this amendment, Mr. President, on behalf of Senators RANDOLPH, JEPSEN, PRESSLER, BINGAMAN, WARNER, BYRD, THURMOND, MITCHELL, and myself. Two years ago we made a bad mistake. We limited the COLA, cost-of-living adjustment, for the military and civilian retirees 62 years of age and under. On the House side, they want to extend that particular bad decision beyond the present 1985 expiration date.

This COLA limitation was intended to try to balance the budget as we have all tried to do. Of course, this particular Senator has been willing to freeze all COLA's. We have had a record vote on it. I would do the same thing. My plea now to my colleagues is one of fairness. The thrust of the COLA limitation was to blame this one group of retirees for the economic fallacy of Reaganomics. The Congress was looking at deficits of over $200 billion, and we failed to come to grips with it. I think that we ought to have the courage to reduce all areas of spending to stop the revenue hemorrhage thereby bringing order out of economic chaos. Would we do that? No. Was there a sacrifice asked of all? No. The Congress on the contrary chose to pick and choose who would play the small part in the perceived attempt at the so-called budget cutting.

Now we have the conference with respect to the reconciliation bill. That is why I ask for a record vote on this particular amendment because I feel very strongly that in the Senate we would be in total opposition to the House proposed extension of the half COLA for retirees under 62 years of age. Do you realize that is 64 percent, two-thirds of the enlisted military retirees. Roughly 500,000 of them, receive an average retirement pay right now of $9,400, which is $500 below the poverty level. Why are we cutting the retired pay of those who obviously do not receive much? These are the military retirees, but not just the military retirees suffer however. It also affects several civilian employee groups unfairly; Secret Service and air traffic controllers to name just two groups. They are required by law to retire much earlier than 62. So they are also singled out in an unfair way. I could elaborate more. But I think the distinguished chairman of our Armed Services Committee has looked at this. Hopefully we can get his approval and support.

Mr. President, I am introducing a sense of the Congress resolution that puts the Congress on record as firmly opposed to an extension of the one-half COLA for military and civilian retirees under 62 years of age beyond the present 1985 expiration date for the COLA limitation.

Two years ago, a serious mistake was made by the Congress in unfairly singling out military and Federal civilian retirees under 62 to reduce their anticipated COLA. No other group was treated in such a way. It was arbitrary, and it was wrong.

The thrust of the COLA limitation was to blame this one group of retirees for the economic fallacy of Reaganomics. The Congress was looking at deficits of over $200 billion and failed to come to grips with the issue. Would it have the courage to reduce all areas of spending and stop the Reagan revenue hemorrhage thereby bringing order out of economic chaos? No. Was a sacrifice asked of all? No. The Congress chose to pick and choose who would play their small part in the perceived attempt at so-called budget cutting.

So the Congress picked on a select group of retirees—about 1.2 million in number—of whom 1 million were military retirees. This half COLA was yet another in a long line of changes in retirement benefits for those in the military. I think it is time we stop these shenanigans and face up to the truth.

Cutting the deficit is a responsibility that should be shared by all and not a few. Small-change revisions in retired pay will not get us there. We need a fundamental shift in the thinking of the Congress and the President—working in a bipartisan manner. Cut and freeze spending and raise revenues. That is the answer.

My amendment would put the Senate on record in opposition to House-proposed extensions of the half-COLA for retirees under 62.

There are numerous reasons why the half-COLA limitation should be abolished after its present 1985 legislative expiration date:

First, changes to the military and Federal civilian retirement systems should be enacted based upon thorough evaluations of the systems by the Congress—not by piecemeal legislation requiring sacrifice by some and not others.

Second, the half-COLA limitation, along with other recent retirement revisions such as elimination of the 1-percent kicker, twice a year to once a year COLA, retirement based on high 3-year average salary and not termination base salary, and elimination of the look-back provision, have reduced the value of lifetime military retired pay by over 30 percent.

Third, 64 percent of enlisted military retirees—roughly 500,000 retirees—now receive an average retired pay of $9,400 or nearly $500 below the poverty level.

Fourth, 1 million of the 1.2 million Federal retirees under 62 are military members. Our retired service personnel have honorably fulfilled their commitments, but the constant sniping at retired pay means the Government is reneging on its responsibilities.

Fifth, Congress recently delayed the retired pay COLA until December

1984 for the military, until January 1985 for civilians, meaning there will be a 19-month delay since the last COLA adjustment.

Sixth, the erosion of retirement benefits has a serious detrimental effect on enlisted and junior officer retention levels.

Seventh, several groups of civilian employees such as Secret Service employees and air traffic controllers are forced by law to retire much earlier than 62 and then have been denied their full retirement.

Defense Secretary Weinberger also opposes the proposed extension and has written to House Members his major objections. I ask unanimous consent that a copy of Secretary Weinberger's opposition to the extension of the half-COLA be printed in the RECORD. This is one time that the Secretary and I agree on an issue and that fact should be recorded.

The Senate Armed Services Committee also has opposed the half-COLA concept in the past—mostly for the same reasons that I have cited. The Armed Services Committee's views are best represented in the following quotes from Senate Report 98-174, pages 220-221, accompanying the fiscal year 1984 Omnibus Defense Authorization Act:

> The Committee is concerned that the near-term savings in military retired pay that would come from the permanent half-COLA would be more than offset by the loss of skilled career personnel over the longer term. In fact, lower retention rates and higher personnel turnover caused by this proposal could actually increase defense manpower costs. The Committee is also concerned that this proposal unfairly penalizes the large number of military retirees under age 62 simply because of their service in the military. The arbitrary use of age 62 shelters the retired pay of civil service retirees at the expense of those who endured the unique hardships and career patterns of military service. Individual military retirees, and those military members nearing retirement, should not be penalized for manpower management policies over which they had no control.
>
> Significant changes to the military retirement system, like the permanent half-COLA proposal, that do not begin with a review of underlying military manpower management principles, could result in unintended and unforeseen changes to these principles. The Committee believes that any such changes should only come after a thorough examination and understanding of their possible impact on meeting the manpower needs of the military services. The Committee also understands that changes to the military retirement system are some of the major issues before the current Fifth Quadrennial Review of Military Compensation which will be completed this fall. Accordingly, the Committee recommends that the Administration's proposal to make permanent the current three-year limitation on half-COLA increases for military retirees not be accepted at this time.

Mr. President, I have several additional tables that discuss the merits of my proposal. I ask unanimous consent that they be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON,
THE DISTRICT OF COLUMBIA,
April 12, 1984.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I understand that H.R. 5394 contains a two-year extension feature of the one-half cost-of-living annuity adjustment mechanism for retired civilian employees under age 62. Such a feature will also apply to members of the uniformed services entitled to retired or retainer pay through linkage in preexisting law. We strongly object to this feature and request that the Committee remove this limitation for uniformed service members.

The President's budget indicated certain proposed revisions to the cost-of-living adjustment mechanism. Other than a delay in the effective date of these adjustments, it specifically stated that military members were not included due to the ongoing Fifth Quadrennial Review of Military Compensation. The action by the Committee is not in accord with the Administration's program. Further, such an extension has a disproportionate impact on the military community. About 72 percent of our retired members are under age 62. Normally, we retire individuals at a much earlier age than the civilian community and we must do so to maintain the required age/skill/experience mix of the force. Consequently, such a feature has significant consequences upon military personnel management and our ability to meet defense requirements.

The military retirement system is a major management tool for the Department. Changes in that system unrelated to our requirements have serious long-term force impacts. Extending the half cost-of-living feature for two years, to a total of five, will be perceived as a step toward making this permanent. We know that making this permanent would reduce the lifetime value of retired pay by 33 to 36 percent for most retirees. Correspondingly, we would lose about 20,000 career enlisted members by the end of fiscal year 1988. This, in turn, increases the number of new accessions we must attract in a declining youth market. As a result, recruiting and training costs would increase, while overall readiness of the armed forces would decline.

I urge you to reconsider this feature in light of its impact on the military forces and remove it from the bill.

Sincerely,

CAP.

PERMANENT 50 PERCENT CPI COLA CAP

SYNOPSIS

Congress is contemplating a permanent 50% CPI COLA cap on military non disability retirees under age 62.

COLA cap constitutes reversal of long-standing Congressional intent to preserve purchasing power of military retired pay.

Cuts value of lifetime retired pay by 25-33%; enlisted retirees hit hardest—64% now have retired pay below poverty level.

Would affect nearly 1 million military non-disability retirees under age 62.

50% CPI cap is poor policy; makes future retired pay subject to a volatile inflation rate; discriminates against military retirees who are generally younger due to force management requirements for a youthful force.

Retirees have honorably fulfilled their commitments to nation; cap abdicates government's reciprocal responsibility to preserve the entitlements under which these members were recruited and served.

BACKGROUND

FY83 Omnibus Budget Reconciliation Act (OBRA): Temporary (FY83-FY85) 50% CPI COLA cap.

COLA for retirees under age 62 limited to 50% of projected CPI.

[In percent]

	Apr. 1, 1983	May 1, 1984	June 1, 1985
Under 62:			
Projected	3.3	3.6	3.3
Actual	3.3	[1] 3.6	
62 plus:			
Projected	6.6	7.2	6.6
Actual	3.9	[1] 3.5	

[1] Would become effective May 1, 1984, unless overriding legislation is enacted.

Fiscal year 1985 Actions: House Budget Committee has recommended (1) making 50 percent CPI COLA cap permanent and (2) delaying the 1 May 84 COLA (payable 31 May 84) until 1 Dec 84 (payable the first working day in January 1985).

DISCUSSION

In 1963 Congress passed legislation automatically linking military retired pay to changes in the CPI; Congress' intent was to preserve the purchasing power of retired pay and help soften the impacts of the 1958 decision to end retired pay recomputation (under this practice, retired pay was adjusted by the same increase applied to active duty basic pay).

Although the retired pay COLA mechanism was modified four times between 1963 and enactment of fiscal year 1983 OBRA (Oct. 82), full adjustment for CPI growth was preserved.

Over 1 million members are now retired (state distribution at Attachment 1).

Over 95 percent of the active military force came on active duty during the 19 years since full inflation protection was first enacted; these members, as well as current retirees, have come to view inflation protection as an integral feature of the retirement system.

Since 1963, the number of nondisability retirees under age 62 who rely on 100 percent CPI adjustments has risen from approximately 300 thousand to nearly one million as the military retirement system has matured.

A permanent 50 percent cap would be a sharp departure from a long history of Congressional preservation of the value of military retired pay.

A permanent 50 percent cap would produce a deep erosion in enlisted and officer retired pay purchasing power (Attachments 2 and 3).

By the time the typical retiree reached age 62, their monthly retired pay will have diminished to just over half of its original value; the actual reduction is dependent on future inflation rates.

Over the years of retirement, these monthly losses would accumulate to substantial sums; for example, a typical enlisted retiree will have a loss in purchasing power of between one-fourth and one-third of total lifetime retired pay (other examples at Attachment 4).

These losses in purchasing power will have their most acute impact on those who can afford it least—enlisted retirees.

64% of nondisability enlisted retirees (nearly one-half million) earn retired pay that is less than the poverty level of $9,860

The annual retired pay for the typical enlisted retiree is approximately $9,400.

Those supplementing their military retired pay through civilian second careers experience substantial and persistent second career earnings losses; starting second career pay for enlisted retirees is approximately $9,000 below that of equivalent high school graduate civilian employees.

Imposition of a permanent COLA cap reneges on a commitment to retirees.

For the 32 thousand who retired prior to 1958 and are still on the rolls, it would be the second abridgment of a commitment to sustain the purchasing power of retired pay; in 1958 recomputation of retired pay was terminated.

After recomputation was abandoned, the Congress pledged (1963) the purchasing power of retired pay would be preserved by full CPI indexing.

Retirees have kept their end of the bargain through at least 20 years of honorable and often dangerous service; over 70% of a sample of recent retirees drew hostile fire pay at some point during their careers.

Many retirees and active duty members have lost faith in the permanence of the entitlement programs they were recruited and served under; the government's credibility as patron of the serviceman has already been seriously diminished.

A permanent COLA cap could be the last straw for many young members who are contemplating a military career but are becoming wary of whether retirement entitlements will endure.

But more unfortunate, it would be an insensitive disregard for the welfare of thousands of retirees who count heavily on their retired pay for sustenance in old age.

Besides imposing a severe financial burden, a 50% CPI cap is poor policy; it abdicates control over future retired pay to a random process—the CPI.

The unpredictability of future inflation would make it impossible for:

Members to accurately project the future value of their retired pay.

And the government to accurately project savings from a cap.

This kind of cap would have uneven impacts on lifetime retired pay for otherwise equivalent retirees who are retired during periods of relative price stability compared to those who are retired during periods of high inflation.

Attachment 3 illustrates the volatility of lifestream impacts; for example, a TSgt would lost 29% in lifetime retired purchasing power if inflation is 5%, but would lose 41% if inflation is 8%.

Furthermore, the age 62 threshold discriminates against military retirees because they are generally younger than federal civilian retirees; law and force management practices designed to preserve a youthful force prevent members serving to age 62; nearly 80% of military retirees but ony 20% of civil service retirees would be affected if a permanent cap were implemented.

[In percent]

Retirees' age	Military	Civil service
Under age 62	79	20
Age 62 plus	21	80

SUMMARY

Fifty percent CPI COLA cap is an immediate money saver; but, for the long term, it is an unstable and unacceptable solution:

Would reduce the purchasing power of military compensation by a significant, yet unpredictable amount.

Would discriminate against military retirees as a group on the basis of their age.

Would have a growing corrosive effect on the attractiveness of the retirement system as a career incentive as the cumulative impacts on purchasing power became apparent.

Would have eventual damaging consequences on retention and experience and readiness levels.

Finally, would represent a further "selling out" of retirees in the name of economy.

SELECTED EXAMPLES: ADVERSE IMPACT OF PERMANENT ONE-HALF COLA CAP ON MILITARY RETIREMENT PAY REDUCTION IN LIFETIME RETIREMENT PAY

[1984 Dollars/percent reduction]

Grade	Years of service	5 percent CPI		8 percent CPI	
		Amount	Percent	Amount	Percent
Technical sergeant	20	$77,800	29	108,900	41
Do	[1] 23	75,000	26	106,100	37
Master sergeant	[1] 26	83,500	23	119,700	34
Chief master sergeant	30	95,100	19	139,000	28
Lieutenant colonel	20	140,000	25	199,200	36
Do	[1] 28	105,500	17	155,700	25
Colonel	30	106,900	14	159,500	21

[1] High year of tenure point.

Mr. WARNER. Mr. President, I rise today in support of this initiative to assure that military and Federal retirees under the age of 62 may continue to look forward to receiving full cost-of-living adjustments (COLA's) in fiscal years 1986 and 1987.

As I am sure my colleagues are aware, the reduced COLA proposal is now in conference as a part of the House-passed version of H.R. 4170, the proposed Omnibus Deficit Reduction Act of 1984.

In the Senate-passed version of H.R. 4170, approved by this body by a vote of 74 to 23 on May 17, we make no recommendation to penalize under 62 retirees in 1986 and 1987, and I believe that a strong affirmative vote on behalf of these retirees will act to substantiate our actions on H.R. 4170.

Federal and military retirees have borne the brunt of numerous budget savings measures in recent years, and I believe the time has come to indicate our support and appreciation for the valuable services provided to this Nation by both the civilian and military sectors of the U.S. Government.

Federal employees and military personnel begin their service to their country believing that their respective retirement programs are a part of their total compensation.

There is no question that, in many cases, private sector compensation for comparable Government work is much higher, but the retirement security provided by the Federal and military retirement programs has acted to make the long years of Government service worthwhile.

I believe that we must draw the line on continued encroachments on the hard-earned annuities of Federal and military retirees, no matter what their ages may be.

These fine Americans, who have contributed their services through their Federal and military careers, signed up for Government service with every expectation that they could count on full retirement benefits.

They have made their contributions to the retirement programs and fulfilled the required years of service.

Mr. President, I ask you, is it fair to keep changing the rules and laws they have depended on by a continuing series of deferrals and reduced COLA increases?

The actions we have already taken in this area involve a substantial sacrifice in retirement security for Federal and civilian service.

I believe that we have asked enough of those in military and civilian service.

By the very nature of their jobs, Federal workers and military personnel understand the requirements of Government service, and certainly by now are aware of their proximity to the Nation's purse strings.

All American citizens have come to realize the need for fiscal responsibility and budgetary restraint, and I think that both Federal and military retirees have been proud to do their part in accepting budgetary curtailments.

There must, however, be a limit on these actions.

Federal and military retirees under the age of 62 have performed their services for the Government in good faith, and should not be further penalized.

I urge my colleagues to join me now in keeping the faith with these retirees by awarding them a full measure of retirement security for 1986 and 1987.

Mr. BINGAMAN. Mr. President, I support the amendment by my distinguished colleague, the Senator from South Carolina. This amendment puts the Senate on record on the extension of the half cost-of-living adjustment (COLA) for retired military and civilian employees under age 62, which has been proposed in the House-passed reconciliation bill, H.R. 5394. This provision is now under consideration by a joint House-Senate conference.

I strongly oppose the extension of the half-COLA provision. It is both bad policy and it is unfair to millions of military and civilian retirees. The Omnibus Budget Reconciliation Act of 1982 required that those retirees under age 62 get only one-half of the COLA adjustment (projected by the Congressional Budget Office) for the 3-year fiscal year 1983-85 period. We now have a House-passed proposal to extend this provision for two more years.

The extension of the half-COLA penalty will have a number of serious consequences for military and civilian retirees. It would be perceived as a move toward a permanent change. The effect of the permanent half-COLA would fall disproportionately on military retirees. Approximately 1 million of the 1.2 million Federal retirees under age 62 are military retirees.

This change would also significantly erode the purchasing power of retirees' pay. Along with other recent retirement changes such as the elimination of the 1 percent add-on provision, the change from twice-a-year to once-a-year COLA, and the delay in the May 1984 adjustment until January 1985, the value of lifetime military retired pay would be reduced by over 30 percent. Approximately 64 percent of enlisted military retirees—roughly 500,000 retirees now receive an average retired pay of $9,400—nearly $500 below the poverty level for an urban family of four.

The half-COLA change would also have an adverse impact on recruitment, retention and readiness of our military troops. According to the Department of Defense, about 20,000 career enlisted members would be lost by 1988 as a result of this change. This would have a direct impact on recruitment and training costs as well as a cause of a decline in readiness. As a result, the short-term savings this provision would achieve would more than be offset by the long-term cost. In fact, lower retention rates and higher personnel turnover caused by enactment of this proposal could actually increase defense manpower costs.

Many civilian retirees are also unfairly treated by this provision, particularly those Federal retirees who are forced by law to retire before age 62. These employees, which include secret service personnel, law enforcement and firefighter personnel, air traffic controllers, and others, would be discriminated against by the half-COLA penalty.

For these reasons I oppose the extension of the half-COLA provision and I encourage my colleagues to support the Hollings amendment.

Mr. TOWER. Mr. President, I think the committee should participate in the amendment offered by the Senator from South Carolina. I believe the whole issue of cost-of-living adjustments for retirees has to be dealt with. We need a comprehensive approach to deal with it. This piecemeal approach is not the proper way. As the Senator points out, the burden does fall somewhat unfairly on military retirees because most of them are forced to retire before they are 62. I believe the Senator from South Carolina added a couple of other categories, air traffic controllers, Secret Service, and so on.

It seems to me, in fairness, that the amendment of the Senator from South Carolina should be adopted. I might note that our committee specifically opposed this one-half COLA provision last year in our report. I would join with the Senator from South Carolina in urging the Senate to vote favorably.

I understand that the amendment has also been discussed with the distinguished Senator from Georgia (Mr. NUNN) and that he has no objection to its adoption.

Mr. HOLLINGS. That is correct.

Mr. President, I ask for the yeas and nays, if it is appropriate.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from South Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. JEPSEN), and the Senator from Wyoming (Mr. SIMPSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 113 Leg.]

YEAS—95

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
Durenberger
Eagleton
East
Evans
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—1

Symms

NOT VOTING—4

Dodd
Hatfield
Jepsen
Simpson

So the amendment (No. 3166) was agreed to.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senate will come to order.

Mr. TOWER. Mr. President, while Senators are in the Chamber, I have had a number of inquiries made of me by a number of my colleagues. Let me say that it is my desire, if the majority leader is agreeable, to stay in fairly late this evening and dispose of amendments. I would not want to specify a time, but some Senators have asked me if they can leave at 4 o'clock or 5, and I would hope they would not because this is Thursday and our regular late night day. I hope we will regard it as such and continue to dispose of amendments. We have gotten off to a pretty good start. I would like to continue this momentum.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the majority leader.

Mr. BAKER. Mr. President, I congratulate the Senator for his remarks. At the opening of the session today, I said as much. I do fully expect that if the Senate can do useful work today and the managers wish to do so, we will be asked to stay late. I do not know now how late, but I will leave that largely up to the two managers at this time. I do urge Senators to consider that it is most certain we will be here beyond the dinner hour.

Mr. TOWER. Mr. President, in that respect, I might note that we expect further votes during the afternoon and Senators should be on notice.

Mr. DIXON addressed the Chair.

Mr. TOWER. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIXON. Mr. President, may I say that I have conferred with the majority leader and the manager of the bill, the chairman of the Armed Services Committee, and our ranking member (Mr. NUNN). I put the Senate on notice that early next week—and it has been requested that I put it off until next week by the manager of the bill (Mr. TOWER)—I intend to offer a motion to re-refer this bill to the Armed Services Committee in a matter of 5 days to limit the increase in the appropriation under the DOD authorization to 5 percent, which would be $293.7 billion instead of $299 billion contemplated by the bill. I have the motion at my desk. I have notified the leadership on both sides and the managers of the bill, and that motion will be offered early next week.

The **PRESIDING OFFICER**. The Senator from Texas is recognized.

Mr. **TOWER**. Mr. President, I believe the Senator from Idaho is prepared to offer his second amendment.

AMENDMENT NO. 3169

(Purpose: To authorize the disposal of 10,000,000 troy ounces of stockpiled silver through the issuance of silver coins)

Mr. **McCLURE**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The bill clerk read as follows:

The Senator from Idaho (Mr. McClure), for himself, Mr. Symms, and Mr. Humphrey, proposes an amendment numbered 3169.

Mr. **McCLURE**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER** (Mr. Cochran). Without objection, it is so ordered.

The amendment is as follows.

At the appropriate place add the following:

STOCKPILE PROVISIONS

1. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to utilize 10,000,000 troy ounces of silver from the National Defense Stockpile to mint coins pursuant to this section. Disposals of silver from the National Defense Stockpile shall be conducted in accordance with the provisions of this section during fiscal years 1985 and 1986.

(b) The Secretary of the Treasury (hereinafter referred to as the "Secretary") shall mint and issue coins of the United States under this section in such quantities as are necessary to meet public demand.

(c)(1) The coins minted pursuant to this section shall be either sold or furnished on consignment in bulk on a negotiated basis by the Secretary to primary dealers in bullion coins, banks and other financial institutions in accordance with such procedures as the Secretary may prescribe, at prices to the general public determined by the Secretary, which shall not be less than the fair market value of the silver content of the coins on the day of the sale, as determined by the Secretary, plus costs of minting, distributing, promoting, and marketing the coins. The Secretary shall seek to keep costs of minting, distributing, promoting, and marketing of the coins as low as possible, consistent with the objectives of this section. In no event shall the portion of the price attributable to the costs of minting, distributing, promoting and marketing the coins exceed 10 per centum of the fair market value of the coin's silver content or $.75 per coin, whichever is lower. Such sales and consignment shall begin not later than January 1, 1985.

(2) Coins minted under this section shall be legal tender and bear the same design as that of the 1908 "St. Gaudens" twenty dollar coin; be inscribed with the year of minting; have reeded edges; contain one troy ounce of 0.999 fine silver; weigh 31.1035 grams; and have a diameter of 38.1 millimeters (1.5 inches). Such coins shall not contain the inscription of the words "Twenty Dollars" but shall have the inscriptions of the words "Liberty", "In God We Trust", "United States of America", "E Pluribus Unum", "One Troy Ounce" and "One Dollar".

(3) The Secretary shall define the term "primary dealer in bullion coins" in a manner consistent with the ordinary practices of the precious metals trade.

(4) The Secretary shall sell the coins in bulk quantities or on consignment, in accordance with such procedures as the Secretary prescribes. In addition, the coins minted pursuant to this section should be packaged for bulk sales in tubes containing not less than 25, but no more than 1,000 coins. The Secretary shall utilize the United States Mint's mailing list and make other reasonable and appropriate efforts to promote the retail sale of the coins. Coins made available to the mailing list of the United States Mint may, at the Secretary's discretion, be produced as a proof coin and sold at a price sufficient to cover the face value, the precious metal content, plus the additional expenses of their manufacture and sale, or as special uncirculated coins, packaged distinctively by the United States Mint.

(c) The net proceeds of the sales of coins minted pursuant to this section shall be received by the General Services Administration, after deducting the costs incurred by the Secretary in minting, distributing, promoting and marketing the coins, the book value of the silver, and the face value of the coin. That portion of the proceeds representing the costs incurred of minting, distributing, promoting, and marketing the coins and the book value of the silver shall be credited to the mint appropriation. The net proceeds, including the aggregate face value of the coins received by the General Services Administration shall be deposited in the National Defense Transaction Fund.

Mr. **McCLURE**. Mr. President, I will not take long at this time to explain the purpose of the amendment.

We have been involved at various times in trying to determine the best way for this Nation to meet its critical stockpile needs of critical material, and that requires purchasing certain material from time to time to go into that stockpile, and that means that we have to generate some money to fund those purchases. So, from time to time the Government has looked at materials it felt were in excess of its needs and authorized the sale, and Congress itself authorized that sale.

Some years ago, we adopted a stockpile transaction fund in which whatever was sold, the net proceeds went into that fund to provide the funds to purchase material so the money could not be siphoned away for reasons unrelated to the stockpile.

One of those questions in recent years has involved the sale of silver that is found to be excess to the Nation's needs. Our experience with the attempts at selling bullion, however, have been disastrous, not only to the hopes of the Treasury to generate money to finance purchases, but also to the bullion market itself. It has been my belief that we should try an alternative method of disposal of those amounts that are found to be excess.

Mr. President, I do not want to get into the argument today about hard money or the desirability of coining for monetary reasons. I wish to confine my remarks solely to the desirability of disposing of the stockpile in a way which will generate money for the Treasury without destroying the market, and I believe that the way to do it is through a limited coinage program as defined in the bill.

Since the House put a provision in this bill authorizing bullion sales, it would be my hope that the Senate would authorize a better way. A way that is guaranteed to generate more money for the stockpile transaction fund, with less disruption of the silver markets and with less damaging and destructive effects on the mining activities and the livelihood of tens of thousands of working men and women in my State, and elsewhere, who depend upon that production as a basis of their livelihood.

Mr. President, this amendment is cosponsored by my distinguished colleague from the State of Idaho, Senator Symms, and Senator Humphrey.

The amendment I am offering, which the distinguished floor manager of the bill has agreed to accept, is necessary to prevent a critical and unfortunate situation.

The Omnibus Reconciliation Act of 1981 contained authority to sell materials from the national defense strategic stockpile. Included in the list of materials to be sold was the strategic stockpile of silver. Shortly after the passage of this act, the General Services Administration attempted to auction off the silver. Unfortunately, instead of selling silver, the auction method of disposal only forced the price of silver downward.

At the time of the auctions, the metals market was already in a state of depression. GSA's misguided action forced the price of silver well below the break-even point for most mines. In the State of Idaho, the Nation's largest silver producing State, several mines were closed and thousands of workers were forced out of work. Some of these mines have yet to reopen.

Mining specialists have estimated that over 50,000 workers in the mining industry were indefinitely idled. Some estimate that up to 100,000 employees in related or supporting trades in the West were either laid off or otherwise adversely affected.

Furthermore, the Governments of Canada, Mexico, and Peru filed protests with the State Department because the auction of stockpile silver caused their silver producers significant hardship.

I believe it is clear, Mr. President, that adequate consideration of the impact of the sale was not made—neither at the time it was proposed, nor at the time it was authorized.

Not only were we unsure about the untested notion and subsequent decision that the silver is excess to our strategic stockpile need. I believe little—if any—thought was given to the effect of dumping 105 million ounces of silver on the domestic silver market.

From the time the sale of the silver was announced in March 1981 until the time the sales were halted, the price fell drastically from $12.13 per ounce to $8 per ounce, all in a period of continuing inflation. The funny thing was that while the administration said its stated purpose for the disposal was to raise revenue, they actually were depressing the price and losing necessary revenue right before our eyes.

Apparently, we do not remember any lessons we may have learned in 1981. As many of my colleagues know, the House version of the DOD authorization includes authorization to dispose of 19 excess stockpile materials. One of these materials is 10 million troy ounces of silver. Unfortunately, Mr. President, the House language does not provide for a disposal method.

The report language does specify that:

> To the maximum extent practicable, stockpiled silver be disposed of in a form and quantity that is readily available to, and can be afforded by, a large number of U.S. citizens, further, the committee intends that methods of disposing of silver, other than through General Services Administration auctions, be explored to provide maximum revenues for the National Defense Stockpile Transaction Fund with minimum impact on the commercial and industrial markets.

I certainly have learned a lesson from the botched job in 1981 and I intend to do everything I can to see that, if silver is disposed of, it is done in a manner that will not have the same effect on the market as the auction method of 1981 and that it conform with the standards set in the House report.

Since the disastrous 1981 auctions, I have been searching for a better method of disposal. The best method I have found in the 2½ years of research, is a coinage method. Certainly, Mr. President, I am not proposing that the Government mint millions of coins that nobody will buy. Instead, my coinage proposal, as it was introduced in S. 269, uses two coins for the disposal process.

The primary coin is a legal tender, 1-ounce silver bullion coin. It is clear to me that this coin, modeled as closely as possible after the popular 1-ounce Krugerrand gold coin, will be sucessful. A survey conducted for the Silver Institute and the Ad Hoc Committee for American Silver clearly states that a substantial market exists for these coins. If sales reach only one-tenth of the potential that the survey indicates, it is possible that 35 million of these coins could be sold during the first year on the market.

The purpose of my amendment is twofold. First, it conforms the Senate bill with the House bill by authorizing 10 million troy ounces of silver to be disposed. It also authorizes that this silver be disposed of by using a legal tender, 1-ounce bullion coin as I have proposed in S. 269.

The 10,000,000 troy ounces that have been proposed in the House bill will provide a good test market for the proposal made in S. 269, and will pave the way for its passage at a later date. By minting silver bullion coins, the Government will be providing an excellent investment for the small investor who is looking for a hedge against inflation.

Mr. President, the goal of minting coins from the strategic stockpile are numerous. First, coins will maximize the return for the silver to the Government. This increased return will provide additional revenue for the stockpile transaction fund to purchase other necessary strategic materials.

Second, it will minimize the effects this disposal will have on the silver market. We know exactly what effects the auction method had on the market. It depressed the price, closed mines, and reduced the return of the silver to the Government. Simply put, Mr. President, it is time to try another disposal method.

Last, a coinage method will maintain as many benefits of the stockpile as possible. The coins will most likely be purchased by Americans and held by Americans. If there is ever a strategic need for the silver, the Government can ask Americans to return the silver. The survey I referred to earlier indicates that 60 percent of the respondents would be very likely to resell the silver to the Government. In other words, Mr. President, we would create a walking stockpile of silver.

My idea is not an isolated idea. S. 269 has broad-based support, and is cosposored by Senators SYMMS, STEVENS, MURKOWSKI, LAXALT, HECHT, HATCH, MELCHER, BAUCUS, GOLDWATER, HELMS, GORTON, and DOMENICI.

Mr. President, I have discussed this amendment with the manager of the bill, I understand there is no objection to the amendment from his standpoint. We have submitted copies of the amendment to the minority, and I will be pleased to answer any questions.

Mr. TOWER. Mr. President, it is my understanding that this amendment has been cleared by the chairman of the appropriate subcommittee of the Armed Services Committee, Senator HUMPHREY, and he is a cosponsor of the amendment.

I see that the ranking minority member of that subcommittee is here, and I yield at this point to Senator NUNN.

Mr. NUNN. I thank the chairman.

Mr. President, I have no personal objection to the amendment. I have not studied the subject thoroughly, but I defer to Senator LEVIN, the ranking minority member of the subcommittee that has jurisdiction.

It is my understanding that this subcommittee, for some time, has been pressing the Office of Management and Budget and the administration to make some decisions in this area. The stockpile cannot be replenished in the area of more critical materials unless some of the silver is disposed of first.

I have here a letter that Senator LEVIN will address in more detail, signed by Chairman HUMPHREY of the Subcommittee on Preparedness, of which Senator LEVIN is the ranking minority member. I ask unanimous consent that this letter be printed in the RECORD, as an explanation of the background in which this amendment is being approached.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 24, 1984.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Washington, D.C.

DEAR MR. STOCKMAN: The Committee on Armed Services has a continuing interest in building up the supplies of critical strategic materials in the National Defense stockpile. One of the major issues in rebuilding the National Defense Stockpile in recent years has been the question of selling off the current holdings of silver in the stockpile.

As you recall, the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) authorized the sale of 105.1 troy ounces of silver from the National Defense Stockpile from FY 1982-FY 1984. This Act also stipulated that the FY 1983 and FY 1984 disposal authority for silver could not be exercised "unless the President, not later than September 1, 1982, determines that the silver authorized for disposal by such subsections is excess to the requirements of the stockpile as of that date." The Annual Materials Plans for the National Defense Stockpile submitted to the Congress by the Federal Emergency Management Agency for FY 1983 and FY 1984 anticipated revenues from the sale of silver in FY 1983 and FY 1984. However, the determination by the President that the silver in the Stockpile is excess to the Stockpile requirements required by P.L. 97-35 has never been received by the Senate Committee on Armed Services.

FEMA officials have testified this year that the FY 1985 appropriation request of $120 million from the Stockpile Transaction Fund is predicated upon receiving legislative authority to dispose of silver. According to FEMA officials, if the sale of silver does not materialize in FY 1985, there will be insufficient resources in the Stockpile Transaction Fund to purchase materials at the $120 million level requested for FY 1985. To date, however, this Committee has not received a formal legislative proposal from the Administration requesting authority to dispose of silver in the Stockpile during FY 1985.

In reporting out the 1985 Department of Defense Authorization Act (H.R. 5167), the Committee on Armed Services of the House of Representatives authorized the disposal of 10,000,000 troy ounces of silver from the National Defense Stockpile. We would like to know the Administration's position on the provision to dispose of silver in the Stockpile contained in the House bill. Since the House and Senate Committees on Armed Services will probably be meeting in conference on this bill in late June, we would like to have the Administration's position on this issue by June 15, 1984.

Thank you for your attention to this matter.

Sincerely,

GORDON J. HUMPHREY,
Chairman, Subcommittee on Preparedness,
CARL LEVIN,
Ranking Minority Member, Subcommittee on Preparedness.

Mr. NUNN. Mr. President, I defer to Senator LEVIN, who has done an outstanding job on the issue of material stockpile, for the comments he has. I will withhold my judgment until I hear his views on the matter.

Mr. LEVIN. Mr. President, I am not really sure how to react to the amendment. It may be a terrific amendment, and I probably will support it, as a matter of fact, because we have to do something about the silver we have in the stockpile.

I am troubled by the failure of the administration, for years, to give us a position on this matter. Everybody agrees that we have to do something about the silver that is there. I do not think that anyone wants to disrupt the silver market in the process, but we want to raise needed funds with which to buy the material that is needed.

Silver is surplus. We have a shortage in a lot of other critical materials. So we have to find an effective way and a nondisruptive way to dispose of the surplus, and at the same time, find some money to buy the critical materials which I think most of us agree we need for the stockpile.

I just have a few questions of Senator MCCLURE, if I could. I have not had a long opportunity to study this amendment. Perhaps the amendment itself answers these questions.

Mr. McCLURE. I would be very pleased to respond.

Mr. LEVIN. Will these coins be allowed to find their own market value, and if the fixed price set for them is not achieved, will they be auctioned?

Mr. McCLURE. They are intended to have a market value, to find their own market value, which would be the silver bullion value plus the cost of producing and distributing the coins.

Mr. LEVIN. If that value as set is not achieved, will the price then be lowered so they can be sold?

Mr. McCLURE. I would assume that if as a matter of fact they could not be sold at that value we would have to take another look at how they would be disposed of.

Let me say to the Senator from Michigan that, while it is not completely parallel because there is a national purpose in the sale of Olympic coins, they are selling for above bullion value and they are selling in order to support our activities in the Olympics of this summer. They are selling well, and they will meet their financial targets before the Olympics open this summer, I believe.

I might add at this point, that it is not the intent of the Senator from Idaho to have this coin compete with the Olympic coin program. Rather, the amendment states that the coins will not be sold until after January 1, 1985. This is after the Olympics and will give the mint an opportunity to get ready and commence selling at the first of the year.

There is another parallel, and that is that other nations are selling weight denominated coins, not just in gold, but in silver, and they are penetrating our markets in this country by selling foreign silver in our markets as 1-ounce denominated coins.

It seems to me foolish for us to allow them to have the monopoly of that market by our failure to move into this ourselves.

So it is my expectation that these coins will have a ready sale and that we will not have to face the question of whether or not they do not sell. I think they will. As a matter of fact, Sunshine Mine, the Nation's largest silver mine, which is located in northern Idaho, is selling bullion out the back door, in effect, just a drop-in trade, that is of about 50 to 100 thousand coins a month, and it seems to me that if these are an official coinage of the U.S. Government to have the guarantee and the certification of the Government with respect to the quality of the silver that is in them, the degree of fineness and purity of that silver, and are also a collectors' item for those who are coincollectors as well as those who want to own bullion, there will be a very ready sale for at least the amount that is authorized to be disposed of in either the House bill or the Senate bill.

Mr. LEVIN. Will these coins be legal tender?

Mr. McCLURE. Yes.

Mr. LEVIN. And does the administration take a position on this amendment?

Mr. McCLURE. I have the same puzzlement that the Senator from Michigan has with respect to the administration's position. They have not taken a position either for or against this bill, and they have had a proposal similar to this which has been before them for some time. I introduced legislation earlier which was referred to the Banking, Housing, and Urban Affairs Committee with respect to this general subject, and while the Treasury Department filed the letter with the Banking Committee to raise certain questions, those questions are pretty largely resolved by the changes that have been made here, and they have taken no official position either for or against this amendment.

Mr. LEVIN. In other words, the Banking Committee has not taken a position on it.

Mr. McCLURE. I spoke to Senator GARN, the chairman of the committee, to see whether or not he would have any objection to my offering this amendment, and he does not have an objection to my offering this amendment.

Mr. LEVIN. Can the Senator from Idaho estimate about what would be produced by the sale of these coins?

Mr. McCLURE. That depends upon the bullion value at the time the coins are sold.

Mr. LEVIN. Approximately.

Mr. McCLURE. If the Senator would take the rough ballpark figure, in the rough approximation of $100 million.

Mr. LEVIN. That is over a 2-year period.

Mr. McCLURE. Yes.

Mr. LEVIN. So is it fair to say this is intended to provide the authorization which is assumed in this budget and function 050 of $46 million a year?

Mr. McCLURE. Yes.

Mr. LEVIN. Is that the intention of the Senator?

Mr. McCLURE. Yes.

Mr. LEVIN. My only other comment, I guess, is this: I also think we have to find creative ways of disposing of the silver. This may very well be one. I am a little uneasy that I have been unable to obtain a position from the administration on this issue. By the way, I may or may not agree with that position. We have been trying for years to get a position. I do not want to prejudge it. It may be a wonderful way to dispose of it. This may be the right amount to dispose of so we do not disrupt the market unduly, and I do try to be sensitive to that side of the issue as well as what we have to produce for the strategic stockpile.

All I can say is I do not have any objection, but prior to conference on this bill, I hope that both the chairman and the ranking minority member of the Armed Services Committee would join in the request that Senator HUMPHREY and I have made of Mr. Stockman for a position in this matter so that we can at least have the administration position prior to conference on this. The House of Representatives has a very different position, and I would like to know exactly what their views are.

Mr. McCLURE. I understand what the Senator from Michigan is saying. As a matter of fact, I have not seen a copy of his letter to Mr. Stockman, but the Senator from Michigan may recall that the last time we tried bullion sales I was successful in getting an amendment adopted here in the Senate in an appropriations measure that survived in conference in a modified form that required that the bullion sales be suspended if it disrupted the market and they could not resume the sales until they had filed a report that said they would not disrupt the market. They have never filed such a report.

That is one of the pieces of background, and one of the reasons they have not filed the report is they simply are not able to certify they can have bullion sales without disrupting the market. That is one of the reasons I came forward at the same time since the other body said, "Let us resume bullion sales." Let us not go through that exercise in futility again, starting something that is going to disrupt the market and cause reactions that cause the sales to be stopped.

GSA simply had to abandon the sales before because of its effect on the market and the result was the transaction fund got no money, and there was virtually none of the stockpile disposed of.

Mr. LEVIN. Let me say to my friend from Idaho, as the ranking minority member of that subcommittee, we have been frustrated in getting testimony from the GSA and the administration on this issue. I do not think I would even be in the Chamber except for that frustration. I mean, time and time again, literally, we have invited the administration to come to that committee and tell us what their position is so we could have the benefit of it. They have not. They have canceled appearances. And there is a very deep frustration, I believe, on the part of Senator HUMPHREY as well as myself, and I cannot speak for him. I just believe that that frustration is there, and it is reflected in our letter to Mr. Stockman.

I am just wondering if we could do this: Could we ask the chairman of the Armed Services Committee and the ranking minority member whether or not they would join in a request or make a request to the administration for a position on this amendment so we could know before conference what that position is, and could they ask Mr. Stockman, to use the Senator's good offices, to get him to answer the letter of the chairman of the committee and my letter to Mr. Stockman?

Mr. TOWER. Mr. President, if I may respond to the distinguished Senator from Michigan, I would have no objection in drawing up such a request.

I yield to my colleague.

Mr. NUNN. Mr. President, I would be delighted to join in such a request.

I have some of the same apprehensions that the Senator from Michigan has outlined, because I do not know enough about the market to make a judgment. We certainly need to be very careful in this area and need to have the best thought we can from the administration before deciding the issue in conference.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. LEVIN. Mr. President, I wish to say one last comment: Am I correct in believing that it is the intention of the maker of this amendment that this silver be sold and if it is not sold at the price originally set for the coins that price would then be reset at a value that they would be sold? Is that his intention?

Mr. McCLURE. First of all, if it is floating value, it is going to be at the bullion market price.

Mr. LEVIN. I understand. It is inconceivable that the coinage would sell for less than bullion price. The only addition above bullion price is the cost of production and distribution. So it would be a fluctuating price. If the bullion price declined, the price of the coin would decline.

Mr. McCLURE. There is that small increment. I think it is just inconceivable that bullion in the form of a coin is going to sell for less than bullion not in the form of a coin.

Mr. LEVIN. So I gather it is his intention that it be set at a price at which it would sell.

Mr. McCLURE. I believe it will sell. There is no provision that allows it to be reduced in price below bullion current market, whatever the market is at the time.

Mr. LEVIN. Is it his intention it would be reduced to the market for bullion even though that is less than the current market for bullion and the cost of coinage?

Mr. McCLURE. There is no provision in the amendment that would permit that. I really think that is hypothetical.

One of the things I think we will find out in this is that, first of all, we have been talking about this for a long time. Will it work? No one really knows. I believe it will.

So I have received a lot of advice from people who are in numismatics as well as in the bullion market, that tell me that it will work.

We have tried the other method of bullion sales and it does not work. We know that. So let us at least try something that has some promise of working rather than fly back into the face of one we know does not work.

Mr. LEVIN. Does the Senator have any idea as to what that increment is above the bullion price? Is it a 10-percent increment, 30-percent increment, 50-percent increment? Just roughly.

Mr. McCLURE. It is less than 10 percent.

Mr. LEVIN. I thank my friend and I thank the chairman and ranking Member.

Mr. McCLURE. I thank the Senator from Michigan. I do hope the Senate not only will adopt this, but I hope we will be successful in keeping the amendment in the conference because, as I said a moment ago, we have tried the bullion sales and it has been a failure from the standpoint of generating funds for the stockpile fund itself. And it has been a failure in the impact that it has had on the bullion markets and on the lives of people involved in the productive sector of this economy. I detailed that impact with a great deal of attention and care in my prepared remarks. I did not take the time of the Senate and I do not intend to take the time of the Senate to do that now verbally. But I do invite the attention of any Member who is interested to the prepared remarks which I have inserted in the RECORD to document what has happened in the bullion markets when we tried the sales and we can document what happened with respect to the GSA's sales program and its failure to achieve its objectives of disposing of the bullion or generating revenues that can be used in the stockpile transaction fund.

I thank the Senator for his questions. I look forward to his support in the conference for this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I will be very brief. I wish to compliment my distinguished senior colleague for offering this amendment. I am a cosponsor of this amendment. My colleague is quite correct in the analysis that he makes of the failure in past efforts to do anything about making adjustments in the national strategic stockpiles with respect to the disposal of silver. There are many, many reasons. I will not go into some of the criticisms that I could give to my colleagues on how the GSA in the past has made attempts to dispose of the silver and how there seems to be a lack of understanding of how the market system actually works when the Government has interfered and tried to dispose of that same silver.

But I would say to my colleagues from Idaho and Michigan that one of the fringe benefits of this procedure as outlined in the amendment is that the American people, on an individual basis, will now have the opportunity to monetize a small amount of silver themselves personally if they so wish to do so. I think in the way this is being set up and started out that there is no doubt in my mind that will be a way that the silver may be disposed of. It will be a way that individual Americans will be able to buy a small amount of silver and have those coins for whatever reason they choose. It will be a very nice opportunity for them to do so.

I think it is much better than it was tried in the past in the unfortunate handling of the sales in the past where they have offered silver and not sold it because the bids were too small. And it was very, very detrimental to our State which produces half of the domestically supplied silver in the United States. Some 20-plus million ounces of silver is produced in Idaho. It is a very significant employment factor in our State. I think this is a way that this could be done that will help what the Defense Department is trying to do, to be able to purchase some other strategic minerals that they believe they need, and it will also be a way to dispose of the surplus. Third, it will give the American people the opportunity to monetize some of their paper money into real hard money and monetize that silver.

I certainly endorse the amendment. I am happy to be a cosponsor of it. I urge its immediate adoption.

The **PRESIDING OFFICER**. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho (Mr. McClure).

The amendment (No. 3169) was agreed to.

Mr. **McCLURE**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **TOWER**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **TOWER**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. Gorton). Without objection, it is so ordered.

AMENDMENT NO. 3170

Mr. **PROXMIRE**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. Proxmire) proposes an amendment numbered 3170.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. . It is the sense of Congress that the President should insist that the pertinent member nations of the North Atlantic Treaty Organization meet or exceed their pledges for an annual increase in defense spending during fiscal year 1984 and 1985 of at least three percent real growth and should insist that Japan further increase its defense spending during fiscal years 1984 and 1985 in furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

Mr. **PROXMIRE**. Mr. President, this amendment has been worked out with the staffs of the majority and the minority, and I think they are familiar with it. So far as I know, there is no objection to it. I should like to explain it, because I think it is a significant amendment.

Mr. President, this amendment calls on the President to insist that all NATO members meet their pledge to make at least 3-percent real increases annually in their defense budgets. In addition, it asks the President to encourage Japan to substantially increase its burden sharing in the defense field.

This amendment embodies administration policy. The President urged our allies to fulfill their pledges to NATO force goals during the NATO summit in Bonn last year. In response, the NATO governments agreed to strengthen defense capabilities both through fulfillment of NATO force goals to the greatest extent possible as well as through more effective application of existing resources. According to the State Department, this language, to the greatest extent possible, actually requires that the NATO governments exceed the 3-percent goal.

These are fine words and fine goals. I doubt that any official of the administration or Member of Congress opposes an equitable or fair burden sharing arrangement among the NATO allies. But these statements do not measure up to the facts. The facts are that our NATO allies, for the most part, have substantially underfunded their defense contributions, have virtually ignored the 3-percent real increase goal, and at this point make no pretext about meeting this goal for the foreseeable future.

What, then, are the facts? In 1978, all NATO countries agreed publicly and with great fanfare to the 3-percent real growth goal. Since that time, only two of the NATO countries, the United States and tiny Luxembourg, have kept that promise. I hope no one will take offense if I say that Luxembourg is not the most substantial contributor in manpower, equipment, or financial resources to the NATO effort. We should applaud their effort. They have outperformed all other NATO countries. But they are not the heart of NATO defenses.

All the other NATO allies, according to the Pentagon's own in-depth study of this issue in 1983, have failed to achieve the 3-percent goal. Every other country has fallen short—Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Norway, Portugal, and Turkey. Should that 3-percent goal have been met by every NATO partner in 1982, the increase in defense spending in NATO would have totaled $1.6 billion.

Most recently we have seen that Great Britain has stated publicly that it will no longer back the 3-percent pledge after March 1986. With the British breaking with the agreement, the other NATO partners will have little incentive to respond with increases of their own.

Frankly, the picture looks bleak, and future prospects are not any more promising.

Gen. Bernard W. Rogers, the Supreme Allied Commander in Europe, called on the NATO allies in February 1982 to increase real growth by 4 percent. That call to increased spending fell on deaf ears. There has been no positive response in the past 2 years.

Not only do the Europeans ignore the 3-percent goal and the 4-percent challenge, but also, their defense expenditures are lower than those of the United States on a percentage of gross domestic product basis. Looking at 1983, only Greece with 7.1 percent is higher than the U.S. figure of 6.9 percent. Britain is 5.6 percent; France 4.2 percent; Norway 3.1 percent; and Canada 2.1 percent.

Mr. President, I ask unanimous consent that a table showing defense costs by percent of gross domestic product be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

COSTS BY PERCENT OF GROSS DOMESTIC PRODUCT

	1981	1982	1983
Country:			
Belgium	3.5	3.4	3.4
Britain	4.9	5.1	5.6
Canada	1.8	2.1	2.1
Denmark	2.5	2.5	(1)
France	4.2	4.2	4.2
Germany	3.4	3.4	3.4
Greece	7.0	7.0	7.1
Italy	2.5	2.6	2.8
Luxembourg	1.2	1.3	1.3
Netherlands	3.2	3.2	3.3
Norway	2.9	3.0	3.1
Portugal	3.5	3.4	3.4
Turkey	4.9	5.2	4.9
United States	5.8	6.5	6.9

[1] Figure not available.

Mr. **PROXMIRE**. Mr. President, what conclusions can we draw from these facts? Let me cite the conclusions of the Pentagon's report on allied contributions to the common defense of March 1983. That report states:

These trends, if they continue, threaten to undermine the progress achieved in prior years toward a more equitable distribution of the allied defense burden.

Now, Mr. President, let us back up a little and give the Europeans their due. They have responded to U.S. criticisms with a variety of arguments and some of their points have merit, so let us be fair to them and acknowledge their position. We can do so because it in no way changes the fundamental thrust of this amendment or the overall evaluation of relative burden sharing.

How do we measure burden sharing equitably? What definition do we use. Well, there is an agreed upon NATO definition and that answers the question but does not resolve the problem. The NATO allies makes contributions outside of the NATO definition that are of significant benefit to the NATO effort. For example, West Germany provides substantial support to the Berlin garrisons which is not considered a defense expenditure by NATO. Real estate costs for U.S. forces are not considered. Germany and others incur costs from hardening civil projects such as roads and pipelines and civilian communications systems that are not counted. Civilian assets that would be used in wartime are overlooked, such as trucks.

On the other hand, many of these same items could be counted in the U.S. context as well. So a true comparison citing all direct and indirect costs would not change the picture in any meaningful way—except perhaps to skew it more in favor of the United States.

Now, what about Japan? Japan is an interesting case because the same measuring rod—the 3-percent real increase goal—does not apply. Furthermore, the Japanese have been responding to U.S. requests for greater defense efforts.

This changes the picture slightly. I say "slightly" because Japan is starting from such a low base that even numerically large increases in real defense spending do not contribute substantially to the defense responsibilities that Japan faces.

In 1984, Japan projects a real increase growth level for defense of 4.8 percent over 1983. This assumes a 1.7-percent inflation rate. In addition, the Japanese budget includes an increase of 25 percent to about $1 billion annually for support of U.S. forces in Japan. The Japanese real growth rate for 1981 was 3.9 percent; for 1982 it was 4.6 percent; and for 1983 it was 4.3 percent.

So Japan has been making an effort and that should be recognized. Why, then, ask for more? For two sound reasons. First, the defense base is small, as I just pointed out. Second, Japan's defense responsibilities are large. Former Prime Minister Suzuki, in May 1981, outlined certain goals for protecting Japan's territory, sea and airspace, and sealanes out to 1,000 nautical miles. According to the State Department, "These goals * * * envision military capability substantially beyond that embodied in the 1983-87 midterm defense plan."

So, while we must be fair to the Japanese in recognizing their increased effort, we must also point out that much more must be done to carry out our common defense responsibilities in the Pacific.

In closing, Mr. President, let me mention the all important economic factor. Japan is cutting back on its domestic programs or holding them to no real growth due to domestic economic problems. The European NATO countries are lagging behind the United States in terms of annual industrial production growth, in terms of GNP growth rates; and in Belgium, Canada, France, West Germany, Holland, Italy, and Great Britain, their unemployment rate is higher than that of the United States.

Our Consumer Price Index is lower in the United States at present than most of our NATO partners, while our wage growth rate generally has been held down lower. Mr. President, I ask unanimous consent that tables representing these economic indexes be printed in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

PERCENT CHANGE AT ANNUAL RATE

	Industrial production		GNP		Retail sales		Unemployment percent rate	
	3 months	1 year	3 months	1 year	3 months	1 year	Latest	Year ago
Australia	+12.5	+6.3 (2)	+7.9	+6.1 (12)	+2.7	−0.6 (3)	9.5 (4)	10.2
Belgium	+4.4	+3.0 (1)	na	na	[1] −14.2	−14.6 (12)	13.7 (4)	13.6
Canada	+3.6	+10.3 (3)	+3.6	+3.2 (12)	+7.8	+6.0 (2)	11.4 (4)	12.4
France	+6.3	+4.7 (3)	+1.6	+1.2 (3)	+13.8	−8.3 (3)	9.8 (4)	8.5
W. Germany	+4.3	+3.1 (3)	+5.4	+2.9 (12)	nil	+2.1 (2)	9.1 (4)	9.3
Holland	+20.7	+6.3 (3)	na	na	[1] −3.0	−1.6 (1)	17.4 (4)	16.2
Italy	+19.1	+4.2 (1)	+4.1	+1.2 (12)	[1] +10.5	+2.3 (12)	13.3 (4)	11.5
Japan	+13.9	+11.8 (4)	+3.1	+3.6 (12)	+13.5	+6.2 (2)	2.7 (3)	2.6
Sweden	+7.8	+9.0 (3)	+9.2	+3.7 (12)	[1] −7.5	+1.1 (12)	3.2 (4)	2.8
Switzerland	−4.1	nil (9)	[1] +1.4	+1.4 (12)	[1] −1.4	−2.3 (3)	1.2 (3)	0.8
UK	−0.4	+2.3 (3)	+0.8	+2.8 (3)	+0.5	+4.8 (4)	12.6 (4)	12.7
USA	+11.8	+14.4 (4)	+8.8	+7.8 (3)	+5.8	+3.9 (3)	7.8 (4)	10.2

[1] Value index deflated by CPI.

PERCENT CHANGE AT ANNUAL RATE

	Consumer prices		Wholesale prices		Wages/earnings [1]	
	3 months	1 year	3 months	1 year	3 months	1 year
Australia	−1.6	+5.9 (2)	+5.2	+6.9 (1)	+15.7	+7.2 (12)
Belgium	+7.9	+7.5 (4)	+7.7	+10.9 (3)	+13.8	+3.8 (12)
Canada	+5.2	+4.9 (4)	+6.2	+4.4 (3)	+10.9	+7.3 (2)
France	+7.7	+7.9 (4)	+14.0	+14.5 (3)	+7.9	+9.9 (1)
W. Germany	+3.6	+3.2 (4)	+2.8	+3.1 (3)	+0.6	+3.1 (1)
Holland	+4.5	+3.9 (4)	+7.9	+2.7 (12)	nil	nil (3)
Italy	+11.5	+11.9 (3)	+13.5	+11.4 (3)	+10.1	+13.0 (2)
Japan	+3.9	+2.6 (3)	−0.3	−0.7 (4)	+8.7	+5.5 (3)
Sweden	+7.4	+8.8 (4)	+10.7	+9.3 (2)	+5.8	+2.8 (2)
Switzerland	+4.2	+3.3 (3)	+5.3	+4.0 (3)	−1.3	+6.1 (12)
UK	+4.6	+5.2 (4)	+9.2	+6.5 (4)	+2.5	+7.8 (3)
USA	+4.9	+4.5 (4)	+3.7	+3.2 (5)	+3.3	+3.6 (4)

[1] Hourly wage rates in manufacturing except Australia, weekly earnings; Japan and Switzerland, monthly earnings; Belgium, Canada, Sweden and USA, hourly earnings; UK, monthly earnings for all employees.

Mr. PROXMIRE. Yes, Mr. President, the European nations have yet to come out of their economic recessions. The United States, by comparison, is looking better. But we all know that statistics change over time. Next year the situation could well be reversed or worse across the board.

The point is we cannot allow our defense commitment to NATO to be arbitrarily shifted with every economic breeze. That is no way to plan long term military policy—with an uncertain and rapidly changing resource base.

The most prudent way to handle this problem is for all the NATO countries to abide by the 3-percent real growth goal. The United States is doing that and more—every year. This year we may end up with 4 percent or 5 percent or 6 percent real growth. But certainly we will be above 3 percent. And so should the Europeans.

That is what this amendment says. That is what it calls on the President to insist on. That is what would be best for the NATO alliance.

Mr. President, I support the language in the bill requiring a report on allied contributions to the common defense. And I think it is worthwhile that the bill points out how inequitable the burden sharing arrangement has become. The Senator from Michigan (Mr. LEVIN) has taken the lead on this issue in the Armed Services Committee and is to be commended for his inclusion of this language in the bill.

My amendment goes one step further by asking the President to insist that our allies abide by their 3 percent goal. May I also recognize the leadership of Representative DON PEASE of Ohio, who for years has effectively championed this cause in the House. His amendment to the House bill is substantially the same as the one I have offered here today, and I thank him for his leadership in this cause.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Wisconsin. This is a subject that must constantly be addressed.

I would, however, invite the Senator from Wisconsin to revise his statement with respect to the United Kingdom. Our figures indicate that the United Kingdom did in 1983 have a 3-percent figure. We would be happy to provide the details to the Senator.

Mr. PROXMIRE. As I understand it, the Senator is correct. In my remarks I intended to say, and I thought I had said this, that over the last 3 years this has not been the case, although they did in 1983, as the Senator from Virginia properly states, increase their spending by 3 percent.

Mr. WARNER. The records that we have here indicate, and let us start back historically; the United Kingdom in 1980, 2.8; in 1981, 1.4; then a substantial up in 1982, 6.4; and in 1983, 3.

If the Senator will accept those figures, I think the United Kingdom is certainly trying to achieve the goals as set forth by the distinguished Senator from Wisconsin.

I wish to join the Senator as a cosponsor of this amendment. I feel as strongly as he on this subject.

Mr. PROXMIRE. Mr. President, I appreciate that.

Will the Senator yield to permit me to ask unanimous consent that the names of Senators LEVIN, WARNER, NUNN, SASSER, PRESSLER, RANDOLPH, KASTEN, and NICKLES be added as cosponsors of the amendment?

Mr. WARNER. I yield.

Mr. PROXMIRE. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. With reference to Japan, the Energy Committee has been doing some independent study on this issue. I have been involved in those studies and it is interesting Japan is the principal beneficiary of oil from the Middle East; yet, it is the United States which at the present time is in the best position to provide assistance should those nations in the gulf come with a request for help, along with other NATO nations, I would hope, before our Nation would commit any forces, but in any event they are the principal beneficiaries to show one area in the world in which their sources of energy are jeopardized.

Second, in terms of coal, Japan has substantially reduced their purchases of coal from the United States and has purchased coal from the Soviet Union in the past fiscal year.

So I hope that this message goes forth and is heeded by Japan and the allies.

I commend the Senator, and we are prepared to accept the amendment on this side.

Mr. NUNN. Mr. President, I also congratulate the Senator from Wisconsin for proposing this amendment. It has not received nearly as much attention as it deserves.

Interestingly enough, while we have been increasing our defense budget very substantially in the last 3 or 4 years, the allies have not been increasing theirs at the same pace that they were increasing it during the late 1970's and very early 1980's. I would not set forth the proposition that there is an inverse relationship, but the figures suggest a trend in that direction.

One of the first things I suggested to this administration when its officers came in office, as they sought my view on certain defense issues, was that we should put together a list of things that we would do in NATO as part of our defense budget, but do them only on a contingent basis. That is, contingent on what our allies had accomplished in terms of their own goals, as set forth in the NATO planning documents.

That advice was ignored. Certainly in the last 2 or 3 years we have proceeded unilaterally. We have made substantial improvements. However, we continue to measure America's fighting forces in NATO as though America was going to fight the Soviets and Warsaw Pact by ourselves and in a lot of analyses you see, there is a measurement of American sustainability in NATO, American fighting capability in NATO, American ability to fulfill its goals.

We do not see nearly as much analyses as we should about the overall alliance and how the NATO alliance stacks up against the Warsaw Pact. That is the critical dimension. Even if we have ammunition stocks that would last 30 days, 45 days, or 60 days, our combat capabilities are jeopardized if our allies on our flanks run out of ammunition before that. We cannot hold forth in NATO with a conventional defense unless we are prepared to fight as an alliance.

So the Senator has, I think, made a real contribution here. I join him as a cosponsor and I am proud to support the amendment.

I might add that although I have not refined the amendment yet I am working diligently on an amendment along this line that I hope to present to the Senate next week. It in no way conflicts with the Senator's amendment but hopefully would supplement and strenghten it.

I will be discussing this subject again next week. Now is the time for us to insist absolutely that our allies do their part. If they do not begin to do their part, then we need to undertake another soul-searching review of our own defense budget and determine which areas should be given priority commensurate with what our allies are in fact doing.

So I hope that we accept the amendment. From this Senator's point of view we certainly should accept it and if the Senator desires a rollcall vote, then he could so indicate.

Mr. PROXMIRE. Mr. President, if the Senator will yield on this point, I think in view of the effect of a very strong vote, and I think we will get a strong vote on this, would have on our allies, I think it is desirable to get a rollcall vote.

So, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I am pleased to cosponsor this amendment. Every year, the Defense Department issues a report mandated by the language which I offered annually in the last four Defense Authorization Acts. Known as the "Burden Sharing" report, this report on "Allied Contributions to the Common Defense," is a defense spending report card for ourselves, the rest of NATO, and Japan.

Each year, this report shows that several of our allies continue to shirk their common defense responsibilities. The latest edition of this report, which just came out in March, 1984, shows that the average annual real growth in defense spending by our NATO allies again is projected to decline.

In 1978, all NATO nations agreed at the highest level to increase their defense budgets by 3 percent each year after excluding the effects of inflation. Since 1981, the average annual real growth of our European allies has declined each year, so that the tentative projection for 1984 is the lowest since that date. It is a depressing record.

I wish to have printed in the RECORD a table from the Defense Department which shows the annual real growth of the United States and its allies between 1979 and 1983, along with the average growth rates. The tentative projections for each NATO nation in 1984 are classified, but the overall average is not. It is a paltry 1.2 percent to 1.7 percent average real growth rate for our European allies.

Mr. President, I ask unanimous consent that that table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NATO COUNTRY DEFENSE SPENDING[1] [2]

[Percent change from previous year in constant prices—excluding inflation]

	1979	1980	1981	1982	1983
Belgium	2.2	2.0	0.9	−3.3	−3.0
Canada	−.9	5.1	3.1	4.9	5.0
Denmark	.2	.7	.4	−.3	−.2
France	[3]2.5	[3]3.7	[3]3.6	[3].9	.9/1.5
Germany	1.8	2.3	3.2	−.8	1.9
Greece	−2.9	−8.4	22.9	.1	1.3
Italy	2.6	4.9	−.5	3.2	1.1
Luxembourg	3.5	16.3	4.8	3.9	3.5
Netherlands	4.2	−1.7	3.3	2.1	2.7
Norway	1.9	1.8	2.7	4.1	2.8
Portugal	2.9	10.1	1.5	.5	.4
Turkey	2.6	2.0	1.8	4.6	1.9
United Kingdom	3.0	2.8	1.3	6.4	3.0
United States	3.4	4.9	4.1	7.6	7.6
Non-U.S. NATO [4]	2.2	2.6	2.8	2.3	1.9/2.1
NATO total [4]	3.1	4.0	3.6	5.7	5.6/5.7

[1] All of the figures depicted in this table are based on the NATO definition of defense spending and are the best estimates that can be made on the basis of information now available.

[2] National fiscal years agree to calendar years except as follows: Canada and United Kingdom (April–March), United States (October–September). Turkish data through 1981 are based on a March-February fiscal year. In 1983, Turkey will convert to a January–December fiscal year. The Turkish figure for 1982 covers a 10 month (March–December) transition year.

[3] DoD estimate.

[4] Non-U.S. NATO and NATO totals reflect weighted average growth rates developed using 1981 constant prices and exchange rates.

Mr. LEVIN. Mr. President, this report also reserves some of its strongest criticism for our Pacific ally Japan. Japan again "ranks last, or close to last, on all of the ratio measures surveyed and, thus, quite clearly appears to be contributing far less than its fair share," the report says.

Mr. President, I also ask unanimous consent to have printed in the RECORD other unclassified statements from that report about Japan's poor burden-sharing performance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

(1) "But there is no doubt that the Japanese remain content to limit their investment in defense to a level so low as to cause a disproportionate share of defense commitments to be borne by the rest of the free world. Specifically, Japan's failure to provide adequately for its own defense requires the U.S. to attempt to cover Japanese defensive requirements in addition to other Asian commitments. To attempt to perform all of these roles simultaneously stretches U.S. resources beyond reasonable limits."

(2) "The problems in both equipment and sustainability which prevent Japan from effectively providing for its self-defense, which were pointed out in this report last year, have not been significantly dealt with in 1983, nor will the budget planned for 1984 adequately assist in what needs to be accomplished."

(3) "Evaluation of Japanese performance toward achieving self-defense has been based on measuring the gap between targets given in official defense planning statements—particularly the Defense Agency's Mid-Term Defense Plan (MTDP)—and the funding of that plan provided in the annual defense budget. The MTDP is a five-year plan for equipment procurement and force augmentation, revised annually and completely rewritten every three years, and is the yardstick against which progress represented by annual budgets can be measured. The current MTDP was established in 1981 to cover the period 1983-87.

"Japanese progress toward completion of the 1983-87 MTDP is now at least a year behind schedule unless significant increases in the defense budget can be made in the remaining two years of the program. Major equipment purchases have fallen short of annual goals, and Japanese defense procurement plans have seriously neglected the stockpiling of ammunition for training and war reserve and the acquisition of spare parts. It is now highly unlikely that the JSDF will achieve its stated goal of having at least a 30-day supply of war reserve material by the end of the current MTDP. Shortfalls notwithstanding, various U.S. experts have questioned the adequacy of the current MTDP itself to provide Japan with the capability to accomplish the roles and missions required of a credible defense."

Mr. LEVIN. Mr. President, there have been other negative burden-sharing developments in the past year which merit the passage of this amendment and support the committee's emphasis in this area.

They include further stonewalling by the West Germans in negotiations on sharing the costs for the Master Restationing Plan to reposition U.S. troops closer to any attack by the Warsaw Pact, and Japan's just recently announced decision to again delay completion of its 1976 military improvement plan.

The amendment of my friend from Wisconsin is a very useful addition to our committee's action to encourage our allies to keep their commitments. It is that simple. We are talking about keeping commitments which were made at the highest level of our respective governments.

We and our allies can afford a mutual defense. As a matter of fact, we cannot afford not to defend ourselves. But what the United States cannot afford is to be unilaterally defending our allies and subsidizing the defense for our allies.

That NATO 3-percent commitment in 1978 was intended to give us all a benchmark as to what "mutuality" means, and we should insist that our President in turn insist that our NATO allies meet or exceed their pledges for annual increases in defense spending. Japan's declared policy is to defend its sealanes of communication out to 1,000 miles from the home islands. The President should insist Japan increase its annual defense spending substantially more to achieve, before the end of this decade, the military capabilities to carry out this policy.

Again, I commend my friend from Wisconsin for this highly useful addition to what the committee has done.

Mr. WARNER. Mr. President, in discussing this matter with the Senator from Wisconsin a few moments ago, we also, I think, are of a joint view that the figures with relation to Canada show a participation which meets the Senator's goals.

Some of these figures could be in the area of classified material and, therefore, I would just as soon not recite them at this time. But there is evidence to the effect that Canada has been providing those increases which would comport with the goals sought by the Senator from Wisconsin in this resolution.

Mr. PROXMIRE. If the Senator would yield on that point, the Senator is correct. The chart that I received is, I believe, a year older than the chart the Senator has, which I believe was just put out. I think that is the reason the figures were classified differently.

But our chart shows that they were far below in 1979 but they were above the 3-percent level in 1980. I understand the Senator from Virginia's figures show that in 1982 they were also well above 3 percent. I am delighted the Senator has corrected that record because it is very important in these matters that we be fair to our allies, especially our closest neighbor and friend, Canada.

Mr. WARNER. I thank the Senator because Canada indeed is one of our strongest allies and, of course, in this hemisphere, is perhaps our strongest ally in that context. Therefore, we want to have the record reflected accurately.

I just generalized, and I think the Senator is willing to accept the generalization, that the trendline of these figures indicate that the Canadian Government has indeed had the annual increases which meet the goals established in the resolution. On this side, I am prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate? Hearing none, the question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE). The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. JEPSEN), and the Senator from Wyoming (Mr. SIMPSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), and the Senator from Colorado (Mr. HART), are necessarily absent.

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—91

Abdnor
Andrews
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bradley
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dole
Domenici
East
Evans
Exon
Ford
Garn
Glenn
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Percy
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Trible
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NAYS—3

Durenberger
Goldwater
Mathias

NOT VOTING—6

Dodd
Eagleton
Hart
Hatfield
Jepsen
Simpson

So Mr. PROXMIRE's amendment (No. 3170) was agreed to.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. TOWER. Mr. President, it is my understanding that the distinguished minority leader had an amendment he wanted to offer at this time. I do not see him on the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. TOWER. Mr. President, we have been delaying for a few minutes to accommodate the distinguished minority leader. I understand he has been detained. I understand the Senator from South Dakota (Mr. PRESSLER) is prepared to offer an amendment.

Mr. PRESSLER. That is correct, Mr. President.

Mr. TOWER. I yield the floor so he may be recognized.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3160

(Purpose: To restrict the percentage increase in United States expenditures for NATO)

Mr. PRESSLER. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) proposes an amendment numbered 3160.

Mr. PRESSLER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

EQUITABLE SHARING OF NATO EXPENSES

SEC.   . (a)(1) None of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to increase in any fiscal year the aggregate amount of expenditures to support or maintain members of the Armed Forces of the United States in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) by a percentage in excess of a percentage which represents the percentage increase (if any) in the aggregate amount of expenditures in the preceding fiscal year to support or maintain members of such forces in the European member countries of NATO (including the contiguous waters of such countries) by each of the member countries of NATO, other than the United States, divided by the number of such other member countries of NATO.

(2) If in any fiscal year there has been a percentage decrease in the aggregate amount of expenditures made by NATO countries, other than the United States, in the preceding fiscal year for such purpose, the total amount that may be obligated or expended for such purpose by the United States in the next fiscal year shall be an amount equal to the amount expended by the United States in the preceding fiscal year reduced by a percentage which represents the percentage decrease in the aggregate amount of expenditures made in the preceding fiscal year by each of the members of NATO (other than the United States) divided by the number of such other countries.

(b) For purposes of subsection (a), data on expenditures by member countries of NATO shall be based on data contained in the annual report of the Secretary of Defense on allied contributions to the common defense.

Mr. PRESSLER. Mr. President, before discussing the practical reasons for supporting this amendment, I would like to stress that this is not an anti-European measure, nor is it designed in any way, shape, or form to weaken America's commitment to the NATO alliance or to the free world. In fact, it is my belief that such action is necessary to allow the alliance to accurately reflect the changes that have occurred in the world since 1948, and adjust to such changes in such a way as to allow the alliance to continue to reflect shared interests and mutual effort in the defense of liberty.

The NATO alliance has provided peace and stability for the last 35 years, a remarkable feat for any international system. The average lifespan of most alliance structures or cooperation efforts has been about 30 years, after which the systems began to deteriorate as they failed to adapt to the changes occurring in the environment around them. Often the demise of one peacekeeping system leads to a war, and then the birth of another system to keep peace.

Given that historical perspective, and given the total unacceptability of war as an instrument of social change, we must examine the NATO alliance closely, looking at how the world has changed since 1948, and how the structure of the alliance had adjusted to those changes.

NATO was designed back in 1948 to provide the countries of Western Europe a blanket of protection while they rebuilt their economies, an action necessary to prevent Soviet-backed Communist Parties from gaining influence in the governments of war-shattered Western Europe. Our role then was that of the only power able to maintain peace in Western Europe, protecting countries no longer able to defend themselves against aggression.

Since 1948, Western Europe has undergone an unprecedented period of economic growth, with growth rates for most countries averaging above 5 percent in the period from 1948-70, before slowing somewhat during the oil crisis. Western Europe in 1984 is industrially advanced, has an aggregate population of around 230 million, and has the most advanced and sophisticated social welfare system in the world. In fact, the United States has a lower per capita GNP than many of our allies. It is clear that the Europeans are in a good position to make significant contributions to Atlantic defense. Unlike 1948, today Western Europe is not in economic rags, relying solely on U.S. forces for protection against the Soviet Union.

Unfortunately, the alliance has not completely adjusted to these changes. Recognizing the need to increase Western Europe's share in the defense of Europe, the 3-percent solution was reached in 1977, wherein each NATO country pledged to increase defense spending by 3 percent per year. Since then, non-United States contributions have increased at an average of about 2 percent, while the U.S. contribution has gone up at a yearly rate of 3 to 5 percent. Estimates for 1983 show even lower increases than previously, with 8 of the 14 NATO countries showing increases of less than 2 percent. Only three, Canada, Luxembourg, and Great Britain, achieved the 3-percent level of growth. The U.S. increase was 7.6 percent. I believe that it is time to do more than just pay lipservice to burden sharing.

It must be remembered that the most immediate challenge of the Soviet Union is not against our land but against the Europeans. We have, in the name of liberty, extended our nuclear protection to Europe, risking the possible destruction of our country to protect their freedoms. I do not believe that decision was wrong; indeed, the belief in liberty transcends national boundaries, but I do believe that the Europeans should not have a free ride in their defense. They should not build up huge welfare systems while forcing us to be the dominant contributor to the Atlantic defense.

Furthermore, it is also clear that many of the disagreements that threaten Atlantic unity come directly from this unequal level of burden sharing. The Europeans complain about our high interest rates, and indeed high interest rates do lead to an overvaluation of the dollar and recessionary effects in Europe. The budget deficit is recognized as a prime factor in driving up interest rates, and one reason for the deficit is our huge defense budget, a major proportion of it going to defend Europe. A more equitable sharing of the burden could allow us to decrease our deficit and thereby decrease some of the economic strain which has taken place recently within the alliance. Also, the peace movements in Europe are often provoked and given impetus by the very visible presence of American troops all over Europe. Many Europeans resent this apparent foreign control of their destiny, though they do not wish to be defenseless against the Soviets. A more equitable level of burden sharing would weaken the argument of these groups that the Europeans are just a pawn of U.S. policy, and perhaps inspire some thoughtful reflection on just what their interests are, as Europeans near the Soviet bloc.

There are also reasons for such a change which are purely national on our part. Despite the great price we are paying to help provide their defense, we are often forced to pay for roads that are cracked or damaged by our military equipment, and our presence is resented by many Europeans. If we redeployed our troops in the United States, that would provide an impetus to our own economy, as the paychecks would be spent in America, not Europe. That is plain economic commonsense. We also limit ourselves strategically by placing troop levels of 330,000 men in Western Europe and spending a large share of our defense budget on that area. The United States has worldwide responsibilities, and by having so much of our military strength tied up in that one area, we limit our strategic options elsewhere. This is plain commonsense from a strategic point of view.

The Europeans are indeed capable of providing a greater share in the defense of Western Europe, both economically and in terms of their population. The United States has committed itself to defending Western Europe, and our nuclear forces there assure that the Soviets would be risking total annihilation if they choose to attack. The Western Europeans should play the major role in the conventional defense of their countries. Unfortunately, the political status quo in Western Europe has been too easy to maintain. As long as they gave only lipservice to burden sharing, they have been able to increase social welfare spending, thus meeting the needs of certain constituency groups, knowing that the major cost of European defense would be paid for by the United States. I believe that the European statesmen know what their interests are, and, if necessary, they have the political will to do what is needed to assure their own security. It has been too easy for them to ignore those needs as long as the United States has been unwilling to force the issue. The relatively modest and gradual approach proposed in this amendment is a good first step in restructuring the alliance to provide for a partnership rather than current paternalistic arrangement.

Many will say that the points stated here are valid, but that now is not the time for such action. It was argued that last year was not the time because of the missile deployments, and that this year is not the time due to the Iran-Iraq war. In this complex world there will always be crises which can cause one to rationalize that "now is not the time," but in actuality now is the time. It is all too easy to ignore problems while they are small, and deal with them only when they reach crisis proportions. Concerning the security of the free world, however, we do not have the luxury of being able to do this. We must have vision to see that the present structure of the Atlantic alliance has been outdated due to the changes in the world since 1948, and that gradual efforts must be begun now in order to assure that the NATO alliance can adapt to changes in the world, thereby preserving and enhancing its role as the guardian of freedom for both the United States and Western Europe. The only way to do that is to stop merely talking about the problem and complaining about inequalities. We must take concrete actions to begin this restructuring. I therefore urge the adoption of this amendment.

Let me explain the purpose of this amendment briefly. The purpose of the amendment is to assure that NATO's burden is shared equitably across the alliance. It ties U.S.-related increases in NATO to the level of increase or decrease achieved by other allies. This amendment seeks to motivate the allies to spend more and to fully shape in the defense burden in NATO. After all, we are spending of Europe's defense. The allies need to do more for themselves.

The amendment states that:

> None of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended to increase in any fiscal year the aggregate amount of expenditures to support or maintain members of the Armed Forces of the United States in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) by a percentage in excess of a percentage which represents the percentage increase (if any) in the aggregate amount of expenditures in the preceding fiscal year to support or maintain members of such forces in the European member countries of NATO (including the contiguous waters of such countries) by each of the member countries of NATO, other than the United States, divided by the number of such other member countries of NATO.
>
> (2) If in any fiscal year there has been a percentage decrease in the aggregate amount of expenditures made by NATO countries, other than the United States, in the preceding fiscal year for such purpose, the total amount that may be obligated or expended for such purpose by the United States in the next fiscal year shall be an amount equal to the amount expended by the United States in the preceding fiscal

year reduced by a percentage which represents the percentage decrease in the aggregate amount of expenditures made in the preceding fiscal year by each of the members of NATO (other than the United States) divided by the number of such other countries.

In other words, this amendment would tie our increases in defense expenditures in Europe to the increases of our NATO allies. It assures that there would be true burden sharing. If they did not increase, we would not increase. I think there is a widespread feeling that the time has come for real burden sharing in that area of the world, not just promises.

Mr. President, I urge the adoption of this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I have some questions about the amendment offered by the Senator from South Dakota. I wish the Senator will forbear and try to respond to my questions, which may sound like simple questions.

Is my understanding correct that the Senator's amendment would prohibit any increase in the funding necessary to maintain either ground, air, or naval forces in NATO; that it would prohibit our increasing that if there were not a comparable increase in total support for such forces by the NATO countries involved? All NATO countries or specific NATO countries? What NATO countries? All? In other words, if only one NATO country brought down the total amount expended by all the others, we would punish the rest of them for the failure of one or two countries to meet a certain increase. Is that correct?

Mr. PRESSLER. It ties U.S. NATO spending to shifts in the level of spending by all our allies. I think this would put the pressure on our European allies to work together.

Mr. TOWER. My point is that if we were to increase—that is tied to a comparable real increase in the European commitment of resources—the money. Is that right?

Mr. PRESSLER. The hope would be that if we increased, our increases would be tied to increases by our allies. This goes back to the 1977 NATO commitment our allies made for a 3-percent annual increase in defense spending. They have not done that on the average.

Mr. TOWER. Is the Senator talking about the total defense budget, not necessarily what is committed to the forces that are committed to NATO?

Mr. PRESSLER. That is right—the total defense budget.

Mr. TOWER. So if the British, for example, decrease their total defense budget but made increases in the British Army of the Rhine, that would still be regarded as a decrease, even though they had decreased their commitment to the ground forces in NATO?

Mr. PRESSLER. We are using the figures in DOD's burden-sharing report, however they are calculated. We are using the current method used by DOD in calculating allied spending on defense.

Mr. TOWER. Can the Senator respond to my question?

If, for example, the British reduced their overall defense spending but increased the spending for the maintenance of the British Army of the Rhine, increased the manpower, increased the track vehicles, increased the air commitment, would we still regard it that Britain had decreased and therefore we would think in terms of a comparable increase in our support?

Mr. PRESSLER. That is an ingenious question. They are not doing that, and apparently they will not do it.

Mr. TOWER. No; they are not doing it. As a matter of fact, they have a real increase of probably 4 percent. But if the British, let us say, decreased their support to the British Army of the Rhine but increased their military spending and put more into the force as projected, what would be the situation?

Mr. PRESSLER. We based our amendment on the current method of calculation which DOD uses for analyzing burden-sharing.

Mr. TOWER. Can the Senator explain that current method? What in dollar amounts are we contributing now to the support of our NATO forces, and what comparable dollar amounts are our allies submitting to that support?

Mr. PRESSLER. I will get those figures. These figures can be found in DOD's burden-sharing report.

Mr. TOWER. I do not have that in front of me.

Mr. PRESSLER. We can have a quorum call, and I can produce it. It contains a table produced by DOD breaking down contributions to defense by country, which I think the chairman has.

Mr. TOWER. Does that table break out the precise amount which the United States spends for the support of its forces in NATO—land and navy?

Mr. PRESSLER. That table provides an overall figure. I think the chairman has an ingenious line of questioning, but I am talking about the overall burden-sharing of the NATO allies, including the United States.

Mr. TOWER. I know. But in that the Senator's amendment ties our funding of our troops committed to NATO to what the Europeans do, we have to have somewhat more precision.

What if a naval unit departs the United States, goes into the NATO theater, and there is an increase, without a comparable ship coming out?

Say, for example, that a frigate goes from Norfolk to the Sixth Fleet in the Mediterranean, and that increases our commitment, but a comparable frigate does not come out of the Mediterranean. How would the Senator work on that kind of situation?

Mr. PRESSLER. This amendment does not seek to guage tactical force levels. It seeks to measure comparable dollar amounts.

Mr. TOWER. The Senator is talking about comparable amounts that go into supporting these forces, is he not?

Mr. PRESSLER. Yes—overall. Based on the 1977 agreement to share the burden equitably.

Mr. TOWER. The point I am making is that these numbers may fluctuate. We may send some over there to establish a GLCM or Pershing base, and once that base is established pull some of them out; or they may indeed actually have to increase the commitment that is more likely to install the GLCM and the Pershings. Does that mean we cannot do that unless there is a comparable increase in spending on the part of the NATO countries?

Mr. PRESSLER. It depends on our tactical decisions. It would mean that our total expenditures would have to be lowered if our allies decreased their spending. It would put them on an incentive program to do more.

Presently, we are sharing most of the burden. They agreed in 1977 to do more for themselves. But they have failed to do this. In making this judgment I refer to figures on NATO spending from 1977 to the present.

What I am talking about is the total dollar amounts spent on defense. Even after enactment of this amendment, the United States would still continue to spend a great deal on NATO defense.

When I first came to the Senate, I remember hearing Senator Javits talking about what a great advance the 1977 agreement represented. The NATO allies had agreed to a 3-percent-a-year increase in defense spending above inflation. Our NATO allies are not doing that even today, 7 years after reaching this agreement.

Does the chairman approve of the performance of our NATO allies?

Mr. TOWER. I am not satisfied with the performance of our NATO allies. The question is whether or not the amendment of the Senator from South Dakota is going to go very far toward improving that situation.

I remind the Senator from South Dakota the defense spending in the NATO countries did increase in real terms in the 1970's while ours was decreasing in real terms in the 1970's.

Mr. PRESSLER. Until when?

Mr. TOWER. Another thing that should be observed is that the NATO countries all, with the exception of the United Kingdom, have a draft, have a conscription program.

Does he consider the fact that they maintain a strong reserve force—and they can augment their regulars—offsets perhaps the fact that they might not spend quite so much proportionately on their regulars?

Mr. PRESSLER. Mr. President, it is true that different countries have certain different reserve levels and different weapons systems, but in 1977 a commonly agreed upon formula was reached, but the allies have not been meeting their requirement.

Does the chairman not agree with that? Is the chairman satisfied with Europe's performance?

Mr. TOWER. I already answered that question. I said I am not satisfied.

The question is whether or not the amendment of the Senator from South Dakota is going to improve the situation. I happen to believe that we are in Western Europe not just to defend the Europeans but because we regard it in our own interest to be there, because it is incumbent upon a country when it is confronted by a powerful adversary to maintain its defense perimeters as far from its own shores and as close to that adversary's shores as possible. That is why we are there. We are not there just to defend them. That is a secondary reason. We are there to defend our own interests.

What the Senator is suggesting to me is if they do not increase their dedicated expenditure for their forces there, we cannot increase ours or if they decrease we must decrease ours.

Would the Senator still want us to decrease that funding even if it made our troops less sustainable there, less capable of fighting?

Mr. PRESSLER. Let me answer that by saying that I made a tour of our bases in Germany a couple of years ago, and I came back convinced that we were not only bearing a great military burden but a large economic burden as well.

As the Senator from Alaska has pointed out, we are the largest civilian employer in Western Germany. Under West German law we are required to employ a large number of German nationals on our bases. We are also the largest bridge repairer in West Germany because every time there is a convoy or troops moving, we end up paying for bridge or road repairs. We are also one of the largest road repairers in West Germany. These are some of our expenses which have very little to do with real security costs. We are being taken advantage of.

If we wish to enhance the military value of these American forces, we could redeploy those troops, and relocate them in our own country. I very much favor a strong national defense—with an effective mobile capability. We should structure our forces to move them very quickly to where they are needed.

If the defense of Europe is important, it certainly must be important to Europeans. Yet, many Europeans that I have talked to take a very dim view of what we are doing for them.

Maybe I have spent too much time with some European academics who are always criticizing the United States. Europeans must start doing more for their own defense. I get particularly upset at the attitudes of some Europeans, particularly those in the best tax brackets. They take U.S. help for granted.

I think that if this amendment is adopted, the European nations would do more. The Senator's question is what if they did not. Then I do not think we should continue to do more. I think we should start a redeployment of U.S. troops to bases in the United States.

Mr. TOWER. In other words, we should reduce the spending on our own troops, maybe give them less comfortable——

Mr. PRESSLER. I did not say that.

Mr. TOWER. Less clean quarters.

Mr. PRESSLER. I did not say that.

Mr. TOWER. Less sustainable.

Mr. PRESSLER. No.

Mr. TOWER. If the Europeans reduce their defense spending we are going to reduce the support for our own troops there. Is that what the Senator is saying?

Mr. PRESSLER. No, it is not what this Senator is saying. I commend the chairman for his ingenuity in stating the question. We are seeking a level of dollar commitment proportional to the level of commitment by our allies. We may well find that if the European countries do not take on more of the burden then we might wish to redeploy some of our troops to our own soil. But I do not think that would happen. If it did happen, that would not hurt our national defense, in my view. I will do anything to defend the United States of America. But we have a great deficit, and dollars spent on U.S. bases could stimulate our own economy. If our European allies are not willing to help out, we will have a very difficult time keeping our own troops in Europe at current levels.

Mr. TOWER. Does the Senator have cost figures on how much it would cost to relocate, say, a division of troops that are now in Germany to the United States? Would it be cheaper for us to relocate them in the United States than to maintain them in Western Germany? Does the Senator have cost figures on that?

Mr. PRESSLER. I believe that it would be expensive in the short run but cheaper in the long run, and it would also stimulate our economy. It is cheaper to maintain a division in the United States than in Germany.

Mr. TOWER. What if we had to maintain additional airlift, sealift, additional pre-positioning of equipment, all that sort of thing, because I assume if we relocate we will still be dedicated to NATO; is that correct?

Mr. PRESSLER. They would be dedicated to the defense of the United States. This could require sending them to Europe or elsewhere overseas.

Mr. TOWER. Can the Senator assure me in making the reductions in the support of our troops——

Mr. PRESSLER. There may be no reductions.

Mr. TOWER [continuing]. That would not make them less combat effective and put them in greater jeopardy in the event we got into a war? Can the Senator give me that assurance? If he can, how can we do it? By decreasing support for our troops, we do not decrease their combat effectiveness or survivability?

Mr. PRESSLER. I would argue that it would increase their survivability because I believe the European nations would do more, would cooperate more, and provide more support.

Mr. TOWER. Is the Senator certain of that? What if the European nations are in a recession and we are not? Does he have an assurance they would or could do more?

Mr. PRESSLER. From the looks of their income and prosperity, they could do much more, indeed. The allies are capable of doing much more.

Mr. TOWER. I agree they could do more, but that is not the point. The point is whether or not they will.

Mr. PRESSLER. If we continue on the present road——

Mr. TOWER. I suggest to the Senator I do not see how he can maintain that decreasing the support for our troops in Western Europe is going to make them more combat effective or more survivable. He cannot assure me that that is going to stimulate the Europeans to do more. It might be counterproductive. It might be viewed internally politically in those countries as an inordinate American pressure.

The Senator talks about the academic community in Europe. I know it pretty well. I also know the academic community in this country and sometimes I think some members of that community are not terribly friendly toward the United States, or maybe I should state it another way, not friendly toward the policies of the United States.

But let me remind the Senator we are there at our own interest, and it is incumbent on us to maintain those troops in as combat effective and sustainable posture as possible.

Mr. PRESSLER. May I say in response, and I have great respect for the chairman of the committee, it would make our troops safer to require our allies to do more. If the present trend continues, our troops will be the only ones in Europe that are combat ready. Our troops would be the only ones capable of bearing the brunt of an attack on Europe.

I regret that we are getting into this situation. I received the impression when I was over there, that the Europeans say, "The United States is going to do this. The United States is rich enough. We do not vote with you in the U.N. or any other place, but you guys stay out there and defend us."

And I think that this amendment and amendments like it will bring a realization to Europe there is a strong U.S. reaction. My constituents who served in the Army in Germany come back and say, "What on Earth are we doing? They do not want us over there. They treat us badly."

Their own spending on military defense throughout Europe is declining based on the 1977 formula. It is a situation that is very grave, and my constituents want to see a change. This amendment would not reduce our troop strength there, but it would say it will not be increased unless our allies are willing to undertake similar increases in spending.

Mr. NUNN. Mr. President, will the Senator yield for a couple questions on this?

Mr. TOWER. I yield.

Mr. NUNN. Mr. President, I find myself in somewhat of a dilemma. The point the Senator is trying to make about the European share of defense, I think, is a valid point, and it is a legitimate point. I think it is one that should be made.

The problem I have is not with the point the Senator is trying to make, but rather how he is going about it. I am afraid this amendment as written fails to take into account some of the complexities of NATO.

Let me give the Senator one example and perhaps the Senator from South Dakota can answer this question for me.

The Senator makes reference to the comparison between the support and maintenance of our forces and the support and maintenance of European forces in those countries. Those are the two criteria of measurement, is that right? The Senator is comparing what we spend on our forces in Europe with what they spend on their forces in Europe?

Mr. PRESSLER. We are using the 1977 formula that has been used by DOD since then.

Mr. NUNN. There is no reference to that in the amendment. That is the problem I have. You see, you do not incorporate these qualifying references. The only thing we have to go by is the wording of the amendment. The British, for instance, have substantial forces that are not committed to NATO. The French have forces that are not committed to NATO in the military sense. The NATO contribution is formally measured by what each country submits each year as forces committed to NATO.

This amendment, as drafted, would cover, for instance, French forces when they are not committed to NATO. It would even cover Iceland, and they have no military budget at all.

Mr. PRESSLER. If my friend would yield, the last part of my amendment states:

> For purposes of subsection (a), data on expenditures by member countries of NATO shall be based on data contained in the annual report of the Secretary of Defense on allied contributions to the common defense.

A report has been done since 1977 based on the 3-percent increase.

Mr. NUNN. That does not measure the NATO portion of defense expenditure. That is total expenditure.

Mr. PRESSLER. That is correct.

Mr. NUNN. Do we count, for instance, the French presence in the Persian Gulf?

Mr. PRESSLER. We do not count the French in this because they are not a member of the NATO structure.

Mr. NUNN. Where does it say that? The French are part of NATO; they are not part of the military command.

Mr. PRESSLER. Yes; they are not part of the military command.

Mr. NUNN. The amendment does not say that

Mr. PRESSLER. It does not say otherwise.

Mr. NUNN. Let me ask the question again. Does the amendment include the French or does it exclude the French?

Mr. PRESSLER. Would it make it acceptable if it were amended?

Mr. TOWER. It is a European member "including the contiguous waters of such countries."

Mr. NUNN. My question is whether the French forces are included or not included. I do not know whether I want to amend it or not until I know whether they are included or not included. I would ask the same question about Iceland.

Mr. PRESSLER. To clarify, we are clearly talking about those in the military structure of NATO.

Mr. NUNN. I would say that probably ought to be clarified.

Mr. PRESSLER. For the legislative history, I will clarify it to include those in the military structure of NATO.

Mr. NUNN. The other question I have is what is the accounting system you are using to measure European forces' contribution?

Mr. PRESSLER. We are using the same accounting system as the Secretary of Defense uses on allied contributions to the common defense.

Mr. NUNN. That report measures total expenditures of defense of the countries in Europe, not just NATO-designated expenditures.

Mr. PRESSLER. That is correct.

Mr. NUNN. We have gotten away from the 3-percent pledge, then, because the 3-percent pledge was not based on total defense expenditures, but rather on NATO-designated expenditures, as I understand it. But you are talking about the total expenditures. So if the French commit forces in Chad, would that count toward the French contribution?

Mr. PRESSLER. The French are not part of NATO's military command.

Mr. NUNN. So you are excluding the French here?

Mr. PRESSLER. That is correct.

Mr. NUNN. What about the British if they go to the Falkland Islands?

Mr. PRESSLER. We will have to check to see what the DOD did in that particular instance.

Mr. NUNN. How about British forces in the Persian Gulf?

Mr. PRESSLER. I do not know if the Secretary of Defense would use that, but I presume he would.

This amendment would use data from the Secretary of Defense's annual report on allied contributions to the common defense. It is based on data contained therein. Maybe that formula should be changed slightly—maybe it should not—but this document illustrates the fact that the European allies are not increasing defense spending as much as the United States. This situation must be corrected.

Mr. NUNN. I do not want to be picky on this amendment. I think I understand what the Senator is trying to get at. But let me just ask one other question on it.

Section (a) says:

> None of the funds appropriated pursuant to an authorization contained in this or any other act may be obligated or expended to increase in any fiscal year the aggregate amount of expenditures to support or maintain members of the Armed Forces of the United States

Let me reemphasize those words:

> To support or maintain members of the Armed Forces of the United States in European member countries of the North Atlantic Treaty Organization (NATO) (including the contiguous waters of such countries) by a percentage in excess of a percentage which represents the percentage increase (if any) in the aggregate amount of expenditures in the preceding fiscal year to support or maintain members of such forces.

Now, the reference to "such forces" is unclear. The only forces mentioned thus far are the members of the U.S. Armed Forces. Yet here in this section you are talking about, I think, the members in the European armed forces. But the way the amendment is worded, we would be measuring U.S. expenditures to maintain our forces versus what the Europeans spend to maintain U.S. forces. And the only European country that spends money to maintain U.S. forces is Germany. So I believe that the amendment really needs redrafting. I know this wording is not what the Senator intends.

Mr. PRESSLER. We do not agree with that interpretation.

Mr. NUNN. What forces have you mentioned preceding the modifying term "such forces"? What has been mentioned there above those words? The only forces mentioned at that point are the U.S. Armed Forces. So you really are measuring what we spend to maintain and support our forces versus what the European countries spend to maintain and support U.S. forces, as I read the amendment.

Mr. PRESSLER. We are talking about all the military expenditures, as I said earlier. I think it is very clear. I do not understand the question. Is there a way that it could be changed that would make it acceptable? I think it is very clear what we are saying. I cannot understand the Senator's question.

Mr. NUNN. I will not support the amendment unless it were made clear. I think from the Senator's point of view, he ought to make it clear that the "such forces" he is talking about are European forces and not U.S. forces.

Mr. PRESSLER. We say that "such forces in the European member countries."

Mr. NUNN. U.S. forces are in the European member countries. The "such forces" has to modify what has preceded it, and the only thing preceding in identifying forces is U.S. forces.

Mr. PRESSLER. No. The sentence goes on to say "members of such forces in the European member countries of NATO" and so forth. So I think it is clear.

Mr. NUNN. What the Senator means by the words "such forces" is maintain support in European forces; is that correct?

Mr. PRESSLER. The intent is to measure the total contribution to defense by our allies.

Mr. GOLDWATER. Will the Senator yield? Not for a question, but I wish to make a statement.

Mr. PRESSLER. Yes.

Mr. GOLDWATER. Mr. President, I do not think this is a wise amendment. In fact, I voted against the Proxmire amendment for the same reason I would resist this one and for the precise reason that the chairman brought up. NATO is not just for the protection of Europe. It is probably the strongest deterrence that we have in the field that might be used by our potential enemy, the Soviets. We knew when we went into NATO many years ago that many of their countries would not be able to match us dollar for dollar, man for man.

For example, I will give you a good example that has not been brought up. The strongest force in NATO is Turkey, and probably the weakest economic system in all of Europe is Turkey. Turkey outmans the rest of us. They cannot affort it. So if the amendment of the Senator is passed and becomes part of this bill, we are, in effect, demanding something from Turkey that Turkey will have to resist to the point of pulling her troops out.

Turkey is a very effective fighting force. She is probably the best-armed, best-equipped army in the whole strength of NATO. The thing that bothers me, if we are trying to tell the NATO countries to match us——

Mr. TOWER. Will the Senator yield for a clarification? I believe what the Senator means is one of the best trained and best manned, but actually one of the most poorly equipped because of their old equipment. We have not been able to replace it.

Mr. GOLDWATER. Mr. President, if I mentioned equipment, it was in error. I know their equipment. I have ridden in their jeeps all over the mountains, and they are ancient. But the thing that bothers me most about this type of amendment is that we are trying to tell the NATO countries what we want them to do. I will not argue with the premise that we should expect our allies to do as much as we do in a monetary sense, but we have to realize something that I do not think we are realizing; that is, that the governments we are talking about are changing. There are younger people stepping into these governments. There are younger people taking their places in these governments that do not agree with America even being there.

Look at the antinuclear weapon forces that have been assembled in Germany, and practically every other NATO country.

It will not take a lot with this growing political power, anti-American, anti-NATO—I will not say they are pro-Soviet, but they are leaning that way I must say very heavily. They have the idea—if we cannot show any more ability on our part to defend the parts of the world that are next door to us, how can they depend on us when we have to go thousands of miles to perform the same function for the world, for us, and for them?

I will resist this amendment. I think it is ill advised. I can understand the reason for it. I just cannot see us taking a gamble in this body of reducing the effectiveness of NATO anymore when it is already being reduced almost daily by political forces over which we have absolutely no control, and absolutely no influence.

These new forces are younger people that have never been through war. I think that is wonderful. I hope they never go through war. But I do not like governments making decisions on indecision.

I am going to resist this amendment. I urge my colleagues to do the same thing. It is well intentioned. It has its good points as far as the feeling of what we should do. But I think it is going to provide just the opposite. I hope this will be the last of what I call the anti-NATO amendments.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, if there is no further debate, I move to table the amendment of the Senator from South Dakota.

Mr. PRESSLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas (Mr. TOWER) to lay on the table the amendment of the Senator from South Dakota (Mr. PRESSLER). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. JEPSEN), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Virginia (Mr. TRIBLE), are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. BRADLEY) and the Senator from Missouri (Mr. EAGLETON) are necessarily absent.

I also announce that the Senator from Maine (Mr. MITCHELL) is absent because of death in the family.

The PRESIDING OFFICER (Mr. DANFORTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 76, nays 16, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—76

Andrews
Armstrong
Baker
Bentsen
Biden
Bingaman
Boren
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
East
Evans
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hart
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Lugar
Mathias
Matsunaga
Mattingly
McClure
Moynihan
Murkowski
Nunn
Packwood
Proxmire
Pryor
Quayle
Randolph
Roth
Rudman
Sarbanes
Sasser

Specter
Stafford
Stennis
Symms
Thurmond
Tower
Wallop
Warner
Weicker
Wilson

NAYS—16

Abdnor
Baucus
Boschwitz
D'Amato
Huddleston
Humphrey
Long
Melcher
Metzenbaum
Nickles
Pell
Pressler
Riegle
Stevens
Tsongas
Zorinsky

NOT VOTING—8

Bradley
Eagleton
Hatfield
Jepsen
Mitchell
Percy
Simpson
Trible

So the motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3171

(Purpose: To prohibit funds for the Advanced Technology Bomber and the Advanced Cruise Missile programs from being used for any other purpose)

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, I send to the desk an amendment for myself, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. NUNN. I ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself, Mr. HOLLINGS, Mr. JOHNSTON, and Mr. NUNN, proposes an amendment numbered 3171.

Mr. BYRD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 128, between lines 12 and 13, insert the following new section:

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE

SEC. . (a) It is the sense of the Congress (1) that the capabilities inherent in the technologies associated with the Advanced Technology Bomber program and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture, (2) that such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States, (3) that such technologies and programs should be funded at the levels authorized in this Act, and (4) that all the funds appropriated for such programs should be fully utilized for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program and the Advanced Cruise Missile program may be used for any other purpose.

Mr. BYRD. Mr. President, this amendment is designed to protect the advanced technology or Stealth bomber and advanced or Stealth cruise missile program. The first part of the amendment, I would say, if adopted, indicates that the Senate strongly supports these highly sophisticated technology programs. The intent is to preserve full funding in order to move the technologies into the production and deployment stages at the earliest feasible date. The second part of the amendment is designed to protect the money which is appropriated, pursuant to this authorization bill, from being reprogramed by the Department of Defense or the Air Force into any other program or for any other purpose.

I understand the Stealth program is progressing satisfactorily and represents what should be an important addition to the American military arsenal. The capabilities of the mix of technologies which constitute Stealth, packaged into very advanced weapons systems, will present important complicating factors for Soviet military planning. As such, it will enhance and deepen America's long-term ability to maintain an adequate and credible deterrence against Soviet adventurism.

I believe it is critical for America to maintain its lead in technological prowess.

The qualitative lead must be aggressively funded—and therefore I congratulate the committee on maintaining the full funding level which these programs deserve.

I am very concerned, however, that now there are challenges to these programs and to these funding levels. There have been, for example, disturbing reports appearing in responsible publications, such as Aviation Week, that some elements in the Air Force would like to procure additional numbers of B-1 bombers beyond the 100 planes currently projected. This would entail stretching out or even scuttling the Stealth bomber program.

Mr. President, it is my understanding that the B-1 bomber, even modified with some portion of Stealth technologies, would never be able to match the capabilities of the Stealth bomber. This is the official Air Force position, as I understand it. On the record, I would like to ask the committee several questions to clarify the situation—and I will take into consideration the highly classified nature of these programs.

The first question I ask is: Is it not true that the long-term capabilities of the Stealth will provide a very significant improvement over those of the B-1B, even if modified?

Mr. WARNER. Mr. President, first I congratulate the distinguished minority leader on bringing forth this amendment. It is my intention to urge my colleagues on this side of the aisle to support it, indeed accept it.

In response to the Senator's question, the answer is in the affirmative.

Mr. BYRD. I thank the Senator.

Mr. WARNER. If I might mention one other fact, during the course of the committee markup I joined with the distinguished Senator from Massachusetts (Mr. KENNEDY) in a brief amendment which in a sense keeps the Congress on notice with respect to any intention within the Department of Defense to shift moneys that might be toward the goal to which the Senator from West Virginia alluded, namely, an increased B-1 program at the expense of the ATB.

Mr. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that I may continue for a brief time to ask questions of other Senators and that I may yield the floor for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Second, Mr. President, I should like to ask Mr. NUNN this question: Am I correct in stating that the committee has fully funded the advanced technology bomber and the advanced cruise missile in the bill?

Mr. NUNN. The Senator from West Virginia is correct. I might add that there was strong bipartisan support across the committee for that action. As the Senator from Virginia has indicated, we worked together on it. We did not have opposition in committee. We will have a problem in conference, as the Senator knows, and I think the amendment of the Senator is a very valuable contribution.

I would like to add to the answer of the Senator from Virginia on the question the Senator from West Virginia posed.

To answer that question precisely, I want to quote from Gen. Larry Skantze, the Vice Chief of Staff of the U.S. Air Force.

In his February 23, 1984, press conference, General Skantze said:

> I think what you have to appreciate is that if you want to maximize the advantage of Stealth technology, you have to begin with a clean sheet, with a new design. If you take an existing airplane—I don't care whether it is a B-1 or an F-15 or an F-111—and you want to reduce the radar cross-section, you have fundamental limitations on how much you can reduce it because the geometry is just not as optimum as you can make it. So if you were to take the B-1B and maximize its Stealth characteristics, it still in my judgment would not come near to what you can do with an ATB.

I do not want to go further than that, and I will be precise in my answers, because there is a classification problem in this area. We have checked this dialog and the questions very closely.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia (Mr. NUNN). What he is saying, as I understand, is that the long-term capabilities of the Stealth would provide very significant capabilities over those of the B-1B even if the B-1B were modified.

Mr. TOWER. Will the Senator yield?

Mr. BYRD. Yes.

Mr. TOWER. In fact, there is some Stealth technology that you could incorporate into existing aircraft to enhance the penetration capability, but I want to endorse what Senator NUNN has said in quoting General Skantze that for what our objective is you do have to go to a new airplane. It is unfortunate we cannot say more than that.

Mr. BYRD. I thank the distinguished chairman.

Mr. President, may I ask Mr. NUNN specifically, does the committee understand that a challenge to the Stealth program, in order to divert the money to other ongoing programs is a current danger? I certainly have reached that conclusion as I have read newspaper stories.

I have read reports in Aviation Weekly, and so on. I have that impression. Is that a proper one? Would the Senator say there is a current danger?

Mr. NUNN. Mr. President, I think the perception of the Senator from West Virginia is correct. I think the threat is real. I think what the Senator is doing today, indicating strong support in this body for this program, could be very important. In the other body, our House colleagues have already significantly reduced the authorization for both the advanced technology bomber and the advanced cruise missile, and I think inevitably as defense budgets continue to come down there are always those who will favor holding on to what they have now in production even if that means something potentially much better that could make quantum improvements may get cut or dropped or delayed very substantially.

Mr. BYRD. Mr. President, the distinguished Senator from Georgia——

Mr. GOLDWATER. Will the Senator yield so I might help answer that question?

Mr. BYRD. Yes.

Mr. GOLDWATER. I may say, Mr. President, in answer to the question that Senator NUNN has answered it very, very succinctly. There is no one in the Air Force that I know of who wants to do anything to the Stealth program. It is a very ongoing program.

I am sorry, along with my other friends, that we cannot discuss it because it is very, very high classified. The program is coming along well. The only thing I would like to reiterate is what the chairman of the committee said; that some of the concepts of Stealth can be applied not only to other aircraft but to other weapons systems.

I can assure my friend from West Virginia I have never in my close association with the Air Force heard anybody say anything that they were not happy.

Mr. BYRD. I am encouraged by the statement that has been made by Mr. GOLDWATER. I had a distinct impression—and if I am wrong, I will correct it in the RECORD—from some of the reports that came out in the press with respect to information that was presented by the Aviation Weekly at least a couple or 3 years ago, which was somewhat disconcerting on that point. It appeared that there were some in the Air Force who were seeking to enhance the B-1 program at the expense of the Stealth program. I may be wrong about that. I hope I am. But in any event, I am glad to hear what Mr. GOLDWATER SAYS.

Mr. GOLDWATER. If the Senator will yield just a moment longer——

Mr. BYRD. Yes.

Mr. GOLDWATER. You cannot accept as the Biblical truth everything you read in every technical magazine.

As the chairman mentioned and as I reiterated, there is other uses for the Stealth concept, even applied to other aircraft. But what they are working on is the advanced technical bomber including the Stealth concept.

Mr. GLENN. Will the Senator yield?

Mr. BYRD. Yes; I yield.

Mr. GLENN. I want to add one thing. I agree with the Senator from Arizona completely on that, and I have always supported the research and technology of the Stealth. Unfortunately, as the Senator from Georgia has very correctly stated, we cannot discuss it in open session in detail. But I think we can say that there have been sufficient problems. Many of us who have followed this thing very closely were not willing to just see all our eggs put in the Stealth basket. While we fully supported research, there were enough problems and enough ways of getting around some of this technology that we still supported the B-1 program.

I would never support raiding of funds back and forth. We want to make certain this does not happen. But I would not want anyone to think that the Stealth technology is at a point yet where we can shoot down the B-1 program or any other program or go fully with the Stealth program right now today as a means of conducting conventional warfare, if this country ever gets into conducting conventional warfare. That is where we still need the B-1 program and need it very badly. But I also want the Stealth technology to go ahead because, as the Senator from Arizona has correctly stated, it has many other applications to other equipment. However it is not perfectly developed, and I am not going to see the security of my country go solely on the Stealth technology.

Mr. BYRD. Mr. President, my amendment, which was offered on behalf of Mr. HOLLINGS, Mr. JOHNSTON, Mr. NUNN, and myself, recognizes that this technology can be used in connection with other weapons and specifically with respect to the cruise missile programs. At least, there is the possibility. But my concern grew out of information which I and others felt at the time indicated that there was Pentagon leakage of highly classified information appearing in Aviation Week a couple of years ago which had to do with this subject. On that occasion, I wrote to the President and/or the Secretary of Defense, asking that they get to the bottom of this leakage of classified information with respect to Stealth.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the distinguished Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Senator from West Virginia. He is performing a very important service on this particular defense issue.

Maybe my question should go to the distinguished Senator from Arizona. The Senator from Ohio really put his finger on the concern I have.

If you are talking about going full speed ahead, we all know that Stealth is to maintain the third leg of the triad bomber force. The distinguished Senator from Ohio knows about conventional preparedness. That is one thing. But the Stealth and the B-1 replace the B-52 and are to penetrate Soviet defenses.

Some of us have the memory of the statement made by the Secretary of Defense with respect to the B-1 bomber, that we would be sending the crew of American airmen on—and he used the phrase "suicide mission." That is what bothered many of us, and we do not want to get into the debate now about the B-1. But it touches on the very question the distinguished Senator from West Virginia talks about and the concern that the Senator from Ohio has with regard to conventional usage of the B-1 bomber. It is this Senator's concern, in replacing that leg, that we do go full speed ahead.

When the Senator from Arizona says, "getting pretty well along," he and I know the Pentagon. They can allocate and say, "We will wait until next year. We are not really ready." But if we really put on the full pressure, as we have done often in the history of this country, we can develop magnificent technology over a short period of time.

I think that is my concern and that of the Senator from West Virginia, the

Senator from Louisiana, and other Senators, that we do not start fudging and reallocating, not that we want the Stealth over the B-1, but that we want a secure third leg of the triad. Two years is a tremendous difference.

Some might talk, as the distinguished Senator from Ohio did, about eggs in one basket. I do not consider it eggs in one basket. I think it is a replacement for the B-52. If we had one this minute, I would want it, but I would want one that lasts beyond 1990. That is why we have gone with the Stealth, and that is why we are so concerned about going along with the B-1, that will be outdated and cause—what is the phrase—"an open window?"

Mr. BYRD. Window of vulnerability.

Mr. HOLLINGS. I want to go ahead full speed.

These are the kinds of reports we read. We know about the Pentagon in administering programs and dragging feet when they want to and saying they cannot go along that fast. I do not want that.

Mr. NUNN. Mr. President, I almost always agree with the Senator from Arizona on these questions, but on this one I would have to dissent slightly.

I think there are those in the Pentagon who, if they had their way, would slow down the ATB so that the B-1 could continue after the first 100.

The profile on the B-1 funding is such that in the last year of the B-1, we are going to be building 48 of them. What that means in political terms is that instead of phasing-out the production after the first 100, if they were going to stop production, as they say they will, they have to lay off about 50,000 to 60,000 people. The political groundwork has been laid to keep the B-1 production line open beyond the first 100, whatever the problems or the opportunities for Stealth.

I hate to become cynical, but I have been here long enough to put various facts together. Combine that with a mysterious list that came out of the Pentagon this year when the budget cutting was going on, which went to the House Armed Services Committee. That list had substantial cuts in the advanced cruise missile and ATB.

The Senator from West Virginia said he had some skepticism about it, and I also have. That list got over to the House. I do not know where the list came from, and now everybody denies it was their list. To Secretary Weinberger's credit, he did not agree. I am sure he did not agree to that. It came from the bowels of the Pentagon, but it was deemed credible by the House Armed Services Committee. What the list said is in their bill, and that means they cut these two programs substantially.

So, in my view, the suspicions of the Senator from West Virginia and the suspicions of the Senator from South Carolina are extremely well founded, particularly when you combine what is happening on the B-1 program with what is happening on the ATB.

I ask every Member of this body a question: What are we going to do when we get to 1987 and the ATB, say, is ready to go? Let us say, whatever the year is, that the ATB has solved whatever problems concern the Senator from Ohio, and the people say, "You can't close the production line on the B-1 because you will lose 50,000 to 60,000 jobs." That is the way the B-1 production line is set up.

I have to put those two facts together, and I have to conclude that there are some people at very high levels, maybe in uniform and maybe not—I do not include the Secretary of Defense, because he has made it clear that he is for this program—but there are some people who would like to keep the production line open on the B-1, regardless of the status of the ATB.

I am afraid that what we are doing is building such a political roadblock that the ATB will not be judged on its merits and whether it can make a quantum leap in technology, as the Senator from West Virginia said is possible and which I think is possible, or whether the Soviets could establish defenses, which would divert huge Soviet resources from other defense efforts.

The ATB has an enormous potential, and I am afraid we are laying the groundwork politically whereby there will be tremendous reluctance by Congress and by any administration, Republican or Democrat, to shut down the B-1 production line after the 100 are built and to go into a higher leveraged program. That is a legitimate fear based on the facts as they exist and as I see them.

Mr. GOLDWATER. Mr. President, will the Senator yield so that I may respond?

Mr. BYRD. I yield for that purpose.

Mr. GOLDWATER. I want to answer the question that the Senator from South Carolina raised.

There are other things to the ATB than one technology. There is the technology involving aerodynamics, for example.

I remind my friend that way back in the beginning of World War II there was a concept of a technological breakthrough that we now call radar, and we found a great division in England at that time, a real division. Some said it will not work; some said it will.

I remember when they developed the jet engine in England. Some said it would work; some said it would not.

To answer the suggestion made by my friend from Georgia, there are people, there are technicians in our academic field, there are technicians in the Pentagon, who have doubts not about the concept of the basic technology involved in ATB, but over things that we cannot talk about here but I would be very happy to visit with my friend and tell him exactly what those things are.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. BYRD. I yield to the Senator from Louisiana.

Mr. JOHNSTON. I thank the distinguished Senator from West Virginia.

Mr. President, I wish also to commend him. I am happy to be a coauthor of this amendment.

Mr. President, I was one of those Senators in the last two Congresses, along with Senator NUNN and others, who opposed the multiyear contracting for the B-1, for I feared the kind of scenario of which the House action is step No. 1, and that is that we would see the best sacrificed for something that was pretty good. I think that is all we can say for the B-1, that it is pretty good, and as the years go by, it soon will be only good and then fair and not even pretty good.

The fact of the matter is B-1 is two decades old technology. B-1 cannot be adapted in any real terms for Stealth technology. It can be improved slightly, but it cannot be totally adapted to Stealth technology. It just cannot be done, as the statement by Senator NUNN quoted there would indicate.

B-1, as far as the first 100 is concerned, is a past issue. While we need to get the defense budget down, while the conference on the budget will probably come up with something like 5 percent on defense, it is very doubtful whether defense spending can be held to 5 percent because in order to do that we need to deal with some major weapons systems like B-1 or MX or another big system.

I do not think when it comes right down to Congress, it can or will deal with those big systems.

Specifically on B-1, we are too far along now to go back and either cut back on quantities or undo the multiyear contracting, or to cut back on the 100. They have gone in, as they said, with the multiyear purchases and with the other methods by which multiyear contracting would save money, and you just cannot do it. So the 100 is pretty well frozen in. Even those of us who think it is two-decades-old technology recognize now that we cannot cut back on B-1 on the first 100.

What we are sincerely concerned about is the scenario under which this is step No. 1; that is, that we first begin to say we need to cut back on the budget, and then there are all these statements of doubt about how far along Stealth is.

They have some problems they have not solved. Let us do not go too fast. We cannot talk about it here. But let me say at the time I saw what there is to see on Stealth, I was amazed at how far along they were. I was surprised at how far along they were, and I am confident for whatever that means, and I think I was the only one who had seen as much as I had seen, or maybe there might be one or two at the time I saw it, but I am not telling what I saw, but I am surprised at how far along they were and I am confident they will not have any insoluble problems, and I think those who are on the project are as well.

We can always cloak ourselves in secrecy and say we want to talk about it and should, but we will not.

But to say there are problems that cannot be solved, and no one has said it like that, I think is the wrong approach on the Stealth.

The second real concern is not that there may be some mole over there in the Pentagon who says we should increase B-1 and cut back on Stealth. But there are a lot of people in this Congress who up front say, "I have jobs at home."

There are 60,000 jobs that are going to be at stake in 1987, as they complete 45 planes simultaneously, 60,000 jobs in 40 States of these United States.

There are not many of us who can rise above politics and make our decisions solely on principle.

Mr. NUNN. Would the Senator name them?

Mr. JOHNSTON. If I had to name them, unfortunately I may not be among that number.

I mean it is very difficult to do so. It is very easy to look through those defense job-colored glasses that see the merit in the program if jobs happen to be connected with it.

All of us have done that. All of us do it all the time because we are, first of all, elected from our States and also elected by the United States, and we try to see the best face of whatever the question is.

The best face of this question is not to sacrifice ATB because to sacrifice ATB is to sacrifice that program which is two decades ahead of B-1, two full decades ahead, and it poses problems to Soviet defense people, which B-1 does not, and it would be a very sad mistake, particularly at this time, to cut back the program, and then that tells the Soviets they do not have to divert those resources to build the interlocking radar that it would take to possibly defend against ATB.

Instead they can do it basically with what they have.

I hope as we begin to approach 1987 we do not get swept into that old, what Eisenhower worried about: the military-industrial complex. Really what we should talk about is the Pentagon-congressional complex, the jobs-congressional complex, that says jobs back home are so important. Let us keep this line open. Can you not hear them right now? I mean I can read their statements. They are going to tell us that the B-1 is exceeding all the flights tests, that it flies wonderfully, that its systems are all go, and they will come up with all the technological gobbledygook and make it sound great. They will tell you they have quantity cost down below anything ever dreamed, and the way they do it, that is by shuffling numbers aside—I mean taking numbers out of B-1 and putting it over in R. & D. and some other program. Indeed, that is what they have already done. That is when they tell that they can build 100 B-1's for $20 billion in 1981 dollars. They have done that by shuffling money from B-1 over into other programs.

That is No. 1, and No. 2 they are not going to be able to do it anyway, and my source for that is the Pentagon itself, which has come up with its own estimates.

What is the name of that cost-cutting, cost analysis group in the Pentagon?

Mr. NUNN. CAIG.

Mr. JOHNSTON. Yes; the cost analysis group in the Pentagon. They have already come up and said these estimates are way off. If I recall correctly, they said it is $29 billion. It depends on how many of the things you have taken out of the B-1 account you return back to the B-1 account.

So let us beware, as the distinguished Senator from West Virginia is being aware on this. Watch for every attempt to cannibalize the ATB, the best and most advanced technology, in order to keep jobs afloat in the B-1 program.

We have been extraordinarily generous to those 40 States and those 60,000 employees by letting them build a system which, in my judgment, is not the best and maybe it is defensible but it is barely defensible. A second hundred or a second fifty or any additional B-1's with or without being at the expense of the ATB would be totally indefensible.

I congratulate the Senator from West Virginia for being alert on this issue.

Mr. STENNIS. Mr. President, will the Senator yield briefly to me?

Mr. BYRD. I had promised to yield first to Mr. GLENN.

Could I yield first to him?

Mr. STENNIS. Sure.

Mr. GLENN. Yield to Senator STENNIS first.

Mr. BYRD. I yield to Mr. STENNIS.

Mr. STENNIS. Mr. President, I did not mean to try to cut off the Senator from Ohio, but I wish to commend these Senators for engaging in such a splendid debate that needed to be said, and it has been accumulating.

This is going to be helpful to every man here who has to vote on it, to the press, and to the public, and I do not jump up and say that every time, every day; but this matter has given a lot of trouble. I am not blaming anyone now of wrongdoing. I do not know of any wrongdoing. But it has dragged along and dragged along, and I remember how relieved I was when we got the first proof about the success of the Stealth. It was really going to be a reality. We could look forward to that. It was going to take a lot of money. But certainly it came in at the right time, and this is what the Senator from Louisiana said in his fine summary.

It is always difficult in a way to come in here and tell the Members not on the committee just what the real situation is and say it out in public with safety to the welfare of these instruments.

But this has been splendid. I think it is a fine analysis of it. I am glad you are going to guard that money. These jobs that you are talking about, there are not any of them in my State in this case, but I think you gave a pretty full analysis of that. I have some experience in that.

I am highly pleased here and I think the membership received a good analysis.

Mr. BYRD. I thank the Senator.

Mr. GLENN. Will the Senator yield?

Mr. BYRD. I yield to the Senator from Ohio.

Mr. GLENN. I was not aware, Mr. President, of some of the things the Senator from Georgia indicated about the potential for a stretchout on this. I think that would be a gross error on the part of the Pentagon if they started going in that direction. I think they should be warned by what the Senator from Georgia has pointed out here today, if they are playing little games around these programs and not concerned as much about national defense and the security of the Nation as they are about some parochial issues. And I agree with the Senator from Louisiana that we are losing our way around here sometimes.

But I have a couple of other comments. I support fully the keeping of funds for research on the advanced technology bomber, the Stealth program. But I have never supported the B-1 program just on the basis of its being a nuclear penetrator. I think that we need a conventional warfare capability that only the B-1 gives us in this particular time period.

If we were making just an airplane to go to Moscow, I guess I would question whether we need any airplane, because I think if all we are trying to do is drop one more aircraft delivered nuclear weapon on Moscow, we will have already been firing things back and forth at that point enough that it is not going to make a whole lot of difference.

But I support the B-1 because it will carry twice the bomb load of the B-52. It is reliable. It can use some of the Stealth technology, but no one can say to go the Stealth program just to enhance the B-1. That would be ridiculous. But if you look at conventional warfare, there is very, very serious doubt about the Stealth technology being able to perform in the same way the B-1 will do it.

So in the timeframe we are talking about, I think it makes sense to go ahead and support the B-1. I am all for keeping Stealth research funding in. And if efforts are made to scavenge that program and put money over into the B-1, I think we ought to be aware of that and put the Pentagon on notice today that we will not stand for it. We will cut the funds off before we see that happen and protect the Stealth program so it is developed as far as it can be.

But, on the other hand, to say today we would shoot down the conventional capability we will have with the B-1, which I feel we need, and just go full bore and say we will develop Stealth technology, and it will be made to work somehow and to put the security of our Nation on that basis, when I have serious reservations about some of the difficulties with the ATB—we cannot discuss this in open session. I know there is criticism every time we note this and we say, "Well, we can't talk about it on the floor." But we cannot.

Stealth is not that ready right now that I would want to risk the security of this Nation on it, particularly if what we are talking about is a conventional warfare capability, which I feel we truly need. The B-1 can carry twice the bomb load of the B-52, and can fly from the eastern United States to Europe and back without a refueling. There is nothing that is going to be able to do anything better than that in the near future with a conventional warfare capability.

So that is the reason I support B-1. Yet I still support research on the ATB and will continue to do so. And I think we need to protect against what the Senator from Georgia is talking about in the Pentagon.

I do not want to see the B-1 program stretched out and the per unit cost run up on a program that has already been so expensive that it is almost unbelievable. The one thing we told them when we approved that program was that if it went a nickel over budget or it got stretched out, or under performance was a factor, we were probably going to see the whole program cut. So far, they tell me they are ahead of schedule and under budget. I have checked with them. We have a standard request that they report to me once every month just so I keep up with it. So far, they swear that they are ahead of schedule and under budget. And that is the way we want to keep it.

But to say the program is expensive, that we shoot it down when we need that conventional warfare capability and there is nothing else that will provide that right now, I think would be the wrong way to go.

Mr. BYRD. Mr. President, I thank all Senators who are participating in this discussion. I have only a couple of remaining questions I would ask of the ranking manager or other members of the committee.

Does the committee regard the funding levels, which are contained in the bill passed by the other body, appropriate to the capability and scheduled development of the ATB and the ACM?

Mr. NUNN. I would answer the Senator from West Virginia that for my part I think what the House has done in this area does not really make any sense to me. I look forward to a conference explanation, and there may be one. So far, though, I have not ascertained the logic behind what they have done.

First, in the cruise missile area, I think we would all agree we need the full air-launched cruise missile buy, whatever any of us might think the mix ought to be between what we call the ALCM-B and the advanced cruise missile.

If we are going to switch to the advanced cruise missile, then we should stop making ALCM-B's; if we are not going to switch to the ACM, then we should stop funding the ACM and continue funding the ALCM-B. This is just plain commonsense. But the House has not done that. It cut the ACM funding significantly but, nonetheless, terminated the ALCM-B funding, so they are really hitting both programs. In effect, they killed one program, on which we agreed with them, the ALCM-B, but rather than fully supporting the other, the House action wounded the other program also.

Given that both Houses have now terminated funding for the ALCM-B, and that is also the administration's position, I believe we need to go full speed ahead with what we call the advanced cruise missile. That means we must restore the funding cut made by the House; otherwise, we would have a significant slip in that program, with the likelihood that many of the smaller subcontractors who would be involved on both ALCM-B and ACM would have a very lean year in between. And it may be much harder to have that shift made later on.

With regard to the advanced technology bomber we have been talking about, the magnitude of the reductions in this area have been quite substantial. As many Members are aware, this program was structured initially to solve several major technical challenges first, in order to reduce the risk of proceeding into quite novel technological areas. I believe this has been accomplished with a significant degree of success, and we are now at a point where the major design effort is proceeding with considerable confidence of success. However, the drastic House cuts are likely to significantly delay the IOC, the initial operating capability. Given the compressed B-1 production schedule which we have already talked about, this would open a similar gap of a year or more for important lower tier producers of hardware and components.

The administration and the Congress have been in agreement for some time on a two-bomber time-phased program; in my view there is no reason to depart from that approach. Therefore, it is urgent that we seek full restoration of funds for the advanced technology bomber.

Mr. WARNER. Mr. President, I concur in the observations of Mr. NUNN and assure the Senator from West Virginia that if the Senate accepts the recommendation of the Senate Armed Services Committee and restores the funding that is in the bill we have now, you will have adequate funding.

Mr. BYRD. I thank the Senator.

Mr. President, I have just one final question for the record. Is the Senator from Georgia or any other Senator on the committee aware of any technical problems in the development systems of these weapons that would justify the cuts that have been made by the House?

Mr. NUNN. I can only speak for myself. Other Senators may have different views on this. My answer to that, though, is, no, I do not know of problems that would justify the kind of cuts that have been made. The program manager and his staff have briefed our people at great length. I have been in on the briefings, the Senator from Virginia has, and I know other Senators have.

And as the program manager views the program, the program is basically on track. It is on schedule. It is on budget. He does not see anything resembling a major unresolved technical problem. This is not to say there are not any problems. There are some problems. There always will be problems on a program of this nature. Every research and development program has those. But I repeat that I have been assured that there are no major problems in view, and no technical risk which would justify at this stage the cuts that have been made on the House side.

Mr. BYRD. Mr. President, I wish to express my thanks to the managers of the bill for the observations that they have given, for the support that they have expressed, and to Mr. HOLLINGS, Mr. Johnston, Mr. Stennis, Mr. Warner, and others who have commented on this important matter.

One of the key advantages this Nation possesses over the Soviet Union is in the area of our high technology. We dare not permit the advantage to dissipate. My purpose in having a record vote on this matter is that I hope the Senate will overwhelmingly endorse the amendment. I want the Senate conferees on the measure to carry the clearest of all possible messages to Members of the other body when they meet in conference. We do not regard the deep cuts made by the House to be appropriate. We want the programs to go forward aggressively, and to mature on schedule

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I wish to again compliment the distinguished minority leader for raising this amendment. In my judgment, it reinforces the strength of the Senate when we come to the conference, and in the need to restore these funds.

I should also like to refer to section 1011 of the bill pending before the Senate. It is an amendment sponsored by Senator Kennedy and myself which addresses in some areas the issue raised by the distinguished minority leader.

Mr. BYRD. I thank the distinguished Senator from Virginia.

Mr. President, I ask unanimous consent that Mr. Nunn be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from West Virginia (Mr. Byrd). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. Andrews), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Jepsen), the Senator from Illinois (Mr. Percy), the Senator from Wyoming (Mr. Simpson), and the Senator from Virginia (Mr. Trible) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield), would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. Bradley), the Senator from Missouri (Mr. Eagleton) and the Senator from Colorado (Mr. Hart) are necessarily absent.

I also announce that the Senator from Maine (Mr. Mitchell) is absent because of death in the family.

The PRESIDING OFFICER (Mr. Abdnor). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—90

Abdnor
Armstrong
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Cranston
D'Amato
Danforth
DeConcini
Denton
Dixon
Dodd
Dole
Domenici
Durenberger
East
Evans
Exon
Ford
Garn
Glenn
Goldwater
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Lautenberg
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
McClure
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Tower
Tsongas
Wallop
Warner
Weicker
Wilson
Zorinsky

NOT VOTING—10

Andrews
Bradley
Eagleton
Hart
Hatfield
Jepsen
Mitchell
Percy
Simpson
Trible

So the amendment (No. 3171) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I have talked to other Senators who have amendments. Few seem to be prepared to offer them this evening. Let me ask: I know that the distinguished minority leader is about to offer one. I wonder if there are any other Members who have amendments who will be prepared to offer them this evening? We would be delighted to entertain any Senator who wants to offer an amendment.

I do not see any takers.

Mr. MATHIAS. If I offer it, Mr. President, will it be accepted?

Mr. TOWER. It depends on what it is. If it is an endorsement of motherhood and Sunday school, I will take it.

Mr. MATHIAS. That is what I thought, Mr. President.

Mr. TOWER. Mr. President, is the Senator from Maryland interested in offering an amendment tonight?

Mr. MATHIAS. Not on those terms, Mr. President.

Mr. TOWER. Mr President, it appears that we are not able to get another amendment up to vote on tonight. I think that as it has developed, Members should be on notice that there will be votes tomorrow. At this point, I yield the floor.

AMENDMENT NO. 3164

(Purpose: To establish an Office of the Competition Advocate General)

Mr. BYRD. Mr. President, I have an amendment which I offer on behalf of myself, Mr. Levin, and Mr. Nickles. I have discussed this amendment with the distinguished majority leader and Mr. Tower. It is my suggestion that we lay the amendment down, get the yeas and nays ordered on it, and have an understanding or consent, if the majority leader would like to consent to the request, that we vote on this amendment at 10:45 tomorrow morning.

Mr. BAKER. Will the Senator yield to me, Mr. President?

Mr. BYRD. I yield the floor, Mr. President.

Mr. BAKER. Mr. President, I thank the minority leader for that suggestion. Indeed we did discuss this matter. I expressed to him my thanks for the proposal at that time.

I would like to suggest, Mr. President, since we are coming in at 9:30 tomorrow morning, that we be back on the Hill at about 10:15 or thereabouts. That would give us 30 minutes of debate, approximately, if we set 10:45 as a time certain.

If the minority leader is prepared for me to do so at this time, I shall make such a unanimous-consent request.

Mr. BYRD. Yes, Mr. President.

Mr. GOLDWATER. Before answering that, Mr. President, would the minority leader tell me, what is the nature of the amendment?

Mr. BYRD. This amendment strengthens the provision in the bill establishing new "competition advocates generals" in the military services and DOD. The purpose is to promote more competition in DOD procurement and attack the problems of overpricing and waste which have plagued the Defense Department.

The PRESIDING OFFICER. Will the Senator allow the clerk to report the amendment?

Mr. BYRD. I have not offered it yet, Mr. President, but I shall be glad to offer it in a moment.

Mr. BAKER. I yield the floor, Mr. President.

Mr. BYRD. Mr. President, if the majority leader will allow me, I urge him to put the request, then I shall offer the amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that on the amendment to be offered by the distinguished Senator from West Virginia, the minority leader (Mr. Byrd), the amendment be temporarily laid aside after it is reported and that it recur as the pending question tomorrow when the Senate resumes consideration of this bill; and that the Senate proceed to vote on the amendment to be offered by the Senator from West Virginia at the hour of 10:45 a.m. tomorrow.

I further ask unanimous consent that on tomorrow, the Senate resume consideration of this bill at no later than the hour of 10:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the time be equally divided and the control of the time be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I yield the floor, Mr. President.

Mr. BYRD. Mr. President, I send to the desk the amendment and ask unanimous consent that it be printed in the RECORD. I also ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 77, beginning with line 5, strike out all through page 78, line 17 and the matter set out between lines 17 and 18, and insert in lieu thereof the following:

"§ 2306a. Office of the Competition Advocate General

"(a)(1) There is in the executive part of each agency referred to in section 2303(a) of this title an Office of the Competition Advocate General (hereinafter in this section referred to as the "Office"). The head of the Office is the Competition Advocate General.

"(2) The head of an agency shall designate a commissioned officer of the Armed Forces on the active list serving in a grade not below colonel or, in the case an officer in the Navy or the Coast Guard, captain, to be the Competition Advocate General of the agency. The designation shall be for a term of four years. The designated officer, while serving as the Competition Advocate General, shall have the rank and grade of Major General or Rear Admiral, as the case may be, unless entitled to a higher rank and grade under another provision of law.

"(3) The head of an agency shall provide the Competition Advocate General of the agency such staff or assistance as may be necessary to carry out the duties and responsibilities of the advocate for competition.

"(b)(1) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency, promote competition in the procurement of property and services by the agency.

"(2) The Office of the Competition Advocate General of an agency shall, under the direction of the head of the agency—

"(A) review the purchasing and contracting activities of the agency;

"(B) identify and report to the head of the agency—

"(i) opportunities to achieve competition on the basis of price and other significant factors in the purchases and contracts of the executive agency;

"(ii) solicitations and proposed solicitations which include unnecessarily detailed specifications or unnecessarily restrictive statements of need which may reduce competition in the procurement activities of the executive agency; and

"(iii) any other condition or action which has the effect of unnecessarily restricting competition in the procurement actions of the agency.

"(c)(1) The Competition Advocate General of an agency shall review each proposed noncompetitive procurement in the agency involving more than $100,000 before a solicitation for the procurement is issued and shall recommend to the procurement or program officer involved specific acquisition actions as appropriate.

"(2) At least 15 days before a procurement or program officer takes or directs an action inconsistent with a recommendation made by a Competition Advocate General under paragraph (1), the officer shall submit a written justification for such action to the head of the procuring activity, and shall transmit a copy of the justification to the Competition Advocate General of the agency.

"(d)(1) Each head of an agency shall transmit annually to the Senate and the House of Representatives a report detailing any procurements made by the agency which were inconsistent with any recommendation made under paragraph (1). Such annual report shall include the annual report required by paragraph (2) to be made by the Competition Advocate General of the agency.

"(2) Each Competition Avocate General of an agency shall prepare and transmit to the head of the agency an annual report describing the activities of the Office under this section during the preceding year.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2306 the following new item:

"2306a. Office of the Competition Advocate General.".

Mr. BYRD. Now, Mr. President, if I may, I ask unanimous consent that it be in order to order the yeas and nays on the amendment. It is pending.

Mr. BAKER. It is pending.

Mr. BYRD. I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, the order entered provided that as soon as the amendment was reported, it would be temporarily laid aside. That is unnecessary because at this time, unless the managers think otherwise, I am prepared to take us off this bill and put us in a period for the transaction of routine morning business.

Mr. NUNN. Mr. President, I would like to proceed for 1 minute.

Mr. BAKER. Yes. Mr. President, I yield the floor.

Mr. NUNN. Mr. President, when the Armed Services Committee began its work on the fiscal year 1985 defense authorization bill, I asked a great number of questions to the Department of Defense about the large increases of funding and whether we had received commensurate increased military capability that would be proportional to the increase in funding.

That started a great series of questions. We had several front-page stories about readiness, about what it increased in readiness, what it did not increase that came after from Department of Defense information. Senator TOWER asked for a detailed report from the Department of Defense with a number of questions. I supplemented that question sheet. The Department of Defense had a release on that about 2 weeks ago.

Back several months ago, I asked the General Accounting Office to take a look at the Department of Defense analysis to give us their opinion in this whole area. This report from the General Accounting Office is now ready. I will be inserting it in the RECORD tomorrow morning. It will be available in the RECORD tomorrow. I will not put it in today. But I do want to serve notice because I think it makes a real contribution; it is an objective analysis of where we really stand in the overall readiness area.

I might say that one of the bottom line conclusions of all this is that we do not have a good way of measuring readiness. We have not had a good way of measuring it for some time. We need to make some improvements in that respect. This lack of a measurement of readiness has been through several administrations. It has nothing to do with the administration in authority now but is, rather, a problem that is endemic to the services.

Mr. BAKER. Mr. President, I now wish to announce that there will be no more record votes today.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business until no later than 6:45 p.m. in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTER-AMERICAN DIALOGUE

Mr. MATHIAS. Mr. President, in this age of overstocked arsenals, there is a tendency to sell diplomacy short and to pursue military solutions to what are essentially political problems. Nowhere is this more evident than in Central America, where the real enemy of poverty and political injustice has been overshadowed by the armed conflict in the region.

This is all the more reason why the outstanding work of the Inter-American Dialogue deserves recognition and support. Founded in 1982, the Dialogue is a unique organization, under the cochairmanship of former U.S. Ambassador to the OAS, Sol Linowitz and former OAS Secretary General, Galo Plaza, which brings together leading citizens from the United States, Canada, Latin America, and the Caribbean to discuss issues affecting the Western Hemisphere.

A few weeks ago the Inter-American Dialogue issued a second report entitled, "The Americas in 1984: A Year for Decisions." Like the first report, "Americas at a Crossroads," it addresses a wide range of critical and contemporary issues from a distinctly inter-American perspective. Too often such reports revert to an old style: Monolog rather than dialog, teaching rather than learning. The Dialogue has avoided these pitfalls and approached the problems of United States-Latin American relations with hemispheric vision.

In preparing "The Americas in 1984" the group met with representatives of business, government, and academia throughout the region. They focused on such urgent questions as how to promote equitable growth, how to strengthen democracy and respect for fundamental human rights, and how to rebuild hemispheric institutions. The fact that they reached a broad consensus on these difficult issues in inter-American relations gives special value to their report.

I commend the Dialogue's report to Senators and to all citizens who are looking for constructive answers to the problems of the Hemisphere—the crisis in debt and trade throughout Latin America, the bitter conflicts in Cental America, and the lassitude of the Organization of American States. The Inter-American Dialogue renews my confidence that with our Latin American neighbors we can find ways to solve our common problems peacefully.

ORDER FOR STAR PRINT OF SENATE RESOLUTION 127

Mr. BAKER. Mr. President, I have one request in the nature of a technical correction that has been cleared on both sides.

I ask unanimous consent that Senate Resolution 127, relating to the Committee on Indian Affairs as agreed to on yesterday be star printed to reflect technical changes that were inadvertently omitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 261. Joint resolution to provide for the designation of the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week"; and

S.J. Res. 289. Joint resolution to designate June 18, 1984, as "National Child Passenger Safety Awareness Day".

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 1149) to designate certain national forest system and other lands in the State of Oregon for inclusion in the National Wilderness Preservation System, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3921) to establish wilderness areas in New Hampshire.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3942. An act to facilitate commercial space launches, and for other purposes;

H.R. 4997. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes; and

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 3578. A bill to establish wilderness areas in Wisconsin;

H.R. 3960. An act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System; and

H.R. 4198. An act to designate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3942. An act to facilitate commercial space launches, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4997. An act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5297. An act to amend the Federal Aviation Act of 1958 to terminate certain functions of the Civil Aeronautics Board, to transfer certain functions of the Board to the Secretary of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3293. A communication from the Acting General Counsel of the General Accounting Office, transmitting, pursuant to law, a report on the status of budget authority proposed for rescission for which Congress failed to pass a rescission bill; to the Committee on Appropriations.

EC-3294. A communication from the Director of the Selective Service System, transmitting, pursuant to law, the semiannual report of the Selective Service System for the period October 1, 1983 to March 31, 1984; to the Committee on Armed Service.

EC-3295. A communication from the Secretary of Transportation, transmitting, pursuant to law, the "National Airway System Annual Report" for fiscal year 1983; to the Committee on Commerce, Science, and Transportation.

EC-3296. A communication from the Secretary of the Interior, transmitting, pursuant to law, the fifth annual public lands program report entitled "Managing the Nation's Public Lands," covering fiscal year 1983; to the Committee on Energy and Natural Resources.

EC-3297. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Annual Energy Outlook 1983"; to the Committee on Energy and Natural Resource.

EC-3298. A communication from the Chairman of the Board of the U.S. Synthetic Fuels Corporation, transmitting, pursuant to law, the unaudited quarterly report for the quarter ended March 31, 1984; to the Committee on Energy and Natural Resources.

EC-3299. A communication from the Secretary of Energy, transmitting, pursuant to law, the quarterly report on the strategic petroleum reserve dated May 15, 1984; to the Committee on Energy and Natural Resources.

EC-3300. A communication from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the intention of the Service to make refunds of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-3301. A communication from the Deputy Associate Director for Royalty Management Operations, Minerals Management Service, Department of Interior, transmitting, pursuant to law, a report on the intention of the Service to make refunds of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-3302. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on matters contained in the Helium Act for fiscal year 1983; to the Committee on Energy and Natural Resources.

EC-3303. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on net receipts from the windfall profit tax and their disposition for fiscal year 1983; to the Committee on Finance.

EC-3304. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60-day period prior to May 23, 1984; to the Committee on Foreign Relations.

EC-3305. A communication from the Chairman of the Office of Environmental Quality, Executive Office of the President, transmitting, pursuant to law, the annual report of the Council on Environmental Quality under the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-3306. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Annual Audit of the Washington Convention Center for Fiscal Year 1983"; to the Committee on Governmental Affairs.

EC-3307. A communication from the Manager of the Congressional Liason Staff, Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1983; to the Committee on Governmental Affairs.

EC-3308. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the semiannual report of the Inspector General, Department of Health and Human Services for the period October 1, 1983, through March 31, 1984; to the Committee on Governmental Affairs.

EC-3309. A communication from the Secretary of Education, transmitting, pursuant to law, the semiannual report of the Inspector General, Department of Education, for the period October 1, 1983, through March 31, 1984; to the Committee on Governmental Affairs.

EC-3310. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, GSA's Inspector General report for the 6-month period ending March 31, 1984; to the Committee on Governmental Affairs.

EC-3311. A communication from the Administrator of NASA transmitting, pursuant to law, NASA's Inspector General report for the period ending March 31, 1984; to the Committee on Governmental Affairs.

EC-3312. A communication from the Inspector General of the Department of Energy transmitting, pursuant to law, the Department's Inspector General report for the period ending March 31, 1984; to the Committee on Governmental Affairs.

EC-3313. A communication from the Secretary of Transportation transmitting, pursuant to law, the Department's Inspector General report for the period ending March 31, 1984; to the Committee on Governmental Affairs.

EC-3314. A communication from the Chairperson of the D.C. Commission on Judicial Disabilities and Tenure transmitting, pursuant to law, the eighth annual report of the Commission; to the Committee on Governmental Affairs.

EC-3315. A communication from the Secretary of Agriculture transmitting, pursuant to law, the Department's Inspector General report for the period ending March 31, 1984; to the Committee on Governmental Affairs.

EC-3316. A communication from the Executive Director of the Pension Benefit Guaranty Corporation transmitting, pursuant to law, the Freedom of Information Act Report for calendar 1983; to the Committee on the Judiciary.

EC-3317. A communication from the Acting Secretary of the Interior transmitting, pursuant to law, the 1983 Freedom of Information Act report; to the Committee on the Judiciary.

EC-3318. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the United States within the 60 days previous to May 30, 1984; to the Committee on Foreign Relations.

EC-3319. A communication from the D.C. Auditor transmitting, pursuant to law, the 1983 annual report on the Lottery and the Charitable Games Board; to the Committee on Governmental Affairs.

EC-3320. A communication from the Secretary of Labor transmitting, pursuant to law, the Department's Inspector General report for the period ending March 31, 1984; to the Committee on Governmental Affairs.

EC-3321. A communication from the Director of the D.C. Law Revision Commission transmitting, pursuant to law, the ninth annual report of the Commission; to the Committee on Governmental Affairs.

EC-3322. A communication from the Secretary of the U.S. Postal Rate Commission transmitting, pursuant to law, notice of filing of a request for recommended decisions on special fourth-class mail; to the Committee on Governmental Affairs.

EC-3323. A communication from the Secretary of Defense transmitting, pursuant to law, the Department's Inspector General report for the period ending March 31, 1984; to the Committee on Governmental Affairs.

EC-3324. A communication from the Chief Immigration Judge, Department of Justice, transmitting, pursuant to law, reports on grants of suspension of deportation under section 244(a) (1) and (2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-3325. A communication from the chief judge of the U.S. Claims Court transmitting, pursuant to law, a report on the matter of *Lance Industries, Inc.* v. *the United States;* to the Committee on the Judiciary.

EC-3326. A communication from the Secretary of Education transmitting, pursuant to law, a copy of a report entitled "The Nation Responds"; to the Committee on Labor and Human Resources.

EC-3327. A communication from the Assistant Secretary of Education for Research and Improvement transmitting, pursuant to law, the ninth annual report of the Advisory Council on Education Statistics; to the Committee on Labor and Human Resources.

EC-3328. A communication from the Executive Director of the Intergovernmental Advisory Council on Education transmitting, pursuant to law, the Council's 1983 annual report; to the Committee on Labor and Human Resources.

EC-3329. A communication from the Assistant Secretary of Education for Vocational and Adult Education transmitting, pursuant to law, the 1983 annual report of the National Center for Research in Vocational Education's Advisory Council; to the Committee on Labor and Human Resources.

EC-3330. A communication from the Chairman of the National Advisory Council on Bilingual Education transmitting, pursuant to law, the eighth annual report of the Council; to the Committee on Labor and Human Resources.

EC-3331. A communication from the Chairman of the Federal Election Commission transmitting, pursuant to law, the 1983 annual report of the Commission; to the Committee on Rules and Administration.

EC-3332. A communication from the Executive Director of the National Advisory Council on Vocational Education transmitting, pursuant to law, the Council's 1983 annual report; to the Committee on Labor and Human Resources.

EC-3333. A communication from the Administrator of the Veterans Administration transmitting, pursuant to law, a report entitled "The Year in Brief: The VA in 1983"; to the Committee on Veterans' Affairs.

EC-3334. A communication from the Architect of the Capitol transmitting, pursuant to law, his semiannual report for the period ending March 31, 1984, on expenditures from moneys appropriated to the Architect of the Capitol; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GARN, from the Committee on Appropriations, with amendments:

H.R. 5713. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1985 and for other purposes (Rept. No. 98-506).

By Mr. PERCY, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 261. A concurrent resolution expressing support for the initiatives of the Contadora Group.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 390. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2537.

By Mr. ANDREWS, from the Select Committee on Indian Affairs, without amendment:

S. Res. 399. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1967.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 230. Joint resolution to designate the week of October 7, 1984 through October 13, 1984, as "National Birds of Prey Conservation Week."

S.J. Res. 240. Joint resolution relating to the 40th anniversary of the liberation of Rome.

S.J. Res. 257. Joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

By Mr. HATCH, from the Committee on Labor and Human Resources, without amendment and with preamble:

S.J. Res. 278. Joint resolution to commerate the 100th anniversary of the Bureau of Labor Statistics.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 296. Joint resolution to designate June 14, 1984, as "Baltic Freedom Day."

S.J. Res. 298. Joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day."

S.J. Res. 302. Joint resolution to designate September 1984 as "National Sewing Month."

S.J. Res. 303. Joint resolution to designate the week of December 9, 1984, through December 15, 1984, as "National Drunk and Drugged Driving Awareness Week."

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 2341) to authorize a program to enhance the access to and the quality of vocational education, and for other purposes (Rept. No. 98-507).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Jean Galloway Bissell, of South Carolina, to be U.S. circuit judge for the Federal circuit;

Dominick L. DiCarlo, of New York, to be a judge of the U.S. Court of International Trade;

John M. Duhe, Jr., of Louisiana, to be U.S. district judge for the western district of Louisiana;

Tom S. Lee, of Mississippi, to be U.S. district judge for the Southern district of Mississippi; and

Paul G. Rosenblatt, of Arizona, to be U.S. district judge for the district of Arizona.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NICKLES (for himself, Mr. Bradley, Mrs. Kassebaum, Mr. Gorton, Mr. Grassley, Mr. Proxmire, Mr. Tsongas and Mr. Abdnor):

S. 2735. A bill to rescind funds appropriated to the Energy Security Reserve by the 1980 Department of the Interior and Related Agencies Appropriations Act, and for other purposes; to the Committee on Appropriations.

By Mr. BAKER (for Mr. Simpson (for himself and Mr. Cranston)):

S. 2736. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAKER (for Mr. Simpson (for himself and Mr. Cranston)):

S. 2737. A bill to amend title 38, United States Code, to increase the rates of subsistence and educational assistance allowance for veterans pursuing vocational rehabilitation programs under chapter 31 and for veterans and eligible persons pursuing programs of education or training under chapters 34, 35, or 36, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THURMOND (for himself and Mr. Hollings):

S. 2738. A bill to provide State and local governments greater flexibility and self-determination in addressing how specific highway needs can best be met; to the Committee on Environment and Public Works.

By Mr. DODD:

S. 2739. A bill to extend for 2 additional years the suspension of duty on uncompounded allyl resins; to the Committee on Finance.

By Mr. THURMOND:

S. 2740. A bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not so registered; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG (for himself and Mr. Bradley):

S. 2741. A bill to amend the Solid Waste Disposal Act to clarify liability for criminal acts with respect to hazardous waste; to the Committee on Environment and Public Works.

By Mr. GARN:

S.J. Res. 307. Joint resolution to designate July 20, 1984, as "Space Exploration Day"; to the Committee on the Judiciary.

By Mr. NUNN (for himself and Mr. Tower):

S.J. Res. 308. Joint resolution to designate the week beginning on September 9, 1984, as "National Community Leadership Week"; to the Committee on the Judiciary.

By Mr. BENTSEN (for himself, Mr. East, Mr. Chiles, Mr. Goldwater, Mr. Pryor, Mr. D'Amato, Mr. Boren, Mr. Symms, Mr. McClure, Mr. Chafee, Mr. Humphrey, and Mr. Quayle):

S.J. Res. 309. Joint resolution authorizing and requesting the President to designate January 1985 as "National Cerebral Palsy Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ANDREWS (from the Select Committee on Indian Affairs):

S. Res. 399. An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1967; to the Committee on the Budget.

By Mr. LAUTENBERG (for himself, Mr. Danforth, Mr. Mathias, Mr. Tsongas, Mr. Riegle, Mr. Wilson, Mr. Leahy, Mr. Gorton, Mr. Ford, Mr. Cranston, Mr. Moynihan, Mr. Roth, and Mr. D'Amato):

S. Con. Res. 117. Concurrent resolution relating to the promotion of technological innovation in computer software and the protection of computer software; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself, Mr. Bradley, Mrs. Kassebaum, Mr. Gorton, Mr. Grassley, Mr. Proxmire, Mr. Tsongas, and Mr. Abdnor):

S. 2735. A bill to rescind funds appropriated to the Energy Security Reserve by the 1980 Department of the Interior and Related Agencies Appropriations Act, and for other purposes; to the Committee on Appropriations.

ENERGY SECURITY RESERVE AMENDMENTS OF 1984

Mr. NICKLES. Mr. President, the time has come for the Congress to make a decision in regards to the future of the U.S. Synthetic Fuels Corporation. We have had an opportunity these past 4 years to see the types and sizes of projects which have sought financial awards from the Corporation. These awards involve potential future expenditures of taxpayer dollars numbering in the billions.

While the current Board of Directors is now in limbo due to the lack of a legal quorum, this is an ideal time for Congress to step back and consider the amount of funds a reconstituted Board should be able to obligate. We must reexamine the factors and assumptions which guided the Congress in the initial decision to create and fund the SFC so as to test their validity and relevancy today.

On May 14, 1984, the President proposed to the Congress that $9 billion of the SFC's appropriated funds be rescinded and that future projects be limited to those that produce fuels priced not significantly above projected market prices of competing fuels. Although I have never supported the purpose of SFC, I feel the administration's proposal is a good-faith compromise between SFC proponents and those of my persuasion. Therefore, I am glad to introduce with my colleague, Senator Bradley the administration's proposed legislation.

I want to make perfectly clear that my support of this legislation is not a reflection on the Board of Directors or the officers of the Corporation. They have been tough negotiators with the sponsors of the various projects and have attempted to make sure that the people's purse receives a good return on its investments. I commend them, and I particularly commend Ed Noble, who has served with dedication as Chairman of the Board.

My long-held belief, the promotion of future synfuel projects does not merit the use of taxpayers' dollars, remains unchanged. Price guarantees needed for most of these projects are in the neighborhood of $10 to $13 per million Btu and $60 or more for a barrel of oil. When there is a market for these projects, the private sector will respond and do so in a timely manner.

The SFC is one more example of the Government performing a function that does not belong to the Government. As we have seen in the past, this Government intrusion results in the wrong signals being sent to the marketplace.

Even with these convictions, I am introducing with Senator Bradley the administration's proposal, because I feel it is a fair compromise. I commend the administration for their initiative.

All of us in Congress are concerned with the possibility of future shortages and supply interruptions of oil and gas. Some of my colleagues feel that the SFC program is a vital safeguard against such disruptions.

To those colleagues, I say we must focus our attention on encouraging domestic production of oil and gas by repealing the windfall profit tax and the Fuel Use Act and by decontrolling the natural gas market. Rather than pouring billions into subsidized synfuel projects, these steps would do considerably more to promote America's national security and energy independence.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That this Act may be cited as the "Energy Security Reserve Amendments of 1984".

SEC. 2. Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), $9,000,000,000 are rescinded.

SEC. 3. None of the funds made available to carry out title I of the Energy Security Act (Public Law 96-294) shall be obligated to projects whose products will cost significantly more than projected market prices of competing fuels over the life of the project.

Mr. BRADLEY. Mr. President, today I am introducing along with Senator NICKLES the Energy Security Reserve Amendments of 1984. The bill would rescind $9 billion of previously appropriated funds available to the Synthetic Fuels Corporation. It would also require that SFC-supported projects meet a market test.

Mr. President, the Synthetic Fuels Corporation is effectively dead. It cannot now operate, it cannot now obligate funds, it cannot now perform any useful function. Only if the Congress reevaluates the SFC and sets it back in motion, will it ever again be able to serve the needs of this Nation. The bill we introduce today is the vehicle by which Congress may express its decision on the future of the SFC.

Some want to kill the SFC outright, some want to allow it to proceed full speed. The Congress can and should decide. This bill represents a reasonable position from which to start those deliberations, leaving the SFC about $3 billion with which to continue to support research into cost-effective synthetic fuels projects. Of the $20 billion initially appropriated, approximately $14 billion remain after studies, rescissions, and the obligations to Union, Tosco, Great Plains, DOW, and Cool Water. Last month's budget package took another $2 billion from the SFC to fund environmental, health, and education programs. With the rescission of $9 billion, we propose today, the SFC would have a little over $3 billion remaining.

The market test I referred to earlier, like the size of the rescission, is of course subject to improvement. I look forward to the constructive suggestions of my colleagues.

Mr. President, the threat to U.S. security posed by turmoil in the Middle East is not met by the Synfuels Corporation. The SFC will produce virtually nothing for years. The way to prepare for an oil supply disruption is to fill the Strategic Petroleum Reserve as rapidly as possible, prepare to use it as early as possible in a disruption and prepare to assist low-income Americans and State governments as they attempt to cope with the energy emergency. These domestic steps, in addition, a coordinated international stockpile drawdown policy and a plan to help world financial institutions withstand oil shocks, are the steps that must be taken, and taken soon, to deal with the threats to world oil supplies in the Middle East.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2738. A bill to provide State and local governments greater flexibility and self-determination in addressing how specific highway needs can best be met; to the Committee on Environment and Public Works.

STATE HIGHWAY NEEDS

Mr. THURMOND. Mr. President, I am today introducing legislation to provide State and local governments greater flexibility and self-determination in addressing their specific highway needs.

Mr. President, I recently chaired a meeting involving the South Carolina congressional delegation, members of the South Carolina State Legislature, and officials of the South Carolina Department of Highways and Public Transportation. Among the concerns voiced at this meeting was that States do not have sufficient flexibility to obligate their respective apportionments of Federal-aid highway funds in a manner that adequately addresses their most pressing needs.

Under current law, Mr. President, funds authorized to be expended on the Federal-aid primary, secondary and urban highway systems, and the so-called interstate 4R work—interstate resurfacing, restoration, rehabilitation, and reconstruction—are apportioned among the States according to statutory formulas contained in 23 U.S.C. 104. While this same section does allow for some flexibility in transferring funds from one system or category to another, such transfers are very limited.

Presently, funds apportioned to the Federal-aid primary system may be transferred for use on the Federal-aid secondary system. Likewise, funds apportioned to the Federal-aid secondary system may be transferred for use on the Federal-aid primary system. However, Mr. President, the amount transferred may not increase the original apportionment of the system receiving transferred funds by more than 50 percent; nor may the amount transferred decrease the original apportionment of the system the funds are being transferred from by more than 50 percent. In effect, this limits the amounts that may be transferred between the Federal-aid primary system and the Federal-aid secondary system to 50 percent of the smaller of the two apportionments. The same restrictions apply with regard to transferring apportioned funds between the Federal-aid primary and urban systems.

Mr. President, no provision allows for transfer of apportioned funds between the Federal-aid urban and secondary systems. In addition, with the exception of the limited flexibility allowed under section 8 of Public Law 98-229, regarding the use of 4R funds for work on highways designated as part of the Interstate System under 23 U.S.C. 139, no provision allows for transfers between funds apportioned for 4R work and the other categories.

Mr. President, the legislation I am introducing would provide all States greater flexibility and self-determination regarding obligation and Federal-aid highway funds. The current situation in my home State of South Carolina clearly demonstrates the need for the changes I have proposed. In South Carolina, well over half of the estimated Federal-aid apportionments through fiscal year 1986 will be earmarked for interstate construction and 4R work. Funding expected for just the 4R work on South Carolina's 772 miles of interstate highways is more than the combined total expected for both construction and 4R work on the 6,737 miles of Federal-aid primary and urban systems. On a per-mile basis, the expected interstate 4R funding is about nine times the expected total for both construction and 4R work on the primary urban systems.

The limited flexibility allowed under current law, Mr. President, does not recognize nor address the fact that a substantial portion of the most pressing highway needs of South Carolina and other States are on the Federal-aid primary and urban systems. In many instances, the upgrading of Federal-aid primary and urban highways is more urgently needed than some 4R work on the Interstate System.

The legislation I am introducing today recognizes the reality that the Federal-aid highway apportionments for primary, secondary, and urban systems, and 4R work do not always address the specific highway needs of each individual State. Under this bill, each State's apportionment for the Federal-aid primary, secondary, and urban systems, as well as for 4R work, would continue to be calculated according to the statutory formulas of 23 U.S.C. 104. The requirement of section 105(d) of the Surface Transportation Assistance Act of 1982 (Public Law 97-424), that at least 40 percent of a State's apportionment for Federal-aid primary, secondary, and urban systems be used for 4R work on these systems would be preserved by this legislation, as would the requirement of 23 U.S.C. 150 relating to urban system funds attributable to urbanized areas of 200,000 or more in population. Other than these two restrictions, States would be able to freely transfer funds apportioned for Federal-aid primary, secondary, and urban systems, and for interstate 4R work, among these four categories. In other words, Mr. President, States would be able to use the total of their apportionment for Federal-aid primary, secondary, and urban systems, and for 4R work among any one or all of these four categories as their individual needs require.

Mr. President, it has long been my belief that State and local officials are in a better position to know the needs of their citizens on matters of this nature than either the Congress or Federal bureaucrats in Washington. Whenever practicable, I believe it is best that the Federal Government defer to the judgment and decisions of State and local officials in allocating scarce financial resources among competing program needs within their jurisdiction.

Enactment of this legislation would be a step in that direction. It would give States and local governments greater flexibility and self-determination in addressing how their specific highway needs can best be met.

Mr. President, I hope the Senate will act promptly to approve this legislation.

Mr. HOLLINGS. Mr. President, today I am pleased to join my colleague from South Carolina, Senator THURMOND, in introducing legislation to increase the flexibility of the States in spending Federal highway construction moneys. The goals of this modest bill are not new, as it would allow a State to move funds from one highway system into another where there may be particular problems. There would be no reduction in the total amount of highway dollars available to the State. Rather, this legislation would enhance the ability of our scarce Federal dollars to be directed where they are most needed.

I would like to congratulate my friends from the South Carolina General Assembly and Highway Commission who came to Washington in March seeking our support for this measure. I am pleased to assist them in introducing this legislation and urge its acceptance by my colleagues in the Senate.

By Mr. THURMOND:

S. 2740. A bill to amend title 5, United States Code, to prohibit employment in civil service positions in the executive branch of any individual required to register under the Military Selective Service Act who has not so registered; to the Committee on Governmental Affairs.

PROHIBITING CIVIL SERVICE POSITIONS TO PERSONS NOT REGISTERED UNDER THE MILITARY SELECTIVE SERVICE ACT

Mr. THURMOND. Mr. President, I am today introducing legislation to prohibit employment in executive agencies of the U.S. Government of any individual who is required to register under section 3 of the Military Selective Service Act (50 U.S.C. App. 453) and who has not so registered.

Mr. President, under current law, every male citizen and resident alien between the ages of 18 and 26 are required to register for the draft. Registration requires less than 5 minutes of an individual's time, and forms are readily available at any of the more than 34,000 post offices across the country.

By registering, individuals not only comply with the law, but also acknowledge that they accept the basic responsibilities of our society and aid in the furtherance of an important part of our defense preparedness. Approximately 99 percent of the individuals required to register by the Military Selective Service Act have registered in compliance with the act. I am very proud that so many individuals have chosen to obey the law, thereby signifying a recognition that the freedoms we enjoy carry with them certain obligations.

However, Mr. President, I am deeply disturbed that certain individuals have chosen to violate our selective service laws, and have thereby refused to acknowledge that they have any responsibilities to serve the country in a time of need. Such individuals are guilty of a criminal violation of law. In addition, they are currently ineligible for any form of assistance or benefit provided through title IV of the Higher Education Act.

Although these individuals are guilty of a crime and also ineligible for Federal financial aid, such as educational grants, loans, or work assistance, surprisingly there are no statutory provisions making them ineligible for employment in the executive agencies.

I simply do not believe that these lawbreakers should be eligible for civil service jobs. Federal employees are paid by the taxpayers, and it is only fair that anyone desiring to obtain employment in a Government agency comply with our selective service laws.

The current stituation is particularly appalling when one considers that the possibility exists that a nonregistrant may obtain employment ahead of a veteran. This should not be the case, and would not be the case if there were a statute on the books making nonregistrants ineligible for employment in executive agencies.

Enactment of the legislation I introduce today would put such a law on the books. My bill is very similar to a House bill (H.R. 3984) introduced by Congressman MONTGOMERY of Mississippi, and enjoys the support of the Veterans of Foreign Wars of the United States. I commend this bill to my colleagues in the Senate and urge that they join me in working toward its early enactment.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2741. A bill to amend the Solid Waste Disposal Act to clarify liability for criminal acts with respect to hazardous waste; to the Committee on Environment and Public Works.

CRIMINAL LIABILITY CLARIFICATION ACT

● Mr. LAUTENBERG. Mr. President, I am offering the Criminal Liability Clarification Act today to strengthen the criminal enforcement provisions of the Resource Conservation and Recovery Act. The purpose of the act is to clarify that the criminal provisions in RCRA extend to any individual who knowingly and illegally disposes of hazardous waste. The bill will close a dangerous loophole that may let midnight dumpers of hazardous waste off the hook.

In the face of continuing threats posed by illegal dumping of hazardous wastes, the Justice Department has recently moved to grant police powers, including the right to bear firearms, to Environmental Protection Agency criminal investigators. An astounding one-half of all criminal investigations currently carried out by EPA involve violations of toxic waste transportation and disposal regulations. Granting EPA the right to conduct searches and make arrests should result in more effective enforcement efforts and provide an additional deterrent to those who would engage in these unpardonable acts.

I am concerned, Mr. President, that this new effort may be seriously compromised by a recent decision, in the Federal District Court of New Jersey, that could let a substantial percentage of those apprehended for illegal dumping free. In United States against Johnson and Towers, the district court dismissed from criminal liability two plant supervisors who were routinely ordering the dumping of thousands of gallons of hazardous wastes into a trench behind their factory and a nearby stream. The dismissal in the case stemmed from an interpretation of a provision in RCRA construed by the court in a way that could undermine the effectiveness of our Federal programs for regulating hazardous waste disposal.

Under RCRA, an owner or operator of a facility producing hazardous wastes must apply for a disposal permit. Because the illegal disposal in this case was ordered by the plant supervisors, and not the owners or operators of the corporation in question, the court ruled that the supervisors could not be held liable under RCRA for knowingly disposing of hazardous waste without having obtained a permit. If left unclarified, the misreading of the law in this case could increase the illegal disposal of toxic wastes by undermining EPA and Justice Department enforcement programs and providing a loophole through which midnight dumpers can skirt the law and profit at the public's expense without fear of prosecution.

Mr. President, the interpretation of RCRA in United States against Johnson and Towers is not a fair reading of congressional intent. The practice of midnight dumping was of deep concern in 1980 when Congress amended RCRA. In 1980, RCRA enforcement procedures were improved and penalties toughened in order to put a stop to midnight dumping. The language in the law is clear and unambiguous. It imposes a criminal penalty on any person who, lacking a permit, knowingly and illegally treats, stores, or disposes of any hazardous material. It was not the intent of Congress that criminal liability extend only to the owners and operators of facilities, who are responsible for obtaining an RCRA permit. This however, is the way the district court interpreted RCRA.

I commend my colleague, Congressman Florio, who introduced H.R. 5002, a measure similar to the bill I am offering today, in the House of Representatives. I join with my colleagues on the committee in calling for an end to midnight dumping.

Mr. President, the Justice Department has appealed the decision in United States against Johnson and Towers to the Third Circuit Court of Appeals. While I am hopeful that this appeal will be successful, the impact of the decision is now being felt from New Jersey to California. I hope the Senate will find an early opportunity to clarify this mistaken reading and make clear its intention to extend the criminal penalty provisions in RCRA to any person who knowingly engages in illegal dumping practices. The Criminal Liability Clarification Act would accomplish this end. I hope it will also send a clear signal to midnight dumpers that they cannot continue to dispose of toxic wastes in our backyards, sewer systems, rivers, and streams with impunity.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3008(d)(2)(A) of the Solid Waste Disposal Act is amended by striking out "having obtained".●

By Mr. GARN:

S.J. Res. 307. Joint resolution to designate July 20, 1984 as "Space Exploration Day"; to the Committee on the Judiciary.

SPACE EXPLORATION DAY

● Mr. GARN. Mr. President, 1984 is the 15th anniversary of the first landing on the Moon by the men of Apollo 11. It is fitting that this year, the Congress act on the joint resolution I am introducing today which would designate July 20 of this year as "Space Exploration Day."

The Apollo astronauts changed forever, for all humanity, our concept of the universe and our relation to it. The concerted Government efforts led by the National Air and Space Administration (NASA) supported by industry and science epitomizes the strengths and the potential of the American people. The exploration and use of space hold even greater promise in the future for the expansion of knowledge. Apollo 11 was an unparalleled triumph of determination and technological genius.

This joint resolution, however, also reminds us that it is the American spirit of exploration, of desiring to cross new horizons and to learn more about ourselves and the world and universe around us, that made the space program successful. In the 26 years since the beginning of the space program, more information has been gathered about the cosmos than had been gleaned in all the centuries before: Remotely controlled spacecraft have been sent on missions extending from near-Earth orbit to far reaches of the solar system; 15 years ago, humans set foot for the first time on truly foreign soil; in the last decade, the winds of Mars have been measured, the rings of Saturn counted, volcanos on a Moon of Jupiter observed; recently, a sophisticated new order of space research potential has been demonstrated by America's space shuttle—a machine which allows humans to walk in space, permits spacecraft to be launched, retrieved, or serviced in space, and returns crews, experiments, and unrepairable spacecraft to Earth.

The joint resolution I introduce today commemorates the achievements of the past and offers hope for the future. The adventure and the challenge are not yet over. They are just beginning. So much still needs to be done; and so many questions still left to answer. We are just beginning to explore the feasibility of manufacturing in space, to examine the ecological impacts of natural and man-made events on Earth, and to investigate how events in the universe around us influence the world we live in. These explorations in space offer hope for a better and more peaceful world.

Mr. President, in the American spirit of exploration of new frontiers, it is fitting that we honor the accomplishments of the past and the commitment to the future by declaring July 20 of this year as Space Exploration Day.●

By Mr. NUNN (for himself and Mr. Tower):

S.J. Res. 308. Joint resolution to designate the week beginning on September 9, 1984, as "National Community Leadership Week"; to the Committee on the Judiciary.

NATIONAL COMMUNITY LEADERSHIP WEEK

● Mr. NUNN. Mr. President, I am happy to have the opportunity today to introduce a Senate joint resolution designating the week beginning September 9, 1984 as "National Community Leadership Week." Community leadership plays a vital role in the grassroots development of young men and women who are assuming and will assume the positions of leadership in our country. It is, therefore, my pleasure to join with the National Association of Community Leadership Organizations to promote a special week to recognize the millions of community leaders across the Nation.

Community leadership organizations are presently being formed throughout the country at an astounding rate with the purpose to enhance and provide growth and educational experiences to emerging leaders. These leadership development organizations assist in meeting the many and varied needs of a community. Community leadership programs encourage the expansion and extended utilization of a community's human resources, assist in community development programs, and initiate interaction between the public and private sectors in order to most effectively benefit the community.

The history of leadership development programs goes back to 1958 in Philadelphia where the Federal Reserve founded the first program. Three years later the second program was founded in Savannah, Ga., and a few years later Leadership Georgia was formed in 1972. I am happy to say, Mr. President, that I was one of the original members of the committee which organized Leadership Georgia and I was in the first class of participants.

The National Association of Community Leadership Organizations was formed in 1979. Presently there are 200 leadership programs including four State programs, two State associations, one national program sponsored by the Kellogg Foundation and numerous individuals and centers in the country that teach and enhance leadership skills. Through these hundreds of programs and thousands of program participants our community, State, and Nation benefit from improved leadership.

The purpose of the individual leadership programs are first, to identify emerging leadership in the community, second, to bring these leaders together and to provide a forum for the exchange of ideas, and third, to teach the participants about the issues, people, places, and institutions in their community. None of the groups attempt to take on any cause or present one specific side over another in the discussions. Rather, all sides of an issue are explored so that the participants have the greatest possible information available. At the conclusion of the participants' year they are strongly challenged to go into their community and into their areas of influence and exercise the skills and knowledge they have learned through their year in the leadership program.

The instigation of community development programs requires the effective use of leadership and citizenship skills in order to accomplish the collective goals of a community. Men and women today are taking it upon themselves more and more to accept this responsibility and to successfully meet the challenges of our dynamic, fast moving society.

Mr. President, I am, therefore, pleased to acknowledge and commend the work being done by the National Association of Community Leadership Organizations and the various leadership programs. These efforts are to be commended and encouraged, and I am pleased to introduce this joint resolution designating September 9 to 15, 1984, as "National Community Leadership Week." I am hopeful that the Senate will act expeditiously on this joint resolution.●

By Mr. BENTSEN (for himself, Mr. EAST, Mr. CHILES, Mr. GOLDWATER, Mr. PRYOR, Mr. D'AMATO, Mr. BOREN, Mr. SYMMS, Mr. MCCLURE, Mr. CHAFEE, Mr. HUMPHREY, and Mr. QUAYLE)

S.J. Res. 309. Joint resolution authorizing and requesting the President to designate the month of January 1985 as "National Cerebral Palsy Month"; to the Committee on the Judiciary.

NATIONAL CEREBRAL PALSY MONTH

● Mr. BENTSEN. Mr. President, today, with 11 of my Senate colleagues, I am introducing a joint resolution to proclaim the month of January 1985 as "National Cerebral Palsy Month."

Cerebral palsy, a group of disabling conditions that stem from damage to the central nervous system, has no cure. Each year it strikes 5,000 to 7,000 babies in the United States, and currently more than 700,000 Americans are affected by this condition. The resulting health care costs total nearly $4 billion a year.

However, many cases of cerebral palsy can be prevented because of the dedicated work of hundreds of outstanding doctors and scientists. Through their efforts, increased emphasis has been placed on adequate prenatal and neonatal care which significantly affects the incidence of this disabling condition.

These doctors and scientists have also helped those who are affected by cerebral palsy to become more self-reliant and fulfilled. They have developed effective medication, helpful surgery, and beneficial therapy.

Despite these advances, the victims and potential victims of this condition need our help as well. Adoption of this joint resolution will increase the public awareness of cerebral palsy, and will add our support to the continuing efforts of those who are striving to prevent or alleviate this disabling condition.

I urge my colleagues to support swift passage of this measure.●

ADDITIONAL COSPONSORS

S. 1578

At the request of Mr. THURMOND, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1578, a bill to clarify the application of the Federal antitrust laws to local governments.

S. 1816

At the request of Mr. THURMOND, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Alabama (Mr. DENTON), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 1816, a bill to amend the Textile Fiber Products Identification Act, the Tariff Act of 1930, and the Wool Products Labeling Act of 1939 to improve the labeling of textile fiber and wool products.

S. 1841

At the request of Mr. THURMOND, the name of the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1841, a bill to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

S. 2423

At the request of Mr. THURMOND, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2423, a bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime.

S. 2436

At the request of Mr. GOLDWATER, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2636

At the request of Mr. SASSER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2636, a bill to require the Administrator of General Services to notify State and local governments and agencies thereof prior to the disposal of surplus real property.

S. 2679

At the request of Mr. D'AMATO, the names of the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 2679, a bill to amend title IV of the National Housing Act and the Federal Deposit Insurance Act with respect to brokered deposits.

S. 2715

At the request of Mr. BOSCHWITZ, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 2715, a bill to amend title 38, United States Code, to authorize contributions made by the Veterans' Administration to States for the construction of State home facilities for veterans to be used for acquisition of facilities for such purpose.

S. 2731

At the request of Mr. COHEN, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Wisconsin, (Mr. KASTEN) were added as cosponsors of S. 2731, a bill to provide for orderly trade in nonrubber footwear, to reduce unemployment and for other purposes.

SENATE JOINT RESOLUTION 5

At the request of Mr. THURMOND, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of Senate Joint Resolution 5, a joint resolution proposing an amendment to the Constitution relating to Federal budget procedures.

SENATE JOINT RESOLUTION 97

At the request of Mr. BOSCHWITZ, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 97, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of members of the Armed Forces of the United States and the Allied forces who served in the Korean war.

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the names of the Senator from Delaware (Mr. ROTH), the Senator from Rhode Island (Mr. PELL), the Senator from

Texas (Mr. BENTSEN), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the names of the Senator from Ohio (Mr. METZENBAUM), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984 as "Ethnic American Day."

SENATE JOINT RESOLUTION 254

At the request of Mr. LUGAR, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Joint Resolution 254, a joint resolution to designate the month of October, 1984 as "National Down's Syndrome Month."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the names of the Senator from Missouri (Mr. EAGLETON), the Senator from Maryland (Mr. SARBANES), the Senator from Connecticut (Mr. WEICKER), and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE JOINT RESOLUTION 272

At the request of Mr. MURKOWSKI, the names of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Joint Resolution 272, a joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

SENATE JOINT RESOLUTION 297

At the request of Mr. THURMOND, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from South Dakota (Mr. PRESSLER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maine (Mr. MITCHELL), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Florida (Mrs. HAWKINS) were added as cosponsors of Senate Joint Resolution 297, a joint resolution to designate the month of June 1984 as "Veterans' Preference Month."

SENATE JOINT RESOLUTION 298

At the request of Mr. HUDDLESTON, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Joint Resolution 298, a joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day."

SENATE JOINT RESOLUTION 306

At the request of Mr. DOLE, the names of the Senator from Alaska (Mr. STEVENS), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of Senate Joint Resolution 306, a joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

SENATE CONCURRENT RESOLUTION 117—RELATING TO PROMOTION OF TECHNOLOGICAL INNOVATION IN COMPUTER SOFTWARE AND ITS PROTECTION

Mr. LAUTENBERG (for himself, Mr. DANFORTH, Mr. MATHIAS, Mr. TSONGAS, Mr. RIEGLE, Mr. WILSON, Mr. LEAHY, Mr. GORTON, Mr. FORD, Mr. CRANSTON, Mr. MOYNIHAN, Mr. ROTH, and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 117

Whereas the development of computer software and other information technologies is increasingly important to economic growth and productivity in the United States and other nations;

Whereas the United States is the world leader in the technological development of computer software and in the production and sale of computer software;

Whereas the United States has since 1964 considered computer software a work of authorship protected by copyright and this form of intellectual property right protection has served to encourage continuing research, development and innovation of computer software;

Whereas copyright protection is afforded computer software by most industrialized nations including Japan, the Netherlands, France, the Federal Republic of Germany, the United Kingdom, South Africa, Hungary, Taiwan and Australia;

Whereas Japan is reviewing a proposal to abandon copyright protection of software and to adopt a system that rejects the principle that software is a work of authorship;

Whereas Japan is reviewing a proposal that also provides broadly for the compulsory licensing of software;

Whereas the enactment by Japan of such a proposal could prompt the adoption of similar proposals by other nations currently considering this question, with serious adverse effects on the existing international order for the protection of intellectual property rights: now, therefore, be it

Resolved by the Senate (and the House of Representatives concurring), That it is the sense of the Congress that

(1) Copyright protection is an essential form of intellectual property right protection for computer software;

(2) Any proposal to abandon copyright protection of software or to provide a new system of legal protection that incorporates compulsory licensing of software would (a) disserve the goal of promoting continuing development and innovation in computer software: (b) undermine the international consensus that computer software is a work of authorship protected by copyright; (c) result in economic harm to the computer software industry of the United States, and also of Japan and of other nations; (d) contribute to increasing trade tensions among the nations of the world;

(3) If a nation withdraws copyright protection of software or provides for broad compulsory licensing of software, it would be in the interests of the United States and other nations to seek appropriate relief, including that provided under the Universal Copyright Convention, to ensure the just protection of intellectual propery rights and the promotion of free and fair trade.

● Mr. LAUTENBERG. Mr. President, we live in an information age in which information-based industries will be a driving force in our economic growth. The success of these industries, in computers, computing services, software, and telecommunications depends upon promoting continuing technological innovation. That has been the key to America's preeminence. Essential to this effort is maintaining a fair and adequate system of intellectual property rights protection. Unfortunately, there are disturbing developments, in Japan and in other nations, that threaten to upset the international order for intellectual property protection for a critical information-based industry, computer software.

For that reason, Mr. President, today I submit a concurrent resolution, to express congressional support for the notion, long recognized in the United States and in most industrialized nations, that software is a work of authorship to be protected by copyright. I am joined in this effort by Senators DANFORTH, MATHIAS, TSONGAS, RIEGLE, WILSON, LEAHY, GORTON, FORD, CRANSTON, MOYNIHAN, ROTH, and D'AMATO.

The resolution specifically addresses a proposal by Japan's Ministry of International Trade and Industry (MITI) to strip software of copyright protection. The proposal would provide a sui generis form of protection for software. The term of protection would be substantially shortened, from the life of an author plus 25 to 50 years, to 15 years. The proposal also calls for the compulsory licensing of software. The proposal was unveiled last year, and was met with the opposition of American industry, the Department of Commerce and the U.S. Trade Representative.

It was the intent of MITI to introduce the proposal to the Japanese Diet this spring. However, the decision was postponed, partly because of internal disagreement within the Japanese Government. The Ministry of Education, which has jurisdiction over copyright in Japan, has opposed the MITI proposal. The delay can also be attributed in part to America's strong opposition.

However, the proposal is now very much alive, and poses a serious threat to the international order, and to the growth of information-based industry.

There is abundant evidence that our recognition that software is protected by copyright has fostered the development of software in our Nation. Copyright provides a recognized, familiar and expeditious means of protection. It provides protection for a term of years that is most suitable, given the long commercial life of software products. Those who invest time and money developing software should enjoy the fruits of their work. If they cannot, they will be discouraged from future innovation.

The United States has welcomed the gradual building of international consensus on this issue. Many other nations of the world have deemed software a work of authorship when they have confronted the issue. Among these nations are France, the Netherlands, the Federal Republic of Germany, the United Kingdom, South Africa, and Australia. Indeed, Japan's own courts have also afforded software the protection of copyright. This is in keeping with the general precepts of international copyright law.

The MITI proposal would undermine the international consensus on copyright of software.

It would also encourage similar measures by other nations given Japan's significant prestige. Brazil and and Singapore are already considering such steps.

Adoption of the MITI proposal would also surely increase trade tensions. And, it would justify retaliation by the United States including, but not limited to, the steps authorized under the Universal Copyright Convention.

Mr. President, I appreciate the desire of governments to speed their industry's acquisition of software technology and their development of industrial capacity. Indeed, the MITI proposal and similar proposals under consideration may well provide the means to acquire technology, in the short term. In the long term, however, they will hinder acquisition and enjoyment of new technologies. The United States and other nations harmed by such proposals would likely take reciprocal steps to reduce intellectual property rights protection. A nation like Japan, which exports an increasing volume of software, should be wary of such a development. For the markets that it plans to enter would be less than hospitable. Certainly, we would be justified to make the U.S. market less hospitable.

Such a development would be regrettable. But, I think inevitable.

Mr. President, innovation is key to the growth of the software industry and other technology-based industries. And protection of innovation is key to free and fair trade. There are few issues of more immediate concern to the information-based industries than the issue of protection of intellectual property rights. It is an issue high on the agenda of U.S. industry, high on the agenda for our trade negotiators. And, by this resolution, we state clearly that it is also an issue high on the agenda of the Senate and the Congress.

I ask unanimous consent that some relevant materials on this subject be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Government Position on MITI Proposal

The USG is deeply concerned about the proposal to withdraw computer software from protection under the copyright law in Japan for a number of reasons. First, the withdrawal of a work of authorship from the protection of copyright would violate the spirit and the letter of international copyright law embodied in the Universal Copyright and Berne Conventions. Second, the specific provisions of this proposal would in practice substantially disadvantage both Japanese and the United States software authors and consequently hinder rather than promote the continued development of the Japanese software industry. Third, the establishment of a new sui generis structure for the protection of computer software is contrary to the long term interests of the industralized countries, including both our nations, and our trading partners around the world.

Both Japan and the United States are bound to observe the international legal norms established under the Universal Copyright Convention. The UCC requires that member countries afford "adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works . . ." and the practical standard for determining what constitutes the required level of protection is the general practice of states having copyright systems based on respect for authors' rights. There can be no doubt in view of court decisions in several countries, including Japan, and discussions in international fora that there is a consensus among concerned countries that computer software is either a literary or a scientific work of authorship as those terms are used in copyright. In the words of the Wipo glossary of terms of the law of copyright and neighboring rights, "original programs are more and more frequently understood as works protectable under copyright." Further, in defining works and writings the glossary makes special mention of computer programs as protected works. In view of this consensus it appears clear that computer software is the subject matter of protection under the UCC, and the withdrawal of copyright protection in Japan therefore would be a violation of the obligations of countries bound by the Universal Copyright Convention. If copyright protection is denied software in Japan, the United States would have to consider seriously the implementation of the limited reciprocity permitted under the UCC, with the result that Japanese software would be denied copyright in the United States.

Under the UCC and Berne Conventions many contracting states have rapidly absorbed this new medium of authorship into the existing fabric of their copyright laws. The number of states which have declared that "software" is a species of literary work, or "writing" exceeds those who have specifically legislated the same result. The broad recognition that legal protection of software as property should center around authorship and copyright has been confirmed at numerous international meetings. Many countries, including the United States, have acknowledged that copyright protection for software is not only an appropriate national framework but is internationally desirable, so as to take advantage of the existing structure of the Berne and Universal Copyright Conventions. These treaties, based on national treatment and non-discrimination against foreign authors are the most effective and fair means to set international norms in the software area, just as they have done for videogames, cable television, data bases and other technologies. The proposal therefore not only strikes at important U.S. authors and industries, but would remove Japan and its creative communities from an international consensus which is now beginning to examine, in detail, the kinds of copyright regimes appropriate for software. Perhaps; inadvertently, this proposal could call into question the effectiveness of international copyright treaty norms as applied to new technologies. To justify the removal of software from its present status as the creation of an author, risks tearing the Universal Copyright and Berne Conventions apart precisely at the time when close international cooperation and planning, under those conventions, is demanded.

Once works are accepted as the subject matter of copyright, it is necessary to accord them at least the minimum level of protection required by the international conventions. In the case of Japan, both the UCC and the Berne Convention obligations must be considered. Both conventions require minimum terms of protection in excess of that in this proposal, generally the life of the author plus 25 years in the UCC and the life of the author plus 50 years in Berne. The Berne Convention prohibits conditioning either the existence or the enjoyment of right upon any system of formalities such as registration or deposit. The UCC provide a simple means by which these formalities may be met by foreign authors. Computer software is an essential element of a successful computer industry, just as programming and production are essential components of a healthy broadcasting and motion picture industry. The inherent flexibility and adaptability of the copyright system have made it the preeminent form of legal protection for the information products of modern society. In both our countries, under legal systems placing heavy reliance on copyright, we have flourishing computer software industries in which works of both domestic and foreign origin compete vigorously. This example should be a paradigm for others who wish to encourage the growth and development of such an industry.

While the coverage of software by copyright principles and international agreements is settled, considerable work remains to be done in elaborating acceptable and desirable legislation in states party to Berne and the UCC. In this important work, Japan and the United States must stand together, with other industrialized states. The essential element of our consensus must be the appropriateness and necessity of copyright protection. Once that is accepted, a constructive dialogue on the kinds of copyright regimes possible can take place. Japan and the United States must be united because they must lead this dialogue together.

Proposals to establish a system of legal protection grounded on industrial property theories are unacceptable because they would not require the observance of copyright norms. It could be possible to craft special legislation to protect software but such legislation would have to acknowledge that programs are works of authorship. Once that acknowledgement is made the legislation would have to comply with all the minima of the UCC and Berne Conventions. This would include, for Japan (because of its obligations under article 6 B is of the Berne Convention), the moral rights of the author (the right to be named as the author, the right of publication, etc.).

THE VICE PRESIDENT,
Washington, February 24, 1984.

Mr. HERBERT F. HAYDE,
Board of Governors, Burroughs Co. Ltd., 13-1, Shimomiyabi-cho, Shinjuku-ku, Tokyo 162, Japan

DEAR MR. HAYDE: Thank you for your letter concerning legislation being prepared in Japan which could adversely impact on American interests in computer software and Value Added Networks. I appreciate your view, and I assure you that I am aware of the potential problems in the U.S.-Japan relationship which these two issues pose.

In my discussions last month in Washington with both Japanese Foreign Minister Abe and Minister of International Trade and Industry Okonogi, our concerns over these two issues were strongly emphasized. I believe the Japanese are now aware of the seriousness with which we view these points of contention, and I am hopeful we will be able to arrive at an agreement.

In future discussions with the Japanese concerning the many difficult problems in our economic relationship, the computer software and Value Added Networks will continue to receive prominent attention. I remain opposed to new protectionist legislation being developed in Japan and will work hard to reverse these trends.

Thanks again for your helpful letter.

With best wishes,

Sincerely,

GEORGE BUSH.

MAY 7, 1984.

Mr. KAZURO FUJIMOTO,
President, Japan Software Industry Association, Kitai Shinko Kaikan Building, 3-5-8 Shibakoen, Minato-ku, Tokyo 105.

DEAR MR. FUJIMOTO: The Computers and Telecommunications Sub-Committee of the High Technology Committee of the American Chamber of Commerce in Japan (ACCJ) have a strong interest in the protection of computer software in Japan. We have had extensive discussions with the Ministry of International Trade and Industry, the Cultural Affairs Agency, the Ministry of Posts and Telecommunications and the Ministry of Foreign Affairs to name a few. As a result of these meetings the ACCJ has adopted a resolution regarding the legal protection of software in Japan. This resolution was supported by all 57 U.S. companies in the information industry that were present. The position statement of the ACCJ is as follows:

"The ACCJ welcomes and supports efforts by the Government of Japan to clarify and improve the protections afforded by copyright law as it applies to the field of software. The ACCJ does not view as appropriate or necessary legislative proposals that would have the effect of removing software from the protections afforded by copyright law."

I understand from Mr. May at the U.S. Embassy in Tokyo that there is a plan to discuss this software protection situation at the upcoming June 11-13, 1984 World Computing Services Congress.

I would like to invite you to address a meeting of the ACCJ Sub-Committee during May. At this meeting we would be very interested in hearing the views of your organization on this very important issue.

If you could find the time in your busy schedule we would very much appreciate the opportunity for the meeting.

Very truly yours,

TIMOTHY J. DWYER,
Chairman, Subcommittee on Computers and Telecommunications, American Chamber of Commerce in Japan.

U.S. OFFICIALS DECRY JAPANESE COPYRIGHT PLAN

(By Robert Batt)

TOKYO.—Top U.S. government officials are currently locked in urgent negotiations with Japanese authorities here in an attempt to forestall a crisis over software copyright protection.

The U.S. team arrived here recently as the deadline over a controversial proposal from Japan's Ministry of Trade and Industry (Miti) drew near. The Miti plan calls for replacing current Japanese copyright laws with a 15-year protection. It would require U.S. software houses to license and disclose their program code before a software product could be sold in Japan when the ministry deems such software to be "important to public welfare."

The proposal has led to an outcry from American electronic and computer trade associations, with U.S. officials threatening to retaliate by removing copyright protection from Japanese software sales in the U.S. Currently such software is protected for 75 years.

Top U.S. trade negotiator Clyde Prestowitz, assistant to Commerce Secretary Malcolm Baldrige, has also warned that action might be taken against sellers of Japanese software in the U.S., under domestic trade laws, if the Miti proposal is implemented.

Industry and government officials had hoped the controversy would be resolved at a recent meeting of the U.S.-Japan Work Group on High Technology Issues here, but instead Japanese officials imposed a March 27 deadline for submission of a draft proposal to the Japanese legislature.

"While we had been optimistic that the proposal from Miti would sink quietly beneath the waves, it appears the issue is still unresolved, and we are continuing to push for U.S. software interests," commmented Charlotte LeGates, information officer for the Computer and Business Equipment Manufacturers Association, which has been lobbying the Reagan administration to fight the proposal.

The March 27 deadline sent U.S. officials, headed by Prestowitz, scurrying back to the Japanese capital for a new round of negotiations.

"We have continually expressed our opposition to the Miti proposal. The essential issue here is one of international law," commented Maureen Smith, director of the Office of Japan at the Commerce Department in Washington, D.C.

Smith said Miti is attempting to gain jurisdiction over the software industry in Japan with a law that would place software products outside conventional copyright protection.

"The law they are proposing is not a copyright law. Once software is covered by some other law, the Japanese will no longer be subject to international copyright agreements, and there is nothing to stop them [from] amending the arrangements to suit their needs," she contended.

The Miti proposal has also reportedly sparked a fierce fight for political power inside Japanese government circles. Currently, software copyright is administered by the Ministry of Education, which has issued a counterproposal to the Miti plan via its Copyright Council.

The Ministry of Education plan, which would offer copyright protection for software for a period of 50 years, is being backed heavily by U.S. trade associations and the Commerce Department.

JAPAN BURIES COPYRIGHT BILL; UNITED STATES FEARS IT MAY RESURFACE

(By Jake Kirchner)

WASHINGTON, D.C.—The Japanese government has failed to propose legislative recommendations on a controversial new form of software protection in that country, but U.S. government and business officials who have opposed the plan fear it may resurface at a future date.

The issue concerns a plan by the Japanese Ministry of Trade and Industry (Miti) to replace software copyright with a new, patent-like protection, reducing coverage to only 15 years and allowing for mandatory licensing in certain instances.

The plan, along with a proposal to limit foreign ownership in Japanese value-added networks, has been strongly opposed by U.S. industry with the support of U.S. trade officials. The two groups have begun deliberations on possible forms of retaliation against the proposals [CW, March 26].

In addition, the Japanese education ministry, which has jurisdiction over copyright in that country, also opposed the Miti software plan. Faced with U.S. opposition and the lack of a unified Japanese government position, Miti missed a March 27 deadline to present to the Diet, the Japanese parliament, legislation to restructure the software protection law.

ELIMINATES OWNERSHIP PROVISION

The value-added network proposal was modified to eliminate the ownership provision and endorsed by the Japanese cabinet April 6. That plan still would allow Miti to refuse foreign network applicants on certain technical and financial grounds and is still opposed here.

Industry and government officials here expressed relief that the software proposal, did not go forward, and some suggested Miti may let plans for the new law die quietly as a face-saving measure. However, one high-ranking American trade official, who like others involved in this sensitive issue asked to remain anonymous, said, "I do not believe the measure is dead.

"We will continue to be alert to the issue. . . . We have no intention to put it aside," he said, adding: "The fact that a bill has not gone forward to the Diet . . . at this point is no guarantee that a bill will not go forward in the future."

The U.S. will be looking for hard evidence that "the inadequacies and wrongheadedness of the proposal have been recognized and abandoned," he said.

A U.S. electronics industry executive who has been following the controversy closely commented that this is a reprieve, not a permanent victory, although he termed the failure of Miti to propose legislation "very significant" and "at least a temporary victory."

Similarly, Oliver Smoot, executive vice-president of the Computer and Business Equipment Manufacturers Association, which has insisted the Miti proposal violates international copyright treaties that Japan has signed, said the association does not feel confident the issue is resolved. He suggested Miti may be trying to reach a consensus position with the education ministry before submitting a modified software proposal.

Ralph Thomson, American Electronics Association senior vice-president, said, "I am only cautiously optimistic" and predicted continued negotiations on the subject between the two governments.

But noting the vigor of the U.S. opposition to the Miti proposal and the possibility of strong American retaliation if it goes forward, he added, "I am pleased that there has been a standing back from the precipice [to allow] rational discussion to continue."●

SENATE RESOLUTION 399—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. ANDREWS, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Commitee on the Budget:

S. Res. 399

Resolved, That pursuant to section 303(c) of the Congressional Budget Act of 1974, the provisions of section 303(a) of such Act are waived with respect to the consideration of S. 1967, a bill to compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures. S. 1967 violates section 303 of the Congressional Budget Act because, after the adoption of a proposed floor amendment sponsored by the Committee, it will provide new budget authority for fiscal year 1985 prior to the adoption of the first concurrent resolution on the budget for that fiscal year. The waiver of section 303 is necessary to allow the Senate to consider S. 1967 in a timely manner.

AMENDMENTS SUBMITTED

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

McCLURE AND MATTINGLY AMENDMENT NO. 3165

Mr. McCLURE (for himself and Mr. Mattingly) proposed an amendment to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes, as follows:

At the end of the bill add the following new section:

TRANSMITTAL TO CONGRESS OF REPORT ON SOVIET COMPLIANCE WITH ARMS CONTROL AGREEMENTS

Sec. . (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress the text of the report by the General Advisory Committee on Arms Control of the Arms Control and Disarmament Agency entitled "A Quarter Century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983 (U)", dated November 1983. If the President determines that that report contains material the release of which to Congress would compromise United States intelligence sources, methods of intelligence gathering, or the national security of the United States, the President may furnish the text of such report after deleting or modifying such compromising material.

(b) Not later than 60 days after the date of the enactment of this Act, the President shall transmit to Congress an unclassified version of the report described in subsection (a).

HOLLINGS (AND OTHERS) AMENDMENT NO. 3166

Mr. HOLLINGS (for himself, Mr. Bingaman, Mr. Warner, Mr. Mitchell, Mr. Byrd, Mr. Thurmond, Mr. Randolph, Mr. Jepsen, and Mr. Pressler) proposed an amendment to the bill S. 2723, supra, as follows:

On page 128, between lines 12 and 13, insert the following new section:

SENSE OF CONGRESS REGARDING RESTRICTIONS ON COST-OF-LIVING ADJUSTMENTS FOR CERTAIN RETIRED PERSONS UNDER 62 YEARS OF AGE

Sec. . It is the sense of the Congress that the provision contained in section 301 of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253; 5 U.S.C. 8340 note), or any other provision of law, which restricts cost-of-living adjustments for certain retired Federal civilian employees and certain retired members and former members of the uniformed services who are under 62 years of age to one-half the cost-of-living adjustment provided such employees and members who are 62 years of age or older should not be extended beyond fiscal year 1985.

EAGLETON AMENDMENT NO. 3167

Mr. EAGLETON submitted an amendment intended to be proposed by him to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following new section:

IMPROVEMENT IN SYSTEM FOR PROVIDING MILITARY ADVICE TO THE PRESIDENT, THE NATIONAL SECURITY COUNCIL, AND THE SECRETARY OF DEFENSE

Sec. . (a) The Congress finds that—

(1) under current law, the Joint Chiefs of Staff are the principal military advisers to the President, the National Security Council, and the Secretary of Defense;

(2) since the creation of the Joint Chiefs of Staff a number of studies by so-called blue-ribbon commissions have found serious defects in the organizational structure of the Joint Chiefs of Staff; and

(3) in order to ensure that the President, the National Security Council, and the Secretary of Defense receive the best possible military advice, it is imperative that major organizational changes be made in the present system of providing such advice.

(b)(1) Chapter 5 of title 10, United States Code, is amended to read as follows:

"Chapter 5—Chief of Military Staff

"Sec.

"141. Chief of Military Staff.

"142. Deputy Chief of Military Staff.

"143. Joint Military Staff.

"§ 141. Chief of Military Staff

"(a) There is a Chief of Military Staff who shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Chief of Military Staff serves at the pleasure of the President for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(b)(1) The Chief of Military Staff is the principal uniformed military advisor to the President, the National Security Council, and the Secretary of Defense. While holding office, the Chief of Military Staff outranks all other officers in the armed forces. However, he may not exercise command over any of the armed forces or any component thereof.

"(2) Subject to the authority and direction of the President and the Secretary of Defense, the Chief of Military Staff shall—

"(A) prepare strategic plans and provide for the strategic direction of the armed forces;

"(B) prepare joint logistic plans and assign logistic responsibilities to the armed forces in accordance with those plans;

"(C) establish unified commands in strategic areas;

"(D) review the major material and personnel requirements of the armed forces in accordance with strategic and logistic plans;

"(E) formulate policies for the joint training of the armed forces;

"(F) formulate policies for coordinating the military education of members of the armed forces;

"(G) provide for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations; and

"(H) perform such other duties as the President or the Secretary of Defense may prescribe.

"(3) The Chief of Military Staff shall also direct the operations of the Joint Military Staff.

"§ 142. Deputy Chief of Military Staff

"(a)(1) There is a Deputy Chief of Military Staff. The Deputy Chief shall be appointed by the President, by and with the advice and consent of the Senate, from the officers of the regular components of the armed forces. The Deputy Chief serves at the pleasure of the President for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(2) If the Chief of Military Staff is a member of the Army or Air Force, the Deputy Chief shall be a member of the Navy or Marine Corps. If the Chief of Military Staff is a member of the Navy or

Marine Corps, the Deputy Chief shall be a member of the Army or Air Force.

"(b) The Deputy Chief acts as Chief of Military Staff in the absence or disability of the Chief of Military Staff and exercise such duties as may be delegated by the Chief of Military Staff with the approval of the Secretary of Defense. When there is a vacancy in the office of Chief of Military Staff, the Deputy Chief, unless otherwise directed by the President or the Secretary of Defense, shall perform the duties of the Chief of Military Staff until a successor is appointed.

"§ 143. Joint Military Staff

"(a)(1) There is under the Chief of Military Staff a Joint Military Staff consisting of not more than 400 officers.

"(2) Members of the Joint Military Staff shall be selected by the Chief of Military Staff from among officers recommended by the Secretaries of the military departments. The Chief of Military Staff shall select officers for service on the Joint Military Staff in approximately equal numbers from (A) the Army (B) the Navy and Marine Corps, and (C) the Air Force. The Secretary of a military department shall recommend for selection for service on the Joint Military Staff only those officers under his jurisdiction who are most qualified by training, experience, and knowledge to serve on such staff.

"(3) The Chief of Military Staff may specify the number of names on any list of officers recommended by the Secretaries of the military departments for selection to serve on the Joint Military Staff, but may select for service on the Joint Military Staff not more than one hundred officers who are not recommended for selection by the Secretaries of the military departments

"(4) Members of the Joint Military Staff serve at the pleasure of the Chief of Military Staff for a period of three years. The Chief of Military Staff may select an officer for service on the Joint Military Staff for a second consecutive three-year period after consultation with the Secretary of the military department of which such officer is a member.

"(b)(1) The Chief of Military Staff in consultation with the Secretary of Defense shall select the Director of the Joint Military Staff. Except in time of war, the tour of duty of the Director may not exceed three years. Upon the completion of a tour of duty as Director of the Joint Military Staff, the Director, except in time of war, may not be reassigned to the Joint Military Staff. The Director must be an officer junior in grade to each member of the National Military Advisory Council established under section 178 of this title.

"(2) The Joint Military Staff shall perform such duties as the Chief of Military Staff prescribes. The Chief of Military Staff manages the Joint Military Staff and its Director.

"(c)(1) Under regulations approved by the Secretary of Defense, the Secretaries of the military departments shall take such actions as may be necessary to ensure that the service of officers on the Joint Military Staff is accorded substantial weight in determining the qualifications of officers for recommendation for promotion to grades specified by such Secretaries.

"(2)(A) At the same time that selection boards are convened by the Secretary of the military department concerned under chapter 36 of this title to consider officers in a particular competitive category for promotion to the grade of lieutenant colonel, colonel, brigadier general, or major general in the Army, Air Force, or Marine Corps or to commander, captain, commodore admiral, or rear admiral in the Navy, the Secretary of such military department shall also convene a special selection board under this paragraph if the Chief of Military Staff so requests.

"(B) When a special selection board is convened under this paragraph, the board shall consider for promotion to the next higher grade only officers serving on the Joint Military Staff in the same grade and in the same competitive catgegory as officers being considered for promotion to such grade and in such competitive category by a board convened under chapter 36 of this title and who are otherwise eligible for consideration for promotion to the next higher grade.

"(C)(i) Of the total number of officers in each particular competitive category in the grade of lieutenant colonel and colonel in the Army, Air Force, and Marine Corps and in the grade of commander and captain in the Navy to be promoted to the next higher grade, as determined by the Secretary of the military department convened under section 615 of this title, a number of officers considered for promotion to such grade in such competitive category equal to 3 percent shall be promoted to such next higher grade from among officers in such competitive category recommended for promotion to such grade by a special board convened under this paragraph.

"(ii) Of the total number of officers in each particular competitive category in the grade of brigadier general in the Army, Air Force, or Marine Corps and commodore admiral in the Navy to be promoted to the next higher grade, as determined by the Secretary of the military department concerned under section 615 of this title, a number of officers considered for promotion to such grade in such competitive category equal to 10 percent shall be promoted to such next higher grade from among officers in such competitive category recommended for promotion to such grade by a special selection board convened under this paragraph.

"(iii) The number of officers that may be selected for promotion to any grade in any competitive category by a selection board convened under chapter 36 shall be reduced by a number of officers equal to the number that is to be selected for promotion to such grade in such competitive category by a special selection board convened under this paragraph.

"(D) Special selection boards convened under this section shall be subject to the provisions of chapter 36 of this title to the extent practicable, as determined by the Secretary of Defense. The provisons of this paragraph shall be carried out in accordance with regulations prescribed by the Secretary of Defense.".

(2) The table of chapters at the beginning of such title and at the beginning of subtitle A of such title are each amended by striking out the item relating to chapter 5 and inserting in lieu thereof the following:

"5. Chief of Military Staff .... 141".

(c) Chapter 7 of such title is amended by adding at the end thereof the following new section:

"§ 178. National Military Advisory Council

"(a) There is established in the Department of Defense a National Military Advisory Council. The Council shall consult with and advise the Chief of Military Staff on all matters with respect to which the Chief of Military Staff is responsible.

"(b)(1) The Council shall consist of four senior military officers, one each from the Army, Navy, Marine Corps, and Air Force, to be appointed by the President, by and with the advice and consent of the Senate. Before making an appointment under this subsection, the President shall consult with the Secretary of Defense and the Chief of Military Staff regarding the appointment. Only officers having outstanding qualifications, including substantial joint or unified command experience, shall be eligible for appointment to the Council.

"(2) Officers shall be appointed to the Council for a term of two years and may be reappointed in the same manner as originally appointed for not more than three additional terms, except that in time of war declared by the Congress there is no limit on the number of reappointments.

"(3) Officers appointed to the Council may not be assigned any duties other than those referred to in subsection (a) and may not exercise any command authority in any armed force.

"(c) Only the most experienced and outstanding members of the armed forces may be appointed to the National Military Advisory Council. Notwithstanding any other provision of law, a member of the armed forces may not serve on active duty after completion of his term or terms on the council, except that such restriction may be waived by the Secretary of Defense in the case of any member in time of war declared by the Congress.".

(d)(1) Section 171(a) of title 10, United States Code, is amended by striking out clause (7) and inserting in lieu thereof the following:

"(7) the Chief of Military Staff;".

(2) Section 264(b) of such title is amended by striking out "Joint Chiefs of Staff" and inserting in lieu thereof "National Advisory Council".

(3) Section 268(c)(2) of such title is amended by striking out "Joint Chiefs of Staff" and inserting in lieu thereof "National Advisory Council".

(4) Section 525(b)(3) of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(5) Section 743 of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(6) Section 5081(b) of such title is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(7)(A) Section 413 of title 37, United States Code, is amended by striking out "Chairman of the Joint Chiefs of Staff" and inserting in lieu thereof "Chief of Military Staff".

(B) The heading for section 413 of such title is amended to read as follows:

"§ 413. Chief of Military Staff".

(C) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 413 and inserting in lieu thereof the following: "413. Chief of Military Staff.".

(8) Section 411(a) of title 38, United States Code, is amended by inserting "or Chief of Military Staff" after "Chairman of the Joint Chiefs of Staff" in footnote 2 of the table contained in such section.

COHEN AMENDMENT NO. 3168

Mr. COHEN submitted an amendment intended to be proposed by him to the bill S. 2723, supra; as follows:

On page 25, line 8, strike out "4 percent" and insert in lieu thereof "5.5 percent".

On page 25, strike out lines 14 through 21 and insert in lieu thereof the following:

(b) The rates of basic pay and the basic allowance for subsistence for members of the uniformed services are increased by 5.5 percent effective January 1, 1985.

McCLURE (AND OTHERS) AMENDMENT NO. 3169

Mr. McCLURE (for himself, Mr. Symms, and Mr. Humphrey) proposed an amendment to the bill S. 2723, supra; as follows:

At the appropriate place add the following:

STOCKPILE PROVISIONS

1. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to utilize 10,000,000 troy ounces of silver from the National Defense Stockpile to mint coins pursuant to this section. Disposals of silver from the National Defense Stockpile shall be conducted in accordance with the provisions of this section during fiscal years 1985 and 1986.

(b) The Secretary of the Treasury (hereinafter referred to as the "Secretary") shall mint and issue coins of the United States under this section in such quantities as are necessary to meet public demand.

(c)(1) The coins minted pursuant to this section shall be either sold or furnished on consignment in bulk on a negotiated basis by the Secretary to primary dealers in bullion, coins, banks, and other financial institutions in accordance with such procedures the Secretary may prescribe, at prices to the general public determined by the Secretary, which shall not be less than the fair market value of the silver content of the coins on the day of the sale, as determined by the Secretary, plus costs of minting, distributing, promoting, and marketing the coins. The Secretary shall seek to keep costs of minting, distributing, promoting, and marketing of the coins as low as possible, consistent with the objectives of this section. In no event shall the portion of the price attributable to the costs of minting, distributing, promoting, and marketing the coins exceed 10 per centum of the fair market value of the coin's silver content or $.75 per coin, whichever is lower. Such sales and consignment shall begin not later than January 1, 1985.

(2) Coins minted under this section shall be legal tender and bear the same design as that of the 1908 "St. Gaudens" twenty dollar coin; be inscribed with the year of minting; have reeded edges; contain one troy ounce of 0.999 fine silver; weigh 31.1035 grams; and have a diameter of 38.1 millimeters (1.5 inches). Such coins shall not contain the inscription of the words "Twenty Dollars" but shall have the inscriptions of the words "Liberty", "In God We Trust", "United States of America", "E Pluribus Unum", "One Troy Ounce" and "One Dollar".

(3) Secretary shall define the term "primary dealer in bullion coins" in a manner consistent with the ordinary practices of the precious metals trade.

(4) The Secretary shall sell the coins in bulk quantities or on consignment, in accordance with such procedures as the Secretary prescribes. In addition, the coins minted pursuant to this section should be packaged for bulk sales in tubes containing not less than 25, but no more than 1000 coins. The Secretary shall utilize the United States Mint's mailing list and make other reasonable and appropriate efforts to promote the retail sale of the coins. Coins made available to the mailing list of the United States Mint may, at the Secretary's discretion, be produced as a proof coin and sold at a price sufficient to cover the face value, the precious metal content, plus the additional expenses of their manufacture and sale, or as special uncirculated coins, packaged distinctively by the United States Mint.

(c) The net proceeds of the sales of coins minted pursuant to this section shall be received by the General Services Administration, after deducting the costs incurred by the Secretary in minting, distributing, promoting and marketing the coins, the book value of the silver, and the face value of the coins. That portion of the proceeds representing the costs incurred of minting, distributing, promoting, and marketing the coins and the book value of the silver shall be credited to the mint appropriation. The net proceeds, including the aggregate face value of the coins received by the General Services Administration shall be deposited in the National Defense Transaction Fund.

PROXMIRE (AND OTHERS) AMENDMENT NO. 3170

Mr. PROXMIRE (for himself, Mr. Levin, Mr. Nunn, Mr. Sasser, Mr. Pressler, Mr. Randolph, Mr. Kasten, and Mr. Nickles) proposed an amendment to the bill S. 2723, supra; as follows:

At the appropriate place in the bill insert a new section as follows:

Sec. . It is the sense of Congress that the President should insist that the pertinent member nations of the North Atlantic Treaty Organization meet or exceed their pledges for an annual increase in defense spending during fiscal years 1984 and 1985 of at least three percent real growth and should insist that Japan further increase its defense spending during fiscal years 1984 and 1985 in furtherance of increased unity, equitable sharing of our common defense burden, and international stability.

BYRD (AND OTHERS) AMENDMENT NO. 3171

Mr. BYRD (for himself, Mr. Hollings, Mr. Johnston, and Mr. Nunn) proposed an amendment to the bill S. 2732, supra, as follows:

On page 128, between lines 12 and 13, insert the following new section:

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCED TECHNOLOGY BOMBER AND THE ADVANCED CRUISE MISSILE PROGRAMS FOR ANY OTHER PURPOSE

Sec. . (a) It is the sense of the Congress (1) that the capabilities inherent in the technologies associated with the Advanced Technology Bomber program and the Advanced Cruise Missile program are a critical national security asset for maintaining an adequate and credible deterrent posture, (2) that such technologies and programs should be developed as rapidly as feasible in order to produce and deploy advanced systems which will complicate the military planning of the Soviet Union and as a consequence enhance the deterrent posture of the United States, (3) that such technologies and programs should be funded at the levels authorized in this Act, and (4) that all the funds appropriated for such programs should be fully utilized for such programs.

(b) None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program and the Advanced Cruise Missile program may be used for any other purpose.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 7, at 10 a.m., to hold a hearing entitled "Women in Development: Looking to the Future."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, June 7, at 10 a.m., to hold a markup on S. 1300, S. 2646, and H.R. 3050, legislation to amend the Rural Electrification Act of 1936, and other pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, June 7, at 10 a.m., to hold a hearing to consider the nomination of Charles G. Stalon, of Illinois, to be a Member of the Federal Energy Regulatory Commission; and Robert N. Broadbent, of Nevada, to be an Assistant Secretary of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TOWER. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to meet during the session of the Senate on Thursday, June 7, in order to receive testimony concerning the following nominations:

U.S. CIRCUIT JUDGE

Jean Galloway Bissell, of South Carolina, to be U.S. circuit judge for the Federal circuit.

U.S. DISTRICT JUDGE

John M. Duhe, Jr., of Louisiana, to be U.S. district judge for the western district of Louisiana.

Tom S. Lee, of Mississippi, to be U.S. district judge for the southern district of Mississippi.

U.S. COURT OF INTERNATIONAL TRADE

Dominick L. DiCarlo, of New York, to be a judge of the U.S. Court of International Trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ASBESTOS SCHOOL HAZARD ABATEMENT ACT AMENDMENT

● Mr. SARBANES. Mr. President, as a sponsor of the Asbestos School Hazard Abatement Act floor amendment which passed the Senate yesterday, I am pleased to note the importance of this first step which has been taken to provide Federal assistance for those schools which need financial assistance to control severe asbestos hazards. This amendment, when finally enacted, will establish a program within the Environmental Protection Agency to ascertain the extent of the danger present in our schools due to asbestos hazards and provides loans and matching grants to eligible high-priority schools. In order to provide such assistance, my colleagues and I authorized $50 million for this program in both fiscal year 1984 and fiscal year 1985, and $100 million for each of the subsequent 5 years.

Nationwide, the EPA has stated that as many as 14,000 schools may contain asbestos hazards, posing risks to 3 million students. Approximately 224 children per 100,000 exposed to very minimum levels of asbestos will die early as a result of cancer of the stomach, esophagus, lungs, or colon.

In my own State of Maryland, there are no concrete figures to demonstrate the extent of asbestos problems in our schools. However, it is generally recognized by the Asbestos Abatement Information Center in Baltimore that hazardous asbestos conditions are present in many areas of the State. In some counties, the schools themselves have the financial resources to detect and control asbestos hazards. However, in other areas, such as Baltimore City and some rural areas of the State, Federal loans and matching grants will be welcomed as an important means of controlling such hazards.

I commend my colleagues in passing this important amendment and look forward to its final enactment and prompt implementation.●

SUCCESS WITH NUCLEAR POWER

● Mr. McCLURE. Mr. President, as you know, I strongly believe that nuclear power can make a significant contribution to our Nation's electricity producing capacity and our energy independence.

There have always been many opponents to the use of nuclear power, and in recent months, the media's frequent reports of construction and financial problems in the nuclear industry have given considerable negative material for the critics to use in a continuing assault on the entire nuclear community.

As a result, the public's perception of the nuclear industry is that it has a disastrous past and a dismal future—if, indeed it has any future at all.

However, an editorial in the May 27 issue of the Baltimore Sun puts the issue in perspective. Titled, "Success With Nuclear Power," the editorial correctly notes, as I have so often, that there are many more successes than failures in the nuclear industry, both here and abroad.

In the United States, 85 nuclear plants are operating; 50 more are under construction, one-third of the world's total nuclear capacity is here, which last year displaced 35 percent of our oil imports.

Although safety is the critic's rallying cry, the editor points out that in 758 reactor years of U.S. nuclear powerplant operation there has not been a single fatality due to radiation. He further notes the industry's efforts to enhance safety, reliability, and lower costs include research on smaller modular plants, standardization of components, and reviving the high-temperature gas reactor.

With electric demand growth increasing as a result of the economic recovery, and nuclear energy costs of 3.1 cents a kilowatt-hour compared to 3.5 cents for coal plants, the editor feels nuclear power has some appealing assets.

Mr. President, I am pleased to note the positive, upbeat flavor of this editorial. I ask that it be printed in the RECORD.

The article follows:

[From the Baltimore Sun, May 27, 1984]

SUCCESS WITH NUCLEAR POWER

Those who think the nuclear power industry is dead ought to look at Japan, China, France—or the United States. While news of the financial failure of yet another U.S. nuclear plant seems to come almost quarterly, there have been far more successes than failures. Eighty-five nuclear plants operate in the United States, and 50 more are under construction. One-third of the world's total nuclear capacity is here. That capacity reduced oil imports by 35 percent last year.

Nuclear critics persist in bringing up the safety issue, the threat of a reactor meltdown that they claim is the Achilles heel of the industry as revealed by the accident at Three Mile Island. Yet safety procedures are being improved, and the risk grows ever smaller. It must be noted that there were no casualties even at TMI. In 758 reactor-years of nuclear power plant operation in the United States, there has not been a single fatality due to radiation.

The industry continues to work to make the plants safer. Westinghouse and General Electric, in conjunction with Japanese companies, are seeking to develop light water reactors (the dominant type in the world) that are simpler, safer and more reliable. There are studies of inter-company and even inter-nation standardization of nuclear components to enhance safety and reliability and to lower costs. Research is being done on the advantages (safety and otherwise) of building smaller, modular nuclear plants, one-half or one-quarter the size of the ones being built today. There is talk of reviving the high-temperature gas reactor, a meltdown-proof system thjat was abandoned 20 years ago but that might make a comeback if it were redesigned.

Other factors could give nuclear a new lease on life. Electric demand growth is picking up because of the economic recovery. The utility industry may have to start once again to plan for new power plants, after several years of doldrums. Nationally, nuclear energy costs 3.1 cents a kilowatt hour, compared with 3.5 cents from coal plants. If costly emission controls to prevent acid rain are mandated for coal plants—as may happen within a few years—nuclear plants could prove even more appealing. The question is whether the public can be convinced they are safe.●

BALTIC FREEDOM DAY

● Mr. GLENN. Mr. President, as a cosponsor of the resolution to enact a Baltic Freedom Day, I feel it is essential that the Congress and the American people again reiterate our concern for the plight of the Baltic States of Estonia, Latvia, and Lithuania and their citizens' heroic struggle to maintain their national identity.

On June 14, 1940, the Soviet Union forcibly occupied and incorporated the states of Estonia, Latvia, and Lithuania into the U.S.S.R. After the First World War, these nations declared their independence and enjoyed a brief but proud moment of democratic government. With the outset of the Second World War, it was decided by Hitler and Stalin that these nations should be absorbed by the Soviet Union. Tens of thousands of Baltic people were killed and over 1 million were deported to slave labor camps because of their religious or political views. These deported individuals were replaced by people from other regions of the farflung Soviet Empire in an attempt to destroy the national identities of the Baltic people.

Despite ruthless Soviet subjugation, the peoples of Estonia, Latvia, and Lithuania have striven to maintain their rich national and cultural heritage. And their civic organizations and churches in the free world have struggled to keep faith with their enslaved countrymen so that the dimmed light of freedom is not extinguished. While world attention is focused on the unfortunate peoples of Poland and Afghanistan, we must never forsake the struggle of the courageous Baltic people for freedom. These people look to the United States as a source of moral support and unwavering commitment to the ideals of freedom and

self-determination. As the oldest democracy in the world, we must do all that we can to help support the preservation of the national consciousness and cultural integrity of these once-free nations.

By establishing a Baltic Freedom Day, we not only express the solidarity of Americans with the aspirations of the enslaved Baltic people, but we remind the international community that by the continued subjugation of the Baltic States, the Soviet Union continues its flagrant violation of the United Nations Universal Declaration on Human Rights and the provisions of the Final Act of the Helsinki accords.●

TRIBUTE TO EDGAR BERNARD HOLT

● Mr. RIEGLE. Mr. President, last February, a great leader in the community of Flint passed away, and it is appropriate that we mark his passing in this small fashion. Edgar Bernard Holt was an individual totally committed to the betterment of his community, and devoted to the pursuit of civil rights.

He was a leader in all senses of that word: in his many years as a General Motors employee, his involvement in political campaigns, and in his many positions in the Flint NAACP.

His advice, wisdom and clear-thinking will be deeply missed by all who knew him, and by thousands that have benefited from his works and whose lives are richer because of his devotion to the cause of equality and civil rights. Perhaps the most fitting example of the fruits of his labor in Flint came last year with the election of a black mayor in Flint, something Edgar Holt had strived for over many years.

I submit for the Record an editorial from the Flint Journal, and add my voice to all those who know that Edgar Holt will be missed in so many ways, and at those critical times where his vision provided the light for all of us to move forward.

The editorial follows:

HOLT, TOO, HAD A DREAM

In the death of Edgar A. Holt, Flint has lost a leader who did much to rid our community of racial bias.

Over his lifetime, he made civil rights his cause. He had known the cancerous stigma of prejudice while growing up in the South, and after graduation from Wilberforce University, dedicated himself to fighting it.

Holt's efforts were channeled primarily through the NAACP. He served the Flint branch as president for six years and headed the Michigan Conference of NAACP Branches from 1964 to 1967.

He was a familiar figure at local governmental sessions, invariably speaking out on issues focused on ending practices which unfairly limited opportunities for blacks.

During the tumultuous 1960s, Holt saw great civil rights progress as Martin Luther King seized a historic moment and brought about laws guaranteeing minorities opportunities they had been denied. Holt was among the marchers in 1963 when King led his dramatic march in Washington and gave his famous "I have a dream" speech.

We are glad Edgar Holt—who too had a dream—lived to see the people of Flint elect a black mayor, James A. Sharp Jr. And we are sorry Flint has lost his wise counsel in the never-ending battle against prejudice.

Our community is made poorer by his passing.●

RESCUE AT SEA: A DAILY MISSION FOR THE COAST GUARD

● Mr. PELL. Mr. President, the men and women of the Coast Guard do an outstanding job in coping with all manner of emergencies at sea. Their record of saving lives and preventing maritime disasters is an excellent one—a performance which is particularly remarkable because search and rescue is but one of the many, many responsibilities borne by the Coast Guard.

A recent article in Parade magazine profiled the search and rescue mission of the U.S. Coast Guard Cape May Air Station, 1 of 26 Coast Guard bases providing air/sea rescue coverage across the country. I would like to share this compelling profile with my colleagues, and ask that the text of the article from Parade magazine dated May 27, 1984, be printed in full in the RECORD:

The wind blows like a solid wall of cold over Cape May, N.J., and the sea slams in gray and marbled. The North Atlantic stretches 3000 miles from here—icy, forbidding and stark. But, in an isolated hangar along the shore, the helicopter rescue pilots of the United States Coast Guard Cape May Air Station are ready for whatever the wind and the sea may bring. The cold Atlantic is their turf.

One of 26 Coast Guard bases providing air-sea rescue coverage across the country—from Kodiak in Alaska to Houston to Miami—Cape May is responsible for operations over an area of 8000 square miles. Most of its missions are flown against the knife edge of severe weather.

When distress calls come in to Cape May, as they did 283 times last year, the rotors of the helicopters begin to turn, and the wind shakes the big HH-52As as if they were Volkwagens. The pilots in their Nomex flight suits talk through the numbers and call signs of their preflight checkoff. Most feel fear, but they have learned to put it away. Fear intrudes on their work. At takeoff, they are past it.

Then the turbines shriek, the pilot grabs the collective stick down by his left hand and lifts off, arcing out over the coast to the ocean, to someplace where lives are in peril. If sailboats off California or Georgia are dismasted in storms, the Coast Guard's Sikorsky helicopters go to the rescue. If tankers split apart in typhoons, the bright white helicopters of the Guard bring in the crewmen who have been clinging to the frigid wreckage.

Coast Guard helcopters—or "helos," as they are called—operate in virtually any weather condition, and rescue pilots, who routinely perform with extraordinary daring to save people's lives, learn a protective callousness.

"In this business," says Lt. Stephen T. Delikat, a pilot at Cape May, "it's sort of an automatic gut reaction to go out and do the job."

On the night of Dec. 16, 1982, Lieutenant Delikat, then 25 years old, was on duty when a distress call came in at 9 p.m. from the fishing vessel Marblehead, out of Ocean City, Md. He and fellow pilot Paul Ellner, the aircraft commander, took off to search for the four crew members, who were clinging to a life raft in the rolling seas.

In pitch black, Delikat and Ellner combed the waves for two hours. The temperature was 32 degrees, freezing conditions were setting in, and rain clouds limited them to flying below 250 feet. It was like battering through a squall, but, says Delikat today, "I don't think I had a single thought about my own safety until I was back."

Delikat notes that Coast Guard pilots must steel themselves not only against their own fear but also against their natural concern for the people for whom they are searching. "You don't put yourself in the position where you are sorrowful," Delikat says. "You can't have a lot of pity overtake you. It could get to the point where you could not perform your mission properly." It is only after the mission, he says, that "I go through a long period of reflection about what they must have gone through."

Delikat's search that night was unsuccessful. The crew of the Marblehead was found the next morning. They had died from the cold.

On April 17, 1983, however, Cape May Air Station has more success. On that day, the party fishing boat Adventurer founded in heavy winds and eight-foot seas with 18 persons aboard. Cape May rescue teams hoisted them all out of the drink and brought them back to safety.

"I was concentrating on making sure they were all inside the helicopter," recalls air crewman John A. Brenchak, who pulled up seven people, including the captain and mate, into the belly of Helicopter 1463. "There are so many things going through your head, you don't have time to be scared."

Search-and-rescue operations by its helicopter squadrons are only one of the Coast Guard's assignments. The 39,000-member armed service, headquartered in Washington, D.C., under the aegis of the Department of Transportation, is the federal government on the water—responsibile for insuring safety and enforcing the law on all American water jurisdictions. Commanding a fleet of 241 heavy, medium and light cutters, or patrol ships, as well as a fleet of 2000 utility boats and small craft, the men and women of the Guard clean up oil spills, maintain buoys and other aids to navigation, oversee port safety and inspect American merchant ships to make sure that they are safe for sea.

In recent years, the Coast Guard has taken on major new tasks—with little increase in funds. These include guarding fisheries in the expanded 200-mile zone of United States fishery control and interdicting illegal aliens. The Guard is also involved in a new effort against drug smugglers and is responsible for protecting against accidents involving hazardous materials by rigorously inspecting shore sites and handling spills that do occur.

Still, since the Coast Guard was created in 1790, lifesaving has been its fundamental mission. Nationwide, the Coast Guard fields a total of 66 Sikorsky HH-52A helicopters—medium-range aircraft with a top speed of

109 knots and a cruising radius of 150 miles—as well as 31 HH-3F helicopters—larger, heavy endurance machines capable of 142 knots and a cruising radius of 300 miles.

The most important apparatus aboard these helicopters is the airborne mechanical hoist, lowered through storms to pick up survivors. But the passenger bay of an HH-52A is also part fire truck, part ambulance—packed with blankets, basic medical equipment, strobe lights, flares, cable cutters, dye markers and message bottles. To the shivering survivors, its metal belly, canvas benches and navigation gear are more precious than a suite at the Plaza Hotel.

Pilots say the most difficult condition for them is flying solo at night, over the ocean. Darkness makes flying hazardous and makes objects and people extremely difficult to find. Flying in an Arctic "white-out"—an intense snowstorm, common in Alaska and other northern states, that totally eliminates visibility—is also extremely demanding on pilots. In a whiteout, the crew cannot tell whether the helicopter is flying up or down, left or right, except by instruments.

Indeed, Coast Guard pilots take substantial risks. In the last 20 years, 38 pilots and crewmen have died on missions. In the most recent incidents, two helicopters were lost in attempts to recover the crews of sinking fishing vessels: One accident occurred on Jan. 7, 1982, in Hawaii; the other, on Nov. 14, 1981, in Oregon.

Not all rescues are conducted over water. Lt. Cmdr. Bruce E. Melnick, the commander of an HH-3F helicopter based in Sitka, Alaska, was decorated after he and his crew rescued the pilot of a small plane that had crashed into the face of a mountain in dense fog. Melnick maneuvered his big helicopter right up to the crash site, so close that his rotor blades nearly brushed the mountain, maintaining a hover in this position for a half hour while the downed pilot was brought aboard. At that point, Melnick did an instrument takeoff away from the mountain face, with nothing but the dials and gauges before him to guide his ascent.

Capt. Lance A. Eagan, the commanding officer of Cape May, believes that teaching pilots to limit their willingness to fly in any weather condition is one of the most important functions of Coast Guard training. "The Coast Guard has an old saying," says Captain Eagan, "'You have to go out, but you don't have to come back.' In aviation, we have tried to get away from that feeling."

"The most difficult decision is turning down a mission," he explains. "There are going to be days when you are forced into making that decision, because it's beyond the limits of the crew or the airframe.

"We will risk equipment. That is a legitimate risk. But loss of life is an unacceptable cost." Eagan likes to quote a time-honored saying about caution and flying: "There are bold pilots and there are old pilots, but there are no old, bold pilots." Eagan adds: "We want everybody to be old."

Eagan, a 44-year-old Coast Guard Academy graduate, has flown in whiteouts, gales and squalls from Alaska to Georgia—even in one New York City blackout. He also spent a year in Vietnam, on loan to the Air Force, flying with the 37th and 40th Aerospace rescue-and-recovery squadrons.

On one mission—the recovery of an F-105 pilot shot down in enemy territory—Eagan ferried his HH-3F helicopter through trees more than 100 feet tall, lowered his paramedic crewman and then retrieved both the paramedic and the downed pilot. As he began to pull up from the jungle, Eagan recalls, "the first round hit through the windshield. When the paramedic said, 'Take us up, take us up,' the North Vietnamese started tearing the body of the aircraft apart with small arms fire." Eagan and his team managed to limp back across the Demilitarized Zone before the helicopter gave out, making a forced landing in friendly territory.

But Eagan says he agrees with the remark of an Air Force pilot who flew with the Coast Guard on an exchange program, then served in Vietnam. Upon returning from overseas, someone pointed out that he must be glad to be home. "'No,' the pilot said," recounts Eagan, "'it's scarier to fly for the Coast Guard than to fly in Vietnam. There's a lot of blackness out there.'"

Prospective pilots for search-and-rescue assignments undergo rigorous training. Each year, 57 candidates are selected for flight training. With a 14 percent washout rate, this assures a crop of 49 aviation pilots each year. Upon completion of basic training at the Navy flight school in Pensacola, Fla., trainees undergo a long and exhaustive education covering the many specialized and complicated operations they must be able to perform.

But flying helicopters for the Coast Guard is not all danger and grim business. It also has times of beauty, and something approaching joy. Out over the open water, cruising at 700 feet, with the friendly squawk of the radio coming through the earphones, the thin metal co-pilot's seat of an HH-52A is a bleacher position overlooking nature's spectacle. Helicopter flight is different from airplane flight. The helicopter's Plexiglas cockpit bubble affords greater freedom and a better view of the terrain below, the sky ahead and above.

"You've hit on the secret of why we do it," Eagan says. "It's a sensation, a high, that once you've experienced, it's very hard to live without."

Crewman John Brenchak has his own reasons. He vividly recalls the scene when the 18 survivors from the *Adventurer* were finally gathered together in the dispensary at the Cape May Air Station, safe on land.

When the pilots and the two crewmen walked in through the doors where the survivors were, everyone applauded," says Brenchak. "That's the most heart-warming thing I've ever had. Being recognized for doing a good job."●

GRADUATION ADDRESS BY ADM. JAMES D. WATKINS AT THE U.S. NAVAL ACADEMY

● Mr. DENTON. Mr. President, on Wednesday, May 23, 1984, my good friend, Adm. James D. Watkins, delivered to the graduating class at the U.S. Naval Academy what I would consider to be a very moving statement on the obligations of the individual toward others.

I would like to share Admiral Watkins words with my colleagues and ask that his statement to the 1984 graduating class at Annapolis be placed in the Record.

The address follows:

Address by Adm. James D. Watkins, Chief of Naval Operations

CONCERN NOT FOR SELF, BUT FOR OTHERS—CHALLENGE OF LEADERSHIP

Let me take you back to a moment in recent history which I shall not soon forget. I want to share with you my feelings about the tragedy which occurred only last fall in Beirut, Lebanon, on Sunday morning, October 23rd—these are feelings which will continue to guide my actions as I attempt to serve both nation and world community.

It was on this morning that a terrorist, in a bomb-laden truck, took the lives of two hundred and forty one brave young Americans, and in so doing, reawakened this nation to the terrible crime of international terrorism; its cost in individual lives, its toll in national suffering. This tragic moment reminded all of the challenge of leadership.

Events of this tragic day were best summarized, not by official report or investigatory commission, but by one of our rabbi chaplains, Lieutenant Commander Resnicoff, who witnessed not only the darkness and pain in Beirut, but the dedication and spirit of those sailors and Marines to whom he ministered there.

Rabbi Resnicoff wrote about a friend of his, a protestant chaplain, who was pulled from the ruin of what was once a concrete, reinforced headquarters building.

And as this young chaplain was pulled from the carnage—after being trapped beneath tons of concrete for over four hours—his body racked with pain and still unsure of his own condition, his first words were to ask how his clerk was. Like so many of the men saved that day, Rabbi Resnicoff wrote, this survivor asked first about others.

So the Beirut tragedy is *not only* about fear, or frustration, or death, but can be a symbol of spirit and strength and leadership; a living testimony to our great potential as Americans with special God-given gifts which can make a difference in a grief-stricken world. Now your challenge of leadership is like this special service to humanity embodied in the spirit of that day in Lebanon—to be concerned first about others.

For you, unlike others in universities around this great nation, are not *just* graduating from a college—you are not *just* entering the job market—you are assuming the mantle of selfless dedication to and responsibility for safety and defense of this great nation—and its people. This is your oath. As a result, you are special—a species to be cherished.

Your voyage ahead will not be easy, for the course is strewn with the social flotsam and jetsam cast off by those who espouse evil and despise human dignity.

In the face of such hazards, you must display courage and act in accordance with moral convictions. You must not be fashioned by events, but rather shape them for the future good of civilization. You can do this through helping freedom-loving and God-fearing people—whenever and wherever you find them. This is your destiny—your challenge of leadership.

In your exercise of a global mission to humanity, each of you will be asked to contribute in your own special way. Yet your individual efforts will unite—through the performance of our Navy-Marine Corps team—to form a singleness of purpose and strength. This is the strength of today's officer corps.

New challenges will confront you every day of your career—I have been tested anew with every duty assignment, with every new billet.

Only recently, I was tested once again. A new challegne of leadership was thrust upon me. For six days after the bombing in Beirut, I participated in a ceremony at Dover Air Force Base in Delaware which inspired a course change in my professional life.

At barely 7 a.m. on a Saturday morning, the Commandant of the Marine Corps, General Kelley, and I stood with families of some of the Beirut fallen. On this sad day we witnessed arrival of the first fifteen bodies of those who had died in Beirut. As I stood before those flag-draped coffins, I told those present:

"For anyone to die as the result of a cowardly act of faceless terrorism leaves each of us outraged and diminished. For so many to lose their lives both saddens us and makes us determined to ensure that those brave men did not die in vain.

"Now I would hope that Americans would strive, on an urgent basis, to build a new and enlightened national strategy, to deal with the insidious . . . practices of individuals, and their supporting governments, that would condone such acts of violence as their principal tool of political persuasion. For the sake of those who died, and those who continue to serve, we must do this."

Since then, assuming a personal responsibility to help build such a new strategy, I discussed the topic of terrorism with many people—military leaders and civilians, chaplains and lawyers, ethicists and philosophers. I knew I had to come to grips personally with this threat to humanity, so that I could better perform my duties both as a military leader sworn to defend this great nation and provide military advice, and as a man concerned with the proper, moral response to immoral acts.

But terrorism—like so many other modern problems—does not lend itself to simplistic "either/or" decisions. It is a complex subject and decisions in the making are less between absolutes of entirely good or dead wrong, than they are between subtle nuances which make up the best possible course of action considering world realities.

In my search for answers, I selected as a starting point the majority's acceptance of the basic right to defend against unjust aggression. I believe as long as evil and danger persist, a people shouldn't be denied the right of lawful self-defense, once all peace efforts have failed. This is a lawful obligation of peace-loving nations. This is the foundation of your oath of duty and call to service.

But lawful rights constitute only one side of any question. For a legal action, even in our society, is not necessarily a moral action. And, what constitutes a proper legal defense against terrorism, is not necessarily a moral response to terrorism. Then these questions are multiplied a hundred fold when we take the terrorism question outside our own national experience, and put it into an international setting.

This is further complicated because it is difficult, probably impossible, to develop a universal definition of terrorism upon which all can agree. Whereas an American might see terrorism as random acts of violence, or threats of violence, usually perpetrated against innocent victims to evoke fear, and usually undertaken to effect political objectives—a fanatic might see terrorism as a justifiable extension of his "war of liberation."

But I am not without answers; the Academy and the Navy have helped train me to make decisions, inculcating a strong sense of personal morality to temper my decision-making process. So, as a military leader, and as an American, charged with the proper defense of this great nation, I found my own definition of terrorism to be: the compromise of both safety and sanctity of human life. This is the core of the most heinous acts of terrorism.

So what then should be our response when threatened with terrorism? Can we attack bases where terrorists' bombs are made? Can we attack the base or country supplying materials and money to the terrorists? What is the moral response to such criminal actions? What should my military advice be?

Out of my search for answers and studies for solutions, I found that, in particular circumstances, there can be moral justification to preempt a probable terrorist attack. I found that under those circumstances, the moral course is to take action necessary to stay the terrorist's hand.

Indeed, we cannot stand idly by and let any small group of fanatics bend the will and break the spirit of an entire nation—certainly not while we have sworn oath to defend that nation—and particularly when our own sailors and Marines, asked in by friendly nations to help them, are the intended victims. We cannot allow fear of the unknown to become our reference point for action—or inaction.

Since you will face similar moral dilemmas and challenges to leadership, I thought it might be useful to walk you through the thought processes I experienced and principles I discovered which, if adhered to, would seem to justify a preemptive, yet a moral response, to terrorist attacks:

First, we should have just cause to believe we are threatened. Traditionally, this is defined as either self-defense against an aggressor or protection of legitimate interests. Retribution and punishment are not part of a moral course, and will not suffice as reasons to take action against the terrorist. Rather, we should act in accordance with out needs for self-defense and protection.

Second, we should base our decision to act on competent authority. This means a legitimate government is the only vested authority which can make a "go or no go" decision. We can never allow ourselves to respond to terrorism for personal or partisan political purposes. Rather, we should search for a reasoned and disciplined response for the greater good of this nation, our allies and friends.

Third, military force must be our last resort, our least favorite course of action. As moral people, we have an obligation to preserve human life—even those hostile and allied against us. So we must search our entire potential range of responses—which can include certain defensive measures, diplomatic actions, political and economic sanctions—before we elect a military response when all other alternatives have failed.

Next, there must be a reasonable hope of success before we take any preemptive action against terrorism. Otherwise, risk of life involved in our actions is not acceptable. This will require the best possible intelligence of the terrorist and his intentions. The less precise our intelligence, the greater the chance for mission failure and the less justification for taking a preemptive course of action.

Finally, we must foresee *more good than evil* as a result of our actions. We must consider the preemptive operation we plan to undertake in the laboratory of the world—with potential danger of escalation considered, and other unintended consequences which could render our actions self-defeating. The question is: will our actions deter aggressors from taking other actions against us? If this can be answered in the affirmative, with the greatest possible assurance, then we should take preemptive action.

Put another way, we should work to make terrorist acts so counter-productive and costly, or seem so costly, that potential perpetrators will think twice before conducting, or threatening to conduct, terrorist acts. In this context, even a retaliatory act carried out for its deterrent effect may, under carefully controlled circumstances, be moral.

I have shared with you a relevant case study, about a recent challenge to my leadership, in which I felt compelled to become involved and accept a degree of personal accountability for its resolution. By so doing, my conscience was clear that I had tried to faithfully exercise my oath of service to humanity.

In my opinion, we cannot afford to speak in grand terms about morality and western world leadership, if we fail to get involved, or if we lack conviction to stand by those terms, with resolute and responsible action. To quote Shakespeare, we cannot "speak in a monstrous little voice," which can only be viewed as a *legal* course of action, surely not a *moral* course of action expected of military leaders sworn to protect others.

Does that mean we should always take a military response? No! Fight fire with fire if you will? *Not at all.* I say this with great determination—a determination that American force should never be used haphazardly; should never be used without first thinking through and exhausting every *other possible action available.*

In my opinion, we should never adopt principles expounded by those we seek to thwart; that is, to return action of kind for kind. I am convinced our course is sound, for we do not seek to destroy our enemies, but to *protect* rights and freedoms of peace-loving people everywhere.

All of this time and effort I found essential to provide the basis for my moral and ethical approach to just one of our nation's current challenges—terrorism. You and I *can* and *must* face these kinds of difficult questions, both as responsible citizens of a nation which has the capability to defend others less fortunate than ourselves, and as military leaders.

This is my responsibility to those brave men who died in Beirut on October 23rd. A similar responsibility will soon be yours to Americans and all other freedom-loving peoples yet unborn. By seeking agresively to resolve such challenges to leadership within a moral context, you will all be more like those brave, young men in Beirut, whose first concern was not for self, but for others. This is what this nation will ask of you.

And it is through these efforts to serve, that even the common takes on uncommon heroism—where the ordinary has extraordinary qualities of service and devotion. No action is too insiginificant if it contributes to the greater good of humanity.

This reminds me of a beautiful call to humanity's service I once heard at a Washington prayer breakfast, one which seeks a commitment to special sacrifice which you—as future leaders—will be asked to make for this nation. I ask each of you in the class of 1984 to adopt the following prayer as your own commitment to responsible military leadership:

Lord God,
You have not called me to some puttering, pretty, mundane mediocrity.
You have called me to renew the world.
This is my task.
Impossible?
Unreachable?
Imperative?
Not all at once.
Not by revolution, at least not the blood-and-thunder kind.
But by revolution in the hearts of people.
Starting with me.
You have called me to renew the world—
at a breakfast,
at the supper table,
in a staff meeting,
at the polls,
in a letter to the editor,
in a letter to a friend.
These are merely puttering, petty, mundane things,
Unless they are done with all my mind
and strength
and soul
and heart . . .
To renew the world—
This is my task,
God, help me.

And God bless you and this Nation.●

WAR ON DRUNK DRIVING

● Mr. LAUTENBERG. Mr. President, today the House of Representatives took a major step toward establishing a uniform minimum drinking age of 21 nationwide and saving hundreds of young lives, with the adoption of an amendment by Congressman JIM HOWARD, of New Jersey, to the Federal Aid Highway Act of 1984. The Howard amendment would withhold Federal highway assistance from States which refuse to raise their minimum age for the purchase and public possession of alcoholic beverages to 21. It incorporates the language of H.R. 5383, companion legislation to S. 2719, which I introduced earlier this year.

House passage of the Uniform Minimum Drinking Age Act comes several days after the tragic defeat of legislation in the New York State legislature which would have raised that State's minimum drinking age to 21. New York's failure to act is bound to affect decisions by other States, such as Connecticut, which are considering this issue. In New Jersey, we are acutely aware of New York's action because we share a border with that State. It is our young people who cross that border in search of alcohol and it is our young people who die on the roads of the four adjoining counties.

It is significant to note the broad bipartisan support for the Howard amendment. Liberals and conservatives, Democrats and Republicans, from all sections of the country responded to the public support for this measure. Gallup polls have shown that 77 percent of the American people support a uniform minimum drinking age of 21. It is now time for the Senate to respond to this public outcry.

Mr. President, one of the few negative comments made regarding the House bill was based on the old premise that "if you're old enough to fight, you're old enough to drink." Recently, I received a letter from Mr. Gary Cummings, chief of police in Bedminster, N.J., which eloquently addresses this issue. I ask that a copy of his letter appear in the RECORD.

The letter follows:

TOWNSHIP OF BEDMINSTER,
POLICE DEPARTMENT,
Bedminster, N.J., March 9, 1984.

Senator FRANK R. LAUTENBERG,
Senate Office Building,
Washington, D.C.

DEAR SENATOR LAUTENBERG: In response to your letter and inquiry of February 28 I will, if I may, relate the following story. In February of 1966 I was at the Oakland Army Terminal preparatory to being sent to Vietnam as an infantryman. I was 19. Some buddies and I went to San Francisco the night before we left. Try as we might, we were refused at every bar we went to. I remember feeling that it was unfair that I could be sent to fight for my country but I wasn't old enough to buy a drink. I also felt, for the same reason, it was unfair that I wasn't allowed to vote for or against the people who were sending me there. When I returned from Vietnam in April of 1967 I still wasn't old enough to drink or vote. When the voting age was lowered to 18 I obviously supported the move as fair. Likewise, when New Jersey considered lowering the drinking age I supported the proposal because I remembered California in 1966 and thought that, finally, it was fair.

Senator, using my logic of 1966, it still is only fair that the drinking age should be 18. It is not, however, practical. Despite idealistic concepts of fairness I have to be practical. I can see the carnage caused by drunk driving and I know, from experience, the problem is only compounded by youth. I would suspect, Senator, that if the number of people in the 16-24 age group who died in alcohol related motor vehicle accidents were tallied on the Six O'clock News as the Vietnam casualties were, the public would become as incensed with the figures as they were with those from Vietnam. I support your bill to raise the drinking age to 21. Wars can only legally be declared by Congress and I think it is appropriate that Congress declare war on drunk driving.

Sincerely,
GARY H. CUMMINGS,
Chief Bedminster Township Police Department●

DEFICIT REDUCTION ACT OF 1984

● Mr. HEINZ. Mr. President, I believe the Senate erred in adopting, in the early morning hours of April 12, with no notice and no debate, the Grassley amendment (No. 2994) to the Deficit Reduction Act of 1984. I believe the Senate did not give this amendment the proper review and careful consideration required, and that such review would have revealed a significant flaw in the Grassley amendment.

The Grassley amendment does two things; first, it provides for a 10-percent tax credit for approved soil conservation practices, and second, it extends the depreciation schedule for single purpose agricultural buildings from 5 to 15 years. I have no quarrel with the concept of soil conservation; it is obviously needed. However, I object to the method being proposed to pay for the soil conservation credit. It would be paid for at the expense of the poultry, mushroom, and floral industries—just to name a few.

The Tax Equity and Fiscal Responsibility Act of 1981 (TEFRA) changed the method of determining depreciation for real property and equipment. Single-purpose agricultural structures were characterized as being machinery or equipment, rather than real property. This permitted poultry houses, or green houses, to qualify for a depreciation schedule as short as 5 years, as they are used in the producton of a special product. The Grassley amendment discriminates against this segment of the machinery and equipment category by reclassifying it as real property. Because of the special circumstances I am about to discuss, this approach is totally inappropriate and unfair.

Many members of the poultry industry in Pennsylvania and elsewhere have already been injured by the recent Avian flu epidemic. In Pennsylvania alone, 14 million chickens have been destroyed because of this epidemic. The poultry industry is in great need of assistance to rebuild its poultry stock. By altering the poultry industry's treatment of depreciation under the Tax Code at this time, Congress, via the Grassley Amendment, would be harming this industry's ability to firmly reestablish itself in the marketplace.

I would also urge you to consider the economic consequences of this amendment to the mushroom and floral industries. Again, both industries employ unique structures to produce their goods. Further, both groups are experiencing economic troubles because of competition from foreign imports.

The mushroom industry has been severely impacted by competition from imports from China, South Korea, and Taiwan. In October 1980, the mushroom industry received import relief for 3 years pursuant to section 201 of the Trade Act of 1974. That relief was given so that the mushroom industry could adjust to the increased import competition. However, during the relief period, the demand for mushrooms dropped off, and the industry was unable to recover. Now, at a time when they are no longer receiving tariff relief, they are severely threatened by the Grassley amendment—a provision that will make their recovery even more difficult.

The floral industry is experiencing significant domestic competition from Colombian exporters. The production of Colombian roses has increased over 50 percent in the period 1980-82. Production and exports will no doubt increase further as a result of the recent U.S. International Trade Commission decision not to impose trade barriers against Colombia's rose exports.

In short, the negative impact of the Grassley amendment to the poultry, mushroom and floral industries of Pennsylvania, and of the entire United States, will far outweigh its soil and water conservation benefits. I would therefore urge that unless another way is found to pay for the soil and water conservation tax credit, that the entire provision be deleted from the tax bill.●

IN SUPPORT OF MYASTHENIA GRAVIS AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor a joint resolution introduced by my distinguished colleague, the Senator from Ohio, that will designate the week of October 14 through October 20, 1984, as "Myasthenia Gravis Awareness Week."

Myasthenia gravis, first diagnosed in the 1600's is a neuromuscular disease, although it is not a disease of either the muscle or the nerve. This disease results in a deficiency in the substance which acts as a conductor between nerve and muscle. The major symptom of this disease is chronic fatigue. The victim experiences periods of extreme weakness. It can strike anyone at any age. An estimated 100,000 to 200,000 people now are diagnosed to have myasthenia gravis with up to another 100,000 undiagnosed cases.

Unfortunately, the biggest problem with myasthenia gravis is that it is little known. Doctor's often misdiagnose the disease as brain damage, emotional disturbances, or diseases of the lungs, limbs, or heart, depending on whether these parts of the body are affected by myasthenia gravis. A better understanding and more research into the cause and cure of myasthenia gravis is necessary to conquer this tragic disease. Myasthenia Gravis Awareness Week will provide an important first step toward the goal of increased public awareness.

I urge my colleagues to join me as a cosponsor of this resolution.●

ORDERS FOR FRIDAY

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, there is an order for the Senate to convene at 9:30 a.m. tomorrow, is there not?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, on tomorrow, after the recognition of the two leaders under the standing order, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized on special order of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business until no later than 10:15 a.m., with statements therein limited to 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 9:30 a.m. After the recognition of the two leaders under the standing order and the execution of one special order, there will be a time for the transaction of routine business until 10:15 a.m. At 10:15 a.m., the Senate will resume consideration of the Department of Defense authorization bill, which is the pending business.

At that time the amendment offered by the distinguished minority leader (Mr. BYRD), which is amendment No. 3164, will be the pending question. There is a time agreement limiting debate on that amendment, Mr. President, to 30 minutes equally divided and the vote will occur on the amendment at 10:45 a.m. A rollcall has been ordered.

Mr. President, it is fully expected that there will be another rollcall vote or votes tomorrow. However, the leadership on this side anticipates that the Senate should be able to complete its agenda for tomorrow by some time between 2 and 3 o'clock in the afternoon.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate now stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to, and at 6:34 p.m. the Senate recessed until tomorrow, Friday, June 8, 1984, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, June 7, 1984*

The House met at 11 a.m.

The SPEAKER. Today we have the distinct honor of having a guest chaplain, who happens to be the father-in-law of one of our Congressmen, Congressman DARDEN of Georgia.

The Chair presents to the Members the Reverend Dr. W. C. Budd, retired district superintendent, Atlanta-Marietta Methodist Churches, Atlanta, Ga.

The Reverend Warren Candler Budd, D.D., offered the following prayer:

Dear Lord and Father of mankind, forgive our foolish ways.

Reclothe us in our rightful mind, in purer lives Thy service find, in deeper reverence, praise.

We praise Thee, O Giver of all good gifts, for the ability to be still and recognize Thy crystal voice from all the raucous voices of life. Place in the center of our minds the cardinal truth that we should begin, continue, and end each day in Thy presence.

We thank Thee for the temperance, fortitude, prudence, and justice which are reflected in the discussions and decisions of this House. May the Members of this body continue to keep rancor from their midst. May we strive for the day when peace covers the Earth as water covers the sea. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MACK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 357, nays 38, answered "present" 4, not voting 34, as follows:

[Roll No. 217]

YEAS—357

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Broomfield
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clinger
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Erlenborn
Evans (IL)
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Foley
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Patman
Patterson
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Snowe
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Watkins
Weaver
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NAYS—38

Berman
Brown (CO)
Chappie
Clay
Coats
Coleman (MO)
Coughlin
Dannemeyer
Dickinson
Durbin
Emerson
Evans (IA)
Fields
Gekas
Goodling
Hansen (UT)
Harkin
Hawkins
Hayes
Holt
Jacobs
Lewis (CA)
Miller (OH)
Mitchell
Murphy
Penny
Roberts
Roemer
Sabo
Schroeder
Sikorski
Smith, Denny
Smith, Robert
Solomon
Walker
Waxman
Whittaker
Young (AK)

ANSWERED "PRESENT"—4

Dymally
Oberstar
St Germain
Weber

NOT VOTING—34

Applegate
Badham
Brooks
Brown (CA)
Coelho
Conyers
Crockett
Dixon
Fascell
Ford (MI)
Ford (TN)
Gejdenson
Gingrich
Hansen (ID)
Harrison
Heftel
Leland
Lloyd
Martin (NC)
Martin (NY)
Mavroules
McCain
Michel
Ottinger
Pashayan
Rodino
Savage
Sensenbrenner
Shannon
Smith (NJ)
Studds
Udall
Vander Jagt
Walgren

☐ 1120

So the Journal was approved.

The result of the vote was announced as above recorded.

DR. WARREN CANDLER BUDD

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. DARDEN. Mr. Speaker, our guest chaplain this morning is one of the most distinguished and beloved United Methodist Ministers in this Nation. Dr. Warren Candler Budd has been a member of the North Georgia Conference for 50 years. A fourth generation Methodist minister, Dr. Budd was born in Missouri, reared in Alabama, and received his A.B. and B.D. degrees from Duke University.

In 1955, he received the degree of doctor of divinity from Lagrange College.

Dr. Budd has held many prominent pastorates in north Georgia and the Atlanta area, including First United Methodist Church of Hapeville, Glenn Memorial United Methodist Church on the campus of historic Emory University and Northside United Methodist Church. He also served as district superintendent of the Atlanta-Marietta District and executive secretary of the board of pensions.

A pioneer in the field of housing and medical care for the elderly, Dr. Budd was the cofounder and first chairman of the board of Wesley Homes, Inc. A health care facility on the campus, Budd Terrace, is named in his honor. Dr. Budd's concept had led the establishment of nine such comprehensive housing and health care facilities for the elderly by the United Methodist Church throughout the State of Georgia.

With Dr. Budd's support a new hospital exclusively for the treatment of the elderly will soon be constructed on the campus of Emory University. This hospital will be the first of its kind in the country to specialize in gerontology.

Perhaps Dr. Budd's greatest asset throughout his distinguished career has been his charming and energetic wife, Dorothy. An accomplished musician and teaching professional, Mrs. Budd has been a solid foundation of dedication and support for his outstanding achievements.

Dr. and Mrs. Budd have four children, Warren Candler Budd, Jr., David Otis Budd, Dorothy Sue Budd, and Lillian Budd Darden, who also happens to be my wife. He is the son of a distinguished Methodist minister, John Williams Budd and Susie Clark Budd.

Perhaps he is proudest of all though of his seven grandchildren, Lillian Christine Darden, George W. Darden, IV, Evelyn Courtenay Budd, Dorothy Rountree Budd, Warren Candler Budd III, Andrew Bryant Budd, and James Wesley Budd.

Mr. Speaker, thank you for permitting Dr. Budd to be our guest chaplain and for his warm reception by this body.

WHAT DOES IT TAKE TO DEMONSTRATE INJURY, ITC?

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, I am appalled at the decision announced yesterday by the International Trade Commission with respect to imported nonrubber footwear.

I believe the footwear manufacturers of America have made significant strides in improving their ability to compete against almost impossible odds. There was real reason to hope for a turnaround in this industry. Until yesterday. Now, with success within sight, they are being cut down. The unanimous decision indicates to this Member that the ITC did not give full and fair consideration to this segment of our economy. What does it take, Mr. Speaker, to show injury?

ICE CREAM—IT'S JUST PLAIN GOOD

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, I have introduced a resolution declaring July Ice Cream Month and July 15 as Ice Cream Day.

I would invite my colleagues to join with me, if you have not already signed the resolution. Ice cream is good for you.

If you feel dejected or frustrated, eat ice cream; if the legislative processes frustrate you, eat ice cream; if you are happy and want to celebrate, eat ice cream. Not only will you help an industry and American workers but it is good, it is just plain good.

□ 1130

TIME FOR CONGRESS TO ACT TO REDUCE DEFICITS

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, now is the time for the Congress to act to reduce deficits which undermine our economy.

Time is short and the stakes are high. When the Congress returns from the Independence Day break, Presidential politics will dominate the agenda.

What is to be accomplished must be accomplished this month. We have 3 weeks.

If we fail to complete the deficit reduction package by that deadline, the impact on U.S. interest rates could be catastrophic. Therefore, I pledge to do everything in my power to complete work on the most effective possible action to cut spending, raise revenues, and reduce deficits.

But time grows short. Today, I will appoint the House conferees on the budget resolution. This is where we control discretionary spending. I will seek to go to conference this very afternoon. If the Senate is unable to meet this afternoon, I will seek to begin conference on Monday.

This Congress must set spending levels and cut the deficit quickly or we place at risk the entire world economic structure. We must deal with substance, not with political posturing.

The House desires to act quickly, effectively and fairly. We have been waiting for the Senate for more than 2 months. We will wait no more.

Our goal—all our goals—must be to meet the pressing needs of the American economy. None among us should place partisan advantage above the common good.

RECONCILIATION CONFERENCE UPDATE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, this week the conference on the House and Senate reconciliation bills will begin in earnest. Twelve subconferences involving over 120 conferees and 16 House and Senate committees will be meeting to work out a compromise package on 3-year spending cuts and revenue increases totaling over $60 billion.

Yesterday progress was made in two subconferences—subconference one, on tax legislation, and subconference six, dealing with Federal and civilian retirement issues. This morning the Ways and Means and Senate Finance Committee will meet again on revenues.

Shown below are the 12 subconferences, a list of the committees involved, and the major issue areas on which they will be meeting.

Subconference	House committees	Senate committees	Issues
1	Ways and Means	Finance, Budget	Taxes.
2	Energy and Commerce, Budget.	do	Medicaid/CHAP.
3	Ways and Means, Budget.	do	Medicare pt. A, SSI, AFDC, Grace Commission.
4	Ways and Means, Energy and Commerce, Budget.	do	Medicare pt. B.
5	Appropriations, Rules, Budget.	Appropriations, Governmental Affairs, Budget.	Appropriations cap.
6	Post Office and Civil Service, Armed Services, Judiciary, Budget.	Governmental Affairs, Budget.	Federal retirement.
7	Armed Services, Government Operations, Budget.	Armed Services, Governmental Affairs, Budget.	Procurement/competitive contracting.
8	Banking, Budget	Banking, Budget	Federal credit union insurance premiums.

Subconference	House committees	Senate committees	Issues
9	Small Business, Budget	Budget	Small business disaster loans
10	Veterans' Affairs, Budget	Veterans' Affairs, Budget	Veterans' issues
11	Government Operations, Budget	Governmental Affairs, Budget	Miscellaneous
12	Budget	Budget	Do

It is our hope that the conference will be able to complete action by midmonth. For the benefit of the Members, I will be updating our progress on the conference in the days and weeks to come.

THE 40TH ANNIVERSARY OF LANDINGS ON NORMANDY

(Mrs. BYRON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BYRON. Mr. Speaker, I rise today to share with my colleagues a very moving experience that 17 of our colleagues have experienced over the last 3 days.

We were privileged to accompnay the chairman of the Veterans' Committee to Normandy to join in with many of our veterans, many of our military, and many of our Americans to commend the 40th anniversary of the landings on Normandy.

Those of us who had this opportunity have been very emotionally drained. We were given the privilege to meet with General Collins, General Van Fleet and General Gavin, those great leaders who took our troops ashore.

We were given an opportunity to visit Normandy and Utah, Ste Mere Eglise, to watch the Rangers once again scale the cliffs at Pointe du Hoc. We finally climaxed yesterday afternoon with a very moving ceremony in the cemetery where we have left over 9,000 of our comrades at rest.

As one individual told me as we were leaving the cemetery, if they live to be 100, they will never have an experience like this.

I think we should all be so terribly thankful that we have those veterans who have come back, that we have those veterans that have laid to rest, but we should also be so terribly thankful that we have an America that stands up for what we know is right and protects us as it has.

LEGISLATION TO EXPAND BENEFIT PROTECTIONS FOR FORMER CIA SPOUSES

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today, joined by my colleague, the gentleman from Virginia (Mr. WHITEHURST), I am introducing legislation to provide an annuity to former Central Intelligence Agency (CIA) spouses who were divorced prior to the effective date of the CIA Spouses Retirement Equity Act of 1982—Public Law 97-269.

The 1982 statute, which allowed spouses who had been married to CIA officers for at least 10 years to obtain pension benefits in a divorce settlement, applied only prospectively. This was so because benefits awarded by the court in a divorce decree reduced the amount of the employee spouse's pension.

The legislation we introduce today would provide a small annuity payable directly from Treasury funds—not from the retirement and disability fund—to approximately 65 women who did not qualify for coverage under Public Law 97-269.

Our bill recognizes that these, mostly older, former spouses are no less entitled to recognition than their younger colleagues who qualified for assistance under the earlier bill. They have performed valuable and sometimes dangerous services for the United States, the nature of which has prevented them from acquiring job skills and earning pension rights in their own behalf.

Our bill would also readmit former CIA spouses to the Federal employee health benefits program, from which they were excluded at the time of divorce, upon payment of a sum equal to the Agency and employee share of the health plan premium.

These benefits are particularly important to older spouses because age and health problems often acquired abroad, render private health insurance exorbitantly expensive and in some cases completely unavailable.

I hope action on our measure is swift and uncomplicated.

IMMIGRATION LEGISLATION: VOTE FOR THE RULE

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, next week we will take up a very controversial bill, the immigration bill. The bill is controversial because the problems that it is trying to solve are also very controversial.

But I come down here today to urge my colleagues to vote for the rule. The rule on this bill will be open. In fact, it is probably going to be one of the most open rules I have ever seen since I have been in Congress. Every idea is permitted to be challenged. There will be amendments on employer sanctions, amendments on legalization, amendments on temporary workers. Members will have their chance to come down here and express their opinion on every part of this issue.

The issue of immigration will not go away. If we do not take it up next week the problems will be harder to resolve next year and the following year.

It is time to consider this bill. I understand there is a subterranean effort to try to kill the rule as a way to not deal with this bill. I think that is a very, very bad idea.

I would like to finally pay tribute to our colleague from Kentucky (Mr. MAZZOLI). He has dealt with an issue that is the most unpolitically sexy issue since I have been in this Congress, has shouldered this burden all by himself.

☐ 1140

It is not to anybody's political advantage to be a proponent of the immigration bill, although it is one of the more serious problems we face, and I think Mr. MAZZOLI deserves credit for keeping this issue at the forefront of the policy issues we debate today.

NICARAGUA

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, the pleasantly surprising and unexpected stopover of Secretary of State Shultz in Nicaragua is an encouraging first act by the administration in its struggle with the Sandinistas. Although the time for direct, high level meetings between the United States and Nicaragua came long ago, clearly it is not too late to begin now. Our enthusiasm for Mr. Shultz' initiative must, however, be tempered by caution.

The Congress and the American people have good reason to be skeptical of any sudden move toward a rapprochement with the Nicaraguans by the administration. Less than 1 month ago, the President referred to the Sandinista Government as "a Communist reign of terror." The New York Times has suggested that the opening of a dialog with the President of Nicaragua, Daniel Ortega, is linked to this body's refusal to fund the CIA backed Contra rebels. "With talks underway," the Times wrote, "the White House can contend that ending American support for the secret war robs Mr. Reagan of a vital bargaining card."

If the administration is serious about reducing tensions in the Central American region, it will find many willing partners, including Congress and the Contadora group. But the White House should not mistake this body's resolve on the issue of funding the Contra rebels. No White House action should allow this body to rationalize the resumption of assistance to the Contras. The road to peace in Central America lies not through threats of force, but through rational negotiations.

INTEREST RATES

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, recently Members of this body and I met with members of the German Bundestag in Austria. One of those members was in the process of buying a new home in the Federal Republic. I took the liberty of asking him what his interest rates on his new home were going to look like. He indicated to me between 6 and 8 percent. He also indicated to me that in the Federal Republic of Germany, members of the community save as much as 15 percent of their disposable income per year. That compares to 4.8 percent in America, the lowest savings rate since 1949.

It is time we learn a lesson from our good German friends. It is time we pass legislation to encourage Americans to save again. H.R. 5678 accomplishes that result by giving tax-free interest to Americans who save in low-interest passbook savings accounts, to encourage again low-interest rates in America. It is time we pass such good legislation.

TRIBUTE TO BERKLEY BEDELL FOR A JOB WELL DONE

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, too often, by the very nature of legislation, we deal with each other one on one in kind of a negative or adversarial relationship. Often when we say something positive about someone we wait until that someone is about to leave or has left us.

I would like to reverse that today, if I could, and say something kind, personally kind, in appreciation for a Member of this body who did a good job last week, a great job I think, on the armed services bill, the Department of Defense bill, and I am talking about our colleague from Iowa, BERKLEY BEDELL.

BERKLEY is not a member of that committee, and he suffered some anguish and some defeat from a few members because of that fact. But he tried time and time again to require the Pentagon to improve the bidding process so that small businesses could take part in Defense contracts, and even went so far as to suggest that architects' and engineers' fees might be considered as part of this defense reform process.

Now, BERKLEY did not win them all, but one Member would like to thank him for a job well done, and warn those who opposed him last week: I do not think he is through yet.

Thanks, BERKLEY.

H.R. 5145, THE HUMAN SERVICES AMENDMENTS OF 1984

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, as the ranking Republican member of the subcommittee having jurisdiction over H.R. 5145, I urge all Members to vote against passing this bill under suspension of the rules today. While this bill contains many good features, it is simply too costly and controversial to consider on suspension.

This bill authorizes appropriations of some $8 billion for a variety of Human Services programs. Such a major appropriation of public funds deserves closer scrutiny than is permitted by the suspension process.

In addition, H.R. 5145 contains many controversial features that merit full debate by this body through the consideration of amendments. Perhaps the most glaring such feature is its early reauthorization of the Community Services Block Grant Act, which does not expire for 2 years. I would like to offer an amendment to H.R. 5145 to avoid the premature reauthorization of that block grant program so that my subcommittee can conduct a more detailed review of its operation. Unfortunately, the procedures used here today foreclose such an amendment.

When spending tax dollars, we owe it to our constituents to consider all reasonable amendments. I look forward to addressing the various components of this bill on their individual merits under an open rule later this month. Therefore, I urge you to vote against suspending the House rules for passing H.R. 5145.

FOOTWEAR PETITION FOR IMPORT RELIEF

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Mr. Speaker, yesterday the International Trade Commission rejected the petition filed by our domestic shoe industry and its workers for relief from the onslaught of imported shoes. The petition was unanimously opposed, an action I find shocking, unjustified, and senseless.

It is, frankly, disbelieving that the ITC has denied the petition based on the belief that the industry has shown sufficient profitability and productivity since the Orderly Marketing Agreements were lifted in 1981.

The Commission considered three questions in its decision—and to me the answers are clear. Are imports of nonrubber footwear increasing? Yes. Is the domestic industry seriously injured or threatened with serious injury? Yes. Are increased imports a substantial cause of serious injury? Yes.

Since the ITC refuses to either acknowledge or alleviate this travesty, I have introduced legislation which will protect our domestic shoe industry because administrative remedies have obviously failed. My bill is a straightforward solution—it imposes a ceiling on foreign shoes to no more than 50 percent of the American market—setting a cap at 400 million pairs yearly.

Finding no injury is astonishing where an industry is suffering 17.3-percent unemployment, where domestic production has dropped more than 50 percent during the past 15 years, where half the workers employed have lost their jobs, and where import penetration has reached 74 percent. As the Commission clearly refuses responsibility of protecting our shoe industry from unfair trade practices, I, along with many of my colleagues, have accepted that task and will be working to insure its future.

THE STRUGGLE OF THE MISKITO INDIANS OF NICARAGUA

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, on Tuesday several of us met with Mr. Steadman Fagoth, the leader of the Miskito Indians of Nicaragua, who told us of the struggle of his people against the Sandinista regime, which has methodically burned Indian villages, expropriated Indian land, and killed Indian boys who dare to defend their desire for freedom.

Worse, Mr. Speaker, Mr. Fagoth reminded us that his struggle against Communist Sandinista oppression is being made without the help of the United States. Consequently, freedom fighters are dying in battle and refugee children, Indian children displaced from their villages by the Sandinistas, are starving to death.

While this Congress refuses to provide even humanitarian aid, the Soviet Union continues to pour military hardware into the Sandinista war machine. Tuesday's Washington Times reports that Communist bloc shipments arrived in Nicaragua in the last few weeks, including 40 T-54/55 medium tanks, 40 armored personnel carriers, and 100 SA-7 surface-to-air missiles.

Total arms shipments this year amount to 11,000 metric tons, twice that of the previous year.

Mr. Speaker, our failure to rally behind the Nicaraguan freedom fighters while people are dying by the hundreds because of Sandinista oppression is criminal.

H.R. 5504 UNFAIR TO RURAL STATES

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, today the House will consider legislation to fund highway construction and repair programs across the Nation. As currently proposed, the bill would have a devastating impact on the highway programs in my State of Nebraska.

Because the bill eliminates the distance factor in the allocation formula for 4R interstate funds, Nebraska stands to lose more than $2½ million in 1986. This change is being proposed despite a Department of Transportation study which shows that the present formula for allocating interstate funds is adequate.

Nebraska and other rural States are having enough problems with transportation. The airlines do not want to serve our rural communities, the buses are pulling out, and the railroads cannot serve every town. Are the highways next? Just at the time when rural areas are dependent more and more on their highway systems this bill would drastically reduce the amount of funds that will be available to keep those systems in good repair.

Residents of most rural States also bear a per capita gas tax burden higher then the national average and therefore contribute more to the highway trust fund than other States on a per capita basis. And yet, under this bill, we will be getting less for our money.

When the House considers the Surface Transportation Act today, I urge my colleagues to support amendments to make the allocation formula more equitable to the sparsely populated rural States. My State has already suffered reduced funding under the 1980 law; we cannot afford another cut, especially at a time when our dependence on a safe and well-maintained Interstate Highway System grows every day.

□ 1150

SUNSHINE RESOLUTION OF 1984

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, throughout the 1960's and 1970's there was a growing awareness in our Nation that the public business must be conducted in public. That legislative bodies must be open and fair, and let the people they represent have a clear idea of what they are doing.

That awareness and those reforms culminated throughout many of our States in sunshine laws. In Colorado, in Florida, and many other States, sunshine laws were adopted to bring the public's business closer to the public. I believe it is past time that Congress did the same. I think there is a great opportunity to make our process here in the House of Representatives more open to the public, far fairer, and more responsive.

I would hope that all Members would join me in cosponsoring H.R. 518. It is the sunshine resolution of 1984. It helps diminish some of the secret processes that are not required. It helps make our legislative process far fairer and more open to the public. In short, it speaks for those objectives that Common Cause and the League of Women Voters advocated so vigorously in past years. It does apply them to the Congress of the United States.

It is a kind of measure that I think deserves bipartisan support. It brings the public business closer to the people it represents.

PROCEDURAL CONSIDERATIONS OF H.R. 5145

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, the leadership of this House has chosen to bring the most important Human Services Amendments of 1984 (H.R. 5145) to the floor under suspension of the rules procedure. I am most disappointed that the measure was not considered important enough to allow debate and passage under the customary, democratic majority vote process.

Although I am a supporter of the Head Start program and the tremendous strides that have been made in providing comprehensive disadvantaged preschoolers, and other programs contained therein, I am also deeply concerned over the procedure in which these amendments have come to the floor, a procedure which waives the Democratic caucus rule which limits consideration under suspensions to bills authorizing appropriations of $100,000,000 or less. This bill authorizes over $7 billion, 70 times the caucus limit.

For this reason, Mr. Speaker, although I am a strong supporter of many of these important education programs, I must vote against H.R. 5145 because of the procedure under which it will be considered.

VUCANOVICH SUPPORTS FAIR HOUSE PROCEEDINGS

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, I rise in support of House Resolution 518 which would amend the rules of the House of Representatives in order to make the proceedings more open, representative, and accountable. I think this legislation is needed in order to protect the public's right to know what its representatives are doing.

This resolution addresses several areas where mismanagement by the majority has occurred in the proceedings of the House and attempts to correct those. Mismanagement has occurred in areas from inaccuracy in the CONGRESSIONAL RECORD to censored broadcasting of House proceedings to phantom voting on committees to unfair party ratio representation on committees. While I understand the majority has the power to control the proceedings of the House, I do not believe the minority should be ignored. The minority has little input on the legislative agenda that this body considers. It has been clearly evident over the last few months that the Speaker and the Democratic majority of this House have ultimate control over what legislation is reported out of committees and when it is considered on the House floor. But I ask you, when does the majority of the House take precedence over the majority of the American people? In this session, the majority of the American people has not been well represented.

I hope my colleagues on both sides of the aisle will support this resolution so that the House of Representatives can truly be the "People's House."

This resolution attempts to insure that every Member of Congress fairly and effectively represents his or her constituents. This legislation would require that the CONGRESSIONAL RECORD reflect the verbatim accounts of remarks actually delivered on the House floor. It would require frequent, wide-angle camera coverage of the entire House Chamber on a uniform basis whenever the House is in session. Proxy voting in committees would be prohibited under this bill and the membership of all select, conference, and standing committees and their subcommittees would reflect the party ratio of majority to minority party Members of the House. Only through these changes can we as representatives of the people insure that our constituents' voices are heard.

TIME TO ABANDON PROXY VOTING

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, yesterday I joined our colleague HANK BROWN as a cosponsor of House Resolution 518 to amend the rules of the House to make the proceedings in this body more representative and open. His "sunshine" resolution would hold the Members of the House more accountable to the people they represent by protecting the public's right to know what its Members are doing in Congress and assure the right of every Member of Congress to fairly and effectively represent his or her constituents.

Among the eight provisions in this resolution, one would prohibit proxy voting in committees and subcommittees. At the present time, all but four committees of this House allow proxy voting, and though there may be some useful purpose in this system by allowing Members to go on record in committee votes when conflicting demands on their time make it difficult for them to be present, the evils of this practice far outweigh the advantages.

No one suggests, Mr. Speaker, that proxy voting should be allowed on the House floor, and it is interesting to note that the rules of the major political groups of the two parties of this House—the Democratic caucus and the Republican conference—expressly prohibit proxy voting in their proceedings. It is time to abandon in the committees and subcommittees in this House the practice of phantom voting which leads to legislation in which some committee members play no responsible role. I urge my colleagues to bring accountability to this House by cosponsoring and adopting the "sunshine" resolution.

THE 4R FORMULA

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, H.R. 5504 a bill to apportion funds for construction of the National Interstate Highway System, will wreak havoc on the Interstate Highway Systems of a large portion of this country if it is passed unamended. The bill would change the 4R formula for allocation of interstate highway funds to States. The present formula gives an important weight to the number of lane miles of interstate highway that are located within that State. This has always been an important element because there are a number of States that are large geographically and therefore have a large amount of lane miles. The new formula under H.R. 5504 would completely eliminate lane miles as a factor in determining fund allocation. Instead it would base the formula on vehicle miles traveled and gas and diesel sales. This would obviously skew the allocation of funds toward States with large populations and heavy interstate use. However, Western States, with small populations and thousands of miles of interstate highways, would be severely penalized unjustly.

With the formula change in H.R. 5504, Western States could not possibly maintain their existing roads let alone think of building new ones. To make matters even worse, many roads in the West have received severe damage this year due to snows and ice, flooding and mudslides. Some parts of Interstate 80 west of Salt Lake City are completely under water as a result of overflow from the Great Salt Lake. This has caused a major interruption of travel across the Bonneville Salt Flats and the Great Salt Lake Desert. At times the roads have been completely closed. Interstate 15 running north and south through the center of Utah has also received severe flooding damage causing interruption in interstate trucking and travel. Needless to say, these highways have to be restored in order to prevent interstate commerce, trucking, and travel from almost completely shutting down. Utah and other Western States simply cannot afford to take such a drastic cut in highway funds at the present time.

I would argue that it is in the best interest of this entire Nation to see that all States have safe and adequate interstate systems. These Western interstate highways are important continental thoroughfares for transport of all kinds of goods, raw materials, and foodstuffs to the markets of this country. Does it make any sense to give extra funds to one State for good and safe highways and cut funds to its neighboring State so that its highways become deteriorated and unsafe. We are all interlinked into one large continental surface transportation system and it is important to each State for all other States to have modern and safe highways. If the systems of some States are allowed to decay, all States will lose. I urge my distinguished colleagues to carefully consider the fairness of such a drastic change in the 4R formula before voting for H.R. 5504. I hope you will agree with me that changing this formula at the expense of a large portion of our Interstate Highway System would be unwise and shortsighted. Thank you.

GHOST VOTING SHOULD NOT BE ALLOWED

(Mr. DAUB asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. DAUB. Mr. Speaker, it is often remarked upon that if the American people were able to witness firsthand the way this body works they would be sorely disappointed. More disappointed even than they are by its results.

One thing I believe they would be most shocked by is the extent of proxy voting taking place in committees. Day after day Members of Congress are ignoring their elected responsibilities and refusing to take part in the consideration and deliberation by their committees. Instead of personally considering testimony and evidence we hand over our responsibilities in the form of a proxy to another Member who exercises our elected authority for us.

Some months ago I introduced House Resolution 403, a resolution directing the House Committee on Rules to undertake an investigation concerning the matter of proxy voting. At that time the House leadership refused to allow the consideration of this measure and since that time the practice of Members abdicating their responsibilities has continued without question.

In the 3½ years that I have served in this body I—as have many of you—witnessed the process by which decisions are made with only a handful of Members present by means of one or two Members exercising the voting power of dozens of other Members. This is no different than if we simply turned over our voting cards to our respective party leadership and went home. We would be abdicating our responsibilities as legislators.

This is all the more troubling since it is in the committee process where much of the most important work of this House is done. In many cases what happens here on the floor is an anticlimax to the important work done in committee. What is truly shocking is how often that truly important work is done without any attention of the Members elected to represent their constituents.

Ghost voting is not allowed on the floor of this House. It should not be allowed in committee voting either. The resolution of the gentleman from Colorado (Mr. BROWN), House Resolution 518, deserves our support.

SUNSHINE RESOLUTION ON HOUSE PROCEEDINGS

(Mr. MACK asked and was given permission to address the House for 1 minute.)

Mr. MACK. Mr. Speaker, it was most disappointing last night to see the opportunity to open up the House proceedings on television gavel to gavel to the American people defeated on partisan grounds.

Fairness, openness, equity, and accuracy are not and should not be points of divisiveness between Democrats and Republicans. Complete and uncensored broadcasting of House proceedings should be something on which we all agree. It is in our interest to make the great deliberative body truly the people's House.

To this end, I am pleased today to join my colleague, the gentleman from Colorado, HANK BROWN, and others in introducing a sunshine resolution to amend the rules of the House and to make our proceedings more open, more representative, and more accountable. It is our belief, and this resolution's intent, to protect the public's right to know and to see to it that it is the right of every Member of Congress to be able to fairly and effectively represent his or her constituents.

I urge every Member of this House to join us in this effort in the spirit that it was offered, not only on behalf of the Members of this House but in the best interest of the American people.

VOTE "NO" ON HUMAN SERVICES BILL

(Mr. ERLENBORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Speaker, later this afternoon we shall be asked to suspend the house rules and vote "up" or "down" on H.R. 5145, the Human Services Amendments of 1984.

We are told by some that there just is not enough time in the remainder of this session for us to take up this important legislation under a rule with opportunity for full debate and amendments.

Mr. Speaker, it is difficult for me to believe that the leadership of this House could not find time, if it so desired, to consider this important reauthorization measure. The Head Start, Follow Through, community service block grant, Native Americans, and child care programs included in H.R. 5145 deserve our making time.

I urge my colleagues on both sides of the aisle to vote "no" to suspend the House rules for the consideration of a costly and controversial human services bill. Let us vote against misuse of the suspension procedure and making a mockery of the legislative process.

I am confident time will be found to take up H.R. 5145 under a rule allowing amendments.

FOOTWEAR INDUSTRY INJURED BY IMPORTS

(Mr. McKERNAN asked and was given permission to address the House for 1 minute.)

Mr. McKERNAN. Mr. Speaker, the International Trade Commission yesterday unanimously rejected an appeal for import relief for the American footwear industry.

I deplore this decision. Injury has been sustained by the footwear industry due to imports, and the most significant evidence of import injury to footwear manufacturers is the 27,000 jobs lost in footwear and related industries since 1981, with 6,000 lost in my State of Maine in the 13 factories that have closed there.

The footwear industry has sustained serious injury, and it is hardly surprising that some manufacturers, in using foreign labor, have decided, "if you can't beat 'em, join 'em." This is strictly the result of the flood of cheap imported footwear that has flooded our market.

I am an original cosponsor of legislation, introduced by my Maine colleague Congresswoman SNOWE, designed to hold imported footwear to 50 percent of the domestic market. This is an equitable solution to a problem that is real—even if the ITC refuses to acknowledge it. I urge my colleagues to put American shoe workers back to work and to support this emergency legislation.

THE SUNSHINE RESOLUTION

(Mr. SCHAEFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Speaker, one of the most outstanding provisions of the sunshine proposal is its attempt to restore fairness to the legislative process in the House of Representatives.

This resolution would require that members of each party be represented on every committee of the House in proportion to the party ratio of majority party Members of the House at the beginning of each new Congress. The only exception would be the House Committee on Standards of Official Conduct, which, of course, we all know is bipartisan.

We do not have proportional representation now. Even though the Democratic Party constitutes 61.8 percent of the total House membership, its Members comprise just 63 percent of the Appropriations Committee, 64.5 percent of the Budget Committee, and 65.7 percent of the Ways and Means Committee.

Providing fewer committee seats to the minority party than its overall strength in the House is simply not just. Ironically, many of those who in the past year have attempted desperately to manufacture a so-called fairness issue as we debate public policy are strangely silent at this time. They are so in spite of the obvious, elementary inequity that exists in the apportionment of members on committees that are fundamental in the development of public policy.

To deny the minority party its fair share of committee seats is to deny millions of voters their fair share of the representation on the House committees.

This resolution would provide fairness and equity to both parties. It would protect minority rights, while guaranteeing to the majority their full share of the committee seats as determined by the voters of this country. I urge the adoption of this resolution.

OPPOSE H.R. 5145

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to extend his remarks.)

Mr. CRAIG. Mr. Speaker, I hope my colleagues will join with me in opposing the suspending of the rules for consideration of H.R. 5145 later on today.

Some would oppose Head Start; others might oppose Follow Through; some could oppose community block grants, Native Americans Act programs; some might even oppose the new child care information and referral grant program. But I believe this is not the issue.

Mr. PERKINS. Let me state that I do not know——

Mr. CRAIG. Just a moment. I have not yielded. What was your request, sir?

Mr. PERKINS. Fine.

Mr. CRAIG. I would be happy to yield to my chairman.

Mr. PERKINS. I would like to ask the gentleman from Idaho, when this bill was reported out unanimously, what has motivated everybody to come in here and complain about bringing the bill to the floor under suspension. If we had dreamed of such a thing, we would have asked for an open rule at the time, but with time of the essence and this session getting to a close, and with very little time, I felt that it would conserve time to bring this to the floor under suspension.

As I recall, the bill was reported out unanimously. To make this big to-do over nothing, there is not an amendment that you are going to offer that you can pass on the floor.

The SPEAKER pro tempore (Mr. KASTENMEIER). The time of the gentleman from Idaho (Mr. CRAIG) has expired.

Mr. CRAIG. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. I regret to say the Chair will have to go to another Member at this point.

Mr. CRAIG. All right.

NICARAGUAN DISSENT

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to extend his remarks, and include extraneous matter.)

Mr. LAGOMARSINO. Mr. Speaker, reports indicate that dissent in Nicaragua continues to grow. A recent commentary in the Wall Street Journal by David Asman describes the spectrum of dissent against the Sandinistas and the growth in Nicaraguan support for the freedom fighters.

Adolfo Calero, leader of the FDN, says that "his force of 8,000 freedom fighters is gaining strength as a result of extreme dissatisfaction within Nicaragua, not because of Central Intelligence Agency recruitment."

Also reported is Alfonso Robelo's comment about a Daniel Ortega—Nicaraguan comandante—statement that $12 million in financing for the Sandinista revolution came from the criminal activities of the Salvadoran guerrillas. Robelo asks, "How is it that U.S. taxpayers' money is considered dirtier than money that comes from kidnapings and robberies?"

We also read that the Sandinista government censors of La Prensa are Cuban. What does that say about the role of Cuba in Nicaragua?

I include Mr. Asman's editorial in the Record.

A Spectrum of Nicaraguan Dissent

(By David Asman)

Managua, Nicaragua.—As I was leaving the Sandino airport here, a seemingly crazed Nicaraguan grabbed me by the arm. "You stupid American!" he said loud enough so that a crowd of Nicaraguans moved away from us, suspecting at least an awkward confronation. His eyes anxiously trained on two Sandinista guards nearby, the man pulled me closer. I was unprepared for his next comment, which he relayed in a whisper, "I am not Sandinista; I am Reaganite. Most of us are Reaganites." As he said this, his crazed expression disappeared and his face became quite serious. Only then did I realize that his initial approach has been hostile to throw off any eavesdroppers. We looked straight at each other for about three seconds before he let go of my arm and faded back into the crowd.

Two days earlier, I attended a Sunday Mass at Archbishop Miguel Obando y Bravo's parish church. Msgr. Obando was in Rome to meet with the pope, and this sermon in late April was delivered by his assistant, Bosco Vivas Robelo. The small church was packed, and I was squeezed between a barefoot *campesino* and a well-dressed woman. "Those who now condemn the church's leaders," said Msgr. Vivas, referring to Sandinista attacks on Church leaders, "should remember that when the bullets were flying in 1978 and 1979, it was Msgr. Obando who provided them with the cloak of safety." At the end of the sermon, the parishioners rose to their feet and applauded for a full minute, some shouting "Viva Obando!"

OPEN OPPOSITION EMERGING

Except for protests from a small community of dissidents, such anti-Sandinista sentiments were hard to find in Managua during a similar visit last December. However, open opposition to the Marxist regime is emerging, despite the fact that the junta seems bent on stepping up attacks on opponents—be they newsmen, churchmen, or common men:

The arrest last week of radio broadcaster Luis Mora Sanchez showed the intent of the governnent's new press law, which, according to the law's preamble, demands that the press "convert itself into an agent of social change." The preamble goes on to state that "the revolutionary government has the duty to guarantee that the media are not used to push back the economic, social and political conquests that the people have achieved in the new Nicaragua." La Prensa, the country's highly censored independent newspaper, announced that the government's Cuban censors were now ordering it to *put in* articles not selected by the editors.

Roman Catholic bishops in Nicaragua were condemned by the government after they signed an Easter pastoral letter calling for dialogue between government leaders and the Nicaraguans fighting them. Sandinista junta leader Daniel Ortega condemned the church leaders for "support[ing] the aggressive plans of the American administratiaon against the Nicaraguan people." Such language is viewed by many here as a prelude to arrest.

Marta Patricia Baltodano, national coordinator of the Nicaraguan Permanent Commission for Human Rights, has been keeping detailed accounts of individuals who have disappeared or turned up dead after publicly criticizing Sandinista policies. She operates out of an office repeatedly attacked by Sandinista-directed mobs.

"We were against Somoza, and our son fought with the Sandinistas," says one woman after the service at Msgr. Obando's church. "And for what?" She reaches into her bag and pulls out a roll of toilet paper. "I had to wait in line for two hours to get this. Meanwhile the *comandantes* drive around in their BMWs and relax in their beach houses. Now we have nine Somozas instead of one, and we are left to wait in line for a roll of toilet paper." Why doesn't she leave? "Where could we go? We're not rich. We have no relatives in the States or Costa Rica. Besides, we worked for years to buy our house. It's all we have. We can't leave what we struggled all our lives to get."

"The greatest miscalculation of the FSLN [Sandinista Front for the Liberation of Nicaragua] leaders," says a Managuan businessman who does contract work for the government, "was forcing all non-Sandinista elements out of the government too soon. If they had kept them in a little longer, they could blame the whole mess on the non-Sandinistas. Now everyone knows there's no one to blame but the FSLN."

Mario Rappaccioli, president of the Nicaraguan Democratic Conservative Party, reports that virtually all vestiges of the private sector have been eliminated in Nicaragua, despite Sandinista claims to a "mixed economy." Says Mr. Rappaccioli: "If the Sandinistas want to take over a company completely, they just leave up the signpost with the former owner's name. They are very conscious of appearances around here."

Perhaps the most important "appearance" the Sandinista leaders have been trying to maintain is that the war with the *contras* is a purely external affair—a revolt orchestrated and directed by the U.S. government. This is why they reacted so vehemently against the bishops' pastoral letter. While deploring violence by both sides of the conflict, the bishops emphasized that the problem was an internal one "pitting Nicaraguan against Nicaraguan. . . . It is dishonest to constantly blame internal aggression and violence on foreign aggression. It is useless to blame the evil past for everything without recognizing the problems of the present."

While few Nicaraguans living in the country are willing to voice public support for the contras, Sandinista attempts to portray the rebels as a "force of U.S.-inspired imperialism" seem to have backfired. Reports of U.S. support for the rebels have encouraged many in Managua with the thought that the outside world is aware of unhappiness with the Sandinistas.

At his headquarters in Tegucigalpa, Honduras, FDN (Nicaraguan Democratic Force) leader Adolfo Calero Protocarero claims his force of 8,000 contras is gaining strength as a result of extreme dissatisfaction within Nicaragua, not because of Central Intelligence Agency recruitment. Says Mr. Calero: "FSLN policies are responsible for our success. All the Sandinistas offer the people is the glory of sacrificing more for the revolution. But the revolution has become a symbol of misery. Every day our job becomes easier as the Sandinista army troops lose more of their will. They are asking themselves what they are fighting for."

Mr. Calero, who was once jailed by Somoza, claims the FDN isn't tied to the old dictator's regime, although a few of his fighters and commanders are former members of Somoza's National Guard. "Somoza is a dead Mafia chieftain who left no successor," he says.

Referring to the ARDE (Democratic Revolutionary Alliance) rebel forces in southern Nicaragua—headed by disaffected Sandinista leaders Eden Pastora and Alfonso Robelo—Mr. Calero adds, "We happen to be supporters of the free market, while Pastora and Robelo are socialist-minded. But we [the FDN and ARDE] could both operate within a democratic system where the people could choose which system they preferred. Now there is no choice within Nicaragua."

ARDE's Mr. Robelo, speaking at a restaurant in San Jose, Costa Rica, says, like the FDN in the north, supplies fail to keep up with the growing number of recruits. "We have 100 new men joining us a day," he claims. Admitting that "some of our money probably comes from the U.S. government," Mr. Robelo is curious why this should bother anyone. "I must have had over 250 interviews when we were fighting against Somoza in '78 and '79, and not one reporter asked us where the money was coming from then. After the revolution, Daniel Ortega told me that $12 million came from 'our Salvadoran cousins'—which meant it came from the criminal activities of the Salvadoran guerrillas. Now how is it that U.S. taxpayers' money is considered dirtier than money that comes from kidnappings and robberies?"

Of more importance than direct U.S. funding for ARDE may be the question of whether it will be able to coordinate military actions with the forces of the FDN and the 2,000-man Misurasata contra forces, composed of Nicaraguan Indians. (A report in yesterday's New York Times that ARDE has decided officially to join forces with the FDN was denied by ARDE official Alvaro Hares. Contacted in Costa Rica yesterday, Dr. Hares said that while negotiations continue between the two rebel groups, they are no closer to resolving their differences.)

The FDN's Mr. Calero sees Eden Pastora's refusal to deal with his group until it fires a few ex-Somoza Guardsmen as a large stumbling block to unification. Says Mr. Calero: "These are not people who participated in atrocities against the people; we don't allow those type in our force. They are good commanders who are effective fighters and military leaders."

Likely to complicate matters further was the bombing on Wednesday night of ARDE's military command post during a news conference held by Mr. Pastora. Five people were reported killed, and Mr. Pastora himself received minor injuries. In a recording released to the press yesterday, he said the extreme right and the Sandinistas would blame each other for the blast, but that he didn't yet know who was responsible.

ENORMOUS SUPPORT

Whatever the outcome of bickering among the leaders of the Nicaraguan rebel factions, both forces have enormous support among the many thousands of refugees displaced by the fighting within Nicaragua. In one refugee camp outside the town of Tilaran in northwestern Costa Rica, about 3,000 Nicaraguan campesinos are united in their hatred of the Sandinistas and their support for the contras. Younger men claim they were threatened with death if they refused to join the Sandinista army, and some show scars that they claim were inflicted by Sandinista torturers asking for information about contras. Nearly all the men between the ages of 18 and 30 say they fought with ARDE forces for a time. One telltale sign that many have seen action can be seen in their footwear: the familiar black Sandinista-issue boots, stripped from dead Sandinista soldiers.

What the Nicaraguan refugees want most, however, is to see an end to the conflict so that they can return home. One toothless black woman from the area of Nicaragua known as Bluefields says she left her mother and walked alone in the jungles for eight days to escape from an area of fighting. Her mother stayed behind saying she was born in the area and would die there. Speaking the Caribbean English common to those living on Nicaragua's east coast, the woman explained why she believed the fighting would stop soon: "Them Sandinista men only gets fighters by threats. We fight back with spirit. Everyone here in the camp knows they'd have to kill us all to kill our spirit."

□ 1210

A CLARIFICATION OF THE CONSIDERATION OF HUMAN SERVICES AMENDMENTS OF 1984

(Mr. HARTNETT asked and was given permission to address the House for 1 minute.)

Mr. HARTNETT. Mr. Speaker, I yield to my colleague, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I just wanted to clarify something about H.R. 5145. The fact of the matter is that that bill did come out of the committee unanimously, technically, but it came out on a voice vote, not on a rollcall vote. We were relying on the rules of the Democratic Caucus, I guess, which provide that no bill of over $100 million will be on suspension, and this is a $7 billion or $8 billion bill.

We did have a rollcall vote on the amendment which was offered, which was essentially a party-line rollcall vote, where all but one Republican voted for the amendment. That was the only rollcall vote on this bill. It showed a strong division and a need for debate in the full House on this particular point of difference.

Mr. Speaker, we did not ask for a record vote on final passage. It passed on a voice vote on final passage from the committee, not unanimously.

Mr. HARTNETT. Mr. Speaker, I yield back the balance of my time.

THE UPCOMING VOTE ON THE HUMAN SERVICES AMENDMENTS OF 1984 CONSIDERED UNDER SUSPENSION OF THE RULES

(Mr. BARTLETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, I serve on the committee that has reported out on a voice vote H.R. 5145, and in about 1 hour we are going to get a vote on H.R. 5145 under suspension of the rules, with no amendments permitted and with limited debate.

I come to this House floor to take this minute to assure the House and to call the attention of the House that this bill does need debate and it does need further amendments and it needs to be considered under an open rule.

Mr. Speaker, on first blush, the so-called Human Services Amendments of 1984 would appear to be a benevolent piece of legislation worthy of our support, but a closer examination of H.R. 5145, which many of us on the committee have given, reveals that it is a budget-busting, omnibus bill which drags down the reauthorization of the Head Start program by the inclusion of various other programs which should be considered individually. This bill would authorize over $8 billion in spending, and this much spending has not been passed upon, on the individual merits, by this floor.

The Head Start program is carrying the negatives of H.R. 5145 and is suffering in the process. This worthy program of Head Start is hurt by the inclusion in the same bill of, among other things, a new Federal program for child care information and referral, a program which has never been contested or contended is needed by the Federal Government.

Mr. Speaker, H.R. 5145 should be defeated on suspension today.

AN EXPRESSION OF OPPOSITION TO THE HUMAN SERVICES AMENDMENTS OF 1984

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, normally this year we have been able to bring bills out of our Education and Labor Committee on a bipartisan basis. I think it has been a happy experience for most of us.

I must, however, as a member of that committee, also report today that unfortunately the process by which we have been forced to consider H.R. 5145 is not of that bipartisan nature. As the gentleman from Wisconsin indicated earlier, there was a vote on a particular amendment that concerned many of us. When that failed, we did not go through the motions of a vote on the final bill because we wanted to bring it to the floor. We wanted to deal with Head Start, but we also wanted the opportunity to deal with some of these other issues.

The fact is that there is a Follow Through program here that is very controversial, the community service block grants do not even need reauthorization for a couple more years, and there is a child care information and referral program that is brand new.

I think each and every one of those issues at least ought to deserve debate and the opportunity for amendments here on the floor of the House. That is all we are asking.

Mr. HAYES. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. GUNDERSON. I will in just a minute. Let me finish this first.

That is all we are asking. We are not asking to kill the bill. We are asking for an opportunity to come up here and make the bill better so when it goes to the Senate it does not die but, rather, can become a part of the law.

With that, Mr. Speaker, I am happy to yield to the gentleman from Illinois.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin (Mr. GUNDERSON) has expired.

WHITE HOUSE UNDERMINING U.S. LEADERSHIP IN INTERNATIONAL FAMILY PLANNING

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, it has come to my attention that the National Security Council is circulating a draft memo regarding the U.S. policy position for the International Conference on Population to be held in Mexico City from August 6-13 of this year. If this position paper is approved, and becomes official policy, it will constitute a great step backward by our Government in this vital area.

The House recently took bipartisan action and approved an increase of $70 million for population assistance. The report stated:

> The committee has noted the important responsibility of the United States to continue its leadership in support of international population programs . . . (and) . . . recognizes the potential social, economic, environmental, and political consequences of rapid population growth . . .

The administration pushed hard for that bill. Now, I understand that this draft policy paper presents views substantially different, making light of the serious development and economic problems faced by many of the countries in the developing world, including Mexico, the host country of the conference.

I urge the White House to reject this draft and adopt a policy statement reflecting the longstanding and strong support of our country for voluntary family planning efforts worldwide.

"GIVE LOVE, GIVE LIFE, BE A DONOR"

(Mr. DENNY SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNY SMITH. Mr. Speaker, as we gather this morning, a baby girl from my district has died at Children's Hospital in Pittsburgh. Eight-month-old Laura Cook desperately needed a liver transplant to live. I want to thank the Members who have already responded to my "Dear Colleague." If you have not seen it yet, let me share a letter with you from Laura's mother, Cindy, which I received on Tuesday.

> I hope that through Laura's situation—whether she gets the chance of a transplant or she dies—two things can be accomplished.
>
> First, that the parents and people of America will be aware of the need for (organ) donors, from 3 months of age to 50 years.
>
> Second, that they will be willing to help by becoming donors and donating the organs of their children.

Mr. Speaker, I urge my colleagues to respond to the "Dear Colleague" and to encourage residents of their districts to contact the Living Bank in Houston, Tex., to learn more about signing up as donors. The toll free number is 1-800-528-2971. My own family is looking into this responsibility and this opportunity.

As Cindy Cook, the mother, said, "Give love, give life, be a donor."

THE SUNSHINE RESOLUTION

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I join this morning in supporting the sunshine resolution introduced by our colleague, the gentleman from Colorado (Mr. BROWN) which would amend the rules of the House of Representatives to make its proceedings more open, representative, and accountable. It is aimed at protecting the public's right to know what its Representatives are doing in Congress and assuring the right of every Member of Congress to fairly and effectively represent his or her constituents.

I will not go down the list of all the things this good resolution would do, but let me point out just three or four of them that I think would have an appeal to both sides of the aisle, things that we should do here in the House.

One would eliminate phantom legislating by abolishing proxy voting in committees and subcommittees.

Some Members would say, "My goodness, we would never get anything done in our committees if we didn't have proxy votes."

Let me tell you that I am on the Rules Committee, and in the Rules Committee, we do not have proxy voting. And do you know what happens? The members attend. They all attend, and when we have a vote, rarely do we have a member that misses a vote.

So we do not need proxy voting around here.

Second, the resolution would provide for reliable, advance notice of House floor work.

How many of you would like to know a little bit better what our schedule is going to be? How many of you would like to know whether we are going to be in session tomorrow or not? We all ought to be for that, a more reliable House floor schedule.

And it would allow dissenting votes to be included in House-Senate conference reports.

How many times have you been in a conference when you wanted to dissent, you did not agree to a conference report, but you could not express yourself?

And last, it would require representative party ratios in committees and subcommittees.

One of the reasons why we have problems with a lot of bills when they come to the floor of the House is because a representative group reflecting the real makeup of the House has not been working on that legislation in the committee.

Mr. Speaker, I urge my colleagues to join in sponsoring this sunshine resolution.

□ 1220

ITC FOLLY

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, yesterday, the ITC announced its decision that domestic shoe manufacturers have not been injured by imports. The 5-0 decision is absolutely shocking in view of the fact that imported shoes now have captured 70 percent of the U.S. market. One wonders if any record of what has happened has been reviewed by the ITC.

Within the last 6 years, seven factories in my district have closed and approximately 2,000 workers have lost their jobs. The economic damage caused by the penetration of imported nonrubber footwear is one of the most severe economic setbacks my district has experienced.

I find the International Trade Commission decision, denying the petition based upon their belief that the industry has shown sufficient profitability and productivity since the orderly marketing agreements were lifted in 1981, incomprehensible.

Without stopping this flood of imports, our domestic shoe industry will be destroyed. Since Missouri is the No. 2 shoe manufacturing State, think of the harm done to the folks from the small agricultural towns who augment the farm income by working in the shoe factories. Most of these workers are women. Where will they go when all of the plants are gone. These people, like me, were counting on a favorable decision on the nonrubber footwear industry 201 petition.

I have joined my colleagues in the House in cosponsoring legislation that would impose a ceiling on foreign shoes to no more than 50 percent of the American market.

The time has come to grant the shoe industry and the American worker time so that they may again compete equally in the international market.

SUPPORT THE NICARAGUAN FREEDOM FIGHTERS

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, recent news reports indicate that there are massive new arms shipment of heavy military equipment from the East bloc into Nicaragua, including tanks, heavy artillery, and helicopter gunships.

It is ironic that while hundreds of millions of dollars of Soviet bloc aid is being funneled into totalitarian communist Nicaragua, we in the Congress have not yet given our military support of some $62 million to the duly elected Government of El Salvador.

Meanwhile, the Nicaraguan freedom fighters, who only wish to fullfil the original promises of the Sandinista movement are denied $21 million. The irony will be far greater when the established and secure Soviet bloc, Nicaraguan regime brings such a threat to the people of the hemisphere and the United States of America that we will have to deploy large quantities of sea and air power in the Central American-Caribbean region to counter that threat.

The taxpayers of this country, whatever they believe the situation in Nicaragua to be, are getting a very good deal by our support for 15,000 freedom fighters.

CONGRESSMAN MONTGOMERY SALUTED FOR ARRANGING FOR A HOUSE DELEGATION TO ATTEND D-DAY CEREMONIES IN NORMANDY

(Mr. STRATTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, following up on my friends, the gentleman from California (Mr. LANTOS) and the gentlewoman from Maryland (Mrs. BYRON), I would also like to pay my respects to our distinguished chairman of the Veterans' Committee, the gentleman from Mississippi (Mr. MONTGOMERY) for his initiative in making it possible for an 18-member bipartisan delegation of the House of Representatives to be on hand for the ceremonies commemorating D-day in Normandy.

This visit was an extremely moving experience to every member of the delegation. We spent a couple days on the various Normandy beaches as our colleague, the gentleman from Florida (Mr. GIBBONS) and the gentleman from Missouri (Mr. YOUNG), both of whom had participated in that historic landing, not only explained what had happened, but actually took us to the spot where the gentleman from Florida (Mr. GIBBONS) landed by parachute, where he dug his first foxhole, and where Gen. Maxwell Taylor set up his first command post.

Many of the experiences that we went through, as we walked along these beaches, were reflected in an article that appeared in the Washington Post yesterday, in tracking down some of the soldiers who were addressed by General Eisenhower, in that famous photograph the day before the Normandy landing.

The most moving aspect of our visit was the speech that President Reagan made at the Omaha Beach Cemetery, where some 9,000 Americans who died in that operation are buried. So moving was that speech that not only the President choked up, but his thousands of listeners were moved to tears.

These ceremonies were moving because they reminded us once again that freedom is never free and that there are indeed times when our free way of life must be defended at heavy cost—and that there were then, as there are now—men and women prepared to pay that price in defense of their families, their values, and their fellow citizens.

PLAYING POLITICS WITH HEAD START

(Mr. PERKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERKINS. Mr. Speaker, I am somewhat surprised at our friends in the minority on the Committee on Education and Labor. Naturally, if any of them had indicated that they objected to the bill being placed under suspension, I would have tried to have done something about it, but I felt that we were expediting the business of Congress at this late date in putting the bill under suspension.

There is not one amendment that they have talked about—if the bill is to be opened up—that would be adopted.

Some of us on occasion like to play a little politics and this is just strictly politics from top to bottom.

Now, I know that they are confusing a lot of Members on your own side by this maneuver today. It is true there is some money in the bill, about $7 or $8 billion, a billion and maybe $100 million the first year for Head Start. Head Start is where all the money is in this bill and we have a community bloc grant for community services in the bill and a little Follow Through program of $23 million here and here they come with a big political hooray.

I would ask we support this suspension.

HEAD START—A REPLY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding. I will not even take the gentleman's minute, just to say that the chairman of the committee certainly is well aware we objected to considering this bill under suspension. He knew that before it was scheduled to be considered under suspension. He always consults with me before he brings to the floor under suspension, but even if I say I do not agree, he does it anyhow.

The gentleman also knows we had dissenting views that show we had a good deal of controversy on this bill; so the fact that it was reported on a voice vote in no way indicated that we agreed to have it under suspension and without an opportunity to offer amendments.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I yield back the balance of my time.

HEAD START—A FURTHER REPLY

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, let me answer my colleague from Illinois by stating that it may be that I have placed one or two bills under suspension that the gentleman has objected to during my career as chairman of the Committee on Education and Labor, but 99 chances out of 100 I always go along with him.

I do want to tell the House that no objection came to any of us about this bill being placed under suspension. I could be mistaken that I made an announcement at the time that I was going to ask that the bill be placed under suspension. The important thing is, there was not a vote against it on a voice vote in committee when it was ordered reported.

I do not think at this late hour in the session again that we should be political on such a great program like Head Start. We all understood these programs in this bill. It would be my hope that everybody would vote for this suspension of the rules.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 5504, SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1984

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5504) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the resolution assistance program, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 303(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by titles instead of by sections and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 1(p) of rule X, clause 5(a) of rule XXI, and section 303(a) of the Congressional Budget Act of 1974 are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The **SPEAKER** pro tempore (Mr. KASTENMEIER). The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. **MOAKLEY**. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR) and pending that, I yield myself such time as I may use.

Mr. Speaker, House Resolution 502 provides for the consideration of H.R. 5504, the Surface Transportation and Uniform Relocation Act of 1984.

Mr. Speaker, I would like to describe for my colleagues the provisions of the rule before us. It is an open rule, providing for 1 hour of general debate. The time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation.

Mr. Speaker, House Resolution 502 makes in order the Public Works and Transportation Committee amendment in the nature of a substitute as original text, and provides that the substitute be considered for amendment by title, with each title considered as read.

All points of order are waived against the substitute for failure to comply with the provisions of clause 1(p) rule X, which prohibits any bill providing general legislation in relation to roads to contain any provisions for any specific road.

A waiver of clause 1(p), rule X is necessary as certain provisions of the substitute recommended by the committee, provides for improvement of construction of specific roads and areas. Because of this a waiver is needed. The rule waives clause 5(a) of rule XXI which prohibits appropriations in a legislative bill. The clause 5(a), rule XXI waiver is necessary because several provisions of the bill allow direct obligation of funds from the highway trust fund, reapportion funds previously appropriated for another purpose, or allow the Secretary of Transportation to make grants upon enactment of the bill without further action on an appropriations act.

Mr. Speaker, under the provisions of the rule, points of order against consideration of the bill and the substitute for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. This section prohibits the consideration of bills providing new budget authority for a fiscal year prior to the adoption of the first budget resolution for such a fiscal year.

The waivers are necessary because the bill as introduced and the substitute allocated funds out of the highway trust fund for fiscal years for which a resolution has not been agreed to. However, the Budget Committee is aware of these provisions and has no objection to this waiver.

Finally, Mr. Speaker, House Resolution 502 provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5504 is the follow-up to the surface transportation bill passed during the 97th Congress. This legislation made possible a substantial increase in highway authorization and the expansion and strengthening of the public transportation program. Title I of the bill would make available $575.2 million through fiscal year 1988, for 37 highway demonstration projects, and the highway beautification progam.

Title II of H.R. 5504 would authorize $1.5 billion in each of fiscal years 1985, 1986, and 1987 to assist cities with the provision of adequate mass transportation services and to provide grants for studies relating to urban transportation.

Title III amends the Uniform Relocation Act. This is the law governing the consideration which Federal and State agencies are to give to individuals displaced by the construction of Federal projects. H.R. 5504 would expand the coverage to other individuals, arms, and businesses whose land or business is economically hampered or disabled as a result of the Federal Government activity.

Mr. Speaker, H.R. 5504 is an important bill that would allow for the improvement and the upkeeping of our Nation's highways and mass transit programs. I urge my colleagues to support the rule so that we may proceed to the consideration of H.R. 5504, the Surface Transportation and Uniform Relocation Act of 1984.

Mr. **TAYLOR**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 502 is an open rule under which the House will consider vital legislation to improve the Nation's transportation system.

The bill made in order by this rule, H.R. 5504, approves the release of interstate construction and interstate transfer funds for the second half of the current fiscal year and for all of fiscal 1985. This approval is absolutely necessary if the Congress is to restore stability to our interstate construction program.

The distinguished gentleman from Massachusetts (Mr. MOAKLEY) has explained that this rule contains several necessary waivers, in order to permit our consideration of the bill.

Mr. Speaker, the rule provides a waiver of section 303(a) of the Budget Act for both the bill and the substitute recommended by the Committee on Public Works and Transportation. As the Members know, the House has yet to adopt a conference report on the first budget resolution for fiscal 1985. Since the bill and the committee substitute provide new spending authority, and we have not yet adopted a first budget resolution, the Budget Act would otherwise prevent our consideration of this legislation.

There was no controversy about the Budget Act waivers during our consideration of the rule in the Committee on Rules, and the chairman of the Committee on the Budget indicated in a letter that he supported a procedure whereby spending legislation that is consistent with the budget resolution passed by the House be brought up for consideration on this floor.

I certainly support this procedure, Mr. Speaker, it is not at all unusual for us to face this situation.

Mr. Speaker, the rule makes in order the Public Works and Transportation Committee amendment as original text for the purpose of amendment under the 5-minute rule, and it provides that the substitute will be read by titles instead of sections.

In addition, the rule contains waivers relating to appropriations language in the committee substitute; and to the authority of the Committee on Public Works and Transportation to report general road legislation containing provisions for specific roads.

Mr. Speaker, the rule also contains the usual and customary language regarding the division of the 1 hour of general debate, as well as the provision for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 5504 provides authorizations necessary if the Congress is to keep its commitment to the American public that highway trust fund revenues will be used to upgrade and complete our Interstate Highway System.

Mr. Speaker, this bill provides an opportunity for the Congress to make good on its promises to the American public, as well as our bargain with the administration, that when we increased the gasoline tax by 5 cents 2 years ago we would use those revenues, revenues sought by the administration, to improve our highways and mass transit systems and provide jobs to American workers.

The leadership of the Committee on Public Works and Transporation, the bipartisan leadership of the committee, assured us during our hearing in the Committee on Rules that the authorizations contained in this bill are within the capacity of the highway trust fund and consistent with the concept of "pay-as-you-go" included in the budget resolution which passed the House in April.

Mr. Speaker, I would like to conclude with this thought: Now that the American public has paid, it is time for the Congress to go to work. I urge the adoption of this rule, so we may proceed to consider the bill.

☐ 1240

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 280, FIRST CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEARS 1984, 1985, 1986, AND 1987

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 280) to revise the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987, with the Senate amendment thereto, disagree to the Senate amendment and agree to the conference requested by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. WALKER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Let me inquire under the reservation when we could possibly go to conference on this matter if these conferences were appointed today and keeping in mind the 7 days we have to accomplish something, but we do not want to appoint conferees without being able to accomplish anything.

Mr. JONES of Oklahoma. If the gentleman will yield.

Mr. WALKER. Reserving the right to object, I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I have discussed this matter with my counterpart in the other body, Mr. Domenici, and he is supposed to get back to me as to when we could actually go to conference.

It would be my preference to go to conference today; if not, I told him I would like to start first thing on Monday.

As I mentioned earlier on the floor, I think time is getting away from us. We have 3 weeks in which to wrap up a tax conference, a budget reconciliation conference and a budget resolution conference which would put the spending limits on entitlements and discretionary spending plus the revenue part.

I think that if we wait around for the tax conference or the reconciliation conference to complete as opposed to operating simultaneously on three separate tracks, we run the risk of not completing the entire deficit reduction package by the end of this month. And if we do not complete it by the end of this month, I think as a practical matter, once we leave here for the Independence Day recess, and the national conventions, Presidential politics is going to dominate the agenda and we are not going to get anything done.

So it would be my hope to keep maximum pressure on the conferees to try to get to conference and to try to wind it up. In my judgment, it could be wound up by the end of next week if we really have the resolve.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman. I was not aware that the other body had gone so far as to request a conference of this body and also apparently, appointed conferees.

Now, if there has been a change of mind, that is something else again, but that puts, obviously, the gentleman from Oklahoma, in a real bad spot. I just do not think a Member ought to be put in that kind of a fix. While I probably would have some preference for having that conference somewhat delayed, depending on consideration of that conference report on the tax bill, I think what that has already taken place up to this point in all fairness, we have to follow through and do the best we can.

Mr. JONES of Oklahoma. If the gentleman will yield.

Mr. WALKER. Reserving the right to object, I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the distinguished minority leader for his comments.

The sequence of events on this were that before the Memorial Day recess, just before that the other body passed the budget resolution and immediately appointed their conferees. I was prepared to go to conference immediately but was asked at that time as I said in a statement on the floor that the chairman of the Senate Budget Committee asked that we postpone until after the recess the appointment of our conferees.

We are in the situation of being ready to go to conference but haven't appointed the conferees.

It seems to me that if we are really serious about trying to wrap up this whole package, this whole deficit reduction package, the more pressure we put on both bodies to act and act quickly, the better off we are and the better off the American people are.

So it would be my preference to appoint the conferees, then the pressure builds up to do something and hopefully at least at the beginning of next week, we can start doing something and I am going to put the maximum amount of pressure to complete agreement so we get it all done by the end of this month.

Mr. MICHEL. It is true, of course, if you do not reach agreement, there can always be a reappointment of conferees after the 7-day expiration.

Mr. JONES of Oklahoma. The gentleman is correct.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Ohio.

Mr. LATTA. There is a question that is most important, and that is putting the spending caps on in the other body. Certainly we want to see that happen. We do not want to do anything that is going to interfere with the process that is ongoing now to come out with that type of result.

Hopefully the chairman of our committee would not want to see anything done like that, either.

Mr. JONES of Oklahoma. If the gentleman will yield.

Mr. WALKER. Further reserving the right to object, I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. What we are talking about as spending caps is an internal procedural method of enforcing whatever agreement comes out of this conference. As the gentleman knows, I have a preference for deferred enrollment, which is something we have used in the past.

But to me, we cannot even get to that procedural issue until we start sitting down and setting limits on spending and if we fail to go to conference, we cannot get to the limits we are going to agree to on spending.

So it seems to me if we really are serious, we take all of these measures, go to conference at one time, operate simultaneously so that we agree to the actual numbers, the limitation of spending and we can agree to the method, the procedural method of enforcing those numbers simultaneously in a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none and, without objection, appoints the following conferees: Messrs. Jones of Oklahoma, Wright, and Solarz, Ms. Ferraro, Messrs. Aspin, Hefner, Downey of New York, Lowry of Washington, Miller of California, Gray, Wolpe, Frost, Fazio, Latta, Shuster, Frenzel, Kemp, Bethune, and Gramm, and Ms. Fiedler.

☐ 1250

HUMAN SERVICES AMENDMENTS OF 1984

The **SPEAKER** pro tempore. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question de novo of suspending the rules and passing the bill, H.R. 5145, as amended, on which further proceedings were postponed on Tuesday, June 5, 1984.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill, H.R. 5145, as amended.

The question was taken.

Mr. **ERLENBORN**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 261, nays 156, not voting 16, as follows:

[Roll No. 218]

YEAS—261

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Byron
Carper
Carr
Chappie
Clarke
Clay
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
D'Amours
Darden
Daschle
Davis
de la Garza
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
Lantos
Leath
Lehman (CA)
Lehman (FL)
Levin
Levine
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKernan
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Patman
Patterson
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Reid
Richardson
Ridge
Rinaldo
Roe
Rose
Rostenkowski
Roth
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sharp
Shelby
Sikorski
Simon
Sisisky
Skelton
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (OH)
Wilson
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (AK)
Young (MO)

NAYS—156

Archer
Badham
Bartlett
Bateman
Bevill
Bilirakis
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Campbell
Carney
Chandler
Chappell
Cheney
Clinger
Coats
Coleman (MO)
Conable
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dickinson
Dreier
Duncan
Edwards (AL)
Edwards (OK)
Emerson
English
Erlenborn
Fiedler
Fields
Fish
Flippo
Frenzel
Gekas
Gingrich
Glickman
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Sam
Hansen (UT)
Hartnett
Hiler
Hillis
Holt
Hopkins
Hunter
Hutto
Hyde
Jones (OK)
Kasich
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leach
Lent
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
McCain
McCandless
McCollum
McDade
McEwen
McGrath
Mica
Michel
Miller (OH)
Molinari
Montgomery
Moore
Moorhead
Morrison (WA)
Myers
Nelson
Nichols
Nielson
O'Brien
Oxley
Packard
Panetta
Parris
Paul
Pease
Petri
Pritchard
Quillen
Regula
Ritter
Roberts
Robinson
Roemer
Rogers
Roukema
Rudd
Sawyer
Schaefer
Shaw
Shumway
Shuster
Siljander
Skeen
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Vandergriff
Vucanovich
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wylie
Young (FL)
Zschau

NOT VOTING—16

Bethune
Coelho
Derrick
Ford (TN)
Hammerschmidt
Hansen (ID)
Harrison
Leland
Lloyd
Martin (NC)
Martin (NY)
Pashayan
Rodino
Sensenbrenner
Shannon
Williams (MT)

☐ 1310

Mr. **SAM B. HALL JR.**, changed his vote from "yea" to "nay."

Mr. **LUKEN** changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 8, 1984 TO FILE REPORT ON H.R. 1510, IMMIGRATION REFORMS AND CONTROL ACT OF 1983

Mr. **MOAKLEY**. Mr. Speaker, I ask unanimous consent that the Committee on Rules have until midnight, Friday, June 8, 1984, to file a report on the bill, H.R. 1510.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. **LOTT**. Mr. Speaker, reserving the right to object, I will not object, but I do think that we should at least clarify what we are asking for here.

The gentleman is asking for unanimous consent for late filing on the rule on the immigration bill. Is that correct?

Mr. **MOAKLEY**. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. **LOTT**. This rule is scheduled to come up next Monday; is that correct?

Mr. **MOAKLEY**. The gentleman is correct once again.

Mr. **LOTT**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1984

The **SPEAKER** pro tempore. Pursuant to House Resolution 502 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5504.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5504) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes, with Mr. DANIEL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. ANDERSON) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. SHUSTER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, the Committee on Public Works and Transportation brings to the House the Surface Transportation and Relocation Assistance Act of 1984, H.R. 5504, to provide major improvements to the highway, mass transit, and uniform relocation assistance programs.

On November 1, 1983, the House amended and passed H.R. 3103, a bill to provide increased authorizations for the emergency relief highway program, approval of the interstate and interstate substitute cost estimates, and necessary technical and clarifying amendments to the Surface Transportation Assistance Act of 1982.

Since the House request for a conference on H.R. 3103 was not agreed to by the other body, H.R. 4957 was offered and supported by the House and Senate as interim legislation to release interstate and interstate substitute project funds for one-half of the funds that are available for fiscal year 1984. The House passed H.R. 4957 on February 29 of this year, and the Senate concurred with the House-passed bill without amendments. The bill was signed into law on March 9, 1984.

In response to several very important issues raised by Members during consideration of H.R. 3103, Members were assured an opportunity to have issues considered in future committee legislation during this, the second session of the 98th Congress. This bill addresses several issues raised by Members and also contains a number of provisions addressed in the House-passed bill, H.R. 3103, that were deleted in the compromise legislation, H.R 4957.

Since enactment of the 6-month interstate and interstate substitute cost estimate approvals in H.R. 4957, the committee has worked diligently to move legislation that would provide for the release of the remainder of the interstate and interstate substitution project funds.

This bill, the Surface Transportation Assistance Act of 1984, approves the interstate cost estimate for the remainder of fiscal 1984 and for fiscal 1985. The obligational ceilings would be adjusted to permit the States to make full utilization of fiscal year 1984 and 1985 obligations authority and to facilitate the ability of States with the greatest unobligated balances of authorized highway funds to reduce those balances.

To address the tremendous bridge needs, the discretionary bridge program is increased to $300 million. The formula for apportioning interstate rehabilitation funds is modified to provide more funds to States with heavily traveled interstate routes.

Title II of the bill increases the authorization for section 3 discretionary capital programs from $1.1 billion to $1.5 billion, consistent with the revenue projections for the mass transit account of the highway trust fund which were supplied to the committee by the Congressional Budget Office.

As the Members may remember, in the last Congress when we passed our surface transportation legislation, and we asked the Members of this House to vote an additional 5 cents a gallon gasoline tax, we stated that 4 cents would be used for highway programs, and 1 cent for transit programs. We worked on a formula we felt was accurate of about $1.1 billion per cent. So we increased the highway portion by $4.4 billion per year, and the transit section by $1.1 billion per year.

We did this to keep our promise to the Members that if we asked them to vote to take tax money from their people, that money would be immediately available for utilization by the States in highway and transit programs. We promised that we would not collect the tax money and then just hold it here in Washington, D.C.

Well, we find from the Congressional Budget Office that the accumulation of the 1 cent into the transit fund is amounting to about $1.5 billion per year, rather than the authorized $1.1 billion. In order to keep faith with the States, and to help them meet their transit needs, we are, therefore, increasing by $400 million to $1.5 billion per year, the transit program. This is being done to keep our promise to the Members of Congress who supported that tax and to the States which have such great needs as well as to the taxpayers.

The Mass Transit Contract Authority programs established in the Surface Transportation Act under the committee's jurisdiction, are provided a stable source of funding through fiscal 1987 for a limited number of cost-effective new starts for rail modernization for our older cities, and expanded bus and bus-related projects.

The Uniform Relocation and Acquisition Policies Act of 1970 is amended to extend coverage and benefits to compensate persons displaced as a direct result of Federal projects or federally assisted programs or projects. The bill designates a lead agency to promulgate uniform rules implementing the uniform relocation amendments that every Federal agency must follow. A State certification process is also provided in the bill which will result in more effective implementation of the act.

It is essential, I say to the Members, that Congress approve the interstate and interstate substitute cost estimates for the release of the remainder of the 18 month funds to permit the States to obligate those funds.

Therefore, I urge the approval of this bill in order to assure continuity for all the States in proceeding with their ongoing highway and transit projects.

□ 1320

The CHAIRMAN. The gentleman from New Jersey (Mr. HOWARD) has consumed 6 minutes.

Mr. ANDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased today to ask our colleagues to give their favorable consideration to H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

This important legislation continues us along the path we journeyed out on with the enactment of the 1982 Surface Transportation Assistance Act, the STAA. It was with that act that, as a Congress and as a Nation, we rededicated ourselves to an improved transportation infrastructure throughout this country.

It was with that act that we conclusively demonstrated our desire to reverse the decline in the condition of our highway network, and that we were serious about improving the Nation's public transit systems.

And it was with that act we proclaimed that the effective, efficient movement of people and freight is critical to our economy and our standard of living.

And it is with H.R. 5504 today that we can say we have moved ever closer to making our Nation's transportation system truly first rate and as good as it needs to be.

The hub of our country's highway network is the Interstate System. For many of us, it was quite painful last October when the interstate cost estimate was not approved in time to allow the Secretary of Transportation to apportion fiscal year 1985 funds at that time. The construction programs of many States were severely disrupted. To help prevent further disruption, H.R. 5504 will approve the interstate cost estimate for 18 months, so that we will not need to repeat this process until next summer or fall. Similarly, the interstate substitute cost estimates for both highway and transit projects are being approved with this legislation.

H.R. 5504 helps assure that all the obligational authority anticipated by the 1982 act for fiscal year 1984 and fiscal year 1985 will have been utilized by the close of fiscal year 1985, and facilitates the ability of those States with the greatest unobligated balance of authorized highway moneys to draw on those balances.

Section 110 will increase the authorization for the discretionary bridge program from $200 million to $300 million so that we can help rebuild some of the country's worst bridges. Among the eligible bridges to which the Secretary should assign priority in the use of discretionary funds is the Notre Dame Bridge crossing the Merrimack River.

An important provision of the legislation is contained in section 121 of the bill. This section improves the interstate 4R formula to better reflect the purposes and needs of that program. As more interstate routes in this Nation are approaching their design life, it is increasingly crucial that 4R funds be directed to those States with interstate routes that are most heavily used, with special consideration given to their use by trucks. A single truck loaded to 80,000 pounds does damage to road surface equivalent to that of 9,600 cars. Yet incredibly enough, the current formula fails to recognize that reality. H.R. 5504 remedies this situation.

Other provisions of title I make various improvements in highway law, or reflect specific concerns that may be unique to the communities around the country which they impact. Section 137, for example, authorizes necessary sums to prepare an envirnomental impact statement to study all possible alternative routes and options in addressing traffic capacity in the Richmond/Willowbrook corridor on Staten Island. With respect to this provision, neither the Richmond Parkway extension or any other alternative should be given priority consideration. Rather, all alternatives should be given equal consideration, including the option of taking no action at all.

Although as I said earlier, this entire bill is essential if we are to continue in the spirit of the 1982 Surface Transportation Assistance Act. Title II is required simply to fulfill a promise that was made with the enactment of that landmark legislation.

Title II is the transit title. When we passed the 1982 act, the best available projections speculated that the penny fuels tax with which we fund the mass transit account of the highway trust fund would raise about $1.1 billion per year. The Congressional Budget Office now says, and testified to this before my subcommittee earlier this year, that the penny can support an annual program of $1.5 billion. Those of us who were here in 1982 were committed to the notion that, if we were to increase the fuels tax on the people of our districts and the Nation, we owed them the assurance that the revenues would be used to improve the country's transportation system with the full 1 cent committed to public transit.

To fulfill that promise, we are now compelled to increase authorizations out of the transit account to $1.5 billion. And of course, the transit needs of this Nation are so outstanding, that this $1.5 billion can be well spent while barely putting a dent in the demands made upon those funds.

The creation of the transit account was a major accomplishment of the STAA. For the first time, we would have a dedicated, assured source of revenue for transit capital projects. As with the highway program, and indeed this feature of the highway program has been instrumental in making it a strong one, transit capital funding would now be above the vagaries of year-to-year macroeconomic concerns. It would now be a direct spending program, and one in which the Government could enter into contractual obligations based solely upon available authorizations.

Title II contains provisions that will allow us to more fully utilize the contract authority that was created in the STAA and preserved on the floor of the House by a convincing margin.

Mr. Chairman, it has been estimated that $19 billion would be required to meet all the new rail start needs that have been articulated by cities around the country. Although I suppose there are few who are more supportive of this type of project than I, or who are more certain that we will eventually see the need to help fund the vast majority of them, it is equally clear to me that we will not have the resources, even with this bill, to do this anytime soon. So, it becomes our responsibility to help assure that only the best projects receive funding. Title II establishes objective criteria that will be used to evaluate these projects and help make such an assurance.

There are other important provisions in title II, and they surely merit the support of our colleagues.

Title II will amend, for the first time, the Uniform Relocation Assistance Act of 1970. The U.R.A. is the program under which the Federal Government compensates persons and businesses dislocated as a result of federally funded projects.

To sum, H.R. 5504 is a fine bill containing many important provisions that will surely improve the Nation's transportation network. While none of us may feel that each and every section of the legislation is vital, we should all be able to agree that the Nation's highway and transit programs will be well served by its enactment.

The CHAIRMAN. The gentleman from California (Mr. ANDERSON) has consumed 7 additional minutes.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished ranking member of the full committee, the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. I thank the gentleman for yielding this time to me. Mr. Chairman, I am pleased to rise in strong support of H.R. 5504, the Surface Transportaiton and Uniform Relocation Assistance Act of 1984, and urge Members to vote for its passage by a decisive margin.

This is important and much-needed legislation, as I believe Members will recognize when they look at what is in this extensive bill.

Take the highway title, for example. This contains congressional approval of the interstate cost estimate for the remainder of this fiscal year and all of the next fiscal year. Enactment of this provision will make possible the final catchup apportionments necessary to overcome the effects of delays in getting out all of the interstate construction funds authorized for this year. And, of equal importance, it will make possible the timely apportionment of next year's funds without delay next October 1.

The provision alone, making possible the restoration of stability to the interstate construction program, in itself is worth the effort to get this bill enacted. No one who has been deluged, as I have been, by requests for help from colleagues, from States, and from the highway construction industry when the interstate cost estimate was being held up, could challenge that statement.

When you add up the total estimated amount being made available for apportionment in the remainder of this fiscal year and the next fiscal year for interstate construction and interstate transfer highway and transit projects, you get a total exceeding $6 billion. The Department of Transportation estimates that such expenditures translate into direct employment on the basis of 32,000 jobs per billion dollars in authorizations, which means that the ICE approval we are voting upon today will result in more than 192,000 jobs.

The highway title also contains a number of other provisions. These include necessary technical amendments, a number of projects to demonstrate the latest techniques for accomplishing certain safety and transportation objectives, and an increase of $100 million per year in the set-aside of bridge replacement and rehabilitation authorizations for discretionary allocation. And they include amendments to "buy America" provisions of existing law, one of which I was pleased to offer and which reinstates the protection of domestic cement from Canadian and Mexican imports.

Title II deals solely with the public transportation programs. However, by increasing the authorization for discretionary transit capital from $1.1 billion to $1.5 billion per year, it reaffirms a principle which we have long and vigorously defended in the highway program with some success. That principle is that the user-supported trust fund should finance the highest level of authorizations of which it is capable.

There is another important aspect of this title. It seeks, in recognition of the great demand for discretionary capital funds versus limited availability of resources, to establish a mechanism to encourage development of the most meritorious projects. The Urban Mass Transportation Administration would apply its best judgment in evaluating new-start projects against statutory criteria, and would submit its best estimate as to overall capital needs on a periodic basis for statutory approval. But the Congress would remain in control of the program, as is appropriate.

The third title deals with the Uniform Relocation Act, and makes necessary improvements in benefits and coverage of that act, the need for which has become apparent since its enactment in 1970.

Aside from the merits of the bill, Mr. Speaker, I recognize that some controversy has arisen over the legislation and I would like to say a few words by way of perspective. The administration is threatening to veto the bill. But the threats have been carefully couched in terms of the bill "in its current form." We have a pretty good record of going to conference with the Senate on widely differing versions of legislation and emerging with a compromise product ultimately signed into law. I would ask my colleagues on this side of the aisle to recall how many times the administration has asked us to walk the plank in opposition to a bill only to have the bill signed into law. In that connection, I would only ask a strong vote for this bill to strengthen our position in conference.

Much seems to be made of the fact that individual projects are included in the bill characterized by some inflated estimates of their cost. Again, this is invariably the "situation normal" for major surface transportation legislation. The only response necessary is that these provisions are intended to reflect a priority of those elected to serve instead of delegating that authority in toto to the faceless bureaucracy. These are perfectly legitimate and worthwhile projects, are chiefly on the regular Federal-aid systems, and which meet particular needs not being addressed under the nationwide program. All funded out of the Trust Funds, they represent an extremely small portion of the funds authorized for the highway program—less than 2 percent—and, like any other provision of the bill, will be subject to conference with the Senate.

Finally, there has been some concern expressed about the provision of this bill dealing with the mass transit discretionary capital funds and the funding approval process. The only necessary response is that this is totally consistent with the action of this House, taken in connection with passage of the Surface Transportation Assistance Act of 1982, in providing contract authority for transit capital financed by the trust fund.

Mr. Chairman, the bill H.R. 5504 makes a number of totally worthwhile improvements in our surface transportation programs, and merits a strong vote on initial House passage. This will help the leadership on the Committee on Public Works and Transportation to work out a balanced compromise with the Senate which will recognize the priorities of both Houses while ultimately obtaining the signature of the President.

The chairman of the subcommittee made a couple of points in his remarks with which I would like to associate myself. Mr. ANDERSON mentioned the Notre Dame Bridge in Manchester, N.H., as a worthy candidate for funding as a discretionary project. I have been contacted by the senior Senator from that State and would certainly concur. My friend from California also clarified the fact that the environmental impact statement authorized by section 137 is totally neutral as to whether any particular highway option should be given preference.

☐ 1330

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I associate myself with the remarks made thus far in this debate by the distinguished chairmen of the full committee and the subcommittee and by the distinguished ranking member of the full committee. I believe they have accurately and quite well explained this legislation.

I rise in strong support of this legislation, Mr. Chairman, because this legislation comes to grips with solving America's transportation problems. This Congress, or more accurately, a previous Congress, increased the gas tax from 5 cents to 9 cents per gallon, and with that we made a commitment to the American people that those tax dollars taken from transportation users in America would be dedicated to transportation expenditures, specifically through a dedicated highway trust fund, and for the first time in the history of this country we created a transit account within the trust fund, and 1 cent was dedicated to that transit account.

By doing that, we were able to address the badly needed improvements required across America in our surface transportation system. Highway authorizations, which had been about $8 billion a year, were able to be increased to about $14 billion a year, and for the first time in our country's history we were able to dedicate a little over $1 billion a year to the transit account in the trust fund, committed to transit uses.

Now, the administration or at least certain elements in the administration have said that they oppose this bill, and as I understand their positions, they say they oppose this bill for two reasons: First, because of the funding levels, and second, because of the so-called special interest projects in this legislation.

Taking the first point first, the funding levels, this legislation is virtually unique among the various bills we consider in this House because the funding does not come or the expenditures do not come from the general fund but, rather, from the trust funds. The expenditures come from dedicated user taxes, dedicated and committed, and they only can be spent for highways and public transit. And in fact under the law there can be no deficit spending. The Secretary of the Treasury must certify that adequate funds are in these trust funds, so that there can be no deficit spending, which indeed is almost unique as we consider the many different kinds of bills and legislation which pass through this body.

And so to suggest that the funding level is somewhat too high, I believe, suggests in effect that, first, we should tax the American people, tax them and tell them we are going to take their user moneys, bring that money into the Treasury, and then not spend it, but then, instead, let it build up into a surplus, as has happened in years past, so that we can help mask the size of the general fund deficit.

I suggest that this is unethical. It is unethical for us to tax the American people for a specified use, put that money into a trust fund, and then not spend it. The Congressional Budget Office is very clear in indicating that the funding levels which we propose here can be satisfied by the flow of funds into the trust funds, into the highway account and into the transit account. Having taxed the American people, it would be almost criminal for us now not to expend those funds on badly needed highway and transit projects.

So for that reason alone we should reject the specious argument of those who say the funding levels here are too high. The funds are there to be spent, and they should be spent because of the many badly needed transportation projects in America.

The second point, which deals with their argument that there are special interest projects in this bill I find awfully difficult to understand. What they are suggesting is that it is perfectly all right for a faceless, nameless bureaucrat downtown or in some State capital to decide where Federal tax dollars should be spent for transportation, but it is somehow wrong for the Members of Congress elected by the people to come before our committee and make the case that there is a badly needed stretch of highway required or badly needed funding for transit in America's cities and rural areas, that somehow that is wrong and smacks of special interest.

Well, if saving lives by improving America's highways is a special interest matter, then I plead guilty. If improving America's highways and transit systems so the American people can move more economically and efficiently and comfortably across America's highways and in their transit systems, then I plead guilty. These are the "special interests" which I hear being talked about, and based on my definition of "special interests," this certainly does not conform.

So I say that we should reject out of hand the notion that, because we have identified and are giving priority to certain projects which are badly needed to improve America's transportation system, somehow this is "special interest."

□ 1340

It is not, it is in the public interest because it is the American people across America who will benefit.

One final point, Mr. Chairman. I would say especially to my colleagues on our side of the aisle that the minority on the Public Works and Transportation Committee has been fully and completely involved in this process. I have served on other committees where, sad to say, that is not the case, but if you have to be in the minority around this House, I submit there is no better committee to serve on than the Public Works and Transportation Committee or, indeed, if you happen to be a member in the minority, but not serving on that committee, there is no better committee to turn to, because there is not a partisan bone, there is not a partisan piece of pavement in this legislation. There is not a partisan strip of paint in this legislation.

This is the only bipartisan piece of transportation legislation, I can assure my colleagues, especially on our side of the aisle, that the minority has been completely involved with.

I would suggest that should there be an uncontrollable urge to somehow turn this into a partisan issue that if, indeed, our surface transportation legislation were to become partisan, it is those of us in the minority who would suffer. Fortunately, that is not the case thus far with our committee.

Therefore, I think this is one more reason why my colleagues, especially on our side of the aisle, should be supportive of this legislation, because it has been crafted in a totally bipartisan, open fashion.

So for all those reasons, Mr. Chairman, I urge strong support for this much-needed legislation.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I cannot yield because of the time. If there is time left over, I will be happy to yield to the gentleman later.

Mr. ANDERSON. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. DYSON).

Mr. DYSON. Mr. Chairman, I would also like to thank the distinguished chairman of the subcommittee and his staff for the help they have given in this legislation.

I rise in strong support of H.R. 5504, the Surface Transportation Act. This bill approves the interstate cost estimate for the remainder of fiscal year 1984 and 1985, releasing important funds to the States for interstate highway construction, including those for my own State of Maryland.

One section of this bill sets aside money to fund the Federal Highway Administration's discretionary bridge program. The people of Maryland's First Congressional District, whom I represent, depend upon many bridges to travel from place to place, particularly on the Eastern Shore. Every Member who has ever traveled to the Chesapeake Bay or the Atlantic Ocean shore in my district has crossed numerous spans to get there. Ground transportation in the First District without bridges is simply impossible.

In the committee's report it instructs the Secretary of Transportation to assign priority in the use of discretionary bridge funds to several bridges, including the U.S. Route 50 bridge over the Choptank River at Cambridge, Md. This is a particularly important item for Dorchester County, Md., because the current span is in very poor condition and the Federal Highway Administration has been unwilling to take action on it to date.

Mr. Chairman, is it the committee's intention that the Secretary of Transportation assign the highest priority to use discretionary bridge funds to work with the State of Maryland on the Choptank River bridge?

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. DYSON. Yes; I yield to the gentleman from California.

Mr. ANDERSON. Yes; it is the committee's intention that Secretary of Transportation Dole assign high priority in using the discretionary bridge funds for the Choptank bridge project.

Mr. DYSON. I thank the chairman for his comments and his support of this important bridge project in Maryland's First District and for his continued leadership in developing our Nation's infrastructure.

Mr. McNULTY. Mr. Chairman, my subcommittee chairman, the gentleman from California, has done a heroic job in synthesizing a remarkable number of opinions that cover a remarkable range of subjects. I thank him for that.

I tell you this afternoon, speaking as one informed on the subject, this is an excellent bill with but one important deficiency. That deficiency is the total change in the formula by which the 4R fund will be distributed to the States henceforth if this becomes law. Under current law for the repair, rehabilitation, resurfacing, and reconstruction of your highways, States receive, from a nearly $3 billion pot, funds that are calculated in part based upon the number of miles for which you must care. Incredibly enough, this bill will suggest that the amount of interstate highway with which you are charged and for which you must care and which you must repair or resurface is no longer an item to be taken into account in deciding how much money you will receive for that purpose. To that end, I propose to offer an amendment that will say that the current formula, the current law with regard to the 4R is adequate. It has worked for this Nation and it should not be summarily done away with.

Mr. ANDERSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the legislation. I want to thank the chairman and his staff for their fine cooperation on the legislation.

I think the most important and perhaps central part of the bill is the interstate cost estimate which releases construction funds for the next 18 months, which I think all States can use.

I want to also include a project that the chairman did see the need to include, which really means a lot to our community concerning providing a much needed transportation link for the Fremont area and many businesses located in the industrial valley adjacent to that area, which means a lot to about 2,000 people who have jobs that they need in this area.

One of the sections I am pleased with was the kind of compromise for section 135 which provides that it requires the Secretary of Transportation to conduct a study to determine whether Federal highway funds are being distributed equitably.

I want to take my own State of Ohio as an example. We used to get about 61 cents for every dollar our people contributed to the trust fund. That was corrected. Now it is 85 cents for every dollar.

There are 10 other States like ours that are donor States. We have not taken a look at this issue in a long time. I have introduced a comprehensive piece of legislation to correct what I think is inequitable treatment.

It is interesting that most of the donor States have the greatest transportation needs, our State being one of them. While I did not get the legislation comprehensively added to the bill, I am very pleased that we have a study to look at the relative treatment of those States that are donor States to the trust fund. I am pleased by that. I wanted the chairman to know I was pleased publicly.

I ask my colleagues, particularly those who are from those donor States, to go along with the bill this time. I think it is the right thing to do.

I want again to reiterate my support for the legislation and I thank the chairman for the time.

Mr. SHUSTER. Mr. Chairman, the gentleman from Pennsylvania was looking for recognition and I yield 1 minute to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding.

I wanted to interrupt the gentleman as he was speaking, to compliment the gentleman. He made two important points. One about the cost and one about the bipartisan nature of our committee.

I think we have worked on this legislation in a very cooperative way.

It is a very tough issue, dealing with a lot of peculiarities in projects throughout the country. For example, there are some safety decision projects, particularly in the area of bridge relocation and some of the orphan bridge questions relating to railroads that are very reasonable and important.

I just wanted to commend the gentleman for his leadership on the committee. I think we have ended a confrontation between rural and urban communities by looking at public transit in new ways. I think those of us from urban areas are looking at highways in some new ways.

I commend the gentleman for his action on this legislation.

□ 1350

Mr. SHUSTER. I thank the gentleman for his very kind words.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

At the outset, I would like to thank the leadership of the Committee on Public Works and Transportation for their fine efforts in bringing this legislation to the floor. The gentleman from California (Mr. ANDERSON), chairman of the Surface Transportation Subcommittee, and the gentleman from Pennsylvania (Mr. SHUSTER), the ranking minority member on the Surface Transportation Subcommittee, have done a commendable job in fashioning the bill before us today. In addition, the gentleman from New Jersey (Mr. HOWARD), chairman of the Public Works Committee, and the gentleman from Kentucky (Mr. SNYDER), the ranking minority member of the Public Works Committee, have provided valuable leadership during consideration of this important piece of legislation.

H.R. 5504 is a vitally needed piece of legislation. It contains congressional approval of the interstate cost estimate for the remainder of this fiscal year and all of next year. Its enactment should prevent a recurrence of the delays and disruption which affected the Interstate program and related activities as a result of congressional inability to approve an ICE in late 1983. The bill also contains an important provision assuring that any shortfall in meeting the obligation ceiling in fiscal year 1984 could be compensated by an upward adjustment in the ceiling for fiscal year 1985.

I am particularly interested in several provisions of the bill that affect my congressional district and the State of Arkansas.

Section 112(d) of the bill authorizes $8.5 million in contract authority from the highway trust fund for a highway project to demonstrate the economic growth and development benefits of widening and improving traffic signalization of a segment of the Federal-aid urban system connecting a community college and a large commercial center. At the present time, this segment, approximately 2.03 miles in length, is a 30-year-old, narrow, two-lane road. With the increased traffic from Westark Community College and the new Central Mall, this has proved to be a major source of congestion for the 45,000 vehicles that travel it daily.

In addition to the Fort Smith project, the bill contains several provisions to encourage and expedite the upgrading of U.S. Highway 71. Highway 71 is extremely important to northwestern Arkansas, both in terms of moving people and goods, and in terms of fostering the economic development of the area.

Section 112(i)(3) authorizes the Secretary to carry out a project to demonstrate methods of improving highway safety and accelerating reconstruction of a two-lane segment of U.S. 71 between its junction with I-40 and I-540 in the vicinity of Fort Smith and the boundary between the States of Arkansas and Missouri as a four-lane facility. A total of $25 million—$10 million in fiscal year 1985 and $15 million in fiscal year 1986—in contract authority from the highway trust fund would be provided for preliminary engineering, design, right-of-way acquisition and relocation activities in connection with the project. These funds are over and above Arkansas' normal Federal-aid highway apportionments.

Moreover, section 115 of the bill authorizes the State of Arkansas to use interstate construction funds apportioned to it for the planning, design and construction of U.S. 71 from I-40 to the Missouri line as a four-lane facility. Since Arkansas is one of several States receiving the minimum one-half of 1 percent of Interstate System authorizations provided by law—since Arkansas has completed its Interstate System—the effect of this provision is to place this project on an equal footing with interstate 4R work in the use of the State's apportionment. It is the intent and expectation of Congress that the State use interstate construction funds for design and construction of U.S. 71.

In addition to these provisions, section 121 of the bill changes the interstate 4R formula from one which apportions funds 55 percent on the basis of interstate lane-miles and 45 percent on the basis of interstate vehicle miles traveled to a formula which apportions 50 percent on the basis of interstate vehicle miles traveled, 25 percent on the basis of gasoline consumption, and 25 percent on the basis of diesel fuel consumption. According to the Federal Highway Administration, this formula change would benefit the State of Arkansas. For example, FHWA estimates that Arkansas' 4R apportionment for use in fiscal year 1985 would be increased from $31.7 million to $33.5 million as a result of the formula change. Not only would this help the interstate 4R program but it could help to expedite construction of U.S. 71. As you know, Public Law 98-229, the 6-month ICE bill enacted earlier this year, contained a provision authorizing the State of Arkansas to use interstate 4R funds to upgrade U.S. 71. Thus, the increase in interstate 4R funding for Arkansas, if the 4R formula change is enacted, could be used on U.S. 71.

While these provisions will directly benefit my congressional district, I would like to again point out that this legislation will also provide the necessary funding for major national highway programs and is vitally needed.

In closing, Mr. Chairman, I would be less than frank if I did not indicate that this bill faces considerable opposition from both the Senate and the administration, and that its ultimate fate, as well as the fate of the individual provisions contained in it, is uncertain. However, I am hopeful that, as in past years, these problems can be worked out and that a bill acceptable to both the House and Senate can be sent to the President for his signature.

Mr. Chairman, I would urge my colleagues to support H.R. 5504.

Mr. ANDERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

Mr. Speaker, I also want to commend the members and staff of the Surface Transportation Subcommittee and the Public Works and Transportation Committee for their efforts on this bill. The issues they dealt with were diverse and very complicated. They have treated these issues in a fair and equitable manner and have taken steps to avoid repetition of the expensive delays we encountered this year with the interstate cost estimate.

A particular provision of this bill, section 132 of title I, will allow Puerto Rico to develop its infrastructure and bring it to parity with other States. The section allows Puerto Rico the same degree of flexibility as is currently accorded to the State of Alaska in the use of highway funds. Puerto Rico will be allowed to use funds from the different program categories to suit our particular highway needs and disregard categorical restrictions.

Highways constitute the most critical infrastructural element required to generate, attract, and retain increasing economic development. Puerto Rico's modest infrastructural development has been largely responsibile for the level of socioeconomic development reached to the present date. At this stage of development it is crucial that Puerto Rico expand its infrastructure, in order to attain stateside levels.

Due to our pressing highway needs and to present economic conditions, Puerto Rico cannot afford allocating available fiscal resources, both Federal and State, other than those in areas and projects where our real needs are.

This provision will allow such allocation of resources, and will allow Puerto Rico to develop the main commercial and industrial routes which will insure continued growth.

It is important to note that this provision is budget neutral; no additional expenditures will be required to achieve the degree of development which the island needs at this time.

In conclusion, this flexibility in the use of highway funds will allow for major commercial routes to be developed; the list of priorities prepared by the Puerto Rico Department of Transportation will be completed and a more efficient surface transportation system can be developed for the island. This is all possible because this provision allows Puerto Rico to disregard the categorical restriction imposed on highway funds.

Once again, I want to recognize the efforts of the members of the subcommittee and committee and urge my colleagues to support this legislation.

Mr. ANDERSON. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I rise in support of this legislation. Like Members who have spoken before me, I would like to take this opportunity to personally thank the gentleman from California (Mr. ANDERSON), chairman of the Surface Transportation Subcommittee; the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member on this subcommittee, and all of the members of the subcommittee.

In addition, the gentleman from New Jersey (Mr. HOWARD), the chairman of the full Committee on Public Works and Transportation, and the gentleman from Kentucky (Mr. SNYDER), who is the ranking member on the committee on Public Works and Transportation, and all of the members of this committee for listening to the pleas of the people from Ohio and other areas of this great Nation of ours about their particular transportation and other needs.

We as a body, as you know, raise the money to be spent by the various departments and agencies of Government. I think that it is past time that we tell the people in these departments how some of this money is to be spent. This bill does that in just a small way insofar as highway moneys are concerned.

As has been pointed out by the gentleman from Kentucky (Mr. SNYDER) in the presentation of his remarks, only 1.7 percent of the money being raised through highway taxes passed by this Congress are represented in this bill as demonstration highway projects.

This committee has very wisely included a project which, believe it or not, has been pending for 25 years, 25 years for a bypass around Huron, Ohio. Anyone familiar with this area realizes, they have got a serious problem. You have Cleveland on the east, you have Toledo on the west. There is a four-lane highway on both sides of the community of Huron, Ohio. And then it merges into a two-lane highway and pours heavy traffic into this community.

Leading out of this community is an amusement park called Cedar Point which is very similar to Disneyland. During the summertime it attracts thousands and thousands of people and the traffic is lined up outside this community for 3, 4, 5 miles at times. Not only have the people of Huron suffered from unnecessary air contamination for years but the economic health of the community has suffered as well. It is past time that all of the traffic burdens of this community come to an end.

I want to compliment the members of the subcommittee and the full committee for including the solving of this tremendous problem in this bill.

Mr. SNYDER. Will the gentleman yield?

Mr. LATTA. I will be happy to yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for his comments. I think the description you have given of this particular problem in your area really emphasizes the fact that the Members of Congress, elected by the people, understand the particular hardship problems that may exist in their district perhaps better than the people who are sitting in one of these big stone buildings that we have downtown. This is the way to address those Members' problems and Members who look after their constituents, by getting these problems taken care of and not relying upon the bureaucrats, are representing their people well.

I thank the gentleman for his comments.

Mr. LATTA. I agree with the gentleman from Kentucky completely and thank him for his comments.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. CLINGER), a member of the committee.

Mr. CLINGER. I thank the gentleman.

I want to add my congratulations to the gentleman from California and the gentleman from Pennsylvania who have been instrumental in drafting this bill.

I just want to underscore one very important point about this bill which is that it does, indeed, extend the interstate cost estimate for 18 months.

Last spring or this spring, really, we nearly created chaos throughout this country because we delayed so long in approving the 6-month extension. And a number of projects were placed in extreme jeopardy by that failure.

We have a crying need to bring some consistency, some sense of coherence to our investments in infrastructure, and I think this extension for 18 months is going to provide at least a sense of predictability and a consistency which will permit the State highway departments to go forward.

I think that if this bill fails we are again going to jeopardize the construction of a vast number of vital highway projects in this country and I think that would be a great tragedy. So I would urge support of the bill if for no other reason than to insure the interstate cost estimate for an additional 18 months.

I thank the gentleman for yielding.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. I congratulate the committee for putting this bill together. Much of the bill is very commendable.

However, I would like to associate myself with the remarks of Representative McNulty. The formula in this bill drastically changes the current situation.

I am going to support an amendment later to phase this in over a period of time, rather than all at once. You have States like Montana, Oregon, Utah, Arizona, and others that are losing 40 to 65 percent of the funds they have, yet they have a large amount of highway to maintain.

Severe weather, floods, and ice conditions have caused damage to these highways.

The States which lose include: Alabama, Mississippi, and South Carolina in the South; all of the New England States except Connecticut and Massachusetts; Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota in the Midwest; all of the Western States except California, plus Delaware, the District of Columbia, West Virginia, and Puerto Rico.

I think you need to take a good look at the formula to see what we are doing. If the formula needs adjusting, the change should be made gradually.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentlewoman from California, (Ms. Fiedler).

Ms. FIEDLER. I thank the gentleman very much.

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Mr. Chairman, I rise in opposition to the mass transit provisions in H.R. 5504. As a member of the Budget Committee, I am particularly concerned about the new level of mass transit authorizations and the provisions for binding, multiyear contract authority.

This legislation changes the law passed in 1982, which authorized $1.1 billion annual direct spending from the mass transit account of the highway trust fund, and increases the spending ceiling to $1.5 billion. The change is premised on a single Congressional Budget Office estimate that the mass transit account "appears capable" of supporting that much more in annual authorizations.

In fact, the Congressional Budget Office has made clear that theirs is an accounting judgment, conditioned on several important factors. One consideration is that a drop in interest rates could, in their words, "place the $1.5 billion program in jeopardy." More important, the CBO pointed out in their testimony to the Public Works Committee that—

> Any increase in authorizations should be justified by the existence of cost-effective projects. * * * There is cause for concern in the evidence that new rail systems have not always been able to achieve the benefits expected of them.

Many past investments in rail systems do not appear to have been cost-effective from the point of view of the Federal Government.

Although some may claim that CBO and the Office of Management and Budget are at odds on this issue, I would suggest that the Office of Management and Budget extends CBO's accounting judgment and analyzes what realistically may happen over the next few years. By comparing cumulative authorizations and revenues, they came to the conclusion that no major surplus of revenue exists to fund a mass transit program of magnitude of $1.5 billion. Their study indicates that if authorizations are increased to $1.5 billion as proposed in this bill a small $250 million surplus will become approximately a $540 million deficit by the end of 1986. Furthermore, extending the $1.5 billion yearly authorization for another 4 years would raise the cumulative deficit to about $900 million by the end of 1990.

Advocates of the higher spending levels point to the Byrd amendment provision which prohibits unfunded authorizations from exceeding 1 year's worth of receipts and forces an automatic reduction in funds to all States if that occurs. Unfortunately, this is not an adequate safeguard against deficit spending. It is, instead, a drastic stopgap measure which forces cutbacks and interruptions on transit projects nationwide.

The Office of Management and Budget also warns that increased authorizations now will likely lead to further demands for Federal funds in 1987-90 as newly funded heavy rail capital transit projects hit their peak construction periods and require additional funding. Conservatively, this demand could add $300 million a year to subsequent authorizations. If so, by 1990, the deficit in the transit account would be over $2 billion, requiring a tax increase to maintain the integrity of the fund.

The second objection which I have to this legislation concerns the multiyear contracting provisions, which are a potential danger to the participation of the Congress in the decisionmaking process and to both UMTA's and Congress oversight of transit projects. The Congressional Budget Office pointed out in a May 29 letter to my office that—

> There is a real risk that promises made in the first year of this provision will fully commit contract authority authorized for future years. This would greatly restrict the freedom of both the Congress and UMTA to make future adjustments in either program or spending levels. For example, transit proposals made in later years would either have to be delayed until the next authorizing bill (perhaps as long as 4 years) or higher authorizations would be required. This in turn could put unplanned pressure on both the trust fund and the budget deficit. While useful in some cases, multiyear contract authority should be considered very carefully because of limits it places on the Congress in adjusting future budget priorities and because of its implications for changing the balance between the authorizing and appropriating committees.

If funds are obligated upfront, projects will have very little incentive to comply with regulations and be cost effective.

Advocates of this bill claim an ethical responsibility to the American people to spend all of the money in the trust fund as quickly as possible. Unfortunately, the long-term consequences of this seemingly ethical action will be to jeopardize the stability and integrity of the mass transit trust fund in the future.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. Johnson), a member of the committee.

Mrs. JOHNSON. Mr. Chairman, as a member of the Committee on Public Works and Transportation, I raise in support of this bill and believe that all of my colleagues should be aware of the importance of the bill that we are considering today and, in particular, several provisions dealing with the study of the fairness of the allocation of the 5-cent gasoline tax revenues, Federal bridge formula and the buy America section of highway law.

Section 136 of the bill requires the Transportation Research Board of the National Science Foundation to undertake a study of the Federal bridge formula. The committee has requested this study, which I offered during markup, because it believes that the technical justifications for the current formula contained in section 127(a) of title 23, United States Code, may not conform with contemporary engineering standards. There exists a body of information that indicates that the current bridge formula may not accurately indicate the load bearing capacity of the bridges found on the Interstate Highway System. Hence, the committee expects the Transportation Research Board to identify deficiencies in the current bridge formula and recommend modifications, if any, that would bring the formula more into line with the structural capacity of interstate highway bridges. The Research Board also will investigate alternate means of regulating truck weights on interstate highway bridges that would be less cumbersome to apply and easier to understand.

Mr. Chairman, section 131 of the Surface Transportation Act deals with that requirement of Federal law commonly known as Buy America. Let me first thank the committee for understanding Connecticut's plight in this regard and for appreciating my State's efforts to attract investment and job opportunities to its cities and towns.

While H.R. 5504 increases the Buy America requirement for transit vehicles acquired under the Urban Mass

Transit Act to 85 percent from 50 percent, it applies to vehicles manufactured or assembled at a facility that was not performing such work prior to July 1, 1984. This date is important to my constituents because a foreign bus manufacturer, though it has invested over $6 million in a new plant in Connecticut, was not in full operation producing buses for commercial sale until early this year.

The responsible partnership of State, local, and Federal interests that led to this investment in American workers cannot be dismissed simply because a foreign-based corporation is involved—especially in light of the fact that its investment was not subsidized by its government in any way. I am pleased that this legislation recognizes this investment as well as the investment made by the State of Connecticut and acknowledges State economic development policies in the formulation of Federal law.

Mr. Chairman, I urge my colleagues to support this important authorizing legislation.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) has 4½ minutes remaining.

The gentleman from California (Mr. ANDERSON) has yielded back the balance of his time.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise as a member of the Subcommittee on Surface Transportation in strong support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

This legislation is a renewal of the commitment made by the Congress to complete the Interstate System in the landmark Surface Transportation Assistance Act of 1982. As its centerpiece, H.R. 5504 approves an interstate cost estimate for the remainder of this fiscal year and for all of fiscal year 1985.

Congressional approval of the ICE will enable the States to proceed with essential Interstate System construction. In my State of West Virginia, these funds will be used to complete I-64 between Sam Black Church and Beckley, and to finish construction on I-77, the West Virginia Turnpike.

I would like my colleagues to understand that due to West Virginia's rugged terrain, the cost of highway construction is extremely high. As such, there are presently many areas of the State not accessible by modern highways.

In an effort to alleviate this situation, H.R. 5504 in section 112(m) authorizes the Secretary of Transportation to carry out a $30 million highway demonstration project in the vicinity of Pardee, W. Va. The purpose of this project is to demonstrate the improvement in motor vehicle transportation of energy resources resulting from the completion of a consolidated network of modern highway. The Federal share of this project is 100 percent.

This project would provide a direct transportation corridor between Beckley and Logan, W. Va. These municipalities are the nerve centers of two of the State's most abundant and active coalfields, yet no highway facilities directly links them at this time.

It is the intent of the committee that this project be constructed as a two-lane modern highway with full shoulders. This would be compatible with highway sections previously built between Route 85 in Boone County and Bolt in Raleigh County and between Man and Pardee in Logan County.

The completion of this highway would expedite the transportation of coal from active mines and increase the feasibility of opening new mines in the region. Indeed, the benefits of closing this gap would be found in economic as well as transportation activities.

Title II of this bill continues the Federal commitment to the mass transit needs of the Nation. While it is often thought that only large cities benefit from Federal mass transit assistance, many smaller cities such as Huntington, W. Va. have great need for assistance so that essential transportation services and opportunities may be provided. This is especially true with respect to operating assistance provided under the section 9 program.

Under H.R. 5504, section 211 reauthorizes the "3 for 2" trade-in of section 9 construction for operating assistance. It is my understanding that the Tri-State Transit Authority in Huntington finds great merit in this program, further enabling it to supplement fare-box and local share revenues to the benefit of the people of Cabell County.

Mr. Chairman, I commend my subcommittee chairman GLENN ANDERSON, and full committee chairman, JIM HOWARD, for bringing this legislation to the floor today. I urge my colleagues to vote for this most important bill.

● Mr. MINETA. Mr. Chairman, I rise in enthusiastic support for H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984.

This is a timely, thoughtful, and well crafted bill, which successfully resolves a series of important surface transportation issues.

The highway portion of this legislation includes an 18-month approval of the interstate cost estimate, which each of our States rely upon for the smooth administration of their highway programs. Numerous other worthwhile provisions are included in this highway section.

The mass transit section expands the authorization for section 3 discretionary grants from the mass transit account of the highway trust fund to $1.5 billion in fiscal years 1985 through 1987. This expansion is a fulfillment on our part of our commitment to return to the public for transit uses those funds generated by the penny of the 5-cent gas tax that is dedicated for transit.

I strongly believe that when we raise funds from such dedicated user fees, we must use those funds for the purposes stated when the taxes or fees were imposed.

The third portion of the bill includes a long overdue and much needed revision of the Uniform Relocation Act, which has not been revised since 1970.

Current relocation practices are—despite something called a Uniform Act—anything but uniform. We have more than 20 different sets of regulations and guidelines, creating a complex web of rules and standards which State officials must struggle to implement fairly.

This revision before us today is entirely consistent with the principles of the 1970 act, which are that any person forced from their home by a Federal project is entitled to be relocated into a new home no less desireable than the one we forced him or her from.

I congratulate our chairman, the gentleman from New Jersey (Mr. HOWARD), our subcommittee chairman, the gentleman from California (Mr. ANDERSON), for their efforts in bringing this bill to the floor today, and the ranking member of the full committee (Mr. SNYDER), and of the subcommittee (Mr. SHUSTER).

This is an important piece of legislation, and I urge its adoption.

Thank you.●

● Mr. PEASE. Mr. Chairman, I rise today in support of H.R. 5504, the Surface Transportation Act, and I would like to call the attention of the House to the fact that this bill contains a demonstration project of longstanding interest and importance to me.

The city of Huron, Ohio, formerly in my congressional district and now in that of our colleague, DELBERT LATTA, for years has been subject to traffic problems stemming from incomplete development of Ohio Route 2.

Huron is located to the east of a major amusement park that is heavily patronized by residents of Cleveland, eastern Ohio, and western Pennsylvania. These patrons flock to the Cedar Point Amusement Park each summer, providing a major source of revenue to the local economy. Unfortunately, State Route 2, which leads to the amusement park, degenerates from four lanes to two lanes for a 6-mile stretch that runs through the center of the city of Huron. The resulting traffic bottleneck for travelers and local residents is extremely dangerous and has taken lives.

Although planning for a four-lane bypass around Huron was begun in the mid-1960's, problems arose in 1977 when the federally mandated environmental impact statement was released. The bypass would have passed through wetlands surrounding the Huron River. Local officials worked with Federal officials with my full assistance, and those problems have been resolved. The only obstacle Huron City residents now face is that of obtaining funding for the bypass.

Congressman LATTA assumed the role of shepherding the Route 2 bypass project to completion after congressional redistricting in 1982. H.R. 5504 authorizes $15 million for the Route 2 bypass project. In addition to providing better access to the Cedar Point Amusement Park, the bypass will enhance highway safety and encourage economic development in an area still plagued by high unemployment. I urge my colleagues to recognize the importance of a demonstration project like the Route 2 bypass and expedite enactment of H.R. 5504.●

● Mr. LEHMAN of Florida. Mr. Chairman, I rise to explain my vote against final passage of H.R. 5504.

I was very reluctant to do this because I believe the transit program needs additional funds but I believe the transit program needs additional funds but I believe several of the program changes required in this bill will prove to be very detrimental to the transit program.

I am disturbed by three provisions in particular. The first is section 203 which requires that section 3 funds cannot be spent until a funding proposal that is submitted by the Secretary to the Public Works and Transportation Committee is approved in law.

This, in effect, puts the transit program in even a worse procedural quagmire than the highway program is currently in. It allows Congress only 3 months to act on the Secretary's proposal. Given the record we have seen with the highway program, there is no doubt that there will be substantial delays in the availability of section 3 funds. The transit program will be subject to more severe stops and starts than the highway program. Those familiar with transportation know that the "on again, off again" nature of highway funding has caused great consternation in the highway community.

I find this provision particularly curious given the fact that the authorizing committees have long held that the transit program needs more stability in the flow of Federal funds—not less. Even if this 3-month period were lengthened to 6 months or 9 months, I still find it highly doubtful that Congress will be able to pass and the President sign annual transit authorizing bills. The record shows just the opposite.

Another major problem I have is with section 205. That section enacts into law selection criteria for new rail transit projects that have been proposed by the Reagan administration. While these criteria have some merit, they are controversial. No transit interest group to my knowledge has endorsed them. Neither am I aware of any former UMTA administrator from either party who endorses these criteria. These criteria are silent about new start benefits related to economic development or urban form. They could also discriminate against the poorer cities which cannot afford a higher local match, but may actually deserve transit services more because a greater percentage of the poor tend to be transit dependent.

Again, while these criteria certainly are important considerations, I do not believe they ought to be legislated. In point of fact, I believe the Secretary may have similar views on this point.

I also believe that legislating new start criteria will set a precedent that the transit community may want to think twice about. Such a provision certainly will provide an impetus to those who want to establish rail modernization criteria. I understand such criteria are under study within the administration.

Last, I take issue with section 202 which allows the Secretary to make multiyear contractual commitments. I find it hard to believe that the Members would agree to give the Secretary unilateral authority to enter into such contracts which could conceivably lock up transit funds for the life of the authorization.

This provision does a disservice to Congress and to those cities which may not be on the Secretary's favored list. Do the Members really want to give up control over where the taxpayers' transit dollars are being spent? I think not.

In sum, I believe that these three provisions ought to be deleted by the Senate or in conference. Unless they are, the transit program will take a significant step backward.●

● Mr. BIAGGI. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984. I consider the bill as reported to be a reflection of our commitment to maintaining, expanding, and improving our Nation's complex highway and mass transportation systems. I wish to first commend the gentleman from New Jersey, Mr. HOWARD as well as Mr. ANDERSON of California, Mr. SYNDER, and Mr. SHUSTER for their leadership in reporting out this critically important bill.

H.R. 5504 as reported by the Committee on Public Works contains a number of critically important features not only to the national transportation picture but to each of our own localities whose economic fortunes can ofttimes depend on a viable transportation system.

Title I of this legislation will allow for an 18-month extension of the authority which will enable construction of the Interstate Highway System to continue. This is an important component of our national transportation system and by continuing to expand the Interstate Highway System—we are doing a great deal more to make this more of a United States of America.

Another vitally important provision contained in title I of this bill is its modification in the formula for apportioning funds for resurfacing, restoring, rehabilitating, and reconstruction of the Interstate System. The modification consists of giving greater weight to actual use by vehicles including heavy trucks. The revised formula would allocate funds 50 percent on the basis of interstate vehicle miles traveled. Twenty-five percent on the basis of gasoline consumption and 25 percent on the basis of diesel fuel consumption. According to at least one account, this will translate into an increase in New York's annual funding by $8.9 million to a total of $107.7 million.

I represent the 19th Congressional District in New York which includes in its boundaries Interstate 95. The portion that is within my district is very heavily traveled and will in the coming months have added to it—trucks carrying spent nuclear fuel. The 4R program is vital to the safe upkeep of this road and Interstate 95 including that part through my district has received some $50 million for an upcoming 4R project which I would expect to accomplish major changes in the highway and lower its tragically high accident rate.

Title II of this bill is of particular importance to me as part of my district includes the city of New York which is so dependent on its system of mass transportation. Title II increases and extends through fiscal year 1987 the authorization for mass transit projects funded from the highway trust fund. In 1982 Congress enacted the Surface Transportation Assistance Act and it set aside 1 cent of the 5-cents-a-gallon gas tax in a mass transit account. The revenues have exceeded the $1.1 billion annual estimate and as a result the committee bill would increase the section 3 urban discretionary grant program by almost $400 million annually to $1.495 billion through fiscal year 1987.

Included in this bill are minimum funding levels which are both reasonable and necessary for the following programs: Rail modernization; new rail starts; and general discretionary mass transit grants.

The bill also provides some $140 million for bus and bus-related grants. I have had a concern for some time about this program and in particular its funding formula. According to an April 9, 1984 General Accounting Office report entitled "Bus Rehabilitation Issues Need Attention."—UMTA's formula has disproportionately favored new bus purchases over rehabilitation projects. Since 1979, UMTA has spent about $70 million to help transit authorities to rehabilitate some 1,900 buses while spending $1.8 billion to help other localities purchase 15,000 new buses. What troubles me is that rehabilitation in many cases is more cost effective than new bus purchases might be. Simple rehabilitation or even refurbishing can extend the life of a bus for as long as 8 years. We know new buses that do not even last 8 months but cost a great deal more. I call to the attention of my colleagues the situation facing the city of New York and its purchase of some 851 new buses from Grumman Corp., all of which have had to be pulled from the streets because of various defects. I submit for the Record an article from the New York Times discussing a recent dimension of this problem.

United States Says City Owes $56 Million for Discarding Grumman Buses

(By Jane Perlez)

Washington, May 31.—The head of the Federal mass-transit agency said today that New York City was "obliged to reimburse" the Government $56 million because the city's Transit Authority had permanently withdrawn its fleet of Grumman Flxible buses.

The official, Ralph L. Stanley, administrator of the Urban Mass Transportation Administration, told a House subcommittee that he was asking for payment by July 1.

The panel—the Subcommittee on Investigations and Oversight of the Public Works and Transportation Committee—is investigating the Transit Authority's decision to remove the buses on the ground that they were unsafe.

Under questioning today, Mr. Stanley said he had no evidence to support the Transit Authority's conclusion that the buses were not safe.

He said the Federal agency had heard "nothing" from the authority's parent body, the Metropolitan Transportation Authority, to show that there was a "generic" problem with the buses. "We still don't have that evidence," he said.

An M.T.A. spokesman said any reimbursement was to be the subject of negotiation.

According to Mr. Stanley, the $56 million represents 80 percent of the Federal share of the fair market value of the 851 buses, now parked outdoors in the Brooklyn Army Terminal.

The Government contributed about $73 million, or 80 percent, of the total $90 million cost of the buses, which were delivered in two batches in 1980 and 1982. New York State paid the remaining 20 percent.

Mr. Stanley said the purchase agreement between the Transit Authority and the Government called for reimbursement of the Federal share of the buses if the local agency unilaterally removed the vehicles from operation permanently without consulting the Federal agency.

He said he would not have insisted on repayment of the Federal share of the buses if the Transit Authority had been willing to consider the possibility of putting the buses back in service at a future date.

The administrator said David L. Gunn, the authority's president, had failed to notify anyone in the agency's Washington or regional offices of his decision to withdraw the buses.

"If the Transit Authority or any authority reached a conclusion that buses were unsafe, we wouldn't hesitate to have them remove them," Mr. Stanley said. "If the Transit Authority had called and said we've reached a conclusion that these are unfit, we are removing them from service, and we'd like to begin an evaluation of the 851 buses and one of the conclusions may be that they permanently be off, we could have worked with them."

Mr. Gunn announced on Feb. 7 that he was removing the buses, which had a long history of mechanical problems, after maintenance officials at the authority told him they could not guarantee the condition of the buses.

Mr. Stanley said he learned of the decision the following day in a newspaper account.

A spokesman for the Metropolitan Transportation Authority, Arthur G. Perfall, said the M.T.A. agreed with Mr. Stanley that the Federal Government had a financial interest in the buses, but he said that "the amount or the form" was to be subject of negotiation.

Mr. Perfall said the board of the M.T.A. voted in April to confirm Mr. Gunn's decision to keep the buses permanently off the city streets. At the same time, the board voted to sue the manufacturer.

The M.T.A. filed suit in State Supreme Court in Manhattan in May charging that Grumman had committed a fraud and had taken part in a conspiracy to defraud the agency. The suit accused Grumman of selling the buses while knowing of flaws in the vehicles.

Mr. Perfall said the M.T.A. would continue to pursue the suit, which stated that it was impossible to keep the buses in operating condition. He said the M.T.A. had no intention of returning the buses to operation.

FIRE ON AN EXPRESS BUS

Mr. Gunn withdrew the vehicles four days after a Flxible bus on an express route from Brooklyn caught fire during the morning rush hour on 57th Street near Fifth Avenue in Manhattan.

Mr. Stanley noted today that the city had conceded that the fire was caused by poor maintenance and that the bus was dispatched without a shock absorber.

Mr. Stanley said he had set the July 1 deadline for payment because he wanted to resolve the future of the buses, which he asserted were deteriorating without maintenance in the outdoor parking lot.

He said he would be willing to consider hiring a consulting company to appraise the value of the buses so that they could be sold to other transit agencies.

Inquiries about buying some of the buses have come from private operators in Queens and from a bus company in Springfield, Mass., Mr. Stanley said.

If the buses are sold, the Federal agency would probably take 80 percent of the sale proceeds and deduct that from the $56 million, a spokesman for the agency, Bonnie Whyte said.

The agency's general counsel, G. Kent Woodman, told the Congressional panel that any cash received from New York City would be returned to the Federal treasury.

Mr. Stanley was subjected to persistent questions from two New York City members, Representatives Geraldine A. Ferraro, Democrat of Queens, and Guy V. Molinari, Republican of Staten Island.

He in turn questioned the authority's maintenance capabilities, saying Grumman Flxible buses were being operated without major problems of private bus companies in Queens.

"You have to wonder whether New York City is conducting its property in a way that they're able to maintain any vehicle at all," Mr. Stanley said.

He said two examinations of the fleet by Federal inspectors since Feb. 7 had failed to reveal flaws of the magnitude reported by the authority.

"A bus which the Transit Authority claimed had a 2½-foot-to-3-foot-long crack actually had a crack 8 inches long which you could not get a penknife into," Mr. Stanley said.

The point I want to make here is identical to that offered by the General Accounting Office—namely that the UMTA formula should be revised so that it provides an identical percentage of Federal funds whether for the purchase of a new bus or the rehabilitation of an existing fleet of buses. At the present time, UMTA provides some 80 percent of the funds for a new bus purchase while less than 60 percent for rehabilitation. If the formula were equalized it would give greater flexibility to localities to make their decisions. The Department of Transportation has in fact agreed to take steps to equalize the formula and I know the chairman is in agreement with this position as well.

Let me conclude with a comment on another important provision of this legislation. It was 14 years ago when I offered an amendment to the Urban Mass Transportation Amendments of 1970 which stated:

> It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services, that special efforts shall be made in the planning and design of mass transportation facility and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

I am proud that H.R. 5504 extends this commitment to the elderly and handicapped of this Nation and the programs we authorize in this bill will be accessible to this important segment of our population. We still have a long way to go in my mind before we achieve full implementation of this provision—but maintaining the language is critical to maintaining the commitment.

One of the more successful programs also extended by this act is the section 16(b)(2) program which provides funds for nonprofit organizations to purchase vehicles for use by the elderly and handicapped. It is an important program which I would hope in future years—increased consideration can be given to providing a certain portion of the funds to go for operating expenses to insure we are getting full value for our dollar.

Again, I support this excellent bill and hope that it gains the swift approval of the House today.●

● Mr. BROWN of California. Mr. Chairman, I would like to commend the diligent efforts of the members of the Subcommittee on Surface Transportation of the Public Works and Transportation Committee regarding H.R. 5504, the Surface Transportation Act. There are many important and worthwhile provisions in the bill and I wish the committee the best in its endeavors.

My general support of this measure is, of course, augmented by a parochial consideration. Among the demonstration projects is $38 million for ground access to Ontario International Airport (OIA), located in my district. This airport is growing by an incredible 20 percent per year. In 1983, 2.5 million passengers passed through OIA; in 1984 that figure is expected to jump to 3 million. This growth is but a mere example of Ontario's potential.

In the late 1970's, the California Department of Transportation (Caltrans) granted OIA an amended permit to expand to serve 12 million annual passengers. The Los Angeles Department of Airports, which operates OIA, proposed to expand its passenger terminal facilities to serve the forecasted demand. But in granting the amended permit, Caltrans required that, prior to expanding the passenger terminals, more specific plans be developed to mitigate additional surface traffic. The present transportation network around the airport is for the most part irregular and intermittent, and is relatively free of congestion. However, by 1995, very few interchanges and intersections in the vicinity of the airport will be operating below capacity. Similarly, peak-hour congestion would occur on all of the major arteries around the airport.

Traditional funding sources for ground access at Ontario had been critically evaluated. Federal, State, and local government funding would have amounted to approximately $11.5 million over a 20 year funding schedule. But OIA and its vicinity are growing too rapidly to depend solely on these programs. The cost burden of ground access to the airport should not be borne primarily by the city of Ontario. The Federal share of $38 million, as provided in H.R. 5504, is only about 50 percent of the total cost of the project. The rest of the money will come from State, local, and private funds. In my opinion, and the opinion of the committee, the Federal share is both equitable and necessary.

Several independent studies, including one by Chase Econometrics, have indicated that the west end of San Bernardino County, which includes OIA, will be among the fastest growing areas in the country during the 1980's. The aviation needs of this region will expand accordingly, far outdistancing the present capabilities of the Los Angeles Airport (LAX) and other satellite airports. John Wayne, Burbank, and Palmdale. Only Ontario has the capacity to absorb this growth, but it cannot do so properly without adequate ground access.

A demonstration project at Ontario can illustrate how essential an integrated transportation network is to a developing community. By determining the right mix of transportation needs, a region can help to insure continued economic prosperity while improving the quality of life for its citizens. The airport, the core of the region's development, will help shape the future and flow of the area's economic development.

As the region expands, OIA will become a centralized airport, serving the needs of the east end of the Los Angeles basin as well as the Nation. This month Delta begins service out of Ontario with advertisements proclaiming easy access to its flights via L.A. West (LAX) or L.A. East (Ontario). Delta is just the beginning. Under a plan adopted by the Los Angeles Department of Airports, Ontario's current 2.5 million annual passengers (MAP) is expected to grow to 12 MAP by the year 2000. True operational capacity would be about 22 MAP. In order to provide for this growth, major improvements in access both on the airport property and offsite are required.

The ground access project at Ontario is not only of regional, but national and international, importance. As a rapidly developing airport in the Nation's most rapidly developing region, it is essential that the needs of the community, region, and nation continue to be met smoothly and efficiently.

I commend the foresight of the committee members. Far too often, we neglect a program until it is too late—until it costs far more than originally anticipated. Action by the House, with support from the other body, will help to alleviate the inevitable growing pains the region will experience. I urge support of this project, not just because the project is in my district, but because it truly serves regional, national, and international needs.●

● Mr. WOLF. Mr. Chairman, I rise in support of H.R. 5504, and in particular want to express my strong support for a provision in the bill affecting the Theodore Roosevelt Bridge which connects my congressional district in northern Virginia with the District of Columbia.

The Roosevelt Bridge provision, which I introduced in separate legislation about 1 year ago, directs the Secretary of Transportation, in cooperation with the Department of Interior, the Commonwealth of Virginia, and the District of Columbia, to develop several options for an inbound lane addition on the existing bridge deck, to be followed by a thorough analysis of the safety and traffic flow factors posed by each option.

I believe that this study is important because the Roosevelt Bridge is over capacity during the morning rush hour. Statistics compiled over 1 year ago prior to the greater utilization of I-66, a major artery feeding into the bridge, show that on May 17, 1983, for instance, 6,439 vehicles used the bridge between 8:15 and 9:15 a.m. That is well over the approximate capacity of 6,000 vehicles per hour on the three inbound lanes.

In addition to traffic coming from I-66, of which the Roosevelt Bridge is actually the eastern terminus, this heavily-used span across the Potomac also receives vehicles from U.S. Route 50 and the George Washington Memorial Parkway, both major commuter routes in northern Virginia. The goal of this provision is to look at ways which may help to eliminate the bottleneck which commuters from I-66, Route 50, and the GW Parkway encounter when they merge on the Roosevelt Bridge.

I want to make clear that this provision insures that an additional auto lane would not have a negative impact on bicycle or pedestrian traffic. According to the language in the provision, the present bicycle and pedestrian path must be maintained as a minimum requirement. But the legislation also called on the Federal Highway Administration to study the possibility of attaching an additional structure to the existing bridge which could be used only by bike and foot traffic.

In short, the goal of this provision is to provide relief for commuters but not at the expense of providing safety or recreational opportunities for anyone. I want the safest plan possible, Mr. Speaker, one which serves the needs of commuters and which retains access for bikers, joggers and pedestrians in northern Virginia and the District of Columbia.

I urge favorable consideration of this legislation.●

● Mr. ROBERTS. Mr. Chairman, if passed as is, the interstate 4R formula contained in H.R. 5504 would result in an inequitable distribution of Federal highway funds. The current 4R formula bases 55 percent on lane-miles and 45 percent on vehicle-miles traveled. The proposed formula eliminates interstate land-miles and replaces it with 50 percent on vehicle-miles traveled, and 25 percent each on gasoline and diesel fuel consumption.

The proposed formula completely ignores geographic size and location realities. It should come as no surprise that geographically larger States have more miles of interstate highways. Those highways need to be kept up just like the highways in more populous States. I know that traffic load is a factor in highway deterioration. Our current formula acknowledges this. However, weather is also an important factor. For example, Kansas goes through more freeze-thaw cycles than most States. These cycles are very destructive to our highways and, thank goodness, are acknowledged in the current formula.

It seems to me that the proposed 4R formula, by concentrating on usage, fails the "fairness" test. The Federal Government is supposed to allocate highway funds equitably. Is it equitable to send proportionately more money to populous States that can more easily afford to pay more of their own way? Is it equitable to move away from a formula based on need and replace it with one based on transportation taxes paid? I think not. Our rural areas, already hit by transportation deregulation, will again suffer most. I urge support for the gentleman's amendment.●

● Mr. DASCHLE. Mr. Chairman, I would like to bring to my colleagues' attention a very unfair provision in H.R. 5504, the Surface Transportation Act. The bill was amended in committee to change the allocation formula for highway repair funds, the 4R program.

Currently, the formula is based 55 percent on lane miles and 45 percent on vehicle miles traveled. This formula has worked well, and takes into account both the long distances involved in States like South Dakota and the heavy usage in more densely populated States. Under H.R. 5504, however, the land-miles consideration is removed from the funding formula. South Dakota, for instance, would lose $15,860,000 or 57 percent of its highway repair moneys. Alaska and Montana would lose 70 percent and 66 percent respectively, of their 4R money.

The Surface Transportation Act of 1982 directed the Federal Highway Administration to study the 4R apportionment formula. The Federal Highway Administration issued its report in December 1983 and found "that no compelling case can be made for changing the formula at this time."

The Senate bill does not change the 4R formula, and I am hopeful that we will recede to the Senate in conference on this matter. The fact that the more populous States would benefit from the change in the House bill makes it unlikely that we can turn this around on the House floor. I would urge my urban colleagues to see the blatant unfairness of not taking into consideration the number of miles of highway when allocating highway repair money.●

● Mr. EDGAR. Mr. Chairman, one important provision of this bill would preserve a section of the 1982 Surface Transportation Act which allows transit authorities to trade in formula capital funds for operating funds on a $3 for $2 basis. The 3 for 2 trade-in provision was originally included in the 1982 act in order to preserve some flexibility for local transit operators in their use of Federal funds while at the same time preserving an incentive for local operators to use funds primarily for capital expenses. Hence, an operator which must use these funds to cover an operating shortfall is also penalized by sacrificing one-third of the formula funds which would otherwise be available.

The Southeastern Pennsylvania Transportation Authority has taken advantage of this provision of the law in every year since passage of the 1982 act to cover about $6 million in annual operating expenses. However, provisions in the bill before us would terminate section 3 capital assistance to any transit operator using the 3 for 2 trade-in, thus eliminating SEPTA's opportunity to use the trade-in. The committee took note of this problem and included the relevant provision of this bill which preserves the opportunity for SEPTA to use the trade-in.

There are three basic reasons why SEPTA has been compelled to use the 3 for 2 trade-in provision. They are:

(1) FEDERALLY MANDATED COSTS

These costs result from the takeover of commuter rail service by SEPTA after Congress required that Conrail give up commuter rail operations in 1981. Transition costs associated with the rail takeover totaled over $44 million, while Congress appropriated only $39 million to cover these costs. SEPTA used the trade-in to cover $6.5 million in operating aid in fiscal 1983 to cover the shortfall in transition assistance.

A major recurring cost associated with the rail takeover is the earnings protection payments which must be made to former Conrail workers now working for SEPTA. This amounts to $5.3 million in fiscal year 1984 and will decline by small increments in future years. Federally mandated costs alone explain almost the entire use of SEPTA's trade-in operating funds.

(2) STRIKE-FORCED REVENUE LOSS

In taking over the commuter rail system from Conrail, SEPTA sought to control labor costs through collective bargaining. In the midst of tough negotiations, SEPTA endured a 106-day rail strike in the spring and summer of 1983. The strike caused a $7.6 million revenue shortfall in 1983, and revenue losses continue to reflect the decline in ridership caused by the long transit strike. SEPTA is building ridership back to prestrike levels, but perennial budget problems, which pose the threat of a shutdown of operations, have been an impediment to stable ridership.

(3) OTHER UNFORESEEABLE CIRCUMSTANCES

The best example of this problem has been the uncertainty surrounding levels of State transit aid with Pennsylvania. Though an aid package was recently approved by the legislature, narrowly averting a shutdown of transit within the Philadelphia area, the availability of the Federal trade-in has been a cushion for SEPTA planners during this uncertain period.

I do not believe that the Federal Government should disproportionately penalize a transit authority for using the trade-in option to comply with federally mandated service charges, to hold down labor costs, and to react to local circumstances. The trade-in option, as designed in the 1982 Surface Transportation Act, was intended to provide flexibility to local operators while maintaining an incentive to use Federal aid for capital projects. Congress has repeatedly taken the position that preserving some flexibility for use of Federal funds for operating and maintenance costs is a necessary part of our transit program.

The option to use these operating funds has been vital in allowing SEPTA to survive an extremely difficult and costly rail transition period. SEPTA officials have informed me that use of the trade-in provision will be required for only another year or two at the most.

I should also add that the language now in the bill has been carefully crafted with the help of the committee in order to insure that SEPTA will not be able to make up capital funds traded in by requesting additional capital funds from the section 3 capital program. The provision explicitly states that SEPTA will not be allowed to increase its share of the section 3 program if it avails itself of the trade-in provision.

For these reasons, I believe that the provision now contained in the bill, which has been approved by the committee, deserves the support of the House.●

● Mr. VOLKMER. Mr. Chairman, I rise in support of section 131(a) of the bill which reinstates cement under the "Buy America" provision of the Surface Transportation Assistance Act of 1982 as regards all foreign cement produced in North America.

I want to commend the gentleman from Kentucky (Mr. SNYDER) for his leadership on this issue.

Until 1981, foreign cement producers, other than the Canadians, were not actively marketing in the United States. Today, U.S. cement producers are confronted by many foreign companies. Many of which are subsidized by their governments.

For example, the Mexican Government subsidizes its industry by selling oil to Mexican cement producers at a price of $4 a barrel compared to the $32 a barrel export price. As the cost of energy accounts for nearly half the cost of producing cement Mexican cement producers are heavily subsidized by their government.

If you accept, as I do, the notion that the purpose of the Surface Transportation Act is to stimulate economic growth in this country you will support the "Buy America" provision in this bill. This provision represents an important part of the economic recovery and vitality of the cement industry.

I urge passage of this section and the bill.●

● Mr. D'AMOURS. Mr. Chairman, I would like to take this opportunity to commend the committee for its fine work on H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984. I am particularly pleased that the bill provides for a significant increase in the amounts set aside for the discretionary bridge program from $200 million to $300 million annually. Given the high costs of rehabilitating or replacing deficient bridges, some States, like my own State of New Hampshire, have been forced to defer many needed improvements. The discretionary program has therefore become a critical source of assistance to the States in addressing this Nation's infrastructure needs.

I am most pleased that the subcommittee chairman has specifically referred to the need to fund the replacement of the Notre Dame Bridge in Manchester, N.H. The Notre Dame Bridge is in a serious state of deterioration. Chunks of concrete from the deck of the bridge have been falling onto the interstate below. The need for and urgency of replacing this bridge, which was built in 1937, has long been apparent but Federal funding limitations and the high costs of a permanent solution have indefinitely delayed construction. Given the committee's specific attention to this bridge and the increased availability of discretionary bridge funds, I am hopeful that this long-discussed and well-planned project will at last move forward.

I thank the chairman for his support of this important project and for his concurrence that the Secretary of Transportation should give this project priority consideration in the use of discretionary bridge funds.●

● Mr. LIPINSKI. Mr. Chairman, I rise in strong support of H.R. 5504, the Surface Transportation and Uniform Relocation Assistance Act of 1984. This legislation is urgently needed to help keep our State highway programs going in their road and rehabilitation work and to provide full funding for mass transit projects all across the Nation.

This legislation will serve as a complement to the full Surface Transportation Assistance Act which was passed last year. H.R. 5504 will authorize full funding from the mass transit account of the highway trust fund for transit projects across the Nation. Transit capital funding in the section 3 program of the Urban Mass Transportation Act is now strengthened by contract authority backed up by the mass transit account in the highway trust fund. Authorizations would be increased from the current level of $1.1 billion a year to $1.5 billion in keeping with Congressional Budget Office estimates that these levels can be sustained by the level of dedicated revenues.

The 1-cent earmark that was included in the STAA last year will now give mass transit a permanent and stable source of Federal funding. Mass transit is one area where the Federal Government must and should take an active role in assisting local communities. It is my belief that a low-cost, efficient coordinated mass transit system reaps many economic benefits for metropolitan areas.

This legislation brings new and much needed clarification to UMTA's Section 3—Transit Capital Program. Under this program, new rail start projects and extensions are funded as well as rail modernization and bus purchases. The new criteria stipulates that before the approval of new rail systems or extensions to existing systems, a determination must be made that this project is cost effective and has a permanent local funding source. It is my belief that before any new large transit systems are built in this country, the Federal Government should determine if there is widespread local financial support for the those endeavors. Large, costly new transit systems should not be built to solely provide a boon to economic development. There must be a demonstrated transportation need for these projects.

H.R. 5504 also funds many worthwhile highway and transit projects that will be a first start in helping rebuild our Nation's cities crumbling infrastructures and transportation networks. Many areas in the city of Chicago and the State of Illinois will receive aid in this bill to repair bridges, highways and viaducts.

I urge my colleagues support of this legislation.●

● Mr. PHILIP M. CRANE. Mr. Chairman, at the appropriate time, an amendment will be offered by Mr. HOWARD of New Jersey to encourage a national drinking age. I am in support of this amendment.

Given the nationwide concern over drunk driving it seems timely that we consider this amendment to restrict Federal highway funding to States refusing to raise their drinking age to 21. I have favored this concept for some time and have cosponsored similiar legislation by Congressman PORTER. In my State, Illinois, we face a serious "border-hopping" problem when young adults cross the border to take advantage of less restrictive drinking age laws. The result has been the loss of many of our most precious national asset—our children. It is incumbent upon us to convince the various States that the severity of this problem demands national attention. This amendment provides a more effective means of addressing the issue than mandating a national drinking age.●

● Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 5504, the Surface Transportation Act. I commend Chairman HOWARD and Chairman ANDERSON and the Public Works and Transportation Committee for their fine work in crafting this legislation.

As chairwoman of the Government Operations Subcommittee on Government Activities and Transportation, I have carefully overseen implementation of the Surface Transportation Assistance Act of 1982. In fact, I recently held hearings on the financial circumstances faced by public transit in Chicago and other cities.

My oversight has revealed that public transit systems are needy of capital improvement funds and those funds exist and are waiting to be used.

The legislation before us today makes a significant improvement in our 1982 legislative efforts. In fact, it includes a provision modeled after H.R. 4918, a bill which I introduced in February. It will close a 1982 loophole that permitted hundreds of millions of dollars to be collected into the transit account of the Highway Trust Fund but yet sit idle there.

The section 3 capital program for mass transit is funded through the transit penny of the nickel-per-gallon increase in gasoline tax. The 1982 legislation authorized the program at $1.1 billion, but revenue is flowing into the account much more quickly.

This legislation, embodying the concept of my bill, will increase that authorization to $1.525 billion in fiscal year 1985 and extend authorization of this essential program for an additional year to fiscal year 1987. Without raising taxes one cent, transit systems across the country will receive much-needed funds to rebuild and improve their facilities. My own city of Chicago could receive as much as $30 million per year in supplemented capital improvements funding, using historical figures.

I urge all Members to keep this in mind as we move this legislation toward enactment.●

Mr. **SHUSTER**. Mr. Chairman, I urge strong bipartisan support for this badly needed legislation, and I yield back the balance of my time.

The **CHAIRMAN**. The gentleman yields back the balance of his time.

All time has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill shall be considered by titles as an original bill for the purpose of amendments, and each title shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Surface Transportation and Uniform Relocation Assistance Act of 1984".

The **CHAIRMAN**. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1984".

APPROVAL OF INTERSTATE COST ESTIMATE

SEC. 102. (a) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1985, one-half of the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 98-35 of the Committee on Public Works and Transportation of the House of Representatives.

(b) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1986, the sums authorized to be appropriated for such year by section 108(b) of the Federal-Aid Highway Act of 1956, as amended, for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5 of the committee print numbered 98-35 of the Committee on Public Works and Transportation of the House of Representatives.

APPORTIONMENT OF FUNDS FOR SUBSTITUTE PROJECTS

SEC. 103. (a) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1984, one-half of the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 98-36 of the Committee on Public Works and Transportation of the House of Representatives.

(b) The Secretary of Transportation shall apportion for the fiscal year ending September 30, 1985, the sums to be apportioned for such year under section 103(e)(4) of title 23, United States Code, for expenditure on substitute highway and transit projects, using the apportionment factors contained in the committee print numbered 98-36 of the Committee on Public Works and Transportation of the House of Representatives.

(c) Section 103(e)(4) of title 23, United States Code, is amended—

(1) in the sixteenth sentence by striking out "years" and inserting in lieu thereof "year", and by striking out ", and September 30, 1986";

(2) by inserting after such sixteenth sentence the following new sentence: "The Secretary shall make a revised estimate of the cost of completing substitute highway projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute highway projects for the fiscal years ending September 30, 1986, and September 30, 1987.";

(3) in the twenty-second sentence by striking out "years" and inserting in lieu thereof "year", and by striking out ", and September 30, 1986"; and

(4) by inserting after such twenty-second sentence the following new sentence: "The Secretary shall make a revised estimate of the cost of completing substitute transit projects under this paragraph and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1985, and upon approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for substitute transit projects for the fiscal years ending September 30, 1986, and September 30, 1987.".

(d) Section 103(e)(4) of title 23, United States Code, is further amended by striking out the sixth, seventh, and eighth sentences and inserting in lieu thereof the following: "The sums apportioned and the sums allocated under this paragraph for public mass transit projects shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. The sums apportioned and the sums allocated under this paragraph for projects under any highway assistance program shall remain available for the fiscal year for which apportioned or allocated, as the case may be, and for the succeeding fiscal year. Any sums which are apportioned or allocated to a State for a fiscal year and are unobligated (other than an amount which, by itself, is insufficient to pay the Federal share of the cost of a substitute project which has been submitted by the State to the Secretary for approval) at the end of such fiscal year shall be apportioned or allocated, as the case may be, among those States which have obligated all sums (other than such an amount) apportioned or allocated, as the case may be, to them for such fiscal year. Such reapportionments shall be in accordance with the latest approved estimate of the cost of completing substitute projects, and such reallocations shall be at the discretion of the Secretary.".

(e) The last sentence of section 103(e)(4) of title 23, United States Code, is amended by striking out "designed" and inserting in lieu thereof "designated".

OBLIGATION CEILING

SEC. 104. (a) Section 104(a)(3) of the Surface Transportation Assistance Act of 1982 is amended by inserting after "$13,550,000,000" the following: "(plus an amount equal to the excess, if any, of $12,600,000,000 over the total amount of funds obligated in fiscal year 1984 for Federal-aid highways and highway safety construction programs with respect to which the obligation ceiling established for such programs by title I of the Department of Transportation and Related Agencies Appropriations Act, 1984 (97 Stat. 460) applies)".

(b)(1) If the amount of funds which any State may obligate for Federal-aid highways and highway safety construction programs in fiscal year 1984 is reduced as a result of the redistribution of the obligation ceiling imposed on such programs for such year by title I of the Department of Transportation and Related Agencies Appropriations Act, 1984 (97 Stat. 460) on account of the apportionment of funds pursuant to sections 102 and 103 of this Act, the amount of funds which such State may obligate (but for this paragraph) for such programs in such year shall be increased by the amount of such reduction.

(2) In addition to obligational authority made available by such title I for Federal-aid highway and highway safety construction programs for fiscal year 1984, there shall be available such amount of obligational authority for such programs for such year as may be necessary to carry out paragraph (1).

(c) Section 104 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(f)(1) If, on September 30, 1983, any State had unobligated funds apportioned to it under sections 104 and 144 of title 23, United States Code, the Secretary of Transportation shall determine for such State—

"(A) the ratio of the amount of such unobligated funds to the total amount of the funds apportioned to such State under such sections in fiscal year 1983; and

"(B) an amount equal to one-third of the total amount of the funds apportioned to such State under such sections in such fiscal year.

"(2) If the ratio determined under paragraph (1)(A) for any State is greater than one to three, the amount of funds which, but for this subsection, such State may obligate in each of fiscal years 1985, 1986, and 1987 for Federal-aid highways and highway safety construction programs shall be increased by an amount equal to one-third of the amount determined by subtracting (A) the amount determined under paragraph (1)(B) for such State, from (B) the amount of funds which were apportioned to such State under sections 104 and 144 of title 23, United States Code, and which were not obligated on September 30, 1983.

"(3) This subsection shall not affect the amount of funds apportioned or allocated to any State for Federal-aid highways and highway safety construction.".

EMERGENCY CALL BOXES

SEC. 105. Section 101(a) of title 23, United States Code, is amended in the tenth undesignated paragraph (relating to the definition of highway safety improvement project) by inserting after "pavement marking," the following: "installs emergency motorist-aid call boxes,".

EMERGENCY RELIEF FOR THE TERRITORIES

SEC. 106. (a) Section 125 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.".

(b) The first sentence of subsection (b) of such section 125 is amended by inserting "(1)" before "obligations" and by inserting after "$30,000,000 in any State" the following: ", and (2) the total obligations for projects under this section in any fiscal year in the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands shall not exceed $5,000,000".

(c) The amendments made by subsections (a) and (b) of this section shall take effect April 15, 1983.

TANK TRUCKS

Sec. 107. (a) The second sentence of section 127(a) of title 23, United States Code, is amended—

(1) by inserting "(1)" before "is thirty-six feet or more";

(2) by inserting after "thirty-six feet or more" the following: ", or (2) in the case of a motor vehicle hauling any tank trailer or ocean transport container before September 1, 1988, thirty feet or more"; and

(3) by inserting after "except in the case of the overall gross weight of any group of two or more consecutive axles" the following: "on any vehicle (other than a vehicle comprised of a motor vehicle hauling any tank trailer or ocean transport container on or after September 1, 1988)".

(b) Section 127 of such title is further amended by adding at the end thereof the following new subsection:

"(c) For purposes of this section, the term 'ocean transport container' has the meaning given the term 'freight container' by the International Standards Organization on the date of enactment of this Act in Series 1, Freight Containers, 3rd Edition (reference number IS0668-1979(E)).".

HIGHWAY BEAUTIFICATION

Sec. 108. Section 131(m) of title 23, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "There is authorized to be appropriated to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986. All provisions of this chapter that are applicable to Federal-aid primary highways funds, other than provisions relating to the apportionment formula, shall apply to funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section.".

PRIORITY PRIMARY PROJECTS

Sec. 109. Section 120(k) of title 23, United States Code, as redesignated by section 111(b)(3) of this Act, is amended by striking out "97-61" and inserting in lieu thereof "98-25".

DISCRETIONARY BRIDGE PROGRAM

Sec. 110. Section 144(g)(2) of title 23, United States Code, is amended—

(1) by inserting "and" after "September 30, 1983," the first two places it appears;

(2) by striking out "September 30, 1985, and September 30, 1986," the first two places it appears;

(3) by inserting after the first sentence the following new sentence: "Of the amount authorized per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986, by such sections, all but $300,000,000 per fiscal year shall be apportioned as provided in subsection (e) of this section.";

(4) by inserting before "shall be available" the following: "and $300,000,000 per fiscal year of the amount authorized for each of the fiscal years ending September 30, 1985, and September 30, 1986,"; and

(5) by inserting before "shall be at the discretion" the following: "and $300,000,000".

HIGHWAY TECHNICAL AMENDMENTS

Sec. 111. (a)(1) The second section 126 of the Surface Transportation Assistance Act of 1982, relating to bicycle transportation, is amended by striking out "Sec. 126." and inserting in lieu thereof "Sec. 126A.".

(2) Section 133 of such Act is amended by striking out "(a)" the first place it appears.

(3) Section 163 of such Act is amended by striking out "appropriated" and inserting in lieu thereof "apportioned".

(4) Subsection (b) of section 165 of such Act is amended by inserting "or" after the semicolon at the end of clause (3).

(5) The third sentence of section 108(d) of such Act is amended by striking out "this title," and inserting in lieu thereof "title 23, United States Code,".

(b)(1) The analysis for chapter 1 of title 23, United States Code, is amended (A) in the item relating to section 127 by striking out "and width", and (B) by striking out the item relating to section 146 and inserting in lieu thereof:

"146. Carpool and vanpool projects.".

(2) The first sentence of section 120(f) of such title is amended by striking out ": Provided," and all that follows through the period at the end of such sentence and inserting in lieu thereof a period.

(3) Section 120 of such title is amended by redesignating the second subsection (i), and subsections (j) and (k) as subsections (j), (k), and (l), respectively.

(4) The first sentence of section 122 of such title is amended by inserting "or for substitute highway projects approved under section 103(e)(4) of this title" before "and the retirement".

(5)(A) Subsection (b) of section 125 of such title is amended by striking out "the Interstate System, the Primary System, and on any routes functionally classified as arterials or major collectors," each place it appears and inserting in lieu thereof "the Federal-aid highway systems, including the Interstate System".

(B) Subsection (c) of such section is amended by striking out "routes functionally classified as arterials or major collectors" and inserting in lieu thereof "on any of the Federal-aid highway systems".

(6) Subsection (e) of section 144 of title 23, United States Code, is amended by adding at the end thereof the following: "Funds apportioned under this section shall be available for expenditure for the same period as funds apportioned for projects on the Federal-aid primary system under this title. Any funds not obligated at the expiration of such period shall be reapportioned by the Secretary to the other States in accordance with this subsection.".

(7) The second sentence of section 204(b) of such title is amended by inserting "the Secretary or" before "the Secretary of the Interior".

(c) Section 104(i)(4)(D) of the Marine Protection, Research, and Sanctuaries Act of 1972, as added by section 424 of the Surface Transportation Assistance Act of 1982, is amended by inserting "to ______________" after "grant a permit".

(d) Section 111 of title 23, United States Code, is amended by inserting "(a)" before "All agreements" and by adding at the end thereof the following new subsection:

"(b) Notwithstanding subsection (a), any State may permit the placement of vending machines in rest and recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System in such State. Such vending machines may only dispense such food, drink, and other articles as the State highway department determines are appropriate and desirable. Such vending machines may only be operated by the State. In permitting the placement of vending machines, the State shall give priority to vending machines which are operated through the State licensing agency designated pursuant to section 2(a)(5) of the Act of June 20, 1936, commonly known as the 'Randolph-Sheppard Act' (20 U.S.C. 107a(a)(5)). The costs of installation, operation, and maintenance of vending machines shall not be eligible for Federal assistance under this title.".

(e) Section 154(e) of title 23, United States Code, is amended—

(1) by striking out "criteria which takes" and inserting in lieu thereof "criteria which take";

(2) by inserting after "posted" the following: "on January 1, 1983,"; and

(3) by inserting before "in accordance with" the following: ", and on public highways built after such date with speed limits posted at 55 miles per hour,".

(f) Section 7 of the Act entitled "An Act to apportion certain funds for construction of the National System of Interstate and Defense Highways for fiscal year 1985 and to increase the amount authorized to be expended for emergency relief under title 23, United States Code, and for other purposes", approved March 9, 1984 (98 Stat. 55-56), is amended—

(1) in the first sentence by inserting "not to exceed" before "$100,000,000";

(2) in the second sentence by striking out "$100,000,000" and inserting in lieu thereof "by an amount equal to the amount of such funds"; and

(3) in the third sentence by striking out "$100,000,000" and inserting in lieu thereof "an amount equal to the amount of funds transferred under this section".

(g)(1) Section 303(c) of title 49, United States Code, is amended by inserting before "requiring the use" the following: "(other than any project for a park road or parkway under section 204 of title 23)".

(2) The third sentence of section 138 of title 23, United States Code, is amended by inserting before "which requires" the following: "(other than any project for a park road or parkway under section 204 of this title)".

DEMONSTRATION PROJECTS

Sec. 112. (a)(1) The Secretary of Transportation (hereinafter in this section referred to as the "Secretary") shall utilize the procedures adopted to carry out the demonstration project under section 141 of the Federal-Aid Highway Act of 1976 and the methods for processing highway projects required to be established by section 129 of the Surface Transportation Assistance Act of 1982 to accelerate design and construction of a highway project to complete a gap on the Federal-aid primary system in an urban area along the Passaic River in Passaic County, New Jersey. Such project shall be a project which the Secretary estimates could be completed under normal procedures and open to traffic in 1992 and for which most of the *right-of-way is acquired before the date of enactment of this Act.*

(2) Not later than 180 days after completion of the demonstration project under paragraph (1), the Secretary shall submit a report to Congress on the results of such project (including the timesavings), along with a description of the procedures used to accelerate design and construction of such project, a summary of the manner in which the techniques used in carrying out such project in an urban area differed from the techniques used in the demonstration project carried out under section 141 of the Federal-Aid Highway Act of 1976 in a rural area, and an analysis of the costs and benefits of the accelerated completion of the project conducted under paragraph (1).

(b) The Secretary shall carry out a highway project to demonstrate methods of improving traffic operations and reducing accidents at a high-volume rotary intersection in Brick Township, New Jersey.

(c)(1) The Secretary shall carry out a demonstration project in the vicinity of Johnstown, Pennsylvania, for the purpose of demonstrating methods by which a highway construction project on a segment of the Federal-aid primary system will enhance highway safety and economic development in an area of high unemployment.

(2) Not later than one year after completion of the demonstration project under paragraph (1) of this subsection, the Secretary shall submit a report to Congress on the results of such project.

(d) The Secretary shall carry out a highway project to demonstrate the economic growth and development benefits of widening a segment of the Federal-aid urban system connecting a community college and a large commercial center in the vicinity of Fort Smith, Arkansas, and of improving traffic signalization on such segment.

(e) The Secretary shall carry out a demonstration project on the Federal-aid urban system for the purpose of demonstrating the economic and safety benefits of constructing a grade separation between a railroad line and a highway in the vicinity of Moorhead, Minnesota, and of reconstruction of two deteriorated segments of a major east-west highway on the Federal-aid primary system in the vicinities of Fosston and Bagley, Minnesota.

(f) The Secretary shall carry out a highway project to demonstrate methods of improving traffic flow and safety on a portion of a Kentucky State highway which connects an Interstate route in the vicinity of Dry Ridge, Kentucky, with a highway on the Federal-aid primary system in the vicinity of Owentown, Kentucky.

(g) The Secretary shall carry out a demonstration project in the vicinity of the Ontario International Airport in San Bernardino County, California, for the purpose of demonstrating methods of improving highway access to an airport which is projected to incur a substantial increase in air service.

(h)(1) The Secretary shall carry out a highway project to close a gap of approximately 12 miles in a multilane limited access road connecting the City of Altoona to the Borough of Tyrone in Blair County, Pennsylvania, for the purpose of demonstrating state of the art delineation technology. For comparison purposes, the highway section to be constructed shall connect both highway construction using current delineation technology and older completed highway construction using traditional delineation technology. The project shall demonstrate the latest horizontal and vertical delineation techniques, and utilize innovative techniques in highway delineation treatments to improve traffic control and highway safety. All delineation elements shall be designed to provide the optimum life-cycle costs, thereby maximizing the highway safety benefits and minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of the project. Upon completion of the project, the highway shall be added to the Federal-aid primary system.

(2) Not later than one year, six years, and 11 years after the completion of the state of the art delineation technology project, the Secretary shall submit reports to the Congress, including but not limited to the results of such project, the effects of using the best delineation technology on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such delineation techniques.

(3) Notwithstanding subsection (b)(3) of section 131 of the Surface Transportation Assistance Act of 1982, funds authorized to be appropriated to carry out such section for the fiscal year ending September 30, 1985, are authorized to be appropriated to carry out such section and this subsection; except that the Secretary shall make such funds available to carry out this subsection only after the project authorized by such section 131 is completed.

(i)(1)(A) The Secretary is authorized to carry out a highway project to demonstrate the benefits on traffic flow and transportation of labor and materials by construction of a highway to provide limited continuous access between an Interstate route and a highway on the Federal-aid primary system in Lafayette, Louisiana.

(B) The Secretary is authorized to carry out a highway project which will demonstrate methods of reducing traffic congestion in the central business district of Shreveport, Louisiana, improving access to such district, providing highway continuity, and satisfying national defense requirements by connecting an Interstate route with another Interstate route which serves as bypass around such city.

(2) The Secretary is authorized to carry out a highway project which will demonstrate the most cost effective method of improving interstate motor vehicle access for passengers and cargo moving to and from the port of Miami, Florida.

(3) The Secretary is authorized to carry out a highway project in the State of Arkansas on a segment of a north-south highway on the Federal-aid primary system from the vicinity of the junction of Interstate routes I-40 and I-540 to the boundary between the States of Arkansas and Missouri in the vicinity of Bella Vista, Arkansas, for the purpose of demonstrating methods of improving highway safety and of accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(4) The Secretary is authorized to carry out a highway project on a segment of a north-south highway on the Federal-aid primary system from the vicinity of Carthage, Missouri, to the boundary between the States of Arkansas and Missouri in the vicinity of Noel, Missouri, for the purpose of demonstrating methods of improving highway safety and accelerating highway construction. Such project shall increase the number of lanes on such segment from two to four.

(5) The projects authorized by paragraphs (3) and (4) of this subsection shall also demonstrate the latest high-type geometric design features and new advances in highway traffic control and safety hardware. All design elements, including the highway pavement, shall be designed to provide the best life-cycle costs, thereby minimizing future maintenance costs. The Secretary shall provide necessary technical assistance in the design and construction of such projects.

(6) Not later than one year, six years, and 11 years after the completion of the projects authorized by paragraphs (3) and (4) of this subsection, the Secretary shall submit reports to the Congress, including but not limited to the results of such projects, the effects of using such design features and advances on safety and other considerations, recommendations for applying the results to other highway projects, and any changes that may be necessary by law to permit further use of such features and advances.

(j) The Secretary shall carry out a highway project to demonstrate methods of reducing costs and expediting construction of an interchange in the vicinities of Sanford, Florida, and the intersection of route 46A and an Interstate route by contracting with a private consultant to design and construct such project.

(k) The Secretary is authorized to carry out a demonstration project in the vicinity of San Jose and Santa Clara, California, for the purpose of demonstrating a unified method of reducing traffic congestion on a Federal-aid urban highway which is the result of the intersection of such highway with two other Federal-aid urban highways and a railroad crossing in a one-quarter mile segment of such highway.

(l)(1) The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator without decreasing the efficiency of a Federal-aid primary highway. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(2) No Federal assistance shall be provided to carry out the demonstration project under this subsection until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

(m) The Secretary is authorized to carry out a demonstration project to construct a highway in the vicinity of Pardee, West Virginia, for the purpose of demonstrating the improvement in motor vehicle transportation of energy resources resulting from the completion of a consolidated network of modern highway.

(n) The Secretary shall carry out a highway project to demonstrate methods by which construction of a grade separation for a railroad crossing of a highway on the Federal-aid primary system enhances urban redevelopment and the effectiveness of a planned transportation center in Modesto, California.

(o) The Secretary shall carry out a highway project in Kalamazoo, Michigan, to demonstrate the benefits of cooperation between the private sector and the government in relieving traffic congestion caused by a railroad crossing a highway on a Federal-aid system through construction of a highway overpass.

(p) The Secretary is authorized to carry out a highway project to demonstrate the advantages of joint development and use of

air rights in the construction of a deck over a depressed portion of an Interstate route in East Milton, Massachusetts.

(q) The Secretary, in cooperation with the State of Alabama, shall carry out a highway project in the vicinity of Fairhope and Foley, Alabama, to demonstrate methods of accelerating the widening of a highway traffic segment of highway on the Federal-aid primary system necessary for the rapid evacuation of individuals during emergency weather conditions.

(r) The Secretary shall carry out a highway project in the vicinity of Wilder in Campbell County, Kentucky, to demonstrate the economic benefits to a port facility, industrial complex, and foreign trade zone and methods of enhancing highway safety by reconstruction of a segment of a highway on the Federal-aid urban system which connects an Interstate route with a port facility. Such project shall increase the number of lanes on such highway from two to four and may include realignment of such highway.

(s) The Secretary shall carry out a highway project to demonstrate the safety benefits of providing additional and improved vehicular passing opportunities on, adding truck climbing lanes to, and straightening, a 50-mile segment of an east-west highway on the Federal-aid primary system which carries a high volume of traffic in Jo Daviess and Stephenson Counties, Illinois.

(t) The Secretary is authorized to carry out a highway project in the city of Allentown, Pennsylvania, for the purpose of demonstrating methods of accelerating construction to eliminate a major rail-highway crossing at grade, reducing traffic delays for both rail and motor vehicle traffic, and minimizing the impact on the surrounding urban environment.

(u) The Secretary shall carry out a series of highway projects in the vicinities of Pontiac and East Lansing, Michigan, which demonstrate methods of enhancing safety and promoting economic development through construction of grade separations and road widenings on a highway on the Federal-aid primary system and on highways on Federal-aid urban system.

(v) The Secretary shall carry out a highway project to demonstrate methods of improving safety on a highway on the Federal-aid primary system in Riverside, California, which is designated as a priority primary route under section 147 of title 23, United States Code, by Committee Print Numbered 97-61 of the Committee on Public Works and Transportation of the House of Representatives.

(w) The Secretary is authorized to carry out a highway project to demonstrate methods of improving highway safety and traffic flow by widening and upgrading a priority primary route in Osceolo County, Michigan.

(x) The Secretary shall carry out a highway project in Buffalo, New York, for the purpose of demonstrating methods of facilitating redevelopment of a waterfront area by construction of a connector off a highway on the Federal-aid primary system. Upon completion of the project, the connector shall be added to the Federal-aid urban system.

(y) The Secretary shall carry out a highway project to construct a connector ramp from West 11th Street to Quigley Road in the Tremont area of Cleveland, Ohio, for the purpose of demonstrating how cost-effective investment toward meeting the transportation infrastructure needs of a neighborhood, which is suffering infrastructure decay, can help revitalize such neighborhood.

(z) The Secretary shall carry out a highway project to construct a bridge to cross the Tennessee River in Lauderdale and Colbert Counties, Alabama, in the vicinity of Patton Island, Alabama, for the purpose of demonstrating methods of improving highway transportation and enhancing economic development.

(aa) The Secretary shall carry out a highway project in the vicinity of Huron, Ohio, for the purpose of demonstrating methods by which a highway construction project on a bypass segment on the Federal-aid primary system which provides access to an amusement park in Erie County, Ohio, will enhance highway safety and economic development in an area of high unemployment.

(bb) The Secretary shall undertake a highway project in Chicago, Illinois, to demonstrate the feasibility of and cost savings from replacing a movable bridge on a high-volume urban road over a lightly used navigable waterway with a fixed-span bridge which will be constructed so as to allow its rapid conversion to a movable bridge if the Secretary of the Army, acting through the Chief of Engineers, determines that a conversion is necessary.

(cc) The Secretary shall carry out three highway projects in Harney County, Oregon, for the purpose of demonstrating methods of protecting roadways against damage and destruction due to wave erosion by such techniques as broadening the highway base, raising the highway elevation, and providing protection material against such erosion. Such projects in Harney County, Oregon, shall be carried out on (1) a north-south highway on the Federal-aid secondary system between an area in the vicinity of Narrows-Princeton Road and an area in the vicinity of Dog Mountain, (2) an east-west highway on the Federal-aid secondary system between an area in the vicinity of Warm Springs Butte and an area in the vicinity of the community of Lawen, and (3) an east-west highway on the Federal-aid secondary system between an area in the vicinity of the Sod House School and an area in the vicinity of Black Butte.

(dd) The Secretary shall carry out two road improvement projects in Wayne County, Michigan, to demonstrate the benefits of enhancing safety and improving economic vitality of a depressed area.

(ee) The Secretary shall carry out three highway projects in Cook County, Illinois, to demonstrate the benefits, respectively, from reconstructing portions of an arterial roadway in coordination with a regional drainage plan of the United States Soil Conservation Service, widening and resurfacing an arterial roadway which passes through a forest preserve adjacent to a historical district in a manner which will preserve the historical and natural characteristics of the area, and resurfacing an arterial roadway which is expected to experience high volumes of traffic during the reconstruction of a parallel Interstate route.

(ff) The Secretary is authorized to carry out a highway project in Erie County, New York, to demonstrate methods of enhancing safety and reducing traffic congestion and delays at the terminus of an Interstate route by relocating the terminus of such route.

(gg) Not later than 180 days after completion of each project under subsections (b), (d), (e), (f), (g), (i)(1), (i)(2), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), and (ff) of this section, the Secretary shall submit to Congress a report on the results of such project.

(hh) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account)—

(1) to carry out subsection (a) of this section not to exceed $50,000,000 for the fiscal year ending September 30, 1985;

(2) to carry out subsection (b) of this section not to exceed $4,800,000 for the fiscal year ending September 30, 1985;

(3) to carry out subsection (c) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1985;

(4) to carry out subsection (d) of this section not to exceed $8,500,000 for the fiscal year ending September 30, 1985;

(5) to carry out subsection (e) of this section not to exceed $3,000,000 for the fiscal year ending September 30, 1985, and $2,000,000 for the fiscal year ending September 30, 1986;

(6) to carry out subsection (f) of this section not to exceed $20,500,000 for the fiscal year ending September 30, 1985;

(7) to carry out subsection (g) of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1985, and $28,000,000 for the fiscal year ending September 30, 1986;

(8) to carry out subsection (h) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985, $8,000,000 for the fiscal year ending September 30, 1986, $36,000,000 for the fiscal year ending September 30, 1987, and $42,000,000 for the fiscal year ending September 30, 1988;

(9) to carry out the preliminary engineering and design and initial utility relocation and land acquisition activities under subsection (i)(1) of this section not to exceed $20,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(10) to carry out the preliminary engineering and design under subsection (i)(2) of this section not to exceed $1,300,000 for the fiscal year ending September 30, 1985, and $9,000,000 for the fiscal year ending September 30, 1986;

(11) to carry out the preliminary engineering and design, utility relocation, and land acquisition under subsection (i)(3) of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1985, and $15,000,000 for the fiscal year ending September 30, 1986;

(12) to carry out the preliminary engineering and design, utility relocation, and land acquisition and initial construction activities under subsection (i)(4) of this section not to exceed $13,000,000 for the fiscal year ending September 30, 1985, and $12,000,000 for the fiscal year ending September 30, 1986;

(13) to carry out subsection (j) of this section not to exceed $7,000,000 for the fiscal year ending September 30, 1985, and $7,500,000 for the fiscal year ending September 30, 1986;

(14) to carry out subsection (k) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1985, and $17,000,000 for the fiscal year ending September 30, 1986;

(15) to carry out subsection (l) of this section not to exceed $7,200,000 for the fiscal year ending September 30, 1985;

(16) to carry out subsection (m) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, and $25,000,000 for the fiscal year ending September 30, 1986;

(17) to carry out subsection (n) of this section not to exceed $2,000,000 for the fiscal year ending September 30, 1985, and

$12,000,000 for the fiscal year ending September 30, 1986;

(18) to carry out subsection (o) of this section not to exceed $2,000,000 for the fiscal year ending September 30, 1985;

(19) to carry out subsection (p) of this section not to exceed $3,500,000, for fiscal year ending September 30, 1985;

(20) to carry out subsection (q) of this section not to exceed $10,500,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(21) to carry out subsection (r) of this section not to exceed $9,000,000 for the fiscal year ending September 30, 1985;

(22) to carry out subsection (s) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985;

(23) to carry out subsection (t) of this section not to exceed $1,000,000 for the fiscal year ending September 30, 1985, $2,000,000 for the fiscal year ending September 30, 1986, and $3,000,000 for the fiscal year ending September 30, 1987;

(24) to carry out subsection (u) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, and $7,000,000 for the fiscal year ending September 30, 1986;

(25) to carry out subsection (v) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985, and $5,000,000 for fiscal year ending September 30, 1986;

(26) to carry out subsection (w) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985, and $4,000,000 for the fiscal year ending September 30, 1986;

(27) to carry out subsection (x) of this section not to exceed $6,000,000 for the fiscal year ending September 30, 1985, and $6,500,000 for the fiscal year ending September 30, 1986;

(28) to carry out subsection (y) of this section not to exceed $3,500,000 for the fiscal year ending September 30, 1985;

(29) to carry out subsection (z) of this section not to exceed $5,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(30) to carry out subsection (aa) of this section not to exceed $7,500,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986;

(31) to carry out subsection (bb) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1986;

(32) to carry out subsection (cc) of this section not to exceed $4,000,000 for the fiscal year ending September 30, 1985;

(33) to carry out subsection (dd) of this section not to exceed $3,900,000 for the fiscal year ending September 30, 1985;

(34) to carry out subsection (ee) of this section not to exceed $12,000,000 for the fiscal year ending September 30, 1985; and

(35) to carry out subsection (ff) of this section not to exceed $5,000,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986.

(ii) Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section (other than subsection (o)) shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation. Funds appropriated to carry out subsection (o) of this section shall be available to pay not to exceed 10 per centum of the cost of the project described in such subsection.

PROJECT ELIGIBILITY

Sec. 113. Notwithstanding any other provision of law, policy, and regulation and any interpretation thereof, the cost of construction of the alternative for any Interstate route which is recommended in any final environmental impact statement (1) submitted by the State of Massachusetts in September 1983, and (2) approved by the Secretary of Transportation thereafter, shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and shall be included as an eligible project in the 1985 interstate cost estimate and any future interstate cost estimate. Subject to the approval of the Secretary of Transportation of such impact statement, the Secretary shall enter into project agreements consistent with the provisions of title 23 of the United States Code for construction of such project.

DONATION OF LANDS

Sec. 114. Notwithstanding any other provision of law, the fair market value of any lands which have been or in the future are donated or dedicated to the State of California necessary for the right-of-way for relocation and construction of California State Route 73 in Orange County, California, from its interchange with Interstate route I-405 to its interchange with Interstate route I-5 shall be included as a part of the cost of such relocation and construction project and shall be credited first toward payment of the non-Federal share of the cost of such relocation and construction project. If the fair market value of such lands exceeds the non-Federal share of such relocation and construction project, then the excess amount, upon the request of the State of California, shall be credited toward the non-Federal share of the cost of any other project on the Federal-aid system in Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties, California. To further the purposes of this section and section 323 of title 23, United States Code, any recorded irrevocable offer of dedication or donation of property within the right-of-way shall be considered as part of the State right-of-way acquisition for purposes of this section if such offer is irrevocable and effective no later than such time as the State of California requests final reimbursement for the Federal share. In no case shall the amount of Federal-aid reimbursement to the State of California on account of such relocation and construction project exceed the actual cost to the State for such project.

PLANNING, DESIGN, AND CONSTRUCTION

Sec. 115. Notwithstanding any other provision of law, the State of Arkansas may use funds apportioned to it under section 104(b)(5)(A) of title 23, United States Code, for the planning, design, and construction from Interstate route I-40 to the boundary between Arkansas and Missouri of a two-lane north-south highway which is on the Federal-aid primary system in Arkansas and passes through an urbanized area.

EXEMPTION FROM RIGHT-OF-WAY RESTRICTION

Sec. 116. The facility owned by the Can-Am Warehouse Company located in part on the right-of-way of Interstate Route I-94 in Michigan and in the vicinity of the interchange of I-94 and Michigan State Route 25 is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting certain commercial establishments on rights-of-way of the Interstate System. Such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for export and for consumption outside the United States.

RICHMOND-PETERSBURG TURNPIKE

Sec. 117. (a) Upon repayment by the Commonwealth of Virginia to the Treasurer of the United States of an amount equal to the total amount of Federal-aid highway funds heretofore paid on account of the immediate connectors and approaches to the Richmond-Petersburg Turnpike, such Turnpike shall be free of all restrictions with respect to the imposition and collection of tolls or other charges on or for the use thereof contained in title 23, United States Code, or section 131 of the Federal Highway Act of 1970, or any regulation or agreement thereunder. Nothing in this section shall be construed to affect any apportionment of funds under section 104(b)(5)(B) of title 23, United States Code.

(b) The amount repaid under subsection (a) shall be deposited to the credit of the appropriation for "Federal-Aid Highway (Trust Fund)". Such amount shall be credited to the unprogramed balance of the Federal-aid interstate funds last apportioned to the Commonwealth of Virginia. The amount so credited shall be in addition to all other funds then apportioned to such State and shall be available for expenditure in accordance with the provisions of title 23, United States Code.

USE OF CERTAIN REPORTS AS EVIDENCE

Sec. 118. Notwithstanding any other provision of law, no report, list, schedule, or survey prepared by or for a State pursuant to section 152 of title 23, United States Code, or section 203 of the Highway Safety Act of 1973 shall be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report, list, schedule, or survey.

RAIL-HIGHWAY CROSSING NEEDS STUDY

Sec. 119. (a) The Secretary of Transportation shall conduct a comprehensive study and investigation of national railroad-highway crossing improvement and maintenance needs. Such study and investigation shall assess (1) rail and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by rail-highway crossings with protective devices (2) the feasibility of addressing these needs on a corridor or system basis, and (3) the responsibility of rail and highway authorities in addressing these needs. In carrying out such study, the Secretary shall consider the progress and the results of the demonstration programs being conducted under section 129 of this Act in improving safety at railroad-highway crossings. Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the Secretary's study and investigation along with recommendations on how these needs can best be addressed on a long term and continuing basis in a cost effective manner. Such report and recommendations shall take into account the results of the demonstration programs being conducted under such section.

(b) The Secretary of Transportation shall conduct a comprehensive study and investigation of improvement and maintenance needs for highway bridges which cross railroads and whose ownership has been disputed. Such study and investigation shall assess (1) rail and highway needs relating to safety, capacity, and mobility and the needs of communities affected by such bridges, (2) the feasibility of addressing these needs on a

comprehensive, national basis, and (3) the responsibility of rail and highway authorities in addressing these needs. Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's study and investigation along with recommendations on how these bridge needs may best be addressed on a long term basis in a cost effective manner.

INTEREST ON BONDS FOR ADVANCED CONSTRUCTION PROJECTS

SEC. 120. Section 115(b)(2) of title 23, United States Code, is amended by striking out "under construction on January 1, 1983, on the Interstate System" and inserting in lieu thereof "constructed before, on, or after January 1, 1983, on the Interstate System".

INTERSTATE RESURFACING FORMULA

SEC. 121. Section 104(b)(5)(B) of title 23, United States Code, is amended to read as follows:

"(B) For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System:

"50 per centum in the ratio that vehicle miles traveled on lanes on the Interstate routes designated under sections 103 and 139(c) of this title (other than those on toll roads not subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978) in each State bears to the total of all such vehicle miles in all States; 25 per centum in the ratio that gasoline used by motor vehicles on highways in such State bears to the total of gasoline used by motor vehicles on highways in all States; and 25 per centum in the ratio that diesel fuel used by motor vehicles on highways in such State bears to the total of diesel fuel used by motor vehicles on highways in all States.

The Secretary shall establish such rules and regulations as may be necessary to carry out this provision.".

CONNECTICUT DEMONSTRATION PROJECTS

SEC. 122. (a) The Secretary of Transportation shall carry out a highway project to demonstrate the latest construction techniques in reconstructing a north-south segment of highway on the Federal-aid urban system in the vicinity of Southington, Connecticut.

(b) The Secretary of Transportation shall carry out a highway project to change horizontal and vertical alignment of a north-south highway on the Federal-aid primary system south of Kent Center, Connecticut, to demonstrate methods of solving safety and flooding problems.

(c) The Secretary of Transportation shall carry out a highway project to demonstrate the latest construction techniques in reconstructing an east-west segment of highway on the Federal-aid urban system in the vicinity of United States Route 5 and North Maple Street, Enfield, Connecticut.

(d) Not later than 180 days after completion of each project under subsections (a), (b), and (c) of this section, the Secretary of Transportation shall submit to Congress a report on the results of such project.

(e) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section not to exceed $3,850,000 for the fiscal year ending September 30, 1985.

(f) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

AVAILABILITY OF INTERSTATE RECONSTRUCTION FUNDS

SEC. 123. Of the funds apportioned to the State of Illinois under section 104(b)(5)(B) of title 23, United States Code, for each of the fiscal years 1985, 1986, and 1987, $5,000,000 shall be available for each such fiscal year only for projects for the resurfacing, restoring, rehabilitating, and reconstructing of any Interstate toll road which is elevated, is located in the city of Chicago, and is subject to a Secretarial agreement provided for in section 105 of the Federal-Aid Highway Act of 1978.

SUBSTITUTE HIGHWAY PROJECT

SEC. 124. (a) The Secretary of Transportation shall make a grant under section 103(e)(4) of title 23, United States Code, to the State of Iowa to carry out a highway substitute project in the vicinity of Council Bluffs, Iowa, which project was selected under such section before the date of enactment of this Act by the responsible local officials to serve the area from which a portion of route I-85 in the vicinity of Omaha, Nebraska, was withdrawn.

(b) The Secretary of Transportation shall obligate an amount not to exceed $6,700,000 for purposes of subsection (a) from the amount authorized out of the Highway Trust Fund for fiscal year 1985 to be expended at the discretion of the Secretary for substitute highway projects under section 103(e)(4) of title 23, United States Code. Such amount shall be in addition to, and not in lieu of, the amount available for substitute projects under such section 103(e)(4) as a result of the withdrawal of approval of a portion of route I-85 in the vicinity of Omaha, Nebraska.

COST EFFECTIVENESS STUDY

SEC. 125. (a) The Secretary of Transportation shall conduct a study (1) to determine the cost-effectiveness of carrying out a project to upgrade route 219 between its intersection with Interstate route I-80 near Dubois, Pennsylvania, and its intersection with the boundary between New York and Pennsylvania near Bradford, Pennsylvania, to the geometric and construction standards adopted for the National System of Interstate and Defense Highways, (2) to determine the feasibility of partially financing such project with toll revenues, of using reclaimed strip mining lands for right-of-way for such project, and of avoiding encroachment upon national and State forests and State game lands in carrying out such project, and (3) to determine the alignment on which such project should be carried out.

(b) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning the project described in subsection (a).

(c) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section not to exceed $1,000,000 for the fiscal year ending September 30, 1985.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

FEASIBILITY STUDY

SEC. 126. (a) The Secretary of Transportation is authorized to carry out in cooperation with the District of Columbia, the Commonwealth of Virginia, and the Department of the Interior, a feasibility study on work which can be undertaken to improve the safety, capacity, and operational characteristics of the Theodore Roosevelt Bridge on Interstate route I-66 connecting the Commonwealth of Virginia and the District of Columbia. The Secretary of Transportation shall submit a report on the findings of the study and recommendations to the Congress no later than 90 days after enactment of this subsection.

(b) The study shall develop several options for an inbound lane addition on the existing bridge deck, to be followed by thorough analysis of the safety and operational factors posed by each option.

(c) The study shall ensure that if any option is ultimately selected, the present bicycle and pedestrian path must be maintained. In that regard, the study shall also investigate the possible option of attaching an additional structure to the existing bridge which would be used by bicycle and pedestrian traffic and which would be used for the purpose of demonstrating improved multimodal traffic operations on a congested urban freeway.

(d) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section not to exceed $75,000 for the fiscal year ending September 30, 1985.

(e) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

LAPSED INTERSTATE DISCRETIONARY FUNDS

SEC. 127. Section 118(b)(2) of title 23, United States Code, is amended by inserting after "which is not open to traffic" the following: "and high cost projects which are eligible for Federal assistance with funds apportioned under section 104(b)(5)(A) of this title and are on an Interstate segment which is on a common alignment of more than 7.9 miles with any other Interstate segment and on which actual construction with funds apportioned under such section is under way on the date of enactment of the Surface Transportation Assistance Act of 1982".

FEASIBILITY STUDY OF USING HIGHWAY ELECTRIFICATION SYSTEMS

SEC. 128. (a) The Secretary of Transportation shall make a grant to the California Transportation Commission for the following purposes among others: acquisition of land, construction of a test facility, research, planning, analysis, and engineering to determine the feasibility and applicability of utilizing a highway electrification system as a source of energy for highway vehicles.

(b) A grant may only be made under this section if the California Transportation Commission agrees (1) to conduct, through the test facility to be constructed under such grant, a study to determine the feasibility and applicability of using highway electrification system as a source of energy for highway vehicles, and (2) to submit to the Secre-

tary of Transportation a report on the results of such study not later than three years after the date such construction is completed.

(c) There is authorized to be appropriated to carry out subsection (a) of this section, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $1,450,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986.

(d) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of acquisition and construction of the test facility described in subsection (a) shall be 100 percent and such funds shall remain available until expended.

MAINTENANCE OF CERTAIN RAIL-HIGHWAY CROSSINGS

SEC. 129. (a) The Secretary of Transportation shall make a grant to each State which has located within its boundaries a railroad-highway crossing over which the Consolidated Rail Corporation operates rail vehicles to carry out a demonstration program of providing systematic inspection and service of protective devices at such crossings.

(b) Any demonstration program carried out under this section shall reimburse the Consolidated Rail Corporation for 50 percent of the cost of inspecting and servicing protective devices at railroad-highway crossings in such State over which such corporation operates rail vehicles.

(c) Sums made available to carry out this section shall be apportioned among those States which have located within their boundaries railroad-highway crossings over which the Consolidated Rail Corporation operates rail vehicles in the ratio that the number of such crossings with protective devices in each such State bears to the total number of such crossings with protective devices in all such States.

(d) The amount of a grant made to a State under this section shall be equal to the amount of funds apportioned to such State under this section in any fiscal year and shall be available to pay 50 percent of the costs incurred by such State in developing and conducting its demonstration program in such fiscal year.

(e) Each State conducting a demonstration program under this section shall report to the Secretary of Transportation not later than December 30, 1986, on the results of such program and the effectiveness of such program in improving safety at railroad-highway crossings. The Secretary of Transportation shall submit a report to the Congress not later than April 1, 1987, on the results of demonstration programs carried out under this section and the effectiveness of such programs in improving safety at railroad-highway crossings.

(f) There is authorized to be appropriated to the Secretary of Transportation to carry out the provisions of this section, out of the Highway Trust Fund (other than the Mass Transit Account), not to exceed $4,500,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986. Funds made available under this subsection shall remain available until expended.

(g) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a demonstration program under this section shall be determined in accordance with the provisions of subsection (a) of this section and shall not be subject to any obligation limitation.

TRANSFER OF HOV LANES

SEC. 130. (a) Notwithstanding any other provision of law, in any case in which the costs of constructing high occupancy vehicle lanes in Los Angeles County, California, on any segment on the National System of Interstate and Defense Highways which connects the City of Los Angeles, California, with any other point are included in the interstate cost estimate for 1983, such costs shall be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended and shall be included as an eligible project in any future interstate cost estimate unless such costs are made not eligible for such funds by subsection (b) of this section.

(b) Upon the joint request of the Governor of the State of California and the local governments concerned, the Secretary of Transportation may approve a substitute transit project for construction of a fixed guideway system on or adjacent to the proposed right-of-way for the high occupancy vehicle lanes described in subsection (a). Upon approval of any fixed guideway project under the preceding sentence, the costs of construction of the high occupancy vehicle lanes shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956, as amended, and a sum equal to the Federal share of such costs, as included in the latest interstate cost estimate approved by Congress, subject to increase or decrease in accordance with the second sentence of section 103(e)(4) of title 23, United States Code, shall be available to the Secretary to incur obligations under such section for the Federal share of such substitute project.

(c) A substitute transit project approved under subsection (b) of this section shall be deemed to be a substitute transit project for purposes of section 103(e)(4) of title 23, United States Code (other than the third and last sentences of such section), except that the Federal share for such project shall be the Federal share applicable to the construction of high occupancy vehicle lanes for which such project is substituted. Unobligated apportionments for the Interstate System in the State of California shall, on the date of approval of a substitute transit project under subsection (a), be reduced in the proportion that the Federal share of the cost of the project for high occupancy vehicle lanes bears to the Federal share of the total cost of all Interstate routes in that State as reflected in the latest cost estimate approved by Congress.

(d) By September 30, 1988, any substitute transit project approved under subsection (b) of this section (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction or construction must have commenced. If any such substitute transit project is not under contract for construction or construction has not commenced by such date, then immediately after such date, the Secretary shall withdraw approval of such project and no funds shall be appropriated under the authority of section 103(e)(4) of title 23, United States Code, for any such project.

(e) The Secretary of Transportation shall administer this section through the Federal Highway Administration.

BUY AMERICA

SEC. 131. (a) Section 165(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting before the period at the end thereof the following: "and unless none of the cement used in such project is produced or manufactured in any foreign country which is located in North America".

(b) Section 165(b)(3) of the Surface Transportation Assistance Act of 1982 is amended by striking out "50" and inserting in lieu thereof "85".

(c) The amendment made by subsection (b) of this section shall only apply to the procurement of buses and other rolling stock manufactured or assembled at a facility at which buses or other rolling stock were not being manufactured or assembled during the first half of calendar year 1984.

FLEXIBILITY OF USE OF HIGHWAY FUNDS

SEC. 132. Section 118(f) of title 23, United States Code, is amended by inserting "and the Commonwealth of Puerto Rico" after "the State of Alaska".

STUDY OF HIGHWAY EXPENDITURES, REVENUES, AND RELATIVE NEEDS

SEC. 133. (a) The Secretary of Transportation shall conduct a study—

(1) to determine the amount and the percentage of the total funds apportioned and allocated to each State in each fiscal year beginning after September 30, 1978, and ending before October 1, 1983, under sections 103(e)(4), 104(b), 144, 152, and 157 of title 23, United States Code, and section 203 of the Highway Safety Act of 1973, as amended, which were expended on highway projects carried out in counties of such State with a population of less than 50,000;

(2) to determine the amount and the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) which are attributable to such counties; and

(3) to determine the needs of such counties and the State for improvements of highways on the Federal-aid system and the percentage of the needs of the State for such improvements which are needs of such counties.

(b) In carrying out the study under this section, the Secretary of Transportation may consult any department, agency, or instrumentality of the United States or any State or local government.

(c) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report of the results of the study conducted under this section. Such report shall include, at a minimum, a State by State analysis of the matters referred to in subsection (a).

PLANTING OF NATIVE WILDFLOWER SEEDS AND SEEDLINGS

SEC. 134. Section 319 of title 23, United States Code, is amended by inserting "(a)" before "The Secretary" and by adding at the end thereof the following new subsection:

"(b) The Secretary shall approve the planting of native wildflower seeds and seedlings as part of any landscaping contract under this title. Not to exceed one quarter of one percent of the funds expended for landscaping shall be used for such plantings. The requirements of this subsection may be waived by the Secretary if the State certifies that such native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited.".

STUDY OF APPORTIONMENT FORMULAS

SEC. 135. (a) The Secretary of Transportation shall make a full and complete study regarding the apportionment and allocation of Federal financial assistance made available out of the Highway Trust Fund (other than the Mass Transit Account) under sec-

tions 103(e)(4), 104(b), 144, 152, and 157 of title 23, United States Code, and section 203 of the Highway Safety Act of 1973, as amended, for the purpose of determining whether or not such assistance is being equitably apportioned and allocated among the States, taking into account the relative needs of the States for highway improvements and the estimated tax payments attributable to highway users in each State paid into the Highway Trust Fund (other than the Mass Transit Account).

(b) In conducting the study under this section, the Secretary of Transportation shall consult with other agencies of the Federal Government and with agencies of State and local governments.

(c) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall submit a report on the results of such study to Congress, together with recommendations for legislation for modifying the formulas apportioning and allocating the assistance referred to in subsection (a) to conform to the objectives of such study.

BRIDGE FORMULA STUDY

SEC. 136. Not later than 24 months after the date of enactment of this Act, the Transportation Research Board of the National Academy of Sciences, after consultation with transportation officials and representatives of the trucking industry (including special permit haulers and users of construction and other vehicles which engage in heavy hauling operations) shall submit to Congress a detailed report on the effects of the limitations on vehicle weights imposed by application of the formula contained in section 127(a) of title 23, United States Code. The report shall include an assessment of the potential costs and benefits of such limitations, any recommendations of modifications of such formula, and an examination of alternative means of regulating truck weights on bridges. The report shall also identify optimal axle loading and spacing requirements taking into account all costs and benefits to business, government, and the general public.

ENVIRONMENTAL IMPACT STATEMENT

SEC. 137. (a) The Secretary of Transportation is authorized to prepare or have prepared an environmental impact statement in connection with providing additional highway capacity in the Richmond-Willowbrook corridor in Staten Island, New York.

(b) There is authorized to be appropriated to the Secretary of Transportation, out of the Highway Trust Fund (other than the Mass Transit Account), such sums as may be necessary to carry out this section for fiscal years beginning after September 30, 1984. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the preparation of such statement shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

ADDITION OF PLANNING AS A FUNDABLE ITEM UNDER MINIMUM ALLOCATION

SEC. 138. Section 157(b) of title 23, United States Code, is amended by inserting after the first sentence the following: "One-half of one per centum of amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out the requirements of section 134 of this title. One and one-half per centum of the amounts allocated to each State under this section in any fiscal year may be available for expenditure for the purpose of carrying out activities referred to in subsection (c) of section 307 of this title.".

FEASIBILITY STUDY OF FLOOD PREVENTION METHODS

SEC. 139. The Secretary of Transportation, in consultation with other appropriate Federal agencies and in cooperation with the State of Texas, is authorized to carry out a feasibility study on methods of preventing flooding and improving the safety and operational characteristics of Interstate route I-45 between Galveston and Houston, Texas, during severe weather. The Secretary of Transportation shall submit to Congress a report on the findings of the study and recommendations not later than six months after the date of enactment of this Act.

ENGINEERING AND ENVIRONMENTAL STUDY

SEC. 140. (a) The Secretary of Transportation is authorized to conduct an engineering and environmental study of the feasibility of constructing a highway between Aurora-Hoyt Lakes and Silver Bay, Minnesota. The Secretary shall submit to Congress a report on the results of such study not later than one year after the date of enactment of this Act.

(b) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account), to carry out this section $100,000 for the fiscal year ending September 30, 1985. Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of conducting such study shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

AMENDMENT OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOWARD: Page 58, after line 5, insert the following:

NATIONAL MINIMUM DRINKING AGE

SEC. 141. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 158. National minimum drinking age

"(a)(1) The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the first fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than 21 years of age is lawful.

"(2) The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than 21 years of age is lawful.

"(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in a fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcoholic beverage by a person who is less than 21 years of age.

"(c) As used in this section, the term 'alcoholic beverage' means—

"(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954,

"(2) wine of not less than one-half of 1 percent alcohol by volume, and

"(3) distilled spirits as defined in section 5002(a)(8) of such Code.".

(b) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"158. National minimum drinking age.".

Mr. HOWARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOWARD. Mr. Chairman, the amendment I am offering would encourage those States that have not yet done so to raise their minimum drinking age to 21. I am offering this amendment on behalf of myself, many of my colleagues who with me sponsored H.R. 5383, the National Minimum Drinking Age Act of 1984, and on behalf of Mothers Against Drunk Driving, the Wine Institute, the National Council on Alcoholism, Students Against Drunk Drivers, the International Association of Chiefs of Police, the U.S. Achievement Academy, the American Council on Alcohol Problems, the National Safety Council, the Boy Scouts of America, the International Commission Against Drunk Driving, the Parent-Teachers Association, the Presidential Commission on Drunk Driving, Remove Intoxicated Drivers, the American Council of Emergency Room Physicians, the Insurance Information Institute, Allstate Insurance Co., Justice for Crime Victims, the Junior League—to name a few of the organizations and groups that support a minimum drinking age of 21—77 percent of the American public, and 58 percent of the age group affected. All polls taken on the subject have shown conclusively that the measure is supported by the majority of the citizens of this country.

The amendment I am offering allows each State to make its own determination on whether to raise the drinking age. Those States that choose not to, however, will be subject to a loss of a small portion, 15 percent over 2 years, of their highway construction funds. These funds will be withheld until the drinking age is raised, at which time the 15 percent will be returned, or the highway authorization period ends and the funds expire. The States will be given a 2-year period in which to enact appropriate legislation before the sanctions go into effect.

The facts necessitating action by the Congress are tragic and conclusive.

Of the 25,000 persons who die each year in alcohol-related accidents, 5,000 of those victims are teenagers. That means that 14 teenagers die each day in drunk driver accidents.

The 130,000 teenagers that are injured per year in alcohol-related accidents. Therefore 14 teenagers die and an additional 360 teenagers are injured in alcohol-related crashes per day.

Of 330 children born today in the United States, one will die and four will sustain serious or crippling injuries in an alcohol-related crash before they reach the age of 24.

Drivers under 21 represent about 8 percent of the licensed drivers, drive about 9 percent of the vehicle miles but are involved in 20 percent of the alcohol-related fatal accidents.

Moreover, the insurance industry estimates that teenage drunk driving costs the United States $6 billion a year.

Almost 60 percent of fatally injured teenage drivers are found to have alcohol in their blood with 43 percent at legally intoxicated levels; they are 2½ times as likely to be in a crash in which alcohol is involved as the average driver; and even though the proportion of crashes in which the driver has been drinking increases through the early 1920's, the rate of alcohol-involved crashes is highest for teenagers.

The Surgeon General has reported that the life expectancy has improved over the past 75 years for every age group except one, and that is the 15- to 24-year-old American whose death rate is higher than it was 20 years ago. The single leading cause of death for this age group is alcohol-related highway crashes.

The Insurance Institute for Highway Safety, which has done major research on the issue, determined from a study of nine States that had lowered and then raised their drinking age, that there was a reduction of 28 percent in fatalities when the drinking age was raised.

One of the most disturbing statistics is the number of young servicemen who are not killed in war but in an automobile. In an ironic twist to the argument that draft-eligible young men should be permitted to drink is that the Pentagon recently reported to Congress that drunk driving "is the leading cause of death in the military." During 10 years of Vietnam conflict, America lost 6 times as many persons to drunk drivers as we lost to the enemy. The Secretary of Defense, Caspar Weinberger, has indicated his support for the National Drunk Driving Commission's recommendation that States should immediately adopt 21 as a minimum drinking age.

It is apparent that, without some encouragement from the Congress, there are States that will not raise the age limit to 21. The New York Legislature, for example, just defeated an attempt to raise the drinking age, despite major and vocal support for the measure.

The harmful, irreversible, external effects of the drinking practices of young people clearly warrant governmental action.

This action is not meant to punish but to save the lives of the youth of our country. Let us do our share to help to count the number who will be living because we have acted and not those who will die because we have done nothing.

I urge the Members to pass this amendment.

□ 1410

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as an original cosponsor of H.R. 5383, the Uniform National Drinking Age Act of 1984, I support the amendment offered by the gentleman from New Jersey, the chairman of the Public Works Committee.

The amendment being offered would withhold a portion of highway construction funds. The conditioning of highway fund allocations has been successful in the past in encouraging states to take action on issues that were determined by Congress to be in the best interest of the public, such as the 55 mph national speed limit and the Clean Air Act. To date, the sanctioning process has never been used, indicating its effectiveness and the unlikelihood that it will have to be employed.

Five percent of highway construction funds would be withheld in fiscal year 1987 and 10 percent of these funds in 1988. This allows a 2-year period for State legislative bodies to meet and decide upon a course of action before sanctions would go into effect. In addition, the total 15 percent would be returned to any State that has had its highway funds diminished at any such time in the future when it comes into conformity with the national minimum.

Because of the patchwork of State laws, the problem of teenage drinking and driving takes on a national hue. Most States with 21-year-old drinking ages border States with lower drinking ages, thus creating a situation in which it is necessary to drive to drink for those in the younger group. These borders tell the bloody tale in additional fatalities and injuries, which makes it imperative for us at the Federal level to take legislative action if we are to reduce this tragic loss of life.

The public by a large majority would support such an action. Gallup polls indicate that 77 percent of the population support a 21 drinking age, and 58 percent of those within the affected age group are in favor.

At the ages of 18, 19, 20, young people are simply too new and inexperienced at both driving and drinking to do both. Proof of this can be found in the fact that 60 percent of teenage drivers fatally injured in auto accidents were found to have alcohol in their blood systems, with 43 percent at legally intoxicating levels.

I urge adoption of this amendment.

Mr. Chairman, I would like to address a question to the gentleman from New Jersey.

Even though I believe that States will be uniform in their drinking age by the time the 2-year period of this bill is expired, it is my understanding that should that belief turn out to be only optimism and there are a sufficient number of States that have not raised their drinking ages, the committee may well want to increase the number of years in which sanctions will be imposed; is that correct?

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

The gentleman is correct. Of course, when the money is withheld it is withheld for a certain number of years, although the States would not have the use of those funds. However, there would be the normal period of time of 4 years before apportionment to a State has actually lapsed. Although I feel very confident, as with the 55-mile-an-hour speed limit, after which this is patterned and which came from our committee, as the number of States are growing now up to 22 or 23 States, I believe that this amendment will hurry that up. And what the gentleman brings up will actually not be necessary, but I thank him for placing that in the RECORD.

Mr. ANDERSON. I thank the gentleman.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I have not easily arrived at this position. I started out by thinking I probably would oppose this amendment on the basis of States rights.

But as I studied the issue it seemed to me that the evidence is so overwhelming that we are faced with a national epidemic here: 5,000 teenagers killed in drunk driving accidents every year.

We must address this issue, particularly because we are faced in some States with situations where a State has a 21-year-old drinking limit, but the adjacent State does not, and we end up with virtual slaughter alleys where youngsters drive over the State line to get alcohol.

Pennsylvania, historically, has been in that sad position and there are many Pennsylvania teenagers who have been killed as a result of driving into adjacent States in order to acquire alcohol because it was legally available to those under the age of 21.

So looking at the epidemic proportions of this issue, it seems to me that we should take this modest action and for that reason, States rights notwithstanding, I vigorously support the gentleman's amendment.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his statement and wish to say that I can sympathize very much with the thinking that he went through because over a decade ago when this House was debating the 18-year-old voting age legislation, of which I was cosponsor, it was also due to the fact that if they are old enough to fight, they are old enough to drink and the 18- to 21-year-olds, half of them pay taxes, that all the adult responsibilities and privileges should go down to 18.

So philosophically that was my thought at that time. But as the gentleman referred to, the statistics are so overwhelming that I have changed my position on it, although my philosophical leaning might be the other way.

In the State of New Jersey which for years had 21-year-old drinking, while New York City had 18, our people about 50 some miles away, not only go to drink would go to New York and do the drinking, but then be forced to drive 50 or 60 miles later. During prom week or graduation week the most tragic situations happen to so many people in central New Jersey.

I am very happy to have the gentleman make that statement. I agree with him very much.

Mr. SHUSTER. I thank the gentleman.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey (Mr. HOWARD).

Parenthood is a responsibility that involves more than just feeding, clothing, and sheltering our children. We are their guardians who must nurture their development to the time when they can accept and manage the challenges of being an adult. As our children grow, their freedom to take greater control of their daily lives increases. However, the determination of the rate of their development is unique to each parent-child situation.

I share these obvious beliefs with my colleagues because they are relevant to the debate on this amendment. If our teenage son or daughter were to come home from a neighbor's party intoxicated, we would be outraged. Our rules of behavior are unique to our children, regardless of whether such permissive behavior is allowed in another's home.

The same situation relates to States with higher and lower drinking ages. My home in Pennsylvania, where the minimum drinking age is 21, is just 10 miles from New York, where the legal age is 19. Teenagers in Pennsylvania frequently drive across the border to purchase alcohol. Overindulgence and inexperience have led to tragic loss of lives and serious injuries.

A sovereign State shares the safeguarding of its youth with parents. Each State sets their legal drinking age. Yet, neighboring States are not capable of agreeing upon a uniform standard on their own. Only this amendment can correct this disparity, and I urge its adoption by my colleagues.

□ 1420

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the amendment.

I would like to speak to the Members of the House not so much as a fellow legislator at this particular moment but as a father of two teenage boys. I have raised two girls successfully and, so far, two boys successfully, without any problems with alcohol. However, the peer pressures are great. The instances of teenage alcoholism is high. The availability of whisky and beer in the schools has never been at the level that it is today.

I think it is vitally important on an issue such as this that we do have uniformity across the country. I have here a map that I would like to show to the House for its inspection that was prepared by the National Transportation Safety Board, which shows the patchwork quilt that exists in the country today, the different colors and configurations of design on the map showing the differences in the drinking age.

Right here where we sit today, we have an opportunity for these young people to shop as to where they would like to go, according to what the drinking age is. Right here in the Washington, D.C., area, in Georgetown, an 18-year-old can go legally and drink. Nineteen-year-olds can drink in Virginia. Just going a little north into Maryland, the age for whisky is 21 years.

It is about time that we do have uniformity in this country and that we do have an age that is recognized nationally as the proper age at which alcohol consumption is legal. This amendment is being made part of the highway bill, and quite properly so, for all of the reasons that have been given by the speakers that have gone before me. However, this has greater implications and I think even greater importance. I think that we as the elected Representatives of this country have an obligation to set a uniform age and set it sufficiently high so that we take the legal consumption of alcohol by our teenagers completely out of sight and start rolling the years of promiscuity that we have seen growing in recent years.

I strongly support this amendment, and I hope that each and every Member of this House of Representatives will support it.

Mrs. BOXER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentleman from New Jersey for his leadership on this drunk driver issue. Changing the drinking age nationwide to 21 is a terribly important issue, and I think many of us have seen the tragedy on the faces of parents who have lost their teenage children because of drunk driving.

You know, we rarely have the opportunity in this Chamber to do something specific to save a specific number of lives, and we have this opportunity today. And I would like to remind my colleagues that it was the same gentleman from New Jersey who pushed for the 55-mile-an-hour speed limit, and that act alone by this Congress has saved 70,000 paralyzing back and neck injuries, not to mention thousands of lives.

Now we have a chance to do the same thing. And I would like to ask Members in this Chamber to visualize something here today. We have about 400 seats in this Chamber, and if everyone can imagine every one of these seats filled, the way we are when we have a joint session with the Senate, and imagine every one of the seats filled with teenagers who suddenly slump over and die. And then imagine it happening once again—every seat filled, the same scene, with different faces, and every one of those slumping over and dying, and do it yet a third time, the same thing.

Now, if we could stop that tragedy from happening, surely we would do it. If we could wave a magic wand and bring them back to life we would do it. Well, we can do it today. It is very clear that we know 1,250 lives would be saved, according to the Insurance Institute for Highway Safety, 1,250 young people just beginning their productive lives, if we pass this today. This estimate is sound. We know that when New Jersey changed the drinking age to 21 there was a 43-percent decrease in alcohol-related fatalities for 17- to 20-year-olds. The same thing happened in Michigan.

And what about the argument that 18-year-olds vote and they fight for their country and, therefore, they should have the privilege to drink at 18? As the parent of two teenagers, I have a lot of sympathy with that argument. But I think we have to get beyond the philosophy. We have to get beyond that and go to the fact that we can save these young people's lives. We can do that today.

I think one of our most important duties is to protect the lives and the safety of our constituents.

It is interesting that the young people support this—over 50 percent of them support this. It is because of the issue of peer pressure. They want to be able to look at their friends and say, "We cannot drink. The drinking age is 21." In this way they do not have to be forced into the situation of drinking and driving.

So the facts are in. We have got to get behind the facts. We know we can save lives here today by passing this amendment.

Drunk drivers are really murderers waiting in the wings, and it is very unfortunate, because we are all on the same stage and there is nothing we can do about that. But we can get some of them off the roads. We can do that today. It is a very important first step. I urge an aye vote, and again I praise the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I am pleased to rise in support of this amendment and to offer my congratulations to the gentleman from New Jersey (Mr. Howard) for authoring it.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding, and I thank him for his appearance here today. I know the gentleman from New Jersey (Mr. Florio) in the Commerce Committee has similar legislation. He has been a leader in this movement, and I want to thank him very much for the work and effort he has made to see this type of an amendment passed.

Mr. FLORIO. I thank the gentleman very much. I appreciate the kind comments.

Mr. Chairman, there is now a national consensus that Federal action is needed to establish a uniform nationwide drinking age of 21, and the reason for this consensus is obvious.

The number of deaths from highway crashes has risen to shocking levels. Fifty thousand people die every year in automobile collisions, with half of those fatalities attributable to the influence of alcohol.

What has only recently been fully recognized is the disproportionate involvement of young drivers in these tragic accidents. This is not speculation. The Presidential Commission on Drunk Driving found that "there is evidence of a direct correlation between the minimum drinking age and alcohol-related crashes among the age groups affected."

The evidence in our hearings on my own bill to establish a national drinking age of 21 strongly corroborated the findings of the Presidential Commission. For example, the Chairman of the National Transportation Safety Board stated that teenagers are 2½ times as likely as the average driver to be in an accident, in which they are involved with alcohol. He concluded that by raising the drinking age to 21 about 1,250 lives could be saved each year.

The patchwork of differing State laws aggravates the current problem by creating an incentive for teenagers to drink and drive, with often fatal consequences. To address this tragedy and halt the carnage on our highways, this amendment would create an incentive for the States to establish a uniform nationwide drinking age of 21.

In response to our hearings, I have received scores of letters from all over the country. In a decade of service in the House of Representatives, I have rarely seen such an outpouring of feeling. I am receiving resolutions adopted by towns and citizen groups. I am receiving letters from parents, teachers, physicians, government officials, schoolchildren, and many others.

These are not ordinary letters, casually written. These are parents afraid for the lives of their children. These are doctors who have treated too many critically injured patients, and these are young people writing about friends and siblings killed in drunk driving collisions.

These letters, more eloquently than anything we can say on the floor of this Chamber, say that the mayhem must stop and that the legislation before us must be passed.

These letters also reveal something else I consider very important. They tell us the public expects the Government to act to put a stop to the killing.

This elementary message is at odds with the view that the Government's role is one of drift and passive observation of the problems of our society. Here is a loud, clear message that the public wants not drift, but action.

Alcohol abuse is a complex social problem, but the 21-year-old drinking age is not a complex issue. The 21-year-old drinking age is a straightforward and proven way to save lives.

The public understands this and it supports this legislation. We should act promptly to save lives.

□ 1430

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from New York.

Mr. LENT. I thank the gentleman for yielding.

Mr. Chairman, I want to also join with the sponsor of this amendment in commending the gentleman in the well, Mr. Florio, in developing legislation that will achieve the same end by prohibiting the sale of alcoholic beverages to those under the age of 21 in interstate commerce.

As the gentleman in the well knows, under an amendment that I offered in committee to that bill, States are given 2 years to comply with the Federal requirement in recognition of the fact that State legislatures meet infrequently and will therefore require some time in which to comply with this new Federal requirement.

The Florio-Lent legislation is voluntary and does not provide, as this amendment does, for the withholding of Federal funds. I am concerned, I intend to support this amendment, because I think it will send the necessary message to the State legislatures. I want to ask if the gentleman is not as concerned as I am that there is some lack of flexibility here which could result in the withholding of highway safety funds for those States which do not comply with the 21-year limitation.

I yield to the gentleman for his response.

Mr. FLORIO. It is my understanding, in reviewing the amendment, that the safety moneys would not be jeopardized in any way. I think that is something that is a noticeable improvement in the amendment, and I am pleased to support on the basis of that modification. I commend the gentleman from New Jersey (Mr. Howard), for making that appropriate change.

Mr. LENT. I thank the gentleman.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

Mr. Chairman, I strongly support this provision in the legislation and I commend the gentleman from New Jersey, who is in the well, and the chairman of the committee for their leadership. I think it is high time; I think the American people are waiting for this. They are in strong support of it.

Mr. Chairman, I would like to commend my colleagues in the House who today adopted the amendment to H.R. 5504, the Surface Transportation Act of 1984, offered by the gentleman from New Jersey (Mr. Howard) to encourage each State to establish a minimum drinking age of 21. The amendment withholds up to 5 percent of Federal highway funds in the bill's first effective year from those States that fail to establish 21 as the minimum drinking age; the withholding is doubled to 10 percent of Federal highway funds in the bill's second effective year.

It is now widely recognized that a 21-year-old drinking age is an important step that must be taken to combat the epidemic of highway deaths caused by drunken driving, and I previously have supported other efforts to increase the minimum drinking age to 21 at the national level. Of the 50,000 people killed every year in highway accidents, half are victims of drunken drivers. In disproportionate numbers, these drivers are young people, with 20-year-olds in particular a problem group. Moreover, there is clear evidence from States that have altered the drinking age that fatal crashes involving alcohol rise for younger drivers when the age limit has been reduced and conversely fall when it has been raised. Raising the drinking age will simply save lives.

H.R. 5504 also provides funding for the Basin Street grade separation in Allentown, Pa. The Basin Street railroad crossing has been a persistent problem for motorists in the area for several years. Often, traffic is tied up at this major artery of periods of 30 minutes or more because of trains crossing. In addition, the congestion caused by the crossing has inhibited in this area of Allentown. The Lehigh Valley transportation study considers this project of significant importance to improve the area's transportation system, which will enhance the economic growth potential of that portion of southeast Allentown. I am pleased that the House Public Works Committee has recognized the importance of the project in this legislation.

I urge my colleagues to support H.R. 5504. This legislation will go a long way toward repairing our Nation's highway infrastructure and improving highway safety.

Mr. FLORIO. Let me just say in my concluding remarks, and since everyone is paying bouquets, I see the gentleman from Maryland (Mr. BARNES) is about to assume the podium. He, likewise, has been a very helpful person across-the-board in the Congress in trying to frame some proposals to deal with this problem.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment. I think it is particularly important because in my congressional district and in this area, the young people are going across the river into Georgetown and into the District of Columbia where the age is 18, and quite frankly, if we do not pass this legislation, I have absolutely no confidence at all that the District of Columbia will ever act to raise the drinking age to 21.

Quite frankly, I want to express a disappointment in my own State legislature. When it has had an opportunity on several occasions to raise the age, it did not. I want to pay particular praise and commendation to the chairman, Mr. HOWARD, to the Congressman from the adjoining district, MIKE BARNES, who has done as much on this as anybody else. To Congressman GOODLING, who was one of the first people to introduce this, and Congressman HANSEN from Utah.

We will never know how many lives we have saved. How many innocent young people and innocent men and women will be saved by this. This is one of the most important things we have done. I say, full speed ahead.

Mr. BARNES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I commend the chairman for his leadership in bringing this important amendment before the House today.

By now, the tragic statistics related to drunk driving and its disproportionate effect on teenagers are well-documented. Clearly, drinking and driving is the number one killer of teenagers in the United States today. It is also clear that the establishment of a nationwide uniform minimum drinking age of 21 is the most effective means to quickly and significantly reduce this tragic, yet preventable carnage.

Today, only 22 States have enacted such laws, leaving a patchwork of 28 States and the Nation's Capital yet to take this life-saving action. As a consequence of this lack of uniformity, we are facing a situation whereby an incentive to drink and drive is established due to young persons commuting to border States where the drinking age is lower, thus creating so-called blood borders throughout the country.

This dangerous lack of uniformity is being felt here in the Washington, D.C. metropolitan area. The most recent "sobriety checkpoint" conducted by the Metropolitan Washington Police Department netted 37 drivers under the influence of alcohol. Eleven of them were under the age of 21. All 11 were residents of either neighboring Maryland or Virginia where the drinking ages are higher.

I served on President Reagan's Commission on Drunk Driving, and through all of our deliberations and public hearings that were held in every region in the continental United States, the establishment of a nationwide uniform minimum drinking age of 21 emerged as our prime recommendation.

In fact, at the initial urging of my Commission colleague—Jim Edgar—the Secretary of State of Illinois—the Presidential Commission also strongly agreed that, as part of this key recommendation:

> Legislation at the Federal level should be enacted providing that each State enact and maintain a law requiring 21 years as the minimum legal age for purchasing and possessing all alcoholic beverages. Such legislation should provide that the Secretary of the U.S. Department of Transportation disapprove projects under section 106 of the Federal Aid Highway Act for any State not having and enforcing such a law.

This amendment accurately and responsibly reflects the bipartisan consensus of the Presidential Commission on Drunk Driving. As numerous public opinion polls show, the American public—including persons in the affected age group—support this approach, and there is strong and broad support among the most active groups outside of Congress, including MADD—mothers against drunk drivers.

I urge our colleagues on both sides of the aisle to join together today to support this vitally important measure. Again, I commend Chairman HOWARD for his continuing leadership on this issue.

Mr. NELSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from Florida who has been a real leader on this issue.

Mr. NELSON of Florida. I appreciate the gentleman stating that, he being a member of the President's Commission on Drunk Driving. Some information has been given to me from my constituency that says that it was not unanimous on the Commission.

Mr. BARNES. I was there when the vote was taken. There were representatives of the alcoholic beverage industry in the room voting; it was unanimous.

Mr. NELSON of Florida. I thank the gentleman for clarifying that point.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to commend the gentleman in the well, Mr. BARNES, for his long crusade on this issue. I also want to commend the gentleman from New Jersey, my good friend, JIM HOWARD for offering this amendment. His remarks made here today are impressive and convincing.

We have a peculiar problem in western Massachusetts, especially the Berkshires.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. BARNES) has expired.

(On request of Mr. CONTE and by unanimous consent, Mr. BARNES was allowed to proceed for 1 additional minute.)

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I continue to yield to the gentleman.

Mr. CONTE. The New York border is just miles away from many towns and cities in my district. Many of the roads connecting the two States are treacherous, even for the best drivers.

The road over Lebanon Mountain, Route 20, is especially dangerous.

The disparity between the drinking ages in New York and Massachusetts creates a significant public safety hazard in this area. High school seniors, after graduation or the prom, travel across the border, where the age is lower, to purchase or consume alcohol.

The statistics describing drunk driving fatalities are depressing enough without this added incentive. Already, one American life is lost evey 20 minutes in alcohol-related auto crashes. I was shocked to learn this tragic statistic about drunk driving and young people. The Surgeon General has reported that life expectancy has improved in the United States over the past 75 years for every age group except one. The exception is the 15 to 24-year-old Americans whose death rate is higher today that it was 20 years ago. And the leading single cause of death for this age group is drunk driving.

I urge my colleagues to support this provision.

Mr. BARNES. I thank the gentleman for his comments.

Mr. Chairman, I yield to the gentleman from Utah (Mr. HANSEN) another member of the Presidential Commission.

Mr. HANSEN of Utah. I commend the gentleman for what he said, and I would like to point in regard to the gentleman from Florida, his question.

This was unanimous on the 21. I think a lot of us are big States rights people and we believe it should be done in the State. But this time, we are talking about lives of people. We are talking youngsters, and not only the youngsters, we are talking about people that they kill. When you are involved in that kind of business, and you have seen all those personal injuries and those bodies come out, and that Commission was just horrifying to us to see what came out of this.

I commend the gentleman for what he has done, and I urge support and passage of this. I just want to add my ratification to what the gentleman has said. It was unanimous as far as I am concerned that we should have the 21 age.

Mr. BARNES. Mr. Chairman, I urge support for the amendment.

□ 1440

Mr. HUTTO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, one of the saddest days in my life came in the Florida Legislature about 11 years ago when the drinking age in that State was lowered from 21 to 18, and my colleague, Mr. NELSON, and others who are now in this body remember very well that day.

It was a very sad thing because we anticipated that there would be carnage on the highway because of the lower drinking age and, in fact, that has happened, and many thousands have died on our Nation's highways since that time.

So, Mr. Chairman, I rise in strong support of this amendment offered by the gentleman from New Jersey, the chairman of the committee, which would establish a national drinking age of 21 years.

There is no greater waste than the needless death of just one of our young people because of alcohol. We have a responsiblity to protect our teenagers from the dangers of alcohol whenever possible. The teenage years are stressful and the combination of learning to drive, youthful risk-taking behavior and drinking accounts for the No. 1 killer of teenagers in our country today.

In States where a 21-year-old drinking age has been adopted, fatality rates have gone down. So we should have a national 21-year-old drinking age, have it adopted, and the percentage of teenagers killed by drunk driving will be lowered, and other lives will also be saved. So how can we oppose such an amendment that will save just one teenage life, or the life of anyone? So I urge all of my colleagues to vote for this as a lifesaving measure for teenagers and for countless thousands of others in this great country of ours.

Mr. HOWARD. Mr. Chairman, I feel in a very awkward position. Usually when debate goes on for quite some time on controversial amendments it tends to go and on and on, and at some point, knowing the amount of legislation and amendments ahead of us, we might ask for some kind of reasonable limitation on time. Here we are getting so much support for this, it seems we could go on for quite a while longer.

I wonder if we could find out how many Members intend to speak on that. I would intend to make a unanimous consent request for a reasonable amount of time so that we may be able to get on with the rest of the legislation.

The CHAIRMAN. Nine Members have risen.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto end in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. PORTER. Mr. Chairman, reserving the right to object, how much time is the gentleman allocating for each speaker?

Mr. HOWARD. That would be almost 3 minutes each.

Mr. PORTER. I would ask that the Chairman reserve 5 minutes for each.

Mr. HOWARD. All right, 45 minutes, then.

Mr. PORTER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Chairman, I would like to, if I might, congratulate those of my colleagues who have been in this Congress for more than one term who have been leading this effort over this time.

I would like to join in, as a person in my first term, in strong support of this amendment. I speak as a Member who comes from Michigan. We have had the experience of raising the drinking age and, thereby, lowering the death rate. That has been a connection that I think cannot be assailed either factually or in terms of the benefit of the result.

I also would like to speak not only as a Member from Michigan, but as a parent of four children. We have to balance here relations between the Nation and the States, and also we have to balance the interests and the rights of the Government and those of the individual. In this case, I do not think the balance is a close one. We must take action.

Every day any of us can pick up a newspaper from our community and see pictures of young people who have lost their lives. Within my experience, that is especially true after a weekend. We here are the fortunate. If we had been parents of a child who had lost his or her life, I do not think there would be any doubt that we would be here today speaking in favor of this legislation, but we are the fortunate, and we are speaking instead as surrogates, surrogates for the parents of those children who lost their lives because of the problem of the use of alcohol. We are also speaking today for the parents of children who are living who could become the victims of alcohol-related automobile accidents.

So I hope today we will all join together in an overwhelming demonstration of our support for this amendment. I would hope we would find a way for a record rollcall, or some show of overwhelming strength so that the other body gets the message, and also so the State legislatures hear the message, because I think what we are saying today rather clearly is that if this amendment is not enough, we will take further steps. This is a problem that is within the power of people entrusted with authority to remedy. This is just the first step on our part, and further steps will be forthcoming if there is not an adequate response.

So again, I rise in the strongest support of this amendment and I say to those of my colleagues who have been leading this effort in the past years that we are pleased to join this and we hope that this vote will be heard around the Nation.

The CHAIRMAN. Members standing at the time the unanimous-consent request was made by the gentleman from New Jersey (Mr. HOWARD) will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. DEWINE).

Mr. DEWINE. Mr. Chairman, I rise in support of this amendment.

I spend a lot of my time, as I know my colleagues do back in their districts, talking to high school students. The high school students in my district know my position on this issue and they sometimes give me a hard time and ask me, "Congressman, why do you want to raise the drinking age to 21?"

I would like to share with my colleagues the answer that I give them. The answer is this: We can save lives by raising the drinking age. It has been proven in every single State that I am aware of that has raised the drinking age that the auto fatalities among teenagers has gone down.

One interesting statistic that I came across about a year ago, and I assume it is still true today: Every single age group in this country, the life expectancy of that age group is more today than it was in their parents' generation, and much more than in their grandparents' generation. This is true for every age group except one. The one age group that does not have that increased life expectancy from the time of their fathers and mothers is the age group between 16 and 25, and one of the main reasons they do not have that increased life expectancy is due to auto fatalities. We know that among teenagers the alcohol-related auto fatalities is above 50 percent.

So if we want to save lives, this is the way to do it. One of the speakers stated earlier that very few times on the House floor will we have an amendment that we know will save lives, where we will affect people's lives. This amendment will do it.

For those who are concerned about States rights, and I believe in States rights as well as anybody, I think the argument has clearly been made that there are constitutional underpinnings for the enactment of a nationwide law in this area. I would like to take those who are concerned about this back to the time when I was a prosecuting attorney in Greene County, Ohio.

□ 1450

I had the obligation to go to the scenes of accidents and see young children, young people who were maimed, who were killed, who had been injured because of drunk drivers.

I would like to take them to the time when I was in the State legislature and was sponsoring what became Ohio's new drunk-driving law and have them sit across the desk from a mother who had had her 7- or 8- or 9-year-old child killed. When we see that and we see that we are not dealing with something abstract, we are not just dealing with statistics but we are dealing with the lives of young children, I think it brings it home very clearly why this is an amendment we need to pass.

Mr. Chairman, I urge all of my colleagues to vote in favor of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, I rise in support of this amendment, and I have come to this position, very frankly, not too long ago.

I am one of those Members of this body who have been constrained by the arguments that if you are eligible as a result of your age to serve in the military, if you can become married, if you can vote and do other adult things, perhaps you ought to be able to consume alcoholic beverages and drive in this Nation. And I was concerned about that principle. I still am.

But after having reviewed the statistics that have been alluded to by other speakers, I am firmly of the opinion that we simply have got to do something about the carnage that is taking place on the highways of this Nation, largely engaged in by those in our society who are of teenage ages. If this amendment does not help, at least it is a step in the right direction that will attempt to help, and I intend to support it for that reason. I congratulate the gentleman from New Jersey (Mr. HOWARD) and others who have so strongly supported it.

I will not take the full time, Mr. Chairman, but let me share with my colleagues an experience that I had just several weeks ago when in my district we organized a town meeting on alcoholism and drug abuse. As a kind of a different twist at that meeting, I got three people out of my office, and we put them on stage in an elementary school right across the river, and we let them pick and choose the beverage that they normally preferred, an alcoholic-type beverage. We had a police officer there with a breathalyzer, and the place was full of TV cameras, and we said: "Ladies and gentlemen, you consume this alcoholic beverage at your normal social rate that you would if you were in a social setting."

We gave them a breath test at the beginning of the town meeting. There were 400 or 500 people in the audience. They were all tested negative, of course.

Of the three persons, there was a young man who is an intern in my office here on the Hill. He is slightly over 21, of normal physical build. He had five beers in the course of about 1 hour and 45 minutes, and at the end of that period of time he tested 0.12, which in Virginia is legally drunk for the purposes of driving home.

We had a middle-aged housewife—I hope that is not too unkind—who works in my office, who drank three glasses of wine.

The purpose of this, Mr. Chairman, was to deal with the I-can-handle-it problem—"everybody else gets drunk and drives, but that is their problem. I can handle it."

This young lady had three glasses of wine and tested at 0.06, which is 60 percent of the way to the point where she is legally drunk.

Finally, there was a young man, 25 or 30 years of age, in my office, who is a very large young man, probably weighing 250 pounds. He is heavy. He is a heavy-set young man. He had five Scotches-and-waters that he consumed in 2 hours, and he tested at 1.14, which is four-tenths percent above where he was legally intoxicated for the purposes of operating his automobile.

Now, this was not a drinking match. This was not chugalug. This was over a period of 2 hours, 4½ drinks, which is not exceptionally large consumption. But every single one of these persons, with the exception of the young lady, legally must have had to be taken home or they would have been intoxicated on their way there. That is the I-can-handle-it problem graphically illustrated.

Mr. Chairman, I congratulate the Members who are supporting this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. ROWLAND).

Mr. ROWLAND. Mr. Chairman, I do not rise in opposition to raising the legal drinking age to 21. I have introduced legislation in this House to take Quaaludes, which has been a badly abused drug, off the market, and I very much oppose the use and abuse of alcohol.

What we are talking about here is not a matter of whether or not it is legal for these people to drink and drive, because it is illegal for anyone to drink and drive. But, Mr. Chairman, let me call to the attention of the Members that just yesterday we had ceremonies in France recognizing those people who had given their lives to try to liberate Europe from Nazi tryanny. There are many 19- and 20-years-olds that lie in those cemeteries in France now who gave their lives, and it is my feeling that if we are going to raise the age to 21 for the legal purchase of alcohol in this country, then we should also raise the age for the registration for the draft to 21.

Mr. Chairman, it goes even further than that. If we are going to raise the age to 21 for legal drinking, then we should raise the age of majority to 21 also. How can we expect these people who are 19 and 20 years old, who are raising their own families, not to have the privileges when they are given the responsibility for as adults otherwise? I think it is wrong for us to do this.

Mr. Chairman, I think we ought to consider very seriously what we are doing. We should make some other changes, not just raise this legal age to 21, and address these other responsibilities that come to 18- and 19- and 20-year-olds.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. ROWLAND. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I rise in support of this amendment. I think it is a worthwhile and a good amendment. It has contentions about it, as we have heard, but most of them do not really relate to the actual statistics that have been pointed out here so well.

The real reason why I am taking the floor is because in listening to these speeches I have had a feeling that many Members here were thinking about just the people dying and being killed who themselves drank. Well, it so happens that two of my dearest friends lost their only child because of a death caused by the consumption of alcohol. In this case these children had absolutely nothing to do with the drinking, they were not at the party, they were not in the automobile, but they were killed that way. Older people are also killed that way, by young people driving under the influence of liquor.

So it is not an excuse to say that it is their own responsibility, that they are going to kill themselves, and that is up to them. That is not a logical thing to say because they are killing other people who are perfectly innocent.

So I am saying that this is an ideal time to do something about this. It may well be that we did something wrong about changing certain things, about the voting age and things of that type. Maybe we did. But this issue ought to be looked at for what it is, and that is that it is done in order to save lives, not only of the people who do the drinking but also of those that they kill because of their improper driving.

Mr. Chairman, I very much support this amendment.

Mr. ROWLAND. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, this is a good time to bring this discussion to the floor of the House, although 2 weeks ago or 3 weeks ago it probably would have been even a better time.

During my 22 years in education, this was the time of the year when I never got very many good hours of sleep at night, primarily because I was worried about and concerned about what I was going to hear on the news or read in the newspaper about some of the youngsters I had in school who were celebrating commencement or baccalaureate or going to the senior prom, particularly as they would go across the border and buy alcoholic beverages and then lose their lives or cause others to lose their lives on the way back.

So I, for one, am continually plagued by the alarming fact that teenagers are the only group in this country for whom life expectancy has declined. The reason is because drunk driving is the No. 1 killer and crippler of teens today. While they comprise only 10 percent of the driving population, teenaged drivers are involved in more than 20 percent of all alcohol-related traffic deaths, resulting in an average of 5,000 deaths and 130,000 injuries every year.

Many of my colleagues are convinced, as I am, that we need a uniform drinking age of 21, and we need action from the Congress along those lines.

Mr. Chairman, I commend the gentleman from New Jersey (Mr. HOWARD) for bringing this to our attention and for giving us the opportunity to discuss this issue today.

□ 1500

I want to particularly commend the tireless efforts of Candy Lightner, who is the founder of Mothers Against Drunk Drivers, and Chuck Hurley, executive director for Federal affairs at the National Safety Council, for their work in bringing the problem of teenage drunken driving to the attention of all the Members in the Congress, and to Carol Ann Bischoff on my staff, who has just recently graduated from that teenage era and is now actively leading the crusade.

I am delighted that along with Congressman HOWARD, we have other colleagues, Congressmen PORTER, CLINGER, BARNES, ANDERSON, LANTOS, NELSON, and FLORIO, all of whom my staff and I have worked with ever since I was the first person who introduced such an amendment back 19 months ago after I received a letter from a young couple who sent a picture of their 6-month-old son who had just been killed in an automobile accident, not because the parents had been drinking and driving, but because someone else was drinking and driving and caused the death of this young child.

Just recently I was delighted to have with me Curt Warner, the American Football Conference Rookie of the Year at the Carlisle Senior High School, Carlisle, Pa. Curt made it very clear—he was in this area to receive the Most Valuable Player Award—and the former Penn State all-American halfback made it very clear to those teenagers that drinking and driving, drinking and success just do not mix.

Someone said to him, "Well, have you always been a goodie?"

And he said, "No. If you understand my freshman year at Penn State, you will understand that I didn't have a very good year. I came there as a hot dog with lots of publicity," and he said, "I didn't know how to say no to the older men," and he said, "I started picking up habits that were just not compatible with being successful."

He said, "I then made a decision. I said to myself the same thing I am saying to you students today. It takes a big man or woman to stand up and say no, but you've got to stand up for what you believe in. Stand up for what is right."

So I would urge all my colleagues to likewise stand up for what is right on this issue in which I so fervently believe; stand up against the carnage on our Nation's highways; stand up against the tragic deaths of 5,000 teenagers every year, 14 teenagers everyday stand up against the No. 1 killer and crippler of our Nation's most precious natural resource, our future, our children, our sons and our daughters. Stand up for what is right and support the Howard amendment.

Mr. COATS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from Indiana.

Mr. COATS. Mr. Chairman, I want to support this amendment and to speak on behalf of this for just a few seconds, if the gentleman has time left.

I come from a district that is bounded on two sides by other States. The combination of young people driving into those States whose drinking age is lower that the State of Indiana, it is 21 in Indiana, and then driving back under the influence has caused us the lives of many of our teenagers.

So many people say, "Well, why don't we just leave this to the States?"

Well, we have taken that route in Indiana and passed a law mandating a 21 age, but our neighboring States did not. Therefore, on a Friday night or Saturday night the kids get in their cars, they go over to the other State and then with the combination of driving and drinking, it has caused the needless loss of a lot of lives, so I think uniformity is needed among the States for that very reason alone.

I thank the gentleman for his time.

Mr. GOODLING. May I say that 21-now deals with this amendment. There are a lot of other people that thought this button was about other things, like my age, et cetera. Twenty-one—

now means that now is the time to act and we can do that very soon.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. McNulty).

Mr. McNULTY. Mr. Chairman, this amendment should be passed because the life of the law is experience, not logic. We demean this debate by speaking of it in ideological or dogmatic terms.

The plain practical truth is that alcohol is this Nation's most serious drug. The happy news to teenagers is that any of them who do not have problems with the drug called alcohol will in all likelihood not have problems with any other drug.

So it is important for us to understand that this national forum is an appropriate place to say that it is our practical consensus that alcohol should not be consumed by people under the age of 21 years. That has absolutely nothing to do in terms of experience with whether or not we expect young people to wear a uniform, nor may I say, even to die.

Now, no legislator worth his or her salt, no legislator with legal training can think otherwise than that the law is a minimum tolerable code of social conduct. Everyone knows here that there is a statute of frauds that says an agreement respecting the conveyance of real estate that is made orally cannot be enforced in court. Is that immoral? Perhaps so, but that is the distillation of human experience. It accepts people with their warts as they are and tries to regulate that conduct in practical terms.

So there is nothing silly at all about the idea that we state here today that we think people under the age of 21 ought not to consume alcohol, and the amendment should be passed.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Porter).

Mr. PORTER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to start by commending my colleague, the gentleman from New Jersey (Mr. Howard) for his leadership in offering this amendment. It is a concept that I embodied in legislation I introduced in the House in April 1983. Its concept has also been endorsed, as has been said, by the President's Commission on Drunk Driving last December.

I would commend also the gentleman from New Jersey (Mr. Florio), the gentleman from Maryland (Mr. Barnes) and the gentleman from Pennsylvania (Mr. Goodling) for their long time leadership in this area.

I am particularly sensitive, Mr. Chairman, about this problem because my district, borders on a State with a lower drinking age than that which obtains in my State of Illinois. We call the border between the States of Illinois and Wisconsin "blood border," Mr. Chairman, because so many young people go to Wisconsin to drink legally and are killed or injured coming back home.

I would like to quote a portion of a letter written to me by the Secretary of State of the State of Illinois, Jim Edgar, a member of the President's Commission on Drunk Driving that recounts part of this problem:

> The lack of a uniform drinking age is of special concern to those of us who reside in Illinois considering that we have two bordering States, Iowa and Wisconsin, where the drinking age is now 19 years. The border with Wisconsin along Lake and McHenry Counties has been called the "blood border" due to the high number of motor vehicle crashes involving our young people returning from Wisconsin. Since Illinois restored the drinking age to 21 in 1980, we have shown a substantial statewide reduction in the number of young drivers killed on our highways. Unfortunately this reduction has not been nearly as significant in those counties bordering Wisconsin and Iowa. It does not appear that either State will act to remedy this situation in the foreseeable future. Legislation has been introduced in both States to raise the minimum drinking age to 21 for all alcoholic beverages, but has not been successful. Further, Governor Earl of Wisconsin has publicly announced that he would veto any bill which raised the drinking age above 19.

Mr. Chairman, 56 percent of our States have borders that are similar to the "blood border" in my district.

Only 23 States have adopted 21 as the minimum drinking age, 27 have not. It is very obvious that we need national guidance and national leadership on this issue. Will the States respond to an approach like this one? I think our experience with respect to the 55-mile-an-hour speed limit indicates that all will respond and raise their drinking age in order to maintain highway funds.

The amendment as introduced maintains State sovereignty and does not impose upon it. It allows the States, if they choose, not to raise their drinking age to 21. It maintains State enforcement in this area, which I think is very important.

I would urge not only the Members of this House, but I would also urge the President of the United States, who has not yet endorsed this recommendation of his Presidential Commission on Drunk Driving, to support this approach and to sign it ultimately into law.

I submit for the Record correspondence from a number of groups vitally interested in this matter:

State of Illinois,
Office of the Secretary of State,
Springfield, June 1, 1984.

Hon. John E. Porter,
Longworth House Office Building, Washington, D.C.

Dear Congressman Porter: One of the most sobering statistics to those of us who have a responsibility for highway safety is the fact that life expectancy for young persons 15 to 24 years of age has actually been decreasing, while the life expectancy for all other age groups has significantly increased. The major reason for the death and injury of these young persons is motor vehicle crashes, at least 60 percent of which involve a drinking driver.

As you know, much has been done during the last three years to combat the drunk driver problem. However, a very important task which remains to be accomplished is the establishment of a uniform age at 21 years for the purchase and/or possession of alcoholic beverages among all States. Currently, approximately 23 States have laws requiring a minimum 21 year drinking age. Inherent in the fact that only less than half our States have a minimum 21 year drinking age is that many of our young people, especially those who reside near State borders, are actually motivated to drive to neighboring States where the drinking age is lower. The result, of course, is that these same persons then commute to their homes following an evening of drinking, and many are involved in needless tragedies which result in the death and injury of themselves, their passengers, and other persons who may be sharing the highways.

The merits of a nationwide, uniform minimum 21 year drinking age for all alcoholic beverages are well founded. This issue was given much consideration by the Presidential Commission on Drunk Driving which resulted in the Commission's recommending that legislation be enacted at the Federal level providing that Federal-Aid Highway Funds be withheld from States not enacting such legislation. As you may know, I served on the Presidential Commission on Drunk Driving and was the leading proponent of this recommendation.

The lack of a uniform drinking age is of special concern to those of us who reside in Illinois considering that we have two bordering States, Iowa and Wisconsin, where the drinking age is now 19 years. The border with Wisconsin along Lake and McHenry Counties has been called the "blood border" due to the high number of motor vehicle crashes involving our young people returning from Wisconsin. Since Illinois restored the drinking age to 21 in 1980, we have shown a substantial statewide reduction in the number of young drivers killed on our highways. Unfortunately this reduction has not been nearly as significant in those counties bordering Wisconsin and Iowa. It does not appear that either State will act to remedy this situation in the foreseeable future. Legislation has been introduced in both States to raise the minimum drinking age to 21 for all alcoholic beverages, but has not been successful. Further, Governor Earl of Wisconsin has publicly announced that he would veto any bill which raised the drinking age above 19.

Legislation is pending in Congress which would provide strong encouragement to all States to pass laws requiring a minimum 21 year age for the purchase or possession of all alcoholic beverages.

At this time, Chairman James Howard of the Committee on Public Works and Transportation, has introduced H.R. 5383 which would provide a period of one year for each State to enact such legislation. Following this, 5 percent of any State's Federal-Aid Highway Funds would be withheld during the second year in which the State had not enacted such legislation, and 10 percent withheld during a third year in which the State had not enacted such legislation. I understand that Chairman Howard plans to bring this measure before the House in the near future. Also, Senator Frank Lautenberg (New Jersey) has introduced S. 2719 which contains identical language.

I would very much appreciate your supporting and joining as a co-sponsor on this important legislation.

Thank you very much for your consideration. I value your alliance in making our highways safer.

Sincerely,

Jim Edgar,
Secretary of State.

The National PTA,
Chicago, Ill., June 1, 1984.

Dear Representative: The National Congress of Parents and Teachers (National PTA) urges you to vote for the Uniform Minimum Drinking Age Act (H.R. 5383).

This measure would withhold Federal highway funds (but not safety funds) from States that do not raise their drinking age to 21. In FY 1987, 5 percent of highway monies would be withheld; in FY 1988, 10 percent would be withheld. All funds withheld would be released to the States upon adoption of a minimum drinking age of 21.

The National PTA, a volunteer organization of 5.4 million members concerned about the safety and well-being of our Nation's youth, believes Congress must respond to the tragic loss of life and injury caused by drinking and driving. Because a disproportionate number of accidents caused by intoxicated drivers involve those under 21, PTA members have been urging their States to raise the drinking age to 21. Many States have, but too many have not. The problem is further compounded when "21 States" border those with a lower drinking age. Too often young people drive across the State line to consume alcoholic beverages, and then endanger their lives and those of others on the highways.

Only Federal legislation can rectify this situation. That is why National PTA has endorsed the Uniform Minimum Drinking Age Act and strongly urges you to vote for the measure when it comes up for a vote soon.

Thank you for your concern about our Nation's youth.

Always for the children,

Elaine Stienkemeyer,
President.

CARTA,
Spokane, Wash., February 10, 1984.

Representative John E. Porter,
Longworth House Office Building, Washington, D.C.

Dear Representative Porter: Citizens Against Alcohol-Related Traffic Accidents (CARTA) would like to express its very strong support for H.R. 2441, prohibiting the use of Federal highway funds in any State in which the minimum age for the consumption of alcoholic beverages is less than twenty-one.

Citizens Against Alcohol-Related Traffic Accidents (CARTA), is a broad-based citizens group which has gained the support of the Spokane community (evidenced by over 3,000 signatures collected in one week) for our efforts to end the needless tragedies caused too often by drivers who have been drinking.

Accidents on routes from Idaho to Washington are far too frequent. The legal drinking age in Idaho is 19; in Washington it is 21. The city of Spokane, Washington, is located just 20 miles from the Idaho border, allowing young people to have access to alcoholic beverages within a half-hour's drive. Just across the state line in Idaho are row after row of night clubs and dance halls attracting not only 19 to 21 year olds, but also young people under 19 and over 21. Spokane County has five colleges with a total enrollment of nearly 22,000 students, and a total population of approximately 14,000 19 and 20 year olds who are permanent residents. As you might imagine, the drive to Stateline, Idaho, is a very popular one among students and young people.

But it is also a deadly drive. Over the three years, 1979 to 1981, 23 people have been killed in drinking driver accidents on Idaho to Spokane connecting routes. An astounding 83% of the drinking drivers were under 25 years of age; and fully half of the drinking drivers who caused fatal accidents were under 20 years old. Not only have drinking youth caused fatalities, they have contributed significantly to the number of injuries and property damage happening within in our county.

To quote a May 4, 1981, article entitled "Weekend Slaughter" printed in our local paper, the Spokane Chronicle:

"It's a problem that has been with Spokane a long time—young people migrating every weekend to Idaho drinking establishments where they can drink beer at age 19, two years sooner than Washington's minimum age of 21. Then, after an evening of drinking, they drive home through a gauntlet of reckless drivers.

"When that procession begins, the 20-mile trip from State Line to Spokane is not safe, even for a driver who hasn't touched a drop of alcohol. Cars weave in and out of traffic, many times at speeds in excess of 100 mph. Accidents and injuries are frequent. Fatalities are routine."

In describing just one of those fatal accidents, the paper reported the words of a Washington State trooper:

"We figure the car was moving at a minimum of 110 miles an hour when it left the road. It bounced and flew into the air three different times before smashing into a fence post at the corner of the field."

I arrived a couple of minutes after it happened. The driver and passengers had been thrown out the car. Some people had stopped and were trying to help. There was pandemonium and everyone was screaming.

That accident took the lives of two Spokane women. One was 18, the other 19. They were sisters. They had been drinking with friends at State Line, Idaho, and were on their way home when the accident occurred. The fact that one sister was just 18 and had been drinking in Idaho illustrates Idaho's permissive attitude which commonly allows even 15 and 16 year olds to drink without being checked for ID's.

A similar concern for this Idaho 19 year old drinking age is shared by our sister communities to the south, Pullman and Clarkston, whose Idaho counterparts, Moscow and Lewiston, constantly lure Washington under-21-year-olds across the border.

Despite strong public concern, Idaho has not yet accepted its responsibility to raise its legal drinking age. By its inaction, Idaho has sanctioned the disproportionate numbers of drinking-related accidents caused by youth, and has allowed our youth to keep on dying.

We've seen far too much death, injury, and destruction on our highways. We urge Congress not only to support, but to champion H.R. 2241. It is your chance to help make our highways safer for all of us, and to protect the future of our youth.

Sincerely,

Don Griffiths,
Chairperson for Citizens Against Alcohol-Related Traffic Accidents.

American Medical Association,
Chicago, Ill., March 1, 1984.

Hon. John E. Porter,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

Dear Representative Porter: The American Medical Association takes this opportunity to inform you of our support for H.R. 2441. H.R. 2441, which you sponsored, would encourage States to raise the minimum drinking age to 21.

The American Medical Association supports efforts to reduce the carnage occurring on our Nation's highways as the result of drunk drivers. We supported legislation adopted in the last Congress to provide incentive grants to States that increase their efforts to reduce drunk driving. Many of the recommendations of the Presidential Commission on Drunk Driving are supported by the AMA. We also support increasing the drinking age in those States that currently have a drinking age of less than twenty-one as one means of addressing this problem. In December 1982 the AMA House of Delegates approved a resolution which provides:

That the American Medical Association encourage each State medical society to seek and support legislation to raise the legal drinking age to 21 if the legal drinking age in its State is under 21.

The American Medical Association commends your efforts to address this national problem.

Sincerely,

James H. Sammons, M.D.

Northern Illinois
Council on Alcoholism,
Waukegan, Ill., February 3, 1984.

Congressman John Porter,
Longworth House Office Building, Washington, D.C.

Dear Congressman Porter: I am writing in support of H.R. 2441, a bill which you have introduced in the House of Representatives.

As an agency we see literally thousands of court referred offenders in our programs. Our experience verifies what study after study has shown, that the younger the drinking driver, the more serious the accident and often the more difficult to deter from future offenses.

We often discuss the drinking age issue in our programs and community presentations, and we certainly realize the complexity and the ownership of the issue. Here in northern Illinois we also experience the border problem with young people crossing the State line into Wisconsin, of necessity by car, to drink at a younger age. It seems clear that to affect the unacceptable rate of teenage deaths from DUI and to ensure that compliance is uniform, the problem must be addressed on a national level.

To this end we endorse and support H.R. 2441 to the goal of a 21 year old minimum drinking age at a national level.

Enclosed please find additional materials about our agency and the work which we do concerning driving under the influence.

Sincerely,

David Gates, MA, CAC,
Associate Director.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. VALENTINE).

Mr. VALENTINE. Mr. Chairman, I do not come here to oppose this amendment. As a matter of fact, I expect that I will support it, but I do want to draw to your attention a matter which I have not heard anybody here speak to concerning this problem of the use of alcohol by teenagers.

You know, we can raise the drinking age to 21 or we can raise it to 25 or to 35 or maybe to 50, but I have not heard anybody say anything here about what I think is one of the real culprits. You cannot turn your television set on without observing the national networks advertising beer and wine and pouring their glasses full of the frothy mead, and this is around athletic contests. It goes into the homes. It is seen by everybody from the 3-year-old on up. And it is made to look like the acceptable thing to do.

□ 1510

They never show anybody staggering out of one of those bars after they have had too many Budweisers or whatever. And then we suffer this to occur and then one day we look around and say, "Well, what do you know, the children are drinking."

I suggest to you that the television networks in this country are instructing these young people on how to drink and are making it look acceptable. Now, if we really want to do something about this problem, let us face this which cannot be done on a State-by-State basis.

You know, you say you cannot violate the rights of people to advertise. You cannot advertise cigarettes on television. It is against the law to see anybody puffing on a Chesterfield or a Lucky Strike or whatever. But you can advertise all of the alcoholic beverages, save whiskey; you can advertise beer and wine to your heart's content.

I suggest to you, I say again I am not going to be in a position of saying that this Member is going to vote against this measure. But if we really want to do something about the problem, then I suggest that we have the courage to face this unlimited advertising of a product which people have stood on the floor of the House and said it is a drug, that it is destroying people, and, of course, it is.

I suggest that we will have not completed our business until we face that facet of the problem.

Mr. MINISH. Mr. Chairman, will the gentleman yield?

Mr. VALENTINE. I yield to the gentleman from New Jersey.

Mr. MINISH. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from New Jersey (Mr. HOWARD). Mr. HOWARD's amendment, encouraging the States to establish a minimum drinking age of 21 years, is an important and necessary step toward reducing the number of alcohol-related driving fatalities each year.

As a sponsor of H.R. 3870, a similar initiative designed to stem the tide of drunk driving, I have been deeply concerned about the carnage which occurs on our roads every day. There are those who say that if the 21-year-old drinking age became public law, it would be an inconvenience to some of our young adults. But to these critics I say the price our country is paying in the loss of young lives is simply unacceptable. As a civilized nation, we cannot sit back and passively accept the current situation.

When the drinking age was increased from 19 to 21 years old in my home State of New Jersey in 1982, the National Commission Against Drunk Driving reports that for the first 6 months of 1983, preliminary statistics showed a 43-percent decrease in alcohol-related fatalities for 17- to 20-year-olds. This is the type of positive progress we need to be making throughout the country.

Therefore, Mr. Chairman, I urge all of my colleagues in the strongest possible terms to vote in favor of the amendment by the good gentleman from New Jersey.

Mr. VALENTINE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. MCCOLLUM).

Mr. McCOLLUM. I think that when we look at this particular legislation and this particular amendment we have to look at it from a multifaceted perspective. It is not so simplistic as simply raising the drinking age to 21. It is not that on its face alone that we are doing.

We are doing a number of things that need to be addressed. I think what this amendment is intended to do in addition to lowering the number of traffic fatalities and removing some of the presence of alcohol from our teenagers and to try and reduce the kind of abuse that is going on in this country, is to make a statement on the part of the Congress that we are not happy with the direction in which alcohol abuse is going in this country.

But I do not think we should fool ourselves that that legislation is really going to get to the bottom of the problem. The problem is far greater than that.

We need much tougher laws against alcohol abuse in our States. We need to have a much better program of education in our schools and we need the appearance of even handedness and fairness.

One has to ask himself or herself why we have had so difficult a time changing the drinking age in the State legislatures. When one looks at what happened recently in my State of Florida where the drinking age is now 19, and I think that is a very good age for it to be. Certainly it is arguable that that is as good an age or a better age than 21.

The difficulty just two weeks ago in gaining a change in that law was in part because the legislators there were not convinced that by passing an increase in the drinking age they were really going to get at the problem. Instead there was a concern that, and it is a concern with this Member, and it should be with other Members in this body, that we are going to be fooling ourselves and the body politic that we going to make a significant and important inroad into this problem.

The question is also one of whether or not we are asking in this amendment for a form of discrimination against those from the ages of 18 to 21 and whether that is a reasonable discrimination to make.

Obviously quite a few Members of this body, and I would dare say in all probability a majority believe that it is a reasonable discrimination to make. But we allow those who are 18 today to marry. We allow them to have children and to sign contracts and to vote and to go off and serve in the Armed Services, and to come under fire and to die for our country, and to do everything else. There is no other disability that we give anyone who is over the age of 18 today, aside from those variations in our drinking laws already on the books.

The question in part is not simply the question of saving lives, because we would certainly save a lot more lives if we increased the drinking age to 25, or 28, or 30. In fact, there are statistics, there are all kinds of statistics, some of them out here today, that show that the rank order of actual number of fatal accidents in this country, that the highest No. 1 age group is the age 37. The second is the age 26, and the third is age 30.

There are an awful lot of traffic fatalities due to alcohol abuse today that are certainly at ages that are far above the age of 21.

So I simply take this time to ask my colleagues to reflect as they pass judgment on this amendment today on the fact that drinking, yes, is a very serious problem but that this amendment in and of itself or perhaps even alone is not going to do the kind of trick that we are, at least a good number of people here today are advocating that it will.

In fact, it does possess inherently in it, as a couple of gentlemen have pointed out before me, a form of discrimination against young people of a certain age group, many of whom have exhibited the maturities that we had hoped that they would when we gave them the right to vote and removed all other disabilities.

I am not at all sure we are going to serve either them or the public as a whole if we think we are solving many of the problems of drug abuse and alcohol abuse by passing this amendment.

I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I want to associate myself with the comments just made. While I intend to vote for the amendment, let me assure you that my personal view is that simply raising the age is not going to cure the problem.

The State of Maine is a good example. In the State of Maine in 1977 the drinking age was raised from 18 to 20. The State of Maine did not experience any appreciable good results in the reduction of accidents and injury on the highway occasioned by young people drinking and driving.

The problem is that this amendment and others like it do not attack the central problem and that is drinking and driving. Simply raising the age to drink will not stop young people from drinking and driving.

So in 1983 the State of Maine tried a new approach, a new idea that has some real success to its credit. The new idea was to lower, in effect, the tolerated level of alcohol content in the blood for those under 21. In effect, Maine said that if you are caught driving a car and you have 0.02 percent alcohol in your blood, that that is sufficient to suspend your license for a year.

When Maine enacted that law in 1983, in just 9 months 1,200 licenses of young people under the age of 21 were suspended. Young people who were drinking and driving were in effect taken off the roads.

Now, given the opportunity, and I do not have it here with the limitations of time, but when this amendment is offered on the Florio bill, when the Florio bill comes before the House, I will be offering the chance for the House to vote for an amendment that would give the States the option to adopt a law like Maine has adopted and still maintain the highway funds and not suffer the penalty of Federal law.

That is to prove that there is a new way, a new approach of dealing with the terrible tragedy of accident and injury and death on our highways occasioned by the use of alcohol in driving by penalizing specifically the young driver who mixes alcohol and driving, which is what we ought to be doing rather than simply creating a new discrimination for those people, young people between the ages of 18 and 21.

After all, if someone 18 or older wants to drink and not drive, and that person has been accorded the rights of adulthood in this society, why should we not let him do that, providing he does not abuse it by getting in a car and driving and causing an accident or injury.

The Maine approach gives that new idea a chance to work, and I will be offering it on the Howard amendment when it comes to the Florio bill on the Florio bill itself.

Mr. Chairman, I yield back the balance of my time.

Mr. SIKORSKI. Mr. Chairman, I am pleased to support Congressman HOWARD's amendment.

The statistics surrounding drunk driving are horrendous: One out of every two Americans will be involved in an alcohol-related auto crash in his or her lifetime. The No. 1 cause of death for people under the age of 35 in America is drunk driving. Of the 25,000 Americans who die each year from alcohol-related traffic accidents, over 10,000—that is 40 percent—are under the age of 21.

When a drunk driver turns the ignition key, it is like loading a dangerous weapon. Thousands and thousands of innocent children and adults are slaughtered or maimed by someone who decided that he or she (and in 80 percent it is a he) could handle a car after drinking.

Forty-four percent of fatal alcohol-related crashes at night are caused by people between age 16 and 24. Thousands of teenagers are crippled or suffer other serious injuries because of drunk drivers. It is time for Congress to face up to these statistics.

As a Minnesota State senator, I authored two major laws that made Minnesota one of the toughest States in the Nation on drunk driving. As a result, there has been a 32-percent decline in alcohol-related deaths since 1981. When we lowered the voting age, I was not convinced a higher drinking age was a good idea. I felt we did not have the data showing it would make a difference, that parents were trying to shirk their responsibilities and magically resolve a complex social problem by simple legislation. There still is a lot of that wishful thinking around but it is just too plain from study after study, State after State: raising the age saves lives. Kids do not kill themselves and others—at least there are major reductions in drunk driving accidents involving young people—when the age is a uniform 21. I consider myself fortunate as a 35-year-old American to get a second chance to save the lives of all the future victims of drunk drivers.

I hope that today's vote is only the first of many as we consider the Presidential Commission's recommendations. We will have succeeded in this area only when no person who has been drinking will drive; and we will accomplish that through real concern from family and friends; strictly enforced, publicly supported, tough drunk driving laws; and compassionate but honest treatment programs.

● Mr. LANTOS. Mr. Chairman, the issue before us today is the need for States to adopt a uniform drinking age of 21. Alcohol-related automobile accidents are the leading cause of death for young Americans between 16 and 24 years of age. And this time of year—with graduations and proms—is the worst time for alcohol-related deaths to teenagers.

The statistics are devastating—some 25,000 people each year—71 people every day—die in automobile accidents in which alcohol is a contributing cause. One out of every two Americans will be involved in an alcohol-related automobile accident in his or her lifetime, with a high percentage caused by persons under the age of 21 driving under the influence of alcohol. Almost 5,000 teenagers die in alcohol-related accidents every year. The rate of 16- to 19-year-old drivers involved in alcohol-related fatalities is three times that of 25- to 44-year-old drivers. It is estimated that over 1,200 lives will be saved if we raise the drinking age to 21.

The problem of drunk driving is one that affects all of us, whether we drive after drinking or not. In some parts of the United States, it is estimated that 10 percent of all drivers on the highways on weekend nights have legally impaired abilities to drive or are drunk. A study by the Allstate Insurance Co. estimates that drunk drivers cost the American taxpayers $21 to $24 billion a year for increased costs of law enforcement, higher insurance rates, and other costs.

To help reduce this inexcusable and unacceptable carnage on our highways, we need to seek a uniform drinking age of 21. I am pleased to support the amendment by the gentleman from New Jersey and the distinguished chairman of the Public Works and Transportation Committee, JIM HOWARD, which would withhold Federal aid highway funds from any State which does not establish a minimum drinking age of 21.

This bill, however, is only the beginning. We need to seek further action to eliminate drunk driving. In this regard, I have introduced the Drunk and Drugged Driving Prevention Act.

In addition to encouraging States to raise the drinking age to 21, my bill will increase the certainty and severity of punishment for those found guilty of drunk driving. Of every 200 drunk drivers on the road, at most only 1 is arrested. The probability of getting caught while driving under the influence of alcohol is slim. Furthermore, of those who are caught, few receive serious penalties.

My bill seeks to get at the source of the problem by encouraging States to enact laws against those persons selling alcohol to persons who are already legally drunk or who are minors. The drunk driver is not the only responsible individual in an alcohol-related accident—the bartender who sold the drinks or the liquor store clerk who sold the bottle bears some responsibility, and they too should be punished.

In addition my bill provides incentives to the States to modernize traffic record systems in order to improve enforcement of highway safety rules and regulations. This will help insure better prosecution of those who violate drunk driving laws.

We must protect our children and remove drunk drivers from our roads. Mr. Chairman, once again I urge my colleagues to work to enact legislation affecting drunk driving this year.●

● Mr. BIAGGI. Mr. Chairman, I rise in full support of this amendment to withhold certain amounts of Federal highway aid from those States that do not adopt a minimum drinking age of 21. Simply put, those States that refuse to raise their drinking age to 21 are ignoring a proven fact—raising the drinking age to 21 saves lives.

Consider, for example, that the Presidential Commission on Drunk Driving reported last year that raising the legal drinking age produced an average annual reduction of 28 percent in nighttime fatal crashes involving affected 18- to 21-year-old drivers. One of the studies indicated that if all remaining States raised the legal drinking age to 21, there would be 730 fewer young persons killed annually on U.S. highways. It should be noted that only 19 States currently have a minimum drinking age of 21.

In my home State of New York, the number of alcohol-related fatal traffic accidents involving 18-year-olds dropped by a dramatic 42 percent in the 12 months after New York raised its drinking age from 18 to 19 in 1982 and I am supportive of efforts to raise the age further in New York to 21. Similar positive results from raising the drinking age have also been experienced recently by such States as New Jersey, Michigan, and Maine.

If these favorable statistics are not enough to convince the States to raise their drinking age, let us remind them of the negative. For instance, of the 25,000 Americans who die each year from alcohol-related traffic accidents, 10,000, or 40 percent, are under the age of 21. In fact, alcohol-related traffic accidents are the No. 1 cause of death among persons in the 18- to 21-year-age bracket. Further, when New Jersey reduced its drinking age from 21 to 18 years in 1973, the number of drunk driving deaths in the 18- to 20-year-age range tripled within a year and the number of deaths climbed every year after, until New Jersey could no longer ignore the facts and they restored the 21-year minimum drinking age.

Mr. Chairman, thanks to increased public awareness about the drunk driving problem, largely attributable to the efforts of such responsible and hard-working groups like MADD, and New York State's stop DWI program, more and more Americans realize the obvious need for a 21-year drinking age. In fact, a Gallup poll in 1982 showed not only that 77 percent of all Americans support a uniform 21-year drinking age, but that 58 percent of 18- to 20-year-olds also favor the higher drinking age. Just last year, after thoroughly researching the drunk driving problem, the Presidential Commission on Drunk Driving called for a law to withhold Federal highway aid from those States that do not adopt a minimum drinking age of 21.

This is a tough approach to a very tough problem. It is also an approach that works, having been used in the mid-1970's to get States to adopt a 55-mile-per-hour speed limit. While I accept making Federal highway dollars contingent upon States raising their drinking age to 21 as a major step in the war against drunk driving, I believe the States require even stronger Federal direction on the issue of drunk driving. That is why I authored a bill in May 1983 that would make Federal highway dollars contingent upon setting a 21-year drinking age, as well as six other State responses to the drunk driving crisis.

For example, under my bill (H.R. 2886) Federal highway dollars would be withheld from those States that failed to:

First, adopt the 21-year drinking age;

Second, suspend the license of a first-time drunk driving offender;

Third, impose a mandatory 30-day jail sentence for anyone convicted of driving on a suspended license;

Fourth, impose a mandatory jail or community service sentence for repeat drunk driving offenders;

Fifth, conform to a 0.10 percent blood alcohol content standard for drunk drivers;

Sixth, establish a public awareness program to inform residents of improved drunk driving laws and efforts to enforce those laws; and

Seventh, establish a rehabilitation and treatment program for repeat drunk drivers.

The need for these stronger Federal directives are clear. Consider, for instance, that drunk driving kills 70 Americans a day. Although precise figures are not available, some law enforcement officials estimate that only 1 drunk driver out of 2,000 is ever arrested.

Despite these alarming figures, less than half the States suspend the license of a drunk driver upon the first conviction, and only 21 States have mandatory jail sentences for repeat drunk driving offenders. When it comes to a minimum 21-year drinking age, as well as drunk driving public awareness and rehabilitation programs, the States have been even less responsive.

Simply put, Mr. Chairman, the States are not adequately responding to the drunk driving problem despite some very convincing facts indicating what types of reforms would help to prevent the thousands of drunk driving deaths and injuries each year. By adopting this amendment today, we would be sending a very important signal to the States about just how strongly we feel about the drunk driving crisis; and more importantly, we would be saving lives.●

● Mr. GILMAN. Mr. Chairman, I rise in support of this amendment which attains the goal of establishing a uniform minimum drinking age of 21. As a cosponsor of one of the similar measures addressing the frightening reality regarding the incidence of teenage drinking and driving, I am pleased to have this opportunity to speak in favor of this amendment and urge my colleagues like support.

We are all familiar with the assignment of the Presidential Commission on Drunk Driving several years ago and of their subsequent report filed in the fall of 1983. The Commission was appointed the task of encouraging States and local governments, as well as the private sector, to implement programs to reduce the carnage on our highways caused by the excessive use of alcohol by American motorists. In response to the Commission's report and recommendations by the National Transportation Safety Board, this amendment and similar proposals have been introduced establishing a uniform minimum drinking age.

After years of needless tragedy touching so many innocent lives, the statistics have begun to speak for themselves. Approximately 5,000 persons are killed each year in alcohol-related crashes involving drivers under the age of 21, representing over 20 percent of all alcohol-related traffic fatalities. This same age group comprises only 10 percent, I want to repeat that figure, 10 percent of all licensed drivers, and only about 9 percent of the vehicle miles driven per year. These numbers add up to this chilling fact: Alcohol-related auto accidents are the leading cause of death among our Nation's teenagers. We can no longer allow these precious lives to be taken from us when the avenue to change this violent course is open and available.

Portions of my district in New York border the State of New Jersey. The minimum drinking age in New Jersey is 21 while the legal age in New York is 19. Not 1 month passes that my district papers do not make mention of an alcohol-related accident or fatality involving teenagers, many of whom have crossed the State line to imbibe and enjoy New York's more lenient drinking laws. By establishing a uniform drinking age the allure of traveling to another State where the drinking age is lower would be eliminated, an integral step to making any State's drinking laws capable of aiding the people it is attempting to protect.

An eight-State study by the National Highway Traffic Safety Administration showed that raising the drinking age produced an average 28-percent reduction in fatal accidents involving drivers between the ages of 18 and 21 years of age. This amendment is a definitive step in the right direction toward protecting our young people at an age when the pressure to assimilate to adult lifestyles often forces them to abandon their commonsense. However, we should not place the nemesis for this problem on just the young people. Society must be an active partner in establishing and reinforcing behavioral norms throughout all of its networks and social settings, conveying the message loud and clear that to drink and drive is not only dangerous but is also illegal and that those laws will be enforced and reinforced at the Federal and State level until we have this problem eradicated. Accordingly, I urge my colleagues to join me in supporting this amendment establishing a uniform minimum drinking age.●

● Mrs. ROUKEMA. Mr. Chairman, I am pleased today to rise in support of Congressman Howard's amendment to the Surface Transportation Act. This amendment would withhold 5 percent of a State's highway funds in fiscal year 1985 and 10 percent of these funds in fiscal year 1986, if a State does not establish a minimum drinking age of 21.

As a cosponsor of H.R. 3870, a bill which would establish a national drinking age, I am particularly concerned about this issue because of the disparity which currently exists among the States minimum legal drinking age. The National Safety Council recently announced that a 15- to 24-year-old American's death rate is higher today than it was 20 years ago. The leading single cause of death for this age group is drunk driving.

It is time that we put a stop to the serious problem of drunken driving and establish a nationwide drinking age of 21. Groups such as the National Safety Council, the American Medical Association, and Mothers Against Drunk Driving (MADD) have made this concept top priority.

During the 1982 school year, I had the opportunity to meet with high school students from Northern Highlands Regional High School. They shared with me their community-wide campaign against drunk driving and expressed their concerns for the low drinking age which exists in a majority of the States. A major concern of these students was that many of their peers, while not of legal drinking age of 19 in New Jersey, were able to obtain alcoholic beverages in New York State, just minutes away where the legal drinking age was 18. Today, the disparity remains where the legal drinking age in New Jersey is 21 and in New York it is 19. Clearly, if young people in high school can see the need for change, we as responsible legislators, must respond to their valid concerns.

We must firmly commit ourselves to the premise that a uniform and higher minimum drinking age is fundamental to any serious attempt to curb the national drunk driving epidemic.●

● Mr. CLINGER. Mr. Chairman, although teenagers comprise only a small percentage of the driving population, the increasing number of alcohol-related deaths that teenaged drivers are involved in is horrifying.

During this season of proms and graduation celebrations, I feel that it is necessary and appropriate to focus attention on this problem that impacts our teenagers not only on the highways, but in our homes, schools, and workplaces. Indeed, alcohol abuse threatens the very quality of life in this country. Clearly, a bold new initiative is needed to form public policy on alcohol abuse in America. A first step toward this goal can be found in legislation introduced by my distinguished colleague and chairman of the Public Works and Transportation Committee, Mr. Howard. This legislation, of which I am proud to be a cosponsor, encourages States to adopt a minimum drinking age of 21 by using Federal highway funds as leverage; 5 percent of a State's annual highway apportionment for fiscal year 1986 will be withheld from States which do not adopt the age 21 drinking age requirement; 10 percent of the apportionment in fiscal year 1987 will be withheld if that State still fails to comply. Enactment of this legislation will not only reduce the number of deaths resulting from drunk driving, it will demonstrate to young people that alcohol is a potentially dangerous drug that is neither glamorous nor healthy. More important, such a policy will serve as a catalyst for all sectors of the community—families, schools, churches, media, businesses—to get involved in the development of a strategy to prevent alcoholism and alcohol-related problems. This strategy should consider the pervasive influence of advertising in our daily lives, the important role of education, and the importance of the Federal Government in guiding policy on this issue.

Mr. Chairman, it is time for the Federal Government to take some responsibility for remedying the problem of drunk driving and the larger problem of alcohol abuse; the Howard bill is a logical and reasonable start.●

Mr. LEVINE of California. Mr. Chairman, today I rise in strong support of the amendment offered by my colleague from New Jersey which encourages States which have not already done so to adopt 21 as the minimum age for the purchase and consumption of alcoholic beverages. This bill directs the Secretary of Transportation to reduce a State's apportionment for Federal aid highway funds by 5 percent beginning in 1985 and 10 percent the second year in which the minimum drinking age is less than 21.

The combination of drinking and driving is the No. 1 killer of teenagers in the United States. While there is no question that drunk driving pervades all age groups of our licensed population, for teenagers it is especially severe. Drinking and driving claims the lives of 5,000 teenagers each year. This means that 14 teenagers die each day in drunk driving accidents.

The Surgeon General has reported that overall life expectancy has improved in the United States during the past 75 years for every age group except one—15- to 24-year-olds. In fact, their life expectancy has decreased because of drinking and driving.

As if the pain and suffering were not enough, insurance companies have estimated that teenage drunk driving costs our society $6 billion per year. In States where the drinking age was raised to 21, numerous studies show a significant drop in the frequency of alcohol-related crashes and deaths involving drivers under that age. I am pleased that the State of California has consistently maintained a minimum drinking age of 21.

Drinking and driving are a lethal mix I urge my colleagues to join me in supporting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. Howard).

The amendment was agreed to.

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AMENDMENTS OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Anderson: Page 8, after line 3, insert the following:

"(3) Any increase in the amount of funds which any State may obligate in any fiscal year under this subsection shall be in addition to the amount of funds which all the States may obligate in such year under any obligation ceiling for Federal-aid highways and highway safety construction programs established by any law enacted before, on, or after the date of enactment of this subsection.

Page 8, line 4, strike out "(3)" and insert in lieu thereof "(4)".

Page 8, after line 6, insert the following:

(d) Notwithstanding any other provision of law, funds authorized to be appropriated to carry out subsections (b) and (j) of section 131 of the Surface Transportation Systems Act of 1982 shall not be subject to any obligation limitation.

Page 28, after line 14, insert the following:

(gg) The Secretary is authorized to carry out a highway project on a segment of the Federal-aid primary system which connects Interstate route I-75 in the vicinity of Mount Vernon, Kentucky, with Kentucky State route 80 in the vicinity of Shopville, Kentucky, for the purposes of demonstrating methods of improving highway safety and traffic flow and improving access to a national river and recreation area.

(hh) The Secretary is authorized to carry out a highway project in Pine City, Minnesota, to demonstrate methods of enhancing economic development and improving highway safety and traffic flow by construction of an interchange between a highway on the Interstate System and a county State-aid highway.

(ii) The Secretary is authorized to carry out a highway project in the city of Paso Robles, California, to construct a two-lane, east-west bridge which will span the Salinas River, a federally designated highway, and a railroad line and will be located south of the existing bridges spanning such river in such city, for the purposes of demonstrating methods of improving highway safety and traffic flow and enhancing economic development.

Page 28, line 15, strike out "(gg)" and insert in lieu thereof "(jj)".

Page 28, line 18, strike out "and (ff)" and insert in lieu thereof "(ff), (gg), (hh), and (ii)".

Page 28, line 21, strike out "(hh)" and insert in lieu thereof "(kk)".

Page 34, line 9, strike out "and".

Page 34, line 13, strike out the period and insert in lieu thereof a semicolon.

Page 34, after line 13, insert the following:

(36) to carry out subsection (gg) of this section not to exceed $6,000,000 for the fiscal year ending September 30, 1985, and $10,000,000 for the fiscal year ending September 30, 1986;

(37) to carry out subsection (hh) of this section not to exceed $2,600,000 for the fiscal year ending September 30, 1986; and

(38) to carry out subsection (ii) of this section not to exceed $4,100,000 for the fiscal year ending September 30, 1985; and

Page 34, line 14, strike out "(ii)" and insert in lieu thereof "(ll)".

Page 48, line 16, strike out "December 30, 1986," and insert in lieu thereof "June 30, 1986,".

Page 48, line 20, strike out "April 1, 1987," and insert in lieu thereof "September 30, 1936,".

Page 54, strike out line 1 and all that follows through the period on line 5 and insert in lieu thereof the following:

"(b) Notwithstanding any other provision of law, not less than one quarter of 1 percent of the funds expended under landscaping contracts under this title in any State in any fiscal year beginning after the date of the enactment of this subsection shall be used for the planting of native wildflower seeds and seedlings.

Page 58, after line 5, insert the following:

FEASIBILITY STUDY OF CONNECTING HIGHWAYS

SEC. 141. (a) The Secretary of Transportation shall carry out a study of the feasibility of constructing a new east-west highway linking the Delaware Memorial Bridge with the Atlantic City Expressway and other north-south highways in southern New Jersey. The Secretary of Transportation shall submit to Congress a report on the results of such study, along with recommendations, not later than one year after the date of enactment of this Act.

(b) There is authorized to be appropriated, out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section not to exceed $200,000 for the fiscal year ending September 30, 1985.

(c) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of the study under this section shall be 100 per centum, and such funds shall remain available until expended and shall not be subject to any obligation limitation.

FACILITATION OF CONSTRUCTION OF A FOUR-LANE BRIDGE-TUNNEL COMPLEX

SEC. 142. In order to construct a four-lane bridge-tunnel complex across Hampton Roads, Virginia, as part of an Interstate route—

(1) the Secretary of Transportation is authorized and directed to consult with the Secretary of the Army to ensure that the highway project for construction of such complex is carried out in accordance with the plans of the Department of Transportation of the State of Virginia; and

(2) any project for navigation, Newport News Creek, Virginia, authorized by any Federal law is hereby modified to authorize the relocation and reconstruction by the State of Virginia of such project for navigation upon approval of plans for such relocation and reconstruction by the Secretary of the Army, acting through the Chief of Engineers.

Mr. ANDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SNYDER. Reserving the right to object, Mr. Chairman, I do not intend to object, but since there were two versions of the committee amendment and since there was some controversy about which one that got up there, I just would like to inquire if there are six pages to that document which you have ending with the words "Chief of Engineers."

The CHAIRMAN. The gentleman is correct.

Mr. SNYDER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I offer this amendment with the full support and concurrence of the chairman and ranking minority member of the Committee on Public Works and Transportation and the ranking minority member of the Subcommittee on Surface Transportation. The amendment has been reviewed by affected Members and they strongly support the amendment.

The purpose of this amendment is to provide technical and clarifying language to the bill and to address seven important projects that have recently been brought to the committee's attention. The technical amendments would simply revise a reporting date for a study and clarify provisions for the use of additional obligational authority by a State for highway and highway safety construction programs to insure that no State would lose obligational authority as a result of the increased allotments.

The committee has been made aware of three important projects to demonstrate methods of improving highway safety and traffic flow and to meet other local concerns. The amendment also authorizes a feasibility study for a fourth project and allows a modification to accommodate a fifth project.

Mr. Chairman, the amendment provides for an authorization of $16 million for the upgrading of a two-lane primary highway in Kentucky, Route 461, as a major access highway to the South Fork River and Recreation Area. The improvements along Route 461 will reduce safety and traffic congestion problems and will also significantly upgrade the existing traffic corridor which includes Interstate 75 and Route 27.

The amendment also provides for the construction of an interchange between a highway on the Interstate System, I-35, and a county highway in an economically depressed area in the vicinity of Pine City, Minn. This project has the strong support of the Governor and the impacted municipalities. The amendment authorizes $2.6 million for the construction of the interchange.

In order to insure construction for a badly needed two-lane bridge to accommodate traffic flows across the Salinas River, the amendment provides $4.1 million for the construction of the bridge. This project will reduce the safety congestion hazards that exist among the functionally obsolete structures now serving the rapidly expanding area.

Another very important issue that the amendment addresses is the need to conduct a feasibility study of an east-west highway corridor to accommodate the increases in traffic being generated in the vicinity of Atlantic City, N.J. The provision authorizes $200,000 and directs the Secretary of Transportation to conduct a study of the feasibility of constructing a new east-west highway linking north-south highways in the area. The study will also investigate the long-range planning efforts needed to reduce the transportation crises developing in the area.

This provision would permit the Corps of Engineers to approve a proposed modification in the design and configuration of a navigation project in Newport News Creek, Va. to accommodate the construction of a four-lane highway bridge and tunnel complex across Hampton Roads, Va. This amendment does not require any additional Federal funds.

An additional provision will reiterate existing law that two projects which were authorized in the 1982 act will be outside of the State's obligation ceiling.

Finally, a perfecting change will be made on section 134 to make it conform to the committee's intent and understanding that at least one-fourth of 1 percent of the value of landscaping contracts a State enters into in a year shall be for the planting of wildflowers.

Mr. Chairman, I urge the adoption of the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment; we find it noncontroversial and accept it on this side.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, I rise in support of the amendments being offered en bloc by the gentleman from California (Mr. ANDERSON) on behalf of the Committee on Public Works and Transportation.

These provisions are totally consistent with the policy thrust and substantive content of H.R. 5504 and therefore should prove noncontroversial. It is altogether appropriate that we consider them en bloc in the interest of time.

The first relates to one important improvement in the bill, which makes it possible for certain States with a large backlog of unobligated apportionments to work through at least a significant portion of that backlog over a 3-year period. The amendment simply makes clear that the additional obligation authority provided to the States involved is in addition to that provided by an overall obligation ceiling in effect at the time.

A second provision clarifies and reaffirms the intent of the 1982 Surface Transportation Assistance Act that two demonstration projects are and should remain outside the obligation ceiling.

A third provision authorizes a project with which I am quite familiar. It involves significant upgrading of a segment of Route 461 in south-central Kentucky which is destined to become part of a principal access route to a major national river and recreation area now under development. My colleague from Kentucky (Mr. ROGERS) is to be commended for calling this particular need to the attention of the committee.

Two other provisions also are in the committee amendment, providing an interstate interchange in Minnesota sponsored by Mr. OBERSTAR, and an important bridge project in the city of Paso Robles, Calif., requested by Mr. THOMAS.

Another provision authorizes and directs the Secretary to consult with the Secretary of the Army to insure that a four-lane, bridge-tunnel complex across Hampton Roads, Va., in accordance with plans of the Virginia Department of Transportation. It also provides that any navigation project authorized by Federal law for Newport News Creek is modified to authorize the State of Virginia to relocate and reconstruct that project according to plans approved by the Secretary.

Finally, there is a purely technical amendment dealing with a date change, and a study of the feasibility of constructing a new east-west highway link connecting the Delaware Memorial Bridge with the Atlantic City Expressway and other north-south highways in southern New Jersey, incorporated at the request of Mr. HUGHES.

As I remarked, Mr. Chairman, I see no basis for objection to these provisions and urge their adoption.

I would like to say, Mr. Chairman, if I might, there are 12 amendments at the desk; I do not know how many are drifting around here in people's pockets. A couple of them are controversial. We spent 2 hours on a noncontroversial first amendment.

I take it the Members would like to get out since it does not look like we have a session tomorrow, since we got consent to file the rule on the immigration bill.

I would urge the Members on the noncontroversial ones to revise and extend so we can get out.

On the controversial matters, of course, the Members want to be heard.

Mr. ANDERSON. Mr. Chairman, I urge adoption of the amendment.

Mr. THOMAS of California. Mr. Chairman, I rise in support of the Surface Transportation Act, because it will make possible the continuing renewal of our Nation's network of highways, a system which is unparalleled in the world. I want to make sure our Federal highway system stays that way, because it is vital to our national, regional, and local commerce.

I wish to request my colleagues' support for the Public Works Committee amendment to H.R. 5504. A portion of the funds contained in the amendment would be authorized for a critically needed bridge across an interstate highway which bisects the city of Paso Robles, Calif.

The bridge would relieve dangerous traffic overloads on an existing bridge which was designed to carry 17,000 vehicles per day but already carries 20,000 vehicles per day. The slow-moving traffic created by the bridge bottleneck not only emits more automobile pollution, but it also creates safety problems for emergency vehicles trying to reach their destinations. The population of Paso Robles is expected to double within 15 years, creating even greater potential traffic tieups as the city's commercial and residential growth proceeds.

Most of Paso Robles' future growth is expected to happen in the southeast portion of the city, across Highway 101, the Salinas River and the Southern Pacific Railroad line from the city's commercial center. A bridge spanning the highway, the river, and the railroad would link this new growth area with the rest of the city, would relieve traffic overloads and create much safer driving conditions for motorists.

The city has turned to its own coffers to raise the seed money for a new bridge, but has been unable to secure county, State, or Federal agency funds to complete the project. The funds authorized under the amendment will come from the Federal Highway Administration trust fund and will result in no additional budget expense for the U.S. Government. In view of the extremely critical safety factors involved both now and in the very near future for motorists in Paso Robles, I ask my colleagues to support this project.

Mr. BATEMAN. Mr. Chairman, I rise in support of the amendment which is being offered by the committee.

This includes permission for the State of Virginia to make certain changes to a navigation project in order to allow construction of a 13.9-mile bridge tunnel complex. This bridge tunnel project is part of the Interstate 664 project which will link the north and south shores of Hampton Roads. This third crossing of Hampton Roads is essential to relieve the dangerously overcrowded conditions which exist on the two existing crossings.

This provision has no financial impact on the bill. The channel relocation has long been a part of the project design, and has already been included in the cost estimate for this project.

The amendment with respect to the I-664 project and the change in the navigation project it authorizes was offered in an abundance of caution, based upon an attorney's opinion that it was necessary. There is some doubt this view is correct, but as I said, in an abundance of caution, I offered the amendment and appreciate the committee's willingness to accept it. I would add that a similar amendment to the Water Resources Committee bill, which hopefully we will act upon on the floor, was offered at the committee level for the same purpose and reason.

I greatly appreciate the cooperation, time, and effort the Public Works Committee have expended in helping with this important project.

Mr. HUGHES. Mr. Chairman, thank you very much. I wish to commend the chairman of the House Public Works and Transportation Committee, my good friend and colleague from New Jersey, JIM HOWARD, the chairman of the Subcommittee on Surface Transportation, GLENN ANDERSON of California, as well as the ranking minority members, GENE SNYDER and BUD SHUSTER, for their outstanding efforts in developing this legislation. They are among the leading experts in the world in the field of transportation, and I know this legislation will go a long way toward solving our Nation's most pressing transportation problems.

The amendment I have offered and which was incorporated into the committee amendments, is intended to address a critical transportation problem in my district in southern New Jersey. That is, the need to study the feasibility of an east-west highway corridor to handle the tremendous amount of traffic traveling to and from the south Jersey seashore.

During the past 9 years, my district has undergone a transformation which is unparalleled in our region. With such beautiful and popular seashore resorts as exist from Cape May to Barnegat Light, tourism has always been a mainstay of our local economy. However, with the introduction of the casino gaming industry into Atlantic City in 1978, the tourism industry has literally exploded in our area. While this industry has brought thousands of new jobs and many benefits into south Jersey. It has also helped create a transportation problem which is fast reaching the crisis stage.

In 1978, when the first casino opened in Atlantic City, thre were 7 million visitors to the resort. In the 5 years since that time, nine additional casinos have opened in Atlantic City, and the number of visitors to the resort has nearly quadrupled. In fact, we had 26.4 million visitors to Atlantic City alone last year, marking the third straight year that Atlantic City was the most frequently visited resort in the entire country. Of these visitors, 14 million arrived in Atlantic City by car, and another 11 million by bus.

As staggering as those numbers are, they are only the tip of the iceberg. By 1987, at least three more casinos are scheduled to open, and the number of visitors to Atlantic City is expected to jump to 35 million per year. At the same time, the Federal Aviation Administration has just committed some $6 billion to a nationwide aviation modernization program, much of which is revolving around the FAA Technical Center in Atlantic County. This modernization program is stimulating a major high technology industry in our area, and increasing the pressure even more on our local highways. On top of that, there will be some 75,000 people employed in casino-related jobs who will be traveling to and from Atlantic City to work.

That is, if they can figure out a way to get to Atlantic City. Our highway system in South Jersey, which has been sadly neglected by the State over the years, is totally inadequate for handling this volume of traffic. In fact, for visitors arriving from the south via the Delaware Memorial Bridge, there is nothing but two-lane highways available to take them directly east to Atlantic City. The traffic congestion is already unbearable, and with the visitation rate increasing by some 15 percent per year, we are fast approaching the saturation point on our local highways.

This problem is not limited to Atlantic City, by any means. I make my home in Ocean City, which is located in Cape May County. On summer weekends, in particular, it is not uncommon for traffic to back up for several hours waiting to cross the bridges into the Wildwoods and other Cape May County resorts.

In Salem and Cumberland Counties, the problems are equally serious. With traffic pouring off the Delaware Memorial Bridge onto Routes 40 and 49 around the clock, small communities like Woodstown, Elmer, and Buena are being swamped with cars and buses. This constant traffic congestion is polluting the air, destroying the tranquillity of this basically rural area, and disrupting the lives of the thousands of people who make South Jersey their home. In many areas, our local highways are beginning to resemble gigantic parking lots, as traffic backs up mile after mile.

When casino gaming was introduced into Atlantic City, no one in their wildest imagination anticipated the type of growth which has occurred in our region. That is precisely why I have introduced this amendment to the Surface Transportation Act. My amendment would direct the Secretary of Transportation to conduct a study of the feasibility of constructing a new east-west highway linking the Delaware Memorial Bridge with the Atlantic City Expressway, Route 55, the Garden State Parkway, and other north-south highways in southern New Jersey.

I emphasize that this is only a feasibility study, which would in no way commit us to the construction of such a superhighway. It would merely get us started on a long-range planning effort which is desperately needed to head off the transportation crisis which we face in south Jersey in the years ahead. My own view is that this highway could be operated and maintained on a self-supporting basis as a toll road, similar to the Atlantic City Expressway. With that in mind, I believe the commitment of up to $200,000 under this amendment would be a very modest investment to help resolve a transportation problem that is clearly unique in this country.

I would urge my colleagues to please support this amendment. Thank you.

● Mr. ROGERS. Mr. Chairman, I rise today in strong support of the amendment offered by the distinguished chairman of the subcommittee.

I would like to begin by commending the chairman of the subcommittee, the ranking minority member of the subcommittee, my good friend and distinguished colleague from Kentucky, and the distinguished chairman of the full committee for their leadership in bringing this bill to the floor. And in particular I would like to commend them for their hard work in crafting this bill to help meet America's transportation needs.

This amendment provides funding for a demonstration project in Kentucky. This project is vitally important to me and to my district and I would like to tell you something about it.

As you may know, my district is one of the poorest in the Nation—as a matter of fact, we are rated fourth poorest in the entire country. But one of the hallmarks of my district is folks' determination to help themselves. The amendment before us today will give these people a fighting chance to do just that—it will help them to help themselves.

In recent years, the Congress has seen fit to support the development of a major recreational area in this region, called the Big South Fork River and Recreation Area. Upon its completion, this recreation area will provide one of the most breathtakingly beautiful recreational areas you could imagine, offering a wide range of vacation opportunities.

But the thrill of Big South Fork extends far beyond the scenery, beautiful as it is. For me, the most important aspect of Big South Fork is its potential to provide the foundation for a major tourism industry in this region. It has been estimated that by the year 1987, it will bring $42.7 million in tourism dollars into the region—and that this will grow to $93.8 million by 1992. This will translate into restaurant, gas station, and retail shop business. And most importantly, it is expected to generate 1,761 new jobs by 1987 and 3,876 new jobs by 1992. For a region currently suffering with approximately 15 percent unemployment, these jobs are desperately needed.

Unfortunately, it will take more than beautiful scenery to bring these tourists to Big South Fork. It will take roads. And the road system, including the key route along Highway 461, which it is estimated will have to carry about 40 percent of the traffic is in seriously inadequate condition.

As a matter of fact, this 15-mile section of Highway 461 ranks in the lowest 20 percent of all minor arterial roads in Kentucky, as a result of its narrow 20-foot pavement, its steep hills and dangerous curves. Between 1980 and 1982 alone, there were 75 accidents along this stretch of road. The State troopers tell me that for every segment of this highway, they can tell about an accident that took place there. It is not for nothing that this road has come to be called Death Alley among some of the local residents.

And with the estimates that traffic along this road will increase from the current 2,480 vehicles per day to 5,500 vehicles per day once Big South Fork is developed, it is clear that the hazards of this road will only increase.

This recreation area offers this region a solitary opportunity for development—without it, I will tell you frankly, I do not know which way they will even be able to turn for development prospects. But after all the resources, governmental and private, which have been poured into this project, this project will have little hope of reaching its maximum success unless we improve Highway 461.

The State is aware of this need. They have committed $11 million out of State funds, along with $6 million out of their share of Federal primary dollars. The bill today will match that contribution, providing another $16 million. This funding will permit the reconstruction of this 15-mile segment of Highway 461, from the Kentucky 80 connector to the town of Wabd. It will provide for the improvement of the curves and the steep hills, widen the pavement, and provide shoulders for safety. This Federal contribution is relatively modest in the scheme of things—but it will yield returns far surpassing what we allocate today.

This project will offer McCreary, Wayne, and Pulaski Counties, along with other communities in the Big South Fork region, the hope of economic development. And the benefits will extend further afield, to Casey County, where we have businesses with a crying need for better transportation and to many of the communities around Lake Cumberland, whose tourism business would similarly be enhanced by improved transportation.

In each of these cases, the reconstruction of Highway 461 will offer the hope of economic development. It will offer the hope that our sons and daughters will not have to leave the area in search of work. It will offer the hope of a future free from Government handouts—if we only give these proud people a chance to help themselves.

I urge the adoption of this amendment.●

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. ANDERSON).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WYLIE

Mr. WYLIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYLIE: Page 28, after line 14, insert the following:

(gg) The Secretary is authorized to carry out a highway project to reconstruct portions of two highways on the Federal-aid urban system in the corridor of an Interstate route which connects Columbus, Ohio, with its airport for the purposes of demonstrating methods of relieving traffic congestion and enhancing economic development.

Page 28, line 15, strike out "(gg)" and insert in lieu thereof "(hh)".

Page 28, line 18, strike out "and (ff)" and insert in lieu thereof "(ff), and (gg)".

Page 28, line 21, strike out "(hh)" and insert in lieu thereof "(ii)".

Page 34, line 9, strike out "and".

Page 34, line 13, strike out the period and insert in lieu thereof "; and ".

Page 34, after line 13, insert the following:

(36) to carry out subsection (gg) of this section not to exceed $600,000 for the fiscal year ending September 30, 1985.

Page 34, line 14, strike out "(ii)" and insert in lieu thereof "(jj)".

Mr. WYLIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Chairman, I have discussed this amendment with Chairman JIM HOWARD, Mr. SNYDER, the ranking Republican on the Committee on Public Works and Transportation, with Chairman GLENN ANDERSON and the ranking Republican on the subcommittee, Mr. SHUSTER. All these gentlemen have said they have no objection to the amendment.

What this amendment would do is provide $600,000 for startup money to reconstruct portions of two highways in the I-670 corridor, to relieve traffic congestion, and enhance economic growth in the area by providing access to an area of the city that badly needs traffic management for building improvements.

Mr. Warren Tyler, director of commerce for Ohio, has contacted me on behalf of Governor Celeste about this amendment. Mayor Rinehart's office has been in touch with my office. Mr. John Fisher has contacted me, speaking for the Columbus Area Chamber of Commerce as to the importance of this amendment to the city of Columbus.

I believe the amendment to be noncontroversial and urge its adoption.

Mr. ANDERSON. Mr. Chairman, if the gentleman will yield, the committee is prepared to accept the Wylie amendment on this side.

Mr. SHUSTER. Mr. Chairman, if the gentlemen will yield. We have examined this amendment, we have no problem with it, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. WYLIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATKINS

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 58, after line 5, insert the following:

HIGHWAY DESIGNATION

SEC. 141. The portion of Oklahoma State route 99 between United States route 70 and Interstate route I-44 which portion is on the Federal-aid primary system shall hereafter be designated as "United States Highway 377". Any reference in a law, map, regulation, document, record of other paper of the United States to such highway shall be held to be a reference to "United States Highway 377".

Mr. WATKINS (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WATKINS. Mr. Chairman, I have discussed my amendment with the majority and minority leadership of the committee and I think they have no objection. I will not delay the action of the House by discussing it any further unless they would like me to.

Mr. ANDERSON. The committee will accept this amendment.

Mr. SHUSTER. We have examined this and accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. WATKINS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SHAW

Mr. SHAW. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW: Page 10, line 2, after "108." insert "(a)".

Page 10, after line 13, insert the following:

(b) Section 131(g) of title 23, United States Code, is amended by inserting after "75 per centum" the following: "or such lesser percentage as may be agreed upon by the Secretary and the State".

Mr. SHAW (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **SHAW**. Mr. Chairman, briefly stated, this particular amendment would allow the various states to come up with the full funding for the removal of billboards should it desire to do so. The present law provides that the Federal Government would be required to pay for 75 percent which can be implied as a prohibition from the States going ahead on their own should they desire.

I believe both sides have examined this.

Mr. **ANDERSON**. We have examined this amendment, we are willing to accept this amendment.

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Florida (Mr. SHAW).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'NULTY

Mr. **McNULTY**. I offer an amendment.

The clerk read as follows:

> Amendment offered by Mr. McNULTY: Page 40, strike out line 8 and all that follows through line 2 on page 41.
>
> Redesignate the subsequent sections of title I accordingly.

Mr. **FRANK**. Mr. Chairman, will the gentleman from Arizona yield?

Mr. **McNULTY**. I yield to the gentleman from Massachusetts.

Mr. **FRANK**. Mr. Chairman, I wonder if the chairman of the full Committee would be available for a brief colloquy with me. I appreciate the gentleman from Arizona yielding.

If I may, I would like a brief colloquy with the chairman of the full Committee.

Some controversy has arisen in my own State and I believe in some others involving the question of exactly how much work has to be done in terms of some of these reconstruction projects. In particular, under the 3R program, and I appreciate the gentleman making the committee staff available to discuss this with me; I want to reaffirm something made clear in the Senate recently when they took this bill up, namely that under the 3R program there is no need for full design standards, that under the 3R program, while there has to be some safety enhancement, there does not have to be the full design standards because we have encountered some problems where there has been some Federal insistence on going beyond what the State and local people felt was necessary, what would be required for safety under 3R.

And we were hoping we could reaffirm that full design standards would not be necessary in the 3R program.

Mr. **HOWARD**. Mr. Chairman, I agree with the gentleman's interpretation of this provision.

Mr. **FRANK**. If the gentleman from Arizona will yield for one further question.

Mr. **McNULTY**. I yield to the gentleman from Massachusetts.

Mr. **FRANK**. On a separate matter, but related in the sense of excessive work on construction beyond what might be needed, I realize with regard to new bridges or the substantial reconstruction of an existing bridge, there has to be full safety standards.

But am I correct that if the State should decide in looking at a new bridge construction or a bridge reconstruction project that the AASHTO standards are being abided by, that there should not be any problem with the Federal Government trying to force something over and beyond that?

□ 1530

That if the State in its judgment is applying these standards into a new bridge project, that the State's judgment would be allowed in that case to stand, if they were in accordance with the standards of the AASHTO.

Mr. **HOWARD**. Yes, I would respond to the gentleman that a new bridge facility must meet current geometric and construction standards adopted by the American Association of State Highway and Transportation Officials which are required for the types and volumes of traffic which facility will carry.

Mr. **FRANK**. And if the State were doing that, they would not be forced to do beyond that.

Mr. **HOWARD**. The gentleman is correct.

Mr. **FRANK**. I thank the gentleman.

Mr. **SNYDER**. Mr. Chairman, will the gentleman yield?

Mr. **McNULTY**. I yield to the gentleman from Kentucky.

Mr. **SNYDER**. I thank the gentleman for yielding.

Mr. Chairman, not having seen the colloquy or having studied the matter that the gentleman from Massachusetts raised, we are not prepared to join in the colloquy.

Mr. **McNULTY**. Mr. Chairman, I ask unanimous consent that the 5 minutes that I had sought some 5 minutes ago commence at this moment forward.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. **McNULTY**. Mr. Chairman, my colleagues heard remarks earlier today about the 1982 Surface Transportation Act. In that act the predecessor Congress directed the Secretary of Transportation to make two studies, one of which would be to determine the most equitable and efficient method of apportioning funds for the interstate 4R fund. The Secretary and the Federal Highway Administration did precisely that and filed in December 1983 this report in which that subject was treated.

With my time I have got to compress it. So I will simply tell my colleagues that on page i 18 the report states this:

> The current formula correlates strongly with the three criteria for road repair. Therefore, no compelling case can be made for changing the formula at this time.

Later in the same report, discussing the subject of lane-miles the report said:

> Nearly all comments to the docket recommended that lane-miles be retained to constitute at least part of the basis for apportioning 4R funds.

So what has been the reaction of H.R. 5044 to those two recommendations, it has been to cast them aside and to say that lane miles should play no part in determining the number of dollars you get to keep up your Interstate Highway System.

Now, I want to be candid with all about this. We have done a study of the so-called winners and losers. I have that here and I can tell the Members that the numbers of Members that are from the winners totals 332, and the numbers of Members from the losers totals 103. That is a clear example of might, but it does not make right.

I think it ought to be said that any formula that suggests the quantity of what you are charged with keeping in shape is not to be considered in deciding the number of dollars to which you are entitled is fundamentally flawed.

Now we have already seen once in the last 10 years this formula changed away from the number of lane-miles as a consideration in deciding what piece of that $2.7 billion 4R pot you would get as your share. But the fact is it has been reduced once to 55 percent and the plain implication of this bill is that it does not make any difference how many miles you have.

You have all driven through the Western States which are the primarily disadvantaged group of States in this measure. Have you noticed that the interstate highways of Wyoming and Utah and Arizona and Nevada are significantly in better shape than the interstate highways of Pennsylvania, which stands to be a winner to the tune of $24 million? I am sure you have not. You have heard that trucks cause more damage than cars. But why should the State of California get $41 million more for its interstate fund and the State of Arizona get $19 million less?

That is not the way to repair a wrong, if indeed there be a wrong.

This formula ought not to be adopted.

A last saving ungrace of this whole measure is that the one-half percent minimum alternative that we guaranteed every State is being done away with. In other words, if you are small enough not to count at all that is what you will get, nothing at all.

This, too, is despite the fact that the Federal Highway Administration in its report said the number of dollars that would be generated for the big States is undetectable, but it does enourmous damage to the small places.

So please go back to the formula that has served us well and accurately and justly and vote for this amendment.

Mr. ANDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must reluctantly oppose the gentleman's amendment. I am reluctant because I know how hard he fights on behalf of the people, and the State, of Arizona. But I oppose him nonetheless because I believe it is essential to the basic fairness of the Nation's highway programs that Federal aid funds in each of the categories be apportioned by utilizing criteria that best reflect program needs.

The needs of the 4R program relate to use of the interstate system and the damage that accrues from that use. A State could have 1,000 miles of interstate mileage, but if it is not used, it is not likely to deteriorate quickly. Such a State, though, is being rewarded by the current formula.

The formula in this bill, which the gentleman's amendment would delete, will introduce gasoline and diesel consumption as a more reliable indicator along with vehicle miles traveled, of 4R needs. As we have an increasing number of heavier trucks using the interstate, more damage will be done to those routes. Diesel consumption is a good indicator of truck use on the system.

The formula in H.R. 5504 relates to interstate use, and thus interstate damage. Interstate damage correlates to 4R need. It meets the test as the fairest available formula. I urge its defeat.

Mr. DAUB. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must rise to seriously object to the provision contained in the bill and in support of the amendment offered by my distinguished colleague and good friend, the Member from Arizona, who spoke, I think, accurately of the circumstance and through whose amendment the remedy that I seek to support can be effected by my colleagues today.

The provision in the bill deals with the allocation formula with respect to what we call 4R funds. The 4R funds are distributed to States for the repair and reconstruction of the Interstate Highway System.

The current allocation formula for distribution of the funds is based on 55 percent on that amount of interstate in each State and 45 percent on the amount of relative use of the interstate, subject to a one-half percent minimum allocation to each State. The amount allocated for highway miles was recently reduced in 1980, I wish to remind my colleagues, from 75 percent to the current 55 percent.

This legislation would eliminate entirely the distance factor and base the entire allocation on use. This would make a mockery, in my opinion, of the idea of an interstate system since funds would be made available simply on the basis of use with a punitive effect on smaller and less populated States.

It is fairly clear how the vote on this would line up. There are about 11 Members whose States would lose and 325 Members of this body whose States would gain. Pure power politics would result in highway funds being diverted from some States to other States.

But before that is attempted I would like to remind the Members who would profit from this of some other very important factors.

□ 1540

First, you are not simply providing more money for your State; you are taking it away from other States. Particularly for those States who are interested in mass transit, I fail to see the point of punishing your colleagues in other States who have supported mass transit in the past.

Second, in the other body it has been made clear in the last 24 hours that any change at all in the 4R program will result in the filibuster of this legislation and, therefore, I am sorry to say, a delay in this very important legislation, which I, by and large, do support, and I want to take this particular time to commend the ranking members of the full committee, of our subcommittees, and the minority leadership, as well.

Now, as I have said during the committee markup of this legislation, if there is a need for more funds for the more highly populated States, then let us take a look at that. But to exercise this kind of power to take away from the less populated States their historic allocation of funds is an unsuitable and, in my opinion, a very counterproductive effort.

The interstate system is a national undertaking. This change in the 4R program undermines that undertaking and could lead to a lack of cooperation between our larger friends and our smaller friends in this body on other matters. Let us avoid that. I urge the House to reconsider this action now, to adopt the gentleman's amendment that is before us, to accept that position now or at least, may I remind you, let us be able to accept this position advanced by the gentleman from Arizona in conference, not only for the sake of those of us who are from the less settled, least populated States, the smaller States, who have lots of lane miles to be concerned about, but for the sake of those of us who depend upon the cooperation of the larger States in other matters as well.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, we should emphasize that the 4R formula only deals with the reconstruction and resurfacing of the Interstate System. We are not talking about construction here. We are not talking about the other parts of the Federal aid highway system. We are only talking about the 4R formula; the resurfacing, reconstruction, and general repair, effectively, for the Interstate System.

And we are most certainly not coming to this floor simply on a matter of counting votes and attempting to apply power politics, as my good friend says. Rather, the genius of our highway system over the years has been that the funding has been based on need—based on need. And we have had testimony provided us from both the National Governors Association and from the American Association of State Highway and Transportation officials, which indicated that funding for the Federal aid highway system should be based on use—and I emphasize that word—on use. That is all this formula change does. This formula change says that we can improve the formula and be more responsive to the true needs if we define those needs based on use. And so instead of defining, as the old formula does, on the number of miles that are out there, lane miles, the new formula defines the funding in relation to the use, 50-percent vehicle miles traveled, 25-percent gas consumption and, very importantly, 25-percent diesel consumption. And this is aimed at providing funds for repair and rehabilitation in relation to heavy truck use.

The best way to measure heavy truck use is by relating it to diesel fuel consumption. That is not perfect, but at least it is a start in the right direction. And so by focusing on diesel fuel use we relate it to heavy truck use and thereby make this a fairer formula.

But I would go beyond that, Mr. Chairman, and say how regrettable it is to hear some of our colleagues from some of the smaller States saying this is just power politics, because 325 Members stand to gain. If we were going to come to the floor simply based on the number of votes we could get from the States involved, then we would be here on the floor proposing to eliminate the one-half of 1 percent interstate construction funding, which is guaranteed to every State regardless of whether or not the interstate construction has been completed.

I might say that I, from Pennsylvania, support the one-half of 1 percent for interstate construction, even though it does not help my State. But why do I support it? Because I think it can be justified and because the need is there.

So I think it is a bum rap to suggest that we come to this floor only with language and with legislation that is going to help our particular States. We are attempting to craft legislation based on national need. And very significantly, Mr. Chairman, I would like to call the committee's attention to the fact that the guarantee, the continued guarantee of one-half of 1 percent on interstate construction, even though interstate construction may have all been completed in a particular State, means that the very States who are complaining about this formula change are States who get windfalls, in many cases, as a result of the one-half of 1 percent.

And let me be specific. For example, Nevada received $21 million under the old interstate 4R formula in 1984. In 1985 it will receive under this new formula $14 million. So in other words one could say Nevada loses $7 million. But—and this is the big but—let us go on and look at what Nevada receives under the interstate construction program. It is a one-half of 1 percent minimum apportionment and, therefore, Nevada receives $18 million a year.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 3 additional minutes.)

Mr. SHUSTER. And, therefore, Nevada will receive $18 million a year even though—and get this—even though Nevada's interstate system has been completed, it will, nevertheless, receive $18 million a year under the guarantee of one-half of 1 percent.

Therefore, while Nevada loses $7 million under the formula change, Nevada gains an $18 million windfall under the one-half of 1 percent. And I am further advised by staff that of the 17 States that are so-called losers under the formula change, 11 of those States are States which receive the one-half of 1 percent interstate construction funds, even though those 11 States have actually already completed their interstate construction. So there is a windfall.

So if my friends from the smaller States want to pursue this formula change, then perhaps we should also pursue, in the interest of fairness and equity, eliminating the one-half of 1 percent in construction. We have not proposed this in this bill as we brought it to the floor, but it would certainly seem to me that it is something we might want to consider if indeed my friends from the smaller States want to pursue this formula change.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I would be happy to yield to my friend, the gentleman from New Jersey.

Mr. HOWARD. I thank the gentleman for yielding. I wish to agree with him. I think the issue on this is fairness. If we are going to talk about every State getting all of its money back, my own State of New Jersey, a State which sends a tremendous amount of money into the highway trust fund, does not get nearly as much money under the interstate program as some of the larger States that have very few people in them and send a small amount of money to Washington. Why? Because our State is smaller. We do not need the miles of interstate that a Montana or a Minnesota might need. But in fairness, to have a national program so that the people of this country will be able to be assured of adequate highway travel wherever they go in the country, we are placing the money where it ought to go. So in this area, if my State sends in more money than it gets back so some of these more rural States can get much more than they put in, it is in the best interest of all the people, and that is why we have the word "United" in United States, so that we can do the best we can for all the people. This is a fairness issue, and the fair vote is a no vote on this amendment.

□ 1550

Mr. SHUSTER. The gentleman is absolutely correct, and it is for that reason, the fairness issue, that we should indeed defeat this pernicious amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, after consulting with the gentleman from Arizona who proposed this amendment, I would ask unanimous consent that all debate on this amendment and all amendments thereto conclude at 4:15, and I am not claiming any of the time; I will sit down.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was made will each be recognized for 2½ minutes.

(By unanimous consent, Mr. SHUSTER yielded his time to Mrs. JOHNSON).

Mrs. JOHNSON. I thank the gentleman for yielding his time to me.

Mr. Chairman, I rise in opposition to the gentleman's amendment and in support of the committee's action which I believe to be commendable and responsible, and, as has been pointed out here, fair. The issue is not might versus right, but need and fairness. Small States like Connecticut with minimal miles of interstate but very heavily traveled interstate, carrying trucking from all over the United States up through to the Eastern States, has been relatively disadvantaged by the old formula.

Actual road use is by far the most accurate indicator of wear and tear on the roadbed. The formula that is being proposed as it lays primary emphasis on use but includes as well diesel and gasoline fuel consumption, is a balanced formula and one that I support. It restores logic and fairness to the formula distributing road repair and rehabilitation funding and will more appropriately provide for States like Connecticut where relatively few miles bear relatively heavy traffic and therefore deteriorates more rapidly than equal miles in other States. I ask the opposition of my colleagues to the gentleman's amendment.

Mr. SHUSTER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman.

Mr. SHUSTER. I would say to my colleagues that I am absolutely stunned with the information that has just been handed to me. Arizona, the State from which the author of this amendment comes, has received $1.40 for every $1 that the people of the State of Arizona have put into the highway trust fund since the beginning of the highway trust fund. So the State of Arizona has been getting much more than its share.

Mr. McNULTY. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Arizona.

Mr. McNULTY. Does the gentleman also know the statistics on the number of the miles of interstate highway that there are in the State of Arizona as contrasted by population?

Mr. SHUSTER. What is the gentleman's question?

Mr. McNULTY. The number of miles of interstate highway that there are within the State of Arizona; you must have that in that book, too.

Mr. SHUSTER. That is not the point I am making. The point I am making is that the State of Arizona has received $1.40 for every $1 that the citizens of Arizona have sent into the highway trust fund. So Arizona has done extremely well.

Mr. McNULTY. Is that not because it is a long way from the east border or the west border of the State?

Mr. SHUSTER. And that is the reason why we should support need rather than selfish, parochial interests.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Pennsylvania, the ranking minority member on the committee, and the full committee chairman.

I believe that a right vote here is a no vote on this amendment. Michigan has been a donor State for years into this program. We will still continue to be a donor State into the Federal highway system, but I believe there is a degree of fairness required in any of these particular programs and the formulas that distribute funds.

I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. Shuster), and the full committee chairman (Mr. Howard).

Mr. Chairman, I rise in strong support of H.R. 5504, the Surface Transportation Act the House is considering today. This legislation makes certain improvements in the Federal highway program, particularly by changing the 4R formula. Under the new formula, funds will be distributed on a more equitable basis to insure that those States, like Michigan, with older interstate highways, will receive more money to repair them.

We must not forget that the 4R program was greatly expanded by the 1982 Surface Transportation Assistance Act to speed up the repair of the older segments of the Interstate Highway System. This change in the formula that distributes 4R funds will make the program operate more cost effectively and provide taxpayers with a bigger bang for the buck.

The bill also provides funding for other necessary highway projects around the country, including an extra $8 million to Michigan for the completion of U.S. 131 in Osceola County.

While the Surface Transportation Act should be passed, more changes are needed in the way highway and bridge funds are distributed to Michigan. Weather and unemployment factors need to be included to make these formulas fair to States like Michigan. I intend to work for these changes in the next major highway legislation that will come up in 1986 when the Surface Transportation Assistance Act expires.

I urge my colleagues to pass H.R. 5504 today and hope the Senate will also quickly approve similar legislation pending in that body to avoid any further delays in releasing interstate construction funds and other highway and bridge moneys authorized by H.R. 5504.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. Craig).

Mr. CRAIG. Mr. Chairman, I stand in support of the amendment.

There have been some interesting observations made this afternoon. Let me make one about the State of Idaho. For every dollar the State of Idaho puts into the fund, they get a $1.59 out of the fund. Is that so unique or so rare? Not at all, because I notice when I have traveled on the interstate within my State of Idaho, trucks from Pennsylvania, automobiles from Pennsylvania, trucks and automobiles from the States of Michigan and Connecticut and all over the United States. My State serves as a State through which a great deal of this Nation's commerce must travel to the east coast to the west coast. When we created the fund and the method by which we were to build the Interstate Highway System, it was not just to build an interstate highway in Pennsylvania, or just to build an interstate highway in Michigan, it was to build a uniform transportation system across this Nation. Those large Western States that have many, many miles of roads, must simply deal with that issue.

Now, Idaho's Interstate System is nearly completed. But we also recognize that in that completion, those trucks that move across our roads, those trucks that do that damage, must help pay for the repair and the maintenance of that fine interstate system. So, if we are to put the "U" back in the United States, then let us put it back in for every State in the Union; let us bring some equity to it so that we can assure that Idaho does not become a bottleneck so that the trucks of Michigan flowing through to California and Oregon and Washington simply will not be able to transport across our State.

It is an interstate system, and we ought to recognize it for its balance.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from Nebraska.

Mr. DAUB. I do appreciate the brief moment that the gentleman yields to me to tell you that I agree with what you said; there is a salient point that is being made by my colleague. There is a unique construction problem with the length of miles driven, certainly unique. Planning and requirements for those States that have long distances to be maintained.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. Kogovsek).

Mr. KOGOVSEK. Mr. Chairman, I rise in support of the amendment. As a former member of the Surface Transportation Subcommittee, and one who worked on the Surface Transportation Act 2 years ago, I appreciate the work that has gone into this bill. Unfortunately however, I must oppose it on principle.

Two years ago, I fought to assure that there would be no change in the interstate 4R program. Although the battle was unsuccessful in the House, we were able to persuade the other body to maintain the formula. Now once again, this bill attempts to change the formula in a way that blatantly discriminates against States with a great deal of highway, but not that many people.

States like Colorado, huge States, have thousands of miles of interstate highway, just because of their size. To change the allocation formula and weight it primarily on the number of vehicles instead of the number of miles of highway, does not make sense. We may not have as many vehicles on the highways, but we have a lot more roadway to maintain.

As a Member of Congress, elected by the people of the State of Colorado to represent them to the best of my ability, I feel I would be doing them a disservice if I supported this bill. It would change the allocation of Federal funds and cost my State more than $12 million; almost a 25-percent reduction.

If this bill was a deficit-reducing measure, aimed to save money and the sacrifice would be felt by all States, I could in good conscience support it. However, when Colorado loses $10 million, and other States lose more than $20 million, just to provide for increases in the allocation for some other States, I cannot support it.

Some Members may seek to form a compromise formula but I disagree with that. The present formula already takes into account vehicle miles traveled and is a fair balance. We should leave the formula the way it is and I urge my colleagues, in the name of fairness, a basic democratic principle, to reject this bill and any compromise that will sell their States short. To acquiesce would be to send a message to the other body that should not be sent. The current formula is fair and it should be retained.

☐ 1600

The CHAIRMAN. The Chair recognizes the gentleman from Utah (Mr. Nielson).

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. NIELSON of Utah. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Arizona (Mr. McNulty).

Mr. NIELSON of Utah. Mr. Chairman, there are several statements by the gentleman from Pennsylvania that I would like to address these comments to.

The gentleman mentioned there are 11 States which lose. According to my count from the Federal Highway Administration, 28 States lose.

The second thing the gentleman said, Nevada would lose some $7 million. They would, in fact, lose $10.9 million. We have Montana losing $29.2 million, two-thirds of their present amount. We have Utah losing 70 percent. We have Arizona losing about 55 percent. It is devastating to those small States.

Let me indicate that in addition to what has been said already, these big States, big in area, do provide a lot of recreation, millions of acres of wilderness and national parks for all the country to enjoy, so we are not just taking in this area. We want to provide the highways so people can come and enjoy those particular things, the beauties that we have.

Another thing that should be said is that we have weather conditions in the West, in New England, and elsewhere, which make it very difficult to keep the roads in good condition during the year, with all the ice and snow, floods, and so forth, and we do need to have those highways. Even if there were no traffic at all, we would still have a tremendous bill to keep the highways, and I think that should be taken into account. Lane-miles definitely should stay in the formula.

The CHAIRMAN. The Chair recognizes the gentleman from Nevada, Mr. REID.

Mr. UDALL. Mr. Chairman, will the gentleman yield to me?

Mr. REID. Yes; I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I rise in strong support of this amendment.

I shall fight for this amendment regardless of the fact that my State will gain $19 million, regardless of how many votes this may cost me.

Mr. WISE. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from West Virginia.

Mr. WISE. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman from Arizona's amendment (Mr. MCNULTY).

I am very concerned about the change this legislation makes in the way interstate highway repair funds are allocated to the various States. The program, known as "4R," will provide States with $2.8 billion in Federal funds in fiscal year 1986.

It is clear to me that the supporters of this change in formula have never been to my State, West Virginia. The change in formula is inequitable to about 30 different States—those areas that are less populated, but have vast stretches of highway requiring general maintenance.

In West Virginia, we have many mountains. We also have approximately 35,000 miles of roads (525 miles of interstate). The variables used in this revised formula are not helpful in relationship to my State. Besides having very little flatland, we have a harsh climate (freezing, thawing), difficult soil to build upon, and a good bit of sliding earth. These facts make building any sort of large highway very difficult.

In addition, the Department of Transportation concluded in their December 1983 study that any dramatic improvement over the current formula (the one we have used up till now) "is not likely to be achieved." They also concluded that "in short, no compelling case could be made for endorsing any specific change in the current formula at this time."

In light of this study, there seems to be no logical reason to alter the 4R formula so radically.

Mr. Chairman, my State stands to lose $2.5 million of their expected $20.9 million. I urge my colleagues to oppose this 11th hour reshuffling of vital funds.

Mr. REID. Mr. Chairman, I would first probably ask to thank my colleague, the gentleman from Pennsylvania, for all the nice things that are happening to Nevada. It reminds me of the story of the man wishing to thank his friend who broke only one of his arms.

Mr. Chairman, I stand before this body to express serious reservation and concern about section 121 of the Surface Transportation and Uniform Relocation Assistance Act of 1984. This section, which changes the interstate 4R formula for apportioning funds, is unfair and inequitable to the sparsely populated States of the West. Discounting lane miles for usage based figures does not give proportionate consideration to the vast stretches of highway in our western States which need resurfacing, restoration, rehabilitation, and reconstruction.

The recent study, entitled "Climate Apportionment and Interstate 4R Apportionment," from the Secretary of Transportation and prepared by the Federal Highway Administration for the Congress, reflected equal concern. While investigating the equity of the current formula, the study concluded that in respect to the three major criteria of need, national benefit, and national defense, the existing formula correlates strongly with the criteria and has a direct conceptual link to the Interstate System. The study also concluded that no compelling case can be made for changing the formula at this time.

The report further indicated the historical reservations the Federal Highway Administration has had about using data on motor fuel, diesel fuel or trust fund contributions in apportionment for a system-based program. Federal taxes on gasoline are collected at the point of first sale; diesel taxes are levied at the retail level; truck taxes are levied at the point of manufacture; and use taxes at the point of registration. None of these points of taxation are directly related to the relative use of the Interstate System among jurisdictions.

Although climate is a factor in construction, due to limited data available, no effects of climate could be identified on pavement performance. Therefore, no supportable argument can be established for climate in the apportionment formula of the interstate 4R program.

My own State of Nevada would, under the new formula, be hurt drastically. Approximately 90 percent of the heavy trucks that use Nevada Interstate Highways neither originate nor do they have a destination in Nevada. In essence, Nevada is a long bridge in commercial interstate transportation. The new formula would call for an estimated 60 percent loss of funds and practically destroy the State's ability to maintain its portion of the National System of Interstate and Defense Highways.

In closing, I would urge my colleagues not to support this provision of H.R. 5504 which changes the 4R formula. Thank you.

The CHAIRMAN. The Chair recognizes the gentleman from Delaware (Mr. CARPER).

Mr. CARPER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arizona (Mr. MCNULTY) because it is a fair and equitable 4R formula.

Under the formula proposed by the Public Works and Transportation Committee, small States are unduly penalized. My own State of Delaware will lose 60 percent of its 4R funding if the committees recommendation is not altered.

4R funding is essential to the economic development of Delaware and its neighboring States. Because Delaware is a corridor State, like many of yours, interstate commerce relies heavily on the quality of our roads. Unfortunately, however, out-of-State trucks and cars provide little tax revenue to the State for highway maintenance and upkeep. Funds from the 4R program have allowed Delaware to make the necessary capital improvements in our highway system. Maintaining the existing formula will adequately compensate for the disproportionate use of Delaware highways by vehicles in transit elsewhere.

Without this amendment, in the years to come Delaware will lose the ability to maintain the high standards of road quality that we have worked hard to establish, imposing economic hardship on Delaware businesses and unnecessary safety hazards to the public at large.

The continuation of the existing formula with the one-half percent minimum provided for by the McNulty amendment will allow small States like mine to continue the important work of highway improvement, and save the jobs of thousands of constituents employed in the highway construction industry in States like my own. It will also assist some of the larger States which stand to lose some of their funding under the committee's recommendation. I simply do not believe that a 4R formula that reduces funding for 28 States when the size of the program is increasing is our best alternative.

Mr. Chairman, the Federal role in highway construction and repair should be to even out the financial inequities in the Interstate Highway System. Simple fairness should dictate that those States which are conduits for heavy interstate commerce, but receive none of the direct benefits from the economic activity they facilitate, should be adequately compensated for the costs of maintaining their transportation infrastructure, particularly when those costs are imposed by unreciprocated use.

I call on my House colleagues today to vote in favor of this amendment and preserve an equitable balance in the 4R program.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) desire to use his time now?

Mr. SHUSTER. I thought I yielded my time to the gentlewoman from Connecticut (Mrs. JOHNSON) Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. SLATTERY).

Mr. SLATTERY. Mr. Chairman, I would first like to commend my colleague, the gentleman from Arizona, for his leadership in this issue. I think that the amendment he is talking about is an excellent one.

I will be the first to admit that perhaps some modification in the existing formula is warranted, but I would also point out that total elimination of the distance factor that we are talking about here today is, in my judgment, totally unacceptable and unfair. As we make this decision, I would urge my colleagues to again take into consideration some of the findings of the U.S. Department of Transportation study that was conducted in December 1983. Let me just briefly review some of those basic findings.

First of all, the Department of Transportation concluded that dramatic improvement over the current formula is not likely to be achieved.

Second, they concluded that no compelling case would be made for endorsing any specific change in the current formula at this time.

My last point is that the study indicated that at least one use factor, and that was the diesel fuel consumption factor, is a potentially inadequate measure for several reasons, but the principal reason is that the statewide fuel consumption does not necessarily reflect the total use of the interstate in that particular State. Often diesel fuel bought in one State is consumed in another State.

In conclusion, Mr. Chairman, I want to point out that the distance factor in the 4R formula is an explicit recognition that certain States have vast stretches of interstate highways that must be maintained for purposes of interstate commerce and for defense. Western States desperately need this distance factor to be included in the formula.

Again, I urge my colleagues to support the amendment offered by the gentleman from Arizona (Mr. McNULTY). Perhaps some modification is needed, but total elimination of this distance factor, in my judgment, is unwarranted. It is totally unacceptable at this time, and it is unfair.

I urge my colleagues to support the amendment offered by the gentleman from Arizona (Mr. McNULTY).

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I am happy to yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment. I share the concerns of my distinguished colleague from Arizona (Mr. McNULTY) with proposed changes in the current method for allocating interstate highway repair funds.

The current allocation formula takes into account not only how often an Interstate System is used, but equally important how much interstate highway each State is responsible for maintaining. The provision in the Surface Transporation Act of 1984, which eliminates completely consideration of the number of miles a State must maintain undermines efforts to protect the national investment in our infrastructure. An allocation formula based on vehicle miles traveled and the usage of gasoline and diesel fuel is unfair to rural States and serves to threaten economic growth.

The proposed formula change is unfair to those States, like West Virginia, that are less populated but have vast stretches of highway requiring general maintenance. In the Second Congressional District, we embody the diverse geographical characteristic that West Virginia is famous for. The construction of highways is difficult and costly. The investment made to construct these roadways must be protected and that can only be done with sufficient funding for resurfacing, restoration, rehabilitation, and reconstruction. These are the essential factors in the current 4R formula and any new formula must not be allowed to undermine the ability of States to maintain their interstates.

The more than 35,000 miles of roads in West Virginia, including 525 miles of interstate, is essential for economic development. These roads assure that West Virginia coal is delivered; that farmers and fruit producers can get their products to market; and these vital links assure that our State's fastest growing industry, tourism, will continue to expand. West Virginia continues to lead the Nation in unemployment and our infrastructure, particularly our Interstate Highway Systems, provide an essential ingredient needed for economic growth.

The Department of Transportation has said that "no compelling case could be made for endorsing any specific change in the current formula at this time." I would argue that there are compelling reasons for not altering the current formula.

Therefore, I urge my colleagues to join me in supporting the McNulty amendment to H.R. 5504. In this way, we can demonstrate our commitment to protecting our Interstate Systems without placing an undue burden on rural States. A highway repair formula in line with the needs of all States is good for America. Thank you.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SLATTERY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the McNulty amendment to restore the current formula for the apportionment of interstate resurfacing, restoration, rehabilitation, and reconstruction funds.

I do not understand the justification for eliminating from the current formula the distance factor, particularly when U.S. Department of Transportation has certified that the distance factor passes all the necessary tests for a formula. That same transportation study also concluded that "dramatic improvement over the current formula is not likely to be achieved," and "no compelling case could be made for endorsing any specific change in the current formula at this time."

The West Virginia highway commissioner, Charles L. Miller, indicated to me several weeks ago that the bill's new formula could cost West Virginia over $2.5 million in fiscal year 1986. That is not, Mr. Chairman, an inconsequential loss to my State.

I urge my colleagues to vote "aye" on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. Mr. Chairman, there has been considerable discussion today about unfairness, and some have referred to a bum rap. I know of no one who does not want to see equity established in the allocation of highway dollars, but let me talk to my colleagues a minute about a bum rap and unfairness for my State of Montana.

If this amendment passes, without notice my State is going to lose 66 percent of the dollars that it now receives. There cannot be anybody on this floor who really thinks that is not a bum rap for one State in this Nation.

□ 1610

I understand that some States get $1.49 back and some States get $1.79 back.

You know what it is called? It is called federalism.

You see some children in this country with certain needs have more Federal money put on them than other children who do not have those needs. It is called federalism. It is what made this Union strong.

The people in Montana have to worry that black lung victims in Kentucky get health care, and they are willing to pay into the pot and see more of that money goes to Kentucky than comes to Montana. And people in New Jersey should worry that my 1,100 miles of interstate, with a population of only 800,000, be maintained and those people in New Jersey ought to continue in the American tradition of federalism by sending us $1.50 or $1.60 for the $1 that we send in, because it is federalism. And I am all for it and I thought this House was for it, and I thought it was what made this Union strong.

This formula, this formula affects a lot more, my friends, than the highway interstate program. This formula goes at the heart of federalism in this country and is what makes this Nation strong.

Mr. BEREUTER. Will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, the gentleman is exactly right. I support the McNulty amendment and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, I rise today in support of the McNulty amendment and in opposition to the proposed change in the allocation formula for the distribution of funds for the interstate 4R program. This change is not only grossly unfair to less densely populated States with long distances of interstate highways to maintain, it is also illogical.

In a Department of Transportation study released in December of 1983, the Federal Highway Administration concluded that no "dramatic improvement over the current formula is likely to be achieved" and that "no compelling case could be made for endorsing any specific change in the current formula at this time."

The distance factor—lane-miles—is the best indicator of potential highway repair. If the distance factor is replaced entirely with usage factors such as gas or diesel consumption, the DOT will have a far more difficult time in allocating interstate 4R funds to those highways that need it the most.

The DOT study indicated that one use factor—diesel fuel consumption—is potentially inadequate in that it is difficult to accurately determine State consumption statistics because States use different methods of recordkeeping. Taxing for diesel takes place at the retail level, where it is harder to prevent tax evasion. Substitution of home heating oil to avoid taxes is believed to be occurring in many States and this results in unrecorded use of highway fuel. In addition, selected buses, taxis and government vehicles are exempt from taxation, State fuel consumption simply does not necessarily reflect interstate use. Often diesel bought in one State is used by trucks traveling through another State and the reporting systems are not uniform among the States.

Likewise, gasoline fuel consumption is also a potentially inadequate measure of use because it is used on all highways and roads, not just interstate highways and like diesel fuel, statewide consumption of gasoline does not necessarily reflect use, condition or need.

Western States with small, sparsely settled populations will bear the sacrifice if the change in the 4R formula is allowed to occur. The cost to 15 western States will be approximately $203 million annually or the equivalent of roughly one of every three Federal dollars for road repair and reconstruction.

The State of Nebraska is served primarily by one Interstate Highway System—Interstate 80 (I-80). This interstate runs for 455 miles across the entire State of Nebraska and has an average daily use of between 31,000 and 7,500 vehicles per day. Between 5,000 to 1,700 of these vehicles are heavy trucks which do the most serious damage. It is important to remember, however, that the vehicles that use I-80 are not just Nebraskan vehicles, they are cars and trucks from every State in this country. I-80 is the most traveled highway system in the world and it is the most natural, major transcontinental route for trade and commerce in the country for over 100 years when pioneers first made their trek to the West.

Many sections of I-80 have now exceeded their planned life. Miles of I-80 have deteriorated badly in the last few years and are now a serious hazard to driving. Last year 10 miles of I-80 were completely reconstructed. An additional 30 miles are planned for reconstruction this year. In the next 5 to 10 years, most if not all of this interstate will have to be replaced entirely. Without the adequate funds to properly execute a regularly scheduled repair and reconstruction program, the rate of deterioration will exceed the rate at which the road can be replaced, repaired or reconstructed. If interstate travel is impeded, on I-80, not only will the commerce of Nebraska be hurt, but the commerce of all States which rely upon I-80 to transport their goods throughout the Nation.

As I stated before, a change in the allocation of 4R funds is illogical. The change ignores the fact that highways in the West, while less traveled, require repair and reconstruction as a matter of general maintenance. The Interstate System as a facilitator of interstate commerce and as a national system should not be subjected to parochial views which dramatically favor one part of the country over another. The change ignores the fact that lane-miles, according to the transportation study, meets all of the necessary tests for a formula factor. The study states:

> Data are available, State-by-State, on a consistent and reliable basis. The distribution of lane miles, of course, will remain quite stable. In addition, lane-miles relate specifically to the Interstate system, while most other alternative factors do not.

I urge my colleagues to vote for the McNulty amendment and oppose the change in the 4R allocation formula.

Mr. HOWARD. Will the gentleman yield?

Mr. WILLIAMS of Montana. I yield to the gentleman from New Jersey.

Mr. HOWARD. I would like to say to the gentleman that this is one person from New Jersey whose State has been on, if you want to say, the losing end, but has always supported that.

Mr. WILLIAMS of Montana. And we have appreciated the chairman's support.

Mr. HOWARD. But here we are talking about maintenance of roads based on usage and the need in this case is in a State like New Jersey. So what we are hoping would be is that we would get the same kind of federalism and fairness and justice and unity from the people that we have been giving our money to for so many years.

Mr. WILLIAMS of Montana. Reclaiming my time, Mr. Chairman, I think you should, too. But I would ask the chairman if he thinks that the 66-percent cut suddenly and dramatically for one State in this Union is fair.

Mr. HOWARD. In this small program, yes, because look at all of the rest that you get in the bill.

Mr. MARRIOTT. Mr. Chairman, I rise in vehement opposition to the 4R (restoration, resurfacing, rehabilitation, and reconstruction) formula change proposed in the bill before us today, H.R. 5504. I would like to take this time to discuss a definite concern of over half of the States in our Nation. The 4R apportionment formula eliminating lane miles adversely affects 28 States, one territory, and the District of Columbia.

How can a proposed change that is supposed to help our Nation end up being so bad for so many of the States that comprise our great United States of America?

From information provided by the Federal Highway Administration, one can readily see that only 22 of our States will be receiving additional funds than they were before the proposed change. The current 4R formula based on 55 percent on lane-miles and 45 percent on vehicle-miles traveled seems to be the fairest solution than any others offered. In H.R. 5504, the formula factors are 50 percent vehicle-miles traveled, 25 percent diesel fuel use and 25 percent gasoline use. As you can see, this proposal eliminates the distance factor (lane miles) and bases the entire allocation on use factors (miles traveled, gas use, and diesel use).

Use factors alone are extremely disadvantageous for not only my home State of Utah, but for over half of our United States. All but two of the Western States. California and Texas, will be adversely affected by this proposed change because of their large land masses, sparse populations, and other means of transportation—such as small aircraft.

Mr. Chairman, I would like to emphasize the traumatic effects this change would have on States such as my home State of Utah, a victim of heavy snows, land and mud slides, and raging floods. Over half of the Interstate Systems in Utah have been damaged by these horrible weather conditions. As you know, Interstate 81 and 15 both cut through Utah. With a loss of nearly half of the funding currently provided in the 4R formula, you can well understand the concerns of Utah and the surrounding States. Utah will be losing over $16 million if the change occurs. Furthermore, the use if diesel and gasoline fuel consumption in the formula is inappropriate. Neither diesel nor gasoline is consumed exclusively on the Interstate System. Therefore, as a measure of interstate usage, the inclusion of these factors would allocate funds not logically related to interstate repair needs. In fact, a Federal Highway Administration report released December, 1983 denied the need to change the formula.

The Interstate system as a facilitator of interstate commerce and as a national system should not be subjected to a parochial view which dramatically favors one part of the country over another. Also, the study mandated by Congress and prepared by the Federal Highway Administration examining the Interstate 4R allocation formula found through using three criteria of need, national benefit and national defense, that the current formula "correlates strongly with the criteria and has a direct conceptual link to the Interstate System" and that "no compelling case can be made for changing the formula at this time".

As legislators, it is our duty to pass legislation that will benefit the good of the country. I cannot understand the "good" contained in this formula change. I am not alone, Mr. Chairman. Not only do a large contingency of Members in this House share my disgust with the committee's proposed formula change, I understand that in markup this bill over on the Senate side, Chairman STAFFORD and a number of his colleagues voiced their strong support to retain the current allocation formula.

It is imperative that the will of the majority prevail, Mr. Chairman. I look forward to favorable action in this body and ask my colleagues to look closely at the numbers released by the Federal Highway Administration. Upon their review, I know that they will join with me in reversing the action taken by the House Committee.

Maintaining the condition of the Interstate System is vital to promoting commerce, tourism, safe travel, and a good national defense, not only for Utah, but for our Nation as a whole. It is mandatory that the current formula remain intact.

● Mr. WIRTH. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Arizona (Mr. McNULTY) to retain the existing apportionment formula for the 4R program for the resurfacing, restoration, rehabilitation, and reconstruction of the Nation's Interstate Highway System.

The Members will recall that we engaged in an almost identical debate just a few short years ago in regard to the relative weights that highway use and distance should play in the 4R apportionment formula. At that time, we did eventually revise the old formula to place slightly more weight on the use factors by decreasing the percentage weight that distance, or lane miles, played in the formula and increased the weight of the use factor by increasing the formula's treatment of vehicle miles traveled. Since that time, we have continued to study the 4R apportionment formula, and all of those studies have basically concluded that we would be best served by not altering the 4R formula as it is presently enacted. The Department of Transportation's own study, released this past December, reached the conclusion that dramatic improvement over the current formula was probably not attainable and, from a strictly western perspective, the Western Governors Association has also concluded that he interests of the Western States would be ill served by a change in the current formula.

That latter point is the key to our considerations here today. As the Members are so painfully aware, the challenge of balancing the multitude of regional interests of this Nation in crafting national policy is among the toughest tasks we face in this body. But the simple point in regard to the Interstate Highway System is that the Western States contain proportionally far more miles per capita of interstate highways than any other region of the country. That reality is, as the Members know, part of the western character—population centers and rural towns separated by wide open spaces. The Interstate Highway System serves the West well in this regard in that it provides the most efficient and effective means for moving between points in the West. Consequently, it becomes doubly important for the Western States to have the funds necessary to maintain those transportation routes.

As reported out of the Public Works Committee, H.R. 5504 does not serve that western need for highway maintenance through the 4R program. Rather than recognize the extreme distances of the Western Interstate System, H.R. 5504 proposes that we completely disregard total lane miles and instead focus solely on use factors—vehicle miles traveled and gasoline and diesel fuel consumption—in determining each State's appropriate share of 4R moneys. In my own State of Colorado, implementation of the changes to the 4R apportionment formula contained in H.R. 5504 will yield a net loss of approximately $11.3 million per year; and let me emphasize that this loss pales in comparison to some of the even more dramatic impacts that implementation of the new formula would have on most of Colorado's western neighbors.

Mr. Speaker, regardless of where located in this country, the simple fact is that all highways are subjected to use and its attendant wear and tear. Likewise, all highways are subjected to the effects that natural elements have on their condition. Yet, H.R. 5504 would simply have us only consider how much any particular stretch of the Interstate System is used and ignore that desolate and less-frequently used segments of the system are nevertheless subjected to the process of natural deterioration. Under H.R. 5504, Western States are then forced to take less moneys for the repair and maintenance of the same amount of miles—indeed more miles as the system is completed in our region.

I want to emphasize that the vast majority of this legislation is worthy of every Member's support. I would commend the gentleman from New Jersey, the distinguished chairman of the Public Works Committee, for the leadership he has demonstrated in moving this crucial initiative forward. Approval of the interstate cost estimate, the interstate substitute cost estimate, and the provisions for mass transit are all of pressing importance to this Nation's infrastructure needs.

We are faced with a challenge today, one which offers this body the opportunity to meet this Nation's important transportation [illegible] and maintain regional equity in meeting those needs. I would remind my colleagues, however, that the only way we can be sure to meet both of those goals today is by adopting the amendment offered by my colleague from Arizona.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. McNulty).

The question was taken; and on a division (demanded by Mr. Marriott) there were—ayes 16, noes 21.

RECORDED VOTE

Mr. NIELSON of Utah. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 93, noes 315, not voting 25, as follows:

[Roll No. 219]

AYES—93

Akaka
AuCoin
Bedell
Bereuter
Bevill
Bonker
Brown (CO)
Campbell
Carper
Chandler
Cheney
Coleman (MO)
Craig
D'Amours
Daschle
Daub
Derrick
Dicks
Dorgan
Dowdy
Erdreich
Evans (IA)
Foley
Franklin
Frenzel
Gephardt
Glickman
Gregg
Hansen (UT)
Harkin
Hartnett
Heftel
Jeffords
Kogovsek
Kramer
Leach
Lott
Lowry (WA)
Lujan
Marlenee
Marriott
McCain
McKernan
McNulty
Mollohan
Montgomery
Nichols
Nielson
Oberstar
Penny
Rahall
Reid
Richardson
Roberts
Rudd
Sabo
Schaefer
Schneider
Schroeder
Shelby
Sikorski
Skeen
Skelton
Slattery
Smith (NE)
Smith, Denny
Smith, Robert
Snowe
Spence
Spratt
St Germain
Staggers
Stangeland
Stump
Swift
Tallon
Tauke
Taylor
Udall
Vento
Volkmer
Vucanovich
Weaver
Weber
Whittaker
Whitten
Williams (MT)
Winn
Wirth
Wise
Wolf
Wyden
Young (AK)

NOES—315

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Carney
Carr
Chappell
Chappie
Clarke
Clay
Clinger
Coats
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Crockett
Daniel
Dannemeyer
Darden
Davis
de la Garza
Dellums
DeWine
Dickinson
Dingell
Dixon
Donnelly
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erlenborn
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gilman
Gingrich
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hawkins
Hayes
Hefner
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lowery (CA)
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Myers
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Patman
Paul
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rangel
Ratchford
Ray
Regula
Ridge
Rinaldo
Ritter
Robinson
Roe
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Savage
Sawyer
Scheuer
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shumway
Shuster
Siljander
Sisisky
Smith (FL)
Smith (NJ)
Snyder
Solarz
Solomon
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Synar
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Walgren
Walker
Watkins
Waxman
Weiss
Wheat
Whitehurst
Whitley
Wilson
Wolpe
Wortley
Wright
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NOT VOTING—25

Bethune
Bonior
Coelho
Crane, Daniel
Crane, Philip
Evans (IL)
Ford (TN)
Gibbons
Hansen (ID)
Harrison
Hatcher
Hubbard
Leland
Martin (NC)
Matsui
Murtha
Pashayan
Patterson
Pritchard
Rodino
Rose
Sensenbrenner
Simon
Smith (IA)
Williams (OH)

□ 1630

Mr. RALPH M. HALL, Mr. ZSCHAU, and Ms. MIKULSKI changed their votes from "aye" to "no."

Messrs. WHITTEN, CHANDLER, and SIKORSKI changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Vucanovich: Page 58, after line 5, insert the following:

4R PROJECTS FOR PRIMARY HIGHWAYS DESIGNATED AS PART OF THE INTERSTATE SYSTEM

Sec. 141. (a) The last sentence of section 139(a) and the fourth sentence of section 139(b) of title 23, United States Code, are each amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

Mrs. VUCANOVICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada.

There was no objection.

Mr. SNYDER. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentlewoman for yielding.

Mr. Chairman, we understood this had been cleared with the other side. Apparently there is some confusion.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn at this time, without prejudice, to offer it later.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AMENDMENT OFFERED BY MR. DOWNEY OF NEW YORK

Mr. DOWNEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Downey of New York:

Page 28, after line 14, insert the following:

(gg) The Secretary is authorized to carry out a highway project in Suffolk County, New York, for the purpose of demonstrating construction techniques to accelerate upgrading of an existing highway to freeway standards with minimum disruption of traffic.

Page 28, line 15, strike out "(gg)" and insert in lieu thereof "(hh)".

Page 28, line 18, strike out "(ff)" and insert in lieu thereof "(ff), and (gg)".

Page 28, line 21, strike out "(hh)" and insert in lieu thereof "(ii)".

Page 34, line 9, strike out "and".

Page 34, line 13, strike out the period and insert in lieu thereof "; and".

Page 34, after line 13, insert the following: (36) to carry out the preliminary engineering and design and initial construction activities under subsection (gg) not to exceed $3,000,000 for the fiscal year ending September 30, 1985.

Page 34, line 14, strike out "(ii)" and insert in lieu thereof "(jj)".

Mr. DOWNEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOWNEY of New York. Mr. Chairman, as we all know the roads and highways of our Nation are in dire need of repair. Today we are discussing a bill that seeks to restore the high quality and safety of our roads, highways, and bridges. I would like to offer an amendment to this bill that will provide the planners and developers of this Nation with an example of the ways in which roads can be improved to highways using the most advanced planning techniques available.

My amendment calls for funding for Sunrise Highway, a roadway which runs through my district, the second in New York. The widening and renovation of the stretch of Sunrise between the towns of Bay Shore and Patchogue has been in the works for nearly 20 years. Sunrise is a crucial component of Long Island's transportation network, running the entire length of the south shore. In fact, it is the south shore's only major truck route. The renovation of the Bay Shore to Patchogue stretch is essential to the safety, convenience, and commerce of all Long Islanders.

While a portion of the road between these two towns has been modernized and improved with overpasses and service roads, there is still a good part of the road between Oakdale and Patchogue that needs desperate attention. Without the improvement of these few miles, the nearly $45 million of Federal funds used to improve the western end of the project will be wasted. Sunrise will still be a two-lane roadway marred by dangerous intersections and traffic lights.

To the planners and developers of this country, the Sunrise project will be an important demonstration of how roadways in rapidly growing areas such as Long Island can be improved using advanced planning techniques and without adversely impacting those areas.

I urge my colleagues to support this amendment and the fine work of Mr. Howard and the rest of the Public Works Committee.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Chairman, we have examined this amendment and are willing to accept it on this side.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, we have examined this amendment, and we accept it.

Mr. DOWNEY of New York. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. DOWNEY).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. GREGG

Mr. GREGG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GREGG: On page 34, line 24, strike "project eligibility" and all that follows through page 35, line 13 and renumber the sections accordingly.

Mr. GREGG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. GREGG. Mr. Chairman, this is an amendment which addresses approximately $2 billion in the bill, which is going to be spent for the purposes of burying the central artery in Boston and creating a new tunnel in Boston of four lanes.

The proposal to bury this central artery, which is now elevated and make a tunnel in Boston and create the four lane tunnel is an extremely excessive expenditure in light of the present deficit situation.

The central artery which is now elevated and the new tunnel which is proposed would create an additional cost to the Federal Treasury if they go forward in the present form as proposed under this bill of approximately $2 billion.

Now when you consider that I suspect the assessed value of the city of Boston is less than $2 billion and $2 billion would run the State government of New Hampshire for 3 years and $2 billion represents a rather high percentage of the present deficit which we are presently confronting as a Federal Government, it seems to me that to go forward with this proposal is at best financially inappropriate.

□ 1640

The proposal has been rejected by the Federal Highway Administration. I am talking about the facts of the proposal. I am not talking about the issue of whether or not this proposal represents some form of porkbarrel or boondoggle for the benefit of some Members of this House. That is not going to be the specific issue I want to address. I want to address the facts of this project.

This project, as originally proposed, was to be a limited repair project on the essential artery, costing approximately $325 million. In addition, it was to be a special-purpose, two-lane tunnel under the river, costing approximately $339 million.

Unfortunately, in the way that things work in our system here at the Federal level, the project has exploded and ballooned to the point where it is now a $2 billion project involving taking the central artery, which is now elevated—it happens to be a fairly reasonable form of transportation in the city of Boston, one which I have been on on numerous occasions—and burying it underneath the ground, or making a tunnel, and creating a new four-lane tunnel underneath the river in Boston.

It is totally inconsistent with the 1981 law which we passed here in the House, which was known as ICE, the interstate completion enactment or bill, which was passed for the purposes of reducing the cost of the completion of the Interstate System down from $53.8 billion to $38.9 billion.

When we passed that bill we did it so that we could complete the interstate system in the most cost-effective way. And when we passed that bill, the completion of this central artery and the production of this huge tunnel was not in the bill. What was in the bill was repairs to the central artery and the two-lane tunnel.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. GREGG. In just a second I will be happy to yield to the gentleman from Florida.

Second, the reduction in costs which were created in the 1981 bill in order to complete the interstate did not impact the original spending on the central artery or the new tunnel. The $77 million of that reduction which was allocated to Massachusetts did not go to that project. So that project was maintained as originally conceived. But now it has exploded.

And let me read to you from a letter sent to the Secretary of the Massachusetts Executive Offices of Transportation and Construction, this letter written on February 14 by Mr. R. A. Barnhart, of the Federal Highway Administration. This letter says in part:

> We continue to state our position that the extremely expensive proposal to depress the elevated section of the central artery was neither in the public interest nor justified from a transportation standpoint. Throughout this time your proposal was to depress

the existing six-lane central artery facility without adding additional capacity or safety. In our meeting with you we referred to the concept as a billion-dollar highway beautification project, which was clearly an unwise use of highway revenues.

The CHAIRMAN. The time of the gentleman from New Hampshire (Mr. GREGG) has expired.

(By unanimous consent, Mr. GREGG was allowed to proceed for 3 additional minutes.)

Mr. GREGG. In addition, as to the tunnel, Mr. Barnhart commented: "Though we agree with your analysis of the cost estimates relating to I-90, our review of the third harbor tunnel indicates that the 1981 act limits funding eligibility to a two-lane"—not four-lane—"special purpose tunnel."

There is no question but that this project as proposed is totally out of sync with the laws that we passed in this Congress in 1981 in order to get under control the spending which was occurring in order to complete our interstate highway system.

There is the issue of the porkbarrel, and I would just simply refer and leave it at this: I would refer to the Webster's New World Dictionary of American Language, which defines "porkbarrel" as slang, government appropriations for the political patronage, as for local improvements to please legislators' constituents.

I would represent that the burying of the central artery in Boston is neither necessary nor appropriate and that the creation of a four-lane tunnel in Boston is illegal and inappropriate under the present law as it is structured.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. GREGG. Now I would be happy to yield to the gentleman from Florida.

Mr. MACK. I just wanted to raise this question: I believe that your opening comments implied that this particular project did not fit within the scope of the bill; is that correct? Or the law that was written to raise the funds. What was your point?

Mr. GREGG. My point is, it does not fit within the scope of ICE, which was the original proposal.

Mr. MACK. And the reason it does not fit in is because this is a new project or an extension of the highway system?

Mr. GREGG. This is a rather excessive expansion, according to the Federal Highway Administration, of what was originally proposed to be done with the central artery.

Mr. MACK. I thank the gentleman for the information.

Mr. HOWARD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there has been a lot of discussion, mostly in newspapers and political newsletters, concerning this central artery project in the city of Boston, with a claim that the leader of the House of Representatives may be attempting to add a project to this highway legislation or to the interstate legislation.

I would like to refer to just a few of the statements first made by the author of the amendment to delete this project. The gentleman from New Hampshire first stated that this is an attempt to put an additional project in the interstate system. The gentleman is absolutely wrong. This is not a new project. This project has been an accepted project since the 1970's. It was placed in under a Republican administration, added to interstate cost estimates under the administration of former President Ford, supported by——

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I will yield when I finish my 8 minutes, or so, whatever the gentleman from New Hampshire had.

It is not additional money at all.

The gentleman said that this might add to our deficit that we are facing in the country. I would hope that the gentleman would understand that the highway trust fund consists of funds contributed by people into a trust fund for one purpose and one purpose only and does not add to the deficit.

One of the things about our highway projects is that, in a sense, we bring our own money, or we bring the money contributed by the users of our highways to maintain our highway system.

The gentleman says this was rejected. This has not been rejected by anyone other than a spokesman for the present Highway Administrator.

As to the porkbarrel reference to it, I will not even refer to that, because we want to keep our legislation in this House on a higher plane. We can leave that to our political discussions.

The central artery was on the original interstate system. Every ICE—interstate cost estimate—that we passed had funds included for the project.

The gentleman from New Hampshire said that this is an addition to the ICE. That is totally wrong.

At one point a Governor of the Commonwealth of Massachusetts wrote a letter to the Federal Highway Administration, saying they did not intend to build that central artery project. Some months later, this Congress passed an interstate cost estimate, which still reflected the depression of the central artery in Boston. Never eliminated. The new Governor came in and said, "We do intend to go along with this project." So an awful lot of people have had an awful lot of fun outside these walls about the "Speaker's project." It was on the system, it has always been on the system, all of the ICE's, including this ICE, have the funds for that project. So this project is the only one being attacked in this legislation. And I just hope that we can get back on a higher plane, follow the recommendations on the ICE, and do not reject this one project.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I will be happy to yield to the gentleman, whoever is asking me to yield.

Mr. GREGG. I would just refer the gentleman to this letter from Mr. Barnhart.

Mr. HOWARD. I am very familiar with all of the statements Mr. Barnhart has made, this letter, the speeches he makes at Republican rallies and meetings. And it was a very fine thing for a long while to say the Speaker is trying to include and add a $1.7 billion boondoggle to this bill. That is not the fact. It is not true.

Mr. GREGG. Is the gentleman yielding?

Mr. HOWARD. Yes. No. I refuse to yield to the gentleman any more.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to this gentleman.

□ 1650

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman.

Mr. MACK. The question I would like to raise is that apparently the Secretary has made those statements, and of course, the gentleman, the administration has made those statements, and the gentleman has been trying to refer to them.

Apparently there is some disagreement as to just how much of a project was included? Is that correct?

Mr. HOWARD. No; there is a question as to whether a letter sent by the Governor, not adhered to in any approved interstate cost estimate before or since then, whether that eliminated the project. All we are doing here is to say that the Congress means in this legislation, what is has always meant; we are not adding this in this bill, we are merely clarifying that situation because we believe it was always on the system.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. HOWARD) has expired.

(By unanimous consent, Mr. HOWARD was allowed to proceed for 3 additional minutes.)

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman.

Mr. MACK. I thank the gentleman for yielding.

So what we are saying is that what is in this legislation is really a clarification; it may have some disagreement with the amounts of money something may have cost under the old ideas of what was going to be done. But this is clarification to once and for all, get beyond this question of whether it should have been included or was included or could be included. Is that correct?

Mr. HOWARD. It has always been included in the ICE. Just a clarification to straighten out a statement and position that was taken by the Federal Highway Administration as administrators, yes.

Mr. MACK. I am raising these questions because this is pretty new to me. I have not been involved in the process, so I appreciate the yielding.

Mr. HOWARD. I appreciate the gentleman's question.

Mr. MACK. Is it typical to come to Congress to clarify these things or do you generally go to, or would one of the other methods be to go through some kind of court action to determine that or what?

Mr. HOWARD. Generally, the Federal Highway Administration follows the intent of the Congress of the United States, as it should do. That would be done by our approval of a certain interstate cost estimate, despite the fact that that interstate cost estimate from beginning to end always included the project, because of one letter, they were attempting to get the word out that perhaps this would not be an eligible project. Normally, we do not. Normally, Federal highway administrators and this committee under all administrations, the Federal Highway Administration usually follow the intent of Congress. Here, that does not seem to be the case. We are just clarifying what the Congress has meant from the beginning.

Mr. MACK. I guess the reason some of us have our backs up a little bit about it is again because of some of the rhetoric we have heard; some of the articles that have been written.

It appeared that for a while that certain funds, some people say $4 billion, some people $5.5 billion of highway funds were held up and not expended until there was some agreement that was raised. What bothers me about that is the thought that so much effort was put into trying to raise some funds to put people back to work, and through the expenditure of those dollars, and that a game was being played with the American people.

Mr. HOWARD. Let me say to the gentleman that that had nothing to do with the holding up of the passage of the ICE several months back. The gentleman is referring to that. It was being blamed on the fact that this one project was holding it up.

The gentleman from Pennsylvania will talk about the holdup, and what the reasons were. This was in no way a factor in holding that up, although it was beneficial for people, as you said, the rhetoric you heard about the Speaker's project holding up all these jobs. It just was not true. We did not bother to take that on at that time, knowing that we would come here under the legislative process and have it settled in the proper way.

I am glad the gentleman brought that up because that was never a factor or a reason for holding up that ICE months back. We had many, many reasons, both on the minority and majority side of the committee to hold that legislation back.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have no burning desire in the deep pit of my stomach to rise in ringing support for this Boston project. Yet, fair is fair. I cannot in good conscience sit silent and let all the accusations and the misinformation pour onto the floor.

Now, granted, the distinguished Speaker is a wonderful target of opportunity, and I confess, there would be a certain thrill in taking advantage of that target of opportunity. But the truth of the matter is, this project has been a part of the interstate cost estimate form many, many years. It goes all the way back to being originally proposed in 1974 by a Republican governor and was reaffirmed in 1976. It actually was put into the interstate cost system in 1976 by agreement with the Republican administration here in Washington, and with the support of former Secretary of Transportation John Volpe.

Now, the Federal Highway Administration recently has interpreted the activity to say that it is not eligible. the Federal Highway Administration is wrong in its interpretation of the law. Every cost estimate we have had in this Congress has had the Boston project in it.

I happen to have been the author of an amendment which was passed, and eventually came into law reducing the overall amount of money allocated to the Interstate System nationally by about $15 billion. As we went through the projects and identified those projects which, when added up, amounted to the $15 billion by which we could reduce the overall interstate cost estimate, I can tell you as the author of that amendment the Boston project was not one of those projects which was canceled out. It remained in.

So, I must, in the interest of fairness, say that this project has been in. Yes, it is a lot of money; it is an awful lot of money, but we should not single this one project out, as tempting as it is to do so. Let us remember that every time we build a major highway project, an interstate or interstate-related project, in and around the big cities of America, we are talking about billions of dollars.

The West Way in New York, $1.8 billion; the Century Freeway in Los Angeles, $1.5 billion; I-90 in Seattle, $1 billion; Phoenix Freeway, $331 million; the Eisenhower Freeway in Chicago; the Dan Ryan Highway in Chicago; the Harbor Freeway in Los Angeles. The Blue Route in Philadelphia, one can go on and on. When we talk about modernizing the Interstate System through and around our large urban centers, we are talking big bucks. Unfortunately, that is a fact of life, but it is also a fact of life that this project has been included in interstate cost estimates for the past 10 years in this Congress. It is regrettable that it has been seized upon because of the political connotations.

But I would end by saying particularly to my colleagues on our side of the aisle, that the great value of our transportation programs in America has been that they have not been politicized in a partisan way, and we, therefore, should resist this urge and desire to politicize this one. Those of us in the minority in particular should remember that as long as transportation is not politicized, we are going to get a fair shake. When the day comes that transportation programs are politicized in a partisan way, we are the ones who are going to be hurt worse.

So, for all those reasons I would urge the defeat of this amendment from my dear friend.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman.

Mr. GREGG. I thank the gentleman for the warning, and I recognize that this is a bit of an exercise in the Light Brigade. But I would also note that yes, and I think I was quite open and honest in stating that the project had been approved but it was not approved at the level. We were not talking about burying the artery before this.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(On request of Mr. GREGG and by unanimous consent, Mr. SHUSTER was allowed to proceed for 2 additional minutes.)

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I would respond to the gentleman by saying that the amount of money provided in ICE is more than, significantly more than the money that would have been required to do the work as the work has now been suggested by the Federal Highway Administration.

Mr. GREGG. If the gentleman will further yield, the original amount of money was going to be $64 million for the central portion; this was upgrading of the existing decks and interchanges, and $265 million for the north section. Now, that is a heck of a lot different than the approximately $1.6 billion that is involved in the artery under this proposal, and burying it.

Mr. SHUSTER. I would respond to my friend that I think those figures added up to about $400 million, give or take, and that the State of Massachusetts has indicated that they did not submit the whole project at once because it was such a lengthy project and was going to take so many years to complete. I confess I feel very uncomfortable here speaking for and defending Boston and the State of Massachusetts, but this is the information we have.

The 1975 cost estimate submitted by the State included the $359.8 million for the original expenditures for depressing the central artery. This is contained in estimate section A1.3 to A1.6.

Mr. GREGG. If the gentleman will yield, those are the figures that I quoted when I originally spoke, and I make the point again that the original idea was to repair the northern section of the freeway and the middle section of the freeway. It was not to take the freeway and put it underground as a tunnel. That is the issue here. When you add another $1.2 billion to the project, you are significantly increasing its cost, and I am not arguing anything other than the fact that here we are confronting a $180 billion deficit and we are adding a project that is going to create $2 billion in taxes.

The **CHAIRMAN.** The time of the gentleman from Pennsylvania (Mr. SHUSTER) has expired.

(By unanimous consent, Mr. SHUSTER was allowed to proceed for 1 additional minute.)

Mr. SHUSTER. Simply to respond to that point, when the gentleman refers to the deficit, there can be no deficit spending in our highway program because the user fees from the gasoline tax flows into the trust fund.

☐ 1700

So while the gentleman is certainly right in being concerned about the overall deficit that this Federal Government is generating, that is an irrelevant issue with regard to the highway program because this is funded out of the trust fund which comes from user moneys, and under the law there can be no deficit spending. So this does not affect it in that way.

Mr. GREGG. If the gentleman would yield in response to the point, I would note that we just raised taxes on the user fee and I am sure people do not want their money to be wasted frivolously on adding another $1.2 billion to a project.

Mr. SHUSTER. The State of Massachusetts says the money is not wasted, and that has been our understanding for the past 10 years.

Mr. DONNELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important and imperative when discussing the Boston project, and I do represent the city of Boston, live in that same city and serve on the House Committee on Public Works and Transportation, that we be aware of the historic and policy facts as we deal with the Boston project, which includes the suppression of a section of Interstate 93 in the core of the city of Boston, and a completion of the extension of Interstate 90 from the city of Boston to Logan Airport in the East Boston section of the city.

In December 1982, the Congress passed a Surface Transportation Assistance Act signed by the President. One of the major components of that act was a provision that was included by our subcommittee would force all States to make decisions on the completion of the interstates in their boundaries, and especially in urbanized areas and industrial States, I am sure that everybody understands that highway and road construction and land taking can be a very controversial political item.

But because of the insistence of the Committee on Public Works and Transportation that the States, in effect, put their act together, that they make those tough decisions whether to build or not to build, the Commonwealth of Massachusetts was forced to come to the Federal Highway Administration by October 1, 1983, with a plan either to complete the interstate or to take advantage of interstate fund transfer. The body politic in Massachusetts worked extremely hard over a very short period of time putting together the diverse opinions of all peoples in the region and came forward with a plan that would suppress the central artery, a program that had already been on the interstate, and the construction of a third harbor four-lane tunnel from the downtown section of the city out to the airport.

At that time, this report, this voluminous report which cost the Commonwealth of Massachusetts millions of dollars, was presented to the Federal Highway Administration. Individuals who are in charge of that agency expressed some concern in regard to the eligibility of the suppression of the central artery. It has been our contention over the course of the last decade that both the suppresson of the central artery and the construction of the third harbor tunnel have been and will be and ought to be part of the completion of the Interstate System.

I would hope that as we discuss this issue, I think we need to keep one or two things in mind. The project is expensive; there is no question about that. But anybody who researches road construction in urbanized areas will understand just how expensive those sorts of constructions are.

I would say to my very good friend, the gentleman from New Hampshire, we in the city of Boston and Massachusetts would hope that the suppression and the widening of the artery would make the ability of our people to travel to that magnificent State, to visit as tourists and to come up there and spend our hard-earned dollars, would be a boon to the economic development of our good friends in New Hampshire. It is not just a city of Boston issue; it is a regional issue. Boston is a very unique city. It is one of the most densely populated and congested, and clearly one of the oldest cities in this great Nation.

Mr GREGG. Mr. Chairman, will the gentleman yield?

Mr. DONNELLY. I would be happy to yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding.

Mr. Chairman, one of my concerns, of course, is that we do like to have people from Massachusetts come to visit our fair State and, of course, we enjoy having people from Massachusetts move to New Hampshire and participate in our fine tax climate, but what happens to the folks from New Hampshire who take their children to Boston to see Faneuil Hall and are driving down central artery and suddenly they disappear underground and they cannot see Faneuil Hall or maybe they cannot see the Constitution any longer?

This could have a devastating effect on the ability of tourism in Boston in the ability to see the city.

Mr. DONNELLY. If I may reclaim my time, we certainly would not want to do anything that would have a devastating effect on the children of New Hampshire. Let me assure the gentleman that there will be sufficient exit ramps on that fine road so the good people of New Hampshire will be able to come to visit the fair city of Boston.

Let me just make one last point.

One of the other critical points and the other critical pieces of the Surface Transportation Assistance Act of 1982 was a deadline of September 1986 for start of construction. That is the reason that we are trying to move ahead with the approval and with the funding of this project. We have to be able to put those shovels in the ground by September 1986.

The **CHAIRMAN.** The time of the gentleman from Massachusetts (Mr. DONNELLY) has expired.

(By unanimous consent, Mr. DONNELLY was allowed to proceed for 1 additional minute.)

Mr. DONNELLY. I would hope that this debate will be discussed on transportation policy and not on personalities, and certainly not on politics.

I would say to you as a Representative from the Commonwealth of Massachusetts that our amendment on this legislation is only asking for what we feel is our fair due in terms of what our people pay into that highway trust fund. Because of lack of cooperation and the inability of the different factions in the Metropolitan Boston region over the course of the last decade to reach agreement on transportation policy, we have not taken advantage of the funds that have been available to us.

There is now unanimity. There is now agreement, and we come to our friends in this institution to say we have agreed, we have held to the guidelines of the Surface Transportation Act of 1982. We did what you told us to do, and I just cannot understand, for the life of me, the depth and the breadth of the opposition to this project.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I rise in opposition to the amendment and urge my colleagues to consider the Boston provision on its merits. I am convinced that those who do so will join me in concluding that the provision now in the bill should be retained and not stricken as the amendment before us seeks to do.

The purpose of the section which this amendment would strike is to resolve once and for all the legal issue of two related Boston projects: The depression of the central artery and construction of the third harbor tunnel as a four-lane facility. The question is simply whether they are eligible for funding as regular projects on the Interstate System.

In the absence of this legislation, the issue is in doubt. The Commonwealth of Massachusetts argues that they are eligible, and the Federal Highway Administration argues to the contrary. Neither side, in my judgment, has a clear-cut case.

There has been considerable controversy over the extent to which funds for the projects were included in the 1981 interstate cost estimate and how the inclusion of these funds should be interpreted in light of the 1981 Highway Act, which redefined eligibility for interstate construction.

For this and perhaps other reasons which I see no need to go into, one important overriding question has been shoved into the background. That question is not so much how existing law is to be interpreted, particularly not at a time when we are in the process of amending the law. The question is what is needed to resolve a critical transportation problem afflicting not only the city of Boston but the free and efficient flow of traffic through a vitally important section of New England.

The answer is that this work is necessary and worthwhile, and should be carried out. The answer is further that, if existing law is unclear as to whether the project is eligible, we should amend the law.

The merits of this project have been recognized by the Federal Highway Administration. In an August 10, 1982, letter from the Federal Highway Administration to the State of Massachusetts, the Federal Highway Administrator stated:

> I want to make it clear that our decision is not a reflection on the merits of the proposed tunnels. I fully understand the benefits their construction would provide the area in traffic handling, jobs, esthetics, etc. I also realize that public opinion might prevent construction of the other aspects of the proposed Central Artery North Area project if the tunnels are not included. However, these factors are not part of our considerations. We only address whether the work is an Interstate obligation within the context of the 1981 act. I would hope that the merits of the tunnel would prompt State and local officials to seek and use other sources of funding for their construction.

And I am convinced that the law should be changed to permit these two related projects to proceed.

The really unfortunate aspect of the dispute between Massachusetts and the Federal Highway Administration is that it may have been totally unnecessary. As I understand the situation, there was a dispute within the State for a time as to whether to proceed with the projects. If it had been resolved in a timely fashion in the favor of the projects, which is what ultimately happened, then the question of eligibility would never have arisen and the projects would have probably been completed by now or at least well underway.

These are expensive projects, Mr. Chairman, and that fact leads me to two concluding comments: First, I would caution my colleagues that cost alone is hardly a valid reason in and of itself for opposing an urgently needed project, particularly since the segments of the Interstate system remaining to be completed often involve high-cost urban construction. The costs are high to be sure, but so are the economic benefits of reducing paralyzing congestion.

My second point is that some analyses of this bill have tended to attribute the total cost of the Boston provisions to the cost of the bill in the same manner as if the total cost were being authorized. This not only artificially inflates the cost of the bill but contributes nothing to an informed decision. In reality, the provision merely assures that the projects are eligible for funding when ready to proceed and interstate cost estimates in the future reflect that fact.

This is the basis on which I have examined the Boston provision and the basis on which I joined in support of its inclusion in the bill. And it is on this basis that I see no merit in the amendment and urge that it be rejected.

□ 1710

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. SHANNON).

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRENZEL. Mr. Chairman, is it not customary to choose Members opposed and supporting the amendment in some kind of rough order?

The CHAIRMAN. The Chair is attempting to be fair. What the Chair is doing is alternating between the two sides.

Mr. FRENZEL. I thank the Chair.

The CHAIRMAN. The gentleman from Massachusetts (Mr. SHANNON) is recognized.

Mr. SHANNON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Third Harbor Crossing/Central Artery project is critical to the continued prosperity and vitality of Boston, the Commonwealth of Massachusetts, and the greater New England region. The present roadways serving downtown Boston and Logan Airport are choked with an unacceptable volume of traffic making it difficult for commuters, local residents, commercial vehicles, and tourists to get in and out of the city. The proposal now before Congress is the product of many years of debate. It accommodates the concerns of surrounding businesses, neighborhoods, and environmental groups and it is desperately needed.

Boston's Central Artery, elevated over the streets of the downtown area, acts as the only conduit for traffic north, west, and south of Boston. It also provides direct access to Logan Airport, one of the 10 busiest airports in the country. This roadway, however, is old, overcrowded, and greatly in need of major repairs. The lanes are narrow, there are no breakdown lanes or shoulders, and the on/off ramps are badly placed, resulting in unsafe traffic weaving patterns. While it was built to carry 50,000 cars a day, it now carries three times that load. Consequently, the accident rate for the Central Artery is 2½ times the national average for urban highways. Ten percent more traffic is expected by the turn of the century. This project would mean burying the Central Artery underground where a larger road can be constructed. This would ease traffic congestion, remove a troubling eyesore from the face of downtown Boston, and make traveling on the Central Artery safer.

As for the existing tunnel that links the artery with Logan Airport, it too is badly congested, often forcing costly delays for both freight and airline passengers. Another larger tunnel is necessary to preserve the economic well-being of Boston and to improve the quality of life for those who live in the city and its outlying suburbs.

These projects, however, are not new proposals. They have been under consideration in Massachusetts for years and have been included as an eligible project in every interstate cost estimate since 1976. The Third Harbor Crossing/Central Artery project enjoys strong bipartisan support, not to mention the endorsement of the Boston business community, environmental groups, and community organizations.

Great care has been taken in designing the project to minimize disruption of traffic, neighborhoods, businesses, and the environment. The current plan is such that not a single business or resident would have to relocate because of construction. Furthermore, the old Central Artery would stay open while the new one is built beneath it. Upon its completion, thousands of cars would be off the streets of downtown and many areas in and around Boston would open up for much needed development.

Inclusion of this project in the 1983 cost estimate is essential to the future of Boston and the greater metropolitan region. And so the controversy must end and the construction begin.

Mr. Chairman, I really want to thank my colleague, the gentleman from Massachusetts (Mr. DONNELLY) for his leadership on this issue, and also those on both sides of the aisle who have spoken up on this project. It is a project whose purpose is simple. It is to insure the economic prosperity of our region, New England, and to insure the safety of our citizens. For those reasons, I urge the defeat of this amendment.

The CHAIRMAN. Let the Chair state that the Chair does not know which Members are for the amendment and which ones are against it. In alternating, it actually gives the minority party an advantage, and the Chair hopes that that is understood.

The Chair recognizes the gentleman from South Carolina (Mr. HARTNETT).

Mr. HARTNETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Hampshire (Mr. GREGG).

Mr. Chairman, we have all read recently reports of the deteriorating condition of over 50 percent of the bridges located in this country along our primary, secondary, and interstate routes.

Mr. Chairman, I submit that $1.7 billion would go a long way to alleviate much of that deterioration of our bridges. I think that there are few, if any, on this side of the aisle or that side who would not argue that the Boston project is probably very necessary and very long overdue, but I think there is some justification, Mr. Chairman, for the argument, especially that put forth by the gentleman from New Hampshire, that the project could be completed for probably half the $1.742 billion estimated cost.

No one wants to deprive swift access to Logan Airport or safe passage for any of our fellow citizens in Boston, but I think to ask this Congress to appropriate twice the amount of money necessary to build this project so we can enhance the economic development of areas of Boston may be a little unfair.

Mr. Chairman, one of the speakers who preceded me to the microphone on the other side of the aisle spoke briefly of the historic value of the city of Boston.

□ 1720

Boston is probably second only to Charleston, S.C., in historic value, where I happen to have had the privilege of coming from, Mr. Chairman. I did a little researching. I called our county auditor, our county assessor on the telephone moments before I came on the floor here and I asked him, what was the entire appraised value of the city of Charleston, all the real property in the city of Charleston? Now, this is not the assessed value, but the appraised value of all the real estate in the city of Charleston, including hotels, motels, historic buildings, and dwellings and places of national importance. The entire appraised value of the city of Charleston is $1.742 billion, almost the exact dollar of this project.

Now, I would submit that it would probably be a better investment on behalf of this Congress to buy the city of Charleston than it would be to build the Boston Connector.

Let me just mention this, Mr. Chairman, that in 1775—we have heard 1975 alluded to here today—a gentleman by the name of Paul Revere got a signal from his friends and hung a lantern in the North Church tower. Had Paul had to ride through this tunnel, Boston would not be here today, because the people of Massachusetts would not have been able to see him as he rode his steed through the night warning them of the arrival of the British troops.

Mr. Chairman, I just think it is an awful lot for this Congress and for the delegation from Massachusetts to ask this Congress to appropriate over twice the amount of money that is necessary to alleviate the traffic problems which face the commuters in that wonderful historic city of Boston.

Therefore, Mr. Chairman, I rise in strong support of the amendment of the gentleman from New Hampshire and I encourage my colleagues to vote for it.

Mr. DONNELLY. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to my colleague, the gentleman from Massachusetts.

Mr. DONNELLY. Mr. Chairman, I cannot help but be impressed with the breadth of the gentleman's understanding of the great historic importance of the city of Boston.

Let me just say in response to the comment about Paul Revere which was mentioned. If we did have that tunnel suppression data, he would have been a lot drier when he arrived in Lexington and Concord.

There is one point I think that has to be enunciated and that point is that the moneys being spent for the suppression of the artery and the construction of the tunnel will be coming out of Massachusetts allotments. The construction of both of these interstate systems is going to take well over 10 years. It will be moneys that would be coming out of money that was allotted to Massachusetts under the formula. We could have, we very well could have, prior to October 1, 1983, transferred those dollars into mass transit purposes. We decided not to. We met the mandates of the 1982 act to complete the interstate. I would just like to point that out to my friend.

Mr. HARTNETT. Mr. Chairman, if I might reclaim my time for a moment, I do not argue the merits of the project nor the needs of it, nor I am sure what it will do for the Boston area.

I do argue, Mr. Chairman, that that much money is being spent on a project that probably could be done for half the amount and although the money would come from the citizens of Massachusetts allotment, I am sure there are other citizens in the great Commonwealth of Massachusetts and in the urban areas if there are any, that are not heavily populated already, who have deteriorating bridges and deteriorating roads that could use that money and spread it more evenly among the Commonwealth of Massachusetts, rather than concentrating it all in the Boston area.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

(At the request of Mr. SHUSTER, and by unanimous consent, Mr. HARTNETT was allowed to proceed for 1 additional minute.)

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman.

Mr. SHUSTER. Mr. Chairman, I would just like to say to the gentleman, when he talks about the bridges and the need for dollars for bridges, that is not the way the Federal aid highway program works. There are different categories. There is a bridge category and there is money set aside that goes for repairing and building bridges. There is money which is allocated to the Interstate System and that money allocated to the Interstate System only can be spent for the Interstate System. To talk about this money being spent for a piece of interstate in Boston called the Central Artery is suggesting that somehow that money could better be spent for bridges, either in Massachusetts or somewhere else. But that is not the way the system works. That is impossible and it could not happen.

Mr. HARTNETT. Well, Mr. Chairman, if I might respond briefly, I would say to the gentleman from Pennsylvania that that may be true. The gentleman says that is not the way the Interstate Highway System or the highway trust fund works.

I would submit to the gentleman that the highway trust fund then does not work at all. I know that I have a bridge that was build in 1929 that spans two rivers.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

(By unanimous consent, Mr. HARTNETT was allowed to proceed for 1 additional minute.)

Mr. HARTNETT. If I might continue my response to the gentleman, we have a bridge that was built in 1929, Mr. Chairman, that spans two rivers under which 65 naval vessels pass. The bridge will fall shortly, Mr. Chairman, because we have no money to replace it, because I guess the highway trust fund does not work properly, so I think we ought to rework the highway trust fund if that is not the way it works.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Kentucky.

Mr. SNYDER. Has the gentleman looked into the bridge replacement program for any bridge over $10 million?

Mr. HARTNETT. I would say to the gentleman from Kentucky that we certainly have, but we have had no luck whatsoever, because those larger States that get the big allocations are taking the money from us smaller States.

Mr. SNYDER. Let me suggest that we have raised the discretionary money in this bill for the bridge replacement program from $200 million to $300 million.

Mr. HARTNETT. Three hundred million? I need $200 million to replace one bridge, so you really are not doing a whole lot for us.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full minutes allotted to me, but I think that a couple of misconceptions have been perhaps raised, if not by the speakers, I think they possibly could by implication from what has been said here today.

The question has been raised as to what effect this would have and the statement was made that this was going to come out of Massachusetts' share. I think every Member here should be aware of the fact that had this been in the highway system today, the share going to Massachusetts would have been larger and the share going to the other States would have been less because of the allocation formula; so I bring this up not for question of argument, but for a question that each Member should have this in mind when they do cast their votes. For people to say that it is just going to be a question of an effect on the people of Massachusetts and not on the people of the rest of the country is not correct, because in those years for those allocations where this becomes a part of the formula, it will have a profound effect upon the people of the rest of the country.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is no question but what we need to pass an interstate cost estimate. Several speakers have said that this particular amendment is not directed or is directed at a feature of the bill which was not part of the tie-up when last the ICE was tied up in conference, and yet I note that this item and the other items that at least were alleged to be a part of the problem are all in this bill, so we are going back into the same kind of a snake pit from which we have only recently emerged. It is as if the committee is longing for confrontation.

With respect to the amendment by the gentleman from New Hampshire, it makes ultimate good sense to me. It has been argued that since these are trust fund expenditures, we should not care about them at all, we have no worry about them. It seems to me that the responsibility of this Congress extends to see that every penny of taxpayers' dollars is spent wisely and well and that the best possible use is made of it.

I think there has been a good deal of evidence presented on this floor today that the expenditures required for this, whatever we call it, central project, is not wise use of the taxpayers' money; $1.7 billion for less than 2 miles of road, setting a precedent for a depressed highway, for beautification and sound reduction, the doubling of the size of the tunnel, at least as it was originally presented, does not strike me as being wise use of the taxpayers' money.

Now, naturally, if they want to build one of these in Minneapolis, I would stand up and cheer also, because we would be taxing the highway users of the United States to do something that would be useful to me.

I have often complained in Boston about the drive from the airport to the city, because clearly another tunnel is needed and I have often suggested that the good burghers of Boston should kick in enough money so that one could get from the airport to downtown.

□ 1730

I did not realize, however, that they were going to assess me and all of my taxpayers to build this wonderful four-lane tunnel which I am sure that some of us will have the opportunity of enjoying.

Mr. Chairman, if this committee really thought that they had something that was in the ICE for a long time, I wonder why they used the language "notwithstanding any other provision of law, policy and regulation and any interpretation thereof," as the preamble to the project eligibility for this item.

Clearly they are troubled by it. They have taken the most extreme legislative language possible to wipe out any shadow of a doubt. In my judgment, the doubt is not a shadow. It is clear and compelling doubt which leads me to believe that the amendment of the gentleman from New Hampshire should be overwhelmingly approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. GREGG).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 21, noes 42.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CARR

Mr. CARR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARR: Section 131, delete subsection (c).

Mr. CARR. Mr. Chairman, I want to take this opportunity to thank the Public Works Committee for bringing forth a bill that strengthens the Buy America provision for bus purchases in the United States for local governments using Federal funds. The bill moves the percentage of the cost of all components of a bus that must be produced in the United States from 50 to 85 percent. This is a very valuable addition to our efforts to halt the exportation of jobs from the United States to foreign countries.

In the last few years, we have seen an explosion of foreign competitors locating new plants in the United States to build buses. This has resulted in an incredible overcapacity in bus production in this country since the market for new buses is guided almost entirely by the level of Federal commitment to bus purchase in the annual appropriation for mass transit. Fortunately, we do have a way to mitigate the effects of unemployment caused by the location of foreign plants here. Existing law provides that buses purchased with Federal funds have 50 percent of the value of their components manufactured in the United States. Even this though has not prevented extreme havoc in the industry. We now have in this country the capacity to produce 15,000 buses per year. The market for new buses though, is only about 3,000 buses per year. The industry is reeling from dislocation caused by the entry of many new foreign companies.

Normally in our country, competition is a blessing that bestows good prices for consumer goods. In a market setting in which principally governments purchase the product, we instead see an erosion of quality and safety and an effort to purchase the cheapest foreign parts available. The past year has been one of revelation on the downward spiral of quality of bus manufacturing in the country. The current percentage has proven not to be sufficient and I commend the committee for the change it has proposed. As positive as this change is though, subsection (c) of this section is a blatant effort to assist certain foreign competitors at the expense of future foreign competitors and at the expense of domestic companies. My amendment would strike this poorly thought out provision.

Subsection (c) of this section sends the wrong signal to the companies that have already located here. It would allow them to escape the new provision for an 85-percent content level and grandfather in forever their right to use more foreign parts than their future competitors. I believe when we make a provision of this kind that all participants be allowed to play on a level playing field. This subsection would allow the dozen or so companies now in this country to have an advantage forever. Those companies who have located here recently are among those using the most foreign parts.

This could actually hurt the existing U.S. companies in that some of the foreign companies are engaged in the production of buses that American companies do not specialize in. We are in essence saying to those companies that they can continue to export the jobs of our existing American companies in the types of buses made by American companies but we are now going to exempt you from any more competition on your style of bus.

Given this plain example of favoring certain foreign companies over others and possibly over our own companies. I urge the House to strike subsection (c) and allow the Buy America provisions to affect every company equally. These provisions are too important to many workers in our country to start making exceptions, least of all for foreign companies.

Mrs. JOHNSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and support the committee's effort to increase the domestic content requirement in buses sold in America and bought with heavily subsidized public tax dollars.

The issue here is not the domestic content requirement. The issue here is the impact of the gentleman's amendment on existing producers in the United States.

Since his amendment would eliminate all those who do not have 85-percent domestic content in their buses as of the time the ink was dry on the bill from that market in the United States, it would have the effect of closing down five companies in America, eliminating all the jobs that those companies provide in the communities where they are located throughout the Nation. And indeed would limit competition to three companies, one of which is Grumman-Flxible, a company that has a record of great question at this time, the company that produced the buses that the New York Transit Authority has just permanently sidelined 851 of them.

Mr. PEASE. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentlewoman for yielding.

Mr. Chairman, I would just like to correct for the record that it is no longer Grumman-Flxible. Grumman sold off the company a couple of years ago. There is now another company that owns it.

Mrs. JOHNSON. I accept the gentleman's comment. That is correct.

Nonetheless, one of the three competitors would be the successor company, the producer of a bus that had 18 safety-related recalls. The point that I am making is that by restricting the competition down to three companies, we are not doing the towns and cities of America any favor. Furthermore, and most important, we are eliminating the jobs, destroying the investment of five producers in the Nation.

□ 1740

In my own State, we will destroy an investment of $6 million that Connecticut worked very hard to attract, that our department of economic development lured into the State, got established, which now produces jobs, is on the verge of significant growth, and without forewarning, through a change in Federal policy, we will override and destroy a State development that has been cultivated with both tax dollars, subsidized loans to allow that original investment, but also through State policies that have been carefully calculated and developed in the light of Federal law. And to make this kind of dramatic change without a grandfather clause, without a time lag, would be most unfortunate, and the purpose of the amendment that was accepted by the committee was to assure fair notice and fair treatment of companies that made significant investments in America, are providing jobs in America, and are in fact all exceeding the existing content requirements of Federal policy.

Mr. EDGAR. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in opposition to the amendment. We worked very hard in our committee to make sure that the Buy America provisions were protected. I was the author of the original Buy America provisions in the Surface Transportation Act several years ago and the author of the amendment that placed a 50-percent component in. This bill moves that 50 percent up to 85 percent content, and all that we do in the grandfathering clause, which the gentleman from Michigan seeks to delete, is that we protect those companies that have moved to production as of July 1, 1984. All companies from outside the United States who might think about coming into the marketplace, who might think about investing in this country, would have to know that 85 percent of the content of those pieces of equipment would have to be American owned and built here in this country.

So it is really an effort to say that from the date of enactment of the legislation, or slightly before if it takes a few weeks longer, we anticipate that in fact very few companies would want to come and get into the bus market. We are pretty much grandfathering in those who have already made the sunk cost investment here in this country.

I think there are people at work in those companies today. I would probably agree with the gentleman from Michigan, if we could go back to 1970 and develop a strategy whereby we could give the domestic industry the edge and the component edge, that that would be probably the most appropriate way to go so that we keep American owned, American companies in the business of building buses and transit equipment.

The **CHAIRMAN**. The time of the gentlewoman from Connecticut (Mrs. JOHNSON) has expired.

(On request of Mr. EDGAR and by unanimous consent, Mrs. JOHNSON was allowed to proceed for 3 additional minutes.)

Mr. **EDGAR**. But this basically represents the fact of life that there are a couple of companies that are foreign owned that are already constructing in this country. Most of their content is larger than the 50 percent that is in the present law, and all new companies will have to comply with the 85-percent provision.

Mr. **CARR**. Mr. Chairman will the gentlewoman yield?

Mrs. **JOHNSON**. I yield to the gentleman from Michigan.

Mr. **CARR**. If these foreign manufacturers manufacturing in the United States are already exceeding content, what is wrong with making them come up to the content requirement of 85 percent?

It seems to me that the grandfathering is really to slam the door after the horse is out of the barn. I understand the gentlewoman is concerned about the impact on jobs in Connecticut, just as I am concerned about the impact on jobs in Pontiac, Mich., and in Ohio and in other places. Why not make these foreign manufacturers who are using our tax dollars to sell buses to cities across the country, why should they not all have to come up to the same content requirement?

Mrs. **JOHNSON**. My understanding of the effect of the gentleman's amendment, as I have checked it out with counsel for the committee, is not that it would allow time for any companies to come up to the 85-percent requirement but that it would forbid companies who do not meet the 85-percent requirement as of the time the legislation goes into effect, which is when the President signs it, from selling on the American market. That would have the effect of destroying the investment, destroying the jobs that have been created in America and that are part of the vitality of our economy.

Mr. **CARR**. I would respond, if the gentlewoman will yield further, that there are enough axles manufacturers and brake drum manufacturers and engine and transmission manufacturers to supply these foreign assembly facilities throughout the United States with their parts. There is not going to be a shortage of American made parts to make the content whatever it needs to be, and we know that the Senate will have a bill, and it will take some time for the President to sign it. If the House passes a provision—and I understand the Senate is not likely to have a provision similar to this—there is going to be plenty of time for those manufacturers to work this out. And there are plenty of suppliers, many of whom are throughout the country and represented by all of us here who would like to——

Mrs. **JOHNSON**. If I may reclaim my time, I think the statement by the committee is very clear. We are supporting and affirming the importance of content, of American content, we are supporting 85 percent content. We are not willing—I certainly am not willing—to accept an amendment that would have the effect of destroying hundreds of jobs in this Nation and denying investment that people in good faith have made in accordance with American law and have, beyond the requirements of American policy, allowed 60 percent content.

Mr. **ANDERSON**. Mr. Chairman, I move to strike the requisite number of words.

It is with some regret that I rise to oppose the amendment offered by the gentleman from Michigan. You know, I am not unsympathetic to the motives of the gentleman from Pontiac and East Lansing. He wants to help protect the investment that has been made in his district and the jobs of the employees who work there. And that is legitimate. Who among us does not want to fight to protect local investment and local jobs?

But how about the investment and jobs in Connecticut, where Saab has invested $6 million and promised to employ as many as 300 Americans at a plant that is already producing prototype vehicles? Here is a company that wanted to play by the rules of the game and, just as importantly, wants to help revitalize a needy community and create 300 jobs, putting food on the tables of 300 families. Tell those 300 families in Connecticut that this amendment is a good one, or tell it to the families of those in east Los Angeles who work for Crown Coach. Crown Coach, an American firm, has entered into a joint venture with a foreign company that complies with Federal law. As a result, people are working in east Los Angeles. Should we put those people out of work? Should we put an American company out of business after they have made a good-faith effort to comply with the law?

This amendment will discourage foreign investments on our shores, and it certainly should be defeated.

Mr. **FRENZEL**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment of the gentleman from Michigan is a perfect example of the truism that every time we try to protect a job we protect somebody else or maybe more than one somebody else out of another job. The committee was wrong to put in this domestic content rule in the first instance. It was wrong again to increase it in this particular bill. It will only increase consumer costs, probably have a good deal to do in an adverse way with the quality of equipment that we buy, and it will keep other Americans from having jobs of all kinds, including those in the district of the gentlewoman from Connecticut.

The gentlewoman from Connecticut says that she is all for domestic content as long as her people are protected. That is another great attitude: Pull up the gangplank, my crew is abroad.

But for every job in Connecticut that is going to be protected because she was able to get her provision in, there is going to be a job in some other State that is going to be lost. It may not be in the trucking business, in the business of building buses, it may be in some area where one of our trading partners refuses to buy from us because we have refused to buy their stuff which is of good quality and at the right price. We have here just a stunning example and symbol of the folly of trying to enact protective legislation to take care of our own selfish interests, which are perfectly normal and natural.

Obviously, the amendment should be defeated. The entire bill should be defeated as a bad act of protectionism.

Mr. **PEASE**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan. I would also like to speak on behalf of the gentleman from Ohio (Mr. KASICH). I want to be honest and upfront about it, as other Members have been. We are talking essentially about jobs. Each of us is interested, and obligated really, to try to protect the interests of our own districts, and there is a conflict between the interests of existing manufacturers like those of the Flxible Co. in Ohio and General Motors in Michigan and those of new companies like Saab, like Volvo, good Swedish companies, who have been trying to get into the American market.

☐ 1750

I would like to begin by quoting the committee report in the section where it explains why the committee is choosing to increase the American content from 50 to 85 percent. The committee says this:

> It has taken this action because of its concern that there is existing overcapacity in the rolling stock manufacturing industry. Further entrance into this market would exacerbate the problem of overcapacity and lead to a loss of further jobs in the domestic rolling stock industry.

Truer words were never spoken and they very much make the point of the amendment of the gentleman from Michigan. There is a signficant overcapacity problem in this industry. Currently there are about 11 essentially American manufacturers of buses, transit buses in this country. They have a capacity of producing between 12 and 16,000 buses per year.

Yet, the number of orders from year to year hovers around 6,000, and that market is not likely to increase because this, unlike the private market, is almost entirely Government by subsidies, appropriations if you will, from the Federal Government. There are very few transit buses which are purchased which are not purchased without Federal tax funds; 75 to 80 percent of the cost of each bus comes from Federal funds.

So the demand will be hovering around 3,000, maybe less as we go into budget constraints. Yet, there already is the capacity for 12 to 16,000 buses per year from American companies. What the artful amendment that was put in the committee bill would do is essentially allow two new firms, Volvo and Saab, to enter into the market and add further to the overcapacity in this field. That really strikes me as strange that we would want to do that.

We are, essentially, transferring jobs. Volvo and Saab, I think there is not much dispute about it, are basically interested in importing engines, axles, transmissions from Sweden and assembling them here. That does provide some jobs for American citizens; there is no doubt about it. There is some gain of jobs in Connecticut, some gain of jobs in Virginia, but there has to be a concomitant loss of jobs in Ohio and Michigan and Colorado and other States where American companies are trying to operate.

If the committee language, if the amendment of the gentleman from Michigan is not adopted, we will essentially be supporting two companies which are foreign owned, which will assemble buses in the United States with perhaps 50 percent American content. We will be doing that at the expense of American companies which are assembling buses with 100-percent American content. It just does not make sense.

Is there a lack of capacity in the United States for building transit buses in the United States?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. PEASE) has expired.

(By unanimous consent, Mr. PEASE was allowed to proceed for 1 additional minute.)

The answer is clearly "No." There is not; there is a vast overcapacity. Is there a lack of competition? Obviously not, there is very, very keen competition. So I really question why we as representatives of American workers concerned about the jobs of Americans are trying to open up the market even further to foreign firms who will provide at best jobs for half as many people as those of the American companies.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what we have here in the debate about this amendment, is not a debate about the importance of a Buy America provision. I certainly support what is in the current act and what is in this bill, to expand the content requirement for these buses which are bought with public funds. I think the content requirements are a good way for us to deal with the problem of the export of American jobs.

What we are dealing with here is a fairness in the way in which we implement changes in the rules under we are operating. We are also sending a message in the way in which we do this to foreign manufacturers if we want them to rely on the rules that we promulgate, do we want them to come into this country and be able to rely on our rules to be applied fairly.

Just less than 2 years ago, we imposed a 50-percent domestic content requirement, and in reliance on that requirement, new facilities were developed in this country. In particularly, in my district in Connecticut, Saab began a $10 million investment which is going to lead to 300 jobs. That facility is a new facility which has been bought and turned to this use which is already producing buses and which already is employing many workers and will employ many workers in the future.

They did that because they relied on the 50-percent content rule; it induced them to come and put a facility here in this country, in my district, and it is creating jobs. Are we going to send the signal that when people do that and follow the lead that we are trying to set coming into this country, bring the jobs here, bring the production here, that we are all of a sudden going to slam the door, and say, oh, we really did not mean it, we did not want you to come, all of your investments now are going to be lost. Go ahead and forget this facility.

It is important to note that the grandfather clause is very narrow; what it says is that expansion at this facility, production at this facility, will be under the old 50-percent rule. If these companies move elsewhere, expand to new facilities elsewhere in the country, they will be covered by the 85-percent rule. But we will have them here producing in this country, working in this market, and there will be incentives for them to expand and also produce 85-percent content plans.

The point is that these new plants promote competition, and competition is a good thing. They promote American jobs, and that is a good thing. But when we move and change the rules, we have to take account of decisions that have already been made under the old rules. We need the jobs here, and we need a set of rules that will continue the progress that we are making in bringing foreign manufacturers to do their work here and to employ Americans.

What we are doing here will have an effect on private use of these buses as well, and it will mean that more of the buses that are sold in the small, but significant, private market also will have more likelihood of having content, here made in the United States.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. CARR. I understand all of what the gentleman has said and I admire and honor his advocacy for his area. But would not the gentleman concede that the jobs that are being created in your area are at the direct expense of jobs in my area, and that we are just moving jobs around America?

We have this tremendous overcapacity which the gentleman seems to want to ignore, and I understand why he would want to do so, he is a good friend of mine.

Mr. MORRISON of Connecticut. I would say that I do not want to ignore the problem, but there are several things that the gentleman's analysis ignores. That is, with the competition the pricing of this equipment also will vary and will be lower if there is more competition. The fact is that how many jobs there will be will depend on how many buses will be bought.

The number of buses bought will depend on the price that is involved here as well as other factors.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. SNYDER. My understanding is from the committee deliberations, that we wanted to raise the domestic content from 50 to 85 percent, but that a couple of places, including the gentleman's district, that based upon the existing 50-percent law, people had come in and invested, in your case, I believe, the figure was over $6 million, in a facility, the prototype of which had been produced, but not production line, and that it would be extremely unfair to change from 50 to 85 when those people had operated on the basis of the 50, come in and invested $6 million. That is the reason we put this problem in here.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MORRISON) has expired.

(By unanimous consent, Mr. MORRISON of Connecticut was allowed to proceed for 1 additional minute.)

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. SNYDER. That is the reason why this amendment ought to be defeated, just out of plain fairness. I am for 85 percent. I am for 100 percent, as a matter of fact, but the truth of the matter is when we let the people make a $6 million investment based on the 50 percent, we ought to honor that commitment.

Mr. MORRISON of Connecticut. I think that is exactly right, the gentleman is correct, and the amendment should be defeated.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman.

Mr. CARR. I thank the gentleman for yielding.

I would say that I want to be fair to my colleague, but I wish he would be as equally fair with the unemployed bus workers in Pontiac, Mich.; he wants to ignore that one.

□ 1800

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment. I will be very brief, and I do not intend to take the full 5 minutes. I will just make a couple points.

First of all, the argument has been raised that this is going to save us money if we permit the foreign sources to compete in this very limited market. I say it is grossly unfair to allow them to do this because there is evidence that they are producing buses at a cost that is without question subsidized by their governments.

At the same time, while they are producing these supposed low-cost buses, we must remember that we will have to order high-priced spare parts from these foreign countries. This means that the actual cost of these buses, over the long term, will be far greater than it appears initially. I know the gentleman from Ohio (Mr. Pease) will agree with me on this point, as we have reviewed this data together.

One other thing: The domestic bus industry in this country was forced, because of regulations that were established by our Federal Government, to retool, which dramatically increased the cost of the buses produced domestically. At the same time, foreign governments did not have to comply. That is another reason that accounts for the ability of the foreign governments to produce buses at lower rates. It is inherently unfair for this Government to impose costs on the domestic bus industry which drive up their prices and makes them noncompetitive.

Let me summarize. First, we have foreign governments that are already targeting this industry in an attempt to destroy the domestic industry; second, there is a limited marketplace; third, we are using public money; fourth, the cost over the long run will probably be cheaper if we go with our own people; and fifth, that the U.S. Government has established regulations that have been counterproductive for our domestic bus industry.

I think there are a lot of reasons to support the amendment.

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I would be glad to yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman brought up the point of spare parts being more expensive, costing the taxpayers more in the long run. In one recent actual bid, an American company, for spare parts, that lost the bid for the main buses, on spare parts for fuel pumps bid $63, and the foreign competition bid $254 for the same spare part. For engine gasket sets, $86 for the American company, and $344.

It reminds me a great deal of the discussion we had last week about the Navy buying $7 hammers for $400-some. So the taxpayers are going to pay in the end, and there is predatory pricing on the part of foreign manufacturers.

Mr. KASICH. I appreciate the gentleman's contribution.

Mr. SISISKY. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I will be glad to yield to the gentleman from Virginia.

Mr. SISISKY. I thank the gentleman for yielding.

Mr. Chairman, what happened to the competition in this country? Is the gentleman saying that if the parts are higher on foreign buses, that the American bus manufacturers will not tell the communities when they buy? They would be terrible salesmen if they did not. They would go arm in arm with all the material to tell them.

Mr. KASICH. If I may reclaim my time very quickly, the problem is this: Where are you going to obtain a spare part for a bus, that to a large degree has components that are produced directly or indirectly overseas? When it comes time to buy spare parts, like you do on your Datsun, you end up going to a foreign producer in order to buy those parts and you are essentially locked in.

I appreciate the point the gentleman is making, but I think the problem is that we have a limited marketplace. No. 2, we are using exclusively, totally, public dollars in order to run our bus system; and No. 3, with the regulations that our own Government has imposed on our companies, but which do not apply to their foreign competition, the simple fact of the matter is, these foreign governments are attempting to target this industry. They are producing buses at levels that no one can produce them for in this country.

It is a clear effort to destroy our domestic bus industry. I do not have any objection to foreign governments wanting to compete. But they are not competing fairly. They are subsidizing their buses at a level that we could not in any way, shape, or form in this country produce here. Trade is a major issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Carr).

The amendment was rejected.

AMENDMENT OFFERED BY MRS. VUCANOVICH

Mrs. VUCANOVICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Vucanovich: Page 58, after line 5, insert the following:

4R PROJECTS FOR PRIMARY HIGHWAYS DESIGNATED AS PART OF THE INTERSTATE SYSTEM

Sec. 141. (a) The last sentence of section 139(a) and the fourth sentence of section 139(b) of title 23, United States Code, are each amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

(b) Subsection (a) of section 119 of title 23, United States Code, is amended by striking out "this sentence" and inserting in lieu thereof "the Surface Transportation and Uniform Relocation Assistance Act of 1984".

Mrs. VUCANOVICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

Mrs. VUCANOVICH. Mr. Chairman, this amendment is a simple request for an extension of the eligibility period for States to utilize 4R funds for section 139 interstate designation projects. I am seeking to extend the eligibility date from March 9, 1984, which was the previous cutoff date from the last interstate cost estimate, until the date of enactment of H.R. 5504.

As the Public Works and Transportation Committee is aware, the Federal Highway Administration has approved the Nevada DOT's request for a 139(b) designation for a 16-mile segment known as the S-Line U.S. 395 corridor between Reno and Carson City, Nev. The approval of this request is necessary to allow Nevada, and other States in similar situations, the flexibility needed to use what limited funding it receives for the completion of this long-overdue highway construction project.

I would like to emphasize that States will not receive an additional allocation of 4R funds as a result of this amendment, but they will have additional flexibility in the use of what limited funds they do now receive from the Federal Government.

This is not new language. I am simply extending the eligibility date for States such as Nevada which failed to meet the previous cutoff date.

Furthermore, I would like to emphasise that minimum apportionment States such as Nevada are already so short of highway construction funds that the additional flexibility provided through this amendment is reasonable public policy, and considering the precedent for such eligibility, find this to be a straightforward and noncontroversial request.

Mr. SHUSTER. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I am very happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentlewoman for yielding.

Mr. Chairman, we have examined this amendment on this side, and we accept it.

Mr. ANDERSON. Mr. Chairman, will the gentlewoman yield?

Mrs. VUCANOVICH. I am happy to yield to the gentleman from California.

Mr. ANDERSON. I thank the gentlewoman for yielding.

Mr. Chairman, we have examined the gentlewoman's amendment, and we accept it.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Mrs. VUCANOVICH).

The amendment was agreed to.

Mr. TAUKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage my colleague, the gentlewoman from Illinois (Mrs. MARTIN) and the chairman and ranking member of the subcommittee in a colloquy regarding the replacement of the functionally and structurally obsolete U.S. 52 bridge over the Mississippi River between Sabula, Iowa, and Savanna, Ill.

The Iowa Department of Transportation currently has an application pending for $12,050,000 in discretionary bridge funds for the replacement of the existing bridge which was constructed in 1933 and, due to its deteriorated condition is severely restricted in the amount of weight allowed to pass over the span. It is substandard both functionally and structurally, and meets every qualification for discretionary funding including a rating factor of less than 20.

The road network linked by this crossing provides primary service to the important Department of Defense installation at Savanna, provides an important regional crossing of this major geographic barrier, serves the U.S. Corps of Engineers in the management of the river and is projected to become an important link in the road network designated in accordance with the 1982 Surface Transportation Act to serve wider and longer commercial vehicles.

I would hope that this project would receive a high priority under the discretionary bridge program.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to my colleague, the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. I thank the gentleman for yielding.

I would like to associate myself with the remarks of the gentleman from Iowa. I have the privilege of representing Savanna, Ill., and am very aware of the importance of this bridge replacement to the area and to both States. This bridge is a relatively low-cost replacement that will yield both immediate and extended economic and social benefits to both States.

I, therefore, join with my colleague from Iowa in urging that priority be given to the pending application for discretionary bridge funds.

□ 1810

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding, and I commend the gentleman and the gentlewoman for bringing this issue to the committee's attention.

I know that the bridge is a major problem for the area, and I join with them in calling upon the Federal Highway Administration to give this project high priority consideration.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I yield to the distinguished gentleman from California.

Mr. ANDERSON. Mr. Chairman, I associate myself with the remarks of the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. TAUKE. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER: Page 58, after line 5, insert the following:

RELEASE OF CONDITION RELATING TO CONVEYANCE OF CERTAIN HIGHWAY

SEC. 141. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the state of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, I believe that this amendment is noncontroversial. I believe we have checked with both sides, and there is no disagreement on its objectives.

Essentially, what it does is this: In 1970 an amendment was adopted which required the transfer of the Baltimore-Washington Parkway to the State of Maryland as a condition precedent to the improvement of that parkway. Since that time, particularly in the last 18 months, there have been discussions between the Federal Highway Administration, the Park Service, and the State of Maryland which have resulted in an agreement, which results in the Federal Government retaining ownership of that parkway.

As as result, this language is necessary to strike from the 1970 authorization the conditional language requiring the transfer to the State of Maryland.

The CHAIRMAN. Without objection, the amendment is agreed to.

Mr. SHUSTER. Mr. Chairman, we do not agree at this point. We are trying to understand the amendment. We have just seen it in the last 30 seconds.

Mr. HOYER. Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. PEASE

Mr. PEASE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PEASE: Page 52, after line 9, insert the following new paragraph:

(d) The Administrator of the Urban Mass Transportation Administration shall issue binding regulations requiring a pre-bid and post-delivery audit of any grant of funds under the Urban Mass Transportation Act of 1964 for the purchase of buses to assure that mandated safety and Buy America requirements are achieved. In issuing these regulations, manufacturer certification shall not be sufficient. Independent surveillance and auditing shall be required.

Mr. PEASE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio.

There was no objection.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have looked at this amendment, and we are willing to accept it.

Mr. PEASE. Mr. Chairman, I thank the subcommittee chairman for that graciousness.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be recognized?

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I did not object to dispensing with reading the amendment, although I thought we might hear what it is, and notwithstanding the majority's affection for it, I wonder if the gentleman would explain it.

The CHAIRMAN. The gentleman from Ohio (Mr. Pease) will proceed.

Mr. PEASE. Mr. Chairman, I appreciate the gentleman's question, and I am happy to explain it.

A few minutes ago, in rejecting the amendment offered by the gentleman from Michigan, we established that bus manufacturers will have a "Buy American" requirement of 50 percent if they are in business currently. This amendment seeks solely to insure that the companies, all companies, do meet the 50-percent requirement. It simply requires an audit of each bid by UMTA or by the contracting agency to make sure that the requirement is indeed met.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. PEASE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have inspected this amendment. We believe it is a good amendment, and we support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Pease).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I have an amendment which is still at the desk, and I again offer that amendment.

The CHAIRMAN. The Chair will inquire, does the gentleman desire to have it re-reported?

Mr. HOYER. No, Mr. Chairman. I ask unanimous consent that the reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, we are dancing along swiftly here, and it would be nice if the Members who have not participated in the side caucuses had a little idea of what is going on. We just passed an amendment of which perhaps a half dozen Members were aware. I am certainly not one of those that were.

Mr. Chairman, I would hope that we would get a full explanation from the gentleman from Maryland.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. Hoyer: Page 58, after line 5, insert the following:

RELEASE OF CONDITION RELATING TO CONVEYANCE OF CERTAIN HIGHWAY

Sec. 141. Notwithstanding paragraph (1) of subsection (b) of section 146 of the Federal-Aid Highway Act of 1970 and any agreement entered into under such subsection, no conveyance of any road or portion thereof shall be required to be made under such paragraph or agreement to the State of Maryland and the State of Maryland shall not be required to accept conveyance of any such road or portion. Funds authorized by such section may be obligated and expended without regard to any requirement of such paragraph or agreement that such conveyance be made.

The CHAIRMAN. The gentleman from Maryland (Mr. Hoyer) is recognized for 5 minutes in support of his amendment.

Mr. HOYER. Mr. Chairman, I did explain this amendment about 3 minutes ago, but just to reiterate briefly, all this language does—it does not appropriate any money—it removes the condition precedent to funding of further parkway improvements that are transferred to the State of Maryland. This is in line with the agreement among the Federal Highway Administration, the Park Service, and the State of Maryland.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr HOYER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment. No money is involved, and we support it.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have examined the amendment, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. Hoyer).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harkin: Page 58, after line 5, insert the following:

BRIDGE NAMING

Sec. 141. The bridge crossing the Mississippi River on Interstate route I-80 near Le Claire, Iowa, shall hereafter be known and designated as the "Fred Schwengel Bridge".

Any law, regulation, document, or record of the United States in which such bridge is referred to shall be held to refer to such bridge as the "Fred Schwengel Bridge".

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I will yield in 1 minute, but let me proceed first.

Mr. Chairman, Fred Schwengel has served the people of Iowa and the American people for many years. Fred was a well-respected legislator for 10 years in the Iowa Legislature and then a Member of the U.S. Congress for 16 years, from the First District of Iowa. During Fred's time in Congress, he served on the Public Works Committee and was a strong supporter of the development of the Interstate Highway System. When the Interstate Highway System was begun during the Eisenhower administration, Fred called the system "the greatest public works project to take place in the world." The bill before us today is a testament to the work of Fred and his colleagues. The bridge on Interstate 80 has special significance for Fred. He worked hard to see that the interstate crossed the Mississippi at Le Claire, Iowa. Why Le Claire? Because Fred thought the project through and figures that Le Claire was the most sensible place for it to go.

Besides serving his Iowa constituents for those many years, Fred also became known for his work for the U.S. Capitol Historical Society. Shortly after arriving in Washington, Fred noted that there was no group dedicated to studying and preserving the significant history of the Capitol Building and the work of Congress. So he, along with former Speakers of the House, formed the U.S. Capitol Society in 1962. Fred was elected the society's first president, and Hubert Humphrey was the society's vice president. Fred has guided the organization since then.

Fred's commitment to the Capitol Historical Society stems from his belief in the importance of studying history. This belief was instilled in him by his meeting with Harry Truman back in Kirksville, Mo. Mr. Truman said to him at that time, "If you want to be a good citizen, you must know your American history." Fred has never forgotten that message, and it guided him in raising the society to the respected position it has today.

Fred's dedication to the wondrous history and artwork of the Capitol has enriched us all. The society has grown by word of mouth and now has 8,000 members, including all Members of Congress, who are honorary members. I am sure all of us are proud of the fine publications of the society. The historical guidebook, "We the People," was developed by the National Geographic in conjunction with Fred

Schwengel. More than 5 million copies of this wonderful book have been distributed. I am sure my colleagues are also familiar with the very popular U.S. Capitol Historical Society calendar, which features a historical notation for each day of the year. This calendar is often used by teachers in their classrooms, thus an excellent vehicle for Fred's message of the importance of U.S. history. Finally, I'm sure we have all marveled at the beautiful murals of some corridors of the Capitol. The society, under Fred's leadership, sponsored the great artist Allyn Cox to paint the murals on the front corridor of the House wing. Unfortunately, Mr. Cox died recently. His work, however, will be carried on by his assistant.

Mr. Chairman, I urge my colleagues to join me in honoring this dedicated public servant, preserver of the Capitol, history student, art lover, and friend of all who love and cherish freedom and democracy.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, when the gentleman from Iowa first approached me, I told him I thought it was a great idea but that my committee did not have jurisdiction, so I referred him to the chairman of the Subcommittee on Public Buildings and Grounds. He talked to me, and he has no objection. So we then brought it up before our committee the other day, or a group of us discussed it on this side. We have no objection to the amendment, although we have not done this before.

I think it is a good idea. Fred Schwengel was a Member of this House and a member of our committee and did a great deal on this bridge. I think it is a good idea, and I support the amendment.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, we accept the amendment on this side.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, let me just say this: This is an unusual procedure. We have not been in the practice of naming bridges at the Federal level, but I was pleased to know Fred Schwengel.

When I came to Congress, he was here. We had sort of a parallel political life for a while. We both lost in 1964 and came back in 1966.

I do not know offhand of any individual around here to whom we owe more than we do to Fred. He was a very distinguished member of our committee.

But more than that, as the president of the Capitol Historical Society, he is responsible for all the artwork in the halls and for raising the money for it. I happen to have been privy a little bit to that. I know of his interest in the Capitol, in the Capitol Building, and of the history he knows.

I do not know whether any of you ever went with Fred to see the old original air-conditioning system. We climbed down metal ladders and walked out underneath the lawns here and in these big tunnels where they had the fans that blew up here.

Mr. Chairman, this guy is just great, and I think it is a tribute to a great man. I commend the gentleman for offering the amendment.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from the First District of Iowa.

Mr. LEACH of Iowa. Mr. Chairman, as the Representative of the district that Fred used to represent, let me just stress that this will be well received by the people of Iowa.

As we all know, Fred is an individual who has made a unique contribution to his committee and to the Congress, but I think he stands out as the single person who has ever served in this body that has loved the history of the Capitol and the history of this House of Representatives more than any other single person. If this is groundbreaking, I think it is very appropriate groundbreaking.

Mr. HARKIN. Mr. Chairman, I thank my colleague, the gentleman from Iowa.

Mr. TAUKE. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to my distinguished colleague, the gentleman from the Second District of Iowa.

Mr. TAUKE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the amendment.

Mr. Chairman, Fred Schwengel is the epitome of the best Iowa has to offer. After a distinguished career in the House of Representatives, Fred dedicated himself to promoting the rich heritage of our Capitol Building and the institutions in which we are privileged to serve. Through Fred's diligent efforts, the Capitol Historical Society has enriched the lives of millions of people. Naming the Interstate 80 bridge at LeClaire, Iowa, in honor of Fred Schwengel is, I believe a very fitting tribute to this generous and admirable man. I join my colleagues from Iowa in saluting Fred, and urge Members of the House to support this amendment.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I support the amendment. I yield to nobody in my affection for Fred Schwengel.

Mr. Chairman, I am delighted to support the inspired amendment of the gentleman from Iowa to name the Le Claire Bridge for our distinguished ex-colleague, Fred Schwengel.

Fred, a longtime Member of the House, is best known as the guiding spirit of the Capitol Historical Society. It is, in fact, accurate to say that Fred is the Society.

No one I know loves this building and this House as Fred Schwengel does. Nobody knows it better. And nobody shares that knowledge and love as much as he.

To be guided through the Capitol by Fred is to take a trip through history with the best possible escort. He knows every block of marble or granite, every picture, every stairway and room by its middle name.

But it is not only his knowledge of this building that makes him a national treasure. It is also his ability to transfer that knowledge in a vital way that makes the Capitol come to life.

His work with the Historical Society should not obscure his splendid achievements as a Member of this House and a Representative of the great State of Iowa. Fred was a great friend and willing counselor to every Member. Ever since I have been in Washington, I have taken regular advantage of his experience, advice, and his friendship. I can best describe him as the kind of person who I would want to represent me.

This short presentation does not begin to express the admiration and affection for Fred Schwengel. I am absolutely delighted that this House has chosen to confer upon him the signal honor. He richly deserves it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The amendment was agreed to.

□ 1820

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 58, after line 5, insert the following:

RELOCATION REQUIREMENTS

SEC. 141. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(p) The Secretary shall not approve any project under this title unless the State agrees that, in connection with the operation, maintenance, or construction of the project, the State will not displace a structure or structures owned by any person, partnership, or corporation that provides rent to the State in consideration for the occupancy of such a structure or structures unless (1) such displacement is directly necessitated by the operation, maintenance, or construction of such project, (2) the owner of such structure or structures receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Relocation Assistance Act (42 U.S.C. 4601 et seq.) if the owner were a 'displaced person' as provided by that Act, or (3) such displacement is expressly authorized by State statute and is in accordance with the terms of the rental agreement.".

Mr. BREAUX (during the reading). Mr. Chairman, I have three amendments that deal basically with the same subject matter. I would ask unanimous consent that the amendments to titles I, II, and III, dealing with this subject, be brought up at the same time.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. SHAW. Reserving the right to object, Mr. Chairman, I have an amendment prepared in accordance with the original amendments as prepared, amendments to the amendments.

I think that offering them in bulk is going to create a problem as to the drafting. Two of the amendments that the gentleman from Louisiana has are quite similar and I think possibly we could tier the amendments so that they could be handled in bulk.

Mr. BREAUX. Let me say to the gentleman, if it creates a parliamentary problem, just trying to smooth it out, I have no objection to offering the first two amendments en bloc which deal with the same subject. I would take it that any amendment the gentleman has would be amenable to both those amendments.

Mr. SHAW. Further reserving the right to object, Mr. Speaker, I believe I would have to maintain my objection.

The CHAIRMAN. Objection is heard.

The Clerk will continue reading the amendment.

The Clerk continued the reading of the amendment.

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Chairman, I would say that what we are trying to do by this amendment is pretty clearly stated in the amendment. It says any time a State displaces a structure or structures that are owned by any person that is in turn providing rent in payments to the State that the State has the right to terminate that structure in that area if the termination of that structure is needed for the construction of the project.

The amendment says that if such displacement is directly necessitated by the operation, the maintenance or construction of said highway, well, then, the State certainly has the right to terminate that structure immediately.

The second category is that if it is not needed, the State could still terminate that structure in that area if the owner of the structure receives relocation assistance and that relocation assistance according to the amendment would be in the same amount that the owner would have received pursuant to the Uniform Relocation Assistance Act.

If we move a person who owns a house or anything else that is needed for the purpose of constructing a highway, they have to be moved and the person has to be paid relocation assistance.

This language in this amendment would say that any person owning a structure that is paying rent to the State would also have the same rights under this particular act.

What we really are trying to address is a situation that has been brought to the attention of the committee that when someone in a highway department or in a highway commission in a particular State just rather arbitrarily and capriciously comes in and makes a determination that they do not want a particular structure, whether it be a building, whether it be a billboard, whether it be an advertising structure or any other type of structure that he decides should not be part of that particular right of way and arbitrarily orders that it be removed.

We think that the State should be encouraged to receive income coming from areas if it can help offset the need for Federal funds.

We do not think it is appropriate and proper just to arbitrarily refuse to receive those rental incomes for whatever reason.

Now, my amendment further says that if a State has an express statute or express law on the books in that State that provides for this type of removal, why that is fine, but what we are really trying to get at is the arbitrary and capricious nature of some people who may decide, for whatever reason, that they think it is important to have the structures removed. They can still remove them, but they have to do it pursuant to State statute and they have to do it pursuant to paying the owner the same type of compensation that they would be able to receive under the existing Uniform Relocation Assistance Act.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I would yield to my colleague.

Mr. SHUSTER. Mr. Chairman, I have examined this amendment and I support it.

Mr. BREAUX. I would further say, Mr. Chairman, that what we are trying to do is simply say that States should be encouraged to receive rental property and income when they can from legitimate business functions. If the State has a statute on the books or it is the express policy of the State, why then, fine, we have no problems with them acting pursuant to that statute and ordering these structures rather arbitrarily removed, if it is the policy of the State.

I do not think it is fair, however, to let one individual who might have the authority to act in the purpose of being a highway commissioner or what have you to go in and arbitrarily take this type of action.

This amendment, I think, would protect that and yet still allow the State to take action pursuant to State statute or State law.

AMENDMENT OFFERED BY MR. SHAW AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BREAUX

Mr. SHAW. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHAW as a substitute for the amendment offered by Mr. BREAUX: In lieu of the matter to be inserted by the Breaux amendment insert the following:

"(p) The Secretary shall not approve any project under this title unless the State agrees that, in connection with the operation, maintenance or construction of the project, the state will not displace a structure or structures owned by any person, partnership, or corporation that provides rent to the State in consideration for the occupancy of such a structure or structures unless (1) such displacement is directly necessitated by the operation, maintenance, or construction of such project, (2) the owner of such structure or structures receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Relocation Assistance Act (42 U.S.C. 4601 et seq) if the owner were a displaced person as provided by that Act, or (3) such displacement is in accordance with the terms of the rental agreement".

Mr. SHAW (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Chairman, I will be brief.

My amendment in the way of a substitute is exactly that offered by the gentleman from Louisiana, with one exception, and I think one very important exception.

In the last provision contained in the substitute it makes the further exception, "Should such displacement be in accordance with the terms of the rental agreement."

What the amendment before us would do would actually emasculate a State from enforcing the terms of its rental contract. In many instances, bus benches, signs within mass transportation buildings, as we will be getting to in the next amendment, signs on the side of the road that might be on State property, cannot be removed from the State without compensation even if the rental agreement or even if the provisions of such an agreement specifically provide that the State can remove them. The State would be required by the amendment to pay relocation costs despite the fact that the State may have reserved that exact right to itself.

Now the gentleman from Louisiana has pointed up a situation where there have been abuses and I am sure there are, but I would point out to the House that the abuses would be far greater if we were to say that despite the fact that the State may have provided in its rental agreement that the advertising structure or whatever was there at the will of the State, they would still be required to have to pay relocation costs. This is clearly wrong. This would be in direct contradiction of their agreement and I believe that what we are doing would to a great extent preserve every word of the gentleman's amendment, except it would add an additional exception that if such displacement is in accordance with the terms of the rental agreement, that it would be fitting and proper for the State to exercise those existing rights.

We cannot take those rights away from the State just because we have found a situation where there has been a disagreement or perhaps even misconduct on behalf of an elected official.

Mr. BREAUX. Mr. Chairman, I rise in opposition to the amendment to my amendment.

Just very briefly, what we are trying to do, I think, in this amendment is really emasculated by the gentleman from Florida.

The only thing we are trying to say is that if a State official who is in charge of highways or what have you wants to displace signs or structures or any type of material on their State right of ways, of course, he has to honor the terms of their agreement, but he also has to act pursuant to a State statute that happens to be the law of the State. If the State has a statute on the books that provides for this type of removal of these structures, it would have no problem operating under this amendment to go ahead and remove those structures.

I am concerned about the situation where we have a State highway commissioner who may want to come in and just arbitrarily never renew lease agreements or arbitrarily remove people from areas that they are legally paying rents to the State.

□ 1830

We should be encouraging States to try and receive rental income from these type of structures and it could very possibly reduce the amount of Federal burden going to the States.

So I think what we are saying in my amendment is fair. It says that the State has a State statute on the books that allows for this type of operation and that they should be able to act accordingly and certainly they always have to follow the terms of their agreement.

But I think what the gentleman from Florida's amendment does is really gut my amendment and we ought to be fair about it. I think my amendment does that.

It is supported by the ranking minority member and I think it has been looked at and it makes a great deal of sense. I would ask for defeat of the substitute amendment and adoption of my amendment.

Mr. SHAW. Will the gentleman yield?

Mr. BREAUX. I will be glad to yield.

Mr. SHAW. Under the original amendment that has been set forth it would be my interpretation that should a State decide by way of public policy that it did not want to advertise certain types of goods or certain types of services that they would not be able to remove those signs unless they paid compensation. Do you agree?

Mr. BREAUX. Let me respond to the gentleman this way: What we are trying to do is prevent one person from setting the policy of the State. If that is the policy of the State it would be included presumably in a State statute reflecting the will of the State.

I am concerned when one individual can make a determination that that in his opinion is a policy of the State when it is not reflected in a State statute.

The only thing we are saying is if it is reflected in the State statute, fine, we have no problem. I just do not want one person to be able to make, in his opinion, what is the policy for a particular State.

Mr. SHAW. If the gentleman would further yield for an additional question, I do not know of any State that addresses this particular question by way of statute.

I think what we are doing here is forcing the State perhaps to even have a specific statute as to every obstruction that you are referring to to be removed.

Mr. BREAUX. It certainly would not do that and, as the author of the amendment, the intent is to say that they do not have to have a specific statute for every type of structure or every type of sign. The only thing they would have to have is a State statute that provides for a system of displacement of structures in general.

If they do that, they would then clearly qualify under my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. SHAW) as a substitute for the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The question was taken, and on a division (demanded by Mr. SHAW) there were—ayes 2, noes 36.

So the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The amendment was agreed to.

Are there further amendments to title I?

If not, the Clerk will designate title II.

Title II reads as follows:

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Federal Mass Transportation Act of 1984".

LETTERS OF INTENT; MULTI-YEAR CONTRACTS

SEC. 202. (a) Section 3(a)(4) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(4)(A) Subject to the provisions of this paragraph, the Secretary may enter into a multi-year contract with an applicant to carry out a project under this section if, at least 30 days before such contract becomes effective, the Secretary notifies, in writing, the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such contract and submits a summary and copy of such contract to such committees.

"(B) Subject to the provisions of subparagraph (C) and subsection (i) of this section, if the Secretary and an applicant enter into a multi-year contract to carry out a project, such contract shall be, on and after the date of entry into such contract, a contractual obligation of the Federal Government for the payment of its proportional contribution of the cost of the project in any fiscal year (including any future fiscal year) for which funds are authorized to be appropriated out of the Mass Transit Account of the Highway Trust Fund to carry out this section.

"(C) The total amount which the Secretary may obligate for any fiscal year (including any future fiscal year) under all multi-year contracts entered into under this paragraph shall not exceed the amount authorized to be appropriated out of the Mass Transit Account of the Highway Trust Fund to carry out this section for such fiscal year, less an amount reasonably estimated by the Secretary to be necessary for grants under this section which are not covered by a multi-year contract.

"(D) The amount stipulated in a multi-year contract to carry out a fixed guideway project shall be sufficient to complete an operable segment.

"(E) Notwithstanding any other provision of law, a multi-year contract entered into under this paragraph shall not be subject to (i) any future availability of funds for obligation, except as provided in subparagraph (C), subsection (i) of this section, and section 9503(e)(4) of the Internal Revenue Code of 1954, and (ii) any obligation limitation, except an obligation limitation imposed by section 21(a)(2)(G).

"(F) Any obligation limitation imposed by section 21(a)(2)(G) for any fiscal year shall

apply with respect to a multi-year contract entered into under this paragraph only to funds expended under such contract in such fiscal year.".

(b) The amendment made by subsection (a) of this section shall take effect October 1, 1984, and shall not affect any letter of intent issued before such date.

APPROVAL OF FUNDING LEVELS AND ALLOCATIONS OF FUNDS

SEC. 203. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(i)(1) As soon as practicable after the date of enactment of this subsection and not later than July 1, 1985, and each July 1 thereafter, the Secretary shall prepare and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate—

"(A) a proposal of the total amount of funds which should be made available under section 21(a)(2)(C)(iv) of this Act to finance for the fiscal year beginning on October 1 of such year grants and loans for each of the following:

"(i) the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities,

"(ii) rail modernization, and

"(iii) construction of new fixed guideway systems and extensions to fixed guideway systems;

"(B) a proposal of the allocation of the funds to be made available (including any funds proposed to be made available pursuant to clauses (ii) and (iii) of subparagraph (A)) for such fiscal year to finance grants and loans for rail modernization and for construction of new fixed guideway systems and extensions to fixed guideway systems among applicants for such assistance.

Such proposals shall reflect obligations made for each fiscal year under multi-year contracts entered into under subsection (a)(4) of this section.

"(2) Notwithstanding any other provision of this section, no funds may be made available to finance grants and loans under this section for any fiscal year beginning after September 30, 1985, until a proposal transmitted by the Secretary under this subsection for such year (including any revisions thereof) is approved by law.

"(3) Upon approval by law of a proposal transmitted under this subsection for any fiscal year beginning after September 30, 1985, the Secretary shall make the amount of funds approved under this subsection available for obligation for such fiscal year and shall allocate the funds for such fiscal year in accordance with the allocations approved under this subsection.".

ADVANCE CONSTRUCTION

SEC. 204. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(j)(1) Upon application of a State or local public body which carries out a project described in this section or portion of such a project without the aid of Federal funds in accordance with all procedures and requirements applicable to such a project and upon the Secretary's approval of such application, the Secretary may pay to such applicant the Federal share of the net project costs if prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

"(2) Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the State or local public body to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion. In no event shall the amount of interest considered as a cost of carrying out a project or portion thereof under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over (B) the actual cost of carrying out such project or portion (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.".

(b) Section 9 of such Act is amended by adding at the end thereof the following new subsection:

"(p)(1) When a recipient has obligated all funds apportioned to it under this section and proceeds to carry out any project described in this section (other than a project for operating expenses) or portion of such a project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such a project, except insofar as such procedures and requirements limit a State to carrying out projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such recipient and his approval of such application, is authorized to pay to such recipient the Federal share of the costs of carrying out such project or portion when additional funds are apportioned to such recipient under this section if prior to carrying out such project or portion, the Secretary approves the plans and specifications therefor in the same manner as other projects under this section.

"(2) The Secretary may not approve an application under this subsection unless an authorization for this section is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such recipient. No application may be approved under this subsection which will exceed the recipient's expected apportionment of such authorization which is expected to be available for projects under this section (other than projects for operating expenses).

"(3) Subject to the provisions of this paragraph, the cost of carrying out a project or portion thereof, the Federal share of which the Secretary is authorized to pay under this subsection, shall include the amount of any interest earned and payable on bonds issued by the recipient to the extent that the proceeds of such bonds have actually been expended in carrying out such project or portion. In no event shall the amount of interest considered as a cost of carrying out a project or portion under the preceding sentence be greater than the excess of (A) the amount which would be the estimated cost of carrying out the project or portion if the project or portion were to be carried out at the time the project or portion is converted to a regularly funded project, over (B) the actual cost of carrying out such project or portion (not including such interest). The Secretary shall consider changes in construction cost indices in determining the amount under clause (A) of this paragraph.".

CRITERIA FOR NEW STARTS

SEC. 205. (a) Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(k) No grant or loan for construction of a new fixed guideway system or extension of any fixed guideway system may be made under this section unless the Secretary determines that the proposed project (1) is based on the results of an alternatives analysis and preliminary engineering, (2) is cost-effective, and (3) is supported by an acceptable degree of local financial commitment, including evidence of stable and dependable funding sources to construct, maintain, and operate the system or extension. The Secretary shall issue guidelines that set forth the means by which the Secretary will evaluate cost-effectiveness, results of alternatives analysis, and degree of local financial commitment. In making grants and loans under this section, the Secretary may also consider such other factors as the Secretary deems appropriate.".

(b) The amendment made by subsection (a) of this section shall not apply to any letter of intent issued before the date of enactment of this Act under section 3(a)(4) of the Urban Mass Transportation Act of 1964.

UNIVERSITY TRANSPORTATION CENTERS

SEC. 206. (a) Section 4(d) of the Urban Mass Transportation Act of 1964 is amended—

(1) in the first sentence by striking out the comma after "September 30, 1981" and all that follows through the period at the end of such sentence and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: "There are authorized to be appropriated to carry out section 11(b) of this Act for the fiscal year ending September 30, 1985, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000; for the fiscal year ending September 30, 1986, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000; and for the fiscal year ending September 30, 1987, out of the Highway Trust Fund (other than the Mass Transit Account), $5,000,000, and, out of the Mass Transit Account of the Highway Trust Fund, $5,000,000. Notwithstanding any other provision of law, approval by the Secretary of a grant with funds made available under the preceding sentence shall be deemed a contractual obligation of the United States for payment of the Federal share of the cost of the project. Funds authorized to be appropriated, out of the Mass Transit Account of the Highway Trust Fund, by this subsection to carry out section 11(b) of this Act shall not be subject to any obligation limitation.".

(b) Section 11(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b)(1) In addition to grants authorized by subsection (a) of this section, the Secretary shall make grants to one or more nonprofit institutions of higher learning to establish and operate one regional transportation center in each of the ten Federal regions which comprise the Standard Federal Regional Boundary System.

"(2) The responsibilities of each transportation center established under this subsection shall include, but not be limited to, the

conduct of infrastructure research concerning transportation and research and training concerning transportation of passengers and property and the interpretation, publication, and dissemination of the results of such research.

"(3) Any nonprofit institution of higher learning interested in receiving a grant under this subsection shall submit to the Secretary an application in such form and containing such information as the Secretary may require by regulation.

"(4) The Secretary shall select recipients of grants under this subsection on the basis of the following criteria:

"(A) The regional transportation center shall be located in a State which is representative of the needs of the Federal region for improved transportation services and facilities.

"(B) The demonstrated research and extension resources available to the grant recipient for carrying out this subsection.

"(C) The capability of the grant recipient to provide leadership in making national and regional contributions to the solution of both long-range and immediate transportation problems.

"(D) The grant recipient shall have an established transportation program or programs encompassing several modes of transportation.

"(E) The grant recipient shall have a demonstrated commitment to supporting ongoing transportation research programs with regularly budgeted institutional funds of at least $200,000 per year.

"(F) The grant recipient shall have a demonstrated ability to disseminate results of transportation research and educational programs through a statewide or regionwide continuing education program.

"(G) The projects which the grant recipient proposes to carry out under the grant.

"(5) No grant may be made under this section in any fiscal year unless the recipient of such grant enters into such agreements with the Secretary as the Secretary may require to ensure that such recipient will maintain its aggregate expenditures from all other sources for establishing and operating a regional transportation center and related research activities at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this subsection.

"(6) The Federal share of a grant under this subsection shall be 50 percent of the costs of establishing and operating the regional transportation center and related research activities carried out by the grant recipient.

"(7)(A) The Secretary shall establish in the Department of Transportation a national advisory council to coordinate the research and training to be carried out by the grant recipients, to disseminate the results of such research, to act as a clearinghouse between such centers and the transportation industry, and to review and evaluate programs carried out by such centers.

"(B) The council shall be composed of the directors of the regional transportation centers and 19 other members appointed by the Secretary as follows:

"(i) Six officers of the Department of Transportation each of whom represents each of the following agencies within the Department: the Office of the Secretary, Federal Highway Administration, Urban Mass Transportation Administration, National Highway Traffic Safety Administration, Research and Special Programs Administration, and Federal Railroad Administration.

"(ii) Five representatives of State and local governments.

"(iii) Eight representatives of the transportation industry and organizations of employees in such industry.

A vacancy in the membership of the council shall be filled in the manner in which the original appointment was made.

"(C) Each of the members appointed by the Secretary shall serve for a term of five years. Members of the council shall serve without pay. The chairman of the council shall be designated by the Secretary.

"(D) The council shall meet at least annually and at such other times as the chairman may designate.

"(E) Subject to subchapter II of chapter 5 of title 5, United States Code, the council may secure directly from any department or agency of the United States information necessary to enable it to carry out this subsection. Upon request of the Chairman of the council, the head of such department or agency shall furnish such information to the council.

"(F) Section 14 of the Federal Advisory Committee Act shall not apply to the council.

"(8) Administrative responsibility for carrying out this subsection shall be in the Office of the Secretary.

"(9) The Secretary shall allocate funds made available to carry out this subsection equitably among the Federal regions.

"(10) Not less than 5 percent of the funds made available to carry out this subsection for any fiscal year shall be available to carry out technology transfer activities.".

SUBSTITUTE PROJECTS

Sec. 207. Section 4(g) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(g) There are authorized to be appropriated not to exceed $600,000,000 for the fiscal year ending September 30, 1982, $365,000,000 for the fiscal year ending September 30, 1983, $380,000,000 for the fiscal year ending September 30, 1984, and such sums as may be necessary for the fiscal years ending September 30, 1985, and September 30, 1986, to carry out public transportation projects substituted for Interstate segments withdrawn under section 103(e)(4) of title 23, United States Code.".

ALTERNATIVE BUS PROJECTS

Sec. 208. The last sentence of section 5(a)(3)(A) of the Urban Mass Transportation Act of 1964 is amended by inserting before the period at the end thereof the following: ", except that such sums may also be available for expenditure for bus and bus-related facilities if there are no commuter rail or fixed guideway systems in operation and attributable to the urbanized area in the fiscal year of apportionment".

TRANSIT TECHNICAL AMENDMENTS

Sec. 209. (a)(1) Section 5(h)(1) of the Urban Mass Transportation Act of 1964 is amended by striking out "approach" and inserting in lieu thereof "approval".

(2) Section 5(j)(1) of such Act is amended by striking out "action" and inserting in lieu thereof "section".

(3) Section 5(o) of such Act is amended by striking out "1982" and inserting in lieu thereof "1983".

(4) Section 9(l)(3) of such Act is amended by striking out "1983" and inserting in lieu thereof "1984".

(5) Section 16 of such Act is amended by redesignating the second subsection (c) as subsection (d).

(6) Section 17(d)(4) of such Act is amended by striking out "; and".

(b) Section 303 of the Surface Transportation Assistance Act of 1982 is amended by striking out "(a)" the first place it appears.

NEW URBANIZED AREA APPORTIONMENTS

Sec. 210. (a) Section 9(k)(2) of the Urban Mass Transportation Act of 1964 is amended by striking out "not to exceed 40 per centum of its apportionment under this section for operating assistance." and inserting in lieu thereof "for operating assistance not to exceed 40 per centum of the amount which would be apportioned in any fiscal year for expenditure in such urbanized area under this section if the total amount authorized to be appropriated from the general fund of the Treasury under section 21(a)(1) of this Act for such fiscal year were appropriated.".

(b) Section 9(l)(1)(A) of the Urban Mass Transportation Act of 1964 is amended by striking out "its apportionment under this section." and inserting in lieu thereof "the amount which would be apportioned in any fiscal year for expenditure in such urbanized area under this section if the total amount authorized to be appropriated from the general fund of the Treasury under section 21(a)(1) of this Act for such fiscal year were appropriated.".

(c) The amendment made be subsections (a) and (b) shall only apply to fiscal years beginning after September 30, 1984.

TRADE-IN FOR OPERATING ASSISTANCE

Sec. 211. (a) Section 9(l) of the Urban Mass Transportation Act of 1964 is amended—

(1) in paragraph (1)(A) by striking out "and 1984" and inserting in lieu thereof ", 1984, 1985, and 1986";

(2) in paragraph (2)(B) by striking out "three-year", and by striking out "1985" and inserting in lieu thereof "1987";

(3) in the first sentence of paragraph (3) by inserting before the period at the end of such sentence "for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities";

(4) in the last sentence of paragraph (3) by striking out "discretionary construction grants" and inserting in lieu thereof "such discretionary grants"; and

(5) by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) Any recipient of a grant under section 3 of this Act in any fiscal year beginning after September 30, 1984, may not carry out a transfer under this subsection in such fiscal year, unless—

"(A) such grant is—

"(i) for emergency repairs, as determined by the Secretary;

"(ii) made pursuant to a letter of intent issued, or full funding contract executed, under section 3(a)(4) of this Act before the date of enactment of this subparagraph; or

"(iii) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under section 3 of this Act for such fiscal year and for an amount which has been reduced in accordance with section 3(a)(7) of this Act; or

"(B) such recipient received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981 and carried out a transfer under this subsection in the fiscal year ending September 30, 1983, and the percentage of the funds appropriated to carry out section 3 of this Act which such recipient will receive under grants made under such section 3 in the fiscal year beginning after September 30, 1984, will not exceed the percentage of the funds appropriated to carry out such section 3 which such

recipient received under grants under such section 3 in the fiscal year ending September 30, 1983.".

(b) Section 3(a) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new paragraphs:

"(7) Except as provided in paragraph (8) of this subsection, any recipient that has carried out a transfer under section 9(l) of this Act for a fiscal year beginning after September 30, 1984, may not receive a grant under this section in such fiscal year, unless such grant is—

"(A) for emergency repairs, as determined by the Secretary;

"(B) made pursuant to a letter of intent issued, or full funding contract executed, under paragraph (4) of this subsection before the date of enactment of this subparagraph; or

"(C) for a project which has a high priority on the plan prepared by the Secretary for allocation of resources under this section for such fiscal year;

and unless, in the case of projects referred to in subparagraph (C), such recipient agrees with the Secretary that the amount of the Federal grants for such projects, as determined under section 4(a) of this Act, shall be reduced in the aggregate by an amount equal to the amount of the capital assistance transferred under such transfer.

"(8) Any recipient that has carried out a transfer under section 9(l) of this Act for any fiscal year beginning after September 30, 1984, received Federal assistance under section 1139(b) of the Omnibus Budget Reconciliation Act of 1981, and carried out a transfer under section 9(l) of this Act in the fiscal year ending September 30, 1983, may not receive a grant under this section in such fiscal year beginning after September 30, 1984, in an amount which would make the percentage of the funds appropriated to carry out this section which such recipient receives under grants under this section in such fiscal year beginning after September 30, 1984, greater than the percentage of funds appropriated to carry out this section which such recipient received under grants under this section in the fiscal year ending September 30, 1983.".

(c) The amendments made by subsections (a) and (b) shall take effect October 1, 1984.

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. (a) Section 21(a)(2) of the Urban Mass Transportation Act of 1964 is amended—

(1) in subparagraph (B) by striking out all that follows "1984" and inserting in lieu thereof a period;

(2) by redesignating subparagraph (C) as subparagraph (E) and by inserting after subparagraph (B) the following new subparagraphs:

"(C)(i) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities not less than $140,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(ii) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for rail modernization not less than $562,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(iii) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act for construction of new fixed guideway systems and extensions to fixed guideway systems not less than $562,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(iv) In addition to amounts made available by the preceding clauses of this subparagraph, there shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to finance grants and loans under section 3 of this Act not less than $141,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(v) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out section 8 of this Act not less than $50,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(vi) There shall be available for obligation from the Mass Transit Account of the Highway Trust Fund to carry out sections 4(i) and 16(b) of this Act not less than $40,000,000 per fiscal year for each of the fiscal years 1985, 1986, and 1987.

"(D) Of the funds made available by subparagraph (B) of this paragraph and not obligated on or before September 30, 1984, as a result of the obligation ceiling imposed by title I of the Department of Transportation and Related Agencies Appropriations Act, 1984 (97 Stat. 466)—

"(i) not less than $2,500,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities;

"(ii) not less than $10,000,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act for rail modernization;

"(iii) not less than $10,000,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act for construction of new fixed guideway systems and extensions of fixed guideway systems; and

"(iv) not less than $2,500,000 shall be available in the fiscal year ending September 30, 1985, only for obligation to finance grants and loans under section 3 of this Act.";

(3) in subparagraph (E), as redesignated by paragraph (2) of this subsection, by inserting "or loan" after "a grant" and by striking out "and (B)" and inserting in lieu thereof ", (B), (C), and (D)"; and

(4) by adding at the end of such paragraph the following new paragraphs:

"(F) Funds made available under this paragraph shall remain available until expended.

"(G) Notwithstanding any other provisions of law, the total of all obligations under the Urban Mass Transportation Act of 1964 (other than section 11(b)) from the Mass Transit Account of the Highway Trust Fund shall not exceed $1,520,000,000 for fiscal year 1985, $1,495,000,000 for fiscal year 1986, and $1,495,000,000 for fiscal year 1987.".

(b)(1) Section 4(i) of the Urban Mass Transportation Act of 1964 is amended by striking out ", using sums available pursuant to section 4(c)(3)(A) of this section,".

(2) Section 16(b) of such Act is amended by striking out the last sentence.

(3) Section 21(a)(5) of such Act is amended by striking out "each of fiscal years 1984, 1985, and 1986" and inserting in lieu thereof "fiscal year 1984".

FEASIBILITY STUDY

SEC. 213. Section 314(a) of the Surface Transportation Assistance Act of 1982 is amended to read as follows:

"SEC. 314. (a) The Secretary of Transportation shall make a grant to the Niagara Frontier Transportation Authority to conduct a feasibility study to examine the possibility of constructing and operating in Buffalo, New York, an electric trolley bus line with the advanced and environmentally sound electric bus technology that is being developed in the State of California for the Santa Barbara transit system.".

RATES FOR ELDERLY AND HANDICAPPED PERSONS

SEC. 214. Section 5(m) of the Urban Mass Transportation Act of 1964 is amended by striking out "The" and inserting in lieu thereof the following: "(1) Except as provided in paragraph (2) of this subsection, the" and by adding at the end thereof the following new paragraph:

"(2) An applicant whose existing fare collection system does not reasonably permit the collection of half fares may continue to use a preferential fare system for elderly and handicapped persons which was in effect on or before November 26, 1974, and which incorporates the offering of a free return ride upon payment of the generally applicable full fare, except that such a system may be used after the 120th day following the date of enactment of the Federal Mass Transportation Act of 1984 only if such system is available for use by all elderly and handicapped persons.".

BUS REMANUFACTURING

SEC. 215. Paragraph (1) of section 12(c) of the Urban Mass Transportation Act of 1964 is amended by inserting "and any bus remanufacturing project which extends the economic life of a bus eight years or more" before the semicolon at the end of such paragraph.

COMPREHENSIVE TRANSIT PLAN

SEC. 216. (a) The Secretary of Transportation, in cooperation with the Virgin Islands Department of Public Works, shall study and analyze the mass transportation needs of the Virgin Islands for the purpose of developing a comprehensive mass transportation plan for the Virgin Islands.

(b) Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on the results of the study and analysis conducted under subsection (a) together with a copy of the mass transportation plan which the Secretary recommends for the Virgin Islands.

AMENDMENT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MINETA: Page 61, line 18, before the period insert the following: "; amounts stipulated for each fiscal year under full funding contracts executed under such subsection before October 1, 1984; and, in the case of projects for which letters of intent have been issued under such subsection before October 1, 1984, but for which full funding contracts have not been executed before such date, amounts stipulated for each fiscal year under such letters of intent.".

Mr. MINETA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MINETA. Mr. Chairman, this is a simple and straightforward amendment and this is primarily technical in nature.

The amendment is designed to insure that mass transit projects underway at the date this bill becomes effective are given the same consideration and protection as projects for which the Federal commitment comes after October 1, 1984, the bill's effective date.

The bill now provides that the Secretary of Transportation shall include funding for projects which have multiyear contracts, the new instrument created by this bill, and that the Secretary include such projects in his or her proposed funding allocations which will be submitted to the Congress.

This amendment expands that requirement to include projects well underway and for which a Federal commitment has been made through the issuance of a letter of intent or full funding contract.

All we are doing is making sure that ongoing projects get the same protection as new ones. As I have said, I believe this amendment is primarily technical in nature and clarifies the application of the provision as approved by the Committee on Public Works and Transportation.

Mr. ANDERSON. Will the gentleman yield?

Mr. MINETA. I am more than pleased to yield to my colleague from California.

Mr. ANDERSON. I thank the gentleman for yielding.

During our committee markup I had a colloquy with the gentleman and I told him that I would rise in the committee here and support him. So we are aware of his amendment and we support it.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I am pleased to yield.

Mr. SHUSTER. We have examined the gentleman's amendment and we support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. MINETA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BREAUX

Mr. BREAUX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 82, after line 19, insert the following:

RELOCATION REQUIREMENTS

SEC. 216. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(l) Notwithstanding any other provision of this Act, no State, or local public body or agency thereof which receives financial assistance under this Act shall displace or cause to be removed from the property of a mass transportation system, with respect to which such assistance is being provided, a structure or structures on such property owned by any person, partnership, or corporation that provides rent to such State, or local public body or agency in consideration for the occupancy of such property by such structure or structures unless (1) such displacement is directly necessitated by the operation, maintenance, or construction of such system, (2) the owner of such structures receives relocation assistance in an amount at least equal to the amount that such owner would have received pursuant to the Uniform Relocation Assistance Act (42 U.S.C. 4601, et seq) if the owner were a displaced person as provided by that Act, or (3) such displacement is expressly authorized by State statute and is in accordance with the terms of the rental agreement.".

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAUX. Mr. Chairman, I would say that we have just adopted an amendment to title I. This is the same amendment but to title II and instead of pertaining to Federal aid to highways and to the highway program it pertains to the urban mass transportation section of the bill and deals with mass transportation.

It is the same amendment but it is applicable now by this amendment to the mass transit program as opposed to highways.

Mr. SHUSTER. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. We have examined this and it is indeed the same and we accept it.

Mr. SHAW. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Florida.

Mr. SHAW. I would ask the gentleman on the last sentence of his amendment do you provide for the State statute in conjunction with the rental agreement as to the prior amendment?

Mr. BREAUX. I would say it is the same as the previous amendment and it does refer to expressly authorized by State statute.

Mr. SHAW. I would also further ask the gentleman, if he will yield further, if I may, I am concerned with the possible extent that this particular amendment could go and could be applied. Would it be the gentleman's opinion that it would apply to signs on the side of a mass transit vehicle or within a mass transit vehicle?

Mr. BREAUX. I would respond to the gentleman by perhaps drawing his attention to the words of the amendment. We are talking about any State or local public body which receives financial assistance under this act shall display or cause to be removed from the property of a mass transportation system.

What we are talking about is the property of the mass transportation system.

I am not sure if that directly answers your question, but to the extent that it can, it is my response.

Mr. SHAW. I would interpret that as being that a bus or a rapid rail system is certainly the property of a mass transit system and would also apply.

Mr. BREAUX. I would agree with the gentleman's interpretation.

Mr. SHAW. I will not take the House's time, if the gentleman would yield further, in offering an amendment by way of a substitute. However, I think this is a very bad amendment and I certainly would oppose it.

I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The amendment was agreed to.

Mr. SNYDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as you probably noticed, I had printed in the RECORD the other day an amendment which I will not offer, but I wish to address the subject of the particular section known as 211 of the bill dealing with the trading of capital funds for operating assistance which provides special treatment to benefit one particular transit system, the Southern Pennsylvania Transportation Authority, known as SEPTA.

I am not going to offer the amendment because this committee has worked hard, and developed a good bill, and put a lot of good projects in here to benefit the Members who ought to know what is best for their districts. And I support that concept and I hope that the other Members support the concept.

This one struck me as being particularly bad. But I am going to defer to the judgment of the full committee. But I want to lay out for you the background just a little bit.

Mr. Chairman, here is the background. In the 1982 Surface Transportation Assistance Act, we set a ceiling on the amount of funds apportioned by formula to transit systems which could be used for operating assistance.

The maximum was the amount of formula funds which a transit system was eligible to use for operating assistance in fiscal year 1982, reduced by between 5 and 20 percent, depending on the size of the city. All formula funds above a city's limit are restricted to capital purposes.

In addition, however, we provided that in fiscal years 1983 and 1984 a city could spend up to the full 1982 level for operating by trading its capital-only funds. However, for each $2 shifted from capital to operating, an additional $1 would be returned to the Secretary of Transportation for discretionary capital use.

A transit system availing itself of this provision would be saying, in effect, I have such a surplus of capital funds that I can afford to trade it in at a 33-percent discount for operating.

H.R. 5504 would extend this 3-for-2 trade-in through fiscal year 1987. And it would plug a loophole in existing law to prohibit a transit system which trades in capital from obtaining a discretionary capital grant from the Secretary unless certain requirements are met.

We are saying, in effect, that if you are so flush with capital funds you get by formula that you can afford to trade them in for operating purposes, do not go running to the Secretary for a discretionary capital grant unless you have a pretty good reason as spelled out in the statute.

However, an amendment was adopted in the committee to provide special treatment for the SEPTA system. We heard arguments that the system has sustained unusual costs associated with the takeover of passenger commuter rail services from Conrail. We heard about federally "mandated" costs that had to be somehow compensated for. And we heard reassurances that the benefit to SEPTA would be limited: SEPTA could not receive a greater percentage share of the transit discretionary fund than it received in fiscal year 1983.

Now, we learn from DOT that SEPTA received $39 million in separate funding, apart from the Mass Transit Act, in fiscal years 1982 and 1983 specifically for Conrail transition expenses.

Furthermore, much of approximately $96 million which SEPTA received in discretionary grants during fiscal year 1983 was directly related to Conrail transition activities. That was double its fiscal year 1982 allocation. Among other things, this means the SEPTA's share of the total discretionary funding for 1983 was artificially inflated, so that a limitation to that percentage in future years is a sham.

That percentage limitation is even more of a sham when you recognize that discretionary capital funding in fiscal year 1983 was $1.250 billion, and this bill would raise the annual authorization to $1.5 billion. So, even if the percentage remained the same, SEPTA's funding would substantially increase.

This is also a bad policy for the following reason if no other: Transit discretionary capital is financed by fuel tax revenues—1 cent per gallon—paid by the motorist into the mass transit account of the Highway Trust Fund. To the extent that SEPTA receives a discretionary capital grant in an amount equal to what it transfers from formula capital to operating subsidy, it amounts to a de facto diversion of the trust fund revenues to transit operating subsidy.

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I happen to think that is wrong. But I defer to the judgment of the committee and the members involved.

Mr. SHUSTER. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. SNYDER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman.

Mr. Chairman, even though this involves a transit system from my home State, I share the gentleman's reservations and concern. Like him I will go along with the committee at this point, but I do reserve judgment as to further actions at a later date.

Mr. SNYDER. I respect very much the deliberation which the committee has made on the projects and the respective member's districts. I think their judgment is good and I think it would ill behoove us to attempt to delve into them further since the committee has given such good deliberation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title II?

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from California, as well as the staff of the Subcommittee on Surface Transportation, for the development of this legislation. However, I do have a major concern about the record of UMTA in evaluating new fixed guideway projects.

Mr. Chairman, is it the intent of the committee that UMTA, in evaluating proposed new fixed guideway projects, will apply the criteria in a manner that is consistent for all projects?

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Missouri. I am happy to yield to the gentleman from California.

Mr. ANDERSON. Yes; the intent of the committee is that all projects will be weighted by the same criteria except those which have letters of intent issued before the day of enactment of this act.

Mr. YOUNG of Missouri. I thank the gentleman from California.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

SHORT TITLE

SEC. 301. This title may be cited as the "Uniform Relocation Act Amendments of 1984".

DEFINITIONS

SEC. 302. (a) Section 101(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter in this title referred to as the "Uniform Act") (42 U.S.C. 4601(1)) is amended to read as follows:

"(1) The term 'Federal agency' means any department, agency, or instrumentality in the executive branch of the Government, any wholly owned Government corporation, the Architect of the Capitol, the Federal Reserve banks and branches thereof, and any person who has the authority to acquire property by eminent domain under Federal law.".

(b) Section 101(3) of the Uniform Act (42 U.S.C. 4601(3)) is amended to read as follows:

"(3) The term 'State agency' means any department, agency, or instrumentality of a State or of a political subdivision of a State, any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States, and any person who has the authority to acquire property by eminent domain under State law.".

(c) Section 101(4) of the Uniform Act (42 U.S.C. 4601(4)) is amended by inserting ", any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual," after "insurance".

(d) Section 101(6) of the Uniform Act (42 U.S.C 4601(6)) is amended to read as follows:

"(6) The term 'displaced person' means—

"(A) any person who moves from real property, or moves his personal property from real property—

"(i) as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance, or

"(ii) as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance in any case in which the person is a residential tenant and the head of the displacing agency determines that such displacement is permanent; and

"(B) solely for the purposes of sections 202 (a) and (c) and 205 of this title, any person who moves from real property, or moves his personal property from real property—

"(i) on which such person conducts a business or farm operation, as a direct result of a written notice of intent to acquire or the acquisition of such real property in whole or in part for a program or project undertaken by a Federal agency or with Federal financial assistance; or

"(ii) on which such person conducts a small business or a farm operation, as a direct result of rehabilitation, demolition, or such other displacing activity as the lead agency may prescribe, under a program or project undertaken by a Federal agency or with Federal financial assistance where the head of the displacing agency determines that such displacement is permanent.

Such term does not include a person who has been determined, according to criteria established by the head of the lead agency, to be either in unlawful occupancy of the displacement dwelling or to have occupied such dwelling for the purpose of obtaining assistance under this Act. Such term also does not include, in any case in which the displacing agency acquires property for a program or project, any person (other than a person who was an occupant of such property at the time it was acquired) who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.".

(e) Section 101 of the Uniform Act (42 U.S.C. 4601) is amended by adding at the end thereof the following new paragraphs:

"(10) The term 'comparable replacement dwelling' means any dwelling that is (A) decent, safe, and sanitary; (B) adequate in size to accommodate the occupants; (C) within the financial means of the displaced person; (D) functionally equivalent and substantially the same as the replacement dwelling with respect to number of rooms and living space; (E) in an area not subject to unreasonable adverse environmental conditions; and (F) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services, and the displaced person's place of employment.

"(11) The term 'displacing agency' means any Federal agency carrying out a program or project, and any State, State agency, or person carrying out a program or project with Federal financial assistance, which causes a person to be a displaced person.

"(12) The term 'lead agency' means the Department of Transportation.

"(13) The term 'appraisal' means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.".

CERTIFICATION

SEC. 303. Title I of the Uniform Act is amended by adding at the end thereof the following new section:

"CERTIFICATION

"SEC. 103. (a)(1) Notwithstanding sections 210 and 305 of this Act, the head of a Federal agency may discharge any of his responsibilities under this Act, by accepting a certification by a State agency that it will perform such responsibility if the head of such Federal agency finds that such responsibility will be performed in accordance with State laws, regulations, directives, and standards which will accomplish the purpose and effect of this Act. Prior to accepting a certification under the preceding sentence, the head of the Federal agency shall provide interested parties with an opportunity for public review and comment and shall consult with interested local general purpose governments.

"(2) The head of the lead agency shall issue guidelines and regulations to carry out this section.

"(3) The head of the lead agency shall, in coordination with other Federal agencies, monitor from time to time, and report biennially to the Congress on, State agency implementation of this section. A State agency shall make available any information required for such purpose.

"(4) After consultation with the head of the lead agency, the head of a Federal agency may rescind his acceptance of any certification under this section, in whole or in part, if the State agency fails to comply with such certification or with State law.

"(b) The head of a Federal agency may withhold his approval of any Federal financial assistance to or contract or cooperative agreement with any displacing agency found to have failed to comply with any certification under this section or with a State law.".

DECLARATION OF FINDINGS AND POLICY

SEC. 304. Section 201 of the Uniform Act (42 U.S.C 4621) is amended to read as follows:

"DECLARATION OF FINDINGS AND POLICY

"SEC. 201. (a) The Congress finds and declares that—

"(1) displacement as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition;

"(2) relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons;

"(3) the displacement of businesses often results in their closure;

"(4) minimizing the adverse impact of displacement of businesses is essential to maintaining the economic and social well-being of communities; and

"(5) implementation of this Act has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which will be improved by establishing a lead agency and allowing for State certification and implementation.

"(b) This title establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance. The primary purpose of this title is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

"(c) It is the intent of Congress that—

"(1) Federal agencies shall carry out this title in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs borne by States and State agencies in providing relocation assistance;

"(2) uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this Act; and

"(3) the improvement of housing conditions of economically disadvantaged persons under this title shall be undertaken, to the maximum extent feasible, in coordination with existing Federal, State, and local governmental programs for accomplishing such goals.".

MOVING AND RELATED EXPENSES

SEC. 305. (a) Section 202(a) of the Uniform Act (42 U.S.C. 4622(a)) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

"(a) Whenever a program or project to be undertaken by a displacing agency will result in the displacement of any person, the head of the displacing agency shall provide for the payment to the displaced person of—";

(2) by striking out "and" at the end of paragraph (2);

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following:

"(4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.".

(b) Section 202(b) of the Uniform Act (42 U.S.C. 4622(b)) is amended by striking out all that follows "may receive" and inserting in lieu thereof "an expense and dislocation allowance, which shall be determined according to a schedule established by the head of the lead agency.".

(c) Section 202(c) of the Uniform Act (42 U.S.C. 4622(c)) is amended to read as follows:

"(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the head of the lead agency may elect to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section. Such payment shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency, except that such payment shall not be less than $1,000 nor more than $20,000.".

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 306. Section 203(a) of the Uniform Act (42 U.S.C. 4623(a)) is amended—

(1) by striking out "Federal" in the portion of paragraph (1) preceding subparagraph (A) and inserting in lieu thereof "displacing";

(2) by striking out "$15,000" and inserting in lieu thereof, "$22,500";

(3) by striking out "acquired by" and all that follows through "market" in paragraph (1)(A) and inserting in lieu thereof "acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling";

(4) by striking out paragraph (1)(B) and inserting in lieu thereof the following:

"(B) The amount, if any, which will compensate such displaced person for any increased interest costs and other debt service costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling."; and

(5) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date on which such person receives final payment from the displacing agency for the acquired dwelling or the date on which the displacing agency's obligation under section 205(c)(3) of this Act is met, whichever is later, except that the displacing agency may extend such period for good cause. If such period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of such date.".

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

Sec. 307. Section 204 of the Uniform Act (42 U.S.C. 4624) is amended to read as follows:

"REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

"Sec. 204. (a) In addition to amounts otherwise authorized by this title, the head of a displacing agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days immediately prior to (1) the initiation of negotiations for acquisition of such dwelling, or (2) in any case in which displacement is not a direct result of acquisition, such other event as the head of the lead agency shall prescribe. Such payment shall consist of the amount necessary to enable such person to lease or rent for a period not to exceed four years, a comparable replacement dwelling, but not to exceed $6,000. At the discretion of the head of the displacing agency, a payment under this subsection may be made in periodic installments. Computation of a payment under this subsection to a low-income displaced person for a comparable replacement dwelling shall take into account such person's income.

"(b) Any person eligible for a payment under subsection (a) of this section may elect to apply such payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. Any such person may, at the discretion of the head of the displacing agency, be eligible under this subsection for the maximum payment allowed under subsection (a), except that, in the case of a displaced homeowner who has occupied the displacement dwelling for at least ninety days but not more than one hundred and eighty days immediately prior to the initiation of negotiations for the acquisition of such dwelling, such payment shall not exceed the payment such person would otherwise have received under section 203(a) of this Act had the person occupied the displacement dwelling for one hundred and eighty days immediately prior to the initiation of such negotiations.".

RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

Sec. 308. Section 205 of the Uniform Act (42 U.S.C. 4625) is amended to read as follows:

"RELOCATION PLANNING, ASSISTANCE COORDINATION, AND ADVISORY SERVICES

"Sec. 205. (a) At an early stage in the planning of a program or project undertaken by a Federal agency or with Federal financial assistance and before the commencement of any actions which will cause displacements, a relocation analysis shall be developed by the displacing agency to assist it in the recognition and successful resolution of those problems associated with the displacements of individuals, families, businesses and farm operations in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion.

"(b) The head of any displacing agency shall ensure that the relocation assistance advisory services described in subsection (c) of this section are made available to all persons displaced by such agency. If such agency head determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency head may make available to such person such advisory services.

"(c) Each relocation assistance advisory program required by subsection (b) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

"(1) determine, and make timely recommendations on, the needs and preferences, if any, of displaced persons for relocation assistance;

"(2) provide current and continuing information on the availability, sales prices, and rental charges of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations;

"(3) assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of—

"(A) a major disaster as defined in section 102(2) of the Disaster Relief Act of 1974;

"(B) a national emergency declared by the President; or

"(C) any other emergency which requires the person to move immediately from the dwelling because continued occupancy of such dwelling by such person constitutes a substantial danger to the health or safety of such person;

"(4) assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location;

"(5) supply (A) information concerning other Federal and State programs which may be of assistance to displaced persons, and (B) technical assistance to such persons in applying for assistance under such programs; and

"(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

"(d) The head of a displacing agency shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

"(e) Whenever two or more Federal agencies provide financial assistance to a displacing agency other than a Federal agency, to implement functionally or geographically related activities which will result in the displacement of a person, the heads of such Federal agencies may agree that the procedures of one of such agencies shall be utilized to implement this title with respect to such activities. If such agreement cannot be reached, then the head of the lead agency shall designate one of such agencies as the agency whose procedures shall be utilized to implement this title with respect to such activities. Such related activities shall constitute a single program or project for purposes of this Act.

"(f) Notwithstanding section 101(6) of this Act, in any case in which a displacing agency acquires property for a program or project, any person who occupies such property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project shall be eligible for advisory services to the extent determined by the displacing agency.".

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

Sec. 309. Section 206 of the Uniform Act (42 U.S.C. 4626) is amended to read as follows:

"HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

"Sec. 206. (a) If a program or project undertaken by a Federal agency or with Federal financial assistance cannot proceed on a timely basis because comparable replacement dwellings are not available, and the head of the displacing agency determines that such dwellings cannot otherwise be made available, the head of the displacing agency may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for such project. The head of the displacing agency may use this section to exceed the maximum amounts which may be paid under sections 203 and 204 on a case-by-case basis for good cause as determined in accordance with such regulations as the head of the lead agency shall issue.

"(b) No person shall be required to move from his dwelling on account of any program or project undertaken by a Federal agency or with Federal financial assistance, unless the head of the displacing agency is satisfied that comparable replacement housing is available to such person.".

ASSURANCES

Sec. 310. Section 210 of the Uniform Act (42 U.S.C. 4630) is amended by striking out "State agency" the first place it appears and inserting in lieu thereof "displacing agency (other than a Federal agency)", by striking out "State agency" the second place it appears and inserting in lieu thereof "displacing agency", and by striking out "decent, safe, and sanitary" in paragraph (3) and inserting in lieu thereof "comparable".

FEDERAL SHARE OF COSTS

Sec. 311. (a) Section 211(a) of the Uniform Act (42 U.S.C. 4631(a)) is amended to read as follows:

"(a) The cost to a displacing agency of providing payments and assistance pursuant to titles II and III shall be included as part of the cost of a program or project undertaken by a Federal agency or with Federal financial assistance. A displacing agency, other than a Federal agency, shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.".

(b) Section 211(b) of the Uniform Act (42 U.S.C. 4631(b)) is amended to read as follows:

"(b) No payment or assistance under title II or III of this Act shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by State law which is determined by the head of the lead agency to have substantially the same purpose and effect as such payment under this section.".

DUTIES OF LEAD AGENCY

Sec. 312. Section 213 of the Uniform Act (42 U.S.C. 4633) is amended to read as follows:

"DUTIES OF LEAD AGENCY

"Sec. 213. (a) The head of the lead agency shall—

"(1) develop, publish, and issue, with the active participation of other Federal agencies responsible for funding relocation and acquisition actions, and in coordination with State and local governments, such reg-

ulations as may be necessary to carry out this Act;

"(2) ensure that relocation assistance activities under this Act are coordinated with low-income housing assistance programs or projects by a Federal agency or a State or State agency with Federal financial assistance;

"(3) monitor, in coordination with other Federal agencies, the implementation and enforcement of this Act and report to the Congress, as appropriate, on any major issues or problems with respect to any policy or other provision of this Act; and

"(4) perform such other duties as may be provided by law as relate to the purposes of this Act.

"(b) The head of the lead agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

"(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable and as uniform as practicable;

"(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

"(3) that any aggrieved person may have his application reviewed by the head of the Federal agency having authority over the applicable program or project or, in the case of a program or project receiving Federal financial assistance, by the State agency having authority over such program or project or the Federal agency having authority over such program or project if there is no such State agency.".

PAYMENTS UNDER OTHER LAWS

SEC. 313. Section 216 of the Uniform Act (42 U.S.C. 4636) is amended by inserting after "Federal law" the following: "(except for any Federal law providing low-income housing assistance)".

TRANSFER OF SURPLUS PROPERTY

SEC. 314. Section 218 of the Uniform Act (42 U.S.C. 4638) is amended by inserting "net" after "all".

REPEALS

SEC. 315. Sections 214, 217, and 219 of the Uniform Act (42 U.S.C. 4634 and 4637) are hereby repealed.

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 316. (a) Section 301(2) of the Uniform Act (42 U.S.C. 4651(2)) is amended by inserting the following before the period at the end thereof: ", except that the head of the lead agency may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value".

(b) Section 301(9) of the Uniform Act (42 U.S.C. 4651 (9)) is amended to read as follows:

"(9) If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire that remnant. For the purposes of this Act, an uneconomic remnant is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and which the head of the Federal agency concerned has determined has little or no value or utility to the owner.".

(c) Section 301 of the Uniform Act (42 U.S.C. 4651) is amended by adding at the end thereof the following new paragraph:

"(10) A person whose real property is being acquired in accordance with this title may, after the person has been fully informed of his right to receive just compensation for such property, donate such property, and part thereof, any interest therein, or any compensation paid therefor to a Federal agency, as such person shall determine.".

ASSURANCES

SEC. 317. Section 305 of the Uniform Act (42 U.S.C. 4655) is amended by inserting "(a)" after "SEC. 305.", by striking out "a State agency" the first place it appears and inserting in lieu thereof "an acquiring agency", by striking out "State agency" the second place it appears and inserting in lieu thereof "acquiring agency", and by adding at the end thereof the following new subsection:

"(b) For purposes of this section, the term 'acquiring agency' means—

"(1) a State agency (as defined in section 101(3)) which has the authority to acquire property by eminent domain under State law, and

"(2) a State agency or person which does not have such authority, to the extent provided by the head of the lead agency by regulation.".

EFFECTIVE DATE

SEC. 318. This title and the amendments made by this title shall take effect two years after the date of enactment of this title, except that the amendment made by section 312 of this title (to the extent such amendment prescribes authority to develop, publish, and issue rules and regulations) shall take effect on the date of enactment of this title.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUSTER: Page 85, line 2, before the comma insert the following: "or a business defined by section 101(7)(D)".

Page 86, before line 23, insert the following:

(f) Section 101(7)(D) of the Uniform Act (42 U.S.C. 4601(7)(D)) is amended by striking out "(a)" after "202".

Mr. SHUSTER (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, this amendment is offered as a technical amendment to the Uniform Relocation Assistance Act of 1984. The first part of the amendment is a provision which parallels amendments to title I and title II of H.R. 5504.

Consistent with those amendments, it provides some measure of protection to businesses other than small businesses and farm operations with structures displaced because of a Federal project.

The second part of the amendment corrects the unintended exclusion of one small class of businesses from eligibility for increased payments available to all other businesses under section 202(c) of the Uniform Relocation Assistance Act. I believe it is a technical amendment and noncontroversial.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to my friend, the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I might say we have checked the gentleman's amendment and are willing to accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title III?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will ask the distinguished chairman to enter into a colloquy with me.

Mr. Chairman, I appreciate your willingness to participate in this colloquoy with me regarding efforts to rehabilitate the portion of the Baltimore-Washington Parkway under the jurisdiction of the Federal Government, and constituting the first 18 miles of the parkway going north from the District of Columbia into Maryland. Mr. Chairman, it is my understanding from our earlier discussions that you are aware of the need to address the problems facing the aging Baltimore-Washington Parkway and you are supportive of efforts to secure funds that were authorized for rehabilitation of the parkway in the Federal Aid Highway Act of 1970, Public Law 91-605 to be distributed out of the highway trust fund. Is my understanding correct?

Mr. HOWARD. Mr. Chairman, will the gentleman yield.

Mr. HOYER. I yield to the committee chairman.

Mr. HOWARD. The gentleman is correct.

Mr. HOYER. Further, it is also my understanding that since passage of the Congressional Budget and Impoundment Control Act of 1974 funds disbursed from the highway trust fund are normally allocated through the use of "contract authority" for Federal-aid highway projects. Because the funds for the Baltimore-Washington project were authorized prior to these changes requiring a direct appropriation action to provide these funds has been delayed. Mr. Chairman, are you supportive of efforts to secure these authorized but heretofore unappropriated funds through the appropriate procedures so that we may move forward in a timely manner with work with this project?

Mr. HOWARD. I say to the gentleman, yes, I am.

Mr. HOYER. I appreciate the distinguished chairman, the subcommittee chairman, and the ranking member for their cooperation.

Mr. McEWEN. Mr. Chairman, I rise in support of the Surface Transportation and Uniform Relocation Assistance Act of 1984. I want to take this opportunity to commend the distinguished chairman of the committee, Mr. HOWARD, for his leadership on this bill. I also want to commend Mr. SNYDER, the ranking member of the committee.

Mr. Chairman, in the waning days of the 97th Congress, we passed a monumental piece of transportation legislation. The Surface Transportation Act of 1982 was urgently needed to address our Nation's deteriorating transportation infrastructure. While I supported the legislation at that time because failure to pass the bill would have delayed needed work on our bridges and roads, I recognized that it was not perfect. I knew that we would have to come back and make some corrections.

The legislation before the House today makes those adjustments.

The 1982 Transportation Act further exacerbated a situation whereby States such as my own home State of Ohio are paying more in Federal highway taxes than they are receiving in the form of funds for road and bridge construction and maintenance. Already a donor State prior to the passage of the 1982 act, after its enactment, the disparity between what the taxpayers of Ohio were putting into the highway system and what they were getting out widened even further.

In committee, we were able to change the apportionment formula for the Interstate 4R program to compensate States such as Ohio. Section 121 of the bill changes the Interstate 4R formula from one which apportions funds 55 percent on the basis of interstate lane miles and 45 percent on the basis of interstate vehicle miles traveled to a formula which apportions funds 50 percent on the basis of interstate vehicle miles traveled, 25 percent on the basis of gasoline consumption, and 25 percent on the basis of diesel fuel consumption.

I believe that the formula adjustment approved by the committee for the 4R program provides for a more fair distribution. It is a formula based on road use rather than one based largely on highway mileage. The new formula takes into account the condition of a State's highways by including the amount of diesel and gasoline consumption. By including diesel fuel consumption, we are for the first time, recognizing the effects of truck travel on our roads.

No Federal funding formula is perfect. Recognizing that, two important studies were authorized. The first would investigate the equity of highway funding between urban and rural areas and the second will determine whether Federal funds are being distributed to the States on an equitable basis. These two studies will provide important data upon which future legislation can be based.

Another improvement included in the bill is a provision which provides relief to States which through no fault of their own have been unable to spend apportioned funds. Congressional delay on approving the interstate cost estimate created large backlogs of money which could not be committed to essential projects until this approval was granted. The bill insures that those States with large backlogs do not lose these funds. Furthermore, the bill would give the States 3 years to work through their backlogs.

Finally, consideration was given to the hardships placed on homeowners, businesses, and farmers who are displaced by new road construction. Additional assistance for these taxpayers is provided.

Mr. Chairman, the Surface Transportation and Uniform Relocation Assistance Act of 1984 is worthy of our support.

The CHAIRMAN. Are there further amendments to title III?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. DANIEL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5504) to apportion funds for construction of the National System of Interstate and Defense Highways for fiscal years 1985 and 1986, to revise authorizations for mass transportation, to expand and improve the relocation assistance program, and for other purposes pursuant to House Resolution 502, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1850

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 297, nays 73, not voting 63, as follows:

[Roll No. 220]

YEAS—297

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Barnard
Barnes
Bateman
Bates
Beilenson
Bennett
Bevill
Bliley
Boggs
Boland
Bonker
Borski
Boucher
Boxer
Breaux
Britt
Broomfield
Brown (CA)
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Clarke
Clinger
Coleman (MO)
Coleman (TX)
Collins
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
D'Amours
Daniel
Darden
Daub
Davis
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dowdy
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Fascell
Fazio
Feighan
Ferraro
Fields
Flippo
Florio
Foglietta
Foley
Ford (MI)
Fowler
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gramm
Green
Guarini
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Hayes
Hefner
Heftel
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Ireland
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Latta
Leath
Lehman (CA)
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Long (LA)
Long (MD)
Lott
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (IL)
Martinez
Mavroules
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Owens
Packard
Panetta
Parris
Patman

Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Ridge
Rinaldo
Ritter
Robinson
Roe
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Savage
Scheuer
Schneider
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skelton
Smith (FL)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Weber
Weiss
Wheat
Whitehurst
Wilson
Winn
Wolf
Wolpe
Wortley
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NAYS—73

Akaka
AuCoin
Badham
Bartlett
Bereuter
Bilirakis
Brown (CO)
Broyhill
Burton (IN)
Chappie
Cheney
Coats
Conable
Coughlin
Craig
Dannemeyer
Daschle
DeWine
Dorgan
Dreier
Edwards (OK)
Fiedler
Frenzel
Gibbons
Gradison
Gray
Gunderson
Hansen (UT)
Hertel
Hiler
Jacobs
Jeffords
Kramer
Lagomarsino
Leach
Lehman (FL)
Lent
Livingston
Loeffler
Lowery (CA)
Lujan
Lungren
Mack
Marlenee
McGrath
Molinari
Morrison (WA)
Nielson
Paul
Petri
Reid
Richardson
Roberts
Rudd
Sabo
Schaefer
Schroeder
Shumway
Skeen
Slattery
Smith (IA)
Smith (NE)
Smith, Denny
Solomon
Spence
Stump
Walker
Weaver
Whittaker
Williams (MT)
Wirth
Wyden
Zschau

NOT VOTING—63

Bedell
Berman
Bethune
Biaggi
Boehlert
Boner
Bonior
Bosco
Brooks
Clay
Coelho
Crane, Daniel
Crane, Philip
Crockett
de la Garza
Downey
Erlenborn
Evans (IL)
Fish
Ford (TN)
Gore
Gregg
Hansen (ID)
Harrison
Hartnett
Hatcher
Hawkins
Hightower
Hubbard
Hyde
Kemp
Kindness
Kogovsek
Leland
Lloyd
Madigan
Marriott
Martin (NC)
Martin (NY)
Matsui
Mazzoli
Mrazek
Olin
Ottinger
Oxley
Pashayan
Patterson
Pritchard
Rodino
Rose
Sawyer
Sensenbrenner
Shelby
Siljander
Simon
Solarz
Stokes
Waxman
Whitley
Whitten
Williams (OH)
Wise
Wright

□ 1900

Mr. RICHARDSON and Mr. LENT changed their votes from "yea" to "nay."

Mr. MOORE and Mr. McCOLLUM changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5504

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5504, the Clerk be authorized to correct section numbers, cross-references, and punctuation marks.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5504, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON H.R. 5798, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1985

Mr. ROYBAL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-830) on the bill (H.R. 5798) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MILLER of Ohio reserved all points of order on the bill.

REQUEST FOR PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, JUNE 8, 1984, TO FILE PRIVILEGED REPORT ON A BILL MAKING APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 1985

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight Friday, June 8, 1984, to file a privileged report on a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida.

Mr. HOWARD. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

□ 1910

Mr. MICHEL. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority whip about the program for the balance of this week and next week.

Mr. FOLEY. Mr. Speaker, will the distinguished Republican leader yield to me?

Mr. MICHEL. I am happy to yield to the majority whip.

Mr. FOLEY. Mr. Speaker, we have concluded the business for today and for the week. The House will not be in session tomorrow. It will be my intention to ask unanimous consent that when the House adjourns tonight, it adjourn to meet at noon on Monday next.

On Monday, District day, there will be one bill for consideration: H.R. 5565, to transfer land from the Capitol Architect to Metro.

And under suspension of the rules, six bills will be considered, as follows:

H.R. 5525, Semiconductor Chip Protection Act of 1984;

H.R. 4772, Vietnam Veterans of America (Charter);

H.R. 5600, preventive health services block grant authorization;

H.R. 5603, alcohol-drug abuse and mental health program authorization;

H.R. 3979, Comprehensive Smoking Education Act; and

H.R. 5496, Public Health Service Act amendments.

Recorded votes will be postponed until after debate on all suspensions.

Following the debate and votes on the suspensions on Monday, the House will consider H.R. 1510, the Immigration Reform and Control Act, subject to a rule being granted, considering the rule and general debate on Monday only.

On Tuesday and the balance of the week, June 12, 13, 14, and 15, the House will meet at noon on Tuesday and at 10 o'clock for the balance of the week to consider H.R. 1510, the Immigration Reform and Control Act, to complete consideration.

The House will adjourn by 3 p.m. on Friday. Conference reports may be brought up at any time, and any further program will be announced later.

It should be noted that it is anticipated, assuming the rule is adopted on the immigration bill, that we will be holding sessions on Tuesday, Wednesday, and Thursday which may extend into the evening hours, the House perhaps working as late as 10 p.m. each night to consider that legislation.

The House in any case will adjourn by 3 p.m. on Friday, as is our usual practice, in the event a Friday session is held.

Mr. MICHEL. Mr. Speaker, I was going to inquire of the distinguished gentleman whether or not he anticipated that we would be here on Friday.

Mr. FOLEY. Well, again I think it is subject to completing the schedule. If the immigration bill can be completed prior to Friday, there will be no Friday session. If it is not completed prior to Friday, there will be a Friday session.

Mr. MICHEL. And Members should be advised that we will be working late on Tuesday, Wednesday, and Thursday, for sure, as late as 10 o'clock.

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. And if we have to go over into Friday, would Members be free to leave at 3 p.m.?

Mr. FOLEY. Yes. If we do work on Friday, it is the intention to adjourn no later than 3 p.m.

Mr. WEBER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Minnesota.

Mr. WEBER. Mr. Speaker, I thank the leader for yielding.

I wonder if the distinguished majority whip could respond to a question. Many of us are interested in the equal access bill which, of course, failed to get the necessary two-thirds vote under suspension of the rules but which did receive a substantial vote majority. Often it has been the practice, when bills are defeated on the Suspension Calendar but get a substantial majority, that they are scheduled under the regular calendar, and I wonder if the majority whip could tell us if the majority has any plans this week or, frankly, at all in the future to bring the equal access bill to the floor on the regular calendar.

Mr. FOLEY. Mr. Speaker, will the gentleman yield further?

Mr. MICHEL. I am happy to yield to the majority whip.

Mr. FOLEY. Mr. Chairman, I appreciate the gentleman's question.

The chairman of the committee, the gentleman from Kentucky (Mr. Perkins), has requested a rule on the legislation that the gentleman from Minnesota mentioned, and that request has been submitted to the Rules Committee, but the Rules Committee has not yet held a hearing on the request. So I cannot advise the gentleman further. But the request is before the Rules Committee.

Mr. WEBER. Mr. Speaker, I thank the gentleman.

Mr. MICHEL. And, Mr. Speaker, I would emphasize again, I think, to our Members reading the Record particularly, that we will definitely have rollcalls on Monday. They may be a little later in the day, but there will definitely be rollcalls, will there not?

Mr. FOLEY. Mr. Speaker, I am glad the gentleman made that point.

Of course, it is impossible to say with absolute certainty that there will be rollcalls, but I think any Member with experience in the House shoud assume that there could be many rollcalls on Monday. Six bills are scheduled under suspension of the rules, there is one bill on district day, and there is the rule on the immigration bill, which almost certainly will be conducted by a rollcall vote. So Members are wisely advised by the distinguished Republican leader to consider the likelihood of several rollcall votes.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am just interested in the first bill that leads off the calendar for next week, the transfer of land from the Capitol Architect to Metro. Do we have any idea what that bill is about?

Mr. FOLEY. Mr. Speaker, I am not personally aware of the details of the legislation. I do not see any member on the floor from the Committee on the District of Columbia which is involved. The gentleman may have to make that inquiry of the Committee on the District of Columbia. I am not aware of the details myself.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, JUNE 11, 1984

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The Speaker pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WEBER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

SPECIAL ORDERS GRANTED

Mr. FRANKLIN. Mr. Speaker, I ask unanimous consent that following legislative business and any special orders heretofore entered into, the following Members may be permitted to address the House, revise and extend their remarks and include therein extraneous matter:

Mr. Morrison of Washington, for 15 minutes, today.

Mr. Bereuter, for 5 minutes, today.

Mr. Denny Smith, for 5 minutes, today.

Mr. Lott, for 10 minutes, today.

Mr. McDade, for 5 minutes, today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I will not object, but I take the time so that I may yield to the gentleman from Washington for a moment, who I understand has an answer to my question about the first bill on the calendar for next week.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

I have some general information that may help give some enlightenment on the legislation, H.R. 5565, the transfer of land from the Capital Architect to Metro. I am advised that the Green Line, the subway line of Metro, would normally require the taking of some land in Anacostia which is under the Architect. It consists of certain greenhouse buildings and property, and the legislation transfers this to Metro subject to reimbursement in kind of similar lands to be restored to the jurisdiction of the Architect. Normally speaking, of course, there would be a right of condemnation, but in this case, because it is under the jurisdiction of the Architect, this transfer is required.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Do we have any idea what the repayment in kind is going to be?

Mr. FOLEY. Mr. Speaker, I think further details would have to be elicited when the bill is debated on Monday. I am not able to give the gentleman any information beyond that.

Mr. WALKER. Mr. Speaker, I thank the gentleman very much, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WHITE HOUSE CONFERENCE ON INTERNATIONAL TRADE

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, In 1981 I wrote a letter to President Reagan asking that he convene a bipartisan economic summit concerning the recordbreaking deficits that many of us realized and could see that were going to occur.

The President never called that bipartisan domestic economic conference, but I would like to point out today there is an economic summit taking place in London. I only wish that the President would have had an economic summit, a bipartisan one, between the Democrats and Republicans of this Nation to address the recordbreaking domestic deficits.

But today, Mr. Speaker, I have introduced a bill calling on the President to convene a White House Conference on International Trade. Next to the domestic deficit, I can think of no financial subject which should be of more concern to us than the international trade deficit, particularly being that for the fourth consecutive month, the United States has experienced a recordbreaking balance of trade deficit.

The April deficit figures were $12.2 billion, following minus reports of January's $9.5 billion, February's $10.1 billion, and March's $10.3 billion. The first 4 months of 1984 thus have totaled a negative $42.1 billion, which is 60 percent of the 1983 deficit in one-third of the time.

If the projections hold true, then the deficits accumulated in the 4 years from 1981 through 1984 will be 200 percent greater than all the trade deficits since 1946, a period that encompasses the seven preceding President's administrations and the prior 34 years before President Reagan.

How long is the United States going to bumble along, like Mr. Macawber of Charles Dickens fame, hoping that something will turn up?

I say we have waited long enough and must establish a coherent, comprehensive international trade policy which will be as firm as our defense policy.

We are being out "horse-traded" on almost every front. It is like two fellers swapping dollar knives and the best trader getting a dollar to boot.

There are, of course, other factors. For one, this administration with its record domestic deficits and inflexible fiscal policies, has forced the value of the dollar to unprecedented highs in relation to foreign currencies and either cannot or will not do anything about it.

One administration embargoes soybeans and a dominant trade partner puts Brazil in the soybean business.

Another administration embargoes grain, and our agriculture trade partners pick up the slack.

An administration withholds oil field production and gas transmission equipment and machinery, and thousands more domestic jobs are lost.

Japanese automobiles displace millions of American wage earners and taxpayers. Imported steel destroys the domestic production capabilities and throws thousands more on the unemployment rolls.

This administration offers a payment-in-kind program to the Nation's farmers, who reduced domestic production 11 percent, and a PIK-cost to the taxpayers is estimated at between $20 billion to $35 billion, no one knows for sure. PIK did not reduce the world surplus nor raise domestic farm prices to parity. Our competitors seized on the obvious opportunity and increased their production a like percentage.

As the saying goes, "It takes two to tango." The United States cannot unilaterally set world trade policies.

A few points, Mr. Speaker:

First. The United States has no foreign trade policy. We have the U.S. Trade Representative, the Secretary of Commerce, the Secretary of Agriculture, plus the Secretary of Defense, the Secretary of State, and others, flouncing around in their own fields of interest trying to use trade as it applies to their peculiar interests. They, and the people who serve with them, are honorable people and are doing the very best they can under trying circumstances. Let us try to help them.

Second. For 11 of the past 14 years, the United States has experienced negative balances of trade. The cumulative negative value of trade deficits is $263.3 billion. And 61 percent of that has been in the past 4 years. These calculations do not include any of the current years' figures.

Third. From 1946 through 1969, the United States showed a positive balance of trade each year, totaling $94.2 billion. There were 3 plus years from 1970 to 1979, yet that decade resulted in a cumulative net deficit of $104 billion.

Fourth, during the 4-year period of 1980 through 1983, and including the present year, there has not been a quarter in which a positive balance of trade was recorded.

Fifth, the first 4 months of 1984 have shown a trade deficit of $42.1 billion, nearly 50 percent of the entire deficit accumulated in 1980 through 1982, and 60 percent of last year's $69.4 billion. Projections are that the deficit this year will exceed $126 billion. The Director of the Institute for International Economics stated that "there's no end in sight" to the deficits.

I find that attitude unacceptable. We can do something about it.

The Congress, the President, and the executive branch, along with businessmen, industrial leaders, bankers, and agriculture producers of this Nation—the best thinkers of the world—should get together and do something about it.

Let me recap: From 1946 through 1970, the United States enjoyed a plus balance of trade of $96.8 billion. From 1971 through 1979, the net deficit was $101.3 billion. In the 4 years since 1980, the negative balance has been $159.4 billion. And if the projections are correct--and I have found projections made in the past few years to have been made well on the safe side—the 1984 trade deficit will equal 79 percent of the past 4 years' deficit and the Reagan trade deficit thus will be 200 percent of the previous seven Presidents' administration over the prior 34 years.

A few more items:

A. The export of agricultural commodities, of which the United States produces a bounty and is capable of producing even more, continues to decline at a time when our Nation's farmers are mired in economic conditions as severe or worse as those of the Great Depression.

B. The decline in agricultural exports comes at a time when many people of the world are starving while the United States has grain and other agriculture products rotting in warehouses.

C. The value of imported petroleum and petroleum products continues to be a major portion of the negative balance of trade while coal deposits in Oklahoma and other States remain unmined. Petroleum and natural gas wells are capped. Today's rotary rig count, a measure of domestic exploration activity, at 2,328 is 60 percent of 1981's 3,858, 79 percent of 1982's 2,931, but it is improving at 13 percent higher than the low mark of 2,062 of April 1983. Potential hydroelectric powersites remain undeveloped while utility rates continually escalate beyond somes' capacity to pay to stay warm or to cook.

D. Changes in worldwide commerce, manufacturing, industrial competitiveness, and technology indicate the world is in an unprecedented, incomplete industrial revolution.

E. For each dollar of negative trade balance there is a corresponding loss of domestic jobs, further costs to the taxpayers for unemployment compensation or retraining and retooling, loss of taxpayer income, and a reduction of the gross national product. This does not include the incalcuable loss due to human misery, anxiety, family disruption, mental health, crime, and other attendant social problems.

F. For each dollar value of agriculture commodities stored in the United States and not made available to desiring world markets, there is a corresponding decline in agricultural productivity, and a direct burden on the U.S. taxpayers for payment of storage, commodity quality maintenance, and the cost of interest on money borrowed by the Treasury to pay those cost factors.

G. There is a need for regional trade centers within the United States so that producers, manufacturers, and providers of services may meet in the different geographic areas—which produce different goods and services—with potential exporters, private individuals, companies, or representatives of foreign governments.

H. There is a loss to the U.S. gross national product and a lessening of domestic economy growth potential for the goods and services which are available or can be made available but are not exported.

I. There is an imperative need for a national international trade policy to increase, coordinate, and expedite measures which will increase the export of, and demand for, U.S. goods and services with a corresponding increase in domestic jobs.

Mr. Speaker, I call on my colleagues in this body, as well as those in the other body, to proceed rapidly, yet with sound reasoning, toward the enactment of this legislation, calling for a White House Conference on International Trade.

This legislation calls for the Conference to devise a policy on international trade, submit a report to the President within 180 days after adjournment, and the International Trade Representative, in consultation with the Secretaries of Commerce and Agriculture, to submit recommended legislative and regulatory suggestions within 90 days of that to the President and the Congress. Let us get on with it.

I fear we may have already waited too long as it is for "something to turn up," and to recapture lost markets and lost jobs.

MATHEMATICS, SCIENCE, AND TECHNOLOGY HIGH SCHOOL ACT OF 1984

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, I would like to bring to the attention of my colleagues a bill which I have introduced today, the "Mathematics, Science, and Technology High School Act of 1984."

It has been widely reported that our Nation's educational system is being challenged by our competitors throughout the world. The scare of the Soviet satellite sputnik in 1957 caused enrollments in mathematics and science at the high school level to peak. Unfortunately, they have been on the decline ever since. This decline explains why there are so many students who fresh out of high school are not well prepared enough to tackle college level science and mathematics courses. Between 1975 and 1980, remedial mathematics courses in public 4-year colleges increased by 72 percent and now constitute one-quarter of all mathematics courses taught at those institutions.

Currently, less than half of America's high school students are enrolled in at least one or more science or math course, and less than 7 percent of these students are taking either the physics or chemistry courses necessary for a college-bound science or engineering major. A recent Rockefeller Foundation report indicated that at the ninth grade level, the pool of students who are both interested and possess the skills to pursue advanced scientific/mathematic education paths and/or careers reaches its maximum size.

This bill is designed to assist our school districts in the planning and establishment of exemplary high schools which specialize in advanced science, mathematics, and computer technology instruction. The bill is also designed to provide incentives to postsecondary institutions which create linkages with local school districts to provide advanced instruction to high school students.

The bill creates three grant programs. The first program establishes planning grants. These planning grants would assist school districts with the costs associated with the creation and implementation of a planning process for an exemplary high school. Under this grant program, school districts would receive funds to develop specialized programs and curriculum in the areas of science, mathematics, engineering, and computer technology; train faculty in state-of-the-art instruction in high technology areas; identify and develop sources of private support for the school; and establish and design and direction of the school.

The second program provides grants to school districts to assist with, and contribute to, the startup costs of an exemplary high school. Under this grant program, funds may be used for acquisition of materials, supplies, equipment, and furnishings; development of curricular materials; renovations of existing facilities; hiring of specialized adjunct faculty; and costs associated with developing resource sharing with government, private business, industry, and local colleges and universities.

The third program establishes grants to assist postsecondary institutions in the development and implementation of partnerships with high schools in their local communities. These postsecondary institutions could use funds to purchase textbooks, materials, and supplies; pay teacher stipends; provide transportation for participating students; and develop resource sharing arrangements with local government, private business, and industry. Then partnerships would provide advanced instruction in the areas of mathematics, science, engineering, and computer technology for high school students. The instruction could be in the form of summer, after-school, or Saturday workshops.

Communities such as New York City, Chicago, Atlanta, and Houston, and States like North Carolina and Louisiana have proven that by combining limited financial resources, top-notch teachers, committed and promising students, and innovative uses of equipment and facilities, exemplary high schools can be created. They produce dramatic and impressive gains in student academic achievement. An illustration would be the students at the Bronx School of Science in New York City. Its students annually dominate the prestigious Westinghouse science talent search. That year they took 1st, 6th, and 10th places; 6 Bronx science students were in the top 40.

Schools like the Bronx School of Science in New York City and the North Carolina School of Science and Mathematics are attracting and training the most promising students in their communities. Postsecondary institutions like Hunter College and Massachusetts Institute of Technology are engaged in linkages with local high schools to provide advanced science and mathematics study to high schools. However, these efforts must be encouraged, strengthened, and broadened to the hundreds of other communities in our Nation.

At a time when financial resources are scarce and the need for addressing the growing inadequacies in our educational system is high, I believe that we should attempt to build these islands of excellence in many communities in our Nation. Multiplied over time, these islands of excellence could potentially transform American education to a point where the exemplary high school becomes the norm.

REMEMBERING D-DAY

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANTOS. Mr. Speaker, yesterday the sun broke through the cloudy skys of Normandy as if to pay its tribute to the thousands of heroes whose young lives were snuffed out in the first hours of D-day as the free societies of the world were unleashing their ultimate triumphant offensive to smash Hitler's tyranny in Europe.

In the midst of this turbulent election year it is critical that we pause for a moment to be reminded by the heroism of Allied soldiers on the Normandy beaches of all the fundamental things that bring us together, Democrats and Republicans and peoples of all free democracies.

President Reagan's moving and sensitive speech at our military cemetery at Omaha Beach dwelt mainly with the thoughts of the late Pfc. Robert Zanatta, whose daughter Lisa—my neighbor from Millbrae, Calif.—joined us at Omaha Beach yesterday and hopefully spoke for her generation. She ended with a promise to her father, who died 8 years ago:

> . . . Dad, I see the beaches and the barricades just like you wanted to do . . . I feel all the things you made me feel through your stories and your eyes. I shall never forget what you went through, Dad, nor will I let anyone else forget—and Dad, I shall always be proud.

All of us in the Congress wish to say to Private Zanatta and to all the men of honor and courage who fought beside him four decades ago: We will always remember. We will always be proud. And we will always be prepared so we may always be free.

President Reagan's speech follows:

TEXT OF REMARKS BY THE PRESIDENT AT UNITED STATES-FRENCH CEREMONY COMMEMORATING D-DAY

OMAHA BEACH,
COLLEVILLE SUR MER, FRANCE,
June 6, 1984.

We stand today at a place of battle, one that 40 years ago saw and felt the worst of war. Men bled and died here for a few feet or inches of sand as bullets and shellfire cut through their ranks. About them, General Omar Bradley later said: "Every man who set foot on Omaha Beach that day was a hero."

No speech can adequately portray their suffering, their sacrifice, their heroism. President Lincoln once reminded us that—through their deeds—the dead of battle have spoken more eloquently for themselves than any of the living ever could, that we can only honor them by rededicating ourselves to the cause for which they gave a last full measure of devotion.

Today, we do rededicate ourselves to that cause. And at this place of honor, we are humbled by the realization of how much so many gave to the cause of freedom and to their fellow man.

Some who survived the battle on June 6th, 1944, are here today. Others who hoped to return never did.

"Someday, Lis, I'll go back," said Private First Class Peter Robert Zanatta, of the 37th Engineer Combat Battalion, and first assault wave to hit Omaha Beach. "I'll go back and I'll see it all again. I'll see the beach, the barricades, and the graves."

Those words of Private Zanatta come to us from his daughter, Lisa Zanatta Henn, in a heart-rending story about the event her father spoke of often: "The Normandy Invasion would change his life forever," she said.

She tells some of his stories of World War II, but says for her father "the story to end all stories was D-Day."

"He made me feel the fear of being on that boat waiting to land. I can smell the ocean and feel the seasickness. I can see the looks on his fellow soldiers' faces, the fear, the anguish, the uncertainty of what lay ahead. And when they landed, I can feel the strength and courage of the men who took those first steps through the tide to what must have surely looked like instant death."

Private Zanatta's daughter says: "I don't know how or why I can feel this emptiness, this fear, or this determination, but I do. Maybe it's the bond I had with my father. . . . All I know is that it brings tears to my eyes to think about my father as a 20 year old boy having to face that beach."

The anniversary of D-Day was always special for her family; and like all the families of those who went to war, she describes how she came to realize her own father's survival was a miracle.

"So many men died. I know that my father watched many of his friends be killed. I know that he must have died inside a little each time. But his explanation to me was 'You did what you had to do and you kept on going.' "

When men like Private Zanatta and all our Allied forces stormed the beaches of Normandy 40 years ago, they came not as conquerors, but as liberators. When these troops swept across the French countryside and into the forests of Belgium and Luxembourg, they came not to take, but to return what has been wrongly seized. When our forces marched into Germany, they came not to prey on a brave and defeated people, but to nurture the seeds of democracy among those who yearned to be free again.

We salute them today. But, Mr. President, we also salute those who, like yourself, were already engaging the enemy inside your beloved country—the French Resistance. Your valiant struggle for France did so much to cripple the enemy and spur the advance of the armies of liberation. The French Forces of the Interior will forever personify courage and national spirit; they will be a timeless inspiration to all who are free, and to all who would be free.

Today, in their memory, and for all who fought here, we celebrate the triumph of democracy. We reaffirm the unity of democratic peoples who fought a war and then joined with the vanquished in a firm resolve to keep the peace.

From a terrible war, we learned that unity made us invincible; now, in peace, that same unity makes us secure. We sought to bring all freedom-loving nations together in a community dedicated to the defense and preservation of our sacred values. Our alliance, forged in the crucible of war, tempered and shaped by the realities of the post-war world, has succeeded. In Europe, the threat has been contained, the peace has been kept.

Today, the living here assembled—officials, veterans, citizens—are a tribute to what was achieved here 40 years ago. This land is secure. We are free. These things were worth fighting—and dying—for.

Lisa Zanatta Henn began her story by quoting from her father, who promised he would return to Normandy. She ended with a promise to her father, who died 8 years ago of cancer: "I'm going there . . . Dad, and I'll see the beaches and the barricades and the monuments. I'll see the graves and I'll put flowers there just like you wanted to do . . . I'll feel all the things you made me feel through your stories and your eyes. I'll never forget what you went through, Dad, nor will I let anyone else forget—and Dad, I'll always be proud."

Through the words of his loving daughter—who is here with us today—a D-Day veteran has shown us the meaning of this day far better than any President can. It is enough for us to say about Private Zanatta and all the men of honor and courage who fought beside him four decades ago: We will always remember. We will always be proud. We will always be prepared, so we may always be free.

□ 1920

RECOGNITION OF MEMBER FOR SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. McEwen) is recognized for 60 minutes.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that the gentleman from Colorado (Mr. Brown) be allowed to take his special order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

HOUSE RESOLUTION 518, SUNSHINE RESOLUTION

The SPEAKER pro tempore. The gentleman from Colorado (Mr. Brown) is recognized for 60 minutes.

Mr. BROWN of Colorado. Mr. Speaker, I think all Americans constantly look for ways to perfect and improve our democracy that we cherish so much. In essence, what we have done as a people is committed the power of this country to individuals in this country. We based our faith and our passion in a system of government that comes from the bottom up, not the top down. In that commitment, we have sought for ways to more accurately reflect the views and the feelings of the people we are all elected to represent.

It is in that concern and in that light that I introduced yesterday the sunshine resolution, House Resolution 518, which I believe will help improve the democratic process of this House. It will help us represent our constituents better and help them understand the process as well as make input into our deliberations here. That is important, because the decisions that we make not only are important, but the fact that we represent them and voice their concerns are important as well.

I would at this point like to defer to a question from the gentleman from Pennsylvania, who has some comments with regard to this measure, and I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I want to congratulate the gentleman both for taking the special order in which to explain the rules package that he has brought forward and also for introducing this rules package. It is in fact a major movement toward trying to get this House to be responsive, responsive in the sense of being open to the public. The measures in this package which go toward having expanded television coverage in this House, which go toward having an elimination of proxy voting in the House, that go to cleaning up the Congressional

Record so that it is in fact an accurate representation of what goes on in the House, all these elements of the rules package, plus some others that the gentleman has in there, are major steps in the right direction, are steps toward a House which could be truly responsive to the people of this country.

I just think the gentleman deserves the commendation of all the Members of this body and certainly from the American people who feel that democracy can only flourish where openness and sunshine are truly advocated. The gentleman's rules package advocates just that.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman from Pennsylvania.

What we are dealing with in H.R. 518 is in fact a sunshine resolution for 1984 and 1985. I would like to review it briefly so that we can explore the areas that I think deserve and merit strong bipartisan support in improving our democracy.

First of all, I think the Members and the public at large are aware that the remarks that appear in the Congressional Record are not always the verbatim transcript of what is presented here on the floor. While each and every one of us I think would understand the need to correct grammar and correct punctuation, to be willing to correct typographical errors, I think everyone shares my concern that the substance, the real substance of what is said in this body should not be lost or should not be changed.

I would simply refer many of the Members to some of the instances in the debate when two Members will be debating and one makes a misstatement or one finds himself embarrassed by a point made on the other side, or facts are brought to light in that debate that substantially affect the issue that is before the House.

There are instances where individuals have gone back and changed those remarks so that the real substance of what is involved in that discussion is lost to the Record forever.

I would hope one of the major purposes of this is to give us a clean and honest record of the House proceedings; so the first measure the No. 1 measure in the sunshine resolution is to require accuracy and honesty in the Congressional Record. It permits grammatical changes. It permits correction of typographical errors, but it does insist that this historical Record be an accurate one.

I think that is important for our concern for democracy and the democratic process. How else can our voters judge us and our actions if the Record itself is doctored.

So the first measure for sunshine is to deal with that Record and make it honest and open.

I see my colleague is here from California. I yield to the gentleman.

Mr. DREIER of California. Mr. Speaker, could the gentleman explain to us exactly how that Record is kept and how Members can insert items without having made statements right here on the floor?

Mr. BROWN of Colorado. There are, of course, a number of potentials. One, of course, is to make those remarks here on the floor, but of course our rules presently allow extensions of remarks so that not only the things that are said on the floor, but things they choose to add later on that have never been said on the floor can be added.

This new rule change does not eliminate a Member's ability to do that, but it does say simply that ought to be marked so that the citizens of our country have some idea that that process has been followed.

Obviously, we are entitled to submit additional items to be printed in the Record, but what is important I think is for the Record to be done in such a way so that the voters or our constituents can clearly understand what process has been followed in putting these things in the Record.

Mr. DREIER of California. So is the gentleman recommending then that we have that bullet which we now see on extensions of remarks which are offered at the end of the day, is that part of the proposal?

Mr. BROWN of Colorado. I believe that is an important part of accuracy in the Record, because that will give the reader of that Record a clear idea of what indeed was said on the floor and available for comment and criticism.

Mr. DREIER of California. It sounds like a very good recommendation and I wholeheartedly support the gentleman's efforts on it.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman from California.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. Is the gentleman saying then that where the statements were not actually made during debate or on the floor, but were inserted rather, that those words, this passage was inserted or this statement was inserted in the Record, that that would precede the statement as it appeared in the Record?

Mr. BROWN of Colorado. Well, that portion of the rules would not change. This merely affects a Member's ability—the rule change here affects a Member's ability to revise what he or she may have said on the floor. It does seem to me that it is perfectly proper for us to require that kind of identification, though, for things that are inserted into the Record.

Mr. HUNTER. Mr. Speaker, if the gentleman will continue to yield, I think that is something perhaps we should look at, because I think that while we understand that the bullet that the gentleman from California was referring to means that in fact those words were not spoken on the floor, but rather were inserted in the Record, most of our constituents do not realize that; so when they see a copy of the Congressional Record or a Xerox copy of a statement, the bullet or the absence of it has little significance to them. I think that would be perhaps an interesting thing.

Another thing, the gentleman stated is that when we change our remarks, that changes the whole context of the conversation or the debate that occurs between Members. I think the gentleman is making an excellent point because you may say something, I may reply in rebuttal to what you said and then you may respond to what I have said. If I change my statement, then that affects the context in which your statement is taken by the public that is reading the debate, so we end up really I think clouding the debate or confusing the debate when the participants are allowed to amend and to change their statements.

Mr. BROWN of Colorado. I think the gentleman makes an excellent point and I would guess many of our constituents simply were not aware that that sort of chicanery could go on under the current rules.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. McCOLLUM. I am very pleased to see the gentleman introduce this legislation. It occurs to me there is an even more fundamental point than fooling the public or whatever. Most of the courts of this country interpret what we have spoken in the legislative law itself by looking at what was spoken on the floor.

□ 1930

Many times a court will come along and read what the Members had to say and the argument that went on on the floor and say well, this is what the congressional intent was. And if the Member has said one thing on the floor, perhaps another Member would not have made a comment because he or she thought that that was covered by a dialog that went on just before. Yet under the rules, we have the right now where there could be doctoring, in essence, where you can change that completely and the intent, as the courts may later interpret it, can be far different from what other Members thought they were hearing and thought was being protected at the time the debate went on.

So there is a great deal more to your amendment than simply a question of accuracy for the purposes of public consumption. And I commend the gentleman for making the effort to get us on the right road.

Mr. DREIER of California. Will the gentleman yield?

Mr. BROWN of Colorado. I am happy to yield to the gentleman from California.

Mr. DREIER of California. I am curious to know, then, and I thank the gentleman for yielding, if it would be possible for a Member to stand here on the floor of the House and take a position on an issue and alter the Record in such a way that it would look as if he took the opposite position, if he so wished?

Mr. BROWN of Colorado. Of course that sort of thing would violate, I think, the unwritten and in areas written code of ethics that membership in this body implies.

But, unfortunately, the mechanics are present under our current system that that kind of abuse could occur.

Mr. DREIER of California. That is further reason for us to support your resolution and I thank the gentleman.

Mr. BROWN of Colorado. I thank the gentleman.

The second item in the sunshine resolution is one that I think most Members will feel in strong agreement with. It provides for a complete and uncensored broadcasting of the House proceedings.

Lately we have had some disagreement about whether or not we should have open coverage of the Chamber in hours such as this one when you do not have a large attendance in the audience. It seems to me that disclosing the truth and the facts is always appropriate, that this body should not try to hide the number of people that are on the floor, that that kind of information should be available.

So the sunshine resolution calls for that kind of TV coverage.

I might mention my preference in this area is to have as completely open televised system for our proceedings. My personal preference would be to have the cameras that cover this room controlled by the media, and in that competitive market for information I think they could inform the American citizens far better than the controlled system we now have.

So what is in the sunshine resolution is a very modest proposal. It is only part of what I would like to see us move to.

But what it does insist on is an accuracy in reporting and a consistent policy with regard to spanning the Chamber, not just spanning it when people you disagree with are speaking or spanning it when people you agree with are speaking, but spanning it on a consistent basis.

I might mention also when we are having votes I would hope that we would have the cameras cover not only the votes, how that vote is going, but how each individual Member is voting.

I think we are past the day and age when the television coverage of this House should be to mislead the public or used to mislead the public, or should be used in a partisan basis or should be used to not convey the real information of what is happening in this House.

Mr. HUNTER. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I was just going to say that I think you have hit on something that I had not thought about before. But is the gentleman from Colorado saying that after a vote, perhaps the cameras should flash up and should show how the Members voted on the Members' scoreboard so that the people who are sitting back in their hometowns, in communities throughout America who are watching C-SPAN can say, wait a minute—my Congressman is Congressman Jones. There he is right there and he voted "yes" on this particular issue. Is that what the gentleman is suggesting?

Mr. BROWN of Colorado. I think that is exactly what I had in mind. Frankly, the fact that we do not do that means that we are covering up how Members are voting. And it seems to me in the spirit of openness of this body that we should not attempt to cover up how Members vote.

Mr. HUNTER. I thank the gentleman.

Mr. BROWN of Colorado. That information is not always available in people's home papers or radio or television coverage. But people who watch the proceedings on the House floor are interested in how they are being represented, and it seems to me that is the very minimum they should expect in terms of knowing how the vote that represents them is being cast.

Mr. HUNTER. And since it is a visual vote, it could take just a few seconds to flash it up there and people could look for the name of their particular Representative and ascertain how they voted.

Mr. BROWN of Colorado. That is exactly right. I think, as many people know, the system we follow here in the House has a color coded light next to the individual Member's name. By simply glancing at the board, they can tell how their Member voted by simply looking at the color that is adjacent to that name.

Mr. McCOLLUM. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. McCOLLUM. I think this is another excellent proposal in your bill and I think one of the reasons why, in addition to letting people know how folks vote, if you look occasionally in the audience during the regular debate that goes on here on the floor, I think there will be more of an awareness by the public of the fact that many times there are not a lot of Members on the floor of the House during regular business.

Now, is that good or is that bad? You always have, I am sure, constituents; I have them coming up here and coming to the galleries. One of the things, if they have never been to Washington before, that they are most impressed with is the gallery and they are usually chagrined that there are very few people here unless it is some unusual debate.

But that is an ordinary thing here, because we are different from the legislative bodies in the State legislatures, at least in my State, where the committee work is being done at one time and then the work being done in the way of vote is at another time. And I think we should not shock the people when they come to Washington. They should be shocked initially and let them know what it is like.

Our Government is so big and we are doing so much work that we have to do it this way.

I do not think Government ought to be this big and I do not think the gentleman from Colorado thinks it ought to be, either. But nonetheless we should not be fooling the public about that factor either.

I think your bill would make a good point in that regard.

Mr. BROWN of Colorado. I certainly agree with the gentleman's point. The fact is that the rules of this House should not be manipulated, as at times they are now, to hide the truth of the proceedings on this floor from the public. That is what this sunshine proposal is all about.

Mr. DREIER of California. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. DREIER of California. I thank my friend from Colorado for yielding.

I would like to know in my office when I have the television on and we go into a recorded vote, the screen is covered up and we see the numbers going up and down, and I was told when I first got here that the reason that they do not show the floor of the House at that time is that they do not want to have the audience witness the twisting of arms and that sort of thing going on when a vote is taking place.

Does your proposal include modifying that?

Mr. BROWN of Colorado. It does, indeed. It seems to me that that is part of the legislative process.

Mr. DREIER of California. It certainly is. I have found that from my experience.

Mr. BROWN of Colorado. We should not have the rules of this House hide that from the public. The American citizens are entitled to know the truth.

Mr. DREIER of California. I wholeheartedly agree with the gentleman, and when he is twisting my arm in the well sometime in the future, it will be nice that the audience will be able to witness that.

Mr. BROWN of Colorado. I do not know of anyone in this Chamber that would dare twist your arm in the well.

The third ingredient in the sunshine resolution is one that removes the secrecy surrounding the signing of discharge petitions. I think it will be of a shock to many Americans to find that this Chamber clouds the discharge petition process in secrecy and refuses to allow the public to know the names of individual Members who sign that discharge petition.

I think, as the Members are well aware, those discharge petitions are necessary because when a committee chairman will refuse to bring a measure to the floor for a vote by the elected Representatives of this country, there is an alternative and that alternative is for the Members to sign a discharge petition. And when we reach a majority of the Chamber, that then can effect a discharge from the committee. And it is an essential ingredient because the democracy of our country depends on us being able to get a recorded vote or a vote on the issues of concern to this Nation.

We need look no further than some of the abuses that have occurred in this session with regard to some of the crime bills that have not been permitted to come to the floor. The Immigration Act has currently been bottled up in this Congress for months on end. Hopefully, that is coming to an end next week.

Mr. MACK. Will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. I think it would be helpful if we put in context what the discharge petition is used for. And I think as we go through, as you have just been mentioning it, it becomes fairly obvious as to why it has been kept secret all these years as to who is signed on to a discharge petition.

Again, remember a discharge petition is used to discharge a bill from a committee because the Speaker or the leadership says that they do not want that piece of legislation to come to the floor of the House to be voted on. And as the Rules of the House were developed over the years, it was agreed that a discharge petition would be allowed, that is, if a certain number of Members of the House were to sign that—in essence saying that we demand that that legislation come to the floor of the House—it would allow for the power of the Speaker to be circumvented, or the power of the schedule to be circumvented and to bring the legislation directly to the floor.

□ 1940

So by keeping it secret, though, what it really meant was that if someone, let us say, back home were to ask me, would I sign a discharge petition so that we could get the number up to 218, I could say to them, well, certainly I have signed that discharge petition, fully realizing that no one would ever know whether I did or did not, therefore really taking the pressure off me to be the 215th, 216th, 217th, that would finally put the discharge petition to the point where they would have to bring the legislation to the floor.

Mr. DREIER of California. Will the gentleman yield?

It is interesting that a Member could sign that discharge petition, tell the person at home that they had signed that petition to force the legislation to the House floor and then go back the next day and scratch their name off that discharge petition, and no record would be made of that whatsoever, publicly.

Mr. MACK. I understand, I think it was the last session of Congress, when there was the attempt and finally it was successful through the use of the discharge petition, brought the balanced budget amendment to the floor of the House for debate.

What happened was that as the number got closer to 218, some of those people who had signed on before were talked out of it, some people say that there may have been a little pressure applied to remove that individual's name from the list; but what happened is that some of us caught on—I should not say us, I was not here at the time—some Members caught on; they got 14 or 15 or 16 to agree to go down all at one time so they caught the opposition off guard and the 218 number was reached.

But the point I am raising and the reason I support wholeheartedly your resolution particularly in this area of a public discharge petition is because it really does make Members be accountable. That is what we are asking for.

When your constituent back home says, "HANK BROWN, are you on that discharge petition?" they are going to know whether HANK BROWN is on there. They have the right to know that. They have the right to be able to demand of their Representative that he sign.

If he does not want to sign, that is perfectly all right. But we just want to provide the opportunity to let the American people know whether they are signed on or whether they are not.

So I really compliment the gentleman for including that in the resolution.

Mr. BROWN of Colorado. The gentleman I think has made a superb point in this regard. Let me give a practical example, because the gentleman referred to it earlier on the discharge petition that affected the balanced budget amendment to our Constitution.

I do not think it is a secret that the leadership of this body has not been willing, unfortunately, to bring the balanced budget proposal to the floor. I say unfortunate because I think the polls clearly show that the American people favor that measure.

One of the things that happened in a previous year was that a number of people signed on as sponsors of that balanced budget resolution, knowing that it would not come to the floor; at least some of them did.

What we found was that because the discharge petition was secret, people did not know who was willing to stand up and ask that that measure come to the floor. What we had occur in this very Chamber were people who were holding out to the public that they were sponsors of the balanced budget resolution; when it finally came for a vote, because it was forced to, because of the discharge petition process, voted against it.

In other words, Members who had told their constituents that they were sponsors of that amendment voted against that when it came up for a vote. And I think the discharge petition eliminating the secrecy surrounding the discharge petition process, opening it up to the public, will serve our public far better; knowing the facts, which I think is an essential element of democracy, is the key toward better representation on this issue as well as others.

Well, the fourth major item that is included in the sunshine resolution of 1984-85 is one that calls for the elimination of phantom legislating by abolishing the proxy voting system present in many of our committees. I think it may come as a shock to many Americans that this body unfortunately follows a phantom voting process whereby proxies are cast and votes are cast in committees without the Member being even present in that committee.

That means literally that a Member's vote would be cast for or against a measure or for or against an amendment, without that Member even being present in the committee or even knowing what was before that committee.

And I think this may be one of the most fundamental problems that we face in the House process.

I say that for this reason: The experience that I had in the State Legislature of Colorado reflected oftentimes that most of our votes were not particularly partisan votes.

Oh, yes, there were partisan votes, but most of them were not partisan. On most of the votes, men and women would sit down, in good conscience, listen to the evidence, listen to the witnesses, listen to the amendments that were offered, often we found that party lines were crossed, that men and women interested in the good of the State came together in a feeling of what made good legislation.

I find that sadly absent from many of the proceedings here in the House of Representatives. I think the Representative suffers from it. What is lost is not just the camaraderie, what is lost is the very essential ingredient of democracy, of people sitting and listening to the facts and developing a response based on those facts.

And a proxy voting system sounds a death knell to that very important democratic process because what happens is, instead of being there to listen to the facts, someone simply gives a ranking Member or the leading Member their proxy and leaves the committee; is not there to hear the facts, is not there to make up their own mind; is not there to cast the constituents' votes.

So, you have legislation being drafted by a handful of people who hold the proxies. Often the majority members on that committee may well run that committee on many issues simply by themselves, because they hold the proxies.

So the proxy voting system is used now to allow us to not do our work on Mondays and Fridays because it does not force us to hold committee hearings at times when Members can be there. So it permits going to a 3-day workweek instead of a full workweek.

It allows legislation to take place concentrating power in the hands of a few instead of in the hands of many Members of the body, and it destroys the very essential ingredient to a democracy, I think; that of the process of learning about an issue and debating and working on it together.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I think once again the gentleman has hit a key frustration perhaps that is experienced by many Members of this body.

You know we are all advocates in a way. We advocate a position that our constituents take; we advocate our positions that reflect the feelings in our districts and perhaps our feelings for what is best for the country.

And there is nothing more frustrating I think, than sitting in a committee room when a vote is being taken and you think you have a persuasive argument; an argument that is going to move many Members on the Republican and Democratic sides to vote your way, and you think you have got a good argument, and you sit there and you make this argument to an almost empty Chamber because the Members who are going to vote did not show up to vote but rather gave their proxies to the chairman or to the ranking Member or to one of the Members who perhaps has an opposite point of view from yours.

So, instead of having the opportunity to persuade people to change their mind, which is one business that we are in, we are here to be advocates, you sit there and talk to an empty room and the vote is concluded, is decided before you ever get a chance to make your pitch to try to persuade people.

I think again we are driving ourselves out of this democratic process, a very important element in the democratic process; and that is the opportunity to persuade people to see things the way you think they should be seen or at least to make your best argument for your position.

Mr. BROWN of Colorado. Mr. Speaker, I think the gentleman really has hit the nail on the head with that. So often I have talked to people who have come thousands of miles to testify on an important issue, one that they perhaps know more about certainly than anyone on the committee does, and much to their surprise or chagrin, they go that that committee hearing and find there are only one or two Members present out of a very large committee, and of course they are disappointed, shocked, that they have spent the time, money, and effort to come and simply not even be heard.

Eliminating this phantom voting, proxy voting idea, I think would do more to improve the quality of our legislation to correct that particular problem than any other single measure I can think of.

I yield to the gentleman from Florida.

□ 1950

Mr. MACK. I would like to tie in a couple of points that have been made so far because they do kind of fit together.

The point that we have been raising is that we feel that the floor of the House should be panned on a regular basis just like is happening here in special orders. We do not have any concern that the House may be viewed as an empty shell, because what happens is that once this begins—well, let us just take special orders. When the floor of the House is panned now and there is no one here, the question is raised, well, where are Members of the House during special orders? And the very realistic response is that, well, there are other things that are going on. Some of the Members are on their way back home. That is a very legitimate thing. Nobody should be embarrassed by that.

This is our only opportunity to talk about the issues that concern us, the American Agenda, as we have referred to it. So there is nothing wrong, there is no embarrassment that anybody should feel because the Chamber is empty.

But then when you move to the next question, that is, suppose the cameras should pan the floor of the House during the rest of the day. I mean when some questions are coming up about how we are going to spend $8, $9, $10 billion and we only find that maybe 15 Members of the House are here. Maybe there are 30 members of the staff who are here, but 15 Members of the House. Then the question begins to develop, well, I understand why those fellows are not on the floor during special orders because, after all, it has been a long day. I mean, yes, they have concluded their normal legislative business, but the question really comes up then during the day, if they are not on the floor of the House during special orders, well, certainly they are on the floor of the House during normal business activity. The answer is, no, they are not.

What we are told, at least what I was told when I came here a little over a year and a half ago was the reason Members are not on the floor of the House, in case people come into the gallery and wonder where everybody is, they are back doing the most important work that they can do. They are spending the most effective use of their time in committee.

Now what the gentleman is saying, what the gentleman has implied, is that, wait a minute, that is not really the case because they have to use proxies, they have to vote by proxy, which says to me that they are not there.

The question then comes up: If they are not on the floor of the House during special orders, and they are not on the floor of the House during the normal business day, and they are not in committee, then I think it is a pretty legitimate question to say, where are they?

You know what the next response is? The next response is oh, they are in another committee. Well, some Members around here have two major committees and two subcommittee meetings that they are required to attend.

The question I would pose is: Who is doing the work here? You cannot be on the floor of the House all day long. You cannot be on the floor of the House during special hours. You cannot be in each committee hearing. Then why have all these things been set up if it is impossible to meet them.

So I would suggest to the gentleman the reason that we are having some trouble getting people to listen, that is from the leadership standpont, to listen to the questions that we are raising is because it really exposes what is going on up here. That committee assignments have really been doled out for the purpose of making a political pitch back home. "I am too important to replace me. I am on two major committees, two major subcommittees. I have a lot of impact and a lot of knowledge that I have learned."

But when you really start to delve into it, where are they?

Mr. BROWN of Colorado. The gentleman makes a very telling point and I think those who are familiar with how our House operates certainly can appreciate it. Indeed, the response you get when you talk about this is that you have to have proxy voting because I may well have two committees that meet at the same time.

Let me suggest that that is an absolute tragedy because unfortunately some of our committees do meet at the same time.

The irony, though, and this really gets to the heart of why this change in proxy voting is so essential, the irony is this: Many of our committees simply meet on Wednesdays and perhaps Tuesdays and a few on Thursdays for part of the day.

And the point is that they have not developed a full 5-day workweek for the committees.

You say, is that possible? Most of our legislatures in the Nation have solved this problem. The way they do it is very simple. If you are assigned to two committees, and most Members in the House are assigned to two committees, some fortunate are assigned even a third one. If that happens in the State legislature, all they do is say that the committees in category A meet on Mondays and Friday, committees in category B meet on Tuesdays and Wednesdays, and committees in category C meet on Thursdays. The days are not important. What is important is that you have general categories of committees and a variety of times when they meet so they do not have duplicate times.

In other words, the problem of being on several committees is not insolvable. It is not one that the mind of man is incapable of dealing with. The simple fact is it is dealt with by most legislatures in the entire Nation, dealt with satisfactorily.

The reason we have not gone to that very logical approach is because of proxy voting, because of proxy voting they have consolidated the committee meetings for the very purpose of not having people there, to make the power of that committee concentrated into the hands of a few people, to hide from the public what really is going on.

And the change in the proxy voting will not only mean much better legislation, but I believe it will force onto this House a 5-day workweek. Now I do not think that is beyond Members of Congress. Most of them are very hard working people in their own right. I think most of the voters in this country expect people to put in at least a 5-day workweek. There is no reason that the Members of the House could not do that. The simple fact is that the gentleman from Florida and the gentleman from California are ones who take their responsibility seriously and they are here through a full day and are willing to explore issues even after the regular session has gone on.

Unfortunately, the proxy voting gimmick prevents the House from solidly addressing the work issue that most Members unfortunately have avoided.

Mr. MACK. Just one more point, if I could, to expand on the gentleman from California's point.

It is a little bit disheartening, the fact is it takes a lot of the incentive away to go to a committee hearing fully prepared to make what you think is a very logical, educated debate about a particular subject and enter into that with maybe half of the members there, maybe three-quarters, maybe 25 percent and find that those who have come, who have entered into the dialog begin to see that the points that you have made do have some value. And that yes, there is maybe some reason to consider the points that you have made. Yes, you might even be able to get those who were there maybe just think twice about their vote and even sometimes to vote with you.

But it is impossible to convince a proxy vote that they should vote with you. That is the part—when we are so outnumbered in the committees, in the committee ratio, in the first place, to not even have the opportunity to talk to those Members and convince them, or to at least attempt to convince them that our argument has merit.

So I think the point that the gentleman from California made is an excellent one.

Mr. BROWN of Colorado. I thank the gentleman.

The next item is the Sunshine Resolution of 1984-85 is one that I think is essential to a proper approach toward legislating in a responsible way. That is an area that many people do not think of, but oversight is an important function of this legislative body, to not only pass the laws but to undertand how those laws are affected, how they influence activities and how the administration of those laws is being handled.

Now, it is very clear, I think, to anyone who has followed investigatory committees that they do have an oversight process. But a survey in 1980 of House Members revealed that with regard to select committees and investigatory committees a full 77 percent of the Members responding indicated that the committees were not doing an adequate job of oversight. While only 15 percent felt they were.

Let me emphasize, this survey was not just done of Republican Members, it was done of both Democratic and Republican Members. And 77 percent of those who responded indicated we were not doing an adequate job with oversight.

I do not believe that this is a partisan issue. I think proper overshight of our legislative areas is an important function and must be followed up on. But it should not be done in a showboat fashion. It should not be done for a propaganda purpose. It ought to be done for the purpose it is meant for, for legislating, for correcting errors, for discovering problems.

Now, how can you improve it? Well, our sunshine resolution believes that we should adopt oversight agendas by each House committee within 60 days of the beginning of the Congress. That is important, because that lays out a regular plan for how we are going to proceed throughout the year. It makes the investigatory function, the oversight function, not one that is haphazard, not one that is subject to a political whim, but one that involves a systematic followup on the legislation that this country and this House must deal with. That, while not considered a particularly sexy change, is one that is very important for the proper functioning of this body.

□ 2000

The sixth change that is envisioned by the Sunset Resolution of 1984-85 is one that will provide for reliable and advance notice for the House floor work.

Now, various groups like the League of Women Voters and Common Cause and a number of States around this country have led the crusade to open up the legislative process, and a key ingredient is that the voters have an idea of when something is coming to the floor, that it does not come up at the last minute, that there is public notice when that is considered, so that citizens who want to make input can contact their legislators, can let their views be expressed and known. People can plan on when something is coming to the floor. So instead of it being an insider's game, where you pass something through on a trick or a surprise, or scheduling in an unforetold moment, when other Members or the public in general cannot make an input, that you have a legislative calendar, that you do at least have several legislative days in advance notice of what is coming up.

This, while it sounds like a minor technical amendment, is one that I am convinced would have a profound effect on providing for full public input and full legislative input to that process.

Mr. MACK. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. There are a couple of points that come to my mind that you were referring to in that aspect of the sunshine resolution. Has the gentleman had an opportunity to talk with Common Cause and the League of Women Voters about this resolution?

Mr. BROWN of Colorado. I have contacted both groups, and I am very hopeful that we will have their support.

I might mention that the bulk of the things that are in this sunshine resolution are ones which those groups favored in Colorado, as I believe those groups favored much of what went on in Florida and California. So it is very much in line with what they have supported in the past, and I am very hopeful that we will have their support.

With regard to the public notice specifically, this is one of the items that they felt most strongly about.

Mr. MACK. Not only would it be helpful to them, but I think it also ties back in to the comments we were making a few minutes ago about the committees, the meetings of the committees. It makes sense to kind of make all of this kind of fit into an overall plan about what we do up here so that we could in fact plan other things that we have to do as Members of Congress.

Some people have to go back and are involved in heavy campaigns, which is part of the political process. Certainly they have the right to be able to schedule their work both in their homes and in Washington. It certainly would be helpful to have not only the floor notice for everyone throughout the country but also for Member of Congress.

But I would be hopeful that Common Cause would come and assist us in this particular effort, because it does seem like something that very naturally fits into their ideals and objectives.

So I am glad that the gentleman has had the opportunity to speak with them and the League of Women Voters, and I would hope that within a relatively short period of time—and maybe you could enlighten me as to how long it might be before we might hear back from those groups.

Mr. BROWN of Colorado. At this point we do not have a deadline from them, but I know of their interest in these matters at the State level, and I am optimistic that we will hear a positive response from them in this area.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I did not understand the gentleman fully. Is the gentleman saying that Common Cause has looked over the entire package, the entire sunshine package, and approved it, or they have seen parts of it?

Mr. BROWN of Colorado. They have seen the entire package, and I think are just beginning their process in considering it. The reason I am optimistic about it is it corresponds in many areas to exactly what has been advocated at State legislative areas in terms of their sunshine proposals that have been brought into effect in many of our States.

One thing I might mention to clarify the impact of this particular notice requirement of 2 legislative days notice, I do not know how many members of the public, certainly Members of this body were somewhat surprised when a certain pay raise passed here a few years ago. What happened was a pay raise for Members of this body was included in a piece of legislation that was brought to the floor very quickly. And the fact that there was not proper notice was one of the reasons people were not aware of that pay raise being slipped through.

Mr. HUNTER. Is the gentleman referring to the pay raise that was attached to the black lung bill?

Mr. BROWN of Colorado. The so-called black lung bill indeed.

Mr. HUNTER. I think that was the black lung-green pocket bill.

Mr. BROWN of Colorado. I think the gentleman has phrased it properly.

You ask why that sort of thing happens. The reason things like that happen is because people do not have an adequate chance to review the legislation and look at it.

There is no secret that the staffs here are enormous. My personal feeling is that they are far too large. But the point is, we do have the means to review that legislation. The key ingredient is to have notice of which of the 10,000 or so bills which are introduced every year are coming to the floor for action, so we have the means to digest those bills, to be forewarned, to be forearmed, to take the kind of proper legislative action that the bill calls for.

But the absence of proper notice for what will be considered on the floor allows the leadership of this body, unfortunately, if they choose to, to slip through items that have not had proper review.

I think what we will find with proper notice is that we will have the kind of public input that will improve the quality of legislation, that you will not have these exotic surprises sprung on the American public in this way.

The next item that is included in the Sunshine Resolution 1984-85 is a measure that would provide for allowing dissenting views to be included in the House-Senate conference reports.

Now, this may sound like a mechanical procedure. But what happens here, basically, is that a majority report from that conference committee comes back to both Houses of the body.

I think it is very important that dissenting viewpoints or minority viewpoints be permitted. All it does is bring to light for public inspection an opportunity to see the real disagreements and understand the real issues that are before the body when a conference report comes back. And, unfortunately, the way our rules operate now, they tend to hide from the public, and hide from the Members the dissent that might be present in those conference reports.

So once again we are opening up the process with this amendment. This would provide for the printing in the RECORD those dissenting viewpoints, minority viewpoints, it would provide a way to alert the legislators, as well as the public, that there is a second view involved that needs to be considered when the measure comes back for a vote.

The final discussion that is included here is a requirement that representative party ratios be used in the committees and subcommittees of this House.

You know, this is simply a matter of fairness. We hear a great deal from time to time in this Chamber about fairness. There is no more basic element in a legislative body's fairness that to have a representative ratio.

What we are seeing here is, unfortunately, I think to the shame of this House, we have a number of committees that are made up with a significantly different ratio of Members than the membership of the whole House.

What that means is that you may have 61 percent of the House in the current session Democratic and you may have a much larger share of the particular committees that are involved having that kind of ratio or that makeup.

Now, why is that unfair? First of all, it distorts the membership of this House. And as the Supreme Court has made clear in its one man-one vote doctrine, the essence of democracy is that each person's vote counts.

What this does is distort the makeup of this body as it considers legislation in committees. You combine that with the very close rules that this House unfortunately must work with and you find that the committees play a critical part in the framing of legislation. So when you distort the committees, you distort the work product of this Chamber.

Now, I mentioned fairness. The simple fact is that while the Republican Party controls the U.S. Senate, they do not distort the committee process this way. The Senate allocates its committee assignments along a ratio that is roughly equivalent to the ratio of the Members in the body.

As a matter of fact, I think any fair-minded person who takes a look at the legislative bodies on the State level in this country will find that almost without exception you have a fairer ratio exhibited in those State legislative bodies.

So the House is very unusual in this regard. It is very unusual in distorting the membership of this body's representation in committees. It is unusual not only on the national level, because the Senate follows a different pattern, but it is unusual with regard to the whole legislative process that we see throughout the Nation both at State levels and at times at local levels.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. I guess so that we can maybe just drive on a little bit further, what you are saying is, I guess, is that if the Republicans in the House have 38 percent of the Members of the House, they should have 38 percent of the committee assignments. Is it that straightforward?

Mr. BROWN of Colorado. That is exactly right. I think it is normal practice for the majority party to take the breakage in percentage if it is a decision to allocate a portion of a seat, of course the majority, I think it is common practice that they would take that. But to deliberately distort beyond that the makeup ratios is to deny the democratic process, I believe.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. I believe the gentleman once again has hit on a very key point. I think a lot of our constituents think that Congress operates on a very fair basis and takes up the people's business. I think it was Alexander Hamilton who said this is the people's House, this is where the issues that are important to Americans are brought forth, are debated for better or for worse, and they are either passed or they are not passed.

□ 2010

And I think that most Americans would be surprised to know that there are more issues, such as the balanced budget, which is supported by a great majority of Americans, according to all the polls; the school prayer, which, according to the Gallup poll, I think, is supported by some 80 percent of all Americans; and also the crime control package of 1983, the President's crime control package, which is essential to the safety of our neighborhoods and is probably supported by 99 percent of Americans and which in fact, I think, passed the Senate 91 to 1. Those issues will never see the light of day on this House floor because of one or two individuals in key power positions in this House of Representatives.

You go back and talk to your people back in your district, and they tell you, "Gee, when the balanced budget amendment vote comes up, I sure want you to vote for a balanced budget," and tell them, "I sure will." Then you go back and you realize that the last time it came up was quite a long time ago.

And they say, "When the school prayer package comes up, we would sure like you to vote for that," and you go back and look that up, and I think the last time the school prayer package came up or the amendment came up was in 1971. I think I was in the Army at the time. I do not know where the gentleman from Florida and the gentleman from Colorado were.

Mr. BROWN of Colorado. The gentleman from Florida, I believe, was in grade school at the time.

Mr. HUNTER. He could have been.

Mr. MACK. In 1971?

Mr. HUNTER. But you realize that this is not the people's House. This is a House in which, although our constituents send us here and feel they have one four-hundred-thirty-fifth of the control of this country in each congressional district when they elect us, they in fact do not.

I would submit, for example, that if we could get President Ronald Reagan's crime control package of 1983 out here on the House floor for a vote, it would pass almost unanimously. Yet it has been said by some powerful Members of the Democratic Party who are in key positions that the bill was dead on arrival when it got to the House of Representatives.

Mr. BROWN of Colorado. Mr. Speaker, I know that statement. I have heard the statement, and, unfortunately, it is an accurate representation of what was said.

I might mention a point that we emphasized at the start of the description of the sunshine resolution for 1984-85. This is not brought to the House as a partisan resolution. The issue of fairness certainly is not divided along partisan lines. The issue of openness should not divide along partisan lines.

I am convinced that the vast majority of Democrats, as well as Republicans, in our citizenry solidly believe in the democratic process and a fair representation on the committees, an elimination of phantom voting throughout the process, an elimination of the secrecy that envelopes the House processes that does not allow an accurate reflection of what is going on, and an elimination of the barriers to the clean functioning of the democratic process.

I think there is strong support in both parties in our country for an openness in the House, for a willingness to let the chips fall where they may, for a willingness to allow the real facts to come out, and for a willingness to insist on votes on the public's business.

So this sunshine resolution is offered not as a partisan effort, but it is one that I believe represents the feelings and aspirations of the American people of all races, of all creeds, and of all parties. We all have a stake in this democracy, and if a few selfish people who temporarily run this House of Representatives would choose to thwart the will of the American people, I do not think that is representative of the feeling of the Members or their party or of any party in this country. I know that the men and women involved who unfortunately have supported these kinds of restictions in the past are good people. They are not bad people.

What they need is an opportunity, though, I think, to clean up the process by which the House is run and to open up the doors and let the sun shine in. That is what this resolution is all about.

Mr. MACK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, I really appreciate the work and the effort that the gentleman has put into the sunshine resolution. If the gentleman would just remain with us for a moment, we can conclude this.

Clearly, the bringing together of all these different things, all these different points, I think, will have an impact. Last evening some of us had the opportunity to kind of go though from the beginning of 1984 step by step the things that have happened here on the floor of the House, and basically what the gentleman has brought us here, I think, is a package of legislative reform that really can open up the process and make it fair, make it available to the American people and give equal representation, which is what we want.

But clearly, I think when you look at some of the things that have happened, the stacking of committees, the secret discharge petition, and the dispensing of Calendar Wednesday for all these years, it is just evidence step by step of the process of trying to close down the openness of this House.

So I just want to express my appreciation and compliment the gentleman for the work he has done. I want to assure him that I will continue to work with him to try to get this to become the method of how we operate here in the House.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman for his vision and for his willingness to continue to work to open the House, the people's body, to the democratic process to do the work that I think Americans expect of it.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I think the gentleman has made one of the most important statements that has been made on the floor of the House this year. The gentleman has got one of the most important issues, and I would be happy to go with the gentleman when he presents it. And I am sure he wants to personally present the sunshine bill to the Democratic leadership of this House and hope in fact that they will concur that this is in the interest of Members on both sides of the aisle, Democrats and Republicans, to open up the House and let a little sunshine in.

We appreciate the gentleman's leadership on this issue and coming out with this statement and bringing us this issue that I think is perhaps the most important matter that we have spoken about in session, out of session, or during special orders for the last several months.

Again, Mr. Speaker, I thank the gentleman.

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman from California, and I yield back the balance of my time.

AMERICAN STEELWORKERS: SACRIFICES FOR INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, 1983 was a record year for trade. Last year, the United States imported more goods than it exported, resulting in a record trade deficit of $69 billion.

1984, too, is going to be a record year for trade. Initial projections called for a record deficit of just over $100 billion, but we already know that estimate is far too low.

In fact, based on the first 4 months of 1984, which already shows a record $42 billion deficit, the estimated trade deficit for the entire year will be in the neighborhood of $130 billion, nearly twice last year's record level.

What does it mean when we continue sucking in imports like a vacuum cleaner?

It means more pressure on American industry just to keep some semblance of competitiveness.

It means that American workers are losing jobs, jobs that may never be replaced.

There has been a lot of talk in recent years that the reason American industry has not been competitive is because American workers are too self-centered—too concerned with their wages and fringe benefits—to care about the futures of the companies that employ them.

That, my friends, is a lot of baloney. To argue that the American worker does not care about the company for which he works is like saying foreign manufacturers are not dumping their excess production in the United States at cutrate prices just for a share of the American market.

Let me give you just one record-setting example of what I mean. Let me just point out the sacrifices American workers, and, more specifically, American steelworkers, have made as their contribution toward the stability and competitiveness of the American steel industry.

In March 1983, the major steel companies and the United Steelworkers of America signed a labor agreement unprecedented in the 47-year history of steel labor negotiations. For the first time ever, the parties agreed to reduce—that is right, to cut back—wage and benefit costs—by very substantial amounts, I might add.

In fact, except for the 1979 Chrysler-UAW agreement, no other agreements between basic industries and unions have imposed cuts approaching the 10.9-percent wage rate reductions stated in the 1983 steel agreement.

What did that agreement do? Well let us look at it from two perspectives—earnings reductions and benefit cuts.

Under the agreement, wage rates were reduced by $1.31 for a 10.9-percent average cut—incentive pay was reduced by an average of 11.3 percent—premium pay for Sunday work was cut from 1½ times to 1¼ times regular hourly rates, and cost-of-living adjustments were canceled for the first 17 months of the contract; will begin only after 4-percent inflation, based on the March 1984 CPI, for the next 12 months; and after 1.5-percent inflation, based on the March 1985 CPI, for the final 12 months of the contract.

This is coupled with a moderate restoration formula. Wage rates will be restored over a 3-year period at 40 cents for 1984, 40 cents for 1985, and 45 cents for 1986.

Also, incentive pay will follow a similar pattern of restoration and premium pay will not return to the precontract level until 1986.

Insofar as benefits are concerned, instead of 11 holidays a year, there are now 10, regular vacations were reduced by 1 week during the first year of the contract, vacation bonuses have been eliminated, extended vacations, the equivalent of 1.3 weeks a year, have been eliminated, and company contributions for supplemental unemployment compensation (SUB) increase from 17.5 cents an hour to 67.5 cents for the first 35 months of the agreement and then drop to 42.5 cents for the final 6 months.

The average reduction in hourly employment costs resulting from the various wage and benefit cuts was $2.70 immediately, not including COLA effects. Of this amount, 50 cents was diverted to SUB contributions, leaving a net savings averaging $2.20 per hour worked—slightly less than 10 percent of total employment costs.

In addition to the negotiated savings of $2.20 per hour, total employment costs in the steel industry have dropped dramatically for other reasons over the past year.

In 1983, large numbers of workers were laid off, workers who nonetheless were entitled to continued insurance coverage, pension funding, and vacation pay. By early 1984, most of those costs had been eliminated because the benefit period of many of those workers had expired.

As a result of the combination of negotiated reductions in wages and benefits, plus the reductions of fringe benefit costs for the unemployed, the average employment cost of AISI-reporting companies declined more than $5 per hour from 1983 to 1984—from $26.12 in January 1983 to $21.08 in January 1984.

Those savings, according to the agreement, must be reinvested in steelmaking operations, a move which will allow modernization to increase industry competitiveness.

Prior to the 1983 contract, American steelworkers were the highest paid industrial workers in the world. Today, nearly 18 months later, as a result of the sacrifices they have made, American steelworkers earn less than employees in at least 10 other manufacturing and utility industries.

Among those industries are cement, auto, and oil refining. For the record, table I, which I have attached to my remarks, shows the relationship between average hourly earnings of steelworkers and employees in other industries.

We hear many critics of the steel industry and steelworkers who would have us believe that steelworkers earn $25 or more an hour. It is true that during the 1982 recession, when one-half or more of American steelworkers were out of work, and the costs of pensions, insurance, and other fringe benefits were being charged against the small number of hours worked by those still making steel, costs per hour did rise to those levels.

But no steelworker takes home anywhere near that pay. And, as I mentioned earlier, the average hourly cost today is $21.08.

Of that hourly rate, an average of $13.11 was paid directly to steelworkers. The rest, almost $8, consisted of fringe benefit costs for active and retired employees, together with such payroll taxes as social security, unemployment insurance, and workers compensation.

Therefore, Mr. Speaker, I submit that the cost of steelworkers' labor cannot be the cause of increased imports of steel in the United States as our foreign competitors have alleged. In real terms, the labor cost per hour for American steelworkers has risen about 15 percent from 1975 to 1983, according to the U.S. Department of Labor. Table II shows the increase in real costs per hour for steelworkers' labor in other nations.

In Japan, Italy, and the Netherlands, real labor costs in the steel industry rose only 8 percent during the same 8-year period. But in West Germany, France, Canada, Belgium, Brazil, Mexico, and South Korea, the major countries which export steel to the United States, labor costs rose far more.

So, we will have to seek another reason for the heavy imports of steel and other goods to our country. Perhaps the remarks of Seisuke Ushijima, managing director of Japan's Kawasaki Steel Co., gives us a clue.

Talking about Japanese exports at a recent conference in San Francisco, Mr. Ushijima mentioned that Japan's exports increased by 11 percent in 1983, almost all of which was directly or indirectly attributable to our recovering economy.

Of that 11 percent increase, 60 percent included direct imports to the United States. The balance was to other Southeast Asia nations and, according to Mr. Ushijima, was "attributable to the recovery of purchasing power of those nations brought about by their increased exports to the U.S."

And, Mr. Ushijima added: "It can be safely said that the Japanese economy as a whole will continue to improve, unless the U.S. economy goes flat."

What Mr. Ushijima is saying in very plain language is that as long as we keep our trading doors open for finished goods from other nations, the economies of those nations will get stronger. In other words, exports from those nations are a key element in their economies, and their economic planning, regardless of whether they cover their costs.

But what about the United States? What about our economy? Can we afford higher and higher interest rates which make it more difficult for American industry to raise the dollars needed to upgrade plants? How can we compete when the prime rate here is 12.5 percent as compared to Japan's prime rate of 5.5 percent?

Can we afford to see more and more American workers, especially in our basic industries, out of work with little or no prospect that their former jobs will ever exist again?

Ambassador Brock, our trade representative, says we are making headway in getting Japan to open its doors to American goods. He has gotten the Japanese to increase their imports of American beef and citrus over the next 5 years. He has gotten the Japanese to accept more American tobacco and tobacco products.

Is not that just terrific? Is not Brock doing a great job? Just think how many skilled jobs increasing those imports will produce in this country. But what about steel, autos, shoes, and other manufactured and finished goods?

Yes, the Japanese recently agreed to internationalize the yen and to allow American investors to do business in Japan, but we all know it will be some time before we feel the effects of those actions. But what about today?

In his speech, Mr. Ushijima talked about the flatness of the Japanese steel industry and its shrinking capacity. It is also interesting that he puts the blame for that on other steelproducing nations, especially the newly industrializing nations, saying: "In the export market, we have seen an aggressive drive by the industrializing nations using bargain prices as a weapon, to become steel exporters instead of importers."

If it was not so tragic, it would be humorous. Here is the managing director of one of Japan's major steel companies complaining about cut-price steel being dumped in Japan. I wonder how he compares that to the activities of his and other Japanese steelmakers when they wanted a share of the American market.

For these reasons, it is time to put an end to the false propaganda that steelworkers are somehow to blame for the tragedy that has befallen the steel industry. The truth is, they, American steelworkers, are to be commended for their willingness to make sacrifices to help save an industry, even at the expense of jobs.

Those steelworkers are entitled to our consideration and sympathy in their struggle to protect themselves against dumped and subsidized steel imports from around the world.

TABLE 1.—*Industries with higher average hourly earnings for production workers than the steel industry, as of February 1984*

Industry	*Average hourly Earnings*
Blast furnace and basic steel products	$13.08
Cement, hydraulic	13.40
Primary nonferrous metals	13.40
Aluminum sheet, plate, and foil	14.03
Motor vehicles and car bodies	13.71
Cigarettes	13.40
Malt beverages	14.54
Industrial organic chemicals	13.09
Petroleum refining	14.49
Pipe lines, except natural gas	14.46
Combination utility services	13.93

Source: Bureau of Labor Statistics, "Employment and Earnings," April 1984.

TABLE 2.—GLOBAL STEEL INDUSTRY LABOR COST COMPARISON—HOURLY COMPENSATION

(Deflated by National CPI 1975 = 100)

	1975	1976	1977	1978	1979	1980	1981	1982	1983
U.S.	100.0	101.7	106.7	108.2	109.6	111.7	110.0	123.9	114.6
Japan	100.0	97.3	99.7	102.1	101.8	102.6	104.6	107.0	108.6
West Germany	100.0	103.5	106.7	111.4	113.1	119.8	115.9	118.2	117.3
France	100.0	106.1	117.6	117.1	111.6	120.7	122.3	121.8	125.3
United Kingdom	100.0	102.0	97.6	107.5	109.2	104.9	110.1	111.9	120.8
Canada	100.0	108.1	114.2	118.1	128.9	115.1	117.8	124.9	124.7
Italy	100.0	98.5	101.0	105.7	105.2	99.6	102.7	105.0	108.6
Belgium	100.0	104.4	112.1	115.4	120.7	124.9	121.6	117.5	120.1
Netherlands	100.0	102.0	101.9	102.9	108.1	110.6	105.0	107.1	108.1
Brazil	100.0	105.6	110.2	115.5	117.1	123.8	133.9	150.1	110.8
Mexico	100.0	105.4	112.4	113.5	115.7	115.2	116.9	118.1	
Korea	100.0	115.8	145.0	171.0	191.5	162.9	161.0	171.0	191.8

Source: U.S. Department of Labor, hourly compensation costs for production workers in iron and steel manufacturing, 25 countries, 1975-83; and International Monetary Fund, International Financial Statistics.

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I would just like to at this time, since I have a few minutes, to refer to the Wall Street Journal, today's issue, June 7. There is an article in there concerning the footwear industry being rebuffed by the ITC, the International Trade Commission, in a plea for relief from the flood of imports as far as shoes are concerned.

Listen to this. It is a Washington dateline and I am reading from the Wall Street Journal, and I will include this article as a part of the RECORD.

The International Trade Commission unanimously rejected a request from the U.S. footwear industry for relief from a flood of imports, mainly from Taiwan, South Korea and Brazil.

Chairman Alfred Eckes acknowledged that imports have captured 69% of the domestic market but ruled that the petition filed by Footwear Industries of America and two unions that are AFL-CIO affiliates didn't meet the strict "serious-injury" test. "Employment has stabilized, production has risen, and the industry generally has achieved better profit margins than the average for manufacturing industries," he said.

ITC members Paula Stern and David Rohr had similar opinions.

The 5-0 ruling stunned the industry. George Langstaff, president of Footwear Industries of America, said the association will appeal to President Reagan and will challenge the ITC's findings in a court suit. He said he was "absolutely appalled" that the industry, despite the import threat, couldn't obtain help through the 1974 Trade Act.

"Something is clearly wrong with our import-relief mechanism," the association's chief counsel, Thomas Shannon, said.

The nation's more than 300 footwear makers, primarily in New England and many Midwest and Southern states, aren't likely to get much sympathy from the administration, though the U.S. trade representative's office previously turned down the industry's request for administrative actions to curb imports.

The petition in the ITC was direced against all imported non-rubber shoes, boots and slippers. In the first quarter of 1984, 193.2 million pairs were imported, representing 69% of U.S. consumption.

Sixty-nine point four percent of U.S. consumption. If we had a war tomorrow, who would make the shoes for our soldiers?

"Up from 50.9 percent in 1979." For 1983 footwear sales in the United States totaled $8.2 billion. And that is what the foreign producers are after. They are after that market.

However, the ITC noted that the import growth partly reflected increased consumer spending. Domestic production last year stabilized at 341.2 million pairs, or a total of about $2.9 billion.

Angered by the ITC decision, the industry's congressional supporters introduced bills in both the House and the Senate that would impose a cap on imports of nonrubber shoes of 50% of U.S. consumption. Sen. William Cohen (R., Maine) signed up Sens. George Mitchell (D., Maine), Warren Rudman (R., N.H.), and Dale Bumpers (R., Ark.) as co-sponsors of his bill and said more could be recruited in a matter of days. "We're dealing with a question of survival for an important industry," he argued. A similar measure was to be introduced in the House last night by Rep. James Shannon (D., Mass.) and Rep. Olympia Snowe (R., Maine).

The congressional footwear caucuses include a third of the Senate and a fourth of the House. Senate aides acknowledged, however, that the bills could be held up by the tight legislative schedule. "With the conventions and the election campaign ahead of us, we've less than 40 legislative days left," a member of Sen. Cohen's staff said.

I have great sympathy with the Textile Caucus and the Footwear Caucus, and in fact I am going to join on that bill and make an attempt to persuade all the members of the Steel Caucus to join on that bill.

Hopefully we are going to be able to glean from that bill the admission of the cause. I know that the session is tight. We are going to be able to glean, hopefully, some attention from the administration.

But I have to say this candidly and say it based upon a lot of experience. In the last 17 years here in the House and the last 6 years of the Steel Caucus they are whistling "Dixie." This present administration has on numerous occasions shown that they are not interested. They are doing what the Carter administration did and some other administrations. They are playing international politics with our international trade, and nobody wants to upset Japan, although we are providing all of their protection.

Nobody wants to upset the West Germans, Norway, Sweden, France, Italy, Belgium, Brazil, Argentina, who owe all of that money to the American bankers. They do not want to disturb that. We are just assimilating and sucking in these imports.

I am saying as a matter of record to this House and to my colleagues, and hopefully to the American public, something has got to give. You cannot talk about 150 billion dollars' worth of trade imbalance when Mr. Volcker himself, for the first time since I have been here that I have remembered that any head of the Fed got up and said, "Well, we have got some problems."

☐ 2040

We got some problems with the deficit in the budget, we have some problems with the trade deficit; that is the first time I have heard it in the last 15 years; any responsible Federal official to say that the trade deficit is a problem.

I do not know how much convincing we have to do in order for our colleagues to be apprised of this problem. We have some wonderful support. On the other hand, we have some free traders who are just blind free traders.

They just keep quoting all types of free trade philosophy. I am a free trader, too. In fact, the bill that we have introduced is a free trade bill. It only reduces imports 15 percent of what the average was during a 3-year period in the seventies and puts a 15-percent cap on it.

It says, "Look, you are allowed to ship into this country based upon those figures 15 percent of what the American consumption is. You have to give your steel industries a chance to rebuild."

There is a requirement in that legislation that says that any profits made by the steel community, all steel mills as edited and audited by the Treasury, they will term that all has to be plowed back into making steel a modern smokestack industry and one that will compete internationally.

That is what that legislation says. I feel sorry for the Members as I stated before of the Footwear Caucus. They are going to need a lot of help. You can go up to New England today and you can find areas and towns up there where you could not give a house away; their shoe industry is destroyed; this textile industry is destroyed.

South Korea has 3½ percent unemployment. In my district we have 20 percent among the steelworkers. Nationally, those figures are not accurate. Do not let anyone tell you they are accurate, because they fudge them all over the place.

They include, they exclude; if a man fails to stop looking for a job he fails to become a statistic. That is how basic, fundamental it is.

Everybody knows, it is no secret; everybody knows they fudge the statistics, each incoming administration does it; hold back, add on to it, twist it around, include, exclude. They say you have so many millions of people, 10 millions of people in the country that are unemployed; you can bet your bottom dollar on the fact that it is 20 and a lot of other misery floating around.

Well, it is getting late. I made an attempt to put into the RECORD and try to lay to rest those facts as they relate to the steelworker, what he makes, what other industrial activities in the country are making.

I have other members of the Steel Caucus.

At this time it is my pleasure to yield to a member of the executive committee of the Steel Caucus. He is a new Member in the House of Representatives, but believe me, a veteran as far as steel problems are concerned; and his activity and dedication to the needs of the coal industry and the steel industry.

I do want to commend him at this point in the RECORD and hopefully his constituents would read of him and what he has done in his unstinting efforts, in his dedication to duty. He makes every one of our Steel Caucus hearings that we have; and always participates in the Steel Caucus endeavors.

Through his personality and persuasiveness, he was responsible for many signatures on the pending Fair Trade in Steel Act.

I now yield to Mr. MOLLOHAN from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the thoughtful comments, the aggressiveness of the distinguished chairman of the Steel Caucus. He has been in the forefront of fighting here in the Congress during my tenure for fairness in trade for the very purpose of saving the steel industry, an industry that is basic to this country and so vitally important to my district, and I know to the distinguished chairman's district.

As I say I simply want Mr. GAYDOS, to associate myself with your comments and as I have been pleased to join with you in this fight to preserve and save the steel industry and the jobs in our districts.

I think that the two efforts that we come here to support tonight have been very effective in bringing this matter to the attention of the country and also putting pressure where the pressure is needed; on the administration and on the Congress, to address this question.

I am talking about, of course, the Fair Trade in Steel Act of 1984 and the 201 petition that the steelworkers are working so hard on. I know you and our executive committee in the Steel Caucus have been instrumental in pushing that legislation in the Congress.

I simply want to be here tonight to associate myself with your remarks, and I want to dedicate myself to continuing working with you to insure the passage during this session of Congress of the Fair Trade in Steel Act.

It is absolutely essential that we move. The steel industry and steelworkers during the last 3 or 4 years have done their part. Steelworkers all across this country have taken concessions, reductions in pay. The steel industry has tried to effect the efficiencies that will make it necessary for them to compete and those efforts have to be complemented by the Federal Government doing its job and that is passing the Fair Trade in Steel Act of 1984, creating that level playing field that stops steel from being dumped on our shores; steel that is produced as a result of foreign subsidization.

There is no way we can compete with that. We know that, but our steelworkers and our steel companies can compete if we take the subsidization out of those foreign products. That is what this legislation does; that is what the 201 petition is all about.

And I know that the distinguished gentleman in the well is working hard on that. It has been my honor to work with him. It is vitally important to my area. We are dependent upon basic industry and there is no industry more basic than steel and the Federal Government needs and this Congress needs to address this.

We hope that the administration would be supportive of it after our efforts.

Mr. Speaker, we are here today to emphasize the threat that looms over the prosperity our Nation has enjoyed for many years, and urge positive action on initiatives that can help America dodge a bullet that has been aimed at its heart.

America's steel industry is, in a very real sense, its heart. It is the industry that through the sweat and effort of hundreds of thousands of hard-working Americans has built this Nation into the powerhouse of might and prosperity that is the example for all the world.

Just 24 hours ago, this Nation took time out to remember how thousands of brave men defended the destiny of the world by fighting back against a threat that would have crushed democracy. Today, my colleagues and I are asking that the threat to the industry that played a large part in giving this country victory 40 years ago be defended with the same vigor, intensity, and sense of purpose.

Now, powers outside America have conspired to weaken that vital part of our heritage and source of might. Foreign nations have targeted our steel industry, and thus the thousands of men and women who toil in the mills, in an effort to invade our markets—an effort that has been made easier for them through unfair trade practices, and loopholes in American law.

The domestic steel industry has been reeling from the serious injuries caused by dramatic increases in unfairly traded imports. The injuries are in the form of substantially lowered profits for the steel industry, plant closures, tragic unemployment increases and plummeting production and sales figures.

But, more is injured that the people and profits associated directly with the steel industry. Consider that the steel industry is not only a valued employer, it is a valued taxpayer as well. For example, Bethlehem Steel, the corporation that, along with the United Steelworkers of America, filed the 201 petition we are here to support, paid almost $2 million in taxes in 1983 to West Virginia, my home State.

The conclusion seems clear—we cannot allow the industrial, employment, and tax base of this country to disappear under foreign attack while sitting idly by, especially when there is something that can be done.

If the American steel industry had just 5 years of relief from the constant attack of unfair imports—5 years in which to stabilize its operations and guarantee a healthy, productive and cost-effective future, we can fight back like this Nation fought back 40 years ago.

In 5 years, our domestic steel companies could generate the cash flow needed to modernize its steel facilities and repair existing properties. That increased investment would allow the domestic industry to compete against all of its foreign competitors.

The specific relief requested is a 15-percent quota on all steel products, with the overall quota divided among different product lines based upon their historic import penetration rates. The 15-percent figure is equal to the import penetration rate prior to the surge of imports over the past few years.

Mr. Speaker, I contend that not only will 5 years of quota relief be essential in order to insure that the industry can garner the necessary capital to rebuild, it will also send an undisputable message to our foreign competitors that they should cease their unfair practices, and their uneconomic expansions of capacity. Anything short of these remedies will result in a hap-hazard, band-aid approach which will resolve nothing, and will instead allow this infection to spread throughout the industrial heartland of America.

We must maintain our position as an industrial world leader and I urge the members of the International Trade Commission and the administration to act responsively and responsibly in this area—to wait, to do nothing is to jeopardize the United States prosperity, productivity and power. Thank you Mr. Speaker.

Mr. Speaker, before I call upon my good friend, Mr. OBERSTAR, let me make one statement before I forget: If our smokestack industries are so archaic and everybody has to go to new production, I do not know why every country in the world is fighting and fighting and fighting to get into the act; to put into place smokestack industries such as steel, textiles, what have you. Everybody is saying you have to move on to new industries.

Every other country does not feel that way, including Japan. They feel it is very important to maintain smokestack industries. So somebody or something is going wrong in our thinking in this country Somebody is amiss as I see it and as I study it.

I yield to a member of the Executive Committee, an officer over the years, and a most dedicated worker for the cause, and the cause is fair trade in steel plus fair imports as far as iron is concerned from the great Mesabi Range, Mr. OBERSTAR.

Mr. OBERSTAR. I thank the chairman of the Steel Caucus. I compliment him on his splendid statement and his vigorous and vigilant efforts repeatedly on behalf of the steel industry, and the workers in the steel industry, leading the charge consistently and sounding the call to action in this body on behalf of measures that will establish fairness in trade in steel as the United States competes with our trading competitors overseas.

□ 2050

The fact is that steel remains the most versatile industrial building material in the world. For the United States to abandon the steel industry at a time of increasing pressure from unfair competition from abroad would be the most detrimental action we could ever have taken in our history in terms of national security.

We have to maintain a strong, vibrant, effective, competitive, national steel industry. In the face of the kinds of import pressures that we have been facing from abroad, the only way that we can respond is through the legislation that the caucus and nearly 200 Members of the House cosponsored, the Fair Trade in Steel Act.

All across the northern part of my district, the great Mesabi iron ore range, which has produced 3.2 billion tons of iron ore—and this is the 100th anniversary, I might add, of the shipping of iron ore from the Mesabi Range—100 years ago the first train load of ore moved from the mining country to the Port of Duluth to be shipped to lower lake ports.

Since that time, as I said over 3.2 billion tons of iron ore have been shipped. We now face almost 50 percent unemployment in iron ore mining, in tacomite processing because the steel industry is down. The steel industry is down because imports from companies owned or sustained by foreign countries are competing, dumping their product, in this country displacing American jobs.

All across the Mesabi Range just this week chambers of commerce, mayors, school boards, labor unions, both the steelworkers and the building trades and the mining industry representatives met to lay out a plan to mobilize the public in support of the Fair Trade in Steel Act, to conduct an educational campaign throughout the State of Minnesota and into other States. The people in the Mesabi Range have relatives living in other States to inform them about this legislation so that they can ask their Members of Congress and their Senators to support, cosponsor and vote for this legislation, because they realize that the future of the Mesabi Range, the future of northeastern Minnesota, our very economic survival depends on revitalizing the industry and giving us that 5-year window of time we so desperately need to get steel back on track and viable once again.

I just wanted the chairman to know, I want all those who will be reading this special order to know that northeastern Minnesota is mobilized, it is going to tell the rest of the United States how vitally important this legislation is to our total economic survival.

Mr. GAYDOS. At this point I would like to refresh the recollection of my colleague when we traveled to the Mesabi iron ore range and the excellent hearings that we had out there in two or three places and the response from the population and the workers up there. Everything the gentleman has said I could attest to as a matter of record, having been there with the gentleman and other members of the Steel Caucus.

I would like to take this opportunity to thank the gentleman and the other members who have traveled, not only up to Minnesota, the gentleman's home State, but down in Gary, Ind., where we stopped and talked to all of the steelworkers there about the problems firsthand, arm's length, and heard and understood and associated with those people.

We came back from Baltimore, up at the Fairless Works up there, and saw the same situation.

The point I am trying to make and doing a clumsy job of it is that this is a people-orientated legislative proposal. It is something that strikes at the heart, at a person's very existence, the workers involved and all the associated spinoff industries. We are talking about the well being and hopefully the social well being and particularly the psychological health of so many families, so many peoples, so many futures, that when you start adding them up it becomes frightening as to how many people, directly and indirectly, are affected by these imports coming in, particularly in the steel area.

I think my colleague agrees with me.

Mr. OBERSTAR. If the gentleman will yield, believe me, northern Minnesota and the iron range is very proud that the opening salvo in the fight for passage of the Fair Trade in Steel Act was fired up there in the Mesabi iron range on the 100th anniversary of the shipment of iron ore.

The people have not forgotten about it and the mobilization this week is a direct consequence of that first legislative act in support of the fair trade in steel legislation. The people mean to carry on with the effort to mobilize legislative support for the passage of that legislation.

Mr. GAYDOS. It was absolutely impressive to see the uninhibited emotions demonstrated there and the will to fight and the one-track desire to go ahead and to support it and to help any way possible. We had a couple of altercations at a time up there, too. I think we combined a little bit of fun along with some serious business.

Mr. OBERSTAR. I might add that following the hearing the Government witness, from the Department of Commerce, was taken on a tour of the food shelf and the soup kitchen and to meet with workers who have been displaced because of the recession, literally the depression in iron ore mining and had a real eye opener. He saw, firsthand, the devastating effects of the depression that has gripped the Mesabi iron range and came back with a very different appreciation of the problems and need for this legislation.

Mr. GAYDOS. Following the old adage that every cloud has a silver lining I really feel chagrined that the footwear industry has their problems, but as I say, the affirmative aspect of it is that hopefully we will get support from them and we are going to offer our support to them. If we could pick up the electronics industry, the television industry, and all types of textiles, many, many different industries, you name it it is in there, one way or another, because our trading partners are zeroing in one after another on all of our industrial activities.

If we can get that whole group behind us, we should have well over 200 signatures on our bill. We have 200 now.

I am continually shocked. We just do not make any more golf carts practically. That is taken over. It was a very healthy industry. It was spied upon by our trading partners. They came in and undersold our golf cart manufacturers. They now control it.

You can do the same thing with snowmobiles. It was almost amazing when the President recently gave poor Harley-Davidson, our motorcycle manufacturers, finally, after 15 bleeding years, finally, he said, "Well, it is going to go out of business and I guess it is going to look so bad for us if Harley-Davidson, the last manufacturer of motorcycles in this country, if it goes out of business." They gave them relief up to like 60, 70 percent prohibitions on imports coming in.

Finally, Harley-Davidson now is healthy. It is getting back on its feet and it is the only manufacturing entity making motorcycles in this country.

That is what has to be done. At least that approach to the problem.

I did not see any trade war occur. I did not see any repercussions internationally. I did not see any high-summit meetings being called and our trade being cut off. I never saw it when Nixon—and I have to go back to Nixon many years back—whether you love him as I said, or whether you hate him—when he put the 10-percent surtax on automobiles there was no worldwide explosion, international trade eruption, war going on. He put it on because it was right. He put it on because the industry needed it and he saved the industry.

This time we saved it with American tax dollars by giving loans to Iacocca and to Chrysler. It saved it after a fashion, but I think the respite is very limited and we will be right back in the soup again before you know it.

I want to conclude by thanking all those who participated and particularly thanking my colleague from western Pennsylvania (Mr. WALGREN) for his patience and also for his condescendence.

Mr. Speaker, I am including an article from the Wall Street Journal.

Footwear Industry Is Rebuffed by ITC in Plea for Relief From Flood of Imports

(By Eduardo Lachica)

WASHINGTON.—The International Trade Commission unanimously rejected a request from the U.S. footwear industry for relief from a flood of imports, mainly from Taiwan, South Korea and Brazil.

Chairman Alfred Eckes acknowledged that imports have captured 69% of the domestic market but ruled that the petition filed by Footwear Industries of America and two unions that are AFL-CIO affiliates didn't meet the strict "serious-injury" test. "Employment has stabilized, production has risen, and the industry generally has achieved better profit margins than the average for manufacturing industries," he said.

ITC members Paula Stern and David Rohr had similar opinions.

The 5-0 ruling stunned the industry. George Langstaff, president of Footwear Industries of America, said the association will appeal to President Reagan and will challenge the ITC's findings in a court suit. He said he was "absolutely appalled" that the industry, despite the import threat, couldn't obtain help through the 1974 Trade Act.

"Something is clearly wrong with our import-relief mechanism," the association's chief counsel, Thomas Shannon, said.

The nation's more than 300 footwear makers, primarily in New England and many Midwest and Southern states, aren't likely to get much sympathy from the administration, though. The U.S. trade representative's office previously turned down the industry's request for administrative actions to curb imports.

The petition to the ITC was directed against all imported non-rubber shoes, boots and slippers. In the first quarter of 1984, 193.2 million pairs were imported, representing 69.4 percent of U.S. consumption, up from 50.9 percent in 1979. For 1983, footwear sales in the U.S. totaled $8.2 billion.

However, the ITC noted that the import growth partly reflected increased consumer spending. Domestic production last year stabilized at 341.2 million pairs, or a total of about $2.9 billion.

Angered by the ITC decision, the industry's congressional supporters introduced bills in both the House and the Senate that would impose a cap on imports of non-rubber shoes of 50 percent of U.S. consumption. Sen. William Cohen (R., Maine) signed up Sens. George Mitchell (D., Maine), Warren Rudman (R., N.H.), and Dale Bumpers (R., Ark.) as cosponsors of his bill and said more could be recruited in a matter of days. "We're dealing with a question of survival for an important industry," he argued. A similar measure was to be introduced in the House last night by Rep. James Shannon (D., Mass.) and Rep. Olympia Snowe (R., Maine).

The congressional footwear caucuses include a third of the Senate and a fourth of the House. Senate aides acknowledged, however, that the bill could be held up by the tight legislative schedule. "With the conventions and the election campaign ahead of us, we've less than 40 legislative days left," a member of Sen. Cohen's staff said.

● Mr. BORSKI. Mr. Speaker, I want to thank my colleagues in the House Steel Caucus for taking out this special order to draw attention to the critical needs of our domestic steel industry. It is crucial that Members of this Congress, as well as this administration, become aware of the plight of hundreds of thousands of steelworkers, their families, and their communities.

Since 1977, 45 percent of steelworkers have lost their jobs in this country. Nearly 210,000 steelworkers have been laid off, most of these as a result of imported steel being dumped into this country. In the last year alone, steelmaking capacity in the United States has fallen 10 percent because of plant closings.

Mr. Speaker, there is no such thing as free trade in the international steel markets today. Trade is totally distorted by foreign government subsidies, and steel is being dumped into this country while these same governments protect their own domestic industries by severely limiting the amount of steel that can enter their markets. The United States is the only major open market for steel in the world, and with overproduction in other countries, the United States becomes an easy target for steel dumping.

In recent years, steelworkers and the steel industry have taken comprehensive steps to increase productivity and lower costs. Substantial wage, salary, and benefit reductions have been agreed to, management and administrative work forces have been cut, and plant modernizations have proceeded to compete with more efficient and modern foreign mills.

But, Mr. Speaker, no amount of sacrifice can compete with the current international steel markets. Our domestic steel industry will never be able to compete with foreign steel companies subsidized or owned by foreign governments.

Mr. Speaker, there is a comprehensive effort underway to provide some temporary import relief for the steel industry. H.R. 5081, the Fair Trade in Steel Act of 1984, has the support of nearly 200 Members of this House. It is a vital piece of legislation, and would provide a quota on steel imports of 15 percent of apparent domestic supply for a 5-year period. This is a higher level of imports than most other steel producers allow into their own countries. This bill is very necessary, especially now, as foreign steel has reached a penetration level of over 25 percent for the first quarter of this year.

Additionally, the United Steelworkers and Bethlehem Steel have filed a petition with the International Trade Commission, under section 201 of the Trade Act of 1974, requesting import relief. This petition provides the most effective way of dealing with the massive import problem, as it covers all products from all foreign sources, while offering a variety of remedy options. It would limit foreign imports to 15 percent of domestic supply, and would provide a comprehensive way of helping our domestic industry modernize and get back on its feet.

Mr. Speaker, the continued strength of the American steel industry is threatened by the massive, ongoing, and escalating problem of dumped and subsidized foreign steel. Imports are still the central problem—despite closings, despite permanent reductions in work forces, despite layoffs, despite reductions in wages, salaries, and benefits, and in spite of steel's modernization efforts.

Mr. Speaker, we need to address the very legitimate concerns of steelworkers and the steel industry. H.R. 5081 and the section 201 petition are two vital ways to address these concerns. I strongly urge my colleagues to add their names as consponsors to H.R. 5081, and to write letters in support of the section 201 petition to the ITC.●

● Mrs. HALL of Indiana. Mr. Speaker, I thank you for this opportunity to express my commitment to the revitalization of the steel industry and urge my colleagues to join me.

In the first quarter of 1984, foreign steel imports accounted for 25.4 percent of the American market. To the American steelworker this means that 1 out of every 4 tons of steel used in this country is produced by foreign workers and to the American steel industry this means that a quarter of the industry's business has moved out of the country. It is estimated that the imports account for a loss of over 200,000 American jobs.

This situation is especially disconcerting because 1984's first quarter imports are 92 percent higher than those in the first quarter of 1983. While imports from our long-time suppliers have remained fairly constant, imports from recently established steel-producing countries have increased over 300 percent since 1980. Often foreign producers can afford to undersell the U.S. steelmakers and corner such a large portion of the American market because they have the advantage of nonunion wages and Government subsidies.

The impact of increasing imports is devastating to the American steelworker and the American steel industry alike. In order to make the industry more competitive, management and labor have made great sacrifices in pay and benefits. Both are prepared to make additional sacrifices if import relief is granted so that sufficient capital can be generated to complete modernization plans, but workers without jobs are in no position to pitch in.

Steel imports not only cause injury to the steel industry and the steelworkers, but also to the American economy and the American people as a whole.

What is the solution?

Experience shows us that antidumping and countervailing duty cases have not adequately solved the problem. Those cases must be brought against individual companies or countries, and on the basis of individual product lines, so that hundreds of cases have to be filed, which ties up the court's time and again fails to address a multifaceted problem on a comprehensive basis.

This global problem must be met with a comprehensive solution. Workers, management, industry, and the legislative judicial, and administrative branches of Government must work in unison for the future of the industry and, indeed the future of the country.

Two major components of the solution are the United Steelworkers' and Bethlehem Steel's recently filed 201 petition and H.R. 5081, the Fair Trade in Steel Act of 1984. The relief sought in both cases is essentially the same—global limitation on carbon steel imports to less than 15 percent of domestic consumption for 5 years. This quota is specifically time limited. The industry needs time-out relief from the steel imports to modernize and upgrade production to become competitive in the world market.

In the face of the complexity of the situation, I would like to share with you a clear-sited letter from one of my constituents.

An open letter to unions, corporations, and Government officials who are concerned about the steel industry—from Amy Sue Kovalan, Chesterton High School, Chesterton, Ind.:

Almost a quarter of a century ago John F. Kennedy stated, "The American, by nature, is optimistic. He is experimental, an inventor and a builder who builds best when called upon to build greatly." The American steel worker is now being called upon to build best. Trade, recession, and rapid technological advancement is pushing up the pace for finding solutions to industrial problems, yet, I feel confident that through a combined effort, labor and management can jointly invent and experiment with answers to these problems. As a daughter of a steel worker I feel qualified to share a few observations. There is no doubt that the steel industry my father entered when he was my age—18—has changed. The industry has changed because the market has changed, the competition has changed, and the mentality of the employees has changed. My father is an hourly man, a union man, a blue collar man. However, so many of the stereotypes my friends try to attach to him do not apply. I've been raised to see the value of a strong union, but I've also been exposed to elements that are necessary for a strong corporation. When friends, unfamiliar with the purpose of a union, declare that the unions are responsible for the fall of the steel industry I'm inclined to ask, "what fall?" The state of Indiana now produces more steel than any other state in the country. In fact, Indiana produces more steel than any other nation in the world. The mills have cut back on employees and the "lay-offs" do appear to be permanent. But the industry will survive. After a friendly statistical breakdown of the steel industry I gently remind my friends that the unions have sacrificed. Concessions, arbitration, and compromise are household words for steel workers' families. The point is both labor and management have the same goal: profit. If a profit is made the labor is paid. All too often this basic common goal of capitalism is buried under the rhetoric created by labor and management while searching for a scapegoat. The paradox is both sides are guilty and no one is to blame. Labor and management failed to look forward because a profit was being made, yet nothing is to be gained by playing "Monday morning quarterback." The future of the steel industry rests in labor and management searching for solutions so that the goal they share can be obtained. Each group needs to assume responsibility so that together they can "build best."

The ground work for cooperation has already been laid. My father's mill has worked for worker/management participation. Even more drastic is the step taken by labor and management in Weirton, West Virginia. Weirton Steel, the mill of my grandmother, of my uncles, and now of my cousins, has been sold to the employees. Facilitated by the union, this transaction underlines the willingness of the working man to sacrifice to survive. Yet, by the very nature of the words concession, cooperation, and compromise, the sacrifice should not be that of labor alone. Management and Americans at large (such as my uninformed friends) must acknowledge the concerned steps taken by the unions. Management must remember to give as well as take when the goals of profit has been met. Building a steel industry that makes a profit requires the realization that despite a history of sitting on opposite sides of the proverbial bargaining table, labor unions and corporations have the same goal. It is to the advantage of both to work together.

America is a land of vast resources. Coal, iron ore, and the Great Lakes provide tremendous natural resources for the steel industry in Northern Indiana. The most abundant, most easily replenishable, and most often ignored indigenous resource is the worker. The hourly men, the union men, the blue collar men, the men like my father have within them the experience and the motivation to succeed. A policy that takes labor and management participation off the drawing board and out of the minds of consultants and puts it to work is a policy that represents progression towards profit. The government is not removed from the responsibility of helping the steel industry to survive. If an "industrial policy" would help steel to survive, it should be a consideration. If America is truely going to prosper, the industry of steel should be aided, not ignored by the Federal Government.

The industry my father entered over twenty years ago has indeed changed. But the changes do not have to displace workers and force corporations to abandon steel. The experimenting and inventive resource—the human resource—can guarantee that once called upon to "build greatly," steel can in fact "build best." I undoubtingly fit Kennedy's description of an American because I am by nature optimistic. Labor unions and steel mills have provided financial sustenance for my family. The struggle of the steel mills and the blue collar worker is one that is permanently linked to my life. I believe that my optimism concerning the future of the steel industry is justified because I believe that labor, management, and government is very close to striving together for an industry that "builds best." By supporting the efforts to save the steel industry the unions have demonstrated the desire of the worker to survive change. With our encouragement, corporations and government will work with labor to rebuild. I truly believe that by supporting the efforts of these three groups we can call upon the steel industry in the United States to "build greatly."

I have personally received thousands of letters urging me to do whatever is necessary and possible to help revitalize the steel industry and to influence my colleagues to do the same. The economic ripple effect is felt throughout my district and throughout the country. If imports are allowed to increase unchecked, America will be left dependent on foreign countries for an essential part of our economic system.

As a member of the Executive Committee of the Congressional Steel Caucus and as an American citizen, I support the United Steelworkers and Bethlehem Steel Co., section 201 petition and H.R. 5081, the Fair Trade in Steel Act of 1984. We must act immediately or we may lose the underpinning of the Nation's economy—the American steel industry. I urge my colleagues to join me today as cosponsors of the Fair Trade in Steel Act and to write the administration in support of the section 201 petition.●

● Mr. MURTHA. Mr. Speaker, it is ironic that on the day before this special order, a visitor to my office delivered some information that in many ways summarizes why the steel situation we face is so important.

Rev. Kevin Queally, TOR, is locally with the St. Thomas More Friary and is also connected with St. Francis in my district in Loretto, Pa. He had just returned from a 1 month vigil at the Nevada nuclear test site. He showed me two pictures he had taken: On the first is a sign post with the sign indicating the direction to the Desert Rock airstrip; the second is a closeup showing the pole supporting the sign as clearly labeled "Korea Steel Pipe."

That shows that there remains—despite all our efforts—an insensitivity to the problems facing steelworker families and steel communities in the United States. While nationally economists talk of a recession in the past year; in the steel communities we have faced a depression. At my regular office hour sessions, I have seen the pain of unemployment in the faces of our steel families.

But as I said in addressing the United Steelworkers Convention here in Washington yesterday, this is not a problem relegated simply to steel communities. It is a problem for everyone in America who cares about the basic strength of our economy, the Nation's ability to support itself in a time of international crisis, and who wonder about the future plans for a balanced, strong American economy.

To reach this goal, we in the Steel Caucus have been proceeding on two fronts.

In the House we have introduced the Fair Trade in Steel Act which would limit imports to 15 percent of the U.S. market, down from the present record levels of 25 percent. The support for this bill is shown in the fact that we now have 189 cosponsors, and we expect to be past the 200 mark very soon.

On the second front, I presented testimony on behalf of the caucus before the International Trade Commission on the trade suit filed by the United Steelworkers and Bethlehem Steel. The result of this suit would also be to reduce the imported steel to 15 percent of the U.S. market.

In both these approaches, we are not being unfair or arbitrary with our trading partners. We are not trying to cut imports to 0 percent or close our trade lines down. We are demanding a fair level of imports which our trading partners have refused to initiate voluntarily.

Let me add two additional points to relations with our allies. First, let us be frank and note that the United States is carrying the defense burden for the entire free world. I have supported high levels of military spending, and I believe it is vital to security. But in the United States assuming that role, some of our allies will have to show some trade restraint to protect our economy. The economies of the free world are as intertwined as the military strength, and where we cooperate in one area, we are going to have to require cooperation in the other. Second, to those who argue these actions could touch off a trade war, I simply say this: We are already in a trade war, and the United States is losing it; I am not aware of any foreign country that is requesting mercy from our Government because we are destroying some industry of theirs through unfair, subsidized imports.

With these actions, we are saying, we are not going to let the American steel industry be destroyed by unfair subsidized foreign imports, we are not going to turn our backs on the steelworker families of America that have been so much the backbone of our economy and our Nation.

The Steel Caucus has been arranging meetings with the Speaker and with the key committee leaders to get action this summer on the import bill. We are awaiting developments on the case before the ITC. But the key bottom line is that we are serious about taking action on imports; we are serious about protecting our steelworkers; and we are serious about protecting our steel communities.

Many other Members of the House plan to talk about specific aspects of our trade problems in steel, and from this information we hope to keep building the momentum for this vital effort.●

● Mr. **WALGREN**. Mr. Speaker, it is dismaying that we have to continue to come to the floor of the House of Representatives to plead with the administration to stop the never-ending surge of unfairly imported foreign steel into the United States, but once again we must.

I am proud to be a member of the Congressional Steel Caucus which has today organized this special time to bring to the attention of the administration, the congressional leadership, and the public the plight of steel communities across the land. While the President touts economic recovery on the television screen, there are many steel families that are still suffering from unemployment and disruption caused by the unrelenting tide of foreign steel coming through our ports.

We must attack these imports on every front. As a cosponsor of the Fair Trade in Steel Act, I would urge the House to act on this bill promptly. The Fair Trade in Steel Act would place limits on foreign steel products for the next 5 years. Similarly, we must get relief via our current trade laws and I urge the administration to move swiftly and decisively on the 201 petition filed by the industry and the steelworkers. Every 1 million tons of imported steel represents 4,700 lost American jobs. This is a trend we must stop.

I would like to share with my colleagues my May 8 letter to the International Trade Commission urging the administration's action on the 201 petition and look forward to working with my colleagues here to bring many steel families back into economic mainstream of our country.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 8, 1984.

Hon. ALFRED E. ECKES, Jr.,
Chairman, U.S. International Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN, I am writing to urge the International Trade Commission to take favorable action on the petition under the provisions of Section 201 of the Trade Act of 1974 filed by the United Steel Workers and Bethlehem Steel. The petition seeks to limit foreign steel imports to 15% of apparent U.S. consumption for a period of five years.

The United Steel Workers of America and Bethlehem Steel filed this petition in response to the unabated increase in imports of foreign carbon and alloy steel mill products. The petition seeks a comprehensive solution to the continued inroads of foreign imports in the U.S. industry.

We have painfully watched foreign imports grow from 2.6% in 1960 to 17.9% in 1970, to 25% in 1982. In January of this year, imports flowed into this country at a rate equal to more than 26 percent of Americ's steel consumption, a rate that is almost double the tonnage that was imported in January a year ago.

Illegal dumping of steel in the U.S. has caused economic hardship for our nation's steel industry, workers and steel communities. Presently, 29% of all steelworkers are unemployed, causing disruption in personal lives and entire communities. Members of the U.S.W.A. agreed last March to a voluntary salary cut of 10.5%. They have sacrificed to do their part in saving their industry.

It is continually frustrating to me that no matter which party is controlling the executive branch, American steel jobs have been sacrificed for the sake of "free trade" and "good relations with our allies." It is past time to be diplomatically asking for fair trade practices. Meetings, discussions, agreements, even antidumping and countervailing duty petitions have not worked. The 201 petition, a comprehensive approach, is the only way short of legislated quotas to bring some fairness and balance to the steel import problem. It is a prime opportunity for the Administration to take a major step in support of the American steel industry and to vigorously enforce our trade laws.

I sincerely hope that you share my deep concern about the viability of this fundamental industry, one that is basic to our economic strength and our national security. Our workers and steel communities are relying on Congress and the Administration to bring relief to this inexcusable flow of imports. I stand ready to help in any way that I can.

Sincerely,

DOUG WALGREN,
Member of Congress.●

● Ms. **MIKULSKI**. Mr. Speaker, the good people of this country fought on the bloody beaches of Europe in World War II, in the hills of Korea, and in the jungles of Vietnam. Now they wonder if this country will defend them from another form of invasion, the rampant invasion of foreign goods into the United States that steal jobs.

There is an unremitting stream of steel imports, subsidized by foreign governments, that are being dumped into this country at unnatural low prices. We need import relief to combat these unfair practices now.

I know of steelworkers in my own neighborhood who, in years past, had lined up at their churches and parishes at Christmastime to deliver food baskets to the needy. This past Christmas, those steelworker families needed the food baskets themselves.

The fact that these hard-working men and women have lost their jobs to cheap foreign imports is painful to them, painful to me and should be painful to everyone of you.

Working mothers and fathers today want, at the very minimum, the chance to be able to provide food, clothing, and a decent home for themselves and their families. But instead of being able to provde their families with more opportunities to improve their lives, foreign steel imports are stealing this chance for our people.

We are told that things are getting better. They may be getting better for the multinational companies that are taking jobs out of our country and giving them to workers in other countries. Things are not getting better for my neighbors in the church food lines. I bet they are not getting better for the people on your street.

Mr. Speaker, our Nation's economy is dependent on the U.S. steel industry. We need to save it from unfair trade practices. We cannot continue to sit idly and watch foreign steel producers consume our steel market. Our Nation's economy, security, and workers are dependent upon our abilities to save our domestic steel industry from unfair imports, and eventual collapse.

We can avert further injury to our domestic steel industry. We must stem the tide of unfair imports. I urge my colleagues to join me in this plea for import relief and support H.R. 5081.●

● Mr. MURPHY. Mr. Speaker, I would like to commend my colleagues, Mr. MURTHA, the chairman of the Congressional Steel Caucus, and Mr. GAYDOS, the chairman of the Executive Committee, for their leadership in trying to create a new market for American steel, unfettered by subsidized steel and open as a fair market in which all may compete in a real free enterprise system.

The steel industry, along with the United Steelworkers of America, are under the worst pressure since the Great Depression. Since 1977, over 200,000 steel jobs have been lost in this country. The time has come to shape a national policy that fights back and limits the dumping of subsidized steel in American markets, which unfairly destroys American jobs.

I have cosponsored H.R. 5081, the Fair Trade in Steel Act of 1984, because it is the most important first step toward getting the American steel industry back on its feet and American steelworkers back to work. The primary objective of the bill would be to roll back the subsidized steel imports to 15 percent, which is the actual level of imports during the 1970's. These import restrictions will accomplish the immediate goal of revitalizing our declining steel industry and put our steelworkers back to work.

Mr. Speaker, I rise in strong support of H.R. 5081, the Fair Trade in Steel Act of 1984. I have cosponsored this legislation because it is the most important first step toward getting the American steel industry back on its feet and American steelworkers back to work.

We all advocate free trade that is fair, but our steel industry has been a victim of trade policies that have been unfair and detrimental to our national interests. The millions of tons of dumped and subsidized foreign steel and iron ore imports have enabled foreign producers to capture nearly 23 percent of our domestic market resulting in closing of plants and the loss of more than 100,000 American steel jobs today.

The American Iron and Steel Institute stated that 1 million tons of imported steel products represent approximately 4,700 American jobs. The 16.7 million tons of steel imported in 1982 translate into 75,000 Americans not going back to work, and an additional 225,000 jobs in related industries and services remaining unfilled.

The flood of imported steel has had a severe economic impact on the steelworkers of Pennsylvania. Of the 177,000 basic steel jobs lost in the Nation between 1979 and 1982, more than one-fourth of the cutbacks took place in Pennsylvania. If we do not place restraints on dumped and subsidized steel imports, employment will continue to decline in the steel work force of Pennsylvania. For example, employment in blast furnaces and basic steel products stood at 89,400 jobs in Pennsylvania in December 1983. The projection for 1990 by the U.S. Bureau of Labor Statistics is 89,500 jobs. Thus, it could well be that our Pennsylvania steelworkers who have not yet been recalled by their former employers will have to look elsewhere for new jobs. This current crisis of unemployment in the steel industry has done harm not only to our workers, but also to our communities. The unemployed steelworkers represent both a lost source of income to merchants in their communities and a lost source of revenue in local and State governments. In addition, there will be a drain on public resources—unemployment, food stamps, public health services—and a higher Federal deficit.

For every 1 percent of unemployment, the Federal deficit is boosted between $25 to $30 billion. Thus, the steel's problems are a community's and public's problem. We cannot sit by idly and allow the dumping of subsidized steel in American markets, which unfairly destroys American jobs and undermines our country's economic foundation.

I strongly support the Fair Trade in Steel Act of 1984, because it will revitalize a declining steel industry which is essential for our country's economic well being and our Nation's defense. This bill has three major features: first, it will limit steel imports to 15 percent of the domestic market for 5 years with a provision for a 3-year extension. This is a level higher than that allowed by our trading partners in Europe and Japan. Developing nations have a virtual ban on any imported steel product which competes with their own. Second, the Secretary of Commerce is directed to monitor steel industry investment and empowered to modify or suspend quotas if investment is not being made at appropriate levels. Third, the bill provides a 25-percent quota on imports of non-Canadian iron ore.

We, as members of the House Steel Caucus, agree that responsible import restrictions are essential to introduce stability to our carbon and specialty steel producers. It is time to shape a national policy that allows our steel industry to compete in an unfair international marketplace. The U.S. Department of Commerce has found that several European nations have subsidized their exports to the United States at margins up to 26 percent. Commerce also made preliminary findings that several European Community nations had dumped steel into the American market up to 41 percent.

This unfair competition from foreign steelmakers has hurt our Nation's economy. Each billion-dollar reduction in earnings by our domestic steel industry translates to a $2.2 billion reduction in domestic economic activity, and reduces the potential work force in steel and supporting industries by 52,000 jobs.

It is clear that the problems in the steel industry are problems that affect all Americans. The foreign government-supported imports has caused our domestic production capacity to lay idle, steel communities are depressed, and many people in related businesses are currently suffering. If the trend of plant closings and high unemployment in the steel industry increases, not only will our Nation be one of the few unable to meet its steel needs, it will be forced into a perilous reliance on uncertain sources of supply. That would seriously jeopardize the stability of our national security.

The Fair Trade in Steel Act of 1984 will send a strong signal to the administration emphasizing the need to implement trade laws which will allow our steel industry to become competitive with foreign markets. I urge my colleagues to support this important legislation, which will create a new market for American steel—unfettered by subsidized and dumped steel and open as a fair market in which all may compete in a real free enterprise system.●

● Mr. APPLEGATE. Mr. Speaker, I thank the gentlemen from Pennsylvania, Mr. MURTHA and Mr. GAYDOS, for calling this Special Order today in support of the United Steelworkers of America's and Bethlehem Steel Corp.'s 201 petition now before the International Trade Commission.

As a nation, we are at a crossroad, do we continue with our present free trade philosophy and allow for the continued decimation of our domestic steel industry or do we provide some type of interim relief to the steel industry to modernize and restructure antiquated plants and technology. On a national level, I wholeheartedly believe the latter course of action to be in the best interest of our country and her peoples.

Foreign steel imports, as we all know, have been increasing dramatically. Steel imports overall during each of the first 4 months of 1984 were over 2 million net tons. This is the first time ever that steel imports were over 2 million tons for 4 consecu-

tive months. This figure represents an unbelievable 90.9 percent increase over the same period in 1983. Carbon steel imports have increased an unbelievable 90 percent over the past year, thus taking away 26 percent of the American market. And to add to this inequity specialty steel imports have captured 64 percent of the market. And this is just a sample of what has been happening in our domestic steel markets.

At the same time, we are seeing announcements from our major domestic producers of steel of plant closings. As a Member of Congress from the State of Ohio, where steel and coal were once major industries and major contributors to the State's economic base, I am keenly aware of the disastrous effects such plant closings have on a State. Multiply this on a national scale, we clearly see the erosion of a strong national economic base. Can we, as a nation, afford to allow this to continue? I would think not.

The 201 petition we are here to support today was filed by the United Steelworkers of America and Bethlehem Steel Corp., and provides the type of temporary import restraints needed to permit the industry to complete modernization plans, which would otherwise be further postponed or canceled in the face of unrestrained steel imports.

Neither I nor the Congressional Steel Caucus, of which I am an executive committee member, are seeking unfair or permanent protective decisions by the International Trade Commission or by unfair or permanent legislation. Instead, we seek only temporary relief until the steel industry can rejuvenate itself and until an agreement can be reached with our foreign trading partners that they will rescind from there trade restrictions on our products. They must also restrain from taking advantage of the American market through subsidizing and illegal exporting practices.

American labor and steel producers have been working together to reduce costs, modernize, and improve efficiencies. Obsolete plants have been closed, wages and benefits have been produced, and work rules are being changed. Numerous capital spending projects have been announced despite the industry's persistent lack of profitability. More can and must be done to make our domestic steel industry more competitive and productive. However, in order to make meaningful advances, the domestic steel industry needs to have the trade laws enforced, which we already have on the books, and to have relief from the market conditions that are impairing the industry.

I fully support the 201 petition and would hope that the International Trade Commission will take immediate and positive action.

I also want to commend my colleagues, JACK MURTHA and JOE GAYDOS, for calling this Special Order to bring this matter to the attention of the House. Unless we begin to enforce our present trade laws, we may see an end to the domestic steel industry on the horizon.●

● Mr. DINGELL. Mr. Speaker, I appreciate the opportunity to join with my colleagues to discuss particular problems facing the domestic steel industry. I have always believed the most effective method to address a problem is to clear the air of misconceptions and to lay the facts upon the table. That is the purpose of this discussion.

My good friend and colleague, Congressman JOSEPH GAYDOS, has already spoken to the issue of the current costs of labor per hour worked within the domestic steel industry. I would like to enhance the discussion about labor costs by talking about the productivity of American steelworkers. Like autoworkers in this country, our steelworkers' productivity is second to none. It is time to debunk the myth that steelworkers in other countries are more productive than our own steel industry employees here in the United States. It is time we looked at the hard facts.

The most authoritative source which compares steel productivity between the United States and our trading partners is a publication entitled World Steel Dynamics published by Paine Webber Mitchell Hutchins, Inc. The data presented by World Steel Dynamics are relied upon by steel industry and labor, both nationally and internationally. As part of my statement, I intend to include for the RECORD statistics representing total employee hours worked per net ton of steel shipped in the United States, Japan, West Germany, France, and England for the years 1976 to 1984.

These statistics show that, at the present time, American steelworkers produce 1 ton of steel in 5.8 hours, on average, compared to 7¼ hours in Japan, 9⅛ hours in West Germany, 10 hours in France, and over 11 hours in England.

Mr. Speaker, the U.S. steel industry is not losing its steel markets because other nations produce steel more efficiently than we do. We are losing steel markets because other nations subsidize their exports to the United States and dump their steel products into this country.

It is true that American steelworkers enjoy a higher standard of living than workers in many other steel producing countries. Our steelworkers earn more per hour. But when the productivity of American steelworkers is coupled with their wages, the actual labor costs of making a ton of steel are not significantly higher in the United States than in other countries. At the present, those labor costs are $138 per ton of steel in the United States, $128 per ton in France, $124 per ton in West Germany, $95 per ton in Japan, and $92 per ton in England.

The cost of shipping a ton of steel to the United States plus the cost of normal customs duties is $80 per ton—far more than the difference in employment costs in any of these industrial nations. Nevertheless, in spite of higher aggregate costs of labor, plus shipping, foreign countries have been able to capture 25 percent of the American steel market in 1984. The reason is not greater productivity by foreign countries, but instead a continuation of unfair trade practices which must be put to an end.

For the benefit of my colleagues, I am submitting for the RECORD one statistical table providing an enumeration of labor productivity in steel of major industrial nations (table I), and another table enumerating comparative labor costs per ton of steel shipped (table II).

TABLE 1.—LABOR PRODUCTIVITY IN STEEL, MAJOR INDUSTRIAL NATIONS

[Hours per net ton shipped]

Year	United States	Japan	West Germany	France	United Kingdom
1976	8.79	10.11	11.12	14.89	19.17
1977	8.95	9.58	12.57	14.26	21.26
1978	8.12	9.55	11.67	12.62	21.56
1979	8.29	8.55	9.85	11.35	18.58
1980	8.31	8.30	9.98	10.34	¹37.35
1981	8.07	8.49	9.95	10.24	13.50
1982	7.84	8.07	11.08	10.81	13.35
1983	6.59	7.72	10.76	10.92	10.75
1984 ²	5.80	7.26	9.14	10.17	11.16
7 year improvement (1976-83) (Percent)	25.0	23.6	3.2	26.7	43.9

¹ Strike year.

² Projected figures for first half 1984 based on the first quarter.

Source: Paine Webber Mitchell Hutchins, Inc., World Steel Dynamics.

TABLE 2.—COMPARATIVE LABOR COSTS PER TON SHIPPED

[Current dollars]

Year	United States	Japan	West Germany	France	United Kingdom
1976	$107.06	$58.70	$93.67	$114.93	$85.40
1977	120.78	69.75	118.31	122.19	103.40
1978	119.60	89.99	137.77	118.86	129.88
1979	135.87	81.41	134.40	148.04	125.67
1980	158.38	85.17	149.29	[illegible]	¹410.79
1981	167.69	98.09	[illegible]	129.86	131.33
1982	193.81	[illegible]	147.04	132.53	122.42
1983	157.17	92.41	137.08	140.98	85.79
1984 ²	138.16	94.98	123.66	127.81	92.18
Percent increase 1976-84	29	62	32	11	8
Dollar increase 1976-84	$31.10	$36.28	$29.99	$12.88	$6.78
1983 costs adjusted to reflect 1978-79 exchange rates	157.17	102.19	182.22	245.10	114.21

¹ Strike year.

² Projected figures for first half 1984 based on the first quarter.

Source: Paine Webber Mitchell Hutchins, Inc., World Steel Dynamics.●

● Mr. GEKAS. Mr. Speaker, I rise to express my support of H.R. 5081, the

Fair Trade in Steel Act, and the petition jointly filed by the United Steelworkers of America (USWA) and the Bethlehem Steel Corp. (BSC) with the U.S. International Trade Commission under section 201 of the Trade Act of 1974. The provisions of section 201 provide remedies, including quantitative import restrictions, when foreign imports are increasing and are a substantial cause of serious injury to a domestic industry. The petition, which seeks relief for the domestic steel industry, and the legislation, are necessary elements in a plan to return international steel competition to a fair and equitable arena. Both the bill and the petition would limit imports of carbon and steel mill products to approximately 15 percent of the domestic market for 5 years; both seek a global trade remedy.

There is, however, one area of the steel industry that is unfortunately not covered by both the bill and the petition: neither one includes the wire rope industry in the coverage of its provisions. As a Member of Congress with both steel and wire rope producing plants in my district, I am concerned that the global trade remedies sought in both the petition and the bill fairly cover all aspects of the steel industry that have been adversely affected by the present market conditions. The wire rope industry is being decimated by low-priced imports which already have captured one-third of the wire rope market. I am concerned that the two wire rope companies located in my congressional district, Paulsen Wire Rope Co. of Sunbury and Bethlehem Wire Rope Division of Williamsport, as well as the entire wire rope industry, not be treated as the unnoticed step-child of the steel industry. The future of these companies is as much in jeopardy as the rest of the steel industry, so in all references to the plight of the steel industry, this member also includes the wire rope industry.

To return now to the discussion of the 201 petition and the fair trade bill, it can be said that action on both concepts is based on the premise that there is "free trade" in the world steel market. May I suggest to my colleagues that there is no "free trade" in steel competition.

The American steel industry and market was, in previous years, predominantly domestically supplied. In the 1950's, imported steel took 2.3 percent of the U.S. market; in the 1960's it was 9.3 percent; by the 1970's that total had risen to 15.3 percent. But by 1982 the domestic steel market had lost a record 21.8 percent to imports. Why the dramatic increase? In recent years foreign steelmakers, sensing a highly available U.S. market, have targeted this country as a major source for their exports. This targeting would be of little importance were it not for the fact that most foreign steel competitors are subsidized by their governments or are under direct government control. A second reality to consider is that much of the foreign steel industry has been built on the strength of United States or international loans, heavily financed by the U.S. taxpayer. Other factors repudiating the free market concept highlight the overindustrialization of foreign steel, the continued expansion of steel producing capacity far beyond the domestic market needs of those countries. Combine this overproduction with findings that foreign steel is being dumped into the United States at price margins well below the actual cost of production—that is the fair market value—and the case against foreign steel and for the fair trade in steel bill and the 201 petition becomes solid.

This wash of imported loss-leader steel is not expected to recede in future years. In 1983, foreign steel imports captured 20.5 percent of the U.S. market. In the first quarter of 1984, steel imports totaled 25.5 percent of the U.S. market. It is estimated that steel imports for 1985 and 1986 will continue to dramatically increase.

What are some of the results of this flood of foreign steel?

The U.S. steel industry has in 10 years gone from billion-dollar profits to billion-dollar losses. The industry's losses for 1982-83 totaled about $6 billion. Employment for 1983 in the industry was at 243,000 workers, down from an average of 453,000 workers during the 1975-79 period. In 1983, the productivity of the U.S. steelworker measured at 6.59 man-hours per ton, compared with 7.72 man-hours in Japan, which has been touted as being the world's most productive. But, despite such productivity, thousands of jobs are lost yearly as imports increase.

It is imperative that as we review these casualty figures we also remember that the steel industry is the fourth largest industry in the United States, providing millions of jobs in other related areas such as automobiles, construction, shipbuilding, et cetera. Steel is critical to our economy and to our immediate and long-term national defense. Our steelmaking capacity must be great enough to provide the necessary output of products during any period of crisis. How can we afford to depend on a Third World country, or any other country, to supply us with this or any other precious commodity in times of international crisis? A brief look back at the events surrounding the Arab oil embargo will remind us that we cannot depend on anyone for any natural or manufactured resources. But, as it is, while other steel producing countries have overbuilt their steel industries beyond domestic needs, forcing them to export at subsidized prices, the U.S. industry, so battle-scarred and damaged from fighting imports, cannot supply an American demand even in a time of only moderately brisk economic activity.

We now see that the governments of each industrial nation has assigned the survival of its steel industry its highest priority—that is, all countries but the United States.

Thus, we come to the point where we consider the two stark alternatives facing the steel industry and the Nation: first, continue to submit to foreign targeted-market tactics; and second, pursue a comprehensive trade action plan with the 201 petition and the Fair Trade in Steel Act—remembering the wire rope inclusions—to address the international steel trade inadequacies.

By foregoing the latter and pursuing the former we can look forward to the continued self-liquidation of the domestic steel industry, massive job losses, and the erosion of an industrial field that is absolutely necessary to both a robust economy and a strong defense.

Unlike their foreign competitors, our steelmakers do not receive government loans, subsidies, guarantees or bailouts. Unlike their foreign counterparts, American workers cannot rely on massive government wage and social benefit programs.

The American steel industry can and has been reducing costs, modernizing and increasing efficiency to compete with foreign steel in a fair marketplace. But, that fair marketplace just does not exist.

Only through the extraordinary means of the 201 petition and the Fair Trade in Steel Act, with wire rope amendments, can a truly fair marketplace and an adequate and comprehensive solution to this critically severe global Trade crisis be achieved.

In conclusion, I see the section 201 and the fair trade in steel bill petition as an efficient and effective way of dealing with the basic steel import problem. The present steel crisis represents exactly the type of situation Congress had in mind in enacting the section 201 language. The amount of imports coming into the United States is a substantial cause of serious injury to the domestic industry and its employees.

As a member of the congressional steel caucus and, as a cosponsor of the Fair Trade in Steel Act, I again state my support for both the section 201 petition and H.R. 5081 and would urge its favorable passage—with wire rope amendments—by the Ways and Means Committee and the House of Representatives.●

● Mrs. HOLT. Mr. Speaker, an unremitting stream of steel imports, subsidized by foreign governments, is being dumped into this country at predatory prices. These foreign government supported imports are taking a tremendous toll in American jobs, American productivity, American trade balances, and American tax dollars.

Foreign government ownership, subsidies, and dumping have become the norm and a major cause of the domestic industry's problems. By 1982, government subsidies to foreign steelmakers had reached spectacular proportions. Imports, at prices far below their costs of production, are now taking more than one-fifth of the U.S. market.

Most foreign steel production is government controlled or government subsidized, or both. These governments are unwilling, primarily for political reasons, to restructure their steel to reduce capacity in order to match market demand. Therefore, despite heavy financial losses by foreign producers, the discipline of the marketplace is absent. The result is that privately owned steel companies in this country are forced into no-win competition with foreign governments which own, subsidize, and protect their steel mills.

The worst possible public policy response to the present steel trade crisis would be to act as if the world market were functioning properly. It is not. It is not allocating capital and rewarding the relatively efficient with profits and employment.

U.S. policy should not continue to accept the involuntary liquidation of an essential industry—an industry that has shut down hundreds of major facilities at great economic and human cost with particular impact in steel regions of the United States.

We in this country must respond appropriately to this unfair situation. Implementation of steel quotas of limited duration may be the only possible solution. This country must retain its position as an industrial leader. America needs a strong steel policy now.●

● Mr. REGULA. Mr. Speaker, I join my colleagues today in an important colloquy on the fate and future of the domestic steel industry.

Tuesday the International Trade Commission is set to rule on the pending United Steelworkers of America (USWA)/Bethlehem Steel Corp. section 201 petition. The petition seeks a comprehensive solution to the problem of continued high and rising imports of foreign steel products—a solution similar to one many of us in the House, 190, to be exact, are advocating in proposed quota legislation.

Mr. Speaker, I wish neither the 201 petition, nor the quota bill were necessary, but the situation confronting the steel industry is critical, and I am convinced that immediate action is essential.

The steel industry is in the worst condition since the 1930's Depression. The domestic steel industry is currently operating at less than 73 percent of capacity and hundreds of thousands of steelworkers are unemployed.

Import statistics in large part reveal why. In the fifties steel imports accounted for only 2.3 percent of the U.S. market. By the sixties this number had risen to 9.3 percent. By the seventies import penetration reached 15.3 percent and so far, imports in the eighties have not fallen below 20 percent. In January of this year steel imports captured an unprecedented 26 percent of the domestic market.

This trend cannot be allowed to continue if we are to maintain future capacity to produce steel.

Free trade in steel is, unfortunately, a myth. Foreign government ownership and subsidization have led to excess capacity and uneconomic pricing. As the only remaining open market for steel, and the only major industrial nation which has no overbuilt capacity, the United States is suffering the consequences of unfairly traded steel imports.

These consequences include plant closings and job losses in steel communities throughout the country. The entire country suffers, however, in terms of lost tax revenues, increased Government payments for unemployment compensation, an increased and rising trade deficit, and a reduced ability to meet our national security needs.

Due to the most drastic capacity reductions in the industry's history over the past year and a half, the United States is currently the only industrialized nation that could not meet its own domestic steel needs in the event of a surge in domestic demand such as a national defense emergency.

This is a frightening revelation and underscores why prompt relief is needed. Steel is so basic to the national security and the industrial strength of this country that we cannot afford to be dependent on imports for this vital commodity.

The trade problem in steel can no longer be handled on a product-by-product, case-by-case, country-by-country basis. The problem is a global one and the only effective solution will be one which deals comprehensively with steel trade issues on a worldwide quantitative basis.

In November 1982, President Reagan, in discussing the resolution of the specialty steel case, said:

> If we are ever to put an end to constant trade disputes in steel, we must stop dealing with discrete import and export issues in isolation and instead begin a coordinated approach to the problem.

The 201 petition offers such an opportunity and possibly the only one if we are to prevent the virtual extinction of our domestic steel industry.●

● Mr. PEPPER. Mr. Speaker, it is no secret that our domestic steel industry is in serious trouble. Almost everyone knows of another individual who has been severely affected by the depressing condition of our domestic market. A condition, that I believe, can be attributed to unfair trade measures practiced by foreign competitors.

I question those who believe we have free trade in the steel market. I ask them, "How can we have free trade, when most foreign steel companies are government-owned or government subsidized?" Not to mention that these foreign steel producers target our marketplace for their products. Dumped and subsidized steel imports are being sold in our markets in increasing amounts at suppressed price levels. This is quite contrary to the intent of our trade laws, and from all indications these unfair trade practices are going to continue to jeopardize our domestic market.

Since early 1982, Bethlehem Steel and other domestic steel companies have filed an unprecedented number of antidumping and countervailing duty cases against foreign steel-producing nations. Yet the problem today, both in terms of volume of imports and margins of dumping, is more serious than it has ever been.

It is obvious that we cannot continue to simply file unfair trade practices cases. In addition, we cannot continue to sit silently and watch imports consume our market. We need import relief. Because I believe section 201 relief is the most efficient and effective solution to the global problem, I support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel.

Mr. Speaker, I hope my colleagues will join me in supporting this petition. The future of our country's national security and infrastructure, not to mention economy, are dependent upon our country's domestic steel industry. We cannot allow unfair trade practices to continue—we need relief.●

● Mr. PERKINS. Mr. Speaker, I am participating in this special order today to demonstrate my support for the Fair Trade in Steel Act, and for the 201 petition filed by the Bethlehem Steel Corp. and the United Steelworkers of America with the International Trade Commission.

Mr. Speaker, this special order should not really be necessary. The administration, the Members of the House, and the other citizens of the United States should know by now how absolutely essential it is to take the actions specified in both the 201 petition and in H.R. 5081, the Fair Trade in Steel Act.

Mr. Speaker, a world of statistical information and other documentation exists already in support of the argument I and others are making. The information and documentation will be augmented today.

So I would like to approach this from a somewhat different aspect. The first point I would like to make is that there is no use crying over spilled milk. These is no use rehashing mistakes in the form of policy decisions made by executives in the steel industry since the end of World War II—especially since many of them are long since gone from the executive suites.

The other point I would like to make involves families I have known for many years. They are people who worked in the steel and related industries in northeastern Kentucky, and nearby Ohio and West Virginia communities. And they are the people in the coal producing counties of eastern Kentucky.

Mr. Speaker, many of them are now laid off, and in danger of losing many of the essential possessions they have worked hard for. I am talking about homes, small farms, furniture, appliances, transportation.

These people cannot be stoics forever.

They know that a steel industry is essential to the security of the Nation, both domestically and internationally. They know that they can produce steel as efficiently as any people anywhere in the world, given the tools and equipment. They know that a productive American and world economy can use the steel they can produce.

So they ask why we who have been given the responsibility to make the laws of the Nation, and administer the laws of the Nation, cannot see to it that an economy is built that will absorb the production they can deliver. They ask why, in the name of a growing economy, we do not control interest rates, as a last resort, rather than let a few individuals who consider high unemployment a cure of inflation, control them.

Mr. Speaker, we can begin to answer these questions by passing the Fair Trade in Steel Act, and the International Trade Commission can begin to answer them by approving the 201 petition.

We can show them that we want them to be what they want to be—working people, and not what they do not want to be—welfare people.●

● Mr. ECKART. Mr. Speaker, I want to commend my colleague from Pennsylvania for his hard work on this important issue and for bringing it to the House attention this evening.

As a Member of the House Steel Caucus, I am a cosponsor and an active advocate of this legislation. Millions of tons of dumped and subsidized foreign steel and iron ore imports have enabled foreign producers to capture almost one-fourth of our domestic market, resulting in plant closings and the loss of nearly 100,000 American steel jobs. Foreign steel is stealing our jobs, injuring our industrial base, and endangering our national security.

Our country needs a strong steel industry—our national defense and economic security depend on it. Steel is still our most important industrial material. This is our fourth largest industry and its products are critical raw materials for most major segments of the economy. Our military defense relies on steel, which is contained in virtually every item of our military equipment. Steel is equally vital to the transportation and communications systems that enable us to move forces quickly and provide support activities.

The steel industry is clearly in a crisis, and we need to address that crisis. We cannot respond by pretending that the world market is functioning properly. We now have foreign government ownership, subsidies and product dumping. Foreign steel companies are backed by their governments, who have unlimited access to taxpayer funds for operation, expansion and modernization. Our firms cannot compete with foreign governments who own, subsidize, and protect their mills.

America needs a new steel trade policy and she needs it now. We must take immediate, decisive actions to restore order to the steel market. Workers have had their plants closed, their wages reduced, their benefits cut, and their work rules changed. Now we must take action to insure that our trade laws are enforced and to grant relief from the market conditions that are impairing the industry today. The Fair Trade in Steel Act is essential to the revitalization of the declining steel industry and the continued economic growth of the United States.●

● Mr. HILLIS. Mr. Speaker, frequently legislation is proposed to avert a looming crisis—a national or international change having seriously detrimental economic or strategic effects. Such a crisis could be the unemployment of thousands of skilled workers or the loss of vital industrial capacity. In recognizing such a pending crisis the Congress has responded by passing the necessary legislation. That is what we are here for.

The American steel industry is not facing a future crisis—it is in crisis. Thousands of American steelworkers remain unemployed. Scores of steel mills have closed. Foreign steel imports continue unabated. The steel industry and its employees are in a depression of unparalleled magnitude. In recognition of this we are proposing a comprehensive solution: H.R. 5081, the Fair Trade in Steel Act of 1984.

Some contend that our current legislative and regulatory processes are adequate to correct this crisis. If this is true than why is the industry, in the midst of our national recovery, in its current extremely depressed condition?

This measure will give the steel industry the opportunity it needs to continue its modernization. All analysts agree that our steel facilities must be upgraded to world class standards if America is to compete against foreign steel. Such modernization will involve the expenditure of over $60 billion. Where is this money to come from? Private investment has largely reached its limits. The Government will not provide such funding—in direct contrast to many foreign governments. It can only come from internally generated money—money from the industry itself.

The industry, under current conditions, is unable to finance further modernization. During the last decade capital expenditures have fallen, and will continue to fall this year. If this trend is to be reversed the domestic steel industry will have to sell more steel—it is that simple.

Steel purchases are highly dependent on price. The difference of a few cents will often cause a buyer to turn to one seller instead of another. Yet in this highly competitive market the American steel industry and its workers are asked to compete against substandard foreign wages as low as $1.72 per hour.

All of these problems are compounded by numerous, documented instances of unfair trading practices. The unanimous final injury determination of the International Trade Commission found that dumping margins for Brazilian plate imports ranged from a minimum of 50 percent to a maximum of 100 percent.

The only way in which our steel industry will be able to compete against foreign steel—the substandard wages and dumping—is by affording it the protection that H.R. 5081 provides. Foreign imports will be limited to 15 percent for 5 years, allowing our industry to fairly compete, for the first time, with foreign steel. Domestic sales will increase, and with it, the money that the industry will need to modernize. The Secretary of Commerce will be required to monitor the steel industry to insure that this modernization continues.

I ask my colleagues who are unsure about the need for this legislation to examine the statistics on steelworker unemployment, mill utilization, and the level of foreign steel imports. This crisis cannot be allowed to continue. I urge you to join me in cosponsoring H.R. 5081: The Fair Trade in Steel Act.●

● Mr. LUKEN. Mr. Speaker, I rise for the purpose of expressing my strong support for efforts to assist the steel industry in obtaining import relief from a flood of foreign steel that is threatening to cause the "liquidation" of the industry.

The steel industry, in order to be competitive in today's international markets, must have the capital so necessary for modernization. Yet the increasing influx of foreign steel at predatory rates is making recovery and capital investment impossible.

For the first quarter of 1984, 6.5 million tons of steel were imported, amounting to 25.4 percent of domestic consumption. That is an alltime record for any 3-month period.

It is clear that the remedies of U.S. trade laws on dumping or countervailing cases are not adequate to the task of stemming this surge of imports. We need to take a far broader solution in order to assure our industry a level playing field. When our domestic producers win a dumping or countervailing duties case against one nation, the business often just moves to another foreign competitor.

This problem is illustrated by what happened when the U.S. industry won a case against Brazilian steel plate. The Brazilians simply shifted their steel exports to other products, and other nations sold plate to U.S. consumers. Brazil has tripled its exports to the United States since the case was won.

A coordinated, worldwide approach to steel trade is essential to avoid this phenomenon of shifting. We cannot simply continue to utilize antiquated laws on a piecemeal basis to put our finger in the foreign trade dike—the leak will simply show up somewhere else.

That is why I am supporting two efforts for an international solution to the unfair trade problem. The first is a petition filed by Bethlehem Steel and the United Steelworkers with the International Trade Commission for relief under section 201 of the Trade Act of 1974, and the second is H.R. 5081, the Fair Trade in Steel Act of 1984. Both of these measures would provide the necessary comprehensive solution to the rapidly increasing imports of steel. The 201 petition and the Fair Trade in Steel Act would limit imports to 15 percent of apparent consumption for the next 5 years.

This import limit would enable the industry to modernize and improve its international competitive position. It would put our domestic industry on a more level playing field than it is currently.

This comprehensive approach will eliminate the excessive cost and frustration of filing numerous dumping or countervailing duties cases against a host of countries. It is time we stood up for our basic industries. Let us get behind these efforts.●

● Mr. LONG of Maryland. Mr. Speaker, I join my distinguished colleagues today in expressing my support for the section 201 petition filed jointly by the United Steelworkers and the Bethlehem Steel Corp. before the International Trade Commission.

On April 30, in an old, shut-down pipe mill at Bethlehem's Sparrows Point plant, located in my district, over 8,000 steelworkers and their families turned out in the morning rains to tell a specially convened session of the Congressional Steel Caucus a simple yet vital message: "Free trade in steel is not enough, we need fair trade now!"

I want to thank my good friend from Pennsylvania, JACK MURTHA, for agreeing to bring the Steel Caucus to my district to hear firsthand from local union, management, and community leaders, the devastating impact foreign steel imports have had on Baltimore's steel community. It was only fitting that the hearing should be conducted in that mill. What the caucus saw was the empty shell of a once thriving steel pipe mill that produced over 300,000 tons of steel each year and employed over 2,000 highly skilled steelworkers. Today, the mill stands idle: a victim of foreign steel imports.

The testimony gathered at that field hearing represents a growing grassroots response to the import threat, and the story of the Baltimore steel community has been passed on to the International Trade Commission as evidence in support of the steel industry's pending import relief petition.

One area of concern I should like to emphasize—and which I think is too often overlooked—in our fight to curb foreign steel imports is the necessity of strengthening our defense industrial base. The plain fact is that we cannot hope to maintain our superpower status in the world, or maintain the readiness of our armed forces, without a strong steel industry.

Almost every major defense weapons system in our inventory, including our modern attack helicopters, our national fleet, our armored ground forces, and our strategic arsenal, contains steel components for which there is no acceptable substitute. Without a reliable domestic supply of steel, we cannot hope to meet adequately the challenges of national security and world leadership.

The Nation's steel industry is rightfully seeking the strict enforcement of our existing trade laws to help combat the illegal trade practices of foreign governments. Last month, foreign steel imports soared to 26 percent of our domestic market, due in large part to the massive subsidies foreign producers receive from their governments.

Without vigorous enforcement of our trade laws, our domestic steel industry cannot compete in a world marketplace dominated by unrealistic and predatory prices. Failure to act now will result in a continued dismantling of our steel plants at home and a steady erosion of our industrial base.

Both management and labor have done their parts to help correct the problems within the steel industry. It is now up to the International Trade Commission and Congress to act to support our Nation's most basic industry.

I urge my colleagues to join the fight against foreign steel imports and help strengthen our domestic steel producers.●

● Mr. O'BRIEN. Mr. Speaker, I rise today to add an optimistic tone to the dialog focusing on the current condition of the domestic steel industry. I am just as distressed as each of you are about plant closings and job losses due to import penetration. In addition, like you, I believe we need import relief, and the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel is the most efficient and effective way to achieve this goal. However, I would like to spend a couple of minutes on what I perceive our expectations can be once we receive relief, and that is modernization.

We are already seeing efforts within the domestic steel industry to make the industry more competitive. However, efforts by the industry alone are not enough to combat the flow of dumped and subsidized steel from foreign countries.

In order to enhance productivity, domestic producers have reduced costs significantly in the last few years. For example, last year, the United Steelworkers of America agreed to a 10.5-percent wage cut, considered the largest self-help program ever undertaken by a group of American workers. In addition, the use of energy, a major cost for the American steel industry, has been reduded from 22.1 million Btu's per net ton of raw steel in 1973 to 21.1 million Btu's in 1983—a savings of 1 million Btu's per ton. A most significant move by the industry toward efficiency has been closure of economically inefficient plants and facilities within plants, and linking the most efficient elements of two or more plants together into more competitive and lower cost-producing units.

A brief history of Bethlehem's modernization plans outline the industry's willingness to become more efficient. Prior to 1981, Bethlehem shut down two bar mills and built a new bar mill. Several blast mills were shutdown at the Sparrows Point plant, and a new blast furnace was built to replace four others, and a new 110-inch plate mill was installed at the Burns Harbor plant.

Without relief, Bethlehem cannot afford to continue the necessary elements of modernization. However, if relief is granted, Bethlehem has expressed its willingness to, "commit to use all the cash flow from its steel operations for reinvestment in, and modernization of its steel operations for the duration of any period of remedy resulting from this petition," assuming the remedy, "is effective in reducing and controlling the surge of imported steel and eliminating the severe depression of selling prices in the U.S. market."

In essence, Bethlehem could implement at least 10 major products during the next 5 years and could undertake 17 additional major products during the next 5 years assuming the industry receives relief. Furthermore, Bethlehem's efforts are shared by the entire industry.

Mr. Speaker, the domestic steel industry can be competitive, efficient and modernized, however, current market conditions impair these goals. If import relief is granted, and we see the end of import dumping and price suppression, I am optimistic that through continued progress and enhanced productivity our domestic steel industry will regain its market share, our economy will prosper, and the future for the domestic steel industry will brighten. ●

● Mr. RITTER. Mr. Speaker, as a representative of a major steel producing State, I am actually aware of the import problems plaguing the steel industry today.

Bethlehem Steel Corp. and the United Steelworkers of America have filed a petition for import relief under section 201 of the Trade Act. The United Steelworkers and the domestic steel industry need prompt, temporary relief from the unrelenting pricing and volume pressures brought on by the continued onslaught of imports.

Bethlehem Steel Corp. is headquartered in Pennsylvania, but has facilities throughout the United States. They are our Nation's largest integrated nondiversified producer of carbon and alloy steel mill products, with the exception of tool and stainless steel. Bethlehem Steel Corp., as well as our other domestic producers, have been injured by the increasing levels of imports which continue to flow into this country at alarming rates. This injury has manifested itself in record losses for the industry, in plant closures, in reduced employment, capability utilization, production and sales, and in reduced ability to make capital investments or to raise debt or equity funding in the marketplace.

This situation is precisely what section 201 of the Trade Act was designed to alleviate through the imposition of temporary import restraints. The petition filed by the United States Steelworkers of America and Bethlehem Steel Corp. seeks the limitation on imports into the United States of carbon and alloy steel (excluding stainless steel and tool steel), product by product, and country by country. The petition requests that the limitations imposed allow a total of less than 15 percent of apparent consumption for all products for at least the next 5 years.

These limitations would enable the domestic steel producers of this country to continue their efforts to modernize and otherwise improve their steel facilities, rendering them competitive with foreign steel producers.

Mr. Speaker, this is not an unreasonable request or an unobtainable goal. A modern and productive domestic steel industry is essential to continued prosperity and economic stability in this country. I urge the members of the International Trade Commission to examine the overwhelming evidence presented before them and act positively on the injury determination now pending.

America needs a strong steel industry now.●

● Mr. COELHO. Mr. Speaker, I rise today to address one facet of the only comprehensive solution I see that will efficiently and effectively combat the flow of price-suppressed steel imports, and that solution is section 201 petition relief. I urge my colleagues to support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel because I believe section 201 relief is necessary for the continued modernization of the domestic steel industry.

It is evident that the industry has made significant efforts to modernize its operations. However, unless relief is granted, domestic steel companies will not be able to afford to continue planned improvements.

A brief tour through companies all across our Nation will illustrate the industry's willingness to compete.

Bethlehem, in 1982 made capital investments of $470 million in modernizing its steelmaking facilities, including a $165 million coke oven battery and a $27 million billet inspection and conditioning facility. Similarly, United States Steel improved efficiency with a multimillion-dollar capital investment program that added 30 percent more continuous casting capability at one of its operations. LTV's improvements included a $165 million continuous slab caster being installed, which will result in annualized savings of $84 million in the production of flat rolled steel. Also, its modernization of the seamless pipe facility will produce savings at normal operating levels of $43 million annually.

Mr. Speaker, I could stand here and give more examples of modernization within the domestic steel industry, because there is not a plant in America that has not been forced to improve its capabilities in order to compete with dumped products. However, I think I have illustrated my point that considering market conditions, the industry is doing everything it can to compete. Now, I only hope the ITC will recognize these valiant efforts and award a favorable decision. Our country's future is dependent upon the modernization of our domestic steel industry.●

● Mr. YATRON. Mr. Speaker, the United Steelworkers of America, as the representatives of most of the production workers in the American steel industry, and the Bethlehem Steel Corp., as the Nation's largest, integrated, nondiversified producer of carbon and alloy steel—other than tool or stainless—steel mill products, have petitioned the U.S. International Trade Commission under section 201 of the Trade Act of 1974.

The domestic steel industry has been seriously injured between 1977 and the present time as a result of the dramatic increase in the share of apparent consumption in this country held by imported steel by the depression and suppression suffered attempting to compete with low-priced imported steel. This increased level of low-priced imports has resulted in a significant idling of productive facilities, the inability of a significant number of firms to operate at a reasonable level of profit, and dramatic levels of unemployment or underemployment within the industry.

In addition, increased imports and import price undercutting resulted in reduced domestic producers sales, production, and wages, and market share. For example, an examination of the market share accounted for by domestic producers shows a pronounced decline from 86.7 percent during 1973 to 1976 to an alltime low of 78.2 percent of apparent consumption held by domestic producers in 1982.

The decline in market share is matched by significant unemployment in the industry. During the period 1977 through the first 11 months of 1983, while imports of carbon steel and alloy steel mill products surged and increased their market share, employment in the domestic industry declined by more than 200,000 people. A severe decline in total wage and salary payments accompanied the drop in employment, resulting in a net loss of about $3.5 billion in payments to workers between the 1977 to 1981 period and 1983, even on a current-dollar basis. These statistics on lost jobs and lost wages sound like numbers on a page. Unfortunately, the terrible human cost that has been extracted from steelworkers, their families, and their communities from unemployment and underemployment are real.

Furthermore, as import levels shot up in the last 7 years, the return on investment for the steel companies declined, reflecting both lost incremental sales, and the price depression, and suppression experienced by the domestic industry. As the net profit ratio of the domestic industry has declined, so has the ability of the domestic industry to reinvest in steel facilities.

Yet, the American steel industry and its workers are implementing, as rapidly as circumstances permit, steps to achieve a much higher level of competitiveness. Virtually every company within the steel industry has taken many painful steps to reduce costs. They have sold unneeded assets, modernized plants to the maximum extent possible, restructured lines of business and other elements of corporate structure for cost savings, and stepped up aggressive sales program. They have reduced or eliminated dividend payments in order to pour all available capital back into improved steel production processes, they have closed economically inefficient plants and facilities within plants, they have negotiated concessionary labor contracts, and reduced significantly the number of salaried industry executives and managers, cut salaries, benefits, and other various costs associated with salaried employment.

However, these initiatives can only succeed if they are accompanied by prompt and effective Government action to stop the flood of dumped and subsidized steel from foreign countries. If the trend toward soft liquidation in the American industry is to be checked, and industry modernization programs are to be accelerated, our Government must adopt a rational set of rules for the international trade in steel. It is essential that a favorable decision and effective remedy be reached in the section 201 case filed by the United Steelworkers of America and Bethlehem Steel Corp.●

● Mr. VANDER JAGT. Mr. Speaker, I want to join with a good number of our colleagues in addressing a serious problem that plagues our domestic steel industry, and that problem is the continuous flow of steel imports, subsidized and/or controlled by foreign governments, which is injuring our domestic market. These injuries are evident to us, as we travel across our districts—the injuries suffered from plant closings, job losses and the devastating social and psychological effects unemployment has inflicted on families and communities. After observing the severe consequences of import penetration, I have come to the conclusion that the only way our domestic steel industry is going to regain its vitality is through import relief, and that is why I urge my colleagues to support the section 201 petition filed by the United Steelworkers of America and Bethlehem Steel.

I want to remind my colleagues that it was Congress who established the administrative remedy in section 201 of the Trade Act of 1974. In its report the House Committee on Ways and Means described the "fundamental purpose" of import relief under section 201 as: "to give additional time to permit a seriously injured domestic industry to adjust and to become competitive again under relief measures. * * *" (37R. Rept. No. 571, 93d Cong., 1st Sess. 44 (1973).)

Moreover, at that same time, the Senate Committee on Finance in its report described the purpose of section 201 as, "the prevention of serious injury to 'industries and workers' who 'inevitably face serious injury, dislocation and perhaps economic extinction' as barriers to international trade are lowered." (S. Rept. No. 1298, 93d Cong., 2d sess. 119 (1974)).

These two statements describe the legislative intent of section 201 relief. In today's economy, I see the necessity for section 201 relief. Ten years after the Senate report, dislocation and unemployment are everyday occurrences to steelworkers throughout the Nation.

We need a comprehensive solution to a global problem. We need section 201 relief. Since early 1982, Bethlehem Steel and other domestic steel companies have filed numerous antidumping and countervailing duty cases against foreign steel-producing nations. Yet the market penetration and price suppression of foreign imports continues to injure the domestic steel industry. Because antidumping and countervailing duty cases are filed product specific and country specific, these cases are cumbersome, lengthy, and cannot possibly cover the scope of a section 201 case.

On the other hand, a section 201 case covers all of the foreign product lines, and permits a selection of remedies that can account for circumstances that are unique to individual countries. In addition, as the House Ways and Means Committee report stressed, guaranteeing the domestic steel industry a share of the market allows the industry the necessary time to modernize and increase its effifiency to compete with foreign suppliers.

I think the most compelling argument supporting section 201 relief can be surmised from a recent decision made by the International Trade Commission. The Commission unanimously ruled that Bethlehem Steel had suffered injury from the dumping of Brazilian steelplates. At the same time, however, other countries began importing plates at suppressed prices. Thus, even though Bethlehem Steel won its antidumping case, imports continue to dominate the market with unfair practices. Even more discouraging is the fact that the United States is now receiving 2 tons of imports from Brazil for every ton it had before.

Mr. President, we cannot sit idly and continue to watch steel imports inflict injury upon our domestic steel industry. I believe section 201 relief is necessary. Congress created the procedure for administrative remedy, now the time is here to ensure that the remedy is utilized in an industry that is vital to our Nation's economy and security—the domestic steel industry.

● Mr. ADDABBO. Mr. Speaker, the U.S. steel industry is a vital part of our national defense. When the steel industry suffers as a result of high levels of imports of foreign steel, our national defense suffers. And when our national defense suffers, it is imperative that we do everything in our power to strengthen the weak link.

Over the last 20 years, the steel industry has taken a heavy beating. The amount of subsidized steel shipped into this country has been one of the main problems. In 1960, it accounted for 9.3 percent of the steel used in the United States. By 1970, foreign steel captured 15.3 percent of the domestic market. And in the first few months of 1984, steel imports claimed more than 25 percent of the U.S. steel consumption. Foreign steel is a significant factor in the domestic steel market.

The effect it has had on our industrial base is very disturbing. Factories have been forced to close and major layoffs have taken place. Thousands of steelworkers are idle as a result. Their jobs soaked up by foreign steel manufacturers.

While the sheer magnitude of widespread layoffs in the steel industry is a great human dilemma, there is another issue raised by those closings that poses a serious threat to mankind. These steelworkers are an important part of our industrial defense base. They are needed to meet the demand in production by our Armed Forces.

Virtually every major hardware system for our defense forces starts with steel. Applications of steel in defense range from a few pounds of very sophisticated alloys in spacecraft, to tons of plate for the hull and other components of a warship or tank. If we do not have the American steel manufacturers in operation, how can we expect to meet the immediate demands that are forced upon us during a situation where our national security appears threatened.

Steel is an essential product for our military preparedness. We cannot allow American steel manufacturers to be forced to close up shop because foreign nations are subsidizing the production of steel for export.

The 201 petition that is currently being considered before the U.S. International Trade Commission asks the Federal Government to limit imports of carbon and alloy steel to 15 percent of the market for the next 5 years.

On behalf of 240,000 steelworkers and in the best interests of our national security, I implore this Commission to grant the 201 petition of the steel industry. The issue at stake here is that we need a healthy U.S. steel industry, we need U.S. steelworkers, we need to rely on domestic production, to meet all of our national security needs in the safest and surest way possible.●

● Mr. COYNE. Mr. Speaker, I rise tonight to express my strong support for H.R. 5081, the Fair Trade in Steel Act, and the section 201 petition filed by the United Steelworkers of America and the Bethlehem Steel Corp., seeking import relief from illegally dumped foreign steel in the United States.

The U.S. steel industry plays a vital and integral part in America's economy and national defense. If we are to remain a first-class industrial and military power it is important we have a first-class steel industry.

But today, the steel industry is reeling from the increasing amount of foreign imports and dumped steel in this country. The present problems that the steel industry is experiencing are a direct result of violations of American trade laws by foreign countries which produce steel products.

Foreign imports, at unchecked levels, only worsen this Nation's economic problems. The United States pays a high price in lost tax revenue, decreased productivity, an outflow of U.S. dollars, and a substantial increase in unemployment or welfare payments to those who lost their jobs because of foreign steel.

In a recent report, the American Iron and Steel Institute stated:

> One million tons of imported steel products represent approximately 4,700 American jobs. The 16.7 million tons of steel imported in 1982 translated into 75,000 Americans not going back to work, and an additional 225,000 jobs in related industries and services remaining unfilled.

The United Steelworkers of America and the Bethlehem Steel Corp., have filed a section 201 petition with the International Trade Commission on behalf of the entire American steel industry. This petition would grant the industry, as provided in H.R. 5081, a 5-year import relief period. During this time, the steel industry would have the opportunity to update and modernize its antiquated facilities in order to allow the industry greater competition in the world steel market.

Recently, the ITC held hearings on that petition. During these hearings I wrote the Chairman of the International Trade Commission, Mr. Alfred E. Eckes, Jr., requesting that the ITC support the petition. The text of my letter to Chairman Eckes follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 9, 1984.

Hon. ALFRED E. ECKES, Jr.,
Chairman, U.S. International Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: On January 24, 1984, the United Steelworkers of America and the Bethlehem Steel Corporation filed a Section 201 petition with the International Trade Commission seeking relief from steel imports. This Section 201 petition was filed on behalf of the entire United States' steel industry which is experiencing its worst depression since the 1930's. A prime cause of this depression is the unchecked flood of illegally dumped foreign steel.

Since the 1960's, the amount of foreign-made steel imported into the U.S. has steadily increased. The annual average tonnage imported to the U.S. has risen for each 5-year period from 1960 to 1979, and the increase has continued through the 1980's. During the years from 1960 to 1964, the U.S. imported 4.5 million tons of steel. From 1965 to 1969 the import tonnage per year climbed to 12.9 million tons and to 16.1 million tons by 1974.

During the 1960's and early 1970's, the rise in steel imports was attributable to an increase in the demand for steel in the domestic market. Demand rose from an annual average of 76 million tons from 1960 to 1964 to 110 million tons from 1970 to 1974. However, from 1975 through 1979, demand for steel in the U.S. market declined to an annual average of 106 million tons, and 92 million tons from 1980 to 1983. During these same periods, steel imports increased to 16.9 million tons and 17.3 million tons, respectively. Today, foreign-made steel accounts for 26% of all the steel used in the United States.

The high influx of foreign-made steel has dealt a serious blow to the already staggering U.S. economy. The increase of steel imports has caused record unemployment in the steel industry. For April, 1984, unemployment in the United States stood at 7.8% with 8,525,000 people out of work, of which 225,000 alone were unemployed USWA members.

The City of Pittsburgh makes up a large part of the 14th Congressional District, which I represent. In 1966, the primary metals industry in the Pittsburgh Standard Metropolitan Statistical Area, peaked at its highest production level in history employing 133,000 people, 85 percent of whom were employed in basic steel. Today, only 44,200 employees remain in this basic steel industry.

Recent figures indicate that the steel industry is operating at 75 percent of its utilization capacity. Many interpret this as a sign that the steel industry is improving, however, this interpretation is incorrect. The total utilization capacity of the steel industry has increased because the number of inactive plants, which once contributed a zero percent utilization capacity, have been shut down, and are no longer included. The result is an increase in the utilization capacity for the remaining plants in operation.

But the steel industry and the remaining workers have not given up the fight for survival, yet. Both industry and labor have undertaken serious efforts to improve the U.S. steel industry: costs are being reduced, steel plants are being modernized, obsolete plants are being closed, wages and benefits are being cut, and more efficient ways of manufacturing steel are being implemented. The steel industry spent $2.2 billion in 1982 for capital projects in the steel business despite losses totaling $2.8 billion in steel operations. This investment accounted for 52 percent of its total capital spending for 1982. In the three previous years the steel industry spent between $2.3 billion and $2.6 billion on steel investments each year.

Many steel producing countries throughout the world have adopted measures to protect their steel industries. The United States is the only major world market where foreign steel producers can illegally dump their excess steel at unfair market prices.

The modernization and efficiency improvement efforts underway in the steel industry will all be for naught unless relief from these illegal steel imports is achieved. The U.S. steel industry cannot afford either the time or the money to bring each nation which dumps its steel in the U.S. to court to solve this problem. The best solution would be approval of this Section 201 petition.

Approval of the Section 201 petition would grant the U.S. steel industry a 5-year period of relief from illegal steel imports. This period would enable the industry to modernize its steel facilities so that it can again compete in the world steel market.

The well-being of the nation's economic recovery, the United States' steel industry, and hundreds-of-thousands of American steelworkers' jobs depend upon a decision by the ITC supporting this Section 201 petition.

I urge the ITC to support this very important petition.

Sincerely,

WILLIAM J. COYNE,
Member of Congress.

Mr. Speaker, if the United States is to experience a true economic recovery, its most important industry must be rescued from its present plight. To save the steel industry, to protect Americans from further unemployment, to secure a sound economy for America's future, we in Congress must pass H.R. 5081, and actively support the USWA and Bethlehem Steel's section 201 petition. I urge my colleagues to support this measure and express their support for the section 201 petition to the ITC.●

☐ 2100

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMBASSADOR DAVID ABSHIRE LAUDS THE LATE CHAIRMAN, CLEMENT J. ZABLOCKI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, on May 30, 1984, on page 14408 of the CONGRESSIONAL RECORD I inserted a tribute to the late Clement J. Zablocki by the Center for Strategic and International Studies as part of their 11th Annual Williamsburg Conference. Also on that occasion Dr. David Abshire, former chairman of CSIS and now the U.S. Ambassador to NATO, recalled his long acquaintance with Clem Zablocki and paid additional tribute to him. At this point in the RECORD, I insert the text of the remarks concerning Mr. Zablocki by Ambassador Abshire:

Remarks by Ambassador David M. Abshire, May 5, 1984, at the 11th Annual Williamsburg Conference of the Georgetown University Center for Strategic and International Studies in Memory of Clement J. Zablocki

Our dear friend Clem Zablocki came on the Advisory Board of our Center for Strategic and International Studies in the year that it was established in 1962. He was an outstanding member of that board until his death last year. In the mid-1960s he also took the lead in organizing and editing a book for the Center on the Sino-Soviet rivalry and split that came out at a time before that was accepted by many people. It brought together outstanding scholars from all over the United States. He not only attended but chaired a number of these Williamsburg conferences.

Twelve years ago, when I was in the State Department and worked very closely with him on Capitol Hill, it was a rather difficult time. The War Powers Act was in formation, and some of the versions of the War Powers Act that were being offered would have deeply hindered our deterrent in the NATO know that at times it has given some people a problem in terms of rules of engagement and so forth. But by and large his great belief was in the idea of consultation. He was a believer in the strong presidency as well as a strong Congress, and a cooperative attitude between the two. That cooperative attitude had to be solidified by deep consultations.

He had both an abiding faith in his God and his country. He was a person of tremendous spiritual and moral dedication. We are proud that he was a part of our Center, and I just want to pay tribute to him here, and to dedicate this eleventh conference to Clem Zablocki.●

HUD APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. Denny Smith) is recognized for 5 minutes.

● **Mr. DENNY SMITH.** Mr. Speaker, during House consideration of the HUD appropriations bill, I was unfortunately precluded from being here due to business in my congressional district. However, I have some concerns with the HUD appropriations legislation and want to take this opportunity to express those objections.

First, I object to the procedure under which this bill was brought before the House of Representatives. The budget resolution for 1985 has not yet been approved; and any action on an appropriations bill prior to passage of the conference report for the budget violates section 303(a) of the Budget Act. The Budget Act was designed to help this legislative body control Federal spending. What meaning will the Budget Act have if we routinely waive one of its most important provisions?

Second, I object to the spending levels in H.R. 5713, the HUD appropriations bill. H.R. 5713 contained $2.3 billion above the 1984 level. HUD appropriations bill was $3.8 billion over the administration's request. In light of our Nation's budget deficits, we can hardly afford these kinds of spending increases. It is bad enough to be spending billions of dollars over last year's levels in many of these appropriations bills, but it is equally wrong to be in violation of the Budget Act. I urge the House of Representatives to subject itself to the law and to honor the rules we have to govern an otherwise unruly budget process.

For the above reasons, I believe it is clear that if I had been present for the vote on the HUD appropriations bill, I would have voted "nay."●

CAMSCAM II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. Lott) is recognized for 10 minutes.

● **Mr. LOTT.** Mr. Speaker, yesterday the House was prevented by the new Democrat Caucus-imposed rule restriction on appropriations amendments, from voting on an amendment by the gentleman from California (Mr. Lewis) to require uniform TV camera coverage of our debates, gavel-to-gavel. As my colleagues are well aware, this whole controversy was precipitated on May 10 when the Speaker gave instructions to his control room operators of the remote control cameras in the galleries, to begin using wide-angle shots of the Chamber during special orders. As has been pointed out on previous occasions, this was done without prior notice or consultation with the minority.

Mr. Speaker, yesterday was but one more indication that the Democratic leadership is not willing to permit the House a chance to decide on the wisdom or fairness of this new policy or consider the alternative which we have suggested which is to permit the viewing public to see the entire Chamber on a periodic and uniform basis throughout each day's proceedings.

I have met with similar resistance to hearings and deliberations on this matter in the Rules Committee which has direct jurisdiction over the broadcast rule—House Rule I, clause 9. I have written to both Chairman Pepper and Subcommittee Chairman Long requesting such hearings so that we might responsibly exercise our jurisdictional duties and defuse this partisan panning controversy.

In both instances my requests were rejected on the grounds that a Democratic Caucus task force or committee is looking into this matter, as is the alleged bipartisan Speaker's Advisory Committee on Broadcasting. While I have no objection to having various ad hoc party groups make their recommendations, indeed, our own Republican conference has already endorsed a uniform panning policy, I do think this must be handled ultimately by a duly constituted committee of the House, and the sooner the better.

The caucus study committee is not likely to bring any rules changes forward until the first day of the next Congress, and then ask that it be included in the new rules of the 99th Congress, without opportunity for Rules Committee consideration. The Speaker's Advisory Committee presents even more difficult problems. In the first place, it has been defunct since the 96th Congress, despite efforts by the Speaker and Chairmen Pepper and Long to claim its existence. Moreover, even if it is reactivated and reappointed, it has a ratio of 4 Democrats to 1 Republican—hardly a confidence building ratio in terms of a fair and bipartisan solution.

At this point in the Record, Mr. Speaker, I include my exchange of correspondence with Chairmen Pepper and Long. In future special orders I intened to further discuss the history of the Speaker's Broadcast Advisory Committee. The items follow:

Committee on Rules,
Subcommittee on the
Legislative Process,
Washington, D.C., May 15, 1984.

Hon. Gillis W. Long,
Chairman, Subcommittee on the Legislative Process, Longworth Building, Washington, D.C.

Dear Gillis: I am writing to ask that you schedule at the earliest possible time a hearing of our subcommittee on the matter of current problems connected with the operation of the House broadcasting system.

As you know, considerable furor has been raised about the Speaker's recent policy switch on camera directions during special orders. While I do not question the Speaker's right under House Rules to make such changes, I think legitimate questions have been raised about its selective application and possible effects.

Our subcommittee does retain oversight jurisdiction over the House broadcast rule and indeed has listed it as one of our possible areas for further study in this Congress in its March 1, 1983, oversight plan submitted to the Committee on Government Operations. I think the time has come for us to take this responsibility seriously, and on a bipartisan basis. I look forward to your response.

Sincerely yours,

Trent Lott.

Democratic Caucus,
U.S. House of Representatives,
Washington, D.C., May 16, 1984.

Hon. Trent Lott,
House of Representatives,
Washington, D.C.

Dear Trent: Thank you for your letter of May 15.

As I'm sure you are aware, there currently exists a bi-partisan committee, charged with the responsibility of reviewing the operations of the House Broadcast System. That is the Speaker's Advisory Committee on Broadcasting of which I am a Member. David Stockman held the Republican seat on that committee until he resigned from Congress, and it is my understanding that his vacancy has never been filled.

That bi-partisan committee is the appropriate vehicle to make recommendations concerning the rules governing the televising of House proceedings. Under the normal procedures of our Caucus, its recommendations would be examined by our Caucus Committee on Organization, Study and Review and by our full Democratic Caucus before being introduced for action in the House.

With very best wishes, I am

Sincerely,

GILLIS W. LONG.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 22, 1984.

Hon. GILLIS W. LONG,
Chairman, Subcommittee on the Legislative Process, House Committee on Rules, Longworth House Office Building, Washington, D.C.

DEAR GILLIS: Thank you for your letter of May 16 in response to my request for a subcommittee hearing on House broadcast-related problems.

I appreciate the fact that the Rules Committee had originally recommended that some existing or new committee assist the Speaker in the "management, oversight, and improvement of all activities and policies connected with audio and visual coverage and broadcasting of House floor proceedings," and that the Speaker initially appointed the "Speaker's Advisory Committee on Broadcasting" in the 96th Congress for that purpose.

However, in reviewing our leadership files, I have found that the Advisory Committee has been defunct in the 97th and 98th Congresses. On March 12, 1981, our Republican Leader, Mr. Michel, transmitted to the Speaker the name of Congressman Bill Thomas to replace Dave Stockman on the Advisory Committee. Some six weeks later our ranking Republican on the House Administration Committee, Mr. Frenzel, in response to an inquiry on the Advisory Committee, had his staff check with the Speaker's Office and was informed that the committee had not been reappointed by the Speaker. It is true that Representative Rose has continued to assist the Speaker in an advisory capacity in the 97th and 98th Congresses, but, in neither Congress was the committee reappointed, nor was our leadership approached on filling any vacancy.

Moreover, even if the Advisory Committee is now reactivated, I think you will agree with me that the ultimate authority for any revisions in the broadcast rule is solely within our jurisdiction. Republican Leader Michel, for instance, introduced H. Res. 500 on May 17th, requiring uniform coverage of the Chamber throughout each day's proceedings, and that resolution has been referred to our committee.

Because the House broadcast-related problems are of some immediate consequence and urgency, I think it would be best to approach this in a responsible, bipartisan fashion in our committee right now, rather than to wait for the recommendations of either the Advisory Committee or the Caucus Committee studying possible rules revisions. I have therefore written to Chairman Pepper, who also shares my concern about the future of House broadcast coverage, and asked that this matter be taken-up by the Rules Committee. I am enclosing a copy of that letter for your information.

Thank you again for taking the time to respond so expeditiously to my request. I do hope you will reconsider my suggestion in light of the urgency of the problem and our committee's prerogatives and jurisdiction over this issue.

With warm personal regards, I am

Very truly yours,

TRENT LOTT.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1984.

Hon. CLAUDE PEPPER,
Chairman, House Committee on Rules, H-312 Capitol Building, Washington, D.C.

DEAR MR. CHAIRMAN: I read with interest your one-minute speech in the May 16 Congressional Record in which you indicated that, "whoever perverts the use of television endangers the continuity of that practice." You went on: "It is just a question of time, if that continues, until it will be discontinued."

As one who served with you on the Rules Subcommittee in 1977-78 that helped to develop the current House broadcast rule and procedures, I share your concern that television coverage not be allowed to dominate or distort our proceedings. You were the pioneer in Congress who as long ago as 1944 introduced the first broadcast resolution in the Congress as a means of bringing our government closer to the people, and I think your continued efforts over the years to bring this dream to fruition have realized that goal.

Because I share your concern about the future of the House broadcast system given the current politicization and emotionalism surrounding that issue, I think you can play an important role, as both the founding father of congressional broadcasting and chairman of the Rules Committee, in helping to resolve some of the problems which currently surround House broadcasting. I would respectfully ask that you convene either a hearing or meeting of the Rules Committee and some of the principals involved to lay the bipartisan ground work for some uniform rules of procedure for the operation of the broadcast system in a manner that will not be construed by either Members or the public to involve political manipulation or control by either party. I think some exesses in this regard have been committed on both sides of the aisle, but I am not suggesting our committee rehash the details of those incidents. Instead, I think we can play a constructive role in depoliticizing the issue and insuring the future survivability of the House broadcast system.

As you know, our committee retains primary jurisdiction over the House broadcast rule (Rule 1, clause 9), as well as oversight jurisdiction over the broadcast system. In fact, our committee's oversight agenda submitted to the Government Operations Committee for this Congress on March 1, 1983, listed "broadcasting of House floor proceedings" as one of the possible areas for oversight in the 98th Congress, as did the Subcommittee on Legislative Process (H. Rept. 98-17, pp. 203 & 204). As such, I think we do have a legitimate responsibility and obligation to the House to look into this matter.

On May 5, 1984, as the ranking minority member on the Subcommittee on Legislative Process, I wrote to Subcommittee Chairman Gillis Long making the same suggestion, and he responded on May 16 that the Speaker's Advisory Committee on Broadcasting "is the appropriate vehicle to make recommendations concerning the rules governing the televising of House proceedings." Their recommendations in turn, he went on, would be reviewed by the Democratic Caucus Committee on Organization Study and Review "before being introduced for action in the House."

While the Speaker's Advisory Committee on Broadcasting was nominally bipartisan in the 96th Congress, with three Democrats (Representatives Rose, Brooks, and Long) and one Republican (Representative Stockman), it has not been officially reappointed in either the 97th or 98th Congress, and today only Representative Rose serves in an advisory capacity to the Speaker. Chairman Long has erroneously indicated that the Advisory Committee still exists and that the Republicans have simply not filled the Stockman vacancy. The fact is that a replacement was presented to the Speaker on March 12, 1981, by the Republican Leader, but no appointments were made by the Speaker.

Even if a working, bipartisan Advisory Committee still existed, which it does not, it would have no authority to directly recommend any rules changes to the House. That is our function under Rule X, and I know you jealously guard our committee's prerogatives. Moreover, the Rules Committee now has pending before it H. Res. 500, introduced by Representatives Michel, myself and others, on May 17th, amending the broadcast rule "to provide for the periodic visual broadcast coverage of the entire House Chamber on a uniform basis throughout each day's proceedings." I think this resolution could serve as a useful starting point for our committee in attempting to defuse the issue of selective panning of the Chamber during only part of the day's proceedings.

I hope that you will take the above suggestions in the serious vein in which they are intended. As a member of both the Republican leadership and the Rules Committee, I share your concerns about the institution of the House and the future of our broadcast system. I strongly feel we should act now as the duly elected committee of the House having jurisdiction over this matter before the situation deteriorates further. I do not think we have the luxury of waiting for the recommendations of a one-man Democratic advisory committee or a Democratic Caucus task force, nor do I think it advisable to proceed with this on a partisan basis as both approaches suggest. The results, no matter how well-intentioned, can hardly be expected to gain the confidence or acceptance of our party if we are not a part of the formulation process. I think the Rules Committee, on the other hand, as the leadership committee of both parties, can proceed to address the problem in a bipartisan, responsible, and dispassionate manner that will have the best interests of the institution in mind. I hope you will agree.

With warm personal regards, I am

Very truly yours,

TRENT LOTT.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, D.C., May 24, 1984.

Hon. TRENT LOTT,
2400 Rayburn House Office Building, Washington, D.C.

DEAR TRENT: I am in receipt of your letter dated May 18, 1984, concerning the subject of the House broadcasting system.

I know you are aware of the Speaker's Advisory Committee on Broadcasting, a bipartisan group dedicated to reviewing the operation of the broadcast system. Additionally, the Speaker has referred the matter to the Democratic Caucus Committee on Organization, Study, and Review, which is chaired by our able Rules Committee colleague, Martin Frost.

In light of this, I think it is better that we do not consider the question of the House broadcast system at this time. The Committee, of course, retains jurisdiction over the matter and we may wish to undertake some study in the future.

Kindest regards, and

Always sincerely,

CLAUDE PEPPER, *Chairman.*●

SODIUM LABELING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes.

● Mr. SMITH of Iowa. Mr. Speaker, the effort that some of us have been making to alert the public to the vital health need to have more information regarding the sodium content of processed foods is continuing.

In 1981, Congressman ALBERT GORE, JR., joined me in sponsoring legislation amending the Food, Drug, and Cosmetic Act to require the labels of processed foods subject to the act to show the sodium content per serving when it was in excess of 35 milligrams. Soon thereafter, hearings by the Subcommittee on Investigations and Oversight of the House Science and Technology Committee, showed the close relationship between sodium intake and high blood pressure for the sizable segment of the American public who are most subject to the danger of stroke and death from heart failure.

High blood pressure is the worst secret and silent killer in our society. Every year, tens of millions of Americans are afflicted with a condition that may be the single largest contributor to heart disease, the No. 1 cause of death. It is also a significant cause of stroke, and a major factor in kidney failure. High blood pressure is a condition that strikes particularly hard at black Americans. In addition, 40 percent of all our citizens over the age of 65 suffer from this menace. It is particularly insidious because it often produces no outward symptoms until its real damage has already been done. The cost in health care dollars has been estimated by the National Institutes of Health at over $8 billion per year.

The publicity which surrounded this congressional sodium-labeling effort, as well as efforts by the American Medical Association, the American Heart Association, and about 20 other national health and consumer organizations soon brought forth over 100 members who joined us as cosponsors to the bill.

Although the law establishing exact sodium-labeling standards has not been completed, the publicity surrounding this campaign and the public pressure which it has generated has caused several of the food companies to provide sodium information on their labels and some of the big companies to develop foods with "No Salt Added."

Meanwhile, the Food and Drug Administration (FDA) has responded to this congressional sodium-labeling initiative and the public support generated by these congressional efforts, by publishing in the Federal Register the final labeling regulations requiring food processors to list the sodium content of products labeled after July 1985, for foods subject to the Pure Food, Drug, and Cosmetic Act that carry nutrition labeling. The FDA regulations set standards for the terms "Reduced Sodium," "Very Low Sodium," "Low Sodium," "Sodium Free," and "Unsalted" on the labels.

This action by the FDA, in response to the congressional initiative, is a step forward. It puts the Food and Drug Administration on record as recognizing the importance of sodium content information to the American public. It marks one of the few areas in which this Administration has been willing to set new standards for businesses to protect the public health.

But once the Administration has recognized the importance of sodium-content information on food labels, there is no reason to stop with nutrition labeling. Only about 50 percent of the Nation's food products now carry nutrition labeling. Why stop at half of the products? In some categories of food products, very few carry nutrition labeling.

Our sodium-labeling legislation (H.R. 17) which is before the Congress would require the labeling of all prepared foods to show the sodium content when it is 35 milligrams per serving or more. This requirement is less onerous than the FDA rule which triggers sodium labeling on the nutrition label at 5 milligrams per serving. The American Medical Association determined that sodium quantities at levels less than 35 milligrams per serving were not medically significant for the average person on a sodium restricted diet. The FDA 5-milligram level is a nuisance that is needlessly being imposed on business. An additional provision in H.R. 17 minimizes that burden on business provides for an exemption for all small businesses that have annual sales of less than $500,000.

We applaud the FDA for its sodium labeling actions. It is a significant first step. But, it is only a first step. We call on the Administration and the food industry to join with us to finish the task of complete sodium labeling of all processed foods. Then all of the public, regardless of where they live and what processed foods they buy, will have the data they need to a monitor their sodium intake where it is essential to their health. We will not stop until the task is completed.●

ELIGIBILITY FOR RENTAL HOUSING DEVELOPMENT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, I am pleased to announce that the Secretary of the Department of Housing and Urban Development, Samuel Pierce, agreed to a proposal to expand the list of eligible cities for the rental housing development program (HODAG), enacted as part of the Housing and Urban-Rural Recovery Act of 1983, from the original HUD proposal of 41 cities of over 50,000 to 133 cities of over 50,000. The rental housing development program is a new rental production program whereby the Federal Government makes grants to local communities to enable them to build rental housing for low- and middle-income people. These Federal grants may be used in a number of ways to reduce the cost of rental projects so that rents are affordable to low- and middle-income people.

The agreement reached by Secretary Pierce and myself yesterday will enable 133 cities of over 50,000, which is 23 percent of all cities of over 50,000, to be eligible to apply to HUD for grants to build new rental housing. I am pleased that Secretary Pierce accepted my proposed expansion of the original HUD list and will take the steps to implement this expanded eligibility and regulations to be published in the Federal Register shortly. This new rental housing program was the major innovative effort pushed by congressional Democrats as part of last year's housing authorization bill against strong administration opposition. The administration sought to limit the scope of this rental program by devising a formula that would exclude many older and larger cities of our Nation from being able to apply for grants to build new rental housing. The original HUD proposal would have made eligible only 7 percent of all cities over 50,000. My proposal, agreed upon yesterday, expands this eligibility to 23 percent of all cities of over 50,000 to be made eligible to apply for these rental housing grants. The agreement between myself and Secretary Pierce represents a compromise by both sides since my original proposal would have provided this assistance to 251 cities as compared to the administration's 41 cities. If HUD officials had discussed their original proposal with myself and other members of the Banking Committee before they had drafted these regulations this dispute would never have occurred. In any event, this issue has been resolved favorably for both sides.●

ADMINISTRATION ACTION WRONG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Fuqua) is recognized for 5 minutes.

● Mr. FUQUA. Mr. Speaker, the Suwannee River floods periodically and the flooding in 1984 is some of the worst in recent memory. It is estimated that damage to private residents, business and government entities is $2.4 million and the damage to agriculture has not yet been calculated. Truly this is a bad time for people living in the seven counties in Florida through which the Suwannee flows.

Gov. Bob Graham, on May 24, requested President Reagan to designate Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, and Suwannee Counties as disaster areas eligible for emergency assistance. The President has denied this request and appears to be trying to minimize the damage.

Mr. Speaker, I had occasion to visit the Suwannee during the high water stage and the damage is immense. I have always supported President Reagan when I felt he was right but I must oppose his actions when I believe he is wrong and this time he is definitely wrong. The people living in these seven counties deserve better treatment from their Federal Government.●

MARY C. GARLICK—IN MEMORIAM

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBERSTAR. Mr. Speaker, early in the morning of Thursday, May 31, life ebbed quietly away from my beloved mother-in-law, Mary C. Garlick. At the age of 79, she lived a long, full, and exemplary life, a deeply spiritual woman, overflowing with joy and love. On the occasion of the final mass celebrating her faith and ours, my wife Jo, spoke for the entire family in delivering a profoundly moving and eloquent eulogy, which sums up mom's life, and which I include in the Record:

Mary C. Garlick

(By Jo Oberstar)

These words are for you, Mom, with love.

One of our US astronauts, as he spun in orbit around the world, on looking back to our beautiful earth, made a wise and memorable observation. "Earth," he said, "has no frames, no boundaries."

Clearly, he saw that we on the earth are one family, a unity of peoples and nations.

His comment is relevant this morning because it could apply equally well to Mom's life—especially to her love and especially to her faith. For they, too, had no frames, no boundaries.

Mary, our mother, lived love. She was love in action, in thought, in extension. All who came to know her recognized and experienced her lovingness, her total giving and sharing of self, her spontaneous and extraordinary generosity. Love flowed from her as naturally as the rain falls upon the dry land, and it refreshed all of us who were touched.

Undoutedly it surrounded the patients she cared for as a young nurse at King's County Hospital in Brookland, N.Y., where she met Dad, and they fell in love together. Her love reached out to Dad and to all of us children and to all of our friends, to her friends and Dad's. It touched Dad's patients, over the years, as she loved and prayed for their healing. And finally, her wonderful, all-encompassing love reached out to those who cared for her in her last days, even to their loved ones, and especially to their children . . . because her greatest and deepest love was reserved for her children, for all children.

Children, she always said, were the jewels in a mother's crown. Obviously, we understood, and provided her with ten grandchildren, each of whom she loved and cherished as individuals, as they were, not as she or we, even, wished them to be. Although only five of her grandchildren could be here today, we know these five represent their loved and absent cousins, each of whom is here in spirit with us.

I remember Mother's favorite admonitions to all of us: Love one another, stay close to one another, care for one another, help one another, be kind to one another always.

She was always telling Tom, in particular, that he had to take care of Cookie and me, and all of her grandchildren, when she was gone. She made him promise, and we shall hold him to it, but only in teasing a little, because he and we carry on her lovingness among ourselves and among our children.

I remember Dad commenting on Mom's loving generosity, in his usual dry manner: "I don't mind if Mary gives some of my hard-earned money away, but why does she have to give it all away?"

Mom was, above all, a lover who saw no frames, no boundaries—only people who needed loving.

Mary, our mother, lived equally in her faith. Faith was her roots, her foundation, the wellspring of her enormous strength, persistence, courage, and wisdom.

Father John, teasing, used to call her the "defender of the faith." Her faith was deep and rich. She poured it out on all of us and into all of us. From her we learned, I'm still not sure exactly how, but primarily by example, that faith in a loving God teaches truth, provides understanding, gives courage, and, always, brings peace of heart and mind and soul.

From Mom we learned the most exquisite and important lesson of any life—the lesson, the belief we share, through her, with you today . . . that life is but a preparation, a training course, for the real purpose of our creation and of our being—to die in the Lord that we may live forever in heaven in everlasting joy.

SUNSHINE NEEDED

(Mr. EMERSON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EMERSON. Mr. Speaker, I rise this morning to express my support for the sunshine resolution, which is introduced by my friend and colleague, Mr. Brown of Colorado, and of which I am proud to be an original cosponsor.

It has been my great privilege to have a long association with this House. I had the pleasure of being a page in the 83d and 84th Congresses. And I served in staff positions from the 87th to the 92d Congress. From the 93d to the 96th Congress I worked in the private sector in Government relations positions that brought me into frequent contact with the workings of this body. I had the high honor of being sworn in as a Member of the House of Representatives at the beginning of the 97th Congress.

I believe the experiences which I have had over the past 31 years have given me a knowledge and an insight into the Congress that are most valuable to me as a Member. Those experiences give me a point of comparison and observation that also tell me there has never been more of a need for reform of the rules of the House than there is at the present time. The sunshine resolution would go a long way in making many necessary reforms.

The sunshine resolution would provide eight major reforms:

First, it would allow dissenting views to be placed in conference reports.

Second, it would provide for reliable, advance notice of House floor proceedings.

Third, it would remove the secrecy surrounding discharge petitions.

Fourth, it would provide for an honest, complete and uncensored broadcasting of House proceedings.

Fifth, it would require formal House adoption of an oversight agenda at the beginning of each Congress.

Sixth, it would eliminate voting by proxy in committees and subcommittees, thus forcing members to be present if they wish to be recorded on a vote.

Seventh, it would require the Congressional Record to reflect accurately and honestly the proceedings of the House.

Eighth, it would require party ratios in committees and subcommittees that represent the party composition of the House.

Mr. Speaker, these reforms are badly needed, not simply to protect the rights of the minority, but also to restore faith in the House of Representatives.

GROWING DANGER OF A CHEMICAL AND BIOLOGICAL WEAPONS RACE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, a recent article in West magazine, the Sunday magazine published by San Jose Mercury News of San Jose, Calif., contains an outstanding, though chilling, article on the menace to international security from continuing research on chemical and biological weapons and defenses, much of it based on the new technology of bioengineering.

Although the use—though not the possession—of chemical weapons was outlawed by the 1925 Geneva protocol and the use of biological weapons was outlawed by the 1972 Biological Weapons Convention, the Department of Defense, according to the article, is currently spending $100 million a year to develop medical defenses against chemical warfare and $30 million a year on medical defenses against biological warfare.

The reason is that the new technology of bioengineering makes possible genetically engineered weapons and weapon defenses that could revolutionize warfare, just as the atomic bomb did 40 years ago. Scientists say that unless something is done to keep this technology out of the military arena while it is still in its infancy, it will not be possible to do so in the future. Biotechnology makes it possible to manufacture micro-organisms and chemicals that are deadlier than ever. Diseases can be genetically altered to make them resistant to vaccinations and to existing medicines. On the other hand, antidotes can be developed to immunize one's soldiers to either chemicals or to exotic diseases.

Because of the possibilities that the Soviet Union, or even smaller powers, could be developing such capabilities, the U.S. Defense Department is expanding its research efforts in these fields. The Department insists that it is not developing an offensive biological warfare capability but is only interested in defensive systems. Unfortunately, as the article points out, the line between offensive and defensive research is almost nonexistent, and depends mainly on the intent with which the knowledge is used, since knowledge gained from defensive research can also be used to make offensive weapons.

Moreover, just by doing this kind of work, the military in any country engenders the natural suspicion that sooner or later it will use what it has learned to make bioengineered offensive weapons. This is especially likely where, as is the case in our own Defense Department's research, information about equipment the military is developing to protect against CBW is kept secret.

In the present state of paranoia that defines relations between superpowers, it would appear that the first step should be to try to strengthen existing treaties by banning even defensive CBW warfare work. Moreover, quite apart from treaty negotiations, some agency, such as the U.S. Arms Control and Disarmament Agency, should be required to monitor the ethical, social and arms control implications of such work. The policy implications of this should be under constant review at the highest level in the administration and by the appropriate committees in Congress.

Mr. Speaker, clearly we are rapidly reaching the point where the arms race will either be brought under control or technology will take control out of our hands entirely, with consequences that may be as fatal for the human race as a full-scale nuclear war would be. Hopefully, there is still time, but not much time.

The full article by John Hubner, staff writer for West magazine, follows these remarks:

THE HIDDEN ARMS RACE

(By Jon Hubner)

A new generation of chemical and biological weapons is crawling out of the test tubes of genetic engineers. It's like a Second Coming of the atomic bomb—and it could revolutionize war in ways even the generals don't like.

"Thinking the unthinkable." The phrase brings to mind images of the lieutenant who trails the president with the black box, or of uniformed men sitting around a table deep in the Pentagon, devising nuclear war scenarios. Sad to say, the unthinkable has new meaning these days. We have more to fear than nuclear war.

Today, some scientists and military men are bringing back to life a Frankenstein monster that was supposed to be forever catatonic, out of sight, out of mind. The beast is sitting up, rubbing its eyes. We are on the verge of an arms race in chemical and biological weapons.

"The menace to international security from CBW (chemical and biological warfare) developments during prior years has become more evident . . . Increased military preparedness for CBW may soon accelerate, irreversibly, into a grotesque new arms race. The prospect then may be one of CBW weapons becoming 'conventional': poised for use wherever and whenever military necessities may be satisfied by their special properties."

This warning comes from the 1983 *Stockholm International Peace Research Institute Yearbook*. Some of the best writing on the military is published in Sweden because the Swedes have long believed the more that is known about what generals around the world are doing, the better the chances for peace. Still, a "bugs and gas" arms race seems hardly credible—it sounds more like the premise for a made-for-TV movie than like something that is actually happening. After all, military strategists loathe these kinds of weapons as deeply as ardent pacifists.

"Generals say, 'Oh, a CBW attack would wipe out the forces in the first 20 minutes. We couldn't have our war games,' " says Dr. William Beisel, deputy director for science at the U.S. Army Medical Research Institute for Infectious Diseases (US-AMRIID) in Fort Detrick, Md. "Their attitude has always been, 'It's too horrible to consider. Don't even remind us it exists.' "

What's more, there are strong international prohibitions against CBW. The 1925 Geneva Protocol outlawed the use (though not the stockpiling) of chemical weapons. The 1972 Biological Weapons Convention banned the use of biological weapons and was the first treaty in modern times that actually resulted in the destruction of stockpiled weapons. The treaty was relatively easy to ratify because, frankly, a decade ago neither the U.S. nor the Soviet Union considered these weapons worth developing.

So why is the Department of Defense spending $100 million a year to develop medical defenses against chemical warfare, and $30 million a year for medical defenses against biological warfare? What has changed since 1972?

There is a one-word answer to these questions: bioengineering. This new field makes possible genetically engineered weapons that could revolutionize warfare the way the atomic bomb did 40 years ago. Advances in biotechnology have made the CBW threat so potent the military cannot ignore it.

The $130 million is only the beginning of Defense Department funding, because bioengineering really hasn't gotten off the ground yet. "We're just learning how to put wings on the plane," is how one San Francisco biologist puts it. At this point, it appears the military will be as integral to the growth of biotechnology as it was to the development of the aircraft industry.

"Unless we do something to keep the technology out of the military arena now, while it is still in its infancy, we won't be able to," says Dr. Robert Sinsheimer, a former California Scientist of the Year who is chancellor of UC-Santa Cruz. "As the power of the technology becomes more evident, people will grow more suspicious. Any time a rare disease breaks out anywhere, people will think, 'Aha,' and that will fuel an arms race cycle."

SCENARIOS FOR DISASTER

If you have read anything about bioengineering, you know the new science is our best hope to cure cancer and hereditary diseases. Recombinant DNA technology does at the gene level what grafting does for fruit trees. Scientists use *Escherichia coli (E. coli)*, a species of bacteria found in the human intestine, as tiny biological factories. The human gene for insulin, for example, is grafted onto *E. coli*, the bacteria are placed in a fermentation tank and the tiny bugs—the VWs of genetic engineering—make insulin. In time, bioengineering is going to revolutionize the chemical and oil industries. They already have bugs that eat oil—the perfect way to clean up an oil spill. How much longer will it be before they have bacteria that can make oil?

Now think of this capability from the point of view of a military strategist or terrorist whose only goal is to bring an enemy to its knees. CBW agents are cheap, and they do not destroy property. Biotechnology makes it possible to manufacture bugs and gas that are deadlier than ever, and to do it faster than ever. Say you wanted to wipe out an army, a city or even a whole society—here are some of your options:

You could take a disease like smallpox that we have all but eradicated, genetically alter it to make it resistant to vaccination, clandestinely release the virus and create a horrid epidemic.

You could release a virus created through genetic engineering that was unknown to enemy doctors, but for which your doctors had developed a vaccine. Make it fast-acting, release it on a large scale and it would be like Legionnaire's disease (which was once studied by the Defense Department), only much, much worse.

Starting with a rare virus like diphtheria, you could use recombinant DNA techniques to graft it to the common *E. coli* and make a devastating weapon, particularly if you had vaccinated your troops against diphtheria before releasing it. The virus would be safe to handle because you could wait until the last possible moment to insert the gene that makes diphtheria deadly. It would be like striking a match. This is not the stuff of science fiction. A Harvard scientist is trying to wed diphtheria to *E. coli* right now. He is doing it as part of a study of cancerous tumors, but like all researchers, he will publish his findings.

You could use biotech to make chemical warfare possible. Generals traditionally have disliked poison gases because they are dangerous to use. Even the best protective clothing doesn't guarantee your soldiers won't suffer as badly as the enemy's. But if you could inoculate your troops against nerve gas, say, so that it wouldn't harm them even if they inhaled it, you would have a weapon as deadly and selective as a bullet.

You could make deadly viruses more deadly. Botulism, for instance, only grows in a dark environment. Using the new technology, however, you could extract the plasmid sensitive to sunlight, improve its ultraviolet resistance and make it tough enough to reproduce in daylight. Imagine what would happen if you then dumped it into the reservoirs that supply New York City's water.

You could target victims by skin color. Some races are more susceptible to certain diseases than other races; San Joaquin Valley fever, for example—for which a vaccine is being developed at a Navy lab in Oakland—is much more deadly to dark-skinned people than to Caucasians. Suppose South Africa and Zimbabwe were locked in the kind of war that Iran and Iraq are now fighting. Releasing valley fever would be the perfect way for South Africa to "soften" its enemy without threatening its own soldiers.

Squeamish about all this mass slaughter? Well, you wouldn't *have* to use CBW on people. A century ago, dozens of varieties of corn were grown in America. Today, because of the development of fast-growing, high-yield hybrids, six varieties of corn produce 70 percent of the U.S. crop.

A UC-Berkeley plant pathologist has been working with a wilt fungus that attacks only the marijuana plant. If an enemy developed a fungus that attacked only the half-dozen varieties of corn grown in the U.S., it could wipe out a major underpinning of the American economy.

COVERING YOUR BACKSIDE

Paranoia about this sort of thing is on the rise. In 1981, Cuba—a country that sees the hand of the CIA behind every disaster—claimed a clandestine U.S. operation was responsible for a major outbreak of dengue fever that occurred between May and October of that year.

Dengue is an acute infectious disease caused by the bite of the *Aedes* mosquito, the same insect that transmits yellow fever. Victims suffer through several days of fever, headaches and such pain in the joints that the disease was once called "breakbone." There have been other dengue epidemics in the South and the Caribbean, but none so serious as the one that struck Cuba.

The 1981 outbreak was the first epidemic on the island since 1944. The cases came from three widely separated parts of Cuba. More than 300,000 cases were reported; at the height of the epidemic, there were 10,000 new cases a day. One hundred fifty-eight people died, 101 of them children under the age of 15.

In blaming the U.S., Cuban officials claimed it was unlikely that the disease had broken out spontaneously in three spots at the same time; that there were no reports of the disease in the Bahamas and Jamaica, and only 22 cases in Haiti; that none of the early victims had ever been off the island, and none had been away from home in the weeks before the outbreak occurred.

But when it comes to CBW, paranoia—or legitimate fear—is hardly confined to the Castro regime. The Cuban charges are "typical Communist propaganda to cover their own backsides," says Joseph Douglass, director of the National Security Division at Jaycorp, a major defense think tank in Alexandria, Va. And he quickly counters with an accusation of his own. "We've had a major in the Cuban Revolutionary Army announce the existence of an Advanced Chemical Warfare Training Camp."

"We may have a national security problem in this area," adds Douglass, who is co-author of CBW: The Poor Man's Atomic Bomb. "The new technology enables you to do things cheaply, it enables you to make things more lethal, to make things that nobody knows about, to make things that are specifically designed to be resistant to known treatment methods. The new technology makes weapons that were not strategically important potentially strategically important. We don't have a clear idea what our vulnerabilities are."

And when it comes to strategic vulnerability, tiny Cuba is the least of our worries. Washington officials are "very concerned" that Russian scientists are buried in their labs, working overtime to create bioengineered weapons we have no defenses for. The Russians, of course, are equally paranoid about what we might be doing. This is how an arms race starts.

"Our CBW capability has withered, but there's no evidence that the Russian interest has been anything but unflagging," says Brad Roberts, executive assistant to the director of the Georgetown Center for Strategic and International Studies, a prestigious public policy institute. "I'm not sure the Russians share our moral revulsion for these kinds of weapons. Their perception is that modern warfare is an integrated battlefield. They've attached a high importance to R&D in this area. They may have achieved a breakthrough in their understanding of CBW that renders our capabilities a generation behind.

"It's very clear to me that the Soviet chemical capability could win a war for them in Western Europe," Roberts continues. "A quick strike on Rotterdam or other ports with persistent chemicals could completely deny us the ability to reinforce our troops in Europe. You can clean up a tank or a soldier, but not a whole city. If we were attacked with chemical weapons in Europe, the only response we'd have is nuclear. Would we nuke them? The answer is no. We'd be hard pressed to know what to do in that situation."

MEANWHILE, BACK IN THE LABORATORIES

His grant is only $100,000, but one of the most important of the Defense Department's $100 million chemical defense research projects is being conducted in the UC-San Francisco biochemistry laboratory of Dr. John Baxter. Baxter is using recombinant DNA techniques to clone the human gene for acetylcholinesterase, an important neurotransmitter that is involved in half of the body's synapses. It is the body's "on-off" switch, starting the electrochemical reaction that stimulates a muscle, turning the synapsis off when the function is complete. Organophosphorus, the deadly ingredient in nerve gases, attacks acetylcholinesterase, causing it to lock in the "on" position. A nerve gas victim's entire nervous system fires simultaneously, like a box of firecrackers exploding at once, until the victim "overstimulates" to death. You've seen it happen if you've ever sprayed a cockroach with insecticide and watched it writhe and die.

Baxter is trying to clone acetylcholinesterase from the electric ray, a fish that has an abundance of the enzyme in its stinging mechanism. Baxter's is one of six Defense Department projects attempting to clone the enzyme so the military can use it to develop a nerve gas antidote.

"If we can clone acetylcholinesterase, we can pull it apart and see where the active sites are, where the organophosphorus compounds attack," says Col. William Huston, head of the Army's chemical defense program. "We can then target drugs we are developing to those sites to intervene in organophosphorus intoxication, or we can generate enough acetylcholinesterase to inject soldiers so that it will act as a buffer agent."

Some scientists, as we'll see, are far from sanguine about military support for bioengineering research. But Baxter sees no problem with it.

"I'm delighted that the military is willing to pay for this research because if I can get the money from them instead of NIH (the National Institutes of Health), that saves $100,000 for another investigator," he says. "This is high-priority research we'd be doing no matter what. We'll learn a lot of basic things about how the body functions from acetylcholinesterase. To take chunks of military money and divert it to health is good for the country."

Across the Bay on the Oakland waterfront is the military's major biological lab on the West Coast, the Naval Biosciences Laborator. A UC-Berkeley facility under contract to the Office of Naval Research, the lab employs 100 people and has a $4.2 million annual budget, 85 percent of which comes from the military. Its director is Dr. David Kingsbury, a professor at the university's School of Public Health. Among other projects, the lab is studying the genetics of bubonic plague, making a vaccine for San Joaquin Valley fever and producing monoclonal antibodies for highly contagious diseases like Lassa and Rift Valley fevers.

"This lab and USAMRIID are charged with a very frightening task," Kingsbury says. "We're the two Defense Department labs that are tasked with identifying biological warfare agents. That's one of the most awesome tasks I can think of, coming up with a definitive statement that we've been attacked with a biological weapon, knowing that that statement is probably equivalent to pushing the (nuclear) button. Reagan could always call the Kremlin and ask 'What the hell did you do that for.' My guess is, he wouldn't. He'd tape that message to the front end of a Minuteman missile."

CBW HEADQUARTERS

The U.S. Army Medical Research Institute for Infectious Diseases is headquartered in Fort Detrick, an hour or so north of Washington, D.C., in Frederick, Md. Down the block from the guardhouse, a school bus is unloading kids carrying lunch boxes with pictures of Michael Jackson on them. Inside the USAMRIID building, technicians wearing blue space suits attached to yellow air hoses are working with the most lethal organisms known, exotic killers like botulism, anthrax, Rift Valley fever, dengue fever, Lassa and Korean hemorrhagic fevers, and rickettsial diseases. These are P-4 labs, held to the most stringent safety requirements there are. America has only three P-4 labs—the two at Fort Detrick and one at the federal Center for Disease Control in Atlanta.

Fort Detrick was the headquarters of America's biological warfare program from 1942 until 1969, when President Nixon issued an executive order unilaterally stopping the researching and stockpiling of biological weapons. During those years, there were three deaths and 423 cases of infection. Building 470 has been closed for 14 years due to anthrax contamination. Anthrax, an infectious disease carried by domestic animals like sheep and cattle, is usually fatal to humans. No one has figured out how to destroy anthrax spores, so it is unlikely Building 470 will ever be decontaminated.

From 1969 through the '70s, most of the research that went on at Fort Detrick was conducted by the National Cancer Institute. In 1979, the military recognized both the promise and the threat posed by biotechnology and reopened the laboratories. The safety conditions seem much better now than they were in the old days. The only illnesses so far have been from staphylococcal virus—the bug that causes food poisoning—which infected 15 people, and from Rocky Mountain spotted fever, which infected six. In both instances, prompt diagnosis and treatment prevented serious illnesses.

"None of the work we are doing here is aimed at developing an offensive biological weapons capability," says Dr. William Beisel, the overseer of the $30 million Defense Department biological research program. A gentle, 60-year-old internist, Beisel has the patience to describe the technical complexities of recombinant DNA to a layman. "The Defense Department is not developing an offensive biological warfare capability, is not doing research to create new toxins or make existing diseases more toxic. We are not working on dissemination systems, nor are we making poisons in quantities large enough to use as weapons. All the work we are doing is defensive, aimed at protecting troops against a CBW attack.

"It all comes down to intent, and I'd like to tell you a little parable to illustrate that," Beisel continues. "DNA is like a gold nugget; it has tremendous value. One man finds the nugget and says, 'I've really got something wonderful in my hands. I'm going to build a library and buy a lot of books that will be a living memorial.' Another guy finds the gold and says, 'Boy, with this I can purchase a lot of arms and ammunition and we can go out and get control.'

"With the same technology plus intent, you can do great good or great harm. We're the good guys; we're wearing the white hats. We're physicians using our gold nugget to create new things in medicine. It's the Russians who may be using the nugget for evil."

BEYOND "GOOD GUYS" AND "BAD GUYS"

But Beisel's good-vs.-evil formulation is far too simple—as the doctor would have learned if he'd watched a recent KRON-TV news series on biological warfare. KRON did its best to make Beisel and USAMRIID the bad guys.

Research contracts appeared on the screen, and narrator Paul Udell said, "These Department of Defense reports reveal tests in which the Army has been disseminating killer germs in the form of weapons. The research involved dispersing diseases in aerosol clouds and using mosquitoes as carriers."

The difference between what USAMRIID says it is doing, and what KRON accused it of, illustrates how razor-thin is the distance between offensive and defensive research.

"Disseminating killer germs in the form of weapons"? USAMRIID's aero-biological division sprays viruses at animals locked in a chamber, usually rhesus monkeys, to test whether the bugs are contagious when airborne. The tests are run to see if troops could be contaminated by an airborne attack, and to build vaccines against the disease.

"Using mosquitoes as carriers"? The Army says it is testing mosquitoes and sand flies to see if they transmit newly discovered diseases like Lassa and Rift Valley fevers. Since it was discovered that malaria and yellow fever are transmitted by mosquitoes, it has been standard medical procedure to run tests on mosquitoes to see which breeds might feed on a sick animal and transmit disease.

But whatever the intent of these experiments, there's no doubt that the knowledge gained from them could be used to make offensive weapons. "In order to create a vaccine, you have to be very familiar with a toxic organism," says biologist Robert Sinsheimer, the chancellor at UC-Santa Cruz. "That is knowledge you would want to have if your objective were to build offensive weapons." Are we now using that knowledge to make weapons? Not that we know of. The problem is, just by doing this kind of work, the military creates the suspicion that sooner or later, in some secret place, it will use what it has learned to make bioengineered offensive weapons.

Adding to these suspicions is the fact that, while none of the medical research programs appear to be classified, information about the equipment the military is developing to protect soldiers against CBW is kept secret. What kind of clothing protects best against CBW agents, how well a gas mask works, what chemicals or organisms foul a filter, how soldiers and vehicles will be decontaminated, how CBW detectors work in the field—all this is classified information.

"There is no reason to classify any of this," says Matthew Meselson, a Harvard molecular biologist who, in addition to being one of the scientists who developed recombinant DNA, is an internationally recognized CBW expert and the chief architect of the 1972 Biological Weapons Convention. "It's only through force of habit that they're doing it. With the exception of intelligence work, we've got to be able to say, 'Absolutely everything we're doing, we're doing out in the open.' We must get rid of secrecy. Secrecy is the real threat."

CAN WE TRUST THE MILITARY?

Dr. Beisel's parable about the gold nugget can be reduced to two words: Trust us. Without effective oversight of CBW research (see box, page 35), we don't have any other choice. But the Army's history of secret tests in this area does not inspire confidence.

In October 1950, the Army blanketed the San Francisco area with a microorganism called *Serratia marcescens.* The Army was afraid the the Russians might secretly attack us with lethal bacteria; they wanted to find how and where the bugs would drift into the lungs of unsuspecting citizens. The Army considered the microorganism harmless, but later tests implicated it in several illnesses and at least one death—that of Edward J. Nevin, a patient at Stanford Hospital. Nevin's grandson is a lawyer in San Francisco. He and 67 of Nevin's survivors sued the government for $11 million. Though doctors testified at the trial that *Serratia marcescens* can be harmful or fatal to elderly people, newborn babies and people with lung and heart diseases, a federal judge in San Francisco ruled against the Nevin family and the Supreme Court refused to hear the case.

For three days in June 1966, Army personnel carried light bulbs filled with *Bacillus subtilis* into New York City and shattered them on ventilator grills in sidewalks above subway stations at the height of rush hour. Again, the Army claims the bacteria are benign, but doctors have testified that the bugs are dangerous to babies, the elderly, sick people and people with allergies. According to the Army, the test found that "a large portion of the working population of downtown New York City would be exposed to disease if one or more pathogenic agents were disseminated covertly in several subway lines at a period of peak traffic." One has to wonder if such an obvious conclusion was worth the risk it posed to unsuspecting New Yorkers.

"How do we know they won't do it again?" asks Dr. Jonathan King, an internationally known microbiologist at the Massachusetts Institute of Technology. "We don't."

The possibility of secret testing is not the only reason critics feel the military—as opposed to, say, the National Institutes of Health—might not be the most appropriate agency to fund biotech research. Suppose, for example, the Army successfully develops new vaccines for shigellosis and Rift Valley fever, diseases that have paralyzed Third World countries. Will the vaccines be made available? Or might they be withheld and, in effect, used as a weapon?

Absolutely not, Beisel says. "We'd never withhold a vaccine. We're working to improve the health of mankind. When we find out ways to cure or prevent these diseases, that knowledge is immediately applicable to everybody."

There are precedents—the vaccine against yellow fever developed by Army doctor Walter Reed, for one—that support Beisel's claim. But there is evidence that points the other way, too.

"You can militarize medical technology by withholding it," Jonathan King says. "There's a history of this. The U.S. has prevented medical supplies of any sort from going to Cuba for 20 years.

And even if there is no deliberate attempt to withhold new discoveries, the military's priorities are open to question. Even Navy Biosciences Laboratory director David Kingsbury makes this point. As Kingsbury describes it, another agency other than the Army would be better suited to developing a vaccine for San Joaquin valley fever.

"The Army isn't interested in valley fever," Kingsbury says. "They have a funny attitude. They admit they have problems with it. All their desert training is in the Southwest. They've had blacks come down with it, had a number of very serious cases. But it turns out in their exercises, they killed more guys by accidentally running over them with tanks than they did with infectious diseases. Their attitude is, 'We should have something to protect ourselves from tanks, the hell with infectious diseases.' Honestly, that's what they said. They didn't want to get involved."

IS THE BEST DEFENSE NO DEFENSE?

There is an even more basic question when it comes to CBW research: Can the genetically engineered medical defenses the military is developing actually protect against an attack with chemical or biological weapons? The answer depends on whom you talk to.

"All viruses have to use the internal machinery of the body to reproduce themselves," Beisel says. "If you can develop an antiviral drug that will prevent that machinery from being used by a virus, it would make no difference which virus is coming at us. It's like aspirin being effective against a variety of illnesses. If we have an effective treatment for a class of diseases, we can rest a little easier that some new variant will be handled by the body."

Naval Biosciences Laboratory director Kingsbury, on the other hand, is less quick to reassure. "There's no umbrella," he says. "It's easy to have anybody with the capacity to do this one step ahead of you. Some of the intelligence I've seen is scary."

One step ahead. Here, then, we come back to the most basic question of all. Are the military's CBW researchers *creating* an arms race in chemical and biological weapons?

Scientists think of science as a natural force, like gravity. You can't stop it; you are foolish to try. The scientist lives to make discoveries; how these discoveries are used is society's concern, not his. "Most scientists are motivated just to work," say Harvard biologist Meselson. "They don't think about the consequences of what they're doing."

But some scientists are abandoning this traditional position of amoral neutrality to question the Defense Department's use of biotechnology in the CBW defense program. They point out that the military isn't just in the business of making vaccines to protect soldiers. It is also in the business of learning to kill people as quickly and efficiently as possible. Biotechnology is seductive because it offers new and better ways to do that.

"I would prefer the military stayed out of this area," Chancellor Sinsheimer says. "The more the military learns about it, the more it may increase their temptation to use it for other than defense purposes. If they got credible or quasi-credible evidence that some other country was looking into an offensive CBW capacity, they would be compelled to do the same. Or even if they got to the point where knowledge they had gained suggested to them that they really could do something, then they might think, 'Aha, if we can do it, they can do it. We'd better move forward' That's the same argument that led to the atomic bomb.

"You could also get into the 'modified' game," Sinsheimer continues. "You come up with a vaccine for anthrax and then begin to worry, 'Could they produce a modified form of anthrax that might not be susceptible to our vaccine? Then you're off in an arms race."

"This innocent-sounding activity simply cannot be seen as innocent," adds MIT professor King. "If you did have ideas of secretly making offensive CB weapons, one of the first things you would do is generate the organisms and learn how to protect your own people. They may say they're only making a vaccine, that it's only for defensive purposes, but the moment you create a vaccine, you've generated an offensive capacity. You can protect your troops against CB weapons that in the old days would attack both sides."

USAMRIID's Beisel, in his patient, methodical way, takes pains to dispel the idea that changing our CBW research program from defensive to offensive would be as swift as an intercepted pass in football. "The techniques and principles may be the same, but it wouldn't be a leadpipe cinch," Beisel says. "It's a common misconception that creating a weapons system is easy. We had the whole post here at Fort Detrick staffed with hundreds of scientists and a budget that would make ours look small trying to produce biological weapons. They never produced a weapon that was accepted for tactical use by a line general."

That, of course, was years ago, before bioengineering came along. Generals might be more interested in nerve gas if they can protect their troops, more willing to release bugs if their forces can be inoculated.

Scientists are also concerned about the international ramifications of the CBW medical defense program. The 1972 Biological Warfare Convention "isn't worth a whole helluva lot," in the words of Navy Capt. Jim Vorosmarti, assistant for medical and life sciences R&D, because there is no procedure for on-site inspection. Sweden has proposed that the convention be reconvened to put in an inspection clause. But if the 100 or so nations that signed the convention get together and don't make any more progress than the negotiations to strengthen the 1925 Geneva Protocol, no good will come of it.

For the past 15 years, a Conference of Disarmament has been meeting in Geneva to strengthen the 1925 treaty by adding clauses that prohibit the stockpiling of chemical weapons and permit on-site inspection. The talks are as static as an oil painting. Typical of the way things go is U.S. Ambassador Louis G. Fields' reaction to a recent Soviet proposal for on-site inspection. "It takes a step forward," Fields said, "but we're not sure of the size of that step."

The Defense Department's CBW research program, its critics say, can only make negotiations on both treaties more difficult because it heightens the paranoia that defines relations between the superpowers.

"In terms of defending the population, the first step should be trying to stengthen the treaties," says Jonathan King. "That doesn't mean doing defensive CBW work. That means not doing it. It's destabilizing. Once you've started, the other side has to start, too. If the people at Fort Detrick were told that the Russkies were developing defenses against certain agents, it would make them very nervous. Imagine going to a CBW facility in the Soviet Union and having a lieutenant tell you that what they are doing is purely defensive. Try selling that back in San Jose.

"The individuals doing the work may be innocent, they may have the best interests of all at heart, but the work itself leads down the wrong road, the road to a CBW arms race," King concludes. "Besides, the decisions about how this technology is going to be used are not going to be made at the level of a Dr. Beisel. I distrust the decision-making at the higher level, at the (Defense Secretary Caspar) Weinberger level."

THE CHOICE IS OURS

Navy Capt. Jim Vorosmarti shares a cluttered, drab yellow office in the Pentagon with Tom Dashiell. Vorosmarti makes sure that the Navy isn't duplicating a study the Army has already completed. Dashiell is a staff specialist for chemical technology, doing things like conducting tests on gas masks. Mention criticism like King's and they bristle. They feel that the Defense Department gets criticized for using biotechnology simply because it is the Defense Department.

"That attitude is the same one the Pope had when Galileo was doing his experiments," Vorosmarti says of scientists like King. "I don't care if the guy is a great scientist or not. It's not an enlightened attitude. If the military hadn't developed the first jet aircraft, we wouldn't be flying across country in five hours. Where did the oil companies get the technology for offshore drilling? From the military. If the Department of Defense isn't doing everything to protect their troops, we're not fulfilling our mission."

"I can't believe that with the many military problems we have, that someone would say, 'DOD, you stay in the 1940s and let the rest of the world go on,'" Dashiell adds. "There's no need to restrain us from doing the best job we can. If we have to use the new technology to do it, we're going to."

"Trust us." "We're doing the best job we can." There is nothing insincere about these requests. But the doubts remain.

Suppose we had known 40 years ago what we know now about nuclear technology—about the unending flood of apocalyptic weaponry it would produce. Would we have accepted this kind of assurance and said, "Go ahead"? Or would we have done everything we could to stop nuclear weapons before they were ever developed?

"My hope is that although we use chemistry and physics, we won't use the life sciences for hostile purposes," says biologist Meselson. "That would be using life to undo life."

The choice is ours—but it may not be for long.●

THE WEST POINT CADET PRAYER

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● **Mr. STRATTON.** Mr. Speaker, I was delighted the other day when one of my constituents, Catherine W. Conley of Troy, N.Y., sent to me the text of the West Point Cadet Prayer as representing a genuinely nondenominational prayer.

This is indeed a beautiful prayer, and I believe it's simple yet eloquent meaning would be difficult indeed to challenge. A prayer such as this one is especially appropriate during these times of vigorous debate in Congress on the question of school prayer.

I, therefore, include the text of the West Point Cadet Prayer and commend it to my colleagues.

WEST POINT CADET PRAYER

O God, our Father, Thou Searcher of men's hearts, help us draw to Thee in sincerity and Truth. May our religion be filled with gladness and may our worship of Thee be natural.

Strengthen and increase our admiration for honest dealing and clear thinking, and suffer not our hatred of hypocrisy and pretense ever to diminish. Encourage us in our endeavor to live above the common level of life. Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won. Endow us with the courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear where truth and right are in jeopardy. Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. Kindle our hearts in fellowship for those of cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. May we find genuine pleasure in clean and wholesome mirth and feel inherent disgust for all coarse-minded humor. Help us in our work and in our play to keep ourselves physically strong, mentally awake, and morally straight, that we may better maintain the honor of the Corps untarnished and unsullied, and acquit ourselves like men in our effort to realize the ideals of West Point in doing our duty to Thee and our country, all of which we ask in the name of the Great Friend and Master of Life.

Amen.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Lloyd (at the request of Mr. Wright), at the close of business on June 6 until 3 p.m. June 7, on account of travel.

Mr. Leland (at the request of Mr. Wright), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Stratton, for 5 minutes, today.

(The following Members (at the request of Mr. Hoyer) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Smith, of Iowa, for 5 minutes, today.

Mr. St Germain, for 5 minutes today.

Mr. Gonzalez, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Thomas of California, to extend his remarks just prior to Committee's adoption of Anderson committee amendment in the Committee of the Whole today on H.R. 5504.

Mr. Bateman, immediately prior to adoption of committee amendments to H.R. 5504, in the Committee of the Whole, today.

Mr. Marriott, preceding the vote on the McNulty amendment to H.R. 5504, in the Committee of the Whole, today.

Mr. Roberts, prior to the vote on the McNulty amendment to H.R. 5504 in the Committee of the Whole, today.

Mr. Volkmer, in support of section 131a of the bill, H.R. 5504, today.

Mr. Hughes, immediately preceding the Anderson amendment to H.R. in the Committee of the Whole today.

Mr. Pease, during general debate on H.R. 5504 in the Committee of the Whole today.

Mr. Sikorski, prior to the vote on the Howard amendment, on H.R. 5504, in the Committee of the Whole today.

Mr. Porter, to insert extraneous material immediately following his remarks on Howard amendment to H.R. 5504 in the Committee of the Whole today.

Mr. McEwen, to revise and extend his remarks in support of H.R. 5504 just prior to the vote on the bill in the House today.

Mr. Seiberling, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,940.

(The following Members (at the request of Mr. Franklin), and to include extraneous matter:)

Mr. McGrath.
Mr. Fields in three instances.
Mr. Daniel B. Crane in two instances.
Mr. Boehlert in two instances.
Mr. Emerson.
Mr. Shumway.
Mr. Badham.
Mr. Gingrich.
Mr. Wolf.
Mr. Dannemeyer.
Mr. Bethune.
Mr. Conte in two instances.
Mr. Gekas.
Mr. Bereuter.
Mr. Lagomarsino.
Mr. Wortley in two instances.
Mr. Green.
Mr. Sundquist.
Mr. Young of Florida.
Mr. Gilman in two instances.

(The following Members (at the request of Mr. Hoyer) and to include extraneous matter:)

Mr. Sam B. Hall, Jr.
Ms. Mikulski in three instances.
Mr. Leland in two instances.
Mr. Coelho in two instances.
Ms. Oakar in two instances.
Mr. Yatron in three instances.
Mr. Wise.
Mrs. Kennelly.
Mr. Gore.
Mr. Ackerman.
Mr. Frank in two instances.
Mr. Morrison of Connecticut.
Mr. Garcia.
Mrs. Collins.
Mr. Britt.
Mr. Kolter.
Mr. Rahall.
Mr. Fuqua in five instances.
Mr. McCloskey.
Mr. Lantos.
Mr. Borski.
Mr. Wheat.
Mrs. Hall of Indiana.
Mr. Waxman.
Mr. Florio.
Mrs. Burton of California.
Mr. Edgar.
Mr. Feighan.
Mr. Albosta.
Mr. Ottinger.
Mr. Markey.
Mr. Levine of California.
Mr. Swift.
Mr. Shannon.
Mr. Lipinski.
Mr. Weiss in two instances.
Mr. Oberstar.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, June 11, 1984, at 12 o'clock noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1983, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the Congressional Record pursuant to section 4(b) of Public Law 85-804:

Office of the Assistant
Secretary of Defense,
Washington, D.C., March 16, 1984.

Hon. Thomas P. O'Neill, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

Dear Mr. Speaker: In compliance with Section 4(a) of Public Law 85-804, enclosed is the calendar year 1983 report on *Extraordinary Contractual Actions to Facilitate the National Defense.*

Section A, Department of Defense Summary, shows that 58 contractual actions were approved and that 14 were disapproved. Included in the number approved are 53 actions for which a potential Government liability cannot be estimated.

Sections B and D present those actions which are submitted by the Army and Air Force with an estimated, or potential cost of $50,000 or more. The Navy, Defense Logistics Agency, and Defense Nuclear Agency, sections C, E, and F respectively, reported no actions above this threshold. A list of contingent liability claims is also included. Each section contains a summary table and an abstract of the decision and findings for each qualifying action.

Sincerely,

D. O. Cooke,
Deputy Assistant Secretary of Defense.

Contractual Actions With Actual or Potential Cost of $50,000 or More Taken Pursuant to Public Law 85-804 To Facilitate the National Defense, January to December 1983

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Department and type or action	Actions approved			Actions denied	
	Number	Amount requested	Approved	Number	Amount
Department of Defense, total	58	$1,880,176	$1,858,217	14	$3,792,136
Amendments without consideration	1	1,821,258	1,799,299	11	2,737,545
Correction of mistakes	1	10,125	10,125	1	212,688
Formalization of informal commitments	2	48,793	48,793	3	841,903
Contingent liabilities	53	0	0	0	0
Advance payments	1	0	0	0	0
Army, total	1	0	0	6	2,849,284
Amendments without consideration	0	0	0	4	2,064,424
Formalization of informal commitments	0	0	0	2	784,860
Advance payments [1]	1	0	0	0	0
Navy, total	54	58,113	58,113	4	401,599
Amendments without consideration	0	0	0	3	344,556
Correction of mistakes	1	10,125	10.125	0	0
Formalization of informal commitments	1	47,988	47,988	1	57,043
Contingent liabilities	52	0	0	0	0
Air Force, total	2	1,821,258	1,799,299	5	541,253
Amendments without consideration	1	1,821,258	1,799,299	4	328,565
Correction of mistakes	0	0	0	1	212,688
Contingent liabilities	1	0	0	0	0
DLA, total: Formalization of informal commitments	1	805	805	0	0
DNA, total	0	0	0	0	0

[1] This is an action not involving specific dollar cost. The decision authorized advance progress payments by the prime contractor to the subcontractor.

SECTION B—U.S. ARMY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
U.S. ARMY SUMMARY		
Advance payment: Goldsworthy Engineering, Inc.		

Contractor: Goldsworthy Engineering, Inc.

Type of action: Advance Payment.

Actual or estimated potential cost: None.

Service and activity: U.S. Army Materiel Development and Readiness Command (DARCOM).

Description of property or service: Fiberglass Wrap Around Machine.

Background: Goldsworthy Engineering, Inc., was a subcontractor to Mason Chamberlain, Inc., the operating contractor under contract number DAA09-76C-4014. This contract was let to Mason to supply fiberglass wrap around machines for the Mississippi Army Ammunition Plant.

Goldsworthy appeared before the Board on February 4, 1983 to request extraordinary contractual relief under the provisions of PL 85-804.

Upon review the Board concluded that further consideration of the request was not appropriate at that time.

Justification: The Board believed that the U.S. Army Materiel and Readiness Command (DARCOM) should further examine the feasibility of alternate methods of obtaining the completion of the machines. The request should not be resubmitted to the Board unless extraordinary contractual relief is clearly the only acceptable solution available in the interest of national defense.

Decision: Consistent with this approach, the Board approved the request to authorize advance progress payments under the subcontract by the prime contractor, and found that this action facilitated the national defense.

SECTION C—U.S. NAVY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
U.S. NAVY SUMMARY		
Contingent liabilities: 52 contracts		

Contingent liabilities: Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 52 contracts (the potential cost of the liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Contracts*
General Dynamics Corp	26
General Electric	6
Hercules, Inc	1
Honeywell, Inc	2
Hughes Aircraft Co	3
Lockheed Missiles & Space Co, Inc.	1
Newport News Shipbuilding Drydock Co	2
Raytheon Co	2
Rockwell International Co	5
The Sawyer Corp	2
Vitro Corp	2
Total	52

SECTION D—U.S. AIR FORCE SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
U.S. AIR FORCE SUMMARY		
Amendment without consideration: Wayne H. Coloney Co., Inc	$1,821,258	$1,799,299
Contingent liabilities: 1 contract		

Contractor: Wayne H. Coloney Company, Inc.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $1,799,299.

Service and activity: U.S. Air Force, Headquarters Aeronautical Systems Division.

Description of property or service: Container Assemblies to store 30 mm Ammunition for the GAU-8 Gun of the A-10 Aircraft.

Background: The Wayne H. Coloney Company, Inc. (Coloney) is a small business concern whose work includes the design and fabrication of specialized machinery and ancillary products, including the development of ammunition container assemblies. The Air Force awarded Coloney two contracts, F3365781-C-0319 issued in April 1981, and F33657-82C-0201 issued in June 1982, for the production of container assemblies used to store 30 mm Ammunition for the GAU-8 on the A-10 Aircraft. Coloney has provided these units since 1977 although actual production was largely subcontracted to Lawson Industries, Inc. With the exception of Coloney and Lawson no other container suppliers have successfully completed first article qualifications.

In 1980 Lawson received an Air Force contract for 19,500 container assemblies with an option for an additional 13,500 units at a unit price of $226.37. Coloney submitted an unsolicited proposal for the 13,500 assemblies at a unit price of $230 and was subsequently awarded contract 0319 in April 1981 for 12,165 units. Lawson protested to the General Accounting Office, arguing that the option price was a part of the original competitive evaluation. The Comptroller General ruled in favor of Coloney, but the contract award was delayed from June until October 1981. Coloney received the award based on the best and final offers at a unit price of $214.14, submitted in September 1981.

In the request for relief, Coloney insisted that during the four month delay in contract award, increased steel prices and vendor delivery schedule difficulties contributed to the company's loss position under 0319.

Coloney submitted a bid on an Air Force proposal in April 1982 for 23,500 container assemblies: Coloney was the low bidder and was awarded the contract in June 1982 at a unit price of $212.99. Coloney was unable to secure sufficient credit to continue operations and on August 13, 1982 filed for reorganization under Chapter 11 of the Bankruptcy Act. As of August 31, 1982 Coloney had delivered 8,942 units under contract 0319 and made no deliveries under 0201.

On November 18, 1982, Coloney and Davey Compressor Company, reached an agreement for Davey to purchase, at their option, all of the issued and authorized shares of Coloney in exchange for various payments and assumptions of existing indebtedness.

On September 1, 1982, Coloney formally requested relief under the provisions of Public Law 85-804 in the amount of $1,821,257.90, an upward price adjustment of $50.45 per unit retroactive to include all delivered units. The request for relief is premised upon the proposition that its continued operation is essential to the national defense.

Justification: The Air Force Deputy Chief of Staff for Research Development and Acquisition and the Deputy Chief of Staff for Logistics and Engineering have recommended to the Board that Coloney's request be given favorable consideration. The recommendation is primarily based on the avoidance of an estimated $8.6 million in reprocurement costs, if Coloney remains a viable government contractor. These reprocurement costs include those costs associated with twelve Coloney contracts now pending and $3.2 million in unliquidated progress payments which would be unreasonable in the event of the company's demise.

Decision: The Board believes that the circumstances warrant a finding that the national defense will be facilitated by an investment of the size requested for the purpose of avoiding the alternate reprocurement costs of $8.6 million and unestimable costs of other disruptions. To accomplish the interest of the Air Force, and to provide for Coloney's various creditors, emergence of a new enterprise infused with a contribution of capital and management from the Davey Compressor Company has been prepared. Based on the November 18, 1982 purchase option agreement between Coloney and Davey Compressor, financial data provided by the chairman of Davey Corporation, and on the basis of all available facts, the Board is confident that the proposed acquisition plus the relief requested, will permit Coloney to be productive and meet its contractual commitments to the Air Force.

The Board has proposed and Coloney and Davey have accepted, the following major conditions.

1. Relief granted by the Air Force shall be in the nature of an amendment without consideration to increase the unit price under the contracts by $50.45 applicable to all units whether delivered or yet to be delivered.

2. A sum reflecting the difference between the unit price, as modified, and the original contract unit price on completed units accepted by the Air Force will be payable immediately upon execution.

3. All further payments shall be made consistent with the terms of the Defense Acquisition Regulations.

4. A plan of reorganization submitted for the Wayne H. Coloney Company, Inc. pursuant to Chapter 11 of the Bankruptcy Law shall provide for the performance to completion of contracts with the Air Force.

5. All of the issued and authorized shares of the Wayne H. Coloney Company, Inc. shall be purchased by the Davey Compressor Company, according to the terms of the agreement of November 18, 1982.

6. The Wayne H. Coloney Co. as principal and the Davey Compressor Co. as a surety, shall execute and submit a performance bond with a penal sum of $8.6 million.

In the interest of restoring performance under all current contracts with Coloney and avoiding reprocurement from alternate sources, the Board has concluded this relief in the amount requested, is in the best interest of the Air Force and will facilitate the national defense.

Contingent liabilities: Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in one contract (the potential cost of the liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described, in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	*Contracts*
Boeing Aerospace Co	1

SECTION E—DEFENSE LOGISTICS AGENCY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
DEFENSE LOGISTICS AGENCY SUMMARY		
The report of extraordinary contractual actions from the Defense Logistics Agency indicated that no actions of $50,000 or more were approved.		

SECTION F—DEFENSE NUCLEAR AGENCY SUMMARY

DEPARTMENT SUMMARY OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1983

Type of action and contractor	Amount requested	Approved
DEFENSE NUCLEAR AGENCY SUMMARY		
No extraordinary contractual actions were reported for 1983 by the Defense Nuclear Agency		

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3511. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period July 1, 1984 to August 31, 1984, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

3512. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report on the bank supervisory systems in the Group of Ten nations plus Switzerland, pursuant to Public Law 98-181, section 913(1); to the Committee on Banking, Finance and Urban Affairs.

3513. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 5-640, entitled, "Transfer of Jurisdiction of Parts of Whitehaven Street, NW., and Part of Reservation 357 Resolution of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3514. A letter from the Secretary to the Council, Council of the District of Columbia, transmitting a copy of Council Resolution 5-673, entitled, "Transfer of Jurisdiction Over the Inner Roadways of Logan Circle for Park Purposes Resolution of 1984," pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3515. A letter from the Secretary of Education, transmitting a copy of the proposed final regulations on the business and international education program, pursuant to GEPA, section 431(d)(1) (88 Stat. 567; 90 Stat. 2231; 95 Stat. 453); to the Committee on Education and Labor.

3516. A letter from the Administrator, Office of Federal Procurement Policy, OMB, transmitting a printed copy of the report on the procurement actions of the Department of Defense during the 1-week period ending September 30, 1983, pursuant to Public Law 98-191, section 11(a)(1); jointly, to the Committees on Armed Services and Government Operations.

3517. A letter from the Administrator, Office of Federal Procurement Policy, OMB, transmitting a report on the spare parts procurement practices of the Department of Defense, pursuant to Public Law 98-191, section 10(a); Public Law 98-212, section 799F(a); jointly, to the Committees on Armed Services and Government Operations.

3518. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled, "States Have Made Few Changes in Implementing the Alcohol, Drug Abuse, and Mental Health Services Block Grant," (GAO/HRD-84-52, June 6, 1984); jointly, to the Committees on Government Operations and Energy and Commerce.

3519. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled, "Examination of the Veterans Canteen Service's Financial Statements for the Year Ended September 30, 1983," (GAO/AFMD-84-46, May 30, 1984); jointly, to the Committees on Government Operations and Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 5688. A bill to amend title 38, United States Code, to provide a cost-of-living increase for fiscal year 1985 in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation paid to survivors of such veterans, and for other purposes (Rept. No. 98-828). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 5490. A bill to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (Rept. No. 98-829, Pt. I). And ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 5490. A bill to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964 (Rept. No. 98-829, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROYBAL: Committee on Appropriations. H.R. 5798. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-830). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 5798. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. ALBOSTA (for himself, Mr. Dymally, Mr. Daniel B. Crane, Mr. Gilman, Mr. Montgomery, Mr. Hammerschmidt, Mr. Applegate, Mr. Bonior of Michigan, Mr. Burton of Indiana, Mr. Daschle, Mr. de Lugo, Mr. Edgar, Mr. Edwards of California, Mr. Evans of Illinois, Mr. Gramm, Ms. Kaptur, Mr. Leath of Texas, Mr. McEwen, Mr. Penny, Mr. Rahall, Mr. Rowland, Mr. Shelby, Mr. Smith of New Jersey, Mr. Denny Smith, Mr. Solomon, Mr. Staggers, Mr. Sundquist, and Mr. Wylie):

H.R. 5799. A bill to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H.R. 5800. A bill to provide for the establishment of a Caribbean Trade Institute/International Trade Center in Harlem, New York City; to the Committee on Ways and Means.

By Mr. ALBOSTA:

H.R. 5801. A bill to develop a national ethanol energy policy and to coordinate efforts to implement such policy; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. COLEMAN of Missouri:

H.R. 5802. A bill to improve mathematics, science, and technology education in secondary schools; to the Committee on Education and Labor.

By Mr. PHILIP M. CRANE:

H.R. 5803. A bill to amend the Internal Revenue Code of 1954 to provide that under certain circumstances married individuals shall be taxed as though they file a single joint return, although one or both spouses file a separate return; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 5804. A bill to promote dairy farm efficiency by restructuring the milk marketing order and subsidy system; to the Committee on Agriculture.

By Mr. MAZZOLI (for himself and Mr. Whitehurst):

H.R. 5805. A bill to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees to provide essential benefits to certain former spouses not eligible for any benefits under that act, and for other purposes; to the Permanent Select Committee on Intelligence.

By Mr. MOLLOHAN:

H.R. 5806. A bill to provide a Congressional Medal of Honor to Harrison Summers; to the Committee on Armed Services.

By Mr. MORRISON of Washington (for himself, Mr. Foley, Mr. Pritchard, Mr. Chandler, Mr. Dicks, Mr. Lowry of Washington, Mr. Swift, and Mr. Bonker):

H.R. 5807. A bill to amend the Internal Revenue Code of 1954 to clarify the treatment of travel expenses in the case of construction workers; to the Committee on Ways and Means.

By Mr. MURPHY:

H.R. 5808. A bill to amend the Fair Labor Standards Act to increase the amount required to be paid for overtime work and to require employees to consent in writing to working more than 40 hours per week; to the Committee on Education and Labor.

By Mr. WATKINS (for himself, Mr. Broyhill, and Mr. Britt):

H.R. 5809. A bill regarding the convening of a White House Conference on International Trade; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. WAXMAN (for himself, Mr. Mica, Mr. Coelho, Mr. Brown of Colorado, and Mr. Miller of California):

H.R. 5810. A bill to amend the Public Health Service Act to provide for the compensation of children and others who have sustained vaccine-related injury, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. GILMAN (for himself and Mr. Rangel):

H.J. Res. 588. Joint resolution to designate the week of October 7, 1984, through October 13, 1984, as "National Drug Enforcement Officers Week"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHENEY:

H.R. 5811. A bill for the relief of Lawrence K. Lunt; to the Committee on the Judiciary.

By Mr. WON PAT:

H.R. 5812. A bill for the relief of Olivia Feliciano Cortes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 425: Mr. Clay, Mr. Stokes, Mr. Berman, Mr. Weaver, Mr. Owens, Ms. Kaptur, Mrs. Boxer, Mrs. Burton of California, Mr. Frank, Mr. Markey, Mr. Seiberling, Mr. Conyers, and Mr. Shannon.

H.R. 2568: Mr. Edgar.

H.R. 2837: Mr. Britt.

H.R. 3105: Mr. Rinaldo.

H.R. 3271: Mr. Owens, Mr. Markey, and Mr. Luken.

H.R. 3361: Mr. Oxley.

H.R. 3487: Mr. Bethune, Mr. Craig, Mr. Daniel B. Crane, Mr. Crockett, Mr. Durbin, Mr. Edgar, Mr. Gekas, Mr. Sam B. Hall, Jr., Mr. Harrison, Mr. Kogovsek, Mr. Kolter, Mr. Marriott, Mr. Murphy, Mr. Murtha, Mr. Price, Mr. Rogers, Mr. Stenholm, and Mr. Tallon.

H.R. 3750: Mr. McCurdy, Mr. MacKay, and Mr. Sikorski.

H.R. 4126: Mr. Martinez, Mrs. Collins, Mr. Reid, and Mr. Richardson.

H.R. 4500: Mr. Rinaldo.

H.R. 4843: Mr. Long of Maryland.

H.R. 4870: Mr. Evans of Illinois, Mr. Roybal, Mr. Owens, Mr. Roe, Mr. Bonior of Michigan, Mr. Minish, Mrs. Schroeder, Mr. Weaver, Mr. Hawkins, Mr. Hayes, Mr. Gejdenson, Mr. Lowry of Washington, Mr. Price, Mr. Biaggi, and Mr. Addabbo.

H.R. 4901: Mr. Hamilton.

H.R. 5015: Mr. Emerson.

H.R. 5024: Mr. Skelton, Mr. Alexander, Mr. Bevill, Mr. Dyson, Mr. Wise, Mr. Stangeland, Mr. Fuqua, Mr. Lundine, Mr. McNulty, Mr. Oberstar, Mr. Evans of Illinois, Mr. Eckart, Mr. Wilson, Mr. Flippo, Mrs. Byron, and Mr. Richardson.

H.R. 5173: Mr. Kolter, Ms. Ferraro, Mr. Luken, Mr. Fish, Mr. Rinaldo, and Mr. Lantos.

H.R. 5195: Mr. Ackerman and Mr. Hayes.

H.R. 5197: Mr. Markey, Mr. Weiss, and Mr. Richardson.

H.R. 5223: Mr. Jones of Tennessee.

H.R. 5305: Mr. Neal.

H.R. 5358: Mr. Jeffords.

H.R. 5475: Mr. Bryant.

H.R. 5490: Mr. Wise.

H.R. 5545: Ms. Mikulski and Mr. Weiss.

H.R. 5577: Mr. Mineta.

H.R. 5591: Mr. Fish.

H.R. 5621: Mrs. Boxer, Mr. Kolter, Mr. Bates, Mr. Wolpe, Mr. Martinez, Mr. Weiss, Mr. Vento, Mr. Bonker, and Mr. Mineta.

H.R. 5627: Mr. Roe and Mr. Won Pat.

H.R. 5721: Mr. Barnard, Mr. Roberts, Mr. Gekas, Mr. Porter, and Mr. Zschau.

H.R. 5724: Mr. Moorhead.

H.R. 5730: Mr. Won Pat.

H.R. 5749: Mrs. Boggs, Mr. Dwyer of New Jersey, and Mr. Won Pat.

H.R. 5754: Mr. Duncan and Mr. Murphy.

H.R. 5791: Mr. Emerson.

H.J. Res. 418: Mr. Philip M. Crane.

H.J. Res. 456: Mr. Montgomery and Mr. Shumway.

H.J. Res. 491: Mrs. Boxer, Mr. Emerson, Mr. Erdreich, Mrs. Hall of Indiana, and Mr. Volkmer.

H.J. Res. 504: Mr. Long of Louisiana.

H.J. Res. 512: Mr. Kasich, Mr. Clinger, Mr. Fish, Mr. Clay, Mr. Wheat, Mr. Sunia, Mr. Gekas, Mrs. Hall of Indiana, and Mr. Dymally.

H.J. Res. 543: Mr. Ritter, Mr. Carper, Mr. Savage, Mr. Lantos, Mr. Dingell, Mr. Mineta, Mr. Shaw, and Mr. Skelton.

H.J. Res. 544: Mr. Craig, Mr. Clinger, Mr. Vento, Mr. Wilson, Mr. Roybal, Mr. Savage, Mr. Mrazek, Mr. Hertel of Michigan, Mr. Bereuter, Mr. Coughlin, Mr. Sawyer, Mr. Conable, Mr. Gradison, Mr. McKinney, Mr. Petri, Mr. Shaw, Mr. Cheney, Mr. Livingston, Mr. Nielson of

Utah, Mr. Gilman, Mr. Solomon, Mr. McCandless, Mr. Evans of Iowa, Mr. Broomfield, Mr. Conte, Mr. Edwards of Alabama, Mr. Bethune, Mr. McCurdy, Mr. Bliley, Mr. Parris, Mr. Loeffler, Mr. Bartlett, Ms. Fiedler, Mr. Whittaker, Mr. Roberts, Mr. Weber, Mr. Spence, Mr. Moorhead, and Mr. Dreier of California.

H.J. Res. 563: Mr. Synar and Mr. Kastenmeier.

H. Con. Res. 270: Mr. Vandergriff and Mr. Rinaldo.

H. Con. Res. 312: Mr. Slattery, Mr. Craig, Mr. Florio, Mr. Cheney, and Mr. Roberts.

H. Con. Res. 315: Mr. Akaka, Mr. Andrews of Texas, Mr. Boner of Tennessee, Mr. Bryant, Mr. Corrada, Mr. Daschle, Mr. DeWine, Mr. Dowdy of Mississippi, Mr. Dymally, Mr. English, Mr. Gilman, Mr. Hance, Mr. Harrison, Mr. Heftel of Hawaii, Mr. Hightower, Mr. Hughes, Ms. Kaptur, Mr. Kemp, Mr. Kogovsek, Mr. LaFalce, Mr. Lagomarsino, Mr. Lowery of California, Mr. Marriott, Mr. McGrath, Mr. McKernan, Mr. Moakley, Mr. Oberstar, Mr. Ortiz, Mr. Owens, Mr. Oxley, Mr. Patterson, Mr. Pritchard, Mr. Reid, Mr. Ritter, Mr. Sawyer, Mr. Sisisky, Mr. Smith of Florida, Mr. Stenhom, Mr. Traxler, Mr. Vandergriff, Mr. Waxman, Mr. Weiss, Mr. Whitehurst, Mr. Wolf, Mr. Won Pat, Mr. Wyden, and Mr. Yatron.

H. Res. 430: Mr. Bryant.

H. Res. 518: Mr. Emerson, Mr. DeWine, and Mr. Lungren.

EXTENSIONS OF REMARKS

OK TO BE PATRIOTIC

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. BADHAM. Mr. Speaker, for the benefit of my colleagues, I would like to place into the RECORD an address recently given at the Naval War College by the Director of Selective Service, the Honorable Thomas K. Turnage. Titled "It's Okay To Be Patriotic," the speech pays tribute to America's 18-year-olds.

General Turnage said:

> America has an advantage the Soviet Union will never match; that advantage is the quality of our youth—their resourcefulness, their imagination, their initiative. America's youth understand that entering adulthood brings responsibilities as well as privileges. Most of all they understand this: It's okay to be patriotic.

General Turnage reminds America's 18-year-old men that the American Revolution is unfinished business and he exhorts them to adhere to the principles of the Declaration of Independence and to carry on the Revolution.

I commend General Turnage's timely remarks to my colleagues' attention.

The speech follows:

IT'S OKAY TO BE PATRIOTIC

(An address by Gen. Thomas K. Turnage, Naval War College, Newport, R.I., June 6, 1984)

It is a singular honor to stand here in Spruance Auditorium, on the inspirational grounds of the Naval War College, and to address such a distinguished gathering. Admiral Service, I want you to know how very grateful I am to you for making this forum available to me.

I would like to direct my opening remarks to the Naval War College students in the audience. I know you've been cramming for final exams and so I will understand if your eyelids begin to droop. Just sit back and relax. You are finishing a year of professorial lectures—you're not going to have to suffer through a scholarly dissertation from me tonight. I promise my presentation will not be followed by a pop quiz to see how many of you retained the essential points of my message.

But I do have one question for the students who wear Army green. I'm a graduate of that gentlemen's course at Carlisle, the Army War College. You've probably heard rumors about Carlisle—a year of 365 social events and zero exams. So my question to you Army types is: What did you do wrong to get ordered to Newport? Well, don't worry about it. I know it's been a rewarding year for you. And I think I know how each of you students would answer my second question: Are you better off today than you were a year ago?

When President Reagan nominated me to be the Director of Selective Service, some of my friends asked me the same question I just put to you Army-philes. They said: "What did you do wrong to get named to that assignment?" My friends said they sympathized with me because I was being made responsible for carrying out what appeared to be the most unpopular, most ignored law since the 18th amendment to the constitution had prohibited consumption of alcoholic beverages.

Well, to tell the truth, I did inherit a few problems. In fact, I inherited one million, one hundred and seventy five thousand problems. That's how many men had failed to register with Selective Service as of January 1982. I accepted that challenge with great relish because I knew registration was a justifiable program, a program essential to national preparedness. Moreover, having been a commissioned officer for nearly 40 years, it was only natural that I wanted to be at the critical area of the battlefield. And I am pleased to report to you that we have won the battle, and are now engaged in mop-up operations. More than 12 million men have registered, and about 5,000 more are registering every day as they turn 18. We now have an overall compliance rate of 97%.

As you entered Spruance Auditorium this evening, I hope you noticed the Selective Service poster that features the Declaration of Independence. We have distributed these posters to 25,000 high schools throughout the country. The poster focuses on the signatures to the Declaration of Independence. And our poster carries this message for every 18-year-old man: These signatures meant a lot to our country . . . yours will too.

Let me explain to you why I associate registration with the Declaration of Independence and the American Revolution. In the White House there is a painting of the signing of the Declaration of Independence. Of all the famous paintings displayed in the White House, this one is most unusual. It is an unfinished painting. Many of the figures in the background are only sketched in or left blank.

This unfinished painting reminds me that the American Revolution is unfinished business. The uncompleted painting tells me that any American can become a signer of the Declaration of Independence by carrying out the ideals of the Founders of this great Nation of ours. As Director of Selective Service, I want to enlist every 18-year-old man as a signer of the Declaration. I want to encourage every 18-year-old to adhere to the principles of the Declaration and to carry on the Revolution.

Permit me a few further words about that sacred document. We all remember, of course, that in the Declaration, Thomas Jefferson wrote of "life, liberty and the pursuit of happiness" as "unalienable rights." "To secure these rights," Jefferson wrote, "governments are instituted among men, deriving their just powers from the consent of the governed." In other words, Jefferson envisioned a government that would protect the rights of the citizen, but it would be a government in which ultimate power was vested in the citizenry. This power is exercised by voting.

In America the ballot is available to all citizens, and the ballot-box is not rigged.

Now a final word on the Declaration of Independence. The document closes with the splendid phrase, "We mutually pledge to each other our lives, our fortune, and our sacred honor." That reminds me that the strongest test of citizenship obligation is performance of military service in defense of the Nation. That test is not being applied today. All a man is required to do at age 18 is to go to the post office and furnish to the Government his name, address, telephone number, social security number, and date of birth. After having registered, the individual is free to go to school, to work, to travel, to marry, to enjoy all the fruits of living in this great country of ours.

Unfortunately, there are a few contentious characters who oppose the painless and straightforward act of registration. I'm not speaking of the clearly conscientious person who expresses religious, moral, or ethical objections to military service—although I can argue vigorously that neither registration nor military service is incompatible with Christianity. I'm speaking of the confused clowns who think they can make a political statement by defying the law and refusing to register. These alienated, discontented, hedonists do not understand that the principles of liberty and law are inseparable. If we are to have self-government politically, we must also have self-government personally. Each citizen must regulate his own life by voluntarily imposing a certain amount of restraint and discipline upon himself.

Will and Ariel Durant addressed individual liberties in their final work, "The Story of Civilization." They wrote, "Individual freedom contains its own nemesis: It tends to increase until it overruns the restraint necessary for social order and group survival: Freedom unlimited is chaos complete."

I was widely quoted in the press a few months ago when I said that I had noted a resurgence of patriotism in this country. I had made that observation because of the surge of registration that we experienced in the aftermath of the tragedy of the murderous downing of Korean air liner 007, the ruthless terrorist act in Beirut, and the dispatching of American troops to Grenada, the Soviet-Cuban colony that was being readied as a major military bastion to export terror and undermine democracy.

I was surprised and pleased that the media would favorably report on the rise of patriotism. The press more often seems inclined to report on the activities of the anti-establishment types.

Let me share with you an incident that occurred at the Kennedy Center in Washington earlier this year. There was a tribute to the late Reverend Martin Luther King, Jr. and a great number of celebrities were on hand to perform. At the end of the evening, one of the entertainers refused to come on stage for the show's closing number. That misguided soul refused to join in singing the final number, "America the Beautiful." She

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member of the Senate on the floor.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

said we are living in "crazy, patriotic, nationalistic times!"

Well, put me on record as saying it's okay to sing "America the Beautiful." And it's okay to be patriotic! More recently, that same misguided soul made another incredible statement—she said "There are two terrorists that rule the world—the United States and the U.S.S.R." She made that remark when she was doing a benefit for a convicted draft resister! Would it surprise you to learn that I prefer Willie Nelson over Joan Baez?

I bring you a very simple message this evening. My message is found in the title of my remarks, "It's Okay To Be Patriotic." The meaning of patriotism has been much debated over the years. I offer my personal definition of a patriot for your consideration: A patriot is that citizen who loves his country and is willing to promote and defend its interests. I agree with Calvin Coolidge, who said, "Patriotism is easy to understand in America. It means looking out for yourself by looking out for your country."

When I say it's okay to be patriotic, I mean—

It's okay to stand at respectful attention when the National Anthem is played.

It's okay to attend parades on Memorial Day, the Fourth of July, and Veterans Day.

It's okay to get a lump in your throat when the flag passes by.

It's okay to compete for acceptance into a service academy.

It's okay to serve on active duty with our Armed Forces, to join the National Guard or Reserve, to take ROTC in college.

It's okay to register when you turn 18.

That is, it's okay to register if you're an 18-year-old guy. We have had about 15,000 girls try to register, but Congress and the Supreme Court have said no to the registration of women.

In the past, some people questioned the necessity of the registration program. They asked: Why should young men register when there is no draft; no one has been drafted in ten years, and a return to a draft is not likely in the foreseeable future?

I want to to answer that question. Fourteen years ago, a Presidential Commission headed by a former Secretary of Defense, reported to President Nixon that it would be possible to rely solely on volunteers to man our Armed Forces in peacetime. But that same Commission also reported that registration should be continued even after the draft was ended. The reason for continuing registration was to have a list of names to draw from should a national emergency ever force Congress to order a return to a draft.

When President Reagan came into office, he appointed his own task force to study military manpower issues. He specifically asked that task force to advise him concerning the registration requirement. The task force informed the President that it was absolutely essential to national security to continue registration. The basis for that decision was the fact that, without peacetime registration, Selective Service would not be able to meet the manpower requirements of the Defense Department in a future emergency.

With peacetime registration, Selective Service can deliver the first draftee 13 days after an emergency is declared. If we did not have peacetime registration, it would take us at least six weeks longer to deliver the first draftee. The time saved by peacetime registration could prove decisive in a national emergency. Peacetime registration could mean the difference between winning and losing if a war should occur. This savings of six weeks is worth more than its weight in gold—because any delay in mobilization would not be paid for in gold, it would be paid for in blood.

We are fortunate that the past ten years have been rather peaceful years. It hasn't been a period of peace with harmony. It hasn't been a period of peace without tension. There is much disharmony and tension around the world. Man has not been able to abolish war as a means of solving conflicts. But we have a President who is dedicated to peace. Let me quote President Reagan: "Peace with freedom is the highest aspiration of the American people. We negotiate for peace. We sacrifice for it. We will never surrender for it."

Students in the audience will recall their first weeks here at the Naval War College when they were immersed in Thucydides and the Peloponnesian War. Four hundred years before the birth of Christ, Thucydides, an Athenian who had achieved the rank of general, wrote: "War is a bad thing, but to submit to the dictation of other states is worse."

More recently, California author Eric Hoffer put it this way: "You don't start a world war when a democracy throws its weight around facing a bully. World wars are started when the democracies are too unprepared, too frightened, too cowardly, too reasonable, too tired, or too humanitarian."

Peace must be more than a slogan—it requires a commitment to preparedness. I submit to you that peacetime registration is a key element of national preparedness. Preparedness never caused a war; unpreparedness never prevented a war.

If Congress ordered a return to a draft tomorrow, Selective Service could deliver the first man in 13 days, 100,000 men in the first 30 days, and 650,000 men in first six months. We register 18-year-olds, but if there were a draft, we would begin by calling up the 20-year-olds. The current draft-eligible population consists of men born between 1960 and 1964. We have over 10 million registrants in this draft-eligible pool. That gives us a fair and equitable system. We have an overall registration compliance of 97%. I am proud of what we have accomplished—but I'm not satisfied. We are working to insure the compliance rate continues to climb.

Registration helps persuade the Soviets that we are serious about deterring war. President Reagan's firm, realistic posture toward the Soviet Union reduces the risk of war and helps safeguard the peace.

A friend of mine, testifying before Congress the other day, made a very eloquent statement. He said, "To be born free is an accident, to live free is a privilege, to die free is a responsibility."

It is with immense pride that I inform you that today's 18-year-olds are shouldering their responsibilities. America has an advantage the Soviet Union will never match; that advantage is the quality of our youth—their resourcefulness, their imagination, their initiative. America's youth understand that entering adulthood brings responsibilities as well as privileges. Most of all they understand this: It's okay to be patriotic.

Thank you.●

TALLAHASSEE, FLA.: A CITY WHERE PEOPLE CARE FOR OTHERS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. FUQUA. Mr. Speaker, Webster's Dictionary defines "care" in a number of ways, not the least of which is "to love" and "to look after, provide for."

These thoughts came to mind as I noted the persons selected for the five top honors at the Tallahassee, Fla., sixth annual Volunteer of the Year awards luncheon recently.

It seemed to me, in reading the article in the Tallahassee Democrat, that these recipients were representative of the accomplishments of the 121 persons who were nominated. It is so refreshing and rewarding to see recognition given to those who make our lives better, rather than having news of such positive accomplishment pushed out of the headlines because of the continued inhumanity of man to his fellow.

The accomplishments of these recipients are notable and they should serve as a beacon for others. No better tribute could be rendered than the article as it appeared in the May 11, 1984 issue of the Tallahassee Democrat.

I ask that it be reprinted at this point in the Record so that others might be moved and inspired, as was I, in what these recipients have done for others. I am grateful to them and extend my warmest congratulations as well as a sincere feeling that I am thanking them for a great many others who know and who have been the beneficiaries of what they have done.

Six Tallahasseeans Receive Awards for Acts of Caring

(By Karen Olson)

As she lay in a hospital bed 12 years ago, Margie Mixson wondered if she'd ever recover from her bout with breast cancer.

"I was lying there thinking, 'My life is over, I'll never look right again, I'll never be active,'" said the 56-year-old wife of Lt. Gov. Wayne Mixson.

Not only did she survive, Mrs. Mixson became active in the American Cancer Society's "Reach to Recovery" program, counseling other patients with breast cancer.

On Thursday, she won one of the five top honors at Tallahassee's sixth annual Volunteer of the Year awards luncheon. The recognition ceremony was sponsored by the Tallahassee Democrat and the Volunteer Center of Leon County.

About 375 people assembled in a flower-filled room at the Tallahassee-Leon County Civic Center.

"Even though there are only five top awards, each of you is a winner," said speaker George Langford, chairman of the Tallahassee Area Chamber of Commerce. "I wish that we had a hall big enough to invite all the volunteers in this community."

Awards were presented in five categories:

Arts—Joe Kaiser, 47, who brought dancer Mikhail Baryshnikov to Tallahassee last year to benefit the Big Bend Hospice.

Civic Services—Patricia Peck, 39, who works with such groups as the Junior Museum and the Telephone Counseling and Referral Service.

Education—Susan and Walter Reinhart, who have given local schools a new soccer program, flower-arranging workshops and various academic fairs and competitions.

Religion—Miriam L. Peirce, 56, who has put her administrative talents to work for many United Methodist Church programs, both locally and statewide.

Social Services—Mrs. Mixson, who heads a number of educational and money-raising efforts for the American Cancer Society.

The six winners were selected from 121 nominees by three anonymous community leaders.

"This is a city where a lot of people care a lot," said Bill Fuller, managing editor of the Democrat. He hailed the guests of honor as "representatives and symbols for all of Tallahassee."

Winners received replicas of an alabaster sculpture by Ralph Hurst, depicting a pair of hands holding an abstract arc.

"None of what you do, do you do for awards," said Peck, also named 1984 Woman of the Year by the Tallahassee Junior Woman's Club. "But when you do get the recognition, it's just wonderful."

All the winners praised their supportive families, and downplayed their hectic schedules.

"It's easy to get involved in something you believe in," said Peirce. She carries a calendar to keep track of all her church activities—teaching classes, training officers, attending conferences.

As they posed beneath a cloud of pink-and-white balloons, each volunteer described a passionate need to make a difference.

"Without the arts, there isn't anything else," said Kaiser. "Art is the quality of life."

In planning the Baryshnikov concert, he recalled, "I talked to almost every nonprofit group in town, and they all thought I was crazy to even try to bring him here."

This August, Kaiser said, he expects to present the Royal Covent Garden Ballet.

"I feel like I have some impact on Tallahassee," he said. "You have some choices in life—either help, or be a parasite."

For the Reinharts, school involvement was a logical extension of their love for their three children.

"We put our children and our family first," said Walter Reinhart, 40. "The education and the sports programs are all for the benefit of our children."

As volunteer coordinator for two schools, his wife often works past midnight. Before breaking free for Thursday's banquet, she lined up drivers for a field trip.

"We believe in putting our actions where our mouths are," explained Mrs. Reinhart, 39.

Cancer was the catalyst that brought life into focus for Mrs. Mixson: "What becomes important is other people, and your relationship with God."

After her mastectomy, she said, reassurance appeared in the form of a cancer-society volunteer—"an attractive woman who played tennis and drove a car and was busy with all her activities."

Faced with such a role model, she said, "You begin to perk up immediately."

As she left Thursday's luncheon, Mrs. Mixson described her afternoon appointment with a new cancer patient. On the surface, she said, the conversation would cover such practical details as exercises and clothing.

But in fact, she said, "It doesn't really matter what you say. What's important is that she can look at you, and see that you look pretty good, and live an active life."●

1984 ANNUAL QUESTIONNAIRE RESULTS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. FIELDS. Mr. Speaker, every year, I send a questionnaire to the constituents in my district to determine their views on key issues. More than 10,500 Eighth District residents responded to my 1984 annual questionnaire, which addressed topics such as the Federal deficit, aid to Central America, and illegal immigration. The results of these opinion surveys help me to better represent the residents of my district. For the benefit of my colleagues, I would like to include the results of this year's questionnaire in the CONGRESSIONAL RECORD. The results are as follows:

	Percent
1. Which of the following do you believe is the primary cause of our current deficits? (Check only one.)	
(a) Excessive spending by the Congress	82
(b) Excessive tax rate reductions	1
(c) Excessive defense spending	15
(d) Excessively tight control of money supply by Fed	2
2. Which two of these alternatives would you endorse as the best ways to reduce the deficit? (Check only two.)[1]	
(a) Raise taxes on individuals and corporations	9
(b) Reduce defense spending	26
(c) Reduce spending on entitlement programs	44
(d) A constitutional amendment requiring a balanced budget	72
(e) Granting the president line-item veto power	52
3. Which approach do you believe is more effective in helping unemployed workers?	
(a) Government-run public works projects	12
(b) Programs to train and retrain workers in the private sector	88
4. With regard to a nuclear freeze, do you believe the United States has the ability to monitor the Soviet Union's compliance with such an agreement?	
(a) Yes	22
(b) No	78
5. Do you support the recommendations of the President's Central America Commission, which urged an increase in American economic and military aid to the nations of Central America?	
(a) Yes	47
(b) No	53
6. Do you favor increased control by Congress or the executive branch over the Federal Reserve Board, which establishes monetary policy for the United States?	
(a) Yes	30
(b) No	70
7. In response to recent reports criticizing the quality of education in America, do you support a greater federal role in education, which traditionally has been the responsibility of States and local governments?	
(a) Yes	13
(b) No	87
8. Do you support any of the following actions which have been proposed as a solution to the problem of illegal immigration into the United states?[1]	
(a) A national identity card	33
(b) Amnesty for illegal aliens already in the United States	9
(c) Greater Federal funding for border patrol activities	65
9. Some leaders in Congress have suggested that America reduce its involvement in the NATO alliance. Do you believe NATO still plays a vital role in America's national security and economic well-being?	
(a) Yes	61
(b) No	39
10. Would you favor legislation to restrict the use of the insanity defense in criminal trials such as murder and assassination?	
(a) Yes	95
(b) No	5

[1] Questions 2 and 8 add to more than 100 percent because of multiple choices by respondents.●

NFIB ACTION ON FCC BUSINESS ACCESS CHARGE IS TIMELY, NEEDED FOR FAIRNESS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. GORE. Mr. Speaker, yesterday the National Federation of Independent Businesses filed a petition with the Federal Communications Commission asking that agency to rescind its recent order placing new long-distance access charges on business operations which have more than one telephone line.

As one who has fought these charges continuously since first proposed by the FCC in January 1983, I want to enthusiastically commend the NFIB for their timely action, and encourage my colleagues to join in a vigorous expression of opposition to the FCC charges.

Last summer I organized the Tennessee Telephone Council with hearings throughout my State to discuss how the FCC access charge proposal would affect small businesses, senior citizens, small and rural telephone companies, telephone company employees, and the many others facing the prospect of skyrocketing telephone bills.

The results of those hearings made it plain to me that the FCC proposal was ill-conceived and unfair. Consequently, I introduced legislation to prevent the imposition of long-distance access charges on customers, many of whom make few or no long-distance calls.

The bill which finally passed the House last November, H.R. 4102, embraced much of my original bill, and the FCC consequently decided to delay residential and single-line business access charges, as required in the bill.

However, the Commission let stand its access charge order on multiline businesses. I believe now, as I did as this debate began 18 months ago, that end-user long-distance access charges are discriminatory and unfair. The result of the most recent FCC decision placing access charges on multiline businesses will be an enormous new burden for thousands of small businesses dependent upon basic telephone service in their operations.

I want to commend to my colleagues the remarks of NFIB president John Sloan, a fellow Tennessean, made during his press conference yesterday announcing the NFIB petition:

ACCESS CHARGES

Since last fall when Congress began looking into the effect of access charges on telephone customers, NFIB has been arguing for equity in the imposition of any new fee structure. We worked with members of Congress. We urged our 500,000 members to let us—and their elected representatives—know what impact the new plan would have on them. We were encouraged when nearly 200 members of the House of Representatives and several Senators sent letters to the Federal Communications Commission urging it to postpone imposing access charges until the impact could be studied further.

We thought we had made some progress when, in March, FCC Chairman Fowler announced that the commission was deferring access charges on businesses—possibly until June 13. But our relief was short-lived. As you know, the commission later decided that access charges would be assessed on businesses with more than one phone line beginning May 25.

Therefore, this morning, the National Federation of Independent Business is filing a Petition for Further Reconsideration with the FCC. The difficulty with the FCC's access charge actions, from the standpoint of small- and independent-business owners, is with the agency's determination that all business users should bear the same flat, per-line access charge.

We think fairness is the issue here. The FCC in its own analysis of access charges said:

"We do not believe that it would be unfair to require every person who can afford to do so to bear the full cost of that person's line to the telephone company switch. Any method of recovery that shifts some of the cost of such a person's line to other persons imposes an inequitable burden on the persons who pay those costs."

We applaud the FCC emphasis on fairness in that section of their analysis. However, we emphatically maintain that they have failed to apply that philosophy in their final ruling, and that is why we are requesting further reconsideration.

During the last two months, in the course of our regular renewal visits with small- and independent-business owners in all parts of the country, we have been polling NFIB members on the subject of their telephone usage. Some 12,400 responses have been tabulated and they form the basis for our factual representations to the FCC concerning small-business use of the telephone. (A summary of that survey material is provided with the handouts here today. We will be pleased to provide additional information if you need it. In addition, the petition to the FCC contains many references to the survey material).

The survey reveals that small-business owners use telephone services in ways very different from the large and interstate service-intensive firms on which the FCC analysis is centered. Ninety-five percent of those surveyed had six lines or fewer. More importantly, in terms of the FCC's analysis, small businesses use their telephones almost exclusively to make local and intrastate calls.

These small businesses are clearly not the source of the threat of "bypass" that motivated the commission to adopt the flat, per-line access charge. Nor are they firms that will benefit in any way from reduction in interstate rates made possible by the user access charge.

So we come to the real question of equity. The driving force behind the FCC's determination to authorize access charges was the concern that without such a fee system, "inefficient bypass" would occur—significantly reducing the number of telephone users bearing the cost of regulated service. In other words the FCC feared that big companies would bypass the system and leave the rest of us—including residential users to pay higher prices. The commission apparently believes that there is a genuine threat of bypass by the big companies if the price of interstate telecommunications services reaches a level at which those companies could develop their own networks.

While we concede that there is some merit to that argument, we emphatically disagree with the commission's solution to the problem. We think that the same objective can be met by increasing the cost of local phone service to each user in direct proportion to the amount by which that user's long-distance costs are decreased through rate deductions. This approach would minimize the disruption caused by massive cost redistribution by matching the burden of increased local cost with the benefit of less expensive long distance service. It would also tend to match the reason for increased local exchange costs—the avoidance of interexchange bypass—to the telephone users who have the power to exercise the bypass option, large interexchange service customers. There is true equity in this proposal because it would associate the cost required to prevent bypass with those telephone subscribers who present the threat of bypass.

We did not pull this solution out of a hat this morning. We recognize that closer study will be required to forge a plan of local exchange access charges that will more closely parallel the offsetting benefit of decreased interstate service. Nevertheless, I believe that immediate relief from the present inequitable burden of access charges on small- and independent-business owners is imperative.

We are calling on the FCC to either suspend entirely the access charges levied against multi-line businesses with six or fewer lines—according them parity treatment with residential users and single-line businesses—or, at least, to reduce significantly the charge imposed on this class of users for as long as it takes to come up with a fair, final charge.●

VOLUNTARISM IN AMERICA

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SHUMWAY. Mr. Speaker, the following article indicates that over one-half of American adults work to help others without monetary compensation. The sense of outreach and charity expressed by the practical actions of these private individuals is truly impressive and commendable.

Throughout our history, the unremitting efforts of volunteers have served to further the general welfare at home and around the globe in a variety of ways—by ameliorating the plight of suffering, rehabilitating individuals and families, providing special training for the handicapped, educating young persons, and maintaining clean, livable surroundings. The list goes on and on. The United States can be proud that voluntarism ranks high as an American social value.

[From the Christian Science Monitor, June 1, 1984]

AMERICA'S VOLUNTEERS: "THE JOY IS DOING IT WITHOUT RECOGNITION"

(By Daniel Southerland)

WASHINGTON.—For those who despair of headlines about unemployment, drug abuse, and crises in the Middle East and Central America, consider the volunteers.

At least 1 out of 2 American adults, in an individual or group way, volunteers a good part of his or her time to cope with crises and unmet needs both at home and abroad.

These citizen volunteers are proving that the individual counts. And their numbers appear to be growing.

The week of May 6-12 was National Volunteers' Week, and May 7 was volunteers' day at the White House.

At a White House luncheon, President Reagan presented 19 presidential volunteer action awards for 1984. The recipients were a labor union, two corporations, and 16 individuals, groups, and national organizations. All of them, in Reagan's view, embody an American frontier spirit of self-reliance and private initiative.

Some of the award winners have worked as unsung heroes or heroines for many years. Robert Macauley, a New Canaan, Conn., businessman who established the Americares Foundation in 1979 to provide relief supplies abroad, got started during the Vietnam war. In 1968, Mr. Macauley set up a fund for orphans in Saigon known as the Shoeshine Boys' Foundation.

The tall Mr. Macauley, who feels uneasy about publicity, did not linger at the White House after the awards luncheon. Of volunteer work, he says, "the joy is in doing it without the recognition."

Macauley insisted that the presidential award not be given to him but to his organization, thus honoring the many volunteers who have contributed to its work. In an interview, Macauley said in the many replies he has received to his appeals for help, he detects a "groundswell" of interest in voluntarism.

Thanks to its unpaid volunteers, Americares operate with an overhead of only 0.5 percent. Contributed space, telephones, and supplies help to keep costs down.

Americares has shipped clothing and medical supplies to Poland, Lebanon, Pakistan, Afghanistan, and El Salvador. Last Christmas, the organization sent 5 million chocolate-covered nutrition bars and some 2 million disposable diapers to Poland.

Many of the volunteers who received awards or citations derive strength, as Bob Macauley does, from a deep religious commitment.

Some of those who received awards came to voluntarism only after facing difficult challenges:

Bill and Pat Barton helped to form a Naples, Fla., parents association after they discovered that the young people who were taking drugs in their community included their own children. The association's purpose was to educate the community and create an environment that would encourage drug-free activities. The umbrella organization the Bartons helped to establish, the National Federation of Parents for Drug-Free Youth, now involves more than 4,000 parent groups.

Glenn Williams of Seattle stepped out of Alcatraz 23 years ago after serving nearly 11 years for a bank robbery. He began volunteering with an organization that helps to rehabilitate released felons. In 1971, Mr. Williams organized the nonprofit Attica Inc., purchased a bus, and over the next nine years drove thousands of women and children to visit family members in penal institutions. In 1981, Williams founded Teen Intercept, which teaches youth about the dangers of drug use.

While serving with the U.S. Army's First Infantry Division in Vietnam 16 years ago, Tom Rader was severely wounded in a mortar attack. Retired from the Army on permanent disability, Mr. Rader did not let artificial limbs slow him down. As a Merced County volunteer probation officer, he supervises and counsels as many as 20 adult and juvenile probationers at a time. Three years ago, Rader developed a program whereby juvenile offenders may be assigned work instead of paying fines or receiving sentences.

Chris Stout says she was "a rebellious teen-ager and a rebellious adult" before turning to Christianity and volunteer service. After moving with her husband and four young children to a farming community near Everett, Wash., Mrs. Stout saw that enormous amounts of food were going to waste in nearby fields after the harvest. To supplement her family's limited resources, she began a gleaning program and taught herself to can, preserve, and dry fruits and vegetables. She encouraged other needy families to glean and taught them to preserve food. She began collecting and distributing used clothing and opened a thrift shop. Today, her nonprofit Sparrow Ministries involves more than 150 participants.

"I believe that people should be less dependent on others and more dependent on themselves," says Mrs. Stout, a one-time welfare recipient. "That's what our nation is all about."

Robert Macauley, the Connecticut businessman, agrees. He said he learned his lesson in April 1975, when he was trying to arrange an emergency airlift to the United States of Vietnamese orphans who had survived an airplane crash near Saigon. He turned to the American military and was told that they might be able to do the job in 10 or 11 days. Macauley chartered a Pan American 747 and had it in Saigon within nine hours, even before he knew how he would pay for the flight.

"After the babylift, I learned that if you're going to do something, do it yourself," said the businessman.

One of the striking things about the volunteers who received awards at the White House this year is the variety of interests and impulses they represent. In addition to those already mentioned are volunteers working with Boy Scouts, laid-off employees, Vietnam veterans, and dropout children. The 1.4 million members of the Knights of Columbus work through more than 8,000 chapters across the United States.

In San Francisco, employees of Levi Strauss & Co. form community teams that do everything from tutoring children to repairing leaky roofs.

In Minnesota, state-revenue shortages led volunteer to develop a two-year project to meet community needs through local partnerships. In Twentynine Palms, Calif. a loss of eligibility for state funds led citizens to launch campaign to finance a community college.

But volunteering is not all fund raising. Elizabeth Cooper Terwilliger, a pioneer in environmental education in Marin County, Calif., has developed playgrounds and hiking, canoeing, and bicycling trips for schoolchildren. Her volunteers work out of three vans equipped as nature labs. The nonprofit Terwilliger Foundation's programs now reach 75,000 children in the Bay Area.

It was Mrs. Terwilliger who launched a demonstration of how birds fly during President Reagan's awards ceremony for volunteers on May 7.

But the loudest applause of all during the ceremony went to the wounded Vietnam veteran, Tom Rader, who with the help of his four artificial limbs, walked to the stage to shake hands with President Reagan. As one participant described it, there were few dry eyes n the room.

The award recipients were chosen from more than 2,500 nominations. VOLUNTEER, the National Center for Citizen Involvement, a private nonprofit organization, and ACTION, the federal agency for voluntary service, cosponsored the awards program.

In the fall of last year, the Gallup Organization conducted a national survey as a public service for VOLUNTEER. The pollsters used a broad definition of volunteering: "working in some way to help others for no monetary pay."

The Gallup survey found that 55 percent of American adults volunteered during the previous year. This marked an increase over the estimated 52 percent volunteering in 1981. The total monetary value of American volunteer services came to more than $64 billion a year.●

JERRY STALLWORTH AND THE AMERICAN DREAM

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, one of the best success stories I have heard in a long time is that of Jerry Stallworth, a black businessman in my hometown of Marshall, Tex. Just 4 years ago Jerry purchased a Pontiac-Buick dealership in Marshall, and today his business is listed as one of the top 100 black-owned businesses in America. His story is one that should be told and retold to every schoolchild in America. It is a story of determination, hard work and just plain faith in our great free enterprise system.

I am proud of Jerry Stallworth, and I am proud to live in a Nation where a man can start on an automobile assembly line and wind up owning a large automobile dealership. What this country needs is more Jerry Stallworths and we will never have to worry about our economic future.

I commend his story, as it recently appeared in the Longview (Tex.) Morning Journal, to the attention of my colleagues and the Nation as follows:

[From the Longview Morning Journal, May 20, 1984]

TURNING A PROFIT

(By Patti Patterson)

MARSHALL.—Jerry Stallworth was just "passing through" Marshall four years ago when he spotted an inactive dealership on U.S. 59.

Although sales were slow, Stallworth saw the Pontiac-Buick dealership as a potential business opportunity. He had just completed a dealer training program through Ford Motor Co. and was looking for a dealership to buy.

After asking a few questions, Stallworth learned the owners were losing money and were willing to sell their unprofitable business.

Stallworth took over in June 1980, becoming General Motors first black dealer in Texas. He turned a profit the first year.

Four years later, Black Enterprise magazine has recognized Stallworth Buick-Pontiac as one of the top 100 black-owned businesses in the United States. In a ranking published in the magazine's June issue, Stallworth finished 88th with almost $9.8 million in sales last year.

Earlier this month, Detroit Mayor Coleman A. Young honored Stallworth and 33 automobile dealers who made the list this year. Stallworth's trip to the city was a return to the site of his first job in the automobile industry.

A native of Evergreen, Ala., Stallworth majored in business management and economics at Alabama A&M University. His first job after college was on a Chrysler assembly line in Detroit.

From Detroit he went to Fort Worth where he was stationed while serving in the U.S. Air Force. He then worked for a Chevrolet dealer before enrolling in an 18-month dealer development program through Ford Motor Co. While working for Ford, he was associated with Holiday Lincoln-Mercury for four years.

After completing the training, Stallworth was ready to buy his own business. He was on his way to look at a dealership in Lafayette, La., when he happened to drive through Marshall in 1980.

"I was passing through Marshall and this was sitting out here and nobody was selling any cars," Stallworth said. "It's the greatest place I could have stopped."

Turning the losing business into a moneymaker was a challenge in itself, but Stallworth faced some additional barriers to building a successful dealership. For starters, car sales were at an all-time low, he said.

"It was the worst time in the history of the automobile dealers," Stallworth said. "More dealers went out of business in 1979 and 1980 than any other time in history."

As the state's first black GM dealer, Stallworth said he quickly found consumers did not care about his race. He estimates 80 percent of his customers are white.

"When a customer comes in here, they're looking for quality, service and hospitality," he said. "Once you supply that, it doesn't make a difference."

But while his race was not an obstacle for Stallworth, being a newcomer in a small East Texas town presented a problem. Local bankers were hesitant to do business with a man who was taking his orders from a big Northern city.

"I was associated with Detroit," Stallworth said. "Very few identified me as from Evergreen, Ala., or Fort Worth."

Despite the drawbacks, Stallworth believed he could succeed in Marshall.

"When you go into business, you go in to make a profit," he said. "When I do best is when my back's against the wall."

Stallworth sells about 500 new automobiles a year and 300 used ones. Sales are up this year, and he hopes to make the Black Enterprise top 100 for 1984. This time he says he'll be shooting for a higher ranking.

His formula for success?

"It's really just a matter of me minding the business all the time," Stallworth said. "Our ultimate goal is to treat everybody fair. If they don't buy from you today, they will come back."●

TRYING TO BUY GOOD TEACHING

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SIMON. Mr. Speaker, William Raspberry of the Washington Post recently wrote regarding the question of teacher pay and salary incentive in an article "Trying to Buy Good Teaching." Mr. Raspberry, in recounting the findings of a recent survey of public school teachers in the District of Columbia, underscores again the importance of teacher pay. However, as the Merit Pay Task Force found, increases in teacher pay are not the sole solution to attracting and retaining good classroom teachers. As the D.C. schoolteacher survey clearly indicates, other forms of incentives—which may be nonmonetary in nature—can also be critical.

I share D.C. School Superintendent Floretta D. McKenzie's surprise that "money was not the important thing" to D.C. public school teachers. Both nonmonetary incentives and salary improvements are necessary if we are to attract the best and brightest.

John Fitzgerald Kennedy, in his special education message to Congress in 1963 said it best:

> Improved research and teacher training are not enough, if good teachers do not choose to teach. Yet present salary schedules in some cases are too low at the start to compete against other positions available to college graduates. In almost all cases, they are too low at the top to retain our ablest young teachers. Without sufficient incentive to make teaching a lifetime career, teachers with valuable training and experience but heavy family responsibilities too often become frustrated and drop out of the profession. Their children may never try to enter.

[From the Washington Post, June 1, 1984]

TRYING TO BUY GOOD TEACHING

(By William Raspberry)

Money isn't everything.

A major survey of D.C. public school teachers has produced what Superintendent Floretta McKenzie called the "surprising" conclusion that "money was not the most important thing" in encouraging them to do a better job. Such non-monetary recognition as an encouraging word or letter can do as much as money, the teachers said in roundly rejecting the idea of merit pay.

But money is something. One of the reasons for the whole merit pay debate is the fact that teaching is not as attractive a career for the brightest young women as it once was. The idea is to increase the attractiveness by establishing a university-like system of ranks and rewards so that the most effective teachers can look forward to more responsibility, more prestige—and more money.

Both points of view make sense—but only if you recognize that they address two different problems. The first is how to get teachers already in the system to do their best work. Flo McKenzie shouldn't have been surprised that appreciation for work well done is the best way to encourage more outstanding work. Sometimes, and in some fields, that appreciation comes in the form of additional compensation. Sometimes, in other fields, it comes in the form of private memos, official letters of commendation or public recognition. In areas such as professional athletics, where pay scales are used primarily to set minimum compensation, money is the reward of choice. In areas such as government service, where pay scales are more rigid, other rewards—including promotion—are the standard.

In neither case, though, does the money create the urge to superior production. The talented policeman, no less than the talented point guard, will find incentives beyond money to do the best he can do.

But encouraging the professionals already aboard to do their best is only one piece of the picture. The other is encouraging the potentially outstanding performers to join one profession instead of another. And this has a great deal to do with money. The athletically gifted youngster with talent in a number of sports will tend to choose professional basketball or football over, say, pro track, because there's not much money in track. Over time, as a result, professional track will find itself attractive only to those athletes who are emotionally committed to track, whose talents are limited to track or who can't hack it in the more lucrative sports. You will not attract many outstanding all-around athletes into track by paying the most diligent of them a few extra dollars.

And so it is with teaching. We know that, but we cannot quite bring ourselves to do what our knowledge indicates. We know that one reason the major sports attract so many more gifted athletes than the minor ones is that even the benchwarmers in the majors earn more than the stars of the minors. But we don't like the idea of paying significantly increased salaries to our educational benchwarmers. It seems too much like rewarding mediocrity.

We may just have to bite that distasteful bullet. I don't know any other way than increasing the general level of pay that we can upgrade the teaching profession to make it attractive to college students who could be outstanding teachers but who also could be outstanding engineers or managers or technicians. In the short term, that would mean hefty pay raises to teachers we'd rather be rid of. In the long term, though, it would provide a vastly more talented pool from which to make our teacher selections in the first place. It would cost a lot of money to do it that way, but, then, money isn't everything.●

WARREN BROOKES ON THE WAR ON POVERTY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. KEMP. Mr. Speaker, one of the Nation's outstanding economic columnists, Warren Brookes of the Boston Herald, has written an essay on U.S. poverty rates that explodes a number of myths regarding income growth, income redistribution, and poverty levels.

I commend this article to my colleagues, and urge them to support initiatives that will enlist the private sector in the war on poverty—urban enterprise zones, tax reform that will remove the working poor from Federal income tax rolls and privatizing Federal housing programs. These progressive initiatives will go a long way, I believe, in opening America's doors of opportunity for inner city residents through jobs, income growth and enterprise.

The article follows:

[From the Detroit News, Apr. 5, 1984]

BLAME LIBERAL DEMOCRATS FOR RISING U.S. POVERTY

(By Warren T. Brookes)

With the media's cooperation, the Democratic presidential candidates have had a field day blaming President Reagan for rising poverty. The fact is: they are to blame.

The liberals are counting on the voters to forget that the nation's first upsurge in poverty took place under the Carter-Mondale administration, when social spending and inflation were soaring.

That fact was both highlighted and obscured by the Feb. 23 Census Bureau Report, which showed that between 1979 and 1982 the poverty population had increased either 30 percent or 47 percent, depending on whether you counted "in-kind" aid.

The Boston Globe, one of the leading Reagan-baiting liberal newspapers, couldn't resist editorializing smugly, "The slowdown in the growth in programs targeted to the poor in the Reagan years—they have lagged badly behind inflation—has accelerated dramatically the rate at which people are becoming poor." This statement is so false in every respect that if proper names had been used it would be libelous.

In the first place, the period (1979-82) includes three Carter budget years (1979-81) and only one Reagan budget year (1982). Poverty rose substantially in each of the Carter budget years—along with thunderous superinflation.

Second, the poverty rate increase was higher in 1980 and 1981 (12.3 percent and 8.5 percent) under liberal Carter-Mondale budgets than the 8.2 percent in 1982 under Mr. Reagan.

And finally, the greatest rise in poverty coincided with the largest explosion in social spending (individual payments of all kinds, excluding unemployment compensation (UC), in U.S. history.

When the "War on Poverty" first got into spending gear, in 1969, we spent $54 billion on all transfer payments (excluding UC) which was only 5.8 percent of GNP. At the time, 12 percent were below the poverty line—24.5 million people. By 1979, this social spending binge was taking 9.4 percent of GNP and $227 billion. Yet, poverty was rising again with 26 million under the poverty line—and inflation soared to 13 percent.

Ironically, this social spending upsurge continued through the first year of the Reagan administration, reaching $340 billion (again, not counting UC) and a record 11.1 percent of GNP. What's more, because inflation had dropped so much, real social spending grew under Mr. Reagan's first budget a whopping 5.3 percent, far more than the 2-percent average during the Carter years.

Indeed the only real "cuts" in the social spending growth rate (after inflation) took place, not under Reagan, but under Carter-Mondale in 1978 (−1.5 percent) and 1979 (−1.8 percent). Which is to say that to blame a four-year rise in poverty on one Reagan budget year is not merely fatuous, it is extremely deceitful. Even the Census Bureau could not countenance that.

HOW LIBERALS GENERATE POVERTY

[By fiscal years]

	Pov. pop. (mil.)	Percent pov.	Soc. spend. (bil.) [1]	Percent of GNP	Percent real growth	CPI (percent)
1969	24.5	12.1	$54.4	5.8	8.9	6.1
1978	24.5	11.4	204.0	9.4	−1.5	9.0
1979	26.1	11.7	227.2	9.4	−1.8	13.3
1980	29.3	3.0	265.1	10.0	+3.9	12.4
1981	31.8	14.0	310.7	10.5	+7.6	8.9
1982	34.4	15.0	340.0	11.1	+5.3	3.9

[1] All payments for individuals excluding unemployment compensation.

Source: Census Bureau, Federal Budget.

As the New York Times correctly reported, "Census officials said the increases (in poverty, since 1979) were the result of general economic trends such as recession and inflation, rather than the cutbacks in social welfare programs made at President Reagan's request."

If anything, the Census poverty report confirmed what serious conservative economists have long argued: that soaring social spending leads not only to higher taxes, but higher inflation, both of which do more to increase poverty than the social spending does to alleviate it.

Under the four Carter budget years, inflation averaged nearly 11 percent—the worst peacetime performance in U.S. history, a four-year cumulative total of 51 percent. Under the first two Reagan budget years (1982-83) inflation has averaged 3.9 percent, a two year total of 7.8 percent.

As a direct result, for the first time since 1977, real weekly wages before and after taxes are finally rising after a sickening 10-percent, $19 plunge (1977-81):

Real weekly wages

[1977-83; in 1972 dollars]

1977	$189.00
1981	170.13
1983	171.15

This striking loss in real earning power under the double-digit tax-flation of Carter-Mondale forced more mothers into the workforce, and mutliplied the number of single-parent households, the chief source of rising poverty.

In fact, even if you accept the Census Bureau's projection that, counting the "in-kind," non-cash benefits (food stamps, health care, etc.) the poverty level falls to only 10 percent, you still wind up with the conclusion that the decade (1970-80) produced only a 2 percentage point drop in the poverty population (from 12 to 10) and only 1.3-million individuals were lifted above the line, in a decade, when social spending's share of GNP doubled.

By contrast, from 1960 to 1970, before the great social spending explosion, poverty fell from 22.2 percent to 12.6 percent, nearly 10 percentage points, in which 14.5-million Americans rose from poverty from real economic growth alone. This, when you think about it, is the only real "antipoverty" program—but it's something liberals don't understand.

Remember, the six great European "welfare states" actually created no new jobs in the entire decade (1970-1980).

The same day the Census Bureau report on poverty came out, it was announced that "jobs in New York City rose in 1983 to a 10-year high," and Mayor Koch attributed this "dramatic turnaround" since 1978 to "holding the line on taxes and improving the business climate." At least on Democrat knows the truth.●

TAX SIMPLIFICATION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● **Mr. FIELDS.** Mr. Speaker, I am submitting for the RECORD today those remarks I had hoped to present at the Department of the Treasury's "Fundamental Tax Reform and Simplification Study" hearing in Houston, Tex. Unfortunately, my congressional duties here in Washington will prevent me from personally appearing at that hearing.

The text of my remarks follow:

THE OVERRIDING AND URGENT NEED FOR TAX SIMPLIFICATION

Before beginning my testimony, I would like to welcome Assistant Secretary Charles McLure and the other Treasury Department representatives who have traveled to Houston for one of a series of nationwide hearings on ways to simplify and improve our federal tax system.

I am extremely pleased to participate in this process and congratulate the Department for selecting Houston as the site for one of its hearings.

During the next several weeks, I am sure you will hear from hundreds of Americans who believe, as I do, that we must replace our complex and complicated tax system with a simpler and more fair method of taxation.

I personally support the concept of a flat-rate tax system. I'm sure you will receive a wide range of excellent suggestions on ways to eliminate ambiguous, contradictory and inequitable provisions from our tax code.

Our tax laws have become so complex and confusing that average Americans who live in places like Baytown, Channelview and Humble find it nearly impossible to understand their tax return. As a result, they are forced to spend millions of their hard earned dollars each year to pay someone to figure out their taxes.

Our tax code now comprises thousands of pages of material written in "legalese" which is incomprehensible to the overwhelming majority of Americans.

This situation is deplorable. Our tax laws must be overhauled so that all Americans can easily and quickly complete their own tax returns.

In addition to being confusing and complex, our tax laws have become unfair. People with the same income and same-sized families often pay very different amounts of federal income taxes, depending on the source of their income and the number, and types, of their deductions.

At the same time, our tax laws continue to discriminate against those families in which both the husband and wife work. While the Economic Recovery Tax Act of 1981, which I strongly supported, greatly reduced the adverse effects of the "marriage penalty" tax, there is still a need to eliminate this unfair additional tax burden on working Americans.

Mr. Chairman, in summary, I would like to reiterate that there is a growing movement in this country to replace our current system of taxation. I sincerely hope that as a result of these important hearings, the Department of the Treasury will present to the Congress a legislative package which we can consider in order to simplify, and make more fair, our federal tax code.

During my three and a half years in Washington, the Congress has continued to move in the wrong direction, adding, rather than deleting, more complex provisions to the federal tax code.

In fact, the Congress currently is considering a bill, H.R. 4170, the so-called Tax Reform Act of 1984, which is hundreds of pages in length and which would affect literally thousands of current tax provisions.

Clearly, this is the wrong approach. I am hopeful that we can now begin the long and arduous process of tax simplification. While simplifying our tax code will not be achieved easily or quickly, now is the time to start.

I again compliment the Department of the Treasury for its willingness to solicit the suggestions and views of average citizens in Houston and other cities in America on this topic.

Thank you, Mr. Chairman. I look forward to the opportunity of working with you to simplify our tax code and to make it fair to all Americans.●

D-DAY ANNIVERSARY

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1984

● Mr. McGRATH. Mr. Speaker, 40 years ago today, the Armed Forces of our Nation joined those of our allies in an a massive invasion to free France and much of western Europe of Hitler's Nazi occupation. Today, we have an opportunity to look back and reflect upon the events of that historic day and their effects on our Nation's standing in the international community.

Our military personnel comprised the bulk of the 150,000 members of the invasion force. Nearly 10,000 of those brave men and women sacrificed their lives in the effort and many more suffer to this day from wounds received in combat. I hope everyone will take a moment to pray for those who gave so much in defense of the freedoms we cherish and still proudly possess in 1984. To their comrades who have returned to civilian life, we also owe a special debt of gratitude.

We who enjoy the liberties protected by our troops on D-day, and in many other areas of the world will never fully appreciate the experiences of those who have faced the horror of modern warfare. Over the past several days, newspaper, television and radio reports have recounted many stories from veterans of Utah Beach and the surrounding coastline. We hear of mortally injured soldiers performing tremendous deeds of heroism and of many of the more mundane tasks associated with preparation and execution of the massive landing.

The alliance formed to liberate France and the other occupied western European states survives today as a bulwark of freedom and democracy. The United States is the unquestioned leader of that alliance, and we in Congress are sworn to the responsibility of maintaining that leadership role.

We should not forget that many of those oppressed by the Nazis were not as fortunate as the citizens of the countries of western Europe. Their chains were replaced by a different brand of brutality and disregard for human rights, which survives to this very day. We should use this observance to reaffirm our adherence to the principles defended 40 years ago on the beaches of France. I also hope and pray that we are able to avoid future conflicts and resolve differences among nations without resorting to military force.●

PRAISE FOR THE U.S. POSTAL WORKERS

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. WISE. Mr. Speaker, oftentimes it is much easier to criticize than to praise. The Postal Service is one agency which has not always received the credit it deserves. However, as the following report in the American Postal Workers Union Memorandum indicates, postal rates are lower and postal service is higher in the United States than among 14 countries surveyed. The volume of mail delivered by the postal service and the efficiency and productivity with which it is handled reflects the dedication of postal workers to providing the best possible service. I believe our postal workers should be recognized and commended for their achievements.

In this modern day of mass communication, we often take for granted the degree to which we have come to depend on the mail. We should not underrate the contribution of the postal workers in providing this service, but rather should offer support and praise for their efforts. I would like to take this opportunity to congratulate the postal workers on their fine record. It is certainly one of which they can be proud.

USPS Rates Are Cheapest—Postal Worker Productivity Highest

(By Patrick J. Nilan, Legislative Director)

The American public is still benefiting from the most productive postal work force in the world as U.S.A. first class letter postage rates are the cheapest among the 14 countries as reported on March 5, 1984, by the USPS International Postal Affairs Office.

The favorable letter mail rate is even more significant when one considers the tremendous difference in the comparative size and distances of the U.S.A. and the other much smaller nations referred to in the report.

In addition, the U.S. Postal Service processed and delivered 119.4 billion pieces of mail in the United States during 1983—more than all of the other countries combined! USPS projects 1984 mail volume near 124 billion pieces. The comparative letter mail rates are listed below and have been converted from the foreign currency to U.S.A. money:

	Cents
Norway	33.6
Germany	31.1
Australia	28.7
United Kingdom	27.7
Japan	26.8
Canada	25.6
France	25.2
Austria	24.9
Italy	24.9
Sweden	24.7
Netherlands	24.1
Switzerland	23.5
Belgium	22.8
U.S.A.	20.0

Postal workers can also be proud of a record high 1983 increase in productivity of 3.4 percent. The amount of mail processed last year per employee was 173,320 pieces compared to a 1982 figure of 167,650. Postal worker productivity is also the highest among all nations in the world.

Since 1970 when the USPS was established, the mail volume has increased tremendously while the work force has declined 8.4 percent.

The cumulative increase in productivity of postal workers during the past 13 years is 48.2 percent. USPS is now delivering 34.5 billion additional pieces of mail to 18 million more addresses. Postal worker productivity again exceeded advances in the private sector during 1983 as they have for 9 of the last 13 years.●

"DEINDUSTRIALIZATION"—A MONGREL WORD

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. BETHUNE. Mr. Speaker, in the May 30 edition of the Washington Post, noted economist Robert J. Samuelson, provides us with some compelling thoughts regarding the state of industrialized America. I urge my colleagues to read it.

Deindustrialization Is Disinformation

(By Robert J. Samuelson)

"Deindustrialization" is one of those mongrel words that has crept into the language and ought to be kicked out. The purpose of language is to inform; this word misinforms. It seems to say that America is losing all its industry, when it isn't. Deindustrialization is disinformation.

Cluttering the economic debate with misleading concepts like this distracts attention from genuine problems. The American economy still suffers from great inflationary tendencies that hamper long-term growth. Export industries are burdened by a high exchange rate for the dollar. These difficulties aren't easily understood or treated, but the job isn't made any easier by ideas that add to public confusion.

The plausibility of deindustrialization—the erosion of the manufacturing base—reflects a rising sense of vulnerability to the destructive powers of foreign trade and technology. Any dynamic economy faces the problem of change. Industries expand and decline as public tastes, technologies and trade patterns evolve. The 1960's growing economy minimized the adverse side effects of worker dislocation. Erratic growth since the mid-1970s has increased the casualties.

But the resulting stresses do not mean that the economy is deindustrializing. A new study ("Can America Compete?") by Brookings Institution economist Robert Z.

Lawrence provides the latest evidence. Consider:

The manufacturing base is not shrinking. Even in the recession year of 1982, industrial production was nearly 30 percent higher than in 1970. Since then, it has increased to a new record, 6.5 percent above its previous peak. True, manufacturing's share of employment was 21 percent of nonfarm jobs in 1983, compared with 34 percent in 1950. But this decline mostly reflects higher productivity: more goods being produced by the same number of people. This raises living standards.

Trade is not always a major cause of industrial decline. Industries and products simply mature; demand diminishes as markets are saturated. In 42 of the 52 industries examined by Lawrence between 1970 and 1980, the change in employment (positive in 31, negative in the rest) was caused primarily by changes in domestic demand. For those industries with declining employment, trade sometimes had a positive effect. This occurred in six of nine industries with a drop exceeding 10 percent.

Service and "high technology" industries aren't destroying middle-income jobs as high-paying blue-collar jobs in "smokestack" industries decline. Even economist Barry Bluestone, coauthor of "The Deindustrialization of America," says wage data for 1971 and 1981 don't indicate that middle-level jobs are vanishing. Workers with earnings between 70 and 129 percent of the median (Bluestone's "middle level") were 25.6 percent of the total in 1971 and 26.9 percent in 1981. It's actually high-paying jobs (130 percent of the median and above) that are slipping; they dropped from 31.5 to 29.9 percent of the total.

It's true that the rise of the dollar since 1980 has intensified trade problems for American manufacturers. Their export prices are higher, and imports here are less expensive. But Lawrence found that manufacturing employment still follows past patterns. What's been lost from trade has been made up elsewhere, mainly (he says) from higher defense spending and strong domestic investment. Some trade-dependent firms are losers, but other manufacturers are winners.

To reject deindustrialization, of course, is not to deny the obvious social distress of industrial decline. Everyone knows the troubles of the steel, auto and metal-working industries; April unemployment remained in double digits in Illinois (10 percent), Michigan (10.6 percent) and Ohio (10 percent). But the problems of steel and autos can't be generalized for everyone. Although they are big industries, they aren't the only industries.

For example, tracing the loss of good-paying jobs to the eclipse of smokestack industries makes sense only if the auto and steel industries are taken to represent all declining industries. It's true that they pay better than, say, the computer industry. But when Lawrence examined a wide spectrum of "low tech" industries (from tobacco to paper), he found that their average labor compensation was about one-fifth below a group of high-tech industries (from aircraft to plastics).

The logic of deindustrialization is illogical. Labor-saving technology doesn't lower living standards; it enhances them. With the same number of workers producing more, there's more to consume. Unless there's a huge shift in income distribution—and there's no evidence of that—general living standards will rise. Some workers may be worse off if they lose their jobs and are re-employed at lower wages. But most workers will be better off.

Another misguided idea is that foreign trade will wipe out the manufacturing base. To be sure, many firms now face intense international competition. But it's virtually impossible for trade to obliterate the industrial base. If the United States had nothing to sell abroad, no one would want to sell here; the dollars they earned wouldn't buy very much. It isn't so much trade as past mistakes by industry and labor that have caused the most acute problems of industrial distress. High unemployment in much of the Midwest stems from an overdependence on the auto industry and that industry's high wages and prices.

The specter of deindustrialization is intended to justify policies—trade protection, subsidies—that will slow economic change. In fact, they promote resistance to change and make it more disruptive. Ultimately, the only protection is economic growth that creates jobs and raises living standards. But growth founders on an inflationary psychology that raises wages/with little regard to changes in production. Between 1977 and 1983, productivity (or output per worker) rose less than 4 percent. Labor costs increased 63 percent. Naturally, prices rose.

The wage-price spiral is as understandable as it is destructive. Everyone wants to keep pace with price increases, so the only way to slow the spiral is a steep recession that cuts inflation. Without a social consensus to maintain wages and productivity in harmony, stop-go economic policies become increasingly violent. Deindustrialization evades this issue; until it's faced, economic policy will continue to struggle.●

GORDON SINCLAIR

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, I am sad to note the death of a Canadian newsman, Gordon Sinclair, who shed a favorable light toward our country in a famous broadcast of 1973 when the United States was being bombarded with criticism over Vietnam and Watergate. It is rare for a foreign newsman in an era of anti-American sentiment to stand up and speak well of the United States, when few in authority feel they can afford to.

We will miss a man like Mr. Sinclair, who has the courage and the fortitude to acknowledge the truth when it is unpopular to do so. These excerpts from his famous broadcast in 1973 give a true understanding of why our country must maintain the freedoms and liberties needed to bring forth the creative industry that gives us our vitality.

[From U.S. News & World Report, June 11, 1984]

THE EDITOR'S PAGE: A FEW GOOD WORDS

(An American journalist on a visit to Western Europe cannot help but be filled with foreboding over the blatant anti-American sentiment expressed by left-leaning politicians and activists in the streets. Yet he also senses that a great many European citizens regard the U.S. in a far more favorable light.

(Against that background, the death on May 17 of Gordon Sinclair took on added meaning. Mr. Sinclair was the Canadian newsman who stood up for the U.S. In a famous broadcast in 1973 when the U.S. was being bombarded with criticism over Vietnam and Watergate, he scolded the world for accepting American largess and then turning against this country.

(On this page, in the issue of Nov. 19, 1973, there appeared excerpts from the original broadcast. That commentary attracted wide attention then, and still makes heartening reading at a time when few in authority feel they can afford to speak well of the U.S.—Marvin Stone, Editor)

This Canadian thinks it is time to speak up for the Americans as the most generous and possibly the least appreciated people on all the earth. . . .

Germany, Japan and, to a lesser extent, Britain and Italy were lifted out of the debris of war by the Americans who poured in billions of dollars and forgave other billions in debts. None of these countries is today paying even the interest on its remaining debts to the United States.

When the franc was in danger of collapsing in 1956, it was the Americans who propped it up, and their reward was to be insulted and swindled on the streets of Paris.

I was there. I saw it.

When distant cities are hit by earthquakes, it is the United States that hurries in to help . . . This spring 59 American communities [were] flattened by tornadoes. Nobody helped.

The Marshall Plan and the Truman policy pumped billions of dollars into discouraged countries. Now, newspapers, in those countries are writing about the decadent, warmongering Americans. I'd like to see just one of those countries that is gloating over the erosion of the United States dollar build its own airplanes.

Come on, let's hear it!

Does any other country in the world have a plane to equal the Boeing jumbo jet, the Lockheed Tristar or the Douglas 10? If so, why don't they fly them? Why do all the international lines except Russia fly American planes?

Why does no other land on earth even consider putting a man or woman on the moon?

You talk about Japanese technocracy, and you get radios. You talk about German technocracy, and you get automobiles.

You talk about American technocracy, and you find men on the moon—not once but several times—and safely home again.

You talk about scandals, and the Americans put theirs right in the store window for everybody to look at. Even their draft dodgers are not pursued and hounded. They are here on our streets, and most of them—unless they are breaking Canadian laws—are getting American dollars from Ma and Pa at home to spend here. . . .

When the railways of France, Germany and India were breaking down through age, it was the Americans who rebuilt them. When the Pennsylvania Railroad and the New York Central went broke, nobody loaned them an old caboose. . . .

I can name you 5,000 times when the Americans raced to the help of other people in trouble. Can you name me even one time when someone else raced to the Americans in trouble?

I don't think there was outside help even during the San Francisco earthquake.

Our neighbors have faced it alone, and I'm one Canadian who is dammed tired of hearing them kicked around.

They will come out of this thing with their flag high. And when they do, they are entitled to thumb their nose at the lands that are gloating over their present troubles.●

NUCLEAR DISARMAMENT FROM A MOTHER'S PERSPECTIVE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Ms. MIKULSKI. Mr. Speaker, I am honored to have this opportunity to share with my colleagues a speech given by Ms. Elsie Frank, the mother of Congressman BARNEY FRANK and Ann Lewis, policy director of the Democratic National Committee; and a leader in her own right. The speech was given at Faneuil Hall on Mother's Day at a meeting sponsored by the Women's Action for Nuclear Disarmament. Ms. Frank candidly described the grave situation that faces the world today and expounded on the urgent need to end the arms race. The unique perspective of Ms. Frank makes her speech both refreshing and compelling.

The speech follows:

Thank you very much. I am pleased to be here today to discuss with you the nuclear arms issue and, particularly, to address this subject from a mother's perspective.

While the Reagan administration wishes the nuclear disarmament issue would simply fade away, in fact, this question—this campaign to avoid nuclear annihilation and redirect our horribly bloated military budget into more useful channels—represents the transcendent issue of our time. It is an issue of singular and enduring importance because a miscalculation in this area can trigger a tragedy so encompassing that it would certainly dwarf any other problem we face.

I don't come before you asserting any expertise on the subject of nuclear weaponry. But I think that with respect to this subject, as with so many other examples in foreign affairs and military policy, it is the self-styled "experts" who are leading us astray. One would be hard-pressed to find any extensive training in foreign affairs or nuclear strategy on the part of Caspar Weinberger—or, for that matter, Ronald Reagan—before these men assumed high office. Yet somehow we are supposed to suspend our critical faculties and believe that these men and their colleagues, once having taken positions of leadership in the executive branch, are magically invested with omniscience. President Reagan apparently believes that if only the American people were sufficiently armed with the facts, we would want our country to be armed to the teeth. If only we were armed with the facts, the administration says, we would gladly endorse military adventurism by the United States in Central America, we would suport the MX missile, and we would believe that this president is fervently committed to missile arms reduction. The presumption that presidents always know best is troubling as a general proposition and absolutely terrifying when we consider the consequences of this administration's approach to the nuclear arms race. Fortunately, millions of Americans have rejected President Reagan's passionate pursuit of an ever-increasing nuclear arsenal and have insisted that our Nation must put forward proposals which will protect our national security while preserving the future of the planet.

Across our country women are playing a central role in mobilizing enlightened and effective opposition to the administration's nuclear arms policy. The Women's Action for Nuclear Disarmament is a great source of strength for anti-nuclear activists, helping to educate other women—and helping to educate men; helping to arouse our collective conscience against the insane escalation of the nuclear arms race.

Women in Massachusetts have made an outstanding contribution on this issue. Randall Forsberg started the National Nuclear Freeze Movement, an astonishingly successful and broadbased citizens' campaign to achieve a bilateral, mutually verifiable halt to the further production, testing and deployment of nuclear weapons. Certainly, Dr. Caldicott has performed an immensely important service, along with many of her colleagues in the medical profession, in cataloguing the horrors of nuclear war and pointing us down a different and peaceful path.

The contributions of these remarkable and renowned women are invaluable, but, so, too, are the contributions of other women who are not well-known—women from teenagers to great-grandparents—who refuse to be silent on this issue.

It should come as no surprise to any observer of the American political scene that the women of this country are standing together—and standing up for peace. As targets of the administration's condescension and contempt for our aspirations, we understand all too well the President's patronizing attitude toward the American people on the nuclear freeze issue. While backtracking from its earlier rhetoric that nuclear war is survivable, the administration continues to view this issue as a public relations problem in which public opinion in America and in Western Europe can be choreographed by grand gestures on the part of the United States, even if these gestures bring us no closer to stopping the nuclear arms race.

Ronald Reagan has said that he fares poorly among women voters because of a perception problem. However, as Walter Mondale has pointed out, the perception problem is that President Reagan can't see us, but we can see right through him.

Certainly it is patent nonsense for a President more adept at public relations than virtually all of his predecessors to blame his poor performance among women voters and the public's distrust of him on the war and peace issue, on "perception".

Mothers all over our country know that the problem is not public relations but public policy. We are told to accept the wisdom of men alleged to know better than we—Edwin Meese who is quoted as saying "Nuclear war is something which may not be desirable." Desirable—dear God, I choke on the word. And now about another member of the Administration T. K. Jones, who said "just get a shovel and dig it 3 feet deep." Are we really supposed to accept the wisdom of these men?

The problem is a public policy which has scared the dickens out of millions of Americans, women and men, from senior citizens to high school students.

At the heart of that policy is Ronald Reagan's unshakeable faith that the more arms we have the safer we are. You know it has been said—and rightly so—that President Reagan never met a weapons system he didn't like. But his willingness to break the bank in building the defense budget has not brought the Soviets back to the negotiating table.

As the 1984 election year approached, President Reagan changed the profile of his administration but not the policy. They've tried to make a bad case more presentable; with Ruckelshaus replacing Burford at the EPA, with Clark replacing Watt at the Interior Department, with MacFarlane replacing Clark at the National Security Council, with Schultz replacing Haig at the State Department. But the basic policy thrust—in nuclear weapons, and in other areas—has changed imperceptibly, if at all. And the cast of characters remains alarmingly familiar. We still have Caspar Weinberger, who believes that for every problem there is an easy and expensive military solution.

Whether the issue is Central America or nuclear arms, Ronald Reagan apparently believes that when foreign policy decisions are made, the job of the Congress and the American people is to fall in line behind the Commander-in-Chief.

But this doctrine of silent obedience on foreign affairs is one that Ronald Reagan himself violated quite conspicuously when as a private citizen he helped to sabotage the SALT II Treaty negotiated by Jimmy Carter.

And certainly this doctrine of silence and submissiveness is wholly at odds with the long and honorable tradition of informed dissent we have seen in this country, and particularly in this commonwealth.

Here in Massachusetts, here in Faneuil Hall, patriotism has meant having the right, indeed having the duty, to resist tyranny. Over 200 years ago, the patriots assembled here sought and succeeded in overcoming the tyranny of British Colonialism.

Today, we are tested by another terrible trial, by what would be the ultimate tragedy for humankind—nuclear war. And we can no more remain silent today than Sam Adams, John Hancock, and their compatriots did in their day.

Fortunately, Massachusetts is once again proving equal to the challenge. Our State is producing many of the national leaders in the drive against nuclear weapons. In addition to Dr. Caldicott and Randall Forsberg, we have Congressman Nick Mavroules, who is once again leading the fight in the House against the MX, we have Senator Ted Kennedy and Congressman Ed Markey, who have been the foremost congressional sponsors of the freeze, and we have Congressman Joe Moakley leading the effort to stop the space based anti-missile weapons.

And certainly our state has made a major contribution to women's action for nuclear disarmament and other groups in the forefront of this issue.

You know, sometimes I think we could use a spinoff of w-a-n-d, wand, called g-r-a-n-d, grand, as in Grandmothers Action For Nuclear Disarmament. I honestly believe that Ronald Reagan could use a little bit of peer pressure from the grandmothers of this country. There are quite a lot of us who are Ronald Reagan's age who emphatically reject his nuclear arms policies. We reject his spending billions on the MX missile while cutting benefits from senior citizens who are counting every penny. We reject his policies which have brought about an escalating nuclear arms race with the Soviet Union and a proliferation of nuclear weapons to other countries around the world.

In a few days, the House of Representatives will face a vote of singular importance—when an attempt is made to strike funding for the MX missile. Ronald Reagan has called the MX the "peacekeeper" and says it will come in handy as a bargaining chip. But the history of bargaining chips in arms negotiations is that they soon grow into building blocks of destruction. The President is peddling the MX as a kind of high-tech public works program which will mean jobs in many states. Yet military spending is a terribly inefficient expenditure for generating jobs. Moreover, the jobs argument itself is a horrible excuse for pushing us further toward nuclear war.

Over the years Ronald Reagan has made repeated references to Armageddon. If a friend or neighbor talked that way, we would think it was strange. When the President of the United States talks and thinks in these terms, it's cause for worry, as well as wonder. And now the administration's policies—an arms race in space, the destabilizing MX missile, an out-of-control defense budget, threaten to make a self-fulfilling prophecy out of Ronald Reagan's fatalistic foolishness.

But if President Reagan is prepared to witness Armageddon, we are not. We want the cycle of life, the miracle of life, carried on not only by our grandchildren, but by their grandchildren. We want to reaffirm the values of life and of new generations and family life which President Reagan professes to respect. We want to build a world where we find new ways to live together, instead of new ways to blow each other to smithereens. To build that world, we will use the soapbox and the ballot box. Until we build that world, we shall not be moved.

Mothers are particularly sensitive to the consequences of allowing this administration to proceed on its merry way with the production of more and more nuclear weapons. Many of us lived through World War II and know first hand the tragedy which war can visit upon a family. Will I never forget that day in 1944 when we were notified that my brother had been wounded in action—40 years later I still feel the sense of loss, especially since I watched him suffer and watched him die, and I vividly recall how I wept as his casket was being lowered into the grave. While my brother sacrificed his life for his country—what greater good would be served today by a nuclear war? World War II preserved our way of life; a nuclear war would destroy it.

Mothers are especially aware of the continuity of our civilization—the patterns of progress in the past and the potential for further progress in the future. And we understand that all that we have done to provide for the moral and physical development of our children and all that our society has achieved would vanish in the fallout of nuclear radiation. We know, too, that the extraordinary increase in defense spending which Ronald Reagan has insisted upon—an increase which is inextricably linked to our development of evermore destabilizing weapons—robs us of the ability to meet the neglected needs of children, parents and grandparents across our country. We spend billions of dollars on weapons which make us less secure, and at the same time we refuse to spend adequate amounts for food programs, housing health care, job training and education.

As a mother and grandmother, I want my children and grandchildren to have the opportunity to lead full and productive lives. I want to see an end to the nuclear arms race which threatens the future of us all.

Fortunately, we live in a country where we need not be passive spectators to the folly of our Government, especially when that folly can set off a chain of events ending in nuclear war. As mothers, as women, as free citizens of a free society, we will not bear silent witness as we are being led down a path which could result in nuclear annihilation. We must refuse to sit by passively facing this nuclear insanity—it's up to us to rise up and prevent the destruction of this planet.●

EQUAL JUSTICE IN ISRAEL

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. GARCIA. Mr. Speaker, I am submitting an editorial from the May 30 edition of the New York Times on Israel for the perusal of my colleagues.

Although, I do not agree with everything the editorial has to say, I believe the final paragraph is very revealing about the nature of the Israeli State. Israel is a democracy that works. It has a moral and ethical Government that is freely elected. There is nothing quasi about the Israeli Government.

As we reflect on our relationship with Israel, it is important to remember with whom we are dealing. Israel is not a static society full of people too frightened to speak out against their Government. It is a fluid society that scrutinizes itself even as it lives in a state of perpetual alert against regional hostility. These are important considerations to think about when evauating our relationship with Israel.

EQUAL JUSTICE IN ISRAEL

Israel has done what decency requires in the case of the two Arabs who were taken alive from a hijacked bus and then killed by security police. Without excuse or equivocation, Defense Minister Moshe Arens confirms the deed and pledges that those responsible shall be held criminally accountable. This follows a Government crackdown against Jewish terrorism aimed at Palestinians on the West Bank. Both actions help Israel demonstrate that it can hear the claims of Arabs for equal justice.

Still, Mr. Arens took action in the bus incident only after an uproar over attempted censorship. The Government tried to suppress or delay a full and truthful account of what happened when security forces stormed a bus captured by hijackers on April 12. Two of the four Arab terrorists were killed in the assault, but a news photograph showed that at least one was still alive after being taken into custody.

For circulating that photograph, and reporting that the Government had established a commission of inquiry, Hadashot, an afternoon newspaper, was closed down for four days. Under a system of self-censorship, other newspapers heeded a Government plea to further suppress the information on the ground that disclosure would jeopardize the lives of Israelis imprisoned in Arab countries. Possibly so, but censorship also served the political interests of a Government heading into a July election.

Nonetheless, this controversy would be unimaginable elsewhere in the Middle East. Try to imagine a defense minister in Syria, say, conceding that his country's security police had broken the rules in murdering detained terrorists and that prosecution lay ahead. By the standards of its adversaries, Israel has reason for pride even as it admits this lapse. By its own standards, it has reason to grieve for all the victims of this hijacking, Arab and Jew.●

A SHELTER FOR THE HOMELESS IN MASSACHUSETTS: ROSIE'S PLACE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. FRANK. Mr. Speaker, last evening many of our friends from Massachusetts who live and work in Washington, D.C. gathered to give what they could to the rebuilding of Rosie's Place, a shelter for homeless women in Boston that was destroyed by fire several weeks ago.

There are few segments of society more vulnerable than homeless women. Rosie's Place was founded 10 years ago as a place where women who had nowhere to go could stay for short periods of time. Since then, it has become a model as a successful shelter for homeless women.

The enthusiastic turnout and the generous response of those who attended last night's reception for Rosie's Place are indicative of the broad support for the contribution that Rosie's Place makes to some of the least advantaged in our society.

Mr. Speaker, at your suggestion, I would like to place in the RECORD Kip Tiernan's remarks from last night. She is one of the founders of Rosie's Place who came to Washington to be with us along with her colleagues Fran Fruelich and Rosamond Hopper-Hamersley. Her remarks bear witness to the problem of the homeless in America and the need for adequate Federal programs to combat it.

REMARKS OF KIP TIERNAN

Rosie's Place thanks the Massachusetts delegation for your enthusiastic support. We, the women of Rosie's Place are touched by the awesome response of Boston and, indeed, the Commonwealth of Massachusetts to us, after a fire we had 1 week after our 10th anniversary. Quite frankly, we are not all that surprised by the response because, despite our passion for anonymity, we are indeed a very public place in that almost all our funding comes from people who simply believe that feeding the hungry and sheltering the homeless is still a pretty good tradition. It is also an increasingly difficult gospel to witness and politic to implement. There is, despite what you may hear, extraordinary hunger and homelessness in

Boston—in fact, everywhere in this country. There are 34 million people living below the poverty level in this Nation. The loss of affordable housing and other accompanying agonizing losses of basic human needs, in this, the Land of Opportunity, begs the question—"Why?"

There are more homeless because they are poor. And poverty, as Plato tells us, consists not in the decrease of one's possessions, but in the increase of one's greed, be it private or corporate. This administration who last year suggested there was little evidence of hunger (and there was and is), this year suggests homelessness has been greatly exaggerated also, and that there is little economical evidence to support the theory that millions are homeless. This administration suggests that hunger and homelessness evidence are anecdotal.

Today on Boston Common there are 150 anecdotal bits of evidence. People who've been displaced and who are demonstrating to the city and State their need for affordable housing. Family shelters are increasing. Last week a man I knew, an anecdote, if you will, jumped to his death from a hotel he and his mother were being evicted from.

The vulnerable are all around us, and much more visible. Why? Boston lost in 6 years, 10,000 units of housing to condominium conversion. New York lost 81,000 units of private housing and the administration is winding down Federal housing for the poor.

Sheltering financing has increased to frightening proportions. New York jumped from 18 million in 1978 to shelter the homeless to 135 million in 1983.

Unless there is a substantial increase in low income housing, the cost for sheltering the homeless will be astronomical.

Housing the homeless is a matter of justice, not charity. Rosie's place, aside from trying to provide shelter for women who are unloved, unwanted, has also, we think worked very hard with low income housing advocates. We see year after year, many new women in the streets. Some of them are very old, some are young mothers. All of them share a common denominator, they are all poor.

This nation puts many more dollars into death than into life. We would like to see that turned around. Many poor women are now already paying 40-50 percent of their pitiful incomes in rent. There's not much left over for food and other amenities.

Rosie's Place is, we think, a unique place for poor women—aside from merely being a place to get the world off your back, it also provides an environment for socialization that poor women don't have. It is a place, we think, that gives dignity and respect to women. It is a place where embarrasing questions are not asked. It is a place where in many instances you can pick up the pieces and start all over again. Our fire disrupted our lives to some extent. Many of the women are still traumatized by that event. It will be awhile before we are all back in one piece again.

In the meantime, we are serving dinner every night in church and we are sheltering them in another. But we are alive and well and the flowers are still on the tables every night. We feel loved and blessed to be able to continue to do what we've been doing these 10 years. The day after the fire, guests and volunteers came to help clean the place out. The overhead subway goes by the house. That morning when they rumbled by, the subways tooted their horns in salute to us. It was very moving. It reminded me of that lovely line in Tennessee Williams' play, Streetcar Named Desire—Blanche's exit speech—"Hello, whoever you are. I've always depended upon the kindness of strangers."

That's us and that's some of you and in a little while, we become friends.

Again, I want to thank Barney, with whom I share a long history of small and lovely victories over the years—and indeed all of you who came tonight to help us restore Rosie's. We in the Christian tradition are familiar with resurrections, you know. It was only a day or 2 after the fire, when someone wrote to me "I think I hear the Phoenix flapping her wings"—So thank you, again from all of us at Rosie's Place for making this night possible.●

SISTER M. THERESA BON

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Ms. OAKAR. Mr. Speaker, on Saturday, June 16, 1984, Sister M. Theresa Bon is celebrating the golden jubilee of her religious profession at a mass of thanksgiving at Christ the King Church in Akron, Ohio. Sister M. Theresa Bon is a member of the Daughters of Divine Charity.

Sister Bon grew up in Pittsburgh, Pa. Her mother and father emigrated from Yugoslavia in the early 1900's. Bonnie Cunic Caldwell, a staff member of the Housing and Community Development Subcommittee, is Sister Bon's niece. She is the granddaughter of Barbara and Anton, Sister Bon's parents. Sister Theresa also has five sisters and one brother.

The Daughters of Divine Charity was founded in 1868 in Vienna, Austria, by a German woman—Mother Francesca Lechner.

Their motherhouse is in Vienna, Austria. Their generalate is in Rome, Italy, and the province Sister Theresa belongs to—St. Mary's—has its headquarters in Akron, Ohio.

Sister Theresa left home and entered the convent August 16, 1931. She had her initial religious formation at St. Joseph's Hill Convent in Staten Island, N.Y. On August 28, 1934, she made her first commitment or first profession of vows. On August 28, 1940, she made her final commitment or final profession also at St. Joseph's Convent. After having begun her college education at Fordham University, in New York, she studied at Duquesne University, Pittsburgh, and St. John's College in Cleveland. She completed her college education at Alverno College in Milwaukee where she received her B.S. in education.

During the past 50 years as a religious, she taught in the elementary school and CCD Centers (religious education for public school children, like Rankin) for 30 years. Sometimes she taught a grade or two and also had a public school group which she taught on Sundays or weekdays after school. During this time she was principal at one of the order's schools for 6 years. She also held such posts as provincial superior, formation directress, and administrator. She is presently working as formation directress, director of admissions for Francesca Residence and does various other office works, such as sisters hospitalization. I would like to extend my sincere congratulations to Sister Theresa for a lifetime of service and dedication to the community, the church, and God. I also would like to extend my congratulations to her niece, Bonnie Cunic Caldwell, who must be very proud of her aunt.●

EXPLANATION OF AMENDMENT BY MR. PRICE TO H.R. 5167 DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. PRICE. Mr. Speaker, during floor debate on H.R. 5167 on May 30, 1984, a series of amendments to the bill were offered en bloc by the Committee on Armed Services. The first of these amendments—"Modification of Certain Procurement Authorizations; Transfer of Prior Year Funds"—is printed on page H4958 of the Congressional Record. Because this and other amendments were offered en bloc and agreed to without objection, explanations of the individual amendments were inadvertently omitted from the Record at that time. For the purpose of establishing clear legislative history, the following explanation is provided for the Record:

Explanation of Modifications of Certain Procurement Authorizations; Transfer of Prior Year Funds

This amendment authorizes increases to procurement programs totalling $380.0 million and reduces the various procurement budget accounts by $380.0 million for a net change to the total authorization of zero.

The $380.0 million increase consists of programs previously deferred or reduced because of budget constraints.

Subsequent to passage of the authorization bill in committee, the budget revision proposed by the Department of Defense identified, by account, surplus funding not needed for fiscal year 1984 programs that was available for transfer forward as a financing offset to the fiscal year 1985 program.

The amendment thus adds $380.0 million for fiscal year 1985 programs to be financed by the transfer forward of $380.0 million of surplus funding from fiscal year 1984.

PROGRAMS ADDED

Army aircraft: +18.0 million: adds 2 UH-60 simulators.

Army missiles: +20.0 million: adds 450 Stinger missiles.

Army weapons and tracked combat vehicles: +10.0 million: adds 20 Field Artillery Ammunition Supply Vehicles (FAASV); +11.0 million: adds 55 M577A2 command post vehicles for the National Guard; and +5.3 million: adds 206 XM252 81mm mortars.

Army ammunition +7.9 million: adds 81mm mortar training rounds; +1.6 million: adds 5:56 training ammunition; and +3.4 million: adds 50 caliber training ammunition.

Army other procurement: +9.0 million: restores reduction in the High Mobility Multipurpose Wheel Vehicle (HMMWV) program, and +18.7 million: restores reduction in non-system training devices.

Navy aircraft: +60.0 million: adds 2 KC-130 aircraft and spares and support equipment for the Marine Corps Reserve.

Navy weapons: +25.0 million: adds 400 AIM-9L/M Sidewinder missiles.

Navy other procurement: +40.0 million: restores authorization for AN/SSQ53 sonobuoys.

Air Force aircraft: +150.0 million: adds 8 C-130H aircraft for the Air Force Reserve.

Offsetting Transfers From Fiscal Year 1984

	Million
Army:	
Aircraft	$30.0
Missiles	13.0
Ammunition	44.0
Other Procurement	18.0
Navy:	
Aircraft	20.0
Weapons	20.0
Other Procurement	85.0
Air Force:	
Aircraft	120.5
Missiles	15.0
Other Procurement	14.5

To summarize, this amendment provides authorization for various programs which could not be included in H.R. 5167 at the time it was passed by the committee. Subsequent to that time, DOD identified surplus funding in fiscal year 1984 programs that could be used to offset the requirement for additional budget authorization in fiscal year 1985 to fund the programs.●

JOHN ANTHONY GUGLIELME

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. KOLTER. Mr. Speaker, John Anthony Guglielme, or John G., as we all know him, is retiring from the Beaver Valley Plant of the Atlantic Richfield Corp. Chemical Co. on June 29, 1984, after 38 years of unwavering service. His unparalleled accomplishments and service at work and in the Beaver County community were always done in the most modest of ways. As one who has seen the benefits of his work, I cannot let these achievements pass without commendation.

John attended Cornell University, the Dale Carnegie School, and Texas A&M. He served 3 years in the U.S. Navy and was a former member and vice president of Local 8-74, Oil, Chemical, and Atomic Workers Union. His well-rounded education and background included courses in management, intermanagement, and fire protection.

John is chairman of the ARCO Beaver Valley Plant's Clean Team of the "Keep America Beautiful" campaign. He has been a board member and secretary of the Beaver Valley Plant's Management Club. He is also chairman of the Beaver Valley's Civic Action program, which encourages voluntary involvement in the civic and political process. As chairman, he had made that plant one of the best in the ARCO Corp. He has served as board member and assistant treasurer of the ARCO Beaver Valley Credit Union.

As one of Beaver Valley community's outstanding members, John's civic contributions has given him the reputation as one of the most caring and appreciated volunteers. John is a charter member and fundraiser chairman for the newly formed Beaver Valley Crime Solvers. He has served 7 years as a board member of the Beaver County United Way, including 1 year as president and 1 as chairman.

John has served over 30 years on the St. Peter and St. Paul Roman Catholic Church executive committee. Currently, he is president of the St. Vincent DePaul Society, having been a member for over 32 years. The society aids the poor, sick and needy in the community. Their aid consists of providing money to pay necessary bills, and to provide food and clothing.

He has served in the Knights of Columbus for 23 years, helping raise money for St. Anthony's mentally retarded school in Pittsburgh and the McGuire Home in Beaver County. So far, $1.25 million has been raised. He is a board member and past chairman of the board of St. Anthony's. He was a Grand Knight in 1961, was voted Knight of the Year in 1968 and 1973, and introduced the Christmas tree program.

Mr. Speaker, I wish to formally commend and congratulate John Guglielme on his retirement and for his continued community service. Along with the Beaver Valley community, I would like him, his wife and children to know how deeply indebted our community is for all he has done.●

TRIBUTE TO JOSEPH HALPERN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. BIAGGI. Mr. Speaker, at this time I would like to pay tribute to Mr. Joseph Halpern, an extraordinary constituent of mine who recently passed away.

Mr. Halpern, president of the Senior Citizens Coordinating Council of Riverbay Community in my home district of the Bronx, N.Y., passed away on April 15, 1984. All of us who knew and worked with Joseph are deeply saddened by his death. Mr. Halpern gave so much of himself to the senior citizen community of co-op city in the Bronx and to the senior citizen community at large; his leadership will be sorely missed.

In July 1971, Joseph and his wife Minnie moved into co-op city. Almost immediately Joe became active in the senior citizen community, and since 1971, he made many lasting contributions to the welfare and advancement of the senior citizen community—both in co-op city and throughout the city of New York. From 1971 to 1982, he served as president of the Goose Island Senior Citizen Club. As president of this organization he worked hard to make it a noteworthy and helpful club for the senior citizen community. In recognition of his forceful and effective leadership he was given the honorary title of president emeritus for life.

Early on in his work on behalf of his fellow senior citizens, Mr. Halpern saw the need for the senior citizen community of co-op city to work together in a coordinated effort to better serve the needs and interests of the elderly population. In 1973, he organized the Senior Citizen Coordinating Council which consists of delegates from the six senior citizen clubs in co-op city. He served as the council's president up until the time of his death.

As the president of the Senior Citizens Coordinating Council, Mr. Halpern worked tirelessly on behalf of the elderly community of co-op city. He was instrumental in procuring a special van to transport the elderly and the handicapped and throughout his tenure he played a leading role in obtaining Federal and State grants for programs for the elderly in co-op city. The nutrition program, which Mr. Halpern worked hard to upgrade and expand in 1977, serves a major portion of the elderly population in the co-op city area and is but one example of the valuable contribution Joseph Halpern made to the advancement of the quality of life for the senior citizen community.

Well respected among State and local officials, Joseph Halpern's work extended way beyond the co-op city community. He was appointed a member of the mayor's council for the New York City Department of Aging, by Mayor Abe Beame, then was reappointed by Mayor Ed Koch. He was also a member of the board of directors of the Council of Senior Citizens in New York City and was a member of the National Council of Senior Citizens. In addition to the many responsibilities and commitments he had to co-op city he was also one of the founding members of the committee for the betterment of section 5.

Joseph Halpern was a man dedicated to the advancement and welfare of senior citizens and he worked hard to provide the elderly community with the opportunity and wherewithal to lead a better life. He received many awards throughout his career and I am pleased that I had the privilege to present him with an award. In 1982, I had the distinct honor of presenting to Joseph Halpern the Bronx Senior Citizen of the Month Award. That award symbolized the outstanding and extraordinary work Joseph had done for the past decade both in the Bronx and the entire city of New York. Joseph Halpern was not only a valuable leader and spokesman for the elderly community of co-op city—he was instrumental in making the entire city aware of the special needs and interests of the senior citizen community and he translated that awareness into concrete and lasting action. Joseph Halpern made it possible for so many senior citizens to live a more meaningful, fulfilling, and dignified life. He served his community with vision, dedication, and integrity.

Joseph is survived by his wife of 49 years, Minnie, his son Martin, and two grandchildren. All who knew Joseph share in their sorrow and mourn their loss. Joseph Halpern was one of those few gifted individuals whose contribution to his fellow man will long be remembered.●

PROVISION TO ENCOURAGE REMINING AND RECLAMATION OF ABANDONED COAL MINE LANDS URGENTLY NEEDED

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. RAHALL. Mr. Speaker, recently, the Committee on Public Works and Transportation approved an amendment which I offered to H.R. 3282—amendments to the Clean Water Act—aimed by encouraging the coal industry to remine and fully reclaim abandoned coal mine lands.

This provision has been greatly misinterpreted and I would like to take this opportunity to clarify what it seeks to accomplish.

First, the provision would not exempt the entire coal industry from complying with all water quality standards or any standards provided by the Surface Mining Control and Reclamation Act of 1977. The amendment only addresses limited situations where a coal operator would like to go back into an abandoned mine and remine any coal which was left over.

Today, there are in excess of 1 million acres of abandoned mine lands with the vast majority located in the Appalachian region. The 1977 surface mining law created an abandoned mine reclamation program to address the problems caused by these abandoned mines, that is, mines which were not reclaimed and which were left in an orphaned state prior to the enactment of the 1977 statute. However, it is expected that this program—which is funded by a tax assessed on the coal industry—will only resolve 20 percent of the problem areas.

As such, from a water quality perspective, many of these abandoned mine lands are currently discharging pollutants and will continue to discharge these pollutants into eternity. Again, there is no responsible party for this situation and the abandoned mine reclamation program will not reach 80 percent of these areas.

The coal industry has expressed a desire to go back into these abandoned mine lands and remine any coal left over. Once remining takes place, the industry would have to completely reclaim the site in accordance with the 1977 surface mining law.

However, in many instances, industry will not do this because it would then become liable for treating the discharges from the abandoned mine site. This is either technically or economically unfeasible. It must be noted that these preexisting discharges were not created by the coal operator interested in remining the site.

Clearly, if we are to achieve full reclamation of these abandoned mine lands, industry must be provided with an incentive to remine and reclaim them. This is the thrust of my amendment.

My amendment is designed to encourage remining and reclamation of abandoned mine sites by instituting a policy of nondegradation of the water quality. The amendment basically says that if you go back and remine an abandoned mine site, you would be responsible for any new discharges created by the remining activity. You would not be responsible for discharges that were at the site prior to the remining activity. The important consideration here is that once the remining is completed, the coal operator would be responsible for completely reclaiming the land, including replacing overburden and insuring revegetation. This activity would most certainly improve water quality.

As such, we are faced with the prospect of allowing discharges of polluted water from these abandoned mine lands to continue into eternity, or with my amendment, encourage the reclamation of these sites.

It is my strong belief that this amendment would provide a means to insure that all discharges would be included in the permit area, that water quality would not further deteriorate and that abandoned mine lands are fully reclaimed.

It should be further noted that the member States of the Interstate Mining Compact support the goals of this amendment. These States are: Ohio, Arkansas, Louisiana, Illinois, Alabama, Texas, Tennessee, Indiana, Kentucky, North Carolina, West Virginia, Maryland, Oklahoma, South Carolina, Pennsylvania, New Mexico, and Virginia.

I would add that while the EPA Administrator believes the amendment to be too broad in scope, and is seeking an administrative solution to the problem, he has stated that "special measures may be necessary to encourage remining activities . . ." The Administrator has further stated that, "I understand that this amendment was designed to encourage the remining of abandoned mines, a practice that can have salutory environmental effects." It should be noted that the EPA has been considering this matter for over 2 years now, and it appears that a resolution which is national in scope will not be forthcoming in the near future.

As H.R. 3282 moves toward House floor action, let me assure certain of my colleagues, namely JIM OBERSTAR, BOB EDGAR, and MORRIS UDALL, that I recognize, although do not completely agree, with the concern that the provision may be too broad. For this reason, as my colleagues well know, I am working with some of our environmentalist friends to fashion a provision which incorporates some of their concerns. I have always found it a pleasure to work with representatives of the environmental community and I believe that our goals are one and the same in this matter—the reclamation of abandoned mine lands.●

DEFENSE AUTHORIZATION FOR FISCAL YEAR 1985

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mrs. SCHNEIDER. Mr. Speaker, after many hours of debate, the House finally passed the defense authorization bill for fiscal year 1985. When I reflect on this authorization bill in comparison with the others that I have voted on, I frankly see very little difference. During the past 4 years, the debate has been much the same—MX missiles, B-1 bombers, cruise and Pershing missiles, nerve gas and antisatellite weapons. What is surprising to me is that even though we agree that a number of these large and expensive weapons acquisitions are of questionable military value, the defense authorization continues to increase. The current authorization is twice as large as the authorization when I arrived in Congress less than 4 years ago.

I voted against the Defense Authorization, I did not cast my vote in anger—rather, I cast it with a sense that we have failed the American people. We have failed to provide them with a spending package that matches clearly stated defense needs with well articulated foreign policy goals. We have failed to provide a strict cost accountability to insure that the money spent for defense will buy quality hardware at a fair price. We have failed to consider the rising costs of maintaining and operating the equipment we already have, placing an increasing burden on the taxpayer in years to come.

This week we mark the 40th anniversary of D-day. When I read accounts of this invasion, I am struck by the incredible combination of courage and luck, planning and circumstance that resulted in the Allied success. I am also struck by how warfare has changed during the past four decades. A similar invasion today would be impossible. The cost of large-scale warfare today, in terms of civilian casualties alone, has escalated beyond the most horrible nightmares of World War II. In addition, the potential for a devastating ecological disaster as a result of a nuclear exchange has virtually guaranteed that to begin a large-scale war is to commit suicide.

During the past few months, I have received a large number of letters from constituents in Rhode Island urging me to vote against military spending. These letters are from citizens who are deeply concerned about the course that our country is taking. They are concerned about a defense budget that approaches $300 billion at a time when our country is threatened by potentially ruinous deficits. They are concerned that we have paid too much attention to acquiring weapons and too little for creating the basis for arms reduction talks. I cannot, in good conscience, repond to these people that the defense authorization considered in the House will provide for our country those elements that insure a truly secure society.

Mr. Speaker. I feel that the technology for warfare has outstripped our ability to comprehend its potential damage. While appreciating the danger that exists in our world today, I am less convinced that ever massive military expenditures represent the best path to our long-range security.●

A SKY-HIGH COMMUNITY TRIUMPH

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. BRITT. Mr. Speaker, I would like to take a few moments to relate to my colleagues in the House an inspiring story of community initiative and involvement, the story of a group of citizens who sought and met an extremely difficult challenge.

Recently an estimated 40,000 to 45,000 people converged on the city of Burlington, N.C. in my congressional district to witness an aerial extravaganza called the Central Tarheel Balloon Race. Forty-three balloonists from 13 States competed there for $9,100 in cash with trophies and a grand prize valued at $10,000. The prize value in Burlington was the largest for any balloon event on the entire east coast. And the 3-day event featured an array of other spectacular visual displays: ultralight aircraft competitions, glider and radio-controlled model airplane demonstrations, airshows and parachutist exhibitions.

Those facts in themselves made the Central Tarheel Balloon Race a phenomenal success—a tremendous entertainment event, a boon to local retailers and business people and a major promotional coup for Burlington and surrounding Alamance County. And that success is doubly amazing when one considers that this year's event, held over the weekend of May the 10th through the 13th, was the first such aerial display Burlington had ever hosted.

Much more impressive, however, than any crowd or gate receipt figures connected with the event is the extraordinary community effort that made it all happen. The Central Tarheel Balloon Race could never have been held without the skill and dedication of literally hundreds of civic-minded individuals who worked hard for the good of the entire community.

This was clearly a case in which everyone pulled together to surmount logistic and financial obstacles. The Alamance County Chamber of Commerce, local merchants, and scores of volunteers joined forces to make the event a reality.

It was the Chamber of Commerce, as prime sponsor, that coordinated the event and provided the prize money. Local merchants sponsored each balloonist, and an army of volunteers that numbered over 400 filled in wherever they were needed: in the ticket and concession booths, at first aid stations and in fire-prevention roles.

It is a great inspiration to me to see a community band together in such a spirited fashion, to look toward a difficult project with enthusiasm and confidence and turn a formidable challenge into a resounding success. As a matter of fact, organizers in the Burlington area are already anticipating the arrival of 100 to 125 balloonists for the Second Annual Central Tarheel Balloon Race next year.

My hat is off to the people of Burlington and Alamance County for the sky-high triumph of their community effort. Civic-minded pride is obviously still very much alive in this Nation.●

H.R. 3282, THE WATER QUALITY RENEWAL ACT OF 1983

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. BOEHLERT. Mr. Speaker, I would like to register my dissatisfaction with the changes that have been made to H.R. 3282, the Water Quality Renewal Act of 1983.

Simply put, the Water Quality Renewal Act has been watered down. What began as a major strengthening of the Clean Water Act—the law designed to safeguard the purity of our country's water—now embodies changes that, if enacted, would actually weaken existing law.

Critical provisions dealing with wetlands protection and water quality standards were deleted from the bill. Other damaging and costly provisions were added.

As a cosponsor of the original version of this bill, as an environmentally concerned Member of Congress, and as a Republican who believes that environmental protection should be a bipartisan cause, I want to see the quality of the Water Quality Renewal Act restored.

Several Members have announced their intention to introduce a set of amendments to H.R. 3282 that will give us a chance to make the bill environmentally sound once more.

I urge the rest of my colleagues to join me in supporting their efforts. Let us approve what we started out with—an environmentally sensible bill with broad support.●

RELIGIOUS PERSECUTION IN NICARAGUA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. LAGOMARSINO. Mr. Speaker, as the conflict rages in Central America and the opposition to the Sandinista regime mounts in Nicaragua, it is important not to forget the human suffering endured by the minority groups in that nation at the hands of

the brutal Sandinista regime. At a recent conference on religious persecution in Nicaragua the heart-wrenching plight of the Miskito and other Indian groups was detailed by Mr. Wycliffe Diego, a Miskito Indian leader. He was introduced by Faith Whittlesey.

Testimony of Wycliffe Diego, Indian Leader

The East Coast region of Nic. has long been physically, historically, and culturally isolated from the country's mainstream. The population is primarily Indian, mostly Miskito, and Black. These groups are traditionally religious—Moravian, Roman Catholic, and Church of God. Conservative in manner and keenly proud of their ethnic uniqueness. They were allowed relative autonomy even under former Nicaraguan dictator, Anastasio Somoza. Despite Miskito support for the Sandinistras against Somoza, the Nicaraguan government in 1979 embarked on a program to, as they call it, rescue the Atlantic Coast. Cuban and Nicaraguan personnel began to flood into the area. The net effect of this program, according to the human rights group, Freedom House, is to: "Deprive them of their social and cultural identity, an identity based on a communal lifestyle, a democratically based selection of leadership, and a passable way of life centered on their churches."

Almost immediately the Indians' long cherished autonomy began to fade away. This traditional and freely elected leaders were replaced with Sandinistan appointed authorities. Many were Cuban, most were strangers. The lives of the Indians were redrawn along Marxist lines.

From the outset, the triumphant Sandinistans experienced difficulties bringing the Indians under their domination. Demonstrations, some turning violent, broke out along the East coast as Indians and Blacks protested the presence of Cuban security force advisors and teachers in 1980. Beginning in 1981, thousands of Indians were evacuated from communities in an attempt to move the entire Indian population to areas under close governmental control. The reason given for this was the danger of attacks by anti-Sandinistan forces; however, the evacuations began before Contra activity along border with Honduras began in earnest.

Briefly stated, the Sandinistans have implemented a policy of Indian ethnocide. One-fourth of the coast's 165,000 Indians are either in relocation camps or refugee camps. One-half of Miskito and Sumo villages have been destroyed. One thousand Indian civilians are in prison, missing, or dead. Indian rights of self-government, land and resources have been abolished. Subsistence cultivation—fishing and hunting—are strictly controlled to the point of non-existence in many areas and access to staple foods are so limited that hunger is an everyday problem and starvation a real possibility. Many villages have had no medicine or doctors for over two years. Freedom of movement is denied or severely restricted, and in many areas canoes, the people's major means of transport, have been confiscated or their use prohibited. More than 35 communities have suffered massive Sandinistan military invasions, during which innocent civilians are subjected to arbitrary arrests, killings, interrogations, tortures, rapes, theft, and destruction of property. The Sandinistans tried to force the people to divulge the location of the Indian secret base camps and to terrorize the villagers so that they will not support or join the military resistance. The Miskitos have not accepted this situation. And with us this morning we have one of the leaders of the Indian group, Wycliffe Diego. He is cofounder of Alpromiso, an Indian organization formed in 1973 to protect Indian autonomy and tribal land from the Somoza regime. After the Sandinistas came to power, he coordinated Misurasata, a creation of the Sandinistan government to foster cooperation between the Indians and the regime. Mr. Diego is now the coordinator of the political commission of Misura, an organization comprising the Miskito, Sumo, and Rama Indian tribes in opposition to the Sandinistan regime. Will you kindly welcome to our podium today, Mr. Wycliffe Diego. Mr. Diego will be assisted by Donald Barnes from the State Department.

Mr. Diego. First of all, I would like to greet all of you on behalf of our organization of the Miskitos, Sumos, and Ramas and Drumans. At the present time, this current junction of world history—not enough is known about the Communist system throughout the world. It's not something that would surprise you, but we're always trying to bring out more information about this problem of Communists in Nicaragua.

The Moravian church came into Nicaragua on the 17th of March in 1849. Sixty percent of the Moravian church population was composed of Miskitos, Blacks, Ramas, and Sumos Indians. Twenty-five percent of this same population are Roman Catholic. The rest belong either to the Church of God or are Baptists, Anglicans, Adventists, or belong to some other denomination.

When the Moravian missionaries came to Nicaragua in 1849, they came bearing the Word of God, bearing the message to the people—the message of love. They not only brought with them the Word of God, but they also brought with them the means of educating the people and medical care. The roots of the Moravian church are in Germany. The father was called Juan Busch. The Moravian church has been in existence for over 500 years. In 1937, the Moravian church in Nicaragua built a Bible Institute in Ve Los Cardos and several pastors graduated from the Institute. And the total number of pastors that the Moravian church has in my country is 127. The Moravian church has a total of 128 individual churches along the Atlantic coast. They had two large schools, one in Bluefields and one in Puerto Cabezas. They built two large hospitals, one in Puerta Cabezas and one in Bilwaskarma. They also built several small clinics, smaller communities. In 1964, Tomas Borge came into the Ria Coco area; he went into the Moravian church in Raiti. He came in like a sheep, speaking well of church work, and the Indians believed the word spoken by Tomas Borge. And in the beginning of 1964 the Indians gave their support to the revolution. Because the Indians have been suffering for several years, under the oppression of the government of Nicaragua, and the Indians have been awaiting a vision to attain progress in the future. But then after the 1979 revolution, for the first two months, the representatives of the Sandinistan government worked hand in hand with the Indians.

In 1981, the Sandinistas burned 5,000 dwellings in Rio Coco, and 69 communities. They burned 57 churches. They are at the present time using several of these churches as local headquarters.

The Bilwaskarma, which is such a large institute, is now a barracks. The same thing happened with the rest of the churches. They killed 3 Moravian pastors, Olfilario Yutan, Mario Peralta, and Pudi Simons. They arrested eight pastors: Maurice Vidaurr, Efrain Omier, Santos Cleban, Yurintin Toledo, Sanalio Patron, Abel Flores, Serminio Nicho, Iginio Morazan, Pedro Bello, Angel Bello, Adrian Pasquier, and Finida Wilson. On December of 1983, they announced their famous amnesty, but this did not help these pastors at all. They tortured them in several ways. And they also killed two Roman Catholic pastors—Roberto Peralta and Fernando Justiniano. A total of twenty-six Moravian pastors have fled to Honduras refugee camps. Among the twenty-six Miskitos and Sumos include: Silvio Diaz, Mullins Tilleth, Genaro Bell, Nabuth Zacarias, Alberto Frais, Arnaldo Pedro, Ignacio Macdeth, Celso Perez, Donald Peralta, Milano Enriques, Daniel Gonzalez and Rodolfo Rivera. A great deal of pressure is on the Moravian church pastors in Nicaragua. They are not really free to preach their sermons as they would like. Because of the military control and pressure, not only on the Moravian churches, but on the other evangelical denominations, as well as the Catholic churches. Starting six months ago, the pastors have to present their sermons to the comandantes before they can deliver their sermon. At the present time, however, they have been allowed a certain amount of freedom to preach the Gospel. Not only that, but in my country, Nicaragua, the military exert great control over all of the people, particularly in the area of Zelaya. The Indians are not allowed to work their fields in the mountains to sow their crops, they are not allowed to fish, they are not allowed to hunt, and so on a daily basis we see young people and children and old people dying of hunger.

This is not only happening in Nicaragua. This is also happening in the refugee camps in Honduras and Costa Rica. And the children are dying daily because of hunger and lack of medicine. At the present time, there are some 20,000 Miskito Indians that have sought refuge in Honduras and another 6,000 or 7,000 in Costa Rica. And there are some 3,000 to 4,000 Indians that have either got killed or otherwise disappeared. We have searched for them in the jails and were not able to find them. At the present time, a large number of them are in jail or in concentration camps located in Nicaragua, in the Zelaya, and in the Pacific areas.

And so we have appealed to a number of government organizations and other organizations throughout the world that are devoted to the defense of human rights, organizations that speak of human rights. We said, "Where were you when the human rights of Indians are concerned?"

In 1979, when the Sandinistans came to power, they promised the countries throughout the world that they were going to defend and protect human rights. But since that time that they have been in power, they have been in constant violation of the human rights of the Indians. And so we ask that these organizations provide us with moral support because what will happen if they do not—within ten or fifteen years, all of the Miskito, Sumo and Rama Indians will disappear from the face of the earth. And that will be the fault of all of these organizations that talk so much about human rights. Throughout the world now, we find that people don't want to hear the voice of the Nicaraguan, to find out what is going on in our country. This is the end of our presentation, I will be happy to answer—to try to answer—any questions you may have.

Questions. First of all I think that these statements that have gone back and forth—these gentlemen and those gentlemen should get their heads together. Secondly, I know we're all aware that Pope John has gone throughout the world and he has said that the interest in human beings' lives—whether they are priests, human beings—whatever country, he said they must be saved. And when one of the gentlemen said that the Jewish element was weak, that's not true. We in this room know that the Jewish element and the Catholic element whenever present in a country it is because it has authority behind it, so naturally we must do away with those. But, what I'm interested in, is because I am an American Indian, is to the gentlemen—what is happening to the Indian children—the population that we know has been killed—what about that population that has been growing because they are the citizens of tomorrow, what measures are being taken to make sure that that population remains as the numbers increase?

Wycliff Diego. I would like to say that the outset, 80% of the Indian population of your country (The U.S.) supported the Sandinista revolution. As for me, I've visited several agencies in the U.S. that deal with Indian affairs; and I'd like to say out of all the peoples in the world that have suffered, the Indians have suffered the most.

That happened in the U.S. when so many of the Indians were killed—in Central America and South America—throughout the hemisphere. At the present time the white people who are coming from Russia and other areas of the world, the bombs used to bomb communities are foreign bombs. In 1982, the Sumo Indian children, 75 of them, were put on a helicopter as cargo, and they were going to be taken to another area of the country. The helicopter went down, and all of these children were killed. But you don't hear anyone in the world talking about this.

Now at the present time, the Sandinistas are taking out 13 and 14 year old boys and sending them to the border as cannon fodder. But the world is silent on this. And the Sandinista have taken away a lot of the Miskito children and Sumo away from their parents and they're in an institution being taken care of by the Sandinistas. They are not allowed to communicate with their parents. And we try and tell this to the world, but nobody seems to want to believe us. At the present time, in concentration camps we have the Miskito, Sumo and Rama Indian children dying at the rate of 15–20 per day. And every day in the refugee camps in Honduras and Mocoron and Costa Rica we have 12–13 of these children dying—every day. And if you can visit for example, the refugee camp in Mocoron, you'd see these children are running around stark naked—they have no clothing at all.

The American Indians have told the Sandinistas not to do these things. And we hope to continue to get the support of the American Indians. And as for the Church that preaches peace and love, we would like to ask you where is your love, because the world cannot exist without love. You can say all the pretty words that you wish, but without love we cannot bring peace into the world. God says that he loves you. And where is this love evidenced? There are many people in this world who show more love and respect for a dog than they would for a human being. I think you have a law here in the United States that if you kill a dog, you can go to jail . . . And I think that in Nicaragua now we have to consider people are being treated like dogs.●

FIFTIETH ANNIVERSARY OF WINE INSTITUTE OF CALIFORNIA

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. COELHO. Mr. Speaker, it is with great pleasure that I rise today to recognize the 50th anniversary of the Wine Institute of California on June 11, 1984, and its contribution to the remarkable growth and quality reputation of the California wine industry. The Wine Institute has proudly served as the trade association of California winegrowers since 1934.

As a result of its various efforts, the Wine Institute has been instrumental in the development of the California wine industry as an important factor in the State's economy. Furthermore, it has played a major role in establishing California wine as an ambassador for the State, both within this country and throughout the world. The Wine Institute has been persistent in its efforts to lessen the restrictive barriers hampering the sale of California wine in the United States and abroad.

The Wine Institute has played an integral part in bringing the California wine industry to a truly world-class stature. Through consumer education, it has been dedicated to promoting the healthful aspects of enjoying wine and its proper use as a beverage of moderation, as well as promoting the pleasures and diverse virtues that California wine has to offer.

Mr. Speaker, I'd like to take this occasion to formally acknowledge the achievements and 50 years of outstanding service of the Wine Institute to California's wine industry and to extend my sincere good wishes for the Institute's continued success in the future.●

RESCISSION OF SYNTHETIC FUELS CORPORATION FUNDING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. CONTE. Mr. Speaker, yesterday I introduced H.R. 5772, a bill to reshape the Nation's synthetic fuels program while reducing its estimated total cost by $9.5 billion.

This legislation would rescind $9.5 billion of the $19 billion already appropriated by Congress for the Synthetic Fuels Corporation. It would also limit the use of the remaining funds to those projects whose products will not cost significantly more than the projected market price of competing fuels.

Mr. Speaker, as one of the original cosponsors of legislation to create the synthetic fuels program, I have been strongly supportive of measures to permit the United States to reduce its dependence on costly, imported fossil fuels. Especially for those of us in New England, synthetic fuels appeared to be a good place to invest our energy research and development dollars.

But conditions have changed dramatically since Congress created the Synthetic Fuels Corporation in 1980. As the New York Times editorialized last week in a piece appropriately titled "The Sin in Synfuels," it is time to take another look.

As the New York Times pointed out, the Synfuels Corporation was created to hurry along production of substitutes for scarce oil and natural gas. Four years later, scarcity has turned to glut, and the Corporation has little to show for its efforts beyond a record of bad management and a whiff of scandal.

Mr. Speaker, although there are those who advocate that the Synfuels Corporation be completely terminated, I think that this is at the very least a beneficial, immediate step to be taken. At a time of astronomical budget deficits, let us rescind $9 billion, and redirect the Corporation's efforts. But let us not throw out the baby with the bathwater.

Mr. Speaker, I will be circulating a dear colleague on this measure, and urge my colleagues to cosponsor H.R. 5772.

The article referred to follows:

THE SIN IN SYNFUELS

Does America need subsidized synthetic fuels? In 1980 Congress was sure it did, and created the Synthetic Fuels Corporation to hurry along production of substitutes for scarce oil and natural gas. Four years later scarcity has turned to glut, and the corporation has little to show for its efforts beyond a record of bad management and a whiff of scandal.

The Reagan Administration is pressing, with bipartisan support, to narrow the corporation's mission and cut its funding by half. Mr. Reagan is on the right track. Congress might even be tempted to go a step further, dumping the corporation altogether and shifting control of its projects to the Energy Department.

The right answer to potential energy crises like the present turmoil in the Persian Gulf is natural fuel, stored in the strategic petroleum reserve, not synthetic. But there's still a solid case to be made for synthetic fuel development and it would be a pity if the rationale for subsidizing it were discredited along with the subsidizers.

Congress gave the Synthetic Fuels Corporation $15 billion with little guidance other than a goal of producing 500,000 barrels of liquid and gas fuel a day by 1987. Perhaps no managers could have spent so much wisely and quickly. But the second-raters appointed by the Reagan Administration clearly had little idea of how to do it—and even less about the propriety of handing out cash to companies in which they had an interest.

The corporation's defensible investments, in developing medium-scale coal gasification and shale oil plants, were inherited from Energy Department planners. There seems to have been no particular logic to the corporation's subsequent investments in virtually useless or technologically redundant facilities—except the bureaucratic urge to commit $15 billion before Congress had second thoughts. Mr. Reagan now wants to reduce the corporation's spending authority to about $7 billion and limit subsidies to projects that could produce synthetic fuels at competitive prices.

It makes sense to stop scattering subsidies for the development of technologies already well understood like heavy oil extraction. There's also no point in investing in obviously uneconomic technologies, like conversion of peat to alcohol. And it makes little sense to subsidize the construction of facilities to produce synfuels in large volume. No standby capacity can conceivably make enough fuel to offset oil lost in a short-term emergency. That's the job of the strategic petroleum reserve.

But there could be a big payoff in modest research and development of efficient coal gasification and oil shale extraction technologies. With synfuel technologies perfected, ready to go at any time of longer-term shortage, private industry could respond rapidly and minimize the dislocations in the economy.

At most, that effort can be conducted by a trimmed-down corporation with new management and senior staff. Better still, the synfuel program could be moved into the Energy Department, which has had experience and some success in R&D. The Synthetic Fuels Corporation has been a waste of money. Synthetic fuels aren't.●

HONORING THE 55TH ANNIVERSARY OF THE CONNECTICUT JEWISH LEDGER

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mrs. KENNELLY. Mr. Speaker, this month, the Connecticut Jewish Ledger celebrates its 55th anniversary. Founded as a weekly newspaper in Hartford in 1929 by two distinguished community leaders, Mr. Samuel Neusner and Rabbi Abraham J. Feldman, the Ledger has been an important source of news and information for and about the Jewish community for more than half a century.

The Ledger's success can be attributed to faithful adherence to its stated goal to be a "journal of interest to this community." It has observed and chronicled the march of history from the despair of the Great Depression to the horror of the Holocaust; from the joyous creation of the Jewish state of Israel to vigilant advocacy on behalf of Soviet Jews. It has fulfilled its mission with fortitude and precision.

Covering the Hartford and western Massachusetts area as the Springfield Jewish Ledger, the paper evolved into three weekly editions: Hartford, New Haven, and Bridgeport. Each provides unique in-depth coverage of topics of interest to its community.

Under the present leadership of publisher Shirley W. Bunis and editor Berthold Gaster, the Connecticut Jewish Ledger continues to be one of the Nation's most respected and comprehensive Jewish newspapers.

Connecticut is fortunate to have the Jewish Ledger. It has given us 55 years of dedicated service, and has enriched our community. Personally, and on behalf of its many readers, I congratulate the Connecticut Jewish Ledger on its 55th anniversary, and look forward to many years of informative reading.●

FOREIGN LANGUAGE COMPETENCY FOR AMERICAN CITIZENS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SIMON. Mr. Speaker, for some time I have been working to bring attention to, and to address, the critical need for increasing the foreign language competency of American citizens. As is noted in H.R. 2708, the "Foreign Language Assistance for National Security Act of 1983," which passed the House last February, the economic and security interests of the United States are at stake in the struggle to improve the quality and quantity of foreign language instruction and study.

The following article, which recently came to my attention, outlines the positive response of the Baltimore City public schools to the challenge posed by this issue. The Baltimore schools not only have raised their foreign language requirements, but also have been working to help their teachers provide better instruction. These efforts in Baltimore serve both as a model, and as a very encouraging sign.

I commend this article to the attention of my colleagues.

[From the American School Board Journal, June 1984]

OUR SCHOOLS ARE FORTIFYING FOREIGN LANGUAGE STUDY

(By Robert L. Walker)

Most Americans—especially students—are tongue-tied when it comes to speaking in a foreign language. Five years after a presidential commission concluded that "Americans' incompetence in foreign languages is nothing short of scandalous," most U.S. school systems are just beginning to pay renewed attention to foreign languages. (At one time a standard feature of many high school curriculums, foreign language requirements began to decline with the advent of course diversity in the 1960s and '70s.)

At the request of Education Secretary T. H. Bell, a 21-member National Advisory Board on International Education Programs recently published a report that lays the responsibility for improving the caliber of foreign language instruction squarely on the shoulders of local school systems. The 1979 commission, by contrast, had recommended a large federal role—including federal funds—to increase foreign language proficiency.

All the recent attention lavished on the subject has helped push the Baltimore City public schools to develop a more complete approach to foreign language study. In 1982, our school board adopted a plan that mandated four years of instruction in a single foreign language for college-bound students and at least one year of instruction for other high school students. What's more, every middle and junior high school student must take at least two years of a single foreign language, and an experiment is under way in eight elementary schools to teach foreign languages to fourth graders.

The cost of these measures has been difficult to figure, because once the school board decided to push foreign languages, it left principals to decide how they would shift curriculums to adapt to the new language requirements. Many simply cut out some elective courses and hired foreign language teachers with existing funds. Our best estimate is that we've spent some $146,000 in two years.

Finding and hiring qualified language teachers has been a larger problem than finding funds. Last year, we started the semester with ten spots unfilled; most of these positions were not filled permanently until the semester was nearly over. Substitutes and current staff members with any foreign language background were pressed into service during the interim. The fact that we could not find qualified teachers in a city the size of Baltimore only reaffirms the presidential commission's assertion that foreign language instruction has been dangerously ignored by schools and teacher-preparation colleges in recent years. One hopeful sign: Approximately 70 colleges nationwide have reinstated foreign language requirements for admission or graduation.

Parental response to Baltimore's language program is encouraging. Not one parent has complained, and many have written or have called to compliment the school board for its stance. What's more, the National Endowment for the Humanities recently awarded our schools a grant of $176,000 to train foreign language teachers in the next three years. The grant, awarded to the school system in conjunction with the University of Maryland (Baltimore campus), will offer intensive summer instruction to 40 teachers who want to learn techniques for teaching foreign languages.

Example: Teachers will learn to integrate music, art, and literature from various countries into language instruction, which makes the tedious points of grammar and conversation somewhat more palatable. The aim is to promote understanding of countries and cultures as well as fluency in language.

We also have scheduled inservice workshops for all foreign language teachers. Most of the cost is covered by private funding arranged through School Board Member Robert C. Embry Jr., a former assistant secretary of Housing and Urban Development.

Although the Baltimore program is in its early stages, we've already logged inquiries about it from across the U.S. School Board members and parents ask how similar programs can be set up in their schools. We tell them that our foreign language program isn't patterned exactly on the recent recommendations of the National Advisory Board on International Education Programs, but that the board's suggestions are a good starting point. The pertinent suggestions:

Local school systems should give students the opportunity to start studying a foreign language in the earliest years of their education and to continue the study of the same language until they are functionally proficient.

School systems should launch talent searches for students with high foreign language ability, and those students should be given the chance to pursue advanced study in, for example, magnet or international high schools or abroad.

Cooperation between elementary, secondary, and postsecondary schools should be strengthened, so that a student can continue study in a language from the early years through high school.

Certification of future foreign language teachers should require language proficiency and teaching ability as well as knowledge of the people, history, and institutions of the country or region in which the language is spoken.

An international perspective should be infused into all schools' basic social studies courses, including history, geography, and political science.

Textbooks in all subjects should be reviewed or revised to include a more international perspective.

All teachers of foreign languages should be encouraged to enhance their skills through teaching and studying abroad.

The national advisory board's report describes U.S. "indifference to foreign languages and cultures" as "unique among the advanced industrial countries" and a "source of national embarrassment." We in Baltimore are doing our best to avoid this embarrassment while teaching kids valuable skills.

For more information on the Baltimore foreign language program, send inquiries to The Board of School Commissioners, Department of Education, 3 E. 25th St., Baltimore 21218. For copies of the National Advisory Board of International Education Program report, write to Kenneth Whitehead, Director, International Education Programs, U.S. Department of Education, 400 Maryland Ave. S.W., Washington, D.C. 20202. And for information about foreign language and international studies in general, write to Rose L. Hayden, Executive Director, National Council on Foreign Language and International Studies, 605 Third Ave., New York 10158.●

THE AGING VETERAN AND HEALTH CARE PLANNING

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. EDGAR. Mr. Speaker, the June 2, 1984 issue of the National Journal contained a comprehensive article reviewing the challenges we face now and in the coming years in providing care through the Veterans' Administration's medical system for an aging veteran population that is rapidly growing in size and need.

The House Veterans' Affairs Subcommittee on Hospitals and Health Care, which I chair, has launched a major effort over the past 2 years to analyze this mounting crisis in order to be in a position to present concrete, long-term, solutions to the Congress. As the article suggests, these solutions must require a concerted effort to balance cost, politics, medical demand, and a continuing commitment for those who have served in defense of this Nation. Still, the VA medical budget represents only 2.5 percent of all national health care expenditures. And, despite budget increases over the years, the actual spending power of those budgets has remained fairly constant in terms of real dollars, even at a time of rapidly rising demand.

But I think it important to point out that attempting to come to grips with how we are going to provide quality health care for an aging veteran population is only symptomatic of the long-term crisis facing all American health care in providing medical services for a general population that is living longer and staying older longer than ever before. The VA is a major national medical resource. But it cannot stand alone. The challenges facing the VA must be viewed in concert with the public and private health care community as part of a national response to a growing health care crisis in America today.

The article follows:

[Health Report]

WHEN A BOOMING POPULATION OF OLD VETS CHECKS IN FOR VA HEALTH CARE, LOOK OUT

(By Linda E. Demkovich)

[In an election year, the policy options for handling the coming bulge of elderly veterans are ticklish: spending more on VA benefits or scaling back on care.]

A population boom of aging veterans is just around the corner, and no one is more keenly aware of it than the Veterans Administration (VA). Anticipating increasing demands for health care, the agency is looking for fresh approaches to nursing care and ways to rejuvenate its aging system of hospitals.

But solutions remain elusive because of the ticklish budgetary choices involved. On the one hand, there is the multibillion-dollar price tag on plans that would accommodate the medical needs of elderly veterans. On the other, there is the sure public outcry over alternative plans that would scale back benefits to a group widely regarded as deserving of public support. The clock ticks, but in this election year, policy makers are keeping conspicuously quiet about their plans for elderly veterans.

The demographics provide a preview of the coming health care crunch. In 1976, there were 2.3 million veterans 65 and older; today, there are 4 million. By 1990, the number will grow to 7.2 million and by 2000, to 9 million. Part of that increase is due to gains in longevity: in 1976, 128,000 veterans were 85 and older; next year, there will be 231,000 in that category and at the end of the century, 303,000.

Once they turn 65, veterans are automatically eligible for free health care in VA hospitals and nursing homes or under VA contracts in private and state facilities. Under the law, the agency's highest priority is to care for veterans with service-connected disabilities, no matter what their age. Others are treated on the basis of space available, with first priority given to the elderly and those who cannot afford to pay for their care.

As they age, many veterans will need a mix of acute and long-term health care that the VA medical care system, with 144 acute care hospitals and 101 nursing homes, is not equipped to provide. Those facilities average an 85 per cent occupancy rate, and in some areas there are waiting lists for VA nursing homes. Nor is the VA's budget big enough to contract with public or private providers outside the system to deliver the needed level of care. Currently, the agency contracts for nursing home care in more than 3,000 community nursing homes and subsidizes care in 48 state veterans' home.

According to an April report released by the Congressional Budget Office (CBO), outlays for VA health care could increase to as much as $15.4 billion by 1990 if demands are to be satisfied and no changes in the agency's way of doing business are made. In 1983, total medical outlays for the VA were $8.3 billion; in 1973, they were $2.7 billion. Part of the increase results from the growing ranks of elderly veterans and part from rising medical costs.

On top of that, the CBO said, the agency would have to spend $400 million by 1990—and at least $900 million by 1995—to construct new nursing home facilities. Renovation of VA hospitals would add $2.9 billion by 1990, and cutting that cost by reducing patients' lengths of stay would simply double nursing home construction costs, it said.

Aware of the system's shortcomings, the VA's department of medicine and surgery has started to coordinate its plans for providing long-term care with community and private health groups.

The outreach effort began last October, when the agency joined Harvard University's health policy division in sponsoring a conference on community responses to the needs of older veterans. In September, it is planning another conference with the American Health Planning Association, that will focus on the long-term care needs of the elderly population as a whole and try to sort out the overlaps and conflicts in the various programs aimed at helping them.

The decision to collaborate with outside groups marks a dramatic departure for the VA, which has long flaunted its independence from other federal health agencies and programs. Given the realities of the budget and the extent of the need, an agency official said, "it's critical that all of the players play together."

At the same time, attempts by the VA to develop a plan for handling the problems of the veteran population, under way for the past 18 months, have been frustrated, and there has been much finger pointing to establish the blame.

VA officials say the Office of Management and Budget (OMB) has held up release of the plan because of cost concerns. OMB speculates that someone within the VA itself—perhaps even the agency's administrator, Harry N. Walters—may have been dissatisfied with the original version of the plan and pulled it back for additional work.

Both sides suggest that the White House, which is studying health care options for veterans, has an interest in keeping the issue from surfacing before the November election.

The Administration is looking at "anything that can be hinted at to save money, no matter how much pain and suffering such cuts would cause, a VA official said. But its main aim now, he speculated, is to keep the issue of cuts in VA health care from becoming politicized. "The Democrats becoming politicised. "The Democrats will play it for all it's worth," he said, and the White House would like to avoid that at all costs.

ASSESSING THE NEED

Part of the dispute about releasing the VA plan centered around a Louis Harris and Associates Inc. survey commissioned by the VA and published last December. The survey found that veterans as a group are better off economically and socially than nonveterans of the same age. Four out of five said they had group or private health insurance, and 9 out of 10 veterans 65 or older said they were eligible for medicare.

Even so, it said, there is a small group—about 12 per cent of these sampled—who reported forgoing or cutting back on medical care in 1983 because of their inability to pay. That translates into 1.5 million medically indigent veterans nationwide; and more than a third of veterans 65 and older and in poor health are medically indigent, the survey found.

Moreover, a majority of veterans 65 and older predicted they would not be able to afford a 30-day hospital stay in another 10 years, the survey found, and "most do not believe they will be able to absorb the cost of future long-term care needs."

There is "ample evidence," it said, that the demand for such care will increase faster than demographic projections indicate. And perhaps most important, it added, is the finding that "current utilization rates of VA hospitals by aging veterans may drastically underrepresent the true demand."

Given the good reputation and convenient location of VA facilities, "it is not surprising" that 60 percent of veterans surveyed said they would use VA hospitals and medical programs if they qualified for free care, the report concluded. According to the VA, only about 25 percent of veterans 65 and older used VA facilities in 1981. The report attributed the low level of use to veterans' limited awareness of their eligibility for benefits.

Sources say that Walters wanted those numbers in the VA's report to make a case to Congress for more money. But the Reagan Administration, they say, balked at using them for fear that they would encourage pressure that would create from veterans' groups to go to bat for a considerably bigger medical component in the VA's budget.

Controversy also whirled around the options outlined in the CBO report, which encompass a range of cost-saving strategies and which the VA reportedly ignored in putting together its plan, including a proposal to restrict eligibility or reduce the scope of benefits or charge for them. OMB insisted that they be included in the final version to balance other findings; agency sources say that flap accounts for the latest delay.

Unless hospital stays at VA facilities are shortened, the CBO said, the number of beds would have to increase by 18 percent by 1990 (from 80,100 in 1982) to meet a projected 26 percent increase in patients. In the past, lengths of stay in VA hospitals have been more than double those in private facilities. Critics attribute that to inefficiency. Agency officials say that the medical condition of patients in VA facilities tends to require longer stays, as do the long distances many must travel to and from the facilities, making it difficult for them to be released pending a return check-up.

If the lengths of stay are cut, 14 percent fewer beds would be needed, the CBO said. But at the same time, 3,400 nursing home beds would have to be added within the system by 1990 (to the 9,100 available in 1982) and another 6,500 arranged for through contracts with non-VA homes.

All told, the CBO said, the demand for nursing home beds would be about 35,000 by 1990 and 50,000 by 2000, if present benefit policies continue. The "dramatic" increase, it said, is attributable to the large increase in the population of veterans who will be 85 or older.

Reducing lengths of stay would also require the VA to step up its outpatient services, from 16.8 million visits now to as many as 21 million by 1990.

If Congress decides against expanding the VA to meet the expected surge, it can pursue one of several courses, the CBO said, including streamlining the VA system by converting underused hospitals to nursing homes and putting more emphasis on less costly outpatient services, contracting for more non-VA care with outside agencies and restricting eligibility to veterans with service disabilities and those who meet a strict means test. Savings would range from $410 million to $3.3 billion in 1990, according to the CBO's estimates, depending on the options selected.

VA and veterans' group officials object to what they see as an implicit recommendation to reduce the system's capacity. In their view, the CBO's options would simply shift the taxpayer's burden from one federal program to another. "Veterans who still need care would just transfer to medicaid if they're indigent or medicare if they're lucky," a VA official said.

In fact, the CBO conceded that net federal savings would be only about a third of the amount it estimated because many veterans who would lose their eligibility for VA services would be covered by medicare or medicaid.

Another problem, said Fred Juarbe, director of the national veterans service for the Veterans of Foreign Wars, is that relying more on outside contracting is "a precursor to mainstreaming"—letting veterans get their care in the private sector with government-subsidized vouchers—and a subtle way of phasing out the VA system.

Vouchers for veterans were one of the recommendations made by the President's Private Sector Survey on Cost Control in its January report.

"It's true that caring for veterans is going to cost money," Juarbe said. But the groups feel that veterans have served their country and that the country now has an obligation—"legal but also moral and ethical—to care for them in their time of need." The single-biggest challenge the veterans groups face, he said, "is keeping the VA system intact."

MEETING THE NEED

At the same time, Juarbe conceded that "no matter how generous Congress may be, there are probably not enough resources to meet the demand."

The agency, he said, will have to look for other resources that may be made available to veterans in need of assistance, particularly in the area of home health and nursing services.

Coordinating resources is all the more important in view of the drain health costs are imposing on many state budgets. At last count, 10 states had imposed moratoriums on nursing home construction and many others have cracked down on medicaid services and eligibility, which might push more veterans into the VA sytem.

One of the major goals, an agency official said, is to avoid what he called "the empty elementary school syndrome." In 15 years, assuming there are no more wars, the population of elderly veterans will begin stabilizing. If the system is overbuilt—or too many of the wrong kinds of beds are added—many VA medical centers will be empty by the middle of the next century, he observed.

"What we're looking for," he said, "is a balance between a full array of acute and long-term care services, with a shift in emphasis toward [outpatient] care. What we don't want is a reduction of the VA's capacity that would impair our ability to take care of our geriatric imperative."

Shirley H. Wester, the American Health Planning Association's executive director, said the need for better communication is imperative. Because VA facilities are exempt from the 1974 health planning law, which created state and local agencies to review proposed construction of health facilities, estimates of veterans' needs have not been factored into many of the planners' decisions about what kinds of and how many facilities to build, she said.

If, for example, the VA wanted to reduce the demand on its facilities by contracting for adult day care, it might find that communities do not have the resources to supply it.

Wester worries about the impact on the private sector. "The scenario that I see is VA patients bumping medicaid patients," she said. That, she added, could build pressures to expand hospital and nursing home capacity at a time when the states are trying to keep such contruction in check. In her view, the VA's efforts are a welcome, if overdue, development.

The need for better coordinated health policies has not been lost on the Administration. Over the summer, a working group will begin examining the entire range of federal health programs and their economic implications. The VA will be part of the group.

"One of the things I've been concerned with," said John A. Svahn, President Reagan's domestic policy chief who will be overseeing the study, "is the tendency to compartmentalize these [health] issues. We want to pull it all together and look at health policy in total."

One of the biggest problems, another Administration official said, is "the misallocation" of care within the VA system. In some areas of the country, he said, VA facilities are turning away all but veterans with service-connected disabilities, their first priority under the law. But in other areas, he said, facilities have empty beds.

Until such problems have been assessed and the precise patient load determined, the official said, it would be foolish to lock into any plan for expanding or cutting back the system.

Skeptics speculate that the Administration's strategy will be to hold off—or at least try to temper—until after Nov. 6 any major recommendations for dealing with the VA and especially medicare, which is heading for bankruptcy by the end of the decade. The Democrats, they note, are ready to pounce at the merest hint that the Administration is considering options for scaling back such programs, and the White House is trying to put off any discussion of the issues.

That caution, they speculated, may be at least partly responsible for the delay in releasing the VA's long-term care report.

A VA spokesman says there is nothing sinister in the delays. The report, he said, has gone through the normal channels, revisions have been made—some at OMB's request—and the publication date, originally set for early May, is now slated for mid-June at the latest. The report, he said, "is intended to begin a dialogue" and perhaps stir up some controversy.

But others are less optimistic. After countless revisions, an agency official despairs that the report will "ever see the light of day."

In the view of at least one former VA official, that may be all to the good. "The problem goes beyond the election year," he said, "and none of these things have been thought through very carefully." Given the importance of the issue and the dollars at stake, he suggested, more time may be just what the doctor ordered.●

TRIBUTE TO RABBI DAVID ALGAZE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. ACKERMAN. Mr. Speaker, it is with great pleasure that I rise today to inform my colleagues of a special award presentation and convocation scheduled to take place in my district on Sunday, June 10. On that occasion, Chosetz Chayim Rabbinical College will pay homage to Rabbi David Algaze, a rising star in the Jewish community, in recognition of his admirable achievements in promulgating Jewish identity among previously uncommitted Jewish families.

Rabbi Algaze is the spiritual leader of Havurat Yisrael, a unique congregation which displays the dynamics of Jewish tradition in the highest intellectual, spiritual, and cultural manifestations. The rabbi has cultivated within his younger congregants a strong sense of belonging to their ancestral heritage, and has imbued them with values of communal responsibility. He preaches the holiness of the sanctuary, and fervently practices love for his fellow human beings. His message integrates the reverence of God with affection for His creation.

Through his personal example, Rabbi Algaze serves as a role model to his congregants, who look up to him for inspiration and guidance, and for whom he provides meaningful learning experiences on every level of scholarship. As a result, Havurat Yisrael has multiplied fourfold since its inception, a mere 3 years ago, and the rabbi's fame has spread far beyond its membership.

Therefore, Mr. Speaker, I call upon my colleagues in the Congress of the United States to join me in congratulating Rabbi David Algaze for his special achievements on the occasion of the upcoming special convocation, and in wishing him "mazel tov." The greatness of our society rests on the exemplary devotion which he so distinctively displays.●

CONSTITUTIONAL AMENDMENT TO BALANCE THE FEDERAL BUDGET

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SCHAEFER. Mr. Speaker, I would like to speak today in favor of an amendment to the Constitution to require a balanced budget. I was sworn into Congress on April 7, 1983. I came to this body with a firm and stated opposition to amending our Constitution in any but the most extreme circumstances. The Constitution has proven to be a durable document and has set the framework from which we have built the greatest Nation in the world.

Since I came to Congress, I have been through about two budget cycles. This experience has made one thing painfully apparent to me: We have no control over our budget and, regardless of what some Members will argue, there is no end in sight, unless, that is, we accept the responsibility and take action. I have the highest regard for the authors of our Constitution. But the Federal budget situation today proves that even they could not foresee all the possible hurdles our modern society would face, and I doubt that they imagined the Federal Government would, year in and year out, spend extravagantly beyond its means, incurring deficits of hundreds of billions of dollars.

Deficit spending has become an accepted practice in the Federal Government. Our national debt, the accumulation of these deficits, was $300 billion in 1962; it rose to $437 billion in 1972 and surpassed $1 trillion in 1981. In 1929, Federal spending consumed 3.1 percent of the gross national product (GNP). In the 1930's, Federal spending grew to 10 percent, in the 1940's, 15.6 percent, in the 1950's, 18.5 percent, in the 1960's, 20.3 percent. By the early 1980's, Federal spending consumed about 25 percent of the Nation's GNP.

Over one-tenth of the Nation's expenditures are thrown away on paying interest on this debt that is growing at an ever-increasing pace. The Grace Commission predicts the public debt will be up from the current level of $1.49 trillion to $13 trillion by the year 2000. This means that, in just 16 years, the Federal Government will allocate an estimated one-third of its annual budget simply to pay interest on the public debt. This, of course, will only occur if we fail to take preventive action.

After thorough review of the options we have available, I am supporting adoption of House Joint Resolution 243, called the balanced budget/tax limitation amendment. It is straightforward, only a couple of pages in very large plain type, and it makes a lot of sense. It would bring about a balanced budget.

I would like to take just a few minutes to describe how this amendment would work. First, it would require Congress to balance its budget every year. Congress would adopt a budget prior to the beginning of each fiscal year. Congress could abrogate this rule and plan a deficit only by a three-fifths vote of the total Members in each House of Congress.

This procedure is not inflexible. For instance, it would not require the budget to be in actual balance during the course of the fiscal year, so actual outlays may exceed receipts as long as they remain within the bounds of the plan. Also, if the economy performs poorly, thereby requiring increased Federal spending on social entitlement programs, the Congress would be allowed to increase planned outlays and approve a deficit by a three-fifths vote, or simply postpone spending programs or tighten eligibility requirements for entitlement programs. In the event of a declaration of war, the amendment could be waived for the years in which the declaration was in effect.

The other major aspect of House Joint Resolution 243 would prevent tax receipts from growing more rapidly than the economy and the Nation's ability to pay. The amendment would require a majority of the total number of Members in each House to vote to allow receipts to grow faster than the Nation's economic growth. The increase in national income during the previous year would establish a percentage cap on any increase in receipts the Government could collect for the coming fiscal year. If national income increased by 8 percent during the previous year, receipts could rise by no more than 8 percent. So, for the first time, the size and growth of the Federal budget and the public's tax burden would have some correlation to the overall size and performance of the Nation's economy.

Given our disastrous deficit situation, I think this is an excellent proposal and I think it will return credibility and control to our budget process.

Critics argue that we eliminate flexibility with this proposal, but that is false and, flatly, misses the whole point. We do not eliminate flexibility. We do however, and quite intentionally, make it more difficult to approve a deficit. That is, after all, the whole point behind this proposal.

This initiative would focus the spending and deficit issue on one vote rather than the hundreds of spending-related initiatives that Congress may now pass. This will make Members of Congress much more accountable to their constituents who are appalled by the Federal Government's lack of any budgetary restraint.

Critics might also argue that we should try to discipline ourselves in a way that is less drastic than amending the Nation's Constitution. That is a good suggestion, but it has been tried and it has failed miserably. Already, it is against the law for the Federal budget to be out of balance. Public Law 95-435 states that total budget outlays shall not exceed receipts, and Public Law 95-5 states that the Congress shall balance the Federal budget. Yet, these laws have been ignored, if not almost forgotten. Congress makes the rules, but apparently does not have to play by them.

How would the constitutional amendment change this situation? Even Congress is not above the Constitution, and it could be held clearly accountable if it flaunted this fundamental law of the land.

With deficits threatening to crush the life out of our economy, it is no wonder that citizens are up in arms about this issue. They are, in fact, rebelling. They are making an effort to do our jobs for us, and 32 of the 34 States required to call a constitutional convention to balance the Federal budget have made such requests. A recent poll shows that 83 percent of the people in this Nation support a constitutional amendment to require a balanced budget. What do they know that Congress does not? I guess they know that they can balance their own family budgets.

We may not approve this proposal this year, but I would suggest to my colleagues who stand against it that the opportunity to lead passed years ago, the opportunity to accept the facts and be persuaded by reason exists today, and the opportunity to cause this Nation harm increases as we delay approving changes in our budgeting system that will bring about a balanced budget.●

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday June 7, 1984

● Mr. LELAND. Mr. Speaker, on June 7, 1984, I was unable to be here in Washington due to a serious illness in my immediate family. I regret that I was unable to join my colleagues in considering H.R. 5504, the Surface Transportation Act. Thank you, Mr. Speaker.●

"A NOTION AT RISK"—BYU PRESIDENT JEFF HOLLAND ON THE CRISIS IN AMERICAN EDUCATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. LANTOS. Mr. Speaker, my good friend Jeffrey R. Holland, the president of Brigham Young University, recently addressed the National Press Club in Washington, D.C., on the crisis facing American education. His thoughts deserve the attention of those of us in the Congress concerned with the problems of education. I am placing a summary of his remarks in the Congressional Record:

A "NOTION" AT RISK: THE GREATER CRISIS IN AMERICAN EDUCATION

Education is in the news. For the past twelve months the nation has been awash in a flood of reports and studies on the state of American schools. We have seen it examined by national commissions which say the "Nation (is) at Risk" and by task forces that insist on "Action for Excellence."

Not all of the reports cover the same ground or make the same recommendations but for our purposes today, may I quote from the most publicized of them, submitted to Secretary T. H. Bell just one year ago by the National Commission on Excellence in Education. Its title is in its opening line.

"Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. We report to the American people that while we can take justifiable pride in what our schools and colleges have historically accomplished and contributed to the United States and the well being of its people, the educational foundations of our society are presently being eroded by a rushing tide of mediocrity that threatens our very future as a Nation and a people. What was unimaginable a generation ago has begun to occur—others are matching and surpassing our education attainments.

"Our society and its educational institutions seem to have lost sight of the basic purposes of schooling, and of the high expectations and disciplined effort needed to attain them."

Then to demonstrate that the "basic purposes of schooling" have indeed been lost, the Commission reports that the Japanese make more automobiles than we do, the South Koreans make better steel mills than we do, the Germans make finer machine tools than we do, and so forth. Thus we are told, our nation is at risk.

My concern this morning, after nearly a year of reading such reports and listening to them being endlessly discussed, is that while a nation may be at risk, it is manifestly clear that very important American notion is at even greater risk.

As evidenced by their conspicuous and wholesale absence from virtually every one of those reports and proposals, we have obviously relegated all the moral and civic (read "civilizing") values of education to the very back seat of the big yellow bus—if indeed they are still being allowed to ride at all—while prominently seated up front are the real necessities, those which give primacy to our economic needs, our escalating technological needs; in short those that are "unabashedly utilitarian." As Professor Douglas Sloan has said, "First a living, than art and morality; first (money for) our financially beleagured colleges and universities, then a philosophy of education."

Well, if our number one priority in this country is education devoted to economic growth, national defense, and increased productivity, important as they are, then God in His Heaven cannot help us out of the straits we are in. No wonder Amitai Etzioni speaks of the 1980's as "the hollowing of America." Meg Greenfields saw the wrongheadedness of it all when she wrote several months ago that "Education as an 'investment,' education as a way to beat the Russians, and best the Japanese, education as a way to get ahead of the fellow down the street . . . . you really do not generate the educational values that count when you stress only these external, comparative advantages."

As a nation we have lost sight of "the basic purposes of schooling," but so, it seems to me, have far too many of our educators, including many who must have responded to the honest and important inquiries made by the National Commission. Where are the Thoreauvian men and women who will strike at the root of our educational—and National—problem rather than hacking forever at the branches? Losing the significant sense of that notion has put our nation at risk. It is the greater crisis in American education, for the "rising tide of mediocrity" is in morality and manners far more than in mathematics and manufacturing.

In the new United States such personal beliefs as John Adams' "virtuous citizen and Thomas Jefferson's "moral sense" and "aristocracy of talent and virtue," were the natural values upon which the Republic was predicated. Jefferson always placed the individual first in his philosophy and framed his entire social theory in the light of the moral nature of the human being.

But none of this meant that virtue was either automatic or inevitable. It required social discipline. That is why Ben Franklin would believe that an individual, in devoting himself to his own intellectual and moral development in a disciplined way, not only insures his success in life but also determines his society's moral progress.

That moral foundation for the republic both informed and encouraged the same moral foundation for the American educational experience. Until the very last decade of the nineteenth century, the most important course in the college curriculum was moral philosophy, taught usually by the college president and required of all senior students. It aimed to integrate, to give meaning and purpose to the student's entire college experience and course of study. In so doing it more importantly sought to equip the graduating seniors with the ethical sensitivity and insight needed if they were to put their newly acquired knowledge to use in ways that would benefit not only themselves and their own personal achievement, but the larger society as well.

But the advent of the twentieth century brought decisive change: including the rise of the modern university. The ethical, social, and character concerns once central to higher education were giving way to an emphasis on research and specialized training as the primary purpose of the university. The teaching of ethics was relegated to the department of philosophy—where there was little that anyone would enroll in it.

The moral decline of higher education in the twentieth century was both representative of and cause for decline elsewhere in society, especially the primary and secondary schools. President Reagan has chosen to focus on at least one rather obvious—and universally deplored—manifestation of the present problem there. Citing a 1978 report by the National Institute of Education, he revealed that each month three million secondary school children were victims of in-school crime. Two and one-half million were, each month, victims of robberies and thefts, and more than 25,000 students suffered physical attacks. At the same time 6,000 teachers were being robbed each month, 125,000 teachers were being threatened with physical harm each month, and at least 1,000 teachers were assaulted with violence so severe they required medical care. That was 1978. A study released in 1983 suggested that the earlier report probably understated the problem.

Consider these other manifestations of the problem:

More than half of all serious crimes in the United States are now committed by youths 10 to 17 years of age.

Teachers everywhere agree that students of all ages have far less respect for authority than they once had.

There is hardly a community in America that does not face the problem of teenage drug abuse and drinking.

The age at which teenagers begin to have sexual relations gets younger all the time.

Cheating in high schools and universities has reached epidemic proportion. Says a 15 year old girl: "All my friends are cheating on tests and getting good grades as a result." In one high school 95 percent of juniors and seniors admitted cheating.

Or what of the 131 U.S. business students recently surveyed. Nearly all expected to face pressure toward unethical behaviour, and fully one half of them anticipated, not resistance to that invitation, but accommodation and compromise.

In a poll conducted for Time by Yankelovich, Shelly and White, Inc., 43 percent of those questioned found cheating on taxes "acceptable."

Well, enough of this, jeremiad. Surely some criticism from our present plight has to be directed toward me and my fellow presidents who should have been in the forefront all these years, "custodians of the nation's ideals," declaring the difference between right and wrong.

Our schools and those who teach there need support, as Secretary Bell said to the National Commission, "of all who care about the future." I suggest the following:

(1) For one thing we can all talk about and expect more and indeed demand more virtue in our lives and in our schools. The remarkable Barbara Tuchman once wrote, "Standards of . . . morality need continued reaffirmation to stay alive, as liberty needs eternal vigilance."

(2) Schools, and especially universities, have to again be keepers of what Chase calls the group memory, remembering the unity, continuity, and values which have marked the teaching of the liberal arts for nearly 2500 years.

(3) With just a little more groundwork to lay, we will be proposing a conference on the moral foundations of higher education to be hosted, if no one else wishes to do, at Brigham Young University—or even at a nearby Utah ski slope if that sounds more attractive.

(4) Lastly the parents of this nation need to care about the moral quality of their schools—K through college—because there is preciously little chance that a willing but increasingly weary band of underpaid school teachers or beleaguered administrators will have either the will or the way to do it without you. We need to put back into those civics texts the teachings that were once so central to our national experience. We've thrown accusations and insults and statistics—and have always wanted to throw—money at this problem. What we really need to throw at it is ourselves.

The task before us is staggering. The social and cultural and economic and political problems that complicate it seem nearly insoluble. It all looks very difficult and demanding and dark.

When Mother Teresa was once asked whether she got discouraged in the face of seemingly endless poverty, disease and misery in the cities of India, she said, "My job is not to succeed, but to be faithful to my mission." With so very much in the American life at risk, we ought to stiffen our educational spine and be faithful to the moral notions inherent in our mission. I pray God's blessing that we will.●

TRIBUTE TO NORMAN G. RUKERT, SR.

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Ms. MIKULSKI. Mr. Speaker, I would like to pay special tribute to one of the best loved, respected, and honored members of the Baltimore maritime community. Norman G. Rukert, Sr., president of Rukert Terminal Corp., and Baltimore historian, died on June 3, 1984. He was a wonderful friend and adviser to me. I will miss him. He was the best of what the private sector has to offer. His love of, and devotion to the city and Port of Baltimore, and his family were evident through his accomplishments outlined in the Baltimore Sun, June 5, 1984:

NORMAN RUKERT, PORT HISTORIAN, DIES

Norman G. Rukert, Sr., the maritime businessman whose affection for the old stories of Baltimore's waterfront led him to write five books about the area's history, died Sunday at his Towson home after a long illness. He was 68.

A memorial service for Mr. Rukert will be held at 2 p.m. tomorrow at St. Paul's Evangelical Lutheran Church, 1609 Kurtz Avenue in Lutherville.

Born in Baltimore, Mr. Rukert graduated from City College in 1931 when he was 15. His 51-year career as a waterfront businessman began that summer, when he went to work for his father, W. G. Norman (Cap) Rukert, as a pier laborer at the family's stevedoring and warehousing operation at Brown's Wharf at the foot of Broadway in Fells Point.

In 1947, the Rukert Terminal Corporation moved to its current location in the 2000 block South Clinton Street, directly across the Northwest Harbor from Fort McHenry. In 1961, Mr. Rukert became president of the family company.

Mr. Rukert had long had an interest in historical data and restoration, but it was not until his father's death in 1974 that he decided to act on that interest through writing.

In 1976, when his first book, "The Fells Point Story," was published, Mr. Rukert recalled how he would urge his father to record his reminiscences of the old days along the waterfront. Cap Rukert never did record his tales, however, and Mr. Rukert said he realized that "the Fells Point story hadn't ever been told. I guess I decided I'd be the man to tell it."

The same year "The Fells Point Story" was published, Mr. Rukert renovated one of the warehouses at Brown's Wharf and turned it into a private maritime museum. For this achievement, he received the Mayor's Award in 1977 and the Baltimore Heritage Award in 1979.

He restored a second building in Fells Point, an authentic late Eighteenth Century merchant's home, with the first floor serving as an exhibit hall and reception center for the Brown's Wharf maritime museum.

When Mr. Rukert began recording the history of Baltimore's waterfront, he found that the stories "just kept pouring out. That's how it all started."

So in 1978, two years after his first book was published, Mr. Rukert found himself with a second published book: "Historic Canton." By 1983 Mr. Rukert had written three more books about Baltimore's history: "Federal Hill," "the Port, Pride of Baltimore" and "Fort McHenry, Home of the Brave."

Mr. Rukert was named 1976 "Port Man of the Year" by the Junior Chamber of Commerce, and he also received a Congressional Certificate of Merit. In 1977, he received the Maritime Square Club's Bell Award for outstanding contributions to the maritime industry.

In 1979, he received the first William Fell Public Service Award for leadership in port-related industry and exemplary public service. In February, 1983, he was named "Man of the Year" by the Traffic Club of Baltimore for outstanding contributions to the transportation industry.

Mr. Rukert received an honorary degree as doctor of humane letters from the University of Baltimore in 1980. He was also a member of the board of trustees of Notre Dame School.

An avid golfer, Mr. Rukert was a member of the Baltimore Country Club and the Bear's Paw Club in Naples, Fla., as well as the Center Club and the Traffic Club. He was also a Mason and a member of the Palestine Lodge, Scottish Rite and Boumi Temple.

Mr. Rukert is survived by his wife, the former Doris Holmes; a son, Norman G. Rukert, Jr., of Baltimore; a daughter, Mary Lynne Solomon, of Atlanta; a sister, Dorothy M. Nixon, of Baltimore, and four grandchildren.●

COMPARABLE WORTH AND H.R. 5680

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. DANNEMEYER. Mr. Speaker, the issue of comparable worth is coming before the House in the near future as H.R. 5680, the Federal Pay Equity and Management Improvement Act of 1984. This bill was reported by the House Post Office and Civil Service Committee on May 31. It is a complex and controversial bill composed of three titles. Title I concerns a comparable worth study of salaries paid for predominantly female occupations in the Federal Government.

Comparable worth is a theory of sex discrimination and an alternative wage-setting policy that should be carefully reviewed. But this is not just an academic discussion. Such a new policy could cost billions and have adverse impacts. Members may begin to receive inquiries on this bill and this theory. Following is an analysis that may be useful to Members in your consideration of this bill and issue.

1. TITLE I IS NOT CURRENT LAW; IT CREATES NEW LAW

Title I is not an equal pay for equal work study of sex discrimination in Federal jobs. Title I is not as simple or as general as the committee summary sounds:

Title I mandates OPM to conduct a 7-month study on discriminatory wage-setting practices and wage differentials.

In fact, wage-based sex discrimination is defined in a new and specific way. Indeed, title I seeks to define discrimination but avoids any reference to current laws on employment discrimination.

Instead of determining if a woman is paid the same as a man for the same work, equal pay for equal work, H.R. 5680 would require that those jobs held mostly by women be paid the same as comparable jobs held mostly by men—comparable worth. Does comparable mean equal? That is the principal question.

As set forth in current law under the Equal Pay Act of 1963, comparable does not mean equal or substantially equal. In fact, the notion of comparable was specifically rejected in the legislative history of the Equal Pay Act. Under H.R. 5680, comparable means positions similar in value to an employer or society, but different in content. Under the concept of CW, a female clerical employee could demand to be paid the same as a male printer on the theory that the two jobs were of similar value to the employer or to society.

Comparable worth is not just another way to evaluate jobs. It is a new employment discrimination law that requires certain wage adjustments based on a subjective comparison of dissimilar jobs judged to be of comparable value. Under CW, any pay gap between so-called comparable, not equal, work is discriminatory and illegal. That is not the law. Under 5 U.S.C. 5101, the plan for classifying positions in the Federal civil service provides that—

> In determining the rate of basic pay which an employee will receive, . . . the principle of equal pay for *substantially equal* work will be followed. . . . (emphasis added)

In H.R. 5680, however, the standard appears to be that equal pay should be provided for persons doing comparable work.

2. TITLE I IS NOT JUST A STUDY

H.R. 5680 requires OPM in 7 months to identify appropriate measures for eliminating discriminatory wage gaps. The bill assumes that any gap between comparable jobs is illegal. The bill also specifies that such measures shall be carried out in 2 years. Finally, the bill prohibits pay cuts to equalize wage rates of comparable jobs. What is there left for Congress to do but to appropriate the funds necessary to close the assumed pay gaps? It is misleading to refer to this legislation as simply a proposal to launch a study. We are launching new law and we are required to appropriate funds to fill up any wage gap between so-called comparable work. Congress will not have the opportunity to review and to assess the practicality and effectiveness or cost of the measures which OPM may propose. The measures proposed by OPM—whatever they may be—would be put into effect by virtue of this legislation.

3. TITLE I MAY BUY US A MULTIBILLION-DOLLAR LAWSUIT

The apparent distinction between what the existing law requires and what the H.R. 5680 study would label as discriminatory raises other questions. Several years ago, the State of Washington undertook an elaborate study of its compensation practices which defined as discriminatory certain practices which were, nevertheless, in accord with the compensation system and procedures then mandated by State statute. That is, it was not illegal to pay clerical work less than some blue-collar work. When the State failed to implement the study, that is, to appropriate funds to fill up the pay gap, the State was sued. The study became the tool for proving intentional discrimination against the very State which has sought to be at the vanguard of pay equity. The State had a second study done that showed the first to be seriously in error. The judge would not permit the State to even question the merits of the first study.

The State is stuck with an $861 million judgment—$431 million in backpay, $128 million in added pension costs, and $130 million in annual wage increases. The judgment covers 33,000 State employees. If the same conditions were applied to the Federal Government, we would be stuck with raising the wages of some $1.8 billion per year and paying backpay of $6.7 billion.

This is a question which needs to be considered carefully, particularly because H.R. 5680 does appear to define as discriminatory, practices which are in accord with the Federal Government's existing compensation laws.

4. WHO IS TALKING ABOUT COMPARABLE WORTH

Jane Bryant Quinn, Newsweek columnist:

> There aren't enough courts to handle such endless battles over relative pay. . . . The concept of comparable worth is too fuzzy to work.—January 16, 1984

William Raspberry, Washington Post columnist:

> The equal-pay-for-work-of-comparable-value notion seems to me to introduce more problems than it solves. And who, by the way, will decide the value of people whose job it would be to assign value?—March 26, 1984

5. H.R. 5680 AND BLUE COLLAR WORKERS

This is one of the most sensitive issues. At the heart of comparable worth is a comparison of white and blue collar occupations. In the Federal Government, the white collar—general schedule—pay system is separate from the blue collar—wage-grade, prevailing rate—pay system. H.R. 5680 appears to permit the comparison of blue and white collar jobs. It is fair to ask if blue and white collars are going to be compared on a common basis, what will happen to the separate blue-collar pay system? Could the blue collar pay system be merged with the general schedule? Blue collar pay is set according to local prevailing labor rates. White collar pay is set on the basis of a national survey. Most blue collar employees would likely prefer a thorough review of this possibility before the Congress approves this legislation.

6. H.R. 5680 AS A PRECEDENT FOR THE PRIVATE SECTOR

The author of H.R. 5680 has made clear that his legislation is a model for the private sector. That is, if we change the rules of the compensation game for Federal employees, the push will be on for changing the rules in the private sector. That would be accomplished through H.R. 5092 on which field hearings are scheduled in mid-June.

One should ask what will happen to collective bargaining and the market factors that price jobs and provide the signal for a better job opportunity? Wages would no longer be bargained over because wages would be the product of a job evaluation system known as comparable worth. Certainly, job evaluation has played a long-time part in wage determination, but not the sole part. But the criteria used in comparable worth studies contain no reference to market forces of supply and demand. Indeed, there is a question as to whether use of supply and demand factors would be deemed illegal under this theory.

7. THERE IS AN ALTERNATIVE

There should be a study of whether the Federal pay system is discriminatory on the basis of sex. I do not oppose a study. I do oppose a study that preordains the conclusion, that invites lawsuits and layoffs. I do oppose a study that is based on new, untested policy instead of current law. Our study should seek to reduce the subjectivity of the Federal job classification system but not to eliminate market factors in pricing positions. I have developed an alternative which would ask OPM to present their findings on 1) whether the predominance of men or women is due to any discriminatory hiring or placement practice; 2) whether the salaries paid for those positions are the result of any discriminatory practice as defined under current law, and 3) whether OPM can establish an objective measure of the relative economic worth of dissimilar positions. The idea of the last section is to test whether dissimilar jobs can be compared, provided that the comparison is objective and takes into account the rightful place of supply and demand in pricing jobs. Comparable worth comparisons, as called for in H.R. 5680, exclude supply and demand and relys on subjective judgments of job worth.

COMPARABLE WORTH: AN OVERVIEW

"A Closer Look at Comparable Worth" is a good discussion of this issue. Following are excerpts:

> It was typically said that the average working woman received only 59 cents for every dollar in pay received by the average working man. More recent figures show that the average female earned approximately 66.2 percent as much as the average male. On one side of the issue, it is argued that the pay gap between males and females and the concentration of women in relatively low-paying jobs are evidence that our equal employment opportunity laws have not worked. It is suggested that our society historically has undervalued particular jobs done by women simply because that work has been performed by women. Advocates of comparable worth maintain that the development of bias-free evaluation systems could be the basis of a new . . . scheme that would assure . . . pay equity. Others argue that the issues cannot be dealt with so simply.
>
> Interest in the comparable worth issue has tended to focus on the existence of the male/female pay gap and the demand that it be eliminated, rather than on the causes of the gap and the best methods for dealing with those causes. It is essential to examine the extent to which the gap is or is not the result of discrimination by employers. The 66-cent gap is the result of gross statistics, and they are not adjusted to reflect the many factors that may influence the female-male pay ratio—seniority, outdoor-indoor work level of responsibility, quality of performance, and geographic location.

In response to those saying that the pay gap has not narrowed in the last 20 years, the Census Bureau notes:

> In part, the lack of improvement since the 1950's reflects the increase in labor participation of women from 35 percent to 50 percent in that time span. The entry of large numbers of inexperienced women into the work force undoubtedly drove down the average wages of women. Thus, there may be some improvement in relative wage rates of experienced female workers hidden in the averages for all women workers.
>
> Some advocates of comparable worth . . . point to an alleged historical bias which is said to be operating in society and in the market generally, rather than to a direct act of sex discrimination by a particular employer. But the courts have not allowed the market to excuse discriminatory actions by employers. In everyday terms, this means that the law does not permit an employer to pay a woman less because she is a woman, or because she is willing to do the work for less pay. . . . But the law does allow an employer to pay teachers less than truck drivers, so long as the difference in pay is because the jobs and the market for them are different and not because the sex of the workers is different.
>
> Gross statistical calculations do not accurately portray the problem or the solution. . . . Our policies to eliminate sex-bias in compensation are not aimed at trying to assure that the average man and woman have the same income, regardless of differences in their work and lifestyle. Rather, they are aimed at remedying the specific causes of discrimination and at assuring equal treatment of women in all employment practices.

H.R. 5680 IS NOT A DEBATE ABOUT PAY EQUITY

Pay equity, the equal treatment of women and men in compensation is not the issue. It is a goal widely shared by employers, employees, and legislators. The question is: Will comparable worth achieve pay equity? Further, title I is not a test of whether one is for women or against women. Surely, we have not arrived at a point where one cannot have reasoned debate on a very controversial issue without resorting to that kind of tactic. Should your office have further questions or comments about this bill, please feel free to contact the minority staff of the committee at 225-9370.●

ARMY-DEVELOPED TECHNOLOGY A POSITIVE ASSET

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, on May 25, 1984, a representative of my office attended a special signing ceremony at the U.S. Army Construction Engineering Research Laboratory in Champaign, Ill. This Army lab is located in my district. Dr. J. R. Sculley, the Assistant Secretary of the Army for Research, Development and Acquisition, was a major figure in the event. In this ceremony, Dr. Sculley signed over licensing rights to inventions developed by the Engineering and Materials Division of the army lab to two firms located in the Midwest. The National Standard Corp. of Niles, Mich., will begin manufacturing the army Corps of Engineers weld quality monitor. Mr. Frank Kearney led the army research team that developed the monitor. The weld quality monitor identifies the quality of a weld as it is being placed. Its use will reduce the cost of welding inspection and insure safer structures. The APS Materials Co. of Dayton, Ohio, will soon begin manufacturing the Army Corps of Engineers Ceranode. Dr. Ashok Kumar led the Army research team that developed this device. The Ceranode will prevent rusting of buried or submerged metal structures, such as underground gas and water pipes, and locks on our Nation's rivers.

Both the Army and the people of the United States will benefit from these inventions. These benefits will come in the reduced cost of this Nation's construction, the reduced cost of maintaining metal structures, and more structurally sound structures having a longer life.

These licensing agreements are a good example of how the Department of the Army can work hand-in-hand with private industry for the betterment of the Nation. By manufacturing Army-developed technology, private industry can make those technologies available to both the Army and industry alike. In doing so, industry can create new jobs and help stabilize local economies. Continued support of Army research efforts—such as those going on at the Construction Engineering Research Laboratory—is truly an investment in America through defense.●

EAST-WEST RELATIONS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mrs. BURTON of California. Mr. Speaker, I recently traveled to Europe to attend meetings of the North Atlantic Assembly with several of my colleagues. During the meetings, Senator MATHIAS delivered a fine speech about East-West relations. As you know, he is one of the most knowledgeable and insightful members of either body on foreign affairs issues. I commend the speech to my colleagues:

EAST-WEST RELATIONS

> Mr. President and Members of the North Atlantic Assembly: As I begin I would like to join the President, Sir Patrick Wall, in wishing bon voyage to Joseph Luns upon his re-

tirement as Secretary General of the North Atlantic Treaty Organization.

The subject of our discussion today, East-West Relations, is important as an issue of substance and it is important as an issue of perception.

This importance has been sharpened in my mind by the committee discussions and the private conversations that I have enjoyed at this spring session of the North Atlantic Assembly.

Some of you—and some of your spouses—have made me more aware of the issue of perceptions in East-West relationships. I understand that many young people in Europe are saying "A plague on both your houses" and view both the United States and the U.S.S.R. with a fine degree of objectivity which holds both sides equally responsible. In their eyes the United States is neither the bastion of freedom nor the guarantor of peace that we in America perceive it to be. But in this matter it is what they think, not what I think, that is important. East-West converts into West-West. So I hope that the young people of Europe will ultimately reflect that America's sins, if she has indeed sinned, are largely rhetorical—while the invasion of Afghanistan, the deployment of the SS 20's and the suppression of democracy in Poland, are actions—brutal, physical and dangerous.

But I now move to the issues of substance, because even the debate over perceptions will not postpone the need to confront the facts that our eyes will not permit us to deny.

Not a small part of the problem is to find responsible leaders in the East with whom to deal. I do not believe that the Soviet Union is falling apart and am sure that the politburo will provide adequate collective authority to maintain order and stability. But it is bad luck for the Soviet Union, shared by the rest of the world, that those universal levellers—old age and ill health—have deprived the Russians of creative leadership.

While little positive change can be expected, we must be aware of danger in such a situation. The classic resort of governments that sense stalemate at home is to engage in foreign adventures. So we must always make it clear that we are fully prepared to improve the relationship as we are not prepared to surrender the principles of freedom and human dignity.

Against the day that we shall again be able to communicate as well as to converse, we must make our terms clear to our own people and to the people of the East.

We have stated reasonable terms for resuming START negotiations and for other fora. Let us arrive at a consensus about them among ourselves while we have time to do so.

Let us maintain such dialogue as possible with the East so as to reduce the sense of isolation there.

Let us do what is possible to confirm our own credibility.

Personally I advocate ratification of the Threshold Test Ban and Peaceful Uses of Nuclear Energy Treaties by the United States.

But in all of these matters let us act together so that "Earth shall be Fair—and all her Folk be One."●

THE REVOLT OF THE NICARAGUAN PEOPLE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. YOUNG of Florida. Mr. Speaker, the revolution taking place in Nicaragua is just that, an uprising of dissatisified Nicaraguans tired of 5 years of unfulfilled Sandinista promises.

The revolution in Nicaragua is not, as some people would have us believe, a U.S. inspired revolt. David Asman, an editor of the Wall Street Journal, recently traveled to Nicaragua and documented the growing dissent in Nicaragua that has inspired the uprising of the people against the Sandinista government.

Mr. Asman wrote in the June 1 Wall Street Journal that open opposition to the Marxist regime is emerging, despite the fact that the—Sandinista—junta seems bent on stepping up attacks on opponents—be they newsmen, churchmen, or common men. He cites examples of the constant denial of human rights by the Sandinista government, the same government that upon taking power in 1979 promised to uphold the basic human freedoms such as free worship and a free press.

Instead, the Sandinistas maintain a policy of denial. They deny a free press. Mr. Asman writes that under the country's new press law, Nicaraguan radio broadcaster Luis Mora Sanchez was arrested. The nation's so called independent newspaper Le Presna is being censored by the Cubans, who are ordering that articles not selected by the paper's editors be published.

The Sandinista government continues to intimidate the nation's churches, attempting to deny the freedom of religion. Roman Catholic bishops, who have protected Sandinista policies and petitioned for peaceful negotiations between government leaders and the Contras, have been condemned and threatened by the Sandinistas.

In blatant disregard for human rights, the Sandinistas have attacked on numerous occasions the offices for the Nicaraguan Permanent Commission on Human Rights. The Commission maintains detailed records, Mr. Asman reports, of individuals who have criticized the Sandinistas government and now are reported missing or have been found dead.

The Sandinista's poor human rights record and failure to provide promised free elections and a mixed economy have spurred the Nicaraguan people to revolt. Despite this open dissatisfaction with the Government, the Sandinistas have attempted to use their propaganda network and censored press to blame the United States for the revolution. As Mr. Asman found:

> Perhaps the most important "appearance" the Sandinistas leaders have been trying to maintain is that the war with the contras is a purely external affair—a revolt orchestrated and directed by the U.S. government. This is why they reacted so vehemently against the bishop's pastoral letter. While deploring violence by both sides of the conflict, the bishops emphasized that the problem was an internal one "pitting Nicaraguan against Nicaraguan."

Mr. Asman found in his travels that Sandinistas attempts to portray the rebels as a force of U.S. inspired imperialism seem to have backfired. He said:

> Reports of U.S. support for the rebels have encouraged many in Managua with the thought that the outside world is aware of unhappiness with the Sandinistas.

Mr. Speaker, there are those who would have us withdraw our support for the Nicaraguan people who are standing up for the freedoms that were promised by the Sandinistas, but continued to be denied.

For the information of my colleagues, Mr. Asman's report of the growing Nicaraguan revolution follows my remarks.

A SPECTRUM OF NICARAGUAN DISSENT

(By David Asman)

MANAGUA, NICARAGUA.—As I was leaving the Sandino airport here, a seemingly crazed Nicaraguan grabbed me by the arm. "You stupid Americans!" he said, loud enough so that a crowd of Nicaraguans moved away from us, suspecting at least an awkward confrontation. His eyes anxiously trained on two Sandinista guards nearby, the man pulled me closer. I was unprepared for his next comment, which he relayed in a whisper, "I am not Sandinista; I am Reaganite. Most of us are Reaganites." As he said this, his crazed expression disappeared and his face became quite serious. Only then did I realize that his initial approach had been hostile to throw off any eavesdroppers. We looked straight at each other for about three seconds before he let go of my arm and faded back into the crowd.

Two days earlier, I attended a Sunday Mass at Archbishop Miguel Obando y Bravo's parish church. Msgr. Obando was in Rome to meet with the pope, and this sermon in late April was delivered by his assistant, Bosco Vivas Robelo. The small church was packed, and I was squeezed betweeen a barefoot campesino and a well-dressed woman. "Those who now condemn the church's leaders," said Msgr. Vivas, referring to Sandinista attacks on Church leaders, "should remember that when the bullets were flying in 1978 and 1979, it was Msgr. Obando who provided them with the cloak of safety." At the end of the sermon, the parishioners rose to their feet and applauded for a full minute, some shouting "Viva Obando!"

OPEN OPPOSITION EMERGING

Except for protests from a small community of dissidents, such anti-Sandinista sentiments were hard to find in Managua during a similar visit last December. However, open opposition to the Marxist regime is emerging, despite the fact that the junta seems bent on stepping up attacks on opponents—be they newsmen, churchmen, or common men:

The arrest last week of radio broadcaster Luis Mora Sanchez showed the intent of the government's new press law, which, according to the law's preamble, demands that the press "convert itself into an agent of social change." The preamble goes on to state that "the revolutionary government has the duty to guarantee that the media are not used to push back the economic, social, and political conquests that the people have achieved in the new Nicaragua." La Prensa, the country's highly censored independent newspaper, announced that the government's Cuban censors were now ordering it to *put in* articles not selected by the editors.

Roman Catholic bishops in Nicaragua were condemned by the government after they signed an Easter pastoral letter calling for dialogue between the government leaders and the Nicaraguans fighting them. Sandinista junta leader Daniel Ortega condemned the church leaders for "support[ing] the aggressive plans of the American administration against the Nicaraguan people." Such language is viewed by many here as a prelude to arrest.

Marta Patricia Baltodano, national coordinator of the Nicaraguan Permanent Commission for Human Rights, has been keeping detailed accounts of individuals who have disappeared or turned up dead after publicly criticizing Sandinista policies. She operates out of an office repeatedly attacked by Sandinista-directed mobs.

"We were against Somoza, and our son fought with the Sandinistas," says one woman after the service at Msgr. Obando's church. "And for what?" she reaches into her bag and pulls out a roll of toilet paper. "I had to wait in line for two hours to get this. Meanwhile the *comandantes* drive around in their BMW's and relax in their beach houses. Now we have nine Somozas instead of one, and we are left to wait in line for a roll of toilet paper." Why doesn't she leave? "Where could we go? We're not rich. We have no relatives in the States or Costa Rica. Besides, we worked for years to buy our house. It's all we have. We can't leave what we struggled all our lives to get."

"The greatest miscalculation of the FSLN [Sandinista Front for the Liberation of Nicaragua] leaders," says a Managuan businessman who does contract work for the government, "was forcing all non-Sandinista elements out of the government too soon. If they had kept them in a little longer, they could blame the whole mess on the non-Sandinistas. Now everyone knows there's no one to blame but the FSLN."

Mario Rappaccioli, president of the Nicaraguan Democratic Conservative Party, reports that virtually all vestiges of the private sector have been eliminated in Nicaragua, despite Sandinista claims to a "mixed economy." Says Mr. Rappaccioli: "If the Sandinistas want to take over a company completely, they just leave up the signpost with the former owner's name. They are very conscious of appearances around here."

Perhaps the most important "appearance" the Sandinista leaders have been trying to maintain is that the war with the contras is a purely external affair—a revolt orchestrated and directed by the U.S. government. This is why they reacted so vehemently against the bishops' pastoral letter. While deploring violence by both sides of the conflict, the bishops emphasized that the problem was an internal one "pitting Nicaraguan against Nicaraguan. . . . It is dishonest to constantly blame internal aggression and violence on foreign aggression. It is useless to blame the evil past for everything without recognizing the problems of the present."

While few Nicaraguans living in the country are willing to voice public support for the contras, Sandinista attempts to portray the rebels as a "force of U.S.-inspired imperialism" seem to have backfired. Reports of U.S. support for the rebels have encouraged many in Managua with the thought that the outside world is aware of unhappiness with the Sandinistas.

At his headquarters in Tegucigalpa, Honduras, FDN (Nicaraguan Democratic Force) leader Adolfo Calero Protocarero claims his force of 8,000 contras is gaining strength as a result of extreme dissatisfaction within Nicaragua, not because of Central Intelligence Agency recruitment. Says Mr. Calero: "FSLN policies are responsible for our success. All the Sandinistas offer the people is the glory of sacrificing more for the revolution. But the revolution has become a symbol of misery. Every day our job becomes easier as the Sandinista army troops lose more of their will. They are asking themselves what they are fighting for."

Mr. Calero, who was once jailed by Somoza, claims the FDN isn't tied to the old dictator's regime, although a few of his fighters and commanders are former members of Somoza's National Guard. "Somoza is a dead Mafia chieftain who left no successor," he says.

Referring to the ARDE (Democratic Revolutionary Alliance) rebel forces in southern Nicaragua—headed by disaffected Sandinista leaders Eden Pastora and Alfonso Robelo—Mr. Calero adds, "We happen to be supporters of the free market, while Pastora and Robelo are socialist-minded. But we [the FDN and ARDE] could both operate within a democratic system where the people could choose which system they preferred. Now there is no choice within Nicaragua."

ARDE's Mr. Robelo, speaking at a restaurant in San Jose, Costa Rica, says, like the FDN in the north, supplies fail to keep up with the growing number of recruits. "We have 100 new men joining us a day," he claims. Admitting that "some of our money probably comes from the U.S. government," Mr. Robelo is curious why this should bother anyone. "I must have had over 250 interviews when we were fighting against Somoza in '78 and '79, and not one reporter asked us where the money was coming from then. After the revolution, Daniel Ortega told me that $12 million came from 'our Salvadoran cousins'—which meant it came from the criminal activities of the Salvadoran guerrillas. Now how is it that U.S. taxpayers' money is considered dirtier than money that comes from kidnappings and robberies?"

Of more importance than direct U.S. funding for ARDE may be the question of whether it will be able to coordinate military actions with the forces of the FDN and the 2,000-man Misurasata contra forces, composed of Nicaraguan Indians. (A report in yesterday's New York Times that ARDE has decided officially to join forces with the FDN was denied by ARDE official Alvaro Hares. Contacted in Costa Rica yesterday, Dr. Hares said that while negotiations continue between the two rebel groups, they are no closer to resolving their differences.)

The FDN's Mr. Calero sees Eden Pastora's refusal to deal with his group until it fires a few ex-Somoza Guardsmen as a large stumbling block to unification. Says Mr. Calero: "These are not people who participated in atrocities against the people; we don't allow those type in our force. They are good commanders who are effective fighters and military leaders."

Likely to complicate matters further was the bombing on Wednesday night of ARDE's military command post during a news conference held by Mr. Pastora. Five people were reported killed, and Mr. Pastora himself received minor injuries. In a recording released to the press yesterday, he said the extreme right and the Sandinistas would blame each other for the blast, but that he didn't yet know who was responsible.

ENORMOUS SUPPORT

Whatever the outcome of bickering among the leaders of the Nicaraguan rebel factions, both forces have enormous support among the many thousands of refugees displaced by the fighting within Nicaragua. In one refugee camp outside the town of Tilaran in northwestern Costa Rica, about 3,000 Nicaraguan campesinos are united in their hatred of the Sandinistas and their support for the contras. Younger men claim they were threatened with death if they refused to join the Sandinista army, and some show scars that they claim were inflicted by Sandinista torturers asking for information about contras. Nearly all the men between the ages of 18 and 30 say they fought with ARDE forces for a time. One telltale sign that many have seen action can be seen in their footwear: the familiar black Sandinista-issue boots, stripped from dead Sandinista soldiers.

What the Nicaraguan refugees want most, however, is to see an end to the conflict so that they can return home. One toothless black woman from the area of Nicaragua known as Bluefields says she left her mother and walked alone in the jungles for eight days to escape from an area of fighting. Her mother stayed behind saying she was born in the area and would die there. Speaking the Caribbean English common to those living on Nicaragua's east coast, the woman explained why she believed the fighting would stop soon: "Them Sandinista men only gets fighters by threats. We fight back with spirit. Everyone here in the camp knows they'd have to kill us all to kill our spirit."●

HIGHER EDUCATION ACT OF 1965

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SIMON. Mr. Speaker, I would like to bring the following Washington Post editorial to the attention of my colleagues. I believe it illustrates some very important principles—ones which are embodied in the legislation I put forward earlier this year which would have reauthorized the Higher Education Act of 1965. This editorial both points out the importance of insuring access to higher education, and demonstrates, by example, the incredible personal strides individuals can make when educational opportunities are made available to them. Most importantly, such individuals as these, because they have been allowed access to postsecondary education, will be able to make exceptional contributions to our society.

The article follows:

[From the Washington Post, May 26, 1984]

GOOD NEWS GRADUATES

If a holiday weekend and fine weather aren't enough to brighten your day, there's more good news from the graduation circuit. Last week Ensign Kristine Holderied graduated from Annapolis at the top of her class, the first female in any service academy to do so. This week, The New York Times has highlighted the accomplishments of two New York graduates whose stories deserve wide circulation.

Chi Luu, who is ethnic Chinese, arrived in New York in November 1979. He had left Vietnam as one of the "boat people" escaping that country and spent five months in a refugee camp. Within a year, Mr. Luu had entered City College, studying, working part-time in a can factory and improving his English. On Tuesday, he graduated as valedictorian of his City College class with a straight-A average in his major, engineering, and only a single B, in freshman English. Apparently it runs in the family, for Mr. Luu's four brothers have also won academic honors. The young men and their parents live together in a one-bedroom apartment next to the elevated train in Queens.

Mary Groda-Lewis, illiterate and desperately poor at 16, was frequently in trouble with the law. By the time she was 21 she had spent two years in one reform school and six months in another. She was unmarried and the mother of two children. On Thursday, she received an M.D. degree from Albany Medical School. She was awarded three prizes at graduation, one of which praises her "outstanding sensitivity and commitment to humanistic values in her dealings with patients." Dr. Groda-Lewis, who as a child was a seasonal farm laborer, will complete a residency in family medicine and then fulfill her obligation to the federal government which provided financial assistance in medical school—by working on an Indian reservation.

Who knows what special attributes of character and will inspire Mr. Luu and Dr. Groda-Lewis to work so hard and overcome so much? In fact, you don't need to answer that quesion to know that there are two more that do require answers. How can we encourage and assist others at least to try to do as well as these students? And how can we make sure the opportunity for them to do so is there?●

THE ITC SHOE DECISION REQUIRES LEGISLATIVE RESPONSE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. BOEHLERT. Mr. Speaker, I was disappointed to learn of the International Trade Commission's decision yesterday to oppose the reimposition of quotas on nonrubber footwear. This is a serious defeat for the hundreds of thousands of footwear workers whose jobs are in jeopardy because of the unfair onslaught from foreign shoe manufacturers.

I am as leery as anyone about the imposition of trade restrictions. But the shoe industry's situation cries out for a temporary remedy. Foreign manufacturers have captured almost 70 percent of the domestic market, in part because of unfair trade practices, and the unemployment rate in the industry is close to 20 percent. Companies in my district have laid off as much as a quarter of their work force.

It is unreasonable to look solely at aggregate figures on industry profits as the ITC did. That overlooks the problems of many struggling companies and the enormous human cost of the industry's extraordinary unemployment rate.

The relief we are seeking, first through the ITC, now through legislation, is reasonable, and will continue the pressure on the shoe companies to modernize. Permitting foreign companies to capture up to half the U.S. market still allows for competition.

I urge my colleagues to support the bill just introduced by Congressman MCKERNAN and Congresswoman SNOWE, and I applaud them for reacting so swiftly to this regrettable decision by the ITC.●

NATIONAL DRUG ENFORCEMENT OFFICERS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. GILMAN. Mr. Speaker, the International Narcotic Enforcement Officers Association (INEOA), which consists of 7,500 law enforcement officers from all levels of government throughout our Nation and throughout the world, was founded 25 years ago. The INEOA held its first meeting in Albany, N.Y., in October 1960 and is returning to that city during the week of October 7, 1984, to celebrate its 25th annual international conference.

Today, the distinguished gentleman from New York (Mr. RANGEL), chairman of our Select Committee on Narcotics Abuse and Control, and I, as ranking minority member of the select committee, are introducing House Joint Resolution 588, that would designate the week of October 7-13, 1984, as "National Drug Enforcement Officers Week" to pay tribute to the good work and dedicated efforts of the INEOCA and all law enforcement officers who daily risk their lives combating narcotics trafficking both in the United States and abroad.

Accordingly, Mr. Speaker, we are inserting at this point in the RECORD the complete text of House Joint Resolution 588 and urge our colleagues to support this resolution:

H.J. RES. 588

Whereas drug trafficking and abuse is an enormous human tragedy and an ever-growing political, economic, and social problem in the United States and around the World;

Whereas narcotics and other dangerous drugs present a threat to each and every individual;

Whereas drug abuse prevention efforts result in the direct saving of lives;

Whereas the full power of Federal, State, and local governments must be mobilized to provide effective law enforcement, rehabilitation, treatment, and prevention programs;

Whereas numerous law enforcement organizations are deeply committed to combating narcotics trafficking and drug abuse;

Whereas the International Drug Enforcement Officers Association is an organization composed of 7,500 narcotic enforcement officers, government employees, and other citizens concerned with narcotics control;

Whereas the International Drug Enforcement Officers Association has, since its founding in 1960, worked to improve international, national, State, and local laws relating to narcotics;

Whereas the International Drug Enforcement Officers Association provides a forum for the exchange of ideas on the control of drug trafficking and abuse and disseminates materials on the prevention of narcotic addiction and drug abuse;

Whereas the International Drug Enforcement Officers Association is convening its 25th Annual International Drug Conference in Albany, New York, during the week of October 7, 1984: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 7, 1984, through October 13, 1984, is designated as "National Drug Enforcement Officers Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.●

NATIONAL VACCINE-INJURY COMPENSATION ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. WAXMAN. Mr. Speaker, today I have introduced the National Vaccine-Injury Compensation Act. I am joined in this effort by several colleagues from both sides of the aisle.

The bill is the beginning of what I expect to be a long congressional discussion and debate of the public and private duties to children who are injured by vaccinations. Let me say at the outset that I do not believe that this bill is the answer to these complex questions, but I do believe that it represents a starting point for serious consideration of our social obligation to prevent illness and to redress incident injury.

The childhood immunization program, administered by the Centers for Disease Control, has been a phenomenal success. Despite rising costs and limited Federal dollars, more children than ever before are protected from such diseases as polio, measles, and whooping cough. These diseases cripple and kill. It is vital that we continue the Nation's immunity to them. We cannot allow children to die of diseases that should never occur and we cannot afford to treat children for crippling conditions that we can prevent.

Much of the success of this program arises from the immunization initiative that encouraged the States to require full immunization of a child before admitting him or her to public school. All 50 States now have such requirements.

But vaccines are not perfectly safe. Under the best of circumstances, currently used vaccines can be predicted to cause a certain number of side-effects, injuries, and even deaths. The relative number of such injuries is small when compared with the severity of disease outbreaks and epidemics. But however small the number may be, the simple fact is that we know some children will be hurt.

The particular tragedy and the paradox of vaccine injuries is that these children really are hurt in the line of public duty. They are required to receive vaccinations not just for their own protection but also for the group immunity necessary to protect the population and for the benefit of a society that must avoid the prices of disease treatment.

The bill I am introducing outlines a type of system for the compensation of those injured by vaccines. This proposal arises from extensive discussions between the American Academy of Pediatrics and groups of parents whose children have been affected by vaccines. I would like to give my special appreciation to Jeff Schwartz of Dissatisfied Parents Together for his dedicated leadership on this measure. His thoughtful and evenhanded efforts to make responsible policy have been a model of legislative advocacy as it should be.

I recognize that there are many points within this bill that must be deliberated. The Subcommittee on Health and the Environment will begin such deliberations in the coming months.

But I hope that deliberations will also begin throughout the health community, and I would urge my colleagues to consider the goals of the legislation.●

ACID RAIN BILL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. GREEN. Mr. Speaker, during the past year, I held an environmental town meeting in my district. The number of concerned constituents who turned out for the October meeting was staggering. The numbers only served to strengthen my conviction that acid rain was fast becoming the No. 1 environmental concern of our citizenry. It was due to the interest expressed at this very successful town meeting that I decided to sponsor another district meeting on the same topic. This meeting will take place in Manhattan this weekend and a similar turnout, if not larger, is expected.

All of this constituent concern, however, has had little effect when translated into congressional action. As we all know, H.R. 3400, an acid rain bill which mandated, in Mr. Dingell's words "a nationwide financing bill * * * but not a nationwide control bill," was defeated in subcommittee by a 10 to 9 vote. Although I agreed with many aspects of H.R. 3400, I found that I could not support the legislation due to a major flaw in the financing mechanism of the bill. As a Member of the House of Representatives whose constituents pay the Nation's highest utility rates and whose constituents receive the brunt of the destructive after effects of acid rain fallout, I could not support a measure which would further increase my constituents' utility bills. To ask my constituents to absorb the cost of cleanup when they already pay exhorbitant utility rates and to exempt States which depend primarily on nuclear energy, as H.R. 3400 did, is highly discriminatory.

I have, therefore, introduced my own bill, H.R. 5590, which calls for a 10-million-ton reduction in sulfur dioxide emissions SO_2 and a 4-million-ton reduction in NO_x emissions. My bill leaves the method of acid rain mitigation strategy up to the individual State, so long as the State meets its quota for acid reduction. A State's percentage of reduction will be equal to its percentage of nationwide emissions. My bill calls for the elimination of the percentage reduction figures in the Clean Air Act and replaces it with a provision which calls for the Administrator of the EPA to compute the total annual emissions of sulfur dioxide during the calendar year 1980 from all fossil fuel fired electric generating plants which are located in the 48 contiguous States and which, during the calendar year 1980, emitted sulfur dioxide at an annual average rate in excess of 1.2 pounds per million Btu's. By making it economically feasible for low sulfur coal to be used to meet a State's reduction quota we could bring into the clean air coalition those Western States which produce low sulfur coal.

As H.R. 5590 calls for State determination of emissions mitigation strategy, the bill provides an excellent vehicle to work in conjunction with the recently passed House version of the HUD-Independent Agencies appropriations bill. The HUD-Independent Agencies Subcommittee, of which I am the ranking minority member, included in its recently passed appropriations bill a provision recommending an increase of $5 million for air program section 105 grants to develop the technical and institutional framework for future acid rain control strategies. This addition to the HUD-IA appropriations bill is intended to fund State activities such as emissions inventories, deposition data collection, and evaluation of potential control actions. Up to $1 million may be used at the Administrator's discretion for development of model State acid rain plans.

As acid rain fast becomes our Nation's No. 1 environmental worry, I will fight hard to insure the passage of my bill, H.R. 5590. I would like to take this opportunity to solicit the support of my colleagues in the House in support of this bill. It may not be too late to pass acid rain control legislation this session if we all join together behind this fair and equitable piece of legislation.●

FIGHTING ILLITERACY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. WEISS. Mr. Speaker, I would like to bring to your attention the outstanding efforts of a group of Americans in combating what may be America's least recognized tragedies: Illiteracy.

The shocking reality is that one out of every five adult Americans is functionally illiterate. This means that 26 million Americans cannot read the directions on household products, fill out a tax form, or understand a car manual. An additional 30 million Americans are only marginally literate, meaning they can read and write only at the simplest level. Even in the United States, illiteracy is a fact of life for a substantial segment of the population.

However, there are some Americans who are unwilling to allow the plight of their illiterate brothers and sisters to go unnoticed. Capital Cities Television Productions recently produced a moving television documentary on the problem of illiteracy in the United States. They were joined by 170 commercial television stations and hundreds of locally based literacy groups in a coordinated effort to educate the public as to the magnitude of the illiteracy problem.

Hosted by entertainer Johnny Cash, the Capital Cities documentary, titled "Can't Read, Can't Write," related the experiences of illiterate Americans across the country, from sugarcane plantations in Louisiana to cities in the industrial Northeast. The program also examined the politics and economics of illiteracy, including an interview with Secretary of Education Terrell Bell.

But the producers of "Can't Read, Can't Write" as well as the participating television stations and literacy groups were not content merely to point their fingers at a problem that demands our attention. Their efforts were aimed at providing a forum for action as well as information. The documentary featured a toll-free illiteracy hotline which was flashed at regular intervals during the program. Viewers interested in becoming involved with local literacy efforts were encouraged to phone in. This hotline has already put 7,000 callers—60 percent of whom volunteered to teach others how to read and write—in touch with local literacy groups.

But this is not all. Thousands of other concerned citizens phoned local hotlines created by the television stations in conjunction with local literacy groups across the country; 170 different television stations, representing 96 percent of the Nation's television households, carried the documentary. And nearly three-quarters of these stations chose to enhance the impact of "Can't Read, Can't Write" by coordinating local promotions of the literacy theme in their own communities. These efforts included locally produced specials on illiteracy, community literacy drives, and public affairs programing to further highlight the literacy issue.

There was also participation from the business community. B. Dalton Booksellers, which has its own national literacy initiative, distributed posters promoting "Can't Read, Can't Write" to all 720 of its retail stores, and copies were made available to local libraries. And Pratt & Whitney joined in sponsoring a volunteer drive with literacy groups in Connecticut which was aimed at signing up tutors.

The efforts of Capital Cities Television Productions and the participating television stations, literacy groups, and businesses have complemented the work of other volunteer literacy campaigns around the Nation. The second lady, Mrs. Barbara Bush, has devoted considerable energy toward focusing attention on this largely hidden problem. The Coalition for Literacy, an association of 11 private organizations, is one example of the trend toward cooperation among the Nation's private literacy organizations. The coalition, which includes the American Library Association, B. Dalton Booksellers and Literacy Volunteers of America, Inc., is attempting to combat illiteracy on the national level, the first such effort of its kind. The coalition is joining with the Advertising Council in a 3-year drive to raise money, educate the public, and recruit volunteers. It has already established a toll-free hotline that will refer callers to local literacy programs.

In addition, a new foundation has been created to get businesses involved in the fight against illiteracy. The Business Council for Effective Literacy, which was founded by McGraw-Hill, Inc., will seek to provide research and technical assistance to companies and will coordinate privately sponsored literacy programs.

These combined efforts will not only help lower the level of illiteracy in our country, but they will go far toward resolving other key problems we currently face. For instance, a striking correlation exists between illiteracy and unemployment; 75 percent of all unemployed persons have inadequate reading and writing skills. Clearly, efforts to eliminate illiteracy will also help eliminate unemployment.

Moreover, about 75 percent of persons who have been imprisoned have not finished high school. Fully 85 percent of all juveniles who go to court are functionally illiterate. Each year $6.6 billion is spent to keep 750,000 illiterates in jail. These figures suggest that reducing illiteracy will also serve to reduce the substantial social costs of crime in the United States.

Illiteracy only compounds the problems experienced by minorities in the United States. The black community has an illiteracy rate that is twice the national average, and Hispanic Americans have an illiteracy rate that is three times greater than the national average.

It is clear that illiteracy is a one-way ticket to a limited future. It also results in a substantial social burden to our entire Nation. For these reasons, the highly successful efforts of Capital Cities Television Productions in creating "Can't Read, Can't Write," along with the efforts of the participating television stations, literacy groups, and socially minded businesses deserve our highest commendation.

These groups were concerned not only with educating the public about a problem whose scope is little known, but with mobilizing the public to act. Already, thousands of citizens have been moved to volunteer their time to teach others how to read and write. And the result of these activities will not only enrich the lives of those who could never before experience the joy of reading a book or writing a letter, but it will contribute to an improved standard of living for all Americans.

Mr. Speaker, Capital Cities Television Productions and all those who cooperated in broadcasting the documentary "Can't Read, Can't Write" have demonstrated that television is not just a form of passive entertainment, but a force for social change. And they have demonstrated that people can make a difference if they seek creative solutions to pressing problems. We can only hope that more Americans will be inspired to join in similar efforts to help correct our Nation's most pressing problems.●

ALBOSTA INTRODUCES VETERANS' PREFERENCE BILL

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. ALBOSTA. Mr. Speaker, the month of June has given Americans the opportunity to reflect on events in our Nation's history, which some would rather forget.

On Memorial Day, America paid a long-overdue tribute to those who served, and lost their lives, in the Vietnam war, by interring the remains of an unidentified serviceman in the Tomb of the Unknown Soldier. Americans reflected on the 40 years since the American invasion of Normandy—D-day—which changed the course of World War II. Forty years ago this month, Congress passed the GI bill of rights, to address problems faced by veterans returning home from the war. And June also marks the 40th anniversary of the Veterans' Preference Act of 1944, a comprehensive package of benefits passed by our predecessors in Congress, to provide veterans secure employment opportunities with the Federal Government.

In passing the Veterans' Preference Act during the 78th Congress, the Committee on the Civil Service noted that "the Federal Government should set the pace" in affording reemployment and rehabilitation to veterans. I can think of no reason why the 98th Congress should not continue to uphold this precedent—a precedent which clearly demonstrates that our Government should take the lead in assisting those who have sacrificed for the principles on which our Government was built. Rather than forget the reasons for passage of the Veterans' Preference Act, it is a fitting time to reaffirm our commitment to those who have served our country in times of national crisis, and insure a continuation of the act's original intent.

That is why today I am introducing legislation which I believe preserves one important aspect of veterans' preference. Title V, section 3310, provides that competition for the positions of guard, messenger, elevator operator, and custodian, in the civil service, will be restricted to veterans' preference eligibles, as long as preference eligibles are available. However, in recent years, the opportunity for veterans to obtain secure employment in these four restricted positions has been decreasing. A major reason for this is the conversion of many of these positions to contract performance.

Many of you know that, as chairman of the Subcommittee on Human Resources, I believe the Federal Government must look for ways to cut its spending, so that our tax dollars are spent in the best way possible. For certain Government activities, contract performance may prove to be more cost effective. Nevertheless, we cannot forget this Government's long-standing commitment to our Nation's veterans—a commitment which recognizes the unique contribution these men and women have made to our country. To ignore a special protection we afforded our veterans during a time of national crisis, would be to turn our backs on them when times are easier. And yet, America is the strong Nation it is today, precisely because many of its citizens sacrificed easy todays for better tomorrows.

The bill I am introducing provides that Federal agencies may not separate a veterans' preference eligible from the position of guard, messenger, elevator operator, and custodian, because of a contract award. The bill also gives priority to preference eligibles when vacancies occur or new positions are available. I realize that sheltered workshops for the handicapped have expressed concern about the impact of a blanket prohibition on contracting out these positions, on their ability to contract with the Government for certain services. I am confident that this bill favorably addresses these legitimate concerns, while still upholding the original intent of the Veterans' Preference Act.

I am honored to be joined in introducing this legislation by many distinguished Members who have consistently demonstrated their commitment to veterans. I am hopeful that, as we pay tribute to our veterans in many ways this month, all of our colleagues will support this opportunity to say, "We have not forgotten."●

IN RECOGNITION OF THE McNAIRY COUNTY BOARD OF EDUCATION FOOD SERVICE DEPARTMENT

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SUNDQUIST. Mr. Speaker, I would like to call to the attention of my colleagues an innovative food service operation being implemented in my congressional district by the McNairy County Board of Education. This unique Food Service Department is the first in the Nation to provide an atmosphere of elegance in all eight of its cafeterias, through interior decorating equal to the finest of restaurants. It has been made possible through cost management efficiency utilizing many saving practices such as centralized purchasing, bookkeeping, menu-planning as well as full-time maintenance personnel.

Even more impressive is the fact that the McNairy County Food Service Department is now receiving national recognition as a model operation. Slides depicting the cafeterias and their operations have been shown in Atlanta at the Southeastern regional procurement meeting for eight participating States; in Washington, D.C., as part of a Department of Agriculture briefing; as well as throughout the States of Tennessee, Alabama, and Florida. In addition, visitors from USDA in Atlanta, the State Department of Alabama, and from all over Tennessee have come to gather ideas to carry back to their own systems. In fact, many of the visitors have begun to implement McNairy County's ideas within the past year.

So today I want to commend the McNairy County Board of Education Food Service Department for their remarkable approach and encourage my colleagues to inform the boards of education in their respective districts to consider implementing the new and unique methods utilized by McNairy County.●

FIFTIETH ANNIVERSARY OF MIGRATORY BIRD HUNTING AND CONSERVATION STAMP

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. CONTE. Mr. Speaker, American conservationists today are making measurable progress at the local, State, and national levels in campaigns to halt the sustained annual loss of nearly 500,000 acres of valuable wetlands. The concern for the preservation of these marshes, bottom land forests, and other wildlife habitat is not new. Efforts have been underway since the early 1900's, when conservationists first began to recognize that commercial, industrial, and agricultural development presented a clear and significant threat to untold numbers of wildlife and their habitat.

The turn of the 20th century marked the beginning of a serious 30-year decline in America's waterfowl populations. Once abundant flocks of ducks and geese slowly dwindled in number as millions of acres of waterfowl habitat were drained for agriculture. Marshes in the North Central United States as well as wetlands in Alaska and the Canadian prairies, which served as nesting and rearing grounds for great numbers of North America's waterfowl, rapidly disappeared. Vital midwestern staging and migration rest areas, southern bottom land timbered swamps, and gulf coast wintering habitat also vanished. Historically unprecedented drought and unrestricted shooting for food, ornament, or recreation further contributed to the crisis by the early 1930's.

To halt this alarming trend, the U.S. Congress enacted the Migratory Bird Conservation Act in 1929. This law expanded the National Wildlife Refuge System which was established in 1903 by authorizing a program of land acquisition for waterfowl refuges. Five years later, on March 16, 1934, the Congress enacted the Migratory Bird Hunting Stamp Act to generate funds for the purchase of these wetlands.

Among the conservationists and sportsmen who witnessed the rapid destruction of waterfowl and waterfowl habitat during this period was the nationally known political cartoonist, Jay Norwood "Ding" Darling. An avid duck hunter, Darling sketched cartoons for the Des Moines Register which graphically depicted the loss of America's duck and geese populations. He effectively served to inspire, launch, and conduct a campaign to obtain permanent funding for habitat acquisition. Darling's invaluable contribution to conservation, the proposal for a Federal revenue stamp, is celebrated throughout the United States this year, the 50th anniversary of the migratory bird hunting and conservation stamp, or "Duck Stamp."

In the last half century, Darling's proposal has led to one of the most successful conservation programs in world history. Over 89 million stamps, and 285 million duck-stamp dollars have been used to preserve some 3.5 million acres of precious wintering and breeding habitat in each of the four major north-south flyways.

In the summer of 1934, while he served under President Franklin Roosevelt as the Director of the Bureau of Biological Survey, the precursor of today's Fish and Wildlife Service, Darling himself designed the original duck stamp; 635,001 stamps bearing the reproduction of his pen-and-ink sketch, "Mallards Dropping In," were sold. For the next 15 years, an artist was commissioned annually to prepare a duck stamp design. In 1949, a duck stamp contest was initiated; it remains the Federal Government's only regularly sponsored art competition. The increasing popularity of the contest resulted last year in the receipt of 1,582 entries, and in the eventual sale of 2 million stamps.

Any artist who is a citizen or resident of the United States can now enter the duck stamp contest by submitting a matted 5x7-inch design of waterfowl in their natural surroundings. The design may be in any type of medium such as oil, watercolor, acrylic, or pen-and-ink. It must depict a live, nonextinct North American duck, goose, or swan that has not been portrayed on the winning stamp during the previous 5 years.

The 1984-85 duck stamp contest will open on July 1, 1984. The species which are ineligible for portrayal in entries this year are: the mallard, the ruddyduck, the canvasback, the pintail, and the widgeon. Entries must be submitted to the Fish and Wildlife Service with a $25 nonrefundable deposit. The winning design will be selected on November 7, 1984, by tallying secret votes cast by a panel of art and waterfowl experts who will search for artistic excellence, anatomical accuracy, and technical suitability for reproduction.

The winner receives a sheet of the finished stamps signed by the Secretary of the Interior. The Department of Interior, which awards no prize money, does, however, allow copyright to the artist, who is free to sell limited edition reprints.

Every waterfowl hunter 16 years of age or older is, after July 2 of this year, required to purchase a stamp which has reproduced the watercolor design of William C. Morris from Mobile, Ala. This golden aniversary duck stamp depicting two American widgeons must be affixed to one's local hunting license and signed by the licenseholder. It is hoped that a record number of nonhunting conservationists and stamp collectors will also purchase these stamps in recognition of their value in wildlife preservation and as collectors' items.

Fifty years ago, duck stamps sold for $1 each. At that time, wetlands habitat could be purchased for as little as $1 an acre. The 1934 program had been underway for 5 years before enough money had been raised to purchase the first refuge—the Parker River National Wildlife Refuge in Massachusetts. Today, duck stamps cost $7.50 and the Migratory Bird Conservation Commission, which oversees the purchase or lease of wetlands tracts, approves acquisitions for as much as $500 to $1,200 per acre. All or part of 186 national wildlife refuges and many smaller waterfowl production areas have been acquired with funds obtained through the sale of duck stamps since 1934.

The Federal duck stamp program, envisioned and "fathered" by Ding Darling, has proven so successful that more than 25 States have adopted similar programs. These stamps make an invaluable contribution to the wildlife and wildlands of our Nation, and provide a tremendous opportunity for Americans to become directly involved at the grassroots level in the preservation of waterfowl.

I urge my colleagues to take an active role in encouraging the sportsmen, conservationists, collectors, and artists in your communities to participate in the State and Federal duck stamp programs. I invite you to join me in cosponsoring House Joint Resolution 118 which will officially designate 1984 as the "Golden Anniversary Year of the Duck Stamp" and the week of July 1 through July 8 as "National Duck Stamp Week."●

"DISINCENTIVE" AND THE LIBERAL WELFARE STATE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. GINGRICH. Mr. Speaker, Warren Brockway, executive director of the Housing Authority of the city of Newnan, has written an interesting and true story about the abuses of welfare programs. Newnan is a city in the sixth District of Georgia, which I represent. The story poses a serious question to all of the liberals who claim that there is not any more waste to cut out of the social welfare programs.

Mr. Speaker, as we look for ways to bring down these high deficits, we should be inspired and motivated by Mr. Brockway's calculations and suggestions. I present this story to my colleagues so that we can seriously examine the failures of the liberal welfare state and continue to work toward its alternative; the Conservative Opportunity Society. The text of the story follows:

This little story has so many ways to be expanded and so many ways to bring out facts that it just could catch on and mushroom into something worthwhile.

A tenant came into the Newnan Housing Authority office with the request that we take her husband's name off the lease as he had moved out on her. A few days later she came back asking us to furnish a statement so that she could take it to the Welfare Office (DFCS) to get Welfare and Food Stamps.

Before giving this we happened to look into her file and noted that her husband worked at the Bonnell Company and that we had just recently had this tenant in for annual reexamination and a letter had been sent advising them that their rent had gone up to a little over $200.00 per month.

The tenant was questioned about the husband moving out and it was rather obvious that the move out was for the convenience of both parties.

When asked where he had moved and if they had been fighting and if she intended to get a divorce, her answers were "I don't know" to each question. At that point the person asked for another employee of the Housing Authority to come to the window to witness any other conversation so that we could document her file at which time the tenant lost her cool and made the statement that she would get someone else to sign her paper and stomped out the door. It will be interesting to know the outcome but in the meantime the writer's computer brain is running wild.

The Newnan Housing Authority will obviously be out $2400.00 per yer in rental income. This makes the tenant a credit renter because the $238.00 per month she will get from DFCS can count as income, but the $300.00 per year deduction for each of her children and other deductions will make that earning of $2856.00 come out to a negative rent. Don't forget that her utility allowance of $59.00 per month is deducted from her gross rent so when that is deducted we will come up with a negative figure of possibly $18.00 or $20.00 per month (or $240.00 per year that we give to the utility company). That comes out of our general funds which is from subsidy. Let's now add in an annual food stamp cost of $1800.00 per year which comes from someone's pocket unnecessarily and look at the following:

Loss of rental income	$2,400
Cost of AFDC	2,100
Cost of food stamps	1,800
Total	6,300

Now we feel that there are dozens of others like this in the Newnan Housing Authority but say only ten which makes the $6300.00 annual figure grow to $63,000.00. Then there are 200 housing authorities in the state of Georgia which makes the $630,000.00 grow to $12,600,000.00 and we have 50 states, so 50 times $12,600,000.00 equals $63,000,000.00 and that is enough to make Ronald Reagan and Tip O'Neill both take notice. Why doesn't someone prove these figures wrong or do something about it? Many reason—some might lose their jobs, some might lose some votes and some just hope that the problem will go away.

Congress is not blind, HUD is not blind, DFCS is not blind to the things that are both Federal and State. It's within the power of all of us to change this old world but we are all too busy bitching about each other's job or possibly losing same that we can not see such little cases as this one or could it be that we just don't give a damn.

At the beginning of this we stated that this little story has many ways of being expanded. Consider in addition to this:

1. The thousands of unwed mothers who are able to work but have an excuse to keep the baby. Put one in charge of keeping hers and four others, with these five paying a small amount to baby sit, and put the others to work.

2. Do away with the excuse that I'm overqualified for that job and make them work or go hungry

3. Fathers of children are not forced to pay—get rules strengthened.

4. Subsidies would automatically go down, saving tax dollars when rental income goes up.

5. Reestablish the old rule that everyone has to pay rent even if it is only $5.00 or $10.00.●

NORTHERN IRELAND: TALKING TO ALL SIDES

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. BORSKI. Mr. Speaker, this past week I had a very interesting discussion for well over an hour in my office with several representatives of the Democratic Unionist Party (DUP) of Northern Ireland. The group included Gregory Campbell, one of Ian Paisley's high-ranking lieutenants, with whom I met during my trip to Northern Ireland last summer. The DUP is a political party led by Ian Paisley that advocates the allegiance of Northern Ireland to Britain.

During our discussion, these representatives of a substantial portion of the unionist population addressed the reasons the DUP opposes the recent report of the New Ireland Forum, as well as the forum itself. They told me that they reject the forum and its report because the forum is biased, in their view, by its nationalist approach.

In a booklet given to me during the meeting, Ian Paisley is quoted as saying:

> The Irish Forum is the latest in a whole series of conspiracies to bring the Ulster people under the heel of Dublin. There must not, cannot and will not be any surrender. It is not Jim Prior Dublin is dealing with but the tough resolute determined Protestants of Ulster.

The main concern they expressed to me about the forum was that it is composed primarily of officials from the Republic of Ireland. They believe that the problems of Northern Ireland can only be handled by the electorate there, not by officials from the Republic of Ireland.

They further stated that these were also the reasons why the Official Unionist Party and the British Government would not participate in the forum or accept the report. The problem with the forum to which they pointed during our discussion is the same one expressed in Jane Shoemaker's article in the Philadelphia Inquirer which I inserted in the RECORD on May 8: Representative groups are not a part of the process.

More specifically on the issue of representation, we discussed the role of the DUP, the SDLP (John Hume's nationalist party) and Sinn Fein. These unionist representatives expressed the opinion that the forum idea was a means of propping up the SDLP, which has been losing political support to Sin Fein in recent elections. They speculated that in the upcoming European elections the SDLP will lose even more support and Sinn Fein will gain a larger portion of the nationalist vote. Their conclusion was that the forum fails in that purpose of bolstering support for the SDLP, and in fact, will have the opposite effect.

I also found the discussion interesting for another reason. I believe it is important that members of the DUP were allowed to enter this country and to have discussions on the subject of Northern Ireland with members of the U.S. Congress. For those of us concerned about the tragedy that is consuming Northern Ireland, it is very important to hear what people who live there have to say. Unfortunately, U.S. State Department visa policy does not allow all sides to be heard in this country.

I strongly believe that the American public should be allowed the opportunity to hear all sides of the issue. Ian Paisley and other representatives of the DUP are permitted to enter this country to speak of the concerns of the unionists. However, some elected officials representing nationalist concerns are not allowed the same opportunity as Ian Paisley and the DUP.

The Ancient Order of Hibernians, the Nation's oldest and largest Irish American organization, has invited Gerry Adams to address their National Convention scheduled for mid-July. As an elected member of the British Parliament representing West Belfast, he should be allowed to enter this country to speak of the concerns of the minority nationalist population. The U.S. State Department—which in the past has granted Ian Paisley of the DUP a visa—should permit Gerry Adams of Sinn Fein to enter this country. To deny this request is to invoke censorship through selected visa denials.

The only way to try to resolve the serious and important problems of Northern Ireland—by the forum or by any other process—is to talk to those who live there.●

ANOTHER JOURNALIST OPPOSES EARLY ELECTION PROJECTIONS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SWIFT. Mr. Speaker, the recent controversy over early network projections of election results began with the 1980 Presidential election. The public outcry then against the television networks and their practice of calling elections before everyone had a chance to vote was overwhelming. Now, the controversy, criticism, and outcry have begun again as the networks have made their announcements about who was winning and who was losing before voting was completed in the caucuses and primaries of this election year.

One of the most encouraging events recently, to those of us who have been trying to persuade the networks to change their ways, has been the increasing willingness of individual journalists to speak out when they oppose the network election projection practices.

Among the statements by journalists that have been made recently is one I would like to share with my colleagues. This is a commentary by correspondent Bob Witten of Mutual Broadcasting System, that was aired on March 22, 1984.

ONE MAN'S OPINION

Reporting what is going on inside the voting booth before the polls close is a problem unique to broadcast news. I think it's bad business. Yes, I know studies have shown that networks predicting the outcome of political races before the polls close does not affect the outcome. All the same, I believe the potential exists to affect the outcome, and that's dangerous enough.

What if you had just enough time to bolt your supper and dash to the polling place—your local school or library—and cast your vote . . . when over the air comes a report that exit polling shows your candidate is so far ahead—or so far behind—that your vote won't make a difference. If it's a rainy or snowy night to boot, would you make the effort?

It's at this point I think the people's right to know gives way to another time honored tenent of the news profession: broadcasting that serves the larger public interest. The people's right to know implies that if there is a news story you should be told. But exit polling does not generate news . . . only "could bes," or "maybes."

I may be wrong, but I don't think you're so hungry for political news that you wouldn't rather wait till the 11:30 special . . . even the next day . . . to get the facts.

News executives argue you just shouldn't respond to questions outside the polling place, that can be awfully hard to do. I don't think network interviewers, with their cameras, lights and microphones should be there in the first place. Voting is and should be private . . . part of the public trust. It's your vote, not ours.●

GROWTH OF ALCOHOL FUELS NEEDED

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. ALBOSTA. Mr. Speaker, today I rise to introduce legislation to create a "National Ethanol Energy Policy" to give the ethanol energy industry the boost it needs to expand and become one of our Nation's major sources of energy.

As you know, alcohol has been distilled from agricultural crops for thousands of years, and has been used as an automotive fuel as early as the beginning of this century. Interest in alcohol as a fuel reached a new peak beginning in the late 1970's, spurred by the energy shortage, by low prices for farm crops, and by the grain embargo. Two major energy bills enacted into law in 1980, the windfall profit tax bill and the Energy Security Act, included important provisions intended to promote the use of alcohol fuels. However, in 1981 the Reagan administration drastically reduced Federal support for alcohol fuels stunting the industry's growth.

My bill is designed to stimulate growth in the alcohol fuel industry, specifically ethanol production. The National Ethanol Energy Policy Act requires the Federal Government to purchase at least 1,000 ethanol-powered passenger vehicles and make grants available for cities to purchase ethanol-powered buses. These provisions would encourage production of ethanol-powered vehicles. Last, a study will be initiated on the performance of ethanol as a fuel and the costs of operating and maintaining an ethanol-powered vehicle. These actions are necessary to lead our country to energy independence.

With reports of $200 billion deficits, I am sure many of my colleagues are wondering what effect this measure will have on the budget. I am not proposing a new appropriation, I believe we can use funds already appropriated to the Synthetic Fuels Corporation. These funds were originally appropriated for synthetic fuel growth to lead our country to energy independence and my bill is a step toward this goal.

With the Persian Gulf situation deteriorating daily, we need to make the development of alcohol fuels a national priority. We cannot rely on other nations for our energy needs. We can only rely on ourselves. My bill is needed to promote ethanol production insuring our Nation's future energy supply.●

WILLIAM T. ULRICH RETIRES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. FLORIO. Mr. Speaker, I would like to bring to the attention of my colleagues a distinguished resident of Audubon, N.J., William T. Ulrich. William Ulrich has served as a member of the Audubon police force since 1942, and has been its chief since September 1977.

His long career in law enforcement has been filled with many accomplishments. Chief Ulrich initiated the safety patrol program in Audubon, and frequently accompanied the safety patrol to Washington for their annual gathering and competition. It is to his credit that the Audubon Safety Patrol won first place in 5 of the 15 years that they competed as the best unit for marching and appearance.

Among his many associations, Chief Ulrich belongs to the International Chiefs of Police; New Jersey State Chiefs of Police; South Jersey Association of Chiefs of Police; and Camden County Chiefs of Police. He has been a member of the PBA Local 30 and the South Jersey Suburban Police for 42 years.

Aside from his active involvement in law enforcement, Chief Ulrich has been extremely active in his community. He is a member of the Holy Lutheran Church in Audubon. He has been a top-rated official in football and basketball for over 30 years and was a member of the International Association of Basketball Officials.

Chief Ulrich was the president and organizer of the Audubon Little League Association, and takes great pride in his involvement in youth baseball of over 30 years. He served as a district administrator for district 14 of the International Little League Association (ILLA) and, in fact, served 2 years on the international board of directors of the ILLA.

After 42 years of service with the police force and to his community, Chief Ulrich is retiring. He plans to travel and visit with friends from his law enforcement and athletic work. As testimony to his long and distinguished service to Audubon and its residents, the borough of Audubon will hold a dinner in honor of Chief Ulrich on Sunday, June 10, 1984, at the Riviera Ballroom.

Mr. Speaker, I know that my colleagues will want to join me in wishing Chief William T. Ulrich the best of luck on his retirement, and thank him for his many years of service to law enforcement and to Audubon.●

IN HONOR OF DETECTIVE THOMAS KELLY, N.Y.P.D.

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. WEISS. Mr. Speaker, after 29 years of exceptional and devoted service to his community, Detective Thomas Kelly is retiring from the New York City Police Department. On this occasion, I would like to commend him for his excellent work in the 24th precinct on Manhattan's west side.

Detective Kelly is an uncommon policeman in an age when it's difficult to be even an average policeman. Appointed to the force on July 1, 1955, he was soon walking a beat in the 24th precinct. Long-time residents, teenagers, street people, and merchants learned that they could rely on him. His colleagues on the force did too.

One of Kelly's major accomplishments was the formation of a community council so effective and successful that it has become a model for others in the city.

In nearly three decades in the 24th, Detective Kelly has received numerous citations and awards as well as personal expressions of thanks from community leaders and ordinary citizens for his indefatigable efforts to assist west siders. Close to the people of the community, yet always professional and hardworking, Kelly far surpassed the average efforts which others would have found acceptable.

I join the community which he has served so ably in wishing him well in his retirement. The community will miss him.●

THE WORLD WAITS FOR WORD ON SAKHAROVS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. FRANK. Mr. Speaker, the relatives of Andrei Sakharov and Elena Bonner who have been fortunate enough to leave the Soviet Union are desperately trying to get hold of reliable information concerning that couple. The Soviet authorities have prevented the Sakharovs from communicating with the West, and as a result the free world is left not knowing even if Sakharov is alive or dead. The Washington Post today ran an excellent lead editorial which reflected on the larger message which Sakharov has conveyed to us by his courageous dissidence. I think it would be appropriate, Mr. Speaker, to reprint that piece here.

The editorial follows:

[From the Washington Post, June 7, 1984]

SAKHAROV AS DISSIDENT

It is 15 years since Andrei Sakharov became a familiar name in the West, but he is still not everywhere seen for the central figure that he is. He became known first as a dissident—the status that Kremlin orthodoxy enforces upon those few who speak out for human rights in the Soviet Union. He was the more prestigious, and the more newsworthy, for putting at risk the high privilege and official honor he had earned as a scientist working in the Soviet defense industry. By this turn, of course, he brought upon himself official dishonor and much personal travail, which came to a culmination of sorts 5 weeks ago yesterday when he evidently undertook a hunger strike so that his wife could receive medical care in Europe.

The connection between Andrei Sakharov's science and dissidence, however, is poorly understood. It is not simply that his science gave him the platform from which to project his dissidence. It was the source of his dissidence. Like many Western scientists who worked on weapons of mass destruction, Mr. Sakharov had become preoccupied with the conditions of the use and control of nuclear arms. In particular, he came to believe that a closed society, in which there is little or no robust discussion of the great issues of nuclear war and peace, itself constitutes a threat to world peace.

This fundamental insight was recognized in the Nobel Peace Prize he was awarded in 1975. Mr. Sakharov has never been allowed to cross the Soviet Union's closed borders, and his Nobel address was delivered by his wife. "International trust, mutual understanding, disarmament and international security are inconceivable without an open society with freedom of information, freedom of conscience, the right to publish and the right to travel and choose the country in which one wishes to live," he stated. He went on to underline "the original and decisive significance of civic and political rights in shaping the destiny of mankind."

These are, in the Soviet context, inflammatory thoughts. No one can pretend that Andrei Sakharov and his equally prickly wife, Yelena Bonner, are easy people for the Kremlin to deal with. What his foreign admirers should understand, however, is that in demanding that the authorities allow independent sources to verify the official report of the Sakharovs' good health and that the authorities let the Sakharovs "choose the country in which one wishes to live," they are not taking part in an anti-Soviet provocation, as the authorities slyly suggest. They are affirming the compelling political idea of the times: Accountability for the power on which the future of the planet rests.●

RETIREMENT OF MONSIGNOR BARUCH

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. YATRON. Mr. Speaker, I rise today in honor of the Right Reverend Monsignor John S. Baruch on the occasion of his retirement from the pastorate of St. Stanislaus Costka Church in Minersville, Pa. Through 24 dedicated years of service to the parishioners of St. Stanislaus and through 30 more years of spiritual work in other locales, Monsignor Baruch has exemplified a Christian life.

Monsignor Baruch studied for the priesthood in Michigan and was ordained in the month of June 1930. His pastoral work began as an assistant to the pastor of St. John Cantius Church in Philadelphia were he served for 16 years. In 1946, Father Baruch became the pastor of St. Casimir's Church in Shenandoah, Pa. Fourteen years later, on March 23, 1960, he was named pastor of St. Stanislaus. In December 1974, Pope Paul VI honored Father Baruch by designating him monsignor.

Doing God's work is the highest of callings, and for his 54 years of ministering to the needs and hopes of others, I would like to commend Monsignor Baruch. He offered his life in service to others and, through all the years, he bestowed upon the world an immeasurable goodness.

Now, upon his retirement, I would like to wish Monsignor Baruch continued success and happiness in all of his future endeavors. I know they will carry with them a humanitarian intent and the depth of his spiritual commitment to helping God's children on Earth.●

CONGRESSIONAL MEDAL OF HONOR WINNER, GINO MERLI, HONORED

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. McDADE. Mr. Speaker, last night, national television paid tribute to Gino Merli, Congressional Medal of Honor winner, who has himself been a tribute not only to my district, where he was born and raised, but to all America.

Just barely 20 years old, Gino was with the 1st Infantry Division when they went ashore at Omaha Beach on D-day. The 1st Infantry experienced some of the heaviest fighting of the war as they fought the Germans across France. On September 4, 1944, his unit crossed the Belgian border and Gino, a machinegunner, was assigned to provide covering fire for an American roadblock. At about 11:30 p.m., word came from scouts that a 1,800-member German SS battalion was moving on the road toward the roadblock. Soon his position was under attack. The Germans organized small patrols to knock out the American positions. One such patrol advanced to within 5 feet of his gun emplacement, killed or wounded his companions and forced riflemen supporting his position to take cover elsewhere, leaving him alone. From 12:30 that night until 8 a.m. the next morning, Gino played dead. Germans entered the gun emplacement and prodded him and his dead partner. When they left, he opened fire and killed them. After the smoke lifted, 52 dead Germans were found around his position, 19 of which were directly in his machine gun's line of fire.

Later in the war, Gino was injured by a German grenade. After recuperating he went to Washinton where on June 15, 1946, President Truman presented him with the Congressional Medal of Honor.

Gino has transferred courage and patriotism from the battlefield to the home front, dedicating himself wholeheartedly and sincerely to the wellbeing of the veterans of all our wars. There is no cause that furthers his country's interest that he does not champion and lead in his own characteristically unassuming manner. In an age where patriotism is not in the forefront of fashion, Gino is in the forefront of patriotism. I call on all to salute Gino. Not alone for what he did to earn his country's highest award, but for what he continues to do in the service of his country, his veterans, and his fellowmen.●

INTRODUCTION OF BILL ON TRAVEL DEDUCTIONS FOR CONSTRUCTION WORKERS

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. MORRISON of Washington. Mr. Speaker, today I am introducing legislation which clarifies the circumstances under which construction workers may deduct necessary travel expenses from taxable income. I am happy that the entire Washington State congressional delegation has joined me as cosponsors of this bill.

This new bill builds upon a similar bill, H.R. 700, introduced last year by Congressman Pete Stark and currently cosponsored by 20 Members. The bill I am introducing today would allow construction workers living more than 30 miles from their job sites to deduct travel expenses for the first 2 years the worker is employed at that job. Additionally, construction workers can get travel deductions if the job site is a temporary or a remote job site.

I view this bill as an equitable resolution of the current IRS interpretation of the law, which is both inconsistent and arbitrary. Many construction workers all across the country work on a temporary basis at various construction sites and projects. Many of these construction workers are forced to travel scores of miles a day round trip to reach their construction jobs because the sites are remotely located away from reasonable residential accommodations.

In my congressional district, for instance, many construction workers have jobs on the Hanford nuclear reservation, a 570-square mile complex which is remotely located for national security reasons. Many of the construction workers at that site have little choice but live more than 30 miles from their jobs. In these situations, I believe an exception should exist in the Tax Code to insure that construction workers have the opportunity to deduct legitimate travel expenses.

Accordingly, the bill I am introducing would make a permanent exception to the overnight standard in the Tax Code (section 162) which would allow travel deductions for construction workers in those instances when the job site is remotely located and not near residential or reasonable support facilities.

A copy of the bill follows:

H.R. 5807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

"(j) Treatment of Travel Expenses in the Case of Construction Workers.—

"(1) In general.—For purposes of subsection (a), travel expenses of a construction worker shall be treated as expenses incurred while away from home in pursuit of a trade or business (whether or not the taxpayer is away from his residence overnight) if—

"(A) the job site is at least 30 miles from the residence of the construction worker, and

"(B) the job site is a temporary job site or a remote job site.

"(2) TRAVEL EXPENSES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'travel expenses' means the costs incurred by the taxpayer for transportation of the taxpayer between his residence and the job site.

"(B) RESIDENCE.—The term 'residence' means the principal residence of the taxpayer (within the meaning of section 1034 without regard to any ownership requirement).

"(3) TEMPORARY.—

"(A) IN GENERAL.—For purposes of this subsection, a job site is temporary if the taxpayer's employment at such site is not indefinite or in any event is for a period of less than 2 years.

"(B) PRIOR DETERMINATIONS NOT TAKEN INTO ACCOUNT.—The determination of whether a job site is temporary shall be made as of the time the travel expenses are incurred without regard to any prior determination under this subsection.

"(4) REMOTE.—For purposes of this subsection, a job site is remote if such site is at least 30 miles from the nearest location offering residential living accommodations and support facilities sufficient to provide for the workers at the job site and their families taking into consideration workers from other job sites and their families who would ordinarily live at such location.

"(5) JOB SITE.—For purposes of this subsection, the term 'job site' means the physical location of the construction, plant, or other work site at which the actual employment activity occurs (determined without regard to the identity of the employer, the ownership of such location, or the existence of other sites in the area).

"(6) CONSTRUCTION WORKER.—For purposes of this subsection, the term 'construction worker' means any individual employed (whether as a skilled, semiskilled, or unskilled laborer) in the building or construction industry; except that such term shall not include clerical or management employees."

(b)(1) The amendment made by subsection (a) shall apply—

(A) to taxable years ending after January 6, 1983, and

(B) to taxable years ending on or before January 6, 1983, which were open as of such date.

(2) If, on the date of the enactment of this Act or at any time before the date 1 year after such date of enactment, credit or refund of any overpayment of tax attributable to the amendment made by subsection (a) is barred by any law or rule of law, credit or refund of such overpayment may, nevertheless, be allowed or made if claim therefor is filed with the Secretary of the Treasury or his delegate before the day 1 year after the date of the enactment of this Act.

(3) For purposes of paragraph (1), a taxable year is open if the making of a refund, or the assessment of a deficiency, with respect to such taxable year was not barred as of January 6, 1983 by any law or rule of law.●

CONGRESSIONAL TRIBUTE TO SIDNEY HOSKINS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. ANDERSON. Mr. Speaker, at a luncheon to be held at the Officers' Club at the U.S. Naval Station on Terminal Island next Friday, June 15, the Los Angeles Unified School District, and especially the Hawaiian Avenue Elementary School in Wilmington, will pay a fond farewell to Sidney C. Hoskins, who is retiring at the end of this month.

Sid has served as the principal of Hawaiian Avenue Elementary since 1979. During a career with the Los Angeles School District spanning 34 years, he also has been principal of the Figueroa Street and the Dominguez Schools; vice principal of the Barton Hill and the 92d Street Schools; and a teacher with the Stanford Avenue, Meyler Street, Hawaiian Avenue, Carson Street, and 15 Street Schools.

As teacher, vice principal, Sid always has expected the highest levels of achievement from his students. He encourages teachers to establish high goals for their students and to hold them to those goals. The National Commission of Excellence in Education suggests that what this country needs, if we are going to attain a desired level of educational excellence, is more professional educators like Sid. And those of us who know and have worked with him know he is irreplaceable.

Mr. Speaker, my wife, Lee, and I want to wish him and his wife, Leslie, a memorable future. They have two children, Claudia, who is also a teacher, and James, whom we wish to join in congratulating their father.●

OUTSTANDING ACHIEVEMENT OF BENJAMIN BRIAN WAGNER

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. YATRON. Mr. Speaker, it is my honor to bring to the attention of my colleagues in the U.S. Congress the outstanding achievement of Mr. Benjamin Brian Wagner, the son of Reverend and Mrs. Bruce Wagner.

Mr. Wagner is a fine young man who recently passed his Eagle Scout Board of Review for advancement to the rank of Eagle Scout. A Court of Honor will be held shortly by the Pine Grove, Pennsylvania Advance Boy Scout Troop 50 to recognize Benjamin for attaining the rank of Eagle Scout. This is indeed a most important achievement and I am very glad to commend and congratulate him before all of you here today.

This rank is not easily achieved and is awarded only to those few who have excelled in many dimensions of citizenship. It is a testimony to Benjamin's character, integrity, intelligence, perseverence, dedication, and loyalty to Scouting and our nation.

I am very happy for Benjamin and I know he must be extremely proud of this noteworthy and important award. It is young people such as Benjamin who renew our confidence in the next generation to carry the mantle of leadership in building a better America. I know all my colleagues will join me in congratulating Benjamin and in wishing him the very best in all his future endeavors. Undoubtedly, Benjamin will serve as an inspiration to other young Americans.●

IN HONOR OF RABBI JACOB M. OTT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Rabbi Jacob M. Ott, a very special friend of mine, who will be honored on June 13, 1984, for his devoted service to the Jewish community during his term as chairman of the Community Relations Committee.

In honor of Rabbi Ott and his outstanding service to the community, I would like to take this time and share a few of his numerous accomplishments with my colleagues.

Rabbi Ott attended the University of Chicago, where he majored in international relations and international law. He received his rabbinic training at the Hebrew Theological College of Chicago.

During World War II, Rabbi Ott served with distinction as combat chaplain with the 83d Infantry Division in the European theater of operations. He is the recipient of five battle stars and Bronze Star Medal with oak leaf cluster. While in Europe, Rabbi Ott rendered service to concentration camp victims from Deggendorf, Dachau, and Bergen-Belsen. He reestablished the Israelite Consistoire in Luxembourg with the help of the Grand Bishop Josef Phillipe II of Luxembourg, and founded a refugee community in the town of Pocking, Germany.

Rabbi Ott was awarded a special citation by Dr. Stephen S. Wise and the American Jewish Congress for his special contributions on behalf of concentration camp victims.

In addition to serving as chairman of the Community Relations Committee of the Jewish Federation Council, Rabbi Ott has served the Jewish community in numerous other capacities. He currently serves as vice-president of the Jewish Federation Council of Greater Los Angeles, and as the pulpit rabbi of the Sephardic Temple Tifereth Israel in Westwood. In the past, Rabbi Ott served as president of the American Zionist Federation of Los Angeles, chairman of the Commission on the Middle East of the Community Relations Committee of the Jewish Federation Council, president of California Friends of the Alliance Israelite Universelle, national vice-president of the American Zionist Federation, chairman of the Israel Affairs Committee of the Board of Rabbis of southern California, president of Western States Region of the Zionist Organizations of America and as a board member of the American Sephardi Federation.

I am especially pleased to confess that Rabbi Ott prepared me for and officiated at my own Bar Mitzvah. He and his wife Bess have played a very significant role in my life.

It is my honor to be able to share Rabbi Ott's outstanding contributions with my colleagues and I ask that they join me in commending him for his exemplary display of public service.●

HONORING CAVALIERE VINCENT D'ALBIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. OTTINGER. Mr. Speaker, I rise today to pay tribute to Mr. Vincent D'Albis of Yonkers, N.Y., who will be honored on Friday, June 15, 1984, at Maestro's Caterers in the Bronx by the Congress of Italian American Organizations (CIAO).

Mr. D'Albis, who was knighted as a Cavaliere with "Stella della Solidarieta Italiana" by the Minister of Foreign Affairs of the duly constituted Republic of Italy on February 1, 1978, has given much to his community.

Mr. D'Albis is the past chairman of the Congress of Italian American Affairs; the past treasurer of CIAO for 3 years; a charter founder of CIAO; has been active in collecting funds for the establishment of a senior citizen center in Giovinazzo, Italy; he has been past president, treasurer for 20 years, and a member of the board of trustees of the Italian National Club; he has participated in the earthquake relief efforts to assist the homeless victims in devastated areas in southern Italy.

Mr. D'Albis has also been a professional soccer referee in the American Soccer League for more than 25 years; he presently serves as assessor in the North American Soccer League and the Major Indoor Soccer League; and has served as president and treasurer of the Soccer Referee Association for the past 12 years.

Mr. D'Albis, who was born in the town of Giovinazzo, Bari, Italy, is married to the former Gina DeRitis. The D'Albises have two children, Danny and RoseAnn.

I ask my distinguished colleagues to join with me in saluting Cavaliere Vincent D'Albis on the occasion of this special honor.●

SALUTE TO JEWISH WAR VETERANS ON 50TH ANNIVERSARY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. MARKEY. Mr. Speaker, this week the American people observed the 40th anniversary of the invasion of Normandy on D-day by the Allied forces. This occasion focused the attention of all Americans on the great contribution to freedom made by our veterans.

Mr. Speaker, I want to take this time to call special attention to the contribution made by Jewish War Veterans. This month the Jewish War Veterans, Post 74 of Malden will celebrate their 50th anniversary. I think it is especially fitting that we should recognize the great contribution to freedom made by Jewish War Veterans and the fine work done by the Jewish War Veteran Post in Malden.

I am proud of the contribution made by these constituents to our country. Fifty years of service and brotherhood is a remarkable achievement and I want to commend this group for its fine service and contribution to the Malden community and to the entire Nation.●

FOSTER GRANDPARENT PROGRAM OF JACKSON COUNTY, MO.

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. WHEAT. Mr. Speaker, the Foster Grandparent program of Jackson County is celebrating its 9th year of service at Lake Jacomo on June 15, 1984. I would like to take this opportunity to commend the volunteers for the dedication and service they have given to the nearly 500 special needs children throughout the Fifth District of Missouri.

These men and women have committed themselves to providing love and care to desperately ill children at facilities like the Truman Neurological Center and Children's Mercy Hospital. They also work with emotionally and mentally handicapped children at public schools and day care centers throughout the district. Jackson County's foster grandparents share their experience and their zest for life with some of our most special children.

There are more than 90 foster grandparents who have made a strong commitment to the special children they seek to help. These volunteers work 4 hours a day, 5 days a week. They do not take the place of skilled therapists, trained teachers, or medical technicians. Instead these individuals offer the love, compassion, and emotional strength that is so often missing from even the best of institutions. In other words, they provide the warmth and concern that changes cold clinical care into a positive healing experience.

While all of the foster grandparents of Jackson County deserve recognition, there are four women who have served the community since 1976. They are Bula Noland, Georgia Purcell, Grace Smith, and Merle Vanarsdall. These four women typify the dedication and commitment foster grandparents have offered to the citizens of Jackson County.●

"ABC'S OF RAINBOW"

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. FEIGHAN. Mr. Speaker, for 5 years, Rainbow Babies and Children's Hospital in Cleveland, Ohio, has presented a 1-minute radio show for listeners throughout northeastern Ohio. The show, "ABC's of Rainbow," is a health care program written by hospital doctors and focusing on the particular health concerns of adolescents, babies, and children. The radio show reaches over 24,000 listeners each day, providing information on such diverse health topics as infant care, teenage alcoholism, auto safety, heart disease, diabetes, and whiplash shake syndrome. Rainbow scripts are distributed at health fairs by the hospital and reach a wider audience than most health-related productions.

I believe that this program can serve as a model for other hospitals throughout the country. Rainbow Babies and Children's Hospital has been at the forefront in creating new and original ways of communicating health information. "The ABC's of Rainbow," produced by Jean Dunbar, has made an important contribution to health awareness in the Greater Cleveland area. I believe the many doctors and personnel involved in its production are providing an important public service. I know the House will join me in commending them for their efforts.●

DOMESTIC SHOE INDUSTRY UNDER SIEGE

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. SHANNON. Mr. Speaker, on Wednesday, June 6, the International Trade Commission rejected the petition filed by our domestic shoe industry and its workers for relief from the dramatic upsurge in imported shoes. The petition was rejected by a unanimous vote of 5 to 0, which suggests that the Commissioners all wanted to be wrong together. Their decision is an outrage and a scandal. Having abdicated its responsibility to protect the shoe industry from unfair trade practices, the ITC must now let the Congress take over. The shoe is now on the other foot.

The Commission's ruling flies in the face of reality. The domestic shoe industry is suffering from 17.3 percent unemployment, domestic production has fallen by more than 50 percent since 1969, half of the workers in the industry have lost their jobs, and import penetration has reached an astonishing 74 percent of the market.

I have joined a number of my colleagues in cosponsoring Congresswoman SNOWE's legislation to resolve this dismal situation. Her bill would impose a ceiling on foreign shoes to no more than 50 percent of the domestic market, establishing a limit of 400 million pairs of shoes per year. This bill constitutes a fair solution to this problem, one which we can all live with. I urge my colleagues to join us in cosponsoring and supporting this legislation.●

1984 TEACHER BONUS AWARD WINNERS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. LIPINSKI. Mr. Speaker, the importance of education on this Nation's future has been at the forefront of public concern in recent years. My interest in education stretches beyond my years in the Congress, service as educational chairman on the Chicago City Council and the father of two children, for I firmly believe that a proper education is essential to the bettering of one's place in life. In recognizing the need for a strong educational system for today's youth, I decided to pay tribute to an integral component of the educational system—the teacher. In the Congressional District I am privilged to represent, I inaugurated a program designed to recognize the outstanding contributions made by educators from the participating schools.

The program has begun on a limited scale with 13 schools participating this year. In the participating schools, I established a teacher bonus award for teachers judged to have contributed above and beyond others in providing a quality education for our youth. The award includes each teacher receiving a commemorative plaque and a cash award to further underscore their important achievements. This past Saturday, June 2, I sponsored an awards breakfast to honor 1984's 13 outstanding educators.

I am pleased this endeavor—in its initial year—has attracted so many interested participants. It is my hope this worthwhile program can be expanded to other schools in my district, so that all teachers may receive additional thanks for the contributions they make in preparing our students for the future.

The following teachers have been selected as 1984 Teacher Bonus Award winners: Mr. Patrick J. Butler, Kennedy High School; Sister Mary Agnes, Our Lady of the Snows Elementary School; Mr. Joseph W. Kroenert, Kinzie Elementary School; Mrs. Joan Pintozzi, Curie High School; Mrs. Alice Boland, Mark Twain Elementary School; Mr. Paul Fornator, Nathan Hale Elementary School; Mrs. Mary M. Meike, Edwards Elementary School; Mrs. Karen Jackson, Dore Elementary School; Mrs. Kathleen Riordan, St. Richard Elementary School; Mrs. Sharon J. Pieper, Gloria Dei Elementary School; Mrs. Noreen Waliczek, St. Daniel the Prophet Elementary School; Mrs. Lillian Holmes, Byrne Elementary School; and Mrs. Diane Arena, St. Symphorosa Elementary School.●

A TRIBUTE TO FATHER STEPHEN J. HALABURA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1984

● Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Father Stephen J. Halabura on the occasion of his transfer to the pastorate of St. Stanislaus Roman Catholic Church in Minersville, Pa. The congregation of St. Anthony's Roman Catholic Church is honoring Father Halabura for his years of service to them which began in this Reading, Pa., house of worship in August 1971. In August 1972, Father Halabura was appointed pastor of St. Anthony's Roman Catholic Church.

Father Halabura was born in New Ringgold, Pa. He attended public school in Tamaqua, Pa., and after graduation he attended St. Charles Seminary in Philadelphia. He was ordained on May 13, 1961. Through his years of spiritual work Father Halabura has been assigned to several churches in Pennsylvania and he was part of the first class ordained in the Allentown Diocese.

During his 12 years at St. Anthony's Roman Catholic Church, Father Halabura was responsible for building a new church and parish center. He will be sorely missed by his congregation and I am certain eagerly welcome by his new one. I know that my colleagues will join me in wishing Father Halabura continued success and happiness in his new position. I know that he will carry on his steadfast spiritual commitment to helping and ministering to the needs and hopes of others. He has offered his life in service to God, to his church and to his community and has bestowed upon the world immeasurable goodness. It is my privilege, Mr. Speaker, to bring his accomplishments to the attention of my colleagues in the Congress.●

SENATE—*Friday, June 8, 1984*

(*Legislative day of Wednesday, June 6, 1984*)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, the Senate is a place of extraordinary pressure in the best of circumstances, and this pressure concentrates in the offices of the leadership. Present conditions compound tension: a long recess nears, fewer legislative sessions than normal this year, political conventions imminent, and a national election a few months away. Now we are at the end of a week in which it has been impossible to do business as usual, and issues of cosmic significance internationally as well as urgent domestic concern demand decisions. Gracious God, we need the intervention of Thy presence here today.

It is conventional at a time like this, Lord, to think of prayer and spiritual matters as soft and impractical, without relevance to the hard realities of government. Dear God, remind us that government serves by divine appointment. We thank Thee for the resources of wisdom, strength, and patience with which Thou art willing and able to empower us, individually and corporately, to complete our tasks efficiently, consistent with truth, justice, and the welfare of all peoples. Gracious Lord, demonstrate Thy relevance to us and be honored in our midst. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I thank the Chaplain once more. Yesterday, he quoted Cicero, that here it is the first of June and the Senate has not done anything yet. That is not quite true. We have done a lot of things. But Cicero was not far off the mark.

SENATE SCHEDULE

Mr. BAKER. We are going to do some things today, Mr. President. We are going to continue with the amendment of the Senator from West Virginia (Mr. BYRD), No. 3164, and a vote is ordered for not later than 10:45 a.m. today on that amendment.

I am told by the manager of the bill on this side that we probably will have a vote on another amendment, although he could not—and therefore I cannot—identify that amendment at this time.

Mr. President, let me say a word about the Wilkinson nomination. For some days now, I have consulted with the minority leader and other Senators on the possibility of getting to that nomination and disposing of it. I think we have been tantalizingly close to vote a few times, and the minority leader has been most cooperative in that respect, for which I am grateful, and I thank him. But it is clear to me that, at least for the time being, we are not going to be able to get to that nomination with a time certain to vote.

Given the fact that we are now on the defense authorization bill, and that will be the first in a cascade of appropriations bills before us shortly after we do this—meaning after we do bankruptcy and math-science, or as we may provide for otherwise, for example, by double-tracking, perhaps—but given the fact that we are on DOD now and that other matters are coming, I will make no further effort to get to the Wilkinson nomination for the time being.

However, I must also say that I am determined to bring it up if it is possible to do so, and I believe it is. So, when we finish DOD and bankruptcy and math-science, and when I see some slack in the appropriations process, it will be the intention of the leadership on this side to move, if necessary, or, in any event, to go to the Wilkinson nomination and pursue that all the way through cloture and dispose of it. If it is necessary to file cloture, I wish to say now that I will do that.

Some have suggested—and I understand their reasons and I appreciate them—that perhaps there should be another day of hearings, and they have asked me to ask the chairman to do that. I decline to do that. The chairman has made his decision on that point. It is his decision to make, and I will not interfere with that.

I say to those who may be waiting for me to try to convince the chairman to have another day of hearings that I am not going to do that. We are going to proceed with that nomination and go the whole route, including cloture, when and as necessary, in order to get the matter disposed of. I do not want anybody under the misapprehension that by waiting, something may happen by way of my intervention to try to convince the chairman of the Judiciary Committee to do something else. I decline to do that.

We are going to take up the nomination when the time comes and the calendar is right. I will support the nomination. If necessary, I will support cloture. I will attempt to commit the Senate to full deliberation on this nomination and try to conclude it with a favorable result.

Mr. President, June 29 is the time when we have scheduled the beginning of our Fourth of July recess. During that period, we will also be out of session to accommodate the Democratic National Convention. In the early part of August, we will be out for the Republican National Convention. Both of those events require the attendance of many Senators, and it would be unconscionable not to recess for that purpose in a Presidential year, so we will do so, and that has been announced.

There is a period of time between the two conventions in which the Senate and the House will be in session. But the amount of time required depends, very frankly, on how much we can get done between now and June 29. We have appropriations bills to do. Frankly, if we can get all the appropriations bills done between now and June 29, and assuming that we do not have to deal with a veto of some sort, I am not inclined to spend much or any time here between the two conventions.

We have bankruptcy to deal with, and that is sequenced after DOD. We have math-science to deal with, as well as the Wilkinson nomination to deal with. There are other matters. For example, the highway bill, or at least that portion that allocates funds for construction, must be dealt with or there will be serious problems.

I am saying this to put Senators on notice that the leadership on this side will confer with the leadership on the other side, and we will try to find out what the practical requirements are for the Senate to be in session in that brief time between the Democratic Convention and the Republican Convention, and to say that the outcome really depends on how much we can get done between now and June 29. As I say, I will consult with the minority leader on that subject. We will have a

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

caucus on next Tuesday, and perhaps shortly after that I can have a further update.

For the moment, Mr. President, I urge Senators to come to the floor today and call up their amendments to the defense authorization bill. We have a vote scheduled not later than 10:45. I hope there is another vote after that on a DOD amendment.

I hope we can spend a good part of the day on DOD matters, because defense authorization bills traditionally take a long time and a lot of effort; and I can visualize late evenings and early mornings when many of us are tired and bleary eyed, when we would wish we had used this time more productively.

I apologize in advance to those to whom I may say, "I told you so." But I will apologize again if I fall victim to that temptation.

Mr. President, that is perhaps more than I should have said, but that is all I care to say this morning.

SENATE PAGE DANNY RAY SMITH

Mr. BAKER. Mr. President, this morning the Senate Page School conducted its annual awards recognition assembly. This ceremony takes place each year to recognize those pages who have successfully completed their junior year course of study and participation in the Senate page program.

I am particularly pleased to inform the Senate that my page, Danny Ray Smith, from Pikeville, Tenn., was the recipient of several honors, including awards for leadership stemming from his service as president of the Student Council, an award for his competence in geometry, and finally, his induction into the National Honor Society in recognition of his outstanding academic achievements. I am very proud of Danny's accomplishments and I know that his family and friends are as well. I have every confidence that we will be hearing a good deal more about Danny Ray's successes in the future as he pursues his career goals in Tennessee politics and public service.

Congratulations, Danny Ray for a job well done.

RECOGNITION OF THE MINORITY LEADER

The **PRESIDING OFFICER** (Mr. SYMMS). Under the previous order, the Democratic leader is recognized.

Mr. BYRD. I thank the Chair.

SENATE SCHEDULE

Mr. BYRD. Mr. President, I want to work with the distinguished majority leader in clearing the appropriations bills and perhaps getting time agreements on them, if at all possible.

I would like to see the Senate dispose of all of the appropriations bills that the House sends over before June 29, and dispose of them in a reasonably short period of time.

I see that three have passed the House. Those three have been received in the Senate and two have been reported in the Senate, which only leaves one of the three sent over by the House that remains to be reported by the Senate. I have a feeling that the House will send several other appropriations bills over in the relatively near future.

At my conference next Tuesday, I will talk with my colleagues on this side of the aisle, refer them to the distinguished majority leader's statement this morning, and see if we can get some understanding at to the 3-day rule and as to time agreements on these measures. It is important that they be acted upon in a reasonable length of time.

I hope that appropriations bills that have been passed by both Houses are not the subjects of vetoes at the White House. If there are one or two that are remaining in that critical timeframe before or by June 29, perhaps we can get some assurance, through the distinguished majority leader, that those measures would not be vetoed.

Mr. BAKER. Will the Senator yield briefly?

Mr. BYRD. Yes.

Mr. BAKER. I thank him for his remarks just made. I, too, will bring this matter up in my caucus on Tuesday. I will cooperate with him in every way. I am very grateful for his statement.

Mr. BYRD. Mr. President, I thank the majority leader.

STARVATION AS A WEAPON IN AFGHANISTAN

Mr. BYRD. Mr. President, over the past several weeks, I have offered accounts of the largest battle in the 4 years of Soviet occupation in Afghanistan. The struggle for the Panjshir Valley represents a desperate attempt by the Soviet forces to subdue the stronghold of resistance leader Ahmed Shah Massoud. Despite enormous costs to the Afghan freedom fighters, we are learning that the tide of battle seems to be turning in their favor. Reports that Soviet Air Defense Gen. Semyon Ramonov was killed when Afghan freedom fighters shot down his helicopter bringing home the reality of the war to the Soviet people. Our intelligence community believes that General Ramonov was the Soviet commander who gave the order for the destruction of the Korean airliner last September. It is a strange irony, if it is accurate, that the victims of Soviet aggression in Afghanistan have avenged the victims of Soviet aggression in the Korean airline massacre.

But, despite successes on the battlefields, Afghan people are suffering under the brutality of 4 years of Soviet barbarism. This week we learned of a report by AfghanAid, a British charity organization, which reveals that half a million Afghans are facing starvation as a result of the war.

On other occasions, I have noted with anguish the Soviet policy of depopulating the countryside. Clearly, this strategy is seen in a Soviet program designed to deprive those in the countryside of food assistance. Starving children has become part of the Soviet plan for victory in Afghanistan.

The moral bankruptcy of this approach is self-evident. What the Soviets fail to understand is that this strategy will not guarantee them the military successes which they so desperately need, and which the freedom fighters will not give them.

Mr. President, I ask unanimous consent that a New York Times report of June 6, 1984, entitled "500,000 Afghans Are Reported to Face Starvation," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

500,000 AFGHANS ARE REPORTED TO FACE STARVATION

About 500,000 people in Afghanistan are in imminent danger of starvation, according to a report released yesterday in Manhattan by an independent British group that is urging the United Nations to provide aid.

The study by the group, a British organization called AfghanAid, a charitable group that sends relief supplies to Afghanistan, was conducted between September and December 1983 and was based on an investigation of the circumstances of more than 5,000 children in 30 Afghan provinces.

Speaking at a news conference at Freedom House, a human-rights organization that has been monitoring the situation in Afghanistan, Dr. Frances D'Souza, the director of the project, said regions of Afghanistan where the Soviet presence is the heaviest were particularly vulnerable.

"In all provinces where children were weighed and measured except Kabul," the Afghan capital, "between 4 percent and 20 percent of children showed severe malnutrition," the study said.

CONDITIONS IN NORTHEAST

It also said figures for the northeastern province of Badakhshan, which has been heavily bombed by Soviet forces since they invaded Afghanistan in 1979, suggested that conditions were already as severe as those found in times of famine.

Dr. D'Souza was based in Peshawar, Pakistan. In that country, she trained 14 refugees who secretly went to Afghanistan to conduct surveys and took the results back to Peshawar.

In some cases, Dr. D'Souza said, the results had to be smuggled across the border rolled up in rugs.

Although she conceded that the results of the survey were subject to a larger than usual degree of error because of wartime circumstances and the heavy reliance on hearsay evidence, she said they clearly indicated that some provinces were suffering far more than others.

Areas that border Pakistan or have their own resources are able to feed their people, Dr. D'Souza said. But she said 250,000 people in Badakhshan, 200,000 in the Panjshir Valley and 50,000 in pockets in the far west of the country would probably face death if they do not receive aid immediately. In addition, she said, there are other areas of the country where the food situation may get worse.

AfghanAid is asking the United Nations, and particularly Unicef, to lead an international effort to provide aid. Viscount Cranborne, a Member of the British Parliament who is chairman of AfghanAid, said the organization would prefer an international effort to an American one because the United States has "obvious stakes in the issue."

Dr. D'Souza, a physiologist from the University of London's School of Hygiene and Tropical Medicine, said the report was based on three types of surveys. One measured the agricultural productivity of various regions, another the nutritional status of children and a third economic factors such as food prices.

"It is almost impossible to relieve a famine once it has begun," Dr. D'Souza said. "But we are beginning to understand there are ways of intervening that will help prevent it. It requires immediate attention."

THE TRADE DEFICIT—APRIL'S RECORD LOSS

Mr. BYRD. Mr. President, we learned last week that the Nation's merchandise trade deficit expanded to an all-time record of $12.19 billion for the month of April. This increase marks the fourth straight month of record trade losses. Already this year, we have exceeded the total trade shortfall for the year 1980.

Several weeks ago, I addressed the Senate on the subject of World Trade Week. As I said at that time, the present administration has presided over an unprecedented decline in our global economic leadership. Over the past 4 years, a policy of huge deficits and sky-high interest rates has resulted in the largest trade shortfall ever. The United States has lost its position as the world's greatest trading nation, and has become the world's biggest trade loser.

The President has urged us to ask ourselves if we are better or worse off than we were 4 years ago. Clearly, America's position in the world economy is more precarious than it was 4 years ago, and the growing trade deficit foreshadows more trouble ahead. This loss of leadership translates into fewer jobs and greater economic uncertainly here at home.

Mr. President, I ask unanimous consent that an editorial from the June 4, 1984 edition of the Washington Post dealing with this subject be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 4, 1984]

THE IMPORT-EXPORT BUSINESS

The steadily widening American trade deficits are becoming an important source of instability in the American economy. The April figures, just published, show the deficit roaring along at a rate of $130 billion a year—a level that, if it had been predicted six months ago, would have been derided as alarmist.

These deficits won't continue indefinitely. But the unsettling thing about them is that no one has any ideas when the pattern will break. It depends on the willingness of foreigners, as they sell goods here, to keep holding more and more American dollars. At some point, presumably, they will decide that they have enough and refuse to finance American trade deficits any further. Perhaps they will decide that they have more than enough, and begin selling dollars for other currencies that at that moment look safer or more profitable.

What might precipitate that? It's unpredictable. It might be a rather minor event—one bank failure too many, perhaps, or a strike. The important thing to keep in mind is that when it happens, an uncomfortable adjustment will follow. It will mean a drop in the dollar's exchange rate and a further rise in interest rates. If the country is lucky it will happen gradually. But there's no guarantee that it won't happen the other way.

In the meantime, there are substantial consequences for the American economy. Throughout the postwar years, the United States has built up enormous investments abroad that return a steady stream of foreign income to this country. They are now being rapidly offset by the accumulation of foreign investment here that is helping to finance the trade deficit. This country's net foreign investment, and net foreign income, are falling—at the cost of the standard of living. You ought not be under the impression that these foreign trade deficits are free. You are paying for them out of the capital that this country has slowly built up over many years.

The trade deficits are not, after all, mere financial abstractions. They measure the trouble that American industries are having competing with foreign producers, both in this country and abroad. The reason for it is the very high exchange rate of the American dollar. The dollar is high primarily because American interest rates are high. And if you begin looking for the reasons for the high interest rates, you will find that the trail leads you directly to the Reagan administration's huge budget deficit.

The causes of that dangerously lopsided trade balance don't have much to do with the alleged machinations of foreigners, or their trade policies, or their currency manipulation. The reasons for it don't lie in Japan or Western Europe. The American trade deficit is the result of bad policy here in Washington.

U.S. SUPPORT FOR THE AFGHAN NATIONALISTS

Mr. BYRD. Mr. President, this week's edition of Time magazine carried an article detailing the training and support the United States and our friends have provided the Mujahedin in Afghanistan since the Soviet invasion of that country in 1979.

The article provides a useful insight into the skill with which the Central Intelligence Agency constructed a support mechanism and weapons pipeline for the Afghan nationalists.

I, of course, am in no position to say whether or not the article is accurate in its every aspect, but I think that the scrupulous attention paid to virtually every detail involved in providing support for the Afghan rebels is an impressive tribute to the CIA.

As I said a few minutes ago, the Soviets are apparently attempting to subjugate the will and the courage of the Afghanistan people by a strategy that will starve them into submission. It seems to me that this opens up a very clear pipeline through which this country and other countries could help the Afghan people. I believe it was Napoleon who said that an army advances on its stomach. I think it is imperative that food be provided in some way to these starving families of brave Afghan fighters.

And, who knows, that may be the determining factor in this war in the final analysis. Food may be the key weapon, in a sense, and certainly it is one which the Afghan fighters cannot do without. Not only that, but it would be unconscionable, I think, for the rest of the world to stand by idly and see the Soviets succeed in starving Afghan freedom fighters and their families into submission.

I hope that other countries take note and that Moslem populations everywhere, including those in the southern part of the Soviet Union, take note of the barbarity which is being utilized to bring about a victory for the Soviet invaders.

The Time article outlines how American spy satellites detected Soviet preparations for the recent assault on the Panjshir Valley—an assault that was aimed at eliminating Ahmad Shah Massoud, one of the most impressive of the Afghan leaders. The information was relayed to Massoud, the valley cleared of civilians, we were told, and hundreds of land mines have been purportedly been laid.

As a result, the seventh assault on the Panjshir Valley by the Soviets once again failed to break the back of the courageous Afghan freedom fighters—or has failed thus far, we hear.

What is so impressive about the CIA's support for the Afghan nationalists is the amount of thought and planning that went into establishing this support mechanism. Afghan exiles living in Europe and the United States were carefully screened and trained in CIA schools where they learned about shipping, running travel agencies, and sending large containers overseas. A communications link that relays information quickly to CIA headquarters at Langley from the insurgents in Afghanistan has been in operation for some time.

According to the Time report, "When the CIA pipeline first moved in, there was not a path into or out of Afghanistan that they did not have mapped down to every physical detail."

Mr. President, the CIA is to be commended for a job that has reportedly been well done in supporting the Afghan nationalists.

If all of this is accurate, then it constitutes a proud chapter in our Nation's history.

The Afghan nationalists themselves have demonstrated that, if ever a people are deserving of our moral and material support—not only of our country, but also of other freedom-loving peoples everywhere, and particularly to those who are Moslems—it is the Mujahedin. Despite a brutal occupation of their country and despite suffering immense deprivation, the spirit of the Afghan resistance remains unbowed and unbroken. It serves as a beacon of inspiration to all in the world that the Afghan people are willing to sacrifice so much to be free.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

AFGHANISTAN: CARAVANS ON MOONLESS NIGHTS—HOW THE CIA SUPPORTS AND SUPPLIES THE ANTI-SOVIET GUERRILLAS

The Soviet army's seventh and most punishing assault on Afghanistan's Panjshir Valley this spring was in many respects an exercise in frustration. Moscow was determined to bring down Ahmad Shah Massoud, 30, a resourceful leader of the mujahedin, who have been defying the Soviets ever since they invaded the country in 1979. But only five days before the beginning of the Soviet operation code-named Goodbye Massoud, the mujahedin commander suddenly slipped away from his headquarters and went into hiding. The following week the Soviets claimed Massoud was dead. Within hours, the rebel leader's voice crackled over the Soviet army's secret radio network, accurately describing the weather, the Soviet positions and their casualties that day. Meanwhile, in whatever direction Soviet tanks turned, they ran across rebel-laid land mines. According to Western diplomats in the Afghan capital of Kabul, casualties were so high that gravediggers at the local cemetery worked overtime to bury up to 40 soldiers a day.

The mujahedin had some special help that enabled them to resist the formidable assault so well. Three weeks before the Soviet tanks began to roll, American spy satellites detected movements that allowed agents to warn the rebels of the impending attack. Massoud's radio performance was made possible by the use of more than 40 CIA-supplied portable transmitters. In response to a specific request from Massoud, the CIA also arranged to send hundreds of land mines by plane, ship, truck, camel and pony across three continents and through several intermediaries, so that they got into rebel hands just before Goodbye Massoud began. Says a Western diplomat: "Nothing would make the Soviets happier than breaking the back of the CIA pipeline in Afghanistan."

The thwarting of Goodbye Massoud was the most recent, and perhaps the most daring, success of the CIA's operation to assist the embattled guerrillas. Like most of the world, the U.S. was outraged when the Soviets invaded Afghanistan and proceeded to transform it into a puppet state. That shock, together with widespread sympathy for the mujahedin, has not abated as Moscow has tried to consolidate its tenuous control over the nation by resorting to carpet bombing, chemical warfare and outright massacre of civilians.

So the existence of a CIA pipeline to the mujahedin has long been an open secret. President Carter's National Security Adviser, Zbigniew Brzezinski, publicly took credit for setting up the arms flow to the Afghan rebels in 1979. Shortly before his death in 1981, Egyptian President Anwar Sadat acknowledged that the U.S. was using Egypt to ship weapons to Afghanistan. During a visit to Pakistan last year, Secretary of State George Shultz went so far as to tell several thousand Afghan refugees, "You fight valiantly, and your spirit inspires the world. I want you to know that you do not fight alone. I can assure you that the United States has, does, and will continue to stand with you." Sources in Asia, the Middle East and the U.S. have given TIME some details of how the aid pipeline works. Used selectively, the information sheds light on this operation without exposing individuals and organizations.

The CIA spends around $75 million a year supplying the rebels with grenades, RPG-7 rocket launchers and portable surface-to-air missiles, as well as with radio equipment and medicines. Although the guerrillas have their own stock of rifles, which they replenish with weapons captured during ambushes or taken from the Soviet dead, the CIA sends ammunition for AK-47s, together with machine guns and sophisticated snipers' rifles. Shipments of these goods arrive every few days, but most often on caravans that travel on moonless nights to evade the powerful searchlights of low-flying Soviet helicopters. As a senior Western military attaché told TIME, "Getting the material they need in to the mujahedin must be one of the most hazardous and difficult supply tasks ever undertaken in modern military history."

Politically the CIA's main challenge has been to avoid linking its operation to the government of Pakistani President Zia ul-Haq. Burdened by the inflow of more than 3 million Afghan refugees, Zia has actively tried to negotiate a settlement to the war in the face of Soviet intransigence. He has also repeatedly denied Soviet charges that his country was directly supplying the Afghan rebels in any way. Evidence to the contrary would not only compromise the talks, which are being conducted through the United Nations, but could even give the Soviets a pretext for moving into Pakistan's North-West Frontier province. "We're going to keep Zia's hands clean," CIA Director William Casey told a top aide early on. Says a senior intelligence official: "Ideally, the pipeline had to be invisible, passing through Pakistan without the Pakistanis' being aware that it was there." As a result, much of the operation is handled with the help of Saudi Arabia, which grows increasingly alarmed as Soviet airbases draw ever closer to its oilfields. The Saudis' support for the guerrillas is by no means covert; only six weeks ago, Crown Prince Abdullah encouragingly assured Afghan refugees in Pakistan,"Your struggle is a jihad [holy war] because you have taken up arms in defense of Islam. We will continue to assist you as we did in the past. We will always remain on your side."

The CIA pipeline to the guerrillas, initiated by the Carter Administration, was stepped up by Casey soon after President Reagan's election. The new director wasted no time in ordering his station chiefs in Europe to look for Afghan exiles who might make good recruits. The CIA men began by poring over lists of students and teachers, compiling dossiers on likely candidates and placing them under surveillance. Those who seemed thoroughly reliable and unquestionably pro-mujahedin received casual invitations to lunch from a visiting American professor, or a priest, perhaps, or even a Saudi businessman. All were undercover CIA agents. While the CIA was recruiting some 50 such Afghans in Europe, it was also, with help from the FBI, gathering a similar group in the U.S. Though most of the recruits were students, one was a Manhattan taxi driver, another a millworker from Ohio, a third a judo instructor from the Southwest.

For nine months, the 100 Afghans underwent training at CIA schools around the U.S. where they learned about shipping, running travel agencies and sending large containers overseas. At last, in the spring of 1982, Casey sent his fresh graduates into the field, armed with code names, passports and generous subsidies.

Some 30 Afghan agents took up positions in Saudi Arabia, working for small companies that handled the shipment of cargo to Asia. There they were put in charge of sending out electronic equipment, sewing machines and fertilizers, as well as religious materials going to farflung Muslims in Malaysia, Indonesia, and, of course, Pakistan. To these regular shipments, the Afghans would sometimes add a few cases of arms, specially coded for quick detection by their colleagues. "We began modestly, because we were new to the game," one recruit says. "But as we got the hang of it, we were gradually able to increase the volume."

Meanwhile, the majority of the Afghan recruits went to Pakistan, where the CIA has for three decades run a topnotch network of agents and safe houses. "The CIA archives on Pakistan are perhaps the best in the world," a Western diplomat notes. "When the CIA pipeline first moved in, there wasn't a path into or out of Afghanistan that they didn't have mapped down to every physical detail." Better yet, nearly half of the almost 5,000 ships that unloaded goods in the Pakistani port of Karachi last year were carrying cargo from the Persian Gulf. A special arrangement allows vessels transporting food or medicine for Afghan refugees in Pakistan to be unloaded quickly and waved onto waiting trucks without going through normal customs procedures. The Afghans probably make use of this system to send along their arms.

The transportation of the land mines was a textbook example of the pipeline in operation. "It was a test," said an Afghan agent. "It made us feel that we were helping our brothers inside Afghanistan fight the Russians." As soon as Massoud requested the mines, U.S. Army ordnance depots, in the U.S. and West Germany collected the materiel, erased all the U.S. markings, then sent it to a CIA installation near Stuttgart. There the mines were wrapped in special shock-absorbent material and packed in lightweight, waterproof, steel shipping boxes. The crates were stuffed with telephone wires and batteries; their contents were described as telephone equipment for a religious organization. Next the shipment was loaded onto a cargo plane, which a CIA crew flew to a secret landing strip in the Persian Gulf sultanate of Oman.

From there the mines were transported by ship to Pakistan's Makran coast. The CIA Afghans met the arms there and drove them to a rendezvous with the mujahedin in a desolate area near the Afghan border. The guerrillas took the arms away in a Soviet-made truck; when that vehicle broke down, they switched to camels. Upon arrival at the outskirts of Kabul, the mujahedin opened the boxes and carefully packed each mine in a mixture of camel dung, mud and straw—the materials that local peasants use to build walls. Finally, more than two weeks later, ponies piled high with the booty arrived at Massoud's base in the Panjshir Valley. Says a senior Western diplomat in the region: "Considering that we are living in the age of computers and the Concorde, the means of getting help to the mujahedin are extremely primitive. Air drops are possible in rare circumstances, but the Soviets have radar and fast interceptors."

The CIA has also taken care to set up swift and secure communication links with and among the rebels. Upon receiving intelligence, intermediaries in Oman and Saudi Arabia relay messages eastward to Afghan agents in Pakistan and westward to CIA headquarters in Langley, Va. Two years ago, the six major guerrilla groups within Afghanistan had to communicate by messenger; during the latest Soviet assault, Massoud was able to use radios to call for assistance from two other rebel bands.

The pipeline is probably working at close to its capacity, and the CIA is determined not to upset its delicate system. For that reason, the agency has, in recent months, refused to increase the quality or quantity of U.S. aid to the Afghan rebels. Last month, however, the House of Representatives passed a bill that would make Pakistan one of five countries where more than six military advisers may be stationed.

Sums up an Afghan agent: "Soviet attempts to cut the pipeline have created some frustration and disappointment. But the struggle inside Afghanistan continues to survive and, in some important ways, the pipeline continues to grow."

Mr. BYRD. Mr. President, if I have time remaining, I yield it to my good friend, Mr. PROXMIRE.

I thank him for his patience.

Mr. PROXMIRE. Mr. President, I thank my good friend, the Democratic leader.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. Mr. President, do I get time from the Democratic leader, or was all of his time used?

The PRESIDING OFFICER. The Democratic leader had consumed all of his time.

Mr. BYRD. Mr. President, may I ask, did the distinguished majority leader use all of his time.

The PRESIDING OFFICER. The majority leader has 2 minutes and 49 seconds remaining.

Mr. BYRD. Mr. President, it has been indicated that I may make this request.

I ask that that time be given to the control of Mr. PROXMIRE.

Mr. PROXMIRE. Mr. President, I thank the majority leader, and I want to commend him on what he just said. I think the irony is that this country is pouring millions of tons of wheat into the Soviet Union, and as the Senator from West Virginia, our leader, has so well said, an army moves on its stomach. We provide virtually, I am sure, very little food, and very little help to the Afghanistan nation that is fighting for its survival.

WELCOME TO STAR WARS: THE TRILLION DOLLAR ANTINUKE MISSILE EXTRAVAGANZA

Mr. PROXMIRE. Mr. President, on another subject, this administration has initiated in the budget before us this year, the boldest and most radical proposal for a Federal spending explosion in this Nation's history. Of course, I am referring to the proposition that this country pour untold billions of dollars into what the administration calls a Strategic Defense Initiative, and what has become known popularly as "Star Wars." Think of it. The administration initially proposed that we increase the roughly billion dollars a year we now spend on research devoted to military activities in space by more than 70 percent. The Senate Armed Services Committee has reduced that request to a still smashing 55 percent increase—far and away the biggest percentage increase in any Federal program that spends in excess of a billion dollars. Unfortunately, this is only a small part of the downpayment. The administration projects spending more than $25 billion on this program in the next 5 years. What weapons system or weapons deployment would that $25 billion buy? Answer: Nothing. Five years from now we would have no antimissile weapons deployed, and none ready to be deployed. If it will cost us $25 billion simply to do the initial research, how much will it cost to procure and produce the weapons and then to deploy them? Answer: No one knows. Can anyone at least tell us how much the research, not the weapons but the research, will cost? Do we know that? No. We will spend $25 billion by 1989 and probably a total of $50 billion by 8 or 10 years from now before we have even an estimate of the eventual total cost, or whether there is any prospect that the system will work.

But certainly if the Congress decides to move into a military realm this costly, there must be some reasonable assurance from the experts who advocate the program that we will be able to develop a weapons system that will eventually work, a program that will at least be very likely to enhance our national security.

Will this multibillion-dollar strategic defense initiative program work? Listen to Assistant Secretary De Lauer—the administration's chief of military research. De Lauer says the program can only work—and get this condition—if the Soviets agree to limit their offensive missiles in arms control negotiations. Roll that one around your cranium for a minute. Secretary De Lauer agrees that the Soviets could overwhelm any antimissile defense by simply building enough offensive missiles so it will not work unless the Soviets—that is right—the Soviets agree. How about that? Now the crucial question: Why in the world would the Soviets agree to an arms control commitment that would nullify their ballistic missile deterrent? Why would they agree to reduce their ICBM's to a point where an American antiballistic missile system could safeguard our country—our critical weapons and our cities—against any Soviet attack? The administration's answer is that we would offer the Soviets as a quid pro quo our own antimissile technology and agree to build our antimissile defense in tandem with the Soviets. Wow.

Well, what is wrong with that? Plenty. Such an arms control agreement would require a degree of verification that is almost certainly impossible to achieve. Both sides would have to scrutinize technological developments on the other side in constant and painstaking detail. We would not only have to have a limit on the number and range and power of Russian missiles. We would also have to have a complete and up-to-date count on the penetration quality, the precise accuracy of each Russian missile. The administration has opposed the proposed nuclear freeze in part because of the complexities involved in verification. The complexity involved in verification of an antimissile and offensive missile standoff would be far greater.

Meanwhile, where does this new big antimissile program leave our European allies? The Soviet Union and the United States are a continent apart. It might conceivably be practical for a defensive missile system to work at least in part to defend against a missile fired over a distance of 3,000 to 6,000 miles. But the Soviets now plan to push their offensive missiles into Eastern Europe, only about 3 minutes and a few hundred miles from Western European targets. Our European allies have supported us and opposed the Soviet Union under the shield of the massive protection of the American nuclear deterrent. As long as that deterrent threatens Russia, we can be reasonably certain the Soviets will not attack Western Europe. Why? Because a Soviet attack on Western Europe today could trigger a nuclear response that could utterly destroy the Soviet Union.

Now assume that mutual antimissile systems—one in the United States and one in the Soviet Union—protects each country from an ICBM attack from the other. What remains to deter the Soviets from using their immense conventional superiority to attack Western Europe? And there goes NATO.

Mr. President, it should be obvious that the $1.6 billion downpayment we make on this new adventure in space warfare will begin to take us down a long and immensely expensive road. No one can now tell us what the eventual cost will be. But once we start, every year of experience this Senator has had in this body, and I have been in this body for almost 27 years, tells him that it will be increasingly harder to cut it off. By 1992, after we have poured $50 billion into research and prototype development will we say no, even if we know what a turkey we are buying? I do not think so. Unfortunately, we will not say no for two reasons. First, every dollar of that $50 billion will go to build up expectations that may be we have a technology worth pursuing if only we give it a chance.

After all we will have poured $50 billion into the pot. At that point we will have literally nothing to show for it. Congress can only save face by pushing ahead.

Even more certain to keep Congress spending will be the firms and the workers that will do the business of producing and deploying the hardware. A trillion dollars—and any estimate would suggest it will cost that before we are through—buys a tremendous number of jobs. It provides some very handsome profits. It can do marvels in building up communities where the work is done.

It will enlist the enthusiastic support of Congressmen and Senators who come from those communities, where prosperity depends on continuing even a program that will not work. Mr. President, the time to stop this boondoggle in the sky is now.

WHY THE LONG TERM ECONOMIC OUTLOOK IS GRIM

Mr. PROXMIRE. Mr. President, on June 6 a group of economists from the Brookings Institution recommended a program to eliminate the Federal budget deficit by 1989. With their objective this Senator wholeheartedly agrees. This recommendation provides a significant service to this country. After all, if a group of economists can agree that the Congress can take action that will eliminate the Federal deficit in 5 years, should we not know that the job can be done? Do not these experts show us the way? Is not all we need now—the congressional will? How this Senator would love to answer a loud and ringing "Yes" to each of these questions. But I cannot. The answer must be a somber and serious "No."

There is no question in the mind of this Senator that the colossal deficits we face constitute a ticking time bomb. We live in a fool's paradise. The economic prosperity we enjoy now and probably for the rest of this year will vanish like a snowball in a hot furnace within a year or two. The massive deficits have handed us a temporary prosperity. Regardless of who is elected President of the United States in November, this country will pay dearly, very dearly, for this prosperity probably beginning sometime in 1985. Why all this gloom and doom? Why cannot the deficits simply roll on? As long as the Federal Government spends more money than it brings in, as long as it cuts taxes while it is massively increasing public spending, will not jobs continue to expand—both public sector jobs and private jobs?

So the Congressional Budget Office estimates that unless we change current law, the deficit in 1989 will exceed $300 billion. Will that not simply push more income into the hands of the millions who work for the Government directly or indirectly on Government contracts and the millions who work in the private sector? Why should that increased employment cause inflation? It has not so far. In fact, the only tangible pain we have suffered from these colossal deficits has been high interest rates. Sure they hurt some. But they also attract investment from abroad as foreigners sell their yen and their pound and their mark and lira and buy dollars for investment in the United States. That strengthens the dollar. And what does that mean? Well it means it is cheaper for our consumers to buy abroad. So they do. They buy more Japanese cars and more German steel and more French wine and more Italian shoes and more British textile products. Sure that reduces the jobs of Americans who work in auto and steel plants and in American wineries and textile plants. But it does something else. It holds down inflation. Experts testified before the Senate Banking Committee on June 6 that inflation in this country would be 60 percent higher than it is today if our colossal deficit had not brought in this flood of cheaper foreign goods. And while Americans have been losing jobs because of foreign imports, these colossal and explosive deficits have been the prime factor in increasing American jobs by more than 5 million since December 1982.

So who wants to shoot Santa Claus? Super king-size deficits have given this country the best of all possible economic worlds. We have sharply declining unemployment. New jobs are coming on like gangbusters. And meanwhile inflation is behaving beautifully purring along like a contented kitten at about one-third its level of 5 years ago. Sure, borrowers moan about high interest rates. Yes, foreigners especially from developing countries complain that this country's high interest rates have leeched off their vital capital. But look what American prosperity is doing for their economies.

The American locomotive engine is chugging up hill pulling the entire free world economy behind it. Name another good reason why the projection of top international economists for this year shows that every one of the major developed countries in the world will probably enjoy positive, real economic growth in 1984? That is the first unanimous good news about the free world economy in many years. Why? The answer is that they are selling like mad to America. Our foreign merchandise trade deficit will hit an appalling $125 billion this year, based on the first 5 months of the year experience. The statistic scares us. But so what?

Jobs are increasing in this country. Even faster in this country than abroad. But jobs are increasing abroad, too. And, inflation is down. The outlook for the next several months—judged by such reliable, hard figures as the leading indicators—suggests unemployment will continue to fall and inflation will keep on behaving like a perfect lady or gentleman for the rest of this year—right up and at least a few months past our Presidential election. So what is wrong?

Well, if you plan to disappear from the Earth in the next year or so, absolutely nothing is wrong. But if you intend to be around awhile, get ready for a terrible jolt.

Next year and several years afterward will be painfully, agonizingly difficult for elected Federal officials. The Brookings economists who tell us how to balance the budget in 1989 are, of course, technically correct. What they propose takes a lot of difficult doing, cutting popular spending programs, raising more taxes. But technically it can be done and several of us in the Congress have also pointed out other options, other ways to do it.

So we have an answer—do we not? No sir. We do not. Not even close. Why not? Well, you see, the Brookings economists and all the rest of us who have shown how we can eliminate the deficit assume the economy will behave for the next 5 years and provide us with average growth of 3 percent or better. So why will it not? It will not because as we come off this series of immense deficits while the economy settles down after 3 years of recovery, unemployment will begin to rise again. Why is the gloom so sure? Because there is no way, Mr. President this Government can even try to bring a budget that is $300 billion out of balance into balance in the next 5 years. Technically and politically yes. But practically, no way. Because as we try to cut spending and increase taxes we will go into a recession that will increase unemployment compensation spending, welfare spending, public jobs spending, and cut revenues as incomes and private spending falls.

This Congress and this administration have worked this country into an economic mess of enormous proportions. It will take much more than 5 years and some very considerable sacrifices from all Americans to work our way out.

CRIMES AGAINST HUMANITY MUST BE PUNISHED

Mr. PROXMIRE. Mr. President, in this day and age it is hard to imagine that systematic and mass killing of human beings would ever occur. But it can happen. It is hard to accept the fact that torture still occurs. But it happens.

Amnesty International, in a supplement to its monthly newsletter, is issuing "Files on Torture" to draw attention to the use of torture that continues to plague modern society. Each issue will reveal the cruelty and degradation of physical torture in a particular country. They will present allegations of brutal treatment of criminal and political prisoners who have suffered inhumanities that should outrage the rest of the world.

The most recent Amnesty International report contains testimony from former detainees who say they have endured electric shocks, daily beatings and burnings, and assaults on all parts of the body. Even today there exist countries where such atrocities continue. Sometimes the torture can result in permanent disability and even death. To modern civilization, the Amnesty International reports are shocking. It is difficult to accept that even today, the merciless cruelty of physical torture continues.

It is also difficult to believe that the crime of genocide, the attempt to annihilate a national, ethnic, racial, or religious group could ever occur again.

But it could happen. The United States must recognize that genocide, like any other crime against humanity, is as conceivable today as it was in years past.

For this reason, the United States must ratify the Genocide Convention. The United States must make genocide a crime punishable under international law. It must do so to show its disgust for brutal violations of basic human rights.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER** (Mr. GORTON). Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10:15 a.m., with statements therein limited to 3 minutes each.

D-DAY AND THE NEED FOR A NATIONAL PEACE ACADEMY

Mr. RANDOLPH. Mr. President, we have throughout America, in recent days, thought in remembrance of D-day. I would like to speak very, very briefly——

Mr. BYRD. Mr. President, may we have order?

The **PRESIDING OFFICER.** The Senate will be in order. Those wishing to converse will please retire to the cloakrooms.

Mr. BYRD. Mr. President, I ask for the order in the Senate. I know when we have order and when we do not have.

The **PRESIDING OFFICER.** The minority leader is correct. I think the staff is carrying on more than anybody else. The Senate will be in order.

Mr. BYRD. I ask that the minority leader take his seat.

The **PRESIDING OFFICER.** The Senator from West Virginia (Mr. RANDOLPH).

Mr. RANDOLPH. Mr. President, I am grateful to my colleague, the minority leader for attempting to get order in the Senate. I remember during a recent midnight session when I complimented him and the majority leader on giving perhaps the best accounting of leadership this Senate has ever known. I repeat it here today, not especially because someone would perhaps be talking as I am speaking, but to say that I am one who believes very, very much in decorum in the Senate.

I have believed in that through the years. I have practiced what I have preached and I have voted always from my desk. I lost one attempt, as the able minority leader knows, to amend the rules so that Senators would vote from their desks.

Certainly, the movement of Senators in this body is very desirable and necessary from one place to another.

I shall now come back to what I had been speaking of. Recently we have given attention to the invasion on D-day, June 6, and this country pressing forward, with the flower of young manhood fighting thousands of miles away from the United States of America.

What was the reaction in the House of Representatives where I was serving as we were in session and were voting on D-day. The days that were to follow D-day from the standpoint of the American people, the Nation's legislators giving attention to those matters that we should have attended to even before were very important. I remind us that on June 21, President Franklin Roosevelt signed the GI bill of rights. Probably that legislation would not have had let us say, as significant an impact at the time, if it had not so closely followed D-day.

Then on the 26th of June, another measure was to be signed by the President of the United States. That was the measure that gave to veterans a preference in connection with employment in the United States of America. I call our attention to these two important legislative enactments, the 21st for the first signature, the 26th for the second signature of Franklin Roosevelt. The feeling within Congress was that it was not only appropriate and timely, but under the impact of that struggle in Europe there was here at home an understanding of our obligation as legislators. We placed out approval on the veterans' legislation; which quickly received the President's signing. These laws are highly important. I am sure that veterans today and even at the time that the fighting was going on overseas, shared the thought that, "We are not forgotten—certainly not by our families and our friends, but in the Halls of Congress on Capitol Hill, they are remembering our service, our sacrifice."

And often, they did not come home. A few days ago, I was in Luxembourg, visiting the beautiful American cemetery. There are 5,076 American boys buried there. Many of whom fought the Battle of the Bulge. As I stood there that day, I thought, when will the world come to that time when understanding and peace will be given to humankind? Of the more than 5,000 who are buried there, 89 are West Virginia boys, young men, who were fighting in those very strategic battles in that area.

Mr. President, I wish to express what I have expressed so very often. I am not one to keep hammering away, except I do believe that before this Congress goes home this fall, we should pass and the President of the United States should sign into law the legislation which has been reported from the Committee on Labor and Human Resources which would establish a U.S. Peace Academy, S. 564.

Is there anything wrong with talking about conflicts before they actually take place, counseling together? Hopefully, a conflict could be avoided by careful study and understanding. We are asking only $8 million to establish a National Peace Academy. When I think of the huge sums of money that we rather quickly obligate ourselves to, to be paid by American citizens, Mr. President, I should like to say that, although I have no definite knowledge, the American people would put their stamp of approval on an $8 million program for a National Peace Academy in this country. We have been working on it with others for years and years. I have no criticism whatsoever from the leadership on the other side of the aisle; in fact, I commend it often.

But even in his absence and knowing that he has met with us many times, I hope that the majority leader and others will give us the opportunity to consider the Peace Academy measure in the Senate.

Let us be reminded that it was reported from the committee on September 21. There are 55 cosponsors of the legislation at this time. There is the feeling among many of us, not a carping criticism, but only just a statement that I make today and others would make, why cannot we bring to this floor and to the floor of the House of Representatives the opportunity to debate this measure. Hopefully to pass it, to place it upon the desk of the President of this Republic and he would have the opportunity in his judgment to sign it or not. If he would sign it, it would become a law in this critical crucial year when violence, volatility, and misunderstandings are abroad in the world.

DR. WILLIAM E. OGLE

Mr. STEVENS. Mr. President, Alaskans were greatly saddened recently with the passing of Dr. William E. Ogle.

Dr. Ogle was a nationally known and respected nuclear physicist, who dedicated over 30 years of his life toward the development of nuclear energy and weapons for America. Dr. Ogle also devoted the last 10 years toward exploring alternative energy options in Alaska.

During his distinguished career, Dr. Ogle worked at the Los Alamos Laboratory in New Mexico from 1944 until 1977. He was a scientific adviser for the Amchitka Island nuclear test that took place in 1969. In addition, he headed Operation Dominic, which tested a series of devices on Christmas Island near the Equator. While in Alaska, Dr. Ogle served as a consultant to former Alaska Gov. William Egan. In 1977, Dr. Ogle began Energy Systems, Inc. in Alaska, yet he continued as a consultant to the Departments of Energy and Defense.

Mr. President, we are fortunate to have had the contribution of knowledge that Dr. Ogle gave to our country and society. His efforts will undoubtedly impact generations of peoples not only in the United States but throughout the world. He was unique in a unique field. He dared to help unfold information and knowledge about nuclear energy and its bounds.

Dr. Ogle was an Alaskan. He was a dedicated family man. He was loyal to family, friends, and country. His wife, Janice, is the daughter of my old friend Bob Reeve. Five children, Bill, Jim, Mark, Jean, and Mona will forever remember his devotion to them.

Mr. President, Dr Ogle was a man respected by all who knew him. Our Nation owes him high tribute.

I ask that articles from the Anchorage Times and the Tri-Valley Herald be printed in the RECORD at this point.

The articles follow:

[From the Anchorage Times, May 22, 1984]

ALASKA PHYSICIST OGLE DIES OF HEART ATTACK IN CALIFORNIA

(By Valerie Meehan)

Physicist William Elwood Ogle spent the 10 years before his death exploring alternative energy options in Alaska. But for nearly 30 years before that, he helped develop the United States' nuclear arsenal, and he never regretted it.

Ogle's brother-in-law, Richard Reeve, said, "He never really felt sorry or guilty for developing nuclear power because at that point in time it was something that had to be done."

Ogle, 66, died Wednesday at Stanford University Hospital in California after suffering a heart attack while attending a conference at the University. He was married to Janice Reeve, the daughter of pioneer Alaska aviator Bob Reese, and had moved to the state 12 years ago because it was her home.

Ogle was employed by Los Alamos Laboratory in New Mexico from 1944 to 1972. Ogle was scientific advisor for the Amchitka Island nuclear test, Oct. 2, 1969, an underground unclear explosion of about one megation in the Aleutian Islands. That nuclear test was just one in a long career of observing and coordinating nuclear weapons tests.

Ogle was recruited from the University of Illinois for the Manhattan Project in 1944 and worked for Los Alamos Laboratory from 1944 until 1977.

He was in charge of Operation Dominic which exploded 35 bombs on Christmas Island, located near the equator.

In his later years, Ogle served as a consultant to former Alaska Gov. William A. Egan and in 1977 formed his own energy company in Alaska, Energy Systems Inc.

Ogle was a proponent of the peaceful uses of nuclear energy. In an October 1980 speech to the Resource Development Council in Anchorage, Ogle asserted that while Alaska had no need to develop nuclear power plants, the U.S. should.

According to a newspaper account of his speech, Ogle called the question of nuclear waste hazards, the "biggest non-problem we have."

From 1972 to 1977 he was a consultant to various agencies concerned about nuclear energy as well as the Alaska state energy office.

After forming Energy Systems Inc. Ogle continued as a consultant to both the Department of Defense and the Department of Energy.

He had been writing a book on the history of nuclear weapons testing, and associate Dr. John Beebee said it should be published soon—but only a select group of people will be able to read it since it will probably be many years before the book is declassified.

He was born Aug. 30, 1917 in Los Angeles.

Ogle is survived by his wife, Janice of Anchorage; three sons, William of Sante Fe, N.M., James of White Rock, N.M., and Mark of Anchorage; two daughters, Jean Marie Yabroff of Livermore, Calif., and Mona Sue Valencia of Sante Fe.

Memorial services for Ogle will be 4 p.m. Wednesday at Evergreen Memorial Chapel. The Rev. Richard Gay will officiate.

[From the Tri-Valley Herald, May 19, 1984]

OBITUARIES—WILLIAM E. OGLE

Nationally known weapons scientist Dr. William E. Ogle died while presiding at a meeting on geothermal energy Wednesday at Stanford University.

Mr. Ogle, a consultant to Lawrence Livermore National Laboratory since 1972, had participated in almost every field test of this country's nuclear weapons.

He was one of the top weapons scientists in the country, said Phil Coyle, deputy associate director for weapons at the lab. "He ran the testing program in Los Alamos in the early days of testing."

Mr. Ogle was a delegate to the nuclear test ban negotiations in Geneva in 1959 and was the subject of a Time magazine cover story in 1962. Since 1977, he had been president and chairman of the board of Energy Systems Inc. in Anchorage, Alaska, where he made his home.

"He was a lovely man in the fullest sense of the word," Coyle said. "He was honest, forthright, open-minded, creative. He was a pleasure to work with, he was so stimulating."

Steve Yabroff, Mr. Ogle's son-in-law, said it was Mr. Ogle's "human side that made him special."

"He was brilliant, quick, combined with warmth and humanity," Yabroff said. He would walk into a room fraught with tensions to negotiate and when he would leave, everyone would be smiling and happy, Yabroff said.

Mr. Ogle also was known for his patriotism.

"There are so many different kinds of problems that a nation faces," said his son Bill, "and he liked to tackle them all."

A modest man, Mr. Ogle received numerous awards, including the Defense Nuclear Agency Distinguished Service medal in 1981.

Yabroff said Mr. Ogle knew he was living on borrowed time because of heart problems.

"He had a sense of caring, an urgency, to help with the nation's problems," Yabroff said.

He also believed strongly in the family, Bill Ogle said.

"He was always remembering his children and keeping in contact with them," his son said.

He is survived by his wife, Janice Reeves Ogle of Anchorage; three sons, William of Pojoaque, N.M., James of White Rock, N.M., and Mark of Anchorage; two daughters, Jean Yabroff of Livermore and Mona Valencia of Pojoaque, N.M.

Memorial services will be Monday at 1 p.m. at the Presbyterian Community Church, 4300 Mirador Drive, Pleasanton.

Contributions in his memory may be sent to the William E. Ogle Memorial Scholarship Fund, care of Community National Bank, P.O. Bank 672, Livermore, Ca. 94550 or to the American Heart Association.

KATHLEEN P. JENNINGS RECEIVES YOUNG WOMEN ACHIEVERS AWARD

Mr. THURMOND. Mr. President, each year, the National Council of

Women of the United States presents to six outstanding ladies the Young Women of Achievement Award. I am proud to note that one of this year's recipients is from my home State: Miss Kathleen P. Jennings of Greenville, S.C.

Miss Jennings is currently the Assistant Circuit Solicitor of the 13th Judicial Circuit. An able and competent attorney, she is the first woman prosecutor in upstate South Carolina, and enjoys a reputation of being an effective and influential representative of the law.

Of particular interest is Miss Jennings' strong desire to use her office to defend and protect abused children. As coordinator and director of the child abuse prosecution unit of the Solicitor's Office, she is heavily involved with Family and Juvenile Court cases where children are victims of crimes. In 1977, she organized the Juvenile Justice and Child Abuse Division of the Greenville Solicitor's Office. Although active in many organizations and activities in her community, her over-riding interest is to be a "legitimate voice for the cause of abused children."

Mr. President, Kathleen Jennings has taken on one of the most challenging needs of our society today, and her efforts to bring relief to child abuse victims and justice to their offenders deserve high commendation. As one who has worked diligently on Federal legislation on child abuse, I understand well the needs of these special citizens, and I greatly appreciate the valuable contributions Miss Jennings is making in this area.

Mr. President, I know my colleagues in the Senate want to join me in saluting Miss Jennings on her outstanding achievements, and I ask unanimous consent that the following information on Miss Jennings and the 1984 Young Women of Achievement Awards be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDUCATION: THE HUMAN CONNECTION

(A Seminar To Explore the Changing Status of American Education and the 1984 Young Women of Achievement Awards)

The Award to Kathleen P. Jennings was presented by Eleanor Donnenfeld, President-Elect of the United States Commission on Women:

I have reviewed her marvelous career, and I can only add my own personal joy at being able to present this Award to a young lawyer. Being that I am the daughter of a lawyer and Judge and, growing up, he thought I would be a lawyer and take his place, but I didn't. Instead, I decided what I really wanted to be was the President of the United States Commission on Women. It is my pleasure to present this Award to Kathleen Perry Jennings; my admiration for her knows no bounds, and I will read to you now the presentation:

"KATHLEEN PERRY JENNINGS

"She is Assistant Circuit Solicitor of the 13th Judicial Circuit, the first woman prosecutor in upstate South Carolina.

"She is Coordinator/Director of the Child Abuse Prosecution Unit of the Solicitor's Office. Her responsibilities extend to include all Family and Juvenile Court matters. In all other courts, any cases in which a child is the victim of crime, she is responsible.

"She is a tireless advocate for the voiceless, often unacknowledged citizen, the abused child. Her commitment to educate her community and state to the needs of these victims has established precedents for recognition by the larger community.

"Ms. Jennings received her Juris Doctor degree from the University of South Carolina in 1976.

"She is Chairman of the Board of Directors of the Juvenile Delinquency Prevention Program of Greenville Technical College, Vice-Chairman for the Board of the Greenville Mental Health Center and Secretary of the Board of the Piedmont Youth Treatment Home.

"Her tireless commitment to bettering the condition of the young assures her place as a future leader.

"For her accomplishments in the field of Law, the National Council of Women of the United States salutes Kathleen Perry Jennings."

ACCEPTANCE REMARKS BY KATHLEEN PERRY JENNINGS

As a lawyer, I can't resist the opportunity to talk to a group—it's usually a group of jurors—and your comment about your father makes me think of my father's comment about lawyers. Being a Police Officer, now Chief of Police in Greenville, he always said that lawyers were "a dime a dozen," and encouraged me to go into another field. After he helped me through law school and encouraged me to work to help support myself, he changed his mind and decided that lawyers were probably "a quarter a dozen" when he saw how expensive it was to get through law school.

I bring you greetings from South Carolina, which is the home of Governor Dick Riley, who did me the great honor of selecting me and submitting me on behalf of the South Carolina women. There are many, many qualified and outstanding South Carolina Women, and I am delighted to be the one here to greet you.

I also bring you greetings from South Carolina, which is the home of Senator Strom Thurmond, Senator Fritz Hollings, a presidential candidate, and from Greenville, South Carolina, my home town, the home of Jesse Jackson—so you have a lot of famous and diverse people from South Carolina, and I am delighted to receive the spotlight for an occasion—I'll kid them about it at the next party.

On the part of children in Greenville and South Carolina and this country, we are one big community, and it pleases me to no end, to know that this Commission is actively supporting, and aggressively working on behalf of children. I hope that the State of New York will take the lead of South Carolina and a lot of states, on what we are doing, especially for children, and I understand that you have pending in your Legislature now, a Bill that will not require the corroboration of a child victim's testimony in sexual assault cases, which is so critical. I urge you all to get behind that Bill, from the State of New York, and couldn't resist the opportunity to make that spill on behalf of children.

Thank you for the opportunity to be here. You can be assured that my efforts in South Carolina, and throughout this country, on behalf of children and on behalf of women, will continue.

This only urges me to work harder and faster. (End comments by Kathleen P. Jennings.)

Comment by the Program Chairperson, Nancy L. Barker, President, National Council of Women of the United States:

It's not hard to see the reasons why these young women are receiving these Awards.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar by unanimous consent:

S. 2742. A bill to improve access to training opportunities for dislocated workers, to provide procurement targeting in labor surplus areas, to authorize the Secretary of Defense to operate skill training demonstration projects, and for other purposes.

The Committee on the Judiciary was discharged from the further consideration of the following bill which was placed on the calendar by unanimous consent:

H.R. 3221. An act for the relief of Harvey E. Ward.

The Committee on Armed Services was discharged from the further consideration of the following bill which was placed on the calendar:

S. 2489. A bill to amend the Small Business Act to enhance competition in Government procurement.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 3169. A bill to amend the Energy Policy and Conservation Act to facilitate commerce by the domestic renewable energy industry and related service industries (Rept. No. 98-508).

By Mr. DOLE, from the Committee on Finance, with amendments:

S. 1739. A bill to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 98-509).

By Mr. BAKER (for Mr. PERCY), from the Committee on Foreign Relations, without amendments and with a preamble:

S. Con. Res. 86. A concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. **BAKER** (for himself, Mr. Quayle, Mr. Hatch, Mrs. Hawkins, and Mr. Levin):

S. 2742. A bill to improve access to training opportunities for dislocated workers, to provide procurement targeting in labor surplus areas, to authorize the Secretary of Defense to operate skill training demonstration projects, and for other purposes; placed on the calendar.

By Mr. GRASSLEY:

S. 2743. A bill to designate a portion of 16th Street, Northwest, Washington, D.C., on which the Embassy of the Union of Soviet Socialists Republics is located, as "Andrei Sakharov Avenue"; to the Committee on Governmental Affairs.

By Mr. HEINZ (for himself, Mr. Glenn, Mr. Chiles, Mr. Wilson, Mr. Domenici, Mr. Percy, and Mr. Burdick):

S. 2744. A bill to amend the Social Security Act to protect beneficiaries under health care programs of that act from unfit health care practitioners, and to otherwise improve the antifraud provisions of that act; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself and Mr. Byrd):

S. Res. 400. Resolution authorizing testimony of Rey Post in the case of State of Vermont v. Stephen Cram; considered and agreed to.

By Mr. GRASSLEY:

S. Con. Res. 118. Concurrent resolution expressing the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named Andrei Sakharov Avenue; to the Committee on Governmental Affairs.

By Mr. PELL (for himself, Mr. Percy, Mr. Dodd, Mr. Chiles, Mr. Sarbanes, Mr. Hart, Mr. Mitchell, Mr. Quayle, Mr. Chafee, Mr. Glenn, Mr. Pressler, Mr. Bentsen, Mr. Exon, Mr. Zorinsky, Mr. Cochran, and Mr. Lugar):

S. Con. Res. 119. Concurrent resolution expressing the sense of the Congress concerning infringements of religious freedom by the governments of the Warsaw Pact states; to the Committee on Foreign Relations.

By Mrs. HAWKINS:

S. Con. Res. 120. Concurrent resolution expressing the sense of the Congress that the legislatures of the States should develop and enact legislation designed to provide child victims of sexual assault with protection and assistance during administrative and judicial proceedings; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. **BAKER** (for himself, Mr. Quayle, Mr. Hatch, Mrs. Hawkins, and Mr. Levin):

S. 2742. A bill to improve access to training opportunities for dislocated workers, to provide procurement targeting in labor surplus areas, to authorize the Secretary of Defense to operate skill training demonstration projects, and for other purposes; placed on the calendar by unanimous consent.

DISLOCATED WORKERS ACT OF 1984

Mr. QUAYLE. Mr. President, today I am introducing the Dislocated Workers Act of 1983 to address the problems of the long-term unemployed, especially dislocated workers. My bill makes changes in a variety of Federal programs to remove barriers to employment and training opportunities for these unemployed. This bill is a signal that Federal policy should be sensitive to the special circumstances of the long-term unemployed and dislocated workers. I am pleased to have Senators Hatch and Hawkins as cosponsors of this bill.

Actually, I am reintroducing S. 242, a bill that I introduced last session. Due to the controversial nature of a few of its provisions, S. 242 was not brought up for consideration. The bill I am introducing today is identical to S. 242, minus those controversial provisions. I would like to take a few minutes to briefly summarize the legislative history of this bill.

In January 1983, I introduced S. 242, the Employment Opportunities Act of 1983, with Senators Hatch and Hawkins as cosponsors. In February, the Subcommittee on Employment and Productivity, which I chair, held three hearings on S. 242, and in April, it was reported out of the full Committee on Labor and Human Resources and placed on the Senate Calendar.

It was not possible to obtain passage of S. 242 due to the controversial nature of title V which authorized health benefits for unemployed workers, and title VI which authorized home and community-based services for the elderly and the disabled. Section 202, which contained special provisions for dislocated workers with respect to individual retirement accounts, was also controversial because of concerns that such a provision should be on a bill originating in the House. As I indicated before, the bill I am introducing today is the same as S. 242, as reported out of the Labor and Human Resources Committee, but without those controversial provisions. I believe there are no objections to the remaining provisions. My bill contains a variety of provisions that are designed to deal with the problems of dislocated workers. These can be briefly summarized as follows:

TITLE I

Requires the Department of Labor to study the direct and indirect employment effects of Federal expenditures.

TITLE II

Amends the Pell Grant program so that in determining a dislocated worker's family contribution to education costs, home equity is not counted as an asset and unemployment insurance is not counted as income.

Amends the Guaranteed Student Loan program so that in calculating a dislocated worker's need, "current" income rather than "prior year" income is used.

Authorizes private industry councils under the Job Training Partnership Act to provide information on training opportunities available in their service delivery areas.

TITLE III

Requires every major Federal procuring agency to set goals for procurement contracts in labor surplus areas.

TITLE IV

Authorizes the Secretary of Defense, in consultation with the Secretary of Labor, to operate skill training demonstration projects in occupations in which there are critical shortages of skilled workers.

Cyclical unemployment, youth unemployment, and unemployment of the economically disadvantaged are all problems of national scope that we have long recognized as areas where Federal initiative is warranted and necessary. Now we must confront another kind of structural unemployment which has reached the scale of a national problem.

Many attempts have been made to estimate the number of dislocated workers. The Bureau of National Affairs estimates that about 1.3 million workers were either temporarily or permanently laid off in 1982 as a result of production cutbacks or shutdowns. More than 215,000 of these were put out of work as a result of plants closing. The Congressional Budget Office has given estimates for 1983 ranging from 1.2 million, based on the number of persons unemployed for 26 weeks or more, to about 2.2 million, based on declining occupations.

The increase in the numbers of long-term unemployed is the result of structural changes in the economy. The combination of changes in methods of production and consumer demand, along with the current recession, have resulted in a larger number of long-term unemployed than we have ever known before. A trend which will continue and may even be accelerated in the years ahead is the rate which modes of production are changing. Therefore we should exercise foresight in developing legislation which will anticipate this.

It is difficult to characterize a "typical" dislocated worker because this status falls across all ages, sexes, faces, education levels and socioeconomic backgrounds. The variations in the definitions used to estimate the number of dislocated workers reflect how difficult it is to characterize dislocated workers.

However, we can generalize by saying that a dislocated workers has previously established a strong attachment to the labor force. Over many years, this person has developed a good work history in his job or occupation. This demonstrates independence and personal initiative. It is a quality that we usually seek inculcate into other types of structurally unemployed, such as youth and the economically disadvantaged. This is a major difference between the new structural unemployment problem and that with which we have dealt in the past. We should recognize this characteristic of the long-term unemployed and encourage it.

Federal assistance to the long-term unemployed and dislocated workers must be appropriate to the needs of these workers, recognizing their diversity. That is why my bill contains a number of alternative ways of directing assistance to these workers. But in no case do we impose this assistance on them. In S. 242, we are simply trying to make it easier for the unemployed person to exercise the personal initiative he already has, and help himself.

I ask unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Dislocated Workers Act of 1984".

DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "Federal agency" means any agency defined in section 551(1) of title 5, United States Code;

(2) the term "Federal financial assistance" means any program or activity under which a Federal agency extends assistance by way of grant, loan, or contract other than a contract of insurance or guarantee;

(3) the term "Secretary" means the Secretary of Labor; and

(4) the term "State" means each of the several States and the District of Columbia.

TITLE I—EMPLOYMENT IMPACT OF FEDERAL PROGRAMS

EMPLOYMENT IMPACT REQUIRED

SEC. 101. The Secretary of Labor shall maintain a continuing capacity to estimate the employment impact of Federal programs, including programs of financial assistance. Such estimates shall include both the direct and indirect employment effects of Federal expenditures.

TITLE II—DISLOCATED WORKERS

IDENTIFICATION OF DISLOCATED WORKERS

SEC. 201. (a) An individual is a dislocated worker if such individual—

(1) has at least twenty quarters of coverage under title II of the Social Security Act; and

(2) has exhausted all rights to regular compensation under State unemployment compensation law in the most recent benefit year of the individual.

(b) The Secretary shall provide for the issuance of documentation to individuals identified as dislocated workers.

SPECIAL PROVISIONS FOR DISLOCATED WORKERS WITH RESPECT TO PELL GRANTS

SEC. 202. (a) Section 411(a)(2)(A) of the Higher Education Act of 1965 is amended by inserting after division (ii) the following new division:

(iii) In any case in which a student is a dislocated worker certified in accordance with the provisions of title II of the Employment Opportunities Act of 1983 or title III of the Job Training Partnership Act, the Secretary shall in the proposed family contribution schedule, disregard—

"(I) all equity in a single principal place of residence from the computation of assets, notwithstanding any other provision of law or any regulation prescribed pursuant to such law; and

"(II) the amount of unemployment benefits paid to such student from the computation of effective income of the student.".

(b) There are authorized to be appropriated such sums as may be necessary to pay the additional entitlements to dislocated workers resulting from the amendments made by subsection (a). No such entitlements shall be paid unless funds for such entitlements are provided for in an appropriation Act.

GUARANTEED STUDENT LOANS

SEC. 203. Section 428(a)(2)(C) of the Higher Education Act of 1965 is amended—

(1) by striking out "and" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new clause:

"(iv) in the case of a dislocated worked identified under title II of the Employment Opportunities Act of 1983, or title III of the Job Training Partnership Act, determinations of need shall be based on current income.".

TRAINING OPPORTUNITIES

SEC. 204. (a) The Private Industry Council in every service delivery area established under the Job Training Partnership Act is authorized to provide information concerning training opportunities in the service delivery area. The information shall be available to all individuals seeking training and retraining.

(b) Funds used to carry out this section shall not be included in determining compliance with the provisions of section 108 of the Job Training Partnership Act.

TITLE III—PROCUREMENT TARGETING IN LABOR SURPLUS AREAS

TARGETING FOR PROCUREMENT OF SUPPLIES AND EQUIPMENT IN LABOR SURPLUS AREAS

SEC. 301. The head of each Federal agency which procures supplies and equipment at a rate in excess of $1,000,000,000 in the fiscal year 1982 shall set targets, in each fiscal year, for the procurement of such supplies and equipment within labor surplus areas, as defined by the Secretary of Labor. In setting such targets the head of each Federal agency shall consider the serious impact on the economy in the United States of such concentrations of unemployment and the benefits to the Nation of reducing the concentrations of unemployment.

REPORT REQUIRED

SEC. 302. Within six months after the end of each fiscal year, the Director of the Office of Management and Budget shall report to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives on—

(1) the amount and percentage of contracts awarded by each Federal agency in labor surplus areas;

(2) the impact of such contracts on the unemployment rate in such areas; and

(3) whether such labor surplus area contracts could be increased without adverse impact on Federal procurement.

TITLE IV—DEFENSE PROCUREMENT TRAINING DEMONSTRATION PROJECTS

PILOT PROJECTS AUTHORIZED

SEC. 401. (a)(1) The Secretary of Defense, after consultation with the Secretary of Labor, is authorized to establish and carry out demonstration projects in accordance with the provisions of this title to provide training in skilled occupations in which there is a substantial shortage of workers in defense procurement.

(2) For the purpose of this title "defense procurement means any procurement defined in section 2303 of title 10, United States Code.

(b)(1) The Secretary of Labor shall develop and publish a list of skilled occupations in which there is a substantial shortage of workers. The list shall be revised annually.

(2) For the purpose of this subsection—

(A) the term "skilled occupations" includes only occupations for which the normal training program is at least one year but the term does not include any occupation for which a baccalaureate degree is a normal prerequisite; and

(B) there is a substantial shortage of workers with respect to a skilled occupation if the sum of the number of trained workers and the number of persons in training programs in that skilled occupation is less than 80 per centum of the anticipated demand for the occupation for the five-year period beginning on the first day of the first month after the determination is made.

(c) The Secretary of Defense shall prepare a list of occupations, based upon the list of occupations prepared by the Secretary of Labor under subsection (b), which, the Secretary of Defense determines will, because of the shortage of workers in any specific occupation, have an adverse effect on defense procurement by expanding the leadtime for such procurement or by increasing the costs of the defense procurement.

(d) The Secretary of Defense shall carry out the demonstration projects authorized by this title with respect to selected contracts for defense procurement entered into after the date of enactment of this Act if the Secretary determines that—

(1) the defense procurement contract involves the expenditure of at least $10,000,000;

(2) the defense procurement contract will require the contractor or any subcontractor of the contractor to hire additional workers in any of the skilled occupations contained in the list prepared by the Secretary of Defense under subsection (c); and

(3) the training of workers to meet the shortage of workers in any skilled occupation listed under subsection (b) is critical to the timely completion of work under defense procurement contracts in the area in which the contract will be performed.

(e) In carrying out the provisions of this title the Secretary of Defense is authorized to include, in any contract selected by the

Secretary to be a demonstration project, provisions designed to—

(1) require the contractor to provide training (either directly, or by way of contract or other arrangement) in the skills which the Secretary of Defense determines to be necessary to the completion of the contract under subsection (c) of this section; and

(2) specify the type of training, including on-the-job training, training from agencies and institutions experienced in furnishing occupational training, or any combination of such training.

(f) The Secretary of Defense shall, to the extent practicable, assure an equitable geographic distribution of training pilot projects carried out under this title.

REPORT

SEC. 402. Not later than two and one-half years after the date of enactment of this Act, the Secretary of Defense shall prepare and submit to the Congress a report on the demonstration projects carried out under this title, together with such recommendations, including recommendations for legislation, as the Secretary deems appropriate.

AMENDMENT TO DEFENSE INDUSTRIAL RESERVE ACT

SEC. 403. Section 4 of the Defense Industrial Reserve Act (50 U.S.C. 451) is amended—

(1) by striking out "and" at the end of clause (6);

(2) by striking out the period at the end of clause (7) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new clause:

"(8) authorize the donation of any such property directly to the educational institution or training school having a loan agreement for any such property when in the opinion of the Secretary that property is no longer needed by the Department of Defense.".

By Mr. GRASSLEY:

S. 2743. A bill to designate a portion of 16th Street, Northwest, Washington, D.C., on which the Embassy of the Union of Soviet Socialist Republics is located as "Andrei Sakharov Avenue"; to the Committee on Governmental Affairs.

ANDREI SAKHAROV AVENUE

● Mr. GRASSLEY. Mr. President, last month I addressed an international conference in Paris, where parliamentarians from seven nations met to explore strategies for improving human rights in the Soviet Union.

Inevitably, our discussions gravitated toward the plight of the brilliant Russian physicist, Andrei Sakharov, and his desperately ill wife, Yelena Bonner. Yelena seeks permission from the Kremlin for heart and eye surgery in Italy. But life, limb, and personal security are not sacred in Soviet Russia. So her requests have been denied.

In a successful effort to draw world attention to Yelena's plight, Sakharov has risked his own life, if, indeed, he is still alive.

At any rate, Sakharov is a prime player in a drama which graphically illustrates the choices for this generation. He was first exiled to Gorky because he dared to question his government—a crime which is a way of life for us in America. Even more bizarre, his wife's quest for health led to charges of treason, for which the maximum penalty is death.

Hollywood could not possibly produce a more gripping tale of good versus evil, of noble, courageous souls standing firm against a state which seems to hate life itself.

But this is not fiction.

And we cannot stand silent in our own secure, free slice of the world as such horrors snuff life and dignity from our contemporaries.

We would like to assure the Sakharovs of this world a permanent presence in the public conscience, and in the consciousness of Soviet offiicals.

To that end, I am introducing legislation which outlines a simple, yet striking gesture in support of millions suffering under oppressive systems.

I am proposing that streets in American cities where Soviet facilities are located be renamed "Andrei D. Sakharov Street". Congressman LEVITAS has introduced similar legislation in the House.

With each day's mail, Soviet officials would be confronted with the power of lives committed to principle. Because America is so often portrayed as rabidly anti-Soviet, I should emphasize the source of this proposal: during the International Parliamentary Group Conference in Paris last month, a French parliamentarian suggested we rename streets around the world after Sakharov.

This international group of parliamentarians, so committed to Sakharov and other victims of oppression, ranges from conservative, to liberal, to Socialist. We are a broad-based coalition committed to defend Russian citizens desperately seeking freedom of religion, and emigration rights so they can reunify with relatives outside their country.

Their plight is a constant reminder of the fragile nature of freedom, of the ease with which a state can enslave its citizens.

These noble souls are not forgotten by us, and we hope our proposal will succeed in affirming the value of their lives, and our commitment to their freedom.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of 16th Street, Northwest, Washington, District of Columbia, between L and M Streets shall hereafter be known and designated as "Andrei Sakharov Avenue". Any law, regulation, map, document, or other record of the United States in which such a portion of such street is referred to shall be deemed to refer to such portion as "Andrei Sakharov Avenue".●

By Mr. HEINZ (for himself, Mr. GLENN, Mr. CHILES, Mr. WILSON, Mr. DOMENICI, Mr. PERCY, and Mr. BURDICK):

S. 2744. A bill to amend the Social Security Act to protect beneficiaries under health care programs of that act from unfit health care practitioners, and to otherwise improve the antifraud provisions of that act; to the Committee on Finance.

MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT OF 1984

Mr. HEINZ. Mr. President, 20 years ago Congress established the medicare and medicaid programs—guaranteeing, for the first time, that needed health care services would be available to the elderly and poor. Over the years, the Senate Special Committee on Aging has developed a tradition of working to assure that the services provided under these programs are cost effective and of good quality. This morning I am introducing a bill entitled the "Medicare/Medicaid Patient and Program Protection Act of 1984," which deals with important quality of care and fiscal integrity issues consistent with this tradition.

This bill will correct a serious defect in our ability to protect our Nation's elderly and poor from treatment by incompetent or dangerous medical practitioners, and will make certain improvements in the HHS Secretary's civil monetary penalties authority, so that the medicare and medicaid programs can be better protected from financial fraud and abuse committed by health care practitioners and other providers. This legislation incorporates full recent recommendations made by the General Accounting Office and the Inspector General of the Department of Health and Human Services.

AUTHORITY TO SANCTION UNFIT PRACTITIONERS

The first of these problems stems from loopholes in medicare and medicaid which allow doctors barred from practice in one Federal program or in one State, to switch to another program or to pack their bags and set up practice in another State. These loopholes threaten the health and safety of 50 million Americans who trust medicare and medicaid to finance their health care needs. Because many of these practitioners also treat privately insured patients, this problem is of vital concern to all Americans.

The General Accounting Office (GAO) should be congratulated for its outstanding work in studying these problems. At the May 1, 1984, hearing of the Special Committee on Aging, GAO released a well researched, and I might add, shocking, blue book report. GAO identified 328 doctors, osteopaths, dentists, chiropractors, podiatrists, and pharmacists who had their licenses suspended or revoked for a year or more by authorities in Michigan, Pennsylvania, and Ohio. Their offenses included fraudulent billing, sexual abuse of patients, incompetence and negligence. Well over one-third of these practitioners held licenses in other States and many continued to treat Federal patients after having been sanctioned. The May 1, 1984 GAO report entitled "Expanded Federal Authority Needed to Protect Medicare and Medicaid Patients From Practitioners Who Lose Their Licenses" concluded:

> Medicare and Medicaid patients are being treated in some States by health practitioners whose licenses were revoked or suspended by another State's licensing board because they did not meet minimum professional standards. This occurs because practitioners move to another State where they have a license and continue to practice. Such practitioners are able to treat Medicare and Medicaid patients because HHS does not have the authority to exclude them from these programs based on State licensing board findings and actions. This raises questions about the quality of care provided to patients using these programs.
>
> Overall, GAO identified several gaps in HHS' exclusion authority which can result in, among other things, practitioners who are excluded from either Medicare or Medicaid continuing to participate in the other program or practitioners who lose their licenses to practice in one State relocating to another State and participating in the programs. GAO believes that HHS could better ensure that Federal beneficiaries receive services only from qualified practitioners if it obtains the expanded exclusion authority.

Some estimate that the number of these unethical, carpetbagging doctors is small. In a Special Committee on Aging hearing that I chaired on May 1 of this year, we heard testimony estimating that as many as 36 million Americans may receive treatment from unfit doctors each year. But whether the number is small or large is not the point. The point is that the Secretary of HHS has insufficient authority to prevent incompetent practitioners from risking the health of beneficiaries in medicare, medicaid, and other Federal health programs.

Let me illustrate how serious and shocking a problem we face with a few case studies that the committee's investigative staff has uncovered:

Dr. S is a surgeon who performed a series of "extensive and dangerous" back surgeries on a number of patients. As a direct result of his "gross negligence and gross incompetence" in the operating room, one woman died. When he lost his license in California, he took up practice in Michigan and continued to receive Federal reimbursement under medicare and medicaid. It took Michigan 6 years to finally revoke his license. That was 4 years ago. Today, Dr. S practices medicine in New York State and is still eligible to treat federally sponsored patients and to bill the taxpayer under medicare and medicaid.

Take the case of Dr. T. He was initially charged with misrepresenting his medical education. He said he had graduated from a school in Saigon, Vietnam. Later he changed his story and said he had graduated from a school in Hanoi. In March of 1981 he admitted to California authorities that the diploma he had submitted was false. He surrendered his California license. Later, in October of 1981 he was convicted in a Federal court of having submitted false "new drug" studies to the FDA. In March of 1982 he admitted to Arizona authorities that he had falsified his school diploma. He then failed a State-ordered medical incompetence examination and Arizona revoked his license. In November of 1982 he surrendered his Ohio license because he received two board citations alleging falsified documents. Finally in 1982 Nevada revoked his license but stayed the revocation and ordered 5 years probation. Incredibly, Dr. T, a convicted felon, who never graduated from medical school, continues to practice medicine in Nevada and can treat medicare and medicaid patients.

Dr. T is one of almost 2,000 doctors sanctioned in a 3-year period from 1979-83 as unfit to practice medicine.

One final case in this incredible rogue's gallery is the case of Dr. H, who treated patients in 30 or 40 nursing homes and hospitals in California. In a 2-year period, Dr. H billed medicare for a half million dollars. He was cited by HHS for "placing patients' lives in jeopardy," for "substandard quality of care," and for "billing for services not rendered." Today, Dr. H is banned from the medicare program—but because the Secretary of HHS is helpless to ban this individual from other medicaid programs, he can continue to treat medicaid patients in any State that will recognize his California license.

If any one of these practitioners had lost their driver's license for drunk driving, their names would have gone into a national registry and they probably would not be given a driver's license in another State. But the current lack of coordination among States allows these dangerous, criminal doctors to hop from Pennsylvania, to California, to Michigan—to any one of the 50 States. And the current restrictions on HHS' authority means a doctor can be banned in 49 States and the Federal Government still will pay him for treating medicare and medicaid patients.

That is not what ressponsibility in Government is all about. It is a dereliction of duty on our part that we in Congress have not given the Secretary of HHS the authority needed to prevent these unfit doctors from continuing to treat federally sponsored patients.

Mr. President, allow me to provide a little background on the Secretary's existing authority. Since passage of the Social Security Act Amendments of 1971, the Secretary of HHS (then HEW) has had the ability to exclude from participation in the medicare program practitioners or other individuals, first, who knowingly submit false claims, second, who charge medicare substantially more than their customary charges, or third, who provide services substantially in excess of patients' needs or provide services of a quality which fails to meet professionally recognized standards of health care.

Subsequent amendments to the act have, first, created the authority for the Secretary to exclude from medicare individuals who are found by a Professional Standards Review Organization (now Peer Review Organization) to be providing unnecessary or substandard care to program beneficiaries, and second, mandated the Secretary to suspend from participation in both medicare and medicaid individuals who have been convicted of criminal offenses related to their participation in those programs.

In the last quarter of fiscal year 1983, HHS Secretary Margaret Heckler delegated the authority to sanction practitioners and other individuals under these statutory provisions to the Inspector General of HHS. Since that time, some 480 sanctions have been imposed by the Inspector General, a number 1½ times the total number imposed in the previous 11 years. With this marked increase in the amount of sanction activity has come an increased awareness of certain loopholes which exist in the sanction statutes. One example of such a loophole is that the Department is currently powerless to bar physicians or other practitioners from program participation based upon disciplinary action imposed upon them by State licensing boards. Other examples have been noted in the Inspector General's testimony before the Senate Special Committee on Aging on May 1 of this year.

In order to close such loopholes and thereby increase the ability of the Inspector General to protect the integrity of the medicare and medicaid programs, our bill would grant the Secretary authority, in short:

First, to exclude individuals or entities from medicare or medicaid that have been convicted in conection with the delivery of health care, or a Federal, State, or local government program, of: First, fraud or financial abuse; second, neglect or abuse of patients; or third, unlawful manufacture, distribution, or dispensing of controlled substances.

Second, to exclude individuals or entities who have been sanctioned for de-

frauding or abusing the medicaid program from participation in the medicare program, and conversely to require exclusion from participation in the medicaid program of those excluded from medicare;

Third, to exclude an entity from medicare and medicaid where an owner, manager, or director of that entity has been convicted of medicare or medicaid or other related crimes;

Fourth, to exclude an entity from medicare and medicaid which fails to make required disclosures that it is owned or controlled by a convicted individual;

Fifth, to exclude individuals or entities from medicare and medicaid who engage in conduct in violation of the antikickback provision of the Social Security Act;

Sixth, to exclude any individual or entity from medicare and medicaid that fails to grant immediate access, upon reasonable request, to the OIG for the purpose of review of records, documents, or other data necessary to the IG in the performance of his statutory functions;

Seventh, to exclude practitioners from participation in the medicare program based upon a peer review organization's determination of unnecessary or substandard care rendered to medicaid beneficiaries;

Eighth, to mandate that individuals convicted of crimes related to their participation in the medicare or medicaid programs, be suspended from participation in those programs for a period of time not less than 5 years;

Ninth, to exclude practitioners and other individuals from participation in the medicare and medicaid programs based upon the disciplinary actions of State licensing boards;

Tenth, to require, as a condition of participation in the medicaid program, that State licensing boards inform the Secretary of all sanctions imposed upon health care practitioners under their jurisdiction and of all surrenders of licenses to that board.

In addition to giving the Secretary of HHS the much needed authority to protect medicare and medicaid patients from unfit medical practitioners, a number of improvements are needed in the Secretary's civil monetary penalties authority to protect the medicare and medicaid programs from financial fraud and abuse.

IMPROVEMENT OF CIVIL MONETARY PENALTY AUTHORITY

In 1981, in an effort to further protect medicare and medicaid from financial fraud and abuse, Congress enacted the civil monetary penalty (CMP) statute (Title 42 United States Code section 1320a-7a), which provides an administrative mechanism to obtain money assessments and penalties against dishonest health care practitioners and other providers. Where such persons have failed to render services as claimed, they can be liable for up to twice the amount claimed as an assessment and a penalty of up to $2,000 per item or service improperly claimed. The statute requires the Department to prove that such person "known or have reason to know" that the services were not provided as claimed.

Since promulgation of the regulations establishing the procedures for administering the statute in 1983, approximately $5 million has been recovered from unscrupulous health care practitioners and other providers.

At the same time, it has become clear that several technical amendments are needed to plug loopholes in the CMP statute. The HHS Inspector General's office is seeking authority, first, to correct apparent oversights in the drafting of the original statute, and second, to give the Department authority similar to that of the Security and Exchange Commission and other Federal agencies which administer civil antifraud statutes.

In short this bill will empower the Secretary to:

First, permit unified judicial review of the imposition of monetary penalties, and medicare and medicaid suspensions imposed under the CMP statute;

Second, provide for subpena power in all CMP hearings—not just those involving medicare;

Third, provide monetary penalties for claims submitted after the date of exclusion from medicare and medicaid pursuant to a peer review organization determination;

Fourth, increase State share of CMP recoveries to encourage State investigation and referral of medicaid fraud cases;

Fifth, clarify that the scope of the CMP statute includes double billing and false medical credentials;

Sixth, provide a 6-year statute of limitations for CMP actions; and

Seventh, provide authority to seek an injunction in U.S. District Court to preserve the assets of a CMP respondent, where that respondent may dissipate or conceal those assets.

SUMMARY

Both parts of this bill, the improved sanctions authority for unfit medical practitioners as well as the technical amendments for improving the civil monetary penalty provisions, have been developed in conjunction with, and are endorsed by, the Inspector General of HHS, who is charged with the responsibility of maintaining the quality of care and for protecting the fiscal integrity of the medicare and medicaid programs.

Mr. President, I would like to commend Michael Zimmerman, associate director, and Mr. Thomas Dowdal, group director, both of the Human Resources Division of the General Accounting Office, for their excellent work documenting the problems with unfit medical practitioners and for recommending legislative remedies. I would also like to thank Richard Kusserow, the HHS Inspector General, and Mac Thornton, supervising attorney with the HHS Office of General Counsel, for the outstanding assistance they provided the Aging Committee in the development of this legislative package. Finally, Mr. President, I would like to thank Bruce M. Kelly, assistant counsel in the office of the Senate Legislative Counsel, for his skillful assistance in crafting the specific language of this bill.

Mr. President, I urge my colleagues to join me and other members of the Aging Committee in sponsoring this important reform legislation. I ask unanimous consent that the bill and a summary of its major provisions be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Medicare and Medicaid Patient and Program Protection Act of 1984".

ADMINISTRATIVE SANCTIONS

Sec. 2. (a) Section 1128 of the Social Security Act, including the heading thereof, is amended to read as follows:

"EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM HEALTH CARE PROGRAMS

"Sec. 1128. (a) The Secretary shall exclude from participation in the programs under title XVIII, and shall direct State agencies to exclude from participation in the State health care programs described in subsection (d), for a period of not less than five years, in accordance with the provisions of this section, any individual or entity that has been convicted of a criminal offense related to such individual's or entity's participation in the delivery of items or services under title XVIII of any such State health care program.

"(b) The Secretary may exclude from participation in the programs under title XVIII, and may direct State agencies to exclude from participation in the State health care programs described in subsection (d), in accordance with the provisions of this section—

"(1) any individual or entity that has been convicted, under Federal or State law, in connection with the delivery of health care items or services or with respect to any act or omission in a program operated by or financed in whole or in part by any Federal, State, or local government agency, of—

"(A) fraud, theft, embezzlement, breach of fiduciary responsibility, or any other offense related to financial abuse, or

"(B) neglect or abuse of patients;

"(2) any individual or entity that has been convicted, under Federal or State law, of unlawful manufacture, distribution, prescription, or dispensing of a controlled substance, or other similar offense;

"(3) any individual who—

"(A) has had his license to provide health care revoked or suspended by a State licensing authority, or

"(B) surrendered his license to provide health care while a formal proceeding involving such individual was pending before such State licensing authority (but subject to subsection (c) (5)); or

"(C) left the State, or ceased practicing in the State, while a formal proceeding involving such individual was pending before such State licensing authority (but subject to subsection (c)(5));

"(4) any individual who has been suspended or barred from participation, or otherwise sanctioned, under any Federal program involving the provision of health care, including programs of the Department of Defense or the Veterans' Administration, or under a State medicaid program under title XIX;

"(5) any individual or entity that the Secretary determines—

"(A) has knowingly and willfully made, or caused to be made, any false statement or representation of a material fact for use in an application for payment under title XVIII or a State health care program described in subsection (d) or for use in determining the right to a payment under title XVIII or a State health care program described in subsection (d), or

"(B) has submitted or caused to be submitted bills or requests for payment under title XVIII or a State health care program described in subsection (d) containing charges (or in applicable cases requests for payment of costs) for services rendered substantially in excess of such individual's or entity's customary charges (or, in applicable cases, substantially in excess of such individual's or entity's costs) for such services, unless the Secretary finds there is good cause for such bills or requests containing such charges or costs, or

"(C) has furnished items or services to patients (whether or not eligible for benefits under title XVIII or a State health care program described in subsection (d)) substantially in excess of the needs of such patients or of a quality which fails to meet professionally recognized standards of health care;

"(6) any individual or entity that the Secretary determines has committed an act punishable under section 1128B;

"(7) any entity, whenever the Secretary determines that any person with an ownership or control interest (as defined in section 1124(a)(3)) in that entity or a managing employee (as defined in section 1126(b)) of that entity is a person—

"(A) who has been convicted of any offense described in subsection (a), or in paragraph (1) or (2) of this subsection, or

"(B) against whom a civil monetary penalty has been assessed under section 1128A, or

"(C) to whom payment has been denied pursuant to this section (or pursuant to section 1862(d) as in effect before October 1, 1984);

"(8) any entity that did not fully and accurately make any disclosure required of it by section 1124 or 1126;

"(9) any individual or entity that fails to supply (within such period as may be specified by the Secretary in regulations) upon request specifically addressed to such individual or entity by the Secretary or by a State agency administering a State health care program described in subsection (d)—

"(A) full and complete information as to the ownership of a subcontractor (as defined by the Secretary in regulations) with whom such individual or entity has had, during the previous twelve months, business transactions in an aggregate amount in excess of $25,000, and

"(B) full and complete information as to any significant business transactions (as defined by the Secretary in regulations), occurring during the five-year period ending on the date of such request, between such individual or entity and any wholly owned supplier or between such individual or entity and any subcontractor, or

"(10) any individual or entity that fails to provide such information as the Secretary finds necessary to determine whether payments are or were due under title XVIII or a State health care program described in subsection (d) and the amounts thereof, or has refused to permit such examination of its fiscal and other records by or on behalf of the Secretary as may be necessary to verify such information; or

"(11) any entity that fails to grant immediate access, upon reasonable request (as defined by the Secretary in regulations)—

"(A) to the agency used by the Secretary for the purpose specified in the first sentence of section 1864(a), or

"(B) to the agency used by the Secretary or the State agency to perform the reviews and surveys required under paragraphs (26), (31), and (33) of section 1902(a), and under section 1903(g), or

"(C) to the Inspector General for the purpose of review of records, documents, and other data necessary to the Inspector General in the performance of his statutory functions.

"(c)(1) An exclusion under this section shall be effective at such time and upon such reasonable notice to the public and to the individual or entity furnishing the items or services involved as may be specified in regulations. In the case of a refusal by the Secretary to renew an agreement under section 1866, or a termination of approval of a provider or supplier under title XVIII, or a requirement by the Secretary that a State agency terminate or refuse to renew an agreement with an individual or entity to provide items or services under a State health care program described in subsection (d), such exclusion shall be effective with respect to services furnished to an individual on or after the effective date of such exclusion (except that payment may be made under title XVIII or XIX for up to thirty days for—

"(A) inpatient institutional services furnished to an individual who was admitted to such institution prior to the effective date of such exclusion, and

"(B) home health services or hospice care furnished to an individual under a plan established before the effective date of such exclusion.

The notice of the exclusion shall state the earliest date on which the individual or entity may apply to the Secretary for reinstatement in the program under title XVIII or the State health care program described in subsection (d).

"(2) Any individual or entity that is excluded from participation in a program under title XVIII or a State health care program described in subsection (d) under the preceding provisions of this section shall be entitled to reasonable notice and opportunity for a hearing thereon by the Secretary to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

"(3)(A) The Secretary shall promptly notify each appropriate State agency administering or supervising the administration of a State health care program described in subsection (d) of the fact and circumstances of each exclusion under the preceding provisions of this section, and (if applicable) of the period for which the State agency shall exclude the individual or entity from participation in such State program (which, in the case of an individual or entity otherwise eligible to participate in a program under title XVIII and a State health care program described in subsection (d), shall be the same period for both programs). The Secretary may waive the requirement to exclude an individual or entity from participation in a State health care program if he receives and approves a request for such a waiver with respect to that individual or entity from the State agency.

"(B) The Secretary shall promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of such individual or entity of the fact and circumstances of such exclusion, request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy, and request that such State or local agency or authority keep the Secretary fully and currently informed with respect to any actions taken in response to such request.

"(4) The Secretary shall grant an application for reinstatement as a participant in the programs under title XVIII and the State health care programs described in subsection (d) after exclusion under this section if he determines, at the end of the period of exclusion, that no basis exists for continuation of the exclusion. In making a determination with respect to reinstatement under this paragraph, the Secretary shall consider only—

"(A) conduct of the applicant which occurred after the date of the notice of exclusion, and

"(B) conduct of the applicant which was unknown to the Secretary at the time of the exclusion.

"(5) In the case of an individual who surrendered his license or left the State or ceased practicing in the State (as described in subsection (b)(3) (B) or (C)), the surrender of the license, leaving of the State, or cessation of practice shall constitute a rebuttable presumption that all allegations in the pending formal proceeding are true. Such individual may present evidence to the Secretary to rebut such presumption.

"(d) For purposes of this section, the term 'State health care program' means a State plan approved under title XIX, any program or service provided under the maternal and child health services block grant under title V, and any program or service provided under the social services block grant under title XX.".

INFORMATION WITH RESPECT TO HEALTH CARE PRACTITIONERS AGAINST WHOM PROCEEDINGS ARE COMMENCED BY A STATE LICENSING AUTHORITY

SEC. 3. (a) Section 1902(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (43);

(2) by striking out the period at the end of paragraph (44) and inserting in lieu thereof "; and"; and

(3) by inserting after paragraph (44) the following new paragraph:

"(45) provide that the State will supply to the Secretary information with respect to any health care practitioner or entity against whom a formal proceeding is undertaken by a State licensing authority, and will protect information supplied to the State agency by the Secretary, in accordance with section 1128C.".

(b) Title XI of such Act is amended by inserting after section 1128B (as redesignated by section 4) the following new section:

"INFORMATION WITH RESPECT TO HEALTH CARE PRACTITIONERS AGAINST WHOM PROCEEDINGS ARE COMMENCED BY A STATE LICENSING AUTHORITY

"SEC. 1128C. (a)(1) Each State having a plan approved under title XIX shall have in effect a system of reporting under which the State agency administering such plan reports in a timely manner to the Secretary the following:

"(A) Any formal proceeding (as defined by the Secretary in regulations) commenced against a health care practitioner or entity by any State licensing authority of such State (or political subdivision thereof), including the name and address of such practitioner or entity and the nature of the formal proceeding brought, and the accusations made, against such practitioner of entity.

"(B) Any actions taken by such licensing authority as a result of such proceeding, including any revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or other adverse action.

"(C) Any dismissal of the proceedings or exoneration of the accused practitioner or entity, including any dismissal of, or inability to complete, the proceedings by reason of the practitioner or entity surrendering the license or leaving the State.

"(D) Any other loss of the license of a health care practitioner or entity, by operation of law, voluntary surrender, or otherwise.

"(2) Information required to be provided under paragraph (1) shall be supplied only after the State has made a preliminary finding, based upon evaluation by appropriate parties designated by the State, that there is reason to believe that the health care practitioner or entity has engaged in any activity which could result in an exclusion from participation in the State plan by reason of section 1128, and after the practitioner or entity has been afforded an opportunity to rebut such finding.

"(b)(1) The Secretary shall collect the information supplied pursuant to subsection (a) and shall maintain a central information system on all such proceedings. Upon request from any State agency administering a State plan approved under title XIX, the Secretary may release any information contained in such information system to such State agency if such information is useful for such State in determining the fitness of an individual to provide health care services, in protecting the health and safety of individuals receiving medical assistance under such State plan, or in protecting the fiscal integrity of such State plan (as determined by the Secretary).

"(2) The Secretary shall require that any information released to a State under paragraph (1) shall remain confidential, and that the State provide assurances that the information shall be used only to the extent authorized by regulations of the Secretary for the protection of health and safety of patients under the State plan. The Secretary shall notify each State to which information is released as to the State which supplied the information, and the State to which the information was released may contact directly the State which supplied the information to ascertain whether any part of such information is in the public domain or is otherwise releasable to the public.".

CRIMINAL PENALTIES FOR ACTS INVOLVING HEALTH CARE PROGRAMS

SEC. 4. (a) Section 1909 of the Social Security Act is relocated in title XI, redesignated as section 1128B, and amended as follows:

(1) in the heading, by striking out "PENALTIES" and inserting in lieu thereof "CRIMINAL PENALTIES FOR ACTS INVOLVING HEALTH CARE PROGRAM";

(2) in subsection (a)(1), by striking out "a State plan approved under this title" and inserting in lieu thereof "a health care program described in subsection (f)";

(3) in subsection (a), in the matter following paragraph (4), by striking out "this title" the first place it appears and inserting in lieu thereof "a health care program described in subsection (f)";

(4) in the last sentence of subsection (a), by striking out "this title" the first place it appears and inserting in lieu thereof "title XIX", and by striking out "this title" the second place it appears and inserting in lieu thereof "that title";

(5) in paragraphs (1)(A), (1)(B), (2)(A), (2)(B), and (3)(A) of subsection (b), by striking out "this title" and inserting in lieu thereof "a health care program described in subsection (f)";

(6) in subsection (c), by striking out "or home health agency; and inserting in lieu thereof "home health agency, or other provider or health care entity";

(7) in subsection (c), by striking out "this title" and inserting in lieu thereof "a health care program described in subsection (f)"; and

(8) in subsection (d), by striking out "this title" each place it appears and inserting in lieu thereof in each instance "title XIX".

(b)(1) Section 1877(d) of such Act is relocated and redesignated as section 1128B (e).

(2) The remainder of section 1877 of such Act, including the heading thereof, is repealed.

(c) Section 1128B of such Act is further amended by adding at the end thereof the following new subsection:

"(f) For purposes of this section the term 'health care program' means a program established under title XVIII, a State plan approved under title XIX, any program or service provided under the maternal and child health services block grant under title V, and any health-related program or service provided under the social services block grant under title XX.".

CIVIL MONETARY PENALTIES

SEC. 5. (a) Section 1128A(a) of the Social Security Act is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking out "determines is for a medical or other item or service—" and inserting in lieu thereof "determines—",

(2) in paragraph (1), by amending subparagraph (A) to read as follows:

"(A) that the person knows or has reason to know is false or fraudulent, or is for a medical or other item or service that was not provided as claimed, or", and

(3) in paragraph (1)(B), by striking out "section 1128" and all that follows and inserting in lieu thereof "this section or sections 1128, 1156, 1160(b) (as in effect on September 2, 1982) 1862(d) (as in effect on September 30, 1984), or 1866(b), or".

(b)(1) Section 1128A(a) of such Act is further amended by adding at the end thereof the following new sentences: "In addition, the Secretary may exclude the person from participation in the programs under title XVIII, and may require each appropriate State agency to exclude the person from participation in the State health care programs (as defined in section 1128(d)) for such period as he shall specify, which in the case of a person participating in such State health care programs shall be the period during which the individual is excluded from participation in the programs under title XVIII. In the case of claims filed before August 13, 1981, no civil penalty or damages assessment shall be imposed that could not have been imposed under the False Claims Act.".

(2) Section 1128A(b)(1) of such Act is amended by adding at the end thereof the following new sentences: "The Secretary may not initiate an action under this section with respect to any claim later than six years after the claim was presented. The Secretary may initiate action under this section by mailing by registered or certified mail the notice required by paragraph (2).".

(3) Section 1128A of such Act is amended in subsections (c), (f), and (g) by striking out "penalty or assessment" each place it appears and inserting in lieu thereof in each instance "penalty, assessment, or exclusion".

(4) Section 1128(g) of such Act is amended by striking out "and the appropriate Professional Standards Review Organization" and inserting in lieu thereof "the appropriate State agency or agencies administering or supervising the administration of the State health care programs described in section 1128(d), the appropriate utilization and quality control peer review organization".

(5) Section 504(b) of such Act is amended—

(A) by striking out "or" at the end of paragraph (4),

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(C) by adding at the end thereof the following new paragraph:

"(6) payment for any item or service furnished by a person excluded from participation in the program under this title in accordance with section 1128 or 1128A.".

(c) Section 1128A(e)(1)(A) of such Act is amended by striking out all that follows "there shall be paid to the State agency" and inserting in lieu therof "an amount bearing the same proportion to the total amount recovered as the State's share of the amount paid by the State agency for such claim bears to the total amount paid for such claim.".

(d) Section 1128A of such Act is amended by adding at the end thereof the following new subsections:

"(i) The provisions of section 205 (d) and (e) shall apply with respect to this section to the same extent as they are applicable with respect to title II.

"(j) Where the Secretary, in accordance with this section, excludes a person from participation in the program under title XVIII or requires a State agency to exclude a person from participation in a State health care program described in section 1128(d), the notice of exclusion shall state the earliest date on which the person may apply to the Secretary for reinstatement in that program. The Secretary shall grant an application for reinstatement if he determines, at the end of the period of exclusion, that no basis exists for continuation of the exclusion. In making a determination with respect to reinstatement under this paragraph, the Secretary shall consider only—

"(1) conduct of the applicant which occurred after the date of the notice of exclusion, and

"(2) conduct of the applicant which was unknown to the Secretary at the time of the exclusion.

"(k) Whenever it shall appear to the Secretary that any person is engaged or about to engage in any activity which constitutes a violation which is subject to a civil monetary penalty under this section, the Secretary may bring an action in any district court of the United States (or United States court of any Territory) to enjoin such activity, or to enjoin such person from concealing or removing assets which may be required in order to pay a civil monetary penalty if any such penalty is imposed. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted.".

OBLIGATION OF HEALTH CARE PRACTITIONERS AND PROVIDERS

SEC. 6. Section 1156 of the Social Security Act is amended—

(1) in subsection (a), by striking out "title XVIII" and inserting in lieu thereof "this Act";

(2) in subsection (a), by striking out "such title" and inserting in lieu thereof "this Act"; and

(3) in subsection (b)(1), by striking out "title XVIII" and inserting in lieu thereof "this Act".

DENIAL, REVOCATION, OR SUSPENSION OF REGISTRATION TO MANUFACTURE, DISTRIBUTE, OR DISPENSE A CONTROLLED SUBSTANCE

SEC. 7. (a) Section 304(a) of the Controlled Substances Act (21 U.S.C. 824 (a)) is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) has been excluded from participation in the medicare program under title XVIII of the Social Security Act pursuant to section 1128 of that Act.".

(b) Section 304 (b) of such Act (21 U.S.C. 824 (b)) is amended by adding at the end thereof the following new sentence: "In the case of a revocation or suspension made pursuant to subsection (a)(4), the Attorney General shall impose such revocation or suspension for at least the same period of time as the exclusion from medicare participation is imposed under section 1128 of the Social Security Act.".

CONFORMING CHANGES IN SOCIAL SECURITY ACT

SEC. 8. (a)(1) Section 1126 (a) of such Act is amended in the first sentence by striking out "or other institution" and all that follows and inserting in lieu thereof the following: "or other entity (other than an individual practitioner or group or practitioners) shall be required to disclose to the Secretary or to the appropriate State agency the name of any person who has an ownership or control interest (as defined in section 1124 (a)(3)) in such entity, or is a managing employee (as defined in subsection (b)) of such entity, and who is a person described in section 1128 (b)(5).".

(2) Section 1126 (a) of such Act is amended in the second sentence—

(A) by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services", and

(B) by striking out "institution, organization, or agency" and inserting in lieu thereof "entity".

(3) Section 1126(b) of such Act is amended by striking out "institution, organization, or agency" each place it appears and inserting in lieu thereof in each instance "entity".

(b) Section 1862(d) of such Act is repealed.

(c) Section 1862(e) of such Act is amended to read as follows:

"(e) No payment may be made under this title with respect to any item or service—

"(1) furnished by an individual or entity during the period when such individual or entity is excluded pursuant to section 1128 or 1128A from participation in the programs under this title; and

"(2) (other than an emergency item or service) furnished at the direction or on the prescription of a physician during the period when he is excluded pursuant to section 1128 or 1128A from participation in the programs under this title;".

(d)(1) Section 1866(a)(3) of such Act is repealed.

(2) Section 1866(b) of such Act is amended to read as follows:

"(b)(1) A provider of services may terminate an agreement with the Secretary under this section at such time and upon such notice to the Secretary and the public as may be provided in regulations, except that notice of more than 6 months shall not be required.

"(2) The Secretary may refuse to enter into or to renew an agreement under this section, and (upon such reasonable notice to the provider and the public as may be specified in regulations) may terminate an agreement under this section, after the Secretary has determined—

"(A) that the provider fails to comply substantially with the provisions of such agreement, or with the provisions of this title and regulations thereunder, or

"(B) that the provider fails substantially to meet the applicable provisions of section 1861, or

"(C) pursuant to section 1128 or 1128A that the provider of services should be excluded from participation in the program under this title.

"(3)(A) Except as provided in paragraph (4), a termination of an agreement under this subsection shall be applicable with respect to items or services furnished on or after the effective date of such termination, but payment may be made for up to thirty days after the effective date of such termination for—

"(i) inpatient institutional services furnished to an individual who was admitted to such institution prior to the effective date of such termination, and

"(ii) home health services or hospice care furnished to an individual under a plan therefor established before the effective date of such termination.

"(4)(A) Where the Secretary determines that a provider of services no longer complies substantially with the provisions of its agreement under subsection (a)(1), or with the provisions of this title and regulations thereunder, or with the applicable provisions of section 1861, and further determines that the provider's deficiencies do not immediately jeopardize the health and safety of its patients, the Secretary may, in lieu of terminating immediately the agreement under this section, notify the provider of the deficiencies that form the basis of the determination, and of the date by which the deficiencies must be corrected, which date may not be later than 6 months (or in the case of a skilled nursing facility one year) after the date of the notice to the provider.

"(B) During the period established by the notice under subparagraph (A), payment under this title may be made—

"(i) in the case of inpatient services, only for services provided to an individual admitted to the institution before the date of the notice, and

"(ii) in the case of all other services, only for services which were scheduled to be provided (as defined by the Secretary in regulations) before the effective date of the notice.

"(C) If the Secretary determines that the deficiencies specified in the notice have not been corrected by the deadline stated in the notice, the Secretary shall terminate the agreement under this section, effective with respect to all items and services, as of the date by which the deficiencies were required to be corrected.

"(D) The Secretary shall not make a determination under this paragraph with respect to a provider of services until he has given the provider a reasonable opportunity to correct its deficiencies, following the initial determination that it no longer substantially meets the provisions of the agreement, or of this title and regulations thereunder, or the applicable provisions of section 1861, and following this period, has given reasonable notice to the public and given the provider reasonable notice and opportunity for a hearing.

"(E) The Secretary shall promptly notify each appropriate State agency which administers or supervises the administration of a State health care program described in section 1128(d) of a determination under this subparagraph with respect to any provider of services, and may require such State agency to make payment under such program to the provider only as provided in subparagraph (B).".

(e)(1) Section 1866(f) of such Act is amended to read as follows:

"(f) Any entity dissatisfied with a determination by the Secretary that it is not a provider of services, or with any determination described in subsection (b)(2) or (3)(B), shall be entitled to a hearing thereon by the Secretary (after reasonable notice and opportunity for hearing) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g), except that an entity shall not be entitled to separate notice and opportunity for hearing under both section 1128 and this section with respect to a determination or determinations based on the same underlying issues.".

(2) Section 1869(c) of such Act is repealed.

(f) Title XVIII of such Act is amended by adding at the end thereof the following new section:

"CONDITIONAL APPROVAL OF PROVIDERS AND OTHER SUPPLIERS OF SERVICES

"SEC. 1888. (a) In any case where—

"(1) an individual or entity must obtain, as a condition of participation in the programs under this title or as a condition of coverage under this title of items and services furnished by such individual or entity, certification that it meets the statutory conditions imposed under this title and the additional conditions found necessary by the Secretary, and

"(2) the Secretary finds that such individual or entity is not in substantial compliance with such conditions, and also finds that the individual's or entity's deficiences do not immediately jeopardize the health and safety of patients,

the Secretary may, in lieu of terminating approval of the individual or entity, notify the individual or entity of the deficiencies that form the basis of the determination, and of the date by which the deficiencies must be corrected, which date may not be later than 6 months after the date of the notice to the individual or entity.

"(b) During the period established by the notice under subsection (a), payment under this title may be made—

"(1) in the case of inpatient services, only for services provided to an individual admitted to the institution before the date of the notice, and

"(2) in the case of all other services, only for services which were scheduled to be provided (as defined by the Secretary in regulations) before the effective date of the notice.

"(c) If the Secretary determines that the deficiencies specified in the notice have not been corrected by the deadline stated in the notice, the Secretary shall terminate approval of the individual or entity, effective with respect to all items and services, as of the date by which the deficiencies were required to be corrected.

"(d) The Secretary shall not make a determination under this section with respect to any individual or entity until he has given the individual or entity a reasonable opportunity to correct the deficiencies, following the initial determination that it no longer substantially meets the conditions, and following this period, has given reasonable notice to the public and given the individual or entity reasonable notice and opportunity for a hearing.

"(e) The Secretary shall promptly notify each appropriate State agency which administers or supervises the administration of a State health care program described in section 1128(d) of a determination under this section with respect to any individual or entity and may require such State agency to make payment under such program to the individual or entity only as provided in subsection (b).".

(g) Section 1902(a)(38) of such Act is amended by striking out all that follows "respectively," and inserting in lieu thereof "the information described in section 1128(b)(7)".

(h) Section 1902(a)(39) of such Act is amended—

(1) by striking out "bar" and inserting in lieu thereof "exclude",

(2) by striking out "person" each place it appears and inserting in lieu thereof in each instance "individual or entity", and

(3) by inserting "or 1128A" after "section 1128".

(i) Paragraphs (1) and (2) of section 1903(i) of such Act are amended to read as follows:

"(1) with respect to any amount expended for items or services furnished under the plan by any individual or entity during the period when such individual or entity is excluded pursuant to section 1128 or 1128A from participation in the program under this title; or

"(2) with respect to any amount paid for an item for service (other than an emergency item or service) furnished at the direction or on the prescription of a physician, during the period when such physician is excluded pursuant to Section 1128 or 1128A from participation in the program under this title;".

(j) Section 1903(i) of such Act is further amended by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; or", and by adding at the end thereof the following new paragraph:

"(7) with respect to any amount paid under the State plan to any individual or entity that has failed to furnish to the Secretary, upon request, information required to be furnished pursuant to this title or title XI or XVIII, unless the Secretary finds that there is good cause for such failure.".

(k)(1) Section 1902 of such Act is amended by inserting after subsection (f) the following new subsection:

"(q) The State agency, for good cause (including any reason for which the Secretary could exclude such individual or entity from participation in the programs under this title or title XVIII pursuant to section 1128, 1128A, or 1866 (b)), may refuse to enter into or may terminate any agreement with an individual or entity for purposes of participation under the State plan, and may refuse otherwise to approve or may terminate approval of an individual or entity for such purposes.".

(2) Section 1903 (n) of such Act is repealed.

(l) The amendments made by this section shall become effective on October 1, 1984.

EFFECTIVE DATE

SEC. 9. The provisions of this Act and the amendments made by this Act shall become effective on October 1, 1984.

SUMMARY OF PROVISIONS REGARDING THE AUTHORITY OF THE SECRETARY OF HHS TO SANCTION PROVIDERS, PRACTITIONERS, AND OTHER INDIVIDUALS WHO HAVE DEFRAUDED OR ABUSED THE MEDICARE OR MEDICAID PROGRAMS OR WHO RENDER SERVICES WHICH FAIL TO MEET PROFESSIONALLY RECOGNIZED STANDARDS OF HEALTH CARE

Since passage of Social Security Act Amendments of 1971, the Secretary of HHS (then HEW) has had the authority to exclude from participation in the Medicare program, practitioners or other individuals (1) who knowingly submit false claims, (2) who charge Medicare substantially more than their customary charges or (3) who provide services substantially in excess of patients' needs or provide services of a quality which fails to meet professionally recognized standards of health care. Subsequent amendments to the Act (1) have created the authority for the Secretary to exclude from Medicare individuals who are found by a Professional Standards Review Organization (now Peer Review Organization) to be providing unnecessary or substandard care to program beneficiaries, and (2) have mandated the Secretary to suspend from participation in both Medicare and Medicaid individuals who have been convicted of criminal offenses related to their participation in those programs.

In the last quarter of fiscal year 1983, HHS Secretary Margaret Heckler delegated the authority to sanction practitioners and other individuals under these statutory provisions to the Inspector General. Since that time, some 480 sanctions have been imposed by the Inspector General, an amount one and one half times the total amount imposed in the previous eleven years. With this marked increase in the amount of sanction activity has come an increased awareness of certain loopholes which exist in the sanction statutes. One example of such a loophole is that pointed out in the recent report of the General Accounting Office which found that the Department is currently powerless to bar physicians or other practitioners from program participation based upon disciplinary actions imposed upon them by state licensing boards. Other examples were noted in the Inspector General's testimony before the Senate Special Committee on Aging on May 1 of this year.

In order to close such loopholes and thereby increase the ability of the Inspector General to protect the integrity of the Medicare and Medicaid programs, the Inspector General recommends the passage of legislation granting the secretary of HHS the following authorities:

1 To exclude individuals or entities from medicare or medicaid that have been convicted: in connection with (A) the delivery of health care: or (B) a Federal, State, or local government program, of: Fraud or financial abuse: neglect or abuse of patients; or unlawful manufacture, distribution, or dispensing of controlled substances.

2. To exclude individuals or entities who have been sanctioned or defrauding or abusing the medicaid program from participation in the medicare program, and conversely to require exclusion from participation in the medicaid program of those excluded from medicare.

3. To exclude an entity from medicare and medicaid where an owner, manager or director of that entity has been convicted of medicare or medicaid or other health related crimes;

4. To exclude an entity from medicare and medicaid which fails to make required disclosures that it is owned or controlled by a convicted individual.

5. To exclude individuals or entities from medicare and medicaid, who engage in conduct in violation of the anti-kickback provision of the Social Security Act.

6. To exclude any individual or entity from medicare and medicaid that fails to grant immediate access, upon reasonable request, to the OIG for the purpose of review of records, documents, or other data necessary to the IG in the performance of his statutory functions.

7. To exclude any individual from medicare and medicaid who has obtained his or her license to practice based upon falsified medical or educational credentials.

8. To exclude practitioners from participation in the medicare program based upon a peer review organization determination of unnecessary or substandard care rendered to medicaid beneficiaries.

9. To mandate that individuals convicted of crimes related to their participation in the medicare and medicaid programs, be suspended from participation in those programs for a period of time not less than five years.

10. To exclude practitioners and other individuals from participation in the medicare and medicaid programs based upon the disciplinary actions of State licensing boards.

11. To require, as a condition of participation in the medicaid program, that State licensing boards inform the Secretary of all sanctions imposed upon health care practitioners under their jurisdiction and of all surrenders of licenses to that board.

EXCLUDE PHYSICIANS CONVICTED OF FRAUD OR OFFENSES RELATED TO THE DELIVERY OF HEALTH CARE SERVICES FROM MEDICARE AND MEDICAID PROGRAM PARTICIPATION

I. Proposal

To permit the Secretary to exclude from the Medicare program and to require States to exclude from the Medicaid program any physician or health care practitioner convicted in connection with the delivery of health services or in connection with any act or omission in a program operated by or financed in whole or in part by any Federal, State or local government agency, if such conviction is for: (1) the felony of fraud, embezzlement, breach of fiduciary responsibility, or other similar felony offenses related to financial abuse; (2) a felony or misdemeanor related to criminal neglect or abuse of patients; or (3) any conviction under Federal and State law for unlawful manufacture or delivery of a controlled substance.

II. Goal

The proposal would increase the Secretary's ability to protect the financial integrity of the Medicare and Medicaid Programs, and to protect beneficiaries from harmful or inferior quality services.

III. Current law and problems

Section 1128 of the Social Security Act requires that the Secretary suspend from Medicare program participation, and instruct States to suspend from Medicaid participation, any health care professional who is convicted of a crime related to participation in the Medicare and Medicaid programs. The Secretary also has the authority under Section 1862(d) to exclude from Medicare program participation—and, consequently, to prohibit reimbursement under the Medicaid program—any person based on a determination that such person has: (1) made a false statement or representation in applying for Medicare reimbursement; (2) requested Medicare payment in excess of the person's reasonable charges or cost; or (3) furnished medically unnecessary or substandard services to Medicare beneficiaries.

Existing exclusion authority has been construed as extending only to health care practitioners who are convicted of crimes involving acts or omissions in connection with Medicare or Medicaid participation. Financial crimes (such as embezzlement), criminal neglect, or controlled substances violations committed independently of the Medicare and Medicaid programs are not included as a basis for exclusion in the current law.

IV. Justification

Individuals who commit crimes such as those enumerated above are likely to commit the same crimes against Medicare and Medicaid as well. Consequently, the Secretary should be given the authority to use information concerning persons who have committed such crimes as a basis for exclusion from future participation in Medicare and Medicaid.

EXCLUDE THOSE WHO DEFRAUD OR ABUSE THE MEDICAID PROGRAM FROM PARTICIPATION IN THE MEDICARE PROGRAM

I. Proposal

To allow the Secretary to exclude any person from reimbursement or terminate a provider agreement under Title XVIII whenever a sanction was imposed by the State Medicaid agency on a provider, practitioner or supplier of services who has defrauded or abused the Title XIX program. Section 1862(d) relating to exclusions and Section 1866(b) relating to terminations would be amended to add this new authority.

II. Goal

To strengthen the Secretary's authority to protect the Medicare program from fraud or abuse by providing that whenever a State Medicaid agency sanctions a party who has defrauded or abused the Medicaid program then the Secretary may exclude the party from Medicare.

III. Current law and problems

The Secretary has the authority under Section 1862(d) to exclude from Medicare program reimbursement, any person who he/she determines has committed certain acts of fraud or abuse against the Medicare program. In addition, the Secretary has the authority under Section 1866(b) to terminate a provider agreement based on a determination that the provider committed specified acts of fraud or abuse.

Most State Medicaid agencies have the authority to terminate the Medicaid program participation of any party which they determine has defrauded or abused the Medicaid program. Recently, the Secretary approved regulations which require all State agencies to establish these sanction procedures.

Under current law, the Secretary's determination to exclude or terminate from Medicare must be based solely on evidence that the person defrauded or abused the Medicare program. The Secretary, therefore, is not permitted to consider the evidence developed by the Department or State agencies concerning fraud or abuse sanctions imposed on persons under the Medicaid program. The new proposal would be consistent with the Secretary's authority under Section 1128 which provides that whenever an individual has been convicted of either Medicare or Medicaid violations that party must be suspended from both programs.

IV. Justification

During fiscal year 1981, State Medicaid agencies imposed terminations on 132 providers due to fraud or abuse. Most of these providers continue to participate in Medicare.

A Medicare sanction under this new authority would be imposed where the Secretary determines that the Medicaid violation was of sufficient severity to justify a Medicare sanction.

AUTHORIZE THE SECRETARY TO REFUSE TO ENTER INTO A PROVIDER AGREEMENT WITH AND/OR EXCLUDE FROM PARTICIPATION IN MEDICARE AND MEDICAID, ANY ENTITY WHOSE MANAGERS, DIRECTORS, OR OWNERS HAVE BEEN CONVICTED OF FRAUD RELATED TO THE DELIVERY OF HEALTH CARE SERVICES OR WHO FAIL TO MAKE REQUIRED DISCLOSURES AS TO OWNERSHIP OR CONTROL BY A CONVICTED INDIVIDUAL

I. Proposal

To authorize the Secretary to refuse to enter into an agreement with a hospital, nursing facility, or other provider whenever it is determined that a person who has direct or indirect ownership or controlling interest of 5 percent or more in the entity, or who is an officer, director, agent, or managing employee (as defined in section 1126(a) of the Act) of the entity has been convicted of fraud, and to exclude from Medicare and Medicaid participation any other entity which has a convicted individual in such a capacity or who fail to disclose such ownership of control.

II. Goal

To enable the Secretary to refuse to allow program participation to providers and suppliers who are owned, controlled, or operated by an individual who has been convicted of fraud (e.g. defrauding health insurance companies, or defrauding other federal, state, or local government programs).

III. Current law and problems

Section 1866(a)(3) provides that the Secretary may refuse to enter into or renew a Medicare agreement with a provider of services if any person who has a direct or indirect ownership of controlling interest of 5 percent or more in such provider or who is an officer, director, agent, or managing employee of such provider has been convicted of a crime related to his/her involvement in the title XVIII, XIX, or XX programs. Section 1903(n) of the Act provides that the State agencies have these rights with respect to Medicaid provider agreements.

In recent years, the Department has discovered situations in which individuals convicted of fraud have become involved in owning, operating, or managing health care providers and suppliers. Such individuals are attracted by the large sums of money being reimbursed under the federal health care programs.

Under our current authorities the Department may not refuse to allow providers who are controlled by these convicted individuals to participate in the Medicare and Medicaid programs. Rather the Department must incur the expense of closely monitoring the activities of these providers and suppliers. If violations are found, the Department must incur the additional expenses associated with investigations, sanction proceeding, trials, and appeals. Any provider or supplier who is adversely affected by the Secretay's decision not to enter into an agreement or to exclude under this authority would have an opportunity to contest the findings.

IV. Justification

We believe that enabling providers or suppliers which are controlled, owned, or operated by individuals who have been previously convicted of fraud to participate in the Medicare and Medicaid programs results in a waste of the Department's resources and makes the programs more vulnerable to fraud. The Secretary should have the authority to refuse to enter into a provider agreement with providers who are owned, controlled, or operated by such individuals and to exclude suppliers who are so owned, controlled or operated.

SECRETARY'S AUTHORITY TO EXCLUDE PRACTITIONERS, PROVIDERS AND SUPPLIERS WHO ENGAGE IN UNLAWFUL KICKBACKS FROM PARTICIPATION IN THE MEDICARE AND MEDICAID PROGRAMS

I. Proposal

To provide authority for the Secretary to exclude health care practitioners, providers, and suppliers who engage in conduct prohibited by §§ 1877(b) and 1909(b) of the Social Security Act from participation in the Medicare and Medicaid Programs.

II. Goals

To give the Secretary a more effective means of halting illicit remuneration in the health care industry and professions and to provide a means by which the Department and health care providers may obtain adjudication of the scope of the anti-kickback provisions without criminal trial.

III. Current law and problems

Since 1972, it has been a federal criminal offense to offer, solicit, or receive kickbacks, rebates, or bribes for referrals of patients or business paid for with Medicare or Medicaid funds under §§ 1877 and 1909 of the Social Security Act. Congress broadened these provisions significantly in 1977, and, at the same time created two rather broad exceptions: one for payment by an employer to a bona fide employee, another for discounts disclosed and appropriately reflected in the costs or charges claimed from the program.

There have been very few prosecutions under these provisions, and the Department's attempts to interest prosecutors in pursuing such cases frequently have proven unsuccessful. As with the civil money penalty authority recently granted the Secretary, the reluctance of U.S. Attorneys to prosecute any but those cases involving substantial amounts of money or which warrant imprisonment argues for independent Departmental enforcement authority. Heightened competition among all elements of the health care industry has made more attractive the practices proscribed by these provisions, and the number of complaints and inquiries concerning proposed business deals to the Department have increased sharply.

Because the current statutes are criminal, the Department is not free to issue regulations or guidelines interpreting them. Given the very broad sweep of the statutes and the scarcity of prosecutions thereunder, health car providers have looked to the Department in vain for definitive guidance.

Currently, the Department lacks any enforcement mechanism by which it can respond to this situation independently of the Department of Justice. This proposal is designed to give the Department authority both to litigate these issues in a non-criminal setting and to issue regulations interpreting the statute's scope.

IV. Justification

If the Secretary were given this authority, along with the resources necessary to implement it, she could issue regulations or guidelines interpreting the reach of the anti-kickback provisions and could obtain relatively swift review of her interpretations, which would deter more effectively similar illegal practices and further define the boundaries of fair competition for the health care industry.

ESTABLISH REFUSAL TO ALLOW ACCESS TO FEDERAL SURVEY TEAMS AND FEDERAL INVESTIGATORS AS A BASIS FOR TERMINATING OR SANCTIONING THE PROVIDER AGREEMENT UNDER MEDICARE AND MEDICAID

I. Proposal

Allow termination of the provider agreement or imposition of an intermediate sanction when any Medicare and Medicaid provider, including an accredited hospital, refuses access to a Federal survey team or a Inspector General investigation team. Amend Section 1866(b) of the Social Security Act to establish such refusal as a basis for termination or sanction.

II. Goal

To allow immediate inspection when serious allegations have been made against a provider of services.

III. Current law and problem

Under current law and regulations participating facilities may refuse immediate access to Federal surveys. If the facility grants access within 15 days no punitive action can be taken. Denying access to a Federal survey team can prevent immediate follow-up on a complaint. Current law does not requires immediate access be afforded to Inspector General investigators.

IV. Justification

It would enable Federal survey teams to better meet their monitoring responsibilities. Regional Office surveyors would be able to act prompty when serious allegations are made against a facility. Similarly it would enable fraud investigations teams to carry out their tasks efficiently and with no interference from the facility, when there is reason to believe records may be altered or destroyed.

FALSIFICATION OF MEDICAL CREDENTIALS

I. Proposal

To permit the Secretary to exclude from Medicare and Medicaid participation individuals who falsify their medical credentials.

II. Goal

To strengthen the Secretary's authority to protect the program and its beneficiaries from treatment by individuals who have obtained their licenses to practice medicine based on falsified credentials.

III. Current law and problem

Recently, certain media reports have directed public attention to the fact that a significant number of physicians have falsified their medical credentials and were granted licenses to practice medicine based on these credentials. Under existing authority the Secretary may levy sanctions and penalties against such an individual if the party submits claims for Medicare or Medicaid reimbursement. However, there is no authority to levy sanctions prior to the time that the individual submits a claim. There is also no authority to levy sanctions when an individual has a valid license to practice one medical discipline but falsifies credentials for another medical specialty.

Our concerns with respect to the existing authorities are two fold. First, program beneficiaries are now at risk of being treated by individuals who should not have been granted a license to practice. Secondly, at present we must wait until the individual commits program fraud before we are able to impose sanctions or penalties.

We propose that the Secretary be given the authority to exclude individuals who have falsified their medical credentials.

IV. Justification

The authority to exclude individuals who falsify medical credentials would improve the Secretary's ability to protect the Medicare and Medicaid programs from program fraud and would protect beneficiaries by excluding individuals who are unqualified to practice medicine.

EXCLUSIONS BASED ON MEDICAID VIOLATIONS

I. Proposal

To expand the Secretary's authority to levy administrative sanctions based on a determination by a Peer Review Organization (PRO).

II. Goal

To strengthen the Secretary's authority to protect the Medicare program from abuse by permitting the Secretary to exclude providers from the Medicare and Medicaid based on a PRO determination that an individual or institution abused either Medicare, or Medicaid programs.

III. Current law and problems

Section 1160(a), as it existed prior to the passage of the Tax Equity and Fiscal Responsibility Act (TEFRA), provided that the obligations of health care professionals and providers referred to in this section applied to services provided under title XVIII and title XIX of the Act. TEFRA transferred these requirements to section 1156 and deleted all references to obligations of health care professionals when the PRO has a contract to perform title XIX medical review. The effect of this change is that the Secretary is unable to use PRO developed evidence that the health care professional or provider abused the Medicaid program as the basis for a sanction under section 1156(b) of the Act and is also unable to bar incompetent physicians from participating in the Medicaid program. As a result, sanction decisions must be based solely on Medicare violations and are effective only as to the Medicare program.

IV. Justification

This authority will make it easier for PROs who have title XIX review responsibility to develop evidence which is sufficient to warrant sanction against providers who abuse Medicare and Medicaid and will permit the Secretary to take more effective action against such providers.

SECRETARY'S AUTHORITY TO SUSPEND CONVICTED PERSONS FROM MEDICARE AND MEDICAID FOR A MINIMUM PERIOD OF FIVE YEARS

I. Proposal

To require the Secretary to bar a physician or other individual who has been convicted of a criminal offense related to his participation in the delivery of medical care or services under title XVIII, XIX, or XX from participation in the Medicare program for a minimum of five years.

II. Goal

To establish a uniform benchmark for suspension periods which is lengthy enough to ensure that convicted persons will be excluded from participation in the Medicare and Medicaid programs for a substantial period of time, both to protect the program from further vulnerability to fraud and abuse and to serve as a deterrent to similar conduct on the part of the other individuals.

III. Current law and problems

Section 1128(a)(1) provides that the Secretary shall bar physicians or other individuals who she determines have been convicted of a criminal offense related to the delivery of medical care or services under title XVIII, XIX, or XX from participation in the Medicare program. Under current law, the secretary has discretion to set any period that she determines is reasonable for the suspension. Section 11128(d) provides an opportunity for a hearing before an administrative law judge for any person who is the subject of an adverse determination under this section.

Because there is currently no mandatory minimum suspension period, convicted persons have little incentive to accept the suspension period as reasonable and very often request a hearing on the length of the suspension period imposed by the Department, however short that period may be. To some convicted persons, even a one-year or two-year suspension period has seemed unreasonable and has been appealed to an ALJ.

In addition, because ALJ's have no benchmark to aid them in evaluating the reasonableness of the Department's suspensions, there is a lack of consistency and uniformity throughout the country in the length of suspensions upheld by ALJ's. Because ALJ's are free to reduce the suspension periods established by the Department and are not constrained by a minimum statutory suspension period, many convicted persons are suspended for minimal periods of time. Under the Secretary's current authority, if an ALJ reduces a suspension period below five years the Department must allow the convicted person to apply for reinstatement at that earlier point in time, although the Inspector General believes that five years should be the minimum suspension period following a conviction.

IV. Justification

We believe that a statutory five-year minimum suspension period would save substantial Departmental resources by reducing the number of administrative hearings, and would more clearly indicate to ALJ's and to those who participate in the delivery of medical care or services under the Federal medical programs the seriousness with which a conviction is viewed and the scope of the sanction which is appropriate.

SECRETARY'S AUTHORITY TO SUSPEND PRACTITIONERS FROM MEDICARE AND MEDICAID PARTICIPATION BASED ON THE ACTION OF STATE LICENSING BOARDS

I. Proposal

To allow the Secretary to suspend health care practitioners from Medicare participation when state licensing boards suspend or revoke a practitioner's license to practice, place a practitioner on probation, reprimand a practitioner, or when a practitioner has surrendered his or her license to the board for cause. When these, or any other sanction actions occur, the Secretary will have the authority to order a Medicare suspension after a review of the state board's action. Further, the Secretary will have the authority to require state Medicaid agencies to suspend the physician from Medicaid participation during the period of the Medicare suspension.

II. Goal

To protect Medicare and Medicaid beneficiaries from practitioners who have been sanctioned by one state licensing board, but have moved to another state to continue practicing.

III. Current Law and Problems

Under existing law the Secretary has the authority to exclude practitioners from Medicare if they have submitted false claims, have overutilized or abused the program, have failed to provide care of a quality meeting professionally recognized standards of health care, or have been convicted of a crime related to their participation in Medicare or Medicaid. In addition, the Secretary may require state agencies to exclude a practitioner from Medicaid participation if a civil money penalty has been imposed on a practitioner for filing false claims in the Medicare or Medicare program, or if he or she has been convicted of a program-related crime.

Existing law provides the Secretary no specific authority to sanction practitioners who have been sanctioned by a state licensing board. Thus, practitioners who have been sanctioned by state licensing boards for actions affecting the quality of care they provide, (e.g. malpractice, alcohol or drug abuse), or because of criminal convictions not related to Medicare or Medicaid (e.g. drug trafficking or sales, private insurance fraud), may move to another state and continue to provide health care for Medicaid and Medicare beneficiaries. The Department is powerless to exclude such practitioners from the programs based on state licensing board action.

IV. Justification

Existing law is inadequate to protect Medicare and Medicaid beneficiaries from practitioners who have been sanctioned by a state licensing board, but have moved to another state to practice. Statutory authority that would allow the Secretary to take sanction against health care practitioners based on state licensing board action would remedy this deficiency in the law. The Secretary would be better able to protect program beneficiaries from practitioners who may be unfit to practice and to protect the programs themselves from practitioners who may abuse them.

STATE LICENSING BOARD REPORTING OF SANCTION ACTIONS TAKEN AGAINST HEALTH CARE PRACTITIONERS

I. Proposal

To require state licensing boards to inform the Secretary of sanction actions they have taken against health care practitioners. The boards would be required to report all types of sanction action taken, including the revocation or suspension of a practitioner's license, placing a practitioner on probation, or reprimanding a practitioner. In addition, state licensing boards would be required to inform the Secretary when a practitioner has surrendered his or her license to the board or when a practitioner leaves the board's jurisdiction during the pendency of disciplinary action.

II. Goals

(a) To aid the Secretary in protecting the Medicare and Medicaid programs and their beneficiaries from practitioners who have been sanctioned by one state licensing board, but have moved to another state to practice.

(b) To provide the Secretary with information on state licensing board sanction actions so that the Department's Health Care Violations Information System will be an effective and complete clearinghouse for public information on practitioners excluded from health care related programs.

III. Current Law and Problems

Currently, the Secretary has no way of knowing when state licensing boards take sanction actions against health care practitioners who participate in the Medicare and/or Medicaid programs. Thus, without notice to the Secretary, practitioners who have been subject to state board action for reasons such as malpractice, drug or alcohol abuse, or private insurance fraud, may simply move to another state and continue to practice in federal health care programs.

The Secretary's lack of information about state licensing board sanctions against practitioners will hamper Departmental efforts to establish a comprehensive Health Care Program Violations Information System. The system is aimed at providing a clearinghouse for public information on practitioners excluded from health care related programs. This purpose cannot be completely fulfilled unless the Secretary has all relevant information, including information on practitioners who have been sanctioned by state licensing boards.

IV. Justification

Existing law is inadequate to protect the integrity of the Medicare and Medicaid programs and to protect program beneficiaries from practitioners who have been sanctioned by one state licensing board, but have moved to another state to continue practicing. The Secretary cannot act to exclude from Medicare practitioners who have been sanctioned by state boards, unless she is given notice of such sanction actions. This reporting proposal, along with another legislative proposal that would given the Secretary authority to sanction Medicare-Medicaid practitioners based on state licensing board action, would remedy current deficiencies in the law. Together, these proposals would enable the Secretary to protect program beneficiaries from practitioners who may be unfit to practice and to protect the programs themselves from practitioners who may abuse them. In addition, the reporting requirements will enable the Secretary to establish an effective and complete Health Care Program Violations Information system.

SUMMARY OF PROVISIONS REGARDING THE AUTHORITY OF THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IMPOSE CIVIL MONETARY PENALTIES

In 1981, Congress enacted the Civil Monetary Penalty (CMP) statute (42 U.S.C. § 1320a-7a), which provides an administrative mechanism to obtain money assessments and penalties against health care practitioners and other providers who file false or otherwise improper claims. Where such persons have failed to render an item or service as claimed, they can be liable for up to twice the amount claimed for that item or service as an assessment and a penalty of up to $2,000 per item or service improperly claimed. The statute requires the Department to prove that such person "knows or has reason to know" that the services were not provided as claimed.

Since the promulgation of the regulations establishing the procedures for administering the statute in 1983, approximately five million dollars has been recovered from health care practitioners and other providers who have filed such false or improper claims.

However, it has become clear that several technical amendments are need to plug loopholes in the CMP statute. The following proposals are designed to: (1) correct apparent oversights in the drafting of the original statute; and, (2) give the Department authority which is similar to that of other agencies which administer civil anti-fraud statutes, such as the Federal Trade Commission and the Securities and Exchange Commission:

1. Permit unified judicial review of the imposition of monetary penalties and assessments, and medicare and medicaid suspensions imposed under the CMP statute;
2. Provide for subpoena power in all CMP hearings (not just in those involved medicare);
3. Provide monetary penalties and assessments for claims submitted after the date of exclusion from medicare and medicaid pursuant to a peer review organization determination;
4. Increase State share of CMP recoveries to encourage State investigation and referral of medicaid fraud cases;
5. Clarify that the scope of the CMP statute includes double billing and false medical credentials;
6. Provide a six year statute of limitations for CMP actions; and
7. Provide authority to seek an injunction in U.S. district court to preserve the assets of a CMP respondent, where that respondent may dissipate or conceal his assets.

UNIFICATION OF JUDICIAL REVIEW OF CIVIL MONETARY PENALTY SANCTIONS

I. Proposal

To unify the appellate procedures pertaining to the imposition of Medicare and Medicaid suspensions under section 1128(b) of the Social Security Act and the Civil Monetary Penalty statute.

II. Goal

To provide for unified judicial review regarding the imposition of civil monetary penalties and assessments, and suspensions from Medicare and Medicaid imposed as a consequence thereof.

III. Current law and problems

Section 1128(b) of the Social Security Act authorizes suspensions from Medicare based on the imposition of civil monetary penalties and assessments. The Secretary is required to direct the appropriate State agency to take concurrent action with regard to the suspension of the individual from participation in Medicaid. Parties subject to suspension under section 1128(b) may ultimately appeal any adverse determination to the United States District Court.

Under section 1128A, the Secretary is authorized to impose civil monetary penalties and assessments for the filing of false or otherwise improper claims. Parties subject to such penalties may ultimately appeal to the United States Court of Appeals.

Thus, judicial appeal proceedings of suspension and civil monetary penalty determinations are presently separate. These separate appellate tracks create needless complications and could result in substantial duplication of effort. Further, persons who are subject to both suspension and civil monetary penalties presumably desire to resolve all potential liabilities at one time. Thus, legislation combining judicial appeal procedures in connection with suspension and civil monetary penalty determinations is needed.

IV. Justification

This change is intended to remedy an apparent oversight in drafting the legislation giving the Secretary the authority to impose civil monetary penalties.

Unification of appellate procedures offers the government the benefit of efficient procedures and respondents the opportunity to avoid costly, fragmented appeal processes.

EXPANSION OF SUBPOENA AUTHORITY IN CIVIL MONETARY PENALTY HEARINGS

I. Proposal

To expand subpoena authority in connection with Civil Monetary Penalty (CMP) hearings to cases other than Medicare cases.

II. Goals

To grant subpoena authority in Civil Monetary Penalty hearings similar to that available under title XVIII (Medicare) (42 U.S.C. 1395ii) for testimony or evidence.

III. Current law and problems

Authority presently exists in CMP proceedings to subpoena evidence and witnesses only under title XVIII. Access to evidence and witnesses in connection with Medicaid and Maternal and Child Health program violations is also expected to be needed to properly determine whether civil monetary penalties should be imposed. The Department does not, however, have subpoena authority with respect to those programs. Remedial legislation is needed.

IV. Justification

This change is intended to remedy an apparent oversight in drafting the legislation giving the Secretary the authority to impose civil monetary penalties.

The requested subpoena authority for CMP hearings would be in harmony with the existing subpoena authority under title XVIII and would help ensure the efficacy of administrative hearings involving civil monetary penalties.

PROVIDING CIVIL MONETARY PENALTIES FOR CLAIMS SUBMITTED AFTER THE DATE OF EXCLUSION FROM MEDICARE AND MEDICAID PURSUANT TO SECTION 1156 OF THE SOCIAL SECURITY ACT

I. Proposal

To reflect in the Civil Monetary Penalties (CMP) statute the new sanction authority provided for in section 1156 of the Act, i.e., exclusion from Medicare and Medicaid based on the findings of a Peer Review Organization determination.

II. Goals

To permit imposition of civil monetary penalties for submission of claims after an exclusion from Medicare and Medicaid due to a Secretarial determination based upon Peer Review Organization findings pursuant to section 1156 of the Act.

III. Current law and problems

The Social Security Act was recently amended to permit the Secretary to exclude practitioners and other individuals from program participation based on the findings of a PRO (section 1156). While the Civil Monetary Penalty statute provides for penalties and assessments for claims submitted while a provider is excluded, the list of exclusion authorities in the CMP statute does not contain a reference to section 1156. Consequently, amendment of section 1128A is necessary to add the new sanction authority (section 1156) to those already specified in the CMP statute.

IV. Justification

This change is intended to remedy an apparent oversight in drafting the legislation giving the Secretary the authority to impose civil monetary penalties.

Additional authority to impose civil monetary penalties on parties who file claims contrary to an exclusion imposed pursuant to § 1156 would parallel existing authority to impose these penalties on parties that have been barred under other authorities from participation in agency programs.

STATE SHARING IN CIVIL MONETARY PENALTY RECOVERIES IN CASES ARISING UNDER MEDICAID

I. Proposal

To allow states to receive an increased share of assessments and penalties recovered under the Civil Monetary Penalties law (CMPL) in cases arising out of claims submitted by health care providers and suppliers under Title XIX (Medicaid). In such cases, the state would be paid the same proportional share of the total recoveries as it paid to the provider or supplier on the original claims.

II. Goal

To encourage cooperation and assistance by states in detecting, investigating and forwarding to DHHS for CMPL treatment, cases involving Medicaid claims.

III. Current law and problems

Where claims are filed under Medicaid (as well as under Medicare and the Maternal and Child Health Program) for items or services not provided as claimed, the CMPL generally allows DHHS to recover double the claim as an assessment, plus a $2,000 penalty per item or service. In CMPL cases arising out of claims under Medicaid, Section 1128A(e)(1)(A) of the Social Security Act currently provides that the appropriate State agency will be paid "an amount equal to the State's share of the amount paid by the State agency for such claim." In other words, the State's portion of CMPL recoveries is currently limited to the amount the state actually paid out on that claim; the state is not entitled to any further portion of the assessment or penalities.

Since the states receive no portion of the penalty and little of the assesment, they have little financial incentive to forward potential CMPL cases to DHHS, and few such cases have been received by the Department. Of the approximately 175 cases received by the Office of Inspector General for CMPL review, only 7 were initally referred by states.[1]

IV. Justification

This legislative proposal is designed to provide a sufficient incentive to the states to substantially increase the referrals to DHHS of potential CMPL cases. It should be observed that in virtually all cases involving Medicaid fraud, it is the states that detect, develop and investigate the cases.

While states develop most of their Medicaid cases for purposes of criminal prosecution, many such cases are appropriate for action under CMPL. Additional work is required to develop a typical CMPL case. Whereas a criminal case may only require proof of a handful of fraudulent transactions, recovery in a CMPL case is geared specifically to the number of claims that can be proved to be violative of the statute. Those additional claims must be detected and appropriate evidence developed. Given that the states can only recover the amount they paid to the provider and no more under CMPL, the states lack the incentive to put in the additional work necessary in such cases. The same result is obtained where a criminal case is settled before full development of the evidence; substantial additional work may be required for CMPL treatment.

Thus, where a state participates substantially in the detection and investigation of a case, there is every reason to grant the state a share in the recovery in proportion to the amount the state originally contributed to the payment of the claim. In all probability, such an incentive will substantially increase the number of referrals of potential CMPL cases to the DHHS.

Since few cases arising from Medicaid claims are currently being referred to DHHS, the potential revenue loss from this proposal to the United States is small. It is probable that the increase in the number of CMPL cases referred by the states as a result of the proposal will result in significantly more money being recovered under the statute in Medicaid cases. If such is the case, the total monetary recovery from these cases for the United States will be increased in comparison to the current situation.

CLARIFICATION THAT THE SCOPE OF THE CIVIL MONETARY PENALTIES STATUTE INCLUDES DOUBLE BILLING AND FALSE MEDICAL CREDENTIALS

I. Proposal

To clarify that the scope of claims subject to civil monetary penalties includes claims that a person knew or had reason to know were "false or fraudulent."

II. Goal

To clarify that the scope of the Civil Monetary Penalty statute includes double billings false medical credentials and other false or fraudulent practices which the present language of the statute does not expressly cover.

III. Current law and problems

The current wording of the Civil Monetary Penalties statute covers claims for items or services which a person knew or had reason to know were "not provided as claimed." This language is broad and was undoubtedly intended to be broad in order to protect the health care programs from all manner of improper claims.

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[1] These figures do not include approximately 125 state criminal conviction cases referred to DHHS for purposes of imposition of sanctions under § 1128(a) of the Social Security Act.

However, the language does not expressly cover cases of double billing or false medical credentials, which the statute certainly was intended to cover. A provider may purposely bill the programs *twice* for the *same* service, but as to each bill, it could be argued that the service was "provided as claimed." Similarly, a provider may have falsified his medical credentials, but it could be argued that the claimed services were "provided as claimed."

IV. Justification

The proposed amendment would clarify the statute by providing civil monetary penalties for services that a person knew or had reason to know were "false or fraudulent." These words are terms of art under the federal False Claims Act, 31 USC § 3729, and these terms have been interpreted to encompass situations like double billing and false credentials. This proposal would simply conform the language of CMP statute to the False Claims Act in this respect.

STATUTE OF LIMITATIONS IN CIVIL MONETARY PENALTY PROCEEDINGS

I. Proposal

To set forth an express statute of limitations for proceedings under the Civil Monetary Penalties statute (CMP) which provides that no action may be initiated under that statute with respect to any claim later than six years after that claim was presented.

II. Goal

To state clearly the appropriate limitations period for CMP actions and thereby avoid time-consuming and costly litigation on the issue.

III. Current law and problems

The Civil Monetary Penalties Law generally allows the Department to recover up to double the amount claimed as an assessment, plus a penalty of up to $2,000, for every item of service not provided as claimed on a claim for reimbursement under the Medicare or Medicaid program. However, the statute itself contains no express statute of limitations. As a result of this the Department anticipates that this issue may generate a great deal of costly and time-consuming litigation.

IV. Justification

This proposal would amend CMPL so that it would contain "six years from the date the claim was filed" limitation period identical to that contained in the False Claims Act (31 USC § 3729 et seq.), on which CMPL was modeled. This clear statement of congressional intent would preclude much unnecessary litigation.

PRESERVATION OF ASSETS IN CIVIL MONETARY PENALTY PROCEEDINGS

I. Proposal

To provide authority to seek an injunction in U.S. District Court to preserve the assets of a Civil Monetary Penalties (CMP) respondent, where that respondent is or is about to dissipate or conceal his assets.

II. Goal

To prevent a respondent from escaping liability under the Civil Monetary Penalties law by dissipating or concealing his assets.

III. Current law and problems

The Civil Monetary Penalties law generally allows the Department to recover up to double the amount claimed for an item or service as an assessment, plus up to a $2,000 penalty, for every item or service not provided as claimed.

This potent remedy can be frustrated, however, where an individual or entity who is subject to CMP seeks to conceal his assets, or place his assets in a position where they can not be reached to satisfy his CMP liability. There are a variety of well known means whereby a respondent can dissipate assets, such as transferring assets to corporate entities of trusts, or depositing the funds in foreign bank accounts. These methods are common and are readily available to all potential respondents.

Currently, there is no express provision in the law which would enable the Secretary to take any action to prevent dissipation or concealment of assets. Since several months (at a minimum) are required to complete a CMP proceeding, there is ample time and opportunity for a respondent to dissipate or conceal his assets, if he so desires.

IV. Justification

This proposal would incorporate into the CMP statute a provision which would allow the Secretary to seek a court order preserving the status quo of a respondent's assets, either by receivership, bond, limitations on the movement of assets, or by other means.

Two other major agencies which have the authority to collect civil recoveries for fraud, the Federal Trade Commission and Securities and Exchange Commission, have had substantial experience with defrauders who seek to take quick action to frustrate the enforcement powers of those agencies. As a result, both agencies now have statutory authority to seek court orders preventing a respondent from dissipating or concealing assets. The use of this remedy in fraud cases is now well-recognized in the court decisions interpreting the authorities of those agencies.

In addition, in suits under the False Claim Act, the Department of Justice has the authority (under the All-Writs Act) to seek an appropriate order preserving assets.

Of course, prior to the entry of a court order in any of these proceedings, the respondent is afforded full due process rights, including prior notice, hearing and appeal rights. The order can only be entered by a United States District Court judge, not an administrative law judge.

This proposed remedy is absolutely necessary to prevent the CMP proceeding from becoming an empty remedy where a respondent dissipates or conceals his assets.

PROTECTING MEDICARE AND MEDICAID BENEFICIARIES FROM UNFIT HEALTH CARE PROVIDERS

● **Mr. GLENN.** Mr. President, just a few weeks ago a Senate Special Committee on Aging hearing revealed an appalling and serious problem. Under the law, doctors and other health care providers, who are barred from practice in one State for incompetent and dangerous patient care or fraudulent medical practices, are moving to other States and legally continuing to "treat" medicare and medicaid beneficiaries—our Nation's poor and old and vulnerable citizens. In other cases, the doctors do not even have to change States; if barred from practice in medicare, they switch to medicaid and vice versa.

At our hearing, as ranking Democratic member of the Aging Committee, I promised to work to develop legislation that would prohibit the Federal Government from paying doctors and other health care practitioners who have been found unfit to practice. I said that the legislation could be introduced promptly, in a bipartisan fashion, and become law this year. The first two objectives have now been realized, and I urge my colleagues to join me in supporting this latter and most important goal.

The legislation I have introduced is really quite simple. It will give the Department of Health and Human Services authority to bar from participation in medicare and medicaid, doctors who—after due process—have been convicted of fraud, patient neglect and abuse, and/or the unlawful manufacture or distribution of controlled substances in the delivery of medical care.

The bill will also help "get the bad doctors off the road" and away from privately insured patients by creating an information network to track dishonest and dangerous health practitioners. Today, State medical licensing boards often experience great difficulty in investigating the careers of bad doctors—there is no central source of information available to them.

Regretfully, this situation of health providers who lose their licenses in one State and move to another to continue their lucrative practices has existed for some time. However, it simply has not been thoroughly examined before by a congressional committee. While the number of unfit health providers is relatively small, this matter is so serious that the Senate should not delay addressing it any further.

I ask unanimous consent that two articles from the Cleveland Plain Dealer of February 15, 1980, be printed in the RECORD at the close of my statement. These articles, written 4 years ago, capture the deception and disarray in practices regulating the licensing of health care professionals.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FELONS FIND DEVIOUS WAYS TO GET OHIO MEDICAL LICENSES BY FRAUD

(By Walt Bogdanich)

For more than two years, Dr. Jerome H. Begun had been working quietly on the medical staff of the Cambridge Mental Health and Retardation Center.

What Ohio Medical Board officials did not know—until someone finally told them last year—was that Begun had been convicted eight years earlier in California on 12 felony counts ranging from unlawful sale of narcotics and stimulants to possessing unregistered weapons.

After the California Medical Board revoked his license in 1971, Begun traveled to Ohio where he managed, allegedly through deception, to obtain a new license in 1977.

Though Ohio officials are now considering whether to revoke Begun's license, his case illustrates the vulnerability of medical board procedure used to screen out-of-state doctors seeking Ohio licenses.

For instance, Begun apparently obtained an Ohio license simply by lying on his application form, medical board officials charge. He said he had licenses only in Wyoming and Michigan. When Ohio officials checked those states and found no derogatory information, his application for a license was approved, said Melissa Warheit, a board lawyer.

The board's check was so superficial, however, that officials apparently made no attempt to verify Begun's work record or dates of employment. Had they done this, the board would have discovered a five-year gap during which Begun had been practicing in California.

The board also would have discovered another three-year gap during which Begun sat behind the bars of a California prison.

Medical board officials defend themselves, saying they previously didn't have the staff fully to check the backgrounds of all out-of-state doctors seeking Ohio licenses.

In 1978, records show that more than 1,200 physicians obtained Ohio licenses simply by asking for them—no written or oral exams were required if their application forms appeared in order.

Ray Q. Bumgarner, board counsel and assistant administrator, said the board now does a more comprehensive and standardized check on license applicants. This new system has been in effect "for at least a year or so," Bumgarner said.

Ohio officials now check the backgrounds of applicants by sending short questionnaires to the medical boards in those states in which the applicant says he is licensed, Bumgarner said.

If the applicant omits a state, the board has no sure way of knowing this, medical board officials concede. The medical board does consult the Federation of State Medical Boards, a national clearinghouse of information on disciplined doctors, but Bumgarner said the federation's files are incomplete.

But despite Ohio's tighter screening process, The Plain Dealer found ways in which doctors can legally get around Ohio's licensing requirements.

For example, Ohio reqires that new doctors must pass either the Federation Licensing Exam (FLEX) or the National Boards. However, out-of-state doctors are not required to take this test if they have passed a licensing exam in their own state.

Medical board officials admit these state exams have varying degrees of difficulty and are often easier than the FLEX or the National Boards.

A case in point is Florida, which does not include a basic science section in its license examination—the only state not to do so—yet Ohio accepts Florida doctors without additional testing.

(With the exception of Florida, all states now require that new doctors pass either the FLEX or the National Boards. However, older doctors are not required to take them.)

One example of confusing state law involves the case of Dr. Miklos Egyed, a surgeon at Huron County's New London Hospital, which is being investigated by the Ohio attorney general.

Egyed was forced to leave his medical practice in Mississippi after he failed the FLEX test in 1974. Even though Ohio also recognizes the FLEX, Egyed was allowed to move his medical practice into this state because he had obtained an Ohio license in the 1950s before the FLEX standard was adopted.

Doctors who understand license laws in different states can exploit them to their advantage, health experts say.

For example, a person who does not want to complete an internship can obtain a medical license in Ohio immediately after being graduated from medical school. Ohio is one of only about a dozen states which allows this.

Dr. Leonard L. Lovshin, a member of the Ohio Medical Board, expressed concern about the situation in June 1978, but the board as yet has taken no action to bring Ohio up to the standards of other states.

One young osteopathic physician from northeast Ohio said knowledge of license laws helped him to get a job soon after medical school graduation. The doctor, who did not wish to be identified, said "because I knew I could get my license easily in Tennessee, I went there. . . . They told us in Tennessee that virtually 100% of you will pass this test."

Because Tennessee, like Ohio, does not require an internship, the doctor said he received a Tennessee license, which Ohio immediately endorsed. The doctor said he not only set up his own practice in Ohio before completing his internship, he also managed to get appointed to a professional peer-review group.

"It's kind of humorous," he said. "Before I completed my internship I was helping to evaluate probably between 200 to 300 doctors. . . . I would even run up against some of the staff physicians at my hospital. I would evaluate their work, and audit their records, yet they were supposed to be training me."

The Plain Dealer asked Dr. Donavin A. Baumgartner, president of the Cleveland Academy of Medicine, to comment on this story. "I've never heard of anything like that happening. If it did, then I would say the system needs tightening up."

Baumgartner said he did not know that an internship was not required in Ohio. "If it is not, I would favor that being a requirement," he added.

The lack of an internship requirement is not the only weakness in Ohio licensing law. As the system now operates, it is conceivably in the interest of a young physician to obtain licenses in an many states as possible while still possessing a clean record.

By doing this, the doctor could overcome future troubles in one state by merely moving to another.

Dr. H. Rudolph Alsleben, recently of Broadview Heights, is one doctor who took advantage of the system. By obtaining licenses in more than one state early in his career, including Ohio, Alsleben was able to move here from California in 1978 without having to submit any new applications to the Ohio Medical Board.

Alsleben's work record was not exemplary, records show. In 1976, he lost a $1.5 million malpractice suit after permanently injuring a California woman. Alsleben also admitted gross negligence, for which the California Medical Board suspended his license for six months and put him on probation for seven years, Ohio Medical board records show.

Meanwhile, the state of Washington accused the doctor of "deceiving, misleading and confusing" persons seeking medical treatment. In 1976, a Washington court issued a permanent injunction against him, barring Alsleben from the practice of medicine in that state.

Because Alsleben maintained his Ohio license while practicing elsewhere, he was able to move to Broadview Heights in November 1978 where he began treating patients.

However, Ohio Medical Board investigators came across some of Alsleben's literature, which he made available to his patients. One of his handouts discussed cancer treatment which he and his associates offered at a now-defunct Mexican Laetrile clinic, 55 miles south of Tijuana.

The pamphlet implied that cancer in some cases could be treated by "the use of specific Nutri-Bionic ingredients, properly polarized foods and supplements (which) give a nutritional surge to the body economy that enables it to change from a catabolic to an anabolic mode."

The medical board's response was to cite Alsleben for "attempting to obtain money or anything of value by fraudulent misrepresentations in the course of treatment."

After looking at portions of Alsleben's literature one medical expert hired by the board called it "the biggest bunch of scientific doubletalk that I have ever been witness to."

The medical board is still deciding whether to revoke Alsleben's license. At last report, medical board officials believe Alsleben has moved his practice to the Akron area.

LEAVING IT ALL BEHIND—VILLAGE'S MD TRIES INDIANA AFTER LOSING LICENSE IN OHIO

Sometimes the law allows a doctor to leave his troubles behind. At least that's what Dr. Rodger D. Saylors thought.

After running into serious problems in Ohio in the late 1960s, Saylors decided to move next door to Indiana. He moved, in a sense, because he had to.

The Ohio Medical Board had taken away his right to practice medicine. Why? A faded, 12-year old newspaper clipping answers part of that question.

"A small-town Ohio physician accused of using drugs to induce his teen-aged women patients to perform sex acts has been indefinitely suspended from the practice of medicine."

While many Ohioans may not recall the statewide headlines Saylors created, the townfolk in the village of Bloomville, in Seneca County still remember.

They remember because the Saylors story was a real-life, small-town soap opera at its best.

The story began in Bloomville, population 800, with residents in this west central Ohio village bemoaning the fact that their community had no doctor.

In stepped the answer to their prayers, Saylors, suddenly available to heal the ills of the young and old.

Before long, however, the town began to buzz. Rumors spread about Saylors' alleged unprofessional conduct. The State Pharmacy Board soon poured gas on the fire when its investigation of Saylors led to his 1967 conviction in Tiffin Municipal Court on charges of keeping improper records relating to the dispensing of narcotics.

Then came the allegations about the young women. The Ohio Medical Board investigated and decided to charge Saylors on improper conduct.

One newspaper account of Saylors' medical board hearing related how "a parade of female witnesses, including several teen-age patients, of Dr. Saylors, appeared before the board to testify in detail of alleged instances of drug-induced sexual relations with Bloomville's only physician."

Reporters also looked into the background of Saylors and found that before coming to Ohio he had been forced to leave a Fort Wayne, Ind., hospital. Saylors said he had been pushed out because he did not keep proper records.

On Oct. 9, 1968, the Ohio board decided to indefinitely suspend Saylors' license after finding him guilty on two of the five counts in the board's original citation.

Faced with no source of income, Saylors packed his bags and returned to Indiana where he still had a valid license. But controversy continued to shadow him.

Back in Indiana, the medical board there suspected Saylors was misusing drugs. In 1969 the board charged Saylors with being addicted to dangerous drugs, and charged that he had treated patients while under the influence of these drugs.

Saylors voluntarily surrendered his license. Four and a half years later, however, the board returned his license, with certain restrictions, on a temporary basis.

Since then, Saylors has regained his permanent license without restrictions, said Dr. I. J. Kwitny, medical director of the Indiana Medical Board.

Meanwhile, the Ohio Medical Board also decided to look kindly on Saylors. In 1975, it said that once Saylors regained full rights to practice medicine in Indiana, it would consider restoring his Ohio license.

Dr. John D. Brumbaugh, a former Ohio Medical Board member, said at the time that "he is beginning to feel that Dr. Saylors has paid the price for any indiscretions he may or may not have made here in Ohio," board minutes state.

The board told Saylors to contact it when he gets full privileges in Indiana. So far he has not.●

ADDITIONAL COSPONSORS

S. 2256

At the request of Mr. HUDDLESTON, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2359

At the request of Mr. HEINZ, the name of the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2359, a bill to amend the Housing and Community Development Act of 1974 to provide that the jurisdictions having no or few areas where a majority of the residents are persons of low and moderate income target community development block grant funds to those areas with the highest proportion of such persons.

S. 2533

At the request of Mr. DENTON, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 2533, a bill to amend the National Labor Relations Act to remove the requirement that individual employees join and pay dues and fees to labor organizations, to strengthen the remedies imposed against labor organizations which commit unfair labor practices involving violence, and for other purposes.

S. 2735

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2735, a bill to rescind funds appropriated to the energy security reserve by the 1980 Department of the Interior and Related Agencies Appropriations Act, and for other purposes.

SENATE JOINT RESOLUTION 230

At the request of Mr. SPECTER, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of Senate Joint Resolution 230, a joint resolution to designate the week of October 7, 1984, through October 13, 1984, as "National Birds of Prey Conservation Week."

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE JOINT RESOLUTION 298

At the request of Mr. HUDDLESTON, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of Senate Joint Resolution 298, a joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day."

SENATE JOINT RESOLUTION 306

At the request of Mr. HUDDLESTON, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 306, a joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

SENATE CONCURRENT RESOLUTION 86

At the request of Mr. HEINZ, the names of the Senator from Virginia (Mr. TRIBLE), the Senator from California (Mr. WILSON), the Senator from North Carolina (Mr. EAST), and the Senator from Washington (Mr. EVANS) were added as cosponsors of Senate Concurrent Resolution 86, a concurrent resolution expressing the sense of the Congress regarding the persecution of members of the Baha'i religion in Iran by the Government of Iran.

SENATE CONCURRENT RESOLUTION 111

At the request of Mr. MATHIAS, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Concurrent Resoluton 111, a concurrent resolution expressing the sense of the Congress regarding a mutual and verifiable moratorium on any further deployment of sea-launched cruise missiles equipped with nuclear warheads, and for other purposes.

SENATE RESOLUTION 396

At the request of Mr. HUDDLESTON, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Resolution 396, a resolution to express the sense of the Congress that January 27 through February 2, 1985, should be observed as "National Meat Week."

AMENDMENT NO. 3164

At the request of Mr. BENTSEN, his name was added as a cosponsor of amendment No. 3164 proposed to S. 2723, an original bill to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

At the request of Mr. BYRD, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Indiana (Mr. QUAYLE), the Senator from Florida (Mr. CHILES), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of amendment No. 3164 proposed to S. 2723, supra.

SENATE CONCURRENT RESOLUTION 118—ANDREI SAKHAROV AVENUE

Mr. GRASSLEY submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 118

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the portion of the street in the District of Columbia on which is located the Embassy of the Union of the Soviet Socialist Republics, and the portion of any street in any other city in the United States on which is located a consular office or mission of the Union of Soviet Socialist Republics, should be named "Andrei Sakharov Avenue".

SENATE CONCURRENT RESOLUTION 119—RELATING TO INFRINGEMENTS OF RELIGIOUS FREEDOMS IN THE WARSAW PACT STATES

Mr. PELL (for himself, Mr. PERCY, Mr. DODD, Mr. CHILES, Mr. SARBANES, Mr. HART, Mr. MITCHELL, Mr. QUAYLE, Mr. CHAFEE, Mr. GLENN, Mr. PRESSLER, Mr. BENTSEN, Mr. EXON, Mr. ZORINSKY, Mr. COCHRAN, and Mr. LUGAR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 119

Whereas the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the same body on November 25, 1981, proclaim the principles of nondiscrimination and equality before the law and the universal right to freedom of thought, conscience, and religion for all individuals;

Whereas the Final Act of the Conference on Security and Cooperation in Europe (hereafter referred to as the Helsinki Final Act), which all of the Warsaw Pact states have signed, commits the participating states to act in conformity with the purposes and principles of the Universal Declaration of Human Rights and to fulfill their obligations with respect to human rights and fundamental freedoms as set forth in international law;

Whereas the Helsinki Final Act reaffirms the commitment of the participating states to respect human rights and fundamental freedoms including the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience;

Whereas the constitutions of the Warsaw Pact states provide for freedom of religion both for the individual and for religious groups or sects, the laws of these states are highly restrictive with respect to religious activities and practices and do not permit certain denominations such as the Greek Catholics and the Seventh Day Adventists to practice their religion freely in the Soviet Union, or sects such as the Jehovah's Witnesses in Romania and East Germany to function as legally recognized religious entities;

Whereas the Government of the Warsaw Pact states impede the free exercise of religion through administrative interference in the affairs of religious bodies including control over seminaries, religious publications and materials, construction and restoration of church buildings, finances, and the selection of religious leaders;

Whereas the Government of Czechoslovakia, in particular, has refused to reach an agreement with the Vatican on filling the vacant bishoprics of the Roman Catholic Church in Czech and Slovak dioceses;

Whereas religious believers in several Warsaw Pact states experience officially sanctioned discrimination in employment, housing, and education;

Whereas the Government of most Warsaw Pact states severely restrict or prohibit optional religious instruction for children even on church premises;

Whereas the Governments of Czechoslovakia, Romania, the Soviet Union, and Bulgaria persecute, imprison, and confine religious believers for exercising religious freedom;

Whereas the Government of Poland has exerted pressure on the Catholic Church to endorse governmental policies, particularly with respect to Solidarity and its members;

Whereas the Government of Czechoslovakia has increased persecution of clergy and religious believers, especially those of the Catholic faith, since the birth of Solidarity in Poland;

Whereas the Soviet Union has severely curtailed the right of Jews to study and practice their religion and to adhere to their cultural traditions;

Whereas religious activity in the occupied Baltic States of Lithuania, Latvia, and Estonia has been harshly repressed by the Government of the Soviet Union; and

Whereas Romania and the Soviet Union deny the fundamental right to emigrate to those individuals desiring to escape religious persecution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress opposes and condemns infringement of religious freedom, persecution of religious believers, and discrimination on religious grounds by the Governments of the Warsaw Pact states.

Sec. 2. Accordingly, it is the sense of the Congress that the Government of the United States should raise publicly and privately the failure of the Warsaw Pact states to fulfill commitments on religious freedom undertaken in the Helsinki Final Act and to respect international law on human rights and fundamental freedoms, especially in the area of religion, at every appropriate international forum, including all of the meetings of the Conference on Security and Cooperation in Europe, all appropriate gatherings of the United Nations, and in bilateral meetings with the offending governments.

Sec. 3. The President shall transmit a copy of this resolution to the Ambassador from each of the Warsaw Pact states.

Mr. PELL. Mr. President, today I am introducing a concurrent resolution condemning infringements of religious freedom, persecution of religious believers, and discrimination on religious grounds by the governments of the Warsaw Pact states.

As a member and former Cochairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission—I have long been concerned about the failure of the Soviet Union and its Warsaw Pact allies to fulfill commitments on religious freedom undertaken in the Helsinki Final Act and to respect international law on human rights, especially in the area of religion. As signatories of the Final Act, they have pledged to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." Despite this solemn pledge, most of the Warsaw Pack states severely restrict religious activities and practices by law and impede the exercise of religious freedom controlling the affairs of religious bodies. Moreover, individuals who attempt to exercise religious freedom are subject to State-sponsored discrimination in employment, housing and education, and in some states, for example Czechoslovakia and the Soviet Union, they are heinously persecuted and often imprisoned.

Traditionally, religion has played an important role in the lives of the people of Czechoslovakia. Today, approximately 75 percent of the people belong to the Roman Catholic Church, which is well established in Slovakia, the eastern region of Czechoslovakia. Catholicism is the root of nationalism in Czechoslovakia, and the Slovaks, like the Poles, actively pursue a religious life. Many of the remaining 25 percent, the ethnic Czechs in particular, embrace Protestantism.

The Husak regime, which came to power in the wake of the Soviet invasion of Czechoslovakia in 1968, has waged a continual campaign to minimize the role of religion in Czechoslovakia. Although the campaign has been directed at all sects, the Catholic Church has been the regime's primary target.

Catholic priests and lay believers have been subjected to house searches, harassment, detention, arrests and imprisonment. With the birth of Solidarity in Poland, the campaign against Catholics intensified. For example, in February 1982, Father Gabriel Povala of Slovakia was imprisoned for 8 months on the charge that he tried to influence young people to lead more religious lives, and in August the Government interrogated and detained a group of young Catholics in Bratislava. A Government crackdown on members of the Franciscan Order in 1983 led to outraged protests not only from Catholics in Slovakia but also from the Vatican.

Because the Husak regime has refused to reach agreement with the Vatican on candidates for the priesthood, there are approximately 1,000 Catholic parishes without priests in Czechoslovakia. Under these circumstances, many priests are forced to practice without licenses. The Government has waged an ongoing propaganda campaign against the "secret church"—that is, Catholic priests and bishops who have not been approved by the State but are sanctioned and "blessed" by the Vatican and conduct services in private.

The intensity and breadth of the campaign against Catholics suggests that the Government of Czechoslovakia genuinely fears that the Catholic Church has the potential to develop the kind of political influence in Czechoslovakia that it now has in Poland. The Husak regime has tried to undermine the appeal of the Catholic Church in Czechoslovakia by forcing Catholic priests to join a progovernment organization known as "Pacem in Terris." Although this strategy has not been successful, the Czechoslovak Government continues its antireligious campaign against Catholics and other religious believers, no doubt in an attempt to blot religion out of Czechoslovak life entirely.

The Soviet Government, like its counterpart in Prague, appears to be worried about religious infection from Poland and consequently has stepped up its activities against Catholics, particularly those in Lithuania. The opportunity for Soviet Jews to worship freely has been extremely limited, and since 1980 Jews have often been victims of the Government's intensified antireligious campaign. Jewish activists who have attempted to organize unofficial religious study groups have been subjected to various forms of intimidation as well as threats of arrest and imprisonment.

Mr. President, our own country was born out of the struggle for religious freedom, and I believe as Americans, that we have a sacred duty to do all that we can to achieve this important freedom for the people of the Warsaw Pact states. The resolution which I am introducing today calls upon all branches of the U.S. Government to raise this issue publicly and privately with the offending governments at every appropriate forum.

Mr. **PERCY**. I am pleased to join my colleague Senator **Pell** in cosponsoring this resolution opposing the infringement of religious freedom by the governments of the Warsaw Pact states. I also want to announce at this time that we will hold a hearing on the subject of religious rights in Eastern Europe and the Soviet Union on Tuesday, June 12, from 2 p.m. to 5 p.m. in 419 Dirksen Senate Office Building.

The resolution cites the several international agreements to which the Warsaw Pact states are signatories which provide guarantees for religious freedom. These include the Universal Declaration of Human Rights, adopted by the U.N. General Assembly in 1948, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the same body in 1981, and the Final Act of the Conference on Security and Cooperation in Europe. We must continue to point out the failure of the governments of Eastern Europe and the Soviet Union to live up to these agreements, and this resolution does so It takes into account the different situations which exist in the several countries of Eastern Europe and the Soviet Union.

In a world where nations have openly pledged to respect their international commitments, emigration must be freely permitted and so must be the right to practice religion. Sadly, the world situation today is far different. The human rights situation in the Soviet Union is by all accounts worse today than at any time in the past decade, and the rights of religious believers in many countries of Eastern Europe are seriously curtailed.

The emigration of Soviet Jews and other national minorities, including ethnic Germans and Armenians, is dangerously low so that only a handful is allowed to emigrate. Some famous cases of Soviet Jewish prisoners of conscience are well known in the United States. Individuals such as Anatoliy Shcharansky, who recently passed the midpoint of his ordeal, Ida Nudel, Alexander Paritsky, Josef Begun, and others have won sympathy and support in the court of world opinion. Yet there are many more Soviet Jews who suffer for their beliefs. Only 1,315 Jews were allowed to join their families outside the Soviet Union in 1983, a dramatic decrease from the 34,758 who emigrated only 10 years earlier and the 51,000 of 5 years ago.

Other religious groups in the Soviet Union also experience severe hardship. The Baptist Times of March 1, 1984, reported that several leading Baptists have been sentenced to new terms of confinement in camps before the completion of their original terms. Those receiving the added terms are members of the Council of Churches of Evangelical Christians-Baptists, the umbrella organization for unregistered Baptists in the Soviet Union. Soviet Pentecostals also receive particularly harsh treatment, and Russian Orthodox believers are inhibited from free practice of their faith.

In the Baltic States, where the struggle for human rights is associated with mass nationalistic and religious aspirations, the Soviets have repressed religious believers. In Lithuania, the persecution of Catholic priests is increasing. The leaders of the Catholic Committee for the Defense of Believers' Rights, Rev. Alfonsas Svarinskas and Rev. Sigitas Tamkevicius, were both tried and sentenced to long prison terms last year.

In Eastern Europe, the situation for religious believers varies from country to country, but problems exist in all. The situation in Czechoslovakia is worsening with respect to the churches. In particular, the Government of Czechoslovakia has refused to reach an agreement with the Vatican on filling the vacant bishoprics of the Roman Catholic church in Czech and Slovak dioceses. In recent weeks, Cardinal Tomasek has taken a more vocal, active stance in defense of the rights of Roman Catholics.

In Romania, the Government has on several occasions made gestures toward greater respect for religious rights and then has retracted the promises and cracked down on religious believers. Baptists are particularly harassed and their religious rights are seriously restricted. Many of the 2 million ethnic Hungarians, most of whom are Catholic and Hungarian Reformed believers, desire more religious opportunities. While emigration is permitted for some, still there are many more religious believers in Romania who would like the opportunity to emigrate.

In Poland, religious fervor is as strong as ever, as religious believers struggle against government suppression. The recent battle to allow crucifixes in the schools, and the public opposition to the transfer of popular priests from their parishes to rural areas, demonstrate the depth of religious feeling which the Polish Government confronts.

If the serious violations of religious rights in these countries are publicized constantly and made known to a wide audience, perhaps we will have some impact.

In the case of emigration from the Soviet Union, the Soviet Government may find that the embarrassment to their leadership and to their international standing is not worth the benefits which they believe flow from their restrictive policies. Indeed, constant monitoring and private and public appeals seem to be the only levers available for the near future. We must raise the issue of religious repression, along with our allies, at every appropriate international forum, and we must persevere in our effort.

Therefore, I support this resolution, and urge my colleagues to cosponsor it also.

SENATE CONCURRENT RESOLUTION 120—RELATING TO PROTECTION FOR CHILD VICTIMS OF SEXUAL ASSAULT DURING ADMINISTRATIVE AND JUDICIAL PROCEEDINGS

Mrs. **HAWKINS** submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. Con. Res. 120

Whereas 1,500,000 children in this country are victims of abuse and neglect;

Whereas national estimates show that at a minimum one out of eight girls is a victim of sexual abuse before attaining the age 13;

Whereas ninety-five percent of the individuals who abuse children are relatives and friends of such children;

Whereas the incidence of sexual abuse is highest among adolescent females ages 12 through 17, but half of the victims of sexual abuse are under the age of 11;

Whereas each year 6,000 children are killed by their parents or guardians and the majority of children under age three who die are killed by their parents;

Whereas only a small percentage of court jurisdictions have established interdisciplinary teams of law enforcement officers, child protection service workers, prosecutors, child advocates, mental health professionals, medical personnel, and other individuals;

Whereas the Supreme Court has upheld the right of a court to close the trial to press and public during the victim's testimony;

Whereas few States laws concerning child abuse and reporting child neglect laws define the acts which constitute sexual abuse;

Whereas as many as 70 percent of the individuals who commit sexual offenses on children were themselves abused as children;

Whereas among the States that have authorized civil protection orders to prevent violence by one member of a household against another, there is great variation and confusion regarding what relationship must exist between victim and abuser for protection to be available;

Whereas because of the nature of the crime, a child victim's testimony is critical in the prosecution of a sexual abuser, and the requirements of prior qualification of a child's competency to testify often prevents prosecution of individuals who have abused children under the age of 4; and

Whereas the current hearsay exceptions are inadequate and do not permit most statements of child sexual abuse to be admitted into evidence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the National Conference of State Legislatures should survey the States to compile and categorize child protection legislation introduced or enacted by the legislatures of all States; and

(2) the legislatures of the States should consider and enact laws which contain innovative approaches to the handling of child sexual abuse cases, which protect the victim's legal rights, including—

(A) providing for the establishment of interdisciplinary teams of sexual child abuse professionals;

(B) coordinating court proceedings involving victims;

(C) providing a victim-witness advocate or guardian ad litem for the witness.

(D) the establishment of procedures for a suitable environment for interviews of a child victim and the avoidance of duplicate interviews:

(E) vertical prosecution which allows one prosecutor to handle a case from complaint to conviction.

(F) establishing procedures for the videotaping of victims statements and testimony;

(G) the enactment of a statutory hearsay exception;

(H) providing for specialized training of law enforcement, legal, judicial and child welfare personnel to deal with child victims;

(I) provision to define sexual abuse of children;

(J) establish procedures to check the criminal records of adults working or volunteering to work with young children in a supervisory position;

(K) the repeal of the corroboration requirement in child sexual abuse cases;

(L) establishing procedures for the granting of civil protection orders to protect children from further abuse;

(M) authorizing procedures to permit evidence of prior convictions of sexual abuse to be admissable in child sexual abuse cases;

(N) establishing procedures to permit child victims of sexual abuse to testify without prior qualification of competency.

● Mrs. HAWKINS. Mr. President, I rise today to submit a concurrent resolution stating the sense of the Congress that the State legislatures need to develop, consider and enact reforms that protect the legal rights of child victims of sexual abuse.

Mr. President, I have always been interested in this issue of child abuse and I have consistently fought for increases in Child Abuse Prevention and Treatment Act, funding for runaway shelters and child welfare programs, passage of the Missing Children's Act and the Missing Children's Assistance Act, reauthorization of the Juvenile Justice and Delinquency Protection Act and other Federal programs providing Federal funding and leadership to prevent child abuse. I personally think that the Federal Government can and should do much more in this area. The protection of our children is too important to be ignored by any level of government. All governments share responsibility to protect children. But I also feel that the State legislatures have an important role to play in insuring and protecting the legal right of child victims.

Over 50 years ago, I was a child witness in a trial regarding sexual child abuse. I can still remember the trauma of the court proceedings and my confusion and hurt and having my testimony ignored and discounted because after all, I was just a child. I had hoped that things had changed that the government's interest in protecting children would have resulted in reforms within the judicial and legal systems.

However, since my statement before the Third Annual Conference on Sexual Exploitation of Children, I have been overwhelmed with letters, phone calls, and individuals who have related similar experiences. All of their stories are tragic but what is inexcusable is the high percentage of individuals who were further traumatized by the administrative and judicial process after making that cry for help.

Recently Senator SPECTER, chairman of the Senate Judiciary Subcommittee on Juvenile Justice, held a series of very disturbing hearings on the legal rights of child sexual abuse victims on May 2 and May 22. These hearings were disturbing because they indicate a lack of interest or understanding of the special trauma associated with sexual child abuse by the judiciary. I joined Senator SPECTER in listening to the testimony from parents who believed their children, and who took prompt action to protect them, only to encounter resistance and in some cases hostility from the administrative and judicial system. One family related their difficulty in obtaining prosecution of the alleged abuser. In their county, of the 88 cases of sexual child abuse reported, the county only prosecuted 7. Recognizing the difficulties within the judicial system of prosecuting an abuser, they sought judicial relief in terminating visitation rights in an attempt to prevent further abuse. This family spent over $33,000 trying to achieve justice and protect their children. Despite their valiant efforts, they are being threatened with imprisonment for violating a court order for visitation.

These incidences of insensitive handling are not confined to one State or one community. Unfortunately, they are widespread. I know from my own State of Florida, people write to tell me that the legal process produces little progress and only serves as a further pain and embarrassment to the victim. Three sets of parents from Boca Raton have written me in despair because they, and I quote "so far, have run into apathetic attitudes, and archaic laws, which were leading us to believe that the children themselves were on trial, and had no rights whatever, because of their age." In case after case, the story is the same, the innocent victims of sexual abuse are publicly humilated and their testimony not permitted because the court often does not consider a child to be a competent witness. When I read these letters, I am continually reminded that the rights of the abuser are well protected, but legal apathy, antiquated statutes, and the emotional terrorizing of child victims make the rights and needs of the victims much more tenuous.

This is not to say that all individuals investigating, prosecuting and considering cases regarding sexual child abuse are unsympathetic and insensitive to the special needs of these child victims. Often, they are the individuals who are clamoring the loudest and fighting the hardest for reforms within the system. Prosecutors who are frustrated in their inability to win cases of sexual child abuse because of the age of the victim, the lack of corroboration, the hearsay exceptions which are not pertinent to the very young child, have prompted them to urge judicial reforms in order to provide justice for the child victim. Lael Rubin, the deputy district attorney in Los Angeles, who will be prosecuting the infamous Manhattan Beach Daycare Center case, has testified that her office is urging the State courts and legislature to consider the needs of the child victim. She feels that this can be achieved without jeopardizing the constitutional guarantees and statutory safeguards afforded the defendant.

These reforms do exist. In 1980, the National Center of Child Abuse and Neglect awarded a grant to the American Bar Association's National Legal Resource Center for Child Advocacy and Protection to study and make recommendations regarding innovative approaches for improving legal intervention in child sexual abuse cases. Those recommendations were published in October 1982. Although some State legislatures have considered and adopted a few of the reforms, each State needs to take a careful look at the current administrative and judicial system's protection or nonprotection of sexual child abuse victims and enact the necessary reforms to protect these children.

Mr. President, I urge all of my colleagues in the House and Senate to join me in supporting this concurrent resolution which urges the various State legislatures to consider to develop and enact innovative State legislation designed to protect the legal rights of child victims of sexual abuse.●

AMENDMENTS SUBMITTED

INDIAN FINANCING ACT AMENDMENTS

ANDREWS AMENDMENT NO. 3172

Mr. BAKER (for Mr. Andrews) proposed an amendment to the bill (S. 2614) to amend the Indian Financing Act of 1974; as follows:

At page 5, line 15 strike: "not to exceed 5 per centum of any funds appropriated for any funds appropriated for any fiscal year pursuant to section 502 of this title "and inserting in lieu thereof" any amounts in the Indian Loan Guaranty and Insurance Fund which were collected and deposited into such Fund pursuant to section 202 of this Act.".

And insert in lieu thereof: "the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 1512 of this title," and inserting in lieu thereof "there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.".

Technical amendments to S. 2614: At page 4, line 9, strike "for deposit into the fund" and insert in lieu thereof "beginning in Fiscal year 1985".

At page 4, insert at the end of line 11, "All collections and appropriations shall remain until expended.".

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

TOWER (AND WARNER) AMENDMENT NO. 3173

Mr. TOWER (for himself, Mr. Warner, and Mr. Exon) proposed an amendment to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes; as follows:

On page 150, line 14, strike the figure "$7,200,000" and insert in lieu thereof the figure "$4,300,000".

On page 173, strike all of line 2.

On page 184, line 8, strike the figure "$3,361,732,000" and insert in lieu thereof the figure "$3,358,832,000".

On page 184, line 14, strike the figure "$424,050,000" and insert in lieu thereof the figure "$422,150,000".

On page 187, line 12, strike the figure "$2,686,531,000" and insert in lieu thereof the figure "$2,685,031,000".

On page 187, line 18, strike the figure "$393,142,000" and insert in lieu thereof the figure "$391,642,000".

WARNER AMENDMENT NO. 3174

Mr. WARNER proposed an amendment to the bill S. 2723, supra, as follows:

On page 128, between lines 12 and 13, insert the following new section:

STUDY BY THE SECRETARY OF DEFENSE OF CURRENT AND POTENTIAL EXPLOITATION OF FOREIGN TECHNOLOGY BY THE DEPARTMENT OF DEFENSE

Sec. . (a)(1) The Secretary of Defense shall conduct a comprehensive study on how the Department of Defense can most effectively benefit from technology obtained from both cooperative and non-cooperative foreign sources. In carrying out such study, the Secretary shall specifically consider—

(A) the existing and any planned organizational changes within the Department of Defense with respect to the office or offices responsible for collecting and disseminating foreign technology;

(B) whether additional funding is needed, and could be cost-effectively used, for the collection of foreign technology by the various elements of the Department of Defense responsible for collecting and disseminating such technology; and

(C) an evaluation of the effectiveness of the current programs of the Department of Defense for collecting and disseminating foreign technology.

(2) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 1985, containing the results of the study conducted pursuant to paragraph (1), together with such comments and recommendations as the Secretary considers appropriate. The Secretary shall also submit to such committees, at the same time as the report referred to in the preceding sentence is submitted, an unclassified report on the matters described in paragraph (1).

(b) The Secretary of the Army may not transfer any of the functions now performed by the Foreign Science and Technology Center of the Material Development and Readiness Command of the Army to any other office or agency within the Army until after the day on which the report referred to in subsection (a)(2) has been received by the Committees on Armed Services of the Senate and the House of Representatives.

TRIBLE (AND OTHERS) AMENDMENT NO. 3175

Mr. TRIBLE (for himself, Mr. Bingaman, Mr. Warner, Mr. Armstrong, Mr. Sarbanes, Mr. Boschwitz, Mr. Burdick, Mr. Glenn, Mr. Hollings, Mrs. Kassebaum, Mrs. Hawkins, and Mr. DeConcini) submitted an amendment intended to be proposed to the bill S. 2723, supra, as follows:

On page 54, between lines 14 and 15, insert the following new section:

MISCELLANEOUS RIGHTS AND BENEFITS FOR FORMER SPOUSES

Sec. 160b. (a)(1) Section 1072(2) of title 10, United States Code, is amended—

(A) by striking out "and" at the end of clause (E); and

(B) by striking out clause (F) and inserting in lieu thereof the following:

"(F) a person who is the former spouse of a member or former member who performed at least twenty years of service which is creditable in determining the member's or former member's eligibility for retired or retainer pay, or equivalent pay, and who on the date of the final decree of divorce, dissolution, or annulment had been married to the member or former member for a period of at least twenty years, not less than ten years of which were during the period the member or former member performed service creditable in determining the member's eligibility for retired or retainer pay; and

"(G) a person (i) who is the former spouse of a member or former member, and (ii) who has a disease or disability attributable to or arising from the nature or a location of the service performed by the member or former member during the marriage, or from treatment received at a United States military medical facility.".

(2) Section 1077 of such title is amended by adding at the end thereof the following new subsection:

"(c) In the case of a person covered by section 1072(2)(G) of this title who is not also covered by section 1072(2)(F) of this title, the only health care that may be provided under section 1076 of this title is health care necessary for the treatment of any disease or disability of that person described in subclause (ii) of section 1072(2)(G) of this title.".

(b)(1) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"**§ 1044.** Post exchange and commissary store privileges for certain former spouses of certain members or former members of the armed forces

"Subject to such rules and regulations as the Secretary concerned may prescribe, a dependent of a member or former member of the armed forces, as defined in clause (F) or (G) of section 1072(2) of this title, shall be entitled to use the services and facilities of post or base exchanges and commissary stores operated under the jurisdiction of any military department.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end thereof the following new item:

"1044. Post exchange and commissary store privileges for certain former spouses of certain members or former members of the armed forces.".

(c)(1) The amendments made by subsection (a) shall apply with respect to health care furnished on or after the date of the enactment of this Act and in the case of a former spouse regardless of the date of the applicable decree of divorce, dissolution, or annulment.

(2) The amendments made by subsection (b) shall apply in the case of a former spouse regardless of the date of the applicable decree of divorce, dissolution, or annulment.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Energy Regulation to continue consideration of the following bills: S. 1069, to amend the Federal Power Act to limit the recovery by public utilities or certain costs of construction work in progress through rate increases; S. 817, to amend section 205 of the Federal Power Act (16 U.S.C. 824d) relating to inclusion of construction work in progress in the wholesale rate base of public utilities; and H.R. 555, to amend the Federal Power Act to limit the recovery by public utilities of certain costs of construction work in progress through rate increases.

The hearing will be held on Friday, June 22, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Regulation, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MATHIAS. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in executive session on Tuesday, June 12, 1984, at 11 a.m., in SR-301, Russell Building, to resume consideration of recommendations from committee staff concerning installation of office automation systems in Senators' offices. This meeting is a continuation of the Rules Committee meeting on June 7, 1984.

On December 15, 1983, the Rules Committee authorized the release of request for proposal for office automation systems for Senators' offices. Proposals received from vendors were reviewed and analyzed by staff of the Rules Committee and the Senate Computer Center, as well as staff of a number of Senators. A recommendation was presented to the committee at the May 22 meeting. At its June 7 meeting, the committee voted to go into executive session and continue to meet in closed session for up to 14 days in order to receive proprietary information from selected vendors. It is anticipated that at the June 12 executive session meeting, the committee will make a determination as to whether there is to be one vendor as the single source of equipment or whether there is to be a list of approved vendors from which vendors from which Senators will make a selection. Based on the committee's decision, staff will be authorized to prepare a contract with the vendor, or vendors, selected.

For further information regarding this meeting, please contact John Swearingen of the Rules Committee staff on 224-9078.

ADDITIONAL STATEMENTS

STINGER SALES TO SAUDI ARABIA

● Mr. KASTEN. Mr. President, on Tuesday of this week, the Foreign Operations Appropriations Subcommittee, which I chair, held a hearing on the recent Stinger antiaircraft missile sales to Saudi Arabia.

I ask that a statement I made at that hearing, together with articles from the Washington Post and New York Times concerning the hearing, be printed in the RECORD.

The material follows:

STINGER SALES TO SAUDI ARABIA

The hearing this morning will examine the administration's decisionmaking process which led to the sale of Stinger anti-aircraft missiles to Saudi Arabia and the justification for those sales.

Two months ago the administration sent up a proposal to sell Saudi Arabia 1,200 Stinger missiles and 400 launchers. After an overwhelming expression of disapproval by Congress, the administration withdrew that proposal. While the current sale to Saudi Arabia has been justified as an emergency and provided under emergency authority, there are many of us up here who nonetheless continue to have some doubts and questions concerning this sale. Also, of course, we are interested in any future intentions with respect to Stinger missile sales to Saudi Arabia, as well as administration response to the Government of Kuwait's request for these missiles.

The American people are again witnessing a series of rather bizarre events unfolding in the Middle East as the United States rushes Stinger missiles to Saudi Arabia primarily because two countries—Iraq and Syria—recipients of billions of dollars in financial support from Saudi Arabia—have stepped up their actions, together with Iran, in the conflict in that region.

Iraq is attacking ships in the Iranian oil trade, including some Saudi ships, because she has been losing the economic war of attrition with Iran. Iran has retaliated, sometimes by hitting Saudi and Kuwaiti oil tankers. Syria has cut off Iraq's oil flow through the Syrian pipeline, and refuses to reopen it—thus helping Iran conduct its war of economic attrition.

While Iraq and Syria are bitter rivals, both receive substantial backing from Saudi Arabia, which enables them to buy billions of dollars worth of weapons from the Soviet Union, and in Iraq's case, French planes and missiles which have been used to attack Saudi and other oil tankers.

Thus, we have rushed Stinger missiles to the Saudis, ostensibly to protect them from the consequences of actions by two nations they are helping to bankroll. To say the least, this is all rather bizarre. More diplomacy and common sense, not weapons, would be a better way to diffuse the situation.

[From the Washington Post, June 6, 1984]

AID TO SAUDIS ENCOUNTERS BIPARTISAN HILL OPPOSITION

(By John M. Goshko and Rick Atkinson)

The Reagan administration's decision to increase military aid for Saudi Arabia ran into heavy bipartisan attack yesterday from senators fearful that it could lead to U.S. military personnel becoming involved in the Persian Gulf war.

The criticism came as the United States began replacing its four Airborne Warning and Control System (AWACS) radar planes in Saudi Arabia with a more sophisticated version able to track ships in the gulf.

A hearing of the Senate Appropriations foreign operations subcommittee erupted into angry criticism of President Reagan's emergency sale of 400 hand-held Stinger anti-aircraft missiles to bolster Saudi defenses against Iranian attacks on shipping in the gulf.

For two hours, Republican and Democratic senators took turns charging that the administration bypassed Congress in a devious manner and had committed the United States to a course that threatens to widen the 44-month Iran-Iraq war in ways that will involve American military personnel.

[In London, Reagan and British Prime Minister Margaret Thatcher held a private meeting in which they reportedly discussed possible responses to an escalation of the gulf war.]

The tone of the hearing was set by Sen. Robert W. Kasten Jr. (R-Wis.), the subcommittee chairman and normally a staunch administration loyalist.

Kasten called Reagan's May 28 decision to avoid a lengthy congressional review of the $40 million stinger sale by invoking emergency Presidential powers an abuse of the consulting process and warned: "I can tell you that such consultations will have little meaning for me in the future."

Kasten was still angry at the end of the hearing.

"As developed here this morning, the case for sending Stinger missiles to Saudi Arabia has deteriorated right in front of us," he said.

It was not immediately clear if the subcommittee members' attitude is widely shared in Congress.

Many subcommittee members, including Kasten, are regarded as supporters of Israel, which opposes supplying the Saudis advanced weaponry. Kasten was instrumental in derailing a sale of Stingers to Saudi Arabia and Jordan in March.

However, the criticism expressed yesterday centered less on possible danger to Israel than on anger at alleged administration failure to consult with Congress and on nervousness about increased U.S. involvement in the gulf.

It was reminiscent of the congressional outcry early this year that played a major role in forcing Reagan to withdraw U.S. Marines from Lebanon.

These developments came on a day when Saudi Arabia first used U.S.-supplied military power in combat to engage Iranian forces, the gulf's other petroleum giant.

Saudi Ambassador Bandar bin Sultan, son of the Saudi defense minister and a pilot in the Saudi air force, told reporters here, "We don't feel macho" about the aerial engagement, but "we are determined to defend our country."

He said that "unfortunately our sovereignty was violated today, and we reacted just as we said we would all along."

The Saudi action came after weeks of skepticism here and in some quarters of the Middle East about whether the Saudis would use their expensively armed and trained military.

A diplomatic source familiar with the situation said that Saudi Arabia started flying continuous dawn-to-dusk combat patrols over its area of the gulf about a week ago, although this came to light only when the patrols challanged Iranian warplanes yesterday.

Administration officials, led by Michael H. Armacost, undersecretary of state for political affairs, insisted to the Senate subcommittee that Reagan used his emergency powers because the situation was urgent and that the sale was intended to prevent direct U.S. involvement.

But panel members argued that supplying the missiles, coupled with making available to Saudi Arabia the improved AWACS planes and an aerial refueling tanker, could have the opposite effect.

They characterized the administration's move as a tilt toward Iraq since that country is supported by Saudi Arabia, warned that the action could lead to increasingly open-ended Saudi demands for even more sophisticated U.S. weaponry and expressed concern about the possibility of Stingers falling into terrorists' hands.

Several senators noted that Japan and western Europe are more reliant on gulf oil than is the United States.

"What are they doing besides selling Exocets [French missiles sold to Iraq] and armaments to both sides?" asked Sen. Daniel K. Inouye (D-Hawaii).

"This is the highest technology in the world today, and in the wrong hands could be extremely dangerous," said Sen. Warren B. Rudman (R-N.H.).

Sen. Alfonse M. D'Amato (R-N.Y.) said that it is a "serious error" to rely on Saudi military prowess: "They think they can buy everything. But when the crunch comes down, they can't deliver anything. . . . When are we going to learn?"

Armacost told the subcommittee that the administration has not decided whether to sell Stingers to Kuwait.

U.S. officials said privately that the administration is reluctant to provide the missiles to Kuwait or any other small gulf state and is advising them to seek antiaircraft weaponry in Europe.

The first two replacement AWACS planes, which are capable of tracking ships and slow-moving aircraft, arrived in Saudi Arabia Monday night, Michael I. Burch, assistant secretary of defense for public affairs, said yesterday.

The other two are expected to be delivered by the end of the month.

The four AWACS planes based in Saudi Arabia since 1980 are an older model and lack the sophisticated electronics equipment necessary to track airborne or seagoing objects traveling less than 90 miles per hour.

Burch said all four are being replaced by the "maritime AWACS" because "now it seems prudent to be able to track shipping or at least to know where shipping is" in the gulf. The decision was made within the last two weeks, he said.

Although the older AWACS are capable of tracking Iraqi and Iranian planes over the gulf, "we haven't in the past been able to see what the airplanes are attacking," Burch added.

The maritime AWACS also will allow the United States to extend a radar umbrella over the four U.S. warships now in the gulf as well as over oil tankers chartered by the Navy's Military Sealift Command to pick up fuel in the gulf for the military, a Pentagon official said.

Although the first maritime AWACS planes arrived in Saudi Arabia before yesterday's dogfight in which Saudi pilots shot down two Iranian fighters, the official said that it was not one of the AWACS planes feeding information to the Saudis. The planes are flown and maintained by American personnel.

The newer model AWACS will fly the same routes as those being replaced, primarily over "the Saudi land mass," Burch said. All of the AWACS are capable of tracking low-flying jets at a range of 230 miles; the maritime version also will be able to monitor slow-moving aircraft, such as helicopters, and stationary objects in the water.

In 1981, Saudi Arabia purchased five newer model AWACS, but the first deliveries are not expected until 1986. Burch minimized Israeli concerns about Saudi Arabia using the AWACS to track Israeli ground forces. He said they cannot watch objects traveling less than 90 mph on land.

"It's not going to see tanks in the Golan Heights or Israeli convoys anywhere in the Middle East," he said.

[From the New York Times, June 6, 1984]

SENATORS ASSAIL ARMS SALE TO SAUDIS

(By Bernard Gwertzman)

WASHINGTON, June 5.—The Reagan Administration's emergency shipment of 400 Stinger antiaircraft missiles to Saudi Arabia came under attack today from Democratic and Republican members of a key Senate committee.

The criticism came as the committee members heard the Administration's first detailed explanation of its policy in the Persian Gulf conflict.

Senator Bob Kasten, Republican of Wisconsin, chairman of the Senate Appropriations Committee's subcommittee on foreign operations, told Administration witnesses that in bypassing Congress on the Stinger sale the Administration had jeopardized its good will in Congress. The move would also encourage those seeking more stringent controls on arms sales, he said.

He said he saw no justification for the emergency sale, which he said made a mockery of the process of consultation with Congress.

Over the Memorial Day weekend, the Administration sent 400 Stinger missiles and 200 launchers to Saudi Arabia to help it defend itself against Iran. The sale was made in response to an urgent Saudi request, Administration officials said, explaining why Congress was not given its standard 30 days for consideration of such sales.

Michael H. Armacost, the Under Secretary of State for Political Affairs, spoke to the committee members—of whom all present were highly critical of the action. Mr. Armacost said the decision was made because "we were eager to convey a firm, rather than a tentative signal, providing reassurance to the Saudis that they could meet their own defense requirements and a firm signal to the Iranians of a deterrent kind."

Mr. Armacost said the Saudis urgently requested the Stingers and an additional aerial tanker May 22, in the wake of Iranian attacks on vessels going to and from Kuwait and Saudi Arabia in the preceding week.

He said the Administration decided on May 25 to meet the request. A KC 10 aerial tanker was also sent to refuel the Saudis' F 15's.

"Iran must understand," Mr. Armacost said, "that the desire we, our allies and the states in the region have for a peaceful solution of the Iran-Iraq war is not a reaction born of weakness.

"Statements without action to support them have no deterrent effect and may invite aggression. Provision of the Stingers and the tanker are firm proof of our support for the principles we have been declaring."

But there seemed to be no sympathy for the decision or for the Saudis in the hearing.

CONCERN ABOUT TERRORISTS

Senator Daniel K. Inouye of Hawaii, the ranking Democrat on the panel, suggested that the Stingers would be ineffective and said he was concerned that they might fall into the hands of terrorists.

The fear that terrorists might somehow get the Stingers was expressed frequently, not only by Senator Inouye but also by Senators Warren B. Rudman, Republican of New Hampshire, and Dennis DeConcini Democrat of Arizona.

That fear has also been voiced by the Israelis in their objections to the sale of the Stingers, portable missiles that are fired from the shoulder. Israel has complained that the Palestine Liberation Organization, which gets some financial support from the Saudis, might gain access to the weapon.

Senator Alfonse M. D'Amato, Republican of New York, argued that by aiding the Saudis and complaining only about the Iranian attacks, the United States was in effect taking sides and inviting the Iranians to widen the war and to eventually invlove the United States.

"This is a serious error on our part," he said.

Mr. DeConcini said the Administration should have demanded that the Saudis agree to the existence of Israel and accept the Camp David accords of 1978 before they got emergency help.

Mr. Armacost and Lieut. Gen. Philip C. Gast, director of the Defense Security Assistance Agency, strongly defended the military utility of the Stinger sale. They said there was no confirmed record of any weapons supplied by the United States to Saudi Arabia falling into the hands of third parties.

THE MISSILE'S DEFENSE ROLE

General Gast said the Stingers were part of a "layered" air defense system in Saudi Arabia, similar to that used by the United States. He said the Saudi F-15's provide "the outer envelope" of protection, and the refueling offered by the American tankers allows them to fly greater distances. The "intermediate envelope of protection" is afforded by the improved Hawk antiaircraft system with a range of some 25 miles, he said.

"And then we have the Stinger as the point weapon, with a range of about three miles," he said.

Under questioning, General Gast said the Stingers would primarily be used to protect oil installations and desalinization plants, and would also be used on patrol boats at sea.

Mr. Armacost said that the Saudis had to agree to more stringent security requirements than those that apply to NATO nations that also have the Stinger.

The United States will have the right to make random checks of the Stinger stockpile, he said, and the firing mechanism and the missiles will be stored separately to reduce the possibility of theft.●

THE BANK OF NEW YORK'S BICENTENARY

● Mr. MOYNIHAN. Mr. President, tomorrow, we celebrate a bicentenary of special significance to the State of New York and our Nation: the 200th anniversary of the founding of the Bank of New York.

The oldest surviving bank in the United States, the Bank of New York was founded by Alexander Hamilton on June 9, 1784, and since that day has provided financial assistance to a great assortment of undertakings that have helped build our country. America's first foreign trade, the Erie Canal and the New York City subway system are but a few of the ventures financed by the Bank of New York.

The bank was also the first financial institution of its kind to lend money to the Federal Government, a $200,000 loan in 1789 used, among other ways, to pay George Washington's salary. With his sense of humor and history intact, the bank's current chairman, Mr. J. Carter Bacot, is the only man in America assuming responsibility for putting the U.S. Government in debt.

Two hundred years of service is, indeed, worth honoring, Mr. President, and I wish the Bank of New York and Mr. Bacot many more years of proud achievement. I ask that the text of an advertisement commemorating the bank's bicentenary be printed in the RECORD.

The text referred to follows:

OF ALL THE NEW YORK BANKS, ONLY ONE HAS ENDURED FOR 200 YEARS

The Bank of New York.

The only bank in New York now able to celebrate a bicentennial.

We were the first New York Bank. Founded by Alexander Hamilton June 9, 1784.

We were the first bank to lend money to the U.S. government. The $200,000 loan was used, in part, to pay George Washington's salary.

The Bank of New York helped finance the nation's first foreign trade, the construction of the Erie Canal and New York City's subway system. Our loans built railroads, strung telegraph wires, dredged harbors, established factories and funded businesses throughout the country.

We were among the first to finance both the telephone and television. And one of the first to apply the power of computers to banking.

We pioneered in trusts. Introduced drive-in banking to New Yorkers. Helped make the modern mutual fund possible.

Today, The Bank's traditional strengths are reflected in our important positions in corporate lending, securities processing, money management and personal banking. These strengths have enabled us to double in size in the last five years.

We are The Bank of New York. Part of the history of banking . . . the history of our country. And we have flourished for two centuries—never missing a dividend payment—in spite of wars, panics and depressions, by doing one simple thing extremely well.

Looking ahead.●

COMPENSATION FOR THE FAMILY OF BABY JANE DOE

● Mr. DURENBERGER. Mr. President, Baby Jane Doe was born on October 11, 1983, with an incompletely formed spine and a small head—representing a lack of brain development. The family was confronted with a decision whether to have surgery performed on the baby's spine. After consulting with the doctors and nuns at the hospital, they decided that the baby would be paralyzed from the waist down and in constant pain if surgery was performed, and they decided to forego the surgery.

After receiving a confidential tip about the family's decision, a lawyer, A. Lawrence Washburn, commenced legal action in the New York State courts with the objective of compelling surgery. Washburn commenced legal action against the family and they hired lawyers to represent them. He initially was able to convince the New York court to appoint a guardian ad litem for the baby to determine if the family and hospital had neglected the child. The New York State Department of Child Protective Services found no evidence of neglect after reviewing the first 9 days of hospital records.

Nevertheless, Washburn then dragged the parents through litigation in the New York State District Court. Incredibly, the plaintiff, Washburn, produced not one single medical expert to support his case. The only medical testimony presented at the original trial was that of Dr. Newman and Dr. Butler—the family's doctors. The court found no evidence of neglect and ruled in favor of the family. Washburn then dragged Baby Doe's mother and father into the New York Court of Appeals. Once again he lost. In fact, the court of appeals went so far as to label Washburn's behavior as "offensive."

But that was not enough for this man playing God. The parents of Baby Jane Doe next found themselves and their lawyers before the New York Supreme Court. For a fourth straight time Washburn struck out.

Washburn appealed to the U.S. Supreme Court, but was denied a hearing. He then went back to the district court in New York and instituted a class action on behalf of Baby Doe and 300 other babies he alleged were victims of infanticide. His arguments were dismissed and he was fined $500. He intends to appeal this as far as the U.S. Supreme Court and, if necessary, appeal to Congress for assistance.

On October 26, 1983, after Washburn lost in the New York Supreme Court, another "God" showed up at the courthouse steps. The "big God"—Uncle Sam—the Federal Government, the U.S. Justice Department—decided to get into the act. The Justice Department's theory was novel. They alleged that the decision to forgo surgery was a violation of section 504 of the Rehabilitation Act and maintained that the hospital had discriminated against Baby Doe on the basis of her handicap. The Surgeon General examined the hospital records from Baby Doe's first 9 days and found no evidence of discrimination. Nevertheless, Justice instituted an action in U.S. district court alleging a violation of section 504 and sought to obtain all the baby's medical records. Justice's original action was commenced against the hospital only. The family moved to intervene to protect their rights and the Justice Department did not object.

The Justice Department immediately brought in a number of attorneys to litigate this matter in U.S. district court. The U.S. district court decided that the Government had acted beyond their authority and denied the Justice Department access to Baby Doe's records. The family, by then burdened not only by the decisions on behalf of their handicapped newborn and the "5" step court abuse by Washburn, but now the cost of defending itself from the effect of the novel experiment with section 504 by their own government, brought a motion to have attorney's fees assessed against the Justice Department in the amount of $53,000. The Justice Department not only challenged this amount, but also opposed payment of any attorneys' fees. The court has not rendered its decision on that question.

Following Justice's loss in U.S. district court, they appealed to the Second Circuit Court of Appeals. The decision of the district court was upheld by the second circuit. Following that decision, the family filed for attorneys' fees in the amount of approximately $25,000. The Department of Justice has again resisted payment.

The second circuit court recently denied the Justice Department's request for a rehearing in banc. On May 23, the U.S. District Court, Southern District of New York, ruled that the Federal Government has no authority to issue Baby Doe regulations pursuant to section 504 of the Rehabilitation Act.

Mr. President, Baby Jane Doe's family has incurred over $150,000 in medical and legal fees and expects that amount to climb. The family has taken the baby home; she is apparently doing quite well. She did eventually undergo surgery.

In response to the position of the Justice Department with respect to payment of attorneys' fees, Senator HATFIELD and I wrote Attorney General Smith urging the Justice Department to reverse its stance and compensate the family for reasonable attorneys' fees.

In response, the Justice Department indicated it would not reconsider the decision to resist payment of attorney's fees in the Baby Jane Doe case in the Second Circuit Court of Appeals.

In light of the second circuit's recent denial of a rehearing in banc and the district court decision in *American Medical Association* v. *Heckler*, 84 Civ. 1724—southern district, New York—Senator HATFIELD and I have renewed our request that the Justice Department pay reasonable attorneys' fees in this matter.

Mr. President, this family has suffered far too long, both emotionally and financially. They have endured the pain of parenting a severely handicapped child, as well as the difficulty of their decisions. I believe the sanctity of human life is the premise of our civilization. And I believe in society, the role of government is to protect life.

In the Baby Jane Doe case the U.S. Government has abused that obligation. In the first days of the child's life society and Government worked to affirm the rights of the child. And the decisions were affirmed. Then—and this is the issue—after Government had discharged its obligation to protect life, the U.S. Justice Department came along with an experiment in interpreting section 504 of the Rehabilitation Act as a new form of government protection. And these parents were forced to help finance Justice's experiment. When it was unsuccessful, Justice refused to pay for forced co-experiment.

Mr. President, I urge my colleagues to join my request to the Justice Department and encourage them to compensate this family. They have suffered enough.

I ask that the text of my letters of April 11, and June 7, 1984 be included in the RECORD as well as the Justice Department's response of May 1, 1984.

The letters follow:

U.S. SENATE,
Washington, D.C., April 11, 1984.
Hon. WILLIAM FRENCH SMITH
U.S. Attorney General, Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL SMITH: We were extremely disappointed to learn that the Justice Department has requested the United States 2nd Circuit Court of Appeals to deny attorney's fees to the family of Baby Jane Doe. While we recognize the propriety of the questions you have raised relating to the reasonableness of the fees, we do believe it is inappropriate and cruel to subject this family to the additional financial burden imposed by these costs.

This family has suffered far too long, both emotionally and financially. They have endured the pain of parenting a severely handicapped child, as well as the difficulty of their decisions.

Not only did an individual whom they had never met involve them in extensive litigation, but the Federal Government sought to recover Baby Doe's medical records in an effort to determine whether this family, in consultation with their doctors, had discriminated against their own child. All efforts to produce evidence of discrimination failed, and the decision of the family and the doctors was upheld in seven different courts—including the New York Supreme Court and the 2nd Circuit Court of Appeals.

The Justice Department has advanced the position that the parents of Baby Doe should not be awarded attorney's fees because they were intervening defendants in the action. In support of that argument, Justice has asserted that attorney's fees should only be awarded to original defendants in civil rights actions when the plaintiff's claims are frivolous, unreasonable, or without foundation.

We believe that *Baker* v. *City of Detroit*, 504 F. Supp. 841 (E.D. Mich. 1980) supports quite a different conclusion. In that case, intervening defendants were awarded attorney's fees in a reverse discrimination case brought pursuant to Title VII. The Court held that intervenors, members of a black policeman's association, served the traditional role of civil rights plaintiffs and had no alternative but to intervene in that action.

Similarly, in the Baby Doe case, the parents had little recourse than to intervene as defendants. The allegations of discrimination advanced by the Justice Department necessitated the parents participation in the lawsuit if they were to protect their right to privacy.

In *Baker*, attorney's fees were allowed despite the fact that the plaintiff's arguments were not without foundation.

The Justice Department has maintained that the parents should be denied attorney's fees because the hospital ably advanced their position and their presence was unnecessary. A similar argument was expressed in *Baker* and rejected by the Court. The Court specifically held that hindsight could not justify denial of attorney's fees to intervenors when there was sound reason for their participation.

The Civil Rights Attorney's Fees Award has consistently been liberally construed to effectuate the purpose of encouraging civil rights activities. In the instant case, the family had to intervene in order to protect their civil and constitutional rights to privacy. If we intend to promote vigorous enforcement of the civil rights laws, and we believe we do, then, this family should not be penalized for having done so.

We believe that the sanctity of human life formulates the very premise of our civilization, and we will fight to preserve human life. We do believe that the Federal Government has an obligation to protect life, but we also believe that compassion must be part of that activity.

At this point, we feel that the question of the payment of attorney's fees is separate and distinct from the merits of the Baby Doe case. That issue remains unsettled, but the issue of attorney's fees should be resolved. We should not subject this family to the additional financial burden imposed by these costs—they have already incurred over one hundred thousand dollars on legal and medical costs and anticipate many more.

Mr. Attorney General, we urge the Justice Department to reverse its position against payment of any fees and compensate this family for reasonable attorney's fees. This family has suffered enough.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.
MARK HATFIELD,
U.S. Senator.

U.S. DEPARTMENT OF JUSTICE,
CIVIL RIGHTS DIVISION,
Washington, D.C., May 1, 1984.
Hon. DAVE DURENBERGER,
U.S. Senate, Washington, D.C.

DEAR SENATOR DURENBERGER: Your letter of April 11 to the Attorney General has been referred to me for response. As a result of your inquiry, we have carefully reevaluated the issue whether Baby Jane Doe's family is entitled to an award of attorney's fees for costs incurred in participating in the suit of the United States to obtain access to Baby Jane Doe's medical records. While our sympathies are certainly with the infant's parents, we cannot properly ignore the legal principles that control such a decision. Those legal principles compel the response we have given, and thus we are not at liberty to acquiesce in a fee-award in this case.

We have, of course, set forth the law in this area, and how it applies here, in our response to the motion for attorney's fees. As there explained, a fee award against the United States in cases of this sort are available only where it can be demonstrated that the Government's suit was "frivolous, unreasonable, or without foundation." *Christiansburg Garment Co.* v. *E.E.O.C.*, 434 U.S. 412, 421 (1978). Whatever one's personal views regarding the Baby Doe matter, I doubt seriously that many would honestly assert that the litigation effort fits that characterization. Indeed, on the central issue regarding Section 504 of the Rehabilitation Act of 1973, and whether it protects handicapped infants like Baby Jane Doe, the four judges who have heard the issue on the merits (i.e., one district judge and three circuit judges) have split on the question whether Section 504 covers infants born with severe disabilities. Judge Winter, in dissent, observed that "[t]he logic of the government's position . . . is . . about as flawless as a legal argument can be." Acquiesence in a fee award in such circumstances would be wholly improper under *Christainsburg*, and we felt compelled to so advise the court. Nothing has surfaced in our reevaluation of that position to suggest that the law can be read otherwise.

Your letter seems to isolate our response to the parents' fee application on the "intervenor" question. It is a fact that the parents in this instance decided on their own to become involved in the Government's suit against the hospital; they were not sued or forced into court. As intervenors, the law pretty clearly recognizes the parents of Baby Jane Doe as standing on somewhat different footing than a named defendant for purposes of receiving a fee award as a "participant" in the action. We do not suggest, however, that such a difference is itself reason to reject the claim, and indeed the case cited in your letter, *Baker* v. *City of Detroit*, 504 F. Supp. 841 (E. D. Mich. 1980), is discussed in our court filing. Undeniably, the facts leading to an award of attorneys fees to the intervenors in *Baker* are not present in our case.

Nonetheless, the essential point to be made is the one already discussed. Whatever the status of the parents in the Government's Section 504 suit against the Stoney Brook Hospital (*i.e.*, whether a named defendant or an intervenor), a fee award cannot by law be granted unless the action commenced by the United States was "frivolous, unreasonable, or without foundation." That rule of law guided our filing with the Second Circuit.

Let me add in closing that the Government fully appreciates the considerable concern you have registered regarding this matter and shares many of the same feelings you have expressed for the family. In our court filing, we suggested that the attorneys involved in this appeal might want to rethink a sizeable portion of the requested fees (as perhaps duplicative or unnecessary) and in this manner alleviate some of the family's financial costs associated with the litigation. Whatever their response to that suggestion, it is unmistakably the case that there are in this instance no convenient answers. For us, the law in such circumstances must be our guide. With this in mind, I hope that the foregoing discussion will help to make our position more understandable, even if you might not find it personally more acceptable.

Sincerely,

Wm. Bradford Reynolds,
Assistant Attorney General.

U.S. Senate,
Washington, D.C., June 7, 1984.

Hon. William French Smith,
U.S. Attorney General, Department of Justice, Washington, D.C.

Dear Attorney General Smith: We were extremely disappointed by the Justice Department's response to our letter of April 11, 1984, indicating that Justice would not reconsider the decision to resist payment of attorneys' fees in the Baby Jane Doe case in the Second Circuit Court of Appeals. In light of the Second Circuit's recent denial of a rehearing in banc and the District Court's decision in *American Medical Association v. Heckler*, 84 Civ. 1724 (Southern District, New York), we are renewing our request that the Justice Department pay reasonable attorneys' fees in this matter.

Although prevailing plaintiffs may be awarded attorney's fees in virtually all civil rights actions, prevailing defendants, on the other hand, may be awarded attorney's fees under more limited circumstances. This case, however, is in no sense of the word, a typical case. In fact, this case is so unusual that we believe fairness demands that attorneys' fees be paid on behalf of the family of Baby Jane Doe.

The usual restriction on the recovery of attorney's fees by defendants in civil rights actions should not be used to punish an innocent party who has been singled out to serve as the subject of experimental litigation. In the Baby Jane Doe case, such litigation was instituted despite the family's earlier successes at all levels of the New York State court system.

Furthermore, when the government acts as the plaintiff and the defendant becomes a test model for future interpretation of the law, a more liberal policy for awarding attorney's fees to prevailing defendants is warranted. In the Baby Jane Doe case, an award of attorneys' fees to the family will not deter the Justice Department from pursuing future civil rights cases.

Likewise, if the goal of awarding attorney's fees is to encourage involvement in civil rights actions, this family should not be penalized for having advanced their civil and constitutional arguments by intervening in the case. Baby Jane Doe's parents faced no alternative other than to intervene—they could not have been expected to turn over sensitive family decisions to the hospital's corporate counsel. Although, in hindsight, it appears that the hospital did an excellent job of representing its interests and the family's, hindsight does not justify punishing the family for intervention.

Finally, the Federal government ostensibly entered this lawsuit to protect Baby Jane Doe's welfare. However, the effect of the government's position will deprive the family of badly needed resources. This family is starting its life together with over $150,000 medical and legal bills. Why should the $25,000 legal fees in the Second Circuit (and the $53,000 in the District Court), which the government should pay, be added to the family's child rearing expenses?

Baby Doe and her family deserve to begin their lives together—free of governmental interference and the crushing burden of these legal fees. It is, therefore, proper for the Justice Department to take the first step in leading this family on their journey by assuming the cost of attorneys' fees. By so doing you will demonstrate compassion and restore faith in the role of government in our society.

Sincerely,

Dave Durenberger,
U.S. Senator.
Mark Hatfield,
U.S. Senator. ●

SURPLUS GOVERNMENT PROPERTY REVIEW IS NECESSARY

● Mr. SASSER. Mr. President, beginning February 25, 1982, Executive Order 12348 issued by President Reagan made sweeping changes in the way in which the Federal Government manages its real property.

That Executive order, like an earlier directive of the Carter administration, was intended to promote the evaluation of unused and underused land parcels and other properties in localities across the Nation. Where property is found that is excess or surplus to the needs of the Federal agencies, evaluation for disposal is to be ordered. Such a review of properties is long overdue in the eyes of many local governments.

When such properties are unused or underused, they can be sold, when appropriate, thus being added to local tax rolls. In other instances, such properties can be transferred to State or local government to be used for hospitals, landfills, schools, or parks to benefit the public.

Authority now exists in the law for property in excess of Federal agencies' needs to be made available to local governments to use for the public good. In my view, these authorities should be used vigorously, in accordance with congressional intent.

I disagree with the General Services Administration's interpretation of the President's directive that commercial sales of surplus real property the main priority of that disposal program. Far less emphasis is now placed by GSA on the transfers of property to State and local government for the public benefit than in the past. In 1980, there were 110 properties transferred to other levels of Government to be used for the public benefit. In fiscal 1983, there were only 30 such conveyances. For the same period of time, sales jumped from 196 in 1980 to 396 in 1983.

I ask that a table showing the decline in intergovernmental donations of property and the accompanying increase in sales be printed in the Record at this point.

The table follows:

PUBLIC BENEFIT PROGRAMS DISCOUNT CONVEYANCES

[Parcels donated by fiscal year]

	1980	1981	1982	1983	Total
Agency:					
NPS [1]	50	44	9	14	117
HHS [2]	10	8	7	4	29
ED [3]	28	32	10	3	73
FAA [4]	5	6	4		15
Other [5]	17	20	15	9	61
Total	110	110	45	30	295

[1] NPS—National Park Service.
[2] HHS—Department of Health and Human Services.
[3] ED—Department of Education.
[4] FAA—Federal Aviation Administration.
[5] Other—Highway, historic monuments, and wildlife conservation areas.

Note.—This is the time frame for which this type of data is readily available.

PARCELS OF SURPLUS REAL PROPERTY

[Donated and sold by fiscal year]

	1980	1981	1982	1983	Total
Donated	110	110	45	30	295
Sold	196	191	150	396	933
Total	306	301	195	426	1,228

Note.—For fiscal year 1984 the General Services Administration estimated that it would sell 557 parcels and make 18 public benefit conveyances.

Mr. SASSER. Mr. President, to remedy this situation, I recently introduced S. 2636, legislation to insure that State and local government, and their agencies, are notified by the Federal Government when real property is declared surplus. This accords with GSA's published regulations. Unfortunately, these rules have been superseded by GSA's internal memoranda directing commercial value review prior to study for public benefit uses. I believe that early notice gives local communities the opportunities to apply for donations of real estate for hospitals, parks, schools, or other uses to benefit the public. Such donations are authorized under the law governing surplus land disposals. Otherwise, these properties lie unused within local jurisdictions, making no contribution to community life or the public good or, indeed, to tax revenues.

Unfortunately, according to an article that appeared Monday, June 4, 1984 in the Washington Post, the Federal agencies' identification of properties suitable for disposal has slowed. The good news in that commercial sales are also in abeyance due to a lack of properties.

It will be interesting to see if this decrease in workload is accompanied by a change in GSA's budget request. The largest program change in GSA's 1984 budget request was due to a projected increase from 123 to 213 in the Federal

property sales staff by the end of 1983 and a further boost to 250 by the end of fiscal 1984.

The huge increases GSA's requested in its operating budget were based on sales goals that now appear to have been overstated. Early projections by the administration raised the expectation of many Senators that $1.2 billion could be raised in 1983 through land sales. However, there were sales contracts of just $190 million for that period. And actual cash receipts totaled just $35 million. That is just two-and-a-half times the $17 million appropriated for the sales program. So for 1983 sales, there was a 50-percent overhead on each dollar. A further decline in sales would boost that overhead figure.

I ask that the article entitled "Surplus-Land Program Hits Hard Times," from the Washington Post be printed in the Record immediately following my remarks.

The article follows:

Surplus-Land Program Hits Hard Times: Agencies Unwilling To Give Up Holdings

(By Myron Struck)

Two years after the Reagan administration launched its ambitious effort to sell off unneeded federal properties, the initiative is struggling for life.

Since Congress has refused to fund the White House Property Review Board for fiscal 1985, senior White House officials are trying to find a way to transfer its most important function—arbitrating disputes between agencies on which properties should be sold—to the Cabinet Council on Management and Administration.

John Svahn, acting board chairman, has given the General Services Administration responsibility for determining which properties should be given to state and local governments or nonprofit groups. The GSA traditionally handled this job, until the administration placed a moratorium on most of these transfers.

GSA will also take over trying to get agencies to give up more property, a tough job even when the White House handled it.

Under the land-sales program, the GSA was supposed to raise $9 billion over five years by selling commercial, residential and industrial properties that the government no longer wanted. Another $8 billion was supposed to be raised over four years through the sale of public land held by the Interior and Agriculture Departments.

After a few months, however, then-Secretary of the Interior James G. Watt bent under public opinion and said his agency wouldn't participate. No Interior Department land was sold under the program's banner, although the Bureau of Land Management has continued to sell isolated tracts of federal property. It earned about $7 million from such sales last year and $5 million so far this year.

Meanwhile, legislation to allow the USDA to sell portions of national forests has never passed Congress.

Although the GSA fell far short of its $1.2 billion first-year target, it took in $191.3 million in fiscal 1983—more than twice the previous record.

But this year, with the Property Review Board's influence waning and agencies increasingly reluctant to part with properties, senior GSA land sales officials say sales are down dramatically.

James Buckley, assistant commissioner of real property, said that through May 26 the agency had sold $43.2 million worth of property. Its inventory of property available for sale dropped from $857 million at the end of fiscal 1983 to $551.6 million as of April 30.

Last year the GSA tried to involve real estate agents to promote sales. Commercial brokers were involved in about one-sixth of the sales, raising $15.05 million. This year, however, real estate agents have been involved in one sale, worth $51,055.

With the property board's help, the GSA had developed a program to determine whether parcels of government property were being used fully. But agencies could—and often did—appeal the findings to the board.

Buckley said that unless the administration can pressure agencies to turn over more land, sales revenues are going to continue dropping.

"We've got nothing more than we ever had in terms of authority to pressure agencies to give up property," Buckley said. "We still can't get any more sales unless we get a larger inventory of properties."

Buckley said federal agencies are reluctant to reduce their holdings because "they may, someday, need the property. Or, as is often the case, extra land around an installation looks good—so why sell it?" Buckley added that senior GSA officials and the Cabinet council are trying to organize a new effort to get agencies to give up properties.

Still, if the program gets too aggressive, Congress may step in. One of the most controversial proposals, to sell off part of Fort DeRussey, a military recreation complex on Waikiki Beach in Hawaii, never got off the ground. However, it prompted Rep. Daniel K. Akaka (D-Hawaii) to lead the successful battle to stop funding the Property Review Board.●

THE SAMPSON BROTHERS: LEADERS IN COMMUNITY SERVICE

● Mr. KASTEN. Mr. President, I am pleased and honored to speak about two outstanding citizens from Milwaukee, Wis. They have set fine examples of leadership and unselfish service to the community. Bernard Jerome Sampson and Harold Sampson are committed to improving the quality of life in Milwaukee by devoting their precious time and resources to neighborhood improvement, land reclamation, and land revitalization projects. I ask that the full text of a May 24, 1984, Milwaukee Journal article, which describes in detail the many accomplishments of the Sampson brothers, be printed in the Record.

The article follows:

The Sampson Stamp—Brothers Have Made Definite Mark on Community

(By Richard Kenyon)

In Wisconsin's sometimes gloomy business climate, two Milwaukee businessmen stand out like steady beams of light.

Almost any given week, the names of B. J. (Bernard Jerome) and Harold Sampson appear in Milwaukee newspapers in connection with the unveiling of a new business deal, a new real estate development, a new idea into which they are pumping their renowned energies.

They seem to be everywhere and, in over 40 years of business together, their marks on the community are clear.

The list of their business activities is long and varied. They own everything from bowling alleys and central city condominiums to long-distance telephone lines.

Their community involvement has been substantial. They have been central figures in the renovation of the Pabst Theater and the efforts to expand Mt. Sinai Hospital and keep it from moving to a northern suburb, among other things.

They are a successful team of two different personalities known for innovation, taking risks and a commitment to Milwaukee.

"If Milwaukee had another dozen of them we'd be a dozen times more blessed," said Kevin O'Connor, a former Milwaukee alderman who represented the Downtown area and dealt often with the Sampsons in one of their business proposals or community projects.

O'Connor is assistant vice president and manager of economic development at First Wisconsin National Bank. He has known the Sampsons for about 10 years.

"SENSE OF PRIDE"

William R. Drew, commissioner of the Department of City Development, said "the Sampsons are in business to make money, of course, but they also have a sense of pride in this community."

"This is their home. It's been good to them and they try to return the favor," said Drew. "If they weren't here, in this community, there would be a lot less happening."

Mayor Maier agreed.

"While my association has been by and large with B J. Sampson," said the mayor, "the brothers Sampson have to be counted among the leading doers in our community.

"The list of their efforts is long and distinguished. These two men do more than pay lip service, they commit hard-earned dollars, millions of them, to projects that may or may not pay dividends in dollars, sometime in the future.

"The point is they pay very high dividends right now in restored community confidence, in neighborhood improvement, in land reclamation and revitalization. They also commit their time and talents to city projects which don't net them a dime."

The Sampson business interests are not scattered across the country, but are almost exclusively in Milwaukee and Wisconsin.

RENOVATION OF PABST

Among the volunteer projects mentioned by the mayor, O'Connor and Drew were the renovation of the Pabst Theater, spearheaded by B.J., and the expansion of Mt. Sinai Medical Center, led by Harold.

"They both have a way of getting a job done. When all the naysayers were telling Bernie Sampson about how tough it would be to renovate the Pabst, he just said, 'The job has to be done and we'll get it done.' And they did," said O'Connor.

"Harold was faced with the efforts of many people to move Mt. Sinai hospital to Mequon. The city [civil rights] disturbances [in 1967] has just occurred and many people thought it would be better to move the hospital north.

"Harold argued the hospital had a commitment to the central city and to serve the poor. The hospital remained and has grown.

"In whatever they do they are definitely not 'want iffers,' but 'why notters.'"

B.J., 64, is the more public of the two. He is known as the gregarious Sampson, who meets with City Hall officials and maintains a friendly relationship with Mayor Maier. B.J. is described by employees and city authorities as nervously energetic and sometimes prone to more emotional displays.

By virtue of his background as a lawyer and business school graduate, his talents are in details and bottom lines. Associates say despite his wealthy portfolios he nonetheless concerns himself with litter in his parking lots and the quality of snow removal at his properties.

Harold, 65, on the other hand, is regarded as more introspective, street smart, a tough negotiator, a man full of ideas and able to turn the organizational wheels to make the ideas work.

They live in Fox Point.

Both are physically active. Each plays tennis and jogs regularly. Harold rides horses. For the most part, each leaves his job at the office.

CALLS NOT SCREENED

"Neither of us carries a briefcase home," said B.J. "We do not work nights."

Though they are daily in control of millions of dollars worth of property and business interests, neither Sampson has his own secretary. Their phone calls are not screened. Calls go to them directly.

As a team, they blend well. They don't always agree, they said in an interview, but they have learned how to work together effectively.

"We have difference of opinion, but in over 40 years together, we have managed to compromise," said B.J.

A part of their success is a mutual commitment to the community and a mutual loyalty to their employes. Many of their employes have been with them for 25 years or more.

The two donate their time and resources to different community boards. B.J., for instance, in addition to being chairman of the board of the Pabst Theater, is on the board of the Milwaukee Symphony; chairman of the corporate division fund drive of the Milwaukee Art Museum; a director of Cardinal Stritch College; and active in the Milwaukee Jewish Federation and the Jewish Community Center.

Harold is vice president of the Milwaukee Ballet Company and a director of Mt. Sinai Hospital.

"We try not to serve on the same boards or committee," said B.J. "We feel it's duplication."

They did serve as co-chairman of Summerfest in 1977.

Their participation is not merely in title only.

HELPED OUT BALLET

For instance, when Harold went on the board of the Milwaukee Ballet, he saw its accounting system was in a shambles.

"We sent in our own controller to set up the books so they could run a budget operation," said Harold.

They said they work on so many boards because they owe it to the community in which they have profited.

"You can't keep taking without giving something back," said Harold.

"If someone blessed you with good fortune, you have an obligation to give them something back," said B.J.

Blessed, indeed. Many people familiar with the Sampsons think they have the Midas touch.

The Sampsons would be the first to tell that while they have been successful, not everything has turned to gold. In the next breath, however, they will tell you that they also haven't let their mistakes go to waste.

For instance, B.J. explained that an electronics business and the purchase of Channel 18 in the 1960s were failures for the Sampsons. They have no interest in either business now, but the experience helped them organize a now successful business in long distance telephone lines.

The brothers do have a long list of successes. Since the 1960s they have invested in and developed properties in the state. In many cases, they turned them over for handsome profits and the opportunity to expand and move onto new things.

MANY PROJECTS

For instance, a partial list of their past projects has included a 192-unit apartment project in Kenosha; the Silver Spring shopping center at W. Fond du Lac Ave. and W. Silver Spring Dr. Radley Village in Brown Deer; the harbor View apartment building for the elderly, 1820 N Prospect Ave., and the Bowlero bowling alleys in Wauwatosa.

They have owned a harness racetrack in New Jersey and developed Madison's first urban redevelopment project, among other Housing and Urban Development projects they pioneered.

They are partners in Warner Amex Cable Communications. Recently, they liquidated a near $3 million investment in the Mid-Continental Bancorporation and acquired a major block of stock in First Savings Association of Wisconsin.

Two of their current projects demonstrate the vision the Sampsons have and the risks they are willing to take.

One project is the 500-unit Parc Renaissance development on the former Park West Corridor, east of Sherman Blvd.

"That is quite a risk," said B.J. "We knew it was a tough project, but we felt it was part of our obligation to the city to take a blight area in the city and make it a healthy redevelopment area."

The other project was the purchase of the former Jos. Schlitz Brewing Co. complex and the plans to convert it into shops, restaurants and office space.

The Sampsons said they were ready to go ahead with their plans, but they would do nothing while there was the possibility that a state prison will be built in the nearby Trostel Tannery building.

One of the proudest successes of the Sampsons has been the development of Red Carpet Industries, a company that includes the Red Carpet hotel complex on S. Howell Ave., across from the airport, 10 bowling alleys and the Red Carpet Country Inn in Waukesha.

"When the Sampsons bought that property in 1961, they were laughed at," said Dick Richards, chief operating officer of Red Carpet Industries. "Many people thought the Sampsons really stumbled on this one. No one had ever heard of building hotels near airports."

Another quality of the Sampsons, of which they are proud, and which others point to as a reason for their success, is their deep loyalty to their employes, which number about 2,200 now.

Bud Pollak, who recently retired, joined the Sampsons in the early 1960s and for years managed most of their many real estate properties.

"They've been very loyal to their employes," he said. "They have longtime associations with their people. They trust their people and their people trust them. It's one of the reasons why things work so well."●

EISENHOWER'S FOLLY

● Mr. GLENN. Mr. President, nearly all articles that are inserted into the RECORD are nonfiction—which is not the same thing as saying that they are all true. Today, I want to commend to my colleagues a work of fiction that has within it a great deal of truth.

The article, taken from this morning's Washington Post, is an account of the invasion of Europe over 40 years ago, and how that unparalleled historical achievement might be treated in the American media and here on the Hill today, given our present tendencies to nitpick and Monday morning quarterback military operations.

I ask that we keep this article around as a mirror to more clearly see ourselves when we are tempted to make quick judgments about complex national security issues and of the men and women in uniform who execute our national policy.

The author, Mr. R. James Woolsey, is a friend and a talented authority on national defense—a person from whom we shall hear more of in the future. I ask that Jim Woolsey's "Eisenhower's Folly" be printed in the RECORD.

The article follows:

"EISENHOWER'S FOLLY"

(By R. James Woolsey)

SOMEWHERE IN SOUTHERN ENGLAND, June 7.—Gen. Dwight D. Eisenhower, rumored to be romantically involved with his "driver," Kay Summersby, ordered an invasion of Normandy in the early morning hours yesterday.

American casualties, many as a consequence of drownings in landing craft in the storm-tossed Normandy surf—about which the general had been warned—are thought to be among the highest for any single day of military operations since the Civil War. Reliable sources in Eisenhower headquarters have revealed that in the middle of the night he disregarded pessimistic weather predictions and overrode the objections of several subordinates in ordering the June 6 attack, which included an assault by Army Rangers on a German gun position atop a 100-foot sheer cliff, an operation described by a staff aide as "a crazy gamble that was bound to get somebody badly hurt."

Eisenhower has drafted a "contingency" message, not yet officially issued, which takes full personal responsibility for the invasion's failure. A copy of the message was obtained by this reporter; it indicates that Eisenhower may well believe that a debacle in Normandy is imminent. The possible role of Miss Summersby in the general's late-night invasion decision is not known.

Miss Summersby could not be reached for comment.

In another major Washington development, first-term Republican Congressman Buford Grundge, prominent critic of American involvement in the arms race, which led to the current hostilities, and of the unpopular military aid program to a British government involved in such controversial human rights practices as massive wartime relocation of children, has called for a major investigation of Army procurement.

Grundge demanded that the investigation concentrate first on procedures used by the Army in obtaining the toy "crickets" purchased for use by American paratroopers to signal to and identify one another during the nighttime parachute drop on June 6 at Ste.-Mere-Eglise. "Gen. Maxwell Taylor's sole source procurement of these toys is outrageous," Grundge charged in a crowded press conference yesterday, as he called on the paratroop commander to return from France to testify. The wealthy former toy manufacturer added, "I may not know much, but I know toys, and this is toying with the American taxpayer."

At the prestigious Institute for Analytical Analysis in Washington, Berlinologist Carson Whiffle strongly supported Grundge. "I," he said, "am deeply concerned." "Any further armored warfare in Normandy will undermine the arguments of the dovish faction in Berlin. This wasn't Operation Overlord, it was Operation Overkill—we would have had fewer than 10,000 casualties if we had just conducted this operation sensibly and moderately with fewer than 10,000 troops instead to the 133,000 that were used."

Whiffle said his institute expected quick and positive action on its grant application, submitted today to the Studebaker Foundation, for funds to film interviews with the families of every American casualty of the invasion, to be shown nationwide in movie theaters this autumn.

In New York, in another development, ACLU President Garrison O. Pugh charged today that there was massive deception involved in the planning for the Normandy operation. "Military duplicity and secrecy led the American people to believe that this invasion would probably occur at Pas de Calais, not Normandy," said Pugh. "There are significant constitutional issues here."

Meanwhile, at Eisenhower's headquarters here, the weight of informal staff opinion leans heavily to the view that dissension among the general's subordinates will prevent a breakout from the tiny Normandy beachhead. "A prima donna like Patton will never work for a pedestrian general like Bradley," said one knowledgeable officer who preferred not to be identified. Further, major disagreements were reported between Allied commanders. Gen. de Gaulle is reportedly furious at not being permitted to lead the invasion. Relations between Gen. Montgomery and all other commanders continue to sour, further endangering joint operations. "I've never seen anything like it," said one observer.

The careful wording of yesterday's White House press release on the invasion suggests that President Roosevelt and Gen. Marshall (who, it is widely known, wanted to lead the invasion himself) are ready to cut Eisenhower adrift if the invasion fails. And tonight that likelihood looms large among the drowned and machine-gunned bodies on the oddly named "Omaha" Beach.

As he embarked on his way to Normandy, one private first class, Willie Brown, of Biloxi, Miss., gave a surprising answer to this reporter's query about the reason for what is beginning to be called "Eisenhower's Folly."

"We're here to free Europe," Brown claimed.

But it definitely remains to be seen whether this sort of naiveté in the ranks and Eisenhower's wee-hours, foul-weather, and quite possibly bleary-eyed gamble will prevail against the raging elements and the Panzers of the Third Reich.●

THE 40TH ANNIVERSARY OF THE LIBERATION OF ROME

● Mr. DOLE. Mr. President, on June 4, 1944, members of an elite American-Canadian combat group, the First Special Service Force, entered Rome as the vanguard of the Allied liberation of that Eternal City, the first major European capital liberated in World War II. As prelude to the Normandy invasion, and as the cornerstone of the Allied campaign in Italy, the liberation of Rome was a significant turning point in Allied efforts to end the war and liberate all the peoples of Europe.

I recently had the honor and pleasure of representing President Reagan to the 40th anniversary of that occasion, and heading his delegation to Rome. Others in the official party were:

The Honorable PATRICK LEAHY, U.S. Senator.

The Honorable Vernon A. Walters, Ambassador-at-Large.

The Honorable John O. Marsh, Jr., Secretary of the Army.

Gen. John W. Vessey, Jr., Chairman, Joint Chiefs of Staff.

Col. Van Barfoot, U.S. Army, retired, and Medal of Honor recipient.

Mr. Maurice Britt, District Director, Small Business Administration, Little Rock, Ark., and Medal of Honor recipient.

Mr. Peter Dalessandro, staff member; Office of the Minority Leader, New York State Senate, and Medal of Honor recipient.

Mr. Louis J. Esposito, president, A. Esposito, Inc., Philadelphia, Pa.

Mr. Phillip Pistilli, president, Alameda Plaza Hotels, Kansas City, Mo.

Mr. Frank Stella, president and chief executive officer, Stella Products, Detroit, Mich., and president of the National Italian-American Foundation.

Ms. Celeste Andruzzi, New York City Board of Elections.

Accompanying the delegation were Frank Donatelli, Deputy Assistant to the President for Public Liaison; Robert J. Kabel, Special Assistant to the President for Legislative Affairs; Paul Russo, former Deputy Undersecretary of Labor and Special Assistant to President Reagan; as well as Barbara Bodine, Legislative Assistant to Senator DOLE; Mike Ussery, White House Liaison to the State Department; and James Manning and Mary Masserini of the Office of Protocol, Department of State.

The ceremony to commemorate the 40th anniversary of the First Special Service Force's (FSSF) entrance into Rome, and to unveil a plaque honoring their achievement, was held at the ancient Porta San Paolo—Gate of Saint Paul—under the blue Roman sky. Elements of the U.S. Special Forces and Canadian Special Services Force—both descendants of the FSSF—were present to honor their parent unit represented by veterans, Canadian and American, present that day.

The Italians, whose warm reception of the forces 40 years ago has not waned over the years, were represented by President Sandro Pertini, himself a veteran of the liberation; Prime Minister Bettino Craxie; and mayor of Rome, Ugo Vetere.

I recommend to my colleagues a reading of the remarks by our distinguished Italian allies—not only for their admiration and thanks for the liberation of their city four decades ago but the strong and sincere support for the friendship and alliance we have built over the intervening years and their commitment to NATO and to a strong democratic and free Europe. I also recommend the remarks by Canadian Minister of Veteran Affairs, Bennet Campbell, who noted most appropriately that two such nations as the United States and Canada, sharing the longest undefended border in the world, should join forces under the banner of the FSSF to help Europe attain the peace and commonality of purpose we have for so long enjoyed.

I ask that the text of the following remarks at the unveiling of the plaque at Porto San Paolo be printed in the RECORD at the end of my remarks.

Ugo Vetere, major of Rome.

Gen. John W. Vessey, Jr., Chairman of the Joint Chiefs of Staff.

Proclamation by President Ronald Reagan, as read by Senator ROBERT DOLE.

Senator ROBERT DOLE.

Bennet Campbell, Canadian Minister of Veterans' Affairs.

Bettino Craxie, Prime Minister of the Republic of Rome.

That afternoon, a more private and equally special commemoration was held at the American Consulate in Rome—the headquarters of General Frederick, commanding officer of the FSSF, after the city's liberation. Foreign Minister Andreotti, representing his government, was present as well as our Ambassador to Rome, Maxwell Rabb, General Vessey, Secretary Marsh, and the veterans of the FSSF who not only fought so well but worked so hard over the past 18 months for the commemoration of Rome's liberation.

I ask that the text of my remarks at the unveiling of the plaque at the American Consulate be printed in the RECORD at the conclusion of my remarks.

Mr. President, the Italian campaign was the longest single offensive of World War II—nearly 600 days from the south to the Alps. The devastation Italy suffered from the war is no longer visible; only the memories remain. In the past four decades, the Italians have rebuilt their country and we have forged with them an alliance

that is strong and sure. It was an honor to represent the United States, President Reagan, and the Senate at these ceremonies dedicated as much to the future as in commemoration of the past.

The remarks referred to follow:

SPEECH BY THE MAYOR OF ROME—HON. UGO VETERE

Mr. President of the Republic, Mr. President of the Council of Ministers, Ladies and Gentleman:

For the Mayor of Rome to recall that day—40 years ago—in which Allied troops entered Rome as liberators and met a jubilant population, means celebrating a very extraordinary event for our community, after nine long months of foreign domination, of massacre and terror, after 20 long years (except for a very brief period of illusion) of Fascist tyranny.

Rome, which had been the first European capital occupied and enslaved, found again peace and the possibility to rebuild the State, to begin that democratic renewal which, after the April insurrection and the liberation on northern Italy, soon led to democracy and to our Republican Constitution.

It was a happy day. I remember it well. A day of great celebration for freedom found again. And now we welcome with joy the Veterans of that day, American officers and soldiers, who, with the other allies—Canadians, British, French, Poles and the units of the restored Italian army, nucleus of the future democratic Armed Forces—fought for that freedom. They all know that we are everlastingly grateful to them.

We are also thinking of those who fought for us and with us, but could not see that day: The many who died on the shores of Anzio, the many who died on the steep sides of Montecassino, the thousands more who died for final victory (and could not see it) on all battlefields of Europe. We are thinking of the Italian partisans, of the new Italian Army, who restored the honor of our country and with their blood contributed to the defeat of Fascism. We are thinking of the heroes who, in this very place, tried to protect our city from the German occupation, and of the many Roman citizens—allow me, as Mayor of the city, to remember those fellow citizens—who were killed by firing squads, buried in the dreadful, immense common grave of "Ardeatine," or killed in secret places where they were tortured, like the one in Via Tasso. Led by the National Liberation Committee (our President of the Republic was one of its valiant leaders), workers and intellectuals, militants of anti-fascist struggles of the Twenties and of underground struggles, new recruits of liberty, men and women, lay and religious, each one, as they could, contributed to the great cause of democracy and peace.

Never before, as during that day such dual concept was so strong. Never before as during those long months spent waiting and struggling, was it so clear that there could be no peace until dictatorship and foreign oppression were done with, and that there could be no liberty unless respect of the rights of peoples, of the security of nations and of international law was restored. Since then, many, many times has peace been violated; in many, indeed, too many countries has liberty been denied. Today, in fact today with more anguish than in recent years, we feel that peace is in danger and today, more than ever before war would mean immense destruction. Only those who do not know war think it may solve problems. Those who know it, those who have lived it, those who lost relatives and friends because of it, know that beyond its horrors, other problems will arise and those problems can be solved in peace only, with the patient strength of reason.

Fascism attacked the world starting from this very city which was its first prey and brought tyranny and war everywhere. Forty years ago, with our Allies, we reconquered democracy and peace: precisely to honor our dead we must preserve and strengthen them. We must patiently work, all together, so that everywhere in the world rights of nations, of peoples, and of individuals may be asserted, and so that, first of all, that first, elementary, fundamental right of every individual, guarantee of life, and therefore peace for everyone may be granted.

Peace is not only an invocation: It must be an everyday policy, it must be a struggle for freedom and democracy in every part of the world.

Our tasks are therefore very important.

Our country has been enjoying peace and liberty for forty years, thanks to the sacrifices of those days. It seems to me that this is the most genuine reason why this celebration of ours may be really, fully, not only a celebration of the people, but a commitment to continue together to build a free, peaceful, and just world.

REMARKS BY GEN. JOHN W. VESSEY, JR., CHAIRMAN OF THE JOINT CHIEFS OF STAFF AT CEREMONIES FOR THE 40TH ANNIVERSARY OF THE LIBERATION OF ROME, ITALY

On behalf of the men and women of the Armed Forces of the United States I would like to thank President Pertini, Prime Minister Craxi, the people of Italy, especially Mayor Vetere, and the citizens of Rome for your hospitality and for permitting us to celebrate the 40th Anniversary of the Liberation of Rome.

I also want to thank the veterans of the 1st Special Service Force who worked hard to help sponsor this celebration. Today we pay special tribute to those Canadian and United States soldiers who first reached Rome. That action was made possible by the fighting and support of many thousands of soldiers, airmen and sailors from many countries of the great alliance. Today we also pay tribute to all members of the alliance—the British, the New Zealanders, the Indians, the French, the Moroccans, the Algerians, the Poles, the Brazilians, the other Canadian and United States Forces. We pay a very special tribute to those Italian patriots who fought for the liberation of their homeland whether in the partisan forces or the brave men of the reconstructed Italian Army which started with a few battalions of Alpini and Bersaglieri in the bloody fighting at Mignano-Montelungo. My own division fought from Salerno to Lago di Como, and I tell you that in the tought fighting south of Bologna we were particularly pleased to have the Legnano Gruppe on our flank. Forty years later I cannot help but pay tribute to the German soldiers who fought and died—valiantly, but for the wrong cause.

For those of us who had participated in the battles of the autumn of 1943 and the spring of 1944, June 4, 1944 was a very important day. We were helping liberate Rome, the Queen City of Western civilization, the first major capitol to be liberated in World War II. We knew that there would be a lot more difficult fighting ahead, but seeing this beautiful city, beautiful even during the war, experiencing the warm gratitude of the Italian people was exilerating—the flowers, the smiles, even a few kisses and an occasional glass of vino were added to the wonder of the day. I must explain that we were not permitted to stop. We were sent directly through the city to attack toward Civitavecchia.

Today, the 4th of June 1944 looks far more important than it did then. Europe has had 39 years without war. This year we celebrate the 35th anniversary of the North Atlantic Treaty. The world continues to be haunted by the fear of war and aggression, but the free nations of NATO have banded together in a strong alliance to serve the cause of peace. The Federal Republic of Germany is a member of the alliance.

The great NATO alliance threatens no one, but it tells the world that free people will remain strong to defend their freedom. The Soviet Union needs to heed and understand those facts.

I also want to pay a special tribute to all the veterans of the Italian campaign and their families who have come to this celebration. Many famous names are represented. From my own country—General Clark's son, General Frederick's daughter, Bill Mauldin, the soldier-cartoonist who did much to make the war bearable for those who fought it and understandable for those who didn't—just to name a few.

Special thanks to General Bartolucci and the men and women of the Italian Armed Forces, our staunch allies from Mignano-Montelungo to today. It is my fervent prayer that Rome has seen its last war and that the peace you have enjoyed for the last forty years will be with you forever. Thank you.

PRESIDENT REAGAN'S PROCLAMATION—MAY 30, 1984

Through this delegation of distinguished Americans, I am very proud to extend my warmest greetings to all Italians who join in the commemoration of the fortieth anniversary of the liberation of Rome.

This important and memorable occasion provides me with a most welcome opportunity to salute the President of Italy, himself a valiant partisan in the struggle for Italian liberty, and the Prime Minister and all of his ministers, who symbolize the fruits of a long and costly effort to restore free government and an open democratic society to the great Italian Nation.

On this day, it is also most appropriate to honor the memory of General Mark Clark whose first special service force, composed of American and Canadian soldiers, was in the vanguard of the Allied army that entered Rome in June 1944.

In his own account of the enthusiasm and excitement of that historic day, General Clark told of meeting in St. Peter's Square an American priest who indicated the route to the Capitoline Hill. A young boy on a bicycle led General Clark's jeep to the town hall where he was received as the liberator of Rome

It is a special privilege for me to add my voice to yours in marking this joyous anniversary for all Romans and for all Italians.

My countrymen and I join you in spirit in celebrating the abiding friendship between our two peoples and the free alliance which has bound us together over the last four decades. Italy and the United States are together striving to preserve our hard-won liberty and the free, open, fair, and prosperous societies that our democratic systems have made possible. I am particularly happy at this time to renew my dedication, on behalf of the American people, to the continuing success of this sacred endeavor of our two great nations.

May God bless each of you and may God bless the just and noble cause you celebrate.

RONALD REAGAN.

UNVEILING OF PLAQUE—READING OF PRESIDENTIAL PROCLAMATION

President Pertini, Prime Minister Craxi, Mayor Vetere, distinguished guests, fellow soldiers:

After it began, a German field marshal said it was "of fateful importance for the conduct of the war." When it was over, Winston Churchill wrote that "the hinge had turned." Both men were referring to the long campaign that started in Sicily and rolled to its victorious conclusion nearly 600 days later—the prolonged and bloody battle to set Italy free.

As one who fought in that battle, who spilled some of his own blood and left a bit of himself forever behind, it is a special honor to come back to a nation blessed with the fruits of peace. It is a rare privilege to read the proclamation of my President, to greet his distinguished counterpart, and to join together in recalling both the horror and the heroism of forty years ago.

There are ghosts to keep us company this day, shades of men who surrendered their lives so that liberty might gain a foothold on this ancient boot of a peninsula. We remember them by the thousand—and we remember as well singular individuals, like General Mark Clark, and the members of the elite first special service force who fought under two flags.

We who took part in the fighting bless the subsequent peace. We hail the friendship that grew out of hostility and we pledge ourselves anew to the cause for which so many gave so much. The man who then occupied the Presidency of my country was Franklin D. Roosevelt. "We have learned by hard experience", he wrote, "that peace is not to be had for the mere asking; that peace, like other great privileges, can be obtained only by hard and painstaking effort."

General Marshall, architect of victory in Europe, put it still more bluntly: "The only way to win a war", he declared, "is to prevent it."

For most of the forty years since the liberation of this historic citadel of western civilization, the west has followed their advice. Italy and the United States have joined with other nations in patrolling the global landscape and preserving the peace. It has required much of us, in manpower, in money, and above all, in spiritual and national resolve. Yet who among us, can look out over Italian fields and see in memory's eye the agony of 1944—yet doubt the necessity of our sacrifice or the sacredness of our cause?

This is a day to pause and pay tribute to men who gave everything they had. No less important, it is a time to rededicate ourselves to be worthy of what they gave. The fighting ended long ago. Yet the dangers persist. The need for unity is ever present. So let us resolve: So long as human freedom is threatened, then we will keep our watch. We will take to heart the lessons of the Italian campaign. And we will pay heed to the cautionary warnings of Roosevelt, Marshall, and all the other ghosts who haunt this crowded field of history.

May God give us the strength to do what history tells us is right. And may each one of us find the wisdom to do what our children demand. For then we will not be content to unveil or deliver speeches. Instead, a world at peace, and a people living in freedom, will be the greatest of mankind's monuments.

REMARKS BY HON. BENNET CAMPBELL, MINISTER OF VETERANS' AFFAIRS, CANADA—COMMEMORATION OF THE 40TH ANNIVERSARY OF THE LIBERATION OF ROME BY THE FIRST SPECIAL SERVICE FORCE

It is an honor to represent the Government of Canada at this ceremony. On behalf of our Nation I want to thank the Italian Government and the city of Rome for their matchless cooperation.

We are here to remember one of the most joyous days of the Second World War, the entry into Rome by the men of the first special service force. On June 4, 1944, Rome was no longer imperilled and millions of people around the world drew inspiration and comfort from the news.

It seems so fitting that it was the first special service force in the vanguard of the allied advance into Rome, a storied unit liberating a fabled capital.

And what a force it was. In less than three years the first special service force earned a reputation that has continued since the Second World War. It is no coincidence that its battle honors are now carried with pride on the colors of elite units from two nations—the Canadian Airborne Regiment and the United States Army Special Forces.

Books and screenplays have tried to recount how volunteers from Canada and the United States gathered together in Montana in 1942 and merged into a force ready for anything at any time. Men chosen for their individualism and personal initiative became a close-knit team.

The writers of these same accounts seem to have stumbled over themselves to find an eye-catching label for a unique unit. One reads of "the Devil's Brigade," another "the Black Devils" and yet another calls them "the Braves." There was also the description: "the Baggy Pants." The achievements of the force required no literary adornment but the name I found most expressive and symbolic was simply: "the North Americans."

How appropriate that peoples separated by the longest unprotected boundary in the world should unite in defense of the right of other nations to live in peace. As President Reagan said in his eloquent tribute to the special force before the Canadian Parliament: "Its men had the common cause of freedom at their side and the common denominator of courage in their hearts. They were neither Canadian nor American. They were, in General Eisenhower's term, liberators."

To the enemy they were something else. Before leaving Canada I read an article about the achievements of the first special service force. It quoted an order from German headquarters to its troops: "You are fighting an elite Canadian-American force. They are treacherous, unmerciful, and clever. You cannot afford to relax. The first soldier or group of soldiers capturing one of these men will be given a ten-day furlough."

The enemy was never given time to relax. From Kiska through Mount La Defensa, Anzio, Rome, and finally, the "Champagne Campaign" in the south of France, this force was truly supreme. Here, today, we bless the memory of those who gave their lives to the cause.

The spirit that carried the first special service force to triumph still remains. Before leaving Canada, I received a letter from the four special force members living in my home province of Prince Edward Island. They wanted me to pass on their regards to Stan Waters and their Canadian and American buddies.

It is my privilege to obey this request. In turn, I'll be able to report back to them that the mutual respect and affection born over forty years ago blazes undimmed. And that the best of the New World has been nobly honored in the Eternal City.

Thank you.

PRIME MINISTER CRAXI'S SPEECH AT PORTA S. PAOLO, JUNE 2, 1984

It is with sincere emotion and deep respect that, in the presence of the President of the Republic, hero of anti-fascist Resistance, I take the floor before the Veterans of the brave group who first breached into Rome, forty years ago today, chasing out the occupying German troops and returning the city to its citizens. Their effort, their suffering, the sacrifice of the fallen, were not in vain. The freedom they returned to us was scrupulously guarded. We have learned to love it, to defend it, to make good use of it. None of them would recognize in today's Italy the miserable villages, the dejected and destroyed towns they crossed forty years ago, while the war was raging. Peace and freedom, the solidarity of friendly nations, first enabled us to rebuild our country from the ruins of war, and then opened the way to a remarkable development and a deep transformation. Italy today, despite so many still unsolved problems, shows a different face. The word "freedom" was honoured from the first day of your arrival. We have not forgotten who helped us resume our civil progress, who had confidence in us. Our nations are united today by a spiritual tie which was born in the wake of the liberation and the return to peace and democracy, and was strengthened through experiences, trials and common efforts which revealed our common living ideals, shared ideals of peace and respect of human and civil rights.

The Allied troops who entered Rome had experienced hard and bloody battles. In the last few days the Italian press has been extensively recalling the violent fighting, the victories, village after village, hill after hill, which followed the Allied landing at Anzio. And it brought the names back: the Liri river valley, the Aurunci mountains, Sant'Angelo Mount San Cosimo, Formia, Gaeta, Itri, Pontecorvo, Cisterna the Roman Hills; and above all others, the name of Monte Cassino, where the cemetery of the heroic Polish soldiers still stands, whose sacrifice was not rewarded with full freedom for their homeland, although it contributed to keep the name of Poland alive in the conscience of all people.

Yet, there was no trace of so much bloodshed and so much suffering in the message to the citizens of Rome issued by the Allied Armed Forces Headquarters on the eve of the entrance into Rome. It is a message addressed to friends, to men fighting for the same cause, to people whose soul and whose thinking are well known and understood. Let me read you some portions of it. "The Allied Armies", the message reads, "are approaching Rome. The liberation of the eternal city is at hand. You citizens of Rome must be united to preserve your city from destruction and to defeat our common enemies: Germans and Fascists. Prevent the enemy from blowing the mines that may have been laid under bridges or Government buildings. Ministries and other constructions. Protect central telephone and telegraph offices, radio stations and other communication lines. Protect, for your own use, public services such as aqueducts, electric and gas plants. Protect the railroads, railroad installations and all public transportation. Hide your food resources. It is vital for the Allies that troops waste no time in crossing Rome, in order to achieve the destruction of the German armies who are withdrawing to the North. Citizens of Rome! This is no time for demonstrations. Obey these instructions and continue doing your daily work. Rome is yours. Your task is to save the city. Ours is to destroy the enemy. Citizens of Rome: these are our instructions. Rome's future is in your hands."

One sentence is particularly striking: "Rome is yours", the liberated city was automatically being returned to its citizens so that everyday life might be resumed in peace.

Rome, on the eve of liberation, was an oppressed, terrified, exhausted city. The mass deportation of Jewish citizens, the massacre at the Fosse Ardeatine, had dug an abyss between the population and the German occupation forces. Police persecutions were a nightmare. Regina Coeli prison, the torture chambers in Via Tasso, were filled with patriots.

Sandro Pertini, who had been active in Rome since September 8th when he had been among the main defenders of the city assailed by German troops, after having been arrested by Fascists and having dramatically escaped from Regina Coeli prison, had left the city to move North, where the partisan war was beginning to blaze.

The Koch band was raging, the continuing police combing spread terror. The best of energy was being used to hide and assist the thousands of antifascists, Jews and persecuted who had fled to Rome after July 25th.

The Vatican, who had given sanctuary to many antifascists, was endeavouring to keep the fighting from reaching the city. Since the day of the Anzio landing, Rome, literally starving, was living in a dramatic vigil.

General Alexander's message revived the surviving forces. Not all instructions were observed, although many attempts by German soldiers to procure the means of escape were met by an armed response. A new tragedy could not be avoided, the massacre at La Storta, where, among others, a great antifascist who had returned after a long exile, Bruno Buozzi, the leader of the Socialist Unions, was ferociously murdered. The city was soon up again, ready to start on the painstaking way to reconstruction. Romans will never forget the smiling, friendly faces of the soldiers who had crossed an ocean to come liberate their city. A massive anti-American propaganda had not marred the feelings of Italians for the United States, the ties of work, of life, which had bound our two people together for over half a century.

Rome was the first of the great European capitals to be liberated. Its liberation had an enormous echo throughout the world, it inspired new confidence into the partisan forces who were operating in Northern Italy and gave concrete substance to the hope of final liberation and the end of the war. Far beyond the military event, however, what brought new courage to all spirits was the awareness that liberated Rome was truly a free city. We can rightly say that the beginning of a new conscience among the people of Europe, torn by centuries and centuries of wars, dates from that day. A new civilization of peace and brotherhood was born from that lesson of respect for the independence of people. The free countries of Europe now have free and peaceful borders. The idea of war has been erased from the souls of men. Western Europe is a lively factor of civilization and peace, it works actively for the enhancement of international relations, it seeks dialogue, peace for all and security for each.

We celebrate these events on our National Day, the anniversary of the birth of our new Democratic State born from Liberation and Resistance. It is a celebration which is shared by all Italians. We recently experienced a hard trial, when our country was the theatre of one of the most violent bursts of terrorism ever seen. Out of it came a great demonstration of democratic faith, of love for freedom, of strength of our State. The great majority of the very actors of those grim years recognized this fact and recognized their mistake.

Tomorrow the Republic of Italy will honour its Military Services by a military parade. I think it will not be just a ritual ceremony. The peace mission of Italian soldiers in Lebanon considerably contributed to make everyone more aware of his duties toward peace and toward destitute populations. Against much skepticism, we evidenced that even an Army can be the seat of the noblest civil and human virtues.

Our weapons are peaceful weapons for maintaining and securing peace. The Atlantic Alliance, of which we have been members for over thirty years, remains for us a defensive alliance in the best sense of the word, a guarantee for peace and security. In this framework we intend to continue conducting a patient and enduring search for a stronger peace; more solid and less dangerous, better organized, free from the threatening and draining spiral of a continuing expansion of war potentials. New acceptable, agreed, controlled balances, at the lowest possible level of armament, must replace, as far as possible, the present uncertain and unstable balance: only thus can the way be opened for a stable and lasting progress which may aim above all at healing the imbalances which still exist between nations and within each nation. We have no delusions on the nature of the path ahead, on the difficulties and sharpness of the obstacles we still have to overcome. Too many people still live in miserable conditions, too many countries are deprived of their independence, too many nations do not enjoy free sovereignty, to be able to see at least a stable and final political organization of peace ahead. Without resignation and without despondency, with firmness and flexibility, all that can be done for peace must be done: along this way we must consider each step forward a success.

The wisdom of peace comes from far away. Herodotus said that no reasonable man can prefer war to peace, because during wars fathers have to bury their children, whereas in peacetime children bury their fathers as nature dictates.

You Veterans knew the glory of victorious arms. But it is from the great human values that you brought into your victory that I draw the conviction that you too are here with us and with all free men of the world, to augur peace, in the memory of past sacrifices, of past suffering, in the memory of the thousands of others who offered their lives to that victory and died for our freedom and for the freedom of all men.

REMARKS OF SENATOR BOB DOLE—UNVEILING OF PLAQUE TO THE FIRST SPECIAL SERVICE FORCE

This afternoon is a time of lament, for good men and women who died young. It is also a time for great pride, in them and the cause for which they sacrificed. It is an hour of mornful memory, and joyful reunion. It is a chance to renew one's acquaintance with this Eternal City—and in doing so, pay tribute to the civilians as well as the soldiers who helped to liberate it some 40 years ago.

Perhaps no single group played a prouder role in that liberation than the First Special Service Force. Drawn from two nations to join in freeing many, they were parachutists and rangers and commandos. As a member of the 10th Mountain Division, I like to think of them as my colleagues. And it is singularly appropriate, as the world prepares to commemorate the gigantic landings at Normandy, that we pause to remember those who by D-Day had already spent many weeks and months slogging their way up the Italian peninsula, bringing with them hope. Most of all, the hope of peace.

The veterans of the First Special Service Force are getting old now. Like so many others who took part in the European war, they have reached the age of funeral-going and story-telling, and it is hard not to look back without a touch of wistfulness at who we were and what we overcame.

There are some lines from Tennyson's Ulysses: "Though much is taken, much abides, and though we are not now that strength which in old days moved Earth and Heaven; that which we are, we are—one equal temper of heroic hearts, made weak by time and fate, but strong in will to strive, to seek, to find, and not to yield."

I like to think that we, who fought here, can still strive, still seek, still find—and that we have not yet yielded where honor is at stake, and freedom is a struggle. We are mortal. But courage is immortal. Examples live on. They may be commemorated in plaques, or told in the history books, or preserved in grainy films where no one ever ages. Today, we celebrate such an example, and the men who bequeathed it to us. Their heroic hearts beat on. Once they gave us back a continent. Now may their memory give us the courage to keep it.●

HUMAN RIGHTS VIOLATIONS IN IRAN

● Mr. RIEGLE. Mr. President, June 20 marks the third anniversary of theAyatollah Khomeini's murderous suppression of a peaceful demonstration in Teheran.

Three years ago this month, a spontaneous gathering of over 500,000 Iranians, which began as a peaceful protest of the repressive policies of the Khomeini regime, was soon turned into a bloodbath.

The Khomeini government responded to this peaceful demonstration against repression with even more repression. The demonstrators, which had gathered in less than 3 hours, were quickly disbursed when, upon the Ayatollah's orders, armed guards opened fire on the crowd.

Many of the demonstrators were killed instantly. The fate of the even greater number of Iranian citizens who were arrested was to be the same; within 24 hours they too were executed.

The occasion of the third anniversary of this tragedy serves as a painful reminder of the abuses of human rights to which the Khomeini regime continues to subject its citizens.

Iran's human rights record under the current regime remains one of the worst in the world. Amnesty International estimates that a minimum of 5,195 executions have been carried out since Khomeini came to power. Pregnant women and young children have been counted among the regime's victims.

Perhaps one of the most glaring crimes of this regime is the enlistment of young children into the Iranian Armed Forces fighting in the war with Iraq. International news accounts have detailed the plight of these children, who are taken from their schools without their parents' consent, and sent to the front lines.

As Iranians grow weary of the 4-year-old war with Iraq, movements are growing in protest of the Khomeini regime's commitment to continuing the war effort. It is reported that official sanctions, such as deprivation of social rights and denial of access to water, electricity, and telephones are among the punishments administered to those refusing to take part in the war effort. Those who oppose the regime, and all those suspected of anti-Government activities receive the harshest punishment.

Torture in Iranian prisons is commonplace. It is not unusual for political prisoners to be beaten on the soles of their feet with such force that, according to one prisoner, the victim's legs "swell up like watermelons." Similarly, prisoners report having been burned with hot irons, given electric shocks, whipped, and abused in the most inhumane ways.

Of the many persecuted groups in Iran, the plight of the Baha'is has gained international attention. Members of this religious sect, which teaches brotherhood and advocates world peace, are viewed by the Khomeini regime as heretics. Because they are not officially recognized by the current regime, the Baha'is endure imprisonment, torture, and execution. More than 100 of their leaders are known to have been murdered in a "campaign of terror," which threatens to eliminate the entire religion.

In 1982, the Ayatollah issued an eight-point statement which focused on human rights issues. With the announcement that entry into private homes without a search warrant would be forbidden, except in cases involving suspected opposition hideouts, that censorship of mail and telephones would cease, and that most Iranians would be free to travel outside of Iran, hopes were raised that the human rights situations in Iran would improve. In February and March of 1983, more than 1,500 prisoners, most of whom had been sentenced by revolutionary courts, were pardoned.

Despite this hopeful sign, abuses, including executions, torture, and arbitrary arrests continue. The people of Iran continue to suffer under merciless oppression and their plight continues to worsen.

Just as the United States has condemned the persecution of citizens by their governments in other countries around the globe, so too must we speak out forcefully against the atrocities being committed by the Iranian Government against its people.

Their prolonged persecution and violation of their human rights is intolerable and must not be ignored.●

ECONOMICAL HEALTH CARE

● Mr. **DURENBERGER.** Mr. President, I am a strong advocate of competition and consumer choice as the best way to control costs in the health care sector. Both the public and private sectors have recently turned to policies of price-competition and many of these programs are starting to have an effect.

Last year the President signed legislation to pay hospitals under medicare on the basis of present prices or DRG's. For the first time, hospitals that are efficient will be rewarded for it, and those that are not will be penalized. Hospitals and physicians are working together to reduce length-of-stay, eliminate unnecessary tests, and reduce costs.

As part of the 1982 tax bill, Congress included a provision that will allow medicare beneficiaries to use their entitlement to purchase coverage from private health plans. If a private health plan can offer better benefits than medicare at a competitive price, it will be the preferred choice of medicare beneficiaries. In Minnesota, where this option has been available for many years, over 35,000 senior citizens have opted out of traditional medicare and enrolled in health maintenance organizations (HMO's). The Secretary has just signed the regulations that will make this option available throughout the country.

I would like to submit for the RECORD today, Mr. President, two articles that appeared in today's New England Journal of Medicine. The first article reports a study conducted by the Rand Corp. that further substantiates the claim that HMO's can provide care at reduced costs. The second article is an editorial written by Alain C. Enthoven responding to the findings of the Rand study.

The Rand study was a controlled trial experiment that randomly assigned patients to either an HMO or the traditional fee-for-service system. The study showed that the total annual health care expenditure per HMO enrollee was 28 percent lower than the participants in the fee-for-service system. HMO's were able to reduce costs through appropriate substitution of less costly services. The study showed that the HMO's hospitalization rate was 40 percent lower than that of the patients in the traditional service delivery system.

Mr. President, as Alain Enthoven points out in his editorial, the Rand study provides solid evidence that consumers do respond to financial incentives in the health care marketplace and that prepaid health care plans can provide services at reduced cost.

The articles follow:

A CONTROLLED TRIAL OF THE EFFECT OF A PREPAID GROUP PRACTICE ON USE OF SERVICES

(Willard G. Manning, Ph. D., Arleen Leibowitz, Ph. D., George A. Goldberg, M.D., William H. Rogers, Ph. D., and Joseph P. Newhouse, Ph. D.)

Abstract.—Does a prepaid group practice deliver less care that the fee-for-service system when both serve comparable populations with comparable benefits? To answer this question, we randomly assigned a group of 1580 persons to receive care free of charge from either a fee-for-service physician or their choice (431 persons) or the Group Health Cooperative of Puget Sound (1149 persons). In addition, 733 prior enrollees of the Cooperative were studied as a control group.

The rate of hospital admissions in both groups at the Cooperative was about 40 per cent less than in the fee-for-service group ($P<0.01$), although ambulatory-visit rates were similar. The calculated expenditure rate for all services was about 25 per cent less in the two Cooperative groups ($P<0.01$ for the experimental group, $P<0.05$ for the control group). The number of preventive visits was higher in the prepaid groups, but this difference does not explain the reduced hospitalization. The similarity of use between the two prepaid groups suggests that the mix of health risks at the Cooperative was similar to that in the fee-for-service system. The lower rate of use that we observed, along with comparable reductions found in non-controlled studies by others, suggests that the style of medicine at prepaid group practices is markedly less "hospital-intensive" and, consequently, less expensive (N Engl J Med 1984; 310:1505-10.)

Health Maintenance organizations (HMOs) have been advocated for many years as an important innovation in medical care delivery; indeed, for a decade, federal legislation and subsidies have encouraged their formation. Previous studies played a large part in persuading the Congress and the executive branch to promote enrollment

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Footnotes at end of article.

in HMOs. They indicated that the prepaid-group-practice variant of HMOs has ambulatory-visit rates similar to those in fee-for-service medicine but has hospital-admission rates that are as much as 40 per cent lower.[1-4]—a prospect with wide appeal.

However, a cloud of doubt has lingered concerning the ability of HMOs to keep the promise of reduced cost. Virtually all studies comparing HMOs with fee-for-service medicine have used a self-selected sample—that is, they compared persons who had voluntarily chosen an HMO with those who either had opted for fee-for-service medicine or had had no choice. If persons choosing an HMO were healthier than those choosing the fee-for-service system, the observed reduced use of HMOs could simply have been an artifact. Indeed, the single previous randomized study found that one prepaid group practice did lower hospital use but had sufficiently higher use of ambulatory care to make it significantly more expensive overall.[5] This finding, however, has not dimmed enthusiasm for prepaid group practices, perhaps because the particular plan studied was small and just beginning.

To isolate the relation between prepayment and use of services, we have conducted a controlled trial in one well-established prepaid group practice. Specifically, we sought to answer two questions. First, when persons previously received care from fee-for-service physicians are randomly assigned to receive care at a prepaid group practice, how does their use differ from that of persons who remain with fee-for-service physicians? Second, when persons previously receiving care from fee-for-service providers are randomly assigned to receive care at a prepaid group practice, how does their use differ from the use of persons who are already enrolled in the prepaid plan?

The prepaid group practice that we studied, Group Health Cooperative of Puget Sound (GHC), is located in Seattle, Washington. It was established in 1947 and currently has an enrollment of 324,000 people—about 15 per cent of the Seattle-area population. Its history has been described elsewhere.[6] In 1976, at the beginning of our study, GHC owned its own hospital; in 1977 it opened a second hospital.

METHODS

Design of the trial

We compared four groups. The first three were samples of the Seattle-area population who were not enrolled in GHC in 1976 but who were otherwise eligible for the trial. Ineligible persons included those over 62 years of age at the time of enrollment, Seattle-area families with incomes of more than $56,000 in 1983 dollars (this excluded 1 per cent of the families contacted), those who were institutionalized, members of the military and their dependents, veterans with service-connected disabilities, and those eligible for Medicare disability or the end-stage renal-dialysis programs.

Participants in the first two groups were assigned to plans that covered virtually all health services from fee-for-service physicians and ancillary personnel, such as speech therapists. In the first group the services were provided at no cost to the participants; this plan is referred to as the "free fee-for-service plan." In the second sample, participants had to share the costs of their medical care. They paid 25 or 95 per cent of their medical bills, subject in most cases to a limit on out-of pocket expenditure of up to $1,000 per family (less for the poor). In the individual-deductible plan, however, participants paid 95 per cent of outpatient bills, up to $150 per person or $450 per family per year; all inpatient services were free. Participants in these first two groups formed part of the sample we had studied previously to assess the effect of cost sharing on use of services and health outcomes.[7,8]

Participants in the third group, the GHC experimental group, received, free services at GHC. If the Cooperative did not provide a service (e.g., chiropractic), the plan offered full coverage for provision of the service outside GHC. If participants, on their own, sought outside care for a service that GHC provided, they were reimbursed only 5 per cent of the cost. However, referrals that GHC made to fee-for-service providers, as well as emergency out-of-area care, were fully covered. Except for the restrictions to GHC providers and facilities, the benefits received by the GHC experimental group were identical to those received by the free fee-for-service group.

Although there was an element of randomization in the assignment of families to the fee-for-service and GHC experimental groups, a statistical analogous to stratification was used to obtain greater comparability among the three groups than would be expected if simple random assignment were used.[9]

The fourth group used in our analysis was a random sample of GHC members in 1976 who otherwise met the eligibility requirements described above and had been enrolled in the Cooperative for at least one year. Hereafter, we refer to this group as the GHC controls. Participants in this group remained in whatever benefit plan they were enrolled in at the start of the experiment. Although control participants received most services free of charge, some involved moderate cost sharing (see the Appendix).[*]

At enrollment the free fee-for-service group consisted of 431 persons (162 families), the cost-sharing fee-for-service group consisted of 782 persons (319 families), the GHC experimental group consisted of 1149 persons (448 families), and the GHC control group consisted of 733 persons (301 families). Refusals to participate and sample loss after enrollment, although differing by group, did not appear to affect any of our qualitative conclusions (see Appendix).

The GHC control group was enrolled in the study for five years; half the GHC experimental group was enrolled for five years, and the remainder for three years; and 25 per cent of the fee-for-service sample was enrolled for five years, and the remainder for three years. Assignment to three- or five-year participation was made at random. In analyses not shown in this paper we have found that use rates did not differ significantly between the three- and five-year groups, so we have combined them in the analyses presented here.[10] The sample used in our analyses consisted of originally enrolled participants while they remained in the experiment and in the Seattle area.

Measurement of use

Data on use at GHC are from abstracted GHC records.[11] Data on out-of-plan use, in the case of the GHC groups, as well as all data on use by the fee-for-service participants, come from claim forms filed with the experiment, which functioned as the participants' insurance company.

We compared the number of visits and the number of admissions, but such a partial comparison does not detect any differential intensity of service per visit or per admission between GHC and fee-for-service participants. Therefore, we constructed a measure of intensity, which we call "imputed expenditure." Our method for calculating imputed expenditure differed for hospital services and physician services. For admissions, at the GHC hospitals, we used the dollar figure that GHC would have charged, had it billed the services to a payer outside the Cooperative. (GHC does bill for some admissions; two common instances are emergency admissions of nonenrollees and Workman's Compensation cases.) For admissions at fee-for-service hospitals, we used the hospital's actual billed charges.

In the case of physician services, we compared the number of California Relative Value Studies units that GHC and fee-for-service physicans delivered.[12] To arrive at an imputed-expenditure figures, we valued units in both systems at the same dollar figure. Further details can be found in the Appendix.

In addition to comparing the rates at which the participants saw physicians, we compared the rates of preventive-care visits in the various plans. Preventive care included any "well-care" service other than vision, hearing, and prenatal care. Well-care services were defined by the physician's diagnosis, by the use of certain procedures (e.g. immunizations), or by a preventive-treatment-history code, in conjunction with the patient's indication that the reason for the visit was preventive care. We used the patient's reason for the visit because we feared that some fee-for-service physicians might fail to label some visits as preventive (because many standard health-insurance plans, although not ours, do not reimburse for preventive services). Any such failure in labeling would bias a comparison of the amount of preventive care the various groups received.

Analytical methods

We generally calculated sample means (analysis of variance) for each of the four groups. Work reported elsewhere shows that adjustment for participant characteristics did not qualitatively affect any of our conclusions.[10]

In the estimation of imputed expenditure, however, we have obtained a worthwhile gain in precision by including age and sex as covariates; the Appendix discusses this point in more detail. The values for imputed expenditure in Table 1, however, are not corrected for any age and sex differences among the four groups. In particular, any effects from the control group's slightly higher mean age and number of female subjects (Appendix Table A-1) are reflected in the values in Table 1. We have corrected all standard errors for intertemporal and intrafamilial correlation.[10]

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[*] See NAPS document no. 04193 for 10 pages of supplementary material. Order from NAPS c/o Microfiche Publications, P.O. Box 3513, Grand Central Station, New York, NY 10163. Remit in advance (in U.S. funds only) $7.75 for photocopies or $4 for microfiche. Outside the U.S. and Canada add postage of $4.50 ($1.50 for microfiche postage). This material is presented in more detail in a forthcoming report by Rand.[10]

TABLE 1.—COMPARISON OF LIKELIHOOD OF USING ANY SERVICE, LIKELIHOOD OF HOSPITALIZATION, AND IMPUTED ANNUAL EXPENDITURE AMONG THE GROUP HEALTH COOPERATIVE (GHC) AND FEE-FOR-SERVICE PLANS [1]

	Percent of participants		Imputed annual expenditure per participant (1983 dollars) [2]
	Use of inpatient or outpatient service in year	One or more hospitalizations in year	
Plan			
GHC experimental	86.8 (1.0)	7.1 (.50)	439 (25)
GHC control	91.0 (.8)	6.4 (.55)	469 (44)
Fee-for-service			
Free	85.3 (1.6)	11.1 (1.17)	609 (66)
25 percent	76.1 (2.7)	8.8 (1.37)	620 (103)
95 percent	68.4 (3.4)	8.5 (1.18)	459 (72)
Individual deductible	73.9 (2.4)	7.9 (.96)	413 (51)

[1] The sample consists of all participants present at enrollment, while they remained in the Seattle area. Except for decedents, observations on partial years of participation have been deleted. Standard errors are in parentheses.

[2] Values include both in-plan and out-of-plan use by GHC participants. The method of imputing expenditure is described in the text and in the Appendix. The t statistics for the difference in expenditure between the GHC experimental group and the five groups listed below it are 0.87, 3.22, [illegible]22, 0.30, and −0.56, respectively. Because of the inclusion of age and sex as covariates, these t statistics are larger than those that would be calculated from the standard errors shown in the table.

RESULTS

Although the GHC experimental and control groups differed little with respect to imputed expenditure on medical services, they both differed markedly from the free fee-for-service group (Table 1). Imputed expenditures were 28 per cent lower in the GHC experimental group than the free fee-for-service group ($P<0.01$) and about 23 per cent lower in the GHC control group ($P<0.05$).

The magnitude of the expenditure reduction at GHC was comparable to that achieved by 95 per cent coinsurance in the fee-for-service system, although the means by which expenditure was reduced were considerably different. The percentage of GHC enrollees seeking care was comparable to or even exceeded the percentage in the free fee-for-service plan; GHC had a lower expenditure than the free fee-for-service plan because fewer GHC enrollees were admitted to the hospital. With 95 per cent coinsurance, the percentage of enrollees seeking care, as well as the percentage admitted to the hospital, was notably lower than the percentage of participants in the free fee-for-service plan. The reduction in use appears to have been largest in the individual-deductible plan, even though inpatient services were free in this plan. However, the difference in expenditure between the individual-deductible plan and the other two cost-sharing plans was not significant and could well have reflected random variation; if data from three other sites are combined with these data, enrollees in the individual-deductible plan spent more (but not significantly more) than those enrolled in the 95 per cent coinsurance plan.[7]

The differences between GHC and the fee-for-service plans come even more sharply into focus when we examine admissions, hospital days, and visit rates (Table 2). There were 40 percent fewer admissions ($P<0.01$) and hospital days in the two GHC groups than in the free fee-for-service plan, but face-to-face visits occurred at the same rate in all three plans. In contrast, all the cost-sharing plans had both lower admission rates and lower visit rates than the free fee-for-service plan. The differences in total expenditure and admission rates between the 95 per cent coinsurance plan and the two GHC groups were not significant at the 5 per cent level, but the differences in the rate of face-to-face visits were significant at this level.

Although the overall rates of face-to-face visits were similar for the two GHC groups and the free fee-for-service plan, the number of preventive visits was significantly higher in the two GHC groups; cost sharing further reduced preventive visits, to a level below the values in the free fee-for-service plan (Table 2).

Use of non-GHC services by the two GHC groups was relatively limited (Table 3). Not surprisingly, participants in the experimental group were more likely than controls to seek care outside GHC. About 2 per cent of the experimental group sought care each year exclusively from ancillary providers, such as speech therapists, chiropractors, Christian Science practitioners, and podiatrists. Half the out-of-plan admissions were related to accidents or to psychiatric diagnoses.

DISCUSSION

The literature on prepaid group practice

Our results show minor and generally insignificiant differences between the two GHC groups, suggesting that results from noncontrolled studies may not be seriously contaminated by selection effects. In particular, imputed expenditures were 6 per cent lower in the experimental group than in the control group. In view of the standard errors for these expenditure figures, which were between 5 and 10 per cent of the mean, it is unlikely that there was a large difference between the groups.

The validity of our results is strengthened by their general consistency with the results in the literature regarding prepaid group practices. Luft's review of several noncontrolled studies found that such practices had 10 to 40 per cent fewer hospitalizations than fee-for-service practices.[1,4] In our study, GHC controls were 40 per cent less likely to go into the hospital than those in the free fee-for-service group and about 5 to 20 per cent less likely to be admitted than those in the cost-sharing groups.

It is plausible that the difference in admission rates between the GHC control group and the free fee-for-service group should be as large as differences observed in the literature. The free fee-for-service plan had better ambulatory benefits than virtually all fee-for-service plans described in the literature, and more extensive coverage of ambulatory services leads to more hospitalization among those using fee-for-service physicians.[2] For the same reason, the difference between the admission rates in the GHC control group and in the cost-sharing plans should be near the low end of Luft's range.

Outpatient-visit rates among GHC controls were not significantly higher than rates in the free fee-for-service plan but were significantly higher than those in the cost-sharing plans ($P<0.01$). Luft found roughly similar results among a variety of studies he reviewed.[1] Thus, the comparison of use in the GHC control group with use in the fee-for-service groups resembles comparisons in the literature and lends support to the validity of the findings for the GHC experimental group.

TABLE 2.—ANNUAL RATES OF ADMISSION AND FACE-TO-FACE VISITS [1]

	Per 100 persons		Per person	
	Admission rate [2]	Hospital days	Face-to-face visits [3]	Preventive visits [4]
Plan				
GHC experimental	8.4 (0.67)	49.0 (9.6)	4.3 (0.14)	0.55 (0.02)
GHC control	8.3 (1.01)	38.0 (9.0)	4.7 (0.17)	0.60 (0.02)
Fee-for-service				
Free	13.8 (1.51)	83.0 (26.0)	4.2 (0.25)	0.41 (0.03)
25 percent	10.0 (1.43)	87.0 (28.0)	3.5 (0.35)	0.32 (0.03)
95 percent	10.5 (1.68)	46.0 (9.9)	2.9 (0.34)	0.29 (0.04)
Individual deductible	8.8 (1.20)	28.0 (5.1)	3.3 (0.33)	0.27 (0.03)

[1] The sample includes all participants present at enrollment, while they remained in the Seattle area. For GHC control and experimental groups the data include both in- and out-of-plan use. Standard errors are in parentheses.

[2] A count of all continuous periods of inpatient treatment.

[3] Includes all visits involving face-to-face contact with health providers for which a separate charge would have been made in the fee-for-service system. Excludes radiology, pathology, prenatal and postnatal care, speech therapy, psychotherapy, dental care, chiropractic, podiatry, Christian Science healing, and telephone contracts.

[4] Includes well-child care, immunizations, screening examinations, routine physical and gynecologic examinations, and visits involving Pap smears (other than for an established diagnosis of cancer). Excludes visits for prenatal care, vision, and hearing. In the case of GHC, includes in-plan and out-of-plan visits.

The lower hospitalization rate at GHC

Services delivered in the hospital account for about half of all U.S. expenditures on personal health services.[13] That GHC could lower the hospitalization rate so markedly relative to the free fee-for-service group invites closer scrutiny. What could be the explanation? In order to achieve sharply lower hospitalization rates, GHC may have been providing more preventive care or treating more cases on an outpatient basis and avoiding hospitalization. The data examined to date do not provide any clear explanation for the lower hospitalization rate at GHC. Although preventive visits were more numerous at GHC than in the fee-for-service plans, the hospitalization rates were not significantly different from those in the fee-for-service cost-sharing plans, which had only about half as many preventive visits as the GHC groups. Moreover, about two thirds of the preventive visits were for well-child care or gynecologic examinations. Because gynecologic and pediatric admissions represent a minority of hospitalizations, it seems unlikely that preventive care accounted for much of the large difference in hospitalization rates. Indeed, despite the concentration of preventive care among children, the percentage reduction in admission rates among children was similar to the percentage reduction among adults ($X^2=3.83$, $P>0.50$, Table 4).

Outpatient-visit rates in the two GHC groups were similar to those in the free fee-for-service group; if some problems for which fee-for-service participants were hospitalized were being managed on an outpatient basis at GHC, one might expect such rates to be higher. Of course, the similar outpatient-visit rates at GHC could have been the result of more intensive outpatient treatment of those whom fee-for-service physicians would have hospitalized, combined with less intensive treatment of those who would not have been admitted in any event. Further investigation will be required to address this possibility.

TABLE 3.—ANNUAL USE OF SERVICES OUTSIDE GHC[1]

	GHC experimental group	GHC control group
Type of use:		
Hospital admissions (per 100 persons)[2]	0.74 (.26)	0.21 (.03)
Hospital-days (per 100 persons)	15.0[3] (9.0)	1.4 (.8)
Ambulatory face-to-face visits (per person)[4]	.14 (.02)	.08 (.02)
Visits to chiropractors, podiatrists, Christian Science practitioners (per person)	.72 (.12)	.12 (.06)
Visits to speech therapists (per person)[5]	.0002 (.0002)	.007 (.006)
Expenditures per person (1983 dollars)[5]	63.0 (13.0)	15.0 (5.0)

[1] The sample includes all participants present at enrollment, while they remained in the Seattle area. Standard errors are in parentheses.

[2] Comparison significant at $P<0.05$.

[3] One case accounts for two thirds of this mean; inpatient psychiatric cases account for one sixth of it.

[4] A face-to-face visit was one for which a separate charge would have been made in the fee-for-service system. Excludes radiology and pathology and visits involving pregnancy, speech therapy, psychotherapy, chiropractic, podiatry, and Christian Science healing. Comparison significant at $P<0.05$.

[5] Comparison significant at $P<0.01$.

How many dollars would be saved if HMO enrollment increased?

The 28 percent difference in imputed expenditure between the GHC experimental plan and the free fee-for-service plan is striking (Table 1). However, one can ask how much error the imputation process might have introduced. Although a more detailed analysis could yield a more precise figure, it seems unlikely that the true difference could have been much less than 25 percent. Both admissions and total hospital days were 40 percent lower at GHC than in the free fee-for-service plan (Table 2), and ambulatory-visit rates were similar. How many dollars might such a reduction in use save? First of all, suppose the reduction in admissions was random. In that case inpatient expenditure, which accounted for somewhat over half the total expenditure,[7] would fall by 40 percent. If ambulatory expenditure in the two systems was similar, the total expenditure would fall by about a quarter, as our imputed figures indicate.

But suppose the 40 percent reduction in admissions was not random but rather was disproportionately made up of short-stay admissions. This would suggest that GHC also reduced the length of stay among patients it admitted. Otherwise, the reduction in hospital days would have been less than 40 percent. A combination of reduced admissions and reduced length of stay that together yielded a 40 percent reduction in hospital days could certainly have caused a true reduction in expenditure by approximately 25 percent.

Moreover, our method does not account for any efficiencies GHC may have enjoyed in the delivery of physician services, such as greater substitution of paramedical personnel. To estimate the magnitude of such efficiencies, if there are any, would require a study of costs within each system—something we did not attempt. Nonetheless, it is difficult to escape the conclusion that the true expenditure was substantially lower in the two GHC groups than in the fee-for-service group.

One might question whether the free fee-for-service plan is a relevant reference group. Few individuals in the population who use fee-for-service physicians do so without sharing the cost; therefore, one might adopt the cost-sharing plans as a standard of comparison. In the case of the 95 percent coinsurance plans, the differences between GHC and the fee-for-service system narrow sharply.

Does this mean that if the current proportion of the population enrolled in prepaid group practices (5 percent) were to increase markedly, use of the hospital would not change much? In fact, one might expect considerably less hospitalization as the HMO market share grows, because the national hospitalization rate is not far from the free-plan value. In a previous analysis of fee-for-service data from four sites (including Seattle), we found that the annual likelihood of one or more hospitalizations among average Americans under age 65 was 9.5 percent, which is close to the free-plan value of 10.2 percent, whereas the values in the cost-sharing plans ranged from 7.2 to 9.0 percent.[7] Because the national average appears to be close to the free-plan rate, our data suggest the potential for a substantial drop in use of inpatient services.

TABLE 4.—LIKELIHOOD OF ONE OR MORE ADMISSIONS PER YEAR AMONG CHILDREN AND ADULTS[1]

	Percent	
	Children (<18 years)	Adults (>18 years)
Plan:		
GHC experimental	3.5 (0.56)	9.2 (0.68)
GHC control	3.6 (0.78)	7.8 (0.73)
Fee-for-service:		
Free	6.2 (1.13)	13.7 (1.71)
25 percent	5.8 (1.92)	10.6 (1.62)
95 percent	3.2 (1.08)	11.6 (1.62)
Individual deductible	6.0 (1.64)	8.7 (1.26)

[1] The sample consists of all participants present at enrollment, while they remained in the Seattle area. Except for decedents, observations on partial years of participation have been deleted. A chi-squared value for comparability of response is 3.8 with 5 df, $P>0.50$. Standard errors are in parentheses.

On the other hand, the reduced cost of prepaid group practices that is due to lower use of inpatient services will be partially offset by the increased use of ambulatory services, as compared with current levels of use in fee-for-service cost-sharing plans. National ambulatory-visit rates fall between the rate observed in the 25 percent and 95 percent fee-for-service plans.[7] On balance, the net effect from increased enrollment in prepaid group practices would still be a saving, unless cost sharing in the fee-for-service system were to increase above present levels.

Policy implications

Plainly, there was much less hospitalization among study participants receiving care at GHC than among those with similar benefits (i.e., no cost sharing) who received care from fee-for-service physicians. Because of our experimental design, we can virtually rule out population characteristics as an explanation of the lower hospitalization rate at GHC. We conclude that GHC physicians were simply practicing a different style of medicine from that of fee-for-service physicians. Although our study was limited to a single, not necessarily typical prepaid group practice, the general consistency between our results and those in the literature indicates that a less "hospital-intensive" style of medicine than that practiced by the average physician is possible.[3, 14]

But is such a style desirable? The results presented above shed little light on this question. We have obtained extensive measures of the health status of our participants,[4, 15-18] and future analysis of these data should detect any pronounced effects of the different style of medical treatment on health status. Nonetheless, prepaid group practices have existed for decades, and it seems unlikely that there can be large deleterious health effects from their style of medicine.

In contrast, the different style could well affect patient satisfaction. Indeed, because many persons choose not to enroll in a prepaid group practice, it seems almost certain that their expected level of satisfaction, were they to join, would be lower than in fee-for-service medicine. To be sure, some may decline the option to join because they receive no cost advantage (e.g., the employer pays the entire health-insurance premium). However, others pay more to receive their care from the fee-for-service system, and one can surmise that they believe they receive something in return.

Whatever the motivation of those choosing the fee-for-service system, many observers argue that such persons ought to pay all the additional costs.[19, 20] For this to occur, employers (or the government) would have to pay an equal sum for each available health-plan option instead of paying more for a fee-for-service plan than an HMO plan, as many do now. If employers did pay an equal sum, price competition between HMOs and fee-for-service insurance plans could well increase.

Some fear that increased price competition without regulation of benefit packages will bring risk selection—that is, better risks in one plan than in another.[19] We found no appreciable difference in use between the GHC experimental and control groups, suggesting that there was no risk selection in this case. Nonetheless, this result may not be generalizable. Economic theory suggests that risk selection can occur if individuals know more about their future health demands than do insuring organizations or HMOs,[21-23] and other studies have found evidence of risk selection.[3, 24]

In sum, GHC delivered a different, less-expensive style of medicine than did fee-for-service practitioners in the Seattle area when both treated comparable groups receiving free care. Adding cost sharing to the fee-for-service insurance plans brought expenditures more closely into line with those of GHC but appeared to result in yet another style of care, one with markedly fewer ambulatory contacts. How the GHC style fares on dimensions other then expense remains an open question, but the lower expense at GHC cannot be explained by differences in the population that it treats.

We are indebted to our Rand colleagues Rae Archibald, Robert Brook, Marie Brown, Maureen Carney, Allyson Davies, Naihua Duan, Emmett Keeler, and Ken Krug, to our former colleagues Carl Morris and Marshall Rockwell, Jr., to William Schwartz of Tufts University, and to our past and present DHHS project officers Larry Orr and James Schuttinga for helpful advice and comments over the years and for assistance in implementing the project; to Glen Slaughter, Cliff Wingo, Marilyn Hecox, Lauron Lindstrom, Judi Wilson, Tom Weston, and their colleagues at Glen Slaughter and Associates for processing claims and maintaining the status of the sample during the experiment; to Bernadette Benjamin and Jack Seinfeld for their meticulous programming and data management; and to the Group Health Cooperative of Puget Sound for agreeing to participate in the study and especially to Richard

Handschin, its director of research during the study period, for assistance in the trial's implementation and comments on this manuscript. Neither the Cooperative nor any of the above individuals necessarily agrees with or endorses the findings reported here.

FOOTNOTES

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THE RAND EXPERIMENT AND ECONOMICAL HEALTH CARE

(By Alain C. Enthoven, Ph. D.)

Does prepaid group practice actually reduce the cost of health care, or are the apparent reductions the result of a favorable selection of health risks? About 40 comparison studies have found that prepaid group practices reduce per capita cost some 10 to 40 per cent, largely as a result of a 25 to 45 per cent reduction in hospital use.[1] Although these findings have been replicated in many different employee groups and in studies that controlled for age and sex and sometimes tested for measurable differences in health status, the suspicion has always remained that somehow these savings might be explained by self-selection of healthy people for membership in prepaid group practices.[2]

Now the Rand Corporation has conducted a randomized controlled trial comparing cost and use among people randomly assigned to free fee-for-service, to insure fee-for-service with varying degrees of coinsurance and deductibles, or to membership in the Group Health Cooperative of Puget Sound (GHC), a leading prepaid group practice. A comparison was also made with a random sample of self-selected GHC members.[3] The major findings, reported by Manning et al. in this issue of the *Journal*, are as follows: (1) Compared with people receiving free care or 25 per cent coinsurance, those randomly assigned to GHC had a 28 per cent reduction in annual expenditure per participant. Compared with the free-care group, the GHC groups had about 40 per cent fewer hospital admissions and days of hospitalization per capita. (2) The use of services in the self-selected and randomly assigned GHC groups was about the same, "suggesting that results from noncontrolled studies may not be seriously contaminated by selection effects." (3) GHC physicians practice a less costly style of medicine than fee-for-service (largely solo practice) physicians.

Purists may persist in doubting that this is a solid conclusion of general validity. It is always easy to conceive of a more nearly perfect research design, however difficult it is to carry out in practice. Some might demand several more randomized controlled trials evaluating other prepaid group practices. However, the Rand study took more than a decade and $80 million to plan, execute, and report. It was conducted by an exceptionally talented research team under a leader of the highest competence. Indeed, this experiment stands in a class by itself as a controlled social experiment that has been well conceived, designed, and executed. We are not likely to see another one as good for a long time. At the level of practical policy decisions, which must be based on the preponderance of evidence, the conclusion is now well established: the lower cost at GHC and organizations like it cannot be explained by differences in the population that it treats.

To interpret these findings, consider the following factors. GHC provides care of a style and quality acceptable to many educated middle-income groups, such as state and federal employees and University of Washington faculty who are members as a matter of choice. In addition, GHC has achieved cost reduction in the absence of direct economic competition from similar organized systems of care, so the reported savings may not exhaust the potential savings. Moreover, the measure of economic savings is based on the assumption of equal prices per relative value unit for physicians' services, and thus probably overstates the cost of physicians' services at GHC. Finally, the reduction in cost measured by Rand did not come from either a reduction in visits to physicians or a reduction in physicians' income; instead, GHC physicians hospitalized their patients less often. This may be a model for cost reduction generally: not reduction of physicians' services, but physicians' help in reducing the other 80 per cent of the health-care bill.[4]

This is not to say that prepaid group practices are not the victims or beneficiaries of risk selection in particular cases. Situations do occur in which one or another competing health plan is the victim of adverse risk selection. For example, in some Medicare experiments it appears that the beneficiaries who were more willing to change doctors and join a prepaid group practice were those who had not been sick recently. On the other hand, if the fee-for service insurance plan has sizable coinsurance or deductibles or poor coverage of office visits, patients with chronic conditions will be attracted to the comprehensive coverage offered by a prepaid group practice.

If employers and government want the competition between the prepaid group practice and its competitors to be fair, it is up to them to set the rules so that health plans either cannot select risks or are systematically compensated for caring for high-risk persons. In 1977 I proposed such a set of rules.[5]

What the Rand Corporation found in its experiment is being reflected in recent developments in the marketplace. Since 1977 the membership of health-maintenance organizations (HMOs) has more than doubled, from 6.3 million to over 13.6 million, with 85 per cent in group forms. During 1983, HMO membership increased by 18 per cent.[6] In 1977 there was only one national HMO organization with the competence, capital, and credibility to be able to enter new market areas with assurance of success—namely, Kaiser—Permanente. Now there are six or eight, including Blue Cross-Blue Shield, CIGNA, HealthAmerica, Maxicare, and Prudential.

Some major successes have been achieved on the East Coast. In 1977 Harvard Community Health Plan had 69,000 members and was widely considered to be a sort of demonstration project. It now serves 160,000 members and has successfully floated a $49 million bond offering to expand its capacity to 257,000 by 1985. In 1980 Kaiser-Permanente took over the financially strained Georgetown University Community Health Plan, which had about 54,000 members at the time, and nearly doubled the membership in three years. HMO-membership growth rates that can only be described as spectacular have been achieved in several states not on the West Coast. By the end of 1983, there were more than 500,000 HMO members each in Massachusetts, Michigan, and Illinois, up by 32 to 47 per cent over the previous year. Minnesota HMO membership exceeds 700,000 and continues to grow by more than 20 per cent per year.

Preferred-provider arrangements are now taking hold and growing rapidly in many parts of the country. In this type of plan, the payer contracts in advance with a limited set of providers, selected on the basis of price and use, and patients are given incentives to obtain their care from these providers. A recent InterStudy Survey found that 15 Blue Cross-Blue Shield plans are developing preferred-provider organizations.[7]

Thus, the idea of a national strategy for control of health-care costs based on competing medical-care organizations, each employing or contracting with a limited panel of providers, has considerably more plausibility now than it did seven years ago or when Ellwood et al.[8] first proposed it in 1970.

In recent years, public policy has been preoccupied with achieving immediate reductions in government spending instead of being guided by the goal of an efficient health-care system with services delivered equitably to all. Despite the rhetoric about market forces, public policy is still far from the competitive model I proposed[5] in 1978. However, there have been some steps and proposals that point in that direction. In 1982 the Medicare law was changed to permit fixed prospective-capitation payments to the HMO or competitive medical plan of the beneficiary's choice. This will open up the large Medicare market to rapid penetration by HMOs or competitive medical plans. President Reagan has proposed a limit on tax-free employer contributions to health insurance—a measure that would increase employee incentives to choose economical health plans.

Employers are also changing in ways that will open more of the market to competitive medical plans. The main trends are a return of some financial responsibility to employees, in the form of increased coinsurance and deductibles, and an increased willingness to offer and encourage enrollment in HMOs and preferred-provider organizations. As coinsurance and deductibles are increased, many employees respond by switching to HMOs.

Even with such changes on the demand side of the health-care market, problems on the supply side will remain. Most nonprofit HMOs do not have sufficient capital to finance the growth rates needed to keep pace. Foundations that want to aid in the development of cost-effective medical care should now consider making large donations of capital to expansion-minded nonprofit HMOs. Without such infusions, the growth of this important sector may be stunted, and the field left to the for-profit groups. The new investor-owned HMOs do not lack capital. The stock market is according them very high price-earnings ratios. What remains to be seen is whether they can develop the kind of corporate culture that is compatible with high-quality care. The leading HMOs have no trouble recruiting well-trained young physicians, but managerial know-how is in short supply. The organization and management of medical services for efficiency are complex tasks. There is a need for physicians who understand the language, concepts, and culture of this kind of management.

The Rand Health Insurance Experiment has provided solid evidence that consumers respond to financial incentives in the demand for care and that prepaid group practice can cut the cost substantially. The report by Manning et al. is a landmark on the journey toward a cost-effective health-care system.

ALAIN C. ENTHOVEN, Ph. D.

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RETIRING COAST GUARD COMDR. THOMAS NUNES

● Mr. PACKWOOD. Mr. President, as chairman of the Senate Committee on Commerce, Science and Transportation, I have had the opportunity to work closely with the U.S. Coast Guard (USCG). The Coast Guard has a longstanding tradition of upholding and protecting the Nation's well-being. In light of the many services the Coast Guard provides for our Nation and its citizens, I would like to bring to the attention of my colleagues the record of dedicated service of retiring Comdr. Thomas Nunes.

In more than 20 years with the Coast Guard, Tom Nunes has exemplified the very best in the Coast Guard's human resources. After graduating from the U.S. Coast Guard Academy, he entered the Coast Guard as a first lieutenant. His numerous awards and decorations stand as testament to his dedication and talents. He has served in Alaska, along the Atlantic, and many points in between. In 1981 he began his present duty as Deputy Chief of the Coast Guard's Congressional Liaison Office. In that position, Tom has been a continuing source of accurate information, enthusiastic assistance, and dependable advice and counsel, to myself, and to other Members of the Congress.

His talents and dedication will be missed by his colleagues and the many people he has served. I ask my colleagues to join me in thanking Commander Nunes for his service and in wishing him the best in the years to come.●

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that, notwithstanding the previous order, I may proceed for not more than 5 minutes additional time in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the time limitation in which Members may speak not apply during this period.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO EXTEND TIME FOR DEBATE ON AMENDMENT NO. 3164

Mr. BAKER. Mr. President, may I inquire of the minority leader if he would like to extend the time for debate on his amendment?

Mr. BYRD. Mr. President, in response to the distinguished majority leader, I would like to extend the time. I would also like the majority leader to present the request that no nongermane amendments be in order to the amendment that I have pending when the Senate returns to its consideration.

Mr. BAKER. Mr. President, I shall be happy to do that.

Would 11 o'clock be a satisfactory time for extension?

Mr. BYRD. That would be all right, Mr. President. I thank the majority leader.

Mr. BAKER. Mr. President, I ask unanimous consent that the order entered last evening with respect to this amendment be modified by extending the time for debate until not later than 11 a.m. under the same terms and conditions.

I further ask unanimous consent that no nongermane amendments to the Byrd amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the majority leader.

THE CALENDAR

Mr. BAKER. Mr. President, I have a list of things that are cleared on this side and according to the notation in my folder appear to be cleared on the other side. Let me advise the minority leader what I would propose to do and perhaps it would be possible to do it en bloc. First would be to indefinitely postpone Calendar Order No. 18 and next pass Calendar Order Nos. 848 and 891, and then to indefinitely postpone Calendar Order No. 931, and then to pass the following resolutions: Calendar Order Nos. 956, 957, 958, 959, 960, 961, 962, 963, and 964.

Mr. BYRD. Mr. President, will the majority leader indulge me and repeat those calendar order numbers?

Mr. BAKER. Yes, Mr. President. First would be to indefinitely postpone Calendar Order No. 18 and Calendar Order No. 931, and then to pass the following bills and resolutions: Calendar Order Nos. 848, 891, 956, 957, 958, 959, 960, 961, 962, 963, and 964.

Mr. BYRD. Mr. President, there is no objection on this side of the aisle to the majority leader's request.

Mr. BAKER. Mr. President, I thank the minority leader.

I ask unanimous consent that I may act as I have described in the single request and that the bills and resolutions may be passed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I ask unanimous consent that the two measures to which I have referred, Calendar No. 18, S. 504 and Calendar No. 931, S. 2689, may be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MANUFACTURING SCIENCES AND TECHNOLOGY RESEARCH AND DEVELOPMENT ACT OF 1984

The Senate proceeded to consider the bill (S. 1286) to establish a program to conduct research and development for improved manufacturing technologies, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert:

S. 1286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Manufacturing Sciences and Technology Research and Development Act of 1984".

FINDINGS

Sec. 2. The Congress finds that—

(1) manufacturing contributes significantly to the Nation's gross domestic product and employs more than one-fifth of the Nation's work force;

(2) transportation and delivery of manufactured goods are vital components of the Nation's interstate commerce;

(3) while manufacturing industries are essential to the economic well-being of the Nation, many manufacturing processes and methods are no longer capable of producing goods as reliable and cost competitive as those produced by foreign industries which utilize modern manufacturing methods and processes;

(4) domestic manufacturing is increasingly threatened by external competition and the development by foreign countries of more efficient manufacturing processes and technologies;

(5) outdated manufacturing methods and processes result in higher costs and in goods and services of inferior quality, to the detriment of consumers of such goods and services;

(6) outdated and inefficient manufacturing processes hinder domestic commerce;

(7) a decline in consumption of domestic manufactured goods due to inefficient manufacturing processes produces a resultant decline in transportation;

(8) various sectors of private industry, the Federal Government and the United States research establishment have not devoted sufficient attention to research on developing new processes and methods to improve the Nation's capability to manufacture goods;

(9) domestic manufacturers have not sufficiently utilized such recent technological changes in manufacturing as programable automation, robotics, advanced sensors, and computer-assisted design and manufacturing; and

(10) a program to conduct research in more efficient manufacturing processes and methods and to encourage research utilization would strengthen commerce and be beneficial to the Nation's consumers.

PURPOSE

Sec. 3. It is the purpose of this Act to establish a program for conducting research which will produce more efficient manufacturing technologies and for conducting research utilization activities to encourage widespread adoption of these technologies.

DEFINITIONS

Sec. 4. As used in this Act, the term—

(1) "Advisory Committee" means the Manufacturing Sciences and Technology Enchancement Advisory Committee established under section 8 of this Act;

(2) "consortia" means a group of institutions consisting of a nonprofit research institution and such other entities as States, individual industries or industry associations, other nonprofit research institutions, and universities and other academic institutions;

(3) "Center" means a Center for Manufacturing Research and Technology Utilization established under section 5(c) of this Act;

(4) "Office" means the Office of the Assistant Secretary for Productivity, Technology, and Innovation within the Department of Commerce; and

(5) "Secretary" means the Secretary of Commerce.

GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS

Sec. 5. (a) Purposes.—The Secretary, through the Office, may award grants and enter into contracts and cooperative agreements in accordance with the provisions of this section to provide for research on methods of producing more efficient manufacturing processes and methods, including—

(1) computer-assisted design;

(2) automated materials handling, processing, and assembly;

(3) automated testing;

(4) machine adaptive learning;

(5) integrated manufacturing systems, including interface of automated machines with automated and nonautomated machines, with production and design personnel, and with other systems (including testing devices, design systems, and inventory control systems);

(6) machine and process control strategies;

(7) automated sensing for machine and process control and product testing;

(8) practices and activities to implement improved manufacturing methods; and

(9) such other research as the Secretary determines to be consistent with the purposes of this Act.

(b) Grants.—(1) The Secretary, through the Office, may make grants to provide for research to increase the amount of fundamental scientific and technological knowledge in fields relevant to manufacturing methods and processes. Such grants shall be made on a competitive basis to applicants who comply with such criteria as are specified in this Act and as the Secretary shall establish, consistent with the purposes of this Act.

(2) A recipient of such a grant may be affiliated with a nonprofit research institution, a private industry or industry association, a university or college, a Center established pursuant to subsection (c) of this section, or any other institution which the Secretary considers appropriate. Any such recipient shall not be required to provide any part of the costs of such research, unless the recipient desires to expand the scope of the research to be conducted. In such a case, the Secretary may enter into an agreement which provides for cost sharing by the recipient.

(3) There are authorized to be appropriated for the purposes of this subsection not to exceed $20,000,000 for the fiscal year ending September 30, 1985, and not to exceed $30,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

(c) Cooperative Agreements.—(1) The Secretary, through the Office, may enter into cooperative agreements with consortia for the purpose of establishing and supporting Centers for Manufacturing Research and Technology Utilization. Such agreements shall be made with applicants who comply with such criteria as are specified in this Act and as the Secretary shall establish, consistent with the purposes of this Act.

(2) Such Centers shall conduct research of a more applied nature than the research conducted under subsection (b) of this section. Centers shall study methods of increasing the utilization by the Nation's industries of those modern manufacturing methods which may result in lower product costs and improved product quality and reliability. Such research may be directed toward problems or processes and methods appropriate to a specific industrial sector, including aerospace, microelectronics, mechanical assembly, basic materials, new materials, and transportation.

(3)(A) In addition to funds received by means of a contract or cooperative agreement entered into under this subsection, a consortia may also receive funds for carrying out such cooperative agreement from other Federal agencies and from public and private institutions.

(B) Consortia which enter into such a cooperative agreement shall provide support and participation in a dollar amount at least equal to the amount of the Federal contribution to be made under this subsection. For purposes of this subparagraph, the term "support and participation" includes cash or equipment contributions, industry personnel to conduct research, and access by persons in the research institutions to modern manufacturing equipment in the participating industry for research and other appropriate purposes. Any such consortia shall provide a cash or equipment contribution in an amount equal to at least 50 percent of the Federal Government's share. Contributions from the nonprofit participants of the consortia may consist of inkind contributions.

(4) In entering into such agreements, the Secretary shall consider—

(A) the quality of the research which is to be undertaken as a result of the particular agreement;

(B) the extent of participation by industry in the research to be undertaken as a result of the agreement;

(C) the size of the industrial sector involved and the potential impacts on the productivity of that industrial sector as a result of successful research undertaken through the agreement, as well as the subsequent development and utilization of the manufacturing methods and processes to be studied as part of such research; and

(D) the extent to which entering into the agreement would be likely to increase the number of scientific and technical personnel capable of utilizing modern manufacturing methods and processes.

In addition, the Secretary shall ensure diversity among the industrial sectors which are the subject of the research conducted under any such agreement, as well as geographic dispersion of the Centers established and supported under this subsection.

(5) There are authorized to be appropriated for the purposes of this subsection not to exceed $15,000,000 for the fiscal year ending September 30, 1985, not to exceed $25,000,000 for each of the fiscal years ending September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

(d) Contract Authority.—To the extent provided in advance by appropriations Acts, the Secretary, under such regulations as the Secretary may prescribe, may enter into contracts with applicants to effectuate the purposes of this Act.

(e) Quality Assurance, Protocols, and Standards.—(1) The Secretary shall maintain at the National Bureau of Standards a research program for furthering the state of the art of automating manufacturing processes through the development of—

(A) measurement standards;

(B) standard practices;

(C) protocols for quality and process control;

(D) materials processing;

(E) application and interfacing of computers; and

(F) other appropriate technologies related to automated manufacturing methods and processes.

(2) Centers established under this Act are encouraged to utilize the expertise developed in this program.

ADVANCED MANUFACTURING METHODS RESEARCH UTILIZATION PROGRAM

Sec. 6. (a) Activities.—The Secretary shall establish a program of experimental activities, and shall evaluate existing activities, to identify the most feasible means of enhancing the utilization of technologically advanced manufacturing methods. In addition, the Secretary shall establish a program to identify the impact on workers of enhanced utilization of technologically advanced manufacturing methods, including the potential for retraining workers who might otherwise be displaced. The Secretary shall provide for the development, conduct, and evaluation of such experimental activities. The Secretary may, to the extent provided in advance in appropriation Acts, contract with any appropriate person or institution (including States and consortia established under section 5(c) of this Act) to carry out such experimental activities.

(b) Report.—Not later than 1 year after the conclusion of the program carried out under this section, the Secretary shall submit to the Congress a report on such program.

(c) Authorization.—There are authorized to be appropriated for the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1985. Such funds shall remain available until expended.

COMPETITIVENESS STUDIES

Sec. 7. (a) Study.—The Secretary shall select specific domestic technology-sensitive industrial sectors and shall analyze such sectors' long-term capability for remaining competitive, especially with industries in foreign countries. In making such selection, the Secretary shall consider industrial sectors which are or are likely to be vulnerable to foreign competition, as well as sectors which are likely to experience rapid and significant growth.

(b) Subject of Study.—As part of such study, the Secretary shall consider—

(1) the adequacy of technologies utilized to produce the goods and services of such sectors;

(2) the existence of superior foreign technologies or unique resources which yield a competitive advantage to industries in foreign countries over comparable domestic industries;

(3) the anticipated scientific and technical personnel requirements for such sectors;

(4) the adequacy of Federal laws and regulations, and the enforcement of such laws and regulations, in promoting technological innovativenesss and commercial competitiveness by such sectors; and

(5) the need for changes in such laws and regulations, or enforcement of such laws and regulations, in order to promote technological innovation and competition in such sectors and to safeguard the well-being of the Nation and the public.

(c) Consultation.—As part of such study, the Secretary shall consult with and solicit comments from representatives of the industrial sector which is the subject of such study.

(d) Authorization.—There are authorized to be appropriated for the purposes of this section not to exceed $2,000,000 for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988. Such funds shall remain available until expended.

ADVISORY COMMITTEE

Sec. 8. (a) Establishment.—The Secretary shall establish a Manufacturing Science and Technology Enhancement Advisory Committee to advise the Secretary concerning the activities to be conducted under this Act. The Advisory Committee shall have representation from technology-sensitive industrial sectors, from labor, from the manufacturing research community, and from such other sectors as the Secretary considers appropriate. Such members shall be appointed by the Secretary for a term of 2 years, and shall receive no compensation. Any such member shall, in accordance with section 5703 of title 5, United States Code, be entitled to reimbursement for travel or transportation expenses incurred in the performance of responsibilities as a member of the Advisory Committee.

(b) Functions.—The Advisory Committee shall—

(1) review the policies and selection criteria for grants made and cooperative agreements entered into under this Act;

(2) review the progress of the Secretary of Commerce in meeting all the requirements of this Act;

(3) assess the effectiveness of the activities funded pursuant to this Act; and

(4) submit to the Secretary, at least annually, evaluations and recommendations regarding activities carried out under this Act.

(c) Report.—The Advisory Committee shall submit to the Congress an annual report on its activities under this Act.

(d) Applicability.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.).

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LAND REMOTE SENSING SATELLITE COMMERCIALIZATION ACT OF 1984

The Senate proceeded to consider the bill (H.R. 5155) to establish a system to promote the use of land remote-sensing satellite data, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Land Remote Sensing Satellite Commercialization Act of 1984".

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

FINDINGS

Sec. 101. The Congress finds and declares that—

(1) the Federal Government's experimental Landsat system has established the United States as the world leader in land remote sensing satellite technology;

(2) the continuous collection of land remote sensing data from satellites is of major benefit in managing the Earth's natural resources;

(3) private sector involvement in space can provide sound bases for the future growth of space-based technologies;

(4) it is necessary to determine the extent to which it is appropriate and in the national interest for the private sector to assume responsibility for civil land remote sensing satellite system operation and data management;

(5) the existing civil land remote sensing system of the United States involves important international commitments;

(6) civil land remote sensing involves relevant national security concerns;

(7) it is in the national interest to promote the establishment of private land remote sensing ventures;

(8) private industry is best suited to develop markets for remote sensing data;

(9) it is doubtful that the private sector alone currently can develop a total land remote sensing system because of the high risk and large capital expenditure involved;

(10) cooperation between the Federal Government and private industry is necessary to manage effectively the existing Landsat system so as to ensure data continuity, to honor international and national security responsibilities, and to broaden the data market enough to support self-sufficient private ventures; and

(11) such cooperation should be structured to minimize the amount of support and regulation by the Federal Government, while assuring continuous availability to the Fed-

eral Government of land remote sensing data.

PURPOSES

SEC. 102. The purposes of this Act are to—

(1) guide the Federal Government in achieving proper involvement of the private sector by providing a framework for gradual commercialization of land remote sensing, allowing an increasing private role as the market for data expands, and assuring continuous data availability to the Federal Government;

(2) preserve the leading position of the United States in civil land remote sensing, preserve the national security, and honor the international obligations of the United States;

(3) reaffirm the right of all nations to sense the Earth's surface and acquire land remote sensing data, so long as such data are made available to all potential users on a nondiscriminatory basis; and

(4) minimize the duration and amount of further Federal investment necessary to assure data continuity while achieving commercialization of civil land remote sensing.

DEFINITIONS

SEC. 103. For purposes of this Act, the term—

(1) "Landsat system" means Landsat 4 and Landsat 5, and related ground equipment, systems and facilities;

(2) "nondiscriminatory basis" means without preference, bias, or any arrangement that favors any purchaser or class of purchasers over another, such that—

(A) data products are made available to all potential buyers at standard, published prices;

(B) all purchasers are given the same opportunities for access to data, such as timeliness of availability and terms of delivery; and

(C) special arrangements, other than any arrangement for exclusive access to data by any purchaser, such as volume discounts, gathering of data with certain characteristics requested by a purchaser, and maintenance of secrecy regarding any such arrangements, are permissible if the availability and prices of such services are published and uniformly available to all data purchasers;

(3) "Secretary" means the Secretary of Commerce;

(4) "unenhanced data" means digital or minimally processed signals collected from civil land remote sensing satellites involving rectification of distortions, registration with respect to features of the Earth, and calibration of spectral response; the term does not include conclusions, manipulations, or calculations derived from such signals or combination of the signals with other data or information; and

(5) "United States private entity" means any citizen of the United States or any nongovernmental entity or consortium of entities, the majority of whose assets is owned by citizens of the United States, the majority of whose personnel is comprised of citizens of the United States, and whose principal place of business is in the United States.

TITLE II—OPERATION AND DATA MARKETING OF LANDSAT SYSTEM

OPERATION

SEC. 201. (a) The Department of Commerce shall be responsible for—

(1) the orbit and data collection of Landsat 4, and disposition of Landsat 4 upon the termination of its useful operation, as determined and published by the Secretary;

(2) the orbit and data collection of Landsat 5, and disposition of Landsat 5 upon the termination of its useful operation, as determined and published by the Secretary;

(3) ground equipment and facilities which are used to operate the Landsat system; and

(4) provision of data to foreign ground stations under the terms of existing Memoranda of Understanding between the United States Government and nations that operate ground stations.

(b) The Department of Commerce may extend any such Memoranda of Understanding if such extension provides for their expiration upon the termination of the useful operation of the Landsat system.

(c) The provisions of this section shall not prohibit the Department of Commerce from continuing to contract for the operation of the Landsat system, so long as the United States Government retains—

(1) ownership of the system;

(2) ownership of the unenhanced data; and

(3) authority to make decisions concerning operation of the system.

MARKETING OF UNENHANCED DATA

SEC. 202. (a) In accordance with the requirements of this title, the Secretary shall, to the extent provided in advance by appropriation Acts, by means of a competitive process contract with a United States private entity for the marketing of unenhanced data collected by the Landsat system. Any such contract shall provide that—

(1) the contractor may set the prices of unenhanced data products, if the products are always available to all potential users on a nondiscriminatory basis;

(2) the contractor shall compensate the United States Government for the right to sell the data by payment of an initial fee, a percentage of data sales receipts, or some combination of such fee and receipts;

(3) the contractor shall pay to the United States Government the full purchase price of any unenhanced data that the contractor elects to utilize for purposes other than sale, in accordance with paragraph (4) of this subsection;

(4) the contractor shall not engage in any sale of processed data except in a manner consistent with applicable antitrust laws; and

(5) the Secretary has determined that such contract is likely to result in cost savings for the United States Government.

(b) Prior to entering into such a contract, the Secretary shall publish the requirements of subsection (a) (1) through (5) of this section, and the contract shall be subject to such requirements.

(c)(1) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 days of continuous session of Congress has passed after the receipt by each such committee of such transmittal or (B) each such committee before the expiration of such period has, by vote of a majority of its members, agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of such transmittal, the Secretary shall include the information specified in subsection (a)(1) through (5) of this section.

(2) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which either House is not in session because of an adjournment of more than 5 days to a day certain are excluded in the computation of such period.

AWARDING OF THE CONTRACT

SEC. 203. (a) The Secretary shall award any such contract on the basis of—

(1) the financial return to the United States Government, based on any initial fee offered for marketing rights and any percentage of data sales receipts offered to the United States Government;

(2) the ability to expand the market for unenhanced land remote sensing data; and

(3) such other factors as the Secretary considers appropriate.

(b) If, as a result of the competitive process required by section 202(a) of this title, the Secretary receives no proposal which the Secretary determines to be acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 120 days. If, after such subsequent competitive process, the Secretary receives no proposal which the Secretary determines to be acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. In the event that no acceptable proposal is received, the Secretary shall continue to market data from the Landsat system.

(c) Such contract may, in the discretion of the Secretary, be combined with the contract required by title III of this Act, pursuant to section 305(b) of this Act.

TITLE III—DATA CONTINUITY AFTER THE LANDSAT SYSTEM

PURPOSE

SEC. 301. It is the purpose of this title to—

(1) provide for a transition from operation by the Federal Government to private, commercial operation of civil land remote sensing satellite systems;

(2) determine, with minimal risk during the proposed transition period, whether wholly private operation of land remote sensing is in the best interests of the United States;

(3) provide for the continuity of land remote sensing satellite data after the termination of the operation of the existing system, as described in title II of this Act; and

(4) assure development of a land remote sensing system that will result in cost savings for the United States Government.

DATA CONTINUITY

SEC. 302. The Secretary shall evaluate proposals from United States private entities for a contract for the development and operation of a system capable of generating land remote sensing data, and marketing such unenhanced data for a period of 6 years. Such evaluation and any solicitation of proposals shall be conducted by means of a competitive process. Such proposals, at a minimum, shall specify—

(1) the quantities and qualities of data expected from the system;

(2) the projected date upon which operations could begin;

(3) the number of satellites to be constructed and their expected lifetimes;

(4) any need for Federal funding to develop the system;

(5) any percentage of sales receipts offered to the Federal Government;

(6) plans for expanding the market for land remote sensing data; and

(7) the proposed relationship and procedures for meeting the national security and international obligations of the United States.

NOTIFICATION REGARDING AWARDING OF THE CONTRACT

SEC. 303. (a) The Secretary shall evaluate the proposals referred to in section 302 of this title and, to the extent provided in advance by appropriation Acts, may contract, in accordance with section 401 of this Act, with a United States private entity for the provision by such entity of the capability of generating land remote sensing data and marketing such unenhanced data for a period of 6 years. As part of such evaluation, the Secretary shall analyze the expected outcome of each proposal, in terms of—

(1) the availability of such data upon the expected termination of the Landsat system;

(2) the quantities and qualities of data to be generated by the recommended system;

(3) the cost to the Federal Government of developing the recommended system;

(4) the potential to expand the market for data;

(5) any percentage of data sales offered to the Federal Government, in accordance with section 304 of this title;

(6) the contractor's ability to advance remote sensing technology and maintain the technological leadership of the United States in remote sensing;

(7) the commercial viability of the proposal;

(8) the technical competence and financial condition of the contractor;

(9) the proposed relationship and procedures for satisfying the national security and international obligations of the United States; and

(10) such other factors, including the marketing of unenhanced data from the Landsat system, as the Secretary deems appropriate and relevant.

(b)(1) Any decision or proposed decision by the Secretary to enter into any such contract shall be transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or proposed decision shall be implemented unless (A) a period of 30 days of continuous session of Congress has passed after the receipt by each such committee of such transmittal or (B) each such Committee before the expiration of such period has, by vote of a majority of its members, agreed to transmit and has transmitted to the Secretary written notice to the effect that such committee has no objection to the decision or proposed decision. As part of such transmittal, the Secretary shall include the information specified in subsection (a) (1) through (6) of this section.

(2) For purposes of this section—

(A) continuity of session is broken only by an adjournment sine die; and

(B) days on which either House is not in session because of an adjournment of more than 5 days to a day certain are excluded in the computation of such period.

(c) If, as a result of the competitive process required by subsection (a) of this section, the Secretary receives no proposal which the Secretary determines to be acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. As soon as practicable but not later than 30 days after so certifying and reporting, the Secretary shall reopen the competitive process. The period for the subsequent competitive process shall not exceed 180 days. If, after such subsequent competitive process, the Secretary receives no proposal which the Secretary determines to be acceptable under the provisions of this title, the Secretary shall so certify and fully report such finding to the Congress. Not earlier than 90 days after such certification and report, the Secretary may assure data continuity by procurement and operation by the Federal Government of the necessary systems, to the extent provided in advance by appropriation Acts.

MARKETING INCENTIVE

SEC. 304. In order to promote aggressive marketing of land remote sensing data, any contract entered into pursuant to this title may provide that the percentage of sales paid by the contractor to the Federal Government shall decrease according to stipulated increases in sales levels.

TERMS OF THE CONTRACT

SEC. 305. (a) Any contract entered into pursuant to this title—

(1) shall provide that the contractor will offer to sell and deliver unenhanced land remote sensing data to all potential buyers on a nondiscriminatory basis;

(2) shall provide that the contractor will engage in any sale of processed data only in a manner consistent with applicable antitrust laws;

(3) shall not provide a guarantee of purchases of data by the Federal Government from the contractor;

(4) may provide that the contractor utilize, on a space-available basis, civilian Government satellites as platforms for a civil land remote sensing satellite system, if—

(A) the contractor immediately reimburses the Government for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, spacecraft, data transmission, and launch costs; and

(B) such utilization would not interfere with or otherwise in any way compromise the intended civilian Government missions, as determined by the agency responsible for the civilian satellite; and

(5) may provide indirect and direct financial support by the United States Government, including loans and loan guarantees, payments pursuant to section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255) for a portion of the capital costs required to provide the follow-on capability, and other financial considerations.

(b)(1) Without regard to whether any contract entered into under this title is combined with a contract under title II of this Act, the Secretary shall promptly determine whether the contract entered into under this title reasonably effectuates the purposes and policies of title II. Such determination shall be submitted to the President and the Congress, together with a full statement of the basis for such determination.

(2) If the Secretary determines that such contract does not reasonably effectuate the purposes and policies of title II of this Act, the Secretary shall promptly attempt to carry out the provisions of such title.

REPORT

SEC. 306. Within 2 years after the commencement of operations of any system with respect to which a contract has been entered into under this title, the Secretary shall report to the Congress on the progress and feasibility of the transition to total private financing, operation, and ownership of a land remote sensing satellite system, together with any legislative recommendations to accomplish such transition.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. There are authorized to be appropriated for purposes of this title not to exceed $60,000,000 for fiscal year 1985. Such sums shall remain available until expended, but shall not become available until the time period specified in section 303(b)(1)(A) or (B), as appropriate, has expired.

TERMINATION OF AUTHORITY

SEC. 308. The authority granted by this title shall terminate 10 years after the date of enactment of this Act.

TITLE IV—PRIVATE LAND REMOTE SENSING SYSTEMS

GENERAL AUTHORITY

SEC. 401. (a) In consultation with other appropriate Federal agencies, the Secretary shall license qualified United States private entities to operate civil land remote sensing satellite systems for such period as the Secretary may specify and in accordance with the provisions of this title.

(b) No license shall be granted by the Secretary unless the Secretary determines in writing that the applicant will comply with the requirements of this Act, any regulations issued pursuant to this Act, and will meet applicable international obligations and national security concerns of the United States.

CONDITIONS FOR OPERATION

SEC. 402. (a) No private sector party or consortium may operate any civil land remote sensing system which is subject to the jurisdiction or control of the United States without obtaining a license pursuant to section 401 of this title.

(b) Any license issued pursuant to this title shall specify, at a minimum, that the licensee shall—

(1) make available data generated by the system to all potential users on a nondiscriminatory basis;

(2) upon termination of its operations under the license, make disposition of any satellites in space in a manner satisfactory to the President;

(3) promptly make available to the Secretary all data generated by the system, pursuant to title VI of this Act;

(4) furnish the Secretary with complete orbit and data collection characteristics of the system, obtain advance approval of any intended deviation from such characteristics, and inform the Secretary immediately of any unintended deviation;

(5) obtain advance approval from the Secretary of any agreement it intends to enter with a foreign nation, entity or consortium involving foreign nations or entities;

(6) operate the system in a manner that is consistent with international law;

(7) permit the inspection of its facilities and financial records;

(8) surrender the license and terminate operations upon a finding by the Secretary that continued operations would be detrimental to the national interest; and

(9) not engage in any sale of processed data except in a manner consistent with applicable antitrust laws.

RESPONSIBILITIES OF THE SECRETARY

SEC. 403. The Secretary, in consultation with appropriate Federal agencies, shall be responsible for protection of national security interests and adherence to international obligations of the United States which are relevant to operation of private land remote sensing satellite systems, including—

(1) responsibility for all land remote sensing activities of nongovernmental entities of the United States;

(2) liability for damage caused by space objects under registration or license by the Federal Government; and

(3) registration with appropriate international authorities of all objects launched into space by nongovernmental entities of the United States.

AUTHORITY OF THE SECRETARY

Sec. 404. In order to carry out the responsibilities specified in this title, the Secretary may—

(1) inspect the facilities or financial records of any licensee under this title; and

(2) provide, within the licenses or regulations issued, for penalties for noncompliance with the requirements of such licenses or regulations issued under section 405 of this title, including termination, modification or suspension of a license and civil penalties not to exceed $10,000.

Each day of operation in violation of such licenses or regulations shall constitute a separate violation.

REGULATORY AUTHORITY OF THE SECRETARY

Sec. 405. The Secretary may issue regulations to carry out the provisions of this title. Such regulations shall be promulgated only after public notice and comment in accordance with the provisions of section 553 of title 5, United States Code.

AGENCY ACTIVITIES

Sec. 406. (a) A private sector party may apply for a license to operate a civil land remote sensing system which utilizes, on a space available basis, a civilian United States Government satellite or vehicle as a platform for such system. The Secretary, pursuant to the authorities of this title, may license such system if it meets all conditions of this title and—

(1) the system operator immediately reimburses the Government for all related costs incurred with respect to such utilization, including a reasonable and proportionate share of fixed, spacecraft, data transmission, and launch costs; and

(2) such utilization would not interfere with or otherwise in any way compromise intended civilian Government missions, as determined by the agency responsible for such civilian satellite.

(b) The Secretary may offer assistance to private sector parties in finding appropriate opportunities for such utilization.

(c) To the extent provided in advance by appropriation Acts, any Federal agency may enter into agreements for such utilization if such agreements are consistent with such agency's mission and statutory authority, and if such remote sensing system is licensed by the Secretary.

(d) The provisions of this title shall not apply to any activity carried out by the National Aeronautics and Space Administration pursuant to its authority under title IV of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2481 et seq.).

(e) Nothing in this section shall affect the authority of the Federal Communications Commission to assign radio frequencies pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.).

TERMINATION

Sec. 407. The authority granted by this title shall terminate 20 years after the date of enactment of this Act if no private sector party or consortium has been licensed and continues in operation under the provisions of this title.

TITLE V—CONTINUED REMOTE SENSING RESEARCH AND DEVELOPMENT

FEDERAL RESEARCH AND DEVELOPMENT

Sec. 501. (a) In order to preserve the worldwide leadership of the United States in remote sensing technologies and applications, the Administrator of the National Aeronautics and Space Administration is—

(1) directed to continue and to enhance remote sensing research and development activities, and is encouraged to conduct experimental remote sensing programs and to develop remote sensing technologies in support of its mission; and

(2) authorized and encouraged to—

(A) conduct such research and development in cooperation with other public and private research entities, including private industry, universities, other Federal agencies, State and local governments, foreign governments and international organizations; and

(B) enter into arrangements (including joint ventures and cooperative agreements) which will foster cooperation and advance the state-of-the-art of remote sensing technologies.

(b) In order to preserve the worldwide leadership of the United States in remote sensing technologies and applications, the Secretary, the Secretary of the Interior and the Secretary of Agriculture—

(1) shall continue research in applications of remote sensing data, monitoring of the Earth and its environment, and the development of technologies for such monitoring; and

(2) are authorized and encouraged to—

(A) conduct such research and development in cooperation with other public and private research entities, including private industry, universities, other Federal agencies, State and local governments, foreign governments and international organizations; and

(B) enter into arrangements (including joint ventures and cooperative agreements) which will foster cooperation, advance the applications of remote sensing, and enhance monitoring activities and technologies.

(c) In order to preserve the worldwide leadership of the United States in remote sensing technologies and applications, other Federal agencies are encouraged to conduct research and development programs in remote sensing if such programs are consistent with the authorized missions of such agencies.

USE OF EXPERIMENTAL DATA

Sec. 502. Data gathered in Federal experimental land remote sensing programs may be used in related research and development programs funded by the Federal Government, including applications programs, but not for commercial uses or in competition with private sector activities, except as permitted by section 503 of this title.

SALE OF EXPERIMENTAL DATA

Sec. 503. Data gathered in Federal experimental land remote sensing programs may, by means of a competitive process, be sold en bloc (consistent with national security interests and international obligations of the United States) to any United States entity which will market the data on a nondiscriminatory basis.

TITLE VI—GENERAL PROVISIONS

NONDISCRIMINATORY AVAILABILITY OF DATA

Sec. 601. (a) Unenhanced land remote sensing satellite data generated by any system operator under the provisions of this Act shall be made available to all users on a nondiscriminatory basis, in accordance with the requirements of this Act.

(b) For purposes of this title, the term "system operator" means a contractor under title II or III or a licensee under title IV of this Act.

(c) Any system operator shall make publicly available the prices, policies, procedures and other terms and conditions (but not the names of buyers or their purchasers) upon which the operator will sell such data.

ARCHIVING OF DATA

Sec. 602. (a) It is in the public interest for the United States Government to—

(1) maintain an archive of remote sensing satellite data for historical, scientific and technical purposes, including long-term global environmental monitoring;

(2) control the content and scope of the archive; and

(3) assure the quality and continuity of the archive.

(b) The Secretary shall provide for long term storage, maintenance and upgrading of a basic, global, land remote sensing data set (hereinafter referred to as the "basic data set") and shall follow reasonable archival practices to assure proper storage and preservation of the basic data set and timely access for parties requesting data. The basic data set which the Secretary assembles in the Government archive shall remain distinct from any inventory of data which a system operator may maintain for sales and for other purposes.

(c) In determining the initial content of, or in upgrading, the basic data set, the Secretary shall—

(1) use as a baseline the data currently archived;

(2) take into account future technical and scientific developments and needs;

(3) consult with and seek the advice of users and producers of remote sensing data and data products;

(4) consider the public's need for data which may be duplicative in terms of geographical coverage but which differ in terms of season, spectral bands, resolution, or other relevant factors;

(5) include, as the Secretary considers appropriate, unenhanced remote sensing data generated either by the Landsat system, pursuant to title III, or by licensees under title IV of this Act; and

(6) include, as the Secretary considers appropriate, data collected by foreign ground stations or by foreign remote sensing satellite systems.

(d) All original data (or copies of such data) shall, on request, be made promptly available to the Secretary by any system operator in a form suitable for processing for data storage, maintenance and access. The Secretary may (subject to the availability of appropriations) pay to such system operator reasonable costs for reproduction and transmittal of any such data.

(e) Any system operator shall have the exclusive right to sell all data that the operator provides to the United States remote sensing data archive for a period to be determined by the Secretary, but not to exceed 10 years from the date the data are sensed. In the case of data generated from the Landsat system prior to the implementation of the contract described in section 202(a) of this Act, any contractor selected pursuant to section 202 shall have the exclusive right to market such data on behalf of the United States Government for the duration of such contract. A system operator may relinquish the operator's exclusive right and consent to distribution from the archive before the *period of exclusive right has expired by terminating the offer to sell particular data.*

(f) After expiration of such exclusive right to sell, or after relinquishment of such right, the data provided to the United States remote sensing data archive shall be in the public domain and shall be made available to requesting parties by the Secretary at prices reflecting reasonable costs of reproduction and transmittal.

(g) In carrying out the functions of this section, the Secretary shall, to the extent practicable and as provided in advance by appropriation Acts, use existing Government facilities.

NONREPRODUCTION

Sec. 603. Unenhanced land remote sensing data generated by any system operator under the provisions of this Act may be sold on the condition that such data shall not be reproduced and disseminated by the purchaser.

REIMBURSEMENT FOR ASSISTANCE

Sec. 604. The Administrator of the National Aeronautics and Space Administration, the Secretary of Defense and the heads of other Federal agencies may provide assistance to operators of remote sensing systems under the provisions of this Act. Substantial assistance shall be reimbursed by the operator, except as otherwise provided by law.

ACQUISITION OF EQUIPMENT

Sec. 605. The Secretary may, by means of a competitive process, allow a licensee under section 401 of this Act or any other private party to buy, lease, or otherwise acquire the use of equipment from the Landsat system, when such equipment is no longer needed for the operation of such system or for the sale of data from such system. Officials of other Federal civilian agencies are authorized and encouraged to cooperate with the Secretary in carrying out the provisions of this section.

RADIO FREQUENCY ALLOCATION

Sec. 606. (a) Within 120 days after the date of enactment of this Act, the Federal Communications Commission shall determine the frequencies for use by United States Landsat and commercial land remote sensing satellite systems. In making such determination, the Federal Communications Commission shall seek the comments of the Secretary or the Secretary's designated representative.

(b) It is the intent of Congress that the Federal Communications Commission allocate to any licensee under title IV of this Act access to Government radio frequencies and other civil radio frequencies appropriate for land remote sensing within 120 days of the receipt of an application for such access. If final action has not occurred within 120 days of the receipt of such an application, the Federal Communications Commission shall inform the applicant of any pending issues and of actions required to resolve them.

(c) The Federal Communications Commission shall without prejudice permit the development and construction of any United States land remote sensing system (or component thereof) while any frequency determination is being made.

(d) Frequency allocations made pursuant to this section by the Federal Communications Commission shall be consistent with international obligations and with the public interest.

CONSULTATION

Sec. 607. (a) The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for identifying and notifying the Secretary of those national security concerns of the United States which are relevant to activities under this Act.

(b) The Secretary shall consult with the Secretary of State on all international matters arising under this Act. The Secretary of State shall be responsible for identifying and notifying the Secretary of those international obligations and commitments of the United States which are relevant to activities under this Act.

(c) Appropriate Federal agencies are authorized and encouraged to provide remote sensing technology and training to developing nations as components of programs of international aid.

(d) If, as a result of conditions imposed on a system operator based on national security or international obligations or policies, the Secretary (in consultation with the Secretary of Defense or the Secretary of State, as appropriate) determines that additional or development costs will be incurred by such system operator, the Secretary may require any agency requesting the imposition of such conditions to reimburse the system operator for such costs, excluding anticipated profits.

AMENDMENT TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1983

Sec. 608. Subsection (a) of section 201 of the National Aeronautics and Space Administration Authorization Act, 1983 (Public Law 97-324; 96 Stat. 1601) is amended to read as follows:

"(a) The Secretary of Commerce is authorized to plan and provide for the management and operation of civil remote sensing satellite systems, which may include the Landsat 4 and 5 satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the operation of civil remote sensing satellite systems to the private sector when in the national interest.".

The amendment was agreed to.

Mr. GORTON. Mr. President, I rise today to urge passage of H.R. 5155, the Land Remote Sensing Satellite Commercialization Act. This bill would provide for a phased commercialization of Landsat, our Federal land remote sensing satellite system. The bill is designed to balance commercial interests with national security, foreign policy, and other concerns of the Federal Government related to land remote sensing.

I am very pleased that we have reached a consensus on this important issue. As I stated when I introduced this legislation as S. 2292 in February, legislation must be enacted this year to maintain hope of having a continuous U.S. land remote sensing capability and to thereby avoid an interruption in the flow of data. Since the House of Representatives has already passed a similar bill, I am confident that this legislation will lead to a timely transfer of land remote sensing capabilities to the private sector.

The concept of Landsat commercialization is a complex one, involving many issues. My colleagues will recall that the administration's original commercialization proposal included transfer to the private sector of weather satellites as well as Landsat. I introduced a resolution opposing the transfer of weather satellites, reflecting my view that weather satellite services are critically important to public safety and welfare, and thus are essential Government services. The resolution passed both the Senate and House, and the weather satellite proposal was eventually dropped.

Landsat applications are much more commerically oriented than those of weather satellites. For this reason, I feel that land remote sensing can, with appropriate guidelines, become a viable industry without threatening our national security or foreign policy imperatives. This legislation establishes specific guidelines for private remote sensing systems. National security interests will be protected. International obligations will be honored. Federal research and development will continue, so that our worldwide leadership in remote sensing will be preserved. The Government will continue to archive data for historical, scientific, and academic purposes.

All of these policies involve tradeoffs between commercial interests and Government concerns. I am very grateful for the assistance of my colleagues in shaping this legislation into its present form. In particular, I thank and congratulate my Commerce Committee colleagues, Senator Hollings and Senator Pressler and their staffs, for working diligently to develop legislation agreeable to all concerned parties.

In conclusion, I would like to discuss the efforts of the Department of Commerce to effect a transition of Landsat from Government to private hands. The Secretary of Commerce is expected to announce in the near future a proposal to carry out the commercialization process. I am optimistic that the Secretary's proposal will be consistent with the requirements of this legislation, and will provide cost savings to the Government as opposed to keeping Landsat in Government hands.

I expect the Secretary's proposal to be followed by a formal request for funds to carry out the proposal. I hope that, if clear cost savings can be shown, the necessary funds will be quickly provided so that the transition can begin and a harmful gap in the flow of data can be avoided.

Finally, I would like to clarify that nothing in this bill is intended to authorize the enactment of new budget authority for fiscal year 1984.

Mr. PRESSLER. Mr. President, I rise today to join my distinguished colleagues from Washington—Senator Gorton—and from South Carolina—Senator Hollings—in support of this legislation. I also want to thank them and their staffs for all of their hard work and cooperation in reaching an effective, workable compromise that is agreeable to all.

After the cooperation and leadership displayed by the Senator from Washington, I have agreed to support the passage of this bill. However, I must say, as I have often said in the past, that I remain very skeptical about the potential outcome of this issue.

Do not misunderstand, Mr. President. This is good legislation. It sets realistic guidelines for the commercialization process of our Landsat system and contains numerous safeguards, such as requiring realistic cost-savings, nondiscriminatory availability of data, data continuity, a strong R&D and applications research program, an adequate training program, and many others. And I do believe that we may very well want to ultimately commercialize this system. But I remain skeptical that we are ready to do that today. Ten years from now may be a more realistic target, but I am willing, if the requirements and guidelines we set forth in this bill are followed, to give it a try because I do believe we are headed in the direction we should ultimately go.

But I want to make it clear that I will be following the implementation of this legislation very caefully. I do not want to see another repeat of the recent weather satellite fiasco that we worked so hard last year to resolve.

We have invested billions of taxpayer dollars in this program. It should not end up in the hands of a government-subsidized monopoly that will cost us more than we spend today. I also expect to see some clear R&D research application proposals and training program proposals before turning over the rest of the "car keys."

It is especially important that we maintain a strong R&D program and continue to explore new ways to utilize the invaluable scientific data from Landsat. As we continue to move closer toward a global information society, we should make certain that we make the best use of the tools we have available. As one expert said in a recent State Landsat hearing: "we have our hands on the most powerful source of (global) information that has been known to humankind." We must make certain that we develop this wealth of information to its fullest potential so we can reap its invaluable rewards today and in generations to come.

Although I am not convinced that this technology—which is still really in its infancy—is ready for commercialization, it is absolutely essential that we move forward with its development as soon as possible. Its potential value to the scientific, scholastic, and international communities by itself merits continuation of a strong U.S. land remote sensing program. It is essential that the United States maintain its worldwide leadership in this technology.

Thanks to the Senator from Washington and others, this committee will be maintaining a strong oversight role in this process in the months and years to come. I expect to use that to make sure our intent is carried out fully and that the Government responsibilities and activities retained by this legislation are adequately and enthusiastically pursued.

I am very proud of the important role that the EROS Data Center in my home State of South Dakota plays in this program. Obviously, I want to see its role continued and enhanced. But importantly, I want to make sure that we maintain our strong technological worldwide leadership in this area, and use its abundant applications in the best interests of our Nation's resources and security, and the scientific community as a whole.

Mr. President, given the need to address this issue in a timely manner, I urge my colleagues to support this important legislation.

Mr. HOLLINGS. Mr. President, I rise in support of the Land Remote Sensing Commercialization Act, H.R. 5155, and ask that my colleagues support this measure.

Mr. President, I compliment the Senator from Washington, the able chairman of the Science, Technology, and Space Subcommittee, for the excellent job he has done with this legislation. H.R. 5155, as reported by the Senate Commerce Committee, is a carefully crafted bill that balances the concerns of users and operators, safeguards national security and foreign policy concerns, promotes commercialization, and sustains important Federal research and development activities in land remote sensing.

Mr. President, I have been interested in the commercialization of land remote sensing for quite some time. As a matter of fact, I introduced the first land remote sensing legislation in the 98th Session of Congress, S. 1655, a bill that was cosponsored by my distinguished colleagues Senators FORD and RIEGLE. I am pleased, therefore, to see the Senate acting upon H.R. 5155 in a timely manner because enabling legislation is required before the Department of Commerce can award a land remote sensing commercialization contract.

Mr. President, for my fellow Members who are not aware of the status of the Department of Commerce request for proposals for transfer of the U.S. land remote sensing program to the private sector, let me give a brief status report.

The Department received seven bids pursuant to the request for proposals prior to the March 19, 1984, submission deadline. At present, three of those bids are still being assessed by the Department of Commerce, and the committee expects to be notified soon as to what course of action the Department intends to pursue in awarding a contract.

Mr. President, in assessing whether the existing Federal land remote sensing system should be commercialized, the committee was required to review and assess a variety of issues involving data continuity, foreign competition, nondiscriminatory availability of data, national security, international policy, appropriate regulation of private remote sensing activities, and determination of the long-term Federal role in remote sensing research and development and data archiving.

The final bill reported by the Senate Commerce Committee addresses each of these concerns in a responsible manner and creates a rational procedure and framework for phased transfer of the Federal land remote sensing system to the private sector.

In particular, I would like to indicate that the bill requires any operator of a land remote sensing system, subject to the jurisdiction and control of the United States, to provide for the nondiscriminatory availability of data.

Mr. President, the principle of nondiscriminatory availability of data is a fundamental component of U.S. foreign policy and is a key element of H.R. 5155. As noted in the committee report on page 28:

> The Committee is aware that Landsat data have been sold to non-U.S. government users and data have been made available to all purchasers on a nondiscriminatory basis. Indeed, the data policy of the Landsat program can be considered to be a cornerstone of the U.S. "open skies" policy and of the use of space for peaceful purposes. By following this policy, the United States has been able to blunt criticism of other activities, such as operation of classified surveillance satellites. The policy has also demonstrated to the entire world U.S. adherence to the principle of the free flow of information.
>
> The Committee so strongly supports this doctrine of nondiscriminatory access to data that it has given this concept a statutory basis. The Committee feels that this principle is fundamental to any remote sensing activity and that it is a key component of U.S. foreign policy interests.
>
> During the Committee's Landsat hearing, the issue was raised that adherence to the principle of nondiscriminatory access to data was not in the best interest of a commercial entity since it would preclude a private operator from contracting to acquire specific scenes for the proprietary use of a sole purchaser. The Committee is sensitive to this issue and realizes that "land remote sensing for hire" could have a potential marketplace and that site-specific scenes could have significant value. The Committee feels, however, that the benefits from such a commercial enterprise pale in comparison with the benefits to the United States of maintaining allegiance to the principle of nondiscriminatory access to data. The Committee realizes that in its efforts to promote commercial land remote sensing activities, it has established certain barriers, in particular concerning U.S. foreign policy

and national security concerns. The Committee feels, however, that these are reasonable costs to be incurred by an operator and, although they might reduce the profitability of land remote sensing, they should not impede commercialization of land remote sensing activities.

Mr. President, there are two other issues that I also would like to surface:

First, the net cost of the commercialization of Landsat to the Federal Government; and

Second, the effect of commercialization upon the Landsat data user community.

I will address the latter concern first. Mr. President, there is some concern among the user community as to the effect of the commercialization of Landsat on data prices. Needless to say, I am not in a position to assure the user community that commercial data prices will not be higher than current Federal data prices. I am able, however, to assure the user community that the committee went out of its way to protect the interests of the user community. The Senate bill's emphasis upon the importance of the marketing of remote sensing data and data continuity is meant to reflect the committee's position that broader markets and reliable service—not higher data prices—are the keys to the successful commercialization of land remote sensing. In addition, the committee realizes that the advent of foreign competition should help restrain price increases, as should the availability of remote sensing experimental data generated by Federal Government research and development activities. Finally, the nondiscriminatory availability of data provisions included in H.R. 5155 insure equal access to data at standard, published prices to all users.

Mr. President, I realize that change can be frightening, and potential cost increases can be more frightening. However, based on both the GAO and OTA reports, it is clear that the demand for remote sensing data is very elastic in terms of price. A commercial operator, therefore, would have to think twice about a significant data price increase.

Finally, I should indicate that during the Source Evaluation Board's review of bids, the final three bidders indicated that there would be no major data price increases over the projected NOAA price increases for Landsat data. I would ask at this time that two tables reflecting NOAA's projected Landsat data prices be included in the RECORD to give Members an idea of the possible price effect on users of the proposed legislation.

Mr. President, next I would like to address the issue of the cost of commercialization to the Federal Government.

During the course of the debate on this issue, there was concern as to whether or not the commercialization of the existing Federal land remote sensing system would result in net cost savings to the Federal Government. Clearly, during the early years, a Federal subsidy will be required by the commercial operator. The exact amount, however, will not be known until the final contractual agreement is made public. Still, in its efforts to insure a Federal cost savings, the committee has included language in its bill to emphasize the importance of the cost of the commercial system to the Federal Government and the importance of a competitive awards process. The committee also requested a letter from the Department of Commerce addressing the net cost effect of commercialization, a copy of which I ask unanimous consent to include in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. Mr. President, based on the information supplied by the Department of Commerce, it can be seen that the average annual costs for continuation of the existing Landsat system would be in the range of $183 million per year. Considering the fact that the Department has developed the most advanced remote sensing system in the world, these are reasonable costs. However, a good case can be made that for significantly less money, a good percentage of the existing capability can be provided. A good case also can be made that the private sector alone has the ability to expand the land remote sensing data market to the point where it is commercially feasible. At present, the current Federal system is unable to generate a revenue base adequate to offset operating costs, let alone spacecraft and launching costs.

Mr. President, as noted in the Congressional Budget Office's cost estimate, until the committee is advised as to the exact nature of the proposed contract, it is difficult to estimate the amount of the required subsidy and whether there will be a savings or a cost to the Federal Government. However, based on the commitment of the Deputy Secretary of Commerce in the aforementioned letter "not to proceed with commercialization unless it is a good deal for the taxpayers" and the congressional notification requirements included in the Senate-reported version of H.R. 5155, it is highly unlikely any contract that did not result in net cost savings would be found acceptable to the Department of Commerce, the Congress, or this Senator.

Mr. President, in conclusion, let me indicate that I support this legislation and the commercialization of land remote sensing. It is my opinion that the time is right for increased private sector participation in this area just as the timing was right for private sector participation in satellite communications years ago. With this legislation, we are providing a climate for innovation that encourages imagination and the entrepeneurial spirit so characteristic of this Nation. I support this measure and ask for the support of my fellow Members.

EXHIBIT 1.—SUMMARY OF PRODUCT PRICES 1979-PRESENT FOR LANDSAT MULTISPECTRAL DATA

	EDC 1979-81	EDC 1982	EDC 1983-84	EDC 1985
Standard image products				
10 in B&W print	$8	$10	$30	$35
20 in B&W print	12	20	58	65
40 in B&W print	20	35	95	105
10 in color print	12	15	45	50
20 in color print	25	35	90	110
40 in color print	50	70	175	195
Color composite generation charge	50	75	195	220
Digital product				
9-track, 1600 BPI computer campatible tape	200	300	650	730

Note.—Prices listed are for standard products from the Eros Data Center archive in Sioux Falls, SD. The image products listed represent the bulk of all Landsat image data requests for the years 1979-1983. That is, between 60-90% of all image data requests are for the size image products listed. The majority of requests for digital data are for 9-track magnetic tapes.

SUMMARY OF PRODUCT PRICES 1979-PRESENT FOR LANDSAT MULTISPECTRAL DATA

Products and services	1979 EDC Price	1982 EDC Price	1983 NOAA Price	1985 NOAA Price
Imagery products				
70 mm film positive (B&W)	$8	$8	$26	$30
70 mm film negative (B&W)	10	10	32	35
10 in film positive (B&W)	10	10	30	35
10 in film negative (B&W)	10	12	35	40
10 in paper positive (B&W)	8	10	30	35
20 in paper positive (B&W)	12	20	58	65
40 in paper positive (B&W)	20	35	95	105
10 in film positive (color)	15	25	74	80
10 in paper positive (color)	12	15	45	50
20 in paper positive (color)	25	35	90	110
40 in paper positive (color)	50	70	175	195
Generation of color composite	50	75	195	220
Digital products				
9-track, 1600 BPI CCT, MSS Scene	200	300	650	730
9-track, 1600 BPI CCT, RBV (Single-subscene)	200	300	650	730
9-track, 1600 BPI CCT, RBV (set, 4 subscenes)	400	600	1,300	1,460
14-track, high density tape (price per scene)	NA	NA	[1] 1,000	[1] 1,120

[1] New NOAA service

THE DEPUTY SECRETARY OF COMMERCE,
Washington, D.C., April 5, 1984.

Hon. ERNEST HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLINGS: This letter is in response to your concerns regarding the cost of commercializing the Land Remote Sensing Satellite System.

Enclosed is a compilation of the projected costs through 1997 if the Government were to proceed with the Landsat program as currently configured. The figures are the "upper limits" based on the assumption of four additional satellites procured in two pairs. They do not include any receipts from Landsat data sales or capital investment from the contractor which would, of course, reduce the cost to the Government. We believe substantial savings can be realized through use of less expensive systems built by pursuing alternative spacecraft and sensor options.

With regard to the proposals currently under review by the Source Evaluation Board, I am aware of the desirability from your standpoint of having more detailed information concerning the range of costs to the government of the proposals. Nevertheless, I am gravely concerned that premature release of this information could jeopardize the procurement process. Any advantage provided to a bidder through inadvertent disclosure of proprietary information contained in these proposals could chill the negotiations yet to come and place the government at a disadvantage in its effort to structure the most favorable deal for the taxpayer.

As the Secretary has stated, we will not proceed with commercialization unless it is a good deal for the taxpayers. I want to assure you in the strongest possible terms that we will not make an award under the RFP unless the projected cost to the government is substantially less than the figures outlined on the enclosed sheet.

I appreciate the cooperation and assistance your staff has provided and look forward to quick Congressional consideration and passage of the time-critical Landsat legislation.

Sincerely,

CLARENCE BROWN.

LANDSAT COSTS

[In millions of dollars]

	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
Operations	33	39	39	39	40	40	40	40	40	40	40	40	40	40
Spacecraft and launching														
D^{I}	26													
D^{II} and D^{III}	29	101	171	157	106	58	49	54						
D^{IV} and D^{V}							38	131	222	204	138	75	64	[1]70
Total S/C and launch	55	101	171	157	106	58	87	185	222	204	138	75	64	70
Total Landsat program	88	140	210	196	146	98	127	225	262	244	178	115	104	110
Launches	D^{I}				D^{II}			D^{III}			D^{IV}			D^{V}

[1] Based on Landsat D^{II} and D^{III} estimates and inflated at 5 percent per year. Average annual costs from FY 85 through FY 94: Operations, $40,000,000; Spacecraft and Launching, $143,000,000; Total, $183,000,000 per year

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as amended.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GRATUITY TO MATTIE WASHINGTON

The resolution (S. Res. 397) to pay a gratuity to Mattie Washington, was considered, and agreed to as follows:

S. RES. 397

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mattie Washington, mother of Robert A. Hunter, an employee of the Senate at the time of his death, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVATE RELIEF

The resolution (S. Res. 398) to pay a gratuity to Peter Washington; James A. Washington; Harvey E. Washington; Don Washington; Travis A. Washington; Diane Cook; Jacqueline Greene; and Tracey R. Washington was considered, and agreed to as follows:

S. RES. 398

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Peter Washington, James A. Washington, Harvey E. Washington, Don Washington, Travis A. Washington, sons of Joyce E. Washington, and Diane Cook, Jacqueline Greene, Tracey R. Washington, daughters of Joyce E. Washington, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of her death, a sum equal to six months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL BIRDS OF PREY CONSERVATION WEEK

The joint resolution (S.J. Res. 230) to designate the week of October 7, 1984, through October 13, 1984 as "National Birds of Prey Conservation Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 230

Whereas hawks, owls, and other birds of prey are vital ecological components of the wildlife communities in which they live, and are important environmental indicators of ecosystem quality;

Whereas forty of the fifty-three species of birds of prey that occur regularly in the United States have been listed by one or more State conservation agencies as endangered, extirpated, threatened, or of concern;

Whereas public attitudes regarding birds of prey are changing to one of appreciation and understanding; and

Whereas over a million Americans are birdwatchers who regularly observe hawks and other birds of prey every autumn at migration outlooks located on major raptor flyways scattered from California to Maine, and from Minnesota to Florida and Texas: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 7, 1984, through October 13, 1984, is designated as "National Birds of Prey Conservation Week", and the President of the United States is authorized and requested to issue a proclamation calling upon individuals to observe such a week by considering the importance of birds of prey in wildlife communities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FORTIETH ANNIVERSARY OF THE LIBERATION OF ROME

The joint resolution (S.J. Res. 240) relating to the 40th anniversary of the liberation of Rome, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 240

Whereas, on June 4, 1944, in the city of Rome, Italy, Allied armies comprising military units of sixteen sovereign nations, together with Italian resistance forces, drove out the Axis occupier and liberated the Eternal City;

Whereas the combined United States-Canadian First Special Service Force and attached armor and artillery units were in the forefront of attacking forces seizing eight bridges over the Tiber River in Rome, thus assuring immediate advance to the north by Allied units;

Whereas, on the fortieth anniversary of this successful assault, United States and Canadian veterans of the First Special Service Force will commemorate that liberation of Rome by unveiling a memorial plaque at Saint Paul's Gate in that city, under the sponsorship of the Premier of Italy and the mayor of Rome: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Senate and the United States House of Representatives ask the American people to take cognizance of this commemoration in Rome on June 2 through June 3, 1984.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

YEAR OF THE OCEAN

The joint resolution (S.J. Res. 257) to designate the period of July 1, 1984, through July 1, 1985, as the "Year of the Ocean," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 257

Whereas the oceans are the major source of the waters on planet Earth providing an essential link in the chain of human existence;

Whereas the ocean environment provides us with a wealth of products and services but is increasingly subject to stress caused by population growth, economic development, placement of energy-related facilities, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of living marine resources;

Whereas America is the steward of the resources of the ocean and coastal regions that border our Nation and this stewardship entails a responsibility to match our increased uses of marine resources with an increased vigilance of the well-being of the marine environment;

Whereas it is important to educate Americans as the users of ocean products and the beneficiaries of our ocean heritage, to the role the world ocean plays in our lives;

Whereas a "Year of the Ocean" will be used to expand public awareness and knowledge of the importance of the ocean and its resources; and

Whereas it is fitting and proper that "Ocean Day" be the first day of celebration during the "Year of the Ocean": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 1, 1984, to July 1, 1985, be designated "Year of the Ocean", and the President is requested to issue a proclamation calling upon the people of the United States to observe such celebration with appropriate activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BALTIC FREEDOM DAY

The joint resolution (S.J. Res. 296) to designate June 14, 1984, as "Baltic Freedom Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 296

Whereas the people of the Baltic Republics of Lithuania, Latvia, and Estonia have cherished the principles of religious and political freedom and independence; and

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations; and

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions, and languages distinctively foreign to those of Russia; and

Whereas the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 did illegally seize and occupy the Baltic Republics and by force incorporate them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.; and

Whereas the U.S.S.R. since 1940 has systematically removed native Baltic peoples from their homelands by deporting them to Siberia and caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom; and

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest; and

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and oppossed to oppression and imperialism; and

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world, including those in Africa and Asia, to determine their fates and be free of foreign domination; and

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R. and deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression and that the fourteenth day of June 1984, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people and that the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ICE CREAM MONTH AND NATIONAL ICE CREAM DAY

The joint resolution (S.J. Res. 298) to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 298

Whereas ice cream is a nutritious and wholesome food enjoyed by over 90 per centum of the people of the United States;

Whereas the ice cream industry with approximately $3,500,000,000 in annual sales provides jobs for thousands of citizens and uses nearly 10 per centum of the milk produced by the United States dairy farmers, thereby contributing substantially to the economic well-being of the Nation's dairy industry; and

Whereas ice cream enjoys a reputation as the perfect dessert and snack food, and over eight hundred and eighty-seven million gallons of ice cream were consumed in the United States in 1983; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 1984, is hereby proclaimed as "National Ice Cream Month", and July 15, 1984, as "National Ice Cream Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe ice cream month and ice cream day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SEWING MONTH

The joint resolution (S.J. Res. 302) to designate the month of September 1984 as "National Sewing Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. Res. 302

Whereas the sewing industry annually honors the approximately fifty million people who sew at home and the approximately forty million people who sew at least part of their wardrobe;

Whereas the home sewing industry generates over $3,500,000,000 annually for the economy of the United States; and

Whereas innumerable careers in fashion, retail merchandising, design, patternmaking, and textiles have had their genesis in the home and in elementary school home economics classes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1984 is designated "National Sewing Month". The President is requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

The joint resolution (S.J. Res. 303) to designate the week of December 9, 1984 through December 15, 1984, as "National Drunk and Drugged Driving Awareness Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution and preamble are as follows:

S.J. RES. 303

Whereas traffic accidents cause more violent deaths in the United States than any other cause, approximately forty-two thousand in 1983;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas more than 65 per centum of drivers killed in single vehicle collisions and over 50 per centum of all drivers fatally injured have blood alcohol concentrations above the legal limit;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for Americans fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at over $24,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marihuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, has provided vital recommendations for remedies for the problem of drunk driving;

Whereas many States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and greater safety belt usage would increase the number of survivors of traffic accidents;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awareness Week in 1982 and 1983 stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter;

Whereas over the last three years the number of traffic fatalities over each of the three-day New Year holidays has decreased from three hundred and thirty-eight deaths in 1981, to two hundred and eighty-two deaths in 1982, to two hundred and seventy-four deaths in 1983, the lowest number since 1949; and

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week in 1982 and 1983 heightened the awareness of the American public to the danger of drunk and drugged driving and contributed to the decrease in traffic fatalities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 9, 1984, through December 15, 1984, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR APPOINTMENT OF ADDITIONAL CONFEREES

Mr. BAKER. Mr. President, there is a request which I am now prepared to put, that additional conferees be added for the conference on H.R. 4170 as follows: I ask unanimous consent that the following Senators be added as conferees to H.R. 4170, the Omnibus Deficit Reduction Act of 1984, solely for consideration of title V of Division B of the House amendment to the Senate amendments: Mr. THURMOND, Mr. SIMPSON, and Mr. CRANSTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

GREAT DISMAL SWAMP, MINNESOTA VALLEY AND SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGES

Mr. BAKER. Mr. President, I now ask the Chair to lay before the Senate a message from the House on H.R. 1723 to authorize appropriations for the Great Dismal Swamp, Minnesota Valley, and the San Francisco Bay National Wildlife Refuges.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6 to the bill (H.R. 1723) entitled "An Act to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges.".

Resolved, That the House agree to the amendment of the Senate numbered 7 to the aforesaid bill with the following amendment:

In lieu of the matter inserted by said amendment, insert: *expended;* and on page 3, after line 2, insert:

SEC. 4. PAYMENT OF COSTS FOR TEMPORARY CARE OF ANIMALS AND PLANTS PENDING DISPOSITION OF PROCEEDINGS.

Section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)) and section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) are each amended—

(1) by amending the subsection side heading to read as follows: "REWARDS AND CERTAIN INCIDENTAL EXPENSES.—"; and

(2) by amending the first sentence—

(A) by striking out "a reward" and inserting in lieu thereof a comma;

(B) by inserting "(1) a reward" immediately before "to any person"; and

(C) by inserting immediately before the period the following: ", and (2) the reasonable and necessary costs incurred by any person in providing temporary care for any fish, wildlife, or plant pending the disposition of any civil or criminal proceeding alleging a violation of this Act with respect to that fish, wildlife, or plant".

Mr. DURENBERGER. Mr. President, I am greatly pleased that we will today enact H.R. 1723, a bill which in part reauthorizes the Minnesota Valley National Wildlife Refuge of my State. The area extends from Fort Snelling State Park in the southern suburbs of Minneapolis, upstream to Carver Rapids near Jordan and provides habitat for a large number of migratory waterfowl, fish and other wildlife.

The valley's location in a metropolitan area increases its value as an educational and recreational area. The visitor's center, which will be located in Bloomington, will attract between 500,000 and 750,000 visitors a year—a major boost to the tourism industry in the metro area.

The House of Representatives passed the reauthorization of the refuge on April 19, 1983. The House bill is a 3-year authorization, increasing the funding levels for inflation: $24.9 million for land acquisition and $9.8 million for the visitor's center. When the bill was considered by the Senate in 1983, a number of improvements were made. They reflected suggestions made by the Friends of the Minnesota Valley, the Audubon Society, and the Department of Natural Resources. I want to thank the distinguished Senator from Rhode Island and his staff for their assistance in the modifications made to the House bill. Let me review for the Senate the changes that have been made.

The first makes the funding authorization permanent rather than the 3-year extension in the House bill. Despite the authorization of the project in 1976, we have had little success in getting money actually appropriated to be spent. The uncertain schedule for appropriations make it vital to keep the authorization in force until the refuge is completed.

We also increased the refuge area from 9,500 acres to 12,400 acres, with a slight increase in funding to allow for purchase of the additional land, much of which is already held by State or local governments. Since the original authorization, a master plan for the Minnesota Valley Refuge had been completed and approved by the Secretary of the Interior. This plan suggested a total land area of about 12,400 acres.

Finally, Mr. President, the Senate bill will include a provision allowing for donation of land for the refuge. Current policy at the Interior Department requires that the Fish and Wildlife Service minimize the Federal role in management programs like this refuge. Under this policy, Fish and Wildlife is negotiating cooperative agreements with local governments to manage the lands within the refuge where title is held by State or local government.

If the State or a local government wanted to donate the land to the Federal Government instead of signing a cooperative agreement, Interior might actually refuse the donation. That's wrong. We're not going to ask for compensation to local government that want to donate land, but we should require that Interior accept any donation within the boundaries of the refuge, if it is offered.

Mr. President, this is an excellent piece of legislation and an immensely beneficial public undertaking which will enrich the lives of tens of thousands of Americans over the years. I commend the thoughtful work of the Committee on Environment and Public Works and thank Senator CHAFEE, in particular, for producing such important legislation.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the Senate concurred in the House amendment.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN FINANCING ACT OF 1974

Mr. BAKER. May I inquire now if the distinguished minority leader is prepared to go to the consideration of S. 2614, which is Calendar Order No. 892.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader. I ask that the Chair now lay before the Senate S. 2614.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2614) to amend the Indian Financing Act of 1974.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs with amendments as follows:

On page 1, strike lines 6 and 7 and through line 4 of page 2 and insert: Section 101 of the Indian Financing Act of 1974 (25 U.S.C. 1461) is amended by striking out "who are not members of or eligible for membership in an organization which is making loans to its members."

Sec. 3. Section 105 of the Indian Financing Act of 1974 (25 U.S.C. 1465) is amended by striking out "United States: Provided, That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a)" and inserting in lieu thereof "United States".

On page 2, line 16, strike "Sec. 3" and insert "Sec. 4".

On page 3, line 4, strike "$200,000" and insert "$250.000".

On page 4, line 13, strike "Sec. 4" and insert "Sec. 5".

On page 5, line 13, strike "Sec. 5." and insert "Sec. 6".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Financing Act Amendments of 1984".

INDIAN REVOLVING LOAN FUND

Sec. 2. Section 101 of the Indian Financing Act of 1974 (25 U.S.C. 1461) is amended by striking out "who are not members of or eligible for membership in an organization which is making loans to its members."

Sec. 3. Section 105 of the Indian Financing Act of 1974 (25 U.S.C. 1465) is amended by striking out "United States: Provided, That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a)" and inserting in lieu thereof "United States".

LOAN GUARANTY AND INSURANCE

Sec. 4. (a) Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended—

(1) by striking out "who are not members of or eligible for membership in an organization which is making loans to its members", and

(2) by adding at the end thereof the following new sentence: "The full faith and credit of the United States is pledged to the fulfillment of any obligation incurred by the Secretary with respect to loans guaranteed or insured under this title.".

(b) Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended—

(1) by striking out "$100,000" in the fourth sentence and inserting in lieu thereof "$250,000",

(2) by inserting the following sentence after the first sentence: "The Secretary shall review each loan application individually and independently from the lender.",

(3) by striking out "The application" in the first sentence of such section and inserting in lieu thereof

"(a) The application", and

(4) by adding at the end thereof the following new subsection:

"(b) Once a loan is approved by the Secretary, the Secretary and the lender shall maintain close supervision and management of the loan until the loan is liquidated. In order to enhance the success of Indian businesses and to facilitate control of losses, the Secretary shall adopt sound credit procedures in order to—

"(1) identify and predict problem situations before such situations occur, and

"(2) ensure that losses are minimized.".

(c) Section 211 of the Indian Financing Act of 1974 (25 U.S.C. 1491) is amended by striking out "section: *Provided,* That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a)" and inserting in lieu thereof "section".

(d) Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by adding at the end thereof the following new subsection:

"(e) There are authorized to be appropriated for each fiscal year for deposit into the fund such sums as may be necessary to fulfill obligations with respect to losses on loans guaranteed or insured under this title.".

INTEREST SUBSIDIES

Sec. 5. (a) Section 301 of the Indian Financing Act of 1974 (25 U.S.C. 1511) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(a) The Secretary", and

(2) by adding at the end thereof the following new subsection:

"(b) The full faith and credit of the United States is pledged to the fulfillment of any contractual obligation which the Secretary incurs for the payment of any interest subsidy authorized under this section.".

(b) Section 302 of the Indian Financing Act of 1974 (25 U.S.C. 1512) is amended to read as follows:

"SEC. 302. (a) There are authorized to be appropriated for fiscal year 1985, and for each fiscal year thereafter, such sums as may be necessary for purposes of making interest payments authorized under this title with respect to any loan made before the close of fiscal year 1984.

"(b) There are authorized to be appropriated for fiscal year 1985, and for each fiscal year thereafter, an amount which does not exceed $5,500,000 for purposes of making interest payments authorized under this title with respect to any loan made after the close of fiscal year 1984.".

FUNDING OF CONTRACTS FOR MANAGEMENT AND TECHNICAL ASSISTANCE

SEC. 6. Section 503 of the Indian Financing Act of 1974 (25 U.S.C 1543) is amended by striking out "not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 502 of this title" and inserting in lieu thereof "any amounts in the Indian Loan Guaranty and Insurance Fund which were collected and deposited into such Fund pursuant to section 202 of this Act".

Mr. BAKER. Mr. President, I ask unanimous consent that the reported amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendments.

The amendments were agreed to.

AMENDMENT NO. 3172

Mr. BAKER. Mr. President, I send to the desk two amendments in the nature of technical amendments and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. ANDREWS, proposes an amendment numbered 3172.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At page 5, line 15 strike: "not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 502 of this title" and inserting in lieu thereof "any amounts in the Indian Loan Guaranty and Insurance Fund which were collected and deposited into such Fund pursuant to section 202 of this Act."

And insert in lieu thereof: "the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 1512 of this title," and inserting in lieu thereof "there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title."

Technical Amendments to S. 2614:

At page 4, line 9, strike "for deposit into the fund" and insert in lieu thereof "beginning in Fiscal year 1985".

At page 4, insert at the end of line 11, "All collections and appropriations shall remain until expended."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3172) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Indian Financing Act Amendments of 1984".

INDIAN REVOLVING LOAN FUND

SEC. 2. Section 101 of the Indian Financing Act of 1974 (25 U.S.C. 1461) is amended by striking out "who are not members of or eligible for membership in an organization which is making loans to its members."

SEC. 3. Section 105 of the Indian Financing Act of 1974 (25 U.S.C. 1465) is amended by striking out "United States: Provided, That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a)" and inserting in lieu thereof "United States".

LOAN GUARANTY AND INSURANCE

SEC. 4. (a) Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended—

(1) by striking out "who are not members of or eligible for membership in an organization which is making loans to its members", and

(2) by adding at the end thereof the following new sentence: "The full faith and credit of the United States is pledged to the fulfillment of any obligation incurred by the Secretary with respect to loans guaranteed or insured under this title.".

(b) Section 204 of the Indian Financing Act of 1974 (25 U.S.C. 1484) is amended—

(1) by striking out "$100,000" in the fourth sentence and inserting in lieu thereof "$250,000",

(2) by inserting the following sentence after the first sentence: "The Secretary shall review each loan application individually and independently from the lender.",

(3) by striking out "The application" in the first sentence of such section and inserting in thereof "(a) The application", and

(4) by adding at the end thereof the following new subsection:

"(b) Once a loan is approved by the Secretary, the Secretary and the lender shall maintain close supervision and management of the loan until the loan is liquidated. In order to enhance the success of Indian businesses and to facilitate control of losses, the Secretary shall adopt sound credit procedures in order to—

"(1) identify and predict problem situations before such situations occur, and

"(2) ensure that losses are minimized.".

(c) Section 211 of the Indian Financing Act of 1974 (25 U.S.C. 1491) is amended by striking out "section: *Provided,* That proceedings pursuant to this sentence shall be effective only after following the procedure prescribed by the Act of July 1, 1932 (47 Stat. 564, 25 U.S.C. 386a)" and inserting in lieu thereof "section".

(d) Section 217 of the Indian Financing Act of 1974 (25 U.S.C. 1497) is amended by adding at the end thereof the following new subsection:

"(e) There are authorized to be appropriated for each fiscal year beginning in fiscal year 1985 such sums as may be necessary to fulfill obligations with respect to losses on loans guaranteed or insured under this title. All collections and appropriations shall remain until expended.".

INTEREST SUBSIDIES

SEC. 5. (a) Section 301 of the Indian Financing Act of 1974 (25 U.S.C. 1511) is amended—

(1) by striking out "The Secretary" and inserting in lieu thereof "(a) The Secretary", and

(2) by adding at the end thereof the following new subsection:

"(b) The full faith and credit of the United States is pledged to the fulfillment of any contractual obligation which the Secretary incurs for the payment of any interest subsidy authorized under this section.".

(b) Section 302 of the Indian Financing Act of 1974 (25 U.S.C. 1512) is amended to read as follows:

"SEC. 302. (a) There are authorized to be appropriated for fiscal year 1985, and for each fiscal year thereafter, such sums as may be necessary for purposes of making interest payments authorized under this title with respect to any loan made before the close of fiscal year 1984.

"(b) There are authorized to be appropriated for fiscal year 1985, and for each fiscal year thereafter, an amount which does not exceed $5,500,000 for purposes of making interest payments authorized under this title with respect to any loan made after the close of fiscal year 1984.".

FUNDING OF CONTRACTS FOR MANAGEMENT AND TECHNICAL ASSISTANCE

SEC. 6. Section 503 of the Indian Financing Act of 1974 (25 U.S.C. 1543) is amended by striking out "the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to section 1512 of this title," and inserting in lieu thereof "there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title,".

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

H.R. 1149 HELD AT THE DESK

Mr. BAKER. The next request I am about to make appears to be cleared by the minority leader, and I will state it now for his consideration. I ask unanimous consent that once the Senate receives House Concurrent Resolution 316, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R.

1149, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

JUDICIARY COMMITTEE DISCHARGED FROM CONSIDERATION OF H.R. 3221

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 3221, relief of Harvey Ward, and that it be placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL POSITIONS IN GENERAL ACCOUNTING OFFICE

Mr. BAKER. Mr. President, I say to the minority leader that if he does not object, I will ask that the Senate proceed to the consideration of H.R. 5517.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 5517) to amend title 31, United States Code to provide for certain additional experts and consultants for the General Accounting Office, to provide for certain additional positions within the General Accounting Office Senior Executive Service, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read a third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY BY REY POST

Mr. BAKER. Mr. President, I send to the desk a resolution, for myself and the distinguished minority leader, and I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 400) authorizing testimony of Rey Post in the case of State of Vermont v. Cram.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, Mr. Rey Post, Vermont staff director for Senator STAFFORD, has been subpoenaed to testify as a witness in a prosecution by Vermont authorities of a demonstrator who took part in the occupation of Senator STAFFORD'S Winooski, Vt., office, in late March 1984. The defendant was part of a group which occupied the Senator's State office over the course of a weekend and refused to leave when requested to do so by Mr. Post and the owner of the building. The resolution would authorize Mr. Post's testimony in this case.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 400) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

> S. RES. 400
>
> Whereas, in the case of *State of Vermont v. Stephen Cram*, Case No. 1365-4-84CNCR, which is pending in the Vermont District Court, a subpoena has been issued for the testimony of Rey Post, the Vermont Staff Director for Senator Robert T. Stafford;
>
> Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;
>
> Whereas, when it appears that testimony, documents, papers, and records under the control of or in the possession of the Senate are needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it
>
> *Resolved*, That Rey Post is authorized to appear and to testify in the case of *State of Vermont v. Stephen Cram*.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I say to the minority leader that it is the intention of the leadership on this side to adjourn today instead of recessing, assuming that we can obtain the usual so-called boilerplate language. I inquire of the minority leader if he has a copy of that language, which has been prepared by my staff and submitted to his staff.

Mr. BYRD. Mr. President, I have a copy of the request in my hand, and I am reading it. I have no objection.

Mr. BAKER. I thank the minority leader.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. MONDAY NEXT; ORDERS FOR MONDAY

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

I further ask unanimous consent that when the Senate reconvenes on Monday next, the reading of the Journal be dispensed with; that no resolution come over under the rule; that the call of the calendar be dispensed with; that following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 10 minutes each; provided, further, that the morning hour be deemed to have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, today's Executive Calendar on this side of the aisle has a number of items that are cleared for action by unanimous consent. I will identify those items for the consideration of the minority leader. I have an idea that our two calendars do not match for clearances, but perhaps he can identify the items he would be prepared to consider by unanimous consent.

First, I refer to treaties, Calendar Nos. 17, 18, 19, 20, 21, 22, and 23, which appear on pages 1 and 2 of the section of the Executive Calendar under "Treaties."

I am also clear on this side to consider by unanimous consent the nominations under Department of Health and Human Services, National Science Foundation, Harry S. Truman Scholarship Foundation, ACTION Agency, and Department of State, appearing on page 5, being Calendar Nos. 632, 633, 634, 635, 636, and 637, as well as the nomination under Department of State on page 6, which is Calendar No. 638.

Also, Mr. President, under the Judiciary, under the heading of "New Reports," all the items on page 6, which are Calendar Nos. 639, 640, 641, 642, and 643, and the nominations placed on the Secretary's desk in the Foreign Service, on page 7.

Mr. BYRD. Mr. President, this side, I say regretfully to the majority leader, is not ready to proceed at this moment on any of the matters on the Executive Calendar, with the exception of Calendar Nos. 636 and 639.

It may be that later today I can obtain clearance on this side with respect to some or all of the other items.

Mr. BAKER. I thank the minority leader.

Mr. President, in that event, I ask unanimous consent that the Senate now go into executive session for the purpose of considering nominations numbered 636 and 639.

There being no objection, the Senate proceeded to the consideration of executive business.

The **PRESIDING OFFICER**. The nominations will be stated.

DEPARTMENT OF STATE

The bill clerk read the nomination of Weston Adams, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Mr. **THURMOND**. Mr. President, I am pleased to express my strong support of Mr. Weston Adams, the President's nominee for Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Malawi.

Mr. Adams, a man whom I hold in high esteem and with whom I am personally well acquainted, has served his country with honor and distinction throughout his career. He has served as an associate counsel of the Select Committee on Crime in the U.S. House of Representatives. He has been elected to the South Carolina House of Representatives, where he demonstrated himself to be a highly capable and dedicated public servant. President Reagan appointed Mr. Adams as a special ambassador to the Presidential delegation to the inauguration of President Salvador Jorge Blanco of the Dominican Republic. The President has also named him to the U.S. National Committee to the United Nations Educational, Scientific and Cultural Organization.

Mr. Adams has traveled extensively throughout Africa, Europe, and Latin America. He has accumulated a significant library and studies in detail the countries and peoples of the African continent. He has often participated as a guest speaker on subjects relating to Africa at seminars and conferences.

This diverse background amply demonstrates the appropriate qualifications and commendable abilities which Mr. Adams possesses for assuming this new important post. He is, without question, an exceptional individual ideally qualified to undertake the position for which he has been nominated. He will, I am confident, effectively articulate and protect the interests of our country while serving overseas.

Mr. President, I hope the Senate will promptly confirm his nomination so that he may begin to dispatch the responsibilities of his new office with characteristic enthusiasm and dedication.

The **PRESIDING OFFICER**. The question is, Will the Senate advise and consent to the nomination of Weston Adams, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi?

The nomination was confirmed.

Mr. **BAKER**. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. **THURMOND**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE JUDICIARY

The bill clerk read the nomination of Jean Galloway Bissell, of South Carolina, to be U.S. circuit judge for the Federal circuit.

Mr. **THURMOND**. Mr. President, I rise today in support of Mrs. Jean Galloway Bissell, who has been nominated by President Reagan to be a U.S. circuit judge for the Federal circuit.

Mrs. Bissell is a native of Due West, S.C., and a graduate of the University of South Carolina and the University of South Carolina Law School. Mrs. Bissell graduated magna cum laude from the University of South Carolina and was elected to Phi Beta Kappa. While in law school, she served as the associate editor and business manager of the South Carolina Law Review, and was elected to Order of Wig and Robe. Mrs. Bissell also graduated magna cum laude from law school.

Mrs. Bissell began her law career in 1958 as an associate member in the firm of Haynsworth, Perry, Bryant, Marion & Johnstone in Greenville, S.C. In 1965 she became a partner in this law firm and served in that capacity for approximately 6 years. In 1971 she became a partner in the law firm of McKay, Sherrill, Walker, Townsend & Wilkins. From 1976 until the present time, Mrs. Bissell has been the general counsel for the South Carolina National Corp., and the South Carolina National Bank of Columbia. During this period, she has also served as the senior vice president and executive vice president for the South Carolina National Corp. She presently serves in the capacity of vice chairman and chief administrative officer for this organization and has done so since 1981.

Mrs. Bissell has participated in a number of legal and civic organizations. The following are but a few of those she has been involved in:

Chairman and Member of Corporate Counsel Committee, Economics of Practice Section of the American Bar Association;

Member of Corporate Counsel Committee, Corporation Banking and Tax Section, South Carolina Bar;

Chairman, Continuing Legal Education Committee of the South Carolina Bar;

Secretary and Member, South Carolina Bar Commission on Continuing Lawyer Competence;

Fellow, American College of Tax Counsel;

Member, Greater Columbia Community Relations Council Board;

Member, South Carolina Public Service Commission Merit Selection Panel;

Vice President and Regional Director, American Library Trustees Association;

Chairman, Fine Art Committee, Greater Greenville Chamber of Commerce; and

Secretary and Treasurer, Columbia Estate Planning Council.

In addition to her work with these organizations, Mrs. Bissell has found time to write such articles as "Mergers, Consolidations, and Asset Sales" for the South Carolina Law Review; "A Fresh Look at Estate Planning in View of the Pension Reform Legislation" for the Journal of Taxation; and "Malpractice Insurance Coverage for Members of the Estate Planning Team" for the Eleventh Annual Institute of Estate Planning.

Mrs. Bissell is well known and respected for her sound legal judgment, as well as for her dedication to community and civic activities. She possesses the judicial temperament, integrity, and experience required of a nominee for the Federal circuit. I am most pleased she has been nominated for this position, and it is my opinion that she will be an asset to the judicial system.

Mrs. Bissell is the first woman from South Carolina to be nominated for a Federal judgeship.

I ask unanimous consent that an editorial entitled "Reagan Chooses Bissell," which appeared in the "State," South Carolina's largest newspaper on June 4, 1984, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REAGAN CHOOSES BISSELL

President Reagan made a fine choice in nominating Mrs. Jean Galloway Bissell of Columbia to the U.S. Court of Appeals for the Federal Circuit in Washington, D.C.

We hope that the U.S. Senate will confirm her promptly. If so, she will be the first woman from South Carolina to become a federal judge.

The precedent is not the reason for her confirmation, however, she is well qualified. She has practiced business law since she was graduated from the University of South Carolina law school in 1958. In college she was elected to Phi Beta Kappa. She was associated with prestigious law firms in Greenville and Columbia.

Mrs. Bissell is vice president and general counsel for S.C. National Corp., and executive vice president, general counsel and director of administration for S.C. National Bank, for which she has worked since 1975.

The court to which she has been nominated is a new one, created two years ago by Congress to hear appeals from cases from federal courts in the Washington area. Included are the U.S. Court of Claims, and the U.S. Court of Customs and Copyright Appeals. There are 12 judges on the court, which is below only the U.S. Supreme Court.

Mrs. Bissell has the professional qualifications, the temperament, the intellect and dedication to the law which outstanding judges possess. She will serve the country well.

Mr. **HOLLINGS**. Mr. President, I rise this morning to join my senior colleague, Mr. THURMOND, to support the confirmation of Jean Galloway Bissell to be U.S. Circuit Court Judge for the Federal Circuit. She is a very distinguished attorney and outstanding citizen of South Carolina. In addition she is a notable first. Not only is she the first South Carolinian to be appointed to this court; she is the first woman South Carolinian to be appointed to any Federal court.

Her appointment and approval by the Judiciary Committee gives me pleasure for a number of reasons. Certainly one of them is because of her father, the late Bob Galloway, Sr. Over 35 years ago, Mr. President, when this Senator was just beginning his career in public office, I was befriended by "Captain Bob." I was newly elected to the South Carolina House of Representatives and had the very good fortune to be Bob's desk mate. Over the years since, Mr. President, I have had the pleasure and honor to serve in various legislative bodies with many distinguished men and women. High on that list is Captain Bob. He was a man of high integrity and sound judgment whose opinion on many subjects was eagerly sought. His daughter, the woman before the Senate today for confirmation to high judicial office, has inherited those outstanding qualities exemplified by her father. And, she has, in her own right, earned the respect and admiration of South Carolinians from all walks of life. Mr. President, I share the pride I know her father, and my friend, would display, if he were here today.

We in South Carolina are very pleased with this prospective addition to the Federal bench. Jean Bissell follows the very high traditions of excellence our Federal judiciary exemplifies and to which we in South Carolina have become routinely accustomed. I share the confidence of many South Carolinians that Jean Galloway Bissel will similarly distinguish herself.

Jean Galloway Bissell was born in Due West, S.C., on June 9, 1936. She attended Erskine College in her hometown and graduated from the University of South Carolina with a B.S. degree in 1956 and from the university's law school in 1958. Both of her degrees were awarded magna cum laude. As a law student she was an editor of the law review and chief justice of the Order of Wig and Robe which distinguishes her as the No. 1 student in her graduating class. She has practiced with distinguished law firms in Greenville and Columbia and was a partner in both. Beginning in 1976 she has been associated with the South Carolina National Corp. and the South Carolina National Bank in various executive capacities from general counsel, to senior vice president, to executive vice president, to vice chairman and chief administrative officer, to director, the position in which she currently serves.

She has involved herself in the activities of all bar associations from the national to the local level. She has been very active in the American Bar Association and served as chairman and member of the corporate counsel committee, economics and practice section, to name one activity. She was chairman of the continuing legal education committee of the South Carolina bar. She has served as a Presidential appointee to the U.S. Circuit Judge Nominating Commission. These are only a few of the professional memberships and activities in which she has participated. The long list continued in her biographical information will give you the full range of her many activities. It is most impressive.

Aside from career and professional activities, Jean has found time to contribute heavily to civic and charitable and community affairs. She has served on numerous advisory councils—South Carolina State Library, Erskine College, Columbia College, Furman University, and University of South Carolina. She has been a member of many boards. Their diversity is indicative of her ability and the respect others have for her talents: Columbia Philharmonic Orchestra; Greater Columbia Community Relations Council; South Carolina Chamber of Commerce; Leadership South Carolina; and South Carolina State Library Board. The list of trusteeships and presidencies is equally impressive. Again I have been selective, Mr. President, and refer my colleagues to her biographical information, which I will submit with my statement, for a complete listing. The point I make is that Jean has been a strong and capable participant in the affairs of her community and her numerous activities reflect the tireless and unselfish nature that those of us who know her find so characteristic. Finally, Jean is married to Gregg C. Bissell. He was a long-time employee of the South Carolina State Tax Commission. He has supported her efforts and has joined her in many of her activities.

Let me close my remarks by saying that Jean Galloway Bissell has demonstrated those traits of character, intelligence, professional capacity and scholarship, community involvement and leadership that make her most qualified for appointment to the Court of Appeals for the Federal Circuit. I am confident, as I said, that she will fulfill this responsibility in a most capable manner. Mr. President, I urge the confirmation of her nomination without further delay. Finally, Mr. President, I ask unanimous consent that her biographical information be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL INFORMATION

1. Full name (include any former names used). Jean Galloway Bissell. Maiden Name: Jean A. Galloway.

2. Address: List current place of residence and office address(es). Residence: 3102 Keenan Drive, Columbia, S.C. 29201. Vacation Residence: No. 71 S. Lakeshore Drive, Lake Summit, P.O. Box 401, Tuxedo, N.C. 28784. Office: South Carolina National Corporation, 1426 Main Street, Columbia, S.C. 29226.

3. Date and place of birth. Due West, S.C., June 9, 1936.

4. Marital status (include maiden name of wife or husband's name). List spouse's occupation, employer's name and business address(es). Spouse, Gregg C. Bissell, has been retired for more than 5 years. Prior thereto, he was for over 20 years an employee of the South Carolina State Tax Commission.

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted. Erskine College, Due West, South Carolina, 1952-54 (Transferred to University of South Carolina). University of South Carolina, Columbia, South Carolina, 1954-1955: Awarded Bachelor of Science degree in June 1956, magna cum laude. University of South Carolina School of Law, Columbia, South Carolina, 1955-1958: Awarded L.L.B. in 1958, magna cum laude.

6. List (by year) all business or professional corporations, companies, firms or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including farms, with which you were connected as an officer, director, partner, proprietor or employee since graduation from college.

July 7, 1958-April 30, 1965, Associate, Haynsworth, Perry, Bryant, Marion & Johnstone, Post Office Box 2048, Greenville, South Carolina 29602.

May 1, 1965-November 30, 1971, Partner, Haynsworth, Perry, Bryant, Marion & Johnstone, Post Office Box 2048, Greenville, South Carolina 29602.

December 1, 1971 to January 31, 1976, Partner, McKay, Sherrill, Walker, Townsend & Wilkins (now Lumpkin and Sherrill), Post Office Box 447, Columbia, South Carolina 29202.

February 1, 1976 to present, General Counsel, South Carolina National Corporation and The South Carolina National Bank, 1426 Main Street, Columbia, South Carolina 29226.

February 1, 1976 to December 15, 1980, Senior Vice President, South Carolina National Corporation.

December 15, 1980 to November 16, 1981, Executive Vice President, South Carolina National Corporation.

November 16, 1981 to present, Vice Chairman and Chief Administrative Officer, South Carolina National Corporation.

April 1982 to present, Director, South Carolina National Corporation.

1971 to 1983, Shareholder/Officer, State Title Insurance Company.

1971 to present, General Partner, First Richland Investors.

1971 to present, General Partner, Bombay Pipe Dreams Land Company.

7. Military Service: Have you had any military service: If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

No.

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

University of South Carolina, magna cum laude graduate, Elected to Phi Beta Kappa.

University of South Carolina School of Law, magna cum laude graduate, Associate Editor and Business Manager of South Carolina Law Review (1957-1958), Elected to Order of Wig and Robe (honor society) (Chief Justice, 1958).

Converse College: Awarded L.L.D. in 1976.

Award for Distinguished Service, South Carolina Library Association (1973).

First Annual Friend of Libraries Award, South Carolina Library Association (1976).

Who's Who in America.

9. Bar Associations: List all bar associations, legal or judicial related committees or conference of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Member of American Bar Association.

Member of South Carolina Bar.

Member of Richland County Bar Association.

Member of Committee on Corporate Law Department Forums, Section of Corporation, Banking and Business Law of the American Bar Association (1981).

Chairman and Member of Corporate Counsel Committee, Economics of Practice Section of the American Bar Association (1981).

Member of Corporate Counsel Committee, Corporation Banking and Tax Section, South Carolina Bar.

Member of the South Carolina Bar Law School Board, 1979- .

Member Southern Bank House Counsel Group.

Member University of South Carolina Law School Dean Search and Screen Advisory Committee (1979-1980).

Chairman, Continuing Legal Education Committee of the South Carolina Bar (1970-1976).

Secretary and Member, South Carolina Bar Commission on Continuing Lawyer Competence (1979-1982) (South Carolina Supreme Court Appointment).

Member Fourth Circuit Panel—U.S. Circuit Judge, Nominating Commission (First Appointment 1977; Second Appointment 1978) (Presidential Appointment).

Fellow, American College of Tax Counsel.

Member, South Carolina Attorney General's Advisory Committee on Associate Counsel (1983-1984).

Member, U.S. District Court for the District of South Carolina Nominating Committee for Federal Magistrate (1984).

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list any other organizations to which you belong, (such as civic, educational, "public interest" law, etc.) which you feel should be considered in connection with your nomination.

Member of the following Advisory Councils: South Carolina State Library (1971-1976); Erskine College (1971-1974); Columbia College (1974-1978); Furman University (1972-); University of South Carolina President's National Advisory Council (1981-).

Member, Columbia Philharmonic Orchestra Board (1975-1976).

Member, Greater Columbia Community Relations Council Board (1976-1979).

Member, South Carolina Chamber of Commerce Board (1976-1978 and 1980-).

Member, Board of Regents of Leadership South Carolina (1979-1981).

Member, South Carolina Public Service Commission Merit Selection Panel (1980-) (Governor of South Carolina Appointment).

Member, South Carolina State Library Board (1982-1986).

Member, South Carolina Council on Economic Education Board (1984-1987).

Trustee, General Synod of the Associate Reformed Presbyterian Church (1960-1970).

Trustee, Greenville County Public Library (1961-1971).

Trustee, The Daniel Foundation (1968-).

Trustee, Richland County Public Library (1973-1978).

Trustee, Women's Symphony Endowment Fund (1975-1978).

Trustee, North Carolina Outward Bound School (1976-1981).

Trustee, South Carolina Foundation of Independent Colleges (1979-1983).

Trustee, Heathwood Hall Episcopal School (1979-1981).

Trustee, Governor's Mansion Foundation (1980-).

Trustee, Providence Hospital Foundation (1982-1985).

President, Greenville Estate Planning Council.

Chairman, Trustee Section of South Carolina Library Association (1966-1967).

Vice President and Regional Director, American Library Trustees Association (1965-1966).

Chairman, First Governor's Conference on Public Libraries.

Chairman, Fine Arts Committee, Greater Greenville Chamber of Commerce.

Treasurer, Richland County Public Library (1974-1975).

Chairman, Richland County Public Library (1975-1978).

Treasurer, Columbia Estate Planning Council (1975-1976).

Secretary, Columbia Estate Planning Council (1976-1977).

Vice President, Columbia Estate Planning Council (1977-1978).

President, Columbia Estate Planning Council (1978-1979).

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

South Carolina Supreme Court—July 22, 1958.

U.S. District Court for the Eastern District of South Carolina—July 23, 1958.

U.S. District Court for the Western District of South Carolina—July 22, 1958.

12. Published Writings: List the titles, publishers and dates of books, articles, reports, or other published material you have written. You may also list any significant speeches which you feel may be of interest to this Committee.

Johnstone, Thomas K., Jr. and Jean A. Galloway, "Mergers, Consolidations, and Asset Sales," *South Carolina Law Review*, Vol. 15, 1963, pp. 415-434.

Bissell, Jean G., "A fresh look at estate planning in view of the pension reform legislation," *The Journal of Taxation*, January, 1975, pp. 47-49.

Bissell, Jean Galloway, "Malpractice Insurance Coverage for Members of the Estate Planning Team," *The Eleventh Annual Institute on Estate Planning*, The University of Miami, 1977.

Bissell, Jean Galloway, "The Shoemaker's Children Have No Shoes," *The Alabama Lawyer*, Vol. 42, No. 4, October, 1981, pp. 618-630.

Bissell, Jean Galloway, "ERISA's Impact on Estate Planning," *Pension and Profit-Sharing Tax Journal*, pp. 224-227.

Bissell, Jean Galloway, "Expansion of the Financial Industry Clones," Presentation to South Carolina Bar, Corporation, Banking and Tax Section.

Bissell, Jean Galloway, "Tax Advantages of Temporary Trusts," Presentation at Seminar Held by Estate Planning Councils of South Carolina.

Bissell, Jean Galloway, "Corporate Fiduciary Pitfalls and Perils," Presentation to Trust Section of Tennessee Bankers Association.

13. Health: What is the present state of your health? List the date of your last physical examination.

Good, May, 1984.

14. Judicial Office (if applicable): State (chronologically) any judicial offices you have held, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

N/A.

15. State (chronologically) any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

None.

The PRESIDING OFFICER. The question is: Will the Senate advise and consent to the nomination of Jean Galloway Bissell, of South Carolina, to be U.S. Circuit Judge for the Federal Circuit?

The nomination was confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I express my appreciation to the majority leader and to the minority leader for proceeding to these nominations.

Mr. Adams was supposed to begin his duties as Ambassador on June 1, but the hearing was delayed, and I am very appreciative that the two leaders have seen fit to proceed to this nomination this morning. He is an outstanding scholar on African affairs, and I am sure that he will make an excellent Ambassador.

Mr. President, as to Mrs. Bissell, she is the first woman from South Carolina to have been appointed to a Federal judgeship. She is very able, and I feel that she will be an asset to the bench. I express my appreciation to the two leaders for proceeding to this nomination.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business has expired.

OMNIBUS DEFENSE AUTHORIZATION, 1985

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 2723, which will be stated by title.

The bill clerk read as follows:

A bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd Amendment No. 3164, to establish an Office of the Competition Advocate General.

AMENDMENT NO. 3164

The PRESIDING OFFICER. The pending question is the Byrd amendment, No. 3164, which will be debated until 11 a.m., with control of the time equally divided.

Who yields time?

PRICING SCANDALS IN THE WEINBERGER PENTAGON

Mr. BYRD. Mr. President, the amendment is an attempt to make a contribution to the very commendable efforts incorporated in the committee bill to address the problem of waste and overpricing in the Department of Defense.

This legislation proposes that Congress support an increase in the defense budget for fiscal year 1985 by some $35 billion over fiscal year 1984, for a grand total of $299.8 billion. This represents a real growth of some 6.9 percent after inflation. These sums are extremely large. There is no dispute that we need a strong defense program, and the bill to pay for it is high and will continue to be high.

When we dedicate such massive sums to the national defense, we are obligated to take special care, to exercise careful oversight to satisfy ourselves, on the part of the people we represent, that the funds are spent prudently.

It has therefore been of concern to many of us—and I think it is accurate to say to the Senate as a whole—to learn of the outrageous pricing scandals associated with DOD procurement of certain spare parts and tools. We have been treated to a seemingly unending series of revelations of overcharging of DOD by suppliers and contractors for spare parts and tools.

The first major event was a report by the Inspector General of DOD in June 1983, nearly a year ago, on the subject of DOD procurement of aircraft engine spare parts. Additional horror stories have followed ever since, some as a result of investigative reporting by the press, some as a result of cost-conscious individuals in the Defense Establishment. Finally, hearings by the Armed Services, Governmental Affairs, and Appropriations Committees of the Senate confirmed the press accounts and widened the exposure of this problem.

The prices paid, in some instances, for commonplace, simple, and off-the-shelf items have been so outrageous that they insult the commonsense of all of us, and of the country at large. They have, to a degree, reduced the credibility of the Department of Defense. It leads us to question the rationale for the large increase in the Defense Department budgets for this year and future years.

What kind of things are we talking about?

An Air Force staff sergeant named Charles Kessler, a crew chief of an AWACS aircraft, wondered why a simple plastic cap for a folding stool was purchased by DOD for $1,118.26, when the normal cost would be perhaps $1.

The Inspector General of the Department of Defense has produced a long list of items which illustrate the problem:

A semiconductor device, which was produced for 4 cents, was sold to DOD for $110 per copy.

A resistor worth 5 cents went for $100 per copy.

A soldering iron worth $3.75 was being purchased by DOD for $272.16.

Binoculars: The Inspector General's office found that binoculars worth no more than $100 apiece were sold in lots to DOD which broke down to about $450 each.

DOD purchased common hammers for $450 each and tape measures for $427 each.

A common bolt worth 67 cents was selling for $17.59.

U.S. News & World Report, in July 1983 reported that light bulbs valued at 17 cents were going for $14 per unit. I think we would all know the reaction of the average housewife in this country if she were to go down to the neighborhood hardware store and she were told that light bulbs were now going for more than $40 each. We can imagine how the average carpenter in this country would feel if he were told by the hardware salesman that a hammer would require $450 as the purchase price.

As to West Virginia coal miners and steelworkers and other factory workers, we could be sure of what the laborer's reaction would be if he were told that the cost of a regular sledgehammer has gone now to $436, the price paid by the Navy for such an item.

These are examples of a costing system which obviously breaks down at points and is poorly controlled.

The problem must be viewed from two perspectives. The original Inspector General's report indicated that procedures designed to assure that the Government pays fair and reasonable prices were not being implemented. There was an attitude problem on the part of procurement officials. There was insufficient cost-consciousness in the bureaucracy. In many instances, commonplace parts with ridiculous price tags were purchased because officials ordered by part number with no knowledge or concern as to the specific nature of the part being purchased, because it was being referred to by number, let us say, S-27-94X, et cetera, et cetera.

On the other hand, the suppliers of these parts knew what they were selling, and some surely knew they were simply gouging the system. Such conscious abuse of the system among some contractors amounts to criminal behavior.

In the area of spare parts alone, the potential for abuse is staggeringly high. In fiscal year 1984, for instance, the DOD budget for some 4 million spare parts is approximately $22 billion. The potential for waste in this area alone, then, amounts to hundreds of millions of dollars.

The lackadaisical attitude on the part of some procurement officials identified in the spare parts area was raised again by the Inspector General in a report in January 1984, on the subject of pricing proposals by major DOD subcontractors. He concluded that there has been minimal or nonexistent attention paid by Pentagon auditors to prices paid to subcontractors. This soft approach to subcontractors by the so-called Pentagon watchdogs has resulted in unnecessary expenditures of millions of dollars. As a result, potential savings are not being adequately identified and doubts will persist as to whether DOD negotiated a fair or reasonable price for major weapons systems acquisitions.

The problem of cost-consciousness then, Mr. President, is not isolated to the area of spare parts, but is endemic to the entire range of procurement activities—from simple nuts and bolts on up through the most complicated and sophisticated weapons systems.

These abuses have received a great deal of attention. Senators on both sides of the aisles want to know that something is being done about them. The Armed Services Committee has made a comprehensive effort to address these problems in the context of this bill. I compliment the chairman and the ranking member and other members of the committee for the attention that they have given to this matter. They have, according to newspaper reports, been equally outraged and shocked to learn of the abuses that have come to light and they have attempted to deal with the abuses.

The attention that the Armed Services Committee members have been giving to this matter is certainly going to influence the Pentagon more than will the expressions of concern by other Members of the Senate like myself. I compliment the members of the Armed Services Committee, and the special task force, which is chaired by the distinguished Senator from the State of Indiana (Mr. Quayle), and the distinguished ranking Democratic member, the senior Senator from the State of Michigan (Mr. Levin), which produced a number of important and constructive initiatives in the area.

I understand an important contribution has been made in the area of warranties on weapons systems, and a number of provisions deal with the question of spare parts and pricing—for instance on the subjects of allocation of overhead pricing by prime contractors, of procurement of supplies in economic order quantities, of competitive procurement of spare parts early in the acquisition process, of specification of technical data in contract proposals, and in several other areas. This is a complicated, arcane and difficult subject.

I would note particularly the contributions that have been made by the distinguished Senator from Michigan (Mr. Levin) in this process. He has labored long and hard to master the details of the procurement system and he has become one of the most knowledgeable and effective Members on either side of the aisle, indeed, in either House of Congress, on these matters.

His imprint, and the imprint of others who have dedicated their talents, strength, and time to dealing with this problem is unmistakably on the valuable series of provisions addressing the DOD procurement system in this bill.

His contribution here will undoubtedly save the taxpayer many millions of dollars every year as the system improves as a result of his energy and craftsmanship. We all owe Senator Levin a debt for his very excellent and productive efforts to get a handle on the unconscionable level of waste that has been exposed over the last couple of years.

Last fall, in connection with the fiscal year 1985 Defense appropriations bill, I sponsored amendments which required the Office of Federal Procurement Policy of OMB to conduct fresh and independent reviews of DOD spare parts pricing and end-of-fiscal year spending practices. These reports are now available and confirm the magnitude of the problem we face. On the question of spare parts pricing, OFPP concluded that the major causes of overpricing were as follows:

First, procurement personnel are not sufficiently price conscious;

Second, the process is too clerical, with inadequate cost or price analysis;

Third, some officials are reluctant to seek competition because it is deemed "faster, easier, and safer," to buy on a sole source basis;

Fourth, DOD has not made adequate reviews of contractor operations, especially to identify practices in pricing items purchased from others;

Fifth, in cases where the only offerors are the prime contractors, there may not be true competition and, therefore, no assurance of reasonable prices.

Secretary Weinberger has announced a series of reform measures supposedly designed to correct these problems. He has announced a number of initiatives to cut back on waste, punish corrupters, and reward cost cutters. In fairness, it should be recognized that reform of the attitudes and practices of both procurement officials and of contractors will take some time. The situation cannot be made from black and white overnight.

Nevertheless, Mr. President, I would remind my colleagues that the Pentagon has opposed every effort by Congress to institute hard-hitting reform. This administration actively opposed the creation of the independent Inspector General's office which first unearthed the DOD spending crisis. It has impeded the implementation of warranty requirements for new weapons systems instituted by amendment on the Senate floor last year. It has not implemented the new bureau of independent weapons testing and evaluation also instituted by amendment on the Senate floor last year.

The report by OFPP on spare parts procurement, dated June 1984, concluded that reform has had rough sledding. OFPP found that "there is little evidence that DOD activities have complied with the requirements" of either the internal Pentagon reform initiatives or legal mandates from the Congress. Further, OFPP found that this situation "denies the Secretary of Defense the full management support he needs to manage and improve the overall procurement system and integrate the spare parts reform program into the system."

It is apparent, Mr. President, that fundamental reform within the DOD bureaucracy is needed to accomplish effective controls on waste. As one way to attack the problem, the committee incorporated an amendment by Mr. Levin to establish competition advocates within the military services. The competition advocate's prime responsibility is to insure that directives requiring affirmative efforts to obtain greater levels of competition are effectively implemented. The original concept of competition advocates was developed by the distinguished Senator from Arkansas (Mr. Pryor) as early as 1981, and he is to be commended for his creative thinking on this matter. The specific provision in the bill, section 2306A, provides a start in this direction.

The intent of the amendment I am offering with Senators Levin, Nickles, and others is to put real teeth into the competition advocate proposal. The provision now in the bill simply requires that a full-time advocate for competition be assigned for each service. In promoting competition, the advocate must review all purchasing and contracting activities of the agency and report to the service chief on opportunities for expanding competition on the basis of price and other factors. He must identify solicitations which are written in a restrictive manner and which result in reducing opportunities for competition. Finally, he must provide an annual report to the service chief.

I believe it is necessary to give these competition advocates more stature, more clout, and more tools to do their difficult jobs. Therefore, my amendment would provide the following strengthening factors.

First, it gives a competition advocate clout within his own service by requiring that he be a flag officer, that is, either a general or admiral, depending on his specific service.

Second, in order to sustain his staying power and that he can have the time to learn his job and be effective, that he hold the job for a term of 4 years.

Third, it beefs up his specific responsibilities by requiring him to review each proposed noncompetitive procurement involving more than $100,000 and make appropriate recommendations to the contracting officers before solicitations are made. If the action by the procurement or contracting officer is inconsistent with the advocate's recommendation, the procurement officer must justify his action in writing.

Finally, the head of the military service is required to report annually to the Congress any procurements made by his service which were inconsistent with the recommendations made by the competition advocate. This report must include a separate report on his annual activities by the competition advocate himself which includes his explanations in each case of disagreement.

My intent in offering this amendment is to shake up the system, to jolt the ingrained habits of procurement officials, and enforce fresh and constant reviews of the adequacy of competition within the procurement process.

The **PRESIDING OFFICER**. The Senator from Texas is recognized.

Mr. **TOWER**. Mr. President, I yield myself such time as I may require.

As I think has already been indicated, the managers of the bill are delighted to accept the amendment that is offered by the Senator from West Virginia. There will be a Record vote on it. I expect there will be no dissenting vote in that Record vote.

May I note that I appreciate the minority leader noting the concern of our committee. We have held hearings on the matter involving not only the appropriate officials of the Pentagon, but contractors as well. I think as a result of the committee's work some progress has been made. I think the current Secretariat of the Department has taken some initiatives, too, as was indicated in the report of the Inspector General, and the Office of Management and Budget.

Obviously, that is something that they have very great concern about because it reflects on them. So I think they can be counted on to take any measure necessary to avoid this. I might note that they are trying to also get a handle on the cost overruns, and the reports of the last 2 years have indicated some dramatic reductions in the growth of our systems that are procured.

Mr. President, before we proceed further on this, I would like to ask unanimous consent—if the Senator from West Virginia would let me have his ear for a moment—to set aside temporarily for 2 minutes the amendment of the Senator from West Virginia to act on a very small amendment that has been cleared on both sides that can be done in a voice vote.

Mr. President, I ask unanimous consent that the amendment of the Senator from West Virginia be temporarily laid aside so that I might offer an amendment to be disposed of by voice vote with the understanding that it will not take more than 2 minutes on this.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3173

(Purpose: To delete funding for certain contingency facilities in Honduras)

Mr. **TOWER**. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. Tower), for himself and Mr. Warner, proposes an amendment numbered 3173.

Mr. **TOWER**. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 150, line 14, strike the figure "$7,200,000" and insert in lieu thereof the figure "$4,300,000".

On page 173, strike all of line 2.

On page 184, line 8, strike the figure "$3,361,732,000" and insert in lieu thereof the figure "$3,358,832,000".

On page 184, line 14, strike the figure "$424,050,000" and insert in lieu thereof the figure "$421,150,000".

On page 187, line 12, strike the figure "$2,686,531,000" and insert in lieu thereof the figure "$2,685,031,000".

On page 187, line 18, strike the figure "$393,142,000" and insert in lieu thereof the figure "$391,642,000".

Mr. **TOWER**. Mr. President, one of the controversial issues in this bill has been the funding for the construction of two prepositioning facilities in Honduras. Although there is not much money involved—only $4.4 million—the funding raises the broader issues of U.S. strategy and policy in the Central American region.

Since this issue was contentious during markup of the bill, we have continued to work with officials in the administration to insure that this construction would be consistent with U.S. policy in the region. In this regard, the administration has recently advised me that they now want to withdraw the funding request for these two facilities in order to consult on the need for the facilities in the overall context of our foreign policy for the region.

In light of the administration's request, the amendment that I have offered would delete $4.4 million for two prepositioning facilities in Honduras.

The **PRESIDING OFFICER**. The Senator from Michigan is recognized.

Mr. **LEVIN**. Mr. President, this has not only been cleared on our side but, indeed, in the committee, and I believe almost all of the Democratic Senators on the Armed Services Committee have supported this amendment. I believe it is similar to the amendment of Senator Bingaman, if not the amendment. I am sure that if he were on the floor, he would express his pleasure with this amendment since it now would become part of the bill. We certainly are happy to accept this amendment.

The **PRESIDING OFFICER**. The Senator from Nebraska is recognized.

Mr. **EXON**. Mr. President, I echo the comments by the chairman of the committee, and the Senator from Michigan. This was debated in the committee. Unfortunately, it did not pass then. I am very pleased to see what I understand is a unanimous acceptance of this amendment. I would like to be listed as a cosponsor of the amendment.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senator from Michigan.

Mr. **LEVIN**. Mr. President, I ask unanimous consent that Senator Bingaman be given authority and permission to insert a statement in the Record on this matter, and if he chooses, to be listed as a cosponsor of it at any time today.

Mr. **TOWER**. Mr. President, may I make the same request for Senator Cohen?

The **PRESIDING OFFICER**. Without objection, both requests are granted.

Is there further debate on the amendment? If, not, the question is on agreeing to the amendment of the Senator from Texas (Mr. Tower).

The amendment (No. 3173) was agreed to.

Mr. **TOWER**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **EXON**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3164

The **PRESIDING OFFICER**. The question recurs on the Byrd amendment.

Mr. **TOWER**. Mr. President, I believe we are under a control-of-time situation. How much is remaining to the Senator from West Virginia?

The **PRESIDING OFFICER**. Thirty seconds are remaining to the Senator from West Virginia; 6 minutes and 30 seconds remain to the Senator from Texas.

Mr. **TOWER**. Mr. President, I yield 3 minutes to the Senator from Indiana, and then I yield 3 minutes to the Senator from Michigan.

Mr. **GOLDWATER**. Mr. President, I would like to speak on this subject at some point.

Mr. **TOWER**. Mr. President, let me divide my time each 2 minutes to the Senator from Indiana and the Senator from Michigan.

AMENDMENT NO. 3164, AS MODIFIED

The **PRESIDING OFFICER**. The Senator from Indiana is recognized.

Mr. **QUAYLE**. Mr. President, I send an amendment to the desk on behalf of myself and Senator Byrd, and ask for its immediate consideration.

The **PRESIDING OFFICER**. No amendment to the amendment is in order. All time has been yielded back.

Mr. **QUAYLE**. Mr. President, I ask unanimous consent that I may send an amendment on behalf of myself, Senator Byrd, and Senator Levin on this issue to the desk and ask for its immediate consideration.

Mr. BYRD. Mr. President, would the Senator reserve that request, and state what the amendment does? I would be happy to accept it. I am familiar with it already.

That would avoid the necessity of amending basic amendment by amendments.

Mr. QUAYLE. Mr. President, this amendment does two things: One, it allows the civilian to be the officer of competition. Obviously, a civilian should be, for lack of military assignment. Second, it has the competition advocate designated for 2 years instead of 4 years.

Mr. BYRD. Mr. President, if there is no objection, I would like to accept this modification to the basic amendment, and the two Senators who have cosponsored it, may, if they wish, be added as cosponsors to the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is considered as a modification to the Byrd amendment, and the Senators from Indiana and Michigan are added as cosponsors to the Byrd amendment.

The amendment (No. 3164) as modified, is as follows:

> On page 1, strike lines 10-19 and insert in lieu thereof the following:
>
> The head of a military department or the Coast Guard shall designate a commissioned officer of the Armed Forces who is serving on active duty in a grade not below colonel or, in the case of an officer in the Navy or the Coast Guard, serving in a grade not below captain, to be the Competition Advocate General of the agency. The head of the National Aeronautics and Space Administration shall designate a civilian in a grade not below GS-16 to be the Competition Advocate General of the agency. The designation shall be for a term of two years. An officer of the Armed Forces while serving as the Competition Advocate General shall have the grade of major general or rear admiral, as appropriate, unless entitled to a higher grade under another provision of law.

Mr. QUAYLE. Mr. President, I have one other amendment that I believe will be acceptable as well. I hope that the Senator from West Virginia will yield. But this amendment would simply define where the waivers would apply. It has been tightened up. We have worked it out with Senator Byrd and Senator Levin. It also says there would be 10 working days to get a decision for procurement of not more than $100,000 but less than $10 million, or for more than 15 working days for over $10 million. It sets in a process of getting a termination for this. I believe that there would be no controversy to this amendment, as well.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be an amendment to the basic amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3164), as modified, is as follows:

> (2) An agency need not delay the issuance of a solicitation for a noncompetitive procurement for more than 10 working days in the event of a procurement of more than $100,000 but less than $10,000,000, or for more than 15 working days in the event of a procurement of $10,000,000 or more, for the purposes of permitting the Competition Advocate General to accomplish the review referred to in subsection (c)(1).
>
> (3) The agency may waive submission of a solicitation for a noncompetitive procurement to the Competition Advocate General if—
>
> (A) the solicitation deals with a highly classified program and the head of the agency, or his designee not below the level of an Assistant Secretary, determines that review by the Competition Advocate General is not consistent with the security requirements of such program;
>
> (B) the head of the agency, or his designee not below the level of an Assistant Secretary, determines that the urgency of the procurement is of such an extreme nature that the procurement should not be for review by the Competition Advocate General.
>
> Renumber the remaining subsection.

The names of Senators Randolph, Chiles, Moynihan, and Nickles were added as cosponsors of the amendment (No. 3164), as modified.

Mr. QUAYLE. Mr. President, I thank the Senator from West Virginia.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. Presient, I yield 2 minutes to the Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator.

The amendment before us, Mr. President, significantly strengthens the portion of the bill language regarding the Office of Competition Advocate.

We are putting this Competition Advocate in law in this bill, if it passes—and I hope it does—to try to increase the amount of competition in defense procurement. It is still a fact that 60 to 65 percent of our defense procurement is noncompetitive, sole-source procurement. We all know if we have competition we reduce the cost of these items to the Defense Department from 10 to 38 percent. That is what the GAO studies show.

The Byrd amendment significantly strengthens our language because it makes the competition advocate a flag officer. It makes that advocacy its sole function, so that there are not a lot of other things being done by that flag officer.

It requires that they review every sole-source procurement over $100,000.

To give you the scope of that, there are 22,000 noncompetitive bids over $100,000 in the Air Force alone. That shows how little competition we have in defense procurement.

It also requires a report to the House and Senate Armed Services Committee at the end of each year telling us how many recommendations of this competition advocate are not followed. So we are giving this competition advocate some real leverage. We are making him a flag officer, we are requiring reports when the recommendation is not followed, and we are requiring review.

I congratulate my friend from West Virginia, the minority leader, on this initiative.

Mr. BYRD. I thank the Senator.

● Mr. NICKLES. Mr. President, I am pleased to support and cosponsor this amendment to strengthen the powers, and promote the independence, of the competition advocate for each of the services. The underlying theme of this amendment is that price should be determined by the crucible of competition, when the Federal Government purchases defense-related items.

This amendment will insure competitive purchases by the Defense Department by attacking three problems. First, it establishes an office of the competition advocate general, and it requires that an officer with enough clout to take on the military procurement bureaucracy head up that office for a term of 4 years. The competition advocate must be senior enough to possess the stature necessary to interact with and convince senior acquisition officials whose actions may often need to be challenged. Only a high-level advocate in a protected, objective position can knowledgeable challenge the procurement bureaucracy.

Second, it requires that proposed sole-source procurements over $100,000 be scrutinized by a competition advocate to see if others can be given a chance to bid and requires written justification of actions inconsistent with a recommendation to compete. This provision insures that a regular, independent review becomes an integral part of the procurement process. Occasional, informal recommendations are recognized as inadequate.

Lastly, it requires that each agency head periodically transmits to Congress reports of Government buys inconsistent with the competition advocate's recommendations. This last requirement provides important visibility to situations that were not competed and, standing alone, will have a powerful impact on the procurement process.

Collectively, these three requirements will thrust the Federal Government into the competitive marketplace. Logic and experience teach us that you get the best deal when you shop around instead of buying from only one source. Indeed, the Department of Defense, by its own accounts, estimates that the Government saves, on the average, 25 percent when it buys competitively instead of on a sole-source basis. Other studies suggest a far greater savings. Moreover, instances exist where even the threat of competition coming into a sole-source buy have resulted in suddenly reduced prices.

The ramifications are enormous. Last year alone, the Defense Department spent in excess of $13 billion on spare and replenishment parts. Most of these purchases still are made without the benefit of any kind of competition.

Some of the service branches have already designated so-called "competition advocates" at major buying centers. However, except for the Navy, they lack a strong leader at the top whose sole job is to insure that competition is achieved whenever possible.

When the services are serious about getting a job done, they put a strong leader in charge. The Secretary of the Navy has done just that by appointing a full-time, flag-level competition advocate, and I commend him for his vigor and resolve to increase competition. However, even here, a formal method for insuring the competition advocate's effective participation well into the future is missing.

The authorization bill's procurement reforms dealing with an advocate for competition fall short in one vital respect. They fail to empower the advocate with the authority and independence he needs to effectively do his job. The authorization bill requires only that the services identify a person somewhere, however junior, to promote competition, when he can. I think that the American taxpayer deserves more.

The services need to understand that Congress is very serious about achieving a full level of competition. A full-time executive advocate for enforcing competition is essential if the services are to do more than merely discuss competition.

It is also critical that the competition advocate general's office be sufficiently independent and free from the pressures of the procurement bureaucracy, because the advocate and his staff will be dealing with very sensitive, large dollar procurement issues. We need to discourage another "Spanton" situation, where a conscientious Government employee was punished for trying to save the taxpayer money on a spare parts buy.

I would also like to point out that enhanced competition will aid our Nation's small businesses and entrepreneurs. Statistically, most of the low bidders for common replacement parts and components are small businesses. These are the highly capable companies that for years have been ready, willing, and able to produce replenishment parts for the Government at lower prices and shorter delivery times that the original equipment manufacturers, but have been prevented from doing so because of longstanding restrictive procurement practices by the Federal Government. Not only will this amendment result in enormous savings for the taxpayer, but also it will bring added efficiency in the marketplace and additional revenues and jobs to our Nation's small businesses.

Recent spare parts procurement horror stories make it clear that we must take positive corrective action now. Within the Pentagon and the services, "he that has the gold rules" has been the practice for a long time and has resulted in very little competition. We need a strong competition advocate to make sure that those with the gold—the taxpayer's gold—use it wisely.●

Mr. TOWER. I yield the remainder of my time to Senator GOLDWATER.

Mr. GOLDWATER. I thank the Chair.

First, I have no opposition to this amendment, though I do not think it will accomplish the end that the sponsors hope. This is not a new problem. It is not confined to the Pentagon. I recall a few years ago when the General Services Administration disclosed they had several warehouses here in town filled with desks, purchased by people unknown, and nobody, to my knowledge, ever came to claim them. So this is a problem which is endemic to the whole governmental system.

The problem is not going to be easy to solve. It is a problem that is going to have to be attacked.

First of all, a man is taken out of the operational field, and every man in the military service has one desire, to wind up his career in an operational post. I think we have to convince the different branches of the military that it is most important that the whole subject of procurement be dealt with in the military academies and the training schools, to get across to the officer the importance of procurement. It is probably as important as the actual waging of war. We watch operational officers being transferred to the Pentagon for the purpose of supervising the obtaining of certain items. The Air Force has certain items, the Navy, the Army, the Marines, and it goes on and on.

These men spend maybe 3 years and maybe 4 years trying to learn how to develop the expertise, the management expertise, of handling billions of dollars.

I have been in the corporate world myself.

Mr. TOWER. Mr. President, I ask unanimous consent that the time be extended for an additional 6 minutes, to be equally divided. I yield the remainder of my time to the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. This is such an important matter to me. I have been in it most of my life on the civilian side and the military side. I think we have to make more than just a passing reference to it.

We train people in the civilian corporate field to handle billions of dollars in 10, 15, or 20 years. But we expect to teach a young officer in the Pentagon in a matter of 2 or 3 years how to handle more money than any big corporation in this country handles.

I think we have to get across to the military that management of procurement is as important a part of an officer's duty as any duty that he is going to have.

We then appoint managers, and I am thinking of the manager, for example, of the B-1, which is a very costly item. The manager that we have today has been able to keep this project moving along at a pace faster and more in keeping with what we want than any manager we have had. He carries a high rank. He has long experience in this business. We are beginning to see the result of its.

What I am trying to say to my friends who have offered this amendment is I think it will not accomplish a lot but it will at least point the finger, and the finger has already been felt over there, with the Pentagon doing an excellent job of not paying $20 for a screwdriver of $150 for a wrench. I think this has been way overrated by the press and by other people who are not interested, technically, in what we do in the military.

So I am making the suggestion, and I would hope next year, regardless of who handles this committee, that we make a major item of our efforts the proper supervision and observation of the expensive contracts that we let, and to more or less follow the example of the Navy. They have already watched the midshipmen at Annapolis to pick out the men they know will be good business managers and then see to it that they keep up with the ranks of their other midshipmen, get their 5 years at sea, and then spend their time in the Pentagon doing what we would expect any good manager to do. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield the remainder of my time to the Senator from Virginia.

Mr. WARNER. Mr. President, I want to comment on the remarks of the distinguished Senator from Arizona. Those remarks and observations are well taken.

I recently had a conversation with the Secretary of the Navy and he has really taken leadership of this program in the Department of Defense. He has a program where an officer has a complete sea assignment and when he goes ashore, it is mandatory that he take a procurement assignment.

In addition, the Secretary has put in a 4-year program which Senator Nunn and I have adopted in an amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Does the Senator wish additional time?

Mr. WARNER. I thank the Senator, but, no, I have completed my remarks.

Mr. BYRD. I yield to the Senator from Nebraska.

Mr. EXON. I thank my friend from West Virginia.

I ask unanimous consent that I be listed as a cosponsor to the Byrd amendment presently before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I congratulate Senator Byrd and others who have put this together. We have worked on this for some time in the Armed Services Committee. I think it is a significant step in the right direction and I hope we will have unanimous passage of this in the rollcall vote which is to follow.

With regard to the defense authorization bill before us, my colleagues know I have consistently supported a strong national defense posture.

In these troubled times of Third World conflict, state-sponsored terrorism, unpredictable leadership such as Khomeini and Qadhafi, and the growing Soviet military threat, we cannot neglect our national security needs. We must maintain strong and modern Armed Forces ready to respond to any type of challenge across the spectrum of warfare—from combatting terrorism to the deterrence of nuclear war.

While this modernization is expensive, it is a necessary response to the unprecedented Soviet military buildup. The best defense policy is one which discourages a potential rival from ever seriously contemplating an attack upon the United States or threatening our vital interests. With regard to the very real and growing Soviet military threat, we need only to maintain a force level which would make the successful outcome of any Soviet aggression questionable.

Despite the high cost and sacrifice involved in maintaining an effective deterrent, we must not shirk away from our responsibility. Nonetheless, we must devote our precious and scarce national resources very carefully. I have opposed wasteful or militarily-questionable proposals such as bringing back old, World War II battleships out of "mothballs", duplicative weapons systems whose origins go back to interservice rivalry rather than military requirements, as well as much of the current U.S. buildup in Central America. Our security rests upon more than just the strength of our Armed Forces. We must all do our best to balance our Nation's priorities among defense, domestic programs, and the necessity to reduce our current ruinous Federal deficit.

While I support the modernization of our Armed Forces, I regret that this bill is for the amount of $230,2 billion. I believe that we could have achieved our national security goals with a sustained 4 or 5 percent rate of real growth rather than the 7 percent contained in this bill. My greatest objection to this bill is the $2.6 billion included in it for 21 MX missiles. Initially, I supported the MX in a multiple protective shelter basing scheme but I believe that it makes no sense to place the MX in already vulnerable Minuteman silos. Indeed, such a basing scheme could place a dangerous "hair trigger" on nuclear conflict because of that vulnerability, since the Soviets will be able to knock them out, as soon as they are deployed, with their current ICBM force.

Mr. President, I believe that we cannot ignore the need to modernize our nuclear deterrent. As the ranking minority member of the Subcommittee on Strategic and Theater Nuclear Forces, I have supported the B-1B and "Stealth" bombers, the Trident program, the cruise missile program, the development of an antisatellite weapon, and the "midgetman" ICBM. I believe that the $2.4 billion could be better spent on these programs and in conventional force improvements. As the Soviets and other nations are most likely to challenge us in nonnuclear ways, our conventional forces should not be neglected at the expense of unnecessary and unwise strategic programs as the MX.

I would also like to see greater progress made in the area of arms control but believe it to be dangerous to pin our security solely to hope for negotiations. Likewise, I believe it would be irresponsible to allow Soviet intransigence at the negotiating table to preclude the development of weapons we believe are vital for our security. Stated simply, we should not make unilateral concessions but should also explore every avenue to work for a fair agreement.

In conclusion, I would like to congratulate my colleagues on the Armed Services Committee who have worked long and hard on this bill. I know in particular that the Subcommittee on Strategic and Theater Nuclear Forces held many exhaustive hearings on the major issues under its jurisdiction. These hearings were very informative for me and my only regret is that my position on the subcommittee was the result of the loss of our respected colleague, Scoop Jackson. I hope that much of the wisdom and guidance he gave us is reflected in this bill.

I yield back the remainder of my time to the Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Nebraska.

The PRESIDING OFFICER (Mr. D'Amato). If all time is yielded back, the question is on agreeing to the amendment, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. Andrews), the Senator from Colorado (Mr. Armstrong), the Senator from Mississippi (Mr. Cochran), the Senator from Maine (Mr. Cohen), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Jepsen), the Senator from Illinois (Mr. Percy), and the Senator from Wyoming (Mr. Simpson) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

Mr. CRANSTON. I announce that the Senator from New Jersey (Mr. Bradley), the Senator from Illinois (Mr. Dixon), the Senator from Missouri (Mr. Eagleton), the Senator from Ohio (Mr. Glenn), the Senator from Colorado (Mr. Hart), the Senator from New Jersey (Mr. Lautenberg), and the Senator from Georgia (Mr. Nunn) are necessarily absent.

I also announce that the Senator from Maine (Mr. Mitchell) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Maine (Mr. Mitchell) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 4, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—80

Abdnor
Baker
Baucus
Bentsen
Biden
Bingaman
Boren
Boschwitz
Bumpers
Burdick
Byrd
Chafee
Chiles
Cranston
D'Amato
Danforth
DeConcini
Dodd
Dole
Domenici
Durenberger
East
Evans
Exon
Ford
Garn
Goldwater
Gorton
Grassley
Hatch
Hawkins
Hecht
Heflin
Heinz
Helms
Hollings
Huddleston
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Laxalt
Leahy
Levin
Long
Lugar
Mathias
Matsunaga
Mattingly
Melcher
Metzenbaum
Moynihan
Murkowski
Nickles
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Randolph
Riegle
Roth
Rudman
Sarbanes
Sasser
Specter
Stafford
Stennis
Stevens
Thurmond
Tower
Trible
Tsongas
Warner
Weicker
Wilson
Zorinsky

NAYS—4

Denton
McClure
Symms
Wallop

NOT VOTING—16

Andrews
Armstrong
Bradley
Cochran
Cohen
Dixon
Eagleton
Glenn
Hart
Hatfield
Jepsen
Lautenberg
Mitchell
Nunn
Percy
Simpson

So the amendment (No. 3164), as modified, was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, seeing no Senators at this time seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3174

(Purpose: To require the Secretary of Defense to report to the Congress on the so-called reverse technology transfer from foreign sources)

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes amendment No. 3174.

Mr. WARNER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 128, between lines 12 and 13, insert the following new section:

STUDY BY THE SECRETARY OF DEFENSE OF CURRENT AND POTENTIAL EXPLOITATION OF FOREIGN TECHNOLOGY BY THE DEPARTMENT OF DEFENSE

SEC. . (a)(1) The Secretary of Defense shall conduct a comprehensive study on how the Department of Defense can most effectively benefit from technology obtained from both cooperative and non-cooperative foreign sources. In carrying out such study the Secretary shall specifically consider—

(A) the existing and any planned organizational changes within the Department of Defense with respect to the office or offices responsible for collecting and disseminating foreign technology;

(B) whether additional funding is needed, and could be cost-effectively used, for the collection of foreign technology by the various elements of the Department of Defense responsible for collecting and disseminating such technology; and

(C) an evaluation of the effectiveness of the current programs of the Department of Defense for collecting and disseminating foreign technology.

(2) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 1985, containing the results of the study conducted pursuant to paragraph (1), together with such comments and recommendations as the Secretary considers appropriate. The Secretary shall also submit to such committees, at the same time as the report referred to in the preceding sentence is submitted, an unclassified report on the matters described in paragraph (1).

(b) The Secretary of the Army may not transfer any of the functions now performed by the Foreign Science and Technology Center of the Material Development and Readiness Command of the Army to any other office or agency within the Army until after the day on which the report referred to in subsection (a)(2) has been received by the Committees on Armed Services of the Senate and the House of Representatives.

Mr. WARNER. Mr. President, this is a subject that has been of interest to me and other members of the Armed Services Committee for some time. When this amendment was considered during the course of our hearings this year and during the course of the markup session of the full committee—and as far as I know each of the members of the committee were in favor of it—I indicated that it would be brought up during the consideration of the bill on the floor. I further understand that the minority side is prepared to accept the amendment.

Now, Mr. President, directing my attention to the amendment and the substance of the amendment, during the posture hearing, I raised an issue with the Secretary of Defense regarding the lack of exploitation by the Department of Defense of technology and concepts developed in other nations, particularly, but not exclusively, the Soviet Union and the Warsaw Pact.

I noted that the military departments of our Department of Defense, through the process of reverse engineering—that is the technical analysis of weapons and equipment or documents from other nations—were uncovering significant scientific and technical data.

Unfortunately, however, it appeared to me that the Department of Defense and the military departments were not taking full advantage of this technology and of the opportunities emerging from these efforts; opportunities which I regard as having potential for substantial savings in the research accounts of the military departments, significant shortening of development time, and even considerable savings of production dollars.

Apparently, the often quoted "not-invented-here" syndrome applies within the Department of Defense.

I have investigated this issue further.

Nothing I have learned thus far relieves my concern that these efforts are inadequately funded nor do we properly disseminate and utilize these products in the information that we have.

Accordingly, I believe that we are passing up some very fine opportunities to save significant amounts of money in the research and development of equipment for our armed forces.

The amendment I offer directs the Secretary of Defense to conduct a comprehensive study of the military departments and the Office of the Secretary of Defense management of foreign science and technology efforts to determine the best organizational, operational, and funding approaches to make the optimum use of the information we are obtaining from the reverse engineering.

The study requires the Secretary to prepare and submit a report to the Senate detailing the results.

Finally, it temporarily halts a planned organizational change presently being considered by the Department of the Army which moves the Department of the Army's Science and Technology Center out of the Department of the Army's R&D organization and into the Department of the Army's intelligence organization. This amendment will put a halt to that until this report by the Secretary of Defense has been submitted to the Congress.

Mr. President, this will require the Department of Defense to properly address a resource which I believe will pay handsome dividends in the future.

We have devoted considerable valuable time this morning to the subject of procurement. In essence, I feel that when the United States acquires information concerning the military equipment of other nations, including the Soviet Union and the Warsaw Pact, and then studies how this equipment was made, our military departments are not taking that data and incorporating it to the extent it is usable in design and development of our own weapons systems.

This is an effort to try and focus more attention on that important subject. I am optimistic that in the future we may see positive dividends.

Mr. BINGAMAN. Mr. President, I am informed that there is no opposition on this side to the amendment. It is one which has been approved by the committee. It is a good amendment and is acceptable to the Members on this side.

Mr. WARNER. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3174) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was ageed to.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that a statement by Senator Nunn concerning a recent GAO letter report on readiness, as well a the GAO letter report, which Senator Nunn discussed yesterday afternoon, be entered into the Record as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR SAM NUNN CONCERNING THE GENERAL ACCOUNTING OFFICE'S EVALUATION OF THE DEFENSE DEPARTMENT'S REPORT ON IMPROVEMENTS IN U.S. WARFIGHTING CAPABILITY

● Mr. NUNN. Mr. President, when the Armed Forces Committee began its work on the fiscal year 1985 Defense authorization bill back in January, I began asking questions about what the Department of Defense has done with the large increases in funding it has received since fiscal year 1980. From fiscal year 1980 through fiscal year 1984, the budget authority for the Department of Defense has increased by about $116 billion, a real growth of approximately 40 percent.

I have also tried to determine whether the overall improvement in our military capability since 1980 has been commensurate with the large increases in funding, and whether that funding has been applied in a balanced way to improve all areas of our military capability.

I want to say at the outset of my remarks that there is no doubt in my mind, as General Vessey recently stated, that "we have a more capable and ready force than we did three years ago." However, I want to share with my colleagues some conclusions about the overall trends in our military capability that I have drawn from the Armed Services Committee's hearings over the past months.

Force structure refers to the numbers, size, and composition of the units that comprise our defense forces—divisions, tactical fighter wings, ship battle groups, and Navy aircraft squadrons. There has been little significant change in the size of our force structure over the last 3 years.

Modernization encompasses new equipment and the technical sophistication and improvements to the weapons systems and equipment used by our forces. This modernization continues in all of the services. It is interesting to note, however, that for many major weapons systems, we have actually bought fewer actual end items in the last 4 years than were projected under the Carter administration's last 5-year defense program.

Sustainability refers to the combat staying power of our forces, to their ability to sustain military operations over a period of time. Increased funding for munitions and spare parts has improved our sustainability in the last 3 years, but in many areas we are still less than halfway toward achieving our near-term sustainability objective. Lt. Gen. Howard Stone, Chief of Staff of our European Command in NATO, testified before the committee in February that in his command "some munition stocks, most notably air-to-air missiles, naval munitions, and specialized, high technology munitions are well below our required stockage, to the point where they could be classified as 'war stoppers'." Dr. Larry Korb, the Assistant Secretary of Defense for Manpower, Installations, and Logistics, said earlier this year that "the forces assigned to our unified commanders are not as sustainable as they should be and will not be for the foreseeable future."

Finally, Mr. President, readiness refers to the ability of our military units to perform their assigned missions on a given day. The question of whether our forces are more ready today than they were in 1980 has gotten a lot of attention. Let me say that our forces today have far fewer deficiencies in readiness than they did 3 years ago. However, even with this overall improvement, our committee hearings show that the readiness picture today across all of the military services is a mixed bag. Some readiness measures and indicators show steady improvement over the last 3 years, others show little or no improvement, and some indicators have actually declined.

The distinguished chairman of the Armed Services Committee, Senator Tower, recently posed an exhaustive series of questions to the Department of Defense designed to provide a comparison of the overall war-fighting capability of our military forces today compared to 1980. I supplemented Senator Tower's questions with a few of my own.

The answers to these questions were recently released by the Defense Department in an unclassified report entitled "Improvements in U.S. War-fighting Capability: FY1980-84." The unclassified report was accompanied by a classified annex.

To my knowledge, this report is one of the most comprehensive attempts in recent years to pull together such a wide range of statistical information affecting our military capability. The Defense Department deserves a great deal of credit for this substantial effort. A careful reading of the report provides a great deal of insight into all elements of our military capability.

The report concludes that "U.S. war-fighting capability is substantially greater today than it was in 1980." Secretary Weinberger stated in transmitting the report to Congress that "By every meaningful, commonsense standard * * * this Nation's Armed Forces are far more capable and ready today than they were just 4 years ago." Deputy Secretary Taft said in releasing the report that "The data we are making public today demonstrates that in each of these areas—people, training, equipment, and support—our forces are better today than they were 4 years ago." The report also cautions that "even with these improvements, however, we remain short of our goals."

Earlier this year, I asked the General Accounting Office to undertake a study in the overall readiness. I asked them to review the DOD readiness report and subsequently provide their comments to the Congress. The GAO provided me their response recently, which I am now releasing. I ask that this GAO letter report be inserted in the Record at the conclusion of my remarks.

Mr. President, for the most part, GAO does not dispute the factual data in the Defense Department's report. They do, however, draw a different conclusion on the overall trends in our war-fighting capability.

I will just quote two paragraphs from GAO's letter:

> Based on our analysis, we believe the information provided by Defense points to an imbalance among the four functional areas which comprise military capability. Progress made in the force structure, modernization, and personnel readiness areas is not matched by progress in other readiness areas—namely, equipment condition and equipment/supplies on hand—and in sustainability. * * *
>
> In summary, Defense presented information showing progress has been made in the force structure and modernization areas, and in personnel readiness. However, improvement in these areas can be offset by deficiencies in other areas. In our view, continuing readiness and sustainability problems should not be overlooked by the Congress in evaluating our military capability and future defense budget requests.

Mr. President, GAO's conclusion from the Defense Department's report is that deficiencies still exist in the area of readiness and sustainability, and these areas have not received the same emphasis as the other areas of the defense budget over the last 3 years. In addition, GAO implies that these deficiencies can offset the improvements that have occurred in other areas.

This GAO report, and the information we have gathered during the hearings, reinforces my view that the jury is still out on the question of whether or not DOD has obtained improvements in military capability commensurate with the large funding increases in the last 3 years.

Mr. President, this conclusion and the debate in the last several months over whether we are more or less ready than we were in 1980 has convinced me that we need to take a serious look at the ways we measure our military capability. For example, the Defense Department's response to some of the declining readiness measures, particularly C-ratings, is that these measures are not an accurate or complete reflection of military capability. It is interesting to recall that in 1980 then Presidential candidate Reagan used some of the same readiness ratings to criticize the capability of our military forces. My own view is that C-ratings do not provide a full picture of military capability in 1984, just as they did not in 1980.

I have also asked GAO to undertake a longer term effort to review the current indicators and systems within the Defense Department used to report readiness and sustainability trends, and to recommend any improvements necessary in these systems. I think this longer term effort will help both the Congress and the Defense Department come to some common agreement and understanding on what are the most useful indicators of readiness and sustainability.

Both the Department of Defense and the Congress have tended in the past to treat readiness and sustainability as a poor relation which is relegated to the lowest priority when budget reductions are occuring. One reason is that we do not have adequate output measures to show whether or not funding inputs are having the desired effects.

Hopefully, we can come to grips with this problems. Both the recent DOD report and the GAO study will be helpful in arriving at useful solutions.

The material follows:

U.S. General Accounting Office,
Washington, D.C., June 6, 1984.

Hon. Sam Nunn,
U.S. Senate.

Dear Senator Nunn: Your April 18, 1984, letter requested us to comment on the Department of Defense's response to a series of questions proposed by Senator Tower and supplemented by you. The questions were designed to determine the state of overall war-fighting capability of the military services today, compared to 1980. On May 15, 1984, you provided us a copy of Defense's response to these questions. Our comments are provided in enclosure I. We did not verify the information provided by Defense because of the limited time available.

Generally, it appears that Defense provided substantial information to the Senate Armed Services Committee for use in evaluating changes which have occurred in the functional areas of force structure, modernization, readiness, and sustainability. Defense concludes that the information presented in response to these questions is "incontrovertible" evidence that U.S. forces have improved substantially since 1980.

Defense's conclusion is primarily based on progress in the force structure and modernization areas and personnel readiness. Defense states that the acquisition of new and sophisticated equipment, such as tanks, aircraft, and ships have enhanced the services' overall capability in the areas of force structure and modernization. Moreover, Defense believes the attainment of recruiting goals, higher test scores and educational levels of new recruits, and increased reenlistment rates of career personnel have contributed to improved readiness.

Based on our analysis, we believe the information provided by Defense points to an imbalance among the four functional areas which comprise military capability. Progress made in the force structure, modernization, and personnel readiness areas is not matched by progress in other readiness areas—namely, equipment condition and equipment/supplies on hand—and in sustainability.

Unit Status Report statistics, show that between December 1980 and March 1984, unit readiness decreased in two of the four services when comparing the number of active units reporting C-4 (not combat ready) or C-3 (marginally combat ready) over this period. In the Army, the primary reason that the number of units reported as "fully" or "substantially" ready declined and the number of units "marginally" ready increased, is due to equipment shortages. Defense states that this is the result of requirements for equipment increasing before the equipment has been delivered. This is reported to be a temporary situation created by modernization which according to Defense will improve as new equipment is delivered.

The number of Air Force tactical units rated as "fully" or "substantially" ready also decreased as the number rated as "marginally" ready increased. Defense attributed the decline to a combination of factors. First, withdrawal of spare parts from war reserves increased, and secondly, the Air Force implemented a more realistic criteria to measure equipment and supplies on-hand. Previous GAO work has shown that withdrawals from war reserves increased because the Air Force could not support an increase in tactical flying hours with peacetime operating stocks.

Regarding sustainability, information provided by Defense shows serious shortfalls in most categories. Inventories of munitions and war reserve stocks are substantially below requirements. Although funding for sustainability increased in fiscal years 1982-1984, Defense states that little improvement is evident because there is a lag time of 18 to 36 months from the time funds are appropriated until the items are delivered. However, projections by Defense show that stocks will not improve significantly until the late 1980s.

In summary, Defense presented information showing progress has been made in the force structure and modernization areas, and in personnel readiness. However, improvement in these areas can be offset by deficiencies in other areas. In our view, continuing readiness and sustainability problems should not be overlooked by the Congress in evaluating our military capability and future defense budget requests.

We hope our comments are useful in your assessment of changes in military capability since 1980.

Sincerely yours,

Frank C. Conahan,
Director.

Evaluation of Defense's Response

Area/questions	Page [1]	Evaluation
Force Structure:		
1. Compare, by Service and defensewide, programmed manpower structure with manning levels achieved in December 1980 vice fiscal year 1984 projected levels.	11	Despite the fact that the Congress did not authorize the end-strengths requested in the President's FY 1984 budget, the active structure in the aggregate is growing at a faster rate than the staffing plans to fill it. In FY 1985, 25,400 billets in the Navy are not planned for staffing due to reduced levels of programmed manning. This raises questions about Navy's ability to staff its programmed structure, such as the new ships it intends to bring on line. Also, the Defense data, while showing improved active aggregate staffing trends, does not show the still existing critical shortages in certain military occupations or the imbalances (overages) which have accrued over the last few years; particularly, in the Army where, although the number of understrength MOSs declined from 133 in FY 1981 to 91, in FY 1983 the number of overstrength MOSs climbed from 88 to 128 during that same period.
2. Compare, by Service and defensewide, actual manning in pay grades E-5 through E-9 with authorized manning in those pay grades in December 1980, at the end of FY 81, FY 82, FY 83, and projected for the end of FY 84. Specify particular Administration or Congressional actions which have contributed to improved manning levels.	15	Defense cites a dramatic increase in career content of the force and in manning of the top five pay grades as a significant improvement. The aggregate data presented by Defense mask the imbalances, both within the services and between them. For example, at the end of FY 1982, the Army had 24,336 more soldiers, with more than 3 years of service, than is called for in its objective force.

EVALUATION OF DEFENSE'S RESPONSE—Continued

Area/questions	Page[1]	Evaluation
		The bulk of this excess of careerists were allowed to reenlist into the career force since 1980 and was, Defense claims, the product of the improved pay and benefits package approved by the Congress.
3. What were the Service and defensewide recruiting goals (total, non-prior service high school graduates, mental categories) in FY 81, FY 82, FY 83, and FY 84? Explain (by year) the results of the Services' effort to achieve such goals.	19	We have the following comment for questions 3, 4, and 5. "The success Defense has had over the past 2 to 3 years in recruiting and retaining high quality people has contributed to improved readiness, however, with an improving economy coupled with the declining size of the youth population, Defense may have difficulty in the future in sustaining their current high quality manpower profile."
4. By Service and defensewide, compare the quality of recruits in December 1980, end of FY 81, FY 82, FY 83, and projected for the end of FY 84 in terms of numbers of high school graduates and in terms of mental category ratings.	19	
5. In terms of the above categories, how did the recruits in December 1980 compare to the youth population in general at that time? At the end of the FY 81? FY 82? FY 83? What are the projections for the end of FY 84?	26	
6. What were first-term reenlistment rates compared to reenlistment goals for personnel in mental categories I, II, and III in December 1980 at the end of FY 81, FY 82, FY 83, and projected for the end of fiscal year 1984?	28	We concur with Defense that military pay and benefits must remain competitive with the private sector. An ongoing GAO study has disclosed that while military pay lagged civilian pay for persons in nine Navy enlisted ratings separated in FY 1980, it equaled civilian pay for those separated in FY 1981, and exceeded civilian pay for those separated in FY 1982. Should the economy improve further and jobs for high school youth become more plentiful, it may be necessary to pay even more than is currently being paid over the private sector in order to attract the numbers of recruits needed.
7. What were the second-term and career reenlistment rates compared to goals in December 1980, end of FY 81, FY 82, FY 83, and projected for the end of FY 84?	28	
8. What is the experience of each of the Services with drug abuse and other disciplinary problems (i.e., unauthorized absence, desertion, courts martial, etc.) comparing December 1980 through projections for the end of FY 84? Cite specific areas of improvement in maintaining military discipline (i.e., more effective enforcement of law and regulations, fewer instances of "repeat offenses", etc.).	31	No comment.
9. What overall trends in the manpower area have emerged between December 1980 and projections for the end of FY 84? Rank in order of importance all actions taken by the Administration or by Congress which resulted in success or failure in meeting the goals set in this area.	36	No comment.
Force Modernization:		
1. For each Service, compare inventory objectives to on-hand inventories of principal end items (i.e., artillery, aircraft, tracked and wheeled vehicles, surface ships, submarines, etc.) in December 1980, at the end of FY 81, FY 82, FY 83, and projected for the end of FY 84. What percent of objectives has been achieved during the period? Where have the objectives themselves changed and why? What shortages in inventories which existed in December 1980 have been met or are projected to be alleviated by the end FY 84?	38	Our overall comment to questions 1 and 2 is that the answers do not reflect requirements for these new systems or provide any insight into how significant FY 1980-84 buys are, in terms of satisfying total requirements.
2. What specific items of major equipment (i.e., M-1 tanks, F-15s, F-16s, nuclear-powered aircraft carriers and submarines, etc.) were being operated by each Service in December 1980? At the end of FY 81? FY 82? FY 83? Projected for the end of FY 84? What equipment has been delivered to inventories to replace retired equipment? Explain all improvements in operational capability which have been or will be provided by such new equipment (i.e., compare the operational quality of old equipment to that of new equipment). What additional equipment has been funded but has not yet been delivered? When will this additional equipment be delivered? What other equipment will be retired as as result of delivery of the additional equipment?	44	
3. In each Service, how were UNITREP ratings specifically affected by retirement of older equipment and delivery of new equipment? How has war-fighting capability been affected by these equipment changes? Provide specific information for each benchmark—December 1980, end of FY 81, end of FY 82, end of FY 83, and projected for the end of FY 84 and beyond, listing improvements which are the result of Reagan Administration defense funding increases.	64	[See Trends Section question 3.]

EVALUATION OF DEFENSE'S RESPONSE—Continued

Area/questions	Page[1]	Evaluation
4. In what specific programs has the pace of modernization increased since December 1980? For each Service, compare planned acquisition of new weapon systems (i.e., M-1 tanks to replace M-60 tanks, B-1 aircraft to replace B-52s, etc.) in December 1980 to current plans projected to the end of 1984. Will there be greater numbers of more capable, new weapon systems in inventories by the end of FY 84 as a result of Administration decisions, compared to the number of modern weapon systems which would have been in the inventories under the December 1980 plan? Provide specific information for all major weapon systems and explain in detail Administration actions which have resulted in increased modernization.	65	No comment.
Readiness:		
1. Define the criteria used in establishing mission capable rates and fully mission capable rates for all major categories (i.e., aircraft, surfact ships, tanks, missile systems, etc.)	68	No comment.
2. Define the objectives for mission capable and fully mission capable rates by major weapon system (i.e., M-1 tanks, F-15 aircraft, etc.) for each Service beginning at December 1980 and projecting to the end of FY 84, FY 86, FY 88, and FY 90.	69	No comment.
3. Compare mission capable rates by Service for each major category (i.e., tanks, aircraft, missile systems, surface ships, etc.) in December 1980, end of FY 81, FY 82, FY 83, and projected for the end of FY 84. What trends can be identified? Have mission capable rates increased or decreased and what Administration or Congressional actions have contributed to any increase or decrease? Are objectives for mission capable rates being met in a greater number of areas now than in December 1980? If so, why? And, if not, why not? Are failures to meet objectives in a particular area the result of budgetary restraints? What other factors contributed to achieving or failing to achieve goals in this area?	70	Defense's statement regarding reported Navy aircraft MC rates is correct. However, a 1983 GAO report pointed out that due to errors in the input data from which MC rates were derived and problems with Navy guidance for developing these rates, the actual rates were lower than reported—perhaps significantly so. Regarding the latter point, current Navy guidance allow aircraft to be reported as MC although the aircraft cannot perform the primary warfare roles for which they were designed and procured; and have been equipped for certain systems the Navy deem mission essential, but are missing the systems. In addition, Navy guidance allows squadrons to remove certain aircraft, such as those awaiting depot repair, from the mission capability computation base. The Navy's response was that its guidance for computing MC rates is more than adequate, although it did agree to correct the second point. The Navy maintains that MC rates are accurate.
4. What was the average number of training days/flying hours/steaming days in December 1980? At the end of FY 81? FY 82? FY 83? What is that average projected to be at the end of FY 84? Will our military forces be training more or less at the end of FY 84 than in December 1980? Explain why training has increased or decreased during the period.	72	No comment.
5. Do current training methods provide more or less realistic training in 1984 than in 1980 (i.e., are flight simulators more or less realistic now than in 1980)? If so, what Administration or Congressional actions have contributed to this improvement?	74	No comment.
6. Provide specific information by Service comparing maintenance trends (i.e., ship overhaul backlog, depot maintenance backlog, real property maintenance, etc.) in December 1980, end of FY 81, FY 82, FY 83, and projected in FY 84. Do these types of ratings indicate improvement or decline in this facet of readiness? What specific Administration or Congressional actions have affected this improvement or decline?	77	No comment.
7. What effect do improvements or declines in maintenance ratings have on training/flying/steaming hours and related training?	79	No comment.
8. As new equipment is delivered into the inventory, what is the effect on maintenance schedules and costs? Is newer equipment easier to maintain? Is new equipment cheaper to maintain? Cite specific examples from each Service of improved maintainability of new equipment compared to the equipment it replaced.	80	No comment.
9. What is the difference between a "financial" maintenance backlog and an "operational" maintenance backlog? In discussing maintenance backlogs, indicate what portion of the backlog is related to financial constraints, and what portion is related to operational constraints.	81	No comment.

EVALUATION OF DEFENSE'S RESPONSE—Continued

Area/questions	Page[1]	Evaluation
Sustainability:		
1. In each Service, what were the sustainability objectives for war reserve stocks (i.e., number of days of supply of munitions, fuses, guidance kits, etc.) in December 1980, at the end of FY 81, FY 82, FY 83, and projected for the end of FY 84? What changes in U.S. military commitment have caused a change in these objectives? Are objectives currently based on realistic assumptions of foreseeable requirements in the event of war? Were the assumptions underlying the objectives realistic in 1980 and if not, why not?	82	Charts reflect percentage of procurement objective but do not reflect total requirements.
2. What percent of war reserve sustainability objectives were being met in December 1980, at the end of FY 81, FY 82, FY 83, and projected to the end of FY 84? What Administration or Congressional actions have contributed to improvement or decline in meeting objectives? What other specific factors (i.e., increased training needs, replacement of outdated munitions to support modern systems, etc.) have contributed to improvement or decline in meeting objectives?	83	We review the annual ammunition appropriation request for the House Committees on Appropriations and Armed Services annually. We routinely recommend reductions in the services' requests because 1) requests are not adequately justified, 2) planned procurement would result in an inventory which exceeds requirements; 3) development problems have not be been resolved; and 4) previously funded program quantities remain undelivered, etc. The Congress often accepts our recommendations and reduces budget requests in such instances. Such cuts do not have the impact suggested by Defense in its statement "Budget requests for ammunition have been reduced substantially in recent years, materially affecting war reserves, training, and production base."
3. Compare by Service, stocks of secondary items (i.e., spare parts, support equipment, personal support items, etc.) on hand in December 1980, at the end of FY 81, FY 82, FY 83, and projected for the end of FY 84. What were the stock objectives for these items in December 1980? in FY 81? in FY 82? in FY 83? projected for FY 84? What percent of requirements is being met now compared to December 1980? What Administration or Congressional initiatives or actions may have affected an increase or decrease in percent of requirements being met? What specific changes in requirements have been made since December 1980 and why? Are current objectives more or less realistic than in 1980? Provide specific data to support responses.	88	Charts show increased funding and progress towards attaining interim objectives. They do not show the total requirements nor do they address the problem of imbalances within and between supply classes of war reserve material.
Trends: DOD consolidated their responses to a number of questions related to trends. Thus, this section comments on the questions in the same manner that DOD responded.		
1. Show the changes that have occurred in the overall C-ratings and the C-ratings in each of the four reporting categories reported under the UNITREP system for major unit types in each of the military services since December 1980.	95	While Defense's reply stresses that C-3 units should be considered combat ready, it is important to realize that such forces are only marginally ready, by definition, and have major deficiencies that should be corrected in order to provide them the capability to function in combat as they were organized to do.
2. Are the C-ratings reported under the UNITREP system a measure of readiness? How is the information reported under UNITREP used within DOD? Do the criteria for assigning C-ratings differ by military service? In what ways? How have the criteria for assigning C-ratings changed in each of the military services since 1980?	98	Some aspects of UNITREP address factors of sustainability; however, as stated on pg. 96 of Defense's response "UNITREP is by far the most comprehensive system currently being used for measuring unit readiness." In fact, it is the only system used by all services to report unit readiness. However, several important factors inherently reduce the scope and thus the comprehensiveness of the readiness status information generated through UNITREP. First, UNITREP report only on "readiness," which is just one of the four key components, or "pillars" used by Defense to judge military capability. Second, only combat, combat support, and service-selected combat service support units report readiness information under UNITREP. These units account for about 50 percent of the active force, while approximately 50 percent of the force is assigned to other unit types, such as unit/organizations involved in training, supply, maintenance, and other support functions needed during mobilization and wartime. Third, UNITREP reports only on certain selected resources controlled by or organic to the reporting unit. Important resources required to deploy a unit to a theater of operations and employ that unit in combat are not covered in C-ratings. For example, the availability of strategic transportation lift assets and consumables, such as fuel and ammunition needed to support operations, is not addressed. Fourth, the UNITREP system generally does not attempt to rate units against the requirements of specific operational plans or within mission areas (the Navy is an exception here).

EVALUATION OF DEFENSE'S RESPONSE—Continued

Area/questions	Page¹	Evaluation
3. What are the criteria used to reassess objectives to measure readiness? Are objectives more realistic now than in December 1980? Cite specific examples of objectives which have been changed and explain using specific data (i.e., changes in threat assessment, changes in consumption rates, greater military commitment, etc.) why any changes have been made.	101	Defense's response states ". . . changes in definitions and support standards have provided a more realistic way of reporting readiness but have had no impact on actual capability." Examples cited involve Air Force changes that (1) put more weight on those critical spares that have a major impact on sortie generation capability and (2) include more realistic standards for spare engines in determining equipment on-hand ratings. These were two good changes which, when implemented, reduced C-ratings. The existing capability of the reporting unit (before and after) was the same. The reduced C-ratings, however, provide a better picture of the units' readiness which, before the changes, had, in effect, been overstated. As explained in this section, the Army's modified tables of organization and equipment (MTOE) outlines how a unit should be organized, manned, and equipped to meet wartime requirements. It identifies the highest priority items of equipment and the quantities that are needed for a unit to perform its wartime mission. This section then argues that, although the new MTOEs require a significant number of new ancillary equipment to support major end items and provide a more effective organization, the non-availability of these items (for up to 28 months in the example cited) causes only an "apparent" drop in readiness, while capability may have increased.
	111	Readiness as defined on pg. 1 of Defense's response, is "the ability of forces, *units* (underscoring added), weapon systems, or equipment to deliver the outputs for which they were designed." The MTOE is supposed to reflect the things—equipment, people, etc.,—required for the unit to perform as designed. It seems apparent that, if a significant number of these things are not available, then the unit cannot perform as designed, thus, readiness is reduced. Each of the examples cited regarding Army units, in reality, supports the fact that readiness was reduced. Currently, the Army has no system to measure a units' capability. The basic premise stated here for the Air Force (as was done earlier for the Army section) is that an action such as the introduction of a new end item may reduce readiness (decrease the ability of a unit to deliver the output for which it was designed or organized) and reduce sustainability (decrease the "staying power" of the unit). Yet, at the same time, according to Defense, military capability (the ability to achieve a specified wartime objective) is not adversely impacted—in fact, it may be enhanced. It seems that at some point, reduced readiness and sustainability must impact capability. Defense should provide some insight as when this occurs.
4. Can the combat capability of a military unit be quantified in some fashion? If so, list the criteria used to assess combat capability. Is there currently any measure of the increase in combat capability that has occurred since December 1980? What are the most accurate indicators used to measure military capability? Are these measures reflected in the standard UNITREP ratings?	117	Defense's answer is correct but the following information elaborates upon their response. According to *JCS Memorandum of Policy (MOP) 172*, reporting on the military capability of U.S. Armed Forces is accomplished through two reports—the *Commander's Situation Report (SITREP)* and the combat readiness status portion of UNITREP. MOP 172 further provides that military capability be reported on in terms of its sub-elements or "pillars." While UNITREP addresses only the readiness sub-element of military capability, the SITREPs address all four sub-elements and are submitted by the commanders of the unified and specified commands. They provide the capability of their commands to meet the requirements of plans approved by JCS. Additionally, commanders assess their forces' abilities to initiate and sustain operation plan execution. SITREPs are submitted annually and updated on a semiannual basis. The SITREPs, along with input from the services, the Defense Logistics Agency, and the Joint Deployment Agency form the bases for the annual *JCS Capability Report* to the Secretary of Defense on U.S. general purpose forces.
5. What specific management studies and initiatives have been undertaken to improve "readiness reporting" to reflect more accurately a realistic assessment of the ability to wage and win a war?	118	No comment.

EVALUATION OF DEFENSE'S RESPONSE—Continued

Area/questions	Page[1]	Evaluation
6. Are American military forces more or less capable now to successfully wage a conventional war with the Warsaw Pact over a prolonged period than in December 1980? Please cite specific areas where warfighting capability has improved substantially from December 1980 to 1984. Will this trend continue into the future given the current funding levels and programs requested in the Administration's Five-Year Defense Plan?	120	No comment.

[1] Page reference to Defense's response.●

Mr. WARNER. Mr. President, I observe that no Member is seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business until 12:15 p.m. under the same terms and conditions.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, earlier today the minority leader indicated to me that perhaps there would be other nominations on the Executive Calendar today that he could clear.

Could I inquire of him now if he has any other such clearances?

Mr. BYRD. Mr. President, I do have clearances for all nominations on page 5, down to "New Reports" on page 6, and all on page 7.

Mr. BAKER. I thank the minority leader.

Mr. President, that would be, as I see it, Calendar Orders No. 632, 633, 634, 635—we have already done 636. So the next one would be 637 and 638 on page 6, and then the two nominations on the Secretary's desk in the Foreign Service.

Does the minority leader concur in that identification?

Mr. BYRD. Mr. President, the majority leader is preeminently correct, as he is in virtually all instances.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering these nominations.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The legislative clerk read the nomination of John F. Scruggs, of Virginia, to be an Assistant Secretary of Health and Human Services.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL SCIENCE FOUNDATION

The legislative clerk read the nomination of David T. Kingsbury, of California, to be an Assistant Director of the National Science Foundation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The legislative clerk read the nomination of Robert Michael Isaac, of Colorado, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

ACTION AGENCY

The legislative clerk read the nomination of Daniel F. Bonner, of Maryland, to be the Associate Director of the ACTION Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF STATE

The legislative clerk read the nominations of Richard Schifter, of Maryland, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador; and Peter Sebastian, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

The legislative clerk read nominations placed on the Secretary's desk in the Foreign Service.

Foreign Service nominations beginning Philip Birnbaum, and ending Ronald Allen Witherell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 30, 1984.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I inadvertently overlooked four nominations under the Judiciary that are cleared on this side. A fifth one has already been acted on, but the remaining four under Judiciary on page 6 are cleared on this side.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, we are still in executive session, are we not?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order Nos. 640, 641, 642, and 643, and that we do so en bloc.

The PRESIDING OFFICER. The nominations will be stated.

THE JUDICIARY

The legislative clerk read the nominations of Dominick L. DiCarlo, of New York, to be a judge of the U.S. Court of International Trade; of John M. Duhe, Jr., of Louisiana, to be U.S. district judge for the Western District of Louisiana; of Tom S. Lee, of Mississippi, to be U.S. district judge for the Southern District of Mississippi; and of Paul G. Rosenblatt, of Arizona, to be U.S. district judge for the District of Arizona.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wish to express my thanks to the minority leader not only for clearing these items for the Executive Calendar and his general cooperation on managing the affairs of this brief day but also providing us with the only amendment on which we were able to get a vote. I regret that we could not go further today, but it is clear we cannot.

Mr. President, I have nothing further. I believe there is already an order for the Senate to convene at 11 a.m. Monday pursuant to adjournment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I am handed a note by my diligent and dedicated staff which suggests that I say there will be rollcall votes on Monday and daily next week and late sessions. If I had the nerve to say that, I would. But I have had so little success this week in making those predictions that all I will say is, I hope we are going to have rollcall votes on Monday and that I hope we are going to have useful and productive labor in the Senate late in the evening next week, but I am just cured of making those predictions.

Mr. BYRD. Mr. President, it is always easy, I would suppose more conducive, to have a greater nerve if you do not have to be on the front line.

ADJOURNMENT UNTIL 11 A.M. MONDAY, JUNE 11, 1984

Mr. BAKER. Mr. President, I have no further business to transact. If no other Senator is seeking recognition, and I see none, I move, in accordance with the order previously entered, the Senate now stand in adjournment until Monday at 11 a.m.

The motion was agreed to, and at 12:13 p.m., the Senate adjourned until Monday, June 11, 1984, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 8, 1984:

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Robert Michael Isaac, of Colorado, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987.

ACTION AGENCY

Daniel F. Bonner, of Maryland, to be Associate Director of the ACTION Agency.

NATIONAL SCIENCE FOUNDATION

David T. Kingsbury, of California, to be an Assistant Director of the National Science Foundation.

DEPARTMENT OF STATE

Weston Adams, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malawi.

Richard Schifter, of Maryland, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

Peter Sebastian, of Maryland, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

John F. Scruggs, of Virginia, to be an Assistant Secretary of Health and Human Services.

THE JUDICIARY

John M. Duhe, Jr., of Louisiana, to be U.S. district judge for the western district of Louisiana.

Tom S. Lee, of Mississippi, to be U.S. district judge for the southern district of Mississippi.

Paul G. Rosenblatt, of Arizona, to be U.S. district judge for the district of Arizona.

Jean Galloway Bissell, of South Carolina, to be U.S. circuit judge for the Federal circuit.

Dominick L. DiCarlo, of New York, to be a judge of the U.S. Court of International Trade.

FOREIGN SERVICE

Foreign Service nominations beginning Philip Birnbaum, and ending Ronald Allen Witherell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 30, 1984.

SENATE—*Monday, June 11, 1984*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

I will sing to the Lord as long as I live; I will sing praise to my God while I have my being. May my meditation be pleasing unto him, for I rejoice in my Lord.—Psalm 104: 33, 34.

God of Abraham, Isaac and Israel, of Jesus, the apostles and the church, we thank Thee for the weekend with its opportunity to worship, to be with families, to rest, relax, and play. We thank Thee for a new day and a new week in which to serve Thee, the people, and each other. Grant wisdom and strength to Thy servants that this may be a week of achievement which brings satisfaction to all who labor here. To Thy honor and glory we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the opening festivities today—meaning the recognition of the two leaders and the special order and morning business—we will be back on the defense authorization bill.

I consulted this morning, before the Senate convened, with the distinguished chairman of the Armed Services Committee, who expressed the hope that we might be able to finish this bill Thursday evening. That is a tall order, but I joined him in hoping that we may do that and in urging Senators to consider that we may, therefore, have long days this week in order to accomplish that purpose.

I do not think today will be a long day, but I think Tuesday, Wednesday, and Thursday are good candidates for that. So I urge Senators to take account of that.

We now have two appropriations bills on the calendar. At some point, I will confer today with the minority leader, if he will agree to do so, to talk about proceeding to the consideration of the energy-water bill and perhaps the HUD appropriations bill as soon as possible, even if we have to temporarily lay aside some measure in order to do that.

However, in order to arrange that and to do justice to the diligence of the Armed Services Committee, it almost certainly means that we will have to have some arrangement on how much time would be required in order to dispose of either or both of those appropriations bills.

Once again, Mr. President, I expect that this week will be marked by the strong possibility of late evenings on Tuesday, Wednesday, and Thursday. I will leave it up to the chairman of the Armed Services Committee and his distinguished minority counterpart to make any further announcements they may wish in that respect.

Mr. President, I believe that is all I have today.

I ask unanimous consent that I may reserve 1 minute of my time for the purpose of admitting messengers, after the recognition of the distinguished minority leader under the standing order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Democratic leader is recognized.

THE ENERGY-WATER APPROPRIATIONS BILL

Mr. BYRD. Mr. President, I hope it will be possible to proceed to the consideration of the energy-water appropriations bill today. I am not expressing that hope out of a feeling of assurance that I can get clearance, but I am going to try.

Mr. BAKER. I thank the minority leader.

Mr. BYRD. I received a call this morning from Mr. ANDREWS. For necessary reasons, he has to leave this city tomorrow, I guess for the rest of the week. I should like to see this measure acted on today. I am sure the able majority leader will see if it can be worked out.

Mr. BAKER. Mr. President, if the Senator will yield, I am most grateful for that.

We will explore on this side any problems we have. I think we are fully cleared on this side to proceed to that measure. I will consult with the minority leader, and maybe we can do that today.

I have an obligation, of course, to the chairman of the Armed Services Committee, but I think we may work something out. So Senators should consider that we may take up the energy-water bill today.

I am advised, by the way, that one of the messengers at the door may have two more appropriations bills for us from the House of Representatives, so we will have a pretty good stock of these regular appropriations bills that need to be disposed of, and I think we should get on with that.

THE DECLINE OF AMERICAN INDUSTRY

Mr. BYRD. Mr. President, on April 3, 1982, President Reagan said that:

> . . . the difference between our plan and what's always been tried before is the long-range plan to get the economy back on track, to get America back to where we're the industrial powerhouse that we always were.

The record of the past 3½ years has shown that there is a difference between the administration's economic plan and those plans that have been tried in the past, and it is a very significant difference. Whereas previous administrations—both Democratic and Republican—presided over a broad and fairly steady expansion of American industrial power, the Reagan administration has presided over the most severe setback to American industrial might since the Great Depression.

In 1981 and 1982, while the American economy as a whole suffered through a devastating recession, the manufacturing sector of our economy suffered through a virtual depression. Even today, despite more than a year of economic recovery, American manufacturers are further away from regaining their position as the industrial powerhouse of the world than they were 3 years ago. The weakened position of American industry is made strikingly clear by the deteriorating U.S. balance of trade in manufactured goods, in 1983.

American exports of manufactured goods overseas declined $7.3 billion to a level 8 percent below the level of exports in 1980;

Foreign imports of manufactured goods into the United States increased $20.3 billion to a level 30 percent above the level of imports in 1980; and

The overall U.S. trade balance in manufactured goods deteriorated to a deficit of $38.2 billion—the largest shortfall ever recorded.

The decline in America's status as an industrial power during the past 3 years has exacted a tremendous toll from those workers employed—or, more accurately, those workers for-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

merly employed—in U.S. manufacturing industries.

Overall manufacturing employment grew rapidly in the 10 years between 1963 and 1973. On average, more than 315,000 workers were added each year to manufacturing payrolls during the decade preceding the 1973 Arab oil embargo. Even in the years between 1973 and 1980, despite two oil shocks and two recessions, manufacturing employment increased, on average, by 18,700 per year.

In contrast, in the 3 years between 1980 and 1983, total manufacturing employment declined by a staggering and unprecedented 1.6 million—an average loss of more than 500,000 jobs a year. According to a forecast by Data Resources, Inc., manufacturing employment is not likely to return to its 1980 level until the end of this decade. Furthermore, while declines in employment occurred in some manufacturing industries during the 1973-80 period, those declines accelerated sharply and spread to virtually every manufacturing sector between 1980 and 1983.

For example, although the plight of the American steel industry has been well publicized, it is perhaps not so well known that the real turning point for our steel industry occurred in 1981. Abstracting from the normal effects of the business cycle, production of basic steel in the United States remained relatively constant between 1965 and 1981, despite rising imports from overseas. At the same time, due to improvements in productivity, employment in the steel industry declined gradually from 538,000 production workers in 1965 to about 400,000 in the latter part of the 1970's.

In 1982, however, steel production and employment plunged to incredibly low levels. After producing 121,000 net tons of raw steel in 1981, the American steel industry produced less than 75,000 tons in 1982—a 38-percent drop. At the same time, employment in the steel industry dropped a sharp 25 percent, from 392,000 production workers in 1981 to only 294,000 in 1982. Although economic recovery boosted steel production to 85,000 net tons in 1983, employment dropped even lower to a level of only 258,000.

Moreover, even those steelworkers who were fortunate enough to hold onto their jobs were hurt. Last December, hourly employment costs in the steel industry were $22.16, down 15 percent from a year earlier. That drop reflected a wage reduction of $1.25 per hour—to be restored over 3 years—elimination of six cost-of-living adjustments and marking down six others, reduction in the Sunday premium, and elimination of a vacation week in 1983, a vacation bonus in 1984, extended sabbaticals, and a holiday. Thus, even the remaining employees made substantial sacrifices.

Although the steel industry is a high wage industry, tremendous setbacks were also experienced by relatively low-wage industries, such as the textile and apparel industries, between 1980 and 1983. Imports of textiles into the United States rose 20 percent between 1980 and the first half of 1983, while exports fell 37 percent, leading to a trade deficit in textiles alone of over a quarter of a billion dollars. Although wages in the textile industry are only three-fourths the average in the total economy, employment losses exceeded 100,000 jobs between 1980 and 1983.

A loss of jobs of approximately the same magnitude took place in the apparel industry. From the mid-1950's to the late-1970's, production of apparel rose at a trend of 3.1 percent annually. But between 1980 and the first half of 1983, apparel imports rose 39 percent while exports fell 23 percent. As a result, despite the fact that wages in the apparel industry are only 70 percent of the national average, employment in the industry declined by exactly 100,000 between 1980 and 1983 as the trade deficit in apparel goods rose to nearly $7 billion.

Overall, the past 3 years were difficult years for American manufacturers. While some improvement has been made in the 18 months since the end of the 1981-82 recession, the outlook in many manufacturing industries remains uncertain. For example, Data Resources, Inc., expects that, despite the sacrifices already made by American steelworkers, the recovery in employment in the primary metal industries will be essentially complete by the end of this year—with thousands of steelworkers permanently dropped from the payrolls of their former employers. For those steelworkers and thousands of other manufacturing workers, America's industrial resurgence has become another dream deferred.

Mr. President, I ask unanimous consent to have printed in the RECORD tables showing employees on nonagricultural payrolls, 1963-83, and change in nonagricultural employment, 1963-83.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

EMPLOYEES ON NONAGRICULTURAL PAYROLLS, 1963–83

	1963	1973	1980	1983
Total	56,653,000	76,790,000	90,406,000	90,138,000
Manufacturing	16,995,000	20,154,000	20,285,000	18,497,000
Primary metals	1,127,000	1,259,000	1,142,000	838,000
Nonelectrical machinery	1,529,000	2,089,000	2,494,000	2,038,000
Electronic equipment	1,515,000	1,970,000	2,091,000	2,024,000
Transportation equipment	1,767,000	1,929,000	1,900,000	1,756,000
Textiles	885,000	1,010,000	848,000	744,000
Apparel	1,283,000	1,438,000	1,264,000	1,164,000
Rubber	419,000	692,000	727,000	718,000

CHANGE IN NONAGRICULTURAL EMPLOYMENT, 1963–83

[Average annual growth]

	1963–73	1973–80	1980–83
Total	+2,103,700	+1,945,100	−89,300
Manufacturing	+315,900	+18,700	−596,000
Primary metals	+13,200	−16,700	−101,300
Nonelectrical machinery	+56,000	+57,900	−152,000
Electronic equipment	+45,500	+17,300	−22,300
Transportation equipment	+16,200	−4,100	−48,000
Textiles	+12,500	−23,100	−34,700
Apparel	+15,500	−24,900	−33,300
Rubber	+27,300	+5,000	−3,000

SENATOR BAKER'S DARTMOUTH ADDRESS

Mr. RUDMAN. Mr. President, on yesterday in Hanover, N.H., the majority leader, the distinguished Senator from Tennessee (Mr. BAKER), gave the commencement address at Dartmouth College. It was a remarkable address in that it was provocative, it was bold, and it was imaginative. It carried, I believe, great substance which all of us ought to read. It was also remarkable for the fact that the gathered audience of nearly 9,000 people interrupted the majority leader on numerous occasions to applaud his speech, something I find unusual for a commencement address.

Mr. President, I ask unanimous consent that the full text of the majority leader's speech at Dartmouth College be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR BAKER

It is a great pleasure for me to join the families, faculty and friends of the Class of 1984 in congratulating you on your graduation from Dartmouth College.

I am honored, as well, to receive a degree of my own from this distinguished institution today, and I am grateful for your extraordinarily gracious gesture of naming the campus library in my honor.

The last time I was at Dartmouth was in 1980. The very observant among you may recall that I ran for President in 1980, and Dartmouth was a major step along my triumphant march to third place in the New Hampshire primary.

As I recall, I won 13 percent of the vote here in New Hampshire, and my performance here at Dartmouth may help explain why. After giving an address on foreign policy to a student group, I took questions from the floor, and one of the first was, "What do you think of the Kemp-Roth tax cut bill?"

My reply was that the Kemp-Roth went too far too fast and that I preferred a more moderate approach. I later learned that the student who asked me that question was the son of JACK KEMP, and that's pretty much how the whole campaign went.

Still, it's good to be back at Dartmouth, and I share with all of you the famous sentiment of Daniel Webster, who said of Dartmouth, "It is a small college, and yet there are those who love it."

There was no more passionate champion of American union than this most prominent son of Dartmouth, and I am concerned that Webster's vision of "liberty and union, now and forever, one and inseparable" is receding in America today.

The whole concept of democratic government is to create mechanisms by which it can discern the will of the people and translate that will into useful public policy.

Implicit in that concept is a recognition that the nature of self-government is adversarial. The testing of ideas in a public forum, the competition of philosophies and even of personalities, the coalescing of public opinion behind certain of these and the conscious choice to leave others aside—all of this is the essence of self-government and the most eloquent expression of our liberty.

And this adversarial system has worked with remarkable success over the last 200 years. It has broken down completely only once, with the Civil War. It has served us well through global conflict, massive economic upheavals, civil rights revolutions, and more.

But the successful precendents of the past do not necessarily ensure that the same system will serve us all well in the future.

The system which exalts individual liberty has begun in our time to exclude political union, and as Webster knew, we cannot have one without the other.

We are at liberty to debate issues of nuclear power, arms control, environmental protection, economic policy, abortion and all the rest, and yet today we feel no ultimate obligation to resolve our differences and unite behind a single policy on any of these issues.

It used to be that politics ended at the water's edge, that at least we presented a face of unity to the wider world, but even this tradition has been broken in recent years.

We live in a political atmosphere now in which common civility seems destined to join chivalry in extinction, in which we argue for the sake of argument, and accuse for the sake of advantage, in which the adversarial process has become not a means to an end but an end in itself.

In this atmosphere, the adversarial system will lead not to accomplishment but to anarchy, not to policy but to paralysis, and finally to the end of our liberty and our Union alike.

We seem to have lost the implicit understanding, essential to a free people, that at some point we will subordinate even our most strongly-held personal preferences to the public good, and even our most passionate special interest to the common interest.

I believe we have to start thinking about things a little differently in this country. While holding fast to our own principles, we must have a decent respect for differing points of view. We must understand that after the time of testing comes the time for uniting. We must recognize that it is the resolution of conflict, rather than its perpetuation, that makes the difference between successful self-government and civil warfare.

I think we savage each other too readily in American politics today. The fictional philosopher, Mr. Dooley, once said, "the Senate is ruled by courtesy, like the longshoreman's union." But the Senate has been a monastery compared with the House of Representatives in recent weeks, and I think it's time Members of Congress on both sides of the Hill and both sides of the aisle remember that we can't go on impugning each other's motives and integrity and patriotism without impairing the dignity and effectiveness and legitimacy of the institution we comprise.

I believe the same is true of Presidential campaigns. The sometimes truculent and trivial pursuit of the Nation's highest office which we have witnessed this year is not without precedent, but I think the American people have had enough of Presidential candidates who, day after day, denounce each other, demean themselves, and diminish the very office they seek to hold.

I hope that in the general election to come, candidates for President and politicians of every rank will stop calling each other names and start calling this country to action.

I hope the acrimony that has infected our politics will yield again to civility. I hope we will get away from the cult of personalities in our politics and concentrate again on the contest of ideas and policies.

I would like to see us stop selling candidates as if they were soap. I'd like to see the theatrics of political commercials eliminated. I'd like to see candidates on television talking to the American people, soliciting their support on the basis of merit and policy rather then enthralling them with Wagnerian music and Spielberg cinematography.

It may be too much to hope that Americans, so well conditioned by television, will base their political choices on issues rather than imagery, but it is not too much to ask that they have that chance.

It is not too much to ask that we begin consciously to reward civility and to punish hostility in our political process, that we commit ourselves again to union as well as liberty in our national life, that we subdue the sense of narrow self-interest and restore our sense of nation.

We are not enemies but friends. We must not be enemies. There is animosity aplenty in this world without Americans attacking and destroying each other for political advantage or any other reason.

I believe we can take a lesson from our American experience in adversarial democracy and apply it to our relations with our most important international adversary, the Soviet Union.

I believe the relations between the United States and the Soviet Union are as tense as they are today at least in part because the same acrid rhetoric which befouls our domestic politics has polluted the dialog between superpowers as well.

I believe Theodore Roosevelt offered the perfect prescription for dealing with the Soviet Union when he said, "Speak softly and carry a big stick."

I believe that in this age of mutual assured destruction, with a hundred million nuclear hostages of each side, nothing is more important than a stable and civil relationship between our two countries.

So today I wish to offer one small suggestion to help stabilize and civilize this most important relationship.

I believe it's time we got away from the notion that summit conferences between the United States and the Soviet Union should be rare and special occasions, to be held or not held as prevailing international conditions dictate.

I think it's time we retired the conventional wisdom that a summit without some tangible agreement is a summit that has failed, that heads of government and chiefs of state should be guided step by step through a pageant of toasts, agreements, and communiques prepared in advance.

I think it's time we decided that, just as war is too important to leave to the generals, peace is too important to leave to the diplomats. It's time we decided that direct, regular, genuine, face-to-face, give-and-take communications between the two most powerful people on Earth is an imperative of our perilous time.

The most fundamental responsibility of these leaders to their people is the assurance of their people's survival. That responsibility must be borne directly and personally. It was in a different context that Eisenhower promised to "go to Korea," but the willingness to meet with an adversary remains the first step on the path to peace.

The only way we can avoid annihilation at each other's hands is to make sure we understand each other's concerns, complaints, and conditions for compromise.

The "hot line" between Washington and Moscow was a step in the right direction, but the "hot line" is an emergency system. It's time we opened new lines of personal communication at the highest levels to forestall such emergencies and to foster a more secure and stable relation between our countries.

So I suggest the institution of annual meetings between the President of the United States and the leader of the Soviet Union, and I suggest that the first such meeting take place this year, or next at the latest, here or in the Soviet Union or a neutral place if necessary.

There should be no mistaking our intention here. It is not to excuse the trouble which Soviet adventurism has caused around the world but to mediate it. It is not to reward the massive buildup of nuclear arms but to reduce it and finally to end it.

The Soviets, for their part, will have complaints and initiatives and issues of their own. The agenda for these meetings will be enormously challenging. The prospect for resolving all our differences will be remote. The bargaining will be very tough. And all of these are reasons for beginning these talks without delay.

Surely there is much that divides us, but surely too there is some common ground on which we may stand together for the sake of a suffering and fearful world.

And if that is true of our greatest adversary, how difficult can it be to find common cause with our fellow Americans here at home? How difficult can it be to rediscover the political and social union which is the source of all our strength?

I think we've had enough of discord and division and acrimony in this country. I think we've dwelt too much on our differences and not enough on the ties that bind us together as Americans. I think it's time we lifted our sights beyond ourselves to the broader horizon of service to others.

It's time for a reconciliation among our own people, for a new era of good feeling here at home and around the world. I have spent my whole political life in pursuit of these goals, and I invite you to take them as your own, whatever your calling in life may be.

There are easier ways to get by in this world, but you did not come to Dartmouth just to get by. You came here to make a difference in your own life, and as you leave here, you must resolve to make a difference in the life of the world.

The challenge is great, and so is the opportunity. That has always brought out the best in Americans, and I am confident it will do no less for you. Congratulations, good luck, and God bless you all.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 540) to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Dingell, Mr. Waxman, Mr. Scheuer, Mr. Broyhill, and Mr. Madigan as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Jones of Oklahoma, Mr. Wright, Mr. Solarz, Ms. Ferraro, Mr. Aspin, Mr. Hefner, Mr. Downey of New York, Mr. Lowry of Washington, Mr. Miller of California, Mr. Gray, Mr. Wolpe, Mr. Frost, Mr. Fazio, Mr. Latta, Mr. Shuster, Mr. Frenzel, Mr. Kemp, Mr. Bethune, Mr. Gramm, and Ms. Fiedler as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 5743. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5753. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes;

H.J. Res. 153. Joint resolution to designate the week beginning October 2, 1984, as "National Children's Week"; and

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway," and June 27, 1984, as "St. Lawrence Seaway Day."

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 316. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1149.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have no further need for time, and I yield back any time I have remaining.

Mr. PROXMIRE. Mr. President, I yield to the distinguished minority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that such time as I yield back, I be allowed to retrieve for the purpose of yielding it further to Mr. Proxmire so that he will have enough time in addition to his order to make his statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. Proxmire) is recognized for not to exceed 15 minutes, together with such time as has been yielded to him by the minority leader.

Mr. PROXMIRE. I thank the Presiding Officer.

WHY SHOULD NOT THE FEDERAL GOVERNMENT HELP A DISASTER STRICKEN COMMUNITY?

Mr. PROXMIRE. Mr. President, how strange that nothing brings out the best in American citizens the way a disaster does. And even a severe disaster may bring nothing from the Federal Government.

At about 1 a.m. last Friday morning, a devastating tornado smashed into Barneveld, a Wisconsin village where 579 people lived.

In less than a minute that tornado literally leveled 93 homes and seriously damaged 64 others. Every one of the 11 business establishments in Barneveld was totally destroyed. The tornado picked up and slammed all five of the village's churches into smithereens. It ground into rubble the village elementary school and all of the municipal buildings, including a new fire station. Nine people were killed. More than 50 suffered serious injuries. The village was left without electricity, telephone service, or water. But the tornado was not through. It shot into Black Earth, a village in another Wisconsin county, destroying a dozen homes and damaging farm buildings along the way. Weather experts estimated the speed of the tornado at more than 200 miles per hour. It zipped through southern Wisconsin in a zone of devastation a quarter of a mile wide and 13 miles long.

On Saturday about 40 hours after the tornado slammed into Barneveld I visited the village. The little business section looked like Warsaw, Poland, after the German juggernaut had ripped it to shreds in World War II. Home after home lay scattered, ripped off its foundations with the remains strewn around like an abandoned junkyard. The county board chairman drove me out to a nearby sand and gravel quarry where trucks had already dumped much of the wreckage of the village and bulldozers had shoved the mangled steel, lumber, torn mattresses, broken chairs into a condensed mass. A member of the village board told me they would burn and bury those tattered remains soon.

So it was a disaster—the worst Wisconsin disaster in many years. For the people of Barneveld it was a crushing, heartbreaking blow. Now, what is this about the disaster bringing out the best in American citizens? It does. And the Barneveld disaster did. The tornado smashed into Barneveld at about 1 o'clock in the morning on Friday. Within an hour volunteer fire departments from half a dozen nearby communities, manned entirely by unpaid nearby farmers, merchants, insurance agents, feed mill workers, and others, arrived in the village. They helped men and women escape from their wrecked homes. By 3 in the morning five schoolbuses sped into Barneveld to pick up the homeless and take them to neighboring shelters. Neighbors living just out of the path of the tornado dug in the debris of the shattered homes removing the dead, rescuing battered and bewildered survivors and driving the injured to nearby hospitals. Red Cross volunteer women arrived within a few hours with food and clothing. They were still hard at work in a drenching rainstorm when I arrived in Barneveld 40 hours after the tornado hit. A county board member told me how helpful and efficient the Salvation Army had been. Another town official said that he had always been proud of the Wisconsin National Guard but he had never before appreciated how remarkably they put their military discipline and facilities to work to provide whatever was needed by people who have suffered a disaster.

Mr. President, this Senator is, of course, very conscious of the Federal responsibility in this kind of a disaster. In recent months our Wisconsin Governor, Anthony Earl, has been deeply disappointed in the failure of the Federal Government to assist in other natural disasters that have hit our State. It is ironic that even the most conservative private institutions—outside the disaster area—such as the First Wisconsin Bank and the United Bank of Madison responded immediately when I asked them to send their expert personnel into Barneveld to help the devastated businessmen and homeowners secure the capital they need for rebuilding. Governor Earl was personally in Barneveld promptly on Friday. He pledged full State support. His able head of emergency government, Carol Hemersbach, has been on top of this disaster from the beginning. But where is the Federal backup? Now the Federal Government does not do much in these situations. At best, the Federal effort will generally consist not of a handout or a grant but credit to devastated businesses and homeowners with low interest rates, to be sure, but with the loans fully repayable. The tornado did more than $20 million of damage; 70 percent or about $14 million will be covered by insurance. There will be $6 million in uncovered losses. In the recent past—in other Wisconsin disasters—the Federal Government has provided nothing but alibis, excuses and a very cold shoulder. As Governor Earl has said our Wisconsin people pay their fair share of taxes and we expect fair treatment in return. We want no more than any other State. But we certainly do not expect less. The Governor feels that we have not gotten it in the past. He is right. This time we urgently need Federal help. We should get it.

RECENTLY DISCLOSED EISENHOWER ADMINISTRATION ATTITUDE ON NUCLEAR WAR A SHOCKER

Mr. PROXMIRE. Mr. President, on June 7 the State Department issued documents from 30 years ago that offer a startling and instructive contrast with present prevailing views on the use of nuclear weapons. The just released reports of National Security Council and Intelligence Advisory Committee meetings in 1953 show an astonishingly casual, matter-of-fact attitude toward this country's use of nuclear weapons against North Korea, China, and even the Soviet Union by our top military commanders including the Joint Chiefs of Staff, Secretary of State John Foster Dulles, and even the President of the United States, Dwight Eisenhower. Even more startling to our mid-1980's perspective, President Eisenhower and Secretary Dulles were reported in these documents: "to be in complete agreement that somehow or other the tabu which surrounds the use of atomic weapons would have to be destroyed."

The fact that civilization and relative peace continued for the next 30 years suggests what a lucky break we have had, to live through that period in peace when our leaders so seriously contemplated initiating nuclear war. Why—in view of this willingness to use nuclear weapons did the President and Secretary of State decide to desist? And does the remarkable progress we have made since then in the prevailing attitude toward nuclear war provide any lessons we can learn that will help us prevent the catastrophe in the future?

The concluding memoradum that accompanies these documents show that the Joint Chiefs, the State Department, and the National Security Council all recommended to President Eisenhower that he use "atomic weapons" in the event the "Communist renew hostilities in Korea." If China or North Korea had begun another offensive against South Korea, President Eisenhower would on the basis of these documents undoubtedly have ordered that we respond with nuclear weapons, including nuclear attacks on major Chinese cities. The documents also show that the prime inhibition against using nuclear weapons against North Korea and China was the hostility against such action by world opinion and the opposition of our allies. It was this world opinion, which President Eisenhower and Secretary Dulles said we must destroy, that may have saved this Nation from initiating a nuclear war. That world opinion and the overwhelming public opinion of Americans still constitutes the great force that inhibits this Nation's present leaders to this very day from contemplating the use of nuclear weapons.

But there is something else today. Today the Soviet Union and at least four other countries have a capability for nuclear retaliation that must convince the toughest hawk that a nuclear war would end the organized existence of both superpowers. Today outstanding international scientists tell us that even a small nuclear war could kick up enough soot and smoke from burning cities that the Earth would suffer weeks in a pall of darkness with 99 percent of the Sun's rays shut out. These weeks of darkness would be accompanied and followed by months of far below freezing cold. That frigid cold would destory most plants and animals. It would kick off a worldwide famine. Of course it is true that today's myriad of nuclear weapons includes many new varieties with far greater accuracy and in many cases, far less radioactive fallout and megatonnage. But once a nuclear war starts, it would be very likely to escalate with bigger, and dirtier, and more devastating destruction, to a level that would set off the catastrophic nuclear winter.

Mr. President, we take proper pride in this country's long tradition of freedom, justice and as our Founding Fathers put it, concern for the good opinion of mankind. And yet we now know that this great and good country of ours only 30 short years ago stood on the brink of initiating a nuclear attack thousands of miles from our shores. If this democracy with a critical and free press providing the best informed public in history and with a President like Dwight Eisenhower, a former general but an earnest man of peace could call for the destruction of the tabu on the use of atomic weapons in 1953. What attitude can we expect from other countries run by hawkish dictators as they acquire a nuclear arsenal? The prospect that this world will plunge into nuclear war if nuclear weapons spread widely seems very likely indeed. These documents revealing the thinking of our leaders in 1953 should convince any skeptic that the most significant challenge on Earth for the next 30 years will be how to prevent nuclear war.

Mr. President, how lucky we have been to have lived through more than 30 years of international nuclear arsenals without nuclear war. We must have been holding on to a rabbit's foot, a four-leaf clover, and a lucky penny. Consider: this democracy was lead by a President like Dwight Eisenhower, who many times demonstrated he understood the incredible catastrophe that nuclear war would bring this planet. And still he was ready and willing to initiate a nuclear war, and not with troops threatening our shores, but in far off Asia. Think then how much more likely that the Soviet Union would resort to atomic war. The Soviet Union is not a democracy concerned with the peace-loving sentiment of its people. It is a bloody and ruthless totalitarian dictatorship. It has repeatedly used military force to suppress dissent and enforce domination of its puppets. How frequently has it flirted with the use of nuclear weapons? How close have its leaders come to pressing the button? How long will our rabbit's foot, our four-leaf clover, and our lucky penny hold out?

I hope my colleagues in the House and Senate will read these documents, chilling as they are, and reflect on how dramatically the options for this country have changed since 30 years ago. I hope as my colleagues read these documents they will also dwell on how absolutely critical it is that we now recognize that the attitude of our military and political leaders in 1953 is utterly impossible in 1984. If we are to survive, our task certainly is not to destroy that world opinion that the use of atomic weapons in warfare is tabu, but to welcome and strengthen it. Our survival depends on that opinion and the power it has to dissuade all nations from ever using nuclear weapons.

Mr. President, I ask unanimous consent that the documents to which I have referred as they appeared in the New York Times on June 8, 1984, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 8, 1984]

FOR EISENHOWER, 2 GOALS IF BOMB WAS TO BE USED

(WASHINGTON, June 7.—The State Department issued a historical volume today on relations with Korea in 1952-54, which included discussions on the possible use of American atomic weapons against North Korea and China. Here are excerpts from discussions on their use that involved Gen. J. S. Bradley, staff officer, Joint Chiefs of Staff; John Foster Dulles, Secretary of State; Gen. John E. Hull, deputy chief of staff for operations administration, U.S. Army; Deane W. Malott, president of Cornell University, members of special advisory committee for the President, and Adm. Arthur W. Radford, Chairman of the Joint Chiefs of Staff.)

SPECIAL NATIONAL SECURITY COUNCIL MEETING

March 31, 1953

The President then raised the question of the use of atomic weapons in the Korean War. Admittedly, he said, there were not many good tactical targets, but he felt it would be worth the cost if, through use of atomic weapons, we could (1) achieve a substantial victory over the Communist forces and (2) get to a line at the waist of Korea.

Other topics were raised and then Mr. Malott brought up the question of "public hysteria with respect to atomic weapons and the danger of atomic attack." Mr. Malott argues that he nevertheless believed that we ought to use a couple of atomic weapons in Korea.

The President replied that perhaps we should, but we could not blind ourselves to the effects of such a move on our allies, which would be very serious since they feel that they will be in the battleground in an atomic war between the United States and the Soviet Union. Nevertheless, the President and Secretary Dulles were in complete agreement that somehow or other the tabu which surrounds the use of atomic weapons would have to be destroyed. While Secretary Dulles admitted that in the present state of world opinion we could not use an A-bomb, we should make every effort now to dissipate this feeling.

SPECIAL INTELLIGENCE ADVISORY COMMITTEE ESTIMATE

April 8, 1953

We believe that if atomic weapons were employed by U.S./U.N. forces in any of the above alternative courses of action, the Communists would recognize the employment of these weapons as indicative of Western determination to carry the Korean war to a successful conclusion. We are unable to determine whether this recognition would by itself lead the Communists to make the concessions necessary to reach an armistice. We believe the Communist reaction would be in large part determined by the extent of damage inflicted.

NATIONAL SECURITY COUNCIL MEETING

May 13, 1953

Gen. J. S. Bradley briefed the Council on the military implications of the six possible alternative courses of action in Korea. In the course of his briefing, General Bradley stated that none of the courses of action which involved operations outside of Korea could really be effectively carried out without the use of atomic weapons.

In the event that atomic weapons were used, General Hull also warned the Council that the Joint Chiefs of Staff were convinced that they must be used in considerable numbers in order to be truly effective. While there were no good strategic targets within the confines of Korea itself, the military were most anxious to make use of atomic weapons in any of the courses of action which involved operations outside of Korea. Their use would be highly advantageous from the strictly military point of view.

The President seemed not wholly satisfied with the argument that atomic weapons could not be used effectively in dislodging the Chinese from their present positions in Korea. He inquired as to whether or not a test had been made at Bikini as to the effectiveness of a penetration type of atomic weapon. Could not such weapons be used with effect on tactical targets of the Chinese Communists?

General Hull said that the test of a penetration bomb at Bikini had been abandoned, but that tests of such weapons had been made at the Nevada Proving Grounds. The effect had been as of an earthquake, but there was some doubt as to whether use of such weapons could really be justified in terms of the large-scale destruction of enemy personnel and materiel.

The President nevertheless thought it might be cheaper, dollar-wise, to use atomic weapons in Korea than to continue to use conventional weapons against the dugouts which honeycombed the hills along which the enemy forces were presently deployed. This, the President felt, was particularly true if one took into account the logistic costs of getting conventional ammunition from this country to the front lines.

NATIONAL SECURITY COUNCIL MEETING

May 20, 1953

After further discussion of various military aspects of the problem, the President summed up the views presented by the Joint Chiefs as indicating their belief that if we went over to more positive action against the enemy in Korea, it would be necessary to expand the war outside of Korea and that it would be necessary to use the atomic bomb.

The President then indicated his anxiety lest the report by the Joint Chiefs of Staff go any further than those who were in the room, and stated that a record should be made of those who had heard the military briefing.

His only real worry, said the President, was over the possibility of intervention by the Soviets. He feared the Chinese much less, since the blow would fall so swiftly and with such force as to eliminate Chinese Communist intervention.

NATIONAL SECURITY COUNCIL MEETING

December 3, 1953

Admiral Radford emphasized that the role of U.S. and U.N. ground forces would largely be limited to the actual theater of war in Korea and not spread out to Manchuria or China proper. In essence, therefore, the concept of operations called initially for a massive atomic air strike which would defeat the Chinese Communists in Korea and make them incapable of aggression there or elsewhere in the Far East for a very considerable time.

The President expressed with great emphasis the opinion that if the Chinese Communists attacked us again we should certainly respond by hitting them hard and wherever it would hurt most, including Peiping itself. This, said the President, would mean an all-out war against Communist China.

The President said that he wanted an answer from Admiral Radford to a simple but very serious question. Did Admiral Radford believe that we would be at war with Communist China if they once again attacked us?

Admiral Radford replied in the affirmative, and stated that we had no option but to treat the attack in this way. We would have to strike against the Communist Chinese in the air from Shanghai all the way north. The President stated that this fitted exactly into his thinking, and he could see no other way of treating a renewed Communist attack. Admiral Radford observed that he had always thought that we had been at war with Communist China ever since the intervention of the "volunteers."

Military Implications

Secretary Dulles said it was not for him to question the military implications of the courses of action recommended by the Joint Chiefs of Staff, but he felt that he could be useful in discussing the political implications of these courses of action.

It was plain to him, continued Secretary Dulles, that Admiral Radford's course of action contemplated general war with China and probably also with the Soviet Union because of the Sino-Soviet alliance. He felt there were grave disadvantages to a course of action such as this, and the State Department believed that others steps could be taken by the U.N. and U.S. forces which would be less likely to involve the Soviet Union in the war.

The State Department felt that the first of such courses of action amounted to a full atomic strike in Korea itself. The second involved the bombing of troop concentrations in and near the area of Korea.

MEMORANDUM

By the Joint Chiefs of Staff and the State Department, to the National Security Council, January 7, 1954

1. If the Communists renew hostilities in Korea in the near future, the United States military objectives should be to:

a. Destroy effective Chinese Communist military power applied to the Korean effort.

b. Reduce Chinese Communist military capability for further aggression in the Korean area.

c. Create conditions under which R.O.K. forces can assume increasing responsibility for the defense of Korea.

2. In pursuit of these objectives in the event of Communist renewal of hostilities, the following military courses of action should be undertaken:

a. Employing atomic weapons, conduct offensive air operations against military targets in Korea and against those military targets in Manchuria and China which are being used by the Communists in direct support of their operations in Korea, or which threaten the security of U.S./U.N. forces in the Korean area.

AN AUTHOR RECOUNTS THE HOLOCAUST

Mr. PROXMIRE. Mr. President, Frank Stiffel is a man who has shown integrity, courage, and intelligence in the face of death. The Christian Science Monitor recently reviewed Mr. Stiffel's book: "The Tale of the Ring: A Kaddish." The "kaddish" is the Jewish prayer for the dead and, in a way, Frank Stiffel's book is also a prayer for the Jewish dead. The book recounts Mr. Stiffel's horrible experiences at Treblinka, at a Gestapo facility, and at Auschwitz.

When Germany invaded Poland in 1939, Frank Stiffel, his parents, and his older brother, were forced to take refuge in the Warsaw ghetto. The whole family was eventually taken to Treblinka, where Mr. Stiffel's parents were both gassed. The two Stiffel brothers managed to escape, and through intuition, caution, and courage, made it back to Warsaw where they started a small business. Unfortunately, Frank Stiffel was soon recaptured, and taken to the Rabka Gestapo Academy, where he was questioned and tortured at length. His death sentence was changed to life imprisonment in Auschwitz, which, incidentally, put him among the first prisoners to leave the Rabka Gestapo Academy alive.

At Auschwitz, Frank Stiffel managed to survive, which was all anyone could hope for in a concentration camp. He became severely ill and sought medical attention at the camp hospital. In most cases the sick were quickly put to death, but Stiffel's doctor learned that he had studied medicine, and once Stiffel was well the doctor helped him get a hospital post. This saved him from the brutal labor most concentration camp prisoners were forced to bear.

Frank Stiffel writes:

> I had the will to survive, and in order to achieve it I was prepared to do anything except one: I would never choose to remain alive at the expense of any of my fellow prisoners.

He did survive, and now has written a book on the experiences he recorded in his diaries. Frank Stiffel's book tells us a story of pain and degradation that is difficult for us to imagine. He lived through a horror no human being should ever suffer.

Following World War II, the newly formed United Nations unanimously passed a resolution declaring genocide a crime under international law. Two years later the text of the Genocide Treaty was unanimously approved by the U.N. General Assembly. The U.S. representative played a large role in drafting the treaty, and it appeared that U.S. ratification would come quickly. But, we are still waiting. U.S. ratification of the Genocide Treaty would strengthen our commitment to preventing genocide, but continuously we fail to ratify this most important treaty. Let us help insure that stories like Frank Stiffel's are not told about another newer holocaust. Let us ratify the Genocide Treaty.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon, with statements therein limited to 10 minutes each.

E-COM RECLASSIFICATION

Mr. STEVENS. Mr. President, on Tuesday of last week the Board of Governors, U.S. Postal Service, instructed management to terminate E-COM, their current electronic mail system. At first, based upon preliminary reports, I assumed that this action meant the Postal Service might abrogate its responsibility to provide the American people with the most up-to-date method of fast hard copy mail delivery service. I am pleased to announce that such is not the case and I am happy to be able to set the record straight.

First of all, let me emphasize the E-COM as it currently exists will continue to operate well into 1985. The Board of Governors directed postal management to reclassify E-COM within 30 days and to immediately seek proposals from private industry to purchase or lease their computerized mail equipment. This action will allow the Postal Service to utilize more fully its major and unique asset—the ability to deliver hard copy messages to well over 70 million addresses and a supporting system of approximately 40,000 postal facilities. Coupling this unique distribution system with advanced technology and the ingenuity of private business, the American public will be well served.

Under the new Board of Governors guidelines, private industry will enter into a contractural agreement to lease or purchase the equipment and reimburse the Postal Service for their utilization in postal facilities. These kinds of arrangements are similar to the current agreement with Western Union for delivery of mailgrams.

I applaud the Board of Governors and the Postmaster General for their continued interest in providing a first class, efficient mail delivery service to the American public. Mr. President, I ask unanimous consent to insert into the RECORD a letter from the Postmaster General explaining the Board of Governors' action.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE POSTMASTER GENERAL,
Washington, DC, June 7, 1984.

Hon. TED STEVENS,
Chairman, Subcommittee on Civil Service, Post Office and General Services, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

Dear Ted: I was dismayed by press accounts of actions taken this week by the Postal Service's Governors and the Board with regard to E-COM. Several erroneous impressions were created which I want to correct. In addition, this letter will serve to clarify the Postal Service's future intentions for fully utilizing our delivery system in conjunction with the added enhancements of advanced technology.

At the May meeting of the Board, the Governors rejected the earlier recommendation of the Postal Rate Commission to increase the E-COM rate from 26 cents to 52 cents. The Postal Service resubmitted the case to the Commission for their reconsideration.

On Friday, June 1, the Rate Commission issued its opinion and recommendation after reconsideration. This time the rate recommended was reduced to 49 cents.

At the Board meeting on June 5, it was announced that the Governors had decided by a majority vote to reject the 49 cents rate.

At the June 5 meeting, it was also announced that the Board had decided that the Postal Service should immediately begin preparations to seek proposals from parties who would be interested in buying or leasing the E-COM equipment owned by the Postal Service and entering into a contractual arrangement with the Postal Service to reimburse us for operating the E-COM system. The type of arrangement contemplated would be similar to that under which we provide hard copy delivery and ancillary services for Mailgram.

We will complete this changeover of E-COM early in 1985. In the meantime, we will continue to offer E-COM service as is.

The decision by the Board to pursue this course was not a decision that the Postal Service withdrew from serving the electronic mail markets of the future, but rather a decision to redirect our resources toward emphasizing our strength—our universal hard copy delivery system. This action will position us to offer our delivery and ancillary services to anyone who desires to market electronic mail with hard copy output.

In recent months, we have been approached by several companies in the private sector who have indicated a desire to explore the possibilities of tying the hard copy output of their systems to our delivery network.

The Board also approved a filing within the next thirty days of a request with the Postal Rate Commission for a classification change, i.e., to remove E-COM as a subclass of mail from the Domestic Mail Classification Schedule. The law requires that we go through this process to affect changes in the Schedule. We are beginning this process now in order to be able to correct the Schedule at the time we conclude negotiations with the successful bidders for the E-COM system and thus provide for a smooth transition without interruption of service to E-COM customers.

We will provide our processing and delivery services for the appropriate First Class rate. In addition, we will receive under contractual arrangements proper compensation for the space, utilities, and direct labor involved in the E-COM operation.

Among the principal benefits to us from these changes will be the encouragement given to private sector firms who have greater flexibility to enhance and market electronic mail services to develop products utilizing our delivery service. Our experience with E-COM has demonstrated the feasibility of this type of partnership to serve a growing customer desire for combination telecommunications and hard copy services. Thus we will be in a strong position to serve our customers as the message technology continues to evolve in the future.

Sincerely,

William F. Bolger.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 540) to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes, with amendments; it insists upon its amendments to the bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Dingell, Mr. Waxman, Mr. Scheuer, Mr. Broyhill, and Mr. Madigan as managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 280) revising the congressional budget for the U.S. Government for the fiscal year 1984 and setting forth the congressional budget for the U.S. Government for the fiscal years 1985, 1986, and 1987; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. Jones of Oklahoma, Mr. Wright, Mr. Solarz, Ms. Ferraro, Mr. Aspin, Mr. Hefner, Mr. Downey of New York, Mr. Lowry of Washington, Mr. Miller of California, Mr. Gray, Mr. Wolpe, Mr. Frost, Mr. Fazio, Mr. Latta, Mr. Shuster, Mr. Frenzel, Mr. Kemp, Mr. Bethune, Mr. Gramm, and Ms. Fiedler as managers of the conference on the part of the House.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 5743. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes;

H.R. 5753. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes;

H.J. Res. 153. Joint resolution to designate the week beginning October 2, 1984, as "National Children's Week"; and

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway", and June 27, 1984, as "St. Lawrence Seaway Day."

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 316. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1149.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5743. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

H.R. 5753. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1985, and for other purposes; to the Committee on Appropriations.

H.J. Res. 153. Joint resolution to designate the week beginning October 2, 1984, as "National Children's Week"; and to the Committee on the Judiciary.

H.J. Res. 567. Joint resolution to designate 1984 as the "Year of the St. Lawrence Seaway", and June 27, 1984, as "St. Lawrence Seaway Day"; to the Committee on the Judiciary.

MEASURES HELD AT THE DESK

Under the authority of the order of the Senate of June 8, 1984, the following concurrent resolution was held at the desk:

H. Con. Res. 316. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 1149.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3335. A communication from the Cochairman of the Advisory Council on Dependent's Education, transmitting, pursuant to law, a report on the activities of the Advisory Council during calendar year 1983; to the Committee on Armed Services.

EC-3336. A communication from the Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on the spare parts procurement policy of the Department of Defense; to the Committee on Armed Services.

EC-3337. A communication from the Under Secretary of the Navy, transmitting, pursuant to law, reports concerning offshore drilling affecting naval operations; to the Committee on Armed Services.

EC-3338. A communication from the President of the United States, transmitting, pursuant to law, a report on the survivability, cost effectiveness, and combat effectiveness of each ship requested for fiscal years 1985 and 1986; to the Committee on Armed Services.

EC-3339. A communication from the Secretary of Transportation, transmitting, pursuant to law, annual reports on the National Transportation Safety Board's recommendations to the Secretary of Transportation and the responses of the Secretary for 1981 and 1982; to the Committee on Commerce, Science, and Transportation.

EC-3340. A communication from the Executive Director of the U.S. Olympic Committee, transmitting, pursuant to law, copies of the financial statements of the Committee for 1983; to the Committee on Commerce, Science, and Transportation.

EC-3341. A communication from the Chairman of the Motor Carrier Ratemaking Study Commission, transmitting, pursuant to law, the report from an investigation of the impact of regulatory reform on the bus industry; to the Committee on Commerce, Science, and Transportation.

EC-3342. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1983; to the Committee on Environment and Public Works.

EC-3343. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting a draft of proposed legislation to authorize U.S. participation in the International Jute Organization; to the Committee on Foreign Relations.

EC-3344. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report of the Inspector General, Department of Housing and Urban Development for the period October 1, 1983, to March 31, 1984; to the Committee on Governmental Affairs.

EC-3345. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a copy of the 1983 GAO annual report; to the Committee on Governmental Affairs.

EC-3346. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the semiannual report of the Inspector General, Environmental Protection Agency, for the period October 1, 1983, to March 31, 1984; to the Committee on Governmental Affairs.

EC-3347. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Indian Education Act Programs; to the Select Committee on Indian Affairs.

EC-3348. A communication from the National Advisory Council on Indian Education, transmitting, pursuant to law, the 10th annual report of the Council entitled "Indian Students Have the Right to Excellence in Education"; to the Select Committee on Indian Affairs.

EC-3349. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the seventh annual report on the operation of the Hart-Scott-Rodino Antitrust Improvements Act of 1976; to the Committee on the Judiciary.

EC-3350. A communication from the designated department official for the National Advisory Committee on Accreditation and Institutional Eligibility, transmitting, pursuant to law, the 1983 annual report of the Committee; to the Committee on Labor and Human Resources.

EC-3351. A communication from the Chairman of the National Advisory Board on International Education Programs, transmitting, pursuant to law, the annual report of the Board for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-3352. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the law-related education program; to the Committee on Labor and Human Resources.

EC-3353. A communication from the Secretary of Education, transmitting, pursuant to law, a report entitled "The Condition of Education, 1984 Edition"; to the Committee on Labor and Human Resources.

EC-3354. A communication from a delegate to the National Board Fund for the Improvement of Postsecondary Education, transmitting, pursuant to law, the annual report of the Board for fiscal year 1983; to the Committee on Labor and Human Resources.

EC-3355. A communication from the Chairman of the Advisory Board on Financing Elementary and Secondary Education, transmitting, pursuant to law, the comments of the Panel on the School Finance Project report of February 29, 1984; to the Committee on Labor and Human Resources.

EC-3356. A communication from the Deputy Administrator of the Veterans' Administration transmitting a draft of proposed legislation to promote sharing of alcohol and drug dependence and abuse treatment resources between the VA and DOD; to the Committee on Veterans' Affairs.

EC-3357. A communication from the Executive Director of the Office of Management and Budget for Budget transmitting, pursuant to law, a report on a reapportionment of an appropriation to the VA for compensation and pensions which indicates the necessity for a supplemental appropriation; to the Committee on Appropriations.

EC-3358. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Saudi Arabia; to the Committee on Armed Services.

EC-3359. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Israel; to the Committee on Armed Services.

EC-3360. A communication from the Secretary of the Interior transmitting, pursuant to law, a report on 1983 activities of the U.S. Geological Survey; to the Committee on Energy and Natural Resources.

EC-3361. A communication from the Secretary of the Interior transmitting, pursuant to law, a report of small reclamation project proposals, to the Committee on Energy and Natural Resources.

EC-3362. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report of the Soil Conservation Service plan for Turkey Creek Watershed, Okla.; to the Committee on Environment and Public Works.

EC-3363. A communication from the Secretary of Labor transmitting a draft of proposed legislation to provide for the coverage of railroad workers under the Federal-State unemployment compensation system; to the Committee on Finance.

EC-3364. A communication from the Secretary of Labor transmitting, pursuant to law, a study "The Feasibility of Using Substate Areas for the Payment of Unemployment Benefits"; to the Committee on Finance.

EC-3365. A communication from the Secretary of Labor transmitting, pursuant to law, a study on the identification of dislocated workers utilizing unemployment insurance administrative data; to the Committee on Finance.

EC-3366. A communication from the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, reports relating to international lending; to the Committee on Foreign Relations.

EC-3367. A communication from the District of Columbia Auditor transmitting, pursuant to law, his annual report for fiscal year 1983; to the Committee on Governmental Affairs.

EC-3368. A communication from the Secretary of the D.C. Council transmitting, pursuant to law, a copy of D.C. Council Resolution 5-640; to the Committee on Governmental Affairs.

EC-3369. A communication from the Acting Administrator of the General Services Administration transmitting, pursuant to law, a report on the costs of travel; to the Committee on Governmental Affairs.

EC-3370. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Examination of the Veterans' Canteen Service's Financial Statements for the Year Ended September 30, 1983"; to the Committee on Veterans' Affairs.

EC-3371. A communication from the Acting Assistant Secretary of Defense, Comptroller, transmitting, pursuant to law, a secret report on contract award dates for July and August 1984; to the Committee on Armed Services.

EC-3372. A communication from the Comptroller General transmitting, pursuant to law, a report entitled "Examination of the Federal Home Loan Bank Board's and Federal Savings and Loan Insurance Corporation's Financial Statements for the Years Ended December 31, 1983 and 1982"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3373. A communication from the Acting Secretary of the Treasury transmitting, pursuant to law, a report "Activities of the Depository Institutions Deregulation Committee and the Viability of Depository Institutions"; to the Committee on Banking, Housing, and Urban Affairs.

EC-3374. A communication from the Secretary of the D.C. Council transmitting, pursuant to law, a copy of Council Resolution 5-673; to the Committee on Governmental Affairs.

EC-3375. A communication from the Secretary of Education transmitting, pursuant to law, final regulations on the business and international education program; to the Committee on Labor and Human Resources.

EC-3376. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "States Have Made Few Changes in Implementing the Alcohol, Drug Abuse, and Mental Health Services Block Grant"; to the Committee on Labor and Human Resources.

EC-3377. A communication from the Chairman of the National Advisory Council on Women's Educational Programs transmitting, pursuant to law, a report "A Decade of Women's Equity Funding: 1974-84"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-675. A resolution adopted by the Borough of Watchung, urging Congress to continue its efforts to achieve cable legislation; to the Committee on Commerce, Science, and Transportation.

POM-676. A resolution adopted by the Council of the Township of Saddle Brook, N.J., relating to Cable Television Legislation; to the Committee on Commerce, Science, and Transportation.

POM-677. A resolution adopted by the Board of Directors of the National Railroad Passenger Corporation (Amtrak) relating to Federal statutes of Amtrak; to the Committee on Commerce, Science, and Transportation.

POM-678. A resolution adopted by the Council of the Borough of Peapack and Gladstone, N.J., relating to cable television; to the Committee on Commerce, Science, and Transportation.

POM-679. A resolution adopted by the Borough of Fair Lawn, N.J., relating to Cable Telecommunications; to the Committee on Commerce, Science, and Transportation.

POM-680. Concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT MEMORIAL 2002

"Whereas, by enactment of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), the Congress charged the United States Department of Energy with the responsibility for development of a disposal program for nuclear waste materials resulting from commercial operations; and

"Whereas, the Department of Energy is presently conducting a study to determine whether such nuclear wastes can be safely disposed of by deep burial in certain types of geologic formations; and

"Whereas, the department's current study involves the proposed use of metal canisters for such waste burial; and

"Whereas, both copper and various types of steel alloys are under consideration as the metal to be used for such canisters; and

"Whereas, the longevity of a copper canister is far greater than that of steel or other ferrous metals since copper does not oxidize or corrode as rapidly in various types of rock formations; and

"Whereas, the government of Sweden selected copper as the metal to be used in canisters for its nuclear waste burial system and the technology developed by that program includes an estimate that copper will provide more than one million years of containment in a granite rock formation, as opposed to a longevity for steel of only several hundred years; and

"Whereas, the use of copper canisters in any type of underground burial system for nuclear wastes would provide a superior containment method and thereby be of greater benefit to the future public health and safety of the nation; and

"Whereas, it has been estimated that the use of copper as the material for such canisters would require as much as two million tons of copper; and

"Whereas, copper presently is a surplus commodity on the world market, and selection of it as the material to be used for nuclear waste containment and purchase of the necessary copper from domestic producers would stimulate the market and thereby enable copper producers in Arizona and other states to resume operations on a full capacity basis, with subsequent economic benefits to the people of Arizona and those other states where copper mining is an important factor.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

"1. That the Congress of the United States direct the Department of Energy to fully investigate the feasibility of utilizing copper canisters for the burial of nuclear wastes and to use copper as the material for such canisters if the department's study confirms that copper canisters would provide greater periods of waste containment than canisters fabricated from steel or other ferrous metals.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

POM-681. Concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Environment and Public Works.

"Resolution No. 1029

"Whereas, Public Law No. 97-424, the Surface Transportation Assistance Act of 1982, provides for financial assistance in the form of matching grants to states for use in developing, constructing, repairing, or reconstructing the interstates or highways within such states; and

"Whereas, the federal revenues being used to provide said matching grants pursuant to Public Law No. 97-424 are being generated by an increase in the federal gasoline tax which is ultimately paid by the consumers of gasoline; and

"Whereas, Public Law No. 97-424 requires that eighty-five percent of the funds provided for by the federal government be matched by state revenues; and

"Whereas, said matching state revenues are provided by the state gasoline tax which is also ultimately paid by the consumers of gasoline in such state; and

"Whereas, said procedure provides that the taxpayer in such state pay the total cost of developing, constructing, repairing, or reconstructing said interstates or highways while also paying duplicate administrative costs on both the federal and state level; and

"Whereas, the Oklahoma Legislature is acutely aware of the soaring cost of highway construction and repair and the ever-increasing tax burdens on the taxpayers of this state; and

"Whereas, any unnecessary duplication of cost in highway construction and repair is an ineffectual waste of the revenues provided by the taxpayers of this state; now, therefore, be it

"Resolved by the House of Representatives of the 2nd session of the 39th Oklahoma Legislature, the Senate concurring therein:

"Section 1. The Oklahoma Legislature hereby memorializes Congress to amend Public Law No. 97-424, the Surface Transportation Assistance Act of 1982, to provide that the states match with state revenues only twenty percent of the federal funds provided pursuant to the provisions of Public Law No. 97-424, in lieu of the eighty-five percent now required, with the remaining sixty-five percent of such funds being returned to the states without further cost, for use in developing, constructing, repairing, or reconstructing the interstates or highways of such states.

"Section 2. Copies of this resolution shall be dispatched to the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, members of the Oklahoma Congressional Delegation, the Secretary of the United States Senate and the Clerk of the United States House of Representatives."

POM-682. A resolution adopted by the Rio Grand Compact Commission of El Paso, Tex. relating to the Water Resources Development Act of 1983; to the Committee on Environment and Public Works.

POM-683. A resolution adopted by the House of Representatives of the State of Hawaii; to the Committee on Foreign Relations.

"House Resolution No. 211

"Whereas, chemical weapons were first used in World War I and had, before the end of that conflict, claimed a terrible toll of more than one-million casualties; and

"Whereas, the use of both chemical and biological weapons were prohibited by the 1925 Geneva Protocol and the 1972 Biological Weapons Convention; and

"Whereas, however, there are no current restricitons of any kind on radiological weapons, nor are there any restrictions of any kind on the production and stockpiling of either chemical or biological weapons;

"Whereas, furthermore, there are no adequate provisions for either verifying or enforcing compliance of existing agreements on these types of weapons; and

"Whereas, the goal of achieving a complete verifiable prohibition of the production and stockpiling of such weapons, as well as the destruction of existing stocks and production facilities for such weapons, is being pursued by the 40-nation Committee on Disarmament, in Geneva; now, therefore be it

Resolved by the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, that the United States, the Soviet Union, and the other nations of the United Nations are urged to adopt a treaty to permanently abolish the production, stockpiling, and use of chemical, biological, and radiological weapons, with provisions to be included in the treaty for verifying and enforcing compliance with such agreements; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, Supreme Soviet of the Soviet Union, Secretary General of the United Nations, Secretary of State of the United States, President of the United States Senate, Speaker of the United States House of Representatives, and members of Hawaii's congressional delegation."

POM-684. Concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on the Judiciary.

"Senate Concurrent Resolution 1008

"Whereas, the people of the State of Arizona view with growing concern the passage of extravagant legislation by Congress and the inability of the President to separate such legislation from an otherwise worthwhile bill; therefore be it

"Resolved by the Senate of the State of Arizona, the House of Representatives concurring, that:

""1. The Legislature of this state applies to the Congress of the United States to call a convention for the sole and exclusive purpose of deliberating, drafting and proposing an amendment to the Constitution of the United States to authorize the President of the United States to disapprove and veto any appropriation or provision of an appropriation bill while approving the remainder of the bill, which amendment, pursuant to Article V of the United States Constitution, would then have to be ratified by three-fourths of the states to take effect.

"2. This application constitutes a continuing application for a convention pursuant to Article V of the Constitution of the United States until the Legislatures of two-thirds of the states have made like applications and the convention has been called by the Congress of the United States.

"3. The Secretary of State of the State of Arizona is requested to transmit certified copies of this Concurrent Resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each Member of the Arizona Congressional Delegation and to the Administrator of General Services, Washington, D.C."

POM-685. A resolution adopted by the National Association of State Directors of Veterans' Affairs, Inc., relating to Veterans of American; to the Committee on Veterans' Affairs.

POM-686. A resolution adopted by the Senate of the State of Alaska; to the Committee on Agriculture, Nutrition, and Forestry.

"Senate Resolve No. 5

"Whereas the Rural Electrification Administration (REA) has extended electric service to rural areas across the nation; and

"Whereas, as the least developed state in the union, Alaska has the greatest need for the REA program; and

"Whereas REA cooperatives, like other utilities, need continued financing for growth and redevelopment; and

"Whereas the REA revolving loan fund is being depleted by an excess of expenses over interest income; and

"Whereas the REA revolving loan fund is further threatened by loss of its $7.9 billion capital to the United States Treasury beginning in 1993; and

"Whereas Alaska's special conditions were not considered when the current REA statute was enacted and, as a result, the high-cost areas in rural Alaska do not qualify for lower interest loans now available in other states; and

"Whereas S. 1300, currently pending in the Committee on Agriculture of the United States Senate, would remedy these problems; be it

"*Resolved* by the Senate that the United States Congress is respectfully urged to give expeditious and favorable consideration to S. 1300, so that this important legislation can be enacted at the earliest possible date."

POM-687. A resolution adopted by the International Woodworkers of America relating to social programs; to the Committee on Budget.

POM-688. A resolution adopted by the Council of the Township of Piscataway, N.J., relating to cable television legislation; to the Committee on Commerce, Science, and Transportation.

POM-689. A resolution adopted by the Council of the Borough of Carteret, N.J., relating to cable legislation; to the Committee on Commerce, Science, and Transportation.

POM-690. Joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"LEGISLATIVE RESOLVE No. 54

"Whereas section 201 of the Manguson Fishery Conservation and Management Act provides for the stationing of United States observers aboard each foreign vessel that is engaged in fishing in the fishery conservation zone; and

"Whereas section 201 of the Magnuson Fishery Conservation and Management Act also allows the Secretary of Commerce to waive the requirement of stationing United States observers aboard foreign fishing vessels under certain circumstances; and

"Whereas United States observers have been stationed aboard only 30 percent of foreign vessels fishing in the fishery conservation zone in 1982; and

"Whereas the stationing of United States observers aboard a larger percentage of foreign vessels fishing in the fishery conservation zone would provide more complete information about the degree of foreign interception of Pacific salmon and about the migratory patterns of the Pacific salmon; and

"Whereas the generation of more complete information about the Pacific salmon by United States observers would assist the State of Alaska in establishing optimum salmon escapement and harvest levels;

"*Be it resolved* that the Alaska State Legislature respectfully requests the United States Congress to amend section 201 of the Magnuson Fishery Conservation and Management Act to

"(1) provide that United States observers be stationed aboard all catcher vessels, as well as mother ships, of foreign fleets fishing in the fishery conservation zone;

"(2) provide that foreign vessels fishing in the fishery conservation zone be required to provide adequate, safe, clean quarters for United States observers;

"(3) define the situations that are beyond the control of the Secretary of Commerce in which the secretary may waive the requirement of stationing United States observers aboard foreign vessels fishing in the fishery conservation zone; and

"(4) provide that a vessel for which the observer requirement has been waived shall proceed to a United States port for a review of the vessel's logs and catch after fishing in the fishery conservation zone."

POM-691. Joint resolution adopted by the Legislature the State of Colorado; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION No. 31

"Whereas, The development of a commercially viable synthetic fuels industry should continue as an important element in our nation's ability to control its energy destiny; and

"Whereas, Phase I of the Synthetic Fuels Corporation's program provides a foundation upon which future private sector projects can be built to help meet the energy demand shortfalls which will be created by declining conventional oil production and to mitigate the effects of disruptions in foreign sources of supply; and

"Whereas, Presently unfavorable economic conditions make private sector development of a commercial synthetic fuels industry extremely unlikely without government assistance; and

"Whereas, It is not currently feasible for private industry alone to bear the risks of commercial synthetic fuels projects; and

"Whereas, Many synthetic fuels companies have entered into good faith negotiations with the Synthetic Fuels Corporation and have spent over one billion seven hundred million dollars of private funds for the development of a synthetic fuels industry; and

"Whereas, To alter the government's participation in the synthetic fuels program at this time would seriously jeopardize this nation's ability to develop synthetic fuels; and

"Whereas, Any reduction of federal support for oil shale development in Colorado could cause severe economic disruption for small businesses and communities in western Colorado which are already experiencing economic hardships, and such economic disruption could extend to businesses and communities throughout Colorado; now, therefore, be it

"*Resolved by the Senate of the Fifty-fourth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

"(1) That the development of the nation's synthetic fuels program should remain a national priority to ensure a secure energy future.

"(2) That the United States Congress and the President of the United States are hereby urged not to take any action which would result in the reduction of federal support of the existing oil shale projects in the state of Colorado."

POM-692. Joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works.

"ASSEMBLY JOINT RESOLUTION No. 64

"Whereas, the Surface Transportation Assistance Act of 1982 (P.L. 97-424) substantially increased the amount of revenues for the construction and rehabilitation of California's federal-aid highway systems; and

"Whereas, the citizens of California and the state's economy would substantially benefit from the expeditious development of newly funded highway construction projects; and

"Whereas, the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) (NEPA) and the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) (CEQA) require that the environmental implications of major highway construction projects be identified and mitigation measures be developed where appropriate; and

Whereas, the Commission on California State Government Organization and Economy and the Auditor General have found that the federal environmental review of federal-aid highway projects is lengthy and the federal review will, on the average, require four months for the Federal Highway Administration (FHWA) to grant approval, and considerably longer on more complex projects; and

"Whereas, the Commission on California State Government Organization and Economy has found that there is substantial similarity between NEPA and CEQA; and

"Whereas, Substantial savings could be achieved if the review of environmental documentation for highway projects would not also require the approval of the FHWA; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature respectfully memorializes the President and the Congress of the United States to enact legislation, in the interest of efficiency and economy, which would authorize California to certify to the Federal Highway Administration that a federal-aid highway project conforms to the National Environmental Policy Act of 1969 so as to relieve the federal agency of the need to so certify; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-693. Joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Finance.

"Whereas the Congress of the United States is now considering legislation regarding revenue sharing from development of the Outer Continental Shelf; and

"Whereas a significant number of Outer Continental Shelf lease sales over the next five years are to occur offshore Alaska; and

"Whereas the development of oil and gas resources in the Outer Continental Shelf offshore Alaska may cause economic, social, and cultural impact to Alaska's local communities; and

"Whereas such an impact will require the expenditure of revenue for necessary projects to assist local government units in coping with Outer Continental Shelf oil and gas development; and

"Whereas the source for revenue for impacted local government units in Alaska should derive from federal revenue from Outer Continental Shelf lease sales; and

"Whereas people residing in local government units in Alaska are best able to determine the impact of Outer Continental Shelf oil and gas development upon their communities; and

"Whereas those local government units have the expertise and ability to monitor and expend revenue for their impacted communities;

"*Be it resolved* that the Thirteenth Alaska State Legislature supports legislation in the 98th Congress that would share federal revenues from Outer Continental Shelf oil and gas activity with coastal states, ensuring that adequate revenues are available for local government units impacted by Outer Continental Shelf development."

POM-694. A resolution adopted by the International Woodworkers of America relating to the Health Care Cost Containment Legislation; to the Committee on Finance.

POM-695. A resolution adopted by the Council of Shutesbury, Mass. urging Congress to enact the World Peace Tax Fund bill; to the Committee on Finance.

POM-696. Concurrent resolution adopted by the General Assembly of the Commonwealth of Pennyslvania; to the Committee on Foreign Relations.

"CONCURRENT RESOLUTION

"Whereas, The Baha'i Faith is an independant world religion which has communities in countries throughout the world; and

"Whereas, The Baha'i community in Philadelphia was founded in 1908 and has been active in humanitarian concerns of the region; and

"Whereas, More than 140 Baha'is have been executed in Iran in the last four years solely because of their religious beliefs; and

"Whereas, Twenty-two Baha'is were recently executed in Shiraz, Iran, among them the parents of a Bryn Mawr woman and the father of an Upper Darby man; therefore be it

"Resolved, (the House of Representatives concurring), That the General Assembly of the Commonwealth of Pennsylvania abhors the brutal savagery of the regime of Iran against those of the Baha'i Faith and strongly protests the taking of innocent lives; and be it further

"Resolved, That the United States Department of State be asked to inquire into the religious persecution of Baha'is in Iran and to protect and condemn such religious harassment; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-697. Concurrent resolution adopted by the General Assembly of the State of Delaware; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION NO. 134

"Whereas, there is one Delawarean in our time who has captured the abiding affection and deep-seated admiration of all of his fellow citizens regardless of party affiliation or personal background; and

"Whereas, that much loved Delawarean has also carved out a most distinguished career as Congressman, United States Senator and two-term Governor of the State of Delaware; and

"Whereas, J. Caleb Boggs remains cheerfully active among us and has attained the senior status of 75 years of age; and

"Whereas, Governor Boggs is with us in these chambers today, as friendly and down-to-earth and easy to talk with as he was throughout his illustrious career, which saw him sit in the seats of the mighty, but never lose sight of his rural beginnings in Cheswold, nor of the everyday men and women who returned him again and again as their voice in either Dover or the nation's capital; and

"Whereas, J. Caleb Boggs has led a life of exemplary service to the ideals of our democracy, standing up and fighting for it in times of challenge as an officer of our armed forces, from which he retired with the rank of General, and as a stalwart champion of liberty, wherever duty called him; and

"Whereas, it is compellingly important that we join together, from time to time, to honor those individuals among us, who have given more than their share in the cause of freedom and good government; and

"Whereas, J. Caleb Boggs ringingly qualifies for the endorsement; now, therefore:

"Be it resolved by the Senate of the 132nd General Assembly of the State of Delaware, the House of Representatives concurring therein, that the date of May 17, 1984, is hereby set aside as a special day to honor J. Caleb Boggs, along with his lifelong friend and colleague, John J. Williams, and that we hereby recognize the special blessings of providence that gave us the leadership of this good and decent man.

"Be it further resolved that a copy of this Concurrent Resolution be sent to "Cale" as he is affectionately known throughout Delaware, to his lovely wife, the former Bess Muir, to other members of his family, that he specifies, and to the Senate and House of Representatives of the United States Congress, so that they may know of the great regard, we, in his native state, to which he has devoted a lifetime of quality friendship and service, honor and revere him as an exceptional and very special human being."

POM-698. A resolution adopted by the City Council of Clifton Forge, Va., urging Congress to adopt legislation which will fully protect municipalities and their special purpose units of government from liability under the Federal antitrust laws; to the Committee on the Judiciary.

POM-699. A petition from a citizen of Concord, N.H., relating to Senate bill 430, the "new Gay Bill of Rights;" to the Committee on Labor and Human Resources.

POM-700. A resolution adopted by the City Council of Duluth, Minn., urging Congress to provide medical care for former members of the Military Forces who were exposed to atomic radiation in the course of their duties; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services, with amendments and an amendment to the title:

S. 2489. A bill to amend the Small Business Act to enhance competition in Government procurement.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EVANS (for himself and Mr. GORTON):

S. 2745. A bill to authorize the U.S. Army Corps of Engineers to construct, operate and maintain a single retention structure for controlling sediment flowing from eruptions of Mount St. Helens; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAKER (for himself and Mr. BYRD):

S. Res. 401. Resolution authorizing testimony of Rey Post in State of Vermont against Jeanne Keller, et. al. and related cases; considered and agreed to.

By Mr. BOSCHWITZ (for himself and Mr. BINGAMAN):

S. Con. Res. 121. Concurrent resolution expressing the sense of the Congress regarding the nondelivery in the Soviet Union of certain mail from the United States, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EVANS (for himself and Mr. GORTON):

S. 2745. A bill to authorize the U.S. Army Corps of Engineers to construct and maintain a single retention structure for controlling sediment flowing from eruptions of Mount St. Helens; to the Committee on Environment and Public Works.

RETENTION STRUCTURE TO CONTROL ERUPTION FLOWS FROM MOUNT ST. HELENS

● Mr. EVANS. Mr. President, I am pleased to introduced today, on behalf of myself and Senator GORTON, legislation authorizing the U.S. Army Corps of Engineers to construct a single retention structure to control sediment flowing from eruptions of Mount St. Helens.

It has been over 4 years since the May 18, 1980 eruption. The corps has spent $350 million to date for emergency dredging and levee protection. Yet the communities along the Cowlitz River still live with the threat of flooding.

The President, in responding to the threat, requested and the corps completed a comprehensive study which recommends permanent solutions to the flood control problems.

The plan was submitted to the President on November 15 of last year. But further congressional direction is needed. A long-term strategy on Mount St. Helens needs to be authorized and put into place.

Mr. President, the eruptions of Mount St. Helens deposited 3 billion cubic yards of unconsolidated sediment in the North Fork Toutle River. Erosion has increased the threat of flooding along the Cowlitz River and endangered navigation in the Columbia River. The most effective method for providing Cowlitz River flood protection and uninterrupted Columbia River navigation, I believe, is to trap sediment in the upper Toutle by means of a single retention structure at the Green River site.

Let me explain this legislation.

First, it would authorize the corps to focus on design of a single retention structure and begin land acquisition immediately. This would advance completion of the project by as much as 1 year.

I would also like to emphasize that this is a long-term program in which uncertainties associated with both annual and total erosion rates call for staged construction. So decisions on construction of subsequent stages will be based on the most current erosion rates—and, therefore, much of the authorization in this bill will not be spent.

Second, it would authorize dredging to remove material that is either downstream of the site or has passed downstream during construction.

There is an immediate and ongoing problem of dealing with volcanic sediment that builds up in the Toutle and Cowlitz Rivers. The corps is already authorized, I believe, to consistently maintain 100-year protection until permanent solutions are fully implemented. So section (b) of the legislation we are introducing today could be construed as merely replacing existing authority.

Third, it would authorize the corps to operate and maintain the project since Mount St. Helens is a unique situation in which there are no established policies or procedures.

Mr. President, we must act now to assure that the communities who live along the Cowlitz River—such as Longview-Kelso, Castle Rock and Lexington—do not live any longer under the threat of flooding.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to construct, operate and maintain, at a Federal cost of $186,000,000 (October, 1982 price levels), a single retention structure on the North Fork Toutle River at the Green River site as described in the Department of the Army report: *A Comprehensive Plan—Mount St. Helens, Washington*, which was forwarded by the Assistant Secretary of the Army (Civil Works) to the President on November 3, 1983.

(b) In accordance with the Report cited in subsection (a), the Secretary is further authorized and directed, at a Federal cost of $155,700,000 (October, 1982 price levels), to undertake such downstream activities as are necessary to supplement the sediment retention structure in order to assure flood protection along the Cowlitz River and the integrity of the Columbia River navigation channel.●

● **Mr. GORTON.** Mr. President, today, I am pleased to join Senator EVANS in introducing legislation which provides a long-term solution to the sedimentation problems created by the eruption of Mount St. Helens on May 18, 1980.

This legislation authorizes the construction of a single retention structure by the U.S. Army Corps of Engineers on the North Fork of the Toutle River just above its confluence with the Green River. Once constructed, the structure will hold back sediment that is currently flowing down the river into the Cowlitz and Columbia Rivers. The structure will reduce significantly the threats posed by the two major problems that have resulted from the Mount St. Helens eruption: The life-threatening flood potential that exists along the Cowlitz River in the Longview-Kelso area and the infilling of the Columbia River navigation channel.

The Mount St. Helens eruption deposited over 3 billion cubic yards of sand-like sediment in the North Fork of the Toutle River. High erosion rates and the instability of the sediment being transported downstream have necessitated unparalleled actions by the Army Corps of Engineers to control this flow of material to avoid downstream flooding and navigational hazards. To date, the Corps of Engineers has spent $350 million on emergency dredging and levee protection work. Despite these efforts for the past 4 years, the communities along the Cowlitz River still face serious flood threats. These temporary solutions, while providing protection on an interim basis, are expensive to maintain and do not provide long-term security to the 60,000 residents in the Cowlitz River area or long-term assurance that the vital Columbia River navigation channel will remain unimpeded.

The President, responding to the Mount St. Helens disaster, directed the corps to conduct a comprehensive study to recommend a permanent solution to these flood control problems. The corps' report was presented to the President on November 15 of last year. The problem is that it may be years before the recommendations in the report are fully implemented.

The legislation we are introducing today provides the authority the Corps of Engineers needs to begin implementing a long-term solution to the problems presented by this unique disaster. The bill provides authority to the corps to construct a single retention structure and to undertake such downstream activities as are necessary to supplement the sediment retention structure in order to assure flood protection along the Cowlitz River and to maintain the integrity of the Columbia River navigation channel.

Mr. President, I urge my colleagues to expedite consideration of this legislation to insure the safety of the people living in the Longview-Kelso area.●

ADDITIONAL COSPONSORS

S. 1531

At the request of Mr. RIEGLE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1531, a bill to encourage the use of public school facilities before and after school hours for the care of school-age children and for other purposes.

S. 2341

At the request of Mr. STAFFORD, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 2341, a bill to authorize a program to enhance the access to and the quality of vocational education, and for other purposes.

S. 2436

At the request of Mr. GOLDWATER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Ohio (Mr. METZENBAUM), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of S. 2436, a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes.

S. 2679

At the request of Mr. D'AMATO, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2679, a bill to amend title IV of the National Housing Act and the Federal Deposit Insurance Act with respect to brokered deposits.

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the names of the Senator from Georgia (Mr. MATTINGLY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. WEICKER), the Senator from Wisconsin (Mr. KASTEN), the Senator from Ohio (Mr. GLENN), the Senator from Michigan (Mr. RIEGLE), the Senator from North Carolina (Mr. HELMS), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE JOINT RESOLUTION 270

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of Senate Joint Resolution 270, a joint resolution designating the week of July 1 through July 8, 1984, as "National Duck Stamp Week" and 1984 as the "Golden Anniversary Year of the Duck Stamp."

SENATE JOINT RESOLUTION 306

At the request of Mr. DOLE, the names of the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 306, a joint resolution to proclaim July 10, 1984, as "Food for Peace Day."

SENATE CONCURRENT RESOLUTION 109

At the request of Mr. HOLLINGS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Concurrent Resolution 109, a concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a national STORM program.

SENATE RESOLUTION 329

At the request of Mr. NUNN, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

AMENDMENT NO. 3175

At the request of Mr. TRIBLE, the names of the Senator from Nevada (Mr. HECHT) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of Amendment No. 3175 intended to be proposed to S. 2723, an original bill to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

SENATE CONCURRENT RESOLUTION 121—REGARDING THE NONDELIVERY OF U.S. MAIL IN THE SOVIET UNION

Mr. BOSCHWITZ (for himself and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 121

Whereas the integrity of the mail service between the United States and the Soviet Union is being called into question by postal patrons in the United States and by postal patrons of 17 other countries who assert that postal items are systematically not being delivered to selected addresses in the Soviet Union;

Whereas congressional investigators have documented these facts with over 2,000 exhibits and testimony from witnesses at hearings on this matter;

Whereas the explanations required under international law and given by the Soviet postal administration regarding the nondelivery of mail to certain addresses have consistently been untimely and inadequate;

Whereas the mail which is not being delivered typically is between the family members of persons sharing a religious bond and typically consists of personal correspondence or gifts of articles for personal use;

Whereas the nondelivery of mail which is deliverable as addressed and which does not contain prohibited articles is an interference by the Soviet Union with internationally recognized human rights guaranteed to all persons by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act of the Conference on Security and Cooperation in Europe; and

Whereas the systematic exclusion of certain persons from international mail service also violates the Articles of the Constitution of the Universal Postal Union (with protocols), the general regulations of the Universal Postal Union with final protocol and annex, the Universal Postal Convention with final protocol and detailed regulations, and the Constitution of the Union of Soviet Socialist Republics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President, acting through the Secretary of State, should express to the Government of the Soviet Union the disapproval of the American people of the Soviet Union's—

(A) systematic nondelivery of properly addressed mail originating in the United States to the persons to whom it is addressed; and

(B) violation of the Articles of the Constitution of the Universal Postal Union (with protocols), the general regulations of the Universal Postal Union with final protocol and annex, the Universal Postal Convention with final protocol and detailed regulations, and the Final Act of the Conference on Security and Cooperation in Europe; and

(2) at the meeting of the Congress of the Universal Postal Union in Hamburg, Germany, scheduled for June 18 to July 27, 1984, the representatives of the United States Postal Service should—

(A) bring the violations of international law governing international mail by the Government of the Soviet Union to the attention of the representatives of the member countries of the Universal Postal Union, and call upon such countries for support in encouraging the Government of the Soviet Union to respect its treaty obligations;

(B) request the Universal Postal Union to conduct an investigation of such alleged violations; and

(C) consider possible sanctions against the Soviet Union for such violations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President and to the United States Postal Service.

● Mr. BOSCHWITZ. Mr. President, today, along with Senator BINGAMAN, I am introducing a Senate concurrent resolution which urges the President, acting through the Secretary of State, to take up the subject of the interception of international mail by the Soviet Government. The resolution also calls for the U.S. Postal Service delegation to the Universal Postal Union Convention (UPU), to be held in Hamburg, Germany, in June and July, to bring this issue before the 167 nations which are members of the UPU.

For the past year, a prominent Member of the other body, Representative BENJAMIN GILMAN of New York, has led a congressional investigation which has come to the conclusion that the Soviets are interfering with the international mail in a cold and calculated manner.

First, they are trying to cut the lifeline of communication between those living behind the Iron Curtain and their friends and family members on the outside of the Soviet Union.

Second, the Soviets are deriving a great deal of hard Western currency by intercepting parcels mailed to the Soviet Union, return them with surcharges to senders under such fabricated claims as, "import prohibited," when in fact the packages are legal. These procedures force American citizens to do business with Soviet-licensed parcel agencies in some 25 American cities, where patrons are required to pay service and duty prepaid charges often running $180 to $300 and more, in order to be reasonably certain that their packages are delivered.

The Soviet actions are in violation of the rules and regulations established by the UPU and should not be tolerated. Additionally, their actions are a direct threat and challenge to the credibility and effectiveness of the UPU. The member countries must not permit one country to set its own rules and still remain a member if the Union is to continue as a legitimate, functioning body.

The Soviet's blatant disregard of the accepted and standard rules of the UPU is also of great humanitarian concern. It is well known that the Soviets are hostile toward religions, the Jewish and Christian evangelical faiths in particular. The interception of mail, both in and out of the Soviet Union, is depriving those whom the Soviets select to prosecute the right to communicate with family and friends. The Soviet Union is an isolation tank for these people.

The Soviets are harassing people for no other reason than their religious beliefs and background. I fear this type of treatment may become so common that it will begin to go unnoticed. If this were to happen, the results would be disastrous for those left in the Soviet Union. Left with no form of outside contact, they would be shut off from the rest of the world and left at the mercy of the Soviets.

This humanitarian action by Congress will make clear our determination that those being persecuted by the Government of the Soviet Union will not be forgotten. We must do all that we can to aid these people in their struggles.

Mr. President, I believe this resolution will have a positive effect on the Soviet Government's treatment of mail and give hope to a great many people. I urge my colleagues to support it.●

AMENDMENTS SUBMITTED

OMNIBUS DEFENSE AUTHORIZATION ACT, 1985

DOMENICI (AND OTHERS) AMENDMENT NO. 3176

Mr. DOMENICI (for himself, Mr. BAKER, Mr. BINGAMAN, Mr. HATFIELD, Mr. JOHNSTON, Mr. MCCLURE, and Mr. PERCY) submitted the following amendment intended to be proposed to the bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes, as follows:

On page 117, strike the text and catchline of section 1006 and on page 237, strike the text and catchline of section 331 and insert the following catchline and text:

COST-EFFECTIVE FUNDING OF NUCLEAR WEAPONS

SEC. 331. One year from the date of enactment of this Act, the Secretary of Energy and the Secretary of Defense shall submit to the Congress a joint study of steps that can be taken to provide greater cost-effective funding of nuclear weapons. The study shall include recommendations in the following areas—

(1) Ways to improve coordination between the Department of Energy and the Department of Defense to ensure cost-effective implementation of weapon activities and materials production;

(2) Cost-effective improvements that can be made in budgeting and management procedures that affect weapon activities and materials production; and

(3) Whether the Department of Defense should assume the responsibility for funding current Department of Energy weapon activities and materials production.

Mr. DOMENICI. Mr. President, today I am introducing a printed amendment to sections 331 and 1006 of the Omnibus Defense Authorization Act of 1984 on behalf of myself and Senators BAKER, BINGAMAN, HATFIELD, JOHNSTON, MCCLURE, and PERCY.

The amendment strikes the text of those two sections which provide that in future fiscal years the budget for the research, development, testing, production, surveillance, and retirement of nuclear warheads, or for the production of nuclear materials needed for such warheads, would be provided by the Department of Defense (DOD). These activities are presently budgeted under the Department of Energy (DOE) for historical reasons which I will review shortly. We believe that such a fundamental change in the civilian control of our nuclear weapons development is not wise.

The Senate Armed Services Committee included this provision in an attempt to encourage greater restraint in spending for individual types of warheads. These costs may have escalated at a rate which exceeds the rate of increase for other defense systems. We do not challenge that assertion. What we do challenge is the method for bringing it under control. Rather than place nuclear weapons funding under DOD, where presumably the committee feels funding would receive greater scrutiny, we propose to approach the problem directly. Our amendment directs the Secretaries of Defense and Energy to determine what steps can be undertaken to improve coordination between the two Departments and what management steps should be undertaken to promote the cost-effective operation of the present organization. The amendment also provides that the Secretaries study whether such a management change, as proposed by the Armed Services Committee, is appropriate.

Mr. President, it is not by an historical accident that the control of the production of nuclear weapons falls under the Department of Energy. It came to that Department in a rather roundabout fashion but, through each change in the name of the organization which managed nuclear weapons, there was one constant theme; namely, that civilians should control the development of atomic energy and nuclear weapons more specifically.

In 1946, when President Truman proposed the formation of a special commission for the control of atomic energy, he specifically asked that it be a civilian commission. This special Committee on Atomic Energy, which was formed to dispose of this legislation, found that civilian control was indeed the preferred method of management, they said in their report on the legislation:

> The decision to limit membership eligibility to civilians was adopted by the committee in keeping with established traditions of our Government. It accords with principles cherished and maintained throughout American history. Departure from these principles has occasioned judicial, executive, and legislative disapproval. (S. Report No. 1211)

This means a management was enacted into law with the signing of the Atomic Energy Act of 1946. This act set up the Atomic Energy Commission, composed of five full-time civilian members appointed by the President and confirmed by the Senate.

In 1954, the Atomic Energy Act of 1954 was passed, but again civilian control was maintained in the production of nuclear weapons, as well as the control of design, manufacture, and the production of special nuclear materials. As our Nation's energy situation changed in the early 1970's, a new organization was formed. The Energy Research and Development Administration was formed under the Energy Reorganization Act of 1974. ERDA, as it was to become known, focused its attentions on our emerging energy crisis.

Few people were aware that with the formation of ERDA, the Congress also entrusted the organization with the management and control of the nuclear weapons production program. This responsibility was then passed along to the Department of Energy when it was formed in 1977. My point, Mr. President, is that although the Department or Administration or Commission which has managed the weapons production complex has changed through time, the fundamental principle first proposed by President Truman has been maintained throughout. The production and research on nuclear weapons has been performed by a distinct civilian agency, which then would turn the finished product over to the Department of Defense.

This principle of checks and balances is too well founded in our society to be the subject of a provision such as the one in this omnibus defense authorization, which has received little scrutiny from the Members here in the Senate. The concerns of the Armed Services Committee are real and they should be commended for bringing our attention to them. However, I believe they should be addressed more directly and the issue of control over nuclear weapons production program should be set aside at this time.

TOWER AMENDMENT NO. 3177

Mr. TOWER proposed an amendment to the bill S. 2723, supra; as follows:

On page 70, lines 17 and 18, strike out "the date of the enactment of the Department of Defense Authorization Act, 1985," and insert in lieu thereof "September 30, 1984,".

On page 75, line 1, strike out "Section" and insert in lieu thereof "Effective October 1, 1984, section".

TOWER AMENDMENT NO. 3178

(Order to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill S. 2723, supra; as follows:

At an appropriate place in Title I of the bill insert the following:

SEC. (a) The table relating to rates of special pay for enlisted members is section 305a(b) of title 37, United States Code, is amended to read as follows:

ENLISTED MEMBERS

	Years of sea duty																
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18
Pay grade:																	
E-4	$50	$60	$125	$160	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175	$175
E-5	60	70	140	175	185	190	205	220	220	220	220	220	220	220	220	220	220
E-6	125	135	170	190	210	215	225	235	245	255	265	265	280	295	310	325	340
E-7	135	145	215	235	255	260	265	265	270	275	280	300	310	330	350	370	390
E-8	165	180	225	255	265	270	280	285	290	300	310	310	320	340	360	380	400
E-9	175	195	235	265	280	290	310	310	310	310	320	330	350	370	390	410	410

(b)(1) Section 307 of title 37, United States Code, is amended to read as follows:

"307. Special Pay: special duty assignment pay for enlisted members.

"(a) An enlisted member of a uniformed service who is entitled to basic pay and is performing duties which have been designated as extremely difficult or as involving an unusual degree of responsibility in a military skill of the uniformed service concerned may, in addition to other pay or allowances to which he is entitled under this title, be paid special duty assignment pay at a monthly rate not to exceed $275.

"(b) The Secretary concerned shall determine which enlisted members of a uniformed service under his jurisdiction are to be paid special duty assignment pay under subsection (a). He shall also designate, from time to time, those skills within each uniformed service under his jurisdiction for which special duty assignment pay is authorized, and shall prescribe the criteria under which members of that uniformed service are eligible for special duty assignment pay in each skill. He may, when he considers it necessary, increase, decrease, or abolish such pay for any skill.

"(c) This section shall be administered under regulations prescribed by the Secretary of Defense for the uniformed services under his jurisdiction, and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.".

(2) The item relating to such section 307 in the table of sections at the beginning of Chapter 5 of such title is amended to read as follows:

"307. Special Pay: special duty assignment pay for enlisted members.".

(3) A member of the uniformed services who, on the day before the effective date of the amendments made by this section, was entitled to special pay under section 307 of title 37, United States Code, as it existed on the day before such effective date, may continue to be paid the special pay authorized by such section 307 as though the amendments made by this subsection had not been made. However, a member may not be paid the special pay authorized by such section 307 as it existed on the day before the effective date of the amendments made by this section and the special pay authorized by such section 307 as amended by this section.

(c) Section 308 of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking out ", or $20,000, whichever is the lesser amount";

(2) by adding after subsection (b) the following:

"(2) Not more than 10 percent of the bonuses paid under the authority of this section to members of any uniformed service in any fiscal year may exceed $25,000"; and

(3) by inserting "(1)" after "(b)".

GLENN (AND OTHERS) AMENDMENT NO. 3179

Mr. GLENN (for himself, Mr. WARNER, and Mr. JEPSEN) proposed an amendment to the bill S. 2723, supra; as follows:

On page 54, between lines 14 and 15, insert the following new section:

NEW GI EDUCATIONAL ASSISTANCE PROGRAM

SEC. 160b. (a)(1) Title 38, United States Code, is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 29—CITIZEN-SOLDIER EDUCATIONAL ASSISTANCE PROGRAM

"Sec.
"1401. Definitions.
"1402. Participation; reduction in pay and allowances.
"1403. Entitlement to educational assistance.
"1404. Duration of educational assistance.
"1405. Payment of educational assistance.
"1406. Time limitation on entitlement.
"1407. Bar to duplication of educational assistance benefits.
"1408. Program administration.
"1409. Administration; allocation of program costs.

"§ 1401. Definitions

"For the purposes of this chapter—

"(1) the term 'Citizen-Soldier Educational Assistance Program' means the program of educational assistance provided by this chapter;

"(2) the term 'educational institution' has the meaning given such term in section 1652(c) of this title;

"(3) the term 'eligible veteran' means a veteran who—

"(A) While serving on active duty in the Armed Forces pursuant to an enlistment to serve for a period of two years, received reduced pay and allowances for the period of such service by reason of an election made under section 1402(a) of this title and has not elected to receive a payment pursuant to section 908 of title 37; and

"(B) was discharged from service on active duty upon the completion of such enlistment, or for a service-connected disability, with an honorable discharge; and

"(4) the term 'program of education' has the meaning given such term in section 1652(b) of this title, except that such term is limited to a program in which only a person who has completed a program of secondary education or a general education degree may enroll.

"§ 1402. Participation; active duty pay and allowances

"(a)(1) Any individual who has not been a member of the Armed Forces and, after September 30, 1984—

"(A) enlists in an active component of the Armed Forces to serve on active duty for a period of two years; and

"(B) agrees to serve on active duty, during the period of entitlement, in a military occupational specialty selected and assigned by the Secretary concerned,

may establish an entitlement to educational assistance under this chapter by electing, not later than the first day of such period, to participate in the Citizen-Soldier Educational Assistance Program.

"(2) An election under paragraph (1) of this subsection shall be made in writing and in such form as the Secretary concerned prescribes.

"(b) The pay and allowances of an individual making an election under subsection (a) of this section shall be reduced as provided in sections 203(e), 402(e), and 403(e) of title 37 during the period ending the earlier of—

"(1) the date two years after the commencement date of the period of service on active duty to which the election applies; or

"(2) the effective date of a termination of the participation in the Citizen-Soldier Educational Assistance Program, as provided under subsection (c) of this section.

"(c)(1) Any member of the Armed Forces who is receiving reduced pay and allowances by reason of an election to participate in the Citizen-Soldier Educational Assistance Program under subsection (a) of this section, may terminate the participation by transmitting a notice of termination to the Secretary concerned. Such notice shall be in writing and in such form as the Secretary concerned prescribes.

"(2) A termination under paragraph (1) of this subsection shall take effect on the first day of the first pay period commencing not less than 30 days after the date on which the notice is received by the Secretary concerned.

"§ 1403. Entitlement to educational assistance

"An eligible veteran is entitled to receive educational assistance as provided in this chapter while pursuing an approved program of education.

"§ 1404. Duration of educational assistance

"Subject to section 1795 of this title, each eligible veteran is entitled to—

"(1) thirty-six months of educational assistance benefits under this chapter; or

"(2) in the case of an eligible veteran who has been discharged for a service-connected disability before completing the period of the enlistment described in section 1402(a)(1) of this title, one and one-half months of educational assistance benefits under this chapter for each month of active duty served pursuant to such enlistment,

or the equivalent thereof in part-time educational assistance.

"§ 1405. Payment of educational assistance

"(a) The Administrator shall pay to each eligible veteran who is entitled to receive educational assistance under this chapter and is pursuing an approved program of education an educational assistance allowance to help in the payment of the expenses of such veteran for subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"(b) (1) An educational assistance allowance under this subchapter shall be paid—

"(A) at the monthly rate of $500 for an approved program of education pursued on a full-time basis; or

"(B) subject to paragraph (2) of this subsection, at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

"(2) The amount of the educational assistance allowance payable under this chapter to an eligible veteran pursuing a program of education on less than a half-time basis is the lesser of—

"(A) the amount of the educational assistance allowance otherwise payable to such veteran under this chapter; or

"(B) the established charges for tuition and fees that the educational institution involved requires nonveterans enrolled in the same program to pay.

"§ 1406. Time limitation on entitlement

"(a) Except as provided in subsections (b) through (d) of this section, the period during which an eligible veteran may receive educational assistance under this chapter expires at the end of the ten-year period beginning on the date of such veteran's last discharge or release from active duty.

"(b) In the case of any eligible veteran who has been prevented, as determined by the Administrator, from pursuing a program of education with educational assistance under this chapter because such individual had not met the nature of discharge requirement set out in section 1401(3)(B) of this title, the ten-year period provided by subsection (a) of this section shall not begin before the date on which—

"(1) the nature of such discharge or release was changed by appropriate authority; or

"(2) the Administrator determined, under regulations prescribed by the Administrator, that such discharge or release was under conditions described in section 1401(1)(C) of this title.

"(c) In the case of an eligible veteran who, after such veteran's last discharge or release from active duty, was detained by a foreign government or power, the ten-year period provided in subsection (a) of this section shall not run (1) while such veteran is so detained, or (2) during any period immediately following such veteran's release from such detention for which such veteran is hospitalized at a military, civilian, or Veterans' Administration medical facility.

"(d) The ten-year period provided in subsection (a) of this section shall not run during any period an eligible veteran was prevented from pursuing such veteran's chosen program of education by reason of a physical or mental disability which was not the result of the veteran's own willful misconduct if such veteran applies for an extension of such ten-year period within one year after the later of (1) the day on which such period would otherwise expire, or (2) the last day on which such veteran was prevented from pursuing such program for such reason. The running of the ten-year period shall resume in any such case on the first day on which it is reasonably feasible for such veteran to initiate or resume pursuit of a program of education, as determined under regulations which the Administrator shall prescribe.

"(e)(1) If an eligible veteran is enrolled under this chapter in an educational institution regularly operated on the quarter or semester system and the period of such veteran's entitlement under this chapter would expire under this section during a quarter or semester, such period shall be extended to the end of such quarter or semester.

"(2) If an eligible veteran is enrolled under this chapter in an educational institution not regularly operated on the quarter or semester system and the period of such veteran's entitlement under this chapter would expire under this section after a major portion of the course and before the entire course is completed, such period shall be extended until the earlier of the day after the date on which the course is completed or the date twelve weeks after the date on which such period would otherwise expire.

"§ 1407. Bar to duplication of educational assistance benefits

"A veteran who is entitled to educational assistance under a program established by this chapter and is also eligible for educational assistance under a program under chapter 31, 32, or 35 of this title may not receive assistance under both programs concurrently but shall specify (in such form and manner as the Administrator may prescribe) the program under which the veteran shall receive educational assistance at any time.

"§ 1408. Program administration

"(a) Except as otherwise provided in this chapter, the provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of this title and the provisions of subchapters I and II of chapter 36 of this title (other than sections 1777 and 1787 of this title) shall be applicable to the provision of educational assistance under this chapter. For the purposes of this chapter, the term 'eligible veterans', as used in the provisions specified in the first sentence, shall be deemed to include an eligible veteran as defined in section 1401(3) of this title.

"(b) An educational assistance allowance for any period may not be paid to an eligible veteran enrolled in or pursuing a program of education at an educational institution under this chapter until the Administrator has received—

"(1) from such veteran a certification as to such veteran's actual attendance during such period; and

"(2) from the educational institution a certification, or an endorsement of the veteran's certificate, that such individual was enrolled in and pursuing a program of education during such period.

"§ 1409. Administration; allocation of program costs

"(a)(1) The Citizen-Soldier Educational Assistance Program shall be administered with respect to an eligible veteran by the Veterans' Administration.

"(2) Matters relating to the application of the provisions of this chapter to a member of the Armed Forces while serving on active duty shall be administered by the Secretary of Defense.

"(b)(1) Payments of benefits under this chapter shall be made from appropriations made to the Department of Defense (in the case of service in a military department) or the Department of Transportation (in the case of service in the Coast Guard).

"(2) Funds for the payment of benefits under this chapter shall be transferred to the Veterans' Administration as necessary from appropriations available for such purpose. The Administrator and the Secretary concerned shall enter into an agreement setting forth the manner in which such transfers are to be made.".

(2) The table of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting before the item relating to chapter 31 the following new item:

"29. Citizen-Soldier Educational Assistance Program .... 1401".

(b)(1) The first sentence of section 1621(a) of such title is amended by inserting before the period at the end thereof ", except during a period of service to which an election under section 1402 of this title applies".

(2) The third sentence of section 1673(d) of such title is amended by inserting "29," after "chapter".

(3) Section 1795(a)(4) of such title is amended by inserting "29," after "chapters".

(4) Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) is amended—

(A) by inserting "(1)" after "(g)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) The authority provided under this section shall not apply with respect to service for which a person elects to receive reduced pay and allowances pursuant to section 1402 of title 38, United States Code.".

(c)(1) Section 203 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

(e) The rate of monthly basic pay payable to a member of the armed forces making an election to participate in the Citizen-Soldier Educational Assistance Program pursuant to section 1402 of title 38, shall be reduced by $250 for each monthly pay period the member is participating in such program.".

(2) Section 402 of such title is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) A member of the armed forces making an election to participate in the Citizen-Soldier Educational Assistance Program pursuant to section 1402 of title 38, is not entitled to a basic allowance for subsistence during any pay period the member is participating in such program except as the Secretary concerned may consider appropriate.".

(3) Section 403 of such title is amended by adding at the end thereof the following new subsection (1):

"(1) A member of the armed forces making an election to participate in the Citizen-Soldier Educational Assistance Program pursuant to section 1402 of title 38, is not entitled to a basic allowance for quarters during any pay period the member is participating in such program except as the Secretary concerned may consider appropriate.".

(4) (A) Chapter 17 of such title is amended by adding at the end thereof the following new section:

"§ 908. Payments for release of entitlement to certain educational assistance benefits

"(a)(1) If a member of the armed forces who, by reason of an election pursuant to section 1402 of title 38, received reduced pay and allowances for a period of two years during an enlistment reenlists in an active component of the armed forces for a term of service on active duty beginning on the day after the date of discharge from such enlistment, the member may elect to be paid an amount equal to the product of—

"(A) the amount by which the rate of monthly basic pay payable to such member was reduced pursuant to section 203 (e) of this title by reason of the election, and

"(B) the number of monthly pay periods such reduced rate was paid to such member.

"(2) An election of payment under paragraph (1) of this subsection shall be transmitted to the Secretary concerned within 30 days after the date of the latest discharge or release from active duty.

"(b) (1) A former member of the armed forces who was discharged for a disability which is service-connected (as defined in section 101 (16) of title 38) and, on the day before the discharge, was entitled to receive reduced pay and allowances by reason of an election pursuant to section 1402 of title 38, may elect to be paid an amount equal to the product of—

"(A) the amount by which the rate of monthly basic pay payable to such former member was reduced pursuant to section 203(e) of this title by reason of the election, and

"(B) the number of monthly pay periods such reduced rate was paid to such former member.

"(2) An election of payment under paragraph (1) of this subsection shall be transmitted to the Secretary concerned within 30 days after the date of the discharge referred to in such paragraph. The Secretary concerned may extend the period for making the election in any case for good cause.

"(c) An election of payment under subsection (a) or (b) of this subsection shall be made in writing and in the manner prescribed by the Secretary concerned.

"(d) The Secretary concerned shall pay to any individual making an election authorized by subsection (a) or (b) of this section the amount provided in such subsection. The payment shall be made out of funds available for the payment of the basic pay of a member of the uniformed service of the department of the Secretary concerned.

"(e)(1)(A) In the case of a member or former member of the armed forces who—

"(i) by reason of an election pursuant to section 1402 of title 38, received reduced pay and allowances while serving on active duty; and

"(ii) dies before receiving the total amount of educational assistance to which the member or former member is or would be entitled as an eligible veteran pursuant to this chapter,

the repayment amount computed under paragraph (2) of this subsection shall be paid to the person or persons surviving such deceased member or former member in the order of precedence specified in paragraph (3) of this subsection.

"(2) For the purposes of subsection (i) of this subsection, the repayment amount payable with respect to a deceased member or former member is equal to the product of—

"(A) the amount by which the rate of monthly basic pay payable to such member was reduced pursuant to section 203(e) of this title by reason of the election under section 1402 of title 38; and

"(B) the difference between—

"(i) the number of monthly pay periods such reduced rate was paid to the member or former member; and

"(ii) the number of monthly payments of educational assistance that have been paid to the member or former member, if any, pursuant to section 1405 of title 38.

"(3)(A) For the purposes of paragraph (1), the order of precedence is as follows:

First, to the widow, or widower of such member or former member;

Second, if none of the above, to the child or children of such member or former member and descendants of deceased children by representation;

Third, if none of the above, to the parents of such member or former member or the survivor of them;

Fourth, if none of the above, to the duly appointed executor or administrator of the estate of such member or former member;

Fifth, if none of the above, to other next of kin of such member or former member entitled under the laws of domicile of such member or former member at the time of his death.

"(B) For the purposes of subparagraph (A), the terms, "widow", "widower", "child", "parent", and "member" have the same meanings as are provided for the purposes of subchapter III of chapter 19 of title 38.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"908. Payments for release of entitlement to certain educational assistance benefits.".

(d) The amendments made by this section shall take effect October 1, 1984.

TOWER (AND NUNN) AMENDMENT NO. 3180

Mr. TOWER (for himself and Mr. Nunn) proposed an amendment to amendment No. 3179 proposed by Mr. Glenn to the bill S. 2723, supra; as follows:

Strike out lines 20 through 32 on page 2 and insert in lieu thereof the following:

"(a)(1) Any individual who has not been a member of the armed forces who, after September 30, 1984, and before September 30, 1988—

"(A) enlists in an active component of the Armed Forces to serve on active duty for a period of two years; and

"(B) agrees to serve on active duty, during the period of the enlistment, in a military occupational specialty selected and assigned by the Secretary concerned, may establish an entitlement to educational assistance under this chapter by electing, not later than the first day of such period, to participate in the Citizen-Soldier Educational Assistance Program, except that not more than 12,500 individual may be permitted to make such an election in any fiscal year.".

PERCY (AND OTHERS) AMENDMENT NO. 3181

(Ordered to lie on the table.)

Mr. PERCY (for himself, Mr. Mathias, and Mr. Proxmire) submitted an amendment intended to be proposed by them to the bill S. 2723, supra; as follows:

On page 10, line 1, strike out "$4,566,541,000," and insert in lieu thereof "$4,309,541,000, of which not more than $1,370,000,000 may be used for the following program elements of the Strategic Defense Initiative:

"(1) surveillance, acquisition, tracking, and kill assessment, (2) directed energy weapons, (3) kinetic energy weapons, (4) system concepts, battle mangement, command, control, and communications, and (5) survivability, lethality, and subsystems; and".

QUAYLE (AND OTHERS) AMENDMENT NO. 3182

Mr. QUAYLE (for himself, Mr. Moynihan, Mr. Pressler, and Mr. Boschwitz) submitted an amendment intended to be proposed by them to the bill S. 2723, supra; as follows:

On page 128, between lines 12 and 13, insert the following new section:

SENSE OF THE CONGRESS REGARDING A REPORT TO THE CONGRESS ON CERTAIN VERIFICATION PROGRAMS

Sec. . (a) The Congress finds—

(1) that the Iran-Iraq war has recently demonstrated a marked increase in the proliferation of technology on the production of chemical weapons and an increase in the willingness of nations to use such weapons in armed conflict;

(2) the President's Report to Congress on Soviet Arms Control Noncompliance concluded that the Soviet Union currently maintains an offensive biological weapons capability in violation of the 1972 Biological and Toxin Weapons Convention;

(3) that experts at the recent annual meeting of the American Association for the Advancement of Science and at the First World Congress on New Compounds in Biological and Chemical Warfare held at Ghent, Belgium, emphasized that better verification of the use of chemical weapons and of the development of biological and toxin weapons was essential to strengthen the 1972 Biological and Toxin Weapons Convention and the Geneva Protocol of 1925;

(4) that the 1972 Biological and Toxin Weapons Convention is up for review in 1985;

(5) that the United States is anxious to promote and strengthen adherence to the Geneva Protocol of 1925 and the 1972 Biological and Chemical Weapons Convention and is vigorously pursuing a comprehensive, verifiable, international agreement to ban chemical weapons;

(6) that any comprehensive agreement intended to ban the production, storage, and transfer of chemical weapons must provide for effective measures of verification and enforcement and that in order for the 1972 Biological and Toxin Weapons Convention to be effective, compliance with the terms of the convention must be verifiable; and

(7) the Congress must be well informed regarding existing and planned programs for verifying compliance with the 1972 Biological and Toxin Weapons Convention and with a chemical weapons ban agreement.

(b) It is the sense of the Congress that the President should submit to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and to the Committee on Foreign Affairs and the permanent Select Committee on Intelligence of the House of Representatives a comprehensive report identifying and evaluating the following:

(1) Existing and planned programs to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban.

(2) The budget resources necessary to support verification requirements necessary to determine compliance with the 1972 Biological and Toxin Weapons Convention and a chemical weapons ban.

(c) The President is requested to submit the report referred to in subsection (b) to the committees referred to in such subsection not later than December 31, 1984.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has scheduled a full committee oversight hearing on S. 2568, the Civil Rights Act of 1984.

The purpose of the hearing is to examine the possible effects of this legislation on the agricultural community.

The hearing will be held on Tuesday, June 12, 1984, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LUGAR. Mr. President, the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing to receive testimony on S. 1128 and H.R. 2714, the Agricultural Productivity Act of 1983.

The hearing will be held on Thursday, June 14, 1984, at 9:30 a.m. in room 328-A Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

SUBCOMMITTEE ON INFORMATION MANAGEMENT AND REGULATORY AFFAIRS

Mr. DANFORTH. Mr. President, I would like to announce for the information of the Senate and the public the postponement of the hearing previously scheduled for June 12 on the Federal Advisory Committee Act. The hearing before the Subcommittee on Information Management and Regulatory Affairs has been rescheduled for Thursday, June 21, at 2 p.m. in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON ENERGY CONSERVATION AND SUPPLY

Mr. WEICKER. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding Outer Continental Shelf leasing activities previously scheduled before the Subcommittee on Energy Conservation and Supply for Tuesday, June 26 at 10 a.m. has been canceled.

For further information regarding this hearing, you may wish to contact Mr. Allen Stayman of the subcommittee staff at 224-2366.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing regarding Federal land management problems in northern Nevada on checkerboard lands previously scheduled before the Subcommittee on Public Lands and Reserved Water for Tuesday, June 12, beginning at 10 a.m., has been rescheduled for Wednesday, June 13, beginning at 8 a.m. in room SD-366 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

MISLEADING AND DECEIVING THE ELDERLY

● Mr. MATTINGLY. Mr. President, the elderly of this Nation have been systematically misled and deceived by a group calling itself the National Committee To Preserve Social Security and Medicare. Headed by former Congressman James Roosevelt, this organization has self-righteously posed as the defender of social security. Far from defending the senior citizens it claims to protect, it has used scare tactics to secure donations from them. In a manner reminiscent of a flim-flam artist, the NCPSSM has deceived the vulnerable elderly of America by misrepresenting the facts about its purpose, its activities, and the nature of the social security system. Let me furnish several examples of these irresponsible tactics.

First, the committee has led the elderly to believe that its petitions are official Government documents. The first letter the committee mailed out was sent in envelopes with the imprint "Urgent. Important social security and medicare information enclosed. Attention Postmaster: Time dated legal documents enclosed." The envelopes did indeed get the attention of the Postal Service which requested that the committee change its envelope. Unfortunately, the letter also got the attention of thousands of unwitting senior citizens who were confused and frightened by the petition. Several older Georgians called my office to make inquiries. Since my name, along with those of others in the delegation who represent the individuals, was printed on the petition, some callers wanted to know why I was asking for money. As my colleagues, each of whose names appeared on similar petitions distributed in their own States, know, I was not. Regrettably, if my constituents are typical—and I believe they are—thousands of America's elderly were deceived into believing that their Government was requiring money from them in order to insure payment of their social security benefits. Such an activity undermines the integrity of the Congress and the Government. By asking senior citizens to send $10 in order to join the organization and to receive a copy of their individual social security records, the group has preyed upon the elderly in a way no responsible advocacy group would do. Would a group which was genuinely concerned for the financial well-being of our older citizens ask them to pay $10 in order to obtain the records which the Social Security Administration would forward to them free of charge. The answer to that question is, "clearly, absolutely not."

Let me point out another questionable tactic designed to convince the elderly that the organization is an official, and by implication "official governmental" committee. Each petition has what is termed by the NCPSSM an "officially certified petition number." Now I ask my colleagues, what is the difference between an "officially certified" and an "unofficial" number? I imagine no one can tell me. What is this officially certified number? I will tell you. It is a means of exploitation.

Deception is bad enough, Mr. President. Outright falsehood is despicable. In its petition, the committee writes: "The politicans say we can't afford social security and medicare * * * they don't say we should stop the illegal aliens who cost billions each year." That comes as news to me, Mr. President, as it must to the overwhelming majority of Senators who have voted in two Congresses to enact immigration reform legislation. It comes as a surprise because it is not an accurate representation of the facts. It is demagogery, pure and simple. And demagogery designed for one purpose alone—to raise funds.

Tragically, this cavalier attitude toward the truth has proved to be an effective fundraising tool. The committee reportedly raised over $1.7 million in 1983. We need not scratch our heads too long pondering what its use will be. In a statement of its income and expenses for 1983, which was published in the organization's official newsletter, the committee indicated that 10 percent of these funds, or some $168,864, was used for legislative efforts. The legislative efforts are listed as petitions, legislative alerts, and Hill representation. I do not know what this so-called Hill representation means, but I do know that I am certainly not aware of this organization's strong representation or presence on this Hill. I think as well that petitions might more accurately have been listed under the category of solicitation costs which account for 18 percent of the $1.7 million. Other vague terms, like informational subject, purportedly account for the remainder of expenses. Ironically, there is no misinformational subject category listed.

The elderly population of this Nation is still confused and fearful, and someone needs to set the record straight. We in the Senate know that this Congress, that this Government, will not allow the social security system to collapse. We know we will not say: "Let the retired widow go without a decent meal or enough heat or health care * * *." As the petition sent to scare our senior citizens states we are saying. I intend to inform my constituents who inquire, in no uncertain terms, that the kind of activity this group is involved in is what we back home in Georgia call a sham and a con game. I hope my colleagues from other States will do the same.

In his recent message entitled "Chairman's Report," James Roosevelt writes: "We have stepped on a lot of toes, but you ain't seen nothing yet." Certainly, he does not mean the toes of the elderly. But, it is their toes, and pocketbooks, that have been injured. It is time that this harmful chicanery stops.●

THE RIGHTS OF MENTALLY RETARDED CITIZENS

● **Mr. WEICKER.** Mr. President, the President's Committee on Mental Retardation (PCMR), by vote of its membership, adopted a resolution which is both timely and necessary. That resolution reaffirms the position of current law and the repeatedly expressed intent of this and previous Congresses that disabled citizens, particularly those living in Government-funded and operated institutions, are indeed entitled to education and training services in the least restrictive setting. In and of itself, this reaffirmation by PCMR is noteworthy.

But even more significant is the fact that the 15-member committee, all Presidential appointees, have called on the President to reverse the ill-founded and wrongheaded policies of his own Justice Department in a current Halderman against Pennhurst lawsuit.

The PCMR resolution most adequately discusses the Justice Department's position and I urge all of our colleagues to read and to support PCMR in this regard. I commend PCMR for demonstrating the courage of their convictions, and I ask that the resolution be printed in today's RECORD at the conclusion of these remarks.

The resolution follows:

THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

RESOLUTION CONCERNING THE RIGHTS OF MENTALLY RETARDED CITIZENS AND THE NECESSARY SUPPORTING ROLE OF THE U.S. DEPARTMENT OF JUSTICE

Whereas, the United States Department of Justice on April 24, 1984, filed a brief in the United States Court of Appeals for the Third Circuit in the case of *Haldeman* v. *Pennhurst Center* concerning the conditions of confinement in the Pennhurst institution for mentally retarded persons; and

Whereas, this brief has reversed at least fourteen years of bipartisan support for the fundamental right to liberty of mentally retarded citizens of the United States by, for the first time, denying the existence of any Federal right of retarded citizens, who are entrusted to the care of State Governments, to the habilitative care which affords such citizens a reasonable opportunity to acquire and maintain basic life skills in the setting "least restrictive" of personal liberty and consistent with their needs; and

Whereas, such complete reversal of the policies of all Presidential Administrations on this issue since 1970 seriously threatens the substantial advances made in protection of such mentally retarded citizens; and

Whereas, the Department of Justice in 1970, in the administration of President Richard M. Nixon, adopted a policy and program of active litigation in support of such rights of retarded citizens throughout the United States and has continued such effort during the Administrations of President Gerald R. Ford, President Jimmy Carter and, until this time, of President Ronald Reagan; and

Whereas, the Department of Justice, in the past and consistent with National Policy, has supported the rights of mentally retarded citizens to habilitative care, in the least restrictive placement, in Federal Courts throughout the United States; and

Whereas, the President's Committee on Mental Retardation, at its meeting in Boca Raton, Florida in May 1984, has thoroughly reviewed the history of the past precedent setting efforts of the Department of Justice in this regard and the nature of the damage which will be accorded to the protection of the rights of retarded citizens of the United States by the present brief of the Department; now

Be it therefore resolved, that the mentally retarded citizens of the United States, whose care and training is entrusted to the State governments throughout this Nation, have a right to receive such habilitative care as will afford them a reasonable opportunity to acquire and maintain life skills, and that such habilitative care be provided in that setting least restrictive of the liberty of such citizens consistent with their capacities and needs so that the mentally retarded citizens of the United States shall best realize their Constitutional rights; and

Be it further resolved, that the President is hereby urged to direct the Department of Justice to withdraw its brief espousing a reversal of policy and adhere to the consistent policy as set forth above in support of the fundamental rights of the mentally retarded citizens of this Nation; and

Be it further resolved, that a copy of this resolution be sent to the President, through the Chairperson of the Committee, and, subsequently to individuals and organizations concerned with this issue.●

THE AMERICAN STEEL INDUSTRY: MYTH VERSUS REALITY: II

● **Mr. HEINZ.** Mr. President, today I present my second in a series of brief statements which will appear periodically in an effort to elevate the level of debate on the crisis in the steel industry.

The subject I would like to address today is the question of steel import quotas, specifically as provided for in one of my proposals—the Fair Trade in Steel Act of 1984. To date, the discussion of import quotas has been in terms of hasty generalizations and cliches. Too often, quotas are dismissed as a betrayal of free market principles without an examination of the specific facts and circumstances of the situation, in this case, the crisis in the American steel industry.

The debate over steel import quotas will continue to be a major topic of discussion in the Congress and the executive branch this summer. In order to help provide a common set of facts from which we can all work, I am offering some further myths and realities about import quotas and the steel industry.

Myth: The output effect of import quotas on steel would be negligible.

Reality: Data Resources, Inc. (DRI) has projected steel imports in 1984 to reach 18.1 million tons. According to a study by the Congressional Research Service, the Fair Trade in Steel Act would effectively limit imports to 15.8 million tons. Therefore, domestic industry would have to produce an additional 2.3 million tons to satisfy demand, assuming no change in demand. Total real output in the economy would increase by $911 million in constant 1972 dollars—$2.04 billion in current dollars—of which $492 million would be accounted for by the steel industry. The remainder would be in secondary and tertiary support areas like transportation, business services, utilities, mining, maintenance and repair, et cetera.

Myth: Import quotas would result in a major loss of employment.

Reality: CRS estimates that, as a result of the increase in total real output domestically, employment would rise by 21,600 persons, 6,440 of them in the steel industry. If this employment increase is offset by declines in exports due to retaliation, less favorable exchange rates and natural declines in U.S. export industries, the total net employment effect of the bill is projected to be a maximum net loss ranging from 80 to 3,325 jobs. In fact, given the uncertainty in these calculations, while the latter figure is for the worst case, there might, in reality, be no loss at all.

Myth: Import quotas would cause a significant increase in domestic prices.

Reality: Although steel prices could rise due to import quotas, all estimates of increases are minimal, even from critics of quotas. A Federal Trade Commission brief filed before the International Trade Commission concluded that a 15-percent quota would lead to an increase in domestic steel prices of $5 per ton. This is less than a 1-percent increase in domestic steel prices.

A previous CRS study concluded that as much as a 10-percent increase in steel prices would only lead to a 0.65-percent increase in the producer price index (PPI) for intermediate materials. Its impact on consumer prices would be reduced accordingly as the steel was processed into finished products. If the above mentioned 1-percent price increase is assumed, the increase in the PPI for intermediate materials would be less than one-tenth of 1 percent or 0.065 percent and prices even lower for consumer products.

Myth: Import quotas would cause foreign competitors to increase their imports of steel-using products to the United States.

Reality: A dramatic increase in the imports of steel-using products is highly unlikely while increases in steel prices remain as small of a percentage as expected. It is doubtful that steel using goods would be so affected that a significant increase in foreign substitutes would occur. Even if foreign competitors should turn to manufacturing and exporting more steel using products from their stocks of excess, unimportable steel, section 7 of the act authorizes tariff or quota relief from excessive steel mill products imports. Thus, even in the case of fabricated products, whose value comes primarily from steel, the substitution of imports for these basic steel products could be constrained.

Myth: Steel import quotas would affect the entire American domestic economy.

Reality: Steel import quotas would not substantially affect the U.S. economy. The basic steel industry in this country is just too small in relation to the economy as a whole, and the amount of steel involved is even smaller. The value in current dollars of steel shipments in 1983 was less than 2 percent of the value of all manufacturer's shipments in 1983. Even if 10 million tons of steel demand were suddenly shifted to domestic production, their value in current dollars would only represent 0.3 percent of the value of total manufacturer's shipments.

The CRS study concludes that "* * * the claim cannot be made that the quotas would have a major impact on the economy." These quotas are neither "likely to have a substantial impact on the balance of payments." Nor is it "likely that major inflationary effects would result from the imposition of quotas." However, output and employment benefits to the steel industry and its support sectors would be positive.

Mr. President, I ask that the text of the CRS study by David Cantor be printed at this point in the RECORD.

The study follows:

[From Congressional Research Service]

OUTPUT AND EMPLOYMENT EFFECTS OF U.S. STEEL IMPORT QUOTAS

(By David J. Cantor)

ABSTRACT

The "Fair Trade in Steel Act of 1984" would limit steel imports to 15 percent of the U.S. market over a five year period. Replacing one million tons of steel imports by domestic production, total real output could rise by about $400 million, and employment in steel and sectors supplying it could rise by about 9,400. After adjusting for possible reductions in exports, however, a maximum employment loss in the range of 35 to 1,450 persons could result from the import curbs.

INTRODUCTION AND SUMMARY

America's steel industry faces formidable competition from foreign imports. Since the early 1970's, imports of steel mill products satisfied an increasing share of domestic demand, rising from 12.8 percent in 1973 to over 20 percent in 1983. Total U.S. production fell from over 150 million tons in 1973 to about 83 million tons in 1983. Total employment in the industry dropped by over 200,000 workers in this period.

Not all of the troubles facing the industry can be laid at the doorstep of foreign producers, who have expanded their exports to the United States. Nevertheless, the steel industry contends that import penetration is a large part of the problem, especially from countries which allegedly "dump" or otherwise unfairly trade their steel in U.S. markets. Dissatisfied with the process of seeking relief under existing laws, the industry, supported by labor, seeks passage of "The Fair Trade in Steel Act of 1984", which would impose global quotas on steel imports.[1]

A 1-million ton reduction in steel mill product imports could stimulate an increase in total output of the U.S. economy by about $400 million in constant 1972 dollars. This same reduction in imports could generate an increase in employment of about 9,400 persons in the steel industry and sectors supplying it. These effects of "The Fair Trade in Steel Act of 1984" assume that domestic production of steel would replace imports one for one, and that no other sectors of the economy are affected. If an adjustment were made for a potential reduction in exports, however, would not be affected, but employment could be reduced by from 35 to 1,450 persons.

There is concern that steel import quotas could have inflationary effects and result in increased imports of steel-using products. These negative impacts appear to be relatively small, however.

BACKGROUND

"The Fair Trade in Steel Act of 1984" would limit imports of steel mill products to 15 percent of the average annual U.S. steel consumption in the years 1979 to 1981. U.S. steel consumption in the base period averaged about 105.2 million tons. The quantitative restrictions on imports would differ among particular steel mill products; on balance, however, total imports would approximate 15 percent of domestic consumption in the base period. The quotas would be in force for a period of five years; annual steel imports would be limited over the term of the Act to approximately 15.8 million tons. These data are presented in table 1.

OUTPUT EFFECTS OF A 1-MILLION TON REDUCTION IN STEEL IMPORTS

A 1-million ton reduction in steel imports, if offset exactly by higher domestic production, would result in increased output in all sectors of the economy by about $396 million in constant 1972 dollars. Basic steel output would increase by about $214 million. The remaining $182 million would be dispersed among all other sectors of the economy which supply the steel industry and its workforce, directly and indirectly.

Table 1.—*U.S. steel consumption, 1979-81, in thousands of short tons*

Year	*Consumption*
1979	114,962
1980	95,227
1981	105,444
Total (3 years)	315,633
Annual average	105,211

Source: American Iron and Steel Institute. 1982 Annual Statistical Report. Washington, 1983. Table 1A. p. 8.

Most of the $182 million increase in output in sectors other than steel would be contributed by 13 sectors. These 13 sectors account for nearly 70 percent of the increase in output of sectors other than steel, and for about 32 percent of the total increase in output. These 13 sectors and the basic steel sector and their outputs are detailed in table 2.

There would be indirect effects on the output of the basic steel industry as a result of the substitution of one million tons of domestic steel to replace imported steel. Approximately 190,000 more tons of steel would be produced in addition to the one million tons, in part to supply other industries which in turn produce goods for the steel industry.

These effects were estimated using the Data Resources, Incorporated (DRI) Interindustry Model. This model determines both the direct and indirect effects of a stimulus to production in one sector of the economy on all sectors.[2] The total increase in output includes both the value in constant 1972 dollars of the one million-tons of steel, the direct effect, and the value of production needed to produce this one million tons of steel of all sectors supplying the steel industry, the indirect effect. The model results were based on DRI projections of real gross national product (GNP) for 1983; these projections were made in late 1982.[3]

TABLE 2.—*Effects on output of selected economic sectors due to a 1-million-ton reduction in imports of steel mill products,[1] in millions of constant 1972 dollars*

Economic sector	*Increase in output*
All sectors	$395.9
Basic steel and steel mill products	214.0
Transportation and warehousing	19.4
Business services	16.0
Iron ore mining	14.2
Wholesale and retail trade	13.9
Utilities	13.0
Other ferrous metals industries [2]	7.9
Chemicals and chemical products	7.7
Real estate and rental	7.6
Maintenance and repair construction	6.5
Coal mining	6.1
Other fabricated metal products [2]	4.7
General industrial machinery	4.3
Crude petroleum and natural gas	4.1
All other sectors (66 sectors)	56.5

[1] This assumes a one-for-one substitution of domestic production for reduced steel imports.

Footnotes are at the end of article.

[2] Other ferrous metals industries encompass: electrometallurgical products, steel wire and related products, cold finishing steel shapes, steel pipe and tubes, iron and steel foundries, metal heat treating, and other primary metal products. This sector along with basic steel and steel mill products comprise the primary ferrous metals economic sector.

[3] Other fabricated metal products encompass: cutlery, hand and edge tools, hand saws and saw blades, other hardware, plating and polishing, metal coating and allied services, miscellaneous fabricated wire products, steel springs, pipe valves and fittings, metal foil and leaf, and other fabricated metal products.

Source: Calculated by CRS based on Data Resources, Inc. (DRI) interindustry model simulations.

The value of the one million tons of steel was determined by multiplying the tonnage by the 1972 finished steel composite price estimated by Iron Age, an industry trade journal.[4] Iron Age estimates the 1972 average price to be 8.998 cents per pound, or $179.96 per short ton. Since all effects are calculated in constant 1972 dollars in order to eliminate any distortions produced by inflation, the 1972 Iron Age price is used for these computations.

EMPLOYMENT EFFECTS OF A 1-MILLION TON REDUCTION IN STEEL IMPORTS

The displacement of one million tons of steel imports by domestic production could result in the employment of about 9,400 persons throughout the economy. Their distribution among sectors is detailed in table 3. About 2,800 persons would gain employment in the basic steel industry itself, or 29.8 percent of the total increase in employment.

Somewhat more than half of the new jobs would be in the other 13 sectors supplying the steel industry directly or indirectly. About 18 percent of the economy.

TABLE 3.—*Effects on employment in selected economic sectors due to a 1-million-ton reduction in steel imports,[1] in number of persons*

Economic sector	*Increase employment*
All sectors	9,390
Basic steel and steel mill products	2,800
Transportation and warehousing	660
Business services	529
Iron ore mining	335
Wholesale and retail trade	810
Utilities	148
Other ferrous metals industries [2]	1,580
Chemicals and chemical products	101
Real estate and rental	23
Maintenance and repair construction	211
Coal mining	185
Other fabricated metal products [3]	148
General industrial machinery	133
Crude petroleum and natural gas	31
All other sectors (66 sectors)	1,696

[1] This assumes a one-for-one substitution of domestic production for reduced steel imports.

[2] Other ferrous metals industries encompass: electrometallurgical products, steel wire and related products, cold finishing steel shapes, steel pipe and tubes, iron and steel foundries, metal heat treating, and other primary metal products. This sector along with basic steel and steel mill products comprise the primary ferrous metals economic sector.

[3] Other fabricated metal products encompass: cutlery, hand and edge tools, hand saws and saw blades, other hardware, plating and polishing, metal coating and allied services, miscellaneous fabricated wire products, steel springs, pipe valves and fittings, metal foil and leaf, and other fabricated metal products.

Source: Calculated by CRS based on Data Resources, Inc., (DRI) interindustry model simulations.

Like the output effects, the effects on employment were estimated using the DRI Interindustry Model. In an earlier CRS report of output and employment effects of increased steel output, employment effects were based on a change in steel output of $1 billion in constant 1972 dollars.[5] At a 1972 price of steel of about $180 per ton, the increase of $1 billion translates into about 5.6 million tons of steel. One million tons of steel represents, therefore, about 18 percent of the 5.6 million tons, and the employment effects presented in this report are this proportion of the employment generated by the $1 billion of additional output.

These effects assume no change in exports and employment in U.S. exporting industries. They are the effects only on those industries stimulated by a one-for-one displacement of foreign steel by domestic production. If, however, as a consequence of exchange rate changes resulting from reduced imports, or of possible retaliation to steel import quotas, a reduction in steel imports could be offset in part or whole by a fall in U.S. exports and employment in exporting industries. One estimate of the number of jobs associated with export industries is that each billion dollars of U.S. exports supports 25,200 jobs.[6] If this estimate is correct, and an offsetting loss of U.S. exports occurred, net job loss could result from the curb on steel imports, because the relatively higher wages in the steel industry implies that fewer jobs are generated for each billion dollars of output than in export industries, especially agriculture.

Assessing the probable net impact of reduced steel imports on total employment is difficult. Changes in exchange rates due only to commodity trade may be small in relation to changes resulting from capital flows, which are thought to be a dominant factor in exchange rate determination currently. Second, one would have to assume that foreign demand for U.S. exports is as responsive to price as U.S. demand for foreign steel, such that U.S. exports would fall by as much as U.S. steel imports.[7] Thus, only a range of possible net impacts can be given. At one end of the spectrum, there could be no fall in U.S. exports, and, therefore, a net increase of 9,390 jobs. At the other end of the spectrum, if the value of reduced steel imports is offset exactly by reduced exports, then from 35 to 1,450 jobs could be lost to the economy for every milion tons of steel imports displaced by domestic production.[8]

HYPOTHETICAL EFFECTS OF THE FAIR TRADE IN STEEL ACT OF 1984 IN 1983 AND 1984

The output and employment effects presented above are with respect to a reduction in steel imports of one million tons. The estimates were developed for this amount of steel, because the quotas set only an upper limit to allowable imports. The actual effects depend on the volume of imports above the allowable limit of 15.8 million tons.[9]

In 1983, steel imports amounted to 17.1 million tons. Since only 15.8 million tons would be allowed to enter the country under the quotas, demand for domestic steel would have increased by 1.3 million tons, assuming total substitution of domestic steel for foreign steel. This increase in demand would result in a rise in the value of total output in the economy in the amount of about $515 million in constant 1972 dollars, of which $278 million would have been produced in the domestic steel industry. Total employment of all sectors stimulated by this increased steel output would rise by about 12,200 workers, of whom 3,640 would be employed in the basic steel industry. If allowance is made for the loss of employment due to reduced exports, the maximum net loss in employment would range from 45 to 1,880 persons.

If 1984 steel imports were to reach the 18.1 million tons projected by DRI, then the domestic steel industry would have to produce an additional 2.3 million tons to satisfy domestic demand.[10] Total real output in the economy would rise by about $911 million, of which $492 million would be accounted for by the steel industry itself. Total employment in the steel industry and those industries supplying the steel industry would rise by about 21,600 persons, of whom 6,440 would be absorbed in the basic steel industry.[11] The maximum net loss in employment, after adjusting for export reductions, would range from 80 to 3,325 jobs.

CONCLUSIONS AND CAVEATS

The imposition of quota limits on imports of basic steel would have beneficial effects for the steel industry and industries supplying it. For every million tons of steel diverted to domestic production, the gross output of the economy would increase by nearly $400 million in constant 1972 dollars. The industries benefiting would increase their employment by about 9,400 jobs. After adjusting for a loss of exports of the same amount, however, the net effect could be a job loss to the economy ranging from 35 to 1,450 persons.

These effects notwithstanding, the claim cannot be made that the quotas would have a major impact on the economy. The basic steel industry is simply too small in relation to the economy as a whole, and the amounts of steel involved are even smaller. The value in current dollars of steel shipments in 1983 represented less than 2 percent of the value of total manufacturers' shipments in 1983. Even if 10 million tons of steel demand were shifted to domestic production, their value in current dollars would represent less than 0.3 percent of the value of total manufacturers' shipments.

The imposition of the quotas is not likely to have a substantial impact on the balance of payments. First, the amount of steel involved is very small. More important, if the decrease in steel imports were offset by a reduction in exports, then there would be no effect on trade at all. It is generally agreed that U.S. exports would fall, if import restrictions were put in place. For one thing, the reduced flow of payments to foreign suppliers would strengthen the dollar, making U.S. exports more expensive in foreign markets. Also, there is the possibility of retaliation.

The fear remains that restricting steel imports could result in steel price increases, inflation, and increased imports of steel-using products. While steel prices could rise because of the quotas, even those critical of quota limitations have estimated that the increase would be small. In its prehearing brief before the U.S. International Trade Commission, the U.S. Federal Trade Commission estimated an increase in domestic prices of $5 per ton as a result of a 15-percent quota on steel imports.[12] A $5 per ton increase is less than a 1-percent increase in domestic steel prices.

As for inflationary impacts, a recent CRS report indicates that an increase in steel prices on the order of 10 percent would result in an increase in the Produced Price Index for Intermediate Materials of 0.65 percent.[13] Moreover, as steel is processed into finished products, the effect of the increase in producer prices becomes diluted. If the magnitude of the price rise is about 1 percent, then the effect on the producer price index for intermediate products would be an increase of 0.065 percent, and the impact on consumer prices would be reduced accordingly. Therefore, given the amount of steel involved, it is not likely that major inflationary effects would result from the imposition of quotas, with the accompanying adverse effects of inflation on the economy and employment.

There is concern that import restrictions on steel could lead to a rise in indirect imports, that is, the importation of steel-using commodities. This concern was expressed recently by J. C. Wyman, Director of International Research of Shearson/American Express, Inc.[14] On the other hand, if steel prices were to rise by only a small percentage, it is less likely that prices of domestic steel-using goods would be so affected as to stimulate a significant increase in foreign substitutes. Furthermore, with respect to substitution of imports of fabricated steel products for imports of steel mill products, both the Senate and House versions of "The Fair Trade in Steel Act of 1984" contain a provision in Secion 7 which provides tariff or quota relief from such diversion. Thus, even in the case of fabricated steel products, where steel is a high percentage of their total value, substitution of these imports for basic steel product imports could be constrained.

On balance, therefore, it appears that output and employment benefits to the steel industry and the sectors supplying it would be positive. Nevertheless, these benefits are not likely to be substantial in relation to the economy as a whole. Furthermore, while there is reason to believe that other potential adverse effects on the economy would not be great, they remain matters of concern.

FOOTNOTES

[1] S. 2380, introduced March 1, 1984, 98th Congress, 2d Session. H.R. 5081, introduced March 8, 1984, 98th Congress, 2d Session.

[2] U.S. Library of Congress, Congressional Research Service. Effects on Output and Employment in Selected Economic Sectors Due To A Change in Output of Basic Steel in 1983. Typed Report, by David J. Cantor, February 1983. 5 p. (Hereafter cited as Cantor, Effects on Output and Employment).

[3] While the estimates presented herein are based on economic forecasts made in 1982, it is felt that the effects would not be materially altered by revisions of those projections. DRI's projections of the effects of steel output were made for the years from 1983 through 1987, and were essentially constant over this period.

[4] Iron Age. v. 227, January 2, 1984. p. 96.

[5] Cantor, Effects on Output and Employment. p. 5.

[6] U.S. Dept. of Commerce. International Trade Administration. Office of Trade and Investment Analysis. Domestic Employment Generated by U.S. Exports. Staff Report, by Lester A. Davis. DTR-27-83. Washington, 1983. p. 12.

[7] Feldman, Robert A. Dollar Appreciation, Foreign Trade, and the U.S. Economy. Federal Reserve Bank of New York Quarterly Review. Summer 1982. 9 p. Hein, John. The Dollar and U.S. Exports: Some Q's and A's. The Conference Board. Research Bulletin, No. 158, 1984. 13 p.

[8] A 1-million ton reduction in steel imports represents between $374 million and $430 million in current dollars; the lower value assumes that all steel imports are transported on U.S. vessels, and the higher value assumes that all steel imports are transported on foreign vessels. These values are the average customs value per ton of steel from the exporting country (not including transportation charges) and their customs value plus 15 percent thereof to cover transportation charges. Thus, at the lower value, $374 million, about 9,425 jobs (0.374 x 25,200 jobs) would be lost in exporting industries as a result of reduced exports. At the higher value, $430 million, about 10,836 jobs (0.43 x 25,200 jobs) would be lost in exporting industries as a result of reduced exports. Subtracting these job losses from the total gains resulting from the stimulus to domestic steel, 9,390 jobs, yields net losses of 35 and 1,446 jobs, respectively.

[9] Had this limit of 15.8 million tons applied in 1980, when total steel imports were 15.5 million tons, the quotas would have had no effect. All imports would have been allowed to enter the United States.

[10] Data Resources, Incorporated. Steel Industry Review. First Quarter 1984. Lexington, 1984. Table 1. p. iii.

[11] The American Iron and Steel Institute reports preliminary estimates of total 1984 imports through April of 8.7 million tons. If imports were to proceed at this rate throughout the year, some 26.1 million tons of steel would enter the country. In these circumstances, 10.3 million tons would be affected by the quota limitations, resulting in a gain in total output of all sectors of about $4.1 billion, and an employment gain of 97,000 before adjusting for lower exports. It is unlikely, however, that steel imports would reach this level.

[12] U.S. Federal Trade Commission. Carbon and Certain Alloy Steel Products, Investigation No. TA-201-51. Prehearing Brief by the Federal Trade Commission Before the United States International Trade Commission. Washington, 1984. Appendix A. p. 14 f.

[13] U.S. Library of Congress, Congressional Research Service. Effects of Hypothetical Increases in Steel Prices on the Producer Price Index for Intermediate Materials. Report No. 84-589 E, by David J. Cantor. Washington, 1984. 6 p.

[14] Wyman, Joseph C. and James Rudolph. What's Ahead for Steel in 1983—Two Views. Phoenix Quarterly, v. 14, Winter 1983. p. 2 f.●

TRIBUTE TO MAJ. GEN. ROBERT F. McCARTHY

● Mr. RUDMAN. Mr. President, in his distinguished career, General McCarthy served most recently as commander of the Air Force Communications Command (AFCC), Scott AFB, IL, a position he held since July 1981. General McCarthy was responsible for the engineering, installation, operation, and maintenance of communications-electronics-meteorological and standardized data automation equipment and facilities for the Air Force and selected Government and civilian agencies. This included long-haul intercontinental and local base communications, air traffic control and navigational aid facilities, and weather equipment.

As commander of the Air Force's most widely dispersed command, General McCarthy directed the activities of some 51,000 people stationed at more than 430 locations in the United States and 21 other countries and island possessions. This active duty force was supplemented by more than 15,000 Air National Guard and Air Force Reserve personnel assigned to AFCC during emergencies or contingencies.

General McCarthy's exemplary service in this extremely important assignment was marked by initiatives he introduced that significantly improved the defense capabilities of our Nation and our allies. From 1981 to 1983, AFCC deployed 630 air traffic controllers in direct support of the Federal Aviation Administration. These controllers allowed the U.S. airways to continue operating following the professional air traffic controller's job action in August 1981.

Improvements to national defense capabilities included the development, testing and implementation of new surge launch and recovery (ASLAR) procedures. These new procedures safely increased our aircraft recovery rates by more than 200-300 percent, thus eliminating the air traffic control system as a limiting factor in wartime sortie generation.

Communications modernization included new tactical communications systems and satellite communications services. These new systems enhance command and control of operations when combat forces are operating in austere, limited communications areas. The digital European backbone program replaced and improved microwave communications systems in Europe. AFCC engineered and installed the first microwave landing system in the Department of Defense which became operational at Shemya AFB, Alaska. The first satellite communications system operations center, operated and maintained by AFCC, became operational at Sunnyvale AFS, Calif., last year. The first new electronic telephone switch, part of the Air Force scope dial program, was installed at Vandenberg AFB, Calif., in 1982. This program will upgrade telephone service at every Air Force base where the Government provides that service. Last December, the first scope exchange telephone switch in the Air Force became operational at Plattsburgh AFB, N.Y. Under an AFCC initiative to replace old and maintenance-excessive leased telephone switching equipment, the scope exchange program will include more than 100 Active, Reserve, and Air National Guard locations throughout the Nation during the next 15 years.

Under General McCarthy's aegis, AFCC has assumed operational responsibilities for the defense satellite communications and the Air Force satellite communications systems and has laid the initial groundwork for the development of the new, futuristic Milstar communications satellite system.

In addition to his assignment as AFCC commander, General McCarthy was AFCC vice commander for 2 years. Before, that, he was director of Communications/Data Processing, Pacific Command, Camp H.M. Smith, Hawaii. Prior to his overseas assignment, General McCarthy was commander of Tactical Communications Division, AFCC, Langley AFB, VA, where he also served as the deputy chief of staff, communications and electronics, for the Tactical Air Command. General McCarthy served with the Defense Communications Agency, Washington, DC, as chief of the Record Networks Management Division. He is a graduate of the Air War College and the

University of Pittsburgh advanced management program. General McCarthy has bachelor's and master's degrees in electrical engineering from Oklahoma State University.

He is a command pilot with more than 4,000 flying hours. Among his awards and decorations are the Defense Superior Service Medal, Legion of Merit, Bronze Star Medal, Meritorious Service Medal and Air Force Commendation Medal.

General McCarthy has served his country long and faithfully. He leaves behind a legacy of mission accomplishment, tempered with genuine concern for the welfare of the men and women in his command. His tireless efforts on their behalf have resulted in numerous new or improved living and work facilities and the planned construction of a new AFCC headquarters building in the near future. By his record, he has brought great credit upon himself, his command and his service.●

OPERATION HOME FREE

● Mr. MATTINGLY. Mr. President, I want to call my colleagues' attention to a new public service program announced last Thursday by Trailways. I do so because I believe the program merits the commendation of each Member of the Senate. It is unusual, it is innovative, and most importantly, it is the type of program which can make a real and significant difference in the lives of those who participate in it—and their families.

The program is called Operation Home Free and it offers runaway children free bus service home, anywhere in this Nation that Trailways serves. Participating along with Trailways is the International Association of Chiefs of Police, who will coordinate the trips of these children by escorting them to the bus and notifying police in the parent's hometown that the children are returning home.

Last month President Reagan signed into law Senate Joint Resolution 94, a resolution I introduced. Public Law 98-307 designates the period from Mother's Day through Father's Day of this year as "Family Reunion Month." Its purpose, like that of Trailways' Operation Home Free, is to reunite broken families and to encourage runaways and driftaways to return home. The Trailways program provides a practical means of making these reunions possible.

Each year more than 1 million children in the United States are reported missing. Some, of course, are the tragic victims of foul play. Others leave voluntarily. These runaways often find it difficult to turn around and return home once they have drifted away. Any number of things can be an obstacle blocking reunion. The Trailways program has pinpointed, and eliminated, some of these obstacles—namely, the lack of funds or of a means to get back home.

Mr. President, I am a strong supporter of private sector initiatives and of cooperation between the public and private sectors. Operation Home Free represents the private sector's involvement in public service projects at its finest. James L. Kerrigan chairman and chief executive officer of Trailways calls the program "one way in which we can exercise our duty as good corporate citizens." Good and exemplary citizens they are indeed. I applaud them for their efforts, Mr. President. And I am extremely pleased to see the announcement of this project made during Family Reunion Month.

I hope this will be only one of many new programs designed to stengthen this Nation by rebuilding broken families. I believe many runaways want a way back home. Operation Home Free has already begun to demonstate that. Its first rider has left Alabama to return to Massachusetts. Since the program's further success depends on the public's awareness of it, I hope my colleagues will help spread the word throughout their States that Operation Home Free is available. I am confident that happy reunions will follow.●

PUBLIC ATTITUDES ON REFUGEES

● Mr. KENNEDY. Mr. President, last week the U.S. Committee for Refugees released a major public opinion survey on the attitude of the American public toward refugees. It reveals what we have suspected for some time—that the more that Americans know about what refugees contribute to our society, the more positive they are about their admission.

This study strongly supports those who believe that the United States can and should continue a policy of welcoming reasonable numbers of refugees, and of keeping our door open to the homeless and persecuted.

As throughout our history, the refugees coming to our shores today ultimately bring more than they take, and offer more than they receive.

Mr. President, I commend the U.S. Committee for Refugees for their important study on the urgent need to better inform the American people about our Nation's historic policy of assisting refugees, and on the benefits they bring to our country.

I ask that a summary of the survey's findings be printed at this point in the RECORD, along with a combined statement of refugee organizations in the United States.

The material follows:

PUBLIC ATTITUDES ON REFUGEES

The next few months will bring to decision several national policy discussions that have substantial implications for refugees throughout the world. The Congress is considering reauthorization of the Refugee Act of 1980, including provisions that may affect the viability of refugee resettlement in the U.S. In August, the Administration will consult with the Congress on the levels and sources of refugees to be admitted to this country in FY 1985. In addition, the Congress is currently considering a major revision of national immigration law which may directly or indirectly affect decisions regarding admission of refugees to the United States.

In each of these discussions, much has been made of Washington's perceptions of American public opinion. However, until now, assessments of public opinion regarding refugees have been derived almost exclusively from the inclusion of a few general immigration-related questions in polls that cover public opinion on a variety of topics.

Under a research grant from the Rockefeller Foundation, the U.S. Commitee for Refugees (USCR), has sought to improve the base of knowledge on public opinion in this area by undertaking a more comprehensive survey of public attitudes on immigrants and refugees than has heretofore been available. The principle finding of the USCR survey is that the widely held belief that the U.S. public is solidly against admission of refugees and immigrants to the U.S. is a superficial conclusion and, in fact, wrong on many counts.

USCR engaged the opinion research firm of Kane, Parsons and Associates, Inc. to conduct a survey by telephone of a national sample of 750 adults from the full range of socio-economic levels. Enough Blacks and Hispanics were included to bring the total number of completed interviews for each of these groups to one hundred. The 20-minute interviews were conducted in February 1984 and yielded data which are accurate to 4-5 percentage points.

No prior study of public attitudes on these issues is as comprehensive and reliable. Congress and others interested in the development of sound national policy will do well to study the full range of the survey's findings.

Although many insights are provided by the poll results, the major findings can be summarized rather simply:

1. Contrary to the perception that the U.S. public is solidly antagonistic, there is substantial public sentiment to admit both refugees and immigrants. When asked in the abstract if the number of foreigners coming to the U.S. should be curtailed, much of the public responds generally in the affirmative. When, however, asked specifically about admitting ten particular types of refugees or immigrants to the U.S., the majority of those surveyed chose to admit each one. This finding holds for the full range of people surveyed, including those often described as "threatened" by the admission of refugees. Thus public attitudes on these issues are more complex and positive than superficial polling has shown.

2. Most members of the public do not know the difference between refugees and other immigrants, the numbers in the various categories of people who come from elsewhere to live in the U.S., or where they are coming from.

3. The more accurate knowledge a person has regarding refugee/immigrant issues, the more willing the person is likely to be to support a generous refugee/immigrant admissions policy.

4. Regardless of a person's attitudes concerning generous or restrictive admissions policy, the overwhelming majority of those

interviewed considered the issue as one of moderate to low importance compared with other major national policy issues.

Each of these findings will be discussed further here, but the general conclusion is inescapable. While the citizenry is confused about the national policy debate in this area, there is more positive sentiment within the American public on refugees than is generally acknowledged in Washington. Thus, the lack of positive leadership on these issues at a national level has set up the possibility that, by superficially misreading the attitudes of the U.S. public, our political leaders are in danger of adopting short-sighted, negative refugee and immigration policy.

PUBLIC UNDERSTANDING OF THE ISSUES

The public is clearly confused about refugees. The poll results show, for example:

Ninety-one percent of survey participants characterize themselves as either not well informed and/or having no opinions on the issue of admitting refugees to the United States.

More than half are aware that important differences exist in the meaning of the terms "refugee" and "immigrant".

Only eighteen percent are aware that fewer refugees have entered the U.S. over the last decade than immigrants or undocumented aliens.

Fifty percent mistakenly believe that Mexico is one of the largest sources of refugees coming to the U.S.

Fifty-seven percent make no association between persecution for political beliefs and refugees.

From this complex of data it is clear the public lacks a basic, accurate perception of the core facts regarding refugees and their admission to the U.S. Persecution for political and religious reasons is the key to distinguishing refugees from other migrants under both U.S. and international law. Refugees have consistently been the smallest percentage of the three major categories of persons coming to the United States to stay. Mexico is not a source of refugees, but rather is a major source of both documented and undocumented immigrants. It is thus clear that the public, when speaking about "refugees", is not using the term in a technical sense as is the case in most Washington discussions. Individuals will often answer a question if asked. But because the public's knowledge level about refugees is quite low, the answers will tend to be unreliable. There are no appreciable differences between Whites, Blacks or Hispanics in these findings.

PUBLIC SENTIMENT ON ADMITTING REFUGEES AND IMMIGRANTS

It is a widely acknowledged reality in public opinion research that differences often exist in the way survey respondents characterize their opinions depending on how a question is asked, particularly if asked in abstract rather than specific terms. Thus it is not surprising that, if asked if he supports freedom of speech for all Americans, the average citizen would respond affirmatively. However, many of those same individuals, if asked if they support freedom of speech for communists, would respond negatively. This disparity in responses suggests a major concern in relying on the opinion polling about refugees and immigrants done prior to this study. It is clear that virtually all prior polling has been of the general, superficial variety and thus, has consistently tended to show only public support for curtailment of immigration and, by implication, admission of refugees.

By doing a more comprehensive interview, however, dramatically different results are obtained. Participants in the USCR poll were asked to assume they were U.S. immigration officials with the power to decide if particular people should be admitted to the U.S. to stay. They were presented with ten case examples fitting the characteristics of refugees and immigrants, with a mixture of backgrounds and reasons for seeking admission. An extract from the table of poll results is attached which demonstrates the wide variety of cases considered.

The most noteworthy finding is that a majority of those interviewed chose to admit the applicant in *every* case. They showed a positive reaction regardless of the nationality or other characteristics of the applicant, or whether the reasons for seeking admission related to family reunification, flight from persecution, or desire to improve the quality of life.

The generosity and openness of the American people remain strong. This is not a startling finding. What is disconcerting, however, is the way some opponents of admission of refugees and immigrants to the U.S. have convinced many policymakers that the U.S. public is solidly against admission.

What is needed is positive leadership to build the public's knowledge of the issues and capture the spirit of the persistent, underlying openness and generosity of the American people. Those who would move to curtail admission of refugees to the U.S. are not entitled to cite the will of the people as justification for their narrowness.

It is, of course, true that a respondent's choice to admit a particular person cannot be construed to indicate he would opt to admit indefinite numbers of similar cases. The point is, however, that positive leadership, unfettered by extremism from any side, will find public support for enlightened policy on refugee admissions.

THE IMPACT OF KNOWLEDGE

While it is true that the public's level of knowledge and understanding on refugee issues is low, it is equally true that the more accurate a respondent's specific knowledge of refugee issues is, the more likely he will be to react favorably towards admission of refugees and immigrants.

The poll included an index of knowledge about refugees and immigrants based on eight factual items from different points in the questionnaire. Of those respondents who scored low as to knowledge, 72% agreed, most very strongly, with the general statement that too many foreigners were coming to the U.S. to live, while only 20% disagreed. Of those respondents who were scored high as to knowledge, only 46% agreed, while 50% disagreed and the intensity of feeling of those who agreed was noticeably less. This raises the distinct possibility that much opposition to admission of both refugees and immigrants is heavily grounded in ignorance of the issues and their implications.

Few knowledgeable persons familiar with U.S. immigration and refugee policy would take the position that there is no room for improvement. Many, however, fear an overreaction based in part on a misreading of public attitudes is possible, and perhaps already occuring.

The USCR poll demonstrates conclusively that much of the public continues to place great value in reunifying families divided by borders and providing haven for those who suffer persecution and seek new opportunity. It sees legitimacy in all these goals and takes pride in the historic role the U.S. has played in this regard.

This is a message that has not been heard often enough, particularly in Washington. The fact that public sentiment is not solidly negative, is confused, and in fact improves with knowledge, provides the basis and a challenge for policymakers who themselves harbor generous instincts to provide the positive leadership that has often been lacking in the immigration and refugee debates of the last several years. In our past history a lack of positive national leadership on these issues has sometimes permitted the fostering of negative, self-fulfilling prophecies. Clearly, more research is needed because public attitudes on immigrant and refugee admissions are complex. Nevertheless, and notwithstanding characterizations to the contrary, the American public appears prepared to support responsible, responsive public policy concerning refugees and immigrants.

STATEMENT OF REFUGEE COMMUNITIES IN THE UNITED STATES ON PUBLIC ATTITUDES TOWARD REFUGEES AND IMMIGRANTS

We are newcomers to the American Society who in recent years have come to the United States in need of refuge and sanctuary from persecution. We are very appreciative of the warm welcome and generous spirit of the American people. We are lucky. We have faced war and persecution in our homelands. We are the survivors.

Most of our families and friends have not been so fortunate. Hundreds of thousands have perished. Today, over 10 million refugees world-wide face danger, death and persecution on a daily basis.

We are aware that the vast majority of these refugees must seek protection and care in other countries near their homelands. But, for many, the humanitarian commitment and international leadership of the American people are their only source of hope. American assistance, here and abroad, is the helping hand which sustains them for the day when, they dream, their homelands will again be free.

In this spirit, we who represent new Americans and refugee communities welcome and applaud the Report on Public Attitudes Toward Refugees and Immigrants which the U.S. Committee for Refugees is today releasing. We are encouraged by the reports's findings that the American people remain open to the admission of immigrants and refugees in need of sanctuary.

At the same time, we are challenged by the findings that the more knowledge and understanding a person has regarding refugees and immigration issues, the more willing they are to support the kind of generous admissions policies and international assistance which have allowed us to escape persecution. As new Americans and refugees it is our special responsibility to help educate the American people, and enhance their understanding of the plight and needs of refugees worldwide.

We therefore pledge to ourselves, to the American people and to all the world's refugees our commitment and duty to continue and improve our public education efforts. To this end we greatly appreciate and support the work of the U.S. Committee for Refugees. And we commend the efforts of religious leaders, voluntary agencies, government officials, and others with whom we share a common commitment.

Together with all Americans, we pray for the day when there are no wars, no refugees and no persecution on the face of this earth which we share.

ON BEHALF OF

American Vietnamese—Chinese Friendship Association, Los, Angeles, CA.

Association for Cambodian Survivors, Washington, D.C.

Association of Hmong in Illinois-Hmong Center, Chicago, IL.

Afghan National Unity, Washington, D.C.

California Lao Association, Receda, CA.

Cambodian Family, Inc., Santa Ana, CA.

Cambodian Appeal, Washington, D.C.

Cambodian Association of America, Long Beach, CA.

Center for Southeast Asian Refugee Resettlement, San Francisco, CA.

Colorado Cambodian Community, Denver, CO.

Commission to Aid Iranian Refugees, Washington, D.C.

Ethiopian Committee on Immigration, Washington, D.C.

Ethiopian Community Development Council, Northern Virginia.

Ethiopian Refugee Mutual Assistance Association, Washington, D.C.

Federation of Lao Associations of the Americas.

Haitian Refugee Center, Inc., Miami, FL.

Haitian Refugee Project, Washington, DC.

Hmong-Lao Unity Association, Inc., Providence, RI.

Hmong Natural Association of North Carolina.

Hmong Non-Profit Organization, VA.

Indochina Resource Action Center, Washington, DC.

Indochina Community Center, Washington, DC.

Indochina Service Center, Harrisburg, PA.

Khmer-Parent Association of Arlington, VA.

Khmer Women's Association Long Beach, CA.

Laotian Assistance Organization, Akron, OH.

Lao Family Community, Inc., Milwaukee, WI.

Lao Family Community, Inc., Fresno, CA.

Lao Family Community, Inc., Kansas City, KA.

Lao Family Community, Inc., St. Paul, MN.

Lao-Highland Refugee Association of Washington State.

Maryland Vietnamese Mutual Assistance.

Montana Association for Refugee Services, Billing, MT.

Mutual Assistance Association Consortium of Northern Virginia.

National Coalition on Haitian Refugees, New York, NY.

Orientation Committee for Mayan-Kanjobal Refugees, Indiantown, FL.

Oromo Committee on Immigration and Refugees, Washington, DC.

Refugee Consortium of Atlanta, Georgia.

Refugee Women in Development Project, Washington, DC.

Southeast Asian Project, Philadelphia, PA.

Southeast Asian Refugee Foundation of Portland, Oregon.

Southeastern Hmong Research Association, Decatur, GA.

United Xeng Hmong Committee, Inc. of Colorado.

Utah Indochinese Mutual Assistance Association.

Washington State Council of Vietnamese Associations.

World Federation of Vietnamese Women Association, Inc., Virginia.●

NATIONAL CEREBRAL PALSY AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 309 proclaiming a National Cerebral Palsy Awareness Week. Cerebral palsy, which results in the inability to coordinate muscular movements, may be caused by complication [illegible]t birth or may be hereditary. There are several different degrees of cerebral palsy, each extremely debilitating.

Although there has been little success with the cure of cerebral palsy after its detection, long strides have been made in the prevention of this malady. The biggest advance came with the vaccine for rubella (German measles). Even so, about 9,000 babies are born with cerebral palsy in this country every year. Presently, three-quarters of a million Americans live with this condition.

Much research and work must still be done to fight cerebral palsy. Even with the many medical advances, it is not now clear whether the number of new cases of this disease is decreasing. The majority of cases occur in babies born seemingly healthy.

I commend the work of the physical therapists and medical workers who have done wonders with children and adults who have cerebral palsy. They have helped those afflicted with this disease to adjust and try to lead normal lives. I also commend the fine work of the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS), which has been vigorously researching cerebral palsy for some years. It is through the work of NINCDS and others that we will someday rid society of this crippling disease.

Mr. President, I urge my colleagues to join me as cosponsors of this resolution.●

RSVP HONORS THELMA GREIN

● Mr. RIEGLE. Mr. President, on Monday, June 18, the Retired Senior Volunteer Program (RSVP) serving Michigan's Osceola, Mecosta, and Lake Counties will celebrate its 11th annual RSVP Recognition Day. This day is set aside to honor those seniors who give so generously of their time and efforts to better the lives of those in their communities by the work they perform.

The Osceola, Mecosta, and Lake County's RSVP has senior volunteers who range in age from 60 to 92 years. These volunteers donate their time, effort, and concern to help their fellow citizens by working in hospitals, schools, libraries, county departments of health, social services, and mental health; special education, vocational rehabilitation, services for the blind, adult education, and the Big Brothers program. During the past year 288 volunteers have donated 31,356 hours in RSVP work.

This year, a woman very dear to my heart and very special to her community of Reed City is being singled out for special tribute—Mrs. Thelma Grein. I have known Thelma for a number of years and I can think of no one more deserving of this honor.

Mrs. Grein is an elementary teacher by trade. She spent countless years as a first grade teacher in the Reed City Public School. Her skills in educating young children and making education an enjoyable experience are widely known in the community. Thelma has to be one of the best reading teachers Michigan has ever been fortunate enough to have. Many, many mothers were known to have made special requests for their children to be placed in Mrs. Grein's first grade. The children loved her too, of course, and left the first grade with a greater respect for their country, their government, and the needs of others.

For the past 10 years Thelma has been an RSVP volunteer. During this time she has shared her remarkable teaching skills with anyone who could benefit from her help. She has opened up her home 3 days each week to help children improve their reading skills and immigrant families learn English. Numerous children who were falling behind in school because of reading difficulties were fortunate enough to have Mrs. Grein linked up with them for tutoring through the RSVP program. A few hours with Mrs. Grein always meant reading fun and interesting books, a homemade snack, and lots of love. In no time these kids were actually looking forward to their tutoring sessions.

Mrs. Grein has also tutored many foreign students struggling to become a part of the mainstream of America. She has reached out to many, many displaced persons, including families that have relocated from places as far away as Cambodia, Vietnam, and Poland. Her goal has always been to make these individuals feel welcomed and loved and to make their transition to America as easy as possible. She taught the families English and about the ways of American life and did everything within her power to make them feel a part of the community.

Thelma Grein is 84 years young and is entering a new chapter in her life. In August she will be leaving Reed City and moving to Sylvania, Ohio, where she will live with her daughter Margaret Hilfinger and her family. Thelma will be sorely missed by the RSVP program and by all the people whose lives have been touched by her. Michigan's loss will be Ohio's great gain. We feel a sadness at her departure, and yet know what a blessing she has been.

We wish you well, Thelma, in your life, knowing that your energy, talents, compassion and wisdom have yet to be shared with many others.

Mr. President, on behalf of the people of Michigan, I wish Thelma Grein continued good health, good fortune, and the happiness she so very much deserves.●

BICENTENNIAL OF THE BANK OF NEW YORK

● Mr. D'AMATO. Mr. President, it is with great pride that I rise today in recognition of the bicentennial of the Bank of New York, an institution with a central role in the history, not only of New York, but also of this country. The bank opened its doors for business on June 9, 1784. This past Saturday, June 9, 1984, marked its 200th birthday.

Barely 3 months after the British evacuated New York City at the end of the Revolutionary War, a group of industrious merchants and shippers met with our Nation's first Secretary of the Treasury, Alexander Hamilton, with the intent of organizing the Bank of New York. Their objective was to reestablish and finance our trade relationship with Europe, which had been seriously disrupted during the war. The new bank quickly achieved this goal and also made possible this country's first trade with the Orient.

Additionally, the Bank was utilized by Alexander Hamilton as a major financial resource for the Federal Government and, indeed, was the first bank to lend money to the Government shortly after the adoption of the Constitution.

As the Nation grew, the Bank of New York helped finance its development. It helped finance the building of the Erie Canal, railroads, the dredging of harbors, the building of factories, and the first New York City subway. It assisted the Nation in the War of 1812 by supplying its capital needs. It supported the country's first industrial development organization, the Society for the Establishment of Useful Manufacturers, at the falls of the Passaic River in Paterson, NJ.

During the years of the Great Depression, the Bank of New York was the lender of the last resort that kept many other financial institutions above water financially. It had the foresight to finance the development of television and was one of the forerunners in utilizing the technology of computers to better serve its customers. The bank also was a pioneer in the area of drive-in banking.

The Bank of New York has planned an array of functions to mark its bicentennial. It has drawn from its rich archives to produce a beautifully illustrated history of the bank, documenting its important role in the Nation's economic development. The exhibit, "Early New York City Banking," will be shown at various locations across New York State this year. Most items, including Warrant No. 1, the document Alexander Hamilton used to draw against a $200,000 loan he had secured for the Federal Government, thus creating our national debt, will be viewed by the public for the first time.

The management and employees of the Bank of New York, both past and present, are to be congratulated on this historic milestone in their history and in the history of banking in this country. As its bicentennial year theme, the bank has chosen the slogan, "200 Years of Looking Ahead." My State of New York and the country as a whole have benefited greatly by the foresight of institutions such as the Bank of New York. We can, and should, now look forward to another 200 years of business at the Bank of New York.●

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

REFERRAL OF S. 2489

Mr. BAKER. Madam President, I have a request which I believe has been cleared on both sides, and I will state it now for the consideration of the minority leader and other Senators.

I ask unanimous consent that S. 2489 be referred to the Committee on Armed Services until the close of business Monday, June 11, 1984.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Madam President, has the time for morning business expired?

The PRESIDING OFFICER. Yes, morning business is closed.

OMNIBUS DEFENSE AUTHORIZATION, 1985

The PRESIDING OFFICER. The clerk will state the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2723) to authorize appropriations for the military functions of the Department of Defense and to prescribe personnel levels for the Department of Defense for fiscal year 1985, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.

Mr. TOWER. Madam President, I ask a question of the majority leader, and perhaps the minority leader would like to comment. It is my understanding that it is the intention of the majority leader to ask unanimous consent that the DOD authorization bill be temporarily laid aside at some point early this afternoon, to consider the energy-water appropriations bill. Is that correct?

Mr. BAKER. Madam President, I say to the distinguished chairman of the committee that I have discussed that with the minority leader and it is my hope that we will be able to reach the energy-water appropriations bill sometime today—say, about 1 o'clock—and finish it.

However, I should also like to obtain consent that if we do not finish it this afternoon, I could put the Senate back on the DOD authorization bill, after consulting with the minority leader. I believe that request has been submitted at the staff level, but I have not had an opportunity to consult with the minority leader on that exact arrangement as yet.

So the answer to the Senator's question is, yes, I would like to do that, although we have not yet worked out the details. I hope we will be able to proceed to the energy-water bill this afternoon for a time, but we cannot get it in a position where it displaces or jeopardizes further progress of this bill.

Mr. BYRD. Madam President, who has the floor?

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. I yield to the distinguished minority leader.

Mr. BYRD. I thank the distinguished chairman.

Madam President, on this side, we are exploring the possibility of moving to the energy-water bill. However, although I would especially like to do it, we are not yet in a position to clear it. If we do it, I hope an order could be worked out that would avoid a domino effect. In other words, what I am speaking about is, for example, if the majority leader would move to do that, which he could do, it would have a domino effect, in that it would put bankruptcy, math-science, and everything else back on the calendar.

May I ask the Chair about that?

The PRESIDING OFFICER. Yes, it could place those items back on the calendar. It is the Chair's understanding that the math-science bill is already on the calendar.

Mr. BYRD. I thank the Chair.

I do not want to see that happen, because the majority leader would be in a position of moving to get bankruptcy back, and that motion would be debatable.

Whatever order can be obtained that would protect him and those of us in the Senate who do not want to see those domino reactions, we hope to see an order worked out that would protect against such a situation.

Mr. BAKER. Madam President, I thank the minority leader for his remarks.

I have before me a form of unanimous-consent request that I believe has been submitted to his staff. It was prepared by the staff on this side. I hope it will accomplish that purpose.

So I will consult further with the minority leader on that subject, and I share with him the same objective. I do not want to start that domino effect working, either.

I hope the distinguished chairman and the ranking minority member of the Armed Services Committee can go ahead with the pending measure until we can work out these details. Maybe around 1 o'clock, we can proceed to the energy-water bill under an appropriate arrangement.

I thank the Senators, especially the minority leader and the chairman and the ranking minority member of the Committee on Armed Services.

Mr. TOWER. Madam President, I note that there are not many amendments currently filed at the desk to the DOD authorization act. I hope Senators will file their amendments and be prepared to offer them.

I think we got off to a reasonably good start on Thursday and Friday morning. We disposed of eight amendments, five with rollcall votes. I had hoped that we could continue that momentum today.

I believe I can assure the Senate that early tomorrow afternoon we will get into one of the major issues in this bill, and that is the question of the testing of antisatellite systems. Senator PRESSLER has indicated that he intends to bring up that amendment early tomorrow afternoon. However, between now and that time, I would like to dispose of as many amendments as possible.

It is my understanding that we may proceed to the energy-water appropriations bill around 1 o'clock. Some of the concerns that the Armed Services Committee had with that bill have been worked out—namely, the fact that the appropriation was overtaking the authorization process. I did not want that measure acted on, in that it contained certain of the Defense Department programs or had appropriations for those programs, until we could either act on the DOD authorization bill or strike some sort of agreement with our colleagues on the Appropriations Committee that changes would be made in that provision of the Energy-Water Act that would conform to the authorization bill reported by the Armed Services Committee on that aspect, on which I believe there is no controversy, or we do not anticipate any. That has been done. Our concerns have been removed, and that aspect of the bill can be disposed of in very short order, perhaps without even a rollcall vote.

So I am perfectly willing to see us move to the appropriations bill this afternoon, provided the time we spend on it is limited and we will not be delayed in getting back on the DOD authorization bill, to the extent that we can work all day Tuesday, Wednesday, and Thursday, and late nights—all night, if necessary—to try to complete action on this bill by Thursday night or early Friday morning. That is certainly my objective.

I hope that Senators who think this is going to be a protracted period of time in which we act on this bill would not consider that to be the case. They should be prepared to offer their amendments, if not today, then over the next 2 or 3 days.

Mr. NUNN. Madam President, will the Senator yield?

Mr. TOWER. I yield to my distinguished colleague from Georgia.

Mr. NUNN. I certainly share the sentiments expressed by the Senator from Texas, that we could stay on this bill, long and hard, all week and get through with it sometime Thursday night or Friday. I think both sides of the aisle are in accord on that.

I ask the Senator from Texas if he expects any amendments in the next hour or so. Does he have any order of amendments?

Mr. TOWER. We have none sequenced. We have been shopping around for business, as we did Thursday evening and Friday morning. It was the hope of the majority leader that we could act on more than one amendment by record vote. We were able to dispose of only one by record vote on Friday morning. I would like to dispose of one or two today by record vote, recognizing that the energy-water bill will intervene.

I urge Senators who are in a position to offer amendments to come to the floor and do so.

Mr. NUNN. I join the Senator in that. I urge Senators on this side who have any amendments to bring them over. We have about 40 minutes now before the energy-water bill will come up. I hope we can utilize this time in an efficient way, by taking up an amendment or two between now and 1 o'clock.

Mr. TOWER. I thank the distinguished minority manager of the bill for his remarks and for his support and cooperation in trying to move the bill expeditiously. So I appeal to my colleagues to react accordingly.

In the interim, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3177

(Purpose: To change the effective dates applicable to the warranties section)

Mr. TOWER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an amendment numbered 3177.

On page 70, lines 17 and 18, strike out "the date of the enactment of the Department of Defense Authorization Act, 1985," and insert in lieu thereof "September 30, 1984,".

On page 75, line 1, strike out "Section" and insert in lieu thereof "Effective October 1, 1984, section".

Mr. TOWER. Madam President, this is an amendment which has been cleared on both sides. The Armed Services Committee repealed the Andrews amendment dealing with warranties and substituted a new provision of law for what is known as the Andrews amendment. This was done in concert with Senator ANDREWS, who has fully signed off on the provision in the Senate bill.

This amendment that I offer has been cleared with Senator QUAYLE, Senator LEVIN, the chairman and ranking member respectively of the Ad Hoc Subcommittee on Procurement, and who dealt with this particular legislation.

All this amendment does is change the effective date from the enactment of the bill to the end of the fiscal year, September 30, 1984, to permit the Andrews amendment to continue to function during that period while the Department develops regulations pursuant to the new provision of law.

As I say, this is not a controversial amendment and it has been cleared on both sides. I yield to the distinguished minority manager for any comments he may have.

Mr. NUNN. Madam President, my understanding is the same as the chairman has indicated. My understanding is that this is an amendment worked out with Senators LEVIN, QUAYLE, and ANDREWS. It is a date change. All approve it.

On this side of the aisle, I certainly interpose no objection, and urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3177) was agreed to.

Mr. TOWER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

AMENDMENT NO. 3179

(Purpose: To provide a new GI educational assistance program)

Mr. GLENN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Ohio (Mr. Glenn) proposes an amendment numbered 3179.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 54, between the lines 14 and 15, insert the following new section:

NEW GI EDUCATIONAL ASSISTANCE PROGRAM

Sec. 160b. (a)(1) Title 38, United States Code, is amended by inserting before chapter 31 the following new chapter:

"CHAPTER 29—CITIZEN-SOLDIER EDUCATIONAL ASSISTANCE PROGRAM

"Sec.
"1401. Definitions.
"1402. Participation; reduction in pay and allowances.
"1403. Entitlement to educational assistance.
"1404. Duration of educational assistance.
"1405. Payment of educational assistance.
"1406. Time limitation on entitlement.
"1407. Bar to duplication of educational assistance benefits.
"1408. Program administration.
"1409. Administration; allocation of program costs.

"§ 1401. Definitions

"For the purposes of this chapter—

"(1) the term 'Citizen-Soldier Educational Assistance Program' means the program of educational assistance provided by this chapter;

"(2) the term 'educational institution' has the meaning given such term in section 1652(c) of this title;

"(3) the term 'eligible veteran' means a veteran who—

"(A) while serving on active duty in the Armed Forces pursuant to an enlistment to serve for a period of two years, received reduced pay and allowances for the period of such service by reason of an election made under section 1402(a) of this title and has not elected to receive a payment pursuant to section 908 of title 37; and

"(B) was discharged from service on active duty upon the completion of such enlistment, or for a service-connected disability, with an honorable discharge; and

"(4) the term 'program of education' has the meaning given such term in section 1652(b) of this title, except that such term is limited to a program in which only a person who has completed a program of secondary education or a general education degree may enroll.

"§ 1402. Participation: active duty pay and allowances

"(a)(1) Any individual who has not been a member of the Armed Forces and, after September 30, 1984—

"(A) enlists in an active component of the Armed Forces to serve on active duty for a period of two years; and

"(B) agrees to serve on active duty, during the period of the enlistment, in a military occupational specialty selected and assigned by the Secretary concerned.

may establish an entitlement to educational assistance under this chapter by electing, not later than the first day of such period, to participate in the Citizen-Soldier Educational Assistance Program.

"(2) An election under paragraph (1) of this subsection shall be made in writing and in such form as the Secretary concerned prescribes.

"(b) The pay and allowances of an individual making an election under subsection (a) of this section shall be reduced as provided in sections 203(e), 402(e), and 403(e) of title 37 during the period ending the earlier of—

"(1) the date two years after the commencement date of the period of service on active duty to which the election applies; or

"(2) the effective date of a termination of the participation in the Citizen-Soldier Educational Assistance Program, as provided under subsection (c) of this section.

"(c)(1) Any member of the Armed Forces who is receiving reduced pay and allowances by reason of an election to participate in the Citizen-Soldier Educational Assistance Program under subsection (a) of this section, may terminate the participation by transmitting a notice of termination to the Secretary concerned. Such notice shall be in writing and in such form as the Secretary concerned prescribes.

"(2) A termination under paragraph (1) of this subsection shall take effect on the first day of the first pay period commencing not less than 30 days after the date on which the notice is received by the Secretary concerned.

"§ 1403. Entitlement to educational assistance

"An eligible veteran is entitled to receive educational assistance as provided in this chapter while pursuing an approved program of education.

"§ 1404. Duration of educational assistance

"Subject to section 1795 of this title, each eligible veteran is entitled to—

"(1) thirty-six months of educational assistance benefits under this chapter; or

"(2) in the case of an eligible veteran who has been discharged for a service-connected disability before completing the period of the enlistment described in section 1402(a)(1) of this title, one and one-half months of educational assistance benefits under this chapter for each month of active duty served pursuant to such enlistment,

or the equivalent thereof in part-time educational assistance.

"§ 1405. Payment of educational assistance

"(a) The Administrator shall pay to each eligible veteran who is entitled to receive educational assistance under this chapter and is pursuing an approved program of education an educational assistance allowance to help in the payment of the expenses of such veteran for subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"(b)(1) An educational assistance allowance under this subchapter shall be paid—

"(A) at the monthly rate of $500 for an approved program of education pursued on a full-time basis; or

"(B) subject to paragraph (2) of this subsection, at an appropriately reduced rate, as determined under regulations which the Administrator shall prescribe, for an approved program of education pursued on less than a full-time basis.

"(2) The amount of the educational assistance allowance payable under this chapter to an eligible veteran pursuing a program of education on less than a half-time basis is the lesser of—

"(A) the amount of the educational assistance allowance otherwise payable to such veteran under this chapter; or

"(B) the established charges for tuition and fees that the educational institution involved requires nonveterans enrolled in the same program to pay.

"§ 1406. Time limitation on entitlement

"(a) Except as provided in subsections (b) through (d) of this section, the period during which an eligible veteran may receive educational assistance under this chapter expires at the end of the ten-year period beginning on the date of such veteran's last discharge or release from active duty.

"(b) In the case of any eligible veteran who has been prevented, as determined by the Administrator, from pursuing a program of education with educational assistance under this chapter because such individual had not met the nature of discharge requirement set out in section 1401(3)(B) of this title, the ten-year period provided by subsection (a) of this section shall not begin before the date on which—

"(1) the nature of such discharge or release was changed by appropriate authority; or

"(2) the Administrator determined, under regulations prescribed by the administrator, that such discharge or release was under conditions described in section 1401(1)(C) of this title.

"(c) In the case of an eligible veteran who, after such veteran's last discharged or release from active duty, was detained by a foreign government or power, the ten-year period provided in subsection (a) of this section shall not run (1) while such veteran is so detained, or (2) during any period immediately following such veteran's release from such detention for which such veteran is hospitalized at a military, civilian, or Veterans' Administration medical facility.

"(d) The ten-year period provided in subsection (a) of this section shall not run during any period an eligible veteran was prevented from pursuing such veteran's chosen program of education by reason of a physical or mental disability which was not the result of the veteran's own willful misconduct if such veteran applies for an extension of such ten-year period within one year after the later of (1) the day on which such period would otherwise expire, or (2) the last day on which such veteran was prevented from pursuing such program for such reason. The running of the ten-year period shall resume in such case on the first day on which it is reasonably feasible for such veteran to initiate or resume pursuit of a program of education, as determined under regulations which the Administrator shall prescribe.

"(e)(1) If an eligible veteran is enrolled under this chapter in an educational institution regularly operated on the quarter or semester system and the period of such veteran's entitlement under this chapter would expire under this section during a quarter or semester, such period shall be extended to the end of such quarter or semester.

"(2) If an eligible veteran is enrolled under this chapter in an educational institution not regularly operated on the quarter or semester system and the period of such veteran's entitlement under this chapter would expire under this section after a major portion of the course and before the entire course is completed, such period shall be extended until the earlier of the day after the date on which the course is completed or the date twelve weeks after the date on which such period would otherwise expire.

"§ 1407. Bar to duplication of educational assistance benefits

"A veteran who is entitled to educational assistance under a program established by this chapter and is also eligible for educational assistance under a program under chapter 31, 32, or 35 of this title may not receive assistance under both programs concurrently but shall specifiy (in such form and manner as the Administrator may prescribe) the program under which the veteran shall receive educational assistance at any time.

"§ 1408. Program administration

"(a) Except as otherwise provided in this chapter, the provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of this title and the provisions of subchapters I and II of chapter 36 of this title (other than sections 1777 and 1787 of this title) shall be applicable to the provision of educational assistance under this chapter. For the purposes of this chapter, the term 'eligible veterans', as used in the provisions specified in the first sentence, shall be deemed to include an eligible veteran as defined in section 1401 (3) of this title.

"(b) An educational assistance allowance for any period may not be paid to an eligible veteran enrolled in or pursuing a program of education at an educational institution under this chapter until the Administrator has received—

"(1) from such veteran a certification as to such veteran's actual attendance during such period; and

"(2) from the educational institution a certification, or an endorsement of the veteran's certificate, that such individual was enrolled in and pursuing a program of education during such period.

"§ 1409. Administration; allocation of program costs

"(a)(1) The Citizen-Soldier Educational Assistance Program shall be administered with respect to an eligible veteran by the Veterans' Administration.

"(2) Matters relating to the application of the provisions of this chapter to a member of the Armed Forces while serving on active duty shall be administered by the Secretary of Defense.

"(b)(1) Payments of benefits under this chapter shall be made from appropriations made to the Department of Defense (in the case of service in a military department) or the Department of Transportation (in the case of service in the Coast Guard).

"(2) Funds for the payment of benefits under this chapter shall be transferred to the Veterans' Administration as necessary from appropriations available for such purpose. The Administrator and the Secretary concerned shall enter into an agreement setting forth the manner in which such transfer are to be made.".

(2) The table of chapters at the beginning of such title and at the beginning of part III of such title are each amended by inserting before the item relating to chapter 31 the following new item:

"20. Citizen-Soldier Educational Assistance Program.............................. 1401".

(b)(1) The first sentence of section 1621(a) of such title is amended by inserting before the period at the end thereof ", except during a period of service to which an election under section 1402 of this title applies".

(2) The third sentence of section 1673(d) of such title is amended by inserting "29," after "chapter".

(3) Section 1795(a)(4) of such title is amended by inserting "29," after "chapter".

(4) Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) is amended—

(A) by inserting "(1" after "(g)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) The authority provided under this section shall not apply with respect to service for which a person elects to receive reduced pay and allowances pursuant to section 1402 of title 38, United States Code.".

(c)(1) Section 203 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

(e) The rate of monthly basic pay payable to a member of the armed forces making an election to participate in the Citizen-Soldier Educational Assistance Program pursuant to section 1402 of title 38, shall be reduced by $250 for each monthly pay period the member is participating in such program.".

(2) Section 402 of such title is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) A member of the armed forces making an election to participate in the Citizen-Soldier Educational Assistance Program pursuant to section 1402 of title 38, is not entitled to a basic allowance for subsistence during any pay period the member is participating in such program except as the Secretary concerned may consider appropriate.".

(3) Section 403 of such title is amended by adding at the end thereof the following new subsection (1):

"(1) A member of the armed forces making an election to participate in the citizen-Soldier Educational Assistance Program pursuant to section 1402 of title 38, is not entitled to a basic allowance for quarters during any pay period the member is participating in such program except as the Secretary concerned may consider appropriate.".

(4)(A) Chapter 17 of such title is amended by adding at the end thereof the following new section:

"§ 908. Payments for release of entitlement to certain educational assistance benefits

"(a)(1) If a member of the armed forces who, by reason of an election pursuant to section 1402 of title 38, received reduced pay and allowances for a period of two years during an enlistment reenlists in an active component of the armed forces for a term of service on active duty beginning on the day after the date of discharge from such enlistment, the member may elect to be paid an amount equal to the product of—

"(A) the amount by which the rate of monthly basic pay payable to such member was reduced pursuant to section 203(e) of this title by reason of the election, and

"(B) the number of monthly pay periods such reduced rate was paid to such member.

"(2) An election of payment under paragraph (1) of this subsection shall be transmitted to the Secretary concerned within 30 days after the date of the latest discharge or release from active duty.

"(b)(1) A former member of the armed forces who was discharged for a disability which is service-connected (as defined in section 101(16) of title 38) and, on the day before the discharge, was entitled to receive reduced pay and allowances by reason of an election pursuant to section 1402 of title 38, may elect to be paid an amount equal to the product of—

"(A) the amount by which the rate of monthly basic pay payable to such former member was reduced pursuant to section 203(e) of this title by reason of the election, and

"(B) the number of monthly pay periods such reduced rate was paid to such former member.

"(2) An election of payment under paragraph (1) of this subsection shall be transmitted to the Secretary concerned within 30 days after the date of the discharge referred to in such paragraph. The Secretary concerned may extend the period for making the election in any case for good cause.

"(c) An election of payment under subsection (a) or (b) of this subsection shall be made in writing and in the manner prescribed by the Secretary concerned.

"(d) The Secretary concerned shall pay to any individual making an election authorized by subsection (a) or (b) of this section the amount provided in such subsection. The payment shall be made out of funds available for the payment of the basic pay of a member of the uniformed service of the department of the Secretary concerned.

(e)(1)(A) In the case of a member or former member of the Armed Forces who—

"(i) by reason of an election pursuant to section 1402 of title 38, received reduced pay and allowances while serving on active duty; and

"(ii) dies before receiving the total amount of educational assistance to which the member or former member is or would be certified as an eligible veteran pursuant to this chapter,

the repayment amount computed under paragraph (2) of this subsection shall be paid to the person or persons surviving such deceased member or former member in the order of precedence specified in paragraph (3) of this subsection.

"(2) For the purposes of subsection (1) of this subsection, the repayment amount payable with respect to a deceased member or former member is equal to the product of—

"(A) the amount by which the rate of monthly basic pay payable to such member was reduced pursuant to section 203(e) of this title by reason of the election under section 1402 of title 38; and

"(B) the difference between—

"(i) the number of monthly pay periods such reduced rate was paid to the member or former member; and

"(ii) the number of monthly payments of educational assistance that have been paid to the member or former member, if any, pursuant to section 1405 of title 38.

"(3)(A) For the purposes of paragraph (1), the order of precedence is as follows:

First, to the widow or widower of such member or former member;

Second, if none of the above, to the child or children of such member or former member and descendants of deceased children by representation;

Third, if none of the above, to the parents of such member or former member or the survivor of them;

Fourth, if none of the above, to the duly appointed executor or administrator of the estate of such member or former member;

Fifth, if none of the above, to other next of kin of such member or former member entitled under the laws of domicile of such member or former member at the time of his death.

"(B) For the purposes of subparagraph (A), the terms, "widow", "widower", "child", "parent", and "member" have the same meanings as are provided for the purposes of subchapter III of chapter 19 of title 38.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"908. Payments for release of entitlement to certain educational assistance benefits.".

(d) The amendments made by this section shall take effect October 1, 1984.

AMENDMENT NO. 3180

Mr. TOWER. Mr. President, I send to the desk an amendment to the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER), for himself and Mr. NUNN, proposes an amendment numbered 3180 to the Glenn amendment numbered 3179.

Mr. TOWER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out lines 20 through 32 on page 2 and insert in lieu thereof the following:

"(a)(1) Any individual who has not been a member of the armed forces who, after September 30, 1984, and before September 30, 1988—

"(A) enlists in an active duty component of the Armed Forces to serve on active duty for a period of two years; and

"(B) agrees to serve on active duty, during the period of the enlistment, in a military occupational specialty selected and assigned by the Secretary concerned, may establish an entitlement to educational assistance under this chapter by electing, not later than the first day of such period, to participate in the Citizen-Soldier Educational Assistance Program, except that not more than 12,500 individuals be permitted to make such an election in any fiscal year.".

Mr. GLENN. Mr. President, this amendment, which I have termed the citizen-soldier GI bill, will establish a means by which young people who desire to serve their country in the military will have an option to serve for 2 years at reduced pay and, in return, receive substantial postsecondary education benefits upon their departure from the service.

I believe an enlistment category of this nature would harness the drive of our young people who want to serve their country in a rewarding and significant manner; it would reinforce the concept of societal responsibility and national community by encouraging military service among the widest spectrum of our youth; it would assist the military in achieving recruitment goals with high-quality recruits; and it would enhance educational opportunities by expanding postservice education assistance at a reasonable cost to the Federal Government.

Fortunately, over the past few years, the quality of the men and women joining our Armed Forces has improved. Unfortunately, however, this increase in quality has been due, at least in part, in large measure to the recession and to the alarming rates of teenage unemployment. Many ambitious and forward-looking young adults who might otherwise have found jobs in a healthy economy instead became military members, often because they simply had no other opportunities.

Many Senators will recall the military recruitment picture in pre-recession days when the services had substantial difficulties in meeting recruitment quotas, even as the demand for manpower was being reduced in the post-Vietnam era. Not only were recruits insufficient in number, their average mental aptitude declined. In 1964, military entrants in the highest mental category accounted for 39 percent of Army recruiting; by 1980, this had dropped to 26 percent. During that same period, recruits in the lowest mental category rose from 15 percent to 33 percent. This was graphically reflected by the fact that by 1980, less than half of the Army's male recruits had attained a high school diploma. Not surprisingly, as quality dropped throughout the military, disciplinary, and training problems increased. The service had high rates of attrition, large numbers of deserters, high court-martial rates, and lowered readiness because of less qualified manpower.

In large part, the recession salvaged this dreadful situation. Many high-quality recruits joined the services because they perceived few other options. The services became highly selective in their recruitment and overall quality soared.

But the situation is reversing once again with a rapidly recovering economy. More opportunity available in the civilian world inevitably means a lesser number of high-quality recruits for the military. Added to this is the fact that this country, starting this year, will see a decreasing demographic base of eligible 18-year-olds, a situation that will continue into the 1990's. There is no question in my mind, and in the minds of many military manpower experts, that the halcyon days are over for military recruiters, and tough times will shortly be once again upon us.

There is yet another and overarching concern about the military and its relationship to our society that I know is shared by many. Since the Gates Commission Report of 1970 introduced the All-Volunteer Force, the concept of enlisting in the military as a patriotic and public service has been reduced to it being widely viewed as a mere compensated occupation, as only a job rather than as a service to our country. This has led to a disproportionate share of our military services being manned by disadvantaged segments of our society. The better educated, better connected, more affluent young men and women frequently consider military service as something to avoid rather than as a golden opportunity to serve their country directly in partial compensation for all the rights and benefits they enjoy as citizens.

The maturing process that takes place for our young men and women in the military as they mix on common ground with others of widely different economic, racial, ethnic, and regional backgrounds cannot be achieved comparably in any other process of which I am aware. The reinforcement of their jointly held values as American citizens sharing a common heritage and often similar aspirations has a cohesive effect that cannot be matched anywhere else in our society. The whole Nation is stronger for it.

For all of these reasons, I feel that the All-Volunteer Force must become more representative of our society as a whole. We must have a military force which represents a more equitable cross-section of America.

Like most Senators, I prefer not to see us go back again to a compulsory draft. But neither do I want to see a future in which America's military consists only of soldiers of misfortune. Instead, I want a military that is truly representative of our society, and I believe that the program I am proposing will help us to achieve it.

The citizen-soldier GI bill is designed to make short-term service an attractive alternative for highly motivated high school graduates. Young people who choose to join the military for 2 years under this option would receive lower active duty pay than career soldiers of the same rank but upon completing their service would receive substantial benefits for college or vocational training.

In other words, they contribute while in the service, receive less pay while they are in the service, but receive more than favorable compensation that makes up for that loss once they leave the service. The general outline of the bill includes these features:

Two years of active duty;

A reduction of active duty pay by $250 per month;

No cash payments for subsistence or quarters, unless specifically authorized by their service;

Duty in military occupational specialities selected by the military service;

Post-service education benefits of $500 per month for 36 months (4 school years); and

Benefits can be used for any approved program of postsecondary education, including technical schooling.

Should the service member elect to reenlist at the end of his 2-year service, which would be encouraged, he would do so in the career track for standard full future compensation at his achieved rank. Upon reenlistment, the member would have the option of being compensated in a lump sum, dollar for dollar, for his 2 years of reduced compensation or retaining his education benefit as a vested right for when he departs the service later on.

The citizen soldier GI bill will appeal to youth throughout our society who have a strong desire to serve and who are willing to delay some immediate compensation in order to achieve a substantial later goal. Their service in the military without question would enhance the overall recruit quality and engender a healthier general attitude toward societal responsibility. In short, our country would get the military members it needs and our young people would get the opportunity they deserve.

Mr. President, I ask support for this amendment and hope all my colleagues here will vote for it.

Mr. President, I also note that we have put out a "Dear Colleague" letter that will be on all the desks and, in addition to just a bare recounting of the general provisions of the bill which I just made, it also includes a fact sheet attached to it which goes into the program cost estimates, and I recommend that my colleagues read that particular cost estimate sheet because it indicates a substantial difference from other proposals which may be made on this floor at a later time with regard to this bill we are considering.

This would be somewhere around one-fourth as expensive as other proposals that are being made. That is just an approximate figure. But I think it would do the job that needs to be done for our military as well as giving great benefit to those of our young people who are willing to serve their country and in return their country is willing to invest in them and their education for a long and productive life within this great Nation of ours.

Mr. President, I will save any remarks until later. I do not know whether the distinguished majority floor manager chooses to make any remarks.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I commend the Senator from Ohio in offering this very thoughtful amendment. Some of us do not feel that now we should go into a full-scale GI bill program. The program outlined by Senator GLENN is a targeted program and, if the amendment offered by Senator NUNN and myself to the amendment of the Senator from Ohio is adopted, it would make this a test program for 4 years and provide that not more than 12,500 personnel may elect to participate in the program.

I think the amendment offers an opportunity to test a very unique approach to educational benefits for the military service. It would be voluntary. It would be targeted to designated skills. It would require a commitment by the individual, as evidenced by the individual's willingness to serve for 2 years under reduced pay.

I believe this approach is one that should be tried. The amendment that I have offered on behalf of Senator NUNN and myself would permit the program to be tried for 4 years, and we will be able to learn if additional educational benefits will have the favorable effect on recruiting as is predicted by the proponents.

I feel that the cost of the Glenn program is minimal. It will not have a major budgetary impact, as would a broad and comprehensive GI bill that would be enormously costly—in the hundreds of millions—at a time when most of the Members of Congress are seeking to make economies in defense spending.

So I commend the Glenn amendment to the Senate and urge the adoption of my amendment to that amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that Senators JEPSEN and WARNER be added as a cosponsor to the amendment which I just submitted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HECHT). Without objection, it is so ordered.

Mr. COHEN. Mr. President, I ask unanimous consent that James Dykstra, a member of my staff, be granted the privilege of the floor for the remainder of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I rise to express opposition both to the amendment offered by the Senator from Ohio, Senator GLENN, and also the perfecting amendment, as such, offered by the chairman of the Armed Services Committee, Senator TOWER.

I also would like to take this occasion to express my chagrin that we have to proceed with a vote on either of these two matters today in view of the fact that a number of other Senators who could not be here today and are not here today have expressed a long-time interest in this subject matter. A number of votes have been taken in years past on which Senators such as Senator ARMSTRONG, who cannot be here today, have taken a great interest in trying to impress the administration for the adoption of a GI bill. In light of his very deep commitment to this subject matter, I think it is unfortunate that he cannot be here today to express his own thoughts on this.

Mr. TOWER. Will the Senator yield?

Mr. COHEN. I yield.

Mr. TOWER. Let me say to the Senator I would very much prefer to deal with all of the defense bill when everybody is here. Unfortunately, we are not able to do so. Last Thursday, Friday, and today, both the ranking member and I have sent out appeals to Senators to offer their amendments. It is unfortunate, I believe, that a number of Members have come to regard Mondays and Fridays as nonlegislative days. I do not like to keep delaying. The military authorization bill had been scheduled for weeks for this time period, and I think it is incumbent on all Senators who have amendments to be here to offer them while the bill is on the floor for consideration. We sent out an appeal for amendments.

Senator NUNN and I sat here with a quorum call for an hour or an hour and a half. Senator GLENN agreed to come over and offer his amendment. I could hardly have said to him, "No, we do want you to offer your amendment," because we are trying to act on this bill and move it along.

I apologize to Senators who are inconvenienced by this, but I hope the Senator from Maine will understand that we have to complete action on this bill and complete action as soon as possible.

Mr. COHEN. I thank the Senator for his comments.

Mr. President, the reason I rise in opposition is because I think the amendment pending before the Senate this afternoon is not much of an improvement over the program we currently have. In fact, it may be even less attractive, particularly to those enlisted personnel at the lower end of the pay scale.

I am going to speak principally, not so much in opposition to the proposition of the Senator from Ohio, but rather in favor of a measure that Senator ARMSTRONG, Senator CRANSTON, Senator MATSUNAGA, Senator HOLLINGS, and I joined in in an effort a year ago on the Senate floor. The approval of our amendment would have called for a return of GI bill education benefits for those serving in our Armed Forces. We were defeated last year on a procedural motion rather than on an up or down vote on the merits of our proposal. But I believe that the arguments we made over a year ago have even greater validity today.

As we pointed out a year ago, we faced a real danger of repeating the mistakes of the mid-seventies, mistakes which had devastating repercussions for our Nation's military. Less than a decade ago, Congress and the administration saw how well the All-Volunteer Force was doing, and then with a feeling of confidence, I might say a false sense of confidence, made some so-called economies which seriously undermined the force itself. Pay was capped, the GI bill was terminated, and recruiting and advertising funds were cut.

These actions proved disastrous. By the late seventies the number of high school graduates entering the Army had plummeted. The percentage of category IV recruits, the lowest accepted in the service, had skyrocketed. Recruiters and military career counselors were having great trouble meeting their quotas.

Improvement has been made since that time. Recruiters have been having unmatched success, and equality levels are as high as they have ever been. But there are warning signs on the horizon—warning signs that cannot be ignored. Even the Armed Services Committee, which capped pay and froze it for the most junior personnel, took note in its report of the increasing challenge facing military recruiters. I would like to quote from the report itself.

> However, it is not clear how long the military services will be able to sustain the current recruiting momentum. As the economy improves and the unemployment rate drops, the services will face increasing competition for 18- to 21-year-olds. The services also must deal with the demographic reality that the size of the 18- to 21-year-old youth population will decrease by approximately 15 percent between fiscal year 1983 and fiscal year 1992. Earlier this year, General John Wickham, the Army Chief of Staff, testified that the Army had experienced a 22 percent decline in the first quarter of fiscal year 1984 compared to last year in the number of young people coming into Army recruiting stations to take the military entrance exams. General Wickham suggested that this 22 percent reduction "may be a harbinger of an upturn in the employment opportunities" for young people.

The Armed Services Committee, in this paragraph, has made an excellent case for reinstituting GI bill education benefits. The GI bill, after all, has consistently been named by recruiters as the recruiting tool they would most like to have.

There are those in the administration perhaps, who suffer from some accommodating amnesia. I recall when President Reagan was running, he made a commitment to reinstitute the GI bill. I recall Cap Weinberger coming up to his confirmation hearings to be Secretary of Defense and saying, "We have to have a GI bill." Now we are saying, let us postpone it a little bit longer, let us make some sort of makeshift amendment to the VEAP program, which has proved to be disastrous.

I think the need for, and value of, a new GI bill was emphasized eloquently by Gen. Maxwell Thurman, the Army's Vice Chief of Staff and its former top recruiter and personnel head, in testimony before the Senate Veterans' Affairs Committee—I see the chairman of that committee is here this afternoon—when that committee held hearings earlier this year on the legislation which serves as the basis for the amendment we are proposing today. I note parenthetically that last year, when we were on the floor, the chairman of the Armed Services Committee (Mr. TOWER) and others argued vigorously, "Let us have hearings on this legislation, let us not vote on it today, let us have hearings."

We have had hearings, and the testimony came out rather positively on the need for this kind of legislation.

What have we had? Last year, we deferred consideration of it, had hearings; this year we ignore what the hearings had to say. That is kind of standard operating procedure.

Let me quote what General Thurman said in answering questions for the record by my distinguished colleague and cosponsor, Senator MATSUNAGA. He made a powerful case for a new GI bill.

The general pointed to the Army's problems in the late 1970's after Congress terminated the GI bill. He noted that between 1977 and 1979, the Army failed to meet its recruiting objective. In addition, quality dropped precipitately. The percentage of high school graduates enlisting was 54.3 percent in 1980, and 52 percent of nonprior service accessions were in category IV.

General Thurman attributed this decline in quality accessions to the end of the GI bill, coupled with the erosion of pay comparability, the decline in unemployment, and the reduction in recruiting resources. What is troubling is that many of those elements are with us today. If we refuse to approve the valuable recruiting tool which the GI bill represents, we will be compounding the mistake made by the committee in capping pay at a 4-percent increase—and freezing it for E-1's under 4 months of service. This action, of course, is on top of what was done—or not done—the past 2 years.

We kept hearing the same message over and over—wait till next year; we will put that pay up to make it comparable. Next year comes, and we say, wait 1 more year, just as the administration has been saying, we will get to it, perhaps like the Red Sox, in next year's series.

Two years ago, the administration and Congress concluded that service personnel could get by with a 4-percent pay raise, rather than the 8 percent needed for full comparability. They cut that in half. Last year, the administration proposed a total freeze on military pay. While the Armed Services Committee recommended a pay raise for most personnel, it proposed a freeze identical to this year's for recruits.

This 3-year record of taking economies at the expense to military personnel could negate all the good we did only a few years ago in boosting pay to overcome the problems created by almost identical actions in the mid-seventies. It is as though we have a phonograph record with a bad skip, and it keeps repeating the same sad passage.

In the absence of a new educational benefits program, the ability of recruiters to attract sufficient numbers of top-quality individuals into the service will again be hampered. This is especially so in an improving economy.

As the committee report points out, unemployment is declining. The most recent figure is 7.5 percent, the lowest level in 3 years.

This drop in unemployment, and the opportunity for nonmilitary jobs which it represents, has already been reflected in visits to military recruiters. As General Wickham noted, the number of those taking the entrance test dropped by 22 percent in the first quarter of fiscal year 1984. General Thurman noted that contracts were also down by 20 percent from the previous year.

The best way to address this problem, said General Thurman, is with new GI bill legislation. In its 1983 recruit survey, the Army Research Institute found that over 32 percent of category I and II enlistees placed college money as the most important reason for enlisting. Over 23 percent of the people in those categories said they would not have enlisted without money for college.

"Clearly, these individuals are influenced by education benefits more than by bonuses," General Thurman told the Veterans' Affairs Committee. "Clearly, education benefits expand the market by attracting bright young men and women intent on a college education."

If pay is to be capped and recruit pay frozen at a time of improving job opportunities for top-quality young people, we need a new educational incentive to attract them to military service. We have seen what happens when we try to cut corners in military compensation. With a diminishing manpower pool over the next several years, the risks of seeking savings in the manpower account only grow.

As our distinguished colleague (Mr. GOLDWATER) wrote in a recent article:

> Every year, Congress is faced with the continuing battle to make ends meet. Unfortunately, most of the proposed solutions would have their greatest impact on the worst possible area—people. In today's all-volunteer military, the most sobering thought is, what would happen to the quality and character of the military if these benefits are reduced or eliminated?

Studies have provided some answers, and they are, as Senator GOLDWATER suggested, sobering. The Army Research Institute concluded:

> If the jobless rate declines as fast as the administration projects, without corresponding increases in military pay or education incentives, the Army could miss its recruiting goal for male high school graduates by 34,000 (or almost 35 percent) by fiscal year 1986. . . ." The Institute predicted problems ahead for the services in attracting sufficient numbers of high school graduates once the nation's economy turns around.

The Army Recruiting Command conducted a study which concluded that there is a direct link between a tank commander's mental aptitude—as measured on the Armed Forces qualification test—and the performance of his tank crew during gunnery and simulated combat drills. The study found an 82-percent degradation in performance between tank platoons commanded by those in mental category II and those in mental category IV.

We can talk all we want about having more M1 tanks, but if we do not have the kind of personnel necessary to keep these tanks operating at top quality, it is really a waste of money.

The significance of this is plain. The services need recruiting tools to attract as many individuals in the top mental categories as they can. Educational incentives for service would strengthen their ability to attract these top quality individuals.

The result will be a better force. Moreover, costs will be reduced through lower attrition rates and improved trainability, unit performance will be enhanced, discipline problems will be reduced, and readiness will be improved.

And this can be accomplished without undue cost, in my judgment. The GI bill proposal we are proposing and will offer as a substitute later is tailored so that it can be targeted to attract and retain individuals in critical skill positions. A basic benefit is provided with the services having discretionary authority to supplement the benefit as they deem necessary. A contributory transferability provision will be helpful in retaining top quality career enlisted personnel. A reduced benefit is provided for those in our Reserve Forces. And an educational leave of absence provision would allow career personnel to use their benefits full-time without having to interrupt or abandon their military careers.

Our GI bill program would be administered by the Veterans' Administration but paid for by the Department of Defense. The program would begin on September 30, 1985, though the President could seek deferral annually for no more than 2 years. In other words, it would take effect no later than the fall of 1987 when recruiting problems are almost certain to exist.

So if we sit idly by, allowing military pay to slip further behind comparability, while at the same time refusing to give recruiters the tool they most want, a new GI bill, then we must be prepared to shoulder a good portion of the blame if recruiting goals are not met in the coming years.

What we have, Mr. President, is a situation in which history is once again repeating itself. We are making the same mistakes that we made 10 years ago, making the same cuts, capping the pay the same way we did, talking about a GI bill in the future, not now, ignoring the advice of our professional military. And, so, when our generals come before the Veterans' Affairs Committee and say, "We need the GI bill," we turn a deaf ear to that. We tend to forget—and certainly this is not meant in a partisan sense; we want a bipartisan approach to this—but we tend to forget a pledge made by our own President.

President Reagan said he was committed to a GI bill; 4 years later, no GI bill, no endorsement of a GI bill. The Secretary of Defense said he was committed to a GI bill. Four years later, no GI bill. And so the pattern, it seems to me, is quite clear. What we are doing is deferring and deferring, and we are going to invite a disaster. And the same people will then turn around, as they did in the seventies, and say, "We have to go back to a draft because that is the only way we can get people into the military."

That is exactly what happened in the latter part of the seventies. The drumbeat was on: Look at the poor quality, look at these mental category IV's. Admiral Hayward said, "We have a hemorrhage in our services today; the Navy can't hold all these people." Let us go back to a draft and get all these new 18- and 19-year-olds.

That is the choice we are preparing for ourselves unless we take the kind of corrective action that is necessary. What we are doing in this DOD authorization bill is the same thing we did 10 years ago, putting the pay caps on, talking about the GI bill as if it is something that can be invoked at some future time when our military personnel situation is in deep trouble.

Before closing, Mr. President, I should like to once again quote General Thurman's testimony:

> The decision to end the Vietnam era GI Bill was sent to the Congress by President Ford on 7 May 1975. The House of Representatives, Subcommittee on Education and Training of the House Committee on Veterans' Affairs, met on 29 July 1975 to hear draft legislation on the termination. Department of Defense did not appear before the committee. However, the concerns that we are raising today were expressed then by the Non-Commissioned Officers Association: ". . . if the eligibility period is shortened for those who are now serving on active duty, many experienced and highly skilled young officers, and non-commissioned officers and petty officers will cut their military careers short in order to take advantage of VA education benefits." The Fleet Reserve Association made a similar statement.

Again, a page, Mr. President, out of the past. Exact testimony given in July 1975 by the Non-Commissioned Officers Association predicted what in fact took place—quality personnel started to leave. We had trouble attracting qualified individuals, men and women, into the service. And so here we are today, about to take action on an amendment which, while well-intentioned, will do very little to correct the cloud that is looming on the horizon.

Let me read further from General Thurman's testimony. He said:

> Table 1 illustrates how the Army fared in meeting its accession and delayed-entry program objectives in the years following termination of the GI Bill and before the Army College Fund took effect. Between 1977 and 1979, the Army failed to meet its recruiting objective. In 1979 we recruited only 89.3% of the quantity of soldiers we needed. In addition, the quality of the enlistee declined with percentage of high school graduates dropping to 54.3% in 1980. At the same time the percent of test category IV, the lowest category accepted into the Army was 52% of our non-prior service accessions.

In response to Senator MATSUNAGA:

> Do you attribute the steep decline in quality accessions after 1976 primarily to the termination of the GI Bill at the end of that year?

We have a clear, unequivocal answer:

> Yes, I do. However, other factors also affected our decline in quality accessions such as the erosion of pay comparability.

By the way, we are also involved in an erosion of pay comparability here today.

> These factors are just slower acting but equally important. Termination of the Vietnam era bill was a precipitous event. The sudden increase in enlistments of 5800 High School Diploma Graduates Category I-IIIA in December 1976 (2.2 time the previous December's enlistments and 3.9 times what the next December's would bring) just before the bill expired and the decline afterward shows how attuned high quality American youth was and continues to be to education incentives.

Let me read again from Senator Matsunaga's question:

> Besides quality recruiting, how else was the Army affected by the termination of the GI Bill? Did attrition increase? If so, did the Army experience other costs associated with lower-quality recruits and attrition?

Let me read General Thurman's answer:

> Attrition and costs did increase.
>
> Lower mental category soldiers and non-high school graduates do attrit at a higher rate than their higher quality colleagues. For example, 46% of the three year male non-high school graduates accessed in 1979 did not complete their enlistment. Only 24% of the graduates in the same cohort failed to complete their enlistment. They must be replaced as they drop out before completing their terms of service. This adds to the demand for even higher recruiting missions. In addition, lower quality soldiers require more training to become proficient. This drives up training as well as recruiting costs to compensate for the larger mission.
>
> Thus, following loss of the GI Bill we were having to access more lower quality soldiers with the ensuing replacement and training costs.
>
> In my judgment, loss of the GI Bill signaled to the soldiers a lack of support and recognition of their service. It marked a turning point in support for education benefits, pay comparability and recruiting resources in general. The upshot was a steady decline in manning and force readiness in the active Army, National Guard, and US Army Reserve. This decline continued through 1980. At that time the ineffective Veterans Educational Assistance Plan (VEAP) was augmented by the "kicker" and then became the Army College Fund. The Selective Reserve Incentive Program was in place to support the Reserve Components. The Army, including the Reserve Components, turned around at that time.
>
> Senator Matsunaga. In retrospect, do you believe it was a wise decision to terminate the GI Bill in 1976?
>
> General Thurman. In my personal opinion, no sir, I do not.

I can go on, and I believe I will go on later during the course of today, reciting General Thurmond's testimony. I think we have to repeat over and over again the considered judgment of our highest military personnel. I think we ought to recall the words of President Reagan, our Commander in Chief, the pledge he made during his 1980 campaign, the pledge that our Secretary of Defense made in the initial year that he served in that capacity, because I think the consequences of failing to have them measure up to their campaign pledges are so important.

Before closing, I should like to address two other criticisms: that the GI bill is too costly and that it should be provided only in time of war. I have heard that year after year. Senator Goldwater, in the article I referred to earlier, did an excellent job of refuting the first argument:

> Yes, the G.I. bill cost the United States Government several billion dollars. But that bill enabled millions of men and women to go on to obtain their advanced education degrees. They became the engineers, scientists, doctors, educators and other professionals which made our country the envy of the world for three decades.

General Thurman also effectively countered this argument. He noted that the historical GI bill use is 42.5 percent of eligibility. Furthermore, the majority of an enlistment bonus is paid on successful completion of training, before a soldier has completed his or her term of service. Education benefits are paid beginning 3 years in the future, usually over a period of 2 to 4 years.

The soldier perceives the benefit at full value, or discounted by personal discount rates, General Thurman said. However, the Government does not pay out at full value: 23 percent of the soldiers attrit before eligibility is established; at that point, 30 percent reenlist; a further group chooses not to participate.

To quote General Thurman:

> The savings that would accrue if a GI bill is reinstated would be in two areas. First, smart soldiers require less training time to master the skills they will need. Second, smart high school graduates complete their terms of service at a higher rate than do non-graduates. In summary, we have looked into the minds of the young men and women of America and see what interests them in military service. Benefits for a college education are clearly most important among the higher-scoring people.

To the second argument, that GI bill benefits should go only to those who have served in wartime, and not to those serving in today's peacetime environs, I can only take the strongest exception. Many who served during World War II and the Korean and Vietnam conflicts did so here in the United States or in other places well out of harm's way.

The young men who gave their lives in Grenada, Lebanon, and Iran and the brave young men and women who served with them would, I suspect, take issue with those who say that soldiers, sailors, and airmen serving in peacetime should not be entitled to this kind of benefit. Are they any less worthy than those who spent 2 years on stateside duty during an earlier conflict? For anyone to suggest that those people serving in the forces today are not entitled to GI bill benefits, I think, is a great discredit to those young men and women.

I believe that the proposal offered by Senator Cranston, Senator Armstrong, Senator Matsunaga, Senator Hollings, and me, as well as others, is a reasonable and balanced one. It is one which will provide great benefits to the individual, the service, and the Nation.

The GI bill is a time-tested program. It deserves all of our support. The Senate will, I hope, give its approval to this proposal so that those who serve can again receive this important educational benefit in exchange for their service to their country.

As I indicated earlier, Mr. President, unfortunately, because of the way in which the parliamentary situation now exists, it will be necessary to vote down the amendment that is now pending, as well as the perfecting amendment offered by the chairman of the Armed Services Committee. But we are prepared to discuss this at length this afternoon, if necessary, to discuss it into the evening, and perhaps during the course of the day tomorrow. We intend to see to it, to the best of our ability, that we have a chance to vote on a GI bill and not on an amendment that would deal with a proposed modified VEAP program—one that would fail to achieve the kind of fundamental reform that is necessary by reinstituting the GI bill.

Mr. GLENN. Mr. President, I will respond briefly to the distinguished Senator from Maine.

Some of the matters he brings up have occurred in this administration, and I agree with his criticisms in those areas.

This amendment was not submitted as a modified VEAP program in any way. It is a program that would stand on its own.

I suppose that my strongest area of contention with the Senator from Maine would be that he places the GI bill in the forefront as being practically the only reason why we are not getting more intelligent soldiers. I disagree with that as a basic premise.

A number of things occurred in the past that were societal, that were economic, that tended to make some of our best young people look elsewhere for their livelihood, and they were enticed into the military only when things become tough economically in the country, and then we started to get higher quality recruit. Not that they are not all good and patriotic young people; but with respect to the ones with the higher education level, the precentage of high school graduates, and so forth, the numbers coming into the military were definitely affected by economic conditions, the ability to get jobs on the outside, and so forth. So it was a wholly different situation.

Mr. President, what we are up against with the present situation is that we do have economic problems in the country. We are running debts and budget deficits beyond any conception of just a few years ago, beyond any possible acceptability into the long-term future. We cannot go on seeing $200-billion-a-year deficits, and going up. It is already beginning to alter trade patterns. The distorted value of the dollar being what it is, we are selling less agricultual products overseas. One out of six American jobs depends on export of the product they manufacture, and those sales are going down. We are trying to match up the greatest needs of the military and our defense requirements against requirements for getting our budget under control.

The figures put out by the Congressional Budget Office regarding the cost of the GI bill, as the Senator from Maine discussed, go up in rather staggering proportions, to add to that deficit and, eventually, that national debt. The first year, according to the CBO estimates, it is $7 million; the second year, $261 million; the third year, $341 million; and by the 10th year it is $775 million a year—three-quarters of $1 billion.

Having spent some 23 years in the military, no one in the U.S. Senate is more sympathetic to the military than I am. At the same time, I also observe what is going on with our economy and am concerned that we not do things that would add to the national debt.

Much as I would like to agree with the Senator from Maine, I cannot do so. We have tried to take a less expensive bill—as a matter of fact, it would cost between one-fourth and one-third as much—limit it, and say that this is what we need and will provide for the defense needs of this country, while at the same time being very responsible so far as the economy of the country is concerned.

So it is a compromise. I admit that, going in. But it tries to be very realistic about the situation in which we find ourselves budgetwise now and to address the need for high quality recruits in the military at the same time.

As I indicated earlier, the proposal would require that each person going in under this amendment would have his or her active duty pay reduced by about $250 a month. In other words, it is basically a contribution that new soldier is making. But, in return, at the end of his 2-year military requirement, he would get back three times that amount.

In other words, for each approximately $6,000 a year that he gave up in pay, that he forfeited in pay, he would get back, eventually, three times that amount. It would be about $18,000 then. But we take that amount over a 2-year period and spread it out over 36 months—in other words, 4 years of academic work—and it comes out to $500 a month they could be given over a 4-year period.

I think that is a fair return for a young person who is willing to say: "OK, I believe in this country and I feel my responsibilities to this country. I am willing to go in and serve 2 years, and that is my duty to do so."

Now in return for that and in return for giving up some of that pay, our Nation then says: "We express our responsibilities to you in education and in thanks for giving this military duty. We then will see to it that you have an opportunity to get a 4-year college education."

It seems to me that is preeminently fair in both directions, and it is not a program at the same time that is going to add to breaking the bank. It is not a program that will add three-quarters of $1 billion a year eventually that would go on into the indefinite future. It is targeted to the needs of the Army, targeted to the needs of the Armed Services, and yet is fiscally as responsible as anything that has come up in this line, I believe.

And that is the reason I submit this and ask for the support of my colleagues with regard to this legislation.

Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, as chairman of the Veterans' Affairs Committee, we have been dealing with the GI bill for some time. Senator CRANSTON, Senator ARMSTRONG, and Senator COHEN have a proposal which I have not agreed with, and so I presented my own particular alternative to that, and that alternative was an amendment which would have required the President to report to Congress at such time as he determines that there are recruitment and retention problems in the Armed Forces that are contrary to the national interest but in no event later than July 1, 1987, as to the nature and extent of those problems and the usefulness of the new educational assistance program in addressing them.

It provided a legislative solution. If the President were to do that and if we were to have a legislative solution, the President would be required to submit appropriate proposed legislation.

There was a process in my proposal to have an expedited consideration in Congress, essentially no more than 45 days to be permitted for committee recommendations and then an additional 30 days for conference action. Anyway, there was a timetable for it.

My thought has been from the origination of this issue that this is the first time that we were branching out into a peacetime GI bill.

The GI bill, of which I was a recipient and beneficiary, enabled me to obtain a degree at the University of Wyoming and go to law school; it was a marvelous project, but it was an act of gratitude for those who served. It was never intended to be an inducement or a recruitment tool, and that is what we have here. And that is why I have a great deal of difficulty with the original proposal of Senator ARMSTRONG.

The reason I opposed that and still do oppose it is that here we have a new noncontributory GI bill. We never had that before. It is too costly at a time of extraordinary deficits that we have talked about and will continue to talk about here.

I think there is no need at this time to assist recruitment and retention, which is the highest quality in our history of the All-Volunteer Force. The VEAP program and the VEAP with kickers program has been very effective but has had a slow start.

The Armstrong proposal had new entitlement for eveyone in the military, all services and all skills. There was no targeting at all, which is one of the proposals here of Senator GLENN, a targeting proposal.

And the Armstrong proposal did not intrigue me because we had these tremendous manpower costs which are already high, and in a period of peace and all-volunteer what then extra do you do for the GI if we ever, God forbid got into conflict again? When you put all the embellishments on the bill or on a GI bill, what do you do then when, as I say, in tragedy we might be involved in another conflict? There is not much place to go.

And then a future effective date as proposed in the Armstrong proposal seemed to me an extraordinary lapse because I do not know how we can anticipate future needs. I think that was an effort at poor planning and poor fiscal management.

All of these things I share with you, Mr. President, have been shared with the sponsors, with Senator ARMSTRONG, with Senator COHEN, and with Senator CRANSTON.

And, yes, as chairman of the Veterans' Affairs Committee, I can assure you, Mr. President, that I know the impact of throwing the words "GI bill" out on the floor of the Senate. You kind of want to hunker down behind the doors because it will pass and all of us have been deeply affected by it, those of us who have benefited by it and know that it is a marvelous thing, and you have an emotional response to it; but if we can somehow drain the emotion away from it and say, "What are we really doing to recognize the peacetime GI bill when we have never had better recruitment or better quality in the volunteer service?"

That is the issue, and I have listened to Senator COHEN's remarks. I disagree slightly with my good colleague form Maine with regard to the summary of the committee hearings because the Department of Defense witnesses as well as the CBO, which had studies the issue rather exhaustively, both firmly opposed the new GI bill. I think one of the things that causes the DOD and the VA to get into cross purposes here is, the VA knows, and I think every veterans should know, that when you get a new GI bill, the Department of Defense is not going to pay for it. It may look like that for a while, but when you are all finished, the VA is going to pay for it because they are the ones who administer the GI bill, and when the VA pays for it, that is going to deduct from present benefits in the Veterans' Administration, and there is not much question in my mind about that. It may look like DOD for a while, but it will not stay in DOD's pocketbook very long because the whole system is run by the the Veterans' Administration.

So I think it is not helpful to polarize our mutual concern for the future of the Nation's veterans, and, boy, do I get into that as chairman of the Veterans' Affairs Committee. We are all here together, certainly not in a partisan way, to do the right thing.

Senator GLENN has always been very thoughtful, and I have watched him with some admiration and awe in my 5 years here of how thoughtful he is, and Senator COHEN, and Senator TOWER, all of them deeply involved, and, of course, Senator CRANSTON who has followed the issue so ably.

So I just find it uncomfortable to oppose a new GI bill, and I do not know why, as I Say, I get these remarkable issues like immigration, nuclear regulation, agent orange, and other assorted relics of America's great heap of legislation and wander into the fray, but I guess I do not mind that. I have constituents, I guess, who are very patient with me.

But I think being responsible can sometimes be a rather lonely bit of activity. I do not feel any lonely need in here. I do enjoy the company of my colleagues. But I have a great deal of opposition to a noncontributory GI bill in a time of peace and an all-time high in quality recruitment and retention. It just does not seem appropriate nor responsible nor right at this time.

And that does in no way mean that I oppose all educational initiatives for veterans and, as I have said, I will probably hear some retorts to that effect.

But the amendment, as presented by Senator GLENN, is a good-faith effort, a perfecting amendment by Senator TOWER, a good-faith effort; but Senator ARMSTRONG is not here, he is not present, and I oppose what he is doing, but in a sense of fairness, I think he should be here to present his position, even though I am certain that Senator COHEN has done beautifully in that and Senator CRANSTON will embellish that and speak more on it.

So that is my position at this time. I will be continuing my efforts to assure that we do not get into a heavy ticket item, noncontributory GI bill. I think that is a mistake in these times.

Mr. CRANSTON. Will the Senator yield for a question?

Mr. SIMPSON. Yes, I yield.

Mr. CRANSTON. I would like to ask the distinguished chairman of the committee if it is not true that when the amendment that Senators ARMSTRONG, COHEN, HOLLINGS, MATSUNAGA, and I will be offering shortly was offered in substantially the same form, although with one difference, 1 year ago, the distinguished chairman objected to our considering it on the floor because we had not had hearings on it at that time.

Mr. SIMPSON. Mr. President, the Senator from California is correct in his review. It was a procedural motion to strike at the heart of the Armstrong-Cranston proposal and that carried by 6 or 10 votes, if I recall. So I was indeed involved in an effort to put aside the Armstrong-Cranston-Cohen GI bill. That is correct.

Mr. CRANSTON. Part of your reasons for objecting to the consideration at that time, as I recall, were that we had not had hearings on it in the committee.

Mr. SIMPSON. And then, Mr. President, we did have hearings. I kept that commitment that I made at that time.

Mr. CRANSTON. Indeed, you did, and that was very much appreciated.

Have there been hearings on the pending Glenn amendment in the committee?

Mr. SIMPSON. Mr. President, there have been no hearings before the Veterans' Affairs Committee on the Glenn proposal. There have been hearings since the point of order was upheld on the Cranston-Cohen-Armstrong proposal, plus the Simpson proposal, and we did hold hearings on that, on GI bill benefits in general. That has been held since that last vote, in line with my commitment to do so.

Mr. CRANSTON. I believe there have been extensive hearings in the House also on the proposal by Mr. MONTGOMERY that is very similar to the legislation that Senators COHEN, ARMSTRONG, MATSUNAGA, HOLLINGS, and I have introduced while there have not been hearings on the new proposal by Senator GLENN.

Mr. SIMPSON. Mr. President, I am not aware as to whether a similar Glenn proposal has received any hearings in the House, but it has not received the attention of the Veterans' Affairs Committee of the Senate.

Mr. CRANSTON. Has the distinguished chairman of the Veterans' Affairs Committee in the Senate had an opportunity to familiarize himself with the details of the Glenn amendment? Is he familiar with all of its implications, on how it will work or not work?

Mr. SIMPSON. Mr. President, the Senator from California and I probably have a remarkable grasp of the new proposal of Senator GLENN. I would join with him in talking about it further, visiting with him. It is some 15 pages. I have reviewed it now.

I understand the proposal as to the more cost-effective approach, which certainly appeals to me, the targeting of new recuits, service in the critical skill areas, the bartering of some basic benefits, the contributory part of it where the recruit puts some of his own substance into the issue and the 4-year pilot program of the Tower amendment. I think I grasp what is before us here simply because we have had four hearings in my time here on the GI bill in some form.

Mr. CRANSTON. I thank the chairman.

Mr. SIMPSON. I thank the Senator from California and always enjoy working with him.

Mr. CRANSTON. May I ask the distinguished chairman of the Armed Services Committee (Mr. TOWER), have there been any hearings in the Armed Services Committee on this proposal?

Mr. TOWER. Mr. President, I say to the distinguished Senator from California, there have not been hearings in the Armed Services Committee on this matter, which is one of the reasons I felt constrained to offer an amendment to make this a test program. I think many of us are prepared to experiment with it.

The distinguished ranking member of the committee and I have joined in my committee with making it a test program. We have looked into the matter of the GI bill quite a bit. It is our view that it is not cost-effective at this time.

But I also have the very pragmatic view that something is likely to pass and I want to minimize the budget impact. I do not believe that a general comprehensive GI bill is warranted at this time based on the testimony that has been given in the Veterans' Affairs Committee and based on all of the staff work and personal work the various Senators on the Armed Services Committee have done. This whole idea was not offered in the Armed Services Committee. As a matter of fact, we are not the committee of appropriate jurisdiction. I believe the Veterans' Affairs Committee is.

Mr. CRANSTON. I believe that is the case.

Mr. TOWER. But we are pretty familiar with what the thrust of it is and we do not believe that it is merited at this time.

Mr. CRANSTON. I thank the chairman very much.

Mr. President, I have grave questions about the workability of the pending amendment offered by Senator GLENN with the modification to it proposed by Senator TOWER. Since I have not had an opportunity to study it at any length, at this time I am not prepared to indicate in detail why I have grave reservations about its workability. I will do that at a later stage in its consideration.

Mr. President, at this time, however, I with my colleagues—Senators ARMSTRONG, COHEN, HOLLINGS, and MATSUNAGA, as well as Senators BOSCHWITZ, DECONCINI, HART, KASTEN, and KENNEDY—in urging the Senate to approve our legislation to establish a new, peacetime GI bill. The amendment would establish two new programs of educational assistance designed to assist the Armed Forces in recruiting and retaining highly qualified men and women. The pending amendment is a weak substitute for our proposal.

Mr. President, our amendment will incorporate and blend together major features of a measure I introduced along with Senators DECONCINI and HART on January 8, 1983—S. 8, the proposed All-Volunteer Force Educational Assistance Act—and a measure introduced by Senators ARMSTRONG, COHEN, HOLLINGS, MATSUNAGA, ANDREWS, GARN, INOUYE, and TSONGAS on March 7, 1983, S. 691, the proposed Veterans' Educational Assistance Act of 1983. These bills were blended together in S. 1747, which we all joined in introducing a year ago.

I have long believed very strongly that educational incentives, if properly designed and implemented, can aid significantly in helping to insure the success of the All-Volunteer Force. Educational benefits—as part of a military compensation system made up of both pay and benefits—have a special, important role to play in increasing the numbers and quality of men and women we are able to attract to and keep in the Armed Services. In this connection, I first introduced in December 1980 a measure designed to establish such a program of benefits. That was S. 3263, the proposed "All-Volunteer Force Educational Assistance Act of 1980," in the 96th Congress. I reintroduced modified versions of that legislation in the 97th Congress as S. 417 on February 5, 1981, and as S. 8 in this Congress.

The major impetus for enactment of A GI bill-type program has derived in large part from concerns about the inability of the Armed Forces to recruit and retain qualified individuals.

At the time I introduced S. 417 in early 1981, recruitment and retention shortfalls in the Armed Forces were reaching emergency proportions. The four service branches had each failed to reach their recruitment goals, and retention rates were very low. The caliber of new recruits was also a major concern.

However, the situation has changed dramatically since then—indeed, Secretary of Defense Weinberger announced in December 1982 that, in terms of both recruiting and retention, fiscal year 1982 was "one of the best years since the beginning of the All-Volunteer Force, was better than most years under conscription, and even surpassed the excellent results" of the preceding year. The same can be said of 1983.

Thus, in my opinion, implementation right now of a peace-time GI bill-type program is not justifiable, and that is not what we will be proposing.

What we must bear in mind, Mr. President, is large problems waiting down the road that may undermine the current recruitment and retention success. The pool of eligible young men is projected to decline significantly over the next decade. By 1987, the size of the enlistment age youth population is expected to decline by 15 percent or almost 1.3 million. Based on the lower birth rates of 1965 through 1980, the size of the pool of potential eligibles is not expected to increase for some time.

Competition among the military, colleges, and industry for increasingly smaller numbers of qualified and talented young men and women will intensify. Moreover a significant upswing in the economy could substantially reduce the attractiveness of military service as well as encourage more individuals to leave the military rather than re-up when they complete their hitches.

To address these foreboding problems, our amendment proposes enactment today of a peace-time GI bill educational incentive program to be effective on September 30, 1985, with authority for the President to postpone implementation for 2 additional years if he feels it is not needed in terms of recruitment and retention. I believe that the evidence before us now indicates quite clearly that we will need this program by then. However, in the event that the President were to determine, based on recruitment and retention experience, that the programs to be established by the amendment are not needed before fiscal 1987, the President would be authorized—after giving 90 days notice to the Congress—to make such a determination and postpone the programs a year at a time in each of 1985 and 1986.

This fail-safe effective date provision—derived from the provisions of my bill, S. 8—takes into account the current and likely future recruitment and retention situations. It takes into account concerns about the cost-effectiveness of a GI bill at this time. I believe it strikes the appropriate balance among these considerations.

Mr. President, the goal of promoting recruitment and retention in the military would be served by our amendment in a variety of ways. First, the availability of the new chapter 29, noncontributary benefit program we will propose would encourage many new enlistments. Recruiters would welcome this powerful tool to encourage young men and women to enlist in order to finance their education through military service.

Second, the new chapter 29 program we propose is designed to give major encouragement to entrants into military service to complete their initial terms of service. As has so often been pointed out by the distinguished Senator from Colorado (Mr. ARMSTRONG), and the Senator from Maine (Mr. COHEN) moments ago, the costs to the military are very high when military personnel—especially first-term personnel—fail to complete enlistments. Military dropouts, like school dropouts, are very expensive for society. The armed services must make a large outlay of funds to train and pay a new recruit but realize little return on that investment when the enlistee fails to complete his or her term of service.

Third, both the new chapter 29 program and the new chapter 30 contributory program of transferable benefits would provide major incentives for active duty personnel to remain in the military longer. Current active-duty personnel would be provided with a very substantial incentive to reenlist in order to earn the benefits which would be made available under the new programs. Indeed, the provision for a discretionary second tier of supplemental benefits—a provision derived from my measure, S. 8—would permit the service branches to target these benefits on particular skill areas where there are retention problems.

Fourth, the Secretary of Defense would be given authority to permit the service branches, under the supervision of the Secretary of Defense, selectively to augment benefit levels through the use of a kicker that could be added to either the basic tier of benefits or the second, supplemental tier.

This kicker authority along with the discretionary tier-2 supplemental benefits would provide additional flexibility and latitude necessary for each of the services to target on specific categories of skills that are in short supply while avoiding wasteful competition among the services. Indeed, providing flexibility to the armed services is one of the hallmarks of the proposal we will be offering.

I want to stress that, as a result of the delayed-effective-date approach taken in our legislation enactment of the proposal at this time will not preclude the Congress from exercising its options in the future. We would have more than ample time to consider any adjustments or further refinements that might be necessary or desirable. If the President were to decide that the program were not necessary until fiscal year 1987 or fiscal year 1988, the 90-day advance notification requirement would preserve the prerogatives of the Congress to consider the wisdom of the President's decision and, if it were to disagree, to act to modify or nullify the effects of the President's postponing action.

By enacting our proposal at this time, we would be providing for a forward-looking approach that effectively addresses the very real pitfalls likely to face our armed services in the future.

Let me outline the provisions of our amendment.

The proposed amendment is, with one exception relating to the effective date described below, identical to S. 1747 which was introduced on August 3, 1983, by Senators ARMSTRONG, COHEN, HOLLINGS, MATSUNAGA, and CRANSTON and which is cosponsored by Senators BRADLEY, D'AMATO, DECONCINI, DOLE, HART, HAWKINS, KASTEN, KENNEDY, MITCHELL, BOSCHWITZ, and PRESSLER. The amendment would amend title 38, United States Code, to establish two new programs of educational assistance designed to assist the Armed Forces in recruiting and retaining highly qualified men and women.

S. 1747 incorporated and blended together major features of S. 691—introduced by Senators ARMSTRONG, COHEN, HOLLINGS, and MATSUNAGA and cosponsored by Senators ANDREWS, BOSCHWITZ, GARN, INOUYE, SPECTER, TRIBLE, and TSONGAS, and S. 8—introduced by Senator CRANSTON and cosponsored by Senators HART and DECONCINI.

I. PEACETIME VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

Basic eligibility.—Eligibility for the basic educational assistance program would be earned by fulfillment of a contract to perform military service after the effective date—September 30, 1985, which the President could postpone to no later than October 1, 1987. Generally the minimum contract would be 3 years of active-duty service, or 2 years of active-duty service followed by 4 years of service in the Reserves. Additionally, 6 years of service in the Selected Reserve, or any combination of 4 years in the Selected Reserve and 2 years active duty, would also establish eligibility.

Honorable discharges would be required as a condition of eligibility, except in the case of a veteran with a general discharge who has completed his or her enlistment or other period of obligated service and receives a favorable adjudication from the Veterans' Administration.

Eligibility would also be contingent upon receipt of a high school diploma, or equivalency, prior to the completion of active-duty service.

Officers who have graduated from one of the service academies or completed a Reserve Officers' Training Corps program would not be eligible for the new program.

Benefits.—Up to 36 months of educational assistance benefits at $300 a month could be earned under the new program; 1 month of active-duty service or 3 months of Selected Reserve service would earn 1 month of benefits. Payment of benefits to an eligible individual could begin after 24 months of service on active duty or in the Selected Reserve.

Supplemental benefits.—A second, discretionary tier of benefits—$300 per month—could be added to the basic benefits program where necessary to overcome particular recruitment and retention problems in such areas as the combat arms and scarce skills. These supplemental educational assistance benefits would be available to those who have established eligibility for the basic program by completing 3 years of active-duty service and who subsequently complete an additional 3 years in a personnel category specified by the Service Secretary concerned in accordance with regulations of the Secretary of Defense. Those who qualify would double the basic program benefit level—becoming eligible for 36 months of educational assistance at $600 per month.

Kickers.—The Service Secretaries would also have the authority, consistent with regulations prescribed by the Secretary of Defense, to enrich either the basic benefits, without requiring additional active-duty service, or have the supplemental benefits. These kickers, up to $300 in additional benefits per month, would also be predicated on the needs of the various service branches to recruit and retain personnel in specified categories.

Administration.—The program of educational assistance, which would be established under a new chapter 29 of title 38, would be administered by the VA in a manner generally consistent with the Vietnam-era, chapter 34 GI bill. Individuals would generally have 10 years in which to use their benefits after leaving the service.

Funding.—The Department of Defense, and the Department of Transportation for the Coast Guard, would be required to transfer to the VA funds to cover benefit payments and costs associated with administering the new program.

Effective date.—The new program would become effective on September 30, 1985. However, the President could, upon giving notice to the Congress, postpone the effective date, in 1-year increments, to a date not later than October 1, 1987. S. 1747 provided that the new program would become effective on October 1, 1987. However, the President could, upon giving 90-days notice to the Congress, make the program effective at an earlier date if the President determined that doing so would be in the national interest.

II. CAREER MEMBERS' CONTRIBUTORY EDUCATIONAL ASSISTANCE PROGRAM

Eligibility.—Enlisted personnel with 10 years of active-duty service would be eligible to participate in this new contributory program.

Contributions and matching.—Eligible individuals would be able to make contributions to a fund through deductions from military pay up to a maximum of $6,000. Each $1 contributed by the service member would be matched on a 2-for-1 basis. In addition, the Service Secretaries would be authorized, based on recruitment and retention needs and with the Secretary of Defense's approval, to add supplemental contributions to an individual's fund.

Transferability.—A service member would have the option of using the benefits for his or her own education or of transferring them to a spouse or child. Benefits would be paid based on the monthly amount of contributions and the number of months in which they were made.

Administration and funding.—This program would be established under a new chapter 30 of title 38. Like the chapter 29 program described above, the new program would be administered by the VA in a manner similar to that in which the current GI bill is administered. The Department of Defense, and the Department of Transportation for the Coast Guard, would transfer to the VA funds to cover the costs of benefit payments and administrative expenses.

Effective date.—The new program would become effective on September 30, 1985. However, the President could, upon giving notice to the Congress, postpone the effective date, in 1-year increments, to a date not later than October 1, 1987.

III. EDUCATION LEAVE

The proposed amendment would add to title 10, United States Code, a new program under which individuals who establish eligibility for the new chapter 29 program would be eligible to apply for a period of up to 2 years of educational leave. For each month of leave, 2 months of service would be required to be completed following return to active duty.

Note.—The provisions of S. 1747 that would repeal the current Vietnam-era GI bill termination date of 1989 have been deleted from the proposed amendment since they have already been incorporated in S. 2723 as reported.

Mr. MATSUNAGA. Mr. President, will the Senator yield for a question?

Mr. CRANSTON. I am delighted to yield.

Mr. MATSUNAGA. As a cosponsor of the Armstrong-Cranston-Cohen-

Hollings-Matsunaga amendment, we have fully expected that Senator ARMSTRONG would be here to offer the amendment regarding the GI bill. I am truly disappointed that this matter has come up in the absence of Senator ARMSTRONG. My question to the Senator from California is that since we have not had real time to study the proposal now being considered on the floor, does not the Senator from California feel that this matter should be put over until tomorrow when Senator ARMSTRONG will be here with his amendment, of which we are cosponsors, so that the Senate can weigh the differences between our proposal and the proposal now being considered and on the floor?

Mr. CRANSTON. I thank my friend from Hawaii for that question. The answer is yes. I believe that we should not proceed to a vote today for two reasons: one, out of fairness to Senator ARMSTRONG who has had no opportunity, nor advance notice that could have caused him to be with us today, to speak to the Glenn amendment or our amendment. Second, many, many Senators are very interested in this issue, and they have had no time to study the proposed 15-page amendment by Senator GLENN and others—in order to analyze its virtues or nonvirtues. They should be given that opportunity before we rush to any action on it. For those reasons, I think we would be wise to avoid action until tomorrow.

Mr. NUNN. Mr. President, would the Senator from California yield?

Mr. CRANSTON. Certainly.

Mr. NUNN. Speaking for myself, I certainly agree that persons such as Senator ARMSTRONG should be present. I certainly have no intention of trying to push for a vote before they have a chance to debate. On the other hand, Senator TOWER made a point a little while ago which I concur in. We have been basically on this bill for 3 days waiting for people to come forward with amendments. Senator GLENN was ready and prepared. His amendment was going to come up with some opportunity. We need to get amendments up. I would hope that the Senators would cooperate. If we are not going to be able to vote on this one today, maybe we can get another amendment up today when the debate is concluded on this one in an orderly way.

Maybe we can get an amendment up tomorrow morning. My understanding is the Senator from Colorado may not be back until tomorrow afternoon. I would hate to be without an amendment pending while we wait for him to come back. On the other hand, he certainly should be heard on this issue. So I hope the Senators from California and Hawaii will help facilitate by getting other amendments up so we will not be sitting here waiting for them.

Mr. CRANSTON. Mr. President, if we can help in that regard, we most certainly will. I appreciate the understanding of our needs on the part of the Senator from Georgia. I think we might be able to reach an agreement on the time to vote tomorrow.

Mr. TOWER. Will the Senator yield? I am perfectly prepared to ask unanimous consent that this amendment be temporarily set aside if someone else is prepared to offer an amendment. I have no desire to force this to a vote, certainly in the absence of others. They are necessarily absent today. I feel that it is incumbent on me to attempt to have this bill become law. We have a very short period of time in which to try to pass this bill in the Senate, go to conference, complete a conference report, and get it to the President by the time we break for the Fourth of July.

Otherwise, the appropriations process is going to overtake us. Therefore, I feel strongly in this position. I might say it is my intention to request the majority leader to keep us in session very late in the evenings this week to try to act on amendments. At some point, we have to go to third reading, if no one is prepared to offer an amendment.

I would hope that Senators would be cooperative, and I would hope that we can go as late at night as necessary. It is important that Senators be here on Mondays and Fridays. Otherwise, a week is only 3 legislative days. That means from now until the Fourth of July recess, if you do not count Mondays and Fridays, we only have 9 legislative days.

Let me take this opportunity to urge Members who have amendments to come to the floor to offer them.

(Mr. DANFORTH assumed the Chair.)

Mr. CRANSTON. Mr. President, I fully understand the needs of the managers of the bill. We will cooperate in every way we can to expedite the action of the Senate.

Is there any other amendment the Senator is aware of that we may be able to bring up if we temporarily set this aside?

Mr. COHEN. I am told that there is an amendment to strike some of the antiabortion language in the bill. Perhaps we can make a determination as to whether that should be brought up now.

Mr. NUNN. Mr. President, I think the Senator from Maine can be confident that if that is brought up, we will be here until tomorrow afternoon, if the Senator makes that suggestion.

May I make one comment to the Senator from California. If he can ascertain when the Senator from Colorado might return, perhaps we can have a time certain to vote on this matter.

Mr. CRANSTON. We would be delighted to explore that. I might suggest the absence of a quorum so we can discuss that.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, based on some informal discussions, it seems to me that those who are principals in the debate of the moment would be willing to have this amendment temporarily laid aside and made the pending business when we turn to consideration of the bill on Wednesday morning. That will give all interested parties due notice and give those Members who are absent time to get back. The reason I suggest that is that it is our expectation tomorrow afternoon to deal with one or two, possibly three, amendmends having to do with Asat-STI amendments that will require a closed session. It seems that it will be best for that session tomorrow to follow the recess for the caucuses of the Republicans and Democrats, due to physical requirements to clear the Chamber. I hope that will be propounded in the form of a consent request as soon as the two leaders appear on the floor and if that meets the view of the minority manager and my colleague (Mr. NUNN).

Mr. NUNN. Let me say, Mr. President, that proposal appeals to me. That will meet the problems of the Senators who wish to engage in this debate at the present time, including the Senator from Colorado, and would not hold up the bill. I would ask only that the minority leader have a chance to react, because he may have other considerations.

Mr. TOWER. Let me say I have not had any reaction from the majority leader yet. That is what I would like to propose to him.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. CRANSTON. Subject to the agreement of the minority and majority leader, this is perfectly fine with me and those who are working with me on finding the best approach to a new GI bill. I thank the Senator from Texas and the Senator from Georgia for their total cooperation and understanding of our needs, and I especially thank the minority leader (Mr. BYRD) for his help when this situation began. He has always attended to the needs of Senators on this side of the aisle and the other side of the aisle. He is always one who seeks to make sure that attention to rights and privileges and prerogatives characterizes our approach here. I thank him, I thank the Senator from Wyoming (Mr. Simpson), and I thank others for their cooperation.

Mr. SIMPSON. Will the Senator from Texas yield to me?

Mr. TOWER. I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I think that is a most appropriate suggestion by Senator Tower and Senator Nunn and I join in it also. For those who have indeed been addressing this issue, all of us need to be President—not President; not that, no. We do not all need that. That is what is wrong with this place.

We all need to be present to discuss the GI bill and we will be at 9 a.m. on Wednesday morning. I think it is an excellent suggestion.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the Senator from Ohio (Mr. Glenn) be laid aside. I further ask unanimous consent that it be made the pending business when the Senate turns to the consideration of the DOD authorization bill, S. 2723, on Wednesday.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, would it be the Senator's understanding that there would be no other amendments relating to this subject that would precede that Glenn amendment?

Mr. TOWER. That would be my understanding, and I think that all of the parties to this agreement would understand there would be no attempt to introduce another amendment on a similar subject.

Mr. CRANSTON. On a separate subject, but other amendments on this subject would be in order. There is a pending amendment now, and there will be a vote on the Tower amendment first, or a tabling motion if somebody makes one. But other amendments would obviously be in order after that.

Mr. TOWER. Of course. After the disposition of the Nunn-Tower amendment in the second degree, obviously there could be other amendments on the same subject.

Mr. CRANSTON. Yes.

Mr. NUNN. What I have reference to is that once this is laid aside, it will be the pending business on Wednesday morning, but we will be on the bill after this is laid aside this afternoon and tomorrow; and it is my understanding that even though it is not explicitly spelled out in the unanimous-consent request, all parties understand that on the GI bill subject, we would not have any other intervening amendment.

Mr. TOWER. Yes.

Mr. CRANSTON. That is my understanding.

Mr. TOWER. I would feel it incumbent upon me to take whatever measures necessary if anyone should try to breach that agreement.

Mr. NUNN. In fairness to Senator Glenn, he is not here, but to protect his interests, he would certainly want a firm understanding of the parties that on this subject, his amendment will be the first one pending on Wednesday morning, and we will not take up any other amendment on this in the interim.

Mr. CRANSTON. The Tower amendment will be the subject on Wednesday.

Mr. NUNN. The Tower amendment to the Glenn amendment; that is correct.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am afraid we are out of gas. There are no other amendments that are available for us to debate this afternoon.

Mr. TOWER. Mr. President, will the Senator yield for a comment?

Mr. BAKER. I yield.

Mr. TOWER. Mr. President, I had hoped we could act on something today but too many of the principals are out of town. However, I do have some optimism that we can get the ball rolling because tomorrow afternoon two or three very critical and highly controversial amendments I think will be disposed of and that should get the ball rolling, so I am hopeful that we are going to have productive days on Tuesday, Wednesday, and Thursday.

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate complete its business today, it stand in recess until the hour of 11 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection , it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR PROXMIRE AND A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin (Mr. Proxmire) be recognized on special order of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business in which Senators may speak for not more than 2 minutes each and which will extend no later than 11:20 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTIONS OF SECRECY

Mr. BAKER. Mr. President, the request I am about to put has been cleared by the minority leader.

As in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties transmitted to the Senate today by the President of the United States:

The treaty with the Italian Republic on Mutual Assistance in Criminal Matters (Treaty Document No. 98-25); and

A treaty with Canada relating to the Skagit River and Ross Lake in the State of Washington, and the Seven Mile Reservoir on the Pend d'Oreille River in the Province of British Columbia (Treaty Document No. 98-26).

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States of America and the Italian Republic on Mutual Assistance in Criminal Matters, together with a related Memorandum of Understanding, signed at Rome on November 9, 1982.

I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual assistance treaties being negotiated by the United States. This Treaty contains two major innovations: compulsory testimony in the requesting State in appropriate cases and the immobilization and forfeiture of assets. The former is of great importance in insuring complete trials in an age of rapidly increasing levels of international criminal activity. The latter is of great importance in depriving international criminals of the fruits of their crimes. The Treaty primarily utilizes existing statutory authority, but will require implementing legislation for the provision concerning forfeiture of assets.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) executing requests relating to criminal matters; (2) taking of testimony or statements of persons; (3) effecting the production and preservation of documents, records, or articles of evidence; (4) serving judicial documents; (5) requiring the appearance of a witness before a court of the requesting Party; (6) locating persons; and (7) providing judicial records, evidence, and information.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *June 11, 1984.*

To the Senate of the United States:

With a view of receiving the advice and consent of the Senate to ratification, I transmit herewith a Treaty between the United States of America and Canada relating to the Skagit River and Ross Lake in the State of Washington, and the Seven Mile Reservoir and the Pend d'Oreille River in the Province of British Columbia, together with a report of the Department of State.

The primary purpose of this Treaty is to provide the necessary legal bases for an arrangement under which the City of Seattle, Washington will refrain from raising the Ross Dam on the Skagit River, thus avoiding additional flooding of the Skagit Valley in the Canadian Province of British Columbia, and will receive in return a guaranteed long-term supply of electrical power from British Columbia. Through this arrangement a long-standing dispute between Seattle and British Columbia over the construction of the High Ross Dam has been constructively and ingeniously settled, and a difficult and potentially divisive bilateral problem between the United States and Canada positively resolved. The British Columbia-Seattle Agreement and the United States-Canada Treaty that provides the necessary legal bases for the Agreement represent both a significant substantive achievement in terms of power provision and environmental conservation, and a model for the orderly and amicable settlement of international issues.

I recommend that the Senate give early and favorable consideration to the Treaty, and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *June 11, 1984.*

AUTHORIZING TESTIMONY OF A SENATE EMPLOYEE

Mr. BAKER. Mr. President, finally there is one housekeeping matter that needs to be attended to. I have cleared this with the minority leader as well.

I ask unanimous consent that it may be in order at this time, on behalf of myself and the distinguished minority leader, to send to the desk a Senate resolution dealing with representation by the Senate Legal Counsel.

The PRESIDING OFFICER. The clerk will report the resolution. The assistant legislative clerk read as follows:

A resolution (S. Res. 401) authorizing testimony of Rey Post in State of Vermont v. Jeanne Keller, et al and related cases.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAKER. Mr. President, on June 8, the Senate agreed to Senate Resolution 400 to authorize testimony by Mr. Rey Post, Vermont Staff Director for Senator STAFFORD, in a prosecution by Vermont authorities of a demonstrator who took part in the occupation of Senator STAFFORD's Winooski, VT, office, in late March 1984. Mr. Post has now been subpenaed to testify in proceedings concerning several other persons who took part in the occupation of the Senator's office. The following resolution would authorize Mr. Post's testimony in these proceedings and in any other cases arising out of that incident.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 401) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 401

Whereas, in the cases of *State of Vermont* v. *Jeanne Keller, et al.*, Case Nos. 1372-4-84CNCR, et al., which are pending in the Vermont District Court, a subpoena has been issued for the testimony of Rey Post, the Vermont Staff Director for Senator Robert T. Stafford;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that testimony, documents, papers, and records under the control of or in the possession of the Senate are needful for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistently with the privileges and rights of the Senate: Now, therefore, be it

Resolved, That Rey Post is authorized to appear and to testify in *State of Vermont* v. *Jeanne Keller, et al.*, and related cases.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow the Senate will convene at 11 a.m. After the recognition of the two leaders under the standing order, the distinguished Senator from Wisconsin, Mr. PROXMIRE, will be recognized on a special order of not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business until 11:20. At the conclusion of the period for the transaction of routine morning business, the Senate will resume consideration of calendar order No. 544, S. 2723, the Omnibus Defense Authorization Act of 1985.

Mr. President, votes are anticipated during the day tomorrow and perhaps a late day.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, I now move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 11 o'clock a.m. tomorrow.

The motion was agreed to; and, at 4:02 p.m., the Senate recessed until Tuesday, June 12, 1984, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 1984:

IN THE AIR FORCE

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

Gen. Billy M. Minter, 443-20-2112FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Charles L. Donnelly, Jr., 287-24-0955FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles J. Cunningham, Jr., 197-26-1874FR, U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Alfred B. Cole, 415-24-7175FG, Air National Guard of the United States.

Brig. Gen. Richard J. Geehan, Jr., 023-20-3025FG, Air National Guard of the United States.

Brig. Gen. John L. Matthews, 529-38-0878FG, Air National Guard of the United States.

Brig. Gen. Robert W. McDonald, 467-34-0794FG, Air National Guard of the United States.

To be brigadier general

Col. Ernest Z. Adelman, 500-40-2316FG, Air National Guard of the United States.

Col. Vernon E. Baldeshwiler, 388-30-2505FG, Air National Guard of the United States.

Col. Donald B. Barshay, 297-24-8474FG, Air National Guard of the United States.

Col. Edward A. Belyea, 364-32-5091FG, Air National Guard of the United States.

Col. Robert G. Chrisjohn, Jr., 478-50-3723FG, Air National Guard of the United States.

Col. Richard M. Eslinger, 334-22-8094FG, Air National Guard of the United States.

Col. Francis E. Hazard, 113-18-0713FG, Air National Guard of the United States.

Col. Stanley V. Hood, 432-26-4446FG, Air National Guard of the United States.

Col. Homer H. Humphries, Jr., 267-32-0558FG, Air National Guard of the United States.

Col. Otto K. Korth, Jr., 473-26-9255FG, Air National Guard of the United States.

Col. Edward S. Mansfield, 024-28-1209FG, Air National Guard of the United States.

Col. James R. Mercer, 254-36-4612FG, Air National Guard of the United States.

Col. John L. Smith, 406-42-6812FG, Air National Guard of the United States.

Col. Arthur P. Tesner, 370-30-3224FG, Air National Guard of the United States.

Col. William R. Turnipseed, 417-52-9853FG, Air National Guard of the United States.

Col. Revere A. Young, 448-24-6918FG, Air National Guard of the United States.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Joseph K. Bratton, 472-24-0434, age 58, U.S. Army.

The following officers for appointment as Reserve Commissioned officers in the Adjutant General's Corps, Army National Guard of the United States, Reserve of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Nathaniel G. Troutt, 428-38-1553.

Col. Edward D. Baca, 525-74-2555.

HOUSE OF REPRESENTATIVES—*Monday, June 11, 1984*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 7, 1984.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 11, 1984.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, this day for all those people to whom great responsibilities is given. We remember leaders of government that they will do justice and serve people with equity. We pray for mothers and fathers who seek to support their children with direction and purpose and who desire to share their love and affection. We recall, too, all dedicated teachers whose gift to others is knowledge and understanding. O God, encourage us all in our responsibilities that we will gain a heart of wisdom. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has exmained the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment, a bill of the House of the following title:

H.R. 5517. An act to amend title 31, United States Code, to provide for certain additional experts and consultants for the General Accounting Office, to provide for certain additional positions within the General Accounting Office Senior Executive Service, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 7 to the bill (H.R. 1723) entitled "An act to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges."

The message also announced that the Senate had passed a bill and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 2614. An act to amend the Indian Financing Act of 1974;

S.J. Res. 230. Joint resolution to designate the week of October 7, 1984 through October 13, 1984 as "National Birds of Prey Conservation Week";

S.J. Res. 240. Joint resolution relating to the fortieth anniversary of the liberation of Rome;

S.J. Res. 257. Joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean";

S.J. Res. 296. Joint resolution to designate June 14, 1984, as "Baltic Freedom Day";

S.J. Res. 298. Joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day";

S.J. Res. 302. Joint resolution to designate the month of September 1984 as "National Sewing Month";

S.J. Res. 303. Joint resolution to designate the week of December 9, 1984, through December 15, 1984, as "National Drunk and Drugged Driving Awareness Week."

The message also announced that Mr. SIMPSON, Mr. THURMOND, and Mr. CRANSTON, from the Committee on Veterans' Affairs, be additional conferees, solely for the consideration of title V of division B of the House amendment to the Senate amendments to the bill (H.R. 4170) entitled "An act to provide for tax reform, and for other purposes."

HELEN CLOUD AUSTIN, SOCIAL WORKER OF THE YEAR

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, this morning here in Washington, a highly dedicated and innovative San Antonio social worker, Helen Cloud Austin, was officially recognized as being the best among her peers in ceremonies by the National Association of Social Workers.

Mrs. Austin, who directs the social service department at San Antonio State Hospital, which serves 37 Texas counties, has a long and outstanding career in social work, but she is most noted in recent months for her work in arranging for nearly 250 mental patients to register and vote in the May 5 Texas primary.

The annual Social Worker of the Year Award is given to a social worker who demonstrates exemplary work in advancing the quality of life for those in need. Criteria for the award include taking risks and enlisting public support for better social services.

Helen Austin has met that criteria. Not only did she engage in a voter registration project for SASH patients and staff members, but she developed a community care program which has placed more than 300 patients in foster homes. It serves as a model for helping the chronically mentally ill live more normal lives, and saves Texas taxpayers several hundred dollars per patient per month.

Another program she began provides transportation on the "SASHmobile" so family members can visit patients. She has also arranged for social workers to transport patients for evaluation, sparing them the stigma of transportation by the sheriff's department, as had been the practice.

Among her other achievements are a hospital orientation program for newly admitted patients, workshops to reacquaint judges with the needs of mentally ill persons, and regular trips to unite patients with families and friends.

Further, Mrs. Austin is an inspiration and role model for her colleagues at the San Antonio State Hospital, 19 of whom have completed graduate studies in social work through her encouragement. The staff she directs totals 32 social workers, who either have bachelor's or master's degrees.

A graduate of the Raymond A. Kent School of Social Work at the University of Louisville in Kentucky where she received her master's degree in 1953, Mrs. Austin worked for 3 years following graduation as a caseworker for the Cook County Psychiatric Hospital in Chicago.

Mr. Speaker, and other colleagues in the House, I have had the opportunity to work with Dr. Robert M. Inglis, the administrator of the San Antonio State Hospital, and members of his staff, for many years in efforts which help to improve upon the services and care of the mentally ill, and mentally disabled.

I highly commend Mrs. Austin for all that she has done in her 31 years of service, 19 of which have been with the San Antonio State Hospital, to help countless Americans recovering from mental illness find more productive and fulfilling lives.

It is my honor to join the president of the National Association of Social Workers, Robert P. Stewart, and

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

NASW's 94,000 members, in saluting Helen Cloud Austin as the 1984 Social Worker of the Year, an honor most sincerely deserved by this wonderful constituent of the 20th Congressional District of Texas.

THE IMMIGRATION REFORM BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, this afternoon, perhaps midafternoon, the House will have an opportunity to take a vote on the rule which will provide for the consideration of the immigration reform bill. I would ask and earnestly implore all of the Members to vote for the rule.

The rule is open and fair. It is not restrictive. The Rules Committee has made 69 amendments in all shades of degree in order to the bill.

The bill, despite what the Members may have heard, is not a partisan bill. It came out of my Immigration Subcommittee twice, Democrats and Republicans voted for it. It came out of the Judiciary Committee twice, Democrats and Republicans voted for it. Four administrations, Democrat and Republican, have supported the bill.

Despite what we might hear, there is support for the bill out in the public. All the polls indicate, whether you are taking polls of all Americans or Hispanic Americans, that they are for the bill.

I would just lastly say that a vote against the bill is a vote for the status quo. And a vote for the status quo is a vote for continued discrimination. It is a vote to continue the breaching of our sovereign border. It is a vote to continue the disruptive raids. It is a vote to continue the shadowy existence of the many undocumented workers who are here.

All I ask the House is for a chance, a chance for us to consider this bill, and I therefore ask you earnestly, please vote for the rule.

ALCOHOL FUEL

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, recent headlines from the Persian Gulf underscore the critical importance of developing America's alcohol fuel potential. Alcohol fuel can be our energy lifesaver. But we are without the policies needed to make it happen.

Our farmers literally plead to be allowed to save us from our own energy folly. And that folly is underscored by the fact alcohol fuel has now been conclusively proven to be an effective alternative to oil.

We should raise the alcohol fuel tax exemption. We should establish a strategic alcohol reserve. We should initiate immediate hearings to examine the alcohol fuel development which has taken place, and to seek ways in which it can be speeded dramatically.

With each tanker hit by Iranian and Iraqi forces, our snail's pace approach to the development of alcohol fuel looks dumber and dumber. We have farmers desperately seeking markets for their grain. We have a crying need for a dependable source of liquid fuel. We have the technology to use alcohol to meet that need. We lack only the vision to use what we have.

Let us find that vision now, before it is too late.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the District of Columbia business and on each motion to suspend the rules on which a recorded vote or the yeas or nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken today after debate has been concluded on all motions to suspend the rules.

□ 1210

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER pro tempore. This is District of Columbia day. The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

CONCERNING THE RELOCATION OF CERTAIN FEDERAL FACILITIES IN THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 5565) to direct the Architect of the Capitol and the District of Columbia to enter into an agreement for the conveyance of certain real property, to direct the Secretary of the Interior to permit the District of Columbia and the Washington Metropolitan Area Transit Authority to construct, maintain, and operate certain transportation improvements on Federal property, and to direct the Architect of the Capitol to provide the Washington Metropolitan Area Transit Authority access to certain real property, and ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill, and that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (A) Within sixty days after the enactment of this Act, the Architect of the Capitol under the direction of the Joint Committee on the Library (hereinafter referred to as the "Architect") and the District of Columbia government (hereinafter referred to as the "District") shall enter into an agreement consistent with the provisions of this Act.

(b) Such agreement shall include the following provisions:

(1)(A) The Architect and the District shall determine a site of not less than twenty-five contiguous acres under the jurisdiction of the District upon which the facilities existing on the date of enactment of this Act which are operated and maintained by the United States Botanic Garden at the Poplar Point Greenhouse and Nursery described in section 3(a) shall be relocated.

(B) The District, in cooperation with the Washington Metropolitan Area Transit Authority, shall be responsible for relocation expenses. Such relocation expenses may include the replacement of any facilities maintained by the United States Botanic Garden at the Poplar Point location by facilities of such design and construction as may be determined by the Architect and the Joint Committee on the Library with the concurrence of the Secretary of the United States Department of Transportation and the District. Such relocation expenses shall be eligible as provided by section 108(b)(3) of the Federal-Aid Highway Act of 1956, as amended by section 127(a)(3) of the Surface Transportation Assistance Act of 1982, and to the extent otherwise eligible under title 23, United States Code.

(2) The District shall convey without consideration to the Architect on behalf of the United States all right, title, and interest of the District in any real property determined pursuant to paragraph (1) as the replacement site.

(3) The District shall convey without consideration to the Secretary of the Interior (hereinafter referred to as the "Secretary") on behalf of the United States all right, title, and interest of the District in the real property described in section 3(b), known as the Lanham Tree Nursery.

SEC. 2. (a) Within sixty days of the enactment of this Act the real property described in section 3(a), known as the Botanic Garden Greenhouse and Nursery at Poplar Point, shall come within the jurisdiction of the Secretary: *Provided*, That the Architect shall retain the right to continue the current use of the property until the replacement facilities of the Architect are completed.

(b) Within sixty days after the Secretary assumes jurisdiction for such real property under subsection (a), the Secretary shall enter into an agreement with the District and the Washington Metropolitan Area Transit Authority under which the District and the Washington Metropolitan Area

Transit Authority will be authorized to construct, maintain, and operate certain facilities designed to improve transportation in the Washington metropolitan area.

(c) Upon the Secretary assuming jurisdiction for such real property under subsection (a), the Secretary and the District shall develop a land use plan for such portions of any real property described in section 3 as the Secretary and the District jointly determine will not be necessary for transportation improvement purposes when green line service is extended to its ultimate terminus in Prince George's County.

(d) On the date of conveyance of such real property as described in section 1(b)(2), the United States Capitol Police shall have such jurisdiction over such real property as is provided under section 1826 of the Revised Statutes (40 U.S.C. 215)

(e) The Architect shall, not later than ten days after the enactment of this Act, provide to the Washington Metropolitan Area Transit Authority access to the real property described in section 3(a) for the purpose of conducting any and all necessary surveys, studies, evaluations, and tests, as determined by the Washington Metropolitan Area Transit Authority, and for the purposes of construction of the rail line tunnel in the area beginning at a point on the east line of the parcel, the point of beginning having Metro project coordinates north 376,664.236 and east 801,187.843, thence leaving said line and through said parcel the following seven courses:

(1) South 76 degrees 32 minutes 04.2 seconds west, 294.52 feet; thence

(2) south 16 degrees 25 minutes 29.4 seconds east, 9.80 feet; thence

(3) south 73 degrees 34 minutes 30.2 seconds west, 86.57 feet; thence

(4) north 16 degrees 24 minutes 31.2 seconds west, 9.80 feet; thence

(5) south 73 degrees 34 minutes 20.8 seconds west, 31.39 feet; thence

(6) south 0 degrees 01 minutes 36.3 seconds east, 109.22 feet; thence

(7) north 90 degrees 0 minutes 0 seconds west, 420.76 feet to a point on the west line of said parcel; thence along said line

(8) north 0 degrees 01 minutes 35.8 seconds west, 577.12 feet to the northwest corner of said parcel; thence along the northerly line of said parcel

(9) south 72 degrees 01 minutes 48.6 seconds east, 862.55 feet to the northeast corner of said parcel; thence along the east line of said parcel

(10) south 0 degrees 02 minutes 22.5 seconds east, 99.85 feet to the point of beginning, containing 300,235 square feet or 6.892 acres.

(f) When the facilities of the Architect have been relocated, pursuant to section 1, the Secretary shall provide the Washington Metropolitan Area Transit Authority right of access to construct, maintain, and operate all other transportation facilities described in section 3(a) designed to improve transportation in the Washington Metropolitan Area.

SEC. 3. (a) The real property referred to in section 1(b)(1) known as the Botanic Garden Greenhouse and Nursery which is in Anacostia Park is comprised of the following parcels of property:

(1) A parcel of approximately fourteen and seventy-five one-hundredths acres that was transferred from the Diretor of Public Buildings and Public Parks of the National Capital to the jurisdiction of the United States Botanic Garden for use as a tree nursery pursuant to the Act of June 26, 1926 (44 Stat. 774).

(2) A parcel of approximately seven and eighty-three one-hundredths acres that was acquired by the United States Botanic Garden from the Secretary in 1935 in exchange for certain other property under the provisions of the Act of May 20, 1932 (47 Stat. 161).

(3) A parcel of approximately two and eight one-hundredths acres that is occupied by the Architect pursuant to a special use permit issued by the Secretary on March 10, 1977, to the chairman of the Joint Committee on the Library.

(b) The real property referred to in section 1(b)(3) known as the Lanham Tree Nursery which is in Anacostia Park consists of a parcel of approximately thirty-four and five-tenths acres that was transferred from the Director of Public Buildings and Public Parks of the National Capital to the jurisdiction of the District for use as a tree nursery.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, H.R. 5565 involves two tracts of public land next to Interstate Highway 295 in southeast Washington, DC. The bill sets in motion the transfer of jurisdiction of the land and its use between four public agencies, including two Federal agencies, the government of the District of Columbia, and the interstate compact agency, the Washington Metropolitan Area Transit Authority, which is building the subway system in the D.C. area.

The reason that this bill is needed at this time is that construction of the Green Line of the D.C. subway system has reached a point where the Anacostia Station across the South Capitol Street Bridge is ready to be built, together with parking facilities and a ramp to the adjacent interstate highway.

Land needed for this purpose is now being used by the Architect of the Capitol as a tree nursery. The Architect would give up his use at that place and relocate 4 miles away on land at D.C. Village now under the jurisdiction of the D.C. government.

Not included in H.R. 5565 are the actual agreements by which jurisdiction will transfer from one public official to another, the exact boundaries, and the source of funding of relocation expenses. These will be worked out by the various agencies according to existing law.

Thus, the U.S. Department of Transportation may supply some of the funds through the mass transit grant program and through the highway trust fund. A letter from the Department of Transportation is printed on page 6 of the committee report, House Report 98-810, part 1. The amendment suggested by the Department of Transportation has been incorporated in the bill.

The National Park Service/Department of the Interior will accept jurisdiction of land presently under the jurisdiction of the Architect of the Capitol. Amendments suggested by the National Park Service have been incorporated in the bill. The letter from the National Park Service is set out on page 4 of the committee report.

A letter from the Architect of the Capitol with his suggestions appears on page 8. The committee gave consideration to each of the suggestions. As he points out, his involvement is as Acting Director of the U.S. Botanic Garden. The site at D.C. Village, to which the nursery and greenhouse will be relocated, includes the District of Columbia Metropolitan Police Department Canine Facility located at 4665 Blue Plains Drive and the office building and parking facility at 4701 Shepherd Parkway occupied by the D.C. Department of Transportation. The new facilities will be under the jurisdiction of the Joint Committee on the Library as is the current facility.

Surveys and tests for construction of the subway facilities would not interfere unreasonably with the operation of the nursery and greenhouse before they have been relocated. The new nursery facilities would be designed and built to currently acceptable standards.

Extensive discussions have taken place already among these agencies and with staff members of committees of the House so that action will begin as soon as the President signs this bill into law. This is an important bill deserving approval by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. PARRIS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, as the minority sponsor of H.R. 5565, I rise in support of the bill and the Fauntroy amendment to it.

H.R. 5565 provides for the transfer of the facilities of the Architect of the Capitol from Poplar Point to another site also within the District of Columbia. As a result, design and construction work on the Anacostia Metro Station, part of the Green Line, can begin on the Poplar Point site. The eventual completion of the Green Line will be welcomed by residents of all the Metropolitan Washington jurisdictions, especially those of us who have spent countless hours on I-295 traveling to and from the beltway out of and into Washington.

Because of the partial lifting of the injunction against further work on the Green Line and because of the funding and the design and construction schedule for the project, it was absolutely essential that the committee move expeditiously on this bill, which it did under the leadership of Chairman DELLUMS and Subcommittee Chairman FAUNTROY. Wishing to report a bill which would contain the costs of relocating the Architect's facilities, we revised the language of the bill to specify the authority which would provide for the relocation and the participation of the U.S. Department of Transportation.

My original substitute amendment to H.R. 4153 was silent on the question, as it was my understanding that the mechanics of the transfer and the participation of the Secretary of Transportation in the process could be provided for by current law—that is, the Uniform Relocation Act. I also felt the act would provide the necessary controls on the cost of the transfer.

In a further effort to contain the costs of replacement in a subsequent compromise version of the bill, we specifically required the concurrence of the Secretary and mentioned three statutes. These provisions constitute section 1(b)(1)(B) of H.R. 5565. Because of the necessity of moving the bill, as I noted earlier, the bill moved rapidly through the committee and, subsequently, discussions with the Public Works Committee indicated that specifically requiring the concurrence of the Secretary and mentioning the statutes was not necessary and might be redundant and confusing.

Discussions with the Transportation Department confirmed that it would be preferable to strike section 1(b)(1)(B), and the Office of Management and Budget has sent a letter to the District Committee supporting the deletion of that section. For these reasons, I support the Fauntroy amendment and urge its adoption by the House.

This bill is good for the entire Washington area, and it is good for Metro. I urge its prompt consideration and passage by the House.

Mr. Speaker, I yield back the balance of my time.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 5565, a bill to authorize relocation of facilities operated by the Architect of the Capitol at Poplar Point in Washington, DC, to an equivalent site also in Washington, DC, and to provide to the Washington Metropolitan Area Transit Authority access to certain real property.

This legislation is needed to enable construction of the long-awaited metrorail green line to the Anacostia area of the District of Columbia, and subsequently, to Prince Georges County, MD.

The Anacostia area is home to the most transit-dependent residents in the National Capital region. Passage of this bill will move those persons closer to full use of the subway system. A further benefit of the legislation is that when construction of these facilities is complete, property along the Anacostia River at Poplar Point will be returned to use as an active part of Anacostia Park, a park of national significance under the jurisdiction of the Department of the Interior.

Mr. Speaker, H.R. 5565 is the culmination of more than 5 years of planning and negotiations involving the community, the National Park Service, the Architect, the U.S. Department of Transportation, the District government, the Washington Metropolitan Transit Authority, and Members of Congress. The bill addresses the concerns of all these parties and will benefit all parties.

The Poplar Point facilities now used by the Architect for a tree nursery and related uses, are located on the proposed site of a regional bus interchange and parking facility, which is adjacent to the planned Anacostia station on the green line. This facility, when complete, will serve more than 1,100 buses each day or some 6,000 riders a day, who will use metrorail for the remainder of their journey to and from the District of Columbia. Parking for 700 automobiles and vans is to be provided in a garage adjacent to Interstate 295 and connecting directly to the metrorail station. In addition, 400 vehicles will be accommodated in temporary parking facilities, which will be used until the green line is extended to its terminus in Maryland. These facilities are designed to meet a critical regional transportation need and will greatly improve traffic conditions in the I-295 corridor.

The costs associated with the relocation of facilities now operated by the Architect at this site will be paid for from already authorized project funds of the highway and transit projects. The District has identified a site of 25 contiguous acres which it owns in southwest Washington, and the Architect has deemed it an acceptable relocation site. Thus, H.R. 5565 will require no new funds from the U.S. Treasury.

In addition to those transportation facilities I have already described, a portion of the property now occupied by the Architect's facilities is needed for construction of the rail line connecting the Anacostia station to the Navy Yard station. It is this latter point that makes passage of this legislation today so essential. WMATA is prepared to let bids in July for construction of the tunnel section of the green line, under the Anacostia River. Without authorization to enter into the series of land transfers anticipated in this bill, the Architect's facilities cannot be relocated, and construction work cannot begin. The existing facilities serve as an impediment to construction of the rail line to Anacostia.

If Congress fails to enact this legislation this month, we will be responsible for delaying construction of this much needed rail line. More importantly, since both Federal and local funds have been set aside for this section of the green line since 1982, and since inflation has eroded the buying power of those 1982 dollars, further delays could create serious financial problems for the transit authority in its effort to construct this rail line and the bus and parking facilities.

Apart from the property used by the Architect, portions of adjacent property under the jurisdiction of the National Park Service and of the District of Columbia are also needed for the parking garage and for access to the facilities. The bill therefore authorizes the District to enter into certain agreements to transfer jurisdiction of District-owned land at Poplar Point to the Park Service, so that the entire site, upon which the transportation facilities and the restored park to be located, will be under the jurisdiction of the Park Service. The end result of these exchanges will be the development of the transportation facilities I have described and restoration of some 30 acres of land along the Anacostia River as Parkland, consistent with the intent of Congress when Anacostia Park was created.

Mr. Speaker, I urge passage of H.R. 5565. Thank you.

AMENDMENT OFFERED BY MR. FAUNTROY

Mr. FAUNTROY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAUNTROY: Page 2, strike out line 17 and all that follows through line 6 on page 3.

Page 2, line 1, strike out "(A)" and insert in lieu thereof "(a)"; and on line 9, strike out "(A)".

□ 1220

Mr. FAUNTROY. Mr. Speaker, the proposed amendment grows out of a series of recent meetings among the interested parties and is offered to further streamline the legislation and to avoid any confusion as to how H.R. 5565 may affect current law.

The proposed amendment eliminates a section of H.R. 5565, which has been determined to be unnecessary.

When the committee first considered this legislation, we believed it necessary to address the issue of how the costs associated with relocating the Architect would be paid. Section 1(b)(1)(B) was designed to address that issue by specifying how the necessary Federal and local funds might be secured, and by referencing applicable sections under title 23, under which such relocation expenses are eligible. This provision was developed in concert with the U.S. Department of Transportation. Following committee action, however, further discussions with U.S. DOT revealed that such expenses are eligible under already authorized transit and highway funds. These expenses are eligible because under the Uniform Relocation Assistance and Land-Use Policies Act of 1970, federally funded projects cannot displace public facilities without providing for functionally appropriate replacement facilities.

The District, in cooperation with the Architect, WMATA, and USDOT, is nearing completion of a study which will identify a specific relocation plan and appropriate replacement facilities for the Architect, as directed by this act. When this study is complete, the District and USDOT will determine how these expenses are to be allocated between the transit project, funded by the Urban Mass Transportation Administration, and the highway project, funded by the Federal Highway Administration.

For these reasons, section 1(b)(1)(b) is nonessential and should be deleted as provided in my amendment. Thank you.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. FAUNTROY. I yield to the distinguished chairman, the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Speaker, I would like to indicate that the Chair concurs in the amendment offered by my distinguished colleague, the gentleman from the District of Columbia. The majority is prepared to accept the amendment as indicated by my colleague.

The amendment simply seeks to eliminate unnecessary language from the bill and to further explain the language is unnecessary because funds for relocation of the Architect are already available and it is not and was not the intent of the committee to authorize any new funds. The language to be stricken is merely a restatement of existing law and it does not need it.

Mr. FAUNTROY. I thank the gentleman.

Mr. PARRIS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I know of no opposition to the amendment. The administration supports it, and I urge its adoption.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY).

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McKINNEY. Mr. Speaker, H.R. 5565 is a measure to which I am pleased to lend my full support. When enacted, it will provide for the rapid resolution of a vexing problem with only minimal interference by the Congress.

The situation is rather straightforward. In order for Metro to continue efforts toward completing the 101-mile system by moving the green line route into Anacostia, it must acquire land which is currently occupied by the greenhouse and nursery facilities of the Architect of the Capitol, and by the D.C. tree nursery. H.R. directs that the city and the Architect of the Capitol enter into an agreement within 60 days which would transfer at least 25 contiguous acres of land under the control of the District of Columbia to the Architect. This land would be used to relocate the Architect's facilities. Procedurally, the Interior Department would reclaim title to both parcels of property, and then enter into an agreement with the city and Metro for construction of transportation improvements.

The bill is not specific with respect to the site that the District of Columbia will transfer to the Architect, although the site has already been agreed upon by the parties involved. It will consist of 25 acres in the area known as D.C. Village, and it includes an administrative building currently being used by the D.C. Department of Transportation. No mention is made of the specific site for the relocation of the city's tree nursery either, but the committee has learned that the Park Service will issue a permit for the city to utilize approximately 17 acres in an area known as Oxon Cove, which is within the boundaries of the District of Columbia and is near the site where the Architect's facilities will be relocated.

The most confusing portion of this bill relates to funding the relocation of facilities. An earlier version provided that the Architect would be the sole determinant of the design, size, and number of facilities which would be built at the new site, and that these costs would be 100 percent eligible for financing with Federal aid-highway funds. As noted in a letter from the U.S. Department of Transportation found on pages 6 and 7 of the committee report, there was serious objection raised to this significant departure from the norm. Accordingly, the amendment suggested by the Department of Transportation is now included in H.R. 5565. This amendment, which is embodied in section 1(b)1(B) of the bill, states that the applicability of Federal funding to the relocation costs will be handled under the provisions of existing law, as will the determination of which costs are eligible under the normal functional replacement guidelines for a relocation.

I would note further that the amendment proposed by the Delegate from the District of Columbia (Mr. FAUNTROY) will delete the very section which was suggested by the administration as necessary for support of the bill, that being section 1(b)1(B) which I just highlighted. Lest that raise concern on either side of the aisle, I would note that the administration has no objection to the bill so amended for one very basic reason. Section 1(b)(1)(B) is required only as an alternative to language in earlier versions of this bill which would direct certain actions beyond existing law. In the absence of contrary language, this section which merely restates existing law is not required.

Mr. Speaker, this bill will remove one of the impediments to the continued progress of Metro in bringing on line a full, 101-mile subway system for the Nations Capital. It will permit the residents of Anacostia and of Prince Georges County access to a system that others in this region have enjoyed for years. The provisions of the bill insure that the involved parties will be treated equitably. And finally, but perhaps most importantly, this legislation directs that within certain guidelines, the involved parties come to an agreement. I find that to be a refreshing change from the temptation for Congress to mandate very specific actions, an approach which has resulted in acrimony in the past.

H.R. 5565 is the result of several incarnations, and I believe it is the best possible manner in which to handle the problem. That assessment is shared by others from the committee, from the surrounding jurisdictions, and by the administration. I urge the support of all of my colleagues.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

BALTIC FREEDOM DAY

Mr. YATRON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 296) to designate June 14, 1984, as "Baltic Freedom Day," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 296

Whereas the people of the Baltic Republic of Lithuania, Latvia and Estonia have cherished the principles of religious and political freedom and independence; and

Whereas the Baltic Republics have existed as independent, sovereign nations belonging to and fully recognized by the League of Nations; and

Whereas the people of the Baltic Republics have individual and separate cultures, national traditions, and languages distinctively foreign to those of Russia; and

Whereas the Union of Soviet Socialist Republics (U.S.S.R.) in 1940 did illegally seize and occupy the Baltic Republics and by force incorporate them against their national will and contrary to their desire for independence and sovereignty into the U.S.S.R.; and

Whereas the U.S.S.R. since 1940 has systematically removed native Baltic peoples from their homelands by deporting them to Siberia and caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

Whereas the U.S.S.R. has imposed upon the captive people of the Baltic Republics and oppressive political system which has destroyed every vestige of democracy, civil liberties, and religious freedom; and

Whereas the people of Lithuania, Latvia, and Estonia find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest; and

Whereas the United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism; and

Whereas the United States, as a member of the United Nations, has repeatedly voted with a majority of that international body to uphold the right of other countries of the world, including those in Africa and Asia, to determine their fates and be free of foreign domination; and

Whereas the U.S.S.R. has steadfastly refused to return to the people of the Baltic States the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress of the United States recognizes the continuing desire and the right of the people of Lithuania, Latvia, and Estonia for freedom and independence from the domination of the U.S.S.R. and deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression and that the fourteenth day of June 1984, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, be designated "Baltic Freedom Day" as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people and that the President of the United States be authorized and requested to issue a proclamation for the observance of Baltic Freedom Day with appropriate ceremonies and activities.

Mr. YATRON. Mr. Speaker, Senate Joint Resolution 296 designates June 14, 1984, as Baltic Freedom Day, and it deserves the full support of every Member of this Chamber. I would like to take a few minutes to discuss the importance of this measure.

For the past 2 years, the Congress has approved similar legislation recognizing June 14 as Baltic Freedom Day. While I am heartened by the overwhelming congressional support these measures have received, it is nevertheless distressing to note that such resolutions are still necessary. The brutal and oppressive occupation of Latvia, Lithuania, and Estonia by the Soviet Union continues after 44 years.

In June 1940, Soviet troops invaded and illegally annexed the Baltic republics, which had stood as independent, sovereign states for 22 years. The Baltic peoples have individual and separate cultures, national traditions and languages, distinct from Russia. These are people who cherish the fundamental principles of liberty and justice and who want nothing more than to manifest their national identities through independent statehood. They desperately desire, once again, to taste the sweet nectar of freedom.

The continued domination of the Baltic peoples by the Soviets is indeed one of the saddest human tragedies of our time. For the last 44 years, the Soviets have ruthlessly endeavored to suppress Baltic nationalism. Baltic peoples have been systematically and forcefully deported from their homelands to Siberia and masses of Russians have been relocated in the republics. The Soviets have totally eradicated any semblance of democracy, civil liberties, and religious freedom in the Baltic States. Families have been separated, and many individuals have been jailed at hard labor, while others have suffered vile and unspeakable forms of persecution, including death, for any exercise of their religious or ethnic beliefs. The human rights violations endured by the Baltic peoples are atrocious.

Yet, even under these extreme and terrible conditions, the Baltic peoples have maintained their national identities and have continued their struggle for freedom. The flames of liberty have not been totally doused, but continue to smolder, ready to flare up again under the proper conditions.

Our Nation was founded on the fundamental principles of life, liberty, and the pursuit of happiness, and many Americans have shed their blood in battle to perserve these values and to protect free people from the scourge of totalitarianism. We therefore have a moral obligation to assist those who still suffer under the heavy hand of oppression. Passage of Senate Joint Resolution 296 is an important step toward this objective. It serves as a reaffirmation to the world of America's refusal to accept Soviet sovereignty of the Baltic republics. It proclaims our recognition of the right and continuing desire of the people of Lithuania, Latvia, and Estonia for freedom, independence, and human dignity.

Mr. BROOMFIELD. Mr. Speaker, I eagerly support this joint resolution designating June 14, 1984, as Baltic Freedom Day. Our action will be a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic people. With our support, June 14, will be celebrated throughout the land with appropriate ceremonies and activities.

As all of you know, the history of the Baltic States is a tragic one. All free men should know the sad story of that area and never forget it. The free world must profit from the mistakes of the past.

Estonia, Lithuania, and Latvia were once free and independent nations. In 1922, the United States recognized those republics and welcomed them into the international arena.

In 1940, the Soviet Army marched into the Baltic States. They effectively sealed the Baltic nations off from the eyes of the West. They formed puppet regimes and insured that the legislatures were completely dominated by members of the Communist Party. They petitioned the Supreme Soviet of the U.S.S.R. to incorporate each Baltic republic into the Soviet Union.

The Soviets then began a systematic campaign of violence against the population of these nations. Over 655,000 Estonians, Latvians, and Lithuanians were deported to Siberia. Thousands were executed. The Kremlin quickly settled large numbers of people of Russian stock in the Baltic States to strengthen their control of the area. Widespread bloodshed ensued when the Baltic guerrillas took to the forests to establish a network of armed opposition to the illegal occupiers. More people were killed when Nazi Germany invaded the Soviet Union.

When the Soviets returned the second time in 1944, they were determined to stay and began a brutal plan of collectivizing the countryside. Farmers were forcibly evicted and deported. More troops than ever were brought in to destroy the guerrilla movement.

In spite of the overwhelming oppression, the peoples of the Baltic States are struggling to maintain their linguistic, ethnic, and religious identities. They continue to fight against the oppressive political system which has destroyed every vestige of democracy and religious freedom. We cannot abandon these freedom-loving peoples. They continue to cherish the principles of religious and political freedom and independence.

As a Nation which stands as a champion of liberty, our action in support of this joint resolution is essential. I deplore the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic republics and to grant them independence from the empire. Some day their fervent desire for freedom will become a reality. I offer my strong support of this joint resolution and call upon my colleagues to join me in giving their support.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution, Senate Joint Resolution 296, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the consideration of bills under motions to suspend the rules.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

PERMISSION TO REPRINT REPORT ON H.R. 5525, SEMICONDUCTOR CHIP PROTECTION ACT OF 1984

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that Report No. 98-781 on the bill, H.R. 5525, the Semiconductor Chip Protection Act of 1984, be reprinted as a star print with corrections.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SEMICONDUCTOR CHIP PROTECTION ACT OF 1984

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5525) to amend title 17, United States Code, to protect mask works of semiconductor chips against unauthorized duplication, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Semiconductor Chip Protection Act of 1984".

PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS

SEC. 2. Title 17, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 9—PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS

"Sec.
"901. Definitions.
"902. Subject matter of protection.
"903. Ownership and transfer.
"904. Duration of protection.
"905. Exclusive rights in mask works.
"906. Limitation on exclusive rights: reverse engineering; first sale.
"907. Limitation on exclusive rights: innocent infringement.
"908. Registration of claims of protection.
"909. Mask work notice.
"910. Enforcement of exclusive rights.
"911. Remedies for infringement.
"912. Relation to other laws.

"§ 901. Definitions

"As used in this chapter—

"(1) a 'semiconductor chip product' is the final or intermediate form of any product—

"(A) having two or more layers of metallic, insulating, or semiconductor material deposited or otherwise placed on, or etched away or otherwise removed from, a piece of semiconductor material in accordance with a predetermined pattern; and

"(B) that is intended to perform electronic circuitry functions;

"(2) a 'mask work' means the 2-dimensional and 3-dimensional features of shape, pattern, and configuration of the surface of the layers of a semiconductor chip product, regardless of whether such features have an intrinsic utilitarian function that is not only to portray the appearance of the product or to convey information;

"(3) a mask work is 'fixed' in a semiconductor chip product when its embodiment in the product, by or under the authority of the owner of the mask work, is sufficiently permanent or stable to permit the mask work to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration;

"(4) a mask work is 'original' if it is the independent creation of an author who did not copy it from another source;

"(5) to 'commercially expolit' a mask work is to sell, offer for sale after the mask work is fixed in a semiconductor chip product, or otherwise distribute to the public for profit semiconductor chip products embodying the mask work;

"(6) the 'owner' of a mask work is the author of the mask work, the legal representatives of a deceased author or of an author under a legal incapacity, the employer of an author who created the mask work for the employer in the case of a work made within the scope of the author's employment, or a person to whom the rights of the author or of such employer are transferred in accordance with this chapter;

"(7) an 'innocent purchaser' is a person who purchases a semiconductor chip product in good faith and without having notice of protection with respect to that semiconductor chip product;

"(8) having 'notice of protection' means having actual knowledge that, or reasonable grounds to believe that, a mask work fixed in a semiconductor chip product is protected under this chapter; and

"(9) an 'infringing semiconductor chip product' is a semiconductor chip product which is made, imported, or distributed in violation of the exclusive rights of the owner of a mask work under this chapter.

"§ 902. Subject matter of protection

"(a)(1) An original mask work fixed in a semiconductor chip product is eligible for protection under this chapter if—

"(A) on the date on which the mask work is registered under section 908, or the date on which the mask work is first commercially exploited, whichever occurs first, the owner of the mask work is a national or domiciliary of the United States, or is a national domiciliary, or sovereign authority of a foreign nation that is a party to a treaty affording protection to mask works to which the United States is also a party, or is a stateless person, wherever that person may be domiciled;

"(B) the mask work is first commercially exploited in the United States; or

"(C) the mask work comes within the scope of a Presidential proclamation issued under paragraph (2).

"(2) Whenever the President finds that a foreign nation extends, to mask works of owners who are nationals or domiciliaries of the United States or to mask works on the date on which the mask works are registered under section 908, or the date on which the mask works are first commercially exploited, whichever occurs first, protection (A) on substantially the same basis as that on which the foreign national extends protection to mask works of its own nationals and domiciliaries and mask works first commercially exploited in that nation, or (B) on substantially the same basis as provided in this chapter, the President may by proclamation extend protection under this chapter to mask works (i) of owners who are, on the date on which the mask works are registered under section 908, or the date on which the mask works are first commercially exploited, whichever occurs first, nationals, domiciliaries, or sovereign authorities of that nation, or (ii) which are first commercially exploited in that nation.

"(b) Protection under this chapter shall not be available for a mask work that—

"(1) is not original; or

"(2) consists of designs that are staple, commonplace, or familiar in the semiconductor industry, or variations of such designs, combined in a way that is not original.

"(c) In no case does protection under this chapter for a mask work extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in the mask work.

"§ 903. Ownership and transfer

"(a) The exclusive rights in a mask work subject to protection under this chapter shall vest in the owner of the mask work.

"(b) The exclusive rights in a mask work registered under section 908, or a mask work for which an application for registration has been or is eligible to be filed under section 908, may be transferred in whole or in part by any means of conveyance or by operation of law, and may be bequeathed by will or pass as personal property by the applicable laws of intestate succession.

"(c) In any case in which conflicting transfers of the exclusive rights in a mask work are made, the transfer first executed shall be void as against a subsequent transfer which is made for a valuable consideration and without notice of the first transfer, unless the first transfer is recorded in the Copyright Office within three months after the date on which it is executed, but in no case later than the day before the date of such subsequent transfer.

"(d) Mask works prepared by an officer or employee of the United States Government as part of that person's official duties are not protected under this chapter, but the United States Government is not precluded from receiving and holding exclusive rights in mask works transferred to the Government under subsection (b).

"§ 904. Duration of protection

"(a) The protection provided for a mask work under this chapter shall commence on the date on which the mask work is registered under section 908, or the date on which the mask work is first commercially exploited, whichever occurs first.

"(b) Subject to the provisions of this chapter, the protection provided under this chapter to a mask work shall continue for a

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term of ten years beginning on the date on which such protection commences under subsection (a).

"§ 905. Exclusive rights in mask works

"Subject to the other provisions of this chapter, the owner of a mask work has the exclusive rights to do and to authorize any of the following:

"(1) to reproduce the mask work by optical, electronic, or any other means;

"(2) to import or distribute a semiconductor chip product in which the mask work is embodied; and

"(3) to induce or knowingly to cause another person to do any of the acts described in paragraphs (1) and (2).

"§ 906. Limitation on exclusive rights: reverse engineering; first sale

"(a) Notwithstanding the provisions of section 905(1), it is not an infringement of the exclusive rights of the owner of a mask work to reproduce the work solely for the purpose of teaching, analyzing, or evaluating the concepts or techniques embodied in the mask work or the circuitry or organization of components used in the mask work.

"(b) Notwithstanding the provisions of section 905(2), the owner of a particular semiconductor chip product lawfully made under this chapter, or any person authorized by such owner, is entitled, without the authority of the owner of the mask work, to sell or otherwise dispose of that semiconductor chip product.

"§ 907. Limitation on exclusive rights: innocent infringement

"(a) Notwithstanding any other provision of this chapter, an innocent purchaser of an infringing semiconductor chip product—

"(1) shall incur no liability under this chapter with respect to the distribution of units of the infringing semiconductor chip product that occurred before that innocent purchaser had notice of protection with respect to that semiconductor chip product; and

"(2) shall be liable only for a reasonable royalty on each unit of the infringing semiconductor chip product that the innocent purchaser distributed after having notice of protection with respect to that semiconductor chip product.

The amount of the royalty referred to in paragraph (2) shall be determined by voluntary negotiation between the parties, mediation, or binding arbitration, or, if the parties do not resolve the issue, by the court in a civil action for infringement.

"(b) The immunity from liability and limitation on liability referred to in subsection (a) shall apply to any person who directly or indirectly purchases an infringing semiconductor chip product from an innocent purchaser.

"(c) The provisions of subsections (a) and (b) apply only with respect to units of an infringing semiconductor chip product that an innocent purchaser purchased before having notice of protection with respect to that semiconductor chip product.

"§ 908. Registration of claims of protection

"(a) Protection of a mask work under this chapter shall terminate if application for registration of a claim of protection in the mask work is not made as provided by this chapter within two years after the date on which the mask work is first commercially exploited.

"(b) The Register of Copyrights shall be responsible for all administrative functions and duties under this chapter. Except for section 708, the provisions of chapter 7 of this title relating to the general responsibilities, organization, regulatory authority, actions, records, and publications of the Copyright Office shall apply to this chapter, except that the Register of Copyrights may make such changes as may be necessary in applying those provisions to this chapter.

"(c) The application for registration of a mask work shall be made on a form prescribed by the Register of Copyrights and shall include any information regarded by the Register of Copyrights as bearing upon the preparation or identification of the work, the existence or duration of protection, or ownership of the work.

"(d) The Register of Copyrights shall by regulation set reasonable fees for the filing of applications to register claims of protection in mask works under this chapter, and for other services relating to the administration of this chapter or the rights under this chapter, taking into consideration the cost of providing those services, the benefits of a public record, and statutory fee schedules under this title. The Register shall also specify the identifying material to be deposited in connection with the claim for registration.

"(e) If the Register of Copyrights, after examining an application for registration, determines, in accordance with the provisions of this chapter, that the application relates to a mask work which warrants protection under this chapter, then the Register shall register the claim and issue to the applicant a certificate of registration of the claim under the seal of the Copyright Office. The effective date of registration of a claim of protection shall be the date on which an application, deposit, and fee, which are determined by the Register of Copyrights or by a court of competent jurisdiction to be acceptable for registration, have all been received in the Copyright Office.

"(f) In any action for infringement under this chapter, the certificate of registration of a mask work shall constitute prima facie evidence (1) of the facts stated in the certificate, and (2) that the applicant issued the certificate has met the requirements of this chapter, and the regulations issue under this chapter, with respect to the registration of claims.

"(g) Any applicant for registration under this section who is dissatisfied with the refusal of the Register of Copyrights to issue a certificate of registration under this section may seek judicial review of ths refusal by bringing an action for such review in an appropriate United States district court, in accordance with chapter 7 of title 5, not later than sixty days after the refusal. The failure of the Register of Copyrights to issue a certificate of registration within three months after an application for registration is filed shall be deemed to be a refusal to issue a certificate of registration for purposes of this subsection and section 910(c).

§ 909. Mask work notice

"(a) The owner of a mask work provided protection under this chapter may affix notice to the mask work or to the semiconductor ship product embodying the mask work in such manner and location as to give reasonbable notice of such protection. The Register of Copyrights shall prescribe by regulation, as examples, specific methods of affixation and positions of notice for purposes of this section, but these specifications shall not be considered exhaustive. The affixation of such notice is not a condition of protection under this chapter, but shall constitute prima facie evidence of notice of protection.

"(b) The notice referred to in subsection (a) shall consist of—

(1) the words 'mask work', or the letter M in a circle M ;

"(2) the year in which the mask work was first fixed in a semiconductor chip product; and

"(3) the name of the owner or owners of the mask work or an abbreviation by which the name is recognized or is generally known.

"§ 910. Enforcement of exclusive rights

"(a) Except as otherwise provided by this chapter, any person who violates any of the exclusive rights of the owner of a mask work under this chapter shall be liable as an infringer of such rights.

"(b) The owner of a mask work protected under this chapter shall be entitled to institute a civil action for infringement after a certificate of registration of a claim in that mask work is issued under section 908.

"(c) In any case in which an application for registration and the required deposit and fee have been received in the Copyright Office in proper form and registration of the mask work has been refused, the applicant is entitled to institute a civil action for infringement under this chapter if notice of the action, together with a copy of the complaint, is served on the Register of Copyrights, in accordance with the Federal Rules of Civil Procedure. The Register may, at his or her option, become a party to the action with respect to the issue of whether the claim is eligible for registration by entering an appearance within sixty days after such service, but the failure of the Register to become a party to the action shall not deprive the court of jurisdiciton to determine that issue.

"(d)(1) The Secretary of the Treasury and the United States Postal Service shall separately or jointly issue regulations for the enforcement of the right to import set forth in section 905. These regulations may require, as a condition for the exclusion of articles from the United States, that the person seeking exclusion—

"(A) obtain a court order enjoining, or an order of the International Trade Commission under section 337 of the Tariff Act of 1930 excluding, importation of the articles; or

"(B) furnish proof that the mask work involved is protected under this chapter and that the importation of the articles would infringe the rights in the mask work under this chapter, and also post a surety bond for any injury that may result if the detention or exclusion of the articles proves to be unjustified.

"(2) Articles imported in violation of the right to import set forth in section 905 are subject to seizure and forfeiture in the same manner as property imported in violation of the customs laws. Any such forfeited articles shall be destroyed as directed by the Secretary of the Treasury or the court, as the case may be, except that the articles may be returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury that the importer had no reasonable grounds for believing that his or her acts constituted a violation of the law.

"§ 911. Remedies for infringement

"(a) Any court having jurisdiction of a civil action arising under this chapter may grant temporary and permanent injunctions on such terms as the court may deem reasonable to prevent or restrain infringement of the exclusive rights in a mask work under this chapter.

"(b) Upon finding for the owner of the mask work, the court shall award the owner actual damages suffered by the owner as a result of the infringement. The court shall also award the owner the infringer's profits that are attributable to the infringement and are not taken into account in computing the award of actual damages. In establishing the infringer's profits, the owner of the mask work is required to present proof only of the infringer's gross revenue, and the infringer is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the mask work.

"(c) At any time before final judgment is rendered, the owner of the mask work may elect, instead of actual damages and profits as provided by subsection (b), an award of statutory damages for all infringements involved in the action, with respect to any one mask work for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in an amount not more than $250,000 as the court considers just.

"(d) In any action for infringement under this chapter, the court in its discretion may allow the recovery of full costs, including reasonable attorneys' fees, to the prevailing party.

"(e) An action for infringement under this chapter shall not be maintained unless the action is commenced within three years after the claim accures.

"(f) As part of a final judgment or decree, the court may order the destruction or other disposition of any infringing semiconductor chip such products, and any masks, tapes, or other articles by means of which such products may be reproduced.

"§ 912. Relation to other laws

"(a) Nothing in this chapter shall affect any right or remedy held by any person under chapters 1 through 8 of this title, or under title 35.

"(b) Except as provided in section 908(b) of this title, references to 'this title' or 'title 17' in chapters 1 through 8 of this title shall be deemed not to apply to this chapter.

"(c) The provisions of this chapter shall preempt the laws of any State to the extent those laws provide any rights or remedies with respect to a mask work which are equivalent to those provided by this chapter, except that such preemption shall be effective only with respect to actions filed on or after January 1, 1986.

"(d) The provisions of sections 1338, 1400(a), and 1498 (b) and (c) of title 28 shall apply with respect to exclusive rights in mask works under this chapter.".

TECHNICAL AMENDMENT

SEC. 3. The table of chapters of title 17, United States Code, is amended by adding at the end thereof the following new item:

"9. Protection of Semiconductor Chip Products.................................. 901".

EFFECTIVE DATE

SEC. 4. (a) The amendments made by this Act shall take effect on January 1, 1985.

(b)(1) Subject to paragraph (2) of this subsection, protection shall be available under chapter 9 of title 17, United States Code, as added by section 2 of this Act, to any mask work fixed in a semiconductor chip product that was first commercially exploited on or after January 1, 1984, and before January 1, 1985, if a claim of protection in the mask work is registered in the Copyright Office before January 1, 1986, under section 908 of title 17, United States Code, as added by section 2 of this Act.

(2) In the case of any mask work provided protection under chapter 9 of title 17, United States Code, in accordance with paragraph (1) of this subsection, any infringing semiconductor chip products manufactured before the effective date of this Act may be imported into or distributed in the United States, or both, subject to the payment by the importer or distributor, as the case may be, of the reasonable royalty specified in section 907(a)(2) of title 17, United States Code, as added by section 2 of this Act.

(3) For purposes of this subsection, the terms "mask work", "fixed", "semiconductor chip product", "commercially exploit", and "infringing semiconductor chip product" have the meanings given those terms in section 901 of title 17, United States Code, as added by section 2 of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes and the gentleman from California (Mr. MOORHEAD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I bring to the floor a bill to protect semiconductor chip products in such a way as to reward creativity, encourage innovation, research, research and development in the semiconductor industry, and prevent future piracy, while at the same time, promoting and protecting the public interest. Current law—be it copyright, patent, or trademark law—offers innovating chip firms very little protection against the misappropriation of their technology.

H.R. 5525, therefore, changes present law by adding a new, freestanding, and unitary chapter 9 to title 17 of the United States Code. Protection of semiconductor chip products by a sui generis approach, rather than through extension of the Copyright Act to admittedly utilitarian objects (as is the case with the Senate bill), carries with it a number of benefits in addition to providing requisite protection. These benefits are clearly and concisely set forth in the House report (No. 98-781) under the rubric "sui generis versus copyright approach" and also in the sectional analysis.

Before commencing my discussion of H.R. 5525, I should note that it has been processed without dissent. To paraphrase my subcommittee colleague from Massachusetts (Mr. FRANK), the enormous consensus behind H.R. 5525 should not undermine a realization of its importance.

I should also mention that H.R. 5525 is supported by the administration, the Copyright Office of the United States, the Semiconductor Industry Association, the Information Industry Association, the Association of American Publishers, ADAPSO, and the American Patent Law Association. A diverse group of respected law professors and lawyers also support the bill.

In addition, I would like to thank my entire subcommittee for its assistance in drafting and developing H.R. 5525—Mr. BROOKS, Mr. MAZZOLI, Mr. SYNAR, Mrs. SCHROEDER, Mr. GLICKMAN, Mr. FRANK, Mr. MORRISON, Mr. BERMAN, Mr. MOORHEAD, Mr. HYDE, Mr. KINDNESS, Mr. SAWYER, and Mr. DEWINE. The lead sponsors from California (Mr. EDWARDS and Mr. MINETA), who have worked arduously since 1979 on attaining passage of a bill, also deserve great recognition. Last, but not least, Senator CHARLES MCC. MATHIAS—my counterpart chairman, who chairs the Senate Judiciary Subcommittee on Patents, Trademarks and Copyright, and Senator PAT LEAHY—ranking minority member, deserve commendation for steering a bill, S. 1201, through the Senate.

It is clearly within the power of Congress to modify or amend this Nation's intellectual property laws. Article I, section 8 of the Constitution provides that:

> The Congress shall have power . . . to Promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

The monopoly privileges that Congress may confer under the Constitution "* * * are neither unlimited nor primarily designed to provide a special private benefit. Rather, the limited grant is a means by which an important public purpose may be achieved." *Sony Corp.* v. *Universal City Studios, Inc.*, 104 S. Ct. 774 (1984) (copyright); *accord, United States* v. *Masonite Corp.*, 316 U.S. 265, 278 (1942) (same as to patents).

The congressional role therefore becomes to define the scope of limited monopoly that should be granted an author in order to give the public appropriate access to a creation. Balancing between the rights of the creator and the needs of the public clearly is necessary. In fact, where changes have occurred and new technologies have been developed, Congress consistently has engaged in precisely such a balancing approach.

H.R. 5525, therefore, represents the committee's commitment to navigating the oft turbulent waters between "* * * the interests of authors and inventors in the control and exploitation of their writings and discoveries on the one hand, and society's competing interest in the free flow of ideas, information, and commerce on the other hand." *Sony Corp.* v. *Universal City Studios, Inc.*, supra.

Now, let me give you some information about H.R. 5525, how it was developed from the original bill (H.R. 1028), and its contents.

H.R. 1028, as originally introduced, amended the Copyright Act to protect semiconductor chips and mask works against unauthorized duplication. It conferred 10 years of copyright protection to those who develop new integrated circuit mask designs, granting the copyright owner exclusive rights to make, distribute, and reproduce images of the mask design and the chips embodying that design. At the same time, the bill protected semiconductor chip users from innocent conduct and made compulsory, reasonable royalty licenses available to innocent infringers when necessary to protect their reasonable interests in their ongoing business activities as users of chips. The bill keyed into copyright law in several specific areas, and excepts others. This drafting approach, however, created a great deal of confusion, which in turn would have bred litigation.

The substitute amendment that I offered in subcommittee and that was approved by the full committee—now incorporated in H.R. 5525—is the result of a comprehensive hearing process. It represents a consensus and compromise position that something should be done to protect creativity in the semiconductor industry, yet that protection should come through a sui generis or hybrid approach. As stated above, my substitute accomplishes this goal by creating a new form of legal protection in a separate and independent chapter 9 of title 17, United States Code. The term of protection is 10 years.

In addition to the sui generis approach, H.R. 5525 differs from H.R. 1028 in several other ways. Rather than delineate during debate the differences between the original bill and H.R. 5525, I merely refer interested Members to the House report, which contains both a discussion and a chart contrasting the two bills.

Suffice it to say that H.R. 5525 is a vastly improved work product. The creation of a sui generis approach for protecting mask works gets the job done and, at the same time, avoids conceptual confusion in copyright law to accommodate a form of intellectual property which is better protected by reference to the background and practices of the semiconductor industry.

In short, from a congressional perspective, the unique problems posed by the need to reward creativity, encourage innovation, research and investment in the semiconductor industry while at the same time protecting the interests of the public has called for unique solutions. The approach taken in H.R. 5525, the creation of a sui generis form of protection, reflects sound judgment that such an approach is uniquely suited to the protection of mask works, which represent a form of industrial intellectual property. This is to be contrasted with the so-called author's copyright in literary and artistic works protected under traditional copyright principles. As floor manager of the bill that became the Copyright Reform Act of 1976, I am aware that copyright has been expanded to encompass new forms of protection, many of which have commercial applications. The commercial application or character of a given copyrighted work, however, presents a far different case from that of mask works, which are intended to be and are used as part of an integral part of a manufacturing process. This manufacturing purpose and use is, in fact, the reason for the Copyright Office's refusal to accept chip products for deposit as copies of pictorial graphic or sculputural works under the Copyright Act.

My strong feelings are perhaps best expressed by the following statement of Prof. L. Ray Patterson, Emory University School of Law:

> The ultimate issue is the problem of integrity in the law of copyright. By integrity, I mean consistency in the principles which the law encompasses. While consistency for its own sake is a virtue of small consequence, consistent principles for a body of law are essential for integrity in the interpretation and administration of that law.

It, therefore is extremely unwise for Congress to provide copyright protection for semiconductor chips by amendment to the present statute. The basis for this conclusion is that the present copyright statute purports to provide for an author's copyright. The appropriate solution to the problem of protection for semiconductor chips is the creation of a sui generis proprietary right, separate and distinct from the author's copyright.

Stated somewhat differently, a mask work is not a book. The proposed legislation does not engage in the legal fiction of treating books and mask works similarly. In the long run, we will reap great benefits by not proceeding from false analogies.

H.R. 5525 is good legislation. My hope is not only that it passes the House, but that it passes the House unanimously.

□ 1230

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. Fish), the ranking Republican member on the Committee on the Judiciary.

Mr. FISH. I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to indicate strong support for H.R. 5525, the Semiconductor Chip Protection Act of 1984. This legislation provides needed protection against chip piracy for U.S. manufacturers of semiconductor chip products. The Members and especially the chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice (Mr. Kastenmeier) are to be commended for their work in formulating H.R. 5525. By the same token, my distinguished colleagues from California (Messrs. Edwards and Mineta) have provided valuable leadership on this important issue. In the other body, Senators Charles McC. Mathias and Patrick Leahy have done excellent work on S. 1201, the Semiconductor Chip Protection Act of 1983.

The semiconductor industry, is a vital and rapidly growing part of the U.S. economy. The Bureau of Industrial Economics of the Department of Commerce forecasts that in 1983 the industry will ship more than $12.2 billion worth of semiconductor and related devices, a substantial increase from the $10.5 billion 1982 value of shipments. It is projected that in 10 years the semiconductor market will have sales of more than $90 billion, thus becoming one of the world's most important product markets, and the basis for computers and telecommunications, two out of the four major industries of the 1990's.

As the level of complexity of semiconductor circuits has grown, so has the cost of creating new chip designs to embody those circuits economically and efficiently. In testimony during hearings before the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, a spokesman for the Semiconductor Industry Association noted that the research and development costs for a single complex chip now can cost approximately $5 million, while related support and development costs for that chip could amount to another $50 million or more. These increasing cost factors have both made the return from piracy greater to would-be chip pirates and made the cost of their piracy greater to legitimate chip manufacturers.

The net effect of chip copying is to sharply curtail the normal recovery period during which an innovative chip manufacturer can recoup the research and development costs that the manufacturer invests in creating a new chip and putting it on the market. Unless investments in chip creation can be recovered, fewer and fewer companies will make the research and development investment necessary for advancing chip technology. Instead, more and more companies will engage in chip copying to the detriment of the worldwide technological competitive edge of the United States.

H.R. 5525 provides a 10-year term of protection for the layout of chips and at the same time protects innocent goodfaith purchasers of these products. Moreover, I believe that this legislation by creating a separate and independent chapter of protection for semiconductor chips adequately responds to the questions raised by the various parties who were concerned about amending the Copyright Act for that purpose. H.R. 5525 will go a long way toward eliminating chip piracy and in so doing encourage companies to engage in the necessary research and development to produce new chips. Accordingly, I urge its adoption.

Mr. KASTENMEIER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. Edwards), the author of the bill.

Mr. EDWARDS of California. I thank the gentleman from Wisconsin, the chairman of the subcommittee.

Mr. Speaker, I want to commend the chairman, Congressman Kastenmeier, and the distinguished members of the Judiciary's Subcommittee on Courts, Civil Liberties, and the Administration of Justice, for the many hours of hard work they spent in finding the best possible way to close the gap in the intellectual property laws and to afford legal protection to the maskworks of semiconductor chips. I am delighted that, because of these fruitful labors, we are able to be here on the floor today.

Several years ago, after many discussions with people in the field, it became very clear to Congressman Mineta and me that such protection was essential. On October 12, 1978, we introduced our bill to remove the barrier to innovation in an industry in which innovation is absolutely essential. I would like to touch briefly on why such a bill is needed.

We all know the significance of the semiconductor revolution, which now pervades and enriches our entire way of life. This enrichment is possible because innovating firms spend years in research and development and millions of dollars to produce new chips. Indeed, the development costs of a single new chip can reach $100 million. Yet, a pirate firm can come along and in several months, for less than $50,000, duplicate the mask work of the innovating firm, without having to bear the enormous research and development costs borne by the innovator. By flooding the market with cheap copies, the pirate firm robs the innovating firm from a return on its R&D investment, thus destroying the incentive for innovating firms to set aside internal funds for the development of future generations of semiconductor products. Such piracy is a clear threat to the economic health of our semiconductor industry and has a ripple effect throughout our economy.

Current law offers innovating chip firms only limited protection against the misappropriation of their technology. The current copyright laws give little, if any, protection to semiconductor chips. Patent law can protect the basic electronic circuitry for new microprocessors or other new such products. But patent law does not protect the particular layouts and art-work performed by the different chip manufacturers in adapting those electronic circuits for a particular industrial purpose. Yet, it is those layouts and art works that consume the resources of the innovating firms and that are pirated by free riders.

H.R. 5525 will help innovating firms combat unfair chip piracy and allow them the necessary incentive to continue to invest in research and development, by protecting them against the piracy of the results of that research and development. By including sections protecting innocent infringers and legitimate reverse engineering, H.R. 5525 also protects the interests of consumers and researchers.

Again, I thank and compliment Chairman Kastenmeier and all the members of his subcommittee for the splendid work product they have crafted. I am also grateful to my colleagues, from Silicon Valley, Mr. Mineta and Mr. Zschau, for the support they have provided.

With great pleasure, Mr. Speaker, I yield to my colleague, the gentleman from California (Mr. Mineta), who also represents a part of Silicon Valley in California.

☐ 1240

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, at the outset, I wish to thank my colleagues, Mr. Kastenmeier and Mr. Edwards of California, and the members of both sides of the aisle of the Judiciary Committee for their care and their wisdom in preparing this legislation for floor consideration.

To many, the semiconductor chip is just a part of the gadgetry which goes into computers, automobiles, weaponry, and space ships. However, the semiconductor chip—as tiny and as complex as it is—is in fact the foundation of the electronics industry as we know it today.

Before a single semiconductor chip is ready for production, millions of dollars and hours upon hours of creative energy and craftsmanship must first be expended. Blatant copying of chip designs by rival companies can undermine the financial investment and the personal accomplishment of companies and their highly skilled engineers.

Pirating firms which bear none of the costs of research and development prior to production of a semiconductor chip can set lower prices for their product and, ultimately, can pervade the market originally intended for the pioneering company. In a highly competitive market, innovation and the commensurate return on investment is the lifeblood of this industry.

Today, we have the opportunity to provide protection against unauthorized copying and sales of someone else's product. Moreover, we are, in effect, acknowledging that the information age now encompasses much more than books and recordings—and, therefore, demands of us refinements and additions to existing laws to accommodate creative output in nontraditional areas.

I urge my colleagues to support this legislation and, again, I thank the members of the Judiciary Committee for their recognition of the changing realities of this Nation's high technology industries.

Mr. MOORHEAD. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to commend the chairman and members of the subcommittee, as well as my four distinguished colleagues from California, Mr. Edwards, Mr. Zschau, Mr. Lungren, and Mr. Mineta, for their work in developing this important legislation, which I strongly support.

Recently, the Cabinet Council on Commerce and Trade directed its Working Group on Intellectual Property which is chaired by the Commissioner of Patents and Trademarks, Jerry Mossinghoff, to consider the need to protect semiconductor chip designs. It found that while the United States dominates this important market, it faces a serious challenge from foreign competition. It also found that the R&D costs for a single complex chip could reach $4 million, while the costs of copying such a chip could be less than $100,000.

The Cabinet Council unanimously endorsed legislation to protect semiconductor chip designs, with the following specific characteristics:

First, it should accord prompt inexpensive protection to original semiconductor chip design through a registration system without substantive examination.

Second, the protection should grant to the owner of the chip design the exclusive right to copy, for commercial purposes, the chip design, or chip embodied in that design, as well as the exclusive right to distribute such a chip.

Third, the protection should have a relatively short term; for example, 10 years.

Fourth, as an exception to the exclusive rights, there should be an express right to reverse engineer for the purpose of teaching, analyzing, or evaluating the concepts or techniques embodied in the design of the semiconductor chip.

Fifth, unless there are overriding circumstances to the contrary, the protection should be prospective from the current time.

H.R. 5525 clearly meets the criteria recommended by the Cabinet Council on Commerce and Trade.

Moreover, H.R. 5525 by creating a separate and independent chapter of protection negates the potential problem of blurring or distorting established copyright principles by amending the Copyright Act to protect semiconductor chips. H.R. 5525 will provide significant and needed protection for the semiconductor industry in a manner that will allow it to retain its competitive edge in this important market.

Mr. KASTENMEIER. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to speak in favor of this legislation, which is needed to protect the design of semiconductor chips against unauthorized copying. Chairman KASTENMEIER, and his colleagues on the committee are to be commended for the thoughtful and innovative solution in which they have responded to the problem of computer chip piracy.

For more than a year, Energy and Commerce's Subcommittee on Oversight and Investigations has been investigating the impact of unfair and illegal trade practices on interstate and foreign commerce. We have found that violations of American intellectual property rights are a very serious problem. Based on our investigation, the subcommittee unanimously endorsed the idea of extending copyright protection to semiconductor chip design.

I understand that, under this bill, Customs would enforce the property rights on imports even though the bill does not amend the copyright act per se.

Passing the Semiconductor Chip Protection Act is a necessary, but only partial, answer to the general need to strengthen the protections afforded intellectual property rights. I strongly urge my good friends on the Judiciary Committee to continue to work hard in this area. For example, I believe that strong legislation increasing the civil penalties and adding criminal sanctions for trademark violations is sorely needed to protect American jobs, businesses, and companies from the rising tide of counterfeit products.

I thank the gentleman for giving me the opportunity to express my thoughts on this subject and will close by again commending him on the excellent legislative work he has done.

Mr. MOORHEAD. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 5525. This legislation is important and it is necessary. It would provide protection for the designs of U.S. semiconductor manufacturers so that they will have the incentive to invest the enormous amounts of money and take the risks associated with advancing the state of semiconductor technology.

Mr. Speaker, the United States today is experiencing massive trade deficits. They are expected to rise to well over $100 billion this year. Over the past several years, we have taken some solace in the fact that at least the electronics industry has had trade surpluses. In 1978, the trade surplus for electronics products was about $12 billion, but that surplus has been ebbing away in recent years. In 1978, the surplus was $7.4 billion. Last year it was $1.5 billion. I predict that this year, 1984, for the first time in history, the United States will experience a trade deficit in electronics products.

This is a very bad trend for this country's economy and its trade position. In order to restore our superiority in the world markets of electronics, we must innovate. We must develop new technologies, new products. However, so often, when we innovate in the semiconductor field, our designs are copied by foreign competitors who then offer the pirated products at low prices. This prevents the U.S. company from earning a fair return for its innovations.

Zylog, a company in my district, developed the Z-80 microprocessor. Within a short period of time, the Japanese had copied it. The pirate firm sold the copy at half-price in the U.S. market. As a result, the Japanese captured 50 percent of the market and Zylog lost between $10 and $20 million. Such losses are hardly an incentive for innovating in this competitive industry.

Another example is the random access memory (RAM). U.S. firms developed the 4K RAM. It was a standard in the industry. However, it was copied by foreign firms, then they linked four of them together to create the 16k RAM. Later they combined four 16k RAM's together to create the 64K RAM. The foreign 64k RAM, based on pirated U.S. designs, took a substantial market share away from the original U.S. innovators.

Now we are on the forefront of a new random access memory technology—the 256K RAM. It will require a new design. Its development costs will exceed $50 million. However, that design could be copied for about $100,000 by a private firm. We cannot allow that to happen without legal remedies. I urge my colleagues to vote to suspend the rules and pass H.R. 5525 to provide protection for these and other designs.

I might add that the House Republican Task Force on High Technology Initiatives has endorsed this legislation.

Finally, I want to commend my friends and colleagues from California, Mr. EDWARDS and Mr. MINETA, for their leadership over the years on this important issue, the gentleman from Wisconsin, Mr. KASTENMEIER, and the gentleman from California, Mr. MOORHEAD, for bringing this needed and important legislation to the floor of the House.

Mr. MOORHEAD. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I yield to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of this piece of legislation which is so vital for the protection of the industry in our country.

Mr. Speaker, developing and producing semiconductor chip designs takes literally years of effort and requires millions of dollars in investment. A single chip, typically small enough to fit on a fingertip, may contain over 100,000 transistors. It is no wonder that it has revolutionized industry and our very way of life, reaching into every American home. Semiconductor chips are found in everyday appliances like televisions, refrigerators, microwave ovens, and telephones. They have made possible the tremendous developments in medical science—in x ray and scanning machines, pacemakers, and monitoring devices.

Few inventions have ever changed our world so rapidly. Few have provided such impetus for continuing advances in every field, from medicine to communications to defense.

Continuing innovation in semiconductor chip design is threatened, however, by the pirating of chip designs. These designs can be copied at relatively little cost and in only a few months time.

Legislation is therefore urgently needed to combat piracy and the unfair competition which stifles further innovation in this field.

H.R. 5525 provides the protection needed to insure the continuing development of semiconductor chip technology.

I urge my colleague's support for this legislation.

Mr. SAWYER. Mr. Speaker, this is a badly needed piece of legislation. For those who have not had the benefit of sitting through some of the hearings on it, we have evolved very rapidly from the old vacuum tube, and the big resistors, and coils, and whatnot, down to printed circuitry where it is all miniaturized, and in effect, printed on a board. Now it is even more drastically reduced to the so-called semiconductor chips, where they can take a set of drawn circuitry the size of a bed sheet and miniaturize it by photo engraving onto a chip maybe the size of your little fingernail, which includes all of the components of the former circuits.

□ 1250

Unfortunately, it takes millions of dollars to develop the patterns and the circuitry, on this bed sheet for, in effect, reduction and miniaturization onto a chip. Somebody can copy what cost many millions of dollars to produce; just, in effect, copy it onto another chip for a matter of $50,000 or some such amount and, of course, gaining a tremendous price advantage because they do not have to recapture the investment of the original designing.

We have actually had testimony that people have made an error in drawing their circuitry and put a circuit on that is useless and, rather than redo the whole print, they just in effect disconnected the circuit, so it was superfluous on the chip. They get copies coming in from overseas that even include the mistake, proving irrefutably that it was pure theft of the work and research that went into the composition and development of that chip.

So it was, strangely enough, not coverable by patents or covered by copyrights, although the information that may be put in it was. So this legislation now covers that great amount of research and development, that invaluable work, and helps protect our lead in this very essential industry of the future.

Mr. KASTENMEIER. Mr. Speaker, at this point I have no further requests for time. I would ask that the Speaker inquire of the gentleman from California if he has any further requests for time.

Mr. MOORHEAD. Mr. Speaker, I have a couple more requests for time, but I do not see the Members here. The gentleman from Pennsylvania (Mr. CLINGER) desired time.

The SPEAKER pro tempore. Would the gentleman like to request that all Members have 5 legislative days and that the remarks of the specifically enumerated gentlemen be printed in the RECORD at this point?

Mr. MOORHEAD. The gentleman from Texas (Mr. BARTLETT) may be in the cloakroom. I have sent someone back to check and see if he is there.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5525, now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, in conclusion, I would also like to compliment the staff. Michael Remington, Deborah Leavy of the majority, and Joe Wolfe and Tom Mooney of the minority, have all contributed to this legislation over a period of time. I think their efforts should be recognized.

I would also, as I have said before, hope that Members will take the time to read the House report not only for the legislative background, but for the technical background. A better understanding of the issue that we have discussed here today will result. Last, I again express the view that the gentleman from California (Mr. EDWARDS) who has worked on this legislation for many years, is primarily responsible for moving it through and I want to congratulate him.

Mr. NELSON of Florida. Mr. Speaker, I rise in support of H.R. 5525, the Semiconductor Chip Protection Act. As one of the original cosponsors of this bill, I feel that this important legislation will encourage more research and technology in the high-technology industries and will protect the interests of the consumer.

This bill provides a 10-year copyright on semiconductor chips, giving owners the exclusive right to make, distribute, and reproduce images of the "mask design" and the chips embodying that design.

After a company invests the time, energy, and money to create the design, pirate companies should not profit by copying the design and flooding the market with reproductions. This undercuts the return on investment that innovative companies must count on to engage in further research and development. Without remedial measures, this problem could eventually seriously affect our country's semiconductor industry. This bill protects the integrity and capability of this high high-tech industry by helping to insure its economic health.

Mr. Speaker, I thank you for the opportunity to speak in support of this important legislation and I urge my colleagues to vote in favor of this bill.

●Mr. BARTLETT. Mr. Speaker, I rise in strong support of H.R. 5525 because it represents an evolution of traditional copyright and patent law to meet the needs of evolving technology. The gap in intellectual property law that leaves the layout and design of semiconductor chips prey to unauthorized duplication is a threat to the vitality and creativity of the chip industry. We cannot allow this industry's creative spark to be extinguished by chip copiers who do not have to bear the research and development expense of a chip's original architects. If we do not act, the lifeblood of the information age and the technical strength of the United States will be diluted.

H.R. 5525 plugs a loophole in current copyright, patent, and trademark law. This body of law does not protect the specific architecture which adapts a chip to a particular industrial purpose. Chip design does not reach the level of inventiveness required by patent law and because chip design is considered purely utilitarian it is beyond the reach of copyright law. The consequence is that firms lose the incentive to invest millions of dollars and years of work in the design of a chip's microarchitecture. For $50,000 or less, a chip pirate can copy and market the innovating firm's mask work, reap the financial rewards, and destroy the originator's investment return. In the words of the Judiciary Committee's report, this arrangement acts as a "devastating disincentive to innovative research and development."

The fundamental purpose of intellectual property law is to afford protection against exploitation to the work of creators. The underlying purpose of these laws is to preserve incentive, for creators to take risks and make investments that will ultimately benefit society in anticipation of future reward. It is now necessary and in the public interest, to extend the law's protections to preserve technological R&D incentive. As Prof. David Lange testified before the House Judiciary Committee last year, the preservation of creative incentive through the extension of intellectual property protection is meant to enrich the public domain.

> The cardinal principal in copyright law, then, is that any decision to extend the law or to recognize new interests ought to be based on realistic expectation that one day the public domain will bear new fruit.

It is precisely upon these grounds that we extend new protections to semiconductor chip designers in H.R. 5525.

This legislation's importance extends beyond the appropriate extension of intellectual property law to semiconductor chips. It is a commentary on what has come to be termed industrial policy. Industrial policy generally refers to the managed decline of dying industries and the direction of credit flows to approved sectors of the economy. This concept is fatally flawed; its proponents would foist on the United States the very thing that nations which currently have a managed industrial policy say makes their economies rigid, bureaucratic, and, most importantly, noninnovative. The thing that the United States does best is innovation, an activity inimical to government management. The keys to innovation are venture capital and risk taking. These keys are exactly the ones that H.R. 5525 seeks to preserve in our No. 1 field of innovation: computer chip microcircuitry. I submit to you that this legislation thus embodies the essence of what our industrial policy should be: the encouragement of venture capital, risk taking, and innovation.

Because the law of intellectual property needs to be extended to computer chip design and because our industrial policy should endorse the risk of venture capital in ways that will ultimately benefit the public domain, I urge you to support H.R. 5525.●

● Mr. AuCOIN. Mr. Speaker, I rise in strong support of H.R. 5525, the Semiconductor Chip Protection Act of 1984. This legislation would provide copyright protection to the intricate patterns that make up the design of this country's newest technological wonder: the semiconductor chip.

Since the first integrated circuit semiconductor chip was produced 25 years ago, advances in the high-tech industry have been revolutionizing the way we live, the way we work and the way we play. Everything from kitchen appliances and robots to new manufacturing techniques and video games have been made possible by progress in chip design. We can only speculate about the tremendous opportunities this new technology holds for our future.

Beyond changing our lives, the chip is also transforming our economy. As we all know, a great deal of attention is being focused all across the country on the role our high-technology electronics industry must play in developing America's economic strength and competitiveness in world markets.

In Oregon, the high-tech electronics industry is a growing source of economic strength. The emergence of Oregon's "Silicon Forest"—with companies such as Intel, Tektronix, and Mentor Graphics—has significantly contributed to the diversification of Oregon's economic base—creating hundreds of jobs and millions of dollars in revenue.

But, in recent years, the remarkable advances in the chip industry have been threatened by chip piracy. Chip piracy involves the looting or copying of chip design.

The development of an original innovative chip, typically smaller than a fingernail, takes years, consumes thousands of hours of engineer and technician time and costs of millions of dollars. Research and development costs for a single new chip can reach $100 million. Yet, a competing firm can photograph a chip and copy the painstaking work of the innovating firm for a cost of less than $50,000.

Because the pirating firm does not have the enourmous costs borne by the innovator, such a firm can undersell the innovating firm and flood the market with cheap copies of the semiconductor chip.

This causes the creative firm to lose sales and profits to the pirate firm. Worst of all, once returns on investment to the innovative firm are choked off by the unfair competition of the pirate competitor, the incentive for innovating firms to invest in new product research is greatly reduced.

Unfortunately, current copyright laws give little protection to semiconductor chips. The Semiconductor Chip Protection Act before us today is intended to fill that gap by extending copyright protection to new semiconductor designs. It would protect new semiconductor chip design in such a manner as to reward creativity, encourage research and innovation while at the same time benefiting the public.

Mr. Speaker, America's entrepreneurial spirit and ingenuity have raised this country's high-tech industry to a position of world prominence. We must foster and strengthen that innovative edge by passing the semiconductor Chip Protection Act. I urge my colleagues to join me in supporting this most important bill.

● Mr. LUNGREN. Mr. Speaker, America is on the verge of a second industrial revolution. In places like Silicon valley in my State of California new worlds of untold potential are unfolding out of grains of sand. The integrated circuit is not only a product of technological innovation but also the source of such progress itself. George Gilder has compared this phenomena with a "breeder reactor, creating its own fuel of knowledge."

However, if we as a Nation are to be successful in fully actualizing the potential of this cutting edge technology in an environment of intense global competition, it is essential for us to provide a framework of law that will insure the protection of intellectual property rights.

The development of mask designs or the layout for computer chips, can involve the expenditure of millions of dollars and years of effort. Foreign or domestic competitors can pirate these designs with relative ease and at little cost through the process of microphotography. The pirate can then market an identical chip minus the problem of recouping the costs of development and thereby putting the developing company at a significant competitive disadvantage.

The current available legal protections are wholly inadequate to protect the manufacturer's investment in developing the masks used to produce the chip. The mask is usually developed by the application of standard engineering principles and generally does not meet the novelty and unobviousness requisites for patentability. Likewise, a mask normally does not constitute a work of authorship under the Copyright Act. Therefore, it is critical that the present law must be amended in order to enhance the incentives for investment and innovation.

In this regard, I am pleased to have this opportunity to rise in support of the Semiconductor Chip Protection Act of 1984. This legislation creates a new form of legal protection (a sui generis approach) that avoids the potential hazards of amending the Copyright Act. It provides the much needed protection of intellectual property rights without compromising entrepeneural incentives. H.R. 5525 can play an important role in bringing law into conformity with an emerging generation of new technology and innovation. I commend it to you and ask for your support.●

● Mr. GLICKMAN. Mr. Speaker, I rise in support of H.R. 5525, the Semiconductor Chip Protection Act, and commend our colleague, DON EDWARDS, for his work on this bill and its predecessor, as well as the chairmen of the Courts Subcommittee, BOB KASTENMEIER, and of the full Judiciary Committee, PETER RODINO, for the attention they gave to this important bill and the help they gave in moving it ahead expeditiously.

The technological advances which are necessary to keep this Nation of ours at the forefront of the world economy raise new challenges for those of us here in the Congress. Failing to address them in a constructive fashion would mean not only an abdication of our responsibilities, but also a potential decline in the innovation which spurs this Nation on. This legislation is an example of our willingness to tackle the problem. It shows that we are not going to let ourselves be trapped in a technological snakepit, but instead are willing to work with engineers and scientists to promote technological progress.

The bill we have before us was carefully crafted to reflect the need for legal protection for semiconductor chip mask works. It also takes into account the need to encourage other nations to adopt protections against fraudulent copying of these chips which are, indeed, intellectual properties just like other works which benefit—and thrive—as a result of copyright protection. This basic protection is essential if the semiconductor chip on which so many advances have come to rely is to continue to flourish.

Again, I commend all of those here in the House who have worked to respond creatively and sensibly to this technological challenge. I also encourage every Member of this House to lend their support to H.R. 5525.●

● Mr. LOWERY of California. Mr. Speaker, as an original sponsor of H.R. 5525, the Semiconductor Chip Protection Act of 1984, I rise in strong support of this measure on the Suspension Calendar and urge my colleagues to cast their votes likewise.

The U.S. semiconductor industry spends many millions of dollars developing new semiconductor chips. The development costs, including technical support, for a new chip frequently reaches $50 million. This level of R&D expenditure has placed America in the forefront of all other nations, but our lead is threatened by chip piracy—the practice of photographically copying the layout of a new chip and, in effect, making Xerox copies of the original chip. Through chip piracy, foreign competitors can replicate the manufacturing masks for about $50,000. Then, it can make and sell the same product at a much lower price, since the pirate does not have to pay any of the huge up-front R&D costs by the innovator. Besides being unfair, the result discourages investment in innovation in the chip industry.

H.R. 5525 amends the U.S. Copyright Act by creating a new kind of copyrightable work—mask works. The owner of this copyright can prevent unauthorized manufacture of semiconductor chips embodying the copyrighted mask work.

The enactment of H.R. 5525 will give semiconductor companies new incentives to innovate and create better, more efficient chips. In addition, because of the wide applicability of chips (autos, microwave ovens, computers, and so forth), I believe increased innovation in the semiconductor industry will be a tremendous boon to our economy as a whole.

In sum, Mr. Speaker, support for the Semiconductor Chip Protection Act of 1984 is essential to maintaining America's technological leadership and industrial competitiveness.●

● **Mr. McCAIN.** Mr. Speaker, I rise in strong support of H.R. 5525, the Semiconductor Chip Protection Act being brought to the House floor under suspension today. This bill would amend the Copyright Act to provide copyright protection for microscopic semiconductor circuit patterns and masks.

Currently no form of intellectual property law is available to protect semiconductor designers from unauthorized copying of their products. Currently, semiconductors can be copied simply by photographically reproducing another firms chip for as little as $50,000. The developmental cost frequently reaches up to $100 million for an advanced microprocessor and its accompanying peripheral chips. Thus a competitor, who copies a successful design, can significantly undercut the innovator's price, thereby gaining an unfair economic benefit.

This bill would allow a 10-year copyright to the creator of a new mask work, while establishing a maximum civil penalty of $250,000 for infringement. Those products are eligible for protection if it is first commercially marketed in the United States. Also, nations that protect U.S. rights by treaty automatically qualify for reciprocal treatment.

I also believe this measure has importance to more than those individuals manufacturing these items. We are all aware of the size of our country's trade deficit and the threat it poses to our Nation's economy. For various reasons, our country is having trouble competing with foreign producers, both in this country and abroad. If we lose our edge in this field it will have devastating consequences for our country. We must insure this does not happen. By rewarding those innovators of semiconductors, who keep us preeminent in this area, we facilitate American excellence in the economy of tomorrow, high technology. This measure contributes greatly to this goal.

I urge my colleagues to cast a vote in support of this long overdue measure.●

Mr. KASTENMEIER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 5525, as amended.

The question was taken.

Mr. GUNDERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PARLIAMENTARY INQUIRY

Mr. KASTENMEIER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KASTENMEIER. Mr. Speaker, I have a unanimous consent request regarding the bill just tentatively passed, and also a motion relating to the Senate bill

Is it in order for me to make that motion now, or subsequently?

The SPEAKER pro tempore. The Chair would advise the gentleman that such requests and motions would be in order following the passage of the bill in the House later today.

Mr. KASTENMEIER. I thank the Speaker.

FEDERAL CHARTER FOR VIETNAM VETERANS OF AMERICA, INC.

Mr. SAM B. HALL, JR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4772) to grant a Federal charter to the Vietnam Veterans of America, Inc., as amended.

The Clerk read as follows:

H.R. 4772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER

SECTION 1. The Vietnam Veterans of America, Inc., a nonprofit corporation organized under the laws of the State of New York, is hereby recognized as such and is granted a charter.

CORPORATE POWERS

SEC. 2. The Vietnam Veterans of America, Inc. (hereinafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its articles of incorporation filed in the State in which it is incorporated and its constitution and bylaws, and subject to the laws of such State.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws and include a commitment to—

(1) uphold and defend the Constitution of the United States;

(2) foster the improvement of the condition of Vietnam-era veterans;

(3) promote the social welfare (including educational, economic, social, physical, and cultural improvement) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence and usefulness of Vietnam-era veterans and other veterans;

(4) improve conditions for Vietnam-era veterans and develop channels of communications to assist Vietnam-era veterans;

(5) conduct and publish research, on a nonpartisan basis, pertaining to the relationship between Vietnam-era veterans and the American society, to the Vietnam war experience, to the role of the United States in securing peaceful coexistence for the world community, and to other matters which affect the social, economic, educational, or physical welfare of Vietnam-era veterans and other veterans and the families of such veterans;

(6) assist disabled Vietnam-era veterans and other veterans in need of assistance and the dependents and survivors of such veterans; and

(7) consecrate the efforts of the members of the corporation and Vietnam-era veterans generally to mutual helpfulness and service to their country.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be as provided in the constitution and bylaws of the corporation, the terms of membership and requirements for holding office within the corporation shall not be discriminatory on the basis of race, color, religion, sex, or national origin.".

BOARD OF DIRECTORS

SEC. 6. The board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

OFFICERS

SEC. 7. The officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the State in which it is incorporated.

RESTRICTIONS ON CORPORATE POWERS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) The corporation shall not claim congressional approval or Federal government authority by virtue of this Act for any of its activities.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote. All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by inserting after paragraph (57) the following new paragraph:

"(58) The Vietnam Veterans of America, Inc."

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit of the corporation required by section 2 of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1102). The report shall not be printed as a public document.

RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

EXCLUSIVE RIGHT TO NAMES

SEC. 16. The corporation shall have the sole and exclusive right to use the name "The Vietnam Veterans of America, Inc.", "Vietnam Veterans of America, Inc.", and "Vietnam Veterans of America", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section shall be construed to interfere or conflict with established or vested rights.

FAILURE TO COMPLY WITH RESTRICTIONS OR PROVISIONS

SEC. 17. If the corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

The SPEAKER pro tempore. Is a second demanded?

Mr. KINDNESS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was not objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SAM B. HALL, JR.) will be recognized for 20 minutes and the gentleman from Ohio (Mr. KINDNESS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 4772, as amended, would grant a Federal charter to the Vietnam Veterans of America, Inc., which is a national veterans service organization dedicated to promoting and improving the condition of Vietnam-era veterans and others. The membership of this organization totals approximately 16,000 people nationwide, and membership is open to any veteran who served on active duty during the period from August 5, 1964, to May 7, 1975, or in the Indochina theater, regardless of time of service. The VVA was organized under the not-for-profit laws of the State of New York on March 1, 1978, and has been granted its tax-exempt status under section 501(c) of the Internal Revenue Code.

The VVA was formerly recognized as a service organization by the Veterans' Administration in 1981 and it now operates a claims service program at the Veterans' Administration. In testimony before the committee, it was pointed out that VVA has advanced the interests of its members by appearing before congressional committees, including the House Veterans' Affairs Committee, and by studying and supporting legislation affecting its members. The organization endeavors to promote employment opportunities for Vietnam veterans and to consider the particular needs of female, minority group, and incarcerated veterans.

The VVA maintains a State charter, and the committee has been informed that it operates in a nondiscriminatory manner as a charitable and patriotic association, and its activities are national in scope.

This bill would merely recognize an existing State-chartered organization. It does not expand any corporate rights to relieve any corporate responsibilities established by State charter. Moreover, this bill specifically requires compliance with State laws governing the election of corporate officers and the responsibilities of the board of directors for the corporation. It also specifically requires compliance with State laws governing service of process.

In order to assure responsible and appropriate conduct on the part of the corporation, the legislation prohibits certain corporate acts and establishes certain requirements for the corporation. The legislation prohibits the loan or transfer of corporate assets to officers, members, or other persons—(except for expenses)—or the issuance of stock or the payment of dividends. The legislation further prohibits the corporation from claiming congressional approval or Federal Government authority for any of its activities. The legislation requires the corporation to keep certain records, to perform an annual audit and to file a report of that audit annually with the Congress. Should the corporation engage in any prohibited activity or fail to perform any of the requirements established by this legislation, or if the corporation fails to maintain its tax exempt status, the Federal charter granted by this legislation will expire automatically as a matter of law.

The committee recommends that the bill, H.R. 4772, be considered favorably.

□ 1300

Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of H.R. 4772, a bill to grant Vietnam Veterans of America, Inc., a Federal charter.

I want to congratulate my distinguished colleague from Texas, the floor manager of the bill, Mr. HALL, and members of the Judiciary Committee, for taking action to report this measure to the House for its consideration.

Several months ago officials from this service organization asked the leadership of the House Veterans' Affairs and Senate Veterans' Affairs Committees to sponsor legislation to grant the organization a Federal charter. Both committees did so without reservation, since members and staff of the Vietnam Veterans of America have appeared before committees of Congress on numerous occasions.

Mr. Speaker, the Vietnam Veterans of America does not claim to be the only organization representing Vietnam veterans. Many more Vietnam veterans belong to the American Legion, Disabled American Veterans, the Veterans of Foreign Wars, and other service organizations. This organization does an excellent job of representing a segment of the Vietnam veteran population, some 16,000 to 17,000 members. It is the major organization whose primary purpose is to focus attention on issues relating to Vietnam era veterans. The organization was established to specifically deal with the problems of military personnel who served during this difficult period in our Nation's history.

Representatives of the organization are invited to appear before the Committee on Veterans' Affairs for all hearings. The organization has been in the forefront on such issues as the now popular psychological readjustment counseling program for Vietnam veterans—we know it as the Veterans Outreach Centers—the long-term health effects that may be associated with exposure of veterans to agent orange, small business loans for Vietnam veterans, drug and alcohol treatment programs, and the emergency veterans' job training program which, Congress enacted only last year. These are but a few of the major issues the Washington staff of VVA has worked closely with us in developing legislation during the past several years.

These are good programs that all veterans support.

Mr. Speaker, I realize some controversy has developed in recent weeks over whether a charter should be granted to this organization. Most of this controversy is not about the organization itself but the organization's president, Mr. Robert O. Muller. Before being too critical of him I would remind my colleagues that Bobby Muller suffered severe wounds while in combat in Vietnam and he will never fully recover from those wounds. I think it is understandable that he and others like him may have very strong feelings about the war in Vietnam, the way it was conducted and the way it ended. He has earned the right to express his personal feelings on any issue even though I may strongly disagree with his views.

Mr. Speaker, the granting of a Federal charter to the Vietnam Veterans of America should not be decided on the basis of whether we agree or disagree with Bobby Muller, the organization's president. Bobby Muller and I disagree on many issues and it should be noted that many local VVA chapter leaders and members disagree with him on many occasions. Whether we grant a Federal charter should be based on the VVA as an organization rather than the deeds of one of its leaders.

It is a young organization, Mr. Speaker, and because it is so young, it has made some mistakes. I think the VVA has learned from those mistakes. The organization is trying to do a good job and the membership is growing.

Mr. Speaker, I agree with those who say that there are many very talented men and women of all political persuasions who are members of this organization and many of them in future years will be making the policy decisions that will reflect the direction of the organization nationally.

In conclusion, Mr. Speaker, my support of this charter bill is a reflection of the pride and gratitude I have for the fighting men and women who served in Vietnam. I think they are some of the finest individuals to have served in the Armed Forces of the United States. Whether they choose to join the American Legion, the DAV, AMVETS, VFW, or VVA does not matter. This is an individual decision that must be made by the veteran.

Mr. Speaker, as I indicated, I am extremely proud of our Vietnam veterans and I know of no valid reason why a charter should not be granted to this particular organization.

I again want to thank the distinguished gentleman from Texas (Mr. SAM B. HALL, JR.) and members of the committee for bringing this bill to the floor of the House.

I urge its passage.

Mr. KINDNESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish I had a different task to perform than that which I have to perform today, and that is to raise a note of considerable caution about the bill before us.

Now, it does happen that I do not feel very strongly about Federal charters ordinarily; that is, I do not believe that a Federal charter really means very much. It does to veterans' organizations, however. It has a particular meaning bearing on the conduct of their activities. In that context, the granting of a Federal charter has a meaning outside of the United States, and in this case particularly it is pertinent for us to remember that it has a meaning in Vietnam today and in Southeast Asia today that goes far beyond the consideration of the things we are talking about ordinarily when granting a Federal charter.

I am talking about propaganda purposes that may be served by the granting of this charter, not intentionally on the part of those who are members or participants in the organization known as Vietnam Veterans of America, Inc., but by the use to which the granting of this charter may be put by governments of other nations, as has already been done.

I think it is regrettable that that situation confronts us, but let us just review the rules that are used as guidelines only by the subcommittee of the Committee on the Judiciary when considering charters. One of them is that the organization, the subject of the charter, shall operate under a charter granted by a State or the District of Columbia, and that it has so operated for a sufficient period of time to demonstrate its permanence, which shall not be less than 10 consecutive years in length immediately prior to the approval of a Federal charter.

This is one organization in which that guideline was not used as a binding guideline. The organization has not been in effect or has not been in existence for 10 years, but maybe this is a case in which that guideline should have been applied because it is perhaps the immaturity of the organization that is being reflected in the opposition to the granting of this charter.

☐ 1310

It is a problem for me to stand here and say I know all about this organization, because I do not, so I will not attempt to do that, nor will I attempt to say that the president of the VVA is all that well known to me personally. Our concern here on the floor of the House today is do we pass a bill that grants a charter to an organization that does not quite fit the guidelines and which is embroiled in controversy.

I think we have seen already from the information that has been supplied to everyone concerned that Hanoi is very much interested in using to its propaganda advantage any opportunity possible related to this organization. That is not the fault of the organization, granted; but with the maturity that might come with a little longer organizational existence, possibly the misuse of that organization's reputation by Hanoi might be avoided.

We have controversy being brought to the attention of the members of the committee of the House about the VVA. I would just like to use as an example of the kind of controversy that exists why we ought to be very careful about the granting of this charter.

In a second trip of representatives of the VVA to Hanoi, there was a good bit of anger expressed about the way the representatives of the VVA were conducting themselves and the way they were being used for propaganda purposes in Hanoi or by Hanoi.

One reaction to this trip came from Vietnam veteran Al Santoli, author of "Everything We Had," an oral history of that war.

Said Santoli:

> My feeling is that it was a disgrace that they sold out their fellow veterans and they sold out their country for the purposes of their own ambition and political advancement and also to sell pornographic magazines for Penthouse.

That was as presented in Human Events of January 9, 1982, at page 6.

Now, I am not saying that I agree that that opinion is correct that was expressed about them, but that is the strong sort of feeling that is involved in the controversy.

The existence of such controversy involving an organization that is asking for the granting of a Federal charter at this point suggests that we ought to say that this is not the time for the charter to be granted.

I think it would be very wise for this House to not pass H.R. 4472 today. The committee probably ought to do more by way of looking into the problems and the future in particular of the VVA, Inc.

Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. HAMMERSCHMIDT), the ranking minority member of the Committee on Veterans' Affairs.

Mr. HAMMERSCHMIDT. Mr. Speaker, while I was one of the original sponsors of the bill to grant a Federal charter to the Vietnam Veterans of America, Inc., I have determined that I must now withdraw that sponsorship—or oppose my own cosponsorship which now, of course, is a matter of record.

My total sympathy for and interest in those veterans who served in Vietnam remains as intense as it always has been. However, it has become ever more apparent to me that the Vietnam Veterans of America leadership has used the legitimate interests and concerns of America's Vietnam veterans to advance its own political aspirations. As long as this is true, I cannot support the organization's request for a Federal charter. I have no objections to the objects and purposes of the VVA corporation as set forth in section 3 of H.R. 4772. I support State and local VVA chapters and their individual members.

I thought my colleagues might be interested in the comments of Cooper T. Holt, executive director of the Veterans of Foreign Wars of the United States, who explains why that organization opposes the granting of the requested charter.

I include the VFW letter at this point in the RECORD:

VETERANS OF FOREIGN WARS OF THE UNITED STATES

To: National officers—national council of administration—past commanders-in-chief—department commanders—department senior and junior vice commanders—department adjutants—national legislative committee—department publications—national security committee—members POW/MIA subcommittee.

From: Cooper T. Holt, executive director, VFW Washington office.

Date: June 6, 1984.

Subject: Rationale for VFW opposition to a Federal charter for Vietnam Veterans of America, Inc. (VVA).

Since my letter of May, 14, 1984 the Washington Office has received several phone calls and letters concerning our position vis-a-vis the VVA—some pro and some con.

In responding to questions it has become apparent that some VFW members, and members of other veterans organizations, are being led to believe that the VFW is trying to destroy the Vietnam Veterans of America, Inc. (VVA). This is not true! We are opposed to a Federal charter for the VVA because of the actions and statement of its national executive leadership. We have no quarrel with the VVA's state and local chapters or the individual VVA members who support the patriotic ideals for which the VFW also stands.

One of our principal concerns has been with the VVA national leadership's involvement in POW/MIA matters. Public statements made by Robert Muller, President of the VVA, appear to discredit the creditability of U.S. intelligence which indicates that the Socialist Republic of Vietnam is holding the remains of over 400 U.S. servicemen and the possibility that some Americans may be held captive in Southeast Asia. These statements directly contradict the announced results of a recent visit to Vietnam by Assistant Secretary of Defense Richard Armitage. During the visit Secretary Armitage received a commitment that the Vietnamese would accelerate their efforts to account for missing Americans, concentrating initially on the most accessible cases.

The VFW is also concerned with reports from the National League of Families of American Prisoners and Missing in Southeast Asia that the VVA has recently released to the news media information which violated the privacy of POW/MIA families. We believe that these families have suffered great anguish for many years and their burden should not be increased.

On March 20, 1984 the VFW Commander-in-Chief wrote to Mr. Muller and asked him to withdraw his organization from involvement with the POW/MIA issue and allow the U.S. government to deal directly with the Vietnamese in deference to the desires of the League of Families. Mr. Muller did not respond to that letter.

As a major veterans organization the VFW cannot understand how Mr. Muller and other VVA leaders could have presented a wreath inscribed "With respect, from the Vietnam Veterans of America" at the tomb of Ho Chi Minh in Hanoi in December 1981. It appears that this action alone clearly identifies Mr. Muller as a propaganda conduit for the communist government of Vietnam.

The results of the VVA's first visit to Hanoi were clearly shown in a Wall Street Journal story "Prominent Vietnam Vets Group Is Returning to Hanoi" dated May 24, 1982:

"In its December 20, 1981, issue, the Hanoi daily newspaper Quan Doi Nhan Dan (Peoples Army) announced: 'Following the request of the Vietnam Veterans Association of America, a delegation of representatives of that organization led by its President Mr. Robert Muller, arrived in Hanoi to work with the national committee to investigate the effects of U.S. chemical warfare in Vietnam. The purpose of the delegations visit is to gather information about the effects of the U.S. chemical warfare in Vietnam in order to denounce it before public opinion.' "

In 1978 Robert Muller served as a technical adviser to the Jane Fonda film "Coming Home." In addition to whatever Mr. Muller may have been paid for his work, Jane Fonda contributed $500 to the VVA for the purpose of "developing membership and increasing awareness."

More recently an item on page 19 of the May 14, 1984 issue of Newsweek explains what appears to be a commercial venture between the VVA and the Vietnamese communists. According to Newsweek, Robert Muller and the VVA's special-operations director, Greg Kane announced that they have reached an agreement with the Vietnamese government to organize tours of Vietnam for former Vietnam veterans.

We question how Mr. Muller and his associates could consciously claim to represent 2.6 million American Vietnam veterans, including over 57,000 fallen comrades, to a communist nation from whose shores over 1 million freedom-loving refugees have departed since the fall of Saigon in 1975.

For the purpose of explaining why we question the direction of the VVA's current leadership, I have assembled the following quotes directly attributable to Mr. Muller:

The New York Times, December 21, 1981:

"During the 1981 visit to Hanoi: 'It's so quiet and the primitive level of everything here is stunning. When you see this place its almost obscene to think what we dumped on these people.' "

The Phil Donahue Show, Transcript #01104 page 11-12:

"Phil, I think Jane Fonda epitomizes what being an American citizen is all about. It's involvement with what we're doing as a country, not only domestically but around the world. There is a woman who has taken a position that is based on principle and belief. Whether it's right or wrong is obviously for debate. She has gotten into the process and she has made a commitment to be a player. That is patriotism * * * A lot of Vietnam vets will respect the fact that she took a difficult position and she advocated the truth."

"The New Soldier" by John Kerry and Vietnam Veterans Against the War, the Macmillan Company, New York:

"To believe that my government would lie to me or lead me astray was inconceivable * * * I'm bitter because I gave to my country myself, 100 percent, and they used me. They used me as a pawn in a game and for that reason I am bitter."

Village Voice "Veterans Revolt" November 8, 1983:

Speaking about MIA's: "Of course they are dead. The MIA issue has been exploited for political propaganda purposes by this administration and by various advocacy groups. The League of Families says there are Americans alive in Indochina. Really, that ought to be defeated by the most basic question of all. To what advantage? Why would the Vietnamese, now fully 10 years after the war, be holding our people in any way, shape or form as captive or prisoner."

* * * * *

"There shouldn't be any veterans pension today. Pensions have nothing to do with a veteran's service and are a vestige of the days before you had the Social Security programs."

"The Wounded Generation: America After Vietnam," Prentice-Hall, Inc. 1981. Chapter 8.

Page 118. "Every single Vietnam veteran that I knew was a member of VVAW (Vietnam Veterans Against the War.) I did not know a Vietnam veteran who was not in great sympathy with what we were going through collectively, most notably in public here in '71, with throwing the medals back."

* * * * *

Page 119. "The activists in the Vietnam veteran community that relate to veteran's organizations, to veteran issues and forums and symposiums, are, by and large, clearly left-wing, anti-draft, anti-military, angry guys * * * I think its remarkable that VVAW still stands to this day, in my opinion, as the only viable representation of the veteran community. There has not been another organization that has been able to say and speak with any authority that it represents a broad base of Vietnam veterans."

* * * * *

Page 122. "Marines were used like ——— cannon fodder in Vietnam."

Page 123. "* * * in that ——— VA hospital where I was put in bed with ——— drunks and derelicts and degenerates and old ——— has-beens * * *"

ABC Good Morning America, December 28, 1981:

Reference the VVA's 1981 trip to Hanoi: "We were treated like diplomats, I'd say. They had a full procession of cars, and we were given the VIP treatment for the whole tour."

Documentary film "Going Back: Return to Vietnam." Broadcast November 1, 1982 on Maryland Public Television:

In Hanoi, December 19, 1981: "These are the people we were wasting. A couple of years ago you'd have gotten medals for wastin' em. Now we're sittin' down and they're feedin' us dinner. I like 'em. They're nice people."

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At Ho Chi Minh's Tomb December 20, 1981: "You do have an immediate sense of respect. I can tell you that too. Cannot help but have respect for the man."

New York Daily News, "The War Among The Vets" May 30, 1982 by Richard Sisk:

"While other veteran's organizations focus on meeting individual needs, services are not our primary task."

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VVA's goal is to "organize ourselves into a viable political constituency so that we can argue for expensive benefit programs from a position of political strength."

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"The aim of the trip was to relate to the Vietnamese as people instead of relating to them as I tended—as gooks. The question has to be asked more and more 'why did we fight these people?' "

At Niagara Community College, Buffalo, New York, March 30, 1982:

"It might seem unconscionable to you. I'm going to give it to you as a statement of fact. I don't deal with the chapter process. I don't deal with membership. I deal with one thing. I'm on the road constantly raising money. The one function that I have with the organization is to raise money."

* * * * *

"I am more concerned with our government's accountability and with our government's conduct in understanding what happened and making sure that some of the things that happened in Vietnam don't happen again than I am in terms of the accountability of the North Vietnamese or the Viet Cong."

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National League of Families? * * * "they are an irresponsible organization.

USA Today "Interview with Robert Muller" November 10, 1982:

Concerning draft resisters: "A lot of people were upset, obviously with Carter's decision. I wasn't * * * I cannot fault those who refused to go perhaps on the basis of a better understanding of Vietnam than I had."

* * * * *

"At a rehabilitation center (in Vietnam), I found a guy who fought around Cam Lo at the same time I was fighting. I'm paralyzed and he's blind. I explained that we also were having difficulties in the United States as veterans. We both had a lot of friends and comrades killed. Despite the fact that we are disabled. We are a lot better off than they are. And since we are alive, we must bear witness to the war, heal the wounds, effect a reconciliation between our people. He said nothing. Then he sang a song for me. A Vietnamese folk song. And after a while, I clapped along and sang a few words of the chorus with him."

In an open letter to VVA members dated February 5, 1982, about the results of his trip to Hanoi in December 1981:

"The Vietnamese were impressed by the fact that VVA is the only national exclusively Vietnam-era veterans organization in America* * *"

The Washington Post, "Veterans Without Illusions" November 26, 1983:

"We absolutely trusted out leaders and did what they thought was necessary for the preservation of freedom and democracy to find out years later that what we did in Vietnam had really very little to do with preserving freedom and democracy in this country. It was a rude awakening."

Soldier of Fortune Magazine, May 1984. "Bobby Muller's Vietnam Veterans of America: Troubled Past, Uncertain Future" by Tony Bliss, Jr.:

"Vietnam was a waste and we were wrong."

* * * * *

"Muller quotes Vietnam's foreign minister as saying: 'We'll work with you. We're not going to work with the Reagan administration, but we'll work with you.' "

* * * * *

"Muller says he will 'take money from any source because the use of the money justifies whoever the sponsor for the monies (sic) is.' "

* * * * *

"To have jet strikes, to have artillery, to have the Battleship New Jersey, to have extraordinary ——— firepower, to make life-and-death decisions—it is such a ——— pump! You're like God. Bam! Because you catch a bullet, you're rendered to being a piece of ———."

In a January 31, 1983 letter to Mr. Harry Walters, the Administrator of Veterans Affairs, nine Vietnam veterans, including author Al Santoli, came to the following conclusion regarding the VVA:

"It is our considered opinion that VVA/VVAF has used its certification by your agency for only one purpose: As propaganda to promote itself as a legitimate voice for this country's Vietnam-era veterans in order to use this as a vehicle to raise money in order to support the political activities of Mr. Robert O. Muller and his small coterie of associates."

Portions of a statement printed in the Congressional Record on April 26, 1984, by Senator John Warner, formerly a cosponsor of legislation toward a Federal charter to the VVA, are worth noting:

"I must announce that I am withdrawing my cosponsorship of this organization's legislation, S. 2266, an initiative to grant VVA a Federal charter * * * I am now informed that the national leadership of the VVA has recently gone to Cambodia and North Vietnam and that Hanoi has now announced its recognition of the VVA as their official liaison to the United States for POW/MIA matters * * *

As former Secretary of the Navy during the Vietnam conflict, I cannot condone the actions of a non-governmental organization negotiating directly with Hanoi. Such negotiations must remain the sole responsibility of the U.S. Government * * *

In addition to Senator Warner numerous other Members of Congress have withdrawn their support for a Federal charter for the VVA.

In view of the above we believe that our action in asking Congress to deny a Federal charter to the VVA at this time, was done in the best interests of all Americans and particularly the silent majority of Vietnam veterans and those still unaccounted for in Southeast Asia.

Mr. SAM B. HALL, JR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. Edwards).

Mr. EDWARDS of California. Mr. Speaker, as a member of the Judiciary Committee, I am pleased to speak in strong support of H.R. 4772, a bill to grant a Federal charter to the Vietnam Veterans of America, which was recently reported from the Judiciary Committee by voice vote. Congressman Hall, the distinguished chairman of the Judiciary's Subcommittee on Administrative Law and Governmental Relations, and all of the members of the subcommittee are to be complimented for their work on this bill.

In addition to the support of the Judiciary Committee, the bill has the unanimous support of the members of the House Veterans Affairs' Committee, the other committee on which I have the honor to serve. As the senior member of the Veterans Affairs' Committee, I know well the work of Vietnam Veterans of America. I know firsthand how hard they have worked over the years to address the particular needs of Vietnam veterans, a constituency that they have ably and tirelessly served. I also know firsthand their dedication to restoring the self-esteem of Vietnam veterans who were caught unprepared in the midst of one of the most difficult eras of American history.

Vietnam Veterans of America has been effective in its important work. It operates ably as a nonprofit service organization. In addition, it has lobbied effectively on numerous measures designed to help Vietnam veterans. This legislation included the vet center program, agent orange, the VA advisory committee on women veterans, judicial review for veterans, and the job training and placement assistance program.

Vietnam Veterans of America has made a major contribution to Vietnam veterans and to veterans in general. The organization deserves its Federal charter and I urge my colleagues to vote for this bill.

Mr. KINDNESS. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise in strong support of H.R. 4772, legislation that would grant a Federal charter to the Vietnam Veterans of America.

I urge my colleagues to give this legislation their support as well. The VVA has become a dynamic and growing force among veterans, which provides them with much-needed service and support.

I recognize that both this bill and organization are not without controversy. But I believe that the criticisms being leveled at the two are ill-advised. In a sense, we are now seeing the same controversy being played out on the national level that I saw in my home town of Rutland, VT, a few years ago, which is home to chapter 1 of the VVA as well.

The State of Vermont has one of the highest per capita populations of veterans in the country. We have a strong tradition of serving our country. And I think we have a good record of suporting those who have served.

We all know that the reception given Vietnam vets upon their return was not a warm one. They left to do what they thought was their duty, and returned to a country bitterly divided. Opponents of the war viewed the vets as murderers who should have refused to participate in the war, while vets of previous wars looked on them as losers.

The VFW and other veteran organizations in my State looked upon the VVA with a great deal of suspicion. I grew up during World War II and Korea. I served in the Navy prior to Vietnam, and am a member of the Veterans of Foreign Wars.

I think largely due to my age, I was able to act as something of a mediator. Not long after members of both organizations sat down and talked, we all realized that the goals of each organization were the same.

I recognize that the VVA is not cut from the same cloth as more traditional veterans service organizations. However, this should come as no surprise, as Vietnam was unlike any war this Nation has ever fought. The VVA is just like these organizations in that its purpose is to serve the veterans who comprise its membership. It is a positive force.

None of us could have helped but be moved by the events in Normandy last week commemorating the D-Day invasion. The veterans of Vietnam will not have their victories celebrated, and their sacrifices are only beginning to be broadly recognized. They do have each other, which is what the VVA is all about. And they can have our support. I urge my colleagues to vote for H.R. 4772.

□ 1320

Mr. SAM B. HALL, JR. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, I rise in strong support of H.R. 4772, the bill to provide a Federal charter to the Vietnam Veterans of America. This particular organization has come before the subcommittee that I chair, the Hospitals and Health Care Subcommittee, as well as participated in the Education and Training Subcommittee to draft all of the major pieces of legislation that this House has passed dealing with Vietnam veterans. They were the first organization to come forward and say we should have front counseling centers scattered around the country so that Vietnam veterans could come and get help. They were the first organization to come and talk about the need to provide compensation on agent orange, and they came forward on behalf of the Vietnam veterans and talked about employment and training programs and bills that would be helpful to them in order to be recycled back into our society.

I think this organization, which is 17,000 strong, deserves the Federal charter. I think they deserve their rightful place among veterans organizations because of the leadership that they have provided.

There is a squabble among some of the veterans organizations with the leadership of VVA. But I do not think that squabble should be resolved here on the House floor with negative votes.

I, in fact, think that the large majority of Vietnam veterans who are serviced by this organization and who serve fellow Vietnam veterans should be encouraged by a strong bipartisan support for this legislation.

Finally, just a week or so ago we had in the rotunda and at Arlington Cemetery the burial of the Unknown Soldier from Vietnam. The leadership of the VVA was present in both instances, both in the rotunda and at the cemetery, rightfully positioned next to the President of the United States, rightfully participating in that as a way of showing their respect for that particular honored veteran.

I believe that they deserve their rightful place among veterans organizations that are trying to serve our veterans. They are helpful. They are providing a service, and they should in fact be supported in this Federal charter.

Mr. Speaker, as chairman of the House Veterans' Affairs Subcommittee on Hospitals and Health Care I would like to offer my full endorsement for H.R. 4772, a bill which would grant a Federal charter to the Vietnam Veterans of America.

Over the years our committee has watched this 17,000-member organization grow to become one of the most effective voices in Washington and throughout the country in behalf of the Vietnam veteran. They have testified consistently and effectively before our committee on a wide range of issues being the first veterans organization to call for enactment of the highly successful storefront readjustment counseling program for Vietnam veterans and the first organization to speak out in favor of direct compensation for agent orange exposure. The organization has also developed significant expertise in assisting with the design of major veterans education and employment legislation.

Mr. Speaker, the Congress in the past has granted numerous Federal charters to veterans groups far smaller than the Vietnam Veterans of America. But I feel it important to note that as a growing organization it has demonstrated over the few short years of existence a commitment to the veterans its serves equal to many organizations of far greater size. In the early days following the end of the Vietnam era VVA at many times was a lone voice speaking out in support of the Vietnam veteran at a time when neither the Congress nor the American people were receptive to the concerns of those who served in our last and longest war. The organization has expanded its influence both in Washington and through the growing number of VVA members who are actively assisting their fellow veterans on a day-to-day basis across the United States.

Recently, Members of this body were notified that there might be some objection to the passage of this legislation. I would hope that that would not be the case. In reviewing this situation it appears to me that any objection does not rest with the Vietnam Veterans of America as an organization, or the rank and file membership of the VVA. The concerns arise only as a squabble between the leadership of various organizations and the leadership of the VVA. I do not feel the floor of the House is the place to resolve these differences. Nor do I believe that this current state of events should hamper the ability of the membership of the Vietnam Veterans of America from receiving a charter from the Congress of the United States. I would hope that these differences could be resolved in the spirit of harmony with which all major veterans organizations have shown over the years.

But in the meantime, I believe there can be no greater symbol of the justification for this legislation than occurred several weeks ago during the moving ceremonies here in Washington honoring the Unknown Soldier of the Vietnam war. At that time the national president of the Vietnam Veterans of America, in both the Capitol rotunda and at Arlington Cemetery, took his invited place beside the President of the United States, Members of Congress, and the commanders of all the other major veterans organizations to pay tribute with them to his fallen comrade. The Vietnam Veterans of America has demonstrated its leadership and its ability. I strongly encourage unanimous passage of this legislation.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I rise in support of this legislation to grant a Federal charter to the Vietnam Veterans of America.

Since 1978, this national service organization has grown to include 17,000 veterans of the Vietnam era with 120 chapters nationwide. Together with other veterans organizations, this group is an important resource to the Congress, especially when legislation is considered affecting Vietnam veterans. The VVA advocated legislation expanding job training and placement assistance programs, compensating veterans for agent orange exposure and providing counseling and other mental health services.

The Massachusetts VVA has been especially active. In August 1982, the first local chapter was organized in Greenfield, MA. Since then, the organization has sponsored several programs providing important services to Vietnam veterans. This group established a toll free veterans assistance hot line and worked with a local television station to develop 30 second public service announcements for every TV station in the State. Working with the State government and local officials, the Massachusetts VVA helped secure $16 million in home mortgage loans and job training assistance under JTPA for Vietnam veterans.

Over the past year—through the efforts of this group and other veterans organizations—Americans have recognized the sacrifice of our veterans and our responsibility to them. Just a few months ago, a national memorial was dedicated to those 57,000 servicemen killed during the conflict, and just a few weeks ago, the President and the Nation buried an Unknown Soldier of the Vietnam war.

This process of national recognition of Vietnam veterans must continue. As the President said during the Memorial Day services at Arlington Cemetery, "an end to America's involvement in Vietnam cannot come before we have achieved the fullest possible accounting of those missing in action."

All veterans groups, the Congress and the Federal Government have a responsibility to the families of these missing American heroes.

I urge my colleagues to support H.R. 4772.

Mr. EDGAR. Mr. Speaker, I thank the gentleman for his strong support.

Mr. KINDNESS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Speaker, I rise in opposition to this charter, and I do so reluctantly, having been a member and being a member of the Subcommittee on Administrative Law that has dealt with this charter.

We did not have before us during the time we deliberated many of the accusations about this organization and its leadership which have floated to the surface since that time. During the markup of this bill in the full Judiciary Committee I made a motion to refer the bill back to the subcommittee for hearings and further deliberations so that we might explore the accusations and the concerns that have been expressed, some of which have been presented here today on the floor.

But, unfortunately, the motion was defeated and we have the bill under suspension today.

One of the organizations that is most respected among veterans in this country is the Veterans of Foreign Wars. And as was stated by one of the earlier speakers, they have raised a very strong opposition to the granting of this charter.

I do not think it is appropriate in light of this strong opposition for us to go forward. The gentleman from Ohio said a few moments ago we are waiving the normal procedures and rules and guidelines we have followed in the past in order to expedite this in time less than 10 years of existence of this organization.

While I admire the efforts of Vietnam veterans, having served during that period of time in the Navy myself, I do not think this charter is the way to recognize Vietnam veterans.

To quote from one of the letters that I have received from the Veterans of Foreign Wars, they said:

> The VVA has done nothing of substantive benefit for the Vietnam veterans that it purports to represent. In fact, our Vietnam veterans have been disgraced and dishonored by the VVA's shameful relationship with the Communist governments of Vietnam and Kampuchea. Their involvement with the Vietnamese communists also has interfered with the U.S. Government's effort to resolve the status of our men still missing in Southeast Asia and has resulted in unnecessary delays in the return of remains. We believe these activities should be condemned, not condoned by the Congress.

There are many stronger words that they use, and there are many points that have been made.

Again, I do so reluctantly because I do respect, and I think we should have great support for our Vietnam veterans, but I must oppose at this time the granting of the charter to the Vietnam Veterans of America, Inc., and urge my colleagues to defeat it when the vote comes on suspensions.

I yield back the balance of my time.

Mr. SAM B. HALL, JR. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Speaker, I rise in strong support of this legislation. Frankly, I am very disappointed at what I am hearing on the floor this afternoon.

I do not think there is anyone who could possibly come to the conclusion that some of the Members of this floor have this afternoon if they had been in the Veterans' Committee as I have with the chairman of our Veterans' Affairs Committee and some of the Members who have spoken on this side.

The fact is that each and every time when one of those issues affecting Vietnam veterans have come to us for consideration, the Vietnam Veterans of America have been able to give us an invaluable insight, not only an insight from a legislative point of view, not only the insight that you would expect from a national organization, but the insight that only Vietnam veterans can provide with the kind of experiences that they have had.

Of course, they have gone to Vietnam. But they have gone to Vietnam for very important reasons, humanitarian reasons, dealing with Amerasian children, humanitarian reasons dealing with those who are still over there, MIA's and POW's, whose bodies we still have not yet found.

So the fact of the matter is that there are purposes in their going over there. Just as the President saw fit to go to China recently to talk to the heads of state in China about problems and issues of mutual concern, so it is that in the best humanitarian sense Vietnam veterans have gone to Vietnam to talk about those issues of import to them and to us.

I want to emphasize, too, that the most significant opposition raised thus far has been only against the leadership. There are 17,000 Vietnam Veterans of America; 17,000 members who have come to the Congress to talk about their concerns, to express their needs.

I would hope that we would not color the judgment of an entire organization on the basis of what one or two individuals in that organization may or may not have done. That is not fair in Congress. It is not fair for the VVA either.

So it is important for us to recognize that this is a national organization. It is important for us to recognize today that the Vietnam veterans have earned their keep, have come to the Congress and demonstrated their importance, their commitment, and their significance to the Vietnam veterans' issues of the day.

I certainly hope that we can see fit to pass this bill this afternoon.

Mr. KINDNESS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. Rudd).

Mr. RUDD. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there is no question about what this Nation owes to the veterans of the Vietnamese war. It was an unpopular war. It created a lot of bitterness. It was a war that we did not win, and that is the reason for the bitterness.

The Vietnamese veterans must be recognized properly and at all times for their heroism, and the defense of our country, as they engaged in that unpopular war. There is no question but what they deserve an organization that will help them, that they will recognize and where they feel at home with such an organization.

But the question that comes to my mind today is the fact that many of the people who have brought forth information that reflects adversely on this particular bill did not appear before the committee when they should have to promote their opposition to this bill.

I think, however, that in view of some of the statements that have been made against the founder of the organization which do not reflect on the other members of the organization, that we should take a little more time, deliberate a little further. My recommendation is that it not be passed on suspension so that it can be done. And I am very confident that the Vietnam veterans organization will be recognized as such.

But the reason for that is that the founder, Mr. Muller, has advocated elimination of veterans preferences. In an interview in the publication, "The Village Voice," Muller was reported as saying the entire veterans benefits system is unjust, expensive, and ought to be eliminated. And he has praised Ho Chi Minh by laying a wreath at his grave during a recent visit to Vietnam.

□ 1330

Someone said that that was a stupid thing to do and maybe it was, maybe it was not, but it does reflect upon the leadership. My only purpose is saying that even though these people have come forth late, that the information that they are able to provide should be made a matter of record, not to defeat the bill itself, but so that it will be there for the rest of the Vietnamese veterans to consider.

Mr. SAM B. HALL, JR. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. Bonior).

Mr. BONIOR of Michigan. Mr. Speaker, after all the pain of all these years—from the war's beginning to the war's end, from the war's end until today—it comes again to this, more bitter attacks and counterattacks.

The Veterans of Foreign Wars opposed the Panama Canal Treaty and have supported the Contras who seek to overthrow the Government of Nicaragua. Those are not positions I would take, nor are they positions supported by the majority of this House, but the VFW is free to express and act on its own convictions.

Vietnam veterans, apparently, are not to be granted the same right. Today, as in the past, there are those who will help and honor Vietnam veterans only if Vietnam veterans will act as they are told, conform to someone else's image and someone else's ideology.

It is argued that the leaders of the Vietnam Veterans of America have made mistakes. Of course they have, who in this Chamber has not. Yet mistakes or not, it was the leaders of the Vietnam Veterans of America who worked without pay, argued ceaselessly and built the Nation's Vietnam veterans organization. It was the leaders of the Vietnam Veterans of America who changed the attitudes of this Congress and this Nation.

For nearly a decade, Vietnam veterans have sought basic benefits. Today, their requests hardly seem radical. Many have been enacted into law in the last few years. Yet the VFW opposed nearly every proposal.

They opposed the readjustment counseling program that now serves Vietnam veterans in your district. They opposed reform of the GI bill. They opposed agent orange compensation until nearly the last minutes.

Were these errors? They surely were. Should we now revoke the VFW charter? We do not. Instead we hope that the organization will learn and move foward. Is the VFW to be the only group given the benefit of hope?

And what of these attacks against the Vietnam Veterans of America?

Over the last few years, a series of bitter attacks were made against the leaders of the Vietnam veterans memorial fund. Every single one of those charges has not only been refuted but revealed as totally without substantiation.

Do not be fooled again. Be clear about the choice before you today. With your vote you will say whether you are for or against Vietnam veterans. Let the Nation be healed. Let us put the hate aside. I urge you to vote for H.R. 4772. Let us grant a congressional charter to our Nation's Vietnam veterans.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. Kindness) has 6 minutes remaining, and the gentleman from Texas (Mr. Hall) has 2 minutes remaining.

Does the gentleman from Ohio desire to yield time?

Mr. KINDNESS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. McCain).

Mr. McCAIN. Thank you, Mr. Speaker.

I would like to just comment on one of the previous speaker's remarks concerning the visits of the VVA to Hanoi and that they were made as some humanitarian gesture, or some attempt to ascertain the whereabouts of those men who were missing in action.

I believe that I have as much concern on that issue as any of those members of the VVA who went to Hanoi. I condemn and find inexcusable behavior that causes them to place a wreath on the tomb of Ho Chi Minh, the man directly responsible for the deaths of many, and injury of many of my friends.

The statements which were for the record that they made in sympathy with the Vietnamese, their actions, their excoriation of the behavior of people like myself who served loyally at the orders of the Commander in Chief for this country, I condemn and will never forgive. Their behavior was inexcusable.

It is one thing to go to a country and attempt to find the whereabouts of missing in action or to negotiate certain issues as a private group. It is another thing to go and provide propaganda which they did for the North Vietnamese Government and Communists and the terrible behavior; and the pain and injury that they inflicted upon me and my fellow members who were prisoners of war in that case.

Thank you, Mr. Speaker.

Mr. SAM B. HALL, JR. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. Kaptur).

Ms. KAPTUR. Mr. Speaker, as a member of the Committee on Veterans' Affairs, I rise in strong support of H.R. 4772, to grant a Federal charter to the Vietnam Veterans of America. The VVA is doing an excellent job of fostering, encouraging, and promoting solutions to the problems faced by Vietnam veterans. The VVA clearly satisfies the requirements and meets the standards for recognition as a veterans organization with a Federal charter.

The Chairman of the Veterans' Committee, Congressman SONNY MONTGOMERY, recently stated in a letter to the Veterans of Foreign Wars:

> The Subcommittee of The Veterans' Affairs Commitee have held many hearings in recent years on programs and legislation of interest to Vietnam era veterans. Representatives of the VVA who have testified at these hearings have been effective spokersmen for Vietnam veterans.

I agree with the chairman of the Veterans' Commitee 100 percent. The VVA has aided me considerably in my own study of various issues of special interest to Vietnam veterans, such as agent orange, a job training and placement assistance program, and the vet center program, to name a few.

On the local level, the VVA chapter in my district in northwest Ohio, has been actively and positively involved in a wide range of service projects of importance to our area's Vietnam vets. Some of the projects the Toledo chapter has sponsored include a referral service; job fairs; drug and alcohol abuse programs; support networking for veterans with posttraumatic stress disorder and for veterans who may have been exposed to agent orange; State and local Vietnam veteran memorials; and Small Business Administration Veterans Business Conferences and Veterans Business Resource Councils. Clearly, at the local level, the Toledo VVA chapter has been an indispensable resource for Vietnam veterans.

Additionally as one of the two women members of the Veterans Affairs Committee, I have found that the VVA is the only veterans organization which has actively recruited women veteran members. Through steering committees and staff program directors, the VVA has devoted serious study to their special problems and potential. At a time when the number of women in the military is increasing, I believe that the VVA is setting an important precedent.

I urge my colleagues on both sides of the aisle to join with me in support of granting a Federal charter to the Vietnam Veterans of America. The work of the VVA at both the national and local level places this veterans organization in a class deserving of such an honor. I might add, it is high time we did so. This past Memorial Day we buried an unknown Vietnam veteran to rest at the Tomb of the Unknown Soldier. It was high time we did so; a few years ago, this Nation unveiled the Vietnam war memorial in this city. It was high time we did so. Now we have another opportunity to give due recognition. As a Nation—Why are we so reluctant to give the Vietnam veterans the equal recognition they so deserve? I urge my colleagues to support this charter for the Vietnam Veterans of America.

Mr. SAM B. HALL, JR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KINDNESS. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, just to illustrate in closing the sort of problem that we face here: It has been pointed out that not all of the controversy was brought to the attention of the subcommittee when it held its hearings.

But I have a publication of the organization involved here reporting on the resolutions adopted at the first founding convention of the Vietnam Veterans of America, November 6 to 10, 1983, Washington, DC.

You see that within their own organization, it is pretty much acknowledged that that is the first time they have come together as a national body to formulate positions. So it is a very young organization in that sense.

That is one of the reasons we do not grant Federal charters to organizations that have been in existence a short time; because often organizations are involved in a great deal of controversy until they get going for some time.

One of the results of that founding convention was the report in the Washington Post newspaper that was later retracted; the report having been that the Vietnam Veterans of America sanctions itself as a legislative organization, and went on to say they passed resolutions during the convention which reflected discredit upon the organization's purpose; saying, in the retraction, the Washington Post said:

> An article published Friday incorrectly reported that the Vietnam Veterans of America has passed resolutions that opposed U.S. intervention in Central America and called for a normalization of relations with Vietnam and repatriation of Asian-American children. No such resolutions were passed. The report should have said that the VVA passed a resolution giving its board of directors permission to write position papers on those topics to be made public at a later date.

Well, folks, that is what we are talking about; an immature organization giving that kind of authority to present political statements in behalf of the organization that may not at all be truly representative of the views of its 17,000 or 16,000 to 17,000 members.

Should there be a Federal charter granted under those circumstances? I am afraid the answer is "No; it is premature."

I would ask the Members not to approve H.R. 4772.

● Mr. LEVIN of Michigan. Mr. Speaker, I rise in strong support of this bill to grant a Federal charter to the Vietnam Veterans of America.

The Vietnam Veterans of America is a national service organization devoted exclusively to improving the condition of the Vietnam veteran. In a very short period of time the VVA has amassed some 17,000 members, 130 chapters, and 12 State councils nationwide. This is largely due to VVA's efforts to bring to national attention the unique plight of the veterans who served in Southeast Asia. With the passage of two major pieces of legislation—an emergency jobs bill for Vietnam and Korean veterans and a bill to provide disability compensation for veterans exposed to agent orange—the House recently became attuned to some of the yet unresolved problems suffered by Vietnam veterans.

The readjustment to civilian life has been extremely difficult for the Vietnam veteran. The Vietnam veteran was younger than his fellow ex-soldiers from World Wars I and II, and has had to not only deal with the physical scars of battle, but also with the pyschological wounds of having served in the most politically divisive war in U.S. history. The statistics show that half the 1 million Americans who fought in Vietnam suffer from some form of posttraumatic stress disorder. The establishment of a program providing counseling for Vietnam veterans suffering from PTSD and a jobs program to address the disproportionately large number of unemployed Vietnam veterans were two of the major legislative priorities for the VVA. They were instrumental in gaining passage of legislation in 1979 creating the Vet Center program and the 1983 emergency veterans job bill.

There are nearly 400,000 veterans from the Vietnam era living in my home State of Michigan, which is still plagued by double-digit unemployment. The Michigan chapters of the Vietnam Veterans of America have been actively pursuing sorely needed jobs and training opportunities for Michigan Vietnam veterans.

Mr. Speaker, as a cosponsor of H.R. 4772, I urge my colleagues to support this worthwhile legislation recognizing the vital services that the VVA provides Vietnam veterans.●

● Mr. FISH. Mr. Speaker, on Memorial Day, I was privileged to participate in and witness a historic ceremony at Arlington National Cemetery. On that day, May 28, the remains of a Vietnam unknown were interred in the Tomb of the Unknowns, joining comrades from World War I, World War II, and Korea.

As the original sponsor—in 1971—of legislation to authorize the burial of a Vietnam unknown soldier in Arlington, this was a particularly moving experience for me. In 1921, my father's sponsorship of similar legislation resulted in the creation of the Tomb of the Unknown Soldier—a revered national shrine.

The inclusion of a Vietnam unknown was properly viewed as an important symbol for all Americans and, in particular, for those who served in Southeast Asia and their families. Through this action, America was again putting aside the acrimony and division which marked that era in our Nation's history. Over 2.5 million Americans served in Southeast Asia and 50,000 valiant men and women lost their lives.

But, despite the dispute over our involvement in Southeast Asia, Congress and the American people have rightfully recognized the tremendous sacrifices made by so many of our citizens. Those who served should not be made to further suffer—they deserve our recognition, our appreciation, and our respect.

Today, the House of Representatives has another opportunity to recognize the important sacrifices of those who served our Nation in military service during that admittedly controversial period. The Vietnam Veterans of America (VVA) is a national service organization, dedicated to improving the conditions for Vietnam-era veterans. The legislation—H.R. 4772—we consider today proposes to grant a Federal charter of incorporation to the VVA.

It is a symbolic recognition which would allow that organization to join numerous other veterans' organizations which have been granted Federal charters and are recognized for their important contributions to their members and the Nation. These include: the American Legion, the VFW, the Amvets, Disabled American Veterans, Blinded Veterans Association, Paralyzed Veterans of America, Italian-American War Veterans of the United States, U.S. Submarine Veterans of World War II, and American Ex-Prisoners of War.

The Vietnam Veterans of America is a nonprofit organization chartered under the laws of the State of New York. It has a growing membership of approximately 17,000. The VVA has 135 chapters nationwide and has members in all 50 States.

The Vietnam Veterans of America is a veterans' service organization in the most fundamental sense. The VVA operates a service representative program which assists Vietnam veterans with claims pending before the Veterans' Administration and other Federal agencies. They operate a career development and job counseling program for their membership. An area of particular emphasis and concern for the VVA has been the special needs of women and minority groups who served in Vietnam. The VVA also has been involved in education and technical assistance programs related to the problem of agent orange and the organization operates an agent orange hotline.

Earlier this year, I was pleased to join with my colleagues from Mississippi and Arkansas, Mr. MONTGOMERY, and Mr. HAMMERSCHMIDT, as a sponsor of H.R. 4772. The Vietnam Veterans of America is a veterans' service organization that is making important contributions to the quality of its members' lives. For these reasons, I strongly urge this House to approve H.R. 4772.●

● Mr. SHELBY. Mr. Speaker, I rise in support of H.R. 4772, a bill which would grant a Federal charter to the Vietnam Veterans of America, Inc.

The Vietnam Veterans of America is a well-known organization to the members of the Veterans' Affairs Committee. In recent years, they have testified before our committee on legislation and other matters affecting Vietnam veterans and have been most effective in their presentations.

There has been some criticism of this organization, resulting in an effort to defeat this bill. I recognize that the organization has some views on current VA programs which are unpopular with the veteran community at large, but if we only gave charters to organizations which supported the so-called popular positions, it would make a mockery of our time-honored principle of free speech and expression of thought.

I do not agree with critics of the organization who say that VVA has done nothing for Vietnam veterans. I want to point out that this organization was in the forefront of the efforts to establish the Vet Center program, the job training and placement legislation which we enacted, as well as keeping the committee and the Congress informed on what they believe to be real problems resulting from the use of agent orange in Vietnam.

I urge all of my colleagues to support the bill to give a Federal charter to the Vietnam Veterans of America.●

Mr. HARRISON. Mr. Speaker, I want to make very clear the reason for my vote against the passage of H.R. 4772, a bill to grant a national charter to the Vietnam Veterans of America.

In the abstract, I would favor the granting of such a charter just as I would favor the grant of a Federal charter to any patriotic organization comprised of the men and women who fought their Nation's battles.

And specifically, I reject the argument made on this floor that the bill should have been returned to committee for the purpose of examining statements allegedly made by some of its national officers. The Congress is not in the censorship business, and the granting of a national charter to a nonprofit, patriotic organization should not be dependent on whether the current majority of this House agrees with statements made by its national officers. If that were the test, any of the distinguished national veteran's organizations presently chartered might have been denied such a charter depending on the philosophical and policy views of a majority of the House sitting at the time their charter was considered.

My vote, Mr. Speaker, was cast as a protest against the failure of the subcommittee of jurisdiction to report out a similar bill, of which I am the principal sponsor, to grant a national charter to the Veterans of the Vietnam War, Inc. A hearing on this bill was held on the same day as the hearing on H.R. 4772. At that hearing, the officers of the Veterans of the Vietnam War testified eloquently as to the purpose and activities of their organization. They offered to answer any questions which any Member might have as to their eligibility for a national charter. No questions were put to them raising any doubts as to their eligibility.

Subsequently, I asked the distinguished chairman of the subcommittee to do me the favor of advising me of any information which might subsequently come to the subcommittee's attention casting any doubt on the eligibility of the Veterans of the Vietnam War, Inc. I was assured that I would be afforded an opportunity to respond to any negative information which came to the subcommittee's attention. No such negative information was ever brought to my attention and so I assume that none was received.

Notwithstanding, the present bill was reported favorably and no action was taken on H.R. 3949, which would have granted a Federal charter to the Veterans of the Vietnam War.

And so, Mr. Speaker, we are presented in my view with a simple question of equity. Why should one national organization of Vietnam veterans be chartered and a similar charter arbitrarily denied to another? I cast my vote today, therefore, against the grant of this charter only to protest the arbitrary action taken in failing to grant a similar charter to an equally qualified organization.

Notwithstanding the result of this vote, I still hope the subcommittee of jurisdiction will reconsider the grant of a charter to the veterans of the Vietnam war, and afford that organization the opportunity to rebut any unfavorable information which may have influenced the subcommittee's failure to report H.R. 3949. In that way will we, finally, grant due and just recognition to the brave and selfless men who served their Nation in the Vietnam conflict and serve it today by keeping alive the memories of that national tragedy, the debt we owe those who fought in it, and the lessons which its history should teach us all.

● Mr. CARPER. Mr. Speaker, I rise in support of this measure to grant a Federal charter to the Vietnam Veterans of America, an organization of which I am proudly a member.

The Vietnam Veterans of America organization has been remarkably effective in providing for the unique needs of veterans of the conflict in Southeast Asia. Vietnam veterans gave of themselves in the service of their country in the same honorable tradition of veterans of previous wars, but, quite noticeably, with much less support from home. Many Vietnam heroes were not welcomed upon their return home with the honors they deserved, but instead were ignored or shunned by their countrymen.

The battles of Vietnam were unlike battles of previous wars and, for many, those battles are still being fought today. The courageous men who fought in the jungles suffered in a manner that brought upon some traumatic effects that continue to plague them.

Vietnam Veterans of America has served these wounded men. This service organization has assisted many thousands of men working with the Veterans' Administration and has, in my mind, earned its right to a Federal charter.●

● Mr. DONNELLY. Mr. Speaker, earlier today, I joined a majority of my colleagues in voting to pass H.R. 4772, legislation granting a Federal charter to the Vietnam Veterans of America, Inc. I commend the VVA for its dedication to promoting and improving the situation of Vietnam-era veterans and their families. At the same time, I must express serious disagreement with several actions taken, and statements made, by Robert Muller, president of VVA. Mr. Muller has led several trips to Hanoi in the last few years, has met with officials of that government, and placed a wreath at the grave of Ho Chi Minh. I am most distressed that Mr. Muller has seen fit to question the efforts of the National League of Families of American Prisoners and Missing In Action In Southeast Asia, an organization that has worked ceaselessly to gain a full accounting of our missing servicemen in Southeast Asia. The league deserves tremendous respect for its valiant work. Attempts by the VVA under Mr. Muller's leadership to negotiate directly with the Hanoi government on MIA cases only serves to delay a full accounting, and prolongs the tragedy of the 2,500 American families who await the return of their loved ones. Such actions by private citizens and groups also serve to present Hanoi with a tremendous propaganda opportunity, and rewards them for their inhumane intransigence on POW/MIA matters.●

● Mr. CRAIG. Mr. Speaker, as a member of the Vietnam-era veterans caucus in Congress, I believe the Vietnam veterans deserve recognition for their commitment to fulfill their duty. If, today, we grant a Federal charter to the Vietnam Veterans of America, we turn our backs on those men and women who gave their lives, limbs, and hearts to America while serving in Vietnam.

Many diverse and deeply concerned veterans groups such as the American Legion, the Veterans of Foreign Wars, and the Afro-American Veterans Association, among others, have voiced their opposition to the Federal charter of VVA. Why? The national voice of VVA is its founder Mr. Robert Muller. Mr. Muller was very active in the radical organization Vietnam Veterans Against the War (AVVW) saying that "Vietnam was the catalyst that precipitated a social revolution." Mr. Muller's social revolution did not occur, yet, he has continued to work for goals inconsistent with the interests of Vietnam veterans. In January 1983, several veterans wrote the Veterans' Administration asking the VA to decertify VVA as a service organization. They pointed out that none of the money raised by the VVA during the 5 years of its existence has been devoted to veterans' services. Mr. Muller accepted a $500 donation from Ms. Jane Fonda who is widely regarded as an adversary of Vietnam veterans. Mr. Muller went on to thank Ms. Fonda by saying she "epitomizes what being an American citizen is all about."

A VVA delegation to the Social Republic of Vietnam in December 1981, was led by Mr. Muller who laid a wreath before the tomb of Ho Chi Minh, with the inscription "with respect, from the Vietnam Veterans of America."

Can we support a Federal charter for the Vietnam Veterans of America, when the leadership of this group supports U.S. aid to the Communist regime in Vietnam, and who wishes to create media attention, rather than tending to the needs and aspirations of the Vietnam-era veteran?

Until the national leadership of VVA changes its perspective, we cannot responsibly grant them a privileged Federal charter.●

Mr. KINDNESS. Mr. Speaker, I yield back the balance of my time.

□ 1340

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Texas (Mr. SAM B. HALL, JR.) that the House suspend the rules and pass the bill, H.R. 4772, as amended.

The question was taken, and on a division (demanded by Mr. KINDNESS) there were—ayes 19, noes 11.

Mr. SAM B. HALL, JR. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

PREVENTIVE HEALTH SERVICES BLOCK-GRANT AUTHORIZATION

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5600) to revise and extend the programs of assistance under titles X and XX of the Public Health Service Act, as amended.

The Clerk read as follows:

H.R. 5600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 2. Section 1001(c) (42 U.S.C. 300) is amended by striking out "and" after "1983;" and by inserting before the period a semicolon and the following: "$158,400,000 for the fiscal year ending September 30, 1985; $167,300,000 for the fiscal year ending September 30, 1986; and $176,700,000 for fiscal year ending September 30, 1987".

SEC. 3. Section 1003(b) (42 U.S.C. 300a(1)(B)) is amended by striking out "and" after "1983;" and inserting before the period a semicolon and the following: "$3,500,000 for the fiscal year ending September 30, 1985; $3,700,000 for the fiscal year ending September 30, 1986; and $3,900,000 for the fiscal year ending September 30, 1987".

SEC. 4. Section 1005(b) (42 U.S.C. 300a-3(b)) is amended to read as follows:

"(b) To carry out subsection (a), there are authorized to be appropriated $700,000 for the fiscal year ending September 30, 1985; $739,000 for fiscal year ending September 30, 1986; and $780,000 for the fiscal year ending September 30, 1987.".

SEC. 5. Section 2010(a) (42 U.S.C. 300z-9(a)) is amended by striking out "and" after "1983" and by by inserting before the period a comma and the following: "$30,000,000 for the fiscal year ending September 30, 1985, $31,700,000 for the fiscal year ending September 30, 1986, and $33,500,000 for the fiscal year ending September 30, 1987".

SEC. 6. (a) Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$98,500,000 for the fiscal year ending September 30, 1985, $98,500,000 for the fiscal year ending September 30, 1986, and $98,500,000 for the fiscal year ending September 30, 1987".

(b) Section 1901(b) of such Act is amended by striking out "$3,000,000" and inserting in lieu thereof "$3,500,000".

(c) Section 1905(c)(4) of such Act (42 U.S.C. 300w-4(c)(4)) is amended to read as follows:

"(4) agrees to make grants for preventive health service programs for hypertension in amounts equal to 65 percent of the total amount provided by the Secretary in fiscal year 1981 to the State and entities in the State under section 317 for such programs;".

SEC. 7. (a) Section 1905(c) of such Act is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by inserting after paragraph (8) the following:

"(9) will, not later than October 1, 1984, as prescribed by the Secretary by regulation collect data, using a uniform system prescribed in such regulation, on preventive health and preventive health services programs in the State assisted by funds from allotments under this part, including a summary of the services which were provided, the providers of such services, and the individuals who received such services.".

(b) The last sentence of section 1905(c) of such Act is amended by inserting before the period the following: "(other than the requirements of paragraph (9))".

(c) Section 1906(a)(2) of such Act (42 U.S.C. 300w-5(a)(2)) is amended by striking out "burdensome" and inserting in lieu thereof "unnecessarily burdensome".

The SPEAKER pro tempore (Mr. AuCoin). Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. Waxman) will be recognized for 20 minutes and the gentleman from Illinois (Mr. Madigan) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. Waxman).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5600 would simply extend for 3 fiscal years the authorization of appropriations for three Public Health Service programs:

The preventive health and health services block grant;

Family planning; and

Adolescent family life demonstration projects.

The legislation makes some minor changes in the prevention block grant and keeps its authorization level at the fiscal year 1984 figure. It makes no changes in either the family planning or the adolescent family life programs and allows for only modest increases in their authorization levels over the 3-year period.

H.R. 5600 is supported by both the ranking member of the Subcommittee on Health and the Environment, Mr. Madigan, as well as the ranking member of the full Energy and Commerce Committee, Mr. Broyhill. It enjoys strong bipartisan support and was reported out of the full committee by voice vote, with only one member filing dissenting views.

Let me now briefly describe the importance and accomplishments of each of these programs.

The prevention block grant was established as part of the 1981 Omnibus Reconciliation Act. The block consolidated eight unrelated Federal categorical programs into a single authority for grants to the States. Under this authority, States may use their block grant funds to support preventive health activities such as rodent control, fluoridation programs, hypertension services, emergency medical systems, services for rape victims, and for rape prevention.

These services and programs play an important role in promoting the health of individuals and in protecting the general health and well-being of communities at large. These activities must be continued as part of our efforts to improve the Nation's health and to cut health care costs.

The family planning program provides support for family planning services, training for family planning personnel, and family planning research and education programs. It is the only specific source of Federal grant funds for family planning services.

Most of the funding for services is awarded to State and local governments and hospital outpatient clinics. Service providers must offer a broad range of family planning services, including natural family planning methods, infertility services, and services for adolescents.

This program has been extremely successful in providing services to those women and their families who want to, and need to, plan for children, but who cannot afford to get help. Yet there are millions more still in need of assistance. The most recent figures show that some 42 percent of the 9.5 million low-income, and 43 percent of the 5 million sexually active teenagers in need of subsidized family planning services, do not receive medically supervised care. Annually, this lack of care results in millions of unintended pregnancies.

H.R. 5600 would begin to make a start at providing services to those women and families still in need of services.

The adolescent family life program was established in 1981 as a demonstration project to provide health and social services to pregnant teenagers and teenage parents. In addition, the program offers prevention services that attempt to reach adolescents before they become sexually active. Reauthorization of the program would allow for the continuation of these experimental projects as well as for their evaluation.

I urge my colleagues to support H.R. 5600.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. Molinari).

Mr. MOLINARI. Mr. Speaker, I would like to emphasize my support for the concept of home- and community-based services as an alternative to acute hospital care. While H.R. 5600 does not provide for the expansion of home health care services, section 9 of S. 2301—the comparable reauthorization legislation in the other body—provides a block grant for such services.

S. 2301 is a modification of Senator Hatch's original home health care bill, S. 1539 and my own bill, H.R. 4267. Section 9 provides appropriations for fiscal year 1985 for the planning and implementation of home health care programs and for the actual provision of services in fiscal years 1986 through 1988.

This section is modest in scope and is directed primarily as an outreach effort to assist those elderly individuals at risk of institutionalization who want to remain in their home. It is intended to begin a process on the State level which would ultimately prove effective and cost-efficient. In addition to offering a compassionate alternative, expanded home health care services could prevent a significant portion of the "at risk" population from entering costly institutions which so quickly swallow up medicare funds.

It is crucial that we act now to develop innovative health delivery alternatives in order to control spiraling costs. Encouraging the concept of home health care at the State level would be a wise step. The Congressional Budget Office has reported that between 20 and 40 percent of all nursing home patients have been inappropriately placed and could be cared for in less intensive settings, such as the home.

Expanding home health care services and permitting more elderly individuals to remain in the less costly setting of the home, could ultimately save medicare significant moneys. Providing block grants to the States would not risk new entitlements since the States would be at risk for any cost overruns above the alloted grant amount.

In anticipation that we will pass H.R. 5600 today, it is my hope that the conferees of both Houses will reach an agreement and leave intact the Senate provision for home- and community-based services. It is time that we make this wise investment as a solid first step toward long-term savings and efficiency within our national health care system.

Mr. MADIGAN. Mr. Speaker, I yield 10 minutes to the gentleman from California (Mr. Dannemeyer).

Mr. DANNEMEYER. Mr. Speaker, this bill definitely does not belong on the Suspension Calendar. It contains some very controversial features that should be addressed on the regular calendar under an appropriate rule where amendments can be offered so that the House can express its desires with respect to whether or not the House, as a policy measure, will continue this program and to what extent in the financial area.

Initially let me say that the administration strongly opposes this bill in the form that it is before us. The basis of that opposition is very simple. It fails to incorporate the family planning program into the primary care block grant and instead mandates a continued duplicative and intrusive Federal presence in family planning, a discrete program area more appropriately dealt with at the State and local community level.

Second, it undermines the preventive health block grant through mandated earmarks for rape crisis and hypertension services.

And, three, contains total authorization levels for 1985 to 1987—now get this—that are 23 percent higher than those contained in the President's 1985 budget.

This bill is a classic example of what we have been talking about for months in this the 98th Congress, who is responsible for the spending level of the country?

□ 1350

And some in this Chamber will from time to time be heard to say, "Well, it is the President who sets the spending level." Presidents propose; Congress disposes. We in the Congress set the spending level.

And here is another illustration of another bill on a policy measure where we in the Congress, if this measure would pass today, would have a 23-percent higher level for 1985-87 than was contained in the President's 1985 budget request.

At a time when the unemployment rate is 7.5 percent, which is on the way down, hopefully, and to our collective credit, where many people in America are talking about take backs, reductions in their compensation, here is another illustration in the 98th Congress where this bill comes through on suspension proposing an increase of 23 percent over what the President asked for. I do not think that is responsible stewardship in any way whatsoever, and for that reason alone it does not belong on the Suspension Calendar. It belongs on the regular calendar so that we could offer amendments so that the House could work its will in this very sensitive area.

When the bill was in the subcommittee and the full committee, the Energy and Commerce Committee, on which I am privileged to serve, I offered an amendment that would require not parental consent before family planning services were administered, but just notification.

We live in a crazy world. The law says that a physician cannot pierce the earlobe of a child to put an earring in without parental consent; yet the proponents of this legislation want parents totally ignorant about the fact that their daughter is seeking family planning services.

What possible rationale of logic can sustain a society which seeks that type of resolution? The basis of our civilization is the family, a husband, and a wife, and children. And this unit of our society determines how we live and what our values are. This bill, if it is the judgment of the House that we are going to preclude parents from knowing when their children are receiving family planning, well, that is the way the representative system works. I can accept that. But at least, on a fundamental question of whether or not we as a Congress are going to authorize that type of resolution in our society, the House should be expressing its will so that there is accountability on the part of those of us who are elected so that when we go home to our constituents we can answer as to whether or not we feel that is the way the system should go.

Now, on this point there is a divergence of opinion. Some people believe that there should be no family planning services at all until parental consent is obtained. My amendment in committee did not say that. It just said notification. And the parents can decide whether or not they want to intercede and to what extent.

I think this House should have the privilege of voting on whether or not notification belongs in this bill as a condition precedent for giving contraceptive devices to the young women and men of our society.

There is another feature about this measure that I do not think we Members even begin to comprehend—and I am not faulting anybody about this, because, quite frankly, we are so busy with so many things it is difficult to concentrate on these measures, but I am bringing it to the attention of the House today because it needs discussing.

There is no rationale why these services should be available for middle-income Americans or upper income Americans. There should be a means test in this program whereby it is limited in its applicability to people in the lower economic strata. I do not see any reason policywise why the taxpayers of the country should provide family planning services, contraceptives, to children coming from homes where the families are earning $50,000, $60,000, $75,000 a year. What is the rationale for that? I do not think that is the correct policy option we should be taking, and that is another amendment that we on the floor should be talking about, as to whether or not we choose to have the program be available to people in high income family groups.

There are at least two recommendations of the General Accounting Office which are highly critical of this program as exemplifying waste, fraud, and abuse, and there is at least one amendment that can be offered with respect to that which will correct that matter. This is another reason why it does not belong on the Suspension Calendar, because we know on the Suspension Calendar none of these amendments can even be considered.

And there is another point that is equally important to this whole debate. Much of the controversy around family planning is that ostensibly the money has been procured from Federal and State sources for the purpose of family planning and yet has been used as a means of counseling for abortion all over this country.

Now, the proponents of family planning say, "No, we do not use the family planning money for abortion services." But there have been countless times where that has happened. It just came to my attention by correspondence from Roseville, Calif., where a lady in that community, to test this matter, called up Planned Parenthood of Sacramento on March 30, 1984. They are located at 2507 21st Street. And they are listed under "Surgical Suite, Abortion Information, 916-446-6921." This lady obtained a telephone number from the white pages directory, Pacific Telephone, January 1983, Sacramento, page 416, and she went on to relate how she described an imaginary 13-year-old in the first trimester of pregnancy, and the question was posed to this person posing as an aspect of family planning, "Can we get an abortion?" They said, "Sure, it is available; we can help you with that."

So I think there is a good policy question for us to resolve in the amending process whereby this bill would be brought to the Members' attention, which says, in effect, that policywise we are going to make sure that this money is not used for abortion services.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

Mr. DANNEMEYER. Mr. Speaker, may I ask the gentleman for an additional 2 minutes?

Mr. MADIGAN. I am not going to have enough time.

Mr. DANNEMEYER. I thank the gentleman.

Mr. WAXMAN. Mr. Speaker, I yield myself 2 minutes.

We have before the House today three bills reauthorizing current programs in the health area. This is the first of three. They are on the Suspension Calendar because they are a continuation of present law. In the case before us, we have the present law for prevention programs including hypertension services, rodent control, fluoridation, rape crisis services, and general prevention programs that are handled through the States by way of a block grant.

We are also continuing the present law on family planning and the adolescent family life program.

The reason that we have such strong support for these programs is that the current law is working well.

There are some who do not want these programs. And if you do not want a family planning program at all—if you do not want the current law to continue—then I suppose the appropriate vote would be no. But I would hope my colleagues would vote for the continuation of this whole package of prevention programs because I think they are very much needed. And the evidence of that is the very strong bipartisan support in our committee for the continuation of the present law.

Let me point out that in terms of the authorization figures, we have increases only to reflect inflation. The authorization increase for family planning was 5.4 percent for 1985. For adolescent family life there is no increase in the authorization. In the prevention block, there is no increase in the authorization. Thereafter, there would be increases only to reflect the increase in inflation.

We think this is a reasonable proposal. The overwhelming majority of the Commerce Committee agreed with that, and I would hope that the Members, as well, would agree with that conclusion.

There are many issues we could fight about. But why should we have to fight about issues where, by and large, there is not a controversy. Certainly we have a great deal of controversy to deal with in the House, and we ought to take our time to deal with those.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, today we have before us H.R. 5600, a very important bill to reauthorize the title X voluntary family planning program, the title XX adolescent and family life (AFL) program and the preventive health and preventive services block grant. Of special interest to me is the title X program which currently provides voluntary family planning services to over 3.7 million persons and 4,500 clinic sites nationwide.

The bill makes no substantive changes in these programs. It is a simple reauthorization with only minor adjustments. In fact, the committee has worked to further clarify the programs and eliminate the confusion that has grown around the interpretations of the provisions.

The committee has estimated that over 2 million sexually active teenagers are currently not receiving any type of medically supervised contraceptive care. The increased authorizations in this bill, to $162.6 million in fiscal year 1985, $171.8 million in fiscal year 1986 and $181.4 million in fiscal year 1987, will help ease this situation. Last year I offered the amendment to increase the title X program to its current funding level of $140 million. With so great an unmet need, I believe an authorized level of $162.6 million in fiscal year 1985 is reasonable.

Some criticize family planning agencies because they believe that these agencies are trying to take the place of parents and, in effect, increase teenage promiscuity by making family planning services too readily available to young people. I would share this concern if I thought it was true. The truth of the matter however, appears to be that many parents are not providing their sexually active children with the information necessary to protect themselves from unwanted pregnancy. In fact, family planning clinics have had a long standing effort to encourage parent-child communications and the committee has properly taken note of this in its report.

In addition, I support efforts to provide individuals, on a voluntary basis only, with the knowledge and means to prevent undesired conception for the vital reason that this emphasis helps to avoid the use of abortion. Abortion is not only destructive of innocent human life, but is, in almost all cases, psychologically harmful to the individual who seeks it, and, ultimately, destructive of any society in which it is widely practiced. I have long thought that support of voluntary means of preventing unwanted pregnancies should be the common ground on which the so-called prolife and prochoice movements could meet. Unfortunately, this has not and probably will not occur in the near future, but I believe that the vast majority of the American people understand implicitly the need for voluntary contraceptive services to avoid the use of abortion as a means of birth control.

Another important issue addressed by this legislation is the need for increased research into contraceptive technology, including development and evaluation. The committee has rightly noted that the National Institutes of Health, Center for Population Research, is allocating less than 10 percent of its resources to support contraceptive development efforts. Through my position on the Labor, Health and Human Services and Education Subcommittee of the Appropriations Committee, I have been working to emphasize this important area.

During appropriations hearings this year, I questioned Mrs. HECKLER about this effort and she, too, indicated that it was a significant concern. In my view, an increased research effort in contraceptive technology would be funds well spent. I commend the committee for taking notice of this very important subject.

In conclusion, Mr. Speaker, this is an important piece of legislation which deserves the support of the House. I hope my colleagues will join me in voting "yes" on H.R. 5600.

□ 1400

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 5600.

Mr. Speaker, at the outset if I may just briefly respond to my colleague from California on two points, it is correct that the administration opposes this particular bill, the family planning bill, and that the basis for their opposition is that the family planning program has not been included in the primary care block grant.

In fact, the primary care block grant was created by the Committee on Energy and Commerce in 1981, and the decision was made by a majority of that committee, members of both political parties, at that time, not to include the family planning program as part of the primary care block grant. This year the committee again considered that proposal, and again made the determination that family planning should not be a part of the primary care block grant. That is essentially the basis for the opposition by the administration to this particular bill.

If I may respond on one further point to my colleague from California, it is not correct to say that this program is not means tested. Because the authorizing legislation provides that priority for services be given to people from low-income families, and that members of other families who are able to pay for the services provided by the family planning program should, in fact, pay for them at a local level.

Mr. Speaker, in support of this legislation, which provides for a simple 3-year extension of the family planning and adolescent family life programs and for the reauthorization of the preventive health and health services block grant, let me say that the funding levels increase for the first two programs by only 5.6 percent. In addition, no substantive changes are made to the existing law. In reporting H.R. 5600, the Committee on Energy and Commerce intends that the projects funded by these programs be continued without interruption.

The basic health, social and educational services provided by the family planning program since its establishment in 1970, and the adolescent family life demonstration projects, which have addressed the growing rate of teenage sexual activity and pregnancies, should be extended for the next 3 years and administered as Federal categorical programs as they have been administered successfully since 1970.

This bill also extends the authorization of the preventive health and health services block grant, as has been mentioned previously. The authorization levels in the bill are frozen. Let me repeat that: The authorization levels in the bill are frozen at the 1984 level of $98.5 million for each of the 3 years. Upon enactment in 1981, the preventive health services block grant consolidated eight categorical health programs into a single grant authority to the States. These programs include the entire list mentioned a minute ago by my other colleague from California, the gentleman who is chairman of the subcommittee, Mr. WAXMAN.

In addition to that H.R. 5600 sets aside a sum ranging from $3 million to $3.5 million for rape prevention services. H.R. 5600 requires States to collect data on prevention services and requires that State grants for hypertension must equal 65 percent of the amount awarded in fiscal year 1981. That merely represents a continuation of current law.

In summary, H.R. 5600 is neither a costly bill, nor a bill which makes any significant changes to current law. Rather, the legislation provides for the reauthorization of three programs which provide preventive health and medical services, which are not only cost-effective in controlling overall health care expenditures, but have successfully reduced the incidents of unintended pregnancy, and have dramatically improved public health.

The legislation received bipartisan support when it was reported by the Committee on Energy and Commerce on May 15, 1984. In fact, Mr. Speaker, it was reported by voice vote because there was so little dissent about reauthorizing these programs.

Therefore, I urge my colleagues to join me in supporting and adopting H.R. 5600 under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. I yield to the gentleman from California.

Mr. DANNEMEYER. The point that I sought to make when I was speaking earlier was that the history of the family planning services in this country demonstrates that in certain instances, those family planning agencies are involved in the political infrastructure of their local communities and lobbying Members of Congress and members of State legislatures for the purpose of achieving the goals of those organizations.

This is another reason why I believe this bill does not belong on the Suspension Calendar. The House should consider, as a policy matter, an amendment which would make very clear that the recipient of Federal funds is precluded from engaging in lobbying activities. Federal taxpayers should not be in the position of paying somebody to lobby we Members of Congress on issues of policy. That should be made clear by an amendment.

Mr. MADIGAN. If I may just respond to the gentleman, the gentleman who makes this point is a member of the committee that considered this bill, and he had the opportunity, if he had chosen, to make that point in the committee or to offer any amendment to that effect which he might have chosen to offer in the committee. Those things did not happen.

We have here a bill that reauthorizes, without any significant change, an existing program that in part freezes the funding for parts of this program for the next 3 years, and in one other part provides for only a 5.5-percent increase. This bill was voice voted out of the committee. Now, if we cannot bring to the Suspension Calendar legislation that is voice voted out of the committee, which makes no significant change in law, and that freezes funding levels for three-fourths of what we are considering, and provides for only a 5.5-percent increase for the balance of the bill, then we will never be able to consider anything on the Suspension Calendar in this House Chamber, and will never be able to get anything done.

● Mr. BEILENSON. Mr. Speaker, I wish to make a brief statement expressing my strong support for H.R. 5600, legislation which reauthorizes the Family Planning Services and Population Research Act (title X) and other preventative health services.

Title X is designed to insure that all our citizens have access to family planning services, regardless of income level or other factors. Providing access to family planning is essential for many reasons, the most important of which are to improve the health of mothers and children and to help alleviate poverty and dependency. The impact of timing and spacing of births on the health of mothers and children is well documented, as are the social and economic consequences of pregnancies during teen years.

I would like to focus my remarks on the need for assistance in averting teenaged pregnancies, since the high rate of pregnancies in teenage girls is one of our Nation's more serious social problems.

The Alan Guttmacher Institute has compiled some data about teenage pregnancies which merit our attention. Among their findings:

The maternal death rate for young teen mothers is more than twice that for 20- to 24-year-old mothers.

The infant mortality rate is almost twice as high for children born to young teens as to those 20 to 24 years old.

Teenage mothers are far more likely than those in their twenties to have babies who are premature or of low birth weight.

Teenage couples who enter into hasty marriages are three times more likely to divorce than those who marry in their twenties.

Mothers who give birth to their first child before age 18 are twice as likely to drop out of high school as those who postpone childbearing until their twenties.

It has been estimated that, for every 10 teenagers enrolled in family planning clinics in 1 year, one unintended birth is averted the following year. During the 1970's, an estimated 2.6 million unintended adolescent pregnancies were averted by federally assisted family planning programs. Helping avert unintended pregnancies has also saved tax dollars that might otherwise have been spent on prenatal and postnatal care, pediatric care, and welfare payments. Each Government dollar invested in family planning for teens saves roughly $2.90 in public expenditures in the following year alone.

There is no easy solution to the problem of teenage pregnancy, but our best hope for addressing it in a real and meaningful way lies with reauthorization of title X. The fiscal year 1984 appropriation of $140 million allowed family planning services to be provided to about 3.7 million people, many of whom were teenagers, in 4,500 clinics and, if funds are made available at the levels authorized under H.R. 5600—$162 million for fiscal year 1985, $172 million for 1986, and $181 million for 1987—the program will continue to serve a great number of family planning needs which would otherwise go unfulfilled.

I strongly urge that we pass this important bill.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 5600, preventive health services block grant. This legislation provides for a simple extension without change of the authorities within titles X—population research and voluntary family programs—and XX—adolescent family life demonstration projects—of the Public Health Service Act (PHSA). The bill also reauthorizes the preventive health and health services block grant authorized by part A of title XIX of the PHSA, with minor amendments.

H.R. 5600 authorizes a total of $291.1 million in fiscal year 1985, $301.9 million in fiscal year 1986, and $313.4 million in fiscal year 1987 for the three programs.

The bill also increases to $3.5 million from its current level of $3.0 million the set-aside in the preventive health and health services block grant for services to rape victims and rape prevention, requires that States spend at least 65 percent of what they spent in fiscal year 1981 on hypertension control services, and clarifies certain data collection requirements under the block grant.

Mr. Speaker, I urge my colleagues to support this legislation.●

● Mr. LELAND. Mr. Speaker, I rise in strong support of H.R. 5600 and commend the distinguished chairman of the Health and the Environment Subcommittee, Mr. WAXMAN, for his leadership on these vital issues.

H.R. 5600 will reauthorize the preventive health and health services block grant; title X of the Public Health Service Act—family planning programs; and title XX—the adolescent family life demonstration projects. All of these programs are critical to the health and welfare of our Nation. The programs authorized under this legislation have been demonstrated to be effective and cost efficient, and they deserve our full support.

The preventive health and health service block grant provides grants to states for services such as rodent control; community and school-based fluoridation programs; hypertension services; risk reduction and health education programs; comprehensive public health services; demonstration of home health agencies; and emergency medical systems and services for rape victims and for rape prevention. This legislation will continue these necessary programs for an additional 3 years.

Mr. Speaker, title X is a program in H.R. 5600 of particular concern to me. Every year since 1981, the Reagan administration has attempted to repeal the title X authority, thereby abolishing the family planning program. This, despite clear public and bipartisan congressional support for a national voluntary family planning program; a program whose mission is to improve the health of women and infants through both prenatal or preventative educational and medical services.

As I just mentioned, title X is a particularly important program to me—its successes and failures are so closely linked to, in fact, inseparable from infant mortality, the subject of a joint hearing in March held by the Subcommittees on Health and the Environment and Oversight and Investigations of the Energy and Commerce Committee.

At those hearings, the acute problem of teenage pregnancy and its association with an increased risk of infant mortality or low birth weight was discussed. Title X is the principle program designed to address strategies for the prevention of unintended teenage pregnancy. Furthermore, this program is the major provider of services to pregnant teenagers. Its positive impact on infant mortality and low birth weight is real. I have witnessed the tremendous success of the family planning programs in my district, Houston, Tex. Given the chance, these positive effects in Houston and across our Nation will continue.

We are all grimly aware that the proportion of women living below the poverty level has escalated in recent years. Title X is designed to help these women and their families through programs in their own communities. Yet, despite the increase in needy women, this program was cut by 22 percent in 1981, and funding levels have continued to decrease. The fiscal year 1984 level on funding is $22 million below that for 1981 title X exists as a vestige of its former self, and in spite of the Reagan administration.

Title X needs the authority to proceed in an unrestricted manner. I am pleased that the program was not burdened by parental consent or parental notification requirements. A strong family planning program will make a difference in our Nation's abysmal infant mortality rate.

Mr. Speaker, the funding levels authorized for all the programs in H.R. 5600 are barely enough to provide adequate services to the many Americans who so desparately need them. Title X, title XX, and the preventative health and health services block grant are cornerstones to our Nation's health and welfare. They enhance the quality of life, save lives, and are our future.

Again, I thank my colleague, Mr. WAXMAN, for his efforts to insure the public health of this country and I strongly urge my colleagues to suspend the rules and pass H.R. 5600.●

● Mr. MORRISON of Washington. Mr. Speaker, I rise today in support of H.R. 5600, which reauthorizes title X of the Public Health Services Act, the centerpiece of family planning in this Nation.

Because of recent debate over the legitimacy and effect of family planning, I feel a duty to remind this body of the importance of this national program. In the face of this debate it seems we need to remind ourselves of the three premises on which we based this program—that all persons should be able to determine freely the number and spacing of their children; that the timing and placing of births is directly related to the health of mothers and children; and that the availability of family planning services to low-income persons can be instrumental in preventing or alleviating poverty and dependency.

Since the Family Planning Services and Population Research Act created the family planning program in 1970, it has done much to minimize the incidence of unintended or unwanted pregnancies and the need for abortion. During the 1970's 2.3 million unintended births were averted because of this program. Furthermore, there has been a marked increase in the use of effective contraceptive methods among low-income persons. Family planning clinics report that prior to enrollment more than half of their clients have used either no type of contraception or a less effective nonprescription method. After enrollment 77 percent of the clientele choose a prescription contraceptive method.

We must remember that intent of this program—to avert unwanted pregnancies. We must remember that family planning is the best method with which to avoid the demand for abortion. When critics point to the parallel trend of greater access to family planning services and increased sexual activity among teenagers, we must remember that the vast majority of teenagers are sexually active for almost a year before seeking family planning services. It is therefore impossible that the existence of these services encourages teenage sex.

I have personally observed the planned parenthood operations in my district of the State of Washington. I know that these organizations are not abortion oriented and that they work with parents whenever possible. The more I observe the effect of this program in my district, the more committed to it I become.

I know that I am not alone in my committment. We as a body have demonstrated our support for this national family planning program time and again through the reauthorization process. I would simply like to remind my colleagues of this commitment in the face of the current debate.●

Mr. MADIGAN. Mr. Speaker, I yield back the balance of my time.

Mr. WEISS. Mr. Speaker, I rise in strong support of H.R. 5600, which would extend for 3 years title X of the Public Health Service Act. This legislation makes no substantive changes in title X or in the other two programs that it reauthorizes—the adolescent family life program and the preventive health and health service block grant.

It authorizes modest increases in the title X program over the next 3 years, $291 million in fiscal year 1985, $302 million in fiscal year 1986 and $313 million in fiscal year 1987. This year, the title X appropriation of $140 million provided family planning services to about 3.7 million persons in 4,500 clinics.

The family planning activities provided through these clinics have been tremendously successful and cost effective in helping to reduce pregnancy rates among teenagers and in averting millions of unwanted pregnancies among older women as well.

Unfortunately, some serious misconceptions have arisen regarding this program, including the allegation that title X clinics encourages the use of abortion. This charge has been proven untrue by numerous reports and audits by the General Accounting Office and the Inspector General of Health and Human Services.

Another area of controversy regarding this program has been the so-called squeal rule—the HHS proposal that federally funded family clinics inform parents when teenagers receive contraceptives. Several Federal courts have struck down this provision finding it contrary to congressional intent articulated throughout the history of the program.

The Reagan administration has consistently sought to undermine the program for narrow political reasons. Efforts to repeal title X as a categorical program and place it into a block grant have been successfully repelled, but for 2 years the administration did succeed in drastically reducing its funding. Further, the administration has harassed the program at every opportunity with unnecessary audits, personnel transfers, excessive paperwork, and misguided and even illegal policy changes.

Yet, the program has received strong bipartisan support both in Congress and from the public. And well it should. There are few programs that are so tremendously cost effective. For every dollar invested, title X saves $2 within the following year alone in Government funding for health and welfare services.

I strongly urge my colleagues to renew our national commitment to family planning and reproductive health care by reauthorizing this important program today.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from California (Mr. Waxman) that the House suspend the rules and pass the bill, H.R. 5600, as amended.

The question was taken; and on a division (demanded by Mr. Dannemeyer) there were—yeas 7, nays 1.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Pursuant to clause 5, rule I, and the Chair's previous announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. EDGAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4772.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH PROGRAM AUTHORIZATION

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5603) to amend the Public Health Service Act to revise and extend the authorities of that act for assistance for alcohol and drug abuse and mental health services and to revise and extend the Developmental Disabilities Assistance and Bill of Rights Act as amended.

The Clerk read as follows:

H.R. 5603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES

Sec. 101. This title may be cited as the "Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984".

Sec. 102. Section 1911 of the Public Health Service Act (42 U.S.C. 300x) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$532,000,000 for fiscal year 1985, $564,000,000 for fiscal year 1986, and $598,000,000 for fiscal year 1967".

Sec. 103. (a) Title XIX of the Public Health Service Act is amended by striking out section 1912 and inserting in lieu thereof the following:

"GRANTS

"Sec. 1912. (a) The Secretary may use not more than 1 percent of the amount appropriated under section 1911 for any fiscal year to make grants to public and nonprofit private entities for projects for the training and retraining of employees adversely affected by changes in the delivery of mental health services and for providing such employees assistance in securing employment.

"(b) No grant may be made by the Secretary under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approval application and will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a).

"Sec. 1913. (a)(1) If the amount available for allotment from appropriations under section 1911 for a fiscal year does not exceed $528,000,000, the Secretary shall allot such amount—

"(A) on the basis of a formula prescribed by the Secretary which is based equally—

"(i) on the population of each State, and

"(ii) the population of each State weighted by its relative per capita income, or

"(B) on the basis of the amount received by a State in fiscal year 1984,

whichever yields a higher amount. For purposes of subparagraph (A), the term 'relative per capita income' means the quotient of the per capital income of the United States and the per capita income of the State, except that if the State is Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific, the Commonwealth of Puerto Rico, and the Virgin Islands, the quotient shall be considered to be one.

"(2) If the amount available for allotment from appropriations under section 1911 for a fiscal year exceeds $528,000,000, the Secretary shall allot $528,000,000 in accordance with paragraph (1) and shall allot the amount which is in excess of such amount on the basis of the formula described in paragraph (1)(A).

"(3) Notwithstanding paragraph (1), if the aggregate of the amounts to be allotted to each State pursuant to paragraph (1)(B) in any fiscal year exceeds the total of the amount appropriated under section 1911 for allotments to States, the amount to be allotted to a State shall for such fiscal year be an amount which bears the same ratio to the amount which is to be allotted to the State pursuant to such paragraph as the total of the amount appropriated under section 1911 for allotments bears to the total of the amount required to be appropriated under such section for allotments to provide each State with the allotment required by such paragraph.

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1916(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.

"(b)(1) If the Secretary—

"(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this part be provided directly by the Secretary to such tribe or organization, and

"(B) determines that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary on this part,

the Secretary shall reserve from amounts which would otherwise be allotted to such State under subsection (a) for the fiscal year the amount determined under paragraph (2).

"(2) The Secretary shall reserve for the purpose of paragraph (1) from amounts that would otherwise be allotted to such State under subsection (a) an amount equal to the amount which bears the same ratio to the State's allotment for the fiscal year involved as the total amount provided or allotted for fiscal year 1980 by the Secretary to such tribe or tribal organization under the provisions of law referred to in subsection (a)(2) bore to the total amount provided or allotted for such fiscal year by the Secretary to the State and entities (including Indian tribes and tribal organizations) in the State under such provisions of law.

"(3) The amount reserved by the Secretary on the basis of a determination under this subsection shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(4) In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this subsection, it shall submit to the Secretary a plan for such fiscal year which meets such criteria as the Secretary may prescribe.

"(5) The terms "Indian tribe" and "tribal organization" have the same meaning given such terms in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.".

(b) Section 1915(c)(6) of such Act (42 U.S.C. 300x-4(c)(6)) is amended by striking out subparagraphs (B) and (C) and inserting lieu thereof the following:

"(B) The State agrees to use 75 percent of the funds allotted to it under section 1912 for fiscal years beginning after fiscal year 1984 for the mental health and alcohol drug abuse activities prescribed by section 1914(a) as prescribed by subparagraph (A).".

(c) Such section 1915(c) is amended--

(1) in paragraph (2) by striking out "fiscal years 1982, 1983, and 1984" and inserting in lieu thereof "fiscal years 1985, 1986, and 1987";

(2) by adding at the end thereof the following:

"(14) The State will, not later than October 1, 1984, as prescribed by the Secretary by regulation, collect data on alcoholism, alcohol abuse, drug abuse, and mental illness in the State using a uniform system prescribed in such regulation.

"(15) The chief executive officer of the State may establish a State mental health services planning council which will serve as an advocate for chronically mentally ill individuals, seriously mentally ill children, adolescents, and elderly individuals, other individuals with mental illness or emotional problems and which will monitor, review, and evaluate, not less often than annually, the allocation and adequacy of mental health services within the State. Such a council shall be made up of residents of the State and include in its membership representatives of the principal State agencies involved in mental health, higher education training facilities, and public and private entities concerned with the need, planning, operation, funding, and use of mental health and related services and activities. At least one half of the membership shall consist of individuals who are not State employees or providers of mental health services.

"(16) The State agrees to use an amount equal to at least 10 percent of the funds under its allotment which are to be used for mental health activities to establish new comprehensive community mental health programs for unserved areas or for underserved populations.";

"(17) The State agrees to use not less than 10 percent of the funds allotted to it under this part to initiate and expand alcohol and drug abuse services for women and to initiate and expand mental health services for severely disturbed children and adolescents. The services described in this paragraph are in addition to the services to be provided under paragraph (16)."; and

(3) by striking out the last sentence.

(d)(1) Section 1915 is amended by redesignating subsection (e) as subsection (g) and by inserting after subsection (d) the following new subsection:

"(e) The chief executive officer of a State may prepare and submit a comprehensive mental health plan which shall include—

"(1) an identification of the mental health service areas within the State and the agency responsible for the delivery and coordination of mental health services within the State;

"(2) an identification of the need in each mental health service area of the State for mental health and related services, particularly the need for services by chronically mentally ill individuals, seriously mentally ill children, adolescents, and elderly individuals, and other identified populations;

"(3) a description of the resources devoted to and activities to be carried out under the plan, including—

"(A) a description of mental health activities funded or supported under this Act,

"(B) a description of mental health activities funded or supported by State appropriations,

"(C) a description of mental health and related support activities funded under or supported through title XIX of the Social Security Act and other programs of Federal assistance, and

"(D) a description of mental health activities reimbursed in the State by private third party insurance coverage;

"(4) the mental health prevention and treatment objectives to be achieved under the plan and a listing of the programs and resources to be used to meet such objectives;

"(5) a strategy for the establishment and implementation for the chronically mentally ill of an organized community-based system of care which shall provide for quantitative targets to be achieved in the implementation of the plan, including numbers of chronically mentally ill persons residing in the areas to be served, services to be provided to such individuals in gaining access to essential mental health services, and medical and dental care and rehabilitation services and employment, housing, and other support services designed to enable chronically mentally ill individuals to function outside of inpatient institutions to the maximum extent of their capabilities;

"(6) targets for provision of community-based mental health services for underserved populations, with particular emphasis on the elderly, children and adolescents, and individuals residing in areas without adequate outpatient treatment facilities; and

"(7) a method for the periodic evaluation of the plan's effectiveness in meeting the objectives set forth in the plan.

"(f) The Secretary shall report annually to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the new programs initiated and services expanded in accordance with subsection (c)(17). The report shall include a detailed description of such programs and services, an assessment of the adequacy of such programs and services in meeting the alcohol and drug abuse treatment needs of women and the need for mental health services of severely disturbed children and adolescents, and such other information, including legislative and administrative recommendations, as the Secretary deems appropriate.".

(2) Section 1915(c)(2) is amended by striking out "(e)" and inserting in lieu thereof "(g)".

(3) Section 1915(c)(4)(C) is amended by inserting before the first comma the following: "or psychosocial rehabilitation services".

(e) Paragraph (2) of section 1916(b) is amended to read as follows:

"(2) Each State shall provide for one of the following:

"(A) A financial and compliance audit of the funds provided the State under section 1913. Such audits shall be performed annually and shall be conducted in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, activities, and functions.

"(B) A single financial and compliance audit of each entity administering funds provided under section 1913. An audit of such an entity shall be conducted annually and conducted in accordance with standards prescribed by the Comptroller General under subparagraph (A), except that if the entity is an entity of a government which operates on a biennial fiscal period, such audit may be made biennially.

Within 30 days after completion of an audit under subparagraph (A) or (B), a copy of the audit report shall be transmitted to the State legislature and the Secretary and shall be made available for public inspection. For purposes of subparagraphs (A) and (B), the term 'financial and compliance audit' means an audit to determine whether the financial statements of an audited entity present fairly the financial position and the results of financial operations in accordance with generally accepted accounting principles, and whether the entity has complied with laws and regulations that may have a material effect upon the financial statements.".

(f) Section 1916(a) (42 U.S.C. 300x-5(a)) is amended by striking out "and (3)" and inserting in lieu thereof "(3) to furnish the Secretary a detailed description of the programs to be supported in accordance with section 1915(c)(17), and (4)".

(g)(1) Sections 1911, 1913, 1914, 1915, 1916, and 1918 are each amended by striking out "1912" each place it occurs and inserting in lieu thereof "1913".

(2) Sections 1914, 1915, and 1916 are each amended by striking out "1913" each place it occurs and inserting in lieu thereof "1914".

(3) Sections 1913 and 1915 are each amended by striking out "1914" each place it appears and inserting in lieu thereof "1915".

(4) Sections 1913, 1914, 1916, 1917, and 1920 of such Act are each amended by striking out "1915" each place it occurs and inserting in lieu thereof "1916".

(5) Sections 1912 and 1913 are each amended by striking out "1916" each place it occurs and inserting in lieu thereof "1917".

(6) Section 1915 is amended by striking out "1917" and inserting in lieu thereof "1918".

(7) The section of the Public Health Service Act entitled "Payments Under Allotments to States" is redesignated as section 1914 and the existing section 1914 and sections 1915 through 1920 are redesignated as sections 1915 through 1920A, respectively.

(h)(1) Section 1920A of such Act (as so redesignated) is amended to read as follows:

"ADMINISTRATION

"SEC. 1920A. The Secretary, shall through fiscal year 1987 administer this part through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration.".

(2) Subsections (b) and (c) of section 501 of such Act are each amended by striking out "Administration" and inserting in lieu thereof "Administrator" and subsection (e)(1) of such section is amended by striking out "administration" and inserting in lieu thereof "Administration".

SEC. 104. (a) Section 501(a) of the Public Health Service Act is amended by inserting "(1)" after "(a)" and by adding at the end the following:

"(2) There shall be in the Administration an Associate Administrator for Special Populations to identify and assess the needs of minorities and women for alcohol and drug abuse and mental health services, to assure that the research being conducted or supported under this title includes women and minorities, and to assure that research training being provided or supported under this title includes women and minorities.".

(b) Section 501(c) of the Public Health Service Act is amended to read as follows:

"(c)(1) There is established the Alcohol, Drug Abuse, and Mental Health Strategy Council (hereinafter in this subsection referred to as the 'Council'). The Council shall—

"(A) periodically assess the national needs for alcoholism, alcohol abuse, drug abuse, and mental health services and the extent to which those needs are being met by State, local, and private programs and programs receiving funds under this title, and

"(B) provide advice to the Secretary and the Administrator respecting activities carried out under this title.

"(2)(A) The Council shall consist of fifteen members appointed by the Secretary and such ex officio members from the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health as the Secretary may designate. Of the members appointed to the Council, at least six members shall represent State and local providers of prevention and treatment services for alcoholism, alcohol abuse, drug abuse, and mental illness, at least six members shall be individuals with expertise in public education and prevention services for alcoholism, alcohol abuse, drug abuse, and mental illness, and at least three members shall be appointed from members the general public who are knowledgeable about alcoholism, alcohol abuse, drug abuse, and mental illness.

"(B) The term of office of a member appointed to the council is four years, except that of the members first appointed to the council—

"(i) five shall serve for terms of one year,

"(ii) five shall serve for terms of two years,

"(iii) five shall serve for terms of three years,

as designated by the Secretary at the time of appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(3)(A) Except as provided in subparagraph (B), members of the Council shall (i) be paid not more then the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Council, and (ii) while away from their homes or regular places of business and while serving in the business of the Council, be entitled to receive transportation expenses as prescribed by section 5703 of title 5, United States Code.

"(B) Members of the Council who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Council.

"(4) The Council may appoint such staff personnel as the Council considers appropriate.

"(5) The Secretary shall designate the chairman of the Council.

"(6) The Council shall meet at least three times each calendar year.

"(7) The Council shall report annually to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on its activities during the period reported on and shall include in such report such recommendations for legislation and administrative action as it deems appropriate.".

(c) Section 501 is amended by inserting at the end the following:

"(g)(1) The Administrator may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than 20 experts or consultants who have scientific or professional qualifications. Such experts and consultants shall be obtained for the Administration and for each of the research institutes under the Administration.

"(2)(A) Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5742, 5742a(a)(1), 5742a(a)(3), and 5726(c) of title 5, United States Code.

"(B) Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1), unless and until the expert or consultant agrees in writing to complete the entire period of his assignment of 1 year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for these expenses is recoverable from him as a debt of the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.".

(d) Subsection (e) of section 504 of the Public Health Service Act is repealed.

Sec. 105. Part A of title V of the Public Health Service Act is amended by adding at the end the following:

"DEMONSTRATIONS, DATA, AND TECHNICAL ASSISTANCE

"Sec. 507. (a) The Secretary, acting through the Administrator, may make grants to public and nonprofit private entities to carry out activities to demonstrate prevention and treatment services for alcoholism and alcohol abuse, drug abuse, and mental illness. No grant may be made under this subsection for more than 3 years and the Secretary shall disseminate to the public the results of activities undertaken under such a grant.

"(b) The Secretary shall collect and compile data submitted under section 1916(c)(14) and shall provide technical assistance to public and nonprofit entities to assist in the administration of programs for which funds were provided under an allotment under part B of title XIX and in the administration of funds provided under such an allotment.".

Sec. 106. Subsection (d) of section 502 of the Public Health Service Act is amended to read as follows:

"(d) The Secretary, acting through the Administrator, shall make grants to schools of medicine to support the training of students in such schools in the identification and treatment of alcohol and drug abuse. Grants under this subsection shall be made from funds available under this title and section 303.".

Sec. 107. Section 503 of the Public Health Service Act is amended by striking out subsection (d) and by redesignating subsection (e) as subsection (d).

Sec. 108. (a) The first sentence of section 512 of the Public Health Service Act is amended by striking out "and" after "1983" and inserting in lieu thereof a comma and by inserting a comma before the period at the end and the following: "$48,000,000 for fiscal year 1985 and $55,000,000 for fiscal year 1986".

(b) Section 515(c) of such Act is amended by striking out "and" after "1983" and inserting in lieu thereof a comma and by inserting a comma before the period at the end and the following: "$64,000,000 for fiscal year 1985 and $72,000,000 for fiscal year 1986".

Sec. 109. The Secretary of Health and Human Services shall present to the Congress by April 15, 1985, a comprehensive national plan to combat alcoholism and alcohol abuse. The plan shall include—

(1) a current estimate of the social and economic costs of alcoholism and alcohol abuse to the Nation,

(2) an assessment of unmet treatment and rehabilitation needs,

(3) an assessment of personnel needs in the fields of research, treatment, rehabilitation, and prevention,

(4) an assessment of the integration and financing of alcoholism treatment and rehabilitation into the Nation's health care delivery system,

(5) a statement of the Department of Health and Human Services' specific goals and objectives for meeting unmet treatment and rehabilitation needs, for meeting personnel needs, and for reducing the social and economic costs of alcoholism and alcohol abuse to the Nation,

(6) a delineation of specific legislative and administrative recommendations and departmental strategies for accomplishing the Department's goals and objectives,

(7) an analysis of available resources, including current public and private expenditures, to combat alcoholism and alcohol abuse, and

(8) an estimate of needed resources, both private and public, to accomplish the Department's goals and objectives.

Sec. 110. (a) Section 102(28) of the Controlled Substances Act (21 U.S.C. 802) is amended by striking out "twenty-one" and inserting in lieu thereof "one hundred and eighty".

(b) The Secretary of Health and Human Services shall, within ninety days of the date of the enactment of this Act, promulgate regulations for the administration of section 102(28) of the Controlled Substances Act as amended by subsection (a) and shall include in his report under section 505(b) of the Public Health Service Act his findings of the effect of the amendment made by subsection (a).

(c) Section 2(b) of the Alcohol and Drug Abuse Amendments of 1983 (97 Stat. 181) is amended—

(1) by striking out "210" in paragraph (2) and inserting in lieu thereof "201"; and

(2) by striking out "201, 301" in paragraph (13) and inserting in lieu thereof "301, 201".

Sec. 111. Title III of the Drug Abuse Prevention, Treatment, and Rehabilitation Act (21 U.S.C. 1161-1165) is repealed.

TITLE II—DEVELOPMENTAL DISABILITIES ASSISTANCE

Sec. 201. (a) The first sentence of section 113(b)(2) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6012(b)(2)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$12,500,000 for the fiscal year ending September 30, 1985, $15,000,000 for the fiscal year ending September 30, 1986, $17,500,000 for the fiscal year ending September 30, 1987, and $20,000,000 for the fiscal year ending September 30, 1988".

(b) Section 123(a) of such Act (42 U.S.C. 6033(a)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1985, "$8,500,000 for the fiscal year ending September 30, 1986, "$9,000,000 for the fiscal year ending September 30, 1987, and "$9,500,000 for the fiscal year ending September 30, 1988".

(c) Section 131 of such Act (42 U.S.C. 6061) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following "$46,000,000 for the fiscal year ending September 30, 1985, $48,800,000 for the fiscal year ending September 30, 1986, $52,000,000 for the fiscal year ending September 30, 1987, and $55,000,000 for the fiscal year ending September 30, 1988".

(d) Section 145(d) of such Act (42 U.S.C. 6081(d)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$2,700,000 for the fiscal year ending September 30, 1985, $2,900,000 for the fiscal year ending September 30, 1986, $3,100,000 for the fiscal year ending September 30, 1987, and $3,300,000 for the fiscal year ending September 30, 1988".

Sec. 202. (a) Section 102(8)(A) of such Act (42 U.S.C. 6001(8)(A)) is amended by striking out "and" before "transportation services" and by inserting before the period a comma and the following: "and the promotion and coordination of activities in support of the prevention of developmental disabilities".

(b) Section 102(9) of such Act is amended by inserting "(A)" after "means" and by inserting before the period the following: ", or (B) a public or nonprofit entity which is associated with or is an integral part of a college or university and which provides for at least—

"(i) interdisciplinary training for personnel concerned with the provision of direct or indirect services to persons with developmental disabilities; and

"(ii) dissemination of findings relating to the provision of services to persons with developmental disabilities".

Sec. 203. (a)(1) Section 109 of such Act (42 U.S.C. 6008) is amended by inserting "(a)" after "109." and by adding at the end thereof the following:

"(b) The Secretary shall make an annual report to Congress on the activities of the States with funds provided under section 132 and make such reports available to the States and the general public."

(2) The heading for such section is amended by adding at the end the following: "and annual report".

(b) Section 133(b)(1)(C) of such Act (42 U.S.C. 6063(b)(1)(C)) is amended by striking out "such reports, in such form and containing such information, as the Secretary may from time to time reasonably require" and inserting in lieu thereof "annual reports in such form and containing such information as the Secretary may reasonably require".

Sec. 204. (a) Section 113(a) of such Act (42 U.S.C. 6012(a)) is amended by striking out "and" before "(3)" and by inserting before the period a comma and the following: "and (4) the State must provide assurances satisfactory to the Secretary that the agency implementing the system will not be replaced unless there is good cause for the redesignation and unless notice has been given of the intention to make such replacement to persons with developmental disabilities or their representatives".

(b) The second sentence of section 113(b)(1)(A) of such Act is amended by striking out all that follows after "except that" and inserting in lieu thereof the following: "(i) the allotment to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall not be less than $100,000 in any fiscal year if the appropriations for such fiscal year under this subsection exceeds $10,000,000, (ii) if the appropriations for any fiscal year under this subsection do not exceed $10,000,000, such an allotment may not be less than $50,000, (iii) the allotment to any other State for any fiscal year may not be less than the greater of $150,000 or the amount of the allotment received by the State for the fiscal year ending September 30, 1983, if the appropriations for such fiscal year under this subsection exceeds $10,000,000, and (iv) if the appropriations for any fiscal year under this subsection do not exceed $10,000,000 such an allotment may not be less than $50,000.".

Sec. 205. (a) Section 122(d)(1) of such Act (42 U.S.C. 6032(d)) is amended by striking out "$150,000" and inserting in lieu thereof "$200,000" and by inserting before the period a comma and the following: "and to a satellite center shall not be less than $75,000 for any fiscal year".

(b) Section 122(d) of such Act is amended by striking out "(1)" and paragraph (2).

Sec. 206. (a) Section 132(a)(2) of such Act (42 U.S.C. 6062(a)(2)) is amended by striking out "$100,000" in subparagraph (A) and inserting in lieu thereof "$200,000 if the appropriations under section 131 for such fiscal year exceed $47,000,000 or $100,000 if such appropriations do not exceed $47,000,000".

(b) Section 132(a)(2)(B) of such Act is amended by striking out "$250,000" and all that follows in such section and inserting in lieu thereof "$350,000 or the amount of the allotment received by the State for the fiscal year ending September 30, 1983, if the appropriations for such fiscal year under section 131 exceed $47,000,000 or $250,000 if such appropriations do not exceed $47,000,000.".

(c) Section 132(a) of such Act is amended by adding the following new paragraph:

"(4) Adjustments in the amounts of State allotments based on subparagraphs (A), (B), and (C) of paragraph (1) shall be made annually. The Secretary shall notify States no less than six months before the beginning of the fiscal year.".

Sec. 207. Section 133(b)(4)(B)(i) of such Act (42 U.S.C. 6063(b)(4)(B)(i)) is amended by inserting before the period the following: "and for manpower assessment activities. No more than 10 percent of funds for priority services may be used for manpower assessment activities".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **MADIGAN**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from California (Mr. Waxman) will be recognized for 20 minutes and the gentleman from Illinois (Mr. Madigan) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. Waxman).

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Mr. **WAXMAN**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5603 extends the authorization of appropriations for the alcohol, drug abuse, and mental health services block grant, the Disabilities Assistance and Bill of Rights Act, and substance abuse research activities.

Alcohol, drug abuse, and mental illness are among the most serious public health problems facing our Nation. They affect all segments of society and impose annual costs exceeding $100 billion.

An estimated 35 million Americans suffer from mental disorders. As many as 13 million Americans are problem drinkers. Millions more experiment with or abuse illicit and licit drugs. Left untreated, substance abuse and mental illness cripple our economy and significantly increase demand for more expensive health care or institutional services.

The principle purpose of the legislation is to extend the authorization of appropriations for the alcohol, drug abuse, and mental health services (ADM) block grant. The ADM block grant is the principle source of Federal support for prevention and treatment services. Funds are allocated directly to the States and assist thousands of community-based programs in providing substance abuse and mental health prevention and treatment services.

In our review of this important program the committee was concerned about the use of ADM funds in areas of greatest need. Federal support is limited. It is essential, therefore, that the block grant not simply supplant or subsidize ongoing State activities. Accordingly, the legislation assures that block grant funds are allocated equitably among the States. In addition, an emphasis is placed on the use of block grant funds to expand or develop more effective prevention and treatment programs and assist groups which have not been adequately served by State programs.

In addition, the legislation provides for establishment of a system for collecting data on the incidence of substance abuse and mental illness and provides States greater discretion in allocating block grant funds according to need. The bill also addresses the urgent need of women for alcoholism services and severely retarded children for mental health services. Beginning in fiscal year 1985, States must allocate at least 10 percent of the block grant funds they receive for development or expansion of prevention and treatment services in these two much needed areas.

Most significantly, the legislation expands the responsibilities of the Alcohol, Drug Abuse and Mental Health Administration (ADAMHA). The committee bill substantially increases ADAMHA's non-research-related responsibilities. In addition to administration of the ADM block grant, the agency is charged with development of a nationwide system for collecting data on the incidence of alcohol and drug abuse and mental illness. Further, the agency is responsible for funding a comprehensive demonstration program to improve the delivery of alcohol abuse, drug abuse, and mental health services, and providing technical assistance to the States.

Mr. Speaker, H.R. 5603 also extends several other expiring Public Health Service Act authorities.

Drug and alcohol abuse research conducted by the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism are extended for 2 fiscal years. Continuation of these activities is essential to lessening the effects of drug and alcohol abuse on our Nation. By improving our understanding of these addictive disorders, more effective prevention and treatment services can be developed.

The authorization of appropriations for the developmental disabilities programs is extended for 4 fiscal years. The developmental disabilities program has been invaluable in coordinating services for the disabled. There is widespread agreement about the program's success, and new provisions in the bill will enable States to work toward the prevention of disability.

Mr. Speaker, HR. 5603 is a bipartisan proposal. It has the support of Mr. MADIGAN, the ranking minority member of the Subcommittee on Health and the Environment, and Mr. BROYHILL, the ranking minority member of the Energy and Commerce Committee.

I also want to note the invaluable contribution of Ms. MIKULSKI, the original cosponsor of this legislation. She has been a strong advocate on behalf of women and argued persuasively about the difficulties women have in obtaining treatment for alcoholism. States have been reluctant to admit that women suffer from alcoholism at approximately the same rate as men. For this reason, less than 25 percent of patients in treatment are women. BARBARA MIKULSKI's contribution and leadership on this issue will result in expanding the number of treatment programs available to women. On behalf of the subcommittee I commend her for bringing this issue to our attention.

I urge support for the legislation and reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from California (Mr. WAXMAN) has consumed 2 minutes of his time.

Mr. MADIGAN. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to this bill on the Suspension Calendar. My reason for taking that position is that here, again, we see another illustration of legislation that I think most of us are willing to support because it serves a useful purpose in alleviating suffering from alcohol abuse, drug abuse, and various handicaps, I serve on the subcommittee that considered this, I serve on the full committee that considered this, and I can say to my colleagues in this Chamber that there was not one witness who came before the subcommittee or the full committee and talked about how, if we increase the level of funding for these activities, we could do an additional service or an additional benefit to those who are the beneficiaries of these programs.

Considering the deficit that we are all facing and attempting to get a handle on, I think the prudent thing for us to do with this program is freeze authorizations or appropriations for 1985, 1986, and 1987 to what they were in 1984.

This measure on the Suspension Calendar precludes us from having that opportunity. I would like to offer such an amendment because I believe, as I have stated, that from a policy standpoint we should be freezing these programs at the level where they are now and, thereby, in a modest way, let this program contribute in its own way toward resolving the question of the deficits that are startling and growing all the time.

So it is for this purpose that I rise in opposition to the matter on suspension. I would like to offer that amendment. I did in the subcommittee. I offered the amendment in the full committee to freeze the authorization level of 1985 and 1986. I think it is a prudent thing for us to do and is the basis for my opposition to the measure.

Mr. Speaker, I want to bring to the attention of the Members that in 1984 we appropriated $462 million for this program. I understand it has been changed modestly, but the version that came out of the committee would authorize $532 million, the same amount that was authorized in 1984, but what we appropriated was $462 million. Then in 1986 it would authorize $564 million, and in 1987, $598 million.

The point that I seek to share with my colleagues is that if this program was consuming $462 million nationwide in 1984, given the existence of the deficit, I think from a policy standpoint we in this House should have the privilege of voting up or down as to whether or not we want to freeze spending at that level in 1985 and 1986 and 1987. By such a vote, we can give an indication to our constituents that we are interested in getting a handle on runaway spending, because the only way we have to control that is voting in this Chamber.

For these reasons, I ask that this matter on suspension be turned down.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this bill which reauthorizes the alcohol, drug abuse, and mental health services block grant for the next 3 fiscal years.

This block grant is crucial to the residents of Puerto Rico, where over 700,000 American citizens receive benefits from this program.

Our program is composed of two main parts. The mental health division administers the mental health component of the program, which, last year, had 543,000 citizens seeking services. Even though the program is supplemented with local funds, the $2.7 million Federal contribution has proven insufficient to provide the needed attention to all who qualify. Last year this division treated 72,323 new patients and the number of those seeking the services is increasing by 10 percent per year.

The second part of our program under the block grant we are reauthorizing today is for alcohol and drug abuse prevention and treatment. This program receives close to 60 percent of the block grant moneys. Last year this program aided close to 11,000 Puerto Ricans in drug treatment. Also, close to 7,000 patients received therapy to help them with alcohol-related problems. A large part of this program in Puerto Rico is the preventive health care program; 75,000 people benefited from this last year.

As can be seen from these numbers and statistics the services provided with the money we authorize today are sorely needed in Puerto Rico and the benefits we have derived from the investment undoubtedly provide substantial basis for continuation of the program.

I exhort my colleagues to support this program and urge them to continue to increase funding for this type of program which has such a positive effect on our most precious resource, the mental health of our citizenry.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5603, the legislation which provides for the reauthorization of research and service programs in the fields of alcoholism, drug abuse, and mental health, and extends the Developmental Disabilities Assistance and Bill of Rights Act.

Alcoholism, drug abuse, and mental illness are among the most serious health programs facing the Nation today, Mr. Speaker. The annual costs in lost productivity, medical costs, and related expenses exceed $100 billion.

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The alcohol, drug abuse, and mental health services block grant represents the Federal Government's principal tool for assisting States in making community-based prevention and treatment services available to the public. H.R. 5603 reauthorizes the block grant at the 1984 level in 1985, a 1-year freeze, and increases the authorization by 6 percent in 1986 and then again in 1987.

In addition, H.R. 5603 makes a number of revisions to the alcohol, drug abuse, and mental health services block grant.

First, it revises the formula under which block-grant funds are allotted among States.

Second, it provides for a system for collecting data on the incidence of substance abuse and mental illness.

Third, Mr. Speaker, it provides greater State discretion in allocating block-grant funds between mental health and substance abuse programs according to State need.

And, fourth, it provides incentives for States to develop special programs to provide alcohol and drug abuse treatment services to women and mental health services to children.

The research authorities in this bill supported by the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism are essential to the better understanding of the cause and the most effective treatment of addictive disorders. The reauthorization levels in H.R. 5603 for the Institutes are equal to the President's recommended level in 1985 and extended for a second year at a level allowing for the continuation of the current number of grants.

Title II of H.R. 5603 provides for the reauthorization of the developmental disabilities program which assists States in assuring that individuals with these disabilities have access to a range of services to enable them to live as independently as possible. The fiscal year 1985 authorization level contained in the bill provides an increase of 11 percent over current funding levels, but an increase of only 8 percent over the level of funding requested by the President for fiscal year 1985.

The difference between this bill and the President's request is only 8 percent, Mr. Speaker, and I think that is an important point to make.

This bill, as amended, received bipartisan support and was reported by the Committee on Energy and Commerce by voice vote on May 15, 1984. I believe H.R. 5603 should be treated favorably under suspension of the rules and urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield 5 minutes to a distinguished member of the subcommittee, the gentleman from Alabama (Mr. SHELBY).

Mr. SHELBY. Mr. Speaker, I rise in support of two important health programs extensions before us today, H.R. 5600, titles X and XX and prevention health services block grants, and H.R. 5603, alcohol, drug abuse, and mental health services and developmental disabilities assistance.

The demonstrated success of these programs, administered under the Public Health Services Act, lends these bills credibility. H.R. 5600 provides a simple reauthorization of titles X and XX and part A of title XIX, making no change in the substance or administration of these programs. Tracking current law, the bill makes clear that title X funds are not to be used for abortions. The committee is satisfied, in examining health and human services documents, that title X grantees are adhering to this prohibition. Importantly, research authority provided in title X for population planning will remain a priority. Projects in clinic operation, parent-child communication and medical standard setting are currently underway and will remain adequately funded.

Title XX, the adolescent family life program, provides prevention and delay counseling to adolescent contemplating sexual activity and funds research into the causes and consequences of adolescent pregnancy and parenthood.

Last, H.R. 5600 makes available State allotments under the preventive health and health services block grant. This is one of the most cost-effective and efficient use of taxpayer health dollars. States may use their allotments for a variety of worthy disease prevention and related programs, including school-based fluoridation programs, hypertension services, and health education programs.

H.R. 5603 reauthorizes several expiring authorities, primarily block grant moneys for alcohol, drug abuse, and mental health programs services. Given the enormous number of Americans suffering from the debilitating effects of alcoholism, drug addiction, or mental impairment, adequate funding for continued efforts to reduce these national health programs is vital. This legislation provides further support of the Alcohol, Drug Abuse, and Mental Health Administration, the focal point of national efforts toward that end.

I urge my colleagues' adoption of these imminently worthy national health promotion measures.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if I may just say this in conclusion, this bill was negotiated both by the gentleman from North Carolina (Mr. BROYHILL) and myself with the members of the majority party on the subcommittee and the Committee on Energy and Commerce. The gentleman from North Carolina (Mr. BROYHILL) and I are satisifed with the results of our negotiations which have brought about a substantial reduction in the authorizing levels originally contemplated in the bill as introduced.

I think there is some confusion here because I understand that something is being circulated from the administration that suggests that in one category there is a 37-percent increase. In fact, in that category there is only a 8-percent increase, so some numbers have gotten confused somewhere along the line. But we have available to us there the actual numbers, and we have in that category only a 8-percent increase. Both the gentleman from North Carolina (Mr. BROYHILL) and myself have been very satisfied with the negotiations and would urge that all the Members of the House support the bill.

● Ms. MIKULSKI. Mr. Speaker, I rise in support of H.R. 5603, the alcohol abuse, drug abuse, and mental health amendments.

I am especially pleased that this legislation includes a provision directing at least 10 percent of the funds allotted to States for alcohol and drug abuse programs specifically for women. Time and again, we have seen that women and minorities do not have equal access to treatment or receive appropriate treatment to meet their needs. In addition, they have been excluded from research in these areas.

During the hearing on this legislation, Dr. Sheila Blume, representing the National Council on Alcoholism, cited major research on alcoholism conducted by the Rand Institute. In their research, data collected on women did not fit in with the data collected on men. Rather than make some useful interpretation of this striking disparity, the Rand Institute simply deleted the data on women. The final report was based only on the data collected on the males although it is acknowledged that the physiological, metabiological, and physiological effects of alcohol differ between the sexes.

This new provision addresses a problem of long standing and will add to the excellent work done by ADAMHA.

I urge my colleagues to support H.R. 5603.

Thank you.●

● Mr. FAUNTROY. Mr. Speaker, I rise in support of H.R. 5603, alcohol, drug abuse, and mental health services and developmental disabilities assistance.

This legislation extends the authorization of appropriations for the alcohol, drug abuse, and mental health services block grant; Developmental Disabilities Assistance and Bill of Rights Act; drug abuse research; and alcohol abuse research. The principal purpose of H.R. 5603 is to revise and extend the authority of the alcohol, drug abuse, and mental health services (ADMS) block grant through fiscal year 1987, revises the formula for distributing funds among the States, and makes other changes in the law governing the ADMS block grant.

Authorizations in H.R. 5603 total $713.2 million in fiscal year 1985, $766.2 million in fiscal year 1986, $679.6 million in fiscal year 1987, and $87.8 million in fiscal year 1989.

Mr. Speaker, as a member of the Select Committee on Narcotics Abuse and Control, I strongly urge my colleagues to support this legislation.●

● Mr. LELAND. Mr. Speaker, I rise in strong support of H.R. 5603 and urge my colleagues to suspend the rules and pass this bill.

H.R. 5603 will extend the authorization for alcohol, drug abuse, and mental health services under the ADMS block grant. In addition, the legislation authorizes appropriations for the Developmental Disabilities Assistance and Bill of Rights Act for fiscal years 1986-88.

Under the new legislation, the State discretion in the allocation of block grant funds between mental health and substance abuse programs has been increased. Furthermore, H.R. 5603 includes incentives for States to develop special programs to provide alcohol and/or drug abuse treatment services to women and mental health services to severely disturbed children and adolescents. These provisions are both long overdue and desparately needed. Finally, the formula under which block grant funds are distributed among States has been revised. The new formula results in a more equitable allocation of funds and I heartily endorse it.

H.R. 5603 is an essential component in the national effort to combat alcohol and drug abuse; it provides the principle support for Federal assurance of mental health services for all citizens; and it reauthorizes the vital programs under the Developmental Disabilities Assistance and Bill of Rights Act. H.R. 5603 deserves the wholehearted support of the Congress, and I urge my colleagues to pass this important public health legislation.●

● Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 5603, the Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984.

As chairman of the Select Committee on Narcotics Abuse and Control, I am all too aware of the continuing toll drug abuse exacts from our Nation. Drug abuse remains one of our most intractable social and public problems. The total annual cost of drug abuse to our society is estimated to be $100 billion. Of this amount, some 70 to 80 percent results from the crime associated with drugs. The remainder is attributable to the impact of drug abusers on health care, law enforcement, social services, and unemployment.

Drug abuse also produces an incalculable human cost in terms of lives lost and ruined, families torn apart, and communities destroyed.

In the past few years, the severity of drug abuse has increased dramatically. Data on heroin and cocaine emergency room episodes nationally show a steady increase from 1980 to 1983. The impact has been especially heavy in our major urban areas. In my own city of New York, heroin-related deaths jumped from 246 in 1978 to 530 in 1983, an increase of 115 percent. Emergency room episodes involving cocaine rose 42 percent between 1981 and 1982 and have remained at high levels. Similar trends have been reported in other major cities across the country.

The use of marihuana, PCP, and other dangerous illicit drugs remains unacceptably high, especially among our young people. Many experts agree that levels of drug use among our youth are the highest in the Western industrialized world.

The abuse of legal prescription drugs diverted into illicit channels of distribution constitutes a serious public health problem. From 1980 to 1982, 60 to 70 percent of all mentions of controlled substances involving deaths and injuries were attributed to diverted drugs.

The Federal Government bears a heavy responsibility to control the supplies of drugs of abuse, many of which are smuggled into the United States from foreign sources. As long as we are unable to halt the enormous drug trade, we must provide leadership in caring for the victims of substance abuse.

Unfortunately, we are not doing enough on either score. Supplies of drugs such as heroin, cocaine, and marihuana are more plentiful than ever before and continue to increase. The purity of heroin and cocaine is higher and prices are cheaper. The price of a kilogram of cocaine that sold for as much as $60,000 in New York in January 1983 dropped to $18,000 by September 1983.

As the availability of drugs has increased, the demand for treatment and prevention services also has increased. New York City has a current waiting list for treatment of over 1,500 persons. Other major cities have similar long waiting periods for treatment. Many programs are operating above capacity raising questions about quality of care. Over 94 percent of the States responding to a survey conducted in 1983 by the National Association of State Alcohol and Drug Abuse Directors reported an unmet need for substance abuse services.

At the same time, however, Federal support for drug abuse treatment and prevention has declined by about 40 percent due to cuts in Federal funding under the alcohol, drug abuse, and mental health services (ADMS) block grant. Many cities responding to a recent survey by the National Association for City Drug and Alcohol Coordination reported that, as a result of funding cuts, treatment and prevention services have been reduced, waiting lists and gaps in services exist, and programs are heavily overutilized.

Clearly, the Federal Government needs to do more to alleviate the suffering that drug abuse inflicts. The legislation before us today provides the opportunity to support an increased Federal commitment for drug abuse services.

H.R. 5603 reauthorizes the alcohol, drug abuse, and mental health services block grant for 3 years. The ADMS block grant is the primary vehicle for Federal aid to States to support programs in these three areas. For 1985, the bill authorizes $532 million for the block grant, a 15-percent increase over the funds appropriated for 1984. The bill authorizes $564 million for the block grant in 1986 and $598 million in 1987, a 6-percent increase for each year. Even with the increases provided in H.R. 5603, the level of Federal support for alcohol, drug abuse, and mental health services will fall far short of the levels that existed prior to the block grant, especially when inflation is taken into account.

While I believe the current need for services, particularly in our urban centers, warrants a substantially greater Federal commitment to substance abuse services, I urge the House to support the 3-year authorization provided in H.R. 5603. The amount in the bill will help to assure a stable base of Federal support upon which States can plan and operate their programs. I also urge Members to support appropriation of the full amount authorized for the block grant in H.R. 5603.

H.R. 5603 also reauthorizes the research activities of the National Institute on Drug Abuse (NIDA) for 2 years. The basic and applied research NIDA conducts is essential to gaining new knowledge about drug abuse and developing new treatment and prevention strategies that can be used to care for drug abusers and prevent groups at risk from becoming involved with drugs. The bill provides $64 million for

NIDA research in 1985, an increase of about 16 percent over the 1984 program level. For 1986, the bill authorizes appropriations of $72 million.

Here again, I would like to see a stronger Federal commitment to drug abuse research. Budget cuts in 1982 cut deeply into NIDA's important research activities. Increases in subsequent years have helped to restore NIDA's research program. But the number of extramural research projects NIDA can support is still well below the 423 projects supported in 1980. Nonetheless, the authorizations included in H.R. 5603 will enable NIDA to continue strengthening its research program, and I urge all Members to support these provisions.

The bill contains a number of other commendable provisions I would like to note briefly:

The bill will reinstitute uniform reporting of data on drug abuse from the States to the Federal Government. This will help restore a much needed data base to assess changing drug abuse trends accurately and manage resources more effectively.

The bill recognizes the special substance abuse needs of women by requiring States to use a portion of their block grant funds to support programs for women.

The bill establishes the position of Associate Administrator for Special Populations in the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) to assure that the needs of minorities and women are addressed in treatment, prevention, research, and training programs conducted or administered by ADAMHA.

The Secretary of Health and Human Services is authorized to make grants to demonstrate prevention and treatment services for substance abuse and mental illness.

The Secretary is directed to support clinical training of medical students in the identification and treatment of drug and alcohol abuse through grants to schools of medicine.

The bill also directs the Secretary to compile drug abuse data submitted by the States and to provide technical assistance in support of programs funded under the block grant.

The bill also establishes an Alcohol, Drug Abuse, and Mental Health Strategy Council to assess national needs for services in these three areas and to provide advice to the HHS Secretary on substance abuse and mental health activities.

In sum, H.R. 5603 will assure continuing Federal attention to the serious problems of drug abuse confronting our Nation. It will also increase Federal support for programs to prevent drug abuse and ameliorate its adverse consequences. I commend the gentleman from California (Mr. WAXMAN) for his leadership in bringing this legislation to the floor, and I urge the House to support it.●

● Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 5603, authorizing the alcohol, drug abuse, and mental health block grant services for 3 years—legislation that is critical to our continuing battle against drug abuse in our Nation.

At a time when drug abuse has become one of our Nation's most serious and most expensive health problems, Federal support for drug-related services had wavered. Since the block grant system was put into place 3 years ago, many treatment centers and State agencies have been unable to meet the burdens placed on them by increasing demand for treatment. In testimony before the House Select Committee on Narcotics Abuse and Control, of which I am the ranking minority member, local treatment service representatives expressed frustration at the 40-percent cuts that have resulted since the alcohol, drug abuse, and mental health (ADMS) block grant replaced the categorical grant system for drug abuse treatment services.

I am pleased that the bill before us seeks to restore some of the funding that was lost during the block grant transition period. While H.R. 5603 reauthorized the alcohol, drug abuse, and mental health services block grant for 3 years, there are still many treatment agencies that will not receive adequate funding to address the needs of their clients. And while I am supporting this legislation today, I believe that the Federal Government needs to do more in the way of Federal assistance for treatment, education, and prevention programs to stem the growing tide of drug abuse in our Nation.

When the select committee held hearings in New York City during June 1983, the shortage of treatment services was made obvious to us. The availability of narcotics—cocaine, heroin, marihuana, pills, PCP—was creating serious problems for law enforcement and treatment providers in the Northeast. In April 1984, the select committee again heard from treatment representatives from New York City who reported that the situation had not improved, and had, in fact, grown more severe in the last year. The director of the New York State Division of Substance Abuse Services, Julio Martinez, told the select committee that the waiting list of addicts seeking treatment from his department had increased to over 1,500. "There is no more room at the inn," Martinez reported, meaning that treatment services had to turn these needy people away. Director Martinez stated that New York was fighting a losing battle since the block grants had placed such a burden on treatment providers.

Mr. Speaker, H.R. 5603 would provide a 15-percent increase for alcohol, drug abuse and mental health services for ADMS' authorization for 1984. While this is not enough, it is a start. For fiscal year 1985, the ADMS block grant would be authorized at $532 million; $564 million for fiscal year 1986; and $598 million for fiscal year 1987, representing an increase of over 6 percent for the next several years.

This legislation would also create an Associate Administrator for Special Populations, a new position within the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) to be responsive to the needs of minorities and women in the areas of treatment, education, and prevention.

Another important provision included in H.R. 5603 is the return to the uniform system of data reporting from the States. For the past several years, we have been unable to accurately gage the severity of the drug problem on a State-by-State basis, and the return to this system will allow the Federal Government to confidently assess the drug epidemic.

The bill would also authorize ADAMHA to conduct activities that demonstrate prevention and treatment services, and would establish an Alcohol, Drug Abuse, and Mental Health Strategy Council to advise the Department on Health and Human Services and the Congress on the needs for alcohol, drug abuse, and mental health services.

Drug abuse has claimed thousands of lives, and, if allowed to go unchecked, it will kill many more young people. In this regard, it is the responsibility of the Federal Government to help the States meet the demands that are being placed upon them as they provide services to those seeking treatment. This legislation reaffirms the Federal commitment to the drug war. Accordingly, Mr. Speaker, I urge my colleagues to support this legislation which is of great importance to combat drug abuse in our Nation.●

● Mr. JEFFORDS. Mr. Speaker, I am greatly concerned about some of the provisions in the bill, H.R. 5603. In particular, the new formula for distribution of block grant funds calls for a population-based computing of allocations. My State of Vermont has traditionally been very involved in developing programs covered by these block grants, but has been forced to accept severe cuts in Federal funding over the past few years. Since 1981, Vermont has lost almost $6 million, ranking second among all States in the percentage of Federal funds lost over this period.

Against this background, I am particularly concerned by the proposal of a new formula for distribution of ADAMHA funds. Under this formula, Vermont would lose more than 66 percent of its Federal funding, more than any other State. Fortunately, a "hold harmless" clause in the bill provides that no State shall drop below fiscal year 1984 levels. Obviously, this clause is of great importance to Vermont and must be retained in the future.

As the vote on this bill shows, the programs that are funded under this program are of great importance to the health and well-being of all Americans. The problems of alcohol abuse, drugs abuse, and mental health affect a large segment of our population and receive a disproportionally small percentage of Federal funding. I firmly believe that these programs must be given a high priority in allocation of our Federal resources. But this must be done on an equitable basis, one that does not penalize States that have been actively involved in these areas.●

Mr. MADIGAN. Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. AuCoin). All time has expired.

The question is on the motion offered by the gentleman from California (Mr. Waxman) that the House suspend the rules and pass the bill, H.R. 5603, as amended.

The question was taken; and on a division (demanded by Mr. Dannemeyer) there were—yeas 7, nays 1.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order on the lack of a quorum is considered withdrawn.

REPORT ON H.R. 5813, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. LEHMAN of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-833) on the bill (H.R. 5813) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. COUGHLIN reserved all points of order on the bill.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5496) to amend the Public Health Service Act to rename the National Center for Health Services Research as the National Center for Health Services Research and Medical Technology Assessment, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 305 of the Public Health Service Act (42 U.S.C. 242c) is amended—

(1) by striking out "National Center for Health Services Research" and inserting in lieu thereof "National Center for Health Services Research and Medical Technology Assessment";

(2) in subsection (b), by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and", and by adding after paragraph (4) the following:

"(5) the safety, efficacy, effectiveness, cost effectiveness, and social, economic, and ethical impacts of health care technologies."; and

(3) by redesignating subsection (e) as subsection (j) and by adding after subsection (d) the following:

"(e)(1) The Center shall advise the Secretary respecting medical technology issues and make recommendations with respect to whether specific medical technologies should be reimbursable under federally financed health programs.

"(2) In making recommendations respecting medical technologies, the Center shall consider the safety, efficacy, and effectiveness of the technology; and, as appropriate, may also consider the cost-effectiveness and appropriate uses of the technology.

"(3) In carrying out its responsibilities under this section respecting medical technologies, the Center shall cooperate and consult with the National Institutes of Health, the Food and Drug Administration, and any other interested Federal departments or agencies.

"(f)(1) The Secretary, acting through the Center, shall undertake and support (by grant or contract) research regarding technology diffusion, methods to assess medical technology, and specific medical technologies.

"(2) Any grant or contract under paragraph (1), the direct cost of which will exceed $50,000, may be made or entered into only after appropriate review by the National Advisory Council on Medical Technology Assessment.

"(g) The Secretary may make a grant to support a nonprofit entity to perform the following functions pertaining to medical technology assessment:

"(1) Serve as a clearinghouse for information on medical technologies and technology assessment.

"(2) Synthesize and evaluate information on medical technology assessments and on criteria and methods for medical technology assessments.

"(3) Identify needs for assessments of specific medical technologies and research on medical technology assessment.

"(4) Stimulate, coordinate, and commission assessments of medical technologies.

"(5) Promote education, training, and technical assistance in the use of medical technology assessment methods and results.

No grant made to any entity under this subsection for any fiscal year may exceed the lesser of one-half of the amount which the entity may reasonably expect to receive from non-Federal sources in such fiscal year in addition to a grant under this subsection for the functions described in paragraphs (1) through (5) or $500,000 in the case of a grant made for the fiscal year ending September 30, 1985, $650,000 in the case of a grant made for the fiscal year ending September 30, 1986, or $800,000 in the case of a grant made for the fiscal year ending September 30, 1987.

"(h)(1) There is established the National Advisory Council on Medical Technology Assessment (hereinafter in this section referred to as the 'Council'). The Council shall advise the Secretary and the Director of the Center with respect to the performance of the medical technology assessment functions prescribed by this section. The Council shall assist the Director in developing criteria and methods to be used by the Center in making medical technology coverage recommendations.

"(2) The Council shall consist of—

"(A) the Director of the National Institutes of Health, the Chief Medical Director of the Veterans' Administration, the Assistant Secretary for Health and Environment of the Department of Defense, the head of the Centers for Disease Control, the head of the Health Care Financing Administration, and such other Federal officials as the Secretary may specify, who (or their designees) shall be nonvoting ex officio members, and

"(B) twelve members appointed by the Secretary.

"(3) The Secretary shall make appointments to the Council as follows:

"(A) The Secretary shall appoint six members of the Council from individuals who are distinguished in the fields of medicine, engineering, and science (including social science) and shall appoint four members from individuals who are distinguished in the fields of law, ethics, economics, and management. Of the members appointed under this subparagraph—

"(i) at least two shall be physicians,

"(ii) two shall be selected from individuals who represent business entities engaged in development or production of medical technology,

"(iii) one shall be selected from individuals who represent hospital administrators, and

"(iv) one shall be selected from individuals who represent health insurance companies or self-insured employers.

"(B) The Secretary shall appoint two members from members of the general public who represent the interest of consumers of health care.

"(4)(A) Each appointed member of the Council shall be appointed for a term of three years, except that—

"(i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(ii) of the members first appointed after the date of the enactment of this subsection, four shall be appointed for a term of three years, four shall be appointed for a term of two years, and four shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may be appointed for additional terms and may serve after the expiration of their terms until their successors have taken office.

"(B) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(5) The Council shall annually elect one of its appointed members to serve as Chairman until the next election.

"(6) The Council shall meet at the call of the Chairman, but not less often than three times a year.

"(7) The Director of the Center shall (A) designate a member of the staff of the center to act as Executive Secretary of the Council, and (B) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.".

"(i) In each fiscal year, seven and one-half percent of the amount made available under section 2113 for such fiscal year for evaluations shall be made available to the Assistant Secretary for Health to conduct or support (by grants and contracts, or both) through the Center, evaluations of health services and health care technology which evaluations are not being conducted or supported under this section or section 304.".

(b) Subsection (j) of such section (as so redesignated) is amended by striking out "subsections (b), (c), and (d) of".

(c)(1) Section 304 of such Act (42 U.S.C. 242b) is amended by striking out "National Center for Health Services Research" each place it occurs and inserting in lieu thereof "National Center for Health Services Research and Medical Technology Assessment".

(2) Such section is amended by striking out ", the National Center for Health Statistics, and the National Center for Health Care Technology" each place it occurs and inserting in lieu thereof "and the National Center for Health Statistics".

(3) Such section is amended by striking out ", the National Center for Health Statistics, or the National Center for Health Care Technology" and inserting in lieu thereof "Or the National Center for Health Statistics".

(4) The heading for such section is amended by striking out "AND HEALTH CARE TECHNOLOGY" and inserting in lieu thereof ", AND MEDICAL TECHNOLOGY ASSESSMENT".

SEC. 2. Section 309 of such Act (42 U.S.C. 242n) is repealed.

SEC. 3. (a)(1) The first sentence of paragraph (1) section 308(i) of such Act (42 U.S.C. 242m(i)) is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: "$24,500,000 for the fiscal year ending September 30, 1985, $27,000,000 for the fiscal year ending September 30, 1986, and $28,500,000 for the fiscal year ending September 30, 1987".

(2) The second sentence of such paragraph is amended by inserting after "Research" the following: "and Medical Technology Assessment".

(3) Such paragraph is amended by adding after the second sentence the following: "For medical technology assessment activities undertaken under subsections (b)(5), (e), (f), (g), and (h) of section 305 the Secretary shall obligate from funds appropriated under this paragraph not less than $4,500,000 for the fiscal year ending September 30, 1985, $5,000,000 for the fiscal year ending September 30, 1986, and $5,500,000 for the fiscal year ending September 30, 1987.".

(4) The last sentence of such paragraph is amended by striking out "for each" through "1984," and inserting in lieu thereof "for any fiscal year".

(b) Paragraph (2) of such section is amended by striking out "and" after "1983," and by inserting before the period a comma and the following: $50,000,000 for the fiscal year ending September 30, 1985, $53,000,000 for the fiscal year ending September 30, 1986, and $57,000,000 for the fiscal year ending September 30, 1987".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5496 reauthorizes appropriations for the existing functions of the National Center for Health Statistics and the National Center for Health Services Research.

In addition, the bill renames the National Center for Health Services Research to be the National Center for Health Services Research and Medical Technology Assessment. It authorizes this Center to advise the Secretary on issues involving medical technology, including recommendations regarding what technologies should be paid for under medicare. It creates a National Advisory Council, to provide advice and recommendations to the Center. It also authorizes a matching grant to a private agency to perform technology assessment activities to supplement those of the Center.

Each year Federal and State governments spend billions on health-care programs. In order to spend this money wisely, we need comprehensive, accurate data on health status, health-care utilization and costs, and characteristics of health-care providers. We also need health services research to understand better the delivery of health-care services and to design innovative ways of improving Government programs.

The principal purpose of the legislation is to improve the capacity of the Department of Health and Human Services to assess new health-care technologies. Health-care costs have been rising at twice the rate of inflation. As much as 25 percent of the inflation in health-care costs is due to the adoption of new technology or expanded use of old technology. While much of this technology is beneficial, some experts suggest that as much as 15 to 20 percent is useless, redundant, or potentially dangerous.

Passage of H.R. 5496 will help assure that patients will receive the most appropriate and highest quality care available and that the money we spend on health care is spent wisely.

Mr. Speaker, this is a bipartisan proposal. Mr. MADIGAN, the distinguished ranking minority member of the Subcommittee on Health and the Environment, is an original cosponsor of this measure and one of its strongest advocates. His contribution to this legislation has been invaluable and greatly appreciated.

I urge support for the legislation.

□ 1430

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset let me thank my colleague from California for his kind words as I rise in support of H.R. 5496.

The National Center for Health Services Research is the primary agency in the Public Health Service supporting general research demonstrations and evaluations of the organizations delivering health-care services. The requested authorization level for the National Center for Health Services Research and Medical Technology for 1985 is only $0.5 million above the 1984 authorization, a difference between $24 million and $24½ million, a very modest figure.

The National Center for Health Statistics is the focal agency for the development and maintenance of data systems which provide national descriptive health statistics on a continuous basis. NCHS collects, analyzes, and disseminates statistics on determinants of health, utilization of health care, health-care costs and financing, and health resources, as well as other pertinent health data.

The 1984 appropriation level for NCHS is $47 million. We are requesting an authorization in 1985 of $50 million, a $3 million increase, an increase of just a little bit less than 6 percent.

In addition to reauthorizing these centers for 3 years, H.R. 5496 provides for a joint private-public consortium and a National Advisory Council on Medical Technology and adds Medical Technology to the title of the National Center for Health Services Research.

This legislation thus provides a framework for the important decisions we must make, not only in assessing new technology, but in reviewing the appropriate use of technology that may now be obsolete.

Decisions to pay for costly technology must be based not only on cost, but also on effectiveness, safety, and the level of benefits. These functions are needed to maintain the quality of our medical care and the containment of those portions of the health-care costs we can judiciously manage.

We have worked closely with industry representatives and the Office of the Assistant Secretary of Health, Dr. Edward Brandt, in developing this legislation. Dr. Brandt, in testimony before our subcommittee, stated his support for the concepts and policy of this bill.

We understand that in Senate testimony he stated his preference for this bill over a bill under consideration in the Senate.

Therefore, I would urge all the Members to replicate the broad-based support we have developed for these concepts and ask that H.R. 5496 be adopted under suspension of the rules.

In conclusion, I would like to single out my colleague from California (Mr. WAXMAN), to thank him for his willingness to come to accommodations on the funding levels for these programs. I know that there are many interest groups that undoubtedly subject the gentleman from California to a considerable amount of pressure, hoping that they will be able to receive considerably more than what we have been able to afford. Without the gentleman's cooperation in helping us to lead these people to moderation, we would not be able to stand here today and jointly in a bipartisan way support this legislation.

So I know the gentleman from California has worked very sincerely to make this possible. He has been very accommodating in reducing the original authorization levels considered in this legislation and I thank him for his cooperation.

Mr. Speaker, I yield 7 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, my purpose in rising in opposition to this bill on suspension is not that I am opposed to it, but just the proposed increase in authorization which is contained in the measure before us.

I might point out initially that the administration is opposed to this level of authorization contained in this bill before us now and prefers to seek a lower level of authorization which will make the level consistent with what the administration requested of the Congress in its proposal for 1985.

When you look at the numbers in this bill, it is a good illustration of several principles that drive government spending. The first principle is that expenditures rise to meet the income available to be expended, and then some, and work will expand to fill the time within which to complete it.

Now, just look at these figures and see how these principles are enunciated so that the spending ethic which controls the House of Representatives in the 98th Congress can drive spending ever higher.

For example, in 1984 we authorized $24 million for health services research. We spent $17.8 million for that purpose.

Now, when they came to make the request for an authorization for 1985, what did they base it on, the lower? Oh, no. They based it on the higher, that is, the authorization level for 1984, though my colleague from Illinois can say that the authorization level for 1985 is $24.5 million. What he does not bother to say is that we spent $17.8 million, so when we authorize $24.5 million in 1985, that is about an increase of 30 percent in 1 year that is authorized over what was appropriated.

Then for the health statistics aspects of this bill, the second feature, we authorized $39 million in 1984 and we spent $46.6 million. Did we base the 1985 request on authorization? Oh, no. The authorization was lower than what we spent, so we request the authorization to be the higher, $50 million in 1985, $53 million in 1986 and $57 million in 1987.

This Member from California attended the hearings of this legislation in subcommittee and the full committee and not one witness came and testified from the administration as to how it was proposed that this additional money was to be expended, not one witness.

You ask, well, where do they plan to spend it? They will spend it if we pass it, because the work will expand to fill the time within which to complete it and expenditures will rise to meet the income available to be expended; but you see, it is all in the name of improving health care for Americans, health services and health statistics, and really, who can be against that with any degree of conscience, because this is a political dialog you encounter on the stump. When this measure passes today, some constitutent may say to me, "Why do you vote against this?"

And then you have to explain because the level of spending is at a rate that no one can really justify. It just came out of thin air, because there were no witnesses who testified as to how this additional spending was justified, and this bill, this measure, is one of the better illustrations that we will find this week, perhaps this month, as to how spending just grows and grows and grows.

□ 1440

How do you stop it? That is what this process is supposed to be about. We are here to assert a sense of accountability for our actions.

I believe we should freeze auhorization levels for the next 3 years at what we spent in 1984. I admit that may be a parochial, narrow view in some Members' eyes. But I believe that it expresses the sense of a taxpayer's Representative, who I assert that I am when serving this body.

The taxpayers are crying all over this country for relief. They do not like growth in the programs of this magnitude.

Mr. MADIGAN. Will the gentleman yield?

Mr. DANNEMEYER. I will be happy to yield.

Mr. MADIGAN. Are these the same taxpayers who are concerned about the tremendous spiraling increase in the cost of the medicare program and the medicaid program? Are these the same taxpayers who are concerned about the tremendous increase that has occurred in health care costs, in hospitals, and doctors' offices all across the country?

Mr. DANNEMEYER. I think they are the same.

Mr. MADIGAN. Are we talking about the same taxpayers?

Mr. DANNEMEYER. I think they are the same taxpayers.

Mr. MADIGAN. Will the gentleman yield further?

Mr. DANNEMEYER. I am happy to yield.

Mr. MADIGAN. In this bill which we are discussing, the gentleman would like to reduce the funding levels from their current levels. If that is what the gentleman is arguing is his initial position, what he is arguing for is a reduction in the levels that are presently authorized. Does the gentleman think that it makes sense to reduce the funding for health research, for health care technology assessment when those are the only tools that we have to find ways to deal with the tremendous increases that are occurring in the costs of the medicare and medicaid programs?

Mr. DANNEMEYER. I will be happy to reclaim my time. The gentleman says the only tool we have? It is not the only tool we have.

The people that populate the executive branch of government can spend only what we appropriate. We determine the level of spending. We determine the benefits for this country.

If we have the intestinal fortitude to get a handle on this runaway spending today, all we have to do is set the level of spending that we will permit the executive branch to spend.

I submit that it should be about $180 billion less than what we have authorized heretofore.

The outgo exceeds the income. That is our problem.

Mr. MADIGAN. I will get my own time when the gentleman's time has expired.

Mr. DANNEMEYER. I yield back the balance of my time.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume and rise to respond briefly to the gentleman from California by elaborating on the point I started to make. But first I think that the administration's statement on this bill ought to be read into the Record, because the administration's statement says that they do not oppose the passage of H.R. 5496. I think perhaps we need to make that point.

Mr. DANNEMEYER. Will the gentleman yield?

Mr. MADIGAN. Yes, I will be happy to yield.

Mr. DANNEMEYER. But you left out the next sentence.

> However, the administration will seek amendments in the Senate to reduce the bill's excessive authorization levels to those contained in the President's 1985 budget for the National Center for Health Services Research and the National Center for Health Statistics.

Did I read correctly?

Mr. MADIGAN. Yes. I am told that the thing that I have has part of it on one page and part of it on the second page. But if the gentleman had listened to my opening comments he would be aware of the fact that in my opening comments I made the point that the Assistant Secretary, Dr. Brandt, said that he preferred this bill to the one that is being marked up over in the other body, and he testified to that effect in the Senate committee.

Now, what happens time and time again is the gentleman gets up and berates the other gentleman from California (Mr. Waxman) and the gentleman from Illinois, because of the funding levels that we have in some of these health bills, when in fact the levels that we have are less than the levels contained in the Senate bill which has been introduced in many instances by members of the gentleman from California's own political party, the same political party that is represented in the White House.

Time and time again the gentleman from California (Mr. Waxman) and the gentleman from Illinois (Mr. Madigan) are berated by the honorable and distinguished gentleman from California (Mr. Dannemeyer) because of all of the money you are saying we want to spend when members of your own political party in control of the other body are proposing to spend more money than we are. In this particular bill there are only two functions that we would fund. One, we would increase from $24 to $24.5 million. My lord, how can we ever afford that? And the other one we would increase from $47 to $50 million. How in the world can we ever afford that?

I think we can afford this $3.3 million when the $3.5 million is going to be spent in order to try to find ways to bring down the cost of health care delivery in the United States. That is what that money is going to be spent on.

If anybody ever said anything that ever made sense, the chairman of the board of General Motors did when he made the comment that if you want to put a business out of business the way to do it is to cut off its research money.

I would suggest to the gentleman that if you do not care what happens to health care costs in the United States, the very way to insure that they are going to continue to escalate out of control is to see that we do not spend adequate sums of money researching ways to try to find some means to bring those health care costs under control.

There is a saying that you can be penny wise and pound foolish. I would suggest to the gentleman that perhaps that is what this debate is all about. We are being penny wise and pound foolish and cutting off our nose to spite our face when we say that we are not going to spend money to do research; that we are not going to spend $3.5 million to research possible ways to save billions and billions of dollars.

If we are that tight on money, then we really are in serious trouble.

Mr. DANNEMEYER. Will the gentleman yield?

Mr. MADIGAN. I will yield to the gentleman.

Mr. DANNEMEYER. The gentleman made reference to some work that the other body is involved in. He knows full well that this House has nothing to do with what happens in the other body, at least in the sense of what legislation they develop.

We get to the problem of resolving differences when we have a conference committee, and that time may come.

But with respect to the gentleman's own observations about hopefully research will lead us to some more rational expenditures of public funds, I hope you are right. But the point I seek to make is that when we take these programs one by one and look at them in isolation, as you have just done, you can make an excellent case for this program that must have funding in order to satisfy a social need. And then this afternoon, later, we will have another gentleman stand here or a gentlewoman making the same statement about another program, and if you put them all together we have chaos.

Mr. MADIGAN. If I can reclaim my time, I would like to ask the gentleman from California a question, because I think that as long as we are all members of this subcommittee this debate is going to go on and on, and now we are engaged in this great debate on the floor of the House discussing whether or not we should increase a research program from $24 to $24.5 million, an increase of $500,000, I would like to ask the gentleman from California if he voted for any of the amendments to reduce the defense authorization bill and if he voted for the passage of that, what was it, a $278 billion defense authorization bill?

Mr. DANNEMEYER. I intend to offer an amendment to the defense appropriation bill which will give the House the opportunity of voting on implementation of the Grace Commission recommendations.

I can say to my colleague in response, the problem of runaway spending in the country today——

Mr. MADIGAN. The gentleman did not answer my question, and I know the gentleman wants to have a frank and honest and open exchange. My question to the gentleman was did the gentleman from California vote for the passage of that multibillion dollar defense bill, the defense authorization bill?

Mr. DANNEMEYER. Yes, I did.

Mr. MADIGAN. I want to thank the gentleman.

I did not vote for it. I did vote for the Republican budget which called for a 30-percent reduction in the rate of growth in the defense bill. That is the first time in a 12-year career in Congress that I have not voted for the defense authorization bill.

Mr. DANNEMEYER. Will the gentleman yield?

Mr. MADIGAN. I will in a moment.

But I really think we are at a point in this Government where many of the things the gentleman says are correct and where we really do have to look at all of these Government expenditures very closely. I think it is time we start doing that.

But I would just say to the gentleman that he wants to argue about the difference between $24 million and $24.5 million, and I want to argue about $278 billion. I think maybe there is somewhere in that $278 billion that we can save a little money.

So I am going to argue about $278 billion, and the gentleman can argue about the $24.5 million and we will see how this all winds up.

Mr. DANNEMEYER. Will the gentleman yield?

Mr. MADIGAN. I will be happy to yield to the gentleman.

Mr. DANNEMEYER. I think it deserves stating for the Record here in this debate that our problem is not because we are spending too much on defense in this country. Over the last 22 years defense spending is up 25 percent and social spending that the gentleman is describing is up 350 percent, both figures expressed in 1972 constant dollars.

□ 1450

The runaway spending is because we are spending too much on social programs, not that we are spending too much on defense. Read the Constitution; the principal responsibility of the

Federal Government is to provide for the common defense.

Mr. MADIGAN. And promote the general welfare, all in the same sentence.

Mr. DANNEMEYER. And promote the general welfare.

Mr. MADIGAN. If the gentleman will allow me to reclaim my time, he is using statistical information I developed in the last session of Congress as chairman of the Research Committee, and he is absolutely right about the explosion and growth in social spending.

If the gentleman would like to look at my voting record, I would be happy to have him compare my voting record on social spending with that of any other Member of the House in terms of people being concerned about the growth in the budget.

But here we are talking about measures that can bring about the development of answers to some of those problems. Here we are talking about research; we are talking about research activity designed to try to find ways to lower the tremendous cost of some of these social programs.

Research is not a social program, I would say to the gentleman and I would thank him for engaging in the colloquy.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 5496, as amended.

The question was taken; and on a division (demanded by Mr. DANNEMEYER) there were—ayes 8, noes 2.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of order of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills, H.R. 5496, H.R. 5600, and H.R. 5503, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5 of rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 5525, by the yeas and nays; H.R. 4772, by the yeas and nays; H.R. 5600, de novo; H.R. 5603; de novo; and H.R. 5496, de novo.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

SEMICONDUCTOR CHIP PROTECTION ACT OF 1984

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5525, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 5525, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 388, nays 0, not voting 45, as follows:

[Roll No. 221]

YEAS—388

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Chandler
Chappie
Cheney
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Crockett
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Schaefer
Scheuer
Schroeder
Seiberling
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NOT VOTING—45

Akaka
Barnard
Bedell
Bethune
Bevill
Carney
Carr
Chappell
Clarke
Clay
D'Amours
Daniel
Dickinson
Dwyer
Foley
Frenzel
Goodling
Hansen (ID)
Hubbard
Kemp
Kolter

Leach
Lent
Martin (NC)
McDade
Michel
Moody
Morrison (CT)
Oberstar
Oxley
Pashayan
Pritchard
Ridge
Schneider
Schulze
Schumer
Sensenbrenner
Shannon
Simon
Synar
Thomas (CA)
Torres
Whitehurst
Williams (OH)
Young (FL)

□ 1510

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1201) to amend title 17 of the United States Code to protect semiconductor chips and masks against unauthorized duplication, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Semiconductor Chip Protection Act of 1984".

DEFINITIONS

SEC. 2. Section 101 of title 17 of the United States Code is amended by adding at the end thereof the following:

"A 'semiconductor chip product' is the final or intermediate form of a product—

"(1) having two or more layers of metallic, insulating, or semiconductor material, deposited or otherwise placed on, or etched away or otherwise removed from a piece of semiconductor material in accordance with a predetermined pattern;

"(2) intended to perform electronic circuitry functions; and

"(3) that is a writing, or the manufacture, use, or distribution of which is in or affects commerce.

"A 'mask work' is a series of related images, however fixed or encoded—

"(1) having the predetermined, three-dimensional pattern of metallic, insulating, or semiconductor material present or removed from the layers of a semiconductor chip product; and

"(2) in which series the relation of the images to one another is that each image has the pattern of the surface of one from of the semiconductor chip product.

"A 'mask' is a substantially two-dimensional sheet, partially transparent and partially opaque to preselected radiation. A mask embodies a mask work if the pattern of transparent and opaque portions of the mask is substantially similar to the pattern of one of the images of the mask work. Masks and mask works shall not be deemed pictorial, graphic, or sculptural works. The copyright in a mask work shall neither extend to, nor affect, limit, or impair any copyright in any other work of authorship embodied therein or in a semiconductor chip product.

"The provisions of sections 109(a), 401, 405, 406, 501(A), 503, 506, 509, and 602 of this title, applicable to copies of a work shall apply also to semiconductor chip products.".

SUBJECT MATTER OF COPYRIGHT

SEC. 3. Section 102(a) of title 17 of the United States Code is amended—

(1) by adding after paragraph (5) the following:

"(6) mask works;"; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively.

EXCLUSIVE RIGHTS

SEC. 4. Section 106 of title 17 of the United States Code is amended—

(1) by striking out "and" at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting "; and" in lieu thereof; and

(3) adding at the end thereof the following:

"(6) in the case of mask works, only the following rights—

"(A) to embody the mask work in a mask;

"(B) to distribute a mask embodying the mask work;

"(C) to embody an image of the mask work in a semiconductor chip product;

"(D) in the manufacture of a semiconductor chip product, substantially to reproduce, by optical, electronic, or other means, an image of the mask work on material intended to be part of the semiconductor chip product; and

"(E) to distribute a semiconductor chip product made as described in subparagraph (C) or (D) of this paragraph.".

LIMITATION ON EXCLUSIVE RIGHTS AS TO MASKS

SEC. 5. (a) Chapter 1 of title 17 of the United States Code is amended by adding at the end the following:

"§ 119. Scope of exclusive rights: Rights of reverse engineering with respect to mask works

"(a) In the case of mask works, the exclusive rights provided by section 106 are subject to a right of reverse engineering use under the conditions specified by this section.

"(b) It is not infringement of the rights of the owner of a copyright on a mask work to reproduce the pattern on one or more masks or in a semiconductor chip product solely for the purpose of teaching, analyzing, or evaluating the concepts or techniques embodied in the mask or semiconductor chip product, or the circuit schematic, logic flow, or organization of components utilized therein.".

(b) The chapter analysis for chapter 1 of title 17 is amended by adding at the end thereof the following:

"119. Scope of exclusive rights: Rights of reverse engineering with respect to mask works.".

(c) Section 106 of title 17 of the United States Code is amended by striking out "118" and inserting in lieu thereof "119".

DURATION OF COPYRIGHT

SEC. 6. Section 302 of title 17 of the United States Code is amended by adding at the end thereof the following:

"(f) MASKS.—Copyright in mask works endures for a term of ten years from the earliest of first authorized—

"(1) distribution;

"(2) use in a commercial product; or

"(3) manufacture in commercial quantities of semiconductor chip products made as described in subparagraph (C) or (D) of paragraph (6) of section 106.".

INNOCENT INFRINGEMENT

SEC. 7. (a) Chapter 5 of title 17 of the United States Code is amended by adding at the end thereof the following:

"§ 511. Innocent infringement of mask works

"(a) Notwithstanding any other provision of this chapter, an innocent purchaser of an infringing semiconductor chip product shall not be liable as an infringer or otherwise be liable or subject to remedies under this chapter with respect to the distribution of units of such semiconductor chip product that occurred before such innocent purchaser had notice of infringement.

"(b) The remedies of the owner of a copyright on a mask work against an innocent purchaser shall be limited to a reasonable royalty upon each unit of the infringing semiconductor chip product that the innocent purchaser made or distributed after having notice of infringement, if the innocent purchaser establishes the applicability of all of the following circumstances:

"(1) the innocent purchaser, before first having notice of infringement, committed substantial funds to the use of the infringing product;

"(2) the innocent purchaser would suffer substantial out-of-pocket losses (other than the difference in price between the infringing product and a noninfringing product) if denied the use of the infringing product;

"(3) the innocent purchaser's use of the infringing product is and will be for substantially the same purpose that initially gave rise to the innocent purchaser's immunity under subsection (a);

"(4) in the case of an innocent purchaser who, after having notice of infringement, makes the infringing semiconductor chip product, or has it made for him, the copyright owner and the owner's licensees, if any, are unable to supply the semiconductor chip product to the innocent purchaser at a reasonable price; and

"(5) it would be inequitable in the circumstances not to permit the innocent purchaser to continue the use or proposed use of the infringing product.

"(c) The immunity of an innocent purchaser and limitation of remedies with respect thereto shall extend to good faith purchasers from him.

"(d) For the purposes of this section—

"(1) 'innocent purchaser' means one who purchases an infringing semiconductor chip product in good faith, and without having notice of infringement;

"(2) 'notice of infringement' means actual knowledge that, or reasonable grounds to believe that, a product is an infringing semiconductor chip product; and

"(3) 'infringing semiconductor chip product' means a semiconductor chip product which is made or distributed in violation of the exclusive rights of an owner of a copyright in a mask work.".

(b) The table of sections for chapter 5 is amended by adding at the end thereof the following new item:

"511. Innocent infringement of mask works.".

IMPOUNDING AND SEIZURE

SEC. 8. Sections 503(a), 503(b), and 509(a) of title 17 of the United States Code are each amended by inserting "masks," after "film negatives," each place it appears.

SAVINGS CLAUSES

SEC. 9. Nothing contained in this Act shall be deemed to add to or detract from existing rights of owners of copyrights in works of authorship listed in section 102(a) of title 17 of the United States Code, prior to its amendment by this Act. Nothing contained in this Act shall be deemed to detract from any right of the lawful owner of a product purchased from the copyright owner, or from a person authorized by the copyright owner, freely to use, distribute and resell the product with liability therefor the copyright laws.

EFFECTIVE DATE

SEC. 10. The amendments made by this Act shall not create liability for any conduct that occurred prior to the date of enactment of this Act, but shall apply to all acts of manufacture or distribution of semiconductor chip products that occur in the United States after such date, to all acts of importation of semiconductor chip products into the United States that occur after such date, and to all violations of the exclusive rights of the copyrights owner under section 106(6) of title 17, United States Code, as amended by section 4 of this Act, that occur after such date. Notwithstanding the provisions of this section, no alleged infringer shall be liable under this Act with respect to the continued manufacture or distribution of any semiconductor chip product that the alleged infringer commercially distributed in the United States prior to January 1, 1980.

MOTION OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KASTENMEIER moves to strike out all after the enacting clause of the Senate bill, S. 1201, and to insert in lieu thereof the provisions of the bill, H.R. 5525, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend title 17, United States Code, to protect mask works of semiconductor chips against unauthorized duplication, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5525) was laid on the table.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

FEDERAL CHARTER FOR VIETNAM VETERANS OF AMERICA, INC.

The **SPEAKER** pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4772, as amended.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM B. HALL, JR.) that the House suspend the rules and pass the bill, H.R. 4772, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 295, nays 96, answered "present" 1, not voting 41, as follows:

[Roll No. 222]

YEAS—295

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Badham
Barnes
Bates
Beilenson
Bennett
Berman
Biaggi
Bilirakis
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Burton (CA)
Carper
Chandler
Clarke
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Coughlin
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hillis
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
LaFalce
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
Mack
MacKay
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McEwen
McGrath
McHugh
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moore
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nowak
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rodino
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Shaw
Shelby
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whitten
Williams (MT)
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NAYS—96

Archer
Bartlett
Bateman
Bereuter
Bliley
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Chappie
Cheney
Clinger
Corcoran
Courter
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
Dreier
Duncan
Emerson
Erlenborn
Evans (IA)
Fiedler
Fields
Franklin
Gekas
Gingrich
Hammerschmidt
Hansen (UT)
Harrison
Hartnett
Hiler
Holt
Hunter
Hyde
Kindness
Kramer
Lagomarsino
Latta
Lewis (CA)
Livingston
Lloyd
Loeffler
Lott
Lowery (CA)
Lungren
Madigan
Marlenee
Marriott
Martin (NY)
McCandless
McCollum
McKernan
Molinari
Moorhead
Nichols
Nielson
O'Brien
Packard
Parris
Patman
Paul
Quillen
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rudd
Sawyer
Schaefer
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith, Denny
Snowe
Snyder
Solomon
Spence
Stratton
Taylor
Vander Jagt
Vucanovich
Weber
Whittaker
Wilson
Winn
Young (FL)

ANSWERED "PRESENT"—1

McCain

NOT VOTING—41

Akaka
Barnard
Bedell
Bethune
Bevill
Carney
Carr
Chappell
Clay
D'Amours
Daniel
Dickinson
Dwyer
Foley
Frenzel
Goodling
Hansen (ID)
Hubbard
Kemp
Kolter
Leach
Lent
Martin (NC)
McDade
Michel
Moody
Morrison (CT)
Oberstar
Oxley
Pashayan
Pritchard
Ridge
Schneider
Schulze
Sensenbrenner
Shannon
Simon
Synar
Thomas (CA)
Whitehurst
Williams (OH)

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. AKAKA and Mr. MORRISON of Connecticut for, with Mr. THOMAS of California against.

Mr. KASICH changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREVENTIVE HEALTH SERVICES BLOCK-GRANT AUTHORIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5600, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 5600, as amended.

The question was taken.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 290, noes 102, not voting 41, as follows:

[Roll No. 223]

AYES—290

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Anthony
Applegate
Aspin
AuCoin
Barnes
Bates
Beilenson
Bennett
Berman
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (CA)
Carper
Chandler
Chappie
Clarke
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Frenzel
Frost
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
Kostmayer
Lagomarsino
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin
Levine
Levitas
Lewis (FL)
Loeffler
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
McCain
McCloskey
McCurdy
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Moore
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Price
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ritter
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Shaw
Shelby
Sikorski
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith, Robert
Snowe
Solarz
Spratt
St Germain
Stark
Stokes
Stratton
Studds
Swift
Tallon
Tauke
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NOES—102

Annunzio
Archer
Badham
Bartlett
Bateman
Bereuter
Bilirakis
Brown (CO)
Burton (IN)
Byron
Campbell
Cheney
Coats
Cooper
Craig
Crane, Daniel
Crane, Philip
Dannemeyer
Daub
DeWine
Dreier
Duncan
Edwards (OK)
Emerson
English
Fields
Franklin
Fuqua
Gradison
Gramm
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Holt
Hopkins
Hunter
Hyde
Jones (OK)
Kindness
Kramer
LaFalce
Latta
Leath
Lent
Lewis (CA)
Lipinski
Livingston
Lloyd
Lott
Lowery (CA)
Lungren
Mack
Marriott
Mazzoli
McCandless
McCollum
McEwen
McGrath
Miller (OH)
Mollohan
Montgomery
Moorhead
Nelson
Nichols
Nielson
Packard
Parris
Paul
Petri
Quillen
Rinaldo
Roberts
Robinson
Roemer
Rogers
Roth
Rudd
Schaefer
Shumway
Shuster
Siljander
Smith (NE)
Smith (NJ)
Smith, Denny
Snyder
Solomon
Spence
Staggers
Stangeland
Stenholm
Stump
Sundquist
Taylor
Vandergriff
Vucanovich
Walker
Watkins
Weber
Wolf
Young (FL)

NOT VOTING—41

Akaka
Barnard
Bedell
Bethune
Bevill
Carney
Carr
Chappell
Clay
D'Amours
Daniel
Dickinson
Dwyer
Foley
Goodling
Hansen (ID)
Hubbard
Kemp
Kleczka
Kolter
Leach
Markey
Martin (NC)
McDade
Michel
Moody
Morrison (CT)
Oberstar
Oxley
Pashayan
Pritchard
Ridge
Schneider
Schulze
Sensenbrenner
Shannon
Simon
Synar
Thomas (CA)
Whitehurst
Williams (OH)

□ 1530

The Clerk announced the following pair:

On this vote:

Mr. Akaka and Mr. Dwyer of New Jersey for, with Mr. Chappell against.

Messrs. SAM B. HALL, JR., BEREUTER, RALPH M. HALL, PARRIS, and STENHOLM changed their votes from "aye" to "no."

Mr. VOLKMER changed his vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH PROGRAM AUTHORIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5603, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 5603, as amended.

The question was taken.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 33, not voting 40, as follows:

[Roll No. 224]

AYES—360

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Badham
Barnes
Bateman
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carper
Chandler
Chappie
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daschle
Daub

Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Duncan
Durbin
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kostmayer
Kramer
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Panetta
Parris
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Shaw
Shelby
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)

NOES—33

Archer
Bartlett
Bilirakis
Brown (CO)
Cheney
Crane, Daniel
Crane, Philip
Dannemeyer
Dreier
Evans (IA)
Gekas
Hansen (UT)
Hartnett
Jeffords
Kindness
LaFalce
Lewis (CA)
Livingston
Lungren
Mack
McCandless
Nielson
Paul
Roemer
Rudd
Schaefer
Shumway
Shuster
Smith, Denny
Stump
Vandergriff
Walker
Zschau

NOT VOTING—40

Akaka
Barnard
Bates
Bethune
Bevill
Carney
Carr
Chappell
Clay
D'Amours
Daniel
Dickinson
Dwyer
Foley
Goodling
Hansen (ID)
Hubbard
Kemp
Kolter
Leach
Martin (NC)
McDade
Michel
Moody
Morrison (CT)
Oberstar
Oxley
Packard
Pashayan
Pritchard
Ridge
Schneider
Schulze
Sensenbrenner
Shannon
Simon
Synar
Thomas (CA)
Whitehurst
Williams (OH)

□ 1540

Mr. HUNTER and Mr. LEWIS of Florida changed their votes from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5496, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 5496, as amended.

The question was taken.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 376, noes 16, not voting 41, as follows:

[Roll No. 225]

AYES—376

Ackerman
Addabbo
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carper
Chandler
Chappie
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McGrath
McHugh
McKernan
McKinney
McNulty
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt

Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOES—16

Bartlett
Brown (CO)
Burton (IN)
Cheney
Crane, Daniel
Crane, Philip
Dannemeyer
Kramer
Mack
McCandless
McEwen
Paul
Schaefer
Shumway
Stump
Walker

NOT VOTING—41

Akaka
Barnard
Bethune
Bevill
Boucher
Carney
Carr
Chappell
Clay
D'Amours
Daniel
Dickinson
Dwyer
Foley
Goodling
Hansen (ID)
Hubbard
Kemp
Kolter
Leach
Martin (NC)
McDade
Mica
Michel
Moody
Morrison (CT)
Oberstar
Oxley
Pashayan
Pritchard
Ridge
Schneider
Schulze
Sensenbrenner
Shannon
Simon
Solomon
Synar
Thomas (CA)
Whitehurst
Williams (OH)

Mr. WEBER changed his vote from "no" to "aye."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3755, SOCIAL SECURITY DISABILITY BENEFITS REFORM ACT OF 1984

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3755) to amend title II of the Social Security Act to provide for reform in the disability determination process, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none and, without objection, appoints the following conferees: Messrs. Rostenkowski, Pickle, Jacobs, Gephardt, Shannon, Fowler, Ford of Tennessee, Conable, Archer, Gradison, and Campbell.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4325, CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1983

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4325) to amend part D of title IV of the Social Security Act to assure, through mandatory income withholding, incentive payments to States, and other improvements in the child support enforcement program, that all children in the United States who are in need of assistance in securing financial support from their parents will receive such assistance regardless of their circumstances, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? The Chair hears none and, without objection, appoints the following conferees: Messrs. Rostenkowski, Ford of Tennessee, Stark, Pease, Matsui, and Fowler, Mrs. Kennelly, and Messrs. Conable, Campbell, Moore, and Thomas of California.

There was no objection.

□ 1550

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 519, IMMIGRATION REFORM AND CONTROL ACT OF 1983

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 519 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 519

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1510) to revise and reform the Immigration and Nationality Act, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and amendments made in order by this resolution and which shall continue not to exceed five hours and thirty minutes, with two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in italic in the bill, and reprinted in the Committee Print, Committee on Rules, June 8, 1984, as an original bill for the purpose of amendment under the five-minute rule. The substitute shall be considered as having been read for amendment under the five-minute rule, and all points of order against the substitute for failure to comply with the provisions of clause 5(a), rule XXI are hereby waived. No amendment to the bill or the substitute shall be in order except the sixty-nine amendments contained in the Committee Print, Committee on Rules, drafted to the page and line numbers of the substitute as contained in the Committee Print, and each such amendment shall be considered as if it were printed in the Congressional Record pursuant to clause 6 of rule XXIII. Such amendments shall be considered only in the order in which they appear in the Committee Print and may only be offered by the sponsor designated in the Committee Print, or by the chairman of the appropriate committee, or his designee, where a committee is designated. Each such amendment, if offered, shall be considered as having been read, and all points of order against each such amendment are hereby waived, even if an amendment changes a portion of the substitute already changed by amendment. The amendments shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole. If amendments numbered 31 and 32 are both adopted, only the latter shall be considered as having been finally adopted and reported back to the House; if amendments numbered 33 and 34 are both adopted, only the latter shall be considered as having been finally adopted and reported back to the House; if amendments numbered 40 and 41 are both adopted, only the latter shall be considered as having been finally adopted and reported back to the House; and if more than one of the amendments numbered 46, 47, and 48 are adopted, only the last amendment of those three which has been adopted shall be considered as having been finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, subject to the provisions of the preceding sentence of this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 1510, it shall be in order to consider a motion, if offered by the Chairman of the Committee on the Judiciary or his designee, to take from the Speaker's table the bill S. 529 and to consider said bill in the House, section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, and it shall then be in order to consider in the House a motion to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 1510 as passed by the House, and the previous question shall be considered as ordered on the amendment and on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. Pepper) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Mississippi (Mr. Lott) for debate, and pending that, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. **PEPPER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending resolution.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. **PEPPER**. Mr. Speaker, House Resolution 519 is a modified open rule providing for the consideration of H.R. 1510, the Immigration Reform and Control Act. It has finally got to the floor.

The rule provides for 5½ hours of general debate, with 2 hours allocated to the Committee on the Judiciary, 2 hours to the Committee on Agriculture, 1 hour to the Committee on Education and Labor, and one-half hour to the Committee on Energy and Commerce. In each case, the committee's time is to be equally divided and controlled, of course, by the chairman and ranking minority member of the committee.

Mr. Speaker, the rule references a June 8, 1984, committee print of the Rules Committee. I hope every Member, if you have not received one of these committee prints—which has I think more clearly than ever before set out the amendments to be offered, so that the Members can keep imminently advised as to the progress of this legislation, which as we all know is rather complex in character.

Mr. Speaker, the committee prints is the official document governing debate of H.R. 1510, which contains an amendment in the nature of a substitute for H.R. 1510, as reported by the Judiciary Committee. The rule makes that text, that is, the substitute from the Judiciary Committee in order as an original text for the purpose of amendment and waives clause 5(a) of rule XXI, against the substitute.

The committee print also contains the text of 69 amendments that, in an effort to be fair to the membership are made in order by the rule. Only those amendments printed in the committee print will be offered and you will also note observing the committee print that the order in which amendments may be presented is set out in the committee print, so you can watch the committee print and follow the course of this legislation amendment by amendment if you choose to do so.

Amendments must be offered in the order listed in the committee print, and must be offered by the sponsor designated. So that is the reason we respectfully request Members who have amendments to offer to please be on the floor so that when your amendment reaches its turn, you will be here properly to offer it.

The committee amendments are to be offered by the chairman of the appropriate committee or his designee.

Under the rule, amendments are not amendable, except for pro forma amendments for the purpose of debate. That is as if one were to say, "I ask unanimous consent to speak" or "I move to strike the last word."

All points of order against the amendments made in order are waived.

In four instances, the rule provides that if more than one amendment in the designated series is adopted, only the last amendment adopted is reported back to the House. This provision was included to allow the House the opportunity to consider a variety of policy options insuring that conflicting policies would not be reported back to the House.

The rule does not impose any time limitation on the amendment process. Instead, it allows the floor manager under the rules of the House the flexibility to offer privileged motions to end debate on the matter at hand, whether that be the pending amendment, title, or entire bill

The ability of the floor manager to offer a privileged motion to limit debate is the normal procedure during the amendment process for almost every piece of legislation considered.

The rule also affords, and this is important—the rule also affords amendments printed in the committee print the same protection they would have if they had been printed in the CONGRESSIONAL RECORD. In other words, in case there should be a motion to limit debate, the sponsor of an amendment which has not been heard is guaranteed 5 minutes to explain his or her amendment, even if all time has expired under a motion to limit debate, another effort on our part to be fair to all of the Members.

The Rules Committee did not include any time limitation on the amendment process because it believes this legislation was far too important to place artificial time constraints on its consideration. The committee believes that the House should be provided flexibility to give adequate consideration to each amendment.

You know, of course, the leadership has provided this week for the consideration of this measure. If, however, the legislation becomes bogged down as a result of dilatory tactics, the Rules Committee will not hesitate to reconvene, if necessary, and report a subsequent rule, as we did, you remember, in the nuclear freeze resolution case, that will insure that the House has an opportunity to work its will in a timely fashion.

But, as I said, Mr. Speaker, the committee felt that it should not place time limitations on the amendment process of this landmark legislation until it becomes absolutely apparent that such a time limitation is necessary in order to give the House the opportunity to work its will upon the measure.

After the motion to recommit, with or without instructions, the rule provides for a motion to proceed with the consideration of S. 529, the Senate companion measure.

The rule allows a motion to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the House-passed bill.

The previous question is considered ordered on the amendment and the Senate bill, allowing only one motion to recommit.

Of course, with respect to the bill that is before us, there will also be permitted a motion to recommit with instructions, which is not permitted with respect to the Senate bill.

Mr. Speaker, at this time, I would like to go into greater detail about the Rules Committee print that House Resolution 519 references.

The committee print contains the table of contents which includes the list of the 69 amendments made in order.

The second item is a copy of House Resolution 519, the rule adopted by the Rules Committee. The third item that appears in the committee print is the text of H.R. 1510 as reported by the Judiciary Committee. The fourth item is the text of the 69 amendments printed in the order that they are to be offered. The fifth item in the committee print is an index which is set up alphabetically by author and committee to aid you in finding the respective amendment.

The Rules Committee decided to complete all of the relevant information in a single document so that Members could easily follow the floor debate on this complicated legislation.

Mr. Speaker, H.R. 1510, I do not need to say to the Members, is historic legislation. It is the most far-reaching revision of our Nation's immigration laws considered by this body in several decades.

The Rules Committee had endeavored to develop a rule that allows for a full, thorough, and orderly examination of the major provisions of the legislation, while ensuring that the House will be able to work its will and complete action in a timely fashion.

The committee feels that by making in order the 69 amendments in the committee print that we have succeeded in providing the House with the opportunity to address the major aspects of the legislation from a variety of viewpoints.

You remember there were four important committees which had jurisdiction over various aspects of this bill: the Judiciary Committee, the Education and Labor Committee, the Agriculture Committee, and the Energy and Commerce Committee.

Mr. Speaker, as I have many requests for time, we have 20 requests for time, I will not speak to the merits of the legislation. It is an extremely controversial piece of legislation, and I believe that the Rules Committee has reported a rule that most adequately allows for the orderly and thoughtful reconciliation of the various viewpoints that surround the major provisions in this legislation.

We had hoped and tried to make it a fair and equitable rule and we hope that it could be adopted so that the House can proceed to the consideration of this important bill.

As I said previously, I have had many requests, 20 in fact, for time and will be able to recognize only a few of the Members in the time remaining.

I have tried to be equitable in first recognizing Members of the leadership and of the committees of jurisdiction. Unfortunately, the 30 minutes allotted to the discussion of the rule will not be sufficient to accommodate all of the Members who expressed a desire to speak on the rule. But we have followed the usual procedure, giving account to the committee chairmen, the leadership of the House, and the committee members on the appropriate and relevant committees.

We have tried to follow a fair set of criteria in determining the Members to be recognized in the limited time available.

Mr. Speaker, I now yield to my distinguished friend from Mississippi (Mr. Lott).

Mr. LOTT. Mr. Speaker, I thank the gentleman for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, I am relieved and delighted that we are finally getting this immigration bill to the floor after numerous delays, false starts, and even dead stops. I think this bill has been put on hold more times than some of our early space flights.

The Immigration Reform and Control Act, H.R. 1510, was reported from the Judiciary Committee on May 5 of last year, and sequentially from the Committees on Agriculture, Judiciary and Energy and Commerce the following month. So it has taken a year for this bill to reach this moment of truth. The other body passed its version of this bill in May of last year.

Mr. Speaker, the rule which makes in order the consideration of the Immigration bill House Resolution 519, is, I think, accurately described as a modified open rule since it does make in order some 69 amendments covering every conceivable issue and alternative. The rule itself was the subject of 2 full days of hearings in the Rules Committee, on April 5 and 11 of this year, during which we heard from some 47 House Members. We also held numerous caucuses, briefings, and consultations with all the players in this process. It was made clear at the outset that those wishing to have amendments made in order should officially appear before us during our hearings and make available copies of their amendments. I think we have managed to accommodate nearly all of those Members who met those requirements and had germane amendments to offer. I think our initial count after the hearings showed some 87 amendments had been submitted; another 19 were submitted after the deadline. But, of those 87 we have made in order 69 in this rule. So, the Rules Committee did make every effort to be as fair as possible while at the same time structuring this complicated process in a way to insure that we could reach a conclusion in the amendment process in a reasonable time—by the end of this week.

Mr. Speaker, House Resolution 519 is a modified open rule. It provides 5½ hours of general debate, with two hours each going to the Committees on the Judiciary and Agriculture, one hour to the Committee on Education and Labor, and one-half hour to the Committee on Energy and Commerce. The debate time for each committee will in turn be equally divided between the chairman and ranking minority member.

The rule makes in order the Judiciary Committee substitute as an original bill for the purpose of amendment. To facilitate the consideration of this measure, that substitute is included in the Rules Committee print as a working document. The committee print also contains a copy of the rule, the text of all the amendments made in order, and an alphabetical index listing the authors of each amendment. Clause 5(a) of House rule 21 is waived against the substitute. That clause prohibits appropriations in a legislative measure and is necessary because there are several provisions which involve the redirection of funds and thus are in technical violation of this rule.

Following general debate, the substitute shall be considered as having been read for amendment under the 5-minute rule, and the House shall proceed to consider the 69 amendments printed in the Rules Committee print, in the order in which they appear, under the 5-minute rule, and the amendments may only be offered by the designated author or the chairman of the committee involved or his designee. The amendments shall not be subject to amendment except for pro forma amendments for the purpose of debate. In other words, there is no overall time limit for the consideration of each amendment, and any Member desiring to speak to an amendment will have 5 minutes unless a motion is made and adopted to limit debate.

Mr. Speaker, I think it is also important to point out that because this rule in effect opens the bill to the designated amendments, it would also be in order at some point to offer a motion to terminate all debate on the amendment process. However, the rule also states that the amendments printed in the Rules Committee print shall be considered as if they had been printed in the Congressional Record pursuant to clause 6 of House rule 23. What that rule provides is that any amendment so printed is entitled to 10 minutes—5 for and 5 against—notwithstanding the fact that the time certain for terminating all debate on amendments has expired. The rule also waives all points of order against the designated amendments to further insure they will be considered, debated and voted upon.

Because we wanted to give every amendment a clean shot and vote, and not permit it to be precluded from a separate vote by the adoption of another amendment, we have done something unique in this rule, but something which is not unprecedented by any means. In certain instances amendments are made in order which are directly contradictory, covering the same issue but taking different approaches. Obviously, we could not let several contradictory amendments to remain in the bill as finally reported back to the House, so in those instances we have provided a king-of-the-mountain approach whereby the last amendment adopted in those specified instances shall be the one reported back to the House, even though the preceding amendments may have been adopted as well. I think it is important to point out those instances in which we have found it necessary to take this approach. We have done this in four instances: First, it is done with respect to amendments numbered 31 and 32, the Moorhead and Sensenbrenner amendments relating to the ceiling on nonrefugee immigration admissions; second, amendments numbered 33 and 34, the Sensenbrenner and Daub amendments limiting the fifth preference to unmarried brothers and sisters; third, amendments numbered 40 and 41 by Representatives Erlenborn and George Miller relating to the H-2 program; and fourth, the amendments numbered 46, 47, and 48, by Representatives Lungren, Shaw, and Wright relating to the legalization program.

Mr. Speaker, this rule does provide for a separate vote in the House on any amendment adopted in the Committee of the Whole to the Judiciary substitute, and it does afford one motion to recommit, with or without instructions. And finally, the rule makes in order taking up the Senate bill after the House bill is passed, and moving to insert the language of the House-passed bill in order to facilitate going to conference with the other body.

I would like to offer one final word of caution on this rule to the sponsors of the designated amendments, and that is that you must be on the floor when your amendment is to be offered in the order specified, or you will lose your turn and could only offer it later by unanimous consent.

In conclusion, Mr. Speaker, the Immigration Reform and Control Act of 1983 has been a long time coming and it is long overdue. The immigration problem is a ticking time bomb that must be dealt with now if it is to be dealt with at all in an effective manner. The bill before us is the product of a number of compromises, and I think it is fair to say that nobody is completely happy with all its provisions. But I would implore my colleagues not to let your particular objections to portions of this bill obscure the overall need for some kind of immigration bill to address this problem forcefully and immediately. If you think our immigration problem is difficult and controversial now just think how intractable and heated this will be if we fail to tackle the problem at this time and let things really get out of hand. I shudder to even think about that prospect.

So I would beseech my colleagues to support this rule, as I do: it is a good rule, it is a fair rule, and it is a properly structured rule designed to air all the significant issues and alternatives while permitting us to wrap this up in a reasonable timeframe. And I would urge my colleagues to follow the debate and amendment process on this bill very closely to best understand these complicated issues and make the best decisions for the country on this most urgent problem.

□ 1610

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I will be glad to yield to the gentleman from Texas (Mr. KAZEN), if he has a question.

Mr. KAZEN. Yes. I thank the gentleman for yielding.

My understanding is that no amendments to the amendments will be in order. Am I correct?

Mr. LOTT. Except for pro forma amendments, that is correct.

Mr. KAZEN. All right. Then there are four instances which the gentleman cited that the last amendment adopted would be the one reported out.

Mr. LOTT. That is correct.

Mr. KAZEN. All right. Now how many amendments would there be in those four instances?

Mr. LOTT. Nine, it looks like nine amendments.

Mr. KAZEN. Because I am following through with this question: Why take up our time and adopt any of the amendments preceding the last one to be offered that was passed? We are going to be wasting a lot of time.

Mr. LOTT. Because those amendments are offered by members on the Committee on the Judiciary in several instances, for instance, who have done a lot of the work on it. They feel very strongly about their approach to this particular section, but there is a minor difference perhaps, in one offered by the gentleman and I am not saying this is necessarily the case; but the gentleman (Mr. SHAW) or the gentleman (Mr. MCCOLLUM) both from Florida.

I might add in that particular instance, I believe that the last amendment in order is one by the gentleman from Texas (Mr. WRIGHT), who is not on the Judiciary Committee or the committee affected, but is from a region of the country certainly affected, and he preferred, as a matter of fact, to be last in this process which would give him the last shot at being king of the mountain. It was the only way that we felt like we could be fair to all those who worked so hard on this legislation with a little differing point of view, but have the membership understand that if your vote for the last one, you are voting in effect or maybe voting in effect to reverse an earlier position you took, or to go in a little different direction than what you took earlier.

□ 1620

All those involved, the nine Members involved, acquiesced or in effect went along, or approved, with this process. We have done it before. We did it on the budget resolution earlier this year. We did in on the budget resolution last year.

Mr. KAZEN. Yes, except for the fact that the gentleman is setting forth the threat of cutting off debate if in the gentleman's opinion he thinks a filibuster is in progress.

Mr. LOTT. If the gentleman would allow me to reclaim my time, I am sure it will not be just my decision. It would be a decision that would have to be discussed with the leadership and a determination made by the Rules Committee. I am sure the Rules Committee will not want to do that unless, for instance, we come along here on Wednesday and we are still sitting on title I. There must be some reasonableness in how long we can debate a particular section of the bill.

Mr. KAZEN. I agree with that except for one item. Why not let the committee as a whole set the time instead of going back and letting the Committee on Rules do it?

Mr. LOTT. I would suspect that that would be attempted at some point along the way. Under the rule, the chairman handling the bill would have that opportunity. They would ask the committee, I am sure, for that opportunity.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. FISH), a member of the Committee on the Judiciary.

Mr. FISH. Mr. Speaker, the responsibility of this body is to address the major issues facing the United States. Immigration in our country is literally out of control. Reform is clearly called for. A vote against the rule represents a refusal to allow this body to even consider the range of options for immigration reform. Such a statement is an abrogation of our responsibilities as legislators.

The proposed rule affords persons who oppose this bill in its present form every opportunity to improve it according to their lights in the days ahead. Amendments will be offered that represent radically different approaches. This is not a rule—like some others we have seen—that prevents this body from working its will. The rule, on the contrary, accommodates virtually all amendments advocated by Members in 2 days of Rules Committee hearings plus some additional amendments that were not raised at that time. Opponents of one or more sections of Simpson-Mazzoli should not hide behind the rule.

Opposition to the rule is not a statement of concern that this body will be precluded from working its will but rather an expression of fear that this body will be permitted to work its will. Our system of government, however, is based on the premise that the representatives of the people—acting collectively—can legislate for the common good. Let us not turn our backs on this fundamental tenet of self-government.

Some Members of this body favor the alternative to employer sanctions offered by Mr. ROYBAL. Those of us on the Judiciary Committee who worked years to formulate the various provisions of H.R. 1510 strongly support the right of Members to bring alternatives before this body for a vote. Some of these same Members propose, however, not only to bar this body from considering provisions of H.R. 1510 that we favor but also the very alternatives that they favor.

H.R. 1510, and the 69 amendments the rule makes in order, is the only vehicle for reform of our immigration laws. Those who vote against the rule will not be able to describe this as a decision on a technicality. It is, in fact, a vote on whether this body today will be barred from considering the entire subject of immigration reform and control. Those who vote against the rule—those who would support such a bar—will bear a heavy responsibility to the American people who overwhelmingly seek action on immigration reform.

Mr. Speaker, in my judgment this is the last opportunity this House will have to deal responsibly and rationally with this issue of national importance. If we fail to act, I fear the American people will not forever tolerate the "revolving door" on our southwest border. How many more years of millions of undocumented entering at will will our people accept before demanding a repressive response. We can avoid this future by taking action this week.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. Rodino), the distinguished chairman of the Committee on the Judiciary, for purposes of debate only.

Mr. RODINO. Mr. Speaker, I know that for many this matter is a difficult one to confront. There is no question that it is controversial, it is emotional, it is complex. But it is a matter that we must deal with now. Some may say now is not the time, that this matter is too incendiary to be considered during an election year.

I recall 12 years ago when the House wisely acted and did adopt employer sanctions legislation in order to address the problem of a continuing inflow of undocumented aliens.

At that time the other body failed to act. They felt it was not the "right time." As a result, we have a problem which has been festering for years. Unless we deal with it today it is going to be absolutely impossible to deal with at any future time.

So now is the time. The problem is such that we cannot stay with the status quo. The status quo confronts us with this situation: Millions, an unknown amount, of undocumented aliens, who today live in a shadow society.

The bill before us deals with this problem, attempts by affording those people an opportunity to come out of that shadow society and live legally and decently and to seek and obtain the legal protections that must be provided to this vulnerable population.

At the current time we have employers who are profiting from our refusal to deal with a tremendously difficult situation. This rule that has been adopted by the Rules Committee is fair, is far more than generous, and affords us an opportunity to be able to resolve this very difficult problem.

If we do not respond to the growing undocumented alien problem, restrictionism and resentment may pervade—perhaps even control—debate on this subject in later Congresses.

Finally, and most important, the American people expect us to discharge our responsibility to debate—and if possible enact—immigration reform legislation.

This is not a partisan matter. In fact, it never has been during the many years I have dealt with this subject.

The elements of H.R. 1510 have been supported by Democratic and Republican administrations, by a 2-to-1 majority of the Judiciary Committee this Congress, by an overwhelming majority of the Senate the past two Congresses, and by bipartisan Presidential Commission on Immigration and Refugee Policy.

H.R. 1510 is not a Democratic bill, nor is it a Republican bill. It is a bill which has and should enjoy widespread bipartisan support.

I urge my colleagues to support the rule so we can get on with this difficult but necessary task.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. Roybal).

□ 1630

Mr. ROYBAL. Mr. Speaker, I would like to compliment the Rules Committee for the excellent work that they have done in drafting a rule under very difficult circumstances. The fact that this bill comes under the jurisdiction of four and not one committee of the House is evidence of the difficulty the committee must have had in drafting this rule and still protect the rights and varied jurisdiction of each committee.

The bill that will be placed in order if this rule passes is definitely not immigration reform. It opens the door to a national identification system. It does not address itself to the inefficiencies of the Immigration and Naturalization Service, nor its lack of funds, or its void of long-range planning. Simpson-Mazzoli keeps in place the Immigration Service's historic insensitivity in dealing with the public and makes little effort to correct its backlog or improve its image. It is also not immigration reform because it does not provide for immediate Haitian and Cuban adjustment and eliminates the existing Cuban Adjustment Act—an action that will adversely affect all Cubans in Florida and throughout the country who are eligible to adjust their status under that act.

The bill that this rule will place before the House is definitely special interest. It provides for a steady flow of cheap labor for agriculture. It lowers the standards of our existing H-2 program and establishes a new one that will not require the Labor Department's certification that domestic workers are not available. All of this together with the Panetta amendment will result in the largest bracero program in the history of the country. The Simpson version of this bill gives the President 3 years to present to Congress an ID system, and authorizes the Immigration Service to deputize local police departments to help conduct raids and in so doing, forms a police state that our country should not tolerate.

It is hard for any who examine this legislation objectively to understand the contradictory aspect of this bill. It is designed, they say, to stem the flow of illegal immigration and protect the American worker. But it neither stems nor protects, as its provision provides for, the unrestricted importation of millions of guest workers who will be permitted to enter without medical examination and to compete for jobs with the unemployed American worker.

The dangers inherent in this bill to the American workers must be carefully considered before this House makes the mistake of passing this bill under the pretense that it is immigration reform.

On February 22, I introduced H.R. 4909 an alternative proposal drafted after a series of meetings with representatives of Hispanic, Asian, black, civil rights, and church organizations. This legislation, agreed upon by this group after weeks of work is, in fact, immigration reform. It has the support of these groups throughout the country as well as that of the Presidential candidates, for the Democratic Party nomination, yet, the committee to which it was referred has had no hearings on the bill.

Walter Mondale, Gary Hart, and Jessie Jackson have taken a strong stand against Simpson-Mazzoli because of the adverse effect that its passage would have on millions of Americans. Hispanics, Asians, and all foreign-looking people will be made less than second-class citizens by some of its provisions and the American worker will suffer the most with the importation of foreign guest workers.

Because of your own personal background, you may not understand the gravity of the situation. Listen, please, to your colleagues who are Hispanic and Asian, and to those who represent these groups, who know firsthand the consequences of the fine print in the Simpson-Mazzoli bill.

Give us a chance to meet with Mr. Rodino, Mr. Mazzoli, and members of their committee and bring to this House a bill that is good immigration reform.

The only meeting that I had with Mr. Rodino and Mr. Mazzoli was most promising, but it was only a start. I believe that together we can produce a bill that will result in a more effective Immigration Service and one with a long-range policy of immigration reform. This legislation should not be written on the floor where not a single vote will be changed no matter how many days we meet. Vote no on this rule and make it possible for us to help Mr. Mazzoli to start anew in the presentation to the House of a bill that is in fact immigration reform.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the able gentleman from New York (Mr. Garica).

Mr. GARCIA. Mr. Speaker, my colleagues on the Democratic side of this Chamber, that is happening here today with this rule, with all the good intentions of my colleagues from Kentucky and New Jersey. I know that this bill will place those persons in this country who are either black, brown, yellow, or who are white and speak with an accent are now in a position where they are subject to discrimination.

Just let me tell my colleagues on this side of the aisle: These are the same people, these are the same people who have given us over these past several decades the right to sit here in the majority. The overwhelming number of these people are the ones who have voted for us consistently, blindly, right down the line; and now we are the ones who are setting the pace, which will place them as second-class citizens.

Let me say to those who are going to vote on this rule: Do not ask us to accept the best the committee can give us, because in fact this bill, in its present form, with the employer sanctions as they are, is going to make it virtually impossible to obtain employment. If the McCollum amendment does not pass, and even if amnesty is granted, the same amnesty which we are trading for employer sanctions, amnesty will not in itself be sufficient to give those people the jobs that they seek.

You are asking the employers of America, the small business person, to act as the judge and jury, to act as the sheriff, to act as the persons who are going to decide who in America will work and who will not.

At this particular moment in history all this will do is discriminate against those people who have blindly supported us.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. Mr. Speaker, if I believed that this bill did what the gentleman from New York just suggested it does, I would be down here as emotionally committed against this bill as any person. But I think what we have here is the old axiom about the perfect being the enemy of the best.

I will confess to you, after looking at this issue for 6 years, there is no way that this Congress will ever pass a perfect bill. The question is whether we will pass the best bill under the circumstances or whether we will pass no bill at all.

There is not one Member in this Chamber who will admit publicly to any constituent they have or to the national media that we can accept the status quo. we may say sometimes in private conversation that what we ought to do is accept the status quo, but we know this Nation cannot accept the status quo.

So the question is: Are we as a body going to tackle a tough question, one that does not give you any political acceptance, does not give you any political benefits, can only give you some political problems, but one that we are elected to take care of?

You know, we make something like $72,000 a year to serve in this august body and, frankly, if we are sent here to deal only with the noncontroversial issues, then we are vastly overpaid. I do not think we are overpaid. I think we are sent here to deal with the tough issues, the ones the people send here because we cannot allow them to be dealt with in the streets, we cannot allow it under the Constitution to be dealt with at the local level or the State level. The Constitution reposits the responsibility here in Washington, DC.

There is talk about how this bill is crafted without much thought. That is untrue. There is talk that this is coming up at the last moment. That is untrue. There is talk that we have not looked at all sides. That is untrue. This bill that is being brought before you is the product of four administrations, Democrat and Republican. The Carter administration—let me repeat that to my friends on the Democratic side—the Carter administration is the progenitor of this legislation as a result of a select commission that was established the last time we had a Presidential election, in much the same way we deal with a lot of tough issues. We made sure it reported 3 months or 5 months after the next Presidential election. We have been through that dodge. The ironic thing is that commission came up with good work. That commission's work was then taken by this administration's Cabinet level task force. They refined it, and they sent it to us. And what did we do with it? The U.S. Senate and the U.S. House of Representatives, on a bipartisan basis—we threw away partisanship, we worked from the very beginning on a bipartisan basis to come up with the best bill we could.

Every single Member was asked to appear before our subcommittee. We specifically made requests of every Member who spoke against this bill 2 years ago to come before our subcommittee with their recommendations.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. Lungren) has expired.

Mr. LOTT. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. Lungren).

Mr. LUNGREN. I want to report to you that we had one serious recommendation that was presented to us in our hearings this Congress, and that was to have an open border with Mexico. And everyone knows that that would not work.

We waited in vain for other recommendations. Thirteen months after we passed this bill out of our subcommittee, another bill was presented. An argument now is made that we ought not to consider this bill before us because we did not consider a bill that came out 13 months after we sent ours out of our subcommittee.

Ladies and gentlemen, we really have a tough issue here. We have an extremely difficult issue facing us here. Let us not dodge the bullet. It makes it easier to dodge it. But let us also not hide behind the argument that by voting down this rule all you are doing is instructing this to go back to the Judiciary Committee for us to send out another bill.

There is not a Member on this floor that thinks that is going to happen. You know it and I know it. There is not time. It is not going to be done. And what you are going to do is make sure we go through another 4-year period without passing meaningful legislation. If we could not pass this bill last time in a lameduck session, how are we going to find another time that is less emotional or less political?

I would beg all of my colleagues on both sides of the aisle to accept this task.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes, for the purpose of debate, of course, to the gentleman from Kentucky (Mr. Mazzoli), the distinguished chairman of the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Kansas.

Mr. GLICKMAN. I rise in support of this rule. I think the great mass of people in this country want responsible and fair immigration reform. I hope that we in the House have the intestinal fortitude to pass this rule and consider the issues.

I compliment the gentleman for his leadership.

Mr. MAZZOLI. I thank the gentleman. He has been a big help to the chairman of the committee and to all of us in the House.

Let me first, Mr. Speaker, salute the Rules Committee, the gentleman from Florida and the gentleman from Mississippi. They have done a Herculean effort in pulling together what is probably one of the greatest and most difficult bills we have had before this House. I salute the gentlemen for this particular rule.

Let me say to all of my friends in the Chamber and to those who are observing what we are doing, we need to pass this rule. The rule is, after all, open, it is fair, it is responsible and, as the gentleman from Florida, the chairman of the committee, said, it is thorough and offers an opportunity of orderly debate.

The rule provides for 69 amendments. And I can tell you that, having worked in the committee for 4 years, every shade of every idea is represented among those 69 amendments.

There is no time limit. It gives everybody an opportunity to completely ventilate the issues.

The bill is not partisan, despite what you might have heard. It came out of our subcommittee twice, once by a 6 to 0, once by 7 to 1, both Democrats and Republicans supporting it. It came out of the full Judiciary Committee twice, the last time by 20 to 10, both Democrats and Republicans supporting it. Four successive administrations, Democrat and Republican, have supported immigration reform.

Despite what some might say, there is support for the bill in the communities, across the country, in the areas we represent. The great newspapers of the Nation, the New York Times, the Washington Post, the two newspapers from my hometown, the Louisville Times and the Louisville Courier Journal, the west coast papers and the papers in Florida have supported the elements in this bill and immigration reform.

☐ 1640

Let me say one final thing: A vote against the rule purely and simply is a vote for the status quo. It is a vote for continuing the discrimination which now is brought to bear against many people. A vote for the rule would be a vote for a chance to change that and give these people a better life and opportunity.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. McCollum).

Mr. McCOLLUM. I thank the gentleman for yielding me this time.

Mr. Speaker, outside of national defense and the economy, there is no more important issue facing the country today than regaining control of our borders and enacting some responsible immigration legislation. It has been a great privilege to have served the better part of the last 3½ to 4 years with the gentleman from Kentucky, the gentleman from New York, the gentleman from California and others on the Immigration Subcommittee in drafting the product that is here on the floor this week.

I know how hard it has been to draft a rule. It would be the height of irresponsibility to vote "no" on this rule. The only responsible vote is to give us a chance by voting yes on this rule to let the House work its will.

Our population growth over the last couple of years, better than half of that population growth has come from legal and illegal immigration, and about half of that half, a quarter, in other words, of our population growth, has been from illegal immigration.

Because of the fertility rate in the United States, and if it continues as it has been the last few years, for the next few years, by the year 2030, by the best estimates available, the very vast majority of our population growth will be from immigration. The way we are going, the vast majority will be by illegal immigration. I do not need to stress what others have already: The impact that has on jobs. But it certainly has an impact in many other ways; in our quality of life.

We have got to regain control of our borders. We cannot allow this to continue to slip away for future generations to have to address or not address as the case may be. Time is too short and too precious for that. We have a situation in which today, if we pass this legislation now, it is going to take some time to enact it.

I am the author of one of the most controversial amendments that will be offered under this bill. The amendment to strike legalization or amnesty. But I think this bill is so important, that even if my amendment fails, I will support the bill because of the employer sanctions provisions in this bill.

There are only two ways in which we can control our borders; one of them does not happen to be by hiring enough border patrolmen because it simply cannot be done; there are not enough human resources available to do that, to close off the borders.

We either build up the economy of the other countries; it is going to take years to do that, or we pass this bill with employer sanctions. We must pass it.

I implore you to vote for this rule and let us get on with passing a true immigration reform bill.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Berman) an able member of the Judiciary Committee.

Mr. BERMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, were that it were so simple that because we have a serious problem and must find a solution, it follows automatically that we grant the rule. The fact is that once we grant that rule, those who are arguing the most for its passage are going to offer amendments which literally gut the tradeoffs that the authors sought to achieve in this proposal.

It is not anomalous that a proposal which seeks to do something about the job displacement which supposedly comes from undocumented workers are also arguing for and pushing a guest worker program that will expand ten-fold the ability of imported foreign workers to come in, undercut American labor, destroy the effort to unionize farmworkers and violate every basic labor standard that we have fought for over the years?

Is it not interesting that the employer sanction program contains amendments which exclude any effective recordkeeping and ability to prove discrimination from a Congress which basks in the glory of fighting against discrimination in employment, and now enacts a policy which will encourage just that discrimination.

I urge my colleagues to defeat the rule.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Edwards), also an able member of the Judiciary Committee.

Mr. EDWARDS of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to House Resolution 519, which provides a rule for consideration of H.R. 1510, the Mazzoli immigration reform legislation.

We are told, Mr. Speaker, that we must act now on this legislation.

We are told that we should support its consideration because it is the result of extensive study by the bipartisan Select Commission on Immigration. What we are not told, however, is that H.R. 1510 does not reflect the recommendations of that bipartisan panel. For example:

The Select Commission specifically rejected guestworker programs, while the Mazzoli bill includes a massive expansion of these programs;

The Select Commission specifically rejected proposals to severely limit the right to judicial review and other legal protections for asylum and exclusion cases, while the Mazzoli bill removes such protections;

The Select Commission supported increases in legal immigration; the Mazzoli bill is silent on this issue and the Senate version actually reduces such immigration.

In addition, there have been recent studies, data, and Supreme Court decisions which would greatly affect or refute the current legislation if they were taken into consideration. Yet, they have not been.

We are told that employer sanctions, the centerpiece of this legislation, is the only method by which we will be able to stop employers from hiring undocumented aliens. However, Mr. Speaker, we are not told that a GAO report, issued after the Select Commission's report and done at the request of Senator Simpson, found that employer sanctions were proven not effective in the 20 foreign countries which had previously adopted them. We are also not told that more recent reports, including that of the Urban Institute, have refuted the premise underlying employer sanctions—that undocumented immigrants displace American workers.

Despite all of this, we are still told that employer sanctions are needed to open jobs for American citizens that are currently held by undocumented aliens. What we are not told is that this same legislation expands the current temporary guestworker program to permit up to 500,000 foreign workers to enter the country for up to a period of 1 year.

It seems to me, Mr. Speaker, that the bill itself acknowledges the fact that the majority of jobs now held by undocumented aliens will not be taken by American citizens. The proponents of H.R. 1510 have made it easier for many employers to accept the employer sanctions concept because they have also provided these employers with a new supply of cheap, exploitable foreign workers.

We are told, Mr. Speaker, that our ethnic communities should put aside their concerns about the exacerbation of discrimination which will result from employer sanctions because, after all, H.R. 1510 contains an amnesty provision which will give millions of undocumented aliens the legal status they so badly seek.

What we are not told is that this is not an amnesty program that allows anyone who has been here prior to January 1, 1982, to automatically become a legal resident alien. We are not told that the same 33 exclusions which apply to persons immigrating from overseas will be applied to individuals seeking legalization. In addition, these individuals must be able to prove they have resided continuously in the United States since 1982. Based on all the requirements, it has been estimated that, at most, 40 percent of the 2 to 4 million undocumented aliens estimated to be here by the Census Bureau will actually be legalized.

We are also not told, Mr. Speaker, that the 60 percent or more of applicants who are found ineligible for legalization could be deported, since the information they will have given to the Immigration Service in the hope of receiving legal status will also be available to the INS border patrol.

Last, we are not told that the Roybal alternative legislation, introduced over 3 months ago, more closely reflects the Select Commission's recommendations and the Civil Rights Commission's recommendations in the "Tarnished Golden Door." The Roybal alternative also does not contain contradictory provisions as H.R. 1510 does.

It appears to me, Mr. Speaker and my colleagues, that all of the points which I have raised support the need to defeat this rule and to take a serious look at a better plan—the Roybal alternative. Let us get on with the serious work before us. Let us work on and pass fair and just immigration reform. To do that, we must defeat this rule.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), a most able member of the Judiciary Committee.

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Speaker, the two speakers that have gone before have I think pointed out that we do not have a perfect bill. We do not have a perfect rule. On this issue, however, I do not believe that Solomon himself could have crafted a perfect bill or a perfect rule. I think what we have is a fair bill, and a very fair rule.

We see a rule that was put together with such meticulous detail that it is far better than any rule that I have seen or any fairer than any rule that I have seen since I have been here in Congress. I do not believe that there are any new ideas on immigration that have not been discussed by the Judiciary Committee and that have not been discussed by the Rules Committee or is in some way not represented in this particular rule.

I think we have to be very clear and very fair with ourselves: A vote against this rule is a vote against immigration reform for this country. Let there be no mistake about it; this rule is the only vehicle that the 98th Congress is going to have to come to the floor with an immigration bill.

This bill is fair; it is fair to the present generation of Americans, and more importantly, it is fair to the future generation of Americans. These poor, illegal aliens reach our shore, I can assure you, with a better knowledge of existing immigration law than the average Member of Congress has.

Our laws are so full of loopholes and in such terrible need of reform, that this 98th Congress is going to have only one chance, and one chance only, to change that law. That chance is going to be by passage of this rule, paying attention to debate and the amendments coming before this body, and then, hopefully, the passage of a fair immigration law for this country.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. MARTINEZ), a distinguished member of the Committee on Education and Labor.

Mr. MARTINEZ. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule; something that I do not like to do, oppose the rule. But I will vote against the rule offered for several reasons. The fact that 67 amendments are in order leads me to believe that proper consideration of this serious issue has not occurred. To say that this is less than a perfect bill does the Congress a disservice. This issue is too important for us not to have a very perfect bill.

One of my colleagues from Florida said that we must tighten our borders, so we pass employer sanctions. Another colleague from Florida says that there are loopholes in the law; I say there are loopholes in the border. I think that something we have to consider here when one of our colleagues from Kansas says that the masses are for this bill. I have got news for you, look around you, listen. The masses are against this bill. They are against legalization, the only compassionate part of this bill. There are movements on the other side to eliminate the immigration, so what are you left with? Sanctions, and sanctions are against employers.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Colorado (Mrs. SCHROEDER).

□ 1650

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Mr. Speaker, Thomas Reed, twice Speaker of the House in the late 19th century, called reform "an indefinable something to be done, in a way nobody knows how, at a time nobody knows when, that will accomplish no one knows what."

Nothing more perfectly fits Speaker Reed's recipe than the bill before us today, the Immigration Reform and Control Act of 1983.

The bill has far-reaching ramifications. It establishes an employer sanction system that increases the potential for discrimination against Hispanics. It grants amnesty to undocumented workers and their families who can prove they have been here a certain number of years. It requires businessmen to enforce immigration law. It would result in the establishment of a national ID card. It ignores the difficult economic and political refugee question.

Support for the bill has waned because it is becoming increasingly clear that it is flawed. The major premise is that immigration—legal and illegal—is out of control. This premise was fueled by the media coverage of the Cuban influx into Florida in 1979 and the plight of the Haitian boat people.

The U.S. Committee for Refugees (USCR) recently released an in-depth survey of public attitudes on immigrants and refugees. The survey, funded by the Rockefeller Foundation, found that most members of the public do not know the difference between refugees and other immigrants. Only 18 percent are aware that a smaller number of refugees has entered the United States over the last decade than immigrants or undocumented aliens. Over 50 percent believe that Mexico is one of the largest sources of refugees coming to the United States.

The facts, however, are that refugees have consistently been the smallest percentage of the three major categories of persons coming to the United States to stay and that Mexico is not a source of refugees, but rather is a major source of both documented and undocumented workers.

A second major flaw of the Simpson-Mazzoli bill is that immigration and refugees are viewed as domestic problems. The bill does not address where immigrants come from, why they flee their countries, what they do when they arrive here. It did not consider how many jobs are saved and created by immigration.

In the January 1983 issue of the Wilson Quarterly, Aaron Segal said that Congress could revise U.S immigration laws, but it could not change the underlying realities, which is that a rapidly growing number of people from other countries are looking for work. In the United States, farmers, restauranters, small manufacturers and ranchers are willing to provide that work.

On June 25, 1952, President Harry Truman vetoed another comprehensive omnibus immigration bill. He said:

> A general revision and modernization of these laws unquestionably is needed and long overdue, particularly with respect to immigration. But this bill would not provide us with an immigration policy adequate for the present world situation. Indeed, the bill, taking all its provisions together, would be a step backward and not a step forward.

Those words ring true today in consideration of the Simpson-Mazzoli bill. Let us not step backward by inviting discrimination against Hispanics, recreating the bracero-like temporary worker program, and burdening employers with enforcement procedures and responsibilities.

The USCR study found that the overwhelming majority of those interviewed considered the immigration-refugee issue as one of moderate to low importance compared with other major national policy issues. Vote "no" on the rule so we can get onto those other issues.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. DAUB).

Mr. DAUB. I thank the gentleman for yielding this time to me.

Mr. Speaker, as perhaps one of the few members in this body who has actually practiced immigration law, and rather extensively, I want to say, for I do look forward to the debate itself and rise in support of this rule.

I especially want to commend the Committee on Rules for a very outstanding job in preparing for the debate that we are having here today and for what I look forward to as a very comprehensive debate on the subject itself.

I particularly want to ask my colleagues to remember one thing: Very seldom in this House of Representatives do we ever take up great philosophical questions, and I think that the immigration reform bill which will be brought to the floor, I hope, after the passage of this rule, will in fact give us that opportunity to talk about what made this country great and what we must do to perpetuate this country's opportunity for those who come legally and/or by other means, to our shores.

Seldom have I been privileged to have the benefit of such a thorough effort in preparation of floor consideration of the very rule we have today. Thus, the members of the Committee on Rules have my gratitude and appreciation for their thorough deliberations on this very difficult and controversial matter.

Yes, to be quite honest, I wish that the employer sanctions in the bill were even tougher than they are, because in my view that is the only way we are going to solve some of the problems, and that might be a shock to some Members.

On the other hand, amnesty has a solution if we do not approve it, and that is to bring the registry date to the attention of the Members of this House, for it does provide an alternative to amnesty, should it not be a part of the committee bill when the amendment is debated here.

It should be pointed out that I am not aware of any Member of this body who has been denied the opportunity to testify before the subcommittee, the full committee or, for that matter, the Committee on Rules.

So, I believe that given the controversy surrounding H.R. 1510, the Immigration Reform and Control Act, this rule, in my opinion, offers all of us our greatest opportunity for the debate that we must have on these very important issues, so important to our country. I thank the chairman and the committee for their great effort.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the able gentleman from Texas (Mr. SAM B. HALL, JR.), a member of the Committee on the Judiciary.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this rule. That is the only thing we have to face today; not whether we are going to pass a bill some days from now or whether we are not going to pass a bill. We have one thing to do, and that is to pass a rule.

I do not think anyone in this body would take the position that we do not have to do something. If we vote against this rule today, we are in effect saying we are not going to do anything. I think that is a bad position to take.

We all know that this is not a perfect bill we are dealing with. Moses could not have come down from above with one that everyone would have agreed with, and we are not going to get one here. But we ought to have an opportunity—and I believe this sincerely—we should have an opportunity to consider what this Committee on Rules has done. They have come forth with 69 approved amendments that will be offered. How can we be more fair than that? So I think it behooves each one of us to vote for this rule and let us have an opportunity to vote on the main issue in question.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the able gentleman from Massachusetts (Mr. FRANK), also a member of the Committee on the Judiciary.

Mr. LUNDINE. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New York.

Mr. LUNDINE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the proposed rule which would allow full consideration of the Immigration Reform and Control Act, commonly known as the Simpson-Mazzoli bill. This bill would enact needed reform to our country's immigration laws which have not seen major change since the early 1950's. Many argue that consideration of such major immigration reform should not be conducted in the politically charged atmosphere of an election year. What are our alternatives? If we put off consideration of Simpson-Mazzoli now, when will we consider it? We are all familiar with the necessary business which Congress must conduct in the coming months prior to November. The legitimate concerns which have caused such conflict and have delayed consideration of immigration in the past will not magically disappear by preventing Simpson-Mazzoli from coming to the floor. I believe that we must bring this bill up now or we lose the only window of opportunity to consider this bill for the foreseeable future.

Immigration reform encompasses a multitude of issues, but the overriding problem which needs to be addressed is one of jobs. I am distressed by the unemployment trends of the past few years. We have seen an unemployment rate which went from under 6 percent in 1979 to over 10 percent nationally in 1983, the largest unemployment rate since the Great Depression. While unemployment has decreased in 1984, the United States is still in serious economic trouble. There are not many encouraging signs that we can sustain a reduced unemployment rate over the long term. In my own district, the southern tier of New York, many of the areas continue to record higher unemployment rates of 10 percent or more during what is purportedly a recovery year.

During these difficult economic times, I strongly feel that we have to develop a strategy to get Americans working. Illegal immigrants should not be displacing American workers. A 1979 Government study estimated that as many as 1.2 million jobs held by an alien could be filled by unemployed Americans. Economists may argue that this is a small percentage of the total work force, less than 1 percent, but aggregate numbers mask the true human cost. We cannot idly stand by and squander our most valuable resource—people. Thus, some controls are needed to stem the influx of illegal aliens.

Simpson-Mazzoli addresses this problem by penalizing employers who knowingly hire illegal aliens. A truly long-term solution must of necessity address the social and economic problems in other countries which are the underlying causes of illegal immigration.

In the immediate context of this debate, Simpson-Mazzoli concentrates on reform which removes the incentive for hiring illegal immigrants. If existing law says that such workers cannot legally work in the United States, why should employers be allowed to knowingly hire illegal immigrants with impunity? All this bill would do is require employers to change from a posture charitably characterized as benign neglect to one of assuring proper compliance with existing law.

On the other hand, I feel that Americans ought not to lose sight of longstanding principles we hold dear. America has always and should continue to be a guiding beacon to the world. We should not and cannot simply close our doors and deport all illegals. Amnesty is an essential part of overall immigration reform. Simpson-Mazzoli strikes a reasonable compromise in the issue of amnesty by recognizing that many illegal aliens have lived in and contributed to growth of our country over a period of years. A massive deportation effort is not feasible due to the legal, financial, and logistical impossibilities of such an undertaking. More importantly, humanitarian concerns should simply preclude such a draconian solution.

Finally, I support this rule on the grounds that it allows full and open debate is allowed with adequate controls against the risk of filibuster. Sixty-nine amendments are in order with a full week set aside for debate. Certainly there will be controversies, but an open and frank discussion of such an issue is essential to our democratic process. The time for immigration reform is now, so let us join together in laying the groundwork for our consideration of Simpson-Mazzoli by passing the rule before us today.

Mr. FRANK. Mr. Speaker, I hope the rule is adopted. I think we have a confusion here in the remark that some of our colleagues have made. They are blaming the bill for what is, in fact, the situation that the bill is trying to correct.

The resulting situation from the kind of immigration practices we have had is an unpleasant one. It does injustice to many people, including people of different races and different ethnic backgrounds.

The bill, in my judgment, as it now stands and as I hope it can be improved, will improve that situation, not as much as I would hope, but it will make a substantial improvement. But Members ought not make the mistake of blaming the attempted solution for the problems that exist and that the solution is aimed at. That is where I think some of the confusion is.

I am convinced that this package of legalization and sanctions will greatly improve the lot of those who we are talking about, the immigrants, and I am surprised that it would be considered controversial that we would make it illegal to hire people who are here illegally. That is what sanctions talk about. We simply say that it would be a crime.

Members have said two things about the sanctions: No. 1, that they will not work at all; and No. 2, that they will work so well that they will keep not only illegal aliens from being hired, but will keep legal people from being hired. I can understand both arguments being made, but not by the same people.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. Morrison).

Mr. MORRISON of Washington. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am thankful to finally have the opportunity to discuss immigration policy. Most of the arguments I have heard have been against the bill. The rule itself is very fair.

My Hispanic constituents have asked that the gentleman from California (Mr. Roybal) and other members of the Hispanic Caucus, be given every opportunity to present their amendments, and that opportunity is included in the rule.

I have also asked that the rule include separate consideration of a variety of amendments approved by the Committee on Agriculture. That request was granted.

I urge my colleagues to support the rule. The Committee on Rules has done a good job with a tough subject. Now the job is ours, and let us get on with it.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to my able colleague, the gentleman from Florida (Mr. Smith), also a member of the Committee on the Judiciary.

Mr. SMITH of Florida. I thank the gentleman for yielding this time to me.

Mr. Speaker, as a member of the Subcommittee on Immigration and a supporter of legislation to help regain control over our borders, I rise in support of this rule.

If we are to regain control over our borders, we must pass an immigration reform bill. Some of us, myself included, are not pleased with every provision of this bill, but that would not excuse the House refusing to consider and pass a strong and effective bill.

The Committee on the Judiciary reported H.R. 1510 on May 13, 1983. Opponents of the bill, therefore, have had at least 13 months in this Congress to prepare amendments to it. Considering that this bill has been before the House for nearly 4 years, I cannot accept arguments that there has been insufficient time to develop or discuss alternatives. There has been ample time for that.

Now is the time to vote on the merits of immigration reform. We understand the concerns that have been expressed about certain portions of the bill. I will tell my colleagues what I told the members and witnesses at the subcommittee: If there are problems with the implementation of an immigration reform bill, I and others will be willing to work for legislation that will correct them after we know the extent and the shape of those problems.

Congress will not forget about immigration problems just because H.R. 1510 is passed.

Finally, Mr. Speaker, I hope that during debate on this legislation the House will deal with facts and not myths. I urge my colleagues to support the rule.

□ 1700

Mr. PEPPER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. Boxer).

Mrs. BOXER. Mr. Speaker, employees displeased—painful discrimination. Vote "No" on the rule.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. Mineta).

Mr. MINETA. Mr. Speaker, I rise in opposition to the proposed rule for H.R. 1510 and strongly urge my colleagues to join me in sending this highly controversial immigration legislation back to the Judiciary Committee for further consideration.

Mr. Speaker, this legislation has stimulated an enormous amount of interest. For years now we have all heard about this critical issue from ethnic community groups, business associations, religious communities, elected officials, and from other Members of this body. This issue is not new to any one of us; we have all reviewed and discussed it at length. Frankly, many do feel that it is time to bring this issue to closure.

I agree that it is imperative that we move toward passing immigration reform legislation. However, we must not act in haste to accept a policy that does not adequately reflect the beliefs, judgments, and needs of the people we represent. What we have before us now is an extremely divisive piece of legislation. Obviously, this body has devoted considerable time debating immigration. However, we still do not have before us a satisfactory proposal for fair and open immigration practices in this country. We are getting close, but we are not there yet.

Mr. Speaker, we owe it to ourselves and to the rest of the country to fully consider every alternative that will lead us to an effective and just immigration policy for this Nation. Such alternative proposals exist. As an original cosponsor of H.R. 4909, a proposal made by the gentleman from California (Mr. ROYBAL), I know that improved mechanisms and reasonable approaches can be considered by this body.

I commend and support Mr. ROYBAL's proposals, which offer reasonable and just alternatives. I urge other Members of this body to act responsively and vote against this rule, and thereby commit us to a continued search for a fair and just immigration policy.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HANCE).

Mr. HANCE. Mr. Speaker, I rise in opposition to House Resolution 519, the rule on the Simpson-Mazzoli immigration reform bill. H.R. 1510 is one of the most important pieces of legislation facing the 98th Congress. Because of the complexity and far-reaching implications of this bill, it is imperative that consideration be given by the House to all Members who desire to amend the bill. The only way to do this is with an open rule.

Suggested amendments for improving the legislation which have not been made in order under House Resolution 519 have just as much merit as those amendments that will be offered under this proposed modified open rule. We should not arbitrarily disallow debate on potentially valid amendments when the security of our borders and the immigration policy of this Nation are at stake.

The Simpson-Mazzoli bill is woefully inadequate to the task of immigration reform. The Hispanic Caucus alternative offered by our colleague from California, ED ROYBAL, is better, though still flawed. Both need substantial amendment that may not be possible under the proposed rule.

I urge all Members to defeat this rule.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, as the representative of the district which has the largest concentration of people of Caribbean descent in the United States, I rise in opposition to the rule for H.R. 1510, and ask unanimous consent to revise and extend my remarks.

The people of my district are primarily interested in two provisions of this bill: the legalization provision and the employer sanctions section. Legalization is highly desirable and we applaud the position of H.R 1510 with respect to legalization.

An amnesty date of January 1982 is highly desirable; however, the Senate version of this amnesty provision is much more restrictive with the cutoff date of 1977. Since the Senate version has the advantage of the President's support, the likelihood is that a compromise will greatly water down the amnesty provision. Herein lies the problem with respect to even the most progressive components of the bill. To pursue this legislation at this time dooms even the best parts of the effort.

On the other hand the employer sanctions, the most regressive portion of the bill, are likely to be worsened in the process of negotiation with the Senate. This provision, at present, lacks some of the necessary safeguards which have been recommended during the long course of development for this legislation.

As currently written, the employer sanctions will definitely exacerbate employment discrimination. In addition to all persons who have accents—whether British or Hispanic—all blacks and other people of color will be placed at greater risk as a result of this provision. Discrimination in employment is still a major problem in most parts of the United States. Racist employers, under this bill, will have ample excuse to give full vent to their prejudices. A reconsideration of this provision with the introduction of better safeguards is needed before the House goes forward.

There is no urgent need to consider this measure at this time. The United States can gain control of its borders without this piece of legislation. Control of the border is a problem of more personnel and resources which should be committed for this purpose. The bill is flawed because it promises to solve this problem but fails to offer a thorough treatment of the immediate problem of border control.

More time to focus on the essential problems related to border control is needed. Further consideration of employer sanctions is needed. A greater guarantee of the eventual survival of amnesty is needed. For all of these reasons, I urge my colleagues to vote against this rule on H.R. 1510.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, nothing is more important to the United States of America than a national defense policy. That goes without saying.

Second to it, it seems to me, is to have a sound immigration policy. Both of these policies are really the basic reasons why we have a National or Federal Government in the first place; that is, to secure our borders and to provide for the common defense. That is why it is so important that we embark on this debate, that we adopt the rule and that we adopt some kind of national policy.

We have spent weeks already determining the extent and the nature of the defense of our country. We owe no less to determination and to the debate on how best to secure our borders.

The American people, whether we recognize it or not or whether we want to recognize it or not, do take into consideration what we do here on the floor of the Congress, especially with the teeming problem of the populations that are flooding into our country without an immigration policy determining the full rights of everyone concerned.

I urge adoption of the rule and eventual adoption of a sound immigration policy with or without some of the amendments that are to be proposed, but the American public deserve it and want it.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. Mr. Speaker, I reluctantly rise to urge my colleagues to vote against the rule proposed for H.R. 1510, the Immigration Reform and Control Act. Even though we need immigration reform and control, this rule in effect is closed to consideration of better alternatives.

I believe this bill offers a piecemeal approach to the problems of immigration control and enforcement. Although many believe this bill will curtail illegal immigration and save jobs, I believe this bill will only add confusion to our lives. It does this in three distinct ways:

First, it will force employers nationwide to become the policing agents for verifying the legality of employees;

Second, on the one hand using the strong arm of INS enforcement toward some undocumented aliens, and on the other legalizing perhaps millions of other undocumented aliens;

Third, reenactment of the Bracero nightmare with a greatly expanded temporary worker program, will allow thousands more laborers from neighboring countries to be imported to work in the United States.

H.R. 1510 revamps immigration law in a comprehensive manner, without full acknowledgment of the current status of INS services. Not only are delay and disarray common in naturalization procedures, but enforcement efforts are scattered and disruptive when directed toward workplaces.

Mr. Roybal's bill (H.R. 4909) is a fresh approach to this problem. His bill institutes a plan for improving naturalization services and requiring that existing labor law be used to deter the employment of illegal aliens. It recognizes that adding another law without teeth to the books is not the answer to our immigration problems now or in the future.

We must control our borders. But, we need not do it by instilling fear in our communities or by attempting to pass legislation which instructs the Attorney General to simultaneously implement programs with conflicting objectives. I believe legislation which allows for a practical and phased-in approach toward immigration control would far better suit our needs nationally and locally. This bill is not the answer to our immigration efforts.

If this bill passes, we will be required to spend more Federal dollars on repair work than if we return now to the drafting table. The product of our efforts should be a staged and reasonable legislative proposal which has a much broader support base. It should not be a bill bearing the tags of untold numbers of interest groups each claiming support for the bill based on specific contingencies.

Finally, a memorandum from OMB dated January 13, 1984, was either purposefully or secretly leaked to the public revealing OMB's views about immigration policy. While some Members have seen this memorandum, I would like to insert it in the Record at the end of my statement for others who may not have seen it.

I believe this memorandum from David Stockman depicts precisely how our debate on immigration issues has been politicized and led astray. The focus of his concern measures the adverse budgetary impact of this legislation, though his assumptions are not necessarily accurate. No one can give a precise count of the number of undocumented individuals living within U.S. borders, nor can an accurate estimate be made of those who will be eligible for legalization.

My vote against the rule is in response to the voices of my constituents, who want fair and effective immigration control legislation without discrimination, hostility, and disruption in our communities. They would like immigration control which is practical and acknowledges the concerns of legal residents and long-term undocumented individuals. They want a sound Federal immigration policy that works.

Washington, DC,
January 13, 1984.

Memorandum for: Cabinet Council on Legal Policy.
From: David A. Stockman.
Subject: OMB's concerns with the immigration legislation.

The purpose of this memorandum is to express OMB's budgetary and policy concerns with the immigration legislation and to urge the Administration to determine the budget magnitude and policy compromises it is willing to support in preparation for devising a legislative strategy to effect passage of a bill the Administration can accept.

BUDGET CONCERNS

Both the House and Senate bills have serious budget implications for 1984-89: $13.3 billion in H.R. 1510 and $10.1 billion in S. 529.

Despite repeated expressions of Administration concern, the budgetary impact of the legislation has not been addressed, especially in the House bill.

The Senate ignored the Administration's request to limit the block grant to $1.4 billion over four years. The block grant remains uncapped.

The House Judiciary Committee defeated amendments to control costs by limiting Federal reimbursements as well as the population of legalized aliens.

Representative Lungren, intended block grant sponsor on the House Floor, has indicated the lack of support for a block grant. He is considering more expensive amendments.

Given the costs of the current House and Senate bills, the conference outcome (if it splits the difference) is likely to be an unacceptable $11.7 billion for 1984-89 without forceful intervention by the Administration.

POLICY CONCERNS

Both bills create a large new entitlement group of legalized aliens contrary to Administration efforts to control entitlement spending.

Reimbursement authority in the House bill has no cost control. States determine costs and the Federal Government pays. For example, the Federal Government would pay the full cost of educating legalized aliens.

The uncapped block grant in the Senate still creates serious budget exposure. States will argue that immigration is a Federal problem and press for the Federal Government to pay all costs.

The House bill also significantly weakens enforcement:

Verification of employment eligibility is voluntary until the first violation, thereby giving employers an affirmative defense against sanctions.

Employers of casual labor (i.e., agriculture and construction) are not required to check worker ID for 24 hours. This provision eliminates any fear of penalty and effectively exempts day labor from employer sanctions.

There would be no penalty assessed for an employer's first violation.

Employers of illegals would be exempted from employer sanctions for three years by participating in the transition worker program.

Unless the Administration reasserts its budget and policy concerns before the bill is scheduled for House action, the Administration will be faced with a conference bill that is too expensive and contains significant enforcement loopholes. Senator Simpson's offer to take the post-conference bill to the President for concurrence puts pressure on the President to take responsibility for the outcome of the bill. Given these factors, the Administration needs to determine the dollar magnitude and policy compromises it is willing to accept and to follow that determination with an appropriate legislative strategy.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in conclusion I would like to cite once again, as many others have, the fact that this is a very fair rule from a committee that has been deliberating on this bill for, really, 4 years. I urge adoption of this rule and I yield the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the able gentleman from California (Mr. Beilenson).

Mr. BEILENSON. Mr. Speaker, most of the debate has centered thus far on the bill. Let me just say a couple things about the rule which is before us.

Developing a rule which will allow the House to fully and fairly consider the immigration bill has been one of the most difficult tasks before the Committee on Rules during the past few years.

This legislation is politically controversial, with very strong feelings on both sides, and it is technically complex, with many important issues to be decided, and four committees which reported amendments to the bill. Despite these difficulties, the rule that the committee has reported will allow the House to work its will in a responsible manner.

The 69 amendments made in order under the rule will provide an opportunity for the House to consider alternative approaches to every major issue addressed in the bill, without the distraction of extraneous issues or dilatory amendments.

The rule does not contain any limitation on debate time because the Rules Committee believes that it is better for debate to proceed under the regular procedures of the House—better that the Members of the House decide the appropriate amount of time for the debate on a particular issue rather than have the Rules Committee decide in advance and allocate in advance time before consideration of the bill itself has even begun.

Mr. Speaker, I cannot imagine how anyone can legitimately oppose this bill on the ground that it is not a fair rule, or that it is unjust or unduly restrictive. The Rules Committee has provided, as I have said, for the orderly debate and resolution of all the major issues raised by this legislation. We have bent over backwards to be fair, and if the rule is to be faulted at all, it should be criticized for not being restrictive enough. But the immigration bill involves major, complex, difficult and emotional issues, and it deserves the kind of rule and the amount of debate that we propose to give it under this rule.

Mr. Speaker, it should be clear that a vote against the rule is simply a vote against considering the immigration bill. I hope that my colleagues, whatever their feelings about the bill, will not vote here today to evade the responsibility of the House to consider this most important piece of legislation.

I urge my colleagues to vote for the rule.

● Mr. MATSUI. Mr. Speaker, I rise today in opposition of the rule for H.R. 1510, the Immigration Reform and Control Act. The restrictive rule proposed for governing floor debate on H.R. 1510 makes it highly unlikely that a fair or effective bill will emerge from the House floor.

This is the most important immigration legislation to come before the House in 20 years. It is unacceptable that we are being asked to vote on the bill when we have not yet had the opportunity to review a copy of the complete rule nor the list of printed amendments.

It is not the need for immigration reform that I am disputing, rather at issue is how this country will control immigration. Given the complexity of this issue, it is vital that each Member be afforded ample time to fully present, debate and resolve the issues presented by the current legislation. This rule simply does not provide adequate time to do so.

This rule is unjust. It was developed through a closed process designed to limit the number of amendments offered. Furthermore, the process for preparing for amendments has been restrictive and the time constraints imposed will inevitably lead to hasty decisions resulting in bad public policy. The mere existence of 68 amendments to the bill suggests the need for further debate. The fact that there exists a credible alternative bill demands further debate.

While I strongly support rational immigration reform, I believe that a careful and selective revision of the Nation's immigration laws is an important congressional priority. I urge my colleagues to defeat this rule in order that we may provide more careful consideration of all the issues and all of the alternatives in an effort to build a national consensus for fair and effective immigration legislation.●

● Mr. GEJDENSON. Mr. Speaker, I would like to express my opposition to the rule on H.R. 1510. I realize the critical importance of the issue of immigration reform, and this is not a decision that I have reached easily. But it is because of the importance and far-reaching implications of comprehensive immigration reform that we must not impulsively support a seriously flawed bill, when alternatives have not been given adequate consideration. Mr. ROYBAL has introduced such an alternative. It takes a different approach from that of Simpson-Mazzoli. It may or may not be worthy of passage by this body, but it is at least worthy of serious investigation and consideration on the committee level, where most of our difficult problems are addressed and compromises reached. Yet no hearings have been held on this bill, and its provisions, some of which we will vote on as amendments to H.R. 1510, are unfamiliar to most of us.

I think it is important that we understand the depth of concern in the Hispanic community and among other ethnic and linguistic minorities in this country over the possible discrimination that may result from the passage of this legislation. It is a controversial issue and potentially a highly divisive one. We cannot fairly deal with the issue of immigration reform by excluding the concerns of an entire segment of society. At the very least, we owe their alternative proposal a fair hearing.●

● Mr. OTTINGER. Mr. Speaker, I rise today to oppose the rule on the Mazzoli bill, H.R. 1510. We all acknowledge the need for immigration reform; that is not the issue before us. The immigration legislation to be considered is extremely complex: It includes crucial provisions of amnesty. It addresses the problem of unlawful employment of undocumented workers, but does so in a way which may jeopardize employment for all Americans of Hispanic origin.

There are serious problems with bringing the bill up at this time. First, it is being brought up prior to any hearings on an alternative that deserves full consideration. H.R. 4909, introduced by Representative ROYBAL, is a comprehensive substitute to the Mazzoli legislation, superior in many ways to the Mazzoli bill. No hearings have been held on it. Under the proposed rule, Mr. ROYBAL's alternative can only be considered piecemeal in 22 separate amendments, a very inadequate way to treat this comprehensive alternative.

Second, we are told that there is a good chance that the McCollum amendment striking the amnesty provisions of the bill will pass, thus gutting the heart of the bill. H.R. 1510 should not be brought up until passage of this key provision can be assumed.

Defeating the rule on H.R. 1510 is a vote in favor of providing the very best solution to our very difficult immigration problem, a solution based on full consideration of viable and well-founded options. I strongly support a legislative remedy to our immigration problems, but I can only support a remedy that has been considered against legitimate alternatives, and that is not the case with this bill.

I urge my colleagues to vote against the rule.●

● Mrs. COLLINS. Mr. Speaker, I rise in opposition to the rule granted H.R. 1510. I base my opposition on reasons of procedure and timing.

The process by which the rule was developed was unjust and restrictive. The Rules Committee, without any advance notice, limited amendments to be offered on the floor only to Members who had testified in hearings before the committee. Members were not aware, until after the rule was issued, of the severe constraints placed on the consideration of amendments.

It is rather apparent that the committee has taken every possible action to limit debate and amendment of the Simpson-Mazzoli bill. The complete text of the rule and the amendments were not available until just a few hours ago. It is absurd to expect Members to digest so much information in such a small amount of time, let alone to gain the understanding necessary to make wise decisions resulting in good public policy.

These tactics might not be so alarming if we were considering a routine bill on a straightforward issue of small importance to the Nation. Clearly this is not the case. We are dealing with legislation of great controversy which will have an enormous impact on our future and on our self-image as a nation.

The rule is also heavily flawed in its timing. Proponents of H.R. 1510, with a growing air of urgency, argue that now is the time to pass an immigration reform bill. I could not disagree more. Now is the time to debate the balanced and reasonable alternative to Simpson-Mazzoli bill: the Roybal/Hispanic caucus measure. Their bill, which enjoys the support of such diverse groups as the chamber of commerce, the NEA, ACLU, and American Jewish Committee, was not even afforded so much as a hearing.

Many Members, including myself, view the Roybal bill as the best possible compromise which would effectively work to solve the problem of undocumented workers without sanctioning discrimination against Hispanic or other "foreign looking" citizens.

The timing of H.R. 1510 is also inappropriate in light of recent evidence gathered since the outdated Select Commission report. The Census Bureau's most recent study found the number of undocumented workers to be far fewer than the Commission thought. While current propaganda cites anywhere from 3 to 12 million undocumented workers, the census study determined that there were actually only 2 to 4 million. Consequently, we would be foolish to ignore this new evidence which contradicts many commonly held yet statistically unsupported assumptions.

A final argument against debate of immigration reform at this time is the rather ugly anti-immigrant mood which has taken hold in the United States. In cities across the Nation, Hispanics have been illegally harassed in the name of immigration status checks. If this level of discrimination is taking place even before Simpson-Mazzoli is considered, imagine what we can expect if the bill is actually passed. I seriously doubt that such fervor against undocumented workers would be stirred if they were fleeing dictatorships and failing economies in Western Europe rather than in Latin America, the Caribbean, and Southeast Asia.

In conclusion, I believe that we would be making a serious mistake if we debated H.R. 1510 at this time and under the current rule. We all agree that immigration reform is a priority issue for America. But we also must agree that for immigration reform to be successful it must be compassionate, just and effective. The procedure and the timing of this rule preclude a full debate which would encompass the Roybal alternative, the latest evidence on undocumented workers, the possibility of offering more amendments, and an impartial, clearheaded atmosphere for discussion. I urge my colleagues to vote down this rule.●

● Mr. DREIER of California. Mr. Speaker, I rise today in support of the rule for H.R. 1510, the Simpson-Mazzoli immigration reform bill.

The United States desperately needs an immigration policy based on the realities of today. For the better part of the last decade our only policy has been one of neglect. In that time we have completely lost control over our borders—one of the basic qualifications for any independent nation. This is an issue of great importance to my part of the country and yet there are still those who fail to realize this. After 6 months of political gamesmanship by the House leadership we are finally being allowed an opportunity to debate this issue.

Now the opponents are hiding behind the rule. They argue that this is one of the most important issues facing this country, that it deserves close scrutiny and extensive debate. This is true. But I would remind these same people that an open rule killed all chances for reform legislation in the 97th Congress; 2 years later we still have made no progress. The Senate has passed this bill twice. The Immigration Subcommittee and the full House Judiciary Committee have held hearings. The rule provides for debate on 69 amendments designed to iron out some of the rough spots. I sincerely doubt that a few more hours of debate on the floor will change anyone's mind on any aspect of this bill. It is now time to move ahead. Those who do not support this rule simply do not support immigration reform—for what ever reasons.

With regard to the legislation itself, I too have problems with various provisions presented. I do not support amnesty, especially with the dates included in the House version. Amnesty sets a very bad precedent. It rewards those who came to this country—a country of laws and justice—contrary to the provisions of those laws. And it does so at the expense of those who have waited years for legal permission to immigrate. I have some problems with the employer sanctions provisions and the overall numbers on legal caps for several categories. But in the long run, the advantages to any immigration reform far outnumber the disadvantages to this bill.

Immigration officials estimate that for every 100,000 people they apprehend at the border a month, between 200,000 and 400,000 get through. Think about it: this is almost one additional congressional district 1 month added to our Nation's population. How long can our economic and social systems last under this pressure? It is time for action. Simpson-Mazzoli is the only realistic vehicle for reform. I urge my colleagues to support adoption of the rule.●

● Mr. FAUNTROY. Mr. Speaker, I rise in opposition to the rule on H.R. 1510, the Immigration Reform and Control Act. I object to consideration of this legislative proposal prior to full consideration by the Committee on the Judiciary of H.R. 4909, the constructive alternative proposal authored by our distinguished colleague, Congressman EDWARD R. ROYBAL.

Mr. Speaker, H.R. 1510 is before us today not on its merits, but because of what many in this body see as an imperative to do something, anything, on the difficult questions of immigration and refugee policy. H.R. 1510, as brought before this body, will not give us control over our borders, although it may enhance the Reagan administration's rhetoric and imagery as it relates to this issue. Provisions in H.R. 1510 are offensive to key constituencies of our country and of the Democratic Party.

We have another option and it is the Roybal alternative. We should postpone consideration of H.R. 1510 until the merits of H.R. 4909 can be assessed in the normal processes. This alternative, of which I am a cosponor, would protect civil liberties, while increasing the enforcement and service capability of the Immigration and Naturalization Service (INS). It would require human relations training of INS personnel, and authorize additional material resources to increase the efficiency of INS. This alternative reflects a commitment to civil rights by substituting the employer sanction provisions of Simpson-Mazzoli with Department of Labor enforcement of existing fair labor laws. It would maintain the jurisdiction and oversight of Federal district courts in asylum cases, and provide for a fair and workable program of legalization. H.R. 4909, incorporates H.R. 4853—Cuban-Haitian Adjustment Act of 1984—which treats Cuban and Haitian refugees equally for purposes of granting permanent residence status. This bill was introduced by my colleague, Representatives PETER W. RODINO, chairman of the Committee on the Judiciary.

Additionally, the Roybal alternative focuses attention on our foreign policies as they affect refugee and immigration patterns. Such an examination is crucial if we are to be serious and effective in gaining control over our borders. We cannot gain control over our borders if the only hope for people whose nations have close relations with us is to migrate to the United States of America.

Finally, the Roybal alternative does not contain any provisions for an unnecessary expansion of the guest worker program. I am concerned that H.R. 1510 and the pending Panetta amendment, would bring to our country a labor force that is docile, captive, and unable to be organized or protected under fair labor standard laws.

I wish to emphasize to my colleagues my concern that the debate on this matter be free of scapegoating and acrimony that somehow links the crisis confronting our economy with the phenomena of immigration and refugee policy. I am quite aware that there are some pressures on the labor market resulting from the presence of undocumented entrants. I am also acutely aware of the fact that these entrants are easily exploited and victimized. Needless to say, however, our economic crisis will not be solved in a significant way by the resolution of the issues before this body. This is not a jobs bill. Our economic problems are profound, involving issues basic to the competitiveness of our economic system, and the solution to the problem of unemployment requires fiscal and monetary policies that affect the labor market and work to revitalize our industrial base.

Recognizing immigration reform as a civil rights issue, the National Black Leadership Roundtable and the Black Coalition for 1984, representing more than 150 national black organizations, stated in the people's platform that:

> As immigration issues involve matters of foreign and domestic policy, the immigration and refugee legislation that is fashioned must be consistent with an enlightened foreign policy, and with basic civil rights standards and equal protection under the law for all groups, particularly those acutely affected, such as Hispanic and Caribbean nationals.

The position of black leadership is in agreement with others such as the American Jewish Committee, the National Education Association, and the city of New York, which have called for hearings on the Roybal alternative.

I urge my colleagues to defeat the rule and delay consideration until we can have full consideration of H.R. 4909, the Roybal construction alternative.●

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GARCIA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 291, nays 111, not voting 31, as follows:

[Roll No. 226]

YEAS—291

Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Badham
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Boucher
Breaux
Britt
Broomfield
Brown (CO)
Broyhill
Burton (IN)
Byron
Campbell
Carper
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coleman (MO)
Conable
Conte
Cooper
Corcoran
Coughlin
Courter
Coyne
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan
Dreier
Duncan
Durbin
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Fascell
Feighan
Fiedler
Fish
Flippo
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Frenzel
Fuqua
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gore
Gradison
Green
Gregg
Gunderson
Hall (OH)
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hefner
Heftel
Hertel
Hiler
Hillis
Holt
Hopkins
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson
Jones (OK)
Kasich
Kastenmeier
Kindness
Kleczka
Kostmayer
Kramer
LaFalce
Lagomarsino
Latta
Lehman (FL)
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Long (LA)
Long (MD)
Lott
Lowery (CA)
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Miller (OH)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Olin
Packard
Parris
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Ratchford
Ray
Regula
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Rudd
Sawyer
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Shannon
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Sisisky
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Wheat
Whitley
Whittaker
Whitten
Wilson
Winn
Wise
Wolf
Wortley
Wright
Wyden
Wylie
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—111

Ackerman
Addabbo
Albosta
Anderson
Aspin
AuCoin
Berman
Boner
Bosco
Boxer
Brooks
Bryant
Burton (CA)
Coelho
Coleman (TX)
Collins
Conyers
Crane, Daniel
Crane, Philip
Crockett
de la Garza
Dellums
Dixon
Dowdy
Downey
Dymally
Edwards (CA)
Evans (IL)
Fazio
Ferraro
Fields
Florio
Foglietta
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gonzalez
Gramm
Gray
Guarini
Hall (IN)
Hall, Ralph
Hance
Hawkins
Hayes
Hightower
Horton
Jacobs
Jones (NC)
Jones (TN)
Kaptur
Kazen
Kennelly
Kildee
Kogovsek
Lantos
Leath
Lehman (CA)
Leland
Levine
Loeffler
Lowry (WA)
Lujan
Markey
Martinez
Matsui
McCain
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Morrison (CT)
Mrazek
Oakar
Obey
Ortiz
Ottinger
Owens
Panetta
Patman
Patterson
Paul
Rangel
Reid
Richardson
Roybal
Russo
Sabo
Savage
Schroeder
Shelby
Skeen
Skelton
Stark
Stenholm
Stokes
Stratton
Stump
Torres
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Waxman
Weaver
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Williams (MT)
Wirth
Wolpe
Yates
Yatron

NOT VOTING—31

Akaka
Barnard
Bethune
Bevill
Brown (CA)
Carney
Carr
Clay
Craig
D'Amours
Dickinson
Dwyer
Foley
Goodling
Hansen (ID)
Hubbard
Kemp
Kolter
Leach
Martin (NC)
Moody
Oberstar
Oxley
Pashayan
Pritchard
Rahall
Sensenbrenner
Simon
Thomas (CA)
Whitehurst
Williams (OH)

□ 1720

The Clerk announced the following pairs:

On this vote:

Mr. Dwyer of New Jersey for, with Mr. Akaka against.

Mr. Goodling for, with Mr. Simon against.

Mr. Thomas of California for, with Mr. Pashayan against.

Messrs. GEJDENSON and STARK changed their votes from "yea" to "nay."

Messrs. LATTA, MARRIOTT and SCHEUER changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the pending legislation.

The SPEAKER pro tempore (Mr. Moakley). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IMMIGRATION REFORM AND CONTROL ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 519 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1510.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1510) to revise and reform the Immigration and Nationality Act, and for other purposes, with Mr. Natcher in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. Rodino) will be recognized for 1 hour; the gentleman from California (Mr. Lungren) will be recognized for 1 hour; the gentleman from Texas (Mr. de la Garza) will be recognized for 1 hour; the gentleman from Washington (Mr. Morrison) will be recognized for 1 hour; the gentleman from California (Mr. Hawkins) will be recognized for 30 minutes; the gentleman from Illinois (Mr. Erlenborn) will be recognized for 30 minutes; the gentleman from California (Mr. Waxman) will be recognized for 15 minutes; and the gentleman from Illinois (Mr. Madigan) will be recognized for 15 minutes.

The Chair now recognizes the gentleman from New Jersey (Mr. Rodino).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I rise in strong support of H.R. 1510.

This bill represents a legislative initiative which I have urged for over a decade. It is legislation which establishes needed reforms in our immigration law and represents a major step forward in creating a meaningful and enforceable immigration policy. H.R. 1510 is very similar to the version we brought to the House last Congress. The floor debate at that time was indeed emotional, but I believe extremely productive and informative to the Members of Congress who participated in it and the American people who watched it.

H.R. 1510 is by no means a perfect bill, but it is a product of lengthy deliberations fashioned to balance competing interests to achieve certain objectives. The dual objectives of this legislation are to gain control of our borders and to legitimize the status of those aliens who have lived in the shadows of our society for far too long.

It contains two essential elements of immigration reform—sanctions against employers of undocumented aliens and the legalization of those aliens who are in this country and continue to contribute to our social and economic well-being.

H.R. 1510 makes no changes in the preference system as contained in the Immigration and Nationality Act, and in essence, does not disturb one of our basic immigration principles, family reunification.

Since the last time we considered this legislation, we have witnessed the largest number of apprehensions on the Southwest border in our history. Over 1 million persons were apprehended attempting to cross into our country illegally. While there are no statistics to bear this out, it is readily accepted that several million others succeeded in gaining illegal entry to this country. When we consider the economic conditions and political turmoil in the countries to the south of us, the problem of illegal crossing will continue to mount unless action is taken.

Mr. Chairman, the concept of employer sanctions has received the wholehearted support of the past four administrations. Sanctions were also endorsed in 1981 by 14 members of the 16-member blue-ribbon bipartisan Presidential Commission on Immigration and Refugee Policy.

In 1972, as then chairman of the Immigration Subcommittee, I stood in this well and implored the Congress to adopt legislation which would respond to the serious problems of undocumented aliens.

My subcommittee had just completed a series of hearing on this question throughout the country. We came away with the clear realization that the status quo was unacceptable. There was widespread victimization of a vulnerable subclass of worker who were being exploited. Their presence in large numbers had a direct effect on depressing wages and working conditions and there was a certain amount of domestic labor displacement. The job magnet in the United States was giving rise to the widespread and despicable trafficking in human cargo. This was carried out by sophisticated smuggling organizations engaged in recruiting and delivering undocumented aliens to employers throughout the United States for exhorbitant fees.

Mr. Chairman, in 1972, it was estimated that there were some 1 to 2 million undocumented aliens in the United States. Our failure to act at the time has caused this population to increase to a conservatively estimated illegal population of some 3 to 6 million. It is conceivable that there are many more.

The formula we proposed at that time for instituting sanctions against employers who willingly hire undocumented aliens is still valid today.

The House overwhelmingly approved sanctions bills which I authored in the 92d and 93d Congresses. Unfortunately, the other body's failure to act on these measures has caused a loss of over 10 years in our efforts to keep this problem under control. Let us not repeat the mistakes of the past by not acting.

My view has been and continues to be that a reasonable application of sanctions is the only practical and humane approach to the problems of the continued flow of undocumented aliens across our borders. We cannot seal the border nor would it be consistent with our tradition to ferret out massive numbers of undocumented aliens in the interior of our country and deport them.

Sanctions are predicated upon the theory that employers faced with the possibility of civil and criminal penalties will screen all prospective employees as to their status and hire only those who provide the required documentation. Because I believe most American employers to be law-abiding, sanctions, to a great extent, will be self-effectuating. On the other hand, unscrupulous employers who disregard the law and exploit the undocumented alien because of his vulnerability, will justifiably be sanctioned.

There are those who argue that sanctions by their very nature are discriminatory. Others maintain that the verification process in the bill will inevitably lead to a national identification card. Both of these contentions are patently incorrect. Painstaking efforts have been taken in every phase of the legislative process of H.R. 1510 to respond to these concerns. A uniform verification process has been devised for all employers and a national identity card is specifically prohibited.

Those who worry about the potential of discrimination due to employer sanctions should also worry about the fear and discrimination that now confront the undocumented. They are now being preyed upon by unscrupulous employers, exploited by smugglers, and other criminals and most are denied legal recourse to combat their victimization.

Failure to enact this legislation will not only condemn this shadow population to a continued life filled with indignity and constant fear of detection, but will aslo send a clear message to unscrupulous employers and smugglers that business as usual is the order of the day. It will also provide incentive and encouragement to the thousands of prospective undocumented aliens to run the risk of crossing our borders. Without internal controls on the job market, we can expect an increase in attempts at illegal entries with a corresponding increase in the undocumented alien population similar to our experience over the past 12 years.

In order to regain control of our immigration functions, it is necessary to couple the employer sanction measures with a reasonable legalization program. We must legitimize those members of this shadow population who have been in this country for some time and who have substantially contributed to our economic well-being.

In proposing a legalization program, we are trying to be realistic. The people are here. Many have developed substantial equities while working and living in this country. I seriously doubt whether anyone would support a massive roundup and deportation of these people or be prepared to pay the enormous amount of money it would take to finance such an operation.

Mr. Chairman, I know many of my colleagues believe that the legalization provision in H.R. 1510 establishing January 1, 1982, as a cutoff date is far too generous, that we are rewarding lawbreakers.

If we are to put our immigration house in order, we must adopt measures which will clean the slate, identify immediately in one step those persons who qualify to stay here.

We cannot afford to have aliens living here in limbo without a precise definition of status or in a temporary status waiting for some decision in the future as to whether they will be accorded permanent status. Experience in countries which have embarked on legalization programs indicate that there must be clear inducement for an alien to come forward.

I also wish to emphasize that it is important that a legalization program must be a one-shot effort.

The carefully formulated and generous legalization formula contained in the bill, along with employer sanctions and an intensified border enforcement effort aimed at effectively stemming the flow of illegal crossings, are mechanisms which will respond to both the external and internal pressures of illegal immigration.

Just a word on legal immigration, I believe that until we can carefully assess the impact of a legalization program on the entire immigration picture, no changes in the current preference system should be undertaken. The Judiciary Committee went along with my view that the current system placing top priority on family reunification should be retained at the present time. This position is supported by the administration, the voluntary agencies, and most religious and ethnic groups familiar with immigration matters.

Mr. Chairman, we have the opportunity in this session of the 98th Congress to enact landmark legislation which will allow us to regain control of our immigration processes, thereby resolving one of the most pressing and difficult problems facing our country today. I am firmly convinced that the majority of the American people strongly support immigration reform. It is long overdue.

To all my colleagues here I say, the status quo is not good enough. We must, before it is too late, take positive action to resolve a problem which becomes worse with each passing day. We must not leave this Chamber without having hammered out a reasonable solution—perhaps not a perfect solution—but a reasonable and humane solution—to our immigration problem. I am confident that we can achieve this objective.

□ 1740

Mr. KAZEN. Mr. Chairman, will the distinguished gentleman yield for a question?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

First of all, let me commend the gentleman for the many years that he has spent in quest of an immigration bill. I recall back in September of 1972, which was the first time that the Rodino bill had come to the floor. At that time I opposed it on the basis of the employers' sanctions, and we had it up and down. All of the arguments then are just as valid today, valid or invalid as the case may be. But I do commend the gentleman for his untiring work. Even though I do not agree with some of the product of that work, I do commend him for being as tenacious as he has been. He is sincere in what he is doing, believing that this is the type of reform that this country needs at this time.

Let me ask the gentleman, under this bill that is before us now, what type of documentation will it take an employee, a prospective employee, to show an employer?

Mr. RODINO. A license, a residence card.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman.

I would like to respond to my friend, the gentleman from Texas, by saying this: Essentially speaking, our bill which is before you now, H.R. 1510, uses what we would commonly refer to as identifiers which we have on our person or which are easily available. For example, under the bill if you show a U.S. passport, that is proof sufficient.

Mr. KAZEN. I do not carry a U.S. passport.

Mr. MAZZOLI. The second thing is that you have either a combination of these: A social security card and your birth certificate, plus a driver's license, or some of the States have special ID cards that States issue.

So you have a combination. If you have, for example, a birth certificate and a State ID card or a social security card and a driver's license, those are enough.

Mr. KAZEN. Mr. Chairman, will the gentleman yield for one more question?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. KAZEN. Anyone can get a social security card, as both of you gentlemen well know. We have had testimony that people have been found with several of them. Those social security numbers do not mean anything because they are not even registered with the Internal Revenue people. You cannot follow anyone through a social security number.

So if I have a bogus social security card, that will be sufficient to let the employer, prospective employer, off the hook, under the provisions of your bill?

Mr. RODINO. Yes.

Mr. KAZEN. So what have you achieved then?

Mr. RODINO. The employer will have a valid defense in that he had presented to him an identification card such as a social security card, bogus as it might be, which he did not have to look beyond.

Mr. KAZEN. And under those circumstances, Mr. Chairman, do you really believe that this bill, any of its provisions, is going to secure the border, preventing illegal aliens from entering, or aliens coming in illegally?

Mr. RODINO. I believe that that effort must be made in order to assure that the employers do undertake some means of trying to identify whether a person is authorized to work.

Mr. KAZEN. Well, I will have some time a little later to expound further on this point.

Mr. MAZZOLI. Will the gentleman yield just for 1 minute or 1 second, to answer my friend, the gentleman from Texas, further?

Mr. RODINO. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. There is a special provision which makes it a Federal offense to forge documents or to use forged documents to derive benefits under this bill. So that if the gentleman is correct, and there is obviously a cottage industry of making false documents, if those are used to derive benefits under this bill, there is a separate penalty specifically in the bill for that. So we would dissuade people I think from falsifying documents to obtain a job.

Mr. KAZEN. Let me remind the gentleman——

Mr. RODINO. Let me reclaim my time, in order to go beyond what the gentleman has stated. But nonetheless, there will be no charge against the employer who may have seen such a card.

Mr. KAZEN. Mr. Chairman, we have under the present law provisions that if a person comes in illegally he is subject to go to the penitentiary. This has not kept people from coming in illegally.

I have sat in session after session of Federal court along the border, down in my district, year after year, I practiced law for many years, representing these people, and I have seen them month in and month out come up and say, "Yes, I knew that I was subject to go to the penitentiary, but I needed work, and I am here."

Why do you think employee sanctions are going to keep people from coming over?

Mr. RODINO. I will reclaim my time and merely respond to say that we are dealing here with the employer who is taking advantage of a situation, he is the unscrupulous employer who, in my judgment, over the years has exploited all of these individuals whom you and I want to protect. Unless there is some effort made to insure that that employer does not just utilize his ability to hire undocumented aliens with impunity then we are not going to do anything.

Mr. KAZEN. Mr. Chairman, I thought the main purpose of the bill was to keep people from coming into this country illegally. Now you are telling me that the purpose is to have sanctions against an employer. Now, that is what the gentleman has just said the main purpose of the bill is.

Mr. RODINO. There is a disincentive, which is provided for as a result of making it more difficult for the employer to hire these people and virtually just get away with it.

Mr. LUNGREN. Mr. Chairman, I yield 12 minutes [illegible] the gentleman from New York (Mr. FISH), the ranking minority member on the Committee on the Judiciary and a 10-year veteran of the subcommittee.

Mr. FISH. I thank the gentleman for yielding me this time.

Mr. Chairman, I welcome the opportunity to join with a number of my colleagues in speaking in support of H.R. 1510, the "Immigration Reform and Control Act of 1983." We meet at a time of crisis in the enforcement of our immigration laws. The public perception that immigration is out of control is a correct perception. Pressures on our borders from countries in the Carribean Basin experiencing rapid population growth and poverty will only intensify.

Many thoughtful people have expressed the fear that if we do not act now to bring order to our immigration procedures, tension and resentment will grow. The New York Times recently observed: "To tolerate a continued illegal tide sorely tries American patience with all foreign migrants." (April 27, 1984, p. A26). A repressive reaction would not distinguish lawful immigrants and refugees from illegal immigrants. At stake is nothing less than our policy of reuniting families and our humanitarian tradition of welcoming those suffering persecution.

When I participated in floor debate in the last Congress on an earlier version of the Immigration Reform and Control Act, years of work already had been devoted to fashioning a major immigration bill. Today, that record of thoughtful effort is even longer and more complete. The Select Commission on Immigration and Refugee Policy, during 1979 and 1980, held twelve regional hearings in different parts of the United States, conducted 24 indepth consultations, and authorized extensive social science and legal research.

The two fundamental elements that we bring before you again today passed the Commission by overwhelming votes: Employer sanctions by 14 to 2 and legalization by 16 to 0. Early in 1981, when the Commission submitted its report to the Congress and the President, a Cabinet-level task force—the first of its kind in this administration—began carefully scrutinizing the Select Commission's findings and recommendations.

In July 1981, the President announced his commitment to immigration reform. That same month, the Attorney General of the United States testified before a joint meeting of the subcommittees chaired by Senator SIMPSON and Chairman MAZZOLI. By the fall of 1981, the administration forwarded the Omnibus Immigration Control Act to the Hill.

The House and Senate Immigration Subcommittees, during the last two Congresses, listened to hundreds of witnesses from all over the United States. The Senate passed bills in the last Congress and in this Congress by decisive margins. The administration has pursued immigration reform vigorously from the days of the task force to the present moment and has endorsed the Senate version, S. 529. In the House and in the country, there is strong sentiment supporting final passage.

H.R. 1510 is the work product of the Judiciary Committee, the committee of lawyers with experts in immigration law. It is the result of months of negotiations with affected interests: agriculture, business, labor groups and civil libertarians. Accommodations have been generous. Yet the structure of employer sanctions and legalization recommended by the Select Commission has survived.

It is noteworthy that very few amendments are offered by Judiciary Committee members. Chairman RODINO has one, I have one, subcommittee Chairman MAZZOLI has none.

The attacks on this bill come from special interests—not from those with jurisdiction over the subject matter of immigration.

Last year, I had the opportunity to participate in the seminar on undocumented aliens sponsored by the Intergovernmental Committee for Migration, an international organization with many participating countries. ICM Director James L. Carlin pointed out that "[i]rregular migration (a term for illegal migration) tends to inspire negative attitudes toward normal migration." W.R. Bohning of the International Labour Office, in an expert paper, said that a "major reason for irregularity can be porous or incompatible laws and regulations." He described the legal situation in the United States as "self-contradictory," noting that "it is not illegal to employ foreigners who are in an irregular situation." The presentations underscored for me that the Immigration Reform and Control Act appropriately makes employer sanctions the centerpiece of immigration law enforcement.

At the end of the seminar, the many participating countries debated and adopted a series of conclusions and recommendations. These statements remarkably reflected a unanimous view. A single country, under the ground rules for the seminar, could block the adoption of any conclusion or recommendation.

With this background, the work product of this international meeting assumes particular significance. Some of the results of the discussions—included in a series of statements—are particularly relevant as we debate the efficacy of employer sanctions. The statement on "Specific Motivations and Underlying Causes of Undocumented Migration" includes the following recommendation: "Every effort should be made by countries of origin and receiving countries to eliminate illegal trafficking of labour force. Governments should also exert a greater control over employers to prevent illegal hiring and its negative effects." The statement on "Undocumented Migrants and the Regularization of Their Status" concludes that "[a] program of regularization (another term for legalization) will not by itself prevent the development of further irregular situations. Governments should therefore take additional measures at the same time, which may include the institution or enforcement of immigration and labour laws restricting the entry and prohibiting employment of undocumented migrants." The essential point is that H.R. 1510's prohibition on the knowing employment of undocumented workers reflects an international consensus.

H.R. 1510 attempts to discourage the annual flow of hundreds of thousands of undocumented aliens by removing the major inducement to illegal migration—the magnet that draws people to our country—the opportunities for employment. The concept of employer sanctions has received the support of Democratic and Republican administrations, favorable votes in the House of Representatives on two occasions in the 1970's, and the endorsement of the Select Commission on Immigration and Refugee Policy. Alternatives have been considered and found wanting. Employer sanctions is the best option—in the judgment of many people who have focused on the problem of illegal immigration.

Although it is no secret that the leadership of some Hispanic organizations objects to employer sanctions, the Hispanic community favors what we are trying to accomplish. A Tarrance-Hart poll shows that "[b]y a margin of 60% to 33%, Hispanics supported adopting legal sanctions against employers who hire illegal immigrants"; the support among Hispanic citizens is 66 percent. The Gallup poll shows even stronger support for employer sanctions among Hispanics. "Seventy-five percent of respondents of Hispanic descent," according to a November 15, 1983, New York Times article, "expressed approval of the restrictions on hiring illegal aliens * * *." The Labor Council for Latin American Advancement, in an October 17, 1983, letter to the Speaker, expressed the belief that "the overwhelming majority of Hispanics in this country want immigration legislation and would support strong legislation."

In the days ahead my colleagues and I will respond to concerns about discrimination—the principal objection raised to employer sanctions. We are very conscious of opportunities to discriminate—and we have addressed the issue directly in this legislation.

The bill has been designed to protect ethnic minorities against invidious discrimination. We have directed the Civil Rights Commission to monitor the enforcement of employer sanctions and directed the Attorney General, the Secretary of Labor, and the Chairman of the Equal Employment Opportunity Commission to establish a task force to review and investigate complaints of discrimination. The President must consult with Congress every 6 months concerning the implementation of employer sanctions—including possible discrimination in employment. The very extensive monitoring and reporting mechanisms are an expression of the importance we attach to guarding against discrimination.

Another major focus of this legislation is reform of the immigration adjudication process. Today, exclusion, deportation, and asylum adjudications are beset with crippling delays. H.R. 1510 upgrades the administrative adjudicatory structure—by providing it greater independence and stature—and thus minimizes the need for protracted judicial involvement. We have preserved the critical role of the Federal judiciary in adjudication the important liberty-related matters that arise in some immigration cases but have eliminated needless layering of review.

This legislation, finally, recognizes that substantial numbers of illegal aliens are here to stay and responds humanely to their plight. At the same time that we act with firmness to deter future illegal entry, we must display compassion in our treatment of those aliens who have become a part of our society. A failure to provide a substantial legalization ignores the equities of persons who have lived in the United States for a number of years. A legalization that is excessively generous, on the other hand, may serve as too strong a magnet to further illegal flows. The legalization narrowly adopted by the Judiciary Committee—with a January 1, 1982, cutoff for eligibility for permanent resident status—falls into this latter category. I believe that Mr. Lungren's amendment for a two-tiered legalization with 1977 and 1980 cutoff dates and special provisions for Cubans and Haitians represents an appropriate compromise between widely divergent views on legalization.

The House Judiciary Committee version of this legislation preserves the major features of the bill reported in the last Congress. Employer sanctions remain the mechanism for turning off the magnet that brings illegal aliens to this country. The immigration adjudicatory provisions upgrade and streamline the system. Legalization is retained as a mechanism for addressing the problem of a large underclass of undocumented aliens. In many cases, we crafted improvements in the bill. In other cases, however, we unfortunately weakened this legislation. Strengthening amendments, therefore, are needed.

The administration supports amendments to this bill that will conform certain provisions of H.R. 1510 to the Senate version, S. 529. One would restore a more limited two-tiered legalization. Another would delete authorization for 100 percent Federal reimbursement for State and local public assistance to newly legalized aliens and authorize, in its place, a block grant to cover State and local costs. A third would delete a provision making verification of employment eligibility voluntary until an employer has been found to have an illegal alien in his employ. Retention of that provision would weaken employer sanctions. Other administration-supported amendments (a) delete new warrant requirements for open field enforcement activities, and (b) revise the adjudication and asylum provisions along the lines of the Senate bill.

During floor consideration of H.R. 1510, I plan to offer an amendment to delete section 114. That provision, added in the Judiciary Committee markup this year, requires an Immigration and Naturalization Service officer, who does not have the consent of the owner of property, to have a "properly executed warrant" in order to enter onto a farm or other outdoor operation—more than 25 miles from the border—to conduct questioning or engage in related activities in the enforcement of the immigration laws. The committee action ignores Supreme Court precedents dealing with open areas and unreasonably imposes restrictions on INS that are not imposed on other law enforcement agencies.

The warrant requirement will result in the creation of havens, or areas of sanctuary, for illegal alien workers. The realization that reaching one of these areas means an alien is likely to be able to remain will be a tremendous magnet drawing illegal alien workers to this country. The Immigration Reform and Control Act, however, is designed to remove magnets and control the influx of illegal aliens. To accomplish that purpose, the provision on warrants must be deleted. Our colleagues, Bill Hughes, Barney Frank, and Henry Hyde, have joined with me in a letter to all Members supporting the amendment to remove section 114.

Many Members of the House have amendments to this legislation. My hope is that we will discuss these amendments thoughtfully but expeditiously. Floor consideration must be thorough, but not repetitious. In the end, the House of Representatives must be permitted to express its will on this essential legislation.

I wish to acknowledge the efforts of my Judiciary Committee colleagues to bring about immigration reform. The chairman of the Committee on the Judiciary, the gentleman from New Jersey, deserves credit for bringing up this bill in our committee at an early date in this Congress. The gentleman from Kentucky, the chairman of the Subcommittee on Immigration, Refugees, and International Law, has shown enormous resilience and skill in conducting our subcommittee hearings and markup again this Congress. The ranking minority member of the subcommittee, the gentleman from California, has worked tirelessly to bring this legislation to the floor.

The Senate passed the Immigration Reform and Control Act over a year ago. The American people now are looking to us to help bring this major law reform effort to fruition.

□ 1800

Mr. MAZZOLI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Edwards) for purposes of debate only.

Mr. EDWARDS of California. I thank the gentleman from Kentucky for yielding me this time.

Mr. Chairman, I compliment the gentleman from Kentucky and the members of the subcommittee for doing a very careful and scholarly job on this bill. I think we can agree with a number of things, that this is a major American problem and that we must do the very best we can to resolve it.

I think that we all agree that, with some exceptions, that there are certain provisions in the House bill that are very good. The legalization provision certainly is a step in the right direction, even though it, too, has some problems. In the consideration by the Committee on the Judiciary, we added some due process provisions that I think are entirely appropriate and certainly the House bill is a lot better than the Senate bill.

I think we would agree that countries, nations, must control their borders. Of course we agree on that, and we all agree that our borders are out of control. But when we reached that agreement, the problem gets pretty sticky. How does a great nation like the United States control its borders?

As I said earlier in the debate on the rule, and as I have said for more than 10 years in this body, it has been the tendency on the part of those writing a new immigration bill to come up only with one solution—only one solution—employer sanctions. The story of employer sanctions is to discourage aliens from coming illegally into the United States by holding the employer responsible.

People must wonder why some of us are so opposed to this kind of a solution. I have been opposed to it ever since I came here more than two decades ago. This first came out, I believe, in 1972. Incidentally, Mr. Chairman, I do not believe the polls that say that 80 percent or 75 percent of Hispanic people are in favor of employer sanctions. I think the pollsters must be the same ones who said that Vice President Mondale was going to beat Hart in California last week. People of color, people who speak differently, who look a little bit different than the rest of us are unanimously opposed to this bill because it turns them into second-class citizens. It turns them into people who are going to be discriminated against in employment.

I think Members should remember that, I believe, 26 of the 28 California Democrats in the House of Representatives, perhaps more than 26, perhaps all 28—I do not know; we have not polled the delegation that closely—would agree with me that this bill should be defeated as long as the employer sanctions provision is in there.

The next question is: Will employer sanctions work? Where is the evidence? There has not been one bit of evidence that the employer sanctions would work. Point out one of the 20 countries that have had employer sanctions, and has it work? No. The General Accounting Office says "no." Eleven States, including our State of California, and they do not work in California. I believe they have had one case where the employer sanctions law in California has been enforced, and it was a 10-cent case that did not amount to anything.

Mr. LUNGREN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. Yes, I will yield to the gentleman from California.

Mr. LUNGREN. I thank the gentleman for yielding.

Mr. Chairman, I think it might be good for us to point out that the reason it has not worked in California is because the courts have said that we, as a State, do not have the right to interject ourselves into something which is in the Federal domain.

The gentleman has asked a question, and I hope it is not rhetorical, to name one country, as least, where employer sanctions have worked. I just received a copy of a cable that came back from our consulate in Hong Kong where, in fact, it is working very, very well. People are actually asking if they can be repatriated to the People's Republic of China because employer sanctions are now working so well in Hong Kong that jobs are denied to those people who are there illegally. That is a country that is terribly impacted by population both legal and illegal.

So in point of fact, we are seeing it beginning to work. In France and in Germany in the last year, they have just increased their enforcement and their penalty mechanism because, as the gentleman knows, having reviewed the GAO report, the conclusion is that employer sanctions do not work in those countries where they do not enforce them, which ought not to be a surprising conclusion in any country.

Mr. EDWARDS of California. I appreciate the observation of the gentleman from California. I think it would be appropriate, then, to ask the General Accounting Office for another report, because the general conclusion of the GAO is that they do not work.

The CHAIRMAN. The time of the gentleman from California (Mr. Edwards) has expired.

Mr. EDWARDS of California. May I have an additional 2 minutes? I am just about finished.

Mr. MAZZOLI. I wish I could. I apologize to the gentleman. We really have no time left.

Mr. LUNGREN. Mr. Chairman, I would be happy to yield 2 minutes to the gentleman from California (Mr. Edwards) since I took some of his time.

Mr. EDWARDS of California. I thank the gentleman for yielding this additional time to me.

Mr. Chairman, I know the gentleman from California (Mr. Lungren) does not think that we should live our lives like the people of Hong Kong or Singapore. They are pretty authoritarian societies. We are quite a bit freer than Hong Kong.

The last point I want to make is, have we really examined the other solutions, or do we just have a mind set on employer sanctions? What about our friends who live in Mexico, our sister republic on the south? I believe that somewhere between 50 and 80 percent of the undocumented workers come from Mexico.

In 1981, the subcommittee members, I believe Mr. Mazzoli, went to Mexico and they issued a report. What did the report say: That the President of the Republic of Mexico, Mr. Oliveras, emphasizes the need for Mexico and the United States to work together.

And the Under Secretary for Foreign Relations, Mr. Diaz, of Mexico, agreed with that statement.

Then, on the report that was written back in 1981, the report of the House Committee on the Judiciary, it said:

> It is the subcommittee's judgment that at the time of this visit, Mexican officials for the most part believe that the present U.S. immigration policies are in their country's best interest.

Perhaps we should work much more closely with Mexico. Again, the heart of this bill is the employment sanctions. I believe, and I am joined by many, many people, especially in the West and Southwest, that it is a flawed concept and it will create a house built on a foundation of sand.

The issue should not be addressed at this time, when the entire thrust of the bill is employer sanctions. Next year we can look at it again, and from the new approach, and I really think we ought to have a new approach that would have to do with dealing with our southern neighbors, dealing with the provisions of the Roybal bill with regard to more border agents.

Mr. LUNGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is indeed a happy day for those of us who have worked so hard on this bill for so long, not because we can suggest how this bill is going to eventually end up at the end of this week, or whatever time we end it, but because, in fact, this is the first real opportunity we have had to present this issue in a meaningful way on the floor of this House.

As many Members may recall, 2 years ago we were given time for general debate much like this, but it was at 10 o'clock at night until 1 a.m. in the morning during a lameduck session, during which time we had really no opportunity to persuade our colleagues that we ought to take this up for a sufficient period of time so that we might, in fact, finalize our judgment.

This time I would like to join the other Members in congratulating the Committee on Rules on doing a superlative job. I would, of course, have wished that they had done it much earlier. I wish we were here 1 year ago this time, rather than now, but be that as it may, in my 6 years here in the House I have never seen the committee go to the extent of putting out a product as they do here which I think will be an excellent aid to all the Members as we debate this complex bill through the days, hopefully not the weeks, through the days before we reach a final conclusion.

It gives every Member an opportunity, if he or she wishes, to not only know what the rule is that we are dealing with here, but gives them the text of the bill, the text of every amendment, and the order in which the amendments will be presented. It also gives them a guide by which they can go back and look at the particular amendments both in terms of subject matter and the author. That, I think, will be very helpful as we deal with this issue over the next several days.

Mr. Chairman, I came to this body 6 years ago dedicated in some ways to spending a sufficient period of time on the question of immigration, not that it was a burning issue with me in my law school days or growing up in southern California. Yet it was one I was concerned about. It was one that I was generally aware of because southern California, along with areas of Texas and other parts of the Southwest, is heavily impacted by immigration both legal and illegal.

□ 1810

We are also impacted, as many people know, by the refugee flow, and I am not registering that as a complaint, only as an observation that of all places in the United States we are probably more aware of the situation as it exists. And that is one reason that many of us have for a long period of time tried to argue that this body ought to deal with this issue in a meaningful fashion.

It took us several years just to get this issue raised in this forum, it took us several years to have it considered in a comprehensive way, and it took a Democratic administration, the Carter administration, to deal with it first by establishing the blue ribbon bipartisan commission that has been mentioned on this floor many times. That issue was thoroughly reviewed by that commission. They held hearings all around the country. They invited representatives of all different groups, special interests, individuals, representatives from government and out of government, academia, in the unions, in business, from different ethnic groups, and so forth. And at the conclusion of that work they presented us with a "blueprint for progress," and that blueprint for progress was refined by the Reagan administration's Cabinet-level task force, which in turn gave us the benefit of their work, and we started work on that jointly.

The U.S. Senate and the U.S. House of Representative held joint hearings on this issue almost 3 years ago. During the period of time that we have dealt with this we have had continual hearings. We have refined this bill with different approaches, with hearings and markups on the subcommittee level, both in the House and Senate in two instances, and at the full committee hearings, both in the House and Senate, in two instances.

In this Congress those of us on the subcommittee cordially invited all Members who took the floor 2 years ago and spoke against this bill to come again before the subcommittee and give us their wisdom, give us their approaches, and give us a little bit of their experiences so that we might incorporate them into the bill. I must say that we were somewhat disappointed when the only tangible legislative suggestion that we received was to have an open border situation between the United States and Mexico, because even the Member who uttered that suggested it was not practical. In fact, I would suggest it is not advisable, and I would suggest that the majority of the American people feel that way.

So we started again in this Congress and we dealt with the exhaustive immigration hearings and markup, and we were not so disappointed by our experiences in 1982 that we would not work again this year or in this Congress. We, I think, have produced a better bill for consideration. We have done some things in the area of legalization, we have done some things in the area of employer sanctions, and we have done some things in the area of guest workers or the H-2's to respond to the legitimate concerns of those who came before our committee.

At the outset let me just suggest that witnesses from various backgrounds endorse the legislation's prohibition on knowingly hiring illegal or unauthorized aliens. This is controversial, there is no doubt about it. Some have suggested it leads to discrimination. Those of us on the subcommittee, I believe, think very seriously that it will, in fact, minimize and eliminate much of the discrimination that already exists in the United States against those of different colors.

Let me just recite to my colleagues the statements of some of those people who testified before us to my colleagues. Thomas Donohue, testifying on behalf of the AFL-CIO, for instance, observed that "a legislative prohibition on the employment of undocumented workers—backed by substantial and workable sanctions to deter employers from violating that prohibition—is the single most important deterrent to illegal immigration."

That has been the official position of the AFL-CIO since we have engaged them in debate and consultation in trying to deal with this very difficult problem.

Althea Simmons, who testified before our subcommittee for the NAACP—she is one of their chief legislative representatives here in Washington—expressed support for employer sanctions and noted that "the continued influx of undocumented workers has a disparate impact on blacks * * *."

In other testimony that she gave, to paraphrase her, she said that "blacks don't just think, blacks know" that unbridled illegal immigration into this country affects the minorities of this country far more than any other group, in that they take jobs of semiskilled positions, unskilled positions, and first-skilled position from the blacks in the inner city.

There is a lot of dispute on what the impact is, and I can cite any number of statistics to suggest that there is no impact or there is almost an entire 100-percent impact. I think the truth lies somewhere in between.

A recent study done at the University of Rice suggests that the displacement factor of illegal immigrants to the United States on American citizens and permanent resident aliens who have a right to be in the United States is on the order of 40 percent. In other words, out of 100 jobs taken by illegal aliens, 40 of those are jobs that displaced American citizens or permanent resident aliens could fill. Other studies suggest it is 20 percent. But when we recognize the magnitude of the problem confronting us, the numbers that we are talking about, that is not an insubstantial impact on unemployment in the United States. It is something we must recognize. It is something that we must deal with.

I might also suggest that it is not an isolated situation, isolated by region. There is a picture in the Speaker's lobby of a construction job here in Washington, DC. It is so close to the Capitol that the Capitol dome is revealed behind that construction site. That construction site dealt with the rehabilitation of Pennsylvania Avenue between the White House and the Capitol. The INS discovered that a number of people working on that job site were illegal aliens.

Now, those are jobs that are far above the minimum wage, somewhere in the $10 to $12 per hour range, and they are certainly jobs that Americans are looking for. Yet those jobs within a stone's throw of the Capitol, were taken by people who were here illegally.

So there is an impact on employment, as testified by both the AFL-CIO and the NAACP.

The Alliance for Immigration Reform, Inc., pointed out before our committee that "business controls the magnet, not government," and that "If the magnet is to be shut off, then business must do it." That is why we have employer sanctions.

Testimony from the National Association of Manufacturers and the Business Roundtable noted that:

> The industrial community, represented by both organizations, is prepared to accept the imposition of employer sanctions against the hiring of illegal immigrants provided that those sanctions, as outlined in H.R. 1510, recognize the realities of the workplace and do not place an undue burden on employers in order to demonstrate compliance.

Deane Dana, chairman of the Los Angeles County Board of Supervisors, testifying on behalf of the County Board of Supervisors, described the proposed employer sanctions as a necessity and concluded that "unless access to jobs is stiffly denied to future undocumented aliens, immigrations reform will not succeed."

Senator David Roberti, president pro tem of the California State Senate and a member of the Democratic Party, appearing on behalf of the National

Conference of State Legislators, said that "NCSL"—the National Conference of State Legislators—"is supportive of efforts to protect the integrity of our borders and also to discourage employers from knowingly hiring undocumented workers."

Our hearing record clearly documents the fact that employer sanctions has a wide constituency.

Also in the testimony of the supervisor from Los Angeles County it was revealed that a survey was done of the county hospitals of Los Angeles County. These are the hospitals operated for the public by the county of Los Angeles, and in that they found out that over 60 percent of the live births in Los Angeles County hospitals are to women who are here illegally. I am not suggesting they ought not to extend them some medical assistance in those circumstances. What I am suggesting is that reveals a little bit of the impact that illegal immigration is having in my part of the country.

Subcommittee members in the course of our hearings repeatedly questioned witnesses about positive alternatives to employer sanctions. I must confess that no effective option emerged from the discussions, although, as I mentioned, at least one Member suggested an open border with Mexico might be the answer. The subcommittee, not surprisingly, concluded that curtailing job opportunities for illegal migrants is essential if we hope to stem the flow. The Select Commission on Immigration and Refugee Policy, Democratic and Republican administrations, the House of Representatives in the 1970's and the Senate in 1982 and 1983 all reached the same conclusion.

Opponents of this legislation often argue erroneously that employer sanctions have been ineffective in other countries. They cite a GAO study released in 1982, based on questionnaire responses that "varied in completeness" from 19 countries and Hong Kong and visits "to gather more detailed information" to Canada, the Federal Republic of Germany, France, and Switzerland. The reality, however, is that many countries consider employer sanction essential and seek at this very time to strengthen the enforcement.

□ 1820

Recent information about some of the countries surveyed by GAO will be of considerable interest to all Members. In Canada, for instance, a study endorsed by the Minister of Employment and Immigration found, "There is little doubt that the area of employment provides one of the most fertile areas for enforcement in relation to illegal migrants."

The study observed that "increased investigation should lead to more frequent and more successful prosecution particularly if there is dedication to the specific objective of prosecuting employers who knowingly hire illegals."

In the Federal Republic of Germany, labor officials have observed improvements in the enforcement of employer sanction legislation. New legislation effective January 1, 1982, apparently has been helpful. The country's largest employer organization, in its 1983 annual report, praises government efforts to reduce employment of illegal aliens.

In France, another country covered by the GAO report, employer sanctions have been strengthened and enforcement activity has increased markedly; labor unions in France support rigorous enforcement of employer sanctions.

The general feeling in France is that legalization and employer sanctions are interrelated, as they are in our bill, and you cannot have one without the other.

In Switzerland, the vast majority of employers obey the legal requirement to confirm that foreign workers have employment authorization. Greece strengthened its employer sanctions legislation in 1983. The immigration service in Greece, known as the Greek Alien Police, has increased its efforts to prosecute employers of illegal aliens.

In Hong Kong, as I mentioned in my exchange with the gentleman from California (Mr. EDWARDS), employer sanctions have proven highly successful.

The experience of a number of countries fails to support the hypothetical presented on the floor at times that employer sanctions are unworkable and in fact do not work.

Far from abandoning sanctions, various countries are achieving increasing success in discouraging employment of undocumented aliens.

Now, one of the reasons I tried to stress this is to show this is a worldwide response to a situation of illegal aliens in other countries of the world. It has nothing to do with race. And those who present themselves on this floor in support of this particular approach are not doing it for any racial bias whatsoever.

The Immigration and Naturalization Service has pointed out in testimony before our subcommittee, both formal and informal, that it is their best estimate that 30 percent of those people who are here in this country illegally and working are here not because they crossed the border illegally from Mexico, or from Canada, for that matter; they are here and working here illegally because they came in, in the first instance legally, with proper permits, with proper papers and violated the terms of their permits.

Students that have come here for the purposes of study, who then have stayed, not returned to their country of origin and are working, taking jobs from American citizens and permanent resident aliens; people who come here on visitors' visas. Thirty percent of those then are not presumably Hispanics from Mexico, Central America, or South America, or anywhere else. Employer sanctions will go against those individuals as well as anybody else who crossed the border illegally. Race has nothing to do with it in terms of the intent of this legislation.

The manner in which the legislation is drawn with respect toward the application of this law takes pains to make sure there will not be discrimination. We impose additional obligations on employers with respect to all new employees, not just those who "look foreign—whatever that means—not just those who happen to be dark-skinned or those who happen to be blue-eyed or those who happen to be blond; all employers will have it with respect to all employees, whether you speak with an accent or not.

Now as soon as we did that, we received complaints from some employers that we were creating a burden on employers. It is true there is an additional employer burden here, but we did it precisely so that we would not have the possibility of discrimination with respect to the application of this section of the bill.

I am pleased to say that our committee made some important improvements in this legislation as a result of the additional imput we obtained during our hearings in this Congress. In response to concerns that we had failed to provide for enhanced enforcement, we specifically authorized additional funds for the Immigration and Naturalization Service for each of 3 fiscal years—funds that will permit a substantially augmented border patrol presence and facilitate effective implementation of employer sanctions and legalization.

The administration has even gone beyond that. We have in this year's authorization and appropriation an increase in the border patrol of 1,000 positions, the largest, most dramatic increase we have ever had in the history of the United States. We are moving forward with that.

I will say to my colleagues in this House that we will not do anything by just increasing the number of people that are involved in the border patrol, it will just be a larger dog or a larger cat chasing a larger tail around in a circle. We need more than just increased border patrol.

We provided Canada and Mexico with up to 20,000 additional immigrant visa numbers each in recognition of our special relationship with our neighbors. In fact, we made a mistake 15 years ago as we went, in a right fashion, toward a worldwide quota system, at the same time we reduced, by one-half, the number of legal migrants that could come to us by our closest neighbor, Mexico. It was a wrong decision.

We changed that in the bill and I know Mr. Roybal and Mr. Garcia have an amendment to our bill going even further, which I would gladly support because I think it does move us further in that direction.

The Judiciary Committee recognized the special dependence of agriculture on undocumented labor by offering the limited relief of a transitional nonimmigrant agricultural worker program.

I support a number of the Judiciary Committee changes in the bill, but also believe we made major mistakes that need to be rectified. I believe the Judiciary Committee substantially weakened employer sanctions by making the requirement to check identification and verify employment eligibility applicable only after an employer receives notification from the Attorney General that there have already been illegal workers at that particular place of employment.

I think we have to have national application for any number of reasons that I will go into at the time that we have an opportunity to present my amendment.

I plan to offer an amendment to require employers to verify employment eligibility, with respect to all employers who have four or more employees.

The Judiciary Committee, in my judgment, also went too far in expanding legalization. I do not think it is a secret to say that legalization is going to be the toughest question we have to face on this floor.

I am convinced we need legalization to go hand in hand with employer sanctions. I did not come to Congress supporting either one, but after looking at it for 6 years, I am convinced we need both, and they have to be worked in tandem. I believe certain things that have happened, including an election in Texas, have raised that issue to the toughest issue we have here.

I think the Judiciary Committee went too far in making that legalization program closer to an amnesty program. Those are my words; that is my characterization. That is how I believe it came out when we dropped the two-tier system which incorporated the important concept that more recent arrivals should earn permanent residence during an interim period of temporary residence with work authorization.

In addition, the committee, in 1983, advanced the eligibility cutoff date to January 1, 1982, thus embracing persons without substantial equities who entered the United States illegally during the period of active Select Commission discussion of legalization.

They came in after we had already raised it as a major issue to be concerned with any bill that we might bring forward. The Judiciary Committee's decision to permit applications for permanent resident status from persons who have lived in the United States for short periods provides a strong magnet, in my judgment, as has been raised by some who criticize the whole concept of legalization to future illegal flows and undercuts the bill's objective of discouraging illegal migration.

I plan to offer an amendment which I hope will get us in a compromise position, which will provide a January 1, 1977, cutoff date for permanent resident status and a January 1, 1980, cutoff date for the transition-temporary resident status with special provisions for Cubans and Haitians.

Mr. Chairman, immigration reform and control legislation is essential if we hope to curtail the illegal flow and employ a humane response to the problem of large, undocumented population.

Justice Powell of the U.S. Supreme Court observes that U.S. law "irrationally continues to permit U.S. employers to hire" undocumented aliens. Justices Brennan and Marshall, the Supreme Court's most liberal members, point out that the Immigration and Nationality Act "expressly exempts American businesses that employ undocumented aliens from all criminal sanctions * * *, thereby adding to the already powerful incentives for aliens to cross our borders illegally in search of employment."

□ 1830

The Washington Post concludes that the employer sanctions in the Simpson-Mazzoli bill would impose an effective, orderly, and dignified alternative to large-scale raids and roundups.

I fear that those who oppose this legislation not only reject a rational and measured enforcement tool, but will also deny many undocumented aliens the hope that legalization offers for a secure future.

Mr. Chairman, I believe the approach of this bill is both sensible and humane. I look forward to its passage after several days of hopefully full-scale debate where all sides will have their opportunity to present their views so that we might educate the entire body, as those of us on the subcommittee have been educated by many, many people, both inside this Congress and outside this Congress over the last 6 years that bring us to this point today.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Let me salute the gentleman for an excellent statement. Of course, having worked with him now for 4 years on this subject, the last 2 years of which, as ranking member of the committee, I want to salute him further as having a lot to do with the fact that our bill is where it is today.

Let me just amplify and perhaps underscore what the gentleman has said about the fact that there is a constituency for employer sanctions and cite specifically that Spanish television—they call it SIN—in 1984 did polling in four States in the Presidential primary—Texas, New York, New Mexico, and California in 23 congressional districts in those four States. They had 2,836 Hispanic responses upon exit from the polls after their voting in the Presidential primary. The analysis by a group call Destino 84 of the Spanish television network says that 55 percent of Hispanics in favor of employer sanction; 35 percent against; 10 percent have no opinion.

I think it just points out, as the gentleman has said and I have said earlier, that all the polls, the Torrance-Hart Poll of 1983, the Roper Poll of 1983—every poll has suggested that all Americans and Hispanic-Americans, as well as undocumented Hispanic, do favor employer sanctions.

I salute the gentleman.

Mr. LUNGREN. I thank the gentleman for this comments.

I might say that some people bring up to me the fact that polls have been taken in Hispanic communities and suggest that more are against Simpson-Mazzoli than are for Simpson-Mazzoli, but yet when asked about the major elements of the bill, they seem to support it. I guess this just makes me pleased that it is not the Simpson-Lungren bill because then I might have some trouble going into some areas of my district.

Mr. MAZZOLI. I might rise to the point of personal privilege since my name has been used perhaps in vain here, but I would just suggest to the gentleman, I would have to say with respect that the well has been poisoned with respect to this appellation of Simpson-Mazzoli. I think when you come right down and analyze the component parts of the bill, employer sanctions, legalization programs, some of the other facets, Hispanic-Americans, all Americans are for those component parts.

I salute the gentleman for his stalwart and sometimes lonely support of this bill, because I might remind the Chamber and the House and the country, that the gentleman from California a long time ago said if the capital of the United States were in southern California, we would have done something about this problem many years ago.

Mr. LUNGREN. I thank the gentleman.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield.

Mr. KAZEN. I thank the gentleman for yielding.

I do not have the privilege of being a member of the committee so I have not gotten time. I will have to wait for the 5-minute rule and then I will probably be cut off anyway.

Let me ask the gentleman: How many illegal aliens is it estimated are in the country now?

Mr. LUNGREN. Between 3½ million and 12 million, although Jack Otero of the AFL-CIO has said 12 to 15 million. I do not know where he got the figure. But it is somewhere in that range, that universe.

Mr. KAZEN. What is the best estimate given to the gentleman's committee in testimony?

Mr. LUNGREN. Three and a half to 12.

Mr. KAZEN. Three and a half to 12.

Mr. LUNGREN. There are many different studies. They range all the way within that.

Mr. KAZEN. Then there will be that many that will have to be processed for amnesty; is that not true?

Mr. LUNGREN. Not entirely true: one, because presumably all of them would not be eligible because we do have a cutoff date at some point in time; two, we have the same exclusions that would apply to people trying to come to the United States from another country under normal circumstances such as they cannot have criminal records, cannot be wards of the welfare state, and so forth. The largest number would be eligible.

Mr. KAZEN. My point is that quite a few millions would be eligible.

Mr. LUNGREN. Absolutely.

Mr. KAZEN. All right. What is the process that is going to be used in processing these people?

Mr. LUNGREN. The INS has already established a task force that has been working on this for about 1 year in which they have talked about detailing some of their people for this specific purpose, adding additional personnel, and working with a number of grassroots-based organizations to do the initial review, church groups, and ethnic identified groups, and so forth, with the final decision, of course, being made within the parameters of the official Government.

We have in our bill authorized increases in expenditures. I believe the estimate is $125 million. I think the figure I have seen is $125 million in the first year, the cost of implementing the total program.

Mr. KAZEN. Would the gentleman agree with me it is going to be a bureaucratic nightmare to get this job done?

Mr. LUNGREN. I would say this to the gentleman. It will be a bureaucratic challenge, but what we have now is infinitesimally worse than what we will have if we attempt to do what the people sent us here to do and that is control the laws of the United States, including our borders.

Mr. MAZZOLI. If the gentleman will yield further, I think it ought to be said, too, that even if it is a bureaucratic challenge, as the gentleman would say, I think it is well worth it because in morality, we have some responsibility to these people.

So I would suggest to my friend from Texas, this will be money well spent.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HANCE).

Mr. HANCE. Mr. Chairman, I think the time that has been spent on this bill over the last several years, the committee is to be commended for the amount of time they have spent on it.

Even though I disagree, I think that they have gone out of their way to be fair. I think that in this bill that my disagreement really comes back to the practical versus the theoretical application of this bill.

If I thought that employer sanctions would solve the problem then I would be for employer sanctions. I do not think that that will solve the problem. There are people who unfortunately make a living trying to exploit people, especially from Central America and also Mexico, that exploit them to bring them into the United States. Those same people are going to be selling wholesale ID cards of all kinds, everything imaginable to try to make people eligible for the provisions from amnesty. I think that that is a real problem that we face. That is just a practical problem that is going to be there.

The other thing that happens is that when you look at the employer sanctions and the possibility of discrimination, as a practical matter, if an employer thinks there is a possibility that he may go to jail and on second offense he could, some criminal penalities or fine, then they are going to be very reluctant to hire anyone that they would consider an illegal or an undocumented worker.

I think that what we would see, we would see that in many areas, especially in the Southwest, you would find that they would be reluctant to hire someone with a Spanish surname. I think it would cause widespread discrimination within the Hispanic community.

Also the national ID card, I know it does not call specifically for a national ID card, but there is always that fear and is that the next step.

I think the best solution would be to enforce the present law.

□ 1840

The CHAIRMAN. The time of the gentleman from Texas (Mr. HANCE) has expired.

Mr. MAZZOLI. I wish I could accommodate the gentleman with more time, and I apologize.

Mr. Chairman, I yield 5 minutes, for the purpose of general debate only, to the gentleman from Florida (Mr. SMITH), a very valued colleague of ours and a highly contributing member of our subcommittee.

Mr. SMITH of Florida. Mr. Chairman, I serve on the subcommittee which has drafted this bill. Under the patient and capable leadership of the gentleman from Kentucky (Mr. MAZZOLI) and the other members of the subcommittee, this subcommittee conducted extensive and often spirited hearings on the legislation. We heard from just about every interested party before marking up and adopting a bill which, with a few amendments adopted in full committee, is before the House today.

Although I do have some concerns about some of the provisions of this bill, I believe that overall it will bring sense to our immigration laws and will help restore our control over our own borders, an essential part of national sovereignty. I believe that the bill, if properly implemented, will have the effect of limiting illegal immigration.

When the Judiciary Committee approved the bill last year, it provided the resources needed to keep illegal aliens from entering the United States by authorizing more than the President's budget for the Immigration and Naturalization Service which enforces the immigration laws. The bill will permit the INS to hire more Border Patrol agents, more Border Patrol personnel, inspectors, and investigators. The committee also adopted my amendment authorizing $35 million to reimburse Federal and State agencies for any expenses that might be incurred in any future influx of refugees.

Some opponents of this bill have argued that we should have these additional law enforcers in place before adopting legislation that would impose sanctions on those who hire illegal aliens. I fail to see the logic behind this. Indeed, unless this Congress wants to build a wall around this country or have the Border Patrol link arms along every foot of our land borders, additional law enforcement officers alone will not stop illegal immigration. The additional INS personnel can only be effective if they have a strong law to enforce.

Since joining the subcommittee and becoming actively involved in this issue, I have concluded that three major points of controversy exist. I would like to explain my position on these three issues and at the same time correct and lament the misinformation that has appeared so much in public, in the press, on TV, and even on the floor of this House, unfortunately.

Personally, I am convinced that we must impose sanctions on those employers who hire illegal aliens. After all, most illegal aliens come to this country to work. If you make it illegal for them to be hired, then you reduce the inducement to come.

Under present law it is a crime for illegal aliens to work but prefectly legal for employers to hire these people. Employers can therefore benefit from an illegal act by their employees without fear of penalty to themselves, obviously a very foolish way to have a law operate. Many, if not most, of the illegal aliens are too afraid to approach Government officials, and unscrupulous employers have taken advantage of this to pay less than the minimum wage and to provide unsafe working conditions, something we should not allow to continue.

The procedures for verifying the employment status of any potential job seeker are not onerous under the provisions of this bill and should not, if properly applied by the employer, discriminate against any illegal alien or any legal alien or citizen. The bill's four-step penalty procedure would not hurt an innocent employer who unwillingly hires an illegal alien. The bill makes it a crime to knowingly—let me emphasize—the bill makes it a crime to knowingly hire an illegal alien, and it offers a good-faith defense if the employer has sought to verify, in accordance with the bill, the employment status of the job seeker.

Some opponents of the bill have argued that employer sanctions would induce an employer to reject all foreign-looking applicants. But the bill does not in any way diminish existing antidiscrimination laws, and it requires the investigation and monitoring of all allegations of discrimination.

I have also heard that the bill would require only foreign-looking job applicants to prove that they are eligible for employment. Yet if you look at the bill you will see that this is not the case. The bill offers employers two options. On the one hand, they do not have to verify the employment status of job applicants. But if they are cited for having knowingly hired an illegal alien, then they must obtain verification of employment status from prospective employees. On the other hand, if an employer voluntarily opts to verify the employment status of prospective employees, the employer must do so for all potential employees. Failure to do that would open an employer to a legitimate charge of discrimination against non-foreign-looking workers.

The committee report notes that the Judiciary Committee's——

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I cannot yield. After 2 years, I have 5 minutes to take, all of what I have tried to learn in 2 years.

Mr. de la GARZA. For 2 seconds?

Mr. SMITH of Florida. I will be happy to yield for 2 seconds.

Mr. de la GARZA. What does a foreign-looking worker look like?

Mr. SMITH of Florida. That is the statement——

The CHAIRMAN. The time of the gentleman from Florida (Mr. Smith) has expired.

Mr. MAZZOLI. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida (Mr. Smith).

Mr. SMITH of Florida. I thank the gentleman for yielding.

Second, in addition, a first conviction for knowingly hiring an illegal alien results in only recordkeeping sanctions to an employer, not a criminal penalty. It is only after the second conviction for knowingly hiring an illegal alien that the penalties apply. The first bite at the apple is free.

Third, contrary to what many might believe, the bill does not provide amnesty for illegal aliens.

No alien who arrived here after January 1, 1982, would be allowed any status under this bill.

Illegal aliens who have been in the United States prior to the date would be able to become permanent residents only after a screening by the INS, a legalization process.

Nobody waves a magic wand and grants anybody amnesty.

Aliens would be eligible if they have not been convicted of a felony, at least three misdemeanors, if they have not persecuted others because of race, religions, nationality or political view, if they are not subversives or drug users, and if they are of good moral character. As approved by the committee, therefore, the bill requires illegal aliens to have contributed positively to our society before being eligible for legalization.

The CHAIRMAN. The time of the gentleman from Florida (Mr. Smith) has again expired.

Mr. MAZZOLI. Would 1 more minute be sufficient for the gentleman?

Mr. SMITH of Florida. Yes.

Mr. MAZZOLI. I yield 1 additional minute to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman.

Criminals and others who could not legally enter the country would not be eligible for legalization. In addition, the legalization period is limited. Eligible illegal aliens must apply for legalization during a one-period window. If they do not apply, they are automatically deportable under this bill.

Fourth, we cannot afford to maintain a subrosa class of people who are afraid to come forward. Many of these aliens have been working hard and contributing to society. But the U.S. Government is losing tax dollars from this underground economy. In addition, unscrupulous employers take jobs from Americans and hire illegals at low pay, because right now there is no reason not to do so. This bill will give them a reason.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I am afraid I do not have the time to yield.

Finally, this is a proper approach to a difficult problem. Agriculture and others should be willing to work with this committee to find the right approach to all these problems. We need to gain control of our borders. We have an obligation to fix any problems that arise from the passage of this legislation. I urge my colleagues to adopt the Mazzoli bill.

Mr. LUNGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. Sawyer), a distinguished member of the Judiciary Committee.

Mr. SAWYER. Mr. Chairman, I desperately want to support this bill, and I want to support it for a number of reasons.

One, it is obviously absolutely essential that we do something. And while none of the choices are particularly attractive, this is something, and I have not seen anything that is a lot more needed.

Also, I have great admiration for the two gentlemen who have worked very hard to bring this bill here, the gentleman from Kentucky (Mr. Mazzoli) and the gentleman from California (Mr. Lungren), who I think are two of the finest Members of this House and certainly two of the hardest working ones. Would that we had a lot more Members like both of them.

But having said that, I have reservations about the bill the way it is written. They center on two principal things: One, I believe that the employer sanctions are totally inadequate. I think that if we end up wiping out this great pocket of illegals, we are merely creating a vacuum which is going to suck more of them into. We have got another 3½ to 11 million illegals again and face the problem again in 5 or 10 years.

The biggest hope, in addition to beefing up INS, which I have been promised will be done by the administration, who are adding 1,000 positions to the border patrol and, hopefully, progressing with the data processing capacity of INS, which is right now totally lacking, they have no idea of those who come into the country legally, matching them up with those who leave the country. And you may remember in the hostage crisis, they were asked how many Iranian students do we have in the country. The first answer to the public from INS was about 36,000. About a week or 2 later they corrected that to 82,000. The fact of the matter is, they do not have the vaguest idea. Hopefully, these things are getting under control, and I will accept the commitment of the administration. But I do want to see employer sanctions beefed up, hopefully by amendments, so that I can support this bill more wholeheartedly than otherwise I will be able to.

And, second, I am concerned about the horrendous problem of between 3½ and 12 million, and nobody knows how many will come forward for legalization, all within a 1-year period. How in the name of heaven anybody is going to give intelligent consideration to whether a person establishes that they were within the country by January 1, 1982, when you are dealing with millions of people, goodness only knows. And if millions do not come forward, then you have not cleaned up the problem, so the bill has not done the job.

□ 1850

Now, I am very concerned about those two aspects, and I am going to follow the amending process very closely because I have been very interested in this bill, and I definitely want to support the gentlemen who worked so hard and so diligently to bring the bill here. Also recognizing that it is a problem to which there is no good answer, maybe this is just as good as any other or a better answer.

Mr. MAZZOLI. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, once again I stand before the gentleman from Kentucky (Mr. NATCHER) who I would salute as our chairman of the full committee. He has done an excellent job, and we are thankful that he is in the chair.

I would like to pay tribute at the beginning of my remarks to the gentleman from New Jersey (Mr. RODINO) who is the giant in this field of immigration law; a gentleman whose insight and wisdom was very much called upon in crafting the bill which is before us.

Last, but certainly not least, I would like to pay tribute to all of our staff who have played a monumental role in preparing all the paperwork to get us where we are today.

Having said that, Mr. Chairman, I speak very favorably in behalf of the bill which is before the House tonight, and which will be before the House for the remaining days of this week. It has traveled a very difficult path to reach today's point.

Two years ago, I stood before this body on behalf of a predecessor bill to H.R. 1510 and that bill, as we know, came before the lameduck session of the 97th Congress. Unfortunately, time ran out and the bill had to be withdrawn. Because of the care, time and attention of my colleagues on the Immigration Subcommittee, and the full Judiciary Committee, I believe the bill before us for consideration today, H.R. 1510 is even better than the bill which was before this House 2 years ago.

Many concerns over elements of the earlier bill were communicated to me and to Members of our subcommittee during the 6 days of hearings which we held on H.R. 1510 in 1983, the first year of this Congress. Changes were agreed upon which are reflected in this bill.

H.R. 1510 is carefully crafted, it is bipartisan, and it deals with a very difficult issue, immigration reform, in a sensitive, humane and effective manner. Mr. Chairman, everyone who has worked on H.R. 1510 will find in it some elements representing what they have proposed, what they have supported. But, and I think this should be emphasized, Mr. Chairman, no one looking at this measure will find in it every single recommendation or every single element which that group has put forth. This is because H.R. 1510 is a balanced compromise, a carefully crafted, calibrated measure which seeks to reach a common goal and have under its umbrella many, many organizations representing many viewpoints.

The background and preparation for today's debate has been monumental. Starting in 1970, four successive administrations, Democrat and Republican, have urged immigration reform. There was, as we know, in 1980, the Select Commission on Immigration Reform chaired by Father Theodore Hesburgh, president of my alma mater, the University of Notre Dame. Father Hesburgh's panel conducted a 2-year exhaustive nation-wide study of this question and reported its magnum opus of recommendations in the spring of 1981.

Subsequently, this Subcommittee on Immigration and our Senate counterpart conducted what became 6 days of joint hearings. We had, with respect to our own subcommittee, 8 further days of hearings on the predecessor bill to H.R. 1510, and that bill was reported favorably by the subcommittee and by the full committee, and came to the floor in a lame duck session—unfortunately it did not pass.

In the following session—98th Congress—your subcommittee could very well have dusted off the old bill, re-reported it and be done with it. But instead, reflecting the character of the subcommittee and its seriousness of purpose, we conducted 6 further days of hearings, heard from another 75 witnesses in the early part of 1983, and reported our bill to the full committee which, in May 1983, reported the bill to the Rules Committee by a vote of 20 to 9.

Other committees have dealt with it including the four committees, some of which will be heard tonight and throughout the week. Mr. Chairman, I would just have to say that I can think of no bill in my 14 years here in the House which has had the reflective attention that H.R. 1510 has had. Why would we put into this bill, any bill, this much effort? Why would five committees of the Congress, why would all of these administrations, why would the select committee have done it?

For one reason—That is, we need immigration reform. We need it in the worst way, but we need it in the best way. We need it in the worst way because time is fleeting; we must do something. But we need it in the very best way because these, after all, are people we are dealing with; human beings—some of whom have been treated absolutely scandalously. Some of whom who have received the short end of the stick. Some of whom who have been discriminated against in the most gross way.

If we do not pass this bill, as the gentleman from Kentucky said during the course of the rule, if we do not pass this bill or something which resembles it, then we will have passed no bill at all, and we will have voted for the status quo. The status quo, Mr. Chairman, and I would tell my friends in the House and the Nation, the status quo is a continuation of the breach of our borders; a continuation of the lack of sovereignty of this Nation over its borders; a continuation of the gross misbehavior toward a group of vulnerable people who live in a shadow society who cannot protect themselves because they cannot organize, they cannot speak up. They cannot go to the police and seek redress for their grievances because they are afraid. This bill provides an end to that fear.

Without this bill we would have a continuation of this misbehavior, of this gross discrimination. We would have a growing backlash, and we have seen it already reflected in some of the political races in this country, some of the political races. This backlash, Mr. Chairman, would not just be directed, against those among us who are here without proper documentation. But that backlash will also be directed against those who are entering our shores illegally through family preferences, and labor preferences for family reunification. Against the people who come in legally as well as the refugees and the asylees.

This backlash, will only grow and become more bitter unless we gain control over the illegal entry. Again, I refer to my friend and mentor, Father Hesburgh, who said, and I think it is brilliantly stated:

Unless this country, via this immigration reform bill, closes the back door and the back door is the door through which people enter illegally without paper, we will not be able to keep the front door open. The front door is the door through which legal immigration, refugees and people seeking asylum from persecution enter.

Once again, unless we can control the illegal entry through some humane measure, as we have before the House today, we will lose control of legal entry and with it, we will lose the tradition, the generous spirit of this nation. We are a nation which is strong because of our immigrant roots. If we lose those, we lose our strength.

We are challenging and perhaps we are venturing toward the lose of that strength unless we control illegal immigration.

Mr. Chairman, I would just simply ask all the Member to vote in favor of this bill when we reach the end of the day, which might be Wednesday, Thursday, Friday. Whenever it is, I hope and implore my colleagues to vote this bill up. It will be good vote for the nation and for the people.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, may I inquire how much time I have left?

The CHAIRMAN. The gentleman from Kentucky still has remaining 15 minutes.

□ 1900

Mr. LUNGREN. Mr. Chairman, may I inquire as to how much time this side has remaining?

The CHAIRMAN. The Chair will advise the gentleman that he has 15 minutes remaining.

Mr. LUNGREN. Mr. Chairman, I yield 8 minutes to the gentleman from Florida (Mr. McCOLLUM) a member of the subcommittee.

Mr. MAZZOLI. Mr. Chairman, may I also yield 1 minute to my friend, the gentleman from Florida (Mr. McCOLLUM), a very able and distinguished member of our subcommittee?

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. McCOLLUM) for a total of 9 minutes.

Mr. McCOLLUM. I thank both gentleman for yielding this time to me, and it is indeed a distinguished honor for me tonight to follow the statement of my subcommittee chairman, the gentleman from Kentucky (Mr. MAZZOLI), who has so eloquently not only stated the cause tonight but has led this charge during my tenure on the subcommittee. He and the gentleman from California, and the gentleman from New Jersey, who has ably led the Committee on Judiciary on many charges on this subcommittee before, and the gentleman from Kentucky, on this issue, and the gentleman from New York (Mr. FISH), have all been compatriots in a cause that it is very pleasing to this Member to see us finally getting a chance to address tonight.

Mr. Chairman, earlier today I was listening to the radio, to the song "The Impossible Dream," from the famous movie and play, "The Man From LaMancha." "The Impossible Dream" epitomizes the hopes and dreams of thousands and millions of those from abroad who come to these shores to make America the greatest free nation in the history of the world. It also epitomizes the thoughts and dreams of millions more who, as they have learned of the great freedoms of this Nation, want to come here for a multitude of reasons. Many of them want to come for economic reasons, and that is obviously so.

Our great Statue of Liberty, with its burning torch of freedom, has symbolized that hope to millions for years, and I think all of us here in this great body want to see that hope and that torch continue to burn for years more.

But if we are going to be able to have those freedoms, those individual liberties, those opportunities, that great nation that we have today, in order to bring huddled masses here in the future, we have to present order in our immigration laws. We have to regain the control over our borders. We have to find expeditious procedures to deal with those who come here in ways that they really should not have come, and to reward those who have, in fact, been able to get to our shores legally, and in the process as it has occurred over the years, to our country in the past.

That is what is so important about the Simpson-Mazzoli Immigration Reform and Control Act that we are here to debate. It must be passed. We must gain control of our borders again. There are really two thrusts to this bill, as this Member sees it. One of them is to regain control over those borders. The other one is to prepare expeditious means for handling the procedures for asylum and deportation and exclusion which have become bogged down over the years.

Let us address each one of them briefly, and then a third concern that this Member has with the legalization provisions in the bill.

Employer sanctions is nothing more than making it illegal to knowingly hire an illegal alien. We have found that in the year ending 1983, September 30, 1983, that is, the fiscal year, 2 million illegal aliens were apprehended on our border in that year, a 40-percent increase over the year before. It is estimated that for every apprehension, there are between two and four successful entries. This kind of rampant influx has been occurring for some time.

Figures have been batted around as high as 15 million illegally here today. It is to control that that we need employer sanctions. There is a magnet of wanting to come here for the opportunity to get jobs. How else can we control that magnet? Well, there is one other way. We need particularly for the countries closest to us to the south, in Central America, Mexico, and on south, in South America and the Caribbean, to have their economies pumped up, to have a better economic life, to have a better chance for the people of those nations to have a share in the better things in our life and in this world. This Member wants to see that happen, and I think all my colleagues do. That is why things like the Caribbean Basin Initiative have been instigated. That is why we are so intent upon things that this Congress does each month and each year to try to improve those conditions.

But it is going to be quite awhile before those countries will ever get up to the standards that will destroy that magnet that is coming, or the push factor, at least, that is pushing them up here, and in the meantime we have this draw that continues to be here, the better life.

The only other way to control that is by making it illegal to knowingly hire an illegal alien, and that the bill does. This bill does it in a very skillful fashion, crafted over many months of deliberation, to protect employers against unnecessary hassle and costs, and to protect workers against discrimination.

There may be improvements to the bill, and this certainly can happen in the debate that we have coming up in the next few days, but it is absolutely essential, it is the guts of any immigration reform bill, to keep the employer sanctions portion intact. Not enough border patrolmen can possibly be hired to seal the borders, and anyone who has been to the border knows the truth of that statement.

The other thing that bothers me that this bill addresses is the fact that we have so many people now here in this country today illegally already seeking asylum, that we are testing the adjudications processes, the poor, but nonetheless working in the past, system that we have to handle it. Back in 1978, we had as few as 3,800 asylum seekers here under the laws of the time, trying to stay here for fears of being returned for political persecution to another country. From 1980 to 1981, we went to 10 to 15 times that many asylum applicants. We now have a backlog of over 170,000 people waiting in line for some determination on asylum. Our system just will not handle it.

This bill provides a vehicle for change in that regard, an administrative law judge system, a system of new U.S. Immigration Board, a removal from some of the auspices of the Attorney General to provide a due process fairness, and so on, that I think is commendable. However, there are some things that I think are unduly elaborate about the schemes here, and I am going to propose an amendment or two that would, in fact, go to further strengthening sections of the bill that are not discussed that often but, I think, weight very importantly with employer sanctions in this area.

Summary exclusion. That is a procedure used where somebody has not entered the soils of this country yet an immigration officer catches him or her at the port of entry and they do not have the right documents, they are not otherwise eligible, they do not claim political asylum, or whatever. The bill right now, I believe, has a little bit too much baggage in it, and an amendment I will offer in part will seek to determine a new course in this regard to change a few of the things that are presented there as additional rights that somebody has after the immigration officer makes his determination, because I do not think we need to take the person before an administrative law judge.

This same amendment will deal with a problem that I see existing in the area of deportation and exclusion. Deportation is where we have somebody in the country, already here, and we apprehend them and then we want to take them and remove them from the country. Exclusion is where we catch them at the border, they claim asylum or otherwise, and we go through a process for excluding them.

In the cases where we do not have them in summary exclusion, we go through this process of deportation or exclusion officially. The bill provides an opportunity for an individual to bring a petition for habeas corpus individually or on a multiple-party basis, and for class action suits in certain instances in the case where we are going through this type of procedure in judicial review.

This Member will offer, as a part of this amendment, to strike the class action portion because I think it is redundant.

The same amendment will deal with the automatic stays that occur in cases of deportation and exclusion. We will keep them under the amendment for deportation, but exclusion cases, where somebody has not gotten into this country, I do not think automatic stays for judicial review are appropriate.

I will also offer what I have offered in committee before, and that is an amendment dealing with the exclusive use of the U.S. Court of Appeals for the Federal Circuit as the court of appeals for all asylum, deportation and exclusion cased, and all habeas corpus matters.

Lastly, I am the author of the amendment to strike legalization or amnesty from the bill. I do not think it is necessary, and I think it has an evil in it. We have in this bill a registry date, January 1, 1973. That will stick with the bill whether legalization is stricken or not. Under that provision, the Attorney General has the discretion, on a case-by-case basis, to allow a person to stay in this country if he or she has been here continously since on or before January 1, 1973. I think that is sufficient.

If we come up to January 1, 1982, as is in this bill, or one of the other dates that may be proposed by amendment, we are creating a magnet to draw a lot of other people over here, either under the false assumption that they are going to be able to somehow get another amnesty day, or under the belief that they can somehow, with the current date, forge a document, forge the proof, and slip in under the wheels of this bill.

In addition, we will be slapping in the face the thousands of people, millions of people, standing in line legally around the world waiting their turn to come into this country. We will be rewarding lawbreakers, is essence. And in addition to this, we are going to cost the American taxpayers untold dollars not just in the process of legalization itself but in the process of the school costs, the attendant extra costs in welfare and other things that are hidden in the process as we bring people in this manner.

Mr. Chairman, I believe that it is very important that we not be fooled by the situation and that we get to the bottom of this line and ultimately pass this bill. This Member supports the legislation whether his amendment on legalization passes or not.

Mr. MAZZOLI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Roybal).

□ 1910

Mr. ROYBAL. Mr. Chairman, a great many statements have been made on the floor of this House. Just a little while ago someone said that the vast majority of Americans support immigration reform, and with that I wholeheartedly agree. But that is where our differences start. We disagree on the kind of legislation that is before this House. We firmly believe that it is not immigration reform.

If we go back to what happened in the 97th Congress, we will probably remember that at that particular time hearings were held. I and many other Members of the House testified for or against this piece of legislation. When the 98th Congress started, almost exactly the same bill was introduced in the 98th Congress. Then again we went through the process of more hearings. But the truth of the matter is that we spoke but we were not heard, and if we were heard, no attention was paid to the recommendations that were made.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, when the gentleman says that his position was not heard, that is actually——

Mr. ROYBAL. The gentleman did not hear what I said. I said, "If we were heard."

Mr. MAZZOLI. The gentleman said we were not listening to him. Does he know that we have in our bill two or three of the recommendations that the gentleman made?

For example, we went to a one-tier legalization program that the gentleman recommended.

Mr. ROYBAL. Mr. Chairman, if I may reclaim my time, I was going to state, if he had just waited, that some of these recommendations were put into the bill, but that not sufficient attention was paid to recommendations made or others that are not in the bill at the present time.

Mr. MAZZOLI. Well, I respectfully dispute that.

Mr. ROYBAL. Mr. Chairman, the only thing we have to do is look at the record. That is why it is necessary for me to propose 20 amendments during this debate.

We were told that labor's position is for the bill. Well, I agree. We met with Mr. Kirkland, and he told us that he was in favor of the bill but he was against the H-2 provisions as proposed by the bill. He also told us that he was against the Panetta amendment and also told us that he was against the discrimination that would result because of sanctions. He said that he was supporting the Hawkins amendment, because it would remedy the discriminatory aspect of this provision.

We have been told that the Hispanics want this bill. The truth of the matter is that the Hispanics do not. There is not a single Hispanic or an Asian member in this House that is supporting this piece of legislation.

Walter Mondale, who was endorsed by labor, took a position against the Simpson-Mazzoli because he went out among the people and found that they were against this bill.

We have also been told that the blue ribbon committee brought in recommendations approved by all its members. The truth of the matter is that the two people on that committee, one a judge, who is Hispanic and another, an Asian woman, took the same position that the Hispanic Caucus has taken against this bill. They made individual recommendations in writing not to support Simpson-Mazzoli, because of the inherent danger in the bill to Hispanics and Asians, and to all Americans that would be effected by a national identification system.

I think that we must agree that whatever happens in this House will affect the Western Europeans also. In fact, the head of the Immigration Department said a few days ago that there were as many here from Western Europe without documents as there are from Latin America. Senator SIMPSON commissioned a study that revealed that there are 20 countries that have sanctions that have failed. May I also point out that there are nine States in the Union, including the State of California, that have sanctions that do not work.

I think we ought to pay a little bit more attention to the cost of this bill. That cost has been estimated to be in the neighborhood of $4 to $11 billion. Are those who support this bill prepared to appropriate that amount of money to enforce the sanctions provisions of this bill? I think not. But if this is so, then that cost has to be added to the more than $200 billion deficit that this country has at the present time.

People come to this Nation because they are poor, because they need a job, because they are hungry. The employers hire the undocumented because they work for less, and work under adverse working conditions. The exploitation, no matter how we look at it, is there, but this bill does not correct that.

Mr. Chairman, we are told that we have lost control of the borders, that we must regain it, but no one has told this House how that can be done. Surely, the legislation before us does not correct the situation because it creates far more problems than it solves. It is definitely not immigration reform.

The CHAIRMAN. The time of the gentleman from California (Mr. ROYBAL) has expired.

The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, may I inquire of the Chair how much time the gentleman from Kentucky has remaining?

The CHAIRMAN. The gentleman from Kentucky (Mr. MAZZOLI) has 10 minutes remaining, and the gentleman from California (Mr. LUNGREN) has 7 minutes remaining.

Mr. MAZZOLI. Mr. Chairman, let me at this point yield 5 minutes to a distinguished member of the Committee on the Judiciary, the gentleman from California (Mr. BERMAN).

Mr. BEILENSON. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to my colleague, the gentleman from California.

Mr. BEILENSON. Mr. Chairman, I thank my colleague, the gentleman from California, for yielding, and I rise in support of the bill and of the several amendments which will be offered to it.

Mr. Chairman, last year the Immigration and Naturalization Service apprehended more than a million undocumented aliens along the U.S. southern border. Others were apprehended at the United States-Canadian border and at ports of entry along the coast. Despite this record enforcement activity, a large number of unlawful aliens entered the United States—from Mexico, Central America, Canada, and other parts of the world.

The large-scale, uncontrolled movement of people into the United States indicates very clearly the need for an overhaul of our Nation's immigration laws. Although estimates vary considerably, the Census Bureau's best guess is that as many as 6 million illegal aliens now live in the United States.

These undocumented immigrants constitute a growing subclass—a class separated by its unlawful status from the mainstream, and detrimental to the interests of a free and open society. America values its legal immigrants, but we cannot afford to become a land of unlimited, illegal immigration, nor a land in which millions of people live in legal limbo outside both the reach and protection of the law.

To quote the Hesburgh Commission:

> One does not have to be able to quantify in detail all of the impacts of undocumented/illegal aliens in the United States to know that there are some serious adverse effects.

The Commission said that it is the U.S. citizens and legal resident aliens who can least afford it who are hurt most by competition for jobs and housing and by a reduction of wages and standards in the workplace. The Commission also found that a fugitive underground class is unhealthy for society as a whole and may contribute to ethnic tensions. The enormous influx of illegal aliens, it said, has undermined public confidence—in our immigration laws and in our legal system.

The Hesburgh Commission concluded that controlling illegal immigration should be a top priority.

By voting to consider H.R. 1510, the House has taken a positive step in the direction of reform, and I commend the leadership for putting this item on our agenda. Bringing H.R. 1510 to the floor is especially courageous because it is an election year and the bill is enormously controversial.

H.R. 1510 contains two essential provisions, both of them recommended by the Hesburgh Commission. We need an effective border policy and these two reforms will help achieve that goal.

The bill will, for the first time, make it illegal for employers to hire aliens who enter the United States in undocumented status. That provision aims directly at the "magnet"—employment—which draws so many undocumented workers into this country.

In addition, the bill will allow persons who came to the United States in undocumented status before January 1, 1982, to become legal residents. This provision will help shrink the "shadow" population and allow these individuals to free themselves from the exploitation to which they are now subjected and to participate openly and freely in our society.

These two provisions—sanctions and legalization—are essential to the Simpson-Mazzoli compromise. Both provisions should be included in any bill the House approves, and I am strongly opposed to the amendments which will be offered to scrap legalization and to eliminate employer sanctions entirely.

Nonetheless, even while keeping employer sanctions and legalization intact, we have an opportunity to make some major improvements in the bill before us.

Hispanic Americans and others strongly oppose title I of this bill, employer sanctions, because they fear that the new law will lead to discrimination in employment. Although I support sanctions, I do agree that we need to be concerned about the danger of increased discrimination.

During debate on H.R. 1510, I intend to support several key amendments which would guard against discrimination and make this provision more effective, including: The Hawkins amendment, which will be offered by the Education and Labor Committee, to bar unfair immigration-related employment practices and to fine employers who violate this law; the Lungren amendment to make sanctions apply uniformly to all employers and to all employees; the Hall amendment to establish a telephone system for verifying employment eligibility; and the Miller amendment, also reported by the Education and Labor Committee, to maximize the employment of domestic workers and to assure that adequate work standards are maintained for both domestic workers and foreign H-2 workers.

For employer sanctions to work as they are intended, they should be applied uniformly—to all employers and all employees. The Hawkins amendment, adopted by the Education and Labor Committee, and an amendment, to be offered by Congressman LUNGREN would both accomplish this goal by requiring all employers to verify the eligibility of all employees.

The Education and Labor amendment, in addition, offers another advantage: It provides a remedy for discrimination when it occurs by outlawing immigration-related employment discrimination and by creating a system to adjudicate complaints of discrimination and to penalize employers who discriminate. These protections against discrimination are another reason this amendment deserves support.

Uniform sanctions are needed because voluntary compliance leaves too much room for selectivity on the part of employers and increases the risk that only foreign looking job applicants will be asked to prove their lawful status. In addition, selective application of the law would allow employers to continue hiring undocumented workers without fear of penalty—until and unless they are caught once and given a written warning.

The Education and Labor Committee and Lungren amendments to title I our support.

Applying sanctions uniformly will help reduce the risk of discrimination. In addition, however, for sanctions to work as they are intended, another change is necessary. The law must be made easy to comply with.

To accomplish this objective, a simple and fraud-resistant system is needed to distinguish between those who are eligible for employment and those who are not. The Hall amendment would accomplish this goal by authorizing the creation of a telephone call-in system which employers would use to determine whether a job applicant is eligible for employment and it, too, deserves support.

Taken together, these amendments will make sanctions more effective and also reduce the risk of discrimination.

The H-2 foreign worker program in title II of the Judiciary Committee's bill shoud also be improved. The Education and Labor Committee's amendment to this portion of the bill deserves our support.

The Education and Labor amendment, authored by Congressman MILLER, would do much to assure that priority is given to recruiting domestic workers before permitting employers to import workers under the H-2 program. The committee's amendment will protect labor standards for foreign and domestic workers and create a commission representing labor and management to study the "guest workers" program and make recommendations.

Finally, I want to address the issue of legalization.

One proposal which should not be adopted is the McCollum amendment to strike title III, legalization, from the bill. Employer sanctions can only be effective if they are linked to a comprehensive, one-time-only program of legalization for unlawful aliens who have lived in the United States continuously for several years.

Legalization is needed for several reasons. It would be disruptive, difficult, and unconscionable to round up and forcefully deport the large illegal population which lives in this country. And despite the public clamor for a tougher policy against illegal immigration, very few Americans would tolerate the monumental enforcement effort that would be required to accomplish this task. The concept of legalization recognizes that it is necessary and desirable to bring the "shadow" population forward to make employer sanctions work and to assure the success of future enforcement efforts.

Illegal immigrants will continue to make their way to the United States in large numbers unless we enact an effective law to control this kind if immigration. The longer we avoid the issue, the more difficult it will be to respond to this problem, and the greater the likelihood of awakening an ugly reaction against our system of legal immigration.

The Simpson-Mazzoli bill is a reasonable compromise which would help control illegal immigration without being unfair or heavyhanded. As the House debates this issue, I hope that we will adopt the amendments mentioned above. Then, after improving this important bill, we should vote to enact it into law.

Mr. BERMAN. Mr. Chairman, I rise in opposition to the bill, and I would like to point out where I feel this bill will end up as it wends its way through the process.

We have here a very exciting theoretical merger of two important notions, first, the concept of legalization with all the compassion and humanity and realism that is involved in that proposal, and, second, the concept of employer sanctions, an effort by the authors and by the commission that recommended this original trade-off to try and have our borders enforceable and to make meaningful the concept of legal enforceable and to make meaningful the concept of legal immigration. But in reality the bill as now before us, in the context of the amendments that are proposed to this bill and which I fear stand a strong chance of passage, presents us with a proposal which I think we will be embarrassed by as it is finally sent to the President.

Let me touch on my concerns in three different areas, first of all, in the legalization area. It has already been pointed out that several amendments will be offered in the course of this week to strike the entire legalization program or, in the case of the amendment of the gentleman from California (Mr. LUNGREN), to go back to the two-tier system, a proposal which will eliminate from permanent resident status 70 percent of the undocumented workers now in this country; or, in the case of our majority leader, his effort to provide only temporary resident status based on his own amendments to this bill.

In addition, we have a legalization program which is in the bill as it comes out of the Committee on the Judiciary which is already flawed, a proposal which allows the Attorney General or his designee in the INS to deny legalization to people he deems likely to become public wards.

What does that mean? In the hands of a moderate administration, perhaps nothing of concern of any of us, but in the hands of a venal administration, a xenophobic administration, we will see that proposal used to suck people into a process, to entrap people into a process of stepping forward to receive their benefits of legalization and in a sense being tossed out of the country. And as the word of that potential spreads and spreads in this community—in this community of undocumented workers, fewer and fewer people will be willing to take the risk.

What person working as a dishwasher in a restaurant or as a migrant worker in the fields can be said to be not likely, in that marginal and seasonal industry, to not at one point become a public ward? And what can an administration do that chooses to twist those words?

Here is another flaw in the legalization program: The requirement and burden on the applicant for legalization to establish continuous residency for a period of time, in the bill until January 1, 1982, if some of the authors of the amendments have their way, to a much earlier date in time. Does this mean that if there are not the receipts or the demonstrated evidence to establish a continuous period of time in the United States for 1, 2, or perhaps 5 years, that person again is sucked up into applying for a departed benefit and is now deported based on an inability to document a life, a kind of a documentation that few of us could perhaps effectively demonstrate, and that certainly people in this situation will not be able to demonstrate?

Turning for a moment to the employer sanctions section, the charge is made and quickly cast aside that this in effect becomes a congressional encouragement of discriminatory practices, and I would suggest that unintentionally that is just what will happen. And it is not because of the racist motives of certain employers, but it is because they are in the terrible dilemma of choosing between incurring civil and potentially criminal sanctions for hiring undocumented workers and violating laws that will be enacted by virtue of this section.

□ 1920

We have an Equal Employment Opportunity Commission in title VII which prohibits discrimination against employment. Why will this not affect and provide the disincentive to the employer who does not want to take a chance on hiring somebody who does not belong here legally?

Mr. LUNGREN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the question of the requirement that one who becomes legalized will not become a ward of the State or welfare ward is merely putting that individual or those individuals who qualify under the legalization program under the same footing as those people who are not waiting in line in countries around the world to come to the United States under the regular immigration program. We put a requirement on them that they not become charges of the State. We require a sponsor if that is what is necessary. It seems to us that if we are going to be making an exception with respect to those people who have been here for a period of time illegally because we think it is proper and just, we ought to at least make them come up to the same standards as those individuals who have been following the law in country after country, continent after continent around the world. That is all that is done. It is the same sort of thing that is being done on a daily basis at the present time. Perhaps we are not doing a very good job of it, but it is being done.

With respect to the claim of the gentleman that my amendment which brings us to the two tier system is going to wipe out the possibility for 70 percent of all illegal aliens of the United States being here, I must respond that the gentleman must have some knowledge that is far greater than anybody else that I know, because that assumes you know how many are here illegally, how many have come in since 1980 and that somehow the amount that has come in since 1980 are 70 percent of the entire total. Nobody knows that.

I would suggest that that is a wild estimate that cannot be supported in any regard.

If the gentleman will carefully watch what I intend to do with respect to my amendment, I hope in fact to save the legalization program. If the gentleman thinks this body is going to be of a mind to move in a more liberal fashion than we have already moved in the Judiciary Committee, I do not believe the gentleman is reading the mood of this House very well. If in fact the gentleman believes it is not going to be a tough fight to save the legalization program from the amendments than will be offered to knock that out entirely, again I would suggest the gentleman is not reading the mood of the House Chamber very well.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I do not think there can be any question but that this legislation, as far as it deals with the problems of immigration, is in fact a good faith effort by the members of this committee to deal with the controversial and troublesome problem.

My concern with this legislation focuses on the fact that I think they have gone beyond the issues of immigration reform when they went into the issues of the existing H-2 program and started tampering with that program in the committee and then as the bill went on to the Agriculture Committee and to the Education and Labor Committee, we have seen additional efforts.

I think what you have to say is that this is a thinly disguised effort, if you will, by those in the employer segment of our economy to get rid of that body of law which has protected guest workers that have come to this country, would have offered further protections for those guest workers that it is anticipated under this legislation to come to this country and, in fact, what we now have is, if the committee bill portions dealing with H-2 workers and one or two of the amendments are adopted, we will permanently put in place the worst fears of what many people have said they want to avoid and that is the recreation of the bracero program.

We, in fact, today have a body of law that has grown up in this country for the protection of American workers, for the protection of those people that we call our guests who come here and toil in our fields, to toil in our factories, to do work that we believe Americans will not do, and now what we are doing is putting permanently in place a program which will allow for the continued exploitation of those individuals, with really no showing either in the Judiciary Committee, in the Agriculture Committee, or in the Labor Committee that there is a need to tamper with this program.

There is really no effort and we have received testimony by Father Hesburgh, who is for a more conservative approach than even the Education and Labor Committee took, because there was great doubt in that 2-year study that you could justify opening the gates to a large guest worker program.

I fear that we have taken a major step toward undermining the rights and responsibilites of low-income workers in this country.

The CHAIRMAN. The Chair now recognizes the gentleman from California (Mr. LUNGREN).

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, if the gentleman has just a moment, the charge has been made repeatedly tonight that the Hispanic people are not for some kind of an answer to the problem of illegal immigration.

I would just again cite a poll which was done in 1983 by the Gallup organization, which is one of the respected polling groups in the country, in which 75 percent of the Hispanics responding said they favored a law making it against the law to employ a person that is coming to the United States without proper papers. In effect, 75 percent of the Hispanics polled were against illegal entry and were in favor of employer sanctions.

The Lance Torrance and Peter Hart research done also in 1983 shows that 66 percent of Hispanics responding favored having penalties and fines for employers who hire illegal aliens.

Also, that very same poll suggested that 84 percent of the Hispanic citizens responded that they sought tough restrictions on illegal immigration because illegal immigrants take jobs away from American workers and give employers a way to avoid paying decent wages.

While no member of the Hispanic Caucus in this House is for the bill, I am saying across this great Nation many Hispanic citizens are for it and I suggested earlier tonight that in the exit polls done in four States this year in the Presidential primaries, the States of Texas, New York, New Mexico, and California, 23 congressional districts, the results were overwhelmingly, 55 percent to 35 percent, in favor of fines for the hiring of illegal immigrants.

So I suggest there is support for this.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Chairman, I thank my colleague from California.

I think it is high time we put the Peter Hart poll to rest, because what we do with these polls is we take out of context that with which we agree and then discard the rest.

The Congressional Research Service surveyed many highlights of the Hart poll and time after time they said that the Fair-Hart poll purposely designed the questions to elicit the responses to the immigration issue. It is important, because I know that this poll will be talked about over this next week.

I am prepared, Mr. Chairman, to say to my colleague from California, my colleague from Kentucky, because I am curtailed by the time I have here and I do not want to dominate this particular portion of the conversation, but point for point I will go over during the course of this week the Fair poll and the Congressional Research Service, which has a different opinion as to how this poll was done.

I thank my colleague from California.

Mr. LUNGREN. Mr. Chairman, if I can reclaim my time on that, I understand there are some difficulties with that poll, but I would also suggest to the gentleman that the findings of that poll are consistent with the poll that was done in 1977 at the request of the Carter Commission's Select Commission.

They are consistent with the 1983 Gallop poll that was done in the fall of 1983. They are consistent with the Field Foundation poll in California done in the summer of 1982; and they are consistent in their findings with respect to the employer sanctions with the exit polling that was done by SIN in those four States during the primary, including the State of Texas, which during the primary, the exit polls showed by a 2-to-1 margin the Hispanic voters supported something known as employer sanctions.

So I concede to the gentleman that there may be some difficulties with the Lance Torrance-Peter Hart poll as suggested by the Congressional Budget Office.

I would suggest as I understand the methodology they use is consistent with what they normally use and they are known in both instances as reputable pollsters on the Democratic side and the Republican side, with reputations with many of our campaigns.

Mr. GARCIA. Mr. Chairman, if my colleague would just yield further.

Mr. LUNGREN. I would be happy to yield further.

Mr. GARCIA. Mr. Chairman, I appreciate the time the gentleman has given me.

I would be delighted during the course of this week to go over point by point, of course there may be some areas I am not fully aware of, but I would be delighted to be enlightened by either the gentleman or my colleague from Kentucky.

□ 1930

I try to be as reasonable as I can in a very emotional situation. But I would like to go over this point by point again.

Mr. LUNGREN. I understand the gentleman's point.

Mr. BERMAN. Will the gentleman yield?

Mr. LUNGREN. I will be happy to yield to the gentleman from California.

Mr. BERMAN. I thank my colleague from California.

In the course of his debate he questioned where my figures came from regarding how many people would be excluded from the legalization aid as it got set back. Let me just repeat the figures that I have, based on projections of the Select Commission on Immigration Refugee Policy.

Assuming that a legalization program would be in full swing from early 1985, we are 3 years after that, and even the most liberal date proposed, the House date, January 1, 1982, assuming enactment this Congress the following table would apply: Cutoff date, January 1, 1983.

The CHAIRMAN. The time of the gentleman from California (Mr. LUNGREN) has expired.

The gentleman from Kentucky (Mr. MAZZOLI) still has 3 minutes remaining.

Mr. MAZZOLI. Mr. Chairman, of the 3 minutes, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, the subject of immigration law inevitably and invariably raises the deepest and darkest of human emotions—fear, first and foremost. Whenever Congress has acted upon immigration law, it has acted more on the basis of raw fears than anything else. It is not different today. There is no avoiding the reality of that fear and its embodiment in the Simpson-Mazzoli bill. This should not be interpreted as being critical of the committee and its very able chairman. If we could set that fear aside, we would see that the pending bill, the Simpson-Mazzoli bill, does not resolve the immigration problem at all. It allows those who want to claim they have acted on immigration law to point to the bill, win or lose, and say that they have done their best. But while that claim may satisfy the urge to say that we have done something, the cold reality is that this bill merely addresses the symptoms of illegal immigration, and ineffectually at that. It does not deal with the causes. It does not solve the problem. It only perpetuates the past mistakes that created the problem in the first place, and compounds the error by creating fresh new injustices.

It is just a scarecrow against illegal entry. Perhaps it is in the human nature to fear our fellow human beings, most particularly those who may look different, or who may have some culture different from our own. We even have a word in our language to describe this fear—xenophobia. This was the fear that caused proper Bostonians to loathe the Irish, who had come to New England in great numbers to escape the potato famine and an economic order that was little better then serfdom. This was the fear that caused suspicion and finally, outright exclusion to be directed against Orientals who had come into the West to help build the great transcontinental railroads. It was this fear that drove the Mormons out of Illinois and into their own world of Utah. It was this fear that resulted in the school of thought that came to be known as social Darwinism, which concluded—not surprisingly—that people who most closely resembled the dominant social groups of the day were superior to all others—the Italians who were then crowding into America, and the Slavs who were then becoming immigrants in large numbers. It was this fear of the different, this xenophobia, that led to the use of racial classes, the preference system, establishing immigration limits and quotas. Justified by the social Darwinists, this was the system that allowed many immigrant visas for people who came from England and other lands thought to be peopled with superior human stock but virtually none for anyone who came from the Orient, any part of the Orient. Indeed, the first restrictions on immigration were enacted for the same basic reasons that we are here today—the fear that our country could not absorb more people, and the desire to prevent different cultures from some imaginary takeover of all that was held good and proper.

The first purpose of the Immigration Act of 1965 was to eliminate the old racist preference system, and to replace it with a system that seemed less discriminatory. But because the new, 1965 system was based on giving preference to individuals who happened already to have relatives here, the effect was to preserve the same old quotas. That so-called reform then made it absolutely certain that immigration would not change the face of this land by imposing, for the first time ever, a quota on immigration from this hemisphere. This was no accident; immigration from Latin America was beginning by 1965 to grow to large numbers, and the idea was to shut the gates, to be certain that immigration did not get out of hand. And so it was that a large country like Mexico was given an immigration quota no different from Iceland's.

The 1965 Immigration Act created fresh new problems, because its principal effect was to make legal entry all but impossible for Latin Americans who did not have very close relatives already in the United States.

Today, the waiting list for immigrant visas in Mexico is backlogged by 314,000 names. Under the Simpson-Mazzoli Act, about 40,000 a year could be admitted—the backlog would never grow smaller. What Simpson-Mazzoli does is to continue the greatest error of the 1965 law—it continues to make legal entry all but impossible for citizens of Mexico who cannot claim first or second preference status. It therefore makes inevitable the continued large-scale entry of people without documents. These immigrants have precious little choice; if they want to come to this country—and they desperately do—then they have no realistic choice but to come here illegally.

The bill attempts to solve this by taking away employment opportunities—setting up penalties for those who knowingly employ undocumented workers. But the bill does not require all employers in all cases to check documents of prospective employees, nor does it prescribe a standard document that all applicants would have to present. Instead, it requires only those employers who have been warned by the Immigration Service to check documents and keep records, and even then it does not provide for a standard, uniform document. Thus, the bill creates a system that will not discourage those who routinely hire illegal aliens. Those employers know how limited the resources of the Immigration Service are, how unlikely it is that they will be detected. And they also know that the Simpson-Mazzoli Act imposes only the mildest of penalties for all but the most flagrant violators. So those who routinely use undocumented workers will not in the least be discouraged by the enactment of this bill. But those who are looking for some excuse to discriminate against anyone who happens to have a foreign look, are handed the perfect excuse. They will be able to say, "Sorry, but I don't think your birth certificate is real." They will be able to discriminate at will, and with the perfect excuse that they are merely trying to be law-abiding.

The bill attempts to answer this by creating a study of any discriminatory effects. But the only real way out of the discrimination dilemma is to create a single, national identity card system that all citizens and legal residents would have to carry and be ready to display at all times—an internal passport. The authors of this bill in no way want such a system. They are willing to offend some citizens by requiring them to show documents, but not all. They are willing to place the burden on a few, but not on the whole Nation. The discrimination study is therefore only a sop, designed to assuage the conscience of those who know that the inevitable result of a law that creates two classes of citizenship is a law that creates an invidious distinction between people who have the same legal and natural rights. There is no other conclusion to reach than this: a bill that makes every employer an immigration enforcer, but does not provide absolutely uniform treatment for all prospective employees, is a bill that establishes on its face a wholesale system of discrimination. Those employers who want to hire illegal aliens will not be discouraged by the mild penalties of this bill, knowing as they do the great odds against ever being caught, let alone caught repeatedly violating the law. And those employers who want some excuse to deny employment to people who for some reason act or look alien, will have a perfect excuse for the exercise of their prejudice.

This bill cannot work because it merely addresses the symptoms of illegal entry, and not successfully at that. It does not in any way address the causes.

It addresses the symptoms by attempting to discourage employment opportunities. It fails to address the symptoms effectively because it does not make legal entry possible; for example, it will do nothing to erase that backlog of 314,000 visa applicants in Mexico. It increases the limitation in Mexican immigration, but that, just like the employment sanctions, is more a swipe across the brow of conscience than it is a real solution. A real solution would require actions that are far beyond those the authors of this bill are willing to take, because a real solution requires changing the whole basis of existing law. It requires putting away those fears that lie behind this bill, and the fears that have lain behind every other immigration limitation that this country has ever enacted.

As to the fears: Do immigrants steal jobs? No one can say for certain, but the best evidence is that immigrants are likely to take only jobs that few others are willing to take.

Do immigrants drive down wages? They may, at least in the lowest paid occupations, those points where exploitation is real and routine for citizen and alien alike.

Do immigrants become tax eaters? The evidence suggests that they have energy and zeal, and become among the most productive of our citizens. Dr. Hans Mark, the former Secretary of the Air Force, and himself an immigrant, once remarked to me, "These people are the brightest and best motivated we have. They are tremendous contributors to our country. Let's just call them all Americans." And my reading of history suggests that he is right.

Indeed, the greatest energy in this country's history, its greatest growth, came during periods when immigration was highest. Today, the most rapidly growing and most energetic places in the country are also places where immigrants are present in the greatest numbers. Not that we have limitless capacity, but neither should we deny the energy and ambition that immigrants bring with them, for it takes energy and daring and great determination to become an immigrant.

But still the fear is present—the desire to keep what is ours, the fear that others may take it over, change it, make it theirs and no longer our own. Being human, we prefer familiar devils, and it is easier to shut the door against strangers than to admit that they may have value to us. This, in a nation of immigrants.

What is the real answer?

Not Simpson-Mazzoli, because this bill only raises a scarecrow against illegal entry.

The real answer to illegal immigration comes in two parts: First, make legal entry possible, by doing away with country limitations that are unrealistic and unenforceable; second, provide help to create employment opportunities in the countries from whence immigrants come.

As to the country limitation, I have already noted how the present—and the proposed—country limitation would make legal entry all but impossible for the typical Mexican, and we have a backlog of visa applicants in Mexico that will never end, because of that limitation. Historically, there has never been a limitation on immigration from Mexico. The first limit was established by the 1965 law, and the illegal entry problem has been created by that limitation. Before the 1965 law, a person from Mexico or any other Western Hemisphere country had only to show that a job was available, that the applicant was in good health and would not become a public charge, to qualify for admission. But the establishment of the country limitation made legal entry an impossibility for all those who could not fit into either the first or second preference category. Inevitably, illegal entry became the only possibility.

We know that the demand for entry documents from Mexico will vastly exceed the level provided for in this bill. If the country limitation remains, illegal entry will continue and grow—and this bill will made no difference whatever, because it allows no other alternative but illegal entry. If we fear that immigrants are taking jobs, why not accept the historic test: The applicant would have to show that he or she had a job waiting. If a job is waiting, there is no need nor justification for an unworkable and meaningless country limitation. If the purpose of the limitation is to protect jobs, why not use the test of whether the applicant has a job? That surely is enough to demonstrate that jobs are available for our own citizens; it was the test that worked for decades and that makes sense today.

The second part of a sound immigration policy is to help our neighbors develop opportunities at home. Demographic tables tell us with great certainty that the economy of Mexico will be unable to produce anything like the number of jobs that will be needed to absorb that nation's labor force growth between now and the end of this century. The shortfall will be in the range of a half million jobs each year. This means that there will be millions of our neighbors who have no hope whatever of finding work unless they leave their home country. They will turn north. But this is not inevitable. We could help create jobs in Mexico.

I have offered a bill to create a joint United States-Mexico Development Bank. This bank could provide billions of dollars in funds to create new jobs not only in Mexico but in our own border region as well. This would alleviate some of the economic pressure that is pushing immigrants north. This would address the real cause of illegal immigration—poverty, hopelessness, and desperation. People don't immigrate because it is a game; they immigrate because it is the only choice that life offers. My bilateral development bank bill provides an alternative, an opportunity at home. But the Simpson-Mazzoli bill does not envision that kind of approach. It does not seek to cure the disease, only make soothing gestures toward its symptoms. It would be no more effective than a scarecrow against an airplane, no more effective than magic incantations against cancer.

Simpson-Mazzoli is not realistic and it is not workable. It perpetuates the errors and wrongs of the past and creates new evils of its own. It is a response arising out of fear, the very same fears that produced the preference quotas that were nothing more nor less than racist in their origins and purpose, and racist in their effects; a system that was neither workable nor defensible. The 1965 reform erased the blatant racism of the old quotas, but imposed, out of the fear of immigrants, a new country limitation and a new preference system that were and are likewise unworkable and morally indefensible. And now this bill perpetuates that system and makes it worse by establishing an engine of discrimination against all American residents who have a foreign appearance. The bill solves nothing; it is born of fear and sour suspicion; and it will not work. What is required is an immigration system that looks to the future with confidence, not fear; a system that welcomes those who can show they have a reasonable opportunity to be self-supporting; a system that tries to deal with the desperation that drives people toward our borders; a system that deals with realities and not the haunting fears of those who have forgotten form whence they came. Simpson-Mazzoli is, sadly, the latest in a long history of immirgation law that springs from the heart of the Know-Nothings, those who feared and loathed all foreigners, though they themselves were only recent arrivals. The spirit and driving force of the Know-Nothings is present, alive, and embodied in the Simpson-Mazzoli bill, an unworkable unworthy addition to a body of law that has never been distinguished by much, it any, pretense toward justice, decency, or workability. It satisfies for the moment the passions and fears of those who demand what they see as control over our borders, but it does not solve the pressures that drive immigrants to our borders, nor does it enable those who want to be legal immigrants to obtain the documents they need to become legal entrants. It puts the next crisis off a few years, but the next crisis will not be long in the making, because the bill solves nothing other than the passions and prejudices that have historically driven our immigration laws. The only difference today is that the passions are muted, the prejudices sophisticated, but they are no less real for all of that. The bill should not be enacted. We should seek a law that is along the lines I have suggested: Entry for those who can show a reasonable likelihood of self-support, and help for the countries from whence the greatest numbers of immigrants come.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I am glad to yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

The gentleman from Kentucky (Mr. MAZZOLI) has 1 minute remaining.

Mr. MAZZOLI. Mr. Chairman, I yield myself that 1 minute.

Mr. Chairman, I think this has been a very interesting debate. There will be more of it tonight and, of course, we will be conducting continued debate for the next 3 or 4 days.

I again salute the gentleman in the Chair for his patient and very skilled conduct of this debate.

I think that the evidence is very clear that no one suggests that today's situation, the status quo, is desirable. Everyone suggests that there should be some change. So I will just respectfully suggest to everyone who agrees that today's situation, the status quo, is not desirable, then what, if not this bill, H.R. 1510, as it might be amended for the next 4 days; what, if not this bill? What other bill is on the horizon? What other bill is in the wings somewhere waiting to be called forth to the middle of the stage?

The answer, the simple answer, Mr. Chairman, is there is no other vehicle, there is no other bill. There is no other opportunity for this House to deal with this vexing and nettlesome subject, except via the bill, H.R. 1510, with amendments.

So I strongly urge my colleagues to listen to the debate, to vote their conscience on the amendments, and then vote this bill up and send it to conference.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 1 hour and the gentleman from Washington (Mr. MORRISON) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. DE LA GARZA. Mr. Chairman, I rise in support of the amendments offered by the Committee on Agriculture to H.R. 1510, the Immigration Reform and Control Act of 1983. I speak in behalf of the Committee on Agriculture.

Later, if time permits, I will speak in my own capacity on other areas of the bill.

Before I proceed, Mr. Chairman, let me say that any amendments offered by the Agriculture Committee, and any statement that I might make as chairman of the Agriculture Committee, in no way detracts from my admiration and respect for the gentleman from New Jersey, chairman of the Committee on the Judiciary, and the distinguished ranking minority member of that committee, and the two gentlemen on the subcommittee, the minority member and the chairman of the subcommittee, who have worked so diligently on this legislation.

Our disagreements, if some may be deemed disagreements, are of substance and our amendments offered by the committee, I hope, are of a constructive nature.

Mr. Chairman, I rise in support of the amendments reported by the Committee on Agriculture to H.R. 1510, the Immigration Reform and Control Act of 1983.

The primary amendment recommended by the Committee on Agriculture is an amendment sponsored by Mr. PANETTA that would provide a special nonimmigrant worker program to be used to serve the unique needs of producers of perishable agricultural commodities, principally in the Western and Northwestern parts of the country, while preserving intact the H-2 program for other areas where it more appropriately can be used. The committee amendments strike a balance by providing in the new program the same protection to domestic workers as under the H-2 program and include safeguards for the welfare of the foreign workers.

Producers of perishable commodities in the West and Northwest rely predominantly on manual labor to pick fruit, vegetables, and nuts during a limited growing season. California's seasonal production of fresh fruits, vegetables, and nuts represents a farming industry of more than 25,000 farms—mostly small farms—producing in excess of $6 billion of agricultural commodities, 45 percent of the Nation's supply. The Northwest contributes a further impressive portion to the Nation's supply.

For the most part, producers of this highly diversified industry have not had available sufficient domestic workers to handle the harvesting of their crops. They have had to obtain supplemental sources of labor from outside the United States, principally from Mexico. The H-2 program has not been suited to their needs, and accordingly in recent years they have we are told used undocumented aliens to hand-harvest these labor-intensive crops. H.R. 1510 will, for the first time, make the hiring of undocumented workers illegal. It thus becomes necessary to assure that a system is provided whereby to the extent domestic labor is unavailable, the producers will be able under a controlled system to obtain the workers they need from abroad.

While an attempt has been made in H.R. 1510, as reported by the Judiciary Committee, to mitigate this situation through a transition program, such a program does not fully respond to the needs of these particular employers, first, because the program is temporary, and second, because the program provides that the numbers of undocumented aliens be reduced each year over the 3-year span of the program. While other provisions of the legislation would allow certain undocumented aliens to become permanent residents and thus remain in the country in a legalized status, it is unknown how many aliens currently working on perishable crops would qualify for legalization and once qualified, how many would leave the agricultural sector to find less labor-intensive jobs. Further, it is unknown how many who are eligible under the legislation would elect to apply for permanent residence.

In the committee's opinion, the H-2 worker program as provided in H.R. 1510 is much too rigid and unworkable for producers of perishable commodities, and for this reason these producers in the past have relied on undocumented aliens for their needs.

The committee believes that the H-2 program, with the changes provided in H.R. 1510, can continue to be effectively utilized in certain agricultural areas of the United States having more predictable employment needs and requiring relatively small numbers of foreign workers when domestic workers are unavailable. The H-2 program has worked for producers principally in the Eastern and Southeastern parts of the country. The H-2 program, however, does not have the flexibility to effectively address the particular needs of producers of perishable commodities whose labor needs are extensive and vary greatly with weather conditions within relatively short periods of time.

Under the Panetta amendment, the number of nonimmigrants admitted under the committee amendments would be based on the historical need in the employment area, the number of grower applications for workers, and the availability of domestic workers.

The special visas under which the workers would be admitted would limit their entry to certain employment regions. Unlike the H-2 program, the foreign worker would not be bound to a particular employer. If the employer is not to his liking, for whatever reason, or if another producer of perishable crops in the area offers better wages or working conditions, the employee would be free to change jobs without fear of deportation. The visas could also allow the worker to follow the harvest season from area to area by designating particular areas of work for particular periods of the year.

A number of provisions are included in the committee amendments to project the domestic worker and assure that the foreign worker is not disadvantaged by the employer. These are the same worker protection provisions as are included under the H-2 program.

The committee amendments are designed to assure that workers admitted under the special program will return to their country of origin upon expiration of their visas and not add to the numbers of undocumented aliens in this country. Sanctions would be imposed on any employer who hires, recruits or refers for employment these special nonimmigrant aliens, unless the employer has an application approved to hire the alien.

Incentives are provided for the return of nonimmigrants to their countries of origin by requiring employers to contribute into a trust fund established by the Attorney General. The money collected would be returned to the nonimmigrant worker only upon his or her return to the native country, and only if it were established that the nonimmigrant did not violate the terms of the program. Employers would also be required to contribute to the fund amounts which would be used to fund the administration of the seasonal worker program.

There are a number of other miscellaneous amendments also recommended by the committee relating to agricultural workers, which I would like to discuss briefly at this point.

One. The committee has included an amendment to reduce the paperwork requirements under the employer sanction provisions of H.R. 1510. Many of the same workers return to the same farm or employer for the harvest of several different crops each year, and year after year. Accordingly, it appeared burdensome, as well as unnecessary, to require the employer to complete the verification paperwork required under the new subsection (b) of section 274A, as added by the Judiciary Committee, each time the same worker returned to the same farm during the same year, or year after year—particularly in the case of U.S citizens and nationals and permanent residents.

A committee amendment will eliminate the requirement for duplicative paperwork under certain specified standards based on worker status, but still provide the necessary protections regarding nonimmigrants entering the United States.

Two. H.R. 1510 provides that within 3 years after enactment of the legislation, the President shall study and report to the Congress on the possible need for and costs of changes in the verification process which may be necessary to establish a secure employment verification system. The committee is concerned that agricultural employers who should be required to review documents of prospective employees and ascertain their genuineness must make decisions based on documents that are not completely tamperproof. The committee believes that a secure system of indentification, with input of the Congress, should be in place as soon as possible. The committee, therefore, added an amendment to section 274A to require the President to develop in a report to Congress a secure system of identification to determine employment eligibility for all applicants for employment in the United States.

Three. The committee was of the view that more flexibility was needed as respects employer sanctions, taking into consideration the circumstances surrounding the violation. For that reason the committee adopted an amendment to change the fixed penalties in the Judiciary bill to a penalty of "not less than $100 nor more than $1,000" for first offenders and "not less than $500 nor more than $2,000" for subsequent offenders. This would provide some discretion in the imposition of fines under the bill. In only rare instances does any statute impose a fixed penalty—criminal and civil penalties generally are set in terms of maximums that can be adjusted to meet the nature of the offenses, taking account of any equities that may be present.

Four. The committee also reported an amendment providing that the Attorney General, rather than the Secretary of Labor, should issue regulations governing the aggregate period H-2 workers may stay in the United States. This would place responsibility in an agency that historically is responsible for the immigration policy of the Nation. Moreover, the change authorizing the Attorney General to issue such regulations brings the bill into conformity with existing procedures and regulations.

Five. The committee has included an amendment prohibiting the Secretary of Labor from making retroactive adjustments in the wages of H-2 agricultural workers. In the administration of the wage provisions of the H-2 program, the Department of Labor makes a determination of the wage that must be paid for the particular job in an area so that wages of domestic workers would not be adversely affected. On occasion, after the H-2 workers have been paid and have returned to their country of origin, the Labor Department has recomputed the adverse effect wage and required higher wages to be paid retroactively. This has caused hardship to the employers—particularly when the employees are no longer in the area of employment and can only be located with difficulty, if at all.

Six. The committee has made a further change in the administration of the adverse effect wage provisions of the H-2 program. In the past, the Department of Agriculture made quarterly wage surveys that were used in the calculation of wage rates for agricultural workers under the H-2 program. This has been discontinued, and the Department now makes only an annual survey. The amendment of the committee would merely require that the most recent and up-to-date wage survey information be used in appropriate cases, as a matter of equity and fairness.

Seven. Another amendment of this committee authorizes funding, commencing in fiscal year 1984, to enable the Secretary of Agriculture to carry out his responsibilities under the bill. Added responsibilities have been given to the U.S. Department of Agriculture (USDA) under the bill reported by the Judiciary Committee and the amendments of the Agriculture Committee. However, no funding has been authorized for USDA for this purpose, although both the Department of Labor and the Department of Justice have been authorized additional funding under the bill under consideration today.

Eight. Finally, the committee adopted an amendment to section 214(e) of the Immigration and Nationality Act, as amended by the Judiciary Committee, that preempts State law as it related to the H-2 and transitional nonimmigrant agriculture worker programs. It was our view that these programs that are necessarily Federal in nature not be restricted or otherwise affected by State laws or local regulations or ordinances in what has traditionally been an area of Federal jurisdiction.

Mr. Chairman, I ask the Members to join me in support of the amendments reported by the Committee on Agriculture.

□ 1940

Mr. Chairman, I reserve the balance of my time.

Mr. MORRISON of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to start, first, by saluting my colleague, the gentleman from Kentucky (Mr. MAZZOLI), and the subcommittee and the full Judiciary Committee for their tireless efforts to get the Immigration Reform and Control Act on the House floor for final consideration. I mention this because of the personal courtesies shown to me by the subcommittee chairman and others willing to discuss this issue, particularly as it became of interest to us in the agricultural arena.

It is my understanding that the legislation before us represents the first complete revision of immigration law in over 30 years and, as we have learned in this general debate, it is the product of many years of work.

There is no question in my mind that new immigration policy is necessary. The hours of meetings and hearings I have attended both here and out in my district in the State of Washington convince me that something must be done, because our borders are out of control.

I do have some serious questions whether the bill as reported out of the Judiciary Committee provides enforcible answers, but thanks to the amendatory process and the rule as adopted by this House, we will have time and opportunity to see what we can do with this proposal to make it workable.

Mr. Chairman, other Members of the House are addressing the concerns of the Hispanic community. On behalf of thousands of my own constituents, I echo their sentiments. The best use of my time and yours would be to concentrate on which I have the most experience. Having spent over 25 years as a farmer in central Washington State, that area of expertise is agriculture. I want to concentrate on those provisions of the bill which I find of particular concern to agricultural interests and how I propose to improve on the present legislation and to describe the amendments as proposed by the Committee on Agriculture.

Mr. Chairman, it is clear to me, at least, in my part of the United States that we have essentially always had a migrant stream. It has been seasonal in nature. In my particular district we grow about 70 different specialty crops and are proud to pay the highest agricultural wages in the world. Occasionally we will run one and two in wages with the State of California, but because we are a little farther out of the mainstream, we need to provide the extra incentive for workers to come our way.

I remember when I was a youngster working on the farm that the migrant stream was filled by workers primarily from Oklahoma and Arkansas. And I am proud of the evolutionary process by which they now own and manage many of the farms in the Northwest. Then industrial growth in the South gradually eliminated these States from contributing very many folks to the work force that was needed on a seasonal basis. That work force then increasingly was supplied by our friends of Mexican descent, legal workers coming primarily from the States of Texas and California. In recent years, however, Mr. Chairman, it is very obvious to all of us that this stream has increasingly been made up of illegal workers coming across the border, taking advantage of the economic opportunities that exist. The State of Washington is like, as I understand, 31 States in this country where the laws against discrimination forbid employers from making the sort of inquiry necessary to determine whether those workers are legally in the United States or not. So we have no idea the number of illegals who have joined this work force.

One difference that is important, to me, in the area that I represent, will be the size of the farms. We find when we look at our counterparts in the Eastern United States who use the existing H-2 program, that their average orchard size may be up in the 600-acre range. In contrast, our farms will average 20 to 50 acres. The people, quite often the owner, will provide most of the work force just within the family for all of the year except for a few days or for perhaps, at the most, a few weeks during harvest time.

That is one of the reasons the H-2 program in existing laws just does not work. First of all, you cannot predict the timing of harvest and cannot order your workers months in advance. Generally there is no suitable on-the-farm housing because you have such a short-term harvest that you cannot afford to provide that housing. And also in the H-2 program there is the lack of flexibility, because workers are totally tied to one employer. Employees cannot move around, and these smaller operating farms just cannot get through the redtape and make the commitment that it takes under the H-2 program.

I would like to thank Chairman DE LA GARZA and our ranking minority member, Mr. MADIGAN, for their efforts to get sequential referral of this immigration policy bill to the Committee on Agriculture. We had an excellent hearing, a lot of testimony and a responsive committee, and several amendments have been proposed. They have been described by the chairman and will be described, of course, in greater detail as we move on through the calendar of the next few days.

It was my personal privilege to join with the gentleman from California (Mr. PANETTA) in offering an amendment which we think is a significant contribution. It is complementary to the H-2 program. Some people have characterized it as a replacement for H-2. It is not. For those parts of the country that use the existing program, this does not get in their way at all. This is an alternative. It is designed to be more flexible, to fit the needs of agriculture as we measured them in our committee hearings and the industries that many of us represent here in the Congress.

The important elements of the Panetta amendment will be that the Attorney General, working with the Department of Labor and the U.S. Department of Agriculture, determines the number of workers that may be needed, the region in which they can work, and the amount of time which they can stay in this country in that specific region. It has as its basic driving force the need to use local workers first, and this seems to be overlooked in many of the criticisms that are coming our way. It included recruiting elsewhere in the United States. In fact, in this year I understand that because of weather conditions some of the crops in Texas are short, and it is only logical that rather than bring in workers from outside the United States to satisfy certain regions, that we bring workers from other parts of the country before we allow any foreign workers in these various areas of need.

□ 1950

The amendment is limited to perishable commodities. It features the worker free to migrate, to follow a pattern as the crops ripen within certain regions, again determined by the Attorney General, not by the farmers but by measurements of the actual need, where crops would be lost, if in fact workers were not allowed.

This is also important from the workers' point of view. A worker, dissatisfied with conditions with one employer, can move on to the next. So it is really a voluntary program under those circumstances. It includes an adverse effect wage rate that cannot fall below the minimum wage and almost always will be higher than that minimum wage. This guarantees that there is no advantage to a producer of perishable commodities to use foreign help as opposed to using local workers. He is also required to do extensive recruiting in his own local area.

The amendment mandates the provision of housing or provides for off-the-farm suitable housing paid for through a housing allowance. It mandates industrial insurance or workers' compensation. The program cannot be used to replace workers where there is a strike or a lockout; so it is neutral from a labor point of view.

Significant penalties are provided both against the employer who may misuse this program or an employee who violates the regulations. It provides express enforcement through the Attorney General's office. Through user's fees, it pays for that enforcement. There is money there for the administration and enforcement of this temporary guestworker program without taxpayers support.

It includes congressional oversight, a semiannual report to the Congress. It also has a unique feature, that is that the employer pays into a special trust fund with the Attorney General an amount equivalent to social security and unemployment compensation. That trust fund is the one that provides the money for administration and enforcement and to pay the total cost of this program. It also uniquely provides a cash payment. A cash payment to the worker when that worker returns to his native country, as an additional incentive to abide by the details of this program.

Mr. Chairman, I feel that this amendment, as authored by Mr. PANETTA and myself and brought to this House of Representatives by the Agriculture Committee is a vital element in making employer sanctions work. It will remove that magnet that we are concerned about. It removes it by having an alternative. A legal program so that agricultural employers will turn to this program. I know farmers well enough, that when they have their life savings invested in a crop and because we have denied a traditional flow of workers into the area, they have no alternatives, they will use an illegal worker and hope to get away with it. This destroys the plan that is brought to us from the Judiciary Committee to reduce this flow of illegal workers by removing the economic magnet.

So give employer sanctions, if you choose to use that as your enforcement mechanism, an opportunity to work. To have a legal program such as that proposed by Mr. PANETTA, is an absolute, essential ingredient in that workability. Also, if you choose not to have adequate outside workers when there is a shortage of local help, the lost crops hurt everyone. They end the opportunity for year-round jobs that are held by many people. They end the opportunity for exports, and as Chairman DE LA GARZA pointed out, this program is particularly important in the Western United States and many of those agricultural products are exported to other countries.

The other impact that you will have if we do not have some sort of a flexible program that keeps these small farmers in operation, is that you will drive the production of perishable farm products across the border, in one direction or another. In the case of Washington State some will move into Canada; certainly from the Southwestern States, they will move on into Mexico. Then you will have lost not only the agricultural industries, but the chance to have those year-round jobs that are important to many Americans.

We see this amendment that we bring to the full House as an insurance policy, a safety valve. I think that both of the authors of the amendment hope that it would never be needed; that we would have an adequate domestic work force to accomplish these jobs. But if we do not, then let us build into this new immigration policy the opportunity to meet the demands and protect American agriculture by making sure that an adequate work force is available.

There are other amendments that are important, the chairman has mentioned those as he has talked his way through the proposals from the Agriculture Committee. The reduction of paperwork requirements is significant, and my experience as a farmer will add just a little bit of light to this.

You will find that you will have a call from the warehouse, you will start your harvest on Monday, and by Wednesday the warehouse is full or the market has deteriorated and they will ask you to stop harvesting until Friday or Saturday. Under the strict interpretation of this bill as it is in front of us, every time a worker came back to move on with the harvest, you would have to fill out the legal verification again. I do not believe that is necessary. It is a harassment to the worker, and it also is unnecessary duplication of paperwork for a farmer who is not terribly good at paperwork anyway, and dislikes redtape.

We have very strict provisions in this amendment on how long verification will be valid, and we think this is a reasonable change to propose. The chairman talked about the flexibility in the fines. I just do not find very many laws where criminal and civil penalties are set in terms of specifics. Usually they are set in maximums that can be adjusted to meet the nature of the offense, taking into account any inequities that may be present.

Several other proposals will be coming as the chairman mentioned to you. Let me comment further on an amendment that was offered by Congressman STAGGERS from an area that is used to working under the H-2 program. We found from our hearings horror stories in the committees that the Department of Labor had set an adverse effect wage rate. The farmers involved in the East in using the H-2 program had paid those wages, then found 6 months later, after the workers had returned to Jamaica or their home country, that the Department of Labor changed its mind and came back with different rates. Of course, at a time when it was impossible to find the workers. They had gone back home and created an impossible situation. Our amendment prohibits retroactive adjustments through the Department. Other provisions make sure that the adverse wage rate is tied to prevailing wage rates within the geographical area involved.

Mr. Chairman, these are the Agriculture Committee contributions. We will look forward to the debate on the specifics of them as we get into the amendment procedure here on the floor. Again, I appreciate the efforts of our leader, the chairman of the Agriculture Committee, and appreciate the Rules Committee in allowing us the flexibility to have this variety of amendments and to have separate votes on all of them.

I think all of us in agriculture, certainly speaking for this side of the aisle, want to help write a bill that will work.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from New York.

Mr. GARCIA. Will this or will this not take away jobs from persons who are presently citizens of the United States?

Mr. MORRISON of Washington. If the procedure that is outlined in the legislation is effective, and it should well be, we have left it in the hands of the Attorney General, working with the Department of Labor and the Department of Agriculture. Between those three Federal agencies we should be able to determine whether there will be enough workers available in an area, or within the United States, who would be willing to move to that area to accomplish the necessary jobs.

Mr. GARCIA. So why do we need the Panetta amendment?

I am sorry; let me repeat the question. Are there not enough American citizens in the country presently who can do the jobs that are earmarked under the Panetta amendment?

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Mr. MORRISON of Washington. All I can do is refer back to the number of illegal aliens who supposedly are here in the United States now, an unknown number, partially because you cannot ask the questions to really determine whether they are here. But if the estimates that we have heard, a range of from 3 to 15 million, are here in the United States now, I trust they are gainfully employed and, yes, some of them are taking jobs away from Americans.

The thrust of the Panetta amendment is to make sure that we are not taking those jobs away, but yet we still have the safety valve, the insurance policy, to make sure that we do not lose crops if, indeed, there is a shortage of domestic workers at some time in the future.

Mr. GARCIA. Mr. Chairman, will the gentleman yield further?

Mr. MORRISON of Washington. I yield to the gentleman from New York.

Mr. GARCIA. With all due respect to our farmers of America and to the needs that they have, the problem I have, and I think we are going to have for the next several days, if that is what the gentleman is saying is that in some cases, "Hey it is alright; come on in; we need you," and in other cases, "Beat it."

Is that fair, because under the program, under the Panetta amendment, we will be bringing in people who are noncitizens to pick perishable items, items that are presently on farms in various parts of the country because they must be picked quickly, swiftly, and gotten to market.

Is that a fair assumption on my part?

Mr. MORRISON of Washington. Well, certainly that they have to be harvested very quickly.

Mr. GARCIA. But the people who will be doing this are not American citizens.

Mr. MORRISON of Washington. That is true, if enough citizens or local people, temporary residents under the Immigration Policy Act, are not available to do the job, yes. We will have that possibility.

Mr. GARCIA. Do we place ads in newspapers in America telling them that they can pick crops for 4 or 5 weeks during the course of a season?

Mr. MORRISON of Washington. Certainly. That is part of the recruitment program that is mandated.

Mr. GARCIA. Obviously, for some reason, I do not think my questions are being answered. It seems to me, if my colleague will continue to yield, that what we are doing here is saying, "Come on in" to those persons who we need in certain specific seasons, and to those other persons, "You must leave."

Mr. MORRISON of Washington. If the gentleman is concerned about people who would not qualify under the legalization program being forced to leave the country, the gentleman from California, Mr. PANETTA, requires in his amendment that the preference order on people coming in under a temporary worker program, that those with experience are given high preference. Those who are requested by specific perishable commodity employers are given first preference.

So I would trust that if people who had not been here long enough to qualify under whatever ground rules we finally establish for legalization wanted to participate in this program, that they certainly should be the first ones to be brought back in.

Mr. GARCIA. If my colleagues would yield just one more time, I would appreciate it.

Mr. MORRISON of Washington. I yield to the gentleman from New York.

Mr. GARCIA. I know very little about agriculture. I do not profess to be an expert on it. But I do know and I have a sense of what human rights are all about.

I believe the Panetta amendment is again a part of this legislation which is going to be negative. It is going to affect a group of people who we are saying, "Yes, it is all right to come in, but we do not want you to stay; get right back to where you belong," and that, to me, in the truest sense, is what disturbs me the most about the amendment that will be offered by the gentleman from California.

It seems to me that under the amnesty portions of this bill, under the other avenues of this bill, employer sanctions, that this amendment is going to create a great many problems for many of us, because we are really saying to people, "Hey, come on in, but we do not want you to stay."

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Chairman, I respect the gentleman's concerns regarding this legislation. We all have concerns about various elements of the legislation, but I think the bottom line that has to be looked at here is whether we are going to establish a legal system for temporary workers or whether we are going to tolerate an illegal system for temporary workers.

Today, at the present time, we have a large, illegal system that is the most abusive of all. I do not think the gentleman should stand for that. I do not think I can stand for that. So the real question we have to ask ourselves is: What are we going to do now? What kind of legal system can be established that will try to protect those rights of both domestic workers and foreign workers.

Mr. GARCIA. I thank my colleague for yielding.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the chairman, the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, I rise only to state to my distinguished colleague from New York that we agree, for the concerns expressed by the gentleman are the concerns expressed by the Committee on Agriculture, and the witnesses who testified before our committee.

The question that the Committee on Agriculture was left with, was: Do you hire undocumented or do you have a legal process for the period that you need them? Thus the major concerns that the gentleman expressed are addressed to the Simpson-Mazzoli bill, which is the wrong legislation at the wrong time for the wrong reasons.

Under the Panetta amendment that will be offered, every effort is made to see first ascertain whether or not domestic workers, citizens or legal resident aliens, are available. And I say resident aliens because in my particular area of the country, many of the domestic workers are permanent resident aliens, legal immigrants who are not yet citizens. My congressional district is home base for a majority of the migrant agricultural workers in the United States, many of them are my friends and neighbors, and, no one more than I, wants to protect their interests and to see that every available job in the United States is there for them, all the way from Texas to California, to Delaware, to Oregon, to Washington.

But the fact is that the present H-2 program has not been working. Let me tell the gentleman that we checked with the Department of Labor and as far as we know, no H-2 nonimmigrant visas have ever been granted in agriculture in south Texas. Now and then Immigration allows a musician, a mariachi band, or an artist, but no H-2 visas in agriculture.

I get upset when they point the finger at this legislation and label it as Hispanic; that somehow Mexico has contributed the most illegal or undocumented aliens in the U.S.A. Not so. I would like to inform my dear friend from New York that the majority of the undocumented are not in agriculture; they are in some other type of endeavor.

For the benefit of those who claim that H-2's take jobs away from domestic workers, let me give you some facts:

In the year 1976, the total H-2's were 29,778, and of these 761 were from Mexico and 9,325 from Jamaica. We selected Jamaica because of the proximity to the South and to the Northeast.

In 1977, 27,000 H-2's—977 were from Mexico. In 1978, 22,000 H-2's, were in the United States, and of these only 1,189 were from Mexico. In 1979, H-2's totaled 15,487, and 950 were from Mexico.

So where is this clamor that the Mexicans are coming in and taking jobs away and replacing domestic workers under the H-2 program? A computer error of some kind erased the figures for 1980, I am told. In 1981, they did not have a breakdown, and they have no figures for 1982 and 1983.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield at this point, because I think it is coherent and germane at this point?

Mr. MORRISON of California. We have plenty of time. I will be glad to yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Chairman, by the same token, this raises a question. Why is H-2 working in the case of the Jamaicans and not working in the case of the Mexican labor in certain parts of the Southwest? In other words, how does the alternative being offered, if we are going to go through the process of ascertaining that there is a labor shortage? Has it not been the case that in Texas it has been difficult for these ranchers who have been applying for these permits to get the Department of Labor to truly certify that there is a need?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of California. I would like to yield to the gentleman from California for an answer.

Mr. PANETTA. I think there is a very simple answer to that. The problem is that it has not been the H-2 program that has been relied upon. It is illegal immigrants that have been relied upon to form the basic work force in these areas. That is the principal problem we are dealing with here.

□ 2010

Mr. GONZALEZ. Well, but if that is the case, then a modified suggested guest worker program is not going to answer the problem either because you are still not addressing the fact that you are exhausting all possible methods of ascertaining the correctness or veracity of an ostensible labor shortage. If there is no labor shortage, then that is all the more reason why the illegal question has to be addressed frontally but not by allowing a guest program to further complicate the situation.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. MORRISON of Washington. I yield to the chairman of the committee.

Mr. DE LA GARZA. Mr. Chairman, I would state to the gentleman that he has very correctly identified why they left from Mexico or Jamaica. It is more difficult for Jamaicans to come illegally, because of the ocean barrier, while in the Southwest, in the land border areas, the accessibility of the undocumented easily moves him to work within the system.

The gentleman also is addressing the basic question of the gentleman from New York, why the undocumented is coming—well, we know the reason. He is coming to find a job.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman.

Mr. MORRISON of Washington. Mr. Chairman, if I could just take a moment of my time, also in response to the gentleman's question, I would react by saying that the H-2 program is not desirable from the worker's point of view. That is, the worker is almost embonded. He is tied to one employer. If he is unhappy with his work, then he has no choice but to go back to his native land.

That is why the Panetta approach offers greater opportunity for the worker. Once he is qualified and comes into a region, then he can work for a number of employers, following the normal migrant pattern, and he will be much better off.

So I would say that is one of the reasons why we also have the difference between the countries that have responded to the existing H-2 program.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I am glad to yield to the committee chariman.

Mr. DE LA GARZA. Mr. Chariman, I wanted to state to both of my colleagues, the gentleman from Texas and the gentleman from New York, that the role of the undocumented worker is insignificant in agriculture. It is of considerable impact in other areas of employment, beginning with all kinds of jobs in San Antonio and stretching all the way to Chicago, Michigan, and New York. That issue has to be addressed differently than in agriculture.

Since the Simpson-Mazzoli bill does not adequately meet the needs of this particular sector of American business, this is an attempt by the Agriculture Committee to modify or enhance, if possible, the Simpson-Mazzoli bill. But we make all efforts to see that it does not adversely affect the interest of our domestic workers; our thrust here is to give some relief or assistance to those in agriculture who testified and made a valid case of need for workers at a specified period of time. We can leave them to the resources which they must now rely on, which is the undocumented worker, which is bad for the worker, bad for the employer, bad for the system, bad for everyone. Our amendments are an attempt to tailor the inflexible provisions of the Simpson-Mazzoli to respond to the needs of our nation's agricultural industry.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I will yield just briefly, and then I am going to yield further to the chairman of the Committee on Agriculture.

Mr. GONZALEZ. The gentleman now again is talking about agricultural workers when he says he is devising something now?

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the chairman of the committee.

Mr. DE LA GARZA. Yes; what we offer is in behalf of agriculture, but again I repeat that the main problem of the undocumented is not in agriculture.

Mr. Chairman, I thank the gentleman for yielding.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman, and I very much appreciate the gentleman's yielding for just a couple of questions. Perhaps the chairman of the committee might join in.

When I have gone around the country and talked in behalf of the bill, H.R. 1510, with this proviso for remodeling and renewing the H-2 program to provide the fund and store of documented labor to supplant and replace the loss of undocumented labor which would come from employer sanctions, people say to me a couple of things. One thing they say is that "an H-2 program is wrong because you are taking people in, and you have jobs here in America which ought to go to U.S. citizens or to resident aliens."

I wonder if the gentleman or maybe the chairman of the committee will tell us, is that criticism valid? Is there, for example, a lack of jobs or, perhaps even better phrased, are there jobs here that Americans or U.S. citizens do not want and, therefore, we have to turn to either undocumented labor or labor from abroad?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from California for a response.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

The reality is that that is the case. But the hope of the amendment is to stress that if there are domestic workers that are there and that are available and willing to work, they ought to be the priority emphasis. If there are domestic workers who are willing to do the jobs, then they ought to be the ones that we turn to before we turn to anybody else.

Mr. MAZZOLI. Mr. Chairman, will gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, on that point one of the other criticisms of the people, for example, the growers in Washington and the growers in California, is this: They say:

> H-2 ain't going to work, and the reason it is not is because you have to go through all this paperwork ahead of time. You have got to certify that the jobs are available, certify that you have advertised them and Americans will not take the work, and certify that the wages won't depress other wages or adversely affect wage rates.

But if I understand the Panetta amendment correctly, you do not have any of that certification ahead of time; you only certify after the grower gets a contract for 10,000 or 200, but only then and thereafter is the certification made. The workers are actually in the fields working, unlike the H-2 program where you have got to get the certifications first.

Am I right or wrong in that?

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding, and I am pleased to clarify this because under the amendment it is required that there be a search and regulations are required to be developed to insure that there is a search, which indeed requires substantiation of the effort prior to that.

Mr. MAZZOLI. Mr. Chairman, if the gentleman will yield, is the gentleman from Kentucky correct that this search is made after the fact rather than before the fact as in the H-2?

Mr. PANETTA. No. Under the bill they are required to make the search to establish that they have in fact gone out and sought recruitment. And it is our view—and this is what we have stated in the record—that regulations ought to make clear that this should take place prior to the approval of any application.

Mr. MAZZOLI. Mr. Chairman, if I understand correctly, on page 251 of the bill or of the series of amendments here, it says: "Any person whose application to employ a nonimmigrant described in" this section "has been approved shall make a good-faith effort to recruit in the area of intended employment willing and qualified domestic agricultural worker * * *"

As the gentleman from Kentucky reads that, your application is approved prior to the time you search to see if you have U.S. workers?

Mr. PANETTA. Mr. Chairman, again, if the gentleman will yield, basically what the application does is identify the person who is making the application. We then have an applicant. He then is required to go out and make a search prior to being able to receive workers under the H-2 program. He must establish that a search has been conducted, and that, in fact, there are no domestic workers available.

Mr. MAZZOLI. Perhaps the gentleman from Kentucky does not understand. What does it take to have an application approved?

Mr. PANETTA. Essentially that employer is seeking workers. The application is based on a series of things, including the crop, the demand, and a number of other things, but prior to actually getting the workers, he must go through the steps that are outlined in the amendment, one of which the gentleman has identified.

Mr. MAZZOLI. Mr. Chairman, may I ask, if the gentleman has the time, if he will yield further?

Mr. MORRISON of Washington. Mr. Chairman, perhaps I should reserve the balance of my time, since I think we have plenty of time left over there, in case Members show up on this side of the aisle who would like to use some time.

The CHAIRMAN. The gentleman from Washington (Mr. MORRISON) has consumed 36 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I yield 22 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, we are obviously dealing with what is surely one of the most difficult, emotional, and controversial issues that has faced this Congress in a long time. I think many of us had hoped that perhaps this cup would pass and that we would not have to face this issue this year. But I think the House, on the rule, has spoken. Indeed it reflects, I think, the concerns of the public on this issue, the belief that the problems are real and cannot be avoided.

□ 2020

I want to pay tribute to the committees, to the gentleman from Kentucky and the gentleman from California who have worked long and hard on this legislation to try to ultimately bring it to the floor. I do not agree with all the elements that are part of the legislation, and I am sure many other Members feel the same concerns; but the reality is that the issue does have to be addressed and that all Members are going to have to fully participate in this debate, because these are important issues. They have to be faced.

One of those issues is the issue of the temporary worker program. A decision has to be made by the Members whether or not we are going to establish a legal, workable program for temporary workers or whether we are going to sit back and tolerate the gross abuses, the violations, the exploitation that is going on with the present illegal system.

I urge Members in the course of the debate, and I know there will be a number of red herrings raised, there will be a number of distortions raised, but I urge Members to try to look at the facts and also to consider the realities that we face.

The fact is that the problem of illegal immigration in this country demonstrates that our current immigration laws are simply not working.

In the first 3 months of fiscal year 1984 over 350,000 undocumented aliens were apprehended at our borders. The Commissioner of the INS estimates that 500,000 illegal aliens successfully entered the United States during the same period. We know what the estimates are, that there are something like 8 to 10 million undocumented aliens in this country. They are the victims of blatant exploitation on all sides. They are bought and sold on a daily basis. They have no rights. They have no protections. They deprive others of jobs and they live in constant fear of arrest and deportation.

Today's reality is one in which our immigration laws are systematically ignored and abused, in which an enormous black market has sprung up around traffic in illegal aliens, in which the human suffering and the anguish are very real.

I do not believe that that kind of situation is tolerable any longer. We have to develop an immigration policy which is workable and effective and which imposes standards and controls that can be enforced.

In order to develop a comprehensive an successful immigration policy, we must recognize, in addition to the facts that I pointed out, the realities we are dealing with.

One of the realities is the possibility that we will continue to experience a need for foreign labor. This is not something that just sprung up overnight. This is not something that we ought to be shocked about, because the reality has been there since the turn of the century. It began in World War I with an immigration policy bringing temporary workers into the country. In World War II we had a policy to bring workers into the country. It followed with the bracero program to bring workers into the country. When we did away with the bracero program, migrants continued to come in, only illegally.

So this country in one way or another over the last 50 to 60 years has experienced the use of foreign workers. It is not new to our society nor new to our economy.

Dependence on foreign labor in the perishable crop industry is widespread today. There are estimates that the number of illegal workers in the fields of California ranges as high as 50 to 80 percent in some areas, 50 to 80 percent. Some of those jobs are clearly filled at the expense of American workers and that practice must be halted.

Mr. KAZEN. Mr. Chairman, will the gentleman yield at that point?

Mr. PANETTA. I am pleased to yield.

Mr. KAZEN. What in the gentleman's amendment will assure us that our domestic farm workers will be protected?

Mr. PANETTA. I think the key there is to require that there be a search for domestic workers prior to that employer being able to receive any foreign workers.

Mr. KAZEN. All over the country, searches all over the country?

Mr. PANETTA. To search out the availability of domestic workers, that is correct.

Mr. KAZEN. Let me tell the gentleman the sad experience in our State.

I am entitled to some time and I will give the gentleman some time.

Last year there were some apple growers in a certain part of this country that needed some migrant workers to pick apples. They made a deal with some people in Mexico to bring over about 150 or 200 workers. All of a sudden, here I am sitting with a 25 percent unemployment rate in my district and my migrant laborers are sitting there not doing anything, asking me, "Why is it that you allow"—now, this is me, the Congressman—"why is it that you allow people to come in from Mexico to pick apples in the United States when we are sitting here begging for work?

So I said, "That's a pretty good idea," so I get hold of the Labor Department and they tell me that they are going to investigate.

Well, to make a long story short, it hinged on whether or not the growers would pay for their transportation. They said, "No, we will not pay for transportation for domestic people and we have not offered to pay the people from Mexico transportation."

Well, now, the gentleman in the well and I know differently. They could not possibly have come up all the way from Mexico to take the job without having somebody pay their transportation.

Now, these are some of the things that I am going to be looking at in the gentleman's amendment and any other amendment to make sure that our people, our American migrants, get first crack at all these jobs before any certification that there is no local labor available and on the very same terms, that they treat ours on the very same terms that they treat any guest worker.

If the gentleman will give me assurance that his bill does this, it will go a long way to alleviating my mind on this particular point.

Mr. PANETTA. The gentleman is absolutely correct. It is my view that our amendment makes that requirement.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. PANETTA. I would be pleased to yield to the gentleman.

Mr. DE LA GARZA. A major part of the problem that our distinguished colleague from Texas is concerned about was imposed upon us by other legislation and by Labor Department regulations, that they have almost made it impossible under the crew leader registration and under limitations placed on transportation and methods of transportation, that it has made it almost impossible for people from our area to go to the vastness of the United States under legislation which I am sure the gentleman probably voted for prior to this; so it is not a fair assumption that this Panetta-Morrison amendment is in a vacuum unrelated to any other area.

Part of the major problem has been imposed on us. Yes, maybe there were abuses, but they were very harsh on imposing what type of transportation, what type of bond the crew leader must have. They made it almost impossible for someone to take them from south Texas to any other part of the country, leaving them only to their own resources to travel in their own vehicles and that is part of what has been imposed by other legislation.

That may well have been what the problem was with this apple grower, not that you have alien or guest workers, but rather the transportation, the recruitment and all of the very harsh and onerous I think regulations imposed by the Labor Department.

Mr. KAZEN. What I was getting at, if the gentleman will yield further.

Mr. PANETTA. I am pleased to yield.

Mr. KAZEN. I understand what my distinguished colleague, the chairman of the Committee on Agriculture is saying. In this instance, after looking into it, I was told that no such offer was made to the people from Mexico. Certainly no offer was made to my migrant workers in my district.

All I want to do is make sure that if this legislation is going to pass, that those things, regardless of whether they apply to this bill or not, are taken care of.

The CHAIRMAN. The time of the gentleman from California (Mr. PANETTA) has expired.

Mr. DE LA GARZA. Mr. Chairman, I yield 5 additional minutes to the gentleman.

Will the gentleman yield to me at this point?

Mr. PANETTA. I am pleased to yield.

Mr. DE LA GARZA. I want to assure all my colleagues that the first, last, and every intention of the Agriculture Committee in our deliberations was for the protection of the domestic worker. That has been and will be the case. No matter how you read it or what you read into the legislation, that is the intent.

I think the chairman of the subcommittee and his coauthor and myself as chairman will declare it the legislative intent of this amendment, handled by the Agriculture Committee, that in no way it will prejudice the domestic worker.

□ 2030

Mr. GARCIA. Will the gentleman yield?

Mr. PANETTA. I will be pleased to yield.

Mr. GARCIA. As I said before during the course of the colloquy with my colleague from Washington, you represent a farm area in the State of California. Have we ever had a year when the crops were not picked at the right time? Has there ever been a crisis that your farmers have faced in California?

What I am saying is: Has there ever been a time where the perishable products were not picked at the right time and gotten out to market? Has that been a pattern?

Mr. PANETTA. That is a very broad question. I know there have been as a result of either problems with strikes or problems with the weather, instances in which the crops in fact have been lost due to unavailability of workers at that point.

Mr. GARCIA. I guess the point I really want to drive to is to get back to those persons who will eventually end up on those farms in districts like yours across America during critical periods in the season. Have those persons, those farmers who own these properties, have they always hired illegal aliens? What has been the procedure over the last let us say 10 years? Have the bulk of those people been American citizens who have been picking those products?

Mr. PANETTA. If the gentleman will yield for a response, the fact is that it has varied. Generally where there are contracts with unions, then the grower will rely on that union to supply the labor.

The reality is that a part even of the crew that is provided by the union may indeed be illegal and yet be working under the union's guide. Where there is no union contract, then many employers will reach out to what are called labor contractors to provide crews, again largely made up in many instances of illegal immigrants.

That is why, from the evidence we have, 50 to 80 percent of many of the crews that are provided either by union or by nonunion groups are made up of illegal aliens.

Mr. GARCIA. So I guess the point, because I truly am not totally clear on the procedure, in fact under this particular bill, in your amendment which you will offer, this will be a protection for the farmers in the State of California to make sure that if an immigration bill becomes a reality that they are protected and they will have the wherewithal through the law to have the people that they are going to need to pick those crops? Is that a fair assumption?

Mr. PANETTA. If I could summarize it, I think basically it comes down to this: We recognize the reality that a large percentage of the present labor force, particularly in the perishable agricultural industry, are made up of illegal immigrants.

If you look at this legislation, in particular the sanctions that are part of this legislation, clearly the whole intent of the legislation is to try to prevent illegal immigrants from coming into the country. If those sanctions are successful, then that labor force will no longer be present. If those who are legalized as a result of this legislation remain in the fields, remain as farm workers, under my proposal we would not reach out for any other temporary workers because, indeed, we would have a domestic work force.

But if by chance they move away from those jobs—and God knows, in the history of those who have worked on the farms, my family included, we have gone beyond the fields, and hopefully that will be true for others that follow in those footsteps—then the question is, is there a work force that will be available when perishable crops have to be picked. That is why we need the safety valve. We need it with the condition that domestic workers come first. If they are not available, then we have the safety valve to provide that help.

Mr. GARCIA. I will speak now from an emotional aspect, forgetting about the farmer. I will say to my colleague from California, it is very hypocritical. I cannot blame you because you are doing what you have to do for the people that you represent. But dealing with the people that I have to represent, which is not just my congressional district, but all of those persons who reside in this country, whether they are here legally or illegally, it seems to me that those persons who will eventually find their way to those farms for the most part, 90 percent of those people will end up being of Hispanic background, with some persons of black Caribbean background.

It just seems to me if they are good enough to come up to do what they have to do in terms of getting food to the table, to do all of these tasks that so many people in this country refuse to do, that they should also be given every consideration for the right to stay here, the right to continue functioning in a way and in a manner which you as a Representative of a farm area can appreciate.

I think there is a certain hypocrisy. I am not taking anything away from my colleague from California, who is one of the truly fine Members of this Chamber. But I guess the sense of hypocrisy that comes out of what we are doing here, and I will repeat it time and time again, it seems to me that people are being singled out in America, who all they want is the same thing that everybody else has, as you said.

You are a Member of Congress today and your family started where they started. My father came here from Puerto Rico, and from the day he arrived he worked for 40 years without missing a day.

These are the types of people we are looking to protect. And under the Simpson-Mazzoli bill they are wiping us out.

Mr. PANETTA. I understand the gentleman's concerns, and I think his concerns go obviously to other portions of the bill that relate to whether or not people can come in here and work, and be able to follow in the same footsteps in terms of improving the quality of life for their families and themselves. I recognize that.

However, I am trying to deal with the bill as it is presently structured. I am left in the corner, having to at least develop a mechanism here that will try to protect the rights of those who are here while also protecting the interests of the perishable agricultural industry.

Mr. MAZZOLI. Will the gentleman yield?

Mr. PANETTA. Briefly, I will yield to the gentleman.

Mr. MAZZOLI. Let me congratulate the gentleman, one of the outstanding young Members of the House and leaders of the future. Let me ask a couple of targeted questions.

What is a perishable crop, perishable activity under the Panetta amendment? Is there a definition for that?

Mr. PANETTA. There is a definition of perishable crops set forth by the Department of Agriculture. Normally they are crops that obviously would mature in a short timeframe. And there is no question as far as agricultural policy is concerned, what would fall into the definition of perishable.

Mr. MAZZOLI. So there is none in your amendment, you more or less refer in your bill to some other existing reference point to define that?

Mr. PANETTA. That is correct.

Mr. MAZZOLI. Would raising cattle be a seasonal activity?

Mr. PANETTA. No.

Mr. MAZZOLI. Would a 6-month activity, I mean 5 or 6 months, how long does the gentleman's amendment permit people to be in the country to work?

Mr. PANETTA. It is up to the Attorney General, but no longer than 11 months.

Mr. MAZZOLI. It could be 11 months?

Mr. PANETTA. It is up to the Attorney General. That is the maximum.

Mr. MAZZOLI. Would that be again, to get back to the gentleman's idea that this is seasonal or perishable, would this not in effect, this 11 months, be almost like a full-time, year-round occupation?

Again, the gentleman from Kentucky grew up in a city, asphalt and concrete around. I do not know much about farms.

Mr. PANETTA. Let me try to enlighten the gentleman because he has dealt with tobacco, which I am not sure falls into that category. We basically have certain seasons. Most of the labor need falls during the spring and summer months, when most of the perishable crops come in. That is really the height of the season.

So I would anticipate that at most these crews would be here for 3 to 4 months during the height of the season. But that number, it was our feeling, ought to be established by the Attorney General in consultation with the Department of Labor and the Department of Agriculture.

What we established is a maximum timeframe.

Mr. MAZZOLI. As the gentleman knows, one of the things that we wrestled with most in the H-2 program, there were two things. One was the length of time the worker should be here, because we felt that if we went much beyond 8 months, which is generally permitted in our bill, then we are getting into effect a year round, which is a sort of a ruse for a year-round program, sort of a return to the braceros. So we kept it at 8 months.

The other thing was applying, and I see here the definition for a perishable commodity, which seems fairly encompassing. But beyond that, the other thing we wrestled with most in our committee was to say we did not want to displace U.S. workers.

I will summarize. Essentially speaking, I will tell my friend from California, essentially speaking, we wrestled with this and we said we ought to have very strong protections for U.S. persons or resident aliens that if they wanted a job they could get a job with precedence over any foreign workers. So we wrestled and we came up finally with this idea of a conditioned precedent or two conditions precedent.

□ 2140

One is that you test for the adverse wage effect: Do the wages offered for these jobs adversely affect wages in the area for the job? Second, a condition precedent we tested; are there workers available to do the job?

Now, again, with respect to the gentleman, maybe he can revisit the subject, look again at the bill; it would appear that yours are conditions subsequent, not conditions precedent. And my fear is, having worked with this a little bit, is that once the workers are in the country then the growers or the employers can shuffle around and find what justification they need to find after the fact.

I wonder if the gentleman might help.

Mr. PANETTA. I thank the gentleman, because with all due respect to the gentleman, that issue is really a subterfuge. The basic elements contained in our amendment make reference to exactly the same tests that are provided under the gentleman's amendment, with regard to the H-2 program.

It is our view that through the regulatory process it will be made very clear that these conditions must be implemented prior to the workers coming in or being permitted to come in.

Mr. MAZZOLI. Of course, ours were done statutorily; the gentleman would rely upon regulations.

Mr. PANETTA. The present H-2 program also operates through regulations.

Mr. MAZZOLI. One final question; am I correct that in the Panetta amendment the growers have the opportunity or the employers, to specify which individuals will be permitted to have visas? And then second, those people who have experience in agriculture has the second row of visas and only lastly, foreign workers? Do the growers have control by name over individuals?

Mr. PANETTA. It is optional. If I could get time.

Mr. MORRISON of Washington. Mr. Chairman, I will yield the gentleman 5 additional minutes.

Mr. DE LA GARZA. I yield 2 minutes.

Mr. PANETTA. I thank the gentlemen.

The CHAIRMAN. The gentleman from California, Mr. PANETTA, is recognized for 7 minutes.

Mr. PANETTA. I would like to complete my statement if I could have the time to do that.

Mr. MAZZOLI. Might I ask one question? Is the gentleman at all concerned about the prospect of having the employers specify which people? In effect, does that give the employers a kind of whiphand over the prospective persons who take advantage of this temporary worker program?

Mr. PANETTA. I think the basic intent on that was to identify those that had worked and were familiar with perishable crops and had the experience within that area.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman from California yield?

Mr. PANETTA. I yield to the chairman.

Mr. DE LA GARZA. You have to make it clear that he does not name, but he can request by name; it does not have to be granted by the agency, but he can request by name?

Mr. PANETTA. Yes.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I would be pleased to yield to my friend from California.

Mr. ROYBAL. I do not see how a discussion on H-2 and the problems of agriculture and guest worker programs, what that has to do with immigration reform. The people that you are talking about are not immigrants; they are migrants. But I still want to know more about the gentleman's particular proposal with regard to his H-2 program.

It is my understanding that we now have an H-2 program in place and that that is actually regulated by a particular regulation that now controls the flow of H-2 workers. It is also my understanding that an H-2 worker is requested to come to this country by a particular employer and that he comes to this country with labor certification.

If that is true, then how does your H-2 program differ from that?

Mr. PANETTA. Well, basically there are two differences. I intended to cover it in my statement, but in response to the gentleman's question, there are two basic areas that we are concerned with. One is the need for flexibility for purposes of dealing with perishable crops. Under the bill now it would require a 50-day notice by the employer who seeks to be able to pick a particular crop; 50 days ahead of the time when that crop is to come due.

Mr. ROYBAL. In other words, the quota is set by region and not by the mere fact that the employer has made the request for that worker; is that correct?

Mr. PANETTA. If the gentleman will allow me to complete the answer. The problem of perishable crops is that due to the kind of crops that they are, in particular very sensitive to heat and weather conditions, there can be no predictable date or time when in fact those crops will come due.

So what we have established under this amendment is a 72-hour expedited process for those emergency situations. That is one difference from the H-2 program.

The second major difference relates to the crews that are brought in. Under the H-2 program, one employer would bring in one group of workers and return them back. The employer next door would then have to go and get a separate crew and bring them and return them back. It is the intention of the amendment to allow for the use of the same crew within a limited region if those employers are all in fact qualified by the Attorney General to participate in the program.

Mr. ROYBAL. May I ask whether or not the H-2 program that you recommend has a requirement that there be labor certification?

Mr. PANETTA. Under the approach taken in the bill, a certification requirement is provided.

In our amendment, because of the nature of the perishable crops, we have provided for application to be made to the Attorney General. The requirements for search and for the other steps that have to be taken with regard to wages and working conditions then flow from that application.

Mr. ROYBAL. But no labor certification is made prior to the time these people come in?

Mr. PANETTA. We are talking essentially about enforcement of the same conditions. You talk certification, we talk application and requirements that flow from the application. In essence the same requirements are imposed on the employer under our proposal as under the H-2 program.

Mr. ROYBAL. But what I am asking is whether or not the Department of Labor under your proposed program can certify that there are no domestic workers to perform that job?

Mr. PANETTA. Under our amendment the U.S. Attorney General would require employers to search and to implement wages and working conditions that are similar to those of domestic workers. It is the Attorney General, not the Secretary of Labor.

Mr. ROYBAL. But the Department of Labor then does not make any certification?

Mr. PANETTA. Under our proposal it would be the Attorney General, with the advice of the Secretary of Labor and Secretary of Agriculture.

Mr. ROYBAL. All right.

Mr. PANETTA. If I could complete my statement: I believe we have a responsibility in considering the reform that needs to be made, to try to recognize what the implications of passage of the Simpson-Mazzoli bill would in fact be.

At the present time we do not know how many undocumented workers would apply for legalization, how many would in fact remain in the field, the role of the transition program, the effectiveness of employer sanctions in reducing the use of illegal labor.

These are the questions that it seems to me are going to be raised by the adoption of the Simpson-Mazzoli bill.

If that is the case, then we have to consider the impact with regards to an area like perishable crops. This is a $23 billion industry. There are a million workers that are affected, as well as countless consumers. Producers, workers, and consumers must be protected from crop loss, disruption, and higher prices which could result if in fact an inadequate labor force is available to harvest fresh fruits and vegetables.

Given the fact that foreign workers may continue to be needed—and I think that is the reality that we are talking about, that because of the history and the realities of the present, foreign workers will continue to be needed—then we must decide whether those workers are to be imported illegally and subjected to continued exploitation, or brought in under a temporary worker program which will provide enforceable limits and protections.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MORRISON of Washington. I yield 5 additional minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Adoption of a bill limiting illegal immigration forces a choice of three alternatives. The first is to shut the border completely and not allow any temporary workers to come in at all, legal or illegal. And I think most of us recognize that that cannot and should not be done.

□ 2050

The second alternative is to continue to tolerate the present illegal program. And again, I think that most of us agree that ought not to be continued.

The third is to try to establish a legal workable program for temporary foreign workers with adequate protections.

In his recent address to the joint session of Congress, Mexican President Miguel de la Madrid, advocated a temporary worker program with proper protections for human and labor rights. I share that view.

What we are dealing with today is in effect the worst kind of bracero program, more extensive and more tragic in its consequences than anything we have encountered in the past. I do not believe it is realistic or acceptable to condemn the old legal bracero program and yet reject any attempt to try to stop today's illegal bracero program through properly controlled provisions for guest workers.

It is true that the H-2 program is already included in H.R. 1510, but due to the special nature of perishable crops, which are highly labor intensive, extremely sensitive to weather conditions and concentrated in certain regions, the H-2 program is not flexible enough to meet the needs of this sector of American agriculture.

In particular, H-2 does not allow a rapid response to fluctuating weather conditions because it requires producers to predict their labor needs far in advance of the harvest and makes it extremely difficult to change those requirements.

The amendment that we are offering, the gentleman from Washington and myself, and that was approved by the Committee on Agriculture, establishes what we would term a safety valve temporary worker program which would be implemented only if there is a shortage of domestic labor. If domestic labor does prove to be available as a result of this legislation, neither my amendment nor the H-2 program will be needed.

If domestic labor turns out to be inadequate, we must insure that a legal, effective, and enforceable mechanism is in place for attaining the aid of foreign workers.

The amendment we have proposed is not intended as a radical change in policy, but as a complement to the H-2 program. It incorporates all of the protections for domestic and foreign workers, which H.R. 1510 requires for H-2.

My amendment basically includes two differences from H-2, one providing for a 72-hour expedited process and the second allowing qualified workers to move within a limited region.

In addition to the search requirement, we incorporate several important protections for domestic workers. Foreign workers would be limited both by region and by industry and could not be used to fill positions left open by a strike or by a lockout. Employers would be required to provide foreign workers with wages and working conditions which would have no adverse effect on similarly employed domestic workers.

In other words, foreign workers could not be admitted if their presence would depress the wages of domestic workers or have any negative effect on the American agricultural labor force.

Unlike H-2 employers, perishable crop growers participating in this program would pay the equivalent of FICA and unemployment insurance taxes for their foreign workers. This would remove any financial incentive for hiring foreign rather than domestic workers.

The foreign workers themselves would be protected from exploitation by the same adverse effect standard because it would guarantee them wages and working conditions equivalent to those offered their domestic counterparts.

In addition, employers would be required to provide adequate housing or housing allowance and workers' compensation, the same benefits guaranteed H2 workers under H.R. 1510.

Foreign workers would be free to join labor unions and could claim and enforce all existing protective labor standards for agricultural workers, including the minimum wage law, occupational health and safety regulations, standards governing migrant and seasonal agricultural workers, and various State statutes.

And because these workers would be free to change employers, they could reject any employer who offered abusive or substandard conditions.

The CHAIRMAN. The time of the gentleman from California (Mr. PANETTA) has again expired.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. PANETTA. Mr. Chairman, the choice is not whether foreign workers will come to this country but whether there will be legal protection or illegal exploitation of those workers.

The fact is that under the amendment we have offered in the Agriculture Committee, it is clear that domestic workers would have first preference for available jobs, that domestic workers could not be undercut by cheap foreign labor, that foreign workers would be entitled to adequate housing, insurance against injury, decent working conditions, and fair wages.

None of these protections exist today for undocumented workers. There is no need to return to the abuses of the past or to accept those of the present. My amendment provides an alternative to current exploitation by establishing a safety valve program with both the necessary protections and the necessary flexibility.

Its adoption is in the best interests of the American consumer, the domestic work force, and not least of all, the foreign workers themselves.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

I congratulate the gentleman on a good statement and the idea of his protection.

Let me just ask the gentleman a quick question though. I look at title VII of the United States Code which defines perishable agricultural commodity and the definition (a) says "means any of the following whether or not frozen or packed in ice: fresh fruits and fresh vegetables of every kind and character."

I wonder if the gentleman, again because I understand the program, the idea in the gentleman's area around the Monterey Peninsula is for quick harvesting of products which are about to perish, would not the gentleman say though that fresh fruits and vegetables may well include everything from citrus fruits which can be on the vine for a very long time, material which can take weeks to harvest and still not really lose its character, would this be the definition the gentleman looks for in his bill?

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from California (Mr. Panetta) has again expired.

Mr. de la GARZA. Mr. Chairman, I yield 3 additional minutes to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding. I wish that we had several months for an education process for some of our colleagues. But, for example, a perishable agricultural commodity would be pickles or cucumbers in Kentucky that they have only a very narrow space of time when it ripens on the vine that it needs to be picked. They come all the way from my area of south Texas, legal domestic workers come all the way to Kentucky, but now we hear like are they displacing domestic workers. I do not know if they are displacing domestic workers in Kentucky or not, but the Kentucky farmer is going all the way down to south Texas and he needs them for a very specified period of time.

So for all of the other commodities there is a time. Okra needs to be picked within 72 hours. The fruit may be 6 or 7 months on the tree, but there is a moment of ripeness that that is it.

Let me add here that the market determines what the grower is going to get paid for. He has to sell it at whatever the market is paying in New York, Kansas City, Chicago, or wherever. The market may be good, it may be bad, but if he does not pick it at that time he loses dollars and he may well lose his crop.

Mr. MAZZOLI. I think what the gentleman says is certainly important to the gentleman from Kentucky, who grew up in a city with concrete and asphalt, not okra around, but the question I have to say is would not this broad definition give an unscrupulous grower an opportunity, since every condition is subsequent to the fact of the entry of the worker, the opportunity of going into fields of crop far different than a true perishable like okra, and pickles, and so forth, would not that give that grower, that unscrupulous person, an opportunity to get the workers in and worry about the paperwork after?

Mr. PANETTA. Let me say to the gentleman, I think the gentleman comes to this issue obviously without a great deal of experience in terms of what we define as a perishable crop.

But I think the chairman will support me on this, that from the agricultural perspective what is a perishable crop is clearly defined. It does not open the door to a broad range of crops.

Mr. MAZZOLI. One last question and the gentleman has been extremely indulgent of this city boy from Kentucky.

Is it true, for example, that these workers would pay their own transportation costs to the point of employment unlike the H-2 where the grower pays for the transportation?

Mr. PANETTA. Under the bill as we have designed it, there would be a trust fund established by the growers that could cover the costs of transportation and other benefits for the workers. That could be provided for in the regulations as is done currently, and I might point out that the gentleman has not included transportation costs for H-2 workers in his own bill. I also understand that Congressman Miller will be offering a perfecting amendment requiring transportation and several other benefits for these workers.

Mr. MAZZOLI. But the growers do not pick it up; is that correct?

Mr. PANETTA. The growers could pick it up.

Mr. MAZZOLI. They would pick it up. Maybe the gentleman from Kentucky misreads the bill, but it appears, as I understand it, that there is no requirement for the growers to pay the cost of transportation. Of course, that is specified in the H-2 program.

Mr. PANETTA. In the current H-2 regulations but not in the gentleman's bill. That is correct.

☐ 2100

Mr. de la GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. de la GARZA. Mr. Chairman, allow me, for the balance of my time, to wear two hats again, to clear up a few of the misconceptions that I notice, and to express my personal views on the Simpson-Mazzoli bill.

I am concerned that we will be legislating at a time when we definitely need enlightenment on this subject. For example, in the agricultural sector, my area, and I have in my congressional district and surrounding congressional districts, the largest number of domestic legal farmworkers. My utmost concern is for them.

But certain current laws and regulations emanating from prior legislation from some well-meaning individuals have made it almost impossible for our migrant workers to go to North Dakota, South Dakota, Michigan, Delaware, Oregon, Washington. That has worked to the detriment of the domestic worker and has opened up this vast Pandora's box of the undocumented.

I agree 100 percent with what has been said here that there seems to be a certain degree of hypocrisy. I agree with that, because the basic legislation that is in the books now, the proposal that we are having to deal with, forces us into some very uncomfortable and perhaps undesirable amendments, but we have to consider these in order to protect our workers and our industries.

The American consumer is the best fed in the world and gets the best quality food in the world for a lesser amount of disposable income than any other people in the world.

It concerns me tremendously that the whole context of the discussion earlier today was about the unscrupulous employers who exploit. They speak as if every undocumented is exploited. No so. It is the exception, not the rule. As I travel throughout the country, I see in our culture that the employer is the godfather of the little baby of the undocumented who hails from Guanajuato or some other part of Mexico, Central, or South America. These workers develop a family-like relationship. A good employer loves a good employee. He makes money for him. He helps him, and he is not going to abuse him. The unscrupulous employer is the exception.

Let me tell my colleagues: If the laws on the books now are applied correctly, such as wage and hour checks on the employer, OSHA, Internal Revenue Service, the Food and Drug Administration, a multiplicity of Government agencies, if these agencies carry out their duties, no employer can get away with employee abuse. The employees can be from the Moon, Mars, Timbuktu, or wherever, but when the Feds come to check the employer, they check his books to see if he is paying the minimum wage or not, if he has a safe place to work, if he is paying social security, if he is paying Internal Revenue, and so forth.

So I am disturbed that this has been the tone, because there are other laws on the books that deal with this, and it would be very difficult for an employer not to get caught when there are so many Federal agencies checking him, regardless of who his employees are.

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I would be happy to yield to my friend, the gentleman from Texas.

Mr. SAM B. HALL, JR. I thank the gentleman for yielding.

Mr. Chairman, do I understand from the distinguished chairman of the Committee on Agriculture that he is saying that we have enough laws on the books today? If they were enforced, we would not need this law that we are worrying about here tonight.

Mr. DE LA GARZA. The gentleman is eminently correct in saying that we do not need employer sanctions to keep undocumented out and from being exploited, if we just enforced the laws we have on the books now. I agree with my colleague, the gentleman from California, that this is not immigration reform. I do not know what it is, but it is not reform.

Another area of concern to me is that they have made this a Hispanic issue. Hispanic, Hispanic. I get interviewed by the Washington Post, by the Wall Street Journal, by the New York Times, not that I do not feel honored that they would do that, but this is not a Hispanic issue. There are several million Europeans illegally here. There are goodness knows how many Africans and others from the Middle East here illegally, heaven knows how many Asians, but yet they have made it a Hispanic issue and aiming only at Mexico.

One of the interviewers asked me,

> Would you not react if a foreigner from Mexico came to take away jobs from your area?

I said,

> We have a different perspective about foreigners from Mexico. It could be my cousin Juan.

I just read an article that someone in Chicago was bringing Yugoslavians in for $500 and exploiting them. But this has been made into a Hispanic issue solely, and it is not, and I resent it, because by an accident of history, we in the Southwest—beginning, I think, in Washington and Oregon and all through the Southwest—we came into this great country of ours by an accident of history. After the war with Mexico in 1848 there was the Treaty of Guadalupe-Hidalgo, and were it not for that, many of us, including the gentleman in the well, would have been citizens of another country. But you won us in a war. That is what happened.

What is a foreigner to someone is not necessarily a foreigner to someone else. But I am concerned about this legislation because I heard from proponents of this legislation that we must control our borders, we must secure our borders for national defense purposes.

From whom? From some peon from El Salvador? A little Indian from Guanajuato, Mexico, some Vietnamese that left on a boat, an African student that came on a student visa from Nigeria and stayed afterward, some Czech, or Slovak, or Croat who came and stayed?

Look at who is selling military secrets. Look at who is trying to undermine the fiber of this country. It is not these poor workers who came looking for a better life. We in this country are the last beacon of democracy, liberty, and justice. That is why they want to come.

We know the Government of Mexico does not want a bracero program, so that should not be discussed any more because the Government of Mexico is not going to go along with it. It takes two to enter into this kind of an agreement and they will not. The President of Mexico just recently stated in this chamber that a guest worker program, properly administered, would be considered in a favorable light by Mexico.

But the basic intent of this legislation is not reform. It is a pervasive attempt by someone to keep foreigners out. I asked someone this afternoon, "What does a foreign-looking person look like?" I did not get an answer.

□ 2110

But can you imagine on this floor its being mentioned that what we are going to have to protect is that foreign-looking individual? Well, I have a basic human right as a creature of God, and I have a basic right assured me by our Constitution that many of us have fought for and many of our people have died for, that I do not have to identify myself beyond the norm to ask for a job. And this is what the Simpson-Mazzoli bill is going to do, I do not care how you slice it, I do not care how you explain it. If someone looks like me, I have got to show them social security or some document, a passport or driver's license.

I have a basic right, and every American has a basic right. Too much blood has been shed to yield on that basic right that to get a job, as lousy as it may be, a citizen of this country has to identify himself beyond the norm.

Why? To secure our borders. To secure our borders?

There has to be a better way to secure our borders. We need some novel and innovative ways, if we can use the words of the Great Society, not employer sanctions.

This is ironic, and it also has some degree of hypocrisy. They are saying how these employers abuse, how they are not reliable, and how they do everything possible to subjugate the undocumented, but then they are going to trust them to document that they are here legally. They are going to trust them for that, yet they say they are abusing now.

So I say to my dear friends that we should not be considering this legislation now because this has not been thought out.

The reason that many of our workers, domestic workers, and citizens do not go on the migrant trek now is because they have made it almost impossible. And for an employer in the agricultural sector, the grape has to be picked right at that moment so that it can travel to where it is going so we can have good, healthy, quality food at the lowest price possible. The market demands a price.

Employers come to me and say, "What do I do? The Labor Department doesn't let me work. I am harassed by OSHA, I am harassed by Food and Drug. What do I do? Give me some help."

I say, "Hire my domestic workers. Hire my friends from Texas."

"We would like to if we could get them over here."

But we have made it almost impossible for them to travel. We have made it almost impossible. This good-intentioned, well-intentioned Congress has done this, and with the regulations, we find ourselves in a very traumatic situation.

But the basic, inherent problem now is that you are not going to solve the problem. If you put a marine every 10 yards on our North and South and on the coasts, East and West, you are not going to stop them. We have to begin working over there. We are building a dam where the river hits the ocean. The dam should be where the river comes out of the mountain.

We need to go and work in Central America. We need to go and work in Mexico. Only the Roybal proposition provides that our two Presidents should meet and discuss this issue.

Why do they leave? We know why they leave. They do not have a job, they do not have medicine, they do not have schools. They are not able to provide for their families, and in this hemisphere they are not going to go south from Mexico. They are not going to go to Guatemala; they are all going to come north.

So where do you attack the cause of the cancer? At the beginning. You have to go and keep them over there. You have to work with their government. We have not done that yet.

I am told that the President of Mexico and the President of the United States did not discuss problems that would be controversial. I do not know if that is fact or not, but if it is, then we are in a very bad situation.

But we need to go there. Why did that poor Indian leave Peru? Why did this person leave El Salvador? Why did the person leave inner Mexico? They were looking for a job. They were looking for a better job, and we ought to be proud and happy that they think that we have it, although we have deprivation and we have problems in our country. But they are coming here looking for that.

So if we do not want them here but we want to assist them, we have to go and make the job there where he lives and make it more attractive for him to stay there. Do not try and place the blame on an employer in Chicago, or Kentucky, or Delaware, or Indiana, or Michigan, or North Dakota. Do not place the burden on him. It is too late.

He has already traveled across the United States. That is not the place to cure the ailment. The place to cure the ailment is back there. That has not been done.

So this legislation is premature. We are working at it and putting the dam where the water is hitting the ocean, and that is too late. It has gained too much momentum, and it is going to knock that dam down and it is going to go right into the ocean. You cannot stop it where it has all its momentum. It has all of the force that it gathered for thousands of miles.

That is the flow of the undocumented. You cannot stop it on the border. You are not going to stop it there. You can put every employer in jail, you can penalize them, and that is not going to stop him. You have to find him a job where he came from. This has not been done.

We need to study this more. We need to do more work. But then those who say, "We don't want no more of them foreigners" also say, "Don't vote for foreign aid."

They tell us not to vote for foreign aid. Well, we may have to if we want to stop the flow from its source. We may have to go and do it over there.

I resent the fact that somehow they are pointing the finger at the Hispanic, and it is like this: "When are you Mexicans going to be satisfied?" Well, I will tell you when we are going to be satisfied.

I come from a little neighborhood called El barrio de la Escuela Catolica, "the Catholic school neighborhood." It is one square block; that is the Catholic school, and we lived around it. My parents live there now. On the corner was Joaquin Castro. He was never found; he was lost in action in the Pacific Theater in World War II. Next door lived Roberto Gonzales. After he came back from World War II, after some 60 missions as a gunner, he was killed in a training accident, with the Air Force.

Around the corner lived Ricardo Alaniz; he was killed in the Battle of the Bulge before he had been 60 days in Europe.

Daniel Garcia, my neighbor down on the corner, sank with a ship in the Pacific.

Around the corner, my mother's youngest brother—and I count him as in our neighborhood because he lived with us for a time—the same thing, 50 some missions in Europe as a gunner. He died in the service of his country.

Around the corner lived, Merced Salinas, he was killed in Vietnam after having served 25 years in the Army.

Every house in my neighborhood served, including myself, but those of my neighbors are the ones where the Purple Heart is on the wall of the family's house.

They come into my mind when someone says, "You have to identify yourself beyond the norm to get a job," no, sir, not after the supreme sacrifice of Joaquin Castro, Roberto Gonzales, Ricardo Alaniz, Daniel Garcia, Roberto Villarreal, and Merced Salinas. Not after I look at their Purple Hearts on the wall am I going to ever yield that they died so that I would have and their children would have to identify themselves beyond the norm to get a job.

□ 2120

This is not good legislation, as well intentioned as it is. Father Hesburgh and the Commission and the committee have done the best they could. I am sure that they have, but not when you are going to force me to do something contrary to their sacrifice, because we cannot control the flow of undocumented aliens and we are looking for another way. It is not the right way. It is not the American way.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman.

Mr. MAZZOLI. I salute the gentleman for a very eloquent statement and I congratulate him on feeling deeply about an important subject.

I would just with respect suggest to the gentleman that at no point in the bill before the House is there anything which requires anyone, certainly not an Hispanic, to go beyond the norm in identifying himself or herself.

Mr. DE LA GARZA. Oh, yes, there is.

Mr. MAZZOLI. Everybody identifies himself or herself in the very same way as anyone else, so no one goes beyond the norm.

You have to show one document here and another document there.

Mr. MAZZOLI. That is what everybody does, that is for everybody.

Mr. DE LA GARZA. Not for everybody.

Mr. MAZZOLI. Everybody.

Mr. DE LA GARZA. Let me go back. For me to keep some undocumented out, I do not now have to go show a driver's license when I ask for a job.

Mr. MAZZOLI. That is right.

Mr. DE LA GARZA. Or a credit card, but I would under the Simpson-Mazzoli bill and that is an imposition which is unconstitutional. I do not care who says what, where or how, when I have to do one more thing than give—all I should have to say is, "Mr. Employer, you say you want a yard man. I want to be your yard man," and it should be between he and I.

He says, "Yes, I want you to be my man," or "No, I don't want you to be my yard man."

But you are forcing the employer to ask me, "Have you got a Social Security card?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MORRISON of Washington. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Then he has to say, "OK, now, let me check the list."

"Oh, yes, how about a driver's license?"

It is not any of his business whether I have a driver's license, nor yours, in the Federal Establishment.

Mr. MAZZOLI. Mr. Chairman, if the gentleman would yield, I just want to be sure that the implication was not left that somehow we are asking a certain class of people to go beyond what another class of people would have to do. We are asking everyone to do the same thing. The gentleman objected, we are asking everyone to do the same thing

Mr. DE LA GARZA. I reject that, because you are asking an American citizen to do something beyond the norm so he can be identified or separated from the undocumented. You do not have to show a driver's license now.

You say, "Well, we are going to ask the undocumented to do it." That is fine for the undocumented, but it is my constitutional guarantee that I should not have to do that. It is just wrong, plain wrong, and I do not care how you explain it.

Mr. GARCIA. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman.

Mr. GARCIA. I would just like to respond to my colleague from Kentucky. That is the essence of what we are talking about, the underclass in America, those people who look different. Those are the people, if I may, those are the people who will be asked for identification. Any person with black skin who may be from Haiti and who is here legitimately, any person with brown skin from Central America or the Caribbean, those are the people who will be asked. The Asians will be asked. That is the problem.

The gentleman will forgive me, and with all due respect, I sometimes feel like I am watching a rerun of the "Bridge of the River Kwai." Have we forgotten who the enemy is? The enemy is not us.

The problem with this bill and the necessity for reform has gotten us to a point where we have forgotten exactly what the argument is. We really have gone hell bent for four years just looking for immigration reform, forgetting about the cost to Americans.

I am going to tell you, it is not going to be the blacks or the quarterbacks of the Pittsburgh Steelers who are going to be asked for an ID, but I will be damned—excuse me. I will take that back.

That is my point. That is the essence of what we are arguing about here. That is why we have been so adamant over these last several years.

I do not want to take anything away from immigration reform. I think it is essential. I think we need it, but I think the employer sanctions and the whole identity system is so anti-American, that we should not even consider it.

Mr. MAZZOLI. Mr. Chairman, if the gentleman will yield, I would certainly salute my friend from New York. If you want to vote against employer sanctions, that is certainly your prerogative because it makes an American citizen at the time of employment show proof of who he or she is, that is fine; but again, I just want to be sure the House did not labor under the misimpression that if this bill asks of one class of people something different than another. It asks for every human being to do the same thing.

Mr. GARCIA. But those people will not be asked. It will be us that will be asked. That is the point we have been trying to make.

Mr. DE LA GARZA. Mr. Chairman, I reclaim my time.

It is a certainty that I and many other Americans may be asked to provide documentation that I again repeat is unconstitutional. I should have to give my name and my social security number, that is all that is required now for me to seek employment; but there are other areas of this bill about how they can go into a field, how about other areas of asylum, for example. There are many other areas of the bill that we have not covered because we have made it into a Hispanic thing. We have made it into a Hispanic thing and it is wrong that we should do that.

I guess the media has made it into that, but there are other areas, I wish we had 2 more hours to discuss asylum and administrative law judges and appeals and many of the other areas of the bill that under the guise of reform are making it harsher and more difficult for a citizen to walk around his neighborhood. They even want to get local police, constables, and so on into the picture.

Can you imagine someone in some remote part of this country seeing me walk at midnight from the bus station to a hotel, can you imagine how many times I would get stopped by the local constable or the local policeman if it were in an area where I would not be the norm?

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. MORRISON of Washington. I yield 5 additional minutes to the gentleman from Texas (Mr. DE LA GARZA).

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman.

Mr. ROYBAL. May I say that I totally agree with the gentleman in the well. The gentleman is making an excellent argument.

I think we should also know that under the Mazzoli version of the bill, it actually opens the door to a national identification system. If you look at the Simpson version of the bill, that not only opens the door, but it asks the President to put in place a national identification system within 3 years.

Mr. DE LA GARZA. The gentleman is correct and they will say till they are blue in the face. "No, this does not make an ID."

There is the Glickman amendment, but the Simpson part of it says that the President has and should put in place a nonforgeable, I think is the word, ID card.

To me, ID cards went out with Hitler and we won that war. I should not have to carry an ID card.

They say, "Well, you have to carry a driver's license." That is a license. That is a privilege. You have to get a license to operate a store. You have to get a license here to be a vendor over on the Mall. That is a license.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield further for another comment?

Mr. DE LA GARZA. I yield.

Mr. ROYBAL. The matter of the license and identification card and so forth, that one we have to use including perhaps even a credit card, is only on a temporary basis.

Under the bill that would take place only until such time as a national identification system was put in place depending, of course, on which one of the two versions is adopted. If the Simpson version is adopted, then we will have in place a national identification system in 3 years and then the use of any driver's license will be completely passe.

□ 2130

Mr. LUNGREN. Will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman briefly.

Mr. LUNGREN. I have heard this argument that there is a national ID card, meaning it would be used for something other than at the time of employment. I just wish the gentleman would somehow suggest to me where the language is in either the Senate bill or the House bill that says that.

The fact that we say that we recommend that there ought to be a study in the House bill, we say it will not go into effect unless we pass it in the Congress, talks about the means of identification, not the process under which it would be utilized. And the House bill always says that the identifiers, whatever it may be, and we articulate two out of five, have to be shown at the time of employment.

We make it so easy because Agriculture came to us and said, "When we go out and we get people to come and pick the crops, they may not have the documents with them." So in the bill it says as long as they bring those documents on the second work day, that is sufficient; not before, not after. They never have to have it again.

Now, how does that make that a national identification card?

Mr. DE LA GARZA. I am not saying that it will. What the gentleman from California is saying, and what I am saying, is that what is in the back of the minds in the Simpson bill, when it says the President shall study, should come up with a nonforgeable identification, if you are not looking for it, we are saying that it could, it probably will if you adopt this, lead to that, because you are almost, you are almost forcing it.

No; it does not say it in the bill, but it is leading to that.

Mr. LUNGREN. If the gentleman will yield further?

Mr. DE LA GARZA. Yes; I yield.

Mr. LUNGREN. In the Simpson bill they are talking about the means of identifying that document, to use that document as opposed to a social security card. But it does not change the fact that whatever that document is, that document may be, they only under the terms of both bills can be used at the time you seek employment and cannot be used for any other purpose.

Mr. DE LA GARZA. That is even more onerous, really, because then you are imposing only on the one who seeks employment, not the president of the corporation, not the bank president, but on the poor, little, old, migrant worker. He has to have an ID card.

That is more unconstitutional than what I am talking about. You have made it worse.

Mr. ROYBAL. Will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from California.

Mr. ROYBAL. The gentleman wants to know just where it is in the Mazzoli version of the bill that may open the door to a system of registration. This is what the bill says:

> Within 3 years after the date of enactment of this section, the President shall study and report to the Congress concerning the possible need for and cost of changes in or additions to——

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has again expired.

Mr. MORRISON of Washington. Mr. Chairman, I yield to the chairman of the Agriculture Committee, Mr. DE LA GARZA, the balance of my time.

The CHAIRMAN. The gentleman from Texas is recognized for 4 minutes.

Mr. ROYBAL. If I may then complete reading this?

Mr. DE LA GARZA. I yield to the gentleman briefly.

Mr. ROYBAL. I continue:

> changes in addition to the requirements of section B and conform to the requirements of paragraph 2 of this section as may be necessary to establish a secure system to determine employment eligibility in the United States.

That opens the door to a system that we do not want, a national identification system.

The Senate version is more precise. It asks the President to send to the Congress within 3 years a national system of identification.

Mr. DE LA GARZA. Let me conclude, though. Where is the constituency?

I have a letter from a labor group that endorses Simpson-Mazzoli with qulifications, if we do this and that. I have another letter from another labor group that endorses it with qualifications, if we do this and that.

Beyond that it is all negative. I do not find any constituency.

The fact is that you cannot get away from the basic underlying reason. We must control our borders, we must secure our borders.

From whom? From someone that is a foreign looking worker.

Let me ask if there is any Member of Congress and anyone here present that is not a descendent of an immigrant, of an alien. I would like to see him. All of us came from someplace. Our families came from someplace, some earlier, some later.

I know that you cannot have unlimited immigration. But you do not penalize the ones that are already here to keep the ones that you do not want.

Underlying out there someplace, I regret to say it, and my heart aches when I say it, is they do not want black, they do not want Asian, they do not want Hispanic, they do not want someone that looks different. There is an underlying current of that throughout the country and I am not saying that this committee or any Member of this House would be involved in any of that.

But that is where the constituency is, as I see it, because as I travel throughout the country all I am asked for by Norwegians, by Czechs, by Poles, by Russians, by Jews, is help me get my brother, help me get my relative, into this country.

I always say that I will try, write me a letter under the normal procedures which you have established now.

We are trying to circumvent that by saying that we have a flow of undocumented workers. Again, I am telling you, the flow is not going to stop by penalizing some employer in Kentucky, or California, or Indiana. You have to attack it back where it begins.

The CHAIRMAN. All time for the Committee on Agriculture has expired.

The gentleman from California (Mr. HAWKINS) will be recognized for 30 minutes and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. HAWKINS).

Mr HAWKINS. Mr. Chairman, I yield my self such time as I may consume.

Mr. Chairman, it must be clearly understood that the sharp disagreement which H.R. 1510 has evoked throughout this body and this Nation results not from differences regarding need for immigration reform, but rather from strongly felt differences regarding the manner in which we address the recognized problem.

I, for one, am fearful that in our haste to adopt H.R. 1510 merely because it has been proposed, as many of our media institutions have urged, we may fail to realize, or perhaps deliberately ignore the fact that it is a legislative solution which does not address the critical problem of illegal immigration and the health and economic hardships which it creats for American citizens.

Our haste and willingness to rely on employer sanctions, which is at the very heart of the bill, as a mechansim by which to control the flow of illegal persons into this country should be of major concern to us.

We race to enact legislation which is certain to institutionalize employment discrimination even while proclaiming that we are opposed as a Nation to discrimination in our national work place. Moreover, we do so without any firm evidence that imposition of sanctions is an effective way of reducing the employment of illegal workers and thereby the flow of undocumented persons into this country.

☐ 2140

Indeed, the August 1982 General Accounting Office study of 20 countries concluded that such laws were not an effective deterrent and the experience in this country is not significantly different.

A recent review of 11 States with employer sanction laws revealed a pattern on nonenforcement. Not a single conviction, for example, has been obtained under California's 12-year-old law. In contrast with the uncertainty of the effectiveness of sanctions, it is widely acknowledged that employment discrimination against foreign-sounding or foreign-appearing individuals is almost certain to occur and nobody has disputed this.

While H.R. 1510 merely creates three groups not to prohibit discrimination but merely to monitor if discrimination is actually happening; agencies that are not even enforcing currently existing job discrimination laws for which they are legally responsible.

The available evidence suggests that this discrimination will occur in two ways. First, the existence of sanctions will provide employers who are inclined to discriminate with a convenient pretext for their action and, second, discrimination will occur as employers make a good faith effort to comply with the law.

That is, H.R. 1510 will necessarily create a suspect class of persons who, on the basis of physical appearance, language or other factors, appear foreign to employers.

If polls indicate that people support sanctions, and whether or not this includes the Hispanic group as was earlier discussed, polls certainly prove that people oppose discrimination. So if we follow the polls we should support both antidiscrimination provisions and a workable sanctions provision as well.

The amendments offered by the Committee on Education and Labor to outlaw discrimination and strengthen sanctions are intended to do exactly this.

Unfortunately, many of the concerns which are noted above, however, cannot be addressed by amendments.

Mr. Chairman, in the final analysis, as I think our colleague from Texas indicated, we are likely to find the problem too complex to deal with the ad hoc piecemeal fashion of the Mazzoli-Simpson approach.

Immigration reform is not alone the problem. Involved are trade, employment, energy, agriculture, and foreign policies.

In such cases international treaties alone can address the comprehensiveness and the complexities involved and I submit we would better serve our Nation to gather the facts before we act too hastily on the current proposal.

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. ERLENBORN. Mr. Chairman, the bill reported by the Judiciary Committee is a beginning on controlling immigration, particularly illegal immigration. I rise in support of H.R. 1510, but must oppose the principal actions of the Education and Labor Committee.

As one of my colleagues (Mr. GLICKMAN) stated recently:

> The issue of immigration will not go away. If we do not take it up * * * the problems will be harder to resolve next year and the following year.

My colleague from Kentucky (Mr. MAZZOLI) is to be congratulated for being persistent with this unpopular political issue. He has worked as hard on this issue as any Member of the House has worked on any issue. I support him in his efforts and am a cosponsor of his legislation.

No one disputes the fact that U.S. immigration policy is out of control and that the country needs legislation to impose stronger restrictions on the influx of illegal aliens, an influx of increasing millions in recent years. We have no idea how many illegal aliens are in the country, but the Census Bureau estimates there are between 3.5 and 6 million illegal aliens in the United States, with an added half million entering each year. Other sources, such as newspaper reports, have suggested there are over 12 million illegal aliens in this country and that our border enforcement represents a large sieve. Whatever the number, the presence of such a large number of illegal aliens means that unscrupulous employers and their agents can bootleg illegals into jobs that are lower than the minimum wage compensation, the illegal workers are afraid to complain about wages and conditions, and jobs are taken from citizens or aliens with permission to work. This legislation under consideration would remove this incentive to hire illegal aliens and their resulting second-class status.

H.R. 1510 recognizes the illegal population and would offer permanent resident status to any alien who could prove residency before January 1, 1982, and continously since. These people would then be eligible for citizenship in 5 years, under the rules for naturalization. In either recognized "legal" status, these workers would then be able to assert their basic rights. The other body has twice passed a bill with a two-tiered legalization system which is more realistic in its dates.

Furthermore, enactment of the proposed Immigration Reform and Control Act of 1983 will:

First, make it a Federal crime to knowingly hire illegal aliens;

Second, establish a national status verification program;

Third, stiffen penalties for violations by those using the false documents;

Fourth, retain existing law to deny temporary and permanent status to Communists, criminals, dope users, and anyone who would threaten our national security;

Fifth, establish universal criteria for the legalization of current illegal aliens, granting a grace period, setting language standards and new naturalization requirements;

Sixth, streamline the process for political asylum; and

Seventh, continue to keep our doors open to refugees under terms of the 1980 Refugee Act.

In enacting stiff fines for employers who hire illegals, the act would reduce unemployment benefit fraud which has become a serious financial drain in a number of States and particularly in my own State of Illinois. Although some studies show that illegal aliens do not drain Federal and State treasuries, former Illinois Attorney General Tyrone Fahner recently estimated an annual loss of $66 million in fraudulent unemployment claims in my home State. Most studies confirm that illegals are costly to local governments.

Whether the flow of illegal aliens is costly or not, recent studies all conclude that America's immigration laws badly need reform. The last three administrations conducted studies, as did the House Select Committee on Population on which I served. This legislation, H.R. 1510, would keep the welcoming torch of liberty burning, while protecting the best interests of our citizens. We are a nation of immigrants, and cannot close the doors to others seeking the opportunity to live in a free society.

Although I support the Immigration and Nationality Act amendments in general as reported by the Judiciary Committee, I cannot support certain amendments to the bill reported by the Education and Labor Committee. My opposition is directed to both the H-2 provisions proffered by Mr. MILLER and the discriminatory provisions offered by Mr. HAWKINS and accepted by our committee.

As to the H-2 provisions, the basic thrust of those labor standards amendments creates a regulatory straitjacket on the Attorney General and the Department of Labor in enforcement of the H-2 program. The committee amendments also penalize and unduly burden employers who, in good faith, attempt to secure either domestic workers or H-2 workers for employment. Admittedly, the H-2 provisions are a substantial improvement over the amendments reported by the committee in the 97th Congress. They still do not offer the necessary flexibility to administer the H-2 program in a fair and firm manner.

The regulatory straitjacket is exhibited in the committee amendments requirement that labor standards already be met as a prerequisite to the Attorney General allowing admission of H-2 workers, a requirement not contained in present law or regulation. This requirement would impose restrictions on the Attorney General similar to the demands of the Department of Labor's certification process. In reality, the Attorney General's authority is a safety valve for the failure of the Department of Labor to act in an expeditious manner, or for that matter, in an arbitrary manner. By imposing such a requirement, the majority has forever foreclosed the Attorney General, or the courts, from allowing relief where relief may be needed. In other words, we need our crops planted and picked despite possible hangups in the administrative process. The flexibility of this safety valve continues to be a necessity.

An improvement in the committee amendment this Congress is the allowance of an extension of time of employment for H-2 workers beyond 9 months. Being unable to predict what the future may hold in terms and needs of agricultural employment, it is appropriate to provide for future contingencies and allow an extension for over 9 months in extenuating circumstances in the public interest. This provision complies with the amendment I will offer.

Last Congress, the committee amendments required a cap on admissions of H-2 workers unless the Department of Labor could certify to the Attorney General and to Congress that is could adequately enforce the program. That cap is replaced with a 3-year transitional program for agricultural workers. Although the substitution of the transitional program for an unreasonable cap is an improvement, it is still not the answer. The transitional program does not meet the concerns of the growers. It does not appear to be enforceable. It continues the status of illegal entry, and cuts off jobs after 3 years. With the more stringent requirements of the Education and Labor Committee's H-2 program and the 3-year limit on the transitional program, we are postponing for 3 years the question of whether agricultural growers will be able to employ needed workers in the future.

As well as creating a regulatory straitjacket for the agencies enforcing the H-2 program, the committee amendment fails to allow employers fair procedures in securing workers. The committee amendment requires employers to file an application for certification of foreign workers at least 80 days before date of need, a time that may be long before an employer will even know if he will need workers. This extensive time requirement accommodates only those who wish to create a disincentive to hire foreign workers. H.R. 1510 as reported by Judiciary restricts the process to a time period preventing the Department of Labor from doing an adequate job search. I will be offering later an amendment which seeks a compromise between the Judiciary bill and the Education and Labor amendment. My amendment allows an adequate 45 days for a job search, and the employer must file his request only 65 days before date of need. Both the Department of Labor and the growers have advised that they can accommodate to my amemdment.

My concern for labor standards protections for workers is the reason I attempted to work out a compromise with the majority of our committee. Both sides worked hard, but the compromise never materialized. Instead of requiring regulations to be at least as effective as existing regulations and, in effect codifying the housing standard, as the committee amendment does, I would require the Secretary of Labor, in consulation with the Attorney General and the Department of Agriculture, to establish new employment standards which are at least comparable to those under current regulations. Some flexibility is needed and all current regulations may not be applicable to this new law in their present form. "Comparable" allows this flexbility. There will be many changes in procedures and enforcement this whole bill will bring about. Because of these new concepts, for instance employer sanctions and amnesty, there is a need for at least moderate flexibility in regulatory writing.

The committee amendment creates a special 11-member Commission to do a 15-month study on issues pertaining to the H-2 program and to make recommendations to Congress. In my opinion, this Commission is only looking into issues we should be able to answer in enacting an H-2 program. As stated in our minority views, the creation of the Commission is costly and could be avoided if there were reasonable compromise on the issues it is ordained to study. Even the committee report states:

> The committee is well aware of the seemingly endless numbers of commissions and studies which this Congress has established. It can be said that many such studies have proven of little or nor (sic) value and have served merely to postpone the consideration of difficult or controversial issues.

I agree the committee statement is particularly true in view of the numerous commissions and studies regarding foreign agricultural labor. We do not need another costly commission.

Finally, the committee amendment contains a private right of action, modeled after the Fair Labor Standards Act enforcement. First, it is my understanding such a provision is not needed to protect domestic workers. The employment offer to domestic workers, if accepted by them, becomes an oral contract, enforceable under current contract law. Additionally, many foreign countries, particularly the British West Indies, contract with employers in order to police the employer's job offers. Therefore, those countries can enforce those contracts against growers in this country. Second, whether a private right of action is an appropriate remedy under an immigration bill is questionable. It seems more reasonable that labor standards imposed by law should be enforced by Government—not enforced through private litigation which will crowd the courts. Finally, this private cause of action is in addition to other action under the Judiciary bill and the private causes of action under another Education and Labor amendment involving alleged discrimination. Another statutory right of action for either domestic or foreign workers is not needed, should not be created, and is redundant.

As to the discriminatory aspects of this legislation which Mr. HAWKINS' amendment, accepted by the committee, seeks to address, I can appreciate his concern, but oppose his means. The committee amendment, in effect, authorizes the Immigration Board to determine whether an applicant was discriminated against on the basis of alienage or national origin. National origin discrimination is already outlawed by title VII of the Civil Rights Act of 1964. Title VII, however, already contains sufficient protection of applicants to allay the concern that employers would refuse to hire applicants who appear to be foreign. Under title VII, employers are prohibited from failing to hire any individual because of such individual's race, color, or national origin. Title VII also establishes an elaborate administrative scheme for the handling of complaints of discrimination and allows complainants to bring suit in Federal court to seek back pay, reinstatement, and other equitable relief. Title VII has proven to be an effective deterrent against employment discrimination and has provided victims of discrimination with sufficient remedies where violations have occurred. At time of fiscal austerity, there is no need for Congress to create another EEOC.

Under present law, only persons employing 15 or more employees are subject to title VII's employment discrimination prohibitions. The committee amendment, by permitting the Immigration Board to hear complaints of unfair treatment filed against persons employing more than three individuals, would effectively eliminate this exemption. Under H.R. 1510, therefore, "Mom & Pop" companies would not only be subject to criminal sanctions for violation of immigration laws, they would have to defend themselves against employment discrimination claims as well.

There are additional problems related to alienage discrimination. One is that no one is sure exactly what it is under the committee proposal. However, the Supreme Court in *Espinoza* v. *Farah Manufacturing Co., Inc.*, 414 U.S. 86 (1973) defined it as discrimination on the basis of citizenship. In that case, the Court declared that such alleged discrimination did not violate title VII, since it was not discrimination on the basis of national origin. Therefore, if we adopt this committee amendment, we will be creating a new cause of discrimination action outside of title VII and EEOC. We should be very careful in our understandings and actions. We would be overturning the Espinoza case without an intent to do so.

Another problem with the alienage discrimination is that it applies to all employers employing over three employees. The alienage amendment would overlap with EEOC coverage of employers. Realistically, a noncitizen under this amendment could bring a cause of action against an employer under I&N auspices for alienage discrimination and the same cause of action under EEOC jurisdiction for national origin discrimination.

Finally, allowing I&N to have jurisdiction over employers with more than 15 employees directly impacts on EEOC jurisdiction and the title VII statute. Although well intended, the discrimination amendment goes well beyond its intentions. It imposes on the I&N the additional and redundant powers which should rest in the EEOC. It is for these reasons I must vigorously oppose it.

The immigration legislation has already caused substantial concern within some segments of the business community. However, all segments of the business community are concerned with a proposal creating a second EEOC to process cases involving national origin discrimination, and Members of Congress should be concerned as well. If some feel that the EEOC only cares about race and sex claims, then steps should be taken to deal with that problem. Such steps, however, should not include creation of still another civil rights agency. We already have EEOC, the Department of Labor's Office of Federal Contract Compliance Programs, title VI enforcement agencies within each Federal department, and State and local fair employment practices commissions, among others. Establishing a new civil rights bureaucracy will not solve the illegal alien problem. For all these reasons, I urge my colleagues to oppose the committee amendment.

I would like to mention one additional committee amendment to this bill which I think makes good sense. My colleague, BILL GOODLING, offered an amendment to the Judiciary bill to provide for assistance to school districts charged with the responsibility of educating eligible legalized aliens. The amendment recognizes a limited Federal responsibility and merely conforms the Federal educational assistance program in this act to the program structure designed by the Refugees Education Assistance Act of 1980. It is a good amendment, it makes sense, it was adopted unanimously in committee, and I think the House ought to accept this amendment.

Mr. Chairman, it has been said that the present administration had to swallow hard to accept the concepts of employer sanctions and amnesty or legalization. I, too, have difficulty with those concepts standing alone. When the concepts of the Mazzoli bill are combined, they make sense in trying to control our illegal and legal immigration problems. I urge my colleagues to work diligently so that the bill can pass and we can start on closing the back door to be able to keep the front door open.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, one of the very bad features of Simpson-Mazzoli is the sanctions provision. We firmly believe that sanctions against employers, first of all, will not work.

□ 2150

We make the argument that there are 20 nations in the world that have tried it and that they have all failed. We also want to state again that there are at least nine States in the Union that have employer sanctions that do not work.

Therefore, we firmly believe that what will actually happen with sanctions is that it will end up in discrimination against Hispanics and Asians who were born here in the United States. These employers, in most instances, would not want to get involved and by not wanting to get involved would not interview an applicant who may be Hispanic or Asian for a job. That is then direct discrimination.

But what I see with regard to sanctions is that there is some hope that through the Hawkins amendment we may be able to soften at least that discriminatory aspect of this provision.

But what I am concerned about going beyond that. I am concerned about the fact that by providing sanctions that you are actually making a policeman out of the employer who must make a determination of whether or not that person is here legally or illegally.

It seems to me that an employer is not equipped to do that. He is not trained for that particular purpose. And it seems to me that he should not be forced to do the job of the Department of Immigration.

But the Department of Immigration even goes farther than that. What they want and will get under the Simpson provision of this bill is that they will be able to deputize local policemen to help them round up or that is in the raids that will take place against those who may be considered to be here illegally.

This tremendous power that will be given to a small faction of our society is dangerous. First of all, the employer will be made the policeman for the Department and then they will go beyond that and say we will even enlist the help of the police departments of this Nation to help us do our job.

The Simpson version of this bill is most dangerous. I realize that it is not in the bill that is before us, but nevertheless, it is a possibility that since the Simpson version passed with only 18 votes against the bill, that they could insist in conference that their version prevail and not that in the Mazzoli version.

Now the Hawkins amendment is good and it does not in any way affect title VII. It is not an amendment that is going to do any of the things that we have been told would happen if the Hawkins amendment were adopted.

I support that effort, but I sincerely hope that at the end of all this debate that we will be able to put in place another type of sanction.

Let us sanction not that individual who hires someone to work, but sanction that individual who exploits that employee, that individual who does not obey existing laws, that individual, that employer who does not obey the existing labor laws of this land, that man or that individual who does not enforce the OSHA provisions now in the law. These are the employers who should be sanctioned because if you do sanction these employers, you will be eliminating the incentive that they now have to hire the undocumented. The undocumented come to the United States because they are hungry, because they need work, and those who hire the undocumented, for the most part, are men and women who operate sweatshops that hire them to work under adverse conditions, that pay them the lowest of salaries.

I say let us take that incentive away from them. Let us sanction the employer that violates existing law. That way we will eliminate discrimination that may result if we go ahead with the sanctions as now proposed under the Simpson-Mazzoli bill.

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. Mr. Chairman, if I may with the permission of the Chair, I would like to read a statement that I wanted to put into the RECORD earlier today and I did not have an opportunity.

We all are descendants of immigrants. We are the products of a yearning for better opportunity, and the promise of a future.

This Nation was built on the sweat and pride of Africans, Latin Americans, Asians, Italians, Jews, Irish, Slavs, and others too countless to mention. Our predecessors—those hyphenated Americans and social outcasts—fought their way into American society. They earned their place. America used the strong backs of its immigrants to build and to prosper.

We are engaged today in a debate on whether to consider—what the New York Times termed—this generation's immigration bill. There is no doubt that we must have an immigration policy. It is our sovereign right.

The bill before us is a compromise effort. But at what price is the compromise? Who must bear the burden of this compromise and its uncertainties? This is not a delicate balance. There is an unfair burden placed on the backs of black, brown, and yellow people already living in this country.

Recognizing this burden entails a risk. It is a risk because it uncovers the weaknesses in the very foundation of this bill. But it is a risk worth taking because what we are deciding here is the future of the ethnic fabric of our Nation.

There is nothing more frightening than to be asked to give up something that belongs to you, to be asked to move over and share what you have worked so hard to achieve. That's part of the psychology of this bill—those of us living here are being asked to structure a law that will help millions of people who do not have a voice, and millions of others who are not organized well enough to be properly heard.

That is a tough compromise to have to fashion. Political points have been won condemning the more liberal aspects of this bill. Anger and frustration have arisen because of its more restrictive provisions. It is not, then, a workable compromise. It needs to be reworked.

What those of us who oppose this bill really want is to continue to work on its imperfections since it has become a political football.

There seems to be a fear that if we do not pass this bill millions of people south of our border will be flooding into the United States to steal our jobs and break down our society. There are subtle racial overtones in this argument. I do not believe it is true. We may have problems, but that does not mean that time has run out on us. Dark- and yellow- skinned people are not going to rush in and topple America.

Those of us who do not belong to the majority community do not want to be discriminated against for the sake of what others term a fair compromise. The American Government has a contract with all the American people that implies a profound responsibility to provide and protect without malice, without prejudice. This bill, despite all its good intentions, does not live up to that contract. As lawmakers, to fall short on this obligation is unacceptable.

Yes, this is an emotional issue, it is an issue that goes beyond politics. It is a struggle with our beliefs, our fears. Because it is so very emotional, we must be both cautious and deliberate. We must have the courage to stand up to those in powerful places, opinion makers, and leaders—in and out of Government—who say the compromise has been struck and the time to act is now.

I believe I understand the good intentions and so-called pragmatism of the supporters of this legislation, but I counsel patience. I ask that they pause and seriously consider what it is we are debating today. I further ask that they trust those of us who oppose the bill; that they believe that our instincts and intentions are also good.

The litany of difficulties found in this bill by those of us who oppose it have been discussed at length, but they have never been resolved. That is the key—there has been no compromise for many of us. We have not been arguing merely to hear the sound of our voices. We want to be heard, to be listened to. This bill has too many imperfections to be taken up now.

The Bible says that, "A wise man knows in his heart the right time and method for action." This is not the right time to begin consideration of this issue, nor is this bill the right method for solving our Nation's immigration problems.

□ 2200

My colleagues who are supporting this bill, I ask each and every one of them in their heart, if they stood here with so many of us who have understood what it is to be discriminated against, to understand what it is to be black or brown or yellow and living in America in 1984. Unless you understand that, it is pretty difficult to understand what this bill is all about. And I say to my colleagues, as we close the first portion of this debate, this bill places us back into a period in which discrimination and second-class citizenship is once again upon us.

I yield back the balance of my time.

Mr. **HAWKINS**. Mr. Chairman, I yield back the balance of my time.

Mr. **ERLENBORN**. Mr. Chairman, I am happy to report that I have no further requests for time, and I yield back the balance of my time.

The **CHAIRMAN**. The time allocated to the Committee on Energy and Commerce is presumed to have been yielded back.

● Mr. **WAXMAN**. Mr. Chairman, I rise for the purpose of explaining the Energy and Commerce Committee amendments to this legislation.

Last spring, H.R. 1510, as reported by the Judiciary Committee, was sequentially referred to the Energy and Commerce Committee for the consideration of those provisions within its jurisdiction.

On June 23, 1983, the committee ordered reported three amendments to the Judiciary bill relating to public health and medical care. These amendments affect only title III of the bill, relating to legalization.

I want to stress that the Energy and Commerce Committee made no recommendation on the bill as a whole, or on any portions of the bill outside of its jurisdiction. My only purpose here is to explain on behalf of the committee the three amendments that would be in order under this rule.

The first of the committee amendments to be offered—number 50 under the rule—concerns reimbursement to States and localities for public health programs.

Under the Judiciary bill, the Federal Government is to reimburse States for 100 percent of the costs of programs of public assistance for eligible legalized aliens, subject to amounts appropriated in advance.

The Energy and Commerce amendment clarifies this provision by making State legalization assistance funds available for programs of public health assistance provided to any legalized alien or any alien who has timely applied for legalization. Programs of public health assistance are defined as State or locally-funded programs that provide public health services, including immunizations, tuberculosis testing and treatment, and family planning, to needy individuals.

This amendment also provides that the medical examination which aliens must undergo in order to adjust their status include a review of the individual's immunization history.

The second of the committee amendments to be offered—number 56 under the rule—relates to medicaid coverage for legalized aliens.

The Judiciary bill prohibits legalized aliens from receiving medicaid benefits for 5 years from the date they become permanent resident aliens, with three exceptions: (1) Cuban-Haitian entrants; (2) aged, blind, or disabled individuals; and (3) aliens who need coverage in the interest of the public health or because of serious illness or injury.

The Energy and Commerce amendments retain the 5-year delay in medicaid eligibility, but sharpen exceptions (2) and (3). Under the Energy and Commerce amendments, an exception would be made for any legalized alien who is:

Aged, blind, or disabled as defined for purposes of the supplemental security income program; a child under 18; or a pregnant woman.

In addition, the Energy and Commerce Committee amendments make an exception for any needy legalized alien who requires emergency services.

I want to emphasize that this amendment does not automatically entitle these aliens to medicaid services. These individuals must still meet the restrictive categorical requirements and income and assets tests for medicaid eligibility in the State in which they reside.

The final Energy and Commerce Committee amendment—number 60 under the rule—simply specifies that the report that the President is to submit to Congress on the impact of the legalization program include an analysis of the program's effect on the public health and medicaid care needs of individuals.

Mr. Chairman, the Energy and Commerce Committee's amendments to this legislation are modest in scope but will make an important contribution to the health of the legalized population and the country as a whole. I know of no serious opposition to them. I urge their adoption.●

● Mr. **RUDD**. Mr Chairman, I commend the leadership for finally allowing this important legislation to be debated on the House floor. The other body has already passed similar legislation twice and it is clearly time for this House to act as well. This is the first major overhaul of our immigration laws since the early 1950's.

During the past two decades, immigration has increased to the point where we have lost virtually all control over our borders. Estimates of illegal aliens residing in the country range from 3.5 million to as many as 6 million according to the Census

Bureau. Many immigration experts believe that the number of illegals in the United States is much higher—over 20,000,000. The fact is, however, that no one knows for sure how many illegals are now in the country.

Furthermore, beside the millions who may be entering the country illegally each year, over 600,000 immigrants are being legally admitted to the country. Unless we bring some control to overall immigration levels, the social and economic consequences for all Americans will be severe.

The Immigration Reform and Control Act contains some very important reforms of our Nation's immigration policy which promise to address these serious problems. However, the many positive aspects of the bill are, in my view, undermined by the disastrous legalization, or amnesty, provisions.

Under the bill, legal status would be granted to all illegal aliens who have resided in the United States prior to January 1, 1982.

A legalization program as far-reaching and unprecedented as the mass amnesty envisioned under H.R. 1510 is a leap in the dark which I believe would be the most irresponsible action we could take if we ever hope to regain control of our borders.

First, there is the obvious unfairness to those who have patiently sought entry into the country through proper, legal channels. Many have waited as long as a decade.

Second, rather than freeing up resources to deal with our immigration problem, I believe amnesty would actually encourage millions of others to abandon legal channels or simply immigrate illegally in the hope of benefiting from some future amnesty plan. And that is precisely the signal the committee is sending by not standing by its original to generous cutoff dates of January 1, 1980, for permanent resident status and January 1, 1977, for temporary resident status that it proposed in the last Congress.

Furthermore, while the legislation precludes applicants from receiving Federal benefits for 5 years—with exceptions for the aged, the blind and disabled—costs after that initial period would be substantial. Authorizations are also provided in the interim for reimbursement to the States for costs of public assistance to eligible legalized aliens. The costs of legalization are estimated by the committee at $1.2 billion in fiscal year 1985, $1.9 billion in fiscal year 1986, and $2.3 billion in fiscal year 1987. Billions more will be required in the years ahead.

A more reasonable alternative to amnesty exists. The registry date provision has existed on the books since 1929 and it presently allows all illegal aliens who can show good moral character and continuous residence in the United States since 1948 to receive permanent resident status. It is a known and tested procedure. The committee proposal moves the 1948 date to 1973, which allows aliens with documentation proving their residence of at least 11 years to apply for this exemption. I believe this is a much more reasonable approach, and I therefore urge the deletion of the amnesty provisions of the bill in favor of the registry date revision.

There are other provisions of the bill which I also believe undermine efforts toward meaningful immigration reform. For example, section 114 would require INS officers to obtain a warrant to enter open property without an owner's consent. This ignores Supreme Court interpretations of fourth amendment requirements applied to open lands. The Commissioner of the INS has stated that section 114 "will, in effect, create a haven for illegal aliens in rural agricultural areas" and will drastically impair the ability of the INS to enforce our immigration laws.

Under the bill, employers would be able to hide illegals in plain view of INS agents and shift them from one property to another as agents try to secure a search warrant for each property.

This is a radical departure from current law and ought to be stricken from the bill.

Another focal point of the legislation is the use of employer sanctions to attack one of the prime reasons illegals come to the United States--to secure jobs. H.R. 1510 would make employment of illegal aliens a civil and criminal offense. Penalties for hiring an illegal include a citation or warning for a first offense; a $1,000 fine for every illegal hired after the initial warning; $2,000 for a third offense; and $3,000 and/or 1 year in jail for subsequent offenses. Employers would also be subject to a $500 fine for every employee whose status they fail to check.

While I support employer sanctions and believe they will help to discourage the hiring of illegal immigrants—and thereby remove incentives for illegals to come to the United States—I am concerned that H.R. 1510 makes the verification system, upon which sanctions are based, optional unless an employer has been found to be hiring illegals.

The fact that it is optional undermines the effectiveness of employer sanctions. It will encourage illegals to shop around for employers who have not yet been caught for hiring illegals or for employers who choose not to use a verification system. Furthermore, it will encourage selective use of verification, possibly against various ethnic or minority groups.

Verification ought to be reinstated as a requirement for all employers.

While I have serious reservations about these provisions—amnesty, the changes in warrant requirements for open field searches, and the loopholes in employer sanctions—I believe the committee has taken a number of important steps toward securing our borders. The committee has alloted new additional resources for enforcement activities, $716.6 million in fiscal year 1984, $689.2 million in fiscal year 1985, and $731.3 million in fiscal year 1986. It establishes penalties of $5,000 and/or 1 year in jail for over-the-border transportation of illegals, and additional penalties for transport of illegals for personal or commercial gain.

The committee streamlines the adjudication and asylum process, mandating that these cases be heard by administrative law judges and that decisions must be appealed within 20 days or the right to appeal lapses. These reforms are necessary to streamline the long drawn out appeals process and insure that aliens have a reasonable and valid reason for remaining in the United States.

The committee makes important changes in the H-2 temporary worker program. However, I believe a new complementary program ought to be considered to allow producers of perishable commodities greater flexibility in meeting their labor needs. An Agriculture Committee amendment would provide such flexibility.

Americans recognize the need for reasonable reforms and will accept them. The time has come for meaningful immigration reform. Let us not delay any longer in formulating legislation to secure our Nation's borders and insure the economic and social well-being of our citizens and prospective citizens.●

● Mr. COLEMAN of Texas. Mr. Chairman, I rise in opposition to the bill, H.R. 1510.

Immigration reform is one of the most important, complex, and controversial issues facing the 98th Congress. Its resolution transcends partisan politics and election year rhetoric. The decisions we make will have significant social, political, and economic implications across the country and throughout the world.

I represent a congressional district and constituency whose interests and problems are inextricably linked to Mexico, a district that is clearly affected by an immigration reform bill or lack thereof. El Paso, TX, the largest city in my district, share an international border with Ciudad Juarez, Chihuahua, Mexico, and these two cities have a combined population approaching 2 million people.

I support effective immigration reform legislation that addresses the general problems of unemployment and the individual needs of our Nation's citizens and those seeking citizenship and lawful resident status. Congressman MAZZOLI and the members of the House Judiciary Subcommittee on Immigration, Refugees, and International Law are to be commended for the long hours dedicated to drafting a bill, H.R. 1510, which attempts to meet the challenges posed by the lack of a comprehensive immigration policy for our country. I am, however, unable to endorse the bill in its present form because of fundamental problems inherent in many of its provisions. After considerable deliberation, I have concluded that H.R. 4909 by my colleague, Mr. ROYBAL, is a better vehicle to use in approaching reform, and I am an original cosponsor of his bill.

The Roybal alternative, along with other proposals, was never afforded a hearing before the House Judiciary Subcommittee on Immigration. Although many of the provisions within the Roybal alternative will be offered as amendments to H.R. 1510, it is unfortunate that they did not have the benefit of committee consideration.

I am deeply concerned about provisions in H.R. 1510 that could potentially discriminate against American citizens. Mexican-American organizations in my district have raised this issue with respect to employer sanctions. The Immigration and Naturalization Service's operation jobs is a case in point. An organized series of raids on different workplaces across the country resulted in the arrests of thousands of undocumented workers. Unfortunately, it also resulted in the arrests of American citizens of Hispanic descent and the harrassment of business owners and their patrons. This will always raise questions of civil rights violations and due process guarantees.

I therefore think it is important that any bill being considered by this House contain language expressing the sense of Congress that the immigration laws of the United States should be enforced vigorously and uniformly; and in the enforcement of such laws, the Attorney General shall take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of U.S. citizens and aliens alike. I am prepared to offer an amendment to H.R. 1510 containing this directive.

The business community in my district is also very concerned about the provisions in H.R. 1510 which would require employers to assume the role of immigration enforcement agents or face the consequences of severe civil fines and criminal penalties. While I agree with the necessity of removing the financial incentives for undocumented workers to seek employment, the Royal alternative seeks to accomplish this without institutionalizing employment discrimination against American citizens who appear foreign, and without imposing additional burdens on the small-business owner. We should support amendments which would authorize additional appropriations for better enforcement of existing labor laws.

Through the enforcement of our existing wage and hour laws, stricter monitoring and enforcement of the withholding of social security and income taxes, stricter control over the issuance of social security cards, licenses, and birth certificates, we can discourage employers from hiring undocumented workers. If we cannot enforce the present laws, we cannot honestly anticipate that employer sanctions can be enforced. I intend to offer an amendment to H.R. 1510 which would strike criminal penalties for violations of the employer-sanctions provisions. They are not needed, as other criminal deterrents exist. At the very least, we should not begin immigration reform by criminalizing employers until we determine that civil penalties are inefficient to deter those who would hire the undocumented worker.

In closing, I would like to reiterate my support for immigration reform. It is a vital part of both our domestic and foreign policies. But I am not able to accept many of the provisions of H.R. 1510 because they do not address the needs and fears of my constitutents. I urge my colleagues to assist me and other concerned Members in supporting amendments to this bill which will serve our country, its citizens, and our lawful residents.●

● Mr. TOWNS. Mr. Chairman, H.R. 1510, the Simpson-Mazzoli bill, represents for the most part, a fair and responsible approach to immigration reform as it was reported by the House Judiciary Committee. The legalization provisions, in particular, are an important step forward in bringing undocumented aliens out of their shadowy, frightened existence. I am troubled, however, by the limitations on judicial review and the potential discriminatory impact of the employer-sanctions provision in this bill.

Limitations on judicial review raise serious questions about whether we are blaming the victim, in this case Haitian, Salvadoran, and Cuban asylum seekers who have used the Federal courts to successfully combat discriminatory processing of their asylum claims. In the current atmosphere, I am concerned that limitation on judicial review in the immigration area will provide a negative precedent for court-stripping proposals in the constitutional arena. Further, I do not believe that these restrictions are necessary. H.R. 1510 establishes an independent A.L.J. system for reviewing asylum applications. This new structure should eliminate the political bias that has heretofore attended asylum processing. Thus, the number of court suits would be dramatically reduced eliminating any need for judicial restrictions in this area. I am hopeful that an amendment to strike the judicial review section of H.R. 1510 will be adopted by the House. I believe that this amendment would dramatically improve this legislation.

With regard to employer sanctions, in the absence of an appropriate civil rights remedy, discrimination in hiring will go unchecked for Hispanics, West Indians, and others who appear foreign. Mr. Speaker, 40 percent of my congressional district is Hispanic and many Caribbean blacks also live in the area. The employer sanctions provision of this bill, has severe limitations for persons of color in this society, like my constituents. Workers, who look or sound foreign, will be easy targets for employment discrimination. Undeniably, Hispanics and Caribbean blacks, who already constitute an almost permanent class of unemployed and underemployed persons, will face additional hiring discrimination.

Some people want to ignore the employer-sanctions issue because they feel it will only affect Hispanics. I believe that the negative effect of sanctions will be much broader. Sanctions will create a civil rights crisis in the employment area if an acceptable compromise amendment is not found that insists on civil rights protections for the potential victims of sanctions-generated discrimination. The Hawkins amendment is such a measure. It contains a strong remedy for those who have been discriminated against, an independent prosecutor in the Department of Justice. This amendment does not overlay with current title VII remedies. The Hawkins amendment specifically focuses on those areas which are outside the purview of title VII. In addition, since the Hawkins amendment does not mandate criminal sanctions, it is more likely that both the remedy and sanctions will be enforced. As previously stated, I am opposed to sanctions but I believe that the compromise enforcement and discrimination mechanism embodied in Hawkins is the best protection for victims of discrimination arising from sanctions. I will be actively supporting this measure when it comes to a vote on the House floor.

Finally, I am concerned about some other areas in the immigration bill. Any expansion of the H-2 provisions, as envisioned in the Panetta-Morrison amendment, would create a new bracero program with few worker protections for the unlimited numbers of foreign workers it permits. We have thousands of unemployed American farmworkers; it is not necessary for us to bring in additional workers into agriculture given these circumstances. However, we should bow to the wishes of the agriculture community when they argue against a deletion of the requirement for search warrants in open fields. The experience of INS raids into agricultural fields is one which has lead not only to a disruption of the work force but also actual injury and deaths. While much will be made of the Delgado and Oliver Supreme Court decisions a month ago, it is important to remember that neither case directly touched on the issue of arresting workers in open fields. Congress does have the authority to establish immigration procedures. Given the history of INS raids in this area, Congress should give farmers the same protection that is given to business or plant owners: a required search warrant or permission from the owner. I hope that my colleagues will oppose any effort to delete this provision in the House Judiciary Committee bill.

Given the national origin discrimination faced by Hispanics and other groups, I believe that it is critical that a prohibition against the involvement of State and local law enforcement officials be established in statute. Local police should not be involved in enforcing Federal immigration law. In my district, the large number of Puerto Rican citizens face constant harassment because of a prejudicial view about their status, merely because they are Hispanic. If State and local police, as a result of employer sanctions, are encouraged to participate in immigration enforcement activities, this harassment would be exacerbated. Therefore, I strongly support the amendment of the gentleman from California (Mr. ROYBAL) which prohibits State and local law involvement in the enforcement of immigration law.

Last, I want to add my support to the Rodino amendment to adjust certain Cuban and Haitian nationals. I have had the pleasure of working with the National Coalition for Haitian Refugees in trying to obtain some equitable solution for these refugees. The amendment to be offered by the gentleman from New Jersey will close an ugly chapter in our Nation's immigration history. The Mariel exodus and the flow of Haitian refugees to this country resulted in harsh and decidedly discriminatory treatment toward both groups. The prolonged detention of Haitians and the blanket incarceration of Cubans in Atlanta raised serious questions about our Nation's ability to treat all asylum-seekers/refugees in an equitable manner. The Rodino amendment will grant this class permanent residence. In addition to resolving their limbo status, impacted areas such as south Florida, New York, and New Jersey will no longer have to shoulder the burden of social service delivery, education, et cetera. The Federal Government will be able to provide some assistance once these refugees have their status regularized. This action is long overdue and the chairman is to be commended for his leadership in this area.●

● Mr. NELSON of Florida. Mr. Chairman, I support this immigration reform bill which has already been passed by the Senate.

This country has not had an immigration policy for 30 years. Chaos has reigned. There are an estimated 4 to 6 million illegal aliens working in this country. Nobody really knows the true number.

I am in favor of the Immigration Reform Act—but recognize it as only a first step in trying to cope with the enormous immigration problem that is facing and will face this country in the future.

Ours is a land of plenty—especially when compared to other countries. Not only are we blessed with freedoms, but also our economic abundance is considerable and our standard of living is higher. Is it any wonder that people of other nations, especially Third World nations, continue to want to come to America?

Most illegal aliens are from Mexico. The economic differences of our two countries are great. The opportunity for illegal entry into the United States is easy. That is not likely to change since the U.S. Government cannot build an impenetrable wall along the Mexican border.

Should Mexico's financial condition change for the better, the problem would be lessened. Also, if Mexico can economically advance with her vast oil producing industry it would clearly be in our interest because it would lessen our illegal immigration problem. It would also help to lessen our dependence on imported oil from the Middle East.

Immigration and its problems will always be with us. Our Nation is basically a nation of immigrants. The early waves of immigrants from Europe populated this country and they assimilated to become Americans. Most of those migrations involved the search for economic betterment.

One of the most extraordinary massive legal migrations of a people has occurred in Florida. Cubans fleeing Castro's Communist dictatorship in the early 1960's and 1970's have changed the character of Miami. Those who came early from Cuba are industrious. They set an example to the world how they could arrive in a new country penniless and rebuild their lives. They are hard workers with professional technical skills, and they moved up the economic ladder of success. Within two decades, these Cubans achieved more rapid socioeconomic success than probably any other immigrant group in the history of this country.

But now 20 years later we face a massive problem of illegal entrants from other Third World countries. The present illegal immigration chaos cries for order. Reform is necessary now. I urge my colleagues to support this legislation.●

● Mr. SHUMWAY. Mr. Chairman, in the 97th Congress I had serious misgivings regarding the Immigration Reform and Control Act which this body debated late in the session but came to no final resolution on. While I recognize the need for significant changes in our Nation's immigration laws and policy, I was unable to support the legislation for I felt it was neither workable, nor would it achieve the benefits expressed by its authors. I regret that the legislation before us today (H.R. 1510) contains most of the shortcomings of last session's bill and that this body is once again debating immigration reform legislation which falls sorely short of its intended purpose of immigration control.

My major concern with H.R. 1510 is that it fails to achieve any real control over our Nation's borders. In my view, the first step which must be taken if the United States is to achieve true immigration reform is to provide the Immigration and Naturalization Service (INS) with the resources and personnel necessary to secure our Nation's borders. Only when an effective immigration control system is fully in place at our Nation's borders and interior should Congress even consider proceeding with the type of legalization program called for in H.R. 1510.

For too long, Congress has failed to make the necessary commitment to devote sufficient resources to INS for its vital enforcement activities; the result, to a certain degree, has been a situation of uncontrolled illegal immigration into the United States. The INS, for example, has stated that there is only one officer per 12.5 miles of border. As the Judiciary Committee notes in its report on H.R. 1510:

> The lack of attention and appreciation of the responsibilities of the (INS) has been largely to blame for the chaotic state of our present immigration system.

In my view, however, H.R. 1510 fails to make this urgently needed commitment to enforcement. While the bill includes authorization for increases in the number of border patrol and other enforcement authorities of INS to deter illegal entry into the United States, it is unlikely that sufficient funding levels will be appropriated. As we are all too well aware, Mr. Chairman, appropriations and authorizations are two very different things. Moreover, in this period of fiscal restraint in all areas of the Federal budget, there is certain to be reluctance to provide the level of funding needed to allow INS to adequately secure our borders and enforce immigration laws.

Indeed, H.R. 1510 imposes significant new burdens and responsibilities on INS personnel and resources. With passage of H.R. 1510, INS would become responsible for the implementation of the bill's legalization provisions, which would require processing the millions of illegal aliens who are expected to come forward to claim legal status, as well as the employer sanctions, asylum processing, and enforcement provisions of H.R. 1510.

Mr. Chairman, it therefore hardly strikes me as prudent policy to proceed with an amnesty program until it has been adequately demonstrated that our borders can be reasonably secured. To go forward with the legalization provisions of H.R. 1510, which makes illegal aliens who have resided in the United States since January 1, 1982 eligible for permanent resident status, would send a signal to the rest of the world that the United States lacks the will and resources to secure its borders and to enforce its immigration policies. Certainly, this cannot be the message which this body seeks to send to the millions of potential immigrants throughout the world.

However, even if the United States had regained control of its borders, I still could not support the type of mass legalization program provided for in H.R. 1510. Granting a basically blanket amnesty to illegal aliens residing in the United States, in my view, would essentially reward those who have broken U.S. laws and would be grossly unfair to those who have waited patiently for years to enter the country legally. Indeed, amnesty would actually encourage further illegal immigration by offering the hope of another amnesty in the future and by attracting aliens who hope to fraudulently qualify for the amnesty. Moreover, serious questions exist concerning the number of illegal aliens in the United States who may take advantage of our offer, how many will be eligible for Federal assistance, and how this legalization program will affect our still-high unemployment rate. Finally, while H.R. 1510 provides for a ban on eligibility on most forms of Federal benefits, estimated costs of the bill to the Federal Government range as high as $6.3 billion.

I am not suggesting, by my opposition to the liberal amnesty provisions of H.R. 1510, that our Nation embark on a program of mass deportation of aliens residing in the United States illegally. H.R. 1510 does, however, provide for a more limited legalization process for those individuals who have been in the United States for an extended period of time and who have developed significant equities in society. This approach, which called for moving the registry date from 1948 to 1973, is, in my view, a more prudent and controlled approach than the type of mass legalization program called for in H.R. 1510.

This registry date will allow the Attorney General to lawfully admit, at his discretion, undocumented aliens who have resided continuously in the United States since 1973, are of good moral character and eligible for citizenship, and who are not inadmissible because of certain past actions. While the registry date is a less generous solution to the problem of illegal aliens residing in the United States, it is a more practical approach which is far preferable to the controversial amnesty proposal. The registry approach would allow the legalization program to be tested on a more modest scale, would allow for more efficient processing of deserving illegal aliens by utilizing established INS procedures, and would allow time to refine any problems connected with employer sanctions, an identification system, and the costs of the program.

I also have serious reservations concerning H.R. 1510's responsiveness to the needs of agriculture, particularly as it relates to the harvest of highly perishable crops such as citrus, strawberries, lettuce, and other vegetables. Growers in my district have repeatedly told me that the H-2 program does not work for them and I am concerned that the issues of speed, availability, and numbers of workers are insufficiently addressed by the Judiciary Committee's bill. Moreover, the Education and Labor Committee reported out amendments which are even more restrictive than the already inadequate H-2 provisions in H.R. 1510.

I am pleased, however, that the Agriculture Committee adopted an amendment which addresses the special needs of producers of perishable commodities. This amendment, designed to insure the perishable fruit and vegetable industry an adequate and dependable work force, establishes a special agricultural employment program available only to these producers. In my view, the Agriculture Committee amendment recognizes the economic realities of the agricultural sector of our economy which has come to rely on undocumented workers as a valuable source of labor; growers in my district, for example, hire illegal aliens because they are available and because, for the most part, Americans will not do the back-breaking and tedious work required. Without this modification, many fruit and vegetable producers would find it difficult to fill any labor gaps which may result from the legalization and employer sanctions provisions of H.R. 1510.

Finally, Mr. Chairman, I must voice my concern with the concept of employer sanctions, which would penalize employers who knowingly hire, recruit or refer illegal aliens. The adoption of employer sanctions, in my view, would represent an unprecedented step in shifting the burden of law enforcement, in this case U.S. immigration laws, from the Government to one segment of society, the business community.

Moreover, while employer sanctions in theory remove the magnet for illegal immigration—jobs—by penalizing employers who hire illegal aliens, their effect in practice is questionable. In my view, the implementation of employer sanctions without significantly increasing INS enforcement and service personnel will not deter workers from entering the United States illegally nor will it deter employers from hiring illegal aliens. In August 1982 the General Accounting Office report found that employer sanctions would not be an effective means of stemming the flow of aliens entering the United States illegally without substantial enforcement requiring great expense and large personnel increases, neither of which are provided for in H.R. 1510. I believe it would better serve the goal of immigration control to direct the funds that will be necessary for employer sanctions enforcement, estimated by the Congressional Budget Office to be $40 to $50 million annually, to INS to improve its enforcement of the border and of existing immigration law.

In conclusion, Mr. Chairman, while I commend my colleagues, Representative Ron Mazzoli and Senator Alan Simpson, as well as members of the Judiciary Committee, for their efforts to overhaul our Nation's immigration laws, I cannot support the bill in its present form. The legislation, in my view, will not achieve its intended effect, largely due to its lack of commitment to border enforcement and its amnesty provisions which will encourage even more aliens to enter the United States illegally. I hope that through the amendment process we will develop a coherent and fair immigration policy that upholds American traditions, recognizes economic and social realities, and demonstrates our commitment to securing our borders.●

Mr. MAZZOLI. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Hawkins) having assumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1510) to revise and reform the Immigration and Naturalization Act, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on the bill, H.R. 5145, which was considered last week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REAGANOMICS AND THE LONDON SUMMIT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, there is a good deal of notice in the press about reporting the success or failure of the President's trip to the Economic Summit in London. Some reporters, like Lou Cannon, say that our allies among the industrial democracies did not press the issue of Mr. Reagan's deficits because, in his words, Congress has refused to cut Federal spending.

In order to balance Mr. Cannon's view we should note the recent report of the Brookings Institution which is published in today's newspapers. It concludes that if Ronald Reagan had never become President, if Reaganomics had never become national policy, and that if the policies of the previous administration had been allowed to materialize, that the Nation would have experienced a balanced budget by 1988.

I am encouraged that the President is considering a news conference this week to answer questions about the Economic Summit. I hope the national press will pursue this issue of Mr. Reagan's fiscal failure.

Economic Choices

The deficit reduction program put out last week by the Brookings Institution shows the extent to which Ronald Reagan has changed the terms of national debate. Only a decade ago, the liberalism for which Brookings scholars were famous so exasperated Nixon adviser Charles Colson that he fantasized about firebombing the place. Now a group of Brookings economists has outlined a program that espouses the major themes of Reagan administration policy: domestic spending must continue to shrink, defense spending must continue to grow, taxes on investment must be reduced.

The Brookings economists, led by former Congressional Budget Office director Alice Rivlin, do disagree with the administration on two central points—where the deficits came from and how important they are. Official White House policy fluctuates between blaming the deficits on prior administrations or Congress and playing down their importance. One table in the Brookings study sets the question of the deficits' origins to rest. It shows that if Carter administration policies—including a substantial defense buildup—had been continued, the federal budget would have been almost in balance by 1988. Instead, under Reagan policies, which Congress docilely accepted, the deficit will continue to grow to about $300 billion by the end of the decade.

But even that projection assumes high, continued economic growth. A less optimistic forecast would, of course, mean still higher deficits. And, as the study makes clear, with government absorbing a very high proportion of national savings, the nation is unlikely to experience seven years of uninterrupted economic tranquility. To forestall the high interest rates, declining exports and rising unemployment that big budget deficits are likely to produce, the authors propose that over the next five years domestic programs be cut by about $170 billion. Defense spending would continue to grow, but at a slower pace (and according to a better-reasoned plan) than proposed by the administration.

Unlike the administration, the Brookings plan faces up to the fact that, even with these savings, higher taxes would still be needed. For fast action, an income tax surcharge would be imposed, perhaps with additional loophole closings. For longer-run reform however, the authors propose to replace the current income tax with a new tax imposed only on income spent rather than invested. That should appeal to the business community, especially since the high gift and estate taxes that the plan relies upon to curb the accumulation of great wealth are unlikely to be adopted.

The Brookings plan is useful because it demonstrates that, enormous as currently projected deficits may be, they could be eliminated by measures that fall within the range of the politically possible. Possible, but not probable. The Brookings plan depends on Congress' taking strong steps early next year. You don't hear any of the presidential candidates talking in the strong and specific terms that would be needed to lead such action.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Kleczka) is recognized for 5 minutes.

● Mr. KLECZKA. Mr. Speaker, due to the crowded nature of the Chamber during Rollcall No. 223, I was unable to register my vote before the Chair had announced the result. Had I been recognized, I would have voted no on the motion to suspend the rules on H.R. 5600, the Preventative Health Services Act.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Sensenbrenner (at the request of Mr. Michel), for today and the balance of the week, on account of hospitalization.

Mr. Pashayan (at the request of Mr. Michel), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hunter) to revise and extend their remarks and include extraneous material:)

Mr. Hansen of Idaho, for 60 minutes, today.

Mr. Philip M. Crane, for 60 minutes, June 15.

Mr. Hansen of Idaho, for 60 minutes, June 12.

Mr. Gingrich, for 60 minutes, today.

Mr. Walker, for 60 minutes, today.

Mr. Weber, for 60 minutes, today.

Mr. Mack, for 60 minutes, today.

Mr. Gingrich, for 60 minutes, June 12.

Mr. Walker, for 60 minutes, June 12.

Mr. Weber, for 60 minutes, June 12.

Mr. Mack, for 60 minutes, June 12.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

Mr. Kleczka, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, today.

Mr. Coyne, for 10 minutes, on June 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Broomfield, immediately following the remarks of Mr. Yatron on Senate Joint Resolution 296.

Mr. Weiss, in strong support of H.R. 5600 during the debate.

Mr. Nelson of Florida, in support of H.R. 5525 prior to the vote.

Mr. McKINNEY, to revise and extend his remarks prior to the vote today on H.R. 5565.

Mr. HARRISON, to revise and extend his remarks prior to the vote on H.R. 4472, today.

(The following Members (at the request of Mr. Hunter) and to include extraneous matter:)

Mr. Vander Jagt.
Mr. Conte.
Mr. Bartlett.
Mr. Robinson.
Mr. Daub.
Mr. Bereuter.
Mr. McKinney.
Mr. Burton of Indiana.
Mr. Lagomarsino in three instances.
Mr. Morrison of Washington.
Mr. Chappie.
Mr. Siljander.
Mr. Lewis of California.
Mr. Mack.
Mr. Young of Florida.
Mr. Kemp.
Mr. Craig.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Mazzoli.
Mr. Britt.
Mr. Udall.
Mr. Garcia.
Mr. Skelton.

Mr. Florio in two instances.

Mr. Ford of Michigan.

Mr. Miller of California.

Mr. Anderson of California in 10 instances.

Mr. Gonzalez.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Barnes.

Mr. Rodino.

Mr. Ottinger in two instances.

Mr. Fuqua.

Mr. Leland.

Mr. Moakley in two instances.

Mr. Harrison.

Mr. Fascell.

Mr. Levin of Michigan.

Mr. Hertel of Michigan.

Mr. Gephardt.

Mr. Mrazek.

Mrs. Burton of California.

Ms. Mikulski.

Mr. Price.

Mr. Addabbo.

Mr. Yates.

Mr. Yatron.

Mr. Long of Maryland.

Mr. Lantos in two instances.

Mr. Dyson.

Mr. Gejdenson.

Mr. Long of Louisiana.

Mr. Frank.

Mr. Morrison of Connecticut.

Mr. Coleman of Texas.

Mr. Matsui.

SENATE BILL AND JOINT RESOLUTIONS REFERRED

A bill and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2614. An act to amend the Indian Financing Act of 1974, to the Committee on Interior and Insular Affairs.

S.J. Res. 230. Joint resolution to designate the week of October 7, 1984 through October 13, 1984 as "National Birds of Prey Conservation Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 240. Joint resolution relating to the fortieth anniversary of the liberation of Rome; to the Committee on Post Office and Civil Service.

S.J. Res. 257. Joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean"; to the Committee on Post Office and Civil Service.

S.J. Res. 298. Joint resolution to proclaim the month of July 1984 as "National Ice Cream Month" and July 15, 1984, as "National Ice Cream Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 302. Joint resolution to designate the month of September 1984 as "National Sewing Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 303. Joint resolution to designate the week of December 9, 1984, through December 15, 1984, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3921. An act to establish wilderness areas in New Hampshire, and for other purposes.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 261. Joint resolution to provide for the designation of the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week"; and

S.J. Res. 289. Joint resolution to designate June 18, 1984, as "National Child Passenger Safety Awareness Day."

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on June 8, 1984, present to the President, for his approval, bills of the House of the following title:

H.R. 3578. An act to establish wilderness areas in Wisconsin;

H.R. 4198. An act to designate certain National Forest System lands in the State of Vermont for inclusion in the National Wilderness Preservation System and to designate a national recreation area; and

H.R. 3960. An act to designate certain public lands in North Carolina as additions to the National Wilderness Preservation System.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 12, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3520. A letter from the Secretary of Defense, transmitting a report on U.S. expenditures in support of NATO and projected expenditures for fiscal year 1984-89, pursuant to Public Law 98-94, section 1107(b)(1); to the Committee on Armed Services.

3521. A letter from the Acting Secretary of the Treasury, transmitting the annual report on the activities of the Depository Institutions Deregulation Committee and the viability of depository institutions, pursuant to Public Law 96-221, section 206; to the Committee on Banking, Finance and Urban Affairs.

3522. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-139, "Delinquent Home Mortgage Payments Fund Act of 1984", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3523. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-140, "Closing of Public Alleys in Square 51 Act of 1984", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3524. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-141, "Public Assistance Payments Increase Act of 1984", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3525. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-142, "Elimination and Establishment of Building Restriction Lines in Square 1908 Act of 1984", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3526. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-143, "D.C. Unemployment Compensation Act Amendments Act of 1984", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3527. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-144, "Hazardous Waste Management Amendments Act of 1984", and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3528. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-145, "D.C. Public Service Commission's Assessment Authority Clarification Amendment Temporary Act of 1984", pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3529. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 5-146, "D.C. Statehood Constitutional Convention Initiative of 1979 Amendments Temporary Act of 1984", pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

3530. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed manufacturing license agreement for the production in Switzerland of 8.3cm and Dragon warheads for use by the Swiss Army and NATO Governments (Transmittal No. MC-18-84), pursuant to 22 U.S.C. 2753(d)(3) (AECA section 3(d)(3), 94 Stat. 3131; 95 Stat. 1519 and section 36(d)); to the Committee on Foreign Affairs.

3531. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of a proposed license for the export, modification, and production of significant combat equipment in Switzerland (Transmittal No. MC-15-84), pursuant to AECA, section 36(c) (90 Stat. 743; 94 Stat. 3136; 95 Stat. 1520) and section 36(d); to the Committee on Foreign Affairs.

3532. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States pursuant to 1

U.S.C. 112b(a) (92 Stat. 993); to the Committee on Foreign Affairs.

3533. A letter from the Plan Administrator, Eighth Farm Credit District Benefit Trust, Farm Credit Banks of Omaha, transmitting the annual report of the Eighth Farm Credit District Employee Benefit Trust's pension plan for 1983, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on June 7, 1984, the following report was filed on June 8, 1984]

Mr. PEPPER: Committee on Rules. House Resolution 519. Resolution providing for the consideration of H.R. 1510, a bill to revise and reform the Immigration and Nationality Act, and for other purposes (Rept. No. 98-831). Referred to the House Calendar.

[Submitted June 11, 1984]

Ms. OAKAR: Committee on Post Office and Civil Service. H.R. 5680. A bill to promote pay equity and to eliminate certain discriminatory wage-setting practices within the Federal civil service; to establish a performance management and recognition system; to improve the Senior Executive Service; and for other purposes; with amendments (Rept. No. 98-832). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEHMAN of Florida. Committee on Appropriations. H.R. 5813. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes (Rept. No. 98-833). Referred to the Committee on the Whole House on the State of the Union.

Mr. UDALL. Committee on Interior and Insular Affairs. H.R. 3766. A bill entitled "The San Juan Basin Wilderness Protection Act of 1983"; with an amendment (Rept. No. 98-834). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of the rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEHMAN of Florida:

H.R. 5813. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1985, and for other purposes.

By Mr. HAYES (for himself and Mr. Conyers):

H.R. 5814. A bill to promote genuine and sustainable recovery and a full-employment society by extending and fully implementing the Employment Act of 1946 and the Full Employment and Balanced Growth Act of 1978; jointly, to the Committees on Education and Labor, Armed Services, Government Operations, Banking, Finance and Urban Affairs, and Ways and Means.

By Mr. CONYERS:

H.R. 5815. A bill to provide for post-card registration with respect to Federal elections; to the Committee on House Administration.

By Mr. CHAPPIE:

H.R. 5816. A bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes; to the Committee on Agriculture.

By Mr. HAMMERSCHMIDT:

H.R. 5817. A bill to designate the Calion lock and dam located on the Ouachita River, near Calion, Ark., as the "H. K. Thatcher Lock and Dam"; to the Committee on Public Works and Transportation.

By Mr. WAXMAN (for himself, Mr. Madigan, Mr. Scheuer, Mr. Walgren, Mr. Wyden, Mr. Eckart, Mr. Sikorski, Mr. Ottinger, Mr. Wirth, Mr. Leland, and Mr. Bliley):

H.R. 5818. A bill to amend the Federal Hazardous Substances Act to apply the notice and repair, replacement, and refund provisions of that act to defective toys and other articles intended for use by children; to the Committee on Energy and Commerce.

By Mr. FORD of Michigan:

H.J. Res. 589. Joint resolution to designate the week beginning September 16, 1984, as "National Osteopathic Medicine Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

420. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Federal antitrust laws; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. BURTON of California:

H.R. 5819. A bill for the relief of Fatima Rio Frio Benitez; to the Committee on the Judiciary.

By Mr. ROBERT F. SMITH:

H.R. 5820. A bill to confirm a conveyance of certain real property by the Southern Pacific Transportation Co., to Ernest Pritchett and his wife, Dianna Pritchett; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. Dowdy of Mississippi.

H.R. 1611: Mr. Lowry of Washington.

H.R. 1797: Mrs. Burton of California.

H.R. 2951: Mr. Volkmer.

H.R. 3361: Mr. Moorhead.

H.R. 4402: Mr. Frenzel.

H.R. 4459: Mr. Ackerman, Mr. Green, and Mr. McKernan.

H.R. 4731: Mr. Harrison, Mr. Matsui, Mr. Swift, Mr. Scheuer, Mr. Kogovsek, Mr. Weaver, Mr. Akaka, and Mr. Dowdy of Mississippi.

H.R. 4832: Mr. Albosta, Mr. Mrazek, and Mr. Richardson.

H.R. 5031: Mr. Wyden, Mr. Rangel, and Mr. Vander Jagt.

H.R. 5143: Mr. Murphy, Mr. Simon, and Mr. Carper.

H.R. 5153: Mr. Morrison of Connecticut.

H.R. 5232: Mrs. Boggs, Mr. Harrison, Mr. McGrath, and Mr. Patterson.

H.R. 5377: Mr. Hoyer, Mr. McHugh, Mr. Stokes, and Mr. Yates.

H.R. 5529: Mr. Sawyer, Mr. Morrison of Washington, and Mr. Britt.

H.R. 5640: Mr. Harkin, Mr. Ridge, Mr. Martinez, Mr. Weiss, Mr. Schumer, Mr. Scheuer, Mr. Owens, Mr. Seiberling, Mr. Hawkins, Mr. DeWine, Mr. Edwards of California, Mr. Mineta, and Mr. Ackerman.

H.R. 5660: Mr. Edwards of Alabama.

H.R. 5754: Mr. Clarke and Mr. Daniel B. Crane.

H.R. 5761: Mr. Frenzel, Mr. Hiler, Mr. Kindness, Mr. Lungren, and Mr. McCain.

H.J. Res. 174: Mr. Hawkins, Mr. Roybal, Mr. Wright, Mr. Boner of Tennessee, Mr. Dowdy of Mississippi, Mr. Leland, Mr. de Lugo, Mr. Lent, Ms. Oakar, Mr. McKernan, Mr. Darden, Mr. Porter, Mr. Volkmer, Mr. Fascell, Mr. Hutto, Mr. Price, Mr. Britt, Mr. Roe, Mr. Matsui, Mr. Neal, Mr. Dymally, Mr. Edwards of Alabama, Mr. Bosco, Mr. Hayes, Mr. Donnelly, and Mr. Feighan.

H.J. Res. 360: Mr. Murphy, Mr. Traxler, Mr. Stratton, and Mr. Tauzin.

H.J. Res. 392: Mr. Long of Maryland, Mr. Sam B. Hall, Jr., Mr. Biaggi, Mr. Skelton, Mr. Robinson, Mr. Bereuter, Mr. Smith of Florida, Mr. Tallon, Mr. Schaefer, Mr. Ratchford, Mr. Spratt, Mr. Sabo, Mr. Martinez, Mr. Neal, Ms. Mikulski, Mr. Badham, Mr. Gore, Mr. Wortley, Mr. Dyson, Mr. Borski, Mr. Kolter, Mr. Tauzin, Mr. Gekas, Mr. Erdreich, Mr. Hughes, Mr. Daub, Mr. Bateman, Mr. Guarini, Mr. Torricelli, Mr. Fuqua, Mr. Dixon, Mr. Kemp, Mr. Nichols, Mr. Tauke, Mr. Campbell, Mr. Addabbo, Mr. Pepper, Mr. Moakley, Mr. Gray, Mrs. Boxer, Mr. Wirth, Mr. Ford of Tennessee, Mr. Edgar, Mr. Anderson, Mr. Lowery of California, Mr. Hansen of Idaho, Mr. Bilirakis, Mr. Daniel, Mr. Dymally, Mr. McCurdy, Mr. Stratton, Mr. Boehlert, Mr. Dingell, Mr. Downey of New York, Mr. Kasich, Mr. Hertel of Michigan, Mr. Williams of Ohio, Mr. DeWine, Mr. McCloskey, Mr. Bevill, Mr. Brown of Colorado, and Mr. Scheuer.

H.J. Res. 418: Mr. Aspin, Mr. Bethune, Mr. Broomfield, Mr. Carney, Mr. Cheney, Mr. Gilman, Mr. Gingrich, Mr. Hiler, Mr. Hillis, Mr. Hyde, Mr. Lott, Mr. Lujan, Mr. Mack, Mr. Michel, Mr. Molinari, Mr. Montgomery, Mr. Moorhead, Mr. Myers, Mr. Parris, Mr. Pursell, Mr. Quillen, Mr. Rangel, Mr. Roth, Mr. Rudd, Mr. Snyder, Mr. Solomon, Mr. Sundquist, Mr. Whitehurst, Mr. Young of Florida, Mr. Chappell, Mr. Conable, Mr. Downey of New York, Mr. Martin of New York, Mr. Martin of North Carolina, Mr. Stangeland, Mr. Hertel of Michigan, Mr. Rowland, Mr. Moody, Mr. Heftel of Hawaii, Mr. Hopkins, and Mr. Lundine.

H.J. Res. 473: Mr. Horton, Mr. Watkins, Mr. Ritter, Mr. Lehman of Florida, Mr. Wolpe, Mr. Feighan, Mr. Borski, Mr. de la Garza, Mr. Huckaby, Mr. Bevill, and Mr. Shaw.

H.J. Res. 491: Mr. Chappie, Mr. Ralph M. Hall, Mr. Hayes, Mr. Hutto, Mr. Paul, Mr. Roberts, Mr. Snyder, and Mr. Thomas of Georgia.

H.J. Res. 528: Mr. Coughlin, Mr. Ortiz, Mr. Craig, Mr. Florio, Mr. Vento, Mr. Pursell, Mr. Hertel of Michigan, Mr. Yatron, Mr. Fazio, Mr. Carper, and Mr. Minish.

H. Con. Res. 301: Mr. Tauzin, Mr. Leland, Mr. Hefner, Mr. DeWine, Mr. Walgren, and Mr. Smith of New Jersey.

H. Con. Res. 302: Mr. BRITT, Mr. SMITH of Florida, Mr. HALL of Ohio, and Mr. DANIEL B. CRANE.

H. Con. Res. 315: Mr. BIAGGI, Mr. BORSKI, Mr. CHAPPIE, Mr. CONYERS, Mr. COUGHLIN, Mr. DAUB, Mr. FAUNTROY, Mr. GRAY, Mr. HANSEN of Utah, Mr. HUTTO, Mr. LELAND, Mr. LEVIN of Michigan, Mr. MARTINEZ, Mr. MOORHEAD, Mr. PORTER, Mr. ROWLAND, and Mr. SCHEUER.

H. Res. 518: Mr. CRAIG, Mr. DAUB, Mr. LEWIS of California, Mr. WORTLEY, Mr. BLILEY, Mr. DENNY SMITH, Mr. HANSEN of Utah, and Mr. MCCOLLUM.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3870

By Mr. JAMES J. HOWARD

Amendment in the nature of a substitute.

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 158. **National minimum drinking age**

(2) The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than 21 years of age is lawful.

"(a)(1) The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of sections 104(b)(1), 104(b)(2), 104(b)(5), and 104(b)(6) of this title on the first day of the fiscal year succeeding the second fiscal year beginning after September 30, 1985, in which the purchase or public possession in such State of any alcoholic beverage by a person who is less than 21 years of age is lawful.

"(b) The Secretary shall promptly apportion to a State any funds which have been withheld from apportionment under subsection (a) of this section in a fiscal year if in any succeeding fiscal year such State makes unlawful the purchase or public possession of any alcholic beverage by a person who is less than 21 years of age.

"(c) As used in this section, the term 'alcoholic beverage' means—

"(1) beer as defined in section 5052(a) of the Internal Revenue Code of 1954,

"(2) wine of not less than one-half of 1 percent alcohol by volume, and

"(3) distilled spirits as defined in section 5002(a)(8) of such Code.".

(b) The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"158. National minimum drinking age.".

EXTENSIONS OF REMARKS

ADVANCING TECHNOLOGY'S CHANGING SOCIETAL ROLE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● **Mr. FUQUA.** Mr. Speaker, I am inserting for the attention of our colleagues, excerpts from the very thoughtful and informative Durand lecture delivered by Dr. Simon Ramo on May 2, 1984, to the American Institute of Aeronautics and Astronautics. Dr. Ramo, a cofounder and current director of TRW, Inc., is a recognized leader and contributor in the area of science and technology. In his lecture he sets forth several examples which suggest rather strongly that the worldwide technology advance is impacting our Nation's domestic tranquillity, international competitiveness, and national security. He then proceeds to discuss several very compelling approaches that, to use his words, "might help the United States excel as a country employing technology advantageously in the interests of itself and the rest of society."

The lecture follows:

ADVANCING TECHNOLOGY'S CHANGING SOCIETAL ROLE

(By Dr. Simon Ramo)

Perceptive people have long recognized that technology exerts a great influence on every dimension of civilization. Now, however, as this century approaches its last decade, the impact of technological advance is becoming more powerful and pervasive, impelling us to stronger effort to understand the relationship of that advance to the society's future.

Every country in the world now believes its economic strength, social stability and national security to be highly dependent on its science and technology. These powerful tools are seen to offer the possibilities of providing the necessities of life with less expenditure of resources and less harm to the environment, of leading to new products for the world market and the creation of jobs to manufacture them, and of enhancing the quality of life. Consequently, most nations are making avid, all-out efforts to expand their technological resources.

This situation is generating difficult policy issues for America. They would be more amenable to timely handling if we could count on a continuation of the technology preeminence we have held for most of this century. The U.S. once scored so heavily in the world's technology Olympics that there was essentially no contest. We used to win almost every event. The large American domestic market was nearly a captive one for our home-based industries and our technological products were most often the world's best. We were well ahead of the Russians then in military technology and close to self-sufficiency in energy and other natural resources, largely buying them from others only when the asking price was attractively low.

More recently, however, we have been slipping badly. We have gone from the long-held championship in annual productivity gains to the bottom position against other industrialized nations. We have been losing out in foreign markets as well as in our own domestic one in consumer electronics, cameras, automobiles, machines that produce consumer goods, and many heavy machinery areas. The U.S. share of world trade in technological products has dropped by a factor of almost two between the 60s and the 80s. Loss of export volume is now a major cause of our unemployment.

The fraction of our gross national product going into research and development has been going down in the United States and up in Japan and Western Europe. Also, during the past twenty years the percent of annual output reinvested in plants has averaged one-fourth the Japanese figure. Not surprisingly, our facilities are older and less efficient. It takes significantly less manhours and less energy to make a ton of steel in Japan. To equal Japan's ratio of investment to GNP we would need to plow back two-hundred billion dollars more per year.

Free enterprise and technology teamed up long ago to produce an enormous flow of technological products in America. In this we led the world. Capital at risk seeking a maximum return has employed the marketplace to match the opportunities created by technological advance with the needs and desires of the people. This is still a highly useful process for the U.S. But it is time to recognize that the free market concept alone will not yield the fullest sound employment of technology. For some needs that technology can fill, free enterprise will not even plant the seed.

Our unresolved policy questions are greatly compounded by the growing realization that the more technological the world becomes, the more dangerous it tends to be. Intelligently directed technological advance, we are now aware, requires balancing the seeking of gains with the minimizing of hazards. The values of benefits must be compared with the prices the disbenefits force us to pay and this involves difficult technical effort and value judgments. The government must be involved here.

Let us turn now to another severe requirement for U.S. policy formation. America is almost certain to possess in the future a decreasing portion of the world's total supply of engineers. Of every 1,000 college graduates America turns out, only 7 are engineers; for the Japanese, the figure is 40. The Soviet Union now graduates five times as many engineers a year as the United States. The fraction of scientists and engineers in the U.S. labor force has declined steadily in the last two decades while that ratio has doubled in both Japan and Germany. During the '70s the number of American Ph.D.s in physics dropped ten percent. The total number of annual graduates with Ph.D.s in engineering, an excellent indicator of future technological strength, is a third less now than ten years ago and almost half of those graduates now are foreigners. (Since the U.S. university engineering departments have around 2000 positions going unfilled, it is fortunate that the non-citizen graduate students are on hand to assist in teaching the American undergraduates.)

The rest of the world is increasingly able to back up each engineer as adequately as is the U.S. Thus, if we use numbers of engineers as a guide, then it would appear three out of four important future technological breakthroughs or major refinements or first successful implementations are likely to occur elsewhere. This means that success in America's future engineering efforts will come to depend very considerably on our competence, innovation and zealousness in developing ways to acquire technology from the outside economically and quickly.

But this presents an enormously puzzling policy issue to the U.S. To date, we have been far from successful, indeed often highly confused, in our attempts to control the transfer of our technology to other nations. Yet, even before we have straightened out that matter, we find ourselves suddenly with the need to increase technology transfer the other way, to us.

What actions might help the U.S. excel as a country employing technology advantageously in the interests of itself and the rest of society?

The realistic question is not whether the government should participate in the technology race, but rather how we can improve its inevitable continuing participation.

Certainly we can perform better in the future. The government can stop doing some bad things and do additional good things instead. For instance, as industries go out of date, or are apparently permanently outdone by lower priced goods from other countries, the government should help see that unemployed workers are trained to fit into new high technology industries. It is easy to identify the new growth fields adequately. Companies developing new technological industry should be encouraged to locate where unemployment from dying industries is highest, government subsidies for the necessary retraining being offered to companies electing to put their new plants there.

We should recognize the crisis in science and mathematics education in our schools and quit pussyfooting about the need for a federal government role in solving it. Students get a year of science in only ten percent of our high schools and only one hundred thousand students receive a part year exposure to calculus. In the Soviet Union five million students take three years of calculus. Half our high schools are forced to use some math and science teachers who are unlicensed. Laboratories, essential to educating for a technological society, are disappearing from American high schools.

Our engineering schools are understaffed and rely on out-of-date, decaying equipment. Some believe this condition should be changed by philanthropy from U.S. industry. It is naive to think that will happen.

The federal government should recognize the fundamental long-term necessity, if America is to compete successfully in the international technology race, of strong engineering schools. To ensure that strength, we all should agree, requires a permanent national program.

Faced with strong foreign competition, American companies must be allowed to form joint efforts and combine forces. Our

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

antitrust legislation, many decades old, was created for an isolated America. If two large companies get together, they might indeed constitute a monopoly and misuse the American public. But not if the real competitor is a foreign-based corporation selling similar products here, particularly if it is subsidized by its national government. Then the threat of a monopoly is completely different. We should alter our antitrust laws so the government can grant immunity from antitrust prosecution to companies joining with each other in those circumstances.

The numerous subsidies of our tax structure were not designed to maximize America's position in the crucial technology race against rival nations. Indeed our taxing policies arise out of short term political considerations, with an intermission in the process during each election year. If our goal were to win the international battle for technological superiority, one sensible change would be to abolish capital gains taxes entirely. Several years ago the government increased capital gains taxes and this so discouraged the creation of new high technology companies that issues of shares in such companies fell from billions of dollars a year to almost zero. We have since brought this tax down to where it was earlier, but Japan and Germany have no taxes at all on substantive capital gains.

We could step up new product creations and facility investments to improve productivity by abolishing the double taxation on corporate earnings. Technological corporations would plow back earnings into new developments if the government would tax such earnings only when they have been passed out to shareholders as dividends because they are not needed for reinvestment in R&D and facility improvement. In less than a decade the resulting expansion of operations spurred by gradually introducing such tax reforms would lead to higher investment, superior competitive positions, higher revenues, more economic growth, greater dividends, and a resulting eventual higher tax revenue flow to the government.

Right now, our high real interest rates certainly do not encourage investment, and the lowered values of Western European currency and the Japanese yen against the dollar means their goods are cheaper in America. It takes a lot of technological superiority to make up for a 30 percent price handicap stemming from currency exchange ratios.

The more advanced a contemplated technological development, the longer it takes before investment in it can lead to the desired period of return on that investment. This means high real interest rates militate against backing major technology advances, the interest expense becoming too high to permit a favorable net return. Incremental, safe product changes become more common. This, bringing down our government deficits is basic to our being successful in the international technology race.

Let us shift to still another dimension of policy formation. How can the U.S. combat foreign government-industry teaming? The answer is: by sound government-industry teaming of our own. This should be arranged only in selected areas, those where our being in first place is perceived as of prime national importance. When our private sector cannot justify the risk investment in specific needed projects, while in other nations government backing gives their industrial entries a major boost, we should do something about our present government-industry adversary relationship. We should organize a cooperative effort to replace it.

Is such teamwork possible in the U.S.? Let us take the commercial air transport business as an example. For both security and economic growth reasons, it is mandatory for the U.S. to dominate this field both domestically and in the world market.

Yet, we do not have a national policy that comes right out and says unequivocally that we plan to lead in aeronautics. We have no deliberate long term national program with stated roles for the government and the private sector to bring such a leadership position about.

We should decide and announce with clarity that it is a national goal to hold our lead in commercial aircraft. Our armed forces' requirements, the commercial market, the potentials of technology, and the economics of financing both manufacturing and sales should all be pondered in an integrated fashion through a joint, continuing government and industry team. Since the competition is against foreign industry-government pairing, we should liberalize anti-trust rules so as to encourage, instead of prohibiting, U.S. airplane manufacturers to merge, create joint ventures or otherwise cooperate with each other to increase their chances of winning competitions.

Technological innovation in information handling is a task for private industry and the universities, not the government. But the right government participation is absolutely essential.

If the latest technology were installed magically overnight in every present activity where an economic gain would result, the overall investment would total in the trillions of dollars. So the motivation for free enterprise activity is strong and technological creativity is sure to flourish. But this innovation must develop side by side with correct government policies and actions if effective implementation of information technology is to occur in the U.S.

Is the government rising to this challenge? Mainly, no. The Congress has been slowly probing the basic legislation requirements, but no really significant action has yet been taken to replace the drastically out-of-date (1934) communications law. No real center of responsibility for policy integration exists in the executive branch for computer-communications. The main government action actually has been in the courts, not in response to the enormous present potentials and problems, but rather as dictated by our antiquated, no longer realistic anti-trust laws.

We ought to set as national policy the objective of U.S. leadership in the computer-communication field. Then, we should implement appropriate government missions to attain the stated goal.

Of course, a single agency cannot house all governmental duties related to information technology. But this does not justify the present disconnected, widely dispersed responsibilities, and the failure to assume in a timely way the essential tasks that are surfacing. One government unit within the executive branch could be assigned much, though not all, of the leadership. That organization also could be chartered to investigate the entire range of applications of information technology advances, even where it cannot be given the action authority. It could be chartered to compare alternatives and act as an integrator and recommender of policies for all governmental activity involving computers-communications.

The agency should not be limited to an investigatory role. Control, allocation, licensing, and regulatory aspects now in other agencies should be moved to it to the maximum practical extent.

Similarly, the enlarged agency would not control information technology advance in the military field. The Department of Defense would continue to do that, of course, but DoD would now have a place to deposit its inputs, an agency where integrated studies are made of how the advances in military information technology will or should affect civilian activities.

International trade in technology soon will surmount all other trade areas in importance and will be the principal factor in determining the relative strength of nations. Already the U.S. government is behind in recognizing this, if one judges by our lack of attention to long term policy and organization for technology transfer. We seem totally taken up with attempts to devise and operate controls as though we lead in every field, an assumption that is rapidly becoming unrealistic. Instead, to meet competitive future requirements, the managements of industry should be encouraged to create new relationships with any source in the globe producing useful technology. New dimensions of the activities of the AIAA to assist that broadening transfer process also would be sensible.

As the world becomes more highly technological, science and technology advances will impact ever more profoundly the fabric of the whole society. In the past, professional engineering organizations have concentrated mainly on providing an arena for the dissemination of the science and technology underlying engineering. The engineering profession now must interest itself more in the society. Indeed, the wise and creative application of science and technology to meet the requirements and aspirations of the society may well come to be regarded as the world's leading profession and the most exciting area of intellectual activity.●

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the House of Representatives here in the Congressional Record. I strongly believe that the people of Arizona have a right to know where I stand on the issues decided by the House, and I have found that printing my record here is the best way to provide that information.

This is not an all-inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for specifics, or to visit my district office at 300 North Main in Tucson or 1419 North 3d Street, Suite 103, in Phoenix.

The list is arranged as follows:

KEY

1. Official rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of issue being voted on;
5. The date of the action;
6. My vote, in the form Y yes, N no, and NV not voting;
7. The vote of the entire Arizona delegation, in the form (Yes—No—Not voting);
8. An indication whether the motion or amendment was passed or rejected; and
9. The total vote.

VOTING RECORD

451. H.J. Res. 413. Continuing Appropriations, Fiscal 1984. Wright, D-Texas, substitute as amended by the Hoyer, D-Md., amendment. The Wright amendment consisted of the contents of the version of H.J. Res. 403, as amended prior to the House rejection of the measure November 8, 1984. Adopted 235-181: Y(2-3-0), November 10, 1983. A "nay" was a vote supporting the president's position.

452. H.J. Res. 413. Continuing Appropriations, Fiscal 1984. Passage of the joint resolution to make further continuing appropriations for fiscal 1984 for those government agencies whose regular appropriation bills had not cleared. Passed 224-189: Y(2-3-0), November 10, 1983.

453. H.R. 4102. Universal Telephone Service. Tauke, R-Iowa, substitute to phase in, rather than ban, the Federal Communications Commission plan to impose an access charge on residential and small business telephone users for the right to use long-distance service, but only as of January 1, 1985, rather than April 3, 1984, and at levels of no more than $1 a month the first year, rather than $2, rising to $4 a month by 1988. Rejected 142-264: N(3-2-0), November 10, 1983.

454. H.R. 4102. Universal Telephone Service. Rinaldo, R-N.J., amendment to phase in, rather than ban, the Federal Communications Commission plan to impose an access charge on residential and small business telephone users for the right to use long-distance service, but only as of January 1, 1985, rather than April 3, 1984, at levels of up to $2 a month the first year but no more than $4 in years after 1985, and only if necessary to preserve universal telephone service. Rejected 122-270: NV(3-1-1), November 10, 1984.

455. H.J. Res. 413. Continuing Appropriations, Fiscal 1984. Adoption of the conference report on the joint resolution to provide further continuing appropriations through September 30, 1984 for federal agencies whose regular fiscal 1984 appropriations have not been enacted. Adopted 173-136: Y(3-1-1), November 12, 1983.

456. H.R. 3635. Child Protection Act. Sawyer, R-Mich., demand for a second on the Hughes, D-N.J., motion to suspend the rules and pass the bill to strengthen federal laws against production and distribution of pornographic materials involving children. Second ordered 280-0: Y(5-0-0), November 14, 1983.

459. H.R. 3635. Child Protection Act. Hughes, D-N.J., motion to suspend the rules and pass the bill to strengthen federal laws against production and distribution of pornographic materials involving children. Motion agreed to 400-1: Y(5-0-0), November 14, 1983. A two-thirds majority of those present and voting (268 in this case) is required for passage under suspension of the rules.

460. H.R. 3729. Refugee Assistance Extension Act. Mazzoli, D-Ky., motion to suspend the rules and pass the bill to extend for two years refugee resettlement programs. Motion agreed to 300-99: Y(3-2-0), November 14, 1983. A two-thirds majority of those present and voting (26[illegible] in this case) is required for passage under suspension of the rules.

461. S. 376. Debt Collection Act. Sam B. Hall, Jr., D-Texas, motion to suspend the rules and pass the bill to permit federal agencies to contract with private agencies for debt collection services on a contingency fee basis. Motion agreed to (thus cleared for the president) 397-3: Y(5-0-0), November 14, 1983. A two-thirds majority of those present and voting (267 in this case) is required for passage under suspension of the rules.

462. H.R. 1095. 369th Veteran's Association. Sam B. Hall, Jr., D-Texas, motion to suspend the rules and pass the bill to grant a federal charter to the 369th Veterans' Association. Motion agreed to 406-0: Y(5-0-0), November 14, 1983. A two-thirds majority of those present and voting (271 in this case) is required for passage under suspension of the rules.

463. H.R. 29. Polish Legion of American Veterans. Sam B. Hall, Jr., D-Texas, motion to suspend the rules and pass the bill to grant a federal charter to the Polish Legion of American Veterans. Motion agreed to 404-0: Y(5-0-0), November 14, 1983. A two-thirds majority of those present and voting (270 in this case) is required for passage under suspension of the rules.

464. H.R. 3249. National Academy of Public Administration. Sam B. Hall, Jr., D-Texas, motion to suspend the rules and pass the bill to grant a federal charter to the National Academy of Public Administration. Motion agreed to 401-2: Y(5-0-0), November 14, 1983. A two-thirds majority of those present and voting (269 in this case) is required for passage under suspension of the rules.

465. H. Con. Res. 190. Satellite-Directed Navigation. Glickman, D-Kans, motion to suspend the rules and adopt the concurrent resolution expressing the sense of the Congress that the secretary of transportation should report to the Congress on the steps being taken to make a satellite-directed navigation systems available to civilian aviation. Motion agreed to 401-0: Y(4-0-1), November 14, 1983. A two-thirds majority of those present and voting (228 in this case) is required for adoption under suspension of the rules.

466. H. Con. Res. 168. Weather Satellite Systems. Fuqua, D-Fla., motion to suspend the rules and adopt the concurrent resolution expressing the sense of Congress that it is inappropriate at this time to sell or transfer weather satellite systems to the private sector. Motion agreed to 377-28: Y(4-1-0), November 14, 1983. A two-thirds majority of those present and voting (270 in this case) is required for adoption under suspension of the rules.

469. H.J. Res 1. Equal Rights Amendment. Rodino, D-N.J., motion to suspend the rules and pass the joint resolution to propose an amendment to the Constitution declaring "Equality of rights under the law shall not be abridged by the United States or any state on account of sex". Motion rejected 278-147: Y(2-3-0), November 15, 1983. A two-thirds majority of those present and voting (284 in this case) is required for passage under suspension of the rules. A "nay" was a vote supporting the president's position.

470. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Young R-Fla., motion to order the previous question on the Young motion to instruct the House conference to insist upon the House provision barring the use of animals by the Department of Defense in certain medical experiments. Motion rejected 164-256: N(3-2-0), November 15, 1983. (Agreement to the motion would have prevented a vote on the Porter, R-Ill., amendment.

471. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Porter, R-Ill., amendment to the Young, R-Fla., motion to instruct the House conferees, to insist on the House position, namely opposition to $124.4 million for production facilities for and procurement of chemical munitions. Motion agreed to 258-166: Y(2-3-0), November 15, 1983. A "nay" was a vote supporting the president's position.

472. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Addabbo, D-N.Y., motion that conference committee meetings on the bill be closed to the public when classified national security information is under consideration. Motion agreed to 419-0: Y(5-0-0), November 15, 1983.

474. H.R. 3222. State, Justice, Commerce Appropriations, Fiscal 1984. Smith D-Iowa, motion to take the bill from the Speaker's table and have the House concur in the remaining Senate amendment that provided $11.89 million for the U.S. Civil Rights Commission. Motion agreed to 417-3: Y(5-0-0), November 16, 1983. (This cleared the $10,499,665,000 bill for the president. The president has requested $10,026,318,600 in new budget authority.)

475. H.R. 3959. Supplemental Appropriations, Fiscal 1984. Adoption of the conference report on the bill to appropriate $302,213,600 in supplemental appropriations for several federal agencies for fiscal 1984. Adopted 372-51: Y(4-1-0), November 16, 1983.

476. H.R. 4325. Child Support Enforcement. Rostenkowski, D-Ill., motion to suspend the rules and pass the bill to amend the Social Security Act to require that states institute mandatory procedures for withholding wages of those in arrears in child support and to make all child support recipients eligible for state assistance in collecting payments. Motion agreed to 422-0: Y(5-0-0), November 16, 1983. A two-thirds majority of those present and voting (282 in this case) is required for passage under suspension of the rules.

477. H.R. 1264. Select Commission on Voluntary Service Opportunities. Murphy, D-Pa., motion to suspend the rules and pass the bill to establish a commission to assess voluntary service opportunities. Motion rejected 179-245: Y(2-3-0), November 16, 1983. A two-thirds majority of those present and voting (283 in this case) is required for passage under suspension of the rules.

478. H.J. Res. 190. Guidelines for Equal Opportunity in Education. Simon, D-Ill., motion to suspend the rules and pass the joint resolution expressing the sense of Congress that Title IX of the Education Amendments of 1972 prohibiting discrimination by educational institutions on the basis of sex, should be broadly interpreted. Motion agreed to 414-8: Y(5-0-0), November 16, 1983. A two-thirds majority of those present and voting (282 in this case) is required for passage under suspension of the rules.

479. H.R. 3922. Postal Savings System Statute of Limitations. Sam B. Hall Jr., D-Texas, motion to suspend the rules and pass the bill to establish a one-year limitation on

the filing of claims for unpaid accounts formerly maintained in the Postal Savings System. Motion agreed to 410 11: Y(5 0 0), November 16, 1983. A two-thirds majority of those present and voting (281 in this case) is required for passage under suspension of the rules.

480. H.R. 3622. Credit Card Protection. Annunzio, D-Ill., motion to suspend the rules and pass the bill to restrict disclosures of credit card members, make it a federal crime to possess more than five fraudulent credit cards or other payment devices, and make it a federal crime to steal $1,000 or more in a single year through the fraudulent use of credits cards or other payment devices. Motion agreed to 422 0: Y(5 0 0), November 16, 1983. A two-thirds majority of those present and voting (282 in this case) is required for passage under suspension of the rules.

481. H.R. 4278. Extending Ban on Credit Card Surcharges. Annunzio, D-Ill., motion to suspend the rules and pass the bill to extend to July 31, 1984, from February 27, 1984, the ban on imposing surcharges on purchases made with credit cards. Motion agreed to 349 73: Y(2 3 0), November 16, 1983. A two-thirds majority of those present and voting (283 in this case) is required for passage under suspension of the rules.

482. H.R. 3960. North Carolina Wilderness Act. Seiberling, D-Ohio, motion to suspend the rules and pass the bill to designate 68,750 acres of national forest land in North Carolina as federally protected wilderness as an additional 25,816 acres for further wilderness study. Motion agreed to 398 21: Y(4 1 0), November 16, 1983. A two-thirds majority of those present and voting (280 in this case) is required for passage under suspension of the rules.

483. H.R. 3578. Wisconsin Wilderness Act. Seiberling, D-Ohio, motion to suspend the rules and pass the bill to designate 24,339 acres of national forest land in Wisconsin as federally protected wilderness. Motion agreed to 402 17: Y(4 1 0), November 16, 1983. A two-thirds majority of those present and voting (280 in this case) is required for passage under suspension of the rules.

484. H.R. 2077. Federal Physicians Comparability Allowance Act. Adoption of the conference report on the bill to extend the federal physicians comparability allowance act for four years, and to provide for an interim retirement system for federal workers hired after January 1, 1984. Adopted 244 127: Y(1 4 0), November 16, 1983.

486. H. Con. Res. 220. Cyprus. Adoption of the concurrent resolution to condemn the declaration of independence on November 15, 1983, by the Turkish Federation of Cyprus. Adopted 423 1: Y(5 0 0), November 17, 1983.

487. H.R. 3435. Education of the Handicapped. Passage of the bill to authorize $163.8 million in fiscal 1984, $171.6 million in fiscal 1985 and $179.6 million in fiscal 1986 for discretionary programs of the Education of the Handicapped Act; $1.038 billion in fiscal 1984 and additional sums for fiscal 1985 and 1986 for state block grant programs of the Rehabilitation Act; and $117.1 million plus such sums as may be necessary for fiscal 1984 for discretionary programs of the Rehabilitation Act. Passed 415 1: Y(5 0 0), November 17, 1983.

488. H.R. 2755. Federal Communications Commission Authorization. Adoption of the rule (H. Res. 364) providing for House floor consideration of the bill to authorize $91.2 million for the Federal Communications Commission in fiscal 1984 and 1985, to increase the fiscal 1984 86 authorization for the Corporation for Public Broadcasting and to impose financial controls on National Public Radio. Adopted 258 160: Y(2 3 0), November 17, 1983.

489. H.R. 2755. Federal Communications Commission Authorization. Oxley, R-Ohio, amendment to reduce the authorization for the Corporation for Broadcasting by $11 million in fiscal 1984, $15 million in fiscal 1985 and $20 million in fiscal 1986. Rejected 141 277: N(2 3 0), November 17, 1983.

490. H.R. 4170. Tax Reform Act. Adoption of the rule (H. Res. 376) providing for House floor consideration of the bill to raise $8 billion in revenues over fiscal 1984 86 through a variety of changes in tax law. The main elements of the bill dealt with mortgage revenue bonds, industrial development bonds, fringe benefits, tax simplification, curbs on sale/lease-back schemes by non-profit groups and the taxation of life insurance. The bill also made substantial savings in the Medicare program and revised administration of the Social Security Disability Insurance program. Rejected 204 214: Y(2 3 0), November 17, 1983.

491. H.R. 2350. Health Research Extension. Dingell, D-Mich., amendment to the Shelby, D-Ala., substitute, to transfer the National Institute for Occupational Safety and Health to the National Institutes of Health, from the Centers for Disease Control. Rejected 186 206: NV(1 2 2), November 17, 1983.

493. H.R. 2915. State Department Authorization. Adoption of the conference report on the bill to make authorizations for fiscal years 1984 85 for the State Department, the United States Information Agency, the Board for International Broadcasting and related agencies. Adopted 254 146: Y(2 2 1), November 18, 1983.

494. H. Con. Res. 100. Forced Labor in the Soviet Union. Adoption of the concurrent resolution to call upon the Soviet Union to end its policy of using forced labor. Adopted 402 0: Y(4 0 1), November 18, 1983.

495. H. Con. Res. 100. Forced Labor in the Soviet Union. Foley, D-Wash., motion to table (kill) the Levitas, D-Ga., motion to reconsider the vote by which the concurrent resolution was adopted. Motion agreed to 390 0: Y(3 0 2), November 18, 1983.

496. H.R. 4185. Defense Department Appropriations, Fiscal 1984. Adoption of the conference report on the bill to provide $249,820,875,000 for military programs of the Department of Defense in fiscal 1984. Adopted 311 99: Y(3 0 1), November 18, 1983. The president had requested $260,926,119,000 authority.

497. H.R. 3959. Supplemental Appropriations, Fiscal 1984. Adoption of the rule (H. Res. 379) that, when adopted, had the effect of providing House approval to the Senate (Garn, R-Utah) amendment adding a $15.6 billion reauthorization of housing programs, an $8.4 billion reauthorization and appropriation for the International Monetary Fund and a reauthorization of U.S. participation in international development banks. Adopted (thus cleared for the president) 266 186: Y(2 2 1), November 18, 1983. A "yea" was a vote supporting the president's position.

498. H.J. Res. 308. Debt Limit Increase. Adoption of the conference report on the joint resolution to increase the public debt limit to $1.49 trillion, from $1.389 trillion. Adopted (thus cleared for the president) 214 186: Y(3 1 1), November 18, 1983. A "yea" was a vote supporting the president's position.

43. H.R. 1900. Social Security Act Amendments. Adoption of the conference report on the bill to overhaul the Social Security system, to revamp the way the federal government reimburses hospitals for Medicare, to extend the federal supplemental unemployment benefit program for six months and Supplemental Security Income benefits. Adopted 243 102: Y(3 2 0), Mar. 24.

44. H.R. 1071. Kodiak National Wildlife Refuge. Motion to suspend the rules and pass the bill to provide for acquisition by the United States, by exchange, of certain native-owned lands or interests in lands in Alaska. Motion agreed to 366 18: Y(3 2 0), Apr. 12.

45. H.R. 1437. California Wilderness Act. Amendment to the Interior and Insular Affairs Committee substitute amendment, to authorize the Agriculture Department upon application by the state of California to waive provisions of the bill shown to increase unemployment. Rejected 121 272: N(3 2 0), Apr. 12.

46. H.R. 1437. California Wilderness Act. Amendment to the Interior and Insular Affairs Committee substitute amendment, to substitute provisions designating as federal wilderness about 1,278,000 acres of national forest land in California, approximately equivalent to the amount recommended by the U.S. Forest Service. Rejected 136 257: N(3 2 0), Apr. 12.

47. H.R. 1437. California Wilderness Act. Passage of the bill to designate as federal wilderness approximately 2.33 million acres of national forest land in California. Passed 297 96: Y(2 3 0), Apr. 12.

49. H.J. Res. 13. Nuclear Freeze. Amendment making the goal of U.S.-Soviet arms control negotiations an agreement to scrap two existing nuclear warheads for each new one deployed, instead of seeking a freeze on nuclear weapons. Rejected 190 229: N(2 3 0), Apr. 13.

50. H.J. Res. 13. Nuclear Freeze. Amendment to the Brown, R-Colo., amendment making a nuclear arms freeze a more immediate priority than arms reductions. The Brown amendment would have given the two goals equal priority. Adopted 219 195: Y(2 2 1), Apr. 13.●

PUBLIC LIBRARIES AND CHALLENGE OF THE LEARNING SOCIETY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. CONTE. Mr. Speaker, this Nation's network of public libraries has been and remains an essential part of this country's educational system. We in Massachusetts are fortunate to have some of the most outstanding libraries this Nation has to offer, and one of our most distinguished is the Boston Public Library.

Recently the U.S. Department of Education, following in the wake of the report by the National Commission on Excellence in Education, A Nation at Risk, sponsored a series of seminars focusing on how libraries can aid and assist our educational system. This "Libraries and Learning Society" project was carried out by the Center for Libraries and Education Improvement of the Office of Educational Research and Improvement and focused on how libraries, research libraries, school libraries and training programs can aid our country's educational efforts.

The Boston Public Library served as host for the seminar on public libraries. This outstanding public library has been a leader in preserving rare scholarly materials and utilizing new technology to improve efforts at disseminating materials. I am proud to acknowledge the library's achievements in putting together one of the first automated serial management systems in this country.

During the seminar, which included talks by experts in the field from throughout the United States, Dr. Donald J. Senese, Assistant Secretary for Educational Research and Improvement, gave the opening address entitled "Public Libraries and the Challenge of the Learning Society."

Dr. Senese highlights in his speech the role of the Boston Public Library, but also focuses on some of the changes we find in our public libraries. I invite your attention to his remarks.

The speech follows:

Public Libraries and the Challenge of the Learning Society by Dr. Donald J. Senese, Assistant Secretary for Educational Research and Improvement, U.S. Education Department

Good evening.

I wish to extend a welcome to each of you from U.S. Education Secretary T.H. Bell, and on behalf of the Office of Educational Research and Improvement I am proud to have the opportunity to open the public library seminar for the "Libraries and the Learning Society" Project. A busy and challenging agenda faces you, both this evening and tomorrow, so I will keep my remarks brief.

The theme for this seminar is taken from A Nation At Risk: The Imperative for Educational Reform, the report of the National Commission on Excellence in Education. The report has served to alert the public to an alarming situation—something is seriously wrong with our educational system. While there had been indications over the past two decades that problems existed in the schools, no examination of our schooling system has been as systematic or comprehensive as that completed by the Commission members.

Their analysis was confirmed in whole or in part by subsequent studies of our education system. The findings of the National Commission study and other reports have served to awaken many people throughout our country to the problems within our nation's schools. There exist many serious deficiencies in the educational programs being offered in many of our schools throughout the nation. These problems must be confronted and dealt with by members of the educational community and individuals outside the formal educational structure if we are to, once again, restore the excellence to our schools which for so long we have taken for granted. We must gather our resources and focus on the goal of creating a learning society. The National Commission put the challenge in these words:

"In a world of ever accelerating competition and change in the conditions of the workplace, of ever greater danger, and of ever larger opportunities for those prepared to meet them, educational reform should focus on the goal of creating a Learning Society. At the heart of such a society is the commitment to a set of values and to a system of education that affords all members the opportunity to stretch their minds to full capacity, from early childhood through adulthood, learning more as the world itself changes."

One of our greatest goals in the United States should be to focus on the creation of and nurturing of a Learning Society. Vital to the learning society are places like libraries "where the individual can develop and mature in work and life." As an educator, a researcher and a historian, I am not a stranger to libraries and know the importance of good public libraries, dedicated librarians, and effective library services to enrich the lives of all of us and bring countless benefits to our communities. They are repositories of our history and heritage, as well as wellsprings for education and self-improvement for millions of Americans. Citizens from every walk of life can participate in the learning society through their public libraries. If our system of public and private education has been greatly responsible for making us a strong and viable educated nation, public libraries cannot be far behind in receiving credit.

One problem may be that we take our public libraries for granted. We are indeed fortunate as a nation to have these unique institutions throughout our country. The public libraries may vary from massive high rise buildings in our bustling urban centers to a one story building or basement of an old building in some of our smaller and more isolated rural towns. Each of those libraries is a storehouse of knowledge—a welcome refuge for the individual seeking to enlighten himself or herself on the wisdom of the ages, quick references in an encyclopedia, a survey of recent magazines, or the opportunity to enjoy the wide world of fiction.

I came to my present position in 1981 and I am pleased to note that the Office of Educational Research and Improvement has administered several library programs which have had an impact on this nation's outstanding library system and has contributed significantly to the growth and development of State and local public library services.

I wish to especially note that during the past five years, we have been able to award over $890,000 to our host institution—the Boston Public Library. These funds have enabled this outstanding institution to improve preservation of rare materials and to improve their dissemination through microfiche copies.

This library serves as the headquarters for the State's eastern region for which it receives funds under the Major Urban Resource Library allotment from the Library Services and Construction Act, Title I. In addition, as a member of the Boston Library Consortium, the Boston Public Library receives funds under the Library Services and Construction Act through the Massachusetts Board of Library Commissioners, represented here by its director, Mr. Roland Piggford. It is supporting, I understand, what is to be the first automated serials management system in the country providing current holdings information, price information, financial reports, and claiming information.

I would also like to mention some of the other work being supported under the auspices of our Office and how it relates or might relate to the work that you are doing. Some of our largest programs are the Public Library Services Program (Title I) and Interlibrary Cooperation Program (Title III) under the Library Services and Construction Act.

Title I has provided the seed money to foster improved access to public libraries since 1956 when the program began as a rural library services effort. With this Federal help, States boosted their public library State-aid programs so that public libraries could assume an important role in the learning society. Many of the special programs initiated with these funds were designed to broaden the learning society for those who may have been disadvantaged, handicapped, institutionalized, elderly, or who may have had limited English-speaking ability—all priorities of Title I of the Library Services and Construction Act.

It has been for the mos art educators—classroom teachers, school administrators, college and university professors responsible for teacher training, and sometimes a few parents of students in schools—who have been taught to be the key players concerned with education and the learning society. Today, we must recognize that education must be a matter of interest to everyone, including librarians; it is an issue of vital concern to all Americans.

There are many reasons why education is receiving a greater focus. One of them is certainly the public's deep concern over the findings of A Nation At Risk. Another is the rapidly changing technologies which are now, and will even more so in the future, affect how and what we learn. There are many and varied opinions about how and where we learn in this "information age." More and more educators are beginning to recognize the great potential of technology to enhance learning of citizens in schools and libraries. Our Office presently offers its support of these technologies through library resource sharing activities under Title III of the Library Services and Construction Act, fostering linkages among schools, colleges and universities, special library collections, and public libraries in providing learning resources available to all citizens in their communities. Hopefully, through our data collection activities and dissemination and diffusion efforts, libraries will seek to emulate successful State and local examples of shared activities promoting increasing access to learning resources.

Certainly computers will play a vital role in the learning society as noted by the National Commission on Excellence in Education. In fact, it is significant to note that the Commission feels that it is already important enough for every student receiving a high school diploma to have at least one half year of computer science. The information and technological needs of a computer literate society has and will continue to create new demands on repositories of information. Libraries have an active part to play in interacting with both traditional students and persons in the search for individual knowledge.

Even those of us who have championed the liberal arts recognize that there is such a thing as a "new liberal arts." The concept of a liberal education has focused on education as serving the inner being of the individual and the spirit of society rather than just technical and material needs: it caters to the human urge to understand the world in which the individual finds himself in a quest of lifelong learing. The concept of the learning society also encourages individuals in their intellectual pursuits. Public libraries are provided with the uniuqe challenge of attempting to provide opportunities and resources for lifelong learning, to the young and old alike.

More than a century and a half ago, Thomas Jefferson said, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." Education is expensive but ignorance is more costly for any nation. Long an inspiration to many, Jefferson's great personal library attested to the knowledge and information resources that were available to him. Once only the rich or well-born had access to extensive libraries. Greater resources are accessible to every citizen today through the public libraries of our nation. It we are to guard against ignorance in our learning society, it is the responsibility of all of us to make our institutions accessible for these learning opportunities and to make them responsive to new ways of access and disseminate information.

This seminar is the first of five seminars being held to hear your views as representatives of the library community and others who are deeply, both directly and indirectly, involved and concerned with the role of public libraries in education and in a true learning society. You are the key individuals in the field of public libraries. We are glad you have come together here. This particular group faces the challenge of identifying what role public libraries should play in such a society. Tomorrow should be a day of lively discussion. I look forward to hearing your recommendations. Thank you.●

A REMEMBRANCE OF LIBERTY DEFENDED

HON. J. KENNETH ROBINSON

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. ROBINSON. Mr. Speaker, on yesterday, the Secretary of the Army, the Honorable John O. Marsh, Jr., my predecessor in representing the Seventh Congressional District of Virginia in this House, spoke at an observance of the 40th anniversary of the Battle of the Bulge at Bastogne, Belgium.

On Tuesday last, he participated in the dedication of the Utah Beach Memorial in Normandy, France, a commemoration of the landings which led to victory over the Nazi forces of Hitler.

In both brief statements, Secretary Marsh emphasized the need to remember that the cost of defending freedom always has been high, and that freedom never can be assumed to be fully and finally defended, because it has been fated in history to come under repeated assault.

I enclose the texts of the comments of Secretary Marsh at Bastogne and at Utah Beach, Normandy:

REMARKS BY HON. JOHN O. MARSH, JR., SECRETARY OF THE ARMY, 40TH ANNIVERSARY OF THE BATTLE OF THE BULGE, BASTOGNE, BELGIUM, JUNE 10, 1984

1944—To the young, forty years ago is history.

To those who can remember those times the days and years have swiftly slipped away.

To those who fought, and suffered and survived here, it is still like yesterday.

To those who died here time has become the eternal present.

Love, and longing, reminiscences and memories, these are the senses of humankind that remind us of our humanity. Otherwise we would not come together here.

But, because we love and remember, because we hope and are creatures of faith, we thank those who served here and honor those who died here.

We share a common bond—a bond of values and of common causes.

Freedom has many shrines because it has required much sacrifice.

In my country, there is Valley Forge where a starving Revolutionary army endured a freezing winter for the sake of liberty; Yorktown, where our independence was won, and Gettysburg where the Union was preserved.

Bastogne is in Belgium, but it is hallowed ground to Americans. It tells us a courageous story whose lesson is as true in 1984 as it was in 1944.

Although we meet in a place of great peace, the world is not at peace.

The gift of freedom must be earned and protected. If there is to be freedom among nations. There must be an alliance between free men.

Bastogne is the embodiment of a cause. The values of that cause in 1944 which led to the joint commitment of our forces in their defense are the same values imperiled in 1984.

If they were worth defending 40 years ago—and they were—they are worth protecting 40 years later—and we shall protect them.

With God's help we will prevail.

REMARKS BY HON. JOHN O. MARSH, JR., SECRETARY OF THE ARMY, UTAH BEACH MEMORIAL DEDICATION, NORMANDY, FRANCE, JUNE 5, 1984

We are grateful to France for the gift of land so we might place here this memorial to a common endeavor.

There is a stillness about a battlefield where great causes were fought. President Lincoln spoke of it at Gettysburg and called it "hallowed ground."

Those who fought here and lived shall age, but the agelessness of those who died here is a spirit we sense. It carries us back in time to days when we were young.

Stillness and tranquility prevail in marked contrast to battle. An attitude of reverence comes naturally. We talk in quieter tones and move less swiftly. This is the tribute beneficiaries give even when only dimly aware of causes decided by others, but knowing some debt for their resolution is owing.

For mile after mile along this coast a price was paid by those who waded with a rising tide from the English Channel to gain a foothold and by those nearby who in darkness before dawn made their assault from the French skies.

This monument stands not just as a tribute to their deeds to remember. But as a memory to youth that did not grow old.

It stands here on the shores of France, in the Province of Normandy, to vouchsafe my Country's commitment to a great cause.

We sought no empire, nor the lands of others, save but a place of ground near the beaches where they fell, and there to bury our dead. Like Flanders, Freedom's silent requiem.

In victory we unleashed no vengeance upon our foe. Rather we helped rebuild a ravaged land.

It stands both as a pledge to the values of our past, and to our hope for the future.

To a world that is at peace—to a world that is guided by truth—to a world that is free.

This pledge of values and hope, this great Army, and my Country will defend.

When this occasion is past, and we have gone, and tides ebb and flow,

When the sounds of the Channel are the only sounds in a place of beauty and loneliness;

When the cry of the gulls and the winds across the sands break the stillness of a battleground.

Then the waves that wash gently on the beaches of Normandy will remain an everlasting tribute to what my Countrymen did here.●

WE CAN CLOSE THE RCRA LOOPHOLES

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. FLORIO. Mr. Speaker, all across this Nation hundred of tons of hazardous wastes are being disposed of unsafely despite the existence of the Resource Conservation and Recovery Act (RCRA). The statute governs the handling and disposal of hazardous wastes and regulates, to a large degree, the recycling and disposal of solid wastes.

Unfortunately, there are loopholes in RCRA which allow tons of these hazardous wastes to escape Federal guidelines. In New Jersey, for example, the New Jersey Attorney General's office recently sought indictments of several firms which contracted to dispose of 188,395 gallons of hazardous chemical wastes but blended it with home heating oil and then sold it to unsuspecting customers in the Newark/New York City area.

Because of loopholes in the RCRA regulations, it is virtually impossible to prosecute these acts under RCRA. The indictments under New Jersey law were possible because the New Jersey hazardous waste statute requires proper disposal of all hazardous wastes and does not permit burning except in incinerators.

This burning and blending case is not a problem in New Jersey alone. The problem exists all across America.

Mr. Speaker, our colleagues in the House of Representatives have twice before tried to address this issue and close these loopholes. A similar bill in the other body last year was rejected. Our lastest effort, the House-approved H.R. 2867, would close the burning and blending loophole. With expeditious consideration by the other body, we can close the RCRA loopholes.

The following editorial that appeared in the Philadelphia Inquirer emphasizes the importance of this legislation, and I commend the article to the attention of our colleagues:

[From the Philadelphia Inquirer, June 4, 1984]

CONGRESS MUST ACT TO CLOSE HAZARDOUS WASTE LOOPHOLES

In New Jersey last month, seven men were charged with disposing of 188,395 gallons of hazardous chemical waste by mixing it with heating oil that was later sold to the public. The charges were brought by the state although there is a federal law intended to make hazardous disposal practices a federal crime. The federal law doesn't cover lacing heating oil with toxic materials, however.

In Missouri, millions of dollars were spent to clean up the toxic chemical dioxin that had been mixed with road oil and spread around to control dust. The federal government finally was forced to buy up a whole town to limit human exposure. Although the dioxin case represents an extreme example, the mixing of chemical wastes with road oil continues. No one doubts that many of those wastes may be harmful to humans and the environment, despite a complex set of federal regulations intended to prevent such exposures.

All across the United States millions of pounds of hazardous wastes are being disposed of unsafely—poured down sewers, hauled to leaky landfills, dumped along streams—despite the existence of the Resource Conservation and Recovery Act. The act was passed by Congress to halt illegal disposal and finance cleanup of abandoned waste sites under a federal Superfund program. Regulations governing proper hazardous waste disposal have been in effect for more than four years. How have they affected the handling of hazardous chemical wastes? Minimally.

Why? Because the regulations are shot through with loopholes—loopholes so gaping that as much as half of the estimated 264 million metric tons of chemical wastes generated yearly in the United States—or 2,600 pounds for every person—are not covered by federal guidelines. Who is exempt? So-called "small generators" of wastes who produce less than 2,200 pounds of wastes per month. Also exempt are those who mix hazardous wastes with heating oil or road oil. That is considered "recycling" of the wastes, another egregious misnomer.

Twice, the House of Representatives has approved a bill to close the loopholes. A similar bill in the Senate was rejected last year. This year it was approved by the Environment and Public Works Committee and now awaits floor action. That action must come swiftly if the minor differences in the two bills are to be worked out in this shortened legislative session.

Every bit of delay in closing those loopholes ensures that the job of cleaning up improperly disposed hazardous wastes will be that much larger, and more expensive. The most recent estimate of the cost of cleaning up just the most hazardous existing sites is a whopping $16 billion, according to the Environmental Protection Agency. Unless the loopholes are eliminated, and hazardous-waste disposal strictly regulated, that cost is going to seem modest in a few years.●

THE SATISFACTIONS ACHIEVED FROM GROWING OLD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. BIAGGI. Mr. Speaker, as an original and proud Member of the House Select Committee on Aging, I wish to bring to the attention of my colleagues a delightful and positive article from the op-ed section of the June 8 New York Times, entitled "Ruminations Inspired by a Medicare Card."

The distinguished author of this article, Morrie Goldfischer, develops a theme which deserves greater attention in this Nation; namely, that growing old in America can be a most rewarding experience. As he so aptly states in the beginning of the article, "Every stage in life has its pleasures and compensations, and a mature age is no exception, even in our youth-oriented society."

Aging in America is a success story. As a people we are living longer and as a Nation we continue our quest to ensure that the quality of life keeps pace with the quantity of life. However, aging is a profoundly personal experience—and each person's assessment of the value of their lives has a great bearing on how they will approach their elder years.

There is one inescapable fact. We will all grow older. The question is how we do it. I suggest close attention be given to the Goldfischer approach.

RUMINATIONS INSPIRED BY A MEDICARE CARD

(By Morrie Goldfischer)

"Grow old along with me!
The best is yet to be . . ."

—Robert Browning, "Rabbi Ben Ezra."

Every stage in life has its pleasures and compensations, and a mature age is no exception, even in our youth-oriented society.

Joining more than 27 million other Americans, I recently had the privilege of being awarded a Medicare card—a milestone of sorts—and took the occasion to do some reading and pondering on this business of growing older. Believing that indeed what's past is prologue, I dipped into what great thinkers have said on the subject of aging and found much encouragement.

Jonathan Swift said, in his "Thoughts on Various Subjects": "Every man desires to live long, but no man would be old." I guess there's a lot of truth in that but, in the words of that popular song, "You can't have one without the other." So, let's count the blessings of living to a ripe old age as described by philosophers, writers and prominent people from various fields.

Plato saw a lot of joy in the prospect. In "The Republic," he wrote: "Old age has a great sense of calm and freedom. When the passions have relaxed their hold you have escaped, not from one master, but from many." Sophocles put it even stronger in "Acrisius": "Nobody loves life like an old man."

Cicero, writing in "De Senectute," enumerated other benefits: "I am very grateful to old age because it has increased my desire for conversation and lessened my desire for food and drink."

Closer to our time is Francis Bacon who wrote in "Apothegms": "Age appears to be best in four things—old wood best to burn, old wine to drink, old friends to trust, and old authors to read." Considering the level of much contemporary fiction, I think Francis Bacon's comment about the pleasures of old authors is more pertinent than ever.

Speaking about authors, W. Somerset Maugham had a provocative comment on how aging changes one's perspective: "When I was young I was amazed at Plutarch's statement that the elder Cato began at the age of eighty to learn Greek. I am amazed no longer. Old age is ready to undertake tasks that you shirked because it would take too long."

While there may be a gradual diminution of physical vigor as the years go by, there is no reason to give up the good fight for the things we hold dear. Gen. Douglas MacArthur, at age 78, expressed these sentiments: "I promise to keep on living as though I expected to live forever. Nobody grows old by merely living a number of years. People grow old only by deserting their ideals. Years may wrinkle the skin, but to give up interest wrinkles the soul."

Alfred Lord Tennyson, in "Ulysses," expressed similar sentiments poetically:

"Tho' much is taken, much abides; and tho'/
We are not now that strength which in old days/
Moved earth and heaven; that which we are, we are—/
One equal temper of heroic hearts,/
Made weak by time and fate, but strong in will/
To strive, to seek, to find, and not to yield."

Some believe that the things we gain along life's way may be more important than those we lose.

Here's what Samuel Johnson said: "As man advances in life, he gets what is better than admiration—judgment to estimate things at their own value."

Besides, age is relative. On his 85th birthday, Bernard Baruch observed: "To me, old age is always fifteen years older than I am." Oliver Wendell Holmes, in a letter to Julia Ward Howe on her 70th birthday, wrote: "To be seventy years young is sometimes far more cheerful and hopeful than to be forty years old."

Contrasting old age and youth brings us to the immortal words of Finley Peter Dunne in "Old Age": "Many a man that cudden't direct ye to th' drug store on th' corner whin he was thirty will get a respectful hearin' whin age has further impaired his mind."

One man whose mind wasn't impaired was the entertainer Maurice Chevalier. Remarking on how it felt to reach the biblical threescore and ten, he said: "Old age isn't so bad when you consider the alternative."

It seems that as long as we have the ability to laugh at life's absurdities, we'll continue young in mind and spirit. That certainly was the case with the great pitcher Satchel Paige, who liked to ask: "How old would you be if you didn't know how old you was?" And he would follow with a priceless bit of advice: "Don't look back. Something might be gaining on you."●

THE COMPASSIONATE PAIN RELIEF ACT, H.R. 5290

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. OTTINGER. Mr. Speaker, I would like to take this opportunity to express my support for H.R. 5290, the Compassionate Pain Relief Act of 1984 introduced by colleague from California HENRY WAXMAN. This bill, which was reported out of the Energy and Commerce Committee on April 12, establishes a temporary program under which heroin would be made available to terminally ill cancer patients for the treatment of intractable pain. Through this legislation heroin would be available strictly to patients with physical prescriptions at hospital and hospice pharmacies, and its use would be permitted only in accordance with the strict provisions of this program. The bill would not, as some fear, legalize the drug.

Cancer is a devastating and tragic disease that affects one out of every four Americans, and one out of every three families. I am sure that each and every one of us here today has been touched in some way by this disease, and knows only too well the pain and anguish it can cause. The pain associated with advance cancer is often excruciating and unbearable, and can greatly aggravate the physical and psychological deterioration of the patient caused by the disease itself.

Heroin, which has been widely used in England for the treatment of pain due to cancer, is one of the most effective analgesics known to medical science. In some terminally ill patients it has been shown to be more effective in relieving intractable pain than conventional drugs. Many experts in the United States now agree that the therapeutic use of heroin should be allowed in extreme cases, specifically when an individual's cancer is recognized as a cancer with a high and predictable rate of mortality.

The number of patients who may actually benefit from the passage of this bill is admittedly small. But if we can alleviate the pain and suffering of even one individual, it will be well worth the effort. I urge my colleagues to show their compassion by voting for the Compassionate Pain Relief Act.●

IMMIGRATION REFORM: A MUST FOR CONGRESSIONAL ACTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. BEREUTER. Mr. Speaker, today the House of Representatives begins debate on one of the most significant bills that will come before this body during the 98th Congress. Debate on the Immigration Reform and Control Act is long overdue.

Legal and illegal immigration accounts for nearly 50 percent of U.S population growth, with anywhere from 500,000 to 1,000,000 aliens migrating to the United States yearly. The current situation with respect to illegal aliens cannot be allowed to continue.

While no bill is a cure-all, and the Simpson-Mazzoli bill has its problems and controversy, those are not excuses for further delay on responsible debate. As this body begins debate on H.R. 1510, this Member wishes to share with his colleagues the following recent editorials that appeared in the New York Times and Washington Post.

[From the New York Times]

STARING AT IMMIGRATION

"I am committed," said House Speaker O'Neill last month, about bringing the Simpson-Mazzoli immigration reform bill to the floor right after the California primary. This is the day after the California primary and, despite past wobbles, Mr. O'Neill seems to be as good as his word.

The House Rules Committee may clear the bill by Friday, and it's quite possible that next week the House can do what the Senate has already done twice, by fat margins: vote to put America back in charge of its own borders. After delays dating back to Christmas Eve 1982, the case for immigration reform can finally be made on the merits.

The merits are substantial, despite all the dust recently thrown up by some Hispanic leaders and by the Democratic primary campaign. Indeed, the striking thing about the debate over Simpson-Mazzoli is the weakness of the arguments against it.

The bill tackles two problems: how to control the illegal aliens flooding into the country and how to relieve the exploitation suffered by illegals already here. As to control, the bill shrewdly aims at the economic magnet: jobs. Simpson-Mazzoli would finally make it illegal for employers to hire illegal aliens.

As to exploitation, the bill would legalize aliens who have been in this country for some time. There are a million or more, often so afraid of being caught that they won't call the cops when victimized by crime. Even so, the idea of giving them amnesty excited heated criticism in the recent Texas Democratic primary.

It's not hard to recognize a political bargain here: the justice of enhanced enforcement is balanced with the mercy of amnesty. What's hard to understand is the arguments against the Simpson-Mazzoli proposal. There are three main ones:

Big Brother. If employers are to turn down illegal aliens, legal job-seekers must be given a way to identify themselves. That means degrading national identity cards or dehumanizing numbers for everybody.

The bill leaves the method of identification to be determined, but a likely way is for people to give their Social Security numbers, as Americans have been doing for decades. Many people not only have a national number but also willingly pay $35 a year to a credit card company for it. They don't object when clerks check out the number to verify credit. The only freedom that would be lost by this system of identification is the freedom to use a forged Social Security card.

Hiring discrimination against Hispanics. If employers fear being punished for hiring illegal Hispanics, they'll err on the side of safety and refuse to hire anyone who looks Hispanic.

That argument makes sense in the abstact. But growers and other employers do not live in the abstract; in their real world, low-skilled labor is already short. If the illegal tide were curtailed, workers would be even harder to find. That being so, why would any employer become more finicky?

Enforcement discrimination against Hispanics. Creating sanctions against employers will increase the likelihood of ugly Federal raids. Says Gov. Toney Anaya of New Mexico: "If we have sanctions, I can assure you that it will only be those of us who look foreign or sound foreign who will be caught up in the raids and have to prove that we're from here."

On reflection, the likely result would be quite the reverse. The Immigration Service can make raids now. If employer sanctions were in place, it could for the first time calmly examine personnel files instead of rudely rounding up people. In any case, what of the painful, indisputable discrimination inflicted on all those illegal aliens? By creating an amnesty, Simpson-Mazzoli would bring them out of the shadows.

Hispanic leaders can be forgiven for wanting to have the bargain go all one way, for wanting more amnesty and less enforcement. But if the Simpson-Mazzoli bill should fail, they will need to examine their responsibility for what comes next. As the Democrats' experience in the Texas primary suggests, many Americans are veering toward quite a different bargain, no amnesty and more, much more, enforcement.

[From the Washington Post]

FIRST, THE GROUND RULES

Speaker O'Neill is a man of his word; he promised that the controversial Simpson-Mazzoli immigration reform bill would be brought to the floor of the House right after the California primary. Yesterday he fought back an attempt by some House Democrats to scuttle the bill, and debate is now scheduled to begin next week. One important task remains: devising the ground rules for debate. The Rules Committee is scheduled to act this morning.

The terms of the rule under which the bill is debated are crucial. This proposal was considered by the House once before, in the closing days of the last Congress. Opponents churned out more than 300 proposed amendments and effectively killed the measure simply by threatening to talk. This must not happen again, and it is the responsibility of the Rules Committee to make sure that it does not.

Important interests are at stake in this debate, and many members would prefer not to confront them so close to Election Day. Powerful groups—labor, Hispanic organizations, agricultural interests, civil libertarians—are arrayed on opposing sides of dozens of issues, and each vote will please one and offend another. Every part of the bill deserves full consideration, but orderly procedures designed to complete action within a reasonable time are necessary.

A full week has been set aside for debate, and it is rumored that more than 60 amendments have been prepared. The rules should set out time limits for amendments and require a vote on final passage on a day certain. It would be too easy, as the political calendar moved toward convention time, to drag out consideration of the immigration bill until time ran out. Legislators who are scared to make tough decisions may be tempted to take part in a charade, debating but not resolving any issues. Those with more sense and guts know that immigration reform is urgent, and want to get on with the job. We'll know by the end of next week which congressmen belong in each category.●

SOLIDARITY FIGHTS (PEACEFULLY) ON

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. FASCELL. Mr. Speaker, as Chairman of the U.S. (Helsinki) Commission on Security and Cooperation in Europe, I protest the recent arrest by Polish authorities of 32-year-old Bogdan Lis, a courageous leader of the Solidarity's Temporary Coordinating Commission. Lis has dedicated his young life to Solidarity's cause, serving it in many ways. He stood shoulder to shoulder with his fellow workers during the historic Gdansk strikes; later he was freely elected to serve on Solidarity's Presidium.

From December 1981, Lis has struggled selflessly in the Gdansk undergound. In this capacity, Lis has commissioned and signed numerous documents prepared by the Polish Helsinki Committee detailing extensive human and civil rights violations in Poland. Now, Lis has joined the hundreds of imprisoned Solidarity leaders, advisers, and sympathizers who have sacrificed their freedom on Solidarity's behalf.

Calling the seizure of Mr. Lis "a great loss," Lech Walesa has pledged that Solidarity nevertheless will fight peacefully on for workers' rights and democratic values in Poland. In so doing Walesa again has emphasized that underground Solidarity and aboveground Solidarity are one and the same. Solidarity's extensive underground roots run deep into Polish soil, while its many branches grow above ground, organically forming social and cultural networks that present alternatives to the artificial structures imposed on society by the authorities. If it were not for the extensive support given the Temporary Coordinating Commission by thousands of ordinary citizens, Mr. Lis could not have remained at liberty for these long and perilous 2½ years since the declaration of martial law. I am certain that Mr. Lis draws comfort in this time of great personal trial from the sure knowledge that others will step forward to take his place and carry on his peaceful struggle.

In the United States we are now in the midst of a national election campaign, engaged in the fray of the free democratic process. In contrast, next Sunday local elections will be held in Poland. By these elections, the Jaruzelski government hopes to "legitimize" its lawless rule and to convince the outside world that life in Poland is "normalizing." Yet, Bogden Lis and hundreds of his fellow countrymen and women continue to pay the heavy price of their own freedom for the cause of democracy. Their fate, therefore, is and will remain a matter of immediate and active concern to all Americans, to the U.S. Helsinki Commission and to every Member of Congress.

Thank you, Mr. Speaker.●

THE VIEW FROM THE KREMLIN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following article written by the Committee on the Present Danger, to the attention of my colleagues. The article, entitled "The View From the Kremlin," accurately assesses the nature and purpose of the Soviets' massive buildup in both nuclear and conventional arms, as well as passive and active defenses against U.S. and allied nuclear and conventional forces.

During detente, and its heyday in the 1970's, the United States unilaterally restrained in the buildup of threatening nuclear and conventional systems. Similar restraint was not practiced by the Soviet Union, however. This is the dangerous predicament we now face—increasing Soviet nuclear forces combined with less and less effective U.S. deterrent forces.

Mr. Speaker, it is time we analyze the view from the Kremlin on detente, unilateralism in international security affairs, and our commitment to deterrence, and I therefore highly recommend the following article to my colleagues:

THE VIEW FROM THE KREMLIN

Before examining the military balance, it is necessary to understand how the Soviets view the military balance and world politics.

The Soviets view the world in adversarial terms in which the central strategic concept is that of the "correlation of forces." The correlation of forces is a summation of all aspects of relative national power, particularly the relationship between Soviet power and countervailing forces. It encompasses tangibles and intangibles, military and nonmilitary, with the military element paramount. The concept, however, is more than a mere balance sheet; it is also a philosophy of conflict and a guide to action. To the Soviets, the correlation of forces is the major determinant of international relations. An accurate assessment yields correct knowledge of power relationships and trends, permits calculations of the probable cost-risk-benefit of international actions, and determines opportunities and the timing of actions. The task of the Soviet regime is to develop a correlation of forces which advances Soviet interests and achieves Soviet imperialist goals.

The Soviets hold that the military balance is central to the correlation of forces, and that the nuclear balance is central to the military balance; and central to both in the Soviet view is ability to wage war. The ultimate measure of military power, nuclear as well as non-nuclear, is relative capability to wage war. This is also the measure of deterrence. But deterrence, to the Soviets, is not the passive protective concept it is in the West. It is not merely dissuasive; it is also suasive—a direct means of influencing others. It not only undermines the military, or deterrent, power of adversaries, it also bestows a capacity to dictate or influence behavior.

Superiority over the United States in nuclear capability means control over nuclear escalation, which determines the ability to threaten, and influences greatly the decision to use military force of any kind. The Soviets see such an advantage as particularly telling in crises and confrontations.

In considering the military balance, it is essential to keep in mind that the two sides arm for different purposes and regard nuclear arms differently. One of the Committee's founding members has expressed the difference succinctly:

> "Our purpose in having nuclear weapons is defensive and deterrent, to prevent aggression against our vital national interests. The Soviet purpose . . . is to serve as the ultimate engine of a process of nuclear blackmail—a process of expansion involving the use of or the credible threat to use propaganda, terrorism, proxy war, subversion, or Soviet troops under the sanction and protection of Soviet nuclear superiority.[1]

Hence, the implications of a nuclear advantage for one side or the other are profoundly different in political, strategic, and moral terms, a fact commonly ignored by advocates of a nuclear freeze (which at present would leave the nuclear, as well as the conventional, advantage with the aggressive rather than the defensive side). Nuclear arms competition is not competition between two sides with the same goal, or the same view of the utility of nuclear weapons. The Soviets do not accept the notion that it is possible to have a surfeit of nuclear weapons in their arsenal. They know that there is all the difference in the world between their capacity to destroy the most important U.S. strategic forces with one-fifth

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Eugene V. Rostow, Statement before a Joint Hearing of the Subcommittees on International Security and Scientific Affairs and on Europe and the Middle East of the Committee on Foreign Affairs, U.S. House of Representatives, 23 February 1982, in ACDA Arms Control Bulletin, 23 February 1982.

or with four-fifths of their arsenal. In the first case, the Soviet nuclear arm radiates intimidating power throughout the Western world; in the second, the Soviet nuclear threat is checked.

"Détente," to the Soviets, is also inseparable from this chain of logic. They view it as a policy forced upon the West by the changed correlation of forces, and particularly by Soviet strategic superiority. To the Soviets, the essence of détente is that the West will not use military means to oppose further change in the correlation of forces in favor of the Soviet Union. To the West, détente has mistakenly been thought to mean mutual restraint and cooperation, particularly to avoid or defuse international incidents that might lead to confrontation and raising the specter of war. But to the Soviets détente has meant that the West, acting prudently in line with the new correlation of forces, would unilaterally avoid such confrontation; i.e., would acquiesce in the expansion of Soviet power and influence.

The Soviets clearly believe that a major shift in the correlation of world forces in their favor has already occurred[2] and will continue unless there is a major change in U.S. defense policies. The foundation of this shift is the change in the military balance in their favor, and the increasing recognition of this change by other governments. It is this change in the military balance that has been assigned the highest priority in Soviet national objectives.

The Soviets now enjoy general military superiority over the West. The Soviets know they do, and they believe the United States also knows it. There are, however, three qualifications as they see it: (1) The edge of superiority is not enough; the Soviets believe that the more superiority the better, and it is only prudent to assume that they intend to continue devoting resources to that objective. (2) Even though the United States recognizes the changed military balance, U.S. leaders do not apparently appreciate its full extent and significance. (3) A truly determined, vigorous U.S. rearmament effort might in time remove Soviet advantages and restore American deterrent power across the spectrum. The Soviets are not convinced that the United States is capable of this, but they know that they must watch carefully. They hope to encourage Western acceptance of the unfavorable balance—resignation to it, in fact. But they fear that should the Americans move decisively to change the balance, the trends can be reversed and the "window of vulnerability" closed. In that event, Soviet leaders might perceive a time-limited window of opportunity, and face difficult decisions as to whether, when and how to seize a fleeting opportunity.

The conclusions to be drawn from the assessment are that the Soviets will continue their military buildup with no diminution of effort or determination; they will seek to further impress the West with the full extent of Soviet power, but they prefer to do so in a way calculated to promote resignation rather than counter-action. The more inadequate the collective Western defense effort, the more confident and assertive the Soviets will become. As relative Soviet power continues to grow, the Soviets expect the U.S. and its allies to move increasingly toward accommodation and appeasement. Already, groups in the U.S. and Western Europe seem fearful over American attempts to reverse the balance, believing that such an effort might provoke the Soviets to exploit the advantages they have already gained.

While the Soviets hope to weaken the West and extend Soviet influence without a major war, Soviet doctrine requires careful, exhaustive preparation for war at any level. Not only is it necessary for the armed forces and the population to be prepared to fight a war, but also the Soviets believe that the side manifestly better prepared for war is most likely to get its way without having to resort to war. Since war may occur, preparations for it can lessen damage and promote victory. Preparation for war most particularly means preparation for nuclear war and for the effective use of nuclear weapons, which the Soviets have skillfully integrated into their military doctrine and operations. To the Soviets the nuclear weapon is not only the most potent instrument of military warfare, it is also one of political warfare. The Soviets understand the political and pyschological paralysis that nuclear weapons and the specter of nuclear war can effect in the West, and they seek to promote and exploit that paralysis.

Soviet professional literature—not propaganda written for the West but Russians talking professionally to Russians—makes clear that the Soviets do not share the prevalent view that nuclear war is unthinkable and unwinnable and that the only objective of strategic doctrine must be mutual deterrence. On the contrary, that literature reveals that they look at the world quite differently; that war, even nuclear war is an extension of politics; that nuclear superiority is politically usable; and that the Soviets must prepare for nuclear war-fighting, war-surviving and war-winning. The goal of their nuclear policy is not necessarily to start a war, but to attain a position of such nuclear superiority as to be able to force Western accommodation to Soviet policy by posing a credible array of unacceptable risks. Yet they also believe that the United States and its allies may well turn and fight when they are driven into the ultimate corner. The Soviets therefore plan on the assumption that war is quite possible, and they are prepared to resort to any means including nuclear, to win a war.

In the Soviet view, victory will go to the side that is best prepared in equipment, doctrine and morale. Victory is also abetted by surprise, i.e., striking first, and maintaining the initiative. Soviet doctrine emphasizes the importance of a "preemptive" strike on enemy forces, command-control centers, nuclear and conventional reserves, and other military formations, as required. "Preemptive," in this context, means destroying forces of the imminent victims of aggression before they can be used. Consequently, the Soviets have emphasized the development of strong counterforce, offensive capabilities for both intercontinental and theater warfare.

Contrary to U.S. strategic doctrine and planning, Soviet doctrine affirms the utility of defense operations in the nuclear age. It is the Soviet view that offensive and defensive means operate synergistically, while it is the American tendency to disparage the role and effectiveness of defense against nuclear attacks. The Soviets espouse and implement both active defenses and civil defense, while many Americans believe such defenses to be futile or "destabilizing." As the Secretary of Defense has pointed out:

"While the Soviets have emphasized both offensive and defensive forces, the United States has largely neglected defense preparations. The Soviets have also continued development of and paid increasing attention to civil defense and a wide variety of measures, designed to enhance the prospect of survivability of key elements of their society after the outbreak of a nuclear war."[3]

The Soviets continue to maintain a rich nationwide air defense, while the United States has virtually abandoned such a defense.[4]

The Soviets also sustain an impressive ballistic missile defense development and testing program, with rapidly deployable and current technology systems and systems with future potential. While the United States has deactivated the one ABM site allowed by the SALT I ABM agreement, the Soviets have modernized and enhanced their Moscow ABM site. Clearly, the Soviets agreed to the SALT I ABM Treaty not because they had become converted to the concept of Mutual Assured Destruction (MAD), as American supporters of SALT I argued, but because the United States then enjoyed a significant lead in ABM technology (since lost) and because Soviet strategic goals would have been more difficult to achieve had the United States carried through with its plans to defend its Minuteman ICBM force.

In sum, Soviet military doctrine and programs reflect a determined opponent who sees military force as a means of obtaining political ends, and hence is willing to devote the resources necessary to maintain military superiority.

By contrast, the United States has had an uncertain political and military strategy, and in recent years has appeared to be retreating toward a minimal defense posture inconsistent with its worldwide commitments and interests. This trend has led many to the conclusion that the United States has accepted as inevitable the decline of its power relative to the Soviet Union and, hence, the decline of its role as leader of the Free World.

The Committee on the Present Danger was founded on the belief that such decline is neither acceptable nor inevitable. This is clearly now the view of the American people as well. The question is whether the United States is doing enough to arrest the decline and turn it around in time.[5] ●

MARGARET TRUMAN DANIEL HONORED

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. SKELTON. Mr. Speaker, this Congress has recently celebrated the 100th anniversary of the birth of our great President from Missouri, Harry S. Truman. The joint meeting held here in Congress was the highlight of a national celebration which featured many events across America, and particularly in Missouri. One of these events was the presentation of the Harry S. Truman Public Service Award in Independence, MO. This year the award was given to Mrs. Margaret Truman Daniel. Her remarks of acceptance are well worth reading by the Members of this body and I therefore insert the text of Mrs. Daniel's remarks in the RECORD at this point.

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[2] Red Star, 15 January 1980, p. 1.

[3] Secretary of Defense, Annual Report to the Congress, fiscal year 1983, p. II-11.

[4] This strategically asymmetry has often been ignored when bombers are addressed in an arms control context.

[5] For additional discussion of the Soviet view, see two previous Committee publications: "What Is the Soviet Union Up To?," 4 April 1977, and "Is America Becoming Number 2? Current Trends in the U.S.-Soviet Military Balance," 5 October 1978.

REMARKS OF MARGARET TRUMAN DANIEL

Mayor Potts, Distinguished Guests, Ladies and Gentlemen. It's good to be home.

It is not too much to say that this moment marks the high point of my life. It all began here, in a house within a mile of this place, and it all culminates here.

Receiving the Harry S. Truman Award puts the stamp of approval on all that I have tried to do in my career and in private life. As all of you know, the approval of the people back home is worth more than the approval of all the rest of humanity.

Actually, I haven't lived here since I graduated from college in 1946, and went off to seek my fortune. In the interval, my address has been New York. And there, in a city apartment, I have made a life with my husband for 28 years, and there we have raised four boys.

Yet, even now, when I speak of home, I mean Independence, Mo.

It is a well known fact, recorded in dozens of newspaper and magazine articles and books and television talk shows, that I never wanted to leave Independence in the first place. I was the unhappiest child in town when I realized that my father's election to the United States Senate meant that I would have to leave the big white house at the corner of North Delaware and Van Horn Road. (I still call it Van Horn, out of long habit, not Truman Road.)

Leaving 219 North Delaware Street also meant leaving the gang of girls who made our big backyard their headquarters. There were eight of us, all living in the same two blocks: Betty and Sue Ogden, Jane Berridge and the Allen sisters—Marie, Harriet, Mona and Barbara—and myself. And our friends Dory Lou Compton and Mary Shaw, now Shawsie Branton.

There was an abandoned chicken coop in the Ogden's yard, and we fixed it up as a clubhouse. We called ourselves the Henhouse Hicks.

One year we put on a play. It was written by Betty Ogden, and it was a murder mystery. (I now write murder mysteries myself to pay the grocery bill.) The villain was a Mexican bandit, and I got to play the part because I was the only one who owned a Mexican costume. (I've forgotten how I happened to have it.)

The play was a hit such as I never had when I worked in summer stock and dinner theatres 30 years later. It ran for two nights, and we took in $31. Think how many mothers and fathers, brothers and sisters, aunts and uncles, cousins and neighbors that represented. We donated the proceeds to the Penny Ice Fund, which was used—as I remember—to buy ice for poor people in the summertime.

The Henhouse Hicks also published a weekly newspaper. Once, my uncle Frank Wallace, a tall and dignified man, split his britches while weeding the garden. That was the big news item of the week. Uncle Frank was so embarrassed that he tried to buy up all the copies of the paper. We had the highest circulation that week we had ever had.

Nothing like that ever happened in Washington. People got their names in the paper when they split their britches only in places like Independence.

Here in Independence, also, I struck my first blow for women's rights.

A lot of us girls went to Bryant School, and we wore tam-o'-shanters, which we called "tams." The boys loved to snatch them off.

One day I organized a counter-attack. The playground was covered with gravel, and among the rocks were some pretty big ones. I told each of the girls to arm herself with a rock at recess, and when the boys attacked we let 'em have it. Taken by surprise, the boys turned and ran—except for Chuckie Bundschu. When he tried to grab my tam, I hit him on top of the head and knocked him down.

Of course, we were all called into the principal's office. I refused to apologize because I said the boys had started it. Much later, I learned that it was all Miss Moore could do to keep from laughing.

After that we had no trouble with the boys and our tams.

I think you can understand why I enjoyed life in Independence.

In the letter I wrote to the Independence Examiner for its special edition honoring my father, I said, as Mayor Potts has recalled: "Harry S. Truman could not have chosen a hometown that suited him better than Independence. The very name of the place matched his personality. Its character molded his, and he certainly left a lasting impression on Independence."

To those words I now want to add this: My father and mother also couldn't have chosen a better place for me to be born and raised. It may not show, that there's a lot of Independence left in me yet. And I spell independence with both a big "I" and a little one.

Still, I feel humble and unworthy when I think of those great public figures—eleven of them—who have received the Truman award before me. They were distinguished for their contributions to public life, diplomacy, military affairs, government, and the cause of human freedom and dignity.

From this platform, they all delivered impressive statements—Stuart Symington, Averell Harriman, and Clark Clifford, disciples of Trumanism, and others. I especially remember Hubert Humphrey in the last year of his life. He was as gallant, resourceful, good-natured, wise and witty as ever.

It was getting dark, and he couldn't read his prepared speech very well. In a typical gesture, he tossed his manuscript aside, and spoke from his heart—that great heart of his. I really don't remember what he said, but I shall always remember the way he said it, and those of you who were here with me, I am sure, remember it too.

I know you don't expect any such performance from me. I have my opinions. Be in no doubt about that. I am my father's daughter—and my mother's. But I have not accumulated the experience of my predecessors; I have not endured their trials or attained their eminence and authority. I can bring you no message, except the message of the man who is responsible for my being here—my father.

Do what you think is right, and then get a good night's sleep.

I am proud to be my father's daughter. I am proud to bear his name. I am pleased—as unworthy as I am—to receive the high honor created in his memory. I know that this award is more of a tribute to him than it is to me, and I accept it in that spirit. I regard it as an obligation imposed on me to do whatever I can to preserve, propagate and defend the legacy he left to the country he so much revered and served so devotedly in war and peace.

This Centennial Year—the 100th anniversary of my father's birth—is a part of the effort being made to perpetuate the Truman legacy. That effort has been led and inspired by Clark Clifford; legions of Trumanites in this country and in many foreign lands have followed his banner.

As you know, I have just been in Washington for a joint meeting of Congress, a luncheon at the White House, a service in the Washington Cathedral and other events commemorating the centenary. Next month, I am going to Ditchley Park in England for a British-American colloquium on the Truman Doctrine, the Marshall Plan and NATO.

Today's ceremonies are an important part of the whole range of ceremonies and observances. For these events, we are deeply indebted to Barbara Potts, the Mayor of the city I still call home; the members of the City Council and the City Manager, Keith Wilson, Jr.; Norman Reigle of the National Park Service, which now has jurisdiction over The Truman House, and Dr. Benedict K. Zobrist, Director of the Truman Library.

I am personally indebted to the Public Service Award Commission of the City of Independence, headed by Mayor Potts, who decided to confer upon me the Harry S. Truman Award. I can think of worthier recipients, but I can think of none who would feel prouder or more grateful.●

THE RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND ACT OF 1984

HON. GENE CHAPPIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. CHAPPIE. Mr. Speaker, I have introduced this date draft legislation forwarded by the administration on April 11, 1984 that would amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and would serve other purposes.

While the House passed H.R. 3050, the so-called "Rural Electrification and Telephone Revolving Fund Self-Sufficiency Act of 1983" on March 1, 1983, that bill was referred to the Senate Committee on Agriculture, Nutrition, and Forestry on March 5, 1984, and is now receiving major attention in the Senate (see Congressional Quarterly, May 26, 1984, pages 1281-82 where discussion of opposition to S. 1300 and H.R. 3050 has surfaced in the other body of Congress). It should be noted that during consideration of H.R. 3050 in the House, as the Congressional Quarterly article discusses, there were those urging the President to veto such a bill should it ever reach his desk in the form that it passed the House.

Inasmuch as the final vote in the House on H.R. 3050 was close enough to suggest that a Presidential veto could be sustained, there is substantial reason for the Senate to proceed cautiously with its version of legislation to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund.

My colleague in the House, Mr. BETHUNE of Arkansas, introduced a bill, H.R. 4943, with the short title "Rural Electrification and Telephone Revolving Fund Solvency Act of 1984," in the House on February 27, 1984, that I and others cosponsored, which I believe was a much better bill than H.R. 3050 as it passed the House. An identical bill to H.R. 4943, was recently introduced in the other body (S. 2646) by the Member from Wyoming.

The problems that organizations such as the Congressional Research Service, the General Accounting Office, and the USDA Inspector General's Office found in H.R. 3050 were not, in my opinion, and that of others, corrected in the form in which this bill was sent to the other body.

It appears to me that it would have benefited all Members of Congress if they had this draft legislation before them earlier to compare with H.R. 3050, H.R. 4943, S. 1300 and S. 2646. However, my colleagues in the House will no doubt be interested even now in reviewing this draft legislation forwarded by the administration to address the financial problems that the Rural Electrification Administration and its cooperative borrowers will encounter in the early 1990's. Certainly, as noted in the aforementioned Congressional Quarterly article, the administration's proposal is perceived by most as a more stringent alternative REA bill than either H.R. 3050 or H.R. 4943, introduced by Congressman BETHUNE. Nonetheless, in my opinion, it warrants consideration and review as reflecting the administration's position on REA legislation as the other body begins to take up this major issue.

The other body will apparently provide a bipartisan airing of the REA legislation according to the Congressional Quarterly. It therefore appears to me that whether all the provisions of the administration's proposal are supported or criticized they deserve fair consideration here in the Congress.

Accordingly, while my introduction of this bill does not reflect my endorsement of all, or of each individual provision, it is recommended that all Members of Congress take the time to examine it and compare it with other alternatives.

I am requesting that the letter accompanying this draft legislation addressed to the Speaker be reprinted in the RECORD at this point for the edification of all Members.

I do not believe anyone questions that the problems facing REA and the utility cooperatives will have to be addressed sometime before the mid-1990's. The questions are whether the problem needs to be addressed this year, as provided in H.R. 3050, and whether it need provide as generous a solution to the utility cooperatives at a time when the Nation and the Federal Government is faced with massive deficits in the late 1980's and early 1990's.

The letter follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, April 11, 1984.
Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill "to amend the Rural Electrification Act of 1936 to ensure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund and for other purposes."

The Administration recommends enactment of this legislation. We strongly support the continuation of an effective Rural Electrification Administration and a healthy rural economy. We believe this bill will help achieve these objectives.

The bill would amend the Rural Electrification Act of 1936, as amended, to:

1. ensure that the Rural Electrification and Telephone Revolving Fund will remain adequate to meet the needs of the Rural Electrification Administration (REA) insured loan program by raising the interest rates on loans made from the Fund and by setting an aggregate annual lending ceiling of $575 million;

2. permit the REA program to be self-supporting by allowing assets in the Fund to be used for program costs, by including amounts to cover program costs in the interest rate on insured loans and as fees for other types of financial assistance, and by requiring that REA be reimbursed by the Rural Telephone Bank (RTB) for services performed for the RTB;

3. permit financial assistance to be targeted to those borrowers which have the greatest need by granting greater discretion in the Administrator to determine the ratios and criteria for supplemental financing, and by limiting loans to be made to high density borrowers. The bill would provide for special low interest rate loans to borrowers experiencing financial hardship, taking into account system density;

4. generally reduce Government involvement in the capitalization of the RTB. The bill would remove certain lending limitations on the RTB, thereby permitting RTB loans to be made to more telephone borrowers; and

5. delete those provisions of the Act which provide that certain transactions of REA and the RTB shall not be included in the budget of the United States and shall be exempt from any limitations on expenditures and net lending of the United States.

Since the Fund was created in 1973, the REA has obtained funds for making insured loans by selling certificates of beneficial ownership in the Fund to the Treasury. The interest rate on this borrowing is Treasury's cost of money which has been as high as 15%. Insured loans bear a statutory interest rate of not more than 5%. Therefore, notwithstanding the substantial subsidies which were provided to the Fund when it was established, the financial condition of the Fund has been eroding and it appears that the Fund will require substantial annual appropriations beginning in 1999. Such appropriations are not necessary or justifiable. The REA borrowers are generally capable of paying interest rates which would make REA an entirely self-supporting program requiring no annual appropriation to meet program costs. Borrowers have in many cases already aggressively taken advantage of every conceivable Federal subsidy—subsidized direct loans, subsidized 100% loan guarantees, tax exempt status, tax exempt financing, safe-harbor tax leasing, leveraged leasing and preferential access to low cost Federal power. In many cases, borrowers are serving in areas which are no longer rural and are charging rates which are actually lower than the rates of investor owned or publicly owned utilities. The increase in interest rates provided for in the bill would not impose a significant burden on most borrowers but would place the Fund in a sound financial condition and eliminate the need for further appropriations for costs of administering the program.

Borrowers are also increasingly able to obtain non-REA financing on reasonable rates and terms and should be encouraged to do so. At the same time, since there are borrowers which remain in need of continued financial assistance, the provisions of the bill will permit the Administrator to direct the financial assistance more to those most in need by adjusting the ratios and criteria for supplemental financing, by providing insured loans at a special rate, and by limiting loans to high density borrowers.

Finally, the off-budget status of the REA program conceals the true cost of the REA program. The bill will eliminate the off-budget status so that the full Government cost of the REA lending program can be identified and the program will be subject to full oversight and evaluation on the basis of the program's cost.

A section by section analysis of the proposed bill is enclosed.

An identical letter has been sent to the President of the Senate.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the President's program.

Sincerely,

JOHN R. BLOCK, *Secretary*.●

RISK ASSESSMENT, H.R. 4192—THE WRONG APPROACH

HON. RICHARD OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. OTTINGER. Mr. Speaker, I want to take this opportunity to present my views on H.R. 4192, the Risk Assessment Research and Development Act of 1983. My colleague from Pennsylvania, Mr. RITTER, has introduced H.R. 4192 in an attempt to codify this new area of science. This bill would establish a Board of Scientific Risk Assessment to oversee the analysis done by various Federal agencies. It would be comprised of only individuals trained in the life sciences or physical sciences with no regard to social science, behavioral science, philosophy, or ethics. The failure to include these important disciplines is a serious shortcoming of this legislation.

Risk assessment in one sense is something that we all do every day. "Should I, or should I not cross that street against oncoming traffic?" There are risks that we take every day, we make judgments and decisions based on the information available to us. And we, as individuals, feel that we control our lives.

When risk assessment becomes a science addressing complex pollution and technical questions, however, we cannot consider it in the same light as the judgments that we make every day. In a nutshell, risk assessments are most useful when they illuminate and most dangerous when they hide considerations that are relevant to decisions. Unfortunately, this bill seems designed to hide rather then illuminate information relevant to decisions.

Sometimes we have enough data to make reasonable conclusions about the safety of a technology. But more often than not, risk assessments depend heavily on guesswork—frequently called expert judgment—and subjective policy rather than objective technical considerations. The apparent precision of numerical results can be misleading and irresponsible because of the uncertainty inherent in an estimate.

These uncertainties are increased further when we are dealing with a relatively new technology and when the experts doing the risk assessment do not really have the expertise that is necessary. Many of today's most controversial technological issues—nuclear power, toxic waste disposal, genetic engineering—involve just the kind of questions that present data that will not allow us to answer. Most of the risk assessments that have been done have not considered the effect of human actions in regard to the technological risks despite the importance of so-called human error and other human factors in many technological areas.

Some controversies can be reduced to answerable technical questions; many cannot. This bill would appear to encourage scientists and technologists to come up with answers to questions that are inherently nonscientific—how safe is safe enough? Is it just for a technology to harm person A when person B reaps the benefits?

The example of the different EDB analyses that New York State, EPA, and the grocery manufacturing industry did recently can be used to illustrate this point. Major differences in the studies derived from the fact that one study looked at a single exposure to EDB and the other studies looked at a combined exposure over a long period of time. They also differed in terms of how much contaminated grains and fruits they assumed that people consumed. In addition EPA failed to look at the reproductive effects of EDB exposure but they did balance the economic consequences of discontinuing the use of EDB against the risks of exposure, something that the other analyses did not do. None of this is to say which of these assessments were more scientifically correct, but they certainly took different factors into account. Therefore it is not unrealistic to assume that the conclusions that were drawn differed greatly.

It must be realized that the very complexity of analysis sometimes hides rather than highlights the judgment calls that the scientists make. In our democratic system, the people themselves and their elected representatives are the ones who are expected to exercise the final judgment on such questions. Additionally it is interesting to note that research shows technical specialists often differ systematically from the general public in their answers to these nonscientific questions. Thus the net result might be that we would be taking away from the public and their representatives the very kind of decisionmaking that they, rather than technical specialists, are best equipped to make. Moreover, technical specialists are as prone to overconfidence in incorrect judgments as are lay people, and the specialists also often fail to point out when they are speaking from their own personal values rather than from a basis of scientific fact.

This does not mean that I am advocating excluding technical specialists from our decisionmaking, rather I am advocating using them more appropriately than would be the case under the present version of this bill. They should be contributors to, not the final arbiters of, life and death policy decisions.

What do we do when those who benefit from a technology are different from those who pay the price? Science cannot and should not be allowed to answer these questions. Yet, so-called bottom line risk estimates have been far from adequate in indicating the equity of cost-benefit distribution, even though many of today's most complex technologies are controversial, in part, because the people who suffer are different from those who benefit.

One dollar may be interchangeable with another dollar, but how does one equate dollars and deaths, profits and pains, risks and rewards? Scientists cannot responsibly claim that one death equals a particular benefit. These complexities are hidden whenever a risk assessment comes to a bottom-line body count, yet they are minor compared to the problems of equating deaths versus disease versus dollars, weighing known benefits against expected costs, or uncertain risks against certain costs, comparing uncertain but irreversible costs against those that are relatively certain but reversible, or otherwise pitting apples versus oranges versus orangutans. Science provides no legitimate means for making these comparisons, nor will it ever in the future. Risk assessment requires value judgments that are beyond quantification. What is important is that such comparisons be made clearly and explicitly, and be amenable to review rather than hidden by a technical smokescreen.

An "accident," almost by definition is something that was not expected, and even the most splendid assessment imaginable can leave major problems unexplained or incompletely understood—a problem that can be especially troubling because the risk assessment can leave the false impression that no stone has been left unturned, no possibility has been left out of consideration. This is related to one of the major problems of the technical community in the eyes of the general public; the "oops" phenomenon. Scientists, like anyone else, often fail to consider all the relevant evidence and sometimes make mistakes. A sad example was a respected geologist who was on the top of Mount Saint Helens, making routine measurements, when the top quarter mile of the mountain blew off. In retrospect, other geologists have been able to "read" the preeruption data as providing warnings of an imminent eruption, but this conclusion is obvious only in hindsight, and meanwhile, an important scientist lost his life.

Another example is nuclear power which scientists assured the public would produce electricity "too cheap to meter" and the Rasmusson report, a risk assessment, assured the public that the risk of a meltdown was one in millions. Three-Mile Island and current nuclear economic disasters show just how little trust we can have in "bottom line" statements.

The public remains concerned, and rightfully so, that data is often misused. And that this will lead to the erroneous conclusion that certain technologies are "safe." It is feared that the error of this misplaced confidence will become obvious only in retrospect.

In conclusion, I would like to state again that I believe that this bill takes the wrong approach to risk assessment if what we want is for our society to reap the benefits of better risk assessment while avoiding some of the worst abuses. In order to provide a more positive contribution, a revised bill should:

One, emphasize the strengthening of very different areas of expertise that would do more to overcome the most important existing gaps in our knowledge—emphasizing research in the social and behavioral sciences to improve our understanding of the human behaviors that have important implications for most kinds of technological risks, and work in ethics to provide better insight into the ethical implications of technologies that provide benefits and risks to different persons.

Two, rather than trying to deny that real uncertainties exist, systematic analysis should attempt to provide policymakers and the general public with improved means for making good decisions even in the face of irreducible uncertainties, giving a fair hearing and improved understanding to the differing—but often quite legitimate—values underlying opposing points of view.

Three, rather than always trying to develop "all other factors equal," mathematically objective, predictions and assessments—assuming away "surprises" in an effort to develop point estimates of what are sometimes optimistically called most likely outcomes we may need systematic empirical research on the frequency with which such surprises occur particularly as a result of human activities, and we may need to develop plans and procedures for dealing with the surprises rather then naively hoping that no such disruption will occur.

Four, new mechanisms need to be developed to encourage scientists to provide technical input to the decisionmaking process without attempting to usurp it or disguise political judgments as supposedly scientific ones.●

U.S.S.R. AMBASSADOR SAYS NICARAGUA ANOTHER CUBA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. LAGOMARSINO. Mr. Speaker, for those who have refused to accept the characterization of the Sandinista regime in Nicaragua as another Cuba in the hemisphere, I call their attention to a recent statement by the Soviet Ambassador to Brazil. He said:

> The most important event during the past 2 years in Central America undoubtedly is the Sandinista victory in Nicaragua, and the way things are going, we will have another Cuba there.

The statement follows:

U.S.S.R. AMBASSADOR SAYS NICARAGUA "ANOTHER CUBA"

BRASILIA.—At least one of President Figueiredo's speeches in China fully pleased the Soviet Embassy in Brazil. On 1 June Ambassador Vladimir Chernyshev told Jornal do Brasil that President Figueiredo said that socioeconomic and political differences among the various countries of the world should not be an obstacle between them. The ambassador added that "Lenin, the founder of the Soviet state, stated precisely this principle."

Chernyshev, who had been Soviet ambassador to Costa Rica before coming to Brazil, said that the United States is "ignoring" important "historial lessons" in its behavior toward Central America: "The most important event during the past 2 years in that region undoubtedly is the Sandinista victory in Nicaragua, and the way things are going, we will have another Cuba there."

Chernyshev said that the Iraq-Iran war "is meaningless," and he stated that Brazil has not yet shown interest in increasing Soviet oil imports, which at the moment total 20,000 barrels per day.●

GCEP CONSTRUCTION: ON TIME, WITHIN BUDGET

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. McEWEN. Mr. Speaker, time after time, we hear about Federal projects which are experiencing delays and cost overruns. There is one Federal undertaking, however, that can serve as a model to the rest of the Nation.

The gas centrifuge enrichment plant (GCEP) in southern Ohio is an example of what can be done when labor, business, and government all cooperate. That the project is on time and under budget is a tribute to the many committed and dedicated workers involved in GCEP.

Mr. Speaker, I want to bring to the attention of my colleagues an article which appeared in Nuclear News magazine describing in detail the success of General Manager Nate Hurt and the GCEP project. The article follows:

GCEP CONSTRUCTION: ON TIME, WITHIN BUDGET

Although it has lately been subjected to some buffeting in Congress, the $10-billion Gas Centrifuge Enrichment Plant, presently under construction near Portsmouth, Ohio (actually, in the town of Piketon), has moved firmly toward its next milestone—installation of centrifuge machines in the process building, which was scheduled for January 1984, but which actually occurred in November 1983, two months ahead of schedule. To date, construction of the plant is essentially on schedule and within planned budget, a notable achievement for any major construction project, but quite a feat for a plant the Department of Energy is calling "one of the world's largest construction projects."

The history of the mammoth undertaking dates back to 1976, when the construction of an add-on Gaseous Diffusion Plant was authorized. As the centrifuge technology became mature, however, President Carter substituted it for the add-on diffusion plant. This centrifuge plant, though more capital intensive than equivalent gaseous diffusion plants, would be much cheaper to run; indeed, the centrifuge enrichment process uses only about 5 percent of the electricity needed for gaseous diffusion. The centrifuge plants would save energy, and would save costs as well, resulting in lower separative work unit (swu) prices.

The centrifuge process itself was developed at the University of Virginia during and after World War II as a means of enriching uranium in the fissionable isotope U-235 for military use. Although individual centrifuges were developed, built, and operated successfully, problems with materials strong enough to withstand the high speeds necessary for a practical enriching process, along with the development of other processes, caused the centrifuge effort to be discontinued. The United States, at that time, enjoyed a near monopoly in the non-Communist world in the area of commercial uranium enrichment.

The country also possessed an abundance of cheap electricity and therefore felt little financial pressure to go with the energy-saving method, choosing instead to rely on the less complicated, though electricity-intensive, gaseous diffusion process.

The areas of both Portsmouth, Ohio, and Oak Ridge, Tenn., vied to be the home of the GCEP, but Portsmouth eventually won out, and construction began in 1979, on a site lying west and south of the existing gaseous diffusion plant there.

The list of major contractors at the site reads like a who's who of the U.S. engineering and construction industry. Design is being handled by four major architect-engineering firms and two DOE operating contractors: Catalytic, Inc., of Philadelphia, is responsible for site and support facilities design; Fluor Engineers and Constructors, Inc., of Irvine, Calif., is doing process design; San Francisco-based Bechtel National, Inc. has done the design of the recycle/assembly building; and Commonwealth Associates, Inc., of Jackson, Mich., has nearly finished work on electrical distribution design; the Union Carbide Nuclear Division is doing process design and special equipment designs; AiResearch Manufacturing Company is responsible for the machine design and special material handling equipment designs for the recycle/assembly facility.

Systems engineering and management support are provided by a joint venture of System Development Corp., of Santa Monica, Calif., and Daniel, Mann, Johnson, & Mendenhall, of Los Angeles; there firms work out of the DOE enrichment operations headquarters in Oak Ridge, Tenn. Stone and Webster Engineering Corp. is responsible for construction management at the site.

The centrifuges are being manufactured by Boeing Aerospace, Garrett Corp., and Goodyear Aerospace. The GCEP operating contractor for plant operations is Goodyear Atomic Corp., the current operator of the nearby gaseous diffusion plant.

The sheer size of the project is mind-boggling. Some statistics:

Each of the eight process buildings is 7 acres in size.

The recycle/assembly building is almost 10 acres.

The entire complex, when completed in 1994, will comprise some 90 acres of enclosed area.

Tens of thousands of centrifuge machines will be housed in the buildings.

Some building materials needed: 300 miles of steel pipe; 53,000 tons of structural steel; 620,000 cubic yards of concrete; 1,400 miles of aluminum piping; 4.6 million ft of electrical cable; 24 million ft of single conductor cable; 750,000 valves; 2.5 million aluminum welds.

One reason cited for the good progress made on construction thus far has been the lack of "regulatory" delays, because the Nuclear Regulatory Commission has no jurisdiction over the project. This has permitted use of industrial rather than nuclear construction standards. In addition, DOE enrichment officials have delegated decisionmaking to site managers.

Good labor relations have also worked to produce good construction time. The recycle/assembly building structural steel was erected in 11 months and completely enclosed 7 months later. The basic support utilities are essentially complete, with machine handling and assembly equipment now being installed. Similarly, the structural steel for the first process building, measuring some 700×400×85 ft, was erected in only 9 months and completely enclosed 6 months later. The utility, mechanical, electrical, and instrumentation systems are essentially complete, with special process piping and equipment now being installed. These times can seem remarkable when compared to other projects of this magnitude.

If the present schedule is upheld, the first train, consisting of several hundred centrifuge machines, is projected to be in operation in September 1985, and the first process building should be operational in June 1988.

But not all is rosy for the plant, despite its good construction record. Only the first 2.2-million-swu module—comprising the first two process buildings—has been authorized by Congress. Completing the plant will require appropriations of about $500 million to $600 million per year into the 1990s. These appropriations, however, are offset by the revenues obtained from the selling of the swu's. And therein lies the rub—the associated revenues must equal the outlays over the supply of enrichment.

The need for the full 8.8 million swu's has been questioned, particularly in light of a stagnant nuclear industry throughout the world. Advanced enrichment technologies, notably advanced centrifuge enrichment, which will have the potential of tripling the GCEP output with the same number of centrifuge machines, and laser isotope enrichment have been proposed as more efficient, more economical alternatives. The DOE has responded that while substantial progress is being made in research and development, neither advanced process is ready for production today, and that GCEP is needed if the United States is to regain leadership in the enrichment area. Plans are being developed, however, that will permit the Advanced Centrifuge Machines to be incorporated into GCEP.

But while the politicians haggle, the project and construction managers, the engineers, the technicians, the equipment vendors, and the some 1,000 construction workers on the site just keep on with the work at hand—building the plant, on time and on budget.●

ITC DENIES AID TO AMERICAN FOOTWEAR INDUSTRY

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MOAKLEY. Mr. Speaker, I am appalled by the recent decision of the International Trade Commission to deny aid to the American nonrubber footwear industry. Under the terms of a section 201 petition, filed on behalf of the Footwear Industry Association, quantitative restrictions would have been enacted on foreign produced nonrubber footwear products for a 5-year period. This decision to deny relief to the nonrubber footwear industry, which the ITC passed by unanimous consent last Wednesday, June 6, 1984, was followed by an explanation that failed to support their actions.

The ITC stated that the nonrubber footwear industry was not disadvantageously affected or injured by international competition; that the domestic footwear industry was still profitable; and that the future of this industry would simply be the elimination of domestic production and the import of all nonrubber footwear goods. I find this premise, and all of the relevant decisions made by the ITC commissioners, to be outrageous and in flagrant defiance of the facts.

The enactment of such restrictions could have been the saving grace for this import-impacted industry. I feel that it is absurd that we must stand idly by and watch this important American industry die, simply because the ITC is too blind to note the obvious effects of unrestrained and unlimited competition on the domestic nonrubber footwear industry.

The facts are as easy to see as the shoes on our feet. Currently, corporations in foreign nations control over 70 percent of the domestic nonrubber footwear market, and the production capability of American corporations have dropped almost one-third over the past 8 years. The current unemployment rate is over double the national average, at 17.2 percent, and over 132,000 of our constituents in 41 States will face the unemployment lines if we do not take remedial action now.

I, along with my colleagues Ms. SNOWE, Mr. McKERNAN, and Mr. D'AMOURS, have introduced the American Footwear Act of 1984. This legislation offers sound and innovative proposals that could well save the industry. I urge your support and cosponsorship of this important bill. The 200-year-old domestic footwear industry is on its knees and in vital need of our immediate action.●

NEW JERSEY'S IMMIGRANTS REMEMBERED BY MANY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. FLORIO. Mr. Speaker, New Jersey is proud of the hundreds of thousands of Italian Americans who have contributed so much to the "Garden State." The close proximity of the State to the entry Port of New York plus the readiness of thousands of industrial jobs made New Jersey an attractive alternative to many millions of immigrants of all ancestry.

Mr. Speaker, there exist in New Jersey many organizations dedicated to the rememberance of the shining ideals which allowed these immigrants to transform New Jersey into the economic giant which is the State today. One such organization is the Central Jersey Chapter, American Italian Historical Association.

Robert B. Immordino, the township historian of Lawrenceville, N.J., is largely responsible for the success of this fine group. In 1979, Remigio Pane, Angelina Campo, and Robert Immordino became the first officers of the Central Jersey Chapter and the organization has been thriving ever since.

Throughout their existence the Central Jersey Chapter has sought to increase the awareness of all people as to the important roles which their forefathers played in the growth of New Jersey. With the large Italian-American population in New Jersey the accomplishments of many of our ancestors have been heralded.

Mr. Speaker, I am proud to be associated with the Central Jersey Chapter, American Italian Historical Association. I am grateful for the efforts of Bob Immordino and his comrades who have worked so hard so that all New Jerseyans may remember the cherished values which have made this country what it is today.●

A BILL TO PROMOTE EFFICIENCY IN THE DAIRY INDUSTRY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. FRANK. Mr. Speaker, I have introduced legislation, H.R. 5804, that would bring some rationality to the Federal Government's involvement in the marketing of dairy products. Within the past 4 years, the cost to the taxpayer of the Federal dairy support program has grown from $500 million to almost $3 billion. The result has been higher prices for consumers and a reserve of federally owned dairy products amounting to an almost unimaginable 17 billion pounds. And, paradoxically, with all these expenditures, the programs are so poorly designed that many small dairy farms are still suffering and receive little help. The fact is the program has developed into a profound failure that, nonetheless, continues today.

H.R. 5804 is a comprehensive approach that would ease the Federal Government out of the business of buying and selling milk but do so in a way that would minimize the negative impact on individual dairy farmers. By dropping the support price and removing some artificial marketing restrictions, the legislation would make the dairy production industry respond to market forces and not to actions—or inactions—of the Federal Government.

The bill also allows the Attorney General to prosecute for antitrust violations by agricultural cooperatives. Current law gives certain antitrust immunities to these cooperatives but prohibits their use for "undue enhancement" of the price. However, the Secretary of Agriculture must find the existence of undue enhancement before the Attorney General can move. In the 62 years since this law was enacted, no Secretary has found reason to act against a cooperative on this basis. My bill would free the Attorney General, who I believe is better qualified to determine objectively whether cooperatives are acting improperly, to prosecute independently of the Secretary of Agriculture.

In another procedural change, the measure reverses a recent Supreme Court decision that prohibits consumers from participating in the process of establishing marketing order regulations. The decision is a further demonstration of the extent to which agricultural markets are operated by and for those who profit from them to the exclusion of those—consumers and taxpayers—who must pay the price. H.R. 5804 would explicitly give consumers standing to challenge marketing order regulations.

Recognizing that Federal involvement in the early industry has created a highly complex regulated market that has not been comprehensively examined since the enactment of the Agricultural Adjustment Act of 1933, a provision of the bill would place a sunset date on that act with regard to milk of June 1, 1992. Instead of the quadrennial farm bill ritual of layering program upon program, a sunset date would force Congress to truly reexamine the base law that has grown into the impenetrable morass we have today.

The price provisions would drop the support level gradually over a 6-year period and cap the set price for fluid milk at $16 per hundredweight. Current law will set the support price at $11.60 as of July 1985. My bill would reduce this amount by 4 percent a year for 6 years, resulting in a support price of $9.07. The classified price is capped at its highest existing price of $16. The purpose of these provisions is to force dairy producers to respond to market forces rather than Federal policy. The absurdity of the Federal Government setting a price above the market level and then buying up billions of pounds of dairy products to maintain that price will cease.

Clearly, inefficient dairy farmers will not survive under the new deregulated free market system. Therefore, the bill includes a loan forgiveness program to ease the transition for those dairy producers unable to compete. The Secretary of Agriculture will be authorized to provide loans for the purposes of converting dairy farms into any other nondairy endeavor. Half of the loan, at a rate of 5 percent over 10 years, would be forgiven as long as the recipient stays out of the dairy business. In this way, the hardship on the individual dairy farmer will be eased and the excessive productive capacity generally in the dairy industry will be dramatically reduced.

The existing dairy program is based on a picture of the industry as it was in the 1930's. Improved technologies in the production, as well as the transportation, of dairy products have been ignored. Rather than exploit the new technologies, the current program discourages many of them. Refrigeration now allows much larger markets in fluid milk than the marketing order system will permit. As a result, inefficient dairy production is supported and the most efficient areas are selling milk to the Government in obscene quantities. A dose of the free market will naturally bring supply into confluence with demand. The taxpayers will benefit. The consumers will benefit. And even the efficient dairy farmer will benefit.●

SUBMINIMUM WAGE PROPOSAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MILLER. Mr. Speaker, as the chairman of the Subcommittee on Labor Standards, I want to express my opposition to the administration's youth subminimum wage proposal. The proposal is a sorry response to a serious problem. It is a simplistic and inherently unfair response to our concern about record unemployment rates.

The same administration which has cut support for the remedial education, vocational education, and job training now seeks to remedy the youth unemployment crisis by promoting a subminimum (and subpoverty level) wage.

This plan is more likely to lead employers to substitute younger workers for older ones than to create new jobs for teenagers. It is an attempt to push youngsters into the job market while their parents stand in unemployment lines.

The problem of youth unemployment is not simply a matter of high schoolers who need summer jobs. The problem is that we have too many 17-, 18-, and 19-year-olds who are out of school, who have quit or have been graduated from high school. Their poor education, their poor training, their poor long-term job prospects and lack of skills: these are the real problems. And these very important issues will not be solved through temporary, sub-poverty-level wages.

Within my own district, I have seen evidence of dissatisfaction toward the subminimum wage proposal. Teenagers who are currently working at or near the present minimum wage of $3.35 an hour, responded very negatively to the subminimum proposal. I would like to include the following article from the Contra Costa Times of May 20, 1984, which contains interviews with young workers who vigorously oppose the administration's subminimum proposal.

[From Contra Costa (CA) Times, May 20, 1984]

TEENS SAY THE MINIMUM IS ALREADY BARE: EAST COUNTY IS AGAINST REAGAN BID TO CUT PAY

(By David Newdorf, Staff Writer)

East county's working teen-agers and their supervisors have serious doubts about a proposal to lower the minimum wage for teen-agers.

The plan, backed by President Reagan, is intended to encourage employers to hire more young people this summer. Employers during the summer months could pay 16 to 19-year-old workers $2.50 per hour instead of the federal minimum wage of $3.35.

Teen-age unemployment is a problem nationwide, with unemployment in April at 19.4 percent for all teen-agers and 44.8 percent among black teen-agers.

In a radio address Saturday, President Reagan said that "while everyone must be assured a fair wage, there's no compassion in mandating $3.35 an hour for start-up jobs that simply aren't worth that much in the marketplace."

Young workers do not agree.

"A lot of teen-agers work here," said Tammy Lowe, 20, a cashier at Jack-in-the-Box on Railroad Avenue, Pittsburg. "Too many would rather sell dope than get cussed out by customers for $2.50 an hour. Let Reagan come and work here for a day."

Those opposed to the plan said it was unfair and would not create more jobs for teens. Organized labor opposes the plan because it may encourage employers to fire older workers and replace them with cheaper teen-age labor, even though the president's proposal would penalize doing so.

Teen-agers who hold jobs presently earn the federal minimum wage of $3.35 an hour. The prospect of an 85-cent-per-hour pay cut angers them.

"I'd quit" if forced to take a pay cut, said Pittsburg Jack-in-the-Box worker Micheline Drouin 17. "My sister makes that much ($2.50) babysitting."

Drouin was not alone in her feeling that the minimum wage was bare enough as is.

"I don't feel you could make enough money to get to work for $2.50 an hour," said Brentwood resident Tony Silvera, 18, who works at Taco Bell in Antioch. "You couldn't pay for transportation to and from work."

Many managers agreed that their workers should not be subject to a pay cut. "We pay them for their productivity," said John Strachan, a district manager who supervises Taco Bell franchises in Contra Costa and Alameda counties. "They're definitely worth it. Our company will continue to hire at $3.35 an hour."

But Strachan said other companies would probably cut teen-age wages if the proposal passed.

"It could be great for Jack-in-the-Box, but I don't like the proposal myself," said Twila Stevens, manager of the Pittsburg Jack-in-the-Box. "I don't think it would be right if they're working for $3.35 during the school year to get a pay decrease for no reason during the summer."

Store and fast-food restaurant managers said there is definitely a shortage of positions for the young people seeking work this summer.

"We probably have 60 to 65 applicants now," said Stevens.

"During the summer, we might hire 15."

But managers said a lower minimum wage would not lead them to hire more teen-agers.

"There are certain jobs we have to have a person do," said Fran Wagstaff, a manager and part owner of Kentucky Fried Chicken in Antioch. "If too many people are around, it messes things up.

Mark Bagnaschi, manager of Super/Auto in Pittsburg, said, "It's not hiring for the lower wages, it's whether we need it. Lately, it's been too slow."

While many teen-age workers use their earnings for gas money, clothes, savings for college, others use their money to help their families or support themselves.

Kristi Brennan, a 16-year-old Antioch High School Student, said she is working at Taco Bell in Antioch to save money for trade school after she graduates. "Nowadays, you can't do anything without money," Brennan said. "If kids get paid less, they'll get into more trouble. They won't be that enthusiastic about working. I wouldn't work for that."

Debbie Bettencourt, 19, pays rent, buys groceries and supports herself with her paycheck from Der Wienerschnitzel in Antioch. "A lot of kids support themselves," Bettencourt said. "That's why I don't think its fair."

Sabrina Watkins, 16, who works part-time at Super/Auto in Pittsburg, said she is helping out her family by trying to save money to support herself during her senior year at Pittsburg High School. What is left over from her earnings is tucked away so she can eventually attend Los Medanos College or San Francisco City College.

Traditional labor economists argue the loss in individual wages is compensated for by the gain in overall jobs because, they say, more labor is employed at a lower minimum wage. The minimum wage, according to economic theory, is higher than the productive value of unskilled workers and prices marginal workers out of the market. Pittsburg City Council member Taylor Davis said youth unemployment is a serious problem, especially among east county minorities, but he opposes the lowering of the teen-age minimum wage.

Said Davis, "It's not going to provide that many jobs and working for $2.50 an hour is not going to help the teen-agers who need jobs."●

PERSONAL EXPLANATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, because of longstanding commitments in my congressional district, I was unable to cast several rollcall votes on June 11, 1984. I would like to list those rollcall votes by number and state how I would have voted had I been present.

Rollcall No. 221 "yea."
Rollcall No. 222 "yea."
Rollcall No. 223 "yea."
Rollcall No. 224 "yea."
Rollcall No. 225 "yea."●

CONGRESS FLEES FROM TRUTH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial from the Lompoc Record, dated Monday, April 30, 1984, to the attention of my colleagues.

The editorial, entitled "Congress Flees From Truth," accurately assesses the stakes in Central America as far too great to be decided on the basis of whether or not the administration deserves passing grades in congressional etiquette. While I agree that in some instances the administration has made errors in explaining U.S. activities in the region, and in congressional relations, the administration is cognizant of the profound interests the United States has in the region, and has offered a comprehensive and substantive program for achieving what is the goal of all of us: Regional peace, economic and social growth, and democracy.

Sooner or later, Mr. Speaker, the United States is going to realize the importance of Central America. The administration has already recognized it, as have many Members of Congress, both Republican and Democrat. The problems in the region are many. But the problems will be greater if the Congress continues to flee from the truth.

The editorial follows:

[From the Lampoc (CA) Record, Apr. 30, 1984]

CONGRESS FLEES FROM TRUTH

The tempest over the CIA's role in mining Nicaraguan harbors plus Congress' interminable dallying on emergency military aid to El Salvador are less problems in themselves than symptoms of a larger problem. That larger problem: A timid, divided Congress' flight from hard truths about the crisis in Central America.

The evidence of this potentially disastrous irresponsibility is by now abundant. For at least two years now, Congress' de facto policy in El Salvador has been to provide only driblets of military aid to Salvadoran government forces. The predictable result is that an elected government friendly to the United States and dependent on American aid can manage nothing more than a bloody stalemate with communist-led guerrillas intent on imposing a Cuban-style dictatorship.

Events in Nicaragua are corollaries to Congress' feckless policy in El Salvador. An estimated 20,000 Nicaraguan guerrillas, dubbed contras, are resisting the Marxist dictatorship forced on their country by the ruling Sandinista junta. Every success chalked up by the guerrillas lessens the Sandinistas' ability to export Marxist revolution and increases the chance that Nicaragua might yet be pried from the Soviet/Cuban grip.

One might imagine that Congress would be cheering on the contras and voting ample funds for the CIA's reported assistance to the guerrillas. Not so. The Democratic-controlled House in particular threatens to make each grudging appropriation the last. And CIA help in sowing a few noisy but non-lethal mines in Nicaraguan harbors now has Congress in an uproar that can only make delightful reading in Managua, Havana and Moscow.

Let it be said that the Reagan administration sometimes adds to its own difficulties by its clumsy handling of congressional relations. The administration's tactical errors have bruised egos and offended sensibilities on Capitol Hill. But the stakes in Central America are far too great to be decided on the basis of whether or not the administration deserves passing grades in congressional etiquette.

Stripped to essentials, the Reagan policy in Central America aims at promoting democracy and defeating communism via the provision of U.S. aid to friendly forces in the region. Congress is seeing to it that the aid in question will be too little and often too late.

What we wonder is whether Congress is asking itself the next logical question. If the local friendlies in Central America are defeated, who will be left to prevent Fidel Castro and his Soviet patrons from colonizing the region? The inescapable answer is, no one but the United States.

It is safe to assume that not a single member of Congress wants to repeat the follies of Vietnam, where initial half-measures and then a no-win strategy produced disaster. It is similarly safe to assume that most members of Congress would not consciously choose policies that would leave the United States with an ultimate choice between defeat and direct intervention in Central America.

But listening to the sound and fury over the Nicaraguan mining and whether to keep El Salvador's beleaguered army in ammunition for another few months leaves us believing that too many in Congress simply want to avoid any hard choices at all.

That can only mean that it is time once again for President Reagan to use the presidency's "bully pulpit" to spell out those choices for an equivocating Congress and the public it is so poorly serving.●

POSTAL SERVICE PLEDGES TO WORK FOR QUALITY EDUCATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. FORD of Michigan. Mr. Speaker, on May 17, Postmaster General William F. Bolger and Clyde A. Gray, principal of Washington, DC's, Anacostia Senior High School formalized a "partnership in education" agreement between the Postal Service and the high school. About 600 students along with representatives of the District's Board of Education took part in the May 17 ceremony honoring this agreement. Such actions reflect a growing national trend by businesses and Governmental agencies to provide support to local schools. These partnerships provide instructional activity and resource material which local school districts are unable to fund. It should be noted that the efforts of the partnerships have been commended by a number of commissions and educational organizations.

As chairman of the Post Office and Civil Service Committee and a member of the Education and Labor Committee I am most interested in this particular joint venture. It is commendable that the Postal Service has chosen to share its vast resources with one of our Nation's most precious resources—our young people. As former chairman of the Subcommittee on Postsecondary Education, I know firsthand that any assistance our Nation's youth can receive is not only necessary, but truly appreciated. Postal Service employees everywhere should be proud of the progress and achievements which their agency has realized the past several years. Undertaking this effort is a further testament to those employees, particularly Mr. Bolger, for leadership in this area. At this point, I would like to include for the RECORD the remarks made by the Postmaster General during the May 17 ceremony.

The speech follows:

REMARKS OF POSTMASTER GENERAL WILLIAM F. BOLGER

I am delighted to be here this morning to announce the formation of a partnership that links the United States Postal Service with Anacostia Senior High School. In this "Partnerships in Education" program that is taking hold throughout the country, businesses and government agencies join hands with schools to work for quality education.

We at the Postal Service, with our vast resources of talented, committed individuals, pledge to provide a range of assistance that hopefully will enhance your learning environment and expand your horizons. We have discussed a number of activities with faculty members. These include computer learning classes, tutoring and special presentations on topics such as international affairs and drug and alcohol abuse. We have discussed tours of our inspection service lab, where some of the finest police in the country solve difficult crimes and fight mail fraud. We can offer training in photography, and we hope to help you publish your own school newspaper or newsletter. We intend to provide opportunities for internships, and we plan to make available to you surplus supplies and materials that may be useful in some of your classrooms.

These areas that I mentioned are just some of the ideas we hope will bring our partnership to life. It should go without saying that we welcome your thoughts on other areas, as we begin now and get into full swing this fall. We will want to know of your particular interests and needs with the hope of matching the talents of our enthusiastic employees with your eagerness to learn and grow.

Incidentally, this partnership without postal staff at headquarters here in the Nation's capital is the beginning of postal partnerships around the country. Since we have post offices and stations and branches in just about every city and town, we have the potential to be involved with a tremendously large number of schools.

I'm glad that Anacostia has been selected as our premiere school in this exciting program. Successful partnerships are limited only by the imagination that both sides bring to the relationship. Let's make our Anacostia-Postal Service partnership a living example of what volunteerism and commitment to excellence in education can produce.●

CAPABILITY TIMES WILL EQUALS DETERRENCE

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. PRICE. Mr. Speaker, I recently reviewed a copy of Air Force Magazine commentary that I believe captures an important aspect of the overall issue of national security. Because the author, Gen. Russell E. Dougherty, editor in chief, so succinctly stated his rationale concerning defense, and because I believe it may enhance the future debate regarding defense, I take this opportunity to bring it to the attention of other Members. The commentary follows:

CAPABILITY × WILL = DETERRENCE

(By Russell E. Dougherty)

Whether in mathematics, law, or analyzing the great issues of our time, it is important to get the basic proposition set down properly. Otherwise, one is unlikely to arrive at a useful solution. Thus it is unfortunate that so many Americans persist in portraying the gravest matters affecting our nation's security as issues of "war and peace."

When the National Conference of Catholic Bishops established its Committee on War and Peace, for example, it formulated not only a name for the study commission but also a conceptual framework within which the issues were to be studied. This was of more than semantic importance. In casting the central problem as one of war and peace, the Bishops made it difficult for Americans to carry on a realistic and helpful discussion about circumstances that deeply concern all of us.

"War and peace" is an erroneous proposition—a nonissue. All rational people desire peace; I know none in favor of war. Debate of nonissues leads nowhere. In this case, it also obscures vital principles that our nation has held dear for two centuries and positions us to forfeit what may be our best opportunity for peace.

The political creed of the United States is to preserve basic individual freedoms—not to seek peace at the price of those freedoms. Our fundamental national values are at variance with those of the Soviet Union, where individual liberties are seen as a threat to the political system instead of its central objective. Over the years, some nations have secured—or sought to secure—peace by the expedient of surrendering their freedoms, but our legacy rejects that solution. Unless we are ready to concede freedom in order to achieve peace, we must state the issue more broadly and less simplistically than "war and peace."

The real issue is how best to go about keeping our people both alive and free. And the right solution—possibly the only solution—is a strategy of deterrence. While deterrence requires armed preparedness, it is not a strategy that a warlike nation would adopt. It optimizes the capabilities to forestall aggression and to reduce the probability of conflict at any level.

The United States emerged from World War II as the strongest nation in the world. Although mobilized, equipped, and intact, it did not use its power to build an empire, as many dominant nations throughout history had done. Rather, the postwar United States pursued a course aimed only at containing the export of Communist control and at deterring military aggression against the freedoms of the Western democracies.

So, in the aftermath of Korea, the United States addressed seriously the two essentials of a successful strategy of deterrence. This involved not only the acquisition of adequate military capability but also the development of a national consensus of will that the capability would be used, if need be, to preserve our freedoms. We recognized that reliable deterrence is achieved only when potential adversaries perceive the multiplying effect of our capability and our will. As Col. "Abe" Lincoln of West Point used to put it, capability times will equals deterrence. He emphasized that this is a proposition in multiplication, not in addition, for if either of the essential factors is zero, then the product—deterrence—is also zero.

It has become clear that the Soviet Union will feel totally secure and satisfied only when the entire world is, like its own populace, subjugated under Soviet control. It has also become clear that the Soviets have built a military force that is awesome in its potential to coerce and intimidate—as well as to wage actual war against—those who have neglected their defenses.

The exercise of that capability by the Soviet Union, either for war or intimidation, must be deterred. If we and our allies would keep our freedom, we must also keep a credible deterrent, incorporating both capability and will. We must have improved conventional forces, because we need to decrease our reliance on nuclear responses to nonnuclear attacks—as some say, to raise our nuclear threshold. But conventional forces, no matter how strong or how much improved, will not be enough. Faced with a nuclear-equipped and determined adversary, there is no "conventional" option. We cannot avoid the necessity for both nuclear and conventional forces of a quality and quantity relevant to the threats we face.

Of course, there is a risk to ourselves as well in a strategy of deterrence, because implicit in it is the assumption that freedom is worth fighting for and that we have the guts to fight for it. Since the risk has a nuclear dimension, it has generated understandable fear about the escalating horror that could ensue if deterrence should ever fail. This leads to erosion of the "will" factor in the equation for deterrence. And, unlike a problem in addition, a consequential reduction in the will factor has a devastating effect in decreasing the product: deterrence. Erosion of will also decreases the determination of the nation to prepare itself in a timely, adequate manner, resulting in further erosion of the "capability" factor as well. The synergistic effect is to weaken the product of the factors—deterrence—to a most dangerous degree.

It is perversely ironic that the circumstances under which the continued success of deterrence is least likely are exactly those minimalist solutions advocated by many would-be peacemakers. Never was an acronym more apt than MAD, which describes a unilateral strategy, supported by a grossly inefficient deterrent force, capable only of a Minimum level of Assured Destruction of enemy populations, and urban areas. Pursuit of a MAD strategy would provide us with minimal strategic forces, armed with minimally capable weapons, posing a minimal threat to opposing military forces. It would leave us with cheap, inefficient weapons that might be useful for blowing up cities and killing people by the millions, but—contrary to much of the claptrap written for dissertations or the op-ed pages—neither the policy of the United States nor its treaty obligations has ever sanctioned the wholesale targeting of concentrations of civilian noncombatants.

What is true, unfortunately, is that misguided minimalists have been successful, all too often, in blocking development of the systems required to maintain an adequate deterrent posture. They have derailed progress toward advanced and accurate weapons that are efficient enough, and in sufficient quantity, to put an adversary's military might and his command and control system at risk. To the extent that the Soviet Union perceives that it might be able to wage war without significant losses of the political and military assets it values most highly, the chances that our deterrent strategy will succeed are decreased. The probability of peace is diminished, too.

Our national policies, our treaty law, common sense, morality, and military logic all converge in the requirement for a credible deterrent posture. We must couple the will of our nation to deter conflict with the capability of our armed forces to deny an aggressor the benefits—or even the perceived benefits—of aggression. He must be denied any possible calculation of success through military aggression. This is not, as some would have us believe, preparation for Doomsday. On the contrary, it is the most sensible approach to keeping our world at peace without compromise of our freedoms. Let us not be misled by those who pose the great issue of our times simply as one of "war and peace." As Secretary of Defense Caspar Weinberger said in the Oxford Union debate earlier this year, the real issue is freedom—or lack of it.

I have just reread the Declaration of Independence. It does not speak of war and peace. It defines rights of people and governments and declares denial of those rights unacceptable. That is a declaration to which our American political ancestors pledged their lives, their fortunes, and their sacred honor. The current generation of Americans should do no less.

As Americans, let's make sure we have our basic propositions right before we proceed. The issue is not merely one of war and peace, but rather how to preserve our freedoms with the least risk of war. So far, the best answer for us has been the possession of the capability and the will for a credible deterrent. For the future, our best bet is to make sure that both our capability and our will are adequate for the job.●

TRIBUTE TO STEVE SCHLOSSER, NEW PRESIDENT OF THE PRIVATE CARRIER CONFERENCE

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. BRITT. Mr. Speaker, I would like to take a moment to congratulate one of my constituents, E.S. "Steve" Schlosser of Greensboro, NC.

Mr. Schlosser, who serves as director of the transportation department of J.P. Stevens & Co., was elected president of the Private Carrier Conference at the group's 25th annual midyear meeting recently in Palm Beach, FL.

The largest of the 11 conferences affiliated with the American Trucking Association, the Private Carrier Conference is the national trade association that represents nearly 4,000 manufacturers, distributors, shippers, and receivers who operate motor trucks as an extension of their primary business endeavors. Private carriers are the dominant sector of the trucking industry hauling nearly 60 percent of the Nation's intercity truck ton-mileage and operating 6 million vehicles.

Mr. Schlosser has worked for J.P. Stevens, the Nation's second largest publicly owned textile manufacturer, for his entire career. He started with the company in 1939—the same year the company started its private carriage operation with the acquisition of one truck.

Mr. Schlosser volunteered for the Marine Air Corps in 1944 and served for 2 years as a navigator bombardier in the Pacific arena.

When he returned to Stevens in 1946, he began devoting full time to the company's transportation operations. He served as general manager before being named to his current position in 1974.

Today, he oversees the private and commercial transportation operations at the company's terminals in Greensboro, NC, and in Greenville, SC. He is responsible for a fleet of 178 tractors and 459 trailers which serve Stevens' 74 plants. His fleet operates in 40 States.

In addition to his responsibilities with the PCC, Mr. Schlosser is a vice president at large on the executive committee of the American Trucking Association. He is on the board of directors of both the Motor Transportation Association of South Carolina and the North Carolina Motor Carriers Association. He was elected president of the North Carolina association in 1976—the first ever from the private-carrier industry—and currently heads the group's legislative committee.

He also served on the special carrier committee to study the structure of ATA and is currently on the committee studying the dues structure of ATA. As the top spokesman for the Nation's private fleets, Mr. Schlosser has a great responsibility.

A native of Greensboro, Mr. Schlosser attended North Carolina State University, and is married to the former Nettie Beale. They have two sons and two granddaughters.

I am confident that he is equal to the challenge. Throughout his career with J.P. Stevens, he has proven himself to be bold, innovative, and resourceful. He is always looking for a new and better way of getting the job done. These attributes will help him to be a capable and effective representative of this diverse and growing segment of our Nation's economy and transportation system. I wish him continued success in his new leadership position.●

HOUSE ACTION ON 21 WAS APPROPRIATE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. FLORIO. Mr. Speaker, in view of last week's unanimous vote of approval by the House of Representatives to amend the Surface Transportation Act to require States to raise State drinking age limitations to 21 years, I commend to our colleagues' attention the following Newark, NJ, Star-Ledger editorial entitled "Stop the Slaughter."

The editorial is, I believe, further evidence that the House of Representatives was right in its decision to act on this issue in order to stop the slaughter on our Nation's highways.

STOP THE SLAUGHTER

The story is a familiar one. The powerful liquor lobby in New York state once again did a number on a well-intentioned plan to increase the minimum age for legal consumption of alcoholic beverages. And so the New York Assembly voted down by a plurality of 11 votes a bill to raise the drinking age from 19 to 21.

In doing so, the New York lawmakers ignored every reasonable argument on the side of public safety and the welfare of the state's citizens. The bill's sponsor, Assembly-man Melvin Zimmer, a Syracuse Democrat, produced strong proof on established safety statistics that the measure would prevent 60 to 75 auto fatalities and 1,300 injuries in New York during the coming year. It made no difference to the majority of his colleagues.

Other supporters of the bill produced statistical evidence that 19-year-olds and 20-year-olds make up only 4 percent of New York's drivers but are involved in 16 percent of the alcohol-related fatal crashes. Once again, it made no difference to the Assembly majority.

If New York neighbors, New Jersey and Pennsylvania, both of which have minimum drinking ages of 21, had a voice in the New York proceedings, they could have produced some grim statistical evidence of their own. They could have shown that teenagers from these two states frequently become involved in accidents because they regularly cross the state line into New York to take advantage of the lower drinking age. But that too would have made no difference to the New York lawmakers.

New York Gov. Mario Cuomo worked hard for the bill, but could not come up with the needed votes. The governor predicted there would be another attempt and that it would be successful. Perhaps—but that powerful liquor lobby will again be difficult to thwart.

New York's rejection of the 21-year-old standard has already had one serious consequence. Gov. William O'Neill was prepared to launch an effort in his state to raise the drinking age from 20 to 21. But once New York decided to stand pat at 19, he abandoned it, citing the "disappointing" lack of action by New York. Gov. O'Neill called for a standard regional drinking age.

Such a proposal makes sense. A plan for a national drinking age of 21, imposed by an act of Congress, makes even more sense.

But in the meantime, while we are waiting for permanent national reform, pressure must be kept on New York, which is proving a real menace to its neighbors. As long as New York continues to bow to the liquor lobby and keep the lower drinking age, its own youth, as well as those from neighboring states, will continue to face injury and death.●

A SURVIVAL COURSE FOR OUR WILDERNESS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mrs. BURTON of California. Mr. Speaker, I would like to bring to the attention of my colleagues a "Letter to the Editor" by William Turnage, excutive director of the Wilderness Society, which recently appeared in the Wall Street Journal. I think his comments will be of interest to my colleagues, particularly to those who have wilderness legislation for their States pending in Congress.

Mr. Turnage's letter follows:

A SURVIVAL COURSE FOR OUR WILDERNESS

Despite Vincent Carroll's criticism of the methods and motives of conservationists (editorial page, May 15), we applaud his conclusion: "Environmentalists are probably right that the wilderness value of most protected lands is greater than their resource value. And it's true, for example, that logging in parts of the West might be uneconomic but for public subsidy." It is a fortunate accident in logic that he has reached the right answer, despite having all the wrong facts!

Chiefly, though, Mr. Carroll repeats the canard perpetrated by former Interior Secretary James Watt that "environmentalists work to oppose economic activity on federal lands." The Wilderness Society does not oppose economic activity on publicly owned lands except in situations where "dedicated" land uses—like wilderness, national parks, and wild and scenic rivers—yield long-term and lasting values to society that outweigh potential commodity values.

In the lower 48 states, designated wilderness lands account for only 1.2% of the total land area. Since the federal government administers about one-third of the land area of the U.S., it follows that many hundreds of millions of acres lie outside dedicated land systems and are open to whatever resource development their managing agencies see fit to license. In light of such facts, it is patently misleading to suggest that The Wilderness Society seeks to prevent resource development on federal lands. Futher, there is a very limited amount of unprotected wilderness left in the lower 48. It is impossible to argue that we want "More! More!" when, in fact, there is very little more! What is not saved now in the next few years will never be saved.

Moreover, when conservationists have opposed development, it has often been for good economic reasons, and, hopefully, always for good environmental reasons. Mr. Carroll, is, for example, quite correct in suggesting that The Wilderness Society supports repeal of the 1872 Mining Law. For more than a century, this law has allowed hard-rock mining on the public lands without adequate control of the damage inflicted and without any compensation to the Treasury and taxpayer for the publicly owned minerals. Conservationists support a revised law to establish a modern-day leasing and royalty system that will protect the environment and end this rather remarkable giveaway.

Mr. Carroll claims that environmentalists oppose harvesting of old-growth timber in the national forests and have contested a recent sale in Colorado. Actually, we oppose the Forest Service practice of selling national forest timber at prices that do not cover the cost of production. The "Report of the Forest Service for Fiscal Year 1983" details that 75% or more of the national forest timber sold in the Rocky Mountains and Alaska failed to recover receipts equal to costs. The Wilderness Society opposes this blatant subsidy by taxpayers of the timber industry and supports sales on lands which will return a reasonable profit to the government, without excessive environmental damage.

Mr. Carroll states that proposals to develop oil and gas in wilderness have been harassed and opposed, and implies that wilderness designation may "lock-up" huge petroleum reserves. A 1983 study by the U.S. Geological Survey reports that 74 million acres of designated and potential wilderness areas contain a mere 2.7% of the undiscovered recoverable oil and 5.3% of the undiscovered recoverable natural gas in the 11 contiguous Western states. Conservationists advocate the competitive development of more plentifully available energy resources on federal lands—onshore and offshore—and on private lands. We suggest that development of remaining resource-poor wilderness lands be kept as a last resort. The public, in poll after poll—and the Congress, in repeated decisions aimed at stopping Mr. Watt—overwhelmingly support our approach.

Protection and economic development of land are not mutually exclusive goals unless they are made so.

WILLIAM A. TURNAGE,
Executive Director,
the Wilderness Society, Washington.●

LLOYD SKINNER AND ROBERT DAUGHERTY HONORED

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. DAUB. Mr. Speaker, recently, two of Omaha, Nebr.'s most distinguished citizens were presented the Brotherhood Award by the National Conference of Christians and Jews. Robert Daugherty and Lloyd Skinner were honored with this prestigious and well-earned recognition, and it is a pleasure to share with my colleagues the presentation speech delivered by Ronald Roskens, president of the University of Nebraska, on this occasion.

Mr. Roskens' speech follows:

THE ESSENCE OF WISDOM

(By Ronald W. Roskens)

I remember the moment in vivid detail. Shortly before noon on a sun drenched summer day, I answered the phone. I listened in stunned, bewildered silence as a colleague related to me that our University attorney had been killed instantly in a freakish car accident. It was the tenth of June, 1978.

Two days later, a member of John's bereaved family gave me a copy of a letter that he had written to his three young sons approximately six months before his untimely death. In ominously prophetic language, John imparted his single most important legacy to this offspring in one particular paragraph.

And, to my mind, in that same paragraph he also encompassed both the NCCJ purposes and the salient characteristics of the two mortals, Robert Daugherty and Lloyd Skinner, whom we salute tonight. Here is that paragraph:

"What do I want to say to you, my sons? Probably a hodge-podge of cracker-barrel philosophy and experience, but learn to love and care, deeply and passionately and to sacrifice so that good can come and ahead of self. Make your word always good. Let all with whom you deal in love or play or business say about you 'He is a man of his word.' Guard that carefully over all your days."

John's elegantly simple phrases capture fully our highest purposes and aspirations. For what standard in the conduct of human affairs is of greater consequence than to be regarded as one whose word is good?

I take it that this perceptive father was introducing his sons to the elusive but pervasive truth that human character is hammered out on the anvil of wisdom. By implication, he was apprising them that wisdom is not genetically transmitted. It is, rather, acquired; through listening, learning, loving, toiling, experiencing. John was saying that men and women whose vision is nurtured by these traits have attained true wisdom, and, as a result, are more likely to be advocates of justice and brotherhood.

These very principles spawned the NCCJ in 1928. It is the embodiment of these beliefs that we celebrate tonight, gathered as we are, to salute two stalwart citizens. Of course, we are not assembled to pronounce them saints, but rather to employ the light of their mentorship to illumine the shadowy crevices of our own sometimes hardened minds and hearts.

The standard for our self examination is wisdom. A passage from a favorite reference of mine seems to me to be instructive in our reflection. I should like to quote from the Hebrew Prayer Book, The Ethics of the Father:

"There are seven marks of an uncultured, and seven of a wise man. The wise man does not speak before him who is greater than he in wisdom; and does not break in upon the speech of his fellow; he is not hasty to answer; he questions according to the subject matter, and answers to the point; he speaks upon the first thing first, and upon the last last; regarding that which he has not understood he says, I do not understand it, and he acknowledges the truth. The reverse of all this is to be found in an uncultured man."

If these be the salient attributes of wisdom—and I believe they are—are they susceptible to simple measurement? The answer is no! They are neither reflected in the artificial standard of an IQ, nor in such social yardsticks as wealth, or personal and professional accomplishments. Rather, the essence of wisdom is imbedded within the unfathomable boundaries of the human soul.

Remarkably, as we watch the human parade, the common tenets of wisdom reappear. To a certain extent, they reaffirm an age-old yearning for personal fulfillment and societal advancement. Those who are truly wise understand that self-actualization is important.

But individual attainment is simply the threshold of wisdom. Since the beginning of recorded time, the wise have known that man can reach his full potential only if he is free: free to express openly his ideas; free to live and move about as he chooses; free to select and pursue a vocation, and to practice the rituals of his faith. To deny individuals these freedoms is to stifle the cumulative effect of wisdom. Man cannot fly if he is chained.

Collectively, we know that attempts to enslave the human spirit have been abysmal social and economic failures. We know that the productivity of laborers, the creativity of entrepreneurs, and the inexorable progress of business and industry among liberated peoples attest to the validity and vitality of a free enterprise system. As free persons, and within the limitations of our capabilities and energies, we can do whatever we choose to do.

George Will wrote: "At the end of the day we are right to judge a society by the character of the people it produces. That is why statecraft is, inevitably, soulcraft."

Thus, the extent to which a given society has mastered true wisdom is revealed in a transcript of the common conscience of its people. I cannot help but inject here an example of the false wisdom that dominates a system such as that of the Soviets. Recently, the Russians observed—for the first time ever—a national Soviet Air Defense Day. Its purpose: to elevate and salute the Air Marshall who gave the command, and the pilot who pressed the trigger that sent the helpless occupants of flight 007 to a violent and abrupt death over the Sea of Japan.

Conduct of this sort is alien to our every fibre. To believe that such actions are commendable is to argue that life itself is meaningless. Such behavior is the very antithesis of all that we stand for, and it makes a mockery of our hope that moral bonds can be forged among the peoples of the world.

We cannot permit our aspirations for mankind to waiver, nor will we. We know that in the eyes of God, and in the framework of a democratic society, we began as equals. We remain so, even as our respective achievements seem to set us apart. As James Bryant Conant wrote: "Each honest calling, each walk of life, has its own elite, its own aristocracy based upon excellence of performance."

The citizens of this nation—indeed, each of us in this assemblage—are different, yet alike. Our backgrounds are dissimilar, our interests varying, our political beliefs disparate, our religious views diverse. Yet, we have recognized the common element of our fragile humanity—wisdom. We embody in our lives the wisdom of our precedessors, who forged the powerful bonds of freedom, justice, and equality. In our mutual commitments to freedom and to wisdom, we are patriots in the truest sense. Inevitably, then, we conclude that brotherhood is more than an ideal; it is the touchstone for the survival of mankind.

In our celebration of the lives of Bob Daugherty and Lloyd Skinner, we discern the essence of wisdom. The cumulative examples of their lives and careers remind us of the compelling truth of Tennyson's observation that "Knowledge comes but wisdom lingers."

Let us appreciate, as Teddy White wrote, that "recognitions (such as this) are clearings in the jungle of life where space opens enough to let the mind turn." That is precisely what we are about tonight: viewing our strengths, our possibilities, our interdependence—brotherhood—through an opening in the sometimes impenetrable thicket of human activity.

In and through these two distinguished, humble mentors, let us see in ourselves, as we see in them:

"Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things."

Indeed, let us think upon those quintessential characteristics of wise persons—those who love and care deeply and passionately; those who sacrifice; those who are people of their word. Let us distill from the life of my departed colleague, John, and from the lives of Bob and Lloyd the essence of wisdom.●

DANNY NEWMAN OF CHICAGO LYRIC OPERA HONORED FOR OUTSTANDING TECHNIQUES

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. YATES. Mr. Speaker, on Friday, June 8, 1984, in a ceremony in Toronto, my dear friend and constituent, Danny Newman, of the Lyric Opera of Chicago, received the 1984 Gold Baton Award from the American Symphony Orchestra League for his work in helping orchestras bring music to millions of listeners in the United States and Canada. It was a well-deserved and long overdue honor.

The Gold Baton Award is the Nation's highest honor for distinguished service to music and the arts, and was awarded to Mr. Newman in recognition of his leadership in creating and disseminating subscription and audience development techniques to thousands of performing arts groups and institutions throughout the world.

Newman began as an arts publicist, manager, and promoter in the mid-1930's in his native Chicago. For three decades, he worked with touring Broadway plays and musicals, resident stage companies, cabarets, concert groups, and opera and ballet companies. At the same time, he was involved with movie theaters, film producers, radio and television programs, and managed commercial theatres.

In the early 1960's and running through 1981, Newman was the audience development consultant to the Ford Foundation's Division of Humanities and the Arts. The Ford Foundation provided his services to symphony orchestras, ballet companies, and opera companies, and through the Theatre Communications Group, to regional theatres. From 1965 to 1980, the Canada Council made his services available to all arts organizations in Canada. Newman has also brought his message to arts groups in England, Scotland, Australia, New Zealand, Israel, Holland, the Republic of China, and the Philippines.

In addition to consulting, Newman gives hundreds of lectures and seminars to universities and arts conferences.

Through his work, Newman is credited with helping to create a strong subscription base for the arts in every community he has visited. For example, the Vancouver Symphony Orchestra, using Newman's techniques, increased their number of subscribers from 3,515 to 40,000. (In 1982, the Vancouver Symphony presented the world premiere of a new symphonic work, "Canadian Rhapsody," by Robert Farnon, commissioned in honor of Newman). The New York Philharmonic gained 10,000 new subscribers in the year following Newman's visit.

W. McNeil Lowry, Ford Foundation vice president, who tapped Newman as a resource, said, "Danny Newman has done more for the performing arts in this country than 10 foundations."

Newman's book, "Subscribe Now," which outlines his dynamic subscription promotion technique, is the all-time best seller of the arts promotion field. The book is in use in 30 countries and has recently gone into its fourth printing.

Despite his busy lecture and consulting schedule, Newman's home base since 1954 has remained the Lyric Opera of Chicago where he is the public relations consultant and press representative.

Mr. Speaker, Danny Newman has saved hundreds of performing arts groups with his methods, enabling the arts to be brought to millions. I join the American Symphony Orchestra League in its salute to him.●

GOSPEL MUSIC CELEBRATION IN NEWARK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. RODINO. Mr. Speaker, I am proud to rise today to pay tribute to the World Gospel Music Association, which begins celebrating Gospel Music Week on Thursday, June 14.

Gospel music has its origins in the spirituals which were written by slaves who turned to music as a way of expressing their hope for a better life. The musical styles were developed from a combination of American and European influences, and the result was the first truly American form of music. Gospel music went on to influence various other American musical styles, while at the same time it continued to endure as an important musical genre all its own.

One place where gospel music has thrived is my home city of Newark, which was last year proclaimed in the gospel music capital of New Jersey. Newark's important role in the World Gospel Music Association is due primarily to the efforts of Prof. Albert Lewis, the president of the World Gospel Music Association of New Jersey. He has given an enormous amount of time and energy so that others may appreciate the joys of gospel music.

On June 14, Mayor Kenneth Gibson and Gov. Thomas Kean will join Professor Lewis in a ceremony to mark the beginning of Gospel Music Week. Among the featured talents at the city hall rotunda in Newark that day will be: Mrs. Sissy Houston, internationally famous singer; Mrs. Jerris Warwick Crisman, president and general manager of WNJR radio station; Ms. Lillette E. Jenkins, internationally acclaimed concert pianist; Evangelist Brenda Watt, a national gospel soloist; Evangelist Sharon Dodd, and the YTE Theatrical Association of Newark, of the play called "The Black Moses"; Ms. Yevette Glover, a national gospel singer; Evangelist William A. Scaife, a well-known minister of music; Ms. Verna Rue'Lae, a national acclaimed dramatist; Madam Anna Lundy Lewis, internationally acclaimed gospel musician and personality; and Dr. Gwendolyn G. Grant, internationally acclaimed psychiatrist and orator.

I wish to commend the members of the board of the World Gospel Music Association of Newark—Evangelist William A. Scaife, M.M., executive vice president; Ms. Yvette W. Glover, executive secretary; Mrs. Hattie F. Lewis, treasurer, Madam Anna Lundy Lewis, M.M.; Rev. J. Covington; and Rev. Dr. Harry T. Spellman, Sr. In addition, many people have helped to publicize this event and to promote gospel music, including Liz Satchell of radio station WNJR; Bob Queen of the New Jersey Afro-American; Barbara Kukea, editor of the Newark Star-Ledger religious column; Betty Foley of the Jersey Journal; and Bert Lightner of the Essex-Suburban Greater News. I also would like to recognize Alline K. Graham, an outstanding gospel music performer, and Minister M.C. Smith, editor of the Universal Voice Newspaper, for their efforts on behalf of the association.

Once again, I must single out Professor Lewis for his outstanding efforts in bringing gospel music to the people of New Jersey and the rest of the world. This week's celebration certainly does him a great honor. The association's theme is "Victory in Jesus—All Is Well." The festivities in Newark this week will certainly underscore those words.●

AD HOC CONGRESSIONAL COMMITTEE FOR IRISH AFFAIRS OBTAINS TWO IMPORTANT PERSPECTIVES ON PROBLEMS OF NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. BIAGGI. Mr. Speaker, as chairman of the bipartisan 104-member Ad Hoc Congressional Committee for Irish Affairs, I wish to place into the CONGRESSIONAL RECORD the testimonies of two prominent residents of Northern Ireland who appeared at a meeting of the committee on April 4.

The first statement is that of Mrs. Eilis Kelly, one of the few female barristers in all of Northern Ireland who discussed the emergency powers legislation which has governed the six northeast counties of Ireland for most of the past 14 years.

The second statement comes from Mr. Micheal Farrell, a historian and journalist who discussed the Fair Employment Act and the general issues related to economic discrimination in Northern Ireland.

The committee truly benefited from these presentations and is grateful for the leadership of the Irish National Caucus which made the arrangements for their respective visits. It is imperative that Congress hear all views on this complex issue so we are in a better position to provide whatever assistance we can to further the cause of peace, justice, and freedom in Northern Ireland.

At this point I place the aforementioned statements in the RECORD:

TESTIMONY BY MR. MICHAEL FARRELL OF NORTHERN IRELAND

The current crisis in Northern Ireland began with a civil rights movement protesting discrimination against the Catholic/nationalist minority in a number of areas, but especially in the field of employment. A survey based on 1971 figures found "a marked tendency for Protestants to dominate the upper occupational spheres while Catholics are found predominantly in the lower classes . . . although Catholic men are less than 21% of the economically active population of both religions and sexes, they represent 44% of the unemployed". The survey found that Catholics were two and one half times as likely to be unemployed as Protestants.

The British government intervened directly in Northern Ireland in 1972, suspending the local government, but they did not take any serious measures to counter discrimination, with the result that a survey carried out in 1976-7 found that "becoming unemployed in early 1976 and the following year involved major variations between the Protestants and Catholics; generally to the disadvantage of Catholics".

This failure to remedy the grievances originally highlighted by the civil rights movement greatly increased the frustration of the minority of Northern Ireland, adding significantly to the support for the use of violence to secure change.

FAIR EMPLOYMENT AGENCY

Eventually in 1976 the British government set up the Northern Ireland Fair Employment Agency to deal with the problem of discrimination in employment. The record of the agency has not been impressive and there has been little evidence of a strong will by the judiciary and the executive in Northern Ireland to take measures to strengthen its impact.

The law setting up the FEA specifically excluded any system of quotas or positive discrimination to remedy work force imbalances and the FEA has always ruled out these methods of remedying discrimination.

The agency concentrated initially on investigating individual complaints which did little to affect the overall pattern of discrimination in employment. And it has only made findings of discrimination in 21 cases during its seven years in operation. Over half of these findings have been appealed to the Northern Ireland courts. Of the seven cases in which judgments have been given the courts have overturned the FEA's findings in all but two cases.

The FEA had from the beginning the power to conduct investigations into the pattern of employment in particular firms or industries but it was very slow to do so. There was considerable government pressure put upon it not to do so in regard to certain key sectors, notably the engineering industry and the Northern Ireland civil service. The agency only began to publish the results of some of these general surveys in 1982-3, six/seven years after it was set up.

PATTERNS OF EMPLOYMENT

The reports of these FEA investigations indicate that the general pattern of employment demonstrated by the 1971 survey quoted at the outset has not significantly changed. A survey of the engineering industry published in 1983 concluded that "there is no doubt that engineering crafts have not been equally open to all suitably talented members of the Northern Ireland community". This was to the disadvantage of Catholics.

The survey noted that "in two companies it was not disputed that the skilled fitters and similar tradesmen . . . almost certainly did not include a single Catholic". One of these firms is the British government-owned shipbuilding firm of Harland and Wolff. This firm has recently been awarded a contract worth 72 million dollars (60 million pounds) by the U.S. company of Lykes Brothers in New Orleans. One of the other firm covered by this survey was the British government-owned aircraft firm of Short Brothers where the agency found that only some five per cent of the skilled workers were Catholic.

The FEA did not name any of the firms which it found had not been offering equality of opportunity so that its report had little more than informational value.

There is also evidence of at least one major report being tailored to avoid conclusions embarrassing to the government. This is the report on the Northern Ireland civil service.

CIVIL SERVICE REPORT

In 1979 the FEA decided to carry out an investigation into the civil service. The draft report, drawn up by an American statistician, found that in 1980 over 80% of civil servants in the top four salary groups were Protestants and generally indicated that Catholics were very underrepresented in the upper echelons of the civil service.

When the report was finally published in December 1983 new figures had been added to it, supplied by the civil service itself, which purported to show that this situation was now being remedied. The author of the original draft was very dissatisfied with the final report and felt that it may misrepresent the actual situation.

The FEA has the power to grant certificates to firms indicating that they are "equal employers". Government contracts can only be granted to firms holding these certificates. But the FEA imposes no test before issuing these certificates so that in practice this sanction has no value. In fact two firms which had been granted certificates were later found by an FEA investigation to have grossly imbalanced workforces.

Dissatisfaction with the agency's work led it to commission an internal investigation by an English civil rights expert in 1981. The report of this investigation concluded that "the experience of the Fair Employment Act thus far is a depressing picture of a massive task, of the possibility of change, but of an agency which has failed to meet that challenge".

The problem of discrimination in Northern Ireland is a very deep-seated and intractible one. Discriminating employers will not change unless very strict sanctions are imposed upon them. So far the FEA and the British government have not shown the will and determination necessary to impose such sanctions.

U.S. ACTION

The pressure mounted in the U.S. over the Air Force contract awarded to the British government-owned aircraft firm of Shorts Brothers made a major impact in Northern Ireland. I think it was largely responsible for Short Brothers agreeing to an affirmative action programme to increase the proportion of Catholics in their workforce. The programme adopted is very vague and unspecific however.

I think the U.S. pressure can play a major part in getting the British government and FEA to take much more decisive action to put an end to discrimination. Continued U.S. pressure could ensure that Shorts Brothers affirmative action programme is made effective and produces real change.

It would also be very effective if U.S. firms operating in Northern Ireland were required by law to have religiously balanced workforces and if U.S. firms placing orders with Northern Ireland companies were prohibited from placing them with any company which has an unbalanced workforce.

TESTIMONY OF MRS. EILIS KELLY OF NORTHERN IRELAND

Northern Ireland has been governed by emergency legislation since the creation of the state. Internment without trial has been used in every decade. The current emergency legislation is contained in the Northern Ireland (Emergency Provisions) Act 1978 which consolidates the 1973 and 1975 Acts. This legislation implements the recommendations of the Diplock Report which was presented to the Westminster Parliament in December 1972.

Lord Diplock's task was to find an effective alternative to internment which has been the object of considerable international and local opposition since its re-introduction in 1971. The Act at the time was described by the then Attorney General, Sir Peter Rolins, as containing draconian measures. The Act was to be a temporary measure and was required to be re-introduced by the Westminster government each year which it has been up to the present date.

The provisions of the emergency legislation would contravene the first, second and third, fifth, sixth and fourteenth amendments to the American Constitution. All political offenses are tried in the Diplock Courts as they now are commonly known. When one hears of the number of accused persons convicted in these Courts it should be borne in mind that they are not convicted by due process of law as that term is understood in Common Law countries. Some of the main provisions of the Act are as follows.

WIDE POWERS OF ARREST

Firstly, it provides for very wide powers of arrest, detention, search and seizure. A soldier or policeman may arrest without warrant someone whom he suspects of being a terrorist. There is no requirement that the suspicion be reasonable. The suspect may be held by the army for up to four hours. This provision is widely used as an intelligence gathering operation. Where the suspect is arrested by the police, he or she may be brought to one of the specially built interrogation centers for up to 72 hours. Under the provisions of the Prevention of Terrorism (Temporary Provisions) Act 1976, a suspect may be held for up to seven days without access to family or legal advisor. It is an offense punishable under the Act not to divulge to the arresting party one's identity, address, recent movements and knowledge of any terrorist activities. Section 19 of the Act gives the army and the police wide powers to requisition or use any property and it is this section of the Act which has allowed the construction of the many corrugated iron army forts which surround Republican areas of Belfast and elsewhere.

NONJURY TRAILS

Secondly, the Act abolishes the right to a trial by jury. When the Act was at the committee stage in the Westminster Parliament, the committee split twelve-twelve on this issue. There was also a proposal that Diplock cases be heard by three judges rather than a single judge. This proposal was supported by the Bar Counsel of Northern Ireland and the committee split thirteen-eleven in favor of it. At the third reading, however, the government introduced a whip and the proposal was defeated. There has never been any evidence that jurors were or would be intimidated. There was one instance in 1972 where a witness was shot dead, although it was never established definitively that that was the reason for his murder. Diplock said in 1973 that internment would be necessary as long as intimidation of witnesses continued. Lord Gardiner in his report of 1975 recommended that internment be discontinued because there was no longer a threat to witnesses. He also recommended the re-introduction of juries as soon as practicable, but up to the present date that recommendation has not been acted upon and no effort has been made by the British government to re-introduce juries in any form to the Diplock Courts.

NO RIGHT TO BAIL

Third, a person charged with an offense to which the Diplock legislation applies has no right to bail as he would have under the Common Law. A bail application must be heard by a judge of the High Court and the applicant must satisfy the Court that he will turn up for his trial, will not commit any offenses and will not intimidate any witnesses; although the last requirement is rarely a live issue. The applicant must satisfy the judge beyond a reasonable doubt that he will comply with these terms, and it proves exceptionally difficult for any applicant to do so, particularly since membership of a proscribed organization is regarded by the Courts as a continuing offense.

ONUS OF PROOF ON ACCUSED

Fourth, the Act, in cases involving possession of explosives and firearms, moves the onus of proof from the Crown to the accused in the sense that the accused must satisfy the Court that he either did not have knowledge of the articles or that he did not have control of them or that he did not assent to their being in the place where he and they were found. This section in practice requires the accused to give evidence and be cross examined.

COERCED CONFESSIONS ADMISSIBLE EVIDENCE

Fifth, under the Common Law rules where an accused person makes a statement of admission while in police custody the Crown must show that he was not in any way ill-treated or threatened or given any inducement in order to make a statement. Under the emergency legislation however the statement will be admitted unless the accused can establish that he was tortured or subjected to inhuman or degrading treatment. The accused must of course give evidence in order to establish this and the Courts have held that "rough handling" such as being slapped on the head and face is permissible in order to extract a confession.

NEW OFFENSE

Sixth, the Act also establishes a number of offenses which are not offenses under the Common Law. These relate mainly to censorship and freedom of association and expression.

FORCED CONFESSIONS THROUGH ILL-TREATMENT

Those are the main provisions of the Act. In practice since the end of interment the police have used two methods of securing convictions. From 1975 to 1979, 85 percent to 90 percent of convictions in the Diplock Court were obtained on the basis of alleged voluntary confessions. There was considerable concern during this period that suspects were being ill-treated and the British government, because of sustained pressure exerted on it, particularly by the Amnesty International Report of 1978 which found evidence of systematic ill-treatment, set up an inquiry under an English county court judge, Judge Bennett. He found that there was evidence of serious injuries to prisoners which had not been self-inflicted and made various recommendations, some though not all of which have not been acted upon. In the event, however, complaints about ill-treatment virtually ceased and it is rarely nowadays that the Crown relies on the accused's own statement to secure a conviction.

SUPERGRASSES

Since 1980 the Crown has relied on evidence of "supergrasses" (i.e. alleged accomplishes) to secure convictions. Very many accused have been convicted without any corroboration of the accomplices' evidence. The accomplice or "supergrass" is almost invariably granted total immunity from prosecution, a new life and a new identity elsewhere and financial support for life. Several supergrasses have admitted perjury themselves in previous trials and the Lord Chief-Justice of Nortnern Ireland convicted accused persons in a case where he found parts of the supergrasses' evidence "bizarre" and "incredible". These are mass trials—the next supergrass trial for instance involves 75 accused. The average period of remand and custody in such a case is two years. In England a prosecution is not even brought in accomplice cases unless these is corroboration but in Northern Ireland there are many cases of people serving very lengthy prison sentences including life imprisonment on the uncorroborated evidence of an alleged accomplice. A detailed study of the supergrass system has recently been completed by Lord Gifford Q.C. of the English bar.

EXCLUSION

Reference is made earlier to the Prevention of Terrorism (Temporary Provisions) Act 1976. The effect of this Act is that a suspect may be excluded to Northern Ireland from the rest of the United Kingdom and prevented from re-entering the rest of the United Kingdom under penalty of imprisonment. A suspect may also be prevented from entering Northern Ireland, from the Republic of Ireland. These measures have been widely used. There is no hearing in relation to the making of the orders and no appeal from them.

ALIENATION

The use and abuse of emergency legislation has alienated large sections of the community from the institutions of government and from the courts themselves. While the law continues to be used particularly in a situation of political stalemate as an instrument of repression rather than as a guarantor of civil and political liberty the task of building structures based on peace and justice is postponed even further.●

NEHEMIAH MYER COHEN

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. BARNES. Mr. Speaker, I regret to note the passing of one of the initiators of the supermarket concept, Mr. Nehemiah M. Cohen. An ordained rabbi born in Jerusalem, Mr. Cohen contributed much to my district in Montgomery County, MD, through his commercial and civic dedication.

Mr. Cohen opened the first Giant supermarket in 1936. The retail chain has since grown to become one of the largest in the country.

In 1967, Mr. Cohen received the Management Achievement Award from the Washington chapter of the Society of the Advancement of Management. His pioneer spirit and extraordinary business sense might best be summarized by this award citation, which read in part:

> * * * in 1936 when businesses were failing across the Nation, you had the courage and the vision to come to the Washington area with a little tried concept of the time, the self-service supermarket. Your faith in the principle of mass merchandising of foods at a low markup was more than vindicated by the success of your company.

Montgomery County will truly feel the loss of this important leader.

I commend my colleagues' attention to this editorial of appreciation which appeared in the Washington Post after his death.

NEHEMIAH MYER COHEN

In the smoke, fire and litter of some of the worst rioting Washington experienced immediately after Martin Luther King Jr.'s assassination in 1968, there stood in one particularly fiery block a prominently untouched store: a supermarket, obviously skipped by the plunderers on this lawless night in the capital. It was a Giant store, and residents with local roots knew why it had been bypassed. Giant's ties with the city and with its neighbors and customers had always been strong, and in this store, the manager was a black man—an important "first" in those days. And Giant's special recognition of local responsibilities could be traced to its founder, Nehemiah M. Cohen, who died Tuesday at 93 after being injured in an auto accident four days earlier.

The story of Mr. Cohen—native of Jerusalem, ordained rabbi, onetime school teacher, sometime farmer and visionary storekeeper—is about exceptional commercial and civic commitment to this region. Teaming up with a business acquaintance whose family owned a food distributorship in Pennsylvania, Mr. Cohen left the three small grocery stores he owned in Lancaster, Pa., to open the first Giant on Georgia Avenue, during the Depression.

Steady growth, nurtured by Mr. Cohen personal managerial style and growth, turned one store into a thriving chain that today operates 132 stores and is the 12th largest retailer in the United States. Through internal feuding at one time threatened to immobolize Giant, Mr. Cohen's presence continued to be felt both inside and outside the firm. There was an accent on profitable operations, but with a strong emphasis on activity in, with and for local Washington.

Formal recognition of this activity came often, but was appreciated most by Mr. Cohen in 1974, when he received the Shem Tov Award of Adas Israel Congregation here, for exemplifying the highest ideals of good citizenship and for caring for others. Mr. Cohen had stressed a personal philosophy that Giant had an obligation to repay the region it serves.

It has been this spirit that saw Giant build a bright new supermarket in the heart of the Shaw neighborhood at a time when other chains were closing stores in the city; that led to a longtime, still-standing sponsorship of school programs; and that recognized neighborhoods in hiring practices. That was, and still is, a rich legacy to be cherished by all of Washington, from a man who like to share.●

A TRIBUTE TO DOROTHY LABUDDE

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mrs. BURTON of California. Mr. Speaker, it is with great pride that I rise to pay tribute to the outstanding career of Dorothy LaBudde, who is retiring after 39 years of distinguished service to our Nation's schools.

For over 22 of those years, Dorothy LaBudde has been instrumental in upgrading programs for handicapped students in San Francisco, particularly for children who are communicatively impaired. She has worked untiringly to improve teaching techniques and to improve learning conditions in our schools. She developed and helped institute a "Master Clinician" plan for student teachers. Student teachers for many years to come will profit from her expertise and innovation.

Her professional devotion is also reflected in her active involvement in the political process. Dorothy helped organize San Francisco's teachers and worked to increase teacher awareness of issues and legislation affecting students, teachers, and schools. She has served as congressional contact for the San Francisco Classroom Teachers Association and has, in ways too numerous to mention, promoted advanced teaching techniques and effectiveness.

Mr. Speaker, these are the hallmarks of a consumate educator. Her skills and vitality were never confined to the classroom setting, but were extended throughout our community and the Nation.

The American Speech and Hearing Association will honor Dorothy LaBudde this Wednesday, June 13, for her many years of professional achievement and community service. I would like to join them by expressing my most sincere appreciation for her unsurpassed devotion to the education of our Nation's youth and to wish her well in all her future endeavors.●

AND THE JUDGE CRIED, TOO

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. DYSON. Mr. Speaker, last week I had the pleasure and distinct honor of hosting Mrs. Charlotte Outten, register of wills for Worcester County, MD, in my office when she visited the Nation's Capital. Although elected to her first term in 1974—the same year I was elected to the Maryland House of Delegates—Charlotte Outten has been in public service throughout most of her life. At a time when she first considered involvement in the political arena, she was also deeply interested in a young man named Milton Outten. That was 1953. She married Milton that year and decided to forgo what would have been her first opportunity in politics. She had been asked to accompany then State Senator Mary Knott to Annapolis, the State capital.

More than 20 years passed before "the bug," as she put it, would bring her back into the political arena. During those years, Charlotte Outten worked for the people of Worcester County in the clerks' office as well as the county assessment office. In 1974 the people of Worcester County elected Mrs. Outten register of wills, a position she has thus far held unchallenged. She is in every way commendable and dependable in her work. She knows well the great devotions to public service and the many satisfactions that come from helping people. She has today given more than 30 of her best years to the people of Worcester County. I take great pride and pleasure in sharing her contributions to the public service with you and our colleagues in the House today. I would also recommend for every Member's reading the following newsweek article which Mrs. Outten shared with me on her visit to my office.

Thank you very much.

And the Judge Cried, Too

(By Louise Gilbert)

The scene is a tree-lined main street in a small Southern town. It is deceptively quiet. My family and I are the only strangers. We are victims. I am a victim of the violent murder of my son and daughter-in-law.

Andy and Pamela moved from suburban Philadelphia south, from manicured lawns to an 80-acre farm with a log house in need of restoration. They had seen those peaceful hills on their honeymoon only one year earlier and decided it was the perfect place to raise children and build their lives. Their dreams ended on June 24, 1981. Pam was beaten, raped and shot, wrapped in a blanket and buried in the cistern behind their house. That night Andy was shot in the back of the head. The man who would subsequently be charged with their murders was an acquaintance of theirs.

The first trial was scheduled for October and postponed, rescheduled for December. I had to go. It was my responsibility to represent Andy and Pam. I would be evidence of their having been alive and loved. The trial was postponed again at the request of the defense. It became apparent we, as parents, had no legal identity.

Finally in February we sat, with my eldest son, in a small courtroom. I met the prosecutor and moments later came face to face with the man charged with killing my children. During the trial, I learned the full meaning of horror as their last hours were never again left to my imagination. Pam's fractured head and almost nude body were described in detail as well as the size of the maggots and flies that covered her. I bolted the courtroom when the pathologist began to describe my son's bloated body.

The courtroom was a battlefield, combat played out between lawyers and judge with a calm defendant dressed in his best. In life Andy and Pam were young and hopeful, in love with life and each other. Their home was an investment in the future, left half completed. To the defense it was a rough cabin in the woods, a dark question asked over and over: "Why were they there?"

Pam's blood was found in the back of the accused's car. His body, head and pubic hair were found on the blanket in which she was wrapped. After being identified near the scene of the crime the day they were killed, he gave out this story: he and Pam were having an affair. Who could dispute this? Not Pam. More than 90 pieces of evidence were introduced by the prosecution. The defense attacked the method of investigation. Out for three days, the jury reported a deadlock; courtroom gossip had it at 11-1 for conviction. A new trial date was set for August 1982.

Planning for the second trial became our obsession. This time we hired an attorney to represent us. She wanted transcripts. We spent a small fortune to transcribe 1,600 pages of testimony. Meanwhile, the prosecutor lost his bid for re-election and the trial was postponed. We paid for our attorney to go south to discuss the case.

MISTRIAL

With the same evidence and witnesses, the case was presented differently. I thought it was a good prosecution and a good jury. But then, after two days of deliberations, an emotional jury returned to the courtroom. It was hopelessly deadlocked. One old man said he had not heard all the evidence: he had a "hearing problem," something he did not mention before the alternates were discharged. Some jurors sobbed: the newspaper reported that even the judge choked back tears. A mistrial was declared and a new trial date was set.

We are financially secure but not wealthy. Preparations to attend these trials were made at great inconvenience and expense. We were at the mercy of schedules made, broken and remade. I was depressed, anxious and in therapy.

Finally, more than two years after the murders, the third trial began in the same courtroom, in the same small, rural community that had been subjected to rumors about my children. By law, a change of venue is left to the discretion of the defense.

Andy and Pam were lost to us, and their character and dignity were lost in the courtroom. Because of the system, the prosecutor was never allowed to be an advocate for them and the defense attorney's attacks were never answered. The trial was over in five days. This time the jury was out and back in what seemed like an hour. Their verdict: not guilty.

The case is still open, but it is over for us. The structure of our family was blown apart. Piece by piece we are trying to put ourselves together. I belong to Parents of Murdered Children. Our stories are different but the agony is the same. One pattern is repeated again and again: for us the criminal-justice system has failed to work.

RIGHTS

The parents, spouse and children of a murder victim are victims too, and their willingness to become involved should be shored up with legislation and changes in court practice. Victims should have a say in choice of venue and whether hearing dates are continued. Victims should be given free copies of court transcripts. They should be consulted about charges, plea bargains and tactics. They should be informed of the progress of the case. If all else fails, they should be provided with a legal advocate who is permitted to defend the character and the integrity of the dead.

My rights as a parent were no less important than the defendant's. I was victimized by the murder of my children. Then the system victimized me again.●

THE WAR ON POVERTY

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. LONG of Louisiana. Mr. Speaker, in recent times we have heard substantial criticism of programs designed to help improve the quality of life for all Americans. Programs and policies to help the poor and underprivileged have been judged as failures. But a closer look at the goals that were set in designing those programs and the actual achievements experienced reveals a different picture.

It has been 20 years since Lyndon Johnson declared his war on poverty. New approaches to the problems of the poor, elderly, and the handicapped were needed because the old solutions simply were not working. At that time I was privileged to serve as Assistant Director of the Office of Economic Opportunity under the able leadership of Sargent Shriver. Among the many initiatives we accomplished was the development of programs that would challenge American communities to tackle their own problems, break new ground, and take the lead in improving local living conditions.

Job Corps, Head Start, Neighborhood Youth, college work study, and Vista have been helping to create op-

portunities for Americans for the last two decades. They dealt with the poverty of the spirit as well as the poverty of the pocketbook and now stand as the core of this country's self-help programs. Too many Americans are unaware of the enormous contributions the "Great Society" policies made to their lives. The following article presents a thoughtful and more accurate view. I commend this article to the attention of my colleagues.

[From the New Republic, June 18, 1984]

How the Great Society Defeated Poverty—the War we Won

(By John E. Schwarz)

Lost wars are never celebrated, only cursed. Is this why the War on Poverty, begun under Lyndon B. Johnson's Great Society, goes unmarked on its twentieth anniversary? In his State of the Union Address to Congress in January 1964, President Johnson said: "Many Americans live on the outskirts of hope. Our task is to help replace their despair with opportunity." He proposed that the government take the initiative to bring". . . better health, and better homes, and better training, and better job opportunities to help Americans." A few months ago President Reagan likened support for the policies the War on Poverty promulgated to "a no-growth dinosaur mentality that offers nothing for the future but repeating the failed past." Even the party that embraced the Great Society and the War on Poverty twenty years ago now distances itself from them as much as possible. A belief prevails among Republicans, Independents, and Democrats alike that the programs and policies of the 1960s were frequently inept and often failures. That belief is mistaken.

Lyndon Johnson called for two general courses of federal action, which profoundly influenced the policies of the succeeding fifteen years. First, his Great Society, which provided the economic direction behind the War on Poverty, gave priority to growth-oriented policies likely to stimulate the private sector into generating far more new jobs. The budgetary deficit, the growth rate of the money supply, and the ratio of social to defense spending were all moderately increased to enable the government to promote high levels of economic growth. Second, and equally important, the War on Poverty directly attacked the debilitating nutritional, health, and housing conditions that mired the lives of millions of improverished Americans. Federal funding for job training and other skills programs was increased; Medicaid was enacted; and food assistance, public housing, and urban renewal programs were substantially expended.

After the 1960s, when rising unemployment was on everyone's mind, it became widely believed that these policies had failed in their first crucial task: that of stimulating the creation of vast numbers of new job opportunities. In fact, after 1964, America's performance in generating jobs far surpassed that of any other major Western nation. Although unemployment climbed by 2.5 percent between 1965 and 1980, during those same years 28 million jobs were created, marking a 38 percent increase in employment opportunities. Japan increased its number of jobs by less than 20 percent; West Germany by less than 5 percent. It had taken our own economy the previous forty-five years (from 1920 to 1965) to generate 30 million new jobs.

Normally, widespread admiration would have followed such an outstanding record of job creation, about 75 percent of it realized by way of propelling the private sector's growth. Yet these were abnormal times. Largely as a result of the baby boom and a change in attitude among women about employment, fifty-five million Americans poured into the work force from 1965-80. America was unique in this situation. No other major Western nation experienced soaring birth rates spanning the two decades following World War II. The numbers in America caused the work force to swell by a total of 30 million workers, amounting to an extraordinary 40 percent increase. Unemployment could not help but climb. Nevertheless, the policies inaugurated in the mid-1960s brought a 38 percent increase in jobs, thereby effectively containing the rise in the rate of unemployment to below 3 percent.

Considering the massive wave of workers entering the labor market, no set of programs that the opposition proposed, even if cast in the mold of past success, could have contained unemployment as effectively. Had the government encouraged a continuation of the performance of the "golden" 1950s, or even the 1960-65 era (between 1950 and 1965 job opportunities increased by 21 percent), only 17 million, rather than 28 million, new jobs would have come into being during the 1965-80 years. Unemployment would then have risen by a further 13 percent, to almost 18 percent of the labor force; worse still, baby-boom Americans, aged 16 to 35, would have experienced a jobless rate approaching 25 percent.

Instead, the economic and social policies following 1964 nearly doubled the annual rate of job creation between 1950 and 1965. This allowed a good part of the crowded baby-boom generation to escape staggering levels of unemployment, and saved millions from leaving their children such a legacy. Among these Americans, many today are entirely unaware of the enormous contribution the policies made to their lives.

At the same time as these policies contended, for the large part successfully, with the massive wave of workers, they also substantially reduced poverty. At the beginning of the 1960s, before the advent of the crowded generation, the proportion of Americans living in poverty already stood at nearly 20 percent. Moreover, the crowded labor markets that existed throughout the years following 1964 complicated the task of alleviating poverty. Despite all this, by 1980 only about 7 percent of the American public remained in poverty, a reduction by three-fifths from the percentage of the early '60s. Census figures regarding family and individual income show that this sizable decline in poverty, affecting 25 million Americans, was almost entirely the result of the intervention of government programs, not of the private economy's growth. The private economy during these years could not reach down to the poor because its immense growth was wholly given over to the task of creating the vast numbers of new jobs required by the exploding labor force.

The War on Poverty decisively changed the living conditions facing the poor. Programs such as food stamps virtually eliminated serious malnutrition among low-income children and adults in America. Medicaid and Medicare greatly increased the access of low-income Americans to health care. In turn, the enlargement of both the nutritional and medical programs led to a decline in the infant mortality rate among minority Americans of 40 percent between 1965 and 1975, a drop that was eight times larger than the decline that had taken place in the ten years prior to 1965. The expansion of governmental housing programs helped to reduce the proportion of Americans living in overcrowded housing from 12 percent in 1960 to 5 percent in 1980. Those living in substandard housing declined from 20 percent to 8 percent. Such are only a few of the contributions of the "failed policies of the past."

But didn't these many assistance programs burden the economy and lead the nation into "a decade of economic retreat," as the President and others have claimed took place in the 1970s? The policies of these years were intended to promote business expansion and economic growth, and they achieved that end. Contrary to common belief, the so-called decade of economic retreat witnessed powerful economic growth, fully matching the advances that took place in our most affluent decades. For example, the growth rates of the '70s (taking into account the real gross national product after-inflation personal income, real investment in business and industry, improvement in manufacturing productivity, and industrial production) were all at least the equal of those in the '50s, which the President repeatedly refers to as "model economic years." In the '70s, real (after-inflation) income per American actually rose at nearly twice the rate of growth of the '50s. It was precisely because of the strong economic growth rates of the '70s that the nation was able to generate the record numbers of new jobs by which we nearly met the crowded generation's entry into the labor market.

Runaway inflation, too, is frequently believed to have been a by-product of the Great Society and the War on Poverty. True, inflation did climb to a degree because of the government's policies to stimulate demand and thereby encourage the private sector to grow and to create new jobs. However, another major cause of inflation in these years must be taken into account: the exceptional rise in the international price of oil, the three years of double digit inflation after 1960 (1974, 1979, 1980) were all years in which OPEC oil prices rose sharply. During the eight remaining years of the '70s, inflation averaged less than 6 percent. Even during those years in the late '70s, which escaped sharp OPEC oil-price increases (1976-1978), the rate of inflation averaged slightly under 7 percent, not markedly higher than the project 5 to 6 percent increase for the coming year. With the sole exception of West Germany, the United States surpassed every other major Western economy during the '70s in the control of inflation—despite the fact that no other nation had to cope with the massive labor increase the America did.

Still another major objection to the War on Poverty is that the enlargement of the social programs promoted the dependence of individuals and families on governmental assistance. The bulk of the evidence suggest the reverse. Aid to Families With Dependent Children is an oft-cited culprit, but according to the Statistical Abstract of the United States, two-thirds of A.F.D.C. families stay on the rolls for fewer than three years. Studies by the University of Michigan of thousands of welfare families from 1968 onward show that when families return to welfare, most do so for short periods, and then often because the economy has experienced a downturn and job opportunities have dried up. These same studies reveal that children from welfare families are no more likely to become welfare recipients upon establishing their own families than are nonwelfare children from similar income levels.

The policies and programs of the years following 1964 contributed decisively to the realization of many notable national objectives; generating substantial real economic growth, containing the rise of unemployment, and reducing poverty. Without these policies, most Americans would find the nation today a markedly different and lesser place to live. How otherwise would the current Administration have proposed to meet the needs of 55 million Americans entering the work force in a mere fifteen years? How could it possibly have controlled inflation more firmly without permitting unemployment to reach skyward to 20 percent? Those in power today promise a brighter and stronger economy, yet their own projections for future economic growth—even when assuming the most optimistic of conditions—differ little from the actual growth rates of the '70s, the decade they disdain. Only when we comprehend the immensity of the challenges facing America's economy in the years following 1964 will we begin to celebrate the stunning successes that the Great Society and the War on Poverty helped the nation to achieve.

[John E. Schwarz is associate professor of political science at the University of Arizona, and the author of America's Hidden Success: A Reassessment of Twenty Years of Public Policy (W. W. Norton).]●

CELEBRATING THE 75TH ANNIVERSARY OF P.S. 90, HORACE MANN SCHOOL, IN RICHMOND HILL, NY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. ADDABBO. Mr. Speaker, I am proud today to call the attention of my colleagues to a model elementary school in the Richmond Hill section of Queens, NY. This year, P.S. 90, also known as the Horace Mann School, celebrates its 75th anniversary.

For seven and a half decades, the Horace Mann School has produced generations of successful graduates. Many of these students have gone on to become leaders in their chosen fields and made significant contributions to the community and the State of New York.

As the 75th graduating class commences this spring, Horace Mann can be proud it has upheld the same commitment to excellence that has been so evident over the years. It is important to reaffirm this commitment to education that past and present generations of school officials, school board members, PTA officers and members, teachers, parents, and students have offered for so many years.

A commitment to education is something that requires time and effort and patience. It is this drive that has resulted in P.S. 90's high standard of education programs, designed to provide a diverse academic environment to meet the needs of this student body. It is also this commitment which is responsible for P.S. 90's superior reading tests scores in the citywide examinations.

There is no limit to one's commitment to education. Education is the most exciting, rewarding process of learning about life. I am proud today to share with you my commitment, to P.S. 90, and to the future of education at this distinguished school.●

SOUL-O-HOUSE MARKS 10 YEARS OF FIGHTING DRUG ABUSE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. RODINO. Mr. Speaker, on June 3, I had the distinct privilege of attending the 10th anniversary celebration of Soul-O-House, a very special drug abuse program that has provided outstanding services to the people of Newark.

Soul-O-House is located in the Scudder Homes public housing development in the Central ward of Newark. The Central ward has a staggering unemployment and poverty rate, and has been plagued by a terrible drug abuse problem. This program was developed by the residents of the community to respond to this problem, and in its 10 years it has achieved a tremendous rate of success.

One of the goals of Soul-O-House is to help drug abusers find constructive outlets for their energy. They have developed a work adjustment program which allows young people the opportunity to combine work and counseling. As part of this program, members of the house worked to upgrade the conditions of the Scudder Homes development and other public housing projects. The members of the group did general maintenance and replaced window panes, and were cited by community leaders for their outstanding work.

The program on June 3, was a tribute to the success of Soul-O-House and to the dedication of the people who have given so much of themselves to achieve that success. First and foremost, I commend Edna Thomas, director of the program, who has been instrumental to the success of Soul-O-House. At the event, the following people were given awards for their contributions to Soul-O-House: Mayor Kenneth Gibson, Bernard Goldberg (in memoriam), Councilman Donald Tucker, Councilman George Branch, Bertha L. Martin, Muriel Williams, Kennedy Wilson, Richard Russo, William Sirchio, the Newark Housing Authority employees, and the Essex County Probation Department.

I offer my congratulations to each and every one of them. I would especially like to cite my good friends Councilman Branch and Kennedy Wilson who served as cochairmen of the Friends of Soul-O-House and as the masters of ceremonies of the event. They were joined by my dear friend Bernice Bass, who served as mistress of ceremonies.

As the chairman of the House Judiciary Committee as well as a member of the Select Committee on Narcotics Abuse and Control, I know only too well of the toll taken by drug abuse. It destroys individuals, families, and communities. That is why a program like Soul-O-House is so vitally important: It is rebuilding those very lives which could otherwise be consumed by the problem of drug abuse.●

AMERICA'S PLENTIFUL ENERGY RESOURCE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. GEPHARDT. Mr. Speaker, recently, the Citizen/Labor Energy Coalition sent a letter to House Members enclosing an article from the March Atlantic Monthly, "America's Plentiful Energy Resource." I share the Citizen/Labor Energy Coalition's view that this article will prove useful during the coming debate on the natural gas issue. The article substantiates the need for action on the bill which recently passed the House Energy and Commerce Committee, H.R. 4277.

Among the major conclusions of the article are:

> Natural gas supplies are "available in immense quantities," with sources like the Potential Gas Committee, an organization of industry, government, and academic representatives, estimating we have at least 75 years of reserves.
>
> Production and drilling are being constrained not by supply but by demand. "With the average wellhead price having tripled since 1978, the obstacle to the optimal use of natural gas is no longer short supplies but high prices."
>
> "Current gas prices are higher than they need to be" and should be significantly lower since total exploration, production and development costs are about $1.50 per thousand cubic feet.
>
> Regulation has not caused higher prices. Prices are out of control "because the absence of genuine price competition has allowed major producers virtually to ignore the laws of supply and demand."
>
> Old gas decontrol would "make matters worse" and would increase the revenues of major producers, who own 70% of old gas reserves, by $40 to $100 billion.

There can be no doubt that action on natural gas legislation is necessary.

Prompt action on H.R. 4277 will insure our Nation's natural gas consumers the relief they demand. I commend the Atlantic Monthly article to my colleagues and would be happy to provide it to them.●

JULIAN R. BLEY, SR., VOLUNTEER FIREFIGHTER, KILLED IN LINE OF DUTY

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. KOSTMAYER. Mr. Speaker, all Bucks Countians are deeply saddened at the death of Julian R. Bley, Sr., a volunteer firefighter from Bristol, PA, who was killed while fighting a fire on Friday morning, June 8, 1984.

Julian Bley served his community as a volunteer fireman for 37 years and was considered by his colleagues as one of the best trained volunteer firefighters in Pennsylvania. He was Bristol Fire Company No. 1's assistant chief at the time of his death and he leaves a wife and seven children, four of them firefighters.

Mr. Speaker, in my congressional district which does not have paid firefighters, we have come to admire the dedication and self-sacrifice of brave volunteers like Julian Bley. Men and women like Julian Bley put their lives on the line every time they respond to a fire call, but they are always there. Their only reward is the thanks of the community. We in Bucks County are deeply appreciative for their valuable, lifesaving work.

Mr. Speaker, I would like to place in the CONGRESSIONAL RECORD the following article which appeared in the Bucks County Courier Times on June 10 in honor of Julian Bley, Sr.

Mr. Speaker, I know that Julian Bley will be missed not only by his family, friends, and fellow firefighters, but by all those in the Bristol area who are thankful for his devoted community service.

MAYBE JULIAN KNEW IT WAS HIS FINAL CALL

(By Dianna Marder)

When he heard the fire call in the early hours of Friday morning, Julian R. Bley Sr. slid out of bed and pulled on his bunker pants as he had done hundreds of times before.

"He normally just gets up and goes," Catherine Bley told Fire Chief Michael Plebani later. But that morning he returned for a moment to the darkened bedroom and gently kissed his wife goodbye. She said, "be careful" as he turned toward the door.

It was then that the 53-year-old Bley, a volunteer firefighter for 37 years, father of seven children—four of them firefighters—went off to fight another fire, his last.

"Maybe he sort of knew it was his final call," Plebani said.

Bley, an electrician for 3M Co. in Bristol Township, died in the early morning blaze, now termed arson, at the Purex Corp. plant in Bristol Borough. He was killed instantly when his aluminum ladder brushed against a high-voltage power line and 19,000 volts of electricity surged through his body.

The fire had just been brought under control and Bley and Jerome Mead were checking to make sure it had not spread to other parts of the building. They were removing the ladder when it struck the wire, Plebani said. Mead was in satisfactory condition at Lower Bucks Hospital Saturday.

Bley was perhaps the best-trained volunteer firefighter in the state, Plebani said. He served as assistant fire marshal of Bucks County, chief of Bristol Fire Co. No. 3, and on just about every post at Bristol Fire Co. No. 1.

He was the Company's assistant fire chief at the time of his death.

Black mourning cloth was drapped across the doors of the British Fire Co. No. 1 Friday morning. The men who had worked with Bley for so many years stood comforting each other in their silent grief.

"You can't replace a guy like that,"said Gene Huxley, who worked with Bley at Fire Co. No. 1 for 13 years and for just as many at 3M. "There wasn't a more cautious, more knowledgeable guy around."

Huxley said he spent last weekend with Bley at a National Fire Academy training school. Bley had attended more than 500 firefighters training sessions, his son Julian Jr. estimated.

"He had a thirst for knowledge he could not quench." Huxley said.

Four of the seven Bley children were inspired by their father to become firefighters. Julian Jr., John and Edward belong to Fire Co. No. 3. Elisa, known as Nina, worked with her father at Fire Co. No. 1.

As shock gave way to tears, the children gathered in the family's small yellow home on Clymer Street in Bristol Borough and spoke of their father's devotion to saving lives.

"I don't think anybody could have asked anymore from him," Julian said, "He answered every call. He was always there."

Julian remembered the time his dad went out on a fire the same day he was released from the hospital after an appendectomy.

And the time when he was 17 and he went with his father to a fire in Bristol Township.

"We drove up and my dad just looked at the house and then he turned to me and said, 'Somebody died in that fire.' And he cried," the son said. "We had no radio with us; he just knew."

"I wish I had his dedication."

Besides my mother, firefighting was his second life," his son Edward said.

Nina Bley became a volunteer firefighter at age 18. "I remember my father getting up at all hours and going out to fight fire and I guess I just wanted to follow in his footsteps," said Nina, 24.

Julian spoke of the irony he saw in his father's death. "He was an electrician. He always made sure the power was off before he entered a fire scene. He was always the one who was called on to cut the wires."

The firefighters of Bristol Borough are taking the loss of their friend and co-worker personally, Plebani said. "I think Julian Bley died by serving humanity and humanity themselves may have caused his death. That's what hurts," he said, referring to a possible link between a bitter strike at Purex and the alleged arson.

"Firefighters are a special breed of people," Plebani said, "It's the most hazardous job in the world and they know it. We all knew it could happen. It is always in the back of your mind. It happens every day across the country and now unfortunately it has happened here.

"You can prepare yourself for this day, but you can never really accept it," Plebani said.●

TRIBUTE TO CRESTWOOD BAND PARENTS ASSOCIATION

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. HARRISON. Mr. Speaker, on Monday, May 21, 1984, representatives of the Crestwood High School Band, Mountaintop, PA, did reflect high honor upon their school, their community, and their generation by contributing a selfless and discipline ceremonial tribute to the sacrifices of those honored dead of the United States at the Tomb of the Unknown Soldiers, Arlington National Cemetery, VA. The representatives were selected for their high level of personal achievement and their commitment to the service of band and school. The ceremony conducted by two components of the band was flawlessly executed and highly commended at the site by Mr. Benjamin Davis, Tomb Historian and Deputy Superintendent of Arlington National Cemetery for the people of the United States. The young people that served on the two parties did so with pride and dignity and in a manner as to evoke the highest pride from the U.S. Army and Government professionals at the site. They were Lee Rudnicki, party commander, Peter Bruno, Jr., wreath copresenter, Karen Decker, witness, and David Hill, witness, Toby Costello, color guard sergeant—commander—Kay Jones, national color bearer, Jackie Gonshor, Pennsylvania color bearer, Julie Kazmeroski, Crestwood High School color bearer, Christine Bowman, Crestwood High School band color bearer, Beth Brandreth and Kim Kondraski, rifle guards.

Mr. Speaker, I join with all of the people of northeastern Pennsylvania in paying tribute to these fine young citizens for their pride in America.●

THE 25TH ANNIVERSARY OF FATHER GIGANTE'S ORDINATION TO THE PRIESTHOOD

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. GARCIA. Mr. Speaker, it is with great pleasure and distinct honor that I rise today to recognize the 25th anniversary of Father Gigante's ordination to the sacred priesthood of the Roman Catholic Church on May 30, 1959. During these 25 years of commitment Father Gigante has dedicated his life to all of the people of New York.

His special concern for the poor, the elderly, and the disadvantaged has expressed itself in the form of a lifetime of selfless dedication to all those in need. His social activism has bettered the condition of all the people of New York in immeasurable ways.

His is indeed a life which has exhibited those qualities of leadership, service, and personal sacrifice which stand as the epitomy of what is admirable within the human spirit. He is a model citizen of our great Nation.

Mr. Speaker, I am honored to have had this opportunity to bring to the attention of my colleagues the laudable achievements of this outstanding community leader and servant of God. It is my deepest hope that future generations of public servants and social activists will use Father Gigante as an example to be followed.●

JOHN D. LUCAS BUILDING DEDICATED IN MEMORY OF MARK A. KRIEGER, JR.

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. LONG of Maryland. Mr. Speaker, the mayor of Baltimore, William Donald Schaefer, the officers of the John D. Lucas Printing Co., as well as the family and friends of Mark A. Krieger, Jr., will soon dedicate the new John D. Lucas Co. building in memory of Mark A. Krieger, Jr.

The dedication of this structure in memory of Mark Krieger is a fitting tribute to years of service to his business, involvement in the community, and love for his family and friends. Mark Krieger was truly one of those rare human beings who reached out and profoundly touched many lives in many different ways.

Mark Krieger passed away in January, but his family and many friends are indeed lucky to have shared in his warmth, good humor, and zest for life. Mark put his family before any other endeavor. His wife, Joan, his son, Mark A. Krieger III, and his daughter, Amy Cheek, know better than any of us his dedication and love for family.

Mark served since 1965 as president of the family printing firm that was started in 1830, the John D. Lucas Co. He worked at Lucas for 34 years, and as president, expanded the company to become the largest commercial printer in Baltimore. He also served on the board of Printing Industries of Maryland, as treasurer and vice president.

Mark's deep commitment to his community covered a wide span of organizations. A native Baltimorean, he attended the University of Maryland and served in the Army during the Korean war. Active for many terms on the church council of the First English Evangelical Lutheran Church, Mark was also a board member of Lutheran Hospital and St. Luke's Health Centers, Inc. He was a leader in supporting the University of Maryland Hospital Shock Trauma Unit, and was a former president of Central Alarmers, a Baltimore County organization to aid firefighters.

Mark's strong sense of patriotism showed in his involvement in the U.S. Naval Academy, where he was a trustee of the Naval Academy Foundation, an honorary member of the U.S Naval Academy Alumni Association, and a staunch advocate for the U.S. Naval Institute, a private nonprofit organization which acts as an advocate for the sea services.

Mark loved sports, serving as treasurer of Heroes, Inc., an organization to honor lacrosse players. He was also past president of the Towson Recreational Council, and a participant in many sporting activities.

I join with Mark's family and friends in remembering Mark Krieger's many contributions to society, and above all, his dedication to those he loved. His memory will be a source of inspiration to those with whom he came in contact, and the naming of the Mark Krieger Building will serve as a constant reminder to all of us.

The Reverend Robert Ruble summed up the feelings of his family and friends when he said, "Mark Andrew Krieger was a jewel of a man. He was, in fact, a rare diamond, finely polished with few flaws. And like any pricless diamond, Mark was a man of many facets, He was many different things to many different people. Like a precious rare diamond, Mark Andrew Krieger will sparkle forever in our hearts."●

WHEN THE BOUGH BREAKS

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. SILJANDER. Mr. Speaker, "Where's Ricky?"

"Last I saw him, he was down by the chicken coop."

It was summer in Idaho, 1982. The farm belonged to Ricky Barnett's grandparents. The 2-year-old had been seen playing that day as he had many other days. But no one ever saw him play again.

Today, Ricky Barnett lives officially as a statistic. He is one of hundreds of thousands, possibly million, of children who are listed simply as "missing."

The numbers vary, depending on who you talk to. The range is vast, somewhere between 100,000 and 2 million children each year. No one is really keeping track. The Nation is just beginning to realize what has been happening and is still stunned.

Although there is little agreement on how many are missing, there is a general consensus regarding where they went. Most run away from home and are back within a week. Many are caught in the crossfire of custody battles and are abducted by one or the other parent. Thousands, however, are kidnaped. And many of these children are never seen again. Others, like 6-year-old Adam Walsh are found. But it is too late.

What is being done? In Congress, we are trying to alert the public through a bill that would designate May 25, 1984, as "Missing Children Day." We are trying to establish a Commission on Missing Children in order to assemble accurate statistics, determine causes, and develop solutions. We are trying to change the current Juvenile Justice and Delinquency Prevention Act to establish a national toll-free telephone information line, operate an information clearinghouse, coordinate Federal efforts to help missing children, and conduct studies on the extent of the problem.

Competitive grants would be offered to States, localities, and private groups for projects designed to prevent child abduction, help find missing children, study the methods used to investigate cases, and assess the psychological impact on the children and their families.

CHILD PORNOGRAPHY

Americans spend $8 billion each year on pornography. And child pornography has become one of the top sellers. Each year, tens of thousands of children under the age of 18 are believed to be filmed or photographed while engaging in sexually explicit acts for the pornographer's own pleasure or profit.

"These is no one lower or more vicious than a person who would profit from the abuse of children," said President Reagan. "It's time to stop pretending that extreme pornography is a victimless crime."

We took a major step in the direction of stopping the worst of all child abusers with our Child Protection Act, which the President signed into law last month.

The new law increases to $100,000 and 10 years in prison the first offense penalty for production or distribution of child porn films. A business involved in child porn can be fined as much as half a million dollars. The new law also allows court-ordered Federal wiretaps in order to facilitate the investigations of child pornography while it is actually being produced. In addition to helping law enforcement, wiretaps will avoid the necessity in many cases of putting child victims through the ordeal of testifying in court.

CHILD ABUSE

The third hook on the trident is abuse of children by their own parents and step-parents.

The National Committee for Prevention of Child Abuse (NCPCA) defines child abuse as "a nonaccidental injury or pattern of injuries to a child * * * damage for which there is no reasonable explanation * * * which includes severe beatings, burns, strangulation, and human bites." Neglect includes "failure to provide a child with food, clothing, shelter, or medical care." And sexual molestation includes "rape, incest, or exhibitionism."

A recent University of New Hampshire study revealed that half a million children are sexually molested in the United States every year. They are the offspring of a generation, 19 percent of whose women and 9 percent of whose men were themselves sexually molested as children.

Here, too, statistics are difficult to develop due to lack of information. Doctors, who are in the position to report cases, often do not in an attempt to protect the family in the hope that the abusing parent or parents will stop. The few statistics that are available, however, prove these hopes to be empty. The American Humane Association recorded 711,142 cases of child abuse and neglect in 1979. A 1980 study estimates that 6.5 million children are abused each year, and 1.7 million are severely battered.

What can be done about it? In Congress, we have passed the Special Security Act, which provides money to States for child welfare services which include preventing, remedying, or assisting in the solution of problems which may result in the neglect, abuse, exploitation, or delinquency of children."

We created the Child Abuse Prevention and Treatment Act, which provides money for the identification, prevention, and treatment of child abuse and neglect through the National Center on Child Abuse and Neglect.

But child abuse takes place in the home. And the home is where the problem must be addressed.

More community organizations like the NCPCA and the Salvation Army are needed. More local support is needed from churches. And more information needs to be provided to the people, so that they understand the problem and so that, if they are part of the problem, they know to whom they can go to receive help.

Our children are America's most precious resource. They are our life and our future. Unless we all do part, our Nation will continue to be littered with the broken bodies of our children. We will then have thrown our own futures onto the trash heap.●

NICARAGUAN FREEDOM FIGHTERS ARE NOT "MARAUDERS, MURDERERS, OR PAID MERCENARIES"

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MACK. Mr. Speaker, recently you were quoted in the Washington Post as referring to the freedom fighters in Nicaragua as "marauders, murderers, and paid mercenaries."

This statement belies the fact that the freedom fighters are individuals from nearly every sector of Nicaraguan society and are united in one hope—they want a return to democratic government and a reemergence of a free and democratic society in their homeland.

Moreover, Mr. Speaker, these freedom fighters support the Nicaraguan Catholic bishops' effort to bring about a national reconciliation among all Nicaraguans inside and outside the country.

To this end, they have repeatedly offered to lay down their arms and negotiate.

To correct the record about the nature of the Nicaraguan freedom fighter, I am including in the CONGRESSIONAL RECORD a June 4 letter written to the Washington Post by Adolfo Calero, a former Nicaraguan businessman and currently chairman of the FDN, Nicaraguan Democratic Force.

The text of Calero's letter is as follows:

[From the Washington Post, June 4, 1984]

STRUGGLE FOR FREEDOM

Speaker of the House Thomas P. O'Neill Jr. was quoted as referring to we freedom fighters as "marauders, murderers, and paid mercenaries" ["House Approves Aid to El Salvador, Not Nicaraguan Rebels," May 25].

We do not contest Mr. O'Neill's right to be adverse to our democratic cause, but we strongly protest the slanderous, un-Christian and unfounded accusation he makes against people who voluntarily and patriotically risk their lives in a struggle against totalitarianism.

The Episcopal Conference of Nicaragua, in a pastoral letter dated April 22, Easter Sunday, says (as quoted in the Congressional Record):

"All Nicaraguans inside and outside the country must participate in this dialogue, regardless of ideology, class or partisan belief. Furthermore, we think that Nicaraguans who have taken up arms [the freedom fighters] must also participate in this dialogue."

No one believes that Catholic bishops would abet criminals. We have repeatedly offered to lay down our arms and negotiate. We support the bishops' initiative. It is the Sandinista government that has repeatedly and intransigently rejected all these efforts.

Our struggle for freedom has, thank God, the backing of the overwhelming majority of the Nicaraguan people.●

THE VAST FRONTIER OF SPACE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. LEWIS of California. Mr. Speaker, I have had the distinct privilege of serving on the HUD-Independent Agencies Subcommittee of the Appropriations Committee which has jurisdiction over NASA. By virtue of the fact that NASA oversees civilian space activity, my official involvement is also with civilian programs. However, I find the President's commitment to study a space-based antiballistic missile system prudent and fascinating.

There has been controversy over and criticism of this effort, but I strongly believe that we must take the development of this system very seriously. The Congress must look beyond today or this year. We must prepare for the security of our future; it is a fact that other, less friendly countries are. I commend this editorial, by William Randolph Hearst, Jr., to my colleagues:

SPACE PIONEERS

NEW YORK.—President Reagan told cheering U.S. Air Force Academy graduates in Colorado Springs, Colo., the other day that they are not simply warriors guarding the nation but pointed them toward a challenging peaceful future "in space." That's really the last frontier where the action will be, where pioneering American men and women can meet challenges as did our ancestors when they opened up the land wilderness and with backbreaking toil made this nation bloom.

"Our willingness to accept the challenge of space will reflect whether America's men and women today have the same bold vision, the same courage and indomitable spirit that made us a great nation," declared the president before a huge commencement day crowd at the 25-year-old service academy.

President Reagan went on to advise the nearly 1,000 new second lieutenants that their generation is on the verge of greater advances than mankind has ever known. Their vision and dreams, the president asserted, will determine America's future.

"And nowhere is this more true," President Reagan observed solemnly, "than America's next frontier—the vast frontier of space."

I found the address moving and timely. It occurred coincidentally in the home state of a Democratic presidential aspirant who keeps pumping for new ideas. The commencement speech also came at a time when the 150th annual meeting of the American Association for the Advancement of Science was held in New York, devoting much of a session to an appeal for a ban on anti-satellite weapons, popularly bandied as "Star Wars."

From reports I read of the scientific conference here, I assume that the gathering opposes further development of the "High

Frontier" anti-ballistic missile system created by retired Lt. Gen. Dan Graham. He put together the project when he learned to his horror—yours and mine, too—that there's no defense except mutual assured destruction, appropriately known as "MAD" on both sides, the Soviets and ours. The president incorporated some of Gen. Graham's ideas in a nationwide speech two years ago.

President Reagan, as commander-in-chief, is ever mindful of the nation's security. He has not, I emphasize, adopted in full "High Frontier" space defense measures, but has acted prudently with scientific and military counsel on procedrues and costs. Additionally, the president has taken congressional leaders into his confidence and requested their advice and suggestions.

Obviously, lots of work has to be done before even scientific opposition is satisfied. To this end, President Reagan recently appointed Lt. Gen. James Abrahamson to develop and research a defensible anti-ballistic missile system in space. Knut Royce, of our Washington bureau, has interviewed Gen. Abrahamson who is supervising a vast research and development program to ascertain what can be feasible, not based on pent-up emotions or fuzzy notions.

There have been criticisms from the scientific and congressional communities that the High Frontier program would ultimately cost so much as to bankrupt this nation. That reasoning, I submit, is missing the main point. Would we rather let a substantive program drop for dollars and cents and place ourselves at the mercy of the U.S.S.R.? The Soviets still pursue their anti-ballistic space defenses despite at least half the efforts that are known to have gone off target or misfired.

At my request, Royce came up from Washington and met Dr. Edward Teller, father of the "H" bomb, who flew in from San Francisco to New York. In the car coming in from the airport, Dr. Teller answered Royce's question's succinctly. He believed, but was not absolutely positive, that a satisfactory ABM system can eventually be constructed. But the technology and costs for a space-based system, in Dr. Teller's view, could make it unfeasible. That, of course, is where the congressional power of the purse enters.

The cost factor sharply brought to mind a favorite quote of my father's which ran as follows: "Whatever is right can be achieved through the irresistable power of awakened and informed public opinion. Our object, therefore, is not to enquire whether a thing can be done, but whether it ought to be done, and if it ought to be done, to so exert the forces of publicity that public opinion will compel it to be done."

Dr. Teller, whose knowledge of physics and applied science have been 50 years or more in the making, had a little philosophy to communicate to Royce. He thought that whatever is eventually deployed may have little bearing on currently-understood technology. In sum, he agreed with the administration that a five-year research and development program is the right approach. There's lots of research still to be done and refined.

In the mid-'70s the Soviets chose to go ahead and develop their own anti-ballistic missile system. Under the existing treaties, we could safeguard Washington or our own ballistic missiles. Apparently we opted for ballistic missile sites; the Soviets for Moscow. We were able to detect and monitor their anti-ballistic missile tests. A question raised, though, is how much of this was faked?

Communist doctrine, as laid down by Lenin, goes along these lines: Any international agreement or treaty made by us with a foreign country need be observed only as long as it benefits world communism. Should times and conditions change so that our best interests are not uppermost, we MUST ignore it.

Since we have an agreement with the Communists as noted in previous paragraphs, they, like ourselves, are going ahead trying to perfect a defense system. That part of it is all right. But should they succeed sooner than we, their ideological dogma insists that they ignore the agreement. . .

To all statesman, soldiers and scientists this is a Leninist precept still held in the highest esteem by the power of oligarchy called the Kremlin in Moscow. That still holds for land, sea—and now space. We can forget it at our own peril.●

TRIBUTE TO FATHER JOSEPH KOZLOWSKI

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to one of Long Island's leading clergymen, Father Joseph Kozlowski, who is being honored during a high mass on June 16 for his 35 years of exemplary service to the community and to the Catholic Church. It is my pleasure to bring the accomplishments of Father Kozlowski to the attention of my colleagues in the U.S. House of Representatives.

Father Kozlowski was ordained on June 11, 1949. For 25 of the 35 years, he has been with St. Hyacinth Roman Catholic Church in Glen Cove, NY. During his tenure, Father Kozlowski has been an extremely devoted and tireless figure in the community, always giving a great deal of his time to a wide variety of philanthropic and worthy causes.

In addition to his functions at the church, Father Kozlowski has served as chaplain of the Glen Cove Fire Department and chaplain of the Nassau County Pulaski Police Association. He has been the past grand marshal of the Pulaski Day Parade and has also served as chaplain for the American Polish Business Mens Association.

Mr. Speaker, during these complex times, we are often in search of sources of inspiration and leadership. At a time when we all wonder if the admirable quality of putting compassion and duty toward our fellowman above our own concerns has begun to fade away, I find it inspiring to honor a citizen of the Third Congressional District of New York who has exemplified this quality.

For his selfless dedication to his profession, his faith, and his community, I ask my colleagues to join the St. Hyacinth Roman Catholic Church, the city of Glen Cove, and myself in paying tribute to this remarkable man.●

FLAG DAY IN DEDHAM, MA

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MOAKLEY. Mr. Speaker, on June 14, the town of Dedham, MA, like many towns across our Nation, will celebrate Flag Day. In Dedham, however, an additional celebration will commemorate an event which marked a new era in the repayment of America's debt to its war veterans.

In March 1945, construction began in Dedham on what may be the first house in the Nation built with funds obtained through the GI bill. Mr. Walter B. Shaughnessy, a former sergeant who served in the Pacific and saw action on Guadalcanal, used a $6,950 loan to have his house built, $2,000 of which was guaranteed by the Government under the GI bill. The house, located on Hamilton Avenue, was financed through the Suffolk Savings Bank of Boston and built by Dedham builder Joseph Stivaletta.

This year, thanks to the efforts of Arthur Stivaletta, Joseph Stivaletta's son, the townspeople of Dedham will celebrate the 39th anniversary of the GI bill, and its embodiment in the Hamilton Avenue house, by supplementing their Flag Day festivities with a special fireworks display.

As a veteran myself, I have a deep appreciation of how important the GI bill was to our returning service members. The GI bill offered them occupational, educational, and financial opportunities that in turn gave this country a proud, ambitious, and powerful generation to lead us into postwar prosperity. The benefits of the GI bill to the individual veteran and the country as a whole are immeasurable.●

EFFORTS TO STOP STATE TAXATION OF SOCIAL SECURITY BENEFITS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MAZZOLI. Mr. Speaker, last year when Congress had before it an omnibus package of reforms to the social security system—the Social Security Amendments of 1983—I joined with my colleagues in adopting this package. It was the work product of a special task which had studied the system from all aspects and which had made recommendations to strenghen the financial status of the Social Security Trust Fund.

The social security amendments enjoyed broad bipartisan support in Congress. And, since these amendments were signed into law, all reports indicate that our action has strenghtened and revitalized the social security system.

One of the provisions of this package requires that the income of social security recipients under certain circumstances may be subject to Federal income taxes. The revenue generated from these taxes would revert back to the Social Security Trust Fund to revitalize the system.

When Congress adopted this provision, it did not intend for social security benefits to be subject to taxation by the States. But, because almost 30 States have statutes which require them to follow Federal guidelines for income tax purposes, in 1985 social security recipients, unless Congress acts, may have to pay State taxes on their benefits. And, to add insult to injury, these taxes collected by the States will not be deposited in the Social Security Trust Fund but will be used by the States.

That is way I have cosponsored H.R. 5501 and H.R. 4673. These measures make clear that Congress, in passing the Social Security Amendments of 1983, did not intend for States to be able to tax social security benefits. The bills prohibit State and local governments from taxing social security benefits.

Individuals on fixed and limited incomes have enough problems trying to make ends meet. Utility costs are going up. Telephone rates have risen. Food prices are increasing. And, health care costs are at an all time high.

Congress met its first obligation to social security beneficiaries to secure their benefits. It did this by adopting the Social Security Amendments of 1983.

Now Congress must meet its next obligation to social security beneficiaries by insuring that their benefits are not subject to State and local taxes.●

A TRIBUTE TO THE 3D MARINE CORPS DIVISION

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. MURPHY. Mr. Speaker, during the week of July 18, a gathering will be taking place in Pittsburgh, PA, the purpose of which is the 30th annual reunion of the 3d Marine Corps Division. It is at this time that I would like to congratulate those men who served with this unit from its activation in September 1942 to its current time. It should be noted that the 3d Marine Division was instrumental in numerous operations of World War II and Vietnam. In July 1944 the 3d Division was engaged in a 20-day combat operation which resulted in the liberation of the isle of Guam and also launched the final attack on the island of Iwo Jima which also resulted in another successful mission for the 3d Division. In the ending days of World War II, the 3d Marine Division was again preparing themselves for the Olympic operation which called for an amphibious landing on the island of Kyushu. Fortunately, the cessation of hostilities by the Japanese Government resulted in the 3d Division not having to proceed with this very dangerous mission.

On December 28, 1945, the division was disbanded but on January 1952 was again reactivated. In August 1953, the division was sent to Japan as a part of our defense system for the Far Eastern area. In March 1965, the 3d Marine Division made an amphibious landing at Da Nang, Republic of Vietnam and became the first fighting group to go ashore and participate in this conflict. During the division's participation in the Vietnam conflict they participated in many combat situations in such locations at Chu Lai and Hue Qui Nhon. While in Vietnam the 3d Division saw action in over 20 major operations which they served both proudly and bravely.

In reviewing this record the members of the 3d Marine Division can take pride in knowing that they have lived up to the finest traditions of our country and certainly lived up to the motto, "The Few, the Proud and the Brave."●

THE ARREST OF HUNGARIAN INTELLECTUAL MIKLOS DURAY BY THE GOVERNMENT OF CZECHOSLOVAKIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. LANTOS. Mr. Speaker, the arrest in May by Czechoslovak Government authorities of Miklos Duray, a leading member of the Hungarian minority, is a disturbing development. On one hand, minority rights are guaranteed on paper and a number of organizations exist to protect their interests; on the other hand the actual exercise of cultural and educational rights by the Hungarian minority have been far from satisfactory.

Miklos Duray is a prominent writer and geologist. He recently led a highly successful petition campaign against passage of a law which could have resulted in the serious curtailment of the Hungarian language schools and classes for ethnic Hungarian Czechoslovak citizens. His arrest appears to be solely due to his advocacy of the rights of ethnic Hungarians in Slovakia.

Duray's arrest can only be understood against the background of minority rights in Czechoslovakia. Czechoslovakia is a multiethnic nation, which has had a widely varying minority policy since the Communist party took control in 1948. The Hungarian minority is concentrated in Slovakia—the easternmost area of Czechoslovakia and one of the two major divisions of the country. The number of ethnic Hungarians in Czechoslovakia numbers over 600,000.

The cultural life of the Hungarians in Czechoslovakia gradually improved during the 1950's and 1960's. Despite this progress, the condition of the Hungarian minority was never completely satisfactory. The Hungarian schools were only sections of the local Slovak schools, and the proportion of Hungarian students who went on to higher education was well below that of the Slovak students. The brief reform era under Dubcek in 1968 led to important improvements in the rights of the Hungarian minority. The reestablishment of Soviet dominance, however, led to the imposition of new limitation.

A renewed threat to Hungarian-language schools appeared in 1978, when it was announced that beginning in the fifth grade, all subjects except for Hungarian, geography, and history were to be taught in Slovak rather than Hungarian. This measure would have affected over 60,000 young students. In response to this threat, the Legal Defense Committee of the Hungarian Nationality in Czechoslovakia was formed, and in this crisis Mikos Duray emerged as the sopkesman for the Hungarian minority in Slovakia.

The committee issued a number of protests, some of which reached the West and were printed in a Hungarian-emigree journal in Paris. As a result of this pressure, the language of instruction was not changed, but Duray was arrested. He was brought to trial on January 31, 1983 on charges of subversion for writing about the plight of ethnic Hungarians in Slovakia. Although the trial was adjourned and Duray released, the charges against him were not dropped.

The Slovak government again attempted to change the language of instruction in a law reforming education in November, 1983. On February 12, 1984 Duray sent letters to the Federal President, the Slovak government, and the Slovak National Council stating that this proposed law contravened the 1960 constitution, which provided minorities with the right to be educated in their native language.

Duray's letters sparked an even wider confrontation by ethnic minorities against the new rule. A large protest broke out in early March involving some 10,000 people, many of whom reregistered their children in Hungarian schools.

In large part these protests were successful. The Slovak National Council decided to postpone their decision from March 12 to March 27, apparently to provide more time for analysis. On April 2—to the relief of the Hungarian minority—the Council approved a final version of the law without the sections forcing the Slovak language on the Hungarian minority.

Duray's recent arrest must be seen against the background of his courageous leadership for the rights of the Hungarian minority in Slovakia in the face of the persistent pattern of harrasment against minority rights which has been followed by the Czechoslovak and Slovak governments. Clearly his arrest and the record of the Slovak government speaks more loudly about the true nature of Czechoslovak practice than official pronouncements of tolerance and good will.●

RECOGNIZING REPRESENTATIVE SAM GIBBONS' LEADERSHIP ON TRADE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. BONKER. Mr. Speaker, on May 22, 1984, the House export task force and trade net jointly sponsored the first annual World Trade Week Dinner. Members of the export task force and the international trade community came together to honor Representative SAM GIBBONS, the distinguished chairman of the Ways and Means Subcommittee on Trade, for his "longstanding commitment and contributions to expanding the world trading system."

I would like to bring to my colleagues' attention the remarks made by Representative GIBBONS upon receiving the award.

REMARKS BY REPRESENTATIVE SAM GIBBONS

I've got a little pep talk for you. I've got a lot of things I want to talk about. First, we should all get together and help Don Bonker get his export Administration Act passed. It is essential we have good legislation in that field and Don wants to go further than he has been allowed to go in that field, but he is striking a reasonable compromise. I know that we here in this room represent America's growing industry. Eighty percent of the new jobs that have been created in the last six years have been created in the industry in which you are working. More people have been employed in trade and trade-related matters in the United States than have been employed in Europe or Japan or any of the other highly developed countries of the world. We often look at ourselves and say "we are just doing terribly—everybody is taking advantage of us—I don't know how we are going to survive." But really we are doing well.

I can remember sitting in this room in 1970 and the total imports and exports of the United States amounted to less than 50 billion dollars. Today, they are over 500 billion dollars. Yes, we have a trade deficit. But, there are other things that offset that—the high value of the dollar, for example. Of course, it is creating a greater desire to import than it is to export, but that can't go on forever. Or it won't go on forever, if the Congress will take the appropriate remedial steps to get the budget deficit down, get the interest rates down, and get the dollar back in shape. Then, the trade situation will get back in shape, too, because, while it is large in America—half a trillion dollars a year—it is not the driving force that shapes our economy. It is growing all the time.

The new jobs that will be created in America will be trade-related jobs. I am not for trade and a free and expansive system of trading just because it keeps prices down in this economy or because it keeps the quality of our goods high and competitive or because it insures us against the disaster of trying to live in economic or political isolation. I am for trade because it makes not only better jobs and a better America, but because it makes a better and more peaceful world.

I don't want to oversell the product. I am capable of trying to oversell trade and have been accused of trying to oversell it in the past. But, I saw the world fall apart. Yes, I was a young man, not a kid. I was in college. I remembered the trade statute that this Congress had passed after World War I (The Smoot-Hawley Tariff Act). The policies that we began to follow in the 1920's and certainly in the 1930's helped isolate us from the world and destroyed international commerce, which dropped on this planet by three-quarters of its total amount in just one year in the 1930's.

Opening markets opens dialogue. Open dialogue builds confidence . . . builds trust . . . builds understanding . . . builds hope . . . builds those intangible things that keep this planet of four billion people working together and not at each other's throats all the time. I saw this country go background. I saw this world go backward. I saw the rise of radicalism in Germany and Japan and the rise of Hitler, because those countries couldn't get the resources they needed nor the markets they needed to support their economies.

That rise in nationalism gave rise to militarism and that gave rise to World War II. Then Austria fell. Then Czechoslovakia fell. Then France fell and then England almost fell. Suddenly, in December, there was Pearl Harbor. The Japanese, with all their frustrations and their isolation from the rest of the world—isolation from resources and isolation from markets—came right down on us. I don't know how many people were killed; in Europe, 20 million at least; in Russia, seven or eight million. Many Americans and lots of Japanese were killed. Then the world finally began to rebuild itself. There was the General Agreement on Tariffs and Trade; the Agreement that established the European Community; the Kennedy Round; and the Tokyo Round. Many of you participated in those. Those were all confidence-building, resource-building outreaches from free people to other free people.

Now there is a lot more work for all of us to do. We still could stand the standard of living to be raised in our country and the other countries that participate in a free, competitive, market-oriented system of trade. There is still plenty to do. There are countries that we have not been able to incorporate into that system—huge countries like the Eastern European bloc of nations and the USSR itself. But there is hope. Where there is a will there is a way. I would say to you, let's not lose sight of the big picture.

You represent your individual companies, your individual clients, and your individual needs, but all of this is pulling together a rational system by which people can work together, can understand each other, and can lift each other up. We trade for our mutual advantage, not to destroy each other. We can, one day, work outselves out of this rather ridiculous position we find ourselves in, where our security is no greater today than it was 15 to 30 years ago. I look upon all of you as not just representatives of different functions in this Washington picture in which we work. I look upon you as friends, helpers and colleagues to finally accomplish the big picture. I appreciate the honor. But, I appreciate your friendship and your help toward what I think is our common goal even more.●

CHARLES A. STRELINGER CO. CELEBRATES ITS CENTENNIAL YEAR

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, it was in 1884 that the doors of Chas. A. Strelinger Co., now located in Warren, MI, first opened its doors for business. During the next century, Strelinger was to experience remarkable growth, distributing the wares of our Nation's leading manufacturers of tools, machines, and supplies. In fact, it is the oldest distributor for the Dodge line of power transmission equipment and for the Boston Works line. What began as a small hardware and tool supply store is presently a subsidiary of Hall Industries, one of the largest industrial supply firms in the United States. Strelinger Co.'s longevity can be attributed to the diligence and dedication of its management and employees. It serves as an example of free enterprise and the work ethic to budding companies. I would like to pay tribute to the Chas. A. Strelinger Co. for its century of service to the Detroit area. May its doors continue to open for the next 100 years.●

THE VALOR AND LEADERSHIP OF SAM GIBBONS CONTRIBUTED TO OUR D-DAY SUCCESS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1984

● Mr. YOUNG of Florida. Mr. Speaker, our Nation celebrated last week the 40th anniversary of the D-day invasion of Normandy, France, which stands as one of the greatest episodes in our country's history.

The scope of the D-day operation remains unequaled, and last week we paid tribute to the courage and spirit of the more than 150,000 soldiers who landed on the French beaches in the operations' first hours. Among those brave soldiers was Capt. Sam Gibbons, my distinguished colleague from Florida.

His experiences during the early morning hours of June 6, 1944, are symbolic of the struggle encountered by all the Americans in the battle for the freedom of Europe. As a 24-year-old officer of the 501st Regiment, Sam parachuted into France behind enemy lines. In the midst of German fire, it was his responsibility to see that the tons of equipment dropped in the area got to the soldiers in his regiment.

The Tampa Tribune, in a story June 3, which I will include following my remarks, recounts Sam's experiences and those of other Americans that eventful day. It is a story which symbolizes the American desire for freedom and the sacrifices many have made throughout our history to insure our freedom and the freedom of our allies. The story also details the valor and leadership of Captain Gibbons who served our country during D-day, and 40 years later continues to preserve our freedom and ideals by serving our Nation as a distinguished Member of the U.S. House of Representatives.

[From the Tampa Tribune, June 3, 1984]

D-DAY

(By Nash Stublen)

The men who lived through D-day, the beginning of the end for the Third Reich, remember it well. Even after 40 years, they still can hear the gunfire.

"I knew we were getting ready for something big when they broke up the 29th Division basketball team. Crossing the English Channel, I looked up in the sky and it was so filled with planes you couldn't see the clouds."—retired motor company official Gurvin Collins of Lakeland.

It was something big all right. The largest armada in history; 45 Allied divisions and 6,000 tactical aircraft representing 11 nations had been assembled in the South of England to fight the Battle of Europe under the code name Operation Overlord.

The first goal was to establish five beachheads code-named Utah, Omaha, Gold, Juno and Sword on the 50-mile-long coast of France occupied by German forces from Cherbourg to Le Havre.

The assault by air and sea included 5,000 ships, 11,000 sorties by Allied aircraft and 153,000 American, British and Canadian troops.

Wednesday is D-day, plus 40 years. The anniversary will be observed in Normandy with elaborate ceremonies that will include Queen Elizabeth of England, French President Francois Mitterrand and President Ronald Reagan.

U.S. Rep. Sam Gibbons, the only member of the 98th Congress who jumped behind the German lines five hours before the amphibious landings, will be part of the U.S. presidential party.

His arrival will be a far cry from the reception he got 40 years ago when, as a captain in the 101st Airborne Division, he jumped in total darkness from a U.S. Army Air Corps C-47 aircraft behind the lines of what the Germans called Fortress Europe.

Operation Overlord, the Allied plan for liberating Europe from the Germans, had been in the planning stages for many months. Retired Chief Warrant Officer Jack Butler of Tampa said he first learned about the operation in the fall of 1943 while assigned to the top secret control section of Supreme Headquarters Allied Expeditionary Force in London.

"This was the input of military and civilian minds of the Allied nations," he recalled, "and it was the task of the SHAEF staff to separate the wheat from the chaff."

Butler said the "great quality" of American Gen. Dwight D. Eisenhower, the Supreme Allied commander, was to "get people to function together, who, in the normal chain of events, would have been at each other's throats."

In early June, Butler said, SHAEF moved its war room to Southwick House in Portsmouth where the final decision was made on June 4 to launch the invasion two days later.

The critical factor, he said, was the weather. Information showed that between a series of low fronts, which approached with strong winds from the west, was an immediate high front that would bring fairer weather on June 6 that would last over a 36-hour period.

On the morning of June 4, Field Marshal Erwin Rommel, who was commander of the German Army Group B in defense of Normandy, prepared to leave for Germany, according to Friedrich Ruge in his book "Rommel in Normandy."

Ruge, a retired professor who spends much of his time now in Tubingen in southeastern West Germany, referred a reporter to his book for answers to questions about D-day.

As a senior naval officer on Rommel's staff at Normandy, Ruge stated in his book that the field marshal felt comfortable about leaving because the weather had changed to "rain and stormy westerlies."

Rommel had strengthened the defense considerably in the preceding five months, Ruge stated.

But, he wrote, "The weakest point in the overall defense structure was still the fact that the Panzer divisions had not pulled up close enough to allow them to participate immediately in the attack."

This is why Rommel was off to Germany to see Adolph Hitler, who was convinced right up to D-day that the main invasion would be at Pas de Calais, a seaport area to the northeast, the narrowest part of the English Channel.

But, Ruge wrote, one drawback for the Germans was the lack of vital Atlantic weather information. And, the day after Rommel left, he stated, Anglo-American mine sweeping units from the Allied assembly area near the Isle of Wight began searching undetected routes toward the south of the invading forces.

According to British reports, Ruge said, one flotilla was in sight of land for three hours and approached so closely that houses and other details on the Normandy coast could be seen with the naked eye.

"As far as could be ascertained news of this occurrence was never passed on the German side," Ruge wrote.

It rained on the morning of June 5 as Ruge drove to the German Navy Group West to prod their mine-laying operations, which had been lagging. "There was no implication on the other side of the channel the decision for the attack had been made and that a giant armada was on its way to storm the Fortress Europe," he wrote.

Ruge didn't go to bed that night. One hour, 35 minutes after midnight, group headquarters received its first reports of paratrooper drops on the peninsula.

It was dark, and there was a slight ground fog, as Capt. Gibbons' parachute snapped open with a loud crack. Following all the procedures embedded in his mind after months of training, he landed safely in a grassy field the length of two football fields—but six miles from the planned drop zone.

He learned later he was six miles north of Carentan, which is just south of the Douve River and about three miles from the coast.

As a member of the headquarters staff of the 501st Regiment, Gibbons said in a recent interview, it was his assignment to see that the thousands of pounds of equipment and weapons dropped separately got to the men of his regiment.

"No one had seen me, and I had seen no one else, but there was plenty of shooting by those Germans about 70 yards from me. Their shooting was a blessing because it drowned out any noise I might make and because they were paying more attention to the sky than they were to the ground," Gibbons recalled.

He said he crawled and walked for about 10 minutes away from the German firing when he saw what looked like an American helment silhouetted against the sky.

"I kneeled down in the ditch and cricked my cricket one time. Instantly, the response came back with two cricks," Gibbons said.

A short time before the operation was launched, the paratroopers had been given the metal devices for signaling each other.

Gibbons remembered the laughs from the troopers, many of whom hadn't seen anything like that since the days of Cracker Jack box prizes and Buster Brown shoe store giveaways.

"I felt a thousand years younger and both of us moved forward so we could touch each other. I whispered my name and he whispered his."

"To my surprise he was not from my plane. He was a sergeant and lost, too."

They encountered more paratroopers as they headed down a road trying to figure out where they were.

Gibbons said he was to learn later that some troopers had landed in the ocean east of the beaches and some in the Douve River to the west.

"But at this moment all I knew was that we had about 12 or 14 people, some of whom knew each other, most from different units.

"Here I was, a 24-year-old officer who had been doing staff duty for a year and a half, leading a patrol of men, none of whom I knew personally and probably few of whom had ever heard of me," Gibbons said.

This was not uncommon in those early hours of D-day. Instead of a highly organized landing and assault planned for months, most of the 12,000 invading parachutists fought as very small units and sometimes as individuals, Gibbons said.

After studying their maps, Gibbons said, they quickly concluded that it was impossible to get to their designated assembly area. They decided they had best try to accomplish the regiment's mission of securing the Douve River line to prevent the Germans from bringing in reinforcements while their regiment captured the Port of Cherbourg.

Over a scattered pattern that covered about 20 miles in a north-south direction and 15 miles in an east-west direction, Gibbons said, the patrol met and picked up other stray American troopers, including a captain and a lieutenant.

They moved southward close to St. Come-du-Mont and the Douve River Highway and railroad bridge crossing. "Controlling these crossings was our objective," he said.

Gibbons gave Lt. Charlie Poze the signal to continue forward; and then, "I heard a gun bolt move just on the other side of the hedge on my right-hand side. I looked toward the sound and saw a gun muzzle pointed in my direction.

"As I dove for the ditch, all hell broke loose. We had been ambushed."

Gibbons and he remembered seeing Poze go down in front of him. That was the last time he saw Poze. To this day, Gibbons said, he is still attempting to find out what happened to the lieutenant.

The German gunner apparently had his weapon set on full automatic "because when it started to fire it sprayed bullets all over the area," Gibbons said.

"The first thing I had to do was to get rid of that gunner right over my head. I took a grenade out of my pocket, pulled the safety pin and lobbed it over the hedge.

"I hoped that he didn't have time to throw it back. He didn't. I heard no more firing from his position and assumed that problem was out of the way for a while."

Gibbons said he then dashed across the road and crawled along a ditch about 50 yards to the crest of the hill where his patrol had taken up firing positions.

"So there we were, 200 to 300 yards north of St. Come-du-Mont meeting superior fire from a major force. We had no automatic weapons, no radios—only our semi-automatic rifles and a few pistols."

Gibbons said he decided to split the patrol, leaving some men with a captain to continue firing into the town while he went northward with the rest to try to find some friendly forces.

About 90 minutes later, Gibbons and his partial patrol reached the outskirts of Ste. Mere-Eglise, the first town captured in Normandy, where a small unit of the 82nd Airborne Division and established a roadblock near a crashed glider.

"The glider was one of the bloodiest sights I saw on D-day," Gibbons remembered.

Art Krause weighed only 98 pounds when he and other members of his squad boarded one of those 101st gliders to be towed by a cargo plane across the English Channel before being cut loose behind German lines.

Because of heavy enemy flak, the 19-year-old delivery boy for a New York City jewelry firm said the glider that transported his anti-tank squad also was dropped six miles from its designated zone.

The nose of the glider, which was designed to open to allow the removal of the anti-tank gun, ended up stuck in a tree. "We had to tear a hole in the canvas body big enough to get the gun out," Krause recalled in a recent interview.

"We didn't know where we were and who might be around. We listened for crickets but all we heard were German voices. It didn't take any great intelligence to realize we were surrounded by the enemy," he said.

The fear of getting captured "was even greater for Krause. "My parents were German Jews," he said.

The objectives of the troopers who either parachuted in or flew in on gliders were to disrupt German communications behind their lines and knock out bridges that would keep enemy reinforcements from reaching the coast.

One thing the American GIs had going for them, Krause said, was that the Germans "were just as confused as we were." Finally, they found several members of the 82nd who helped them pull their gun out of the orchard.

"Tanks were coming down the road. When they got close enough, we fired away, hitting one in the turret and the other in the tracks."

There were two fewer tanks to menace Allied forces as they attempted to establish five beachheads on the coast some 10 miles away.

Lying off the coast in a landing craft was another 19-year-old, Gurvin Collins, who grew up on the outskirts of Philadelphia before joining the 29th Infantry Division.

Collins was a medic attached to a company of the 116th Infantry Regiment designated to go in on Omaha Beach during the first wave.

"We made a run for it and a German shell hit the left ramp," he remembered.

"Instead of moving ahead, they backed the damn thing up before making another run. What happened is they didn't get us in close enough.

"The water was only supposed to be chest high when we jumped out but it was over our head. Some guys who couldn't swim good went under with their heavy packs.

"This is how a lot of fellows got killed that day."

C. L. Sulzberger's "American Heritage Picture History of World War II" notes that Allied air bombing that was to have knocked out German beach defense guns at Omaha had been laid down too far inland to do much good.

As a result, the gunfire the troops of the 29th and 1st divisions met at Omaha was "more murderous than anything they had been prepared for," according to the book.

The 29th became known as an organization of three divisions—one that was present on the ground, one that was buried in the ground and one that was coming up to take the place of the ones who were already there.

But, despite the pitfall, "29, Let's Go," the battle cry of the Blue and Gray Division, rang out on the beach.

"When we finally got ashore we dug foxholes fast to avoid the artillery and mortar shells coming in full force," Collins said.

"There was a machine gun in a pillbox on top of the steep hill which pinned us down for hours."

Eventually they made their way partly up the hill. They were stopped from advancing farther until demolition experts could rid the area of mines that had already killed or injured many members of the invading forces.

"We had like a front-row, 50-yard-line view of the action below as other waves of forces hit the beach over the next several hours," Collins said.

Maj. Norman Aboosh, now a retired colonel living in South Pasadena, was the executive officer of an artillery battalion attached to the 29th that came in on the second wave.

"Our battalion had been separated into two units and our 155mm Howitzers were being ferried in by what looked like a bunch of square oil drums put together and powered by outboard motors.

"I remember we got too anxious because things weren't going just right. On the way in we passed the captain who was supposed to already be on the beach waiting to guide us to where the heavy artillery was to be set up," Aboosh said in a recent interview.

And, instead of landing at Omaha, they ended up at Utah Beach up the coast to the northeast 30 miles further than scheduled.

Aboosh said he quickly located the division headquarters about 1,500 yards along the beach where he found a group of officers "trying to get some organization out of the chaos.

"The first shots we fired were right from the beach line. In fact, I don't know what we were firing at but just the sounds of the shells going overhead, I believe, gave a lift to the men trying to advance inland.

"The fact that the heavy guns had landed must have given them a feeling that things must be going pretty well," he said.

Before the day ended, the British and Canadian troops had established footholds at Sword, Juno and Gold beaches and the Americans at Omaha and Utah.

Members of the U.S. 2nd Ranger Battalion, with a high percentage of casualties, had finally scaled the 100-foot cliffs at Pointe du Hoc between Utah and Omaha beaches in an attempt to silence a battery of six long-range guns.

Ironically, the guns were not there. But survivors persevered, located the guns and knocked them out.

The Atlantic Wall had been penetrated.

In the greatest amphibious assult in military history, 1,465 Americans died, 3,184 were wounded, 1,928 were listed as missing in action or captured, according to Col. Ray Skates, a University of Mississippi professor who recently has been recalled to temporary duty as an Army historical adviser on D-day in Washington.

Before the invasion, there was no way Eisenhower could have addressed the troops, but he did direct a written message to each of them which read, in part:

"You are about to embark upon the Great Crusade, toward which we have striven these many months. The eyes of the world are upon you. The hopes and prayers of liberty-loving people everywhere march with you."

On the shoulders of Eisenhower lay the burden of success or failure of the military strike that led to the destruction of the German war machine and as he put it, "the elimination of Nazi tyranny over the oppressed peoples of Europe and security for ourselves in a free world."

Butler remembers seeing Eisenhower back at SHAEF in England shortly after the beachheads had been established at Normandy.

"He looked like a tremendous weight had been lifted from his shoulders. He looked five years younger from the time I had last seen him."●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 12, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

8:00 a.m.

*Energy and Natural Resources
Public Lands and Reserved Water Subcommittee

To hold oversight hearings to review Federal land management activities in northern Nevada on "checkerboard" lands.

SD-366

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Judiciary
Criminal Law Subcommittee

To hold hearings on S. 2669, to eliminate the provisions of the Federal criminal code allowing for one-party-consent to certain interceptions of wire and oral communications by requiring consent by all the parties.

SD-106

10:00 a.m.

Appropriations
District of Columbia Subcommittee

To hold hearings to review the overall proposed budget estimates for fiscal year 1985 for the District of Columbia government.

SD-138

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works
Water Resources Subcommittee

To hold hearings on proposed Soil Conservation Service small watershed projects.

SD-406

Foreign Relations

To hold hearings on arms control issues.

SD-419

Judiciary
Security and Terrorism Subcommittee

To resume hearings on proposals to curb domestic and international terrorism, including S. 2623, S. 2624, S. 2625, and S. 2626.

SD-226

*Labor and Human Resources

Business meeting, to resume consideration of S. 1227, to improve the single-employer pension plan termination insurance program created in 1974 by title IV of the Employee Retirement Income Security Act (ERISA), S. 2568, proposed Civil Rights Act of 1984, pending nominations, and other pending committee business.

SD-430

Veterans' Affairs

To hold oversight hearings to review the sharing agreement between the Veterans' Administration and the Department of Defense, and to discuss the Veterans' Administration's supply and procurement policy.

SR-418

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
International Trade, Finance, and Security Economics Subcommittee

To hold joint hearings on proposals to broaden the Federal tax base and reduce tax rates.

2255 Rayburn Building

2:00 p.m.

Judiciary

To hold hearings on pending nominations

SD-226

JUNE 14

9:30 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee

To hold hearings on S. 1128 and H.R. 2714, bills to direct the Secretary of Agriculture to take certain actions to improve the productivity of American farmers.

SR-328A

Commerce, Science, and Transportation
Surface Transportation Subcommittee

To hold hearings on government and community measures to combat drunk driving, including S. 1108 (pending on Senate calendar), S. 1948, and the substances of S. 2263, bills to require a national drinking age of 21.

SR-253

Judiciary
Immigration and Refugee Policy Subcommittee

Business meeting, to mark up pending relief bills.

SD-234

10:00 a.m.

Appropriations
Defense Subcommittee

To hold closed hearings to review proposed budget requests for certain intelligence programs.

S-407, Capitol

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee

To resume oversight hearings on international competitive effects of the high value of the U.S. dollar.

SD-538

Energy and Natural Resources
Energy Conservation and Supply Subcommittee

To hold hearings on S. 2370, to provide for the distribution of certain funds collected by the Department of Energy in settlement of overcharges resulting from alleged pricing and allocation violations under the Emergency Petroleum Allocation Act of 1973, to establish the Petroleum Overcharges Restitution Fund for those funds in excess of direct restitution, and to authorize funds for fiscal years 1985-89 for certain energy conservation and assistance programs; to be followed by oversight hearings on the implementation of the weatherization program of the Department of Energy.

SD-366

Foreign Relations

To hold hearings on pending extradition agreements.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee

To continue hearings on proposals to broaden the Federal tax base and reduce tax rates.

2203 Rayburn Building

2:00 p.m.

Appropriations
Treasury, Postal Service, and General Government Subcommittee

Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

S-126, Capitol

Judiciary

To hold hearings on S. 520, to remove all noncriminal juveniles from secure detention facilities within the United States, and S. 522, to protect juvenile rights to due process and equal protection by eliminating the practice of holding juveniles in adult jails and lockups.

SD-226

Conferees

On S. 979, to improve the enforcement of export administration laws.

S-207, Capitol

JUNE 18

9:30 a.m.

Finance
Oversight of the Internal Revenue Service Subcommittee

To hold oversight hearings on the impact of the Federal tax system on basic industry, investment industry, and service industries.

SD-215

Judiciary
Constitution Subcommittee

To hold hearings on issues relating to the deportation of a certain individual.

SD-226

2:00 p.m.

Labor and Human Resources

To hold hearings on S. 2687, proposed Youth Employment Opportunity Wage Act.

SD-430

3:00 p.m.
Select on Ethics
Closed business meeting.
S-205, Capitol

JUNE 19

9:30 a.m.
Labor and Human Resources
To resume oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Finance
To hold hearings on S. 1915, to repeal the capital gains tax on disposition of investments in U.S. real property by foreign citizens.
SD-215

Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings to review the recent Supreme Court decision relating to pretrial detention of juvenile offenders.
SD-562

Judiciary
Administrative Practice and Procedure Subcommittee
To hold oversight hearings on congressional access to reliable agency information.
SD-226

JUNE 20

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the proposed sale of Conrail by the Department of Transportation.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 1734, to revise the scope of the copyright limitations on the performance of a nondramatic musical work on a coin-operated phonorecord player (jukebox).
SD-226

Labor and Human Resources
To continue oversight hearings on certain allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Finance
Health Subcommittee
To hold oversight hearings to review a General Accounting Office study on program changes in the maternal and child health block grant program.
SD-215

Veterans' Affairs
To hold hearings on proposed legislation to provide for veterans' compensation.
SR-418

JUNE 21

9:00 a.m.
Office of Technology Assessment
The Board, to meet on pending business matters.
EF-100, Capitol

9:30 a.m.
Finance
Energy and Agricultural Taxation Subcommittee
To hold hearings on S. 463, to limit the amount of severence taxes imposed by States on oil, natural gas, and coal.
SD-215

Labor and Human Resources
To hold hearings on S. 2501, the substance of S. 2502, and S. 2503, bills to provide for greater use of competitive medical plans and preferred provider arrangements.
SD-430

10:00 a.m.
Select on Indian Affairs
To hold hearings on S. 2480, to restore mineral and grazing rights on certain lands in North Dakota to the Three Affiliated Tribes of the Fort Berthold Reservation, and S. 2663, relating to the inheritance of trust or restricted land on the Lake Traverse Indian Reservation, North Dakota and South Dakota.
SR-485

2:00 p.m.
*Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on S. 2127, proposed Federal Advisory Committee Act Amendments of 1983.
SD-342

JUNE 22

9:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on S. 817, S. 1069, and H.R. 555, bills to authorize the Federal Energy Regulatory Commission to approve the inclusion in the rate base of a public utility of the costs of construction work in progress.
SD-366

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the impact of the proposed equal rights amendment on family law.
SD-226

10:00 a.m.
Environment and Public Works
To hold hearings on proposals for establishing appropriate levels of lead in gasoline, including S. 2609.
SD-406

2:00 p.m.
Finance
Health Subcommittee
To hold oversight hearings on medicare home health care benefits and the difficulty interpreting the intermittent care rule.
SD-215

JUNE 26

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings on issues of religious freedom.
SD-562

10:00 a.m.
Environment and Public Works
Environmental Pollution Subcommittee
To hold oversight hearings on the implementation of the Lacey Act amendments (Public Law 97-79), to control international trade in wildlife.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold oversight hearings on the status of college athletic programs.
SD-430

2:00 p.m.
Labor and Human Resources
To hold hearings on drug export reform policy.
SD-430

JUNE 27

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold oversight hearings on the implementation of the Voting Rights Act.
SD-226

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on Senate Concurrent Resolution 56, to express the sense of the Congress in opposition to further expansion of cargo preference requirements.
SD-253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To resume oversight hearings on congressional access to reliable agency information.
SD-562

Labor and Human Resources
Handicapped Subcommittee
To hold hearings to review recommendations to improve services for the mentally retarded.
SD-428A

JUNE 28

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2561, authorizing funds for fiscal year 1985 to facilitate the transfer of computerized training programs of the Federal Government to the private sector and to State and local governments for use in manpower training programs.
SD-430

JULY 10

9:30 a.m.
Labor and Human Resources
To hold hearings on the practice of defensive medicine by the medical profession in an effort to avoid malpractice suits and its effects on the quality of medical care.
SD-430

JULY 26

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

JULY 27

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

JULY 30

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To resume hearings to discuss whether tax law should encourage employers to provide certain fringe benefits.
SD-215

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume oversight hearings to examine the scope and impact of certain occupational diseases.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the American Legion.
SR-325

CANCELLATIONS

JUNE 12

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings on S. 2469, to establish a new Federal offense of terrorism, and S. 2470, to provide for the national security by allowing access to certain Federal criminal history records.
SD-226

JUNE 26

10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold oversight hearings on Outer Continental Shelf leasing activities.
SD-366